
AGENDA ITEM SUMMARY

Meeting Date: 11/7/2016
Meeting Type: Regular Meeting
Staff Contact/Dept.: Linda Pauly DPW
Staff Phone No: (541)726-4608
Estimated Time: 60 minutes
Council Goals: Mandate

**SPRINGFIELD CITY COUNCIL AND LANE
COUNTY BOARD OF COMMISSIONERS**

ITEM TITLE: SPRINGFIELD 2030 COMPREHENSIVE PLAN: ADOPTION OF AMENDMENTS TO THE SPRINGFIELD URBAN GROWTH BOUNDARY (UGB) AND *EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN*, DESIGNATING LAND TO MEET EMPLOYMENT LAND NEEDS FOR 2010-2030 PLANNING PERIOD AND DESIGNATING LAND FOR NATURAL RESOURCES; PUBLIC FACILITIES; PARKS AND OPEN SPACE. (METRO PLAN AMENDMENT FILE NO. LRP 2009-00014)

ACTION REQUESTED: Conduct a joint meeting with the Lane County Board of Commissioners and Lane County Planning Commission and Second Reading to deliberate adoption of the following Ordinance: **AN ORDINANCE AMENDING THE SPRINGFIELD URBAN GROWTH BOUNDARY; THE *EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN (METRO PLAN)* TEXT AND DIAGRAM TO AMEND THE *METRO PLAN* BOUNDARY, ADOPT THE SPRINGFIELD 2030 COMPREHENSIVE PLAN (2030 PLAN) ECONOMIC AND URBANIZATION POLICY ELEMENTS AND ASSIGN PLAN DESIGNATIONS TO NEWLY URBANIZABLE LANDS; THE SPRINGFIELD ZONING MAP TO ASSIGN NEW ZONING; THE SPRINGFIELD DEVELOPMENT CODE TO ADD SECTIONS 3.2-915 – 3.2-930 ESTABLISHING THE AGRICULTURE-URBAN HOLDING AREA LAND USE ZONING DISTRICT (AG); AND ADOPTING A SEVERABILITY CLAUSE.**

ISSUE STATEMENT: Springfield has completed its evaluation of land needed to provide adequate employment opportunities for the 2010-2030 planning period consistent with Oregon Statewide Planning Goal 9: Economic Development; has prepared Economic and Urbanization comprehensive plan policies and land use regulations to support attainment of community economic development and urbanization objectives; and has evaluated lands to be included in an expansion of the UGB to address land needs that cannot be met within the existing UGB consistent with ORS 197.298 and Oregon Statewide Planning Goal 14: Urbanization.

ATTACHMENTS:

1. Council Briefing Memo and exhibits
2. Ordinance and exhibits:
 - Exhibit A: UGB, Metro Plan Diagram and & Springfield Zoning Map amendments
 - Exhibit B: Economic Element and Technical Supplement CIBL/EOA Final Report
 - Exhibit C: Urbanization Element and Technical Supplement
 - Exhibit D: Metro Plan text amendments
 - Exhibit E: Springfield Development Code amendment: AG Zoning District
 - Exhibit F: Staff Report and Draft Findings
3. Testimony received after 9/12/16 and before 10/14/16

**DISCUSSION/
FINANCIAL
IMPACT:** The Council and Lane County Board of County Commissioners and Planning Commission conducted a joint public hearing on the Ordinance on September 12, 2016, received oral and written testimony, closed the public hearing, and kept the record open until 5PM October 14, 2016. Adoption of Springfield's Commercial and Industrial Lands Buildable Lands Inventory and Economic Opportunities Analysis (CIBL/EOA) is critical to Springfield's ability to plan, zone and develop land within the community consistent with the community's livability and economic prosperity goals and redevelopment priorities. The CIBL/EOA Final Report provides empirical data to establish the amount and type of employment sites needed to accommodate forecasted employment growth and target employers. Springfield's need for employment sites larger than 5 acres cannot be met within the existing UGB. The proposed UGB amendment adds approximately 257 acres of suitable employment land in two areas — North Gateway and Mill Race — to add suitable sites to meet the identified need for 223 acres of sites larger than 5 acres consistent with the prioritization requirements of ORS 197.298 and the Oregon Land Use Goal 14 Administrative Rule.

MEMORANDUM

City of Springfield

Date: 11/7/2016
To: Gino Grimaldi **COUNCIL**
From: Anette Spickard, DPW Director **BRIEFING**
Linda Pauly, DPW Principal Planner
Subject: Springfield 2030 Comprehensive Plan and Urban **MEMORANDUM**
Growth Boundary (UGB) Amendments
File No. LRP 2009-00014

ISSUE: Springfield has completed its evaluation of land needed to provide adequate employment opportunities for the 2010-2030 planning period consistent with Oregon Statewide Planning Goal 9: Economic Development; has prepared Economic and Urbanization comprehensive plan policies and land use regulations to support attainment of community economic development and urbanization objectives; and has evaluated lands to be included in an expansion of the UGB to address land needs that cannot be met within the existing UGB consistent with ORS 197.298 and Oregon Statewide Planning Goal 14: Urbanization.

COUNCIL GOALS/**MANDATE:**

Council Goals: Mandate

Oregon Law requires cities to accommodate projected urban population and urban employment inside urban growth boundaries to ensure efficient use of land, and to provide for livable communities. The Urban Growth Boundary must be based on demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets and roads, schools, parks or open space, or any combination of these need categories. In determining need, local governments may specify characteristics, such as parcel size, topography or proximity, necessary for land to be suitable for an identified need. Prior to expanding an urban boundary, local governments shall demonstrate that needs cannot reasonably be accommodated on land already inside the Urban Growth Boundary.

DISCUSSION: On September 12, 2016 the Springfield City Council, Lane County Board of Commissioners, and Lane County Planning Commission conducted a Joint Work Session and Joint Public Hearing on the proposed land use plan changes. After hearing the oral testimony given by eight individuals, the elected officials closed the hearing, kept the record open for public comment until October 14, 2016, and allowed staff until October 21, 2016 to add information to the record in response to any new information submitted. The audio recording and minutes for the September 12, 2016 meeting provide complete documentation of the oral testimony presented and the minutes become part of the public record for File No. LRP 2009-00014. Copies of all written testimony received have been placed in the record.

This memorandum addresses:

1. Response to issues raised in the written and oral testimony submitted at the September 12th hearing and prior to closure of the record on October 14th, 2016;
 2. The record of this legislative proceeding;
 3. Minor edits to the draft ordinance; and
 4. Recommended action and suggested motions for the November 7th meeting.
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1. Response to issues raised in the written and oral testimony submitted at the September 12th hearing and prior to closure of the record on October 14th, 2016

Oral Testimony at September 12, 2016 Public Hearing

George Grier, 1342 ½ 66th Street, Springfield 97478. In his testimony Mr. Grier stated his opinion that the Lively Dog Park presents a threat to the agricultural use (livestock) of his EFU-zoned farm property and that rural uses are always asked to adjust to urban uses and not vice-versa. He hopes that bringing the parks into the UGB will result in increased enforcement and communication between the City and rural neighbors to address how urban uses could modify their activities so they can continue farming. He participated in the CIBL taskforce and was glad to see that the City had reduced the amount of land needed in the UGB expansion. He stated that expansion into the flood plain is a high risk/low reward strategy and thinks that redevelopment of Main Street and Glenwood are the future of Springfield. Site needs of many target industries could be met through parcel assembly or by intensive redevelopment or by repurposing underutilized parcels. He also submitted written testimony.

Staff Response: Meeting land needs through redevelopment is an important component of Springfield's economic development strategy that is assumed in the CIBL/EOA and comprehensive plan policies, as as explained in the City findings Exhibit F. Parcel assembly is identified as a development constraint in the Goal 9 administrative rule. Parcel assembly is possible only when parcels are abutting one another and when ownership is consolidated. The City's findings Exhibit F provide further discussion of this constraint. Meeting land needs through redevelopment, including City assistance with parcel assembly in key redevelopment areas — the Glenwood and Downtown urban renewal districts — continues to be an important component of Springfield's economic development strategy that is assumed in the CIBL/EOA.

Dan Terrell, Office of Bill Kloos Oregon Land Use Law, 375 W. 4th Avenue, Suite 204, Eugene OR 97401. Mr. Terrell referenced the letter he submitted on behalf of Johnson Crushers International, a business and property owner operating in the area known as Seavey Loop. He stated that LUBA requires consideration of exception lands and EFU land of lower quality. He stated that the City should bring in Seavey Loop area to meet some of the need. He stated his opinion that the Seavey Loop area has the greatest amount of exception lands, exception lands have employment, and lands have poorer soils. He asserts that the City's proposal "leapfrogs" over exception lands to bring in EFU land that has better soil.

Staff response: The City agrees with Mr. Terrell's assessment of the statutory priorities under ORS 197.298, thus, unlike Coburg and other cities, the City's proposed UGB expansion Boundary Location Alternatives Analysis follows ORS 197.298 precisely, as documented in the Findings of fact in the record - Exhibit F. As explained in the City's findings, the Seavey Loop area exception land parcels are not suitable to meet City's specific employment land needs for the 2010-2030 planning period. The City considered and rejected the Seavey Loop/College View exception and resource land parcels for inclusion in the UGB after considerable analysis of the facts. The City determined that extending the UGB to include lands in the Seavey Loop/College View area would result in a "leapfrog" development pattern that would necessitate bringing unsuitable, unneeded, small parcels into the Springfield UGB. The City determined that such an inefficient expansion and sprawling development pattern is not serviceable in the 20-year planning period, is not required under ORS 197.298, and is contrary to Oregon land use law and the comprehensive plan. See also CBM Exhibits A-1, A-4 and A-5.

Walter Johnson, 89733 Armitage Road, Eugene. Mr. Johnson stated that he has farmed "all the farmable property in the North Gateway area for 50 years" and has lived there his entire life. The land is a "hopscotch of gravel and alluvial soils", with the excellent portions of it "bisected

and trisected” by gravels and other issues, making farming difficult. Portions of it are really good for agriculture and portions of it are problematic for agriculture. He is a land owner in support of including the area in the UGB. He generally fights against loss of farmland, but stated his opinion that this is a good place to balance the needs of population growth with farming. He stated his opinion that the designation for floodway is excessive and unnecessary, could be accomplished with 150 feet, and that a 3-foot berm would prevent most flooding.

Staff response: The Natural Resource Conservation Service (NRCS) soil survey maps in the record depict the “hopscotch of gravel and alluvial soils” in the proposed North Gateway UGB expansion area. The City’s findings under Goal 14, Exhibit F (beginning on page 167) explain how the City’s UGB Alternatives Analysis correctly adheres to the prioritization requirements of ORS 197.298 pertaining to soil capability classification. Mr. Johnson, owner and operator of Johnson Farms, has been actively involved in the 2030 Plan process over its entirety and has submitted testimony speaking to his many years of experience farming on the mix of alluvial soils in the area and the ongoing challenges to the economic viability of the North Gateway area for agricultural use.

The width of floodway is established by FEMA and the proposed Natural Resource designation follows the FEMA floodway line. Floodway is identified as an “absolute constraints” in the CIBL inventory – a constraint that makes land unsuitable for development of urban employment uses. Thus floodway acres are not suitable for the purposes of the CIBL inventory, and are not counted as developable inventory to meet identified land needs. The floodway acres in the North Gateway UGB expansion area are not designated UHA-E to allow future development of urban employment uses. Instead, the proposed Natural Resource designation and Agriculture - Urban Holding Area zoning are applied to the FEMA floodway (53 acres) to provide a counterbalance and buffer to the urban land uses that would be permitted to the west and southwest of the McKenzie River - by allowing continuation of agricultural uses and activities allowed in the Natural Resource designation (Exhibit E AG Zoning District).

The development of berms, fill and site grading within the FEMA floodplain area, including the FEMA floodway, are regulated by the Springfield Development Code Flood Plain Overlay District.

Mike Eyster, Springfield Chamber of Commerce, Springfield 97477. Mr. Eyster stated that the Springfield Chamber of Commerce supports the proposal. He previously submitted written testimony (by email) in support.

Staff response: Mr. Eyster invited staff to present the City’s proposal to the Springfield Chamber of Commerce Economic Development Committee. The Committee forwarded their recommendation to the Chamber to support the UGB amendment.

Richard Proulx, 2777 South M, Springfield OR 97477. Mr. Proulx owns three businesses in Springfield. His family has lived in the South M Street area since 1957. It’s a quiet area and since 2005, SUB (Springfield Utility Board) has not been a good neighbor. Fencing by SUB shut off their access to the river. He stated that he sees 30 to 60 to 100 vehicles a day using the road. New businesses will need more road access. The existing roads can’t accommodate the SUB trucks currently accessing the area. He understands the need, but for personal reasons he is opposed to the Mill Race UGB expansion .

Staff response: Mr. Proulx’s property is within the proposed Mill Race UGB expansion area. He previously submitted written testimony stating opposition to including the Mill Race area in the UGB. Mr. Proulx stated his concern about the existing poor condition of South 28th Street and the existing use of the rural unimproved roads by heavy SUB trucks accessing the SUB wellfield/sand filtration water treatment facilities. South 28th Street inside and outside the

existing UGB and South M Street outside the UGB are not improved to urban standards.

Mr. Proulx's testimony reiterates what staff heard from other neighbors of the area at the September 8, 2016 open house, as neighbors described the current use of the roads by SUB truck traffic and their questions and concerns about how the proposed UGB and zoning changes would affect them. For example, neighbors stated that they previously approached the City to propose paving the gravel road themselves and the City would not permit them do so. Staff explained to the neighbors that future businesses developing in the area will be required to participate in providing the street and infrastructure public improvements necessary to serve their development. Staff explained that after lands are included in the UGB, plan amendments (including amendments to transportation system plans and public facilities plans) and zone changes will be required prior to urban development to address infrastructure needs. Those plans will identify the transportation and infrastructure projects need to serve the area. The Urbanization Element policies address how and when such plan changes are triggered.

Mr. Proulx also submitted written testimony expressing his concerns about the condition of the road, traffic, dust, noise, erosion and crime.

Mia Nelson, representing 1000 Friends of Oregon, P.O. Box 51252, Eugene, OR 97405. Ms. Nelson stated that she is not able to support the proposal completely. She stated her opinion that Springfield's proposal is similar to Newberg's, which was remanded by the state. The City has a lot of vacant and underutilized land. Extending infrastructure to any of the areas outside the UGB is expensive. She also submitted written testimony on September 12th at the hearing.

Staff response: 1000 Friends agrees about the number of large sites Springfield needs. 1000 Friends disagrees with the some of the data used in the CIBL/EOA and with some of the City's policy choices. The City has examined the testimony submitted by 1000 Friends and finds the arguments and interpretations made to be flawed. Exhibit A-1 provides the City's response to legal interpretations in 1000 Friends testimony. Exhibit A-2 provides supplemental findings to address other issues raised in the letter to demonstrate that The City considered the new evidence submitted, and to restate the City's position.

Ms. Nelson's comments and exhibits posing questions about the status and classification of specific industrial and commercial sites in the CIBL inventory and about the CIBL inventory in general were submitted at the hearing on September 12, 2016 and prior to meeting with staff to discuss her questions about these sites. The technical nature of the questions posed about the inventory required staff to re-engage with ECONorthwest to review technical data with Bob Parker, who prepared the inventory database, to ensure accuracy of staff's response to Ms. Nelson's inquiry. Through a series of phone calls, emails and one meeting, staff provided answers to her questions about how particular sites within the existing UGB were inventoried. Ms. Nelson indicated that it was her intent to revise her testimony after learning more from staff. Having received no such revision, staff is providing information into the record to address the industrial and commercial sites Ms. Nelson has questioned (Exhibit A-3) to set the record straight.

The air photos Ms. Nelson submitted in her attachments actually help tell the critical story about Springfield's deficient employment land supply — Springfield lacks suitable large sites to accommodate its target employers in the 2010-2030 planning period. If Ms. Nelson and 1000 Friends were successful in convincing the local officials or others on appeal that some or all of the sites depicted in her attachment should/must be assumed as the City's land inventory of sites available to accommodate desired jobs and employment growth for the 2010-2030 planning period, the City would not be able to meet its objectives of growing and diversifying the local, regional and state economy. That outcome would be contrary to the intent of Goal 9.

Ms. Nelson is to be commended for reviewing the CIBL/EOA land need determination results, and for providing thoughtful input into the Springfield planning process. She now asks the elected officials to substitute her judgement and opinions about Springfield's site needs,

Springfield industrial and commercial sites, and the how the City should plan its land supply to meet its economic development objectives — for Springfield’s lengthy and meticulous process and the results of that process. It is a relatively simple matter to challenge the facts without fully understanding those facts, or in spite of the facts, and such challenges serve to (intentionally or unintentionally) cast doubt on the City’s CIBL inventory process. The 1000 Friends testimony does not provide substantial evidence demonstrating that the sites highlighted in Ms. Nelson’s letter and attachments possess the characteristics of needed sites set forth in the CIBL/EOA. The City and County’s decision must be based on substantial evidence.

More importantly - the sites depicted by 1000 Friends are needed to accommodate the heavy industrial uses for which they are currently and appropriately planned, zoned and developed. It is common knowledge in the land use planning field that industrial land is in short supply. Market pressures to convert industrial land to other uses is strong and will only increase as Oregon cities keep their UGBs as compact as possible. These heavy industrial uses and sites are not quites as “interchangeable” as Ms. Nelson seems to be suggesting. It is easy to assert that such sites or portions of sites can easily be re-zoned or up-zoned to allow new or different uses on existing industrial sites and land uses instead of expanding the UGB to provide suitable land with the required characteristics of needed sites. It is another thing to establish substantial evidence to demonstrate that such lands can meet the identified site needs. Exhibit A-2 and the City’s findings in Exhibit F explain why it is not reasonable to assume that Springfield can entirely meet its identified employment needs on such sites.

Paul Dixon, 1055 S. 28th St, Springfield 97477. Mr. Dixon asked if the elected officials were aware of the poor condition of South 28th Street and asked what improvements would be needed to develop businesses in the Mill Race area. He stated that over the past 5 years SUB and the City had purchased most of the major pieces of land in the area and that SUB and City would benefit the most from its development.

Staff response: Mr. Dixon owns property within the existing UGB designated Medium Density Residential, along the Mill Race and abutting the proposed Mill Race UGB expansion area. When expanding a UGB, the Goal 14 rule requires a comparative analysis of public services needs. The City’s findings provide a summary of that analysis in Exhibit F. Mr. Dixon is correct — as stated in the findings, the Transportation System Plan lists South 28th Street improvements as “Beyond 20-year” improvements. After lands are included in the UGB, plan amendments (including amendments to transportation system plans and public facilities plans) and zone changes will be required prior to urban development to address infrastructure needs. Those plans will identify the transportation and infrastructure projects needed to serve the area. The Urbanization Element policies address how and when such plan changes are triggered. The City Attorney prepared a memo in response to Mr. Dixon’s concerns about SUB and City property ownership. See CBM Exhibit B.

Randy Folkerson, 1052 S. 28th St, Springfield 97477. Mr. Folkerson lives in the proposed Mill Race UGB expansion area and formerly had permission to raise horses and cows using the School District’s property behind Agnes Stewart Middle School. The School District asked them to vacate when the path was constructed. He stated that traffic has increased and that homeless camps, drug use, vagrants and vandalism are increasing and they are not able to get police protection outside the City limits. He noted ingress/egress to the area is restricted. He stated that fish habitat was lost when the Mill Race project went in.

Staff response: The proposed Agriculture - Urban Holding Area zoning allows continuation of agricultural uses (Exhibit E AG Zoning District). Bringing the land into the UGB enables owners to seek annexation to provide urban services, including police protection. The Mill Race project was designed and engineered by the Army Corps of Engineers to improve water quality and fish habitat for threatened and endangered species.

Written Testimony Received

8-22-16 **Bill Kloos/Dan Terrell**, Office of Bill Kloos Oregon Land Use Law, 375 W. 4th Avenue, Suite 204, Eugene OR 97401 representing Johnson Crushers International. See response under Oral Testimony and see CBM Exhibits A-1, A-4 and A-5.

9-11-16 **Mike Eyster** – Springfield Chamber of Commerce, Springfield, OR 97477. See response under Oral Testimony.

9-12-16 **Mia Nelson representing 1000 Friends of Oregon**, P.O. Box 51252, Eugene, OR 97405. See response under Oral Testimony and see CBM Exhibits A-1,A-2, A-3.

9-12-16 **George Grier** 1342 ½ 66th Street, Springfield 97478. See response under Oral Testimony.

9-14-16 **Puzzle Parts LLC**. 840 Beltline Road, Suite 202, Springfield, OR 97477

Mr. Richard Boyles submitted a letter stating his group's full support of the Springfield UGB expansion and the plan as presented. His group owns land in the North Gateway proposed UGB expansion area. The City has invested a lot of work and time into this process. The work has been meticulous and painstaking to prepare the demand estimates and to evaluate location alternatives. In consideration of the political process and likely appeals, the City has had to adapt good planning to minimize likelihood of appeals. Thus "the demand projections underestimate the actual likely demand. Not providing adequate land for future business and employment growth will guarantee that Springfield will not grow to its full potential." Mr. Boyles urges that as the adoption process move forward, "no further compromises be made with respect to demand estimates."

Staff response: Mr. Boyles is correct - the City reduced the demand estimates from 640 acres to 223 acres, after receiving testimony on the 2009 draft CIBL/EOA and after reviewing recent UGB decisions by LCDC and the Court of Appeals. 1000 Friends submitted testimony on September 12, 2016 with additional challenges to the City's demand estimates. Staff has provided a response to 1000 Friends in Exhibit A-1, A-2 and A-3.

9-19-16 **Richard Proulx**, 2777 South M, Springfield OR 97477. See response under Oral Testimony.

10-13-16 **Bill Kloos/Dan Terrell** representing Johnson Crushers International/Willamette Water Company, Office of Bill Kloos Oregon Land Use Law, 375 W. 4th Avenue, Suite 204, Eugene OR 97401. Written testimony states an opinion that City's proposed UGB amendment is not consistent with ORS 197.298 priorotzation, and City should stop what it's doing and start over with CIBL/EOA process. City should reconsider Goshen.

Staff response: Willamette Water Company provides water to the Seavey Loop area. See response under Oral Testimony and see CBM Exhibits A-1, A-4 and A-5.

10-14-16 **Susan Saul**, Trust Administrator, Saul Administrative Trust, 10102 NE 10th Street, Vancouver, WA 98664. Ms. Saul owns property within the proposed Mill Race UGB expansion area. Her letter describes her family's deep roots to the land, going back to 1900. She expressed her opinion that the City's process has not assessed the impacts of the proposals on current land owners and their quality of life. She is concerned that land owners who choose not to develop will be subjected to property tax increases," increased traffic, lights, noise, dust, crime and other

effects that come with urbanization.” She questions the need for the UGB expansion and states her opinion that the City’s documents “do not provide any evidence” that the “need for four additional 5 to 20 acre commercial sites cannot be met by re-designation of surplus industrial sites currently within the city;” citing a statement by 1000 Friends. She states that City should revisit its inventory of surplus sites and drop the UGB expansion in the Mill Race area.

Staff response: The Oregon Statewide Planning Goals and state land use planning program establish the policy framework for preparing and evaluating comprehensive plans and Urban Growth Boundary changes. The Oregon program seeks to provide a high quality of life for all Oregon residents. UGB amendments are subject to very prescriptive criteria under Oregon law (ORS 197.298 and Goal 14 Boundary Location Factors 1-4).

The Goal 14 rule addresses (1) Efficient accommodation of identified land needs; (2) Orderly and economic provision of public facilities and services; (3) Comparative environmental, energy, economic and social consequences; and (4) Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB. (emphasis added) The City’s findings (Exhibit F) provide detailed explanation of the City’s Boundary Location analysis process and how the selected alternative is based on substantial evidence.

If land in the Mill Race area is added to the UGB as proposed, an owner could seek a plan amendment, zone change and annexation to allow urban development that meets employment land needs. Annexation to the City occurs when a property owner chooses to be annexed. Only their property would be annexed and only their tax assessment would be affected by annexation. Localized impacts of urban development activity (e.g. traffic, lights, noise, and dust) are considered and addressed through the subsequent development review process — (e.g. review of future plan and zoning amendment proposals and future land use applications), as set forth in the proposed Comprehensive Plan policies and the land use regulations of the Springfield Development Code.

As explained in Exhibits A-1, A-2, and A-3, the City disagrees with 1000 Friend’s testimony and Ms. Saul’s reiteration of that testimony in regard to the CIBL/EOA inventory of sites and land needs. The CIBL/EOA provides ample data and analysis establishing the need for 223 acres of suitable employment land for the 2010-2030 planning period that is not available within the existing UGB.

The following exhibits to this Briefing Memo provide response to testimony submitted by 1000 Friends and Johnson Crushers/Willamette Water Company:

EXHIBITS:

A-1: Letter from Jeffrey Condit: Interpretational Issues raised by 1000 Friends and Johnson Crishers International and the Willamette Water Supply Company

A-2: Memo from staff: Supplemental Findings - Response to 1000 Friends Testimony.

A-3: CIBL Inventory Parcel Data

A-4: Memo from staff: Supplemental Findings - Response to Johnson Crushers/Willamette Water Company Testimony

A-5: Agricultural and Forest Soils ratings – Lane County Land Management Division

A-6: Letter from Mayor Lundberg in regard to Goshen proposal (January 6, 2015).

B: Memo from City Attorney - Mill Race Area Ownership Information in response to Paul Dixon testimony

2. Preparing the record of the legislative proceeding for submittal to DLCD (post-adoption)

An extensive local public record for the 2030 Plan amendment project has been compiled through the multi-year 2030 Plan public planning process. This record contains the documentation of the local process and the input into that process provided by members of the public. The record includes information and opinions submitted by citizens, land owners and advocacy groups in the form of oral and written testimony before the Springfield and Lane County Planning Commissions, letters, emails, maps, reports, memoranda and other evidence. The record contains substantial evidence demonstrating that the City Council has considered a wide range of policy choices and alternatives for accommodating employment growth within the existing UGB and in alternative locations around the UGB, and documentation of how the City refined the proposed 2030 Plan amendments in each subsequent iteration after considerable analysis and consideration of public input. This record has been available to the public upon request throughout the duration of the multi-year planning process. Given the length of time between the first evidentiary hearings and final hearing on the 2030 Plan and UGB amendments, and the fact that individuals were submitting input over a long period of time, the record is lengthy. Parties of record were notified of the September 12, 2016 public hearing.

As required by statute, staff and the City Attorney are preparing the record for submittal to DLCD after conclusion of the local adoption process. This entails 1) identifying the materials that must be included in the record; and, given the large size of this record, 2) preparing an index of the record. Staff will present the draft index to the Council and Board at the November 7th meeting and will post the draft index on the City website. Staff and legal counsel suggest allowing 7 days for the public to review the draft index and to inform staff by November 14th, 5PM of any omissions. If an omission is noted by an individual who previously submitted information into the record, staff will make corrections as necessary. This would not be an opportunity to add new information into the record.

3. Minor edits to draft ordinance

To prepare the ordinance documents for adoption, staff conducted further proofreading of the ordinance Exhibits B, C, D and E and corrected several minor typographic, grammatical and document formatting errors and omissions. In doing so, staff found a scrivener's error in previously adopted 2011 text amendments to the Metro Plan. The Eugene and Springfield 2011 Ordinance numbers listed on Metro Plan Preface page. iv. were reversed. The text changes were forwarded to Eugene Planning staff and Eugene approved of the inclusion of this text correction and change. Lane County staff has reviewed and accepted the changes for inclusion in the County's ordinance. Therefore, Exhibit D Metro Plan Text Amendments has been revised to show the correct Eugene and Springfield ordinance numbers and to incorporate the following text to Preface p. iv-v as follows (underlined text shows the addition):

Eugene City Council, Ordinance No. 20519
Springfield City Council, Ordinance No. 6304
Lane County Board of Commissioners, Ordinance No. PA 1300

In 2013, Lane County initiated an amendment of the Metro Plan Boundary east of Interstate Highway 5 to make the plan boundary coterminous with the Springfield UGB.

Eugene City Council, Ordinance No. 20511

Springfield City Council, Ordinance No. 6288

Lane County Board of Commissioners, Ordinance No. PA 1281

Springfield's Comprehensive Plan

Springfield has begun a series of Metro Plan amendments to create a city-specific comprehensive plan. In 2011, the City of Springfield and Lane County adopted the Springfield 2030 Residential Land Use and Housing Element and established a separate UGB for Springfield pursuant to ORS 197.304 (Springfield Ordinance No. 6268 and Lane County Ordinance No. PA 1274). In 2014, the City of Springfield 2035 Transportation System Plan was adopted to serve as Springfield's local Transportation System Plan (Springfield Ordinance No. 6314 and Lane County Ordinance No. PA 1303). In 2016, the Metro Plan was amended to reflect adoption of the Economic and Urbanization Elements and expansion of the Springfield UGB and Metro Plan Boundary to designate land for employment, public facilities, parks and open space, and natural resources (Springfield Ord. xxxx and Lane County Ord. PA 1304).

BACKGROUND: Co-adoption by Springfield and Lane County of the proposed Springfield 2030 Plan and Urban Growth Boundary amendments to the Eugene-Springfield Metropolitan Area General Plan (*Metro Plan*) (2030 Plan amendments) is the next step in Springfield-Lane County's multi-year land use planning process to address Springfield's 20-year land needs. A complete summary of the proposed amendments was provided in the Council's agenda packet for the September 12, 2016 meeting.

RECOMMENDED ACTION/SUGGESTED MOTIONS:

Conduct joint deliberations with the Lane County Board of Commissioners; make a preliminary decision to adopt/not adopt/adopt with revisions the proposed 2030 Plan amendments as described in ATT 2 and direct staff to prepare the Final Findings to support Council's preliminary decision ; allow seven days for review of the 2030 Plan Record Index; conduct a third reading and make a final decision by adopting the ordinance on December 5, 2016.

Jeffrey G. Condit, P.C.
Admitted in Oregon and Washington
jeff.condit@millernash.com
503.205.2305 direct line

October 27, 2016

Linda Pauly, AICP
Principal Planner
City of Springfield
225 Fifth Street
Springfield, OR 97477

Subject: Springfield Urban Growth Boundary Proceedings—Interpretational Issues
Raised by 1000 Friends of Oregon and Johnson Crushers International
and the Willamette Water Supply Company

Dear Ms. Pauly:

As you know, we have been retained as special counsel to advise the City of Springfield (the "City") regarding its urban growth boundary ("UGB") amendment process. You asked us to address several legal issues raised in the above-noted testimony.

1. Definition of "Vacant Land" under the Goal 9 Rule.

In testimony dated September 12, 2016, 1000 Friends of Oregon ("1000 Friends") argues that the City should have included three lots contiguous with the Sundance lumber mill in the City's "vacant land" inventory. The lots are part of the Sundance mill operation and, as the aerial photo incorporated into the 1000 Friends testimony demonstrates, are used by the mill for log storage.

OAR 660-09-0005(14) defines "vacant land" as follows:

"(14) "Vacant Land" means a lot or parcel:

(a) Equal to or larger than one half-acre not currently containing permanent buildings or improvements; or

Linda Pauly, AIP
October 27, 2016
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(b) Equal to or larger than five acres where less than one half-acre is occupied by permanent buildings or improvements."

Although acknowledging that some businesses do use adjacent vacant lots to store materials or products, 1000 Friends argues that "there is no provision in the Goal 9 rule for excluding such lots from the inventory." 1000 Friends raises this same interpretation with regard to other industrial sites contain staging or storage areas with no buildings.

We think 1000 Friends reads the Goal 9 rule too narrowly. Courts construe a statute or administrative rule based upon its text, its context in the statutory scheme, and its legislative history. PGE v. Bureau of Labor and Industries, 317 Or 606, 610-12, 859 P2d 1143 (1993) and State v. Gaines, 346 Or 160, 171-73, 206 P3d 1042 (2009). See also Lane County v. LCDC, 325 Or 569, 578, 942 P2d 278 (1997) ("[W]e do not look at one subsection of a statute in a vacuum; rather, we construe each part together with the other parts in an attempt to produce a harmonious whole."); Morsman v. City of Madras, 203 Or App 546, 561, 126 P3d 6, rev denied, 340 Or 483 (2006) (relevant "context" includes provisions in the same chapter or statutory scheme).

Turning first to the text, 1000 Friends assumes for the purposes of argument that "permanent buildings or improvements" means permanent structures. That is not necessarily the case. A rule of construction applied by the courts is that when different words are used, the legislature intended them to have different meanings. Department of Transportation v. Stallcup, 341 OR 93, 101, 138 P2d 93 (2006). Neither "buildings" nor "improvements" is defined in the Goal 9 rule. Absent a special definition, the courts ordinarily resort to the dictionary definitions, assuming that the legislature meant to use a word of common usage in its ordinary sense. State v. Murray, 340 Or 599, 604, 136 P3d 10 (2006).

Webster's New Third International Dictionary defines "building" as "a thing built" and "a constructed edifice designed to stand more or less permanently, covering a space of land" By adding "or improvements" to the rule, the Land Conservation and Development Commission ("LCDC") required consideration of more than just structures.

Webster's defines "improvement" in the context of property as "a permanent addition to or betterment of real property that enhances its capital value and that involves the expenditure of labor or money and is designed to make the property more useful or valuable as distinguished from ordinary repairs." It is clear from the



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aerial photo of the Sundance property that most of the allegedly vacant parcels are improved for log storage and have been and are being used for storage of logs in conjunction with a mill. The largest of the three log storage lots also appears to be directly adjacent to a rail spur. A mill without adjacent log storage would be less useful and less valuable. For these reasons, we believe "improvements" can include staging and storage areas that are designed to serve and are accessory to industrial or other uses on a site or on an adjacent property.

The Webster's definition of "improvement" is consistent with the City's definition of "development," which states, in pertinent part:

"Any human-made change to improved or unimproved real estate, including, but not limited to, a change in use; construction, installation or change of a structure; subdivision and partition; establishment or termination of a right of access; storage of materials, equipment or vehicles on the land; drilling and site alteration due to land surface mining, filling, grading, dredging, paving, excavation or clearing of trees and vegetation." Springfield Development Code Section 6.1-110.

A broader interpretation of "improvement" is also supported by the context of the Goal 9 rule. The purpose of the inventory of vacant land is to determine whether there is sufficient land to meet the projected economic lands needs during the planning period. See OAR 660-009-0010 and 0015. If the Goal 9 rule is interpreted to require improved storage or staging areas necessary to serve the primary existing economic use to be counted as "vacant," it would defeat the underlying purpose of the analysis. 1000 Friends appears to acknowledge that this would be a flaw in the Goal 9 rule that should be fixed, but the flaw only exists under a too narrow interpretation.

2. Application of ORS 197.298 as interpreted in the McMinnville case.

In their letter of October 13, 2016, and earlier testimony dated February 5, 2014, Johnson Crushers International and Willamette Water Company (collectively "JCI" for convenience) argue that the City Council has essentially no choice but to include the Seavey Loop area within the UGB under the ORS 197.298 (the "Priorities Statute") because it contains higher priority exception lands and because, citing 1000 Friends v. LCDDC and the City of McMinnville, 244 Or App 239, 259 P3d 1021 (2011), the Priorities Statute prohibits consideration of the cost of providing public

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facilities in determining whether higher priority lands can be excluded in favor of lower priority lands. JCI misreads the statute and the McMinnville decision.

We represented the City of McMinnville during the proceeding that led to the McMinnville decision. After the Court of Appeals issued its opinion remanding the decision based upon a new interpretation of the statute that none of the parties had argued, I participated in a number of speaking engagements and post mortem analyses on the long term implications of the decision. Here is how I analyzed the three primary opinions involving the relationship between the Goal 14 locational factors and ORS 197.298.

City of West Linn v. LCDC, 201 Or 419, 119 P3d 285 (2005). In West Linn, the court agreed with LCDC that the Goal 14 locational factors are relevant in determining whether land of a particular priority in ORS 197.298(1) is "inadequate to accommodate the amount of land needed"

"The operative term is 'inadequate.' Whether there is adequate land to serve a need may depend on a variety of factors. In particular, the adequacy of land may be affected by locational considerations that must be taken into account under Goal 14. As LCDC correctly noted, ORS 197.298(1) expressly provides that the priorities that it describes apply '[i]n addition to any requirements established by rules addressing urbanization,' such as the locational factors described in Goal 14. As a result, the fact that other, higher priority land may exist somewhere adjacent to the UGB does not necessarily mean that that land will be '[i]nadequate to accommodate the amount of land needed,' if using it for an identified need would violate the locational considerations required by Goal 14. In other words, the statutory reference to 'inadequate' land addresses suitability, not just quantity, of higher priority land." West Linn, 201 Or at 439-440.

Hildenbrand v. the City of Adair Village, 217 Or at 623, 177 P3d 40 (2008). Citing to West Linn, the Hildenbrand court held that the locational criteria of Goal 14 applied to the determination of whether there is inadequate land to serve a need within the meaning of the priorities statute, not just upon the constraints in ORS 197.298(3). 217 Or at 634. The court held

"The statutory reference to 'inadequate' land [In ORS 197.298(1)] addresses suitability, not just quantity, of higher priority land. [citing

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West Linn]. Thus the ranking of land under ORS 197.298(1) is a function of its prior classification as urban reserve land, exception land, marginal land or resource land, as well as the application of the qualitative factors under Goal 14 and ORS 197.298(3)." 217 Or at 634-635.

Based on this analysis, the court rejected the petitioners' argument that lower-priority lands could only be added to the UGB if there was an insufficient quantity of higher-priority lands to meet the need. 217 Or at 634. The court also held that the City's comprehensive plan policies about community form, growth management, and transportation needs were relevant considerations under the Goal 14 location factors. 217 Or at 635-636.

1000 Friends v. LCDC and the City of McMinnville, 244 Or App 239, 259 P3d 1021 (2011). The City of McMinnville conducted its locational analysis as provided in West Linn, excluding some higher priority exception lands in favor of lower priority resource lands under the Goal 14 factors due to various service and suitability issues. LCDC acknowledged the City's decision. On appeal, 1000 Friends argued that the Goal 14 factors only applied to prioritize land within a single priority classification and that the City could not include lower priority lands until it exhausted all of the higher priority lands. LCDC and the City argued that the Goal 14 factors were relevant to determination of the adequacy of lands for the purpose of prioritization under ORS 197.298(1), relying on West Linn and Hildenbrand. Concluding that "neither party has it quite right," the court articulated a new three-step analytical framework. 244 Or App at 254-266.

1. Step One: Determine the land need under ORS 197.298(1).

According to the court, this is done by applying Goal 14 factors 1 (determination of overall land need to accommodate population growth) and 2 (subcategorization of that need into land needed for "housing, employment opportunities, and livability.") 244 Or App at 256. ORS 197.296(3) then requires determination of specific housing needs by type and density range. The court concludes that ORS 197.298 was intended to operate on this same inventory of needs, given that both statutes were adopted as part of the same bill in 1995. 244 Or App at 256-257, n.6. (In a footnote, the court differentiates these kinds of land needs from the more specific types of land needs in ORS 197.298(3), which the court postulates are limited to needs for land of a particular quality or situation, "such as size, site characteristics, service levels or proximity to other land uses." 244 Or at 257 n.7.)

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2. Step Two: Determine the adequacy of candidate lands under ORS 197.298(1) and (3). In this step, the court articulated its new interpretation of the application of ORS 197.298(1) and (3), together with Goal 14, to locate and justify inclusions of lands to fill that quantified need. 244 Or App at 257-265. The court notes that (old) Goal 14, factors 3 (provision of public services) and 4 (maximum efficiency of land uses) cover similar territory but are more flexible than ORS 197.763(3)(b) and 197.298(3)(c). While acknowledging its decisions in West Linn and Hildenbrand, the court concluded that application of factors 3 and 4 during prioritization under ORS 197.298(1) would effectively render ORS 197.298(3) without practical effect. 244 Or App at 263. Applying the maxim of statutory construction that the legislature does not intend its enactment to be "meaningless surplusage," the court held "that the more specific limitation in ORS 197.298(3) displaces the application of their more generic and flexible Goal 14 counterparts in the application of ORS 197.298(1)." 244 Or App 2263-264. The court concludes that for purposes of determining whether higher-priority lands are "adequate" to meet the identified land need under ORS 197.298(1), a local government applies ORS 197.298(3) and those Goal 14 locational factors (factors 5 and 7) that are *not* counterparts to the ORS 197.298(3) factors. 244 Or App 264-265.

3. Step Three: Determine which candidate lands should be included in the UGB under Goal 14. The court concludes that remaining factors of Goal 14 not applied during step two are applied at step three, after land has been prioritized under ORS 197.298(1) under step 2. 244 Or App at 265.

"ORS 197.298 operates, in short, to identify land that *could* be added to the UGB to accommodate a needed type of land use. Thereafter, Goal 14 works to qualify land that, having been identified already under ORS 197.298, should be added to the boundary."

* * *

"It is at this point in the analysis that cost efficiencies in the provision of public facilities and services become relevant. Consideration of Goal 14, factor 3 (provision of public facilities and services) and factor 4 (efficiency of land uses), at this point – in combination with the other Goal 14 location factors – may prompt the discarding of candidate land identified under ORS 197.298, and the selection of land otherwise consistent with the Goal 14 factors." 244 Or at 256-257 (emphasis in the original).

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Based upon this new interpretation, the court remanded the decision because the City of McMinnville had not followed this newly-minted three-step process.

A city therefore can select lower priority lands over higher priority lands if the higher priority lands are not suitable for the identified land need under the Goal 14 factors, and can reject higher priority lands in favor of lower priority lands based upon the cost and difficulty of provision of public facilities and services and considering the maximum efficiency of land use. This last inquiry is just the last step in the analysis. See ORS 197.298(3). If the City adds the lower priority lands ahead of higher priority lands, the justification for so doing has to be set forth in the findings to survive scrutiny, but it can be done. Notably, JCI does not submit any evidence contesting any of the City's conclusions about the cost or efficacy of providing urban services to the Seavey Loop area.

JCI's argument that the City must take all higher priority lands before selecting lower priority lands is essentially 1000 Friends' argument in McMinnville. That interpretation was rejected by the McMinnville court.¹

3. Studying all of the Goshen area.

JCI suggests that the City should expand its study area to include the Goshen area south of Seavey Loop, implying that such is required by the priorities statute. The priorities statute does not apply to the determination of the study area; it only applies to inclusion of lands within a UGB. ORS 197.298(1). The City must

¹ JCI also argues that the City improperly requires that all facilities be served by City services, and cites to LCDC's Bend UGB decision for the proposition that lands cannot be excluded based upon service by other water providers. JCI does not point out where in the draft findings the City imposes or relies on this alleged requirement to include or exclude lands from the UGB. JCI also does not cite to a specific reference in the Bend decision supporting its proposition. The January 8, 2010, document attached to its 2014 testimony is actually the Director's report on Bend's submittal, not LCDC's final order. LCDC issued its final order on November 3, 2010 (10-Remand-Part Acknowledgment-001795). That order remanded the Bend submittal for several reasons. Those relating to water had to do with inadequacy of the water facilities master plan (pages 97 to 105) and the failure of the plan to address how two private water services providers that would provide water to areas within proposed expansion area would comply with the Goal 11 rule (pages 105 to 110). We were unable to find anything in the decision that stands for the proposition that the City must consider lands served by private water providers for inclusion in the UGB or that the City cannot consider how private water providers would affect the overall cost and adequacy of service. In fact, OAR 660-024-0060(8) and OAR 660-011-0015 require a city to address cost and adequacy of water service regardless of service provider. That Bend had not done so was one of the reasons that its water facilities' master plan was remanded.



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establish its study area in compliance with OAR 660-024-0065(2) or (3) (for particular industrial uses). The City could always elect to amend the study area to include all of Goshen, but that would require reanalyzing all of the study areas in context of the revised study area.

Please let us know if you have any further questions.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Jeffrey G. Condit', written over the typed name below.

Jeffrey G. Condit, P.C.

cc: Mary Bridget Smith, City Attorney

Staff Report and Supplemental Findings

Springfield 2030 Metro Plan Amendments

November 7, 2016

This report and findings address testimony received at the September 12, 2016 public hearing and prior to closure of the record (October 14, 2016).

Exhibit A-2 Response to 1000 Friends

Since prior to the first evidentiary hearing on the commercial and industrial lands inventory and economic opportunities analysis (2010) Springfield staff have provided ample opportunities for 1000 Friends representatives, including Mia Nelson, to give input into the process. Throughout the process, City staff met with Ms. Nelson upon request, and responded to phone calls and emails requesting data and information about sites and the CIBL/EOA. In addition to the September 12, 2016 letter, submitted at the hearing, the record includes memoranda submitted by 1000 Friends (Mia Nelson and her predecessor Sid Friedman) and corresponding memoranda from the City in response to the earlier 2008 and 2009 drafts of the CIBL/EOA. The City has responded to concerns previously raised by 1000 Friends and others and the Final CIBL/EOA 2015 reflects significant changes to the land need determination — resulting in a reduction of land needed in the UGB expansion from 640 to 223 acres of suitable employment land.

Mia Nelson, representing 1000 Friends of Oregon (1000 Friends) presented oral testimony at the hearing and submitted written testimony (letter dated September 12, 2016 and attachments) at the hearing. 1000 Friends raised three issues, all related to the need for employment sites as identified in the City's CIBL/EOA and the City's policy response to those needs. Ms. Nelson disagrees with the City's land need determination and asserts that other sites should be considered available to reduce the amount of land needed in the UGB expansion.

The list of sites in the 1000 Friends and "Attachments labelled 1-14") depict examples of existing developed Springfield sites, with parcel lines, site development and improvement as they exist in 2016. It is important to note that the maps and parcel size information submitted is current information, while the CIBL/EOA reflects the parcel lines and improvement values as of July 2008 for the purposes of the 2010-2030 planning period of the 2030 Comprehensive Plan. Thus Ms. Nelson's testimony sets up an apples-to-oranges comparison of some parcels or tax lots as they existed in the 2008 inventory vs. conditions as they exist today and has potential to confuse decision makers because development, land divisions and property owner transfers have occurred since July 2008. Exhibit A-3 provides correct information from the CIBL database to address sites identified in the 1000 Friends letter and attachments. This information was shared with Ms. Nelson at a meeting with staff Pauly on October 6, 2016. Ms. Nelson was also given a digital copy of the CIBL database, along with information to help her read the data fields in the MS Access file.

1000 Friends asserts that the City's inventory did not properly assess or quantify sites or portions of sites within the UGB as required under the Goal 9 rule. Subsequently, more land should be assumed available to meet Springfield's identified employment land needs via redevelopment on such lands, reducing the number of sites and overall amount of land needed in the UGB expansion. The letter poses questions about how specific sites inside the UGB were classified and counted in the CIBL inventory and provides attachments illustrating sites 1000 Friends thinks should be re-considered and counted as vacant inventory to meet Springfield's identified employment land needs.

1000 Friends agrees about the number of large sites Springfield needs, but disagrees with the City's proposal as follows:

1. CIBL/EOA assumes excessive size requirements for needed sites in the 20 acres and larger category;
2. City failed to re-designate surplus industrial sites to meet its commercial deficit/large commercial and industrial sites are interchangeable.
3. City failed to inventory all existing 20+acre sites.

Staff response:

1000 Friends disagrees with the assumptions and policy choices used in the City's CIBL/EOA inventory work, the results of applying those assumptions to determine Springfield's employment land needs, and the City's land use policy choices in response to those needs. The City has considered the issues raised by 1000 Friends. It is the City's position that the assumptions used and policy choices made are consistent with the applicable Oregon Statutes and Administrative Rules and are based on substantial evidence as explained in the CIBL/EOA and in the City's findings under Goal 9 and 14.

A common theme runs through the three issues addressed in Ms. Nelson's testimony dated September 12, 2016 — the use of industrial land in Springfield (as classified in the City's 2008 CIBL inventory, as currently used in 2016 and how such land could/should be used in the future). Thus staff's response addresses all three interrelated issues raised by 1000 Friends in these findings to explain their relationship. Staff's response also links these issues to concerns previously raised by Ms. Nelson and 1000 Friends in response to earlier iterations of the CIBL/EOA in the 2030 planning process.

Potentially redevelopable sites were identified and evaluated for their likelihood to provide suitable sites to meet identified land needs in the 2010-2030 planning period. The City's CIBL/EOA includes a Redevelopment Analysis. Before expanding the UGB to provide a 20-year supply of suitable land sites for employment growth, the City examined the capacity of land within the existing UGB to accommodate employment growth through redevelopment. The City's database, prepared by ECONorthwest, classified

tax lots as “redevelopable” (CIBL/EOA p. 32 Map 2-6: Potentially Redevelopable Commercial and Industrial Land City of Springfield).

The City’s CIBL/EOA clearly explains the methodology and criteria ECO used to classify sites in the study and how “potentially redevelopable” sites were identified for the purpose of the study. (CIBL/EOA pp. 27-38).

As stated in the CIBL/EOA p. 27, only land that is “likely to be redeveloped during the planning period” is required to be considered as available land to meet the City’s identified site needs, pursuant to OAR 660-009-0005(1) which addresses “non-vacant land that is likely to be redeveloped during the planning period” as a category of “Developed Land” (emphasis added):

“not all redevelopment is relevant to a buildable land inventory; only redevelopment that adds capacity for more employment is relevant in the context of Springfield’s commercial and industrial buildable lands inventory.”

“Redevelopment is development that occurs on a tax lot that creates more employment space or capacity than the current use, and thus an increase in density on the tax lot.”

The 2030 Plan analysis and policies support accommodation of all needed employment growth requiring sites smaller than 5 acres within the existing UGB.

Before expanding the UGB to provide needed employment sites 5 acres and larger, the City identified and evaluated potentially redevelopable land in sites 5 acres and larger land within the existing UGB to accommodate employment growth through redevelopment. (CIBL/EOA pp. 27-38).

Ms. Nelson disagrees with the results of applying the assumptions and policy choices used in the CIBL inventory work. The assumptions used and policy choices made are consistent with the applicable Oregon Administrative Rules and are based on substantial evidence as explained in the CIBL/EOA.

In the CIBL/EOA pages 27-31, the study author explains how “redevelopment potential can be thought of as a continuum – from more redevelopment potential to less redevelopment potential.” The author explains how ECONorthwest (ECO) made the determination of lands with redevelopment potential using data (improvement to land values) as a gross indicator, by analyzing the resultant data, by applying sound rationale and professional judgement. ECO sought local input and policy direction from the City Council to discern which assumptions and policy choices within “a continuum – from more redevelopment potential to less redevelopment potential” to apply to the study. ECO then applied those results to the inventory process and found only one tax lot over 20 acres with redevelopment potential (Table 2-11, page 31, which does not deduct constraints). ECO then looked at all potentially redevelopable sites from Table 2-11 that were 5 acres and larger (page 33) and provided results in Table 2-12 and, with input from city staff, made a determination of which sites can be considered likely to be redeveloped during the planning period.

One site larger than 20 acres was assumed as available inventory (CIBL/EOA page 33) in the 20 acre and larger size category, a site in the Jasper Natron area with multiple constraints on it that has been

planned and zoned for Special Heavy Industrial use since the 1980's. The 2030 Plan amendments address this site, as explained in the City's Findings Exhibit F.

Issue 1. CIBL/EOA Table 5-2 Average size of needed sites in the 20 acre and larger category. 1000

Friends takes issue with the average size of needed industrial and commercial and mixed use sites assumed for needed sites in the 20-acre and larger size category. Ms. Nelson asserts that the City erred when it relied on historic site size data and confidential Quarterly Census of Employment and Wages (QCEW) data to determine the average size of needed industrial and commercial mixed use sites larger than 20 acres.

This assertion is contrary to testimony by Ms. Nelson in response to the 2009 Draft CIBL/EOA. In her letter addressed to Mayor Leiken and the Springfield City Council, dated January 19, 2010, she requested that the city abandon the more aspirational land need in the 2009 draft CIBL/EOA and stick to the "historic pattern" of site needs shown in 2009 Draft CIBL/EOA Table C-10. She repeated that same request in her letter to the Springfield and Lane County Planning Commissions dated March 14, 2010 (p. 6), commenting on the 2009 Draft CIBL/EOA, which identified a need for a 640-acre UGB expansion:

"Table C-10 on page 141 of the EOA identifies the number of needed sites by size based on historic employment patterns. The final line, however, presents a range of needed sites that is far greater than the number of sites based on historic development patterns, both for every specific site size and in aggregate.; and

"We request that the EOA be revised to assume no greater land need than the historic pattern shown in Table C-10."

In consideration of the 2010 and other earlier testimony submitted by 1000 Friends and others, the City revised the CIBL/EOA, and in doing so, relied on substantial evidence about local historic development patterns. In the Executive Summary (page i-ii) of the CIBL/EOA Final Report, August 15, 2015, the author explains the revisions made to address feedback received on the 2009 Draft and to respond to recent legal cases. Primary changes to the document listed include:

"Revision to the number of needed sites, removing the range of needed sites and using historical data to identify the number and size of needed sites." (emphasis added)

"Revision to the categories of needed site size, to combine the largest site sizes into one category: sites 20 acres and larger."

The revisions to the CIBL/EOA adjusted Springfield's overall employment land need from 640 to 223 acres.

Now, in her September 12, 2016 letter, Ms. Nelson asserts that by using "historic" site size data, the City is inappropriately basing future employment site needs on sites utilized by Springfield's "legacy" industries such as "existing paper and lumber mills" or warehouse and distribution uses, and that such uses are a far cry from Springfield's target industries and their respective site needs. On p. 3 of her letter Ms. Nelson states:

“It is clear that most of Springfield’s large industrial sites are home to paper and lumber mills. The problem is, these are legacy industries that are not among the city’s targeted industries, so their size is irrelevant to Springfield’s future needs.”

There are several problems with Ms. Nelson’s statement and 1000 Friends’ assertion that the CIBL/EOA’s average site size of sites larger than 20 acres is excessive. First, the City’s policy objective is to provide suitable large sites for a range of industries to diversify the economy. The City’s choice of average site size is supported by data in the CIBL/EOA about the need for large sites. Second, Springfield’s list of target industries,¹ includes such “legacy” – type industries, and that some of these will require large sites:

- food processing manufacturing
- wood products manufacturing
- furniture manufacturing
- recreational equipment manufacturing
- specialty foods processing
- green construction firms
- organic food processing
- sustainable logging and/or lumber products manufacturing
- alternative energy production

1000 Friends applies the same argument — that “legacy” industries and the size of site they need are passé — to their assessment of potentially redevelopable heavy industrial sites in Springfield. It seems that 1000 Friends expects Springfield’s “legacy” industry businesses on sites 5 acres and smaller will all somehow disappear by 2030, or that industrial uses that require large sites will relocate elsewhere. The City’s and region’s economic development plans and policies support retention of existing businesses and growth of existing industrial clusters. This requires retention of existing industrial sites that are suitable for manufacturing and heavy industry.

Ms. Nelson first raised the issue of “legacy” industries in her January 19, 2010 testimony, p. 3:

“There are a number of “legacy” industries in Springfield, such as the struggling Weyerhaeuser paper factory and the Rosboro log yard. The mothballed Sony factory is another example...The

future viability of Springfield’s various industries has to be considered when assessing redevelopment potential.”

¹ Target industries are listed in CIBL/EOA p. iii-iv, Table S-1 and explained in CIBL/EOA Chapters, 3, 4 and 5. Springfield’s economic development Objectives and Strategies are discussed in CIBL/EOA Appendix D.

No one can accurately predict the future, but Goal 9 requires the City to adopt a land needs assessment and land use policies that are based on an analysis of data about *trends* to identify economic *opportunities*. Springfield's CIBL/EOA addresses economic opportunities to accommodate job growth and diversification of the economy.

The 2030 Plan designates land suitable to accommodate a more diverse range of employment uses than currently exist in the City's existing inventory of commercial, industrial and mixed use designated land. The 2030 Plan also maintains a supply of industrially designated and zoned land that is suitable to accommodate Springfield's so-called "legacy" industries as they exist today and as they are expected to operate and grow in the future. This is the portion of Springfield's land base that is assumed must be planned and zoned to accommodate existing jobs and forecast growth.

While no one in 2008 may have predicted the substantial local industrial facility re-investments forthcoming in the so-called "*struggling Weyerhaeuser paper factory*", (now International Paper), or in the complete re-build of the Swanson mill in recent years since the CIBL/EOA, the City's analysis did assume that changes in the wood products industry were underway and that the number of jobs in the industry were in decline. We also knew that the "*mothballed Sony factory*" had already been redeveloped to become Oregon Medical Labs, and that the medical and tech cluster in Springfield's Gateway/International Way area was growing.

The 2030 land supply must be designated to provide sites suitable to accommodate "target industries" or the City and region will not be able to provide sites for those jobs the city aspires to. Springfield's CIBL/EOA properly balances these more aspirational "target" land needs for specific types, sizes and locations of sites, with practical and reasonable assumptions about continuation of existing land uses and redevelopment opportunities within the existing UGB land supply. The CIBL/EOA includes ample assessment of redevelopment potential. That assessment examined each "potentially redevelopable" site larger than 5 acres and, based on direction from the City Council in regard to assumptions and based on the professional judgment of ECONorthwest and local planning staff about each particular site, the City's analysis identified sites that are reasonably likely to provide redevelopment opportunities in the 2010-2030 planning period. 1000 Friends now asks the City and County to substitute 1000 Friends speculative assessment for Springfield's 8 years of careful data analysis and local policy decisions.

The City's land base includes so-called "legacy" industrial sites. Unless classified otherwise in the 2008 inventory process, sites that were developed with heavy industrial uses were assumed to be used for the operation of same or similar uses over the planning period. Springfield's 2030 Plan maintains the existing supply of industrial sites larger than 5 acres within the existing UGB to support continued operational needs of "legacy" industrial uses now and in the future.

1000 Friends seems to be suggesting that the City is required to or should rezone every heavy industrial site occupied by a use not in the City's list of "target industries." She seems to be suggesting that the City's analysis must/should assume that those "legacy" use businesses and jobs will disappear and that

every tax lot will be available for redevelopment for “target industries” within the 20-year plan horizon. The City disagrees and has no substantial evidence to support such a claim. The local government’s decision must be based on substantial evidence.

Springfield’s CIBL/EOA properly balances reasonable assumptions about aspirational “target industry²” land needs for specific types, sizes and locations of sites based on 1) site needs data about “target industries;” and 2) average sizes of commercial and industrial sites in Springfield.

The CIBL/EOA assumes that the commercial and industrial land base will continue to be needed to support employment use (as it existed at the time of the 2008 inventory) *and* to support a sizable portion of the 46% of employment growth that is assumed to not require vacant land³. Springfield’s CIBL/EOA is based on reasonable but aggressive assumptions about redevelopment opportunities within the existing UGB land supply. Springfield’s CIBL/EOA is based on substantial evidence, not speculation. The purpose of the UGB expansion is to provide employment land sites with characteristics that cannot be found within the existing UGB. 1000 Friends seems to imply that employers will find sites with the needed site characteristics within the existing UGB, but has not presented substantial evidence to explain that hypothesis.

1000 Friends asserts that the City erred by basing the average size of 20-acre and larger sites on “legacy” industry sites and one-off” developments, and in doing so, improperly inflated the site size for needed sites in the 20-acre and larger size category. Instead of the 63 and 60 acre average, 1000 Friends asserts:

“we do not agree with the EOA’s assertion that candidate sites actually need to be much larger than 20 acres in order to meet that need.” (9-12-16 letter, top of p. 2)

CIBL/EOA Table 5-2 Average size of needed site based on average sizes of sites with employment in Springfield, Springfield UGB shows that the average size assumed for a site in the 20-acre and larger size category is 63 acres for industrial and 60 acres for commercial.

Use of confidential data in the CIBL/EOA land need determination analysis. Ms. Nelson questions the data used in Table 5-2. It is important to note that the City requested data from the Quarterly Census of Employment and Wages (QCEW) Program to be used by ECONorthwest in the City’s employment land analysis and the City signed a confidentiality agreement regarding use of that data. The United States Department of Labor, Bureau of Labor Statistics web page⁴ provides information about QCEW:

“The Quarterly Census of Employment and Wages Program is a cooperative program involving the [Bureau of Labor Statistics](#) (BLS) of the [U.S. Department of Labor](#) and the State Employment Security Agencies (SESAs). The QCEW program produces a comprehensive tabulation of employment and wage information for workers covered by State unemployment insurance (UI) laws and Federal workers covered by the Unemployment Compensation for Federal Employees

² Ibid.

³ CIBL/EOA, p. vi. Figure S-1.

⁴ <http://www.bls.gov/cew/cewover.htm> accessed on October 18, 2016

(UCFE) program. Publicly available files include data on the number of establishments, monthly employment, and quarterly wages, by NAICS industry, by county, by ownership sector, for the entire United States. These data are aggregated to annual levels, to higher industry levels (NAICS industry groups, sectors, and supersectors), and to higher geographic levels (national, State, and Metropolitan Statistical Area (MSA))."

"The QCEW program serves as a near census of monthly employment and quarterly wage information by 6-digit NAICS industry at the national, State, and county levels. At the national level, the QCEW program publishes employment and wage data for nearly every NAICS industry. At the State and area level, the QCEW program publishes employment and wage data down to the 6-digit NAICS industry level, if disclosure restrictions are met. In accordance with BLS policy, data provided to the Bureau in confidence are not published and are used only for specified statistical purposes. BLS withholds publication of UI-covered employment and wage data for any industry level when necessary to protect the identity of cooperating employers. Totals at the industry level for the States and the Nation include the nondisclosable data suppressed within the detailed tables. However, these totals cannot be used to reveal the suppressed data."
(emphasis added)

There is substantial evidence in CIBL/EOA to establish that City's inventory meets State requirements for such inventories.

There is substantial evidence in CIBL/EOA and in the record documenting and establishing the need for sites much larger than 20 acres, and the lack of large sites in Springfield, in the Metro area and in the Oregon to meet the needs of employers who require large sites. 1000 Friends has not challenged that evidence.

1000 Friends also asserts that the City erred by including large development sites like the Peace Health RiverBend Medical complex and Gateway Mall shopping center in the historic data used to calculate average size of needed commercial mixed use sites, because such sites are atypical "one offs that won't be recreated during next 20 years."

While Springfield certainly aspires to create opportunities for more so-called "one off" developments (such as the PeaceHealth RiverBend Campus) the 2015 Final CIBL/EOA land need determination, the 2030 Comprehensive Plan and UGB expansion amendments do not address such "one-offs." The CIBL/EOA clearly states that such "one off" opportunities are *not* provided for in the land need determination and if aspiration to provide sites for "one-offs" were to be included, the City would need a much larger UGB expansion than the modest expansion proposed.

Issue 1 Conclusion. There is substantial evidence in CIBL/EOA to show that average size of needed sites the City chose is based on substantial evidence about large sites in Springfield and on substantial evidence about the needs of the City's target industry employers. 1000 Friends chooses to ignore or disregard that evidence.

Issue 2: City failed to re-designate surplus industrial sites to meet its commercial deficit. Large commercial and industrial sites are interchangeable.

Citing CIBL/EOA Table 5-1 and OAR 660-0240050(4), 1000 Friends states “there are no significant differences between the EOA’s site characteristics for industrial and commercial targeted industries on site larger than 5 acres” and based on that assertion, and on the assumption that “many probably are suitable,” concludes that the identified deficit of 4 commercial sites in the 5-20 acres range “could easily be met by strategic re-designation of 4 of the 18 inventoried industrial sites.”

Ms. Nelson implies that that City’s application of the UHA-E plan designation to the lands added to the UGB demonstrates that the City considers industrial and commercial site needs to be the same or interchangeable, and from that infers that “many” existing 5-20 acre industrial sites scattered throughout the existing UGB “probably are suitable” for designation to either employment type. City disagrees with this assertion. The UHA-E designation establishes urbanizable employment, protects suitable large parcels from land division, and requires future planning to assign the appropriate employment plan designation. This is not analogous to meeting commercial-mixed use land needs through redesignation and rezoning of existing industrial lots.

The City’s inclusion of suitable employment land in the UGB expansion areas that could potentially accommodate a range of target employers/employment types does not imply, as 1000 Friends suggests, that any or some industrial sites within the existing UGB should be assumed suitable to meet commercial-mixed use site needs in the 5-20 acre site size category. The 2030 Plan designates land suitable to accommodate a more diverse range of employment uses than currently exist in the City’s existing inventory of commercial, industrial and mixed use designated land. The 2030 Plan also maintains a supply of industrially designated and zoned land that is suitable to accommodate Springfield’s so-called “legacy” type industries as they exist today and as they are expected to operate and grow in the future. This is the portion of Springfield’s land base that is assumed to be planned and zoned to accommodate existing jobs and a portion of the forecast growth that will not require vacant land.

1000 Friends seems to imply that industrial land and commercial land are interchangeable. The City disagrees. The City’s findings under Issue 1 above begin to explain the difference. The Metro Plan and Springfield Development Code clearly distinguish different types of land for industrial and other employment uses by providing multiple and differing industrial, commercial and mixed use land use plan designations and zoning districts to accommodate such uses.

OAR 660-024-0050(1) states: “For employment land, the inventory must include suitable vacant and developed land designated for industrial or other employment use, and must be conducted in accordance with OAR 660-009-0015.”

The City chose to expand UGB to provide suitable land to address this deficit. There is substantial evidence in CIBL/EOA to set forth the characteristics of needed commercial and mixed use sites and the City's findings provide substantial evidence to explain how the proposal meets OAR 660-024-0050(4). The City's findings explain how the existing land base in Springfield is assumed to provide sites for substantial amounts of redevelopment in the 2010-2030 planning period - including land to meet all residential land needs without expanding the UGB, and sites to provide employment growth that does not require vacant sites.

See also Exhibit A-1.

Issue 2 Conclusion. 1000 Friends' suggestion is speculative and does not constitute substantial evidence the City could rely upon to demonstrate that 4 industrial sites are suitable and could be assumed available to meet identified need for target industries that require commercial mixed use sites. The City's plan must be based on substantial evidence, not speculation.

Issue 3. Failure to inventory all existing 20-acre sites. Citing Table 5-1, 1000 Friends asserts that several 20+ acre sites were not captured in inventory. It is important to note that the materials provided in the 1000 Friends attachments depict tax lots and conditions as they currently exist in 2016, as downloaded by Mia Nelson from the internet in 2016. The City's CIBL inventory was completed by ECONorthwest in July 2008. Some of the lots depicted in the 1000 Friends attachments have changed since the 2008 inventory. See Exhibit A-3. Staff provided the correct inventory information to Mia Nelson, but Ms. Nelson did not adjust her testimony to reflect the correct inventory data. Thus the correct information from the CIBL inventory is provided in Exhibit A-3 and explained in these findings.

The CIBL inventory data is based on the tax lot and constraints data available at time of the 2008 inventory. The CIBL is a "snapshot in time" and Springfield is not required to re-inventory previously inventoried lands to account for changes on or to these sites since the inventory was conducted. The following information provides response to the testimony submitted.

Wildish Glenwood site. For the purposes of the Commercial and Industrial lands inventory, the CIBL/EOA concluded that this site does not provide a site in the 20-acre and larger category to meet identified site needs in the 2010-2030 planning period, based on the lots lines and constraints data as they existed at the time of the inventory. The FEMA floodway as mapped in 2008 inventory, bisected the site. A Letter of Map Revision (LOMR) was approved by FEMA subsequent to the inventory. There have been lot line and ownership changes since the inventory. The middle parcel was purchased by EWEB. The best data at the time of the inventory was used in the inventory. The CIBL inventory data base file is the data set used in the analysis, not maps submitted by 1000 Friends.

Brand S Road, Jasper Natron 29 acre mill site 18021000000900 – For the purposes of the Commercial and Industrial lands inventory, the CIBL/EOA concluded that this site does not provide a site in the 20-acre and larger category to meet identified site needs in the 2010-2030 planning period, based on the data as they existed at the time of the inventory. The CIBL inventory is a snap shot in time. The best

data at the time of the inventory was used in the inventory. The CIBL data base file is the data set used in the analysis, not maps submitted by 1000 Friends.

Marcola Meadows. For the purposes of the Commercial and Industrial lands inventory, the CIBL/EOA counted the 44 total commercial acres in the inventory as “master planned,” based on approved Marcola Meadows Master Plan (CIBL/EOA, pp. 19,74). The CIBL/EOA concluded that this site does not provide a site in the 20-acre and larger category to meet identified site needs in the 2010-2030 planning period. Nothing in the approved Master Plan⁵ requires a 20-acre site to be reserved. Although the site remains vacant at present, the approved Master Plan is still valid and deed restrictions have been recorded to ensure implementation of the Master Plan including but not limited to: Condition 13 restricting permitted uses to the uses permitted in the Mixed Use Commercial District; Condition 16 restricting limit of commercial buildings to 30 feet when located within 50 feet of LDR District west of Martin Drive; Condition 18 restricting permitted uses to those uses permitted in the Nodal Development Overlay District (SDC 3.3-1010B applicable to the Mixed Use Commercial District). The property abuts low density residential neighborhoods on 3 sides. Page 1-5 of the approved Master Plan depicts planned locations of 2 residential villages and 5 commercial villages. The commercial villages are located in 5 separate areas of the property and are proposed to be developed in Phases 2 and 4.

The Commercial Villages in the Master Plan are identified as follows:

Area 3 “Alder Plaza Professional Office” 4.47 gross acres

Area 4 “Marcola Meadows Neighborhood Retail” 14.87 gross acres

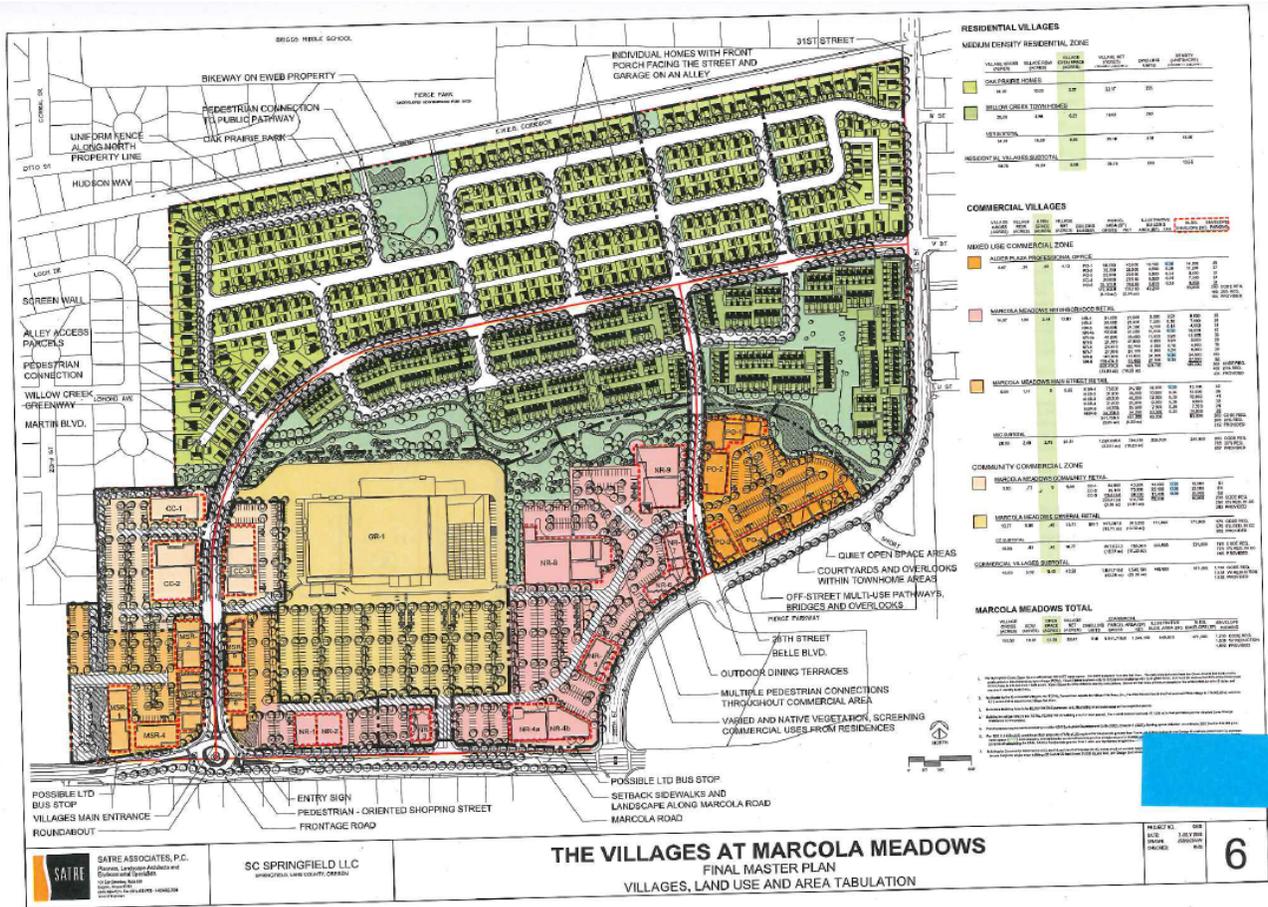
Area 5 “Marcola Meadows Main Street Retail” 6.66 gross acres

Area 6 “Marcola Meadows Community Retail” 5.83 gross acres

Area 7 “Marcola Meadows General Retail” 13.77 gross acres

Total commercial villages 45.6 gross acres, 42.28 net acres.

⁵ City File No. LRP2007-00028 The Villages at Marcola Meadows Final Master Plan, approved July 3, 2008, recorded July 25, 2008.



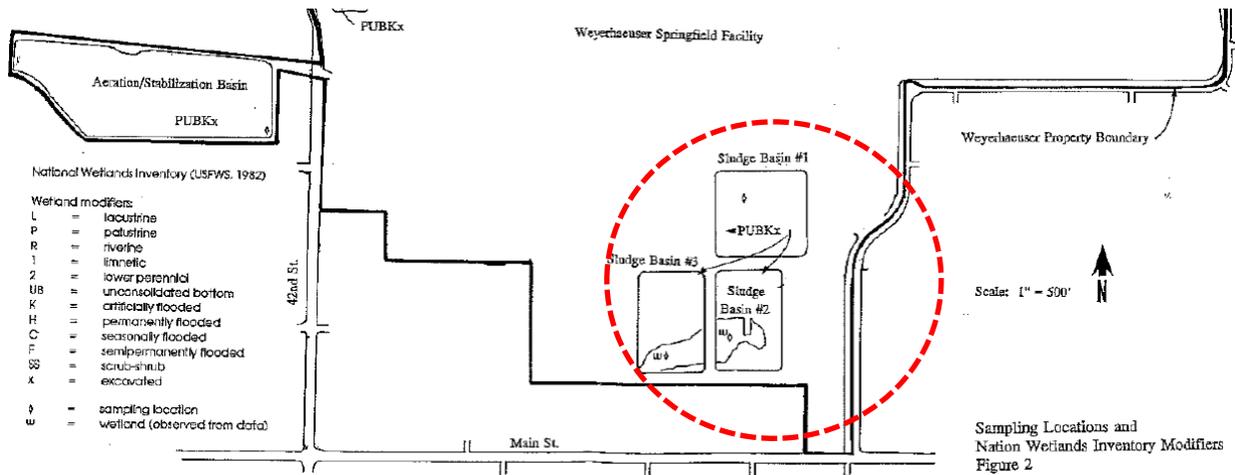
The largest “village” is the General Retail village 13.77 acres, where a home improvement store was proposed. Even if the two “community” and “general” retail villages were combined, the combined site size of the two lots would be 19.6 acres gross/18.77 acres net, and would not be counted as a 20-acre site, and does not account for constraints deductions.

The CIBL inventory is a snap shot in time. The best data at the time of the inventory was used in the inventory. The CIBL data base file is the data set used in the analysis, not maps submitted by 1000 Friends.

Weyerhaeuser/IP site southern 75 acres. 1000 Friends identifies this site as a “grass field with no improvements.” 1000 Friends asserts that site contains 30 buildable acres on 3 vacant lots and up to 75 acres across all 4 lots, and states “At least 1 20-acre “potentially redevelopable” site should be counted.”

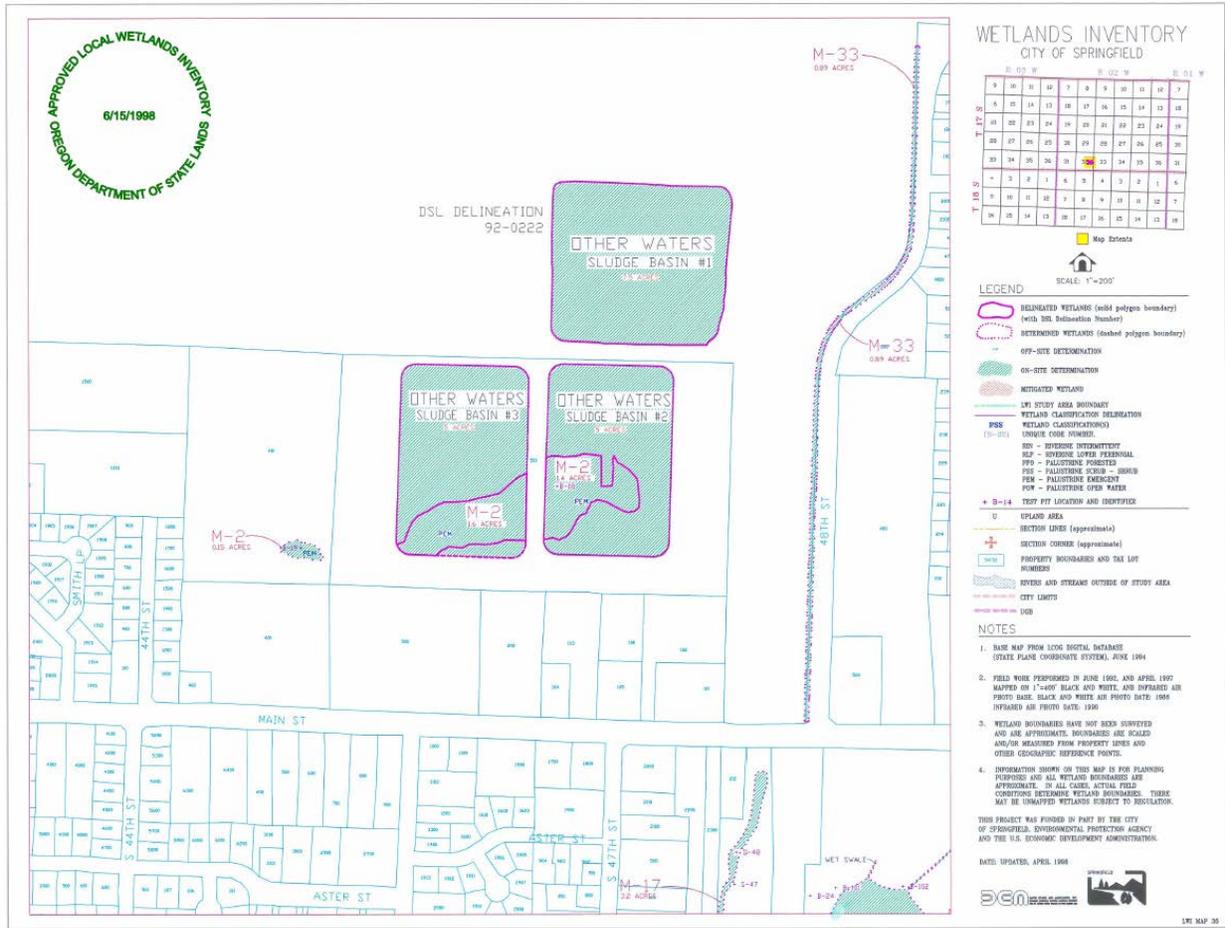
1000 Friends identified an error in the constraints applied to the site in the CIBL inventory. 1000 Friends states that ponds/former ponds on the site were erroneously counted as a wetlands constraint in the CIBL inventory, submitting a 1992 letter from Kenneth Bierly, Oregon DSL Wetlands Program Manager

(re wetland delineation report for T17S, R2W, Section 32) as evidence. The letter states that DSL will treat the sites listed in the letter as indicated. The 1992 letter lists Sludge ponds 1, 2 and 3 as “not regulated under Oregon’s Removal-Fill law;” and states “The proposal to utilize the Sludge Basins or log pond to an aeration basin would not be regulated by the Division of State Lands. You should consult with the Corps of Engineers on the application of their regulatory program to the sites.”



Map excerpt from 1992 letter from Kenneth Bierly, Oregon DSL Wetlands Program Manager re wetland delineation report for T17S, R2W, Section 32, annotated by staff to highlight location of sludge ponds in southern portion of site in red.

Staff reviewed the materials submitted and agrees that the City’s constraints data for this parcel counted the ponds as wetlands. The 2008 CIBL was based on the best available GIS data at the time, and these ponds were depicted in the Local Wetland Inventory (LWI) data layer used in the inventory. Springfield’s LWI was approved by DSL in 1998. Staff consulted the Springfield Local Wetland Inventory and Natural Resources Study to seek references to the identified wetlands and other absolute constraints on the site.



Springfield Local Wetland Inventory (Approved by DSL June 15, 1998)

- Wetland code M02. “Probable hydrologic source is subsurface flow and surface runoff. DSL has accepted Woodward-Clyde delineation as log pond—no DSL jurisdiction. 3.12 acres. David Evans and Associates wetland determination: YES.
- Letter from Oregon DSL staff Emily Roth, dated June 24, 1994:
 - Review of the draft inventory was based on criteria in the 1987 Corps of Engineers Wetlands Delineation Manual.
 - Wetland identifier M02: DSL jurisdiction NO. Weyerhaeuser settlement pond that was artificially created from uplands. DSL letter 10/6/92 to David Barrows (DSL file #92-0222).
 - Wetland identifier M33: DSL jurisdiction YES/NO. Kizer Slough is jurisdictional; the log ponds are not as determined by DSL in letter dated 10/6/92 to David Barrows (Woodward Clyde Consultants).

- Goal 5 Natural Resource Study: site M33A 48th St. and WeyCo Channel. OFWAM: provides diverse wildlife habitat; hydrologic control function is intact. High Quality Wetlands. Inventories Riparian Resource. High Quality Resource. “M33 is part of the 48th Street Channel. The channel is a tributary to a water quality limited watercourse (McKenzie River) and is already protected by a 50-foot setback and a site plan review requirement.”

1000 Friends suggests that any portion of a site without buildings demonstrates that a site is not needed by the employer, and thus the City could/should assume the site or a portion of the site as available inventory to meet identified land needs. The City disagrees with this interpretation. See Exhibit A-1.

The CIBL inventory is a snap shot in time. The best data at the time of the inventory was used in the inventory —the LWI data in GIS. The CIBL data base file is the data set used in the analysis. At the time of the inventory, this site was part of the larger Weyerhaeuser Springfield Complex infrastructure. The City has considered the information submitted, but adding the sludge ponds acres to increase the number of unconstrained acres on the site does not change the conclusions about this property in the CIBL inventory for the following reasons.

The City assumed the Weyerhaeuser/IP site as one large industrial complex site. In 2006, the previous owner Weyerhaeuser Company submitted land use permit plans to the City of Springfield (File no. DRC2006-00015 Final Site Plan Equivalent Map). Drawing SPM-04-4405 – L-01 entitled “Weyerhaeuser Springfield Complex” depicts air photo and property features of the entire ownership — including the so-called “sludge ponds” portion of the site and other lands depicted in the altered air photos and tax lot maps submitted into the record by 1000 Friends. The 2006 “Site Plan Equivalent Map” filed at the City clearly depicts the large development area of the site as one entirety the “Weyerhaeuser Springfield Complex.” The drawing/air photo clearly shows industrial site “development” features on the lots described in Ms. Nelson’s letter (p. 10-13) as land that “has no improvements and is not being used in conjunction with the paper mill operation; it is a grass field.” These features include a City sewer running between 42nd and 48th Streets, rail spurs, rail cars, tanks, roads, paved areas, sawdust/wood chip stockpiles, outdoor storage, ponds/remains of ponds, and stormwater management system outfall and monitoring points.

Evidence about this site exists in Springfield File No. DRC 2006-00015. Final Site Plan Equivalent Map Drawing SPM-04-4405-L-01 depicts for property lines, existing development and conditions on the ground for the full extent of the Weyerhaeuser Springfield Complex — including the tax lots mentioned in Ms. Nelson’s letter — as of date of submittal March 2, 2006. The file has a copy of the Assessor’s Maps for the property as configured in 2006: 17022900 tax lots 2900 and 2902 and lots created through Partition File No. 2000-11-0229 ‘Weyerhaeuser/Sierra Pine Partition.’ It is important to note that the 2006 maps clearly shows the property mentioned in Ms. Nelson’s letter as part of the overall Weyerhaeuser Springfield Complex, even though the tax lots mentioned in Ms. Nelson’s letter had been partitioned from the parent lot in 2000. Ownership from Weyerhaeuser to current owner IP EAT Three LLC was not recorded until August 4, 2008 – after the CIBL inventory was completed by ECONorthwest (July 2008). The Lane County Real Property Tax Lot Record shows the existing IP EAT Three LLC parcel

1702320000105 was created from 17023200 00100 in 2009. The Partition Plat map (File No. 2000-11-0229) indicates that Parcel 1 “not surveyed.”

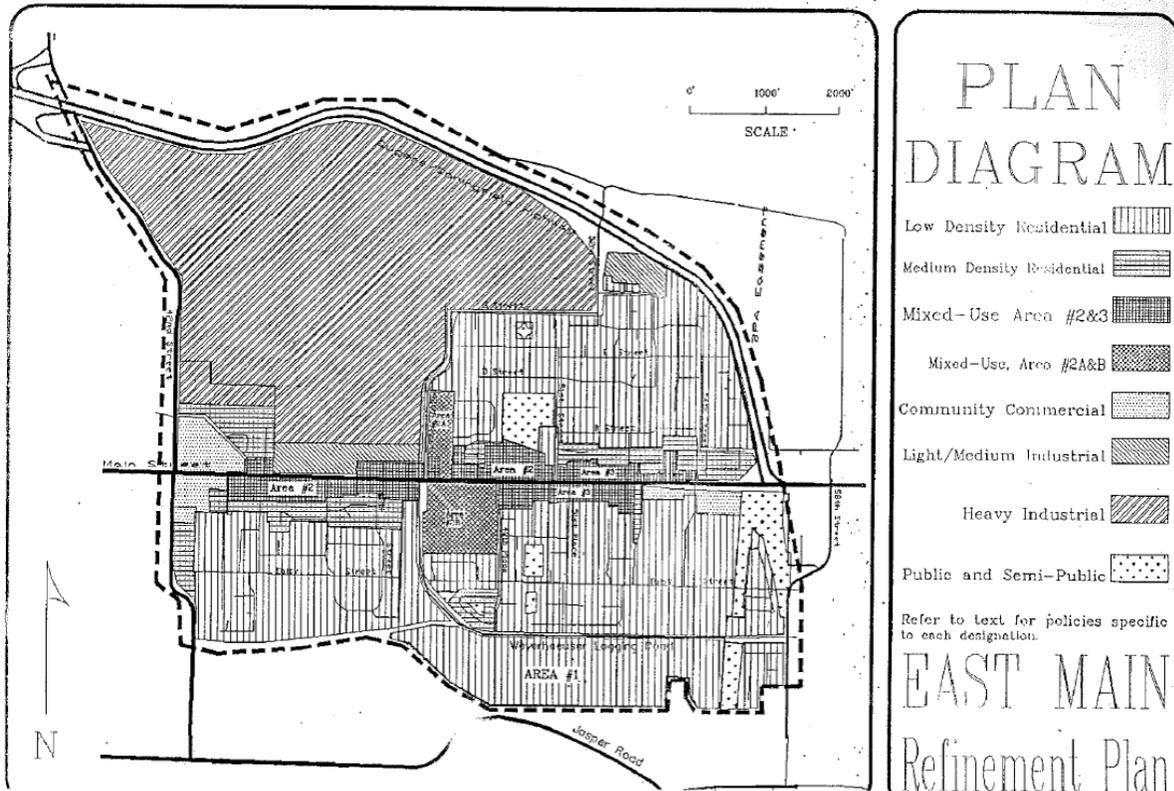
The Regional Land Information Data Base provides links to archived tax maps and ownership changes for Lane County Assessor Map 170232000. A deed (No. 2008-44702) transferring property ownership from Weyerhaeuser Company to IP EAT Three LLC x was recorded at Lane County Deeds and Records on August 4, 2008. City’s inventory was based on property configurations and ownerships as of July 2008. Exhibit A Legal Description Pages 10-23 of the deed list 97 easements and exceptions on the property transferred.

Ms. Nelson asserts that the City erred by not counting on one 20-acre site in this complex to meet the need for one site 20 acres and larger. The CIBL inventory performed by ECONorthwest relied on the best available data at the time – a data layer depicting Local Wetland Inventory (LWI) wetlands. Applying that data layer in the CIBL analysis resulted in the aforementioned “sludge pond” wetlands as “absolute development constraints.” Had the jurisdictional status of the particular wetland in question been known and accounted for in the GIS data, fewer acres on the site would have been assumed constrained, potentially pushing one tax lot classified as “vacant” in the CIBL into the “20 acre” size category. The fact remains that even if that had been the case, the configuration of the “Weyerhaeuser Springfield Complex” depicted in the 2006 “Site Plan Equivalent Map” filed at the City would have been the best available information about the Weyerhaeuser Complex site at the time of inventory. The City did not have substantial evidence to assume that this important industrial complex would be broken up in the planning period or that the land occupied by filled in sludge ponds would become available for redevelopment by 2030 to accommodate the site characteristics of target industries. Staff did not and is not required to conduct analysis to determine if the sludge ponds/former sludge ponds support redevelopment. The evidence provided by 1000 Friends does not change this fact.

The City’s CIBL/EOA analysis implements comprehensive plan policies intended to preserve the industrial land supply and to support expansion of existing industrial uses. The comprehensive plan (Metro Plan and the applicable refinement plan) designate the entire Weyerhaeuser/IP Complex site for Heavy Industrial land uses⁶. The Metro Plan Diagram clearly shows the entire Weyerhaeuser/IP Complex site is designated Heavy Industrial. The Weyerhaeuser/IP Complex site is located within the East Main Refinement Plan⁷ area and is designated for Heavy Industrial use. The East Main Refinement Plan Diagram clearly shows the entire Weyerhaeuser/IP Complex site is designated Heavy Industrial:

⁶ ORS 197.712(2) ***By adoption of new goals or rules, or the application, interpretation or amendment of existing goals or rules, the Land Conservation and Development Commission shall implement all of the following... (c) Comprehensive plans and land use regulations shall provide for at least an adequate supply of sites of suitable sizes, types, locations and service levels for industrial and commercial uses consistent with plan policies; (d) Comprehensive plans and land use regulations shall provide for compatible uses on or near sites zoned for specific industrial or commercial uses.” (emphasis added)

⁷ Springfield Ordinance 5432



The Weyerhaeuser/IP Complex site occupies more than 200 acres. The East Main Refinement Plan (page 13) noted how the growth of residential and commercial development on surrounding lands was creating conflicts with the industrial use. “As these pressures build it becomes increasingly important to assure the availability of land for the expansion of industrial uses and the compatibility of those industrial uses with neighboring residential and commercial property.” The Plan (page 13) provides Criteria for Industrial Refinement Plan Designation:

East Main Industrial Element Criterion A states:

“Metro Plan policies and the Metro Plan Diagram shall be applied in designating land for industrial use in East Main.”

Metro Plan policies (p. II-G-7) clearly distinguish the difference between Heavy and Light Medium Industrial uses and plan designations.

“Heavy Industrial

This designation generally accommodates industries that process large volumes of raw materials into refined products and/or that have significant external impacts. Examples of heavy industry include: lumber and wood products manufacturing; paper, chemicals and primary metal manufacturing; large-scale storage of hazardous materials; power plants; and railroad yards. Such industries often are energy-intensive, and resource-intensive. Heavy industrial

transportation needs often include truck and rail. This designation may also accommodate light and medium industrial uses and supporting offices, local regulations permitting.”

Light Medium Industrial

This designation accommodates a variety of industries, including those involved in the secondary processing of materials into components, the assembly of components into finished products, transportation, communication and utilities, wholesaling, and warehousing. The external impact from these uses is generally less than Heavy Industrial, and transportation needs are often met by truck. Activities are generally located indoors, although there may be some outdoor storage. This designation may also accommodate supporting offices and light industrial uses, local regulations permitting.”

Applicable Metro Plan policies referenced in East Main Criterion A include:

- “B.5 Provide existing industrial activities sufficient adjacent land for future expansion.*
- B.10 Encourage opportunities for a variety of heavy industrial development in Oregon’s second largest metropolitan area.*
- B.12 Discourage future Metro Plan amendments that would change development-ready industrial lands (sites defined as short-term in the metropolitan Industrial Lands Special Study, 1991) to non-industrial designations.*
- B.16 Utilize processes and local controls, which encourage retention of large parcels or consolidation of small parcels of industrially or commercially zoned land to facilitate their use or reuse in a comprehensive rather than piecemeal fashion.”*

(Metro Plan page III-B-4)

East Main Industrial Element Criterion B states:

“Encourage large blocks of Heavy Industrial land.”

East Main Industrial Element Goal 1 states:

“Encourage the location of new and expanding industrial development in the East Main area which is compatible with surrounding uses.” Policy 3 states: “where Heavy Industrial Plan Designations abut residential uses, a 20 foot wide buffer with vegetative screen shall be required.

East Main Refinement Plan Implementation Element p. 10 states:

“Redesignate lots 170232 301 and 401 from Light-Medium Industrial in order to allow further expansion of Weyerhaeuser.”

The City's policy choices in the CIBL/EOA inventory implement the applicable comprehensive plan policies of the East Main Refinement Plan in regard to preserving large blocks of land to allow expansion at the Weyerhaeuser complex heavy industrial uses. In fact, the very parcels identified by Ms. Nelson were previously redesignated to Heavy Industrial to implement policies enabling expansion of the Weyerhaeuser heavy industrial complex.

The record provides information about the important rail infrastructure existing at this site.⁸

OAR 660-009-0015(3)(b) states:

“When comparing current land supply to the projected demand, cities and counties may inventory contiguous lots of parcels together that are within a discrete plan or zoning district. (Emphasis added)

This provision of the Goal clearly states that the City may inventory contiguous lots or parcels together that are within a discrete plan or zoning district, but the City is not required to do so. The City has the discretion to choose.

Definition of vacant applied to log decks and storage yards. See Exhibit A-1.

1000 Friends asserts that log storage yards on an industrial site are not permanent improvements and thus should be considered “vacant” land and thus must be inventoried as “vacant” per Goal 9 rule definition.

The City inventoried land in accordance with OAR 660-009-0015. City assessed suitability of “potentially redevelopable” sites, using criteria based on ECONorthwest professional expertise, and City's policy choices, and based on substantial evidence about large sites in Springfield and needs of target industry employers City hopes to accommodate. CIBL/EOA provides adequate explanation for choices made.

There is substantial evidence in CIBL/EOA and Exhibit F findings to demonstrate compliance with OAR 660-024-0050. Economic Element policies and implementation strategies support the aggressive redevelopment assumptions used in the CIBL/EOA.

The City made reasonable assumptions about redevelopment potential — and provided adequate explanation of how those assumptions were made in the 2015 CIBL/EOA. Tax lots identified by Ms. Nelson were indeed classified as “potentially redevelopable” in the database prepared by ECONorthwest, as explained in the 2015 CIBL/EOA. Each lot 5 acres and larger and classified as “potentially redevelopable” in the database was carefully examined.

Maintaining a supply of land designated and zoned to accommodate existing and target Heavy Industrial land uses. It is important to note that the sites Ms. Nelson says should be counted on as the City's land supply are designated and zoned Heavy Industrial (HI). Ms. Nelson seems to be implying that, rather than expanding the UGB to add large sites to accommodate target industries that require large sites, the

⁸ Union Pacific Industrial land specialist Sandy Lindstrom provided staff with maps of functional rail lines, spurs and sidings in Springfield. Ms. Lindstrom noted the excellent rail facilities at the Weyerhaeuser complex and stated that such facilities are difficult to impossible to replicate today.

City should assume that developed Heavy Industrial-designated and zoned sites or portions of sites could be re-purposed to accommodate Springfield's target industry employers. The problem with this line of reasoning is that it assumes that Springfield does not/should not require a land base suitable for heavy industrial uses.

Since many of the parcels 1000 Friends has identified (in the 9-12-16 letter and attachments) are currently designated and zoned for heavy and special heavy industrial use, staff prepared additional findings to explain uses permitted in these zones, to explain why retention of industrial land — sites suitable for heavy industrial manufacturing uses, outdoor storage of raw materials and heavy equipment, rail spur accessibility for freight rail shipments and heavy trucks — is important for Springfield's economy. These findings support the City's policy choice to *not* assume that all "potentially redevelopable" sites 5 acres and larger as listed and described in CIBL/EOA will be redeveloped in the 2010-2030 planning period to accommodate the City's target industry employers that require large sites.

The Metro Plan (p. II-G-7) describes the *Heavy Industrial* plan designation:

Heavy Industrial

This designation generally accommodates industries that process large volumes of raw materials into refined products and/or that have significant external impacts. Examples of heavy industry include: lumber and wood products manufacturing; paper, chemicals and primary metal manufacturing; large-scale storage of hazardous materials; power plants; and railroad yards. Such industries often are energy-intensive, and resource-intensive. Heavy industrial transportation needs often include truck and rail. This designation may also accommodate light and medium industrial uses and supporting offices, local regulations permitting.

The Springfield Development Code Section 3.2-405C. describes the *Heavy Industrial (HI) Zoning district*:

Heavy Industrial District (HI). HI Uses are generally involved in the processing of large volumes of raw materials into refined materials and/or that have significant external impacts. Heavy industrial transportation needs often include rail and truck. Examples of these uses are: lumber and wood products; paper; chemicals and primary metal manufacturing; large scale storage of hazardous materials; power plants; and railroad yards. Less intensive industrial uses that are permitted in the LMI District are also permitted in this district.

Land currently designated and zoned Heavy Industrial (HI) or Special Heavy Industrial (SHI) in Springfield is needed to accommodate existing and future industrial land uses that are permitted only in the HI or SHI zones. In Springfield, lumber, wood and paper products land uses are only permitted in the HI or SHI zones (SDC 3.-4.10). Businesses operating within this category of land use must buy or lease land or facilities in the HI or SHI zoning district. Without suitable sites zoned for these uses, lumber, wood and paper products land uses will not be able to operate in Springfield. Rezoning other lands to accommodate heavy industrial uses is very challenging for local governments because these operations typically have significant external impacts. Other manufacturing land uses that require Heavy Industrial zoned sites include but are not limited to recycling facilities, dairy products manufacturing, marijuana

business production facilities, concrete block and septic tank manufacturing, metal and metal alloy products, paint products and ice and cold storage plants. Without suitable sites zoned for these uses, these land uses will not be able to operate in Springfield.

It is important to note that the Springfield Development Code allows “outdoor storage of materials directly related to a permitted use” only where the permitted use is an allowed use in the zone. Thus, outdoor storage of raw materials used in the manufacturing uses listed above, including but not limited to logs, lumber, wood chips, sawdust piles, and the equipment necessary to operate the permitted use is only allowed in the HI or SHI zone.

The Metro Plan (p. II-G-7) describes the *Special Heavy Industrial* plan designation:

Special Heavy Industrial

These areas are designated to accommodate relocation of existing heavy industrial uses inside the urban growth boundary (UGB) that do not have sufficient room for expansion and to accommodate a limited range of other heavy industries in order to broaden the manufacturing base of the metropolitan economy and to take advantage of the natural resources of this region. These areas are also designated to accommodate new uses likely to benefit from local advantage for processing, preparing, and storing raw materials, such as timber, agriculture, aggregate, or by-products or waste products from other manufacturing processes.

The Springfield Development Code Section 3.2-405D describes the *Special Heavy Industrial (HI) Zoning district*:

Special Heavy Industrial Districts (SHI): These areas are designated to accommodate industrial developments that need large parcels, particularly those with rail access.

The Metro Plan defines the use of the term “development”:

Development: *The construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any excavation, landfill, or land disturbance; and any human-made use or extension of land use. (page V-2)*

The Springfield Development Code Section 6.1-110 defines “development” for the purposes of regulating land use in the Springfield:

Development. Any human-made change to improved or unimproved real estate, including, but not limited to, a change in use; construction, installation or change of a structure; subdivision and partition; establishment or termination of a right of access; storage of materials, equipment or vehicles on the land; drilling and site alteration due to land surface mining, filling, grading, dredging, paving, excavation or clearing of trees and vegetation. Agricultural uses (including agricultural structures), when otherwise permitted by the base zoning district, are exempt from this definition unless agricultural structures are placed within adopted special flood hazard zones. As used in Section 3.3-400, Floodplain Overlay District, any human-made change to

improved or unimproved real estate located within the area of special flood hazard, including, but not limited to, buildings and other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations. As used in Section 3.4-280C., any activity within the Glenwood Riverfront portion of the WG Overlay District that would alter the elevation of the land; remove or destroy plant life; cause structures of any kind to be installed, erected, or removed; or result in a measurable change of any kind. (emphasis added)

1000 Friends asserts that City erred by not counting portions of developed Heavy Industrial sites as inventory to meet 2010-2030 employment growth needs. The air photos of the Weyerhaeuser/IP Complex, Rosboro and Sundance Lumber sites (identified as potential inventory by 1000 Friends) clearly depict structures, pavement, gravel areas, piles of materials, stormwater management facilities, filled ponds, and excavated areas, tanks, log decks and outdoor storage on these sites. Outdoor storage is a permitted use in Heavy Industrial (HI) plan designation and zoning. (Springfield Development Code Section 3.2-410 Industrial Zoning Districts Schedule of Industrial Use Categories) These areas were assumed to be necessary for the operations of the heavy industrial employment land use. In fact, such uses as those depicted choose to buy or lease land designated HI because outdoor storage is integral to their operations. A business owner purchases, uses, pays taxes, or leases the property it needs to conduct its business, including the land it needs to accommodate outdoor storage. To assume otherwise in the inventory would be speculative and poor public policy. The City supports accommodation and expansion of its existing “legacy” industries and has seen substantial re-investment in local mill facilities in recent years. The City identified:

- wood products manufacturing
- furniture manufacturing
- recreational equipment manufacturing
- specialty foods processing
- green construction firms
- organic food processing
- sustainable logging and/or lumber products manufacturing
- alternative energy production

as a target industries and assumes that the developed Heavy Industrial sites shown in 1000 Friends Attachments will continue to contribute to Springfield’s economy.

The City’s economic development strategy seeks to diversify and grow the economy. To achieve that goal, the City and partner Lane County are adopting the CIBL/EOA and the Springfield 2030 Comprehensive Plan Economic and Urbanization Element policies and implementation measures to provide a range of sites for economic development.

Springfield's target industries have varied site needs. The CIBL/EOA land need determination is based on the City's assumptions and policy choices that are centered on accommodating the majority of employment growth needs within the existing UGB — partly through redevelopment of some sites inventoried in the CIBL, and in addition to meeting all of the residential growth needs that the City's 2011- acknowledged plan assumes will be 100% accommodated within the existing UGB. The City conducted both land inventories and need analyses concurrently and comprehensively. 1000 Friends is not challenging the City's aggressive assumptions about accommodating employment growth through infill and redevelopment. Meeting those assumptions and levels of infill and redevelopment growth require sites and land. The City's Comprehensive Plan policies (2030 Plan Residential and Economic Elements) explain how the City supports redevelopment through planning and zoning, by providing assistance through the existing Glenwood and Downtown Urban Renewal Districts, and by supporting other district and corridor planning initiatives.

Issue 3 Conclusion. There is substantial evidence in the CIBL/EOA, the City's findings and the CIBL data base in the record to demonstrate the City properly inventoried lands as required by Goal 9. There is substantial evidence in the CIBL/EOA, the City's findings and the CIBL data base in the record to demonstrate the City's response to land need is consistent with the applicable provisions of Oregon statutes and administrative rules and applicable provisions of the comprehensive plan.

Conclusion. The City reviewed and considered the information submitted by 1000 Friends and finds that the information provided does not alter the results of the analysis or the comprehensive policy choices made based on that analysis.

Staff Report and Supplemental Findings

Springfield 2030 Metro Plan Amendments

November 7, 2016

Exhibit A-3 CIBL Inventory Parcel Comparison, October 3, 2016

(in response to 1000 Friends 9-12-16 testimony)

In a letter and attachments submitted 9-12-16, 1000 Friends submitted air photos and questions about a set of tax lots. The following table lists the tax lots by as identified by 1000 Friends and provides information about how lands were classified in the 2008 inventory. It should be noted that some of these tax lots have changed since the 2008 inventory, thus current tax lot numbers in 1000 Friends submittal do not match CIBL tax lot numbers . The CIBL inventory data is based on the tax lot and constraints data available at time of the inventory. The CIBL is a “snapshot in time” and Springfield is not required to re-inventory previously inventoried lands at this time to account for changes on or to these sites since the inventory was conducted. The following table provides information to respond to the testimony submitted by noting the tax lots where lots lines or constraints data have changed since the July 2008 inventory.

For example, Floodway is identified as an absolute development constraint in the CIBL/EOA. Subsequent to the 2008 inventory, a Letter of Map Revision (LOMR) was approved for a portion of the Willamette River. This change is apparent when comparing floodway data layers used in the 2008 CIBL inventory to determine absolute development constraints on the Wildish tax lots along the Franklin boulevard waterfront in Glenwood. Thus, the current FEMA map submitted into the record by Ms. Nelson shows a revision that did not exist when ECONorthwest prepared the 2008 inventory.

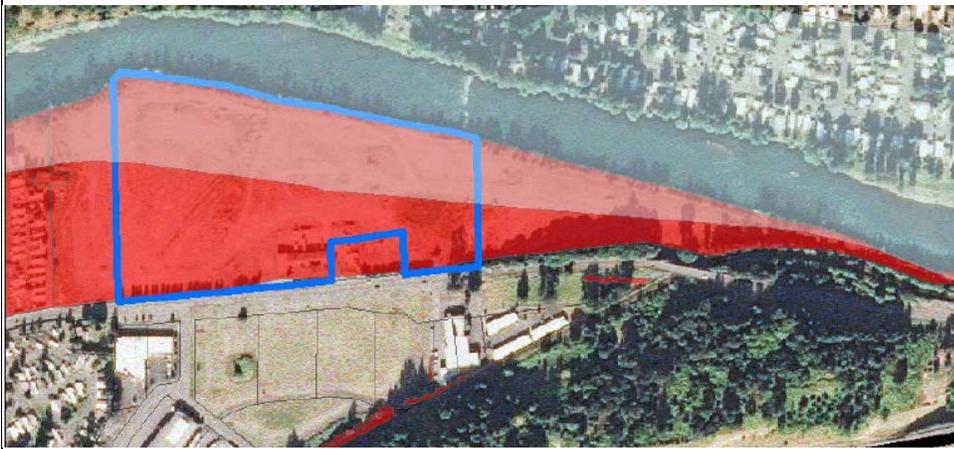
Parcels in 1000 Friends 2016 Testimony Compared with Parcels in 2008 CIBL Inventory

1000 Friends ATT #	1000 Friends tax lot list 9-12-16 and address	Current Size in acres	Site name/ID 2008 CIBL Inventory Classification Constrained acres Site size	Parcel, ownership, status, or constraints data changes since July 2008?
1	1702280000902 800 48 th St.	71	Weyerhaeuser/IP site Developed 13.25 ac constrained >50 ac	Yes Transferred ownership to Sierra Pine after CIBL (deed) Constraints: slopes, wetland. (buffer from wetland on abutting property to North . NOTE Riparian Resource constraint for 48 th St channel WQLW was not deducted in 2008 CIBL (due to City map error)
2/3/12/13	17022900002903 801 42 nd St.	175.48	Weyerhaeuser/IP site Developed 36.7 ac constrained >50 ac	Yes Lot change from two lots to one since CIBL, northern lot line change Constraints: wetland, floodway, riparian, slope
	1702320000105 785 42 nd St	117.41	Redevelopable 25.07 ac constrained >50 ac	Yes. Lot change from TL 100. CIBL lot included a strip of land So. 48 th to Haul Rd. Value change after CIBL 2008-2009 (RLID) see also item #14 Constraints: wetland*, floodway, riparian, slope. NOTE: Sludge pond wetland is on LWI , but found to be Not Significant (City LWI GIS data did not reflect this) NOTE Riparian Resource constraint for 48 th St channel WQLW was not deducted in 2008 CIBL (GIS data did not reflect this)

	<p>1702320000401</p>	<p>9.67</p>	<p>Vacant .17 constrained ac 5.00 - 9.99 ac</p> <p>Vacant 10.00 - 19.99 ac 13.5 ac constrained</p> <p>Redevelopable 2.00 - 4.99 ac 4.87 ac constrained</p>	<p>No. Constraints: wetland, slope</p> <p>No. Constraints: wetland*, slope NOTE: Sludge pond wetland is on LWI , but found to be Not Significant (City LWI GIS data did not reflect this)</p> <p>No. Constraints: slope</p>
<p>3</p>	<p>1703350000300</p>	<p>35.66</p>	<p>Swanson Mill Developed 20.00 - 50.00 ac .5 ac constrained</p>	<p>Yes. Minor lot change along So. A., mill fire and rebuild underway Constraints: wetland, riparian, slope, BPA</p> 

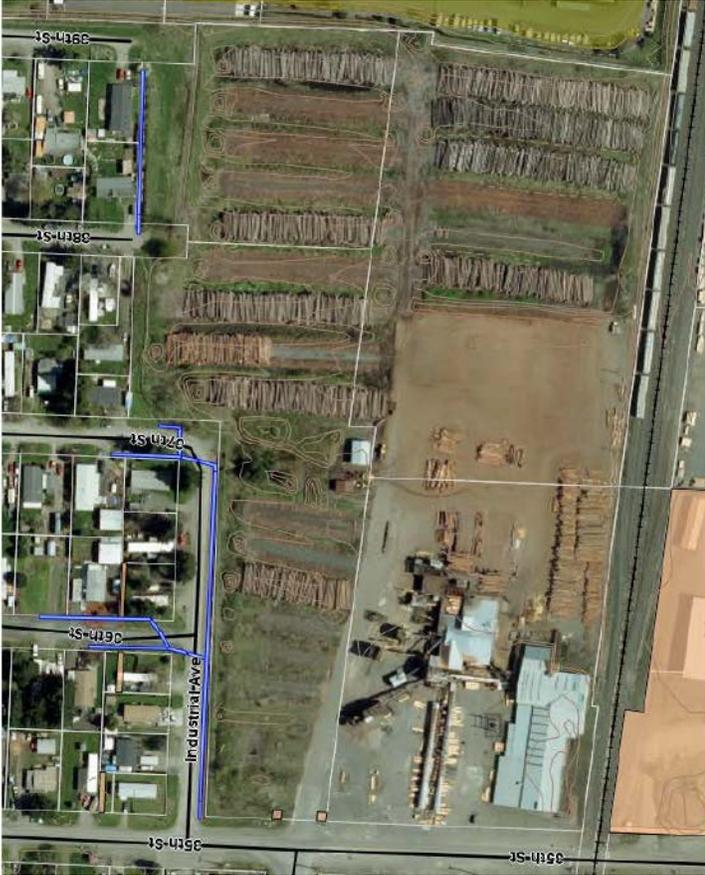
4	1703360000100	70.39	Rosboro LLC Developed >50.00 ac 4.6 ac constrained	<p>No. Constraints: slope</p> 
5	1702280000401	46.75	DeFoe "Blue Water Boats" Developed 10.00 - 19.99 ac 33 ac constrained	<p>Yes. Constraints: wetland, floodway, slope</p>
6	1703254200100	28.64	Hammer Partnership business park site a. Developed 10.00 - 19.99 ac b. Developed 5.00 - 9.99 ac	<p>Yes. Lot change, 3 lots were consolidated since CIBL. Constraints: wetland, floodway, riparian, slope Constraints: slope (0 deducted)</p>

7	<p>170322000218 3040 Gateway St.</p> <p>1703220002200 3000 Gateway St.</p> <p>1703220002300 3000 Gateway St.</p>	<p>8.78</p> <p>29.4</p> <p>11</p>	<p>c. Redevelopable 1.00 - 1.99 ac</p> <p>Gateway Mall Partners Developed</p> <p>Developed</p> <p>Developed</p>	<p>No constraints</p> <p>Yes. Very slight lot line change for LTD transit station Ongoing mall changes/development since CIBL</p>
8/9/10	<p>1803022003200 5001 Franklin Blvd</p>	31.27	<p>Wildish – Glenwood Franklin riverfront site</p> <p>a. 3200 Vacant 10.00 - 19.99 ac 7.6 ac constrained</p> <p>b. 3300 Redevelopable 1.00 - 1.99 ac</p> <p>c. 3800 Vacant 2.00 - 4.99 ac 1.17 ac constrained</p> <p>CIBL did not assume parcel assembly to create 20-acre site</p>	<p>Yes. Lot changes since CIBL. 3 tax lots in CIBL. Partition and ownership transfer middle portion of site since CIBL (EWEB). Constraints: slope, BPA, floodway, riparian Constraints data change since CIBL: FEMA LOMR approved affects Floodway constraint.</p> <p>Constraints: Slope, floodway, riparian</p>



Floodway constraint data pre – LOMR
Wildish parcel

11	1802100000900 36417 Brand S Rd.	29.63	<p>Person site – Jasper Natron Redevelopable 20.00 - 50.00 ac 4.6 ac constrained</p>	<p>Yes. Lot changed -Straub Parkway. Value changed, buildings demolished after CIBL. Constraints: wetland, riparian, slope NOTE ponds were not deducted</p> 
14			<p>Questioning wetland constraint sludge ponds IP site</p>	<p>See # 2 above</p>
15	1702312100100 1702304301700 1702304304700	4.5 4.66 2.63	<p>Sundance Lumber site Developed 2.00 - 4.99 ac Redevelopable 2.00 - 4.99 ac</p>	<p>Constraints: Slope 0.155 ac Yes. Drop in land value 2012 since CIBL Constraints: Slope 0.788 ac Constraints: Slope 0.386 ac</p>

	<p>1702311200100</p> <p>questions why log deck/outdoor storage areas of site were not counted as vacant</p>	<p>6</p>	<p>Redevelopable 2.00 - 4.99 ac</p> <p>Redevelopable 5.00 - 9.99 ac</p>	<p>Constraints: Slope, Wetlands 0.424 ac</p> 
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Staff Report and Supplemental Findings

Springfield 2030 Metro Plan Amendments

November 7, 2016

This report and findings address testimony received at the September 12, 2016 public hearing and prior to closure of the record (October 14, 2016).

Exhibit A-4 Response to Johnson Crushers/ Willamette Water Company testimony

The Law Office of Bill Kloos PC submitted a letter dated August 22, 2016 on behalf of Johnson Crushers International (JCI). That letter was included in the agenda packet for the September 12, 2016 meeting. The Law Office of Bill Kloos PC submitted a letter dated October 13, 2016 on behalf of Johnson Crushers International and Willamette Water Company (JCI/WW). That letter is included in the agenda packet for the November 7, 2016 meeting. The October 13 letter states that it “summarizes key points from those letters and discusses evidence submitted during last month’s joint hearing and issues raised during the course of the UGB expansion process.” Staff’s response to both letters is provided below.

JCI/WW disagrees with the results of the City’s UGB Alternatives Analysis. JCI/WW asserts that the City erred by not including the Seavey Loop area in the UGB expansion, and thus property owned by Johnson Crushers International and lands currently served by the Willamette Water Company were wrongly excluded. JCI/WW asserts that the City’s UGB Alternatives Analysis is not consistent with the ORS 197.298 priority scheme.

The City respectfully disagrees. The City’s findings (Exhibit F) explain and demonstrate how the City’s analysis and the results of that analysis correctly follow the Commission’s and Court’s interpretation of the application of Goal 14 factors post McMinnville, following an outline provided by DLCD staff. See also Exhibit A-1 (letter from Jeffrey Condit). The City’s findings under Goal 9 and Goal 14 (Exhibit F pages 18-161) provide thorough explanation and ample evidence to justify the need for suitable sites to meet the City’s economic objectives, including uses with special siting characteristics and the quantity, type and characteristics of needed sites consistent with the applicable provisions of the law and plan policies; and how the City’s 2030 plan policies and UGB amendment will provide those suitable sites. The City’s findings (Exhibit F pages 156-414) provide thorough explanation and ample evidence to justify the location of the UGB amendment. These findings provide thorough explanation to justify how lands within the Seavey Loop area were excluded.

All second priority exception parcels were identified, examined and considered.

The City excluded second priority lands that are not buildable:

- excluded Slopes >15%
- excluded Floodway
- excluded Riparian resources
- excluded Wetlands

The City considered and excluded second priority lands based upon specific land needs (197.298(3)(a)).

The City excluded exception parcels with less than 5 unconstrained acres.

- This step excluded the McKenzie View A; West Jasper/Mahogany; Clearwater; Seavey Loop A, D, F, and Seavey Loop/Goshen exception parcels from further consideration.

The City considered and excluded second priority lands based upon inability to reasonably provide urban services due to physical constraints (197.298(3)(b))(Exhibit F, pp. 206-)

- This step excluded McKenzie View B; Mohawk A, B and C; Oxbow/Camp Creek; Jasper Bridge A and B; Far East B; Wallace Creek; Seavey Loop B, C and E exception parcels because these areas do not provide and cannot reasonably be expected to be provided with the public water, wastewater, stormwater and transportation infrastructure and services necessary to serve urban employment uses due to physical constraints. The City determined that these areas are not serviceable to meet Springfield's identified industrial and commercial land use needs during the 2010-2030 planning period. [OAR 660-009-0005(9)]

All fourth priority parcels were identified, examined and considered. The City considered and excluded fourth priority lands that are not buildable:

- excluded Slopes >15%
- excluded Floodway
- excluded Riparian resources
- excluded Wetlands

The City considered and excluded fourth priority lands based upon soil capability classification.

- The City excluded unconstrained Seavey Loop lands comprising predominantly Class II, Class III High Value and Class IV Prime Farmland soils on the basis of agricultural capability classification.

The City's findings describe the City's factual basis for addressing soil capability classification (Exhibit F, page 324-350). See also Exhibit A-5 Agriculture and Forest Soil Ratings, Lane County Land Management Division, a list of NRCS soil map units that clearly shows Class 3 and 4 soils that are identified as "High Value Farmland."

The City considered and excluded fourth priority lands based upon inability to reasonably provide urban services due to physical constraints (197.298(3)(b)).

- This step confirmed exclusion of Seavey Loop on the basis of inability to reasonably provide urban services due to physical constraints.

The City considered and excluded fourth priority lands based upon analysis of comparative ESEE consequences (Goal 14, Boundary Location, Factor 3);

- This step confirmed exclusion of Seavey Loop (contrary to compact urban form, cost inhibitive infrastructure upgrades, social, cost/benefit, farmland)

The City considered and excluded fourth priority lands based upon analysis of compatibility with agricultural & forest activities (Goal 14, Boundary Location, Factor 4)

- This step confirmed exclusion of Seavey Loop

The City disagrees with JCI/WW assertions as follows:

“Note that the exception areas within Area 9, Seavey Loop, are more extensive and more diverse than other exception areas.”

“Extensive and diverse” are not criteria for prioritizing land under ORS 197.298, Goal 14 or Goal 9 rules. The City’s Findings (Exhibit F) demonstrate that City evaluated all exception lands in the study area.

“Some of the land is EFU land, but as will be discussed momentarily, that land too is of higher priority than the EFU lands for areas the proposal recommends for inclusion into the UGB.”

“Again, the evidence in the record demonstrates that the resource lands within the Seavey Loop area contains lands of lower soil capabilities than do those of the Mill Race area and the northern portion of the North Gateway area. This is plainly demonstrated in the attached Exhibit 4, which shows soils classifications by shades of brown. The darker the color, the better the soil and the lower priority. Exhibit 4 is annotated with yellow clouds around three key areas. It is plainly evident that the Seavey Loop area includes light to medium shades of brown compared to the medium to dark shades of brown for the areas staff recommend for inclusion into the UGB. That means the agricultural lands for Seavey Loop have a higher priority for inclusion in the UGB expansion than the other two areas. No amount of finagled finding is going to persuade an appellate review body to disregard what their eyes plainly show them from the Soil Capability and Constraints map”

“The findings misapply ORS 197.298(1)(d) and ORS 197.298(2)”... “But those soils are not the same, at least not for purposes of UGB expansion analysis.” “To the ORS 197.298 statutory priority scheme, this difference is significant and requires one area (Seavey Loop) to be brought into the UGB before the other area (Mill Race) if additional land is needed to meet the City’s employment land needs after examination of higher priority lands.”... “The findings do not make this distinction clear.” ... “Seavey Loop consists mostly of Class IV soils and is therefore lighter in color than the Mill Race area which consists predominantly of Class II soils.”

The City’s findings address soil capability correctly. JCI/WW fails to do a deeper reading of the applicable statutes regarding soil capability classifications. The City’s findings (Exhibit F pp. 324-350) address and apply the correct statutory definitions of high value and prime farmland soils. The City analyzed all resource land in the UGB study area by soil capability as required by statute. The City’s findings clearly identify soils and percentages thereof on each parcel. The City’s findings provide substantial evidence, based on available Natural Resource Conservation Service (NRCS) soil survey data and distribution of soil units and high value farmland soils on the parcels.

The statutory definitions address high value and prime farmland soils. ORS 197.298 (1)(b) includes the reference to ORS 215.710 (High-value farmland description for ORS 215.705) cited in City’s findings Exhibit F, page 167. This portion of the statute clearly recognizes that resource land with High Value soils is a factor to be considered when applying the priority scheme in the boundary alternative analysis. The general NRCS soils classification map does not depict the high value agriculture and prime soils listed in statute. See also Exhibit A-5 Agriculture and Forest Soil Ratings, Lane County Land Management Division, a list of NRCS soil map units that clearly shows the Class 3 and 4 soils that are identified as “High Value Farmland.” The City confirmed that it evaluated soils correctly for this purpose with DLCD farm and forest land specialist staff.

“That map shows, even with the BPA easement and steep-slope areas excluded, multiple vacant or near vacant parcels of between 4 and 14 acres, as well as at least one parcel over 30 acres in size.”

“Note that the findings include the entirety of TL 306, the JCI parcel to the east of S. Franklin Boulevard, as being 20 acres, whereas Exhibit 5 only includes an 8.8-acre portion of that parcel. With the full JCI parcel, that would make two individual parcels of at least 20 acres in size available in Seavey Loop. Each of the above parcels, either individually or collectively for adjacent vacant parcels”

The City’s analysis as presented in the findings, examined all EFU parcels, in order of priority under ORS 197.298. Constrained acres were deducted from suitable acres. Many UGB expansion concepts and alternatives were studied, presented for public discussion, evaluated and rejected throughout the multi-year iterative process, including the concept/concepts depicted in JCI/WW’s attachments. The JCI parcel east of Franklin is an EFU parcel, not exception land. The “College View” expansion concept was presented to the Stakeholder Working Group to examine and discuss a concept that would retain a “buffer” of EFU land west of South Franklin and along the south side of Seavey Loop Road. “The City’s employment land needs have been identified as the need for 4 parcels between 4 and 20 acres totaling 37 acres, and three parcels greater than 20 acres totaling 186 acres.”

“the City and County must first include Seavey Loop before it can look to those other areas to help meet the City’s demonstrated employment land needs. That is what the statutory priority scheme set forth in ORS 197.298(1) requires.”

“the City cannot leap frog over Seavey Loop simply because it alone cannot meet all of the city’s needs. ORS 197.298 prohibits the City and the County from doing that.”

“if any area is brought into the City of Springfield to meet the identified employment land need, it must include land in the Seavey Loop area before turning to other areas to bring in the remaining amount of land needed.”

See Exhibit A-1. The City evaluated these parcels. The City’s findings explain why exception lands and EFU lands in Seavey Loop are not suitable to meet identified land needs in the 2010-2030 planning period.

Seavey Loop exception parcels have the same priority as all other exception parcels in the vicinity of the UGB the City evaluated. Seavey Loop resource parcels, have same or lower priority as all other resource parcels in vicinity of the UGB the City evaluated. Thus the City is not required to *“include land in the Seavey Loop area before turning to other areas to bring in the remaining amount of land needed.”* The City evaluated and rejected all exception parcels, including Seavey Loop parcels before turning to lower priority lands resource land under ORS 197.298.

“The findings substantially misrepresent the footprint of the Seavey Loop area under consideration.

“Why is it that, when examining the exception areas within Seavey Loop, the analysis breaks the area down into 6, if not 7 different smaller segments identified as Seavey Loop A through F and Seavey Loop/Goshen? Why are no other areas similarly broken down?”

The City’s analysis as presented in the findings, examined all parcels in the study area, in order of their priority under ORS 197.298. City did not “gerrymander” defined study areas in its UGB Alternatives Analysis. Instead, City conducted a thorough parcel – by parcel analysis to identify potentially suitable lands, in order of their priority under ORS 197.298.

The City’s discussion of soils (p. 336) in “Seavey Loop area” refers to the greater Seavey Loop area, not to specific parcels. City’s general discussion of soils in the vicinity of Springfield was included to provide context and “big picture” for the urbanization study, contrary to JCI/WW’s claim.

Geographic areas with multiple groupings of exception land parcels were broken down into units and numbered to clearly discuss each grouping of parcels (including Seavey Loop, Far East Springfield, Mohawk and Wallace Creek) for ease of analysis, identification, and documentation.

“The above begs the question why the analysis failed to recognize that there is one industrially zoned parcel and three adjacent rural residential parcels that are each greater than 6 acres in size and are minimally developed”

The City’s findings identified the zoning of each parcel in the study area, including all industrially zoned parcels and all residentially zoned parcels in the vicinity, and found none to be suitable. Other industrially and residentially zoned parcels in other UGB study area groupings exist in similar arrangements to configuration identified by JCI/WW. The City identified, evaluated and rejected them all and provided substantial evidence to explain why lands are not suitable to meet the identified needs.

“Instead of understanding the opportunity that the Seavey Loop area affords the City of Springfield to meet its demonstrated economic land needs, the analysis dissects the area so finely as to make the area unrecognizable as a whole.”

City staff spent considerable time studying the potential suitability of the Seavey Loop area. For example, the record shows that the City conducted open houses, workshops, visioning sessions and stakeholder working group meetings to solicit information about the College View study area from a broad spectrum of stakeholders, as directed by the Springfield City Council. As previously stated, other areas were “dissected” into smaller units for ease of analysis, identification, and documentation. The City conducted a thorough parcel – by parcel analysis of potentially suitable lands in order of statutory priority.

“The findings misapply the ORS 197.298(3) exceptions to the statutory priority scheme.”... “those statements only pay lip service to the requirements of the exception, at least in the instance of Seavey Loop,”... “distance of the length involved for Seavey Loop is not a physical constraint, it simply increases the cost of the utility improvements, something appellate bodies have concluded is not a permissible consideration.”

“There is evidence in the record that the rough costs were evaluated, which begs the question of whether it has factored into the recommendation.”

JCI/WW suggests that the City rejected Seavey Loop on the basis of cost to serve and asserts that by examining cost factors, the City erred. See Exhibit A-1. The City’s findings provide substantial evidence

to explain the need to provide suitable unconstrained land in its inventory to site target large employers. To be suitable, land must possess the characteristics of needed sites, including adequate parcel size and provision of urban services within the 20-year planning period.

The City's UGB Alternatives Analysis, as set forth in the city's findings, clearly follows the correct prioritization and application of Goal 14 Locational Factors as interpreted by the Court in *McMinnville* and as advised by DLCD Urbanization specialist staff Gordon Howard. It is not clear whether Mr. Kloos disagrees with the City's application of Goal 14 Locational Factors. It is the City's position that distance and topography (Willamette River) are physical constraints that preclude provision of urban services within the 20-year planning period. It is the City's position that the Willamette River is a substantial physical barrier between Springfield and Seavey Loop; and that the length, width and physical configuration of narrow South Franklin Boulevard corridor and I-5 ramp system linking Springfield to the Seavey Loop area is a physical barrier that creates a high degree of uncertainty about the City's ability to support and deliver urban services, including safe, multi-modal access, to potentially suitable parcels within the 2010-2030 planning period. The corridor is physically and spatially constrained — squeezed between the freeway verge, railroad tracks and the Willamette River Greenway and State parkland, creating substantial physical challenges for safe, logical and efficient delivery of urban services in the planning period.

In order to justify bringing new employment land into the UGB, Statewide Planning Goal 14 requires the City to consider — as part of our Urban Growth Boundary Location Alternatives Analysis — how public facilities and services can be provided to serve the lands to be added. For this purpose, public facilities and services are defined as water, sanitary sewer, storm water management, and transportation facilities [OAR 660-024-0060 (7)]. Springfield must evaluate and compare “the relative costs, advantages and disadvantages of alternative UGB expansion areas with respect to the provision of public facilities and services needed to urbanize alternative boundary locations” [OAR 660-024-0060 (8)]. The evaluation and comparison must include:

- (a) The impacts to existing water, sanitary sewer, storm water and transportation facilities that serve nearby areas already inside the UGB;*
- (b) The capacity of existing public facilities and services to serve areas already inside the UGB as well as areas proposed for addition to the UGB; and*
- (c) The need for new transportation facilities, such as highways and other roadways, interchanges, arterials and collectors, additional travel lanes, other major improvements on existing roadways and the provision of public transit service.*

When cities expand UGBs, they must demonstrate that they are bringing in land that can be served with urban services within the planning period. As part of the Springfield City Council's review of potential growth areas to accommodate large site employment needs, Council requested a series of work sessions to examine many facets involved in expanding the UGB, ability to deliver services being one important consideration as required by law. In the AIS cover memo for the March 18, 2013 work session entitled “COMPARING POTENTIAL EMPLOYMENT OPPORTUNITY SITES TO ADDRESS 20-YEAR COMMERCIAL AND INDUSTRIAL LAND NEEDS, staff stated:

“Statewide Planning Goal 14 requires the City to compare the relative costs, advantages and disadvantages of alternative UGB expansion areas with respect to the provision of public facilities and services. As one necessary step towards completing this requirement, Springfield engineering and transportation staff prepared rough “planning level” cost of infrastructure estimates to compare the cost and difficulty of extending the three City services to each study area.”

For that March 18, 2013 Council work session, staff provided an attachment entitled “Estimated Cost & Difficulty of Extending Urban Services” comparing five geographic study areas, Seavey Loop being one. The memo assigned numeric (1-5) rankings — based on the City Engineer’s professional opinion — to compare *difficulty* of providing transportation, stormwater and wastewater services and gave *cost range estimates* for each service. The estimated total cost range of >\$23->35 Million dollars, compared with \$21- 35 Million dollars for North Gateway — a geographic study area that is partially included in the City’s UGB expansion— show these cost estimate figures are similar in magnitude. Therefore, it is a leap for JCI/WW to suggest that the City ruled out Seavey on the basis of this comparative cost analysis. A greater difference appears, however, in the numeric ranking comparison of “Total difficulty”: 8-11 for Seavey Loop vs. 7 for North Gateway. It is important to note that this difficulty ranking is not based on delivery of water service and cost of delivering water service was not included in the cost estimates.

OAR 660-009-0005

(9) "Serviceable" means the city or county has determined that public facilities and transportation facilities, as defined by OAR chapter 660, division 011 and division 012, currently have adequate capacity for development planned in the service area where the site is located or can be upgraded to have adequate capacity within the 20-year planning period.

(11) "Site Characteristics" means the attributes of a site necessary for a particular industrial or other employment use to operate. Site characteristics include, but are not limited to, a minimum acreage or site configuration including shape and topography, visibility, specific types or levels of public facilities, services or energy infrastructure, or proximity to a particular transportation or freight facility such as rail, marine ports and airports, multimodal freight or transshipment facilities, and major transportation routes.

(12) "Suitable" means serviceable land designated for industrial or other employment use that provides, or can be expected to provide the appropriate site characteristics for the proposed use.

Conclusion. JCI/WW has not submitted evidence that land in Seavey Loop provides or can be expected to provide the appropriate site characteristics to meet Springfield’s identified land needs.

JCI/WW suggests the City should reconsider Goshen. “Goshen” east of I-5 was considered in the study and rejected. In 2008 ECONorthwest prepared maps of potential study areas. The area appears in the maps presented to Council on January 12, 2009 (Attachment 1-3). Lands located west of I-5 were not considered. More recently, the City was asked by Lane County to reconsider Goshen. See Exhibit B for the City’s response.

Conclusion. JCI/WW has not submitted evidence that land in Goshen provides or can be expected to provide the appropriate site characteristics for the proposed use.

APPENDIX C: Agricultural and Forest Soils Ratings

The Lane County Land Management Division, with technical assistance from Lane Council of Governments, compiled this data to assist the public in preparing land use applications. The Natural Resources Conservation Service (NRCS) reviewed the data and methodology.

Map Symbol	Lane County Soil Map Unit	Douglas Fir Site Index	Cu. Ft./ Acre/ Year	Agricultural Capability Class	High Value Farmland
01A	Abiqua silty clay loam, 0 - 3% slopes	135	203	1	X
01B	Abiqua silty clay loam, 3 - 5% slopes	135	203	2	X
02E	Astoria silt loam, 5 - 30% slopes	130	193	6	
03E	Astoria Variant silt loam, 3 - 30% slopes	none		6	
03G	Astoria Variant silt loam, 30 - 60% slopes	none		6	
04G	Atring-Rock outcrop complex, 30 - 60% slopes	***	81	6	
05	Awbrig silty clay loam	none		4	X
06	Awbrig-Urban land complex	none		4	
07B	Bandon sandy loam, 0 - 7% slopes	105	145	3	
07C	Bandon sandy loam, 7 - 12% slopes	105	145	3	
07F	Bandon sandy loam, 12 - 50% slopes	105	145	6	
08	Bashaw clay	none		4	X
09	Bashaw-Urban land complex	none		4	
10	Beaches	none		8	
11C	Bellpine silty clay loam, 3 - 12% slopes	115	163	3	X
11D	Bellpine silty clay loam, 12 - 20% slopes	115	163	3	X
11E	Bellpine silty clay loam, 20 - 30% slopes	115	163	4	X
11F	Bellpine silty clay loam, 30 - 50% slopes	115	163	6	
12E	Bellpine cobbly silty clay loam, 2 - 30% slopes	115	163	4	
13F	Blachly clay loam, 30 - 50% slopes	119	173	6	
13G	Blachly clay loam, 50 - 70% slopes	119	173	7	
14E	Blachly silty clay loam, 3 - 30% slopes	125	184	6	
14F	Blachly silty clay loam, 30 - 50% slopes	125	184	6	
15E	Blachly-McCully clay loam, 3 - 30% slopes	***	172	6	
16D	Bohannon gravelly loam, 3 - 25% slopes	118	171	6	
16F	Bohannon gravelly loam, 25 - 50% slopes	118	171	6	
16H	Bohannon gravelly loam, 50 - 90% slopes	118	171	7	
17	Brallier muck, drained	none		4	
18	Brallier Variant muck	none		5	
19	Brenner silty clay loam	none		3	X
20B	Briedwell cobbly loam, 0 - 7% slopes	103	141	3	X
21B	Bullards-Ferrelo loams, 0 - 7% slopes	***	84	3	
21C	Bullards-Ferrelo loams, 7 - 12% slopes	***	84	3	
21E	Bullards-Ferrelo loams, 12 - 30% slopes	***	76	4	
21G	Bullards-Ferrelo loams, 30 - 60% slopes	***	76	6	

Map Symbol	Lane County Soil Map Unit	Douglas Fir Site Index	Cu. Ft./ Acre/ Year	Agricultural Capability Class	High Value Farmland
22	Camas gravelly sandy loam, occasionally flooded	none		4	
23	Camas-Urban land complex	none		4	
24	Chapman loam	none		1	X
25	Chapman-Urban land complex	none		1	X
26	Chehalis silty clay loam, occasionally flooded	none		2	X
27	Chehalis-Urban land complex	none		2	X
28C	Chehulpum silt loam, 3 - 12% slopes	none		6 *	
28E	Chehulpum silt loam, 12 - 40% slopes	none		6	
29	Cloquato silt loam	none		2	X
30	Cloquato-Urban land complex	none		2	X
31	Coburg silty clay loam	none		2	X
32	Coburg-Urban land complex	none		2	X
33	Conser silty clay loam	none		3	X
34	Courtney gravelly silty clay loam	none		4	X
35D	Cruiser gravelly clay loam, 3 - 25% slopes	140**	145	6	
35F	Cruiser gravelly clay loam, 25 - 50% slopes	140**	145	6	
35G	Cruiser gravelly clay loam, 35 - 70% slopes	140**	145	7	
36D	Cumley silty clay loam, 2 - 20% slopes	114	162	6	
37C	Cupola cobbly loam, 3 - 12% slopes	100	136	6	
37E	Cupola cobbly loam, 12 - 30% slopes	100	136	6	
38	Dayton silt loam, clay substratum	none		4	X
39E	Digger gravelly loam, 10 - 30% slopes	102	140	6	
39F	Digger gravelly loam, 30 - 50% slopes	102	140	6	
40H	Digger-Rock outcrop complex, 50 - 85% slopes	***	114	7	
41C	Dixonville silty clay loam, 3 - 12% slopes	109	152	3	
41E	Dixonville silty clay loam, 12 - 30% slopes	109	152	4	
41F	Dixonville silty clay loam, 30 - 50% slopes	109	152	6	
42E	Dixonville-Hazelair-Urban land complex, 12 - 35% slopes	***	89	4	
43C	Dixonville-Philomath-Hazelair complex, 3 - 12% slopes	***	54	3	
43E	Dixonville-Philomath-Hazelair complex, 12 - 35% slopes	***	63	4	
44	Dune land	none		8	
45C	Dupee silt loam, 3 - 20% slopes	none		3	
46	Eilertsen silt loam	133	199	2	X
47E	Fendall silt loam, 3 - 30% slopes	125	184	6	
48	Fluvents, nearly level	none		--	
49E	Formader loam, 3 - 30% slopes	121	176	6	
49G	Formader loam, 30 - 60% slopes	121	176	6	
50G	Formader-Hembre-Klickitat complex, 50 - 80% slopes	***	176	7	

Map Symbol	Lane County Soil Map Unit	Douglas Fir Site Index	Cu. Ft./ Acre/ Year	Agricultural Capability Class	High Value Farmland
51B	Haflinger-Jimbo complex, 0 - 5% slopes	***	165	6	X
52B	Hazelair silty clay loam, 2 - 7% slopes	none		3	
52D	Hazelair silty clay loam, 7 - 20% slopes	none		4	
53	Heceta fine sand	none		4	
54D	Hembre silt loam, 5 - 25% slopes	127	188	6	
54G	Hembre silt loam, 25-60% slopes	127	188	6	
55E	Hembre-Klickitat complex, 3 - 30% slopes	***	177	6	
55G	Hembre-Klickitat complex, 30 - 60% slopes	***	176	6	
56	Holcomb silty clay loam	none		3	X ¹
57D	Holderman extremely cobbly loam, 5 - 25% slopes	119**	113	6	
57F	Holderman extremely cobbly loam, 25 - 50% slopes	119**	113	6	
57G	Holderman extremely cobbly loam, 50 - 75% slopes	119**	113	7	
58D	Honeygrove silty clay loam, 3 - 25% slopes	122	178	6	
58F	Honeygrove silty clay loam, 25 - 50% slopes	122	178	6	
59E	Hullt loam, 2 - 30% slopes	121	176	3	X
59G	Hullt loam, 30 - 60% slopes	121	176	6	
60D	Hummington gravelly loam, 5 - 25% slopes	131**	131	6	
60F	Hummington gravelly loam, 25 - 50% slopes	131**	131	6	
60G	Hummington gravelly loam, 50 - 75% slopes	131**	131	7	
61	Jimbo silt loam	121	176	1	X
62B	Jimbo-Haflinger complex, 0 - 5% slopes	***	171	1	X
63C	Jory silty clay loam, 2 - 12% slopes	122	178	2	X
63D	Jory silty clay loam, 12 - 20% slopes	122	178	3	X
63E	Jory silty clay loam, 20 - 30% slopes	122	178	4	X
64D	Keel cobbly clay loam, 3 - 25% slopes	132**	133	6	
64F	Keel cobbly clay loam, 25 - 45% slopes	132**	133	6	
64G	Keel cobbly clay loam, 45 - 75% slopes	132**	133	7	
65G	Kilchis stony loam, 30 - 60% slopes	90	116	6	
65H	Kilchis stony loam, 60 - 90% slopes	90	116	7	
66D	Kinney cobbly loam, 3 - 20% slopes	122	178	6	
67F	Kinney cobbly loam, 20 - 50% north slopes	122	178	6	
67G	Kinney cobbly loam, 50 - 70% north slopes	122	178	7	
68F	Kinney cobbly loam, 20 - 50% south slopes	122	178	6	
68G	Kinney cobbly loam, 50 - 70% south slopes	122	178	7	
69E	Kinney cobbly loam, slump, 3 - 30% slopes	122	178	6	
70E	Klickitat stony loam, 3 - 30% slopes	112	158	6	
71F	Klickitat stony loam, 30 - 50% north slopes	112	158	6	
71G	Klickitat stony loam, 50 - 75% north slopes	112	158	7	

Map Symbol	Lane County Soil Map Unit	Douglas Fir Site Index	Cu. Ft./ Acre/ Year	Agricultural Capability Class	High Value Farmland
72F	Klickitat stony loam, 30 - 50% south slopes	112	158	6	
72G	Klickitat stony loam, 50 - 75% south slopes	112	158	7	
73	Linslaw loam	none		3	X ¹
74B	Lint silt loam, 0 - 7% slopes	117	169	3	
74C	Lint silt loam, 7 - 12% slopes	117	169	3	
74D	Lint silt loam, 12 - 20% slopes	117	169	3	
74E	Lint silt loam, 20 - 40% slopes	117	169	4	
75	Malabon silty clay loam	none		1	X
76	Malabon-Urban land complex	none		1	X
77B	Marcola cobbly silty clay loam, 2 - 7% slopes	none		4	
78	McAlpin silty clay loam	none		2	X
79	McBee silty clay loam	none		3	X ²
80F	McCully clay loam, 30 - 35% slopes	118	171	6	
80G	McCully clay loam, 50 - 70% slopes	118	171	7	
81D	McDuff clay loam, 3 - 25% slopes	112	158	6	
81F	McDuff clay loam, 25 - 50% slopes	112	158	6	
81G	McDuff clay loam, 50 - 70% slopes	112	158	7	
82C	Meda loam, 2 - 12% slopes	none		3	X
83B	Minniece silty clay loam, 0 - 8% slopes	none		6	
84D	Mulkey loam, 5 - 25% slopes	none		6	
85	Natroy silty clay loam	none		4	X
86	Natroy silty clay	none		4	X
87	Natroy-Urban land complex	none		4	X
88	Nehalem silt loam	none		2	X
89C	Nekia silty clay loam, 2 - 12% slopes	113	160	3	X
89D	Nekia silty clay loam, 12 - 20% slopes	113	160	3	X
89E	Nekia silty clay loam, 20 - 30% slopes	113	160	4	
89F	Nekia silty clay loam, 30 - 50% slopes	113	160	6	
90	Nekoma silt loam	none		3	
91D	Neskowin silt loam, 12 - 20% slopes	none		6	
91E	Neskowin silt loam, 20 - 40% slopes	none		6	
92G	Neskowin-Salander silt loams, 40 - 60% slopes	none		6	
93	Nestucca silt loam	none		3	
94C	Netarts fine sand, 3 - 12% slopes	none		6	
94E	Netarts fine sand, 12 - 30% slopes	none		6	
95	Newberg fine sandy loam	none		2	X
96	Newberg loam	none		2	X

Map Symbol	Lane County Soil Map Unit	Douglas Fir Site Index	Cu. Ft./ Acre/ Year	Agricultural Capability Class	High Value Farmland
97	Newberg-Urban land complex	none		2	X
98	Noti loam	none		4	X
99H	Ochrepts & Umbrepts, very steep	none		--	
100	Oxley gravelly silt loam	none		3	
101	Oxley-Urban land complex	none		3	
102C	Panther silty clay loam, 2 - 12% slopes	none		6	
103C	Panther-Urban land complex, 2 - 12% slopes	none		6	
104E	Peavine silty clay loam, 3 - 30% slopes	125	184	6	
104G	Peavine silty clay loam, 30 - 60% slopes	125	184	6	
105A	Pengra silt loam, 1 - 4% slopes	none		3	X ¹
106A	Pengra-Urban land complex, 1 - 4% slopes	none		3	
107C	Philomath silty clay, 3 - 12% slopes	none		6	
108C	Philomath cobbly silty clay, 3 - 12% slopes	none		6	
108F	Philomath cobbly silty clay, 12 - 45% slopes	none		6	
109F	Philomath-Urban land complex, 12 - 45% slopes	none		6	
110	Pits	none		8	
111D	Preacher loam, 0 - 25% slopes	128	190	6	
111F	Preacher loam, 25 - 50% slopes	128	190	6	
112G	Preacher-Bohannon-Slickrock complex, 50 - 75% slopes	***	188	7	
113C	Ritner cobbly silty clay loam, 2 - 12% slopes	107	149	4	
113E	Ritner cobbly silty clay loam, 12 - 30% slopes	107	149	6	
113G	Ritner cobbly silty clay loam, 30 - 60% slopes	107	149	7	
114	Riverwash	none		8	
115H	Rock outcrop-Kilchis complex, 30 - 90% slopes	***	27	8	
116G	Rock outcrop-Witzel complex, 10 - 70% slopes	***	none	8	
117E	Salander silt loam, 12 - 30% slopes	125	184	6	
118	Salem gravelly silt loam	none		2	X
119	Salem-Urban land complex	none		2	X
120B	Salkum silt loam, 2 - 6% slopes	116	167	2	X
121B	Salkum silty clay loam, 2 - 8% slopes	116	167	2	X
121C	Salkum silty clay loam, 8 - 16% slopes	116	167	3	X
122	Saturn clay loam	123	180	3	
123	Sifton gravelly loam	124	182	3	X
124D	Slickrock gravelly loam, 3 - 25% slopes	137	209	6	
124F	Slickrock gravelly loam, 25 - 50% slopes	137	209	6	
125C	Steiber loam, 3 - 12% slopes	none		3	
125D	Steiber loam, 12 - 20% slopes	none		4*	

Map Symbol	Lane County Soil Map Unit	Douglas Fir Site Index	Cu. Ft./ Acre/ Year	Agricultural Capability Class	High Value Farmland
125F	Steiwer loam, 20 - 50% slopes	none		6	
126F	Tahkenitch loam, 20 - 45% slopes	124	182	6	
126G	Tahkenitch loam, 45 - 75% slopes	124	182	7	
127C	Urban land-Hazelair-Dixonville complex, 3 - 12% slopes	***	68	8	
128B	Veneta loam, 0 - 7% slopes	108	150	2	X
129B	Veneta Variant silt loam, 0 - 7% slopes	124	182	2	X
130	Waldo silty clay loam	none		3	
131C	Waldport fine sand, 0 - 12% slopes	none		6	
131E	Waldport fine sand, 12 - 30% slopes	none		7	
131G	Waldport fine sand, 30 - 70% slopes	none		7	
132E	Waldport fine sand, thin surface, 0 - 30% slopes	none		7	
133C	Waldport-Urban land complex, 0 - 12% slopes	none		6	
134	Wapato silty clay loam	none		3	X ³
135C	Willakenzie clay loam, 2 - 12% slopes	110	154	3	X
135D	Willakenzie clay loam, 12 - 20% slopes	110	154	3	X
135E	Willakenzie clay loam, 20 - 30% slopes	110	154	4	X
135F	Willakenzie clay loam, 30 - 50% slopes	110	154	6	
136	Willanch fine sandy loam	none		3	
137F	Winberry very gravelly loam, 10 - 45% slopes	none		7	
138E	Witzel very cobbly loam, 3 - 30% slopes	none		6	
138G	Witzel very cobbly loam, 30 - 75% slopes	none		6	
139	Woodburn silt loam	none		2	X
140	Yaquina loamy fine sand	none		4	
141	Yaquina-Urban land complex	none		4	
142G	Yellowstone-Rock outcrop, 10 - 60% slopes	none		7	
*	Indicates soils which have an irrigated capability class which is different from the non-irrigated capability class.				
**	Indicates productivity calculated using 100-year Douglas fir data.				
***	Indicates soil complexes with multiple site indices, refer to the CuFt/Acre/Year column for a composite volume rating for the complex.				
"none"	Indicates soil map units that lack site index information on Douglas fir. The soil map unit may have the capability to produce Douglas fir, but this productivity may be very low to very high. No site index has been collected by the NRCS due to lack of suitable sites or lack of time and or funds.				
X ¹	Only drained areas are high value farmland.				
X ²	Only areas protected from flooding or not frequently flooded during the growing season are high value farmland.				
X ³	Only drained areas that are either protected from flooding or not frequently flooded during the growing season are high value farmland.				

Source and Description of the Data

Map Symbol

Data Source

USDA-Soil Conservation Service, September 1987. *Soil Survey of Lane County Area, Oregon.*

Soil Map Unit

Data Source

USDA-Soil Conservation Service, September 1987. *Soil Survey of Lane County Area, Oregon.*

Site Index

Data Source

USDA-Natural Resources Conservation Service, August 1997 printout from the National Soils Information System (NASIS). *Soils Database for Lane County, Woodland Management and Productivity table.*

Description

These site indices indicate the average height, in feet, that dominant and co-dominant Douglas fir trees attain in 50 years (or 100 years, for the higher elevation series of Cruiser, Holderman, Hummington, and Keel). The site index applies to fully stocked, even-aged, unmanaged stands. This table lists only site indices for Douglas fir and does not list site indices for soil complexes. The description under Cubic Feet/Acre/Year explains the composite volume rating in this table for soil complexes.

Cubic feet/acre/year

Data Source

USDA-Soil Conservation Service, June 1986. *Technical Note No. 2 Revised, Culmination of Mean Annual Increment for Commercial Forest Trees of Oregon.*

Description

Converting site index to cubic feet/acre/year expresses productivity as a volume of wood fiber produced. For map units that are predominantly one soil type, it is straightforward to use the tables in Technical Note No. 2 to look up the cubic feet/acre/year that a soil could potentially produce based on the site index in the State Soils Database. Calculating a volume rating for a complex is more problematic. The NRCS reports site index data for each component of a soil complex but does not calculate a composite volume for the entire complex. A complex is a soil map unit which has two or more kinds of soil in such an intricate pattern or so small in area that the soils cannot be delineated separately at the scale of mapping.

The methodology used in this table to calculate forest productivity volume ratings for soil complexes involves applying a weighted average to each component of the complex and then normalizing to base it on 100% excluding the inclusions. The following example illustrates this calculation for a soil complex which has a site index for only one of the two components.

43 C <i>Dixonville-Philomath-Hazelair complex 3-12%</i>					
Component	Actual %	Normalized %*	Site Index	CuFt/Ac/Yr	Normalized % x Cu.F.t/Ac./Year
Dixonville	30%	35%	109	152	54
Philomath	30%	35%	-	-	-
Hazelair	25%	29%			
Total	85%	100%			54

$$* \text{ Normalized \%} = \frac{\% \text{ of Individual Component}}{100 - (\% \text{ Inclusions} + \% \text{ Urban Land})}$$

Agricultural Capability Class**Data Source**

USDA-Natural Resources Conservation Service, August 1997 printout from the National Soils Information System (NASIS). *Soils Database for Lane County, Land Capability and Yields Per Acre of Crops and Pasture* table.

Description

Land capability class, often called agricultural capability class, generally shows the suitability of soils for most kinds of field crops. The Soil Survey describes capability class: "The soils are grouped according to their limitations for field crops, the risk of damage if they are used for field crops, and the way they respond to management." There are eight capability classes, I through VIII (sometimes written as 1 through 8), indicating progressively greater limitations for use as cropland. The land capability classification is discussed in USDA Agriculture Handbook No. 210, issued September 1961 and reprinted January 1973.

The NRCS reports both irrigated and non-irrigated capability classes. In Lane County, because of adequate rainfall, the ratings are the same for irrigated and non-irrigated except for all but two map units (28C, Chehulpum silt loam, 3-12%, and 125D, Steiwer loam, 3-12%). This table lists the non-irrigated capability class. For soil complexes, this table lists only the capability class of the most predominant soil in the complex (which is the first soil in the name of the map unit).

High Value Soils**Data Source**

Land Conservation and Development Commission, adopted February 18, 1994. *Oregon Administrative Rules, Chapter 660, Division 33* (OAR 660-33).

Description

The Agricultural Land Rule (OAR 660-33) defines "high value farmland" as land in a tract composed predominantly of soils that are prime, unique, Class I or II, and other soils as specified in the rule. These other soils include the wet clay soils on valley terraces that are generally used for grass seed production, and moderately sloping soils on low foothills.

NRCS is the agency responsible for classifying soils as prime, unique, or land capability class I through VIII (1 through 8). The names 'prime' and 'unique' are what they imply. Prime soils are the best soils from a national perspective—easy to farm, suitable for a wide variety of crops, producing the highest yields. NRCS designates unique soils in conjunction with the state and county so as to recognize soils suited for growing a specialty crop of state or local importance, e.g., the soils on the southern Oregon coast used for growing cranberries and the organic soils in the Willamette Valley used for growing onions. Lane County has not requested the designation of any unique soils. Class I and II are land capability classes—the soils in them have the fewest limitations for crop growth. Refer to the description of Agricultural Capability Class (immediately above) for more information.

Note: The Soil Conservation Service and Natural Resources Conservation Service are the same USDA agency. A name change to Natural Resources Conservation Service was approved in 1994.

CITY OF SPRINGFIELD

OFFICE OF THE MAYOR AND CITY COUNCIL



225 FIFTH STREET
SPRINGFIELD, OR 97477
541.726.3700
FAX 541.726.2363
www.springfield-or.gov

January 6, 2015

Honorable Faye Stewart
Lane County Commissioner
125 E. Eighth Avenue
Eugene, OR 97401

Dear Commissioner Stewart:

Thank you for the suggestion that Springfield explore the possibility of including the Goshen area in its upcoming urban growth boundary expansion. I recognize that you and the other County Commissioners have worked hard to position Goshen as a place that can provide economic growth that will benefit the entire Lane County area. However, after consulting with the Council and with staff, I believe that it would not be in the City of Springfield's best interest to include a detailed analysis of Goshen as part of its upcoming UGB expansion.

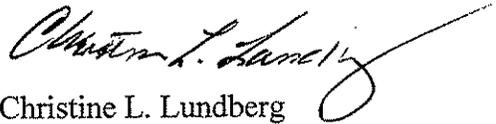
Springfield has been pursuing its potential UGB expansion for eight years and is now nearing the point of action. Throughout this process we have worked with stake holders, constituents and opponents. As we monitor the many other jurisdictions that have tried and failed to successfully navigate the approval process through DLCD and subsequent legal appeals, we have adjusted our approach and are now at a point where prompt action is important to provide adequate opportunities to meet the near term employment needs of our community. Including Goshen as a study area for our UGB expansion will cause additional delay and introduce more risk to an already challenging process.

As you know, a substantial portion of the Goshen area is west of Interstate 5. I-5 has always served as a significant border between the Cities of Eugene and Springfield in terms of regional land use planning. The recent regional planning involving HB 3337 and the recent changes to Chapter IV of the *Metro Plan* use I-5 as a point of reference for the jurisdictional responsibilities of Springfield and Eugene. As a result, asking Springfield to look at Goshen as a potential UGB expansion might be seen as contrary to some of the underlying principles of that recent regional work.

UGB expansions are tightly constrained by state laws and regulations. Goshen is not adjacent to Springfield's UGB. Consequently, the requirement for Cities to look at land adjacent to the current UGB for potential UGB expansions might require that other land located between the current UGB and Goshen should also be studied and evaluated. The City of Springfield is already analyzing the nearby College View area as a potential UGB expansion area, but a look to Goshen would most likely also require detailed analysis of other lands such as the area north of Goshen which, it is my understanding, is already being considered by Eugene in their potential UGB expansion.

I appreciate your efforts to think of solutions where our jurisdictions can work together to benefit our citizens, but for the reasons set out above, I am unable to support including Goshen as a study area for Springfield's upcoming UGB expansion. Accordingly, I have asked the City Manager to direct staff to take no further action with respect to including Goshen within the Springfield UGB. Should future events dictate a different course of action, I will consult with you and the Board.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Christine L. Lundberg". The signature is written in black ink and is positioned above the printed name.

Christine L. Lundberg
Mayor

From: [Mary Bridget Smith](#)
To: [PAULY Linda](#)
Subject: Millrace Ownership Information for UGB Packet
Date: Friday, October 21, 2016 4:05:52 PM
Attachments: [doc02002720161021150617.pdf](#)

Linda,

The information in this email is in response to Paul Dixon’s question about whether the City owned property in the proposed Millrace Expansion Area.

The proposed Millrace expansion area includes parcels that would be zoned and designated Urban Holding Area which could be developed in the future. The remaining parcels are zoned Parks and Open Space and will not be commercially developed. The following table is a list of the Map & Tax Lot number and the corresponding owner for properties in the proposed Urban Holding Area. Two of the parcels in this area are owned by the Springfield Utility Board (SUB) and the remaining parcels are owned by private citizens, but none of the parcels are owned by the City of Springfield. SUB is a separate entity from the City with its own elected Board Members. However, it was created through the City of Springfield Charter and as a result, real property conveyances are listed as, “City of Springfield, acting by and through the Springfield Utility Board” even though the property is owned by SUB alone. To compound the confusion, reports on the area’s Regional Land Informational Database (RLID) abbreviate the owner to City of Springfield making it necessary to check the actual deed to determine the actual owner. The deed for the SUB parcels are attached to this email.

Map & Tax lot	Owner
18-03-01-00-03700	Springfield Utility Board
18-03-01-00-00502	Springfield Utility Board
18-03-01-00-00501	Johnson Family Trust
18-03-01-00-01900	Curtis and Linda Jones
18-03-01-00-02000	Robert and Lisa Jackson
18-03-01-00-01199	Boverlita de Jesus Reynolds
18-03-01-00-01400	Boverlita de Jesus Reynolds
18-03-01-00-01500	Saul Living Trust
18-03-01-00-01600	Saul Living Trust
18-03-01-00-01701	David Bales
18-03-01-00-01702	David Bales
18-03-01-00-01700	Stephanie Songchild
18-03-01-00-01801	Lawrence and Virginia Schmidt
18-03-01-00-02100	Richard and Rita Proulx

Please share this information in the upcoming packet.

Thank you,

Mary Bridget Smith

Leahy, VanVactor, Cox & Melendy, LLP; 188 W. B St. Bldg. N, Springfield, OR, 97477; Ph: (541)746-9621;
mbs@emeraldslaw.com; emeraldslaw.com

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RETURN TO:
EVERGREEN LAND TITLE CO.
 1651 CENTENNIAL BLVD
 SPRINGFIELD, OR 97477 *EU-13-8427*

Knife River Corporation – Northwest, **Grantor**
 32260 Old Highway 34
 Tangent, Oregon 97389

Springfield Utility Board, **Grantee**
 250 "A" Street
 P. O. Box 300
 Springfield, OR 97477

Lane County Clerk Lane County Deeds & Records	2014-007614 03/05/2014 10:00:37 AM
RPR-DEED Cnt=1 Stn=3 CASHIER 11 8pages \$40.00 \$11.00 \$10.00 \$21.00	\$82.00

Until a change is requested, all
 tax statements shall be sent to the
 following address:

Springfield Utility Board
 250 "A" Street
 P. O. Box 300
 Springfield, OR 97477

After recording, return to:

Springfield Utility Board
 250 "A" Street
 P. O. Box 300
 Springfield, OR 97477

SPECIAL WARRANTY DEED—STATUTORY FORM

Knife River Corporation – Northwest, an Oregon corporation, Grantor, conveys and specially warrants to City of Springfield, acting by and through the Springfield Utility Board, Grantee, the real property described in Exhibit A, attached hereto and by reference incorporated herein ("**Property**"), free of encumbrances created or suffered by Grantor, except as specifically set forth in Schedule 1, attached hereto and by reference incorporated herein, together with the access rights set forth in that certain Declaration Regarding Access Easement which was recorded on January 22, 2014, at Reception No. 2014-002127 in the Lane County, Oregon, records, together with a First Amendment to Declaration Regarding Access Easement, granting the owners of Tax Lots 3700 and 502 emergency access for fire and life safety vehicles and equipment to South F Street and recorded February 18, 2014 at Reception No. 2014-005538. Additionally, Grantor assigns to Grantee, without representation or warranty of any kind, Grantor's rights under (1) that certain Grant of Easement (Monitoring Wells) which was recorded on October 10, 2013, at Reception No. 2013-054093, in the Lane County, Oregon, records, and (2) that certain Grant of Easement (Monitoring Wells) which was recorded on February 10, 2014, at Reception No. 2014-004604, in the Lane County, Oregon, records (collectively, the "**Grants of Easement**"), which Grants of Easement Grantee hereby assumes and agrees to perform. Grantee shall defend, indemnify and hold Grantor harmless with respect to any obligations under the Grants of Easement.

Restrictive Covenant

Grantor operates a quarry on the land adjacent to the Property ("**Quarry Property**"). The Quarry Property is described in Exhibit B. Grantee agrees that it is purchasing the Property

knowing of the existence and operation of the quarry on the Quarry Property and hereby knowingly and voluntarily, on its own behalf and on behalf of its successors and assigns and their respective lessees, mortgages, invitees, guests, customers, agents, employees and other users agrees as follows:

1. Grantee's Property may be subjected to conditions resulting from sand, gravel and aggregate extraction and processing activities that occur on the Quarry Property. Sand, gravel and aggregate extraction and processing activities include, but are not limited to, extraction, crushing, washing, milling, screening, overburden removal, road construction and maintenance, sorting, stock piling, batching and blending mineral and aggregate into asphalt and concrete, transportation, geophysical testing, drilling, blasting and other uses. These sand, gravel and aggregate extraction and processing activities ordinarily and necessarily produce noise, dust, traffic, ground vibrations, and other conditions, which will be controlled within the requirements of local, state and federal laws and regulations, by Grantor and its successors and assigns. Accordingly, Grantee hereby waives any and all rights that Grantee may have to object to the sand, gravel and aggregate extraction and processing activities conducted on the Quarry Property

2. If a legal proceeding is undertaken to enforce any part of this Restrictive Covenant, the prevailing party shall be entitled to its reasonable costs, including, without limitation, costs arising out of delayed sand, gravel and aggregate extraction, processing and sale, and attorney fees before trial, at trial, and on appeal.

3. Grantee further agrees that the Property shall never be used by Grantee or its lessees, licensees or successors or assigns for mining of any kind, including, but not limited to, for the mining of sand, gravel, rock, or minerals, or any commercial sale of materials excavated on the Property, and Grantor shall have the right to enjoin such activities if this covenant is violated. In the event of any legal action to enforce any of the restrictions set forth herein, the prevailing party in such action shall be entitled to recover its reasonable attorney fees and costs incurred in the trial court and in any appeal therefrom. The term "action" shall be deemed to include an arbitration and any action commenced in the bankruptcy courts of the United States and any other court of general or limited jurisdiction. The reference to "costs" includes, but is not limited to, deposition costs (discovery and otherwise), witness fees (expert and otherwise), out-of-pocket costs, title search and report expenses, survey costs, surety bonds and any other reasonable expenses.

4. Grantor and Grantee agree that this Restrictive Covenant and all covenants contained herein touch and concern the land, run with the land and bind and benefit the affected property, including any division or partition thereof, and shall be in perpetuity. Grantor and Grantee agree that this Restrictive Covenant and the covenants herein shall be binding upon their transferees, successors, heirs, representatives and assigns.

5. Grantor and Grantee agree that this Restrictive Covenant only binds Grantee as owner of the Property and does not restrict Grantee as to any other property that Grantee may own that is not described in this Deed and does not limit or impair Grantee's powers or rights as a governmental or quasi-governmental body to process, adjudicate or make decisions

concerning matters presented to it for review, approval or adjudication regarding the sand, gravel and aggregate extraction and processing activities that occur on the Quarry property. Furthermore, this Restrictive Covenant does not restrict Grantee from raising an objection to the Quarry operations based on any violation of any federal, state or local laws and regulations or violation of any permits or governmental orders.

Consideration

The true consideration for this conveyance is One Million Five Hundred Thousand and No/100 Dollars (\$1,500,000).

Land Use Notice

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO

**[THE BALANCE OF THIS PAGE HAS INTENTIONALLY
BEEN LEFT BLANK; SIGNATURE PAGE FOLLOWS]**

EXHIBIT A

[LEGAL DESCRIPTION]

Tax Lot 502

Beginning at a point being North 0° 01' West 10.00 feet from a brass cap marking the Southwest corner of the East one-half of the Isaac Briggs Donation Land Claim No. 39, in Township 18 South, Range 3 West of the Willamette Meridian; thence North 0° 01' West 1919 feet, more or less, to the South bank of the Mill Race; thence Southeasterly following along the Southerly bank of said Mill Race 760 feet, more or less, to a point which bears North 0° 01' West 1390 feet, more or less, and South 89° 23' 36" East 535 from the point of beginning; thence leaving said South bank South 0° 01' East 1390 feet, more or less, to a point which bears South 89° 23' 36" East 535.00 feet from the point of beginning; thence North 89° 23' 36" West 535.00 feet to the point of beginning, in Lane County, Oregon.

Tax Lot 701

An area of land in the Northeast quarter and the Northwest quarter of Section 1, Township 18 South, Range 3 West, Willamette Meridian, City of Springfield, Lane County, Oregon, area also being identified as Tax Lot 701 on Lane County Assessor's Map 18030100, being more particularly described as follows:

Beginning at a 5/8" iron rod marking the Southeast corner of said Tax Lot 701 as set on Lane County Survey File No. 27718; thence North 89°43'46" West 1127.12 feet to a 5/8" iron rod; thence North 2°14'14" 406.85 feet to a 5/8" iron rod set on the City of Springfield Mill Race also known as the Booth-Kelly Ditch; thence along the top bank of said mill race the following seven line calls; thence North 70°50'04" East 65.59 feet; thence North 57°36'21" East 223.64 feet; thence North 77°35'18" East 252.23 feet; thence South 72°48'34" East 164.27 feet; thence South 89°30'33" East 133.55 feet; thence North 86°29'44" East 229.11 feet; thence South 62°41'34" East 107.29 feet to a 5/8" iron rod on mill race top of bank; thence South 0°02'34" West 522.52 feet to the point of beginning.

Tax Lot 3700

Beginning at the Southerly Southwest corner of the Isaac Briggs Donation Land Claim No. 39, in Section 1, Township 18 South, Range 3 West of the Willamette Meridian; thence South 89° 30' 49" East 1228.36 feet along the South boundary of Isaac Briggs Donation Land Claim No. 39 to the Southeast corner of the West one-half of said claim; thence North 00° 02' 27" East 1436.80 feet along the East line of the West one-half of said claim to a point; thence North 89° 43' 48" West 1126.95 feet to a point; thence South 00° 48' 42" West 470 feet to a point; thence North 88° 16' 18" West 68.42 feet to a point; thence South 00° 21' 12" West 396.35 feet to a point; thence South 87° 13' 42" West 21.00 feet to a point; thence South 00° 24' 47" West 566.44 feet to the point of beginning, in Lane County, Oregon.

Together with an Easement for ingress and egress for Tax Lot 701 and Emergency Access by Fire and Life Safety Vehicles to Tax Lots 502 and 3700 as contained in; Declaration Regarding Access Easement including terms and provisions thereof, by instrument Recorded January 22, 2014, Reception No. 2014-002127, as amended by First Amendment to Declaration Regarding Access Easement Recorded February 18, 2014 Reception No. 2014-005538, Lane County Oregon Records.

Exhibit A to SPECIAL WARRANTY DEED — STATUTORY FORM

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EXHIBIT B

(Description of Quarry Property)

Property described in that certain Statutory Bargain and Sale Deed dated August 31, 2001, and recorded September 4, 2001, under Reception Number 2001-057607 Records of Lane County, Oregon

EXCLUDING THEREFROM the real property described in Exhibit A above.

SCHEDULE 1

[ENCUMBRANCES]

The Assessment Roll and the Tax Roll disclose that the premises herein described have been specially assessed as Farm Use Land. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied and in addition thereto a penalty may be levied if notice or disqualification is not timely given.

"This report (policy) does not include any search for financing statements or agricultural services, liens which are filed with the Secretary of State and any matters which would be disclosed, thereby are expressly omitted from coverage herein."

NOTE: Postponed in 2001 for a total potential tax of \$9,576.06.

Rights of the public and of governmental bodies in and to that portion of that portion of the premises herein described lying below the high water mark of Mill Race and the ownership of the State of Oregon in and to that portion lying below the high water mark thereof.

Any adverse claim based upon the assertion that the location of Mill Race has moved and that any portion of the subject property has been created by artificial means or has accreted to such portions so created, or based on the provisions of ORS 274.905 through 274.940.

Rights of the public in any portion of said premises lying within the limits of streets, roads and highways.

Easement for Power Line, granted to Mountain States Power Company, including the terms and provisions thereof, by instrument Recorded October 3, 1947, Book 357, Page 585, Reception No. 50133, Lane County Oregon Records.

Easement Agreement, including the terms and provisions thereof, between Georgia-Pacific Corporation, and Pacific Power & Light Company, by instrument Recorded March 30, 1965, Reception Nos. 97391, Lane County Oregon Records.

Easement, including the terms and provisions thereof, by instrument Recorded August 24, 1989, Reception No. 89-37796, Lane County Oregon Records.

Said Easement was modified by Quitclaim Deed Recorded February 18, 2014, Reception No. 2014-005543, Lane County Oregon Records.

Terms and Provisions as contained in Appurtenant Waiver of Right to Object Recorded August 16, 2006, Reception No. 2006-059048, Lane County Oregon Records.

Terms and Provisions as contained in Appurtenant Waiver of Right to Object Recorded October 24, 2006, Reception No. 2006-076996, Lane County Oregon Records.

Restrictive Covenant, including the terms and provisions thereof, by instrument Recorded August 20, 2007, Reception No. 2007-058426, Lane County Oregon Records.

Improvement Agreement including Notice of Potential Assessment Lien, including the terms and provisions thereof, between the City of Springfield and Knife River Corporation - Northwest, aka Morse Bros. dba Knife River an MDU Resources Company, by instrument Recorded April 22, 2010, Reception No. 2010-019152, Lane County Oregon Records.

Grant of Easement (Monitoring Walls), by and between Boverlita de Jesus Reynolds and Knife River Corporation - Northwest an Oregon Corporation, including the terms and provisions thereof, by instrument Recorded October 10, 2013, Reception No. 2013-054093, Lane County Oregon Records.

Schedule 1 to SPECIAL WARRANTY DEED — STATUTORY FORM

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Declaration Regarding Access Easement, including terms and provisions thereof, by instrument Recorded January 22, 2014, Reception No. 2014-002127, an amended by First Amendment to Declaration Regarding Access Easement Recorded February 18, 2014, Reception No. 2014-005538, Lane County Oregon Records.

Grant of Easement (Monitoring Walls), by and between Wesley T. Johnson and Barbara E. Johnson and Knife River Corporation - Northwest an Oregon Corporation, including the terms and provisions thereof, by instrument Recorded February 10, 2014, Reception No. 2014-004604, Lane County Oregon Records

Easement for ingress and egress, including the terms and provisions thereof, by instrument Recorded February 18, 2014, Reception No. 2014-005541, Lane County Oregon Records. (Affects Tax Lots 502 and 3700 only).

CITY OF SPRINGFIELD, OREGON
ORDINANCE NO. _____(GENERAL)

AN ORDINANCE AMENDING THE SPRINGFIELD URBAN GROWTH BOUNDARY; THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN (METRO PLAN) TEXT AND DIAGRAM TO AMEND THE METRO PLAN BOUNDARY, ADOPT THE SPRINGFIELD 2030 COMPREHENSIVE PLAN (2030 PLAN) ECONOMIC AND URBANIZATION POLICY ELEMENTS AND ASSIGN PLAN DESIGNATIONS TO NEWLY URBANIZABLE LANDS; THE SPRINGFIELD ZONING MAP TO ASSIGN NEW ZONING; THE SPRINGFIELD DEVELOPMENT CODE TO ADD SECTIONS 3.2-915 – 3.2-930 ESTABLISHING THE AGRICULTURE-URBAN HOLDING AREA LAND USE ZONING DISTRICT (AG); ADOPTING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Springfield and Lane County adopted a coordinated population forecast (City of Springfield Ordinance No. 6248 on October 19, 2009; Lane County Ordinance No. PA-1261 on October 28, 2009) that estimated the City of Springfield’s population including the Metro Urban Area East of Interstate 5 to be 81,608 in 2030; and

WHEREAS, the City of Springfield and Lane County adopted a separate Springfield Urban Growth Boundary (City of Springfield Ordinance No. 6268 on June 20, 2011; Lane County Ordinance PA-096018 on July 6, 2011); and

WHEREAS, the City of Springfield and Lane County adopted an amendment to the Metro Plan Diagram to reflect a new Metro Plan Boundary that is coterminous with the City of Springfield Urban Growth Boundary east of Interstate 5 (City of Springfield Ordinance No. 6288 on March 18, 2013; Lane County Ordinance No. PA-1281 on June 4, 2013); and

WHEREAS, the City of Springfield, Lane County and the City of Eugene adopted amendments to the *Metro Plan* that provide a process for amending the *Metro Plan* to allow each city to determine the extent to which particular sections in the *Metro Plan* will apply to an individual City, as each jurisdiction establishes its own Urban Growth Boundary, 20-year land supply and city-specific comprehensive plan (City of Springfield Ordinance No. 6332 on December 1, 2014; Lane County Ordinance No. PA 1313 on November 12, 2014; and City of Eugene Ordinance No. 20545 on November 25, 2014); and

WHEREAS, the City of Springfield commissioned ECONorthwest to prepare the Commercial and Industrial Buildable Lands Inventory and Economic Opportunities Analysis outlining Springfield’s employment needs for the next 20-year planning period ending in 2030, attached as Exhibit B-2; and

WHEREAS, the Springfield Commercial and Industrial Buildable Lands Inventory, Economic Opportunities Analysis and Economic Development Objectives and Implementation Strategies determined that the City of Springfield has a deficit of industrial and commercial mixed-use employment sites larger than 5 acres and that deficit requires an expansion of the Urban

Growth Boundary of 223 suitable acres to accommodate the employment needs for the 20-year planning period ending 2030; and

WHEREAS, the acknowledged 2011 Springfield Residential Land & Housing Needs Analysis determined that Springfield had a deficit of 300 acres of public/semi-public land to meet Parks and Open Space needs for the 20-year planning period ending 2030; and

WHEREAS, timely and sufficient notice of the public hearings, pursuant to Springfield Development Code Section 5.2-115, has been provided; and

WHEREAS, the Springfield and Lane County Planning Commissions conducted joint public hearings on the Metro Plan and 2030 Plan amendments on February 17, 2010, March 16, 2010 and May 4, 2010 and forwarded recommendations to the Springfield City Council and Lane County Board of Commissioners; and

WHEREAS, the Springfield Planning Commission conducted a public hearing on December 18, 2013 and forwarded recommendations to both the Springfield City Council and Lane County Board of Commissioners on the proposed AG Land Use Zoning District; and

WHEREAS, the Springfield City Council and Lane County Board of Commissioners held joint public hearings on these amendments on September 12, 2016 and; and is now ready to take action based on the above recommendations and evidence and testimony already in the record as well as the evidence and testimony presented at the joint elected official's public hearing; and

WHEREAS, the City of Springfield provided several opportunities for public involvement including but not limited to open houses, citizen advisory committees and technical advisory committees; and

WHEREAS, substantial evidence exists within the record demonstrating that the proposal meets the requirements of the *Metro Plan*, Springfield Development Code and applicable state and local law as described in the findings attached as Exhibit F, and which are adopted in support of this Ordinance.

NOW THEREFORE, THE COMMON COUNCIL OF THE CITY OF SPRINGFIELD ORDAINS AS FOLLOWS:

Section 1. The Springfield Urban Growth Boundary is amended to satisfy Springfield's established need by adding 257 acres of suitable employment land on 273 gross acres in the North Gateway and Mill Race expansion areas, designating 53 acres of land located within the FEMA Floodway in the North Gateway expansion area as Natural Resource and also expanding the Springfield Urban Growth Boundary to include 455 acres of existing Public, Parks and Open Space Land as depicted in Exhibits A-2, C-1, and C-2 attached hereto and incorporated by this reference.

Section 2. The *Metro Plan* text and diagram are hereby amended to adopt the "Urban Holding Area- Employment" (UHA-E) Plan Designation and to assign the UHA- E plan designation to 273 of acres of land; to assign the "Public/Semi Public" plan designation to 455 acres of land; and to assign the "Natural Resource" plan designation to the 53 acres of land

located in the FEMA Floodway in the North Gateway expansion area as Natural Resource and as set out in Exhibit A-2 and D attached hereto and incorporated by this reference.

Section 3. Pursuant to Statewide Planning Goal 9, the *Metro Plan* is amended to adopt Springfield's city-specific *Springfield 2030 Comprehensive Plan Economic Element* including Economic Development Goals, Policies and Implementation Strategies as well as its Technical Supplement the *Springfield Commercial and Industrial Buildable Lands Inventory, Economic Opportunities Analysis*, which will replace the Springfield Commercial Lands Study, as set out in Exhibit B, attached hereto and incorporated by this reference.

Section 4. Pursuant to Statewide Planning Goal 14, the *Metro Plan* is amended to adopt Springfield's city-specific *Springfield 2030 Comprehensive Plan Urbanization Element* including Urbanization Goals, Policies and Implementation Strategies as set out in Exhibit C, attached hereto and incorporated here by this reference.

Section 5. The *Metro Plan* text is amended in Chapter II, Section C: Growth Management; Chapter II, Section E: Urban and Urbanizable Land; Chapter III, Section B: Economic Element reflecting that these sections no longer apply to Springfield and have been replaced by the city-specific *Springfield 2030 Comprehensive Plan Economic and Urbanization Elements*; also amended in Chapter II Section G to add the UHA-E land use designation, remove the Springfield specific reference to the Natron Special Heavy Industrial (SHI) site and change footnotes 11 and 12 to add a reference for this ordinance; also amended the Preface to correct scrivener's error in ordinance numbers and to list adopted elements of Springfield's city-specific comprehensive plan; as contained in Exhibit D attached hereto and incorporated by this reference.

Section 6. The *Metro Plan* Diagram is hereby amended to move the Metro Plan Boundary to be coterminous with the amended Springfield Urban Growth Boundary.

Section 7. The Springfield Development Code is hereby amended to adopt the "Agriculture- Urban Holding Area" (AG) Land Use Zoning District as reflected in Exhibit E attached hereto and incorporated by this reference.

Section 8. The Springfield Zoning Map is hereby amended to assign "Agriculture- Urban Holding Area" (AG) zoning to 328 acres of land and "Public Land and Open Space" (PLO) to 455 acres of land as reflected in Exhibit A-3 attached hereto and incorporated by this reference.

Section 9. The findings set forth in Exhibit F are adopted as findings in support of this Ordinance.

Section 10. The prior policies and plan designations changed by this Ordinance remain in full force and effect to authorize prosecution of persons in violation thereof prior to the effective date of this Ordinance.

Section 11. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion constitutes a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion thereof.

Section 12. The effective date of this Ordinance as provided in the Chapter IX of the Springfield Charter and Section 2.110 of the Springfield Municipal Code, is 30 days from the date of passage by the Council and approval by the Mayor or upon the date that the Lane County Board of Commissioners adopts an ordinance approving the same amendments as described in Sections 1- 9 of this Ordinance.

ADOPTED by the Common Council of the City of Springfield this ____ day of _____, _____, by a vote of _____ for and _____ against.

APPROVED by the Mayor of the City of Springfield this _____ day of _____, _____.

Mayor

ATTEST:

City Recorder

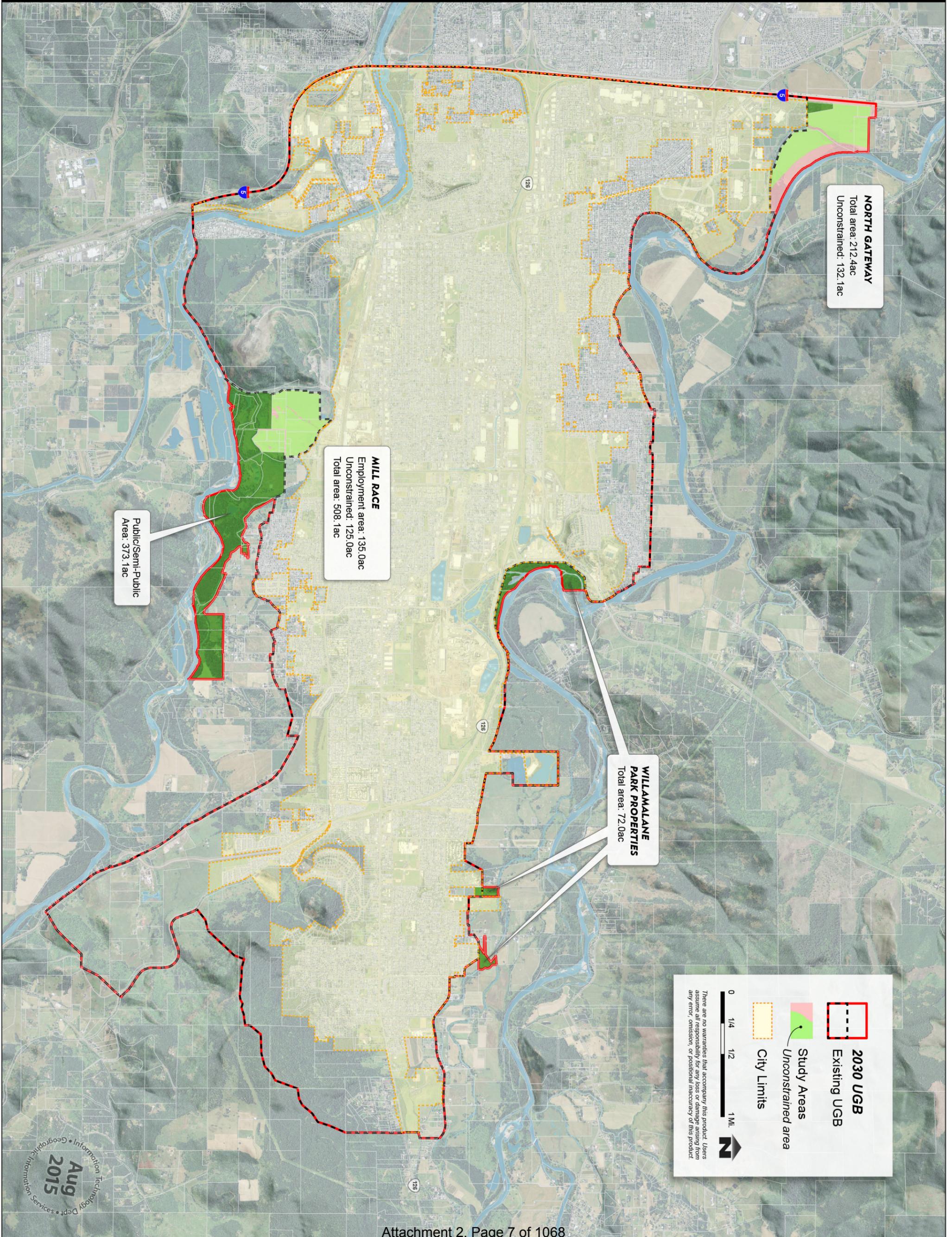
Ordinance _____, Exhibit A

**Proposed amendments to Eugene-Springfield
Metropolitan Area General Plan (Metro Plan) Diagram, Metro Plan Boundary,
Springfield Urban Growth Boundary, and Springfield Zoning Map**

The following amendments to the Metro Plan are necessary to support the Springfield 2030 Comprehensive Plan amendments:

- A-1 Proposed UGB & Metro Plan Boundary Amendment (Metro Plan Boundary to be coterminous with amended UGB)
- A-2 Proposed Metro Plan Designations
- A-3 Proposed Zoning Map Amendments
- A-4 North Gateway and Mill Race UGB Expansion Areas
- A-5 List of affected tax lots

SPRINGFIELD 2030 COMPREHENSIVE PLAN: Proposed UGB Expansion Areas



NORTH GATEWAY
 Total area: 212.4ac
 Unconstrained: 132.1ac

MILL RACE
 Employment area: 135.0ac
 Unconstrained: 125.0ac
 Total area: 508.1ac

Public/Semi-Public
 Area: 373.1ac

**WILLAMALANE
 PARK PROPERTIES**
 Total area: 72.0ac

There are no warranties that accompany this product. Users assume all responsibility for any damage or loss resulting from any error, omission, or positional inaccuracy of this product.

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2030 UGB
 Existing UGB

Study Areas
 Unconstrained area

City Limits

North Arrow

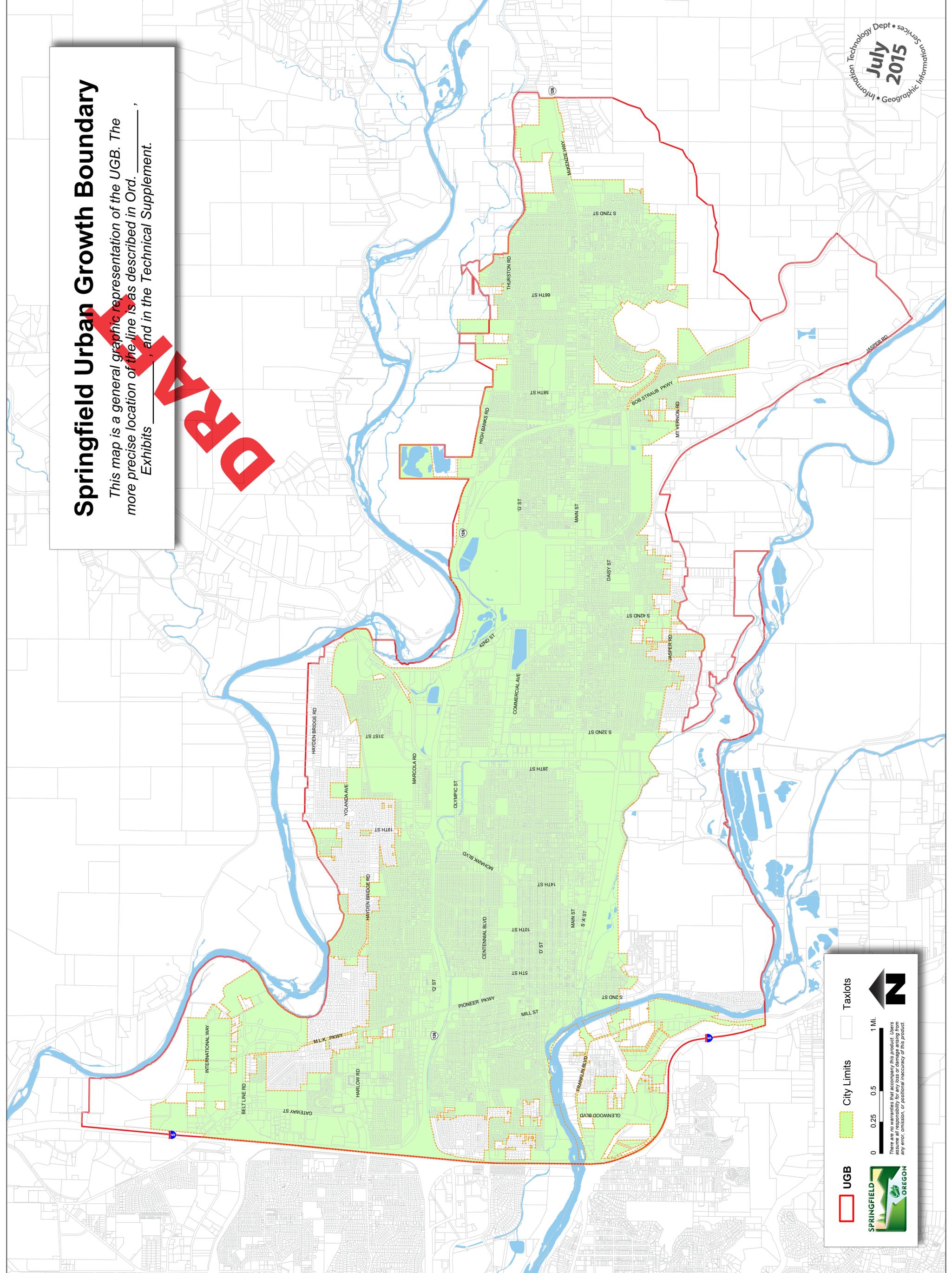


Information Technology Dept •
July 2015
Geographic Information Services

Springfield Urban Growth Boundary

This map is a general graphic representation of the UGB. The more precise location of the line is as described in Ord. _____, Exhibits _____, and in the Technical Supplement.

DRAFT

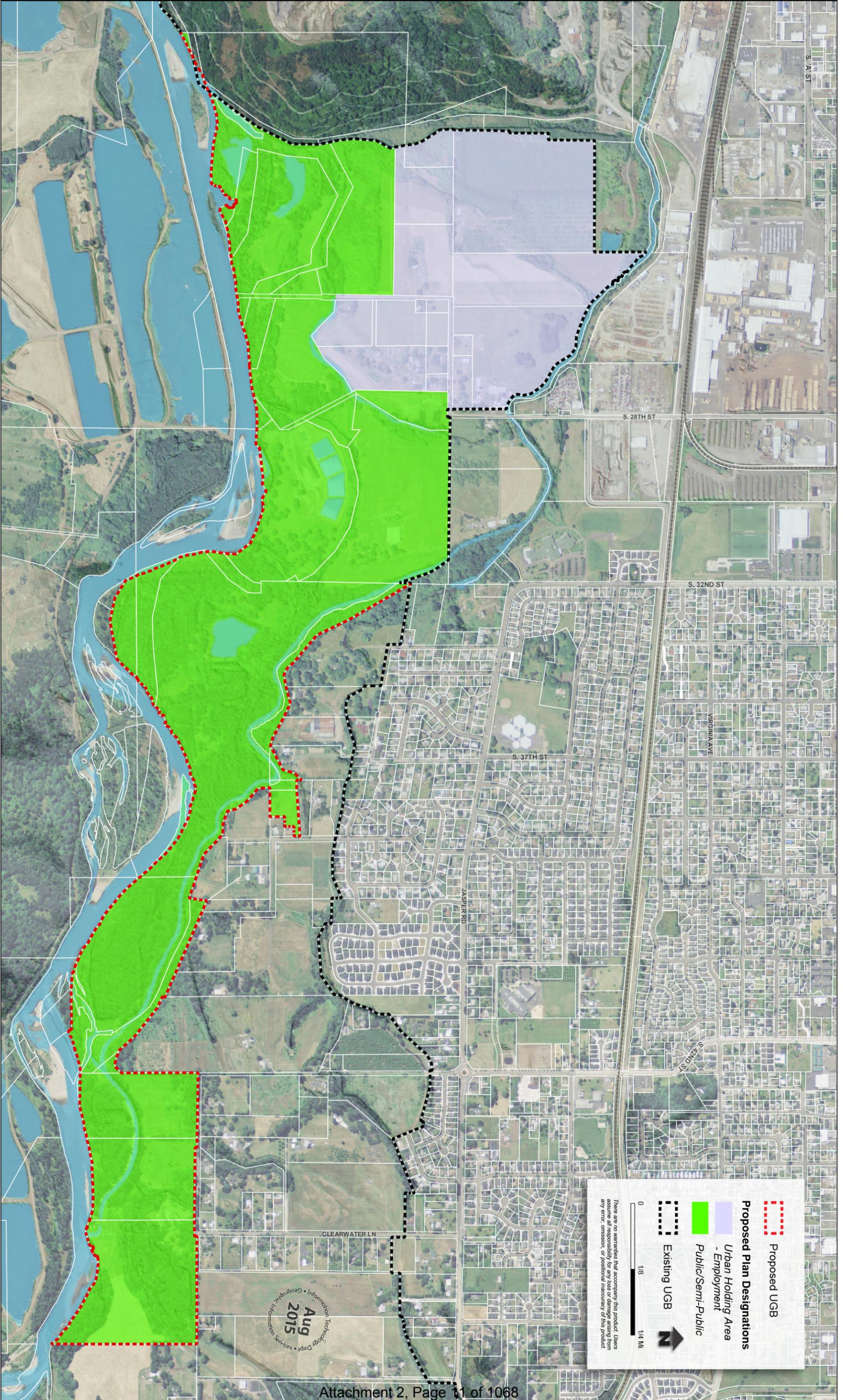


UGB **City Limits** **Taxlots**

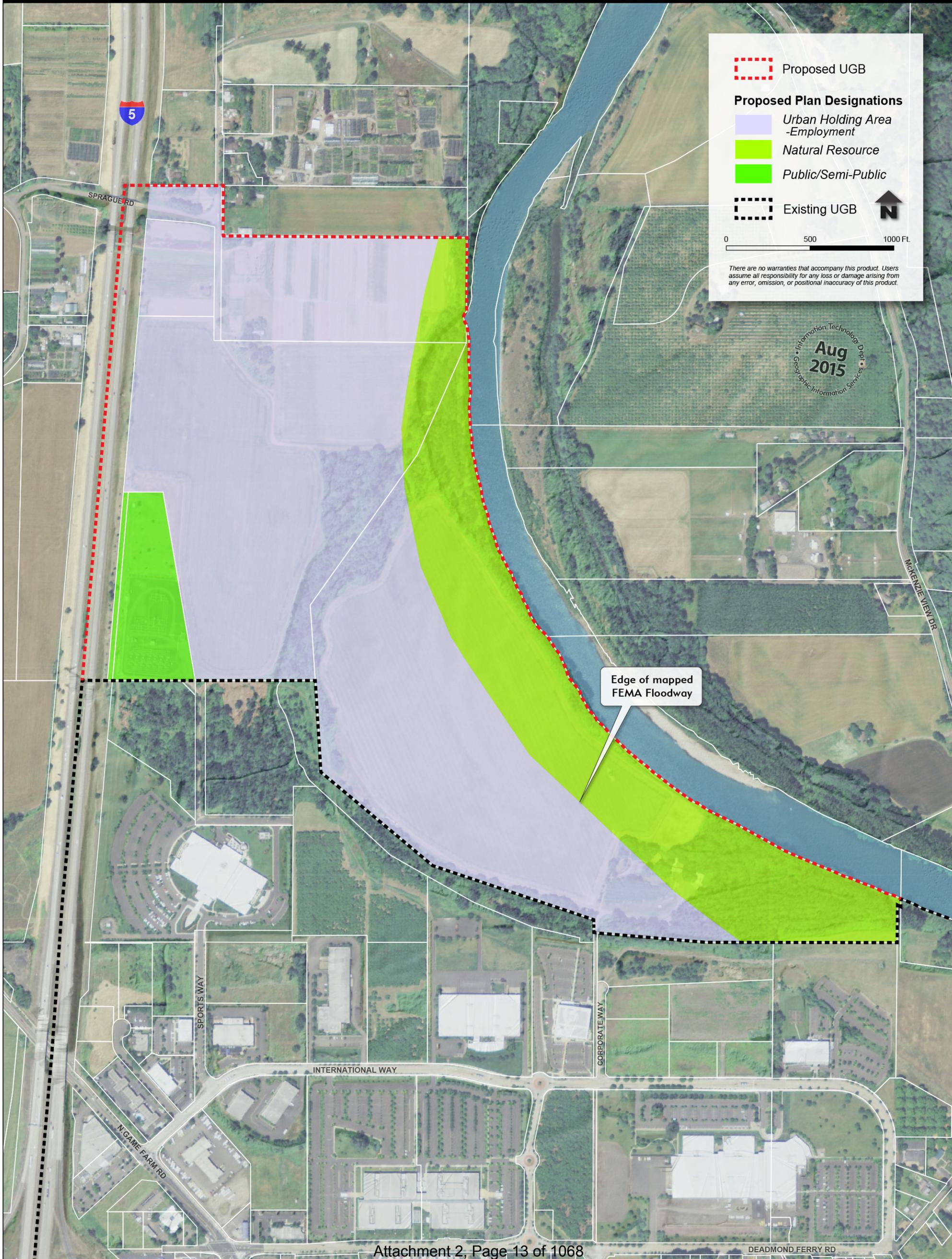
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There are no warranties that accompany this product. Users assume all responsibility for any loss or damage arising from any error, omission, or positional inaccuracy of this product.

SPRINGFIELD 2030 COMPREHENSIVE PLAN: Proposed Plan Designations - Mill Race



SPRINGFIELD 2030 COMPREHENSIVE PLAN: Proposed Plan Designations - North Gateway



Proposed UGB

Proposed Plan Designations

- Urban Holding Area - Employment
- Natural Resource
- Public/Semi-Public

Existing UGB

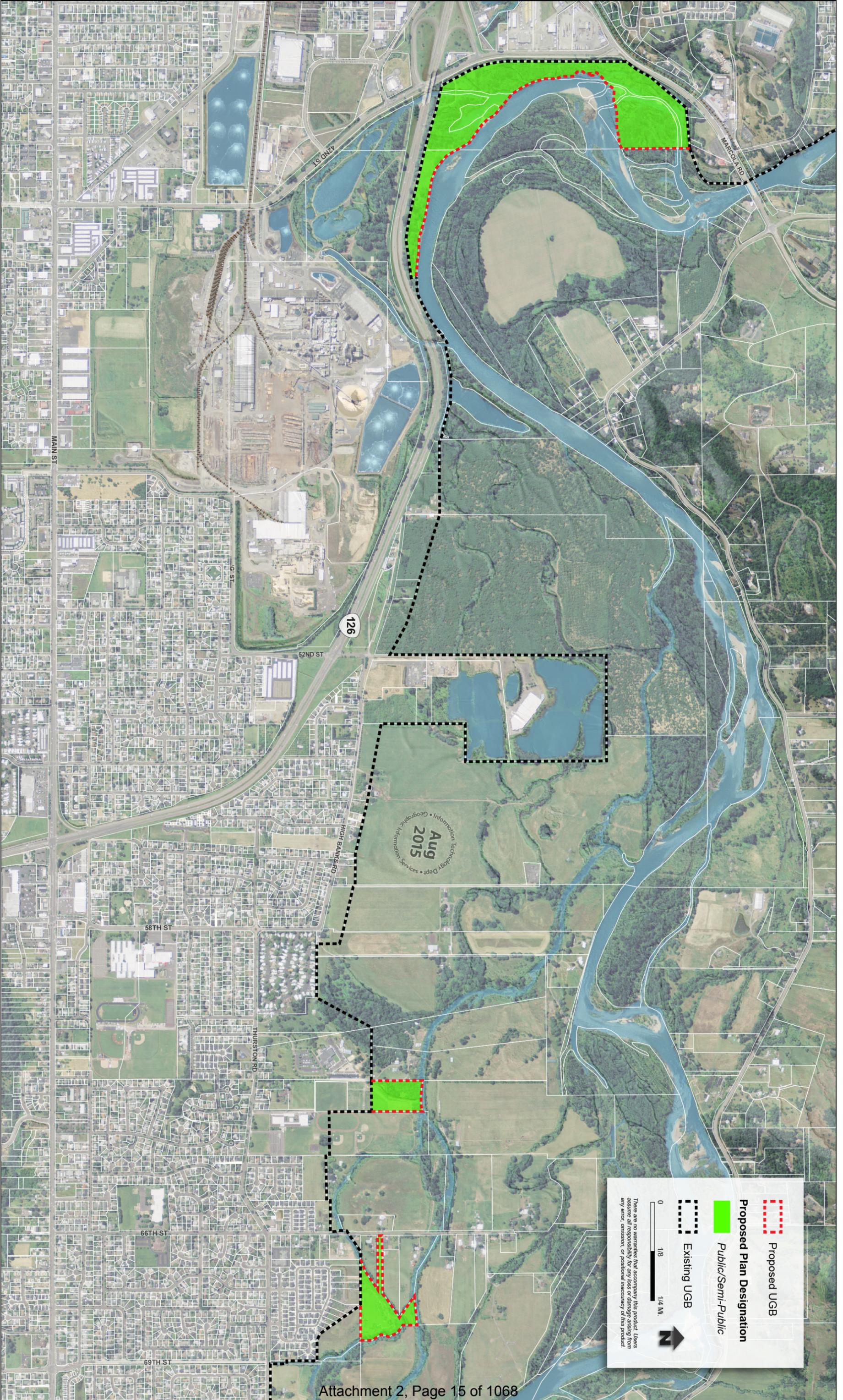
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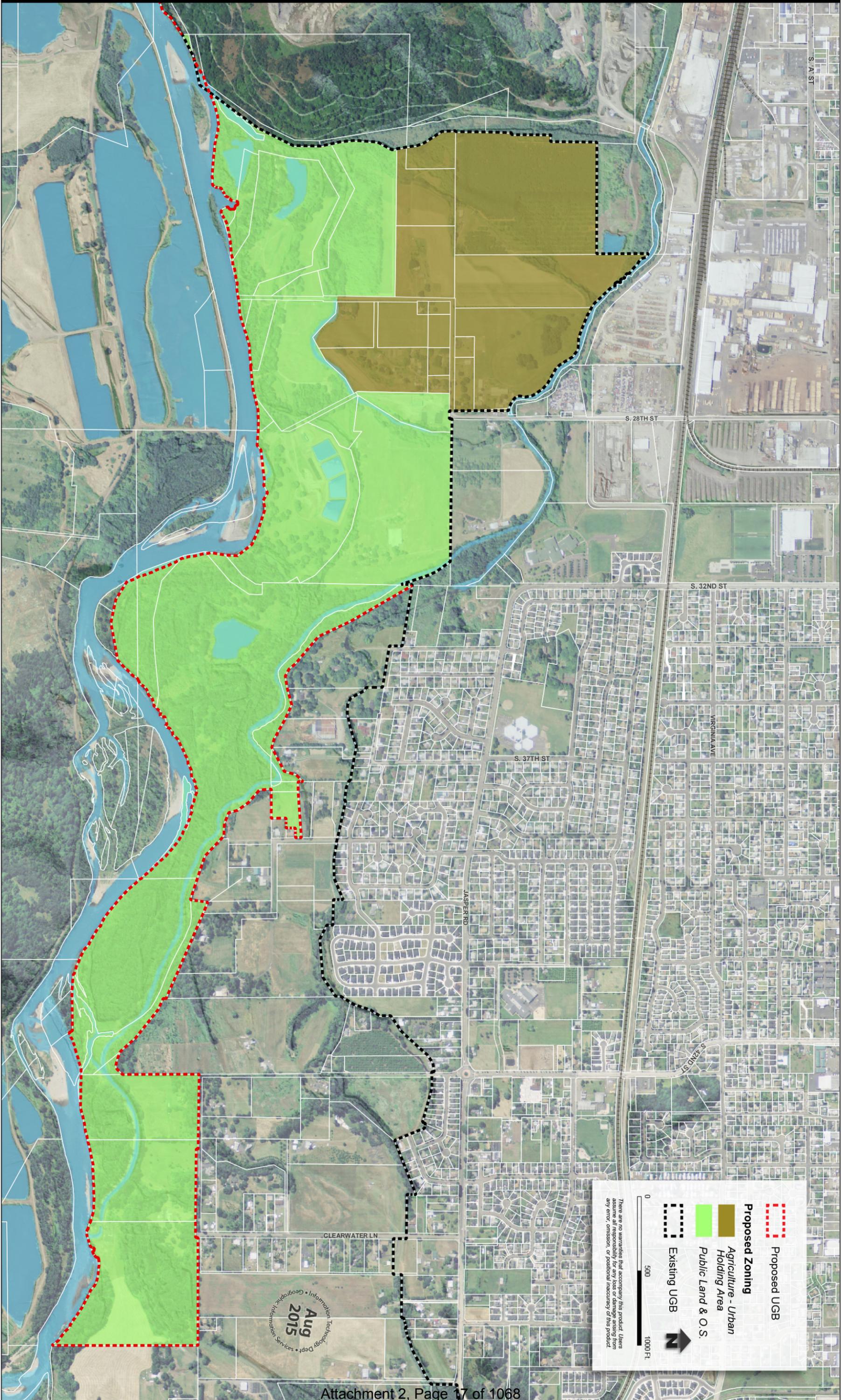
Information Technology Dept.
Aug 2015
 Geographic Information Services

Edge of mapped FEMA Floodway

SPRINGFIELD 2030 COMPREHENSIVE PLAN: Proposed Plan Designation - *Willamalane Properties*



SPRINGFIELD 2030 COMPREHENSIVE PLAN: Proposed Zoning - Mill Race



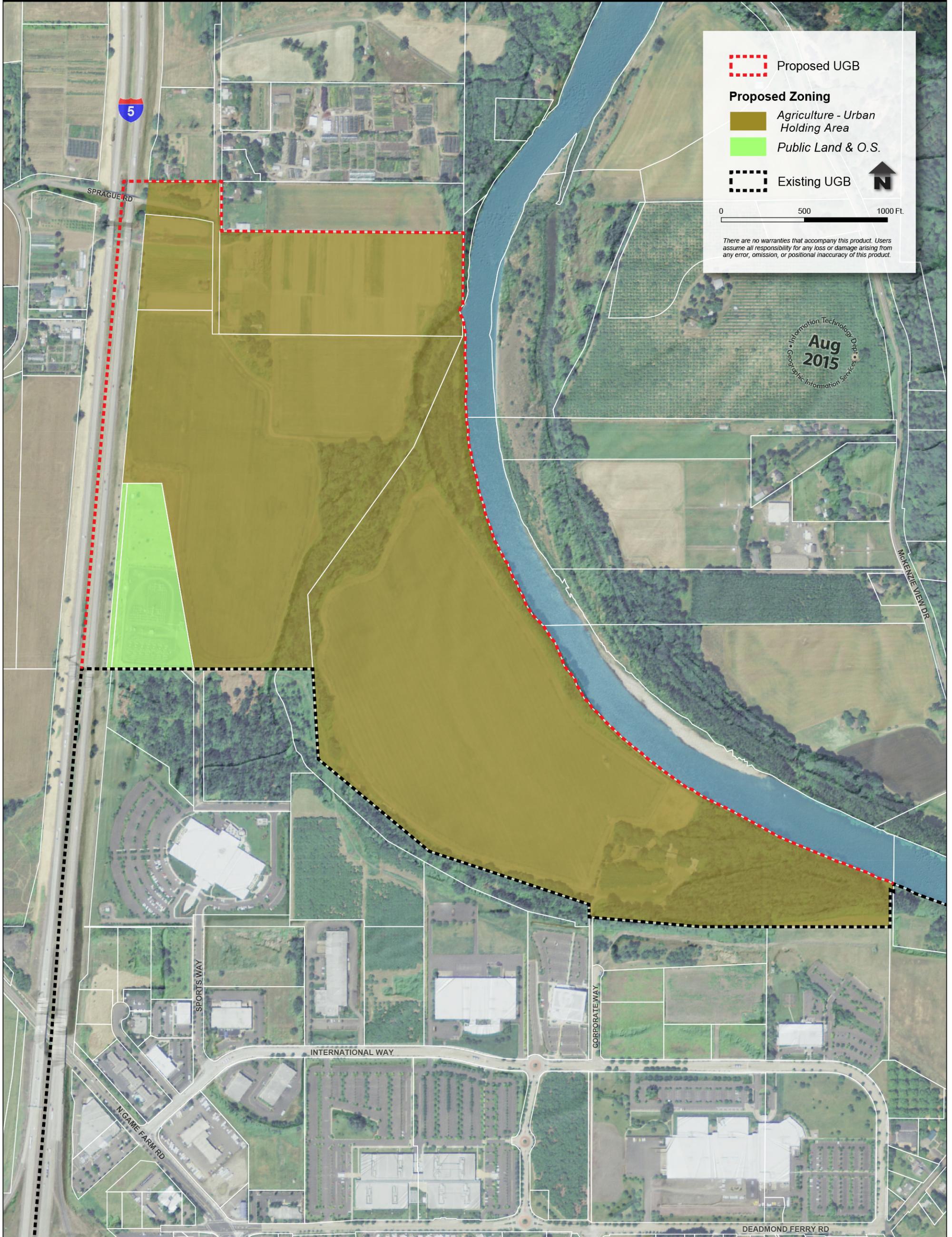
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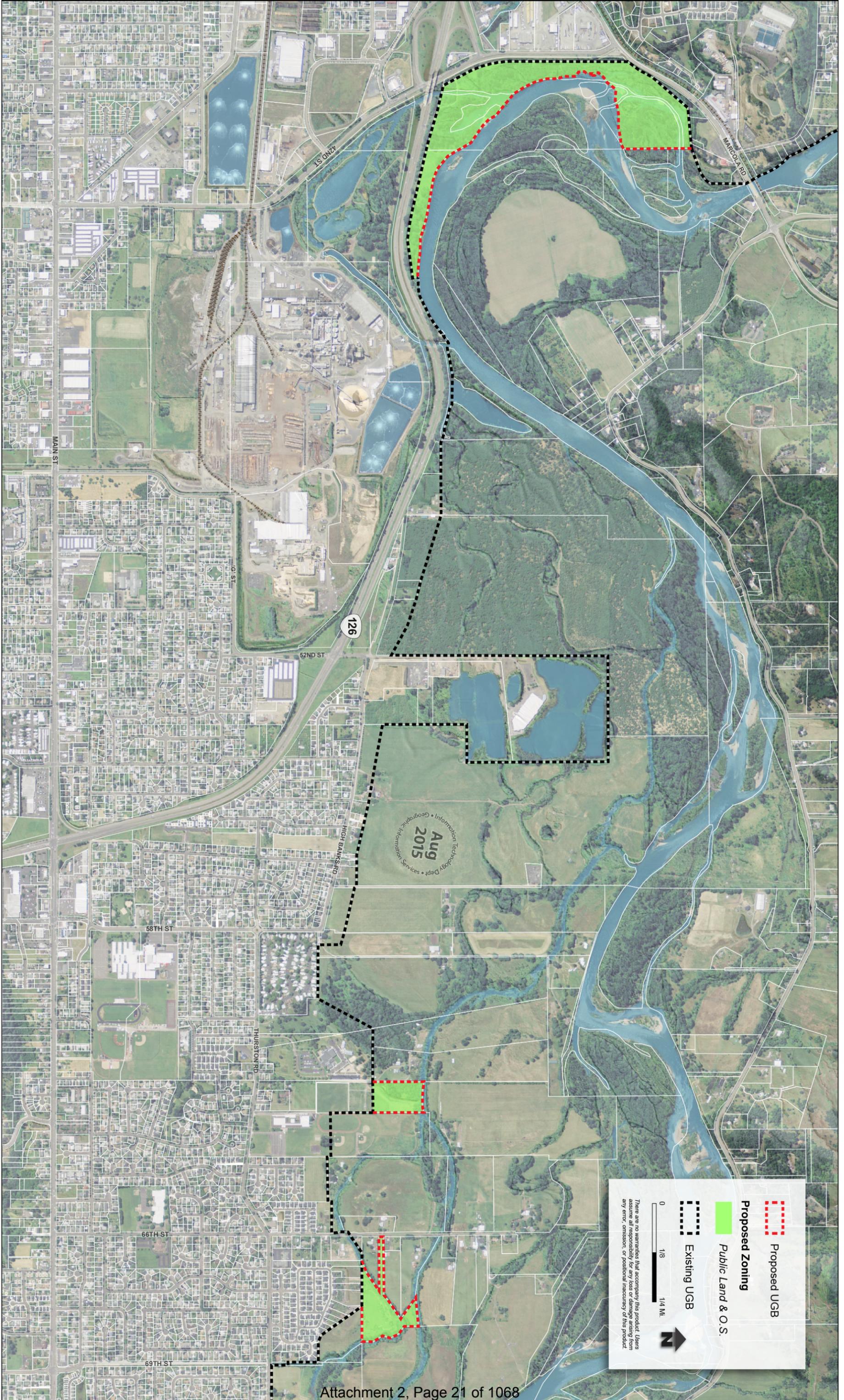
Proposed UGB
 Existing UGB
 Agriculture - Urban Holding Area
 Public Land & O.S.

Aug 2015
 Dept. of Information Technology
 Geographic Information Services

SPRINGFIELD 2030 COMPREHENSIVE PLAN: Proposed Zoning - North Gateway



SPRINGFIELD 2030 COMPREHENSIVE PLAN: Proposed Zoning - Willamalane Properties

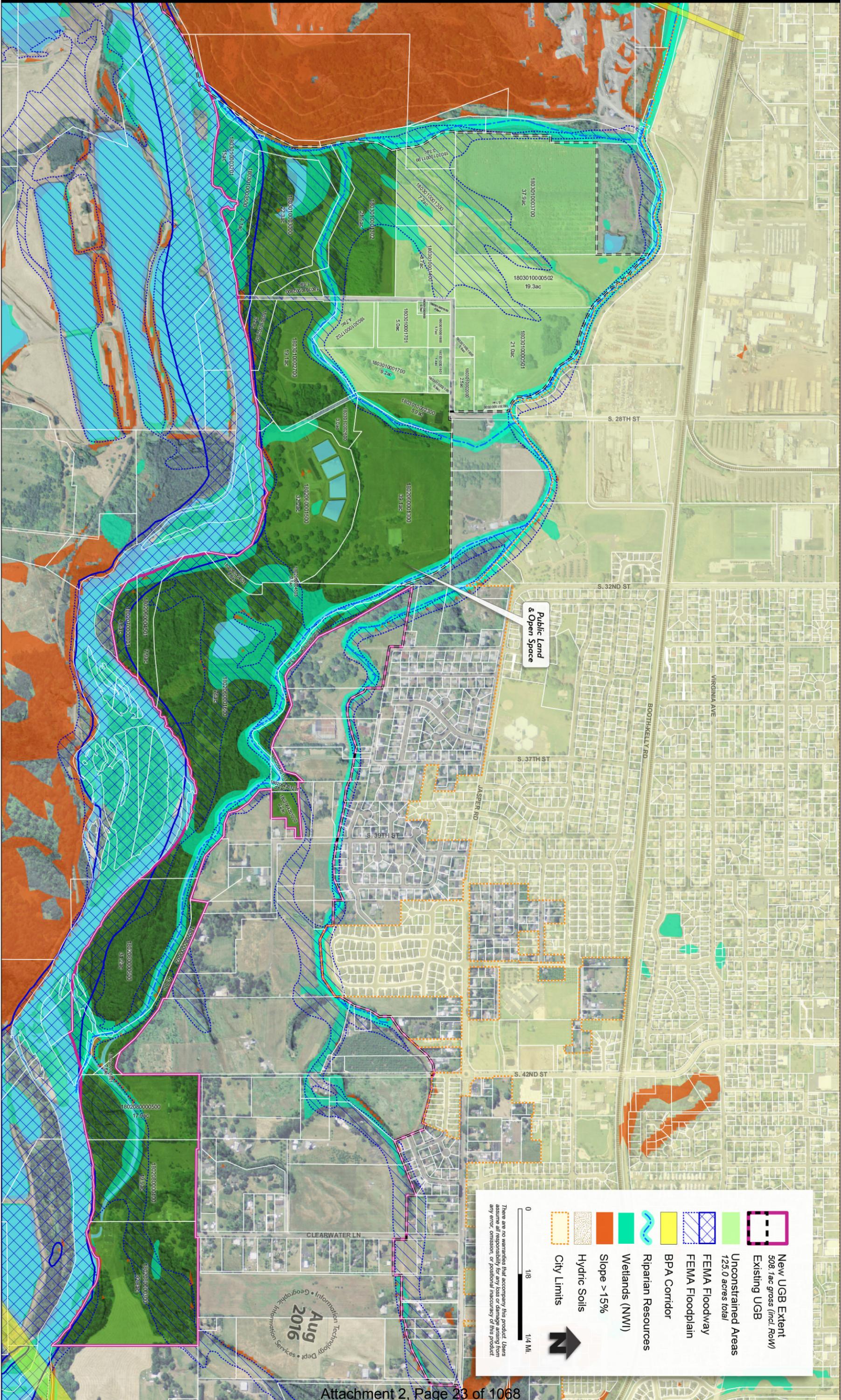


There are no warranties that accompany this product. Users assume all responsibility for any loss or damage arising from any error, omission, or positional inaccuracy of this product.

0 1/8 1/4 MI.

Proposed UGB
 Proposed Zoning
 Existing UGB

SPRINGFIELD 2030 COMPREHENSIVE PLAN: Proposed UGB Expansion Area - Mill Race



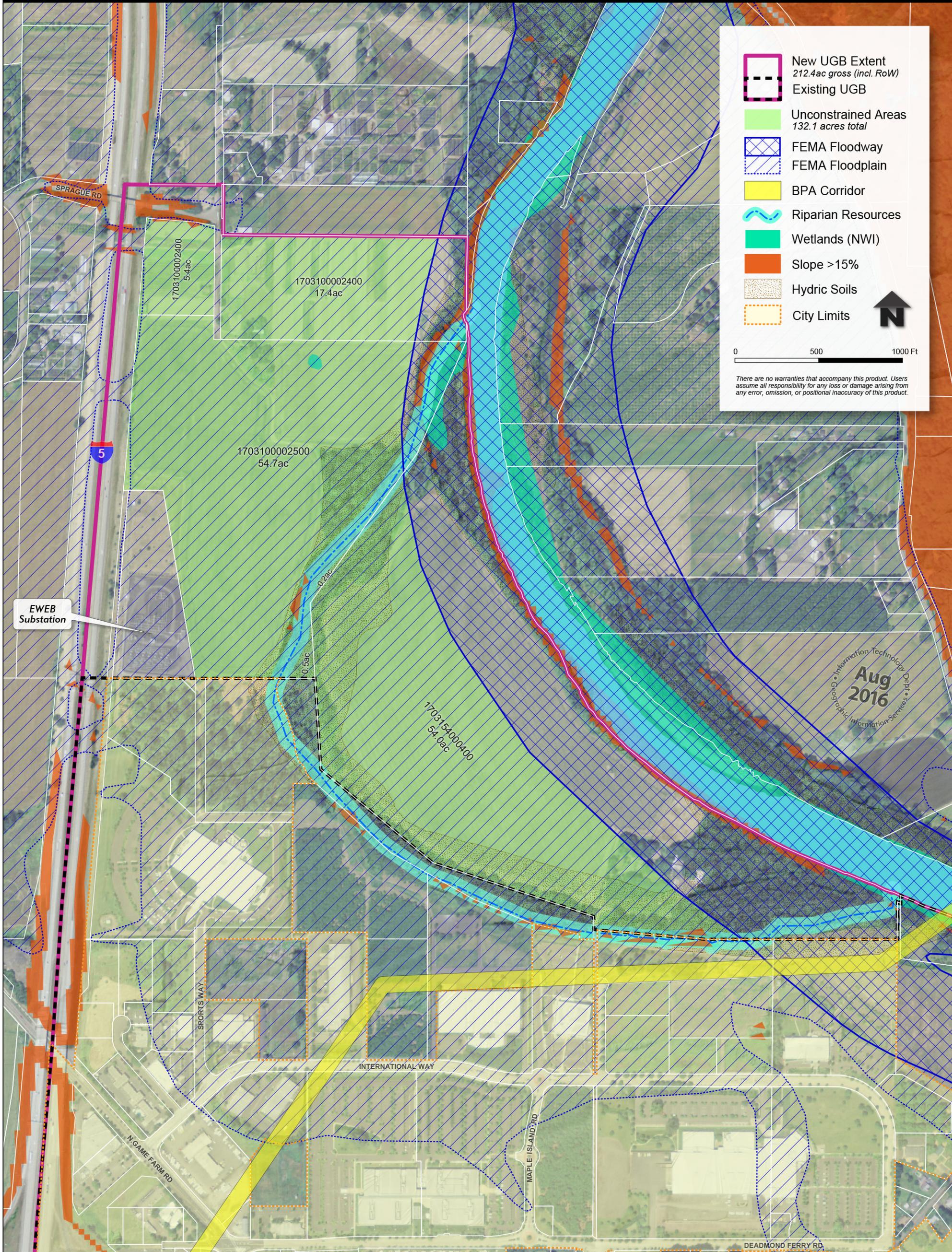
There are no warranties that accompany this product. Users assume all responsibility for any loss or damage arising from any error, omission, or positional inaccuracy of this product.

0 1/8 1/4 Mi.

New UGB Extent
508.7 ac gross (incl. RoW)
Existing UGB
 Unconstrained Areas
125.0 acres total
 FEMA Floodway
 FEMA Floodplain
 BPA Corridor
 Riparian Resources
 Wetlands (NWI)
 Slope > 15%
 Hydric Soils
 City Limits

Aug 2016
 Information Technology Dept.
 Geographic Information Services

SPRINGFIELD 2030 COMPREHENSIVE PLAN: Proposed UGB Expansion Area - North Gateway



	maptaxlot	NET_AREA	PLAN DESIGNATION			ZONING	
			EXISTING	PROPOSED	EXISTING	PROPOSED	
NORTH GATEWAY	1703100002300	0.05	Agriculture	UHA-E	E30	Agriculture	
	1703100002400	22.84	Agriculture	UHA-E	E30	Agriculture	
	1703100002400	3.43	Agriculture	Natural Resources	E30	Agriculture	
	1703100002500	58.71	Agriculture	UHA-E	E30	Agriculture	
	1703100002500	3.33	Agriculture	Natural Resources	E30	Agriculture	
	1703150000800	0.77	Agriculture	Public/Semi-Public	E30	Public Land & Open Space	
	1703150000801	8.94	Agriculture	Public/Semi-Public	E30	Public Land & Open Space	
	1703154000400	55.03	Agriculture	UHA-E	E30	Agriculture	
	1703154000400	46.58	Agriculture	Natural Resources	E30	Agriculture	
MILL RACE	1802064201200	0.07	Parks	Public/Semi-Public	E25	Public Land & Open Space	
	1802064201201	0.55	Agriculture	Public/Semi-Public	E25	Public Land & Open Space	
	1802060001300	39.12	Agriculture	Public/Semi-Public	E25	Public Land & Open Space	
	1802070000801	4.52	Parks	Public/Semi-Public	E25	Public Land & Open Space	
	1802060001500	32.21	Agriculture	Public/Semi-Public	E25	Public Land & Open Space	
	1802060001600	74.74	Agriculture	Public/Semi-Public	E25	Public Land & Open Space	
	1802050001801	0.62	Parks	Public/Semi-Public	E25	Public Land & Open Space	
	1802060001606	5.29	Parks	Public/Semi-Public	E25	Public Land & Open Space	
	1802080000300	32.81	Parks	Public/Semi-Public	PR	Public Land & Open Space	
	1802080000400	19.90	Parks	Public/Semi-Public	PR	Public Land & Open Space	
1802080000500	17.76	Parks	Public/Semi-Public	E25	Public Land & Open Space		
1802080000600	29.40	Parks	Public/Semi-Public	SG	Public Land & Open Space		
1802060004501	7.48	Parks	Public/Semi-Public	E25	Public Land & Open Space		
1802060004503	0.09	Parks	Public/Semi-Public	E25	Public Land & Open Space		
1802080000602	5.78	Parks	Public/Semi-Public	SG	Public Land & Open Space		
1803010000500	0.13	Parks	UHA-E	E25	Agriculture		
1803010000501	22.10	Agriculture	UHA-E	E25	Agriculture		
1803010000502	20.55	Agriculture	UHA-E	E25	Agriculture		
1803010001199	3.41	Agriculture	UHA-E	E25	Agriculture		
1803010001300	8.32	Agriculture	UHA-E	E25	Agriculture		
1803010001302	21.51	Agriculture	Public/Semi-Public	E25	Public Land & Open Space		
1803010001400	9.94	Agriculture	UHA-E	E25	Agriculture		
1803010001500	0.67	Agriculture	UHA-E	E25	Agriculture		

1803010001600	0.34	Agriculture	UHA-E	E25	Agriculture
1803010001700	10.03	Agriculture	UHA-E	E25	Agriculture
1803010001701	5.03	Agriculture	UHA-E	E25	Agriculture
1803010001702	5.26	Agriculture	UHA-E	E25	Agriculture
1803010001800	1.71	Agriculture	UHA-E	E25	Agriculture
1803010001801	1.44	Agriculture	UHA-E	E25	Agriculture
1803010001900	0.95	Agriculture	UHA-E	E25	Agriculture
1803010002000	2.48	Agriculture	UHA-E	E25	Agriculture
1803010002100	0.91	Agriculture	UHA-E	E25	Agriculture
1803010002300	5.86	Parks	Public/Semi-Public	E25	Public Land & Open Space
1803010002600	3.03	Parks	Public/Semi-Public	E25	Public Land & Open Space
1803010002700	19.05	Agriculture	Public/Semi-Public	E25	Public Land & Open Space
1803010002800	3.16	Parks	Public/Semi-Public	PR	Public Land & Open Space
1803010002900	1.85	Agriculture	Public/Semi-Public	E25	Public Land & Open Space
1803010003000	22.20	Parks	Public/Semi-Public	PR	Public Land & Open Space
1803010003201	14.72	Parks	Public/Semi-Public	PR	Public Land & Open Space
1803010003500	3.98	Parks	Public/Semi-Public	SG	Public Land & Open Space
1803010003700	39.18	Agriculture	UHA-E	E25	Agriculture
1802064201000	2.19	Agriculture	Public/Semi-Public	E25	Public Land & Open Space
1802064201100	0.30	Parks	Public/Semi-Public	E25	Public Land & Open Space
1802064201101	0.69	Agriculture	Public/Semi-Public	E25	Public Land & Open Space
WILLAMALANE PARKS					
1702270001101	6.44	Agriculture	Public/Semi-Public	E30	Public Land & Open Space
1702270001502	9.99	Agriculture	Public/Semi-Public	E30	Public Land & Open Space
1702290002901	7.50	Parks	Public/Semi-Public	E40	Public Land & Open Space
1702300000401	42.75	Parks	Public/Semi-Public	E40	Public Land & Open Space

Ordinance _____, Exhibit B

Proposed amendments to Eugene-Springfield Metropolitan Area General Plan (Metro Plan) to adopt the Springfield 2030 Comprehensive Plan Economic Element and its Technical Supplement — the Springfield Commercial and Industrial Buildable Lands Inventory and Economic Opportunities Analysis (CIBL/EOA) — as Springfield’s comprehensive plan in compliance with Statewide Planning Goal 9, Economic Development. The Economic Element contains city-specific goals, policies, implementation measures and findings to address Springfield’s land needs for economic development and employment growth for the 2010-2030 planning period, replacing *Metro Plan* Economic Element policies applicable to lands within Springfield’s jurisdictional area.

- B-1 Springfield 2030 Comprehensive Plan Economic Element
- B-2 Technical Supplement to the Springfield 2030 Comprehensive Plan Economic Element: Springfield Commercial and Industrial Buildable Lands Inventory and Economic Opportunities Analysis for the Planning Period 2010-2030

Metro Plan Amendment
Springfield Ordinance _____, Lane County Ordinance _____

SPRINGFIELD 2030 COMPREHENSIVE PLAN

ECONOMIC ELEMENT

OVERVIEW

The Springfield 2030 Comprehensive Plan (2030 Plan) is currently being developed as Springfield's new land use comprehensive plan policy document applicable to Springfield's jurisdictional area of the Metro Plan. The purpose of this **Economic Element** is to identify the goals, objectives, policies, implementation actions and findings that the City of Springfield, in cooperation with Lane County, has adopted to provide an adequate land supply for economic development and employment growth in compliance with Statewide Planning Goal 9, Economic Development.

The economic development policy direction established through adoption of the **Economic Element** is focused to capitalize on Springfield's strengths and opportunities within the broader Southern Willamette Valley region. The goals and objectives express the desired community development outcomes and economic benefits the City aspires to achieve. The policies and implementation actions are the City's agreements and commitments to support the growth of the local, regional and State economy through land use patterns that provide and sustain a healthy, prosperous and equitable environment aligned with Springfield's interests, values and assets.

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

The **Economic Element** identifies Springfield's preferred land use strategies to support industrial and other employment ¹ development opportunities in the community. The City conducted a Commercial and Industrial Land Needs study in 2008-2009 to update the community's

¹ As defined in Oregon Administrative Rule 660-009-0005: "Other Employment Use" means all non-industrial employment activities including the widest range of retail, wholesale, service, non-profit, business headquarters, administrative and governmental employment activities that are accommodated in retail, office and flexible building types. Other employment uses also include employment activities of an entity or organization that serves the medical, educational, social service, recreation and security needs of the community typically in large buildings or multi-building campuses.

economic patterns, potentialities, strengths and deficiencies as they relate to state and national trends. The work product of the study — the *City of Springfield Commercial and Industrial Buildable Lands Inventory and Economic Opportunities Analysis* (August 2015) prepared for the City of Springfield by ECONorthwest — is adopted as the Technical Supplement to the **Economic Element**. Economic development issues identified in the draft *Springfield Economic Development Plan* (2006) were incorporated into the analysis and strategies. Input was received from citizens, stakeholder groups, commissions and elected officials through a citizen involvement process that included a Commercial and Industrial Buildable Lands (CIBL) Stakeholder and Technical Advisory Committees, online public survey, visioning workshops, work sessions, open houses and public hearings conducted between 2008 and 2016.

RELATIONSHIP TO THE METRO PLAN, FUNCTIONAL PLANS AND REFINEMENT PLANS

The Springfield Comprehensive Plan **Economic Element** establishes the comprehensive plan policies and land use regulations applicable to lands within Springfield’s Urban Growth Boundary that are designated for commercial and industrial uses. The **Economic Element** was adopted as an amendment to the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) by the City of Springfield and Lane County as a city-specific comprehensive plan policy element to independently address a planning responsibility that was previously addressed on a regional basis in the Metro Plan.² The Economic Element goals, policies and implementation actions replace the more general Metro Area-wide goals, findings and policies contained in Metro Plan Economic Element Chapter IIIB. The Springfield Comprehensive Plan elements — including this **Economic Element** — explicitly supplant the relevant portion of the Metro Plan. Should inconsistencies occur between the Springfield Comprehensive Plan and a refinement or functional plan, or references in the Springfield Development Code that refer to Metro Plan policies, the Springfield Comprehensive Plan is the prevailing policy document.³

The **Economic Element** provides policy direction for updating and amending refinement plans, zoning, and development regulations to address the community’s commercial, industrial and other employment development needs. As Springfield implements this element — through future adoption of updates to land use refinement plans at the city-wide, district, corridor, and

² Metro Plan pp. iii-iv and Chapter II describes the incremental Metro planning area shift towards separate Springfield and Eugene UGBs and city-specific comprehensive plans.

³ During the period of transition from Metro Plan to local comprehensive plans, Springfield’s “comprehensive plan” consists of the acknowledged Metro Plan and the acknowledged Elements of the Springfield 2030 Comprehensive Plan.

neighborhood scales, and through the review of property owner-initiated plan amendment or zoning proposals—the City shall continue to analyze the suitability and capacity of the existing commercial, industrial and other employment designations in terms of location, intensity and mix of uses, design, and infrastructure. Based on more detailed and specific levels of analysis, the City shall amend the *Springfield 2030 Comprehensive Plan* and *Metro Plan* diagram as necessary.

The plan diagram and neighborhood refinement plans identify the geographic locations and describes the physical characteristics of Springfield’s existing commercial, industrial and mixed use districts. Refinement plans provide guidance for implementing **Economic Element** policies by establishing new districts or zones, by refining existing districts or zones, and by establishing criteria for mixing land uses within a zone or development area to achieve Springfield’s economic development objectives.

COORDINATION WITH METRO AREA ECONOMIC DEVELOPMENT GOALS

The *Metro Plan* Economic Element articulates the region’s economic goals and objectives. The Plan lists a single economic development goal:

Broaden, improve, and diversify the metropolitan economy while maintaining or enhancing the environment.

Springfield’s economic development planning goals affirm this Metro Plan goal with an appropriate emphasis on maintaining and enhancing Springfield's role, responsibility, and identity within the regional and state economies of which it is a part.

The **Economic Element** also integrates the goals and strategies of the *Regional Prosperity Economic Development Plan* — approved by the Springfield, Eugene and Lane County Joint Elected Officials (JEO) in February 2010 — to acknowledge Springfield’s commitment to coordinating the land use policies that will support the creation of economic opportunities that are closely aligned with our region’s assets and values.

The Springfield 2030 Comprehensive Plan implements, interprets, and supplements the Metro Plan Economic Element as follows:

SPRINGFIELD ECONOMIC DEVELOPMENT PLANNING GOALS

EG-1 Broaden, improve and diversify the state and regional economy, and the Springfield economy in particular, while maintaining or enhancing environmental quality and Springfield’s natural heritage.

- EG-2 Support attainment of the Regional Prosperity Economic Development Plan⁴ goals for creating new metropolitan area jobs in the chosen economic opportunity areas, increasing the average annual wage and reducing unemployment.
- EG-3 Strengthen and maintain strong, connected employment centers and economic corridors to support small, medium and large businesses.
- EG-4 Establish, strengthen and maintain viable commercial centers to improve the community's access to goods and services.
- EG-5 Support the development of emerging economies guided by the following principles:⁵
- a. Healthy Living—Champion businesses and entrepreneurs that promote a healthy, safe, and clean community while enhancing, protecting, and making wise use of natural resources.
 - b. Ideas to Enterprise—Encourage a culture of entrepreneurship and re-investment into the local community.
 - c. Regional Identity—Create a strong economic personality that celebrates our region's attributes and values.
 - d. Be Prepared—Contribute to development of the region's physical, social, educational, and workforce infrastructure to meet the needs of tomorrow.
 - e. Local Resilience— Support businesses and entrepreneurs that lead the city and region to greater economic independence, innovation, and growth of the traded sector economies.
- EG-6 Encourage and facilitate community and stakeholder collaboration.
- EG-7 Make development decisions predictable, fair and cost-effective.

⁴ *Regional Prosperity Economic Development Plan* — approved by the Springfield, Eugene and Lane County Joint Elected Officials (JEO) in February 2010

⁵ *Ibid*

The **Economic Element** implements and interprets these economic development goals and principles through the following Economic Development Policies and Implementation Actions:

SPRINGFIELD ECONOMIC DEVELOPMENT POLICIES AND IMPLEMENTATION

STRATEGIES

<p>Goal EG-1</p>	<p>Broaden, improve and diversify the state and regional economy, and the Springfield economy in particular, while maintaining or enhancing environmental quality and Springfield’s natural heritage.</p>	
<p>Policy E.1</p>	<p>Designate an adequate supply of land that is planned and zoned to provide sites of varying locations, configurations, size and characteristics as identified and described in the Economic Opportunity Analysis⁶ to accommodate industrial and other employment over the planning period. These sites may include vacant undeveloped land; partially developed sites with potential for additional development through infill development; and sites with redevelopment potential.</p>	
<p>Implementation Strategy</p>	<p>1.1</p>	<p>Amend the UGB, Metro Plan diagram and text to add 223 acres of suitable employment land⁷ to accommodate employers requiring sites larger than 20 acres. Preserve suitable sites for future development by creating and applying the “Urban Holding Area - Employment” (UHA – E) plan designation and the “Agriculture – Urban Holding Area” zone to the sites as described in the Urbanization Element and Springfield Development Code.</p>
<p>Implementation Strategy</p>	<p>1.2</p>	<p>Continue to conduct focused neighborhood, district, and corridor refinement planning processes that engage the community to identify sites with potential for infill and redevelopment; and work collaboratively to update planning and zoning to support job creation and more efficient land use.</p>
<p>Implementation Strategy</p>	<p>1.3</p>	<p>Encourage and support redesignation, rezoning, environmental clean-up and redevelopment of brownfields and older industrial sites to allow these lands to redevelop with clean industries and new uses, especially when located in the Willamette Greenway, floodplain, adjacent to waterways and high value wetlands, and in Drinking Water Protection Zones 1-2 Year TOTZ areas. Provide information to businesses to encourage and facilitate environmental remediation, relocation, and/or redevelopment of these sites.</p>
<p>Policy E.2</p>	<p>Establish minimum parcel sizes within the “Urban Holding Area - Employment “(UHA – E) designated areas to reserve suitable parcels 20 acres or larger and suitable parcels larger than 50 acres.</p>	
<p>Implementation Strategy</p>	<p>2.1</p>	<p>Preserve large (20 acres or greater) Heavy Industrial, Light Industrial, Campus Industrial, Employment Mixed-Use and Commercial Mixed-Use sites for industrial and other employment uses that require large sites, while allowing</p>

⁶ Springfield Commercial and Industrial Buildable Lands Inventory and Economic Opportunities Analysis Final Report, August 2015.

⁷ As described in the Springfield Commercial and Industrial Buildable Lands Inventory and Economic Opportunities Analysis Final Report, August 2015.

		redesignations that allow limited supporting retail uses (e.g. food and beverage) within the building to support the primary employment use.
Policy E.3		Work with property owners and their representatives to ensure that prime development and redevelopment sites throughout Springfield and its Urban Growth Boundary that are designated for employment use are preserved for future employment needs and are not subdivided or used for non-employment uses.
Policy E.4		Expand industrial site opportunities by evaluating and rezoning commercial, residential, and industrial land for the best economic return for the community through the process of City refinement planning, review of owner-initiated land use proposals, expanding the urban growth boundary, and other means.
Implementation Strategy	4.1	Conduct a comprehensive review of Springfield’s industrial and commercial land use plan designations and zoning districts (SDC 3.2-305 and 3.2-405) and schedule of use categories (SDC 3.2-310 and 3.2-410) to identify potential updates that may be better aligned with the land, real estate and development requirements of modern industry and commerce to ensure that Springfield has sites and conditions favorable for industry and commerce to operate efficiently.
Implementation Strategy	4.2	Update the Development Code to create more zoning flexibility for developing industrial or business parks to support clustering of related or complementary businesses.
Implementation Strategy	4.3	Establish an “Employment Mixed-Use” plan designation to allow secondary supporting land uses in walkable employment centers served by multiple modes of transportation to support the goals of compact urban development.
Implementation Strategy	4.4	Prepare or update refinement, corridor and district plans to create more opportunities for mixed land uses. Prioritize planning for mixed-used development that includes retail, office commercial, and multifamily housing in downtown, Glenwood, along the Main Street corridor and along the Downtown to Gateway transit corridor.
Implementation Strategy	4.5	Continue to support policies and develop implementation tools to encourage economically feasible mixed-use development and nodal development in Springfield’s downtown, Glenwood, and in mixed-use nodes in locations identified through the refinement planning process.
Implementation Strategy	4.5	Encourage co-location of residential and commercial uses in existing buildings by developing resources to make available financial assistance for necessary building upgrades to meet requirements in the building code, such as improvements to meet seismic standards.
Implementation Strategy	4.6	Increase opportunities for siting employment centers where they can be efficiently served by multiple modes of transportation.
Policy E.5		Provide an adequate, competitive short-term supply of suitable land to respond to economic development opportunities as they arise. “Short-term supply” means suitable land that is ready for construction within one year of an application for a building permit or request for service extension. “Competitive Short-term Supply” means the short-term supply of land provides a range of site sizes and locations to accommodate the market needs of a variety of industrial and other employment

	uses.	
Implementation Strategy	5.1	Continue to add to the City’s short-term supply of land through provision of urban services as resources become available and through annexation and other agreements as described in the Urbanization Element and Springfield Development Code.
Policy E.6	Facilitate short term and long term redevelopment activity and increased efficiency of land use through the urban renewal program, updates to refinement plans and the development review process.	
Policy E.7	Where possible, concentrate development on sites with existing infrastructure or on sites where infrastructure can be provided relatively easily and at a comparatively low cost.	
Policy E.8	Continue implementing the Downtown District Plan and Implementation Strategy adopted in 2010 to guide revitalization and redevelopment in downtown as resources are available.	
Implementation Strategy	8.1	Encourage employers to locate in downtown Springfield, when appropriate.
Implementation Strategy	8.2	Amend the Downtown Refinement Plan and Downtown Mixed Use Zone to create new capacity and support for downtown employment uses that use land more efficiently and minimizes the costs of providing infrastructure.
Implementation Strategy	8.3	Amend infrastructure plans as necessary to include the infrastructure and services that businesses need to operate in downtown Springfield.
Implementation Strategy	8.4	Develop programs to promote investments in existing buildings to make downtown more attractive, (e.g. the Urban Renewal and Main Street programs).
Implementation Strategy	8.5	Develop a marketing strategy to attract businesses to downtown Springfield — including ways to make available low cost assistance to businesses moving to downtown.
Implementation Strategy	8.6	Continue to partner with TEAM Springfield partners to identify and implement short term and long term actions to revitalize downtown.
Implementation Strategy	8.7	Collaborate with Springfield Utility Board and other service providers to minimize cost of upgrading and modernizing downtown infrastructure.
Implementation Strategy	8.8	Continue to leverage and expand Downtown Springfield as the City’s civic and government center by promoting, investing and seeking opportunities to locate new federal, state and local civic buildings in Downtown or, — if Downtown sites are not readily available — in locations with excellent transit connections to or through Downtown.
Policy E.9	Encourage and facilitate redevelopment of Glenwood as a mixed use housing, employment and commercial center.	
Implementation Strategy	9.1	Continue to support redevelopment of sites in Glenwood through planning, key investments, innovative development standards, and focused activity through the Springfield Economic Development Agency (SEDA), the Glenwood Urban Renewal Plan, the Glenwood Refinement Plan and the Glenwood Riverfront Plan Mixed-Use Plan District.
Implementation Strategy	9.2	Provide the public infrastructure and services necessary for development in Glenwood, as funds allow.
Implementation Strategy	9.3	Coordinate economic development in Glenwood with regional and State

Strategy		economic development efforts.
Implementation Strategy	9.4	Assist economic development in Glenwood through techniques such as optioning land, land assembly, and cooperative development agreements to assist developers with land assembly issues.
Implementation Strategy	9.5	Recruit anchor institutions, such as academic and health care institutions to locate in Springfield. Recruit to establish a University of Oregon anchor land use in Glenwood to stimulate private investment in redevelopment of vacant or neglected sites.
Implementation Strategy	9.6	Implement the Glenwood Riverfront District/Franklin Corridor District Plan and Phase One plan amendments adopted in 2012.
Policy E.10	Continue to provide public policy and financial support when possible for redevelopment in Springfield. Through the annual Goal-setting process, the City Council shall identify redevelopment target areas.	
Implementation Strategy	10.1	Continue to conduct focused refinement planning in key redevelopment areas, as directed by the City Council, and as resources are available.
Implementation Strategy	10.2	Future refinement planning processes shall identify opportunity sites with the greatest potential for redevelopment and shall consider and acknowledge economic analyses to evaluate market potential and feasibility.
Implementation Strategy	10.3	When preparing or amending refinement plans, work with neighborhood groups to identify needs and opportunities for creating neighborhood mixed use centers near schools and parks to encourage development of neighborhood-serving “corner store” scale retail, small office or live-work units in or adjacent to residential areas. Consider establishing a Neighborhood Commercial Mixed Use designation.
Implementation Strategy	10.4	Designate a Neighborhood Mixed Use center in Jasper Natron within one half mile of the future school/park sites.
Implementation Strategy	10.5	Encourage opportunities for employment close to residences, including mixed-use development.
Implementation Strategy	10.6	Establish Employment Mixed-Use plan designations that could be applied to land along the existing and proposed future high capacity transit corridors and in Nodal Development areas.
Goal EG-2	Support attainment of the Regional Prosperity Economic Development Plan⁸ goals for creating of new metropolitan area jobs in the chosen economic opportunity areas, increasing the average annual wage and reducing unemployment.	
Policy E.11	Integrate opportunistic economic development objectives into Springfield’s land use and supply analyses and policies.	
Implementation Strategy	11.1	Plan, zone and reserve a sufficient supply of industrial and commercial buildable land to create opportunity sites for employment uses identified in the 2015 Economic Opportunities Analysis (EOA), with an initial emphasis on Target Industries listed in the analysis Table S-1, Target Industries, Springfield

⁸⁸ *Regional Economic Development Plan* — approved by the Springfield, Eugene and Lane County Joint Elected Officials (JEO) in February 2010

		2010-2030 (page iii-iv.)
Policy E.12	Recruit or support businesses that pay higher than average wages for the region (as reported by the Oregon Employment Department) to diversify and expand Springfield’s economy.	
Implementation Strategy	12.1	Work with other economic development organizations to target and recruit businesses: (1) with above average wages, (2) other benefits such as health insurance, especially for part-time employees, and/or (3) that provide other benefits such as job advancement or ownership opportunities.
Implementation Strategy	12.2	Continue to coordinate with community economic development organizations and local, regional and State economic development agencies to develop a coherent and effective economic development marketing program.
Implementation Strategy	12.3	Work with the State to have one or more sites certified as project-ready through the State’s certified Industrial Lands program.
Implementation Strategy	12.4	Encourage the location and expansion of traded sector industries as a means to increase the average wage and contribute to the growth of the local sector economy.
Implementation Strategy	12.5	Support increased potential for employment in one of the regional industry clusters.
Implementation Strategy	12.6	Support development of convention- and tourism-related economic activities.
Goal EG-3	Strengthen and maintain strong, connected employment centers and economic corridors to support small, medium and large businesses.	
Policy E.13	Advocate for and support State, Federal and Metro regional transportation network development policies and initiatives that strengthen Springfield’s economic corridor connections and development/redevelopment potential.	
Implementation Strategy	13.1	Take advantage of new commercial and residential development opportunities that will be stimulated by the infrastructure projects identified in the Springfield TSP, such as the Franklin Boulevard improvements in Glenwood.
Policy E.14	Leverage and promote Springfield’s Interstate 5 corridor location and visibility.	
Policy E.15	Work with Lane Transit District and Oregon Department of Transportation to ensure that transportation system improvements address the needs of existing commerce while strengthening Springfield’s economic corridor connections and development/redevelopment potential.	
Policy E.16	Consider the economic opportunities provided by transportation corridors and seek to maximize economic uses in corridors that provide the most optimal locations and best exposure for existing and future commercial and industrial uses.	
Implementation Strategy	16.1	Develop a Main Street/Oregon Highway 126 corridor plan to update land use designations, zoning, and development standards; evaluate potential nodal development areas; and coordinate with Lane Transit District’s planning for

		potential transit system improvements.
Implementation Strategy	16.2	Identify future economic corridor or district improvement areas to be targeted with refinement planning (e.g. Downtown to Gateway, Mid-Main to Mohawk, Urban Holding Areas).
Implementation Strategy	16.3	Plan and zone land to maximize utilization of excellent exposure along Main Street/Highway 126B and Pioneer Parkway as future downtown commercial and employment development sites, as envisioned in the 2010 Downtown District Urban Design Plan.
Policy E.17		Leverage existing rail facilities and future expansion of rail facilities to achieve economic development objectives.
Implementation Strategy	17.1	Maximize existing and future utilization of the Union Pacific rail line that runs through Downtown — providing freight, Amtrak service and the potential for future commuter rail linking major population and employment centers.
Implementation Strategy	17.2	Continue to support and advocate for a high speed rail connection to our Metro area and promote the advantages of the downtown Springfield station site or other Springfield site, and associated rail service maintenance and park and ride facilities.
Implementation Strategy	17.3	Explore the concept of siting a multimodal rail-bus transportation center in Downtown to support new Springfield commerce as discussed during the 2009-2010 Downtown Planning process.
Implementation Strategy	17.4	Work with railroad industrial land specialist staff and Springfield property owners to conduct an inventory of Springfield’s existing rail facilities and create a list of industrial sites with existing or previous rail service and/or potential for new service, including opportunities to utilize freight rail line connectivity between Springfield and the Coos Bay port.
Implementation Strategy	17.5	Consider how future expansion of rail freight will affect land use and avoid re-zoning industrial land with rail access to non-industrial uses, while allowing some conversion of existing industrial land to other employment uses, especially in high visibility areas such as the South A corridor east of Downtown, if uses are compatible with heavy rail impacts.
Policy E.18		Coordinate transportation and land use corridor planning to include design elements that support Springfield’s economic and community development policies and contribute to community diversity and inclusivity.
Implementation Strategy	18.1	Develop an existing conditions analysis of the corridor that reflects a thorough understanding of relevant community issues and service needs.
Implementation Strategy	18.2	Identify public involvement techniques to increase meaningful participation from traditionally underrepresented groups in the study area.
Implementation Strategy	18.3	Establish preferred design concepts for key intersections along the corridor that integrate vehicle, pedestrian, bicycle and transit needs.
Implementation Strategy	18.4	Conduct corridor planning in a manner that engages representatives of diverse, potentially affected interests, including residents, businesses, service agencies, community organizations and citizens at large to build broad community support.
Implementation Strategy	18.5	Develop and implement an effective and comprehensive public engagement program for each phase of the proposed corridor transportation and land use planning project.

Implementation Strategy	18.6	Investigate design elements that improve streetscape conditions and develop design concepts and treatments for identified improvement areas. Investigate culturally-sensitive design elements that encourage comfortable walking and bicycling among traditionally underrepresented groups.
Implementation Strategy	18.7	Prioritize improvements that would complete local connections to local shopping and service opportunities.
Goal EG-4	Establish, strengthen and maintain viable commercial centers to improve the community's access to goods and services.	
Policy E.19	In the 2030 Plan diagram and Land Use Element, and future refinement planning, locate regional, community and neighborhood-serving commercial uses to support economically viable centers, enhanced commercial corridors, and walkable neighborhood scale mixed-use centers.	
Policy E.20	Support the revitalization of Downtown and re-establishment of a thriving retail commerce center by planning and zoning land to provide larger size redevelopment sites that fit the needs of modern retailers.	
Policy E.21	Plan and support redevelopment of the Glenwood Franklin Riverfront and Downtown districts to be mutually supportive and seek funding to connect the two districts with a pedestrian/bike bridge.	
Policy E.22	Plan, designate and zone land to allow community and neighborhood retail commercial uses in new, existing or expanded mixed use centers/nodes to address the land need for retail described in the Economic Opportunities Analysis; timing shall be coordinated with City refinement planning processes or through property-owner initiated proposals that are consistent with Springfield Comprehensive Plan policies.	
Implementation Strategy	22.1	Expand the Downtown Refinement Plan boundary and Downtown Mixed Use District to support additional commercial activity and to create a more viable retail commercial center as envisioned in the 2010 Downtown District Urban Design Plan and Implementation Strategy; and engage the Downtown Citizen Advisory Committee, Historic Commission and property owners to ensure that the form, scale and intensity of new development contributes positively to the adjacent Washburne Historic District neighborhood. Consider that 100,000-125,000 square feet of retail is required for a viable retail destination district; 50,000-60,000 square feet is needed for an anchor use, such as a grocery store or theater multiplex; and contemporary retail businesses need wider and less deep space than currently provided by buildings on Main Street.
Implementation Strategy	22.2	Develop a retail strategy and recruitment plan for the Downtown District, as described in the 2010 Downtown District Urban Design Plan and Implementation Strategy.
Implementation Strategy	22.3	Zone land and provide incentives for development around the Mill/Main Street/Island Park future plaza site as described in the 2010 Downtown District Urban Design Plan and Implementation Strategy.
Implementation Strategy	22.4	Create more opportunities for neighborhood commercial mixed-use centers to serve new or underserved neighborhoods.
Implementation	22.5	Through the Main Street Corridor planning process, engage the community

Strategy		and property owners to evaluate the market need for a full service grocery store in mid-Springfield, identify potential sites, and update zoning as necessary.
Implementation Strategy	22.6	Plan and zone land in the Jasper Natron area to support neighborhood-serving retail uses, with site(s) and number of acres to be determined through the Springfield 2030 Refinement Plan Diagram planning process.
Implementation Strategy	22.7	Continue to provide staff support to encourage and envision redevelopment of the Mohawk Center.
Implementation Strategy	22.8	Work with SEDA to use Urban Renewal tax increment financing to provide development incentives and funds to support redevelopment of Downtown and Glenwood with available funds.
Implementation Strategy	22.9	Through the Main Street Corridor planning process, work with property owners and stakeholders to consider mixed-use zoning east of 10 th Street along Main Street.
Policy E.23		Identify and target commercial activities that will generate living-wage employment opportunities and/or meet daily needs of local residents.
Policy E.24		Evaluate and redesignate commercially-designated and zoned sites in locations that lack adequate transportation access and visibility to allow development of more suitable uses.
Implementation Strategy	24.1	Consider a future plan amendment and zone change process to redesignate the 7.37-acre commercial area on South 28 th Street to allow expansion of the adjacent industrial district.
Implementation Strategy	24.2	Consider a future plan amendment to redesignate the 7.37-acre commercial area on Thurston Road to Low Density Residential.
Implementation Strategy	24.3	Support property-owner initiated proposals to redesignate and rezone commercial land located outside of any neighborhood refinement plan areas adopted after June 2011 to Residential Mixed-Use when consistent with Springfield 2030 Plan policies.
Implementation Strategy	24.4	Work with property owners and stakeholders through the Main Street Corridor planning process to consider allowing Medium or High Density residential uses in existing commercial zones in addition to commercial uses.
Policy E.25		Update plans and zoning to create more opportunities for mixing compatible commercial uses within employment zones in ways that preserve the industrial land supply, minimize vehicular trips and traffic congestion, and promote convenience and walkability for employees.
Implementation Strategy	25.1	Create more opportunities for limited and complementary secondary commercial uses within buildings in employment zones.
Implementation Strategy	25.2	Study the feasibility of applying an Employment Mixed-Use or “employment transition” zoning concept to land along the south side of South A Street to support mixed-use redevelopment activity adjacent to the downtown Booth-Kelly center and Mill Race restoration areas when development is compatible with the existing and future use of the rail corridor.
Goal		Champion businesses and entrepreneurs that promote a

EG- 5a	healthy, safe, and clean community while enhancing, protecting, and making wise use of our natural resources.	
Policy E.26	Develop and apply new development standards to lands added to the Springfield UGB prior to annexation and development to ensure that new development contributes to a healthy, safe, and clean community while enhancing, protecting and making wise use of natural resources.	
Implementation Strategy	26.1	Develop and apply Drinking Water Source Protection Overlay District development standards in consultation with Springfield Utility Board to the lands added to the UGB to ensure that new development contributes to a healthy, safe, and clean community while maintaining aquifer recharge and protecting drinking water quality and quantity.
Implementation Strategy	26.2	Review and amend the Springfield Development Code Flood Plain Overlay District standards as necessary to maintain compliance with the National Flood Insurance Program to promote public health, safety and welfare, and minimizes public and private losses due to flood conditions.
Policy E.27	Support clean up and re-use of brownfields and contaminated sites as the opportunities for reuse arise.	
Implementation Strategy	27.1	Provide public support to identify, assess, clean up and redevelop brownfields as resources become available through grants, SEDA, community partnerships and private investments.
Implementation Strategy	27.2	Seek and leverage funding for brownfield assessment and clean up as one key tool to assist financing for redevelopment.
Goal EG-5b	Encourage a culture of entrepreneurship and re-investment into the local community.	
Goal EG-5c	Emphasize regional identity by creating a stronger economic personality that celebrates the region’s attributes and values.	
Policy E.28	Increase the potential for employment in the regional industry clusters, including: Health Care, Communication Equipment, Information Technology (Software), Metals (Wholesalers), Local Food and Beverage Production and Distribution, Specialty Agriculture, Wood & Forest Products, and Transportation Equipment.	
Implementation Strategy	28.1	Designate and zone land for industrial/technology/business parks to provide opportunities for development of business clusters for related or complementary businesses.
Implementation Strategy	28.2	Promote development of support service businesses for business clusters, including specialized suppliers for the business cluster, restaurants, financial institutions, child care and other services.
Implementation Strategy	28.3	Promote further development of the health care cluster by examining land-use policies and, if necessary, modifying those policies to promote health care cluster development where the supporting uses are consistent with 2030 Plan policies or when policies are amended through a district or corridor refinement planning process.

Implementation Strategy	28.4	Promote development of high-tech businesses by continuing to target these businesses for recruitment and expansion in Springfield.
Implementation Strategy	28.5	Coordinate development of business clusters with other cities and economic development agencies in the Eugene-Springfield region but emphasize development of the business cluster in Springfield.
Implementation Strategy	28.6	Make Springfield a preferred location for the local food production industry by promoting existing, new and growing start-up businesses.
Policy E.29		Strengthen and grow community partnerships and initiatives that seek to optimize coordination of economic development planning with natural resource, open space and parks planning.
Implementation Strategy	29.1	Work with Willamalane and property owners to identify opportunities to integrate parks and recreation facilities (e.g. multi-use paths) and open space amenities as sites are master planned for economic development. ⁹
Implementation Strategy	29.2	Work with the community and project partners to identify opportunities to plan, design, build and maintain great public spaces as a means to create economic value and neighborhood vitality, as further described in neighborhood refinement plans, the Willamalane Park and Recreation District Comprehensive Plan and this Plan.
Policy E.30		Plan redevelopment and growth areas in ways that maximize sensitive integration of the built and natural environment and that maintain and contribute to the community's access to Springfield's natural, cultural and recreational assets and amenities.
Policy E.31		Work with the Springfield Historic Commission to optimize coordination of economic development planning with historic resources planning.
Implementation Strategy	31.1	Support and champion businesses, entrepreneurs and community groups that preserve and restore historic buildings and sites.
Implementation Strategy	31.2	Encourage and support Springfield Historic Commission programs and activities to educate the public about Springfield's historic resources.
Implementation Strategy	31.3	Encourage and support the integration of historic interpretation elements into public and private economic development activities.
Policy E.32		Support community partnerships and initiatives that seek to grow the creative economy including but not limited to: cultural industry clusters and arts districts; cultural tourism; jobs in film, television, publishing, news media, music, video games, social media, design, advertising, performing and visual arts; and update land use planning and codes to ensure that Springfield has land appropriately zoned to encourage these opportunities.
Policy E.33		Support and champion arts and culture to enhance economic development by partnering with the Springfield Arts Commission, Library, Museum, School District 19, Travel Lane County and community arts organizations that seek to increase the public's access to the visual, performing, literary, design and architectural arts by

⁹ Including but not limited to opportunities identified in the most recent Willamalane Comprehensive Plan.

	building partnerships across sectors, missions and levels of government, leveraging funds from diverse sources and programs.	
Implementation Strategy	33.1	Collaborate and partner with community arts organizations and the private sector on proposals and grant applications for projects that seek to increase and broaden the public's access to the arts.
Implementation Strategy	33.2	Support proposals that seek to establish art districts, events, arts education facilities, studios, performing arts programs, performance spaces, theaters, artist-in-residence programs, artist live-work residences and other initiatives that contribute to the emergence and growth of Springfield's creative economy.
Implementation Strategy	33.3	Explore and consider creating a "Percent for Art" program and/or other means to increase and broaden the public's access to the arts.
Implementation Strategy	33.4	Promote and celebrate Springfield's and the region's creative people who find success elsewhere and find bridges for them to contribute back to our community.
Policy E.34	Partner with local business and economic development organizations to develop and implement an on-going public relations campaign that will promote the region's economic identity and successes, both internally and externally.	
Policy E.35	Increase the potential for convention- and tourist-related economic activities to generate economic activity, especially in the service industries like retail, food services, and accommodations.	
Implementation Strategy	35.1	Assist with conference center development at a suitable site in Springfield with a goal of making it financially independent with self-sustaining operations.
Implementation Strategy	35.2	Encourage development of destination point projects (like the Springfield Museum Interpretive Center, Dorris Ranch Living History Farm and McKenzie River fishing and recreational activities) that draw visitors to the Springfield area from regional, national, and international areas.
Implementation Strategy	35.3	Identify, protect and enhance the factors that are likely to attract visitors to Springfield, especially Springfield's environmental quality and natural beauty (e.g. a well-designed wayfinding system).
Implementation Strategy	35.4	Promote Springfield's and the region's natural and cultural resources to enhance the cultural tourism within the region.
Policy E.36	Promote awareness and advocacy for Springfield's and the region's quality of life, that continues to support and attract investment and innovative entrepreneurial talent and builds on our dynamic and diverse economic community.	
Implementation Strategy	36.1	Support NEDCO's business incubator programs and the Downtown Springfield Main Street Program.
Implementation Strategy	36.2	Nurture and strengthen the diversity, quality and vigor of Springfield's physical, cultural, and educational environment as a fundamental source of the City's economic viability by encouraging minority-run businesses and economic entrepreneurship.

Policy E.37	Support sustainable businesses and practices. A sustainable business is any organization that participates in environmentally friendly or green activities to ensure that all processes, products, and manufacturing activities adequately address current environmental concerns while maintaining a profit, or businesses that “meet the needs of the present world without compromising the ability of the future generations to meet their own needs.” ¹⁰	
Implementation Strategy	37.1	Foster a diverse sustainable economy by partnering locally with other organizations to explore opportunities and overcome vulnerabilities, incubate and coordinate projects and facilitate dialogue, action and education within the community.
Implementation Strategy	37.2	Promote and recruit businesses that produce sustainable products, have sustainable business practices, and/or have sustainable manufacturing processes.
Implementation Strategy	37.3	Support land use patterns that provide easy, multi modal transportation options to access services and reduce transportation costs.
Implementation Strategy	37.4	Consider adjusting development fees, prioritizing services or other incentives for development projects to recognize the benefits provided by projects that are certified as sustainable to nationally recognized standards (e.g., LEED buildings) as economically feasible.
Implementation Strategy	37.5	Consider providing incentives for development that use sustainable building materials or solutions (e.g. using permeable pavement) or use of renewable energy sources (e.g. solar or wind power).
Implementation Strategy	37.6	Consider future agricultural needs and economic opportunities to protect agricultural lands for production of local food when developing policies that will impact agricultural land outside of the Springfield UGB.
Goal EG-5d	Be prepared—Contribute to development of the region’s physical, social, educational, and workforce infrastructure to meet the needs of tomorrow.	
Policy E.38	Strengthen the coordination between infrastructure, planning and investments, land use, and economic development goals to prepare land and physical infrastructure, in a timely fashion, that is necessary to support business development and stimulate quality job creation.	
Policy E.39	Provide adequate infrastructure efficiently and distribute cost fairly.	
Policy E.40	Provide the services, infrastructure, and land needed to attract the identified industry clusters, especially where they can increase economic connectivity among businesses.	
Implementation Strategy	40.1	Coordinate capital improvement planning with land use and transportation planning to coincide with Springfield’s Economic Element.

¹⁰ United Nations General Assembly (1987) [Report of the World Commission on Environment and Development: Our Common Future](#). Transmitted to the General Assembly as an Annex to document A/42/427 - Development and International Co-operation: Environment

Implementation Strategy	40.2	Provide the necessary public facilities and services as funds become available to foster economic development.
Implementation Strategy	40.3	Target resources for sites that provide prime opportunities for employment uses as a result of location, site size, or other significant site characteristics.
Implementation Strategy	40.4	Ensure that public private development agreements are in effect prior to financing public improvements to ensure cost recovery.
Implementation Strategy	40.5	Explore alternative funding mechanisms in addition to debt service that provide timely completion of ‘connecting’ public facilities (e.g. an unpaved block of a street or missing sections of sewer line).
Implementation Strategy	40.6	Make efficient use of existing infrastructure by promoting development, infill, re-use, and redevelopment for commercial and industrial uses and develop strategies and incentives to stimulate private investment that is resilient to downturns in the local economy.
Implementation Strategy	40.7	Continue to seek funding opportunities and public-private partnerships to construct key urban infrastructure elements that support pedestrian and transit-friendly redevelopment in Glenwood and Downtown, such as the Franklin multiway boulevard in Glenwood and enhancements to the Main Street/South A couplet through Downtown.
Implementation Strategy	40.8	Continue to provide development tools and incentives (such as Urban Renewal support) within targeted priority redevelopment areas as funds become available to facilitate expedient and economically feasible redevelopment.
Implementation Strategy	40.9	Develop and implement systems to monitor the supply of commercial and industrial lands. This includes monitoring commercial and industrial development (through permits) as well as land consumption (e.g. development on vacant, or redevelopable lands).
Implementation Strategy	40.10	Support development of citywide high-speed internet access and other telecommunications infrastructure systems with public and private providers.
Implementation Strategy	40.11	Provide information on infrastructure availability on a site-by-site basis so that developers can readily assess infrastructure availability on any given site.
Implementation Strategy	40.12	Work with property owners and their representatives to ensure that prime development and redevelopment sites throughout Springfield and its Urban Growth Boundary are known, aggregated, ready to develop, and marketed.
Implementation Strategy	40.13	Continue to institute program management and process improvements that remove “silos” between the City’s comprehensive planning, infrastructure planning, capital improvement program, economic and community development, and development review functions to build more collaborative high performance planning and response teams.
Implementation Strategy	40.14	Inventory and evaluate underdeveloped sites and buildings (e.g. “zombie” buildings, brownfields, low-rent and non-compliant buildings) in an effort to assist business re-locations in a timely fashion.

Implementation Strategy	40.15	Continue to work with property and business owners to support expansion, upgrading and construction of “state-of-the art” business facilities.
Policy E.41	Support the growth and development of existing area businesses to achieve quality job creation.	
Implementation Strategy	41.1	Develop and implement an outreach strategy to determine how Springfield can assist the economic well-being of existing businesses. Opportunities for assistance may range from ensuring availability of on-street parking to providing assistance with the development process to forming public-private partnerships to promote local businesses.
Implementation Strategy	41.2	Encourage and support self-help methods and programs for business districts such as the formation of business associations and special self-assessment districts for parking and economic improvement.
Implementation Strategy	41.3	Pursue special projects and grant applications that provide support to local business and industry.
Implementation Strategy	41.4	Continue a City Council program to recognize, champion and award entrepreneurs and local small business accomplishments.
Policy E.42	Support the growth and development of our region’s work ready workforce and extend the benefits of a strong employment base equitably.	
Implementation Strategy	42.1	Work with local agencies to meet and sustain workforce needs, such as: training and education, job advancement, or local expansion of businesses that increase economic diversity and resiliency.
Implementation Strategy	42.2	Support the efforts of partner agencies to encourage local residents to develop skills and other educational attributes that enable them to obtain existing jobs.
Implementation Strategy	42.3	Offer internships and job shadowing educational opportunities for students to get involved in local government.
Implementation Strategy	42.4	Participate in regional efforts to support statewide and/or national workforce development strategic initiatives, such as the “Work Ready Communities” and “National Career Readiness” certification programs.
Implementation Strategy	42.5	Participate in and support efforts to provide appropriate training programs for portions of the resident population that have not benefitted in the past.
Policy E.43	Promote and build on the region’s transportation, distribution and logistics advantages.	
Goal E-5e	Local Resilience— Support businesses and entrepreneurs that lead the city and region to greater economic independence, innovation, and growth of the traded sector economies.	
Policy E.44	Expand the City’s partnerships with the University of Oregon, Lane Community College, Oregon State University and other education institutions to support the development of education and research facilities and programs into Springfield, to	

	bring new technologies and innovations to market, and to promote sustainable practices.	
Policy E.44	Encourage the formation and expansion of creative and technology based ventures by zoning land to allow for well configured and flexible incubator spaces.	
Policy E.45	Consider amendments to regulations that will increase predictability and flexibility for industrial site redevelopment and expansion.	
Implementation Strategy	45.1	Consider establishing a new general “Industrial” plan designation to support several different kinds of industrial development.
Implementation Strategy	45.2	Consider establishing a new “Employment” plan designation and zone that allows a broader array of general industrial uses and develop updated buffering standards.
Goal E-6	Encourage and facilitate community and stakeholder collaboration.	
Policy E.46	Identify and include key stakeholder partners in planning efforts to encourage and facilitate redevelopment through public-private partnerships.	
Goal E-7	Make development decisions predictable, fair and cost-effective.	
Policy E.47	Enhance, maintain and market Springfield’s reputation for: rapid processing of permits and applications, maintaining City agreements and commitments, and providing developers with certainty and flexibility in the development process.	
Implementation Strategy	47.1	Continually improve development permitting processes to remove regulatory impediments to redevelopment as practical, provide efficient streamlining of permitting processes, create incentives for redevelopment, and provide flexible design standards (clear and objective track plus discretionary track) to build on the community’s strong reputation as a friendly, welcoming and business-friendly city.
Implementation Strategy	47.2	Develop business practices and tools to facilitate and streamline owner-initiated annexations in Glenwood and elsewhere.
Implementation Strategy	47.3	Streamline the regulatory processes to assist with site selection and development that meet market needs.

FINDINGS

1. The citizens of the Eugene-Springfield metro area have felt the burden of the financial crisis more so than in other counties and other states. The decline in local jobs, coupled with an increased demand for social services, is putting a strain on city, county and state programs. The Eugene-Springfield metro area unemployment rate in July 2009 was 12.5%, a 6 percentage point increase over 2008, which is slightly higher than the state unemployment rate of 11.9%. The decline in the availability of local jobs has put increased pressure on social services. The number of cases in the federal Temporary Assistance for Needy Families program for our local district has increased 18.5 percentage points over the past year. The number of applications for low-income housing in Lane County in 2008 increased 13 percentage points compared to the previous year. These programs are indicative that the economic crisis has significantly impacted our local economy and that the need for a regional, long-term plan is present. (JEO Staff report 9-14-09)
2. In 2008-2009, the City of Springfield conducted a Commercial and Industrial Buildable Lands Study with three components to comply with statewide planning Goal 9 and the Goal 9 rule (OAR 660-009): (1) a buildable lands inventory; (2) an economic opportunities analysis; and (3) an economic development strategy. The economic development strategy was used to guide development of the policies and implementation strategies in the Economic Element to implement the City's economic development vision. Decision makers and community members that participated in the Commercial and Industrial Buildable Lands Study and development of the Economic Opportunities Analysis agreed that economic growth is desirable over the planning period.
3. The employment forecast indicates Springfield will add 13,440 new employees between 2010 and 2030.
4. The economic opportunities analysis assumes that Springfield will have employment growth in a wide variety of businesses, from services and retail for residents to industrial development to medical services. The City wants to diversify its economy and attract higher wage and professional jobs.
5. In February 2010, the Springfield City Council — together with Eugene and Lane County Joint Elected Officials (JEO) approved the *Regional Prosperity Economic Development*

Plan framework for a regional economic development plan that will better position our regional economy to take advantage of economic opportunities that align with our area's assets and values.

6. The Springfield City Council and Lane County Board of Commissioner adopted the Springfield 2030 Economic Element, acknowledging Springfield's commitment to coordinating land use policies that will support the creation of economic opportunities that are closely aligned with our region's assets and values.
7. *Buildable Lands Inventory.* Springfield's Commercial and Industrial Buildable Lands Inventory identifies 3,415 acres that are designated for industrial and other employment use. About two-thirds of the land designated for employment within Springfield's UGB is considered developed and is not expected to redevelop over the 20 year planning period. Less than 15% of this land is buildable, unconstrained land. The majority of buildable, unconstrained employment land in Springfield has existing development on it that is expected to redevelop over the planning period. Springfield has one buildable site 20 acres and larger and 23 buildable sites in the five to 20 acre size range.
8. *Employment that will not require vacant land.* Springfield assumed that 46% of employment would not require vacant employment land. Springfield's assumptions about employment that will not require vacant land are as follows:
 - Fourteen percent of employment (1,918 employees) will locate in non-employment designations. These employees will include people with home occupations, working from home, and businesses that locate in residential or other non-employment designations. This assumption is based on the percent of employment located in non-employment designations in 2006. (Ref. EOA Appendix C and Table C-7)
 - Ten percent of new employment will locate in existing built space. (Ref EOA Appendix C and Table C-7)
 - Twenty-two percent of new employment will locate on potentially redevelopable land.
9. Springfield will be able to meet employment land needs on sites five acres and smaller within the existing UGB, through redevelopment, infill development, and employment uses on non-employment land (e.g., home occupations).

10. Redevelopment potential. The analysis of redevelopment potential and need for employment land in the EOA assumes that Springfield will have substantial redevelopment over the planning period. Consistent with City Council policies, the areas that are expected to have the most redevelopment are in Glenwood Urban Renewal District — especially along the Willamette Riverfront and Franklin/McVay corridor — and in the Downtown Urban Renewal District.
- All land deficiencies for sites smaller than five acres are expected to be addressed through redevelopment of existing sites.
 - The majority of retail land needs are expected to be addressed through redevelopment.
 - The City will need to make strategic investments that support redevelopment and to continue supporting redevelopment through City plans and policies. For example, redevelopment in the City’s targeted Downtown and Glenwood areas will require substantial investments in public infrastructure to provide public facilities and remove the existing impediments to development.
11. Brownfields redevelopment. As development in Springfield consumes the supply of vacant lands, brownfields are becoming an increasingly important share of the land supply for growth of employment and commerce. Productive re-use of brownfields is integral to the City’s redevelopment goals.
12. OAR 660-009-0005 identifies environmental contamination as a development constraint that temporarily or permanently limits or prevents the use of land for economic development. The City’s Commercial and Industrial Buildable Lands Inventory did not deduct contaminated sites from the buildable lands inventory.
13. The high cost of brownfield investigation and clean-up continue to give greenfield sites a competitive advantage over brownfields. There is a significant gap in brownfield redevelopment feasibility without public intervention. Ultimately, achieving industrial redevelopment of brownfields may require incentives from government at the state and federal levels.
14. Citywide, industrial brownfield redevelopment issues lack adequate funding and programmatic responses. Many of these sites likely will they require more investment to become redevelopable than they are currently worth. Other sites are too small, have complex constraints, or have high transaction costs for investors who are new to

brownfield redevelopment. Currently, the City's does not have the resources to fund a Brownfield Program and can only rely on grant-funded programs to address a small percentage of these sites.

15. In 2012, the City — together with Eugene and Lane County — received a brownfield grant from the state that enables study and assessment of brownfield sites in portions of Springfield. This information will help the City determine industrial development/redevelopment feasibility on these Springfield sites. Springfield has many known brownfield sites that will require clean-up before the sites can be redeveloped. For example, a recent inventory conducted as part of the Springfield-Eugene-Lane County Environmental Protection Agency grant work has identified 17 properties likely to be brownfields in the Glenwood area alone. The City expects that hundreds of properties along the Main Street corridor contain brownfields that will require clean-up before the sites can be redeveloped. These and other known contaminated sites are shown in the City's Contaminated Source Inventory map maintained by the City's GIS department.
16. Need for large sites. The employment land needs that may not be met within the UGB are for sites five acres and larger. The City has only one buildable site 20 acres or larger.
17. Availability of sites 20 acres and larger is important for attracting or growing large businesses, which are often traded-sector businesses. If the City does not have these large sites, there is little chance that the City will attract these types of businesses.
18. *Short-term land supply.* Based on the Goal 9 definition of short-term land supply and criteria for "engineering feasibility," all of the buildable land within the Springfield UGB is part of the short-term land supply, assuming that funding is available to extend services. The Goal 9 rule does not account for land availability, such as whether the landowner is willing to sell it or the owner is willing to redevelop it. The Goal 9 rule also does not account for differences in site characteristics, such as site size. As a result, developers may have difficulty finding developable land with specific site characteristics, such as large sites with highway access.
19. Springfield conducted Community Economic Development workshops on May 20, 2008 and July 31, 2008 to identify issues and themes for development of economic development objectives and strategies. The following table provides a summary of input received:

Summary of Input from the 2008 Springfield Economic Development Workshops	
Category	Issues and Themes
Jobs and the economy	<ul style="list-style-type: none"> ▪ Attract businesses that provide stable, living or family wage jobs that provide benefits ▪ Recruit businesses that provide green or sustainable products ▪ Lower the costs of doing business in the City, such as system development charges and permitting fees ▪ Attract businesses to the City through the use of enterprise zones
Sustainability and the environment	<ul style="list-style-type: none"> ▪ Balance environmental protection and greenfield development ▪ Encourage green building practices for new development ▪ Capitalize on opportunities to increase walkability and bicycling
Land use and zoning	<ul style="list-style-type: none"> ▪ Balance the use of developing green-fields with redeveloping existing land and emphasizing infill ▪ Encourage more efficient land uses, including higher density development where appropriate ▪ Promote nodal development and mixed-use development, especially in downtown ▪ Provide opportunities for high quality development along the riverfront ▪ Reevaluate allowable uses, especially near schools ▪ Consider parking and transportation needs when planning for new uses, especially in downtown
Redevelopment	<ul style="list-style-type: none"> ▪ Focus on redevelopment in downtown and Glenwood. ▪ Revitalize downtown through redevelopment and rehabilitation of old buildings ▪ Promote re-use of vacant buildings in downtown ▪ Keep a historical perspective when considering redevelopment

Source: ECO Northwest Springfield Economic Development Objectives and Strategies

20. Economic development objectives and strategies that encourage transition to a greener economy can help strengthen the local economy by driving demand for locally provided products and services that conserve energy and reduce emissions. The need for research, design, development, manufacture and retrofit of cleaner, more energy efficient and more sustainable alternatives presents major economic opportunities.

Source: ECO Northwest

21. Oregon is home to some of the nation's leading developers, builders, architects, engineers and product manufacturers in the green building industry. These businesses spread economic benefits to the community by creating "green collar" jobs — skilled and semi-skilled, well-paying jobs that contribute directly to preserving or enhancing environmental quality. For example, Oregon's rapidly growing clean energy sector is

showing strong demand for trained workers, including solar installers and wind turbine technicians. *Source: ECO Northwest*

22. Efforts to retrofit buildings for energy performance, develop the next generation of biofuels, design new ways to package goods and meet countless other needs with more sustainable practices will create many new jobs. *Source: ECO Northwest*
23. A shift away from fossil fuels such as coal, petroleum and natural gas will add substantial indirect economic benefits. By redirecting energy dollars to pay for efficiency improvements and non-fossil fuel energy, businesses and residents will spend more money locally, expanding markets for locally produced products and services. *Source: ECO Northwest*
24. Springfield supports the establishment of a critical mass of clean energy firms, such as wind developers, photovoltaic manufacturers, biodiesel producers and energy efficiency consultants in our region. *Source: ECO Northwest*
25. Land use policies that foster higher density development and redevelopment along transit corridors and mixed use compact development patterns will allow more residents to meet their daily needs without driving and to reduce household transportation costs. A more substantial portion of those saved dollars can be spent in the local economy where they have economic multiplier effects. *Source: ECO Northwest*
26. With Springfield's and the region's workforce expected to grow, the need for job growth will become even more pressing. Given the role that location of employment plays in where people live and how much they drive, weak job growth in the city will drive demand for additional infrastructure spending, increase transportation costs for Springfield residents and undermine regional efforts in land use and climate action. *Source: ECO Northwest*
27. To affect economic development, any policy or action must affect a factor of production that influences business locations and job growth. Factors that have the most impact are labor, land, local infrastructure, access to markets and materials, agglomerative economies (clusters), quality of life and entrepreneurship. *Source: ECO Northwest*
28. The supply, cost, and quality of any of these factors are dependent upon national and global market forces that local government has no influence over. But they also depend on public policy, which can generally affect these factors of production through:

planning, regulation, provision of public services, taxes, and incentives. *Source: ECO Northwest*

29. The location decisions of businesses are primarily based on the availability and cost of labor, transportation, raw materials, and capital. The availability and cost of these production factors are usually similar within a region. Most economic development strategies available to local governments only indirectly affect the cost and quality of these primary location factors. *Source: ECO Northwest*

30. Local governments can most directly affect tax rates (within the bounds of Measures 5 and 50), the cost to businesses and quality of public services, and regulatory policies. Economists generally agree that these factors do affect economic development, but the effects on economic development are modest. Thus, most of the strategies available to local governments have only a modest effect on the level and type of economic development in the community. *Source: ECO Northwest*

31. Local governments in Oregon also play a central role in the provision of buildable land through inclusion in the Urban Growth Boundary, plan designation, zoning, and provision of public services. While providing buildable land for businesses to locate or expand is one of the most direct ways that the City of Springfield can affect the level and type of economic development, this action alone is not sufficient to guarantee economic development in the community. Market conditions must create demand for this land, and local factors of production must be favorable for business activity.

32. As part of Springfield’s Commercial and Industrial Buildable Lands Study, a range of potential economic development strategies were identified to inform policy development:

Potential Economic Development Strategies	
Category/Policy	Description
Land Use	Policies regarding the amount and location of available land and allowed uses.
Provide adequate supply of land	Provide an adequate supply of development sites to accommodate anticipated employment growth with the public and private services, sizes, zoning, and other characteristics needed by firms likely to locate in Springfield.
Increase the efficiency of the permitting process and development codes and land use plans that are clear and concise. simplify city land-use policies	Take actions to reduce costs and time for development permits. Adopt

Potential Economic Development Strategies	
Category/Policy	Description
Public Services	Policies regarding the level and quality of public and private infrastructure and services.
Provide adequate infrastructure to support employment growth	Provide adequate public services (i.e. roads, transportation, water, and sewer) and take action to assure adequate private utilities (i.e. electricity and communications) are provided to existing businesses and development sites.
Focused public investment	Provide public and private infrastructure to identified development or redevelopment sites.
Communications infrastructure	Actions to provide high-speed communication infrastructure, such as developing a local fiber optic network.
Business Assistance	Policies to assist existing businesses and attract new businesses.
Business retention and growth	Targeted assistance to businesses facing financial difficulty or thinking of moving out of the community. Assistance would vary depending on a given business' problems and could range from business loans to upgrades in infrastructure to assistance in finding a new location within the community.
Recruitment and marketing	Establish a program to market the community as a location for business in general, and target relocating firms to diversify and strengthen the local economy. Take steps to provide readily available development sites, an efficient permitting process, well-trained workforce, and perception of high quality of life.
Development districts (enterprise zones, renewal districts, etc.)	Establish districts with tax abatements, loans, assist with infrastructure, reduced regulation, or other incentives available to businesses in the district that meet specified criteria and help achieve community goals.
Business clusters	Help develop business clusters through business recruitment and business retention policies. Encourage siting of businesses to provide shared services to the business clusters, including retail and commercial services.
Public/private partnerships	Make public land or facilities available, public lease commitment in proposed development, provide parking, and other support services.
Financial assistance	Tax abatement, waivers, loans, grants, and financing for firms meeting specified criteria. Can be targeted as desired to support goal such as recruitment, retention, expansion, family-wage jobs, or sustainable industry.
Business incubators	Help develop low-cost space for use by new and expanding firms with shared office services, access to equipment, networking opportunities, and business development information. Designate land for live-work opportunities.
Mentoring and advice	Provide low-cost mentors and advice for local small businesses in the area of management, marketing, accounting, financing, and other business skills.
Export promotion	Assist businesses in identifying and expanding into new products and export markets; represent local firms at trade shows and missions.

Potential Economic Development Strategies	
Category/Policy	Description
Workforce	Policies to improve the quality of the workforce available to local firms.
Job training	Create opportunities for training in general or implement training programs for specific jobs or specific population groups (i.e. dislocated workers).
Job access	Provide transit/shuttle service to bring workers to job sites.
Jobs/housing balance	Make land available for a variety of low-cost housing types for lower income households, ranging from single-family housing types to multifamily housing.
Other	
Regional collaboration	Coordinate economic development efforts with the County, the State, and local jurisdictions, utilities, and agencies so that clear and consistent policies are developed.
Quality of life	Maintain and enhance quality of life through good schools, cultural programs, recreational opportunities, adequate health care facilities, affordable housing, neighborhood protection, and environmental amenities.

Source: ECONorthwest.

33. According to Oregon Prospector, at the time Springfield’s EOA was prepared there were only nine sites in the Southern Willamette Valley with the following characteristics: 20 acres or larger, Project Certified, and within about five miles of I-5. The following counties have sites that match these characteristics: three sites in Marion County, one site in Benton County, two sites in Linn County, no sites in Lane County, and three sites in Douglas County. There are comparatively few large sites relatively near to I-5 available for development in the Southern Willamette Valley and no sites with these characteristics in the Eugene-Springfield area.
34. “Short-term supply” means suitable land that is ready for construction usually within one year of an application for a building permit or request for service extension. “Competitive Short-term Supply” means the short-term supply of land provides a range of site sizes and locations to accommodate the market needs of a variety of industrial and other employment uses.
35. Continued emphasis on investments in transit, infrastructure, housing and social service at the expense of economic development will not grow the local economy. Job growth requires explicit investments in retaining and growing firms, training workers, funding innovation and developing catalytic projects.

36. Springfield does not possess the resources to compete unsystematically in the global economy. A city of Springfield's size and attributes must be selective in how it competes for new business growth; limited economic development resources must be deployed in a manner that builds on the city's undeniable strengths.
37. Needed sites. The site needs analysis in Springfield's Commercial and Industrial Lands Inventory and Economic Opportunities Analysis (CIBL/EOA) identifies site needs in five types of buildings: warehousing and distribution, general industrial, office, retail, and other services. The characteristics of needed sites for each of these building types are described in CIBL/EOA, adopted as the Technical Supplement of this Economic Element. Characteristics of Needed Sites, including site needs for Springfield's target industries: manufacturing and large office employers are explained in CIBL/EOA Chapter 5 and Appendix C.
38. Industrial Land Preservation. Since adoption of the Metro Plan, wetlands were discovered in the Jasper Natron area. The presence of wetlands will affect development of this land, including the sites designated as Special Heavy Industrial (SHI) in the Metro plan diagram.

City of Springfield:

**Commercial and Industrial
Buildable Lands Inventory
and Economic Opportunities
Analysis**

For the Planning Period 2010-2030

Prepared for

City of Springfield

by

ECONorthwest

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Final Report

August 2015

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Commercial and Industrial Lands Stakeholder Committee 2008-2009

The CIBL Stakeholder Committee provided community and business input in the economic opportunities analysis. The Committee provided guidance on developing Springfield's economic development strategy and provided input on assumptions used in the economic opportunities analysis. Committee members included: City of Springfield elected or appointed officials, local business owners and business people, land-use advocacy groups, and residents of Springfield.

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Executive Summary

This report presents the Commercial and Industrial Buildable Lands Inventory (CIBL) and Economic Opportunities Analysis (EOA) for the City of Springfield for the 2010 to 2030 period. The purpose of the analysis is to forecast employment growth in Springfield, document the inventory of commercial and industrial land in Springfield,¹ and determine whether Springfield has enough land to accommodate expected growth.

In addition, this project establishes a clear economic development direction that identifies the city's strengths and opportunities, and its position in the broader Southern Willamette Valley region. This project will facilitate employment opportunities and job creation in Springfield by identifying industrial/employment land needs and developing an economic development strategy aimed at selected target industries.

This analysis is consistent with the requirements of statewide planning Goal 9 and the Goal 9 administrative rule (OAR 660-009).

This document, the final CIBL and EOA, includes revisions from the Draft *Springfield Commercial and Industrial Buildable Lands Inventory and Economic Opportunities Analysis* from September 2009. These changes incorporate feedback about the report and address the requirements of recent legal cases about economic opportunity analyses. The primary changes to the document are:

- Clarifications to the methods, definitions, and terms used in the buildable lands inventory, including clarifications about potentially redevelopable land in Springfield.
- Analysis of potentially redevelopable sites larger than 5 acres to determine which sites are likely to redevelop over the 2010-2030 planning period.

¹ OAR 660-009 0005(3) defines "Industrial Use as "employment activities generating income from the production, handling or distribution of goods. Industrial uses include, but are not limited to: manufacturing; assembly; fabrication; processing; storage; logistics; warehousing; importation; distribution and transshipment; and research and development. Industrial uses may have unique land, infrastructure, energy, and transportation requirements. Industrial uses may have external impacts on surrounding uses and may cluster in traditional or new industrial areas where they are segregated from other non-industrial activities.

OAR 660-009 0005(6) defines "Other Employment Use: " all non-industrial employment activities including the widest range of retail, wholesale, service, non-profit, business headquarters, administrative and governmental employment activities that are accommodated in retail, office and flexible building types. Other employment uses also include employment activities of an entity or organization that serves the medical, educational, social service, recreation and security needs of the community typically in large buildings or multi-building campuses.

- Clarifications about Springfield’s target industries and their existing site and other characteristics of the target industries.
- Revision to the number of needed sites, removing the range of needed sites and using historical data to identify the number and size of needed sites.
- Revision to the categories of needed site size, to combine the largest site sizes into one category: sites 20 acres and larger.
- Additional information about the sites needs of Springfield’s target industries.
- Other clarifications that made the analysis and results clearer.

WHAT IS SPRINGFIELD’S ECONOMIC DEVELOPMENT VISION?

Springfield is a business-oriented city. The City is undergoing revitalization, with on-going redevelopment efforts in Downtown and Glenwood, and the opening of the hospital at RiverBend in 2008. The City’s vision for economic growth over the next 20-years combines sustaining existing businesses and helping those businesses expand, and embracing a broad variety of new opportunities for growth.

The economic development strategy for Springfield can be summarized as follows:

- (1) Facilitate the redevelopment of Downtown Springfield and Glenwood through strategic infrastructure and other investments from programs such as urban renewal and planning for redevelopment.
- (2) Provide sites with a variety of site characteristics to meet both commercial and industrial economic opportunities, including providing sites that are available for relatively fast development. This includes providing large sites for major employers.
- (3) Use land within the existing urban growth boundary efficiently, through promoting redevelopment, infill development, and dense development in nodal areas. The study assumes that 46% of new employment would not require vacant land.
- (4) Provide infrastructure efficiently and fairly by coordinating capital improvement planning with economic development planning.
- (5) Support and assist existing businesses within Springfield by assessing what help businesses need and developing programs to respond to business needs.

- (6) Attract and develop new businesses, especially those related to regional business clusters. The City would like to build on the developing health care cluster, promote development of high-tech businesses, and attract sustainable businesses.
- (7) Maintain flexibility in planning through providing efficient planning services and developing flexible planning policies to respond to the changing needs of businesses.

This is a brief summary of Springfield's economic development strategy. Chapter 3 of this report provides more detail on Springfield's comparative advantages and target industries; the Springfield Economic Development Strategy (included in Appendix D) articulates the City's economic development vision.

TARGET INDUSTRIES

An analysis of growth industries in Springfield should address two main questions: (1) Which industries are most likely to be attracted to the Eugene-Springfield area? and (2) Which industries best meet Springfield's economic objectives? The types of industries that Springfield wants to attract to meet economic development objectives are: high-wage, stable jobs with benefits; jobs requiring skilled and unskilled labor; employers in a range of industries that will contribute to a diverse economy; and industries that are compatible with Springfield's community values.

The characteristics of Springfield will affect the types of businesses most likely to locate in Springfield. Springfield's attributes that may attract firms are: the City's proximity to I-5, high quality of life, proximity to the University of Oregon, the presence of the RiverBend campus, positive business climate, availability of skilled and semi-skilled labor, and proximity to indoor and outdoor recreational opportunities. Table S-1 summarizes target industries for Springfield during the 2010 to 2030 planning period.

Table S-1. Target industries, Springfield, 2010-2030

Target Industry	Types of firms	Attraction to Springfield
Medical Services	Medical firms, medical research firms, and other professional services	Development of a medical cluster at RiverBend

Target Industry	Types of firms	Attraction to Springfield
Manufacturing	Manufacturers of: food processing, high-tech electronics, recreational equipment, medical equipment manufacturing, furniture manufacturing, specialty apparel, cottage industries (such as jewelry, apparel, or personal care products), plastics manufacturing, and wood products manufacturing	Labor force, existing businesses, land availability, proximity to natural resources, access and proximity to Interstate 5, and access to comparatively inexpensive electricity
Specialty Food Processing	Food processing firms, such as those that specialize in organic or natural foods, brewing and wine industry	Proximity to agricultural resources, natural foods innovation cluster, access and proximity to Interstate 5, and access to comparatively inexpensive electricity,
High-Tech	The types of firms range from high-tech manufacturing to data centers to software development	Access to highly educated labor, access to comparatively inexpensive electricity, access and proximity to Interstate 5, and high quality of life
Professional and Technical Services	Engineering, research, medical-related professionals, and other professional services that are attracted to high-quality settings	Access to highly educated labor and high quality of life
Call Centers	Call centers	Existing call center cluster and trained labor force
Back-Office Functions	Back-office functions, including administrative functions such as accounting or information technology	High quality of life, available and trained labor force, and relatively low wages
Corporate Headquarters	Corporate headquarters	High quality of life, location along I-5, and availability of educated workers
Tourism	Industries that serve tourists, such as food services and accommodations	Proximity to University of Oregon, outdoor recreational opportunities and regional events such as the Olympic Track and Field trials, NCAA sporting events, the Oregon Country Fair, or the University of Oregon Bach Festival
Green businesses	Green construction firms, organic food processing, sustainable logging and/or lumber products manufacturing, or alternative energy production	Access to highly educated labor, access to natural resources, and high quality of life
Services for Residents	Retail and government services, especially education	Growing population
Services for seniors	Health services that provide services to older people, such as assisted living facilities or retirement centers	Aging population and presence of RiverBend Hospital and McKenzie Willamette Hospital

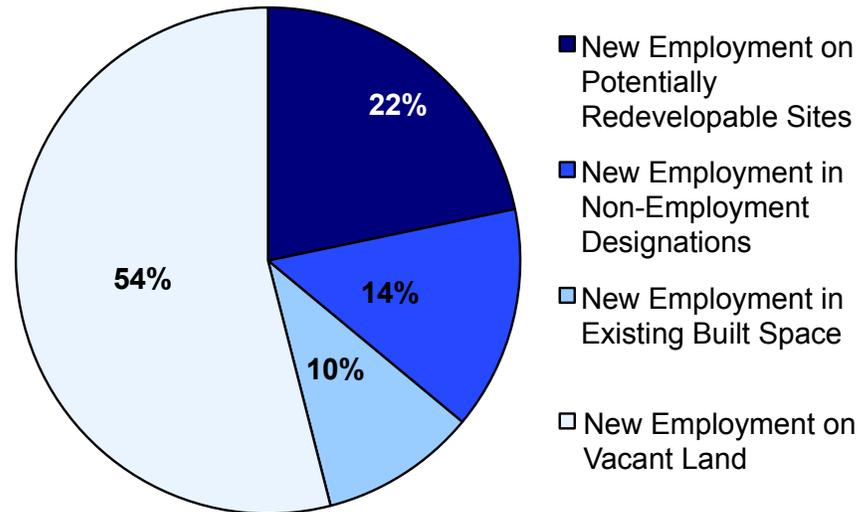
COMPARISON OF LAND CAPACITY AND DEMAND

This section presents an analysis of land availability and capacity for employment uses in Springfield. The key conclusions in this section are:

- (1) **The majority of employment growth in Springfield will not require vacant land.** The analysis concludes that that 46% of new employment would not require vacant land, consistent with the City's economic development strategies to encourage redevelopment, especially in Downtown and Glenwood. This portion of employment addresses the OAR 660-024-0050(4) requirement that the City demonstrate that some needs can reasonably be accommodated through by increasing the development capacity of land already inside the city prior to expanding the UGB. The City's Springfield 2030 Comprehensive Plan describes the specific policies the City will adopt to achieve this level of increased capacity through infill development and redevelopment. Those policies will be adopted as part of the City's overall UGB justification.
- (2) **Springfield will need employment land with characteristics that cannot be found within the existing UGB.** The City will need 7 sites with about 223 acres of industrial and other employment land, on sites five acres and larger that cannot be accommodated within the existing UGB.

Figure S-1 summarizes how Springfield will accommodate new employment based analysis in Chapter 5.

Figure S-1. Summary of Location of Employment Growth by Type of Land, Springfield UGB, 2010-2030



Source: ECONorthwest

Table S-2 shows a comparison of land supply and need in terms of sites by site size, based on the analysis of potential growth industries in Springfield in Chapter 4. The results show that Springfield has a deficit of two Industrial sites (both 20 acres and larger) and seven Commercial and Mixed Use sites (ranging in size from 2 to 5 acres and 20 acres and larger).

Table S-2. Comparison of vacant land supply and site needs, industrial and other employment land, Springfield UGB, 2010-2030

	Site Size (acres)				
	Less than 1	1 to 2	2 to 5	5 to 20	20 and Larger
Buildable Land Inventory					
Vacant					
Industrial	72	24	20	12	0
Commercial and Mixed Use	104	14	6	4	0
Potentially Redevelopable					
Industrial	122	28	31	6	1
Commercial and Mixed Use	305	20	15	0	0
Total Buildable Sites					
Industrial	194	52	51	18	1
Commercial and Mixed Use	409	34	21	4	0
Site Needs					
Needed sites					
Industrial	7	7	7	12	3
Commercial and Mixed Use	174	31	23	8	1
Surplus (deficit) of sites					
Industrial	187	45	44	6	-2
Commercial and Mixed Use	235	3	-2	-4	-1

Source: ECONorthwest.

Note: The redevelopable sites in Table 5-1 are assumed to increase employment capacity on the redeveloped sites. As discussed in Chapter 2, redevelopment means a net increase in employment capacity, rather than only the replacement of an old building with a newer building.

Converting from the site needs shown in Table S-2 to an estimate of land needs requires making assumptions about average site sizes needed in Springfield. The average site sizes in Table 5-2 are based on empirical analysis of the size of Industrial and Commercial taxlots with employment in Springfield. Table S-3 shows the average site size for needed sites in Springfield.

Table S-3. Average size of needed sites based on average sizes of sites with employment in Springfield, Springfield UGB

	Site Size (acres)				
	Less than 1	1 to 2	2 to 5	5 to 20	20 and Larger
Industrial	0.5	1.4	3.0	10.0	63.0
Commercial and Mixed Use	0.4	1.4	3.2	9.3	60.0

Source: ECONorthwest based on QCEW data

Note: Average site size for sites 20 acres and larger is rounded to the nearest acre.

Table S-4 shows sites needed (from Table S-2) and land need (based on number of sites needed in Table S-2 and average site size in Table S-3). The results show that Springfield has a deficit in the current UGB of the following land types for the 2010 to 2030 period:

- **Industrial land.** Springfield has a need for 126 acres of industrial land on two sites larger than 20 acres. In the context of this study,

industrial use means any use that would be allowed in an industrial land designation (e.g., campus industrial, light-medium industrial, light-medium industrial mixed use, heavy industrial, or special heavy industrial).

- **Commercial sites.** Springfield has a **need for 104 acres** of commercial land on 9 sites. Springfield's commercial site needs range from sites 2 to 5 acres in size to one site that is 60 acres in size. In the context of this study, commercial use means any use that would be allowed in a commercial land designation (e.g., commercial, commercial mixed use, employment mixed use).

Table S-4. Comparison of employment land supply and site needs, Springfield UGB, 2010-2030

	Site Size (acres)					Total
	Less than 1	1 to 2	2 to 5	5 to 20	20 and Larger	
Industrial						
Sites needed	none	none	none	none	2	2
Land need (acres)	none	none	none	none	126	126
Commercial and Mixed Use						
Sites needed	none	none	2	4	1	7
Land need (acres)	none	none	6	37	60	104
Total sites needed	none	none	2	4	3	9
Total acres needed	none	none	6	37	186	230

Source: ECONorthwest

The summary of land needs in Table S-4 shows Springfield's land need for all sites of all sizes. One of the City's economic development strategies is to encourage redevelopment, especially in Downtown and Glenwood. Table S-2 shows that 188 industrial sites and 340 commercial and mixed use sites would redevelop to address land needs over the 20-year period. In addition to this assumption about redevelopment, **Springfield concludes that all land needs on sites smaller than five acres would be accommodated through redevelopment.** The City had a deficit of two commercial and mixed use sites smaller than five acres, which would require six acres of land (Table S-4).

Table S-5 shows Springfield's employment land need, assuming that all site needs for sites smaller than five acres would be addressed through redevelopment. **Springfield has the need for approximately two industrial sites on 126 acres and five commercial and mixed use sites on about 97 acres** that cannot be accommodated within the existing UGB over the 2010 to 2030 period.

Table S-5. Employment site and land needs, Springfield UGB, 2010-2030

	Site Size (acres)			Total
	Less than 5	5 to 20	20 and Larger	
Industrial				
Sites needed	none	none	2	2
Land need (acres)	none	none	126	126
Commercial and Mixed Use				
Sites needed	none	4	1	5
Land need (acres)	none	37	60	97
Total sites needed	none	4	3	7
Total acres needed	none	37	186	223

Source: ECONorthwest

CHARACTERISTICS OF NEEDED SITES

The Goal 9 Administrative Rule (OAR 660-009) requires that jurisdictions describe the characteristics of needed sites (OAR 660-009-0025(1)). The Administrative Rule defines site characteristics as follows in OAR 660-009-0005(11):

(11) "Site Characteristics" means the attributes of a site necessary for a particular industrial or other employment use to operate. Site characteristics include, but are not limited to, a minimum acreage or site configuration including shape and topography, visibility, specific types or levels of public facilities, services or energy infrastructure, or proximity to a particular transportation or freight facility such as rail, marine ports and airports, multimodal freight or transshipment facilities, and major transportation routes.

The analysis of employment land needs in Springfield showed need for two industrial sites (both 20 acres and larger) and five commercial and mixed use sites (ranging in size from 5 to 20 acres and 20 acres and larger). The site characteristics for commercial and industrial sites are summarized in Table S-6.

Table S-6. Summary of characteristics of sites needed by target industries, Springfield

Type of site and target industries	Site Size	Topography	Transportation Access	Access to City Services
<p>Target Industries: Medical Equipment High-Tech Electronics and Manufacturing Recreational Equipment Furniture Manufacturing Specialty Food Processing Building Type: General Industrial Site Needs for: Manufacturing</p>	<p>Manufacturers similar to the target industries that needed sites larger than 5 acres, who considered locating in Oregon or in the Eugene-Springfield area, needed sites ranging in size from 10 acres to more than 100 acres. The size of sites needed by Springfield's target industries will vary by the size of building: 100,000 sq ft building will need a site of between 9-12 acres 200,000 sq ft building will need a site of between 18-24 acres 500,000 sq ft building will need a site of between 45- 60 acres The average size of existing sites with employment in Springfield (Table 5-2) is: 5-20 acre site: 10 acres 20+ acre site: 63 acres</p>	<p>The slope for manufacturing sites should be 5% or less. High-tech and Campus manufacturing can have a slope of 7% or less.</p>	<p>At the furthest, sites should be located within 15 miles or less of I-5 or a principal arterial road that is designated as a freight route. Typically, most businesses in Springfield locate within one-mile of I-5 or within about one-half a mile of a state highway.</p>	<p>Access to Springfield's municipal water and wastewater system, with a minimum pipeline size of 8 to 10 inches (varies by target industry).</p>
<p>Target Industries: High-Tech services Corporate Headquarters Biotech Professional and Technical Services Back Office Medical Services Building Type: Commercial and Other Site Needs for: Large Office Employers</p>	<p>Commercial office employers that needed sites larger than 5 acres, who considered locating in Oregon, needed sites ranging in size from 10 acres to 100 acres. The size of sites needed by Springfield's target industries will vary by the size of building: 50,000 sq ft building will need a site of between 4- 6 acres 100,000 sq ft building will need a site of between 8-12 acres 200,000 sq ft building will need a site of between 16-24 acres If a business park is developed to meet the site needs of these businesses, typical business park sizes in the Portland region are between about 30 and 75 acres. The average size of existing sites with employment in Springfield (Table 5-2) is: 5-20 acre site: 9.3 acres 20+ acre site: 60 acres</p>	<p>The slope for manufacturing sites should be 5% or less. High-tech and Campus manufacturing can have a slope of 7% or less.</p>	<p>At the furthest, sites should be located within 15 miles or less of I-5 or a principal arterial road. Typically, most businesses in Springfield locate within one-mile of I-5 or within about one-half a mile of a state highway. Sites should have access to mass transit within one-half mile.</p>	<p>Access to Springfield's municipal water and wastewater system, with a minimum pipeline size of 8 to 10 inches (varies by target industry).</p>

IMPLICATIONS

The analysis presented in the economic opportunities analysis has implications for Springfield's economic land needs.

- *Economic growth.* Decision makers and community members that participated in the economic opportunities analysis agreed that economic growth is desirable over the planning period. The employment forecast indicates Springfield will add 13,440 new employees between 2010 and 2030. The economic opportunities analysis assumes that Springfield will have employment growth in a wide variety of businesses, from services and retail for residents to industrial development to medical services. The City wants to diversify its economy and attract higher wage and professional jobs.
- *Buildable lands.* Springfield has 3,414 acres that are designated for industrial and other employment use. About two-thirds of the land designated for employment within Springfield's UGB is considered developed and is not expected to redevelop over the 20 year planning period. Less than 15% of this land is buildable, unconstrained land. The majority of buildable, unconstrained employment land in Springfield has existing development on it that is expected to redevelop over the planning period. Springfield has a lack of buildable large sites, with one buildable site 20 acres and larger and 22 buildable sites in the five to 20 acre size range.
- *Redevelopment potential.*² The analysis of potentially redevelopable land and need for employment land assumes that Springfield will have substantial redevelopment over the planning period. The analysis of potentially redevelopable land assumes that the employment capacity of redeveloped areas will increase, not simply that a new building will replace an old building. Consistent with City Council policies, the areas that are expected to have the most redevelopment are in Glenwood, especially along the Willamette Riverfront and Franklin/McVay corridor, and in the Downtown Urban Renewal District.

The City will need to make strategic investments that support redevelopment and continue supporting redevelopment through

² This study identifies land with redevelopment potential as land on which development has already occurred but on which, due to present or expected market forces, there exists the potential that existing development will be converted to more intensive uses (providing additional employment capacity) during the planning period.

City plans and policies. For example, redevelopment in the City's targeted Downtown and Glenwood areas will require substantial investments in public infrastructure to provide public facilities and to overcome the existing impediments to development, including parcel assembly issues.

- *Employment that will not require vacant land.* Springfield assumed that 46% of employment would not require vacant employment land.³ Springfield's assumptions about employment that will not require vacant land are as follows:
 - Fourteen percent of employment (1,918 employees) will locate in non-employment designations. These employees will include people with home occupations, working from home, and businesses that locate in residential or other non-employment designations.
 - Ten percent of new employment (1,344 employees) will locate in existing built space.
 - Twenty-one percent of new employment (2,921 employees) will locate on redevelopable sites. Table S-2 shows that Springfield assumes 188 industrial sites and 342 commercial and mixed use sites will redevelop over the planning period.
- *Need for large sites.* Springfield will be able to meet all employment land needs on sites five acres and smaller within the existing UGB, through redevelopment, infill development, and employment uses on non-employment land (e.g., home occupations). The employment land needs that may not be met within the UGB are for sites five acres and larger. The City has only one suitable site over 20 acres.

Availability of sites 20 acres and larger is important for attracting or growing large businesses, which are often trade-sector businesses. If the City does not have these large sites, there is little chance that the City will attract these types of businesses. While it may not be clear exactly what the business opportunities may be in ten to twenty years, it is clear that these businesses will not locate in Springfield if land is not available for development.

³ The estimate of 46% of new employment not requiring vacant land is based on the assumption that 1,918 employees will locate in non-employment designations, 1,344 employees will locate in existing built space, and 2,921 employees will locate on redevelopable sites. The total number of new employees not requiring new land is 6,183 employees, which is approximately 46% of the forecasted growth of 13,440 jobs.

- *Redesignation of Smaller Sites.* Springfield's land deficit cannot be met through redesignating a surplus of small industrial- and commercial-designated sites, most of which are smaller than two acres. Map 2-3 shows that these sites are scattered throughout the City, generally along Main Street or in Mid-Springfield. There are few opportunities for assembly of a contiguous, unconstrained site with a configuration that makes it developable. These areas do not and are not expected to provide large sites for target employers that require large sites.

Even where small vacant sites are located adjacent to other small vacant sites, there are few places where a site larger than 5 acres could be assembled from small sites. There is probably no place where a 20-acre site could be assembled from small sites.

- *Site assembly.* Assembly of numerous small sites into 5 to 10 acre sites is difficult at best and often not feasible. Land assembly is difficult and often costly. Developers attempting land assembly often have difficulty assembling a site at a cost that makes development economically viable. When assembling land, developers often find that owners of key sites are not willing sellers, have unrealistic expectations of the value of their land, or cannot get agreement among multiple owners to sell the land. As a result, developers, especially developers of industrial buildings, typically choose to develop sites with one or two owners.
- *Need to expand the UGB to accommodate need for large sites.* Springfield's need for large sites cannot be met within the UGB. Meeting this need for large sites for large employers requires the City to expand its UGB into areas with suitable sites. These areas will have relatively large, flat sites with little parcelization and few owners, where businesses will have access to I-5 or a State highway.
- *Short-term land supply.* Based on the Goal 9 definition of short-term land supply and criteria for "engineering feasibility," the majority of inventoried commercial and industrial land supply within the Springfield UGB is part of the short-term land supply, assuming that funding is available to extend or increase capacity of infrastructure and urban services. The Goal 9 rule definition of short-term land supply does not account for land availability, such as whether the landowner is willing to sell it or the owner is willing to redevelop it. The Goal 9 rule definition of short-term land supply also does not account for needed site characteristics, such as site size. As a result, the City's short-term land supply as defined by

Goal 9 may not be available and developers may have difficulty finding developable land with specific site characteristics.

Introduction

This report presents an Economic Opportunities Analysis (EOA) for the City of Springfield consistent with the requirements of statewide planning Goal 9 and the Goal 9 administrative rule (OAR 660-009). Goal 9 describes the EOA as “an analysis of the community's economic patterns, potentialities, strengths, and deficiencies as they relate to state and national trends” and states that “a principal determinant in planning for major industrial and commercial developments should be the comparative advantage of the region within which the developments would be located.”

BACKGROUND

In 2007, the Oregon Legislature passed House Bill 3337 that directed Springfield and Eugene to establish separate Urban Growth Boundaries (UGBs). The city started work on a key element of its new UGB in 2006 by initiating a residential buildable lands inventory and contracting ECONorthwest to conduct a Goal 10 housing needs analysis. Springfield's UGB was acknowledged in 2011. The City concurrently prepared additional studies necessary to determine employment land needs – including an economic opportunities analysis (EOA) and an economic development strategy.

The project includes two key phases:

1. An inventory of commercial and industrial lands and a projection of the acreage needed to accommodate Springfield's future commercial and industrial needs. This phase is called the economic opportunities analysis (EOA).
2. An analysis of alternative locations where the UGB might be expanded to accommodate the city's future commercial, industrial, and residential needs – if the City identifies a deficiency of lands. This phase is called the alternatives analysis.

This report presents the results of the economic opportunities analysis, with the economic development strategy presented in Appendix D. ECONorthwest worked closely with City staff, a Technical Advisory Committee, and a Stakeholder Committee in preparing the Springfield Economic Opportunities Analysis. This report incorporates many comments provided by these groups. It is an update to the 2009 Draft EOA, designed to address questions and comments about the EOA raised

through public testimony, as well as update the EOA to address requirements of recent court decisions.

FRAMEWORK FOR ECONOMIC DEVELOPMENT PLANNING IN OREGON

The content of this report is designed to meet the requirements of Oregon Statewide Planning Goal 9 and the administrative rule that implements Goal 9 (OAR 660-009). The Land Conservation and Development Commission adopted amendments to this administrative rule in December 2005.⁴ The analysis in this report is designed to conform to the requirements for an Economic Opportunities Analysis in OAR 660-009 as amended.

1. *Economic Opportunities Analysis (OAR 660-009-0015)*. The Economic Opportunities Analysis (EOA) requires communities to identify the major categories of industrial or other employment uses that could reasonably be expected to locate or expand in the planning area based on information about national, state, regional, county, or local trends; identify the number of sites by type reasonably expected to be needed to accommodate projected employment growth based on the site characteristics typical of expected uses; include an inventory of vacant and developed lands within the planning area designated for industrial or other employment use; and estimate the types and amounts of industrial and other employment uses likely to occur in the planning area. Local governments are also encouraged to assess community economic development potential through a visioning or some other public input based process in conjunction with state agencies.
2. *Industrial and commercial development policies (OAR 660-009-0020)*. Cities with a population over 2,500 are required to develop commercial and industrial development policies based on the EOA. Local comprehensive plans must state the overall objectives for economic development in the planning area and identify categories or particular types of industrial and other employment uses desired by the community. Local comprehensive plans must also include policies that commit the city or county to designate an adequate number of employment sites of suitable sizes, types and locations. The plan must also include policies to provide necessary public facilities and transportation facilities for the planning area. Finally, cities within a Metropolitan Planning Organization (which includes

⁴ The amended OAR 660-009, along with a Goal 9 Rule Fact Sheet, are available from the Oregon Department of Land Conservation and Development at <http://www.oregon.gov/LCD/econdev.shtml>.

Springfield) must adopt policies that identify a competitive short-term supply of land for desired industrial and other employment uses as an economic development objective.

3. *Designation of lands for industrial and commercial uses (OAR 660-009-0025.* Cities and counties must adopt measures to implement policies adopted pursuant to OAR 660-009-0020. Appropriate implementation measures include amendments to plan and zone map designations, land use regulations, public facility plans, and transportation system plans. More specifically, plans must identify the approximate number, acreage and characteristics of sites needed to accommodate industrial and other employment uses to implement plan policies, and must designate serviceable land suitable to meet identified site needs.

Plans for cities and counties within a Metropolitan Planning Organization or cities and counties that adopt policies relating to the short-term supply of land must designate suitable land to respond to economic development opportunities as they arise.

This report is an Economic Opportunities Analysis, the first key element required by Goal 9. This EOA includes an analysis of national, state, regional, and county trends as well as an employment forecast that leads to identification of needed development sites. It also includes an inventory of buildable commercial and industrial land in Springfield.

ORGANIZATION OF THIS REPORT

The remainder of this report is organized as follows:

- **Chapter 2, Land Available for Industrial and Other Employment Uses** presents an inventory of industrial and other employment lands.
- **Chapter 3, Economic Trends and Factors Affecting Future Economic Growth in Springfield** summarizes historic economic trends that affect current and future economic conditions in Springfield. It also summarizes Springfield's comparative advantages formed by the mix of factors present in Springfield
- **Chapter 4, Land Demand and Site Needs in Springfield** presents the employment forecast for Springfield and an estimate of how much land is needed to accommodate the 20-year employment forecast. It also describes the types of sites that are needed to accommodate industries that are likely to locate or expand in Springfield.

- **Chapter 5, Implications** presents a comparison of land supply and site needs and discusses the implications of the Economic Opportunities Analysis.

This report also includes three appendices:

- **Appendix A, Review of National, State, Regional, County, and Local Trends** describes national, state, and local economic trends that will influence the regional economy. Appendix A presents detailed information about economic trends that may affect Springfield, which is summarized in Chapter 3.
- **Appendix B, Factors Affecting Future Economic Growth in Springfield** discusses the comparative advantages formed by the mix of factors present in Springfield. Springfield's comparative advantages are summarized in Chapter 3.
- **Appendix C, Employment Forecast and Site Needs for Industrial and Other Employment Uses** presents an employment forecast and analysis of needed sites for Springfield for the period 2010-2030 and is summarized in Chapter 4.
- **Appendix D, Economic Development Objectives and Implementation Strategies** presents objectives and strategies to implement the City's economic development goals. It will be used to guide development of land use policies to implement the City's economic development vision.

Land Available for Industrial and Other Employment Uses

The Springfield Commercial and Industrial Buildable Lands (CIBL) inventory is intended to identify lands within the Springfield urban Growth Boundary (UGB) that are suitable for development and can accommodate employment growth. This chapter addresses the requirements of OAR 660-009-0015(3) to inventory vacant and developed lands that are designated for industrial or other employment uses.

Buildable lands inventories are sometimes characterized as *supply* of land to accommodate growth. Population and employment growth drive *demand* for land. The amount of land needed depends, in part, on the density of development as well as assumptions about redevelopment and infill.

This chapter presents the CIBL inventory for the City of Springfield. The results are based on analysis of Geographic Information System data provided by the City of Springfield Public Works Department and the Lane Council of Governments. The buildable land inventory also used aerial orthophotographs and review by city staff for verification.

Some updates were made to this chapter as part of the 2015 update of the EOA. Text was added to clarify data and methodologies used in the BLI. The column titles were updated to clarify the results of the BLI in some tables. The results of the buildable lands inventory were not revised as part of this update. This update resulted in modifications to the narrative of this chapter, with the intent of clarifying the methods and results.

For the purpose of the buildable lands inventory, lands east of the Interstate 5 center line in the Metro UGB were considered to be in the Springfield portion of the UGB.⁵

ECO worked closely with City Staff, a Technical Advisory Committee, and a Stakeholder Committee during the development and review of the Springfield commercial and industrial buildable lands inventory (CIBL). ECO developed the inventory using the following steps:

⁵ Springfield did not have a separate UGB at the time this study was completed. The Springfield UGB was acknowledged in 2011.

- *Assemble and document datasets.* ECO identified data from the Regional Land Information Database (RLID) and GIS data from the City of Springfield and the Lane Council of Governments as primary datasets on which the inventory and analysis was built. RLID includes assessment and taxation data maintained by Lane County.
- *Preliminary analysis.* ECO conducted a preliminary analysis with the GIS and data tables selected for inclusion in the database. The purpose of this task was to work with City staff and the TAC to determine the optimal definitions and supporting methodology to base the final analysis and database structure.
- *Data processing and GIS analysis.* In this step ECO performed the GIS analysis and data processing steps necessary to populate the database. Table 2-1 shows plan designations that were included in the commercial and industrial buildable lands inventory. All of the designations included in the inventory allow employment outright. The inventory, however, includes several mixed use designations that allow both employment and housing. The inventory generally uses the 2004 Metro Plan designations with two exceptions: (1) Glenwood, where a 2005 plan amendment changed the designation on approximately 47 acres from Light Medium Industrial Mixed Use to Mixed Use; (2) the PeaceHealth site where land was redesignated from residential to designations that allow employment; and (3) the Marcola Meadows site that included a plan designation change from Campus Industrial to Medium Density Residential/Nodal Development, Mixed-Use Commercial/Nodal Development, and Community Commercial. The implication of these exceptions was to include land that would not have otherwise been included in the inventory. The intent of this step was to increase the accuracy of the inventory.

Table 2-1. Metro plan designations included in the Springfield commercial and industrial buildable lands inventory, 2008

Plan Designation	Allowed Land Uses (yes/no)			
	Commercial	Industrial	Residential	In CIBL?
Campus Industrial	yes	yes	no	yes
Commercial	yes	no	no	yes
Commercial Mixed Use	yes	no	yes	yes
Heavy Industrial	no	yes	no	yes
High Density Res Mixed Use	yes	no	yes	yes
Light Medium Industrial	no	yes	no	yes
Light Medium Industrial Mixed Use	no	yes	no	yes
Major Retail Center	yes	no	no	yes
Medium Density Res Mixed Use	yes	no	yes	yes
Mixed Use	yes	yes	yes	yes
Special Heavy Industrial	no	yes	no	yes

Note: Allowed land uses indicates which uses are allowed in each plan designation. The CIBL includes any plan designation that allows employment, including mixed use designations.

- Verification.* ECO used a multi-step verification process. The initial verification occurred as part of the preliminary analysis. This step included a staff-level review of preliminary database output (maps) showing the land base and plan designations. The second round of verification involved a “rapid visual assessment” of land classifications using GIS and recent aerial photos for this analysis. The rapid visual assessment involved reviewing classifications overlaid on 2005 aerial photographs to verify uses on the ground. ECO reviewed all tax lots included in the inventory using the rapid visual assessment methodology. The third round of verification involved city staff verifying the rapid visual assessment output. The draft inventory was then circulated for review by the TAC and the Stakeholder Committee. This review resulted in a number of changes which are reflected in the inventory as presented in this report.

In summary, ECO used a systematic process to complete the CIBL inventory that was intended to provide the greatest degree of accuracy possible.

DEFINITIONS

The first step in the buildable inventory was to develop working definitions and assumptions. ECO initially classified land using a rule-based methodology. The rules applied by ECO to classify land are described below. The accompanying maps show the results of the application of those rules, with some adjustments made based on review of 2004 aerial photos and building permit data.

ECO began the buildable lands analysis with a tax lot database provided by the City's GIS Staff. The inventory used tax lots as the unit of analysis because (1) it is a commonly accepted unit for land inventories, and (2) tax lots link directly to other data sets (e.g., assessment data, addresses, etc.) The tax lot database was current as of February 2008. The inventory builds from the tax lot-level database to estimates of buildable land by plan designation.

All of the methods, definitions, and assumptions used in the CIBL were reviewed by the CIBL Stakeholder Committee over the course of several meetings. The Committee made many suggestions that are reflected in the final set of methods, definitions, and assumptions used for the CIBL.⁶

⁶ Meetings with the CIBL Stakeholder Committee are documented in in Springfield planning file LRP 2007-00031 and on the City webpage <http://www.springfield-or.gov/dpw/2030Background.htm>

A key step in the buildable lands analysis was to classify each tax lot into a set of mutually exclusive categories. Table 2-2 shows the relationship between definitions used in this study and the definitions related to land inventories in OAR 660-009-0005.

Table 2-2 Relationship between land classification definitions used in the Springfield EOA and definitions in OAR 660-009-0005.

Land classification in EOA	Definition used in EOA	Related definition in OAR 660-009-0005	Implications
Vacant Land	Tax lots that have no structures or have buildings with very little value. For the purpose of this inventory, lands with improvement values under \$10,000 are considered.	(14) "Vacant Land" means a lot or parcel: (a) Equal to or larger than one half-acre not currently containing permanent buildings or improvements; or (b) Equal to or larger than five acres where less than one half-acre is occupied by permanent buildings or improvements.	Springfield included more land in the inventory than required by rule. The Stakeholder Committee believed it would provide a more accurate estimate of Total Land Supply as defined by OAR 660-009-0005(13).
Developed Land	Land that is developed at densities consistent with current zoning/plan designation and improvements that make it unlikely to redevelop during the analysis period.	(1) "Developed Land" means non-vacant land that is likely to be redeveloped during the planning period. The EOA separates the definition of developed and potentially redevelopable land.	Springfield uses a standard definition of developed—that is that the land has improvements and is committed to those uses for the planning period. The rule does not include a definition of “developed” in the standard context
Potentially Redevelopable Land	Land on which development has already occurred but on which, due to present or expected market forces, there exists the potential that existing development will be converted to <u>more intensive uses</u> (providing additional employment capacity) during the planning period. ⁷	EOA uses term “developed land” differently than OAR definition of “developed land” as “non-vacant land that is likely to be redeveloped during the planning period.” Instead the EOA uses “potentially redevelopable” to classify non-vacant land that is likely to be redeveloped during the planning period.	This category corresponds to the definition used in OAR 660-009-0005(1)

⁷ While Springfield expects many buildings and sites of all types to be re-used, re-purposed, revitalized and renovated throughout the city over the planning period, for the purposes of analyzing the capacity of the land base to absorb a portion of employment growth, only redevelopment that increases capacity for accommodating additional employment is identified as redevelopment in this analysis.

The inventory assigns only one land classification (e.g., vacant, developed, or potentially redevelopable) for each tax lot. Each tax lot in the UGB is classified into one of the following categories:

Identifying Vacant Land

The City's definition of vacant land is more inclusive than what statewide planning policy requires. The implication of using a more inclusive definition are that more land was considered available in the inventory than would be if the state definitions were used.

- *Vacant land.* Tax lots that have no structures or have buildings with very little value. For the purpose of this inventory, lands with improvement values under \$10,000⁸ are considered vacant (not including lands that are identified as having mobile homes).⁹ Note that this definition is considerably more inclusive than what is required by OAR 660-009-0005(14). It includes all lots or parcels that are less than one half-acre and did not automatically classify lots between 0.5 and 5.0 acres as developed if they had pre-existing development. Lots in that category were visually inspected to make a determination of whether they should be classified as developed or vacant.
- *Developed land.* Land that is developed at densities consistent with current zoning/plan designation and improvements that make it unlikely to redevelop during the analysis period. Lands not classified as vacant, potentially redevelopable, or public are considered developed.¹⁰ Note that OAR 660-009-0005(1) uses the following definition: (1) "Developed Land" means non-vacant land that is likely to be redeveloped during the planning period. This study defines developed land as developed and defines land "likely to be redeveloped" as potentially redevelopable. Thus, the definition of developed land used for the CIBL is different (e.g., more inclusive) than the definition in the administrative rule. For purposes of the CIBL, developed land is considered committed during the 20-year period and unavailable for redevelopment.

Lands in public ownership were generally considered unavailable for development unless identified by City staff as being available for development at some time during the 20-year planning period. This includes uses such as electrical substations, parks, and private

⁸ Improvement values were from 2008 Lane County Assessment and Taxation data and reflect the County's estimate of the market value of improvements.

⁹ Note that this definition is more inclusive than what statewide planning policy requires. OAR 660-009-0005(14) provides the following definition: "Vacant Land" means a lot or parcel: (a) Equal to or larger than one half-acre not currently containing permanent buildings or improvements; or (b) Equal to or larger than five acres where less than one half-acre is occupied by permanent buildings or improvements. The implication of using a more inclusive definition are that more land was considered available in the inventory than would be if the state definitions were used.

¹⁰ Note that OAR 660-009-0005(1) uses the following definition: (1) "Developed Land" means non-vacant land that is likely to be redeveloped during the planning period. This study defines developed land as developed and defines land "likely to be redeveloped" as potentially redevelopable.

cemeteries. Lands in Federal, State, County, or City ownership were also considered committed.

- *Potentially Redevelopable land.* Land on which development has already occurred but on which, due to present or expected market forces, there exists the potential that existing development will be converted to more intensive uses during the planning period.¹¹

While Springfield expects many buildings and sites of all types to be re-used, re-purposed, revitalized and renovated throughout the city over the planning period, for the purposes of analyzing the capacity of the land base to absorb a portion of employment growth, only redevelopment that increases capacity for accommodating additional employment is a factor in this analysis.

Potentially redevelopable land is a subset of developed land that was identified using improvement to land value ratios and building coverage ratios. For the purpose of the CIBL, “potentially redevelopable” land corresponds with the definition of “developed land” as stated in OAR 660-009-0005(1) as described in Table 2-2. This study included a detailed evaluation of developed land to determine its redevelopment potential. Lands that were determined to be potentially redevelopable were classified as such. Redevelopment potential is discussed in more detail later in this chapter (See page 27).

The inventory assigns only one land classification (e.g., vacant, developed, or potentially redevelopable) for each tax lot. The land classifications result in identification of lands that are vacant or potentially redevelopable. The inventory includes all lands within the Springfield UGB. Map 2-1 shows lands by plan designation within the Springfield UGB.

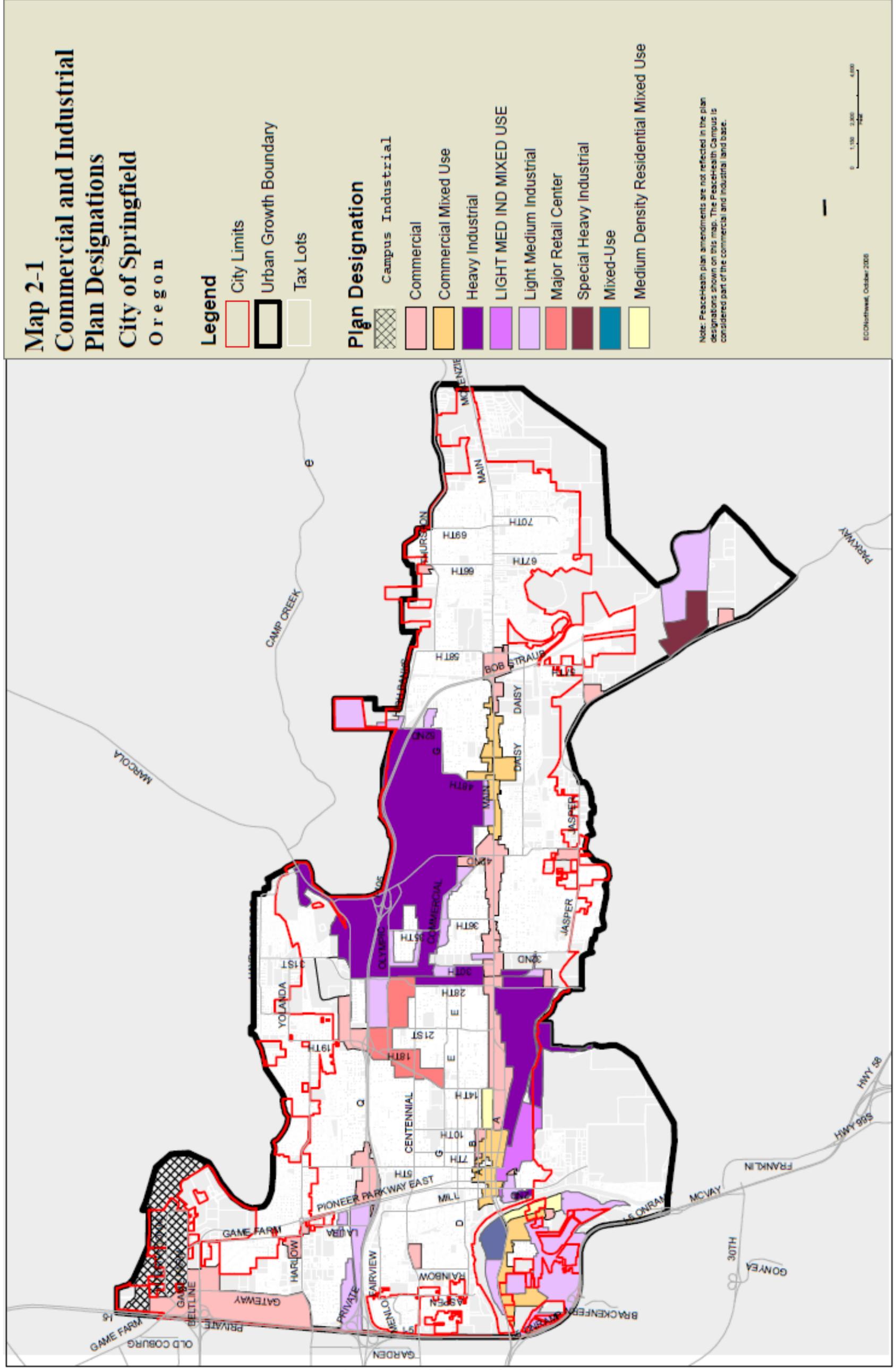
ECONorthwest used a systematic process to develop and review Springfield’s Commercial and Industrial land inventory. Processing and analyzing data from the Lane Council of Governments (LCOG) land use database (a database that inventories land uses at the sub-tax lot level), ECONorthwest identified the developed or unsuitable portions of tax lots. Areas of partially vacant tax lots with development were included in the “developed acres” category and remainders were considered “suitable”¹²

¹¹ This definition is based on the definition in OAR 660-009-0005(1).

¹² OAR 660-009-0005(12) defines “suitable” land as “serviceable land designated for industrial or other employment use that provides, or can be expected to provide the appropriate site characteristics for the proposed use.”

(unless they had absolute constraints). The inventory also deducted the “absolute constraints” that make land unsuitable for employment uses: wetlands (as identified in Springfield’s local wetland inventory), floodways, slopes over 15%, and riparian resource areas. Each of these constraints was available in a GIS format. The four constraints layers were “dissolved” together to create a single “absolute” constrained layer. This was done to avoid double counting since some constraints (e.g., floodways and wetlands) occur in the same place. The combined constraints layer was then used to calculate the portion of the lot that was constrained and therefore unsuitable for development.

Map 2-1 Plan Designation



CONSTRAINTS

Constraints are factors that preclude land development or affect the desirability of land for development. OAR 660-009-0005(2) provides the following definition of “development constraints:”

“Development Constraints” means factors that temporarily or permanently limit or prevent the use of land for economic development. Development constraints include, but are not limited to, wetlands, environmentally sensitive areas such as habitat, environmental contamination, slope, topography, cultural and archeological resources, infrastructure deficiencies, parcel fragmentation, or natural hazard areas.

Thus, the Administrative Rule provides a broad definition of constraints and leaves discretion for local governments in the application of the definition. Absolute constraints¹³ were deducted from the buildable portion of lots as they were determined to be factors that temporarily or permanently limit or prevent the use of land for economic development as defined in OAR 660-009-0005(2). For the purpose of this study, the following factors are considered **absolute development constraints** which make employment land unsuitable for development:¹⁴

- Wetlands – Source: City of Springfield Local Wetland Inventory. File used: wet_lwi.shp, accessed 2008
- Floodway – Source: Army Corps of Engineers digital “FIRM” maps. File used: fld_way.shp, accessed 2008
- Slopes over 15% - Source: 10 meter digital elevation model (DEM). File used: slopes_over_15.shp, accessed 2008
- Riparian resource areas – Source: City of Springfield. File used: Riparian_resource_areas.shp, accessed 2008

The following factors are **partial development constraints**. Partial constraints are factors that may create difficulties in development, but do not preclude development. Partial constraints were not deducted from the inventory. Land with these constraints is classified as “constrained” on employment land. Development can occur on “constrained” land and no deductions were made from the inventory for these factors.¹⁵

¹³ The subset of constraints to be considered “absolute constraints” for the purposes of this inventory and analysis were determined through ECONorthwest’s discussions with staff, the TAC, Stakeholder Committee, Planning Commission and City Council.

¹⁴ Each of these files were provided to ECONorthwest by the City in 2008.

¹⁵ Each of these files were provided to ECONorthwest by the City in 2008.

- Floodplain – Source: Army Corps of Engineers digital “FIRM” maps. File used: lane_dfirm.shp, accessed 2008
- Willamette River Greenway – Source: Lane Council of Governments. File used: Greenway_10m_20080303.shp, accessed 2008
- BPA Easements – Source: Bonneville Power Administration. File used: bparow_lane.shp, accessed 2008

The inventory summary that follows addresses “absolute” and “partial” constraints separately and summarizes lands as either “unbuildable acres” (e.g., no development may occur per “development constraints” as defined by OAR 660-009-0005(2)) or “constrained acres” (e.g., one or more constraints are present but those constraints do not preclude development). Portions of individual tax lots can be in one or more of the following categories: “unconstrained,” “constrained,” or “unbuildable” (e.g., they are not suitable for development).

Figure 2-1 shows the framework for constraint and classification used in buildable land inventory. The framework has two dimensions: development status (indicated by the presence or absence of improvements) and constraining conditions. Lands with constraints can be prohibitively constrained by commitment to a specific use (e.g., streets or parks) or protected (e.g., wetlands) or partially constrained. Lands with prohibitive constraints have no development capacity; those that are partially constrained have development capacity.

On the dimension of developments status (presence of improvements), developable lands (which can be thought of as vacant lands) have capacity; developed lands generally do not have capacity, but some may have redevelopment capacity. In short, redevelopment can be thought of as a subset of developed land.

Figure 2-1. Framework for land and constraint classification in a buildable land inventory

		Presence of Improvements	
		Developable	Developed
Constraining Conditions	Prohibitively Constrained	No capacity	
	Partially Constrained	Full capacity	Potential redevelopment capacity
	Unconstrained	Full capacity	

Constraints are one element of land suitability. Throughout this chapter, the following terms are used to refer to the status of employment land: suitable and unsuitable. These terms are defined as follows:

- "Suitable" means serviceable land designated for industrial or other employment use that provides, or can be expected to provide the appropriate site characteristics for the proposed use. (this definition is from OAR 660-009-0005(12))
- "Unsuitable" is land with absolute constraints.

RESULTS OF THE BUILDABLE LANDS INVENTORY

LAND BASE

The first step in the CIBL inventory was to determine the land base. This step was necessary because the inventory only covers a subset of land in the Springfield UGB (lands that accommodate employment). The land base is the subset of tax lots that fall within the plan designations included in the CIBL (see Table 2-1).

Table 2-3 shows acres within the Springfield UGB and city limits in 2008. According to the City GIS data, Springfield has about 14,603 acres within its UGB. Of the 14,603 acres, 12,139 acres (about 83%) are in tax lots. Land not in tax lots is primarily in streets and waterways. Springfield has about 9,958 acres within its City Limits; of these 8,060 acres (about 81% of total acres in the City Limit) are in tax lots. Additionally, the City has about 4,645 acres between the City Limits and Urban Growth Boundary (the UGA); of this about 4,079 acres are in tax lots.

Table 2-3. Acres in Springfield UGB and City Limit, 2008

Area	Tax Lots	Total Acres	Percent	
			Acres in Tax Lots	in Tax Lots
City Limits	19,477	9,958	8,060	81%
Urban Growth Area	3,150	4,645	4,079	88%
Total	22,627	14,603	12,139	83%

Source: City of Springfield GIS data; analysis by ECONorthwest

Note: Urban Growth Area is the unincorporated area between the City Limits and Urban Growth Boundary

Table 2-3 summarizes all land in the Springfield UGB. The next step was to identify the commercial and industrial land base (e.g., lands with plan designations that allow employment or “employment lands”). The land base includes traditional commercial and industrial designations, as well as mixed-use designations. Table 2-1 provides a list of plan designations included in the land base. Note that not all of the land in mixed-use designations will be used for employment. While mixed-use land can be used for the range of allowed uses, the CIBL inventory assumes that the mixed-use sites are available as employment sites consistent with their size.

Table 2-4 shows that about 3,415 acres within the Springfield UGB are included in the commercial and industrial land base. Thus, about 28% of land within the Springfield UGB is included in the Commercial and Industrial land base. The database includes all land in tax lots that have any portion that is in a commercial or industrial plan designation.

Table 2-4. Lands designated for commercial and industrial uses, Springfield UGB, 2008

Area	Value
Springfield UGB	
Number of Tax Lots	22,627
Acres in Tax Lots	12,139
Springfield CIBL	
Tax Lots in Employment Designations	2,104
Acres in Land Base in Employment Designations	3,415

Source: analysis by ECONorthwest

Table 2-5 summarizes acres by plan designation for employment lands within the Springfield UGB. Of lands designated for employment, about 65% (2,203 acres) are in industrial designations, 21% (716 acres) are in commercial designations, and 14% (495 acres) are in mixed use designations. .

Table 2-5. Acres by employment plan designation, Springfield UGB, 2008

Plan Designation	Total Acres	
	Tax Lots	in Tax Lots
Industrial		
Campus Industrial	43	352
Light Medium Industrial	375	541
Heavy Industrial	250	1,163
Special Heavy Industrial	5	147
Subtotal	673	2,203
Commercial		
Commercial	731	570
Community Commercial	4	30
Major Retail Center	119	116
Subtotal	854	716
Mixed Use		
Commercial Mixed Use	430	222
Light Medium Industrial Mixed Use	19	116
Medium Density Res Mixed	64	34
Mixed Use	64	123
Subtotal	577	495
Total	2,104	3,415

Source: City of Springfield GIS data; analysis by ECONorthwest
 Note: Totals may be off by up to one acre due to rounding.

Table 2-6 shows acres by classification and constraint status for the Springfield UGB in 2008. Analysis by constraint status (the table columns) shows that about 2,040 acres are classified as developed (e.g., unavailable for development), 543 were classified as vacant. Not all vacant lands are

available for development – the inventory identified 189 unbuildable acres on vacant tax lots, leaving 355 acres of vacant, Suitable land.

The inventory also includes two sites with approved master plans: Riverbend and Marcola Meadows. These sites have master plans that approve a specific amount of employment. The CIBL only inventoried the portion of these sites that are approved for employment uses.

The inventory identified 669 acres that are *potentially redevelopable* based on the criteria described in the definitions section. All of these lands have existing improvements, but the value or character of the improvements suggests redevelopment potential. Of lands with redevelopment potential, 88 acres are unsuitable and the remaining 581 acres are buildable (e.g., they have redevelopment potential).

Table 2-6. Acres by classification, Springfield UGB, 2008

Classification	Tax Lots	Acres in Tax Lots	Developed Acres	Unsuitable Acres (Absolute Constraints)	Suitable Acres		
					Constrained Suitable Acres (Partial Constraints)	Unconstrained Suitable Acres	Total Suitable Acres
Developed	1,295	2,040	1,711	329	0	0	0
Master Plan	18	163	0	2	0	161	161
Potentially Redevelopable	535	669	na	88	37	544	581
Vacant	256	543	0	189	76	279	355
Total	2,104	3,415	1,710	608	112	985	1,097

Source: City of Springfield data; analysis by ECONorthwest

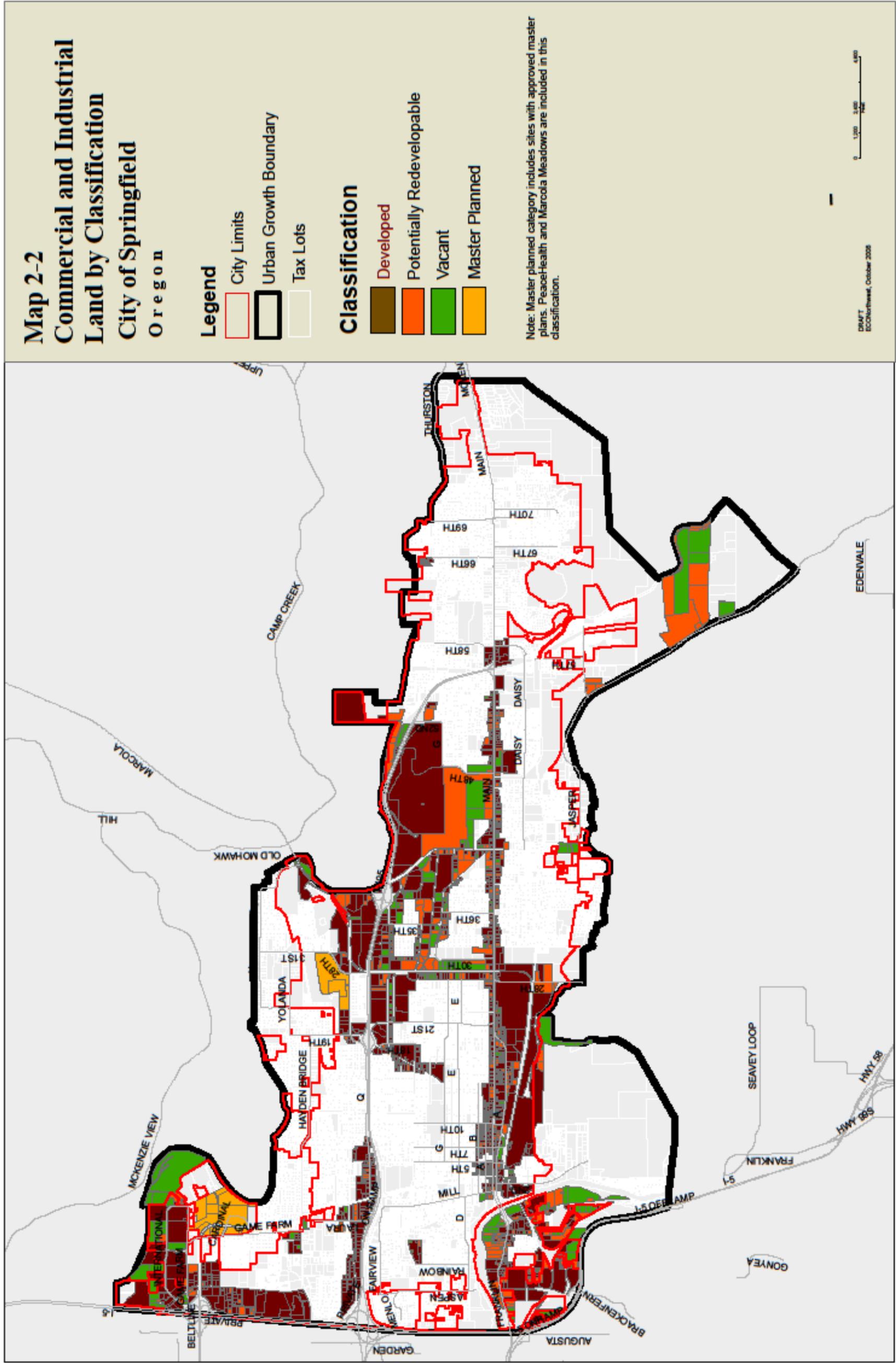
Note: Totals may be off by up to one acre due to rounding.

Note: The 2015 update to the EOA did not update the buildable land analysis. The changes in tables in Chapter 2 are clarifications of column titles.

Note: The CIBL only inventoried the portion of the master planned sites that are approved for employment uses.

Map 2-2 shows land by classification.

Map 2-2. Land by Classification, Springfield UGB



VACANT¹⁶ SUITABLE AND POTENTIALLY REDEVELOPABLE LAND

The next step in the land inventory is to deduct portions of vacant tax lots that are unavailable for development. Areas unavailable for development fall into two categories: (1) developed areas of partially vacant tax lots, and (2) areas with absolute development constraints (areas with steep slopes, floodway, riparian resource areas, or wetlands).

Table 2-7 shows vacant land by development and constraint status. The data show that about 189 acres within vacant tax lots have absolute development constraints, making them unsuitable, leaving about 355 vacant suitable acres (76 partially constrained and 279 unconstrained acres) within the UGB. About 88 acres of potentially redevelopable and suitable land has absolute development constraints, making them unsuitable, leaving about 581 potentially redevelopable and suitable acres (37 partially constrained and 544 unconstrained acres) within the UGB.

Table 2-7. Vacant and potentially redevelopable land by constraint status, Springfield UGB, 2008

Classification	Tax Lots	Acres in Tax Lots	Developed Acres	Unsuitable Acres (Absolute Constraints)	Suitable Acres		
					Constrained Suitable Acres (Partial Constraints)	Unconstrained Suitable Acres	Total Suitable Acres
Potentially Redevelopable	535	669	na	88	37	544	581
Vacant	256	543	0	189	76	279	355
Total	791	1,212	1,710	277	112	823	935

Source: City of Springfield GIS data; analysis by ECONorthwest

Note: Totals may be off by up to one acre due to rounding.

Note: The 2015 update to the EOA did not update the buildable land analysis. The changes to the table above were clarifications of column titles.

Table 2-8 shows vacant land by plan designation. Map 2-3 shows the location of suitable vacant land by plan designation. Map 2-4 shows vacant land with absolute constraints that are unsuitable and Map 2-5 shows suitable vacant land with partial constraints.

¹⁶ “Vacant” is defined in Chapter 2 of this document as “Tax lots that have no structures or have buildings with very little value. For the purposes of this inventory, lands with improvement values under \$10,000 (2008 Lane County Assessment and Taxation Data) are considered vacant (not including lands that are identified as having mobile homes).” This definition of “vacant” is more inclusive than what OAR 600-009-0005(14) requires, with the result that Springfield’s inventory includes more available land in the inventory than it would if the OAR600-009-0005(14) definition is used.

Table 2-8. Vacant land by Plan Designation, Springfield UGB, 2008

Plan Designation	Tax Lots	Acres in Tax Lots	Unsuitable Acres (Absolute Constraints)	Suitable Land			
				Constrained Suitable Acres(Partial Constraints)	Unconstrained Suitable Acres	Total Suitable Acres	
VACANT LAND							
Industrial							
Campus Industrial	14	131	77	40	14	54	
Light Medium Industrial	65	124	33	17	74	90	
Heavy Industrial	48	133	32	3	98	101	
Special Heavy Industrial	1	48	39	1	8	9	
Subtotal	128	435	181	61	194	255	
Commercial							
Commercial	71	51	3	3	45	49	
Community Commercial						0	
Major Retail Center	11	6	0	0	5	6	
Subtotal	82	57	3	3	51	54	
Mixed Use							
Commercial Mixed Use	27	28	2	2	24	26	
Light Medium Industrial Mixed Use						0	
Medium Density Res Mixed	7	2	0	1	1	2	
Mixed Use	12	21	3	9	9	18	
Subtotal	46	51	5	11	34	46	
Total	256	543	189	76	279	355	

Source: City of Springfield GIS data; analysis by ECONorthwest

Note: Totals may be off by up to one acre due to rounding.

Note: The 2015 update to the EOA did not update the buildable land analysis. The changes to the table above were clarifications of column titles.

Table 2-9 shows vacant land by plan designation and by parcel size.¹⁷ This analysis is useful in that it shows the distribution of vacant land by parcel size, which allows an evaluation of whether a sufficient mix of parcel sizes is available or not. The distribution of buildable land by parcel size varies by plan designation, with the results showing the City has no vacant tax lots 20 acres or larger. Parcel size is an important element in assessing whether the land supply meets needed site characteristics as defined by OAR 660-009-0005(11).

Table 2-9. Suitable acres in vacant tax lots by plan designation and parcel size, Springfield UGB, 2008

Plan Designation	Lot Size (Suitable Acres)								Total	
	< 0.25	0.25 - 0.49	0.50 - 0.99	1.00 - 1.99	2.00 - 4.99	5.00 - 9.99	10.00 - 19.99	20.00 - 50.00		50+
Total Acres										
Industrial										
Campus Industrial	0.2	0.3	0.0	4.7	18.6	19.7	10.8	0.0	0.0	54.3
Light Medium Industrial	3.5	5.2	9.7	15.3	20.7	6.1	30.0	0.0	0.0	90.5
Heavy Industrial	1.0	2.4	8.8	14.7	29.3	19.0	25.8	0.0	0.0	101.0
Special Heavy Industrial	0.0	0.0	0.0	0.0	0.0	9.1	0.0	0.0	0.0	9.1
Subtotal	4.7	7.9	18.5	34.6	68.6	53.9	66.6	0.0	0.0	254.8
Commercial										
Commercial	4.4	6.4	10.8	7.5	6.5	13.0	0.0	0.0	0.0	48.6
Community Commercial										
Major Retail Center	0.7	1.4	1.8	1.7	0.0	0.0	0.0	0.0	0.0	5.6
Subtotal	5.0	7.8	12.6	9.3	6.5	13.0	0.0	0.0	0.0	54.1
Mixed Use										
Commercial Mixed Use	1.2	1.3	1.9	5.4	7.6	8.5	0.0	0.0	0.0	25.9
Light Medium Industrial Mixed Use										
Medium Density Res Mixed	0.5	0.6	0.6	0.0	0.0	0.0	0.0	0.0	0.0	1.7
Mixed Use	0.5	0.3	0.0	4.9	7.2	5.2	0.0	0.0	0.0	18.0
Subtotal	2.2	2.2	2.5	10.3	14.8	13.6	0.0	0.0	0.0	45.6
Total	11.9	17.9	33.6	54.1	89.9	80.5	66.6	0.0	0.0	354.5
Number of Tax Lots										
Industrial										
Campus Industrial	1	1	0	3	5	3	1	0	0	14
Light Medium Industrial	19	13	12	11	7	1	2	0	0	65
Heavy Industrial	8	6	12	10	8	2	2	0	0	48
Special Heavy Industrial	0	0	0	0	0	1	0	0	0	1
Subtotal	28	20	24	24	20	7	5	0	0	128
Commercial										
Commercial	29	17	16	5	2	2	0	0	0	71
Community Commercial										
Major Retail Center	4	4	2	1	0	0	0	0	0	11
Subtotal	33	21	18	6	2	2	0	0	0	82
Mixed Use										
Commercial Mixed Use	12	5	3	4	2	1	0	0	0	27
Light Medium Industrial Mixed Use										
Medium Density Res Mixed	4	2	1	0	0	0	0	0	0	7
Mixed Use	4	1	0	4	2	1	0	0	0	12
Subtotal	20	8	4	8	4	2	0	0	0	46
Total	81	49	46	38	26	11	5	0	0	256

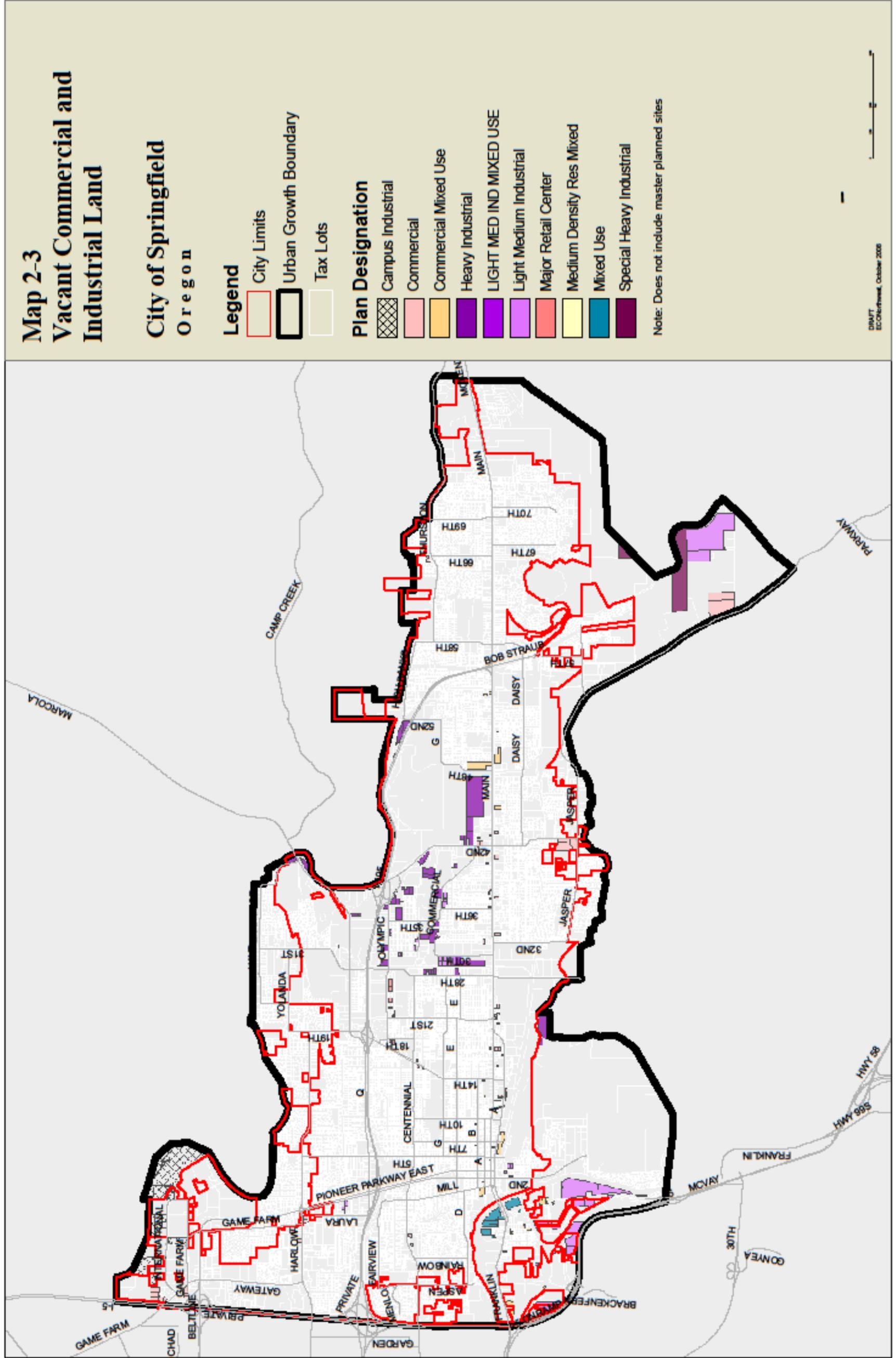
Source: City of Springfield GIS data; analysis by ECONorthwest

Note: Buildable acres includes "constrained" acres and "unconstrained" acres

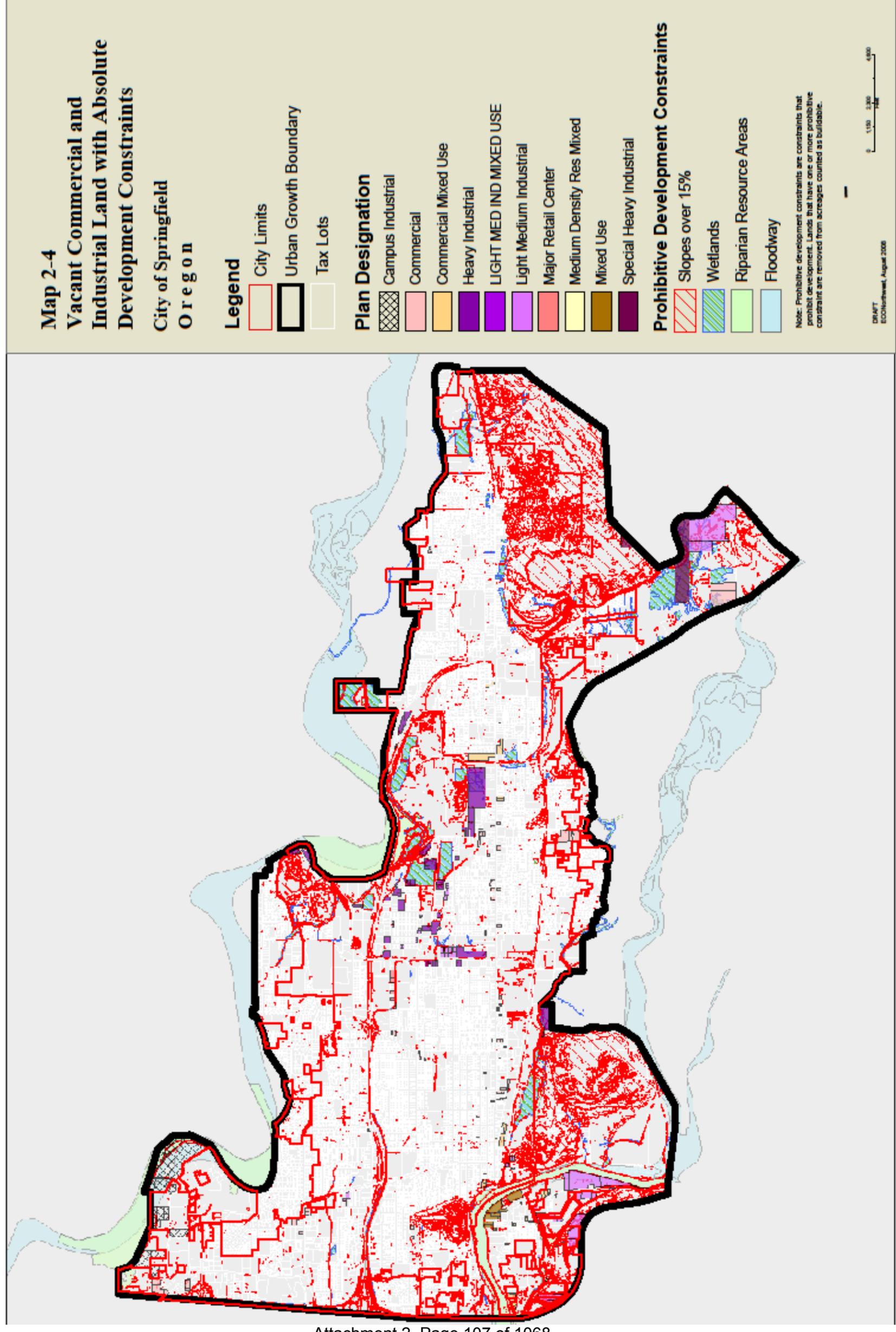
Note: Acres may not sum to tenths due to rounding.

¹⁷ The table shows total acres in vacant tax lots (constraints are not netted out)

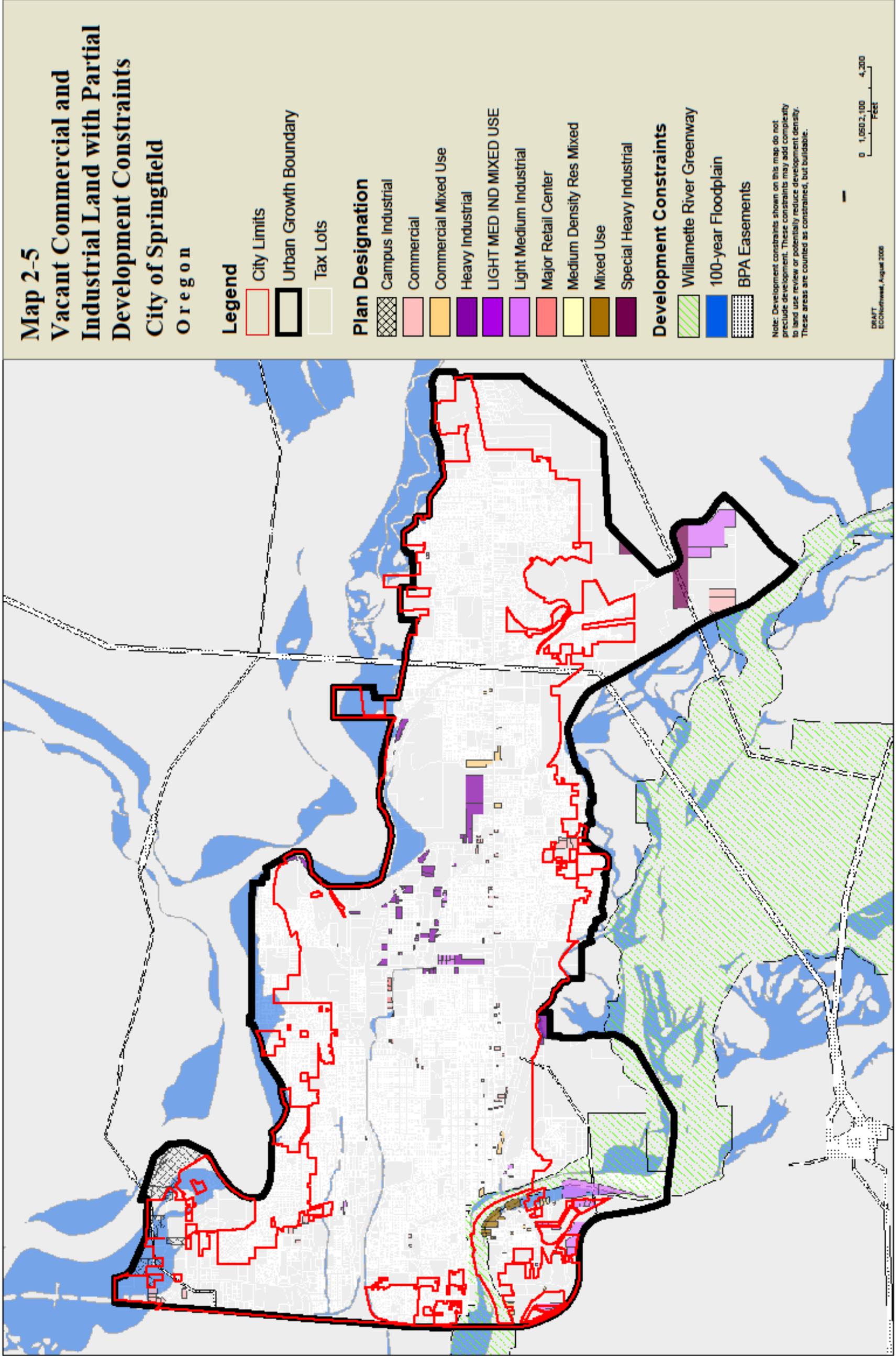
Map 2-3. Vacant Commercial and Industrial Land, City of Springfield



Map 2-4. Vacant Commercial and Industrial Land with Absolute Development Constraints, City of Springfield



Map 2-5. Vacant Lands with development constraints



CAPACITY TO ACCOMODATE EMPLOYMENT GROWTH THROUGH REDEVELOPMENT

For the purpose of this study, we define redevelopment in the context of the Goal 9 Administrative Rule. OAR 660-009-0005(1) defines developed land (redevelopment) as follows:

(1) "Developed Land" means non-vacant land that is likely to be redeveloped during the planning period.

The key components of this definition are “non-vacant” and “likely to be redeveloped.” Thus, any non-vacant land could be considered redevelopable, but only land that is “likely to be redeveloped” are required to be considered. Statewide planning statutes and administrative rules do not provide any guidance on how to determine what land is “likely to be redeveloped.”

Moreover, not all redevelopment is relevant to a buildable land inventory; only redevelopment that adds capacity for more employment is relevant in the context of Springfield’s commercial and industrial buildable lands inventory. An operational definition of redevelopment that would apply to both residential and employment lands in the context of the statewide planning program is:

Redevelopment is development that occurs on a tax lot that creates more employment space or capacity than the current use, and thus an increase in density on the tax lot.

For the purpose of this study, redevelopment must add capacity for it to be relevant to the buildable lands inventory.

IDENTIFICATION OF POTENTIALLY REDEVELOPABLE LAND

Redevelopment potential addresses land that is classified as developed that *may* redevelop during the planning period (e.g., potentially redevelopable land as defined for the purpose of the Springfield CIBL).¹⁸ While many methods exist to identify redevelopment potential, a common indicator is improvement to land value ratio. Different studies use different improvement to land value ratio thresholds.

Redevelopment potential can be thought of as a continuum – from more redevelopment potential to less redevelopment potential. The factors that

¹⁸ This study identifies land with redevelopment potential as land on which development has already occurred but on which, due to present or expected market forces, there exists the potential that existing development will be converted to more intensive uses (providing additional employment capacity) during the planning period.

affect redevelopment are complicated and include location, surrounding uses, current use, land and improvement values and other factors. To facilitate a discussion with the CIBL advisory committees about redevelopment, we established a set of three increasingly inclusive criteria: improvement-to-land value ratio, lot coverage, and amount of employment on the site.

In the context of the Springfield commercial and industrial buildable lands inventory, redevelopment potential addresses land that was initially classified as developed that may redevelop during the planning period. While many methods exist to identify redevelopment potential, a common indicator is improvement to land value ratio. A threshold used in some studies is an improvement to land value ratio of 1:1. Not all, or even a majority of parcels that meet this criterion for redevelopment potential will be assumed to redevelop during the planning period.

The factors that affect redevelopability are many, but the economics are pretty straightforward. Redevelopment occurs when achievable rents exceed the current return on investment of the land and improvements. The reality, of course, is much more complicated. One way to think about the market for land is “highest and best use,” which is a function of:

1. Achievable Pricing – Given the product type and location, what lease rates or sales prices are achievable?
2. Entitlements – What do local regulations allow to be built?
3. Development Cost – What is the cost to build the range of product types allowed (entitled) at that location?
4. Financing – What is the cost of capital, as well as the desired returns necessary to induce development of that form?

In our many conversations with commercial realtors and developers for this and other studies, the conclusion has been consistent: it is very difficult to develop reliable models of redevelopment potential. The factors are complicated and are location and time specific. Moreover, public policy can play a significant role in facilitating redevelopment.

To identify lands with redevelopment potential, ECO analyzed improvement to land value ratios and building coverage on tax lots. Tax lots were classified using the following criteria:

Category	Criteria
Higher Redevelopment Potential	Improvement to land value ratio $\leq 0.3:1.0$
Moderate Redevelopment Potential	Building coverage $< 10\%$ of total lot area and improvement value $\leq 0.3:1.0$
Lower Redevelopment Potential	Building coverage $< 20\%$ of total lot area and improvement value $\geq 0.3:1.0$ and $\leq 0.5:1.0$

The criteria above were used in combination with employment data to identify a reasonable threshold assumption to use for redevelopment.

Table 2-10 shows the results of applying the criteria above. To better understand the implications on pre-existing employment, ECO associated the number of employees associated with each category. The results show a distribution that suggests lands in the higher and moderate categories account for a relatively small percentage of total employment in Springfield (about 3.5%). The lower potential category includes 19% of the city's total employment.

Table 2-10. Tax lots by Redevelopment Potential categories

Category	Total Acres	Suitable Acres	% of Land Base	Employment (2006)
Higher Potential	352	352	10%	478
Moderate Potential	304	236	9%	833
Lower Potential	947	947	28%	7,107
Total	1,603	1,535	47%	8,418

Source: City of Springfield GIS data; analysis by ECONorthwest

Note: Table 2-10 shows all redevelopment potential categories; lands in the *lower potential* category are not included as part of the redevelopable land inventory as explained below.

Note: Suitable acres includes vacant land with partial constraints and unconstrained suitable land.

Note: The 2015 update to the EOA did not update the buildable land analysis. The changes to the table above was a clarifications of column titles.

Because the improvement to land value ratio is a gross indicator, it is reasonable to assume that not all of parcels that meet this criterion for redevelopment *potential* will be assumed to redevelop during the planning period.

The data show that the lower potential criteria (building coverage $< 20\%$ of total lot area and improvement value $\geq 0.3:1.0$ and $\leq 0.5:1.0$) includes 28% of the City's total employment land base and more than 20% of covered employment in 2006. **The significant amount of land and employment in this category suggests limited redevelopment potential (for a land capacity analysis, redevelopment provides sites for employment growth only when an existing use is replaced by a use that**

has more employment). The rationale for this statement is that land that has more employment on it, and/or higher improvement value is already in a higher use. The economics of real estate development make it less desirable to redevelop land with substantial employment on it – in large part because it has tenants that are paying leases. Thus, the lower potential category is not included as part of the redevelopable base.

Use of this approach in the analysis was discussed with the Technical Advisory and Stakeholder Committees and supported by Springfield’s Planning Commission and City Council. In these meetings ECONorthwest explained the challenge of estimating redevelopment potential – an issue that confounds many analysts. Approximating redevelopment potential with this analytical approach has its limitations. Statewide planning policy provides no direction on how to evaluate redevelopment potential, and the academic literature on redevelopment does not identify specific models or tools that provide reliable identification of redevelopment sites.

In previous studies, ECONorthwest has frequently approached redevelopment from the demand side by making deductions from total employment growth to account for new employment that will not need any new land. For the Springfield EOA, we explored supply side approaches to corroborate the demand side deductions. The problem with supply side approaches is that the base data available to conduct such analyses is quite coarse and as a result, the analyses are limited. One typical approach is to use the ratio between improvement value and land value. Lands that fall under a pre-specified threshold (1:1 or 0.5:1 or some other figure) are considered underutilized. This approach has many problems; for example, it does not make distinctions for land intensive employment uses that require minimal built structure investments.

More robust approaches can consider employment densities, floor area ratios, and other factors. Often, however, the quality of the data is a limiting factor and the analysis is a crude indicator of what properties will actually redevelop over the planning period. In the Springfield-Eugene metropolitan area, we have seen properties redevelop over the past decade that would not be identified with the methodology used for the Springfield EOA. Conversely, many properties that would be identified using this approach will not redevelop.

Excluding the “Lower Redevelopment Potential” category leaves 581 unconstrained acres that are *potentially redevelopable* in Springfield. This represents the redevelopable land base that is used for the purpose of this study.

Table 2-11 shows potentially redevelopable land by plan designation and by parcel size. This analysis is useful in that it shows the distribution of potentially redevelopable land by parcel size, which allows an evaluation of whether a sufficient mix of parcel sizes is available. The distribution of buildable land by parcel size varies by plan designation, with the results showing the City has very few tax lots (1) over 20 acres with redevelopment potential.

Table 2-11. Buildable acres in potentially redevelopable tax lots by plan designation and parcel size, Springfield UGB, 2008¹⁹

Plan Designation	Lot Size (Buildable Acres)									Total
	<0.25	0.25-0.49	0.50-0.99	1.00-1.99	2.00-4.99	5.00-9.99	10.00-19.99	20.00-50.00	50+	
Total Acres										
Industrial										
Campus Industrial	0.2	0.5	1.9	3.4	5.0	0.0	0.0	0.0	0.0	11.0
Light Medium Industrial	3.9	10.0	10.6	12.4	36.3	19.4	0.0	0.0	0.0	92.7
Heavy Industrial	1.4	2.8	9.7	24.5	53.7	32.7	22.4	0.0	89.5	236.7
Special Heavy Industrial	0.0	0.0	0.0	1.7	0.0	0.0	12.4	63.2	0.0	77.4
Subtotal	5.5	13.3	22.2	42.0	95.0	52.1	34.9	63.2	89.5	417.7
Commercial										
Commercial	7.6	13.7	21.8	12.7	22.6	0.0	0.0	0.0	0.0	78.4
Community Commercial	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Major Retail Center	1.5	1.8	0.9	0.0	0.0	0.0	0.0	0.0	0.0	4.3
Subtotal	9.1	15.5	22.8	12.7	22.6	0.0	0.0	0.0	0.0	82.7
Mixed Use										
Commercial Mixed Use	9.6	7.8	14.3	10.0	8.9	0.0	0.0	0.0	0.0	50.6
Light Medium Industrial Mixed Use	0.1	0.3	0.7	0.0	0.0	0.0	0.0	0.0	0.0	1.1
Medium Density Res Mixed	0.4	0.3	2.5	1.2	9.2	0.0	0.0	0.0	0.0	13.5
Mixed Use	1.5	2.2	2.8	3.8	12.4	0.0	0.0	0.0	0.0	22.7
Subtotal	11.6	10.5	20.2	15.0	30.5	0.0	0.0	0.0	0.0	87.9
Total	26.2	39.4	65.2	69.7	148.1	52.1	34.9	63.2	89.5	588.2
Number of Tax Lots										
Industrial										
Campus Industrial	1	1	2	2	2	0	0	0	0	8
Light Medium Industrial	38	26	14	9	13	3	0	0	0	103
Heavy Industrial	22	6	12	16	16	5	2	0	1	80
Special Heavy Industrial	0	0	0	1	0	0	1	2	0	4
Subtotal	61	33	28	28	31	8	3	2	1	195
Commercial										
Commercial	70	37	31	9	6	0	0	0	0	153
Community Commercial										
Major Retail Center	17	6	1	0	0	0	0	0	0	24
Subtotal	87	43	32	9	6	0	0	0	0	177
Mixed Use										
Commercial Mixed Use	69	22	21	7	3	0	0	0	0	122
Light Medium Industrial Mixed Use	1	1	1	0	0	0	0	0	0	3
Medium Density Res Mixed	2	1	3	1	2	0	0	0	0	9
Mixed Use	11	7	4	3	4	0	0	0	0	29
Subtotal	83	31	29	11	9	0	0	0	0	163
Total	231	107	89	48	46	8	3	2	1	535

Source: City of Springfield GIS data; analysis by ECONorthwest

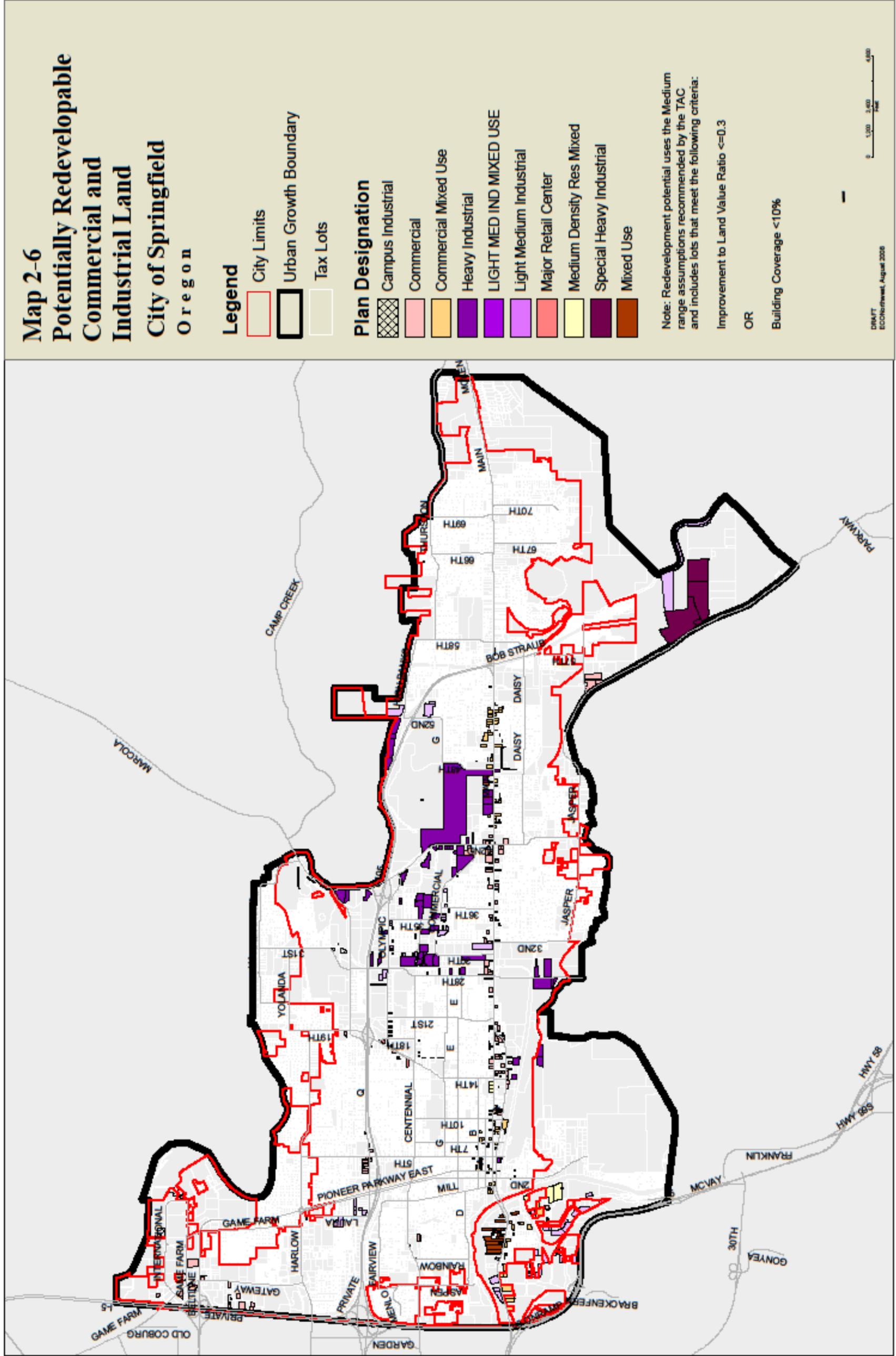
Note: Buildable acres includes "constrained" acres and "unconstrained" acres

Note: Acres may not sum to tenths due to rounding.

Map 2-6 shows the location of potentially redevelopable land in Springfield.

¹⁹ The table shows total buildable acres in potentially redevelopable tax lots (constraints are not netted out)

Map 2-6. Potentially redevelopable land



EVALUATION OF POTENTIALLY REDEVELOPABLE LAND IN SITES 5 ACRES AND LARGER

Table 2-11 identified 14 sites 5 acres and larger as being potentially redevelopable. Table 2-12 presents a site-by-site evaluation of these 14 potentially redevelopable sites. This evaluation determined whether the sites had at least 5 acres of redevelopment potential when site constraints, site configuration, and existing uses were considered. Table 2-12 presents the site-by-site summary of that analysis.

This section only evaluates sites five acres and larger because the analysis that determines whether Springfield has enough land in Chapter 5 (Table 5-1) assumes that all potentially redevelopable sites smaller than 5 acres may redevelop over the 2010-2030 period and that sites identified as providing redevelopment opportunities with at least 5 acres of suitable, unconstrained land in Table 2-12 may redevelop over the 2010-2030 period.

Table 2-12. Site-by-site review of parcels with redevelopment potential, sites 5 acres and larger, Springfield UGB, 2008

Site	Size and Absolute Development Constraints	Suitable Land and Other Development Considerations	Implications for Redevelopment Potential of Sites Larger than 5 Acres
Sites that provide redevelopment opportunities with at least 5 acres of suitable, unconstrained land.			
Taxlot: 1802100000200 Location: Jasper-Natron Plan Designation: Special Heavy Industrial 	47-acre site that is constrained by wetlands and slopes. It has a BPA easement in the southeast corner of the site.	This site has 36 acres of unconstrained land, which are divided by seven areas of wetlands on the site. Development on this site will be affected by the lack of contiguous areas for development, with wetland constraints and the BPA easement. The City is considering changing the plan designation and zoning from Special Heavy Industrial to General Employment. The rail spur that formerly served this site was eliminated when Straub Parkway was constructed.	This site provides opportunity for redevelopment of areas across the site but may not provide opportunities for redevelopment in a contiguous site. This site provides opportunity of 36 acres, across two or more areas within the site.

Site	Size and Absolute Development Constraints	Suitable Land and Other Development Considerations	Implications for Redevelopment Potential of Sites Larger than 5 Acres
<p>Taxlot: 1802100001001 Location: Jasper-Natron Plan Designation: Light Medium Industrial</p> 	<p>21-acre site constrained by wetlands and slopes.</p>	<p>This site has 12 unconstrained acres, with some interleaved wetlands.</p> <p>This tax lot has a split Plan Designation.</p>	<p>This site provides opportunity for redevelopment of a 12 acre site that is between wetland areas.</p>
<p>Taxlot: 1803010000100 Location: 28th Street Plan Designation: Heavy Industrial</p> 	<p>10 acre site with no absolute constraints.</p>	<p>This site has 10 acres of unconstrained land.</p>	<p>This site provides opportunity for redevelopment of a 10-acre site.</p>
<p>Taxlot: 1702311404300 Location: Commercial Ave. Plan Designation: Heavy Industrial</p> 	<p>8-acre site with little area with absolute constraints.</p>	<p>This site has 8 acres of unconstrained land.</p>	<p>This site provides opportunity for redevelopment of an 8-acre site.</p>

Site	Size and Absolute Development Constraints	Suitable Land and Other Development Considerations	Implications for Redevelopment Potential of Sites Larger than 5 Acres
<p>Taxlot: 1702300002002 Location: 30th/Olympic Plan Designation: Heavy Industrial</p> 	<p>7-acre site with no absolute constraints.</p>	<p>This site has 7 acres of unconstrained land. This site only has one access point for heavy trucks, which may constrain the types of uses on this site.</p>	<p>This site provides opportunity for redevelopment of a 7-acre site.</p>
<p>Taxlot: 1802060001004 Location: South 28th Street Plan Designation: Heavy Industrial</p> 	<p>7 acre site with no absolute constraints.</p>	<p>This site has 6.5 acres of unconstrained land.</p>	<p>This site provides opportunity for redevelopment of a 6.5-acre site.</p>
<p>Taxlot: 1702280000400 Location: Highbanks Road Plan Designation: Heavy Industrial</p> 	<p>7-acre site with about an acre acres in absolute constraints.</p>	<p>The site has 6 unconstrained acres of land. The site has developed since 2008, into Hyland Business Park.</p>	<p>This site provides opportunity for redevelopment of a 6.5-acre site.</p>

Site	Size and Absolute Development Constraints	Suitable Land and Other Development Considerations	Implications for Redevelopment Potential of Sites Larger than 5 Acres
Sites that <u>do not</u> provide opportunities for redevelopment of a site 5-suitable-acres and larger			
<p>Taxlot: 1702320000100 Location: 42nd Street Plan Designation: Heavy Industrial</p> 	<p>115 acre site with 25 acres of absolute constraints.</p> <p>Since the BLI was completed in 2009, the tax lot split. Willamalane Parks District owns 5 acres, at the south east portion of the site.</p>	<p>This site has 90 acres of unconstrained land, including the land now owned by Willamalane.</p> <p>This site is owned and used by a paper mill. As long as the paper mill is operational and continues to use this site, it will be unavailable for redevelopment.</p> <p>The City of Springfield identified the business on this site as one of its “Top thirty Springfield Employers,” with 225 employees.</p>	<p>This site provides <u>does not</u> provide an opportunity for redevelopment of a site 5-acres and larger.</p>
<p>Taxlot: 1802100000900 Location: Jasper-Natron Plan Designation: Special Heavy Industrial</p> 	<p>29-acre site with about 5 acres with absolute constraints.</p>	<p>The site has more than 24 acres of unconstrained land</p> <p>This site is owned and used by a wood products manufacturer. As long as the business is operational and continues to use this site, it will be unavailable for redevelopment.</p> <p>The City is considering changing the plan designation and zoning from Special Heavy Industrial to General Employment.</p>	<p>This site provides <u>does not</u> provide an opportunity for redevelopment of a site 5-acres and larger.</p>

Site	Size and Absolute Development Constraints	Suitable Land and Other Development Considerations	Implications for Redevelopment Potential of Sites Larger than 5 Acres
<p>Taxlot: 1702280000500 Location: Highbanks Road/Rice Farms Plan Designation: Heavy Industrial</p> 	<p>12-acre site with more than 3 acres in absolute constraints.</p>	<p>The site has 8.5 acres of unconstrained land. The site is separated into two segments, both of which are smaller than 5 acres of unconstrained land. Site is part of a 200-acre filbert orchard operation.</p>	<p>This site provides <u>does not</u> provide an opportunity for redevelopment of a site 5-acres and larger.</p>
<p>Taxlot: 1702332101219 Location: 52nd Street and Highway 126 Plan Designation: Light Medium Industrial</p> 	<p>6 acre site with little area with absolute constraints</p>	<p>This site has 6 acres of unconstrained land. This site is owned and operated by a mini-storage facility. As long as the mini-storage facility is operational and continues to use this site, it will be unavailable for redevelopment.</p>	<p>This site provides <u>does not</u> provide an opportunity for redevelopment of a site 5-acres and larger.</p>
<p>Taxlot: 1702311200100 Location: Industrial Ave./35th Plan Designation: Heavy Industrial</p> 	<p>6 acre site with little area with absolute constraints</p>	<p>This site has 6 acres of unconstrained land. This site is owned by and adjacent to an operational lumber yard. The site is used as a stacking area for the lumber yard. As long as the lumber yard is operational and continues to use this site, it will be unavailable for redevelopment.</p>	<p>This site provides <u>does not</u> provide an opportunity for redevelopment of a site 5-acres and larger.</p>

Site	Size and Absolute Development Constraints	Suitable Land and Other Development Considerations	Implications for Redevelopment Potential of Sites Larger than 5 Acres
<p>Taxlot: 1702310000400 Location: Main Street, east of 30th Plan Designation: Light Medium Industrial</p> 	<p>6 acre site with no absolute constraints.</p>	<p>The site has 6 acres of unconstrained land.</p> <p>This site is owned by the State Board of Forestry and has offices for the Oregon Department of Forestry and U.S. Fish and Wildlife. As long as these offices continue to be located on this site and the State owns the site, it will be unavailable for redevelopment.</p>	<p>The buildable lands inventory assumes that land in public ownership is not available for development, unless it is identified as surplus by the agency that owns it.</p> <p>This site provides <u>does not</u> provide an opportunity for redevelopment of a site 5-acres and larger.</p>
<p>Taxlot: 1702300001910 Location: Marcola Road Plan Designation: Heavy Industrial</p> 	<p>5 acre site with no absolute constraints</p>	<p>This site has 5 acres of unconstrained land.</p> <p>This site is owned by and used by a freight service business that is operational, with an office building in the middle of the site. As long as this business continues to operate, it will be unavailable for redevelopment.</p>	<p>This site provides <u>does not</u> provide an opportunity for redevelopment of a site 5-acres and larger.</p>

In summary, the evaluation of sites 5 acres and larger identified as potentially redevelopable shows that seven of these sites offer redevelopment opportunities, once site constraints, configuration issues, and existing employment uses are accounted for. These sites are:

- Six sites between 5 and 20 acres in size.
 - 12-acre site in the Jasper-Natron Special Heavy Industrial District
 - 10-acre site on 28th Street in Heavy Industrial
 - 8-acre site on 42nd Street in Heavy Industrial
 - 7-acre site at 28th and Marcola Road in Heavy Industrial
 - 6.5-acre site on 28th Street in Heavy Industrial

- 6-acre site on Highbanks Road in Heavy Industrial
- One site larger than 20 acres in size.
 - 36-acre site in the Jasper-Natron Special Heavy Industrial District

SHORT-TERM LAND SUPPLY

This section evaluates the short-term supply of land in the Springfield portion of the Metropolitan UGB. It begins with an overview of the policy context that requires this analysis, and then evaluates the short-term land supply.

POLICY CONTEXT

The Goal 9 Administrative Rule (OAR 660-009) includes provisions that require certain cities to ensure an adequate short-term supply of industrial and other employment lands. OAR 660-009-005(10) defines short term supply as follows:

“...means suitable land that is ready for construction within one year of an application for a building permit or request for service extension. Engineering feasibility is sufficient to qualify land for the short-term supply of land. Funding availability is not required. "Competitive Short-term Supply" means the short-term supply of land provides a range of site sizes and locations to accommodate the market needs of a variety of industrial and other employment uses.”

The Goal 9 rule also requires cities in a Metropolitan Planning Organization (MPO, which includes Springfield) to make a commitment to provide a competitive short-term supply of land and establishes targets for the short-term supply of land. Specifically, OAR 660-009-0020(1)(b) states:

“Cities and counties within a Metropolitan Planning Organization must adopt a policy stating that a competitive short-term supply of land as a community economic development objective for the industrial and other employment uses selected through the economic opportunities analysis pursuant to OAR 660-009-0015.”

The rule goes on to clarify short-term land supply targets for cities in an MPO (OAR 660-009-0025):

(3) Short-Term Supply of Land. Plans for cities and counties within a Metropolitan Planning Organization or cities and counties that adopt policies relating to the short-term supply of land must designate suitable land to respond to economic

development opportunities as they arise. Cities and counties may maintain the short-term supply of land according to the strategies adopted pursuant to OAR 660-009-0020(2).

(a) Except as provided for in subsections (b) and (c), cities and counties subject to this section must provide at least 25 percent of the total land supply within the urban growth boundary designated for industrial and other employment uses as short-term supply.

(b) Affected cities and counties that are unable to achieve the target in subsection (a) above may set an alternative target based on their economic opportunities analysis.

(c) A planning area with 10 percent or more of the total land supply enrolled in Oregon's industrial site certification program pursuant to ORS 284.565 satisfies the requirements of this section.

In summary, the rule requires Springfield to assess the short-term supply of land based on the criteria that land can be ready for construction within one year. The determination is based on “engineering feasibility.”

ANALYSIS OF SHORT-TERM SUPPLY OF LAND

The short-term supply analysis includes all lands within the Springfield portion of the Metropolitan UGB. To analyze the short term supply of land available for industrial and other employment uses, ECO worked closely with staff from the Springfield Public Works and Development Services Departments. A number of service issues were identified through this process that affect many different sites within the city. Identified deficiencies spanned the range of services, including water, wastewater, stormwater, and transportation.

Despite the issues staff identified, all areas within the Springfield UGB can be considered to technically meet the Goal 9 Rule criteria of “engineering feasibility.” Staff identified few areas where it was not possible to extend services within one year – provided that funding is available. Funding is a much broader and more complicated issue, but falls outside of the Goal 9 rule as written.

The analysis did identify the Jasper-Natron area as unlikely to meet the short-term supply criteria. This is due to a combination of wetlands that make drainage an issue as well as the distance from existing water and sewer trunk lines (more than one mile from the nearest 18” sewer line to the north end of the site).

Table 2-13 summarizes the number of vacant and potentially redevelopable acres in the short-term land supply. The results indicate that 91% of the vacant commercial and industrial land is considered available as short-term supply, and 85% of land with redevelopment potential is available as short-term supply. Buildable land in the Jasper-Natron area is not considered part of the short-term land supply.²⁰ The Jasper-Natron area is the only area of the city with employment lands that are not considered part of the short term supply.

Table 2-13. Short-term land supply

Category/Plan Designation	Buildable Acres	Acres in Short-Term Supply	Percent in Short Term Supply
Vacant			
Commercial	54.1	45.5	84%
Industrial	254.8	231.5	91%
Mixed Use	45.6	45.6	100%
Subtotal	354.5	322.7	91%
Potentially Redevelopable			
Commercial	80.7	80.7	100%
Industrial	412.2	325.6	79%
Mixed Use	87.9	87.9	100%
Subtotal	580.9	494.2	85%

Source: City of Springfield GIS data; analysis by ECONorthwest

Note: Acres may not sum to tenths due to rounding.

Note: This table has not been updated to reflect construction of the Jasper Natron Trunk Sewer Phase One, completed in 2013.

²⁰ In 2013, the City constructed the first phase of the Jasper Natron Trunk Sewer, serving the northern portion of the Jasper Natron area.

Economic Trends and Factors Affecting Future Economic Growth in Springfield

Chapter 3

Springfield exists as part of the larger economy of the southern Willamette Valley and is strongly influenced by regional economic conditions. For many factors, such as labor, Springfield do differ significantly from the broader region. For other factors, such as income, it does. Thus, Springfield benefits from being a part of the larger regional economy and plays a specific role in the regional economy.

This chapter summarizes national, state, county, and local trends and other factors affecting economic growth in Springfield. Each heading in this chapter represents a key trend or economic factor that will affect Springfield's economy and economic development potential. A more detailed analysis of economic trends and factors affecting Springfield's future economic growth is presented in Appendices A and B.

This chapter and the information in Appendices A and B addresses the following Goal 9 requirements:

- OAR 660-009-0015(1), which requires a review of national, state, regional, county, and local trends to “identify the major categories of industrial or other employment uses that could reasonably be expected to locate or expand in the planning area.”
- OAR 660-009-0015(4), which requires the City to assess community economic development potential to “estimate the types and amounts of industrial and other employment uses likely to occur in the planning area.” This estimate must consider the planning area's economic advantages and disadvantages.

AVAILABILITY OF LABOR

The availability of trained workers in Springfield will impact development of Springfield's economy over the planning period. Based on the analysis in this section, the key trends that will affect the workforce in Springfield over the next 20 years include Springfield's growing population, aging population, relatively low income, and commuting trends.

GROWING POPULATION

Population growth in Oregon tends to follow economic cycles. Historically, Oregon's economy is more cyclical than the nation's, growing faster than the national economy during expansions and contracting more rapidly than the nation during recessions.

Table 3-1 shows population growth in the U.S., Oregon, the Willamette Valley, Lane County, Eugene, and Springfield for the 1990 to 2007 period. Lane County grew slower than the State average between 1990 and 2007, growing at 1.1% annually and adding more than 60,000 people. More than 60% of the County's population lived in the Eugene-Springfield area in 2007, with about 17% of the County's population in the Springfield city limits. Springfield's population grew faster than the County average, at 1.5% annually, adding 12,637 residents over the seventeen-year period.

Table 3-1. Population in the U.S., Oregon, the Willamette Valley, Lane County, Springfield, and Eugene, 1990-2007

Area	Population			Change 1990 to 2007		
	1990	2000	2007	Number	Percent	AAGR
U.S.	248,709,873	281,421,906	301,621,157	52,911,284	21%	1.1%
Oregon	2,842,321	3,421,399	3,745,455	903,134	32%	1.6%
Willamette Valley	1,962,816	2,380,606	2,602,790	639,974	33%	1.7%
Lane County	282,912	322,959	343,140	60,228	21%	1.1%
Springfield	44,683	52,864	57,320	12,637	28%	1.5%
Eugene	112,669	137,893	153,690	41,021	36%	1.8%

Source: U.S. Census, the Population Research Center at Portland State University.

Notes: Benton, Clackamas, Lane, Linn, Marion, Multnomah, Polk, Washington, and Yamhill Counties represent the Willamette Valley Region. Figures for Springfield and Eugene are for areas inside their respective city limits.

Migration is the largest component of population growth in Oregon. Between 1990 and 2007, in-migration accounted for 70% of Oregon's population growth. Over the same period, in-migration accounted for 74% of population growth in Lane County, adding nearly 44,500 residents over the seventeen-year period.

AGING POPULATION

The number of people age 65 and older in the U. S. is expected to double by 2050, while the number of people under age 65 will only grow by 12%.

The economic effects of this demographic change include a slowing of the growth of the labor force, need for workers to replace retirees, aging of the workforce for seniors that continue working after age 65, an increase in the demand for healthcare services, and an increase in the percent of the federal budget dedicated to Social Security and Medicare.²¹

The average age of Springfield residents is increasing. According to the US Census, Springfield's average age was 32 in 2000, 30 in 1990, and 26 in 1980. Table 3-2 shows the change in age distribution for Springfield between 2000 and 2008. The age group that increased the most was 45 to 64, which grew by 2,540 people (24%). This age group's proportion of the total population increased from 20% to 23% during this time period. The largest percentage decrease was in people aged 18 to 24, which shrunk by 913 people (16%).

Table 3-2. Change in age distribution, Springfield, 2000-2008

Age Group	2000		2008		Change 2000 to 2008		
	Number	Percent	Number	Percent	Number	Percent	Share
Under 5	4,327	8%	4,121	7%	-206	-5%	-0.8%
5-17	10,069	19%	10,477	19%	408	4%	-0.3%
18-24	5,890	11%	4,977	9%	-913	-16%	-2.3%
25-44	16,609	31%	17,372	31%	763	5%	-0.4%
45-64	10,546	20%	13,086	23%	2,540	24%	3.4%
65 and over	5,423	10%	5,983	11%	560	10%	0.4%
Total	52,864	100%	56,016	100%	3,152	6%	0.0%

Source: U.S. Census 2000 and Clarita's 2008

Note: Percent change over the 2000 to 2008 period is based on the growth in the age group divided by the number of people in the age group in 2000. For example, people 5 to 17 years old had a 4% percent change, which was calculated using the following calculation: $408/10,069 = 4\%$.

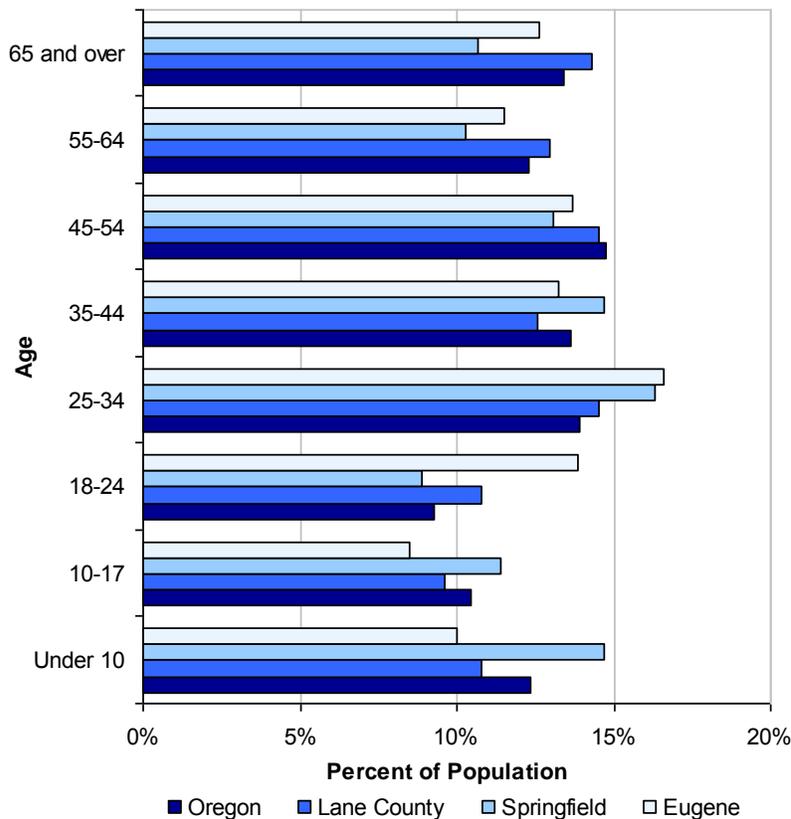
Note: Share refers to the change in the percent of an age group between 2000 and 2008. For example, the share of people 18 to 24 years old decreased from 11% to 9%, a decrease of 2.3%.

Note: Percentages may not add to 100% as a result of rounding errors.

Springfield's population was younger than the County or State averages in 2008. Figure 3-1 shows the age structure for Oregon, Lane County, Eugene, and Springfield in 2008. Springfield had a greater proportion of its population under 44 years of age (66%) than Eugene (62%), Lane County (58%), or Oregon (60%). Springfield also had a smaller share of population aged 55 and older, 21% of Springfield's population, compared to 24% in Eugene, 27% in the County, 26% in the State.

²¹ The Board of Trustees, Federal Old-Age and Survivors Insurance and Federal Disability Insurance Trust Funds, 2008, *The 2008 Annual Report of the Board of Trustees of the Federal Old-Age and Survivors Insurance and Federal Disability Insurance Trust Funds*, April 10, 2008. *The Budget and Economic Outlook: Fiscal Years 2007 to 2016*, January; and Congressional Budget Office, 2005, *The Long-Term Budget Outlook*, December.

Figure 3-1. Population by age, Oregon, Lane County, Eugene, and Springfield, 2008



Source: Claritas 2008, percentages calculated by ECONorthwest.

INCOME

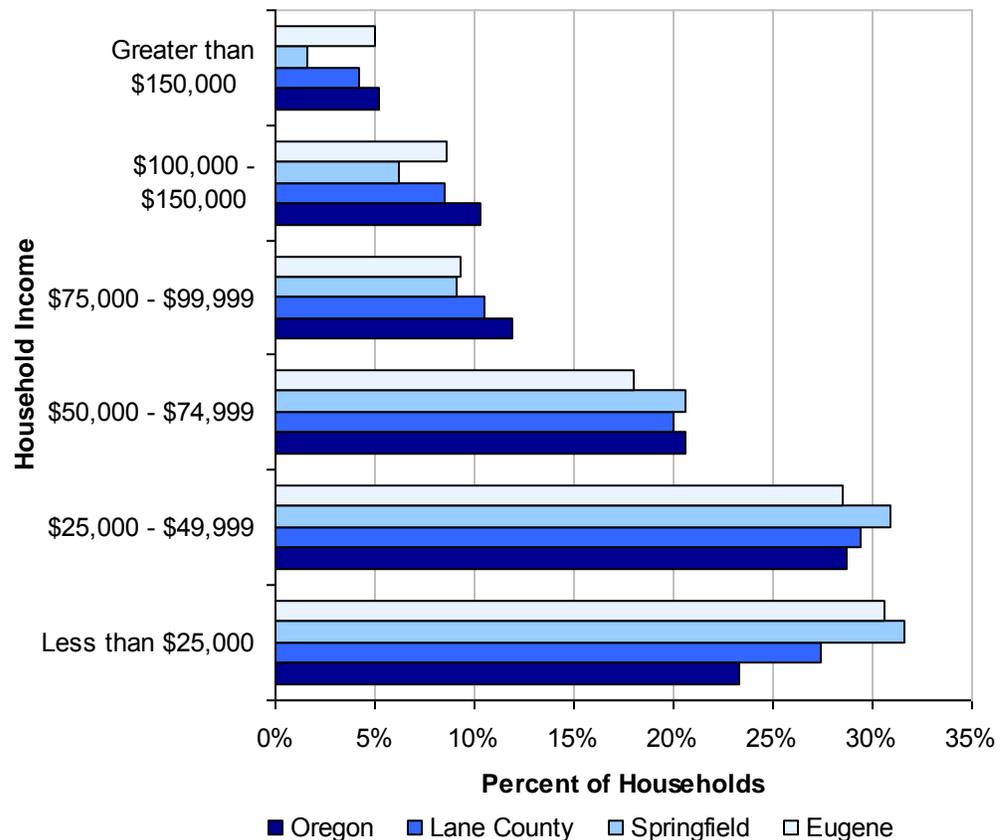
Over the last twenty-four years, income in Oregon has been below national averages and income in Lane County has been below state averages. There are four basic reasons that income has been lower in Oregon and Lane County than in the U.S.: (1) wages for similar jobs are lower; (2) the occupational mix of employment is weighted towards lower paying occupations; (3) a higher proportion of the population has transfer payments (e.g. social security payments for retirees), which are typically lower than earnings; and (4) lower labor force participation among working age residents. To a certain degree, these factors are all true for Oregon and Lane County. The combination of these factors results in lower income for Oregon and Lane County.

In addition, wages in Lane County and Oregon tend to be more volatile than the national average. The major reason for this volatility is that the relative lack of diversity in the State and County economy. Wages in Oregon and Lane County are impacted more than the national average by downturns in either the national economy or in industries in Oregon that

are dependent on natural resources (e.g., timber and wood processing or R.V. manufacturing).

Lane County’s median household income in 2006 was \$42,127, compared with \$46,230 for Oregon and the national average of \$48,451. Figure 3-2 shows the distribution of household income in Oregon, Lane County, Eugene, and Springfield in 2008. Figure 3-2 shows that a larger share of households in Springfield (32%) had an income of \$25,000 or less, compared to Lane County (27%) or the State (23%). Springfield also has a lower share of households with income above \$75,000 (17%), compared to Eugene (23%), the County (23%), or the State (27%).

Figure 3-2. Distribution of household income of U.S., Oregon, and Lane County, 2008



Source: Claritas 2008

The low average income in Lane County and Springfield, relative to Oregon and the U.S., makes Springfield attractive to some firms considering moving within the United States. Firms continue to outsource back-office functions, such as call centers or administrative functions, within the United States Lane County’s relatively low labor costs and the availability of trained workers make Lane County attractive to firms considering relocating back-office functions.

EDUCATIONAL ATTAINMENT

The availability of trained, educated workers affects the quality of labor in a community. Educational attainment is an important labor force factor because firms need to be able to find educated workers. In 2007, 26% of Springfield's residents had an associate's degree or higher, compared to the County average of 37% and Eugene's average of 47% of residents with an associate's degree or higher. Firms locating in Springfield will be able to attract employees from within Springfield and across the Eugene-Springfield region.

WORKFORCE PARTICIPATION

The current labor force participation rate is an important consideration in the availability of labor. The labor force in any market consists of the adult population (16 and over) who are working or actively seeking work. The labor force includes both the employed and unemployed. Children, retirees, students, and people who are not actively seeking work are not considered part of the labor force.

In 2007, Springfield's labor participation rate was 67% of their over-16 population of over 43,000. Of their 67% in the labor force, 10% were unemployed. In comparison, Lane County had 63% labor force participation, 8% of whom were unemployed. Labor force participation rates have dropped by about 1% since 2000, when Springfield's labor participation rate was 68%, compared to the State average of 64%.

COMMUTING PATTERNS

Commuting plays an important role in Springfield's economy. Springfield residents generally have a shorter commute than residents of Lane County or Oregon. Eighty percent of Springfield residents commute 29 minutes or less, compared to 77% of Lane County residents and 69% of Oregonians. Residents of Springfield are less likely to have a long commute, with 7% of Springfield's residents commuting 45 minutes or more, compared to 10% of Oregonians.

The majority of Springfield's workforce (79%) lives in Lane County, with 29% in Springfield and 23% in Eugene. The majority of Springfield residents (81%) work in Lane County, with 25% working in Springfield and 40% working in Eugene.

The implication of this data is that most people living or working in Springfield commute within the Eugene-Springfield area. This commuting pattern gives Springfield firms access to the workforce within the Eugene-Springfield region. Even though commutes in Springfield are generally

shorter than the State average, these commuting patterns create demand for automotive and other forms of transportation, both within Springfield and on roads throughout the Eugene-Springfield region.

Increasing energy prices may impact commuting patterns within the Eugene-Springfield area. The impact is most likely to be greatest for residents living in the smaller cities around the Eugene-Springfield area (e.g., Veneta or Oakridge) because the commute to Springfield is longer from these outlying cities. Willingness to commute by most workers living and working within Eugene and Springfield is likely to have relatively little impact from fuel prices, unless prices increase dramatically.

CHANGES IN EMPLOYMENT

The economy of the nation changed in the 1980 to 2006 period. These changes affected the composition of Oregon's economy, including Lane County and Springfield. The most important shift during this period at the national-level was the shift in employment from a focus on manufacturing to services. The most important shift in Oregon, including Lane County and Springfield, has been the shift from a timber-based economy to a more diverse economy, with the greatest employment in services. The most important trends and changes in employment for Springfield over the next 20-years are: shifts in employment, growing importance of health care, continued importance of manufacturing, and outlook for growth in Springfield.

SHIFTS IN EMPLOYMENT

Over the past few decades, employment in the U.S. has shifted from manufacturing and resource-intensive industries to service-oriented sectors of the economy. Increased worker productivity and the international outsourcing of routine tasks have led to declines in employment in the major goods-producing industries.

In the 1970s Oregon started to transition away from reliance on traditional resource-extraction industries. An important indicator of this transition is the shift within Oregon's manufacturing sector, with a decline in the level of employment in the Lumber & Wood Products industry²² and concurrent growth of employment in high-technology manufacturing industries (Industrial Machinery, Electronic Equipment, and Instruments²³).

²² Lumber and Wood Products manufacturing is in Standard Industrial Classification (SIC) 24

²³ SIC 35, 36, 38

As Oregon has transitioned away from natural resource-based industries, the composition of Oregon's employment has shifted from natural resource based manufacturing and other industries to service industries. The share of Oregon's total employment in Service industries increased from its 1970s average of 19% to 30% in 2000, while employment in Manufacturing declined from an average of 18% of total employment in the 1970s to an average of 12% in 2000.

The changes in employment in Lane County have followed similar trends as changes in national and state employment. Between 1980 and 2006, Lane County added more than 53,000 jobs. The sectors with the greatest change in share of employment were Services and Retail Trade, adding more than 38,500 or 73% of new jobs. Over the 26-year period, manufacturing added more than 4,000 jobs (8% of new jobs), with the greatest growth in: Transportation Equipment manufacturing (R.V. manufacturing), Computer and Electronics manufacturing, and Machinery manufacturing.

Some industries in the region's employment base have volatile employment cycles. These industries typically have boom and bust cycles, which result cycles of hiring and layoffs. The lumber and wood products industry is tied to national housing market cycles, with decreased productivity and employment in slow housing markets. The RV manufacturing industry is tied to broader national economic trends and energy price changes. Finally, the region's high-tech companies are subject to market trends in the high-tech industry, including changes in production methods and consumer purchasing patterns. Two major high-tech firms, Hynix and Sony, located in the Eugene-Springfield region and closed their production facilities between the mid-1990's and 2008.

The average pay per employee in Lane County in 2006 was \$33,240. The sectors with above average pay and high employment were: Construction, Manufacturing, Government, and Health and Social Services. The sectors with below average pay and high employment were: Retail, Accommodations and Food Services, and Administration and Support and Waste Management.

In 2006, Springfield had 27,310 jobs at 1,819 establishments, with an average firm size of 15 employees. The sectors with the greatest employees were: Retail (13%), Government (13%), Health Care and Social Assistance (11%), and Manufacturing (10%). These sectors accounted for 17,863 or 65% of Springfield's jobs.

OUTLOOK FOR GROWTH IN SPRINGFIELD

The State forecasts that employment will continue growing in Lane County at 1.4% average annual growth, compared with the State average of 1.3% average annual growth. The sectors that will lead employment growth in Lane County for the ten-year period are: Health Care & Social Assistance (adding 5,600 jobs), Government (adding 3,600 jobs), Professional and Business Services (adding 3,000 jobs), Leisure & Hospitality (adding 2,800 jobs), and Retail Trade (adding 2,400 jobs). Together, these sectors are expected to add 17,400 new jobs or 76% of employment growth in Lane County. Springfield has a high concentration of employment in Health Care & Social Assistance, especially with the relocation of PeaceHealth's regional hospital to RiverBend. Springfield's concentration of employment in health care may further increase based on where McKenzie-Willamette Medical Center relocates to and the size of the new hospital.

One way to determine opportunities for economic development is to determine the sectors with the greatest expected growth in the region (based on the Oregon Employment Department's forecast for employment growth in Lane County between 2006 and 2016) and the greatest concentration of existing employment in the community (based on a comparison of employment data in Springfield and the State in 2006). Sectors with high employment concentration in Springfield and high growth forecasts are the industry's most likely to grow. These sectors in Springfield are: Health and Social Assistance; Administrative and Support and Waste Management Services; Construction; and Accommodations and Food Services.

Springfield may have opportunities for growth in other sectors that the State forecasts will have high growth. Springfield, however, does not currently have high employment concentrations in some of these sectors: Arts, Entertainment, and Recreation; Management of Companies and Enterprises; Professional, Scientific, and Technical Services; and Private Educational Services.

It is unclear what long-term impact rising fuel and transportation costs will have on Oregon's economy, including Springfield. Globalization and outsourcing of jobs, especially manufacturing jobs, has occurred since the 1980's, changing the state's economy. Globalization depends, in part, on inexpensive transportation of materials and manufactured goods. Businesses have relocated from areas with lower labor costs, in part, because transportation costs were low.

Increases in fuel prices have resulted in higher transportation costs, decreasing the benefits of lower wages. It is possible that, if fuel and transportation costs remain high and/or increase, companies may move to be closer to suppliers or consumers. This effect occurs incrementally over time and it is difficult to measure the impact in the short-term. If fuel prices and transportation costs decrease over the planning period, businesses may not make the decision to relocate (based on transportation costs) because the benefits of being closer to suppliers and markets may not exceed the costs of relocation.

REGIONAL BUSINESS ACTIVITY

GROWING IMPORTANCE OF HEALTHCARE

PeaceHealth has recently relocated its main hospital to the Gateway area in Springfield. The RiverBend campus will have 2,500 PeaceHealth employees by the end of 2008, in occupations including: physicians, nurses, medical technicians, other medical staff, environmental services staff, and food services staff. PeaceHealth started relocating administrative and other staff to the RiverBend Annex in 2006 (located in the former Sony disc manufacturing building), which has 700 employees.

The RiverBend campus will attract additional firms. For example, Oregon Medical Labs, Oregon Imaging Center, and the Northwest Specialty Clinics will have approximately 350 staff and physicians at the RiverBend campus. The RiverBend Pavilion will have about 300 employees, at the Oregon Medical Group, Oregon Imaging, and other medical businesses.

Employment in health care may also increase in Springfield, depending on where McKenzie-Willamette Medical Center locates its new facility. If the new facility is located in Springfield and if the facility is bigger and employs more people than the existing hospital, Springfield will have another major healthcare center as well as more healthcare employment.

CONTINUED IMPORTANCE OF MANUFACTURING

Manufacturing continues to be important to the economy in Springfield and in Lane County. Manufacturing accounted for 14% of employment (more than 20,000 jobs) in Lane County and 10% of employment (more than 2,700 jobs) in Springfield in 2006.²⁴ Manufacturing industries continue to offer jobs with above-average wages, making these jobs more desirable.

²⁴ Oregon Employment Department

Manufacturing grew slowly in Lane County between 1980 and 2006, at an average annual rate of 0.3%, adding more than 4,000 jobs. The State forecasts continued growth in manufacturing at the same rate over the 2006 to 2016 period.

Manufacturing is a traded sector industry, which brings revenue into Oregon and Lane County from outside the State. The following manufacturing industries accounted for two-thirds (\$11 billion) of revenue from exports in Oregon in 2007: Computer & Electronic Production, Transportation Equipment, Machinery Manufacturers, Chemical Manufacture, and Primary Metal Manufacturers.²⁵ These industries are all present in Lane County, accounting for 44% of manufacturing employment in the County.

Continuing changes in the economy may impact manufacturing in Lane County. For example, high energy prices may have been a factor in the decrease of RV manufacturing in Lane County, which has resulted in the layoff of employees beginning in 2006. In addition, the economic downturn and consolidation of the paper manufacturing industry may result in layoffs in firms that manufacture wood products and paper.

Although much of this employment is located outside of Springfield, it affects residents of Springfield, either directly through job layoffs or indirectly through decreases in economic activity.

TOURISM IN LANE COUNTY

Tourism brings economic activity into Lane County from outside sources. Tourism expenditures in Lane County in 2006 grew 7.5%, to \$553 million, exceeding the statewide tourism growth rate for the year. Tourism accounts for about 7,500 jobs in Lane County.

A major source of tourism spending is overnight accommodations. In 2008, the Eugene-Springfield Region had 3,118 total rooms. Occupancy rates varied from 59% in fiscal year 2002 and 2003 to 72% in fiscal year 2006. Springfield levies a 9.5% transient lodging tax on overnight accommodations. Between 2000 and 2008, Springfield's lodging tax revenue varied from \$1.2 million in fiscal year 2004 to \$1.6 million in fiscal year 2007. Springfield's transient lodging tax revenues accounted for about one-quarter of total County lodging tax revenues.

²⁵ "Economic Data Packet, Mary 2008," Oregon Economic And Community Development Department

SIGNIFICANCE OF AGRICULTURE IN LANE COUNTY

Agriculture continues to be important in Lane County's economy. In 2002, Lane County had approximately \$88 million in total gross sales from agriculture. The top five agricultural products in Lane County in 2002 were: Nursery and greenhouse (\$21 million); milk and dairy (\$10.3 million); cattle and calves (\$7.6 million), fruits, tree nuts, and berries (\$6.7 million); and vegetables, melons, potatoes, and sweet potatoes (\$5.6 million).

While agriculture is an important source of economic activity in Lane County, Springfield has relatively little agricultural employment within the UGB. In 2006, about 1% of Springfield's covered employment (282 employees) were employed in the Agriculture, Forestry, Fishing, and Mining sectors. About half of these jobs (136 employees) were in Forestry and Logging. Consistent with statewide land use policy, land within the Springfield UGB is committed for future urban uses, rather than agricultural uses.

SPRINGFIELD'S COMPARATIVE ADVANTAGES

Economic development opportunities in Springfield will be affected by local conditions as well as the national and state economic conditions addressed above and described in Appendix A. Factors affecting future economic development in the Springfield include its location, availability of transportation facilities and other public facilities, quality and availability of labor, and quality of life. Economic conditions in Springfield relative to these conditions in other portions of the Lane County and southern Oregon form Springfield's comparative advantage for economic development. Springfield's comparative advantages have implications for the types of firms most likely to locate and expand in Springfield.

There is little that Springfield can do to influence national and state conditions that affect economic development. Springfield can influence local factors that affect economic development. Springfield's primary comparative advantages are its location on I-5, proximity to Eugene, access to skilled labor, cost of labor, and high quality of life. These factors make Springfield attractive to residents and businesses that want a high quality of life where they live and work.

The local factors that form Springfield's comparative advantage are summarized below and described in detail in Appendix B.

- **Location.** Springfield is located in the Southern Willamette Valley, next to Eugene, between the Willamette River (to the

south) and McKenzie River (to the north). Interstate 5 runs to the west of Springfield and Highway 126 runs east-west through Springfield.

Springfield's location, access to I-5 and Highway 126, and proximity to Eugene are primary comparative advantages for economic development in Springfield. These factors make Springfield attractive to businesses, especially those wanting to locate in the Willamette Valley.

- **Buying Power of Markets.** The buying power of Springfield and the Eugene-Springfield area forms part of Springfield's comparative advantage by providing a market for goods and services. According to estimates on household spending by Claritas, households in Springfield are expected to spend about \$937 million in 2008, about 14% of total household expenditures in the Eugene-Springfield Region. Springfield households spend an average of \$42,700 on commonly purchased items, not including housing, Springfield's households spent less than the regional and nation averages, with about 91% of the \$47,000 average expenditures for all households in the Eugene-Springfield MSA and 84% of national average household expenditures (Claritas, 2008).

The buying power of households in the Eugene-Springfield region provides Springfield with a comparative advantage. Access to households in the Eugene-Springfield Region provides businesses in Springfield with greater sales potential than other, smaller cities in the Southern Willamette Valley. As the population in Springfield (and the Eugene-Springfield region) grows, Springfield will need to provide more land for firms that provide services to residents and businesses.

- **Transportation.** Businesses and residents in Springfield have access to a variety of modes of transportation: automotive (Interstate 5, multiple State highways, and local roads); rail (Union Pacific and Amtrak); transit (LTD); and air (Eugene Airport). Springfield has excellent automotive access for commuting and freight movement. Springfield is located along Interstate 5, the primary north-south transportation corridor on the West Coast, linking Springfield to domestic markets in the United States and international markets via West Coast ports. Springfield has developed along Highway 126, Highway 126 is the primary east-west highway in Lane County, running from Florence to Redmond.

Other transportation options in Springfield include: multiple Union Pacific rail lines provide freight service; transit service from the Lane Transit District provides bus service within Springfield and connects Springfield with Eugene; and the Eugene Airport provides both passenger and freight service.

Springfield's access to multiple modes of transportation provides Springfield with advantages in attracting businesses that need easy access to I-5 for automotive or some types of freight movement. Springfield may have disadvantages in attracting businesses that need large lots and easy access to I-5 (e.g., warehousing and transportation) because of the lack of buildable industrial land along I-5 near Highway interchanges.

- **Public Facilities and Services.** Provision of public facilities and services can impact a firm's decision on location within a region. Once a business has chosen to locate within a region, they consider the factors that local governments can most directly affect: tax rates, the cost and quality of public services, and regulatory policies.

Springfield's property tax rate ranges from \$16.32 and \$18.65 per \$1,000 of assessed value, compared with a state average of \$15.20. The property tax rate in Eugene is more variable than Springfield's, ranging from \$10.31 (possibly located in an area outside of Eugene's city limits) to \$24.68 per \$1,000 of assessed value.²⁶ Springfield's property tax rates may provide the City with little comparative advantage in attracting businesses, relative to Eugene.

The City has sufficient water to meet expected residential and employment needs. The local water provider, Springfield Utility Board (SUB), is not concerned about its ability to supply water to any type of industry, including water-intensive industries like food processing. SUB has lower water rates than the national average. The combination of available and lower cost water may be an advantage to attracting some types of businesses to Springfield.

Based on discussions with staff at SUB, Springfield expects to be able to meet demand for wastewater services resulting from

²⁶ Property tax rates for Springfield and Eugene are a composite of the rates for all properties with an address in Eugene or Springfield. It is almost certain that some of these properties is located outside of both the Eugene and Springfield urban growth boundaries and are subject to unincorporated Lane County tax rates.

expected growth. The City expects to provide service to 6,100 new equivalent dwelling units, which includes residences and businesses, over the next 20-years.

- **Public Policy.** Public policy can impact the amount and type of economic growth in a community. The City can impact economic growth through its policies about the provision of land, redevelopment, and infill development. Success at attracting or retaining firms may depend on availability of attractive sites for development, especially large sites. For example, Springfield was attractive as a location of PeaceHealth's new hospital because the City had a large, relatively flat site located relatively near to Interstate 5 and Beltline Highway.

Springfield's decision makers articulated their support for provision of employment land through the economic development strategy and in other policy choices. Objectives in the economic development strategy supporting the provision of employment land include objectives to: (1) provide employment land in a variety of locations, configurations, and site sizes for industrial and other employment uses, (2) provide an adequate competitive short-term supply of suitable land to respond to economic development opportunities as they arise, (3) reserve sites over 20-acres for special developments and industries that require large sites, and (4) provide adequate infrastructure to sites.

The economic development strategy also includes objectives that support redevelopment of existing land within the UGB, especially in Downtown and in Glenwood, and infill development. In addition, the City is promoting redevelopment in Downtown through the creation of the Urban Renewal District in Downtown Springfield.²⁷

- **Labor Market.** The availability of labor is critical for economic development. Availability of labor depends not only on the number of workers available, but the quality, skills, and experience of available workers as well.

²⁷ Some of the redevelopment in Downtown and Glenwood may result in redevelopment of existing buildings, replacing old buildings with new buildings, but may not result in an increase in employment capacity in the new building. This study identifies land with redevelopment potential as land on which development has already occurred but on which, due to present or expected market forces, there exists the potential that existing development will be converted to more intensive uses (providing additional employment capacity) during the planning period.

Commuting is common in Springfield. About 40% of the people who live in Springfield commute to Eugene for work. Less than one-third of Springfield's workers live in Springfield. The implication of this workforce analysis is that, while only one-third of Springfield's workforce lives within the City, Springfield is able to attract educated workers from most of Eugene and surrounding areas in Lane County.

It does not appear that workforce will be a constraint on employment growth in Springfield. Springfield should be able to continue to draw on residents of Eugene for workers, even if energy prices continue to rise but Springfield's ability to attract workers from outside of the Eugene-Springfield area may be negatively impacted by continued increases in energy prices.

Opportunities for workforce training and post-secondary education for residents of the Eugene-Springfield area include: the University of Oregon, Lane Community College, Northwest Christian College, and Gutenberg College.

Land Demand and Site Needs in Springfield

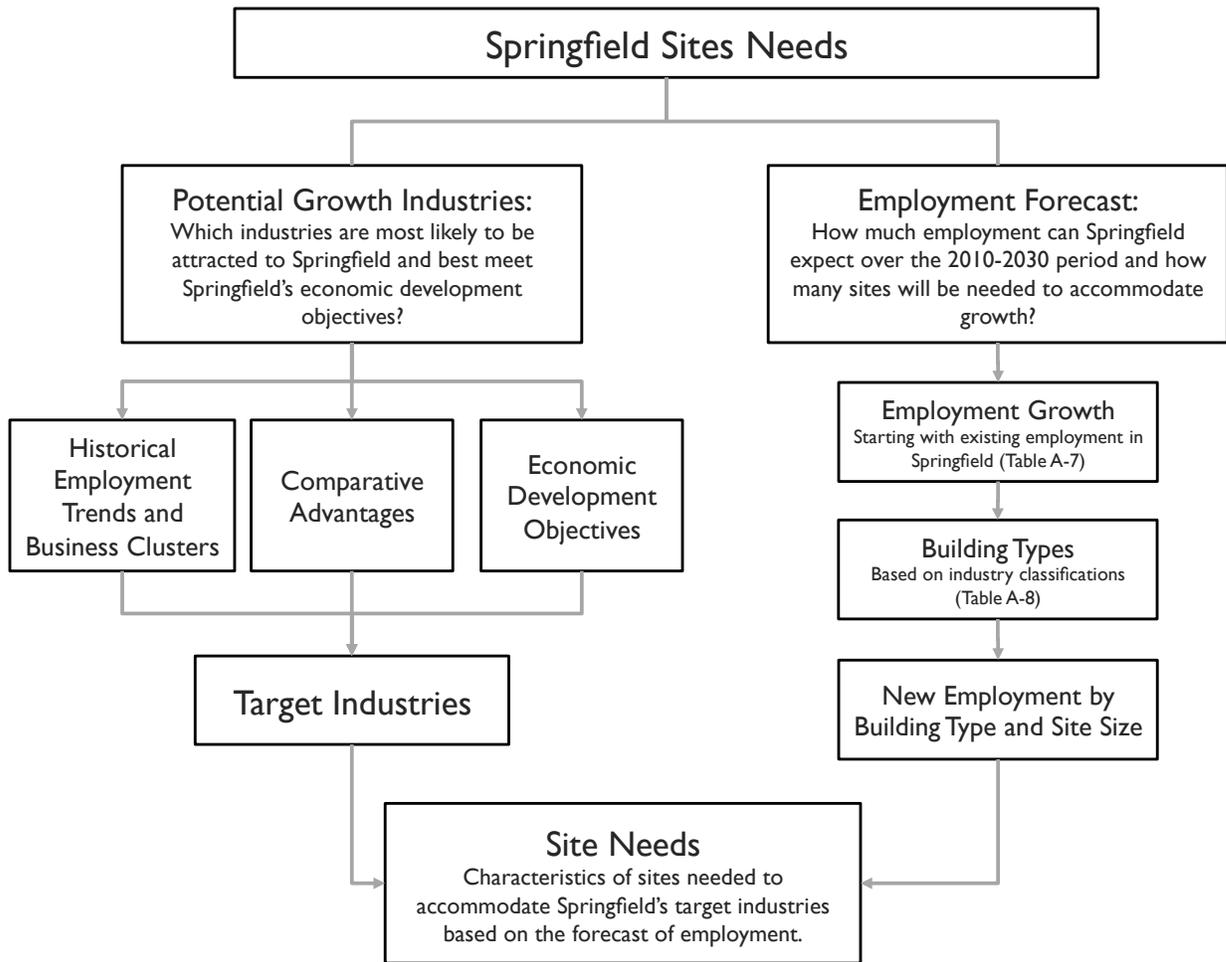
OAR 660-009 requires cities to maintain a 20-year inventory of sites designated for employment. To provide for at least a 20-year supply of commercial and industrial sites consistent with local community development objectives, Springfield needs an estimate of the amount of commercial and industrial land that will be needed over the planning period. Demand for commercial and industrial land will be driven by the expansion and relocation of existing businesses and new businesses locating in Springfield. The level of this business expansion activity can be measured by employment growth in Springfield.

This chapter and Appendix C (which presents the full forecast of employment growth and site needs) addresses the requirements of OAR 660-009-0015(2) for the City to “identify the number of sites by type reasonably expected to be needed to accommodate the expected employment growth based on the site characteristics typical of expected uses. Cities and counties are encouraged to examine existing firms in the planning area to identify the types of sites that may be needed for expansion.”

Figure 4-1 shows the process for identifying Springfield’s site needs. The process involved identifying potential growth industries, in the form of target industries, and identifying characteristics of sites needed by these industries. The process also involved forecasting employment growth in Springfield and allocating that employment growth to building types (e.g., general industrial or office buildings) and site sizes (by acres).

Chapter 4 presents Springfield’s potential growth industries and summarizes the employment forecast (which is documented in detail in Appendix C). Chapter 5 describes the site needs of the target industries.

Figure 4-1. Process for identifying site needs in Springfield.



Source: ECONorthwest

POTENTIAL GROWTH INDUSTRIES

An analysis of growth industries in Springfield should address two main questions: (1) Which industries are most likely to be attracted to the Eugene-Springfield area? and (2) Which industries best meet Springfield's economic objectives? The types of industries that Springfield wants to attract to meet economic development objectives: high-wage, stable jobs with benefits; jobs requiring skilled and unskilled labor; employers in a range of industries that will contribute to a diverse economy; and industries that are compatible with Springfield's community values.

KEY TRENDS AFFECTING EMPLOYMENT GROWTH

Previous chapters reviewed historical growth trends by industry in the Eugene-Springfield Region and Lane County since 1980 and employment in Springfield. A review of key historical trends in employment in the Eugene-Springfield Region can help identify potential growth industries in Springfield. In other words, economic opportunities in Springfield are a function of regional historical trends and future economic shifts.

While nearly all sectors of the economy in the Region experienced growth over this period, some sectors grew faster than others, resulting in a shift in the distribution of employment by sector. Key **historical trends** include in the 1980 to 2007 period include:

- A substantial increase in the share of employment in Services, which increased from 23% to 42% of covered employment in Lane County.
- A decrease in the share of employment in Retail Trade, from 21% to 13%. The number of jobs in retail did not decrease substantially over the 27-year period (a loss of nearly 550 retail jobs) but growth in retail jobs lagged behind growth in other sectors, especially service sectors.
- A decline in the share of employment in Manufacturing, which fell from 20% to 13% of covered employment.
- A decline in the share of employment in Government, which decreased from 20% to 16% of covered employment.

Together, these sectors represent about 84% of employment in the County. Other sectors of the County's economy have a relatively stable and small share of the County's employment.

Historical employment trends show a substantial shift in the Region's economy that mirrored shifts in the State and national economies, specifically the substantial growth in Services and decline of Manufacturing. While these trends are expected to continue into the future, **future shifts** are not expected to be as dramatic as those experienced over the past twenty years. There are several reasons for this expectation (e.g., that the future will be somewhat different than the past):

- Growth in the Services sector has matured and should track more closely with overall employment and population growth rather than continuing to gain a substantial share of total employment.
- The decline in Manufacturing was due, in part, to decreased timber harvests and the outsourcing of production to facilities in countries with lower costs. Timber harvests are expected to level off and increase in the future as commercial forests that were replanted since the 1970s grow to a harvestable size. While outsourcing will continue, much of what can be outsourced has already gone. Remaining Manufacturing firms are tied to their region to be near supplies or markets, or manufacture specialized goods where small production quantities, fast turn-around times, and the need for quality limit the ability to outsource.
- The mix of Manufacturing jobs in the Eugene-Springfield Region changed over the past twenty years with declines in Wood Products and the growth of employment in Recreational Vehicle (RV) manufacturing, machinery manufacturing, metals manufacturing, and high-tech industries, such as Computer and Electronics Manufacturing.

BUSINESS CLUSTERS IN SPRINGFIELD

One way to assess the types of businesses that are likely to have future growth in an area is to examine relative concentration and employment growth of existing businesses. This method of analysis can help determine relationships and linkages within industries, also called industrial clusters. Sectors that are highly concentrated (meaning there are more than the "average" number of businesses in a sector in a given area) and have had high employment growth are likely to be successful industrial clusters. Sectors with either high concentration of businesses or high employment growth may be part of an emerging cluster, with potential for future growth.

The sectors with the most growth potential (identified in Chapter 3) are: Health and Social Assistance; Administrative and Support; Construction;

and Accommodations and Food Services. Other sectors with growth opportunities are: Arts, Entertainment, and Recreation; Management of Companies and Enterprises; Professional, Scientific, and Technical Services; and Private Educational Services.

Table 4-1 shows existing and potential business clusters in Springfield. The clusters identified in Table 4-1 are based on employment trends, Springfield's comparative advantages, the OED's employment forecast for Lane County, the types of firms that have considered locating in Springfield, and analysis of existing and developing business clusters in Springfield and Lane County.

Table 4-1. Existing and potential business clusters in Springfield

Cluster	Employment Potential	Secondary Employment
Medical Services	Associated with RiverBend Regional Medical Center: 3,400 new jobs in 2008 Additional medical services Additional services Employment at a new or expanded McKenzie-Willamette Hospital Facility	Associated with RiverBend and McKenzie Willamette hospitals: Medical Services and Suppliers Research and Education Medical equipment manufacturing Non-medical office space Services like retail, restaurants, financial services, etc.
Manufacturing	Growth potential depends on firms growing locally or choosing to locate in Springfield. Types of firms include: <ul style="list-style-type: none"> • Food processing • High-tech electronics • Recreational Equipment • Medical Equipment manufacturing. • Furniture manufacturing • Specialty apparel • Cottage industries such as jewelry, apparel, or personal care products • Plastics manufacturing 	Manufacturing of related or complementary products Additional manufacturing Services like retail, restaurants, financial services, etc.
Wood Products and Specialty Wood Products	Growth potential depends on the international demand for wood products. The existing wood products and paper manufacturing cluster is evolving based on industry innovation.	Services like retail, restaurants, financial services, etc.
Call Centers	Growth potential depends on firms choosing to locate in Springfield. Eugene and Springfield have advantages for attracting call centers because of the pool of trained call center workers.	Back-office functions for companies with call centers Services like retail, restaurants, financial services, etc.

Cluster	Employment Potential	Secondary Employment
Back-Office Functions	Growth potential depends on firms growing locally or choosing to locate in Springfield. There is a lot of national competition for these functions.	Related back-office functions (if a cluster grows) Services like retail, restaurants, financial services, etc.
Tourism	Growth potential depends on holding events in the Eugene-Springfield area that attract visitors. Growth may also depend on development of infrastructure to attract and service visitors, such as hotels or outdoor activities.	Services like hotels, retail, restaurants, arts and entertainment, etc.
High-tech	Growth potential depends on firms growing locally or choosing to locate in Springfield. Types of firms include: <ul style="list-style-type: none"> • Software development • Computer electronics • Computer service providers • Data centers 	Service and materials providers Services like retail, restaurants, financial services, etc.
Biotech	Growth potential depends on firms choosing to locate in Springfield. There is a lot of national competition for these firms. Springfield has advantages in attracting these firms because of the University of Oregon's work in Biotech, presence of Invitrogen, and national growth in the industry.	Related biotech firms Suppliers or other specialized service providers Services like retail, restaurants, financial services, etc.

TARGET INDUSTRIES

Goal 9 requires cities to identify the number and characteristics of sites “the number of sites by type reasonably expected to be needed to accommodate the expected employment growth based on the site characteristics typical of expected uses (OAR 660-009-0014(2)).” In developing this assessment, cities are encouraged to examine existing firms in the planning area to identify the types of sites that may be needed for expansion (OAR 660-009-0015(2)). Cities are required to “estimate the types and amounts of industrial and other employment uses likely to occur in the planning area,” taking into consideration relevant economic advantages and disadvantages (OAR 660-009-0015(4)).

Identifying the number and characteristics of needed sites starts with understanding the types of businesses that may locate in Springfield over the 20-year planning period. Consistent with the requirements of Goal 9, these industries are grouped into “major categories of industrial or other employment uses” (OAR 660-009-0015(1)). This grouping is commonly referred to as “target industries.”

The target industries for Springfield were identified based on a range of factors:

- Springfield’s existing employment base and the clusters of businesses in Springfield, such as those shown in Table 4-1, Table A-12, or Table A-7.
- Springfield’s comparative advantages, especially Springfield’s location in the Southern Willamette Valley next to Eugene, the easy access to Interstate 5 in Springfield, and the availability of educated and trained labor force from across the region.
- Local and regional economic trends, such as changes in regional employment (Table A-5), changes in regional business clusters, growth in tourism (Table A-13), growth in agriculture production (Table A-14), or forecasts for regional employment growth (Table A-16).
- National and statewide economic trends over the last three decades, such as growth in services or decline in wood products manufacturing.
- Local and regional demographic trends, such as population growth and growth in people over age 60.
- Existing businesses and business clusters in Springfield, such as those identified in Table 4-1.
- Springfield’s economic development objectives, such as:
 - Increasing employment in regional clusters, including: Health Care, Communication Equipment, Information Technology (Software), Metals (Wholesalers), Processed Food and Beverage, Wood & Forest Products, and Transportation Equipment.
 - Recruiting businesses that pay higher than average wages for the region.

The characteristics of Springfield will affect the types of businesses most likely to locate in Springfield. Springfield’s attributes that may attract firms are: the City’s proximity to I-5, high quality of life, proximity to the University of Oregon, the presence of the RiverBend campus, positive business climate, availability of skilled and semi-skilled labor, and proximity to indoor and outdoor recreational opportunities. The types of businesses that may be attractive to Springfield include:

- **Medical Services.** The development of a regional medical center cluster at RiverBend presents an opportunity to attract medical

firms, medical research firms, and other professional services. PeaceHealth is in the process of attracting these firms, through development of a research-oriented relationship with OHSU and the University of Oregon. The possible expansion of the McKenzie-Willamette Medical Center in Springfield presents additional opportunities for attracting medical services and employment in healthcare.

- **Services for seniors.** Springfield's growing population of retirees or near retirees, may attract or create demand for health services that provide services to older people, such as assisted living facilities or retirement centers. These facilities may prefer to locate in relatively close proximity to RiverBend or McKenzie-Willamette.
- **Manufacturing.** Springfield's attributes may attract small scale manufacturing firms (e.g., firms with fewer than 50 employees). Springfield may also be attractive to large manufacturing firms, provided that land is available for development. Examples of manufacturing include medical equipment, high-tech electronics, recreational equipment, furniture manufacturing, specialty apparel, and other specialty manufacturing.
- **Specialty Food Processing.** Springfield's proximity to agricultural resources may make the City attractive to specialty food processing firms, such as those that specialize in organic or natural foods or wineries.
- **High-Tech.** Springfield's access to highly educated labor, access to comparatively inexpensive electricity, and high quality of life may make Springfield attractive to high-tech firms. The types of firms that may be attracted to Springfield range from high-tech manufacturing to data centers to software development.
- **Professional and Technical Services.** Springfield's attributes make it attractive to businesses that need access to educated workers and want a high quality of life. These types of businesses could include engineering, biotechnology, research, and other professional services that are attracted to high-quality settings.

Springfield's reputation as a blue-collar community may present challenges in attracting these types of businesses. Recent trends and efforts by the City suggest the reputation as a blue-collar community is in the process of changing. The City can facilitate this change through building off of the medical cluster forming at RiverBend and through promoting Springfield as a good place to locate professional service firms.

- **Call Centers.** The existing call center cluster including Symantec and Royal Caribbean may attract other call centers to Springfield. The potential for growth in call centers in the Eugene-Springfield area will be dependent of the availability of skilled labor.
- **Back-Office Functions.** Springfield's high quality of life and relatively low wages may attract back-office functions, such as Hawes Investments' offices in Springfield. Back-office functions include administrative functions, such as accounting or information technology. The potential for growth in back-office functions may be limited by national competition for this type of employment. Springfield may be more successful at attracting back-office functions for firms that have a reason to locate in the Region, such as firms with corporate headquarters on the West Coast or firms that do a substantial amount of business in the Willamette Valley.
- **Tourism.** Visitors may be attracted to Springfield to take advantage of recreational opportunities and other amenities. They may also be attracted as a result of regional events, such as the Olympic Track and Field trials, the Oregon Country Fair, or the University of Oregon Bach Festival. Industries that serve tourists, such as food services and accommodations, are likely to grow if tourism increases.
- **Green businesses.** There is no clear definition of what constitutes a green industry or business. In general, green businesses are those that produce products or services that improve or maintain environmental quality, as described in Appendix A. Opportunities for environmentally conscious businesses are growing. The types of green businesses that may choose to locate or expand in Springfield includes: green construction firms (e.g., firms that use LEED-certified building practices), organic food processing, sustainable logging and/or lumber products manufacturing, or alternative energy production (e.g., manufacturing solar panels or bio-fuels).
- **Corporate Headquarters.** Springfield's quality of life, location along I-5, and availability of educated workers may make Springfield attractive as a place to locate corporate headquarters. These same qualities, combined with the relatively low cost of semi-skilled labor and cluster of call centers, make Springfield attractive as a place to locate back-office functions, such as call centers.
- **Services for Residents.** Population growth will drive development of retail and government services, especially education, in Springfield.

- **Government and Public Services.** Springfield will continue to be the location for institutions such as: Springfield City Services, State services such as the Department of Motor Vehicles and Oregon Department of Transportation offices, the Springfield School District, and the Springfield Utility Board.

OAR 660-009-0025 requires cities designate sufficient land for employment to accommodate forecast needs. OAR 660-009-0025(1) and (2) articulate the requirements:

(1) Identification of Needed Sites. The plan must identify the approximate number, acreage and site characteristics of sites needed to accommodate industrial and other employment uses to implement plan policies. Plans do not need to provide a different type of site for each industrial or other employment use. Compatible uses with similar site characteristics may be combined into broad site categories. Several broad site categories will provide for industrial and other employment uses likely to occur in most planning areas. Cities and counties may also designate mixed-use zones to meet multiple needs in a given location.

(2) Total Land Supply. Plans must designate serviceable land suitable to meet the site needs identified in section (1) of this rule. Except as provided for in section (5) of this rule, the total acreage of land designated must at least equal the total projected land needs for each industrial or other employment use category identified in the plan during the 20-year planning period.

Thus, Springfield must identify the characteristics of “needed” sites and designate enough land to accommodate the needs. Table 4-2 shows a list of target industries and what plan designations in which the uses would be allowable. The conclusion is that each target industry is allowed in multiple plan designations.

Table 4-2. Target Industries and Plan Designations

Target Industry	Plan Designation										
	Campus Industrial	Commercial Mixed Use	Commercial Mixed Use	Heavy Industrial	High Density Residential Mixed Use	Light Medium Industrial	Light Medium Industrial Mixed Use	Major Retail Center	Medium Density Residential Mixed Use	Mixed Use	Special Heavy Industrial
Medical Services	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Services for Seniors	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Manufacturing	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Specialty Food Processing	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
High-Tech	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Professional and Technical Services	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Call Centers	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Back Office Functions	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Tourism	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Green Businesses	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Corporate Headquarters	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Services for Residents	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Government and Public Services	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

EMPLOYMENT FORECAST

To provide for an adequate supply of commercial and industrial sites consistent with plan policies, Springfield needs an estimate of the amount of commercial and industrial land that will be needed over the planning period. Goal 9 requires cities identify “the number of sites by type reasonably expected to be needed to accommodate the expected employment growth based on the site characteristics typical of expected uses.” The number of needed sites is dependent on the site requirements of employers. The estimate of land need is presented in the site needs analysis in the next section.

Demand for commercial and industrial land will be driven by the expansion and relocation of existing businesses and new businesses locating in Springfield. The level of this business expansion activity can be measured by employment growth in Springfield. This section presents a projection of future employment levels in Springfield for the purpose of estimating demand for commercial and industrial land.

The EOA presents a forecast for employment growth for Springfield for the 2010 to 2030 period. The City’s intent was to adopt this EOA in 2010 and the City noticed DLCD of this intent on October 30, 2009.²⁸ As a result, the employment forecast was developed in 2008 and is based on 2006 Quarterly Census of Employment and Wages (QCEW) data.

Appendix C presents the process used to arrive at the employment forecast for Springfield. Table 4-3 shows that employment is forecast to grow by 13,440 employees (a 32% increase) between 2010 and 2030.

²⁸ Springfield submitted a notice to adopt the 2009 Economic Opportunities Analysis on October 30, 2009. The date of the first evidentiary hearing in the notice was December 15, 2009, with a final hearing in July 2010. The purpose of this hearing was to provisionally adopt by resolution a draft Commercial and Industrial Building Lands Inventory, Economic Opportunities Analysis, Economic Development Objections and Implementation Strategies in order to carry out mandate of 2007 Or Laws Chapter 650 requiring Springfield to establish its own Urban Growth Boundary. The Resolution recognizes the that action was an interim step and that further steps were needed before adoption of a final inventory, analysis, and determination of capacity.

The City submitted notice with policy amendments to DLCD on December 31st, 2009, with a first evidentiary hearing on February 17, 2010. This notice included the 2009 Economic Opportunities Analysis.

Table 4-3. Employment growth in Springfield's UGB, 2010–2040

Year	Total Employment
2008	41,133
2010	42,284
2030	55,724
2030	55,724
2031	56,498
2032	57,283
2033	58,079
2034	58,886
2035	59,704
2036	60,534
2037	61,375
2038	62,228
2039	63,093
2040	63,970
Change 2010 to 2030	
Employees	13,440
Percent	32%
AAGR	1.4%

Source: ECONorthwest

Springfield is part of the regional economic center in the Southern Willamette Valley region. The ratio of population to employment will decrease from 1.6 people per job to 1.5 people per job between 2008 and 2030. This change shows that employment will grow faster than population in Springfield, suggesting that some Springfield businesses will continue to have employees who commute from Eugene or other cities in the region.

Table 4-4 shows the forecast of employment growth by building type in Springfield's UGB in 2030. In 2010, a total of about 60% of Springfield's employment is in office and other services' building types. About 18% is in retail, 15% is in general industrial and 7% is in warehousing and distribution.

For the purpose of the Springfield EOA, building types are used to relate employment by industry to site needs. In short, the method used to describe site needs is to group industries based on building and site characteristics. This is consistent with how real estate markets work for urban development – demand for land is derived from demand for space. The type of building and industry is then related to land characteristics needed (e.g., site needs) to accommodate that industry. It is also consistent with OAR 660-009-0015(1) which states "Industrial or other employment uses with compatible site characteristics may be grouped together into

common site categories. “ For this analysis, ECO relates industries by NAICS codes to building types which are used as a proxy for site needs. Each sector has been uniquely assigned to a “typical” building type, grouped by industrial and commercial uses. Table A-8 in the appendix shows how industries are related to building types and site needs.

Table 4-4. Forecast of employment growth in by building type, Springfield UGB, 2010-2030

Building Type	2010		2030		Change 2010 to 2030
	Employment	% of Total	Employment	% of Total	
Industrial					
Warehousing & Distribution	2,954	7.0%	3,343	6.0%	389
General Industrial	6,457	15.3%	7,523	13.5%	1,066
Commercial					
Office	12,561	29.7%	17,274	31.0%	4,713
Retail	7,709	18.2%	9,752	17.5%	2,043
Other Services	12,603	29.8%	17,832	32.0%	5,229
Total	42,284	100.0%	55,724	100.0%	13,440

Source: ECONorthwest

Note: Green shading denotes an assumption by ECONorthwest

Note: The forecast assumes that the share of employment in other services' building types will increase by about 2.2% over the 20-year period. We expect that medical employment will grow faster than government employment, based on historical trends that show government accounting for a decreasing share of employment and the growing medical cluster in Springfield.

The forecast in Table 4-4 assumes that Springfield will have growth in all categories of employment. It also assumes that the share of employment will increase in other services (2.2% increase in share) and office (1.3% increase in share). At the same time, the share of employment will decrease in general industrial (1.8% decrease in share), warehousing and distribution (1.0% decrease in share), and retail (0.7% decrease in share). The rationale supporting these assumptions is presented in Appendix C.

SITE NEEDS

OAR 660-009-0015(2) requires the EOA identify the number of sites, by type, reasonably expected to be needed for the 20-year planning period. Types of needed sites are based on the site characteristics typical of expected uses. The Goal 9 rule provides flexibility in how jurisdictions conduct and organize this analysis. For example, site types can be described by plan designation (i.e., heavy or light industrial), they can be by general size categories that are defined locally (i.e., small, medium, or large sites), or it can be industry or use-based (i.e., manufacturing sites or distribution sites).

Firms wanting to expand or locate in Springfield will be looking for a variety of site and building characteristics, depending on the industry and specific circumstances. Previous research conducted by ECO has found

that while there are always specific criteria that are industry-dependent and specific firm, many firms share at least a few common site criteria. In general, all firms need sites that are relatively flat, free of natural or regulatory constraints on development, with good transportation access and adequate public services. The exact amount, quality, and relative importance of these factors vary among different types of firms. This section discusses the site requirements for firms in industries with growth potential in the Eugene-Springfield Region, as indicated by the Oregon Employment Department forecast (see Table A-12 in Appendix A for the regional forecast).

Appendix C discusses the productive factors that affect business' locational decisions and the implications of these factors for businesses that may locate in Springfield. The appendix also discusses the characteristics of sites needed to accommodate employment growth and Springfield's ability to provide sites with these characteristics.

LONG-TERM LAND AND SITE NEEDS

Appendix C presents the process for converting between the employment forecast to site needs. Table 4-5 presents the estimate of needed sites by site size and type of building. The results show that Springfield needs approximately 273 sites. Most sites are small, 2-acres or less. Springfield needs approximately 24 sites larger than 5-acres, including 4 sites larger than 20-acres.

Table 4-5. Estimated needed sites by site size and building type, Springfield, 2010 to 2030

	Site Size (acres)					Total
	Less than 1	1 to 2	2 to 5	5 to 20	20 and Larger	
Warehousing & Distribution	2	2	3	4	1	12
General Industrial	5	5	4	8	2	24
Office	75	12	13	4	1	105
Retail	55	10	6	2		73
Other Services	44	9	4	2		59
Total	181	38	30	20	4	273

Source: ECONorthwest

The identified site needs shown in Table 4-5 do not distinguish sites by comprehensive plan designation. It is reasonable to assume that industrial uses will primarily locate in industrial or campus industrial zones. Retail and service uses could locate in commercial zones, mixed use zones, and residential mixed-use zones.

SHORT-TERM SITE NEEDS

Springfield has four large-scale development plans currently underway: RiverBend Node, Marcola Meadows Node, the Glenwood Riverfront Node and the Downtown District Node. RiverBend, Marcola Meadows and Glenwood Riverfront District have approved master plans and are available for immediate development. In addition, the City is currently developing a Downtown District Plan and Implementation Strategy to facilitate and promote downtown redevelopment.

- **RiverBend Node.** PeaceHealth’s main hospital at RiverBend opened in August 2008. The relocation or expansion of other medical firms to the RiverBend campus is underway. In addition to these uses, PeaceHealth plans further development of the RiverBend campus, which is about 72 acres in size. Other uses may include a mixture of residential development, office and commercial support services, retail, and educational and research functions to support collaborations with Oregon Health Services University and the University of Oregon. Studies for the RiverBend master plan indicated that there may be demand for additional office development (400,000-500,000 square feet) and commercial retail services (50,000 to 70,000 square feet).
- **Marcola Meadows Node.** Marcola Meadows is a master-planned proposed mixed use project located on a vacant 100-acre parcel in Springfield. The project is expected to include about 190 single unit detached homes, about 120 townhouses, about 120 homes in apartments, and 54 homes for senior living. The total proposed land requirement of the residential village would be 39 acres.

The Marcola Meadows Master Plan includes a commercial anchor development, professional offices and retail. The planned commercial component will occupy about 44 acres. The remaining land in the development will be used for common open space and streets.²⁹

- **Glenwood Node.** Glenwood currently has a mixture of residential, commercial, and industrial zoning, with areas that are underdeveloped or undeveloped. Glenwood’s current development pattern is: 83 acres of industrial land, 64 acres of retail, 66 acres of manufactured dwellings, 37 acres of single-family dwellings, and 167 acres of vacant land.

²⁹ Marcola Meadows Pre Plan.

Redevelopment of Glenwood is in the planning stages. The 48-acre Glenwood Riverfront Plan District is currently designated for Mixed Use Nodal Development and is available for development. The City is updating the Glenwood Refinement Plan for the rest of Glenwood in phases. Goals for redevelopment include developing residential, employment and mixed use areas, providing transition between residential and industrial areas, and capitalizing on Glenwood's location between Eugene and Springfield and riverfront land.³⁰

³⁰ Glenwood Refinement Plan. November 1999.

Land Capacity and Demand

This chapter provides a brief summary of the implications of the economic opportunities needs analysis for the City of Springfield. This study looked at economic trends and land needs from a regional and local perspective. This chapter includes a general comparison of land supply and demand. The comparison of land capacity and demand is followed by a discussion of the key implications of the EOA for the City of Springfield.

COMPARISON OF LAND CAPACITY AND DEMAND

This section presents an analysis of land availability and capacity for employment uses in Springfield. Chapter 4 presents an analysis of potential growth industries in Springfield and the employment forecast for Springfield. Based on this analysis, Table 5-1 shows a comparison of land supply and need in terms of sites by site size.

Redevelopment Capacity

The City makes the following assumptions about redevelopment of industrial and commercial land:

- All sites 5 acres and smaller that were identified as having redevelopment potential may redevelop over the 2010-2030 period.
- Five sites between 5-20 acres and one site 20 acres and larger are likely to redevelop over the 2010-2030 period. Table 2-12 provides a site-by-site evaluation of redevelopment potential for sites larger than 5 acres.

Table 5-1 uses the inventory of buildable vacant land from Chapter 2.

- **Vacant land.** The vacant land summary in Table 5-1 is summarized from Table 2-9.
- **Redevelopable land.** The redevelopable land summary in Table 5-1 makes two assumptions about redevelopment potential:³¹
 - *Sites smaller than five acres.* All of the sites smaller than 5 acres with redevelopment potential in Table 2-11 are shown in Table 5-1.
 - *Sites larger than five acres.* Table 2-12 presents a site-by-site evaluation of redevelopment potential of sites identified as potentially redevelopable in Table 2-11. Table 5-1 includes all of the sites identified as providing an opportunity for redevelopment of a 5-acre site (in Table 2-12) as potentially redevelopable sites over the planning period.

The results show that Springfield has a deficit of about 2 industrial sites and 7 commercial and mixed use sites.

³¹ The redevelopable sites in Table 5-1 are assumed to increase employment capacity on the redeveloped sites. As discussed in Chapter 2, redevelopment means a net increase in employment capacity, rather than only the replacement of an old building with a newer building.

Table 5-1. Comparison of vacant land supply and site needs, industrial and other employment land, Springfield UGB, 2010-2030

	Site Size (acres)				
	Less than 1	1 to 2	2 to 5	5 to 20	20 and Larger
Buildable Land Inventory					
Vacant					
Industrial	72	24	20	12	0
Commercial and Mixed Use	104	14	6	4	0
Potentially Redevelopable					
Industrial	122	28	31	6	1
Commercial and Mixed Use	305	20	15	0	0
Total Buildable Sites					
Industrial	194	52	51	18	1
Commercial and Mixed Use	409	34	21	4	0
Site Needs					
Needed sites					
Industrial	7	7	7	12	3
Commercial and Mixed Use	174	31	23	8	1
Surplus (deficit) of sites					
Industrial	187	45	44	6	-2
Commercial and Mixed Use	235	3	-2	-4	-1

Source: ECONorthwest.

Note: The redevelopable sites in Table 5-1 are assumed to increase employment capacity on the redeveloped sites. As discussed in Chapter 2, redevelopment means a net increase in employment capacity, rather than only the replacement of an old building with a newer building.

Converting the site needs shown in Table 5-1 to an estimate of land needs requires making assumptions about average site sizes needed in Springfield. The average site sizes in Table 5-2 are based on empirical analysis of the size of Industrial and Commercial taxlots with employment in Springfield in 2006. This analysis involved relating covered employment data (covered employment in Springfield is shown in Table C-1) to taxlots in Springfield. The taxlots were grouped into categories of site size (i.e., less than 1 acre, 1-2 acres, etc.) by type of land (i.e., industrial or commercial/mixed-use). For each group, the average site size was determined, as shown in Table 5-2. For example, there were 75 Industrial sites smaller than 1 acre in Springfield with employment, with an average of 0.5 acres per site.

Table 5-2. Average size of needed sites based on average sizes of sites with employment in Springfield, Springfield UGB

	Site Size (acres)				
	Less than 1	1 to 2	2 to 5	5 to 20	20 and Larger
Industrial	0.5	1.4	3.0	10.0	63.0
Commercial and Mixed Use	0.4	1.4	3.2	9.3	60.0

Source: ECONorthwest based on QCEW data

Note: Average site size for sites 20 acres and larger is rounded to the nearest acre.

Table 5-3 shows sites needed (from Table 5-1) and land need (based on number of sites needed in Table 5-1 and average site size in Table 5-2). The results show that Springfield has a deficit in the current UGB of the following land types for the 2010 to 2030 period:

- **Industrial land.** Springfield has a **need for 126 acres** of industrial land on two sites larger than 20 acres. In the context of this study, industrial uses means any major employer that would be allowed in an industrial land designation (e.g., campus industrial, light-medium industrial, light-medium industrial mixed use, heavy industrial, or special heavy industrial).
- **Commercial sites.** Springfield has a **need for 104 acres** of commercial land on 9 sites. Springfield's commercial site needs range from sites 2 to 5 acres in size to one site that is 60 acres in size. In the context of this study, commercial use means any use that would be allowed in a commercial land designation (e.g., commercial, commercial mixed use, employment mixed use).

Table 5-3. Comparison of employment land supply and site needs, Springfield UGB, 2010-2030

	Site Size (acres)					Total
	Less than 1	1 to 2	2 to 5	5 to 20	20 and Larger	
Industrial						
Sites needed	none	none	none	none	2	2
Land need (acres)	none	none	none	none	126	126
Commercial and Mixed Use						
Sites needed	none	none	2	4	1	7
Land need (acres)	none	none	6	37	60	104
Total sites needed	none	none	2	4	3	9
Total acres needed	none	none	6	37	186	230

Source: ECONorthwest

The summary of land needs in Table 5-3 shows Springfield's land need for all sites of all sizes. One of the City's economic development strategies is to encourage redevelopment, especially in Downtown and Glenwood. Table 5-1 shows that Springfield concludes that 188 industrial sites and 340 commercial and mixed use sites would redevelop to address land needs over the 20-year period. In addition to this assumption about redevelopment, **Springfield concludes that all land needs on sites smaller than five acres would be accommodated through redevelopment.** The City had a deficit of two commercial and mixed use sites smaller than five acres, which would require six acres of land (Table 5-3).

Table 5-4 shows Springfield's employment land need, assuming that all site needs for sites smaller than five acres would be addressed through redevelopment. **Springfield has the need for approximately two**

industrial sites on 126 acres and five commercial and mixed use sites on about 97 acres that cannot be accommodated within the existing UGB over the 2010 to 2030 period.

Table 5-4. Employment site and land needs, Springfield UGB, 2010-2030

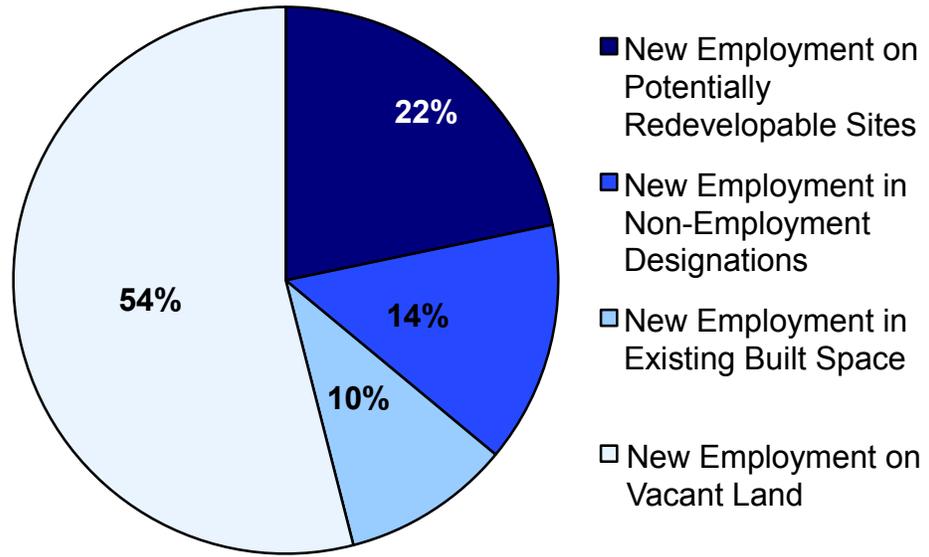
	Site Size (acres)			Total
	Less than 5	5 to 20	20 and Larger	
Industrial				
Sites needed	none	none	2	2
Land need (acres)	none	none	126	126
Commercial and Mixed Use				
Sites needed	none	4	1	5
Land need (acres)	none	37	60	97
Total sites needed	none	4	3	7
Total acres needed	none	37	186	223

Source: ECONorthwest

Figure 5-1 summarizes how Springfield will accommodate new employment based analysis in Chapter 5 and Appendix C. Springfield's employment forecast shows growth of 13,440 new employees over the planning period (Table C-2).

- 14% of new employment (1,918 employees) will locate on **land not designated for employment use**, such as residential land (Table C-12).
- 10% of new employment (1,344 employees) will locate in **existing commercial or industrial built space**, such as vacant buildings or office spaces (Table C-12).
- 22% of new employment (about 2,921 employees) will locate on **potentially redevelopable sites**, where redevelopment results in an increase in the amount of employment accommodated on the site (Table 5-1 shows assumptions about potentially redevelopable sites and Table C-6 shows that need for sites smaller than 5 acres will be accommodated through redevelopment).
- 54% of new employment (about 7,256 employees) will locate on **land that is currently vacant**, including land within the UGB and sites that Springfield does not currently have within the UGB (Table 5-1 and Table C-6).

Figure 5-1. Summary of Location of Employment Growth by Type of Land, Springfield UGB, 2010-2030



Source: ECONorthwest

CHARACTERISTICS OF NEEDED SITES

The Goal 9 Administrative Rule (OAR 660-009) requires that jurisdictions describe the characteristics of needed sites (OAR 660-009-0025(1)). The Administrative Rule defines site characteristics as follows in OAR 660-009-0005(11):

(11) "Site Characteristics" means the attributes of a site necessary for a particular industrial or other employment use to operate. Site characteristics include, but are not limited to, a minimum acreage or site configuration including shape and topography, visibility, specific types or levels of public facilities, services or energy infrastructure, or proximity to a particular transportation or freight facility such as rail, marine ports and airports, multimodal freight or transshipment facilities, and major transportation routes.

The site needs analysis in Chapter 4 identified site needs in five types of buildings: warehousing and distribution, general industrial, office, retail, and other services. The characteristics of needed sites for each of these building types are described below. All sites will need access to electricity, phone, and high-speed telecommunications.

The demand for employment sites (summarized in Table 5-1) is driven by expected employment growth in industries that have historically needed sites in different size groupings. Table C-6 shows that Springfield has a deficit of two Industrial sites 20 acres and larger, which may be needed by target industries such as light manufacturing, high-tech manufacturing, recreation equipment manufacturing, wood products manufacturing, medical products manufacturing, alternative energy manufacturing, or specialty food processing.

Springfield also has a deficit of Commercial and Mixed Use sites, including: four site 5 to 20 acres in size and one site 20 acres and larger. The target industries that may locate on these sites include: Medical Services, Professional and Technical Services, Back-Office Functions, Call Centers, or Corporate Headquarters. Table 4-2 summarizes the Comprehensive Plan Designations where Springfield's target industries are allowed within Springfield's existing UGB.

This section describes the site needs of these target industries, focusing on the deficit of 223 acres of employment land in Springfield identified in Table 5-4.

SITE SIZE AND OTHER CHARACTERISTICS

This section presents information about the sites needed by the target industries based on information by Business Oregon, economic development efforts in Springfield, a study about industry site needs in Springfield by Tadzo, and other sources. Appendix C (Tables C-6 to C-11) present details of research about site needs of Springfield's target industries from these sources. Table 5-5 summarizes these site needs.

Table 5-5. Summary of characteristics of sites needed by target industries, Springfield

Type of site and target industries	Site Size	Topography	Transportation Access	Access to City Services
<p>Target Industries: Medical Equipment High-tech Electronics and Manufacturing Recreational Equipment Furniture Manufacturing Specialty Food Processing Building Type: General Industrial Site Needs for: Manufacturing</p>	<p>Manufacturers similar to the target industries that needed sites larger than 5 acres who considered locating in Oregon or in the Eugene-Springfield area needed sites ranging in size from 10 acres to more than 100 acres. The size of sites needed by Springfield's target industries will vary by the size of building: 100,000 sq ft building will need a site of between 9-12 acres 200,000 sq ft building will need a site of between 18-24 acres 500,000 sq ft building will need a site of between 45- 60 acres The average size of existing sites with employment in Springfield (Table 5-2) is: 5-20 acre site: 10 acres 20+ acre site: 63 acres</p>	<p>The slope for manufacturing sites should be 5% or less. High-tech and Campus manufacturing can have a slope of 7% or less.</p>	<p>At the furthest, sites should be located within 15 miles or less of I-5 or a principal arterial road that is designated as a freight route. Most businesses in Springfield typically locate within one-mile of I-5 or within about one-half a mile of a state highway.</p>	<p>Access to Springfield's municipal water and wastewater system, with a minimum pipeline size of 8 to 10 inches (varies by target industry).</p>
<p>Target Industries: High Tech Services Corporate Headquarters Biotech Professional and Technical Services Back office Medical Services Building Type: Commercial and Other Site Needs for: Large Office Employers</p>	<p>Commercial office employers that needed sites larger than 5 acres who considered locating in Oregon needed sites ranging in size from 10 acres to 100 acres. The size of sites needed by Springfield's target industries will vary by the size of building: 50,000 sq ft building will need a site of between 4- 6 acres 100,000 sq ft building will need a site of between 8-12 acres 200,000 sq ft building will need a site of between 16-24 acres If a business park is developed to meet the site needs of these businesses, typical business park sizes in the Portland region are between about 30 and 75 acres. The average size of existing sites with employment in Springfield (Table 5-2) is: 5-20 acre site: 9.3 acres 20+ acre site: 60 acres</p>	<p>The slope for manufacturing sites should be 5% or less. High-tech and Campus manufacturing can have a slope of 7% or less.</p>	<p>At the furthest, sites should be located within 15 miles or less of I-5 or a principal arterial road. Most businesses in Springfield typically locate within one-mile of I-5 or within about one-half a mile of a state highway. Sites should have access to mass transit within one-half mile.</p>	<p>Access to Springfield's municipal water and wastewater system, with a minimum pipeline size of 8 to 10 inches (varies by target industry).</p>

SITE NEEDS FOR SPRINGFIELD'S TARGET INDUSTRIES

This section presents a refinement of the discussion of the characteristics of needed sites in Springfield on pages 59 to 63 of the EOA to describe the connection between the typical site need and operations of target industries.

The Goal 9 Administrative Rule (OAR 660-009) requires that jurisdictions describe the characteristics of needed sites (OAR 660-009-0025(1)). The Administrative Rule defines site characteristics as follows in OAR 660-009-0005(11):

(11) "Site Characteristics" means the attributes of a site necessary for a particular industrial or other employment use to operate. Site characteristics include, but are not limited to, a minimum acreage or site configuration including shape and topography, visibility, specific types or levels of public facilities, services or energy infrastructure, or proximity to a particular transportation or freight facility such as rail, marine ports and airports, multimodal freight or transshipment facilities, and major transportation routes.

In *Friends of Yamhill County v. City of Newberg*, 62 Or LUBA 5 (2010), LUBA provided a recent interpretation of this requirement, by applying a “two-prong test” for establishing relevant site characteristics as follows: (1) that the attribute be “typical of the industrial or employment use” and (2) that it have “some meaningful connection with the operation of the industrial or employment use.” The first of those prongs, that the attributes be “typical,” appears expressly in OAR 660-009-0015(2), which refers to “site characteristics typical of expected uses.” In upholding LUBA’s two prong test, the Court of Appeals agreed, “[t]hat ‘necessary’ site characteristics are those attributes that are reasonably necessary to the successful operation of particular industrial or employment uses, in the sense that they bear some important relationship to that operation.” *Friends of Yamhill County v. City of Newberg*, 240 Or App 738, 747 (2011).

TARGET INDUSTRIES: MANUFACTURING

Springfield identified the following types of target industries in manufacturing (as part of the General Industrial employment category) that require sites 5 acres and larger: medical equipment, high-tech electronics and manufacturing, recreational equipment, furniture manufacturing, specialty food processing. Table 5-1 shows that Springfield has a deficit of two sites larger than 20 acres to accommodate these types of manufacturing businesses, with an average site size of 63 acres. Manufacturing is most likely to occur in an industrial or campus industrial zone.

The following summarizes the site characteristics and provides an overview of the two-prong test established for site characteristics under *Friends of Yamhill County v. City of Newberg*, 62 Or LUBA 5 (2010), *aff'd* 240 Or App 738 (2011).

1. **Site size.** Sites where manufacturing firms might locate range in size from 10 to 20 acres and up to 60 acres or more for large-scale manufacturers. Springfield has a deficit of two sites in the site size of "20 acres and larger," which have an average site size of 63 acres.
 - Attribute has "some meaningful connection with the operation of the industrial or employment use" – Site size is important for manufacturers. The site needs to be large enough to accommodate the needed built space, as well as accommodate storage space or space for phased development. In addition, the site needs to be large enough to accommodate dedication of public right-of-way and/or easements that may be needed to extend or increase the capacity of existing transportation, infrastructure and utilities to serve the manufacturing use, on-site circulation, parking and loading, on-site stormwater management, waste management, and to meet applicable site coverage or open space requirements, and applicable land use or natural resource buffers required through the City's development or building code regulations.

Table C-7 shows employment estimates for manufacturing businesses that considered locating in the Eugene-Springfield area. Size of site is generally connected to levels of employment, with larger amounts of employment generally locating on larger sites.

- Attribute is "typical of the industrial or employment use" - OAR 660-009-0005(11) specifically cites "a minimum acreage" as a site characteristic. The average size of existing industrial employment sites larger than 20 acres in Springfield is 63 acres (Table 5-2).

In addition, Business Oregon finds that competitively sized general manufacturing firms are 10 acres in size and high-tech manufacturing or campus industrial manufacturing require 25-acre sites. Industrial businesses that considered locating in the Eugene-Springfield area needed sites ranging in size from 10 acres to 200 acres or larger. The Tadzo report concludes that manufacturers in Springfield's target industries that need a 200,000 square foot building require

sites between 18 and 24 acres and businesses that need a 500,000 square foot building need sites between 45 and 60 acres in size. Major employment sites with industrial uses in the Portland Metro area range in size from 25 to 160 acres and average about 50 acres in size.

2. **Topography.** Manufacturing sites should be relatively flat, with slopes of not more than 7% and preferably no more than 5%. Consistent with OAR 660-009-0005(2), Springfield considers sites with slopes over 7% to be unsuitable for manufacturing uses.
 - Attribute has "some meaningful connection with the operation of the industrial or employment use" - Business Oregon identifies sites with a slope of less than 5% (or less than 7% for High Tech Manufacturing or Campus Industrial) as necessary for a competitive site. Manufacturing buildings require level floor plates to support efficient physical layout of equipment, materials staging, assembly, packing and loading processes, reducing costs and offering maximum flexibility, as well as level areas to provide for freight access and pedestrian walkways that meet ADA standards. The real estate development literature describes the increases in development costs and other difficulties associated with industrial development on a sloped site.
 - Attribute is "typical of the industrial or employment use" - OAR 660-009-0005(11) specifically cites "site configuration including shape and topography" as a site characteristic. Business Oregon finds that competitive sites generally have a slope of 5% or less, except high tech manufacturing and campus industrial, which have a slope of 7% or less.
3. **Transportation Access.** Manufacturing buildings generally are located on arterial or major collector streets. Sites need to have unimpeded access within 15 miles of an interstate highway or principal arterial road that is designated as a freight route, based on analysis from Business Oregon (Table C-8).

Many businesses in Springfield, especially the large businesses like those in Springfield's target industries, are located as close to Interstate 5 or a state highway as possible. Map A-1 and Map A-2 show the location of employers in Springfield. Much of Springfield's employment base, especially large employers, is clustered in the Gateway area, within one mile (or less) of I-5. Most other employers are located along or within one-quarter to one-half mile of a state highway.

- Attribute has "some meaningful connection with the operation of the industrial or employment use" - Distance from transportation facilities is meaningful because it directly affects the industry's time, labor, and fuel costs. Cost efficient freight movement is necessary for effective and economical manufacturing operations. Designated Federal, State, and local freight routes have design features that ensure freight vehicle movement and weight. This attribute is meaningful to industry operations because it directly affects the industry's travel time, labor and fuel costs to use lower classification, slower speed streets that are designed for local traffic

Unimpeded access to designated freight routes that are designed and constructed to ensure passage of freight vehicle sizes and weights is meaningful to the operation of the manufacturing use because it directly affects the industry's ability to move its freight vehicles. Local streets are not designed and built to accommodate heavy freight vehicles. Avoiding use of the local street network minimizes traffic conflicts with adjacent residential land uses along streets not designed for freight vehicles and higher traffic volumes. This site characteristic also helps to minimize traffic conflicts on local streets, improve mobility, minimize adverse effects on urban land use and travel patterns, and provide for efficient long distance travel, which are all necessary for effective industrial operations.

- Attribute is "typical of the industrial or employment use" - OAR 660-009-0005(11) specifically cites the "proximity to a particular transportation or freight facility such as rail, marine ports and airports, multimodal freight or transshipment facilities, and major transportation routes" as a site characteristic. Business Oregon finds that manufacturing and industrial firms need to be located relatively close to an interstate highway or principle arterial road, generally within 15 minutes or less, for shipping freight. The literature about siting of industrial buildings, including manufacturing, is clear that manufactures must be adjacent to a major transportation facility to optimize supply chain flows and delivery response time.³² Most businesses in Springfield are located within one-mile of Interstate 5 or within one-half mile of a state highway.

³² *Business Park and Industrial Development Handbook*, Urban Land Institute, 2001.

4. **Access to services.** City services should be directly accessible to the site, including sanitary sewer, and municipal water. The pipeline must be at least 8 inches and some manufacturers may require a 10 inch pipe minimum for both water and wastewater. Some target industries, such as high tech or specialty food processing, may require higher volumes of water and wastewater treatment.
- Attribute has "some meaningful connection with the operation of the industrial or employment use" - Industrial buildings require access to municipal water, municipal sanitary sewer, and electricity/gas. At a minimum, manufacturers must have access to water and wastewater for typical manufacturing uses. Some manufacturers, such as high tech or specialty food processors, may require water and wastewater services as part of their manufacturing process. Developing a site with direct access to municipal services is substantially more cost-effective than extending municipal services to an unserved site.³³
 - Attribute is "typical of the industrial or employment use" - OAR 660-009-0005(11) specifically cites the "specific types or levels of public facilities, services or energy infrastructure" as a site characteristic. Business Oregon finds that competitive sites must have access to urban services, including water, wastewater, natural gas, electricity, and major telecommunications facilities.
5. **Land assembly.** Sites may include one or more tax lots. Sites with two or fewer owners are necessary (a single owner is most desirable) to reduce the cost and uncertainty of land assembly. Consistent with OAR 660-009-0005(2), Springfield considers parcel fragmentation as a development constraint that directly affects suitability as defined in OAR 660-009-0005(12).
- Attribute has "some meaningful connection with the operation of the industrial or employment use" - The cost of land assembly, in financial terms and in terms of extra time needed for site assembly, can make developing an industrial site with multiple land owners infeasible, resulting in the business choosing not to build on the site and possibly not locating in Springfield.

³³ Miles, Mike E., Haney, Richard L., Bernes, Gayle, "Real Estate Development: Principles and Process," The Urban Land Institute, 1997.

- Attribute is "typical of the industrial or employment use" - OAR 660-009-0005(2) specifically lists parcel fragmentation as a development constraint that “ temporarily or permanently limit or prevent the use of land for economic development.” Developing an industrial building on a site with more than two owners requires negotiating land assembly and purchase from multiple owners. Land assembly is difficult and often costly for a number of reasons. People own land for a variety of reasons, such as desire to develop the land, desire to keep the land undeveloped, desire to sell the land for a profit. Getting land owners to sell land can be difficult, especially if the ownership is legally disputed, such as in the case of inheritance cases. If a landowner is a willing seller, they may have an unrealistic expectation of their land’s value, in the context of comparable land values. In addition, one parcel of land may have multiple owners, compounding the issues described above.

Developers attempting land assembly often have difficulty assembling a site at a cost that makes development economically viable. When assembling land, developers often find that owners of key sites are not willing sellers, have unrealistic expectations of the value of their land, or cannot get agreement among multiple owners to sell the land. As a result, developers of industrial buildings typically choose to develop sites with one or two owners.

TARGET INDUSTRIES: LARGE OFFICE EMPLOYERS

Springfield identified the following types of large office employers as target industries that require sites of five acres or larger: high tech, corporate headquarters, biotech, professional and technical services, back office, and medical services. These and other target industries may locate on stand-alone sites or may locate in business parks. The types of buildings may be typical office buildings, flex buildings,³⁴ or multiple buildings in a “campus” environment.

Large office employers are likely to locate in commercial or mixed-use zones, with some large office employers (e.g., high tech, biotech,

³⁴ Flex space is buildings that could be used for light industrial, office space, or both. Flex space typically has less costly finishing and improvements, such as having bare concrete floors rather than carpet. Businesses that sometimes occupy flex space include plumbing or electrical contractors, computer technology companies such as internet service providers or some software businesses, or service firms that prefer a more “industrial” feeling to their office space, such as some architecture firms.

professional or technical services, back office) locating in mixed-employment zones, such as campus industrial. Table C-6 shows that Springfield has a deficit of four site 5 to 20 acres in size (average site size of 9.3 acres) and one site 20 acres and larger (average site size of 60 acres).

The following summarizes the site characteristics and provides an overview of the two-prong test established for site characteristics under *Friends of Yamhill County v. City of Newberg*, 62 Or LUBA 5 (2010), *aff'd* 240 Or App 738 (2011).

1. **Site size.** Sites for office, flex, and business parks where businesses might locate range in size from 10 to 20 acres in size to 75 or 100 acre business parks to very large (multi-hundred acre) sites for large employers.
 - Attribute has "some meaningful connection with the operation of the industrial or employment use" - Site size is important for businesses locating in office, flex, or business parks. The site needs to be large enough to accommodate the needed built space. In addition, the site needs to be large enough to accommodate commercial activities, meet landscaping requirements, meet parking requirements, dedication of public right-of-way and/or easements that may be needed to extend or increase the capacity of existing transportation or infrastructure to serve the businesses, on-site stormwater management, waste management. Sites must also be large enough to meet applicable site coverage or open space requirements, and applicable land use or natural resource buffers required through the City's development or building code regulations.
 - Attribute is "typical of the industrial or employment use" - OAR 660-009-0005(11) specifically cites "a minimum acreage" as a site characteristic. The Tadzo report concludes that large employers in target industries (e.g., Back Office, Corporate Headquarters, and Professional and Technical Services) may require sites of 8 to 12 acres to 100,000 square foot buildings or sites of 16 to 24 acres for 200,000 square foot buildings. These and other target industries may locate in business parks. Key characteristics of business parks in the Portland Metro region are sites of 25 to 100 acres, with 500,000 to 750,000 square feet of built space.
2. **Topography.** Sites for office, flex, and business parks businesses should be relatively flat, with slopes of not more than 15%. Consistent with OAR 660-009-0005(2), Springfield considers sites with slopes over 15% to be unsuitable for large office employers.

- Attribute has "some meaningful connection with the operation of the industrial or employment use" - Commercial developments can occur on land with low- to moderate slopes. For the purposes of this analysis, including in the buildable lands inventory, the maximum slope that is appropriate for commercial development is 15%. Commercial buildings on sites with higher slope pose engineering challenges that increases costs and reduces building flexibility, as well as pose challenges for freight delivery. In addition, client and employee access is an important factor in commercial buildings. Sites with steeper slopes will require greater investment in pedestrian walkways that meet ADA standards. The real estate development literature describes the increases in development costs and other difficulties associated with commercial development on a more sloped site.
 - Attribute is "typical of the industrial or employment use" - OAR 660-009-0005(11) specifically cites "site configuration including shape and topography" as a site characteristic. Commercial sites, including the business parks and office developments in Portland, are generally relatively flat.
3. **Transportation Access.** Commercial office, flex, and business park buildings generally locate on arterial or major collector streets, to ensure that there is sufficient automotive access for employees and customers, as well as for the visibility of a location along a major road. Large office, flex, and business park buildings need to have access to an arterial or state highway. In addition, transit access is important for Springfield's commercial office, flex, and business park buildings, especially those with many employees and customers and for businesses that employ and serve segments of the population without access to an automobile.

Many businesses in Springfield, especially the large businesses like those in Springfield's target industries, are located as close to Interstate 5 or a state highway as possible. Map A-1 and Map A-2 show the location of employers in Springfield. Much of Springfield's employment base, especially large employers, is clustered in the Gateway area, within one mile (or less) of I-5. Most other employers are located along or within one-quarter to one-half mile of a state highway. Large office employers that have located in Springfield over the last decade have located in the Gateway area, such as RiverBend Hospital, Symantec, Pacific Source, or Royal Caribbean Cruise Lines.

- Attribute has "some meaningful connection with the operation of the industrial or employment use" - This site characteristic helps to minimize the amount of traffic on local streets, minimize commercial traffic in residential neighborhoods, improve mobility, minimize adverse effects on urban land use and travel patterns, and provide for efficient long distance travel, which are all necessary for effective commercial operations. A location with access to an arterial or state highway will have greater visibility, which is important to businesses that depend on in-person customer access. A location with access to mass transit within one-half mile will provide transportation opportunities for employees and customers without access to an automobile.
 - Attribute is "typical of the industrial or employment use" - OAR 660-009-0005(11) specifically cites the "proximity to a particular transportation or freight facility such as rail, marine ports and airports, multimodal freight or transshipment facilities, and major transportation routes" as a site characteristic.
4. **Access to services.** City services should be directly accessible to the site, including sanitary sewer, and municipal water.
- Attribute has "some meaningful connection with the operation of the industrial or employment use" - Commercial buildings require access to municipal water, municipal sanitary sewer, and electricity/gas. Developing a site with direct access to municipal services is substantially more cost-effective than extending municipal services to an unserved site.³⁵
 - Attribute is "typical of the industrial or employment use" - OAR 660-009-0005(11) specifically cites the "specific types or levels of public facilities, services or energy infrastructure" as a site characteristic.
5. **Land ownership.** Sites may include one or more tax lots. Sites with two or fewer owners are necessary to reduce the cost and uncertainty of land assembly. Consistent with OAR 660-009-0005(2), Springfield considers parcel fragmentation as a development constraint that directly affects suitability as defined in OAR 660-009-0005(12).

³⁵ Miles, Mike E., Haney, Richard L., Bernes, Gayle, "Real Estate Development: Principles and Process," The Urban Land Institute, 1997.

- Attribute has "some meaningful connection with the operation of the industrial or employment use" - The cost of land assembly, in financial terms and in terms of extra time needed for site assembly, can make developing a commercial site with multiple land owners financially infeasible, resulting in the business choosing not to build on the site and possibly not locating in Springfield.
- Attribute is "typical of the industrial or employment use" - OAR 660-009-0005(11) specifically cites the "site configuration" as a site characteristic. Developing a commercial building on a site with more than two owners requires negotiating land assembly and purchase from multiple owners. Land assembly is difficult and often costly for a number of reasons. People own land for a variety of reasons, such as desire to develop the land, desire to keep the land undeveloped, desire to sell the land for a profit. Getting land owners to sell land can be difficult, especially if the ownership is legally disputed, such as in the case of inheritance cases. If a landowner is a willing seller, they may have an unrealistic expectation of their land's value, in the context of comparable land values. In addition, one parcel of land may have multiple owners, compounding the issues described above.

Developers attempting land assembly often have difficulty assembling a site at a cost that makes development economically viable. When assembling land, developers often find that owners of key sites are not willing sellers, have unrealistic expectations of the value of their land, or cannot get agreement among multiple owners to sell the land. As a result, developers of commercial buildings typically choose to develop sites with one or two owners.

The City of Springfield Economic Development Agency (SEDA) has provided and continues to provide public assistance to overcome parcelization constraints within the Glenwood and Downtown Urban Renewal Districts to facilitate redevelopment in Glenwood and Downtown. In addition to comprehensive planning and technical support to assist potential developer projects, SEDA assistance has included land purchase and purchase of options on future property sales. The City has limited resources for this type of activity and thus success with parcel assembly over the

past ten years has been mixed. The City does not have resources to facilitate parcel assembly throughout the City.

IMPLICATIONS

The analysis of presented in the economic opportunities analysis has implications for Springfield's economic land needs.

- *Economic growth.* Decision makers and community members that participated in the economic opportunities analysis agreed that economic growth is desirable over the planning period. The employment forecast indicates Springfield will add 13,440 new employees between 2010 and 2030 using the OAR 660-024-0040(8)(a)(ii) methodology. The economic opportunities analysis assumes that Springfield will have employment growth in a wide variety of businesses, from services and retail for residents to industrial development to medical services. The City wants to diversify its economy and attract higher wage and professional jobs.
- *Buildable lands.* Springfield has 3,414 acres that are designated for industrial and other employment use. About two-thirds of the land designated for employment within Springfield's UGB is considered developed and is not expected to redevelop over the 20 year planning period. Less than 15% of this land is buildable, unconstrained land. The majority of buildable, unconstrained employment land in Springfield has existing development on it that is expected to redevelop over the planning period. Springfield has a lack of buildable large sites, with one buildable site 20 acres and larger and 22 buildable sites in the five to 20 acre size range.
- *Redevelopment potential.*³⁶ The analysis of potentially redevelopable land and need for employment land assumes that Springfield will have substantial redevelopment over the planning period. The analysis of potentially redevelopable land assumes that the employment capacity of redeveloped areas will increase, not simply that a new building will replace an old building. Consistent with City Council policies, the areas that are expected to have the most redevelopment are in Glenwood, especially along the Willamette Riverfront and Franklin/McVay corridor, and in the Downtown Urban Renewal District.

³⁶ This study identifies land with redevelopment potential as land on which development has already occurred but on which, due to present or expected market forces, there exists the potential that existing development will be converted to more intensive uses (providing additional employment capacity) during the planning period.

The City will need to make strategic investments that support redevelopment and to continue supporting redevelopment through City plans and policies. For example, redevelopment in the City's targeted Downtown and Glenwood areas will require substantial investments in public infrastructure to provide public facilities and to overcome the existing impediments to development, including parcel assembly issues.

- *Employment that will not require vacant land.* Springfield assumed that 46% of employment would not require vacant employment land.³⁷ Springfield's assumptions about employment that will not require vacant land are as follows:

Employment that does not require vacant land

46% of all new employment (6,105 employees) will be accommodated on land that currently has improvements:

- 14% will locate on land designated for other uses (i.e., residential uses)
- 10% will locate in existing built space
- 22% will locate on "potentially redevelopable land"

Needed sites are based on the 54% of new employment (7,256) that will require vacant, suitable land.

- Fourteen percent of employment (1,918 employees) will locate in non-employment designations. These employees will include people with home occupations, working from home, and businesses that locate in residential or other non-employment designations. This assumption is based on the percent of employment located in non-employment designations in 2006. See Appendix C and Table C-12 for more information about this assumption.
- Ten percent of new employment (1,344 employees) will locate in existing built space. See Appendix C and Table C-12 for more information about this assumption.
- Twenty-one percent of new employment (2,921 employees) will locate on redevelopable sites. Table 5-1 shows that Springfield assumes 188 industrial sites and 342 commercial and mixed use sites³⁸ will redevelop over the planning period. The estimate of employment on these sites was based on the average number of employees per site by site size in 2006. See Chapter 2 for more information about redevelopment assumptions.

- *Need for large sites.* Springfield will be able to meet all employment land needs on sites five acres and smaller within the existing UGB, through redevelopment, infill development, and employment uses

³⁷ The estimate of 46% of new employment not requiring vacant land is based on the assumption that 1,918 employees will locate in non-employment designations, 1,344 employees will locate in existing built space, and 2,921 employees will locate on redevelopable sites. The total number of new employees not requiring new land is 6,183 employees, which is approximately 46% of the forecasted growth of 13,440 jobs.

³⁸ The analysis in Table 5-1 shows that 340 commercial and mixed-use sites are considered potentially redevelopable. Table 5-4 assumes that the need for two sites in the 2 to 5 acre size range will be accommodated through redevelopment. As a result, Springfield assumes demand for 342 commercial and mixed-use sites will be accommodated through redevelopment.

on non-employment land (e.g., home occupations). The employment land needs that may not be met within the UGB are for sites five acres and larger. The City has only one suitable site 20 acres or larger.

Availability of sites 20 acres and larger is important for attracting or growing large businesses, which are often traded-sector businesses. If the City does not have these large sites, there is little chance that the City will attract these types of businesses. While it may not be clear exactly what the business opportunities may be in ten to twenty years, it is clear that these businesses will not locate in Springfield if land is not available for development.

For example, in the past twenty years, most of the Gateway area developed. The area has a mix of uses including the International Way campus employment district, regional mall, apartments, offices, and more recently, the PeaceHealth RiverBend Medical Center Campus. Twenty-years ago it would have seemed highly unlikely that PeaceHealth would build their new regional facility in Springfield. If the City had not had desirable, serviceable land available, PeaceHealth would probably not have located their new facility in Springfield. Over the last 20 years, employment and commerce in the Gateway area has become a local and regional economic engine and major employment center. In 2006, the Gateway area had 33% of Springfield's employment (more than 9,800 employees) and 33% of payroll in the city, at \$325 million. By 2009, Gateway accounted for nearly 36% of the city's employment and \$368 million in payroll. In 2013, employment in the Gateway area accounted for 40% of employment in Springfield (more than 10,700 employees) and 43% of payroll in the city.³⁹

- *Redesignation of Smaller Sites.* Springfield's land deficit cannot be met through redesignating a surplus of small industrial- and commercial-designated sites, most of which are smaller than 2 acres. Map 2-3 shows that these sites are scattered throughout the City, generally along Main Street or in Mid- Springfield. There are few opportunities for assembly of a contiguous, unconstrained site with a configuration that makes it developable. These areas do not and are not expected to provide large sites for target employers that require large sites.

³⁹ Kim Thompson, Oregon Employment Department, "The Gateway Area & Growth in Springfield," presentation to Gateway Development Committee, October 24, 2014.

Even where small vacant sites are located adjacent to other small vacant sites, there are few places where a site larger than 5 acres could be assembled from small sites. There is probably no place where a 20-acre site could be assembled from small sites.

- *Site assembly.* Assembly of numerous small sites into 5 to 10 acre sites is difficult at best and often not feasible. Map 2-3 shows that of industrial- and commercial-designated sites are scattered throughout the City, generally along Main Street or in Mid-Springfield, and the majority of sites are smaller than 2 acres. Land assembly is difficult and often costly. Developers attempting land assembly often have difficulty assembling a site at a cost that makes development economically viable. When assembling land, developers often find that owners of key sites are not willing sellers, have unrealistic expectations of the value of their land, or cannot get agreement among multiple owners to sell the land. As a result, developers, especially developers of industrial buildings, typically choose to develop sites with one or two owners.
- *Need to expand the UGB to accommodate need for large sites.* Springfield's need for large sites cannot be met within the UGB. Meeting this need for large sites for large employers requires the City to expand its UGB into areas with suitable sites. These areas will have relatively large, flat sites with little parcelization and few owners, where businesses will have access to I-5 or a State highway.
- *Short-term land supply.* Based on the Goal 9 definition of short-term land supply and criteria for "engineering feasibility," the majority of inventoried commercial and industrial land supply within the Springfield UGB is part of the short-term land supply, assuming that funding is available to extend or increase capacity of infrastructure and urban services. The Goal 9 rule definition of short-term land supply does not account for land availability, such as whether the landowner is willing to sell it or the owner is willing to redevelop it. The Goal 9 rule definition of short-term land supply also does not account for needed site characteristics, such as site size. As a result, the City's short-term land supply as defined by Goal 9 may not be available and developers may have difficulty finding developable land with specific site characteristics.

National, State, County, and Local Trends

Appendix A

This appendix summarizes national, state, county, and local trends affecting Springfield. It presents a demographic and socioeconomic profile of Springfield (relative to Lane County and Oregon) and describes trends that will influence the potential for economic growth in Springfield. This appendix covers recent and current economic conditions in the City, and forecasts from the State Employment Department for employment growth in Lane County. This appendix meets the intent of OAR 660-009-0015(1).

NATIONAL, STATE, AND REGIONAL TRENDS

NATIONAL TRENDS

Economic development in Springfield over the next twenty years will occur in the context of long-run national trends. The most important of these trends include:

- **The aging of the baby boom generation, accompanied by increases in life expectancy.** The number of people age 65 and older will more than double by 2050, while the number of people under age 65 will grow only 22 percent. The economic effects of this demographic change include a slowing of the growth of the labor force, an increase in the demand for healthcare services, and an increase in the percent of the federal budget dedicated to Social Security and Medicare.⁴⁰

Baby boomers are expecting to work longer than previous generations. An increasing proportion of people in their early to mid-50s expect to work full-time after age 65. In 2004, about 40% of these workers expect to work full-time after age 65, compared with about 30% in 1992.⁴¹ This trend can be seen in Oregon, where the share of workers 65 years and older grew from 2% of the workforce

⁴⁰ The Board of Trustees, Federal Old-Age and Survivors Insurance and Federal Disability Insurance Trust Funds, 2008, *The 2008 Annual Report of the Board of Trustees of the Federal Old-Age and Survivors Insurance and Federal Disability Insurance Trust Funds*, April 10, 2008.

⁴¹ "The Health and Retirement Study," 2007, National Institute of Aging, National Institutes of Health, U.S. Department of Health and Human Services.

in 1992 to 3% of the workforce in 2002, an increase of 64%. Over the same ten-year period, workers 45 to 64 years increased by 70%.⁴²

- **Tightening labor force.** Growth in the labor force is projected to slow over the 2006-2016 period as a result of: (1) aging and retirement of the baby boomer generation and (2) the labor force participation by women has peaked. Job growth is expected to outpace population growth, with a 10% increase in employment (15.6 million jobs) compared to a 9% increase in civilian noninstitutional population 16 years and older (22 million people).⁴³
- **Need for replacement workers.** The need for workers to replace retiring baby boomers will outpace job growth. According to the Bureau of Labor Statistics, net replacement needs will be 33.4 million job openings over the 2006-2016 period, more than twice the growth in employment of 15.6 million jobs. Management occupations and teachers will have the greatest need for replacement workers because these occupations have older-than-average workforce.⁴⁴
- **Increases in labor productivity.** Productivity, as measured by output per hour, increased over the 1995 to 2005 period. The largest increases in productivity occurred over the 1995 to 2000 period, led by industries that produced, sold, or intensively used information technology products. Productivity increased over the 2000 to 2005 period but at a slower rate than during the latter half of the 1990's. The sectors that experienced the largest productivity increases over the 2000 to 2005 period were: Information, Manufacturing, Retail Trade, and Wholesale Trade. Productivity in mining decreased over the five-year period.⁴⁵
- **Continued trend towards domestic outsourcing.** Businesses continue to outsource work to less expensive markets. Outsourcing generally falls into two categories: (1) moving jobs from relatively expensive areas to less expensive areas within the U.S. and (2) moving jobs outside of the U.S. to countries with lower labor costs.

⁴² "Growing Numbers of Older Workers in Oregon," Oregon Employment Department.

⁴³ Arlene Dohm and Lyn Shniper, "Occupational Employment Projections to 2016," *Monthly Labor Review*, November 2007, pp. 86-125.

⁴⁴ Arlene Dohm and Lyn Shniper, "Occupational Employment Projections to 2016," *Monthly Labor Review*, November 2007, pp. 86-125.

⁴⁵ Corey Holman, Bobbie Joyeaux, and Christopher Kask, "Labor Productivity trends since 2000, by sector and industry," Bureau of Labor Statistics *Monthly Labor Review*, February 2008.

About three-quarters of layoffs in the U.S. between 1995 and 2004 were the result of domestic relocation, involving movement of work within the same company. The industries with the largest amounts of domestic outsourcing were: manufacturing, retail trade, and information.⁴⁶

- **Continued growth in global trade and the globalization of business activity.** With increased global trade, both exports and imports rise. Faced with increasing domestic and international competition, firms will seek to reduce costs through implementing quality- and productivity-enhancing technologies, such as robotics or factor automation. In addition, some production processes will be outsourced offshore.⁴⁷
- **Continued shift of employment from manufacturing and resource-intensive industries to the service-oriented sectors of the economy.** Increased worker productivity and the international outsourcing of routine tasks lead to declines in employment in the major goods-producing industries. Projections from the Bureau of Labor Statistics indicate that U.S. employment growth will continue to be strongest in healthcare and social assistance, professional and business services, and other service industries. Construction employment will also grow but manufacturing employment will decline.⁴⁸
- **The importance of high-quality natural resources.** The relationship between natural resources and local economies has changed as the economy has shifted away from resource extraction. Increases in the population and in households' incomes, plus changes in tastes and preferences, have dramatically increased demands for outdoor recreation, scenic vistas, clean water, and other resource-related amenities. Such amenities contribute to a region's quality of life and play an important role in attracting both households and firms.⁴⁹

⁴⁶ Sharon P. Brown and Lewis B. Siegel, "Mass Layoff Data Indicate Outsourcing and Offshoring Work," *Monthly Labor Review*, August 2005, pp. 3-10.

⁴⁷ Eric B. Figueroa and Rose A. Woods, 2007, "Industry Output and Employment Projections to 2016," *Monthly Labor Review*, November 2007, pp. 53-85.

⁴⁸ Eric B. Figueroa and Rose A. Woods, 2007, "Industry Output and Employment Projections to 2016," *Monthly Labor Review*, November 2007, pp. 53-85.; Arlene Dohm and Lyn Shniper, "Occupational Employment Projections to 2016," *Monthly Labor Review*, November 2007, pp. 86-125.

⁴⁹ For a more thorough discussion of relevant research, see, for example, Power, T.M. and R.N. Barrett. 2001. *Post-Cowboy Economics: Pay and Prosperity in the New American West*. Island Press, and Kim, K.-K., D.W. Marcouiller, and S.C. Deller. 2005.

- **Continued westward and southward migration of the U.S. population.** Although there are some exceptions at the state level, a 2006 U.S. Census report documents an ongoing pattern of interstate population movement from the Northeast and Midwest to the South and West.⁵⁰
- **The growing importance of education as a determinant of wages and household income.** According to the Bureau of Labor Statistics, a majority of the fastest growing occupations will require an academic degree, and on average they will yield higher incomes than occupations that do not require an academic degree. The fastest growing of occupations requiring an academic degree will be: computer software application engineers, elementary school teachers, and accountants and auditors. Occupations that do not require an academic degree (e.g., retail sales person, food preparation workers, and home care aides) will grow, accounting for about half of all jobs by 2016. These occupations typically have lower pay than occupations requiring an academic degree.⁵¹

The national median income in 2006 was about \$32,000. Workers without a high school diploma earned \$13,000 less than the median income and workers with a high school diploma earned \$6,000 less than median income. Workers with some college earned slightly less than median and workers with a bachelor's degree earned \$13,000 more than median. Workers in Oregon experience the same patterns as the nation but pay is generally lower in Oregon than the national average.⁵²

- **Continued increase in demand for energy.** Energy prices are forecast to remain at relatively high levels, as seen in the 2006 to 2008 period, possibly increasing further over the planning period. Output from the most energy-intensive industries is expected to decline, but growth in the population and in the economy is expected to increase the total amount of energy demanded. Energy sources are expected to diversify and the energy efficiency of

"Natural Amenities and Rural Development: Understanding Spatial and Distributional Attributes." *Growth and Change* 36 (2): 273-297.

⁵⁰ Marc J. Perry, 2006, *Domestic Net Migration in the United States: 2000 to 2004*, Washington, DC, Current Population Reports, P25-1135, U.S. Census Bureau.

⁵¹ Arlene Dohm and Lyn Shniper, "Occupational Employment Projections to 2016," *Monthly Labor Review*, November 2007, pp. 86-125.

⁵² "Growing Number of Older Workers in Oregon," Oregon Employment Department and American Community Survey, U.S. Census, 2006.

automobiles, appliances, and production processes are projected to increase. Despite increases in energy efficiency and decreases in demand for energy by some industries, demand for energy is expected to increase over the 2008 to 2030 period because of increases in population and economic activity.⁵³

- **Impact of rising energy prices on commuting patterns.** Energy prices may continue to be high (relative to historic energy prices) or continue to rise over the planning period.⁵⁴ The increases in energy prices may impact willingness to commute long distances. There is some indication that increases in fuel prices have resulted in decreased suburban housing price (i.e., housing demand), especially in large urban areas (e.g., Los Angeles or Chicago) and suburbs far from the center city. If this pattern continues, the area in Oregon most likely to be most impacted is Portland, which has the largest area of urban and suburban development in the state.⁵⁵
- **Possible effect of rising transportation and fuel prices on globalization.** Increases in globalization are related to the cost of transportation: When transportation is less expensive, companies move production to areas with lower labor costs. Oregon has benefited from this trend, with domestic outsourcing of call centers and other back office functions. In other cases, businesses in Oregon (and the nation) have “off-shored” employment to other countries, most frequently manufacturing jobs.

Increases in either transportation or labor costs may impact globalization. When the wage gap between two areas is larger than the additional costs of transporting goods, companies are likely to shift operations to an area with lower labor costs. Conversely, when transportation costs increase, companies may have incentive to relocate to be closer to suppliers or consumers.

This effect occurs incrementally over time and it is difficult to measure the impact in the short-term. If fuel prices and transportation costs decrease over the planning period, businesses may not make the decision to relocate (based on transportation

⁵³ Energy Information Administration, 2008, *Annual Energy Outlook 2008 with Projections to 2030*, U.S. Department of Energy, DOE/EIA-0383(2008), April.

⁵⁴ Energy Information Administration, 2008, *Annual Energy Outlook 2008 with Projections to 2030*, U.S. Department of Energy, DOE/EIA-0383(2008), April.

⁵⁵ Cortright, Joe. “Driven to the Brink: How the Gas Price Spike Popped the Housing Bubble and devalued the Suburbs,” May 2008.

costs) because the benefits of being closer to suppliers and markets may not exceed the costs of relocation.

- **Growing opportunities for “green” businesses.** Businesses are increasingly concerned with “green” business opportunities and practices. These business practices are concerned with “the design, commercialization, and use of processes and products that are feasible and economical while reducing the generation of pollution at the source and minimizing the risk to human health and the environment.”⁵⁶

Green business opportunities have historically been at the mercy of feasibility and economics; if a firm ignores feasibility and economics while trying to be green, the firm may not be able to afford to operate long enough to learn how to make green businesses feasible. The three types of green business opportunities are products, processes, and education.

- *Producing green products.* Green products perform the function of regular products, but do it in a way that uses fewer resources or creates less pollution. For example, hybrid vehicles are green because they use less gasoline to operate and add fewer pollutants to the air. Yet hybrid vehicles serve the same function as non-hybrid cars. Another example is bamboo fencing and lumber, which is green because bamboo is more renewable than traditional lumber. Bamboo products have the strength necessary for building.
- *Providing education about green practices or products.* Green education is often closely related to producing green products and is often done by consultants or nonprofits. Examples of companies involved in green education include the U.S. Green Building Council, which certifies buildings as green (LEED certification), or a consulting firm that writes a green (or sustainable) plan for a city or business.
- *Using green business practices.* Green business practices are alternative methods of doing business that promote resource conservation, prevent or reduce pollution, or have other beneficial environmental effects. Examples of green business processes include: buying products locally to reduce shipping distance, recycling waste products (where

⁵⁶ Urban Green Partnership at urbangreenpartnership.org

possible), or maximizing the use of natural lighting to reduce use of electricity and light bulbs.

For example, ECONorthwest is a green educator because we help our clients manage natural resources effectively and take all costs and benefits of a particular action into account in order to properly judge the correct course of action. A frequent method of marketing green products involves green education. It is much easier to sell a hybrid car to a customer who knows the environmental benefits of owning a hybrid, so educating potential customers can aid greatly in increasing sales.

- **Potential impacts of global climate change.** There is growing support for but not a consensus about whether global climate change is occurring as a result of greenhouse gas emissions. There is a lot of uncertainty surrounding global climate change, including the pace of climate change and the ecological and economic impacts of climate changes. Climate change may result in the following changes in the Pacific Northwest: (1) increase in average temperatures, (2) shift in the type of precipitation, with more winter precipitation falling as rain, (3) decrease in mountain snowpack and earlier spring thaw and (4) increases in carbon dioxide in the air.⁵⁷ Assuming that global climate change is occurring and will continue to occur over the next 20-years, a few broad, potential economic impacts for the nation and Pacific Northwest include:⁵⁸
 - *Potential impact on agriculture and forestry.* Climate change may impact Oregon's agriculture through changes in: growing season, temperature ranges, and water availability.⁵⁹ Climate change may impact Oregon's forestry through increase in wildfires, decrease in the rate of tree growth, change in mix of tree species, and increases in disease and pests that damage trees.⁶⁰

⁵⁷ "Economic Impacts of Climate Change on Forest Resources in Oregon: A Preliminary Analysis," Climate Leadership Initiative, Institute for Sustainable Environment, University of Oregon, May 2007.

⁵⁸ The issue of global climate change is complex and there is a substantial amount of uncertainty about climate change. This discussion is not intended to describe all potential impacts of climate change but to present a few ways that climate change may impact the economy of cities in Oregon and the Pacific Northwest.

⁵⁹ "The Economic Impacts of Climate Change in Oregon: A preliminary Assessment," Climate Leadership Initiative, Institute for Sustainable Environment, University of Oregon, October 2005.

⁶⁰ "Economic Impacts of Climate Change on Forest Resources in Oregon: A Preliminary Analysis," Climate Leadership Initiative, Institute for Sustainable Environment, University of Oregon, May 2007.

- Potential impact on tourism and recreation. Impacts on tourism and recreation may range from: (1) decreases in snow-based recreation if snow-pack in the Cascades decreases, (2) negative impacts to tourism along the Oregon Coast as a result of damage and beach erosion from rising sea levels,⁶¹ (3) negative impacts on availability of water summer river recreation (e.g., river rafting or sports fishing) as a result of lower summer river flows, and (4) negative impacts on the availability of water for domestic and business uses.
- *Potential changes in government policies.* There is currently no substantial national public policy response to global climate change. States and regional associations of states are in the process of formulating policy responses to address climate change including: increasing renewable energy generation, selling agricultural carbon sequestration credits, and encouraging energy efficiency.⁶² Without clear indications of the government policies that may be adopted, it is not possible to assess the impact of government policies on the economy.

Global climate change may offer economic opportunities. The search for alternative energy sources may result in increased investment and employment in “green” energy sources, such as wind, solar, and biofuels. Firms in the Northwest are well positioned to lead efforts on climate change mitigation, which may result in export products, such as renewable technologies or green manufacturing.⁶³

Short-term national trends will also affect economic growth in the region, but these trends are difficult to predict. At times these trends may run counter to the long-term trends described above. A recent example is the downturn in economic activity in 2007 following declines in the housing market and the mortgage banking crisis. The result of the economic downturn has been a decrease in employment related to the housing market, such as construction and real estate. Employment in these industries will recover as the housing market recovers and will continue

⁶¹ “The Economic Impacts of Climate Change in Oregon: A preliminary Assessment,” Climate Leadership Initiative, Institute for Sustainable Environment, University of Oregon, October 2005.

⁶² Pew Center on Global Climate Change website: http://www.pewclimate.org/what_s_being_done/in_the_states/

⁶³ “The Economic Impacts of Climate Change in Oregon: A preliminary Assessment,” Climate Leadership Initiative, Institute for Sustainable Environment, University of Oregon, October 2005.

to play a significant role in the national, state, and local economy over the long run. This report takes a long-run perspective on economic conditions (as the Goal 9 requirements intend) and does not attempt to predict the impacts of short-run national business cycles on employment or economic activity.

STATE TRENDS

State and regional trends will also affect economic development in Springfield over the next twenty years. The most important of these trends includes: continued in-migration from other states, distribution of population and employment across the State,

- **Continued in-migration from other states.** Oregon will continue to experience in-migration from other states, especially California and Washington. According to a U.S. Census study, Oregon had net interstate in-migration (more people moved *to* Oregon than moved *from* Oregon) during the period 1990-2004.⁶⁴ Oregon had an annual average of 26,290 more in-migrants than out-migrants during the period 1990-2000. The annual average dropped to 12,880 during the period 2000-2004.⁶⁵ Most in-migrants come from California, Washington, and other western states.⁶⁶
- **Concentration of population and employment in the Willamette Valley.** Nearly 70% of Oregon's population lives in the Willamette Valley. About 10% of Oregon's population lives in Southern Oregon and 9% lives in Central Oregon. The Oregon Office of Economic Analysis (OEA) forecasts that population will continue to be concentrated in the Willamette Valley through 2040, increasing slightly to 71% of Oregon's population.

Employment growth generally follows the same trend as population growth. Employment growth varies between regions even more, however, as employment reacts more quickly to changing economic conditions. Total employment increased in each

⁶⁴ Marc J. Perry, 2006, *Domestic Net Migration in the United States: 2000 to 2004*, Washington, DC, Current Population Reports, P25-1135, U.S. Census Bureau.

⁶⁵ In contrast, California had net interstate *out-migration* over the same period. During 1990-2000, California had an annual average of 220,871 more out-migrants than in-migrants. The net outmigration slowed to 99,039 per year during 2000-2004.

⁶⁶ Oregon Department of Motor Vehicles collects data about state-of-origin for drivers licenses surrendered by people applying for an Oregon drivers license from out-of-state. Between 2000 and 2007, about one-third of licenses surrendered were from California, 15% to 18% were surrendered from Washington, and about 17% to 19% were from the following states: Arizona, Idaho, Nevada, Colorado, and Texas.

of the state's regions over the period 1970-2006 but over 70% of Oregon's employment was located in the Willamette Valley.

- **Change in the type of the industries in Oregon.** As Oregon has transitioned away from natural resource-based industries, the composition of Oregon's employment has shifted from natural resource based manufacturing and other industries to service industries. The share of Oregon's total employment in Service industries increased from its 1970s average of 19% to 30% in 2000, while employment in Manufacturing declined from an average of 18% in the 1970s to an average of 10% in 2005.
- **Shift in manufacturing from natural resource-based to high-tech and other manufacturing industries.** Since 1970, Oregon started to transition away from reliance on traditional resource-extraction industries. A significant indicator of this transition is the shift within Oregon's manufacturing sector, with a decline in the level of employment in the Lumber & Wood Products industry and concurrent growth of employment in other manufacturing industries, such as high-technology manufacturing (Industrial Machinery, Electronic Equipment, and Instruments), Transportation Equipment manufacturing, and Printing and Publishing.⁶⁷
- **Continued importance of manufacturing to Oregon's economy.** Revenue from exports totaled \$16.5 million in 2007, an increase of \$5.1 million or 45% since 2000. Four of the five industries that accounted for more than three-quarters of revenue from exports in 2007 (\$12.6 million) were manufacturing industries: Computers and Electronic Production (\$6.3 million); Crop Production (\$2.2 million); Transportation Equipment (\$1.7 million); Machinery Manufacturers (\$1.7 million); and Chemical Manufacturers (\$0.7 million). Manufacturing employment is concentrated in five counties in the Willamette Valley or Portland area: Washington, Multnomah, Lane, Clackamas, and Marion Counties. Average wages for employees of manufacturing firms in these counties in 2006 ranged from \$71,500 to \$34,200 and were generally above the state's average (about \$38,000)⁶⁸

⁶⁷ Although Oregon's economy has diversified since the 1970's, natural resource-based manufacturing accounts for more than one-third of employment in manufacturing in Oregon in 2006, with the most employment in Wood Product and Food manufacturing.

⁶⁸ OECD, "Economic Data Packet, March 2008."

- **Small businesses continue to account for over 50% of employment in Oregon.** Small business, with 100 or fewer employees, account for 51% of private sector employment in Oregon, up from about 50.2% of private employment in 2000 and down from 52.5% in 1996. Workers of small businesses typically had lower wages than the state average, with average wages of \$33,130 compared to the statewide average of about \$38,000 in 2006.
- **Continued lack of diversity in the State Economy.** While the transition from Lumber and Wood Products manufacturing to high-tech manufacturing has increased the diversity of employment within Oregon, it has not significantly improved Oregon's diversity relative to the national economy. Oregon's relative diversity has historically ranked low among states. Oregon ranked 35th in diversity (1st = most diversified) based on Gross State Product data for 1963–1986, and 32nd based on data for the 1977–1996 period.⁶⁹ A recent analysis, based on 2006 data, ranked Oregon 31st.⁷⁰ These rankings suggest that Oregon is still heavily dependent on a limited number of industries. Relatively low economic diversity increases the risk of economic volatility as measured by changes in output or employment.

The changing composition of employment has not affected all regions of Oregon evenly. Growth in high-tech and Services employment has been concentrated in urban areas of the Willamette Valley and Southern Oregon, particularly in Washington, Benton, and Josephine Counties. The brunt of the decline in Lumber & Wood Products employment was felt in rural Oregon, where these jobs represented a larger share of total employment and an even larger share of high-paying jobs than in urban areas.

⁶⁹ LeBre, Jon. 1999. "Diversification and the Oregon Economy: An Update." *Oregon Labor Trends*. February.

⁷⁰ CFED, 2007, The Development Report Card for the States, <http://www.cfed.org>.

ECONOMIC TRENDS IN LANE COUNTY AND SPRINGFIELD

Future economic growth in Springfield will be affected in part by demographic and economic trends in the city and surrounding region. A review of historical demographic and economic trends provides a context for establishing a reasonable expectation of future growth in Springfield. In addition, the relationship between demographic and economic indicators such as population and employment can help assess the local influence of future trends and resulting economic conditions. This section addresses the following trends in Springfield:

- Population and demographics
- Household and personal income
- Employment
- Business activity
- Outlook for growth in Springfield

POPULATION AND DEMOGRAPHIC CHARACTERISTICS

Population growth in Oregon tends to follow economic cycles. Historically, Oregon's economy is more cyclical than the nation's, growing faster than the national economy during expansions, and contracting more rapidly than the nation during recessions. Oregon grew more rapidly than the U.S. in the 1990s (which was generally an expansionary period) but lagged behind the U.S. in the 1980s. Oregon's slow growth in the 1980s was primarily due to the nationwide recession early in the decade. As the nation's economic growth has slowed during 2007, Oregon's population growth began to slow.

Oregon's population grew from 2.8 million people in 1990 to 3.7 million people in 2007, an increase of more than 900,000 people at an average annual rate of 1.6%. Oregon's growth rate slowed to 1.3% annual growth between 2000 and 2007.

Lane County grew slower than the State average between 1990 and 2007, growing at 1.1% annually and adding more than 60,000 people. More than 60% of the County's population lived in the Eugene-Springfield area in 2007, with about 17% of the County's population in Springfield. Springfield's population grew faster than the County average, at 1.5% annually, adding 12,637 residents over the seventeen-year period.

Table A-1. Population in the U.S., Oregon, the Willamette Valley, Lane County, Springfield, and Eugene, 1990-2007

Area	Population			Change 1990 to 2007		
	1990	2000	2007	Number	Percent	AAGR
U.S.	248,709,873	281,421,906	301,621,157	52,911,284	21%	1.1%
Oregon	2,842,321	3,421,399	3,745,455	903,134	32%	1.6%
Willamette Valley	1,962,816	2,380,606	2,602,790	639,974	33%	1.7%
Lane County	282,912	322,959	343,140	60,228	21%	1.1%
Springfield	44,683	52,864	57,320	12,637	28%	1.5%
Eugene	112,669	137,893	153,690	41,021	36%	1.8%

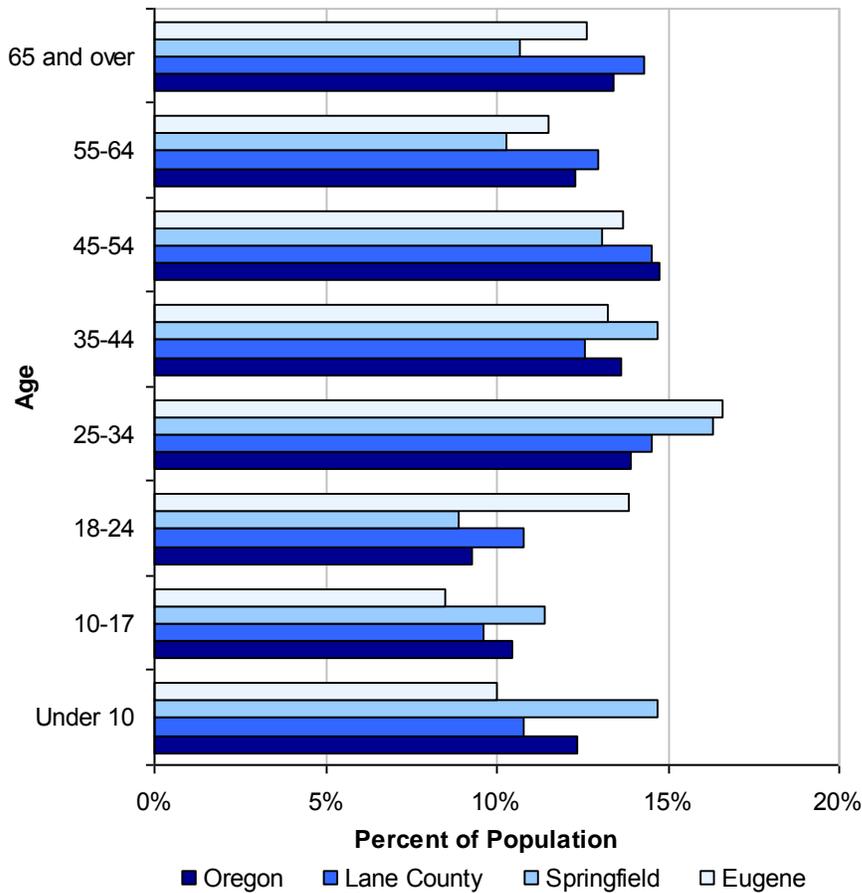
Source: U.S. Census, the Population Research Center at Portland State University.

Notes: Benton, Clackamas, Lane, Linn, Marion, Multnomah, Polk, Washington, and Yamhill Counties represent the Willamette Valley Region.

Migration is the largest component of population growth in Oregon. Between 1990 and 2007, in-migration accounted for 70% of Oregon's population growth. Over the same period, in-migration accounted for 74% of population growth in Lane County, adding nearly 44,500 residents over the seventeen-year period.

Springfield's population was younger than the County or State averages in 2008. Figure A-1 shows the age structure for Oregon, Lane County, Eugene, and Springfield in 2008. Springfield had a greater proportion of its population under 44 years of age (66%) than Eugene (62%), Lane County (58%), or Oregon (60%). Springfield also had a smaller share of population aged 55 and older, 21% of Springfield's population, compared to 24% in Eugene, 27% in the County, 26% in the State.

Figure A-1. Population by age, Oregon, Lane County, Eugene, and Springfield, 2008



Source: Claritas 2008, percentages calculated by ECONorthwest.

The average age of Springfield residents is increasing. According to the US Census, Springfield’s average age was 32 in 2000, 30 in 1990, and 26 in 1980. Table A-2 shows the change in age distribution for Springfield between 2000 and 2008. The age group that increased the most was people aged 45 to 64, which grew by 2,540 people (24%). This age group’s proportion of the total population increased from 20% to 23% during this time period. The largest percentage decrease was in people aged 18 to 24, which shrunk by 913 people (16%).

Table A-2. Change in age distribution, Springfield, 2000-2008

Age Group	2000		2008		Change 2000 to 2008		
	Number	Percent	Number	Percent	Number	Percent	Share
Under 5	4,327	8%	4,121	7%	-206	-5%	-0.8%
5-17	10,069	19%	10,477	19%	408	4%	-0.3%
18-24	5,890	11%	4,977	9%	-913	-16%	-2.3%
25-44	16,609	31%	17,372	31%	763	5%	-0.4%
45-64	10,546	20%	13,086	23%	2,540	24%	3.4%
65 and over	5,423	10%	5,983	11%	560	10%	0.4%
Total	52,864	100%	56,016	100%	3,152	6%	0.0%

Source: U.S. Census 2000 and Claritas 2008

Note: Percent change over the 2000 to 2008 period is based on the growth in the age group divided by the number of people in the age group in 2000. For example, people 5 to 17 years old had a 4% percent change, which was calculated using the following calculation: $408/10,069 = 4\%$.

Note: Share refers to the change in the percent of an age group between 2000 and 2008. For example, the share of people 18 to 24 years old decreased from 11% to 9%, a decrease of 2.3%.

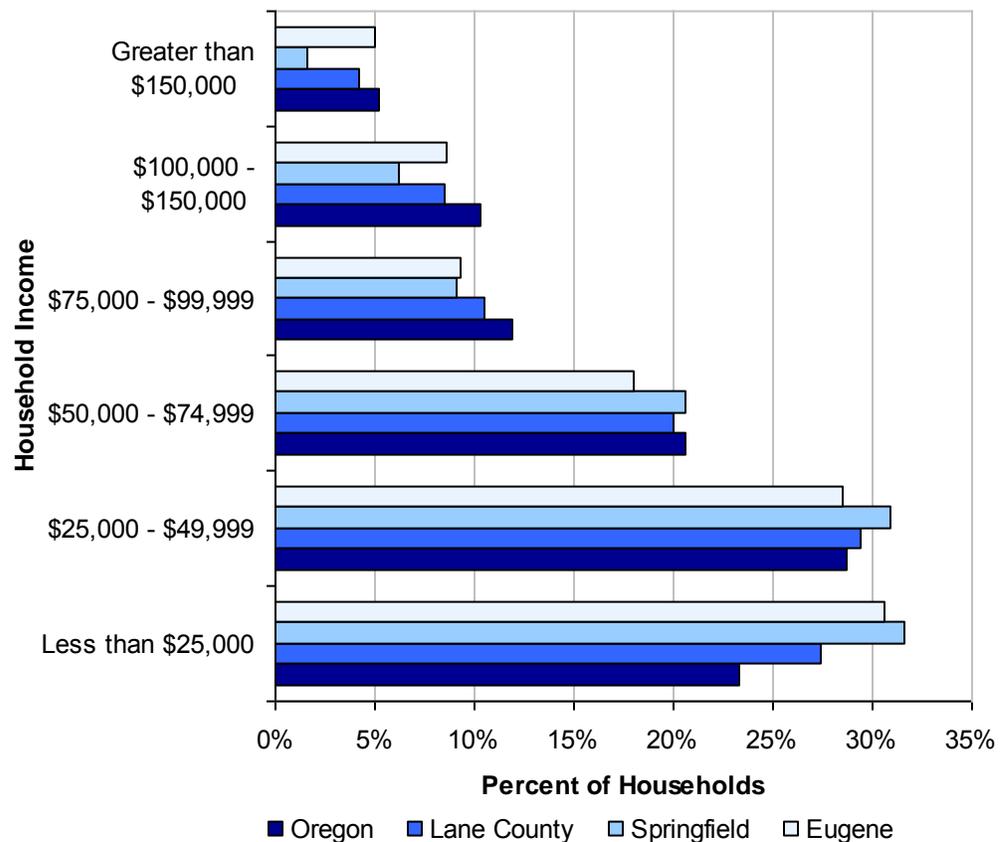
Note: Percentages may not add to 100% as a result of rounding errors.

HOUSEHOLD AND PERSONAL INCOME

Income in Lane County and Springfield has historically been lower than the State or national averages. Lane County's median household income in 2006 was \$42,127, compared with \$46,230 for Oregon and the national average of \$48,451. The median household income in Springfield in 1999 was \$33,031, 89% of the County average of \$36,942.

Lane County's median household income in 2006 was \$42,127, compared with \$46,230 for Oregon and the national average of \$48,451. Figure A-2 shows the distribution of household income in Oregon, Lane County, Eugene, and Springfield in 2008. Figure A-2 shows that a larger share of households in Springfield (32%) had an income of \$25,000 or less, compared to Lane County (27%) or the State (23%). Springfield also has a lower share of households with income above \$75,000 (17%) than Eugene (23%), the County (23%), or the State (27%).

Figure A-2. Distribution of household income of Oregon, Lane County, Eugene, and Springfield, 2008

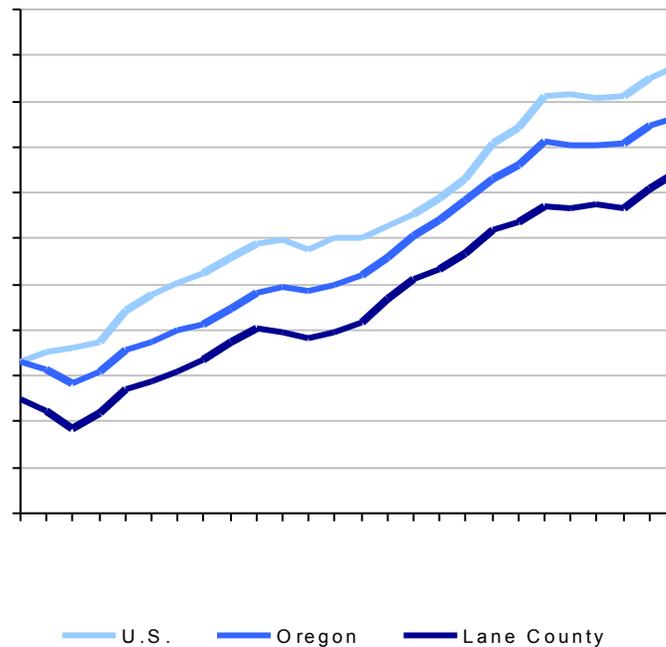


Source: Claritas 2008

Figure A-3 shows the change in per capita personal income for the U.S., Oregon, and Lane County between 1980 and 2005 (in constant 2005 dollars). Oregon’s per capita personal income was consistently lower than the U.S. average over the 25-year period. While the gap between the Oregon and U.S. average narrowed in the mid-1990s, it widened again starting in the late 1990’s.

Lane County’s personal income over the 25-year period was consistently lower than Oregon’s personal income. In 2005, per capita personal income in Lane County was approximately 92% of Oregon’s per capital income and 87% of the U.S. per capital income. During the 25-year period, per capita personal income in both Lane County and Oregon grew by 49%, while personal income grew by 59% nationally during the same period.

Figure A-3. Per capita personal income in the U.S., Oregon, and Lane County, 1980-2005, (\$2005)

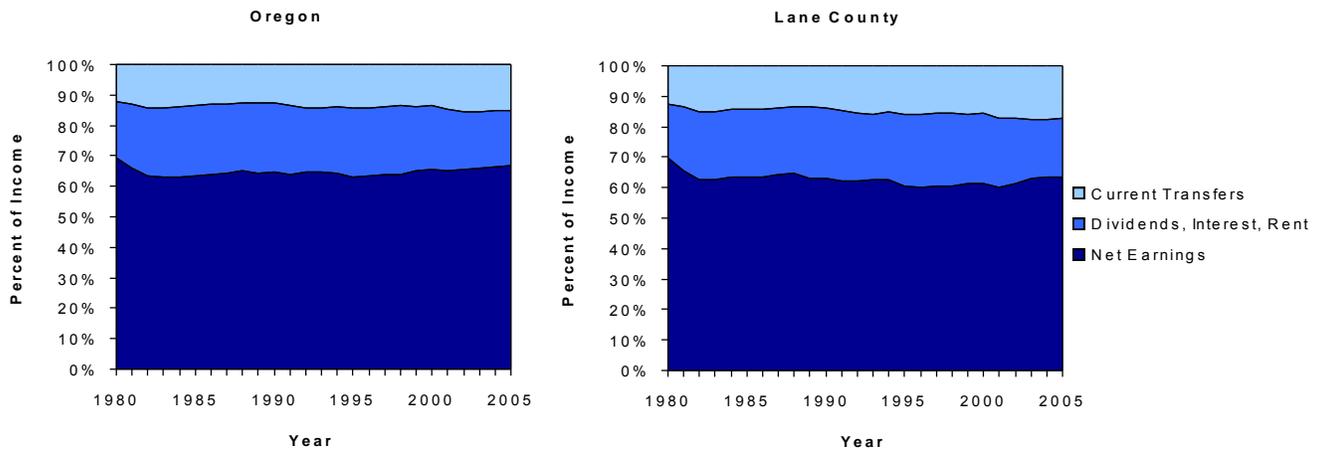


Source: Regional Economic Information System, Bureau of Economic Analysis, U.S. Department of Commerce

Figure A-4 shows the major sources of per capita personal income for Oregon and Lane County between 1980 and 2005. Lane County's share of personal income from net earnings was lower than for Oregon and the County's share of personal income from transfer payments and dividends, interest, and rent was higher than the State average.

Retirees are most likely to have personal income from current transfers and dividends, interest, and rent. The larger share of personal income from these sources makes sense because Lane County has a larger share of people over 60-years than the State average. Figure A-1 shows that Lane County has a higher percentage of residents over 60 years old than the State average. In addition, the share of population aged 65 and older increased by 16% between 1990 and 2000 in Lane County, compared with a 12% statewide increase in population 65 and older.

Figure A-4. Per capita personal income by major sources, Oregon and Lane County, 1980-2005



Source: Regional Economic Information System, Bureau of Economic Analysis, U.S. Department of Commerce

Table A-3 shows average annual pay per employee in the U.S., Oregon, and Lane County for 2000 to 2006. The national average wage grew faster than State or County averages. The average U.S. wage increased by 20% (more than \$7,000), compared to the State increase of 16% (more than \$5,000) or the County increase of 19% (more than \$5,000). Wages in Lane County relative to the U.S. decreased by 1% over the six-year period.

Lane County's average annual wage has increased by 19% (more than \$5,000) from \$27,878 to \$33,240 over the 2000 to 2006 period. Lane County's average pay has grown faster than the State average, increasing from 85% of the State average in 2000 to 87% in 2006.

Table A-3. Average annual pay, Oregon and Lane County (nominal dollars), 2000-2006

	U.S	Oregon	Lane County	Lane County	
				% of U.S.	% of State
2000	\$35,323	\$32,776	\$27,878	79%	85%
2001	\$36,219	\$33,202	\$28,982	80%	87%
2002	\$36,764	\$33,685	\$29,427	80%	87%
2003	\$37,765	\$34,455	\$30,325	80%	88%
2004	\$39,354	\$35,627	\$31,339	80%	88%
2005	\$40,677	\$36,593	\$32,302	79%	88%
2006	\$42,535	\$38,070	\$33,240	78%	87%
Change 2000 to 2006					
Nominal Change	\$7,212	\$5,294	\$5,362		
Percent Change	20%	16%	19%		

Source: Oregon Employment Department and U.S. Bureau of Labor Statistics

Springfield's average wages are similar to the County average. The average wage for workers in Springfield in 2006 was nearly \$33,000.

LANE COUNTY EMPLOYMENT TRENDS

Tables A-4 and A-5 present data from the Oregon Employment Department that show changes in covered employment⁷¹ for Lane County between 1980 and 2005. The changes in sectors and industries are shown in two tables: (1) between 1980 and 2000 and (2) between 2001 and 2005. The analysis is divided in this way because of changes in industry and sector classification that made it difficult to compare information about employment collected after 2001 with information collected prior to 2000.

Employment data in this section is summarized by *sector*, each of which includes several individual *industries*. For example, the Retail Trade sector includes General Merchandise Stores, Motor Vehicle and Parts Dealers, Food and Beverage Stores, and other retail industries.

Table A-4 shows the changes in covered employment by sector in Lane County between 1980 and 2000. Covered employment in the County grew from 97,600 to 139,696, an increase of 43% or 42,096 jobs. Every sector added jobs during this period, except for Mining. The sectors with the greatest change in employment were Services and Retail Trade, adding a total of 29,423 jobs or about 70% of all new jobs.

Manufacturing grew by 4,020 jobs during the twenty-year period. The industries with the largest manufacturing growth were Transportation equipment manufacturing (R.V. manufacturing), computer and electronics manufacturing, and machinery manufacturing.

Average pay per employee increased from about \$13,700 in 1980 to \$27,900 in 2000. The sectors that grew the fastest generally paid less than average, with Services paying between 80% to 90% of average and Retail Trade paying about 60% of average. Manufacturing jobs generally paid more than the average, varying between 140% of average in 1980 to 124% of average by 2000.

⁷¹ Covered employment refers to jobs covered by unemployment insurance, which includes most wage and salary jobs but does not include sole proprietors, seasonal farm workers, and other classes of employees.

Table A-4. Covered employment in Lane County, 1980-2000

Sector	1980	1990	2000	Change 1980 to 2000		
				Difference	Percent	AAGR
Agriculture, Forestry & Fishing	1,137	1,863	2,101	964	85%	2.5%
Mining	231	179	154	-77	-33%	-1.6%
Construction	4,600	3,992	6,834	2,234	49%	1.6%
Manufacturing	19,638	20,654	23,658	4,020	20%	0.7%
Trans., Comm., & Utilities	3,836	3,750	3,845	9	0%	0.0%
Wholesale Trade	5,578	5,900	6,422	844	15%	0.6%
Retail Trade	20,299	24,429	28,758	8,459	42%	1.4%
Finance, Insurance & Real Estate	4,217	4,523	6,198	1,981	47%	1.6%
Services	18,272	27,817	39,236	20,964	115%	3.1%
Nonclassifiable/all others	13	50	37	24	185%	4.3%
Government	19,779	20,219	22,453	2,674	14%	0.5%
Total	97,600	113,376	139,696	42,096	43%	1.4%

Source: Oregon Employment Department, Oregon Labor Market Information System, Covered Employment & Wages. Summary by industry and percentages calculated by ECONorthwest
Note: AAGR is average annual growth rate

Table A-5 shows the change in covered employment by sector for Lane County between 2001 and 2007. Employment increased by 13,549 jobs or 10% during this period. The private sectors with the largest increases in numbers of employees were Administration Support and Cleaning, Retail Trade, Construction, and Health and Social Assistance. The sector that lost the greatest number of employees during this period was Agriculture, Forestry, Fishing and Mining.

Table A-5. Covered employment in Lane County, 2001-2007

Sector	2001	2007	Change 2001 to 2007		
			Difference	Percent	AAGR
Natural Resources and Mining	2,338	2,062	-276	-12%	-2.1%
Construction	6,366	8,034	1,668	26%	4.0%
Manufacturing	19,697	19,864	167	1%	0.1%
Wholesale	5,300	6,071	771	15%	2.3%
Retail	17,912	19,755	1,843	10%	1.6%
Transportation & Warehousing	2,606	3,047	441	17%	2.6%
Information	3,729	3,901	172	5%	0.8%
Finance & Insurance	3,963	4,313	350	9%	1.4%
Real Estate Rental & Leasing	2,508	2,530	22	1%	0.1%
Professional, Scientific & Tech. Srv.	5,571	5,658	87	2%	0.3%
Management of Companies	1,818	1,901	83	5%	0.7%
Admin. Support & Cleaning Srv.	6,399	8,738	2,339	37%	5.3%
Education	1,067	1,389	322	30%	4.5%
Health & Social Assistance	16,871	18,966	2,095	12%	2.0%
Arts, Entertainment & Recreation	1,542	2,163	621	40%	5.8%
Accommodations & Food Services	11,746	12,737	991	8%	1.4%
Other Services (except Public Admin.)	5,552	5,674	122	2%	0.4%
Private Non-Classified	49	45	-4	-8%	-1.4%
Government	22,398	24,133	1,735	8%	1.3%
Total	137,432	150,981	13,549	10%	2.4%

Source: Oregon Employment Department, Oregon Labor Market Information System, Covered Employment & Wages. Summary by industry and percentages calculated by ECONorthwest
Note: AAGR is average annual growth rate

Table A-6 shows a summary of employment in Lane County in 2007. Table A-6 shows the ten largest sectors in **bold** are the top ten employers, sectors with below average pay per employee in **red**, and sectors with above average pay per employee in **blue**. Table A-6 shows:

- Construction, Manufacturing, Government, and Health and Social Assistance were among the sectors with the greatest employment in Lane County and have above average pay per employee. These sectors accounted for 47% of employment or nearly 71,000 employees in Lane County.
- Retail, Accommodations and Food Services, and Administration and Support and Waste Management were among the sectors with the greatest employment in Lane County and have below average pay per employee. These sectors accounted for 27% of employment or more than 41,000 employees in Lane County.

Table A-6. Covered employment in Lane County, 2007

Sector/Industry	Establish- ments	Employment	Percent of Employment	Average Pay per Employee
Natural Resources & Mining	228	2,062	1%	\$34,662
Construction	1,249	8,034	5%	\$41,346
Construction of buildings	445	445	0%	\$445
Specialty trade contractors	695	695	0%	\$695
Manufacturing	599	19,864	13%	\$41,055
Wood product manufacturing	76	4,548	3%	\$42,423
Machinery manufacturing	51	1,816	1%	\$48,027
Computer & electronic product mfg.	20	1,934	1%	\$56,594
Transportation equipment mfg.	31	4,093	3%	\$31,942
Wholesale	588	6,071	4%	\$44,609
Retail	1,276	19,755	13%	\$24,258
Motor vehicle & parts dealers	159	2,997	2%	\$39,809
Building material & garden supply stores	85	1,603	1%	\$27,883
Food & beverage stores	205	4,044	3%	\$20,451
General merch&ise stores	58	4,073	3%	\$21,784
Miscellaneous store retailers	174	1,455	1%	\$20,513
Transportation, Warehousing & Utilities	267	3,047	2%	\$37,448
Information	180	3,901	3%	\$50,769
Finance & Insurance	611	4,313	3%	\$49,753
Credit intermediation & related activities	252	252	0%	\$252
Insurance carriers & related activitie	230	230	0%	\$230
Real Estate Rental & Leasing	566	2,530	2%	\$25,994
Professional, Scientific & Technical Svcs	1,004	5,658	4%	\$41,314
Management of Companies	87	1,901	1%	\$66,758
Admin. & Support & Waste Mgmt	484	8,738	6%	\$21,771
Private Education	135	1,389	1%	\$23,709
Health & Social Assistance	971	18,966	13%	\$39,836
Ambulatory health care services	598	6,453	4%	\$52,408
Nursing & residential care facilities	181	3,915	3%	\$22,013
Arts, Entertainment & Recreation	151	2,163	1%	\$13,533
Accommodations & Food Services	861	12,737	8%	\$13,749
Accommodation	100	100	0%	\$100
Food services & drinking places	734	734	0%	\$734
Other Services	1,322	5,674	4%	\$22,345
Repair & maintenance	309	309	0%	\$309
Membership associations & organization	437	437	0%	\$437
Private Non-Classified	66	45	0%	\$41,167
Government	376	24,133	16%	\$39,312
Federal	70	1,764	1%	\$57,977
State	61	6,878	5%	\$39,498
Local	245	15,491	10%	\$37,105
Education & Health Services	147	8,547	6%	\$31,343
Public Administration	49	4,268	3%	\$47,464
Total	11,021	150,981	100%	\$34,328

Source: Oregon Employment Department, Oregon Labor Market Information System, Covered Employment & Wages. Summary by industry and percentages calculated by ECONorthwest

Notes: Sectors in **bold** are the top ten employers, sectors in **red** have below average pay per employee, and sectors in **blue** have above average pay per employee.

Note: Average pay per employee is shown as reported by the Oregon Employment Department.

EMPLOYMENT IN SPRINGFIELD

Table A-7 shows a summary of confidential employment data for Springfield in 2006. Springfield had 27,310 jobs at 1,819 establishments in 2006, with an average firm size of 15 employees. The sectors with the greatest employees were: Retail (13%), Government (13%), Health Care and Social Assistance (11%), and Manufacturing (10%). These sectors accounted for 17,863 or 65% of Springfield's jobs.

Table A-7. Covered employment in Springfield, 2006

Sector / Industry	Establish- ments	Employees	
		Number	% of Total
Agriculture, Forestry, Fishing, and Mining	22	282	1%
Forestry and Logging	11	136	0%
Other Agriculture, Forestry, Fishing, and Mining	11	146	1%
Construction	205	1,922	7%
Manufacturing	104	2,714	10%
Wood Product Manufacturing	18	1,013	4%
Chemical Manufacturing	3	251	1%
Fabricated Metal Product Manufacturing	18	233	1%
Transportation Equipment Manufacturing	7	188	1%
Food Manufacturing	6	111	0%
Plastics and Rubber Products Manufacturing	6	111	0%
Furniture and Related Product Manufacturing	9	80	0%
Machinery Manufacturing	7	68	0%
Other Manufacturing	30	659	2%
Wholesale Trade	71	1,230	5%
Retail	265	3,632	13%
General Merchandise Stores	24	1,008	4%
Food and Beverage Stores	42	744	3%
Motor Vehicle and Parts Dealers	35	339	1%
Building Material, Garden Equipment, & Supplies Dealers	15	278	1%
Electronics and Appliance Stores	16	210	1%
Other Retail	133	1,053	4%
Transportation and Warehousing and Utilities	55	941	3%
Information	24	1,356	5%
Finance and Insurance	99	1,110	4%
Real Estate and Rental and Leasing	98	441	2%
Professional, Scientific, and Technical Services	97	576	2%
Management of Companies and Enterprises	24	343	1%
Admin. & Support and Waste Mgt Services	82	2,460	9%
Private Educational Services	12	109	0%
Health Care and Social Assistance	167	3,069	11%
Arts, Entertainment, and Recreation	30	321	1%
Accommodation and Food Services	179	2,453	9%
Accommodation	12	227	1%
Food Services and Drinking Places	167	2,226	8%
Other Services	217	816	3%
Government	68	3,535	13%
Federal and State	13	368	1%
Local	55	3,167	12%
Total	1,819	27,310	100%

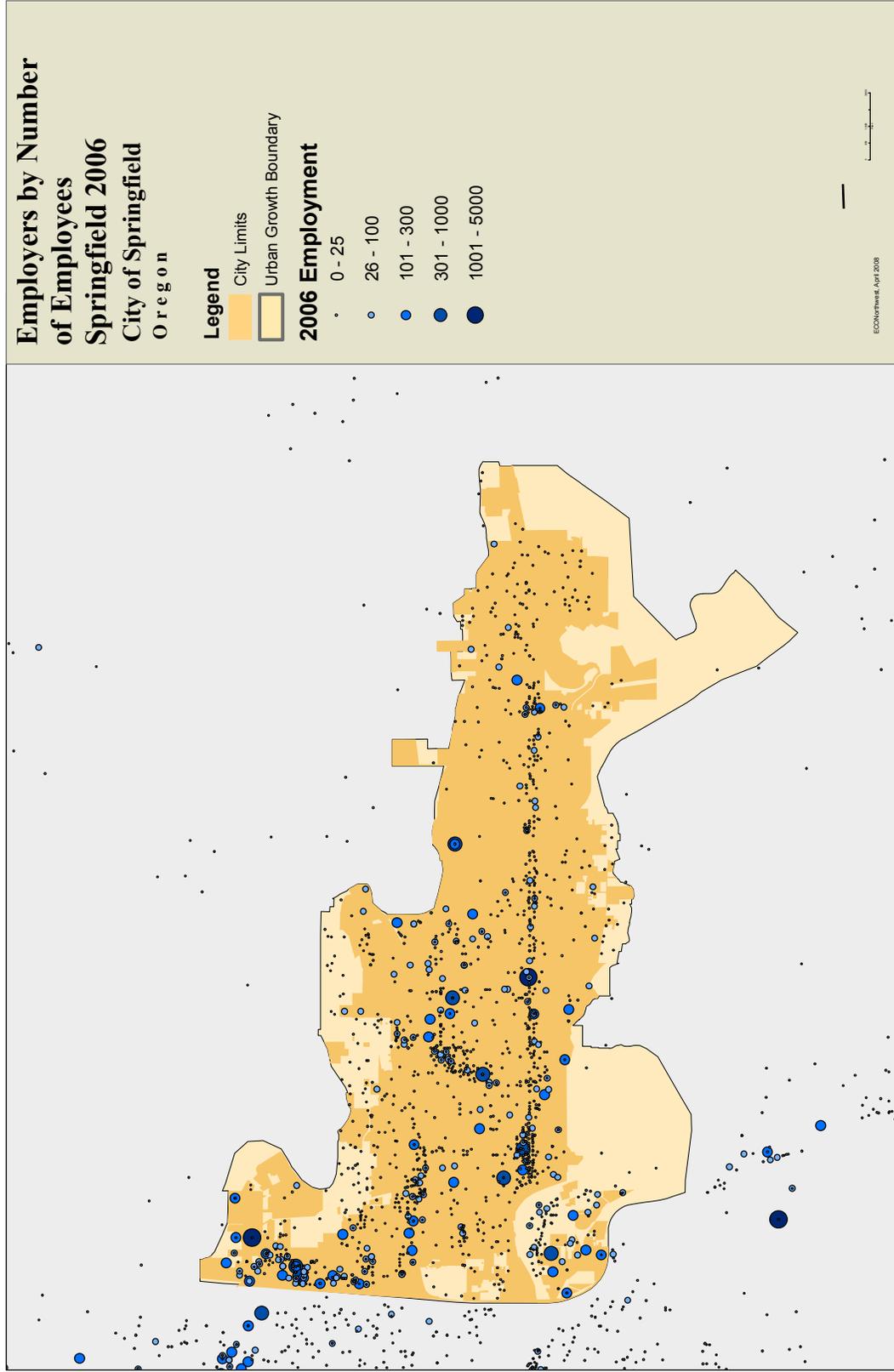
Source: Oregon Employment Department Quarterly Census of Employment and Wages (QCEW). Summary by industry and percentages calculated by ECONorthwest

Note: The percent column does not add to 100% as a result of rounding errors.

Map A-1 shows employment in Springfield by plan designations and number of employees in 2006. Map A-1 shows that employees are distributed throughout Springfield, with concentrations along Main Street and in Gateway.

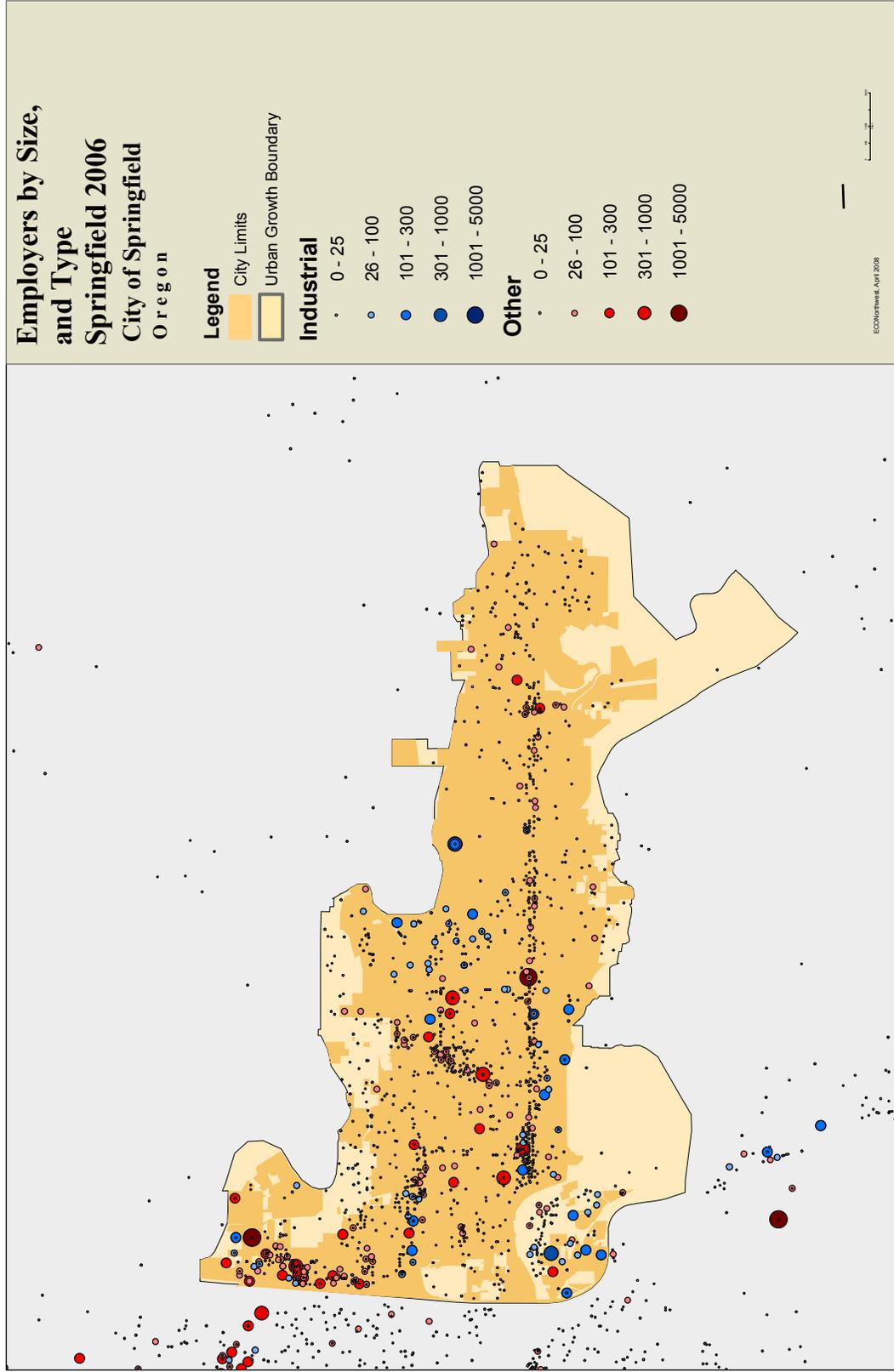
Map A-2 shows the size of employers in Springfield by Plan Designation. Larger employers are clustered along Main Street, in Gateway, and in other areas zoned for commercial and industrial use. Small employers are scattered in most parts of the City.

Map A-1. Employment by Employer Size, 2006



Source: Oregon Employment Department Quarterly Census of Employment and Wages (QCEW) and Springfield GIS data.

Map A-2. Employment by Size and Employer Type, 2006



Source: Oregon Employment Department Quarterly Census of Employment and Wages (QCEW) and Springfield GIS data.

Firms wanting to expand or locate in Springfield will be looking for a variety of site and building characteristics, depending on the industry and specific circumstances. One way to describe site needs is to group industries based on building and site characteristics. This is consistent with how real estate markets work for urban development – demand for land is derived from demand for space. The type of building and industry is then related to land characteristics needed (e.g., site needs) to accommodate that industry. For this analysis, ECO relates industries by NAICS codes to building types which are used as a proxy for site needs. Each sector has been uniquely assigned to a “typical” building type, grouped by industrial and commercial uses.

Table A-8. Converting employment to building types

Building Type	Types of industries	NAICS Sectors
Industrial		
W D	Warehousing & Distribution	Transportation & Wholesale Trade
		48-49, 42
		11, 21, 22,
GI	General Industrial	Ag, Mining, Utilities, Construction, Manufacturing
		23, 31-33
Commercial		
Office	Office	Information, FIRE, Professional Srv, Mgt of Companies, Adm in & Support & Waste Mgt, Utilities, Arts/Entertainment, Other Services
		51-56, 71, 81
Retail	Retail	Retail (incl. Accom & Food Srv)
		44-45, 72
Med/Gov.	Medical & Government Institutions	Health & Social Services, Public Administration
		61, 62, 92

Source: ECONorthwest based on methodology used by Metro in the report “Urban Growth Report: An Employment Need Analysis,” 2002

Table A-9 shows employment by Comprehensive Plan Designation in 2006. About 39% of Springfield’s employment is located in commercial plan designations, with more than 8,000 employees in the Commercial designation. An additional 34% of the City’s employment is located in industrial designations. About 16% of Springfield’s employment is located in residential designations with 10% in the Low Density Residential designation.

Table A-9. Covered employment by Plan Designation, Springfield, 2006

Plan Designation	Industrial		Commercial		Total	
	Emp.	Percent	Emp.	Percent	Emp.	Percent
Commercial						
Commercial	450	5.7%	7,649	39.8%	8,099	29.9%
Major Retail Center	20	0.3%	2,316	12.1%	2,336	8.6%
Subtotal	470	6.0%	9,965	51.9%	10,435	38.5%
Government						
Government & Education	67	0.9%	660	3.4%	727	2.7%
Industrial						
Campus Industrial	274	3.5%	2,142	11.1%	2,416	8.9%
Heavy Industrial, Special Heavy Industrial, and Sand and Gravel	2,908	36.9%	304	1.6%	3,212	11.7%
Light Medium Industrial	3,032	38.5%	645	3.4%	3,677	13.6%
Subtotal	6,214	78.9%	3,091	16.1%	9,305	34.3%
Mixed-Use						
Commercial Mixed Use	318	4.0%	1,450	7.5%	1,768	6.5%
Light Med Ind Mixed Use and Medium Density Res Mixed	113	1.4%	169	0.9%	282	0.7%
Subtotal	431	5.5%	1,619	8.4%	2,050	7.6%
Residential						
High Density Residential	0	0.0%	456	2.4%	456	1.7%
Low Density Residential	592	7.5%	2,093	10.9%	2,685	9.9%
Medium Density Residential	100	1.3%	1,082	5.6%	1,182	4.4%
Subtotal	692	8.8%	3,631	18.9%	4,323	16.0%
Other						
Parks and Open Space	0	0.0%	250	1.3%	250	0.9%
TOTAL	7,874	100.0%	19,216	100.0%	27,090	100.0%

Source: Oregon Employment Department Quarterly Census of Employment and Wages (QCEW) and Springfield GIS data; calculations and analysis by ECONorthwest

Note: The number of employees shown in Table A-9 (27,090) is fewer than shown in Table A-7 (27,310) because of data issues between the QCEW and GIS data.

Table A-10 shows the estimated covered employment located in non-residential plan designations by type of building in Springfield in 2006. More than half of Springfield's employment in 2006 was located in Office and Retail buildings. More than two-thirds of Springfield's firms were located in Office and Retail buildings.

Table A-10. Estimated covered employment in non-residential plan designations by type of building, Springfield, 2006

Building Type	Employees		Firms	
	Number	Percent	Number	Percent
W D	2,457	11%	50	8%
G I	4,336	20%	101	17%
Office	6,212	28%	192	31%
Retail	5,500	25%	220	36%
Med/Gov	3,604	16%	49	8%
Total	22,109	100%	612	100%

Source: ECONorthwest based on QCEW data

Table A-11 shows the distribution of employees by building type and site size in non-residential plan designations in Springfield in 2006. About 22% of Springfield's employment is on sites 5 to 20 acres, 21% is on sites less than 1-acre, and 19% is on sites greater than 50 acres.

Table A-11. Percent of employees by building type and site sizes, Springfield, 2006

Building Type	Site Size (acres)						Total Employees
	Less than 1	1 to 2	2 to 5	5 to 20	20 to 50	Greater than 50	
W D	13%	6%	3%	63%	12%	3%	100%
G I	15%	17%	17%	18%	2%	31%	100%
Office	28%	14%	15%	23%	13%	8%	100%
Retail	29%	13%	11%	18%	10%	18%	100%
Med/Gov	9%	4%	8%	5%	35%	38%	100%
Total	21%	12%	12%	22%	13%	19%	100%

Source: ECONorthwest based on QCEW data

Note: Total Employees may not add to 100% because of rounding errors.

The percent of employees by building type and site size was calculated based on the number of employees in each building type and site size categories using QCEW data and City of Springfield tax lot data.

BUSINESS CLUSTERS

One way to assess the types of businesses that are likely to have future growth in an area is to examine relative concentration and employment growth of existing businesses. This method of analysis can help determine relationships and linkages within industries, also called industrial clusters. Sectors that are highly concentrated (meaning there are more than the "average" number of businesses in a sector in a given area) and have had high employment growth are likely to be successful industrial cluster. Sectors with either high concentration of businesses or high employment group may be part of an emerging cluster, with potential for future growth.

The Oregon Economic and Community Development Department (OECD) prepared a report titled "Oregon's Traded Clusters: Major Industries and Trends." This report identified 25 clusters in Lane County.

- **Business Services.** This cluster is dominated by Professional, Scientific, and Technical Services and Employment Services. The average annual wage varies by sector, with the highest pay in Professional, Scientific, and Technical Services (about \$51,800). Employment growth in these industries was moderate to fast between 2003 and 2005. Business Services firms may be attracted to Springfield as a result of firms located in Springfield, the availability of educated workers within the region, and the high quality of life and access to recreation in Springfield.
- **Communication Equipment** This cluster includes manufacturing and wholesaling of computer, communications, and audio and video equipment. Lane County has clusters of both manufacturing and wholesaling communication equipment but the manufacturing cluster is bigger in the County. Employment growth in the cluster was fastest in computer and peripheral manufacturing between 2003 and 2005. The average annual wage in this sector is higher than the State average, at \$68,076. Firms in this cluster may be attracted to Springfield as the City's location and access to transportation, the availability of educated workers within the region, and the high quality of life and access to recreation in Springfield.
- **Information Technology.** This cluster includes Telecommunications, Software Publishers, and Internet Service Providers. The average annual wage was above State averages. Growth in the cluster varied between 2003 and 2005, with a decrease in Telecommunications employment and increases in employment with Internet Service Providers. Information Technology firms may be attracted to Springfield because of the availability of educated workers within the region and the high quality of life and access to recreation in Springfield. Springfield may be attractive as a location to outsource back-office functions for larger Information Technology firms.
- **Logistics and Distribution.** This cluster includes truck transportation and warehousing. This cluster grew during the 2003-2005 period, with the greatest growth in Truck Transportation. Wages in this cluster were similar to State averages. Firms in this cluster may be attracted to Springfield as the City's location relative

to other cities in the Willamette Valley and Oregon and the access to transportation via I-5 and Highway 126.

- **Medical products.** This cluster includes medical and equipment supplies manufacturing. This sector has higher than average wages and had moderate employment growth during the 2003 to 2005 period. Firms may be attracted to Springfield as a result of firms located in Springfield, the availability of educated workers within the region, and the high quality of life and access to recreation in Springfield.
- **Metals and Related Products.** This cluster includes metals manufacturing, including Fabricated Metals Manufacturing and Primary Metals Manufacturing. Although employment decreased in this cluster over the 2003-2005 period, Lane County has the largest cluster of Metal Wholesalers outside of the Portland metropolitan area. Wages in this cluster were general at or above State averages. Firms may be attracted to Springfield as a result of existing businesses and the availability of labor.
- **Processed Foods and Beverages.** This cluster includes manufacturing of food and beverages. Employment in this cluster decreased over the 2003-2005 period and average wages in this cluster are at or below State averages. Firms may be attracted to Springfield as a result of the City's proximity to food growers and the availability of labor.
- **Wood and Other Forest Products.** This cluster includes wood product manufacturing, logging, paper making, and support activities. The average annual wage was below State averages and employment grew slowly within the cluster over the 2003-2005 period. Firms may be attracted to Springfield as a result of the City's proximity to natural resources and the availability of labor.

Table A-12 shows potential growth sectors in Springfield, based on existing concentrations of employment and the Oregon Employment Department's (OED) forecast for employment growth over the 2006-2016 period. Sectors with high employment concentration and high growth forecasts are the industries most likely to grow. These sectors are: Health and Social Assistance; Administrative and Support and Waste Management Services; Construction; and Accommodations and Food Services.

Springfield may have opportunities for growth in sectors that the OED forecasts will have high growth but Springfield does not currently have

high concentrations in: Arts, Entertainment, and Recreation; Management of Companies and Enterprises; Professional, Scientific, and Technical Services; and Private Educational Services.

Table A-12. Potential growth of industries in Springfield

Low Employment Growth Projection for Lane County	High Employment Growth Projection for Lane County
High Employment Concentration in Springfield (relative to Oregon)	
Information	Health Care & Social Assistance
Finance & Insurance	Admin. & Support & Waste Mgt Srv.
Transportation, Warehousing & Utilities	Construction
Real Estate & Rental & Leasing	Accommodation & Food Srv.
Wholesale Trade	
Low Employment Concentration in Springfield (relative to Oregon)	
Government	Arts, Entertainment, & Recreation
Other Srv.	Management of Companies & Enterprises
Manufacturing	Professional, Scientific, & Technical Srv.
Retail	Private Educational Srv.
Agriculture, Forestry, Fishing, & Mining	

Source: Oregon Employment Department; calculations by ECONorthwest

REGIONAL BUSINESS ACTIVITY

Springfield exists within with Eugene-Springfield regional economy. Springfield is able to attract labor from across the region, Springfield employers and residents benefit from training opportunities present in Eugene (e.g., the University of Oregon and Lane Community College), and Springfield businesses and residents are effected by economic activity within the region. This section presents the large-scale regional business activities.

- **Peace Health at RiverBend.** Peace Health has built a new hospital complex at RiverBend and will complete the transition of staff from the University District facility to RiverBend by the end of Sept. 2008. The RiverBend campus will have 2,500 PeaceHealth employees, in occupations including: physicians, nurses, medical technicians, other medical staff, environmental services staff, and food services staff. PeaceHealth started relocating administrative and other staff to the RiverBend Annex in 2006, which has 700 employees.

The RiverBend campus will attract additional firms. For example, Oregon Medical Labs, Oregon Imaging Center, and the Northwest Specialty Clinics will have approximately 350 staff and physicians at the RiverBend campus. The RiverBend Pavilion will have about 300 employees, at the Oregon Medical Group, Oregon Imaging, and other medical businesses.

PeaceHealth plans to further develop the RiverBend campus to include a wide range of uses: a mixture of housing types, office and commercial support services, retail, and educational and research functions to support collaborations with Oregon Health Services University and the University of Oregon. Studies for the RiverBend master plan indicated that there may be demand for additional office development (400,000-500,000 square feet) and commercial retail services (50,000 to 70,000 square feet).

- **Manufacturing.** Manufacturing is important to the economy in Springfield and in Lane County. Manufacturing accounted for 14% of employment (more than 20,000 jobs) in Lane County and 10% of employment (more than 2,700 jobs) in Springfield in 2006.⁷²

Manufacturing is a traded sector industry, which brings revenue into Oregon and Lane County from outside the State. The following manufacturing industries accounted for two-thirds (\$11 billion) of revenue from exports in Oregon in 2007: Computer & Electronic Production, Transportation Equipment, Machinery Manufacturers, Chemical Manufacture, and Primary Metal Manufacturers.⁷³ These industries are all present in Lane County, accounting for 44% of manufacturing employment in the County. Other export industries with substantial employment in Lane County are: Woods Products Manufacturing, Food Manufacturing, and Fabricated Metal Product Manufacturing.⁷⁴

- **Recreational Vehicles.** Lane County has a cluster of recreational vehicles (RVs) manufacturers and retailers. Two of Lane County's largest manufacturers are Monaco Coach and County Coach. Employment in RV manufacturing has declined since 2006 as a result of declining demand for RVs due, in part, to increases in gasoline costs. High energy costs may continue to depress demand for RVs, at least in the next two to five years.
- **Wood Products and Paper Manufacturing.** Manufacturing timber-related products has historically been a source of

⁷² Oregon Employment Department

⁷³ "Economic Data Packet, Mary 2008," Oregon Economic And Community Development Department

⁷⁴ Oregon Employment Department

employment and exports in Lane County. Employment in these industries has declined since the 1980's but continues to account for more than one-quarter of manufacturing employment in Lane County in 2006. Continued changes create uncertainty for future employment in these industries. For example, Weyerhaeuser, one of Lane County's largest employers, announced in March 2008 that it was selling several facilities in Oregon and Lane County to International Paper Corporation. It is unclear whether and how this sale will impact employment in paper manufacturing.

- **Call centers.** The trend towards domestic outsourcing of back-office functions has lead several companies to locate call centers in the Eugene-Springfield area. The largest among these call centers is Symantec, located in Springfield. Other recent call centers to locate in the Eugene-Springfield area include Royal Caribbean and Enterprise. The Eugene-Springfield's trained labor pool of relatively low-cost workers for call centers gives the region an advantage for attracting additional call centers.
- **Tourism.** Tourism brings economic activity into an area from outside sources. Tourism expenditures in Lane County in 2006 grew 7.5%, to \$553 million, exceeding the statewide tourism growth rate for the year. Tourism accounts for about 7,500 jobs in Lane County.⁷⁵

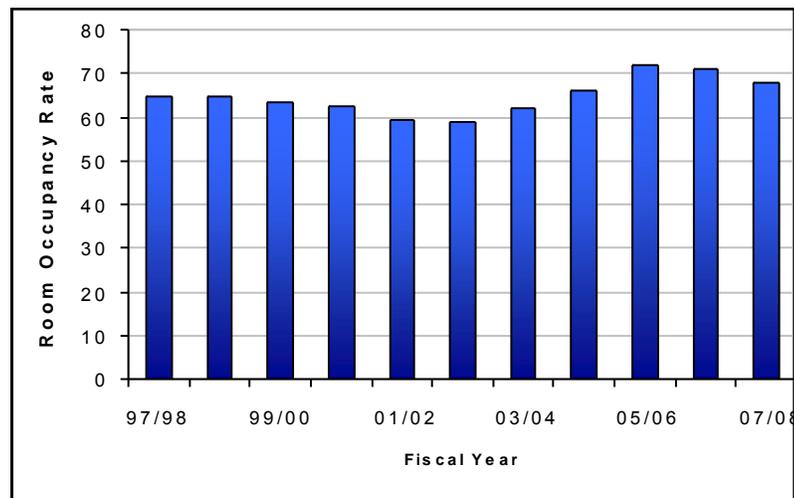
A major source of tourism spending is overnight accommodations. In 2008, the Eugene-Springfield Region has 3,118 total rooms. Since 1997, 629 limited service hotel rooms were added. During the same period, 377 full service rooms, 92 limited service rooms, and 15,464 square feet of meeting space have closed.⁷⁶

Figure A-5 shows the hotel occupancy rate in the Eugene-Springfield Region from fiscal year 1998 to fiscal year 2008. The Region's occupancy rate varied from 59% in fiscal year 2002 and 2003 to 72% in fiscal year 2006.

⁷⁵ Convention & Visitors Association of Lane County Oregon, CVALCO

⁷⁶ Convention & Visitors Association of Lane County Oregon, CVALCO

Figure A-5. Hotel room occupancy rate, Eugene-Springfield Region, Fiscal Years 1998 to 2008



Source: Convention & Visitors Association of Lane County Oregon, CVALCO
 Note: 2008 data current through March 2008

Springfield levies a 9.5% transient lodging tax on overnight accommodations. Springfield's lodging tax rate is 9.5%. Table A-13 shows transient lodging tax revenue for Lane County and Springfield for fiscal year 2000 through 2008. Springfield's lodging tax revenue varied from \$1.2 million in fiscal year 2004 to \$1.6 million in fiscal year 2007. Springfield's transient lodging tax revenues accounted for about one-quarter of total County revenues.

Table A-13. Transient lodging tax revenues, Lane County and Springfield, Fiscal Years 2000 to 2008

Fiscal Year	Lane County	Springfield	Springfield's % of County
2000	\$4,753,583	\$1,366,788	29%
2001	\$4,834,210	\$1,314,714	27%
2002	\$4,865,320	\$1,265,825	26%
2003	\$4,820,662	\$1,275,426	26%
2004	\$5,095,869	\$1,187,367	23%
2005	\$5,378,361	\$1,242,653	23%
2006	\$6,016,364	\$1,504,813	25%
2007	\$6,611,718	\$1,597,994	24%
2008	\$5,103,490	\$1,235,685	24%

Source: Convention & Visitors Association of Lane County Oregon, CVALCO
 Note: 2008 data current through March 2008

- **Agriculture.** Agricultural production is an important component of Lane County's economy. In 2002, Lane County had approximately \$88 million in total gross sales from agriculture.

Table A-14 shows the top five agricultural products in Lane County in 1997 and 2002. Lane County's agriculture products with the greatest value of sales in 2002 were Nursery (\$21 million) and Milk & dairy (\$10.3 million). Milk & dairy had the largest average sales value per farm (\$1.1 million), nearly double the 1997 average sales value for dairies in 1997 (\$0.6 million). This change may indicate that dairies have grown larger over the five-year period.

Other important changes are the decrease in value of sales for poultry and eggs (down \$4.2 million) cattle and calves (down \$2.2 million). The decrease in sales for cattle and calves may be explained by the decrease of 248 farms with cattle and calves.

Table A-14. Six agricultural products with the highest sales value, Lane County 1997 and 2002

Item	Value of Sales	Farms	Average Value of Sales per Farm
2002 Total Sales			
Nursery, greenhouse, floriculture, & sod	\$ 21,001,000	208	\$ 100,966
Milk & other dairy products from cows	\$ 10,290,000	9	\$ 1,143,333
Cattle & calves	\$ 7,622,000	779	\$ 9,784
Fruits, tree nuts, & berries	\$ 6,683,000	382	\$ 17,495
Vegetables, melons, potatoes, & sweet potatoes	\$ 5,955,000	155	\$ 38,419
Poultry & eggs	\$ 5,919,000	218	\$ 27,151
1997 Total Sales			
Poultry & eggs	\$ 10,074,000	144	\$ 69,958
Cattle & calves	\$ 9,780,000	1,027	\$ 9,523
Milk & other dairy products from cows	\$ 7,306,000	13	\$ 562,000
Fruits, tree nuts, & berries	\$ 6,842,000	303	\$ 22,581
Vegetables, melons, potatoes, & sweet potatoes	NA	NA	NA
Nursery, greenhouse, floriculture, & sod	NA	NA	NA

Source: USDA Census of Agriculture, 2002; Calculations by ECONorthwest

Note: The definition of the following categories of farm products changed between 1997 and 2002: Nursery, greenhouse, floriculture, and sod; Other crops and hay; and vegetables, melons, potatoes, and sweet potatoes. These changes prevent direct comparison between the Total Sales of these agricultural products in 1989 and 2002.

OUTLOOK FOR GROWTH IN SPRINGFIELD

Table A-15 shows the population forecast developed by the Office of Economic Analysis for Oregon and Lane County for 2000 through 2040. Lane County is forecast to grow at a slower rate than Oregon over the 2005 to 2030 period. The forecast shows Lane County's population will grow by about 96,600 people over the 25-year period, a 29% increase. Over the same period, Oregon is forecast to grow by more than 1.2 million people, a 35% increase.

**Table A-15. State population forecast,
Oregon and Lane County, 2000 to 2040**

Year	Lane	
	Oregon	County
2000	3,436,750	323,950
2005	3,618,200	333,855
2010	3,843,900	347,494
2015	4,095,708	365,639
2020	4,359,258	387,574
2025	4,626,015	409,159
2030	4,891,225	430,454
2035	5,154,793	451,038
2040	5,425,408	471,511
Change 2005 to 2030		
Amount	1,273,025	96,599
% Change	35%	29%
AAGR	1.2%	1.0%

Source: Office of Economic Analysis

Note: AAGR is average annual growth rate

Table A-16 shows the Oregon Employment Department's forecast for employment growth by industry for Lane County over the 2006 to 2016 period. The sectors that will lead employment growth in Lane County for the ten-year period are Health Care & Social Assistance (adding 5,600 jobs), Government (adding 3,600 jobs), Professional and Business Services (adding 3,000 jobs), Leisure & Hospitality (adding 2,800 jobs), and Retail Trade (adding 2,400 jobs). Together, these sectors are expected to add 17,400 new jobs or 76% of employment growth in Lane County.

Table A-16. Nonfarm employment forecast by industry in Lane County, 2006-2016

Sector / Industry	2006	2016	Change 2006-2016	
			Amount	% Change
Natural resources & Mining	900	900	0	0%
Construction	8,000	9,200	1,200	15%
Manufacturing	20,300	21,000	700	3%
Durable Goods	16,300	16,900	600	4%
Wood product mfg.	4,700	4,500	-200	-4%
Transportation equip. mfg.	4,400	4,700	300	7%
Nondurable goods	4,000	4,100	100	3%
Transportation, & utilities	3,300	3,700	400	12%
Wholesale trade	5,900	6,500	600	10%
Retail trade	19,700	22,100	2,400	12%
Information	3,700	4,100	400	11%
Financial activities	8,300	9,300	1,000	12%
Professional & business srv.	16,100	19,100	3,000	19%
Administrative & support srv.	8,200	9,700	1,500	18%
Education	1,500	1,900	400	27%
Health care & social assist.	18,100	23,700	5,600	31%
Health care	15,400	20,500	5,100	33%
Leisure & hospitality	14,200	17,000	2,800	20%
Accommodation & food srv.	12,100	14,300	2,200	18%
Food srv. & drinking places	10,700	12,700	2,000	19%
Other srv.	5,100	5,700	600	12%
Government	28,400	32,000	3,600	13%
Federal government	1,800	1,700	-100	-6%
State government	11,300	13,200	1,900	17%
State education	8,700	10,200	1,500	17%
Local government	15,400	17,100	1,700	11%
Local education	8,600	9,300	700	8%
Total nonfarm employment	153,400	176,100	22,700	15%

Source: Oregon Employment Department. Employment Projections by Industry 2004-2014. Projections summarized by ECONorthwest.

Note: Percent Change was calculated based on the change in employees divided by the number of employees in 2006. For example, Retail trade's expected percent change is 15% because 2,400 employees is 12% of the 19,700 employees in retail trade in 2006 (2400 divided by 19700 = 15%).

Factors Affecting Future Economic Growth in Springfield

Appendix B

This appendix presents a detailed analysis consistent with the requirements of OAR 660-009-0015(4) of Springfield’s comparative advantage relative to the Eugene/Springfield area, Lane County, Willamette Valley, and Oregon. The information presented in this appendix is summarized in Chapter 3.

Goal 9 requires cities to identify the number and characteristics of sites “the number of sites by type reasonably expected to be needed to accommodate the expected employment growth based on the site characteristics typical of expected uses (OAR 660-009-0014(2)).” In developing this assessment, cities are encouraged to examine existing firms in the planning area to identify the types of sites that may be needed for expansion (OAR 660-009-0015(2)). Cities are required to “estimate the types and amounts of industrial and other employment uses likely to occur in the planning area,” taking into consideration relevant economic advantages and disadvantages (OAR 660-009-0015(4)).

Identifying the number and characteristics of needed sites starts with understanding the types of businesses that may locate in Springfield over the 20-year planning period. Consistent with the requirements of Goal 9, these industries are grouped into “major categories of industrial or other employment uses” (OAR 660-009-0015(1)). This grouping is commonly referred to as “target industries.”

This appendix summarizes the factors that affect the types of businesses likely to locate in Springfield. These factors are a key consideration when identifying Springfield’s target industries (in Chapter 4).

WHAT IS COMPARATIVE ADVANTAGE

Each economic region has different combinations of productive factors: land (and natural resources), labor (including technological expertise), and capital (investments in infrastructure, technology, and public services). While all areas have these factors to some degree, the mix and condition of these factors vary. The mix and condition of productive factors may allow firms in a region to produce goods and services more cheaply, or to generate more revenue, than firms in other regions.

By affecting the cost of production and marketing, comparative advantages affect the pattern of economic development in a region

relative to other regions. Goal 9 and OAR 660-009-0015(4) recognizes this by requiring plans to include an analysis of the relative supply and cost of factors of production.⁷⁷ An analysis of comparative advantage depends on the geographic areas being compared. In general, economic conditions in Springfield will be largely shaped by national and regional economic conditions affecting the Willamette Valley. Chapter 2 and Appendix A present trends and forecasts of conditions in Oregon and Springfield to help establish the context for economic development in Springfield. Local economic factors will help determine the amount and type of development in Springfield relative to other communities in Oregon.

This appendix focuses on the comparative advantages of Springfield relative to the rest of Oregon. The implications of the factors that contribute to Springfield's comparative advantage are discussed at the end of this chapter.

LOCATION

Springfield is a city with a population of approximately 57,320 people in 2007, located in the Southern Willamette Valley. Interstate 5 runs to the west of Springfield and Highway 126 runs east-west through Springfield. Springfield is located between the Willamette River (to the south) and McKenzie River (to the north). Springfield's location will continue to impact Springfield's future economic development.

- Springfield shares a border with Eugene, the 2nd largest city in the State of Oregon, with a population of approximately 153,690 people in 2007. The Eugene-Springfield Metropolitan Statistical Area (MSA), which includes all of Lane County, had more than 343,000 people in 2007, accounting for 9% of Oregon's population.
- Springfield has easy access to the State's highway system and other transportation opportunities. Interstate 5 runs to the west of Springfield and Highway 126 is the main east-west route through Springfield. Residents and businesses in Springfield can access other modes of transportation in Eugene, including the Eugene Airport, Greyhound bus service, and passenger rail service.
- Residents of Springfield have easy access to shopping, cultural activities, indoor and outdoor recreational activities, and other amenities in Springfield, Eugene, and rural Lane County.

⁷⁷ OAR 660-009-0015(4) requires assessment of the "community economic development potential." This assessment must consider economic advantages and disadvantages—or what Goal 9 broadly considers "comparative advantages."

- Springfield residents have several opportunities for post-secondary education: the University of Oregon, Lane Community College, Northwest Christian College, and Gutenberg College.

Springfield's location, access to I-5 and Highway 126, and proximity to Eugene are primary comparative advantages for economic development in Springfield.

BUYING POWER OF MARKETS

The buying power of Springfield and the Eugene-Springfield area forms part of Springfield's comparative advantage by providing a market for goods and services. Table B-1 shows the combined total expenditures for households in Springfield and the Eugene-Springfield Metropolitan Statistical Area (MSA) in 2008. Households in Springfield are expected to spend about \$937 million in 2008, about 14% of total household expenditures in the Eugene-Springfield MSA.

Table B-1. Aggregate annual household expenditures for common purchases, Springfield and the Eugene-Springfield Metropolitan Statistical Area (MSA), 2008

	Springfield	Eugene/ Springfield MSA	Springfield % of MSA Spending
Apparel	\$ 78,765,734	\$ 548,162,423	14%
Entertainment	\$ 106,917,462	\$ 777,731,151	14%
Food at Home	\$ 135,808,782	\$ 875,120,493	16%
Health Care	\$ 72,511,784	\$ 534,882,328	14%
Household Equipment	\$ 48,498,974	\$ 367,679,233	13%
Shelter-Related Expenses	\$ 49,925,453	\$ 369,146,828	14%
Transportation	\$ 185,522,716	\$ 1,304,243,991	14%
Miscellaneous Items	\$ 259,702,794	\$ 1,890,881,821	14%
Total	\$ 937,653,699	\$ 6,667,848,268	14%

Source: Claritas, 2008

Note: Table B-1 does not include spending on shelter or housing

Table B-2 shows average household expenditures for common purchases in Springfield and the Eugene-Springfield MSA in 2008. Springfield households spend an average of \$42,700 on commonly purchased items, not including housing, which typically accounts for 20% or more of household expenditures. Springfield's households spent less than the regional and nation averages, with about 91% of the \$47,000 average expenditures for all households in the Eugene-Springfield MSA and 84% of national average household expenditures.

Springfield households spent the most on miscellaneous items (\$11,800), such as personal care items, education, child care, pet care, and eating out.

Transportation accounted for 20% of Springfield household expenditures, food at home accounted for 14%, and entertainment accounted for 11% of expenditures. Compared to household spending for the entire MSA or the nation, Springfield households spent a more on food at home and less on household equipment (e.g., home furnishings and major appliances) and shelter-related expenses (e.g., household repairs, fuel, and telephone service).

Table B-2. Average annual household expenditures for common purchases, Springfield and the Eugene-Springfield Metropolitan Statistical Area (MSA), 2008

	Springfield Households		Eugene/ Springfield MSA	Springfield's Expenditures Compared to:	
	Expenditures	% of Total		E/S MSA	U.S
Apparel	\$ 3,589	8%	\$ 3,869	93%	77%
Entertainment	\$ 4,871	11%	\$ 5,490	89%	84%
Food at Home	\$ 6,187	14%	\$ 6,177	100%	98%
Health Care	\$ 3,304	8%	\$ 3,775	88%	77%
Household Equipment	\$ 2,210	5%	\$ 2,595	85%	76%
Shelter-Related Expenses	\$ 2,275	5%	\$ 2,606	87%	75%
Transportation	\$ 8,452	20%	\$ 9,206	92%	90%
Miscellaneous Items	\$ 11,832	28%	\$ 13,347	89%	80%
Total	\$ 42,720	100%	\$ 47,065	91%	84%

Source: Claritas, 2008

Note: Table B-2 does not include spending on shelter or housing, which typically accounts for 20% or more of household expenditures.

Note: The Percent of Total does not add to 100% as a result of rounding errors.

AVAILABILITY OF TRANSPORTATION FACILITIES

Businesses and residents in Springfield have access to a variety of modes of transportation: automotive (Interstate 5, multiple State highways, and local roads); rail (Union Pacific and Amtrak); transit (LTD); and air (Eugene Airport).

Springfield has excellent automotive access for commuting and freight movement. Springfield is located along Interstate 5, the primary north-south transportation corridor on the West Coast, linking Springfield to domestic markets in the United States and international markets via West Coast ports. Springfield has developed along Highway 126, connecting Springfield to rural areas to the East of Springfield. Highway 126 is the primary east-west highway in Lane County, running from Florence to Redmond. Businesses and residents of Springfield also have access to Highway 99 in Eugene and Highway 58 in Pleasant Hill.

Other transportation options in Springfield are:

- **Rail.** Multiple Union Pacific rail lines serve Springfield, providing freight service. There are two primary junctions in Springfield: (1) the Springfield Junction is located in the Glenwood area in Southwest Springfield and (2) the Mohawk Junction is near the city's southern boundary, near 25th St.
- **Transit.** The Lane Transit District (LTD) provides transit service to the Eugene-Springfield region. LTD serves Springfield with multiple bus lines, providing bus service within Springfield and connecting Springfield with Eugene. LTD recently began operating a bus rapid transit (BRT) system, called EmX, which provides service between Springfield Station and Eugene Station. Construction is underway for the new Pioneer Parkway BRT route, which will connect to the Sacred Heart Medical Center, and the Gateway Mall.
- **Air.** The Eugene Airport provides both passenger and freight service for Eugene and Springfield residents. The airport is the second busiest in the state, and the fifth largest in the Pacific Northwest. The airport is served by five commercial airlines, and is the primary airport for a six county region.

Transportation is a comparative advantage that primarily affects the overall type of employment and its growth for the region.

PUBLIC FACILITIES AND SERVICES

Provision of public facilities and services can impact a firm's decision on location within a region but ECO's past research has shown that businesses make locational decisions primarily based on factors that are similar with a region. These factors are: the availability and cost of labor, transportation, raw materials, and capital. The availability and cost of these production factors are usually similar within a region.

Once a business has chosen to locate within a region, they consider the factors that local governments can most directly affect: tax rates, the cost and quality of public services, and regulatory policies. Economists generally agree that these factors do affect economic development, but the effects on economic development are modest. Thus, most of the strategies available to local governments have only a modest effect on the level and type of economic development in the community.

PUBLIC POLICY

Public policy can impact the amount and type of economic growth in a community. The City can impact economic growth through its policies about the provision of land, redevelopment, and infill development. Success at attracting or retaining firms may depend on availability of attractive sites for development, especially large sites. For example, Springfield was attractive as a location of PeaceHealth's new hospital because the City had a large, relatively flat site located relatively near to Interstate 5 and Beltline Highway.

Springfield's decision makers articulated their support for provision of employment land through the economic development strategy and in other policy choices. Objectives in the economic development strategy supporting the provision of employment land include objectives to: (1) provide employment land in a variety of locations, configurations, and site sizes for industrial and other employment uses, (2) provide an adequate competitive short-term supply of suitable land to respond to economic development opportunities as they arise, (3) reserve sites over 20-acres for special developments and industries that require large sites, and (4) provide adequate infrastructure to sites.

The economic development strategy also includes objectives that support redevelopment of existing land within the UGB, especially in Downtown and in Glenwood, and other infill development opportunities. In addition, the City has established financial mechanisms to support redevelopment through the creation of the Glenwood Urban Renewal District and Downtown Urban Renewal District.

TAX POLICY

The tax policy of a jurisdiction is a consideration in economic development policy. Table B-3 shows that Springfield's property tax rate is between \$16.32 and \$18.65 per \$1,000 of assessed value, compared with a state average of \$15.20. The property tax rate in Eugene is more variable than Springfield's, ranging from \$10.31 to \$24.68 per \$1,000 of assessed value.⁷⁸

Table B-3. Property tax rate per \$1,000 assessed value for Springfield, Eugene, and Oregon, 2007.

Area	Tax Rate (per \$1,000 assessed value)
Oregon	\$15.20
Lane County	\$15.47
Springfield	\$16.32 - \$18.65
Eugene	\$10.31 - \$24.68

Source: Oregon Department of Revenue

WATER

Springfield's water provider is the Springfield Utility Board (SUB). Springfield's primary source of water is wells, supplemented by surface water from the Middle Fork of the Willamette River. Springfield has 33 wells in 7 well fields, which provide the majority of Springfield's water. SUB has purchased rights to water from the McKenzie River, to supply future need for water.

Springfield's water treatment plant is located on the Middle Fork of the Willamette River, which provides water treatment for the city. The water treatment plant is at or near capacity, with peak summer residential and commercial irrigation demands exceeding the plant's capacity at times. SUB is addressing peak demands by educating customers peak shifting, the practice of irrigating landscaping in the evening or at night.

SUB is planning upgrades to the water treatment plant in 2008 and 2009 to address issues meeting demand at peak times. SUB is also planning upgrades double the plant's capacity in 2010. Springfield plans to build two additional water treatment plants on the McKenzie River, as demand

⁷⁸ Property tax rates for Springfield and Eugene are a composite of the rates for all properties with an address in Eugene or Springfield. It is almost certain that some of these properties is located outside of both the Eugene and Springfield urban growth boundaries and are subject to unincorporated Lane County tax rates.

for water increases. SUB expects to need the new treatment plants by 2013 to 2018.

SUB has sufficient water to meet expected growth and be able to meet residential and employment needs. SUB is not concerned about its ability to supply water to any type of industry, including water-intensive industries like food processing. SUB has lower water rates than the national average. The combination of available and lower cost water may be an advantage to attracting some types of businesses to Springfield.

WASTEWATER

Springfield's wastewater services are provided by Metropolitan Wastewater Management Commission (MWWMC), which operates a wastewater facility that serves Springfield, Eugene, and Lane County. Springfield's wastewater system, which includes the sanitary sewer and other equipment, is managed by Springfield Public Works.

Springfield is about to meet current wastewater demands, except in instances of heavy rainfall. On dry days, Springfield generates about 6 million gallons of wastewater per day. During heavy rainfall, Springfield can generate 100 million gallons of wastewater per day, as a result of infiltration and inflow into wastewater pipes.

Springfield recently completed an update of the Wastewater Master Plan, which identified \$65 million of upgrades to the system, which will provide service to unserved areas in Springfield and address problems with infiltration and inflow into wastewater pipes.

Springfield expects to be able to meet expected growth. The City expects to provide service to 6,100 new equivalent dwelling units, which includes residences and businesses, over the next 20 years. If Springfield needs to expand its urban growth boundary, the City will need to plan how to provide service to the new areas.

LABOR MARKET FACTORS

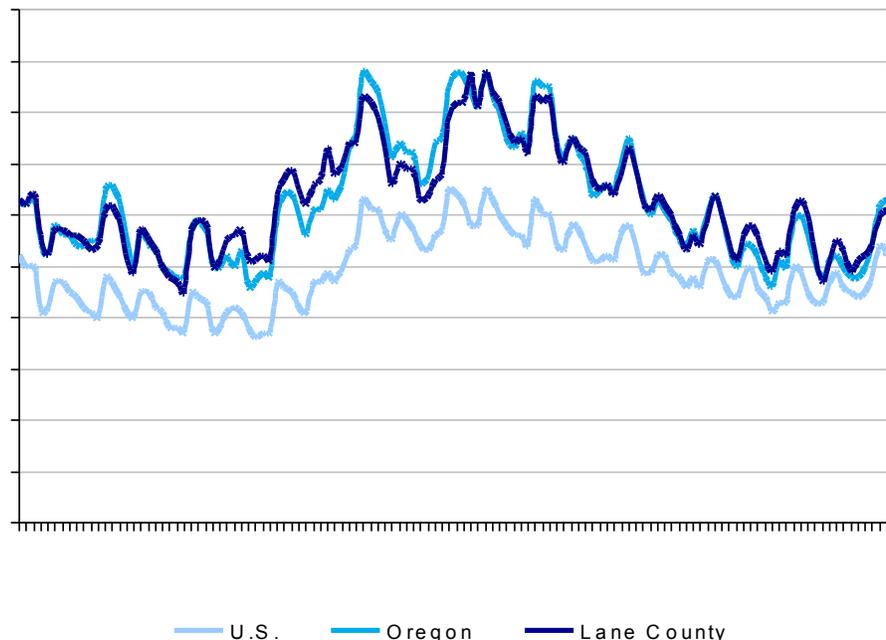
The availability of labor is critical for economic development. Availability of labor depends not only on the number of workers available, but the quality, skills, and experience of available workers as well. This section examines the availability of workers for Springfield.

The labor force in any market consists of the adult population (16 and over) who are working or actively seeking work. The labor force includes both the employed and unemployed. Children, retirees, students, and people who are not actively seeking work are not considered part of the

labor force. According to the 2000 Census, Lane County has more than 166,000 people in its labor force, with 16% of the County's labor force located in Springfield (27,000 participants in the labor force).

The unemployment rate is one indicator of the relative number of workers who are actively seeking employment. Labor force data from the Oregon Employment Department shows that unemployment in Lane County 6.1% in February 2008, lower than the State average of 6.3%. Figure B-1 shows the unemployment rate for Lane County, Oregon, and the United States for the past decade. During this period, Lane County's unemployment has been very similar to the statewide unemployment rate. The County and State unemployment rates have been consistently higher than the national average, but the difference has decreased in recent years.

Figure B-1. Unemployment rates for Lane County, Oregon, and the U.S., January 1998 to February 2008



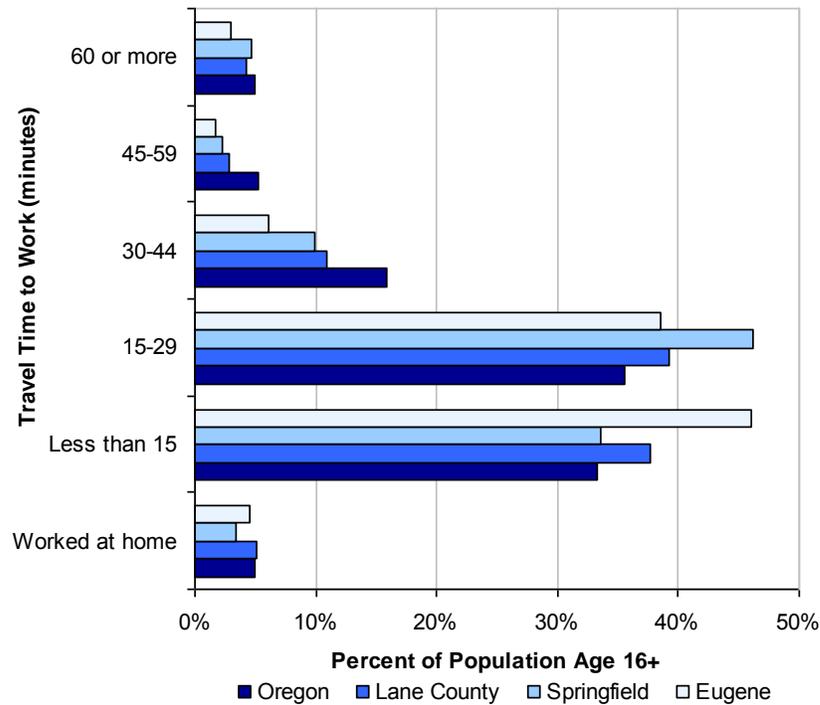
Source: Bureau of Labor Statistics
 Note: unemployment data is not seasonally adjusted

Another important factor in the labor force is the distance that workers are willing to commute. Figure B-2 shows a comparison of the commute time to work for residents 16 years and older for Oregon, Lane County, Eugene, and Springfield in 2008.

Springfield residents were more likely to have a commute of between 15 and 29 minutes than residents of the State, County, or Eugene. About 46% of Springfield residents commute 15 to 29 minutes, compared with the

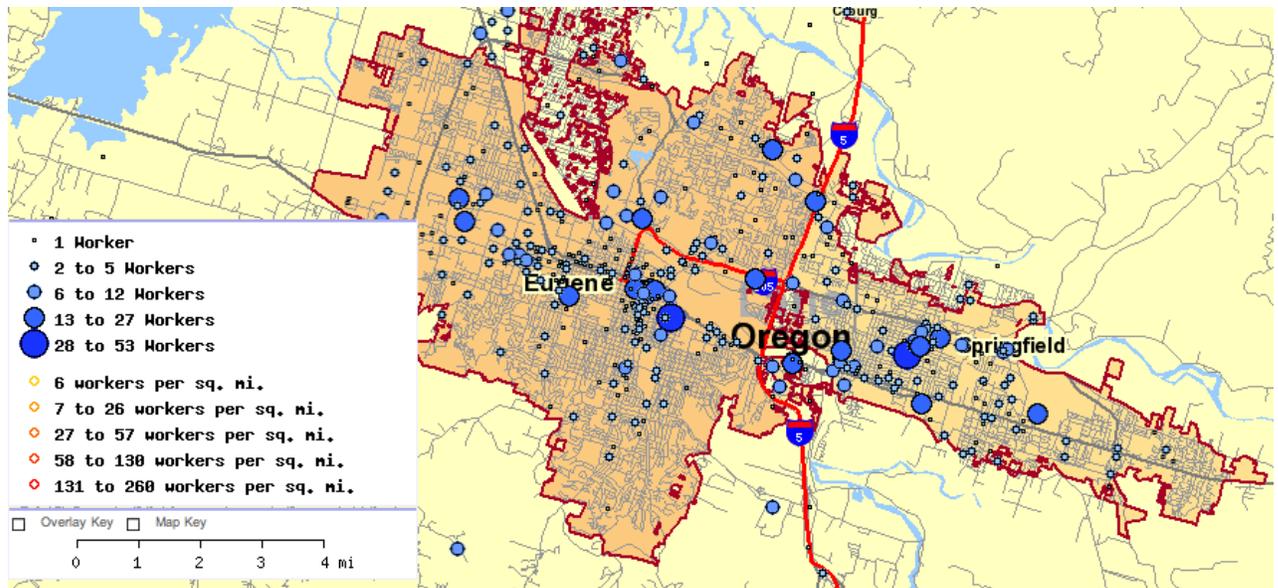
36% of State residents, 39% of County residents, and 38% of Eugene’s residents.

Figure B-2. Commuting time to work in minutes for residents 16 years and older, Oregon, Lane County, Eugene, and Springfield, 2008



Source: Claritas 2008

Figure B-3 and Table B-4 show where residents of Springfield work in 2004. Figure B-3 and Table B-4 show that 81% of Springfield’s residents were employed in Lane County, with 40% of Springfield’s residents working in Eugene and 25% working in Springfield. Close to 1,000 Springfield workers (4%) commute to Multnomah County, the majority of who work in Portland.

Figure B-3. Places that residents of Springfield were employed, 2004

Source: U.S. Census Bureau: LED on the Map

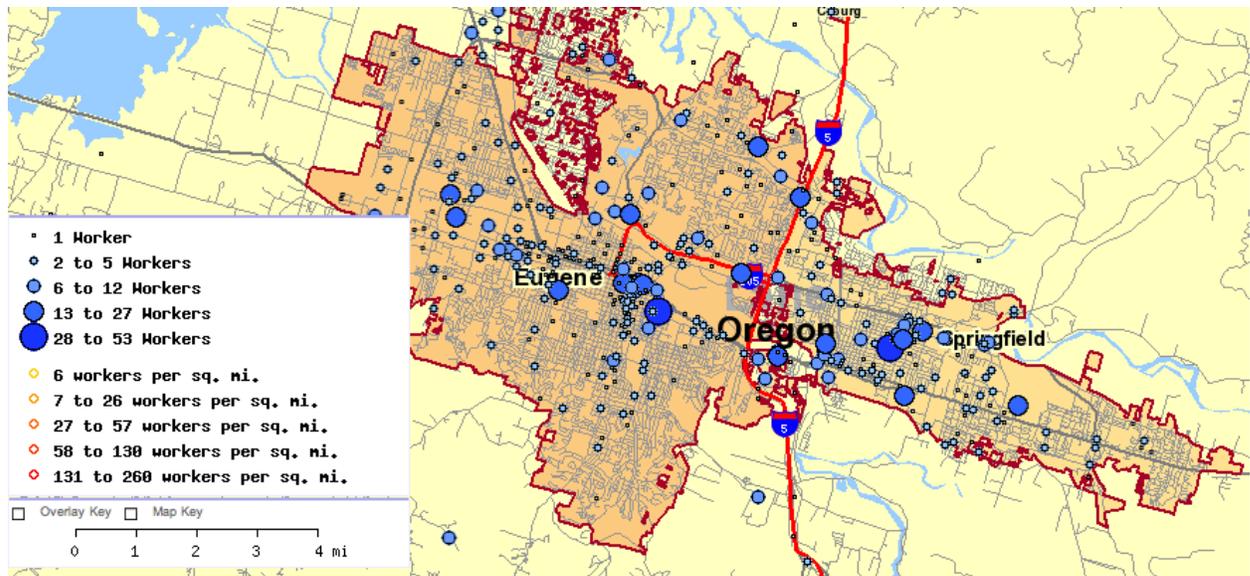
Table B-4. Places that residents of Springfield were employed, 2004

Location	Number	Percent
Lane County	18,649	81%
Eugene	9,261	40%
Springfield	5,675	25%
Coburg	638	3%
Junction City	475	2%
Multnomah Co.	975	4%
Portland	839	4%
All Other Locations	3,385	15%
Total	23,009	100%

Source: U.S. Census Bureau: LED on the Map

Figure B-4 and Table B-5 show where employees of firms located in Springfield lived in 2004. Seventy-nine percent of Springfield's workers lived in Lane County. Twenty-nine percent lived in Springfield, and 23% lived in Eugene. About 27% of Springfield's workers lived in unincorporated areas of Lane County and 21% lived outside of Lane County.

Figure B-4. Places where workers in Springfield lived, 2004



Source: U.S. Census Bureau: LED on the Map

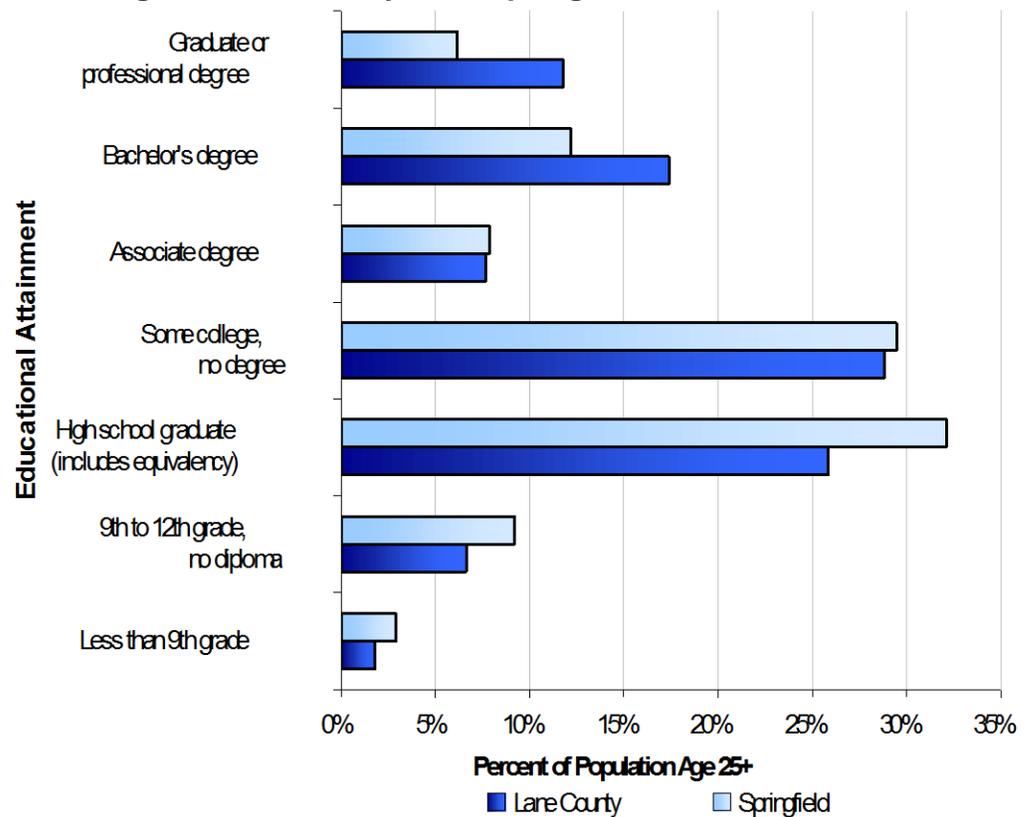
Table B-5. Places where workers in Springfield lived, 2004

Location	Number	Percent
Lane County	15,341	79%
Springfield	5,675	29%
Eugene	4,565	23%
All Other Locations	4,112	21%
Linn County	537	3%
Marion County	428	2%
Jackson County	409	2%
Other locations	2,738	14%
Total	19,453	100%

Source: U.S. Census Bureau: LED on the Map

Educational attainment is an important labor force factor because firms need to be able to find educated workers. Figure B-5 shows the share of population by education level completed in Springfield and Lane County in 2007. In 2007, Springfield had a smaller share of residents with an associate’s degree or higher (26%) than residents of Lane County (37%). In comparison, 47% of Eugene’s residents have an associate’s degree or higher.

Figure B-5. Educational attainment for the population 25 years and over, Oregon, Lane County, and Springfield, 2007



Source: OregonProspector.com

Opportunities for workforce training and post-secondary education for residents of the Eugene-Springfield area include: the University of Oregon, Lane Community College, Northwest Christian College, and Gutenberg College.

Table B-6 shows changes in ethnicity Oregon, Lane County, and Springfield between 1990, 2000, and 2008. This table shows that the Springfield has a larger share of Hispanic or Latino residents than Lane County 2000, with 6.6% of residents in Springfield were Hispanic compared to the County average of 4.6%. Between 1990 and 2000, Springfield’s Hispanic and Latino population grew by 168% (2,176 people), compared with growth in the Hispanic and Latino population of 117% in Lane County and 144% in Oregon.

In 2008, Hispanic residents accounted for about 11% of Oregon’s population and 6% of Lane County’s population. Springfield’s Hispanic population grew by 95% between 2000 and 2008, more than twice the rate of growth for the County or State during the same period.

Table B-6. Changes in ethnicity, Oregon, Lane County, and Springfield, 1990, 2000, and 2008

	Oregon	Lane County	Springfield
1990			
Total Population	2,842,321	282,912	44,683
Hispanic or Latino	112,707	6,852	1,299
Percent Hispanic or Latino	4.0%	2.4%	2.9%
2000			
Total Population	3,421,399	322,959	52,729
Hispanic or Latino	275,314	14,874	3,475
Percent Hispanic or Latino	8.0%	4.6%	6.6%
2008			
Total Population	3,772,854	343,961	56,016
Hispanic or Latino	400,435	20,941	5,293
Percent Hispanic or Latino	10.6%	6.1%	9.4%
Change 1990-2000			
Hispanic or Latino	162,607	8,022	2,176
Percent Hispanic or Latino	144%	117%	168%
Change 2000-2008			
Hispanic or Latino	125,121	6,067	1,818
Percent Hispanic or Latino	45%	41%	52%

Source: U.S. Census 1990 and 2000, Claritas 2008

Commuting is common in Springfield. About 40% of the people who live in Springfield commute to Eugene for work. Less than one-third of Springfield's workers live in Springfield. The implication of this workforce analysis is that, while only one-third of Springfield's workforce lives within the City, Springfield are able to attract educated workers from most of Eugene and surrounding areas in Lane county.

It does not appear that workforce will be a constraint on employment growth in Springfield. Springfield should be able to continue to draw on residents of Eugene for workers, even if energy prices continue to rise but Springfield's ability to attract workers from outside of the Eugene-Springfield area may be negatively impacted by continued increases in energy prices.

Employment Forecast and Site Needs for Industrial and other Employment Uses

Appendix C

This appendix presents a detailed analysis of Springfield's site needs consistent with the requirements of OAR 660-009-0015(2) and of OAR 660-009-0025(1). This appendix includes an employment forecast and an analysis of site needs to accommodate industrial and other employment uses in Springfield for the 2010 to 2030 period. The information presented in this appendix is summarized in Chapter 4.

EMPLOYMENT FORECAST

To provide for an adequate supply of commercial and industrial sites consistent with plan policies, Springfield needs an estimate of the amount of commercial and industrial land that will be needed over the planning period. Goal 9 requires cities to identify "the number of sites by type reasonably expected to be needed to accommodate the expected employment growth based on the site characteristics typical of expected uses." The number of needed sites is dependent on the site requirements of employers. The estimate of land need is presented in the site needs analysis in the next section.

Demand for commercial and industrial land will be driven by the expansion and relocation of existing businesses and new businesses locating in Springfield. The level of this business expansion activity can be measured by employment growth in Springfield. This section presents a projection of future employment levels in Springfield for the purpose of estimating demand for commercial and industrial land.

The projection of employment has three major steps:

1. **Establish base employment for the projection.** We start with the estimate of covered employment in Springfield's UGB presented in Chapter 3. Covered employment does not include all workers, so we adjust covered employment to reflect total employment in Springfield.
2. **Project total employment.** The projection of total employment will be calculated using the safe harbor method suggested in OAR 660-024.

3. **Allocate employment.** This step involves allocating employment to different building types, based on similar requirements for built space.

EMPLOYMENT BASE FOR PROJECTION

To forecast employment growth in Springfield, we must start with a base of employment growth on which to forecast. Table C-1 shows ECO's estimate of total employment in the Springfield UGB in 2006. To develop the figures, ECO started with estimated covered employment in the Springfield UGB from confidential QCEW (Quarterly Census of Employment and Wages) data provided by the Oregon Employment Department.

Covered employment, however, does not include all workers in an economy. Most notably, covered employment does not include sole proprietors. Analysis of data shows that covered employment reported by the Oregon Employment Department for Lane County is only about 74% of total employment reported by the U.S. Department of Commerce. We made this comparison by sector for Lane County and used the resulting ratios to convert covered employment to total employment in Springfield.

Table C-1 shows Springfield had an estimated 36,706 employees within its UGB in 2006. This figure results in a population-to-employment ratio of 1.7 persons per employee. The statewide average is about 1.9 persons per employee.

Table C-1. Estimated total employment in the Springfield UGB by sector, 2006

Sector	Covered Employment		Estimated Total Employment
	Number	% of Total Emp.	
Agriculture, Forestry, Fishing, & Mining	282	73%	387
Construction	1,922	65%	2,973
Manufacturing	2,714	99%	2,750
Wholesale Trade	1,230	85%	1,446
Retail	3,632	79%	4,609
Transportation & Warehousing & Utilities	941	70%	1,349
Information	1,356	79%	1,710
Finance & Insurance	1,110	66%	1,673
Real Estate & Rental & Leasing	441	33%	1,341
Professional, Scientific, & Technical Services	576	52%	1,107
Management of Companies & Enterprises	343	97%	354
Admin. & Support & Waste Mgt Services	2,460	76%	3,239
Private Educational Services	109	38%	290
Health Care & Social Assistance	3,069	77%	4,008
Arts, Entertainment, & Recreation	321	41%	777
Accommodation & Food Services	2,453	91%	2,686
Other Services	816	48%	1,685
Government	3,535	82%	4,322
Total	27,310	74%	36,706

Source: 2005 covered employment from confidential Quarterly Census of Employment and Wage (QCEW) data provided by the Oregon Employment Department. Covered employment as a percent of total employment calculated by ECONorthwest using data for Lane County employment from the U.S. Department of Commerce, Bureau of Economic Analysis (total) and the Oregon Employment Department (covered).

The employment forecast covers the 2010 to 2030 period, requiring an estimate of total employment for Springfield in 2008. Between 2006 and 2008, Springfield has had one major change in employment, beyond expected employment growth: PeaceHealth has built a new regional medical center at RiverBend. PeaceHealth estimates that there will be approximately 3,400 new employees in Springfield in 2008 as a result of the hospital at RiverBend.

ECO estimates that Springfield has 37,733 employees in 2008, plus the 3,400 employees at RiverBend. The result is an employment base of 41,133 total employees in Springfield in 2008 for the planning period 2010-2030.

EMPLOYMENT PROJECTION

OAR 660-024-0040 (9) (a) (A) allows the City to determine employment land needs based on “The county or regional job growth rate provided in the most recent forecast published by the Oregon Employment Department.” Springfield is part of Region 5, which includes all of Lane County. Based on this safe harbor, employment in Springfield can be assumed to grow at 1.4% annually. Table C-2 shows the result of applying this growth rate to the total employment base of 41,133 in Springfield. Table C-2 shows that employment is forecast to grow by 13,440 employees (a 32% increase) between 2010 and 2030.

Table C-2. Forecast of employment growth in Springfield’s UGB, 2010–2040

Year	Total Employment
2008	41,133
2010	42,284
2030	55,724
2030	55,724
2031	56,498
2032	57,283
2033	58,079
2034	58,886
2035	59,704
2036	60,534
2037	61,375
2038	62,228
2039	63,093
2040	63,970
Change 2010 to 2030	
Employees	13,440
Percent	32%
AAGR	1.4%

Source: ECONorthwest

Springfield is part of the regional economic center in the Eugene-Springfield region. The ratio of population to employment will decrease from 1.6 to 1.5 people per job between 2010 and 2030. This change shows that employment will grow faster than population in Springfield, suggesting that some Springfield will continue to have employees who commute from Eugene or other cities in the region.

ALLOCATE EMPLOYMENT TO DIFFERENT BUILDING TYPES

The next step in the employment forecast is to allocate future employment to building type, as described in Table A-8 in Appendix A. The allocation was done by grouping employment into building types with similar building and site requirements. For example, the following service sectors were grouped together into the “office” building type because they need similar types of built space with similar site requirements: information, finance, real estate, professional services, management of companies, administrative support, utilities, arts and entertainment, and other services.

Table C-3 shows the forecast of employment growth by building type in Springfield’s UGB in 2030. Table C-3 shows the amount of employment by building type in 2010. In 2010, a total of about 60% of Springfield’s employment is in office and other services’ building types. About 18% is in retail, 15% is in general industrial and 7% is in warehousing and distribution.

Table C-3. Forecast of employment growth in by building type, Springfield UGB, 2010–2030

Building Type	2010		2030		Change 2010 to 2030
	Employment	% of Total	Employment	% of Total	
Industrial					
Warehousing & Distribution	2,954	7.0%	3,343	6.0%	389
General Industrial	6,457	15.3%	7,523	13.5%	1,066
Commercial					
Office	12,561	29.7%	17,274	31.0%	4,713
Retail	7,709	18.2%	9,752	17.5%	2,043
Other Services	12,603	29.8%	17,832	32.0%	5,229
Total	42,284	100.0%	55,724	100.0%	13,440

Source: ECONorthwest

Note: Green shading denotes an assumption by ECONorthwest

The forecast in Table C-3 assumes that Springfield will have growth in all categories of employment. It also assumes that the share of employment will increase in other services (2.2% increase in share) and office (1.3% increase in share). At the same time, the share of employment will decrease in general industrial (1.8% decrease in share), warehousing and distribution (1.0% decrease in share), and retail (0.7% decrease in share). In terms of jobs, employment will increase in all of these sectors.

The assumptions about the changes in share of all employment are based on the following considerations:

- **Increase in the share of employment in office and other services.** Springfield's target industries are predominantly office and other services, such as medical services, services for seniors, call centers, back office functions, high tech, professional services, corporate headquarters, and other services. The forecast assumes that these industries will grow faster than other employment in Springfield.
- **Decrease in employment in other categories.** The decreases in employment in other categories is based on the following factors:
 - While Springfield expects that general industrial will grow, the City expects industrial employment will grow slower than all employment in the City. This expectation is based on the target industries that Springfield has identified and the Oregon Employment Department's forecast for employment growth in Lane County for 2006 to 2016.
 - Springfield expects that employment in warehousing and distribution will grow but slower than all employment because Springfield is at a disadvantage for siting warehouse and distribution firms. These firms need sites that have easy access to I-5 and flat sites of 20 or more acres. There are relatively few sites in or around Springfield that meet these criteria.
 - Employment in retail will grow with population. Springfield expects that retail will grow slightly slower than all employment. This assumption is based on the expectation that Springfield's target industries will grow faster than overall employment growth, including retail employment.

It is worth noting that the employment projections in this appendix do not take into account a major jump in employment that could result from the location of one or more large employers in the community during the planning period. This could take place if the City were successful in its recruitment efforts, either on its own and/or in conjunction with the Governors Initiative to bring new industry to the State. PeaceHealth and Symantec are examples of such events. Such a major change in the community's employment would essentially be over and above the growth anticipated by the City's employment forecast and the implied land needs (for employment, but also for housing, parks and other uses). Major economic events such as the successful recruitment of a very large employer are very difficult to include in a study of this nature. The implications, however, are relatively predictable: more demand for land (of all types) and public services.

If the City were successful in recruitment of a major business to the City, the land needed by such a business would be over and above the land need identified in this EOA. If the business needed a site larger than five acres, especially one larger than 20 acres, this growth may result in land deficiencies before 2030 and the City may need to reexamine whether there is enough land within the UGB to accommodate additional growth.

SITE NEEDS

OAR 660-009-0015(2) requires the EOA identify the number of sites, by type, reasonably expected to be needed for the 20-year planning period. Types of needed sites are based on the site characteristics typical of expected uses. The Goal 9 rule provides flexibility in how jurisdictions conduct and organize this analysis. For example, site types can be described by plan designation (i.e., heavy or light industrial), they can be described by general size categories that are defined locally (i.e., small, medium, or large sites), or can be identified by industry or use (i.e., manufacturing sites or distribution sites).

Firms wanting to expand or locate in Springfield will be looking for a variety of site and building characteristics, depending on the industry and specific circumstances. Previous research conducted by ECO has found that while there are always specific criteria that are industry-dependent and specific to a firm, many firms share at least a few common site criteria. In general, all firms need sites that are relatively flat, free of natural or regulatory constraints on development, with good transportation access and adequate public services. The exact amount, quality, and relative importance of these factors vary among different types of firms. This section discusses the site requirements for firms in industries with growth potential in the Eugene-Springfield Region, as indicated by the Oregon Employment Department forecast shown in Table A-12.

FACTORS THAT AFFECT LOCATIONAL DECISIONS

Why do firms locate where they do? There is no single answer – different firms choose their locations for different reasons. Key determinates of a location decision are a firm's *factors of production*. For example, a firm that spends a large portion of total costs on unskilled labor will be drawn to locations where labor is relatively inexpensive. A firm with large energy demands will give more weight to locations where energy is relatively inexpensive. In general, firms choose locations they believe will allow them to maximize net revenues: if demand for goods and services is held roughly constant, then revenue maximization is approximated by cost minimization.

The typical categories that economists use to describe a firm's production function are:

- **Labor.** Labor is often and increasingly the most important factor of production. Other things equal, firms look at productivity – labor output per dollar. Productivity can decrease if certain types of labor are in short supply, which increases the costs by requiring either more pay to acquire the labor that is available, the recruiting of labor from other areas, or the use of the less productive labor that is available locally. Based on existing commuting patterns, Springfield has access to labor from the Eugene-Springfield Region.
- **Land.** Demand for land depends on the type of firm. Manufacturing firms need more space and tend to prefer suburban locations where land is relatively less expensive and less difficult to develop. Warehousing and distribution firms need to locate close to interstate highways.
- **Local infrastructure.** An important role of government is to increase economic capacity by improving quality and efficiency of infrastructure and facilities, such as roads, bridges, water and sewer systems, airport and cargo facilities, energy systems, and telecommunications.
- **Access to markets.** Though part of infrastructure, transportation merits special attention. Firms need to move their product, either goods or services, to the market, and they rely on access to different modes of transportation to do this. Springfield's access to I-5 and Highway 126 provide the City with advantages in attracting businesses that need easy access to highways.
- **Materials.** Firms producing goods, and even firms producing services, need various materials to develop products that they can sell. Some firms need natural resources. For example, lumber manufacturing requires trees. Or, farther down the line, firms may need intermediate materials: for example, dimensioned lumber to build manufactured housing.
- **Entrepreneurship.** This input to production may be thought of as good management, or even more broadly as a spirit of innovation, optimism, and ambition that distinguishes one firm from another even though most of their other factor inputs may be quite similar.

The supply, cost, and quality of any of these factors depend on market factors: on conditions of supply and demand locally, nationally, and even

globally. But they also depend on public policy. In general, public policy can affect these factors of production through:

- **Regulation.** Regulations protect the health and safety of a community and help maintain the quality of life. Overly burdensome regulations, however, can be a disincentive for businesses to locate in a community. Simplified bureaucracies and straightforward regulations can reduce the burden on businesses and help them react quickly in a competitive marketplace.
- **Taxes.** Firms tend to seek locations where they can optimize their after-tax profits. Studies show that tax rates are not a primary location factor within a region – they matter only after businesses have made decisions based on labor, transportation, raw materials, and capital costs. The cost of these production factors is usually similar within a region. Therefore, differences in tax levels across communities within a region are more important in the location decision than are differences in tax levels between regions.
- **Financial incentives.** Governments can offer firms incentives to encourage growth. Studies have shown that most types of financial incentives have had little significant effect on firm location between regions. For manufacturing industries with significant equipment costs, however, property or investment tax credit or abatement incentives can play a significant role in location decisions. Incentives are more effective at redirecting growth within a region than they are at providing a competitive advantage between regions.

This discussion may suggest that a location decision is based entirely on a straight-forward accounting of costs, with the best location being the one with the lowest level of overall costs. Studies of economic development, however, have shown that location decisions depend on a variety of other factors that indirectly affect costs of production. These indirect factors include agglomerative economies (also known industry clusters), quality of life, and innovative capacity.

- **Industry clusters.** Firms with similar business activities can realize operational savings when they congregate in a single location or region. Clustering can reduce costs by creating economies of scale for suppliers. For this reason, firms tend to locate in areas where there is already a presence of other firms engaged in similar or related activities.

- **Quality of life.** A community that features many quality amenities, such as access to recreational opportunities, culture, low crime, good schools, affordable housing, and a clean environment can attract people simply because it is a nice place to be. A region's quality of life can attract skilled workers, and if the amenities lure enough potential workers to the region, the excess labor supply pushes their wages down so that firms in the region can find skilled labor for a relatively low cost. The characteristics of local communities can affect the distribution of economic development within a region, with different communities appealing to different types of workers and business owners. Sometimes location decisions by business owners are based on an emotional or historical attachment to a place or set of amenities, without much regard for the cost of other factors of production.
- **Innovative capacity.** Increasing evidence suggests that a culture promoting innovation, creativity, flexibility, and adaptability is essential to keeping U.S. cities economically vital and internationally competitive. Innovation is particularly important in industries that require an educated workforce. High-tech companies need to have access to new ideas typically associated with a university or research institute. Innovation affects both the overall level and type of economic development in a region. Government can be a key part of a community's innovative culture, through the provision of services and regulation of development and business activities that are responsive to the changing needs of business.

Table C-4 provides a summary of production factors in Springfield as well as comments received through the Technical Advisory and Stakeholder Advisory Committees and Citizen Involvement process on local opportunities and constraints. It also discusses implications of each factor for future economic development in Springfield.

Table C-4. Summary of production factors and their implications for Springfield

Category	Opportunities	Challenges	Implications
Labor	<ul style="list-style-type: none"> Access to labor from the across the Eugene-Springfield Region 	<ul style="list-style-type: none"> Existing workforce has lower educational attainment than regional averages Potential difficulty in finding dependable labor for manufacturing jobs 	<p>The City has access to labor from the region. As the City adds more high-end housing stock, the City is likely to attract a more educated workforce.</p> <p>Commuting patterns may be negatively impacted by increases in energy prices. The impact is likely to be less in the immediate Eugene-Springfield area but is likely to be greater for commuters that live further from Eugene and Springfield.</p>
Land	<ul style="list-style-type: none"> Opportunities for redevelopment and infill development, especially in Downtown and Glenwood 	<ul style="list-style-type: none"> Lack of large parcels of land near highways Cost of land Short-term availability 	<p>Firms that prefer large, undeveloped parcels near highways are unlikely to locate in Springfield under current conditions, (e.g. manufacturers that require freight access).</p>
Local infrastructure	<ul style="list-style-type: none"> Proximity to I-5 and Highway 126 and availability of freight shipping by rail Opportunities for transportation via transit, bicycle, and pedestrian Capacity of water and wastewater systems 	<ul style="list-style-type: none"> Cost of providing infrastructure 	<p>Springfield has sufficient local infrastructure to attract and retain businesses.</p>
Access to markets	<ul style="list-style-type: none"> Proximity to I-5 and Highway 126 and availability of freight shipping by rail Proximity to Eugene Airport for transportation of people and small quantities of goods 	<ul style="list-style-type: none"> Lack of sites with good transportation access, especially to I-5 	<p>Springfield's location relative to highway and rail transportation corridors is sufficient to attract firms that need access to markets via highways. Existing developed land uses are able to use the I-5 and rail freight corridors.</p> <p>The City lacks large sites that are well-located in relation to the I-5 corridor. At present, Springfield is relatively unlikely to attract firms that need close proximity to I-5. If the City had suitable sites for development near I-5, the city would be more likely to attract these firms.</p>

Category	Opportunities	Challenges	Implications
Materials	<ul style="list-style-type: none"> Proximity to natural resources (e.g., timber or agricultural products) Access to multiple rail lines 	<ul style="list-style-type: none"> Cost of shipping raw and finished products 	<p>Springfield may be attractive to manufacturers that need access to natural resources. However, firms dependent on highway access to transport large quantities of materials may not locate in Springfield until infrastructure needs are addressed or the City adds suitable land with direct access to I-5.</p>
Entrepreneurship	<ul style="list-style-type: none"> Proximity of the University of Oregon Quality of life 	<ul style="list-style-type: none"> Springfield's image as having a "blue collar" business environment. 	<p>Springfield may be attractive to entrepreneurs who value the City's quality of life attributes, access to outdoor recreation, and other locational attributes. Springfield has opportunities to encourage entrepreneurship through continued improvement of the City's image and through attracting more professional jobs, such as the developing medical cluster.</p>
Regulation	<ul style="list-style-type: none"> Pro-business attitudes among City officials and leaders Ability to craft regulations that are conducive to business 	<ul style="list-style-type: none"> High Systems Development Charges (SDCs) 	<p>The City has the opportunity to develop a regulatory framework that can promote economic activity through economic development policies, plans for providing infrastructure, and provision of a variety of housing types.</p>
Taxes	<ul style="list-style-type: none"> Property taxes are comparable to Eugene 		<p>Springfield needs revenue sources for providing public services and infrastructure, just as other cities do. The City has options about how to raise these funds: through property taxes, development fees, and other fees to taxes.</p>
Industry clusters	<ul style="list-style-type: none"> Presence of a developing medical cluster and existing call center cluster Opportunities for development of other clusters 	<ul style="list-style-type: none"> Availability of sites Transportation access Labor availability 	<p>Springfield may be able to build employment in existing clusters, especially the developing medical cluster. Springfield has opportunities to develop other clusters, such as high-tech or small scale manufacturing.</p>

Category	Opportunities	Challenges	Implications
Quality of life	<ul style="list-style-type: none"> High quality of life, including access to recreation, proximity to cultural amenities in Eugene, regional shopping opportunities and environmental quality 	<ul style="list-style-type: none"> Growth management challenges, such as balancing development with protection of environmental quality 	Springfield's policy choices will affect the City's quality of life, such as decisions regarding development of natural areas, housing policies, or policies that lead to redevelopment of downtown.
Innovative capacity	<ul style="list-style-type: none"> Educated regional workforce Existing professional and business service firms Proximity to the University of Oregon Existing businesses, clusters, and innovators in the Region 	<ul style="list-style-type: none"> Attracting and retaining good workers in the region Availability of higher-end housing and cultural amenities to attract creative class workers 	Government can be a key part of a community's innovative culture, through the provision of services and regulation of development and business activities that are responsive to the changing needs of business.

CHARACTERISTICS OF SITES NEEDED TO ACCOMMODATE EMPLOYMENT GROWTH

Table C-5 summarizes common site needs for target industries and key issues related to sites in Springfield.

Table C-5. Summary of site requirements

Site Attribute	Comments about these site attributes in Springfield
<p>Flat sites. Flat topography (slopes with grades less than 5% for industrial businesses and less than 15% for commercial businesses) is needed by almost all firms in every industry except for small Office and Commercial firms that could be accommodated in small structures built on sloped sites. Flat sites are particularly important for Industrial firms in manufacturing, trucking, and warehousing, since these firms strongly prefer to locate all of their production activity on one level with loading dock access for heavy trucks.</p>	<p>The commercial and industrial land inventory excluded lands with slopes over 15%. Some available sites in the Glenwood area have slopes that exceed 5% which may be inappropriate for some employment uses.</p>
<p>Parcel configuration and parking. Large Industrial and Commercial firms that require on-site parking or truck access are attracted to sites that offer adequate flexibility in site circulation and building layout. Parking ratios of 0.5 to 2 spaces per 1,000 square feet for Industrial and 2 to 3 spaces per 1,000 square feet for Commercial are typical ratios for these firms. In general rectangular sites are preferred, with a parcel width of at least 200-feet and length that is at least two times the width for build-to-suit sites. Parcel width of at least 400 feet is desired for flexible industrial/business park developments and the largest Commercial users.</p>	<p>Parcel configuration and parking do not appear to be a constraining factor on vacant land with the city's existing land base.</p> <p>The parcel configuration and need for parking on some sites identified as potentially redevelopable make some sites unlikely to redevelop over the 20-year planning period, as described in Chapter 2.</p>
<p>Soil type. Soil stability and ground vibration characteristics are fairly important considerations for some highly specialized manufacturing processes, such as microchip fabrications. Otherwise soil types are not very important for Commercial, Office, or Industrial firms—provided that drainage is not a major issue.</p>	<p>Soils do not appear to be a constraining factor on most sites in Springfield. The City Code provides special development and engineering standards to protect wetlands, flood plains, riparian corridors, wildlife areas, steep slopes and other sensitive areas.</p>
<p>Road transportation. All firms are heavily dependent upon surface transportation for efficient movement of goods, customers, and workers. Access to an adequate highway and arterial roadway network is needed for all industries. Close proximity to a highway or arterial roadway is critical for firms that generate a large volume of truck or auto trips or for firms that rely on visibility from passing traffic to help generate business. This need for proximity explains much of the highway strip development prevalent in urban areas today.</p>	<p>Businesses in Springfield have access to I-5, Highway 126, Highway 99 (in Eugene), and Highway 58.</p> <p>The Gateway area is highly visible from I-5. Springfield also has a well-developed street network within the City. The City may need to work with large businesses to increase automotive capacity in newly developed areas or in areas where the intensity of employment uses increase substantially.</p>

Site Attribute	Comments about these site attributes in Springfield
<p>Rail transportation. Rail access can be very important to certain types of heavy industries. The region has good rail access to many industrial sites.</p>	<p>Springfield is served by multiple Union Pacific rail lines. There are two primary junctions in Springfield: (1) the Springfield Junction is located in the Glenwood area in Southwest Springfield and (2) the Mohawk Junction is near the city's southern boundary, near 25th St.</p>
<p>Air transportation. Proximity to air transportation is important for some firms engaged in manufacturing, finance, or business services.</p>	<p>Springfield is located 15 miles from the Eugene Airport.</p>
<p>Transit. Transit access is important for Springfield's target industries, especially those with many employees and customers and for businesses that employ and serve segments of the population without access to an automobile.</p>	<p>Springfield has access to transit through the Lane Transit District (LTD). There are multiple bus lines that run throughout Springfield and multiple buses that connect Springfield and Eugene. The first two lines of the EmX bus rapid transit system serves existing employment nodes in Glenwood, Downtown and RiverBend/Gateway. Additional Frequent Transit Network (FTN) routes are identified in the Regional Transportation Plan and are being planned for the Main Street Corridor.</p>
<p>Pedestrian and bicycle facilities. The ability for workers to access amenities and support services such as shopping, entertainment and recreation areas by foot or bike is increasingly important to employers, particularly those with high-wage professional jobs. The need for safe and efficient bicycle and pedestrian networks will prove their importance over time as support services and neighborhoods are developed adjacent to employment centers.</p>	<p>Springfield has pedestrian and bicycle facilities. Springfield last updated the City Bicycle Plan in 1998. The plan proposes expansion of bicycle facilities to improve bicycle connectivity throughout the City and to neighboring communities.</p> <p>People in Springfield are able to use bicycle facilities for commuting if they live and work in areas of the City that have bicycle infrastructure. Commuting via pedestrian facilities may be more limited to people who live near their work.</p> <p>Springfield's pedestrian and bicycle facilities can be used on conjunction with LTD buses to provide opportunities for alternative methods of commuting for people that live further from work.</p>
<p>Labor force. Firms are looking at reducing their workforce risk, that is, employers want to be assured of an adequate labor pool with the skills and qualities most attractive to that industry. Communities can address this concern with adequate education and training of its populace. Firms also review turnover rates, productivity levels, types and amount of skilled workers for their industry in the area, management recruitment, and other labor force issues in a potential site area.</p>	<p>Commuting patterns within Springfield suggest that businesses in Springfield have access to the workforce of the Eugene-Springfield Region.</p> <p>Firms in Springfield will need employees with a range of skills, from people with customer service skills to highly educated professionals. Some types of skills that employers may need include: management skills, technology, manufacturing (e.g., machinist or wood-working), a range of medical training, creative skills, and other skills or education. The educational and skill requirements of businesses in Springfield are likely to be similar to the needs of businesses throughout the Eugene-Springfield Region.</p>

Site Attribute	Comments about these site attributes in Springfield
<p>Amenities. According to the International Economic Development Council,⁷⁹ attracting and retaining skilled workers requires that firms seek out places offering a high quality of life that is vibrant and exciting for a wide range of people and lifestyles.</p>	<p>Springfield offers access to outdoor amenities. Many urban amenities are available in Springfield and Eugene.</p>
<p>Fiber optics and telephone. Most, if not all industries expect access to multiple phone lines, a full range of telecommunication services, and high-speed internet communications.</p>	<p>Springfield has access to high-speed telecommunications facilities.</p>
<p>Potable water. Potable water needs range from domestic levels to 1,000,000 gallons or more per day for some manufacturing firms. However, emerging technologies are allowing manufacturers to rely on recycled water with limited on-site water storage and filter treatment. The demand for water for fire suppression also varies widely.</p>	<p>Springfield has sufficient potable water to meet current and expected needs.</p>
<p>Power requirements. Electricity power requirements range from redundant (uninterrupted, multi-sourced supply) 115 kva to 230 kva. Average daily power demand (as measured in kilowatt hours) generally ranges from approximately 5,000 kwh for small business service operations to 30,000 kwh for very large manufacturing operations. The highest power requirements are associated with manufacturing firms, particularly fabricated metal and electronics. For comparison, the typical household requires 2,500 kwh per day.</p>	<p>Springfield has access to sufficient power supply to accommodate most commercial and industrial users.</p>
<p>Land use buffers. According to the public officials and developers/brokers ECO has interviewed, industrial areas have operational characteristics that do not blend as well with residential land uses as they do with Office and Commercial areas. Generally, as the function of industrial use intensifies (e.g., heavy manufacturing) so too does the importance of buffering to mitigate impacts of noise, odors, traffic, and 24-hour 7-day week operations. Adequate buffers may consist of vegetation, landscaped swales, roadways, and public use parks/recreation areas. Depending upon the industrial use and site topography, site buffers range from approximately 50 to 100 feet. Selected commercial office, retail, lodging and mixed use (e.g., apartments or office over retail) activities are becoming acceptable adjacent uses to some light industrial areas.</p>	<p>Springfield's employment sites are generally located in areas where employment is compatible with other development. In areas where employment is not directly compatible with adjacent uses, the City may require buffers between incompatible uses.</p>

⁷⁹ International Economic Development Council. "Economic Development Reference Guide," <http://www.iedconline.org/hotlinks/SiteSel.html>. 10/25/02.

Table C-6 through Table C-11 present information from a range of sources about site needs of businesses that either considered locating in Oregon (including in the Eugene-Springfield area) or are in Springfield's target industries. The examples of site needs of these businesses illustrate that businesses have a wide range of need for site size, location, and characteristics based on the business's individual operational needs. The site needs of businesses vary from business to business, even within the same industry. As a result, one business's site needs may be different and potentially even conflicting with another business's site needs.

One of the key factors that businesses consider when making decisions about where to locate is the availability of vacant, large, and flat parcels of land. Table C-6 shows examples of traded-sector firms that considered locating in Oregon and Southern Washington between 1997 and 2010. Table C-6 shows that firms looking for office or flex space⁸⁰ required sites from 30 acres up to more than 100 acres. Warehouse and distribution firms looked for sites between about 50 and 200 acres. Manufacturing firms required sites from 25 acres to 250 acres in size.

These firms worked with Business Oregon to find suitable sites in Oregon. Some of the firms chose to locate in Oregon and some chose to locate elsewhere. One of the factors that influenced decisions to locate elsewhere was availability of large parcels of land with infrastructure services (e.g., transportation access, wastewater, etc.).

⁸⁰ Flex space is buildings that could be used for light industrial, office space, or both. Flex space typically has less costly finishing and improvements, such as having bare concrete floors rather than carpet. Businesses that sometimes occupy flex space include plumbing or electrical contractors, computer technology companies such as internet service providers or some software businesses, or service firms that prefer a more "industrial" feeling to their office space, such as some architecture firms.

Table C-6. Examples of firms that considered locating in Oregon and Southern Washington between 1997 and 2010

Type of business	General Location Considered	Site size (acres)	Building Size (square feet)	Located in Oregon ?
Office or Flex space				
Private technology firm	Northern Oregon I-5	100+	1 msf	
Facebook Data Center	Prineville	118	147,000 sf	Yes
Siltronics	Portland Harbor	35		
Nautilus	Vancouver	35	489,000	Yes
Google Data Center	The Dalles	30		Yes
Warehouse and Distribution				
Lowe's	Lebanon	204	1.3 to 2.2 msf	Yes
NOAH-PepsiCo	Albany	204	2.5 msf	No
Wal-Mart	Hermiston	200	1.3 msf	Yes
Target	Albany	175	1.3 msf	Yes
Fed Ex	Troutdale	78	500,000 sf	Yes
Dollar-Tree	Ridgefield, Wa	75	800,000 sf	
Home Depot	Salem	50 to 100	400,000+	Yes
Manufacturing				
Apricus	Northern Oregon	250	Very large	No
Navitas	Oregon	150 to 200		No
Pacific Ethanol	Boardman	137		Yes
SolarWorld	Hillsboro	75	1 msf	Yes
Schott Solar	I-5 corridor	50+	up to 800,000 sf	No
Genentech	Hillsboro	50	500,000 sf	Yes
Amy's Kitchen	White City	50		Yes
Sanyo Solar	Salem	25	150,000 sf	Yes
Spectrawatt	Hillsboro	25	225,000 sf	No

Source: Business Oregon

Table C-7 provides examples of businesses that considered locating in the Eugene-Springfield area between 2008 and 2013. These businesses all required sites at least 10 acres in size.

Table C-7. Examples of manufacturing and other businesses that considered locating in the Eugene-Springfield area between 2008 and 2013

Industry	Site size	Other information about site needs	Est. number of jobs	Year
Life science and biopharmaceutical manufacturing	60 acres	400,000 sq. ft. building Rectangular configuration and flat topography Avoid proximity to heavy industry, < 5 miles to highway	1,000	
Solar module manufacturing	10 to 20 acres	Existing bldg. 210,000 sq ft	434	2013
Manufacturing	15 to 25 acres and proximity to 40-100 acre site for expansion	120,000 sq. ft. building + 150,000 support space Flat and rectangular site configuration Close proximity to highway	150-200 up to 2,000	2008
MIT Solar Grade Silicon	30-40 acres		350	2008
Manufacturing	200 to 400 acres		347	2013
Manufacture and assembly of solar energy chemicals	65 acres	Build new	300	2009
Food processing and distribution	Needs at least 30 acres + more for expansion	300,000 sq. ft. w potential to expand Rectangular configuration Within 10 miles of highway Prefer a business park with compatible industries, buffered from commercial and residential areas, aesthetics of site important, visibility not required	215	2013
Manufacturing	25 acres	350-400,000 sq. ft. w/ 25 acres	135	2013
Lithium- ion batteries manufacturing	10 to 12 acres	200-300,000 sq. ft	124 up to 350	2009
High tech manufacturing		50,00 sq. ft. bldg. w outside storage	80-100	2013
Musical instrument manufacturer		100,000 sq. ft. bldg. with highway access	50 up to 350	2013
Chemical and plastic manufacturing	20 to 25 acres	Rectangular shaped site	50	2013
Data Center	20 acres or more	200,000-400,000 sq. ft. bldg.	25	2013
Aquaculture	10 to 25 acres	Two water sources	25	2013
Manufacturing	15 to 20 acres	Access to rail		2013
Food processing and warehouse		80-100,000 sq. ft. manufacturing facility 150-200,000 Sq. ft. warehouse Pref rail access		

Source: City of Springfield based on information from Business Oregon, Lane Metro Partnerships, and City of Springfield business contacts

Tables C-6 and C-7 provide examples of businesses that considered locating in Oregon and in Springfield. Business Oregon is the State agency that recruits businesses to Oregon, including the Eugene-Springfield area. Table C-8 presents information from Business Oregon about the characteristics that businesses similar to Springfield's target industries are seeking on employment sites larger than 10 acres. The matrix describes the site characteristics necessary to make a site competitive for by the industries shown in Table C-8, including site sizes that would meet selection requirements of the majority of industries in the listed industry sectors.

Table C-8. Industrial Development Competitiveness Matrix

Industry Sector	Site size* (Acres)	Site topography (Slope)	Site Access		Utilities (Min. line size in inches)	Special Considerations
			Max distance in miles to interstate or major arterial	Water / Sanitary Sewer		
Regionally to Nationally Scaled Clean-Tech Manufacturer	50	0-5%	10		10 / 10	Acreage allotment includes Expansion space (often an exercisable option). Very high utility volumes in one or more areas common. Sensitive to nearby uses.
Globally Scaled Clean Technology Campus	100	0-5%	10		10 / 10	Demanding criteria-driven site selection. High material and visitor throughput. Major Commercial Airport a must. Redundancy in trip routes and utilities vital. Surrounding Environmental (vibration, noise, etc.) Buffering and expansion space necessary. Sensitive to encroachment activities of nearby uses (residential, institutional, commercial).
Heavy Industrial/ Manufacturing	25	0-5%	10		8 / 8	Adequate distance from sensitive land uses (residential, parks, large retail centers) necessary. High throughput of materials. Large yard spaces and/or buffering required. Often transportation related requiring marine/rail links.
General Manufacturing	10	0-5%	20		8 / 8	Adequate distance from sensitive land uses(residential, parks) necessary.
Food Processing	20	0-5%	30		10 / 10	May require high volume/supply of water and sanitary sewer treatment. Often needs substantial storage/yard space for input storage. On-site water pretreatment needed in many instances.
High-tech Manufacturing or Campus Industrial	25	0-7%	15		10 / 10	Surrounding environment of great concern (vibration, noise, air quality, etc.). Increased setbacks may be required and/or on-site utility service areas. Avoid sites close to wastewater treatment plants, landfills, sewage lagoons, and other such land uses. May require high volume/supply of water and sanitary sewer treatment.
Regional (multistate) Distribution Center	200	0-5%	5 Only Interstate highway or equivalent		4 / 4	Transportation routing and proximity to/from major highways is crucial. Expansion options required. Truck staging requirements mandatory. Does not like to site or have routing issues between site and interstate that have rail crossings, school zones, airport runways, or drawbridges
Warehouse/Distribution	25	0-5%	5 Only Interstate highway or equivalent		4 / 4	Transportation infrastructure such as roads and bridges to/from major highways is most competitive factor.

Source: Business Oregon

*Note: Site size is the competitive acreage that would meet the site selection requirements of the majority of industries in this sector.

Table C-9 and Table C-10 present analysis from excerpted from the “Industry Intelligence” report developed for the City of Springfield by Tadzo.⁸¹ The report provides information about the range of site size needs for some of Springfield’s target industries.

Table C-9 shows that Springfield’s manufacturing target industries generally need sites at least 10 acres for a 100,000 square foot building and need sites 45 to 60 acres for a 500,000 square foot building. These site sizes are consistent with the sizes of sites and buildings needed by manufacturing firms that considered locating in Springfield since 2008 (see Table C-7). These types of manufacturing uses are likely to locate in districts that allow light industrial and campus industrial uses, possibly mixing with large-scale office employment uses.

Table C-9. Manufacturing site needs, Springfield, selected target industries

	<i>Minimum Acreage Needs²</i>			Building Type	Building Layout	Comments
	100,000 s.f. bldg.	200,000 s.f. bldg.	500,000 s.f. bldg.			
Medical Equipment Mfg	10	20	50	Light Manufacturing	Rectangular	Acreage needed to account for storm water drainage; green space; employee parking and truck movement.
High Tech Electronics Mfg	9	18	45	Light Manufacturing	Rectangular	Acreage needed to account for storm water drainage; green space; employee parking and truck movement. High tech manufacturing is typically more automated, thus requiring less employee parking than food processing or other manufacturing.
Recreational Equipment	10	20	50	Light Manufacturing	Rectangular or Square	Acreage needed to account for storm water drainage; green space; employee parking and truck movement. Early-stage operations for start-up operations are often housed in square building layouts and advance to more automated assembly lines as the company grows in product offerings and technology. Currently there is a growing trend for reshoring of recreational equipment manufacturing to boast USA branding. Also wages in China and India are steadily rising so the cost advantages are reducing.
Wood Furniture	12	24	60	Light Manufacturing	Rectangular or Square	The wood furniture manufacturing process is often completed in pods due to craftsman nature of operations versus large assembly lines. Outside storage of input goods is a typical siting criterion that contributes to larger acreage demands. Finished goods are typically large, requiring larger warehouse space as part of the operations.
Specialty Food Processing	10	20	50	Food Grade Mfg	Rectangular	Acreage needed to account for buffer from other operations is critical for protecting food quality. Acreage needed also encompasses storm water drainage; green space; waste water pre-treatment operations; parking and truck movement. Additionally, food processors typically desire extra acreage to plan for expansions adjacent to facility.

Source: “Industry Intelligence” report developed for the City of Springfield by Tadzo, November 21, 2014

⁸¹ Tadzo is a Washington State-based firm that specializes in economic development and site selection.

Table C-10 shows that target industries in office sectors need sites less than 5 acres for a building of 50,000 square foot or less. Larger office site needs range from about 10 acres for a 100,000 square foot building to 20 or more acres for a 200,000 square foot building. Office uses on sites larger than 10 acres are likely to occur in a range of zones, including commercial, mixed use, or a mixed employment zone (with compatible light industrial uses).

Table C-10. Office site needs, Springfield, selected target industries

	<i>Minimum Acreage Needs</i>				Building Type	Building Layout	Comments
	20,000 s.f. bldg.	50,000 s.f. bldg.	100,000 s.f. bldg.	200,000 s.f. bldg.			
Back Office	2-3	4-6	8-12	16-24	Urban Office ≤ 50,000 s.f. building	Single story	Typical urban office setting is utilized for back office operation via reuse of retail facilities that offer one-story building with open floor plan. Campus style office will be important for larger operations and more prestigious companies.
					Campus Style Office ≥ 50,000 s.f. building		Acreage needed to account for storm water drainage; green space; and employee parking. Employee density can be high so employee parking can be much higher than other office operations.
Headquarters	2	5	10	20	Urban Office ≤ 50,000 s.f. building	1 to 4 story buildings typical for Oregon outside of Portland. Urban office space could be part of mixed-used development.	Urban office may be adequate for small headquarter operations. Significant North American headquarters as well as major corporate headquarters will likely prefer campus style office with integrated amenities on-site.
					Campus Style Office ≥ 50,000 s.f. building		Acreage needed to account for storm water drainage; green space; and employee parking. Extensive green space that integrates the natural environment into building design is typically important for these operations, along with employee amenities for outside experiences such as trails/walking paths and break areas.
Professional/ Technical Services	2	5	10	20	Urban Office ≤ 50,000 s.f. building	1 to 4 story buildings typical for Oregon outside of Portland. Urban office space could be part of mixed-used development.	Urban office may be adequate although as campus style office develops, professional/technical services will want to locate in close proximity of customers.
					Suburban Multi-Tenant Office ≥ 50,000 s.f. office		Acreage needed to account for storm water drainage; green space; and employee parking. Extensive green space that integrates the natural environment into building design is typically important for these operations, along with employee amenities for outside experiences such as trails/walking paths and break areas.

Source: "Industry Intelligence" report developed for the City of Springfield by Tadzo, November 21, 2014

Businesses in Springfield’s target industries may consider locating within a business or industrial park. Table C-11 shows examples of business park sites in the Portland Metro area. Business parks in the Portland area generally range in size from 25 acres to 75 or 100 acres in size.

Table C-11. Examples of business park sites, Portland Metro area

Business Park	Site Acres	Building Square Feet
AmberGlen Business Center	72	572,685
AmberGlen East and West	44	536,000
Beaverton Creek	56	512,852
Columbia Commerce Park	31	562,888
Cornell Oaks Corporate Center	107	684,000
Creekside Corporate Park	50	615,113
Kruse Woods Corporate Center	76	1,652,105
Lincoln Center	22	728,770
Nimbus Corporate Park	47	688,632
Oregon Business Park 1	36	782,294
Oregon Business Park 3	35	501,029
PacTrust Business Center	40	570,539
Pacific Business Park (South)	26	340,864
Pacific Corporate Center	56	601,542
Parkside Business Center	52	687,829
Southshore Corporate Park	312	1,630,000
Tualatin Business Center I and II	33	383,305
Wilsonville Business Center	30	710,000
Woodside Corporate Park	37	579,845

Source: Metro UGR, Appendix 5 Multi-tenant (business park)/Large lot analysis

In addition, the Portland Metro area has the following types of major employment sites, which range from 25 to more than 500 acres.⁸² These provide examples of site needs of employers located on sites larger than 25 acres of the type included in Springfield’s target industries.

- **General industrial.** The Portland region has 21 general industrial major employment sites, ranging in size from 25 acres to 164 acres and averaging 53 acres. Firms on these sites range from beverage manufacturing to manufacturers of construction products to specialty manufacturing.
- **Warehouse and distribution.** The Portland region has 15 warehouse and distribution major employment sites, ranging in size from 25 acres to 452 acres and averaging 74 acres. Firms on these sites range from wholesalers to general warehouse and distribution to company-specific distributors.

⁸² These examples are documented in the Portland Metro 2009-2030 Urban Growth Report, Appendix 4

- **Flex.** The Portland region has 14 flex major employment sites, ranging in size from 25 acres to 522 acres and averaging 112 acres. Firms on these sites include small and large semiconductor manufacturing and other high tech manufacturing.
- **Office.** The Portland region has three office major employment sites, ranging in size from 44 acres to 123 acres and averaging 82 acres. Firms on these sites are generally high-tech businesses.
- **Institutional.** The Portland region has six medical major employment sites, ranging in size from 31 acres to 75 acres and averaging 54 acres.

LONG-TERM LAND AND SITE NEEDS

Table C-3, presented earlier in this appendix, discusses Springfield's forecast for employment by building type. The analysis of long-term site needs in Springfield builds off of the employment forecast for Springfield. Consistent with the requirements of OAR 660-009-0015(2), the site needs analysis presented in this section identifies the number of sites by broad category of site type and size reasonably expected to be needed for the 20-year planning period.

The steps to get from the employment forecast in Table C-3 to an estimate of needed sites are:

1. Determine the amount of employment that can be accommodated in non-employment plan designations based on historical development patterns and market trends. (See Table C-12)
2. Allocate new employment requiring land in employment designations⁸³ to sites ranging in size from less than 1 acre to greater than 20 acres. This allocation is based on historic employment patterns, discussed in Appendix A. (See Table C-13 and Table C-14)
3. Estimate the number of sites needed based on the employment forecast, historic development patterns, and infill and redevelopment potential. (See Table C-15)
4. Estimate the needed sites by site size and building type, using the range of sites identified in the previous step. (See Table C-16)

The remainder of this section is organized based on these steps.

⁸³ Not all new employment will require additional land in employment plan designations. Some employment growth will occur on land not designated for employment use (e.g., employment in residential and residential mixed use plan designations) and some employment growth will not require new commercial or industrial built space or land (e.g., new employment accommodated in existing built space).

Step 1: Determine amount of employment that can be accommodated in non-employment plan designations.

In 2006, approximately 16% of Springfield's employment was located in non-employment (predominantly residential) plan designations. Of this employment in non-employment plan designations, 2% was employment in industrial employment categories (such as a construction business run from a residence) and 14% was in commercial employment categories (such as neighborhood retail, doctor's offices, or home-based employment). Table A-9 and Map A-1 show the location of existing employment in Springfield.

Employment that does not require vacant land

Some employment will not require new land for development, including:

- 14% (1,918 employees) will locate on land designated for other uses (i.e., residential uses)
- 10% (1,344 new employees) will locate in existing built space

We assumed that a similar percentage of commercial employment (14% of new employment) would continue locating in non-employment designations. This assumption is reasonable because Springfield's plans call for integration of selected commercial uses in residential neighborhoods. In addition, telecommuting and working from home full-time is becoming more common and is likely to become more widely accepted over the next 20 years. We did not assume that additional industrial employment would locate in non-employment designations because these uses are relatively uncommon and Springfield's development policies do not actively encourage location of industrial employment in residential neighborhoods.

Table C-12 shows employment growth by the employment location. Table C-12 makes two assumptions that decrease land needed for new employment:

- **Some commercial employment growth will occur on land not designated for employment use.** Currently, 14% of commercial employment occurs within non-employment zones, predominantly in residential zones. These types of employment uses generally include neighborhood markets, medical offices, small restaurants, and home offices. ECO assumes that this trend will continue based on Springfield's development policies and the increasing acceptance of telecommuting and working from home.
- **Some employment growth will not require new commercial or industrial built space or land.** Some employment growth will be accommodated on existing developed or redeveloped land, such as a business occupying a vacant building or when an existing firm adds employees without expanding space.

Between 2003 and 2009, vacancy rates of commercial and

industrial buildings in the Eugene-Springfield region varied from a vacancy rate of about 1% (in 2006) to about 7% (in 2009). Vacancy rates in Springfield were generally similar, except that Springfield had a higher vacancy rate for industrial buildings (about 8%) between 2003 and 2005.^{84 85}

This analysis only accounts for vacant space in buildings and does not account for businesses adding employees to an existing space, such as adding a new desk in an existing office without expansion. Although space per employee fluctuates with changes in the economy because it is easier to layoff employees than to downsize office space, the amount of space allocated to office employees has been shrinking since 2000, when the national average amount of space per employee was about 200 square feet. By 2007 to 2009, the average space decreased to between 194 to 196 square feet per employee.⁸⁶

ECO assumed that employment would be accommodated in existing commercial and industrial space through filling vacant built space and through increases in efficient use of work space. ECO assumed that 10% of new employment will be accommodated in existing commercial or industrial built space, both through filling vacant built space and through increasing efficient use of existing work space.

Using these assumptions, Springfield will need to provide land for approximately 10,178 new employees between 2010 and 2030.

⁸⁴ This analysis is based on Co-Star data for the City of Springfield and the Eugene-Springfield region combined.

⁸⁵ During the recent recession, vacancy rates in the Eugene-Springfield region increased in 2009 and peaked around 7%, with industrial vacancy peaking at about 11%.

⁸⁶ This analysis is based on CoStar data and documented in an article on NAIOP, the Commercial Real Estate Development Association website. <http://www.naiop.org/en/Magazine/2015/Spring-2015/Business-Trends/Trends-in-Square-Feet-per-Office-Employee.aspx>

Table C-12. New employment locations, including employment locating in non-employment plan designations in existing built space, or on new land, Springfield, 2030

Type	New Employment	Employment Location		
		Non-employment designations	Existing Com. & Ind. Built Space	Employment on New Land
Industrial				
Warehousing & Distribution	389	0	39	350
General Industrial	1,066	0	107	959
Commercial				
Office	4,713	754	471	3,488
Retail	2,043	327	204	1,512
Other Services	5,229	837	523	3,869
Total	13,440	1,918	1,344	10,178

Source: ECONorthwest

Step 2. Allocate new employment requiring land in employment designations to sites by site size.

Determining Springfield's site needs requires distributing employment to a range of site sizes, ranging from small sites (less than 1 acre and 1 to 2 acre sites) to large sites (20 acres and larger). Table C-13 shows the distribution of employees by building type and site size in non-residential plan designations in Springfield in 2006. About 22% of Springfield's employment is on sites 5 to 20 acres, 21% is on sites of less than 1-acre, and 33% is on sites larger than 20 acres.

Table C-13. Percent of employees by building type and site sizes, Springfield, 2006

Building Type	Site Size (acres)					Total Employees
	Less than 1	1 to 2	2 to 5	5 to 20	20 and Larger	
Warehousing & Distribution	13%	6%	3%	63%	15%	100%
General Industrial	15%	17%	17%	18%	34%	100%
Office	28%	14%	15%	23%	20%	100%
Retail	29%	13%	11%	18%	28%	100%
Other Services	9%	4%	8%	5%	74%	100%
Total	21%	12%	12%	22%	33%	100%

Source: ECONorthwest based on QCEW data

Note: Total Employees may not add to 100% as a result of rounding.

The percent of employees by building type and site size was calculated based on the number of employees in each building type and site size categories using QCEW data and City of Springfield tax lot data.

Table C-14 distributes employees (shown in Table C-12) based on the historic distribution of employment by site size and building type shown in Table C-13. In other words, the analysis assumes that future employment will require similar site sizes as current firms. For example, 21% of employment will locate on sites less than 1 acre.

Table C-14. Forecast of growth employment by building type and site size, Springfield, 2010 to 2030

Building Type	Site Size (acres)					Total Employees
	Less than 1	1 to 2	2 to 5	5 to 20	20 and Larger	
Warehousing & Distribution	46	21	9	221	53	350
General Industrial	141	161	167	168	322	959
Office	1,024	448	400	645	970	3,488
Retail	143	65	116	76	1,111	1,512
Other Services	817	451	460	869	1,271	3,869
Total	2,171	1,148	1,153	1,979	3,728	10,178

Source: ECONorthwest

Note: The number of employees by site size may not add to the total shown in Table C-14 as a result of rounding in the calculation of number of employees.

Step 3: Estimate the number of sites needed based on the employment forecast, historic development patterns, and infill and redevelopment potential.

Table C-15 shows the range of sites needed by site size and building type in Springfield in 2030. The table uses information the following information to determine the range of site needs:

- **Total employment** is employment by site size from Table C-14.
- **Average employees per firm** is based on analysis of the average number of employees per firm by site size in Springfield in 2006.
- **Needed sites based on historic employment patterns** estimates the number of sites needed by dividing the total employment by average number of employees per firm. This calculation provides an estimate of the number of sites needed based on historical data. Table C-15 does not take into account redevelopment potential of existing sites, which is addressed through analysis in the buildable lands inventory in Chapter 2.

Table C-15. Needed sites by site size and building type, Springfield, 2010 to 2030 *

	Site Size (acres)					Total
	Less than 1	1 to 2	2 to 5	5 to 20	20 and Larger	
Total Employment	2,171	1,148	1,153	1,979	3,728	10,178
Average Employees per Firm	12	30	39	101	908	
Needed Sites based on historic employment patterns	181	38	30	20	4	273

Source: ECONorthwest

*Note: Table C-15 calculates total number of needed sites by size and type and does not factor in number of needed sites that assumed to be provided through vacant land or on potentially redevelopable sites. Redevelopment potential of existing sites is addressed through analysis in the buildable lands inventory in Chapter 2, in Table 2-12.

Step 4: Estimate the needed sites by site size and building type, using the range of sites identified in the previous step.

Table C-16 presents an estimate of needed sites by site size and type of building. The results show that Springfield needs approximately 273 sites. Most sites are small, 2 acres or less. Springfield needs approximately 4 sites larger than 20 acres.

Table C-16. Estimated needed sites by site size and building type, Springfield, 2010 to 2030*

	Site Size (acres)					Total
	Less than 1	1 to 2	2 to 5	5 to 20	20 and Larger	
Warehousing & Distribution	2	2	3	4	1	12
General Industrial	5	5	4	8	2	24
Office	75	12	13	4	1	105
Retail	55	10	6	2		73
Other Services	44	9	4	2		59
Total	181	38	30	20	4	273

Source: ECONorthwest

*Note: Table C-16 calculates total number of needed sites by size and type and does not factor in number of needed sites that assumed to be provided through vacant land or on potentially redevelopable sites. Redevelopment potential of existing sites is addressed through analysis in the buildable lands inventory in Chapter 2, in Table 2-12.

The implication of Table C-16 is that Springfield will continue to need sites in a range of site sizes, consistent with the City's established development patterns. While much of Springfield's employment will locate on sites smaller than 5 acres, 22% of employment will locate in sites 5 to 20 acres and 33% of new employment will locate on sites 20 acres and larger.

The identified site needs shown in Table C-16 do not distinguish sites by comprehensive plan designation. This study assumes employment will continue to locate on land designated for industrial and other employment uses, as identified on Table 4-2.

Springfield Economic Development Objectives and Strategies

Appendix D

This appendix presents the memorandum that describes Springfield's Economic Development Objectives and Strategies.

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October 15, 2008

TO: Springfield City Council & Planning Commission
FROM: Bob Parker and Beth Goodman
SUBJECT: ECONOMIC DEVELOPMENT OBJECTIVES AND IMPLEMENTATION STRATEGIES

The City of Springfield is conducting a Commercial Industrial Buildable Land Needs analysis. Broadly, the project has three components: (1) a buildable lands inventory; (2) an economic opportunities analysis; and (3) an economic development strategy. All of these elements are required to comply with statewide planning Goal 9 and the Goal 9 rule (OAR 660-009). The economic development strategy builds from previous work by the City and will be used to guide development of land-use policies to implement the City's economic development vision.

Economic development policies may address a range of outcomes, from policies to attract firms or retain existing firms to policies to improve or maintain quality of life. The economic development strategy presented in this memorandum was developed in support of the EOA and is designed to meet the requirements of Goal 9. As a result, the economic development strategy focuses on land-use issues, without addressing broader economic development strategies such as labor force education that may also be a priority to the City and residents of Springfield.

The economic development strategy is the result of input from multiple sources:

- **City Council and Planning Commission.** At joint worksessions in June 2008, decisionmakers provided guidance on economic development objectives for Springfield.
- **Commercial Industrial Buildable Lands Stakeholder Committee.** The Stakeholder Committee provided input on the economic development objectives suggested by decisionmakers and suggested implementation strategies for each objective.
- **Community Development Survey.** The City administered an on-line survey about community development issues.
- **Visioning Workshops.** The City of Springfield held two community workshops to discuss community development issues.
- **Springfield Economic Development Plan.** The City of Springfield completed a draft Economic Development Plan, dated April 13, 2006. The Economic Development Plan addresses a range of economic development issues, including (but not limited to) land-use planning for economic growth.

ORGANIZATION OF THIS MEMORANDUM

The remainder of the memorandum is organized as follows:

- **Public Opinions about Economic Development Summarizes** selected results from the on-line community development survey and the public workshops.
- **Framework for Understanding Economic Development Policies and Actions** provides an overview of economic development issues and types of economic development policies and strategies that municipalities can adopt to achieve various economic development goals.
- **Economic Development Strategies and Implementation Steps** for Springfield presents objectives and strategies related to land-use to implement the City's economic development goals.
- **Appendix A: Metro Plan Economic Element** presents the economic goal, findings, objectives and policies from the Metro Plan to provide context about existing regional economic development policies.

PUBLIC OPINIONS ABOUT ECONOMIC DEVELOPMENT

While the analysis required to meet Goal 9 emphasizes market conditions and local productive factors as the primary determinant of potential economic growth, Oregon's Statewide Planning Goals also recognize a role for local governments and citizens to express their desire for the level and type of economic growth in their community. The desires of a city are formally stated in its adopted Comprehensive Plan, economic development plans, and refinement plans. Development of these plans always includes opportunities for public comment and plans are adopted by elected bodies, so these plans collectively represent the community economic development vision.

The 2004 Update of the Eugene-Springfield Metropolitan Area General Plan includes an economic element that articulates the region's economic goals and objectives (presented in Appendix A). The Metro Plan lists a single economic development goal:

Broaden, improve, and diversify the metropolitan economy while maintaining or enhancing the environment.

The range of views by individual citizens, however, is more diverse than the consensus represented in adopted plans. This project included two public workshops and an online survey to solicit citizen's views on economic opportunities in Springfield, issues affecting economic development, and potential policies to address these issues. This section summarizes the views expressed at the public workshop and in the online survey.

RESULTS OF THE ONLINE SURVEY

As a part of this project, ECONorthwest developed and implemented an online survey from April 4, 2008 through May 27, 2008. The intent of the survey was to collect anecdotal information on the opinions and preferences of survey respondents on a variety of community

development issues ranging from pace of growth to the importance of amenities and issues to opinions about broad economic development policies. Following is a summary of the key findings from the survey. The survey had 214 respondents, with 186 respondents completing the entire survey, nearly three-quarters of whom lived inside the Springfield Urban Growth Boundary (UGB).

- A majority of survey respondents (60%) think that Springfield is a better place to live than it was 10 years ago. Respondents identified a broad range of reasons. Some frequently mentioned reasons were new businesses, newer, more vibrant buildings, an improved downtown, and the EmX.
- About 66% of respondents felt the rate of growth was “about right,” while about 18% indicated it is “too fast.” The remaining 16% of respondents thought that growth was too slow (10%) or did not have an opinion (6%).
- About 76% of respondents felt that the city should “manage growth” as opposed to limited growth or pursuing faster rates of growth. About 78% of respondents thought that Springfield should manage growth by targeting specific types of employers.
- Respondents identified the following three land-use issues as the top problems in Springfield: (1) availability of family wage jobs; (2) development on steep slopes and in floodplains; and (3) availability of affordable housing.
- A majority of respondents felt that redevelopment is a high priority in Downtown (71%) and in Glenwood (63%).
- A majority of respondents support economic development policies that increase economic activity, including policies to recruit new businesses and retain existing businesses.
- About 85% of respondents supported policies to maintain Springfield’s existing environmental quality.

RESULTS OF PUBLIC WORKSHOP

The City of Springfield held two community workshops to discuss community development issues, one on May 20, 2008 and one on July 31, 2008. The intent of the workshops was to collect anecdotal information on the opinions and preferences about community issues. At the workshops, small groups formed to discuss issues of concern for developing Springfield’s economy. The City summarized the results of each group’s discussion. This section summarizes the themes discussed the workshops.

Table 1. Summary of input from the Springfield Economic Development Workshop

Category	Issues and themes
Jobs and the economy	Attract businesses that provide stable, living or family wage jobs that provide benefits Recruit businesses that provide green or sustainable products Lower the costs of doing business in the City, such as system development charges and permitting fees Attract businesses to the City through the use of enterprise zones
Sustainability and the environment	Balance environmental protection and greenfield development Encourage green building practices for new development Capitalize on opportunities to increase walkability and bicycling
Land use and zoning	Balance the use of developing green-fields with redeveloping existing land and emphasizing infill Encourage more efficient land uses, including higher density development where appropriate Promote nodal development and mixed-use development, especially in downtown Provide opportunities for high quality development along the riverfront Reevaluate allowable uses, especially near schools Consider parking and transportation needs when planning for new uses, especially in downtown
Redevelopment	Focus on redevelopment in downtown and Glenwood. Revitalize downtown through redevelopment and rehabilitation of old buildings Promote re-use of vacant buildings in downtown Keep a historical perspective when considering redevelopment

Source: Springfield economic development workshops, May 20, 2008 and July 31, 2008

FRAMEWORK FOR UNDERSTANDING ECONOMIC DEVELOPMENT POLICIES AND ACTIONS

A wide range of economic development policies and actions are available to cities that can affect the level and type of economic development in their community. To affect economic development, any policy or action must affect a factor of production that influence business locations and job growth. In brief, the factors that have the most impact on business locations and job growth are:

- Labor
- Land
- Local Infrastructure
- Access to markets and materials
- Agglomerative economies (clusters)
- Quality of life
- Entrepreneurship

The supply, cost, and quality of any of these factors obviously depend on national and global market forces that local government has no influence over. But they also depend on public policy, which can generally affect these factors of production through:

- Planning
- Regulation
- Provision of public services
- Taxes
- Incentives

The location decisions of businesses are primarily based on the availability and cost of labor, transportation, raw materials, and capital. The availability and cost of these production factors are usually similar within a region. Most economic development strategies available to local governments only indirectly affect the cost and quality of these primary location factors.

Local governments can most directly affect tax rates (within the bounds of Measures 5 and 50), the cost to businesses and quality of public services, and regulatory policies. Economists generally agree that these factors do affect economic development, but the effects on economic development are modest. Thus, most of the strategies available to local governments have only a modest affect on the level and type of economic development in the community.

Local governments in Oregon also play a central role in the provision of buildable land through inclusion in the Urban Growth Boundary, plan designation, zoning, and provision of public services. Obviously, businesses need buildable land to locate or expand in a community. Providing buildable land alone is not sufficient to guarantee economic development in a community—market conditions must create demand for this land, and local factors of production must be favorable for business activity. The provision of buildable land is one of the most direct ways that the City of Springfield can affect the level and type of economic development in the community.

POTENTIAL ECONOMIC DEVELOPMENT POLICIES AND ACTIONS

A broad range of policies and actions are available to cities in achieving local economic development objectives. The effectiveness of any individual tool or combination of tools depends on the specific objectives the municipality wants to achieve. In short, local strategies should be customized not only to meet locally defined objectives, but to recognize economic opportunities and limitations (as defined in the Economic Opportunity Analysis (EOA)). Positive outcomes are not guaranteed: even good programs can result in limited or modest results.

Table 2 identifies a range of potential economic development strategies that the City of Springfield could consider implementing. These strategies range from those closely associated with the basic functions of government (provision of buildable land and public services) to those sometimes viewed as outside the primary functions of government (such as financial incentives and business assistance). The actual policies and actions adopted by the City of Springfield will depend on the specific economic development issues and the role of the City in economic development in the community.

Table 2. Range of potential economic development strategies

Category/Policy	Description
Land Use	
	Policies regarding the amount and location of available land and allowed uses.
Provide adequate supply of land	Provide an adequate supply of development sites to accommodate anticipated employment growth with the public and private services, sizes, zoning, and other characteristics needed by firms likely to locate in Springfield.
Increase the efficiency of the permitting process and simplify city land-use policies	Take actions to reduce costs and time for development permits. Adopt development codes and land use plans that are clear and concise.
Public Services	
	Policies regarding the level and quality of public and private infrastructure and services.
Provide adequate infrastructure to support employment growth	Provide adequate public services (i.e. roads, transportation, water, and sewer) and take action to assure adequate private utilities (i.e. electricity and communications) are provided to existing businesses and development sites.
Focused public investment	Provide public and private infrastructure to identified development or redevelopment sites.
Communications infrastructure	Actions to provide high-speed communication infrastructure, such as developing a local fiber optic network.
Business Assistance	
	Policies to assist existing businesses and attract new businesses.
Business retention and growth	Targeted assistance to businesses facing financial difficulty or thinking of moving out of the community. Assistance would vary depending on a given business' problems and could range from business loans to upgrades in infrastructure to assistance in finding a new location within the community.
Recruitment and marketing	Establish a program to market the community as a location for business in general, and target relocating firms to diversify and strengthen the local economy. Take steps to provide readily available development sites, an efficient permitting process, well-trained workforce, and perception of high quality of life.
Development districts (enterprise zones, renewal districts, etc.)	Establish districts with tax abatements, loans, assist with infrastructure, reduced regulation, or other incentives available to businesses in the district that meet specified criteria and help achieve community goals.
Business clusters	Help develop business clusters through business recruitment and business retention policies. Encourage siting of businesses to provide shared services to the business clusters, including retail and commercial services.
Public/private partnerships	Make public land or facilities available, public lease commitment in proposed development, provide parking, and other support services.
Financial assistance	Tax abatement, waivers, loans, grants, and financing for firms meeting specified criteria. Can be targeted as desired to support goal such as recruitment, retention, expansion, family-wage jobs, or sustainable industry.
Business incubators	Help develop low-cost space for use by new and expanding firms with shared office services, access to equipment, networking opportunities, and business development information. Designate land for live-work opportunities.
Mentoring and advice	Provide low-cost mentors and advice for local small businesses in the area of management, marketing, accounting, financing, and other business skills.
Export promotion	Assist businesses in identifying and expanding into new products and export markets; represent local firms at trade shows and missions.

Category/Policy	Description
Workforce	Policies to improve the quality of the workforce available to local firms.
Job training	Create opportunities for training in general or implement training programs for specific jobs or specific population groups (i.e. dislocated workers).
Job access	Provide transit/shuttle service to bring workers to job sites.
Jobs/housing balance	Make land available for a variety of low-cost housing types for lower income households, ranging from single-family housing types to multifamily housing.
Other	
Regional collaboration	Coordinate economic development efforts with the County, the State, and local jurisdictions, utilities, and agencies so that clear and consistent policies are developed.
Quality of life	Maintain and enhance quality of life through good schools, cultural programs, recreational opportunities, adequate health care facilities, affordable housing, neighborhood protection, and environmental amenities.

Source: ECONorthwest.

ECONOMIC DEVELOPMENT STRATEGIES AND IMPLEMENTATION STEPS FOR SPRINGFIELD

The following economic development strategies for Springfield are based on five sources of information: (1) guidance on developing the strategies from the City Council and Planning Commission; (2) input from the Stakeholder Committee on the strategies and implementation steps; (3) public input on preferred types of growth and development strategies from the visioning survey and public workshops; (4) existing goals and strategies in the Economic Development Plan; and (5) the principles of economic development presented in the section above and Table 2.

Together these considerations suggest the following criteria and strategy for the City to support economic development in Springfield. The strategies and implementation steps suggested below are organized with objectives most related to land-use planning presented first. The objectives were proposed by Springfield's decisionmakers or through the Stakeholder group. The implementation strategies was developed by the Stakeholder group or taken from Springfield's draft Economic Development Plan.

Objective 1: Provide an adequate supply of sites of varying locations, configurations, and size, to accommodate industrial and other employment over the planning period.

The Economic Opportunities Analysis (EOA) identifies the size and characteristics of sites needed in Springfield for employment uses over the planning period. Using the site needs described in the EOA, the City should track employment land use trends and re-evaluate employment land needs in five to seven years. The City should always maintain an adequate supply of land for employment uses.

Suggested implementation steps:

- Provide land to meet the site characteristics and site sizes described in the EOA. These sites may include vacant, undeveloped land, partially developed sites with

potential for additional development through infill development, and redevelopable areas. The City can provide land in two ways: (1) increasing commercial and industrial land-use efficiency by promoting infill or redevelopment or (2) bringing new land into the urban growth boundary.

- Work with property owners and their representatives to ensure that prime development and redevelopment sites throughout the City and Urban Growth Boundary are known, aggregated, ready to develop, and marketed.
- Work with property owners and their representatives to ensure that prime development and redevelopment sites throughout the City and Urban Growth Boundary that are designated for employment use are preserved for future employment needs and are not subdivided or used for non-employment uses.
- Expand industrial site opportunities through rezoning and evaluating commercial, residential, and industrial land for the best economic return for the community through the process of Periodic Review of the Metro Plan, expanding the urban growth boundary, and other means (e.g., Transportation Growth Management Grants from the State of Oregon).
- Develop and implement a system to monitor the supply of commercial and industrial lands. This includes monitoring commercial and industrial development (through permits) as well as land consumption (e.g. development on vacant, or redevelopable lands).

Objective 2: Provide an adequate competitive short-term supply of suitable land to respond to economic development opportunities as they arise.

“Short-term supply” means suitable land that is ready for construction usually within one year of an application for a building permit or request for service extension. “Competitive Short-term Supply” means the short-term supply of land provides a range of site sizes and locations to accommodate the market needs of a variety of industrial and other employment uses.

Suggested implementation steps:

- Where possible, concentrate development on sites with existing infrastructure or on sites where infrastructure can be provided relatively easily and at a comparatively low cost.
- Work with the State to have sites certified as project-ready through the state’s certified Industrial Lands program.
- Track development of land in the short-term supply and replace developed land with undeveloped or redevelopable land with similar characteristics (e.g., location, size, topography, etc.) as the land that recently developed. The City may want to replenish the short-term supply of land on an annual basis or every two to three years.

Objective 3: Reserve sites over 20-acres for special developments and industries that require large sites.

There are comparatively few large sites relatively near to I-5 available for development in the Southern Willamette Valley and no sites with these characteristics in the Eugene-Springfield

area.¹ The City should preserve large sites, especially sites with access to I-5, to provide opportunities for development by industries that require large sites.

Suggested implementation steps:

- Designate land for industrial or business parks to provide opportunities for development of business clusters for related or complementary businesses.
- Develop policies that provide flexibility in the industrial or non-retail commercial use of land on large sites.

Objective 4: Provide adequate infrastructure efficiently and fairly.

Public infrastructure and services are a cornerstone of any economic development strategy. If roads, water, sewer, and other public facilities are unavailable or inadequate, industries will have little incentive to locate in a community.

Suggested implementation steps:

- Coordinate capital improvement planning with land use and transportation planning to coincide with the City's Economic Development Strategy.
- Target resources of the Systems Development Funds of infrastructure on sites that provide prime opportunities for employment uses as a result of location, site size, or other significant site characteristics.
- Ensure that public-private development agreements to recover costs are in effect prior to financing public improvements.
- Establish alternative funding mechanisms in addition to debt service that provide timely completion of 'connecting' public facilities (unpaved block of a street or missing sections of sewer line) with preferences to projects in existing neighborhoods and those fostering economic development.
- Efficiently use existing infrastructure by promoting development, infill, re-use, and redevelopment for commercial and industrial uses and developing strategies and incentives to stimulate private investment that overcome anticipated impacts or downturns in the local economy.
- Support development of citywide high-speed internet access and other telecommunications infrastructures.
- Provide information on infrastructure availability on a site-by-site basis so that developers are able to readily assess infrastructure availability on any given site.
- Assist with providing infrastructure through the use of Urban Renewal funding, where appropriate.

¹ According to Oregon Prospector, there are only nine sites in the Southern Willamette Valley with the following characteristics: 20 acres or larger, Project Certified, and within about five miles of I-5. The following counties have sites that match these characteristics: three sites in Marion County, one site in Benton County, two sites in Linn County, no sites in Lane County, and three sites in Douglas County.

- Assess lower systems development charges (SDCs) in redevelopment areas with the capacity to provide land for employment, especially for redevelopment of areas five acres and larger.

Objective 5: Encourage employers to locate in downtown Springfield, when appropriate.

The City has policies to encourage residential and commercial redevelopment in downtown. The redevelopment of downtown Springfield provides opportunities to both use land more efficiently and minimize the costs of providing infrastructure.

Suggested implementation steps:

- Support the continued revitalization of Springfield's Downtown
- Pursue policies to promote infill and redevelopment in downtown Springfield
- Provide the infrastructure and services that businesses need to operate in downtown Springfield
- Develop programs to promote investments in existing buildings to make downtown more attractive, such as the Urban Renewal program.
- Develop a marketing strategy to attract businesses to downtown Springfield, including providing low-cost assistance for businesses moving to downtown

Objective 6: Encourage redevelopment of Glenwood with a mixed use employment and housing center.

The City has policies to encourage residential and commercial redevelopment in Glenwood. Like redevelopment in downtown, redevelopment in Glenwood provides opportunities to both use land more efficiently and minimize the costs of providing infrastructure.

Suggested implementation steps:

- Redevelop and develop sites in Glenwood through key investments, special standards, and focused activity through the Springfield Economic Development Agency (SEDA), the Glenwood Urban Renewal Plan, the Glenwood Refinement Plan and the Riverfront Development Plan.
- Provide the infrastructure and services to necessary for development in Glenwood.
- Coordinate economic development in Glenwood with regional economic development agencies.
- Promote economic development in Glenwood through techniques, such as land assembly and cooperative development agreements, to assist developers with land assembly problems.

Objective 7: Redevelop brownfields as the opportunities for reuse arise.

Springfield has more than 20 brownfield sites that will require clean-up before the sites can be redeveloped. Springfield has about 20 to 50 more sites that may be brownfields if the sites were available for redevelopment. The cost of clean-up will vary, depending on the prior uses and type of contamination on the site.

Suggested implementation steps:

- Inventory existing brownfields in the Springfield UGB. The inventory should include information about the site and brownfield: site location and size, previous uses, pollution or contaminants, and other site characteristics.
- Develop policies that support redevelopment of brownfields. Opportunities to encourage brownfield redevelopment may include tax incentives, decreases or waiving development fees, or private-public partnerships for state or federal grant funding for brownfield redevelopment.
- Provide non-monetary assistance with clean-up and redevelopment of ‘brownfield’ commercial and industrial sites, including, for example, the possible sponsorship of applicable state and federal grants.

Objective 8: Encourage development of commercial businesses in close proximity with residential uses, where appropriate.

Mixing commercial and residential development is appropriate in some areas of Springfield. The City should encourage mixed used development that includes retail, office commercial, and multifamily housing in areas like downtown. In more residential neighborhoods, the City should consider mixing neighborhood retail or small-scale offices with residential uses.

Suggested implementation steps:

- Continue to support policies to encourage mixed-use development and nodal development in Springfield’s downtown, Glenwood, and mixed-use nodes identified in TransPlan.
- Support policies to mix small-scale commercial uses into existing and new residential neighborhoods where these uses are appropriate and acceptable to residents.
- Support the co-location of residential and commercial uses in existing buildings by providing financial assistance for necessary building upgrades to meet requirements in the City’s building code, such as improvements to meet seismic standards.
- Reduce systems development charges (SDCs) and other development costs to encourage redevelopment and commercial uses in residential areas, where appropriate.

Objective 9: Support and assist existing businesses in Springfield.

Springfield's existing businesses are important to the City's continuing economic well-being.

Suggested implementation steps:

- Develop and implement an outreach strategy to determine how the City can assist existing businesses. Opportunities for assistance may range from ensuring availability of on-street parking to providing assistance with the development process to forming public-private partnerships to promote Springfield businesses.
- Encourage self-help methods and programs for business districts such as the formation of business associations and special self-assessment districts for parking and economic improvement.
- Pursue special projects and grant applications that provide support to local business and industry.
- Support the co-location of residential and commercial uses in existing buildings by providing financial assistance for necessary building upgrades to meet requirements in the City's building code, such as improvements to meet seismic standards.
- Reduce systems development charges (SDCs) and other development costs to encourage redevelopment and commercial uses in residential areas, where appropriate.

Objective 10: Increase the potential for employment in one of the regional industry clusters.

The clusters include: Health Care, Communication Equipment, Information Technology (Software), Metals (Wholesalers), Processed Food and Beverage, Wood & Forest Products, and Transportation Equipment.

Suggested implementation steps:

- Provide the services, infrastructure, and land needed to attract these types of businesses, especially where it can increase connectivity between businesses.
- Designate land for industrial/technology/business parks to provide opportunities for development of business clusters for related or complementary businesses.
- Promote development of support businesses for business clusters, including specialized suppliers for the business cluster, restaurants, financial institutions, and other services.
- Promote further development of the health care cluster in the Gateway area by examining land-use policies in the area and, if necessary, modify the policies to promote development of medical and other employment that requires specific types of land.
- Promote development of high-tech businesses by continuing to target these businesses for recruitment and expansion in Springfield.

- Coordinate development of business clusters with other cities and economic development agencies in the Eugene-Springfield region but emphasize development of the business cluster in Springfield.

Objective 11: Increase the potential for convention- and tourist-related economic activities.

Tourism results in economic activity, especially in the service industries like retail, food services, and accommodations. For example, the direct economic benefit of lodging tax receipts from overnight accommodations to Springfield in 2007 was \$1.2 million. Springfield could increase tourism through building tourism-related facilities, such as a convention center, through growth of businesses that bring tourists to the City, and through increased marketing.

Suggested implementation steps:

- Assist with conference center development at a suitable site in Springfield with a goal of making it financially independent with self-sustaining operations.
- Encourage development of destination point projects (like the Springfield Museum Interpretive Center, Dorris Ranch Living History Farm and McKenzie River fishing and recreational activities) that draw visitors to the Springfield area from regional, national, and international areas.
- Ensure that the factors that are likely to attract visitors to Springfield, especially Springfield's environmental quality and natural beauty, are protected and enhanced.

Objective 12: Attract sustainable businesses and support sustainable development practices.

The City should foster the creation of a local, sustainable economy by partnering with other organizations to watch for opportunities and vulnerabilities, incubate and coordinate projects and facilitate dialogue, action and education within the community. The City should also work to reduce Springfield's exposure to global economic and social vulnerabilities that could result as fuel supplies cease to be abundant and inexpensive.

Suggested implementation steps:

- Define "sustainable businesses" and what business practices qualify as "sustainable."
- Promote and recruit businesses that produce sustainable products, have sustainable business practices, and/or have sustainable manufacturing processes.
- Support land use patterns that reduce transportation needs, promote walkability and provide easy access to services and transportation options.
- Rebate development fees for development projects that are certified as sustainable to nationally recognized standards (e.g., LEED buildings).
- Provide incentives for development that uses sustainable building materials or solutions (e.g., instead of using traditional asphalt, using permeable asphalt) or use of sustainable energy sources (e.g., solar or wind power).

- When developing policies that will impact land outside of the Springfield UGB, consider future agricultural needs and economic opportunities to protect agricultural lands for production of local food.

Objective 13: Recruit businesses that pay higher than average wages for the region.

Maintaining and creating high-wage jobs is important for the development of Springfield's economy. Economic development recruitment efforts the City engages in should target high-wage jobs.

Suggested implementation steps:

- Work with Lane Metro Partnership and other economic development organizations to target and recruit businesses: (1) with above average wages (as reported by the Oregon Employment Department), (2) other benefits such as health insurance, especially for part-time employees, and/or (3) that provide other benefits such as job advancement or ownership opportunities.
- Work with local agencies to meet workforce needs, such as: training and education, job advancement, or local expansion of businesses that are less subject to boom and bust cycles.
- Coordinate with community economic development organizations to develop a coherent and effective marketing program. Coordinate development of the strategy local and state economic development agencies.
- Use word-of-mouth to market Springfield to prospective businesses based on the City's reputation for: rapid processing of permits and applications, maintaining City agreements and commitments, minimizing surprises in the development process, and providing developers with certainty and flexibility in the development process. Depending on this type of marketing will require that the City strive to enhance and maintain the City's reputation for these attributes.

APPENDIX A: METRO PLAN ECONOMIC ELEMENT (2004)

This appendix is the Economic Element from the 2004 update of the Metropolitan Area General Plan. The purpose of this appendix is to provide context for the existing regional economic development policies.

In recent years, there has been a strong structural shift in the Eugene-Springfield metropolitan area's economy. This shift is characterized by four trends: (a) a decline in the lumber and wood products industry as a source of employment; (b) limited increase in employment in other manufacturing activities; (c) diversification of the non-manufacturing segments of the local economy, primarily in trade, services, finance, insurance, and real estate; and (d) the development of this metropolitan area as a regional trade and service center serving southern and eastern Oregon.

The decline in lumber and wood products and diversification of the non-manufacturing sectors are consistent with changes that are occurring in other portions of the state and throughout the nation as a result of rising real incomes and higher productivity of labor in manufacturing. The increase in employment in other manufacturing activities in this area has lagged behind other portions of the state, particularly the Portland area, and many other places in the nation. Given the projected growth in this area's economy, it is essential that an adequate supply (quantitatively and qualitatively) of commercial and industrial land be available. An adequate supply of land includes not only sites sufficient in size to accommodate the needs of the commercial or industrial operations (including expansion), but also includes sites which are attractive from the standpoint of esthetics, transportation costs, labor costs, availability of skilled labor, natural resource availability, proximity to markets, and anticipated growth of local markets.

In striving toward the Land Conservation and Development Commission's (LCDC) Statewide Planning Goal 9: Economic Development, "To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens," the Eugene-Springfield metropolitan area must take advantage of and encourage the further diversification of this area's economic activities and role as a regional center.

This diversification and growth can improve the opportunities for presently underutilized human resources and generally raise the standard of living for metropolitan area residents.

Implicit in the goals and objectives that follow is the premise that the economic health of the area is integrally related to the quality of life for residents. Improved welfare of the residents of the metropolitan area, measured by increases in employment opportunities and reductions in unemployment, increases in real incomes, and improved environmental quality are the ultimate goals of all economic efforts. Economic growth or industrial expansion is acceptable when it is consistent with these goals and objectives.

ECONOMIC GOAL

Broaden, improve, and diversify the metropolitan economy while maintaining or enhancing the environment.

FINDINGS, OBJECTIVES, AND POLICIES

Findings

1. The structure of the Eugene-Springfield metropolitan area economy is undergoing a shift away from lumber and wood products manufacturing (and other heavy industrial activities) and towards a more diverse economic base characterized by growth in light manufacturing activities and the non-manufacturing activities of trade, commercial and professional services, finance, insurance, and real estate.
2. The lumber and wood products sector is the metropolitan area's dominant manufacturing activity; and in this respect, Lane County's forest is the area's most important natural resource utilized as a factor of production.
3. Major institutions in the metropolitan area including the University of Oregon and Sacred Heart Hospital, have had a stabilizing influence on the local economy.
4. The Eugene-Springfield metropolitan area is developing as a regional center for activities, such as tourism, distribution, and financial services, serving the southwestern and central Oregon area.
5. Based on data from the 2000 U.S. Census, the per capita income in 1999 for the Eugene- Springfield metropolitan area was lower than for Oregon as a whole and the Portland metropolitan area.
6. In 2000, the unemployment rate in the Eugene-Springfield metropolitan area was comparable to Oregon and higher than the national rate.
7. Historically, heavy-manufacturing industries, including primary metals, chemicals and paper, have been characterized by high levels of pollution or energy consumption. Changes in technology and environmental regulations have reduced the potential environmental impacts of these industries. Heavy manufacturing industries provide benefits, such as relatively high wage scales and the potential for generating secondary manufacturing activities.
8. Both expansion of existing businesses through use of local capital and entrepreneurial skills and the attraction of new employers offer realistic opportunities for economic development.
9. The healthful environment of the metropolitan area can help attract industrial development, hold workers, and attract convention- and tourist-related economic activities. The concern for clean air and water is high priority with area residents.
10. The provision of adequate public facilities and services is necessary for economic development.
11. There are presently inefficiently used resources in the metropolitan area, including land, labor, and secondary waste products.
12. Major employment areas include the Eugene and Springfield central business districts, the University of Oregon area, Sacred Heart Hospital, the west Eugene industrial area, the north (Gateway) and south Springfield industrial areas, the Highway 99N industrial area, Country Club Road, Chad Drive, and the Mohawk-Northgate area.
13. The metropolitan economy is made up of a number of interrelated and important elements, one of which is construction and construction-related activities. Construction, for example, is essential for all sectors of the economy, as well as for the provision of an adequate supply of affordable housing.
14. The mixture of commercial and office uses with industrial uses can reduce or enhance the utility of industrial areas for industrial purposes, depending upon circumstances.

- Uncontrolled mixing creates problems of compatibility and traffic congestion, and may limit the area available for industrial development. Limited mixing, subject to clear and objective criteria designed to minimize or eliminate incompatibility, traffic problems, and which preserve the area for its primary purpose, can make an industrial area more pleasant, convenient, economical, and attractive as a place to work or locate.
15. Campus industrial firms prefer city services.
 16. Campus industrial firms have varied site location requirements, prefer alternative sites to choose from, and usually benefit from location of other special light industrial firms within the community and within the same industrial development.

Objectives

1. Improve the level, stability, and distribution of per-capita income for metropolitan residents.
2. Reduce unemployment in the resident labor force, especially chronic long-term unemployment.
3. Encourage local residents to develop skills and other educational attributes that would enable them to obtain existing jobs.
4. Promote industrial and commercial development with local capital, entrepreneurial skills, and experience of the resident labor force, as well as with new light manufacturing companies from outside the metropolitan area.
5. Supply an adequate amount of land within the urban growth boundary to accommodate: the diversifying manufacturing sector (especially low polluting, energy-efficient manufacturing uses); and (b) the expansion of the metropolitan area as a regional distribution, trade, and service center.
6. Maintain strong central business districts to provide for office-based commercial, governmental, and specialized or large-scale retail activities.
7. Ensure compatibility between industrial lands and adjacent areas.
8. Reserve enough remaining large parcels for special developments requiring large lots.
9. Increase the potential for convention- and tourist-related economic activities.
10. Provide the necessary public facilities and services to allow economic development.
11. Attempt to find ways to more effectively use inefficiently used resources such as land, labor, and secondary waste products.
12. Provide for limited mixing of office, commercial, and industrial uses subject to clear, objective criteria which: (a) do not materially reduce the suitability of industrial, office, or commercial areas for their primary use; (b) assure compatibility; and (c) consider the potential for increased traffic congestion.

Policies

- B.1 Demonstrate a positive interest in existing and new industries, especially those providing above average wage and salary levels, an increased variety of job opportunities, a rise in the standard of living, and utilization of our existing comparative advantage in the level of education and skill of the resident labor force.
- B.2 Encourage economic development, which utilizes local and imported capital, entrepreneurial skills, and the resident labor force.
- B.3 Encourage local residents to develop job skills and other educational attributes that will enable them to fill existing job opportunities.

- B.4 Encourage the continuance of career preparation and employment orientation for metropolitan area residents by the community's educational institutions, labor unions, businesses, and industry.
- B.5 Provide existing industrial activities sufficient adjacent land for future expansion. B.6 Increase the amount of undeveloped land zoned for light industrial and commercial uses correlating the effective supply in terms of suitability and availability with the projections of demand.
- B.7 Encourage industrial park development, including areas for warehousing and distributive industries and research and development activities.
- B.8 Encourage the improvement of the appearance of existing industrial areas, as well as their ability to serve the needs of existing and potential light industrial development.
- B.9 Encourage the expansion of existing and the location of new manufacturing activities, which are characterized by low levels of pollution and efficient energy use.
- B.10 Encourage opportunities for a variety of heavy industrial development in Oregon's second largest metropolitan area.
- B.11 Encourage economic activities, which strengthen the metropolitan area's position as a regional distribution, trade, health, and service center.
- B.12 Discourage future *Metro Plan* amendments that would change development-ready industrial lands (sites defined as short-term in the metropolitan *Industrial Lands Special Study*, 1991) to non-industrial designations.
- B.13 Continue to encourage the development of convention and tourist-related facilities.
- B.14 Continue efforts to keep the Eugene and Springfield central business districts as vital centers of the metropolitan area.
- B.15 Encourage compatibility between industrially zoned lands and adjacent areas in local planning programs.
- B.16 Utilize processes and local controls, which encourage retention of large parcels or consolidation of small parcels of industrially or commercially zoned land to facilitate their use or reuse in a comprehensive rather than piecemeal fashion.
- B.17 Improve land availability for industries dependent on rail access.
- B.18 Encourage the development of transportation facilities which would improve access to industrial and commercial areas and improve freight movement capabilities by implementing the policies and projects in the *Eugene-Springfield Metropolitan Area Transportation Plan (TransPlan)* and the *Eugene Airport Master Plan*.
- B.19 Local jurisdictions will encourage the allocation of funds to improve transportation access to key industrial sites or areas through capital budgets and priorities.
- B.20 Encourage research and development of products and markets resulting in more efficient use of underutilized, renewable, and nonrenewable resources, including wood waste, recyclable materials, and solar energy.
- B.21 Reserve several areas within the UGB for large-scale, campus-type, light manufacturing uses. (See *Metro Plan* Diagram for locations so designated.)
- B.22 Review local ordinances and revise them to promote greater flexibility for promoting appropriate commercial development in residential neighborhoods.
- B.23 Provide for limited mixing of office, commercial, and industrial uses under procedures which clearly define the conditions under which such uses shall be permitted and which: (a) preserve the suitability of the affected areas for their primary uses; (b) assure compatibility; and (c) consider the potential for increased traffic congestion.

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- B.24 Continue to evaluate other sites in and around Springfield and Eugene for potential light-medium industrial and special light industrial uses, as well as potential residential uses.
 - B.25 Pursue an aggressive annexation program and servicing of designated industrial lands in order to have a sufficient supply of “development ready” land.
 - B.26 In order to provide locational choice and to attract new campus industrial firms to the metropolitan area, Eugene and Springfield shall place as a high priority service extension, annexation, and proper zoning of all designated special light industrial sites.
 - B.27 Eugene, Springfield, and Lane County shall improve monitoring of economic development and trends and shall cooperate in studying and protecting other potential industrial lands outside the urban boundary.
 - B.28 Recognize the vital role of neighborhood commercial facilities in providing services and goods to a particular neighborhood.
 - B.29 Encourage the expansion or redevelopment of existing neighborhood commercial facilities as surrounding residential densities increase or as the characteristics of the support population change.
 - B.30 Industrial land uses abutting the large aggregate extraction ponds north of High Banks Road in Springfield shall demonstrate that they require the location next to water to facilitate the manufacture of testing of products made on-site.

Ordinance _____, Exhibit C

Proposed amendments to Eugene-Springfield Metropolitan Area General Plan (Metro Plan) to adopt the Springfield 2030 Comprehensive Plan Urbanization Element as Springfield’s comprehensive plan in compliance with Statewide Planning Goal 14, Urbanization. The Urbanization Element contains Springfield’s city-specific goals, policies, implementation measures and findings to address land needs for the planning period 2010-2030, replacing *Metro Plan* Urbanization and Growth Management policies applicable to lands within Springfield’s jurisdictional area; Proposed amendments to the Springfield Urban Growth Boundary Map and Technical Supplement describing the amended UGB; and Proposed amendments to the Metro Plan Boundary to be coterminous with the UGB.

- C-1 Springfield 2030 Comprehensive Plan Urbanization Element and Springfield Urban Growth Boundary (UGB) Map
- C-2 UGB Technical Supplement

Metro Plan Amendment
Springfield Ordinance _____, Lane County Ordinance _____

SPRINGFIELD 2030 COMPREHENSIVE PLAN

URBANIZATION ELEMENT

Commentary: After approval of the Urbanization Element, the following section will be formatted and numbered to be consistent with 2030 Residential and Economic Elements that list policies and implementation strategies under the corresponding **2030 Plan Urbanization Goals**. For discussion purposes, policies are numbered and implementation strategies are bulleted. **Green font = 2030 Urbanization Element Planning Goals** **Blue font = Metro Plan policies carried over into the 2030 Plan.**

Commentary: The Springfield 2030 Comprehensive Plan (2030 Plan) is currently being developed as Springfield’s new land use comprehensive plan policy document applicable to Springfield’s jurisdictional area of the Metro Plan.

Oregon’s statewide planning goals are achieved through local comprehensive planning. State law requires each city and county to have a comprehensive plan and the zoning and land-division ordinances needed to put the plan into effect. The local comprehensive plan guides a community’s land use, conservation of natural resources, economic development, and public facilities, and must be consistent with statewide planning goals.

Comprehensive plans contain 1) sections of background, data, inventories and analysis — the factual base describing a community’s resources and features; and 2) the policy “elements” of the plan setting forth the community’s long-range objectives and the policies by which it intends to achieve them. The policy element of each community’s plan is adopted by ordinance and has the force of law [Oregon Statewide Planning Goals, DLCD, March 12, 2010].

The 2030 Plan is Springfield’s local comprehensive plan to demonstrate compliance with applicable Oregon Land Use Planning Statutes, Goals and Administrative Rules for the specific land use planning goals that it addresses. The City and Lane County are co-adopting separate chapters — called “elements” — of the 2030 Plan on an incremental basis to replace or refine existing policies in the Eugene-Springfield Metropolitan Area General Plan (Metro Plan). After local adoption and approval by the State, the 2030 Plan Elements become the “acknowledged” land use policies that control land use planning for the area within the Springfield Urban Growth Boundary.

Springfield’s Residential Land Use and Housing Element was acknowledged in 2011 to address Springfield’s housing needs for the 2010-2030 planning period. The Economic and Urbanization Elements are being forwarded for adoption at this time to address employment and economic development land use needs and the urban transition process. Other elements of Metro Plan remain in effect for Springfield until they are replaced or otherwise addressed by local adoption of future Springfield 2030 Comprehensive Plan elements or other Metro plan changes initiated by Metro Plan partners. During this period of transition from Metro area to local plans, Springfield’s “comprehensive plan” consists of the Metro Plan *and* the Elements of the Springfield 2030 Comprehensive Plan.

OVERVIEW

U-1 | Urbanization Element

The Springfield 2030 Comprehensive Plan (2030 Plan) is currently being developed as Springfield’s new land use comprehensive plan policy document applicable to Springfield’s jurisdictional area of the Metro Plan. The Springfield Comprehensive Plan **Urbanization Element** is the chapter of the 2030 Plan that guides future development in Springfield by describing how and where land will be developed and infrastructure provided to meet long term growth needs while maintaining and improving community livability. The purpose of the **Urbanization Element** is to inform and guide long range land use and public facilities planning to address Springfield’s land needs for the planning period 2010-2030 in compliance with Statewide Planning Goal 14, Urbanization.

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

Oregon law requires cities and counties to establish and maintain urban growth boundaries (UGBs) for urban areas to provide land for urban development needs and to identify and separate urban and urbanizable land from rural land. The land within the UGB includes “urban” lands within the incorporated City and “urbanizable lands” — those lands that are within the UGB but have not yet been annexed to the City. Urbanizable lands are considered to be available for urban development consistent with plans for the provision of urban facilities and services. The City and Lane County are required to co-adopt comprehensive plan policies, zoning, and development code provisions to regulate land uses and land divisions of urbanizable lands to maintain their potential for planned urban development until adequate public facilities and services necessary for urban level of development are available or planned.

The **Urbanization Element** establishes the comprehensive plan policies and zoning applicable to urbanizable lands within Springfield’s Urban Growth Boundary (UGB) that are necessary to efficiently and effectively plan and manage the land supply as land uses transition from rural to urban. This policy direction is based on the need to:

- Designate a 20-year supply of urbanizable land to accommodate population and employment growth.
- Allow and regulate interim land uses that do not impede future development of planned urban land uses and densities.

¹ Oregon’s Statewide Planning Goals & Guidelines define “urbanizable land” as “Urban land that, due to the present unavailability of urban facilities and services, or for other reasons, either: (a) Retains the zone designations assigned prior to inclusion in the boundary, or (b) Is subject to interim zone designations intended to maintain the land’s potential for planned urban development until appropriate public facilities and services are available or planned.”

- Plan for the orderly and efficient extension of public facilities and services.
- Designate land for community open space and recreational needs.
- Designate land to provide and manage the public facilities and environmental services needed to serve Springfield’s urban area.
- Manage growth and improve community livability through increasingly efficient use of land consistent and compatible with the community’s needs, resources, opportunities and advantages within the broader Southern Willamette Valley region.

The policy direction provided by the **Urbanization Element** guides comprehensive planning coordination, zoning and land use regulation within the UGB, including:

- future refinement planning and zoning at the more detailed level of neighborhood, district (e.g. Gateway), or corridor;
- future regional and local transportation, infrastructure and capital improvement planning;
- future comprehensive plan, zoning and Springfield Development Code amendments;
- review of property owner-initiated land use proposals; and
- review of property owner-initiated land use applications including annexation requests.

SPRINGFIELD URBANIZATION PLANNING GOALS

The following **Urbanization Element** Planning Goals express the desired community development outcomes and benefits the City aspires to achieve by planning and managing land in new growth areas of the City.

UG-1 Promote compact, orderly and efficient urban development by guiding future growth to vacant sites and redevelopment areas within the established areas of the city, and to urbanizable lands where future annexation and development may occur.

UG-2 Promote efficient and economical patterns of mixed land uses and development densities that locate a variety of different life activities, such as employment, housing, shopping and recreation in convenient proximity; and where accessible by multiple modes of transportation — including walking, bicycling, and transit in addition to motor vehicles — within and between neighborhoods and districts.

UG-3 Provide adequate level of urban services, including but not limited to public water, wastewater, stormwater management systems, environmental services and an urban multi-modal transportation system as urban development occurs within the Springfield UGB.

UG-4 As the City grows and as land develops, maintain and reinforce Springfield’s identity as a river-oriented community by emphasizing and strengthening physical connections between people and nature in the City’s land development patterns and infrastructure design.

UG-5 Increase Springfield’s capability to respond to natural hazard impacts and to enhance public safety, health and robustness of the economy and natural environment. Create opportunities for innovative urban development and economic diversification.

MANAGING URBAN TRANSITION

Springfield manages the orderly and efficient transition of land from rural to urban to implement the Urbanization Planning Goals through application of the following planning policies, implementing ordinances, tools and procedures:

- The Urban Growth Boundary
- Comprehensive plan designations and policies
- Springfield Zoning Map
- Springfield Development Code land use regulations and development standards — including the Annexation process
- Planned provision of urban facilities and services:
 - Metropolitan Public Facilities and Services Plan
 - Springfield Wastewater and Stormwater Master Plans
 - Springfield Transportation System Plan
 - Springfield Capital Improvement Program

SPRINGFIELD URBAN GROWTH BOUNDARY

The Springfield UGB establishes a 20-year supply of land based on demonstrated need to accommodate long range population growth and demonstrated need for housing, employment

opportunities, livability and uses such as public facilities, streets and roads, schools, parks or open space.

The UGB is mapped and specifically delineated along its entire circumnavigation of the city.

The UGB is graphically depicted in the “Springfield Urban Growth Boundary map.” The UGB Technical Supplement² to the **Urbanization Element** provides documentation to more precisely describe the parcel-specific boundary location — a description of the methodology used by Springfield to prepare the precise UGB location using contemporary Geographic Information Systems (GIS) technology, previous urban growth boundary location descriptions, surveys, applicable sections of the ORS and OARs and related land use decisions; and a list of tax lots that are split by the UGB. **Where existing and planned right-of-way comprise portions of the UGB, the full width of that right-of-way lies within the UGB, except along the western track where the boundary is mapped and described as the center line of Interstate Highway 5 between the north-bound and south-bound lanes.**

Springfield’s urban and urbanizable area extends approximately 5 miles from north (Gateway) to south (Glenwood McVay corridor) along the Interstate Highway 5 corridor as it travels through the Eugene-Springfield metro area; and approximately 8.6 miles from west to east as measured along the Franklin Boulevard-Main Street Corridor-McKenzie Highway from the Interstate Highway 5 Willamette River bridge to the easternmost point of the UGB. The Springfield UGB includes most but not all land between the McKenzie River on the north and the Middle Fork Willamette River on the south. The eastern portion of the UGB includes the Thurston South Hills and follows the ridgeline south and west to Jasper Road to encompass the area known locally as Jasper-Natron.

INSERT FOLDOUT MAP 11 x 17 size Springfield Urban Growth Boundary

SPRINGFIELD UGB AMENDMENTS 2011-2016

Prior to 2011, Springfield and Eugene shared one Metro Area UGB. Oregon Revised Statute 197.304 (2007) required both cities to independently conduct housing needs analyses and to establish separate UGBs to meet those needs. In 2007, Springfield began an evaluation of the UGB for two categories of land need: housing and employment.

The Springfield UGB was first acknowledged in 2011, designating a land supply to meet the City’s residential land and housing needs for the 2010-2030 planning period.³ The Springfield UGB included all of the lands and waters within the previously acknowledged Eugene-

² Springfield Ordinance [REDACTED], Lane County Ordinance [REDACTED], Exhibit C-2 UGB Technical Supplement

³ Springfield Ordinance No. 6268, Lane County Ordinance No. PA 1274

Springfield Metropolitan Area General Plan Boundary located east of the centerline of Interstate Highway 5. The UGB provides sufficient land designated to meet all residential land needs through the year 2030 without expanding the UGB — through implementation of plan and zoning amendments and Springfield Development Code land use efficiency measures.

The UGB was subsequently amended in 2016 to designate a 20-year land supply for employment and natural resource protection, and to designate public land for parks, open space and public/semi-public facilities.⁴ With the exception of seven needed employment sites larger than five acres, the City’s employment land inventory was found to be sufficient to meet all employment land needs for the planning period without expanding the UGB. The employment land UGB expansion added approximately 257 suitable and developable acres to provide sites for target industries and uses that require sites larger than 5 acres.⁵ The public land UGB expansion added approximately 455 acres of publicly-owned land to the UGB. The Springfield UGB as amended and acknowledged in 2016 contains approximately 15,411 acres of land.

RELATIONSHIP TO THE METRO PLAN, FUNCTIONAL PLANS AND REFINEMENT PLANS

The Springfield Comprehensive Plan **Urbanization Element** was adopted by the City of Springfield and Lane County as a city-specific comprehensive plan policy element to independently address a planning responsibility that was previously addressed on a regional basis in the Metro Plan.⁶ The **Urbanization Element** goals, policies and implementation actions replace the more general Metro Area-wide goals, findings and policies contained in Metro Plan sections entitled “Growth Management Goals, Findings and Policies” (Metro Plan II-C) and “Urban and Urbanizable Land” (Metro Plan II-E) for lands within the Springfield UGB.

The Metro Plan establishes a broad regional framework for Eugene, Springfield, and Lane County to coordinate comprehensive planning within the Eugene-Springfield Metropolitan planning area. Metro Plan Chapter I explains the relationship between city-specific comprehensive plans, the broad policy framework of the Metro Plan and the regionally-coordinated functional plans. The Springfield Comprehensive Plan elements — including this **Urbanization Element** — explicitly supplant the relevant portion of the Metro Plan. Should inconsistencies occur between the Springfield Comprehensive Plan and a refinement or

⁴ Springfield Ordinance [REDACTED], Lane County Ordinance [REDACTED], Exhibit A-2

⁵ *Springfield Commercial and Industrial Land Inventory and Economic Opportunities Analysis, 2015*

⁶ Metro Plan pp. iii-iv and Chapter II describes the incremental Metro planning area shift towards separate Springfield and Eugene UGBs and city-specific comprehensive plans.

functional plan, or references in the Springfield Development Code that refer to Metro Plan policies, the Springfield Comprehensive Plan is the prevailing policy document.⁷

RESPONSIBILITIES FOR LAND USE PLANNING AND DEVELOPMENT WITHIN THE SPRINGFIELD URBAN GROWTH BOUNDARY

Metro Plan Chapter II and Chapter IV describe jurisdictional responsibilities within the Eugene-Springfield Metropolitan planning area. The division of responsibility for metropolitan planning between the two cities is the Interstate 5 Highway. Springfield, Eugene and Lane County are required to co-adopt a UGB or Metro Plan boundary change that crosses the Interstate 5 Highway. For purposes of other amendments and implementation of the Metro Plan, Lane County has joint responsibility with Springfield between the city limits and the Metro Plan Boundary east of the Interstate 5 Highway.

Metro Plan Chapter IV describes the procedures for review, amendments and refinements of the Metro Plan, including amendments of the Metro Plan adopting singular or multiple Elements of the Springfield Comprehensive Plan that explicitly supplant relevant portions of the Metro Plan. Metro Plan amendments that are being considered in conjunction with a city-specific plan adoption or amendment follow the procedures described in Metro Plan Chapter IV.

Land use planning and development within the Springfield City Limits is the sole responsibility of the City of Springfield. Land development within Springfield’s urbanizable areas is planned and cooperatively administered by the City of Springfield in coordination with Lane County in accordance with the policies in this Plan and as described in the ORS 190 Intergovernmental Agreement (1987) between the City of Springfield and Lane County.⁸ The Agreement delegated building, zoning, and planning administration and decision making authority for services for the land between Springfield’s UGB and the city limits from the County to the City of Springfield and describes criteria and procedures for land regulation and management.

[Planning for regionally significant public investments within Springfield’s UGB is coordinated on a metropolitan-wide basis by utilizing the regional transportation planning and public facilities](#)

⁷ During the period of transition from Metro Plan to local comprehensive plans, Springfield’s “comprehensive plan” consists of the acknowledged Metro Plan and the acknowledged Elements of the Springfield 2030 Comprehensive Plan.

⁸ *Agreement Regarding the Transfer of Building and Land Use Responsibilities within the Urbanizable Portion of the Springfield Urban Growth Boundary*, January 1, 1987.

planning processes⁹ as described in the Metro area functional plans — including the Eugene-Springfield Public Facilities and Services Plan and the Regional Transportation System Plan. Some of Springfield’s neighborhood refinement plans (such as the Glenwood Refinement Plan) may include a refined level of policy guidance for urbanization in specific locations within Springfield’s UGB.

PLAN DESIGNATION AND ZONING OF UNINCORPORATED “URBANIZABLE” LANDS IN THE UGB

The unincorporated land within the Springfield UGB is urbanizable and is considered part of Springfield’s land base for housing and employment as identified in the most recent buildable land inventories. It is assumed that buildable¹⁰ lands will eventually be included in the City’s incorporated area and developed to accommodate designated urban uses and densities.

Urbanizable lands exist in various areas of the Springfield UGB and are designated for a variety of land uses as shown in Table 1. The land use designation determines the applicable zoning, both before after annexation. In addition to the plan designation, zoning and the applicable policies of this **Urbanization Element**, Springfield is required by Oregon law to implement land use controls regulating interim development on unincorporated land to prevent land divisions and uses that would preclude future development of planned urban uses and densities. As shown in Table 1, Springfield Zoning implements this provision of the law through two different zoning mechanisms in the Springfield Development Code: 1) the Agriculture - Urban Holding Area Zoning District (AG) was established and applied to land after 2015 to implement the Urban Holding Area -Employment and Natural Resource plan designations; and 2) the Urbanizable Fringe Overlay Zoning District (UF-10) was established and applied to lands prior to 2015 and is a zoning overlay placed over multiple plan designations. Both zoning mechanisms were established to implement the goal of compact growth through provisions that maintain the supply of land for urban development in areas between the City limits and the UGB. Unincorporated public land designated Government and Education or Public/Semi Public is zoned Public Land and Open Space on the Springfield Zoning Map.

⁹ For other related policy discussion, see the [Public Facilities and Services Element in Metro Plan Chapter III-G](#). The Springfield Comprehensive Plan does not address service districts.

¹⁰ Some lands have absolute development constraints that for inventory purposes are not assumed to be buildable. See Findings section this Element for more information.

**Table 1: Urbanizable Land
Plan Designations and Applicable Zoning Districts**

Metro Plan Designation	Springfield Zoning District(s) applicable before annexation	Springfield Zoning District(s) applicable after annexation
Urban Holding Area — Employment	Agriculture — Urban Holding Area (AG) Zoning District	Employment zoning such as: Employment Mixed Use ¹¹ Campus Industrial Employment
Special Heavy Industrial Light Medium Industrial	Urbanizable Fringe Overlay District (UF-10)	Special Heavy Industrial ¹² Light Medium Industrial
Commercial	Urbanizable Fringe Overlay District (UF-10)	Community Commercial
Low Density Residential Medium Density Residential High Density Residential	Urbanizable Fringe Overlay District (UF-10)	Low Density Residential Small Lot Residential ¹³ Medium Density Residential High Density Residential
Glenwood Residential Mixed Use Glenwood Commercial Mixed Use Glenwood Office Mixed Use Glenwood Employment Mixed Use	Urbanizable Fringe Overlay District (UF-10) and Glenwood Riverfront Mixed-use Plan District	Glenwood Residential Mixed Use Glenwood Commercial Mixed Use Glenwood Office Mixed Use Glenwood Employment Mixed Use
Glenwood Refinement Plan: Low Density Residential	Urbanizable Fringe Overlay District (UF-10)	Low Density Residential Special Density Residential ¹⁴
Glenwood Refinement Plan: Light Medium Industrial	Urbanizable Fringe Overlay District (UF-10)	Light Medium Industrial ¹⁵
Glenwood Refinement Plan: Parks and Open Space	Public Land and Open Space (PLO)	Public Land and Open Space (PLO)
Public – Semi Public	Public Land and Open Space (PLO)	Public Land and Open Space (PLO)
Natural Resource	Agriculture — Urban Holding Area (AG) Zoning District	Natural resource protection zoning such as: Natural Resource Public Land and Open Space Natural Resource Overlay
Government and Education	Public Land and Open Space (PLO) ¹⁶	Public Land and Open Space (PLO)

¹¹ Zoning to be determined through subsequent Springfield 2030 Comprehensive Plan or refinement plan updates

¹² Ibid.

¹³ Ibid.

¹⁴ Ibid. Springfield Comprehensive Plan Residential Land Use and Housing Element Policy H.7, Implementation Action 7.4 requires analysis to determine applicability of small lot zoning in Glenwood south of Franklin Blvd.

¹⁵ Zoning to be determined through subsequent Springfield 2030 Comprehensive Plan or refinement plan updates

¹⁶ Ibid.

Urban Holding Area - Employment (UHA-E) Metro Plan Designation

Lands brought into Springfield's UGB to address 2010-2030 land needs for suitable large employment sites are designated Urban Holding Area – Employment (UHA-E) as an interim plan designation to maintain the land's potential for planned urban development until appropriate urban facilities and services are planned or available and annexation to Springfield can occur.

The Urban Holding Area – Employment (UHA-E) plan designation reserves suitable large employment sites to meet Springfield's long term employment land needs for the 2010-2030 planning period. Lands within the UHA-E designation are planned and zoned for the primary purpose of reserving an adequate inventory of large employment sites that are well located and viable for industry and not easily replicable elsewhere. The Springfield 2030 Comprehensive Plan designates suitable large sites for employment uses that generate significant capital investment and job creation within — but not limited to — targeted industry sectors, business clusters and traded-sector¹⁷ industries identified in the most recent economic opportunities analysis and Economic Element policies of this Plan.

The City expanded the UGB in 2016 to support diversification of the economy by increasing opportunities for siting target industry employers that require large sites. The expansion was based on the lack of vacant or potentially redevelopable parcels larger than five acres in the City's 2008 inventory of employment land and the need for large parcels identified in the Economic Opportunities Analysis.¹⁸ In 2008-2016, the City conducted an Urban Growth Boundary Alternatives Analysis and discovered that few viable options exist for bringing in suitable large parcels of employment land close enough to the City's urban area to maintain a compact urban form. This is due to Springfield's geography and topography. The City is situated between the McKenzie and Willamette Rivers and their floodplains, and surrounded by steeply sloped hills on three sides, thus suitable, serviceable, close-in land is in scarce supply. The Urban Holding Area - Employment (UHA-E) designation reserves employment sites within urbanizable areas of 50 or more suitable acres to support creation of economic districts that will accommodate the site needs of target employment sectors. The size of employment districts and parcels of urbanizable land designated UHA-E provides adequate dimension so as to maximize the utility of the land resource and enable the logical and efficient extension of services to all parcels within the UHA.

The UHA-E plan designation and Agriculture – Urban Holding Area Zoning District work together to serve important purposes in the 2030 Comprehensive Plan. Land suitable for large employers is identified, reserved and protected from incompatible interim development.

¹⁷ ORS 285A.010(9)

¹⁸ Springfield Commercial and Industrial Buildable Land Inventory and Economic Opportunities Analysis, Table 5-4

Bringing these lands into the UGB as designated holding areas subject to the policies of this Urbanization Element and the regulations of the Springfield Development Code establishes the first step for the City — in cooperation with Lane County — to comprehensively plan the urbanizable land supply to accommodate long range employment site needs and to protect natural resources. The UHA-E designation remains in effect until the appropriate employment designation is adopted through a City-initiated planning process or an owner-initiated plan amendment process. Lands designated UHA-E and zoned AG are located in two areas of the UGB:¹⁹

Table 2: Urbanizable Land Designated Urban Holding Area – Employment (UHA-E)

Name of Area	Acres Designated UHA-E	Acres Zoned AG	# of Suitable employment acres (UHA-E)	Location
North Gateway UHA -E	139.4 gross acres (includes right of way)	193	132.1 suitable acres	North of Gateway/International Way, east of I-5
Mill Race District UHA-E	133 gross acres (includes right of way)	135	125 suitable acres	South of Main Street, via South 28 th and M Streets

Insert 11 x 17 plan designation maps

Springfield Development Code Agriculture – Urban Holding Area (AG) Zoning District Implements the UHA-E Plan Designation

Lands within the UHA-E designation are zoned Agriculture – Urban Holding Area²⁰ to retain large parcel sizes and current predominant farm uses until land is planned and zoned to allow urban development.

The Springfield Development Code Agriculture – Urban Holding Area Zoning District (AG) is established to implement the goal of compact growth through provisions that control the potential for premature or incompatible development on large sites added to the UGB to diversify the economy. The AG District includes provisions to limit the division of land and prohibit urban development. A 50-acre minimum lot size is applied to lots/parcels greater than 50 acres and a 20-acre minimum lot size is applied to lots/parcels less than 50 acres to protect undeveloped sites from inefficient piecemeal development until land is planned and zoned to allow annexation and site development with urban employment uses and densities.

All interim development in the AG District must be designed to City standards.

¹⁹ Springfield Ordinance [redacted], Lane County Ordinance [redacted], Exhibit A-2

²⁰ Springfield Ordinance [redacted], Lane County Ordinance [redacted], Exhibit A-3

Natural Resource (NR) Metro Plan Designation - North Gateway Site

Land in North Gateway brought into Springfield’s UGB to address 2010-2030 land needs for suitable large employment sites includes portions of properties within the floodway of the McKenzie River. Floodway is identified as an “absolute constraint” in the City’s land inventories. Land within the floodway is not considered suitable to meet employment land needs and is not counted as developable in the inventory. The City and County included the floodway portion of the site in the UGB to allow consistent land use administration of the floodplain pursuant to the purposes and standards of the Springfield Development Code Floodplain Overlay District standards. The portion of the site North Gateway site within the FEMA floodway is designated Natural Resource, a designation applied to privately and publicly owned lands where development and conflicting uses are prohibited to protect natural resource values. In addition to the purposes of the Floodplain Overlay District, land designated Natural Resource is protected and managed for fish and wildlife habitat, soil conservation, watershed conservation, scenic resources, passive recreational opportunities, vegetative cover, and open space.

Name of Area	Acres Designated Natural Resource	Acres Zoned AG	Location
North Gateway Natural Resource (NR)	53	53	North of Gateway/International Way, east of I-5

Springfield Development Code Agriculture – Urban Holding Area (AG) Zoning District Implements the Natural Resource Plan Designation

Lands within the Natural Resource designation are zoned Agriculture – Urban Holding Area to retain predominant farm uses and to direct development towards the unconstrained portions of the property that are designated UHA-E for employment uses.

Springfield Development Code Agriculture – Urbanizable Fringe Zoning Overlay District (UF-10) Implements Varied Plan Designations

The UF-10 Overlay District is applied over multiple plan designations as shown in Table 1, and includes unincorporated land in the following eight geographic areas of the UGB:

West Centennial	Thurston South Hills
Gateway-Hayden Bridge	Jasper-Natron
Clearwater	South 2 nd Street
Thurston	Glenwood

The UF-10 Overlay District includes provisions to limit the division of land and prohibit urban development. All interim development in the UF-10 Overlay District must be designed to City standards. The UF-10 Overlay is removed automatically when annexation to the City is approved through the City’s land use review process, as described in the Springfield Development Code Annexation chapter.

SPRINGFIELD ANNEXATION PROCESS

The annexation process — as articulated in the Springfield Development Code — guides the efficient transition of land from rural to urban uses to accommodate population and urban employment growth within Springfield’s UGB by:

- Providing land to accommodate future urban development;
- Providing land to accommodate necessary public facilities or services; and
- Ensuring that land designated to accommodate population and urban employment growth is developed to achieve its planned urban uses, densities and economic potential in a manner consistent with the urban development standards of the Springfield Development Code.

Oregon law grants Springfield City Council the authority to review and approve or deny petitions to annex territory located within Springfield’s UGB to the City. Statutory requirements for annexation are implemented through the Springfield Development Code. The Code prescribes the City’s land use process and criteria for approving annexation petitions.

The intent is that annexation will occur incrementally as property owners desire to develop or redevelop land. Annexation is required when unincorporated property is proposed to be developed or redeveloped with planned urban uses and densities or where necessary to abate public health hazards²¹ such as failed septic systems.

Key Urban Services Required for Annexation to the City of Springfield

The policies and implementation strategies in the **Urbanization Element** ensure that urban facilities and services directly related to land use planning and the efficient transition of land from urbanizable to urban pursuant to Goal 14 Urbanization are provided to urbanizable lands in a timely, orderly, and efficient manner to serve planned land uses within Springfield’s urban growth boundary and within the metropolitan area. The Springfield Comprehensive Plan **Urbanization Element** retains the long-standing Metro area urbanization policy criteria for approving annexations:

Springfield Comprehensive Plan Urbanization Element Policy 30:

Unincorporated land within the Springfield UGB may be developed with permitted uses at maximum density only upon annexation to the City when it is found that key urban facilities and services can be provided to the area to be annexed in an orderly and efficient manner. Provision of these services to the area proposed for annexation is consistent with the timing and location for such extension, where applicable, in the City’s infrastructure plans — such as the Public Facilities and Services Plan; the Springfield Transportation System Plan; the City’s Capital Improvement Program; and the urbanization goals, policies and implementation strategies of this Element — or a logical time within which to deliver these services has been determined, based upon demonstrated need and budgetary priorities.

Oregon law includes requirements that must be met prior to annexation approval to ensure orderly growth, such as prohibiting non-contiguous annexations and providing information about properties’ contribution to offsite public systems. Oregon Administrative Rules establish policies to protect public waters from human health hazards, including standards and permitting requirements for onsite wastewater treatment systems construction, alteration and repair. These rules require connection to a sewerage system that can serve the proposed sewage flow when such a system is physically and legally available within the distances specified in the OARs. The City of Springfield requires annexation before wastewater services are extended as planned in the Metropolitan Public Facilities and Services Plan.

²¹ Oregon Revised Statutes Chapter 222 Health Hazard Abatement

For the purposes of land use planning and annexation, the Springfield Comprehensive Plan defines **key urban facilities and services as those services and facilities that are necessary to serve planned urban uses and densities in accordance with applicable Statewide Planning Goals, statutes and administrative rules:** wastewater service; stormwater service; transportation; solid waste management; water service; fire and emergency medical services; police protection; citywide park and recreation programs; electric service; land use controls; communication facilities; and public schools on a district-wide basis. All references to Metro Plan policies regarding “key urban services” in Springfield refinement plans and the Springfield Development Code shall be amended to reference Springfield Comprehensive Plan Urbanization Element Policy 30. This plan does not address facilities and services provided by Lane County²², the State of Oregon, or the Federal government, and does not preclude provision of those services within Springfield.

The availability of key urban services is determined by Springfield and/or applicable public and private service providers at the time of the annexation request, based on a determination of existing and planned capacity, existing and proposed uses, and costs. The land use application process for annexation is described in the Springfield Development Code. If key urban services are not available to serve the site at the time the annexation request is made, the Code requires an Annexation Agreement to ensure that services will be provided in a timely manner. The Annexation Agreement states the terms, conditions, and obligations of the property owner and the service providers regarding the fiscal and service impacts to Springfield associated with the annexation, provision of infrastructure, and future development of the property.

URBAN HOLDING AREA – EMPLOYMENT DESIGNATION: REQUIRED PLAN AMENDMENT PROCEDURES TO DESIGNATE URBANIZABLE LAND FOR URBAN DEVELOPMENT BEFORE ANNEXATION AND DEVELOPMENT APPROVAL

Lands designated Urban Holding Area – Employment (UHA-E) require comprehensive plan amendments and may require facility plan amendments prior to their designation and zoning for urban employment use. The policies and implementation strategies in this **Urbanization Element** describe Statewide Planning Goal requirements that must be addressed prior to approval of plan and zoning changes that allow the transition from urbanizable to urban on lands designated UHA-E. Specific policies and implementation strategies are listed under each

²² Lane County provides the following services on a county-wide basis: sheriff and corrections, criminal prosecution, parole and probation; elections; regional transportation; mental health and public health services; workforce assistance; animal services; and regional parks and facilities.

Urbanization Planning Goal to identify the steps needed before land may be designated, zoned and annexed to permit development to occur. These steps ensure that ample opportunities for citizen involvement are provided through community refinement planning processes conducted at the district scale to establish employment land use designations, zoning, design and development standards, transportation systems and public facilities to meet and balance community and industry needs in the North Gateway and Mill Race Urban Holding Area – Employment Districts.

Planning Requirements in Urban Holding Areas

District, refinement plan or master plan approval is required prior to or concurrent with annexation of land designated Urban Holding Area- Employment as shown in Table 3. Urban Holding Areas are zoned Agriculture - Urban Holding Area (AG) prior to plan amendment approval and prior to annexation.

Table 5: Pre-Development Approval Process Steps – Urban Holding Areas	
City-initiated Planning Process	Owner-initiated Planning Process
1. City prepares Plan Amendment to address all applicable Statewide Planning Goals (e.g. amended or new refinement plan or district plan), Metro Plan and 2030 Comprehensive Plan policies and Springfield Development Code standards.	1. Applicant submits request to City to initiate amendments to Transportation System Plan and Public Facilities and Services Plan, and other city actions that may be required prior to plan amendment approval.
2. City and Lane County approve Plan Amendment to amend Metro Plan and Springfield 2030 Comprehensive Plan. UHA-E designation is replaced with employment plan designations (e.g. Employment, Employment Mixed Use, Campus Industrial, Industrial). AG zoning remains in effect until Master Plan and new zoning are approved.	2. Applicant prepares and submits Plan Amendment application to address all applicable Statewide Planning Goals, Metro Plan and 2030 Comprehensive Plan policies, and Springfield Development Code standards. Applicant proposes employment plan designations (e.g. Employment, Employment Mixed Use, Campus Industrial, Industrial).
3. City prepares and approves Zoning Map Amendment to apply new zoning districts (e.g. Industrial, Campus Industrial, Employment Mixed Use, Employment). Land is planned and zoned and eligible for annexation.	3. City and Lane County approve Plan Amendment to amend Metro Plan and Springfield 2030 Comprehensive Plan. UHA-E designation is replaced with employment plan designations (e.g. Employment, Employment Mixed Use, Campus Industrial, Industrial). AG zoning remains in effect until Master Plan and new zoning are approved.
4. Applicant prepares and submits Master Plan	4. Applicant prepares and submits Master

<p>and annexation applications with demonstration of key urban service provision.</p>	<p>Plan with proposed zoning and demonstration of key urban services provision. Applicant submits annexation application.</p>
<p>5. City approves Master Plan and annexation.</p>	<p>5. City approves Master Plan and Zoning Map Amendment and annexation.</p>
<p>6. Applicant submits Site Plan, Subdivision etc. Type II development applications.</p>	<p>6. Applicant submits Site Plan, Subdivision etc. Type II development applications.</p>

DRAFT

URBANIZATION ELEMENT GOALS, POLICIES AND IMPLEMENTATION STRATEGIES

Commentary: Draft policies were prepared with the input of the Springfield City Council, City of Springfield and Lane County staff, Springfield Utility Board staff, and City and Lane County attorneys to address the policies necessary to demonstrate and ensure that development within the UGB is consistent with applicable Statewide planning goals, statutes and administrative rules, applicable Metro Plan policies, and the City’s existing annexation policies. The draft policies also address input received from the public and from public agencies through the 2010 Springfield and Lane County Planning Commission public hearing process and subsequent public facilities analysis by staff and service providers.

Commentary: After approval of the Urbanization Element, the following section will be formatted and numbered to be consistent with 2030 Residential and Economic Elements that list policies and implementation strategies under the corresponding **2030 Plan Urbanization Goals**. For discussion purposes, policies are numbered and implementation strategies are bulleted. **Green font = 2030 Urbanization Element Planning Goals** **Blue font = Metro Plan policies carried over into the 2030 Plan.**

The **Springfield 2030 Urbanization Element** Planning Goals express the desired community development outcomes and benefits the City aspires to achieve by planning and managing land in new growth areas before the land is annexed to become part of the City.

The **Springfield 2030 Urbanization Element** Policies and Implementation Strategies are the City’s agreements and commitments to manage urban growth in ways that provide and sustain a healthy, prosperous and equitable environment aligned with Springfield’s interests, values and assets. The adopted policy statements and implementation strategies in this plan provide a consistent course of action, moving the community toward attainment of its goals. Some policies and strategies call for immediate action; others require additional studies or community planning processes to develop more detailed or specific area plans or policy updates.

UG-1 Promote compact, orderly and efficient urban development by guiding future growth to vacant sites and redevelopment areas within the established areas of the city and to urbanizable lands where future annexation and development may occur.

1. Urbanizable lands within the 2030 UGB shall be converted to urban uses as shown in the Metro Plan Diagram and as more particularly described in neighborhood refinement plans, other applicable area-specific plans, and the policies of this Plan.
2. Continue to support and facilitate redevelopment and efficient urbanization through City-initiated area-specific refinement planning and zoning amendments consistent with the policies of this Plan. Plans shall designate an adequate and competitive supply of land to facilitate short-term and long-term redevelopment activity. Efficiency measures achieved through plan amendments may be reflected in land supply calculations to the extent that they are likely to increase capacity of land suitable and available to meet identified needs during the relevant planning period.
 - Continue to provide public policy and financial support when possible for redevelopment in Springfield.
 - Continue to prioritize and incentivize redevelopment in the Glenwood and Downtown urban renewal districts and support redevelopment throughout the City as described in the Economic and Residential Elements of this Plan.
 - Continue to provide development tools and incentives (such as Urban Renewal support) within targeted priority redevelopment areas as resources become available to facilitate expedient and economically feasible redevelopment.
 - Continue to conduct focused planning in key redevelopment areas, as directed by the City Council, as resources are available. Such efforts will review, update and supersede existing refinement plan designations and policies.
 - Identify and include public agencies and private stakeholder partners in district-specific planning efforts to facilitate redevelopment through partnerships and other cooperative relationships.
3. [Any development taking place within the City's urbanizable area shall be designed to the development standards of the Springfield Development Code.](#)

Policies: Development within the Urban Holding Area- Employment Designation

4. Urbanizable lands added to Springfield's acknowledged UGB by **Ordinance X, date X** to meet employment needs are designated "Urban Holding Area- Employment" (UHA-E) in the Metro Plan consistent with the employment site needs criteria for their inclusion in

the UGB.²³ The UHA-E designation reserves employment sites within urbanizable areas of 50 or more suitable acres to support creation of economic districts that will accommodate the site needs of target employment sectors. The size of employment districts and parcels of urbanizable land designated UHA-E shall be of adequate dimension so as to maximize the utility of the land resource and enable the logical and efficient extension of infrastructure to serve the North Gateway or Mill Race urbanizable area.

5. Lands designated UHA-E are planned and zoned for the primary purpose of reserving an adequate inventory of large employment sites that is well located and viable for industry and not easily replicable elsewhere for employment uses that generate:
 - A significant capital investment;
 - Job creation within — but not limited to — targeted industry sectors, business clusters and traded-sector²⁴ industries identified in the most recent economic opportunities analysis and Economic Element policies of this Plan.
6. Lands designated “Urban Holding Area-Employment” are zoned “Agriculture – Urban Holding Area” (AG) on the Springfield Zoning Map and are subject to the development standards of the Springfield Development Code AG Zoning District.

The City is bringing land into the UGB to accommodate the need for large employment sites. The following policies restrict land division to protect those large sites for employers that need large sites.

7. For lots/parcels greater than 50 acres in the North Gateway UHA-E District, the minimum lot/parcel size for land division is 50 acres. Land divisions that create lots/parcels for the purpose of establishing a Natural Resource or Public/Semi-Public Parks and Open Space designation within the floodway, wetland or riparian resource portions of the site may create lots/parcels less than 50 acres within the Natural Resource or Public/Semi-Public Parks and Open Space designation portion of the parent lot/parcel. Lots/parcels created and designated for employment purposes shall retain the 50-acre minimum until planned and zoned to allow annexation and site development with urban employment uses and densities consistent with the policies of this Plan.

The following policy retains large parcels. The area’s existing Lane County zoning is EFU-25 (25-acre minimum).

²³ Employment site needs are explained in the Economic Element of this Plan, and in the Springfield Commercial and Industrial Buildable Lands Inventory and Economic Opportunities Analysis, 2015.

²⁴ ORS 285A.010(9)

8. For lots/parcels less than 50 acres in the North Gateway and Mill Race UHA-E Districts, the minimum lot/parcel size for land division is 20 acres. Land divisions that create lots/parcels for the purpose of establishing a Natural Resource or Public/Semi-Public Parks and Open Space designation within the floodway, wetland or riparian resource portions of the site may create lots/parcels less than 20 acres within the Natural Resource or Public/Semi-Public Parks and Open Space designation portion of the lot/parcel. Lots/parcels created and designated for employment purposes shall retain the 20-acre minimum until planned and zoned to allow annexation and site development with urban employment uses and densities consistent with the policies of this Plan.

The following policy suggests one way the City Council could provide an incentive for development.

9. As directed by the City Council, the City will conduct comprehensive planning processes and adopt refinement-level plans and implementation measures to guide and regulate urban development in the North Gateway and Mill Race UHA-E districts. The Transportation Planning Rule requirements under OAR 660-012-0060 will be addressed prior to any re-designation or zoning map amendment that allows urbanization.
10. Refinement Plans, District Plans, Master Plans and zoning for land within the UHA-E designation shall support cohesive design and development of innovative Employment districts that provide attractive sites for economic development in convenient proximity to natural and recreational amenities and infrastructure systems designed to integrate and protect water quality, Springfield's Drinking Water Source Areas, riparian, wetland and groundwater resources, aquifer recharge, and floodplain functions with compatible employment uses.
11. Plan and zone land within the UHA-E designation to provide suitable employment sites 20 acres and larger to accommodate clean manufacturing²⁵ uses and office/tech/flex employers in Springfield's target industry sectors. Limited neighborhood-scale retail uses that primarily serve employees within an industrial or office building or complex may be permitted as a secondary element within employment mixed-use zones. Urban Holding Area-Employment (UHA- E) sites shall not be re-designated or zoned to permit development of regional retail commercial uses.

²⁵ For the purposes of this policy, "clean" is defined as land uses, construction practices, and business operations that minimize waste and environmental impacts, and that contribute to a safe, healthy, and clean community, maintain the aquifer recharge capacity of the site by reducing impervious surfaces, and protect Springfield's drinking water source areas from contamination.

12. Master plans are required for contiguous ownerships over 5 acres designated UHA-E and shall address all of the policies of this Plan and the Master Plan requirements of the Springfield Development Code.

The following policies (in blue font) are existing Metro Plan policies applicable to unincorporated land within the existing UGB. The UF-10 overlay is an existing Springfield zone applied to these lands until they are annexed.

Policies: Development within the Urbanizable Fringe (UF-10) Overlay Zoning District

13. Unless the following conditions are met, the minimum lot size for campus industrial designated areas in the UF-10 Zoning District shall be 50 acres and the minimum lot size for all other designations in the UF-10 Zoning District shall be 10 acres. Land division in the UF-10 Zoning District will be subject to the following requirements:
- a. The approval of a conceptual plan for ultimate development at urban densities in accordance with applicable plans and policies. The conceptual plan shall remain in effect until superseded by other plans or actions required to enable full urban density development.
 - b. Proposed land uses and densities conform to applicable plans and policies.
 - c. The owner of the property has signed an agreement with the city which provides that the owner and his or her successors in interest are obligated to not remonstrate against annexation proceedings should the city, at its option, initiate annexation.
14. Any proposed land division in the UF-10 District that creates any lot under five acres in size will require utilizing the following additional standards:
- a. The property will be owned by a governmental agency or public utility.
 - b. A majority of parcels located within 100 feet of a boundary of the property are smaller than five acres.
 - c. The land division does not result in more than 3 parcels.
15. The siting of all residences on urbanizable lots served by on-site sewage disposal systems shall be reviewed by Lane County to ensure the efficient future conversion of these lots to urban densities according to *Plan* assumptions and minimum density requirements.

16. The Development and Public Works Director may accept the use of on-site sewage disposal systems as a temporary measure for approval of industrial and commercial development proposals within Campus Industrial designated areas in conjunction with annexation to a city provided:
 - a. It is in the City's interest to encourage economic diversification; and
 - b. Extension of the public wastewater system is imminent or is identified as part of an approved capital improvement program; and
 - c. An annexation agreement establishes the timeframe for connecting to the public wastewater system.

UG-2 Promote efficient and economical patterns of mixed land uses and development densities that locate a variety of different life activities, such as employment, housing, shopping and recreation in convenient proximity; and where accessible by multiple modes of transportation — including walking, bicycling, and transit in addition to motor vehicles — both within and between neighborhoods and districts.

The following policies suggest ways the City Council could provide incentives to prepare sites for development to meet employment land needs.

17. In new growth and redevelopment areas throughout the City, plan and support the transition to transportation-efficient land use patterns by providing incentives such as City-initiated plan and zoning updates, technical assistance, implementation of design standards, and permit processing assistance to guide the development of well-designed neighborhoods, efficient and economically viable mixed use districts and corridors.
18. Within districts and neighborhoods currently characterized by a limited range of land uses and activities, pursue comprehensive planning and zoning code updates to allow for mixed-use development at appropriate locations as one method of providing additional land use diversity and choices — as described in the Economic and Residential Land Use Elements of this plan.
19. Support new development and redevelopment in mixed use areas to address Springfield's needs for housing, employment, and shopping opportunities in connected, walkable neighborhood locations served by the region's frequent transit network (FTN).
20. Plan and zone land to support transit-oriented land use patterns and development, including but not limited to higher intensity development in the City's employment and

commercial centers and along major transit corridors; employment uses located within ¼ mile of transit stations or stops; and residential development within ½ mile of transit stations or stops.

21. As permitted under Oregon law, [require improvements in new commercial, public, mixed use, and multi-unit residential development that encourage walking, bicycling and the use of transit.](#)
22. Plan and zone the North Gateway UHA-E area to guide development of a well-designed employment district adjacent to the Interstate 5 economic corridor to support diversification and improvement of the local, regional and state economies and to make efficient use of existing and planned public transportation systems and infrastructure. Applicant-initiated plan designation and zoning changes shall address logical extension of transportation and public facilities to serve the entire North Gateway UHA-E district. Development within the North Gateway District shall be zoned and designed to enhance the distinctive physical surroundings and natural resources of the area while accommodating growth and change through implementation of attractive building exteriors and low impact development practices.
23. Amend the Gateway Refinement Plan to include the North Gateway UHA-E area prior to or concurrent with approval of an owner-initiated plan amendment or zone change that allows urban development in the North Gateway UHA-E area. The amended Gateway Refinement Plan shall describe the logical extension of transportation and public facilities to serve the entire North Gateway UHA-E area.
24. Lands added to the UGB in 2016 for employment, public facilities, parks, open space and recreation in the Mill Race area shall be comprehensively planned in the context of a larger Mill Race District that includes the Booth Kelly Mixed Use site and the industrially-zoned lands south of the railroad corridor. The plan shall identify opportunities for integrating economic development, recreation, arts, culture, historic interpretation, and pedestrian/bicycle connectivity between the Middle Fork Willamette River and Downtown District; and shall identify development standards that protect Drinking Water Source Areas and other natural resources from incompatible development.
25. As depicted in Ordinance Exhibit A-2, lands developed with and occupied by Springfield Utility Board and Rainbow Water District public drinking water wells and wellfields included in the 2015 UGB expansion are designated Public/Semi Public to

accommodate and protect Springfield’s public water system facilities and Drinking Water Source Areas and shall not be re-designated to allow for other urban uses.

26. As depicted in Ordinance Exhibit A-2, certain Willamalane Park and Recreation District lands, parks and facilities are included in the 2016 UGB expansion and are designated Public/Semi Public to accommodate community needs for open space and recreation and shall not be re-designated to allow for other urban uses.

UG-3 Provide an adequate level of urban services, including but not limited to public water, wastewater, and stormwater management systems, environmental services and an urban multi-modal transportation system as urban development occurs within the Springfield UGB.

27. The coordinated, timely provision of urban services is a central element of the City’s comprehensive growth management strategy for infill, redevelopment and new development. Development undertaken in pursuit of housing goals, diversifying the economy and neighborhood livability shall occur only after the logical and efficient delivery of all urban services have been provided to these sites.
- Prepare and adopt comprehensive plan and zoning updates at the neighborhood, district, and corridor scale to determine the density, character and design of urban development in alignment with infrastructure capacity to ensure efficient and economical delivery of urban services in balance with the City’s financial resources.
28. Regionally significant public investments within Springfield’s UGB shall be planned on a metropolitan-wide basis, as described in the regional transportation and public facilities plans.
29. Annexation shall continue to be a prerequisite for urban development and the delivery of City services in accordance with the Springfield Comprehensive Plan and Springfield Development Code.
30. Unincorporated land within the Springfield UGB may be developed with permitted uses at maximum density only upon annexation to the City when it is found that key urban facilities and services can be provided to the area to be annexed in an orderly and efficient manner. Provision of these services to the area proposed for annexation is consistent with the timing and location for such extension, where applicable, in the City’s infrastructure plans — such as the Public Facilities and Services Plan; the Springfield Transportation System Plan; the City’s Capital Improvement Program; and the urbanization goals, policies and

implementation strategies of this Element — or a logical time within which to deliver these services has been determined, based upon demonstrated need and budgetary priorities.

31. For the purposes of land use planning and annexation approval, the Springfield Comprehensive Plan defines key urban facilities and services as: wastewater service; stormwater service; transportation; solid waste management; water service; fire and emergency medical services; police protection; citywide park and recreation programs; electric service; land use controls; communication facilities; and public schools on a district-wide basis.²⁶
32. Urban services provided by the City upon annexation to Springfield include storm and sanitary sewer; water; transportation systems; police and fire protection; planning, building, code enforcement and library services; and public infrastructure maintenance of City-owned or operated facilities.
33. Springfield Utility Board (SUB) is the water service provider within the Springfield City Limits. SUB will be the electrical service provider within the UGB as provided or permitted under Oregon law.
34. When unincorporated territory within the UGB is provided with any new urban service, that service shall be provided by one of the following methods in this priority order:
 - a. Annexation to City; or
 - b. Contractual annexation agreements with City
35. The City shall not extend water or wastewater service outside city limits to serve a residence or business without first obtaining a valid annexation petition, a consent to annex agreement, or when a health hazard abatement annexation is required.
36. The City may approve construction of urban transportation and public infrastructure facilities prior to or concurrently with development proposals provided that such infrastructure construction is consistent with the Public Facilities and Services Plan, Springfield Wastewater and Stormwater Master Plans, the regional and local transportation system plans, or the Capital Improvement Program.

²⁶ This plan does not address facilities and services provided by Lane County, the State of Oregon, or the Federal government, and does not preclude provision of those services within Springfield.

- The City shall continue to seek funding opportunities and public-private partnerships to allow construction of key urban infrastructure elements to support pedestrian and transit-friendly redevelopment in Glenwood and Downtown, such as the Franklin Corridor multiway boulevard in Glenwood and enhancements to the Main Street/South A couplet through Downtown.

37. Prior to re-designating and rezoning land designated Urban Holding Area- Employment, the City shall update and adopt amendments to the *Eugene-Springfield Metropolitan Public Facilities and Services Plan* (PFSP) that may be needed to identify new facilities or major modification of facilities needed to serve development of urban employment uses within the North Gateway or Mill Race districts as necessary to demonstrate consistency with statewide planning Goal 11 and Goal 11 administrative rules requirements and the policies of Metro Plan Chapter III-G Public Facilities Element of the Metro Plan.

NOTE: Policies 38-40 are intended to address Metro Plan Chapter III-F Eugene-Springfield Metropolitan Area Transportation Element, to address the applicable Statewide planning Goal 12 and Goal 12 administrative rules requirements.

38. To ensure that changes to the Springfield Comprehensive Plan are supported by adequate planned transportation facilities, the City shall update and adopt amendments to the Springfield Transportation System Plan (TSP) to identify facilities that may be needed to provide and encourage a safe, convenient and economic multi-modal transportation system to support development of urban uses and densities in the North Gateway and Mill Race areas. The TSP update shall be coordinated with City-initiated comprehensive land use planning or owner-initiated plan amendments and shall be prepared and adopted prior to or concurrently with any plan or zoning amendment that allows an increase in trips over the levels permitted in the AG zone.
39. The North Gateway and Mill Race districts shall be planned and designed to encourage and support the availability of a variety of transportation choices for moving people that balance vehicular use with other transportation modes, including walking, bicycling and transit in order to avoid principal reliance upon any one mode of transportation; support the mobility needs of the transportation disadvantaged; and provide for safe and convenient vehicular, transit, pedestrian, and bicycle access and circulation. Plan and zoning amendments shall include a transportation system analysis and plan to demonstrate compliance with Statewide planning Goal 12 and Goal 12 administrative rules.

40. Public transportation systems shall be designed to facilitate future extension of the public transit system to serve the North Gateway district.

Note: For other related policy discussion, see the [Public Facilities and Services Element in Metro Plan Chapter III-G](#). The Springfield 2030 Comprehensive Plan Urbanization Element does not address service districts or the financing or management of services that are provided; and does not preclude dissolution, merger, expansion or creation of special districts by public agencies.

UG-4 As the City grows and as land develops, maintain and reinforce Springfield's identity as a river-oriented community by emphasizing and strengthening physical connections between people and nature in the City's land development patterns and infrastructure design.

41. Protect, conserve, and enhance the natural, scenic, environmental, and economic qualities of the McKenzie and Willamette River and waterway corridors as Springfield grows and develops.

The following policies are adapted from existing Metro Plan policies as noted. They are included here to update existing policies applicable to urbanizable lands within Springfield's UGB.

42. Land use regulations and acquisition programs along river corridors and waterways shall take into account the concerns and needs of the community, such as recreation, resource protection, wildlife habitat, enhancement of river corridor or waterway environments, potential for public access, and opportunities for river-oriented urban development and infrastructure design. [\(Adapted from Greenway, River Corridors and Waterways Metro Plan D.2 p III-D-4\)](#)
43. The City of Springfield and Willamalane shall continue to cooperate in expanding water-related parks and other facilities, where appropriate, that allow access to and enjoyment of river and waterway corridors. [\(Adapted from Greenway, River Corridors and Waterways Metro Plan D.3, p III-D-4\)](#)
44. New development that locates along river corridors and waterways shall be designed to enhance natural, scenic and environmental qualities of those water features. [\(Adapted from Greenway, River Corridors and Waterways Metro Plan D.4, p III-D-4\)](#)

45. Continue efforts to restore, enhance and manage the Springfield Mill Race to fulfill multiple community objectives. Partner with Willamalane and Springfield Utility Board to provide public access to the Mill Race where appropriate. (Adapted from Greenway, River Corridors and Waterways Metro Plan D.4, p III-D-4)
46. Continue efforts to provide increased opportunities for public access to the Willamette River Greenway and the McKenzie River through comprehensive planning, development standards, annexation agreements, the land use permitting process, and through partnerships with Willamalane, Springfield Utility Board and property owners.
47. Prior to approval of a plan amendment or zone change that permits urban development within the North Gateway or Mill Race District urbanizable lands, the Springfield Local Wetland Inventory shall be updated in accordance with Statewide planning Goal 5 and Goal 5 administrative rules requirements.
48. Prior to approval of a plan amendment or zone change that permits urban development within the North Gateway or Mill Race District urbanizable lands, the Springfield Natural Resources Inventory shall be updated in accordance with Statewide planning Goal 5 and Goal 5 administrative rules requirements and the Springfield Natural Resources Study shall be amended. The inventory process shall map the resource areas, determine significance, and adopt a list of significant resource sites as part of the comprehensive plan and land use regulations. More precise field surveys to locate top of bank and to monument riparian area setbacks are required prior to site plan approval and issuance of building permits.
49. Employment lands designated UHA-E shall be planned and zoned as economic districts that provide and promote suitable sites for clean manufacturing²⁷ uses and office/tech/flex employers in Springfield's target industry sectors. Limited neighborhood-scale retail uses that primarily serve employees within an industrial or office building or complex may be permitted as a secondary element within employment mixed-use zones. Urban Holding Area-Employment (UHA- E) sites shall not be re-designated or zoned to permit development of regional retail commercial uses.

²⁷ For the purposes of this policy, "clean" is defined as land uses, construction practices, and business operations that minimize waste and environmental impacts, and that contribute to a safe, healthy, and clean community, maintain the aquifer recharge capacity of the site by reducing impervious surfaces, and protect Springfield's drinking water source areas from contamination.

50. The Springfield Water Quality Limited Waterways Map shall be updated to include the North Gateway and Mill Race Districts. Springfield's implementation measures to maintain the City's compliance with the Clean Water Act and other Federal resource protection mandates shall automatically apply to the lands included in the UGB through the provisions of the Springfield Development Code.

UG-5 Increase Springfield's capability to respond to natural hazard impacts and to enhance public safety, health and robustness of the economy and natural environment. Create opportunities for innovative urban development and economic diversification.

51. Grow and develop the City in ways that will to ensure the stability of Springfield's public drinking water supply to meet current and future needs.

- Prior to City approval of annexation, land division or site development in the North Gateway and Mill Race UHA-E districts, the City — in partnership with Springfield Utility Board — shall conduct a Springfield Development Code Amendment process to prepare and apply specialized development standards that protect Drinking Water Source Areas to urbanizable lands designated UHA-E to ensure that new development contributes to a safe, clean, healthy, and plentiful community drinking water supply. The standards shall identify design, development, construction and best management processes appropriate and necessary to maintain aquifer recharge and protect drinking water quality and quantity. The standards shall also identify land use buffers appropriate and necessary to protect the Willamette Wellfield and the surface water features that are known to be in hydraulic connection with the alluvial aquifer.
- Continue to Update the Springfield Comprehensive Plan and Springfield Development Code as new natural hazards information becomes available.
- Encourage increased integration of natural systems into the built environment, such as vegetated water quality stormwater management systems and energy-efficient buildings.

52. Grow and develop the City in ways that maintain and improve Springfield's air quality to benefit public health and the environment.

- Prioritize and seek funding for mixed use land use district planning and multi-modal transportation projects that reduce reliance on single occupancy vehicles

(SOVs) consistent with Springfield Transportation System Plan (TSP) Policy 1.2, 1.3 and 1.4.

- Coordinate land use and transportation system planning for urbanizable lands at the refinement plan and/or Master Plan level to identify and conceptually plan alignments for locating multi – modal facilities.
- Plan, zone and design transportation systems in the North Gateway and Mill Race Urban Holding Area - Employment districts to provide multi-modal transportation choices for district employees.
- Promote the use of active transportation systems as new growth areas and significant new infrastructure are planned and developed.

DRAFT

FINDINGS

POPULATION AND EMPLOYMENT FORECASTS FOR THE 2010-2030 PLANNING PERIOD

In order to achieve timely compliance with their statutory obligations under ORS 197.304 (2007) Or Laws Chapter 650, the cities of Eugene and Springfield and Lane County co-adopted the following coordinated population forecasts into the Metro Plan for Springfield's jurisdictional areas:

	2030	2031	2032	2033	2034	2035
Springfield – City Only	74,814	75,534	76,254	76,974	77,693	78,413
Metro Urban Area East of I-5	6,794	6,718	6,642	6,567	6,491	6,415
Total	<u>81,608</u>	<u>82,252</u>	<u>82,896</u>	<u>83,541</u>	<u>84,184</u>	<u>84,828</u>

These figures effectively provide coordinated projections for years ending 2030 through 2035 and were used as the basis for the Springfield 2030 UGB and plan policies adopted to meet residential and employment land needs for the 20-year planning period 2010-2030. The 2030 UGB relied on the 2006 employment forecast ²⁹of 13,440 new employees for Springfield in the year 2030 to project employment land needs.

LAND INVENTORIES AND ANALYSES FOR THE 2010-2030 PLANNING PERIOD

The Springfield Comprehensive Plan is supported by the following land inventories and technical analyses which are adopted as technical supplements to this Plan:

Goal 10: Springfield Residential Land and Housing Needs Analysis (acknowledged in 2011)³⁰

Goal 9: Springfield Commercial and Industrial Buildable Lands Inventory and Economic Opportunities Analysis (acknowledged in 2016)³¹

Definitions of constrained and unconstrained land. The land area included in the Springfield 2030 Urban Growth Boundary includes land constrained by natural features, natural hazards, natural resource protection buffers, and 230KV transmission line easements. Constraints are

²⁹ The employment forecast in the adopted Commercial and Industrial Buildable Lands Inventory and Economic Opportunities Analysis, Appendix C.

³⁰ Adopted as a Technical Supplement to the Springfield 2030 Residential Land Use and Housing Element

³¹ Adopted as a Technical Supplement to the Springfield 2030 Economic Element

factors that preclude land development or affect the desirability of land for development. Constraints reduce the development capacity of land.

OAR 660-009-0005(2) defines “development constraints” as factors that temporarily or permanently limit or prevent the use of land for economic development. Development constraints include, but are not limited to, wetlands, environmentally sensitive areas such as habitat, environmental contamination, slope, topography, cultural and archeological resources, infrastructure deficiencies, parcel fragmentation, or natural hazard areas. Assumptions about constraints affect the amount of suitable, buildable land in the City’s inventories, and thus the amount of land Springfield needs to designate to meet housing and employment needs for the planning period. Table 1 shows constraints that were considered unbuildable for the purpose of the 2010-2030 land inventories.

Table 6: Development Constraints Springfield 2030 Comprehensive Plan Land Inventories (2010-2030)	
<p style="text-align: center;">Assumed Constraints Employment Land³²</p> <p><u>Absolute Development Constraints.</u> The following factors are considered absolute development constraints which make employment land <u>unsuitable</u> for development:</p> <ul style="list-style-type: none"> ▪ Floodway ▪ Wetlands ▪ Riparian resource areas ▪ Slopes greater than 15% <p>Springfield’s Natural Resources Inventory and Lane County Rural Comprehensive Plan Natural Resources Inventory identify wetlands and riparian resource areas protected from development by City Ordinance in compliance with Goal 5, the Federal Clean Water Act and the federal Endangered Species Act.</p>	<p style="text-align: center;">Assumed Constraints Residential Land³³</p> <p><u>Unbuildable, Not Serviceable Land:</u> Tax lots or areas within tax lots with one or more of the following attributes:</p> <ul style="list-style-type: none"> ▪ Floodway ▪ Wetlands ▪ Riparian resource areas and setbacks ▪ Areas with severe landslide potential (DOGAMI map) ▪ Slopes greater than 25% ▪ Easements containing a 230KV transmission line ▪ Small irregularly shaped lots ▪ Publicly owned land

³² Springfield Commercial and Industrial Land Inventory and Economic Opportunities Analysis, page 14.

³³ Springfield Residential Land and Housing Needs Analysis, page 10, Map 3-4.

Commentary: After approval, this document will be formatted to be consistent with the Economic and Residential Elements of this Plan

DRAFT

Ordinance _____, Exhibit C-2

**Amendments to Springfield UGB Technical Supplement
Describing the Amended UGB**

The following amendments to the UGB Technical Supplement are necessary to describe the precise location of the amended UGB:

1. List of tax lots that are adjacent to and inside, or split by UGB;
2. Summary of Methodology to refine the Location of the Springfield Urban Growth Boundary

The UGB Technical Supplement previously adopted as Ordinance 6268, Exhibits D and E of is replaced with the attached documents.

Summary of Methodology Utilized to Refine the Location of the Springfield Urban Growth Boundary

Purpose of this action

1. To establish a tax lot-specific map of the acknowledged Metro Urban Growth Boundary, east of Interstate 5, in accordance with OAR 660-024-0020(2).
2. To establish a separate Urban Growth Boundary for the city of Springfield, as required by ORS 197.304.

Background & Findings

1. The Urban Growth Boundary (UGB) was originally acknowledged by the Land Conservation and Development Commission on August 19, 1982.
2. The existing map of the UGB was adopted by the Springfield City Council on May 17, 2004, by Ordinance No. 6087.
3. The tax lot-specific map of the acknowledged Metro Urban Growth Boundary, east of Interstate 5 establishes a more precise location of the UGB.
4. The methodology used to determine the precise location of the acknowledged UGB is based on the adopted policies contained in the Eugene-Springfield Metropolitan Area General Plan (Metro Plan).
5. As adopted, the UGB is only tax lot-specific where it is coterminous with city limits, where it has been determined through the annexation process, and where it falls on the outside edge of existing or planned rights-of-way. (Page II-G-14 of the Metro Plan).
6. Where it is not tax lot-specific, the UGB is approximately 200' wide. This is in accordance with the adopted policies in the Metro Plan as well as decisions by the Lane County Hearings Official.
 - a. Levi Landing (Journal #1997-06-142 & #1999-06-144) is the only area where a more precise location of the UGB east of I5 has been determined by the Lane County Hearings Official.
 - b. Letter from Steve Gordon, dated June 29, 1999.
 - c. The best evidence that identifies the location of the UGB in the SE Hills is:
 - i. The city attorney and city staff endorsed the location of the ridgeline separating the drainage basins, as proposed in Journal #2000-06-128, Dilbeck, and
 - ii. The Springfield Planning Commission found the legal description contained in Journal #1998-11-256, Smejkal, accurately describes a portion of the UGB in the southeast hills.
7. Where the UGB description refers to the "Line of Ordinary High Water", this means the line on the bank or shore to which the high water ordinarily rises annually in season. This definition is per ORS 274.005(3).

Methodology

1. OAR 660-024-0020(2): “The UGB and amendments to the UGB must be shown on the city and county plan and zone maps at a scale sufficient to determine which particular lots or parcels are included in the UGB. Where a UGB does not follow lot or parcel lines, the map must provide sufficient information to determine the precise UGB location.”
 - a. This OAR requires the UGB to be shown at a scale that identifies which particular tax lots are included in the UGB. If a tax lot is split by the UGB, there must be sufficient information to determine the precise UGB location.
 - b. Where the UGB does not follow tax lot lines, a written description shall provide sufficient information to determine the precise UGB location. This information is contained in the table called: “Tax lots Adjacent and Split by the UGB”
2. The UGB is coincident with tax lot lines unless the tax lot line is outside the 200’ wide area.
3. The UGB is coincident with tax lot lines when they are coterminous with the outside edge of rights-of-way, so the full width of the right-of-way is inside the UGB.
4. Roads and Rights of Way. The UGB shall lie along the outside edge of existing and planned rights-of-way that form a portion of the UGB so that the full right-of-way is within the UGB. Refer to Policy #2, Page II-C-4 of the Metro Plan.
5. The location of the UGB in relation to the Interstate 5 corridor is based on the policies contained in “Jurisdictional Responsibility” on Page II-D of the Metro Plan:

“The division of responsibility for metropolitan planning between the two cities is the Interstate 5 Highway. Lane County jurisdiction is between the urban growth boundary (UGB) and *Metro Plan* Plan Boundary (Plan Boundary); and the county has joint responsibility with Eugene between the city limits and UGB west of the Interstate 5 Highway and with Springfield between the city limits and UGB east of the Interstate 5 Highway. State law (1981) provides a mechanism for creation of a new city in the River Road and Santa Clara area. Refer to Metro Plan Chapter IV and intergovernmental agreements to resolve specific issues of jurisdiction.”

 - a. **General description.** The northbound lane is inside the Springfield UGB. The southbound lane is outside the Springfield UGB. For the area underneath the Willamette River Bridge, the UGB and the city limits are coincident.
 - b. **Northern terminus.** Extend the ~~norsouthern~~ tax lot line of 17031~~000019500001~~00 to the west until it intersects the centerline of the Interstate 5 right-of-way.
 - c. **Southern terminus.** Extend the southernmost point of tax lot 180311001800 that is south of and adjacent to the Filbert Grove 5th Addition, to the W, to the intersection of the Interstate 5 centerline and the common section line of TRS 180311 and 180310. This point is approximately 275’ south of the northbound Interstate 5 on-ramp.
 - d. **Centerline.** For the purposes of the UGB location, the centerline is located within the area between the northbound and southbound travel lanes as they are currently located. A more precise location of the current centerline is included in the following metes and bounds description. If the travel lanes are shifted and

the metes and bounds description conflicts with the new travel lanes, the general description shall apply.

Beginning at the Northwest corner of the Ashley O. Stevens DLC no. 45 in Township 17 South, Range 3 West in the Willamette Meridian, thence South 83°17'27" East 1025.05 feet to the centerline of Pacific highway Interstate 5; thence North 6°38'21" East 1636.35 feet along said centerline to Engineers centerline station 402+01.88; thence North 6°42'32" East 2934.72 feet, more or less along said centerline to Engineers centerline station 372+67.16, said station being 277.25 feet southerly along said centerline from Engineers centerline station 369+89.91 PT, as depicted on Lane County Survey maps CSF 23305 and CSF 28681, records of the Lane County Surveyors Office, in Lane County, Oregon, being the **TRUE POINT OF BEGINNING** of the herein UGB line description; thence along the centerline of said Pacific Highway Interstate 5 the following courses: South 6°42'32" West 16,629.8013,695.08 feet, more or less to Engineers centerline station 538+96.95 PS; thence along a spiral curve to the left (the long chord of which bears South 4°17'57" West 1213.40 feet) to Engineers centerline station 551+10.84 PT BK = 551+24.85 POT AH; thence South 1°53'22" West 3690.63 feet to Engineers centerline station 588+15.62 PS; thence along a spiral curve to the left (the long chord of which bears South 9°18'13" East 1505.42 feet) to Engineers centerline station 603+34.93 PT; thence South 20°29'48" East 15.13 feet to Engineers centerline station 603+50.0634.93 POT BK = 202+88.88 POT AH; thence South 20°29'48" East 233.64 feet to Engineers centerline station 205+22.53 PS; thence along a spiral curve to the left (the long chord of which bears South 54°29'18" East 2982.07 feet) to Engineers centerline station 237+41.86 PT; thence South 88°28'48" East 738.65 feet to Engineers centerline station 244+80.54 PS; thence along a spiral curve to the right (the long chord of which bears South 47°03'03" East 2279.74 feet) to Engineers centerline station 266+63.16 PT; thence South 5°37'18" East 1049.33 feet to Engineers centerline station 277+12.49 PS; thence along a spiral curve to the left (the long chord of which bears South 9°31'54" East 1431.01 feet) to Engineers centerline station 287+45.82 PCS and there ending, all in Lane County, Oregon.

Basis of Bearings for this description is Oregon State Plane Coordinate System, South Zone, NAD 83/91 Datum.

6. Split Tax Lots. When the UGB is not coincident with tax lot lines, the criteria from the Metro Plan shall apply. The following criteria are from Page II-G-14 of the Metro Plan. The UGB shall follow the most appropriate feature:
 - a. Protection of Agricultural Lands
 - b. Protection of Forest Lands
 - c. Ridgeline (Drainage Basin)
 - d. Orderly and Economic Public Services
 - e. Floodway Fringe
 - f. Protection of Wetlands

- g. Protection of Sand and Gravel Resources
 - h. Airport Protection
 - i. Existing Development and Services (City Limits)
 - j. Meet Economic Goals
7. The following areas contain tax lots that are split by the UGB. Refer to the detail maps in the technical supplement for further clarification.
- a. **Hayden Bridge Area Split Tax Lots:** The location of the UGB is a fixed distance (300') that is measured from the northern edge of the Hayden Bridge right-of-way, unless it has been previously determined as a result of a land use decision or annexation. The location of 300' north of the right of way was chosen since it included most of the existing dwellings and was within the 200' area. In addition, the land use decisions indicated the UGB was not intended to follow the Hayden Bridge right of way.
 - b. **High Banks Area Split Tax Lots.** The location of the UGB is either:
 - A fixed distance (450') that is measured from the northern edge of the High Banks right-of-way, or
 - Coincident with the city limits.
 - c. **North Gateway Area Split Tax Lots.** Refer to the description of the UGB within the I5 corridor. The location is based on the policies contained in "Jurisdictional Responsibility" on Page II-D of the Metro Plan. The UGB is coincident with the unnumbered tax lot that contains the public drainage facility. The tax lot is entirely within the UGB.
 - d. **Thurston Area Split Tax Lots.** The city limits extend outside the UGB on the tax lot that contains the Thurston Middle School. On that tax lot, the UGB is coincident with the section line.
 - e. **Southeast Hills Area Split Tax Lots.** The adopted policies indicate the UGB should follow the ridgeline (refer to the table "Metro Plan Urban Growth Boundary Map Key" from Page II-G-21 of the Metro plan). The line was originally drawn in 1982 and generally follows the ridgeline. The city's current mapping technology is able to more accurately follow the ridgeline. The letter from Steve Gordon, dated June 29, 1999, provides evidence of the intent to follow the ridgeline. Journal #1998-11-0256 is a land use decision that provided a legal description for a portion of this area.
 - f. **Clearwater Area Split Tax Lots:** When the UGB does not follow tax lot lines in this area, its location is based on aerial photo interpretation and proximity to the Jasper Rd. right of way. This effort also included a site visit and discussions with the landowner of 5119 Jasper Rd.
 - g. **Willamette Area Split Tax Lots:** Refer to the description of the UGB within the I5 corridor. The location is based on the policies contained in "Jurisdictional Responsibility" on Page II-D of the Metro Plan.

Description of the Springfield UGB within the Interstate 5 corridor

~~March 16, 2011~~

The location of the UGB in relation to the Interstate 5 (I-5) corridor is based on the policies contained in "Jurisdictional Responsibility" on Page II-D of the Metro Plan. It states:

"The division of responsibility for metropolitan planning between the two cities is the Interstate 5 Highway. Lane County jurisdiction is between the urban growth boundary (UGB) and *Metro Plan* Plan Boundary (Plan Boundary); and the county has joint responsibility with Eugene between the city limits and UGB west of the Interstate 5 Highway and with Springfield between the city limits and UGB east of the Interstate 5 Highway. State law (1981) provides a mechanism for creation of a new city in the River Road and Santa Clara area. Refer to Metro Plan Chapter IV and intergovernmental agreements to resolve specific issues of jurisdiction."

General description

The northbound lane is inside the Springfield UGB. The southbound lane is outside the Springfield UGB. For the area underneath the Willamette River Bridge, the UGB and the city limits are coincident.

Northern terminus

Extend the ~~norsou~~thern tax lot line of 17031~~000019500001~~00 to the west until it intersects the centerline of the Interstate 5 right-of-way.

Southern terminus

Extend the southernmost point of tax lot 180311001800 that is south of and adjacent to the Filbert Grove 5th Addition, to the W, to the intersection of the I-5 centerline and the common section line of TRS 180311 and 180310. This point is approximately 275' south of the NB I-5 onramp.

Metes and bounds description

This is a metes and bounds description of the northern and southern terminus points of the Springfield UGB within the I-5 right of way.

For the purposes of the UGB location, the centerline is located within the area between the northbound and southbound travel lanes as they are currently located. A more precise location of the current centerline is included in the following metes and bounds description. If the travel lanes are shifted and the metes and bounds description conflicts with the new travel lanes, the general description shall apply.

Beginning at the Northwest corner of the Ashley O. Stevens DLC no. 45 in Township 17 South, Range 3 West in the Willamette Meridian, thence South 83°17'27" East 1025.05 feet to the centerline of Pacific highway Interstate 5; thence North 6°38'21" East 1636.35 feet along said centerline to Engineers centerline station 402+01.88; thence North 6°42'32" East 2934.72 feet, more or less along said centerline to Engineers centerline station 372+67.16, said station being 277.25 feet southerly along said centerline from Engineers centerline station 369+89.91 PT, as depicted on Lane County Survey maps CSF 23305 and CSF 28681, records of the Lane County Surveyors Office, in Lane County, Oregon, being the **TRUE POINT OF BEGINNING** of the herein UGB line description; thence along the centerline of said Pacific Highway Interstate 5 the following courses: South 6°42'32" West ~~16,629.8013,695.08~~ feet, more or less to Engineers centerline station 538+96.95 PS; thence along a spiral curve to the left (the long chord of which bears South 4°17'57" West 1213.40 feet) to Engineers centerline station 551+10.84 PT BK = 551+24.85 POT AH; thence South 1°53'22" West 3690.63 feet to Engineers centerline station 588+15.62 PS; thence along a spiral curve to the left (the long chord of which bears South 9°18'13" East 1505.42 feet) to Engineers centerline station 603+34.93 PT; thence South 20°29'48" East 15.13 feet to Engineers centerline station 603+~~50.0634,93~~ POT BK = 202+88.88 POT AH; thence South 20°29'48" East 233.64 feet to Engineers centerline station 205+22.53 PS; thence along a spiral curve to the left (the long chord of which bears South 54°29'18" East 2982.07 feet) to Engineers centerline station 237+41.86 PT; thence South 88°28'48" East 738.65 feet to Engineers centerline station 244+80.54 PS; thence along a spiral curve to the right (the long chord of which bears South 47°03'03" East 2279.74 feet) to Engineers centerline station 266+63.16 PT; thence South 5°37'18" East 1049.33 feet to Engineers centerline station 277+12.49 PS; thence along a spiral curve to the left (the long chord of which bears South 9°31'54" East 1431.01 feet) to Engineers centerline station 287+45.82 PCS and there ending, all in Lane County, Oregon.

Basis of Bearings for this description is Oregon State Plane Coordinate System, South Zone, NAD 83/91 Datum.

**Springfield UGB within the Interstate 5 Corridor
Metes and Bounds Description (Revised August 20, 2015)**

Beginning at the Northwest corner of the Ashley O. Stevens DLC no. 45 in Township 17 South, Range 3 West in the Willamette Meridian, thence South $83^{\circ}17'27''$ East 1025.05 feet to the centerline of Pacific Highway Interstate 5; thence North $6^{\circ}38'21''$ East 1636.35 feet along said centerline to Engineers centerline station 402+01.88; thence North $6^{\circ}42'32''$ East 2934.72 feet, more or less along said centerline to Engineers centerline station 372+67.16, said station being 277.25 feet southerly along said centerline from Engineers centerline station 369+89.91 PT, as depicted on Lane County Survey maps CSF 23305 and CSF 28681, records of the Lane County Surveyors Office, in Lane County, Oregon, being the **TRUE POINT OF BEGINNING** of the herein UGB line description; thence along the centerline of said Pacific Highway Interstate 5 the following courses: South $6^{\circ}42'32''$ West 16,629.80 feet, more or less to Engineers centerline station 538+96.95 PS; thence along a spiral curve to the left (the long chord of which bears South $4^{\circ}17'57''$ West 1213.40 feet) to Engineers centerline station 551+10.84 PT BK = 551+24.85 POT AH; thence South $1^{\circ}53'22''$ West 3690.63 feet to Engineers centerline station 588+15.62 PS; thence along a spiral curve to the left (the long chord of which bears South $9^{\circ}18'13''$ East 1505.42 feet) to Engineers centerline station 603+34.93 PT; thence South $20^{\circ}29'48''$ East 15.13 feet to Engineers centerline station 603+50.06 POT BK = 202+88.88 POT AH; thence South $20^{\circ}29'48''$ East 233.64 feet to Engineers centerline station 205+22.53 PS; thence along a spiral curve to the left (the long chord of which bears South $54^{\circ}29'18''$ East 2982.07 feet) to Engineers centerline station 237+41.86 PT; thence South $88^{\circ}28'48''$ East 738.65 feet to Engineers centerline station 244+80.54 PS; thence along a spiral curve to the right (the long chord of which bears South $47^{\circ}03'03''$ East 2279.74 feet) to Engineers centerline station 266+63.16 PT; thence South $5^{\circ}37'18''$ East 1049.33 feet to Engineers centerline station 277+12.49 PS; thence along a spiral curve to the left (the long chord of which bears South $9^{\circ}31'54''$ East 1431.01 feet) to Engineers centerline station 287+45.82 PCS and there ending, all in Lane County, Oregon.

Basis of Bearings for this description is Oregon State Plane Coordinate System, South Zone, NAD 83/91 Datum.

List of tax lots that are adjacent to and inside, or split by the UGB

4/5/2011 revised 10/8/2015

Tax lot #	Status	Description	Area	Note
17-02-19	inside UGB or split by UGB	If the tax lot is split by the UGB, where is the UGB located?	name of area containing split tax lots	Plat, Survey, or land use decision
1702190000101	split	300' N of N edge of Hayden Bridge ROW	Hayden Bridge	Journal #94-02-32; plat #94-P0555; CS #32200
1702190000203	split	300' N of N edge of Hayden Bridge ROW	Hayden Bridge	
1702190000300	split	300' N of N edge of Hayden Bridge ROW	Hayden Bridge	
1702190000400	split	300' N of N edge of Hayden Bridge ROW	Hayden Bridge	
1702190000500	split	300' N of N edge of Hayden Bridge ROW	Hayden Bridge	
1702190000501	split	300' N of N edge of Hayden Bridge ROW	Hayden Bridge	
1702190000601	split	300' N of N edge of Hayden Bridge ROW	Hayden Bridge	
1702190000699	split	300' N of N edge of Hayden Bridge ROW	Hayden Bridge	
1702190000701	split	300' N of N edge of Hayden Bridge ROW	Hayden Bridge	SUB2003-00014; Plat #2004-PO1787
1702190000800	split	300' N of N edge of Hayden Bridge ROW	Hayden Bridge	
1702190000900	split	300' N of N edge of Hayden Bridge ROW	Hayden Bridge	Journal #87-03-20; CS #28405
1702190001000	split	300' N of N edge of Hayden Bridge ROW	Hayden Bridge	
1702190001100	split	300' N of N edge of Hayden Bridge ROW	Hayden Bridge	
1702190001200	split	300' N of N edge of Hayden Bridge ROW	Hayden Bridge	
1702194100101	in			
1702194100102	in			
1702194100200	in			
1702194100300	in			
1702194100800	in			
1702194100900	in			
1702194100901	in			
1702194100902	in			
1702194102900	in			
17-02-20				
1702200000500	in	tax lot line, city limits and UGB are coincident		
1702200000600	in	tax lot line, city limits and UGB are coincident		
1702200000700	in	tax lot line, city limits and UGB are coincident		
1702200000800	in	tax lot line, city limits and UGB are coincident		
1702200001301	in	tax lot line, city limits and UGB are coincident		

Tax lot #	Status	Description	Area	Note
17-02-27				
1702270000901	split	City limits and UGB are coincident	Highbanks	
1702270000902	split	City limits and UGB are coincident	Highbanks	
1702270001002	split	connect the most northerly NE corner of tax lot 1702342200100 to NW corner of tax lot 1702342100400.	Highbanks	
1702270001004	in			
1702270001101	in			
1702270001102	in			
1702270001502	in			
1702270002002	in			
1702270002100	in			
17-02-28				
1702280000101	split	UGB and city limits are coincident	Highbanks	split by city limits
1702280000102	in			
1702280000300	split	UGB and city limits are coincident	Highbanks	split by city limits
1702280000301	in			
1702280000302	in			
1702280000401	in	UGB, city limits and tax lot lines are coincident		
1702280000402	in			
1702280000405	in			
1702280000406	in	UGB, city limits and tax lot lines are coincident		
1702280000500	split	450' N of the N edge of Highbanks ROW, then coincident with city limits east of tax lot 1702280000600	Highbanks	
1702280000600	in	UGB, city limits and tax lot lines are coincident		
1702284300200	in	UGB, city limits and tax lot lines are coincident		
1702284300202	in	UGB, city limits and tax lot lines are coincident		
1702284300203	in			
1702284301308	in	UGB, city limits and tax lot lines are coincident		
1702284301309	in	UGB, city limits and tax lot lines are coincident		
17-02-29				
1702290002800	split	450' N of Highbanks ROW on the eastern lot line; connect to NE corner of tax lot 1702290002900	Highbanks	
1702290002900	split	Multi-part tax lot. Extend the UGB from tax lot 2800 to the W, coincident with tax lot line 2900 until it intersects the N edge of the ROW of I-105	Highbanks	
1702290002901	in	all of the tax lot, including all adjacent side channels of the McKenzie River, is inside, as lies upland of the Line of Ordinary High Water of the left bank (as facing downstream) of the main channel of the McKenzie River		
1702290003100	split	UGB and city limits are coincident	Highbanks	

Tax lot #	Status	Description	Area	Note
17-02-30				
1702300000401	in	all of the tax lot, including all adjacent side channels of the McKenzie River, is inside, as lies upland of the Line of Ordinary High Water of the left bank (as facing downstream) of the main channel of the McKenzie River		
17-02-34				
1702341107900	in	UGB, city limits and tax lot lines are coincident		
1702341108000	in	UGB, city limits and tax lot lines are coincident		
1702341108100	in	UGB, city limits and tax lot lines are coincident		
1702341108200	in	UGB, city limits and tax lot lines are coincident		
1702341108300	in	UGB, city limits and tax lot lines are coincident		
1702341109000	in	UGB, city limits and tax lot lines are coincident		
1702341109100	in	UGB, city limits and tax lot lines are coincident		
1702341114900	in	UGB, city limits and tax lot lines are coincident		
1702341115000	in	UGB, city limits and tax lot lines are coincident		
1702341115100	in	UGB, city limits and tax lot lines are coincident		
1702341115200	in	UGB, city limits and tax lot lines are coincident		
1702341115300	in	UGB, city limits and tax lot lines are coincident		
1702341115400	in	UGB, city limits and tax lot lines are coincident		
1702341115500	split	split by city limits. Only "leg" portion is inside	Hayden Bridge	UGB formally interpreted in Levi Landing (#97-06-142); refer to plats of Levi Landing
1702341200100	in	UGB, city limits and tax lot lines are coincident		
1702341200500	split	Split by section line 170227 & 170234	Thurston	city limits outside UGB, Thurston Middle School
1702342100400	in	UGB, city limits and tax lot lines are coincident	Thurston	
1702342200100	in	UGB, city limits and tax lot lines are coincident		
17-02-35				
1702352204801	in			
1702352204900	split	split by city limits	Thurston	
17-02-36				
1702362000403	in	UGB, city limits and tax lot lines are coincident on most easterly tax lot line		
1702362400102	in			
1702362400200	in			
1702363000100	in			
1702363002900	in			
1702363003200	in			
1702363003300	in			
1702363003400	in			

Tax lot #	Status	Description	Area	Note
1702363003402	in			
17-03-10				
1703100002400	split	split by 1-5		
17-03-14				
1703140000900	in			
1703140001100	in	Adjacent to McKenzie River. Refer to survey		Riverbend Phase 2 (survey)
1703140001900	in	Adjacent to McKenzie River. Refer to survey		Riverbend Phase 2 (survey)
17-03-15				
1703154000400	in	all of the tax lot, including all adjacent side channels of the McKenzie River, is <u>inside</u> , as lies upland of the Line of Ordinary High Water of the left bank (as facing downstream) of the main channel of the McKenzie River	Gateway	
17-03-22				
1703220003700	in	UGB, city limits and tax lot lines are coincident		
1703220004102	in	Adjacent to McKenzie River. Refer to plat.		Riverbend Phase 2 (survey)
17-03-23				
1703233200100	in			
1703233200200	in			
1703233200300	in			
1703233200400	in	Adjacent to McKenzie River. Refer to plat.		McKenzie Manor 1st Addition
1703233202400	in	Adjacent to McKenzie River. Refer to plat.		McKenzie Manor 1st Addition
1703233202600	in	Adjacent to McKenzie River. Refer to plat.		McKenzie Manor 1st Addition
1703233202700	in	Adjacent to McKenzie River. Refer to plat.		McKenzie Manor 1st Addition
1703233202800	in	Adjacent to McKenzie River. Refer to plat.		McKenzie Manor 1st Addition
1703233203200	in	Adjacent to McKenzie River. Refer to plat.		McKenzie Manor 3rd Addition
1703233203300	in	Adjacent to McKenzie River. Refer to plat.		McKenzie Manor 3rd Addition
1703233203400	in	Adjacent to McKenzie River. Refer to plat.		McKenzie Manor 3rd Addition
1703233203700	in	Adjacent to McKenzie River. Refer to plat.		McKenzie Manor 3rd Addition
1703233203800	in	Adjacent to McKenzie River. Refer to plat.		McKenzie Manor 3rd Addition
1703233203900	in	Adjacent to McKenzie River. Refer to plat.		McKenzie Manor 3rd Addition
1703233400100	in	Adjacent to McKenzie River. Refer to plat.		Royal Delle
1703233400200	in	Adjacent to McKenzie River. Refer to plat.		Royal Delle
1703233400300	in	Adjacent to McKenzie River. Refer to plat.		Royal Delle
1703233400400	in	Adjacent to McKenzie River. Refer to plat.		Royal Delle
1703233405400	in	Adjacent to McKenzie River. Refer to plat.		Royal Delle 1st Addition
1703233405500	in	Adjacent to McKenzie River. Refer to plat.		Royal Delle 1st Addition
1703233405600	in	Adjacent to McKenzie River. Refer to plat.		Royal Delle 1st Addition
1703233405700	in	Adjacent to McKenzie River. Refer to plat.		Royal Delle 1st Addition
1703233405800	in	Adjacent to McKenzie River. Refer to plat.		Royal Delle 1st Addition

Tax lot #	Status	Description	Area	Note
1703233405900	in	Adjacent to McKenzie River. Refer to plat.		Royal Delle 1st Addition
1703233406000	in	Adjacent to McKenzie River. Refer to plat.		Royal Delle 1st Addition
1703233406100	in	Adjacent to McKenzie River. Refer to plat.		Royal Delle 1st Addition
1703233406200	in	Adjacent to McKenzie River. Refer to plat.		Royal Delle 1st Addition
1703233410800	in	Adjacent to McKenzie River. Refer to plat.		Royal Delle 2nd Addition
1703233410900	in	Adjacent to McKenzie River. Refer to plat.		Royal Delle 2nd Addition
1703233411000	in	Adjacent to McKenzie River. Refer to plat.		Royal Delle 2nd Addition
1703233411100	in	Adjacent to McKenzie River. Refer to plat.		Royal Delle 2nd Addition
1703234200100	in	Adjacent to McKenzie River. Refer to plat.		River Glen 3rd Addition
1703234200200	in	Adjacent to McKenzie River. Refer to plat.		River Glen 3rd Addition
1703234200300	in	Adjacent to McKenzie River. Refer to plat.		River Glen 3rd Addition
1703234200400	in	Adjacent to McKenzie River. Refer to plat.		River Glen 3rd Addition
1703234200500	in	Adjacent to McKenzie River. Refer to plat.		River Glen 3rd Addition
1703234200600	in	Adjacent to McKenzie River. Refer to plat.		River Glen 3rd Addition
1703234200700	in	Adjacent to McKenzie River. Refer to plat.		River Glen 3rd Addition
1703234300100	in	Adjacent to McKenzie River. Refer to plat.		River Glen 3rd Addition
1703234300200	in	UGB, city limits and tax lot lines are coincident		
1703234300300	in	UGB, city limits and tax lot lines are coincident		
1703234300500	in	UGB, city limits and tax lot lines are coincident		
1703234300600	in	UGB, city limits and tax lot lines are coincident		
1703234300700	in	UGB, city limits and tax lot lines are coincident		
1703234300800	in	UGB, city limits and tax lot lines are coincident		
1703234300900	in	UGB, city limits and tax lot lines are coincident		
1703234306000	in	UGB, city limits and tax lot lines are coincident		
1703234306100	in	UGB, city limits and tax lot lines are coincident		
1703234306200	in	UGB, city limits and tax lot lines are coincident		
1703234306300	in	UGB, city limits and tax lot lines are coincident		
1703234406000	in	UGB, city limits and tax lot lines are coincident		
1703234406100	in	UGB, city limits and tax lot lines are coincident		
1703234406200	in	UGB, city limits and tax lot lines are coincident		
1703234406300	in	UGB, city limits and tax lot lines are coincident		
1703234407900	in			PLA #94-11-222; CS #32540
1703234409300	in	UGB, city limits and tax lot lines are coincident		
1703234409400	in	UGB, city limits and tax lot lines are coincident		
1703234409500	in	UGB, city limits and tax lot lines are coincident		
1703234409600	in	UGB, city limits and tax lot lines are coincident		
1703234409700	in	UGB, city limits and tax lot lines are coincident		
1703234409800	in	UGB, city limits and tax lot lines are coincident		
1703234409900	in	UGB, city limits and tax lot lines are coincident		
1703234410000	in	UGB, city limits and tax lot lines are coincident		
1703234410100	in	UGB, city limits and tax lot lines are coincident		
1703234410200	in	UGB, city limits and tax lot lines are coincident		

Tax lot #	Status	Description	Area	Note
17-03-24				
1703240000101	split	260' N of the N edge of Hayden Bridge Rd ROW	Hayden Bridge	Journal #94-02-28; Plat #94-PO567; CS #32260 & 32261
1703240000102	in		Hayden Bridge	Journal #94-02-28; Plat #94-PO567; CS #32260 & 32261
1703240000103	split	260' N of the N edge of Hayden Bridge Rd ROW	Hayden Bridge	Journal #94-02-28; Plat #94-PO567; CS #32260 & 32261
1703240000104	in		Hayden Bridge	Journal #94-02-28; Plat #94-PO567; CS #32260 & 32261
1703240000300	split	375' N of the N edge of Hayden Bridge Rd ROW, include house	Hayden Bridge	
1703240000301	in			
1703240000401	split	375' N of the N edge of Hayden Bridge Rd ROW, include house	Hayden Bridge	
1703240000503	in			
1703240000507	in			
1703240000603	split	from the NE corner of the city limits on tax lot 1703243102000, then to a point 285' N of the N edge of Hayden Bridge ROW, on the east tax lot line of 1703240000603	Hayden Bridge	Journal #92-10-202 O'Niell; CS #33470 & 31021; Plat #92-P0306.
1703243100100	split	From NE corner of tax lot 1703243200301, to city limits on tax lot 1703243104000.	Hayden Bridge	
1703243100200	split	From NE corner of tax lot 1703243200301, to NW corner of city limits on tax lot 1703243100300.	Hayden Bridge	
1703243100300	split	From NE corner of tax lot 1703243200301, to NW corner of city limits on tax lot 1703243100300.	Hayden Bridge	
1703243100600	in			
1703243100701	in			
1703243100702	in			
1703243100704	in			
1703243100900	split	split by city limits	Hayden Bridge	
1703243102000	split	split by city limits, UGB and city limits are coincident	Hayden Bridge	
1703243104000	in	UGB, city limits and tax lot lines are coincident		
1703243104100	in	UGB, city limits and tax lot lines are coincident		
1703243104200	in	UGB, city limits and tax lot lines are coincident		
1703243200200	in			
1703243200301	in			
1703243200302	in			
1703243200303	in			
1703243200304	in			
1703243200305	in			
1703243200306	in			
1703243200307	in			
1703243200500	in			

Tax lot #	Status	Description	Area	Note
1703243200600	in			
1703243200700	in			
1703243200800	in			
1703243200900	in			
18-02-01				
1802010000100	split	follow ridgeline	SE Hills	
18-02-02				
1802020000100	split	follow ridgeline	SE Hills	
1802020000200	split	follow ridgeline	SE Hills	
1802020000300	split	follow ridgeline	SE Hills	
1802020000400	split	follow ridgeline	SE Hills	Refer to Webb survey
1802020000401	in		SE Hills	
18-02-03				
1802030000600	in	follow ridgeline	SE Hills	
18-02-04				
18020400003000	split	approximately 450' S of Jasper Rd to a property corner, then W to the drainage ditch on the W property line. The house and barn at 5119 Jasper Rd are inside the UGB.	Clearwater	
18-02-05				
1802050001801	in			
1802050002600	split	Panhandle; 400' S of the S edge of the Jasper Rd. ROW	Clearwater	
1802050002800	split	On the E lot line 450' S of the S edge of Jasper Rd. ROW. On the W tax lot line 220' S of the S edge of Jasper Rd. ROW.	Clearwater	
1802050002801	split	On the E tax lot line, approximately 450' S of Jasper Rd. to the natural drainage, then to the NW corner of the tax lot. The house (4855 Jasper Rd) is outside.	Clearwater	
1802051303501	in			
1802051303600	in			
1802051303700	in			
1802051303800	in			
1802051304100	in			
1802051304101	in			
1802051304200	in			
1802052300300	in			
1802052300400	in			
1802052300403	in			
1802052300500	in			
1802052300600	in			

Tax lot #		Status	Description	Area	Note
1802052400100		in			Journal #1998-11-0255; Redwood Village plat
1802052400200		in			Journal #1998-11-0255; Redwood Village plat
1802052401000		in			Journal #1998-11-0255; Redwood Village plat
1802052401100		in			Journal #1998-11-0255; Redwood Village plat
1802052401200		in			Journal #1998-11-0255; Redwood Village plat
1802052407900		in			Journal #1998-11-0255; Redwood Village plat
1802052408000		in			Journal #1998-11-0255; Redwood Village plat
1802052408100		in			Journal #1998-11-0255; Redwood Village plat
1802052408201		in			
1802052409400		in			Journal #1998-11-0255; Redwood Village plat
1802052409600		in			Journal #1998-11-0255; Redwood Village plat
1802052409700		in			Journal #1998-11-0255; Redwood Village plat
1802052409800		in			Journal #1998-11-0255; Redwood Village plat
1802052409900		in			Journal #1998-11-0255; Redwood Village plat
1802052410000		in			Journal #1998-11-0255; Redwood Village plat
1802052411000		in			Journal #1998-11-0255; Redwood Village plat
1802052412000		in			Journal #1998-11-0255; Redwood Village plat
1802052413000		in			Journal #1998-11-0255; Redwood Village plat
18-02-06					
1802060001500		in	all of the tax lot, including all adjacent side channels of the Willamette River, is inside, as lies upland of the Line of Ordinary High Water of the right bank (as facing downstream) of the main channel of the Willamette River		

Tax lot #	Status	Description	Area	Note
1802060001600	in	all of the tax lot, including all adjacent side channels of the Willamette River, <u>is inside</u> , as lies upland of the Line of Ordinary High Water of the right bank (as facing downstream) of the main channel of the Willamette River		
1802060001606	in			
1802060004501	in	all of the tax lot, including all adjacent side channels of the Willamette River, <u>is inside</u> , as lies upland of the Line of Ordinary High Water of the right bank (as facing downstream) of the main channel of the Willamette River		
1802060004600	in			
1802062403500	in			
1802062403501	in			
1802064104902	in			
1802064105700	in			
1802064105800	in			
1802064105900	in			
1802064106000	in			
1802064106100	in			
1802064106200	in			
1802064106300	in			
1802064114500	in			
1802064115900	in	UGB, city limits and tax lot lines are coincident; N bank of Jasper slough		filbert meadows, LRP2005-00010; SUB2005-00062
1802064200118	in			
1802064200119	in			
1802064200120	in			
1802064200121	in			
1802064200301	in			
1802064200500	in			
1802064200501	in			
1802064200503	split	connect SW corner of tax lot 1802064200800 to SE corner of tax lot 180206420600		
1802064200600	in			
1802064200800	in			
1802064200900	in			
1802064201000	in			
1802064201101	in			
1802064201201	in			
18-02-07				

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Tax lot #	Status	Description	Area	Note
1802070000801	in	all of the tax lot, including all adjacent side channels of the Willamette River, <u>is inside</u> , as lies upland of the Line of Ordinary High Water of the right bank (as facing downstream) of the main channel of the Willamette River		
18-02-08				
1802080000300	in	all of the tax lot, including all adjacent side channels of the Willamette River, <u>is inside</u> , as lies upland of the Line of Ordinary High Water of the right bank (as facing downstream) of the main channel of the Willamette River		
1802080000400	in	all of the tax lot, including all adjacent side channels of the Willamette River, <u>is inside</u> , as lies upland of the Line of Ordinary High Water of the right bank (as facing downstream) of the main channel of the Willamette River		
1802080000500	in	all of the tax lot, including all adjacent side channels of the Willamette River, <u>is inside</u> , as lies upland of the Line of Ordinary High Water of the right bank (as facing downstream) of the main channel of the Willamette River		
1802080000600	in	all of the tax lot, including all adjacent side channels of the Willamette River, <u>is inside</u> , as lies upland of the Line of Ordinary High Water of the right bank (as facing downstream) of the main channel of the Willamette River		
1802080000602	in	all of the tax lot, including all adjacent side channels of the Willamette River, <u>is inside</u> , as lies upland of the Line of Ordinary High Water of the right bank (as facing downstream) of the main channel of the Willamette River		
18-02-09				
1802090000100	split	follow ridgeline from the most southerly NE corner of tax lot, to a point along Jasper Rd, 815' from the SW corner of the tax lot	SE Hills	
1802090000600	split	panhandle; approximately 450' S of the S edge of Jasper Rd. ROW	Clearwater	
18-02-10				
1802100001600	in	UGB and tax lot lines are coincident	SE Hills	Weyerhaeuser Rd.
1802100001100	split	follow ridgeline	SE Hills	Refer to Webb Survey
18-02-11				
1802110000300	in	interpretation with legal description	SE Hills	Journal #1998-11-0256 contains legal description (attachment D)
1802110000400	in	interpretation with legal description	SE Hills	Journal #1998-11-0256 contains legal description (attachment D)
1802110001600	in	interpretation with legal description	SE Hills	Journal #1998-11-0256 contains legal description (attachment D)

Tax lot #	Status	Description	Area	Note
1802110001700	split	interpretation with legal description	SE Hills	Weyerhaeuser Rd. Journal #1998-11-0256 contains legal description (attachment D)
1802110002000	in	interpretation with legal description	SE Hills	Journal #1998-11-0256 contains legal description (attachment D)
18-02-15				
1802150000100	in	interpretation with legal description	SE Hills	Journal #1998-11-0256 contains legal description (attachment D)
18-03-01				
1803010001100	in			
1803010002700	in	all of the tax lot, including all adjacent side channels of the Willamette River, <u>is inside</u> , as lies upland of the Line of Ordinary High Water of the right bank (as facing downstream) of the main channel of the Willamette River		
1803010002800	in	all of the tax lot, including all adjacent side channels of the Willamette River, <u>is inside</u> , as lies upland of the Line of Ordinary High Water of the right bank (as facing downstream) of the main channel of the Willamette River		
1803010003000	in	all of the tax lot, including all adjacent side channels of the Willamette River, <u>is inside</u> , as lies upland of the Line of Ordinary High Water of the right bank (as facing downstream) of the main channel of the Willamette River		
1803010003100	in			
1803010003200	in		willamette	
1803010003201	in	all of the tax lot, including all adjacent side channels of the Willamette River, <u>is inside</u> , as lies upland of the Line of Ordinary High Water of the right bank (as facing downstream) of the main channel of the Willamette River		
1803010003500	in	all of the tax lot, including all adjacent side channels of the Willamette River, <u>is inside</u> , as lies upland of the Line of Ordinary High Water of the right bank (as facing downstream) of the main channel of the Willamette River		
18-03-02				
1803020000600	in			
18-03-11				
1803110000600	split	refer to description of UGB within 15 corridor	willamette	
1803110000700	split	refer to description of UGB within 15 corridor	willamette	
1803110001800	in			
18-03-12				

Tax lot #		Status	Description	Area	Note
1803120000500		in			
ROW/other					
Jasper Rd.	in	UGB is the S edge of the Jasper Rd ROW, include entire ROW			
Mill Race	in	the Mill Race within 18-03-01 is entirely within the UGB, UGB is top of S bank			
I-105	in	I-105 within 17-02-29 and 17-02-30 is within the UGB			
17-02-35	in	UGB is the N edge of the Thurston Rd ROW, E of 69th Street to the E lot line of 1702362400200			
18-02-06-24	in	The ROW for Garden Ave and Kintzley Ave are within the UGB			
17-02-36	in	UGB is the N edge of the Thurston Rd ROW			
I5 description		refer to methodology in adopted ordinance			

**Summary of UGB List Revisions for Mill Race Area
Revised 10/8/2015**

<i>Tax lot #</i>	<i>Status</i>	<i>Description</i>	<i>Area</i>	<i>Note</i>
	inside UGB or split by UGB	If the tax lot is split by the UGB, where is the UGB located?	name of area containing split tax lots	Plat, Survey, or land use decision

Add the following section:

18-02-05				
1802050001801	in			

Remove the following Tax Lots from the "18-02-06" section:

18-02-06				
1802060001006	in			
1802060001007	in			
1802062403600	in			

And add the following to the "18-02-06" section:

18-02-06				
1802060001500	in	all of the tax lot, including all adjacent side channels of the Willamette River, <u>is inside</u> , as lies upland of the Line of Ordinary High Water of the right bank (as facing downstream) of the main channel of the Willamette River		
1802060001600	in	all of the tax lot, including all adjacent side channels of the Willamette River, <u>is inside</u> , as lies upland of the Line of Ordinary High Water of the right bank (as facing downstream) of the main channel of the Willamette River		
1802060001606	in			
1802060004501	in	all of the tax lot, including all adjacent side channels of the Willamette River, <u>is inside</u> , as lies upland of the Line of Ordinary High Water of the right bank (as facing downstream) of the main channel of the Willamette River		
1802064201000	in			
1802064201101	in			
1802064201201	in			

Add the following section:

18-02-07				
1802070000801	in	all of the tax lot, including all adjacent side channels of the Willamette River, <u>is inside</u> , as lies upland of the Line of Ordinary High Water of the right bank (as facing downstream) of the main channel of the Willamette River		

Add the following section:

18-02-08				
1802080000300	in	all of the tax lot, including all adjacent side channels of the Willamette River, <u>is inside</u> , as lies upland of the Line of Ordinary High Water of the right bank (as facing downstream) of the main channel of the Willamette River		
1802080000400	in	all of the tax lot, including all adjacent side channels of the Willamette River, <u>is inside</u> , as lies upland of the Line of Ordinary High Water of the right bank (as facing downstream) of the main channel of the Willamette River		

1802080000500	in	all of the tax lot, including all adjacent side channels of the Willamette River, <u>is inside</u> , as lies upland of the Line of Ordinary High Water of the right bank (as facing downstream) of the main channel of the Willamette River		
1802080000600	in	all of the tax lot, including all adjacent side channels of the Willamette River, <u>is inside</u> , as lies upland of the Line of Ordinary High Water of the right bank (as facing downstream) of the main channel of the Willamette River		
1802080000602	in	all of the tax lot, including all adjacent side channels of the Willamette River, <u>is inside</u> , as lies upland of the Line of Ordinary High Water of the right bank (as facing downstream) of the main channel of the Willamette River		

Remove the following Tax Lots from the "18-03-01" section:

18-03-01				
1803010000701	in			
1803010001301	in			
1803010003600	in			

And add the following to the "18-03-01" section:

18-03-01				
1803010002700	in	all of the tax lot, including all adjacent side channels of the Willamette River, <u>is inside</u> , as lies upland of the Line of Ordinary High Water of the right bank (as facing downstream) of the main channel of the Willamette River		
1803010002800	in	all of the tax lot, including all adjacent side channels of the Willamette River, <u>is inside</u> , as lies upland of the Line of Ordinary High Water of the right bank (as facing downstream) of the main channel of the Willamette River		
1803010003000	in	all of the tax lot, including all adjacent side channels of the Willamette River, <u>is inside</u> , as lies upland of the Line of Ordinary High Water of the right bank (as facing downstream) of the main channel of the Willamette River		
1803010003201	in	all of the tax lot, including all adjacent side channels of the Willamette River, <u>is inside</u> , as lies upland of the Line of Ordinary High Water of the right bank (as facing downstream) of the main channel of the Willamette River		
1803010003500	in	all of the tax lot, including all adjacent side channels of the Willamette River, <u>is inside</u> , as lies upland of the Line of Ordinary High Water of the right bank (as facing downstream) of the main channel of the Willamette River		

**Summary of UGB List Revisions for North Springfield/Willamalane Parks Area
Revised 10/8/2015**

Tax lot #	Status	Description	Area	Note
	inside UGB or split by UGB	If the tax lot is split by the UGB, where is the UGB located?	name of area containing split tax lots	Plat, Survey, or land use decision

Remove the following Tax Lot from the "17-02-27" section:

17-02-27				
1702270001101	split	UGB and city limits are coincident	Thurston	

And add the following to the "17-02-27" section:

17-02-27				
1702270001101	in			
1702270001502	in			

Add the following to the "17-02-29" section:

17-02-29				
1702290002901	in	all of the tax lot, including all adjacent side channels of the McKenzie River, <u>is inside</u> , as lies upland of the Line of Ordinary High Water of the left bank (as facing downstream) of the main channel of the McKenzie River		

The following section is removed:

17-02-30				
1702300000100	in	UGB, city limits and tax lot lines are coincident		
1702300000101	in	UGB, city limits and tax lot lines are coincident		
1702300000200	in	UGB, city limits and tax lot lines are coincident		
17023000002500	in	UGB, city limits and tax lot lines are coincident		

and replaced with the following section:

17-02-30				
1702300000401	in	all of the tax lot, including all adjacent side channels of the McKenzie River, <u>is inside</u> , as lies upland of the Line of Ordinary High Water of the left bank (as facing downstream) of the main channel of the McKenzie River		

**Summary of UGB List Revisions for North Gateway Area
Revised 10/8/2015**

Tax lot #	Status	Description	Area	Note
	inside UGB or split by UGB	If the tax lot is split by the UGB, where is the UGB located?	name of area containing split tax lots	Plat, Survey, or land use decision

The following section is added just before the "17-03-14" section:

17-03-10				
1703100002400	split	split by I-5		

The following section is removed:

17-03-15				
170315	in	maple island slough, unknown lot #	Gateway	tax lot contains public drainage facility
1703150000801	split	City limits and UGB are coincident	Gateway	
1703150001000	in	UGB, city limits and tax lot lines are coincident		
1703154000100	in	UGB, city limits and tax lot lines are coincident		
1703154000200	in	UGB, city limits and tax lot lines are coincident		
1703154000400	split	split by city limits; mostly outside the UGB, only the "leg" portion is inside	Gateway	

and replaced with the following section:

17-03-15				
1703154000400	in	all of the tax lot, including all adjacent side channels of the McKenzie River, <u>is inside</u> , as lies upland of the Line of Ordinary High Water of the left bank (as facing downstream) of the main channel of the McKenzie River	Gateway	

**Proposed amendments to Eugene-Springfield
Metropolitan Area General Plan (Metro Plan) Text**

The following amendments to the text of the Metro Plan are necessary to support the Springfield 2030 Comprehensive Plan amendments:

- 1. Amendment to Chapter II, Section G. Metro Plan Land Use Designations to add a new land use designation applicable to Springfield’s jurisdictional area of responsibility: Urban Holding Area – Employment.**
- 2. Amendment to Chapter II, Section G. Metro Plan Land Use Special Heavy Industrial designation page II-G- 8 to delete a Springfield–specific reference to the Natron site.**
- 3. Amendment to Metro Plan Chapter II, Section G, footnotes 11 and 12 to add a reference to the subject UGB amendment ordinance.**
- 4. Amendment to Chapter II, Section C Metro Plan Growth Management Goals, Findings, and Policies.**
- 5. Amendment to Chapter II, Section E Metro Plan Urban and Urbanizable Land.**
- 6. Amendment to Chapter III, Section B Metro Plan Economic Element.**
- 7. Amendment to Preface to correct scrivener’s error in ordinance numbers at end of preface and adding text to identify significant plan amendments and adopted elements of Springfield’s city-specific comprehensive plan.**

Each city is taking a different approach to, and is on a different time line for, establishing its own UGB, 20-year land supply and city-specific comprehensive land use plans. As this incremental shift occurs, the *Metro Plan* will be amended several times to reflect the evolving extent to which it continues to apply to each jurisdiction. During this transition, the three jurisdictions will also continue to work together on any other *Metro Plan* amendments needed to carry out planning responsibilities that continue to be addressed on a regional basis.

ORS 197.304 allows the cities to adopt local plans that supplant the regional nature of the *Metro Plan* “[n]otwithstanding . . . acknowledged comprehensive plan provisions to the contrary.” As these local plans are adopted, Eugene, Springfield and Lane County wish to maintain the *Metro Plan* as a guide that will direct readers to applicable local plan(s) when *Metro Plan* provisions no longer apply to one or more of the jurisdictions. Therefore, when Eugene or Springfield adopts a city-specific plan to independently address a planning responsibility that was previously addressed on a regional basis in the *Metro Plan*, that city will also amend the *Metro Plan* to specify which particular provisions of the *Metro Plan* will cease to apply within that city.² Unless the *Metro Plan* provides otherwise, such *Metro Plan* provisions will continue to apply within the other city. If the other city later adopts its own city-specific plan intended to supplant the same *Metro Plan* provisions, it may take one of two actions. That city will either amend the *Metro Plan* to specify that the particular provisions also cease to apply within that city or, if the provisions do not apply to rural or urbanizable areas within the *Metro Plan* boundary, to simply delete those particular *Metro Plan* provisions.

To better enable the jurisdictions to amend the *Metro Plan* as required by ORS 197.304, the procedures for amending the *Metro Plan*, provided in Chapter IV, were revised in 2013. The Eugene City Council, the Springfield City Council, and the Lane County Board of Commissioners adopted identical amendments to Chapter IV of the *Metro Plan* on November 18, 2013:

Eugene City Council, Ordinance No. 20519
 Springfield City Council, Ordinance No. 6304
 Lane County Board of Commissioners, Ordinance No. PA 1300

In 2013, Lane County initiated an amendment of the Metro Plan Boundary east of Interstate Highway 5 to make the plan boundary coterminous with the Springfield UGB.

Eugene City Council, Ordinance No. 20511
 Springfield City Council, Ordinance No. 6288
 Lane County Board of Commissioners, Ordinance No. PA 1281

² As more specifically explained in Chapter IV of the Metro Plan, one city with co-adoption by Lane County may amend the *Metro Plan* to specify which particular *Metro Plan* provisions no longer apply within the unincorporated (urbanizable) portions of its UGB. The other city is not required to co-adopt such a *Metro Plan* amendment. See Chapter IV.

Springfield's Comprehensive Plan

Springfield has begun a series of Metro Plan amendments to create a city-specific comprehensive plan. In 2011, the City of Springfield and Lane County adopted the Springfield 2030 Residential Land Use and Housing Element and established a separate UGB for Springfield pursuant to ORS 197.304 (Springfield Ordinance No. 6268 and Lane County Ordinance No. PA 1274). In 2014, the City of Springfield 2035 Transportation System Plan was adopted to serve as Springfield's local Transportation System Plan (Springfield Ordinance No. 6314 and Lane County Ordinance No. PA 1303). In 2016, the Metro Plan was amended to reflect adoption of the Economic and Urbanization Elements and expansion of the Springfield UGB and Metro Plan Boundary to designate land for employment, public facilities, parks and open space, and natural resources (Springfield Ord. xxxx and Lane County Ord. PA 1304).

C. Growth Management Goals, Findings, and Policies

To effectively control the potential for urban sprawl and scattered urbanization, compact growth within the urban growth boundary (UGB) is, and will remain, the primary growth management technique for directing geographic patterns of urbanization in the metropolitan community. In general, this means the filling in of vacant and underutilized lands, as well as redevelopment inside the UGB.

Outward expansion of the UGB will occur only when the home city and Lane County determine such expansion is proven necessary according to state law and applicable *Metro Plan* and city-specific comprehensive plan provisions.

Sub-chapter II-C no longer applies to Springfield. In 2016, the City of Springfield and Lane County adopted the Springfield 2030 Comprehensive Plan Urbanization Element, Ordinance No. XXXX and Lane County Ordinance No. PA 1304, as part of Springfield's comprehensive plan in compliance with Statewide Planning Goal 14, Urbanization. The Urbanization Element contains Springfield's city-specific goals, policies, implementation measures and findings to address land needs for the planning period 2010-2030.

Goals

1. Use urban, urbanizable, and rural lands efficiently.
2. Encourage orderly and efficient conversion of land from rural to urban uses in response to urban needs, taking into account metropolitan and statewide goals.
3. Protect rural lands best suited for non-urban uses from incompatible urban encroachment.

Findings and Policies

Findings

1. Many metropolitan areas within the United States that have not implemented geographic growth management techniques suffer from scattered or leapfrog urban growth that leaves vacant and underutilized land in its path and encourages isolated residential developments far from metropolitan centers. Until adoption of the *1990 Plan's* urban service area concept, portions of this metropolitan area were characterized by these phenomena.
2. Beneficial results of compact urban growth include:
 - a. Use of most vacant leftover parcels where utilities assessed to abutting property owners are already in place.

E. Urban and Urbanizable Land

This section addresses the need to allow for the orderly and economic extension of public services, the need to provide an orderly conversion of urbanizable to urban land, and the need to provide flexibility for market forces to operate in order to maintain affordable housing choices. For the definitions of urban and urbanizable lands, as well as rural lands and the urban growth boundary (UGB) as used in this section, refer to the *Metro Plan* Glossary.

Sub-chapter II-E no longer applies to Springfield. In 2016, the City of Springfield and Lane County adopted the Springfield 2030 Comprehensive Plan Urbanization Element, Ordinance No. XXXX and Lane County Ordinance No. PA 1304, as part of Springfield's comprehensive plan in compliance with Statewide Planning Goal 14, Urbanization. The Urbanization Element contains Springfield's city-specific goals, policies, implementation measures and findings to address land needs for the planning period 2010-2030.

The undeveloped (urbanizable) area within the metropolitan UGB, separating urban and urbanizable land from rural land, was carefully calculated to include an adequate supply to meet demand for a projected population of 286,000 through the end of the planning period (2015). When the metropolitan UGB was established for the 1995-2015 planning period, Lane County, Eugene and Springfield realized, however, that unless the community consciously decided to limit future expansions of the UGB, one of several ways to accommodate growth, that boundary would need to be expanded in future plan updates. The jurisdictions anticipated that before 2015, the metropolitan UGB would include more urbanizable area reflecting metro-wide population and employment needs of populations beyond those in 2015. Periodic updates of land use needs and revision of the metropolitan UGB to reflect extensions of the planning period were expected to ensure that adequate surplus urbanizable land was always available.

With the transition mandated in 2007 by ORS 197.304, the shared metropolitan UGB will be replaced with two separate UGBs (the Eugene UGB and the Springfield UGB). This changed the land use work programs for the three jurisdictions. Evaluation of the sufficiency of the 2015 metropolitan UGB was replaced with an in-depth analysis of each city's independent needs and the supplies of land that exist with respect to the separate areas of jurisdictional responsibility. That process began with the three jurisdictions' adoption of city-specific population forecasts in Chapter I of the *Metro Plan*. In 2011, the City of Springfield, with co-adoption by Lane County, amended the *Metro Plan* to establish its own UGB consistent with ORS 197.304.⁷

The three jurisdictions continue to agree that the key to addressing the needs stated at the beginning of this section is not so much the establishment of a UGB, but maintaining an adequate and reasonable supply of available undeveloped land at any point in time. The "adequate" and "reasonable" tests are the key to the related phasing and surplus land issues.

In order to maintain an "adequate" supply of available surplus land to allow development to occur, annexation must take place in advance of demand in order to allow for the provision of public capital improvements, such as wastewater trunk lines, arterial streets, and water trunk lines. Most capital improvement programs are "middle-range" type plans geared three to six

⁷ Springfield Ordinance No. 6268 and Lane County Ordinance No. PA 1274.

for processing, preparing, and storing raw materials, such as timber, agriculture, aggregate, or by-products or waste products from other manufacturing processes.

Land divisions in these areas shall be controlled to protect large parcels (40-acre minimum parcel size). Because city services are not available to these areas in the short-term, terms may be allowed to provide on-site the necessary minimum level of key urban facilities and services subject to standards applied by Lane County and subject to applicable state, federal, and local environmental standards.

This designation accommodates industrial developments that need large parcels, particularly those with rail access. Although a primary purpose of this designation is to provide sites for heavy industries, any industry which meets the applicable siting criteria may make use of this designation.

One area is designated Special Heavy Industrial. Listed below are the applicable land division standards, use limitations, and annexation and servicing provisions.

North of Awbrey Lane (north of Eugene)

The minimum level of key urban facilities and services is available or can be readily available to this area. Annexation shall be assured prior to development. Lane County and the City of Eugene shall cooperate to apply the appropriate industrial zoning specifying the minimum parcel size and setting forth performance standards.

This site was added to the industrial land inventory to provide a large (200+ acre) site for a special heavy industrial park. The minimum parcel size for lots in the industrial park shall be 40 acres. Prior to subdivision, it shall be demonstrated that the comprehensive development plan ensures compatibility among planned uses within the park as well as with adjacent properties and that access to both the Union Pacific and Burlington Northern railroads has been extended into the area or that a surety sufficient to secure such extension has been posted with the city.

The comprehensive development plan shall include the layout of lots, railroad right-of-way, streets, utilities and performance and site development standards. It shall also consider the provisions of a “public team track.” The comprehensive development plan shall be designed to protect and enhance the site for special heavy industrial users requiring a campus-like setting and rail access. Uses in this area shall be limited to industries which are rail dependent or require a minimum site of 100 acres.

Small-Scale Light Industry (not shown on *Metro Plan* Diagram)

This category is characterized by industrial uses that emit no smoke, noise, glare, heat, dust, objectionable odors, or vibrations beyond property boundaries; pursue their activities within buildings; and do not generate a large amount of vehicular trips for employees, customers, or freight movements. Depending on the local situation, in some instances such industrial uses may be incorporated into mixed use areas. To enhance compatibility with adjacent non-

industrial areas, local governments should apply development standards to specific proposals. Such standards should address building height, setbacks, adequate off-street parking areas, landscaping, and safe and efficient access. The determination of the appropriateness of specific sites and uses or additional development standards is left to the local jurisdictions. Minimum locational standards and site criteria include:

1. Access to arterial streets, normally without use of residential streets.
2. Up to five acres, with sufficient parking areas and frontage to accommodate structures, parking areas, and access in character with adjacent non-industrial properties.

Urban Holding Area – Employment (not shown on Metro Plan Diagram)

The Urban Holding Area – Employment (UHA-E) designation identifies urbanizable areas within the Springfield UGB to meet Springfield’s long term employment land needs for the 2010-2030 planning period. The UHA-E designation reserves an adequate inventory of employment sites, including sites 20 acres and larger, that are suitable for industrial and commercial mixed use employment uses that generate significant capital investment and job creation within — but not limited to — targeted industry sectors, business clusters and traded-sector industries identified in the most recent Springfield economic opportunities analysis and Springfield Comprehensive Plan Economic Element policies.

Lands designated UHA-E are protected from land division and incompatible interim development to maintain the land’s potential for planned urban development until appropriate urban facilities and services are planned or available and annexation to Springfield can occur, as described in the Springfield Comprehensive Plan Urbanization Element. The UHA-E designation remains in effect until the appropriate employment designation is adopted through a City-initiated planning process or an owner-initiated plan amendment process.

Nodal Development Area (Node)

Areas identified as nodal development areas in *TransPlan* are considered to have potential for this type of land use pattern. Other areas, not proposed for nodal development in *TransPlan*, may be determined to have potential for nodal development.

Nodal development is a mixed-use pedestrian-friendly land use pattern that seeks to increase concentrations of population and employment in well-defined areas with good transit service, a mix of diverse and compatible land uses, and public and private improvements designed to be pedestrian and transit oriented.

Fundamental characteristics of nodal development require:

- Design elements that support pedestrian environments and encourage transit use, walking and bicycling;
- A transit stop which is within walking distance (generally ¼ mile) of anywhere in the node;

The compact urban growth and sequential development principles embodied in the *Metro Plan* text and *Metro Plan* Diagram allow for retention of the most productive agricultural lands when balanced with other planning goals.

Factor 7. “Compatibility of the proposed urban uses with nearby agricultural activities.”

Again, the *Metro Plan* Diagram adheres to the compact urban growth form and sequential development. The separation between urban and urbanizable lands and rural lands formed by the UGB creates a sharp distinction between ultimate urban uses and agricultural uses on rural lands.

While urban development may create problems from an agricultural production standpoint, the compact urban growth form is, in many ways, compatible with nearby agricultural activities.

First, as urban densities increase, the close proximity of productive agricultural areas provides the potential to access larger markets for their products, thereby increasing their economic return. Second, close proximity can reduce transportation costs for agricultural products grown near metropolitan population concentrations, enabling local farmers to remain or become competitive with more distant markets. Third, retention of productive agricultural lands immediately adjacent to urban development can provide possible social and psychological benefits to urban residents. Fourth, the compact urban growth form and sequential development avoids the problem of leapfrogging and the problem of surrounding an area of agricultural development with urban areas.

Since the most productive agricultural lands are typified by Class I agricultural soils located in the floodway fringes, the boundary of the floodway fringe often serves as the location of the UGB. When the floodway fringe follows a natural bench or when a road creates a dike which defines the floodway fringe, the boundary between urban uses and agricultural uses may be abrupt. In other instances, the transition from urban to rural is not as easily definable on the ground.

Recognizing inevitable problems for agricultural production and retention of small isolated pockets of agricultural land that are or would be surrounded by urban uses was not considered a high priority in drawing the UGB.

On the east side of Interstate 5, the location of the UGB is either tax lot-specific (coterminous with tax lot boundaries) or specifically identified by a metes and bounds description.¹¹ On the

¹¹ The location of the Springfield UGB is graphically depicted in the Springfield Urban Growth Boundary Map and further described in the table entitled “List of tax lots which are adjacent to and inside, or split by the UGB” and the document entitled “Summary of Methodology Utilized to Refine the Location of the Springfield Urban Growth Boundary.” The table and methodology document were added to the *Metro Plan* in 2011 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; and revised as part of the adoption of the UGB amendment in 2016 (through Springfield Ordinance No. XXXX and Lane County Ordinance No. PA 1304, Exhibit C-2.

Urban Growth Boundary Location Description Keyed to Metro Plan Plan Boundaries Map

For up-to-date information regarding the areas west of Interstate 5 where the UGB is tax lot-specific (i.e., where the UGB and city limits are the same, through annexations or to the outside edge of existing rights-of-way), contact the planning offices of the City of Eugene or Lane County. As explained in Chapter II-G, the metropolitan UGB was developed considering the seven factors that were then set out in LCDC Statewide Planning Goal 14: Urbanization. The following matrix outlines key factors that will be considered to determine the location of the metropolitan UGB west of Interstate 5 Highway where it is not tax lot-specific.

Metro Plan Metropolitan Urban Growth Boundary Map Key

Map Key	Protect Agricultural Lands	Protect Forest Lands	Ridgeline (Drainage Basin)	Orderly and Economic Public Services	Floodway Fringe	Protect Wetlands	Protect Sand and Gravel Resources	Airport Protection	Existing Development and Services (City Limits)	Meet Economic Goals	Meet Housing Goals
A-B		•	•	•					•		•
B-C ¹²					•						•
P-Q	•				•	•	•				•
Q-R	•				•	•	•		•		•
R-S	•			•					•	•	•
S-T	•								•	•	
T-U	•									•	
U-V	•							•	•		
V-W	•							•	•		•
W-X	•							•			•
X-Y	•							•		•	•
Y-Z		•		•							•
Z-A		•		•						•	•

¹² UGB segments C-P are now specifically identified on the table entitled “List of tax lots which are adjacent to and inside, or split by the UGB” and the document entitled “Summary of Methodology Utilized to Refine the Location of the Springfield Urban Growth Boundary.” The table and methodology document were added to the Metro Plan in 2011 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; and revised as part of the adoption of the UGB amendment in 2016 (through Springfield Ordinance No. XXXX and Lane County Ordinance No. PA 1304, Exhibit C-2.

METRO PLAN
Eugene-Springfield Metropolitan Area General Plan

Eugene, Springfield, and Lane County

For information about the *Eugene-Springfield Metropolitan Area General Plan (Metro Plan)*, contact the following planning agencies:

City of Eugene
Eugene Planning Division
99 West 10th Avenue, Suite 240
Eugene, Oregon 97401
1-541-682-5481

City of Springfield
Development and Public Works Department
225 5th Street
Springfield, Oregon 97477
1-541-726-3753

Lane County
Land Management Division
3050 North Delta Highway
Eugene, Oregon 97408
1-541-682-4061

Lane Council of Governments
859 Willamette Street, Suite 500
Eugene, Oregon 97401-2910
1-541-682-4283

Text updated through December 31, 2015

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Preface

Adoption History

In 1980, Eugene, Springfield, and Lane County adopted updated versions of the *Eugene-Springfield Metropolitan Area General Plan (Metro Plan)*. The *Metro Plan* replaced the *Eugene-Springfield Metropolitan Area 1990 General Plan (1990 Plan)*, which was adopted in 1972.

The Eugene City Council and the Springfield City Council adopted identical versions of the *Metro Plan* in 1980:

Eugene City Council, Ordinance No. 18686, July 28, 1980
Springfield City Council, Ordinance No. 4555, August 4, 1980

The Lane County Board of Commissioners adopted a different version of the *Metro Plan* in 1980:

Original adoption, Ordinance No. 9-80, adopted August 27, 1980
Amended adoption, Ordinance No. 9-80-A, adopted October 14, 1980

The two versions of the *Metro Plan* and supporting documents were forwarded to the Oregon Land Conservation and Development Commission (LCDC) with a request for acknowledgment of compliance with the 15 applicable statewide planning goals. In reports dated June 25-26, 1981, and September 24-25, 1981, and adopted by LCDC on August 6 (amended version of June 25-26 report) and September 24, 1981, respectively, LCDC outlined the requirements necessary to bring the August 1980 versions of the *Metro Plan* into conformance with state standards.

From September 1980 to February 1982, Eugene, Springfield, and Lane County cooperated, with coordination and technical assistance from the Lane Council of Governments (LCOG), to amend the August 1980 versions of the *Metro Plan*. The three general purpose governments used the Elected Officials Coordinating Committee (two elected representatives each as voting members and one ex-officio Planning Commission member from each government) to work out informal compromises and provide policy direction to staff.

In response to LCDC's requirements, 10 working papers were prepared and draft *Metro Plan* amendments were released for public review.

After a joint public hearing by the Eugene, Springfield, and Lane County Planning Commissions on November 17, 1981, and joint public hearings by the Eugene City Council, Springfield City Council, and Lane County Board of Commissioners on December 15, 1981, and January 12, 1982 (Goal 5), the three governing bodies informally agreed to a set of amendments to constitute the first version of the identical *Metro Plan* adopted by Eugene, Springfield and Lane County.

Following the January 12, 1982, joint meeting, each governing body adopted the mutually agreed upon amendments:

Lane County, Ordinance No. 856, adopted February 3, 1982
 City of Eugene, Ordinance No. 18927, adopted February 8, 1982
 City of Springfield, Ordinance No. 5024, adopted March 1, 1982

In February 1982, the City of Eugene began work on the *Willow Creek Special Area Study* (Study). The Study resulted in proposed amendments to the *Metro Plan* Diagram. With those amendments, as approved by Eugene, Springfield, and Lane County, the three governments had a common version of the *Metro Plan*.

After completing other LCDC required work specific to each jurisdiction, the amended *Metro Plan* and supporting documents were resubmitted to LCDC with a second request for acknowledgment with the 15 applicable goals. After conducting a hearing in Salem on August 19, 1982, the LCDC granted acknowledgment for the portion of the *Metro Plan* within the urban growth boundary.

Although the *Metro Plan* was acknowledged by LCDC in August, the rural portions of the *Metro Plan* were segmented and continued in order to correct deficiencies under Goals 2, 4, 5, and 15. The appropriate corrections were made and on September 13, 1985, LCDC acknowledged the rural portion of the *Metro Plan*.

***Metro Plan* Updates**

The *1990 Plan* stated that a review should be conducted between major five-year updates by the Metropolitan Area Planning Advisory Committee (MAPAC), planning commissions, and governing bodies. In September 1984, a work program for a two and one-half year mid-period review for the *Metro Plan* was adopted by the Metropolitan Policy Committee (MPC). In accordance with the Post Acknowledgment plan review procedures of ORS 197.610-650, proposed amendments to the *Metro Plan* were transmitted to the Department of Land Conservation and Development (DLCD) on October 21, 1985. DLCD presented the metropolitan area with a Post Acknowledgment Review Report on the proposed amendments on December 9, 1985. Governing bodies of Lane County, Springfield, and Eugene took final unanimous action on the proposed amendments to the *Metro Plan* on June 11, May 5, and April 23, 1986, respectively. The amendments were enacted through:

Lane County, Ordinance No. 709
 City of Eugene, Ordinance No. 19382
 City of Springfield, Ordinance No. 5329

Periodic Review

Pursuant to ORS 197.610-650, local governments are required to update their comprehensive plans and land use regulations through the Periodic Review process in order to bring plans into compliance with new state law and administrative rules and to ensure that the plans address changing local conditions. The DLCD initiated the first Periodic Review of the *Metro Plan* and land use regulations on June 28, 1985. The second Periodic Review process was initiated in May 1995. This *Metro Plan* is also subject to citizen- and government-initiated amendments which are incorporated into the document via *Metro Plan* replacement pages. This *Metro Plan* and replacement pages are available at LCOG and www.lcog.org.

The Eugene City Council, the Springfield City Council, and the Lane County Board of Commissioners adopted identical Periodic Review amendments to the *Metro Plan* in 2004:

Eugene City Council, Ordinance No. 20319, April 21, 2004

Springfield City Council, Ordinance No. 6087, May 17, 2004

Lane County Board of Commissioners, Ordinance No. PA 1197, June 2, 2004

Oregon Revised Statute 197.304 (2007)

Historically, many provisions in the *Metro Plan* were based on a premise that Eugene and Springfield would continue to have a regional metropolitan urban growth boundary (“metropolitan UGB”) that includes both cities and adjacent “urbanizable” areas of Lane County. However, ORS 197.304, adopted by the Oregon Legislature in 2007, requires Eugene and Springfield to divide the metropolitan UGB into two city-specific UGBs. Each city is also required to demonstrate that its separate UGB includes sufficient land to accommodate its 20-year need for residential land consistent with Statewide Planning Goal 10 (Housing) and Goal 14 (Urbanization). These statutory mandates implicitly require each city to also adopt a separate 20-year population forecast. ORS 197.304 allows the cities to take these separate actions “[n]otwithstanding . . . acknowledged comprehensive plan provisions to the contrary.”

The ORS 197.304 mandates are being carried out by the two cities and Lane County through a series of incremental actions over time rather than through a *Metro Plan* Update process. Some of the land use planning that has historically been included in the *Metro Plan* will, instead, be included in the cities’ separate, city-specific comprehensive plans. This does not diminish the fact that the cities and the county remain committed to regional problem-solving.¹

The three jurisdictions anticipate that the implementation of ORS 197.304 will result in a regional land use planning program that continues to utilize the *Metro Plan* and regional functional plans for land use planning responsibilities that remain regional in nature. City-specific plans will be used to address those planning responsibilities that the cities address independently of each other.

¹ In addition to the continued collaboration through some regional land use plans, such as the regional transportation system plan and the regional public facilities and services plan, the three jurisdictions are committed to working collaboratively in other ways and through other initiatives, such as the Regional Prosperity Economic Development Plan jointly approved in February, 2010.

Each city is taking a different approach to, and is on a different time line for, establishing its own UGB, 20-year land supply and city-specific comprehensive land use plans. As this incremental shift occurs, the *Metro Plan* will be amended several times to reflect the evolving extent to which it continues to apply to each jurisdiction. During this transition, the three jurisdictions will also continue to work together on any other *Metro Plan* amendments needed to carry out planning responsibilities that continue to be addressed on a regional basis.

ORS 197.304 allows the cities to adopt local plans that supplant the regional nature of the *Metro Plan* “[n]otwithstanding . . . acknowledged comprehensive plan provisions to the contrary.” As these local plans are adopted, Eugene, Springfield and Lane County wish to maintain the *Metro Plan* as a guide that will direct readers to applicable local plan(s) when *Metro Plan* provisions no longer apply to one or more of the jurisdictions. Therefore, when Eugene or Springfield adopts a city-specific plan to independently address a planning responsibility that was previously addressed on a regional basis in the *Metro Plan*, that city will also amend the *Metro Plan* to specify which particular provisions of the *Metro Plan* will cease to apply within that city.² Unless the *Metro Plan* provides otherwise, such *Metro Plan* provisions will continue to apply within the other city. If the other city later adopts its own city-specific plan intended to supplant the same *Metro Plan* provisions, it may take one of two actions. That city will either amend the *Metro Plan* to specify that the particular provisions also cease to apply within that city or, if the provisions do not apply to rural or urbanizable areas within the *Metro Plan* boundary, to simply delete those particular *Metro Plan* provisions.

To better enable the jurisdictions to amend the *Metro Plan* as required by ORS 197.304, the procedures for amending the *Metro Plan*, provided in Chapter IV, were revised in 2013. The Eugene City Council, the Springfield City Council, and the Lane County Board of Commissioners adopted identical amendments to Chapter IV of the *Metro Plan* on November 18, 2013:

Eugene City Council, Ordinance No. 20519
 Springfield City Council, Ordinance No. 6304
 Lane County Board of Commissioners, Ordinance No. PA 1300

In 2013, Lane County initiated an amendment of the Metro Plan Boundary east of Interstate Highway 5 to make the plan boundary coterminous with the Springfield UGB.

Eugene City Council, Ordinance No. 20511
 Springfield City Council, Ordinance No. 6288
 Lane County Board of Commissioners, Ordinance No. PA 1281

² As more specifically explained in Chapter IV of the Metro Plan, one city with co-adoption by Lane County may amend the *Metro Plan* to specify which particular *Metro Plan* provisions no longer apply within the unincorporated (urbanizable) portions of its UGB. The other city is not required to co-adopt such a *Metro Plan* amendment. See Chapter IV.

Springfield's Comprehensive Plan

Springfield has begun a series of Metro Plan amendments to create a city-specific comprehensive plan. In 2011, the City of Springfield and Lane County adopted the Springfield 2030 Residential Land Use and Housing Element and established a separate UGB for Springfield pursuant to ORS 197.304 (Springfield Ordinance No. 6268 and Lane County Ordinance No. PA 1274). In 2014, the City of Springfield 2035 Transportation System Plan was adopted to serve as Springfield's local Transportation System Plan (Springfield Ordinance No. 6314 and Lane County Ordinance No. PA 1303). In 2016, the Metro Plan was amended to reflect adoption of the Economic and Urbanization Elements and expansion of the Springfield UGB and Metro Plan Boundary to designate land for employment, public facilities, parks and open space, and natural resources (Springfield Ord. xxxx and Lane County Ord. PA 1304).

Chapter I

Introduction

Background

The 2004 *Eugene-Springfield Metropolitan Area General Plan (Metro Plan)* is the third update of the *1990 Plan*. The *1990 Plan*, adopted in 1972, provided that a major update of the comprehensive plan should be initiated every five years. This reflects the fact that comprehensive plans must be adaptable to the changing needs and circumstances of the community if they are to retain their validity and usefulness.

Therefore, this *Metro Plan* is not an entirely new product, but rather has evolved from and reflects needed changes to the original *1990 Plan*.

The *Metro Plan* was acknowledged by the Land Conservation and Development Commission (LCDC) in 1982 for the area inside the urban growth boundary (UGB). The remaining area was acknowledged in September 1985. The *Metro Plan* was updated in 1987 and in 2004 through periodic review.

As explained in the Preface and below, the *Metro Plan* will continue to evolve.

Purpose

The *Metro Plan* was created to serve as the sole official long-range comprehensive plan (public policy document) of metropolitan Lane County and the cities of Eugene and Springfield. As Eugene and Springfield carry out their obligations under ORS 197.304, including the establishment of separate UGBs and land supplies for their individual populations, more comprehensive planning is taking place on a city-specific basis, through city-specific plans adopted by each jurisdiction. The *Metro Plan* will continue to include some of the regional land use planning that is collaboratively addressed by Lane County, Eugene and Springfield. It will also refer its readers to jointly adopted functional land use plans and Eugene and Springfield city-specific comprehensive land use planning documents.

The *Metro Plan* was intended to designate a sufficient amount of urbanizable land to accommodate the need for further urban expansion within the shared metropolitan UGB, taking into account the growth policy of the area to accommodate a population of 286,000 within the metropolitan UGB by the year 2015.³ The *Metro Plan* also was intended to identify the major public facilities required to meet the land use needs designated within that metropolitan UGB.

³ The population projection range for the Residential Land Use and Housing Element in Chapter III-A is 291,700 to 311,100. The expected population for the year 2015 is 301,400. This projection is for the Metropolitan Study Area, a census tract area much larger than the UGB. The projection was used as the basis for deriving the population figure of 286,000 for the metropolitan UGB for the year 2015 for the residential lands analysis performed in the 1999 Residential Lands and Housing Study. The 1999 Residential Lands and Housing Study no longer applies to the City of Springfield as a result of Springfield Ordinance No. 6268 (2011) and Lane County Ordinance No. PA 1274 (2011).

Population Forecast

In order to achieve timely compliance with their statutory obligations under ORS 197.304 (2007), the Cities of Eugene and Springfield and Lane County adopted the following forecasts for their respective jurisdictional areas:

	2030	2031	2032	2033	2034	2035
Eugene – City Only	194,314	195,964	197,614	199,264	200,914	202,565
Metro Urban Area West of I-5	17,469	17,274	17,079	16,884	16,689	16,494
Total	<u>211,783</u>	<u>213,238</u>	<u>214,693</u>	<u>216,148</u>	<u>217,603</u>	<u>219,059</u>
Springfield – City Only	74,814	75,534	76,254	76,974	77,693	78,413
Metro Urban Area East of I-5	6,794	6,718	6,642	6,567	6,491	6,415
Total	<u>81,608</u>	<u>82,252</u>	<u>82,896</u>	<u>83,541</u>	<u>84,184</u>	<u>84,828</u>

These figures effectively provide coordinated projections for each city and the respective metro urban area east or west of I-5 for years ending 2030 through 2035, enabling them to meet state requirements concerning the beginning and ending years of the 20-year planning period.

Planning Functions

More specifically, the *Metro Plan* provides the overall framework for the following planning functions. The *Metro Plan* was created to serve as the document that:

1. Guides all governments and agencies in the metropolitan area in developing and implementing their own activities which relate to the public planning process.
2. Establishes the policy basis for a general, coordinated, long-range approach among affected agencies for the provision of the facilities and services needed in the metropolitan area.
3. Makes planning information available to assist citizens to better understand the basis for public and private planning decisions and encourages their participation in the planning process.
4. Provides the public with general guidelines for individual planning decisions. Reference to supplemental planning documents of a more localized scope, including neighborhood refinement plans, is advisable when applying the *Metro Plan* to specific parcels of land or

individual tax lots.

5. Assists citizens in measuring the progress of the community and its officials in achieving the *Metro Plan's* goals and objectives.
6. Provides continuity in the planning process over an extended period of time.
7. Establishes a means for consistent and coordinated planning decisions by all public agencies and across jurisdictional lines.
8. Serves as a general planning framework to be augmented, as needed, by more detailed planning programs to meet the specific needs of the various local governments.
9. Provides a basis for public decisions for specific issues when it is clear that the *Metro Plan* serves as the sole planning document on the issue and that it contains a sufficient level of information and policy direction.
10. Recognizes the social and economic effects of physical planning policies and decisions.
11. Identifies the major transportation, wastewater, stormwater, and water projects needed to serve future UGB populations.

Use of the *Metro Plan*

The *Metro Plan* is a policy document intended to provide the three jurisdictions and other agencies and districts with a coordinated guide for change over a long period of time. Throughout the *Metro Plan*, there may be statements indicating that certain provisions are inapplicable to a jurisdiction because that jurisdiction has replaced those *Metro Plan* provisions with local plan provisions. The major components of this policy document are: the written text, which includes goals, objectives, findings, and policies; the *Metro Plan* Diagram; and other supporting materials. These terms are defined below:

- A goal is a broad statement of philosophy of the jurisdictions to which the goal applies. A goal describes the hopes of the people of the community for the future of the community. A goal may never be completely attainable, but is used as a point to strive for.
- An objective is an attainable target that the jurisdictions to which the objective applies attempt to reach in striving to meet a goal. An objective may also be considered as an intermediate point that will help fulfill the overall goal.
- A finding is a factual statement resulting from investigation, analysis, or observation regarding the jurisdictions to which the finding applies.

- An assumption is a position, projection, or conclusion considered to be reasonable. Assumptions differ from findings in that they are not known facts.
- A policy is a statement adopted as part of the *Metro Plan* to provide a consistent course of action for the jurisdictions to which the policy applies, moving the community toward attainment of its goals.
- The *Metro Plan* Diagram is a graphic depiction of: (a) the broad allocation of projected land use needs; and (b) goals, objectives, and policies embodied in the text of the *Metro Plan*. The *Metro Plan* Diagram depicts land use designations, the cities' urban growth boundaries, the *Metro Plan* Plan Boundary (Plan Boundary), and major transportation corridors.

The revised goals, objectives, and policies contained in this *Metro Plan* are not presented in any particular order of importance. The respective jurisdictions recognize that there are apparent conflicts and inconsistencies between and among some goals and policies. When making decisions based on the *Metro Plan*, not all of the goals and policies can be met to the same degree in every instance. Use of the *Metro Plan* requires a balancing of its various components on a case-by-case basis, as well as a selection of those goals, objectives, and policies most pertinent to the issue at hand.

The policies in the *Metro Plan* vary in their scope and implications. Some call for immediate action; others call for lengthy study aimed at developing more specific policies later on; and still others suggest or take the form of policy statements. The common theme of all the policies is acceptance of them as suitable approaches toward problem-solving and goal realization. Other valid approaches may exist and may at any time be included in the *Metro Plan* through plan amendment procedures. Adoption of the *Metro Plan* does not necessarily commit the jurisdictions to immediately carry out each policy to the letter, but does put them on record as having recognized the validity of the policies and the decisions or actions they imply. The jurisdictions can then begin to carry out the policies to the best of their ability, given sufficient time and resources.

In addition, it is important to recognize that the written text of the *Metro Plan* takes precedence over the *Metro Plan* Diagram where apparent conflicts or inconsistencies exist. The *Metro Plan* Diagram is a generalized map which is intended to graphically reflect the broad goals, objectives, and policies. As such, it cannot be used independently from or take precedence over the written portion of the *Metro Plan*.

The degree to which the *Metro Plan* provides sufficient detail to meet the needs of each jurisdiction will have to be determined by the respective jurisdictions. Where conflicts exist among the *Metro Plan*, local comprehensive plans, refinement plans, and existing zoning, each jurisdiction will have to establish its own schedule for bringing the zoning and refinement plans into conformance with the *Metro Plan* or the applicable local comprehensive plan.

It is recognized that the needs, priorities, and resources vary with each jurisdiction and that the methods and timing used to implement the *Metro Plan* or to conduct city-specific comprehensive planning will also vary.

Relationship to Other Plans, Policies, and Reports

The *Metro Plan* is the basic guiding land use policy document for regional land use planning. As indicated in the Purpose section, above, the region also utilizes: (a) city-wide comprehensive plans; (b) functional plans and policies addressing single subjects throughout the area, including the *Eugene-Springfield Public Facilities and Services Plan (Public Facilities and Services Plan)* and the regional transportation system plan; and (c) neighborhood plans or special area studies that address those issues that are unique to a specific geographical area. In all cases, the *Metro Plan* is the guiding document for regional comprehensive land use planning and city-specific plans may be adopted for local comprehensive land use planning. Refinement plans and policies must be consistent with applicable provisions in the *Metro Plan* or the applicable local comprehensive plan. Should inconsistencies occur, the applicable comprehensive plan is the prevailing policy document. The process for reviewing and adopting refinement plans is outlined in Chapter IV.

The following Metro Plan appendices are available at Lane Council of Governments (LCOG):

- Appendix A Public Facility Plan Project Lists and Maps for Water, Stormwater, Wastewater, Electricity, and Transportation [These lists and maps are located in Chapter II of the 2001 *Eugene-Springfield Metropolitan Area Public Facilities and Services Plan* and 2001 *Eugene-Springfield Metropolitan Area Transportation Plan (TransPlan)*]
- Appendix B List of Refinement and Functional Plans and Map of Refinement Plan Boundaries
- Appendix C List of Exceptions and Maps of Site-Specific Exception Area Boundaries
- Appendix D Auxiliary Maps showing the following:
 - Fire station locations
 - Urban growth boundary
 - Greenway boundary
 - Schools
 - Parks

Relationship to Lane County Rural Comprehensive Plan

The Plan Boundary shown on the *Metro Plan* Diagram in Chapter II is adjacent to the boundaries of the *Lane County Rural Comprehensive Plan* that surround the Eugene-Springfield metropolitan area. There is no overlap between the boundaries of the *Metro Plan* and the *Lane County Rural Comprehensive Plan*. Lane Code Chapter 16 is applied in the area between the UGB and the Plan Boundary to implement the *Metro Plan*.

Adjustments to boundaries may occur in the future so that areas previously a part of one plan are covered under another plan. These adjustments may occur using the *Metro Plan* review and amendment procedures described in Chapter IV.

Relationship to Statewide Planning Goals

The *Metro Plan* has been developed in accordance with the statewide planning goals adopted by the Oregon Land Conservation and Development Commission (LCDC). These goals provide the standards and set the framework for the planning programs of all governmental agencies and bodies in the metropolitan area. Through the *Metro Plan* and the jurisdictions' own land use plans, the cities and county address the applicable LCDC goals (as well as local goals). In response to the statutorily mandated adoption of separate urban growth boundaries for Eugene and Springfield, each city will independently address some of the statewide planning goals in their city-specific plans. For example, each city will provide the type and quantity of land needed to support its own population as required by Statewide Planning Goals 9 (Employment), 10 (Housing) and 14 (Urbanization).

General Assumptions and Findings

The following general assumptions and findings relate to the entire *Metro Plan*. They are included in the Introduction because of their general application.

General Assumptions⁴

1. A population of 286,000 is expected to reside within the metropolitan UGB by the year 2015. This is a 29 percent increase from the estimated 2000 census population of 222,500. Since this *Metro Plan* is designed to accommodate the expected population rather than remain static until 2015, it can be adjusted periodically as changes in population trends are detected.
2. Based on recent trends, the rate of population growth and the rate of in-migration are projected to decrease.
3. In addition to population growth, increasing household formation rates (i.e., decreasing average household size) will increase the demand for housing.
4. In addition to population growth, increasing labor force participation rates will increase the resident labor force, thereby increasing the demand for employment opportunities.
5. The metropolitan area will experience continuing growth of the local economy.
6. Based on projections of recent population and economic trends, there will be sufficient land within the urban growth boundary, depicted on the *Metro Plan* Diagram in Chapter

⁴ These General Assumptions no longer apply within Springfield's UGB (east of Interstate 5) as a result of Springfield's establishment of its separate UGB and 20-year supply of residential land. Springfield Ordinance No. 6268 (June 20, 2011); Lane County Ordinance No. PA 1274 (July 6, 2011).

II, to ensure reasonable choices in the market place for urban needs to serve a metropolitan UGB area population of 286,000, provided periodic updates of the *Metro Plan* are conducted and the area designated for urbanization on the *Metro Plan Diagram* is updated to assure that the supply remains responsive to demand.

7. Public policies controlling the Eugene-Springfield metropolitan area's growth pattern will continue to be effective. For example, compact urban growth will continue to enhance the opportunity to preserve important natural assets, such as rural open space and agricultural land.
8. Additional urban development will take place within incorporated cities.

General Findings

1. Orderly metropolitan growth cannot be accomplished without coordination of public investments. Such coordination can be enhanced through use of the *Public Facilities and Services Plan* and scheduling of priorities.
2. When urban growth is allowed to occur without consideration for the physical characteristics of the land, it creates problems that are then difficult to solve.
3. The development and implementation of planning policies have social and economic impacts.
4. Financial and taxing inequities are generated when urban development is allowed to occur in unincorporated areas on the periphery of Springfield and Eugene because many residents of such developments are at least partially dependent on streets, parks, and other non-direct fee facilities and services provided by those cities and financed from their revenues.

Chapter II

Fundamental Principles and Growth Management Policy Framework

This chapter contains Fundamental Principles that reflect the overall themes of the *Metro Plan*. The chapter also contains: Metropolitan Goals; Growth Management Goals, Findings, and Policies; Eugene and Springfield Jurisdictional Responsibility; Urban and Urbanizable Land; River Road and Santa Clara Goals, Findings and Policies; and *Metro Plan* Diagram.

As explained in the *Metro Plan* Preface and Chapter I, Eugene, Springfield and Lane County are taking incremental steps to transition from a single “metropolitan UGB” to two separate UGBs, “the Eugene UGB” and “the Springfield UGB.” The general references to “the UGB” within this Chapter II shall be interpreted as applying to any UGB within the Metro Plan area, unless the text specifically refers to the metropolitan UGB, the Springfield UGB or the Eugene UGB. When both the Springfield UGB and the Eugene UGB have been established, the metropolitan UGB will cease to exist.

A. Fundamental Principles

There are seven principles that are fundamental to the entire *Metro Plan*. They are implicitly included in the various individual *Metro Plan* components. These Fundamental Principles are:

1. The *Metro Plan* is a long-range policy document providing the framework within which more detailed plans are prepared. This concept is discussed in more detail in the Introduction (Chapter I).
2. To be meaningful, the *Metro Plan* requires cooperation by all general purpose, special district, and special function agencies in the community. This reflects its comprehensive nature encompassing physical land use, social, and economic implications for the metropolitan area. Examples where cooperation is essential include planning and implementation of a transportation system and development of a metropolitan-wide energy plan, metropolitan-wide analysis and resolution of certain housing issues, and planning for areas outside the urban growth boundary (UGB) and within the Plan Boundary.⁵
3. The *Metro Plan* and most of its elements are oriented to and require that urban development occur in a compact configuration within the UGB. Elaboration of this principle is treated in the other sections of this chapter, and in the Public Facilities and Services Element in Chapter III.

⁵As 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).

4. Comprehensive plans identify and establish the plan-zoning consistency concept and recognize the importance of timing concerning implementation techniques. Implementation techniques, including zoning, shall generally be consistent with the precepts established in the *Metro Plan*, which is the broad policy document for the metropolitan area and in the applicable city-specific comprehensive plan. The consistency test shall continuously be applied to implementation measures and public actions taken to rectify inconsistencies when the general direction provided by the *Metro Plan* or the city-specific comprehensive plan is modified. A variety of potential solutions to consistency problems exist, including modification to the *Metro Plan*, the city-specific comprehensive plan or to the implementation techniques themselves.
5. The zoning process shall be monitored and adjusted to meet current urban land use demands through the planning period for all land use categories.
6. The *Metro Plan* is based on the premise that Eugene and Springfield, the two existing cities, are the logical providers of services accommodating urban levels of development within the UGB.
7. The *Metro Plan* was developed to meet the supporting facilities and services necessary to serve a population of 286,000 within the metropolitan UGB by the year 2015.

B. Metropolitan Goals

Metropolitan Goals are listed under the applicable section in this chapter or in Chapter III (*Metro Plan Elements*) and Chapter IV (*Metro Plan Review, Amendments, and Refinements*).

C. Growth Management Goals, Findings, and Policies

To effectively control the potential for urban sprawl and scattered urbanization, compact growth within the urban growth boundary (UGB) is, and will remain, the primary growth management technique for directing geographic patterns of urbanization in the metropolitan community. In general, this means the filling in of vacant and underutilized lands, as well as redevelopment inside the UGB.

Outward expansion of the UGB will occur only when the home city and Lane County determine such expansion is proven necessary according to state law and applicable *Metro Plan* and city-specific comprehensive plan provisions.

Sub-chapter II-C no longer applies to Springfield. In 2016, the City of Springfield and Lane County adopted the Springfield 2030 Comprehensive Plan Urbanization Element, Ordinance No. XXXX and Lane County Ordinance No. PA 1304, as part of Springfield's comprehensive plan in compliance with Statewide Planning Goal 14, Urbanization. The Urbanization Element contains Springfield's city-specific goals, policies, implementation measures and findings to address land needs for the planning period 2010-2030.

Goals

1. Use urban, urbanizable, and rural lands efficiently.
2. Encourage orderly and efficient conversion of land from rural to urban uses in response to urban needs, taking into account metropolitan and statewide goals.
3. Protect rural lands best suited for non-urban uses from incompatible urban encroachment.

Findings and Policies

Findings

1. Many metropolitan areas within the United States that have not implemented geographic growth management techniques suffer from scattered or leapfrog urban growth that leaves vacant and underutilized land in its path and encourages isolated residential developments far from metropolitan centers. Until adoption of the *1990 Plan's* urban service area concept, portions of this metropolitan area were characterized by these phenomena.
2. Beneficial results of compact urban growth include:
 - a. Use of most vacant leftover parcels where utilities assessed to abutting property owners are already in place.

- b. Protection of productive forest lands, agricultural lands, and open space from premature urban development.
 - c. More efficient use of limited fuel energy resources and greater use of bicycle and pedestrian facilities due to less miles of streets and less auto dependence than otherwise would be required.
 - d. Decreased acreage of leapfrogged vacant land, thus resulting in more efficient and less costly provision and use of utilities, roads, and public services such as fire protection.
 - e. Greater urban public transit efficiency by providing a higher level of service for a given investment in transit equipment and the like.
3. The disadvantages of a too-compact UGB can be a disproportionately greater increase in the value of vacant land within the Eugene-Springfield area, which would contribute to higher housing prices. Factors other than size and location of the UGB and city limits affect land and housing costs. These include site characteristics, interest rates, state and federal tax laws, existing public service availability, and future public facility costs.
 4. Periodic evaluation of land use needs compared to land supply provides a basis for orderly and non-excessive conversion of rural land to urbanizable land and provides a basis for public action to adjust the supply upward in response to the rate of consumption.
 5. Prior to the late 1960s, Eugene and Springfield had no growth management policy and, therefore, growth patterns were generally dictated by natural physical characteristics.
 6. Mandatory statewide planning goals adopted by the Land Conservation and Development Commission (LCDC) require that all communities in the state establish UGBs to identify and separate urbanizable land from rural land.
 7. Between 1970 and 1983, Springfield's population increased about 4 percent and Eugene's about 2.5 percent a year, but unincorporated portions of the metropolitan area experienced a population decline. About 17 percent of the total increase in the population was related to annexations. This indicates that growth is occurring in cities, which is consistent with the compact urban growth concept, and limitations on urban scatteration into unincorporated areas, as first embodied in the *1990 Plan*.
 8. In addition to Finding 7 above, evidence that the metropolitan UGB was an effective growth management tool included the following:
 - a. Consistent reduction over time of vacant land within the metropolitan UGB.
 - b. Reduction of vacant residential zoned land in Springfield and Eugene.

- c. Greater value of vacant land within Springfield and Eugene than similar land outside incorporated areas but within the metropolitan UGB.
 - d. Increase since 1970 of the proportionate share of residential building permits issued within city limits.
9. Reduction in the use of zoning provisions and regulatory processes that favor single-family detached dwellings on standard size parcels would increase the opportunity to realize higher net residential densities than are presently occurring, particularly in newly developing areas.
 10. A variety of public services are provided by Lane County and special service districts to unincorporated portions of the Eugene-Springfield metropolitan area.
 11. In 1986, the Cities of Eugene and Springfield entered into Urban Transition Agreements with Lane County which transferred from the County to the Cities administration for building and land use within the urbanizable portion of the UGB.

Objectives

1. Continue to minimize urban scatteration and sprawl by encouraging compact growth and sequential development.
2. Insure that land supply is kept in proper relationship to land use needs.
3. Conserve those lands needed to efficiently accommodate expected urban growth.
4. Protect rural land and open space from premature urbanization.
5. When necessary to meet urban needs, utilize the least productive agricultural lands for needed expansion, in accordance with state statutes, Statewide Planning Goal 14, and the Land Conservation and Development Commission's administrative rules.
6. Encourage new and maintain existing rural land uses where productive or beneficial outside the urban growth boundary.
7. Shape and plan for a compact urban growth form to provide for growth while preserving the special character of the metropolitan area.
8. Encourage development of suitable vacant, underdeveloped, and redevelopable land where services are available, thus capitalizing on public expenditures already made for these services.
9. Protect life and property from natural hazards and natural disasters.

10. Allow smaller outlying communities the opportunity to plan for their own futures without being engulfed by unlimited outward expansion of the metropolitan area.
11. Identify methods of establishing an urban transition program which will eventually reduce service delivery inefficiencies by providing for the provision of key urban services only by cities.

Policies

1. The UGB and sequential development shall continue to be implemented as an essential means to achieve compact urban growth. The provision of all urban services shall be concentrated inside the UGB.
2. The Metropolitan UGB was mapped and described to lie along the outside edge of existing and planned rights-of-way that form a portion of the UGB so that the full right-of-way is within the UGB.
3. Control of location, timing, and financing of the major public investments that directly influence the growth form of the metropolitan area shall be planned and coordinated on a metropolitan-wide basis.
4. Lane County shall discourage urban development in urbanizable and rural areas and encourage compact development of outlying communities.
5. To maintain the existing physical autonomy of the smaller outlying communities, urban development on agricultural and rural lands beyond the UGB shall be restricted and based on at least the following criteria:
 - a. Preservation and conservation of natural resources
 - b. Conformity with the policies and provisions of the *Lane County Rural Comprehensive Plan* that borders the metropolitan area
 - c. Conformance with applicable mandatory statewide planning goals.
6. Outlying communities close to Springfield and Eugene shall be encouraged to develop plans and programs in support of compact urban development.
7. Conversion of rural and rural agricultural land to urbanizable land through *Metro Plan* amendments expanding the UGB shall be consistent with mandatory statewide planning goals.
8. Land within the UGB 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 *Metro Plan*.
9. A full range of key urban facilities and services shall be provided to urban areas according to demonstrated need and budgetary priorities.
10. Annexation to a city through normal processes shall continue to be the highest priority.
11. The tax differential concept, as provided for in ORS 222.111 (2), shall be one mechanism that can be employed in urban transition areas.
12. Police, fire and emergency medical services may be provided through extraterritorial extension with a signed annexation agreement or initiation of a transition plan and upon concurrence by the serving jurisdiction.
13. Both Eugene and Springfield shall examine potential assessment deferral programs for low-income households.
14. Creation of new special service districts or zones of benefit within the Plan Boundary of the *Metro Plan* shall be considered only when all of the following criteria are satisfied:
 - a. There is no other method of delivering public services which are required to mitigate against extreme health hazard or public safety conditions.
 - b. The three metropolitan area general purpose governments concur with the proposal to form the service district or zone of benefit.
 - c. The district or zone of benefit is an interim service delivery method, and there are legal assurances, such as annexation agreements, to ensure that annexation to the appropriate city occurs within the planning period.
 - d. The servicing city is not capable of providing the full range of urban facilities and services in the short term, although it is recognized that urban facilities and services will be provided by a city consistent with adopted public facilities plans and capital improvement programs.
 - e. The district or zone of benefit will contract with the appropriate city for interim service delivery until annexed to the appropriate city.
15. Ultimately, land within the UGB shall be annexed to a city and provided with the required minimum level of urban facilities and services. While the time frame for

annexation may vary, annexation should occur as land transitions from urbanizable to urban.

16. Eugene and Springfield and their respective utility branches, Eugene Water & Electric Board (EWEB) and Springfield Utility Board (SUB), shall be the water and electrical service providers within the UGB.
17. As annexations to cities occur over time, existing special service districts within the UGB shall be dissolved. The cities should consider developing intergovernmental agreements, which address transition issues raised by annexation, with affected special service districts.
18. The realignment (possible consolidation or merger) of fringe special service districts shall be examined to:
 - a. Promote urban service transition to cities within the UGB.
 - b. Provide continued and comprehensive rural level services to property and people outside the UGB.
 - c. Provide more efficient service delivery and more efficient governmental structure for serving the immediate urban fringe.
19. Annexation of territory to existing service districts within the UGB shall occur only when the following criteria are met:
 - a. Immediate annexation to a city is not possible because the required minimum level of key urban facilities and services cannot be provided in a timely manner (within five years, as outlined in an adopted capital improvements program);
 - b. Except for areas that have no fire protection, affected property owners have signed consent to annex agreements with the applicable city consistent with Oregon annexation law.

Such annexations shall be considered as interim service delivery solutions until ultimate annexation to a city occurs.

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

- d. Creation of a new service district (under conditions described previously in Policy #14).
21. Cities shall not extend water or wastewater service outside city limits to serve a residence or business without first obtaining a valid annexation petition, a consent to annex agreement, or when a health hazard annexation is required.
22. Regulatory and fiscal incentives that direct the geographic allocation of growth and density according to adopted plans and policies shall be examined and, when practical, adopted.
23. To accomplish the Fundamental Principle of compact urban growth addressed in the text and on the *Metro Plan* Diagram, overall metropolitan-wide density of new residential construction, but not necessarily each project, shall average approximately six dwelling units per gross acre over the 1995-2015 planning period addressed in the 1999 Residential Lands and Housing Study.⁶
24. When conducting metropolitan planning studies, particularly the *Public Facilities and Services Plan*, consider the orderly provision and financing of public services and the overall impact on population and geographical growth in the metropolitan area. Where appropriate, future planning studies should include specific analysis of the growth impacts suggested by that particular study for the metropolitan area.
25. Based upon direction provided in Policies 4, 8, and 23 of this section, any development taking place in an urbanizable area shall be designed to the development standards of the city which would be responsible for eventually providing a minimum level of key urban services to the area. Unless the following conditions are met, the minimum lot size for campus industrial designated areas shall be 50 acres and the minimum lot size for all other designations shall be 10 acres. Creation of new parcels in the urbanizable area will comply with the following standards:
 - a. The approval of a conceptual plan for ultimate development at urban densities in accord with applicable plans and policies.
 - b. Proposed land uses and densities conform to applicable plans and policies.
 - c. The owner of the property has signed an agreement with the adjacent city which provides:
 - (1) The owner and his or her successors in interest are obligated to support annexation proceedings should the city, at its option, initiate annexation.

⁶ This policy no longer applies to the City of Springfield. For the City of Springfield, the 1995-2015 planning period for the accommodation of the metropolitan area's residential land need and the 1999 Residential Lands and Housing Study that addressed that planning period have been supplanted by the 2010-2030 planning period addressed in the 2011 "Springfield 2030 Refinement Plan Residential Land Use and Housing Element." Springfield Ordinance No. 6268 and Lane County Ordinance No. PA 1274.

- (2) The owner and his or her successors in interest agree not to challenge any annexation of the subject property.
 - (3) The owner and his or her successors in interest will acquire city approval for any subsequent new use, change of use, or substantial intensification of use of the property. The city will not withhold appropriate approval of the use arbitrarily if it is in compliance with applicable plans, policies, and standards, as interpreted by the city, as well as the conceptual plan approved under subsection a above.
26. Any lot under five acres in size to be created in an urbanizable area will require utilizing the following additional standards:
- a. The property will be owned by a governmental agency or public utility.
 - b. A majority of parcels located within 100 feet of the property are smaller than five acres.
 - c. No more than three parcels are being created.
27. The siting of all residences on urbanizable lots served by on-site sewage disposal systems shall be reviewed by Lane County to ensure the efficient future conversion of these lots to urban densities according to *Metro Plan* assumptions and minimum density requirements.
28. The approval of on-site sewage disposal systems for rural and urbanizable area uses and developments shall be the responsibility of Lane County, subject to: (a) applicable state law; (b) the criteria for the creation of new lots in Policies 25, 26 above; (c) the requirement for the siting of residences in Policy 27 above; (d) requirements of Policy 29; and (e) the requirements for special heavy industrial designated areas.
29. In order to encourage economic diversification, on-site sewage disposal systems shall be allowed for industrial development and for commercial development allowed within Campus Industrial designated areas in conjunction with annexation to a city, when extension of the public wastewater system is imminent or is identified as part of an approved capital improvement program.
30. Eugene, Springfield, and Lane County shall continue to involve affected local governments and other urban service providers in development of future, applicable *Metro Plan* revisions, including amendments and updates.
31. If expansion of the UGB is contemplated, all other options should be considered and eliminated before consideration of expanding the UGB in the area west of Highway 99 and north of Royal Avenue.

Note: For other related policy discussion, see the Public Facilities and Services Element in Chapter III-G.

D. Jurisdictional Responsibility

The division of responsibility for metropolitan planning between the two cities is the Interstate 5 Highway. Chapter IV provides that all three jurisdictions would need to approve a UGB or Metro Plan boundary change that crosses Interstate 5. For purposes of other amendments and implementation of the Metro Plan, Lane County has joint responsibility with Eugene between the city limits and the *Metro Plan* Boundary (Plan Boundary) west of the Interstate 5 Highway and with Springfield between the city limits and the Plan Boundary east of the Interstate 5 Highway. State law (1981) provides a mechanism for creation of a new city in the River Road and Santa Clara area. Refer to Metro Plan Chapter IV and intergovernmental agreements to resolve specific issues of jurisdiction.

ORS 197.304 requires Eugene and Springfield to establish separate UGBs “consistent with the jurisdictional area of responsibility specified in the acknowledged comprehensive plan.”

E. Urban and Urbanizable Land

This section addresses the need to allow for the orderly and economic extension of public services, the need to provide an orderly conversion of urbanizable to urban land, and the need to provide flexibility for market forces to operate in order to maintain affordable housing choices. For the definitions of urban and urbanizable lands, as well as rural lands and the urban growth boundary (UGB) as used in this section, refer to the *Metro Plan* Glossary.

Sub-chapter II-E no longer applies to Springfield. In 2016, the City of Springfield and Lane County adopted the Springfield 2030 Comprehensive Plan Urbanization Element, Ordinance No. XXXX and Lane County Ordinance No. PA 1304, as part of Springfield's comprehensive plan in compliance with Statewide Planning Goal 14, Urbanization. The Urbanization Element contains Springfield's city-specific goals, policies, implementation measures and findings to address land needs for the planning period 2010-2030.

The undeveloped (urbanizable) area within the metropolitan UGB, separating urban and urbanizable land from rural land, was carefully calculated to include an adequate supply to meet demand for a projected population of 286,000 through the end of the planning period (2015). When the metropolitan UGB was established for the 1995-2015 planning period, Lane County, Eugene and Springfield realized, however, that unless the community consciously decided to limit future expansions of the UGB, one of several ways to accommodate growth, that boundary would need to be expanded in future plan updates. The jurisdictions anticipated that before 2015, the metropolitan UGB would include more urbanizable area reflecting metro-wide population and employment needs of populations beyond those in 2015. Periodic updates of land use needs and revision of the metropolitan UGB to reflect extensions of the planning period were expected to ensure that adequate surplus urbanizable land was always available.

With the transition mandated in 2007 by ORS 197.304, the shared metropolitan UGB will be replaced with two separate UGBs (the Eugene UGB and the Springfield UGB). This changed the land use work programs for the three jurisdictions. Evaluation of the sufficiency of the 2015 metropolitan UGB was replaced with an in-depth analysis of each city's independent needs and the supplies of land that exist with respect to the separate areas of jurisdictional responsibility. That process began with the three jurisdictions' adoption of city-specific population forecasts in Chapter I of the *Metro Plan*. In 2011, the City of Springfield, with co-adoption by Lane County, amended the *Metro Plan* to establish its own UGB consistent with ORS 197.304.⁷ The three jurisdictions continue to agree that the key to addressing the needs stated at the beginning of this section is not so much the establishment of a UGB, but maintaining an adequate and reasonable supply of available undeveloped land at any point in time. The "adequate" and "reasonable" tests are the key to the related phasing and surplus land issues.

In order to maintain an "adequate" supply of available surplus land to allow development to occur, annexation must take place in advance of demand in order to allow for the provision of public capital improvements, such as wastewater trunk lines, arterial streets, and water trunk lines. Most capital improvement programs are "middle-range" type plans geared three to six

⁷ Springfield Ordinance No. 6268 and Lane County Ordinance No. PA 1274.

years into the future. The time between annexation and the point of finished construction usually involves several steps:

1. The actual annexation and rezoning of the land.
2. Filing and approval of a subdivision or planned unit development (with accompanying public hearing processes).
3. Extension of public capital improvements (in accordance with programming and funding availability).
4. Construction of the private development (including local extension of streets, sidewalks, wastewater, water, electricity, and construction of dwelling units or businesses).

The time period between initiating annexation and sale of a home or opening of a business varies but can easily take from two to six years.

Large-scale and timely annexations of undeveloped and underdeveloped areas should be encouraged to enhance the opportunity for compact urban growth, an efficient land use pattern, and a well-planned supporting arterial street system.

The approach is to allow the cities to develop annexation programs which will ensure a six- to ten-year surplus of land. Such a range will allow the maintenance of an adequate surplus of land at any point in time. The six- to ten-year surplus is suggested as a reasonable range which will not only allow for the conversion of urbanizable to urban land through annexation but will allow the cities the opportunity and flexibility to plan for and provide urban facilities and services on a large scale. The six-year minimum will allow the cities and other providers of urban services to develop coordinated capital improvement programs in accordance with the applicable comprehensive plan. Such coordinated capital improvement programs can and should be closely related to implementation of annexation plans.

Comprehensive plans will be updated before undeveloped surplus urban lands are exhausted.

The six- to ten-year low density residential land surplus should be based on the amount of development over the previous six to ten years. For other land use categories, annexation programs should be based on past trends, *Metro Plan* assumptions, and *Metro Plan* Goals, particularly those goals dealing with promotion of economic development and diversity. Improved monitoring techniques made possible by the Regional Land Information Database of Lane County (RLID) formerly referred to as the Geographic Information System (GIS) should allow such monitoring to occur. The monitoring information should be provided on a jurisdictional basis.

In summary, the cities should continually monitor the conversion of urbanizable land to urban and pursue active annexation programs based on local policies and applicable provisions of this *Metro Plan* including, for example:

1. Orderly economic provision of public facilities and services (maintenance and development of capital improvement programs).
2. Availability of sufficient land to ensure a supply responsive to demand.
3. Compact urban growth.
4. Cooperation with other utilities and providers of urban services to ensure coordination with their respective capital improvement programs.

F. River Road and Santa Clara Goals, Findings, Objectives, and Policies

The River Road and Santa Clara portions of the Eugene-Springfield metropolitan area are important components of the metropolitan community. Both River Road and Santa Clara have:

- Unique and distinctive neighborhood identities
- Experienced considerable private investment in the past years
- Experienced considerable public investments; e.g., transmission facilities by the Eugene Water & Electric Board (EWEB) and educational facilities by public school systems
- A sound housing stock

In Santa Clara, relatively large parcels of vacant land exist which, with adequate urban services, can be developed at increased densities; in River Road, relatively large developed lots exist which could be further developed by their owners.

The future of both the River Road and Santa Clara areas will play a critical role in the growth of the metropolitan area. For some years, officials of Lane County and Eugene have cooperatively discussed methods of delivering services to these neighborhoods.

These discussions have continually focused on two sides of a single, critical issue:

How can the short-range costs and benefits to the residents and other service providers be balanced against, and what are the long-range costs and benefits to the residents and the entire metropolitan area of logical growth and increased densities?

Inflation has drastically increased the need to balance these two potentially divergent objectives. The effects of continued inflation can be mitigated by identifying and implementing a solution to the servicing issue.

A unique set of circumstances has occurred which lends direction to resolution of the service delivery questions for both River Road and Santa Clara.

1. As part of the acknowledgement process for the *Metro Plan*, the Land Conservation and Development Commission (LCDC) directed that a servicing plan be developed for both River Road and Santa Clara and that Eugene provide those services.
2. Discussions between Eugene officials and state and county representatives of the River Road and Santa Clara area have led to reconsideration of Eugene's policy to provide services to these neighborhoods only after annexation to the City of Eugene of both areas has occurred.
3. Preliminary review of Eugene's comprehensive capital improvement program suggested a full range of services could not be provided immediately even if the areas were annexed at one time.

Based on these three conditions, a situation evolved which led to a set of findings, objectives, and policies for inclusion in the *Metro Plan* and ultimately will lead to delivery of urban services to the River Road and Santa Clara areas in cooperation with the residents of these neighborhoods. That situation is as follows.

The City of Eugene constructed and owns the main wastewater system that serves the River Road and Santa Clara neighborhoods. Eugene has altered its policies pertaining to the service delivery to both River Road and Santa Clara to allow incremental annexation. Annexation must, however, be consistent with state law and other applicable local policies (e.g., the ability of the city to deliver key urban facilities and services in a timely manner). Eugene will pursue annexation only in accordance with applicable state laws and will not use these mechanisms to circumvent the process. In every case, Eugene will make every reasonable attempt to provide for annexation only on a voluntary basis and in accord with previous individual property annexation agreements. The City, in conjunction with Lane County and the citizens of both River Road and Santa Clara, developed a *River Road-Santa Clara Urban Facilities Plan* which is responsive to the basic service infrastructure which is either in place or contemplated for these areas. An integral part of the implementation phase of the *River Road-Santa Clara Urban Facilities Plan* is a financing mechanism which takes into account the financial abilities of residents/property owners and the City of Eugene to pay for service delivery in that area.

The following findings, objectives, and policies reflect the situation that evolved.

Findings, Objectives, and Policies

Findings

1. Land supply in the River Road and Santa Clara areas is of metropolitan-wide significance.
2. In order to achieve urban densities, urban services, including public wastewater service, must be provided.
3. For a long period of time, officials of Lane County and Eugene have made great efforts to resolve the service delivery problems for both River Road and Santa Clara.
4. The history and pattern of development in River Road and Santa Clara have resulted in the creation of two unique metropolitan neighborhoods.
5. The most cost-effective method of service delivery is through annexation.
6. An urban facilities plan is the best method of providing a framework for capital improvements programming in the River Road and Santa Clara areas.
7. Because of the substantial public investments already made in both neighborhoods, it is most cost-efficient to achieve urban densities in River Road and Santa Clara prior to

- accommodating new development needs in totally undeveloped areas.
8. The 1970 CH2M Hill *Sewerage System Study, River Road-Santa Clara* publication demonstrates the feasibility of providing wastewater service to the River Road and Santa Clara area in a manner consistent with the *Eugene-Springfield Metropolitan Waste Treatment Alternatives Report (208 Facilities Plan)* and the *Metro Plan*.
 9. The CH2M Hill publication defined study boundaries and made population projections which are different than those contained in the *Metro Plan*; modifications to these factors is occurring as part of the required system design work prior to construction.
 10. The detailed design work which will occur as part of development of the system will allow discussion of various system concepts with the residents and property owners of the River Road and Santa Clara areas.
 11. The *River Road-Santa Clara Urban Facilities Plan* has been completed.
 12. Based on the *River Road/Santa Clara Groundwater Study, Final Technical Report, February, 1980* by Sweet, Edwards, and Associates, Inc., the Oregon Environmental Quality Commission (EQC) found on April 18, 1980, that:
 - a. The River Road-Santa Clara shallow aquifer is generally contaminated with fecal coliform organisms in excess of drinking water and body contact standards.
 - b. Existing nitrate-nitrogen concentrations within the area exceed the planning target on the average.
 - c. About 73 percent of the nitrate-nitrogen pollutants (and, by analogy, a similar share of the fecal coliform contaminations) result from septic tank effluent. Septic tank pollutants can migrate rapidly to the groundwater from drainfields via macropore travel.
 13. The EQC concluded that a public health hazard exists based on fecal coliform data for people using the aquifer for domestic (drinking) or irrigation and that a health hazard similarly exists in several areas based on nitrate-nitrogen levels.
 14. To remedy the groundwater pollution problem, the Environmental Protection Agency (EPA) awarded Eugene a grant to build a wastewater system to replace the individual septic systems in use throughout River Road and Santa Clara according to a prescribed time frame.
 15. Efforts toward incremental and voluntary annexation of River Road and Santa Clara properties to Eugene and connection to the wastewater system according to the EPA's time frame have not been successful.

Objectives

1. Ensure the availability of land in River Road and Santa Clara for urban levels of development.
2. Capitalize on existing public expectations by providing further public services which will allow the River Road and Santa Clara areas to achieve urban densities.
3. Deliver a full range of urban services to the River Road and Santa Clara areas through annexation.
4. Consider the unique situation of the residents of River Road and Santa Clara by providing financing mechanisms which will take into account the financial ability of the residents to pay for service delivery and the City of Eugene's ability to provide these services.
5. Guide capital improvements in the River Road and Santa Clara areas through the *River Road-Santa Clara Urban Facilities plan* developed cooperatively by Lane County, the City of Eugene, and the residents and property owners of the two areas.
6. Eliminate groundwater pollution from individual septic tank disposal systems in River Road and Santa Clara.

Policies

1. Eugene shall develop methods of financing improvements in the River Road and Santa Clara areas which are responsive to the unique situation of residents and property owners, as well as the City of Eugene.
2. Eugene will plan, design, construct, and maintain ownership of the entire wastewater system that services the River Road and Santa Clara areas. This will involve extraterritorial extension which will be supported by Lane County before the Lane County Local Government Boundary Commission and all other applicable bodies.
3. Annexation of the River Road and Santa Clara areas will occur only through strict application of state laws and local policies (e.g., ability to extend key urban facilities and services in a timely manner). In each case, Eugene will make every reasonable attempt to provide for annexation only on a voluntary basis and according to prior individual property annexation agreements.
4. The City of Eugene shall provide urban services to the River Road and Santa Clara neighborhoods upon annexation. In the meantime, to reduce the groundwater pollution problem, Eugene will extend wastewater service to developed properties.
5. Using the CH2M Hill report as a foundation, efforts to prepare more detailed engineering studies which will provide the basis for a capital improvement program to sewer the River Road and Santa Clara areas in a manner consistent with the above policy direction

shall proceed.

6. No particular section of the *Metro Plan* shall be interpreted as prohibiting the process of incorporation of a new city in River Road and Santa Clara in accordance with ORS 199 and 221. This means that:
 - a. As a comprehensive planning document, no particular section of the *Metro Plan* shall be used in isolation to evaluate different courses of action.
 - b. The phrase “process of incorporation” refers to the specific steps of incorporation outlined in ORS 199 and 221.
 - c. This policy does not negate the requirement of public wastewater service as a minimum level of key urban facilities and services. Any institutional solution to providing urban services in the River Road and Santa Clara areas must provide public wastewater service to address LCDC requirements and to protect public health and safety in resolving groundwater pollution problems. Public wastewater service is also required to achieve higher than septic tank level of urban residential densities and to utilize efficiently valuable metropolitan-scale buildable land.

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.

Residential

This category is expressed in gross acre density ranges. Using gross acres, approximately 32 percent of the area is available for auxiliary uses, such as streets, elementary and junior high schools, neighborhood parks, other public facilities, neighborhood commercial services, and churches not actually shown on the *Metro Plan* Diagram. Such auxiliary uses shall be allowed within residential designations if compatible with refinement plans, zoning ordinances, and other local controls for allowed uses in residential neighborhoods. The division into low, medium, and high densities is consistent with that depicted on the *Metro Plan* Diagram. In other words:

- Low density residential—Through 10 units per gross acre
- Medium density residential—Over 10 through 20 units per gross acre
- High density residential—Over 20 units per gross acre

These ranges do not prescribe particular structure types, such as single-family detached, duplex, mobile home, or multiple-family. That distinction, if necessary, is left to local plans and zoning ordinances.

While all medium and high density allocations shown on the *Metro Plan* Diagram may not be needed during the planning period, their protection for these uses is important because available sites meeting pertinent location standards are limited.

As of January 1, 1977, density of all existing residential development within the *1990 Plan* projected urban service area was about 3.64 dwelling units per gross acre. For new dwelling units constructed during 1986 to 1994, the net density was 7.05 dwelling units per acre in the UGB based on the RLID data. The estimated overall residential net density for all residential development has climbed from 5.69 dwelling units per are in 1986 to 5.81 dwelling units per acre in 1994. This *Metro Plan*, including the *Metro Plan* Diagram, calls for an overall average of about six dwelling units per gross acre for new construction through 2015, the planning period. By realizing this goal, the community will benefit from more efficient energy use; preservation of the maximum amount of productive agricultural land; use of vacant leftover parcels where utilities are already in place; and more efficient, less costly provision of utilities and services to new areas. This higher overall average density can only be achieved if the cities explore, and when feasible, in light of housing costs and needs, adopt new procedures and standards including those needed to implement the policies in the Residential Land Use and Housing Element.

The UGBs will be modified, as necessary, to ensure an on-going, adequate, available land supply to meet needs. See also Urban and Urbanizable Land in this section.

Commercial

This designation on the *Metro Plan* Diagram includes only the first two categories:

Major Retail Centers

Such centers normally have at least 25 retail stores, one or more of which is a major anchor department store, having at least 100,000 square feet of total floor space. They sometimes also include complimentary uses, such as general offices and medium and high density housing. Presently there are two such developed centers in the metropolitan area: the Eugene central business district and Valley River Center.

Community Commercial Centers

This category includes more commercial activities than neighborhood commercial but less than major retail centers. Such areas usually develop around a small department store and supermarket. The development occupies at least five acres and normally not more than 40 acres. This category contains such general activities as retail stores; personal services; financial, insurance, and real estate offices; private recreational facilities, such as movie theaters; and tourist-related facilities, such as motels. When this category is shown next to medium- or high-density residential, the two can be integrated into a single overall complex, local regulations permitting.

Existing strip commercial is in the Community Commercial Centers plan designation when it is of sufficient size to be of more than local significance. Development and location standards for (additional) strip commercial, as well as neighborhood commercial uses, are discussed below.

Neighborhood Commercial Facilities (not shown on *Metro Plan* Diagram)

Oriented to the day-to-day needs of the neighborhood served, these facilities are usually centered on a supermarket as the principal tenant. They are also characterized by convenience goods outlets (small grocery, variety, and hardware stores); personal services (medical and dental offices, barber shops); laundromats; dry cleaners (not plants); and taverns and small restaurants. The determination of the appropriateness of specific sites and uses or additional standards is left to the local jurisdiction. Minimum location standards and site criteria include:

1. Within convenient walking or bicycling distance of an adequate support population. For a full-service neighborhood commercial center at the high end of the size criteria, an adequate support population would be about 4,000 persons (existing or anticipated) within an area conveniently accessible to the site. For smaller sites or more limited services, a smaller support population or service area may be sufficient.
2. Adequate area to accommodate off-street parking and loading needs and landscaping, particularly between the center and adjacent residential property, as well as along street frontages next door to outdoor parking areas.

3. Sufficient frontage to ensure safe and efficient automobile, pedestrian and bicycle access without conflict with moving traffic at intersections and along adjacent streets.
4. The site shall be no more than five acres, including existing commercial development. The exact size shall depend on the numbers of establishments associated with the center and the population to be served.

Neighborhood commercial facilities may include community commercial centers when the latter meets applicable location and site criteria as listed above, even though community commercial centers are generally larger than five acres in size.

In certain circumstances, convenience grocery stores or similar retail operations play an important role in providing services to existing neighborhoods. These types of operations which currently exist can be recognized and allowed to continue through such actions as rezoning.

Strip or Street-Oriented Commercial Facilities

Largely oriented to automobile traffic, the need for this type of facility has diminished with the increasing popularity of neighborhood, community, and regional shopping centers with self-contained off-street parking facilities. Strip commercial areas are characterized by commercial zoning, or at least, commercial uses along major arterials; i.e., portions of River Road and West 11th Avenue, part of Willamette Street, Highway 99N, Franklin Boulevard in Eugene, Main Street in Springfield, and others. Such uses often create congestion in adjacent travel lanes, are generally incompatible with abutting non-commercial uses, and are not as vital to the community as previously because of the existence of retail, office, and service complexes with off-street parking facilities. They should be limited to existing locations and transformed into more desirable commercial patterns, if possible.

To mitigate negative external characteristics, unless it is not in the interest of the public, efforts should be made in connection with existing strip commercial areas to:

1. Landscape perimeters, especially when adjacent to residential properties.
2. Direct lights and signs away from residential areas.
3. Control and consolidate points of access and off-street parking to minimize safety hazards and congestion in connection with adjacent streets.

Industrial

This designation includes the following, only the first four being shown on the *Metro Plan* Diagram:

Heavy Industrial

This designation generally accommodates industries that process large volumes of raw materials into refined products and/or that have significant external impacts. Examples of heavy industry include: lumber and wood products manufacturing; paper, chemicals and primary metal manufacturing; large-scale storage of hazardous materials; power plants; and railroad yards. Such industries often are energy-intensive, and resource-intensive. Heavy industrial transportation needs often include truck and rail. This designation may also accommodate light and medium industrial uses and supporting offices, local regulations permitting.

Light Medium Industrial

This designation accommodates a variety of industries, including those involved in the secondary processing of materials into components, the assembly of components into finished products, transportation, communication and utilities, wholesaling, and warehousing. The external impact from these uses is generally less than Heavy Industrial, and transportation needs are often met by truck. Activities are generally located indoors, although there may be some outdoor storage. This designation may also accommodate supporting offices and light industrial uses, local regulations permitting.

Campus Industrial

The primary objective of this designation is to provide opportunities for diversification of the local economy through siting of light industrial firms in a campus-like setting. The activities of such firms are enclosed within attractive exteriors and have minimal environmental impacts, such as noise, pollution, and vibration, on other users and on surrounding areas. Large-scale light industrial uses, including regional distribution centers and research and development complexes, are the primary focus of this designation. Provision should also be made for small- and medium-scale industrial uses within the context of industrial and business parks which will maintain the campus-like setting with minimal environmental impacts. Complementary uses such as corporate office headquarters and supporting commercial establishments serving primary uses may also be sited on a limited basis.

Conceptual development planning, performance standards, or site review processes shall be applied to ensure adequate circulation, functional coordination among uses on each site, a high quality environmental setting, and compatibility with adjacent areas. A 50-acre minimum lot size shall be applied to ownerships of 50 or more acres to protect undeveloped sites from piecemeal development until a site development plan has been approved by the responsible city.

Special Heavy Industrial

These areas are designated to accommodate relocation of existing heavy industrial uses inside the urban growth boundary (UGB) that do not have sufficient room for expansion and to accommodate a limited range of other heavy industries in order to broaden the manufacturing base of the metropolitan economy and to take advantage of the natural resources of this region. These areas are also designated to accommodate new uses likely to benefit from local advantage

for processing, preparing, and storing raw materials, such as timber, agriculture, aggregate, or by-products or waste products from other manufacturing processes.

Land divisions in these areas shall be controlled to protect large parcels (40-acre minimum parcel size). Because city services are not available to these areas in the short-term, terms may be allowed to provide on-site the necessary minimum level of key urban facilities and services subject to standards applied by Lane County and subject to applicable state, federal, and local environmental standards.

This designation accommodates industrial developments that need large parcels, particularly those with rail access. Although a primary purpose of this designation is to provide sites for heavy industries, any industry which meets the applicable siting criteria may make use of this designation.

One area is designated Special Heavy Industrial. Listed below are the applicable land division standards, use limitations, and annexation and servicing provisions.

North of Awbrey Lane (north of Eugene)

The minimum level of key urban facilities and services is available or can be readily available to this area. Annexation shall be assured prior to development. Lane County and the City of Eugene shall cooperate to apply the appropriate industrial zoning specifying the minimum parcel size and setting forth performance standards.

This site was added to the industrial land inventory to provide a large (200+ acre) site for a special heavy industrial park. The minimum parcel size for lots in the industrial park shall be 40 acres. Prior to subdivision, it shall be demonstrated that the comprehensive development plan ensures compatibility among planned uses within the park as well as with adjacent properties and that access to both the Union Pacific and Burlington Northern railroads has been extended into the area or that a surety sufficient to secure such extension has been posted with the city.

The comprehensive development plan shall include the layout of lots, railroad right-of-way, streets, utilities and performance and site development standards. It shall also consider the provisions of a “public team track.” The comprehensive development plan shall be designed to protect and enhance the site for special heavy industrial users requiring a campus-like setting and rail access. Uses in this area shall be limited to industries which are rail dependent or require a minimum site of 100 acres.

Small-Scale Light Industry (not shown on *Metro Plan* Diagram)

This category is characterized by industrial uses that emit no smoke, noise, glare, heat, dust, objectionable odors, or vibrations beyond property boundaries; pursue their activities within buildings; and do not generate a large amount of vehicular trips for employees, customers, or freight movements. Depending on the local situation, in some instances such industrial uses may be incorporated into mixed use areas. To enhance compatibility with adjacent non-

industrial areas, local governments should apply development standards to specific proposals. Such standards should address building height, setbacks, adequate off-street parking areas, landscaping, and safe and efficient access. The determination of the appropriateness of specific sites and uses or additional development standards is left to the local jurisdictions. Minimum locational standards and site criteria include:

1. Access to arterial streets, normally without use of residential streets.
2. Up to five acres, with sufficient parking areas and frontage to accommodate structures, parking areas, and access in character with adjacent non-industrial properties.

Urban Holding Area – Employment (not shown on *Metro Plan* Diagram)

The Urban Holding Area – Employment (UHA-E) designation identifies urbanizable areas within the Springfield UGB to meet Springfield’s long term employment land needs for the 2010-2030 planning period. The UHA-E designation reserves an adequate inventory of employment sites, including sites 20 acres and larger, that are suitable for industrial and commercial mixed use employment uses that generate significant capital investment and job creation within — but not limited to — targeted industry sectors, business clusters and traded-sector industries identified in the most recent Springfield economic opportunities analysis and Springfield Comprehensive Plan Economic Element policies.

Lands designated UHA-E are protected from land division and incompatible interim development to maintain the land’s potential for planned urban development until appropriate urban facilities and services are planned or available and annexation to Springfield can occur, as described in the Springfield Comprehensive Plan Urbanization Element. The UHA-E designation remains in effect until the appropriate employment designation is adopted through a City-initiated planning process or an owner-initiated plan amendment process.

Nodal Development Area (Node)

Areas identified as nodal development areas in *TransPlan* are considered to have potential for this type of land use pattern. Other areas, not proposed for nodal development in *TransPlan*, may be determined to have potential for nodal development.

Nodal development is a mixed-use pedestrian-friendly land use pattern that seeks to increase concentrations of population and employment in well-defined areas with good transit service, a mix of diverse and compatible land uses, and public and private improvements designed to be pedestrian and transit oriented.

Fundamental characteristics of nodal development require:

- Design elements that support pedestrian environments and encourage transit use, walking and bicycling;
- A transit stop which is within walking distance (generally ¼ mile) of anywhere in the node;

- Mixed uses so that services are available within walking distance;
- Public spaces, such as parks, public and private open space, and public facilities, that can be reached without driving; and
- A mix of housing types and residential densities that achieve an overall net density of at least 12 units per net acre.

Willamette River Greenway

The Willamette River Greenway Boundary is shown on the Metro Plan Diagram as an overlay. Refer to Chapter III-D for information, findings, and policies related to the Greenway.

Public and Semi-Public

This designation contains three categories:

Government (includes major office complexes and facilities and lodges)

Education (includes high schools and colleges)

Parks and Open Space

This designation includes existing publicly owned metropolitan and regional scale parks and publicly and privately owned golf courses and cemeteries in recognition of their role as visual open space. This designation also includes other privately owned lands in response to *Metro Plan* policies, such as the South Hills ridgeline, the Amazon corridor, the “Q” Street Ditch, and buffers separating sand and gravel designations from residential lands.

Where park and open space is designated on privately owned agricultural land, those lands shall be protected for agricultural use in accordance with *Metro Plan* policies.

Where park and open space is designated on forest lands inside the UGB, other values have primary importance over commercial forest values and those park and open space areas shall be protected for those primary values.

Where park and open space is designated on forest lands outside the UGB, commercial forest values shall be considered as one of many primary values.

In addition to those not shown at a neighborhood scale but automatically included in the gross allocation of residential acres, there is a need for public facilities and open space at a non-local level, such as regional/metropolitan parks. Several are shown on the *Metro Plan* Diagram. Those not yet in public ownership are based on environmental constraints, such as excessive slopes or assets, such as unique vegetation associations. They should be preserved, if possible, through public acquisition or tax relief programs. If that is not possible, development should be required to respond to their unique conditions through clustering in areas of least value as open space, locating circulation and access points in a manner that will result in minimal disturbance of natural conditions and other similar measures particularly sensitive to such sites.

Agriculture

These lands outside the UGB include: Class I through IV agricultural soils, other soils in agricultural use, and other lands in proximity to Class I through IV soils or agricultural uses on

Class V through VIII soils. Designated agricultural lands are protected to preserve agricultural resource values.

Sand and Gravel

This category includes existing and future aggregate processing and extraction areas. Aggregate extraction and processing is allowed in designated areas subject to *Metro Plan* policies, applicable state and federal regulations, and local regulations. For new extraction areas, reclamation plans required by the State of Oregon and Lane County provide a valuable means of assuring that environmental considerations, such as re-vegetation, are addressed. It is important to monitor the demand for aggregate to ensure an adequate supply of this vital non-renewable resource is available to meet metropolitan needs.

Rural Residential, Rural Commercial, and Rural Industrial

The prefix rural refers to the location of these designations on rural portions of the *Metro Plan* outside the UGB.¹⁰ The actual uses may or may not be rural in nature. These rural designations reflect existing patterns of development or commitment to rural lifestyle and have been carefully documented and described with appropriate findings as exceptions to agricultural or forest resource goals. Development on vacant or underdeveloped rural residential, rural commercial, or rural industrial designated parcels is permissible when rural level services are approved and when such development is done in accordance with other applicable policies.

The rural industrial uses in adopted exception areas are light-medium industrial in nature. Application of Lane County's M-2, Light Industrial zoning district, is appropriate to implement the *Metro Plan's* Rural Industrial designation.

Commercial or industrial development shall take place within the UGB, unless such development:

- Is necessary for the continuation of existing commercial or industrial operations, including plant or site expansion;
- Will be located in an adopted exception area; and
- Can be adequately served with rural level services (defined in Policy G.27 in Chapter III-G).

The minimum lot size for rural residential areas shall be five acres.

Exceptions

All new exceptions to, or expansion of, adopted exceptions onto rural resource lands or residential, commercial, industrial, or government non-resource *Metro Plan* Diagram designations or uses outside the UGB require application of *Metro Plan* amendment procedures

¹⁰ 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).

in Chapter IV. Those new or expanded exceptions must meet requirements of statewide planning goals and administrative rules and must comply with applicable *Metro Plan* policies. Background information on all adopted exception areas is detailed in the *Exceptions Working Paper* and its *Addendum*.

Within adopted exception areas, uses and densities must be consistent with zoning and *Metro Plan* designations and policies. Changes to use, density, or zone which are not consistent with the *Metro Plan* require a *Metro Plan* amendment following the process in Chapter IV. Such amendments must be accompanied by an explanation of the reason for the amendment (proposed use, intensity, size, timing, available and proposed service and facility improvements) and must be in compliance with other applicable *Metro Plan* policies and the following criteria:

- Compatibility with existing development pattern and density;
- Adequacy of on-site sewage disposal suitability or community sewerage;
- Domestic water supply availability;
- Adequate access;
- Availability of rural-level services (refer to Policy G.27 in Chapter III-G);
- Lack of natural hazards; and
- Compatibility with resource lands adjacent to the exception area.

The list of exceptions and site-specific maps, which are amendments to the *Metro Plan*, are contained in Appendix C.

Airport Reserve

Lands which may be acquired by Eugene at some future time in connection with the Eugene Airport, and for which an exception to statewide planning goals must be taken, if the zoning is changed from Exclusive Farm Use/Commercial Airport Safety Combining (E-40/GAS zone).

University/Research

This category represents property which is located in proximity to the University of Oregon campus. It is primarily intended to accommodate light industrial, research and development, and office uses related to activities, research, and programs of the University of Oregon. The designation also allows for mixed use development, including a limited range of retail and service uses and multiple-family dwellings. Commercial activities in this category are intended to serve the day-to-day needs of employees working in and near university/research areas. Activities, such as general retail and office, will continue to be located in other appropriately designated areas.

Development of land in this category can play a critical role in the diversification of the metropolitan area's economy by providing an opportunity to develop industrial activities which support and utilize programs of the University of Oregon.

Forest Lands

These lands designated outside the UGB include soils with potential forest productivity and lands with existing forest cover. Designated forest lands are protected to preserve multiple forest resource values, including commercial timber harvest, livestock grazing, scenic resources, watershed and soil protection, fish and wildlife habitat, and recreational opportunities.

Mixed Uses

This category represents areas where more than one use might be appropriate, usually as determined by refinement plans on a local level. (For example, the *Whiteaker Refinement Plan* includes several areas where a mix of compatible uses, based in part on existing development, are designated.) In the absence of a refinement plan, the underlying plan designation shall determine the predominant land use.

Natural Resource

This designation applies to privately and publicly owned lands where development and conflicting uses shall be prohibited to protect natural resource values. These lands shall be protected and managed for the primary benefit of values, such as fish and wildlife habitat, soil conservation, watershed conservation, scenic resources, passive recreational opportunities, vegetative cover, and open space. Where agricultural or forest practices have been identified as a conflicting use incompatible with protection of the primary values of the identified natural resource, those practices shall be prohibited.

Local governments shall apply appropriate implementation measures to protect these areas and to direct development toward “buildable” lands adjacent to natural resource areas (planned unit development application is a suitable technique for balancing conservation of natural resources and need for housing).

Urban Growth Boundary

Urban growth boundaries separate urban and urbanizable lands from rural lands. For the metropolitan UGB, the expected UGB population was 286,000 by the year 2015. The location of the metropolitan UGB resulted from environmental, social, and economic analysis in terms of supply and demand, which is basic to this entire *Metro Plan*. Accordingly, LCDC Goal 14’s establishment of UGB criteria was employed with the following results (for more detail, see the *Technical Supplement*):

Factor 1. “Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals;”

Population projections, employment projections, and housing projections were prepared representing the best available technical information about long-range urban growth in the metropolitan area. These projections were translated into

total land use needs. The *Metro Plan* Diagram was then constructed to accommodate projected residential growth, assuming new residential construction over the planning period would, on an overall metropolitan-wide basis, average approximately six dwelling units per gross acre.

Factor 2. “Need for housing, employment opportunities, and livability;”

The population and employment projections were translated into need for residential, commercial, and industrial land in response to local and statewide goals, objectives, and policies. Extreme care has been taken to consider the demand (projections) when analyzing the land supply in an effort to provide adequate housing and employment opportunities.

Translation of the identified natural assets and constraints into limitations and prohibitions to development, in most instances, was done to preserve the livability of the metropolitan area. These prohibitions and limitations were considered as refinements to the vacant land supply.

Factor 3. “Orderly and economic provision for public facilities and services;”

The UGB is based partly on the cost of providing urban services to the metropolitan area (for example, ridgelines and other topographic features were considered). The *Metro Plan* Diagram reflects the concept of compact urban growth, sequential development, and opportunities for the least costly provision of public services and facilities.

Factor 4. “Maximum efficiency of land uses within and on the fringe of the existing urban area;”

Again, the *Metro Plan* Diagram reflects compact urban growth which, in turn, should achieve maximum efficiency of land uses within and on the fringe of the existing urban area.

Factor 5. “Environmental, energy, economic, and social consequences;”

The *Metro Plan* Diagram represents a balancing of all environmental, energy, economic, and social impacts, as addressed by LCDC goals and the *Metro Plan* text. For example, decidedly lower residential densities and a much larger land supply may result in lower land costs, but energy savings may very well be sacrificed through need for longer transportation routes and accompanying fuel consumption.

Factor 6. “Retention of agricultural land, as defined, with Class I being the highest priority for retention and Class VI the lowest priority;”

The compact urban growth and sequential development principles embodied in the *Metro Plan* text and *Metro Plan* Diagram allow for retention of the most productive agricultural lands when balanced with other planning goals.

Factor 7. “Compatibility of the proposed urban uses with nearby agricultural activities.”

Again, the *Metro Plan* Diagram adheres to the compact urban growth form and sequential development. The separation between urban and urbanizable lands and rural lands formed by the UGB creates a sharp distinction between ultimate urban uses and agricultural uses on rural lands.

While urban development may create problems from an agricultural production standpoint, the compact urban growth form is, in many ways, compatible with nearby agricultural activities.

First, as urban densities increase, the close proximity of productive agricultural areas provides the potential to access larger markets for their products, thereby increasing their economic return. Second, close proximity can reduce transportation costs for agricultural products grown near metropolitan population concentrations, enabling local farmers to remain or become competitive with more distant markets. Third, retention of productive agricultural lands immediately adjacent to urban development can provide possible social and psychological benefits to urban residents. Fourth, the compact urban growth form and sequential development avoids the problem of leapfrogging and the problem of surrounding an area of agricultural development with urban areas.

Since the most productive agricultural lands are typified by Class I agricultural soils located in the floodway fringes, the boundary of the floodway fringe often serves as the location of the UGB. When the floodway fringe follows a natural bench or when a road creates a dike which defines the floodway fringe, the boundary between urban uses and agricultural uses may be abrupt. In other instances, the transition from urban to rural is not as easily definable on the ground.

Recognizing inevitable problems for agricultural production and retention of small isolated pockets of agricultural land that are or would be surrounded by urban uses was not considered a high priority in drawing the UGB.

On the east side of Interstate 5, the location of the UGB is either tax lot-specific (coterminous with tax lot boundaries) or specifically identified by a metes and bounds description.¹¹ On the

¹¹ The location of the Springfield UGB is graphically depicted in the Springfield Urban Growth Boundary Map and further described in the table entitled “List of tax lots which are adjacent to and inside, or split by the UGB” and the document entitled “Summary of Methodology Utilized to Refine the Location of the Springfield Urban Growth Boundary.” The table and methodology document were added to the *Metro Plan* in 2011 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; and revised as part of the adoption of the UGB amendment in 2016 (through Springfield Ordinance No. XXXX and Lane County Ordinance No. PA 1304, Exhibit C-2.

west side of I-5, the UGB is tax lot-specific where it is coterminous with city limits, where it has been determined through the annexation process, and where it falls on the outside edge of existing or planned rights-of-way. In other places on the west side of I-5, the UGB is determined on a case-by-case basis through interpretation of the *Metro Plan* Plan Boundaries Map in this *Metro Plan* and the following factors (see *Metro Plan* Plan Boundaries Map Key):

- Protection of Agricultural Lands
- Protection of Forest Lands
- Ridgeline (Drainage Basin)
- Orderly and Economic Public Services
- Floodway Fringe
- Protection of Wetlands
- Protection of Sand and Gravel Resources
- Airport Protection
- Existing Development and Services (City Limits)
- Meet Economic Goals
- Meet Housing Goals

Metro Plan Plan Boundary

The *Metro Plan* Plan Boundary (Plan Boundary) defines that area shown on the *Metro Plan* Diagram that includes Springfield, Eugene, and unincorporated urban, urbanizable, rural, and agricultural lands exclusive of areas encompassed in the *Lane County Rural Comprehensive Plan*. The Plan Boundary represents the interface between the area encompassed in the *Metro Plan* and areas subject to the *Lane County Rural Comprehensive Plan*. At some future date, these boundaries may require further adjustment, reflecting increasing need for urban land in the metropolitan area. The county and the two cities should recognize this possibility in their respective planning programs.

Insert Metro Plan Diagram

Insert *Metro Plan* Boundaries Map

Urban Growth Boundary Location Description Keyed to Metro Plan Plan Boundaries Map

For up-to-date information regarding the areas west of Interstate 5 where the UGB is tax lot-specific (i.e., where the UGB and city limits are the same, through annexations or to the outside edge of existing rights-of-way), contact the planning offices of the City of Eugene or Lane County. As explained in Chapter II-G, the metropolitan UGB was developed considering the seven factors that were then set out in LCDC Statewide Planning Goal 14: Urbanization. The following matrix outlines key factors that will be considered to determine the location of the metropolitan UGB west of Interstate 5 Highway where it is not tax lot-specific.

Metro Plan Metropolitan Urban Growth Boundary Map Key

Map Key	Protect Agricultural Lands	Protect Forest Lands	Ridgeline (Drainage Basin)	Orderly and Economic Public Services	Floodway Fringe	Protect Wetlands	Protect Sand and Gravel Resources	Airport Protection	Existing Development and Services (City Limits)	Meet Economic Goals	Meet Housing Goals
A-B		•	•	•					•		•
B-C ¹²					•						•
P-Q	•				•	•	•				•
Q-R	•				•	•	•		•		•
R-S	•			•					•	•	•
S-T	•								•	•	
T-U	•									•	
U-V	•							•	•		
V-W	•							•	•		•
W-X	•							•			•
X-Y	•							•		•	•
Y-Z		•		•							•
Z-A		•		•						•	•

¹² UGB segments C-P are now specifically identified on the table entitled “List of tax lots which are adjacent to and inside, or split by the UGB” and the document entitled “Summary of Methodology Utilized to Refine the Location of the Springfield Urban Growth Boundary.” The table and methodology document were added to the Metro Plan in 2011 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; and revised as part of the adoption of the UGB amendment in 2016 (through Springfield Ordinance No. XXXX and Lane County Ordinance No. PA 1304, Exhibit C-2.

Chapter III Specific Elements

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 This Springfield-specific action was 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. 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.

Land in residential use occupies the largest share of land within the metropolitan area. The existing housing stock and residential land supply and its relationship to other land uses and infrastructure are critical to the future needs of all residents.

This element addresses Statewide Planning Goal 10: Housing, "To provide for the housing needs of the citizens of the state." Housing demand originates with the basic need for shelter but continues into the realm of creating communities. The policies contained in this element are based on an analysis of the metropolitan area's land supply and housing demand, existing housing problems, and the demographic characteristics of the expected future population. Factors that were reviewed to develop a projection of the 2015 metropolitan housing demand were: projected number of metro area households; household income, age, size, and type; and special housing needs. The background material for this analysis is contained in two documents, the *1999 Supply and Demand Technical Analysis* and the *1999 Site Inventory Document*.¹⁴

The policies in this *Metro Plan* element provide direction for the local jurisdictions in preparing zoning and development regulations to address future housing needs. Each jurisdiction will be responsible to implement the policies contained in the *Metro Plan* Residential Land Use and Housing Element. At the time of the annual monitoring report, information on progress made to realize this policy direction will be made available. As local jurisdictions implement this

¹³ See the "Springfield 2030 Refinement Plan Residential Land Use and Housing Element" adopted by Springfield Ordinance No. 6268 and Lane County Ordinance No. PA 1274.

¹⁴ The background material for the City of Springfield's 2030 Residential Land and Housing Element Needs Analysis is contained in its "Technical Supplement: Springfield Residential Land and Housing Needs Analysis" adopted by Springfield Ordinance No. 6268 and Lane County Ordinance No. PA 1274 and the findings that accompanied those ordinances.

element of the *Metro Plan*, they will analyze the suitability of residential designations in terms of density and location and, based on this analysis, may propose changes to the *Metro Plan* Diagram.

Goal

Provide viable residential communities so all residents can choose sound, affordable housing that meets individual needs.

Findings¹⁵ and Policies

The findings and policies in this element are organized by the following seven topics related to housing and residential land:

- Residential Land Supply and Demand
- Residential Density
- Housing Type and Tenure
- Design and Mixed Use
- Existing Housing Supply and Neighborhoods
- Affordable, Special Need, and Fair Housing
- Coordination

Residential Land Supply and Demand

Findings

1. By 2015, the Eugene-Springfield Metropolitan UGB is projected to reach a population of 286,000. This is a 29 percent increase from the estimated 2000 census population of 222,500.
2. Average household size has been declining both nationally and locally due to a variety of factors. This trend will result in the need for more dwelling units to house population growth.
3. Based on the 2015 projected population and average household size, there is a need for between 40,000 and 49,000 new housing units in the Eugene-Springfield UGB between 1992 and 2015.
4. There is sufficient buildable residential land within the existing UGB to meet the future housing needs of the projected population. In fact, the 1992 residential buildable land supply exceeds the 1992-2015 residential land demand in all residential categories.

¹⁵ The findings in this element, which relate to the metropolitan land supply and demand considering a 2015 population forecast, are no longer relevant on the east side of Interstate 5, which now relies on the “Springfield 2030 Refinement Plan Residential Land Use and Housing Element” based on Springfield’s 2030 population forecast. See Springfield Ordinance No. 6268 and Lane County Ordinance No. PA 1274.

Assuming land is consumed evenly over the period, by 1999, there will be at least a 20-year supply of residential land remaining inside the UGB.

5. Undeveloped residential land is considered unbuildable and removed from the supply if it is within 230 KV powerline easements, the floodway, protected wetlands or wetland mitigation sites in Eugene, wetlands larger than 0.25 acres in Springfield or buffers around Class A and B streams and ponds. The remaining buildable residential land is located primarily on the outer edge of the UGB and some of the buildable residential land has development constraints such as slopes, floodplain, hydric soils and wetlands. Development potential is reduced in Springfield on floodplain areas and in Eugene on remaining potential wetlands due to moderate constraints that can support a less intense level of development.
6. Anticipated federal regulations affecting fish habitats in the Pacific Northwest and new applications for regulating under-designated, saturated, hydric soils by Oregon's Division of State Lands, as well as other factors, make a definitive calculation of the buildable land supply difficult. The adopted buildable land supply inventory represents the local jurisdiction's best assessment of the amount of buildable land that will be available within the UGB until the year 2015.

Supply and Demand Analysis in Acres				
	Low Density	Medium Density	High Density	Total
SUPPLY				
Total Net Buildable Acres for Housing	4,780	828	195	5,802
Flat Buildable Acres	3,159	777	192	4,129
15-25 Percent Sloped Land	913	41	1	955
Eugene	605	39	1	645
Springfield	307	2	1	310
Steep Sloped (>25 percent) Buildable Acres	708	9	1	718
Eugene	341	2	0	343
Springfield	367	6	1	374
DEMAND				
Low-High Range Residential Demand Remaining After Subtracting Demand Met by Buildable Lots	3,298-4,225	523-641	120-147	3,941-5,013
Land Demand for Housing Displaced by Redevelopment	27	0	0	27
Total Expected Residential Land Demand – 1992-2015	3,840	589	135	4,564
Low-High Range Residential Land Demand – 1992-2015	3,325-4,252	523-641	120-147	3,968-5,040
Difference between Total Buildable Supply and Expected Residential Land Demand in Acres*	940	239	60	1,238

Notes: Totals may differ due to rounding. Assumptions are estimates based on available data.

* Housing is not allocated to commercial and mixed use designated land due to Oregon Administrative Rules, although it is known that some housing will be built on commercial and mixed use land.

Supply and Demand Analysis in Units				
	Low Density	Medium Density	High Density	Total
SUPPLY				
Total Units on Buildable Acres	28,681	13,078	6,760	48,519
Units on Flat Buildable Acres	21,797	12,432	6,720	40,949
Units on 15-25 Percent Sloped Land	5,403	632	39	6,074
Eugene (same density as flat)	4,175	624	35	4,834
Springfield (@ 4 DU/acre)	1,228	8	4	1,240
Units on Steep (>25 percent) Sloped Buildable Acres	1,482	14	1	1,497
Eugene (@ 3 DU/acre)	1,023	6	0	1,029
Springfield (@ 1.25 DU/acre)	459	8	1	468
DEMAND				
Low-High Range Residential Demand Remaining After Subtracting Demand Met by Buildable Lots & Infill	22,873-29,042	8,384-10,270	4,200-5,145	35,457-44,457
Unit Demand for Housing Displaced by Redevelopment	149	0	0	149
Total Expected Residential Unit Demand – 1992-2015	26,449	9,432	4,725	40,606
Low-High Range Residential Unit Demand – 1992-2015	23,022-29,191	8,384-10,270	4,200-5,145	35,606-44,606
Difference between Total Buildable Supply and Expected Residential land Demand in Units*	2,232	3,646	2,035	7,913

Note: Totals may differ due to rounding. Assumptions are estimates based on available data.

*Housing is not allocated to commercial and mixed use designated land due to Oregon Administrative Rules although it is known that some housing will be built on commercial and mixed use land.

7. In 1995, approximately 28 percent of the buildable residential land supply did not have public services, primarily wastewater. Of this total, 1,136 acres or 12 percent will not be served for ten or more years; 521 acres (5.5 percent) will be served in five to ten years; 476 acres (5 percent) in three to four years, and 520 acres (5.5 percent) in one to two years.
8. In the aggregate, non-residential land uses consume approximately 32 percent of buildable residential land. These non-residential uses include churches, day care centers, parks, streets, schools, and neighborhood commercial.
9. Some of the residential land demand will be met through redevelopment and infill. Residential infill is occurring primarily in areas with larger, single-family lots that have surplus vacant land or passed-over small vacant parcels. Redevelopment is occurring primarily in the downtown Eugene and West University areas, where less intensive land

uses, such as parking lots and single-family dwellings are being replaced with higher density, multi-family development.

10. Since the last Periodic Review of the *Metro Plan* in 1987, there have been only two minor expansions of the UGB for residentially designated land. Each expansion was less than one acre in size.
11. The UGB defines the extent of urban building and service expansion over the planning period. There are geographic and resource constraints that will limit expansion of the UGB in the future. At such time that expansion is warranted, it will be necessary to cross a river, develop agricultural land, or cross over a ridge where the provision of public services and facilities will be expensive.
12. Since adoption of the *Metro Plan*, the supply of residential lands has been reduced as a result of compliance with federal, state, and local regulations to protect wetlands, critical habitat of endangered/threatened species, and other similar natural resources. This trend is likely to continue in order to meet future Statewide Planning Goal 5 and stormwater quality protection requirements.
13. Springfield charges a system development charge for stormwater, wastewater, and transportation. Willamalane Park and Recreation District charges a system development charge for parks. Springfield Utility Board (SUB) charges for water. Eugene charges for stormwater, wastewater, parks, and transportation. Eugene Water & Electric Board (EWEB) charges for water. These charges could be increased in some cases. Currently, state law does not include local systems development charges for fire and emergency medical service facilities and schools. Depending on market conditions, residents of newly constructed housing also pay for services and facilities they receive through local assessment districts, connection charges, direct investment in public infrastructure, and property taxes.

Policies

- A.1 Encourage the consolidation of residentially zoned parcels to facilitate more options for development and redevelopment of such parcels.
- A.2 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.
- A.3 Provide an adequate supply of buildable residential land within the UGB for the 20-year planning period at the time of Periodic Review.
- A.4 Use annexation, provision of adequate public facilities and services, rezoning, redevelopment, and infill to meet the 20-year projected housing demand.

- A.5 Develop a monitoring system that measures land consumption, land values, housing type, size, and density. Reports should be made to the community on an annual basis.
- A.6 Eugene, Springfield, and Lane County shall encourage a community dialogue, when the annual monitoring report on land supply and housing development is made public, to address future Periodic Review requirements that relate to meeting the residential land supply needs of the metropolitan area.
- A.7 Endeavor to provide key urban services and facilities required to maintain a five-year supply of serviced, buildable residential land.
- A.8 Require development 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.

Residential Density

Findings

- 14. Housing costs are increasing more rapidly than household income. With rising land and housing costs, the market has been and will continue to look at density as a way to keep housing costs down.
- 15. Recently approved subdivisions are achieving lot sizes on flat land averaging 7,400 square feet in Eugene and 7,800 square feet in Springfield. Comparing the net density¹⁶ of all Eugene-Springfield metropolitan single family-detached units in 1986 and 1994 indicates that in 1986 the net density was 4.12 units per acre which equates to a 10,573 square foot lot while in 1994, the net density was 4.18 units per acre or a 10,410 square foot lot. These trends indicate that development in low-density is achieving assumed density expectations.
- 16. Although single-family detached lot sizes are decreasing, the *Metro Plan* targeted residential densities for all new development are not being achieved at this time. The *Metro Plan* assumes a net density of 8.57 units per acre (note: translation from 6 units per gross acre¹⁷) for new development over the planning period. For new dwelling units constructed during 1986 to 1994, the net density was 7.05 units per acre based on the Regional Land Information Database of Lane County (RLID). The estimated average overall residential net density for all residential development has climbed from 5.69 units per acre in 1986 to 5.81 units per acre in 1994.

¹⁶ Density (Net): The number of dwelling units per each acre of land, excluding areas devoted to dedicated streets, neighborhood parks sidewalks, and other public facilities.

¹⁷ Density (Gross): The number of dwelling units per each acre of land, including areas devoted to dedicated streets, neighborhood parks, sidewalks, and other public facilities.

17. Both Springfield and Eugene have adopted smaller minimum lot size requirements to allow increased density in low-density residentially designated areas. Even so, density in low-density residentially designated areas does not routinely achieve the higher range of low-density zoning (near 10 units/gross acre) due to the current market and the area requirements for other site improvements such as streets.
18. Offering incentives (e.g., reduced parking requirements, tax abatements) for increased density has not been completely successful in this metro area. In areas where some increase in density is proposed, there can be neighborhood opposition.

Policies

- A.9 Establish density ranges in local zoning and development regulations that are consistent with the broad density categories of this plan.

Low density: Through 10 dwelling units per gross acre (could translate up to 14.28 units per net acre depending on each jurisdictions implementation measures and land use and development codes)

Medium density: Over 10 through 20 dwelling units per gross acre (could translate to over 14.28 units per net acre through 28.56 units per net acre depending on each jurisdictions implementation measures and land use and development codes)

High density: Over 20 dwelling units per gross acre (could translate to over 28.56 units per net acre depending on each jurisdiction's implementation measures and land use and development codes)

- A.10 Promote higher residential density inside the UGB that utilizes existing infrastructure, improves the efficiency of public services and facilities, and conserves rural resource lands outside the UGB.
- A.11 Generally locate higher density residential development near employment or commercial services, in proximity to major transportation systems or within transportation-efficient nodes.
- A.12 Coordinate higher density residential development with the provision of adequate infrastructure and services, open space, and other urban amenities.
- A.13 Increase overall residential density in the metropolitan area by creating more opportunities for effectively designed in-fill, redevelopment, and mixed use while considering impacts of increased residential density on historic, existing and future neighborhoods.
- A. 14 Review local zoning and development regulations periodically to remove barriers to higher density housing and to make provision for a full range of housing options.

- A.15 Develop a wider range of zoning options such as new zoning districts, to fully utilize existing *Metro Plan* density ranges.
- A. 16 Allow for the development of zoning districts which allow overlap of the established *Metro Plan* density ranges to promote housing choice and result in either maintaining or increasing housing density in those districts. Under no circumstances, shall housing densities be allowed below existing *Metro Plan* density ranges.

Housing Type and Tenure

Findings

19. Based on 1990 Census data for the Eugene area, there is a relationship between household income, size of household, age of household head, and housing choices people make regarding type and tenure. The trends established are as follows: lower income and increasingly moderate-income, primarily young and single-person households tend to be renters. Ownership increases as income and family size increase. Older households predominately remain in owner-occupied, single-family housing, but as the age of the head of household reaches 65, ownership rates begin to decline.
20. Based on the ECO Northwest/Leland Study, *What is the Market Demand for Residential Real Estate in Eugene/Springfield?* (October 1996) a larger share of the future population will be composed of smaller, older, and less affluent households. This will alter housing market demand in many ways over the next 20 years. Married couple families with children will no longer be the predominate household type of the residential market. Singles, childless couples, divorcees, and single parents will be a much larger proportion of the market than in the past. To meet the needs of these households, more choices in housing types (both for sale and for rent) than currently exist will be necessary.
21. Based on Lane County assessment data, in the 1980s and 1990s, there was a shift to larger, single-family detached homes, even though the average number of persons per household has been declining.
22. Between 1989 and 1998, 45 percent of all new housing was single-family detached including manufactured units on lots. As of 1998, about 59 percent of all dwelling units were single-family detached. This represents a decrease in the share of single-family detached from 61 percent in 1989.

Policies

- A.17 Provide opportunities for a full range of choice in housing type, density, size, cost, and location.
- A.18 Encourage a mix of structure types and densities within residential designations by reviewing and, if necessary, amending local zoning and development regulations.

- A.19 Encourage residential developments in or near downtown core areas in both cities.
- A.20 Encourage home ownership of all housing types, particularly for low-income households.
- A.21 Allow manufactured dwelling parks as an outright use in low-density residential zones if the local jurisdiction's prescribed standards are met.

Design and Mixed Use¹⁸

Findings

- 23. Mixed-use development (residential with commercial or office) has the potential to reduce impacts on the transportation system by minimizing or eliminating automobile trips.
- 24. Mixed use may be seen as a threat to predominantly residential development. Standards on siting and use and design review are seen as ways to mitigate negative impacts.
- 25. In-home business and telecommuting are becoming more common. The market for combining home and office uses will continue to increase.
- 26. While people generally are open to the concept of higher density, they are still concerned about how density will affect their neighborhood in terms of design, increased traffic, and activity. With higher densities, people need more local parks and open space.
- 27. The metropolitan area enjoys a wide variety of open spaces, natural areas, and livable neighborhoods. As density increases, design and landscaping standards and guidelines maybe necessary to maintain community livability and aesthetics, as well as making density more acceptable.

Policies

- A.22 Expand opportunities for a mix of uses in newly developing areas and existing neighborhoods through local zoning and development regulations.
- A.23 Reduce impacts of higher density residential and mixed-use development on surrounding uses by considering site, landscape, and architectural design standards or guidelines in local zoning and development regulations.
- A.24 Consider adopting or modifying local zoning and development regulations to provide a discretionary design review process or clear and objective design standards, in order to address issues of compatibility, aesthetics, open space, and other community concerns.

¹⁸ Mixed use: A building, project or area of development that contains at least two different land uses such as housing, retail, and office uses

Existing Housing Supply and Neighborhoods

Findings

28. Accommodating residential growth within the current UGB encourages in-fill, rehabilitation, and redevelopment of the existing housing stock and neighborhoods.
29. As the age of the housing stock reaches 25 years, the need for rehabilitation, weatherization, and major system upgrades increases. Approximately 59 percent of the single-family housing stock was built prior to 1969.
30. More renters than owners live in sub-standard housing conditions. Based on the *1995 Eugene/Springfield Consolidated Plan*, about 16 percent of all occupied rental units of the metropolitan housing stock are considered to be in sub-standard condition.
31. Local government has had and will continue to have a role in preserving the aging housing stock. Preserving the housing stock has numerous benefits to the community because much of the older housing stock represents affordable housing. In addition, upgrading the aging housing stock provides benefits that help stabilize older neighborhoods in need of revitalization.

Policies

- A.25 Conserve the metropolitan area's supply of existing affordable housing and increase the stability and quality of older residential neighborhoods, through measures such as revitalization; code enforcement; appropriate zoning; rehabilitation programs; relocation of existing structures; traffic calming; parking requirements; or public safety considerations. These actions should support planned densities in these areas.
- A.26 Pursue strategies that encourage rehabilitation of existing housing and neighborhoods.

Affordable¹⁹, Special Need²⁰, and Fair Housing

Finding

32. Substantial and continued federal funding reductions for housing assistance are increasing the burden on local governments. The high cost of housing for low-income

¹⁹ Affordable housing: Housing priced so that a household at or below median income pays no more than 30 percent of its total gross income on housing and utilities. [U.S. Department of Housing and Urban Development's (HUD) figure for 1997 annual median income for a family of three in Lane County is \$33,900; 30 percent = \$847/month.]

²⁰ Special need housing: Housing for special needs populations. These populations represent some unique sets of housing problems and are usually at a competitive disadvantage in the marketplace due to circumstances beyond their control. These subgroups include, but are not limited to, the elderly, persons with disabilities, homeless individuals and families, at-risk youth, large families, farm workers, and persons being released from correctional institutions.

families directly correlates with an increasing demand for other support services such as food supplement programs and utility assistance. The high cost of housing results in homelessness for some households. Homelessness directly and indirectly negatively impacts public health, public safety, and public education systems in multiple, measurable ways.

33. The next 20 years are expected to see increased need for apartments and single family housing for low²¹ and very low²² income households. Based on the 1990 Census, approximately 20 percent of all households are currently classified as very low-income.
34. There is a shortage of unconstrained medium and high density zoned sites, for sale, that are flat and serviced with utilities. This is particularly true in Eugene. Low income projects frequently must use density bonuses or other land use incentives that require additional land use processes such as public hearings, which exposes the project to longer timelines and appeals.
35. Based on the *1995 Eugene/Springfield Consolidated Plan*, in Eugene and Springfield, 35 percent of households experience housing problems (defined by HUD as overcrowded, substandard, or the household is paying over 30 percent of its income for housing and utilities). The predominate housing problem is that households are paying more than they can afford for housing.
36. The de-institutionalization of people with disabilities, including chronic mental illness, has continued since the 1980's and adds to the number of homeless, poorly housed, and those needing local support services and special need housing.
37. Based on the annual one-night Lane County shelter/homeless counts, the number of homeless people is increasing and a third of the homeless are children.
38. Demographics point to an increasing proportion of the population over 65 years of age in the future. This will require more housing that can accommodate the special needs of this group.
39. Construction of housing with special accommodations or retrofitting existing housing drives up the occupancy costs for the tenant. Tenants with special needs typically have low incomes and are less able to pay increased rents.
40. Existing land use regulations do not easily accommodate the establishment of alternative and innovative housing strategies, such as group recovery houses and homeless shelters.

²¹ Low income housing: Housing priced so that a household at or below 80 percent of median income pays no more than 30 percent of its total gross household income on housing and utilities. (HUD's figure for 1997 annual 80 percent of median for a family of three in Lane County is \$27,150; 30 percent = \$678/month.)

²² Very low income housing: Housing priced so that a household at or below 50 percent of median income pays no more than 30 percent of its total gross household income on housing and utilities. (HUD's figure for 1997 annual 50 percent of median of a family of three in Lane County is \$16,950; 30 percent = \$423/month.)

41. Existing emergency shelters do not have the capability to serve the entire homeless population. This results in people illegally inhabiting residential neighborhoods and non-residentially zoned areas. The challenges facing homeless people are increased when they are forced far out of the urban areas where resources, training, treatments, and job opportunities are less available.
42. Practices of some cultures, such as Latino and Asian households, conflict with existing public policies that limit a household to five unrelated adults, and private rental practices that limit occupancy to two people per bedroom.
43. Fair housing issues typically impact renters more often than homebuyers and discrimination tends to increase when the vacancy rate decreases.

Policies

- A.27 Seek to maintain and increase public and private assistance for low- and very low-income households that are unable to pay for shelter on the open market.
- A.28 Seek to maintain and increase the supply of rental housing and increase home ownership options for low- and very low-income households by providing economic and other incentives, such as density bonuses, to developers that agree to provide needed below-market and service-enhanced housing in the community.
- A.29 Consider public purposes such as low- and very low-income housing when evaluating UGB expansions.
- A.30 Balance the need to provide a sufficient amount of land to accommodate affordable housing with the community's goals to maintain a compact urban form.
- A.31 Consider the unique housing problems experienced by special needs populations, including the homeless, through review of local zoning and development regulations, other codes and public safety regulations to accommodate these special needs.
- A.32 Encourage the development of affordable housing for special needs populations that may include service delivery enhancements on-site.
- A.33 Consider local zoning and development regulations impact on the cost of housing.
- A.34 Protect all persons from housing discrimination.

Coordination

Findings

44. All three general purpose governments in the metropolitan area implement housing programs and coordinate their housing planning and implementation activities.

45. In the Eugene-Springfield metropolitan area, public, private non-profit and private for profit developers work closely with the cities to develop low-income housing.

Policies

- A.35 Coordinate local residential land use and housing planning with other elements of this plan, including public facilities and services, and other local plans, to ensure consistency among policies.
- A.36 Coordinate public, private, and consumer sectors of the area's housing market, including public-private partnerships, to promote housing for low- and very low- income households and to increase housing density and types.
- A.37 Consider the suggested implementation measures in the *Residential Lands and Housing Study* and other measures in order to implement the policy directives of the Residential Land Use and Housing Element of the *Metro Plan*.

B. Economic Element

Sub-chapter III-B no longer applies to Springfield. In 2016, the City of Springfield and Lane County adopted the Springfield 2030 Comprehensive Plan Economic Element, Ordinance No. XXXX and Lane County Ordinance No. PA 1304, as part of Springfield's comprehensive plan in compliance with Statewide Planning Goal 9, Economic Development. The Economic Element contains city-specific goals, policies, implementation measures and findings to addresses Springfield's land needs for economic development and employment growth for the 2010-2030 planning period.

In recent years, there has been a strong structural shift in the Eugene-Springfield metropolitan area's economy. This shift is characterized by four trends: (a) a decline in the lumber and wood products industry as a source of employment; (b) limited increase in employment in other manufacturing activities; (c) diversification of the non-manufacturing segments of the local economy, primarily in trade, services, finance, insurance, and real estate; and (d) the development of this metropolitan area as a regional trade and service center serving southern and eastern Oregon.

The decline in lumber and wood products and diversification of the non-manufacturing sectors are consistent with changes that are occurring in other portions of the state and throughout the nation as a result of rising real incomes and higher productivity of labor in manufacturing. The increase in employment in other manufacturing activities in this area has lagged behind other portions of the state, particularly the Portland area, and many other places in the nation.

Given the projected growth in this area's economy, it is essential that an adequate supply (quantitatively and qualitatively) of commercial and industrial land be available. An adequate supply of land includes not only sites sufficient in size to accommodate the needs of the commercial or industrial operations (including expansion), but also includes sites which are attractive from the standpoint of esthetics, transportation costs, labor costs, availability of skilled labor, natural resource availability, proximity to markets, and anticipated growth of local markets.

In striving toward the Land Conservation and Development Commission's (LCDC) Statewide Planning Goal 9: Economic Development, "To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens," the Eugene-Springfield metropolitan area must take advantage of and encourage the further diversification of this area's economic activities and role as a regional center.

This diversification and growth can improve the opportunities for presently underutilized human resources and generally raise the standard of living for metropolitan area residents.

Implicit in the goals and objectives that follow is the premise that the economic health of the area is integrally related to the quality of life for residents. Improved welfare of the residents of the metropolitan area, measured by increases in employment opportunities and reductions in unemployment, increases in real incomes, and improved environmental quality are the ultimate

goals of all economic efforts. Economic growth or industrial expansion is acceptable when it is consistent with these goals and objectives.

Goal

Broaden, improve, and diversify the metropolitan economy while maintaining or enhancing the environment.

Findings, Objectives, and Policies

Findings

1. The structure of the Eugene-Springfield metropolitan area economy is undergoing a shift away from lumber and wood products manufacturing (and other heavy industrial activities) and towards a more diverse economic base characterized by growth in light manufacturing activities and the non-manufacturing activities of trade, commercial and professional services, finance, insurance, and real estate.
2. The lumber and wood products sector is the metropolitan area's dominant manufacturing activity; and in this respect, Lane County's forest is the area's most important natural resource utilized as a factor of production.
3. Major institutions in the metropolitan area including the University of Oregon and Sacred Heart Hospital, have had a stabilizing influence on the local economy.
4. The Eugene-Springfield metropolitan area is developing as a regional center for activities, such as tourism, distribution, and financial services, serving the southwestern and central Oregon area.
5. Based on data from the 2000 U.S. Census, the per capita income in 1999 for the Eugene-Springfield metropolitan area was lower than for Oregon as a whole and the Portland metropolitan area.
6. In 2000, the unemployment rate in the Eugene-Springfield metropolitan area was comparable to Oregon and higher than the national rate.
7. Historically, heavy-manufacturing industries, including primary metals, chemicals and paper, have been characterized by high levels of pollution or energy consumption. Changes in technology and environmental regulations have reduced the potential environmental impacts of these industries. Heavy manufacturing industries provide benefits, such as relatively high wage scales and the potential for generating secondary manufacturing activities.
8. Both expansion of existing businesses through use of local capital and entrepreneurial skills and the attraction of new employers offer realistic opportunities for economic

development.

9. The healthful environment of the metropolitan area can help attract industrial development, hold workers, and attract convention- and tourist-related economic activities. The concern for clean air and water is high priority with area residents.
10. The provision of adequate public facilities and services is necessary for economic development.
11. There are presently inefficiently used resources in the metropolitan area, including land, labor, and secondary waste products.
12. Major employment areas include the Eugene and Springfield central business districts, the University of Oregon area, Sacred Heart Hospital, the west Eugene industrial area, the north (Gateway) and south Springfield industrial areas, the Highway 99N industrial area, Country Club Road, Chad Drive, and the Mohawk-Northgate area.
13. The metropolitan economy is made up of a number of interrelated and important elements, one of which is construction and construction-related activities. Construction, for example, is essential for all sectors of the economy, as well as for the provision of an adequate supply of affordable housing.
14. The mixture of commercial and office uses with industrial uses can reduce or enhance the utility of industrial areas for industrial purposes, depending upon circumstances. Uncontrolled mixing creates problems of compatibility and traffic congestion, and may limit the area available for industrial development. Limited mixing, subject to clear and objective criteria designed to minimize or eliminate incompatibility, traffic problems, and which preserve the area for its primary purpose, can make an industrial area more pleasant, convenient, economical, and attractive as a place to work or locate.
15. Campus industrial firms prefer city services.
16. Campus industrial firms have varied site location requirements, prefer alternative sites to choose from, and usually benefit from location of other special light industrial firms within the community and within the same industrial development.

Objectives

1. Improve the level, stability, and distribution of per-capita income for metropolitan residents.
2. Reduce unemployment in the resident labor force, especially chronic long-term unemployment.

3. Encourage local residents to develop skills and other educational attributes that would enable them to obtain existing jobs.
4. Promote industrial and commercial development with local capital, entrepreneurial skills, and experience of the resident labor force, as well as with new light manufacturing companies from outside the metropolitan area.
5. Supply an adequate amount of land within the urban growth boundary to accommodate: (a) the diversifying manufacturing sector (especially low polluting, energy-efficient manufacturing uses); and (b) the expansion of the metropolitan area as a regional distribution, trade, and service center.
6. Maintain strong central business districts to provide for office-based commercial, governmental, and specialized or large-scale retail activities.
7. Ensure compatibility between industrial lands and adjacent areas.
8. Reserve enough remaining large parcels for special developments requiring large lots.
9. Increase the potential for convention- and tourist-related economic activities.
10. Provide the necessary public facilities and services to allow economic development.
11. Attempt to find ways to more effectively use inefficiently used resources such as land, labor, and secondary waste products.
12. Provide for limited mixing of office, commercial, and industrial uses subject to clear, objective criteria which: (a) do not materially reduce the suitability of industrial, office, or commercial areas for their primary use; (b) assure compatibility; and (c) consider the potential for increased traffic congestion.

Policies

- B.1 Demonstrate a positive interest in existing and new industries, especially those providing above average wage and salary levels, an increased variety of job opportunities, a rise in the standard of living, and utilization of our existing comparative advantage in the level of education and skill of the resident labor force.
- B.2 Encourage economic development, which utilizes local and imported capital, entrepreneurial skills, and the resident labor force.
- B.3 Encourage local residents to develop job skills and other educational attributes that will enable them to fill existing job opportunities.
- B.4 Encourage the continuance of career preparation and employment orientation for metropolitan area residents by the community's educational institutions, labor unions,

businesses, and industry.

- B.5 Provide existing industrial activities sufficient adjacent land for future expansion.
- B.6 Increase the amount of undeveloped land zoned for light industrial and commercial uses correlating the effective supply in terms of suitability and availability with the projections of demand.
- B.7 Encourage industrial park development, including areas for warehousing and distributive industries and research and development activities.
- B.8 Encourage the improvement of the appearance of existing industrial areas, as well as their ability to serve the needs of existing and potential light industrial development.
- B.9 Encourage the expansion of existing and the location of new manufacturing activities, which are characterized by low levels of pollution and efficient energy use.
- B.10 Encourage opportunities for a variety of heavy industrial development in Oregon's second largest metropolitan area.
- B.11 Encourage economic activities, which strengthen the metropolitan area's position as a regional distribution, trade, health, and service center.
- B.12 Discourage future *Metro Plan* amendments that would change development-ready industrial lands (sites defined as short-term in the metropolitan *Industrial Lands Special Study*, 1991) to non-industrial designations.
- B.13 Continue to encourage the development of convention and tourist-related facilities.
- B.14 Continue efforts to keep the Eugene and Springfield central business districts as vital centers of the metropolitan area.
- B.15 Encourage compatibility between industrially zoned lands and adjacent areas in local planning programs.
- B.16 Utilize processes and local controls, which encourage retention of large parcels or consolidation of small parcels of industrially or commercially zoned land to facilitate their use or reuse in a comprehensive rather than piecemeal fashion.
- B.17 Improve land availability for industries dependent on rail access.
- B.18 Encourage the development of transportation facilities which would improve access to industrial and commercial areas and improve freight movement capabilities by implementing the policies and projects in the *Eugene-Springfield Metropolitan Area Transportation Plan (TransPlan)* and the *Eugene Airport Master Plan*.

- B.19 Local jurisdictions will encourage the allocation of funds to improve transportation access to key industrial sites or areas through capital budgets and priorities.
- B.20 Encourage research and development of products and markets resulting in more efficient use of underutilized, renewable, and nonrenewable resources, including wood waste, recyclable materials, and solar energy.
- B.21 Reserve several areas within the UGB for large-scale, campus-type, light manufacturing uses. (See *Metro Plan* Diagram for locations so designated.)
- B.22 Review local ordinances and revise them to promote greater flexibility for promoting appropriate commercial development in residential neighborhoods.
- B.23 Provide for limited mixing of office, commercial, and industrial uses under procedures which clearly define the conditions under which such uses shall be permitted and which:
(a) preserve the suitability of the affected areas for their primary uses; (b) assure compatibility; and (c) consider the potential for increased traffic congestion.
- B.24 Continue to evaluate other sites in and around Springfield and Eugene for potential light-medium industrial and special light industrial uses, as well as potential residential uses.
- B.25 Pursue an aggressive annexation program and servicing of designated industrial lands in order to have a sufficient supply of “development ready” land.
- B.26 In order to provide locational choice and to attract new campus industrial firms to the metropolitan area, Eugene and Springfield shall place as a high priority service extension, annexation, and proper zoning of all designated special light industrial sites.
- B.27 Eugene, Springfield, and Lane County shall improve monitoring of economic development and trends and shall cooperate in studying and protecting other potential industrial lands outside the urban boundary.
- B.28 Recognize the vital role of neighborhood commercial facilities in providing services and goods to a particular neighborhood.
- B.29 Encourage the expansion or redevelopment of existing neighborhood commercial facilities as surrounding residential densities increase or as the characteristics of the support population change.
- B.30 Industrial land uses abutting the large aggregate extraction ponds north of High Banks Road in Springfield shall demonstrate that they require the location next to water to facilitate the manufacture of testing of products made on-site.

C. Environmental Resources Element

The Environmental Resources Element addresses the natural assets and hazards in the metropolitan area. The assets include agricultural land, clean air and water, forest land, sand and gravel deposits, scenic areas, vegetation, wildlife, and wildlife habitat. The hazards include problems associated with floods, soils, and geology. The policies of this element emphasize reducing urban impacts on wetlands throughout the metropolitan area and planning for the natural assets and constraints on undeveloped lands on the urban fringe.

Numerous local efforts reflect a positive attitude by the community toward the natural environment. For example, the Eugene-Springfield metropolitan area has a long history of commitment to local programs directed toward problems of air and water quality. Examples of regional parks that provide significant public open space areas for metropolitan residents include Eugene's Skinner Butte, Spencer Butte, Alton Baker, and Hendrick's Parks and Whilamut Natural Area; Lane County's Howard Buford Recreation Area (Mt. Pisgah); and Willamalane Park and Recreation District's Clearwater Park, Eastgate Woodlands, and Dorris Ranch. Eugene has focused special planning efforts toward controlling development and maintaining the scenic and environmental assets in the South Hills of the city. A tax levy passed by Eugene voters is resulting in additions to the park and open space system in the metropolitan area. Lane County, Springfield, and Eugene all contribute to the local success of the Willamette River Greenway (Greenway) program.

The natural environment adds to the livability of the metropolitan area. Local awareness and appreciation for nature and the need to provide a physically and psychologically healthy urban environment are reasons for promoting a compatible mix of nature and city. Urban areas provide a diversity of economic, social, and cultural opportunities. It is equally important to provide diversity in the natural environment of the city. With proper planning, it is possible to allow intense urban development on suitable land and still retain valuable islands and corridors of open space. Open space may reflect a sensitive natural area, such as the floodway fringe, that is protected from development. Open space can also be a park, a golf course, a cemetery, a body of water, or an area left undeveloped within a private commercial or residential development. Agricultural and forested lands on the fringe of the urban area, in addition to their primary use, provide secondary scenic and open space values.

Air and water resources are especially vital in an urban area. Internal and external factors contribute to problems associated with air quality and water quality and quantity, but techniques are available to help reduce these problems and make the environment more livable.

The compact urban growth form concentrates urban development and activities, thus protecting valuable resource lands on the urban fringe. But concentrating development increases pressures for development within the urban growth boundary (UGB), making planning for open space and resource protection a critical concern within that boundary.²³ Planning can ensure the coexistence of city and nature; one example is the Greenway.

²³ As explained in the *Metro Plan* Preface and Chapter I, Eugene, Springfield and Lane County are taking incremental steps to transition from a single "metropolitan UGB" to two separate UGBs, "the Eugene UGB" and "the Springfield UGB." The general references to "the UGB" within this Environmental Resources Element of the

The Environmental Resources Element provides broad direction for maintaining and improving our natural urban environment. Other elements in the *Metro Plan* that provide more detail with particular aspects of the natural environment: Greenway, River Corridors and Waterways; Environmental Design; Public Facilities and Services; and Parks and Recreation Facilities. The emphasis in the Environmental Resources Element is the protection of waterways as a valuable and irreplaceable component of the overall natural resource system important to the metropolitan area. Waterways are also addressed in the “Greenway and Public Facilities and Services elements.” While some overlap repetition is unavoidable, the Greenway element emphasizes the intrinsic value of the Willamette River waterway for enjoyment and active and passive use by residents of the area. The public facilities element deals with components of the natural resource system in the context of the water and stormwater systems. The public facilities element includes findings and policies related to waterways, groundwater, drinking water protection, the Clean Water Act, and the Endangered Species Act.

The inventories conducted as the basis for this element and the goals and policies contained herein address Statewide Planning Goals 3, 4, 5, 6, and 7 and interpret those goals in the context of the needs and circumstances of the metropolitan area.

Lane County and the Cities of Springfield and Eugene completed the Goal 5 requirements for wetlands, riparian corridors, and wildlife habitat for the area between the UGB and the *Metro Plan* Plan Boundary (Plan Boundary). The three local governments jointly adopted *Metro Plan* text and policy amendments to the Environmental Resources Element to implement the Goal 5 requirements in 2004. Lane County adopted amendments to the riparian protection ordinance (Class I Stream Riparian Protection regulations, Lane Code Chapter 16.253) to implement Goal 5 in the area outside the UGB and inside the Plan Boundary in 2004. In 2004, Springfield and Eugene were undertaking work to comply with Goal 5 requirements for wetlands, riparian corridors, and wildlife habitat within their respective urban growth boundaries for adoption by the applicable jurisdictional land use authorities.

This element of the *Metro Plan* organizes the findings and policies into categories related to Statewide Planning Goals 3, 4, 5, 6, and 7.

- Agricultural Lands (Goal 3)
- Forest Lands (Goal 4)
- Riparian Corridors, Wetlands, and Wildlife Habitat (Goal 5)
- Mineral and Aggregate Resources (Goal 5)
- Open Space (Goal 5)
- Noise (Goal 6)
- Air, Water, and Land Resources Quality (Goal 6)
- Natural Hazards (Goal 7)

Metro Plan shall be interpreted as applying to any UGB within the *Metro Plan* area, unless the text specifically refers to the metropolitan UGB, the Springfield UGB or the Eugene UGB.

Goals

1. Protect valuable natural resources and encourage their wise management, use, and proper reuse.
2. Maintain a variety of open spaces within and on the fringe of the developing area.
3. Protect life and property from the effects of natural hazards.
4. Provide a healthy and attractive environment, including clean air and water, for the metropolitan population.

Findings and Policies

Agricultural Lands (Goal 3)

Findings

1. The statewide goal definition for agriculture is based upon: (a) U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) agricultural soil capability classification system for Class I through IV soils, (b) other agricultural uses on Class V through VIII soils, and (c) proximity of other lands to (a) and (b). The majority of land in the metropolitan area is located on agricultural soils rated Classes I through IV, and much of this area is developed with urban uses. The hillside soils are generally Classes VI through VIII soils, and some are suited for grazing and other agricultural uses.
2. The most productive agricultural lands in the metropolitan area are located on Class I through IV soils on bottomlands along the McKenzie River and the Middle Fork of the Willamette River.
3. Where urban and agricultural lands abut, farm use management problems are frequently created.

Policies

- C.1 Where agricultural land is being considered for inclusion in future amendments to the UGB, least productive agricultural land shall be considered first. Factors other than agricultural soil ratings shall be considered when determining the productivity of agricultural land. Relevant factors include suitability for grazing, climatic conditions, existing and future availability of water for farm irrigation, ownership patterns, land use patterns, proximity to agricultural soils or current farm uses, other adjacent land uses, agricultural history, technological and energy inputs required, accepted farming practices, and farm market conditions.

- C.2 Designated agricultural lands shall be protected for agricultural uses through zoning for exclusive farm use or equivalent acceptable zoning and through application of other protective measures.
- C.3 During the next *Metro Plan* update, a study should be initiated to examine ways of buffering and protecting agricultural lands on the urban fringe from the effects of urban development. The study should also evaluate approaches to use in order to maintain physical separation between the Eugene-Springfield metropolitan area and smaller outlying communities.
- C.4 In addition to any of the above policies, these policies apply to agricultural lands within the Plan Boundary of the *Metro Plan* but outside the UGB. Lands within the UGB with agricultural soils or that are used for agricultural purposes are not entitled to protection under these policies.
- a. Encourage agricultural activities by preserving and maintaining agricultural lands through the use of an exclusive agricultural zone which is consistent with ORS 215 and OAR 660 Division 033.
 - b. In Agricultural Rent Zones 1 and 2 preference will be given to Goal 3. In Rent Zone 3, unless commercial agricultural enterprises exist, preference will be given to Goal 4.
 - c. Reserve the use of the best agricultural soils exclusively for agricultural purposes.
 - d. To ensure that zoning districts applied to agricultural lands encourage valid agricultural practices in a realistic manner emphasis shall be placed on minimum parcel sizes which are based upon a countywide inventory and which are adequate for the continuation of commercial agriculture. As minimum parcel sizes decrease to accommodate more specialized commercial agricultural activities, the burden of proof upon the applicant shall increase in order to substantiate the proposed agricultural activity and restrictions shall increase in order to obtain a residence on the commercial farm unit. Deviation from minimum parcel sizes of the Exclusive Farm Use (EFU/RCP) land for the creation of a parcel not smaller than 20 acres may be allowed when at least 19 acres of the parcel being created are currently managed or planned to be managed by a farm management plan for a farm operation consisting of one or more of the following: berries, grapes, or horticultural specialties.
 - e. Use planning and implementation techniques that reflect appropriate uses and treatment for each type of land.
 - f. Encourage irrigation, drainage and flood control projects that benefit agricultural use with minimum environmental degradation in accordance with existing state and federal regulations.

- g. Some agricultural land is not suitable or available for agricultural use by nature of being built upon, committed to or needed for nonagricultural uses, by using applicable comprehensive plan policies and the exceptions process of Goal 2, Part II.
- h. Provide maximum protection to agricultural activities by minimizing activities, particularly residential, that conflict with such use. Whenever possible, planning goals, policies, and regulations should be interpreted in favor of agricultural activities.
- i. Agricultural lands shall be identified as high value farm lands and farm lands in other soil classes in accordance with OAR 660 Division 033.
- j. Such minimum lot sizes or land division criteria as are used in EFU/RCP zones shall be appropriate for the continuation of the existing commercial agricultural enterprise in the region. The commercial agricultural minimum field or parcel sizes and corresponding farming regions identified in the *Addendum to Working Paper: Agricultural Lands* shall be used to determine the appropriate division requirements for lands zoned EFU/RCP.
- k. Conversion of rural agricultural land to urbanizable land shall follow the process and criteria set forth in Goals 3 and 14.
- l. Regard non-agricultural uses within or adjacent to agricultural lands as being subject to the normal and accepted agricultural practices of that locality.
- m. No policy shall be construed to exclude permitted and specially permitted non-farm uses, as defined in ORS 215.213 and OAR 660 Division 033, from the EFU/RCP zones. Implementing ordinances shall provide for such uses, consistent with the statutory and OAR 660 Division 033 requirements. Special permits for commercial uses in conjunction with farm use shall have the same effect as making the use an outright permitted use on the affected parcel.
- n. Land may be designated as marginal land if it complies with the requirements of ORS 197.247 (1991 Edition).
- o. Lane County recognizes ORS 215.253 shall apply on land-zoned EFU and Marginal Lands.
- p. Recreational activities in the Park and Recreation (PR/RCP) zone district within agricultural areas that are outside lands for which a built or committed exception to a statewide planning goal has been taken shall be limited to those uses consistent with Statewide Planning Goals 3 and 4.

Forest Lands (Goal 4)

Findings

4. Forest lands are those lands acknowledged by the Land Conservation and Development Commission (LCDC) as forest lands as of the date of adoption of the 1993 amendments to Goal 4. When a plan amendment involving forest lands is proposed, forest land shall include lands which are suitable for commercial forest uses including adjacent or nearby lands which are necessary to permit forest operations or practices and other forested lands that maintain soil, air, water, and fish and wildlife resources.
5. Forest lands provide multiple values in the metropolitan area including: scenic resources; watershed and soil protection, recreational opportunities; fish and wildlife habitat; commercial timber harvest; livestock grazing; and other urban uses, such as buffering. Within the UGB, and particularly within cities, timber harvest has less value to the general public than do other values.

Policies

- C.5 Metropolitan goals relating to scenic quality, water quality, vegetation and wildlife, open space, and recreational potential shall be given a higher priority than timber harvest within the UGB.
- C.6 The Oregon Forest Practices Act shall control commercial forest practices when commercial forest uses are the primary or one of two or more primary uses identified on forest lands outside the UGB. When other policies of the *Metro Plan* establish a greater importance for uses other than commercial forests, Lane County shall protect those other values by applying appropriate implementation measures.
- C.7 In addition to any of the above policies, these policies apply to forest lands within the Plan Boundary of the *Metro Plan* but outside the UGB:
 - a. Conserve forest lands by maintaining the forest land base and protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

Forest land shall include lands which are suitable for commercial forest uses including adjacent or nearby lands which are necessary to permit forest operations or practices and other forested lands that maintain soil, air, water, and fish and wildlife resources.
 - b. Forest lands will be separated into two zoning categories, Non-impacted and Impacted, and these categories shall be defined and mapped by the general

characteristics specified in the Non-impacted Forest Land (F-1/RCP) and Impacted Forest Land (F-2/RCP) zones general characteristics.

- c. Forest lands that satisfy the requirements of ORS 197.247 (1991 Edition), may be designated as Marginal Lands. Uses and land divisions allowed on Marginal Lands shall be those allowed by ORS 197.247 (1991 Edition).
- d. Forest operations, practices and auxiliary uses shall be allowed on forest lands and shall be subject only to such regulation of uses as are found in the Oregon *Forest Practices Act*, ORS 527.722.
- e. Prohibit residences on F-1/RCP zone lands except for the maintenance, repair, or replacement of existing residences.
- f. Dwellings shall be allowed in the F-2/RCP zoning district as provided in Lane Code 16.211.
- g. The minimum land division size for the F-1/RCP zone and the F-2/RCP zone shall comply with Lane Code 16.210 and 16.211.
- h. New structures must comply with the *Siting and Fire Safety Standards* of Lane Code 16.210 and 16.211.
- i. Recreational activities in the Park and Recreation (PR/RCP) zone district within resource areas that are outside lands for which a built or committed exception to a statewide planning goal has been taken shall be limited to those uses consistent with Statewide Planning Goals 3 and 4.
- j. The effects of a projected shortfall in timber supplies within the near future are of considerable concern to Lane County. Lane County supports efforts by state and federal agencies in developing plans that will address the situation. Lane County intends to be an active, committed participant in such plan development.
- k. Encourage the consolidation of forest land ownership in order to form larger, more viable forest resource units.
- l. Encourage the conversion of under productive forest lands through silvicultural practices and reforestation efforts.
- m. Encourage the development of assistance programs, tax laws, educational programs, and research that will assist small woodland owners with the management of their forest land.
- n. Lane County recognizes that the Oregon Forest Practices Act shall be the only mechanism regulating the growing and harvesting of forest tree species on commercial forest lands unless Goal 5 resource sites have been recognized and

identified as being more important through an analysis of the environmental, social, economic, and energy (ESEE) consequences and conflict resolution as per Goal 5. No other findings, assumptions, goal policy, or other planning regulation shall be construed as additional regulation of forest management activities.

- o. Lands designated within the *Metro Plan* as forest land shall be zoned F-1/RCP or F-2/RCP. A decision to apply one of the above zones or both of the above zones in a split zone fashion will be based upon a conclusion that characteristics of the land correspond more closely to the characteristics of the proposed zoning than the characteristics of the other forest zone. The zoning characteristics referred to are specified below in subsections (1) and (2). This conclusion shall be supported by a statement of reasons explaining why the facts support the conclusion.
 - (1) Non-impacted Forest Land (F-1/RCP) zone characteristics:
 - (a) Predominantly ownerships not developed with residences or non-forest uses.
 - (b) Predominantly contiguous ownerships of 80 acres or larger in size.
 - (c) Predominantly ownerships contiguous to other lands utilized for commercial forest or commercial farm uses.
 - (d) Accessed by arterial roads or roads intended primarily for forest management.
 - (e) Primarily under commercial forest management.
 - (2) Impacted Forest Land (F-2/RCP) zone characteristics:
 - (a) Predominantly ownerships developed with residences or non-forest uses.
 - (b) Predominantly ownerships 80 acres or less in size.
 - (c) Ownerships generally contiguous to tracts containing less than 80 acres and residences and/or adjacent to developed or committed areas for which an exception has been taken in the *Metro Plan*.
 - (d) Provided with a level of public facilities and services, and roads intended primarily for direct services to rural residences.

Riparian Corridors, Wetlands, and Wildlife Habitat (Goal 5)**Findings**

6. Data from the Oregon Natural Heritage Program (acquired in 2000) and interviews with specialists resulted in the identification of sites with species of concern, or endangered and threatened (as recognized on existing and proposed state and federal lists) plant and wildlife species whose normal or historic range includes the metropolitan area.
7. Natural resources may be identified within the metropolitan area after acknowledgment of the *Metro Plan*. Statewide Planning Goal 5 requires that these resources, if determined to be significant, be subject to a conflict resolution process.
8. Lane County, Springfield, and Eugene jointly completed the Goal 5 requirements for riparian corridors for the area between the UGB and the Plan Boundary. The inventory consisted of data from the Oregon Department of Forestry stream classification maps, U.S. Geological Service 7.5 minute quadrangle maps, Statewide Wetlands Inventory maps, and aerial photographs. The boundaries of significant riparian corridors were determined using the standard setback distance from all fish-bearing lakes and streams shown on the inventory as follows: 75 feet upland from the top of each bank along all streams with average annual stream flow greater than 1000 cubic feet per second; and 50 feet upland from the top of each bank along all streams with average annual stream flow less than 1000 cubic feet per second.
9. Lane County, Springfield, and Eugene jointly completed the Goal 5 requirements for wetlands for the area between the UGB and the Plan Boundary. The inventory consisted of data from the Statewide Wetlands Inventory.
10. Lane County, Springfield, and Eugene jointly completed the Goal 5 requirements for wildlife habitat for the area between the UGB and the Plan Boundary. The inventory consisted of data from the Oregon Natural Heritage Program and the Oregon Department of Fish and Wildlife, which included: threatened, endangered, and sensitive wildlife species habitat information; sensitive bird site inventories; and wildlife species of concern and/or habitats of concern identified and mapped by the Oregon Department of Fish and Wildlife. The Goal 5 wetland and riparian corridor requirements for the area between the UGB and the Plan Boundary adequately address fish habitat. Consequently, for purposes of applying Goal 5 requirements to this portion of the metro area, wildlife does not include fish habitat. Significant wildlife habitat includes only those sites where one or more of the following conditions exist: the habitat has been documented to perform a life support function for wildlife species listed by the federal government as a threatened or endangered species or by the State of Oregon as a threatened, endangered, or sensitive wildlife species; the habitat has documented occurrences of more than incidental use by a threatened, endangered, or sensitive wildlife species; the habitat has been documented as a sensitive bird nesting, roosting, or watering resource site for osprey or great blue herons; the habitat has been documented to be essential in achieving

policies or population objectives specified in a wildlife species management plan adopted by the Oregon Fish and Wildlife Commission; or the area is identified and mapped by the Oregon Department of Fish and Wildlife as habitat for a wildlife species of concern.

11. Springfield and Eugene are required to complete Goal 5 requirements for wetlands, riparian corridors, and wildlife habitat within their respective urban growth boundaries for adoption by the applicable jurisdictional land use authorities.

Policies

- C.8 Local governments shall develop plans and programs which carefully manage development on hillsides and in water bodies, and restrict development in wetlands in order to prevent erosion and protect the scenic quality, surface water and groundwater quality, forest values, vegetation, and wildlife values of those areas.
- C.9 Each city shall complete a separate study to meet its requirements under the Goal 5 Rule for wetlands, riparian corridors, and wildlife habitat within the UGB. Lane County and the respective city jointly will adopt the inventory and protection measures for the area outside the city limits and inside the UGB.
- C.10 Local governments shall encourage further study (by specialists) of endangered and threatened plant and wildlife species in the metropolitan area.
- C.11 Local governments shall protect endangered and threatened plant and wildlife species, as recognized on a legally adopted statewide list, after notice and opportunity for public input.
- C.12 Property owners may pursue efforts to protect natural vegetation and wildlife habitat areas on their land to conserve these areas, e.g., through conservation easements, public acquisition, donation, land trusts, etc.; and local governments are encouraged to assist in these efforts.
- C.13 Wetland, riparian corridor, or wildlife habitat sites inside the UGB identified after adoption of the applicable Goal 5 inventory of significant sites, that have not been previously considered for inclusion in the inventory, shall be addressed in the following manner:
 - a. The jurisdiction within which the natural resource is located shall study the site according to the requirements in the Goal 5 administrative rule.
 - b. Upon the completion of the study, the affected jurisdiction shall determine whether the identified natural resource is significant according to the adopted significance criteria of the affected jurisdiction.

- c. If the newly identified site is determined significant, the affected jurisdiction shall complete the Goal 5 requirements for the site, which includes adoption of protection measures for sites identified for protection.
 - d. The affected jurisdiction will notify affected property owners and interested parties throughout the process.
- C.14 These policies apply to the Confluence Heronry on the Willamette River.
- a. The heronry shall be protected by a Natural Resource designation on the *Metro Plan* Diagram, protective zoning, and the application of restrictions identified below.
 - b. The operational buffer shall extend 1,000 feet from the southerly nesting tree. Operational restrictions shall be in effect for the area contained within the 1,000-foot buffer between February 1 and July 15. These restrictions shall include: no tree felling, no aggregate extraction, and no operation of any mechanized equipment or motorized vehicle for recreation use or for the purpose of farm and forest activities. Upon on-site verification from the Oregon Department of Fish and Wildlife that fledging is completed, the period of operational restrictions may be shortened.
 - c. Permits from the state and county are an appropriate mechanism for addressing details of sand and gravel operations. Specifically, flood hazard concerns and associated erosion potential will have to be addressed.
 - d. Protection of riparian habitat on the periphery of the island shall be achieved by maintaining an adequate Willamette River Greenway vegetative fringe in order to address erosion, scenic, and wildlife habitat concerns.
 - e. Park use on the island should be discouraged by the state.
 - f. Controls on sand and gravel extraction should be developed between the operator and the Oregon Department of Fish and Wildlife through the mining permit procedures in order to protect the heronry resource.
 - g. Property owners and the state shall be encouraged to exchange land to place the Confluence Island Heronry and buffer in perpetual ownership by the public. The state may then protect and manage the heronry resource with compensation to the property owners.
- C.15 The Statewide Wetland Inventory as shown on the map titled *Goal 5 Wetlands for the area inside the Metro Plan Boundary and outside the UGB*, dated January 2004, adopted and incorporated here, shall be used to identify wetlands for purposes of notifying the Division of State Lands concerning applications for development permits or other land

use decisions affecting Goal 5 wetlands in the area outside the UGB and inside the Plan Boundary. The map is on file at the Lane County Land Management Division.

- C.16 The map titled *Goal 5 Significant Wildlife Habitat for the area inside the Metro Plan Boundary and outside the UGB*, dated January 2004, adopted and incorporated here, shall be used to identify significant wildlife habitat for purposes of notifying the Oregon Department of Fish and Wildlife concerning applications for development permits or other land use decisions affecting significant wildlife habitat on the Goal 5 inventory for areas outside the UGB and inside the Plan Boundary. The map is on file at the Lane County Land Management Division.
- C.17 The map titled *Goal 5 Significant Riparian Corridors for the area inside the Metro Plan Boundary and outside the UGB*, dated January 2004, adopted and incorporated here, shall be used to identify significant riparian corridors for purposes of applying Goal 5 riparian protection provisions in Lane Code Chapter 16 for areas outside the UGB and inside the Plan Boundary. The map is on file at the Lane County Land Management Division.

Mineral and Aggregate Resources (Goal 5)

Findings

12. Total land designated and zoned for sand and gravel extraction in the metropolitan area and immediately adjacent sub-areas appears adequate for demand through the planning period.
13. Sand and gravel deposits are an important natural resource necessary for construction in the metropolitan area. Nevertheless, the extraction of sand and gravel can conflict with other open space and recreation values associated with water resources, vegetation, wildlife habitat, and scenic quality. Proper rehabilitation and reuse of abandoned sand and gravel sites results in the return of valuable land for urban uses, including open space.
14. Lane County addressed the Goal 5 requirements in effect at the time of *Metro Plan* designation, zoning or permitting for mineral and aggregate operations outside the UGB including potential conflicts with inventoried wetlands, riparian corridors, and wildlife habitat. The permitting process of the Department of Geology and Mineral Industries (DOGAMI) will require necessary and adequate protections for inventoried wetlands, riparian corridors, and wildlife habitat for these existing operations. Future *Metro Plan* amendment, rezoning, or permitting processes for new mineral and aggregate operations not already authorized or permitted will be subject to applicable requirements of Goal 5 and DOGAMI regulations.

Policy

- C.18 Sand and gravel sites identified as significant by the *Metro Plan* shall be protected in accordance with the requirements of the Goal 5 Rule.

Open Space (Goal 5)

Findings

15. While development and in-filling have decreased the amount of open space (and associated vegetation and wildlife habitat) within the urban service area, the compact urban growth form has protected open space on the urban fringe and in rural areas within the Plan Boundary.
16. Compact urban growth results in pressure on open space within the current UGB. Programs for preserving quality open space within the projected UGB become more important as the area grows.
17. Open space provides many benefits in an urban area, including: retention of habitat for wildlife; filtration of polluted water, absorption of storm runoff flow; protection of scenic

quality; provision of recreation opportunities; reduction of atmospheric temperatures, and personal well-being.

18. Urban agriculture, in other words, backyard and community gardens, and interim use of vacant and underdeveloped parcels, provides economic, social, and environmental benefits to the community.

Policies

- C.19 Agricultural production shall be considered an acceptable interim and temporary use on urbanizable land and on vacant and underdeveloped urban land where no conflicts with adjacent urban uses exist.
- C.20 Continued local programs supporting community gardens on public land and programs promoting urban agriculture on private land shall be encouraged. Urban agriculture includes gardens in backyards and interim use of vacant and underdeveloped parcels.
- C.21 When planning for and regulating development, local governments shall consider the need for protection of open spaces, including those characterized by significant vegetation and wildlife. Means of protecting open space include but are not limited to outright acquisition, conservation easements, planned unit development ordinances, streamside protection ordinances, open space tax deferrals, donations to the public, and performance zoning.

Noise (Goal 6)

Findings

19. Noise sources of a nuisance nature (such as barking dogs, lawn mowers, loud parties, noisy mufflers, and squealing tires) are best addressed through nuisance ordinances rather than land use policies.
20. Major sources of noise in the metropolitan area are airplanes, highway traffic, and some industrial and commercial activities.
21. The Eugene Airport *Noise Exposure Analysis*, April 2000, was found to be in compliance with state airport noise standards by the State of Oregon Department of Environmental Quality.
22. Federal Highway Administration noise standards apply whenever federal funds are used in the construction or reconstruction of a highway. A noise study is required if the construction will add a through-lane of traffic or significantly alter either the horizontal or vertical alignment of the highway. The significance of a change in alignment has to do with the effect that the alignment change has on noise levels. State funded Oregon Department of Transportation projects are generally developed in conformance with the federal noise standards.

Policies

- C.22 Design of new street, highway, and transit facilities shall consider noise mitigation measures where appropriate.
- C.23 Design and construction of new noise-sensitive development in the vicinity of existing and future streets and highways with potential to exceed general highway noise levels shall include consideration of mitigating measures, such as acoustical building modifications, noise barriers, and acoustical site planning. The application of these mitigating measures must be balanced with other design considerations and housing costs.
- C.24 Local governments shall continue to monitor, to plan for, and to enforce applicable noise standards and shall cooperate in meeting applicable federal and state noise standards.

Air, Water and Land Resources Quality (Goal 6)

Findings

- 23. The high value placed on clean air and water by local residents is reflected in local commitments to plans and programs directed toward reducing air and water pollution.
- 24. The Eugene-Springfield metropolitan area has a strong potential for elevated levels of air pollution due to the surrounding mountains, which provide a barrier to ventilation and contribute to periodic episodes of stable atmospheric conditions. These conditions effectively limit dilution and dispersion of air pollutants, resulting in the build-up of concentrations near the ground.
- 25. Some pollutants affecting metropolitan air and water quality originate outside the metropolitan area.
- 26. Based on monitoring work performed by the Lane Regional Air Pollution Agency (LRAPA), the Lane Council of Government (LCOG) and LRAPA submitted documentation demonstrating that the area meets the carbon monoxide standards since a violation of the eight-hour standard has not occurred since 1980. In 1988, LRAPA and LCOG formally requested redesignation of the area as an attainment area for carbon monoxide. The Oregon Department of Environmental Quality (DEQ) forwarded the reclassification request to the U.S. Environmental Protection Agency (EPA) Regional Office in Seattle. In January 1994, EPA redesignated the Eugene-Springfield area to attainment status for carbon monoxide. The area is currently in a 20-year maintenance period. Since redesignation, there have been no violations of the carbon monoxide standards.

LRAPA has developed a plan for meeting the new standards for fine particulates (the PM10 standard). The LRAPA Board has approved the plan. The PM10 plan boundary is

coterminous with *Metro Plan* UGB as it existed on the date the PM10 standard was adopted. A majority of the unpaved streets identified as high priorities to address PM10 problems have now been paved. The PM10 plan approved by the LRAPA Board concluded that no transportation-related control measures were necessary for compliance with the PM10 Standard. LRAPA is currently in the process of seeking redesignation to attainment status for PM10.

27. Section 110 of the federal Clean Air Act requires state and local air pollution control agencies to adopt federally approved control strategies to minimize air pollution. The resulting body of regulations is known as a *State Implementation Plan* (SIP). SIPs generally establish limits or work practice standards to minimize emissions of air pollutants or their precursors. SIPs also include special control strategies for those areas not meeting *National Ambient Air Quality Standards* (non-attainment areas). Most of the regulations developed by LRAPA for controlling the emissions of air pollutants in Lane County are included in the Oregon SIP. The original SIP was adopted in the early 1970s in response to the 1970 federal Clean Air Act. It is amended periodically to respond to current issues.
28. Reduction of open space, removal of vegetative cover, and development that increases the amount of impervious surfaces (paved streets, roofs, parking lots) contribute significantly to increases in the peak volume (quantity) of urban storm runoff entering stormwater system and natural drainageways.
29. Water pollution in the metropolitan area results from both “point sources” (municipal and industrial wastewater discharges) and “non-point sources” (pollutants such as oil, dust, and debris which are carried into streams by storm runoff). Water pollution is most acute in streams that have low water flow conditions during the summer months (such streams include Amazon Creek and the “Q” Street ditch).
30. Offsetting measures can reduce the negative effects of urban development on water quality and quantity problems. Examples include on-site retention of stormwater, inclusion of landscaped “buffer strips” adjacent to new developments and conservation and improvement of streamside vegetation along water courses.
31. The Willamette and McKenzie Rivers run through many jurisdictions, necessitating cooperative water management planning and consideration for downstream effects of actions taken by a single jurisdiction.
32. The Eugene-Springfield area is currently in compliance with national standards for carbon monoxide. The region will continue to be in compliance with the carbon monoxide standard in the future. Vehicle fleet turnover and stricter emission controls on newer vehicles are factors that will contribute to lower emissions in the future.

Policies

- C.25 Springfield, Lane County, and Eugene shall consider downstream impacts when planning for urbanization, flood control, urban storm runoff, recreation, and water quality along the Willamette and McKenzie Rivers.
- C.26 Local governments shall continue to monitor, to plan for, and to enforce applicable air and water quality standards and shall cooperate in meeting applicable federal, state, and local air and water quality standards.
- C.27 Local governments shall continue to cooperate in developing and implementing programs necessary to meet air quality standards. This effort should include but not be limited to:
- a. Review of all major public capital expenditure projects for potential air quality impacts.
 - b. Integration of air quality concerns into the comprehensive land use plan.
 - c. Active participation in developing and implementing additional controls, as needed.
- C.28 Local governments shall encourage changes to state and federal air quality regulations relating to development of fine particulate standards and related monitoring techniques.
- C.29 Prior to the completion of the next *Metro Plan* update, the air, water, and land resource quality of the metropolitan area will be reassessed.

Natural Hazards (Goal 7)

Findings

33. Due to the general nature of soils and geologic mapping, site specific analysis is often necessary to determine the presence of geologic hazards and the severity of soil problems which are constraints to development. Such geologic hazards exist when certain combinations of slope, soil conditions, and moisture conditions render land unstable.
34. Unless special precautions are taken, development within the floodway fringe (that portion of the floodplain having a one percent per year chance of occurrence, also known as a 100-year flood) is subject to hazards to life and property from flooding.
35. Many portions of the floodway fringe contain natural assets, such as significant vegetation, wildlife and scenic areas, and productive agricultural lands and are thus, valuable for open space and recreation. On the other hand, because of their central location, some floodway fringe areas within the urban service area are important lands for urban development.

Policies

- C.30 Except as otherwise allowed according to Federal Emergency Management Agency (FEMA) regulations, development shall be prohibited in floodways if it could result in an increased flood level. The floodway is the channel of a river or other water course and the adjacent land area that must be reserved to discharge a one-percent-chance flood in any given year.
- C.31 When development is allowed to occur in the floodway or floodway fringe, local regulations shall control such development in order to minimize the potential danger to life and property. Within the UGB, development should result in in-filling of partially developed land. Outside the UGB, areas affected by the floodway and floodway fringe shall be protected for their agricultural and sand and gravel resource values, their open space and recreational potential, and their value to water resources.
- C.32 Local governments shall require site-specific soil surveys and geologic studies where potential problems exist. When problems are identified, local governments shall require special design considerations and construction measures be taken to offset the soil and geologic constraints present, to protect life and property, public investments, and environmentally-sensitive areas.
- C.33 Eugene shall maintain and improve hillside development regulations.

D. Willamette River Greenway, River Corridors, and Waterways Element

The Willamette River has long been recognized in the Eugene-Springfield area as a valuable natural asset. A number of policy documents and programs adopted by local jurisdictions have reinforced the community concern to preserve and protect metropolitan river corridors.

On December 6, 1975, the Land Conservation and Development Commission (LCDC) adopted Statewide Planning Goal 15: Willamette River Greenway. The goal sets forth the overall framework within which state and local governments carry out protection and maintenance of the Willamette River Greenway.

The goal requires Eugene, Springfield, and Lane County to adopt Greenway boundaries, to specify uses permitted within those boundaries, and indicate areas of potential acquisition along the Greenway. In making these determinations, local jurisdictions must gather information and inventory the nature and extent of all natural resources associated with the Willamette River Greenway. Local jurisdictions are also mandated to adopt provisions, by ordinance, requiring a compatibility review permit for any intensification, change of use, or development within Greenway boundaries. The jurisdictional area of the *Metro Plan* (i.e., Metro Plan Boundary) was found to be in compliance with Goal 15 on September 12, 1982.

In the metropolitan area, a large portion of land within the Greenway is in public ownership or public parks such as Mount Pisgah, Skinner's Butte, Alton Baker, and Island Park. Future proposed park acquisitions, such as the Goodpasture Island gravel ponds, will further expand the opportunity for public access and enjoyment of the river area. The three jurisdictions cooperated in the development of a bicycle-pedestrian trail system that extends along the Greenway from south of Springfield to north of Eugene and into the River Road area. This system includes five bike bridges across the river.

Land along the Greenway in private ownership is in a variety of uses, some of which appear to provide greater opportunity than others for public access and enjoyment. Residential uses along the Greenway can provide the residents with access to the river area. Certain commercial uses, such as restaurants, can allow customers visual enjoyment of the Greenway. Other uses, such as the many industrial uses, would appear to provide little if any opportunity for access or enjoyment of the Greenway. This is evidenced by much of the existing industrial development along the Willamette River in the Glenwood area.

Finally, in rural agricultural areas, isolated access points can work to the detriment of the Greenway program. In these areas, trespass and vandalism can cause a detraction in the general Greenway environment and create problems for private landowners.

The Greenway boundaries, as adopted by the three jurisdictions, have been digitized in the Regional Land Information Database (RLID) and are shown as an overlay on Plan Diagram. Future acquisition areas and uses allowed within the Greenway remain the primary responsibility

of the local jurisdictions. This element, however, provides the basis for a coordinated effort by Eugene, Springfield, and Lane County.

The statewide Greenway goal specifically applies to the Willamette River. In the Eugene-Springfield area, portions of the McKenzie River share equal importance as a natural resource worthy of conservation and protection. Additionally, the metropolitan network of waterways and associated creeks and drainageways are important features in the metropolitan area, with potential as part of an areawide waterways system. For that reason, while this element must specifically cover the Willamette River Greenway, it is important to consider the McKenzie River, where it is situated within the area of the *Metro Plan* and the inland system of waterway corridors connecting various parts of Springfield, Eugene, and Lane County to one another.

Goal

To protect, conserve, and enhance the natural, scenic, environmental, and economic qualities of river and waterway corridors.

Findings, Objectives, and Policies

Findings

1. The Willamette and McKenzie Rivers are recognized as valuable natural assets to the entire community.
2. In addition to the Willamette and McKenzie Rivers, a number of waterways are important environmental features in the metropolitan area. These include, for example, the Springfield Millrace, Amazon Creek, Fern Ridge Reservoir, and the Eugene Millrace.
3. Recently, the community has begun to realize the potential of inland waterway corridors to contribute to the livability of the area.
4. In addition to its significance to agriculture, flood control, and fish and wildlife, Fern Ridge Reservoir continues to grow in importance as a recreational water facility.
5. Statewide Planning Goal 15 mandates local governments to establish the Greenway boundaries, allowed uses within the Greenway and potential acquisition areas.
6. Eugene, Springfield, and Lane County have received final Greenway boundary approval by the LCDC.
7. The jurisdictional area of the *Metro Plan* was found to be in compliance with Goal 15 on September 12, 1982.

8. The following permits are required by Eugene, Springfield, and Lane County to implement Statewide Planning Goal 15 within their respective areas of jurisdiction as defined in Chapter II-D:
 - a. The City of Eugene requires Greenway Permits for any activity in the Willamette Greenway involving intensification of use, change in use, or development.
 - b. The City of Springfield requires a Discretionary Use Permit for any change or intensification of use, or construction that has a significant visual impact in the Willamette Greenway Overlay District, which is combined with a “Greenway Setback Line.”
 - c. Lane County requires a Greenway Development Permit for intensification or change of use or development allowed in applicable zones, including public improvements and including partitions and subdivisions as defined in LC 13.020 for lands within the boundaries of the Willamette River Greenway.
9. Local jurisdictions retain the primary responsibility for implementation of the Willamette River Greenway goal.
10. The metropolitan area’s river and waterway corridors require protection to maintain and enhance natural, scenic, environmental, and economic qualities of these waterways.
11. The three jurisdictions have cooperatively developed a public park system and bicycle-pedestrian trails along the Willamette River Greenway.
12. Residential and commercial development along the Willamette River Greenway provides greater opportunity for public access and enjoyment of the river area than does industrial development.
13. Rural agricultural areas along river and waterway corridors can be damaged by isolated public access points because of vandalism and/or trespass on private lands.
14. Experience in other communities indicates that carefully planned and designed residential and commercial development at designated locations along inland water corridors can be compatible with adjacent areas and the corridors themselves.
15. The current unpleasant and unsightly condition of many inland waterway systems results from neglect and uncoordinated waterway planning.

Objectives

1. Encourage use of river and waterway corridors to fulfill open space, recreation, and resource protection needs.

2. Ensure that development occurring within river and waterway corridors is responsive to and provides protection of these valuable natural assets.
3. Encourage, where appropriate and in keeping with Greenway goals, development that respects the quality of rivers and waterways and provides a variety of opportunities for enjoyment of those resources by the public.
4. Encourage coordinated water planning and the development of the area's waterways, where appropriate, as part of the area's open space and park system.

Policies

- D.1 Periodically, local governments shall review Greenway boundaries, uses, and potential acquisition areas to ensure continued compliance with state and local Greenway goals.
- D.2 Land use regulations and acquisition programs along river corridors and waterways shall take into account all the concerns and needs of the community, including recreation, resource, and wildlife protection; enhancement of river corridor and waterway environments; potential for supporting non-automobile transportation; opportunities for residential development; and other compatible uses.
- D.3 Eugene, Springfield, and Lane County shall continue to cooperate in expanding water-related parks and other facilities, where appropriate, that allow access to and enjoyment of river and waterway corridors.
- D.4 Lane County, Springfield, and Eugene shall continue to participate in efforts to determine the feasibility of an urban canal that would connect Eugene's historic Millrace to Amazon Creek. Likewise, Springfield's efforts to improve the scenic quality of its Millrace should be encouraged.
- D.5 New development that locates along river corridors and waterways shall be limited to uses that are compatible with the natural, scenic, and environmental qualities of those water features.
- D.6 New industrial development that locates along the Willamette and McKenzie Rivers shall enhance natural, scenic, and environmental qualities.
- D.7 Potential public access points in rural agricultural areas shall be carefully reviewed to ensure preservation of the Willamette River Greenway environment, with special emphasis on problems of vandalism and trespass.
- D.8 Within the framework of mandatory statewide planning goals, local Willamette River Greenway plans shall allow a variety of means for public enjoyment of the river, including public acquisition areas, residential areas, and commercial areas.

- D.9 Local and state governments shall continue to provide adequate public access to the Willamette River Greenway.
- D.10 Aggregate extraction may be permitted when compatible with purposes of Statewide Planning Goal 15. Local governments shall continue, through land use planning and special regulations, to control aggregate extraction to minimize adverse effects of extraction on water quality, fish and wildlife, vegetation, bank stabilization, stream flow, scenic quality, noise, and safety.
- D.11 The taking of an exception shall be required if a non-water-dependent transportation facility requires placing of fill within the Willamette River Greenway setback.

An exception to Statewide Planning Goal 15 Willamette River Greenway was approved for Oregon Department of Transportation (ODOT) for purposes of removing and replacing the decommissioned 1-5 Bridge, the temporary detour bridge and the Canoe Canal bridge with two new parallel bridges (one southbound and one northbound) within the 1-5 right-of-way crossing the Willamette River and Canoe Canal and within the Willamette River Greenway Setback Line. The exception authorizes construction and later removal of one or more temporary work bridges; demolition of the decommissioned 1-5 Willamette River Bridge, Canoe Canal Bridge, and detour bridges; construction of the two replacement bridges; reconstruction of the roadway approaches to the bridges (1-5 and ramps); rehabilitation of the project area; and completion of any required mitigation of project impacts. In association with these tasks, the exception further authorizes within the Willamette River Greenway Setback Line the addition and removal of fill within ODOT right-of-way and the removal of fill within a temporary slope easement east of 1-5. This exception satisfies the criteria of Oregon Administrative Rule (OAR) 660-004-0022(6) Willamette Greenway and the exception requirements of OAR 660-004-0020 Goal 2, Part II (c) for a “reasons” exception, and pursuant to OAR 660-004-0015, is hereby adopted as an amendment to the *Metro Plan* text, Policy D.11, Chapter III, Section D.

An exception to Statewide Planning Goal 15 Willamette River Greenway was approved by the cities of Eugene and Springfield and by Lane County authorizing construction of a bike path viaduct beneath the I-5 bridges, along the south bank of the Willamette River. The exception authorizes construction of the bike path viaduct including the fill and removal of fill necessary to build the structure. This exception satisfies the criteria of Oregon Administrative Rules (OAR) 660-004-0022 (6) Willamette Greenway and the exception requirements of OAR 660-004-0020 Goal 2, Part II (c) for a “reasons” exception. Pursuant to OAR 660-004-0015, this exception is hereby adopted as an amendment to the *Metro Plan* text, Policy D.11, Chapter III, Section D.

E. Environmental Design Element

The Environmental Design Element is concerned with that broad process which molds the various components of the urban area into a distinctive, livable form that promotes a high quality of life.

The *Metro Plan* must go beyond making the urban area more efficient and better organized to also ensure that the area is a pleasant, attractive, and desirable place for people to live, work, and play. The Environmental Design Element is concerned with how people perceive and interact with their surroundings. Perceptions of livability greatly differ between individuals; so, generalizations concerning this element need to be carefully drawn. Many different indicators of livability have been identified, such as the numbers of local educational, medical, and recreational facilities, and natural environmental conditions. Not all these indicators are directly concerned with environmental design, showing that the concept of livability is influenced by all elements of the *Metro Plan*. This element focuses on some of the features of the natural and built environment that affect the quality of life.

The metropolitan area is changing in ways that are far-reaching and diverse. Decisions that concern change have an effect on the form of the area. If we are to maintain a livable urban environment and realize the full potential of our desirable and distinctive qualities, daily decisions that concern change must be guided by environmental design principles, such as site planning, in combination with other planning policies.

Based on concerns related to energy conservation, environmental preservation, transportation, and other issues, increased density is desirable. This increases the need for effective, detailed environmental design in order to ensure a high quality of life and a high degree of livability in an increasingly dense urban environment.

This area is noted for the high degree of livability enjoyed by its residents. Environmental design is a process that helps to maintain and enhance these positive attributes.

Goals

1. Secure a safe, clean, and comfortable environment which is satisfying to the mind and senses.
2. Encourage the development of the natural, social, and economic environment in a manner that is harmonious with our natural setting and maintains and enhances our quality of life.
3. Create and preserve desirable and distinctive qualities in local and neighborhood areas.

Findings, Objectives, and Policies

Findings

1. Present and continued emphasis on compact growth increases the need for attention to detailed, specific environmental design components, such as site planning and landscaping of development.
2. Decisions are constantly being made which affect the form and design of the metropolitan area.
3. The location and design of public and private facilities play an important role in giving distinctive identity and character to an area. For example, an area's character may be developed through association with a particular park, a land form, a public building, an area of older homes, vegetation, or a distinctive type of subdivision design.
4. Natural land features, waterways, and native vegetation provide distinctive and easily identifiable components to the metropolitan area environment.
5. The metropolitan area presently offers a variety of naturally distinctive topographic features, waterways, and vegetation that are both visually and personally accessible to residents.
6. Ridgelines and water areas provide the greatest concentration of scenic sites in the metropolitan area.
7. Landscaping with trees and other vegetation provides a pleasant, distinctive, and permanent atmosphere for the metropolitan area.
8. The use of buffer strips and other design features can minimize the negative environmental impact of certain uses, such as roadways and parking areas, while protecting adjacent land uses.
9. Local residents are concerned about the livability and aesthetic quality of residential development that changes the character of their neighborhoods.
10. Compatibility, visual quality, and safety are important elements to preserve and promote in mixed-use area.

Objectives

1. Provide the facilities and services needed to maintain our quality of life. Examples include educational, housing, medical, public transportation, and recreational facilities.
2. Encourage a greater diversity of living experiences and environments.

3. Establish or maintain a sense of identity and character for local and neighborhood areas.
4. Shape development to suit natural conditions as much as possible.
5. Enhance views and public use of river corridors, drainageways, and prominent topographic features, such as ridgelines and buttes, within the jurisdiction of the Metropolitan Plan, when consistent with other planning policies.
6. Coordinate development to achieve compatibility in mixed-use areas (with and without refinement plans) through the adoption and administration of design standards.

Policies

- E.1 In order to promote the greatest possible degree of diversity, a broad variety of commercial, residential, and recreational land uses shall be encouraged when consistent with other planning policies.
- E.2 Natural vegetation, natural water features, and drainage-ways shall be protected and retained to the maximum extent practical. Landscaping shall be utilized to enhance those natural features. This policy does not preclude increasing their conveyance capacity in an environmentally responsible manner.
- E.3 The planting of street trees shall be strongly encouraged, especially for all new developments and redeveloping areas (where feasible) and new streets and reconstruction of major arterials within the UGB.
- E.4 Public and private facilities shall be designed and located in a manner that preserves and enhances desirable features of local and neighborhood areas and promotes their sense of identity.
- E.5 Carefully develop sites that provide visual diversity to the urban area and optimize their visual and personal accessibility to residents.
- E.6 Local jurisdictions shall carefully evaluate their development regulations to ensure that they address environmental design considerations, such as, but not limited to, safety, crime prevention, aesthetics, and compatibility with existing and anticipated adjacent uses (particularly considering high and medium density development locating adjacent to low density residential).
- E.7 The development of urban design elements as part of local and refinement plans shall be encouraged.
- E.8 Site planning standards developed by local jurisdictions shall allow for flexibility in design that will achieve site planning objectives while allowing for creative solutions to design problems.

- E.9 Refinement plans shall be developed to address compatibility of land uses, safety, crime prevention, and visual impact along arterial and collector streets, within mixed-use areas. During the interim period before the adoption of a refinement plan, these considerations shall be addressed by cities in approving land use applications in mixed use areas by requiring conditions of approval where necessary.

F. Transportation Element

The Transportation Element addresses surface and air transportation in the metropolitan area. The *Eugene-Springfield Metropolitan Area Transportation Plan (TransPlan)* provides the basis for the surface transportation portions of this element and the *Eugene Airport Master Plan* provides the basis for the air transportation portions.

TransPlan guides regional transportation system planning in the metropolitan area to serve the transportation planning needs of a projected population of 296,500 in the TransPlan Study Area. The TransPlan Study Area is an area extending beyond the UGB and Metro Plan boundary that is used for transportation modeling purposes. *TransPlan* establishes the framework upon which all public agencies can make consistent and coordinated transportation planning decisions. Goals and policies in *TransPlan* are contained in this Transportation Element and are part of the adopted *Metro Plan*. *TransPlan* project lists and project maps are also adopted as part of the *Metro Plan*.

This element complies with Statewide Planning Goal 12: Transportation, “To provide and encourage a safe, convenient, and economic transportation system.” Three types of transportation planning strategies are reflected in the goals and policies in this element: transportation demand management (TDM), land use, and system improvements. TDM strategies focus on reducing demands placed on the transportation system, and thus system costs, by providing incentives to redistribute or eliminate vehicle trips and by encouraging alternative modes. Land use strategies focus on encouraging development patterns that reduce the need for automobiles, reduce trip lengths, and support the use of alternative modes. System improvements focus on increasing efficiency and adding capacity or new facilities to the existing highway, transit, bicycle, and pedestrian systems.

Together, these strategies form a balanced policy framework for meeting local and state transportation goals to: increase urban public transit rider-ship; reduce reliance on the automobile; substitute automobile trips with alternative modes, such as walking and biking; and reduce automobile energy consumption and transportation costs.

Not all Transportation Element policies will apply to a specific transportation-related decision. When conformance with adopted policy is required, policies in this and other *Metro Plan* elements will be examined to determine which policies are relevant and can be applied. When policies support varying positions, decision makers will seek a balance of all applicable policies. Goals are timeless, but some policies will expire as they are implemented.

Goals

1. Provide an integrated transportation and land use system that supports choices in modes of travel and development patterns that will reduce reliance on the automobile and enhance livability, economic opportunity, and the quality of life.
2. Enhance the Eugene-Springfield metropolitan area’s quality of life and economic opportunity by providing a transportation system that is:

- Balanced,
- Accessible,
- Efficient,
- Safe,
- Interconnected,
- Environmentally responsible,
- Supportive of responsible and sustainable development,
- Responsive to community needs and neighborhood impacts, and
- Economically viable and financially stable.

Findings and Policies

The findings and policies in this element are organized by the following four topics related to transportation:

- Land Use
- Transportation Demand Management
- Transportation System Improvements
 - System-Wide
 - Roadways
 - Transit
 - Bicycle
 - Pedestrian
 - Goods Movement
 - Other Modes
- Finance

Land Use

Findings

1. The *Oregon Transportation Plan (OTP)* (1992) states that Oregon's land use development patterns have tended to separate residential areas from employment and commercial centers, requiring people to drive almost everywhere they go; that the results have been increased congestion, air pollution, and sprawl in the metropolitan areas and diminished livability; that these auto-dependent land use patterns limit mobility and transportation choices; and that reliance on the automobile has led to increased congestion, travel distances, and travel times.
2. Studies annotated in the *Land Use Measures Task Force Report Bibliography* have found that land use development patterns have an impact on transportation choices; that separation of land uses and low-density residential and commercial development over large areas makes the distance between destinations too far apart for convenient travel by means other than a car; and that people who live in neighborhoods with grid pattern

streets, nearby employment and shopping opportunities, and continuous access to sidewalks and convenient pedestrian crossings tend to make more walking and transit trips.

3. The *Oregon Highway Plan* (OHP) (January 1999) states that focusing growth on more compact development patterns can benefit transportation by: reducing local trips and travel on state highways; shortening the length of many vehicle trips; providing more opportunities to walk, bicycle, or use available transit services; increasing opportunities to develop transit, and reducing the number of vehicle trips to shop and do business.
4. OTP policies emphasize reducing reliance on the automobile and call for transportation systems that support mixed-land uses, compact cities, and connections among various transportation modes to make walking, bicycling, and the use of public transit easier. The OTP provides that the state will encourage and give preference to projects and grant proposals that support compact or infill development or mixed use projects. The OTP also contains actions to promote the design and development of infrastructure and land use patterns that encourage alternatives to the single-occupant automobile.
5. The Oregon Transportation Planning Rule (TPR) [OAR 660-012-0060(1)(c) and (d) and (5)] encourages plans to provide for mixed-use, pedestrian-friendly development, based on information that documents the benefits of such development and the Land Conservation and Development Commission's (LCDC) policy interest in encouraging such development to reduce reliance on the automobile. The rule [OAR 660-012-0045(4)(a) and (e)] requires local governments to adopt land use regulations that allow transit-oriented developments on lands along transit routes and require major developments to provide either a transit stop on site or connection to a transit stop when the transit operator requires such an improvement. The rule [OAR 660-012-0045(3)] also requires local governments to adopt land use regulations that provide for safe and convenient pedestrian and bicycle access within new developments and from these developments to adjacent residential areas and transit stops and to neighborhood activity centers.
6. A 24-member Citizen Task Force (Task Force), representing a broad range of interests in the Eugene-Springfield area, created, evaluated, and refined the nodal development land use strategy over a seven-month period as part of the update of *TransPlan*. The Task Force intended the strategy to encourage development patterns that will support a multi-modal transportation system.
7. Nodal development is consistent with the policy direction of Policy 1B of the OHP to coordinate land use and transportation decisions to efficiently use public infrastructure investments to:
 - Maintain the mobility and safety of the highway system;
 - Foster compact development patterns in communities;
 - Encourage the availability and use of transportation alternatives; and
 - Enhance livability and economic competitiveness.

8. Nodal development is consistent with the Special Transportation Area designation defined in the draft OHP. The designation is intended to guide planning and management decisions for state highway segments inside nodal development areas.
9. Nodal development supports the fundamental principles, goals, and policies of the adopted *Metro Plan* to achieve compact urban growth, increase residential densities, and encourage mixed-use developments in designated areas. The *Land Use Measures Strategies Document* found that nodal development also supports increased use of alternative modes of transportation and increased opportunities for people to live near their jobs and to make shorter trips for a variety of purposes.
10. Based on an analysis of the *Regional Travel Forecasting Model* results, an overall outcome of nodal development implementation will be that the percentage of person trips under one mile can be increased to approximately 16.1 percent of all trips; and, on a regional basis, that trip lengths will be slightly shorter in 2015 than under existing conditions, due, in part, to reduced trip lengths within nodal development areas.
11. Based on an analysis of the *Regional Travel Forecasting Model* results, investments in non-auto modes, particularly Bus Rapid Transit (BRT), and implementation of nodal development strategies will improve transportation choices by helping to increase the percentage of non-auto trips from 14.4 percent to 17.0 percent by the year 2015. Increases in the percentage of households and workers with access to ten-minute transit service will result in a 49 percent increase in the percent of trips taken by bus.
12. The *Market Demand Study for Nodal Development* (ECONorthwest and Leland Consulting Group, 1996) recommended that the public strategy for nodal development should be flexible and opportunistic and include use of financial incentives, targeted infrastructure investments, public-private partnerships, and an inviting administrative atmosphere.
13. During the public review of the nodal development strategy, many comments were received that identified the need for incentives for developers, builders, property owners, and neighborhoods to ensure that nodal developments would be built consistent with design guidelines. The type of support and incentives suggested ranged from public investments in infrastructure to technical assistance and economic incentives.

Policies

- F.1 Apply the nodal development strategy in areas selected by each jurisdiction that have identified potential for this type of transportation-efficient land use pattern.²⁴
- F.2 Support application of the nodal development strategy in designated areas through information, technical assistance, or incentives.

²⁴ See Glossary for the definition of nodal development.

- F.3 Provide for transit-supportive land use patterns and development, including higher intensity, transit-oriented development along major transit corridors and near transit stations; medium- and high-density residential development within ¼ mile of transit stations, major transit corridors, employment centers, and downtown areas; and development and redevelopment in designated areas that are or could be well served by existing or planned transit.
- F.4 Require improvements that encourage transit, bicycles, and pedestrians in new commercial, public, mixed use, and multi-unit residential development.
- F.5 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.

Transportation Demand Management

Findings

- 14. TDM addresses federal *Transportation Equity Act for the 21st Century* (TEA 21) and state TPR requirements to reduce reliance on the automobile, thus helping to postpone the need for expensive capital improvements. The need for TDM stems from an increasing demand for and a constrained supply of road capacity, created by the combined effects of an accelerated rate of population growth (41 percent projected increase from 1995 to 2015) and increasing highway construction costs; for example, the City of Eugene increased the transportation systems development charge by a total of 15 percent to account for inflation from 1993-1996.
- 15. The *Regional Travel Forecasting Model* estimates that average daily traffic on most major streets is growing by 2-3 percent per year. Based on *1994 Commuter Pack Survey* results, half of the local residents find roads are congested at various times of the day; and the vast majority finds roads are congested during morning and evening rush hours.
- 16. The *COMSIS TDM Strategy Evaluation Model*, used in August 1997 to evaluate the impact of TDM strategies, found that vehicle miles traveled (VMT) and vehicle trips are reduced up to 3 percent by voluntary strategies (e.g., employer-paid bus pass program) and up to 10 percent by mandatory strategies (e.g., mandatory employer support); that requiring employers to increase the cost of employee parking is far more effective than reducing employee transit costs; and that a strong package of voluntary strategies has a greater impact on VMT and vehicle trips than a weak package of mandatory strategies.
- 17. Transit system ridership has increased 53 percent since the first group pass program was implemented in 1987 (with University of Oregon students and employees).

18. The OHP recognizes that TDM strategies can be implemented to reduce trips and impacts to major transportation facilities, such as freeway interchanges, postponing the need for investments in capacity-increasing projects.
19. *An Evaluation of Pricing Policies for Addressing Transportation Problems* (ECONorthwest, July 1995) found that implementation of congestion pricing in the Eugene-Springfield area would be premature because the level of public acceptance is low and the costs of implementation are substantial; and that parking pricing is the only TDM pricing strategy that would be cost-effective during the 20-year planning period.

Policies

- F.6 Expand existing TDM programs and develop new TDM programs. Establish TDM bench marks and if the bench marks are not achieved, mandatory programs may be established.
- F.7 Increase the use of motor vehicle parking management strategies in selected areas throughout the Eugene-Springfield metropolitan area.
- F.8 Implement TDM strategies to manage demand at congested locations.

Transportation System Improvements: System-Wide

Findings

20. The number of vehicles, VMT, and use of the automobile are all increasing while use of alternatives is decreasing. Between 1970 and 1990, the number of vehicles in Lane County increased by 83 percent, while the number of households increased by 62 percent. Between 1980 and 1990, VMT grew at a rate seven times that of the population growth. The *Regional Travel Forecasting Model* projects that, by the year 2015, without implementation of proposed *TransPlan* projects, non-commercial VMT will increase 52 percent while the percentage who bike will drop from 3.7 percent to 3.3 percent, walk from 8.9 percent to 7.9 percent, and the percentage who bus will increase only slightly from 1.8 percent to 1.9 percent.
21. The OHP recognizes that access management strategies can be implemented to reduce trips and impacts to major transportation facilities, such as freeway interchanges, and that communities with compact urban designs that incorporate a transportation network of arterials and collectors will reduce traffic impacts on state highways, postponing the need for investments in capacity-increasing projects.
22. OHP policy supports investment in facilities that improve intermodal linkages as a cost-effective means to increase the efficient use of the existing transportation system.
23. Current literature and research speaks to the relationship between street design and travel behavior, finding that neighborhood impacts, such as through-traffic and speeding on

neighborhood streets, are affected by street design. For example, research by Richard Dowling and Steven Colman reported in the article, *Effects Of Increased Highway Capacity: Results of a Household Travel Behavior Survey* (1998) found that drivers' number one preferred response to congestion was to find a faster route if the current one becomes congested; and Calthorpe and Duany/Platter-Zybecks and Anton Nelleson have found that the layout and design of buildings and streets will influence user behavior and that streets can be designed to reduce travel speeds and reduce cut-through trips.

Policies

- F.9 Adopt by reference, as part of the *Metro Plan*, the 20-Year Capital Investment Actions project lists contained in *TransPlan*. Project timing and estimated costs are not adopted as policy.
- F.10 Protect and manage existing and future transportation infrastructure.
- F.11 Develop or promote intermodal linkages for connectivity and ease of transfer among all transportation modes.
- F.12 Preserve corridors, such as rail rights-of-way, private roads, and easements of regional significance, that are identified for future transportation-related uses.
- F.13 Support transportation strategies that enhance neighborhood livability.

Transportation System Improvements: Roadways

Findings

- 24. The *Regional Travel Forecasting Model* forecasted increased traffic congestion on roadways over the next 20 years, ranging from almost two to over four times the existing congestion levels.
- 25. Level of service (LOS) standards are a nationally accepted means for measuring the performance of roadway facilities. LOS analysis methods are standardized through the Transportation Research Board's *Highway Capacity Manual*.
- 26. The OHP establishes performance standards for all state highways in Oregon. OAR 660-012-0015 requires coordination of transportation system plans with the state.

Policies

- F.14 Address the mobility and safety needs of motorists, transit users, bicyclists, pedestrians, and the needs of emergency vehicles when planning and constructing roadway system improvements.
- F.15 Motor vehicle level of service policy:

- a. Use motor vehicle level of service standards to maintain acceptable and reliable performance on the roadway system. These standards shall be used for:
 - (1) Identifying capacity deficiencies on the roadway system.
 - (2) Evaluating the impacts on roadways of amendments to transportation plans, acknowledged comprehensive plans and land-use regulations, pursuant to the TPR (OAR 660-012-0060).
 - (3) Evaluating development applications for consistency with the land-use regulations of the applicable local government jurisdiction.
- b. Acceptable and reliable performance is defined by the following levels of service under peak hour traffic conditions:
 - (1) Level of Service F within Eugene’s Downtown Traffic Impact Analysis Exempt Area;
 - (2) Level of Service E within the portion of Eugene’s Central Area Transportation Study (CATS) area that is not within Eugene’s Downtown Traffic Impact Analysis Exempt Area; and
 - (3) Level of Service D elsewhere.
- c. Performance standards from the OHP shall be applied on state facilities in the Eugene-Springfield metropolitan area.

In some cases, the level of service on a facility may be substandard. The local government jurisdiction may find that transportation system improvements to bring performance up to standard within the planning horizon may not be feasible, and safety will not be compromised, and broader community goals would be better served by allowing a substandard level of service. The limitation on the feasibility of a transportation system improvement may arise from severe constraints, including but not limited to environmental conditions, lack of public agency financial resources, or land use constraint factors. It is not the intent of TSI Roadway Policy #2: Motor Vehicle Level of Service to require deferral of development in such cases. The intent is to defer motor vehicle capacity increasing transportation system improvements until existing constraints can be overcome or develop an alternative mix of strategies (such as: land use measures, TDM, short-term safety improvements) to address the problem.

- F.16 Promote or develop a regional roadway system that meets combined needs for travel through, within, and outside the region.
- F.17 Manage the roadway system to preserve safety and operational efficiency by adopting regulations to manage access to roadways and applying these regulations to decisions related to approving new or modified access to the roadway system.

Transportation System Improvements: Transit

Findings

27. The 1990 Census reported that about 10 percent of all households in the Eugene-Springfield area did not own a vehicle.
28. Transit services are particularly important to the transportation disadvantaged population: persons who are limited in meeting their travel needs because of age, income, location, physical or mental disability, or other reasons. The Americans with Disabilities Act (ADA) requires fixed-route systems like Lane Transit District's (LTD) to provide a comparable level of service to the elderly and persons with disabilities who are unable to successfully use the local bus service. LTD's *Americans with Disabilities Act Paratransit Plan, 1994-1995 Update* (January 18, 1995) was found to be in full compliance with the ADA by the Federal Transit Administration.
29. The role of urban public transit in meeting trip needs has increased within the metropolitan area since 1970. In 1971, there were 2,260 LTD passenger trips on a weekday and, in 1995, ridership had increased to 20,000 per day, or 1.8 percent of all metropolitan trips. The *Regional Travel Forecasting Model* forecasts transit use to increase to 2.7 percent of trips by 2015 with proposed *TransPlan* projects and policy implementation.
30. The *Urban Rail Feasibility Study Eugene/Springfield Area* (July 1995) concluded that projected 2015 ridership for an urban rail system was too low to be competitive with other cities seeking federal rail transit funding; and that BRT could significantly improve transit service for substantially less capital investment and lower operational costs than urban rail.
31. OHP policy supports investment in Park-and-Ride facilities as a cost-effective means to increase the efficient use of the existing transportation system.

Policies

- F.18 Improve transit service and facilities to increase the system's accessibility, attractiveness, and convenience for all users, including the transportation disadvantaged population.
- F.19 Establish a BRT system composed of frequent, fast transit service along major corridors and neighborhood feeder service that connects with the corridor service and with activity centers, if the system is shown to increase transit mode split along BRT corridors, if local governments demonstrate support, and if financing for the system is feasible.
- F.20 Implement traffic management strategies and other actions, where appropriate and practical, that give priority to transit and other high occupancy vehicles.
- F.21 Expand the Park-and-Ride system within the metropolitan area and nearby communities.

Transportation System Improvements: Bicycle

Findings

32. In 1995, there were 126 miles of bikeways in the metropolitan area. Implementation of proposed *TransPlan* projects would approximately double the lane miles for bicycles.
33. Over the past 20 years, Eugene and Springfield have built an extensive bikeway system. The focus over the next 20 years is on the construction of “Priority Bikeway Projects” which consist of those projects that are along an essential core route on which the overall system depends, fill in a critical gap in the existing bicycle system, or overcome a barrier where no other nearby existing or programmed bikeway alternatives exist, or significantly improve bicycle users safety in a given corridor.
34. OAR 660-012-0045(3) requires local governments to adopt land use regulations to require bikeways along new and reconstructed arterial and major collector streets and to connect new development with nearby neighborhood activity centers and major destinations.

Policies

- F.22 Construct and improve the region’s bikeway system and provide bicycle system support facilities for both new development and redevelopment/expansion.
- F.23 Require bikeways along new and reconstructed arterial and major collector streets.
- F.24 Require bikeways to connect new development with nearby neighborhood activity centers and major destinations.
- F.25 Give funding priority (ideally within the first 3 to 5 years after adoption of *TransPlan*, subject to available funding) to stand-alone bikeway projects that are included in the definition of “Priority Bikeway Miles” and that increase the use of alternative modes.

Transportation System Improvements: Pedestrian

Findings

35. OAR 660-012-0045(3) requires local governments to adopt land use regulations to provide for a pedestrian environment that is well integrated with adjacent land uses and designed to enhance the safety, comfort, and convenience of walking; a continuous pedestrian network with reasonably direct travel routes between destination points; and sidewalks along urban arterial and collector roadways, except freeways.

Policies

- F.26 Provide for a pedestrian environment that is well integrated with adjacent land uses and is designed to enhance the safety, comfort, and convenience of walking.
- F.27 Provide for a continuous pedestrian network with reasonably direct travel routes between destination points.
- F.28 Construct sidewalks along urban area arterial and collector roadways, except freeways.

Transportation System Improvements: Goods Movement

Findings

36. The OTP recognizes that goods movement of all types makes a significant contribution to the region's economy and wealth and contributes to residents' quality of life. OTP Policy 3A promotes a balanced freight transportation system that takes advantage of the inherent efficiencies of each mode.
37. There are no maritime port or navigation facilities in the metropolitan area.
38. Goods movement is directly supported by system-wide and roadway transportation system improvements.

Policies

- F.29 Support reasonable and reliable travel times for freight/goods movement in the Eugene-Springfield region.

Transportation System Improvements: Other Modes

Findings

39. The Eugene Airport is located outside the urban growth boundary (UGB) to protect it from incompatible development as well as to reduce airport-related impacts on development within the UGB. The area of the airport designated government and education on the *Metro Plan* Diagram receives municipal water, wastewater, fire, and police services.
40. The *Pacific Northwest High Speed Rail Southern Terminus Study* (Wilbur Smith Associates, 1995) found that rail-related infrastructure improvements needed along the corridor include improved signals, grade crossings, track, and depots. These improvements are important to the success of high speed rail because Eugene-Springfield is the southern terminus to the high speed rail corridor.

41. OTP Policy 1F provides for a transportation system with connectivity among modes within and between urban areas, with ease of transfer among modes and between local and state transportation systems.

Policies

- F.30 Support public investment in the Eugene Airport as a regional facility and provide land use controls that limit incompatible development within the airport environs. Continue to use the *Eugene Airport Master Plan* as the guide for improvements of facilities and services at the airport.
- F.31 Support provision of rail-related infrastructure improvements as part of the Cascadia High Speed Rail Corridor project.
- F.32 Support improvements to the passenger rail station and inter-city bus terminals that enhance usability and convenience.

Finance

Findings

42. Transportation costs are rising while revenues are shrinking and this trend is expected to continue. The 1999 OHP estimated total 20-year highway needs of about \$29 billion, but projected revenues of only about \$14 billion.
43. *TransPlan* estimates that operations, maintenance, and preservation (OM&P) of the metropolitan transportation system will cost \$1.2 billion in 1997 dollars to maintain at current levels to the year 2020. Revenues for OM&P, including a regularly increasing state gas tax and federal forest receipts at current non-guaranteed levels after the guarantee expires, are estimated at \$988 million, leaving a conservative estimated shortfall of about \$212 million over the 20-year period before the implementation of fiscal constraint strategies.
44. The projects proposed in *TransPlan* demonstrate that nearly all of the region's travel over the next 20 years will rely on existing streets, highways, and bicycle and pedestrian facilities, emphasizing the importance of preservation and maintenance of these facilities.
45. Historically, the State Highway Trust Fund (SHTF) and federal forest receipts, significant sources of transportation revenues, have funded OM&P of the regional transportation system. Currently, SHTF revenues are not increasing with inflation and federal forest receipts are declining.
46. According to estimates prepared for the *TransPlan* Finance Committee, about 130 miles of roads (about 15 percent of the system) are currently in need of either resurfacing or reconstruction with an estimated cost of \$61 million in 1995 dollars.

47. Funding allocations of state cigarette tax revenues designated for special need transit services are guided by the Special Transportation Fund Advisory Committee as per ORS 391.800 to 391.830 and OAR 732-005, 732-010, and 732-020 governing the Special Transportation Fund Program.
48. Currently, systems development charge (SDC) methodologies charge new development only for the city's portion of the arterial-collector system; metropolitan area state and county facilities are excluded from the calculation of SDC rates; and assessments only partially fund projects that are improving existing facilities to urban standards.
49. Focus groups convened during the *TransPlan* update process expressed the preference for mixed-use development to be encouraged and facilitated rather than required. Offering financial incentives and other support for nodal development is consistent with focus groups responses.
50. Under the TEA 21, 10 percent of Surface Transportation Program funds allocated to the state must be used for transportation enhancement activities, including construction of facilities for bicycles and pedestrians, but a local match is required. State funding for bikeways is primarily limited to Oregon Department of Transportation (ODOT) highway funds, which are used mainly for adding bicycle lanes to existing and new streets, but may be used for other bicycle projects in the right-of-way. Local jurisdictions may also fund bikeways through the local road construction and maintenance budget and from general funds, park district funds, special bond levies, and SDCs. Regarding transit, *TransPlan* anticipates that discretionary federal grant funds will pay for up to 80 percent of the capital cost of the BRT system, based on trends in federal funding for LTD capital projects over the last ten years.

Policies

- F.33 Support development of a stable and flexible transportation finance system that provides adequate resources for transportation needs identified in *TransPlan*.
- F.34 Operate and maintain transportation facilities in a way that reduces the need for more expensive future repair.
- F.35 Set priorities for investment of ODOT and federal revenues programmed in the region's Transportation Improvement Program (TIP) to address safety and major capacity problems on the region's transportation system.
- F.36 Require that new development pay for its capacity impact on the transportation system.
- F.37 Consider and include among short-term project priorities, those facilities and improvements that support mixed-use, pedestrian-friendly nodal development, and increased use of alternative modes.

F.38 The City of Eugene will maintain transportation performance and improve safety by improving system efficiency and management before adding capacity to the transportation system under Eugene's jurisdiction. (Eugene-specific finance policy)

G. Public Facilities and Services Element

This Public Facilities and Services Element provides direction for the future provision of urban facilities and services to planned land uses within the *Metro Plan* Plan Boundary (Plan Boundary).

The availability of public facilities and services is a key factor influencing the location and density of future development. The public's investment in, and scheduling of, public facilities and services are a major means of implementing the *Metro Plan*. As the population of the Eugene-Springfield area increases and land development patterns change over time, the demand for urban services also increases and changes. These changes require that service providers, both public and private, plan for the provision of services in a coordinated manner, using consistent assumptions and projections for population and land use.

The policies in this element complement *Metro Plan* Chapter II-A, Fundamental Principles, and Chapter II-C, Growth Management. Consistent with the principle of compact urban growth prescribed in Chapter II, the policies in this element call for future urban water and wastewater services to be provided exclusively within the urban growth boundary (UGB).²⁵ This policy direction is consistent with Statewide Planning 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." On urban lands, new development must be served by at least the minimum level of key urban services and facilities at the time development is completed and, ultimately, by a full range of key urban services and facilities. On rural lands within the Plan Boundary, development must be served by rural levels of service. Users of facilities and services in rural areas are spread out geographically, resulting in a higher per-user cost for some services and, often, in an inadequate revenue base to support a higher level of service in the future. Some urban facilities may be located or managed outside the urban growth boundary, as allowed by state law, but only to serve development within the UGB.

Urban facilities and services within the UGB are provided by the City of Eugene, the City of Springfield, Lane County, Eugene Water & Electric Board (EWEB), the Springfield Utility Board (SUB), the Metropolitan Wastewater Management Commission (MWMC), electric cooperatives, and special service districts. Special service districts provide schools and bus service, and, in some areas outside the cities, they provide water, electric, fire service or parks and recreation service. This element provides guidelines for special service districts in line with the compact urban development fundamental principle of the *Metro Plan*.

This element incorporates the findings and policies in the *Eugene-Springfield Metropolitan Area Public Facilities and Services Plan (Public Facilities and Services Plan)*, adopted as a refinement to the *Metro Plan*. The *Public Facilities and Services Plan* provides guidance for public facilities and services, including planned water, wastewater, stormwater, and electrical

²⁵ As explained in the *Metro Plan* Preface and Chapter I, Eugene, Springfield and Lane County are taking incremental steps to transition from a single "metropolitan UGB" to two separate UGBs, "the Eugene UGB" and "the Springfield UGB." The general references to "the UGB" within this Public Facilities and Services Element of the *Metro Plan* shall be interpreted as applying to any UGB within the *Metro Plan* area, unless the text specifically refers to the metropolitan UGB, the Springfield UGB or the Eugene UGB.

facilities. As required by Goal 11, the *Public Facilities and Services Plan* identifies and shows the general location²⁶ of the water, wastewater, and stormwater projects needed to serve land within the UGB.²⁷ The *Public Facilities and Services Plan* also contains this information for electrical facilities, although not required to by law.

The project lists and maps in the *Public Facilities and Services Plan* are adopted as part of the *Metro Plan*. Information in the *Public Facilities and Services Plan* on project phasing and costs, and decisions on timing and financing of projects are not part of the *Metro Plan* and are controlled solely by the capital improvement programming and budget processes of individual service providers.

The policies listed provide direction for public and private developmental and program decision-making regarding urban facilities and services. Development should be coordinated with the planning, financing, and construction of key urban facilities and services to ensure the efficient use and expansion of these facilities.

Goals

1. Provide and maintain public facilities and services in an efficient and environmentally responsible manner.
2. Provide public facilities and services in a manner that encourages orderly and sequential growth.

Findings and Policies

The findings and policies in this element are organized by the following four topics related to the provision of urban facilities and services. Policy direction for the full range of urban facilities and services, may be found under any of these topics, although the first topic, Services to Development Within the Urban Growth Boundary, is further broken down into sub-categories.

- Services to Development Within the Urban Growth Boundary
 - Planning and Coordination
 - Water
 - Stormwater
 - Wastewater Treatment
 - Electricity
 - Schools
 - Solid Waste Treatment
- Services to Areas Outside the Urban Growth Boundary
- Locating and Managing Public Facilities Outside the Urban Growth Boundary
- Financing

²⁶ The exact location of the projects shown on the *Public Facilities and Services Plan* planned facilities maps is determined through local processes.

²⁷ Goal 11 also requires transportation facilities to be included in public facilities plans. In this metropolitan area, transportation facilities are addressed in Metro Plan Chapter III-F and in the *Eugene-Springfield Transportation System Plan (Trans Plan)*.

Services to Development Within the Urban Growth Boundary: Planning and Coordination**Findings**

1. Urban expansion within the UGB is accomplished through in-fill, redevelopment, and annexation of territory which can be served with a minimum level of key urban services and facilities. This permits new development to use existing facilities and services, or those which can be easily extended, minimizing the public cost of extending urban facilities and services.
2. In accordance with Statewide Planning Goal 11 and OAR 660, the *Public Facilities and Services Plan* identifies jurisdictional responsibility for the provision of water, wastewater and stormwater, describes respective service areas and existing and planned water, wastewater, and stormwater facilities, and contains planned facilities maps for these services. Electric system information and improvements are included in the *Public Facilities and Services Plan*, although not required by state law. Local facility master plans and refinement plans provide more specific project information.
3. Urban services within the UGB are provided by the City of Eugene, the City of Springfield, Lane County, EWEB, SUB, the MWMC, electric cooperatives, and special service districts.
4. The *Public Facilities and Services Plan* finds that almost all areas within the city limits of Eugene and Springfield are served or can be served in the short-term (0-5 years) with water, wastewater, stormwater, and electric service. Exceptions to this are stormwater service to portions of the Willow Creek area and southeast Springfield and full water service at some higher elevations in Eugene's South Hills. Service to these areas will be available in the long-term. Service to all areas within city limits are either in a capital improvement plan or can be extended with development.
5. With the improvements specified in the *Public Facilities and Services Plan* project lists, all urbanizable areas within the UGB can be served with water, wastewater, stormwater, and electric service at the time those areas are developed. In general, areas outside city limits serviceable in the long-term are located near the UGB and in urban reserves, primarily in River Road, Santa Clara, west Eugene's Willow Creek area, south Springfield, and the Thurston and Jasper-Natron areas in east Springfield.
6. OAR 660-011-0005 defines projects that must be included in public facility plan project lists for water, wastewater, and stormwater. These definitions are shown in the keys of planned facilities Maps 1, 2, 2a and 3 in the *Public Facilities and Services Plan*.
7. In accordance with ORS 195.020 to 080, Eugene, Springfield, Lane County and special service districts are required to enter into coordination agreements that define how planning coordination and urban services (water, wastewater, fire, parks, open space and recreation, and streets, roads and mass transit) will be provided within the UGB.

8. Large institutional uses, such as universities and hospitals, present complex planning problems for the metropolitan area due to their location, facility expansion plans, and continuing housing and parking needs.
9. Duplication of services prevents the most economical distribution of public facilities and services.
10. As discussed in the *Public Facilities and Services Plan*, a majority of nodal development areas proposed in *TransPlan* are serviceable now or in the short-term. The City of Eugene's adopted Growth Management Policy #15 states, "Target publicly-financed infrastructure extensions to support development for higher densities, in-fill, mixed uses, and nodal development."

Policies

- G.1 Extend the minimum level and full range of key urban facilities and services in an orderly and efficient manner consistent with the growth management policies in Chapter II-C, relevant policies in this chapter, and other *Metro Plan* policies.
- G.2 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, capital improvement plans and ordinances as the guide for detailed planning and project implementation.
- G.3 Modifications and additions to or deletions from the project lists in the *Public Facilities and Services Plan* for water, wastewater, and stormwater public facility projects or significant changes to project location, from that described in the *Public Facilities and Services Plan* planned facilities Maps 1, 2, 2a and 3, requires amending the *Public Facilities and Services Plan* and the *Metro Plan*, except for the following:
 - a. Modifications to a public facility project which are minor in nature and do not significantly impact the project's general description, location, sizing, capacity, or other general characteristic of the project; or
 - b. Technical and environmental modifications to a public facility which are made pursuant to final engineering on a project; or
 - c. Modifications to a public facility project which are made pursuant to findings of an Environmental Assessment or Environmental Impact Statement conducted under regulations implementing the procedural provisions of the national Environmental Policy Act of 1969 or any federal or State of Oregon agency project development regulations consistent with that act and its regulations; or
 - d. Public facility projects included in the PFSP to serve land designated Urban Reserve prior to the removal of the Urban Reserve designation, which projects

shall be removed from the PFSP at the time of the next Periodic Review of the *Metro Plan*.

- G.4 The cities and Lane County shall coordinate with EWEB, SUB, and special service districts operating in the metropolitan area, to provide the opportunity to review and comment on proposed public facilities, plans, programs, and public improvement projects or changes thereto that may affect one another's area of responsibility.
- G.5 The cities shall continue joint planning coordination with major institutions, such as universities and hospitals, due to their relatively large impact on local facilities and services.
- G.6 Efforts shall be made to reduce the number of unnecessary special service districts and to revise confusing or illogical service boundaries, including those that result in a duplication of effort or overlap of service. When possible, these efforts shall be pursued in cooperation with the affected jurisdictions.
- G.7 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.
- G.8 The cities and county shall coordinate with cities surrounding the metropolitan area to develop a growth management strategy. This strategy will address regional public facility needs.

Services to Development Within the Urban Growth Boundary: Wastewater

Findings

- 11. Springfield and Eugene rely on a combination of regional and local services for the provision of wastewater services. Within each City, the local jurisdiction provides collection of wastewater through a system of sanitary sewers and pumping systems. These collection facilities connect to a regional system of similar sewer collection facilities owned and operated by the Metropolitan Wastewater Management Commission ("MWMC"), an entity formed under an intergovernmental agreement created pursuant to ORS 190. Together these collection facilities (which exclude private laterals which convey wastewater from individual residential or commercial/industrial connections) constitute the primary collection system.
- 12. The primary collection system conveys wastewater to a treatment facilities system owned and operated by MWMC. This system consists of an interconnected Water Pollution Control Facility ("WPCF"), a biosolids facility, and a beneficial reuse facility.

Policies

- G.9 Wastewater conveyance and treatment shall be provided to meet the needs of projected growth inside the UGB that are capable of complying with regulatory requirements

governing beneficial reuse or discharge of effluent and beneficial reuse or disposal of residuals.

Services to Development Within the Urban Growth Boundary: Water

Findings

13. Springfield relies on groundwater for its sole source of water. EWEB water source is the McKenzie River and EWEB is developing groundwater sources. The identification of projects on the *Public Facilities and Services Plan* planned facilities map does not confer rights to a groundwater source.
14. Known and potential groundwater pollution exists in the metropolitan area. Known and potential sources of groundwater pollution include septic tank wastes, industrial, commercial, and residential runoff; leakage from sanitary sewer pipes; leaking from sanitary landfills; agricultural non-point sources (spraying and animal wastes); chemical and petroleum spills, and natural contaminants (arsenic).
15. Beneficial uses of groundwater in the metropolitan area include domestic and municipal water supplies, industrial supplies, and domestic and commercial irrigation. The value and frequency of these uses varies among incorporated, urbanizable, and rural areas.

Policies

- G.10 Eugene and Springfield and their respective utility branches, EWEB and SUB, shall ultimately be the water service providers within the UGB.
- G.11 Continue to take positive steps to protect groundwater supplies. The cities, county, and other service providers shall manage land use and public facilities for groundwater-related benefits through the implementation of the *Springfield Drinking Water Protection Plan* and other wellhead protection plans. Management practices instituted to protect groundwater shall be coordinated among the City of Springfield, City of Eugene, and Lane County.
- G.12 Ensure that water main extensions within the UGB include adequate consideration of fire flows.
- G.13 SUB, EWEB, and Rainbow Water District, the water providers that currently control a water source, shall examine the need for a metropolitan-wide water master program, recognizing that a metropolitan-wide system will require establishing standards, as well as coordinated source and delivery systems.

Services to Development Within the Urban Growth Boundary: Stormwater**Findings**

16. Historically, stormwater systems in Eugene and Springfield were designed primarily to control floods. The 1987 re-authorization of the federal Clean Water Act required, for the first time, local communities to reduce stormwater pollution within their municipal storm drainage systems. These requirements applied initially to the City of Eugene and subsequent amendments to the Act extended these requirements to Springfield and Lane County.
17. Administration and enforcement of the Clean Water Act stormwater provisions occur at the state level, through National Pollutant Discharge Elimination System (NPDES) permitting requirements. Applicable jurisdictions are required to obtain an NPDES stormwater permit from the Oregon Department of Environmental Quality (DEQ), and prepare a water quality plan outlining the Best Management Practices (BMPs) to be taken over a five-year permit period for reducing stormwater pollutants to “the maximum extent practicable.”
18. Stormwater quality improvement facilities are most efficient and effective at intercepting and removing pollutants when they are close to the source of the pollutants and treat relatively small volumes of runoff.
19. The Clean Water Act requires states to assess the quality of their surface waters every three years, and to list those waters which do not meet adopted water quality standards. The Willamette River and other water bodies have been listed as not meeting the standards for temperature and bacteria. This will require the development of Total Maximum Daily Loads (TMDLs) for these pollutants, and an allocation to point and non-point sources.
20. The listing of Spring Chinook Salmon as a threatened species in the Upper Willamette River requires the application of Endangered Species Act (ESA) provisions to the salmon’s habitat in the McKenzie and Willamette Rivers. The decline in the Chinook Salmon has been attributed to such factors as destruction of habitat through channelization and revetment of river banks, non-point source pollution, alterations of natural hydrograph by increased impervious surfaces in the basin, and degradation of natural functions of riparian lands due to removal or alteration of indigenous vegetation.
21. There are many advantages to keeping channels open, including, at a minimum, natural biofiltration of stormwater pollutants; greater ability to attenuate effects of peak stormwater flows; retention of wetland, habitat, and open space functions; and reduced capital costs for stormwater facilities.
22. An increase in impervious surfaces, without mitigation, results in higher flows during peak storm events, less opportunity for recharging of the aquifer, and a decrease in water quality.

23. Stormwater systems tend to be gravity-based systems that follow the slope of the land rather than political boundaries. In many cases, the natural drainageways such as streams serve as an integral part of the stormwater conveyance system.
24. In general, there are no programs for stormwater maintenance outside the Eugene and Springfield city limits, except for the Lane County roads program. State law limits county road funds for stormwater projects to those located within the public right-of-way.
25. Filling in designated floodplain areas can increase flood elevations above the elevations predicted by Federal Emergency Management Agency (FEMA) models, because the FEMA models are typically based only on the extent of development at the time the modeling was conducted and do not take into account the ultimate buildout of the drainage area. This poses risks to other properties in or adjacent to floodplains and can change the hydrograph of the river.

Policies

- G.14 Improve surface and ground water quality and quantity in the metropolitan area by developing regulations or instituting programs for stormwater to:
- a. Increase public awareness of techniques and practices private individuals can employ to help correct water quality and quantity problems;
 - b. Improve management of industrial and commercial operations to reduce negative water quality and quantity impacts;
 - c. Regulate site planning for new development and construction to better manage pre- and post-construction storm runoff, including erosion, velocity, pollutant loading, and drainage;
 - d. Increase storage and retention and natural filtration of storm runoff to lower and delay peak storm flows and to settle out pollutants prior to discharge into regulated waterways;
 - e. Require on-site controls and development standards, as practical, to reduce off-site impacts from stormwater runoff;
 - f. Use natural and simple mechanical treatment systems to provide treatment for potentially contaminated runoff waters;
 - g. Reduce street-related water quality and quantity problems;
 - h. Regulate use and require containment and/or pretreatment of toxic substances;

- i. Include containment measures in site review standards to minimize the effects of chemical and petroleum spills; and
 - j. Consider impacts to ground water quality in the design and location of dry wells.
- G.15 Implement changes to stormwater facilities and management practices to reduce the presence of pollutants regulated under the Clean Water Act and to address the requirements of the ESA.
- G.16 Consider wellhead protection areas and surface water supplies when planning stormwater facilities.
- G.17 Manage or enhance waterways and open stormwater systems to reduce water quality impacts from runoff and to improve stormwater conveyance.
- G.18 Include measures in local land development regulations that minimize the amount of impervious surface in new development in a manner that reduces stormwater pollution, reduces the negative affects from increases in runoff, and is compatible with *Metro Plan* policies.
- G.19 The cities and Lane County shall adopt a strategy for the unincorporated area of the UGB to: reduce the negative effects of filling in floodplains and prevent the filling of natural drainage channels except as necessary to ensure public operations and maintenance of these channels in a manner that preserves and/or enhances floodwater conveyance capacity and biological function.
- G.20 Maintain flood storage capacity within the floodplain, to the maximum extent practical, through measures that may include reducing impervious surface in the floodplain and adjacent areas.

Services to Development Within the Urban Growth Boundary: Electricity

Finding

26. According to local municipal utilities, efficient electrical service is often accomplished through mutual back-up agreements and inter-connected systems are more efficient than isolated systems.

Policies

- G.21 The electric service providers will agree which provider will serve areas about to be annexed and inform the cities who the service provider will be and how the transition of services, if any, will occur.

Services to Development Within the Urban Growth Boundary: Schools**Finding**

27. ORS 195.110 requires cities and counties to include, as an element of their comprehensive plan, a school facility plan for high growth districts prepared by the district in cooperation with the city or county; and for the city or county to initiate the planning activity. The law defines high growth districts as those that have an enrollment of over 5,000 students and an increase in enrollment of six percent or more during the three most recent school years. At present, there are no high growth school districts in the UGB.
28. ORS 197.296(4)(a) states that when the UGB is amended to provide needed housing, “As part of this process, the amendment shall include sufficient land reasonably necessary to accommodate the siting of new public school facilities. The need and inclusion of lands for new public school facilities shall be a coordinated process between the affected public school districts and the local government that has the authority to approve the urban growth boundary.”
29. Enrollment projections for the five public school districts in the metropolitan area and the University of Oregon and Lane Community College (LCC) are not consistent. Bethel School District and the University of Oregon expect increases while Springfield and Eugene School Districts and LCC are experiencing nearly flat or declining enrollments. Enrollment is increasing fastest in the elementary and high school attendance areas near new development.
30. Short-term fluctuations in school attendance are addressed through the use of adjusted attendance area boundaries, double shifting, use of portable classrooms, and busing. School funding from the state is based on student enrollment for school districts in the State of Oregon. This funding pattern affects the willingness of districts to allow out-of-district transfers and to adjust district boundaries. Adjustments in district boundaries may be feasible where there is no net loss or gain in student enrollments between districts.
31. Creating or retaining small, neighborhood schools reduces the need for busing and provides more opportunity for students to walk or bike to school. Quality smaller schools may allow more parents to stay in established neighborhoods and to avoid moving out to new subdivisions on the urban fringe or to bedroom communities. However, growth patterns do not always respect school district boundaries. For example, natural cycles of growth and neighborhood maturation result in uneven geographic growth patterns in the metropolitan area, causing a disparity between the location of some schools and school children. This results in some fringe area schools exceeding capacity, while some central city schools are under capacity.
32. Long-range enrollment forecasts determine the need to either build new schools, expand existing facilities, or close existing schools. Funding restrictions imposed by state law and some provisions in local codes may discourage the retention and redevelopment of

neighborhood schools. Limits imposed by state law on the use of bond funds for operations and maintenance make the construction of new, lower maintenance buildings preferable to remodeling existing school buildings. In addition, if existing schools were expanded, some school sites may not meet current local parking and other code requirements.

33. Combining educational facilities with local park and recreation facilities provides financial benefits to the schools while enhancing benefits to the community. The Meadow View School and adjacent City of Eugene community park is an example of shared facilities.

Policies

- G.22 The cities shall initiate a process with school districts within the UGB for coordinating land use and school planning activities. The cities and school districts shall examine the following in their coordination efforts:
- a. The need for new public school facilities and sufficient land to site them;
 - b. How open enrollment policies affect school location;
 - c. The impact of school building height and site size on the buildable land supply;
 - d. The use of school facilities for non-school activities and appropriate reimbursement for this use;
 - e. The impact of building and land use codes on the development and redevelopment of school facilities;
 - f. Systems development charge adjustments related to neighborhood schools; and,
 - g. The possibility of adjusting boundaries, when practical and when total enrollment will not be affected, where a single, otherwise internally cohesive area is divided into more than one school district.
- G.23 Support financial and other efforts to keep neighborhood schools open and to retain schools sites in public ownership following school closure.
- G.24 Support the retention of University of Oregon and LCC facilities in central city areas to increase opportunities for public transit and housing and to retain these schools' attractiveness to students and faculty.

Services to Development Within the Urban Growth Boundary: Solid Waste

Finding

34. Statewide Planning Goal 11 requires that, “To meet current and long-range needs, a provision for solid waste disposal sites, including sites for inert waste, shall be included in each plan.”

Policies

- G.25 The Lane County *Solid Waste Management Plan*, as updated, shall serve as the guide for the location of solid waste sites, including sites for inert waste, to serve the metropolitan area. Industries that make significant use of the resources recovered from the Glenwood solid waste transfer facility should be encouraged to locate in that vicinity.

Services to Areas Outside the Urban Growth Boundary

Findings

35. Providing key urban services, such as water, to areas outside the UGB increases pressure for urban development in rural areas. This can encourage premature development outside the UGB at rural densities, increasing the cost of public facilities and services to all users of the systems.
36. Land application of biosolids, treated wastewater, or cannery waste on agricultural sites outside the UGB for beneficial reuse of treated wastewater byproducts generated within the UGB is more efficient and environmentally beneficial than land filling or other means of disposal.
37. Lane County land use data show that, outside the UGB, land uses consist of:
- a. Those which are primarily intended for resource management; and
 - b. Those where development has occurred and are committed to rural development as established through the exceptions process specified in Statewide Planning Goal 2.

Policies

- G.26 Wastewater and water service shall not be provided outside the UGB except to the following areas, and the cities may require consent to annex agreements as a prerequisite to providing these services in any instance:
- a. The area of the Eugene Airport designated Government and Education on the *Metro Plan* Diagram, the Seasonal Industrial Waste Facility, the Regional Wastewater Biosolids Management Facility, and agricultural sites used for land

application of biosolids and cannery byproducts. These sites serve the entire metropolitan area.

- b. An existing development outside the UGB when it has been determined that it poses an immediate threat of public health or safety to the citizens within the UGB that can only be remedied by extension of the service.

In addition, under prior obligations, water service shall be provided to land within the dissolved water districts of Hillcrest, College Crest, Bethel, and Oakway.

G.27 Plan for the following levels of service for rural designations outside the UGB within the Plan Boundary:

- a. Agriculture, Forest Land, Sand and Gravel, and Parks and Open Space. No minimum level of service is established.
- b. Rural Residential, Rural Commercial, Rural Industrial, and Government and Education. On-site sewage disposal, individual water systems, rural level of fire and police protection, electric and communication service, schools, and reasonable access to solid waste disposal facility.

Locating and Managing Public Facilities Outside the Urban Growth Boundary

Findings

- 38. In accordance with statewide planning goals and administrative rules, urban water, wastewater, and stormwater facilities may be located on agricultural land and urban water and wastewater facilities may be located on forest land outside the UGB when the facilities exclusively serve land within the UGB, pursuant to OAR 660-006 and 660-033.
- 39. In accordance with statewide planning goals and administrative rules, water, and wastewater facilities are allowed in the public right-of-way of public roads and highways.
- 40. The *Public Facilities and Services Plan* planned facilities maps show the location of some planned public facilities outside the UGB and Plan Boundary, exclusively to serve land within the UGB. The ultimate construction of these facilities will require close coordination with and permitting by Lane County and possible *Lane County Rural Comprehensive Plan* amendments.
- 41. Statewide Planning Goal 5 and OAR 660-023-0090 require state and local jurisdictions to identify and protect riparian corridors.
- 42. In accordance with OAR 660-033-0090, 660-033-0130(2), and 660-033-0120, building schools on high value farm land outside the UGB is prohibited. Statewide planning goals prohibit locating school buildings on farm or forest land within three miles outside the urban growth boundary.

Policies

- G.28 Consistent with local regulations, locate new urban water, wastewater, and stormwater facilities on farm land and urban water and wastewater facilities on forest land outside the UGB only when the facilities exclusively serve land inside the UGB and there is no reasonable alternative.
- G.29 Locate urban water and wastewater facilities in the public right-of-way of public roads and highways outside the UGB, as needed to serve land within the UGB.
- G.30 Facility providers shall coordinate with Lane County and other local jurisdictions and obtain the necessary county land use approvals to amend the *Lane County Rural Comprehensive Plan*, or the *Metro Plan*, as needed and consistent with state law, to appropriately designate land for urban facilities located outside the UGB or the Plan Boundary.
- G.31 The cities shall coordinate with Lane County on responsibility and authority to address stormwater-related issues outside the Plan Boundary, including outfalls outside the Springfield UGB.
- G.32 Measures to protect, enhance, or alter Class F Streams outside the UGB, within the Plan Boundary shall, at a minimum, be consistent with Lane County's riparian standards.
- G.33 New schools within the Plan Boundary shall be built inside the UGB.

Financing

Findings

43. ORS 197.712(2)(e) states that the project timing and financing provisions of public facility plans shall not be considered land use decisions.
44. ORS 223.297 and ORS 223.229(1) do not permit the collection of local systems development charges (SDCs) for fire and emergency medical service facilities and schools, limiting revenue options for these services. Past attempts to change this law have been unsuccessful.
45. Service providers in the metropolitan area use SDCs to help fund the following facilities:
- Springfield: stormwater, wastewater, and transportation;
 - Willamalane Park and Recreation District: parks;
 - SUB, Rainbow Water District: water;
 - Eugene: stormwater, wastewater, parks, and transportation; and,
 - EWEB: water.

46. Oregon and California timber receipt revenues, a federally-funded source of county road funds, have declined over the years and their continued decline is expected.
47. Regular maintenance reduces long term infrastructure costs by preventing the need for frequent replacement and rehabilitation. ORS 223.297 to 223.314 do not allow use of SDCs to fund operations and maintenance.
48. The assessment rates of Eugene, Springfield, and Lane County are each different, creating inequitable financing of some infrastructure improvements in the metropolitan area.

Policies

- G.34 Changes to *Public Facilities and Services Plan* project phasing schedules or anticipated costs and financing shall be made in accordance with budgeting and capital improvement program procedures of the affected jurisdiction(s).
- G.35 Service providers will update capital improvement programming (planning, programming, and budgeting for service extension) regularly for those portions of the UGB where the full range of key urban services and facilities is not available.
- G.36 Require development to pay the cost, as determined by the local jurisdiction, of extending urban services and facilities. This does not preclude subsidy, where a development will fulfill goals and recommendations of the *Metro Plan* and other applicable plans determined by the local jurisdiction to be of particular importance or concern.
- G.37 Continue to implement a system of user charges, SDCs, and other public financing tools, where appropriate, to fund operations, maintenance, and improvement or replacement of obsolete facilities or system expansion.
- G.38 Explore other funding mechanisms at the local level to finance operations and maintenance of public facilities.
- G.39 Set wastewater and stormwater fees at a level commensurate with the level of impact on, or use of, the wastewater or stormwater service.
- G.40 The cities and Lane County will continue to cooperate in developing assessment practices for inter-jurisdictional projects that provide for equitable treatment of properties, regardless of jurisdiction.

H. Parks and Recreation Facilities Element

A parks and recreation program with sufficient diversity to meet the needs of the citizenry is an essential ingredient to enhancing the livability of a community. The Eugene-Springfield metropolitan area has a long history of supporting parks and recreation programs, and this plan further strengthens that commitment. The main types of parks and recreational facilities that have been developed are:

Regional-Metropolitan Parks

Regional-metropolitan parks serve the entire metropolitan population, as well as the surrounding population and provide a variety of recreational opportunities including water areas, trails, picnic areas, recreational facilities, and natural areas (e.g., Alton Baker Park).

Community Parks

Community parks serve surrounding metropolitan residents with a variety of specialized recreational facilities and programs, such as swimming pools, tennis courts, and community centers (e.g., Amazon Park and Willamalane Park).

Neighborhood Parks

Neighborhood parks serve the various neighborhoods within the metropolitan area. Neighborhood parks may include courts and fields for active recreation.

Play Lots

Play lots serve residents of surrounding subdivisions and are normally within walking distance of their users' homes.

Community Centers

Community centers are usually located within community parks. They emphasize recreational activities such as swimming, tennis, art, music, etc.

Special Recreational Facilities

Special recreational facilities include, for example, public and private golf courses, tennis courts, and swimming pools.

Parks and recreation facilities and programs are administered by park and recreation agencies in Eugene and Lane County and by two park and recreation districts (River Road Park and Recreation District and Willamalane Park and Recreation District).

Among these agencies and districts, a wide variety of parks and recreation programs, encompassing those previously mentioned, are provided for the residents they serve.

In addition, the park and recreation agencies and the metropolitan school districts have combined their resources and coordinated efforts to provide open space and parks and recreation facilities in conjunction with the schools.

Also, in recent years, private recreational facilities, such as swimming pools and tennis and racquetball courts, have been developed. Several private golf courses have been in operation in the community for a number of years.

Goal

Provide a variety of parks and recreation facilities to serve the diverse needs of the community's citizens.

Findings and Policies

Findings

1. Increases in leisure time, income, transportation energy costs, and projected population growth indicate that there will continue to be a significant demand for a diversity of park and recreational opportunities in the metropolitan area.
2. Regardless of what standard is used, it is becoming increasingly difficult for local park agencies to meet the demands and needs of the community for parks and recreation facilities. The major problems include:
 - a. Areas developing without parks and recreation facilities available for the residents.
 - b. Competition for limited available financial resources between the need to purchase park land to meet future demands (before the land is no longer available) and the need to develop existing park land to meet current demand.
 - c. Competition for limited financial resources to provide the diversity of parks and recreational programs demanded by the community's citizens.
 - d. Land suitable and available for parks and recreation facilities often competes with other land use activities and needs in the metropolitan area.
3. The level of service for parks and recreation facilities in the metropolitan area was last evaluated in 1989. At that time, regional figures were compared to standards of the National Recreation and Park Association (NRPA). When compared to NRPA standards, there was a gap between community needs for parks and open space and the available supply of parkland. In 2003, the City of Eugene and Willamalane Park & Recreation

District are preparing Parks, Recreation & Open Space Comprehensive Plans. These plans will update the regional parkland inventory and make comparisons to regional standards, which will provide a more detailed analysis of regional park supply and demand.

4. Providing adequate parks and recreation facilities is made more difficult by the lack of a detailed metropolitan-wide parks and recreation analysis and plan that incorporates a methodology reflecting demand characteristics of this local area. Such an analysis and plan would serve a number of essential functions, including:
 - a. The development of a complete inventory of parks and recreation facilities, the development of local standards for use by the local governing bodies in determining the type and level of parks and facilities that are needed, the development of demand effectiveness measurements, and the development of capital improvements programming and other implementation strategies.
 - b. Indication of how much land is needed for each type of park (regional, community, neighborhood, etc.), and indication of what types of activities should be provided in each park (e.g., active recreational opportunities such as ball fields, tennis courts, and playgrounds vs. passive recreational opportunities such as hiking trails).
 - c. Indication of how the resources of the local and state park agencies can be coordinated and maximized in order for each agency to provide the level and type of recreational opportunities for which it is best suited.
 - d. Indication of where the advance purchase of park land should occur in anticipation of future demand.
5. Private recreational facilities supplement and help meet the demand for a variety of recreational opportunities.
6. The Lane County Board of Commissioners adopted the *Howard Buford Recreation Area Master Plan* as a refinement to the *Metro Plan* on June 15, 1994 (Ordinance No. PA 1056).

Objectives

1. Coordinate regional-metropolitan parks planning and development among local and state agencies.
2. Ensure that regional-metropolitan parks planning provides a balanced variety of park and recreational opportunities.

3. Develop local standards, measures, and implementation techniques to determine the level and types of local park and recreation facilities necessary to serve the needs of the residents of each jurisdiction.
4. Develop park sites and recreation facilities in the manner best suited to serve the diverse interests of local residents and in areas of greatest need.
5. Close the gap between the current supply of park and recreation facilities and the projected demand.
6. Expand opportunities for the development of private recreational facilities.

Policies

- H.1 Develop a system of regional-metropolitan recreational activity areas based on a facilities plan for the metropolitan area that includes acquisition, development, and management programs. The *Metro Plan* and system should include reservoir and hill parks, the Willamette River Greenway, and other river corridors.
- H.2 Local parks and recreation plans and analyses shall be prepared by each jurisdiction and coordinated on a metropolitan level. The park standards adopted by the applicable city and incorporated into the city's development code shall be used in local development processes.
- H.3 Accelerate the acquisition of park land in projected growth areas by establishing guidelines determining where and when developers will be required to dedicate land for park and recreation facilities, or money in lieu thereof, to serve their developments.
- H.4 Encourage the development of private recreational facilities.
- H.5 Develop mechanisms and processes by which residents of an area to be served by a neighborhood park, neighborhood center, or play lot can participate in the design, development, and maintenance of the facility.
- H.6 All metropolitan area parks and recreation programs and districts shall cooperate to the greatest possible extent in the acquisition of public and private funds to support their operations.
- H.7 The City of Eugene shall cooperate with the University of Oregon in the resolution of any loss of recreational facilities associated with development in the Riverfront Park.

I. Historic Preservation Element

The metropolitan area has experienced, and it appears will continue to experience, growth and change. On the other hand, public interest and commitment to historic preservation has been increasing, at least partly due to recognition that historic structures, sites, and areas which provide a tangible physical connection with the past are a nonrenewable resource. This link with previous times provides a sense of permanence, continuity, and perspective to our lives, as well as a context within which change occurs. Historic structures can enrich our lives by offering architectural diversity to the visual environment and provide tangible links to the future.

Goal

Preserve and restore reminders of our origin and historic development as links between past, present, and future generations.

Findings, Objectives, and Policies

Findings

1. Programs and publications that identify sites, structures, objects, and cultural areas and activities of historic significance serve as a visual and educational experience for the public.
2. Structures and sites of historic significance contribute to an area's ability to attract tourism.
3. The metropolitan area has an important heritage of historic sites, structures, and objects worthy of preservation.
4. When positive measures are not taken, visible evidence of ties to the past and reminders of our heritage disappear.
5. Springfield, Lane County, and Eugene are implementing programs of historic preservation and awareness.
6. There remain many sections of the metropolitan area in which no surveying has been done to locate historic and archaeological sites.
7. Historic preservation programs generally allow continued and changing occupancy of historic structures and sites.
8. Beginning with the Antiquities Act of 1906 and through the present time, both the federal and Oregon state governments have expressed an interest in and enacted laws providing for the protection and preservation of sites, structures, objects, and areas of historic significance.

9. Depending on the nature and condition of an individual structure, rehabilitation, rather than replacement, may be less costly per square foot, more labor-intensive, and less energy-consuming, thereby resulting in net savings.

Objectives

1. Develop and expand public awareness of the metropolitan area's origin, development, and history.
2. Encourage preservation and restoration of sites, structures, objects and areas of cultural, historic, or archaeological significance for the enjoyment and knowledge of present and future generations.

Policies

- I.1 Adopt and implement historic preservation policies, regulations, and incentive programs that encourage the inventory, preservation, and restoration of structures; landmarks; sites; and areas of cultural, historic, or archaeological significance, consistent with overall policies.
- I.2 Institute and support projects and programs that increase citizen and visitor awareness of the area's history and encourage citizen participation in and support of programs designed to recognize and memorialize the area's history.
- I.3 Explore the feasibility of a metropolitan non-profit historic preservation development organization to bring together public and private funding sources.
- I.4 Periodically review state and federal programs intended to assist in preservation of historic and archaeological sites for possible use in connection with local implementation programs.
- I.5 Monitor and evaluate the effect of these actions on other adopted policies and the metropolitan area as a whole.
- I.6 Local governments shall pursue grants from all available sources to assist with the identification and evaluation of historically significant sites.

J. Energy Element

The Energy Element deals with the conservation and efficient use of energy in the metropolitan area and is meant to provide a long-range guide to energy-related decisions concerning physical development and land uses.

The use of energy is essential for the development and operation of the urban area. Many vital processes, such as commercial and industrial activities; transportation of goods; and the lighting, heating, and cooling of buildings depend on energy supplies for their operation. In addition, our daily lives are greatly influenced by the consumption of energy for a vast number of purposes, such as automobile and home appliance use.

As the cost of energy supplies increases and the availability of new energy sources decreases, we will continue to experience a greater need for conserving and efficiently using existing supplies. Many energy supplies are nonrenewable in that they are only produced once, as in the case of metals, or take hundreds of thousands of years to be produced, as in the case of petroleum and other fossil fuels. It is especially important to efficiently use and conserve energy sources in order that future generations will not unnecessarily suffer by their shortage or absence. Conservation makes possible the use of energy sources to serve greater numbers of people and also reduces the immediate need for the development of new centralized facilities, such as those required for the large-scale generation of electricity.

While a number of specific decisions relating to energy can be made using the energy policies in this element, it is not written at the level of detail that would be required for it to serve as a comprehensive energy plan for the metropolitan area. Examples given in this element are used to illustrate statements and are not meant to be inclusive. Other specific examples that reflect the same statement can also be applied by the reader.

As developments and data relating to energy production and conservation are rapidly changing, the findings, objectives, and policies of the Energy Element should be frequently monitored to ensure their relevancy.

Goals

1. Maximize the conservation and efficient utilization of all types of energy.
2. Develop environmentally acceptable energy resource alternatives.

Findings, Objectives, and Policies

Findings

1. Energy conservation measures can serve as an energy source by making limited energy supplies serve greater numbers of users.

2. Many energy supply and demand factors which influence the metropolitan area are beyond local control. An example is the petroleum supply decisions made by Organization of Petroleum Exporting Countries (OPEC) nations.
3. Energy savings can be obtained by utilizing forms of energy other than electricity or fossil fuels for space heating.
4. Recent trends and analysis indicate that the relative cost of non-renewable energy supplies, such as petroleum, and the relative cost of the majority of the electric power received by the metropolitan area, will increase in the future.
5. Wood fiber presently provides a significant amount of energy to the metropolitan area. The continued utilization of this alternative energy source will be influenced by the economic and resource conditions affecting the lumber industry and by the air quality conditions and regulations affecting the metropolitan area.
6. Municipal waste can serve as an indirect energy source through the energy savings resulting from the recycling of nonrenewable resources such as metals and glass containers.
7. Solar energy can provide a significant amount of the energy used for the metropolitan area hot water heating and can provide cost-effective supplementary space heating when used in basic, simple, passive systems.
8. An electrical generation facility which is powered by part of an industrial process (cogeneration) is presently operating in the metropolitan area. Additional opportunities for cogeneration facilities exist in the region.
9. Waste heat from metropolitan area industrial processes can be used for space heating of nearby buildings.

Objectives

1. Utilize cost-effective energy conservation techniques, as determined by methods which consider initial operating, replacement, and decommissioning costs of facilities--in other words, life cycle costs.
2. Maintain options for the potential use of energy conservation methods, such as increased building weatherization and some forms of public transit, that are not cost-effective at the present time.
3. Minimize negative environmental effects associated with energy production and use and encourage the utilization of energy sources having the least negative environmental impact.

4. Encourage the utilization of renewable energy sources in order to conserve nonrenewable energy resources.
5. Promote the recovery and reuse of nonrenewable resources, such as metals, as an energy conservation measure.
6. Facilitate the permanent use of solar energy and other decentralized energy sources to displace centralized energy supplies and diversify energy production.
7. Continue and intensify efforts to allocate land uses in a manner that creates a compact growth form for the metropolitan area.
8. Promote policies that minimize the energy consumed for heating, cooling, lighting, appliance use, and other processes in commercial, industrial, and residential buildings.
9. Encourage the maximum amount of energy conservation associated with automobile use.
10. Encourage industrial activities that use energy in the most efficient and productive manner.
11. Encourage the minimization of energy consumption in determining the placement, density, and design of all types of urban land uses.
12. Continue and support energy conservation efforts that are being undertaken by the public and private sector.
13. Continue and support efforts to increase public awareness of energy conservation issues and of methods to effectively utilize solar energy and other renewable energy supplies.

Policies

- J.1 It is recommended that the coordinated development of a detailed metropolitan energy management plan or plans be undertaken, recognizing existing related energy documents, with the active participation of local jurisdictions in order to address local energy issues in greater depth than can be attempted in a metropolitan general plan. The products of this additional process would be considered as part of all metropolitan area planning policies in shaping the development of the region and should be continually monitored and reviewed to ensure their continued relevancy. Most of the energy data needed for this planning effort can be best be collected and stored by a unified energy data bank that would, at a minimum, serve the entire metropolitan area.

This effort should at least:

- a. Establish the current demand and projected energy demand for the various sectors of the economy in the metropolitan area.

- b. Inventory the current supply sources of energy for the metro area and include projected sources, renewable and nonrenewable, centralized and decentralized, and the price projections for each source.
 - c. Coordinate the development of a uniform reporting system to be used by the various energy suppliers in the metropolitan area in order to generate an ongoing, accurate data base for energy planning.
 - d. Examine the potential economic impacts to metro area residents resulting from projected energy demand, supply, and price.
 - e. Determine the impact of current land use policies and actions on energy use and reaffirm or point out adjustments to land use policies, regulations, and activities, as necessary, to reflect these considerations.
 - f. Research revisions to regulations which would have a positive effect on the use of renewable, decentralized energy sources, such as solar energy.
 - g. Research land use patterns which would facilitate the use of centralized, small-scale energy generation and storage in residential, commercial, industrial, and mixed use applications.
 - h. Specify implementation processes.
- J.2 Carefully control, through the use of operating techniques and other methods, energy-related actions, such as automobile use, in order to minimize adverse air quality impacts. Trade-offs between air quality and energy actions shall be made with the best possible understanding of how one process affects the other.
- J.3 Land allocation and development patterns shall permit the highest possible current and future utilization of solar energy for space heating and cooling, in balance with the requirements of other planning policies.
- J.4 Encourage development that takes advantage of natural conditions, such as microclimate, and utilizes renewable energy supplies, such as solar energy, to minimize non-renewable and overall energy consumption.
- J.5 Resource recovery facilities may serve as a valuable energy source. Their operation and refinement should be investigated by all metropolitan area jurisdictions. Source separation of recyclable materials from waste should be encouraged as a separate, related energy conservation measure.
- J.6 Local jurisdictions and utilities shall examine methods of expanding existing residential, commercial, and industrial energy conservation programs. One potential method would be offering advice concerning the use of solar water heating systems.

- J.7 Encourage medium- and high-density residential uses when balanced with other planning policies in order to maximize the efficient utilization of all forms of energy. The greatest energy savings can be made in the areas of space heating and cooling and transportation. For example, the highest relative densities of residential development shall be concentrated to the greatest extent possible in areas that are or can be well served by mass transit, paratransit, and foot and bicycle paths.
- J.8 Commercial, residential, and recreational land uses shall be integrated to the greatest extent possible, balanced with all planning policies to reduce travel distances, optimize reuse of waste heat, and optimize potential on-site energy generation.
- J.9 Encourage industrial activities that use the smallest relative amounts of non-renewable energy.
- J.10 Support efforts to develop industries that have a relatively high potential for utilizing renewable energy sources or waste heat.
- J.11 Encourage the use and development of cogenerative and decentralized energy supplies for commercial and industrial purposes in an environmentally beneficial manner.
- J.12 When practical, the government sector should take the lead in demonstrating and implementing:
- a. Cost-effective use of renewable and decentralized energy sources, such as solar space and water heating systems.
 - b. Selection and efficient use of energy-saving vehicles.
- J.13 Continue and encourage cooperation and communication between citizenry, utilities, and local, state, and federal governmental entities concerning energy-related issues, especially as they pertain to service area boundaries and economic development.
- J.14 Continue to encourage efforts at the state level to promote energy conservation, such as in the statewide building code.
- J.15 Continued coordination of information and programs concerning energy conservation shall be a high priority for affected local governments.
- J.16 The Energy Element should be re-evaluated during the *Metro Plan* update in light of the program activities for local governments that were laid out in the *Northwest Conservation and Electric Power Plan*.

K. Citizen Involvement Element

Active, on-going, and meaningful citizen involvement is an essential ingredient to the development and implementation of any successful planning program. Citizens in the Eugene-Springfield metropolitan area have participated in and articulated their concerns on planning activities and decisions as individuals and through various private interest groups, community and neighborhood organizations, and citizen advisory committees.

A citizens advisory committee was established for the *1990 Plan* and was an integral part of that plan's development. The adopted *1990 Plan* included a recommendation that a permanent citizens advisory committee be established. That recommendation was implemented by the three governing bodies when the Metropolitan Area Planning Advisory Committee (MAPAC) was established. (MAPAC consisted of 21 members, seven from each jurisdiction.) MAPAC's responsibilities included monitoring the use and implementation of the *Metro Plan*, serving as the Lane Council of Government (LCOG) advisory committee on natural resources, and reviewing and commenting on planning issues of metropolitan-wide significance. MAPAC's responsibilities for conducting a citizen involvement program for the *Metro Plan* were transferred to the Joint Planning Commission Committee (JPCC) in 1990. The JPCC is made up of two planning commissioners from Eugene, Springfield, and Lane County.

In recent years, citizen advisory committees have also been established to provide the citizen's perspective on a wide variety of specific planning issues (e.g., transportation, Greenway, solid waste management).

This emphasis on citizen participation has been recognized at the state level where the Land Conservation and Development Commission (LCDC) adopted citizen involvement as a mandatory statewide planning goal. Eugene, Springfield, and Lane County, in accordance with LCDC's Statewide Planning Goal 1: Citizen Involvement, have each appointed committees for citizen involvement whose responsibilities include developing, monitoring, and evaluating the citizen involvement programs in their respective jurisdictions and recommending programs and techniques which will increase citizen participation.

For the purposes of future updates of the *Metro Plan*, the three governing bodies designated JPCC as the citizens committee for coordinating and soliciting citizen input on the update process. The functions of JPCC also include the monitoring of the citizen involvement process regarding amendments to and the implementation of the *Metro Plan*.

Goal

Continue to develop, maintain, and refine programs and procedures that maximize the opportunity for meaningful, ongoing citizen involvement in the community's planning and planning implementation processes consistent with mandatory statewide planning standards.

Findings, Objectives, and Policies

Findings

1. The Eugene-Springfield metropolitan area has a history of encouraging and recognizing citizen involvement as an essential element in its planning program.
2. Citizen advisory committees have been established to provide the citizen's perspective on a variety of metropolitan-wide planning and related issues.
3. Springfield, Lane County, and Eugene each use either their local planning commission or a committee for citizen involvement in monitoring citizen involvement in the planning process.
4. JPCC has been designated as the citizen organization for developing and conducting a citizen involvement program for the *Metro Plan*, including update processes.
5. The governing bodies have furthered their efforts at citizen involvement through the development and support of community neighborhood organizations, community surveys, citizen involvement advisory committees, and various media techniques for citizen involvement and education.
6. How effective the *Metro Plan* will be depends to a large extent upon how much support is provided by the metropolitan area residents in seeing that the *Metro Plan* is implemented.
7. Successful *Metro Plan* development and implementation is dependent on a joint effort of citizens, public and semi-public agencies, and elected officials.
8. Benefits of an ongoing metropolitan area planning advisory committee to provide citizen perspective include an accumulation of knowledge and experience in the planning process.
9. In 1984, an ongoing metropolitan policy committee, the Metropolitan Planning Committee, was formed to provide policy direction for the *Metro Plan 2-1/2-Year Mid-Period Review*. It was comprised of two elected officials and one Planning Commissioner each from Eugene, Springfield, and Lane County, and one representative of the metropolitan citizen committee participates as a non-voting member.
10. In 1987, the Metropolitan Planning Committee was replaced by the Metropolitan Policy Committee (MPC). The MPC is comprised of two elected officials each from Eugene, Springfield, and Lane County. The chief administrative officers of the three jurisdictions serve as non-voting, ex-officio members of the MPC. When the MPC is considering metropolitan transportation matters, the two members of the Lane Transit District (LTD) Board shall serve as voting members and the General Manager of LTD and the Director

of the Oregon Department of Transportation (ODOT) shall also serve as non-voting, ex-officio members of MPC.

Objectives

1. Promote and strengthen communication and coordination among various citizens organizations; business, industrial, and other groups in the community; and between these groups and government.
2. Insure adequate opportunities and provide adequate support for citizen involvement in metropolitan planning and related issues.
3. Insure that the roles and responsibilities of the various citizen advisory committees remain effective and responsive vehicles for citizen involvement.
4. Maintain a permanent citizens advisory committee to monitor the adequacy of citizen involvement in metropolitan-wide planning processes.

Policies

- K.1 Maintain an ongoing citizen advisory committee to the governing bodies of Springfield, Eugene, and Lane County to monitor the adequacy of citizen involvement in the update, review, and amendments to the *Metro Plan*.
- K.2 Maintain and adequately fund a variety of programs and procedures for encouraging and providing opportunities for citizen involvement in metropolitan area planning issues. Such programs should provide for widespread citizen involvement, effective communication, access to technical information, and feedback mechanisms from policymakers. These programs shall be coordinated with local citizen involvement programs and shall be prepared on the metropolitan level by the JPCC, a committee composed of two representatives from each of the three metropolitan planning commissions.
- K.3 Improve and maintain local mechanisms that provide the opportunity for residents and property owners in existing residential areas to participate in the implementation of policies in the *Metro Plan* that may affect the character of those areas.
- K.4 Maintain an ongoing metropolitan region policy committee, known as the MPC, to provide policy direction on major *Metro Plan* updates, *Metro Plan* amendments, and special studies. MPC shall resolve land use issues and other disagreements at the elected official level among the two cities and the county and fulfill other intergovernmental functions as required by the three metropolitan governments.
- K.5 In addition to its citizen involvement responsibilities, JPCC shall provide guidance for intergovernmental studies and projects and shall provide a forum at the Planning

Commission level for resolving intergovernmental planning issues, including proposed *Metro Plan* amendments.

Chapter IV

Metro Plan Review, Amendments, and Refinements

The *Metro Plan* is the long-range public policy document which establishes the broad framework upon which Eugene, Springfield, and Lane County make coordinated land use decisions. While the *Metro Plan* is the basic guiding land use policy document, it may require update or amendment in response to changes in the law or circumstances of importance to the community. Likewise, the *Metro Plan* may be augmented and implemented by more detailed plans and regulatory measures.

Goal

Ensure that the *Metro Plan* is responsive to the changing conditions, needs, and attitudes of the community.

Findings, Objectives, and Policies

Findings

1. If the *Metro Plan* is to maintain its effectiveness as a policy guide, it must be adaptable to the changing laws and the needs and circumstances of the community.
2. Between *Metro Plan* updates, changes to the *Metro Plan* may occur through Periodic Review and amendments initiated by the governing bodies and citizens.
3. Refinements to the *Metro Plan* may be necessary in certain geographical portions of the community where there is a great deal of development pressure or for certain special purposes.
4. Refinement plans augment and assist in the implementation of the *Metro Plan*.
5. Enactment of ORS 197.304 required each city to separately establish its own Urban Growth Boundary (UGB) and demonstrate that it has sufficient buildable lands to accommodate its estimated housing needs for twenty years.

Objectives

1. Maintain a schedule for monitoring, reviewing, and amending the *Metro Plan* so it will remain current and valid.
2. Maintain a current land use and parcel information base for monitoring and updating the *Metro Plan*.
3. Prepare refinement and functional plans that supplement the *Metro Plan*.

Policies

1. A special review, and if appropriate, *Metro Plan* amendment, shall be initiated if changes in the basic assumptions of the *Metro Plan* occur. An example would be a change in public demand for certain housing types that in turn may affect the overall inventory of residential land.
2. The regional land information database shall be maintained on a regular basis.
3. A proposed amendment to the *Metro Plan* shall be classified as a Type I, Type II or Type III amendment depending upon the number of governing bodies required to approve the decision.
4. A Type I amendment requires approval by the home city.
 - a. Type I Diagram Amendments include amendments to the *Metro Plan* Diagram for land inside the city limits.
 - b. Type I Text Amendments include:
 - i. Amendments that are non site specific and apply only to land inside the city limits of the home city;²⁸
 - ii. Site specific amendments that apply only to land inside the city limits of the home city;
 - iii. Amendments to a regional transportation system plan, or a regional public facilities plan, when only participation by the home city is required by the amendment provisions of those plans;
 - iv. The creation of new *Metro Plan* designations and the amendment of existing *Metro Plan* designation descriptions that apply only within the city limits of the home city.
5. A Type II Amendment requires approval by two governing bodies. The governing bodies in a Type II are the home city and Lane County. Eugene is the home city for amendments west of I-5, and Springfield is the home city for amendments east of I-5:
 - a. Type II Diagram Amendments include:

²⁸ This includes an amendment to *Metro Plan* to specify that a particular provision does not apply within the city limits, as may be the case as Eugene and Springfield consider a regional planning program that includes the adoption of city-specific comprehensive plans to address some of the land use issues that have historically been addressed in the *Metro Plan*.

- i. Amendments to the *Metro Plan* Diagram for the area between a city limit and the Plan Boundary;
 - ii. A UGB or *Metro Plan* Boundary amendment east or west of I-5 that is not described as a Type III amendment.
- b. Type II Text Amendments include:
- i. Amendments that are non site specific and apply only to Lane County and one of the cities;²⁹
 - ii. Amendments that have a site specific application between a city limit of the home city and the Plan Boundary;
 - iii. Amendments to a jointly adopted regional transportation system plan, or a regional public facilities plan, when only participation by Lane County and one of the cities is required by the amendment provisions of those plans.
6. A Type III Amendment requires approval by all three governing bodies:
- a. Type III Diagram Amendments include:
- i. Amendments of the Common UGB along I-5; and
 - ii. A UGB or *Metro Plan* Boundary change that crosses I-5.
- b. Type III Text Amendments include:
- i. Amendments that change a Fundamental Principle as set forth in Chapter II A. of the *Metro Plan*;
 - ii. Non site specific amendments that apply to all three jurisdictions;
 - iii. Amendments to a regional transportation system plan, or a regional public facilities plan, when the participation of all three governing bodies is required by the amendment provisions of those plans.
7. Initiation of *Metro Plan* amendments shall be as follows:

²⁹ This includes an amendment to *Metro Plan* to specify that a particular provision does not apply within the UGB on one side of I-5, or within the Metro Plan boundary on one side of I-5, as may be the case as Eugene and Springfield consider a regional planning program that includes the adoption of city-specific comprehensive plans to address some of the land use issues that have historically been addressed in the *Metro Plan*.

- a. A Type I amendment may be initiated by the home city at any time. A property owner may initiate an amendment for property they own at any time. Owner initiated amendments are subject to the limitations for such amendments set out in the development code of the home city.
 - b. A Type II amendment may be initiated by the home city or county at any time. A property owner may initiate an amendment for property they own at any time. Owner initiated amendments are subject to the limitations for such amendments set out in the development codes of the home city and Lane County.
 - c. A Type III amendment may be initiated by any one of the three governing bodies at any time.
 - d. Only a governing body may initiate the adoption of a city-specific comprehensive plan, refinement plan, functional plan, special area study or the initiation of a Periodic Review or *Metro Plan* update.
 - e. *Metro Plan* updates shall be initiated no less frequently than during the state required Periodic Review of the *Metro Plan*, although any governing body may initiate an update of the *Metro Plan* at any time.
8. The approval process for *Metro Plan* amendments shall be as follows:
- a. The initiating governing body of any Type I, II, or III *Metro Plan* amendment shall notify all governing bodies of the intended amendment and the Type of amendment proposed. If any governing body disagrees with the Type of the proposed amendment that governing body may refer the matter to the processes provided in 8(d) or (e) as appropriate.
 - b. When more than one governing body participates in the decision, the Planning Commissions of the bodies shall conduct a joint public hearing and forward that record and their recommendations to their respective elected officials. The elected officials shall also conduct a joint public hearing prior to making a final decision.
 - c. If all participating governing bodies reach a consensus to approve a proposed amendment, substantively identical ordinances effecting the changes shall be adopted. When an amendment is not approved, it may not be re-initiated, except by one of the three governing bodies, for one year.
 - d. A Type II amendment for which there is no consensus shall be referred to the Chair of the Lane County Board of Commissioners and the Mayor of the home city for further examination of the issue(s) in dispute and recommendation back to the governing bodies.

- e. A Type III amendment for which there is no consensus shall be referred to the Chair of the Lane County Board of Commissioners and the Mayors of Eugene and Springfield for further examination of the issue(s) in dispute and recommendation back to the governing bodies.
 - f. Adopted or denied *Metro Plan* amendments may be appealed to the Oregon Land Use Board of Appeals (LUBA) or the Department of Land Conservation and Development (DLCD) according to applicable state law.
 - g. The three governing bodies shall develop jointly and adopt *Metro Plan* amendment application procedures.
 - h. A different process, time line, or both, than the processes and timelines specified in 8.b. through 8.g. above may be established by the governing bodies of Eugene, Springfield and Lane County for any government initiated *Metro Plan* amendment.
9. In addition to the update of the *Metro Plan*, refinement studies may be undertaken for individual geographical areas and special purpose or functional elements, as determined appropriate by each governing body.
10. All jointly-adopted, regionally-applicable refinement and functional plans must be consistent with the *Metro Plan*. Until a city has adopted a city-specific comprehensive plan that explicitly supplants the relevant portion of the Metro Plan, that city's refinement and functional plans must be consistent with the *Metro Plan*. After a city has adopted a city-specific comprehensive plan that explicitly supplants the relevant portion of the Metro Plan, that city's refinement and functional plans must be consistent with its city-specific comprehensive plan (instead of the Metro Plan). In any case, should inconsistencies occur between the applicable comprehensive plan and a refinement or functional plan, the applicable comprehensive plan is the prevailing policy document.
11. Local implementing ordinances shall provide a process for zoning lands in conformance with the *Metro Plan*.
12. The amendment process described in this Chapter IV does not apply to the adoption of amendments of city-specific comprehensive plans, but any *Metro Plan* amendments that are being considered in conjunction with a city-specific plan adoption or amendment shall follow the procedures described in this Chapter.

Chapter V

Glossary

The purpose of the Glossary is to define commonly used terms in the *Metro Plan*.

1. Affordable housing: Housing priced so that a household at or below median income pays no more than 30 percent of its total gross income on housing and utilities. (The U.S. Department of Housing and Urban Development's (HUD) figure for 1997 annual median income for a family of three in Lane County is \$33,900; 30 percent = \$847/month.)
2. Annexation: An extension of the boundaries of a city or special district. Annexations are governed by Oregon Revised Statutes.
3. Assumption: A position, projection, or conclusion considered to be reasonable. Assumptions differ from findings in that they are not known facts.
4. Best Management Practices (BMPs): Management practices or techniques used to guide design and construction of new improvements to minimize or prevent adverse environmental impacts. Often organized as a list from which those practices most suited to a specific site can be chosen to halt or offset anticipated problems.
5. Buildable residential lands: Land in urban and urbanizable areas that is suitable, available, and necessary for residential uses, as more particularly defined in OAR 660, Division 8 and in adopted buildable lands inventories.
6. Class F Streams (currently Class I Streams in Lane Code): "Streams that have fish use, including fish use streams that have domestic water use," as defined in OAR 629 to 635.
7. Compact Urban Growth: The filling in of vacant and underutilized lands in the UGB, as well as redevelopment inside the UGB.
8. Density: The average number of families, persons, or housing units per unit of land. Density is usually expressed as dwelling units per acre.
9. Density bonus: A mechanism used in incentive-based zoning that allows a developer to build at higher densities in return for providing more open space, building affordable housing, or some other public amenity.
10. Density (gross): The number of dwelling units per each acre of land, including areas devoted to dedicated streets, neighborhood parks, sidewalks, and other public facilities.

11. Density (net): The number of dwelling units per each acre of land in residential use, excluding from the acreage dedicated streets, neighborhood parks, sidewalks, and public facilities.
12. Development: The construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any excavation, landfill, or land disturbance; and any human-made use or extension of land use.
13. Drinking water protection (source water protection): Implementing strategies within a drinking water protection area to minimize the potential impact of contaminant sources on the quality of water used as a drinking water source by a public water system.
14. Extension of urban facilities: Construction of the facilities necessary for future service provision.
15. Fair housing: Refers to the prevention of discrimination against protected classes of people. Protected classes, as defined by the federal government, refer to race, color, religion, national origin, or sex. Protected classes are disproportionately comprised of very low-income populations.
16. Finding: Factual statement resulting from investigations, analysis, or observation.
17. Floodplain: The area adjoining a river, stream, or watercourse that is subject to 100-year flooding. A 100-year flood has a one-percent chance of occurring in any one year as a result of periods of higher-than-normal rainfall or stream flows, high winds, rapid snowmelt, natural stream blockages, tsunamis, or combinations thereof.
18. Floodway: The normal stream channel and that adjoining area of the floodplain needed to convey the waters of a 100-year flood.
19. Goal: Broad statement of philosophy that describes the hopes of a community for its future. A goal may never be completely attainable but is used as a point towards which to strive.
20. Groundwater: Water that occurs beneath the land surface in the zone(s) of saturation.
21. Impervious surface: Surfaces which prevent water from soaking into the ground. Concrete, asphalt, and rooftops are the most common urban impervious surfaces.
22. In-fill: Development consisting of either construction on one or more lots in an area that is mostly developed or new construction between existing structures. Development of this type can conserve land and reduce sprawl.
23. Infrastructure: The facilities and services that support the functions and activities of a community, including roads, street lights, wastewater lines, storm drainage, power lines, and water lines.

24. Key urban facilities and services:

Minimum level: Wastewater service, stormwater service, transportation, solid waste management, 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 (in other words, not necessarily within walking distance of all students served).

Full range: The minimum level of key urban facilities and services plus urban public transit, natural gas, street lighting, libraries, local parks, local recreation facilities and services, and health services.

25. Low-income housing: Housing priced so that a household at or below 80 percent of median income pays no more than 30 percent of its total gross household income on housing and utilities. (HUD's figure for 1997 annual 80 percent of median income for a family of three in Lane County is \$27,150; 30 percent = \$687/month.)

26. Manufactured dwelling: A structure constructed at an assembly plant and moved to a space in a manufactured dwelling park or a lot. The structure has sleeping, cooking, and plumbing facilities and is intended for residential purposes.

27. Manufactured dwelling park: Any place where four or more manufactured dwellings are located within 500 feet of one another on a lot, tract, or parcel of land under the same ownership, the primary purpose of which is to rent or lease space.

28. Metro Plan Plan Boundary: Defines that area shown on the *Metro Plan* Diagram that includes Springfield, Eugene, and unincorporated urban, urbanizable, rural, and agricultural lands exclusive of areas encompassed in the *Lane County Rural Comprehensive Plan*. (Note: Assumes boundaries between the area of the *Metro Plan* and the *Lane County Rural Comprehensive Plan* will coincide.)

29. Metro Plan Diagram: A graphic depiction in the *Metro Plan* of: (a) the *Metro Plan* Boundary (Plan Boundary); (b) urban growth boundaries; and (c) the land uses planned for the metropolitan area, as described in *Metro Plan* Chapter II-G.

30. Metropolitan area: Generally, an area that includes and surrounds a city or group of cities. The Eugene-Springfield metropolitan area is the area within the *Metro Plan* Plan Boundary (Plan Boundary).

31. Mixed use: A building, project or area of development that contains at least two different land uses such as housing, retail, and office uses.

32. Mode: The transportation system used to make a trip, such as automobile, transit, pedestrian, bicycle, or paratransit.

33. Nodal development (node): Nodal development is a mixed-use, pedestrian-friendly land use pattern that seeks to increase concentrations of population and employment in well-defined areas with good transit service, a mix of diverse and compatible land uses, and public and private improvements designed to be pedestrian and transit oriented. Fundamental characteristics of nodal development require:

- Design elements that support pedestrian environments and encourage transit use, walking and bicycling;
- A transit stop which is within walking distance (generally ¼ mile) of anywhere in the node);
- Mixed uses so that services are available within walking distance;
- Public spaces, such as parks, public and private open space, and public facilities, that can be reached without driving; and
- A mix of housing types and residential densities that achieve an overall net density of at least 12 units per net acre.

Nodal developments will vary in the amount, type, and orientation of commercial, civic, and employment uses; target commercial floor area ratios; size of building; and the amount and types of residential uses.

34. Objective: An attainable target that the community attempts to reach in striving to meet a goal. An objective may also be considered as an intermediate point that will help fulfill the overall goal.
35. Paratransit: The various types of ride sharing programs such as carpooling, vanpooling, taxi service, and subscription bus service.
36. Policy: A statement adopted as part of the *Metro Plan* or other plans to provide a specific course of action moving the community toward attainment of its goals.
37. Public facility projects: Public facility project lists and maps adopted as part of the *Metro Plan* are defined as follows:
- a. Water: Source, reservoirs, pump stations, and primary distribution systems. Primary distribution systems are transmission lines 12 inches or larger for Springfield Utility Board (SUB) and 24 inches or larger for Eugene Water & Electric Board (EWEB).
 - b. Wastewater: Pump stations and wastewater lines 24 inches or larger.
 - c. Stormwater: Drainage/channel improvements and/or piping systems 36 inches or larger; proposed detention ponds; outfalls; water quality projects; and waterways and open systems.
 - d. Specific projects adopted as part of the *Metro Plan* are described in the project lists and their general location is identified in the planned facilities maps in

Chapter II of the *Eugene-Springfield Metropolitan Public Facilities and Services Plan (Public Facilities and Services Plan)*.

38. Redevelopable land: Land on which development has already occurred, but on which, due to present or expected market forces, there is a strong likelihood that existing development will be converted to or replaced by a new and/or more intensive use. This land might have one or more of the following characteristics: low improved value to land value ratio; poor physical condition of the improvement; low improved value; large size; and/or higher zoning potential.
39. Redevelopment: Rebuilding or adaptive reuse of land that has been previously built upon. It may promote the economic development of an area that has been run-down or is no longer needed for its previous use, such as industrial land that is redeveloped as residential.
40. Refinement plan: A detailed examination of the service needs and land use issues of a specific area, topic, or public facility. Refinement plans of the *Metro Plan* can include specific neighborhood plans, special area plans, or functional plans [such as the *Eugene-Springfield Metropolitan Area Transportation Plan (TransPlan)*] that address a specific *Metro Plan* element or sub-element on a city-wide or regional basis.
41. Refinement planning process: Refinement plans are developed through a process which includes at least the following elements: a predetermined citizen involvement process, preestablished policy direction in locally adopted planning documents, and a planning commission and elected official process. In some cases, these processes would have to be expanded to include review and involvement by citizens and appointed and elected officials.
42. Riparian: The land bordering a stream or river; also pertaining to the vegetation typical of those borders (grasses, shrubs, and trees such as reed canary grass, spiraea, willows, ash, and cottonwoods).
43. Rural lands: Those lands that are outside the UGB. Rural lands are agricultural, forest, or open space lands; or other lands suitable for sparse settlement, small farms, or acreage homesites with limited public services, and which are not suitable, necessary or intended for urban use.
44. Service enhancements: Services and amenities provided (or delivered) to lower income tenants based on individual needs on-site in order to promote empowerment toward self-sufficiency.
45. Single-family detached: A free-standing dwelling unit that does not share any walls or the roof with another dwelling unit.
46. Special need housing: Housing for special needs populations. These populations represent some unique sets of housing problems and are usually at a competitive

disadvantage in the marketplace due to circumstances beyond their control. These subgroups include, but are not limited to: the elderly, persons with disabilities, homeless individuals and families, at-risk youth, large families, farm workers, and persons being released from correctional institutions.

47. Special service district: Any unit of local government, other than a city, county, and association of local governments performing land use planning functions under ORS 195.025 authorized and regulated by statute, or metropolitan service district formed under ORS 268. Special service districts include but are not limited to the following: domestic water districts; domestic water associations and water cooperatives; irrigation districts; regional air quality control authorities; rural fire protection districts; school districts; mass transit districts; sanitary districts; and park and recreation districts.
48. System development charge (SDC): A reimbursement fee, an improvement fee, or a combination thereof assessed or collected at the time of increased usage of a capital improvement, connection to the capital improvement, or issuance of a development permit or building permit.
49. Tax differential: Tax differential is a provision in Oregon city annexation law which provides an opportunity to phase in the city's tax rate over a period not to exceed 10 years. The proposal is specified at the time of annexation and cannot be modified thereafter.
50. Underdeveloped land: The vacant or redevelopable portion of land not having the highest and best use allowed by zoning.
51. Underutilized human resources: Persons who are: (a) unemployed; (b) employed part-time but want to work full-time; or (c) in positions that do not fully utilize their skills.
52. Undeveloped land: Land that is vacant or used for agricultural purposes.
53. Urban growth boundary (UGB): A site-specific line, delineated on a map or by written description, that separates urban and urbanizable lands from rural lands.
 - a. Eugene UGB: The UGB that separates Eugene's urban and urbanizable lands from the urban and urbanizable lands in Springfield along Interstate 5 and from rural lands in Lane County to the north, west, and south.
 - b. Springfield UGB: The UGB that separates the urban and urbanizable lands in Springfield from the urban and urbanizable lands in Eugene along Interstate 5 and from rural lands in Lane County to the north, east, and south.
 - c. Metropolitan UGB: The UGB that encompasses both Eugene and Springfield with no division along Interstate 5, separating the urban and urbanizable lands in both cities from rural lands in Lane County. The Metropolitan UGB will continue

to exist until *both* Eugene and Springfield have adopted, and have in effect, their own separate UGBs (Eugene UGB and Springfield UGB).

54. Urban lands: Lands located within an incorporated city.
55. Urban water and wastewater service provision: The physical connection to the water or wastewater system.
56. Urbanizable land: Urbanizable lands are those unincorporated lands between the city limits and the UGB.
57. Very low income housing: Housing priced so that a household at or below 50 percent of median income pays no more than 30 percent of its total gross household income on housing and utilities. (HUD's figure for 1997 annual 50 percent of median income of a family of three in Lane County is \$16,950; 30 percent = \$423/month.)
58. Zoning: A measure or regulation enacted primarily by local governments in which the community is divided into districts or zones within which permitted and special uses are allowed. Zoning regulations govern lot size, building bulk, placement, and other development standards. A zoning ordinance typically consists of two parts: a text and a map.

Ordinance _____, Exhibit E

Proposed amendments to Springfield Development Code Chapter 3 Land Use Districts establishing Section 3.2-900 Agriculture—Urban Holding Area (AG) Zoning District to implement the Urban Holding Area – Employment plan designation and Natural Resource plan designation.

CHAPTER 3 LAND USE DISTRICTS

Section 3.1-100 Official Zoning Maps

Section 3.2-100 Base Zoning Districts

Section 3.2-200 Residential Zoning Districts

Section 3.2-300 Commercial Zoning Districts

Section 3.2-400 Industrial Zoning Districts

Section 3.2-500 Medical Services Zoning District

Section 3.2-600 Mixed-Use Zoning Districts.

Section 3.2-700 Public Land and Open Space Zoning District

Section 3.2-800 Quarry and Mining Operations Zoning District

Section 3.2-900 Agriculture-Urban Holding Area Zoning District

Section 3.3-100 Overlay Districts

Section 3.3-200 Drinking Water Protection Overlay District

Section 3.3-300 Willamette Greenway Overlay District

Section 3.3-400 Floodplain Overlay District

Section 3.3-500 Hillside Development Overlay District

Section 3.3-600 Reserved for Future Use

Section 3.3-700 Reserved for Future Use

Section 3.3-800 Urbanizable Fringe Overlay District

Section 3.3-900 Historic Overlay District

Section 3.3-1000 Nodal Development Overlay District

Section 3.3-1100 Hospital Support Overlay District

Section 3.4-100 Plan Districts

Section 3.4-200 Glenwood Riverfront Mixed-Use Plan District

Section 3.4-300 Booth-Kelly Mixed-Use Plan District

Section 3.5-100 Refinement Plan Policies—Opus

Section 3.2-900 Agriculture—Urban Holding Area (AG) Zoning District

Subsections

3.2-905 Establishment of the AG District

3.2-910 Applicability

3.2-915 Schedule of Use Categories

3.2-920 Base Zoning Standards

3.2-930 Planning Requirements Applicable to Zoning Map Amendments

3.2-905 Establishment of the Agriculture—Urban Holding Area (AG) Zoning District

The City's Agriculture—Urban Holding Area District (AG) is established to protect urbanizable lands designated Urban Holding Area-Employment (UHA-E) and Natural Resource (NR) in the comprehensive plan from land division and incompatible interim development. The AG regulatory measures guide and support orderly and efficient transition from rural to urban land use to accommodate population and urban employment inside the UGB. AG standards regulate development to maintain the land's potential for planned future urban development until appropriate urban facilities and services are planned or available and annexation to Springfield can occur, as described in the Springfield Comprehensive Plan Urbanization Element. Land designated Urban Holding Area-Employment will be annexed to the city and rezoned from AG to an appropriate industrial or commercial zone at which time urban industrial and other employment uses will supersede the interim rural uses permitted in the AG District.

- A. The AG District implements the Urban Holding Area-Employment (UHA-E) plan designation and Springfield Comprehensive Plan Urbanization Element policies by preserving an inventory of suitable employment sites — including sites 20 acres and larger — to provide opportunities for economic growth and diversification.
- B. The AG District is applied concurrently with the UHA-E designation at the time of a Springfield Urban Growth Boundary (UGB) expansion and remains in effect until the land is designated and zoned for urban employment uses through a City or owner-initiated plan or zoning amendment process, as described in Subsection 3.2-930 Planning Requirements Applicable to Zoning Map Amendments, and as further described in the Springfield Comprehensive Plan Urbanization Element.
- C. The AG District implements the Natural Resource (NR) plan designation on private and publicly owned lands within the urbanizable areas to allow continuation of existing agricultural uses while supporting transition to use and management of land to for the primary benefit of values such as fish and wildlife habitat, soil conservation, watershed conservation, scenic resources, passive recreational opportunities, vegetative cover, and open space.
- D. The AG District is applied concurrently with the Natural Resource (NR) plan designation at the time of a Springfield Urban Growth Boundary (UGB) expansion, and remains in effect until the land is designated, zoned and master-planned as described in Subsection 3.2-930 Planning Requirements Applicable to Zoning Map Amendments, and as further described in the Springfield Comprehensive Plan Urbanization Element.

3.2-910 Applicability

The provisions of the AG District apply to urbanizable lands designated UHA-E or Natural Resource (NR) in the comprehensive plan.

3.2-915 Schedule of Use Categories

The AG District implements Springfield Comprehensive Plan Urbanization Element policies by limiting interim uses on urbanizable land designated Urban Holding Area – Employment to only those rural uses that will not impede future annexation, zoning and development of the land to accommodate urban employment uses and densities to meet Springfield’s long range employment land needs. The following uses are permitted in the AG District on an interim basis when developed under the applicable provisions, restrictions and exceptions specified in this Code.

“P” = **PERMITTED USE** subject to the standards of this Code.

“S” = **SPECIAL DEVELOPMENT STANDARDS** subject to special locational and/or siting standards as specified in Section 4.7-100. Note: Some uses in this category may require Site Plan Review and/or Discretionary Use approval.

“D” = **DISCRETIONARY USE** subject to review and analysis under Type III procedure as required in Section 5.9-100 at the Planning Commission or Hearings Official level.

Use Categories/Uses	AG
A. Allowed Interim Uses for Lands Designated Urban Holding Area- Employment	
Agricultural uses including the cultivation of tree crops, plants, orchards, pasture, flower, berry and bush crops or the keeping, boarding, raising or breeding of livestock or poultry.	P
On-site constructing and maintaining of equipment, structures and facilities used for the activities described as farm uses. (1),(3),(4)	P
Preparation, storage, and marketing of the products or by-products raised on such land for human and animal use, or distributing food by donation to a local food bank or school or otherwise. (1)	P
Sales/Display of Produce as specified in Subsection 4.8-125. (1),(4)	S
Signs (5)	P
Accessory Uses	
Community Gardens	P
Replacement of a lawfully existing dwelling or structure as specified in Subsection 5.8-115. (2),(3)	P
Emergency Medical Hardship as specified in Section 5.10-100. (2)	P
Other Commercial Services	
Home Occupation within a lawfully existing dwelling and as specified in Subsection 4.7-165 (4)	S
Utilities and Communication	
High Impact Public Utility Facility as specified in Subsection 4.7-160	S/D
Low Impact Public Utility Facility	P

- (1) Where farm stands are designed and used for sale of farm crops and livestock grown on the farm operation and does not include structures for banquets, public gatherings or public entertainment. “Farm crops and livestock” includes both fresh or processed farm crops and livestock grown on the farm operation.
- (2) On parcels larger than 20 acres, replacement of a lawfully existing farm dwelling as specified in Subsection 5.8-115 shall be placed at the existing dwelling location; or at least 100 feet from the adjoining lines of property zoned EFU to minimize adverse effects on nearby farm lands outside the UGB; and in a location that

does not impede future development of urban employment use or extension of urban infrastructure as shown in transportation plans, public facilities plans or master plans.

- (3) Placement of new structures is subject to Water Quality Protection setbacks as specified in Subsection 4.3-115 and the Natural Resource Protection standards as specified in Subsection 4.3-117 where applicable.
- (4) Proposed new uses or expansions of existing uses must demonstrate that the use will not generate vehicle trips exceeding pre-development levels.
- (5) Signs shall not extend over a public right of way or project beyond the property line; shall not be illuminated or capable of movement; and shall be limited to 200 square feet in area.

B. Allowed Interim Uses for Lands Designated Natural Resource (6),(7)	
Continuation of normal farm practices such as grazing, plowing, planting, cultivating and harvesting. (6)	P
Wetland and/or riparian restoration and rehabilitation activities	P
Vegetation management necessary to control invasive vegetation or to reduce a hazard to life or property.	P
Removal of non-native vegetation, if replaced with native plant species at a density that prevents soil erosion and encourages the future dominance of the native vegetation.	P
Maintenance of existing drainage ways, ditches, or other structures to maintain flows at original design capacity and mitigate upstream flooding, provided that management practices avoid sedimentation and impact to native vegetation and any spoils are be placed in uplands.	P
Waterway restoration and rehabilitation activities such as channel widening, realignment to add meanders, bank grading, terracing, reconstruction of street crossings, or water flow improvements.	P
Emergency stream bank stabilization to remedy immediate threats to life or property.(7)	P
Bioswales or similar water quality improvement projects;	P
Public multi-use paths, access ways, trails, picnic areas, or interpretive and educational displays and overlooks, including benches and outdoor furniture.	P
Utilities and Communication	
High Impact Public Utility Facility as specified in Subsection 4.7-160	S/D
Low Impact Public Utility Facility	D

- (6) Consistent with applicable wetland or land use permits issued by Federal, State or local approving authority with jurisdiction over wetland or riparian resources, including the Water Quality Protection provisions in Subsection 4.3-115 and Section 3.3-400 Floodplain Overlay District.
- (7) Federal, State or local emergency authorization may be needed for in-stream work.

3.2-920 Pre-existing and Non-conforming Uses

- A. Continuance, expansion, modification or replacement of lawful uses existing on a property at the time of the effective date of this zone are determined and permitted as otherwise specified in Section 5.8-100 of this Code; and
- B. The Applicant shall submit evidence to demonstrate that the expansion or modification:
 - 1. will not generate vehicle trips exceeding pre-development levels;
 - 2. will not force a significant change in accepted farm practices on surrounding lands devoted to farm or forest use; and
 - 3. will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

3.2-925 Standards for Interim Development

These regulations apply to the development of interim uses as specified in Subsection 3.2-915 and 3.2-920 in the AG District.

- A. Receive certification from the Lane County Sanitarian that any proposed wastewater disposal system meets Oregon Department of Environmental Quality (D.E.Q.) standards prior to Development Approval.
- B. Interim uses may not be placed on a site in a manner that would impede future development of land designated Urban Holding Area-Employment with urban employment uses.
- C. Interim uses may not be placed on a site in manner that would impede extension of infrastructure to serve land designated Urban Holding Area-Employment from developing with urban employment uses.
- D. To demonstrate compliance with this provision, and in addition to the special provisions listed in Table A, the Applicant shall submit a Future Development Plan that:
 - 1. Includes a brief narrative explaining the existing and proposed use of the property;
 - 2. Indicates the proposed development footprint on a scaled plot plan of the property;
 - 3. Limits the proposed new development footprint to ½ acre or less of the site;
 - 4. Addresses future street connectivity as shown in the Transportation System Plan, Regional Transportation System Plan, Local Street Network Plan, Springfield Comprehensive Plan, applicable Refinement Plans and this Code;
 - 5. Addresses the number and type of vehicle trips to be generated by the proposed use;
 - 6. Addresses the applicable Natural Resources protection, Water Quality Limited Watercourses protection, Floodplain Overlay Development Standards, and Drinking Water Protection Overlay Development Standards of this Code.
- E. Development shall utilize the following base zone development standards:

Minimum Lot/Parcel Sizes	A 50-acre minimum lot/parcel size is applied to lots/parcels 50 acres or larger. A 20-acre minimum lot/parcel size is applied to lots/parcels less than 50 acres in size. Lots/parcels less than 20 acres in size may not be further divided. (1)
Main Building Height	35 feet
Accessory Building Height	35 feet (2)
Building/structure Setbacks: UHA-E designated parcels 20 acres and larger	20 feet from State, County, City roads, streets and local access roads. At least 100 feet from the adjoining lines of property zoned EFU; and in a location that does not impede future development of urban employment use or extension of urban infrastructure as shown in transportation plans, public facilities plans or master plans.

Building/structure Setbacks: UHA-E designated parcels smaller than 20 acres	20 feet from State, County, City roads, streets and local access roads. 10 feet from other property lines.
Minimum Lot/Parcel Frontage	None
Minimum Lot/Parcel Depth	None

- (1) Exemption: Land divisions that create lots/parcels for the purpose of establishing a Natural Resource or Public/Semi-Public Parks and Open Space designation within the floodway, wetland or riparian resource portions of the site may create lots/parcels less than 20 acres within the Natural Resource or Public/Semi-Public Parks and Open Space designation portion of the parent lot/parcel.
- (2) Water tanks, silos, granaries, barns and similar accessory structures or necessary mechanical appurtenances may exceed the minimum height standard.

3.2-930 Planning Requirements Applicable to Zoning Map Amendments

In addition to the standards, procedures and review criteria in Section 5.22-100 applicable to Zoning Map Amendments, Table 1 provides an overview of the planning procedures required prior to rezoning land from Agriculture - Urban Holding Area (AG) to urban employment zoning designations (e.g. Employment, Employment Mixed Use, Campus Industrial, or Industrial). Table 1 shows both City and Owner-initiated planning processes.

Table 1. Pre-Development Approval Process Steps – Urban Holding Areas	
City-initiated Planning Process	Owner-initiated Planning Process
1. City prepares Plan Amendment to address all applicable Statewide Planning Goals (e.g. amended or new refinement plan or district plan), Metro Plan and Springfield Comprehensive Plan policies and Springfield Development Code standards.	1. Applicant submits request to City to initiate amendments to the Transportation System Plan and Public Facilities and Services Plan, and other city actions that may be required prior to plan amendment approval.
2. City and Lane County approve Plan Amendment to amend Metro Plan and Springfield Comprehensive Plan. UHA-E designation is replaced with employment plan designations (e.g. Employment, Employment Mixed Use, Campus Industrial, or Industrial). AG zoning remains in effect until Master Plan and new zoning are approved.	2. Applicant prepares and submits Plan Amendment application to address all applicable Statewide Planning Goals, Metro Plan and Springfield Comprehensive Plan policies, and Springfield Development Code standards. Applicant proposes employment plan designations (e.g. Employment, Employment Mixed Use, Campus Industrial, or Industrial).
3. City prepares and approves Zoning Map Amendment to apply new zoning districts (e.g. Industrial, Campus Industrial, Employment Mixed Use, or Employment). Land is planned and zoned and eligible for annexation.	3. City and Lane County approve Plan Amendment to amend Metro Plan and Springfield Comprehensive Plan. UHA-E designation is replaced with employment plan designations (e.g. Employment, Employment Mixed Use, Campus Industrial, or Industrial). AG zoning remains in effect until Master Plan and new zoning are approved.

<p>4. Applicant prepares and submits Preliminary Master Plan and annexation applications with demonstration of key urban service provision.</p>	<p>4. Applicant prepares and submits Preliminary Master Plan, proposed zoning and demonstration of key urban services provision. Applicant submits annexation application.</p>
<p>5. City approves Master Plan and annexation.</p>	<p>5. City approves Master Plan and Zoning Map Amendment and annexation.</p>
<p>6. Applicant submits Site Plan, Subdivision and other applicable development applications.</p>	<p>6. Applicant submits Site Plan, Subdivision etc. development applications.</p>

Ordinance _____, Exhibit F

**Springfield 2030 Plan Amendments
Staff Report and Draft Findings**

Staff Report and Draft Findings

Springfield 2030 Metro Plan Amendments

July 28, 2016

Co-applicants:	Local File Numbers:
City of Springfield Lane County	Springfield File Nos. LRP 2009-00014, TYP 413-00007 Lane County File Nos. PA 509-PA13-05393
Request: Amend the Eugene-Springfield Metropolitan Area General Plan (<i>Metro Plan</i>) to adopt the Springfield 2030 UGB amendment; assign plan designations and zoning to newly urbanizable lands; adopt Springfield 2030 Comprehensive Plan Economic and Urbanization policy elements and implementing zoning to establish Springfield's employment land supply for the planning period 2010-2030. Metro Plan Type II Amendment	Procedure Type: This proposal contains an amendment of the UGB by a city with a population of 2,500 or more that adds more than 50 acres. Pursuant to ORS 197.626 (1)(b), OAR 660-024-0080, OAR 660-025-0175, and ORS 197.610 reviewed by LCDC OAR 660-025-0175 (1)(b), the 2030 Plan amendments are submitted to the Department and Commission for review for compliance with the applicable statewide planning goals, statutes and rules. The proposal was initiated on December 31, 2009 and was prepared to address the requirements of the applicable statutes and rules in effect at that time, including <ul style="list-style-type: none"> • ORS 197.298 • HB 4126 • Goal 14 ef. April 28, 2006 OAR 660-015-0000(14) • Division 24 Urban Growth Boundaries cert. ef. 4-16-09 TYP 413-00007 (Agriculture Zoning District) was initiated on November 14, 2013

I. Nature of the Plan Amendment Request

The City of Springfield and Lane County seek approval of Springfield's evaluation of employment land needs for the planning period 2010-2030. ORS 197.304 (HB 3337) required the establishment of separate Urban Growth Boundaries (UGBs) for Eugene and Springfield and was the impetus for initiating Springfield's 2030 comprehensive planning work. Springfield's current UGB was acknowledged in 2011 to provide land to meet the city's housing needs for the planning period. All of Springfield's 2010-2030 residential growth needs were met without expanding the UGB — through re-designation of land in the Glenwood redevelopment area and other efficiency measures.

The proposed Springfield-Lane County 2030 Plan Amendments include the following actions:

- Adopt Exhibit B Springfield 2030 Comprehensive Plan Economic Element and its Technical Supplement — the Springfield Commercial and Industrial Buildable Lands Inventory and Economic Opportunities Analysis (CIBL/EOA) — as Springfield’s comprehensive plan in compliance with Statewide Planning Goal 9, Economic Development. The Economic Element contains city-specific goals, policies, implementation measures and findings to address Springfield’s land needs for economic development and employment growth for the 2010-2030 planning period, replacing *Metro Plan* Economic Element policies applicable to lands within Springfield’s jurisdictional area;
- Adopt Exhibit C-1 Springfield 2030 Comprehensive Plan Urbanization Element as Springfield’s comprehensive plan in compliance with Statewide Planning Goal 14, Urbanization. The Urbanization Element contains Springfield’s city-specific goals, policies, implementation measures and findings to address land needs for the planning period 2010-2030, replacing *Metro Plan* Urbanization and Growth Management policies applicable to lands within Springfield’s jurisdictional area;
- Adopt Exhibit C-1 and C-2 amending Springfield Urban Growth Boundary (UGB),¹ Springfield UGB map and UGB Technical Supplement depicting and describing the UGB. Amend Metro Plan Boundary to be coterminous with the UGB. (Lane County will amend the Lane County Rural Comprehensive Plan (RCP) boundary to be coterminous with the UGB and Metro Plan Boundary to reflect the boundary change.)
 - Expands the Springfield UGB to add approximately 257 suitable acres of employment land on 273 gross acres in two expansion areas – North Gateway and Mill Race.
 - Expands the Springfield UGB to include approximately 455 acres of existing public land, parks and open space.
- Adopt Exhibit D amending Metro Plan text:
 - Amend Chapter II, Section C Metro Plan Growth Management Goals, Findings, and Policies to add the following paragraph: “Sub-chapter II-C no longer applies to Springfield. In 2016, the City of Springfield and Lane County adopted the Springfield 2030 Comprehensive Plan Urbanization Element, Ordinance No. XXXX and Lane County Ordinance No. XXXX, as Springfield’s comprehensive plan in compliance with Statewide Planning Goal 14, Urbanization. The Urbanization

¹ All references in this report to amendment of “Springfield UGB”, “UGB amendments” or “UGB expansion” also reference concurrent amendments to the Metro Plan boundary and Lane Rural Comprehensive Plan Boundary to be coterminous with the amended Springfield UGB.

Element contains Springfield’s city-specific goals, policies, implementation measures and findings to address land needs for the planning period 2010-2030.”

- Amend Chapter II, Section E Metro Plan Urban and Urbanizable Land to add the following paragraph: “Sub-chapter II-E no longer applies to Springfield. In 2016, the City of Springfield and Lane County adopted the Springfield 2030 Comprehensive Plan Urbanization Element, Ordinance No. XXXX and Lane County Ordinance No. XXXX, as Springfield’s comprehensive plan in compliance with Statewide Planning Goal 14, Urbanization. The Urbanization Element contains Springfield’s city-specific goals, policies, implementation measures and findings to address land needs for the planning period 2010-2030.”
 - Amend Metro Plan Chapter III, Section B Metro Plan Economic Element to add the following paragraph: “Sub-chapter III-B no longer applies to Springfield. In 2016, the City of Springfield and Lane County adopted the Springfield 2030 Comprehensive Plan Economic Element, Ordinance No. XXXX and Lane County Ordinance No. XXXX, as Springfield’s comprehensive plan in compliance with Statewide Planning Goal 9, Economic Development. The Economic Element contains city-specific goals, policies, implementation measures and findings to address Springfield’s land needs for economic development and employment growth for the 2010-2030 planning period.”
 - Amend Metro Plan Chapter II, Section G Land Use Designations to add a new land use designation applicable to Springfield’s jurisdictional area of responsibility — the Urban Holding Area-Employment (UHA-E) plan designation;
 - Amend Metro Plan Chapter II, Section G. Metro Plan Land Use Special Heavy Industrial designation page II-G-8 to delete the Springfield-specific reference to the Natron Special Heavy Industrial (SHI) site; and
 - Amend Metro Plan Chapter II, Section G, footnote 7, to add a reference to the subject UGB amendment ordinance.
- Adopt Exhibit A amending Metro Plan Diagram² to assign Metro Plan designations to lands added to the UGB:

² The Metro Plan boundary, Lane Rural Comprehensive Plan boundary and Lane County plan and zoning maps are amended concurrently to reflect the amended UGB, plan and zoning designations shown in Exhibit A and C.

- Assign the “Urban Holding Area – Employment” (UHA-E) Metro plan designation to approximately 273 acres to meet Springfield’s long range employment land need for 7 employment sites on 223 suitable unconstrained acres;
- Assign the “Natural Resource” (NR) Metro plan designation to approximately 53 acres of land within the McKenzie River Floodway in the North Gateway area;
- Assign the “Public/Semi Public” (P/SP) Metro plan designation to approximately 455 acres of existing publicly-owned land, parks and open space.
- Adopt Exhibit E amending Springfield Development Code Chapter 3 Land Use Districts establishing Section 3.2-900 Agriculture—Urban Holding Area (AG) Zoning District to implement the Urban Holding Area – Employment plan designation and Natural Resource plan designation.
- Adopt Exhibit A-3 amending Springfield Zoning Map to assign Springfield zoning to lands added to UGB
 - Assign Agriculture—Urban Holding Area Zoning District to lands designated Urban Holding Area- Employment (UHA-E) and Natural Resource (NR);
 - Assign Public Land and Open Space (PLO) Zoning District to lands designated Public/Semi Public.

This proposal also requires concurrent actions by Lane County to amend the Lane County Rural Comprehensive Plan. These actions are addressed in Lane County’s staff report File No. XXXX

- Amend Lane County Rural Comprehensive Plan boundary to be coterminous with the UGB and Metro Plan Boundary to reflect the boundary change.
- Amend Lane County’s plan designation and zoning maps to reflect the 2030 Plan Metro Plan Diagram and Springfield Zoning Map amendments.

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The proposed 2030 Plan amendments (2030 Plan) implement ORS 197.707 *“to enhance economic development and opportunity for the benefit of all citizens”*; and the Land Conservation and Development Commission’s requirements for comprehensive plans pursuant to ORS 197.712: *“in carrying out statewide comprehensive land use planning, the provision of adequate opportunities for a variety of economic activities throughout the state is vital to the health, welfare and prosperity of all the people of the state.”*

The 2030 Plan addresses the comprehensive planning requirements in ORS 197.712(2)(a)-(d) by adopting city-specific comprehensive plan elements including: (a) the Springfield Commercial and Industrial Buildable Lands Inventory and Economic Opportunities Analysis — the required analysis of Springfield’s economic patterns, potentialities, strengths and deficiencies as they relate to state and national trends; (b) the Springfield 2030 Comprehensive Plan Economic Element — containing the City’s policies concerning the economic development opportunities in the community; (c) & (d) the Springfield 2030 Comprehensive Plan Urbanization Element — containing policies, UGB Amendment, plan designations and implementing land use regulations to provide for at least an adequate 20-year supply of sites and suitable sizes, types, locations and service levels for industrial and commercial uses consistent with plan policies. As allowed by ORS 197.712(2)(g)(B), the 2030 Plan proposes a modest change to the Springfield UGB to provide reasonable opportunities for urban commercial and industrial needs over time. The City’s findings under Goals 11, 12 and 14 address the required coordination with public facilities and transportation planning.

The 2030 Plan UGB amendment, plan policies, plan designations and land use regulations implement Goal 14 Urbanization by providing urbanizable³ land in the Springfield UGB designated for urban development needs — based on a demonstrated need for employment opportunities, livability, public facilities, parks and open space for the planning period 2010-2030. The 2030 Plan identifies Springfield's economic development objectives, provides public policies to support desired outcomes, and designates a 20-year supply of suitable employment land with specific site characteristics to meet identified needs. Prior to expanding the UGB, the City conducted the thorough and complete inventory and analysis required by Goal 9 administrative rules to demonstrate that all land needs cannot reasonably be accommodated on land already inside the UGB. [OAR 660-015-0000(14)]

II. Background

Requirements for land use planning within the Eugene-Springfield Metro area were established in 2007 when the Oregon Legislature adopted House Bill 3337. ORS 197.304 (Lane County accommodation of needed housing) established a mandate requiring Springfield to determine its population's 20-year need for housing separately from Eugene and to establish a Springfield Urban Growth Boundary (UGB) to designate land to meet housing needs. Although the text of ORS 197.304 refers only to the cities' accommodation of residential land needs, the requirement for separate UGBs carries with it the implicit need for the cities to independently plan for other land needs as well, including employment growth needs, as defined by Goal 9.

Evaluation of Land Needs for 2010-2030 Planning Period. As described above, the first step to begin this compliance process was to adopt separate population forecasts into the Metro Plan (acknowledged in 2010) in order to establish the 20-year population to be used in the 2030 Plan. In 2007, Springfield began concurrent land studies (Residential Land Study and Commercial and Industrial Lands Study) to evaluate Springfield's jurisdictional area of the Metro UGB for 2010-2030 housing and employment needs. The City commenced the Springfield 2030 Plan's planning period on year 2010 to 1) mesh seamlessly with the County's adopted coordinated population forecast period; 2) to meet the City's obligation to complete the housing inventory, analysis and determination before January 1, 2010, and 3) to closely coordinate Springfield's residential and commercial and industrial land inventories and analyses processes — that would serve as the factual bases for the Springfield UGB and respective Springfield 2030 Comprehensive Plan policy elements. The planning period 2010-2030 is consistent with the requirements of OAR 660-024-0040(2)(a) and (b).

³ Goal 14: ***“Urbanizable Land.*** *Land within urban growth boundaries shall be considered available for urban development consistent with plans for the provision of urban facilities and services. Comprehensive plans and implementing measures shall manage the use and division of urbanizable land to maintain its potential for planned urban development until appropriate public facilities and services are available or planned.* [OAR 660-015-0000(14)]

Initiation of Springfield 2030 Plan Post Acknowledgement Plan and UGB Amendments. The City and Lane County jointly submitted Notice of a Proposed Change to a Comprehensive Plan or Land Use Regulation as described in OAR 660-018-0020 and OAR 660-018-0021 concerning the evaluation or amendment of the Springfield UGB to DLCD on December 31, 2009. The first evidentiary hearing was conducted jointly by the Springfield and Lane County Planning Commissions beginning on February 17, 2010 and closing on May 4, 2010. The Notice was submitted to DLCD more than 45 days prior to the hearing.

Applicability of Division 24 Rule to Springfield UGB Amendment. In 2016 HB 4126 was enacted to allow cities like Springfield that had already initiated a UGB amendment, to continue to use the administrative rules in effect at the time of initiation. Also, subsequent to initiation of the amendment, and subsequent to the first evidentiary hearing on the amendments, the Oregon legislature adopted new rules to “clarify procedures and requirements of Goal 14 regarding a local government adoption or amendment of an urban growth boundary (UGB).” Those rules went into effect January 1, 2016 and included the following provision exempting cities who had initiated UGB amendments prior to that effective date.

HB 4126 states:

“Notwithstanding ORS 197A.320, a city outside of Metro that submitted to the Director of the Department of Land Conservation and Development, pursuant to ORS 197.610, a proposed change to an acknowledged comprehensive plan or a land use regulation that included an evaluation or an amendment of its urban growth boundary, or that received approval of a periodic review work program that included a work task to amend or evaluate its urban growth boundary pursuant to ORS 197.633, prior to January 1, 2016, but did not complete the evaluation or amendment of its urban growth boundary prior to January 1, 2016 may complete the evaluation or amendment pursuant to statutes and administrative rules in effect on June 30, 2013.”

OAR 660-024-0000(4) states:

“The rules in this division adopted on December 4, 2015, are effective January 1, 2016, except that a local government may choose to not apply the amendments to rules in this division adopted December 4, 2015 to a plan amendment concerning the amendment of a UGB, regardless of the date of that amendment, if the local government initiated the amendment of the UGB prior to January 1, 2016.”

OAR 660-024-0000 (3)(b) states:

“For purposes of this rule, “initiated” means that the local government either:

(A) Issued the public notice specified in OAR 660-018-0020 for the proposed plan amendment concerning the evaluation or amendment of the UGB; or

(B) Received LCDC approval of a periodic review work program that includes a work task to evaluate the UGB land supply or amend the UGB;

(c) A local government choice whether to apply this division must include the entire division and may not differ with respect to individual rules in the division.”

The City and Lane County initiated amendment of the UGB as described in OAR 660-024-000 (3)(b)(A) and as defined in OAR 660-018-0020 prior to January 1, 2016, thus the City may choose to not apply the amendments to rules in division 24 adopted December 4, 2015 to its plan amendment concerning the amendment of a UGB. The City chose to complete its UGB amendment process under the rules in effect prior to January 1, 2016.

2030 Plan Phased Adoption Process/ 2011 Acknowledgement of Springfield UGB and Goal 10 Housing Element (ORS 197.296). Given the complexity of actions involved in the 2030 Plan proposals and the need for timely compliance with ORS 197.304⁴, Springfield chose to phase adoption of the 2030 Plan amendments. On June 20, 2011, Springfield and Lane County co-adopted amendments to the Eugene-Springfield Metro Plan (Springfield Ordinance 6268, Lane County Ordinance PA 09-6018) — the Springfield 2030 Refinement Plan Residential Land Use and Housing Element and its Technical Supplement Residential Land Use and Housing Needs Analysis (RLHNA) and a separate Springfield Urban Growth Boundary pursuant to ORS 197.304 Lane County accommodation of needed housing. The amendments were acknowledged on August 9, 2011.⁵ Prior to that action, Springfield shared a UGB with Eugene.

Springfield’s 2010-2030 Residential Growth needs were met without expanding the UGB, by adopting residential land efficiency measures into the City’s Development Code and by redesignating land for High Density Residential (HDR) mixed-use purposes to meet the identified HDR deficit. Springfield’s current UGB is based on the adopted 20-year population forecast for the urban area described in OAR 660-024-0030. Springfield’s current UGB did not address employment land needs for the 2010-2030 planning period. The subject proposal seeks approval for its evaluation of land needed for employment.

Ila. Procedural Requirements for Processing UGB Amendments

The following section of this report demonstrates compliance with the applicable procedural requirements.

⁴ The adoption of the Springfield UGB pursuant to ORS 197.304(1)(a), and a Buildable Land Inventory and Housing Needs Analysis pursuant to ORS 197.304(1)(b), came under the “notwithstanding clause” of ORS 197.304(1), which provides:

“Notwithstanding an intergovernmental agreement pursuant to ORS 190.003 to 190.130 or acknowledged comprehensive plan provisions to the contrary, [Springfield] shall meet its obligation under ORS 197.295 to 197.314 separately from any other city within Lane County.”

⁵ DLCD Notice of Adopted Amendment, DLCD File Number 012-09, July 5, 2011.

ORS 197.626(1)(b) LCDC Review Required for UGB Amendments

(1) A local government shall submit for review and the Land Conservation and Development Commission shall review the following final land use decisions in the manner provided for review of a work task under ORS 197.633 (Two phases of periodic review):

(b) An amendment of an urban growth boundary by a city with a population of 2,500 or more within its urban growth boundary that adds more than 50 acres to the area within the urban growth boundary;

Springfield — a city with a population of 2,500 or more — submitted a land use proposal that adds 792.5 acres — more than 50 acres — to the area within the urban growth boundary. Therefore, the UGB amendment is subject to ORS 197.626 (1)(b) and reviewed by LCDC. A final order of the commission under this section may be appealed to the Court of Appeals in the manner described in ORS [197.650 \(Appeal to Court of Appeals\)](#) and [197.651 \(Appeal to Court of Appeals for judicial review of final order of Land Conservation and Development Commission\)](#).

OAR 660-024-0080 LCDC Review Required for UGB Amendments

“A metropolitan service district that amends its UGB to include more than 100 acres, or a city with a population of 2,500 or more within its UGB that amends the UGB to include more than 50 acres shall submit the amendment to the Commission in the manner provided for periodic review under ORS 197.628 to 197.650 and OAR 660-025-0175.”

Springfield’s proposal is a post-acknowledgement plan amendment of the Eugene-Springfield Metropolitan Area General Plan that is “reviewed in the manner of periodic review” because it includes a UGB amendment larger than 50 acres. Springfield and Eugene staff met with former DLCD Director Richard Whitman and DLCD staff several times between 2009 and 2010 to discuss how the cities would respond to the ORS 197.304 mandate to adopt separate urban growth boundaries and to confirm the Department’s acceptance of the approach to be taken by both cities to establish and amend UGBs, consistent with each city’s jurisdictional area of responsibility as specified in the acknowledged Metro Plan. Between 2013 and 2015 City planning staff met with DLCD staff to confirm that submittal of the subject proposal is not subject to periodic review work task submittal requirements and provisions of the statutes or administrative rules applicable only to the periodic review process.

660-025-0175 Review of UGB Amendments and Urban Reserve Area Designations

“(1) A local government must submit the following land use decisions to the department for review for compliance with the applicable statewide planning goals, statutes and rules in the manner provided for review of a work task under ORS 197.633:

(b) An amendment of an urban growth boundary by a city with a population of 2,500 or more within its urban growth boundary that adds more than 50 acres to the area within the urban growth boundary;

(2) The standards and procedures in this rule govern the local government process and submittal, and department and commission review.

(3) The local government must provide notice of the proposed amendment according to the procedures and requirements for post-acknowledgement plan amendments in ORS 197.610 and OAR 660-018-0020.

(4) The local government must submit its final decision amending its urban growth boundary, or designating urban reserve areas, to the department according to all the requirements for a work task submittal in OAR 660-025-0130 and 660-025-0140.

(5) Department and commission review and decision on the submittal from the local government must follow the procedures and requirements for review and decision of a work task submittal in OAR 660-025-0085, and 660-025-0140 to 660-025-0160.”

The Springfield 2030 Plan proposal contains an amendment of the UGB by a city with a population of 2,500 or more that adds more than 50 acres. Pursuant to OAR 660-025-0175, the UGB Amendment proposal is submitted to the Department and Commission for review for compliance with the applicable statewide planning goals, statutes and rules in the manner provided for review of UGB amendments.

ORS 197.610 Submission of proposed comprehensive plan or land use regulation changes to Department of Land Conservation and Development

“(1) Before a local government adopts a change, including additions and deletions, to an acknowledged comprehensive plan or a land use regulation, the local government shall submit the proposed change to the Director of the Department of Land Conservation and Development. The Land Conservation and Development Commission shall specify, by rule, the deadline for submitting proposed changes, but in all cases the proposed change must be submitted at least 20 days before the local government holds the first evidentiary hearing on adoption of the proposed change. The commission may not require a local government to submit the proposed change more than 35 days before the first evidentiary hearing.

(3) Submission of the proposed change must include all of the following materials:

- (a) The text of the proposed change to the comprehensive plan or land use regulation implementing the plan;*
- (b) If a comprehensive plan map or zoning map is created or altered by the proposed change, a copy of the map that is created or altered;*
- (c) A brief narrative summary of the proposed change and any supplemental information that the local government believes may be useful to inform the director or members of the public of the effect of the proposed change;*
- (d) The date set for the first evidentiary hearing;”*

Springfield’s proposal includes comprehensive plan and land use regulation changes that are amendments to the acknowledged Eugene–Springfield Metro Plan, therefore the post-acknowledgement procedures of ORS 197.610 are applicable.

660-018-0020 Notice of a Proposed Change to a Comprehensive Plan or Land Use Regulation

- “(1) Before a local government adopts a change to an acknowledged comprehensive plan or a land use regulation, unless circumstances described in OAR 660-018-0022 apply, the local government shall submit the proposed change to the department, including the information described in section (2) of this rule. The local government must submit the proposed change to the director at the department’s Salem office at least 35 days before holding the first evidentiary hearing on adoption of the proposed change.*
- (2) The submittal must include applicable forms provided by the department, be in a format acceptable to the department, and include all of the following materials:*
 - (a) The text of the proposed change to the comprehensive plan or land use regulation implementing the plan, as provided in section (3) of this rule;*
 - (b) If a comprehensive plan map or zoning map is created or altered by the proposed change, a copy of the relevant portion of the map that is created or altered;*
 - (c) A brief narrative summary of the proposed change and any supplemental information that the local government believes may be useful to inform the director and members of the public of the effect of the proposed change;*
 - (d) The date set for the first evidentiary hearing;*
 - (e) The notice or a draft of the notice required under ORS 197.763 regarding a quasi-judicial land use hearing, if applicable; and*
 - (f) Any staff report on the proposed change or information that describes when the staff report will be available and how a copy may be obtained.*
- (3) The proposed text submitted to comply with subsection (2)(a) of this rule must include all of the proposed wording to be added to or deleted from the acknowledged plan or land use regulations. A general description of the proposal or its purpose, by itself, is not sufficient. For map changes, the material submitted to comply with Subsection (2)(b) must include a graphic depiction of the change; a legal description, tax*

account number, address or similar general description, by itself, is not sufficient. If a goal exception is proposed, the submittal must include the proposed wording of the exception.

(4) If a local government proposes a change to an acknowledged comprehensive plan or a land use regulation solely for the purpose of conforming the plan and regulations to new requirements in a land use statute, statewide land use planning goal, or a rule implementing the statutes or goals, the local government may adopt such a change without holding a public hearing, notwithstanding contrary provisions of state and local law, provided:

(a) The local government provides notice to the department of the proposed change identifying it as a change described under this section, and includes the materials described in section (2) of this rule, 35 days before the proposed change is adopted by the local government, and

(b) The department confirms in writing prior to the adoption of the change that the only effect of the proposed change is to conform the comprehensive plan or the land use regulations to the new requirements.

(5) For purposes of computation of time for the 35-day notice under this rule and OAR 660-018-0035(1)(c), the proposed change is considered to have been “submitted” on the day that paper copies or an electronic file of the applicable notice forms and other documents required by section (2) this rule are received or, if mailed, on the date of mailing. The materials must be mailed to or received by the department at its Salem office.”

Notice of the proposed 2030 Plan amendments was initially submitted to DLCD on December 31, 2009. The first evidentiary hearing was conducted jointly by the Springfield and Lane County Planning Commissions February 17-May 4, 2010.

Notice of the proposed AG Zone development code amendment (Ordinance Exhibit E) to implement 2030 Plan policies was submitted to DLCD on November 15, 2013. The first evidentiary hearing on the AG Zone was conducted by the Springfield Planning Commission on December 18, 2013. The Commission ordered a recommendation of approval to the Springfield City Council and Lane County Board, signed December 18, 2013.⁶

In addition to the applicable forms, the submittal included the text of the proposed wording of 2030 Plan Economic and Urbanization Element text; maps graphically depicting the proposed UGB amendment; proposed wording of AG zone land use regulations; the date set for the hearing; and description of the proposed change or information describing when the staff report would be available and how a copy could be obtained.

The City and Lane County submitted a revised Form 2 Notice of a Proposed Change to a Comprehensive Plan or Land Use Regulation to DLCD on date July x, 2016. EXHIBIT X

⁶ Springfield File No. TYP413-00007

In addition to the applicable forms, the revised submittal included the text of the proposed wording of 2030 Plan Economic and Urbanization Element text; proposed wording of Metro Plan text amendments; maps graphically depicting the proposed UGB amendment, Metro Plan designations and zoning map amendments; proposed wording of AG zone land use regulations; the date set for the final hearing; Exhibit F staff report describing the proposal and draft findings. The notice contained information describing when the staff report will be available and how a copy may be obtained.

The public hearings were conducted jointly by the Springfield City Council and Lane County Board of Commissioners on September 12, 2016 and [REDACTED], 2016. Local decision dates: X and X.

Description of public hearing procedure here after completion of the local adoption proceedings and closing of the record.

The City and Lane County submitted the Form 4 Notice of Adopted Change to an Urban Growth Boundary to DLCD on [REDACTED], 2016, after the amendment was adopted by the City of Springfield and Lane County. Both ordinances were attached to DLCD Form 4. EXHIBIT X AND X

The local record compiled after completion of the local adoption proceedings and closing of the record exceeds 2,000 pages. The submittal includes a detailed index listing all items in the local record and indicating whether or not the item is included in the submittal. EXHIBIT X

As required under OAR 660-025-0130, all items in the local record are made available for public review during the period for submitting objections under OAR 660-025-0140. The director or commission may require a local government to submit any materials from the local record not included in the initial submittal.

On date X, 2016, the City mailed notice of the decision to a list of persons who participated in local hearings or requested notice of final decision in writing. The mailed notice used sample text provided for local government notice on page 3 of DLCD Form 4 "Sample Notice to Local Parties", and included the content required by OAR 660-025-0140. EXHIBIT X

The submittal includes a list of persons who participated in local hearings or requested notice of final decision in writing. EXHIBIT X

On date X, the City and Lane County submitted the Form 4 Notice of Adopted Change to an Urban Growth Boundary that includes all materials listed on the Form 4 checklist, in compliance with OAR 660-025-0130.

Conclusion. The City and Lane County provided notice of the proposed UGB amendment according to the applicable procedures and requirements for UGB and comprehensive plan amendments.

IIb. Procedural Requirements for Processing City-specific Metro Plan Amendments

Procedural requirements for processing *Metro Plan* amendments are described in *Metro Plan* Chapter IV. The amendment procedures found in Chapter IV are implemented through each jurisdiction's local land use codes. Sections 5.2-115 Notice, 5.14-135 and 5.14-140 of the Springfield Development Code and Lane Code Sections 12.205 through 12.225 contain the amendment procedures and policies found in Chapter IV of the *Metro Plan*. Section 5.14-135 of the Springfield Development Code and Section 12.225 of the Lane Code have the same *Metro Plan* amendment criteria; consistency with the applicable Statewide Planning Goals and the proposed amendment cannot make the *Metro Plan* internally inconsistent. This staff report demonstrates that the Springfield UGB Amendment and 2030 Comprehensive Plan economic and urbanization policy elements are consistent with the applicable criteria by addressing the applicable Statewide Planning Goals.

Page iii of the Preface to the *Metro Plan* explains how Springfield, Eugene and Lane County are pursuing separate city specific comprehensive plans in order to comply with ORS 197.304. As each city develops its own city specific comprehensive plan, the *Metro Plan* will be amended several times to reflect the evolving extent to which it continues to apply to each jurisdiction. When Eugene or Springfield adopts a city-specific plan to independently address a planning responsibility that was previously addressed on a regional basis in the Metro Plan, that city will also amend the *Metro Plan* to specify which particular provisions of the Metro Plan will cease to apply within that city.

The Springfield UGB amendment and accompanying economic and urbanization elements do not make the Metro Plan internally inconsistent because this amendment also includes *Metro Plan* text amendments that inform the reader when a specific section of the Metro Plan no longer applies to Springfield because it has adopted a city specific comprehensive plan provision addressing that issue. Therefore, the Springfield UGB amendment is consistent with the *Metro Plan* amendment criteria set out in the Springfield Development Code and Lane Code that requires Metro Plan amendments to not make the *Metro Plan* internally inconsistent.

Metro Plan amended to enable Springfield and Eugene comprehensive planning. In 2014, the *Eugene-Springfield Metropolitan Area General Plan (Metro Plan)* text was amended to allow Metro jurisdictions the autonomy to make city-specific planning decisions. The amendments provide policy support for the ORS 197.304 mandate enabling Springfield and Eugene to take separate comprehensive planning actions to co-adopt (with Lane County) their respective Urban Growth Boundaries, land need determinations, comprehensive plan designations and policies. The "*Metro Plan* Enabling Amendments" were adopted by all three jurisdictions (Local file numbers Eugene: MA 14-2, Springfield: TYP414-00005, Lane Co: PA1313) and acknowledged by DLCD on December 5, 2014.

The amendments were prepared by the three Metro Plan partner jurisdictions in anticipation that Springfield and Eugene will eventually have their own city-specific comprehensive plans to address the aspects of land use planning that the cities conduct independently of one another (e.g. residential and employment land studies and policies). To support achievement of that those ends, the *Metro Plan* as revised in 2014 sets forth procedures for adopting city-specific plan changes — including UGB amendments — such as the subject proposal.

As required by Metro Plan IV-2, Policy 3, “A proposed amendment to the Metro Plan shall be classified as a Type I, Type II or Type III amendment depending upon the number of governing bodies required to approve the decision.” The subject amendment of the Metro Plan is processed as a Type II Amendment requiring approval by Springfield and Lane County, as described in Metro Plan page IV-2, Policy 5A and b:

“A Type II Amendment requires approval by two governing bodies. The governing bodies in a Type II are the home city and Lane County. Eugene is the home city for amendments west of I-5, and Springfield is the home city for amendments east of I-5:

a. Type II Diagram Amendments include:

- i. Amendments to the Metro Plan Diagram for the area between a city limit and the Plan Boundary;*
- ii. A UGB or Metro Plan Boundary amendment east or west of I-5 that is not described as a Type III amendment.*

b. Type II Text Amendments include:

- i. Amendments that are non site specific and apply only to Lane County and one of the cities;⁷*
- ii. Amendments that have a site specific application between a city limit of the home city and the Plan Boundary;”*

The subject 2030 Plan amendments to the Metro Plan include Type II diagram amendments (UGB and Metro Plan Boundary, plan designations) applicable to lands east of I-5 and text amendments applicable only to lands east of I-5.

As documented in the local record, and consistent with Sections 5.2-115 Notice, 5.14-135 and 5.14-140 of the Springfield Development Code and Lane Code Sections 12.205 through 12.225, the City initiated the amendment jointly with Lane County and notified all three governing bodies of the amendment, as required in Metro Plan IV-4, 8a. The Springfield and Lane County Planning Commissions conducted a

⁷ This includes an amendment to *Metro Plan* to specify that a particular provision does not apply within the UGB on one side of I-5, or within the Metro Plan boundary on one side of I-5, as may be the case as Eugene and Springfield consider a regional planning program that includes the adoption of city-specific comprehensive plans to address some of the land use issues that have historically been addressed in the *Metro Plan*.

joint public hearing and forwarded recommendations to their respective elected bodies as required in Metro Plan IV-4,7b. As provided in Metro Plan IV-4,10:

“...Until a city has adopted a city-specific comprehensive plan that explicitly supplants the relevant portion of the Metro Plan, that city’s refinement and functional plans must be consistent with the Metro Plan. After a city has adopted a city-specific comprehensive plan that explicitly supplants the relevant portion of the Metro Plan, that city’s refinement and functional plans must be consistent with its city-specific comprehensive plan (instead of the Metro Plan). In any case, should inconsistencies occur between the applicable comprehensive plan and a refinement or functional plan, the applicable comprehensive plan is the prevailing policy document.”

The Springfield 2030 Economic and Urbanization Elements, UGB and Metro Plan boundary amendments explicitly supplant the relevant and UGB portions of the Metro Plan as described in the subject Ordinance and in this report.

III. Applicable Statewide Planning Goals

OAR 660-015-0000

Statewide Planning Goals 1, 2, 5, 6, 7, 8, 9, 11, 12, 13, 14 and 15 are applicable to this request. Because the proposal amends the comprehensive plan to meet economic development objectives, draft findings demonstrating compliance with the Goal 9 (Economy) and Goal 14 (Urban growth boundaries) administrative rules are provided first, followed by findings for remaining applicable statewide planning goals and rules.

- **Goal 9 (Economy of the State)** applies to adoption of local economic studies such as the Springfield CIBL/EOA. The Land Conservation and Development Commission (LCDC) adopted the Economic Development administrative rule (OAR Chapter 660, Division 009) to interpret Goal 9 and ORS 197.712.
- **Goal 14 (Urbanization)** governs amendment to urban growth boundaries; the Urban Growth Boundaries administrative rule (OAR Chapter 660, Division 024) provides detailed guidance for making UGB amendments.
- **Goal 1 (Citizen Involvement) and Goal 2 (Land Use Planning)** are procedural goals that require citizen involvement in all phases of the planning process; an adequate factual base for considering alternatives courses of action; coordination among the city, county and state agencies; adoption of ultimate policy choices in the Comprehensive Plan; and consistency between the Comprehensive Plan and implementing land use regulations.
- **Goals 5 (Natural Resources), 7 (Natural Hazards), 8 (Parks and Recreation) and 15 (Willamette River Greenway)** require local governments to address wetland and riparian resource areas, regulate development within the flood plain, plan to meet park and recreational needs, and protect

the Willamette River Greenway. Wetland and riparian corridors identified in the National Local Wetland Inventory (LWI), Metro Natural Resources Study (Springfield Ordinance 6150, Lane County Ordinance PA1215) are accounted for in the suitable employment lands inventory. As noted in the Goal 5 section of this report, additional waterways and wetlands have been identified through this planning process and have been considered.

- **Goal 6 (Air, Water, and Land Resource Quality), Goal 11 (Public Facilities and Services), Goal 12 (Transportation) and Goal 13 (Energy Conservation) also apply.**
- **Goal 11 (Public Facilities and Services), Goal 12 (Transportation) and Goal 13 (Energy Conservation) also apply.** Goal 12 is implemented by the Transportation Planning Rule (OAR Chapter 660, Division 012).

Springfield's current UGB — acknowledged in 2011 — provides land to accommodate the housing needs of the projected 2010-2030 population. The proposal does not affect the residential buildable lands inventory acknowledged in 2011. No re-designation of residential land is proposed in this action. All designated residential land in the current UGB is needed to accommodate the housing needs of projected 2010-2030 population. Springfield's current proposal does not require the application of a statewide planning goal relating to buildable lands for residential use. Therefore, Goal 10 is not applicable to this proposal.

IV. Statewide Planning Goal 9: Economy of the State

OAR 660-015-0000(9)

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

The City's 2030 Plan Amendments adopt the *City of Springfield 2030 Comprehensive Plan Economic Element* (2030 Economic Element) and its Technical Supplement — the *Springfield Commercial and Industrial Buildable Lands Inventory and Economic Opportunities Analysis Final Report* dated August 2015 (CIBL/EOA)— as Springfield's comprehensive plan in compliance with Statewide Planning Goal 9, Economic Development.

As required under Goal 9:

Comprehensive plans and policies shall contribute to a stable and healthy economy in all regions of the state. [OAR 660-015-0000(9)] (emphasis added)

OAR 660-009-0000 Intent and Purpose

Goal 9, as implemented through the Division 9 Administrative Rules, has the following intent and purpose:

The intent of the Land Conservation and Development Commission is to provide an adequate land supply for economic development and employment growth in Oregon. The intent of this division is to link planning for an adequate land supply to infrastructure planning, community involvement and coordination among local governments and the state. The purpose of this division is to implement Goal 9, Economy of the State (OAR 660-015-0000(9), and ORS 197.712(2)(a) to (d). This division responds to legislative direction to assure that comprehensive plans and land use regulations are updated to provide adequate opportunities for a variety of economic activities throughout the state (ORS 197.712(1)) and to assure that comprehensive plans are based on information about state and national economic trends (ORS 197.717(2)). [OAR 660-009—0000] (emphasis added)

The Springfield 2030 Comprehensive Plan Economic Element (2030 Economic Element) contains Springfield-specific goals, policies, and implementation measures to address Springfield’s land needs for economic development and employment growth for the 2010-2030 planning period. The 2030 Economic Element provides policy direction for updating and amending refinement plans, zoning, and development regulations to address the community’s commercial, industrial and other employment development needs.

The City’s 2030 Plan updates Springfield’s comprehensive plan and land use regulations to provide adequate opportunities for a variety of economic activities, based on information about state and national economic trends.⁸ The 2030 Plan provides an adequate land supply in coordination with Metro regional and local infrastructure and transportation planning.

Adoption and acknowledgement of the City’s 2030 Plan will support a stable and healthy economy in the Eugene-Springfield metro area region of the state⁹ by ensuring that Springfield’s land supply is planned efficiently to provide sites for employment growth, based on an inventory of the land supply and an Economic Opportunities Analysis consistent with the requirements of Goal 9 and the Goal 9 administrative rule OAR 660-009.

The 2030 Plan Economic Element will, upon its acknowledgement, establish the comprehensive plan policies and land use regulations applicable to lands within Springfield’s Urban Growth Boundary that are designated for commercial and industrial uses, replacing the existing, more general *Metro Plan* Chapter III, Section B Economic Element policies. The *Metro Plan* Chapter III, Section B Economic Element policies were prepared and acknowledged to address economic development at the Eugene-Springfield Metro area regional level, based on a regional factual basis, and prior to the Commission’s

⁸ ECONorthwest CIBL/EOA Final Report, August 2015, Appendix A, pages 99-138 summarizes national, state, county and local trends affecting Springfield. The appendix covers recent and current economic conditions and forecast from the State Employment Department for employment growth in Lane County.

⁹ About 40% of workers residing in Springfield commute to Eugene for work. While 1/3 of Springfield’s workforce lives in Springfield, Springfield is able to attract workers from Eugene and surrounding Lane County.

adoption of the Goal 9 Economic Opportunities Analysis requirements.¹⁰ The *Metro Plan* lists a single economic development goal:

“Broaden, improve, and diversify the metropolitan economy while maintaining or enhancing the environment.”

Springfield’s Economic Element planning goals, policies and implementation strategies affirm and implement this Metro Plan goal with an appropriate emphasis on maintaining and enhancing Springfield’s role, responsibility, and identity within the regional and state economies of which it is a part. The Economic Element also integrates the goals and strategies of the Regional Prosperity Economic Development Plan — approved by the Springfield, Eugene and Lane County Joint Elected Officials (JEO) in February 2010 — to acknowledge Springfield’s commitment to coordinating its land use policies with regional partners to advance creation of economic opportunities that are closely aligned with our region’s assets and values.

The 2030 Plan Economic Element lists seven Economic Development Planning Goals:

1. ***“Broaden, improve and diversify the state and regional economy, and the Springfield economy in particular, while maintaining or enhancing environmental quality and Springfield’s natural heritage.***
2. ***Support attainment of the Regional Prosperity Economic Development Plan goals for creating new metropolitan area jobs in the chosen economic opportunity areas, increasing the average annual wage and reducing unemployment.***
3. ***Strengthen and maintain strong, connected employment centers and economic corridors to support small, medium and large businesses.***
4. ***Establish, strengthen and maintain viable commercial centers to improve the community’s access to goods and services.***
5. ***Support the development of emerging economies guided by the following principles:***
 - a. ***Healthy Living—Champion businesses and entrepreneurs that promote a healthy, safe, and clean community while enhancing, protecting, and making wise use of natural resources.***
 - b. ***Ideas to Enterprise—Encourage a culture of entrepreneurship and re-investment into the local community.***
 - c. ***Regional Identity—Create a strong economic personality that celebrates our region’s attributes and values.***

¹⁰ LCDC adopted amendments to the Goal 9 administrative rule in December 2005.

- d. *Be Prepared—Contribute to development of the region’s physical, social, educational, and workforce infrastructure to meet the needs of tomorrow.*
 - e. *Local Resilience— Support businesses and entrepreneurs that lead the city and region to greater economic independence, innovation, and growth of the traded sector economies.*
6. *Encourage and facilitate community and stakeholder collaboration.*
7. *Make development decisions predictable, fair and cost-effective”*

Oregon Revised States addresses Economic Development in ORS 197.707 – 730.

ORS 197.712 (1) states:

“in carrying out statewide comprehensive land use planning, the provision of adequate opportunities for a variety of economic activities throughout the state is vital to the health, welfare and prosperity of all the people of the state.”

ORS 197.712 (2) states:

“By the adoption of new goals or rules, or the application, interpretation or amendment of existing goals or rules, the Land Conservation and Development Commission shall implement all of the following:

(a) Comprehensive plans shall include an analysis of the community’s economic patterns, potentialities, strengths and deficiencies as they relate to state and national trends.

(b) Comprehensive plans shall contain policies concerning the economic development opportunities in the community.

(c) Comprehensive plans and land use regulations shall provide for at least an adequate supply of sites of suitable sizes, types, locations and service levels for industrial and commercial uses consistent with plan policies.

(d) Comprehensive plans and land use regulations shall provide for compatible uses on or near sites zoned for specific industrial and commercial uses.”

ORS 197.717(2) states:

“(1) State agencies shall provide technical assistance to local governments in:

(a) Planning and zoning land adequate in amount, size, topography, transportation access and surrounding land use and public facilities for the special needs of various industrial and commercial uses;

(b) Developing public facility plans; and

(c) Streamlining local permit procedures.

(2) The Oregon Business Development Department shall provide a local government with “state and national trend” information to assist in compliance with ORS 197.712 (2)(a).”

To amend Springfield’s comprehensive plans and land use regulations to provide for *at least an adequate supply of sites of suitable sizes, types, locations and service levels for industrial and commercial uses consistent with plan policies*, City staff and consultant ECONorthwest requested technical assistance from state agencies including the Oregon Business Development Department (Business Oregon) to obtain “state and national trend” information to assist in compliance with ORS 197.712 (2)(a).”

The 2030 Plan proposal utilizes state and national trend information provided to the City of Springfield by the Oregon Business Development Department (Business Oregon).¹¹

As required by and consistent with the Division 9 administrative rule implementing Goal 9, ORS 197.712 (2)(a)-(d) and ORS 197.717(2), the proposal updates Springfield’s comprehensive plan and land use regulations to assure that 1) the City’s comprehensive plan includes an analysis of the community’s economic patterns, potentialities, strengths and deficiencies as they relate to state and national trends¹²; 2) the City’s comprehensive plan contains policies concerning the economic development opportunities in the community;¹³ 3) the City’s comprehensive plan and land use regulations shall provide for at least an adequate supply of sites of suitable sizes, types, locations and service levels for industrial and commercial uses consistent with plan policies;¹⁴ and 4) the City’s comprehensive plan and land use regulations¹⁵ provide for compatible uses on or near sites zoned for specific industrial and commercial uses.

The 2030 Plan proposal adopts the Springfield Commercial and Industrial Buildable Lands Inventory and Economic Opportunities Analysis Final Report, dated August 2015 (CIBL/EOA) into the comprehensive plan as the Technical Supplement of the Springfield 2030 Comprehensive Plan Economic Element.

OAR 660-015-0000(9)

¹¹ ECONorthwest, Springfield CIBL/EOA Final Report, August 2015, 107-108,170-174.

¹² ECONorthwest, Springfield CIBL/EOA Final Report, August 2015.

¹³ Springfield 2030 Comprehensive Plan Economic Element

¹⁴ Metro Plan Diagram, Springfield UGB, and Springfield Development Codes as amended through Springfield Ordinance [REDACTED] and Lane County Ordinance [REDACTED]

¹⁵ Springfield Development Codes as amended through Springfield Ordinance [REDACTED] and Lane County Ordinance [REDACTED]

“Comprehensive plans and policies shall contribute to a stable and healthy economy in all regions of the state.

Such plans shall be based on inventories of areas suitable for increased economic growth and activity after taking into consideration the health of the current economic base; materials and energy availability and cost; labor market factors; educational and technical training programs; availability of key public facilities; necessary support facilities; current market forces; location relative to markets; availability of renewable and non-renewable resources; availability of land; and pollution control requirements.”

The CIBL/EOA inventory and analysis document was prepared by the City’s primary consultant ECONorthwest as the factual base for the 2030 Plan Economic Element and Urbanization Element. As explained in CIBL/EOA Chapter 1, pp. 1-6, the CIBL/EOA was prepared to address the requirements of Goal 9 and Division 9. The CIBL/EOA includes an inventory of land¹⁶, an Economic Opportunities Analysis (EOA) and an economic development strategy (Appendix D). As supported by evidence in the record, the City involved the community in its process to plan for an adequate land supply for economic development as it developed the CIBL/EOA, the economic development strategy and the 2030 Economic Element goals, policies, implementation measures. As supported by evidence in the record and in this report, the 2030 Plan is based on an inventory of areas suitable for increased economic growth and activity after taking into consideration the need to improve the health of the current economic base;¹⁷ after consideration of materials and energy availability and cost;¹⁸ after consideration of labor market factors, educational and technical training programs;¹⁹ after consideration of the availability of key public facilities and necessary support facilities;²⁰ after consideration of current market forces;²¹ after consideration of location relative to markets;²² after consideration of availability of renewable and non-renewable resources;²³ after considering availability of land;²⁴ and after considering pollution control requirements.²⁵

The health of the current Springfield economic base needs improvement to increase wages. As described in CIBL/EOA page 113, income in Lane County and Springfield has historically been lower than the State or national averages. Lane County’s median household income in 2006 was \$42,127 compared with \$46,230 for Oregon and the national average of \$48,451. The median household income in Springfield in 1999 was \$33,031 or 89% of the County average of \$36,942. The average pay per employee in Lane County in 2006 was \$33,240. Additional data compiled by the 2013 Lane Livability

¹⁶ CIBL/EOA, pp. 17-39

¹⁷ CIBL/EOA Final report, Chapter 3, pp. 43-54; Appendix A, pp. 110-117; Appendix B & C pp. 139-170

¹⁸ CIBL/EOA Final report, Chapter 3, pp. 54-58.

¹⁹ CIBL/EOA Final report, Appendix B pp. 146-152.

²⁰ Ibid, pp. 142-146, and City’s Public Facilities Analyses under Goal 14

²¹ Ibid, Chapter 3, 4, Appendices A, B and C

²² Ibid, pp. 54-69

²³ Ibid, pp. 101-109

²⁴ Ibid, Chapter 2, pp. 5-41

²⁵ See City’s findings under Goal 14 Location Factors, page xxxx and Public Facilities Analyses, pp. XXXX

Consortium's *Equity and Opportunity Assessment* (work task of the Central Lane MPO HUD Sustainable Communities grant) to explain the need to increase wages in Springfield is provided in the record.²⁶

The economic sectors with above average pay and high employment were: Construction, Manufacturing, Government, and Health and Social Services. The sectors with below average pay and high employment were: Retail, Accommodations and Food Services, and Administration and Support and Waste Management.

The types of industries that Springfield wants to attract to meet its economic development objectives are: high-wage, stable jobs with benefits; jobs requiring skilled and unskilled labor; employers in a range of industries that will contribute to a diverse economy; and industries that are compatible with Springfield's community values.

ORS 197 includes provisions recognizing the fact that industrial development that provides above-average wages and employs a skilled workforce is of significance to the economic recovery of the State of Oregon.²⁷

It is the City's responsibility under Oregon law to designate land and adopt policies that will support creation of more and better economic opportunities for Springfield's citizens. The 2030 Plan considers the health of the current economic base by focusing on target industries that are well matched with the region's work force and existing employment clusters *and* industries that have higher than average wages.

The 2030 Plan maintains existing employment and commerce areas that are affordable places to start up and run locally operated small businesses (Main Street Corridor, Downtown, Mohawk), as shown in CIBL/EOA Map 2-1 areas designated for employment and commerce.

The 2030 Plan supports intensification of development and redevelopment in key areas of the City that are currently served with infrastructure (Downtown, Gateway, Mohawk, Main Street Corridor, or are immediately adjacent to existing infrastructure, transportation systems and urban services (Glenwood, North Gateway and Mill Race UGB expansion areas).

The 2030 Plan recognizes the importance of larger sites in the City's land inventory to meet the needs of target industries that have higher average wages.

The 2030 Plan considers the health of the current economic base by expanding the UGB to provide several large sites immediately adjacent to one of the City's most successful existing economic districts: Gateway/International Way.

²⁶ Livability Lane Maps, Equity & Opportunity Assessment, Part A Income & Poverty; Part B and C Socio demographic Conditions for Poverty in Latino and Minority Households; Part D Renter Households with Cost Burden; Part E Affordable Housing Access; Part F Free and Reduced Lunch Recipients; and Part G Jobs Accessible by Transit in 30 minutes, 2013.

²⁷ **Note:** Sections 1, 2, 3, 4, 5, 12 and 13, chapter 564, Oregon Laws 2011

The 2030 Plan considers the health of the current economic base by expanding the UGB to provide several large sites located in Mid-Springfield (Mill Race) that are immediately adjacent to an existing industrial district and nearby natural and recreational amenities.

The CIBL/EOA and 2030 Plan identify target industries that are matched with local resources, water, and electricity. The City's CIBL/EOA and Economic Element policies, and UGB amendment provide local employment opportunities in proximity to Springfield residents, and thus reduce vehicle miles travelled from home to work. Implementation of the City's 2030 Employment Growth Concept will increase the number and diversity of jobs within existing and planned centers, districts and corridors that are accessible to and from the regions' Frequent Transit Network, and in employment centers with proximate access to the I-5 freeway, OR 126 and rail freight corridors, thus reducing energy consumption associated with transportation. By providing more local retail and office commercial opportunities in Springfield, Springfield residents will be less likely to drive outside the area to meet these needs. By providing more employment opportunities in Springfield, residents will be closer to work and more likely to take transit, bicycle or walk to work, thus reducing household transportation cost burden and reducing energy consumption.

Chapter 5 of the CIBL/EOA discusses how materials and energy availability (pp. 102-105) and cost and buying power of markets (CIBL/EOA p. 55, and Appendix B, Table B-1, page 141) are considered. Chapter 3 (pp. 44-51, 57, 142-151) provides discussion of labor market factors, and workforce education opportunities. Availability of key public facilities and necessary support facilities is described in CIBL/EOA pp. 55-56, 142-151 and 129 Business clusters. Appendix A (p. 99-138) and Appendix B (p. 139) addresses trends, shifts in the economy and current market forces. Chapter 3, p 54-58 describes Springfield's location relative to markets. Availability of renewable and non-renewable resources is discussed p. 101-109, and 145 (water).

Availability of land is described in detail in the inventory (pp. 8-43); in the land demand analysis (pp. 59-98); and in the City's assumptions about redevelopment capacity of developed land (pp. 27-39, and 77-81) to accommodate growth through redevelopment.

The 2030 Plan is based on inventories of areas suitable for increased economic growth and activity after taking into consideration pollution control requirements. The *Metro Plan* Environmental Element addresses pollution control. Springfield provides Environmental Services programs to meet our federal and state water quality permit requirements and MWMC wastewater treatment standards. The Springfield Development Code provides protective measures for Water Quality Limited Waterways and requires pretreatment of all stormwater from development. The City is moving away from heavy industry in environmentally sensitive areas and has policies and EPA grant-funded programs in place to assist with brownfield assessment. The City Development Code has a Drinking Water Protection Overlay District to protect groundwater source areas, and Campus Industrial special standards to address pollution controls.

The 2030 Plan is based on inventories of areas suitable for increased economic growth and activity after taking into consideration the health of the current economic base; materials and energy availability and

cost; labor market factors; educational and technical training programs; availability of key public facilities; necessary support facilities; current market forces; location relative to markets; availability of renewable and non-renewable resources; availability of land; and pollution control requirements.

The referenced documents provide evidence that each factor of OAR 660-015-0000(9) was carefully considered in the City's analysis of employment land needs, its economic development vision, its policy choices, and its selection of practical and realistic implementation economic development strategies.

As stated in the CIBL/EOA p. ii-iv, the economic development strategy for Springfield can be summarized as follows:

- (1) Facilitate the redevelopment of Downtown Springfield and Glenwood through strategic infrastructure and other investments from programs such as urban renewal and planning for redevelopment.
- (2) Provide sites with a variety of site characteristics to meet both commercial and industrial economic opportunities, including providing sites that are available for relatively fast development. This includes providing large sites for major employers.
- (3) Use land within the existing urban growth boundary efficiently, through promoting redevelopment, infill development, and dense development in nodal areas. The study assumes that 46% of new employment would not require vacant land.
- (4) Provide infrastructure efficiently and fairly by coordinating capital improvement planning with economic development planning.
- (5) Support and assist existing businesses within Springfield by assessing what help businesses need and developing programs to respond to business needs.
- (6) Attract and develop new businesses, especially those related to regional business clusters. The City would like to build on the developing health care cluster, promote development of high-tech businesses, and attract sustainable businesses.
- (7) Maintain flexibility in planning through providing efficient planning services and developing flexible planning policies to respond to the changing needs of businesses.

CIBL/EOA Chapter 3 provides more detail on Springfield's comparative advantages and target industries; the Springfield Economic Development Strategy (included in Appendix D) articulates the City's economic development vision.

The 2030 Economic Element goals, policies and implementation strategies identify suitable areas for increased economic growth and activity in response to specific opportunities and challenges identified in the Springfield Commercial and Industrial Land Inventory and Economic Opportunities Analysis (CIBL/EOA). The goals, policies and implementation strategies of the 2030 Economic Element work with existing land use regulations, new land use regulations, and an amendment of the UGB to ensure that

an adequate supply of land is planned, designated and zoned to support employment and commerce for the 2010-2030 planning period.

The adopted 2030 Economic Element and Springfield Development Code regulations are consistent with the intent and purpose of Goal 9 [OAR 660-009-0000]

Goal 9 also states: *Comprehensive plans for urban areas shall:*

- “1. Include an analysis of the community's economic patterns, potentialities, strengths, and deficiencies as they relate to state and national trends;*
- 2. Contain policies concerning the economic development opportunities in the community;*
- 3. Provide for at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses consistent with plan policies;*
- 4. Limit uses on or near sites zoned for specific industrial and commercial uses to those which are compatible with proposed uses.”*

Springfield Commercial and Industrial Buildable Lands Inventory and Economic Opportunities Analysis (CIBL/EOA). The inventory and analysis fact base for the Springfield 2030 Comprehensive Plan is contained in the Springfield Commercial and Industrial Buildable Lands Inventory and Economic Opportunities Analysis (CIBL/EOA) adopted as a Technical Supplement to the 2030 Comprehensive Plan Economic Element. As explained in CIBL/EOA pp. 2-ECONorthwest prepared the Springfield EOA in compliance with the Goal 9 administrative rule (OAR Chapter 660, Division 009 – Economic Development). Suitable areas for increased economic growth and activity within the existing UGB and proposed amendment to the UGB were determined through a public planning process conducted 2008-2015 (fully documented in the record).

The Final CIBL/EOA Report (Chapter 2) includes an inventory of land suitable for increased economic growth and activity. After a thorough and complete analysis, the adopted 2015 Springfield CIBL/EOA identifies the number, acreage and characteristics of sites that will be needed during the 20-year planning period to attract targeted employment opportunities and to meet their operational requirements.

The 2030 Plan proposal adopts a comprehensive plan policy element that contains policies that identify economic development opportunities in the community — the Springfield 2030 Comprehensive Plan Economic Element.

The City's Springfield 2030 Comprehensive Plan amendments to the Eugene/Springfield Metro Plan address Statewide Planning Goal 9 through a two-prong economic development strategy: 1) increasing and diversifying Springfield's inventory of suitable sites for development within the current UGB by supporting and incentivizing economic activity and redevelopment in key growth centers and

corridors with public planning and infrastructure investments; and 2) increasing and diversifying Springfield's inventory of suitable sites for new larger scale economic development and employment uses through an expansion of the UGB.

The proposal includes 1) adoption and implementation of new comprehensive plan Urbanization and Economic Element policies; and 2) an amendment of the UGB to add several suitable large employment opportunity sites. Together, these 2030 Plan public actions will support economic growth and activity in Springfield by:

- increasing the inventory of suitable land planned for a range of mixed-use, commercial, industrial and other employment uses to meet the evolving needs of a 21st economy; and
- creating improved conditions and opportunities for the commercial, industrial and mixed-use development markets to act over the 20-year planning period.

Thus, approval of this proposal and subsequent implementation of Springfield 2030 Comprehensive Plan policies will contribute to a more stable and healthy economy in the Eugene-Springfield and Southern Willamette Valley regions and contribute to Oregon's economy and livability.

OAR 660-009-0000 Conclusion. The City's 2030 Plan amendments establish a land base to support economic development opportunities in the community in compliance with Goal 9, Economy of the State.

The following findings demonstrate compliance with the Goal 9 administrative rules.

OAR 660-009-0005 Definitions states:

"For purposes of this division, the definitions in ORS chapter 197 and the statewide planning goals apply, unless the context requires otherwise. In addition, the following definitions apply:

(1) "Developed Land" means non-vacant land that is likely to be redeveloped during the planning period.

(2) "Development Constraints" means factors that temporarily or permanently limit or prevent the use of land for economic development. Development constraints include, but are not limited to, wetlands, environmentally sensitive areas such as habitat, environmental contamination, slope, topography, cultural and archeological resources, infrastructure deficiencies, parcel fragmentation, or natural hazard areas.

(3) "Industrial Use" means employment activities generating income from the production, handling or distribution of goods. Industrial uses include, but are not limited to: manufacturing; assembly; fabrication; processing; storage; logistics; warehousing; importation; distribution and transshipment; and research and development. Industrial uses may have unique land, infrastructure, energy, and transportation requirements. Industrial uses may have external impacts on surrounding uses and may cluster in

traditional or new industrial areas where they are segregated from other non-industrial activities.

(4) "Locational Factors" means market factors that affect where a particular type of industrial or other employment use will locate. Locational factors include, but are not limited to, proximity to raw materials, supplies, labor, services, markets, or educational institutions; access to transportation and freight facilities such as rail, marine ports and airports, multimodal freight or transshipment facilities, and major transportation routes; and workforce factors (e.g., skill level, education, age distribution).

(5) "Metropolitan Planning Organization (MPO)" means an organization designated by the Governor to coordinate transportation planning on urban land of the state including such designations made subsequent to the adoption of this division. The Longview-Kelso-Rainier MPO is not considered an MPO for the purposes of this division. Cities with less than 2,500 population are not considered part of an MPO for purposes of this division.

(6) "Other Employment Use" means all non-industrial employment activities including the widest range of retail, wholesale, service, non-profit, business headquarters, administrative and governmental employment activities that are accommodated in retail, office and flexible building types. Other employment uses also include employment activities of an entity or organization that serves the medical, educational, social service, recreation and security needs of the community typically in large buildings or multi-building campuses.

(7) "Planning Area" means the area within an existing or proposed urban growth boundary. Cities and counties with urban growth management agreements must address the urban land governed by their respective plans as specified in the urban growth management agreement for the affected area.

(8) "Prime Industrial Land" means land suited for traded-sector industries as well as other industrial uses providing support to traded-sector industries. Prime industrial lands possess site characteristics that are difficult or impossible to replicate in the planning area or region. Prime industrial lands have necessary access to transportation and freight infrastructure, including, but not limited to, rail, marine ports and airports, multimodal freight or transshipment facilities, and major transportation routes. Traded-sector has the meaning provided in ORS 285B.280.

(9) "Serviceable" means the city or county has determined that public facilities and transportation facilities, as defined by OAR chapter 660, division 011 and division 012, currently have adequate capacity for development planned in the service area where the site is located or can be upgraded to have adequate capacity within the 20-year planning period.

(10) "Short-term Supply of Land" means suitable land that is ready for construction within one year of an application for a building permit or request for service extension. Engineering feasibility is sufficient to qualify land for the short-term supply of land. Funding availability is not required. "Competitive Short-term Supply" means the short-term supply of land provides a range of site sizes and locations to accommodate the market needs of a variety of industrial and other employment uses.

(11) "Site Characteristics" means the attributes of a site necessary for a particular industrial or other employment use to operate. Site characteristics include, but are not limited to, a minimum acreage or site configuration including shape and topography, visibility, specific types or levels of public facilities, services or energy infrastructure, or proximity to a particular transportation or freight facility such as rail, marine ports and airports, multimodal freight or transshipment facilities, and major transportation routes.

(12) "Suitable" means serviceable land designated for industrial or other employment use that provides, or can be expected to provide the appropriate site characteristics for the proposed use.

(13) "Total Land Supply" means the supply of land estimated to be adequate to accommodate industrial and other employment uses for a 20-year planning period. Total land supply includes the short-term supply of land as well as the remaining supply of lands considered suitable and serviceable for the industrial or other employment uses identified in a comprehensive plan. Total land supply includes both vacant and developed land.

(14) "Vacant Land" means a lot or parcel:

(a) Equal to or larger than one half-acre not currently containing permanent buildings or improvements; or

(b) Equal to or larger than five acres where less than one half-acre is occupied by permanent buildings or improvements."

City's definition of "vacant" assumes more development can occur on developed land.

The City's CIBL/EOA p.9, Table 2-2 explains the relationship between the definitions in OAR 660-009-0005 and how land was classified in the City's inventory by the City's consultant ECONorthwest. It is important to note that the definition of vacant land used in Springfield's analysis is more inclusive than what statewide planning policy requires. The implication of using a more inclusive definition is that more land was considered available in the inventory than would be if the state definitions were used.

Thus, the City's use of the more inclusive definition of "vacant" in the inventory assumes more development can occur on developed land. Use of this definition and application of this assumption to the land inventory was vetted through the City's public involvement process, contributes to land use efficiency, and reduces the overall commercial and industrial land need.

The inventory assigns only one land classification (e.g., vacant, developed, or potentially redevelopable) for each tax lot. Each tax lot in the UGB is classified into one of the following categories:

- *Vacant land.* Tax lots that have no structures or have buildings with very little value. For the purpose of this inventory, lands with improvement values under \$10,000²⁸ are considered vacant (not including lands that are identified as having mobile homes).²⁹ Note that this definition is considerably more inclusive than what is required by OAR 660-009-0005(14). It includes all lots or parcels that are less than one half-acre and did not automatically classify lots between 0.5 and 5.0 acres as developed if they had pre-existing development. Lots in that category were visually inspected to make a determination of whether they should be classified as developed or vacant. (emphasis added)
- *Developed land.* Land that is developed at densities consistent with current zoning/plan designation and improvements that make it unlikely to redevelop during the analysis period. Lands not classified as vacant, potentially redevelopable, or public are considered developed.³⁰ Note that OAR 660-009-0005(1) uses the following definition: (1) "Developed Land" means non-vacant land that is likely to be redeveloped during the planning period. This study defines developed land as developed and defines land "likely to be redeveloped" as potentially redevelopable. Thus, the definition of developed land used for the CIBL is different (e.g., more inclusive) than the definition in the administrative rule. For purposes of the CIBL, developed land is considered committed during the 20-year period and unavailable for redevelopment. (emphasis added)
- *Potentially Redevelopable land.* Land on which development has already occurred but on which, due to present or expected market forces, there exists the potential that existing development will be converted to more intensive uses during the planning period.³¹ While Springfield expects many buildings and sites of all types to be re-used, re-purposed, revitalized and renovated throughout the city over the planning period, for the purposes of analyzing the capacity of the land base to absorb a portion of employment growth, only redevelopment that increases capacity for accommodating additional employment is a factor in this analysis. Potentially redevelopable land is a subset of developed land that was

²⁸ Improvement values were from 2008 Lane County Assessment and Taxation data and reflect the County's estimate of the market value of improvements.

²⁹ Note that this definition is more inclusive than what statewide planning policy requires. OAR 660-009-0005(14) provides the following definition: "Vacant Land" means a lot or parcel: (a) Equal to or larger than one half-acre not currently containing permanent buildings or improvements; or (b) Equal to or larger than five acres where less than one half-acre is occupied by permanent buildings or improvements. The implication of using a more inclusive definition are that more land was considered available in the inventory than would be if the state definitions were used.

³⁰ Note that OAR 660-009-0005(1) uses the following definition: (1) "Developed Land" means non-vacant land that is likely to be redeveloped during the planning period. This study defines developed land as developed and defines land "likely to be redeveloped" as potentially redevelopable.

³¹ This definition is based on the definition in OAR 660-009-0005(1).

identified using improvement to land value ratios and building coverage ratios. For the purpose of the CIBL, “potentially redevelopable” land corresponds with the definition of “developed land” as stated in OAR 660-009-0005(1) as described in Table 2-2. The City’s study included a detailed evaluation of developed land to determine its redevelopment potential. Lands that were determined to be potentially redevelopable were classified as such. (emphasis added)

Table 2-2 Relationship between land classification definitions used in the Springfield EOA and definitions in OAR 660-009-0005.

Land classification in EOA	Definition used in EOA	Related definition in OAR 660-009-0005	Implications
Vacant Land	Tax lots that have no structures or have buildings with very little value. For the purpose of this inventory, lands with improvement values under \$10,000 are considered.	(14) "Vacant Land" means a lot or parcel: (a) Equal to or larger than one half-acre not currently containing permanent buildings or improvements; or (b) Equal to or larger than five acres where less than one half-acre is occupied by permanent buildings or improvements.	Springfield included more land in the inventory than required by rule. The Stakeholder Committee believed it would provide a more accurate estimate of Total Land Supply as defined by OAR 660-009-0005(13).
Developed Land	Land that is developed at densities consistent with current zoning/plan designation and improvements that make it unlikely to redevelop during the analysis period.	(1) "Developed Land" means non-vacant land that is likely to be redeveloped during the planning period. The EOA separates the definition of developed and potentially redevelopable land.	Springfield uses a standard definition of developed—that is that the land has improvements and is committed to those uses for the planning period. The rule does not include a definition of “developed” in the standard context
Potentially Redevelopable Land	Land on which development has already occurred but on which, due to present or expected market forces, there exists the potential that existing development will be converted to <u>more intensive uses</u> (providing additional employment capacity) during the planning period. ⁷	EOA uses term “developed land” differently than OAR definition of “developed land” as “non-vacant land that is likely to be redeveloped during the planning period.” Instead the EOA uses “potentially redevelopable” to classify non-vacant land that is likely to be redeveloped during the planning period.	This category corresponds to the definition used in OAR 660-009-0005(1)

The following findings address OAR 660-009-0015 (1) and related requirements in OAR 660-009-0015 (4).

Conclusion OAR 660-009-0005: The City’s CIBL/EOA complies with the definitions set out in the Goal 9 Administrative Rules and uses a more inclusive definition of ‘vacant land’ that results in including more land in the City’s developable land inventory inside the UGB.

IVa. Economic Opportunities Analysis

OAR 660-009-0015 Economic Opportunities Analysis states:

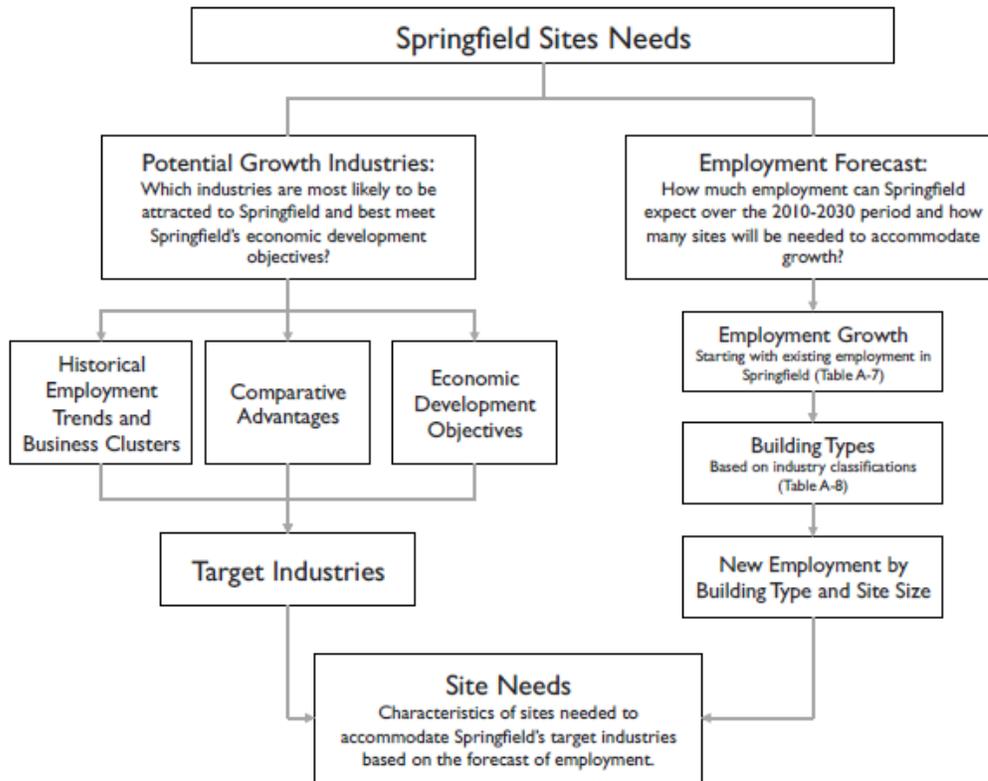
“Cities and counties must review and, as necessary, amend their comprehensive plans to provide economic opportunities analyses containing the information described in sections (1) to (4) of this rule. This analysis will compare the demand for land for industrial and other employment uses to the existing supply of such land.”

The City’s amendment to the comprehensive plan to provide an Economic Opportunities Analysis must contain the four components listed in Sections 1-4 of OAR 660-009-0015:

- Review of National, State, Regional, County and Local Trends
- Identification of Required Site Types
- Inventory of Industrial and Other Employment Lands
- Assessment of Community Economic Development Potential

CIBL/EOA Figure 4-1, p. 60 identifies how the required components of the City’s analysis are used to determine Springfield’s site needs:

Figure 4-1. Process for identifying site needs in Springfield.



Source: ECONorthwest

The City’s 2030 amendments to the comprehensive plan adopted the Springfield CIBL into the comprehensive plan to address the four required components of OAR 660-009-0015. The following findings provide an overview of and references to each required component.

OAR 660-009-0015 (1) Review of National, State, Regional, County and Local Trends states:

“The economic opportunities analysis must identify the major categories of industrial or other employment uses that could reasonably be expected to locate or expand in the planning area based on information about national, state, regional, county or local trends. This review of trends is the principal basis for estimating future industrial and other employment uses as described in section (4) of this rule. A use or category of use could reasonably be expected to expand or locate in the planning area if the area possesses the appropriate locational factors for the use or category of use. Cities and counties are strongly encouraged to analyze trends and establish employment projections in a geographic area larger than the planning area and to determine the percentage of employment growth reasonably expected to be captured for the planning

area based on the assessment of community economic development potential pursuant to section (4) of this rule.”

OAR 660-009-0015 (4) Assessment of Community Economic Development Potential states:

“The economic opportunities analysis must estimate the types and amounts of industrial and other employment uses likely to occur in the planning area. The estimate must be based on information generated in response to sections (1) to (3) of this rule and must consider the planning area's economic advantages and disadvantages. Relevant economic advantages and disadvantages to be considered may include but are not limited to:

- (a) Location, size and buying power of markets;*
- (b) Availability of transportation facilities for access and freight mobility;*
- (c) Public facilities and public services;*
- (d) Labor market factors;*
- (e) Access to suppliers and utilities;*
- (f) Necessary support services;*
- (g) Limits on development due to federal and state environmental protection laws; and*
- (h) Educational and technical training programs.”*

To address OAR 660-009-0015(1) and (4), the Springfield Economic Opportunities Analysis (EOA) uses the review of national, state, regional, county and local trends and assessment of community economic development potential “to estimate the types and amounts of industrial and other employment uses likely to occur in the planning area” in Chapter 3, Chapter 4, Appendix A and Appendix B. The “planning area” is defined in OAR 660-009-0005(7) as “*the area within an existing or proposed urban growth boundary.*” For this study, the planning area is land within the Springfield UGB and the proposed expansion of the Springfield UGB. “*Locational factors for the use or category of use*” are defined in OAR 660-009-0005(4): “*Locational Factors*” means market factors that affect where a particular type of industrial or other employment use will locate. Locational factors include, but are not limited to, proximity to raw materials, supplies, labor, services, markets, or educational institutions; access to transportation and freight facilities such as rail, marine ports and airports, multimodal freight or transshipment facilities, and major transportation routes; and workforce factors (e.g., skill level, education, age distribution).

The State forecasts that employment will continue growing in Lane County at 1.4% average annual growth, compared with the State average of 1.3% average annual growth.³²

Chapter 3 and appendices A and B of the CIBL/EOA (pp. 43-58) provide data to describe economic trends and locational factors affecting future growth in Springfield. OAR 660-009-0015(1) states: “A use or category of use could reasonably be expected to expand or locate in the planning area if the area possesses the appropriate locational factors for the use or category of use.” Chapter 3 describes availability of labor, changing population demographics, incomes, workforce, economic outlook, shifts in employment, outlook for growth, and regional business activity. The growing importance of the healthcare industry is noted, due to the location of two major healthcare centers (Sacred Heart RiverBend and McKenzie Willamette) in Springfield. The continued importance of manufacturing to provide desirable above-average wage jobs is noted, accounting for 10% of employment in Springfield.³³

“Manufacturing is a traded sector industry, which brings revenue into Oregon and Lane County from outside the State. The following manufacturing industries accounted for two-thirds (\$11 billion) of revenue from exports in Oregon in 2007: Computer & Electronic Production, Transportation Equipment, Machinery Manufacturers, Chemical Manufacture, and Primary Metal Manufacturers.³⁴ These industries are all present in Lane County, accounting for 44% of manufacturing employment in the County.”³⁵

Tourism is important in Springfield’s economy. A major source of tourism spending is overnight accommodations. Between 2000 and 2008, Springfield’s lodging tax revenue varied from \$1.2 million in fiscal year 2004 to \$1.6 million in fiscal year 2007. Springfield’s transient lodging tax revenues accounted for about one-quarter of total County lodging tax revenues.³⁶ Since the City’s CIBL/EOA was prepared, several new hotels have been built in Glenwood and Gateway, and more are in the planning stages in early 2016.

Locational Factors Influencing Springfield’s Comparative Advantages. Chapter 3 pp. 54-58 provides data describing Springfield’s comparative advantages for economic development: location, availability of transportation facilities and other public facilities, quality and availability of labor, and quality of life relative to these conditions in other portions of the Lane County and southern Oregon. Springfield’s primary comparative advantages are its location on Interstate Highway 5, proximity to Eugene, access to skilled labor, cost of labor, and high quality of life. These factors make Springfield attractive to residents and businesses that want a high quality of life where they live and work. As stated in the CIBL/EOA, factors that form Springfield’s comparative advantage are summarized below and described in detail in Appendix B:

³² CIBL/EOA, p. 70-71

³³ In 2006

³⁴ “Economic Data Packet, Mary 2008,” Oregon Economic And Community Development Department

³⁵ CIBL/EOA, p. 53

³⁶ Ibid

- “Location.** *Springfield is located in the Southern Willamette Valley, next to Eugene, between the Willamette River (to the south) and McKenzie River (to the north). Interstate 5 runs to the west of Springfield and Highway 126 runs east-west through Springfield. Springfield’s location, access to I-5 and Highway 126, and proximity to Eugene are primary comparative advantages for economic development in Springfield. These factors make Springfield attractive to businesses, especially those wanting to locate in the Willamette Valley.*
- Buying Power of Markets.** *The buying power of Springfield and the Eugene-Springfield area forms part of Springfield’s comparative advantage by providing a market for goods and services. According to estimates on household spending by Claritas, households in Springfield are expected to spend about \$937 million in 2008, about 14% of total household expenditures in the Eugene-Springfield Region. Springfield households spend an average of \$42,700 on commonly purchased items, not including housing, Springfield’s households spent less than the regional and nation averages, with about 91% of the \$47,000 average expenditures for all households in the Eugene-Springfield MSA and 84% of national average household expenditures (Claritas, 2008).*

The buying power of households in the Eugene-Springfield region provides Springfield with a comparative advantage. Access to households in the Eugene-Springfield Region provides businesses in Springfield with greater sales potential than other, smaller cities in the Southern Willamette Valley. As the population in Springfield (and the Eugene-Springfield region) grows, Springfield will need to provide more land for firms that provide services to residents and businesses.

- Transportation.** *Businesses and residents in Springfield have access to a variety of modes of transportation: automotive (Interstate 5, multiple State highways, and local roads); rail (Union Pacific and Amtrak); transit (LTD)³⁷; and air (Eugene Airport). Springfield has excellent automotive access for commuting and freight movement. Springfield is located along Interstate 5, the primary north-south transportation corridor on the West Coast, linking Springfield to domestic markets in the United States and international markets via West Coast ports. Springfield has developed along Highway 126, Highway 126 is the primary east-west highway in Lane County, running from Florence to Redmond.*

Other transportation options in Springfield include: multiple Union Pacific rail lines provide freight service; transit service from the Lane Transit District provides bus service,

³⁷ In 2016, the West Eugene EmX Bus Rapid Transit line is under construction. When complete, it will connect Springfield and Eugene residents to 56,000 jobs along the EmX line. <https://www.ltd.org/latest-news/governor-brown-tours-eugene/>

including Bus Rapid Transit, *within Springfield and connects Springfield with Eugene; and the Eugene Airport provides both passenger and freight service. Springfield's access to multiple modes of transportation provides Springfield with advantages in attracting businesses that need easy access to I-5 for automotive or some types of freight movement. Springfield may have disadvantages in attracting businesses that need large lots and easy access to I-5 because of the lack of buildable land along I-5 near Highway interchanges.*

- **Public Facilities and Services.** The City has sufficient wastewater and water services to meet expected residential and employment needs. *SUB has lower water rates than the national average. The combination of available and lower cost water may be an advantage to attracting some types of businesses to Springfield.*
- **Public Policy.** *The City can impact economic growth through its policies about the provision of land, redevelopment, and infill development. Success at attracting or retaining firms may depend on availability of attractive sites for development, especially large sites. For example, Springfield was attractive as a location of PeaceHealth's new hospital because the City had a large, relatively flat site located relatively near to Interstate 5 and Beltline Highway. Springfield's decision makers articulated their support for provision of employment land through the economic development strategy and in other policy choices. Objectives in the economic development strategy supporting the provision of employment land include objectives to: (1) provide employment land in a variety of locations, configurations, and site sizes for industrial and other employment uses, (2) provide an adequate competitive short-term supply of suitable land to respond to economic development opportunities as they arise, (3) reserve sites over 20-acres for special developments and industries that require large sites, and (4) provide adequate infrastructure to sites. The economic development strategy also includes objectives that support redevelopment of existing land within the UGB, especially in Downtown and in Glenwood, and infill development. The City is promoting redevelopment in Glenwood and Downtown through its administration of two Urban Renewal Districts.*
- **Labor Market.** *Commuting is common in Springfield. About 40% of the people who live in Springfield commute to Eugene for work. Less than one-third of Springfield's workers live in Springfield. The implication of this workforce analysis is that, while only one-third of Springfield's workforce lives within the City, Springfield is able to attract educated workers from most of Eugene and surrounding areas. Most people living or working in Springfield commute within the Eugene-Springfield area. This commuting pattern gives Springfield firms access to the workforce within the Eugene-Springfield region.*

Springfield residents generally have a shorter commute than residents of Lane County or Oregon. Eighty percent of Springfield residents commute 29 minutes or less, compared

to 77% of Lane County residents and 69% of Oregonians. 7% of Springfield’s residents are commuting 45 minutes or more, compared to 10% of Oregonians.³⁸ The region’s existing and planned public transit system provides access to employment within the Eugene-Springfield Metro area. Springfield’s potential employment commute shed is extensive.³⁹

Opportunities for workforce training and post-secondary education for residents of the Eugene-Springfield area include: the University of Oregon, Lane Community College, Northwest Christian College, and Gutenberg College.”

Appendix C of the CIBL/EOA (pp. 159-162) explains why and how Springfield’s comparative advantages are factors that may influence the locational decisions of firms.

“Key determinants of a location decision are a firm’s factors of production....In general, firms choose locations they believe will allow them to maximize net revenues: if demand for goods and services is held roughly constant, then revenue maximization is approximated by cost minimization.”

Production Factors. Table C-4, pp. 163-165 presents a summary of typical *production factors* and how these factors align with Springfield’s labor, land infrastructure, access to markets, materials, entrepreneurship, regulation, taxes, financial incentives, industry clusters, quality of life and innovative capacity. For example:

- *“Labor. Based on existing commuting patterns, Springfield has access to labor from the Eugene-Springfield Region.*
- *Land. Demand for land depends on the type of firm. Manufacturing firms need more space and tend to prefer suburban locations where land is relatively less expensive and less difficult to develop. Warehousing and distribution firms need to locate close to interstate highways.*
- *Access to markets. Firms need to move their product, either goods or services, to the market, and they rely on access to different modes of transportation to do this. Springfield’s access to I-5 and Highway 126 provide the City with advantages in attracting businesses that need easy access to highways.*
- *Materials. Firms producing goods, and even firms producing services, need various materials to develop products that they can sell. Some firms need natural resources. For example, lumber manufacturing requires trees. Or, farther down the line, firms may need intermediate materials: for example, dimensioned lumber to build manufactured housing.*

³⁸ CIBL/EOA p. 48-49

³⁹ Map: Industrial Competitiveness Criteria (prepared by LCOG staff for the City of Springfield) is a graphic depiction of a workforce of 250,000 living within a 40-mile radius of the I-105 interchange in Springfield — extending north to Corvallis, south to include Creswell and Cottage Grove, and southeast to include the communities of Lowell and Oakridge.

- *Studies of economic development have shown that location decisions depend on a variety of other factors that indirectly affect costs of production. These indirect factors include agglomerative economies (also known industry clusters), quality of life, and innovative capacity.*
 - *Industry clusters. Firms with similar business activities can realize operational savings when they congregate in a single location or region. Clustering can reduce costs by creating economies of scale for suppliers. For this reason, firms tend to locate in areas where there is already a presence of other firms engaged in similar or related activities.*
 - *Quality of life. A community that features many quality amenities, such as access to recreational opportunities, culture, low crime, good schools, affordable housing, and a clean environment can attract people simply because it is a nice place to be. A region's quality of life can attract skilled workers, and if the amenities lure enough potential workers to the region, the excess labor supply pushes their wages down so that firms in the region can find skilled labor for a relatively low cost. The characteristics of local communities can affect the distribution of economic development within a region, with different communities appealing to different types of workers and business owners. Sometimes location decisions by business owners are based on an emotional or historical attachment to a place or set of amenities, without much regard for the cost of other factors of production.*
 - *Innovative capacity. Increasing evidence suggests that a culture promoting innovation, creativity, flexibility, and adaptability is essential to keeping U.S. cities economically vital and internationally competitive. Innovation is particularly important in industries that require an educated workforce. High-tech companies need to have access to new ideas typically associated with a university or research institute. Innovation affects both the overall level and type of economic development in a region. Government can be a key part of a community's innovative culture, through the provision of services and regulation of development and business activities that are responsive to the changing needs of business.*⁴⁰

The City's CIBL/EOA presents an assessment of Springfield's economic development potential based on the information generated in response to the Review of National, State, Regional, County and Local Trends; Identification of Required Site Types; and an Inventory of Industrial and Other Employment Lands. [OAR 660-009-0015(4)]

Chapter 4 of the CIBL/EOA (pp. 61- 72) identifies potential growth industries and key trends affecting employment growth in Springfield:

⁴⁰ CIBL/EOA. P 159-165.

“One way to determine opportunities for economic development is to determine the sectors with the greatest expected growth in the region (based on the Oregon Employment Department’s forecast for employment growth in Lane County between 2006 and 2016) and the greatest concentration of existing employment in the community (based on a comparison of employment data in Springfield and the State in 2006). Sectors with high employment concentration in Springfield and high growth forecasts are the industries most likely to grow. These sectors in Springfield are: Health and Social Assistance; Administrative and Support and Waste Management Services; Construction; and Accommodations and Food Services.”

Springfield may have opportunities for growth in other sectors that the State forecasts will have high growth, such as: Arts, Entertainment, and Recreation; Management of Companies and Enterprises; Professional, Scientific, and Technical Services; and Private Educational Services.

Historical trends described in Springfield’s EOA include a shift away from manufacturing, a transition away from reliance on traditional resource-extraction industries, and growth of employment in high-technology manufacturing industries (Industrial Machinery, Electronic Equipment, and Instruments.)⁴¹

“Key historical trends between 1980 to 2007 period include:

- *A substantial increase in the share of employment in Services, which increased from 23% to 42% of covered employment in Lane County.*
- *A decrease in the share of employment in Retail Trade, from 21% to 13%. The number of jobs in retail did not decrease substantially over the 27-year period (a loss of nearly 550 retail jobs) but growth in retail jobs lagged behind growth in other sectors, especially service sectors.*
- *A decline in the share of employment in Manufacturing, which fell from 20% to 13% of covered employment.*
- *A decline in the share of employment in Government, which decreased from 20% to 16% of covered employment.*
- *Other sectors of the County’s economy have a relatively stable and small share of the County’s employment.*
- *Historical employment trends show a substantial shift in the Region’s economy that mirrored shifts in the State and national economies, specifically the substantial growth in Services and decline of Manufacturing. While these trends are expected to continue into the future, future shifts are not expected to be as dramatic as those experienced over the past twenty years.”*

⁴¹ CIBL/EOA, p. 49

The EOA explains why it is expected that the future employment mix will be somewhat different than the past:

- *“Growth in the Services sector has matured and should track more closely with overall employment and population growth rather than continuing to gain a substantial share of total employment.*
- *The decline in Manufacturing was due, in part, to decreased timber harvests and the outsourcing of production to facilities in countries with lower costs. Timber harvests are expected to level off and increase in the future as commercial forests that were replanted since the 1970s grow to a harvestable size. While outsourcing will continue, much of what can be outsourced has already gone. Remaining Manufacturing firms are tied to their region to be near supplies or markets, or manufacture specialized goods were small production quantities, fast turn-around times, and the need for quality limit the ability to outsource.”*
- *The mix of Manufacturing jobs in the Eugene-Springfield Region changed over the past twenty years with declines in Wood Products and the growth of employment in Recreational Vehicle (RV) manufacturing, machinery manufacturing, metals manufacturing, and high-tech industries, such as Computer and Electronics Manufacturing.”⁴²*

Major categories of industrial or other employment uses. EOA Chapter 4 pp. 61-75 identifies the major categories of industrial or other employment uses that could reasonably be expected to locate or expand in the Springfield planning area, based on the information about national, state, regional, county or local trends in Chapter 3 (pp. 43-58); and based on Springfield’s possession of the appropriate locational factors for the use or category of use as described in Chapter 3, pp. 54-58 “Springfield’s Comparative Advantages.”

Page 61-68 explain ECONorthwest’s methods and rationale for assessing business that are likely to have future growth in Springfield. ECO examined relative concentration and employment growth of existing business sectors, and relationships and linkages within industries. ECO reasoned that “sectors *that are highly concentrated (meaning there are more than the “average” number of businesses in a sector in a given area) and have had high employment growth are likely to be successful industrial clusters. Sectors with either high concentration of businesses or high employment group may be part of an emerging cluster, with potential for future growth.*”

Based on this analysis and verified by input received through the public involvement process,⁴³ ECO and the City reasoned that the sectors with the most growth potential are: Health and Social Assistance; Administrative and Support; Construction; and Accommodations and Food Services. Other sectors with

⁴² CIBL/EOA pp. 49, 61-62

⁴³ The CIBL Stakeholder Committee and CIBL Technical Advisory Committee processes are fully documented in the record and on the City’s website. CIBL/EOA Appendix D describes the public input the City received to identify Economic Development Objectives and Strategies and potential policies.

growth opportunities are: Arts, Entertainment, and Recreation; Management of Companies and Enterprises; Professional, Scientific, and Technical Services; and Private Educational Services.⁴⁴

ECONorthwest’s methods and rationale for assessing business that are likely to have future growth in Springfield is reasonable and consistent with the law.

Existing and potential growth industries and business clusters. CIBL/EOA Table 4-1, Existing and potential growth industries and business clusters in Springfield identifies the following clusters: Medical Services, Manufacturing , Wood Products and Specialty Wood Products, Call Centers, Back-Office Functions, Tourism, High-tech (Software development, Computer electronics, Computer service providers, Data centers), and Biotech (*Springfield has advantages in attracting Biotech firms because of the University of Oregon’s work in Biotech, presence of Invitrogen, and national growth in the industry.*)

In Table 4-1, ECO identified existing⁴⁵ and potential growth industries and business clusters in Springfield with employment potential and “secondary employment” businesses associated with each category. For example, “secondary employment” business growth associated with Springfield’s RiverBend Regional Medical Center and McKenzie Willamette Hospital Medical Services cluster include Medical Services and Suppliers, Research and Education, Medical equipment manufacturing, Non-medical office space, and services such as retail, restaurants, financial services, etc.

Types of manufacturing⁴⁶ firms with potential growth in Springfield include:

- Food processing⁴⁷
- High-tech electronics⁴⁸
- Recreational Equipment
- Medical Equipment manufacturing.
- Furniture manufacturing
- Specialty apparel
- Cottage industries such as jewelry, apparel, or personal care products
- Plastics manufacturing.

Associated businesses are manufacturing of related or complementary products, additional manufacturing, and services such as retail, restaurants, financial services, etc.⁴⁹

ECONorthwest’s methods and rationale for assessing existing and potential growth industries and business clusters in Springfield with employment potential and “secondary employment” businesses

⁴⁴ CIBL/EOA p. 62-63

⁴⁵ “Top Thirty Springfield Employers”, employment data, 2015

⁴⁶ Information about the local/regional manufacturing: Livability Lane Cluster Analysis: Manufacturing Cluster Report, 2014.

⁴⁷ Information about the local/regional Food & Beverage industry: Livability Lane Cluster Analysis: Food/Beverage Cluster Report, 2014; and “Doing Business in Oregon” 2012 Food processing.

⁴⁸ Information about the local/regional tech industry is in the record: Livability Lane Cluster Analysis: EduTech Cluster Report, 2014.

⁴⁹ Ibid.

associated with each category that are likely to have future growth in Springfield is reasonable and consistent with the law.

The EOA (p. 64) identifies “Target Industries” for Springfield, based on a range of factors:

- *“Springfield’s existing employment base and the clusters of businesses in Springfield, such as those shown in Table 4-1, Table A-12, or Table A-7.*
- *Springfield’s comparative advantages, especially Springfield’s location in the Southern Willamette Valley next to Eugene, the easy access to Interstate 5 in Springfield, and the availability of educated and trained labor force from across the region.*
- *Local and regional economic trends, such as changes in regional employment (Table A-5), changes in regional business clusters, growth in tourism (Table A-13), growth in agriculture production (Table A-14), or forecasts for regional employment growth (Table A-16).*
- *National and statewide economic trends over the last three decades, such as growth in services or decline in wood products manufacturing.*
- *Local and regional demographic trends*
- *Springfield’s economic development objectives, such as:*
 - *Increasing employment in regional clusters, including: Health Care, Communication Equipment, Information Technology (Software), Metals (Wholesalers), Processed Food and Beverage, Wood & Forest Products, and Transportation Equipment.*
 - *Recruiting businesses that pay higher than average wages for the region.”*

ECO reasoned (with input from the public, CIBL Stakeholder Committee, Technical Advisory Committee, Planning Commission and City Council) that *“the characteristics of Springfield will affect the types of businesses most likely to locate in Springfield. Springfield’s attributes that may attract firms are: the City’s proximity to I-5, high quality of life, proximity to the University of Oregon, the presence of the RiverBend campus, positive business climate, availability of skilled and semi-skilled labor, and proximity to indoor and outdoor recreational opportunities. The types of businesses that may be attractive to Springfield include medical services, services for seniors, manufacturing (small scale and large), specialty food processing, high-tech, professional and technical services, call centers, back office functions, tourism, green businesses, corporate headquarters, services for residents, and government and public services.”*⁵⁰

The uses or categories of use identified in the CIBL/EOA could reasonably be expected to expand or locate in the Springfield planning area because the Springfield area possesses the appropriate locational factors for the use or category of use.

⁵⁰ CIBL/EOA pp. 64-68 list examples of each business type.

ECONorthwest’s methods and rationale for identifying target industries with employment potential for the 2010-2030 planning period in Springfield is reasonable, based on empirical evidence, responsive to public input, and consistent with the law.

Conclusions: OAR 660-009-0015(1) and (4).

As explained in the summary and findings above, the City’s CIBL/EOA identifies the major categories of industrial or other employment uses that could reasonably be expected to locate or expand in the Springfield planning area based on information about national, state, regional, county or local trends.

The CIBL/EOA uses the review of trends as the principal basis for estimating future industrial and other employment uses as described in section (4) of the rule.

The CIBL/EOA describes how Springfield possesses the appropriate locational factors for the use or category of uses that could reasonably be expected to expand or locate in the planning area.

The CIBL/EOA provides an analysis of trends affecting Springfield in the context of the region, county and state and Springfield’s comparative advantages to assess Springfield’s community economic development potential pursuant to section (4) of the rule.

Thus, the City’s Economic Opportunities Analysis meets the requirement of OAR 660-009-0015 (1) and (4).

The City’s 2030 Plan Amendments amend the comprehensive plan to provide an economic opportunities analysis containing the information described in OAR 660-009-0015 (1) and (4).

OAR 660-009-0015(2) Identification of Required Site Types.

“The economic opportunities analysis must identify the number of sites by type reasonably expected to be needed to accommodate the expected employment growth based on the site characteristics typical of expected uses. Cities and counties are encouraged to examine existing firms in the planning area to identify the types of sites that may be needed for expansion. Industrial or other employment uses with compatible site characteristics may be grouped together into common site categories.”

This section of Goal 9 rule requires the City’s analysis to determine the types, sizes and characteristics of sites of “typical of expected uses”, and to determine how many sites of each type are needed to accommodate the expected employment growth. The City is encouraged to base their decision about the types of sites needed by examining existing firms in the planning area.

As explained under OAR 660-009-0015(1), the City’s analysis identified existing and potential employers and growth industries based on historical patterns, workforce, locational factors, Springfield’s comparative advantages and Springfield’s economic development objectives and strategies. It is reasonable to expect that existing uses and target industry uses will expand in or locate in Springfield over the 2010-2030 planning period if land possessing “the appropriate locational factors for the use or category of use” is so designated within the planning area to accommodate those uses.

The analysis examined existing firms in the planning area as basis for its decision about the types of sites needed. For example, the average size of commercial and mixed use sites 20 acres and larger is 60 acres and the average size of industrial sites 20 acres and larger is 63 acres .⁵¹

Table 4-2 explains how and where existing and target industry land uses are and would be permitted within the designated land supply — if sites possessing the needed site sizes and site characteristics were available. Each target industry is an allowed use within multiple plan designations. The acknowledged comprehensive plan designations, and the acknowledged zoning districts that implement them, allow broad groupings of industrial or other employment uses with compatible site characteristics to be developed within various geographic areas of the City. Permitted uses lists for industrial and other employment uses are stated within the applicable zoning district, (Springfield Development Code Chapter 3 Land Use Districts) consistent with the broad categories of land use designations at the metropolitan scale as described in Metro Plan pages II-G-4 to II-G-13 and as amended through the subject 2030 Plan Metro Plan text amendments.

Table 4-2. Target Industries and Plan Designations

Target Industry	Plan Designation										
	Campus Industrial	Commercial	Commercial Mixed Use	Heavy Industrial	High Density Residential Mixed Use	Light Medium Industrial	Light Medium Industrial Mixed Use	Major Retail Center	Medium Density Residential Mixed Use	Mixed Use	Special Heavy Industrial
Medical Services		✓	✓		✓		✓		✓	✓	
Services for Seniors		✓	✓		✓			✓	✓	✓	
Manufacturing	✓			✓		✓	✓			✓	✓
Specialty Food Processing	✓			✓		✓	✓			✓	✓
High-Tech	✓					✓	✓			✓	✓
Professional and Technical Services	✓	✓	✓		✓		✓	✓	✓	✓	
Call Centers	✓		✓				✓			✓	
Back Office Functions	✓		✓			✓	✓			✓	
Tourism		✓	✓				✓	✓		✓	✓
Green Businesses	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Corporate Headquarters	✓	✓	✓		✓		✓		✓	✓	
Services for Residents		✓	✓		✓		✓	✓	✓	✓	
Government and Public Services	✓	✓	✓							✓	

ECONorthwest, CIBL/EOA Table 4-2, p. 69

As stated in OAR 660-009-0025 (1),

⁵¹ CIBL/EOA p. 78, Table 5-2 Average size of needed sites based on average sizes of sites with employment in Springfield, ECONorthwest based on QCEW data

“Plans do not need to provide a different type of site for each industrial or other employment use. Compatible uses with similar site characteristics may be combined into broad site categories. Several broad site categories will provide for industrial and other employment uses likely to occur in most planning areas. Cities and counties may also designate mixed-use zones to meet multiple needs in a given location.”

The City’s 2030 Plan amendments assume that future industrial or other employment uses will locate within lands inside the existing UGB that are designated as shown in Table 4-2 above, and on sites to be added to the UGB to accommodate the City’s deficit of sites larger than 5 acres. Appendix C explains how the employment forecast was converted to site needs by site size and type of building. It is reasonable to assume that industrial uses will primarily locate in industrial or campus industrial zones. Retail and service uses could locate in commercial zones, mixed use zones, and residential mixed-use zones.⁵²

Employment Forecast. CIBL/EOA pages 70-72 and Appendix C explain the data sources and analytical methods used by the City’s consultant ECONorthwest (ECO) to determine the employment growth to be expected. On page 156, ECO explains that the safe harbor in OAR 660-024-0040(9)(a)(A) was used.⁵³ CIBL/EOA page 70-72 presents a 2010-2030 projection of future employment levels in Springfield for the purpose of estimating demand for commercial and industrial land.

“The City’s intent was to adopt this EOA in 2010 and the City noticed DLCD of this intent on October 30, 2009.⁵⁴ As a result, the employment forecast was developed in 2008 and is based on 2006 Quarterly Census of Employment and Wages (QCEW) data. Appendix C presents the process used to arrive at the employment forecast for Springfield. Table 4-3 shows that employment is forecast to grow by 13,440 employees (a 32% increase) between 2010 and 2030.”

As shown in Table 4-3, and as explained in Appendix C, pp. 155-156, the employment forecast for 2010-2030 shows employment growth of 13,440 total jobs.

⁵² CIBL/EOA p. 73

⁵³ Springfield is part of Oregon Employment Department’s Region 5, which includes Lane County.

⁵⁴ Springfield submitted notice to adopt Economic Opportunities Analysis policy amendments and a UGB amendment to DLCD on December 31st, 2009, with a first evidentiary hearing on February 17, 2010. This notice included the 2009 Economic Opportunities Analysis. The October notice to DLCD was in advance of an earlier hearing on the provisional Draft CIBL/EOA which was adopted by City Council Resolution.

Table 4-3. Employment growth in Springfield's UGB, 2010–2040

Year	Total Employment
2008	41,133
2010	42,284
2030	55,724
2030	55,724
2031	56,498
2032	57,283
2033	58,079
2034	58,886
2035	59,704
2036	60,534
2037	61,375
2038	62,228
2039	63,093
2040	63,970
Change 2010 to 2030	
Employees	13,440
Percent	32%
AAGR	1.4%

Source: ECONorthwest

Forecast of employment growth by building type. Next, ECO allocated employment to building types to determine the number of sites needed to accommodate the forecast growth based on the site characteristics typical of expected uses. The number of sites needed is dependent upon the site requirements of employers. ECO grouped employment into building types with similar building and site requirements.

“For example, the following service sectors were grouped together into the “office” building type because they need similar types of built space with similar site requirements: information, finance, real estate, professional services, management of companies, administrative support, utilities, arts and entertainment, and other services.”

ECO presented a forecast of employment growth by building type. (Table C-3, p. 157 and Table 4-4, p. 72). The forecast in Table C-3 assumes that Springfield will have growth in all categories of employment. It also assumes that the share of employment will increase in other services (2.2% increase in share) and office (1.3% increase in share). At the same time, the share of employment will decrease in general industrial (1.8% decrease in share), warehousing and distribution (1.0% decrease in share), and retail (0.7% decrease in share). In terms of jobs, employment will increase in all of these sectors.⁵⁵

⁵⁵ The assumptions about the changes in share of all employment are explained CIBL/EOA pp. 158-159. The employment projections in the CIBL/EOA do not take into account a major jump in employment that could result from the location of one or more large employers in the community during the planning period. “Major economic events such as the successful recruitment of a very large employer are very difficult to include in a study of this nature.”

“For the purpose of the Springfield EOA, building types are used to relate employment by industry to site needs. The method used to describe site needs is to group industries based on building and site characteristics. This is consistent with how real estate markets work for urban development—demand for land is derived from demand for space. The type of building and industry is then related to land characteristics needed (e.g., site needs) to accommodate that industry. It is also consistent with OAR 660-009-0015(1) which states “Industrial or other employment uses with compatible site characteristics may be grouped together into common site categories. “ For this analysis, ECO relates industries by NAICS codes to building types which are used as a proxy for site needs. Each sector has been uniquely assigned to a “typical” building type, grouped by industrial and commercial uses.”

Site needs and site characteristics typical of expected uses. Appendix C explains the process ECO used to convert employment forecast to site needs. The following section of this report explains how the EOA addressed OAR 660-009-0015(2): *“site characteristics typical of expected uses.”*

The tables in Appendix C provide data to document typical building and site needs of various industries.⁵⁶ In addition to the evidence provided in the CIBL/EOA document, the record provides extensive supplemental evidence to explain the site needs of industries and the typical characteristics of sites that are necessary to support business operations and develop in accordance with applicable Federal, State and Local regulatory requirements.

Table C-5 “Characteristics of Sites Needed to Accommodate Employment Growth”⁵⁷ presents and explains common site needs for expected industrial and other employment uses. Table C-5 summarizes 14 site attributes and explains how each attributes aligns with Springfield sites: flat site; parcel configuration and parking; soil type; road, rail, air, transit transportation; pedestrian and bicycle facilities; labor force; amenities; fiber optics and telephone; potable water; power requirements, and land use buffers.

Key points from Table C-5:

- *“Large Industrial and Commercial firms that require on-site parking or truck access are attracted to sites that offer adequate flexibility in site circulation and building layout. Parking ratios of 0.5 to 2 spaces per 1,000 square feet for Industrial and 2 to 3 spaces per 1,000 square feet for Commercial are typical ratios for these firms. In general rectangular sites are preferred, with a parcel width of at least 200-feet and length that is at least two times the width for build-to-suit sites. Parcel width of at least 400 feet is desired for flexible industrial/business park developments and the largest Commercial users.*

⁵⁶ CIBL/EOA p. 71-72

⁵⁷ CIBL/EOA. P. 167-169

- *All firms are heavily dependent upon surface transportation for efficient movement of goods, customers, and workers. Access to an adequate highway and arterial roadway network is needed for all industries. Close proximity to a highway or arterial roadway is critical for firms that generate a large volume of truck or auto trips or for firms that rely on visibility from passing traffic to help generate business.*
- *Businesses in Springfield have access to I-5, Highway 126, Highway 99 (in Eugene), and Highway 58. The Gateway area is highly visible from I-5. Springfield also has a well-developed street network within the City. The City may need to work with large businesses to increase automotive capacity in newly developed areas or in areas where the intensity of employment uses increase substantially.*
- *Rail access can be very important to certain types of heavy industries. The region has good rail access to many industrial sites. Springfield is served by multiple Union Pacific rail lines. There are two primary junctions in Springfield: (1) the Springfield Junction is located in the Glenwood area in Southwest Springfield and (2) the Mohawk Junction is near the city's southern boundary, near 25th St.*
- *Proximity to air transportation is important for some firms engaged in manufacturing, finance, or business services. Springfield is located 15 miles from the Eugene Airport.*
- *Transit access is important for Springfield's target industries, especially those with many employees and customers and for businesses that employ and serve segments of the population without access to an automobile. Springfield has access to transit through the Lane Transit District (LTD). There are multiple bus lines that run throughout Springfield and multiple buses that connect Springfield and Eugene. The first two lines of the EmX bus rapid transit system have been completed and serve existing employment nodes in Glenwood, Downtown and RiverBend/Gateway. Additional Frequent Transit Network (FTN) routes are identified in the Regional Transportation Plan. In 2016, The Main Street Corridor FTN route is being planned.*
- *The ability for workers to access amenities and support services such as shopping, entertainment and recreation areas by foot or bike is increasingly important to employers, particularly those with high-wage professional jobs. The need for safe and efficient bicycle and pedestrian networks will prove their importance over time as support services and neighborhoods are developed adjacent to employment centers. Springfield has pedestrian and bicycle facilities.*

Springfield last updated the City Bicycle Plan in 1998. The plan proposes expansion of bicycle facilities to improve bicycle connectivity throughout the City and to neighboring communities. People in Springfield are able to use bicycle facilities for commuting if they live and work in areas of the City that have bicycle infrastructure. Commuting via pedestrian facilities may be more limited to people who live near their work. Springfield's pedestrian and bicycle facilities can be used on conjunction with LTD buses to provide opportunities for alternative methods of commuting for people that live further from work.

- *According to the International Economic Development Council,⁵⁸ attracting and retaining skilled workers requires that firms seek out places offering a high quality of life that is vibrant and exciting for a wide range of people and lifestyles. Springfield offers access to outdoor amenities and an excellent parks and recreation district (Willamalane). Many urban amenities are available in Springfield and Eugene.*
- *Most, if not all industries expect access to multiple phone lines, a full range of telecommunication services, and high-speed internet communications. Springfield has access to high-speed telecommunications facilities.*
- *Potable water needs range from domestic levels to 1,000,000 gallons or more per day for some manufacturing firms. However, emerging technologies are allowing manufacturers to rely on recycled water with limited on-site water storage and filter treatment. The demand for water for fire suppression also varies widely. Springfield has sufficient potable water to meet current and expected needs.*
- *Electricity power requirements range from redundant (uninterrupted, multi-sourced supply) 115 kva to 230 kva. Average daily power demand (as measured in kilowatt hours) generally ranges from approximately 5,000 kwh for small business service operations to 30,000 kwh for very large manufacturing operations. The highest power requirements are associated with manufacturing firms, particularly fabricated metal and electronics. For comparison, the typical household requires 2,500 kwh per day. Springfield has access to sufficient power supply to accommodate most commercial and industrial users.*

⁵⁸ International Economic Development Council. "Economic Development Reference Guide," <http://www.iedonline.org/hotlinks/SiteSel.html>. 10/25/02.

- *According to the public officials and developers/brokers ECO has interviewed, industrial areas have operational characteristics that do not blend as well with residential land uses as they do with Office and Commercial areas. Generally, as the function of industrial use intensifies (e.g., heavy manufacturing) so too does the importance of buffering to mitigate impacts of noise, odors, traffic, and 24-hour 7-day week operations. Adequate buffers may consist of vegetation, landscaped swales, roadways, and public use parks/recreation areas. Depending upon the industrial use and site topography, site buffers range from approximately 50 to 100 feet. Selected commercial office, retail, lodging and mixed use (e.g., apartments or office over retail) activities are becoming acceptable adjacent uses to some light industrial areas. Springfield's employment sites are generally located in areas where employment is compatible with other development. In areas where employment is not directly compatible with adjacent uses, the City may require buffers between incompatible uses."*

Site needs data. CIBL/EOA Table C-6 through Table C-11 present data from a range of sources describing site needs attributes of businesses that either considered locating in Oregon (including in the Eugene-Springfield area) or are industries within one or more of Springfield's target growth sectors or clusters. These examples are presented in the CIBL/EOA to illustrate that businesses have a wide range of need for site size, location, and characteristics based on the business's individual operational needs. "The site needs of businesses vary from business to business, even within the same industry. As a result, one business's site needs may be different and potentially even conflicting with another business's site needs."⁵⁹

Long term and short term site needs are estimated in CIBL/EOA pp. 72-75:

- *"Types of needed sites are based on the site characteristics typical of expected uses."*
- *"The Goal 9 rule provides flexibility in how jurisdictions conduct and organize this analysis. For example, site types can be described by plan designation (i.e., heavy or light industrial), they can be by general size categories that are defined locally (i.e., small, medium, or large sites), or it can be industry or use-based (i.e., manufacturing sites or distribution sites)."*
- *"Firms wanting to expand or locate in Springfield will be looking for a variety of site and building characteristics, depending on the industry and specific circumstances. Previous research conducted by ECO has found that while there*

⁵⁹ CIBL/EOA, p. 170-178. The record provides additional evidence to describe the characteristics of sites needed to accommodate industrial and other employment growth target industries, including industries that require sites 20-acres and larger.

are always specific criteria that are industry-dependent and specific firm, many firms share at least a few common site criteria. In general, all firms need sites that are relatively flat, free of natural or regulatory constraints on development, with good transportation access and adequate public services. The exact amount, quality, and relative importance of these factors vary among different types of firms. This section discusses the site requirements for firms in industries with growth potential in the Eugene-Springfield Region, as indicated by the Oregon Employment Department forecast (see Table A-12 in Appendix A for the regional forecast)."

Conclusions: OAR 660-009-0015(2). The CIBL/EOA Appendix C presents a detailed analysis of Springfield's site needs and site characteristics consistent with OAR 660-009-0015(2) and OAR 660-009-0025(1).

The CIBL/EOA, Appendix C and the record provide ample evidence explaining how the City's examination of existing firms in the planning area was used to identify the types of sites that may be needed for expansion.

The City's analysis grouped Industrial or other employment uses with compatible site characteristics into common site categories.

Appendix C discusses the factors that affect business' locational decisions and how these factors influence the decisions of businesses that may choose to expand or locate in Springfield. Appendix C describes and explains the characteristics of sites needed to accommodate employment growth and Springfield's ability to provide sites possessing those characteristics.

The City's CIBL/EOA provides identification of required site types based on the site characteristics typical of expected uses (CIBL/EOA pp. 82-95, and Appendix C).

The City's CIBL/EOA provides identification of required site types consistent with the requirements of OAR 660-009-0015(2).

The City's 2030 Plan Amendments amend the comprehensive plan to provide an economic opportunities analysis containing the information described in OAR 660-009-0015(2).

OAR 660-009-0015(3) Inventory of Industrial and Other Employment

Lands states:

"Comprehensive plans for all areas within urban growth boundaries must include an inventory of vacant and developed lands within the planning area designated for industrial or other employment use.

(a) For sites inventoried under this section, plans must provide the following information:

(A) The description, including site characteristics, of vacant or developed sites within each plan or zoning district;

(B) A description of any development constraints or infrastructure needs that affect the buildable area of sites in the inventory; and

(C) For cities and counties within a Metropolitan Planning Organization, the inventory must also include the approximate total acreage and percentage of sites within each plan or zoning district that comprise the short-term supply of land.

(b) When comparing current land supply to the projected demand, cities and counties may inventory contiguous lots or parcels together that are within a discrete plan or zoning district.

(c) Cities and counties that adopt objectives or policies providing for prime industrial land pursuant to OAR 660-009-0020(6) and 660-009-0025(8) must identify and inventory any vacant or developed prime industrial land according to section (3)(a) of this rule.”

CIBL Inventory of Vacant and Potentially Redevelopable Land. The City’s 2030 Plan Amendments to the Metro Plan include an inventory of vacant and developed lands within the planning area designated for industrial or other employment use. Springfield commissioned ECONorthwest in 2008 to conduct the inventory and to prepare the necessary factual base for the Plan. CIBL/EOA Chapter 2 Land Available for Industrial and Other Employment Uses, pp. 5-41 presents the inventory.

As explained on page 5, ECONorthwest used the best available or readily collectable information: GIS data provided by the City Technical Services Division and Lane Council of Governments, aerial orthophotographs, and verification by City staff. ECO worked closely with City Staff, a Technical Advisory Committee, and a Stakeholder Committee during the development and review of the Springfield commercial and industrial buildable lands inventory (CIBL). ECO developed the inventory using the following steps:

- *Assemble and document datasets.* ECO identified data from the Regional Land Information Database (RLID) and GIS data from the City of Springfield and the Lane Council of Governments as primary datasets on which the inventory and analysis was built. RLID includes assessment and taxation data maintained by Lane County.
- *Preliminary analysis.* ECO conducted a preliminary analysis with the GIS and data tables selected for inclusion in the database. The purpose of this task was to work with City staff and the TAC to determine the optimal definitions and supporting methodology to base the final analysis and database structure.

- Data processing and GIS analysis.* In this step ECO performed the GIS analysis and data processing steps necessary to populate the database. Table 2-1⁶⁰ shows plan designations that were included in the commercial and industrial buildable lands inventory.⁶¹ All of the designations included in the inventory allow employment outright. The inventory, however, includes several mixed use designations that allow both employment and housing. The inventory generally uses the 2004 Metro Plan designations with two exceptions: (1) Glenwood, where a 2005 plan amendment changed the designation on approximately 47 acres from Light Medium Industrial Mixed Use to Mixed Use; (2) the PeaceHealth site where land was redesignated from residential to designations that allow employment; and (3) the Marcola Meadows site that included a plan designation change from Campus Industrial to Medium Density Residential/Nodal Development, Mixed-Use Commercial/Nodal Development, and Community Commercial. The implication of these exceptions was to include land that would not have otherwise been included in the inventory. The intent of this step was to increase the accuracy of the inventory.

Table 2-1. Metro plan designations included in the Springfield commercial and industrial buildable lands inventory, 2008

Plan Designation	Allowed Land Uses (yes/no)			
	Commercial	Industrial	Residential	In CIBL?
Campus Industrial	yes	yes	no	yes
Commercial	yes	no	no	yes
Commercial Mixed Use	yes	no	yes	yes
Heavy Industrial	no	yes	no	yes
High Density Res Mixed Use	yes	no	yes	yes
Light Medium Industrial	no	yes	no	yes
Light Medium Industrial Mixed Use	no	yes	no	yes
Major Retail Center	yes	no	no	yes
Medium Density Res Mixed Use	yes	no	yes	yes
Mixed Use	yes	yes	yes	yes
Special Heavy Industrial	no	yes	no	yes

Note: Allowed land uses indicates which uses are allowed in each plan designation. The CIBL includes any plan designation that allows employment, including mixed use designations.

OAR 660-009-0015(3)(a)(A) The description, including site characteristics, of vacant or developed sites within each plan or zoning district;

⁶⁰ CIBL/EOA p. 7.

⁶¹ Between the 2009 Draft CIBL/EOA and 2015 Final CIBL/EOA, some updates were made to Chapter 2. Text was added to clarify data and methodologies used in the BLI. The column titles were updated to clarify the results of the BLI in some tables. The results of the buildable lands inventory were not revised as part of this update. The inventory was prepared for the planning period 2010-2030.

Metro Plan Chapter II, pages II-G-4 through II-G-12, as amended by the City's subject proposal, provides general descriptions and site characteristics of vacant or developed sites within the land use districts that provide sites for industrial and other employment uses. Seven acknowledged neighborhood refinement plans (Downtown, Gateway, Glenwood, Kelly Butte, East Main, Q Street, and Mid Springfield) and approved Master Plans provide more refined descriptions and site characteristics of vacant or developed sites within the land use districts that provide sites planned and zoned for industrial and other employment uses. The Springfield Development Code Chapter 3 provides descriptions and site characteristics of the land use districts that provide sites for industrial and other employment uses. Characteristics addressed include required sizes of plan districts, parcel sizes, minimum development areas, use categories, operational performance standards.⁶²

The City's development regulations in Springfield Development Code Chapter 4 implement Metro Plan policies, State and Federal law and thus are germane to any discussion of site characteristics. [OAR 660-009-0015(3)(a) A and B].⁶³ The policies of the comprehensive plan, as implemented through the City's development standards in SDC Chapter 3 and 4 provide descriptions of land planned and zoned for employment uses, including physical and operational requirements that influence the development area size and configuration needed to operate a use and the placement of development on a site in relationship to public rights of way and abutting land uses.

The City's land use approvals of the RiverBend and Marcola Meadows Master Plans impose additional standards and requirements pertaining to development of employment uses within those areas. Both Master Plans describe land planned and zoned for employment uses and address physical and operational requirements that influence the development area size and configuration needed to operate a use and the placement of development on a site in relationship to public rights of way and abutting land uses.

Springfield's existing acknowledged comprehensive plan and land use regulations identify lands planned and zoned for continued and increased economic growth and activity.

The City's inventory provides the description, including site characteristics, of vacant or developed sites within each plan or zoning district [OAR 660-009-0015(3)(a)(A)].

CIBL/ EOA Chapter 2, (pp. 5-41) provides explanation of the systematic process ECO employed to complete Springfield's inventory. Pages 8-12 provide explanation of how ECO classified each tax lots as "vacant", "developed" or "potentially redevelopable." The City's definition of vacant

⁶² For example, SDC 3.2 -420 and 425 Springfield's Campus Industrial Zoning District standards regulate minimum parcel sizes, frontages, lot coverage, setbacks, parking, driveway and outdoor storage, landscaped buffers, movement of heavy equipment, storage of materials, air pollution controls, reduction of glare from lighting, groundwater protection, hazardous waste, noise, radiation and vibration.

⁶³ For example, SDC 4.1-100 regulates street width, block length, site access and driveways, intersections, vision clearances, sidewalks, street trees, bikeways, and accessways. SDC 4.3-110 to 117 regulates on-site stormwater management, water quality and natural resource protection.

land is more inclusive than what statewide planning policy requires. The implication of using a more inclusive definition are that more land was considered available in the inventory than would be if the state definitions were used.

CIBL/ EOA Map 2-1⁶⁴ presents the Metro plan designations used in for inventory purposes.

As shown in CIBL/EOA Map 2-1 Existing Plan Designations, Springfield’s previously-designated existing land base will provide sites for commercial and industrial land uses over the planning period, on vacant land, and on land where redevelopment is expected to occur.

ORAR 660-009-0015 (3)(a)(B) description of any development constraints or infrastructure needs that affect the buildable area of sites in the inventory

Development constraints applied in the Springfield CIBL/EOA. ORAR 660-009-0015 (3)(a)(B) requires the inventory to provide “A description of any development constraints or infrastructure needs that affect the buildable area of sites in the inventory.” CIBL/EOA pp. 14-16 presents a description of development constraints or infrastructure needs that affect the buildable area of sites in Springfield’s inventory.

Development constraints are defined in ORAR 660-009-0005(2):

“Development Constraints” means factors that temporarily or permanently limit or prevent the use of land for economic development. Development constraints include, but are not limited to, wetlands, environmentally sensitive areas such as habitat, environmental contamination, slope, topography, cultural and archeological resources, infrastructure deficiencies, parcel fragmentation, or natural hazard areas.”

The rule leaves discretion for local governments in the application of the definition.

“For the purpose of this CIBL/EOA, the following factors are considered “absolute development constraints” which make employment land unsuitable for development:⁶⁵

- *Wetlands – Source: City of Springfield Local Wetland Inventory. File used: wet_lwi.shp, accessed 2008*
- *Floodway – Source: Army Corps of Engineers digital “FIRM” maps. File used: fld_way.shp, accessed 2008*
- *Slopes over 15% - Source: 10 meter digital elevation model (DEM). File used: slopes_over_15.shp, accessed 2008*

⁶⁴ CIBL/EOA, p. 13.

⁶⁵ Each of these files was provided to ECONorthwest by the City in 2008.

- *Riparian resource areas – Source: City of Springfield. File used: Riparian_resource_areas.shp, accessed 2008*
*The following factors were assumed “partial development constraints” in the CIBL/EOA. Partial constraints are factors that may create difficulties in development, but do not preclude development. Partial constraints were not deducted from the inventory. Land with these constraints is classified as “constrained” on employment land. Development can occur on “constrained” land and no deductions were made from the inventory for these factors.*⁶⁶
- *Floodplain – Source: Army Corps of Engineers digital “FIRM” maps. File used: lane_dfirm.shp, accessed 2008*
- *Willamette River Greenway – Source: Lane Council of Governments. File used: Greenway_10m_20080303.shp, accessed 2008*
- *BPA Easements – Source: Bonneville Power Administration. File used: bparow_lane.shp, accessed 2008”*

ECONorthwest used a systematic process to prepare Springfield’s Commercial and Industrial land inventory.

“Processing and analyzing data from the Lane Council of Governments (LCOG) land use database (a database that inventories land uses at the sub-tax lot level), ECONorthwest identified the developed or unsuitable portions of tax lots. Areas of partially vacant tax lots with development were included in the “developed acres” category and remainders were considered “suitable”⁶⁷ (unless they had absolute constraints). The inventory also deducted the “absolute constraints” that make land unsuitable for employment uses. Each of these constraints was available in a GIS format. The four absolute constraints layers were “dissolved” together to create a single “absolute” constrained layer. This was done to avoid double counting since some constraints (e.g., floodways and wetlands) occur in the same place. The combined constraints layer was then used to calculate the portion of the lot that was constrained and therefore unsuitable for development.”⁶⁸

The land base for the inventory the inventory is presented on pp. 17-19 and Map 2-3.

“Vacant” and “potentially redevelopable” land is identified in pp. 21-23 and Maps 2-3, 2-4 and 2-5, pp. 24-26.

As shown in CIBL/EOA Map 2-3 Vacant Commercial and Industrial Land, and CIBL/EOA pp. 21-26, portions of this land base are vacant. The City’s definition of “vacant” is stated on CIBL/EOA p.

⁶⁶ Each of these files was provided to ECONorthwest by the City in 2008.

⁶⁷ OAR 660-009-0005(12) defines “suitable” land as “serviceable land designated for industrial or other employment use that provides, or can be expected to provide the appropriate site characteristics for the proposed use.”

⁶⁸ CIBL/EOA pp. 11-12

9. Springfield’s inventory included more land in the inventory that required by rule. Lands with improvement values under \$10,000 were considered vacant.

Springfield’s inventory also identified “potentially redevelopable” land where there exists the potential that existing development will be converted to more intensive uses providing more employment capacity during the planning period. This category is discussed on CIBL/EOA p. 9 and 11-12, 21, 27-38, and Map 2-6, p. 32. The CIBL/EOA also includes a parcel-level evaluation of potentially redevelopable sites 5 acres and larger on pp. 33-38.

The City’s CIBL inventory of Industrial and Other Employment Lands explains the capacity of vacant, developed and potentially redevelopable sites to meet site needs for the planning period.

The inventory indicates that Springfield has a deficit of suitable sites that are 20 acres and larger, and deficit of sites 5-20 acres in size. After assuming that all site needs for commercial and industrial uses that require sites smaller than 5 acres would be addressed through redevelopment, CIBL/EOA Table 5-4, (p. 80) shows a deficit of 2 industrial sites and 1 commercial and mixed use site 20 acres and larger. Table 5-2 (p. 78) shows the average site size in Springfield for industrial and commercial and mixed use sites 20 acres and larger: 63 acres and 60 acres respectively. Thus Springfield has a need for 126 acres of industrial employment land on 2 sites larger than 20 acres and a need for 97 acres of commercial employment land on 5 sites, including one site that is 60 acres in size.

The City and Lane County amended the Springfield UGB to provide 223 acres of employment land to meet employment land needs that require sites larger than 5 acres.

Conclusions OAR 660-009-0015(3): As amended through the City’s 2030 Plan amendments, the comprehensive plan for areas within Springfield’s urban growth boundary includes an inventory of vacant and developed lands within the planning area designated for industrial or other employment use that provides the information required in OAR 660-009-0015(3)(a),(b) and (c) because the plan includes a description of the land, development constraints and the approximate total acreage of the sites that comprise the short-term supply of land.

OAR 660-009-0015(3)(a)(C): Short-term supply of land

“For cities and counties within a Metropolitan Planning Organization, the inventory must also include the approximate total acreage and percentage of sites within each plan or zoning district that comprise the short-term supply of land.”

The CIBL/EOA pp. 39-41 addresses the requirement for cities within MPOs to make commitments to provide competitive short-term supplies of land. The CIBL/EOA provides an assessment of Springfield’s short-term land supply. With the exception of the southern extent of the Jasper-Natron area, all commercial and industrial lands within the existing UGB can be

considered to technically meet the Goal 9 rule criteria of “engineering feasibility.” [OAR 660-009-0020(1)(b), OAR 660-009-0025]. Thus more than 91% of the vacant commercial and industrial land is considered available as short term supply, and more the 85%.

The CIBL/EOA includes the approximate total acreage and percentage of sites within each plan or zoning district that comprise the short-term supply of land. [OAR 660-009-0015(3)(a)(C)]

OAR 660-009-0015(3)(a)(C)(c) vacant or developed prime industrial land

“Cities and counties that adopt objectives or policies providing for prime industrial land pursuant to OAR 660-009-0020(6) and 660-009-0025(8) must identify and inventory any vacant or developed prime industrial land according to section (3)(a) of this rule.”

OAR 660-009-0020(6)/OAR 660-009-0025(8) special siting characteristics

The City’s CIBL/EOA identifies a need for suitable employment land to accommodate uses with “special siting characteristics,”⁶⁹ thus OAR 660-009-0025(8) and OAR 660-009-0015(3)(a)(C)(c) are applicable.

As amended through the City’s 2030 Plan amendments, the comprehensive plan for areas within Springfield’s urban growth boundary includes an inventory of vacant and developed lands within the planning area designated for industrial or other employment use that provides the information required in OAR 660-009-0015(3)(a). The City’s CIBL inventory of Industrial and Other Employment Lands explains the capacity of vacant, developed and potentially redevelopable sites to meet site needs for the planning period. The inventory indicates that Springfield has a deficit of suitable sites that are 20 acres and larger, and deficit of sites 5-20 acres in size. After assuming that all site needs for commercial and industrial uses that require sites smaller than 5 acres would be addressed through redevelopment⁷⁰, CIBL/EOA Table 5-4, (p. 80) shows a deficit of 2 industrial sites and 1 commercial and mixed use site 20 acres and larger. Table 5-2 (p. 78) shows the average site size in Springfield for industrial and commercial and mixed use sites 20 acres and larger: 63 acres and 60 acres respectively. Thus Springfield has a need for 126 acres of industrial employment land on 2 sites larger than 20 acres and a need for 97 acres of commercial employment land on 5 sites, including one site that is 60 acres in size. The City and Lane County amended the Springfield UGB to provide 223 acres of employment land to meet employment land needs that require sites larger than 5 acres.

⁶⁹ CIBL/EOA pp. 82-98 identifies target large-scale manufacturers and large office employers that require sites with special characteristics including : site size 20 acres and larger, topography less 5 % / 7%, transportation access as close to I-5 as possible via unimpeded freight route, access to public facilities and services, and sites with two or fewer owners.

⁷⁰ CIBL/EOA Table 5-1, p. 78 shows that 188 industrial sites and 340 commercial and mixed use sites would redevelop to address land needs over the 20-year period. In addition to this assumption, Springfield concludes that all land needs on sites smaller than 5 acres would be accommodated through redevelopment, including the 6-acre deficit of 2-5 acre sites shown in Table 5-3, p. 79.

The City and Lane County adopted policies in the 2030 Comprehensive Plan Urbanization Element and land use regulations in the Springfield Development Code⁷¹ to protect sites 20 acres and larger from land division in order to accommodate uses that require sites 20 acres and larger.

Conclusion OAR 660-009-0015(3): The CIBL/EOA provides an inventory of industrial and other employment lands consistent with all applicable requirements of the rule.

OAR 660-009-0015(4) Assessment of Community Economic Development Potential

“The economic opportunities analysis must estimate the types and amounts of industrial and other employment uses likely to occur in the planning area. The estimate must be based on information generated in response to sections (1) to (3) of this rule and must consider the planning area's economic advantages and disadvantages. Relevant economic advantages and disadvantages to be considered may include but are not limited to:

- (a) Location, size and buying power of markets;*
- (b) Availability of transportation facilities for access and freight mobility;*
- (c) Public facilities and public services;*
- (d) Labor market factors;*
- (e) Access to suppliers and utilities;*
- (f) Necessary support services;*
- (g) Limits on development due to federal and state environmental protection laws; and*
- (h) Educational and technical training programs.”*

As previously discussed in pp. 31-38 of this report, the CIBL/EOA estimated the types and amounts of industrial and other employment uses likely to occur in the planning area based on information generated in response to sections (1) to (3) of the Goal 9 rule and in consideration of the Springfield planning area's economic advantages and disadvantages. The CIBL/EOA provides assessment of relevant economic advantages and disadvantages including but are not limited to factors (a)-(h) in the CIBL/EOA Chapter 3 and 4, pp. 43-68.

Conclusion OAR 660-009-0015(4). The City's CIBL/EOA provides the required assessment of community economic development potential because it specifically considers several of the

⁷¹ See Ordinance [REDACTED], Exhibit E: SDC 3.2-900 Agriculture- Urban Holding Area (AG) Zoning District

factors as suggested by the rule such as location, buying power of markets, transportation and public facilities.

OAR 660-009-0015(5) public and state agency involvement to inform community economic development objectives

“Cities and counties are strongly encouraged to assess community economic development potential through a visioning or some other public input based process in conjunction with state agencies. Cities and counties are strongly encouraged to use the assessment of community economic development potential to form the community economic development objectives pursuant to OAR 660-009-0020(1)(a).”

As explained in CIBL/EOA Appendix D, Economic Development Objectives and Implementation Strategies⁷², the City conducted a visioning process to assess community economic development potential. State economic development agency staff Bob Warren and local DLCD representative Ed Moore participated on the CIBL Technical Advisory Committee. The Committee provided input and advice to the City’s consultant ECONorthwest to develop a survey and two visioning workshops⁷³ to inform preparation of the CIBL/EOA and Economic Development Objectives and Implementation Strategies. As explained in CIBL/EOA Appendix D, the assessment of community economic development potential was used to form the community economic development objectives pursuant to OAR 660-009-0020(1)(a). Input received through the visioning was used to draft potential economic development policies and actions that ultimately were incorporated into the Springfield Comprehensive Plan Economic Element and Urbanization Element policies to address OAR 6660-009-0020.

Conclusion OAR 660-009-0015(5). The City assessed community economic development potential through visioning and other public input processes in conjunction with state agencies. For example, the City obtained guidance and input from citizen stakeholder and technical advisory committees and used the assessment to form the economic development objectives in the CIBL/EOA and as foundation for developing comprehensive plan goals, policies and strategies in the Economic Element.

⁷² The local record contains complete documentation of the survey conducted April 4-May 27, 2008 and workshops.

⁷³ Community workshops conducted May 20, 2008 and July 31, 2008

IVb. Industrial and Other Employment Development Policies

OAR 660-009-0020 Industrial and Other Employment Development Policies

“(1) Comprehensive plans subject to this division must include policies stating the economic development objectives for the planning area. These policies must be based on the community economic opportunities analysis prepared pursuant to OAR 660-009-0015 and must provide the following:

(a) Community Economic Development Objectives. The plan must state the overall objectives for economic development in the planning area and identify categories or particular types of industrial and other employment uses desired by the community. Policy objectives may identify the level of short-term supply of land the planning area needs. Cities and counties are strongly encouraged to select a competitive short-term supply of land as a policy objective.

(b) Commitment to Provide a Competitive Short-Term Supply. Cities and counties within a Metropolitan Planning Organization must adopt a policy stating that a competitive short-term supply of land as a community economic development objective for the industrial and other employment uses selected through the economic opportunities analysis pursuant to OAR 660-009-0015.

(c) Commitment to Provide Adequate Sites and Facilities. The plan must include policies committing the city or county to designate an adequate number of sites of suitable sizes, types and locations. The plan must also include policies, through public facilities planning and transportation system planning, to provide necessary public facilities and transportation facilities for the planning area. Cities and counties must adopt measures adequate to implement policies adopted pursuant to OAR 660-009-0020. Appropriate implementing measures include amendments to plan and zone map designations, land use regulations, public facility plans, and transportation system plans.”

OAR 660-009-0020(1)(a) Comprehensive plan policies stating community economic development objectives

As required by OAR 660-009-0020(1)(a), the City and Lane County adopted Ordinance Exhibit B, amending the Metro Plan to establish the Springfield 2030 Comprehensive Plan Economic Element (Exhibit B-1) and its Technical Supplement Springfield CIBL/EOA (Exhibit B-2) as the community economic opportunities analysis, economic development objectives and comprehensive plan policies applicable to Springfield’s planning area. The Economic Element is

a statement of City's economic development objectives, based on the Springfield CIBL/EOA analysis prepared pursuant to OAR 660-009-0015.

To begin its work to develop the CIBL/EOA in 2008-2009, the City conducted a public involvement process to identify potential industrial and other employment development objectives. CIBL/EOA Appendix D Economic Development Objectives and Strategies is a description of the process and summary of results. The process identified implementation steps toward achieving the objectives, including recommended comprehensive plan policy and code amendments consistent with the strategies.

The CIBL/EOA and Economic Development Objectives and Strategies provided the foundation for the City Council's subsequent policy development for Springfield 2030 Comprehensive Plan Economic Element.

The Springfield 2030 Comprehensive Plan Economic Element Goals, Policies, Implementation Strategies and Analysis (including the Technical Supplement CIBL/EOA) are adopted as amendments to the comprehensive plan, replacing the more general metro-wide goals, objectives, and findings contained in the *Eugene-Springfield Metropolitan Area General Plan* (Metro Plan) Economic Element Chapter IIIB. The Metro Plan policies are based on older land inventories and studies conducted at the regional scale. The Metro plan was acknowledged prior to the State's adoption of OAR 660-009-0015. The Metro area does not have an adopted Economic Opportunities Analysis consistent with Division 9 Administrative Rules.

The Springfield 2030 Comprehensive Plan Economic Element and Economic Opportunities Analysis were prepared and adopted as post-acknowledgement amendments of the comprehensive plan, consistent with Goal 9 and Division 9 Administrative Rules.

The City's 2030 Plan amendments (Ordinance [REDACTED], Exhibits A, B, C, D and E) adopt comprehensive plan policy and code amendments to implement the economic development objectives for Springfield's planning area, based on the community economic opportunities analysis (Exhibit B-2) prepared pursuant to OAR 660-009-0015.

Ordinance [REDACTED], Exhibit B Springfield 2030 Comprehensive Plan Economic Element (Exhibit B-1 and Exhibit B-2 Technical Supplement CIBL/EOA) identifies the goals, policies, implementation strategies and analysis that the City of Springfield, in cooperation with Lane County, has adopted to provide an adequate land supply for economic development and employment growth within Springfield's UGB in compliance with Statewide Planning Goal 9, Economic Development. The economic development policy direction established through adoption of the Springfield Economic Element is focused to capitalize on Springfield's strengths and opportunities within the broader Southern Willamette Valley region as identified in the 2015 CIBL/EOA. The Springfield Economic Development Planning goals express the desired community development outcomes and economic benefits the City aspires to achieve as it addresses the needs identified in the CIBL/EOA. Springfield Economic Element provides policy direction for updating and amending refinement plans, zoning, and development regulations to address the community's

commercial, industrial and other employment development needs over the 2010-2030 planning period. The City's 2030 comprehensive plan policies support the growth of the local, regional and State economy through designation of suitable, serviceable land for economic development. Implementation of the Plan over the 20-year period will support development patterns that integrate land use, transportation, and public facilities planning to sustain a healthy, prosperous and equitable environment aligned with Springfield's interests, values and assets. The City's 2030 Plan policies guide City-initiated updates to land use refinement plans and zoning at the city-wide, district, corridor, and neighborhood scales, and establish policies applicable to property owner-initiated plan amendment or zoning proposals.

The record provides complete documentation of the public process employed by the City to develop the CIBL/EOA, and the Economic Development Objectives and Strategies (CIBL/EOA Appendix D) to identify categories or particular types of industrial and other employment uses desired by the community. The City's findings under OAR 660-009-0015(1) and (2) explain how the CIBL/EOA identifies categories or particular types of industrial and other employment uses.

Conclusion OAR 660-009-0020(1)(a): As amended by the City's 2030 Plan amendments, Springfield's comprehensive plan policies state the economic development objectives for the planning area based on the community economic opportunities analysis prepared pursuant to OAR 660-009-0015. The plan identifies categories or particular types of industrial and other employment uses desired by the community.

OAR 660-009-0020(1)(b) Required policy commitment to provide a competitive short-term supply of land

"Cities and counties within a Metropolitan Planning Organization must adopt a policy stating that a competitive short-term supply of land as a community economic development objective for the industrial and other employment uses selected through the economic opportunities analysis pursuant to OAR 660-009-0015."

Springfield is within the Central Lane MPO, thus OAR 660-009-0020(1)(b) applies. As stated in the CIBL/EOA, pp 39-40:

"The Goal 9 Administrative Rule (OAR 660-009) includes provisions that require certain cities to ensure an adequate short-term supply of industrial and other employment lands. OAR 660-009-005(10) defines short term supply as follows:

"...suitable land that is ready for construction within one year of an application for a building permit or request for service extension. Engineering feasibility is sufficient to qualify land for the short-term supply of land. Funding availability is not required. "Competitive Short-term Supply" means the short-term supply of

land provides a range of site sizes and locations to accommodate the market needs of a variety of industrial and other employment uses.”

“The Goal 9 rule also requires cities in a Metropolitan Planning Organization (MPO, which includes Springfield) to make a commitment to provide a competitive short-term supply of land and establishes targets for the short-term supply of land. Specifically, OAR 660-009-0020(1)(b) states:

“Cities and counties within a Metropolitan Planning Organization must adopt a policy stating that a competitive short-term supply of land as a community economic development objective for the industrial and other employment uses selected through the economic opportunities analysis pursuant to OAR 660-009-0015.”

Springfield 2030 Comprehensive Plan Economic Element Policy E.5 states:

“Provide an adequate, competitive short-term supply of suitable land to respond to economic development opportunities as they arise. “Short-term supply” means suitable land that is ready for construction within one year of an application for a building permit or request for service extension. “Competitive Short-term Supply” means the short-term supply of land provides a range of site sizes and locations to accommodate the market needs of a variety of industrial and other employment uses.”

Springfield 2030 Comprehensive Plan Economic Element Policy E.6 states:

“Facilitate short term and long term redevelopment activity and increased efficiency of land use through the urban renewal program, updates to refinement plans and the development review process.”

Springfield 2030 Comprehensive Plan Economic Element Policy E.7 states:

“Where possible, concentrate development on sites with existing infrastructure or on sites where infrastructure can be provided relatively easily and at a comparatively low cost.”

OAR 660-009-0025(3) provides short-term land supply targets for cities within MPOs:

“Short-Term Supply of Land. Plans for cities and counties within a Metropolitan Planning Organization or cities and counties that adopt policies relating to the short-term supply of land must designate suitable land to respond to economic development opportunities as they arise. Cities and counties may maintain the short-term supply of land according to the strategies adopted pursuant to OAR 660-009-0020(2).

(a) Except as provided for in subsections (b) and (c), cities and counties subject to this section must provide at least 25 percent of the total land supply within the urban growth boundary designated for industrial and other employment uses as short-term supply.

(b) Affected cities and counties that are unable to achieve the target in subsection (a) above may set an alternative target based on their economic opportunities analysis.

(c) A planning area with 10 percent or more of the total land supply enrolled in Oregon's industrial site certification program pursuant to ORS 284.565 satisfies the requirements of this section.

In summary, the rule requires Springfield to assess the short-term supply of land based on the criteria that land can be ready for construction within one year. The determination is based on "engineering feasibility."

OAR 660-009-0020 (1)(b) and OAR 660-009-0025 (3) Conclusion: The CIBL/EOA provides an analysis of short-term supply on pages 40-41 to demonstrate that most of Springfield's land supply within the existing UGB (91% of vacant commercial and industrial land and 85% of land with redevelopment potential) is considered short-term supply because land can be ready for construction within one year based on "engineering feasibility." Thus the short-term supply meets and exceeds the 25% threshold of OAR 660-009-0025 (3)(a). The City and Lane County adopted Economic Element Policy E.5 to state commitment to providing a competitive short-term supply of land to accommodate industrial and other employment uses it selected through the economic opportunities analysis.

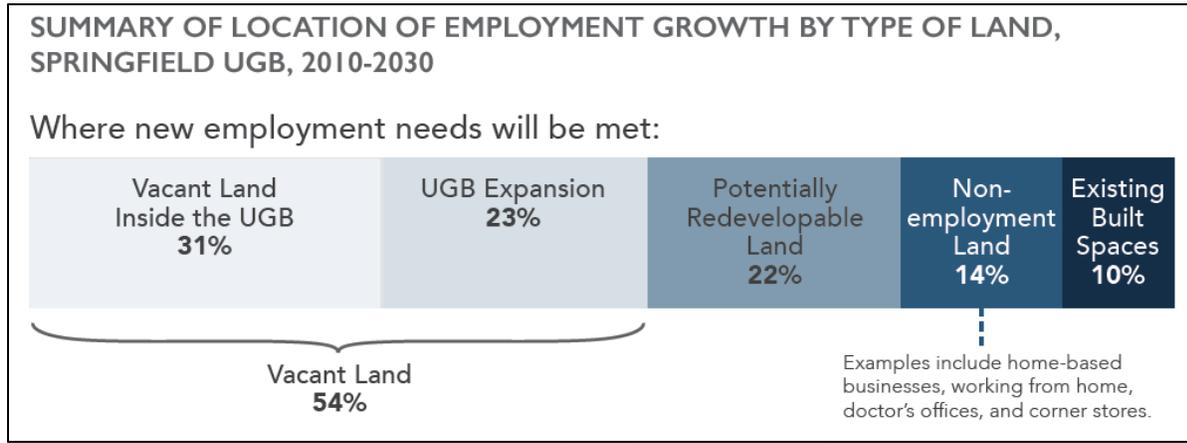
IVc. Policies committing the city to designate an adequate number of sites of suitable sizes, types and locations

OAR 660-009-0020(1)(c) Policy commitment to designate adequate sites and facilities:

"The plan must include policies committing the city or county to designate an adequate number of sites of suitable sizes, types and locations. The plan must also include policies, through public facilities planning and transportation system planning, to provide necessary public facilities and transportation facilities for the planning area."

Designated sites for employment growth. Springfield is required to have comprehensive plan policies that designate "an adequate number of sites of suitable sizes, types and locations" in the Springfield UGB supported by public facilities planning and transportation system planning policies to provide necessary public facilities and transportation facilities for the planning area.

The City’s CIBL/EOA and 2030 Plan policies assume growth will be distributed as summarized in the following graphic “Summary of Location of Employment Growth by Type of Land”.⁷⁴



Land already designated for employment (including non-employment land that supports home-based businesses, working from home, home occupations and neighborhood commercial uses⁷⁵) will provide sites inside the existing UGB on vacant sites, potentially redevelopable sites, non-employment sites, and existing built space sites.

As shown in the graphic above, 77% of employment growth is assumed to occur on land inside the existing UGB as currently designated in the Metro Plan and Springfield’s refinement plans, and subject to existing zoning and development standards, and 23% of employment growth is assumed to occur on land added to the UGB. Land inside the existing UGB is subject to existing public facilities planning policies of the *Metro Public Facilities and Services Plan* and existing local and regional transportation planning policies. Thus, 77% of employment growth is already planned to be provided with necessary public facilities and transportation facilities over the planning periods of the facilities plans.

Existing designated and zoned vacant, developed and redevelopable land supply. The City’s 2030 Plan adopted inventories, analyses and policies that support employment growth on land already designated for employment uses within the existing UGB. Springfield’s inventory of the existing land base designated for commercial and industrial uses is described in CIBL/EOA Chapter 3, (pp. 5-42). Springfield’s existing land base designated for commercial and industrial uses is shown and described in the Metro Plan diagram and text and Springfield refinement plans and text. Springfield’s existing zoning districts regulate the supply of land for commercial and industrial uses, as listed in the Springfield Development Code Chapter 3 and as described in Sections 3.2-300, 3.2-400, 3.2-500, 3.2-600, 3.3-100, 3.3-200, 3.3-300, 3.3-400, 3.3-500, 3.3-900, 3.3-1000, 3.3-1100, 3.4-100, 3.4-200, 3.4-300. Springfield Development Code development

⁷⁴ ECONorthwest, City of Springfield CIBL for the Planning Period 2010-2030, Summary Report, August 2015.

⁷⁵ Metro Plan p. II-G-5 to II-G-6 describes neighborhood commercial facilities (not shown on Metro Plan diagram). Springfield Development Code 3.2-305 describes the Neighborhood Commercial Zoning District.

regulations for wastewater and stormwater infrastructure (as described in SDC 4.3-100 and the Engineering Design Standards Manual), and transportation (SDC 4.2-200) implement Metro Public Facilities and Services Plan and Springfield Transportation System Plan policies. Springfield Development Code Chapter 3 regulates site development, parking, loading, landscaping and screening and specific uses (SDC 4.7-100).

2030 policy commitments to designate suitable sites, types and locations as identified in the CIBL/EOA to meet employment land needs. The City's 2030 Plan amendments amend the UGB and adopt Economic Element and Urbanization Element policies and strategies committing the City to ensure designation of an adequate number of sites of suitable sizes, types and locations as identified in the CIBL/EOA to meet employment land needs. The policies and implementation strategies commit the City to multiple actions to designate site types, sizes and locations that will diversify the mix of commercial and industrial land in Springfield to address employment land needs. These actions range from expanding the UGB to add 223 acres of suitable large site employment land (sites larger than 20 acres and sites 5-20 acres), to establishing policy direction that will guide future plan and zoning amendments through City refinement planning processes and through review of owner-initiated land use development proposals.

Springfield 2030 Comprehensive Plan (2030 Plan) Economic Element Policy E.1 states:

“Designate an adequate supply of land that is planned and zoned to provide sites of varying locations, configurations, size and characteristics as identified and described in the Economic Opportunity Analysis to accommodate industrial and other employment over the planning period. These sites may include vacant undeveloped land; partially developed sites with potential for additional development through infill development; and sites with redevelopment potential.”

Policy commitments to enable and foster redevelopment. Potentially redevelopable land is shown in CIBL/EOA Map 2-6 (p. 32). CIBL/EOA Table 2-11 (p. 31) identified 11 sites 5 acres and larger as being potentially redevelopable. The City conducted a parcel-level evaluation of these sites.⁷⁶ As explained in Table 2-12 (p. 33-38), the City assumes that 7 of these 11 potentially redevelopable sites 5 acres and larger offer redevelopment opportunities in the 2010-2030 planning period. The results of the evaluation of tax lots in Table 2-12 show that one of the seven potentially redevelopable sites is larger than 20 acres and six of the potentially redevelopable sites are 5-20 acres in size. The largest potentially redevelopable site is a 47-

⁷⁶ CIBL/EOA pp. 33-39

acre parcel in the Jasper-Natron Special Heavy Industrial District (Taxlot: 1802100000200).



This site has approximately 36 acres of unconstrained land, divided by seven separate areas of inventoried wetlands. Given the configuration of absolute constraints on this parcel, the City reasoned that the site could provide redevelopment opportunity on 36 acres, across two or more areas within the site.⁷⁷ The City reasoned that this site could provide one of the City's needed sites 20 acres and larger. The site is currently designated "Special Heavy Industrial." Metro Plan p. II-G-8 describes the Special Heavy Industrial (SHI) designation. *"This designation accommodates industrial development that need large parcels, particularly those with rail access."*

As described in CIBL/EOA Table 2-12 (p. 33), the rail spur that formerly served the 47-acre "Natron" site was eliminated when the Straub Parkway was constructed. Staff met with the Union Pacific Industrial Lands Specialist to confirm that this site is no longer accessible by rail. The site is constrained by seven areas of wetlands and a BPA easement. The City reasoned that the existing description of the site in the Metro Plan text may be an impediment to timely and successful redesignation, re-use and redevelopment of the site in the planning period. To contribute to the redevelopment potential of this site, the City and Lane County⁷⁸ adopted an amendment to the Metro Plan text (in Ordinance Exhibit D) to remove the reference to the "Natron Site (south of Springfield)" Special Heavy Industrial site on page II-G-8 of the Metro Plan. Exhibit D amends Chapter II, Section G. Metro Plan Land Use Special Heavy Industrial designation page II-G- 8 as follows:

Two areas are designated Special Heavy Industrial. Listed below are the names of the two areas and applicable land division standards, use limitations, and annexation and servicing provisions.

Natron Site (south of Springfield)

~~Wastewater service is not available to this area in the short term; therefore, industrial firms may be allowed to provide self contained sewage disposal facilities subject to local, state, and federal environmental standards. Annexation to the city shall be required as a condition of development approval. Land divisions in this area shall be a~~

⁷⁷ CIBL/EOA redevelopment analysis, Chapter 2, pp. 9-39.

⁷⁸ The City of Eugene was notified of this text amendment and opted to not participate in the adoption proceedings.

~~minimum of 40 acres until annexation to Springfield has been assured. While industrial park development will be encouraged on this site, opportunity for the siting of industries that require large lots, such as 20 acres or more, will be reserved through the conceptual development planning and site review process.~~

The City incorporated the Exhibit D text amendment into its 2030 Plan amendment to remove an unnecessary regulatory impediment to redevelopment. The City is not redesignating or rezoning the SHI property at this time and SHI uses and “any industry which meets the applicable siting criteria may make use of this designation”⁷⁹ continue to be permitted. Previous visioning for the entire Jasper-Natron area with input from citizens and property owners indicated that the SHI designation is no longer appropriate for this site and that a more flexible Light Industrial or General Employment Designation would encourage re-use or redevelopment of this property in the planning period. The Exhibit D text amendment facilitates redesignation and rezoning of this site in the future. The City and Lane County also adopted a general policy and implementation strategies providing direction for future plan or zoning amendments that could be implemented to address this site and others like it:

2030 Plan Economic Element Policy E.45 states:

“Consider amendments to regulations that will increase predictability and flexibility for industrial site redevelopment and expansion.”

2030 Plan Economic Element Policy Implementation Strategy 45.1 states:

“Consider establishing a new general “Industrial” plan designation to support several different kinds of industrial development.”

2030 Plan Economic Element Policy Implementation Strategy 45.2 states:

“Consider establishing a new “Employment” plan designation and zone that allows a broader array of general industrial uses and develop updated buffering standards.”

2030 Urbanization Element Implementation Strategy 1.3 states:

“Encourage and support redesignation, rezoning, environmental clean-up and redevelopment of brownfields and older industrial sites to allow these lands to redevelop with clean industries and new uses, especially when located in the Willamette Greenway, adjacent to waterways and high value wetlands, and in Drinking Water Protection Zones 1-2 Year TOTZ areas. Provide information to businesses to encourage and facilitate environmental remediation, relocation, and/or redevelopment of these sites.”

2030 Urbanization Element Implementation Strategy 2.1 states:

⁷⁹ Metro Plan p. II-G-8

“Preserve large (20 acres or greater) Heavy Industrial, Light Industrial, Campus Industrial and Employment Mixed Use sites for industrial and other employment uses that require large sites, while allowing redesignations that allow limited supporting retail uses (e.g. food and beverage) within the building to support the primary employment use.”

2030 Urbanization Element Policy E.3 states:

“Work with property owners and their representatives to ensure that prime development and redevelopment sites throughout Springfield and its Urban Growth Boundary that are designated for employment use are preserved for future employment needs and are not subdivided or used for non-employment uses.”

As explained in Table 2-12, the City assumes that six potentially redevelopable sites 5-20 acres offer redevelopment opportunities in the 2010-2030 planning period as follows:

- 12-acre site in the Jasper-Natron Special Heavy Industrial District
- 10-acre site on 28th Street in Heavy Industrial
- 8-acre site on 42nd Street in Heavy Industrial
- 7-acre site at 28th and Marcola Road in Heavy Industrial
- 6.5-acre site on 28th Street in Heavy Industrial
- 6-acre site on Highbanks Road in Heavy Industrial

The City assumed the seven potentially redevelopable sites will be available in the planning period, thus the City reduced the number of needed industrial sites 20 acres and larger by one industrial site⁸⁰, and reduced the number of needed sites 5-20 acres by six sites. Application of this assumption reduced the amount of land needed in the UGB expansion.⁸¹

The CIBL/EOA assumes all of Springfield’s needs for industrial and commercial sites less than 5 acres in size will be met within the existing UGB. Application of this assumption reduced the amount of land needed in the UGB expansion by 2 sites and 6 acres.⁸²

2030 Policy commitments to redevelopment and designation of additional land for mixed-use development to meet site needs. As previously stated, the CIBL/EOA⁸³ assumes that all of Springfield’s needs for industrial and commercial sites less than 5 acres in size will be met within the existing UGB. As shown in CIBL/EOA Appendix C, Table C-10, “Minimum acreage needs, 20,000 and 50,000 sq. ft. building”, some of Springfield’s target employers that locate on “urban office” or “campus style office” sites can locate on vacant or developed, or redevelopable sites smaller than 5 acres. These office uses

⁸⁰ This reduction applied to the number of needed sites and acres can be seen by comparing the figures in CIBL/EOA Tables 5-1 and 5-3, pp. 78-79.

⁸¹ See CIBL/EOA Table 5-1, p. 78.

⁸² See CIBL/EOA Tables 5-3 and 5-4 showing the reduction of needed sites <5 acres from 2 to 0, and the number of needed acres from 230 to 223, pp. 79 and 80

⁸³ CIBL/EOA p. 79

include Back Office, Headquarters, and Professional/Technical Services that require 50,000 square feet or less. Urban office space could be part of mixed-use developments.

The City’s previously adopted UGB and Residential Land Use and Housing Element committed the City to meeting all residential land use needs for the 2010-2030 planning period without expanding the UGB. The CIBL/EOA assumes 22% of needed employment will occur on “potentially redevelopable” sites.⁸⁴ These facts point to the need for ample Springfield policy support for redevelopment — including land designated and zoned to accommodate mixed use development — on sites within the existing UGB. To that end, the City and Lane County adopted a UGB and policy commitments that support and rely upon more mixed-use development in Springfield to meet multiple land use needs within its limited and constrained land supply.

2030 Economic Element policies and implementation strategies

The 2030 Economic Element describes Springfield’s focused public policy strategy to accommodate employment growth needs on smaller sites by enabling a high level of redevelopment activity.

2030 Economic Element Policy E.1 states:

“Designate an adequate supply of land that is planned and zoned to provide sites of varying locations, configurations, size and characteristics as identified and described in the Economic Opportunity Analysis to accommodate industrial and other employment over the planning period. These sites may include vacant undeveloped land; partially developed sites with potential for additional development through infill development; and sites with redevelopment potential.”

2030 Economic Element Implementation Strategy 1.2 states:

“Continue to conduct focused neighborhood, district, and corridor refinement planning processes that engage the community to identify sites with potential for infill and redevelopment; and work collaboratively to update planning and zoning to support job creation and more efficient land use.”

The City and Lane County adopted a set of Economic Element policies and strategies committing the City to refinement, corridor and district planning updates that will designate and zone more land to add to Springfield’s existing inventory of land designated and zoned Mixed-Use — creating additional opportunities for mixed-use development in Springfield (E.8, E. 9, E.10, E.19, E.22 and Implementation Strategies 4.1, 4.3, 4.4, 4.5, 4.6, 8.2, 8.3, 9.1, 9.2, 9.3, 9.4, 9.5, 9.6, 10.1, 10.2, 10.3, 10.4, 10.5, 10.6, 16.1, 16.2, 16.3, 22.1, 22.4, 24.3, 40.6, 40.7, 40.8).

2030 Economic Element Policy E.6 states:

⁸⁴ CIBL/EOA page vi, Figure S-1

“Facilitate short term and long term redevelopment activity and increased efficiency of land use through the urban renewal program, updates to refinement plans and the development review process.”

2030 Economic Element Policy E.7 states:

“Where possible, concentrate development on sites with existing infrastructure or on sites where infrastructure can be provided relatively easily and at a comparatively low cost.”

2030 Economic Element Implementation Strategy 4.3 states:

“Establish an “Employment Mixed-Use” plan designation to allow secondary supporting land uses in walkable employment centers served by multiple modes of transportation to support the goals of compact urban development.”

2030 Economic Element Implementation Strategy 4.4 states:

“Prepare or update refinement, corridor and district plans to create more opportunities for mixed land uses. Prioritize planning for mixed-used development that includes retail, office commercial, and multifamily housing in downtown, Glenwood, along the Main Street corridor and along the Downtown to Gateway transit corridor.”

2030 Economic Element Implementation Strategy 4.5 states:

“Continue to support policies and develop implementation tools to encourage economically feasible mixed-use development and nodal development in Springfield’s downtown, Glenwood, and in mixed-use nodes in locations identified through the refinement planning process.”

2030 Economic Element Implementation Strategy 4.6 states:

“Encourage co-location of residential and commercial uses in existing buildings by developing resources to make available financial assistance for necessary building upgrades to meet requirements in the building code, such as improvements to meet seismic standards.”

2030 Economic Element Implementation Strategy 24.3 states:

“Support property-owner initiated proposals to redesignate and rezone commercial land located outside of any neighborhood refinement plan areas adopted after June 2011 to Residential Mixed-Use when consistent with Springfield 2030 Plan policies.”

2030 Economic Element Policy 8 states:

“Continue implementing the Downtown District Plan and Implementation Strategy adopted in 2010 to guide revitalization and redevelopment in downtown as resources are available.”⁸⁵

2030 Economic Element Implementation Strategy 8.2 states:

“Amend the Downtown Refinement Plan and Downtown Mixed Use Zone to create new capacity and support for downtown employment uses that use land more efficiently and minimizes the costs of providing infrastructure.”

2030 Economic Element Implementation Strategy 8.8 states:

“Continue to leverage and expand Downtown Springfield as the City’s civic and government center by promoting, investing and seeking opportunities to locate new federal, state and local civic buildings in Downtown or, — if Downtown sites are not readily available — in locations with excellent transit connections to or through Downtown.”

2030 Economic Element Policy 9 states:

“Encourage and facilitate redevelopment of Glenwood as a mixed use housing, employment and commercial center.”

2030 Economic Element Implementation Strategy 9.1 states:

“Continue to support redevelopment of sites in Glenwood through planning, key investments, innovative development standards, and focused activity through the Springfield Economic Development Agency (SEDA), the Glenwood Urban Renewal Plan, the Glenwood Refinement Plan and the Glenwood Riverfront Plan Mixed-Use Plan District.”⁸⁶

2030 Economic Element Implementation Strategy 9.2 states:

“Provide the public infrastructure and services necessary for development in Glenwood, as funds allow.”

2030 Economic Element Implementation Strategy 9.3 states:

“Coordinate economic development in Glenwood with regional and State economic development efforts.”

2030 Economic Element Implementation Strategy 9.4 states:

⁸⁵ Springfield City Council Resolution 10-57

⁸⁶ SDC 3.4-200

“Assist economic development in Glenwood through techniques such as optioning land, land assembly, and cooperative development agreements to assist developers with land assembly issues.”

2030 Economic Element Implementation Strategy 9.5 states:

“Recruit anchor institutions, such as academic and health care institutions to locate in Springfield. Recruit to establish a University of Oregon anchor land use in Glenwood to stimulate private investment in redevelopment of vacant or neglected sites.”

2030 Economic Element Implementation Strategy 9.6 states:

“Implement the Glenwood Riverfront District/Franklin Corridor District Plan and Phase One plan amendments adopted in 2012.”⁸⁷

2030 Economic Element Policy E.10 states:

“Continue to provide public policy and financial support when possible for redevelopment in Springfield. Through the annual Goal-setting process, the City Council shall identify redevelopment target areas.”

2030 Economic Element Implementation Strategy 10.1 states:

“Continue to conduct focused refinement planning in key redevelopment areas, as directed by the City Council, and as resources are available.”

2030 Economic Element Implementation Strategy 10.3 states:

“When preparing or amending refinement plans, work with neighborhood groups to identify needs and opportunities for creating neighborhood mixed use centers near schools and parks to encourage development of neighborhood-serving “corner store” scale retail, small office or live-work units in or adjacent to residential areas. Consider establishing a Neighborhood Commercial Mixed Use designation.”

2030 Economic Element Implementation Strategy 10.4 states:

“Designate a Neighborhood Mixed Use center in Jasper Natron within one half mile of the future school/park sites.”

2030 Economic Element Implementation Strategy 10.5 states:

“Encourage opportunities for employment close to residences, including mixed-use development.”

2030 Economic Element Implementation Strategy 10.6 states:

⁸⁷ SDC 3.4-200 was adopted into the Code in 2013

“Establish Employment Mixed-Use plan designations that could be applied to land along the existing and proposed future high capacity transit corridors and in Nodal Development areas.”

2030 Economic Element Implementation Strategy 22.1 states:

“Expand the Downtown Refinement Plan boundary and Downtown Mixed Use District to support additional commercial activity and to create a more viable retail commercial center as envisioned in the 2010 Downtown District Urban Design Plan and Implementation Strategy; and engage the Downtown Citizen Advisory Committee, Historic Commission and property owners to ensure that the form, scale and intensity of new development contributes positively to the adjacent Washburne Historic District neighborhood. Consider that 100,000-125,000 square feet of retail is required for a viable retail destination district; 50,000-60,000 square feet is needed for an anchor use, such as a grocery store or theater multiplex; and contemporary retail businesses need wider and less deep space than currently provided by buildings on Main Street.”

2030 Economic Element Implementation Strategy 24.4 states:

“Work with property owners and stakeholders through the Main Street Corridor planning process to consider allowing Medium or High Density residential uses in existing commercial zones in addition to commercial uses.”

2030 Economic Element Implementation Strategy 25.2 states:

“Study the feasibility of applying an Employment Mixed-Use or “employment transition” zoning concept to land along the south side of South A Street to support mixed-use redevelopment activity adjacent to the downtown Booth-Kelly center and Mill Race restoration areas when development is compatible with the existing and future use of the rail corridor.”

The City and Lane County adopted policies and strategies committing the City to plan and support redevelopment in Downtown (Policy E.20 and Implementation Strategies 22.1, 22.3) Glenwood (Policy E.21), Main Street Corridor (I.S. 22.9, 24.4), Jasper-Natron (Implementation Strategy 22.6), Mohawk Center (I.S. 22.7)(Policies E.20, E.21, E.22).

The City and Lane County adopted policies and strategies committing the City to provide more zoning flexibility for developing industrial or business parks to support clustering of related or complementary businesses.

Economic Element Policy E.4 states:

“Expand industrial site opportunities through evaluating and rezoning commercial, residential, and industrial land for the best economic return for the community

through the process of Periodic Review of the Metro Plan, refinement plans, master plans, expanding the urban growth boundary, and other means.”

2030 Urbanization Element Policy 2 states:

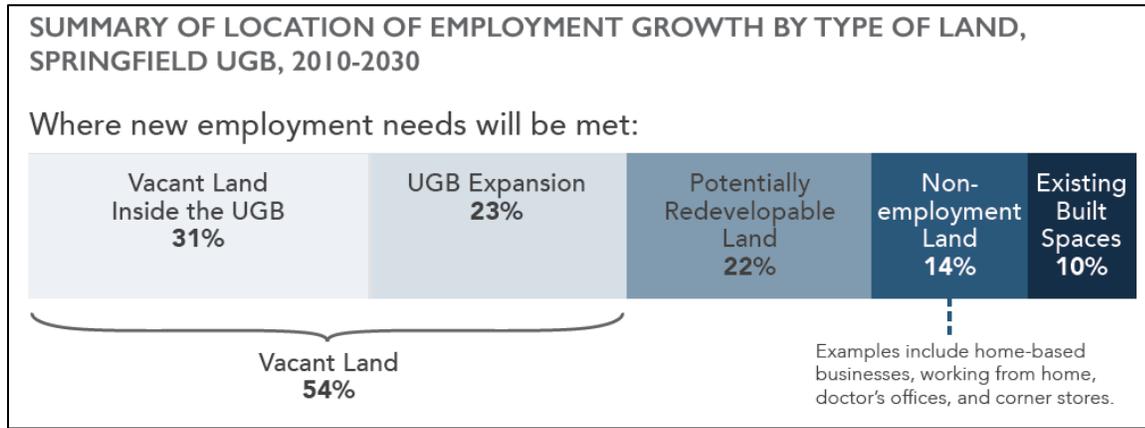
“Continue to support and facilitate redevelopment and efficient urbanization through City-initiated area-specific refinement planning and zoning amendments consistent with the policies of this Plan. Plans shall designate an adequate and competitive supply of land to facilitate short-term and long-term redevelopment activity. Efficiency measures achieved through plan amendments may be reflected in land supply calculations to the extent that they are likely to increase capacity of land suitable and available to meet identified needs during the relevant planning period.”

2030 Urbanization Element Policy 3 states:

“Balance the goals of accommodating growth and increasing average density within the city with goals to stabilize and preserve the established character of sound older neighborhoods. The City shall adopt detailed area-specific refinement plans to clearly define locations where significant growth and redevelopment is expected, and to establish policies and zoning to guide the design of higher density development.”

- ***“Continue to provide public policy and financial support when possible for redevelopment in Springfield.”***
- ***“Continue to prioritize and incentivize redevelopment in the Glenwood and Downtown urban renewal districts and support redevelopment throughout the City as described in the Economic and Residential Elements of this Plan.”***
- ***“Continue to provide development tools and incentives (such as Urban Renewal support) within targeted priority redevelopment areas as resources become available to facilitate expedient and economically feasible redevelopment.”***
- ***“Continue to conduct focused planning in key redevelopment areas, as directed by the City Council, as resources are available. Such efforts will review, update and supersede existing refinement plan designations and policies.”***
- ***“Identify and include public agencies and private stakeholder partners in district-specific planning efforts to facilitate redevelopment through partnerships and other cooperative relationships.”***

UGB expansion sites. 23% of employment growth is assumed to occur on land added to the UGB in 2016 to accommodate large employers with special site needs as described in the CIBL/EOA. The City and Lane County designated these lands “Urban Holding Area – Employment.”⁸⁸



2030 Economic Element Implementation Strategy 1.1 states:

“Amend the UGB, Metro Plan diagram and text to add 223 acres of suitable land to provide employment sites larger than 20 acres and preserve the suitable sites for future development by creating and applying an “Urban Holding Area - Employment” (UHA – E) designation and zone to the sites as described in the Urbanization Element and Springfield Development Code.

To add 223 acres of suitable unconstrained land to provide employment sites larger than 20 acres, Ordinance [redacted], amends the Springfield UGB to add 273 total acres of land to the UGB (total includes existing right of way). As shown in Exhibit A-2, Suitable land to meet the need for industrial and other employment sites is designated “Urban Holding Area – Employment (UHA-E).”

Ordinance [redacted] amends the Metro Plan text and diagram to define and apply the “Urban Holding Area – Employment (UHA-E)” plan designation to the lands shown in Exhibit A-2 and Exhibit D.

2030 Urbanization Element Policy 11 states:

“Plan and zone land within the UHA-E designation to provide suitable employment sites 20 acres and larger to accommodate clean manufacturing uses and office/tech/flex employers in Springfield’s target industry sectors. Limited neighborhood-scale retail uses that primarily serve employees within an industrial or office building or complex may be permitted as a secondary element within employment mixed-use zones. Urban Holding Area-Employment (UHA- E) sites shall not be re-designated or zoned to permit development of regional retail commercial uses.”

⁸⁸ Ordinance [redacted], Exhibit A

2030 Urbanization Element Policy 12 states:

“Master plans are required for contiguous ownerships over 5 acres designated UHA-E and shall address all of the policies of this Plan and the Master Plan requirements of the Springfield Development Code.”

2030 Urbanization Element Policy 22 states:

“Plan and zone the North Gateway UHA-E area to guide development of a well-designed employment district adjacent to the Interstate 5 economic corridor to support diversification and improvement of the local, regional and state economies and to make efficient use of existing and planned public transportation systems and infrastructure. Applicant-initiated plan designation and zoning changes shall address logical extension of transportation and public facilities to serve the entire North Gateway UHA-E district. Development within the North Gateway District shall be zoned and designed to enhance the distinctive physical surroundings and natural resources of the area while accommodating growth and change through implementation of attractive building exteriors and low impact development practices.”

The Springfield UGB as amended provides land for employers requiring sites larger than 20 acres sites 5-20 acres and preserves suitable sites for future development by creating and applying an “Urban Holding Area - Employment Opportunity Area” (UHA – EOA) plan designation and “Agriculture – Urban Holding Area” zoning to the sites as described in the Urbanization Element and Springfield Development Code.

The City and Lane County designated suitable employment sites larger than 5 acres and adopted policies to protect sites larger than 20 acres from land divisions.

Economic Element Policy E.2 states:

“Establish minimum parcel sizes within the “Urban Holding Area - Employment “(UHA – E) designated areas to reserve suitable parcels 20 acres or larger and suitable parcels larger than 50 acres.”

2030 Urbanization Element Policy 7 states:

“For lots/parcels greater than 50 acres in the North Gateway UHA-E District, the minimum lot/parcel size for land division is 50 acres. Land divisions that create lots/parcels for the purpose of establishing a Natural Resource or Public/Semi-Public Parks and Open Space designation within the floodway, wetland or riparian resource portions of the site may create lots/parcels less than 50 acres within the Natural Resource or Public/Semi-Public Parks and Open Space designation portion of the parent lot/parcel. Lots/parcels created and designated for employment purposes shall

retain the 50-acre minimum until planned and zoned to allow annexation and site development with urban employment uses and densities consistent with the policies of this Plan.”

2030 Urbanization Element Policy 8 states:

“For lots/parcels less than 50 acres in the North Gateway and Mill Race UHA-E Districts, the minimum lot/parcel size for land division is 20 acres. Land divisions that create lots/parcels for the purpose of establishing a Natural Resource or Public/Semi-Public Parks and Open Space designation within the floodway, wetland or riparian resource portions of the site may create lots/parcels less than 20 acres within the Natural Resource or Public/Semi-Public Parks and Open Space designation portion of the lot/parcel. Lots/parcels created and designated for employment purposes shall retain the 20-acre minimum until planned and zoned to allow annexation and site development with urban employment uses and densities consistent with the policies of this Plan.”

2030 Economic Element Policy 3 states:

“Work with property owners and their representatives to ensure that prime development and redevelopment sites throughout Springfield and its Urban Growth Boundary that are designated for employment use are preserved for future employment needs and are not subdivided or used for non-employment uses.”

2030 Economic Element Implementation Strategy 11.1 states:

“Plan, zone and reserve a sufficient supply of industrial and commercial buildable land to create opportunity sites for employment uses identified in the 2015 Economic Opportunities Analysis (EOA), with an initial emphasis on Target Industries listed in the analysis Table S-1, Target Industries, Springfield 2010-2030 (page iii-iv.)”

2030 Economic Element Implementation Strategy 12.4 states:

“Encourage the location and expansion of traded sector industries as a means to increase the average wage and contribute to the growth of the local sector economy.”

2030 Economic Element Implementation Strategy 12.5 states:

“Support increased potential for employment in one of the regional industry clusters.”

Commitments to provide necessary public facilities and transportation facilities for the newly urbanizable portion of the planning area. The City’s 2030 Plan policies are coordinated with existing public facilities and transportation plan policies to provide necessary public facilities and transportation facilities for the Springfield planning area. The 2030 Plan continues to rely upon the acknowledged

Metro Plan policies for coordination of public facilities planning at the Metro area level and transportation system planning at the MPO level to provide public facilities and transportation facilities for the planning area. 2030 Urbanization Element policies 43 and 44 (Ordinance Exhibit C-1) commit the city to update public facilities planning and transportation system planning as may be necessary to provide public facilities and transportation facilities for the newly urbanizable lands added to the UGB planning area prior to approval of a plan amendment or zone change that allows transition from rural to urban uses and densities.

2030 Urbanization Element Policy 9 states:

“As directed by the City Council, the City will conduct comprehensive planning processes and adopt refinement-level plans and implementation measures to guide and regulate urban development in the North Gateway and Mill Race UHA-E districts. The Transportation Planning Rule requirements under OAR 660-012-0060 will be addressed prior to any re-designation or zoning map amendment that allows urbanization.”

2030 Urbanization Element Policy 23 states:

“Amend the Gateway Refinement Plan to include the North Gateway UHA-E area prior to or concurrent with approval of an owner-initiated plan amendment or zone change that allows urban development in the North Gateway UHA-E area. The amended Gateway Refinement Plan shall describe the logical extension of transportation and public facilities to serve the entire North Gateway UHA-E area.”

2030 Urbanization Element Policy 27 states:

“The coordinated, timely provision of urban services is a central element of the City’s comprehensive growth management strategy for infill, redevelopment and new development. Development undertaken in pursuit of housing goals, diversifying the economy and neighborhood livability shall occur only after the logical and efficient delivery of all urban services have been provided to these sites.”

2030 Urbanization Element Policy 28 states:

“Regionally significant public investments within Springfield’s UGB shall be planned on a metropolitan-wide basis, as described in the regional transportation and public facilities plans.”

2030 Urbanization Element Policy 37 states:

“Prior to re-designating and rezoning land designated Urban Holding Area-Employment, the City shall update and adopt amendments to the Eugene-Springfield

Metropolitan Public Facilities and Services Plan (PFSP) that may be needed to identify new facilities or major modification of facilities needed to serve development of urban employment uses within the North Gateway or Mill Race districts as necessary to demonstrate accordance with statewide planning Goal 11 and Goal 11 administrative rules requirements and the policies of Metro Plan Chapter III-G Public Facilities Element of the Metro Plan.”

2030 Economic Element Policy E.13 states:

“Advocate for and support State, Federal and Metro regional transportation network development policies and initiatives that strengthen Springfield’s economic corridor connections and development/redevelopment potential.”

2030 Economic Element Implementation Strategy 8.3 states:

“Amend infrastructure plans as necessary to include the infrastructure and services that businesses need to operate in downtown Springfield.”

2030 Economic Element Implementation Strategy 8.7 states:

“Collaborate with Springfield Utility Board and other service providers to minimize cost of upgrading and modernizing downtown infrastructure.”

2030 Economic Element Implementation Strategy 13.1 states:

“Take advantage of new commercial and residential development opportunities that will be stimulated by the infrastructure projects identified in the Springfield TSP, such as the Franklin Boulevard improvements in Glenwood.”

2030 Economic Element Policy E.21 states:

“Plan and support redevelopment of the Glenwood Franklin Riverfront and Downtown districts to be mutually supportive and seek funding to connect the two districts with a pedestrian/bike bridge.”

2030 Economic Element Policy E.16 states:

“Consider the economic opportunities provided by transportation corridors and seek to maximize economic uses in corridors that provide the most optimal locations and best exposure for existing and future commercial and industrial uses.”

2030 Economic Element Implementation Strategy 16.1 states:

“Develop a Main Street/Oregon Highway 126 corridor plan to update land use designations, zoning, and development standards; evaluate potential nodal

development areas; and coordinate with Lane Transit District’s planning for potential transit system improvements.”

2030 Economic Element Implementation Strategy 16.2 states:

“Identify future economic corridor or district improvement areas to be targeted with refinement planning (e.g. Downtown to Gateway, Mid-Main to Mohawk, Urban Holding Areas).”

2030 Economic Element Implementation Strategy 16.3 states:

“Plan and zone land to maximize utilization of excellent exposure along Main Street/Highway 126B and Pioneer Parkway as future downtown commercial and employment development sites, as envisioned in the 2010 Downtown District Urban Design Plan.”

2030 Economic Element Policy E.17 states:

“Leverage existing rail facilities and future expansion of rail facilities to achieve economic development objectives.”

2030 Economic Element Implementation Strategy 17.4 states:

“Work with railroad industrial land specialist staff and Springfield property owners to conduct an inventory of Springfield’s existing rail facilities and create a list of industrial sites with existing or previous rail service and/or potential for new service, including opportunities to utilize freight rail line connectivity between Springfield and the Coos Bay port.”

2030 Economic Element Implementation Strategy 17.5 states:

“Consider how future expansion of rail freight will affect land use and avoid re-zoning industrial land with rail access to non-industrial uses, while allowing some conversion of existing industrial land to other employment uses, especially in high visibility areas such as the South A corridor east of Downtown, if uses are compatible with heavy rail impacts.”

2030 Economic Element Policy E.18 states:

“Coordinate transportation and land use corridor planning to include design elements that support Springfield’s economic and community development policies and contribute to community diversity and inclusivity.”

2030 Economic Element Implementation Strategy 18.3 states:

“Establish preferred design concepts for key intersections along the corridor that integrate vehicle, pedestrian, bicycle and transit needs.”

2030 Economic Element Implementation Strategy 18.7 states:

“Prioritize improvements that would complete local connections to local shopping and service opportunities.”

Springfield’s existing acknowledged plan and zoning map designations, public facility plans, and transportation system plans, and Springfield Development Code land use regulations — as amended through adoption and acknowledgement of the 2030 Plan amendments — are adequate to implement policies the City and Lane County adopted pursuant to OAR 660-009-0020.

Conclusion OAR 660-009-0020(1)(c): The City’s 2030 Plan Amendments include policy commitments to provide an adequate number of suitable employment sites, types and locations and necessary public facilities and transportation facilities for the planning area.

OAR 660-009-0020(2)

“Plans for cities and counties within a Metropolitan Planning Organization or that adopt policies relating to the short-term supply of land, must include detailed strategies for preparing the total land supply for development and for replacing the short-term supply of land as it is developed. These policies must describe dates, events or both, that trigger local review of the short-term supply of land.”

2030 Economic Element Policy E.5 states:

“Provide an adequate, competitive short-term supply of suitable land to respond to economic development opportunities as they arise. “Short-term supply” means suitable land that is ready for construction within one year of an application for a building permit or request for service extension. “Competitive Short-term Supply” means the short-term supply of land provides a range of site sizes and locations to accommodate the market needs of a variety of industrial and other employment uses.”

The CIBL/EOA (pages 40-41) presents an analysis of short-term supply. Most of Springfield’s land supply within the existing UGB (91% of vacant commercial and industrial land and 85% of land with redevelopment potential) is considered short-term supply because land can be ready for construction within one year based on “engineering feasibility.” The short-term supply meets and exceeds the 25% threshold of OAR 660-009-0025 (3)(a).

Springfield has two urban renewal districts: Glenwood U.D. and Downtown U.D. Both districts have urban renewal plans and financing programs administered by the Springfield Economic Development Agency (SEDA) through the City Manager’s Office Economic Development Department. Programs provide support, as funds become available, to plan and prepare the land supply for redevelopment.

The urban renewal program, as funds allow, supports provision of a competitive short-term supply of land in Springfield providing a range of commercial, industrial and mixed-use site sizes and locations to accommodate the market needs of a variety of industrial and other employment uses.⁸⁹

Conclusion OAR 660-009-0020(2): The City and Lane County adopted 2030 Plan Economic Element Policy E.5 to state a commitment to providing a competitive short-term supply of land to accommodate industrial and other employment uses it selected through the economic opportunities analysis. The City and Lane County adopted 2030 Plan Urbanization Element text, policies and strategies describing how Springfield’s total supply of urbanizable land, including land in the short-term supply is planned and prepared for development.

OAR 660-009-0020(3)

“Plans may include policies to maintain existing categories or levels of industrial and other employment uses including maintaining downtowns or central business districts.”

As described in the CIBL inventory, the City’s 2030 Plan Amendments assume Springfield will maintain existing categories or levels of industrial and other employment uses as described in the Metro Plan and associated facilities plans. Any future amendments to existing categories or levels of industrial and other employment uses, policies or implementation strategies are addressed through future plan amendments. Existing categories or levels of industrial and other employment uses are assumed as described in the Metro Plan, associated facilities plans, and the Springfield Development Code.

As described on pages 74-84 of this report, the City’s 2030 Plan Amendments include policies and implementation strategies to support Downtown revitalization and redevelopment — maintaining and growing Springfield’s Downtown District as an important center of employment and commerce.⁹⁰

Conclusion OAR 660-009-0020(3): The 2030 Plan includes policies to maintain existing categories or levels of industrial and other employment uses including maintaining downtowns or central business districts.

OAR 660-009-0020(4)

“Plan policies may emphasize the expansion of and increased productivity from existing industries and firms as a means to facilitate local economic development.”

The City’s analysis of trends in the CIBL/EOA assumes the expansion of some existing industries and firms (e.g. Medical cluster) as a means to facilitate local economic development.

⁸⁹ For example, in 2016 SEDA is providing public assistance and financing support for infrastructure upgrades of Franklin Boulevard/McVay Highway and land assembly to assist in preparing Glenwood sites for redevelopment.

⁹⁰ In 2016, the City is updating its Downtown Design and Streetscape Development Standards through amendments to the Springfield Development Code and Engineering Design Standards Manual, with assistance from the Oregon TGM Code Assistance Program.

Conclusion OAR 660-009-0020(4): The CIBL/EOA and the City’s plan policies designate land and regulate land uses to provide a supply of suitable sites to accommodate expansion and increased productivity from existing industries and firms that are expected to grow in the 2010-2030 planning period.

OAR 660-009-0020(5)

“Cities and counties are strongly encouraged to adopt plan policies that include brownfield redevelopment strategies for retaining land in industrial use and for qualifying them as part of the local short-term supply of land.”

The City’s 2030 Plan Amendments include policies and implementation strategies to support brownfield redevelopment.

2030 Plan Economic Element Policy E.27 states:

“Support clean up and re-use of brownfields and contaminated sites as the opportunities for reuse arise.”

2030 Plan Economic Element Implementation Strategies 27.1 and 27.2 state:

“Provide public support to identify, assess, clean up and redevelop brownfields as resources become available through grants, SEDA, community partnerships and private investments.”

“Seek and leverage funding for brownfield assessment and clean up as one key tool to assist financing for redevelopment.”

The Springfield, Eugene and Lane County partnership has been successful in applying for, receiving and implementing EPA Brownfields Assessment Grants, demonstrating commitment to public support for assessment and clean-up of contaminated lands in the Metro area. As brownfields are assessed and cleaned up, commercial and industrial sites in Springfield’s inventory can be redeveloped with appropriate industrial and other employment uses.

“Encourage and support redesignation, rezoning, environmental clean-up and redevelopment of brownfields and older industrial sites to allow these lands to redevelop with clean industries and new uses, especially when located in the Willamette Greenway, adjacent to waterways and high value wetlands, and in Drinking Water Protection Zones 1-2 Year TOTZ areas. Provide information to businesses to encourage and facilitate environmental remediation, relocation, and/or redevelopment of these sites.”

Conclusion OAR 660-009-0020(5): Springfield and Lane County adopted 2030 plan Economic Element Policy policies and brownfield redevelopment strategies.

OAR 660-009-0020(6)

“Cities and counties are strongly encouraged to adopt plan policies pertaining to prime industrial land pursuant to OAR 660-009-0025(8).”

IVd. Employment Land Need - Uses with Special Siting Characteristics

OAR 660-009-0025(8) Uses with Special Siting Characteristics

“Cities and counties that adopt such objectives or policies providing for uses with special site needs must adopt policies and land use regulations providing for those special site needs. Policies and land use regulations for these uses must:

- (a) Identify sites suitable for the proposed use;*
- (b) Protect sites suitable for the proposed use by limiting land divisions and permissible uses and activities that interfere with development of the site for the intended use; and*
- (c) Where necessary, protect a site for the intended use by including measures that either prevent or appropriately restrict incompatible uses on adjacent and nearby lands.”*

OAR 660-009-0005(8) defines "Prime Industrial Land" as *“land suited for traded-sector industries as well as other industrial uses providing support to traded-sector industries. Prime industrial lands possess site characteristics that are difficult or impossible to replicate in the planning area or region. Prime industrial lands have necessary access to transportation and freight infrastructure, including, but not limited to, rail, marine ports and airports, multimodal freight or transshipment facilities, and major transportation routes. Traded-sector has the meaning provided in ORS 285B.280.”*

As encouraged to do so under OAR 660-009-0020(6), the City and County adopted 2030 Plan Amendments designating land suited for traded-sector industries as well as other industrial uses providing support to traded-sector industries. These industries and uses are identified in the CIBL/EOA. The City and County adopted 2030 Plan Amendments policies pertaining to uses with special site needs characteristics as identified and explained in the adopted CIBL/EOA. OAR 660-009-0025(8) states: *“Special site needs include, but are not limited to large acreage sites, special site configurations, direct access to transportation facilities, prime industrial lands, sensitivity to adjacent land uses, or coastal shoreland sites designated as suited for water-dependent use under Goal 17.”*

The City and County adopted 2030 Plan amendments to the UGB to provide 223 acres of suitable large site employment land. The amended UGB designates suitable large acreage sites — including sites larger than 20 acres — to accommodate target industrial and other employment uses. As previously described in this report under OAR 660-009-0015 (1), (2), (3) and (4) and as described and explained in the CIBL/EOA, needed site characteristics for Springfield target employers include but are not limited to unconstrained, serviceable sites larger than 20 acres with flat topography, access to public services and transportation facilities including public transit and designated truck routes. The City’s findings in this

report under Goal 14 describe and explain the City's UGB Alternatives Analysis process to assess the suitability and serviceability of lands it evaluated under ORS 198.298 and Goal 14.

The 2030 Plan amendments designate suitable, large, flat, unconstrained sites in the North Gateway and Mill Race areas to meet special site needs. The City and Lane County identified sites suitable for the proposed employment uses by adopting Ordinance Exhibit A designating these lands "Urban Holding Area-Employment" (UHA-E), and by adopting text amendments to the Metro Plan (Exhibit D) establishing and describing the UHA-E designation.

Exhibit D amends Chapter II, Section G. Metro Plan Land Use Designations to add a new land use designation applicable to Springfield's jurisdictional area of responsibility: Urban Holding Area – Employment. The text amendment inserts the following text on page II-G-9 (after Small-scale Light Industry and before Nodal Development Area):

Land Use Designations

Urban Holding Area – Employment (not shown on *Metro Plan* Diagram)

The Urban Holding Area – Employment (UHA-E) designation identifies urbanizable areas within the Springfield UGB to meet Springfield's long term employment land needs for the 2010-2030 planning period. The UHA-E designation reserves an adequate inventory of employment sites, including sites 20 acres and larger, that are suitable for industrial and commercial mixed use employment uses that generate significant capital investment and job creation within — but not limited to — targeted industry sectors, business clusters and traded-sector industries identified in the most recent Springfield economic opportunities analysis and Springfield Comprehensive Plan Economic Element policies.

Lands designated UHA-E are protected from land division and incompatible interim development to maintain the land's potential for planned urban development until appropriate urban facilities and services are planned or available and annexation to Springfield can occur, as described in the Springfield Comprehensive Plan Urbanization Element. The UHA-E designation remains in effect until the appropriate employment designation is adopted through a City-initiated planning process or an owner-initiated plan amendment process.

The City and Lane County adopted plan policies to reserve the sites it added to the UGB to meet the needs of target industries identified in CIBL/EOA. The policies identify and protect sites suitable for the proposed uses by limiting land divisions and permissible uses and activities that interfere with development of the site for the intended use.

2030 Plan Urbanization Element Policy 4 states:

“Urbanizable lands added to Springfield’s acknowledged UGB by Ordinance ____, date ____ to meet employment needs are designated “Urban Holding Area- Employment” (UHA-E) in the Metro Plan consistent with the employment site needs criteria for their inclusion in the UGB.⁹¹ The UHA-E designation reserves employment sites within urbanizable areas of 50 or more suitable acres to support creation of economic districts that will accommodate the site needs of target employment sectors. The size of employment districts and parcels of urbanizable land designated UHA-E shall be of adequate dimension so as to maximize the utility of the land resource and enable the logical and efficient extension of infrastructure to serve the North Gateway or Mill Race urbanizable area.”

2030 Plan Urbanization Element Policy 5 states:

“Lands designated UHA-E are planned and zoned for the primary purpose of reserving an adequate inventory of large employment sites that is well located and viable for industry and not easily replicable elsewhere for employment uses that generate:

- ***A significant capital investment;***
- ***Job creation within — but not limited to — targeted industry sectors, business clusters and traded-sector⁹² industries identified in the most recent economic opportunities analysis and Economic Element policies of this Plan.”***

2030 Plan Urbanization Element Policy 11 states:

“Plan and zone land within the UHA-E designation to provide suitable employment sites 20 acres and larger to accommodate clean manufacturing uses and office/tech/flex employers in Springfield’s target industry sectors. Limited neighborhood-scale retail uses that primarily serve employees within an industrial or office building or complex may be permitted as a secondary element within employment mixed-use zones. Urban Holding Area-Employment (UHA- E) sites shall not be re-designated or zoned to permit development of regional retail commercial uses.”

2030 Plan Urbanization Element Policy 6 states:

“Lands designated “Urban Holding Area-Employment” are zoned “Agriculture – Urban Holding Area” (AG) on the Springfield Zoning Map and are subject to the development standards of the Springfield Development Code AG Zoning District.”

⁹¹ Employment site needs are explained in the Economic Element of this Plan, and in the Springfield Commercial and Industrial Buildable Lands Inventory and Economic Opportunities Analysis, 2015.

⁹² ORS 285A.010(9)

The City is bringing land into the UGB to accommodate the need for large employment sites. The following policies restrict land division to protect those large sites for employers that need large sites.

2030 Plan Urbanization Element Policy 7 states:

“For lots/parcels greater than 50 acres in the North Gateway UHA-E District, the minimum lot/parcel size for land division is 50 acres. Land divisions that create lots/parcels for the purpose of establishing a Natural Resource or Public/Semi-Public Parks and Open Space designation within the floodway, wetland or riparian resource portions of the site may create lots/parcels less than 50 acres within the Natural Resource or Public/Semi-Public Parks and Open Space designation portion of the parent lot/parcel. Lots/parcels created and designated for employment purposes shall retain the 50-acre minimum until planned and zoned to allow annexation and site development with urban employment uses and densities consistent with the policies of this Plan.”

The following policy requires retention of large parcels. The area’s existing Lane County zoning is EFU-25 (25-acre minimum).

2030 Plan Urbanization Element Policy 8 states:

“For lots/parcels less than 50 acres in the North Gateway and Mill Race UHA-E Districts, the minimum lot/parcel size for land division is 20 acres. Land divisions that create lots/parcels for the purpose of establishing a Natural Resource or Public/Semi-Public Parks and Open Space designation within the floodway, wetland or riparian resource portions of the site may create lots/parcels less than 20 acres within the Natural Resource or Public/Semi-Public Parks and Open Space designation portion of the lot/parcel. Lots/parcels created and designated for employment purposes shall retain the 20-acre minimum until planned and zoned to allow annexation and site development with urban employment uses and densities consistent with the policies of this Plan.”

The City’s 2030 Plan amendments apply the “Agriculture-Urban Holding Area” (AG) zone to the lands it designated “Urban Holding Area- Employment” (UHA-E). The UHA-E sites were included in the UGB to provide suitable, large, flat, unconstrained sites to meet special site needs. Urbanization Element policies are implemented through the land use regulations of the AG zone — protecting sites suitable for the proposed employment uses by limiting land divisions and permissible uses and activities that would interfere with development of the site for the intended use. The City and Lane County adopted Ordinance Exhibit E amending the Springfield Development Code to establish the AG zone and Exhibit A amending the Springfield zoning map to apply the zone.

The City and Lane County adopted Ordinance Exhibit C-1 and by adopting adopted policies and land use regulations for these uses. The City and Lane County previously designated and zoned land within the

existing UGB to provide for uses with special site needs and adopted policies and land use regulations that identify sites suitable for special uses —such as the Campus Industrial District.⁹³

Conclusion OAR 660-009-0020(6), OAR 660-009-0025(8): As encouraged to do so under OAR 660-009-0020(6), the City and Lane County adopted 2030 Plan Amendments designating land suited for traded-sector industries as well as other industrial uses providing support to traded-sector industries. These industries and uses are identified in the CIBL/EOA. The City and County adopted 2030 Plan Amendments policies pertaining to uses with special site needs characteristics as identified and explained in the adopted CIBL/EOA.

OAR 660-009-0020(7)

“Cities and counties are strongly encouraged to adopt plan policies that include additional approaches to implement this division including, but not limited to:

- (a) Tax incentives and disincentives;*
- (b) Land use controls and ordinances;*
- (c) Preferential tax assessments;*
- (d) Capital improvement programming;*
- (e) Property acquisition techniques;*
- (f) Public/private partnerships; and*
- (g) Intergovernmental agreements.”*

The City’s CIBL/EOA includes aggressive assumptions about redevelopment and about projected employment in non-employment designations.

The city supports its assumptions about accommodating employment growth and redevelopment through its adoption and implementation of proactive and aggressive redevelopment planning policies and implementation plans, including but not limited to:

- Establishment of TIF financing programs (Downtown and Glenwood Urban Renewal Districts);
- Recent adoption of the Glenwood Refinement Plan Phase One plan and zoning amendments;

⁹³ Metro Plan p. II-G-7 describes existing industrial and other employment land use designation districts and identifies special site needs for land uses. For example: Heavy Industrial (energy intensive, large scale storage needs, truck and rail transportation needs); Campus Industrial (“50-acre minimum applied to ownerships of 50 or more acres to protect sites from piecemeal development until a site development plan has been approved by the responsible city; firms are enclosed within attractive exteriors and have minimal environmental impacts, such as noise, pollution and vibration, adequate circulation, compatibility with adjacent areas;” Special Heavy Industrial (40-acre minim parcel size); Nodal Development (transit stop within walking distance, design element that support pedestrian environments,, public spaces such as parks, that can be reached without driving”). Springfield’s Refinement Plans and SDC Plan Districts identify special site needs for land uses.

- Recent adoption of Downtown District Urban Design Plan and Implementation Strategy;
- Work in progress (2016-2017) to prepare and adopt Downtown Design Standards amendments to the Springfield Development Code and Engineering Design Standards Manual.
- Initiation of the Main Street Corridor Plan project (with support from the TGM program and EPA); Vision Plan adopted February 2015.
- Conducting assessment work to identify and prioritize Brownfield redevelopment sites (EPA grant);
- Continued political and policy level support for high frequency transit service implementation to support goals for improved multi-modal mobility, equity, air quality, housing choice, connectivity and transit-oriented economic development in Springfield;
- Participation in educational programs that seek to forge a more sustainable future through collaboration between local government, education and agency partnerships (University of Oregon Sustainable Cities Year City 2012-2013);
- Participation in federal programs that support coordinated land use, transportation, housing and environmental planning to build equitable and sustainable regions and communities (HUD Sustainable Communities Grant recipient 2012-2013 Lane Livability Consortium).

Conclusion OAR 660-009-0020(7): The City's 2030 Plan Amendments include policies and implementation strategies to implement economic development, including but not limited to the City's existing urban renewal districts tax increment financing program, the Capital Improvement Program, public/private partnerships, land use controls and ordinances and intergovernmental agreements.

Conclusion OAR 660-009-0020: The City's 2030 Plan Amendments are consistent with the requirements of OAR 660-009-0020.

IVe. Plan Designations and Zoning

OAR 660-009-0025 Designation of Lands for Industrial and Other Employment Uses

"Cities and counties must adopt measures adequate to implement policies adopted pursuant to OAR 660-009-0020. Appropriate implementing measures include amendments to plan and zone map designations, land use regulations, public facility plans, and transportation system plans."

OAR 660-024-0050(6) local government must assign appropriate urban plan designations to the land added to the UGB, consistent with the need determination

"When land is added to the UGB, the local government must assign appropriate urban plan designations to the added land, consistent with the need determination. The local

government must also apply appropriate zoning to the added land consistent with the plan designation or may maintain the land as urbanizable land until the land is rezoned for the planned urban uses, either by retaining the zoning that was assigned prior to inclusion in the boundary or by applying other interim zoning that maintains the land's potential for planned urban development. The requirements of ORS 197.296 regarding planning and zoning also apply when local governments specified in that statute add land to the UGB.”

Continued reliance on existing plans and zoning; establishment of new plan designation and interim land use regulations to designate and zone land to accommodate employment uses with special siting characteristics. Existing Metro plan designations establish the land base used to conduct the CIBL/EOA.⁹⁴ Springfield and Lane County will continue to rely on existing acknowledged plans and implementation measures (existing Springfield zoning designations, existing land use regulations, the existing Metro Public Facilities and Services Plan, and the existing Springfield Transportation System Plan) to implement the majority of the new 2030 Plan Economic Element and Urbanization Element policies as they are applicable to lands located inside the existing UGB. Land designated for industrial and other employment uses in existing acknowledged plans⁹⁵, as provided with services pursuant to existing facilities and transportation plans, and as regulated through existing implementation measures, will provide employment growth sites for commercial and industrial uses that require sites smaller than 5 acres.

2030 Urbanization Element Policy 1 states:

“Urbanizable lands within the 2030 UGB shall be converted to urban uses as shown in the Metro Plan Diagram and as more particularly described in neighborhood refinement plans, other applicable area-specific plans, and the policies of this Plan.”

2030 Urbanization Element Policy 2 states:

“Continue to support and facilitate redevelopment and efficient urbanization through City-initiated area-specific refinement planning and zoning amendments consistent with the policies of this Plan. Plans shall designate an adequate and competitive supply of land to facilitate short-term and long-term redevelopment activity. Efficiency measures achieved through plan amendments may be reflected in land supply calculations to the extent that they are likely to increase capacity of land suitable and available to meet identified needs during the relevant planning period.”

⁹⁴ As shown in CIBL/EOA Map 2-1, (p. 13) “CIBL Plan Designations”; Table 2-1, (p. 7) “Metro plan designations included in the Springfield commercial and industrial buildable lands inventory, 2008”

⁹⁵ The recent Central Lane MPO Scenario Planning process provides data and documentation regarding land use and transportation outcomes associated with Metro area build-out under existing land use and facilities plans policies, and through implementation of adopted land use plans, facilities projects and programs. Scarcity of federal, state and local funding impedes construction of needed transportation and facilities projects, thus constraining implementation of existing policies.

With one exception (Exhibit E), existing zoning measures already in place are adequate to implement new 2030 plan policies and to meet Springfield’s employment land on sites smaller than 5 acres. The new 2030 plan policies provide additional policy support for economic development in Springfield — such as public planning and financing incentives for redevelopment and mixed-use development to meet Springfield’s employment land for sites smaller than 5 acres.

Amending the UGB and designating land to accommodate employment uses with special siting characteristics. As previously explained in the City’s findings under OAR 660-009-0020(6) and OAR 660-009-0025(8) on pages 82-86 of this report, to improve local economic opportunities by raising wages in Springfield, the City and Lane County adopted 2030 Plan policies and amended the UGB to add 223 acres of land to accommodate large employers with special siting characteristics. The employment land included in the UGB amendment provides suitable sites for Springfield’s target traded sector industries as well as other industrial and employment uses providing support to traded sector industries. Ordinance Exhibit A-1 and A-2 shows the lands added and designated “Urban Holding Area – Employment.”

The 2030 Plan amendments, Exhibit B-2 adopted the 2015 CIBL/EOA into the comprehensive plan as a Technical Supplement. CIBL/EOA Map 2-1, p. 13 (lands within the existing UGB) and Exhibit A-2 Metro Plan Designations (lands within the amended UGB) identify the lands designated industrial and other employment uses in the Springfield UGB and comprehensive plan.

By adopting the 2030 Plan amendment ordinance, Springfield and Lane County designated a 20-year (2010-2030) total supply of serviceable land suitable to meet the site needs for industrial and other employment uses for Springfield’s planning area, as required by OAR 660-009-0025(2).

By adopting the 2030 Plan amendment ordinance, Springfield and Lane County adopted new 2030 Plan Economic Element and Urbanization Element policies:

- Springfield 2030 Comprehensive Plan Economic Element Exhibit B
 - Exhibit B-1 Economic Element
 - Exhibit B-2 Technical Supplement: CIBL/EOA, 2015
- Springfield 2030 Comprehensive Plan Urbanization Element Exhibit C
 - Exhibit C-1 Urbanization Element including UGB Map
 - Exhibit C-2 UGB Technical Supplement

By adopting the 2030 Plan amendment ordinance, Springfield and Lane County adopted new measures to implement the policies adopted pursuant to OAR 660-009-0020 addressing the need for land with special siting characteristics⁹⁶ as described in OAR 660-009-0025(8) including suitable employment sites larger than 5 acres:

⁹⁶ CIBL/EOA pp. 82-98 identifies target large-scale manufacturers and large office employers that require sites with special characteristics including: site size 20 acres and larger, topography less 5 % / 7%,

- Exhibit A-1: Springfield UGB amendment
- Exhibit A-2: Metro Plan designations establishing the “Urban Holding Area – Employment” designation to implement Urbanization Element policies
- Exhibit A-3: Springfield zoning map amendments
- Exhibit D: Metro Plan text amendments
- Exhibit E: Springfield Development Code amendment establishing the “Agriculture – Urban Holding Area” zoning district to protect large urbanizable sites added to the UGB from land division and incompatible interim uses

2030 Urbanization Element Policy 4 states:

“Urbanizable lands added to Springfield’s acknowledged UGB by Ordinance [REDACTED], date [REDACTED] to meet employment needs are designated “Urban Holding Area-Employment” (UHA-E) in the Metro Plan consistent with the employment site needs criteria for their inclusion in the UGB. The UHA-E designation reserves employment sites within urbanizable areas of 50 or more suitable acres to support creation of economic districts that will accommodate the site needs of target employment sectors. The size of employment districts and parcels of urbanizable land designated UHA-E shall be of adequate dimension so as to maximize the utility of the land resource and enable the logical and efficient extension of infrastructure to serve the North Gateway or Mill Race urbanizable area.”

2030 Urbanization Element Policy 5 states:

“Lands designated UHA-E are planned and zoned for the primary purpose of reserving an adequate inventory of large employment sites that is well located and viable for industry and not easily replicable elsewhere for employment uses that generate:

- ***A significant capital investment;***
- ***Job creation within — but not limited to — targeted industry sectors, business clusters and traded-sector industries identified in the most recent economic opportunities analysis and Economic Element policies of this Plan.”***

2030 Urbanization Element Policy 6 states:

“Lands designated “Urban Holding Area-Employment” are zoned “Agriculture – Urban Holding Area” (AG) on the Springfield Zoning Map and are subject to the development standards of the Springfield Development Code AG Zoning District.”

2030 Urbanization Element Policy 7 states:

transportation access as close to I-5 as possible via unimpeded freight route, access to public facilities and services, and sites with two or fewer owners.

“For lots/parcels greater than 50 acres in the North Gateway UHA-E District, the minimum lot/parcel size for land division is 50 acres. Land divisions that create lots/parcels for the purpose of establishing a Natural Resource or Public/Semi-Public Parks and Open Space designation within the floodway, wetland or riparian resource portions of the site may create lots/parcels less than 50 acres within the Natural Resource or Public/Semi-Public Parks and Open Space designation portion of the parent lot/parcel. Lots/parcels created and designated for employment purposes shall retain the 50-acre minimum until planned and zoned to allow annexation and site development with urban employment uses and densities consistent with the policies of this Plan.”

2030 Urbanization Element Policy 8 states:

“For lots/parcels less than 50 acres in the North Gateway and Mill Race UHA-E Districts, the minimum lot/parcel size for land division is 20 acres. Land divisions that create lots/parcels for the purpose of establishing a Natural Resource or Public/Semi-Public Parks and Open Space designation within the floodway, wetland or riparian resource portions of the site may create lots/parcels less than 20 acres within the Natural Resource or Public/Semi-Public Parks and Open Space designation portion of the lot/parcel. Lots/parcels created and designated for employment purposes shall retain the 20-acre minimum until planned and zoned to allow annexation and site development with urban employment uses and densities consistent with the policies of this Plan.”

The UGB amendment as adopted in Exhibit A-1 and new “Urban Holding Area – Employment” plan designation as adopted in Exhibit A-2 and described in Exhibit D are adequate to implement new 2030 Plan policies designating and reserving suitable sites for target industry employers that require large sites, including sites larger than 20 acres. The sites designated “Urban Holding Area – Employment” support creation of planned economic districts to accommodate the site needs of target employment sectors. The size of employment districts and parcels of urbanizable land designated UHA-E is of adequate dimension to maximize the utility of the land resource and to enable the logical and efficient extension of infrastructure (as described in the City’s public facilities analysis findings under Goal 14).

The sites designated “Urban Holding Area – Employment” comprise suitable large parcels of land free of absolute development constraints and possessing site attributes and characteristics to match the site operational needs of target industries of identified in the CIBL/EOA Chapter 4 and Appendix C.

The suitable employment sites designated “Urban Holding Area – Employment” included in the amended UGB are designated to implement the Urbanization Element policies adopted pursuant to OAR 660-009-0020 to address the need for sites larger than 5 acres, including sites larger than 20 acres. 2030 Urbanization Element Policy 7 and Policy 8 prevent land divisions below 50 acres for 50-acre sites and below 20 acres for sites less than 50 acres.

The new AG zone adopted in Exhibit A-3 and Exhibit E is adequate to implement these Economic and Urbanization Element policies adopted pursuant to OAR 660-009-0020 to address the need for sites larger than 5 acres and sites larger than 20 acres because the zoning ordinance prevents land divisions below 20 acres and allows only interim uses that do not preclude use of the site by large employers.

The City and Lane County adopted policies requiring facilities planning and transportation planning applicable to the lands designated “Urban Holding Area – Employment” prior to any re-designation or zoning map amendment that allows urbanization.

2030 Urbanization Element Policy 9 states:

“As directed by the City Council, the City will conduct comprehensive planning processes and adopt refinement-level plans and implementation measures to guide and regulate urban development in the North Gateway and Mill Race UHA-E districts. The Transportation Planning Rule requirements under OAR 660-012-0060 will be addressed prior to any re-designation or zoning map amendment that allows urbanization.”

2030 Urbanization Element Policy 37 states:

“Prior to re-designating and rezoning land designated Urban Holding Area-Employment, the City shall update and adopt amendments to the Eugene-Springfield Metropolitan Public Facilities and Services Plan (PFSP) that may be needed to identify new facilities or major modification of facilities needed to serve development of urban employment uses within the North Gateway or Mill Race districts as necessary to demonstrate accordance with statewide planning Goal 11 and Goal 11 administrative rules requirements and the policies of Metro Plan Chapter III-G Public Facilities Element of the Metro Plan.”

2030 Urbanization Element Policy 38 states:

“To ensure that changes to the Springfield Comprehensive Plan are supported by adequate planned transportation facilities, the City shall update and adopt amendments to the Springfield Transportation System Plan (TSP) to identify facilities that may be needed to provide and encourage a safe, convenient and economic multi-modal transportation system to support development of urban uses and densities in the North Gateway and Mill Race areas. The TSP update shall be coordinated with City-initiated comprehensive land use planning or owner-initiated plan amendments and shall be prepared and adopted prior to or concurrently with any plan or zoning amendment that allows an increase in trips over the levels permitted in the AG zone.”

Conclusions OAR 660-009-0025: The City and Lane County adopted measures that are adequate to augment existing Metro Plan plan designations to implement the new 2030 Plan policies adopted under OAR 660-009-0020. The 2030 Plan amendments establish Springfield’s 20-year total land supply for industrial and other employment uses. The City and Lane County adopted policies requiring a PAPA process to update public facilities and transportation system plans as necessary prior to land use approval that allows urban uses and urban levels of use on newly urbanizable lands included in the UGB amendment.

IVf. Identification of Needed Sites

OAR 660-009-0025(1) Identification of Needed Sites

“The plan must identify the approximate number, acreage and site characteristics of sites needed to accommodate industrial and other employment uses to implement plan policies. Plans do not need to provide a different type of site for each industrial or other employment use. Compatible uses with similar site characteristics may be combined into broad site categories. Several broad site categories will provide for industrial and other employment uses likely to occur in most planning areas. Cities and counties may also designate mixed-use zones to meet multiple needs in a given location.”

Demand for sites. The CIBL/EOA identifies the approximate number, acreage and characteristics of sites needed to accommodate industrial, office and retail uses to meet Springfield’s long term land and site needs. Table 4-5 (p. 73) shows site needs by site size and building type for the Springfield UGB from 2010 to 2030. Appendix A, p. 127 provides data and rationale to explain how ECO converted employment to building types using NAICS sectors and how the analysis used data on covered employment and business clusters to inform the projection of needed building and site types. Maps A-1 and A-2 (p. 125-126) show how ECO analyzed employment by size and employer type and how employers are distributed across plan designations and throughout Springfield. ECO grouped industries based on building and site characteristics, as explained on the top of page 127. Table A-9 (p. 128) shows how employment is distributed within plan designations, based on Oregon QCEW and GIS data. Table A-11 (p. 129) shows percent of employees by building type and site sizes. Table A-12 (p. 132) categorizes industries with high and low growth projection for Lane County and concentration of these industries in Springfield.

Table 4-5. Estimated needed sites by site size and building type, Springfield, 2010 to 2030

	Site Size (acres)					Total
	Less than 1	1 to 2	2 to 5	5 to 20	20 and Larger	
Warehousing & Distribution	2	2	3	4	1	12
General Industrial	5	5	4	8	2	24
Office	75	12	13	4	1	105
Retail	55	10	6	2		73
Other Services	44	9	4	2		59
Total	181	38	30	20	4	273

Source: ECONorthwest

Land demand and needed sites in Springfield are described and quantified in Chapter 4. Appendix C presents the process ECONorthwest used to convert between employment forecast to site needs. Table 4-5 (p. 73) presents the estimate of needed sites by site size and building type, showing that Springfield needs to provide 273 sites to accommodate employment growth in targeted building type categories between 2010 and 2030. The majority of sites (219 sites) will be two acres or smaller. Springfield needs approximately 24 sites larger than 5-acres, including 4 sites larger than 20-acres.

The identified site needs shown in Table 4-5 do not distinguish sites by comprehensive plan designation. It is reasonable to assume that industrial uses will primarily locate in industrial or campus industrial zones. Retail and service uses could locate in commercial zones, mixed use zones, and residential mixed-use zones.

Table 4-2, page 69 shows existing Metro plan designations where Springfield's target industry types are permitted within the designated land supply — if sites possessing the industry's needed site size and site characteristics were available.⁹⁷

⁹⁷ See pages 42-43 of this report OAR 660-009-0015(2) Identification of Required Site Types.

Target Industry	Plan Designation										
	Campus Industrial	Commercial	Commercial Mixed Use	Heavy Industrial	High Density Residential Mixed Use	Light Medium Industrial	Light Medium Industrial Mixed Use	Major Retail Center	Medium Density Residential Mixed Use	Mixed Use	Special Heavy Industrial
Medical Services		✓	✓		✓		✓		✓	✓	
Services for Seniors		✓	✓		✓			✓	✓	✓	
Manufacturing	✓			✓		✓	✓			✓	✓
Specialty Food Processing	✓			✓		✓	✓			✓	✓
High-Tech	✓					✓	✓			✓	✓
Professional and Technical Services	✓	✓	✓		✓		✓	✓	✓	✓	
Call Centers	✓		✓				✓			✓	
Back Office Functions	✓		✓			✓	✓			✓	
Tourism		✓	✓				✓	✓		✓	
Green Businesses	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Corporate Headquarters	✓	✓	✓		✓		✓		✓	✓	
Services for Residents		✓	✓		✓		✓	✓	✓	✓	
Government and Public Services	✓	✓	✓							✓	

The city’s findings in this report under OAR 660-009-0015(1) Review of Trends, and the City’s findings under OAR 660-009-0015(4) Assessment of Community Economic Development Potential describe and reference Springfield’s locational factors in relationship to future industrial and other employment uses.⁹⁸ The city’s findings in this report under OAR 660-009-0015 (2) Identification of Required Site Types, on pages 45-49 addressed site characteristics typical of expected uses. As permitted under OAR 660-009-0015(2) Industrial or other employment uses with compatible site characteristics were grouped together into common site categories.

Characteristics of needed sites are identified and explained in CIBL/EOA Chapter 5 (pp. 82-98 and Appendix C). Appendix A provides employment location and building/site type NAICS data.

20-year employment land demand compared with land supply. Chapter 5 of the CIBL/EOA Land Capacity and Demand (pp. 77-98) compares the demand for sites with available land in Springfield’s inventory. Table 5-1 (p. 78) compares the inventory of vacant and potentially redevelopable sites with Springfield’s land need by site size and type (industrial or commercial and mixed use). The City and Lane County adopted the CIBL inventory and policy commitments to support, enable and foster redevelopment, reducing the need to expand the UGB.⁹⁹ As explained in the CIBL/EOA Inventory, Table 2-12 (CIBL/EOA p. 33-38), the City assumes that 7 potentially redevelopable sites 5 acres and larger offer redevelopment opportunities in the 2010-2030 planning period. The results of the evaluation of tax lots in Table 2-12 show that one of the seven potentially redevelopable sites is larger than 20 acres and six of the potentially redevelopable sites are 5-20 acres in size.

⁹⁸ See pages 31-45 of this report. Potential growth industries are discussed on p. 43 of this report.

⁹⁹ As explained on p. 67-88 of this report. The City’s evaluation of redevelopable land, including a parcel-level evaluation of sites 5 acres and larger with redevelopment potential is explained in the CIBL/EOA pp. 27-39.

Table 5-2 (p, 78) converts site needs to needed acres by applying average site size in Springfield. Table 5-3 summarizes site needs. Table 5-4 reduces land need by applying an assumption that need for sites smaller than 5 acres will be met within the existing UGB.¹⁰⁰

	Site Size (acres)			Total
	Less than 5	5 to 20	20 and Larger	
Industrial				
Sites needed	none	none	2	2
Land need (acres)	none	none	126	126
Commercial and Mixed Use				
Sites needed	none	4	1	5
Land need (acres)	none	37	60	97
Total sites needed	none	4	3	7
Total acres needed	none	37	186	223

Source: ECONorthwest

Total land supply to meet site needs by plan designation. The CIBL/EOA Chapter 2, pp. 5-42 explains the inventory of lands, how lands were classified and how the existing inventory will provide or not provide land designated to meet the site needs. Table 2-4 shows that about 28% of land in Springfield’s existing UGB is in the CIBL land base. Map 2-2 (p. 20) shows how lands were classified in the inventory. Table 2-5 (p. 18) shows location of land by plan designation.

Suitable land supply to meet site needs. Table 2-6 (p. 19) shows employment land base acres by plan designation and constraint status, including employment allocated to sites pursuant to City-approved Master Plans. Table 2-6 and Table 2-7 (pp. 19, 21) show how the presence of absolute constraints on acres in tax lots affects the inventory. Table 2-6 shows that a total of 608 acres of land designated for employment in 2008 are unsuitable due to presence of absolute development constraints (floodway, slopes >15%, wetlands, riparian resource areas). It should be noted that Springfield’s inventory counted flood plain acres as buildable acres. Only flood way was considered unbuildable. Map 2-4 (p. 25) shows areas with absolute constraints. Map 2-5 (p. 26) shows areas with partial constraints (flood plain, Willamette River Greenway and BPA easements). Table 2-7 (p. 21) shows that 277 acres of potentially redevelopable and vacant sites are unsuitable to meet land needs because those acres have absolute constraints. Table 2-9 (p. 23) shows data to evaluate how vacant land is distributed by parcel size. It is important to note that the results of the Table 2-9 evaluation show that the City has no vacant tax lots 20 acres and larger.

Total land supply to meet site needs includes “potentially redevelopable” land. CIBL/EOA pp. 27-39 presents data and analysis to evaluate opportunities in Springfield to accommodate employment growth on existing sites in the UGB through redevelopment. Only redevelopment that adds capacity for more employment on a site is relevant in the context of the inventory. As stated on p. 27, an operational definition of redevelopment that would apply to the inventory is:

¹⁰⁰ As explained in CIBL/EOA p. 79

“Redevelopment is development that occurs on a tax lot that creates more employment space or capacity than the current use, and thus an increase in density of a tax lot.”

The rationale and criteria employed by ECONorthwest to classify sites as potentially redevelopable is explained in CIBL/EOA pp. 27-31. The public process used to inform criteria selection and application is fully documented in the record. Table 2-10 shows results of applying the criteria to tax lots in the land base. These results were evaluated and it was determined that the significant amount of land in the “lower potential” category (28% of the City’s total employment land base and more than 20% of Springfield’s covered employment —7,107 jobs) suggested limited redevelopment potential to replace existing uses with uses with more employment. As explained on in CIBL/EOA page 30:

“...land that has more employment on it, and/or higher improvement value is already in a higher use. The economics of real estate development make it less desirable to redevelop land with substantial employment on it — in large part because it has tenants that are paying leases. Thus, the “lower potential” category is not included as part of the redevelopable base.”

The City explained the criteria used to categorize and rationale used to identify potentially redevelopable land. The City’s explanation is reasonable and based on the professional judgment of the City’s consultant ECONorthwest, with input from the public, Planning Commission and City Council.

Conclusions OAR 660-009-0025(1) and (2): The 2030 Plan amendments identify the approximate number, acreage and site characteristics of sites needed to accommodate industrial and other employment uses to implement plan policies. The 2030 Plan amendments designate serviceable land suitable to meet the identified site needs, including land to meet the needs of uses with special siting characteristics identified in OAR 660-009-0025(8). The 2030 Plan amendments designate serviceable land consistent with the policy direction found in the CIBL/EOA and Comprehensive Plan. The total acreage of land designated is at least equal to the total projected land needs for each industrial or other employment use category identified in the plan during the 20-year planning period.

After accounting for available land supply and the results of efficiency measures, Table 5-4 of the CIBL/EOA identifies employment needs that require expansion of the UGB as follows:

Commercial and Mixed-Use (Land Need = 5 sites, 97 acres). After accounting for vacant, partially-vacant and potentially redevelopable commercial and mixed use land supply within the UGB, there is an unmet need for 5 commercial and mixed-use sites totaling an estimated 97 acres.

Industrial (Land Need = 2 sites, 126 acres). After accounting for vacant, partially-vacant and potentially redevelopable industrial land supply within the UGB, unmet industrial need is identified as 2 large sites, totaling an estimated 126 acres.

Total land needed in the UGB expansion of 223 suitable acres: 3 sites larger than 20 acres and 4 sites 5-20 acres.

The sites needed in the UGB expansion to meet special site needs meet the site requirements described on pages 82-95 of the CIBL/EOA Characteristics of Needed Sites.

OAR 660-009-0025 (3) Short-Term Supply of Land

“Plans for cities and counties within a Metropolitan Planning Organization or cities and counties that adopt policies relating to the short-term supply of land must designate suitable land to respond to economic development opportunities as they arise. Cities and counties may maintain the short-term supply of land according to the strategies adopted pursuant to OAR 660-009-0020(2).”

(a) Except as provided for in subsections (b) and (c), cities and counties subject to this section must provide at least 25 percent of the total land supply within the urban growth boundary designated for industrial and other employment uses as short-term supply.

(b) Affected cities and counties that are unable to achieve the target in subsection (a) above may set an alternative target based on their economic opportunities analysis.

OAR 660-009-0020 (1)(b) and OAR 660-009-0025 (3) Conclusion: The CIBL/EOA provides an analysis of short-term supply on pages 40-41 to demonstrate that most of Springfield’s land supply within the existing UGB (91% of vacant commercial and industrial land and 85% of land with redevelopment potential) is considered short-term supply because land can be ready for construction within one year based on “engineering feasibility.” Thus the short-term supply meets and exceeds the 25% threshold of OAR 660-009-0025 (3)(a). The City and Lane County adopted Economic Element Policy E.5 to state commitment to providing a competitive short-term supply of land to accommodate industrial and other employment uses it selected through the economic opportunities analysis.

OAR 660-009-0025(4)

“Subsequent implementation of or amendments to the comprehensive plan or the public facility plan that change the supply of serviceable land are not subject to the requirements of this section.”

(a) “Identify serviceable industrial and other employment sites. The affected city or county in consultation with the local service provider, if applicable, must make decisions about whether a site is serviceable. Cities and counties are encouraged to develop specific criteria for deciding whether or not a site is serviceable. Cities and counties are strongly encouraged to also consider whether or not extension of facilities is reasonably likely to occur considering the size and type of uses likely to occur and the cost or distance of facility extension;”

The City's 2030 Plan amendments to the Metro Plan comprehensive plan change the supply of serviceable land and thus are not subject to the requirements of OAR 660-009-0025(4). Though not required to do so, the City conducted a considerable amount of comparative analysis to identify serviceable industrial and other employment sites, with the intent of providing suitable, serviceable lands in the near term to meet its economic development objectives.

As explained in the CIBL/EOA Inventory and discussion of development constraints in Chapter 2 (pp. 8-17), and as documented in the record, the City consulted with local service providers to make decisions about whether a site is serviceable. As fully explained in the City's findings under Goal 14 Public Facilities Analyses, the City consulted with local service providers to make decisions about whether a site is serviceable; developed specific criteria for deciding whether or not a site is serviceable; and considered whether or not extension of facilities is reasonably likely to occur considering the size and type of uses likely to occur and the cost or distance of facility extension.

OAR 660-009-0025(5) Institutional Uses

"Cities and counties are not required to designate institutional uses on privately owned land when implementing section (2) of this rule. Cities and counties may designate land in an industrial or other employment land category to compensate for any institutional land demand that is not designated under this section."

As permitted under OAR 660-009-0025 (5) Cities and counties may designate land in an industrial or other employment land category to compensate for any institutional land demand that is not designated under this section.

OAR 660-009-0025 (6) Compatibility.

"Cities and counties are strongly encouraged to manage encroachment and intrusion of uses incompatible with industrial and other employment uses. Strategies for managing encroachment and intrusion of incompatible uses include, but are not limited to, transition areas around uses having negative impacts on surrounding areas, design criteria, district designation, and limiting non-essential uses within districts."

The Springfield Development Code includes district designations, use limitations and development standards to address land use compatibility. These include requirements for landscaped setbacks between zoning districts, design criteria for Campus Industrial, Nodal Development, Mixed Use Employment and Mixed Use Commercial plan designations and zoning districts.

The 2030 Plan amendments establish the AG land use zoning district (Ordinance Exhibit E) to support transition of land from rural agriculture uses to urban employment uses — including provisions to limit interim development on lands added to the UGB to meet large site employment needs. The AG

development standards manage encroachment in the Urban Holding Area – Employment plan designation by prohibiting intrusion of incompatible uses.¹⁰¹

OAR 660-009-0025(7) Availability

“Cities and counties may consider land availability when designating the short-term supply of land. Available land is vacant or developed land likely to be on the market for sale or lease at prices consistent with the local real estate market. Methods for determining lack of availability include, but are not limited to...

The City did not consider land availability when designating the short-term supply of land. CIBL/EOA (page 40-41, Table 2-13) provides an analysis of short-term supply of land. For purposes of Goal 9, the City assumes 91% of the vacant buildable land acres designated for employment uses and 85% of land with redevelopment potential within the existing UGB is available as short-term supply. Buildable land in the Jasper-Natron area is the only area with employment lands that are not considered part of the short term supply.

OAR 660-009-0025(8) Uses with Special Siting Characteristics

“Cities and counties that adopt objectives or policies providing for uses with special site needs must adopt policies and land use regulations providing for those special site needs. Special site needs include, but are not limited to large acreage sites, special site configurations, direct access to transportation facilities, prime industrial lands, sensitivity to adjacent land uses, or coastal shoreland sites designated as suited for water-dependent use under Goal 17. Policies and land use regulations for these uses must:

- (a) Identify sites suitable for the proposed use;*
- (b) Protect sites suitable for the proposed use by limiting land divisions and permissible uses and activities that interfere with development of the site for the intended use; and*
- (c) Where necessary, protect a site for the intended use by including measures that either prevent or appropriately restrict incompatible uses on adjacent and nearby lands.*

OAR 660-024-0050(6) Plan designations and zoning

“When land is added to the UGB, the local government must assign appropriate urban plan designations to the added land, consistent with the need determination. The local government must also apply appropriate zoning to the added land consistent with the

¹⁰¹ As cited on page 112-113 of this report, Exhibit E, SDC 3.2-915, Table A.

plan designation or may maintain the land as urbanizable land until the land is rezoned for the planned urban uses, either by retaining the zoning that was assigned prior to inclusion in the boundary or by applying other interim zoning that maintains the land's potential for planned urban development. The requirements of ORS 197.296 regarding planning and zoning also apply when local governments specified in that statute add land to the UGB."

Special site needs and characteristics. The City's CIBL/EOA identifies a need for suitable employment land to accommodate uses with "special siting characteristics,"¹⁰² thus OAR 660-009-0025(8) is applicable.

The City's CIBL/EOA identifies a need for suitable employment land to accommodate uses with special site needs identified in OAR 660-009-0025(8) including but not limited to:

- large acreage sites
- special site configurations
- direct access to transportation facilities
- prime industrial lands
- sensitivity to adjacent land uses

The Administrative Rule defines site characteristics as follows in OAR 660-009-0005(11):

"Site Characteristics" means the attributes of a site necessary for a particular industrial or other employment use to operate. Site characteristics include, but are not limited to, a minimum acreage or site configuration including shape and topography, visibility, specific types or levels of public facilities, services or energy infrastructure, or proximity to a particular transportation or freight facility such as rail, marine ports and airports, multimodal freight or transshipment facilities, and major transportation routes."

Minimum acreage/Large acreage sites. The City's CIBL inventory of Industrial and Other Employment Lands indicates that Springfield has a deficit of suitable sites that are 20 acres and larger, and deficit of sites 5-20 acres in size. After assuming that all site needs for commercial and industrial uses that require sites smaller than 5 acres would be addressed through redevelopment¹⁰³, CIBL/EOA Table 5-4, (p. 80) shows a deficit of 2 industrial sites and 1 commercial and mixed use site 20 acres and larger. Table 5-2 (p. 78) shows the average site size in Springfield for industrial and commercial and mixed use sites 20 acres and larger: 63 acres and 60 acres respectively. Thus Springfield has a need for 126 acres of

¹⁰² CIBL/EOA pp. 82-98 identifies target large-scale manufacturers and large office employers that require sites with special characteristics including : site size 20 acres and larger, topography less 5 % / 7%, transportation access as close to I-5 as possible via unimpeded freight route, access to public facilities and services, and sites with two or fewer owners.

¹⁰³ CIBL/EOA Table 5-1, p. 78 shows that 188 industrial sites and 340 commercial and mixed use sites would redevelop to address land needs over the 20-year period. In addition to this assumption, Springfield concludes that all land needs on sites smaller than 5 acres would be accommodated through redevelopment, including the 6-acre deficit of 2-5 acre sites shown in Table 5-3, p. 79.

industrial employment land on 2 sites larger than 20 acres and a need for 97 acres of commercial employment land on 5 sites, including one site that is 60 acres in size.

The CIBL/EOA presents the range of typical site size attributes of Springfield’s target employers in the manufacturing category on p. 84-90 and in the large office category on p. 90-95.

Identification of large acreage sites suitable for the proposed use. The City and Lane County amended the Springfield UGB to provide at least 223 suitable acres of employment land to meet the City’s employment land needs for suitable sites larger than 5 acres. OAR 660-009-0025(8) requires the City to identify the lands to accommodate the proposed uses. The sites are identified in Ordinance Exhibit A-2 as “North Gateway” site and “Mill Race” site and are described in Ordinance Exhibit C-1 Urbanization Element and Exhibit D Metro Plan text amendment” Urban Holding Area – Employment Plan Designation.

Protection of sites suitable for the proposed use. OAR 660-009-0025(8) requires the City to adopt land use regulations limiting land divisions and permissible uses and activities that interfere with development of the site for the intended use, and “*where necessary, protect a site for the intended use by including measures that either prevent or appropriately restrict incompatible uses on adjacent and nearby lands.*” The City and Lane County adopted Ordinance Exhibit E amending the Springfield Development Code to establish SDC 3.2-900: the “Agriculture – Urban Holding Area (AG)” land use zoning district; and Exhibit A-3 applying the AG zone to the Urban Holding Area - Employment sites.

The AG District implements the Urban Holding Area-Employment (UHA-E) plan designation and Springfield Comprehensive Plan Urbanization Element policies by preserving an inventory of suitable employment sites — including sites 20 acres and larger — to provide opportunities for economic growth and diversification. The AG District is applied concurrently with the UHA-E designation at the time of the subject Springfield Urban Growth Boundary (UGB) amendment and remains in effect until the land is designated and zoned for urban employment uses through a City or owner-initiated plan or zoning amendment process, as described in Subsection 3.2-930 Planning Requirements Applicable to Zoning Map Amendments, and as further described in the Springfield Comprehensive Plan Urbanization Element.

The AG District protects urbanizable lands designated UHA-E in the comprehensive plan from land division and incompatible interim development. The AG regulatory measures guide and support orderly and efficient transition from rural to urban land use to accommodate population and urban employment inside the UGB. AG standards regulate development to maintain the land’s potential for planned future urban development until appropriate urban facilities and services are planned or available and annexation to Springfield can occur, as described in the Springfield Comprehensive Plan Urbanization Element. Land designated Urban Holding Area-Employment will be annexed to the city and rezoned from AG to an appropriate industrial or commercial zone at which time urban industrial and other employment uses will supersede the interim rural uses permitted in the AG District.

Special site configuration including shape and topography. The CIBL/EOA presents the typical site configuration and topography attributes of Springfield’s target employers in the manufacturing category and in the large office category.

The employment site needs analysis in CIBL/EOA Chapter 4 identified site needs in five types of buildings: warehousing and distribution, general industrial, office, retail, and other services. The characteristics of needed sites for each of these building types are described in CIBL/EOA Chapter 5. All sites will need access to electricity, phone, and high-speed telecommunications.

OAR 660-009-0005(11) defines “minimum acreage or site configuration” as an attribute of a site that may be necessary for a particular industrial or other employment use to operate.

Springfield’s analysis identified a need for sites larger than 5 acres and sites larger than 20 acres. Table 5-1 shows that Springfield has a deficit of two Industrial sites 20 acres and larger, which may be needed by target industries such as light manufacturing, high-tech manufacturing, recreation equipment manufacturing, wood products manufacturing, medical products manufacturing, alternative energy manufacturing, or specialty food processing.

Springfield also has a deficit of Commercial and Mixed Use sites, including: four sites 5 to 20 acres in size and one site 20 acres and larger. The target industries that may locate on these sites include: Medical Services, Professional and Technical Services, Back-Office Functions, Call Centers, or Corporate Headquarters.

CIBL/EOA pages 82-98 present the characteristics of needed sites, focusing on the deficit of 223 acres of employment land identified in Table 5-4¹⁰⁴:

Table 5-4. Employment site and land needs, Springfield UGB, 2010-2030

	Site Size (acres)			Total
	Less than 5	5 to 20	20 and Larger	
Industrial				
Sites needed	none	none	2	2
Land need (acres)	none	none	126	126
Commercial and Mixed Use				
Sites needed	none	4	1	5
Land need (acres)	none	37	60	97
Total sites needed	none	4	3	7
Total acres needed	none	37	186	223

Source: ECONorthwest

OAR 660-009-0005(11) defines “shape and topography” as attributes of a site that may be necessary for a particular industrial or other employment use to operate.

¹⁰⁴ CIBL/EOA, p. 80

OAR 660-009-0005(11) defines “visibility” as an attribute of a site that may be necessary for a particular industrial or other employment use to operate. The City’s UGB expansion includes land visible from Interstate Highway 5.

OAR 660-009-0005(11) defines “specific types or levels of public facilities, services or infrastructure” as attributes of a site that may be necessary for a particular industrial or other employment use to operate. The City expanded the UGB to include land that can be served with urban levels of public facilities, services or infrastructure.¹⁰⁵

OAR 660-009-0005(11) defines “proximity to a particular transportation or freight facility such as rail, marine ports and airports, multimodal freight or transshipment facilities, and major transportation routes” as attributes of a site that may be necessary for a particular industrial or other employment use to operate. The City expanded the UGB to include land that is located proximate to major transportation routes. The North Gateway site is within 1 mile of Interstate Highway 5. The Mill Race site is within ½ mile of Oregon Highway 126, and accessible to truck routes.

The OAR 660-009-0005(11) definition of “site characteristics” states that the characteristics listed in the definition “include, but are not limited to” the characteristics listed in the definition, thus other characteristics — such as proximity to existing or planned public transit routes may be necessary siting criteria for major employers and may be necessary to achieve local and regional transportation, land use, and equity policy objectives.

The City’s identification of needed site characteristics is reasonable, explained by evidence in the CIBL/EOA and evidence in the record, and consistent with the Goal 9 administrative rule.

CIBL/EOA presents information about the sites needed by the target industries based on information by Business Oregon, economic development efforts in Springfield, a study about industry site needs in Springfield by Tadzo, and other sources. Appendix C (Tables C-6 to C-11) present details of research about site needs of Springfield’s target industries from these sources. CIBL/EOA Table 5-5¹⁰⁶ provides a summary of site characteristics of sites needed by Springfield’s target industries:

¹⁰⁵ See City’s complete findings under Goal 14 Public Facilities Analysis

¹⁰⁶ ECONorthwest, CIBL/EOA, page 84

Table 5-5. Summary of characteristics of sites needed by target industries, Springfield

Type of site and target industries	Site Size	Topography	Transportation Access	Access to City Services
Target Industries: Medical Equipment High-tech Electronics and Manufacturing Recreational Equipment Furniture Manufacturing Specialty Food Processing Building Type: General Industrial Site Needs for: Manufacturing	Manufacturers similar to the target industries that needed sites larger than 5 acres who considered locating in Oregon or in the Eugene-Springfield area needed sites ranging in size from 10 acres to more than 100 acres. The size of sites needed by Springfield's target industries will vary by the size of building: 100,000 sq ft building will need a site of between 9-12 acres 200,000 sq ft building will need a site of between 18-24 acres 500,000 sq ft building will need a site of between 45- 60 acres The average size of existing sites with employment in Springfield (Table 5-2) is: 5-20 acre site: 10 acres 20+ acre site: 63 acres	The slope for manufacturing sites should be 5% or less. High-tech and Campus manufacturing can have a slope of 7% or less.	At the furthest, sites should be located within 15 miles or less of I-5 or a principal arterial road that is designated as a freight route. Most businesses in Springfield typically locate within one-mile of I-5 or within about one-half a mile of a state highway.	Access to Springfield's municipal water and wastewater system, with a minimum pipeline size of 8 to 10 inches (varies by target industry).
Target Industries: High Tech Services Corporate Headquarters Biotech Professional and Technical Services Back office Medical Services Building Type: Commercial and Other Site Needs for: Large Office Employers	Commercial office employers that needed sites larger than 5 acres who considered locating in Oregon needed sites ranging in size from 10 acres to 100 acres. The size of sites needed by Springfield's target industries will vary by the size of building: 50,000 sq ft building will need a site of between 4- 6 acres 100,000 sq ft building will need a site of between 8-12 acres 200,000 sq ft building will need a site of between 16-24 acres If a business park is developed to meet the site needs of these businesses, typical business park sizes in the Portland region are between about 30 and 75 acres. The average size of existing sites with employment in Springfield (Table 5-2) is: 5-20 acre site: 9.3 acres 20+ acre site: 60 acres	The slope for manufacturing sites should be 5% or less. High-tech and Campus manufacturing can have a slope of 7% or less.	At the furthest, sites should be located within 15 miles or less of I-5 or a principal arterial road. Most businesses in Springfield typically locate within one-mile of I-5 or within about one-half a mile of a state highway. Sites should have access to mass transit within one-half mile.	Access to Springfield's municipal water and wastewater system, with a minimum pipeline size of 8 to 10 inches (varies by target industry).

ECONorthwest, CIBL/EOA Table 5-5

Site needs to accommodate target manufacturing uses requiring sites 5 acres and larger are explained in CIBL/EOA pp. 85-90.

Site needs to accommodate target large office employers uses requiring sites 5 acres and larger are explained in CIBL/EOA pp. 90-95. The City developed site characteristics (site size, topography, transportation access, access to services and land ownership) that are typical of and have a meaningful connection to the operation of the industrial or employment use as required by law. For example, in terms of the site size characteristic, both manufacturing and large office employers require a site large enough to accommodate the built space (and phased development manufacturing uses), the right of way requirements to accommodate the capacity for needed infrastructure, and the space required to meet the applicable land use or natural resource buffers required through the City's development or building code regulations. The data from Business Oregon and the Tadzo report also shows that manufacturing and large employer uses are currently located on sites 10 acres or larger.

For topography it was determined that manufacturing uses require and are generally located on flat sites where as large office employers can and are located on sites with low to moderate slope. Manufacturing and large office employers are generally located on arterial or major collector streets instead of smaller local streets to ensure sufficient automotive and transit access. Access to services is required and typical of these types of employers in order to be cost effective and to allow

manufacturing industries access to services such as water and wastewater. The land ownership site characteristic is connected to the operation of manufacturing and large office employers because the extra time and cost of developing an industrial site with multiple landowners can often make a development infeasible. Also, OAR 660-009-0005(2) specifically lists parcel fragmentation as a development constraint.

The City and Lane County adopted policies in the 2030 Comprehensive Plan Urbanization Element and land use regulations in the Springfield Development Code¹⁰⁷ to protect sites 20 acres and larger from land division in order to accommodate uses that require sites 20 acres and larger.

Metro Plan IV-4, Policy 11 states:

“Local implementing ordinances shall provide a process for zoning lands in conformance with the *Metro Plan*.”

The 2030 Plan includes amendments to the Metro Plan Diagram and text, Springfield Zoning Map and Springfield Development Code to establish areas of the City where employment land uses can occur to provide sites of suitable sizes, types and locations within proposed North Gateway and Mill Race UGB expansion areas.

The 2030 Plan relies on existing acknowledged Metro Plan designations and Springfield Development Code zoning districts to identify areas of the City where employment land uses are permitted to provide sites of suitable sizes, types and locations within the existing UGB.

The 2030 Plan Ordinance Exhibit D amends the Metro Plan to establish the Urban Holding Area – Employment (UHA-E) Metro Plan designation, described in the amended Metro Plan text page II-G-8 as follows:

Urban Holding Area – Employment

Lands brought into Springfield’s UGB to address 2010-2030 land needs for large employment sites are designated Urban Holding Area – Employment (UHA-E) as an interim designation to maintain the land’s potential for planned urban development until appropriate urban facilities and services are planned or available and annexation to Springfield can occur. Lands within the UHA-E designation are zoned Agriculture to retain large parcel sizes and current predominant farm use. The UHA-E designation remains in effect until the appropriate Employment designation is adopted through a City refinement plan process or owner-initiated plan amendment process, and when land is master planned, annexed and zoned to allow site development with employment uses. A 50-acre minimum lot size is applied to ownerships of 50 or more acres and a 20-acre minimum lot size is applied to ownerships of 20 to 50 acres to protect undeveloped sites from piecemeal development until a site development plan has been approved.

¹⁰⁷ See Ordinance [REDACTED], Exhibit E: SDC 3.2-900 Agriculture- Urban Holding Area (AG) Zoning District

The proposal amends the Metro Plan to adopt the 2030 Urbanization Element. 2030 Urbanization Element policies establish special planning requirements applicable to land designated UHA-E, including policies #5-12 to retain large parcels to meet specific employment land needs. A 50-acre minimum lot size for land division is applied to tax lots or ownerships greater than 50 acres. A 20-acre minimum is applied to tax lots or ownerships less than 50 acres.

Adoption of Ordinance Exhibit E amends the Springfield Development Code to establish the Agriculture – Urban Holding Area (AG) Zoning District to implement the UHA-E plan designation and 2030 Urbanization Element policies. AG is a holding zone that restricts divisions and interim land uses that could impede development of the site to meet the specific employment land needs identified in the City’s EOA. The primary purpose of SDC Section 3.2-900 AG Zoning District is to protect large tracts of suitable employment land within the Springfield UGB to meet Springfield’s long term employment land needs for the 2010-2030 planning period. Springfield applies the AG interim zoning to lands added to the UGB in 2016 to implement 2030 Comprehensive Plan Urbanization Element policies, the Urban Holding Area-Employment (UHA-E) Metro plan designation and the Natural Resource (NR) Metro plan designation. The AG zone allows continuation of agricultural and existing lawful uses while reserving suitable land for siting future employment uses that require large sites. The AG zone development standards serve to maintain the land’s potential for planned urban development by regulating land division and interim uses that would impede development of urban employment uses in the future.

The AG zone purpose statement:

The City’s Agriculture—Urban Holding Area District (AG) is established to protect urbanizable lands designated Urban Holding Area-Employment (UHA-E) and Natural Resource (NR) in the comprehensive plan from land division and incompatible interim development. The AG regulatory measures guide and support orderly and efficient transition from rural to urban land use to accommodate population and urban employment inside the UGB. AG standards regulate development to maintain the land’s potential for planned future urban development until appropriate urban facilities and services are planned or available and annexation to Springfield can occur, as described in the Springfield Comprehensive Plan Urbanization Element. Land designated Urban Holding Area-Employment will be annexed to the city and rezoned from AG to an appropriate industrial or commercial zone at which time urban industrial and other employment uses will supersede the interim rural uses permitted in the AG District.

The AG District 3.2-915 allows the following uses:

Use Categories/Uses	AG
A. Allowed Interim Uses for Lands Designated Urban Holding Area- Employment	
<u>Agricultural uses including the cultivation of tree crops, plants, orchards, pasture, flower, berry and bush crops or the keeping, boarding, raising or breeding of livestock or poultry.</u>	P
<u>On-site constructing and maintaining of equipment, structures and facilities used for the activities described as farm uses. (1),(3),(4)</u>	P
<u>Preparation, storage, and marketing of the products or by-products raised on such land for human and animal use, or distributing food by donation to a local food bank or school or otherwise. (1)</u>	P

Use Categories/Uses	AG
Sales/Display of Produce as specified in Subsection 4.8-125. (1),(4)	S
Signs (5)	P
Accessory Uses	
Community Gardens	P
Replacement of a lawfully existing dwelling or structure as specified in Subsection 5.8-115. (2),(3)	P
Emergency Medical Hardship as specified in Section 5.10-100. (2)	P
Other Commercial Services	
Home Occupation within a lawfully existing dwelling and as specified in Subsection 4.7-165 (4)	S
Utilities and Communication	
High Impact Public Utility Facility as specified in Subsection 4.7-160	S/D
Low Impact Public Utility Facility	P

- (1)** Where farm stands are designed and used for sale of farm crops and livestock grown on the farm operation and does not include structures for banquets, public gatherings or public entertainment. "Farm crops and livestock" includes both fresh or processed farm crops and livestock grown on the farm operation.
- (2)** On parcels larger than 20 acres, replacement of a lawfully existing farm dwelling as specified in Subsection 5.8-115 shall be placed at the existing dwelling location; or at least 100 feet from the adjoining lines of property zoned EFU to minimize adverse effects on nearby farm lands outside the UGB; and in a location that does not impede future development of urban employment use or extension of urban infrastructure as shown in transportation plans, public facilities plans or master plans.
- (3)** Placement of new structures is subject to Water Quality Protection setbacks as specified in Subsection 4.3-115 and the Natural Resource Protection standards as specified in Subsection 4.3-117 where applicable.
- (4)** Proposed new uses or expansions of existing uses must demonstrate that the use will not generate vehicle trips exceeding pre-development levels.
- (5)** Signs shall not extend over a public right of way or project beyond the property line; shall not be illuminated or capable of movement; and shall be limited to 200 square feet in area.

The AG zone also implements the Natural Resource designation on the North Gateway sites as follows:

Commentary. The list of allowed activities for lands designated Natural Resource is derived from the existing Natural Resource Protection Areas standards in SDC 4.3-117.	
B. Allowed Interim Uses for Lands Designated Natural Resource (6),(7)	
Continuation of normal farm practices such as grazing, plowing, planting, cultivating and harvesting. (6)	P
Wetland and/or riparian restoration and rehabilitation activities	P
Vegetation management necessary to control invasive vegetation or to reduce a hazard to life or property.	P
Removal of non-native vegetation, if replaced with native plant species at a density that prevents soil erosion and encourages the future dominance of the native vegetation.	P
Maintenance of existing drainage ways, ditches, or other structures to maintain flows at original design capacity and mitigate upstream flooding, provided that management practices avoid sedimentation and impact to native vegetation and any spoils are be placed in uplands.	P
Waterway restoration and rehabilitation activities such as channel widening, realignment to add meanders, bank grading, terracing, reconstruction of street crossings, or water flow improvements.	P
Emergency stream bank stabilization to remedy immediate threats to life or property. (7)	P
Bioswales or similar water quality improvement projects;	P

<u>Public multi-use paths, access ways, trails, picnic areas, or interpretive and educational displays and overlooks, including benches and outdoor furniture.</u>	P
<u>Utilities and Communication</u>	
<u>High Impact Public Utility Facility as specified in Subsection 4.7-160</u>	S/D
<u>Low Impact Public Utility Facility</u>	D
(6) <u>Consistent with applicable wetland or land use permits issued by Federal, State or local approving authority with jurisdiction over wetland or riparian resources, including the Water Quality Protection provisions in Subsection 4.3-115 and Section 3.3-400 Floodplain Overlay District.</u>	
(7) <u>Federal, State or local emergency authorization may be needed for in-stream work.</u>	

AG zone 3.2-920 addresses pre-existing and non-conforming uses as follows:

3.2-920 Pre-existing and Non-conforming Uses

- A.** Continuance, expansion, modification or replacement of lawful uses existing on a property at the time of the effective date of this zone are determined and permitted as otherwise specified in Section 5.8-100 of this Code; and

- B.** The Applicant shall submit evidence to demonstrate that the expansion or modification:
 - 1.** will not generate vehicle trips exceeding pre-development levels;
 - 2.** will not force a significant change in accepted farm practices on surrounding lands devoted to farm or forest use; and
 - 3.** will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

AG zone 3.2-925 addresses placement of interim uses on a site so as not to impede eventual urban development and extension of infrastructure:

3.2-925 Standards for Interim Development

These regulations apply to the development of interim uses as specified in Subsection 3.2-915 and 3.2-920 in the AG District.

- A.** Receive certification from the Lane County Sanitarian that any proposed wastewater disposal system meets Oregon Department of Environmental Quality (D.E.Q.) standards prior to Development Approval.

- B.** Interim uses may not be placed on a site in manner that would future development of land designated Urban Holding Area-Employment with urban employment uses.

- C.** Interim uses may not be placed on a site in manner that would impede extension of infrastructure to serve land designated Urban Holding Area-Employment from developing with urban employment uses.

D. To demonstrate compliance with this provision, and in addition to the special provisions listed in Table A, the Applicant shall submit a Future Development Plan that:

1. Includes a brief narrative explaining the existing and proposed use of the property;
2. Indicates the proposed development footprint on a scaled plot plan of the property;
3. Limits the proposed new development footprint to ½ acre or less of the site;
4. Addresses future street connectivity as shown in the Transportation System Plan, Regional Transportation System Plan, Local Street Network Plan, Springfield Comprehensive Plan, applicable Refinement Plans and this Code;
5. Addresses the number and type of vehicle trips to be generated by the proposed use;
6. Addresses the applicable Natural Resources protection, Water Quality Limited Watercourses protection, Floodplain Overlay Development Standards, and Drinking Water Protection Overlay Development Standards of this Code.

AG zone 3.2-925 E. regulates land division and interim development through the following land use regulations:

<u>Minimum Lot/Parcel Sizes</u>	<u>A 50-acre minimum lot/parcel size is applied to lots/parcels 50 acres or larger. A 20-acre minimum lot/parcel size is applied to lots/parcels less than 50 acres in size. Lots/parcels less than 20 acres in size may not be further divided. (1)</u>
<u>Main Building Height</u>	<u>35 feet</u>
<u>Accessory Building Height</u>	<u>35 feet (2)</u>
<u>Building/structure Setbacks: UHA-E designated parcels 20 acres and larger</u>	<u>20 feet from State, County, City roads, streets and local access roads. At least 100 feet from the adjoining lines of property zoned EFU; and in a location that does not impede future development of urban employment use or extension of urban infrastructure as shown in transportation plans, public facilities plans or master plans.</u>
<u>Building/structure Setbacks: UHA-E designated parcels smaller than 20 acres</u>	<u>20 feet from State, County, City roads, streets and local access roads. 10 feet from other property lines.</u>
<u>Minimum Lot/Parcel Frontage</u>	<u>None</u>
<u>Minimum Lot/Parcel Depth</u>	<u>None</u>

(1) Exemption: Land divisions that create lots/parcels for the purpose of establishing a Natural Resource or Public/Semi-Public Parks and Open Space designation within the floodway, wetland or riparian resource portions of the site may create lots/parcels less than 20 acres within the Natural Resource or Public/Semi-Public Parks and Open Space designation portion of the parent lot/parcel.

(2) Water tanks, silos, granaries, barns and similar accessory structures or necessary mechanical appurtenances may exceed the minimum height standard.

It should be noted that the AG zone, when acknowledged, will be in effect for land currently zoned Exclusive Farm Use (EFU) by Lane County. The property subject to the AG zone is currently zoned EFU 30 and EFU 25 by Lane County, and subject to 30-acre and 25-acre minimum parcel sizes. The AG zone retains a restriction on land division to preserve large employment sites pursuant to the City’s Commercial and Industrial Buildable Lands Inventory and Economic Opportunities Analysis and 2030 Comprehensive Plan Economic Element policies.

The existing Lane County EFU Zone setback standards found in Lane County Chapter 16.212 (10)(a)(ii) require dwellings to be sited at least 100 feet from the adjoining lines of property zoned EFU “to minimize impacts upon nearby farm uses or to assure optimal siting of proposed dwellings to minimize adverse impacts on nearby farm and forest lands.” The setback standards found in Lane County Chapter 16.212 (10)(b) require 20 foot setbacks from the right of way of a State or County road or a local access public road and 10 foot setbacks from other property lines. Larger setbacks are established for riparian corridors. Other similar codes to the AG zone — such as the City of Redmond for Urban Holding-10 acre zone — require 50-foot front and rear yard setbacks and 10-foot side yard setbacks, and establish a maximum building height of 30 feet.

The City’s proposed development standards for the AG zone are reasonable and provide the level of site protection required under OAR 660-009-0025(8).

Planning procedures required prior to rezoning land from Agriculture - Urban Holding Area (AG) to urban employment zoning designations. In addition to the standards, procedures and review criteria in Section 5.22-100 applicable to Zoning Map Amendments, AG zone 3.2-930 Table 1 provides an overview of the planning procedures required prior to rezoning land from Agriculture - Urban Holding Area (AG) to urban employment zoning designations (e.g. Employment, Employment Mixed Use, Campus Industrial, or Industrial). Table 1 shows both City and Owner-initiated planning processes.

3.2-930 Planning Requirements Applicable to Zoning Map Amendments

In addition to the standards, procedures and review criteria in Section 5.22-100 applicable to Zoning Map Amendments, Table 1 provides an overview of the planning procedures required prior to rezoning land from Agriculture - Urban Holding Area (AG) to urban employment zoning designations (e.g. Employment, Employment Mixed Use, Campus Industrial, or Industrial). Table 1 shows both City and Owner-initiated planning processes.

<u>Table 1. Pre-Development Approval Process Steps – Urban Holding Areas</u>	
<u>City-initiated Planning Process</u>	<u>Owner-initiated Planning Process</u>
<u>1. City prepares Plan Amendment to address all applicable Statewide Planning Goals (e.g. amended or new refinement plan or district plan), Metro Plan and Springfield Comprehensive Plan policies and Springfield Development Code</u>	<u>1. Applicant submits request to City to initiate amendments to the Transportation System Plan and Public Facilities and Services Plan, and other city actions that may be required prior to plan amendment approval.</u>

<u>standards.</u>	
<u>2. City and Lane County approve Plan Amendment to amend Metro Plan and Springfield Comprehensive Plan. UHA-E designation is replaced with employment plan designations (e.g. Employment, Employment Mixed Use, Campus Industrial, or Industrial). AG zoning remains in effect until Master Plan and new zoning are approved.</u>	<u>2. Applicant prepares and submits Plan Amendment application to address all applicable Statewide Planning Goals, Metro Plan and Springfield Comprehensive Plan policies, and Springfield Development Code standards. Applicant proposes employment plan designations (e.g. Employment, Employment Mixed Use, Campus Industrial, or Industrial).</u>
<u>3. City prepares and approves Zoning Map Amendment to apply new zoning districts (e.g. Industrial, Campus Industrial, Employment Mixed Use, or Employment). Land is planned and zoned and eligible for annexation.</u>	<u>3. City and Lane County approve Plan Amendment to amend Metro Plan and Springfield Comprehensive Plan. UHA-E designation is replaced with employment plan designations (e.g. Employment, Employment Mixed Use, Campus Industrial, or Industrial). AG zoning remains in effect until Master Plan and new zoning are approved.</u>
<u>4. Applicant prepares and submits Preliminary Master Plan and annexation applications with demonstration of key urban service provision.</u>	<u>4. Applicant prepares and submits Preliminary Master Plan, proposed zoning and demonstration of key urban services provision. Applicant submits annexation application.</u>
<u>5. City approves City approves Master Plan and annexation.</u>	<u>5. City approves Master Plan and Zoning Map Amendment and annexation.</u>
<u>6. Applicant submits Site Plan, Subdivision and other applicable development applications.</u>	<u>6. Applicant submits Site Plan, Subdivision etc. development applications.</u>

Conclusion OAR 660-009-0025(8): The City applied the “Urban Holding Area – Employment (UHA-E)” Metro Plan designation and Agriculture – Urban Holding Area (AG) Zoning District to the newly urbanizable lands it added to the UGB. Acting together, the designations serve as an interim “holding zone” to ensure that lands added to the UGB to meet specific large site employment land needs are reserved to meet those needs. The City’s UHA-E designation and AG zone land use regulations ensure that lands added to the UGB to meet specific employment land needs identified in the City’s CIBL/EOA are reserved, planned, zoned and prepared for development to meet those needs, as described in 2030 Urbanization Element policies.

OAR 660-009-0030 Multi-Jurisdiction Coordination

“(1) Cities and counties are strongly encouraged to coordinate when implementing OAR 660-009-0015 to 660-009-0025.”

While Springfield and Eugene are no longer sharing a UGB, and have chosen to prepare and develop city-specific economic opportunities analyses, and economic development policies — the cities and Lane

County continue to partner and coordinate through regional economic development planning activities. Regional economic development initiatives are directly reflected in the Springfield 2030 Economic Element.

Goal EG-2 states:

“Support attainment of the Regional Prosperity Economic Development Plan¹⁰⁸ goals for creating new metropolitan area jobs in the chosen economic opportunity areas, increasing the average annual wage and reducing unemployment.”

Goal EG-5 states:

“Support the development of emerging economies guided by the following principles:¹⁰⁹

- a. Healthy Living—Champion businesses and entrepreneurs that promote a healthy, safe, and clean community while enhancing, protecting, and making wise use of natural resources.***
- b. Ideas to Enterprise—Encourage a culture of entrepreneurship and re-investment into the local community.***
- c. Regional Identity—Create a strong economic personality that celebrates our region’s attributes and values.***
- d. Be Prepared—Contribute to development of the region’s physical, social, educational, and workforce infrastructure to meet the needs of tomorrow.***
- e. Local Resilience— Support businesses and entrepreneurs that lead the city and region to greater economic independence, innovation, and growth of the traded sector economies.”***

Conclusion OAR 660-009-0030: Springfield, Eugene and Lane County have coordinated throughout the Metro Plan transition process and 2030 planning process, sharing information and collaborating to develop direction for the “future” Metro Plan to support respective comprehensive plans within the Eugene-Springfield Metro region.

Goal 9 Conclusion: For the reasons stated above and based on information found in the Springfield CIBL/EOA, the proposed Comprehensive Plan amendments comply with Goal 9.

¹⁰⁸ *Regional Prosperity Economic Development Plan* — approved by the Springfield, Eugene and Lane County Joint Elected Officials (JEO) in February 2010

¹⁰⁹ *Ibid.*

V. Statewide Planning Goal 14: Urbanization Employment Land Need and Response to Deficiency

ORAR 660-015-0000(14)

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.

ORAR 660-015-0000(14), ORAR 660-024-0040(1), ORAR 660-024-0040(5), ORAR 660-024-0050(1), and ORAR 660-024-0050 (4)

The standards for amending an urban growth boundary (UGB) are found in Statewide Planning Goal 14 (Urbanization), and in ORS 197.298 Priorities for urban growth boundary amendments. The Goal 14 rule (ORAR Chapter 660, Division 024) interprets and clarifies the more general language of Goal 14 and explains the relationship between statutory “priorities” and Goal 14 “location factors.” In the Goal 14 rule findings below, *text shown in italic is quoted directly from the referenced goal, rule or statute.*

Goal 14 describes how land needs — including employment land needs — shall form the basis for changes to UGBs: *“Land Need. Establishment and change of urban growth boundaries shall be based on the following:*

(1) Demonstrated need to accommodate long range urban population, consistent with a 20-year affected local governments; and

(2) Demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets and roads, schools, parks or open space, or any combination of the need categories in this subsection (2).

In determining need, local government may specify characteristics, such as parcel size, topography or proximity, necessary for land to be suitable for an identified need.

Prior to expanding an urban growth boundary, local governments shall demonstrate that needs cannot reasonably be accommodated on land already inside the urban growth boundary.” [ORAR 660-015-0000(14)]

Relationship between Goal 9 and Goal 14

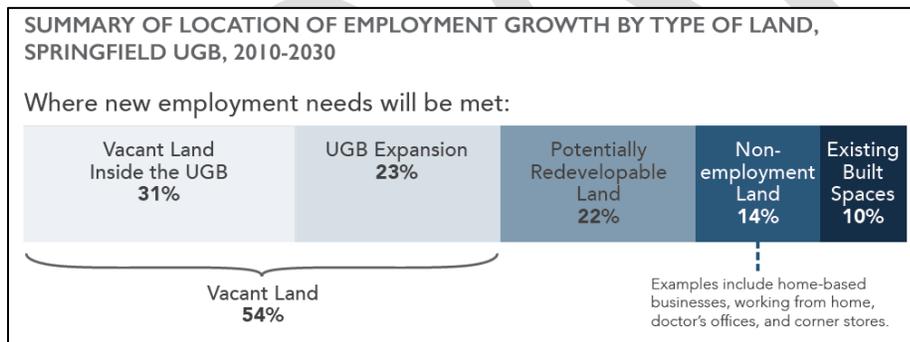
The City is expanding the UGB to provide land to meet specific employment land needs, thus the City’s findings must demonstrate how the City’s analyses of land need and boundary location alternatives properly addressed the relationship between Goals 9 and 14 and balanced compliance with both planning goals. The City does this by demonstrating how the factors in its decisions about land need under Goal 9 and the proposed UGB boundary location were balanced consistent with 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 City’s findings under Goals 11, 12 and OAR 660-024-0060 explain how, in its response to meeting the City’s employment land deficit under Goal 9, the City carefully considered coordination of land use, transportation and public facilities planning [OAR 660-024-0040(7)], based on substantial evidence, to inform its policy choices.

Goal 14 allows cities to specify characteristics necessary for land to be suitable for identified need. As explained and referenced in the City’s findings under Goal 9, the Springfield CIBL/EOA identifies specific parcel size, topographical and proximity characteristics necessary to meet the operational requirements for targeted employment types, including businesses and industries that require industrial and commercial mixed-use sites larger than 5 acres.

Goal 14 requires the City to seek to accommodate the identified 20-year land needs on land already inside the urban growth boundary before expanding the UGB [OAR 660-015-0000(14)]. The City must explain and provide substantial evidence as required by Goal 9 to demonstrate that the existing land supply cannot reasonably provide suitable sites to accommodate the economic opportunities identified in the CIBL/EOA. The City’s 2030 comprehensive plan policies, plan designations and implementation measures provide employment sites within the existing UGB to accommodate 77% of Springfield’s forecast employment.¹¹⁰



The 2030 Plan and UGB amendment provide land to meet long-term employment land site needs that cannot reasonably be accommodated on land already inside the urban growth boundary. The City’s 2030 comprehensive plan policies, plan designations and implementation measures provide a 20-year supply of employment land on sites within two UGB expansion areas: the North Gateway and Mill Race sites (23% of forecast employment). The UGB expansion provides land to accommodate industrial and commercial mixed-use target industries’ site needs on sites larger than 5 acres, including 2 large industrial employment sites on 126 acres and 5 large commercial mixed-use employment sites on 97 acres. The City designated the suitable, unconstrained lands it added to the UGB “Urban Holding Area –

¹¹⁰ CIBL/EOA, Appendix C Employment Forecast and Site Needs for Industrial and Other Employment Uses, pp. 153-160.

Employment (UHA-E)” to provide a 20-year supply of employment land to accommodate the need for large sites.

The 2030 Plan Economic and Urbanization Element policies identify these specific employment site needs and establish special planning requirements and zoning regulations to reserve the sites added to the UGB for the intended large site employment purposes. The proposed Metro Plan diagram plan amendment applies the Urban Holding Area - Employment (UHA-E) plan designation. The proposed Zoning Map amendment applies Agriculture—Urban Holding Area (AG) urban transition zoning to protect the large employment sites from land divisions and incompatible interim development. Together, these actions plan and zone lands added to the UGB for employment to establish minimum parcel sizes, topographical (flat topography) and proximity characteristics necessary to meet the operational requirements for targeted employment types.

The City’s CIBL/EOA provides substantial evidence to support the City’s policy choice under Goals 9 and 14 — expanding the UGB to add large sites to support economic opportunities and diversification of the economy. As stated in the CIBL/EOA pages 95-97:

- *“Economic growth. Decision makers and community members that participated in the economic opportunities analysis agreed that economic growth is desirable over the planning period. The employment forecast indicates Springfield will add 13,440 new employees between 2010 and 2030 using the OAR 660-024-0040(8)(a)(ii) methodology. The economic opportunities analysis assumes that Springfield will have employment growth in a wide variety of businesses, from services and retail for residents to industrial development to medical services. The City wants to diversify its economy and attract higher wage and professional jobs.” (emphasis added)*
- *“Buildable lands. Springfield has 3,414 acres that are designated for industrial and other employment use. About two-thirds of the land designated for employment within Springfield’s UGB is considered developed and is not expected to redevelop over the 20 year planning period. Less than 15% of this land is buildable, unconstrained land. The majority of buildable, unconstrained employment land in Springfield has existing development on it that is expected to redevelop over the planning period. Springfield has a lack of buildable large sites, with one buildable site 20 acres and larger and 22 buildable sites in the five to 20 acre size range.” (emphasis added)*
- *Availability of sites 20 acres and larger is important for attracting or growing large businesses, which are often traded-sector businesses. If the City does not have these large sites, there is little chance that the City will attract these types of businesses. While it may not be clear exactly what the business opportunities may be in ten to twenty years, it is clear that these businesses will not locate in Springfield if land is not available for development.” (emphasis added)*
- *“For example, in the past twenty years, most of the Gateway area developed. The area has a mix of uses including the International Way campus employment district, regional mall, apartments, offices, and more recently, the PeaceHealth RiverBend Medical Center Campus. Twenty-years*

ago it would have seemed highly unlikely that PeaceHealth would build their new regional facility in Springfield. If the City had not had desirable, serviceable land available, PeaceHealth would probably not have located their new facility in Springfield. Over the last 20 years, employment and commerce in the Gateway area has become a local and regional economic engine and major employment center. In 2006, the Gateway area had 33% of Springfield's employment (more than 9,800 employees) and 33% of payroll in the city, at \$325 million. By 2009, Gateway accounted for nearly 36% of the city's employment and \$368 million in payroll. In 2013, employment in the Gateway area accounted for 40% of employment in Springfield (more than 10,700 employees) and 43% of payroll in the city."¹¹¹

Capacity to Absorb Growth within the Existing UGB

Prior to expanding an urban growth boundary, the City analyzed the capacity of land within the existing UGB to provide the needed sites, as required by Goals 9 and 14. As described in the City's findings under Goal 9, and in the CIBL/EOA, the City has demonstrated that the identified need for employment sites larger than 5 acres cannot reasonably be accommodated on land already inside the urban growth boundary. Therefore, the City chose to expand the boundary to include suitable large sites. As stated in the CIBL/EOA pages 95-98, the City determined that the large site need could not reasonably be accommodated through redesignation or site assembly and provided substantial evidence to support the conclusions reached.

- *"Redesignation of Smaller Sites. Springfield's land deficit cannot be met through redesignating a surplus of small industrial- and commercial-designated sites, most of which are smaller than 2 acres. Map 2-3 shows that these sites are scattered throughout the City, generally along Main Street or in Mid-Springfield. There are few opportunities for assembly of a contiguous, unconstrained site with a configuration that makes it developable. These areas do not and are not expected to provide large sites for target employers that require large sites." (emphasis added)*
- *"Even where small vacant sites are located adjacent to other small vacant sites, there are few places where a site larger than 5 acres could be assembled from small sites. There is probably no place where a 20-acre site could be assembled from small sites." (emphasis added)*
- *"Site assembly. Assembly of numerous small sites into 5 to 10 acre sites is difficult at best and often not feasible. Map 2-3 shows that of industrial- and commercial-designated sites are scattered throughout the City, generally along Main Street or in Mid- Springfield, and the majority of sites are smaller than 2 acres. Land assembly is difficult and often costly. Developers attempting land assembly often have difficulty assembling a site at a cost that makes development economically viable. When assembling land, developers often find that owners of*

¹¹¹ Kim Thompson, Oregon Employment Department, "The Gateway Area & Growth in Springfield", presentation to Gateway Development Committee, October 24, 2014.

key sites are not willing sellers, have unrealistic expectations of the value of their land, or cannot get agreement among multiple owners to sell the land. As a result, developers, especially developers of industrial buildings, typically choose to develop sites with one or two owners.” (emphasis added)

- *Need to expand the UGB to accommodate need for large sites. Springfield’s need for large sites cannot be met within the UGB. Meeting this need for large sites for large employers requires the City to expand its UGB into areas with suitable sites. These areas will have relatively large, flat sites with little parcelization and few owners, where businesses will have access to I-5 or a State highway.* (emphasis added)

The CIBL/EOA is the City’s inventory and analysis of commercial and industrial land required under Goal 9. As explained in the CIBL/EOA, and in the City’s findings under Goal 9, the City’s employment land need analysis, prepared by ECONorthwest, used a “site needs” approach, based on ECONorthwest’s expertise, trends and substantial evidence to determine the number of sites and the required characteristics [ORS 197.712(2)(c)¹¹² and the Goal 9 Administrative Rule.

The need to expand the UGB to address the City’s deficit of sites larger than 5 acres, including sites larger than 20 acres, was determined in the CIBL/EOA. The City’s findings under OAR 660-009-0020(1)(c), as explained in CIBL/EOA Chapter 5¹¹³ Land Capacity and Demand demonstrate that the City conducted analysis to determine how employment capacity could be provided within the existing UGB prior to expanding its urban growth boundary.

- The CIBL/EOA analysis identified lands with redevelopment potential.
- The CIBL/EOA analysis identified sites smaller than 5 acres with redevelopment potential in Table 2-11 and Table 5-1.
- The CIBL/EOA analysis identified sites larger than 5 acres with redevelopment potential in Table 2-11 and Table 5-1.

¹¹² ORS 197.712****“the Legislative Assembly finds and declares that, in carrying out statewide comprehensive land use planning, the provision of adequate opportunities for a variety of economic activities throughout the state is vital to the health, welfare and prosperity of all the people of the state. (2) By the adoption of new goals or rules, or the application, interpretation or amendment of existing goals or rules, the Land Conservation and Development Commission shall implement all of the following: (a) Comprehensive plans shall include an analysis of the communitys economic patterns, potentialities, strengths and deficiencies as they relate to state and national trends. (b) Comprehensive plans shall contain policies concerning the economic development opportunities in the community. (c) Comprehensive plans and land use regulations shall provide for at least an adequate supply of sites of suitable sizes, types, locations and service levels for industrial and commercial uses consistent with plan policies. (d) Comprehensive plans and land use regulations shall provide for compatible uses on or near sites zoned for specific industrial and commercial uses.”* (emphasis added)

¹¹³ CIBL/EOA, pp. 77-82,

- CIBL/EOA Table 2-12 presents a site-by-site evaluation of redevelopment potential of sites identified as potentially redevelopable in Table 2-11. Table 5-1 includes all of the sites identified as providing an opportunity for redevelopment of a 5-acre site (in Table 2-12) as potentially redevelopable sites over the planning period.
- The CIBL/EOA determined redevelopment capacity as follows:
 - All sites 5 acres and smaller that were identified as having redevelopment potential may redevelop over the 2010-2030 period.
 - Five sites between 5-20 acres and one site 20 acres and larger are likely to redevelop over the 2010-2030 period. Table 2-12 provides a site-by-site evaluation of redevelopment potential for sites larger than 5 acres.
 - As shown in CIBL/EOA Table 5-1, Springfield concludes that 188 industrial sites and 340 commercial and mixed use sites would redevelop to address land needs over the 20-year period. In addition to this assumption about redevelopment, Springfield concludes that all land needs on sites smaller than five acres would be accommodated through redevelopment.
- To accommodate Springfield’s forecast employment growth of 13,440 employees over the 2010-2030 planning period, the City’s CIBL/EOA assumes the following:
 - 14% of new employment (1,918 employees) will locate on land not designated for employment use, such as residential land (Table C-12).
 - 10% of new employment (1,344 employees) will locate in existing commercial or industrial built space, such as vacant buildings or office spaces (Table C-12).
 - 22% of new employment (about 2,921 employees) will locate on potentially redevelopable sites, where redevelopment results in an increase in the amount of employment accommodated on the site (Table 5-1 shows assumptions about potentially redevelopable sites and Table C-6 shows that need for sites smaller than 5 acres will be accommodated through redevelopment).
 - 54% of new employment (about 7,256 employees) will locate on land that is currently vacant, including land within the UGB and sites that Springfield does not currently have within the UGB (Table 5-1 and Table C-6).

As explained in the City’s findings under Goal 9, the City conducted the required analysis to determine how employment capacity could be provided within the existing UGB prior to expanding the UGB. The City conducted a reasonable level of analysis to determine redevelopment potential of sites within the existing UGB to add capacity. The City’s assumptions and conclusions are consistent with Goal 14 because the City’s CIBL/EOA determined how employment capacity could be provided within the existing UGB prior to expanding its urban growth boundary and the City’s policy choices were based on substantial evidence.

The CIBL/EOA provides substantial evidence to explain the City’s assumption about capacity reasonably likely to be provided by the “potentially redevelopable” sites larger than 5 acres to accommodate needed employment sites larger than 5 acres. The City conducted site-by-site evaluation of sites 5 acres and larger with redevelopment potential to determine whether it is reasonable for the City to assume

that some or all of these sites could meet the identified need for sites larger than 5 acres. As shown in CIBL/EOA (pp. 33-39), Table 2-12 and explanatory text, the City finds that is reasonable to assume that 7 of these 14 potentially redevelopable sites 5 acres and larger offer opportunities for redevelopment once site constraints, configuration issues, and existing employment uses are accounted for. These sites are:

- Six sites between 5 and 20 acres in size:
 - 12-acre site in the Jasper-Natron Special Heavy Industrial District
 - 10-acre site on 28th Street in Heavy Industrial
 - 8-acre site on 42nd Street in Heavy Industrial
 - 7-acre site at 28th and Marcola Road in Heavy Industrial
 - 6.5-acre site on 28th Street in Heavy Industrial
 - 6-acre site on Highbanks Road in Heavy Industrial

- One site larger than 20 acres in size:
 - 36-acre site in the Jasper-Natron Special Heavy Industrial District

The City assumed that all land needs for sites smaller than 5 acres could be accommodated on land already inside the urban growth boundary.

The City's assumptions, conclusions and policy choices about accommodating 46% of forecast employment growth on land already inside the UGB are reasonable and based on substantial evidence.

The City has conducted the required analysis and has provided sufficient evidence demonstrating that all of its employment needs cannot be accommodated on land already inside the urban growth boundary, thus the City proposed to amend the UGB to provide land designated to provide suitable sites larger than 5 acres and larger than 20 acres to meet those needs.

2030 Plan Compliance with Goal 14 [OAR 660-015-0000(14)]

Urban Growth Boundary and Urbanization Policies

Urban growth boundaries shall be established and maintained by cities, counties and regional governments to provide land for urban development needs and to identify and separate urban and urbanizable land from rural land.

Establishment and change of urban growth boundaries shall be a cooperative process among cities, counties and, where applicable, regional governments. An urban growth boundary and amendments to the boundary shall be adopted by all cities within the boundary and by the county or counties within which the boundary is located, consistent with intergovernmental agreements...

Amendment of Springfield’s UGB is a cooperative process between the City of Springfield and Lane County. The City Council adopted the amended UGB on [REDACTED], Ordinance X; Lane County adopted the amended UGB on [REDACTED], Ordinance X.

Goal 14 addresses how cities and counties must plan and zone land within urban growth boundaries to manage the long term land supply:

“Urbanizable Land. *Land within urban growth boundaries shall be considered available for urban development consistent with plans for the provision of urban facilities and services. Comprehensive plans and implementing measures shall manage the use and division of urbanizable land to maintain its potential for planned urban development until appropriate public facilities and services are available or planned.”* OAR 660-015-0000(14)

The City’s 2030 Plan Economic and Urbanization Element comprehensive policies identify specific industrial site needs and commercial mixed-use employment site needs and establish special planning requirements and zoning regulations to reserve these sites for the intended large site employment purposes.

The City amended the Metro Plan text to establish the Urban Holding Area - Employment (UHA-E) plan designation.

The City amended the Metro Plan diagram to apply the Urban Holding Area - Employment (UHA-E) plan designation to the lands added to the UGB to meet employment land needs.

The City amended the Springfield Development Code to establish the Agriculture – Urban Holding Area (AG) urban transition zoning to protect the large employment sites added to the UGB to meet employment land needs from land divisions and incompatible interim development.

The City amended the Springfield Zoning Map to apply the Agriculture – Urban Holding Area (AG) urban transition zoning to protect the large employment sites from land divisions and incompatible interim development.

The City’s amendments to the comprehensive plan designate urbanizable lands suitable for employment, and protect those sites from land divisions and incompatible interim development by applying plan designations, comprehensive plan urbanization policies and implementing zoning measures.

Implementation of the 2030 Plan amendments will manage the interim use and division of urbanizable employment land with suitable parcel size, topographical and proximity characteristics that are necessary to meet specific operational required by targeted employment types.

Implementation of the 2030 Plan amendments will function to reserve lands with specific operational required by targeted employment types, as described in the City’s EOA and substantiated with an

adequate factual base in the record, to maintain the land’s potential for planned urban development of urban employment uses and densities, as required by Goal 14.

Implementation of the 2030 Plan amendments will manage the interim use and division of urbanizable employment land to maintain the land’s potential for planned urban development of urban employment uses and densities until appropriate public facilities and services are available or planned, as required by Goal 14.

The City and Lane County adopted 2030 Urbanization Element policies to replace the more generalized regional policies in the Metro Plan. The 2030 Urbanization Element is the chapter of the 2030 Plan that guides future development in Springfield by describing how and where land will be developed and infrastructure provided to meet long term growth needs while maintaining and improving community livability. The purpose of the Urbanization Element is to inform and guide long range land use and public facilities planning to address Springfield’s land needs for the planning period 2010-2030 in compliance with Statewide Planning Goal 14, Urbanization. The Urbanization Element establishes the comprehensive plan policies and zoning applicable to urbanizable lands within Springfield’s Urban Growth Boundary (UGB) that are necessary to efficiently and effectively plan and manage the land supply as land uses transition from rural to urban. This policy direction is based on the need to:

- Designate a 20-year supply of urbanizable land to accommodate population and employment growth.
- Allow and regulate interim land uses that do not impede future development of planned urban land uses and densities.
- Plan for the orderly and efficient extension of public facilities and services.
- Designate land for community open space and recreational needs.
- Designate land to provide and manage the public facilities and environmental services needed to serve Springfield’s urban area.
- Manage growth and improve community livability through increasingly efficient use of land consistent and compatible with the community’s needs, resources, opportunities and advantages within the broader Southern Willamette Valley region.

The guidelines in Goal 14 state that plans “should” designate sufficient amounts of urbanizable land to accommodate the need for further urban expansion, taking into account (1) the growth policy of the area; (2) the needs of the forecast population; (3) the carrying capacity of the planning area; and (4) open space and recreational needs.

Springfield’s 2030 Plan designates sufficient amounts of urbanizable land to accommodate the needs of the forecast population’s need for housing and employment; adds land designated Public/Semi-Public to accommodate a portion of the area’s open space and recreational needs; and adds land designated Natural Resource and Public/Semi-Public to maintain open space, conserve resources, and conserve the quantity and quality of Springfield’s drinking water supply. 2030 Urbanization Element policies require refinement-level comprehensive planning for the

lands designated Urban Holding Area – Employment to ensure that urban uses and densities can be accommodated within the carrying capacity of the planning area.

The guidelines in Goal 14 state: *“The size of the parcels of urbanizable land that are converted to urban land should be of adequate dimension so as to maximize the utility of the land resource and enable the logical and efficient extension of services to such parcels.”*

The urbanizable land added to the UGB in Springfield’s 2030 Comprehensive Plan is primarily large parcels in single ownership because Springfield’s employment land deficit is sites larger than 5 acres, including 3 sites larger than 20 acres. Parcels are of adequate dimension so as to maximize the utility of the land resource and enable the logical and efficient extension of services to such parcels. 2030 Urbanization Element policies require retention of UHA-E designated large parcels (20-acre and 50-acre minimum parcel sizes). The AG District includes provisions to limit the division of land and prohibit urban development. A 50-acre minimum lot size is applied to lots/parcels greater than 50 acres and a 20-acre minimum lot size is applied to lots/parcels less than 50 acres to protect undeveloped sites from inefficient piecemeal development until land is planned and zoned to allow annexation and site development with urban employment uses and densities.

The guidelines in Goal 14 state: *“Plans providing for the transition from rural to urban land use should take into consideration as to a major determinant the carrying capacity of the air, land and water resources of the planning area. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources.”*

The guidelines in Goal 14 state: *“Comprehensive plans and implementing measures for land inside urban growth boundaries should encourage the efficient use of land and the development of livable communities.”*

The 2030 Urbanization Element policies and AG zone land use regulations address the transition from rural to urban land uses and require newly urbanizable areas to be planned comprehensively to address air, land and water resources of the planning area — as required by Oregon and federal law — to ensure that urban uses and densities can provide needed capacity for employment growth and enhance overall community livability. The UGB Alternatives Analysis process addressed and compared the relative ESEE consequences of potentially suitable expansion location alternatives to assess potential threats or benefits to air, land and water resources. To determine capacity issues, the UGB Alternatives Analysis process included planning-level assessments of infrastructure (e.g. wastewater, water, stormwater management) and transportation facilities needed to serve alternate locations. The Metro Wastewater (MWWC) Treatment Facility has capacity to treat wastewater from the two proposed UGB expansion areas. The Urbanization Element provides policies and implementation strategies to implement the following goals:

UG-4 As the City grows and as land develops, maintain and reinforce Springfield’s identity as a river-oriented community emphasizing and strengthening physical

connections between people and nature in the City's land development patterns and green infrastructure systems.

UG-5 Increase Springfield's capability to respond to natural hazard impacts and to enhance public safety, health and robustness of the economy and natural environment. Create opportunities for innovative urban development and economic diversification.

Future design and development of public infrastructure and private development in the urbanizable lands designated Urban Holding Area – Employment will require the use of “green infrastructure” systems and other low impact development practices to manage stormwater, and to maintain and improve water quality. Refinement-level comprehensive planning will identify locations and/or conceptual alignments of “green infrastructure” systems.

2030 Urbanization Element Policy 50 states:

“Grow and develop the City in ways that will to ensure the stability of Springfield's public drinking water supply to meet current and future needs.

- ***Prior to City approval of annexation, land division or site development in the North Gateway and Mill Race UHA-E districts, the City — in partnership with Springfield Utility Board — shall conduct a Springfield Development Code Amendment process to prepare and apply specialized development standards that protect Drinking Water Source Areas to urbanizable lands designated UHA-E to ensure that new development contributes to a safe, clean, healthy, and plentiful community drinking water supply. The standards shall identify design, development, construction and best management processes appropriate and necessary to maintain aquifer recharge and protect drinking water quality and quantity. The standards shall also identify land use buffers appropriate and necessary to protect the Willamette Wellfield and the surface water features that are known to be in hydraulic connection with the alluvial aquifer.***
- ***Continue to Update the Springfield Comprehensive Plan and Springfield Development Code as new natural hazards information becomes available.***
- ***Encourage increased integration of natural systems into the built environment, such as vegetated water quality stormwater management systems and energy-efficient buildings.”***

2030 Urbanization Element Policy 51 states:

“Grow and develop the City in ways that maintain and improve Springfield's air quality to benefit public health and the environment.

- ***Prioritize and seek funding for mixed use land use district planning and multi-modal transportation projects that reduce reliance on single occupancy***

vehicles (SOVs) consistent with Springfield Transportation System Plan (TSP) Policy 1.2, 1.3 and 1.4.

- **Coordinate land use and transportation system planning for urbanizable lands at the refinement plan and/or Master Plan level to identify and conceptually plan alignments for locating multi – modal facilities.**
- **Plan, zone and design transportation systems in the North Gateway and Mill Race Urban Holding Area - Employment districts to provide multi-modal transportation choices for district employees.**
- **Promote the use of active transportation systems as new growth areas and significant new infrastructure are planned and developed.”**

The guidelines in Goal 14 state: *“The type, design, phasing and location of major public transportation facilities (i.e., all modes: air, marine, rail, mass transit, highways, bicycle and pedestrian) and improvements thereto are factors which should be utilized to support urban expansion into urbanizable areas and restrict it from rural areas.”*

The 2030 Plan amendments encourage and require the efficient use of land and development of livable communities within Springfield’s UGB by establishing a land base for employment that relies on existing developed land to meet 46% of employment growth; by accommodating 77% of employment growth within the existing UGB; by accommodating all employment land needs for sites smaller than 5 acres without expanding the UGB; by expanding the UGB to support economic diversification and job creation in areas that are proximate to the existing and planned public transit system; and through 2030 Plan Economic Element policies that promote higher density mixed-use development in locations served by the region’s Frequent Transit Network (FTN).

The City’s 2030 Plan directs urban expansion for employment to urbanizable sites within the existing UGB and UF-10 Overlay Zoning District through the annexation process and to newly urbanizable sites in the North Gateway and Mill Race UGB expansion areas. The City’s priority location for short term urban expansion is the Glenwood Riverfront/Franklin Corridor. In 2015, the area is beginning to urbanize, but many unincorporated urbanizable sites remain and are expected to redevelop in the planning period to provide sites to meet employment land needs. The area is part of the City’s Glenwood Urban Renewal District. The City is using tax increment financing to phase public facilities and services to support redevelopment of the area.

The UGB Alternatives Analysis process assessed the type, location and potential phasing of public facilities and services as important factors in reviewing the feasibility and cost of extending facilities and services to alternative locations for urban expansion. The City Engineer provided planning-level assessments of infrastructure (e.g. wastewater, water, stormwater management) and transportation

facilities needed to serve alternate locations and estimated costs associated with providing facilities and services. The Metro Wastewater (MWMC) Treatment Facility has capacity to treat wastewater from the two proposed UGB expansion areas. 2030 Plan Urbanization Element policies address urban expansion and extension of infrastructure.

Natural Resource (NR) Metro Plan Designation - North Gateway Site

Land in North Gateway brought into Springfield’s UGB to address 2010-2030 land needs for suitable large employment sites includes portions of properties within the floodway of the McKenzie River. Land in the floodway is considered to be constrained for development and is not counted as developable in the City’s land Inventories. Including the floodway portion of the site in the UGB allows consistent land use administration of the floodplain pursuant to the purposes and standards of the Springfield Development Code Floodplain Overlay District standards. The portion of the site North Gateway site within the FEMA floodway is designated Natural Resource, a designation applied to privately and publicly owned lands where development and conflicting uses are prohibited to protect natural resource values. In addition to the purposes of the Floodplain Overlay District, land designated Natural Resource is protected and managed for fish and wildlife habitat, soil conservation, watershed conservation, scenic resources, passive recreational opportunities, vegetative cover, and open space.¹¹⁴

Table 3: Urbanizable Land Designated Natural Resource (NR)			
Name of Area	Acres Designated Natural Resource	Acres Zoned AG	Location
North Gateway Natural Resource (NR)	53	53	North of Gateway/International Way, east of I-5

Conclusion Goal 14 OAR 660-015-0000(14): The land need determination and response to deficiency proposed in the 2030 Plan amendments are consistent with Goal 14, OAR 660-024-0040 and OAR 660-024-0050 because the amended UGB is based on demonstrated need for employment opportunities, livability public facilities, parks and open space. The City conducted the required inventory and analysis and assumed, based on substantial evidence that 77% of forecast employment could reasonably be accommodated within the existing UGB, and that the proposed UGB expansion is necessary to accommodate needs cannot reasonably be accommodated on land already inside the urban growth boundary. The City has a 223-acre deficit of suitable large employment sites with specific characteristics that are necessary for target industry employers the City selected in the CIBL/EOA. The City expanded the UGB to provide at least 223 suitable acres to meet the deficit.

¹¹⁴ Ordinance Exhibit C-1, 2030 Plan Urbanization Element, p. 12.

Division 24 Urban Growth Boundaries

OAR 660-024-0000 Purpose and Applicability

OAR 660-024-0000(4)

“The rules in this division adopted on December 4, 2015, are effective January 1, 2016, except that a local government may choose to not apply the amendments to rules in this division adopted December 4, 2015 to a plan amendment concerning the amendment of a UGB, regardless of the date of that amendment, if the local government initiated the amendment of the UGB prior to January 1, 2016.”

The 2030 Plan amendment of the UGB was initiated on December 31, 2009 and was prepared to address the requirements of the applicable statutes and rules in effect at that time, including ORS 197.298 and Division 24 Urban Growth Boundaries cert. ef. 4-16-09.

The City issued the public notice specified in OAR 660-018-0020 for the proposed plan amendment concerning the evaluation or amendment of the UGB on December 31, 2009, under the rules in Division 24 that were adopted prior to that date, and effective April 16, 2009.

OAR 660-024-0000(3)(c)

“A local government choice whether to apply this division must include the entire division and may not differ with respect to individual rules in the division.”

As permitted under OAR 660-024-0000(4) the City’s proposal applies Division 24 Urban Growth Boundaries cert. ef. 4-16-09.

Conclusion OAR 660-024-0000: The City’s proposal is consistent with OAR 660-024-0000. The City’s findings under Goal 14 are organized under ORS 197.298 and the Division 24 administrative rule effective prior to January 1, 2016.

OAR 660-024-0010 Goal 14 Definitions Applicable to Springfield’s UGB Analysis

OAR 660-024-0010 Definitions states:

“In this division, the definitions in the statewide goals and the following definitions apply...”

The definitions in the statewide goals and the following definitions in Division 24 are applicable to Springfield’s demonstration of compliance with Division 24:

(2) "EOA" means an economic opportunities analysis carried out under OAR 660-009-0015.

(7) "Safe harbor" means an optional course of action that a local government may use to satisfy a requirement of Goal 14. Use of a safe harbor prescribed in this division will satisfy the requirement for which it is prescribed. A safe harbor is not the only way or necessarily the preferred way to comply with a requirement and it is not intended to interpret the requirement for any purpose other than applying a safe harbor within this division.

(8) "Suitable vacant and developed land" describes land for employment opportunities, and has the same meaning as provided in OAR 660-009-0005 section (1) for "developed land," section (12) for "suitable," and section (14) for "vacant land."

The definition of "suitable" as provided in OAR 660-009-0005 section (12) is a key element in Springfield's inventory and analysis of employment land need, in the city's finding that all employment land needs cannot be met on lands within the UGB, and the City's decision to amend the UGB to add suitable land to meet identified employment land needs.

OAR 660-024-0020 Adoption or Amendment of a UGB

OAR 660-024-0020(1)

"All statewide goals and related administrative rules are applicable when establishing or amending a UGB, except as follows:

Pages 17-18 of these findings address the statewide goals and related administrative rules applicable when establishing or amending a UGB.

(a) The exceptions process in Goal 2 and OAR chapter 660, division 4, is not applicable unless a local government chooses to take an exception to a particular goal requirement, for example, as provided in OAR 660-004-0010(1);

(b) Goals 3 and 4 are not applicable;

(c) Goal 5 and related rules under OAR chapter 660, division 23, apply only in areas added to the UGB, except as required under OAR 660-023-0070 and 660-023-0250;

Pages 435-448 of these findings address Goal 5 as it applies only in areas added to the UGB, except as required under OAR 660-023-0070 and 660-023-0250.

(d) The transportation planning rule requirements under OAR 660-012-0060 need not be applied to a UGB amendment if the land added to the UGB is zoned as urbanizable land, either by retaining the zoning that was assigned prior to inclusion in the boundary or by assigning interim zoning that does not allow development that would generate more vehicle trips than development allowed by the zoning assigned prior to inclusion in the boundary;

Pages 481-526 of these findings address Goal 12.

(e) Goal 15 is not applicable to land added to the UGB unless the land is within the Willamette River Greenway Boundary;

The proposed UGB includes land within the Willamette River Greenway Boundary. Pages 424-428 of these findings address Goal 15.

(f) Goals 16 to 18 are not applicable to land added to the UGB unless the land is within a coastal shorelands boundary;

(g) Goal 19 is not applicable to a UGB amendment.

As stated on page 18, Goal 10 is not applicable.

Conclusion OAR 660-024-0020 (1) The City addressed all applicable statewide goals and related administrative rules when the City and Lane County amended the UGB.

OAR 660-024-0020(2)

“The UGB and amendments to the UGB must be shown on the city and county plan and zone maps at a scale sufficient to determine which particular lots or parcels are included in the UGB. Where a UGB does not follow lot or parcel lines, the map must provide sufficient information to determine the precise UGB location.”

Conclusion OAR 660-024-0020(2): Ordinance Exhibit A includes plan designation and zoning maps at a scale sufficient to determine which particular lots or parcels are included in the UGB. Exhibit C includes the amended UGB map at a scale sufficient to determine which particular lots or parcels are included in the UGB. Exhibit C-2 provides more detailed description of the amended boundary, providing sufficient information to determine the precise UGB location.

OAR 660-024-0030(1) Coordinated Population Forecast

“Counties must adopt and maintain a coordinated 20-year population forecast for the county and for each urban area within the county consistent with statutory requirements for such forecasts under ORS 195.025 and 195.036. Cities must adopt a 20-year population forecast for the urban area consistent with the coordinated county forecast, except that a metropolitan service district must adopt and maintain a 20-year population forecast for the area within its jurisdiction. In adopting the coordinated forecast, local governments must follow applicable procedures and requirements in ORS 197.610 to 197.650 and must provide notice to all other local governments in the county. The adopted forecast must be included in the comprehensive plan or in a document referenced by the plan.”

Springfield’s current UGB (acknowledged in 2011) and amended UGB is based on a coordinated population forecast adopted by Lane County. In order to achieve timely compliance with their statutory obligations under ORS 197.304 (2007) Or Laws Chapter 650, the cities of Eugene and Springfield and Lane County co-adopted coordinated population forecasts into the Metro Plan for Springfield’s jurisdictional areas. On June 17th, 2009, Lane County adopted a coordinated 20-year population forecast for each urban area within the county consistent with statutory requirements for such forecasts under ORS 195.025 and 195.036. The forecast provided separate forecasts for the metro urban area east of I-5 (Springfield) and west of I-5 (Eugene) through 2035. The City of Springfield adopted the 20-year population forecast for the urban area consistent with the coordinated county forecast. As described and demonstrated in the adopted findings for Lane County Ordinance PA1255; Springfield Ordinance 6248, adopted October 19, 2009 Springfield Planning File nos. LRP 2009-00005, LRP 2009-0006, the forecast was developed by Portland State University using commonly accepted practices and standards for population forecasting used by professional practitioners in the field of demography or economics, and was based on current, reliable and objective sources and verifiable factual information.

The adopted forecast has been included in the comprehensive plan. Eugene–Springfield Metro Plan text Chapter I, Introduction Purpose Section on page I-1 was amended to incorporate the forecast into the comprehensive plan. [Lane County Ordinance PA1255; Springfield Ordinance 6248, adopted October 19, 2009 Springfield Planning File nos. LRP 2009-00005, LRP 2009-0006].

The following text was inserted as the third paragraph of Metro Plan Chapter I, Introduction Purpose Section on Page I-1:

“In order to achieve timely compliance with their statutory obligations under 2007 Or Laws Chapter 650, the cities of Eugene and Springfield and Lane County adopt the following forecasts for their respective jurisdictional areas:

	2030	2035
<i>Eugene - City Only</i>	<i>194,314</i>	<i>202,565</i>
<i>Urban Transition Area West of I-5</i>	<i>17,469</i>	<i>16,494</i>
<i>Total</i>	<u><i>211,783</i></u>	<u><i>219,059</i></u>
<i>Springfield – City Only</i>	<i>74,814</i>	<i>78,413</i>
<i>Urban Transition Area East of I-5</i>	<i>6,794</i>	<i>6,415</i>
<i>Total</i>	<u><i>81,608</i></u>	<u><i>84,828</i></u>

The 2030 Plan Urbanization Element, page 31 includes the adopted forecast:

	2030	2031	2032	2033	2034	2035
Springfield – City Only	74,814	75,534	76,254	76,974	77,693	78,413
Metro Urban Area East of I-5	6,794	6,718	6,642	6,567	6,491	6,415
Total	<u>81,608</u>	<u>82,252</u>	<u>82,896</u>	<u>83,541</u>	<u>84,184</u>	<u>84,828</u>

Conclusion OAR 660-024-0030. A coordinated population forecast for year 2030 of 81,608 for the City of Springfield and the Metro area east of I-5 was adopted into the comprehensive plan¹¹⁵ by Lane County, Springfield, and Eugene and acknowledged by the State. The forecast effectively provided coordinated projections for years ending 2030 through 2035 that were used as the basis for the Springfield 2030 planning purposes and plan policies adopted to meet residential and employment land needs for the 20-year planning period 2010-2030.

As explained in the City’s findings under Goal 9 (pages 46-47 of this report) and in the CIBL/EOA Appendix C Employment Forecast¹¹⁶, The 2030 UGB amendment relied on the 2006 employment forecast¹¹⁷ of 13,440 new employees for Springfield in the year 2030 to project employment land needs.

OAR 660-024-0040 20 Year Land Need Determinations

OAR 660-024-0040(1)

“The UGB must be based on the adopted 20-year population forecast for the urban area described in OAR 660-024-0030, and must provide for needed housing, employment and other urban uses such as public facilities, streets and roads, schools, parks and open space over the 20-year planning period consistent with the land need requirements of Goal 14 and this rule. The 20-year need determinations are estimates which, although based on the best available information and methodologies, should not be held to an unreasonably high level of precision.”

2030 Plan coordination of forecast land needs for 2010-2030 planning period. Springfield’s existing UGB is based on the adopted 2010-2030 population forecast for the urban area described in OAR 660-024-0030, and provides for needed housing land uses over the 20-year planning period consistent with the land need requirements of Goal 14 and this rule. [OAR 660-024-0040(1)] As previously stated in the City’s findings under Goal 9, the subject UGB amendment amends the UGB in consideration of employment land, public facilities, parks and open space needs for the same 2010-2030 planning period. Springfield chose to conduct concurrent land inventories and analyses to evaluate the capacity of its

¹¹⁵ Metro Plan p. I-2; Springfield Residential Land and Housing Needs Analysis, Table 5-1: 2010-2030 population growth equates to a 1% AAGR for the Springfield UGB.

¹¹⁶ ECONorthwest, CIBL/EOA, pages 153-158

¹¹⁷ The employment forecast in the adopted Commercial and Industrial Buildable Lands Inventory and Economic Opportunities Analysis, Appendix C.

UGB for housing needs and commercial/industrial land needs. Springfield began the Residential Land Study (RLS) in 2007 and the Commercial and Industrial Buildable Lands Study (CIBL) in 2008. Springfield chose to take actions in response to the simultaneous evaluations separately in order to meet the City's obligation under ORS 197.304 to adopt a separate Springfield UGB to meet its housing needs in a timely manner.

Springfield previously reviewed its UGB in consideration of one category of land need – housing. Springfield's acknowledged comprehensive plan (the Metro Plan) was amended to address Springfield's land need for housing and residential purposes for the planning period 2010-2030. Springfield has demonstrated that its acknowledged Urban Growth Boundary, comprehensive plan Residential Land Use and Housing Element policies and implementation actions will provide sufficient buildable lands for residential purposes within the urban growth boundary established pursuant to statewide planning goals to accommodate estimated housing needs for the 2010-2030 planning period. [Springfield Ordinance 6268 adopted June 20, 2011, and Lane County PA1274, acknowledged July 25, 2011 (DLCD File Number 009-09)] The subject 2030 Plan amendments were closely coordinated with Springfield's previously acknowledged comprehensive planning actions addressing Goal 10 and do not alter Springfield's existing acknowledged comprehensive plan designations, policies or land use regulations addressing housing needs for 2010-2030.¹¹⁸

Springfield Ordinance 6268 and Lane County Ordinance PA1274 identified a deficit of 300 acres to meet 2010-2030 public land, parks and open space needs. The subject UGB amendment partially addresses this category of land need — as explained in the City's findings under Goals 8 and 11 — by adding existing public parks, open space and public facilities to accommodate parks, open space and public facilities needs within the UGB and Metro Plan boundary. Inclusion of these lands (approximately 455 acres) within the Springfield UGB and Metro plan boundary enables and facilitates coordination and management of facilities /land use/transportation planning under consistent plan policies and land use regulations.

Conclusion OAR 660-024-0040(1). The 2030 Plan amendments amend the UGB to provide for employment and other uses including public facilities, streets and roads, parks and open space over the 2010-2030 planning period. The 2030 Plan UGB amendment, plan policies, plan designations and land use regulations implement Goal 14 Urbanization by providing urbanizable¹¹⁹ land in the Springfield UGB

¹¹⁸ Springfield was able to accommodate its 20-year residential growth needs without expanding the UGB.

The City was able to meet its housing needs through redesignation of land in its Glenwood Nodal Development / MMS areas to meet the identified HDR deficit. The City adopted land use efficiency measures into the Springfield Development Code (Ordinance 6286) including 8 du/acre minimum density in the LDR zone, SLR small lot residential zone (3000 sq. ft. min lot size, etc.). Lands designated for residential uses are needed to meet forecast 2010-2030 residential land needs and thus cannot be redesignated to meet employment needs. Existing Mixed-use plan designations, zoning and the City's 2030 Comprehensive Plan policies require and support mixed-use development to meet Springfield's identified needs for multi-family housing.

¹¹⁹ Goal 14: ***“Urbanizable Land.*** *Land within urban growth boundaries shall be considered available for urban development consistent with plans for the provision of urban facilities and services. Comprehensive*

designated for urban development needs — based on a demonstrated need for employment opportunities, livability, public facilities, parks and open space for the planning period 2010-2030.

OAR 660-024-0040(2) Establishment of 2010-2030 Planning Period

“If the UGB analysis or amendment is conducted as part of a periodic review work program, the 20-year planning period must commence on the date initially scheduled for completion of the appropriate work task. If the UGB analysis or amendment is conducted as a post-acknowledgement plan amendment under ORS 197.610 to 197.625, the 20-year planning period must commence either:

(a) On the date initially scheduled for final adoption of the amendment specified by the local government in the initial notice of the amendment required by OAR 660-018-0020;”

The 2010-2030 planning period was established to commence on the 2010 date initially scheduled for final adoption of the amendment as stated in the City’s submittal [“Overview,” document, page 2, submitted to DLCDC December 31, 2009].¹²⁰ The 2010-2030 planning period is based on the beginning of the 20-year period specified in the coordinated population forecast for the urban area adopted by the city and county pursuant to OAR 660-024-0030 and the date initially scheduled for final adoption.

In 2010, a 20 year population forecast for the Springfield urban area was adopted into the Metro Plan [page I-2] for year 2030.

Springfield’s UGB analysis and 2030 Plan amendment is not part of periodic review work program. Springfield’s proposal is essentially a PAPA of the Eugene-Springfield Metro Plan that is “reviewed in the manner of periodic review” because it includes an amendment of the UGB. The study was initiated to meet the City’s obligation to establish a separate UGB from Eugene, in response to ORS 197.304, adopted into law in 2007:

ORS 197.304 Lane County accommodation of needed housing

(1) Notwithstanding an intergovernmental agreement pursuant to ORS [190.003](#) ([Definitions for ORS 190.003 to 190.130](#)) to [190.130](#) ([Effect of ORS 190.125](#)) or

plans and implementing measures shall manage the use and division of urbanizable land to maintain its potential for planned urban development until appropriate public facilities and services are available or planned. [OAR 660-015-0000(14)]

¹²⁰ The initial notice of the amendment was submitted on December 31, 2009, more than 20 days before the date of the first evidentiary hearing date of February 17, 2010, consistent with ORS 197.610 (1). The proposed 2030 Plan Metro Plan amendments (including residential, employment and urbanization elements and a proposal to expand the UGB) were the subject of the initial evidentiary hearing — conducted by the Springfield and Lane County Planning Commissions on February 17, 2010.

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 meet its obligation under ORS [197.295 \(Definitions for ORS 197.295 to 197.314 and 197.475 to 197.490\)](#) to [197.314 \(Required siting of manufactured homes\)](#) separately from any other city within Lane County. The city 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 \(Factors to establish sufficiency of buildable lands within urban growth boundary\)](#), 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.

(2) Except as provided in subsection (1) of this section, this section does not alter or affect an intergovernmental agreement pursuant to ORS [190.003 \(Definitions for ORS 190.003 to 190.130\)](#) to [190.130 \(Effect of ORS 190.125\)](#) or acknowledged comprehensive plan provisions adopted by Lane County or local governments in Lane County. [2007 c.650 §2]

¹ “Sec.3 A local government that is subject to section 2 of this 2007 Act [197.304] shall complete the inventory, analysis and determination required under ORS 197.296(3) to begin compliance with section 2 of this 2007 Act within two years after the effective date of this 2007 Act [January 1, 2008]” (emphasis added)

The City commenced the Springfield 2030 Plan’s planning period on year 2010 to 1) mesh seamlessly with the County’s adopted coordinated population forecast period; to meet the City’s obligation to complete the housing inventory, analysis and determination before January 1, 2010, and 3) to closely coordinate Springfield’s residential and commercial/ industrial land inventories and analyses processes that would serve as the factual bases for the Springfield UGB and respective Springfield 2030 Comprehensive Plan policy elements.

The planning period 2010-2030 complies with OAR 660-024-0040(2)(a)and(b).

Conclusion OAR 660-024-0040(2). The 2010-2030 planning period is based on the beginning of the 20-year period specified in the coordinated population forecast for the urban area adopted by the city and county pursuant to OAR 660-024-0030 and the date initially scheduled for final adoption.

OAR 660-024-0040(3) Amending the UGB to Meet Employment, Public Land, Parks and Open Space Needs

“(3) A local government may review and amend the UGB in consideration of one category of land need (for example, housing need) without a simultaneous review and

amendment in consideration of other categories of land need (for example, employment need)."

The City and Lane County request approval of Springfield's review of the UGB in consideration of employment land need as explained in these findings and in response to the employment land need determination and factual basis contained in Ordinance Exhibit B-2: 2030 Plan Economic Element Technical Supplement CIBL/EOA Final Report 2015. The City and Lane County request approval of Springfield's UGB amendment adding approximately 257 acres of land designated "Urban Holding Area-Employment" to accommodate the identified need of at least 223 suitable acres for employment purposes.

The City and Lane County request approval of Springfield's review of the UGB in consideration of public facilities, parks and open space needs as explained in these findings and in response to the factual basis contained in Ordinance 6268, the Willamalane Parks and Recreation District need assessment and Comprehensive Plan (previously adopted as a refinement of the Metro Plan), the Metro Area Public Facilities and Services Plan, and Springfield Utility Board facilities plans. The City and Lane County request approval of Springfield's UGB amendment adding approximately 455 acres of land designated "Public/Semi-public."

Conclusion: OAR 660-024-0040(3). As previously stated in the City's findings under Goal 9, the City is amending the UGB in consideration of employment land needs. The 2030 Plan amendments also amend the UGB to provide public facilities, streets and roads, parks and open space over the 2010-2030 planning period.

OAR 660-024-0040(5) Determination of 20-Year Employment Land Need

"Except for a metropolitan service district described in ORS 197.015(13), the determination of 20-year employment land need for an urban area must comply with applicable requirements of Goal 9 and OAR chapter 660, division 9, and must include a determination of the need for a short-term supply of land for employment uses consistent with OAR 660-009-0025. Employment land need may be based on an estimate of job growth over the planning period; local government must provide a reasonable justification for the job growth estimate but Goal 14 does not require that job growth estimates necessarily be proportional to population growth."

Applicable requirements of Goal 9 and OAR Chapter 660, division 9 relating to determination of 20-year employment land need are focused on development and adoption of an Economic Opportunities Analysis (OAR 660-009-0015). As discussed under Goal 9 above, the City of Springfield has adopted an Economic Opportunities Analysis consistent with OAR 660-009-0015 requirements, including:

- 1) A trends analysis (CIBL/EOA Chapter 3, Economic Trends and Factors Affecting Future Economic Growth in Springfield);

- 2) Identification of long term and short term employment site needs (CIBL/EOA Chapter 4, Land Demand and Site Needs in Springfield, and Chapter 2, pp. 40-41 Analysis of Short Term Supply of Land);
- 3) Suitable lands inventory (EOA Chapter 2, Land Available for Industrial and Other Employment Uses); and
- 4) An assessment of community economic development potential (CIBL/EOA Chapters 3 & 4).

As explained in detail in Appendix C to the CIBL/EOA (Employment Forecast and Site Needs for Industrial and other Employment Needs), employment land need identified in the EOA is based on forecast employment growth over the planning period (13,440 new jobs through 2030).¹²¹ Springfield's population is forecast to reach 81,608 by 2030.¹²²

The results of the CIBL/EOA (Table 5-4 Employment site and land needs, Springfield UGB 2010-2030) indicate that Springfield's proposed current UGB does not provide sufficient land to meet Springfield's employment needs and economic development objectives, therefore Springfield must 1. adopt amendments to the comprehensive plan to address deficiencies; and 2. expand the UGB to provide suitable, serviceable land that can be designated to provide the appropriate site characteristics to meet the needs of target industries. Springfield has a land need for seven sites larger than 5 acres, including 3 sites larger than 20 acres (2 industrial sites 20 acres and larger; 1 commercial and mixed-use site 20 acres; and 4 commercial and mixed-use sites 5-20 acres in size).

Conclusions: OAR 660-024-0040(5). As demonstrated in the City's findings under Goal 9, Springfield's 20-year employment land need has been established in accordance with the applicable requirements of Goal 9 and OAR chapter 660, division 9, including a determination of the need for a short-term supply of land for employment uses consistent with 660-009-0025. The 2030 UGB uses the 2006 employment forecast of 13,440 new employees for Springfield in the year 2030 to project employment land needs, consistent with OAR 660-024-0040(5). The CIBL/EOA provides a reasonable justification for the job growth estimate, based on substantial evidence.

After accounting for available land supply and the results of efficiency measures, **Table 5-4 of the CIBL/EOA identifies employment needs that require expansion of the UGB as follows: Commercial and Mixed-Use (Land Need = 5 sites, 97 acres).** After accounting for vacant, partially-vacant and potentially redevelopable commercial and mixed use land supply within the UGB, there is an unmet need for 5 commercial and mixed-use sites totaling an estimated 97 acres.

Industrial (Land Need = 2 sites, 126 acres). After accounting for vacant, partially-vacant and potentially redevelopable industrial land supply within the UGB, unmet industrial need is identified as 2 large sites, totaling an estimated 126 acres.

The total employment land needed in the UGB expansion to meet site needs is 223 suitable acres:

¹²¹ CIBL/EOA Appendix C, p. 153-156.

¹²² Table 5-1, *Springfield Residential Land and Housing Needs Analysis*. 2010-2030 population growth equates to a 1% AAGR for the Springfield UGB.

3 sites larger than 20 acres and 4 sites 5-20 acres.

OAR 660-024-0040(7) Determination of 20-year land needs for transportation and public facilities

“The determination of 20-year land needs for transportation and public facilities for an urban area must comply with applicable requirements of Goals 11 and 12, rules in OAR chapter 660, divisions 11 and 12, and public facilities requirements in ORS 197.712 and 197.768. The determination of school facility needs must also comply with ORS 195.110 and 197.296 for local governments specified in those statutes.”

The City’s findings under Goals 11, 12 and OAR 660-024-0060 explain how 20-year land needs for transportation and public facilities were addressed in the 2030 Plan amendments to demonstrate continued compliance with applicable requirements of Goals 11 and 12, rules in OAR chapter 660, divisions 11 and 12, and public facilities requirements in ORS 197.712 and 197.768. The 2030 Plan amendments also amend the UGB and Metro Plan Boundary to include existing publicly-owned lands that accommodate public water system well fields and water treatment facilities and Willamalane Park and Recreation District parks and open space facilities, based on previously acknowledged need determinations.¹²³ These public uses are location-specific and cannot be accommodated on other land already inside the urban growth boundary.

Determination of lands needed for public facilities, parks and open space is established in the Metro Public Facilities and Services Plan, Springfield water, wastewater and stormwater facilities plans, and the Willamalane Park and Recreation District Comprehensive Plan. An unmet 300-acre deficit of public/semi-public land to meet park and recreation needs was previously identified in the Springfield RLHNA.

School facility needs were previously addressed in the acknowledged Residential Land and Housing Needs Analysis and existing UGB and are not addressed in the subject 2030 Plan amendments.¹²⁴

Conclusions: OAR 660-024-0040(7). The City provided substantial evidence to explain how the 2030 Plan amendments coordinate land use, transportation and public facilities planning to address applicable requirements of Goals 11 and 12, rules in OAR chapter 660, divisions 11 and 12, and public facilities requirements in ORS 197.712 and 197.768.

The City’s findings under Goals 8 and 11 provide reasonable justification for the **City and Lane County’s policy choice to include approximately 455 acres of existing public parks, open space and water system public facilities in the amended Springfield UGB and Metro Plan boundary**, based on previously

¹²³ *Willamalane Parks and Recreation Comprehensive Plan and Eugene-Springfield Metropolitan Area Public facilities and Services Plan*

¹²⁴ *Springfield Public Schools Administrative Facilities Plan*, January 1, 2010 “provides up-to-date data related to school district facilities, sites and enrollment and provides information to update our 2006 Facilities Plan. This report addresses the items laid out in ORS 195.110 requiring school facilities plans for large school districts.”

acknowledged need determinations.¹²⁵ These public uses are location-specific and cannot be accommodated on other land already inside the urban growth boundary.

OAR 660-024-0040(9) Use of safe harbor: OED Employment forecast

“The following safe harbors may be applied by a local government to determine its employment needs for purposes of a UGB amendment under this rule, Goal 9, OAR chapter 660, division 9, Goal 14 and, if applicable, ORS 197.296.

(a) A local government may estimate that the current number of jobs in the urban area will grow during the 20-year planning period at a rate equal to either:

(A) The county or regional job growth rate provided in the most recent forecast published by the Oregon Employment Department; or”

As stated in the CIBL/EOA page 156, OAR 660-024-0040(9)(a)(A) allows the City to determine employment land needs based on the county or regional job growth rate provided in the most recent forecast published by the Oregon Employment Department:

“Springfield is part of Region 5, which includes all of Lane County. Based on this safe harbor, employment in Springfield can be assumed to grow at 1.4% annually. Table C-2 shows the result of applying this growth rate to the total employment base of 41,133 in Springfield. Table C-2 shows that employment is forecast to grow by 13,440 employees (a 32% increase) between 2010 and 2030.”

Table C-2. Forecast of employment growth in Springfield’s UGB, 2010–2040

Year	Total Employment
2008	41,133
2010	42,284
2030	55,724
2031	56,498
2032	57,283
2033	58,079
2034	58,886
2035	59,704
2036	60,534
2037	61,375
2038	62,228
2039	63,093
2040	63,970
Change 2010 to 2030	
Employees	13,440
Percent	32%
AAGR	1.4%

Source: ECONorthwest

¹²⁵ Willamalane Parks and Recreation Comprehensive Plan and Eugene-Springfield Metropolitan Area Public Facilities and Services Plan

Conclusion: OAR 660-024-0040(9). The CIBL/EOA employment land need determination for the 2010-2030 planning period was based on the best available information and accepted methodologies, including an employment forecast based on the county or regional job growth rate provided by the Oregon Employment Department, as allowed under OAR 660-024-0040(9)(a)(A).

Conclusion: OAR 660-024-0040. The CIBL/EOA employment land need determination was conducted concurrently with Springfield's (previously acknowledged) Residential Land Use and Housing Needs Analysis need determination for the same 2010-2030 planning period. Thus, the employment forecast and land need determination were coordinated¹²⁶ in response to the new split of the Metro Plan UGB between Springfield and Eugene; and to Springfield's policy decision to increase opportunities for employment to residents in the city over time while supporting Regional Economic Prosperity plan goals.

Throughout the multi-year public process, questions and assertions have been raised suggesting that the City's CIBL/EOA relies on "stale" information because the City has not updated the employment forecast or inventory data used in the analysis (since July 2008), and thus has not utilized the most current available information as the factual basis for the conclusions reached. Similar contentions of error were made by opponents of the Scappoose UGB decision. As stated in the Court of Appeals legal opinion for that case, such assertions were dismissed by LCDC: *"the choice between conflicting evidence is the city's. The appellants have not established and the commission does not find that a reasonable person could not have relied on the employment data the city used."*¹²⁷ In the Scappoose decision, the commission concluded that newer information submitted would not *"require the city to undertake multiple, shifting iterations of the same analysis as it moves through the planning and adoption process."*

The City respectfully considered all information presented throughout the multi-year planning process (2008-2016) and reasoned that none of the challenges to the Springfield inventory, analysis methodologies used, or conclusions reached would make it unreasonable for the City to rely on the employment and inventory data in the record that formed the basis of its CIBL/EOA. The City asserts that the inventory and analysis contained in the CIBL/EOA appropriately represents a "snapshot in time;" was coordinated with the County's population forecast for the 20-year period commencing on the date commencing on the date initially scheduled for final adoption of the amendment specified by the local government in the initial notice of the amendment required by OAR 660-018-0020; was prepared in full compliance with Oregon law and the applicable administrative rule; and utilized the county or regional job growth rate provided in the most recent forecast published by the Oregon Employment Department at the time the CIBL/EOA was prepared, as specifically allowed under the safe harbor provided under OAR 660-024-0040(9)(a)(A). The data base used to prepare the CIBL/EOA is the

¹²⁶ Metro Plan p. I-2. A year 2030 population forecast of 81,608 for the City of Springfield and the Metro area east of I-5 was adopted into the comprehensive plan by Springfield, Eugene and Lane County "in order to achieve timely compliance with the statutory obligations under ORS 197.304" and acknowledged by the State as the coordinated population basis for Springfield's 2030 Comprehensive Plan. [OAR 660-024-0030(1)]

¹²⁷ Zimmerman v. LCDC and City of Scappoose, LCDC 13UGB0001829; A153856, p. 524-525 (2014)

best available information at the time of CIBL/EOA preparation (2008-2009) — the pre-hearing formulation of the economic opportunities analysis developed in conjunction with the community visioning process and citizen involvement activities as fully documented in the local record. The employment land assumptions made and conclusions reached in the CIBL/EOA and the city’s policy choices in response to that land inventory and analysis were reasonable and are supported by substantial evidence in the whole record.

OAR 660-024-0050(1) Land Inventory and Response to Deficiency

“When evaluating or amending a UGB, a local government must inventory land inside the UGB to determine whether there is adequate development capacity to accommodate 20-year needs determined in OAR 660-024-0040...For employment land, the inventory must include suitable vacant and developed land designated for industrial or other employment use, and must be conducted in accordance with OAR 660-009-0015.”

Conclusion OAR 660-024-0050(1): The City’s findings under Goal 9, OAR 660-009-0015(3) Inventory of Industrial and Other Employment Lands (pages 53-59 of this report); OAR 660-009-0025(1) Identification of Needed Sites (pages 96-101) and under Goal 14 (pages 117-125 of this report) explain how Springfield inventoried land inside the UGB — including potentially redevelopable sites — in accordance with OAR 660-009-0015 to determine that there is not adequate development capacity to accommodate 20-year employment land needs determined in OAR 660-024-0040.

OAR 660-024-0050(3) Inventory of vacant land

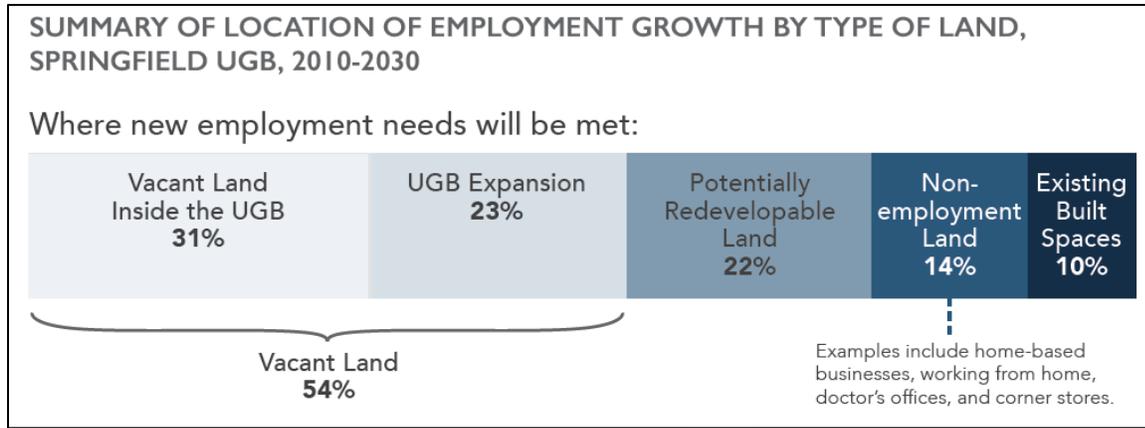
“As safe harbors when inventorying land to accommodate industrial and other employment needs, a local government may assume that a lot or parcel is vacant if it is:

(a) Equal to or larger than one-half acre, if the lot or parcel does not contain a permanent building; or

(b) Equal to or larger than five acres, if less than one-half acre of the lot or parcel is occupied by a permanent building.”

The City did not choose to use the safe harbor. The City’s findings under Goal 9, OAR 660-009-0005, (pp. 30-31), and OAR 660-009-0015(3)(a)(B) (p. 57) explain how the CIBL/EOA defined vacant land. “Vacant” is defined in Chapter 2 of the CIBL/EOA as follows:

“Tax lots that have no structures or have buildings with very little value. For the purposes of this inventory, lands with improvement values under \$10,000 (2008 Lane County Assessment and Taxation Data) are considered vacant (not including lands that are identified as having mobile homes).” This definition of “vacant” is more inclusive than what OAR 600-009-0005(14) requires, with the result that Springfield’s inventory includes more available land in the inventory than it would if the OAR600-009-0005(14) definition is used.”



Based on the inventory, the City’s CIBL/EOA and 2030 Plan assumes that 31% of forecast employment will be met on vacant land within the existing UGB. CIBL/EOA Maps 2-3, 2-4 and 2-5 p. 24-26 show where these lands are located and where sites with absolute development constraints were deducted from the inventory.

Conclusion OAR 660-024-0050(3): The Springfield CIBL/EOA used a definition of “vacant” that is more inclusive than what OAR 600-009-0005(14) requires, with the result that Springfield’s inventory includes more available land in the inventory than it would if the OAR600-009-0005(14) definition is used. 31% of forecast employment will be met on vacant land within the existing UGB.

OAR 660-024-0050(4) amending the comprehensive plan to satisfy the need deficiency, either by increasing the development capacity of land already inside the city or by expanding the UGB, or both

“If the inventory demonstrates that the development capacity of land inside the UGB is inadequate to accommodate the estimated 20-year needs determined under OAR 660-024-0040, the local government must amend the plan to satisfy the need deficiency, either by increasing the development capacity of land already inside the city or by expanding the UGB, or both, and in accordance with ORS 197.296 where applicable. Prior to expanding the UGB, a local government must demonstrate that the estimated needs cannot reasonably be accommodated on land already inside the UGB. If the local government determines there is a need to expand the UGB, changes to the UGB must be determined by evaluating alternative boundary locations consistent with Goal 14 and OAR 660-024-0060.”

As explained on pages 53-58 and in pp. 33-62 of this report, the CIBL/EOA inventory is consistent with OAR 660-009-0015.

OAR 660-024-0050(4) is addressed on pages 119-125 of this report. The City's findings under Goal 9¹²⁸ provide explanation of policies, implementation measures, plan designations and zoning adopted by the City and Lane County to address identified land needs.

Buildable lands. Springfield has 3,414 acres that are designated for industrial and other employment use. About two-thirds of the land designated for employment within Springfield's UGB is considered developed and is not expected to redevelop over the 20 year planning period. Less than 15% of this land is buildable, unconstrained land. The majority of buildable, unconstrained employment land in Springfield has existing development on it that is expected to redevelop over the planning period. Springfield has a lack of buildable large sites, with one buildable site 20 acres and larger and 22 buildable sites in the five to 20 acre size range.¹²⁹

Redevelopment potential. The analysis of potentially redevelopable land and need for employment land assumes that Springfield will have substantial redevelopment over the planning period. The analysis of potentially redevelopable land assumes that the employment capacity of redeveloped areas will increase, not simply that a new building will replace an old building. Consistent with City Council policies, the areas that are expected to have the most redevelopment are in Glenwood, especially along the Willamette Riverfront and Franklin/McVay corridor, and in the Downtown Urban Renewal District.¹³⁰

The Glenwood and Downtown redevelopment areas that are expected to have the most redevelopment are currently designated and zoned to require Mixed-use Nodal Development. The Glenwood Riverfront and Franklin/McVay corridor has been designated as a Mixed-use Multi-modal Area (MMA) pursuant to the Goal 12 administrative rule. Employment in these areas is currently served or is planned to be served by the region's Frequent Transit Network. The City's allocation of employment growth to land designated and zoned to require Mixed-use Nodal Development contributes to the region's commitments to implement Transportation Planning Rule Alternative Performance Measures to reduce reliance on automobiles and Vehicle Miles Travelled (VMT).

The CIBL/EOA pages 33-38 provides a site-by-site evaluation of "Potentially Redevelopable" sites within the existing UGB that are larger than 5 acre¹³¹s. That analysis assumed that 1 needed site larger than 20 acres and 6 needed sites 5-20 acres in size could be accommodated without expanding of the UGB.

Springfield's CIBL/EOA assumes the City will be able to meet all employment land needs on sites five acres and smaller within the existing UGB, through redevelopment, infill development, and employment uses on non-employment land (e.g., home occupations).

¹²⁸ See City's findings under OAR 660-009-0020(1)(a), (b), (c), OAR 660-009-0025(3), OAR 660-009-0020(2), OAR 660-009-0020(3), OAR 660-009-0020(4), OAR 660-009-0020(5), OAR 660-009-0020(6), OAR 660-009-0025(8), OAR 660-009-0020(7), OAR 660-009-0025, OAR 660-009-0025(1), OAR 660-009-0025(3), OAR 660-009-0025(6) pages 63-116 of this report.

¹²⁹ CIBL/EOA, p. 95-96

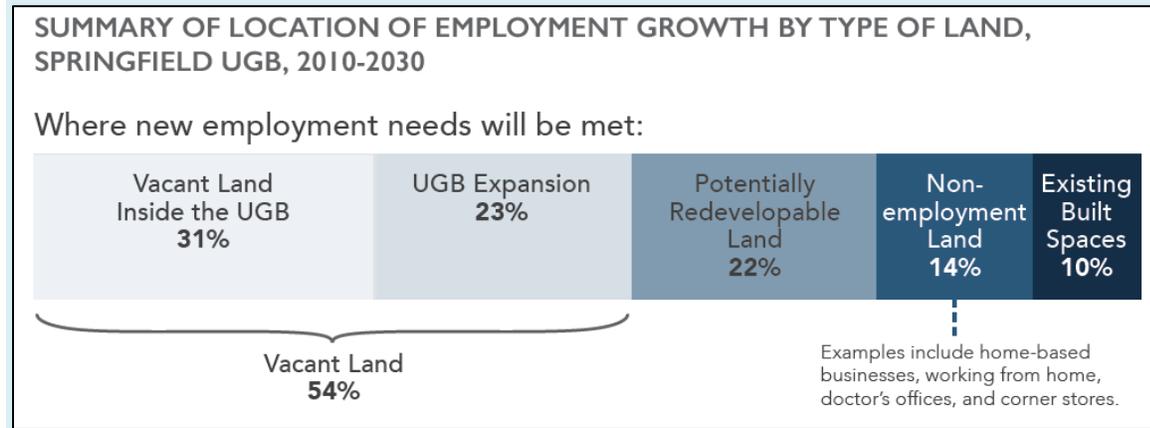
¹³⁰ Ibid

¹³¹ Explained on page 68 -69 of this report

Conclusions OAR 660-024-0050(4): The City conducted a thorough commercial and industrial lands inventory in accordance with OAR 660-009-0015.

OAR 660-024-0050(4) is addressed on pages 119-125 of this report.

The City’s findings explain how development capacity inside the UGB was determined, and how the CIBL/EOA assumed that 77% of forecast employment would be accommodated within the existing UGB.



The City and Lane County adopted the inventory into the comprehensive plan (Ordinance Exhibit B-2, CIBL/EOA).

The City and Lane County adopted 2030 Plan Economic Element and Urbanization Element comprehensive plan policies — as described in pages 66-77 of this report — effectively providing land use controls to manage the land supply efficiently in support of these assumptions.

Prior to expanding the UGB, the City demonstrated that the need for larger employment sites cannot reasonably be accommodated on land already inside the UGB.

23% of forecast employment requires expansion of the UGB to provide suitable sites.

The CIBL/EOA demonstrates that the development capacity of land inside the UGB is inadequate to accommodate the estimated 20-year land needs for larger industrial and commercial mixed use sites to provide sites for the City’s target industry employers that require sites larger than 5 acres, including three sites larger than 20 acres.

Springfield determined there is a need to expand the UGB.

The 2030 Plan amendment expands the UGB to provide 257 acres of land designated for large site employment use to meet the deficit of 223 suitable acres.

Changes to the UGB must be determined by evaluating alternative boundary locations consistent with Goal 14 and OAR 660-024-0060.

OAR 660-024-0050(5) Difference between the estimated 20-year needs determined under OAR 660-024-0040 and the amount of land and development capacity added to the UGB

(5) "In evaluating an amendment of a UGB submitted under ORS 197.626, the director or the Commission may determine that a difference between the estimated 20-year needs determined under OAR 660-024-0040 and the amount of land and development capacity added to the UGB by the submitted amendment is unlikely to significantly affect land supply or resource land protection, and as a result, may determine that the proposed amendment complies with section (4) of this rule."

34-acre difference between the estimated 20-year needs determined under OAR 660-024-0040 and the amount of land and development capacity added to the UGB by the submitted amendment. The employment land UGB amendment UGB includes a total of 273 gross acres, including right of way and portions of parcels with development constraints. 2030 Urbanization Element, page 11, Table 2 provides the following summary:

Name of Area	Acres Designated UHA-E	Acres Zoned AG	# of Suitable employment acres (UHA-E)	Location
North Gateway UHA -E	139.4 gross acres (includes right of way)	193	132.1 suitable acres	North of Gateway/International Way, east of I-5
Mill Race District UHA-E	133 gross acres (includes right of way)	135	125 suitable acres	South of Main Street, via South 28 th and M Streets

The employment land UGB amendment adds approximately 257 acres of land designated for employment (UHA-E) to provide at least 223 suitable acres to meet the 20-year employment site needs deficit, an overall difference of 34 acres. The 34-acre difference between the estimated 20-year needs determined under OAR 660-024-0040 and the amount of land and development capacity added to the UGB by the submitted amendment is unlikely to significantly affect land supply or resource land protection. The City and Lane County request the Director and Commission to approve the UGB as proposed.

The employment land UGB amendment includes a total of 132.2 unconstrained acres in the North Gateway UGB expansion area. The employment land UGB amendment includes a total of 125 unconstrained acres in the Mill Race UGB expansion area. The employment land UGB amendment includes "extra" land in the Mill Race UGB expansion area, pushing the total acres of land included to exceed the needed total of 223 suitable acres. Two ownerships (SUB and John) encompass 78.2

unconstrained acres in the Mill Race UGB expansion area. The City assumes that the 12.7 balance of the 223 acre land need would be met on a combination of the smaller parcels located south of the three large parcels, as shown in the map on the following page. One ownership (Reynolds) comprises 19.2 unconstrained acres. The Bales and Booth ownerships comprise at least 5 unconstrained acres. The City reasoned that including all of the parcels in the Mill Race UGB expansion area is reasonable, fair and justified as follows:

As shown in the map on the following page¹³², 10 of the 14 smaller parcels are located along existing South 28th, South M, and South 26th streets and right of way that currently provide access to the area and that would likely provide future access and services to the suitable large parcels owned by Johnson and Springfield Utility Board. Thus, including the smaller parcels in the UGB would support efficient and adequate provision of services to the 57-acre and 21-acre sites as the area is planned and developed for urban employment uses.

As shown in the map on the following page, leaving any of the smaller parcels (indicated with a white star) outside of the UGB would result in inefficient “island” of County-administered land use planning; would leave a potentially awkward and confusing “donut hole in the donut” of the Metro Plan Boundary and a somewhat odd configuration of the Lane Rural Comprehensive Plan boundary. In earlier work sessions, County Commissioners and City Councilors requested staff to seek UGB solutions that do not leave County-administered lands between the river the expanded UGB and Metro Plan boundary where possible. The full Mill Race map is included at Ordinance Exhibit A.

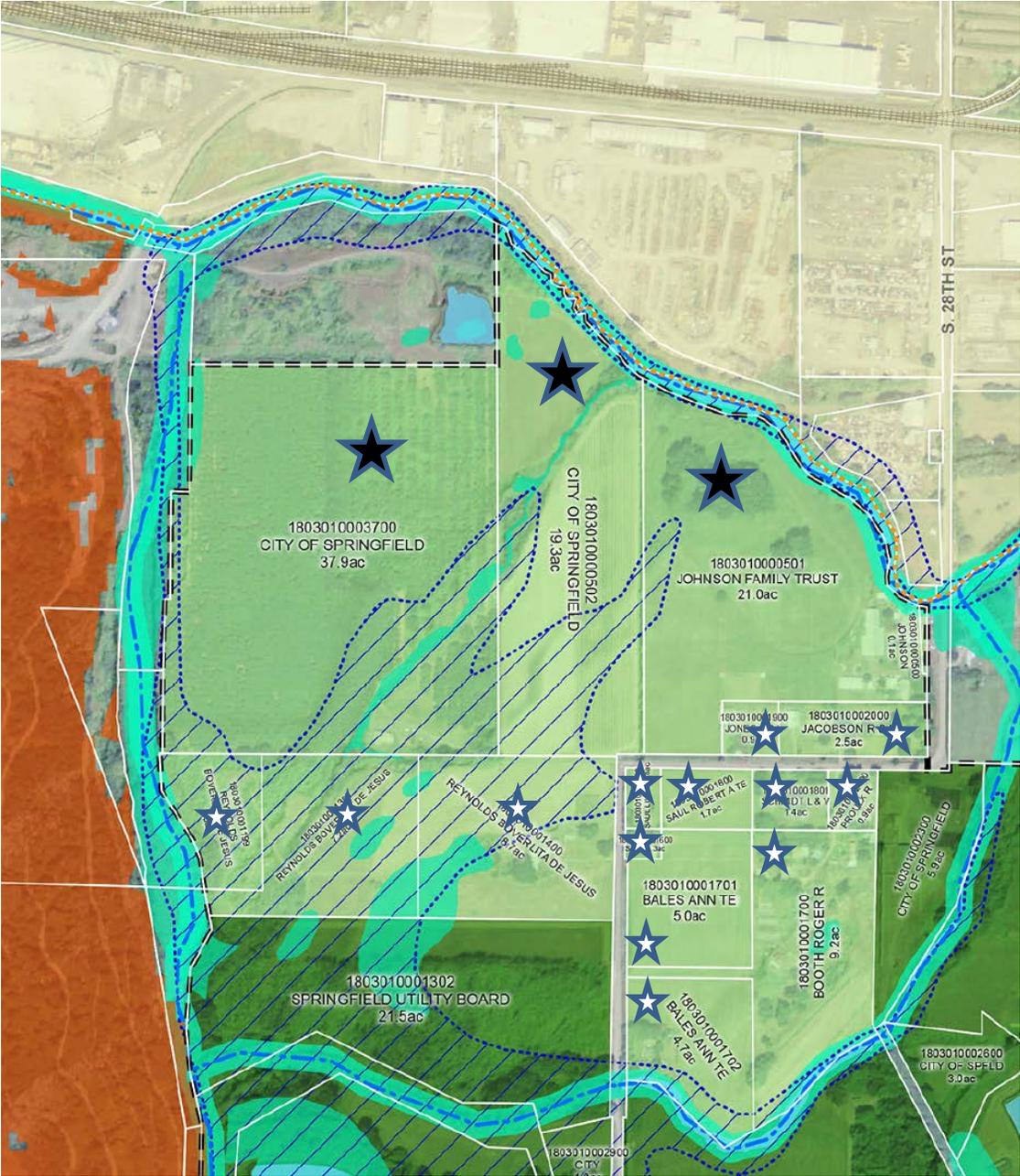
As shown in the map on the following page, the Mill Race UGB expansion area includes four waterways. These features are identified and discussed in the City’s findings under Goal 5. “Riparian resources areas” are identified in the City’s CIBL/EOA as an absolute development constraint. Riparian area buffers, as required in the Springfield Development Code, were deducted from the calculation of “unconstrained acres.” If the City is required to increase buffer requirements in response to pending future federal or state legislation, the “extra” acres included in the Mill Race UGB expansion may be needed to accommodate a portion of the 223-acre overall employment land need should the City’s calculation of “unconstrained” acres in the Mill Race area be adversely affected. Thus, the Director and Commission’s approval of the UGB as proposed will enable balancing of employment needs with resource protection needs consistent with Goal 14, as allowed under OAR 660-024-0050(5) and consistent with the City’s 2030 Urbanization Element Goal UG-3:

“Provide an adequate level of urban services, including but not limited to public water, wastewater, and stormwater management systems, environmental services and an urban multi-modal transportation system as urban development occurs within the Springfield UGB.”

and 2030 Urbanization Element Goal UG-4:

¹³² Ordinance Exhibit A Map: “Proposed UGB Expansion Area – Mill Race”

“As the City grows and as land develops, maintain and reinforce Springfield’s identity as a river-oriented community by emphasizing and strengthening physical connections between people and nature in the City’s land development patterns and infrastructure design.”



-  Suitable large parcels Mill Race UGB Expansion Area
-  Smaller parcels included in the UGB expansion

Conclusion OAR 660-024-0050(5). The City explained its rationale for including 34 “extra” acres of suitable land in excess of the 223-acre 20-year land it added to the UGB and requests approval of its choice.

OAR 660-024-0050(6)

“When land is added to the UGB, the local government must assign appropriate urban plan designations to the added land, consistent with the need determination. The local government must also apply appropriate zoning to the added land consistent with the plan designation or may maintain the land as urbanizable land until the land is rezoned for the planned urban uses, either by retaining the zoning that was assigned prior to inclusion in the boundary or by applying other interim zoning that maintains the land's potential for planned urban development. The requirements of ORS 197.296 regarding planning and zoning also apply when local governments specified in that statute add land to the UGB.”

Ordinance Exhibit A-2 Maps illustrate the appropriate urban plan designations Springfield and Lane County assigned to lands added to the UGB:

- Proposed Plan Designations – North Gateway shows lands designated Urban holding Area- Employment, Natural Resource and Public/Semi-Public.
- Proposed Plan Designations – Mill Race shows lands designated Urban holding Area- Employment and Public/Semi-Public.
- Proposed Plan Designations – Willamalane Properties shows lands designated Public/Semi-Public.

Ordinance Exhibit A-3 Maps illustrate the appropriate zoning Springfield and Lane County assigned to lands added to the UGB: the interim Agriculture-Urban Holding Area (AG) zoning that maintains the land's potential for planned urban development, and the Public Land and Open Space (PLO) zone.

- Proposed zoning - North Gateway shows lands zoned Agriculture-Urban Holding Area (AG) and lands zoned Public Land and Open Space (PLO).
- Proposed zoning - Mill Race shows lands zoned Agriculture-Urban Holding Area (AG) and lands zoned Public Land and Open Space (PLO).
- Proposed zoning - Willamalane Properties shows lands zoned Public Land and Open Space (PLO).

OAR 660-024-0050(6) is addressed in the City’s findings on pages 106-118 of this report.

Conclusion OAR 660-024-0050(6). The City and Lane County assigned appropriate urban plan designations to the added land, to meet specific land needs and siting characteristics identified in the employment land need determination and to designate and zone land accommodating existing public facilities, parks and open space with appropriate Metro Plan/Springfield 2030

Plan designations and Springfield zoning. The AG zone is an interim zoning that maintains the land's potential for planned urban development, maintaining the suitable employment as urbanizable land until the land is rezoned for the planned urban uses as described in the policies of the 2030 Plan Urbanization Element and AG Zoning District standards.

Conclusion OAR 660-024-0050. As explained in the City's findings and the CIBL/EOA, the City conducted inventories of 20-year land needs in accordance with the applicable statutes and rules and responded to the identified deficiencies as required under Goals 9 and 14.

DRAFT

VI. UGB Expansion Study

OAR 660-024-0060 Boundary Location Alternatives Analysis

OAR 660-024-0060(1)

“(1) When considering a UGB amendment, a local government must determine which land to add by evaluating alternative boundary locations. This determination must be consistent with the priority of land specified in ORS 197.298 and the boundary location factors of Goal 14, as follows:

(a) Beginning with the highest priority of land available, a local government must determine which land in that priority is suitable to accommodate the need deficiency determined under OAR 660-024-0050.

(b) If the amount of suitable land in the first priority category exceeds the amount necessary to satisfy the need deficiency, a local government must apply the location factors of Goal 14 to choose which land in that priority to include in the UGB.

(c) If the amount of suitable land in the first priority category is not adequate to satisfy the identified need deficiency, a local government must determine which land in the next priority is suitable to accommodate the remaining need, and proceed using the same method specified in subsections (a) and (b) of this section until the land need is accommodated.

(d) Notwithstanding subsection (a) to (c) of this section, a local government may consider land of lower priority as specified in ORS 197.298(3).

(e) For purposes of this rule, the determination of suitable land to accommodate land needs must include consideration of any suitability characteristics specified under section (5) of this rule, as well as other provisions of law applicable in determining whether land is buildable or suitable.”

OAR 660-024-0060(3)

“The boundary location factors of Goal 14 are not independent criteria. When the factors are applied to compare alternative boundary locations and to determine the UGB location, a local government must show that all the factors were considered and balanced.”

OAR 660-024-0060(4)

"In determining alternative land for evaluation under ORS 197.298, "land adjacent to the UGB" is not limited to those lots or parcels that abut the UGB, but also includes land in the vicinity of the UGB that has a reasonable potential to satisfy the identified need deficiency."

OAR 660-024-0060(5)

"If a local government has specified characteristics such as parcel size, topography, or proximity that are necessary for land to be suitable for an identified need, the local government may limit its consideration to land that has the specified characteristics when it conducts the boundary location alternatives analysis and applies ORS 197.298."

OAR 660-024-0060(6)

"The adopted findings for UGB adoption or amendment must describe or map all of the alternative areas evaluated in the boundary location alternatives analysis. If the analysis involves more than one parcel or area within a particular priority category in ORS 197.298 for which circumstances are the same, these parcels or areas may be considered and evaluated as a single group."

OAR 660-024-0060(7)

"For purposes of Goal 14 Boundary Location Factor 2, "public facilities and services" means water, sanitary sewer, storm water management, and transportation facilities."

OAR 660-024-0060(8)

"The Goal 14 boundary location determination requires evaluation and comparison of the relative costs, advantages and disadvantages of alternative UGB expansion areas with respect to the provision of public facilities and services needed to urbanize alternative boundary locations. This evaluation and comparison must be conducted in coordination with service providers, including the Oregon Department of Transportation with regard to impacts on the state transportation system. "Coordination" includes timely notice to service providers and the consideration of evaluation methodologies recommended by service providers. The evaluation and comparison must include:

- (a) The impacts to existing water, sanitary sewer, storm water and transportation facilities that serve nearby areas already inside the UGB;*
- (b) The capacity of existing public facilities and services to serve areas already inside the UGB as well as areas proposed for addition to the UGB; and*
- (c) The need for new transportation facilities, such as highways and other roadways, interchanges, arterials and collectors, additional travel lanes, other major improvements*

on existing roadways and, for urban areas of 25,000 or more, the provision of public transit service.”

The following section of this report provides empirical evidence and findings to explain how the City’s Boundary Location Alternatives Analysis was conducted consistent with each of the requirements of ORS 197.298 and OAR 660-024-0060. Beginning with the highest priority of land available, the City’s Preliminary Study Area included all land adjacent to the UGB, including land in the vicinity of the UGB that has a reasonable potential to satisfy the identified need deficiency. The City evaluated the parcels within each priority to determine whether parcels are potentially suitable to satisfy the identified need deficiency determined under OAR 660-024-0050.

BOUNDARY ALTERNATIVES ANALYSIS STEP ONE: IDENTIFY SITE CHARACTERISTICS TO APPLY IN THE LOCATION ALTERNATIVES ANALYSIS PROCESS TO DETERMINE WHICH LANDS ARE SUITABLE TO ACCOMMODATE LAND NEED [OAR660-024-0060(1) and (4)]

As explained in the preceding section of this report (Goal 9), the CIBL/EOA ¹ provides a determination of the amount and type of land needed in the UGB amendment to accommodate Springfield’s employment land needs for 2010-2030.

OAR 660-009-0005 states that “the determination of suitable land to accommodate land needs must include consideration of any suitability characteristics specified under Section (5), as well as other provisions of law applicable in determining whether land is buildable or suitable.”

As explained in the City’s findings under Goal 9, the CIBL/EOA ² provides a determination that the amount and type of land needed in the UGB amendment to accommodate Springfield’s employment land needs for 2010-2030 is 223 suitable acres, including 3 sites larger than 20 acres, possessing the suitability characteristics specified under OAR 660-009-0005(5). Site and land needs are summarized in CIBL/EOA Table S-5:

¹ CIBL/EOA Table S-5, page ix.

² Ibid.

Table S-5. Employment site and land needs, Springfield UGB, 2010-2030

	Site Size (acres)			Total
	Less than 5	5 to 20	20 and Larger	
Industrial				
Sites needed	none	none	2	2
Land need (acres)	none	none	126	126
Commercial and Mixed Use				
Sites needed	none	4	1	5
Land need (acres)	none	37	60	97
Total sites needed	none	4	3	7
Total acres needed	none	37	186	223

Source: ECONorthwest

After accounting for available land supply and the results of efficiency measures, Table 5-4 of the CIBL/EOA identifies employment needs that require expansion of the UGB as follows:

Commercial and Mixed-Use (Land Need = 5 sites, 97 acres). After accounting for vacant, partially-vacant and potentially redevelopable commercial and mixed use land supply within the UGB, there is an unmet need for 5 commercial and mixed-use sites totaling an estimated 97 acres.

Industrial (Land Need = 2 sites, 126 acres). After accounting for vacant, partially-vacant and potentially redevelopable industrial land supply within the UGB, unmet industrial need is identified as 2 large sites, totaling an estimated 126 acres.

Total land needed in the UGB expansion of 223 suitable acres: 3 sites larger than 20 acres and 4 sites 5-20 acres.

The sites needed in the UGB expansion to meet special site needs meet the site requirements described on pages 82-95 of the CIBL/EOA Characteristics of Needed Sites.

Springfield has the need for sites larger than five acres: two Industrial sites on a total of 126 acres and five Commercial and Mixed Use sites on a total of 97 acres. The total number of acres needed in the UGB expansion is based on the average size of needed sites, as explained in CIBL/EOA Table S-3³.

Springfield needs to expand the UGB to meet its need for sites 5 acres and larger. Springfield has a deficit of four sites between 5 and 20 acres in size and three sites larger than 20 acres. Meeting the need for large sites for large employers requires the City to expand its UGB into areas with suitable sites. These areas will have relatively large, flat sites with little parcelization and few owners, with access to I-5 or a State highway.

³ ECONorthwest, CIBL/EOA, p. vii.

Springfield has a deficit of two Industrial sites 20 acres and larger, four Commercial and Mixed Use sites 5 to 20 acres in size, and one Commercial and Mixed Use site 20 acres and larger.

The City's CIBL/EOA⁴ identifies the number of sites by type reasonably expected to be needed to accommodate the expected employment growth based on the site characteristics typical of expected uses, as required under OAR 660-009-0015(2). The City's CIBL/EOA⁵ identifies site characteristics that make land suitable to accommodate the need deficiency determined under OAR 660-024-0050. The City identified the parcel size, topography, transportation access and access to city services site characteristics necessary for a site to be considered suitable for each type of target industry identified in the CIBL/EOA.

The tables in Chapter 5 and Appendix C provide data to document typical building and site needs of various industries.⁶ In addition to the evidence provided in the CIBL/EOA document, the record provides extensive supplemental evidence to explain the site needs of industries and the typical characteristics of sites that are necessary to support business operations and develop in accordance with applicable Federal, State and Local regulatory requirements.

Table C-5 "Characteristics of Sites Needed to Accommodate Employment Growth"⁷ presents and explains common site needs for expected industrial and other employment uses. Table C-5 summarizes 14 site attributes and explains how each attributes aligns with Springfield sites: flat site; parcel configuration and parking; soil type; road, rail, air, transit transportation; pedestrian and bicycle facilities; labor force; amenities; fiber optics and telephone; potable water; power requirements, and land use buffers.

The characteristics of sites needed to address the site needs of Springfield's target industries are explained in CIBL/EOA pp. 82-95 and are-summarized as follows:

⁴ ECONorthwest, CIBL/EOA, Chapter 4 and 5, Table 5-5, Appendix C

⁵ Ibid, pp. 82-95.

⁶ CIBL/EOA Chapter 5 and Appendix C.

⁷ CIBL/EOA. P. 167-169

Type of site and target industries	Site Size	Topography	Transportation Access	Access to City Services
<p>Target Industries: Medical Equipment High-tech Electronics and Manufacturing Recreational Equipment Furniture Manufacturing Specialty Food Processing</p> <p>Building Type: General Industrial</p> <p>Site Needs for: Manufacturing</p>	<p>Manufacturers similar to the target industries that needed sites larger than 5 acres who considered locating in Oregon or in the Eugene-Springfield area needed sites ranging in size from 10 acres to more than 100 acres.</p> <p>The size of sites needed by Springfield's target industries will vary by the size of building from 9-12 acre sites for 100,000 square foot buildings to 45-60 acre sites for 500,000 square foot buildings.</p> <p>The average size of existing sites with employment in Springfield is: 20+ acre site: 63 acres</p>	<p>The slope for manufacturing sites should be 5% or less. High-tech and Campus manufacturing can have a slope of 7% or less.</p>	<p>At the furthest, sites should be located within 15 miles or less of I-5 or a principal arterial road that is designated as a freight route. Most businesses in Springfield typically locate within one-mile of I-5 or within about one-half a mile of a state highway.</p>	<p>Access to Springfield's municipal water and wastewater system, with a minimum pipeline size of 8 to 10 inches (varies by target industry).</p>
<p>Target Industries: High Tech Services Corporate Headquarters Biotech Professional and Technical Services Back office Medical Services</p> <p>Building Type: Commercial and Other</p> <p>Site Needs for: Large Office Employers</p>	<p>Commercial office employers that needed sites larger than 5 acres who considered locating in Oregon needed sites ranging in size from 10 acres to 100 acres.</p> <p>The size of sites needed by Springfield's target industries will vary by the size of building from 4-6 acre sites for 50,000 square foot buildings to 16-24 acre sites for 200,000 square foot buildings.</p> <p>If a business park is developed to meet the site needs of these businesses, typical business park sizes in the Portland region are between about 30 and 75 acres.</p> <p>The average size of existing sites with employment in Springfield is:</p> <ul style="list-style-type: none"> • 5-20 acre site: 9.3 acres • 20+ acre site: 60 acres 	<p>The slope for manufacturing sites should be 5% or less. High-tech and Campus manufacturing can have a slope of 7% or less.</p>	<p>At the furthest, sites should be located within 15 miles or less of I-5 or a principal arterial road. Most businesses in Springfield typically locate within one-mile of I-5 or within about one-half a mile of a state highway.</p> <p>Sites should have access to mass transit within one-half mile.</p>	<p>Access to Springfield's municipal water and wastewater system, with a minimum pipeline size of 8 to 10 inches (varies by target industry).</p>

The following section of this report provides evidence to demonstrate how the City conducted the Boundary Location Alternatives Analysis to include land adjacent to the UGB and land in the vicinity of the UGB that has a reasonable potential to satisfy the identified need deficiency.

BOUNDARY ALTERNATIVES ANALYSIS STEP TWO: DETERMINE PRIORITY OF LAND AS SPECIFIED IN ORS 198.298 TO DETERMINE PRIORITY OF LAND TO BE INCLUDED IN UGB AMENDMENT

To determine which lands to add to the UGB to meet the specified land needs, the City evaluated alternative boundary locations in accordance with the priority of land specified in ORS 197.298 and the requirements of the urbanization rule.

ORS 197.298 Priority of land to be included within urban growth boundary

“(1) In addition to any requirements established by rule addressing urbanization, land may not be included within an urban growth boundary except under the following priorities:

(a) First priority is land that is designated urban reserve land under ORS [195.145](#) (Urban reserves), rule or metropolitan service district action plan. (emphasis added)

(b) If land under paragraph (a) of this subsection is inadequate to accommodate the amount of land needed, second priority is land adjacent to an urban growth boundary that is identified in an acknowledged comprehensive plan as an exception area or nonresource land. Second priority may include resource land that is completely surrounded by exception areas unless such resource land is high-value farmland as described in ORS [215.710](#) (High-value farmland description for ORS 215.705).

(c) If land under paragraphs (a) and (b) of this subsection is inadequate to accommodate the amount of land needed, third priority is land designated as marginal land pursuant to ORS [197.247](#) (1991 Edition).

(d) If land under paragraphs (a) to (c) of this subsection is inadequate to accommodate the amount of land needed, fourth priority is land designated in an acknowledged comprehensive plan for agriculture or forestry, or both.

(2) Higher priority shall be given to land of lower capability as measured by the capability classification system or by cubic foot site class, whichever is appropriate for the current use.

(3) Land of lower priority under subsection (1) of this section may be included in an urban growth boundary if land of higher priority is found to be inadequate to

accommodate the amount of land estimated in subsection (1) of this section for one or more of the following reasons:

(a) Specific types of identified land needs cannot be reasonably accommodated on higher priority lands;

(b) Future urban services could not reasonably be provided to the higher priority lands due to topographical or other physical constraints; or

(c) Maximum efficiency of land uses within a proposed urban growth boundary requires inclusion of lower priority lands in order to include or to provide services to higher priority lands. [1995 c.547 §5; 1999 c.59 §56]"

OAR 660-024-0060(1)(a)

"Beginning with the highest priority of land available, a local government must determine which land in that priority is suitable to accommodate the need deficiency determined under OAR 660-024-0050. "

OAR 660-024-0060(1)(e)

"For purposes of this rule, the determination of suitable land to accommodate land needs must include consideration of any suitability characteristics specified under section (5) of this rule, as well as other provisions of law applicable in determining whether land is buildable or suitable." (emphasis added)

OAR 660-024-0060(4)

"In determining alternative land for evaluation under ORS 197.298, "land adjacent to the UGB" is not limited to those lots or parcels that abut the UGB, but also includes land in the vicinity of the UGB that has a reasonable potential to satisfy the identified need deficiency."

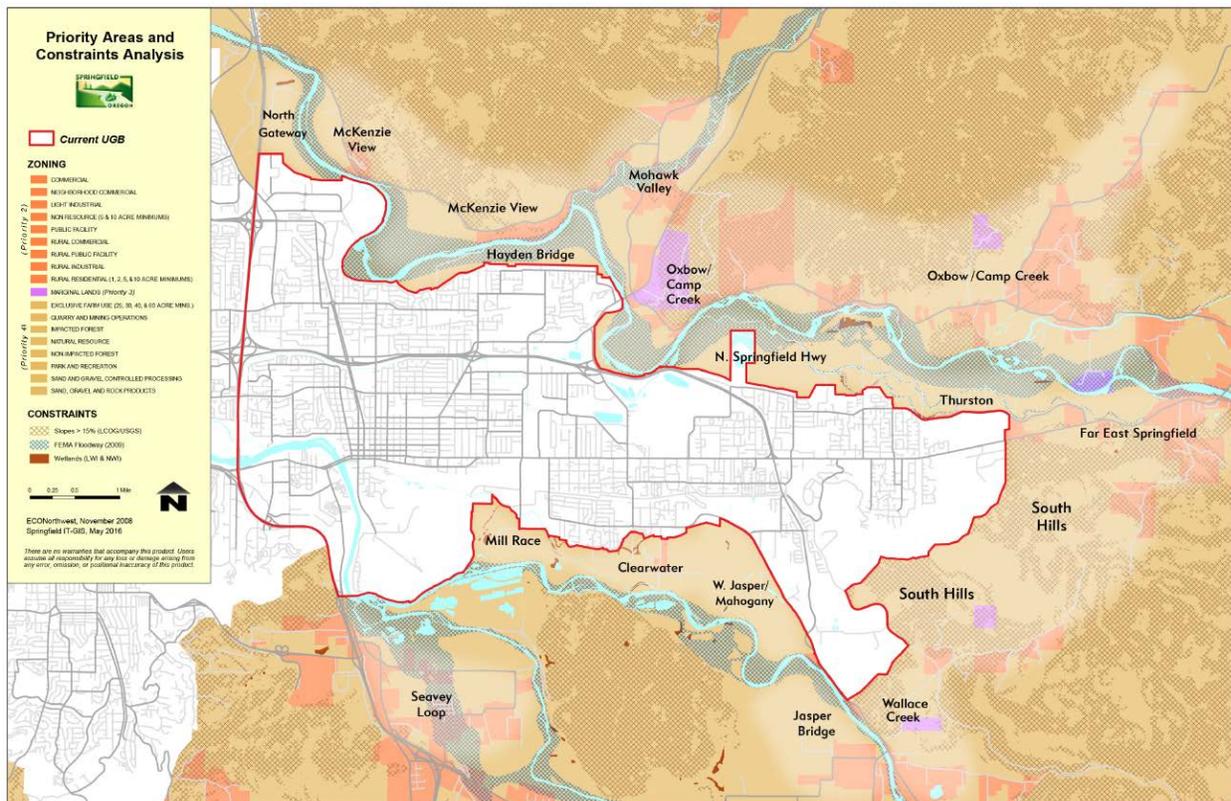
OAR 660-024-0060(6)

"The adopted findings for UGB adoption or amendment must describe or map all of the alternative areas evaluated in the boundary location alternatives analysis. If the analysis involves more than one parcel or area within a particular priority category in ORS 197.298 for which circumstances are the same, these parcels or areas may be considered and evaluated as a single group." (emphasis added)

The following section of this report explains how the City’s UGB alternatives analysis addressed ORS 197.298 and OAR 660-024-0060(4) to identify the preliminary UGB study area and to determine which land in the vicinity of the UGB within each priority is/is not suitable and thus has a reasonable potential to satisfy the employment land need deficiency determined under OAR 660-024-0050.

Methodology Used to identify candidate lands: UGB Study Area. To determine the priority of land to be included in the UGB to meet Springfield’s 2010-2030 land needs, the City established a study area that identified potential candidate lands under the four priorities of ORS 197.298. The City and consultant ECONorthwest conducted initial GIS scans of all land adjacent to and in the vicinity of the existing Springfield portion of the Metropolitan UGB (east of Interstate 5). The Eugene-Springfield Metro Plan identifies Interstate Highway 5 as the boundary between Springfield’s and Eugene’s jurisdictional areas. The acknowledged Springfield UGB follows the centerline of Interstate Highway 5. The City of Eugene is presently conducting an UGB alternatives analysis for lands located east of Interstate Highway 5.

As shown in Map 1, Priority Areas and Constraints Analysis, the lands surrounding the UGB were divided into 15 general groupings and named for study and communication purposes. The study area included all lands surrounding the UGB east of Interstate Highway 5, lands located along the McKenzie River and its tributaries north of Springfield’s UGB, lands in the southeast hills, and lands along the Middle Fork and Coast Fork of the Willamette River. The North Gateway and Seavey Loop study areas are located along Interstate Highway 5 north and south of Springfield respectively.



Map 1: Priority Areas and Constraints Analysis

Priority Areas and Constraints Analysis



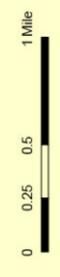
Current UGB

ZONING

- COMMERCIAL
- NEIGHBORHOOD COMMERCIAL
- LIGHT INDUSTRIAL
- NON RESOURCE (5 & 10 ACRE MINIMUMS) (Priority 2)
- PUBLIC FACILITY
- RURAL COMMERCIAL
- RURAL PUBLIC FACILITY
- RURAL INDUSTRIAL
- RURAL RESIDENTIAL (1, 2, 5, & 10 ACRE MINIMUMS)
- MARGINAL LANDS (Priority 3)
- EXCLUSIVE FARM USE (25, 30, 40, & 60 ACRE MINS.) (Priority 4)
- QUARRY AND MINING OPERATIONS
- IMPACTED FOREST
- NATURAL RESOURCE
- NON-IMPACTED FOREST
- PARK AND RECREATION
- SAND AND GRAVEL CONTROLLED PROCESSING
- SAND, GRAVEL AND ROCK PRODUCTS

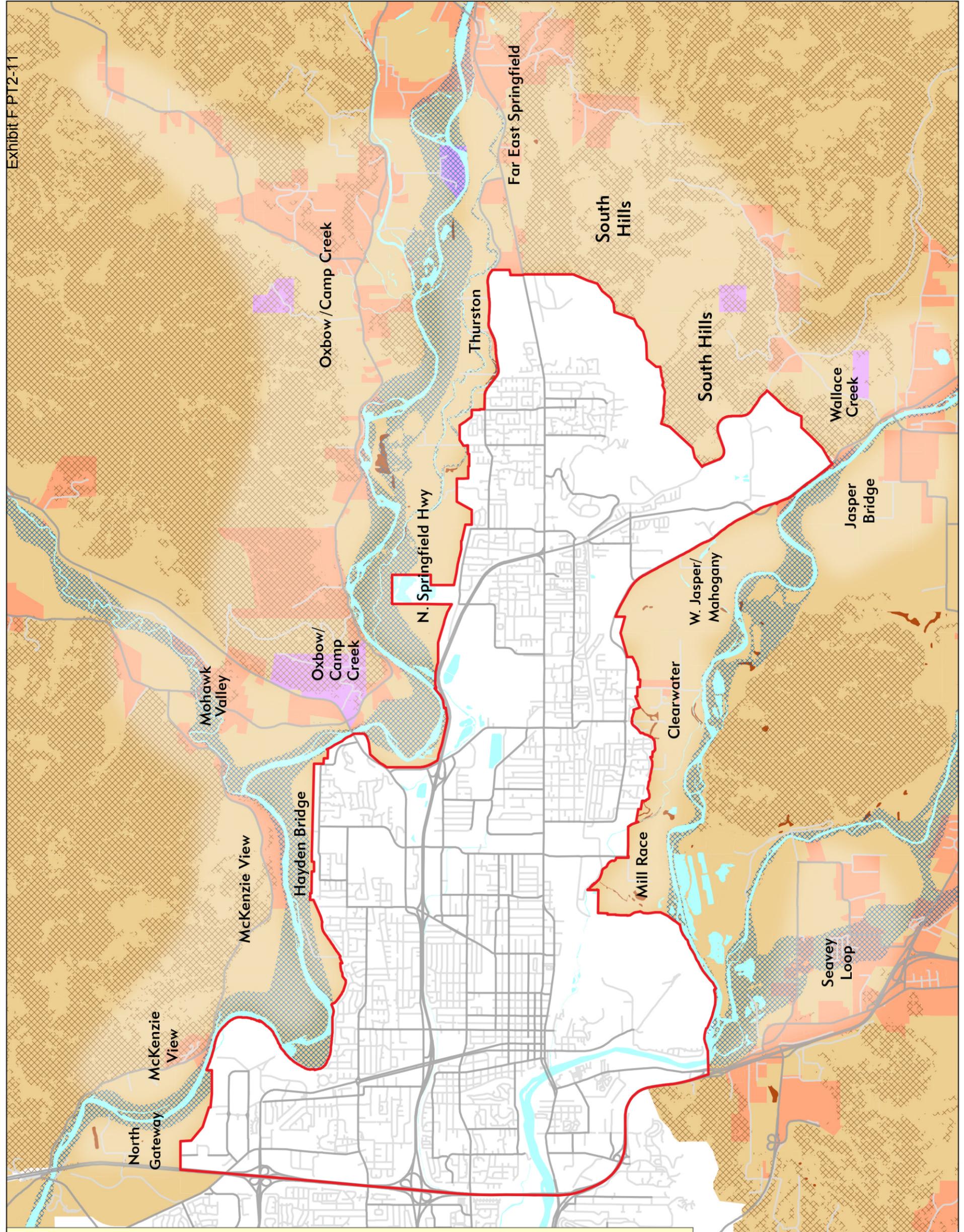
CONSTRAINTS

- Slopes > 15% (LCOG/USGS)
- FEMA Floodway (2009)
- Wetlands (LWI & NWI)



ECONorthwest, November 2008
Springfield IT-GIS, May 2016

There are no warranties that accompany this product. Users assume all responsibility for any loss or damage arising from any error, omission, or positional inaccuracy of this product.



UGB Study Area Groupings

North Gateway	McKenzie View	Hayden Bridge
Oxbow/Camp Creek	Mohawk	North Springfield Highway
Far East Springfield	South Hills	West Jasper/Mahogany
Wallace Creek	Jasper Bridge	Mill Race
Seavey Loop	Thurston	Clearwater

Conclusion: UGB Study Area: The City’s UGB Study Area is appropriate and consistent with the requirements of ORS 197.298(1)(b) and OAR 660-024 -0060(4) because it includes lands “adjacent to the UGB”, and it includes “land in the vicinity of the UGB that has a reasonable potential to satisfy the identified need deficiency.” As explained in detail below, the land within the study area was analyzed in accordance with the state statutes and administrative rules that dictate the way in which a city must select lands for a UGB expansion.

OAR 660-024-0060 Boundary Alternatives Analysis:

“(1) When considering a UGB amendment, a local government must determine which land to add by evaluating alternative boundary locations. This determination must be consistent with the priority of land specified in ORS 197.298 and the boundary location factors of Goal 14, as follows:

(a) Beginning with the highest priority of land available, a local government must determine which land in that priority is suitable to accommodate the need deficiency determined under OAR 660-024-0050.

(b) If the amount of suitable land in the first priority category exceeds the amount necessary to satisfy the need deficiency, a local government must apply the location factors of Goal 14 to choose which land in that priority to include in the UGB.”

IDENTIFY FIRST PRIORITY: URBAN RESERVE.

ORS 197.298 (1)(a) Priority of land to be included within urban growth boundary

“(1) In addition to any requirements established by rule addressing urbanization, land may not be included within an urban growth boundary except under the following priorities:

(a) First priority is land that is designated urban reserve land under ORS 195.145 (Urban reserves), rule or metropolitan service district action plan.”

The Eugene-Springfield Metro area has no designated urban reserves under ORS 195.145, therefore Springfield’s priority lands analysis begins with second priority land identified in an acknowledged

comprehensive plan as an exception area or nonresource land, and continues through third priority land designated as marginal, to fourth priority land designated as resource land, and finally to resource land in the order of land capability classifications VIII through I.

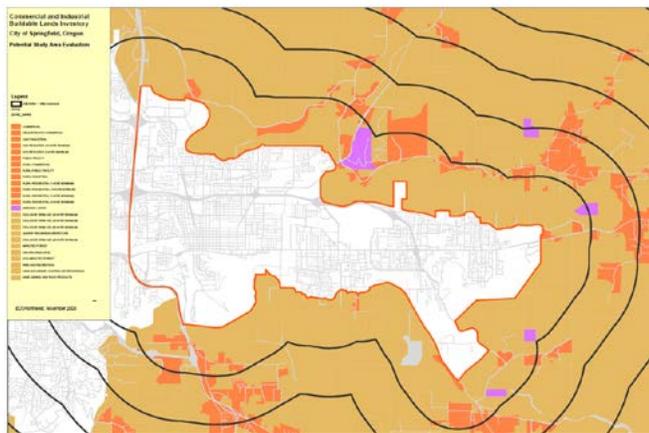
Conclusion ORS 197.298 (1)(a) First Priority Land: There are no Urban Reserves in the vicinity of Springfield or the Eugene-Springfield Metro area. No first priority land is available to accommodate the need deficiency determined under OAR 660-024-0050, thus the City looked to second priority land.

IDENTIFY SECOND PRIORITY: EXCEPTION AREA OR NON-RESOURCE LAND

ORS 197.298 (1)(b):

“If land under paragraph (a) of this subsection is inadequate to accommodate the amount of land needed, second priority is land adjacent to an urban growth boundary that is identified in an acknowledged comprehensive plan as an exception area or nonresource land. Second priority may include resource land that is completely surrounded by exception areas unless such resource land is high-value farmland as described in ORS [215.710 \(High-value farmland description for ORS 215.705\)](#).”

The UGB study area includes land adjacent to the UGB that is identified in the Lane Rural Comprehensive Plan as an exception area or nonresource land. These parcels are identified by orange color in Map 1 Priority Areas and Constraints Analysis.



Relative Location of Exception and Marginal Lands to the UGB

This diagram provides a graphic device to show a general distance relationship. The black rings indicate one-mile increments radiating out from the UGB. Direct access between some of the Exception Lands and Marginal Lands and the UGB is not possible because topography and rivers impede access. Proximity to the UGB, public facilities and transportation systems is a factor in subsequent steps of this analysis.

As shown in the map above, Springfield is unlike many Oregon cities in that there are few exceptions areas adjacent to or in the immediate vicinity of the UGB. Most exception parcels closest to the City are small developed rural residential parcels on land divisions approved by Lane County prior to adoption of SB100 (e.g. parcels on Clearwater Lane and parcels immediately east of the UGB) and thus not suitable for meeting Springfield’s large site employment land urbanization needs. Many of the exceptions parcels are remote and physically isolated from the City due to the natural barriers formed by the McKenzie and Middle Fork Willamette rivers, very steep topography of the Coburg Hills and Thurston South Hills, and other natural constraints that preclude building and site development. As shown in Map 1, and as explained in the following section of this report, most of the exceptions parcels areas in the vicinity of the UGB are located on the opposite side of the McKenzie and Middle Fork Willamette rivers, and many are constrained by slopes greater than 15%.

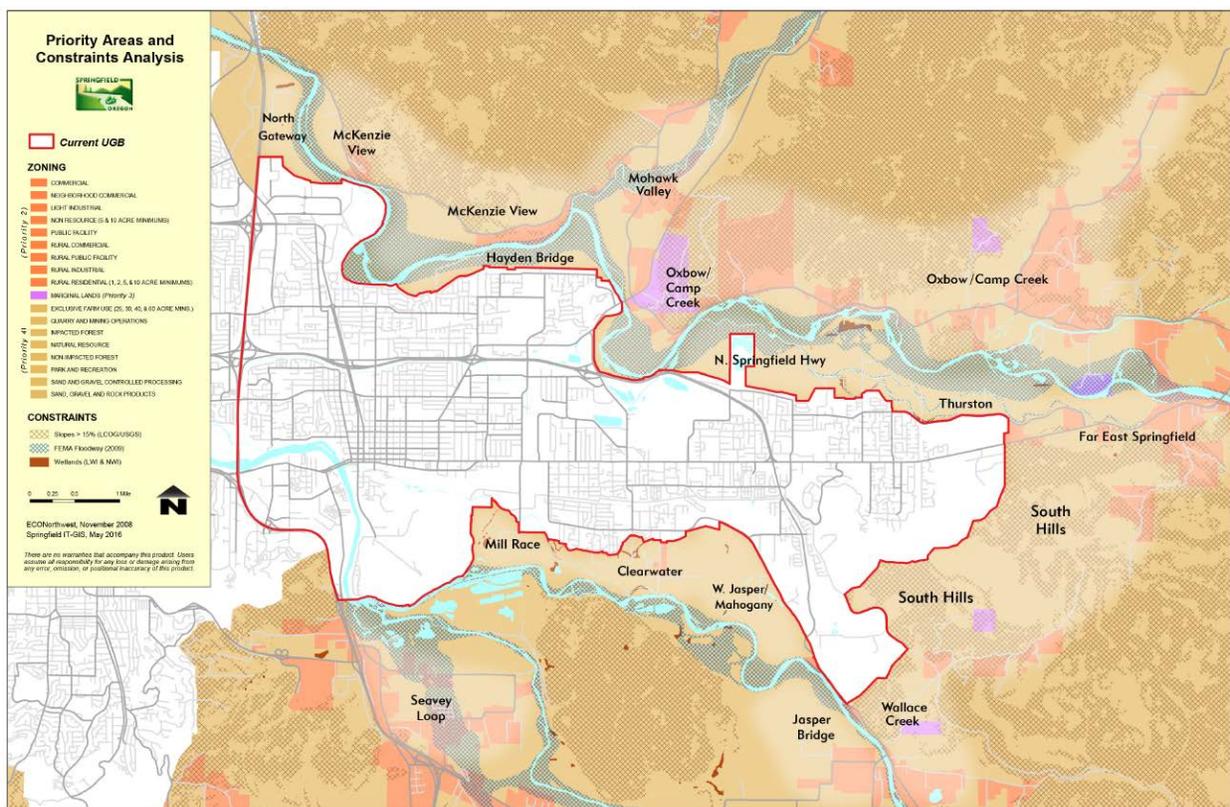


Table 1 Study Areas Containing Second Priority Exception Lands:

North Gateway	McKenzie View	Oxbow/Camp Creek
Hayden Bridge	Mohawk	North Springfield Highway
Far East Springfield	South Hills	West Jasper/Mahogany
Wallace Creek	Jasper Bridge	Mill Race
Seavey Loop	Thurston	Clearwater

Study areas with exception zoning are indicated by orange color

Nine groupings of exception parcels exist in the vicinity of the UGB east of I-5. The City included and evaluated all nine groupings of exception parcels in the UGB Study Area.

The City's UGB Study Area is appropriate and consistent with the requirements of ORS 197.298(1)(b) and OAR 660-024 -0060(4) because it includes lands "adjacent to the UGB", and it includes "land in the vicinity of the UGB that has a reasonable potential to satisfy the identified need deficiency."

The City's UGB Study Area analysis properly began by identifying the highest priority of land available — exception land.

The City's analysis of UGB alternatives considered all exception land in the vicinity of the UGB when it established a UGB Study Area to identify candidate lands that may have a reasonable potential to satisfy the identified employment land need deficiency. [OAR 660-024-0060(4)]

OAR 660-024 0060(4)

(1) When considering a UGB amendment, a local government must determine which land to add by evaluating alternative boundary locations. This determination must be consistent with the priority of land specified in ORS 197.298 and the boundary location factors of Goal 14, as follows:

(a) Beginning with the highest priority of land available, a local government must determine which land in that priority is suitable to accommodate the need deficiency determined under OAR 660-024-0050.

To perform the next step in the analysis, the City conducted a parcel-by-parcel analysis of the highest priority of land – second priority exception land — adjacent to and in the vicinity of the UGB. The City compiled data in Table 2 to describe each exception land parcel or grouping of parcels. This step identified all candidate second priority exception areas and parcels that *could* potentially be added to the UGB if deemed suitable to accommodate the employment land need deficiency determined under OAR 660-024-0050. The City's description of each exception area in Table 2 includes maps and information to identify existing zoning, parcel sizes, map and tax lots numbers, existing land uses on developed parcels and general physical and locational characteristics.

The City's description of each exception area identified the presence of "absolute development constraints" (slopes >15%, floodway, wetlands, and riparian resource areas) on parcels to provide data to inform its determination of which second priority land parcels or portions of parcels *may* potentially be suitable to accommodate the employment land need deficiency determined under OAR 660-024-0050.

The City used industry standard GIS tools and mapping methods to quantify parcel and constraints data for evaluation. For the purposes of the preliminary screening of second priority land in Table 2, the City applied the same constraints criteria as those applied in the City's Commercial and Industrial Buildable Lands (CIBL/EOA) inventory of land inside the UGB:

- Slopes – slopes over 15% are considered unbuildable
- Floodway – areas within the floodway as mapped by FEMA are considered unbuildable

- Wetlands – areas identified in the national wetlands inventory or Springfield’s local wetlands inventory are considered unbuildable
- Riparian resource areas – areas identified by Springfield or Lane County as riparian resource areas are considered unbuildable.

In addition, the City’s Boundary Alternatives Analysis reviewed and considered:

- Lane County Plan Designation, Zoning and Goal 5 Natural resources map data
- Hydric Soils maps - to identify areas where potential wetlands may occur in the study area
- Springfield Water Quality Limited Waterways Map
- NRCS Soils data
- BPA facilities data
- RLID Regional Land Information Database – to determine ownership and % of soil map units within a parcel.
- Interviews with public agency staff and service providers to determine and compare the constraints, public service needs, ESEE consequences and economic advantages/disadvantages of study areas within each priority of land (ODOT, Union Pacific Railroad, ODFW, LTD, Willamalane Parks and Recreation District, SUB, EPUD, Lane County staff, OSU Extension Service, Oregon Department of Agriculture, LRAPA, EWEB, Springfield Police, Eugene-Springfield Fire and Life Safety, Rainbow Water District, Goshen Fire District, Willamette Water Company, Business Oregon, Oregon Department of State Lands, DLCD, and Oregon Business Development Dept.
- Information provided by with stakeholders, neighborhoods groups, landowners, McKenzie Watershed Council, Friends of Buford Park, and individual citizens throughout the multi-year planning process.

OAR 660-009-0005(2)

"Development Constraints" means factors that temporarily or permanently limit or prevent the use of land for economic development. Development constraints include, but are not limited to, wetlands, environmentally sensitive areas such as habitat, environmental contamination, slope, topography, cultural and archeological resources, infrastructure deficiencies, parcel fragmentation, or natural hazard areas. [emphasis added]

OAR 660-009-0005(11)

"Site Characteristics" means the attributes of a site necessary for a particular industrial or other employment use to operate. Site characteristics include, but are not limited to, a minimum acreage or site configuration including shape and topography, visibility, specific types or levels of public facilities, services or energy infrastructure, or proximity to a particular transportation or freight facility such as rail, marine ports and airports, multimodal freight or transshipment facilities, and major transportation routes."
(emphasis added)

The development constraints applied in the City's analysis Table 2 are constraints identified in OAR 660-009-0005(2) and site attributes identified in OAR 660-009-0005(11).

In Table 2, the City applied the "absolute development constraints" to parcels 5 acres or larger to calculate the acreage of unconstrained land within a parcel.

In Table 2, the City identified parcels with 5 or more acres of unconstrained land [OAR 660-009-0050(1)]. The City did not make deductions for existing development on parcels in this "first look" description step.

City appropriately applied constraints and site attributes consistent with OAR 660-009-0005(2) and OAR 660-009-0005(11) to the second priority land within the study area when it evaluated candidate parcels to include for employment purposes and when it identified parcels to exclude from further consideration.

The City's evaluation of constraints and site attributes on second priority land within the study area to inform its determination of which land in that priority is suitable to accommodate the employment land need deficiency is appropriate and consistent with OAR 660-024-0060(1)(a).

The City's analysis properly began with the highest priority of land available — exception land.

The City's analysis of UGB alternatives considered all exception land in the vicinity of the UGB when it applied its employment land suitability criteria (parcel size greater than 5 acres and land without absolute development constraints) to conduct the screen second priority lands in the preliminary study area.

The City's analysis of UGB alternatives applied parcel size and absolute development constraints uniformly to all second priority exception land in vicinity of the UGB that has a reasonable potential to satisfy the identified employment land need deficiency. (OAR 660-024-0060(4)).

This following section of the report "General Description of Second Priority Exception and Non-Resource Lands" provides explanation and evidence to support the City's findings addressing ORS 197.298(1) through (4), OAR 660-024-0060(1)(a), OAR 660-024-0060(1)(b), OAR 660-024-0060(1)(c), OAR 660-024-0060(1)(d), OAR 660-024-0060(1)(e), OAR 660-024-0060(3), OAR 660-024-0060(4), OAR 660-024-0060(5),

OAR 660-024-0060(6), OAR 660-024-0060(7), OAR 660-024-0060(8)(a), OAR 660-024-0060(8)(b), and OAR 660-024-0060(8)(c).

General Description of Second Priority Exception and Non-Resource Lands

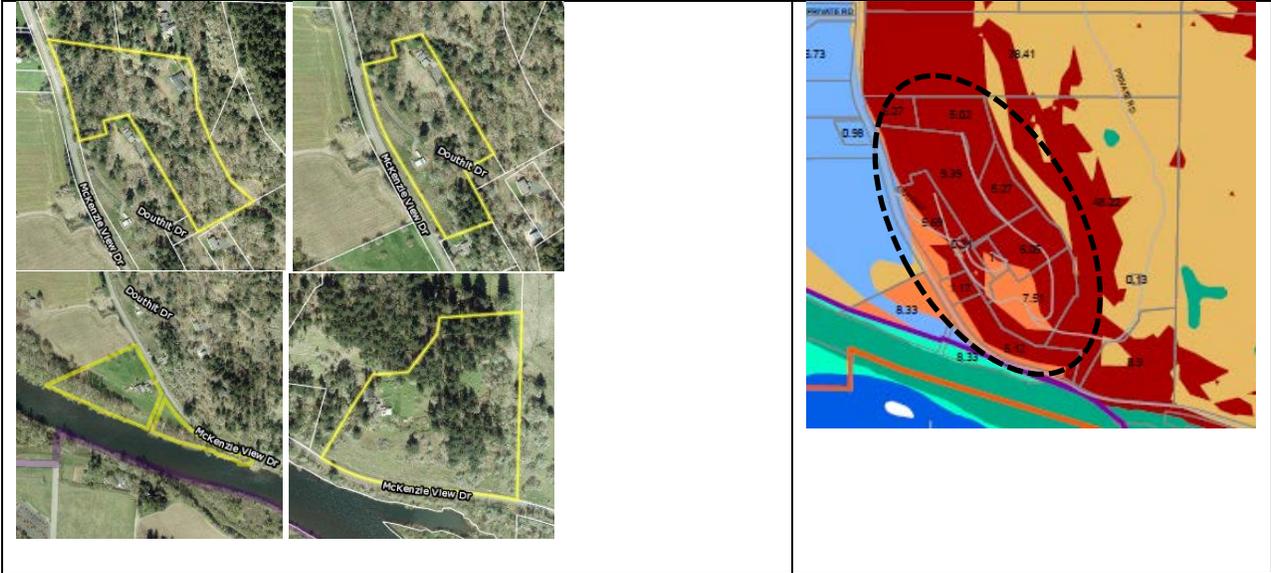
Table 2 provides the general descriptive summary of the second priority exception and non-resource lands in the vicinity of the UGB. Table 2 identifies parcels or portions of parcels containing 5 acres or more without slope, wetland, floodway, riparian resource or highly irregular parcel shape configuration constraints that *may* potentially be suitable to accommodate the employment land need. These parcels are indicated by their underlined map and tax lot number in Table 2. OAR 660-009-0005(14) states: *"Vacant Land" means a lot or parcel: (a) Equal to or larger than one half-acre not currently containing permanent buildings or improvements; or (b) Equal to or larger than five acres where less than one half-acre is occupied by permanent buildings or improvements."*

It should be noted that no deductions for existing rural development on parcels were made in Table 2. The few vacant parcels that exist are noted.

The red line in the maps below is the UGB.

Table 2: Second Priority Exception and Non-Resource Parcels and Constraints	
<p>McKenzie View A⁸</p> <ul style="list-style-type: none"> • Located across the McKenzie River from Springfield's Gateway/International Way Campus Industrial employment area • Zoned RR-10 • Parcelized Lane Cedar Plat • Slopes predominantly >25%, Witzel 116G rock outcrop • Bisected by BPA easement • Some floodway, wetlands, hydric soils and Goal 5 riparian resources along the McKenzie River • TL 800 RR-10 11.9 acre parcel flat topo, partially in floodway, developed with rural residential use, has only 4.6 unconstrained acres. • Separated from UGB by resource lands to west, east, and north • (0) parcels with 5 or more unconstrained acres: 	

⁸ See maps in record "Employment Opportunity Area 1 North Gateway Area – Potential Study Area Evaluation", ECONorthwest, November 2008 showing exception area parcel sizes and slope constraints; and copy of A & T map 17-03-14-00 with exceptions parcels highlighted. Slope percentages determined from NRCS data in the Lane County Regional Land Information Database



McKenzie View B

- Across the McKenzie River from Springfield
- RR-5 zoning
- Parcelized McKenzie View Estates, developed rural residential uses, 5-acre parcels are constrained by floodway and riparian resources
- Some floodway, wetlands, slopes >15%, and riparian resource constraints along the river frontage
- DOGAMI SLIDO mapped landslide areas Coburg Hills
- Separated from UGB by the river, EFU farmland between the river and the UGB, and the floodway
- (2) parcels with 5 or more unconstrained acres:
17-02-19-00 3000 (6.7ac.)
17-02-19-00 3100 (5 ac.)

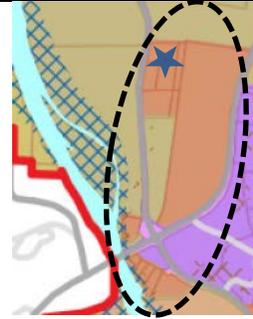


TL 3000, 6.7 ac

TL 3100 5 ac

Mohawk A⁹

- Adjacent to UGB and Marcola Rd. industrial employment area, but located across the McKenzie River.
- The 50-acre EWEB parcel 17-02-20-00 407 is designated Industrial and zoned Rural Industrial, and the adjacent EWEB parcel to the south are designated Commercial and zoned Rural Commercial. Both are publicly owned land (EWEB).
- Other smaller parcels are zoned Rural Residential.
- Parcels on Camp Creek Rd. are .5 to 3.3 acre, developed with rural residential uses.
- Some floodway, wetlands, slopes >15%, and riparian resource constraints along the river frontage
- Exception parcels are located across Old Mohawk Road from Class I and II prime EFU farmland.
- Marginal land parcels are located to the east and north.
- Presence of hydric soils and visual reconnaissance suggests additional wetlands may be present.
- Only one non-public land parcel is 5 acres or larger:
 - 17-02-20-00 202: 5.3 acres, developed with rural residential use.



Star indicates 5-acre parcel

Mohawk B¹⁰

- Across the McKenzie River from Springfield
- Located .75 mile to more than 2 miles from UGB, not adjacent to UGB
- Largest exception parcel 17-02-17-00 1313 (18.3 acres) is zoned Rural Residential and developed with the Jasper Mountain Safe Center psychiatric and substance abuse hospital NAICS 622210. This use is expected to continue.
- (1) Small Rural Industrial (RI) zoned parcels; are split by Marcola Rd. and separated from UGB by EFU land.
 - 17-02-17-00 1500 (5.7 ac., vacant)
 - 17-02-17-00 1501 (1.9 ac.)
 - 17-02-17-00 1502 (1.5 ac.)
 - 17-02-17-00 1503 (2.4 ac.)
 Mohawk River floodway, riparian resource, and slope constraints present.



⁹ See maps in record “Employment Opportunity Area 2 Hayden Bridge Area – Potential Study Area Evaluation”, ECONorthwest, November 2008 showing exception area parcel sizes and slope constraints; and copy of A & T map 17-02-20-00 with exceptions parcels highlighted.

¹⁰ See maps in record “Employment Opportunity Area 2 Hayden Bridge Area – Potential Study Area Evaluation”, ECONorthwest, November 2008 showing exception area parcel sizes and slope constraints; and copy of A & T map 17-02-17-00 with exceptions parcels highlighted. Slope percentages determined from NRCS data in the Lane County Regional Land Information Database

- Rural Residential zoning: (2) RR5 parcels contain 5 or more unconstrained acres in size and are developed with rural residential uses.¹¹
 - 17-02-17-00 1600 (5.4 ac.)
 - 17-02-17-00 1309 (7 ac.)
 - 17-02-17-00 1316 (5 ac.) – irregular shape
 - 17-02-17-00 1318 (5 ac.) – irregular shape
 - 17-02-17-00 0905 (5 ac. has floodway, and riparian resource constraints)
 - 17-02-17-00 0201 (9.2 ac. has floodway, and riparian resource constraints)
- Smaller parcels east of Marcola Road are constrained by slopes >15% and >25%, contain wetlands, hydric soils.
- Smaller parcels west of Jasper Mt. Center 2.5 to 5 acres contain slopes >15% and >25%
- DOGAMI SLIDO mapped landslide areas
- BPA easement crosses this area
- Separated from UGB by land zoned for Exclusive Farm Use (EFU) including Class I soils.
- Mohawk River flooding
- Presence of hydric soils and visual reconnaissance suggests additional wetlands may be present.



17-02-17-00 1313
Jasper Mountain Safe Center



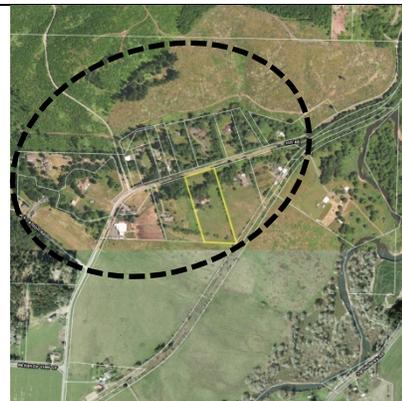
17-02-17-00 1502 1503 17-02-17-00 1501 17-02-01-00 1600



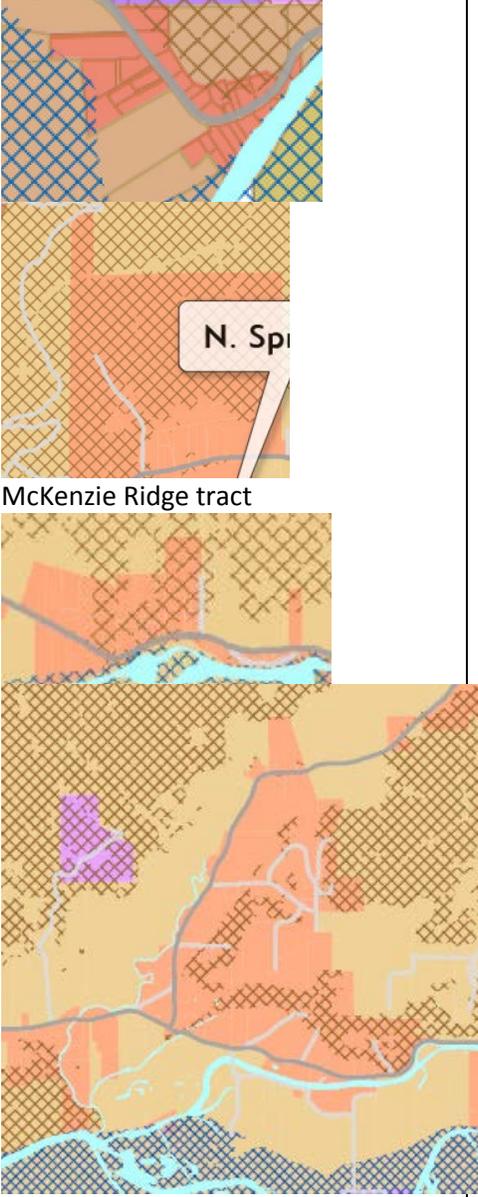
17-02-17-00 1309

Mohawk C.

- Across the McKenzie River from Springfield
- Remote and isolated, more than 2 miles from UGB, not adjacent to UGB
- Presence of hydric soils and visual reconnaissance suggests additional wetlands may be present
- DOGAMI SLIDO mapped landslide areas
- RR5 zoning, parcels 1.1-8.7 ac
- (6) parcels are 5 acres in size, largest is 8.7 acres, all are developed with rural residential uses:
 - 17-02-08-00 0515 (8.7 ac.)
 - 17-02-08-00 0516 (6.7 ac.)



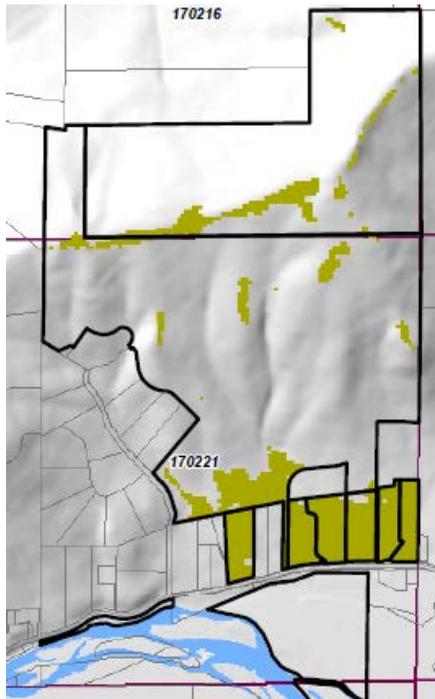
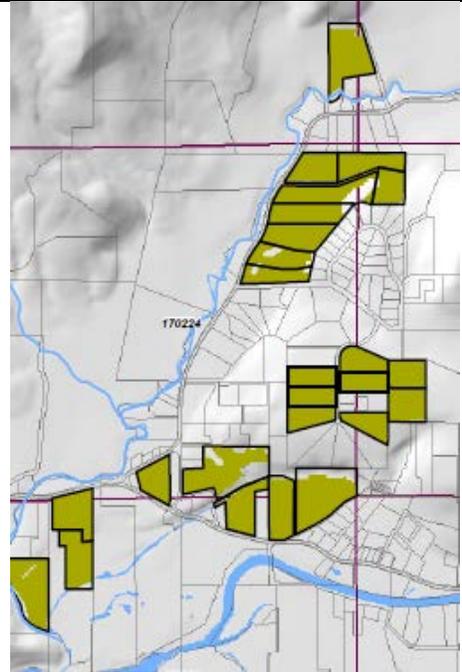
¹¹ See copy of A & T map 17-02-17-00 in the record with exceptions parcels highlighted.

<ul style="list-style-type: none"> ○ <u>17-02-08-00 0517 (6 ac.)</u> ○ <u>17-02-08-00 0600 (5.8 ac.)</u> ○ <u>17-02-08-00 0700 (5.7 ac.)</u> ○ <u>17-02-08-00 0701 (5.5 ac.)</u> 	
<p>Oxbow/Camp Creek¹²</p> <ul style="list-style-type: none"> ● Across the McKenzie River from Springfield ● Majority of area is not adjacent to UGB ● RR5 zoning, primarily 1 and 5 acre parcels along Camp Creek Rd. and RR-10 zoning Upper Camp Creek Rd., McKenzie Ridge Subdivision (RR5-NRES zoning), Shenandoah and Jo-Nette Subdivisions ● Unconstrained parcels 5 acres or larger are distant from Springfield, 2-6 miles from UGB at Hayden Bridge ● Slopes > 25% constrain much of this area ● DOGAMI SLIDO mapped landslide areas ● Floodway and riparian resource constraints along river frontage. ● Two BPA easements cross this area ● Parcels containing 5 or more unconstrained acres (<u>underlined</u>) are zoned for and developed with rural residential uses except where noted: <ul style="list-style-type: none"> ○ <u>17-02-29-00 800 (5.6 ac.)</u> ○ <u>17-02-21-00 107, (6.1 ac.)</u> ○ <u>17-02-21-00 113, (6 ac.)</u> ○ <u>17-02-21-00 128, (5.5 ac.)</u> ○ <u>17-02-21-00 129, (6.6 ac.)</u> ○ <u>17-02-21-00 801, (5 ac.)</u> ○ <u>17-02-21-00 802, (5 ac.)</u> ○ <u>17-02-22-00 500, (5 ac.)</u> ○ <u>17-02-22-00 600, (5 ac.)</u> ○ <u>17-02-26-00 704, (5.1 ac.)</u> ○ <u>17-02-26-00 2100, (6.6 ac., vacant)</u> ○ <u>17-02-25-00 1101 (8.1 ac.)</u> ○ <u>17-02-25-00 1103, (7.7 ac.)</u> ○ <u>17-02-25-00 1205, (10.4 ac.)</u> ○ <u>17-02-25-00 2600, (6.9 ac.)</u> ○ <u>17-02-24-00- 100 (7.8 ac.)</u> ○ <u>17-02-24-00- 134 (5.6 ac.)</u> ○ <u>17-02-24-00- 136 (8 ac.) RR-10</u> ○ <u>17-02-24-00 138 (8.1 ac.)</u> ○ <u>17-02-24-00 141 (4.9 ac.)</u> ○ <u>17-02-24-00 143 (6.9 ac.)</u> ○ <u>17-02-24-00 144 (5.0 ac.)</u> 	 <p>McKenzie Ridge tract</p>

¹² See maps in record “Employment Opportunity Area 3 North Springfield Highway Area – Potential Study Area Evaluation”, ECONorthwest, November 2008 showing exception area parcel sizes and slope constraints; and copies of Lane County Assessor’s maps 17-02-21-00, 17-02-21-24, 17-02-21-31, 17-02-22-00, 17-02-24-00, 17-02-25-00, 17-02-29-00, 17-02-19-00, 17-01-30-00, 17-01-29-00, 17-01-29-20 with exceptions parcels highlighted. Slope percentages determined from NRCS data in the Lane County Regional Land Information Database.

- 17-02-24-00 200 (6.8 ac.)
- 17-02-24-00 303 (5.0 ac.)
- 17-02-24-00 304 (5.0 ac.)
- 17-02-24-00 306 (5.0 ac.)
- 17-02-24-00 311 (5.0 ac.)
- 17-02-24-00312 (5.0 ac.)
- 17-02-24-00 313 (5.0 ac.)
- 17-02-24-00 1209 (11.6 ac.)
- 17-02-24-00 1400 (12.0 ac.)
- 17-02-24-00 1402 (7.7 ac.)
- 17-02-24-00 1501 (5.6 ac.)

- (1) large tract zoned RR5-NRES is vacant, but is constrained by slopes >15%:
 - 17-02-21-00 101 (19.7 ac.) unconstrained portions of McKenzie Ridge site are in SW corner of site (shown in green in map below). BPA easement crosses site.
 - 17-02-16-00 600 (11 ac.) unconstrained portions of McKenzie Ridge site are located along a ridgetop and in SW corner of site (shown in green in map below). BPA easement crosses site. Note this parcel has split zoning. The majority of this tract is F2 Impacted Forest resource land.¹³



17-02-21-00 101 & 17-02-16-00 600
(green indicates unconstrained portions of McKenzie Ridge tracts)

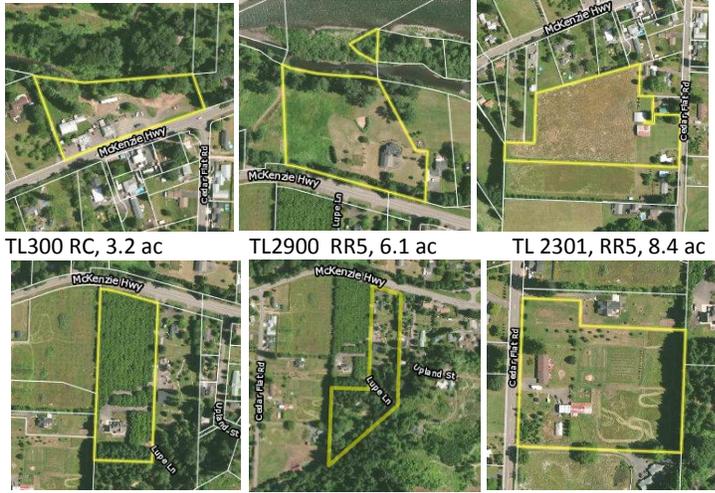
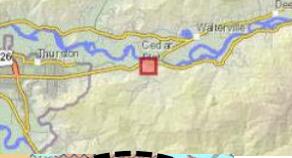
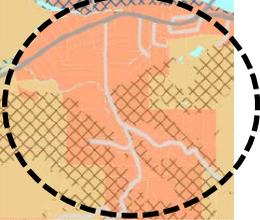
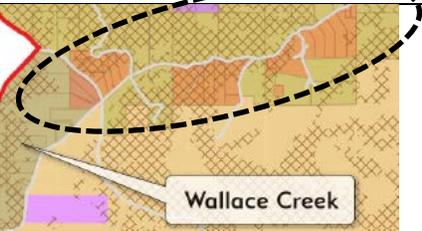
¹³ See GIS screen shot map: “Camp Creek Exception-Non Resource 17-02-16-00 600” depicting location of RR-NRES portion of tract

<p>17-02-21-00 107 17-02-21-00 113 17-02-21-00 128</p> <p>17-02-21-00 129 17-02-29-00 801 17-02-29-00 800</p> <p>17-02-22-00 500 17-02-22-00 600 17-02-26-00 704</p> <p>17-02-26-00 2100</p>	<p>PF-designated land in Oxbow/Camp Creek area shown in purple</p>
<ul style="list-style-type: none"> • Parcels designated and zoned Public Facility (PF) include three non-contiguous parcels scattered throughout the area, owned by City of Eugene (17-01-29-21 100), Eugene Water and Electric Board (17-02-25-00 200 and 17-02-25-00 2200). Parcels are publicly-owned, developed with and necessary for public facilities uses and are not available or suitable to meet Springfield’s employment land needs. • Upper Camp Creek Rd. parcels are 6+ miles from UGB @ Hayden Bridge, or 5+ miles from UGB via Highway 126/Hendricks Bridge/Waltermville, remote, isolated, and abut resource land on three sides, north of Camp Creek. • One parcel containing 5 or more unconstrained acres 17-02-24-00- 1501, (5.6 ac.) is zoned for and developed with Rural Commercial use, and is not available or suitable to meet Springfield’s employment land needs. 	

<p>Far East Springfield A¹⁴</p> <ul style="list-style-type: none"> • Parcelized Rural Residential (RR-2 zoning) • Some parcels abut eastern extent of UGB • Parcels abut McKenzie Highway or Thurston Rd. • Gay Creek bisects area • Cedar Creek riparian resources • Abuts large block of Class I and II prime farmland • Slopes >25% south of McKenzie Highway • DOGAMI SLIDO mapped landslide areas • Clement Plat • (2) non-contiguous parcels with 5+ unconstrained acres are within 1 mile of UGB: <ul style="list-style-type: none"> ○ <u>1702362401500 (6.4 acres)</u>, slopes >15%, developed residential use occupies highway side of parcel; ○ <u>1701312001500 (6.95 acres)</u>, developed residential use, entire property is sloped >12%, slopes >15% bisect the property between Hwy 126, developed with residential use, forested. 	 <p>Star indicates 5-acre residential parcels</p>
<p>Far East Springfield B¹⁵</p> <ul style="list-style-type: none"> • Parcelized Cedar Flats and Upper Cedar Flats Rd. community • Located more than 1.5 miles east of UGB, remote from Springfield, not adjacent to UGB • Separated from UGB by block of Class II prime farmland between McKenzie River and McKenzie Highway or by steep slopes • Bisected by Gay and Cedar Creeks • Predominantly RR-5 zoning, (<u>4 parcels with 5 or more unconstrained acres (underlined)</u>) <ul style="list-style-type: none"> ○ <u>1701322002800 (5.4 ac.)</u> developed with residential use and orchard & <u>1701322002801 (7.8 ac., same owner)</u> ○ <u>1701322002301 (8.3 ac.)</u> res/ag use; ○ 1701322002802, RR5, constrained by slopes >15%; ○ 1701322002802, RR5, constrained by slopes >15%; 	

¹⁴ See maps in record “Employment Opportunity Area 4 Far East Springfield Area – Potential Study Area Evaluation”, ECONorthwest, November 2008 showing exception area parcel sizes and slope constraints; A & T maps 17-02-36-10, 17-02-36-24, 17-01-31-20, and 17-01-31-00. Slope percentages determined from NRCS data in the Lane County Regional Land Information Database. See also Eugene-Springfield Metro Plan 1987 Update, Appendix C List of Exceptions, p. IV-17-33.

¹⁵ See maps in record “Employment Opportunity Area 4 Far East Springfield Area – Potential Study Area Evaluation”, ECONorthwest, November 2008 showing exception area parcel sizes and slope constraints; A & T maps 17-01-30-00, 17-01-32-30, 17-01-31-10, and 17-01-32-20. Slope percentages determined from NRCS data in the Lane County Regional Land Information Database

<ul style="list-style-type: none"> ○ 1701322002803, RR5, constrained by slopes >15%; ○ 1701322002401 bisected by Cedar Creek; ○ <u>1701322002601 (5 ac.)</u>, RR5, , flat topo, developed res use. ● One parcel TL300 is zoned Rural Commercial, 3.7 ac ● Upper Cedar Flats Rd. parcels constrained by slopes 15%-60%  <p>TL300 RC, 3.2 ac TL2900 RR5, 6.1 ac TL 2301, RR5, 8.4 ac</p> <p>TL 2800 RR5, 5.1 ac TL 2801, RR5 7.8 ac TL2601, RR5, 5 ac</p>	  
<p>Wallace Creek¹⁶</p> <ul style="list-style-type: none"> ● Within 1 mile of UGB ridgeline, 1-2 miles to UGB via roads, remote from Springfield, not adjacent to UGB ● Parcelized ● Rural Residential zoning RR-5, Panorama Rd. (8) upper Wallace Creek parcels contain 5.3 to 8.9 unconstrained acres, developed with dwellings <ul style="list-style-type: none"> ○ 18-02-11-00 505 (5 ac.) slopes ○ <u>18-02-11-00 1401 (5.8 ac.)</u>, slopes 12-45% ○ 18-02-11-00 1100 (5.8 ac.), slopes 12-45% ○ <u>18-02-11-00 1200 (6.2 ac.)</u>, slopes 12-45% ○ 18-02-12-00 500 (13.8 ac.) slopes ○ <u>18-02-12-00 603 (5.3 ac.)</u> ○ <u>18-02-12-00 604 (6.4 ac.)</u> ○ <u>18-02-12-00 605 (7.7 ac.)</u> ○ <u>18-02-12-00 606 (6.4 ac.)</u> ○ <u>18-02-12-00 615 (7.4 ac.)</u> ○ <u>18-02-12-00 619 (8.9 ac.)</u> 45% of lot is >12% slope ● Forested ● Steep slopes > 25%, some small flatter areas near the 	 <p>Wallace Creek</p>

¹⁶ See maps in record “Employment Opportunity Area 5/6 Wallis Creek & West Jasper/Jasper Bridge Area – Potential Study Area Evaluation”, ECONorthwest, November 2008 showing exception area parcel sizes and slope constraints; A & T maps 18-02-11-00, 18-02-12-00. Slope percentages determined from NRCS data in the Lane County Regional Land Information Database

junction of Wallace Creek Rd. and Weyerhaeuser Rd. and along upper Wallace Creek Rd.

- DOGAMI SLIDO mapped landslide data¹⁷ “Very High” landslide susceptibility: Wallace Creek Rd. area



18-02-12-00 615 18-02-12-00 619 18-02-12-00 603



18-02-12-00 604 18-02-12-00 605 18-02-12-00 606



18-02-11-00 1100 18-02-11-00 1200 18-02-11-00 505



18-02-11-00 1401

Jasper Bridge A¹⁸

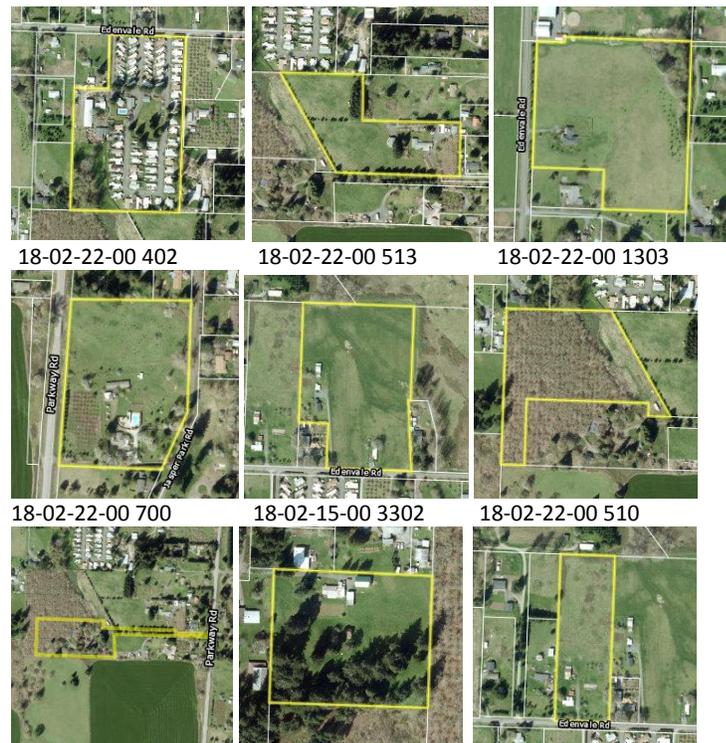
- Within 1-mile SW of UGB via Jasper Lowell Rd, west of Jasper-Lowell Road
- Separated from Springfield by Willamette River, resource land, and sloped land inside UGB
- Access via Jasper Lowell Road, and west across the Willamette River via Parkway Rd. and Edenvale Rd.
- Parcelized Rural Residential RR-5, mostly developed
- Parcels along river constrained by floodway, riparian resources



¹⁷ <http://www.oregongeology.org/slido/index.html> Statewide Landslide Information Layer for Oregon (SLIDO), Oregon Dept. of Geology and Mineral Industries, website accessed Feb. 29, 2016

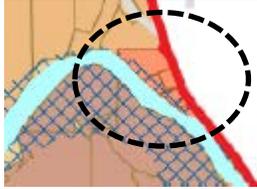
¹⁸ See maps in record “Employment Opportunity Area 5/6 Wallis Creek & West Jasper/Jasper Bridge Area – Potential Study Area Evaluation”, ECONorthwest, November 2008 showing exception area parcel sizes and slope constraints; A & T maps 18-02-15-00, 18-02-22-00, 18-02-23-00

- Note: large block of Class I and II prime farmland is located immediately west of this area
- 71-acre Jasper State Park is zoned Park and Recreation
- Exception land along east side Jasper Lowell Road and Hills Creek Road is parcelized 1-2 acre Rural Residential
- 1-acre or smaller parcels along Parkway Rd. ~115 feet x 350 feet
- 30-acre RR site is Union Pacific Railroad
- 13-acre RR site on Edenvale Rd. is a mobile home park
- RR-zoned Parcels >5-acres are developed with rural residential uses:
 - 18-02-15-00 3302 (9.6 ac.)
 - 18-02-15-00 3303 (5 ac.)
 - 18-02-22-00 2100 (8.9 ac.)
 - 18-02-22-00 1303 (7.3 ac.)
 - 18-02-22-00 402 (13 ac.) developed mobile home park
 - 18-02-22-00 1000 (5 ac.)
 - 18-02-22-00 510 (8.8 ac.)
 - 18-02-22-00 511 (6.8 ac.)
 - 18-02-22-00 513 (7.6 ac.)
 - 18-02-22-00 700 (7.1 ac.)
 - 18-02-23-00 2500 (5 ac.)
 - 18-02-23-00 2503 (5 ac.)
 - 18-02-23-00 2401 (6.5 ac.)
 - 18-02-23-00 2402 (6.2 ac.)
- 18-02-15-00 3400 (9.6 ac.) ODOT
- Floodplain, Class II soil area



<p>18-02-22-00 511</p>  <p>18-02-23-00 2500</p>	<p>18-02-22-00 1000</p> <p>18-02-15-00 3303</p>	
<p>Jasper Bridge B¹⁹</p> <ul style="list-style-type: none"> • 1.25 miles SW of UGB via Jasper Lowell Rd., not adjacent to UGB, separated from Springfield by distance and slopes. • Located east of Jasper Lowell Road, south of Hills Creek Road • Parcelized small lot Rural Residential between river and Jasper Lowell Road, 0.5 to 1 acre • RR-5 parcels along south side of Hills Creek Road • Two Rural Industrial-zoned parcels 18-02-23-00-01800 (20-acre) and 1801 (95 acres) located south of Hills Creek Road via Keeney Street/Osprey Lane are within 1.5 miles of UGB, developed with industrial uses, large ponds occupy 26% of the 95-acre Zola site, large wetland, slopes 10-70% 8% of at south end of site. These parcels are awkwardly shaped but may have additional development capacity if infrastructure and services could be provided: • <u>18-02-23-00 TL1800 17 unconstrained acres</u> is developed with industrial use (sawmills and planning mills), wetlands, irregular shape. Northern portion of site (n. of Keeney St.) has 6.4 unconstrained acres, developed with mill office. • <u>18-02-23-00 TL1801 33.3 unconstrained acres</u>, ponds, wetlands, slopes > 15% in south half of site, irregular shape. Northern portion of site (n. of Keeney St.) has 10.3 unconstrained acres. • Floodway, riparian resources, wetlands and slope constraints    		

¹⁹ See maps in record “Employment Opportunity Area 5/6 Wallis Creek & West Jasper/Jasper Bridge Area – Potential Study Area Evaluation”, ECONorthwest, November 2008 showing exception area parcel sizes and slope constraints; A & T map 18-02-23-00

<p>West Jasper/Mahogany²⁰</p> <ul style="list-style-type: none"> • Adjacent to UGB • Rural Residential zoning RR-5, all smaller than 5 acres • All parcels have floodway along the Willamette River • Willamette Greenway • Located between Union Pacific railroad line, Bob Straub Parkway southern terminus and Willamette River 	
<p>Clearwater²¹</p> <ul style="list-style-type: none"> • Adjacent to UGB • Located south of Jasper Rd. along Clearwater Lane • Abuts UGB, near City limits, east of 42nd Street • 1-acre rural residential lots are zoned RR, all smaller than 5 acres, and developed with homes; Hedlee Subdivision platted in 1972 with parcel sizes from 0.3 to 1.7 acres.²² • Land abutting the exception area to the south is Clearwater Park, zoned Park and Recreation 	
<p>Seavey Loop²³ A</p> <ul style="list-style-type: none"> • The lands abutting the UGB south of Springfield/Glenwood along Franklin Blvd. are primarily public lands comprising Interstate Highway 5 right of way, and Oregon Dept. of Parks and Recreation public park land. • Land between the Springfield UGB southern extent and the Seavey Loop A UGB Study Area Grouping (mapped on A & T maps 18-03-11-00, located along the I-5 onramp, McVay/Franklin intersection and Central Oregon & Pacific rail line (TL700) and 18-03-1010 designated Parks in the LRCP is primarily railroad right of way and thus is not suitable to meet Springfield’s employment land needs. • 0.5-0.7 acre exception parcels between UGB and the Franklin/Seavey Loop junction are zoned Rural Commercial and Rural Residential, developed commercial and residential uses, all smaller than 5 acres. • Willamette River Greenway and floodway east of Franklin 	  <p>Park (green) and Natural Resource-Mineral (gray) designated land south of Springfield UGB (UGB in red) in the vicinity of Seavey Loop A UGB Study Area Grouping;²⁴ showing</p>

²⁰ See maps in record “Employment Opportunity Area 7 Clearwater Area – Potential Study Area Evaluation”, ECONorthwest, November 2008 showing exception area parcel sizes and slope constraints; A & T map 18-02-10-00

²¹ See maps in record “Employment Opportunity Area 7 Clearwater Area – Potential Study Area Evaluation”, ECONorthwest, November 2008 showing exception area parcel sizes and slope constraints; A & T map 18-02-015-00.

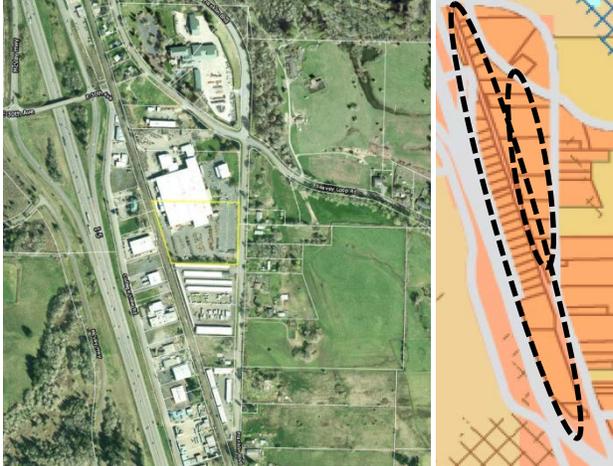
²² Eugene-Springfield Metro Plan 1987 Update, Appendix C List of Exceptions, p. IV-11.

²³ See maps in record “Employment Opportunity Area 9/10 Seavey Loop/Goshen – Potential Study Area Evaluation”, ECONorthwest, November 2008 showing exception area parcel sizes and 25% > slope constraints; Map: College View-Seavey Loop Existing Lane County Zoning, and A & T maps of the study area 18-03-11-00, 18-03-11-30, 13-03-14-00

²⁴ Details from Lane County Plan Map Viewer website accessed Feb. 24, 2016: <http://lcmmaps.lanecounty.org/LaneCountyMaps/ZoneAndPlanMapsApp/index.html>. and as shown in the Official Lane County Plan Maps for Township 17 South, Range 1 West; Township 17 South, Range 2 West; Township 17 South, Range 3 West; Township 18 South, Range 2 West; Township 18 South, Range 3 West; see also maps and other documentation in the record describing the Willamette Confluence Area submitted by Chris Orsinger, President, Friends of Buford Park.

 <p>RC (orange) and RR (yellow) zoning floodway (cross-hatch)</p>	<p>OCPR rail line, I-5 corridor, McVay and Franklin Blvd. and Glass Bar Willamette River Greenway. Park and Natural Resource-Mineral lands are owned by public or non-profit conservation organizations</p>
<p>Seavey Loop B²⁵</p> <ul style="list-style-type: none"> • Strip of Rural Residential, Rural Commercial and Rural Industrial parcels south of Franklin/Seavey Loop junction along College View Road and west of Franklin/Seavey • Northern portion of strip between railroad and Franklin is within 1 mile of UGB • Parcelized 0.2 to 0.7 acre lots, Freeway Park Plat • Lot depth ranging from 90-200', lot width predominantly 100' • Developed with commercial and industrial uses that are expected to continue in planning period • N/S railroad line separates College View parcels from Franklin parcels • slopes 2-12%, DOGAMI mapped landslide hazards • Rural Industrial parcels along South Franklin and College View, 0.1-5.6 acres, are developed with commercial and industrial uses, lot depth 200'- 644' (Johnson Crushers developed parcels) <ul style="list-style-type: none"> ○ 18-03-11-30 3500 (5.6 ac.) developed industrial use ○ 18-03-11-30 3600 (5.5 ac.) developed industrial use ○ <u>18031400 400; (6 ac.), vacant RI &</u> ○ <u>18031400 900; (0.8 ac.) same owner (split plan des.)</u> 	 <p>County RR (yellow), RI (red) and RC (orange) zoning</p> <p>18-03-14-00 400</p> <p>Southern portion of 18-03-14-00 900</p>

²⁵ See maps in record "Employment Opportunity Area 9/10 Seavey Loop/Goshen – Potential Study Area Evaluation", ECONorthwest, November 2008 showing exception area parcel sizes and 25% > slope constraints; Map: College View-Seavey Loop Existing Lane County Zoning, and A & T maps of the study area 18-03-11-00, 18-03-11-30, 13-03-14-00

 <ul style="list-style-type: none"> The PF- designated area in the vicinity includes the southern portion of the 0.8 acre parcel at the south end of College View Rd. (18-03-14-00 900), the 62-acre US Government parcel (18-03-14-00 700) and adjacent parcels to the west that are developed with Interstate Highway 5 and BPA utilities. The sites owned by the Federal Government (Interstate Highway 5 right of way, and Bonneville Power Administration facilities), and Oregon Dept. of Transportation are unavailable and unsuitable for employment. The City’s analysis assumed the PF portion of 18-03-14-00 900 (approximately 0.5 ac.) may be developable in conjunction with the northern portion of the parcel and adjacent parcel 18-03-14-00 400. 	<p>has a split plan designation. PF-designated land shown in purple</p>
<p>Seavey Loop C</p> <ul style="list-style-type: none"> Exception parcels are 1.5-2 miles from UGB, not adjacent to UGB Rural Industrial and Rural Residential parcels, along Twin Buttes Road, developed with industrial and residential uses Slopes > 25% and > 15 % south of Twin Buttes Road, DOGAMI mapped landslide hazards Very restrictive Bonneville Power line easement along south side of Twin Buttes Road (mapped in yellow) - no structures permitted Middle Fork Willamette River floodway constraint Oxley Slough/Wild Hog Creek, floodway, hydric soils, Freeway access to south via Goshen and Highway 58 Larger 2-6 acre RR parcels on north side of Twin Buttes road may have development potential. 15-ac RR-5 parcel is developed with mobile home park 	

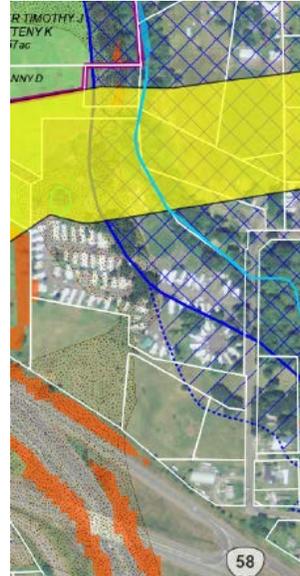


Access to I-5 from S. Franklin is via Hwy 99 and Hwy 58

- 18-03-14-40 502 (5.6 ac.), RR developed residential use
- 18-03-14-40 600 (2 ac.), RR and 700 (4 ac.), RI 701 (2.7 ac.), 800 (0.5 ac.), RI, 900 (0.5 ac.), RI developed industrial use: Walsh Trucking
- 18-03-14-40 300 (2.4 ac.), RR developed residential use, BPA and riparian constraint
- 18-03-14-40 508 5.2 constrained by BPA, slopes
- 18-03-14-40 200 (4.7) riparian constraint
- 18-03-13-30 1701 (15.2 ac.), RR, developed Dunker Mobile Home Park, BPA, floodway, wetland and riparian constraints
- 18-03-13-30 1702 (5 ac.), RR, Dunker, vacant
- 18-03-13-30 1600 (1.2 ac.), 1602 (1.1 ac.) and 1700 (2.8) Flynn = 5.1 ac.



18-03-13-30 1701



Floodway and BPA constraints



18-03-14-40 700



18-03-14-40 300



18-03-14-40 508



18-03-13-30 1702



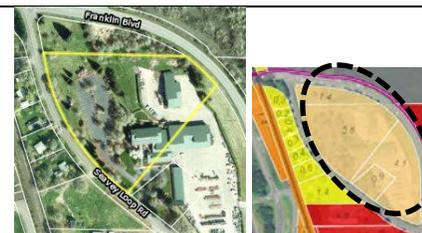
18-03-13-30 1700



18-03-14-40 502

Seavey Loop D

- Designated and zoned Rural Public Facility and developed with the Emerald People’s Utility District (EPUD) Headquarters. This use will continue through the planning period and thus the site is not suitable to meet Springfield’s employment land needs.

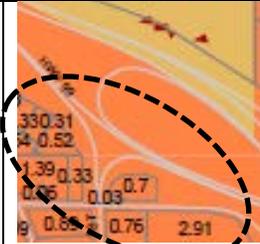




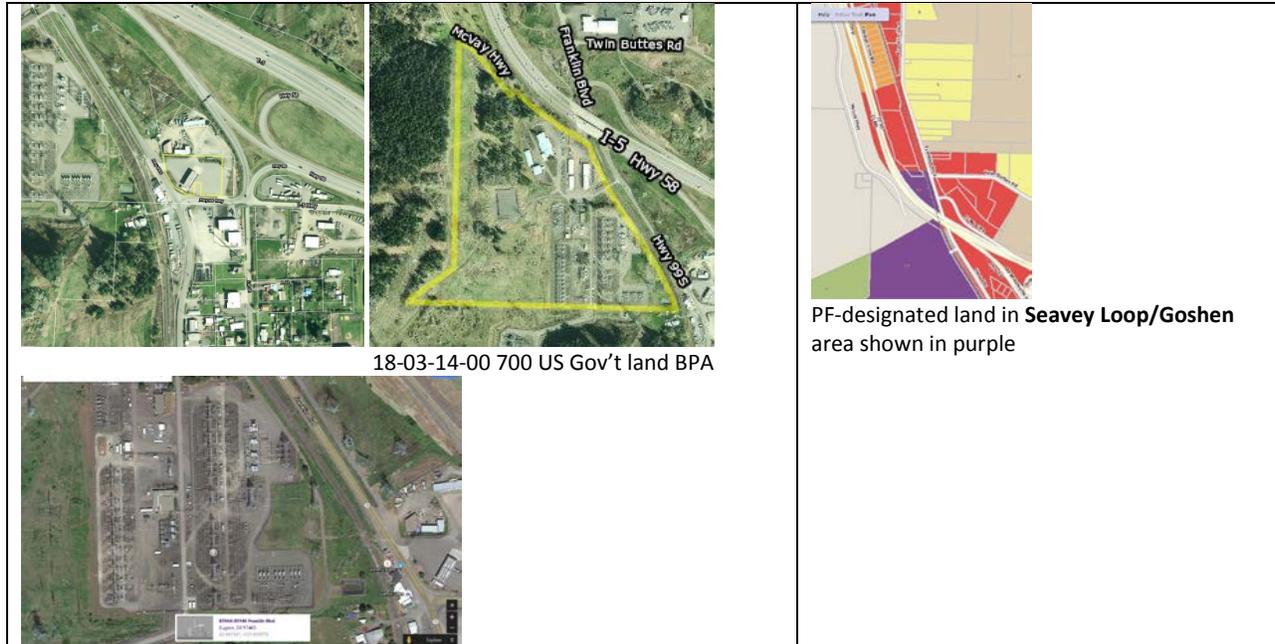
Floodway constraint (cross-hatch)

Seavey Loop/Goshen²⁷

- Lands located south of I-5 are included in Lane County’s GREAT Plan Goal Exception: Glendora Tracts Rural Commercial developed interchange area
- US Gov’t Bonneville Power (BPA) Alvey Substation, development and restrictive easement –lands are designated and zoned Public Facility in LRCP.
- Lands located south of I-5 and Highway 99 are included in Lane County’s GREAT Plan Goal Exception. Community of Goshen exception land is located more than 1.75 miles south of UGB.
- No parcels 5-acres or larger



²⁷ See maps in record A & T map 18-03-14-44, 18-03-14-44



The following summary in Table 3 identifies the general geographic groupings containing *potentially* suitable second priority parcels after excluding constrained portions of parcels and parcels smaller than 5 acres.

Table 3: Summary of Second Priority Exception Lands Parcels and Constraints Analysis - Unconstrained Parcels 5 Acres and Larger*					
Area	# of parcels 5+ ac adjacent to UGB	# of parcels 20+ ac *	# of parcels 5+ ac*	Parcels and unconstrained acres	Zoning
McKenzie View A	0	0	0		
McKenzie View B	0	0	2	17-02-19-00 3000; (6.7 ac) 17-02-19-00 3100; (5 ac.)	RR RR
Mohawk A	1	0	1	17-02-20-00 202; (5.3 ac)	RR
Mohawk B	0	0	4	17-02-17-00 1500; (5.7 ac., vacant) 17-02-17-00 1600; (5.4 ac.) 17-02-17-00 1309; (7 ac.) 17-02-17-00 1313; (18.3 Jasper Mt. Safe Center)	RI RR5 RR5 RR5
Mohawk C	0	0	6	17-02-08-00 0515; (8.7 ac.) 17-02-08-00 0516; (6.7 ac.) 17-02-08-00 0517; (6 ac.) 17-02-08-00 0600; (5.8 ac.) 17-02-08-00 0700; (5.7 ac.) 17-02-08-00 0701; (5.5 ac.)	RR5 RR5 RR5 RR5 RR5 RR5

				18-02-12-00 605; (7.7 ac.) 18-02-12-00 606; (6.4 ac.) 18-02-12-00 615; (7.4 ac.) 18-02-12-00 619; (8.9 ac.)	
Jasper Bridge A	0	0	14	all have homes and are surrounded by smaller residential parcels 18-02-15-00 3302; (9.6 ac.) 18-02-15-00 3303; (5 ac.) 18-02-22-00 2100; (8.9 ac.) 18-02-22-00 1303; (7.3 ac.) 18-02-22-00 402; (13 ac.) developed mobile home park 18-02-22-00 1000; (5 ac.) 18-02-22-00 510; (8.8 ac.) 18-02-22-00 511; (6.8 ac.) 18-02-22-00 513; (7.6 ac.) 18-02-22-00 700; (7.1 ac.) 18-02-23-00 2500; (5 ac.) 18-02-23-00 2503; (5 ac.) 18-02-23-00 2401; (6.5 ac.) 18-02-23-00 2402; (6.2 ac.)	
Jasper Bridge B	0	1** PREDEV	1** PREDEV	18-02-23-00 TL1800; <u>17 acres</u> is developed with industrial use that likely will continue through planning period. Portion of parcel n. of Keeney Street may have development potential but it abuts rural residential uses along Hills Creek Rd. 18-02-23-00 1801; <u>33.3 acres</u> . 10 ac. portion of parcel n. of Keeney Street may have development potential but it abuts rural residential uses along Hills Creek Rd.	RI RI
West Jasper/ Mahogany	0	0	0		
Clearwater	0	0	0		
Seavey Loop A	0	0	0		
Seavey Loop B	0	0	1	Developed industrial use (Johnson Crushers) will likely continue through planning period. <u>18031400 400; (6 ac.), vacant</u>	RI
Seavey Loop C	0	0	3	18-03-14-40 502; (5.6 ac.) 18-03-13-30 1702; (5 ac.) vacant 18-03-13-30 1600, 1602, 1700; (5.1 ac. combined)	RR
Seavey Loop D	0	0	0	Developed Rural Public Facility (EPUD)	RPF
Seavey Loop E	0	0	4	18-03-14-10 700; (6.5 ac.) 18-03-14-10 900; (7.6 ac.) 18-03-14-10 301; (6.9 ac.) 18-03-14-10 1201; (6.8 ac.)	RI RR

Seavey Loop F	0	0	0	RR-1 parcels south Seavey Loop Rd., east of Oxley Slough, are developed with residential use at urban densities RR-5 parcels Starlite Plat All in floodway	RR
Seavey Loop/Goshen	0	0	0		

* No deduction for existing residential development on parcels was made by City

** PREDEV= Potentially redevelopable rural industrial parcel considered by City. Land in the UGB Study Area with redevelopment potential is land that is classified as “developed” that may redevelop during the planning period to increase employment capacity in Springfield, consistent with the Goal 9 definition of redevelopment. As described in the preceding text and graphics, the City identified and evaluated several developed exception land sites larger than 5 acres on a site-by-site basis and determined that except where identified in Table 3, these sites are unlikely to redevelop over the 20-year planning period to meet Springfield’s specific employment land needs for sites larger than 5 acres. The City’s reasoning for this evaluation of alternatives was based on the presence of existing businesses or residential development on the site that are expected to continue to use the site for the planning period; physical absolute constraints that diminish the amount and site configuration of potentially redevelopable areas; and parcel sizes and configurations that result in potentially redevelopable areas smaller than five acres.

As shown in Table 3, the City’s initial screening identified a total of (72) second priority exception land parcels* 5 acres or larger in the vicinity of the UGB that *may* have potential to satisfy the identified need deficiency based solely on their parcel acreage and lack of absolute development constraints. These parcels are located within 13 study area groupings and within 8 different geographic areas.

As shown in Table 3, the City’s initial screening identified (3) parcels 5 acres or larger, a total of 18.6 acres of second priority exception land are located adjacent to the UGB. These parcels are located within 2 study area groupings and within 2 different geographic areas. The adjacent parcels are not contiguous to one another, and one of the parcels is sloped 12-15%, too steep for industrial uses and commercial mixed-use development.

EXCLUDE SECOND PRIORITY EXCEPTION LANDS LACKING THE SPECIFIED CHARACTERISTICS TO MEET THE IDENTIFIED EMPLOYMENT LAND NEED

The next step in the process excluded the second priority lands that are *not* potentially suitable to provide unconstrained parcels larger than 5 acres to satisfy the identified employment land need deficiency. The City’s reasoning at this stage in the analysis was based on parcel size, ownership and presence of absolute development constraints on a parcel or grouping of adjacent parcels under single ownership.

OAR 660-024-0060 (1)(e)

“For purposes of this rule, the determination of suitable land to accommodate land needs must include consideration of any suitability characteristics specified under section (5) of this rule, as well as other provisions of law applicable in determining whether land is buildable or suitable.”[emphasis added]

OAR660-024-0060(5)

*“If a local government has specified characteristics such as parcel size, topography, or proximity that are necessary for land to be suitable for an identified need, the local government may limit its consideration to land that has the specified characteristics when it conducts the boundary location alternatives analysis and applies ORS 197.298.”
[emphasis added]*

Identification of Potentially Suitable Exception and Non-resource Land. As previously explained in the City’s findings under Goal 9, the CIBL/EOA ²⁸ provides a determination of the amount and type of land needed in the UGB amendment to accommodate Springfield’s employment land needs for 2010-2030, and OAR 660-009-0005 states that “the determination of suitable land to accommodate land needs must include consideration of any suitability characteristics specified under Section (5), as wells as other provisions of law applicable in determining whether land is buildable or suitable.”

To identify *potentially* suitable exception land sites to meet employment land needs, the City applied the following factors²⁹ (from an outline provided by DLCD Staff Gordon Howard) to exclude or include exception lands in the next stage of the evaluation process:

- Exclude lands that are not buildable³⁰
- Exclude lands based upon specific land needs (197.298(3)(a))

In the previous step in the alternatives analysis, the City identified exception land parcels that could *potentially* be suitable to meet the City’s need for employment land sites larger than 5 acres and sites larger than 20 acres. This step excluded parcels or portions of parcels with absolute development constraints, and excluded exception land with pre-existing development and parcelization patterns that limit the suitability of lands for use as future employment sites. For example, the City considered that 5.5 and 5.6 acre parcels in Preliminary Study Area grouping Seavey Loop B that are developed with the Johnson Crushers International plant to be developed with an industrial use expected to continue in the

²⁸ CIBL/EOA Table S-5, page ix-x.

³⁰ “Buildable” is a Goal 10 term. It is the City’s position that OAR 660-024-0060 (1) requires the City to consider whether sites are “suitable” at this “buildable” stage in the evaluation process.

planning period thus not suitable to meet the City's need for employment land sites larger than 5 acres and sites larger than 20 acres in the planning period.

For the purpose of evaluating second priority exception land, the City identified the following criteria to be applied equally to all parcels within the Preliminary Study Area — in order of their priority under ORS 197.298— to determine whether a parcel of land or group of parcels is potentially suitable to meet employment land needs.

Parcel size is a key factor because Springfield's land need in the UGB expansion is for sites larger than 5 acres, with some needed sites larger than 20 acres. The City identified parcels 5 acres or larger as potentially suitable to meet employment land needs, and excluded parcels or portions of parcels less than 5 acres from further analysis. For the purpose of this step in the analysis, the City did not deduct for existing residential development on parcels 5 acres or larger.

Topography is a key factor in determining suitability because Springfield's land need is for industrial and commercial mixed use sites with relatively flat topography (less than 5% slope and less than 7% slope).

As explained in the City's findings under Goal 9 and in the CIBL/EOA, distance relative to the City and to existing urban infrastructure systems is a key factor in determining employment land suitability because Springfield's identified land need is for industrial and commercial mixed use sites that provide reasonable access and travel times to major transportation corridors and reasonable service connections to public water and wastewater conveyance systems, public transit service, and public stormwater and wastewater management systems, facilities and services. Employment sites must also have reasonable connection to electricity and telecommunications systems.

As previously explained, the City applied the following factors as absolute development constraints to providing urban services to employment land:

- Portions of tax lots with slopes > 15%
- Portions of tax lots comprising inventoried wetlands
- Portions of tax lots within the floodway
- Portions of tax lots comprising riparian resource areas

The City excluded portions of parcels constrained by floodway, inventoried wetlands, and riparian resources when it analyzed the suitable acreage of a parcel or group of parcels. As these factors preclude or place limitations on whether a parcel is buildable for urban development, they subsequently preclude or place limitations on the suitability of land to accommodate the need deficiency determined under OAR 660-024-0050.

For the initial screening of land, the City identified parcels or portions of parcels with slopes 15% or less as *potentially* suitable to meet employment land needs, and excluded parcels or portions of parcels with slopes greater than 15% from further analysis.

The City’s findings describe or map all of the alternative areas evaluated in the boundary location alternatives analysis as required by OAR 660-024-0060(6). The City’s analysis involves more than one parcel or area within a particular priority category in ORS 197.298 for which circumstances are the same. As permitted under OAR 660-024-0060(6), the City is allowed to consider and evaluate those parcels or areas as a single group. The City analyzed parcels within a priority category by geographic groupings as permitted under OAR 660-024-0060(6).

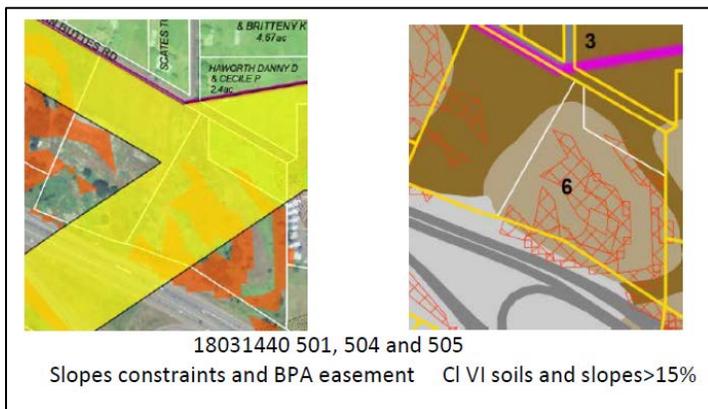
In addition to the summary data compiled in Map 1, Table 2 and Table 3, the record includes maps, acreage calculations and other evidence used as factual basis for the City’s uniform and consistent evaluation of parcelization, slopes, floodway, inventoried wetlands and riparian resources on all exception parcels in the preliminary study area. This evidence is relevant to justify the City’s identification of *potentially* suitable second priority exception land parcels and its exclusion of unsuitable second priority exception land parcels from further analysis.

ORS 197.298 (1)(b):

“Second priority may include resource land that is completely surrounded by exception areas unless such resource land is high-value farmland as described in ORS [215.710 \(High-value farmland description for ORS 215.705\)](#).”

To complete its evaluation of second priority land, the City examined the study area to identify resource land areas that are completely surrounded by exception areas unless such resource land is high-value farmland as described in ORS 215.710 (High-value farmland description for ORS 215.705). One area meeting this description exists within the UGB Study Area.

One tract of resource land (zoned EFU) in the Seavey Loop area meets the criteria for second priority: 18031440 tax lots 501, 504 and 506. As shown in the figure below, this tract is constrained by slopes and very restrictive BPA easements and was excluded from consideration.



EXCLUDE LANDS THAT ARE NOT BUILDABLE (SUITABLE), BASED UPON SPECIFIC LAND NEEDS [ORS 197.298(3)(a)]

This section of the report provides explanation and evidence to support the City's findings addressing ORS 197.298(1) through (4), OAR 660-024-0060(1)(a), OAR 660-024-0060(1)(b), OAR 660-024-0060(1)(c), OAR 660-024-0060(1)(d), OAR 660-024-0060(1)(e), OAR 660-024-0060(3), OAR 660-024-0060(4), OAR 660-024-0060(5), OAR 660-024-0060(6), OAR 660-024-0060(7), OAR 660-024-0060(8)(a), OAR 660-024-0060(8)(b), and OAR 660-024-0060(8)(c).

As described in the preceding text and graphics, the City excluded exception land parcels less than 5 acres in size and portions of parcels with absolute development constraints (slopes >15%, floodway, inventoried wetlands, waterways, and riparian resources) when it analyzed the potentially suitable acreage of each exception land parcel or group of parcels, as permitted under OAR 660-024-0060(5).

OAR 660-024-0060(1)(e)

“For purposes of this rule, the determination of suitable land to accommodate land needs must include consideration of any suitability characteristics specified under section (5) of this rule, as well as other provisions of law applicable in determining whether land is buildable or suitable.”

OAR 660-024-0060(5)

“If a local government has specified characteristics such as parcel size, topography, or proximity that are necessary for land to be suitable for an identified need, the local government may limit its consideration to land that has the specified characteristics when it conducts the boundary location alternatives analysis and applies ORS 197.298.”

As described and shown in the preceding text and graphics, and as verified by supporting evidence (parcel maps data and GIS maps) in the record, the City applied characteristics of parcel size, topography, and absolute development constraints (floodway, wetlands, riparian resources) to all second priority exception land parcels in the UGB Study Area to identify potentially suitable land to meet the employment land need, when it conducted the boundary location alternatives analysis and applied ORS 197.298. [OAR 660-024-0060(1)(e) and OAR 660-024-0060 (5)] .

These steps excluded the McKenzie View A, West Jasper/Mahogany, Clearwater, Seavey Loop A, D, F, and Seavey Loop/Goshen exception parcels from further consideration.

After excluding the McKenzie View A, West Jasper/Mahogany, Clearwater, Seavey Loop A, D, F, and Seavey Loop/Goshen exception parcels, the City's analysis of parcel size and absolute development constraints identified the seven remaining exception area geographic groupings that contain *potentially* suitable land. These areas were identified for additional analysis study to determine serviceability and

suitability to determine whether exception lands in the vicinity fo the UGB can “reasonably accommodate” the identified employment land need.

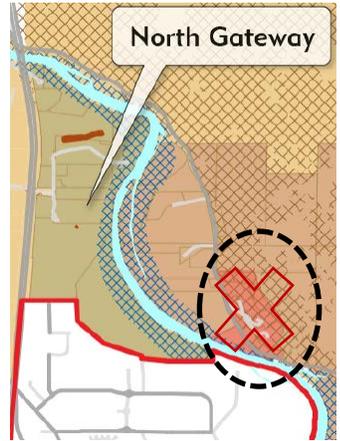
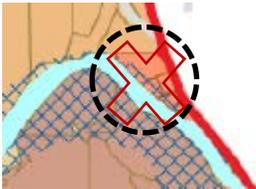
No exception area will provide a vacant candidate site with 20 or more unconstrained acres to meet Springfield’s industrial and commercial mixed-use employment land needs.

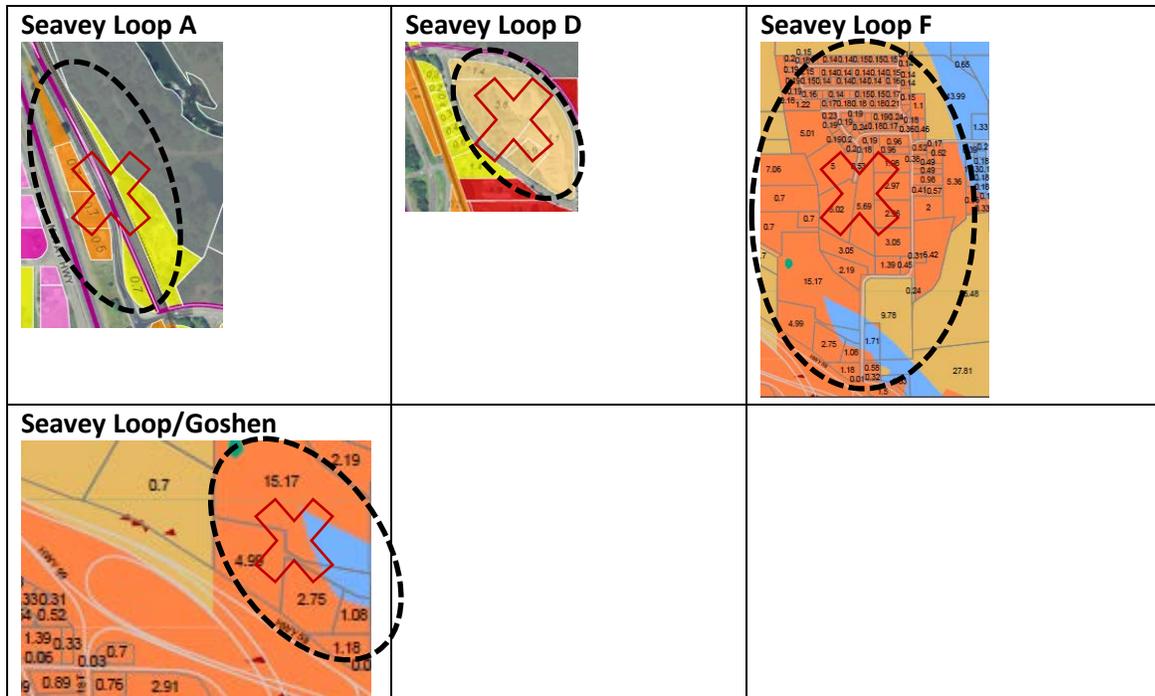
The City’s need for 186 acres to accommodate sites 20 acres and larger cannot be met by adding exception lands to the UGB.

The City identified the exception land parcels listed in Table 3, Summary of Second Priority Exception and Non-Resource Parcels and Constraints Analysis as candidate lands for additional analysis to determine serviceability and suitability to meet the need for 37 acres to accommodate smaller 5-20 acre sites.

The McKenzie View A, West Jasper/Mahogany, Clearwater, Seavey Loop A, D, F and Seavey Loop/Goshen exception parcels with less than 5 unconstrained acres were excluded from further analysis.

Table 4: Second priority exception parcels excluded based upon specific land needs [ORS 197.298(3)(a)]

McKenzie View A	West Jasper/Mahogany	Clearwater
		



IDENTIFY SECOND PRIORITY EXCEPTION LANDS WITH THE SPECIFIED CHARACTERISTICS TO MEET THE IDENTIFIED EMPLOYMENT LAND NEED TO INCLUDE IN THE UGB

In the next step, the City conducted a public facilities and services analysis to determine whether the *potentially* suitable exception parcels identified in the previous step could reasonably be provided with the public water, sewer, stormwater and transportation facilities needed to serve industrial and commercial mixed use employment uses within the 2010-2030 planning period and thus be considered suitable candidate lands to accommodate the identified employment land need deficiency determined under OAR 660-024-0050.

The following section of this report provides explanation of the City’s rationale and evaluation criteria for comparing serviceability and suitability of candidate lands.

The following section of this report provides substantial evidence to support the City’s findings under Goals 11 and 12.

OAR 660-024-0010(8) Definitions states:

“Suitable vacant and developed land” describes land for employment opportunities, and has the same meaning as provided in OAR 660-009-0005 section (1) for “developed land,” section (12) for “suitable,” and section (14) for “vacant land.”

OAR 660-024-0040(7) states:

“The determination of 20-year land needs for transportation and public facilities for an urban area must comply with applicable requirements of Goals 11 and 12, rules in OAR chapter 660, divisions 11 and 12, and public facilities requirements in ORS 197.712 and 197.768.”

For land to be “suitable” for industrial and other employment use under OAR 660-009-0005(12) it must be “serviceable.” OAR 660-009-0005(9) states that “‘Serviceable’ means a city or county has determined that public facilities and transportation facilities, as defined by OAR chapter 660, division 11 and division 12, currently have adequate capacity for development planned in the service area where the site is located or can be upgraded to have adequate capacity within the 20-year planning period.”

OAR 660-011-0005(5) defines “Public Facility”:

“A public facility includes water, sewer, and transportation facilities, but does not include buildings, structures or equipment incidental to the direct operation of those facilities.”

As explained in greater depth in the City’s findings under Goal 11, OAR Division 11 requires public facilities planning:

“to help assure that urban development in such urban growth boundaries is guided and supported by types and levels of urban facilities and services appropriate for the needs and requirements of the urban areas to be serviced, and that those facilities and services are provided in a timely, orderly and efficient arrangement, as required by Goal 11.”[OAR 660-011-0000]

Goal 11 requires public facilities to be planned to support types and levels of urban facilities and services appropriate for Springfield’s needs and requirements, consistent with the comprehensive plan. Springfield’s need is for the types and levels of public facilities and services appropriate and necessary to support the needs of urban industrial and commercial uses generally and manufacturing and office employment sites specifically.³¹ Goal 11 requires public facilities and services to be provided “*in a timely, orderly and efficient arrangement.*” Goal 14 requires cities to evaluate changes to their UGB considering “*orderly and economic provision of public facilities and services.*”

As explained in greater detail in the City’s findings under Goal 11, the City relied primarily on the 2035 TSP, the policies and findings of the acknowledged Metro Plan Public Facilities and Services Element, the *Eugene-Springfield Metropolitan Area Public Facilities and Services Plan*, the Springfield Wastewater and Stormwater facilities master plans, and Springfield Utility Board facilities plans as the primary data sources to assess and compare the public facilities needs to serve candidate expansion lands in a timely, orderly, and efficient arrangement. The City relied primarily on those same data sources and interviews with County and City planning staff when it determined that public facilities and transportation facilities

³¹ Springfield’s Target Industries are listed and explained in detail in the CIBL/EOA.

— as defined by OAR chapter 660, division 11 — currently have adequate capacity for development planned in the service area where the candidate UGB expansion site is located or can be upgraded to have adequate capacity within the 20-year planning period to serve candidate expansion lands in a timely, orderly and efficient arrangement consistent with OAR chapter 660, divisions 11. The City did this by conducting an iterative series of meetings with City and service provider agency engineering and transportation planning staff over a multi-year period to examine the nearest location and capacity of existing and planned public facilities in the vicinity of a candidate parcel or grouping of parcels and by considering possible ways and means of connecting candidate lands to facilities and services in accord with applicable provisions of the law.

OAR 660-012-0005(30) defines “Transportation Facilities”:

“Transportation Facilities means any physical facility that moves or assists in the movement of people or goods including facilities identified in OAR 660-012-0020 but excluding electricity, sewage and water systems.”

OAR 660-012-0020 states “TSPs shall establish a coordinated network of transportation facilities adequate to serve state, regional and local transportation needs;” and lists the elements that must be included in the required Transportation Systems Plans (TSPs). TSPs must establish “a system of planned transportation facilities, services and major improvements. The system shall include a description of the type or functional classification of planned facilities and services and their planned capacities and performance standards;” [OAR 660-012-0020 (3)(b)]. The TSP must describe the “location of planned facilities, services and major improvements, establishing the general corridor within which the facilities, services or improvements may be sited. This shall include a map showing the general location of proposed transportation improvements, a description of facility parameters such as minimum and maximum road right of way width and the number and size of lanes, and any other additional description that is appropriate;” [OAR 660-012-0020 (3)(c)].

OAR 660-012-0025(1)

“Except as provided in section (3) of this rule, adoption of a TSP shall constitute the land use decision regarding the need for transportation facilities, services and major improvements and their function, mode, and general location.”

OAR 660-012-0030 Determination of Transportation Needs

(1) The TSP shall identify transportation needs relevant to the planning area and the scale of the transportation network being planned including:

- (a) State, regional, and local transportation needs;*
- (b) Needs of the transportation disadvantaged;*
- (c) Needs for movement of goods and services to support industrial and commercial development planned for pursuant to OAR chapter 660, division 9 and Goal 9 (Economic Development).*

The City properly relied on the acknowledged 2035 Springfield TSP, the Lane County TSP and the Central Lane MPO RTP (as described in the City’s findings under Goal 12) as the primary data sources to assess and compare the need for transportation facilities, services and major improvements that would be associated with the urbanization of candidate expansion lands when it conducted the UGB Alternatives Analysis. The TSPs describe the location of existing and planned transportation facilities, services and major improvements, establishing the general corridor within which the facilities, services or improvements may be sited. The City relied primarily on those same data sources and interviews with ODOT, County, City and Lane Transit District transportation planning staff when it determined that public facilities and transportation facilities — as defined by OAR chapter 660, division 12 — currently have adequate capacity for development planned in the service area where the candidate UGB expansion site is located or can be upgraded to have adequate capacity within the 20-year planning period consistent with OAR chapter 660, division 12.

Requirements under OAR chapter 660, division must be considered at this stage in the UGB Alternatives Analysis to ensure that the amendment of the comprehensive plan to add urbanizable lands to the UGB is supported by adequate planned transportation facilities in a manner that is consistent with applicable transportation planning requirements in OAR chapter 660, division 12. The City is expanding the UGB to designate suitable land for industrial and commercial development, therefore suitable candidate lands added to the UGB must provide for the relevant transportation needs: movement of goods and services to support industrial and commercial development planned for pursuant to OAR chapter 660, division 9 and Goal 9 (Economic Development);[OAR 660-012-0030 (1)(c)] and movement of workforce employees to and from the workplace, including needs of the transportation disadvantaged. The City seeks to add employment sites that are reasonably accessible to Interstate Highway 5 via designated freight routes to meet site needs of target industries. The City also seeks to add employment sites in locations that are accessible or can reasonably be made accessible via transit.

OAR 660-012-0005(22)

“Planning Period” means the twenty-year period beginning with the date of adoption of a TSP to meet the requirements of this rule.”

It should be noted that the 2030 Plan planning period is 2010-2030. The Springfield TSP planning period extends to the year 2035.

OAR 660-012-0005(24)

“Reasonably direct” means either a route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.”

The definition of "reasonably direct" is relevant and appropriate to the UGB Alternatives Analysis because "reasonably direct" travel routes are important location factors for Springfield's target manufacturing uses.³²

OAR 660-012-0005(32)

"Transportation Needs" means estimates of the movement of people and goods consistent with acknowledged comprehensive plan and the requirements of this rule. Needs are typically based on projections of future travel demand resulting from a continuation of current trends as modified by policy objectives, including those expressed in Goal 12 and this rule, especially those for avoiding principal reliance on any one mode of transportation."

To assess the types and levels of transportation needs associated with the industrial and commercial employment land UGB expansion, and to compare the relative advantages and disadvantages of candidate sites, the City assumed that those needs would be a continuation of current trends for similar industrial and commercial office employment uses as modified by policy objectives in the TSP, and applicable 2030 Comprehensive Plan Economic and Urbanization Element policies.

The transportation system must "minimize adverse economic, social, environmental and energy consequences; [OAR 660-012-0035(3)(c)], "minimize conflicts and facilitate connections between modes of transportation;" and "avoid principal reliance on any one mode of transportation by increasing transportation choices to reduce principal reliance on the automobile."

OAR 660-012-0035 Evaluation and Selection of Transportation System Alternatives

Requirements under OAR chapter 660, division must be considered at this stage in the UGB Alternatives Analysis to ensure that the amendment of the comprehensive plan to add urbanizable lands to the UGB is supported by adequate planned transportation facilities in a manner that is consistent with applicable transportation planning requirements in OAR chapter 660, division 12. Just as the TSP must "evaluate potential impacts of system alternatives that can reasonably be expected to meet the identified transportation needs in a safe manner and at a reasonable cost with available technology;" [OAR 660-012-0035] the City's UGB study carefully examined and compared alternative candidate growth areas to determine which alternative(s) can reasonably be expected to meet the identified transportation needs in a safe manner and at a reasonable cost with available technology."

The transportation system must "support urban development by providing types and levels of transportation facilities and services appropriate to serve the land uses identified in the acknowledged comprehensive plan." [OAR 660-012-0035(3)(a)]. The City is expanding the UGB to designate suitable, serviceable land for industrial and commercial development, therefore suitable candidate lands added to the UGB must be located where the relevant transportation needs associated with those needed

³² See TadZo report

employment land uses can reasonably be provided within the planning period: movement of goods and services to support the industrial and commercial employment development planned for pursuant to OAR chapter 660, division 9 and Goal 9 (Economic Development), and movement of workforce employees to and from the workplace, including needs of the transportation disadvantaged. [OAR 660-012-0030(1)(b)]

The City evaluated alternative candidate lands to consider the advantages and disadvantages of moving goods and service, workforce employees, including needs of the transportation disadvantaged via the existing and planned transportation system to minimize adverse economic, social, environmental and energy consequences. [OAR 660-012-0035(3)(c)]. The City accomplished this by measuring and comparing distance to candidate sites via existing and planned routes.

OAR 660-012-0005(41) Vehicle Miles of Travel (VMT)

“Vehicle Miles of Travel (VMT): means automobile vehicle miles of travel. Automobiles, for purposes of this definition, include automobiles, light trucks, and other similar vehicles used for movement of people. The definition does not include buses, heavy trucks and trips that involve commercial movement of goods. VMT includes trips with an origin and a destination within the MPO boundary and excludes pass through trips (i.e., trips with a beginning and end point outside of the MPO) and external trips (i.e., trips with a beginning or end point outside of the MPO boundary). VMT is estimated prospectively through the use of metropolitan area transportation models.”

To address OAR 660-012-0005 (41) *“Vehicle Miles of Travel (VMT)*, the City considered the VMT advantages and disadvantages of moving goods and service, workforce employees, including needs of the transportation disadvantaged via the existing and planned transportation system [OAR 660-012-0005(41)]when it evaluated alternative candidate lands. The City accomplished this by measuring and compared distance to candidate sites via existing and planned routes, assuming build out of the planned transportation system. This is germane to the evaluation of serviceability because urban transit service is required for a city of Springfield’s size, to ensure that new jobs can be accessible to that transportation disadvantaged and as an important means to reducing VMT. Thus, ability to reasonably provide public transit service to new urban areas is a critical and necessary component of serviceability in this case. The City, in consultation with Lane Transit District staff, considered whether extending public transit service to candidate expansion areas can reasonably be expected to be feasible to meet the identified transportation needs in a safe manner and at a reasonable cost with available technology.

To further evaluate potentially suitable exception and land sites to meet employment land needs, the City applied the following factors (from an outline provided by DLCD Staff Gordon Howard) to exclude or include exception in the next stage of the evaluation process:

- Exclude lands that are not buildable³³

³³ “Buildable” is a Goal 10 term. It is the City’s position that OAR 660-024-0060 (1) requires the City to consider whether sites are “suitable” at this “buildable” stage in the evaluation process.

- Exclude lands based upon specific land needs (197.298(3)(a));
- Exclude lands based upon inability to reasonably provide urban services due to physical constraints (197.298(3)(b));
- Include lower priority lands needed to include or provide services to urban reserve lands (197.298(3)(c));
- Exclude lands based upon analysis of comparative ESEE consequences (Goal 14, Boundary Location, Factor 3);
- Exclude lands based upon analysis of compatibility with agricultural & forest activities (Goal 14, Boundary Location, Factor 4)

OAR 660-024-0060 (1)(e)

“For purposes of this rule, the determination of suitable land to accommodate land needs must include consideration of any suitability characteristics specified under section (5) of this rule, as well as other provisions of law applicable in determining whether land is buildable or suitable.”

OAR 660-024-0060(5)

“If a local government has specified characteristics such as parcel size, topography, or proximity that are necessary for land to be suitable for an identified need, the local government may limit its consideration to land that has the specified characteristics when it conducts the boundary location alternatives analysis and applies ORS 197.298.”

For the public facility suitability analysis, the City assumed that the type, size and service levels of public water, wastewater, stormwater facilities and transportation systems needed to serve candidate employment expansion areas are the type, size and service levels needed to serve the target industries identified in the CIBL/EOA, as identified as summarized in this report in the City’s findings under Goal 9; as supported by the evidence in the record; and as required under applicable federal, state, regional and local plan policies and environmental permits. Target industries require and rely upon specific types, sizes and service levels of public water, wastewater, stormwater facilities and transportation systems to conduct their operations — including but not limited to necessary and typical proximity to existing public facilities, transportation systems and services. Therefore the City analyzed proximity to existing facilities and systems when it conducted the public facilities analysis summarized in Table 4 Public Facilities Analysis, and excluded lands from further consideration based on necessary and typical proximity when it conducted the boundary location alternatives analysis.

The City properly considered the employment land suitability characteristics regarding the type, size and service levels of public water, wastewater, stormwater facilities and transportation systems needed to serve candidate employment expansion areas, based on the characteristics of needed sites determined in the Economic Opportunities Analysis and supporting evidence in the record.

For the next steps, in the analysis, the City analyzed general geographic groupings of parcels within each priority category as permitted under OAR 660-024-0060(6).

It should be noted that two geographic areas (Mohawk and Wallace Creek) contain second priority exception parcels and third priority marginal parcels. These are discussed separately in order of priority. General geographic groupings comprising disparately located parcels were grouped into subgroups based on their location, relative proximity to the UGB, and relative proximity to potential service connections. For example, Mohawk A, B and C parcels are located increasingly distant from the UGB, with A being the closest.

EXCLUDE LANDS THAT CANNOT REASONABLY BE PROVIDED WITH URBAN INFRASTRUCTURE AND SERVICES DUE TO PHYSICAL CONSTRAINTS [ORS 197.298(3)(b)].

This section of the report provides explanation and evidence to support the City’s findings addressing ORS 197.298(1) through (4), OAR 660-024-0060(1)(a), OAR 660-024-0060(1)(b), OAR 660-024-0060(1)(c), OAR 660-024-0060(1)(d), OAR 660-024-0060(1)(e), OAR 660-024-0060(3), OAR 660-024-0060(4), OAR 660-024-0060(5), OAR 660-024-0060(6), OAR 660-024-0060(7), OAR 660-024-0060(8)(a), OAR 660-024-0060(8)(b), and OAR 660-024-0060(8)(c).

As previously explained in the City’s findings under Goal 9, the CIBL/EOA ³⁴ provides a determination of the amount and type of land needed in the UGB amendment to accommodate Springfield’s employment land needs for 2010-2030, and OAR 660-009-0005 states that “the determination of suitable land to accommodate land needs must include consideration of any suitability characteristics specified under Section (5), as well as other provisions of law applicable in determining whether land is buildable or suitable.” [emphasis added]

OAR 660-009-0005(12) states that “‘[s]uitable’ means serviceable land designated for industrial or other employment use that provides, or can be expected to provide the appropriate site characteristics for the proposed use.”³⁵ [emphasis added]

OAR 660-009-0005(2)

“Development Constraints” means factors that temporarily or permanently limit or prevent the use of land for economic development. Development constraints include, but are not limited to, wetlands, environmentally sensitive areas such as habitat,

³⁴ CIBL/EOA Table S-5, page ix.

³⁵ The Goal 14 rule at OAR 660-024-0010(8) states: “‘[s]uitable vacant and developed land’ describes land for employment opportunities and has the same meaning as provided in OAR 660-009-0005 section...(12) for ‘suitable.’”

environmental contamination, slope, topography, cultural and archeological resources, infrastructure deficiencies, parcel fragmentation, or natural hazard areas. [emphasis added]

OAR 660-009-0005(4)

"Locational Factors" means market factors that affect where a particular type of industrial or other employment use will locate. Locational factors include, but are not limited to, proximity to raw materials, supplies, labor, services, markets, or educational institutions; access to transportation and freight facilities such as rail, marine ports and airports, multimodal freight or transshipment facilities, and major transportation routes; and workforce factors (e.g., skill level, education, age distribution)." [emphasis added]

OAR 660-009-0005(11)

"Site Characteristics" means the attributes of a site necessary for a particular industrial or other employment use to operate. Site characteristics include, but are not limited to, a minimum acreage or site configuration including shape and topography, visibility, specific types or levels of public facilities, services or energy infrastructure, or proximity to a particular transportation or freight facility such as rail, marine ports and airports, multimodal freight or transshipment facilities, and major transportation routes." [emphasis added]

Availability of urban infrastructure and public facilities is identified as a necessary employment land site characteristic in the CIBL/EOA, thus serviceability is a critical site characteristic for determining whether a particular parcel of land is suitable to meet the City's specified employment needs. Specific infrastructure needs for Springfield's target industries are summarized on page 161 and further explained in CIBL/EOA Chapter on pages 82-95 of the CIBL/EOA Characteristics of Needed Sites.

OAR 660-024-0060(8)

OAR 660-024-0060(8) requires evaluation and comparison of the relative costs, advantages and disadvantages of alternative UGB expansion areas with respect to the provision of public facilities and services needed to urbanize alternative boundary locations. Part of the OAR 660-024-0060(8) analysis requires the City to determine which lands cannot reasonably be provided with urban services due to physical constraints [ORS 197.298(3)(b)]. To conduct the next step of the boundary alternatives analysis, the City excluded lands that cannot reasonably be provided with public infrastructure, facilities and services due to physical constraints [ORS 197.298(3)(b)]. The City identified the following factors as significant physical constraints to providing the public services necessary to develop employment land sites. As these factors preclude or place limitations on serviceability, they subsequently preclude or place limitations on the suitability of land to accommodate the need deficiency determined under OAR 660-024-0050:

- Physical separation from existing water and wastewater service mains by the McKenzie or Willamette River

- Physical separation by distance to existing or planned public facilities, service connections and service areas
- Slopes as identified in the CIBL/EOA: 5% or less for Manufacturing, 7% or less for High Tech and Campus Manufacturing
- Topographic, geographic or geological constraints that physically preclude or significantly impede the feasible construction of functioning gravity flow systems.
- Topographic, geographic or geological constraints that physically preclude or significantly impede the feasible connection of employment sites to Federal or State truck routes. As identified in the CIBL/EOA, “most businesses in Springfield typically locate within one mile of Interstate Highway 5 or ½ mile of a state highway.”
- Topographic, geographic or geological constraints that physically preclude or significantly impede construction of an interconnected transportation system, including the provision of transit service and accessible, multi-modal access to employment sites
- Stormwater basin capacity constraints, including legal or environmental policy constraints that prohibit wastewater or stormwater discharges within a specific basin, geographic area or river reach.
- Wastewater system capacity constraint, including legal or environmental policy constraints that prohibit wastewater or stormwater discharges within a specific basin, geographic area or river reach.

Others parts of the OAR 660-024-0060(8) analysis require the City to consider, evaluate and compare potential service and capacity impacts to existing or planned facilities and services that serve land already in the UGB. In this step the City determined whether potentially suitable lands can physically be served. This includes consideration of whether facilities and services are physically possible given how such facilities and services would impact capacities of existing and planned facilities and services. OAR 660-024-0060(8) provides a list of facilities and services that must be addressed in the public facilities and services comparative analysis:

OAR 660-024-0060(8)

“The Goal 14 boundary location determination requires evaluation and comparison of the relative costs, advantages and disadvantages of alternative UGB expansion areas with respect to the provision of public facilities and services needed to urbanize alternative boundary locations. This evaluation and comparison must be conducted in coordination with service providers, including the Oregon Department of Transportation with regard to impacts on the state highway system. “Coordination” includes timely notice to service providers and the consideration of evaluation methodologies recommended by service providers. The evaluation must include:

(a) The impacts to existing water, sanitary sewer, stormwater and transportation facilities that serve nearby areas already inside the UGB;

(b) The capacity of existing public facilities and services to serve areas already inside the UGB as well as areas proposed for addition to the UGB; and

(c) The need for new transportation facilities, such as highways and other roadways, interchanges, arterials and collectors, additional travel lanes, other major improvements on existing roadways and, for urban areas of 25,000 or more, the provision of public transit service.”

As stated in OAR 660-024-0060(8)(a-c), impacts to existing water, sanitary sewer, storm water and transportation facilities and capacity of facilities that serve nearby areas already inside the UGB, and the need for new transportation facilities, are key factors to be considered in making a determination with respect to the provision of public facilities and services needed to urbanize alternative boundary locations. Thus such impacts and needs are key factors to be considered in making a determination that a particular area is suitable to accommodate the need deficiency determined under OAR 660-024-0050 and are identified in Table 4.

Extending public water and wastewater and would impact existing services primarily by adding flows to existing mains or via new mains. Volumes of flows to the MWMC sewage treatment facility would increase. Water quality regulations will require pretreatment of discharges. Additional water volume needs would increase SUB water treatment needs. As stated in Table 4, extension of mains is not physically possible in some areas.

Adding vehicular trips to serve industrial and commercial land uses would impact existing roads and bridges primarily by increasing traffic and by creating physical stress on roadways not designed and constructed to withstand heavy truck and public transit buses. Road maintenance needs would increase as facility size and length increases. Operational costs would increase as facility size, length and distance from operations centers increases. Adding additional stormwater flows to receiving streams and rivers would impact capacity of facilities that serve nearby areas already inside the UGB. For example, the Cedar Creek basin (Far East study area) is already nearing capacity while the easternmost portion of the UGB that drains into that basin is yet to be fully developed. Most areas in the UGB study are outside of existing City drainage basins. Water quality regulations will require pretreatment of all discharges.

Expansion of the water, wastewater and stormwater systems will create additional maintenance needs, increasing overall systems maintenance needs.

Industrial and commercial development would generate need for transit service. Increasing industrial and commercial development in an area is likely to result in an increase in transit service to an area that could benefit the overall system as well as end users in an area.

The City evaluated these impacts when it identified existing water, sanitary sewer, storm water and transportation facilities that serve nearby areas already inside the UGB in Table 5 (page 237-251). Table 5 identifies substantial infrastructure needs to serve exception land.

For the purpose of evaluating impacts to existing water, sanitary sewer, storm water and transportation facilities and capacity of facilities that serve nearby areas already inside the UGB, and the need for new transportation facilities, the City grouped the potentially suitable second priority parcels within general geographic areas as shown in Table 2.

For the purpose of evaluating serviceability of parcels within the second priority [ORS 197.298(3)(a)] category, the City grouped the potentially suitable second priority parcels within general geographic areas as shown in Table 5.

For each Study Area general geographic grouping, the City engineers, service providers, and ODOT staff provided an assessment of facilities that would likely require upgrading or replacement in order to provide additional capacity to serve development beyond the existing UGB. Those assessments are listed in Table 5.

The City's evaluation and comparison of the relative costs, advantages and disadvantages of alternative UGB expansion areas with respect to the provision of public facilities and services needed to urbanize alternative boundary locations was conducted in coordination with service providers, including the Oregon Department of Transportation with regard to impacts on the state highway system.

As required in OAR 660-024-0060(8)(a), the City evaluated and compared the relative advantages and disadvantages of potentially suitable second priority exception land by gathering and compiling data in Table 2: General Description of Second Priority Exception Lands Parcels and Constraints, Table 3: Second Priority Land Public Services Analysis Summary, and Table 5 Second Priority Land Public Facilities and Services Analysis Summary. Based on this compilation of input and data, and the facilities plans described in pages 212-235, the City determined whether a parcel or group of exception parcels could reasonably be provided with the water, sewer/wastewater, stormwater, and transportation including transit facilities and services needed to urbanize land to accommodate the need deficiency determined under OAR 660-024-0050 within the 2010-2030 planning period.

The City correctly applied the requirement of OAR 660-024-0060(8)(a) in its analysis of second priority land under ORS 197.298.

As stated in OAR 660-024-0060(8)(b), the capacity of existing public facilities and services to serve areas already inside the UGB as well as areas proposed for addition to the UGB is a key factor to be considered in making a determination with respect to the provision of public facilities and services needed to urbanize alternative boundary locations, and thus capacity is a key factor to be considered in making a determination that a particular area is suitable to accommodate the need deficiency determined under OAR 660-024-0050.

As required in OAR 660-024-0060(8)(b), the City evaluated and compared impacts to existing public facilities and services to serve areas already inside the UGB by gathering and compiling data in Table 2: General Description of Second Priority Exception Lands Parcels and Constraints and Table 5: Second Priority Land: Public Services Analysis Summary. Based on this data, the City determined whether and how providing a parcel or group of second priority exception parcels with the water, sewer/wastewater,

stormwater, and transportation including transit services needed to urbanize land to accommodate the need deficiency determined under OAR 660-024-0050 would impact existing and planned public facilities and services within the 2010-2030 planning period.

The City correctly applied the requirement of OAR 660-024-0060(8)(b) in its analysis of second priority land under ORS 197.298.

As stated in OAR 660-024-0060(8)(c), the need for new transportation facilities, such as highways and other roadways, interchanges, arterials and collectors, additional travel lanes, other major improvements on existing roadways — and as Springfield is an urban areas of 25,000 or more — the provision of public transit service, are key factors to be considered in making a determination with respect to the provision of public facilities and services needed to urbanize alternative boundary locations; and thus are key factors to be considered in making a determination that a particular area is suitable to accommodate the need deficiency determined under OAR 660-024-0050.

As required in OAR 660-024-0060(8)(c), the City evaluated and compared advantages and disadvantages with respect to the need for new transportation facilities, such as highways and other roadways, interchanges, arterials and collectors, additional travel lanes, other major improvements on existing roadways and the provision of public transit service by gathering and compiling facilities maps and data in Table 2: General Description of Second Priority Exception Lands Parcels and Constraints and Table 3: Second Priority Land: Public Services Analysis Summary. The City collected public facilities data from ODOT and other Federal, State and Local agencies and service providers. Based on this data, the City determined whether a parcel or group of second priority exception parcels could be made accessible with the transportation facilities including transit services needed to urbanize land to accommodate the need deficiency determined under OAR 660-024-0050 within the 2010-2030 planning period.

The City correctly applied the requirement of OAR 660-024-0060(8)(c) in its analysis of second priority land under ORS 197.298.

OAR 660-024-0060 (7)

“For purposes of Goal 14 Boundary Location Factor 2, “public facilities and services” means water, sanitary sewer, storm water management, and transportation facilities.”

Consistent with OAR 660-009-0005(9) : *“Serviceable’ means a city or county has determined that public facilities and transportation facilities, as defined by OAR chapter 660, division 11 and division 12, currently have adequate capacity for development planned in the service area where the site is located or can be upgraded to have adequate capacity within the 20-year planning period.”* For land to be reasonably considered as serviceable within the planning period, “orderly and economic provision of public facilities and services” must be possible within the planning period.

Using GIS mapping and analysis tools and input received from the CIBL Technical Advisory Committee, City, County and State public agency staff including ODOT and Lane Transit District, other service providers and the public, the City conducted analysis to evaluate, compare and determine whether and

how water, sanitary sewer, storm water management, and transportation facilities could be provided to potentially suitable second priority exception parcels within the seven geographic areas: McKenzie View, Mohawk, Oxbow/Camp Creek, Far East, Wallace Creek, Jasper Bridge, and Seavey Loop. The result of this step is a determination of whether parcels within each priority and within each geographic grouping can reasonably be served to support the employment land uses identified in the CIBL/EOA within the 2010-2030 planning horizon.

The City correctly applied the requirement of OAR 660-024-0060(7) in its analysis of second priority land under ORS 197.298 by evaluating and comparing water, sanitary sewer, storm water management, and transportation facilities in its analysis of "public facilities and services", as demonstrated in the summary of data in Table 5 and as further supported by evidence in the record.

The following section of this report provides a general overview and maps of existing water, sanitary sewer, storm water management, and transportation facilities to describe the physical location and proximity of existing facilities to potentially suitable parcels and to identify physical or regulatory barriers that would make service extensions difficult or infeasible to support development within the 2010-2030 planning period. As previously noted, this section provides explanation and evidence to support the City's findings addressing ORS 197.298(1) through (4), OAR 660-024-0060(1)(a), OAR 660-024-0060(1)(b), OAR 660-024-0060(1)(c), OAR 660-024-0060(1)(e), OAR 660-024-0060(3), OAR 660-024-0060(4), OAR 660-024-0060(5), OAR 660-024-0060(6), OAR 660-024-0060(7), OAR 660-024-0060(8)(a), OAR 660-024-0060(8)(b), and OAR 660-024-0060(8)(c).

This section provides additional evidence to support the City's rationale for excluding from consideration the McKenzie View A, West Jasper/Mahogany, Clearwater, Seavey Loop A, D, F and Seavey Loop/Goshen exception parcels in the previous step.

To avoid unnecessary redundancy within this report, the following information identifies information used by the City to identify and compare public infrastructure, facilities and services deficiencies through the remainder of this boundary location alternatives analysis. Thus, this section provides additional evidence to support the City's rationale for excluding lands from consideration in the previous steps and subsequent steps.

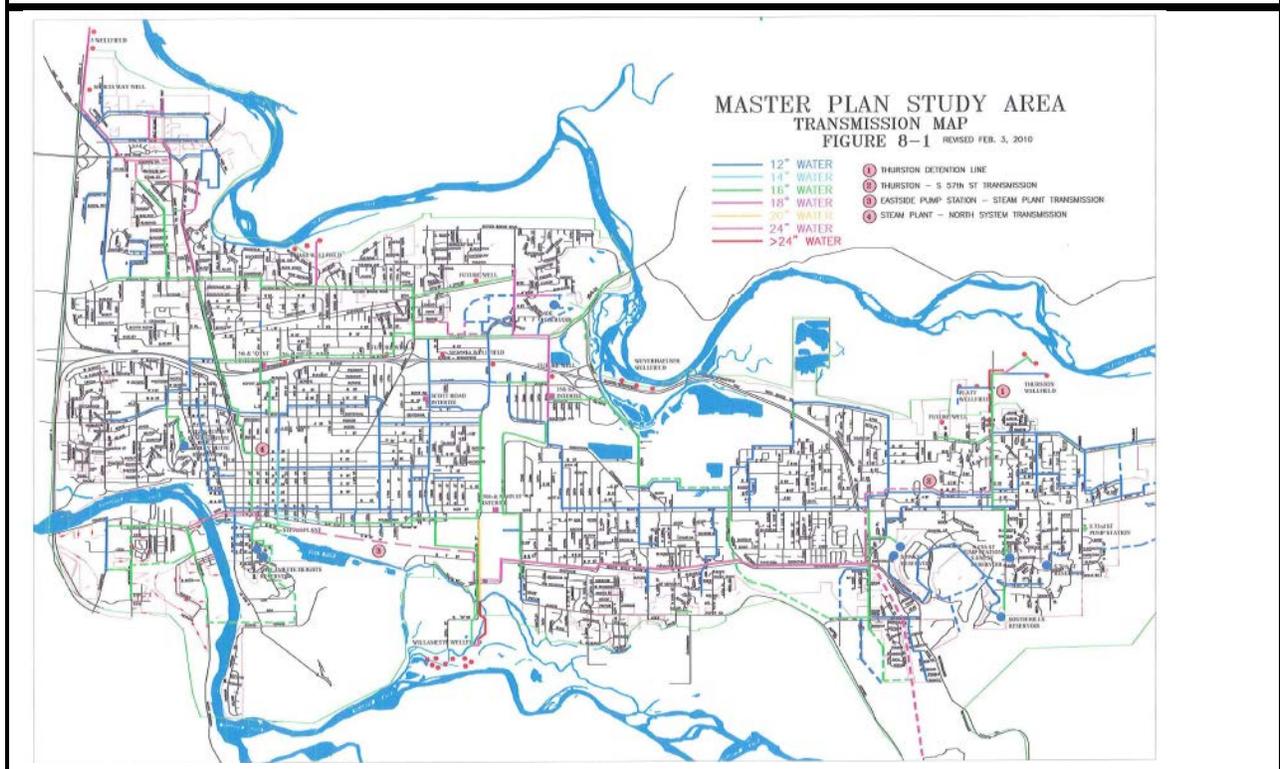
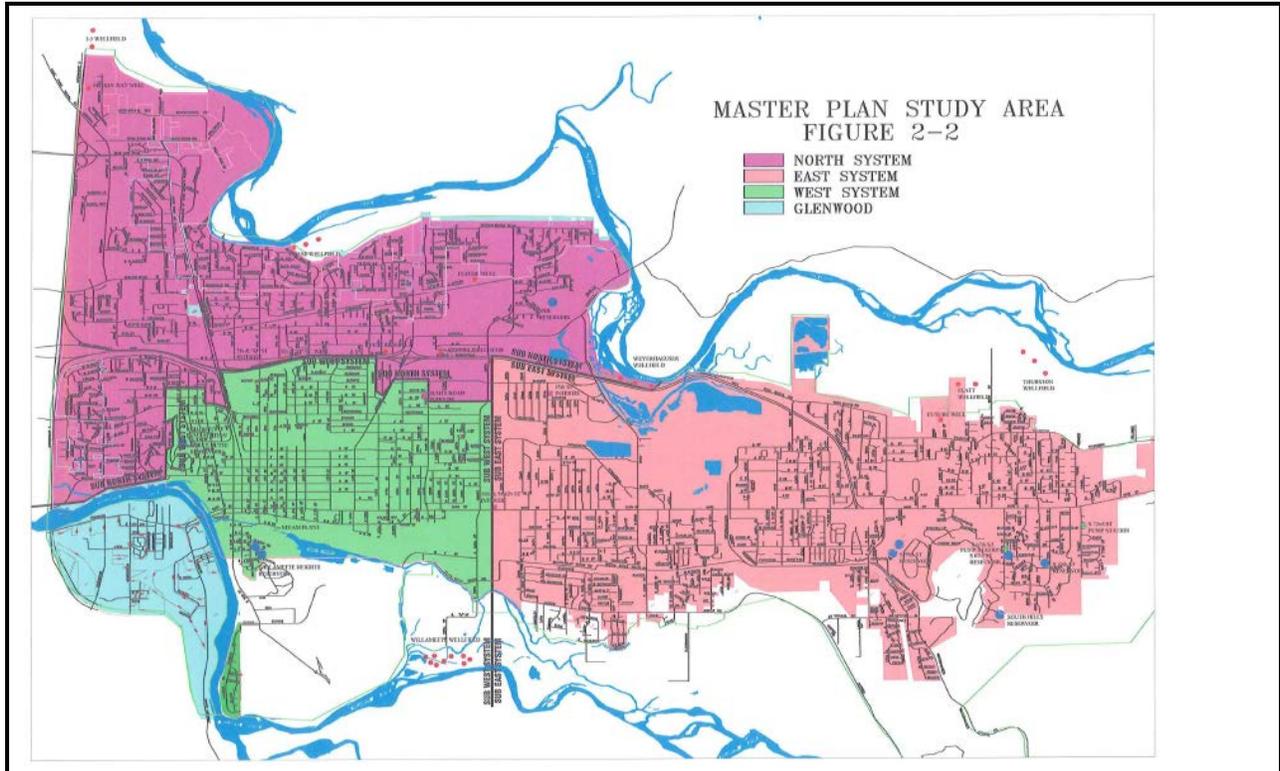
The City incorporated maps and data from City, Eugene-Springfield Metro area and Lane County facilities plans and service provider plans to complete the Public Services Analysis, including but not limited to:

Water

- *Water System Master Plan for Springfield Utility Board, April 2010*
- *Springfield Utility Board & Rainbow Water District Water Management and Conservation Plan, 2012*

The following map provides a general depiction of the existing water system in the area.

Existing Water System, Master Plan for Springfield Utility Board, Figures 2-2 and 8-1



The preceding maps depict the extent of SUB/Rainbow existing water system in 2010 and are included to explain how waterways and distance are constraints that influence and place limitations on potential service extensions to lands beyond the existing UGB.

In addition to the water system depicted above, the Willamette Water Company currently provides water service to the Seavey Loop/Goshen area by purchasing water from Eugene Water and Electric Board (EWEB), and transmitting water through its system from Bloomberg Reservoir, west of I-5, to homes and businesses. The company owner's representative submitted information into the record describing the existing system, and the owner confirmed the accuracy of information submitted.³⁶ A company representative also participated in the College View Study Area Stakeholder Working Group.³⁷

Oregon Dept. of Water Resources staff Michael Mattick provided information about Willamette Water Company:³⁸

- Has water right for 4 cfs, and is currently using 0.43 cfs. as of May 21, 2014.
- Has a permit valid through October 1, 2040 (Permit S-50877)
- Buys treated water from EWEB and runs it through their piped system
- Serves 148 connections, and estimated 444 users; expects 541 connections serving 1,620 in 2040.

Consistent with Metro Plan policy, it is SUB's position that if lands in Seavey Loop/College View area were added to the UGB, "they would be served by SUB, as municipal water providers take over service once an end user is annexed,"³⁹ "Short term, they may continue to be served by their incumbent water provider. As in the past, for efficiency SUB is open to providing a transition to SUB service sooner rather than later."

Sanitary Sewer

- *City of Springfield Wastewater Master Plan*, June 2008, prepared by CH2MHill

The following map provides a general depiction of the existing wastewater system in the area.

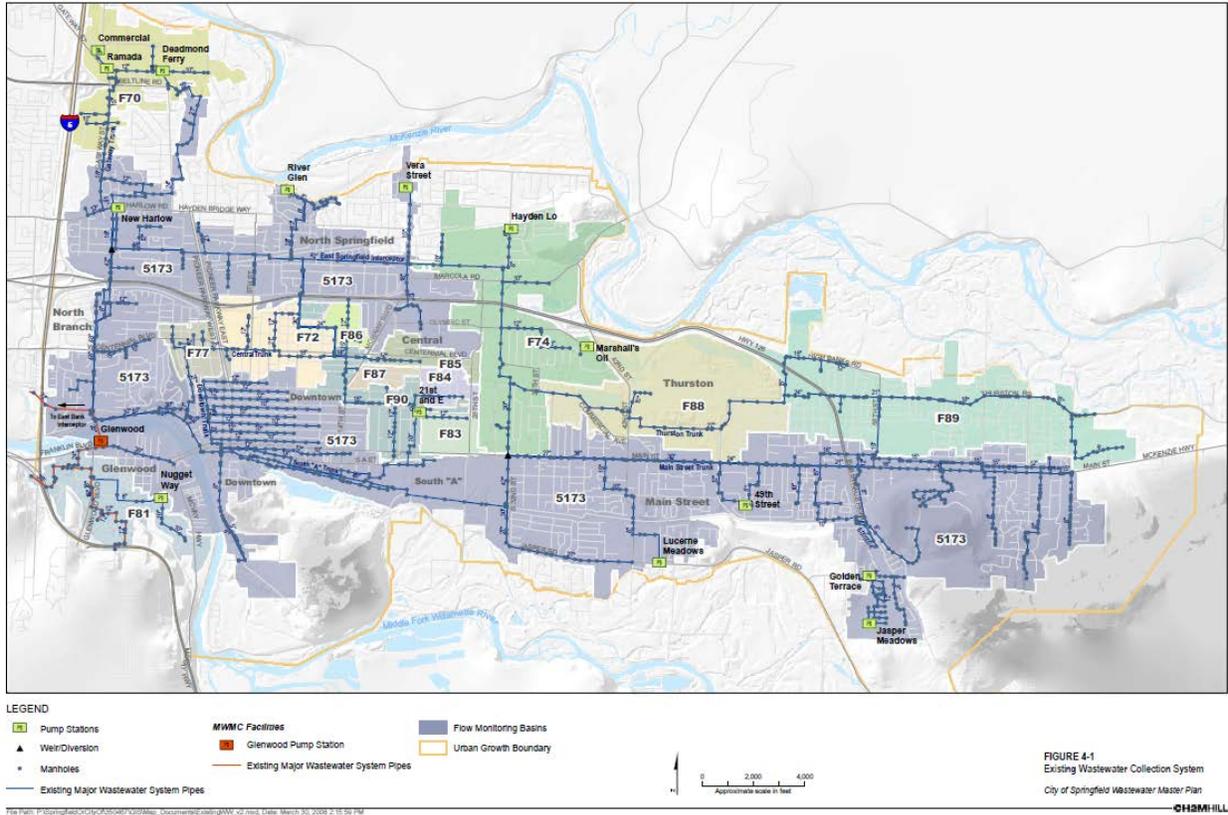
Existing Wastewater Collection System, City of Springfield Wastewater Master Plan Figure 4-1

³⁶ Letter from Bill Kloos to City of Springfield and Lane County Planning Commissions, Feb. 17, 2010; and email to staff Pauly from Greg Demers, June 21, 2013.

³⁷ Stakeholder Working Group meetings were held on Feb. 11, 2015, February 25, 2015, and March 4, 2015.

³⁸ Meeting with staff Pauly on May 20, 2014; email and attached copy of S-50877 permit to staff Pauly on May 21, 2014.

³⁹ Email from SUB General Manager Jeff Nelson to staff Pauly, May 23, 2014



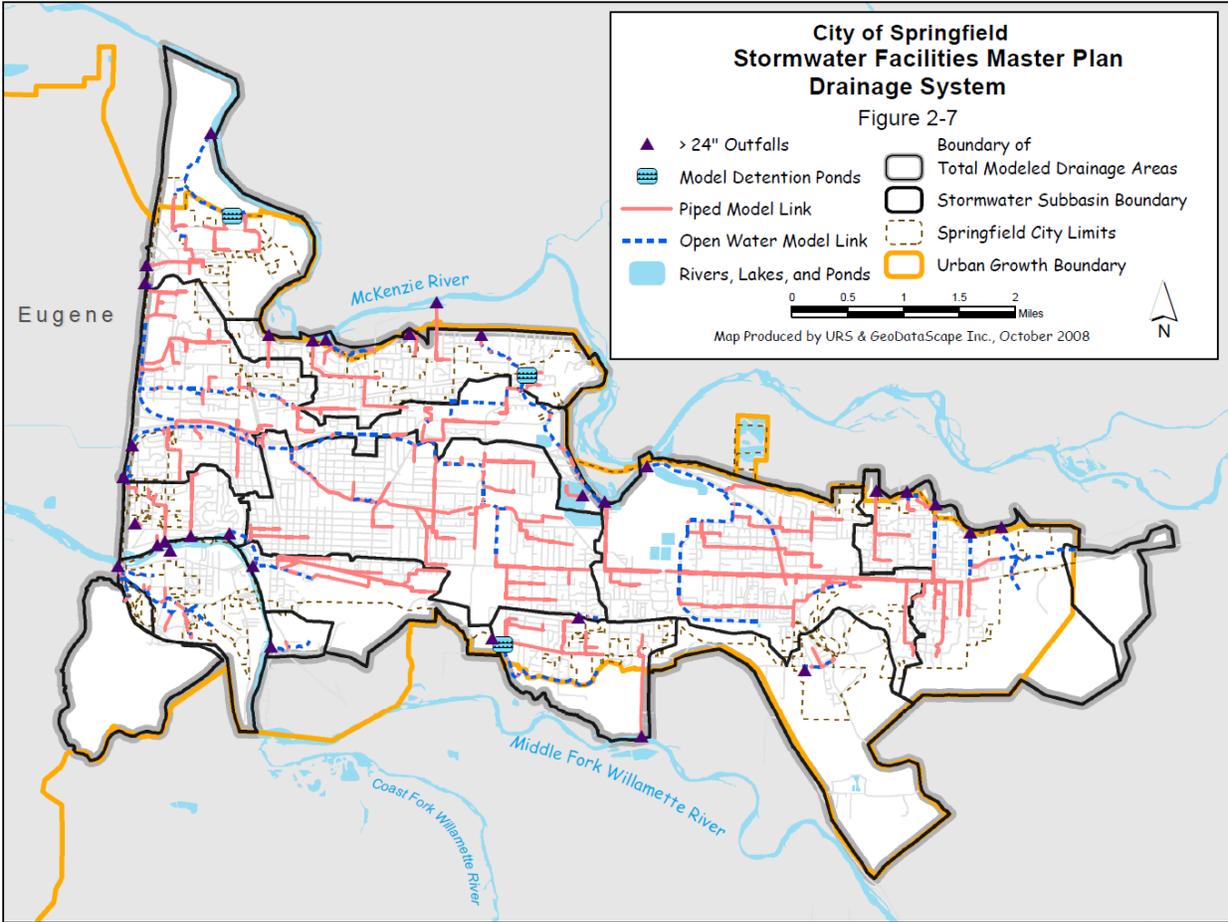
The preceding map depicts the extent of the existing wastewater service area and system in 2008 and explains how topography, waterways and distance are constraints that influence and place limitations on potential service extensions to lands beyond the existing UGB.

Stormwater Management

- *City of Springfield Stormwater Facilities Master Plan, Oct. 2008, prepared by URS*

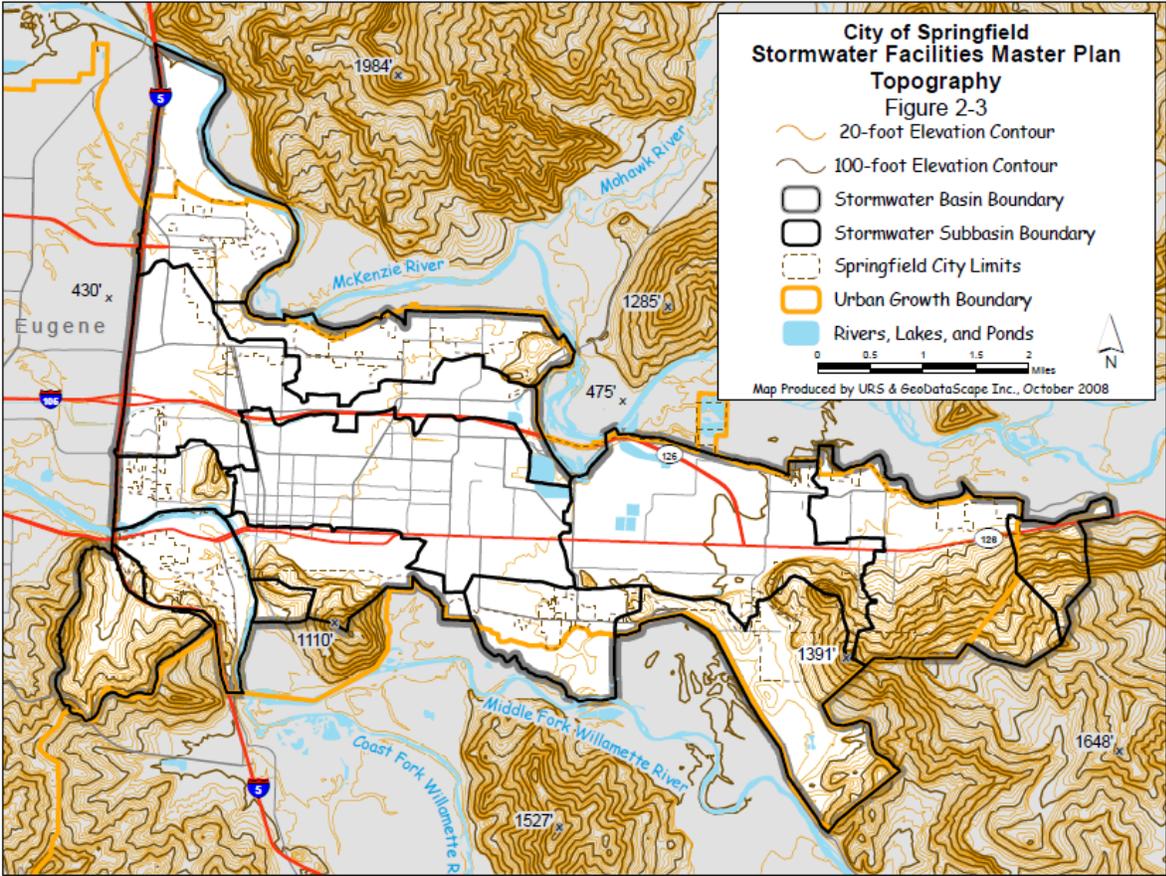
The following map depicts the extent of the existing stormwater drainage system, including outfalls, in 2008 and explains how topography, waterways, outfalls to waterways, and distance are constraints that influence and place limitations on potential service extensions to lands beyond the existing UGB. The City’s findings under Goal 11 provide more information about stormwater management facilities and applicable policies.

City of Springfield Stormwater Facilities Master Plan Figure 2-7 Drainage System



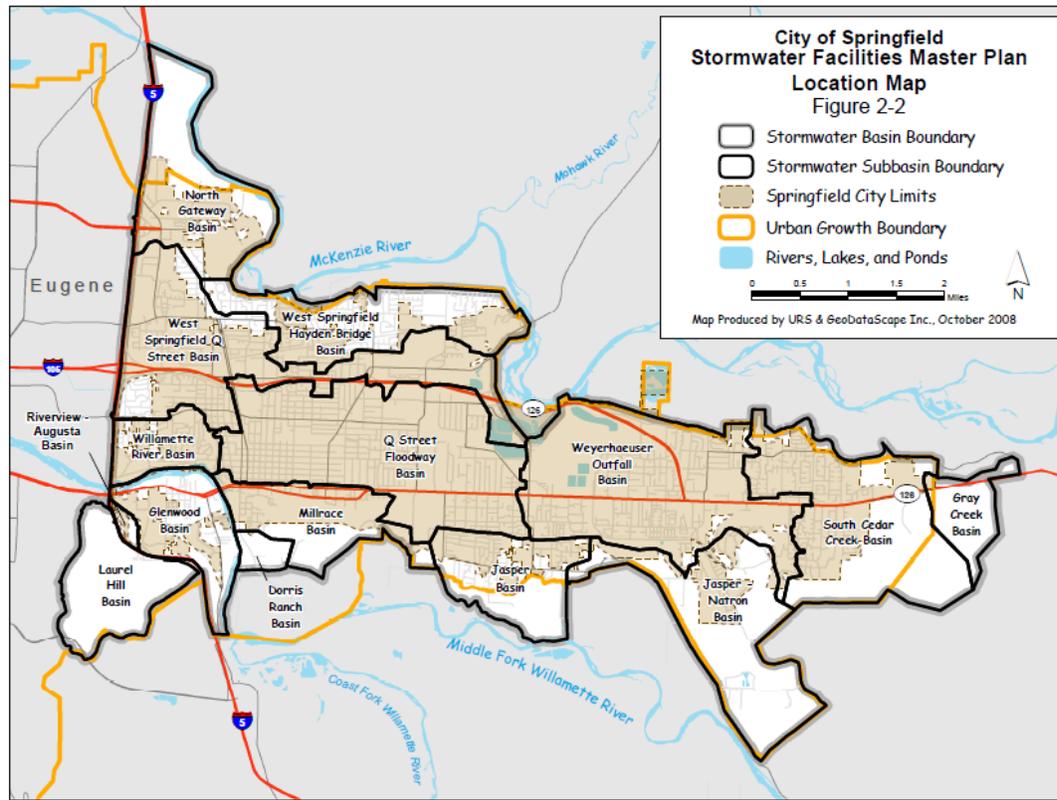
The following map depicts topography surrounding the UGB to demonstrate how topography presents constraints that influence and place limitations on potential service extensions to lands beyond the existing UGB.

Stormwater Facilities Master Plan Figure 2-3 Topography



The following map depicts the extent of the existing stormwater service area and system in 2008 to explain how topography, waterways, gravity flow and distance influence and place limitations on potential service extensions to lands beyond the existing UGB.

Stormwater Facilities Master Plan Figure 2-2 Basin Location



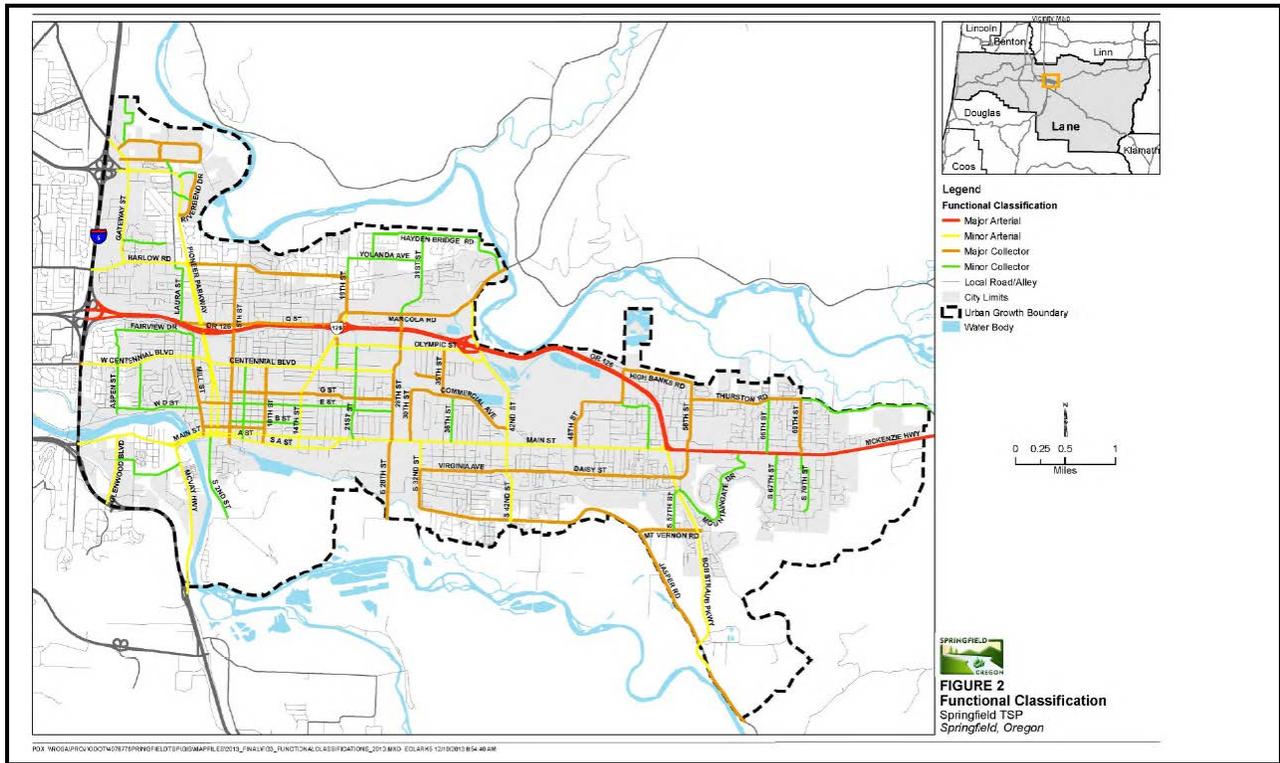
Transportation

- 2004 Lane County Transportation System Plan
- Lane County Roads Inventory
- 2035 City of Springfield Transportation System Plan
- 2002 Eugene-Springfield Transportation System Plan (TransPlan)
- Central Lane MPO Regional Transportation Plan

The following maps provide general depictions of the existing transportation system in Springfield and in the areas outside the UGB. The City's findings under Goal 12 provide more information about transportation facilities and applicable policies.

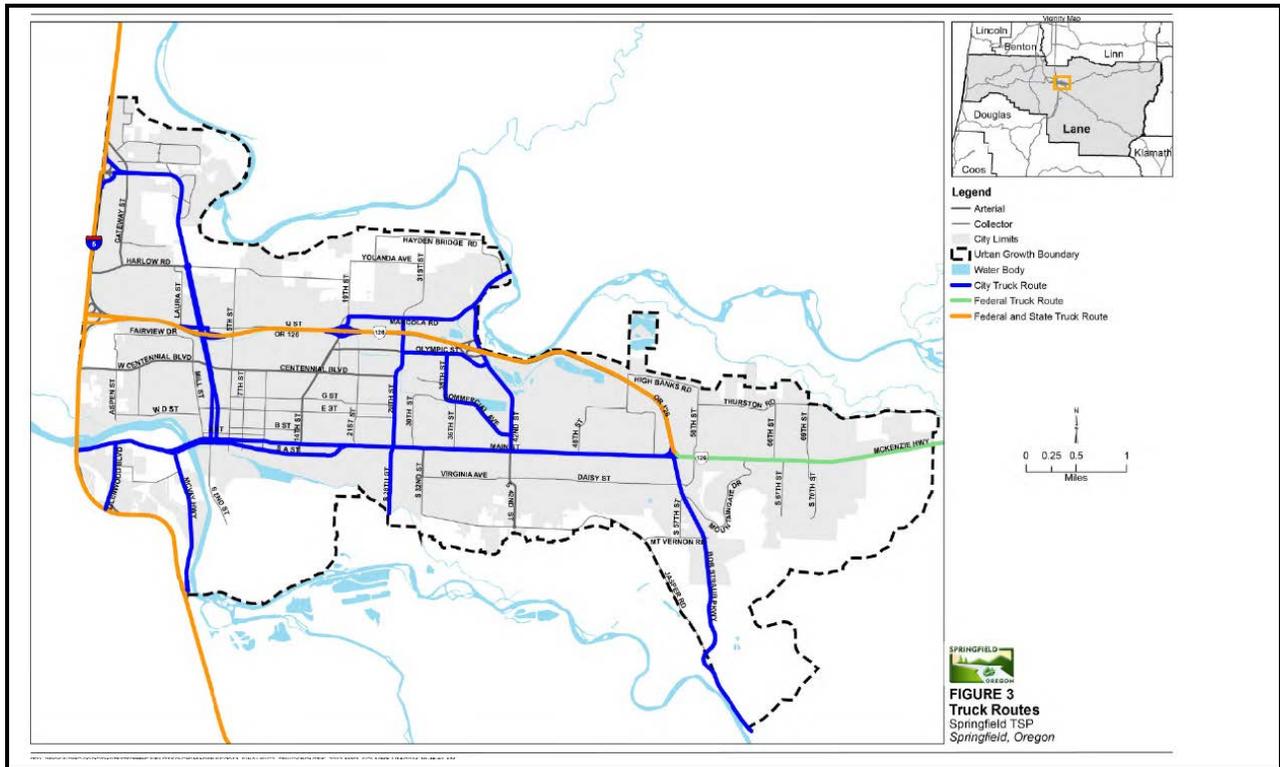
Springfield TSP Map Functional Classifications (2014) depicts the existing transportation system backbone to compare the location of existing facilities in relationship with lands outside the UGB. Lack of transportation facilities is a constraint that influences and place limitations on potential service extensions to lands beyond the existing UGB.

Springfield TSP Functional Classifications (2014)



The following map depicts existing Federal, State, and Local truck routes to compare the location of existing facilities in relationship with lands outside the UGB. Location relative to transportation facilities that are designated, designed and built to support truck traffic is a consideration that influences and place limitations on potential service extensions to serve industrial and commercial lands within and beyond the existing UGB.

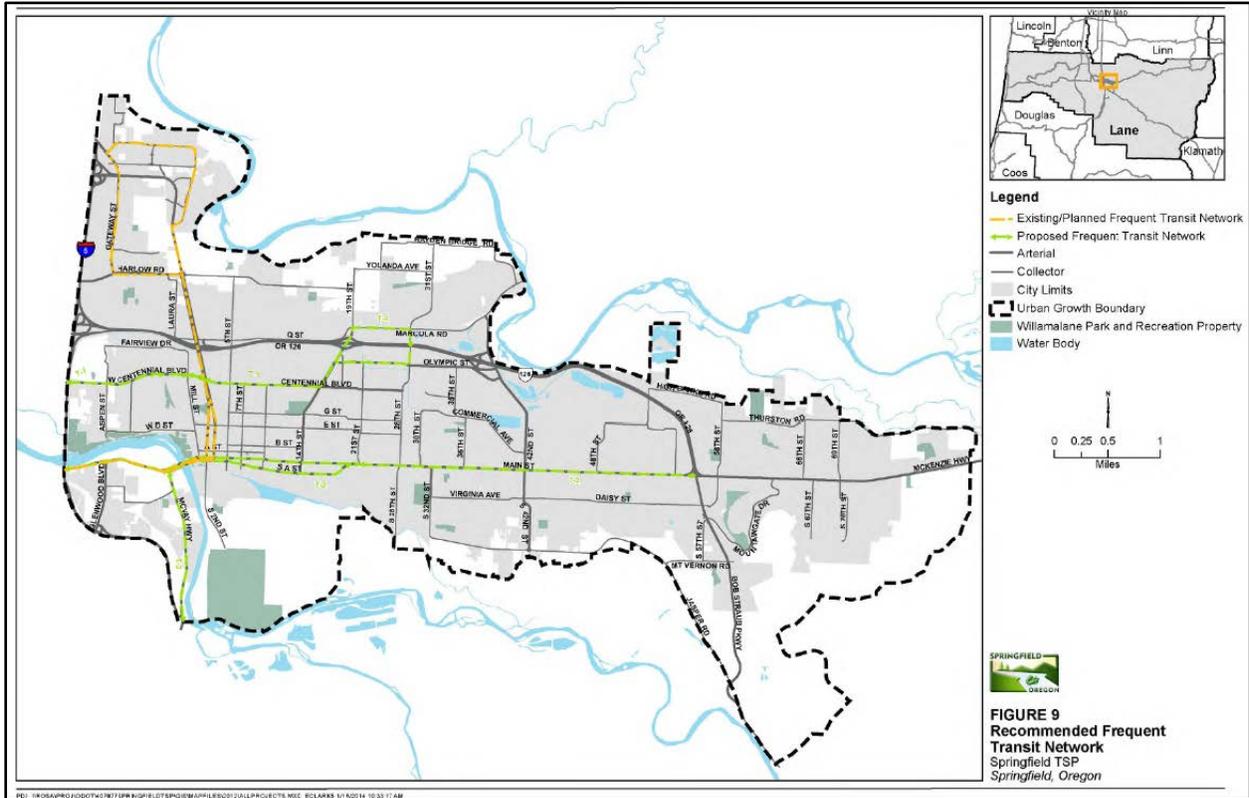
Springfield TSP Truck Routes



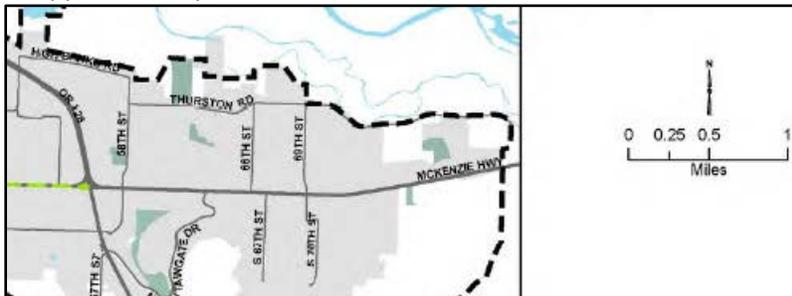
Planned Frequent Transit Service Network. The following map depicts the existing and planned frequent transit network to compare the location of existing and planned transit facilities in relationship with lands outside the UGB. OAR 660-024-0060(8)(c) identifies the provision of transit service as a service that cities larger than 25,000 must evaluate and compare in their UGB location alternatives analyses. Thus, the availability of and proximity to existing and planned networked transit facilities to

serve urban development is an important consideration to ensure that new employment areas are accessible to the population, including the transportation disadvantaged.

Springfield TSP Figure 9 Recommended Frequent Transit Network



As shown in Springfield TSP figure 9, the Recommended Frequent Transit Network is planned to extend to approximately 2.3 miles west of the eastern UGB extent on Main Street/Highway 126.



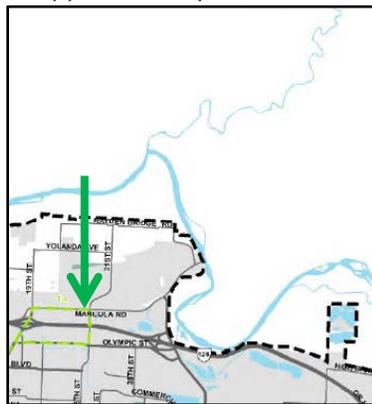
Detail of Springfield TSP Figure 9 Recommended Frequent Transit Network map

As shown in Springfield TSP figure 9, the Recommended Frequent Transit Network is currently located approximately 0.25 miles from the northern extent UGB (International Way/Maple Island Rd.).



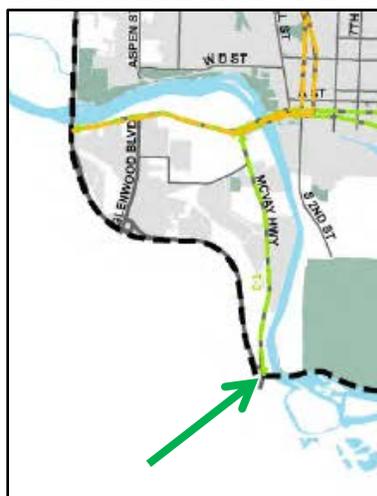
Detail of Springfield TSP Figure 9

As shown in Springfield TSP figure 9, the Recommended Frequent Transit Network is planned to extend to approximately 1.25 miles to the northern extent of the UGB at Marcola Rd/Hayden Bridge.



Detail of Springfield TSP Figure 9

As shown in Springfield TSP figure 9, the Recommended Frequent Transit Network is planned to extend to the southern extent of the UGB at McVay in Glenwood.



Detail of Springfield TSP Figure 9

As shown in Springfield TSP figure 9, the Recommended Frequent Transit Network is planned to extend on Main Street approximately 0.75 miles from the southern extent of the UGB at South 28th Street and

on South A approximately ½ mile from the UGB. Existing frequent transit service is on Main Street.



Detail of Springfield TSP Figure 9

As shown in Springfield TSP figure 9, the Recommended Frequent Transit Network is planned to extend to approximately 2.75 miles to the southeastern extent of the UGB at Jasper Road.

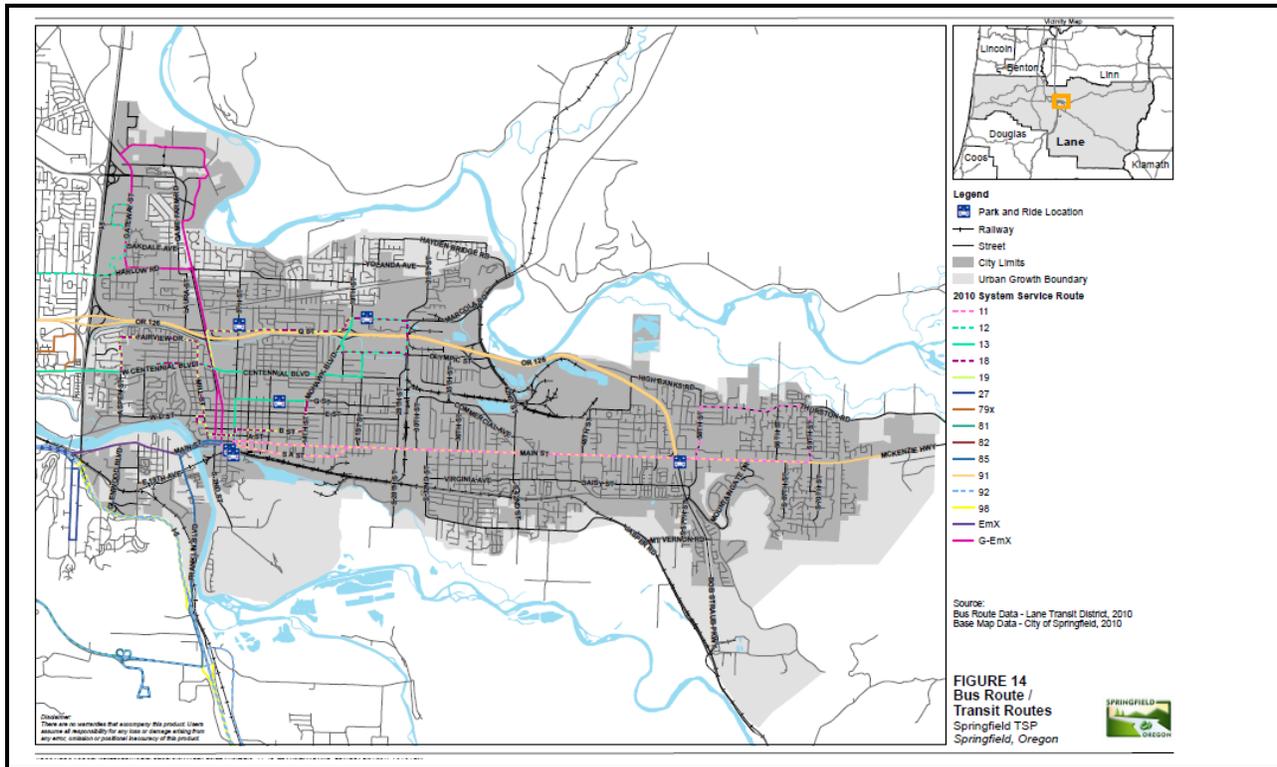


Detail of Springfield TSP Figure 9

Existing Transit Service Routes

The following map depicts existing bus/transit routes operating in 2010 to demonstrate the location of existing transit facilities in relationship with lands outside the UGB. OAR 660-024-0060(8)(c) identifies the provision of transit service as a service that cities larger than 25,000 must evaluate and compare in their UGB location alternatives analyses. Thus, the availability of and proximity to existing and planned networked transit facilities to serve urban development is an important consideration to ensure that new employment areas are accessible to the population.

Springfield TSP Existing Conditions Bus Routes/Transit Routes



As shown in the following details of the Lane Transit District System Map, three exception areas — the Far East, Seavey Loop/Goshen and Jasper Bridge B — are currently served by the public transit system or have existing routes in the vicinity of the exception area.

In 2010, Route 91 McKenzie Bridge provides service along East Main/Highway 126 via Route 91 with limited service and trips:

91 - McKenzie Br - Route Description

The route begins at Eugene Station (Bay G) and travels North on Olive, East on 10th Avenue, North on High Street, and East on 7th Avenue. The bus crosses the Ferry Street Bridge and travels on I-105/Highway 126 to arrive at Thurston Station (Bay B). It continues along Main Street/Highway 126 to serve Walterville, Leaburg, Vida, Nimrod, Finn Rock, Blue River, McKenzie Bridge and McKenzie River Ranger Station. To return the bus travels on the same route to Eugene Station.

During morning trips the bus serves Mckenzie River Drive between Blue River and McKenzie Bridge before arriving at the Ranger Station. After noon, this area will be served after departing from the Ranger Station to head back to Eugene Station

Route Variation: The weekday 5:30 PM trip; the route begins at Eugene Station (Bay G) and travels North on Olive, East on 10th Avenue, North on High Street, and East on Broadway which becomes Franklin Boulevard where it serves the Onyx Street. Franklin Boulevard becomes South

A Street where the bus serves Springfield Station (Bay H). The bus continues East down South A Street to Main Street until reaching Thurston Station (Bay B). The bus travels on regular routing after Thurston Station.

The weekday 6:14 AM trip which begins at the McKenzie River Ranger Station and follows the same limited routing in reverse upon reaching Springfield Station. However, the bus travels from Franklin Boulevard East on 11th to Eugene Station.

Route 91 Map



Routes 91 and 11 detail of Springfield TSP Figure 14 TSP Existing Conditions Bus Routes/Transit Routes map showing the location of existing Route 91 transit service to eastern UGB extent. UGB is indicated by light gray.



As shown in the following description and route map detail of the Lane Transit District System Map, Route 92 Lowell/LCC provides limited service and trips connecting Eugene, Pleasant Hill and Lowell via Franklin Blvd. in the vicinity of the Seavey Loop/Goshen exception area, and following Highway 58 in the vicinity of exception area Jasper Bridge B:

92 - Lowell/LCC - Route Description⁴⁰

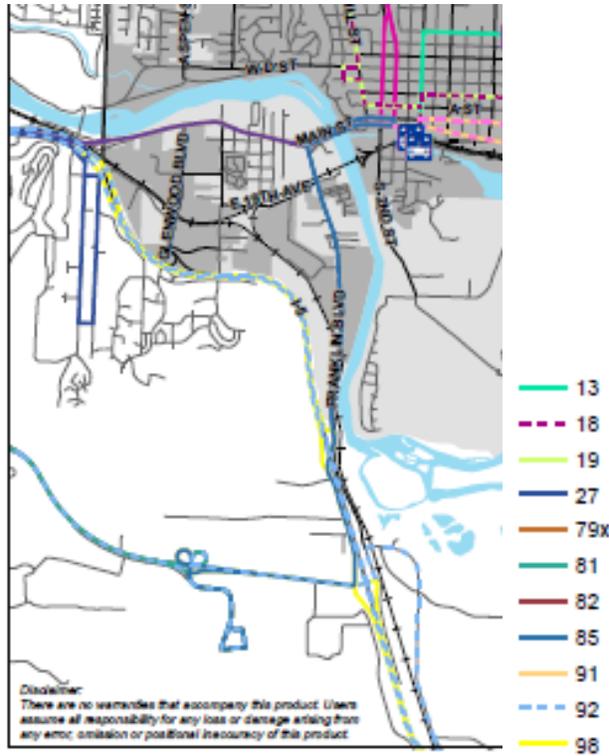
The route begins at Eugene Station (Bay I) and travels South on Willamette Street, East on 13th Avenue, and South on Pearl Street where it serves the West side of South Eugene High School before continuing South on Amazon Parkway. Upon reaching Amazon Station (Bay C), the bus turns East and travel on 30th Avenue to the Lane Community College exit, and South on Gonyea where it serves Lane Community College Station (Bay E), and Main Campus. The bus departs Lane Community College Station on Gonyea Road and travels East on 30th Avenue across I-5 onto Franklin Boulevard, and travels onto Seavey Loop Road. The bus continues towards Goshen and takes HWY 58 Eastbound where it serves Pleasant Hill. The bus travels North on Pioneer Street to Lowell, crossing Dexter Reservoir, West on East Main Street, North on Moss Street, and East on 2nd Street. The bus turns South on Pioneer Street and continues to Hwy 58 West to travel the regular routing to return to Eugene Station. Route Variation: The 6:32 PM trip leaving Lowell. The bus heads East on Jasper-Lowell Road and resumes on regular inbound routing until the bus reaches 20th Avenue. The 6:32 PM trip does not service LCC. The bus continues West on 30th Avenue and serves Amazon Station (Bay A). It continues North on Amazon Parkway, West on 19th Avenue, North on Oak Street, and West on 13th Avenue where it serves Sacred Heart Medical Center University District and UO Station (Bay B). The bus will head North on Kincaid Street and West on 11th Avenue to Eugene Station.

LTD Route 92 Map

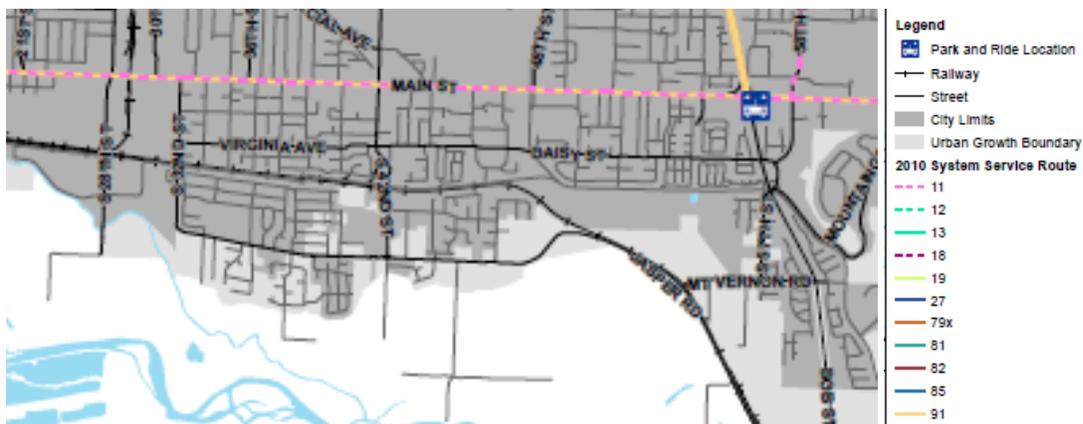


⁴⁰ LTD website <https://www.ltd.org/92-lowell-lcc-route-description/>

Route 92 Detail of Springfield TSP Figure 14 TSP Existing Conditions Bus Routes/Transit Routes map showing the location of existing Route 92 transit service to the southern UGB extent. UGB is indicated by light gray.

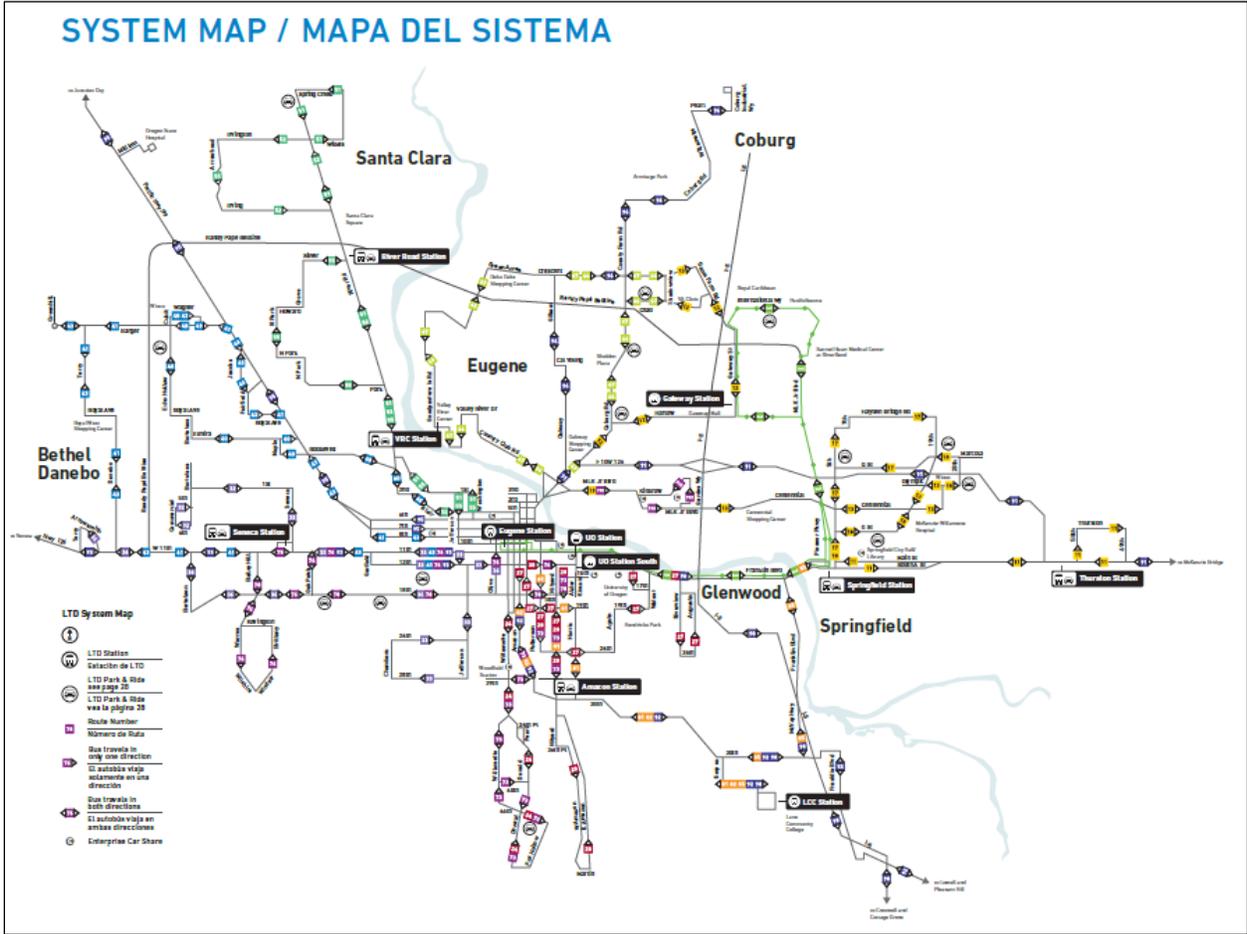


Route 11 Detail of Springfield TSP Figure 14 TSP Existing Conditions Bus Routes/Transit Routes map showing the relative location of existing Route 11 transit service to the southern UGB extent along Jasper Road. UGB is indicated by light gray.



Except where noted above, second and third priority exception and non-resource lands and marginal land areas are located distant to the Lane Transit District System.

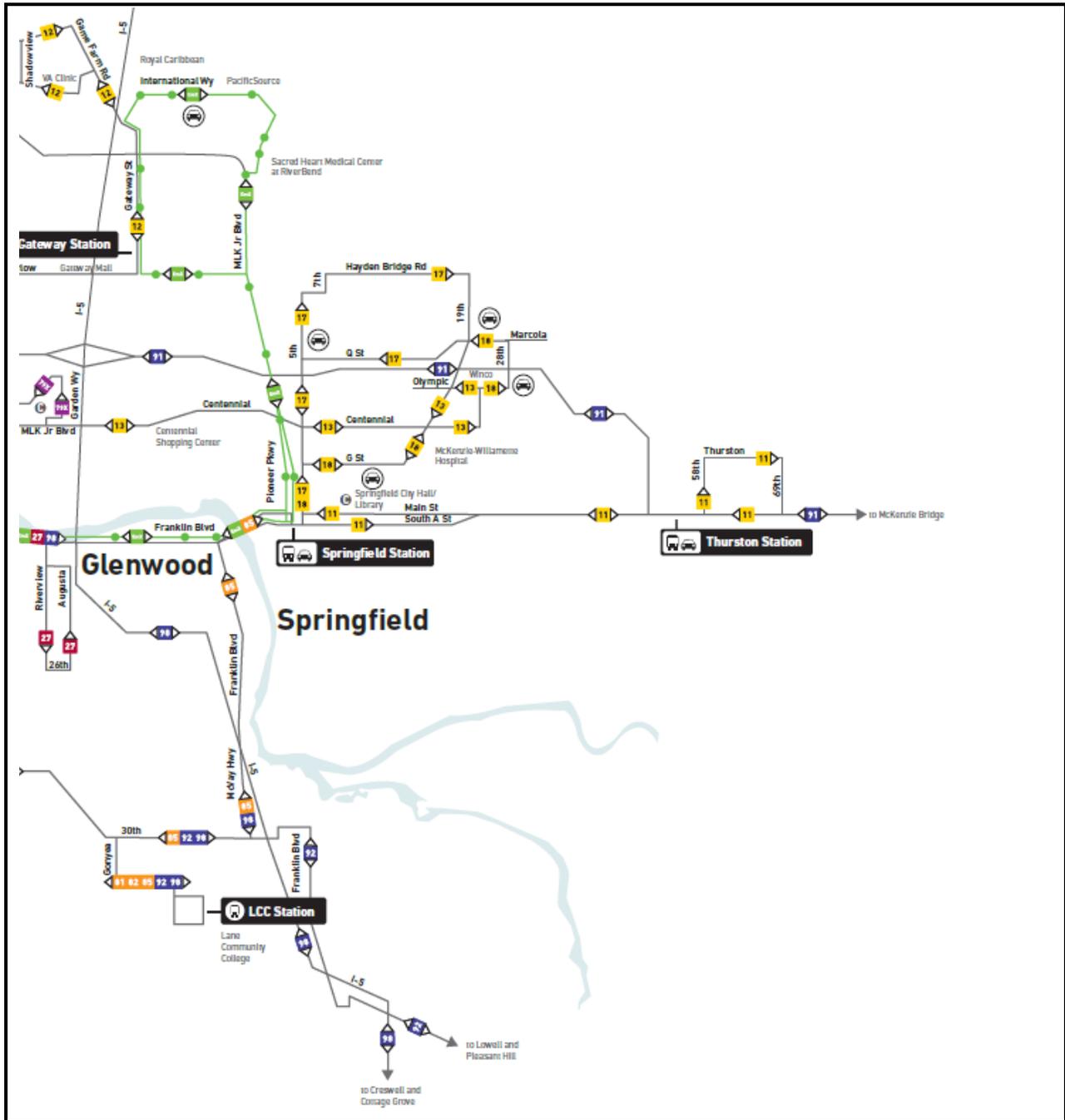
Lane Transit District System Map⁴¹



⁴¹ Lane Transit District website, <https://www.ltd.org/system-map/>

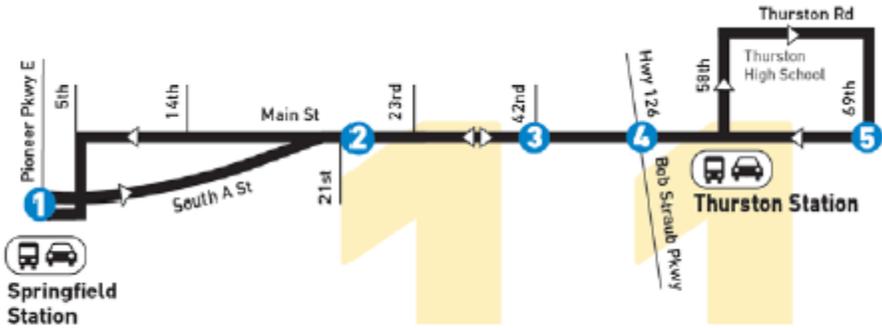
Springfield Detail of Lane Transit District System Map 2015⁴²

Green routes indicate existing EmX Bus Rapid Transit System frequent transit service.⁴³



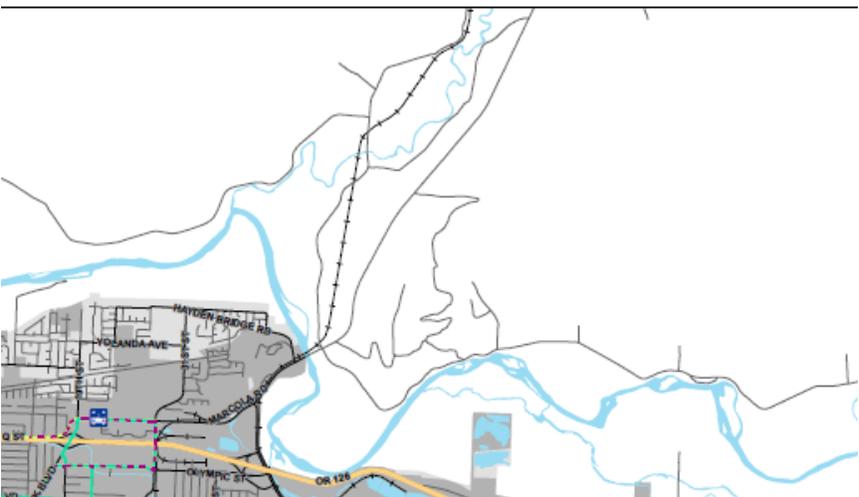
⁴² Lane Transit District website, <https://www.ltd.org/maps-stations-routing/> accessed 2-1-15.

⁴³ The Main Street route study to select a Preferred Alternative for service improvements between Springfield Station and Thurston Station is underway in 2016.

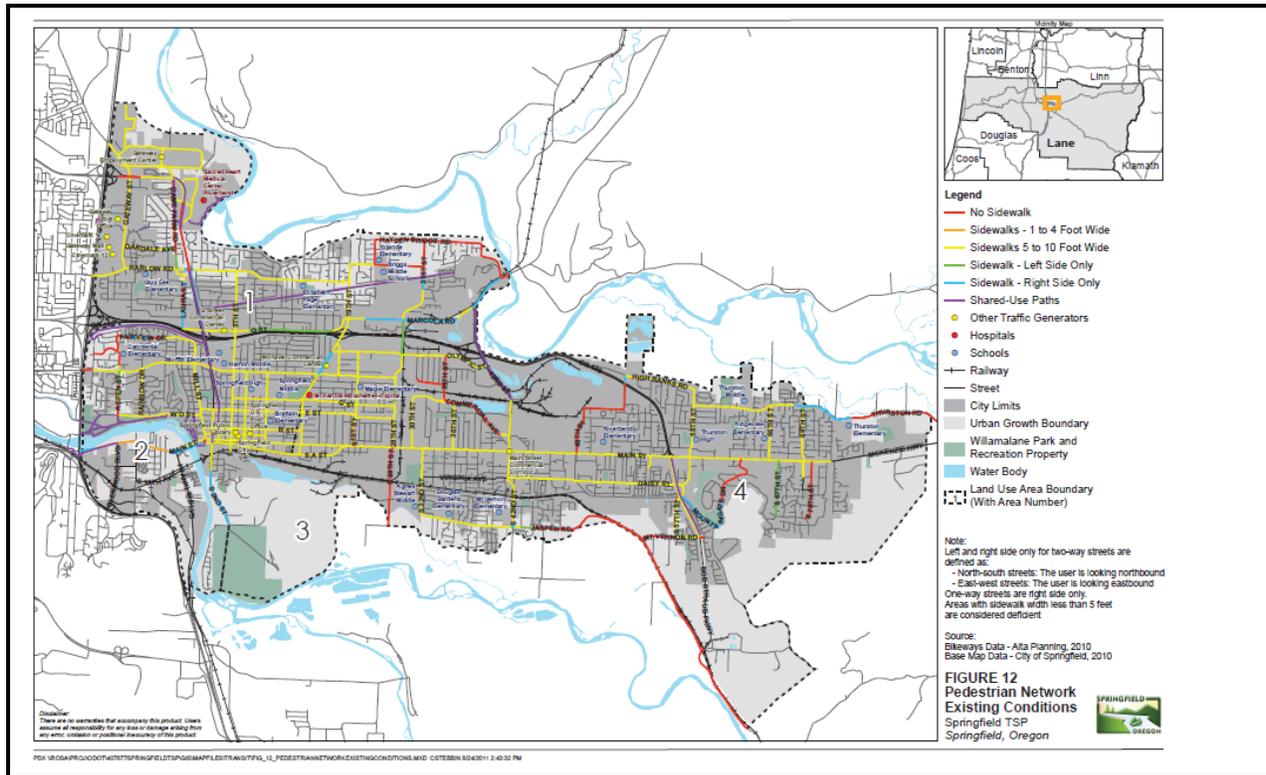


Route 11

Route 11 currently provides services in the Main Street corridor east to 58th Street (Thurston High School) continuing on Thurston Road east to 69th Street and back west to Thurston Station.



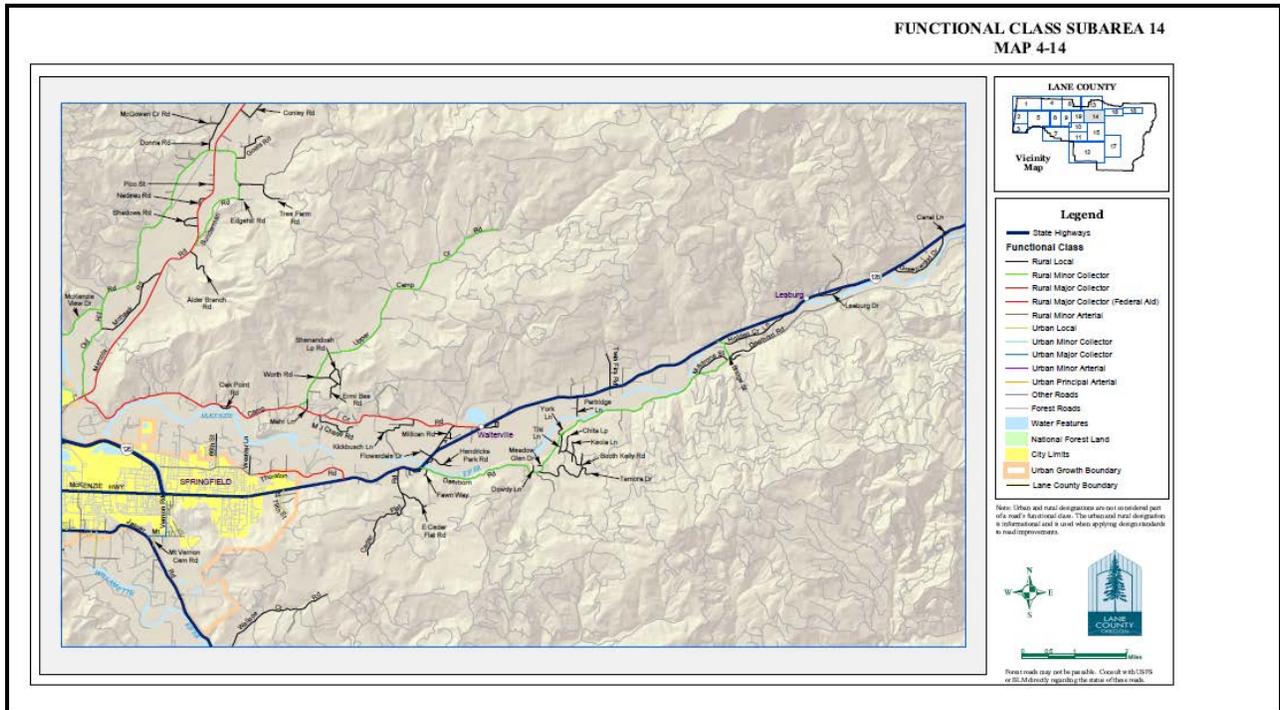
Springfield TSP Existing Conditions Pedestrian Network



The preceding map depicts Springfield’s existing network of pedestrian facilities, as of 2010. OAR 660-024-0060(8)(c) identifies the provision of transit service as a service that cities larger than 25,000 must evaluate and compare in their UGB location alternatives analyses. The accessibility of transit services is dependent upon one’s ability walk safely to and from a transit stop. Proximity to existing and planned networked pedestrian facilities is an important consideration to ensure that new employment areas are accessible to the workforce population, including the transportation disadvantaged and employees who choose alternative modes of transportation.

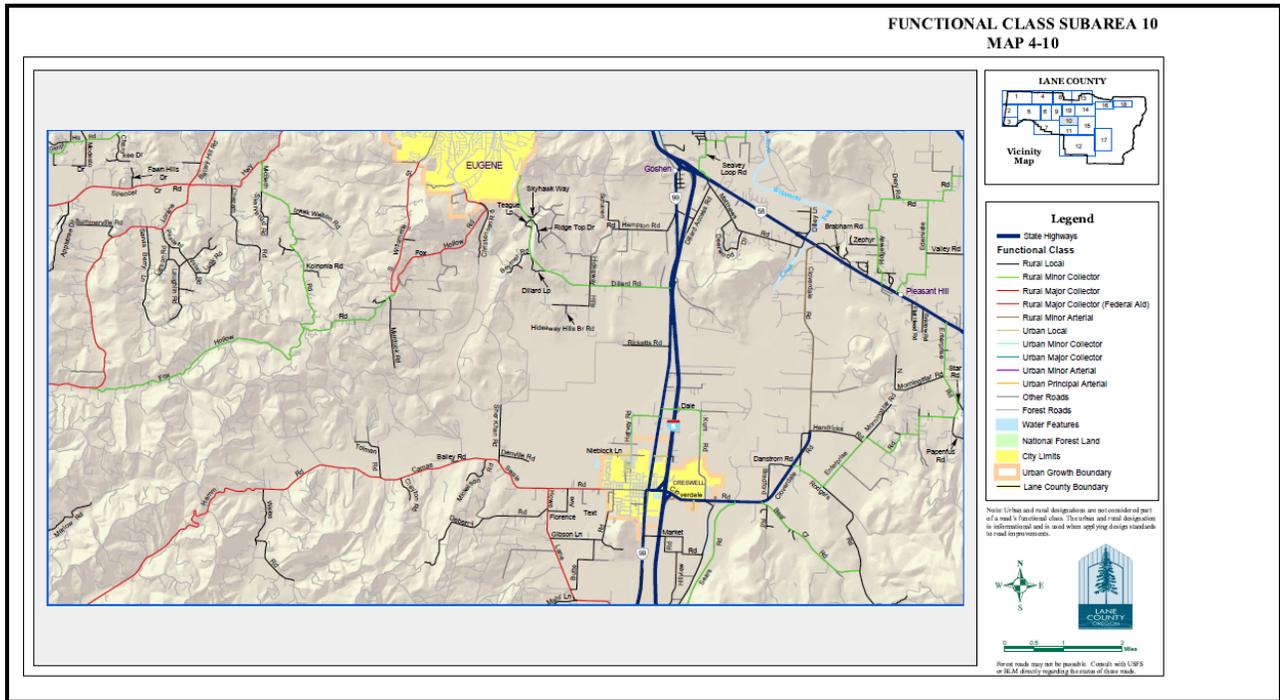
The following maps depict Lane County’s existing transportation system to explain the location of existing facilities in relationship with lands outside the UGB. The maps also depict topography as it relates to the location of the rural road network. Topography is a constraint that influences and places limitations on potential transportation extensions to lands beyond the existing UGB and to potential connectivity with lands inside the existing UGB.

Lane County TSP Functional Class Subarea 14



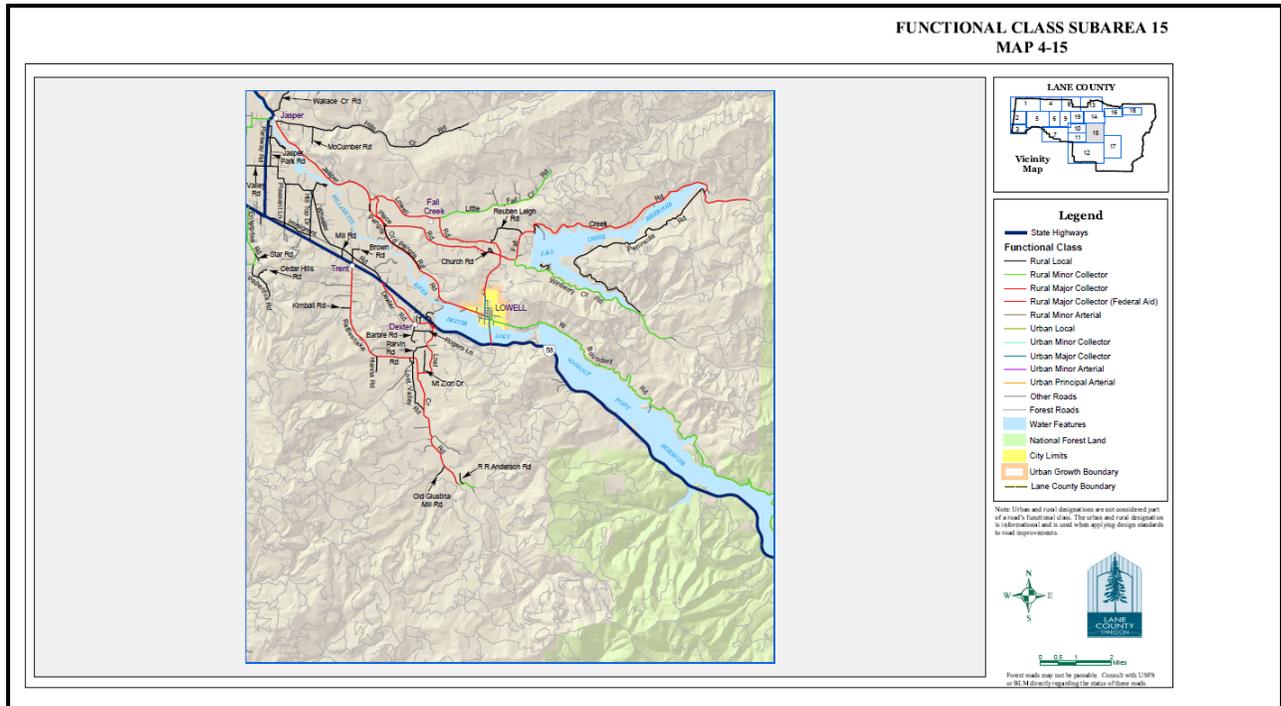
The preceding map depicts Lane County’s rural road network proximate to the **Far East, Thurston, Mohawk, Oxbow/Camp Creek, South Hills, Wallace Creek, and Clearwater** second priority exception areas. The preceding map depicts Lane County’s rural road network in the vicinity of the **Mohawk, Wallace Creek and Oxbow/Camp Creek** third priority marginal land areas.

Lane County TSP Functional Class Subarea 10



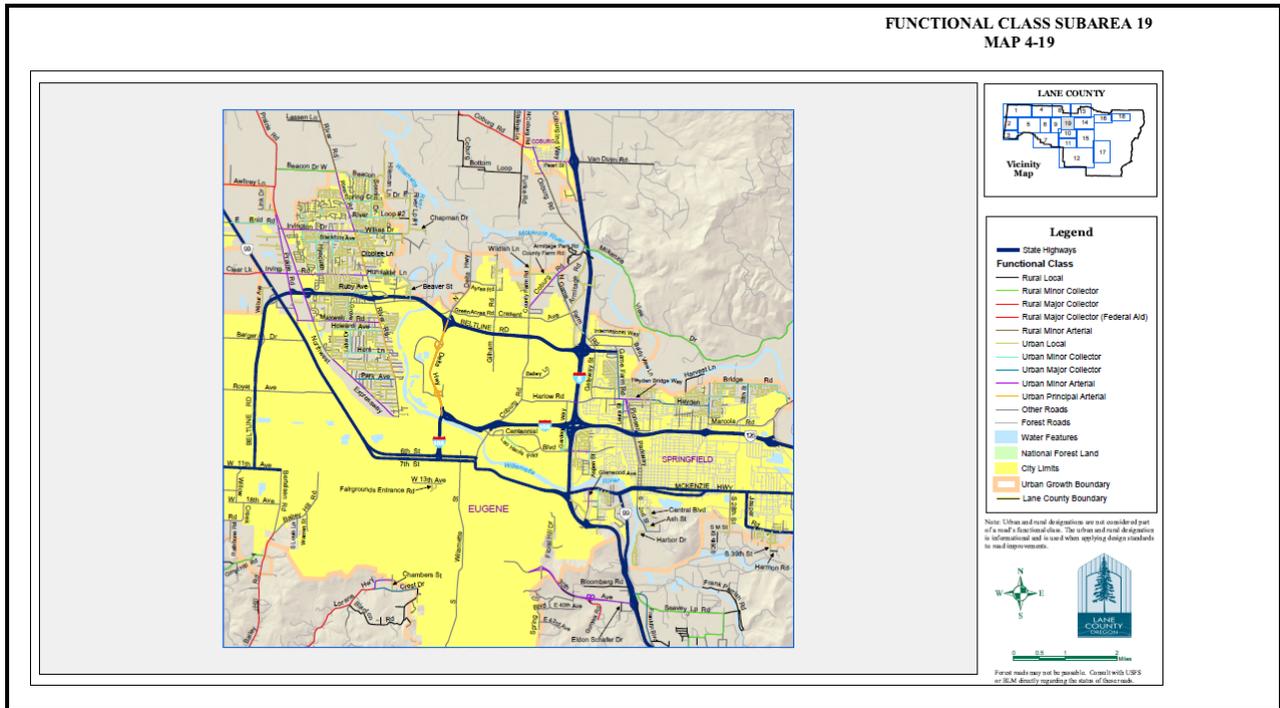
The preceding map depicts Lane County’s rural road network in the vicinity of the **Seavey Loop**, and **Seavey Loop/Goshen** second priority exception areas.

Lane County TSP Functional Class Subarea 15



The preceding map depicts Lane County’s rural road network in the vicinity of the **Wallace Creek** and **Jasper Bridge** second priority exception areas, and Wallace Creek third priority marginal areas.

Lane County TSP Functional Class Subarea 19



The preceding map depicts Lane County’s rural road network in the vicinity of the **McKenzie View** and **Seavey Loop** second priority exception areas.

Public Services Analysis of Potentially Suitable Second Priority Land

Table 5 summarizes and compares the opportunities and constraints associated with constructing public facilities and providing public services to lands in the vicinity of the Springfield UGB. The information summarized in Table X is based on information received from City engineering and transportation staff, the Springfield CIBL Technical Advisory Committee (TAC), service providers, public agency staff that were consulted with throughout the multi-year urbanization study process, and the public facilities plans identified in the previous sections of this report. In the Public Facilities and Services Analysis, the City identified physical constraints, engineering constraints, including legal constraints that affect or influence the physical placement of wastewater or stormwater management facilities.

The analysis includes a high planning level assessment of the relative degree of difficulty of providing public facilities and services. Early in the iterative multi-year analysis process, engineering and transportation staff, public service agency staff were asked to assign a numeric value ranging from 1-5 to assess and compare the relative degree of difficulty of providing public facilities and services to an area with 1= EASIER, 3=MEDIUM DIFFICULT, 5=DIFFICULT.⁴⁴ The relative rankings assigned were based on conceptual-level discussion of the wastewater, transportation, and stormwater improvements that would likely be needed to provide these public services to serve general areas, not individual parcels. Relative degree of difficulty addressed providing services to the edge of an area and did not include providing services internally within an area. These discussions and assessments were not based upon detailed analysis and are therefore subject to change. Cost of service was not estimated or evaluated at this point in the analysis.

The City relied on the findings in Table 5 —as further documented by referenced facility plans, maps and supplemental evidence in the record — to determine whether *potentially suitable* candidate second priority lands can be served with public water, wastewater, stormwater, and transportation including public transit systems within the 2010-2030 planning period based on physical constraints. In this step, the City excluded lands it deemed not serviceable based on physical constraints — and therefore not suitable — from further consideration in the UGB Alternatives Analysis.

The City's evaluation of alternatives and its conclusions regarding serviceability and thus suitability are based on a comparative analysis of physical facilities and services constraints that is appropriate for this level of planning. The City applied service comparison factors uniformly to the land under each priority. The City's conclusions regarding which lands to exclude are reasonable and supported by evidence.

⁴⁴ Draft Buildable Lands Inventory, 12/11/09 by City Engineer Ken Vogeney, input from Springfield Utility Board

Table 5: Second Priority Land Public Facilities and Services Analysis Summary	
McKenzie View B Exception Parcels:	
Water	<p>5 Difficult</p> <ul style="list-style-type: none"> isolated by distance and topography from existing urban services Separated from urban services by the McKenzie River, must cross river with urban services Would need to bore under river (if permitted) to extend public water service main Nearest water transmission line is a 24" line in the vicinity of 28th Street/Yolanda, approximately 6,000-8000 feet from the parcels
Wastewater	<p>5 Difficult</p> <ul style="list-style-type: none"> Isolated by distance and topography from existing urban services Separated from urban services by the McKenzie River, must cross river with urban services Nearest collection system is across the river and more than 2,000 feet away: a 15" line in Vera Street. Would need to upgrade Vera pump station. Would need to bore under river (if permitted) to extend service main, then gravity flow to East Springfield interceptor.
Stormwater	<p>3 Medium Difficult</p> <ul style="list-style-type: none"> Separated from urban services by the McKenzie River No developed system or outfalls in vicinity New stormwater outfalls will involve several other regulatory agencies because the work would affect threatened and endangered species habitat, excavation in the waters of the state and waters of the United States, and potential wetlands. The McKenzie River is federally classified as critical salmonid habitat.
Transportation (including transit service)	<ul style="list-style-type: none"> Isolated by distance and topography from existing urban services Access to exception parcels from Springfield and I-5 is via McKenzie View Drive, a Rural Minor Collector – approximately 4.5 miles from UGB at Game Farm Rd.; or across the McKenzie River via Marcola Rd. (Rural Major Collector, 46-36' wide), Old Mohawk Rd. (Rural Minor Collector), and Hill Rd. (Rural Minor Collector) - approximately 5 miles from UGB at Hayden Bridge. All roads will need improvement to accommodate industrial or commercial development and multi-modal access Upgrade McKenzie View Drive to urban standards and provide capacity improvements Marcola Road: "With Permit Truck-Tractor Semitrailer Combinations may operate at a maximum of 75 feet in overall length. The maximum length of a semitrailer in a truck tractor semitrailer combination is 53 feet. Double Trailer Combinations may operate at a maximum of 95 feet in overall length."⁴⁵ No transit services, pedestrian facilities or ADA access in area. Same findings as Mohawk re upgrades to 42nd St., 42nd/Marcola intersection and 42nd and Hwy 126 interchange
Urban services conclusion/	The City excluded the McKenzie View Exception parcels from consideration because this areas does not provide and cannot reasonably be expected to be provided with

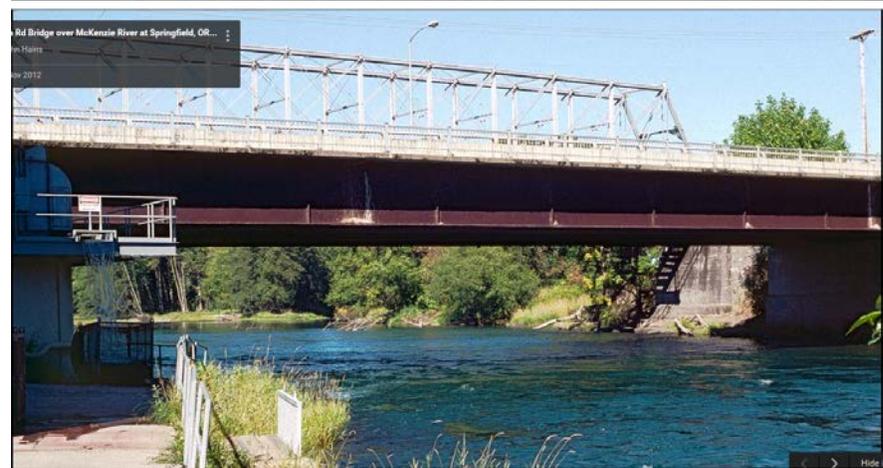
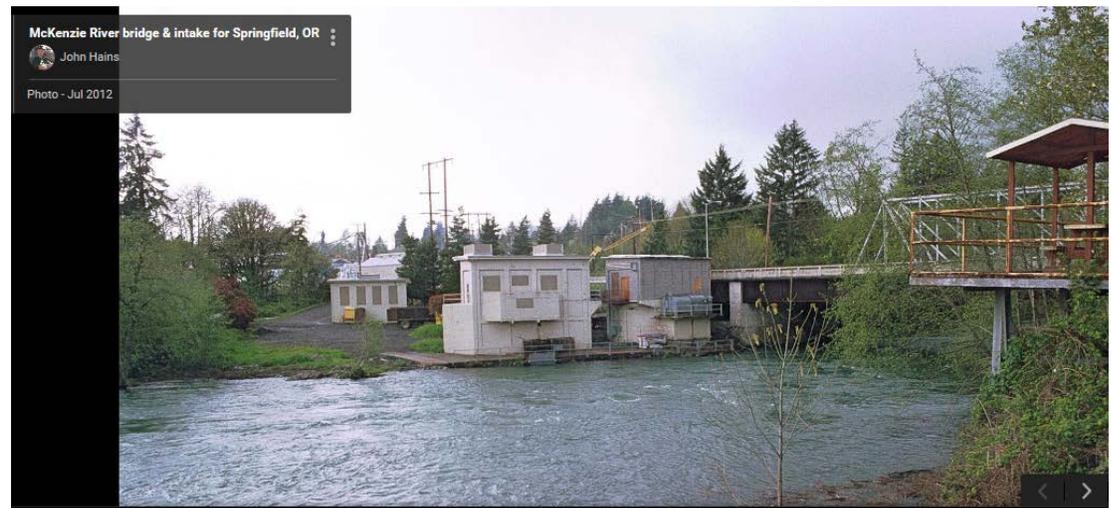
⁴⁵ Lane County Weight Restricted Bridges and Approved Route List (Revised 02-2014), <http://www.odot.state.or.us/forms/motcarr/od/4020.pdf>, website accessed 2-5-16

<p>physical constraints McKenzie View Exception</p>	<p>the public water, wastewater, stormwater and transportation infrastructure and services necessary to serve urban employment uses. Lands cannot reasonably be provided with urban services due to physical constraints of distance and topography that preclude reasonable extension of water, wastewater and transportation, including transit, and ability to provide adequate stormwater management. The City has determined that this area is not serviceable to meet Springfield’s identified industrial and commercial land use needs during the 20-year planning period ending 2030, as defined in OAR 660-009-0005(9).</p>
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Mohawk A, B, and C Exception Parcels:

<p>Water</p>	<p>5 Difficult</p> <ul style="list-style-type: none"> • B and C are isolated by distance and topography from existing urban services • Separated from urban services by the McKenzie River, must cross river with urban services • River is a barrier to extension of water transmission that makes extension of public water system infeasible⁴⁶ • Nearest water transmission line is a 16” line at Marcola Rd. /Hayden Bridge
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Photos: EWEB Intake at Hayden Bridge and existing Hayden Bridge (Marcola Road crossing McKenzie)



⁴⁶ See email from City Civil Engineer Clayton McEachern P.E., to Linda Pauly, dated 2/8/16 describing physical constraints to extending a water transmission line across the McKenzie River either via the existing bridge or by boring underwater.

<p>Wastewater</p>	<p>5 Difficult</p> <ul style="list-style-type: none"> • B and C are isolated by distance and topography from existing urban services • Separated from urban services by the McKenzie River, must cross river with urban services • Will require pumping across the river and expanding capacity in existing sewer in Marcola Road (existing UGB). Geology precludes boring under river in this location. A line rupture in this location could contaminate Eugene’s water supply. • Would require new trunk line from North Springfield Interceptor to and along Hayden Bridge Rd and new pump stations inside area to get flow to new trunk. Bridge is high point. Pump stations are needed to bring flow up to bridge and across river, then gravity flow to interceptor. • Nearest collection system is a 10” line in Marcola Rd., more than 4,000 feet from Mohawk A, 3 miles to Mohawk B parcels, and 4 miles to Mohawk C parcels • Mohawk C parcels are located more than 2 miles from UGB
<p>Stormwater</p>	<p>5 Difficult</p> <ul style="list-style-type: none"> • Separated from urban services by the McKenzie River • No new outfalls permitted upstream from Hayden Bridge (Three Basin Rule⁴⁷) • Eugene Water and Electric Board’s water intake at Hayden Bridge would require significant separation from any new outfalls developed downstream from the intake⁴⁸ • No developed system in vicinity • Mohawk C parcels >2 miles from UGB
<p>Transportation (including transit service)</p>	<p>4 Difficult</p> <ul style="list-style-type: none"> • B and C are isolated by distance and topography from existing urban services • Access to exception parcels from Springfield is across the McKenzie River via 42nd Street and Marcola Rd. (Rural Major Collector, 46-36’ wide), Old Mohawk Rd. (Rural Minor Collector/Rural Local Collector, 30’ wide), and Camp Creek Rd. (Rural Major Collector, 30’ wide).^{49 50} Roads may need improvement to accommodate additional development and provide multi-modal access: • Upgrade 42nd St. to urban standards⁵¹ • Upgrade 42nd/Marcola intersection • May need to upgrade 42nd and OR 126 interchange⁵² • Upgrade Camp Creek to urban standards and provide capacity improvements • Would require internal collector street system. • Existing bridge in place, but would need to be improved to provide full urban standards including multi-modal access. • Urban standards and capacity improvements needed on existing and future collector

⁴⁷ OAR 340-041-0350(1)(b) prohibits new or increased waste discharges that require NPDES permit, WPCF permit, or 401 Certification to the waters of the McKenzie River Subbasin above the Hayden Bridge (river mile 15).

⁴⁸ See email from City Civil Engineer Clayton McEachern P.E., describing physical factors that preclude construction of new stormwater outfalls in the vicinity of EWEB’s Hayden Bridge McKenzie River water intake facility.

⁴⁹ Source of Functional Classifications: 2004 Lane County Transportation System Plan Functional Class Subarea 14 Map 4-14

⁵⁰ Source of road widths: Lane County Roads Inventory,

http://www.lanecounty.org/Departments/PW/TransPlanning/Documents/AppendixB_RoadsInventory.pdf

Accessed January 26, 2016

⁵¹ Project # R-41 42nd St. from Marcola Rd. to railroad tracks is listed as a “20-year priority project” in the Springfield 2035 TSP Attachment A.

⁵² See ODOT staff Helton email to staff Reesor, Dec. 29, 2008: “The interchange on Hwy 126 at 42nd St. has failing segments even with planned improvements, but it can probably be made to operate with additional improvements to the local system.” Project #R-35 is identified as a “Beyond 20-year Project” in the 2035 Springfield TSP, Appendix A, p. 14.

	<p>system from Mohawk/Highway 126 interchange to area, including Hayden Bridge Rd, 19th St, 23rd St, and 31st St</p> <ul style="list-style-type: none"> • Previous ODOT study showed a need for upgrading at Hwy 126 and 42nd St. (without UGB expansion). Traffic backs up at the 42nd St. rail crossing at entrance to the IP plant, causing delays with access to Hwy 126. • Isolated from I-5 interchange. Mohawk A parcels are located 1 mile from Highway 126/I-105, and 5 miles from I-5; Mohawk C parcels >2 miles from UGB • Steep slopes east of Marcola Rd. • Access to Mohawk A, B and C would route traffic through farmland and rural residential areas • Marcola Road and Old Mohawk Road: “With Permit Truck-Tractor Semitrailer Combinations may operate at a maximum of 75 feet in overall length. The maximum length of a semitrailer in a truck tractor semitrailer combination is 53 feet. Double Trailer Combinations may operate at a maximum of 95 feet in overall length.”⁵³ • No transit services, pedestrian facilities or ADA access in area. Nearest service is Route 17 Hayden Bridge Rd. and 19th Street. Route Description: “The route begins at Springfield Station (Bay B) and travels North on 5th Street where it serves Springfield City Hall and Library and the Fred Meyer Shopping Center. The bus travels East on Hayden Bridge Place, North on 7th Street, West on Hayden Bridge Road, and South onto 19th Street where it serves Mohawk Marketplace. The bus travels West on Q Street and South on 5th Street to return to Springfield Station.”⁵⁴
<p>Urban services conclusion/ physical constraints Mohawk Exception</p>	<p>The City excluded the Mohawk Exception parcels from consideration because these areas do not provide and cannot reasonably be expected to be provided with the public water, wastewater, stormwater and transportation infrastructure and services necessary to serve urban employment uses. Lands cannot reasonably be provided with urban services due to physical constraints of distance and topography that preclude reasonable extension of water, wastewater and transportation, including transit, and ability to provide adequate stormwater management. The City has determined that this area is not serviceable to meet Springfield’s identified industrial and commercial land use needs during the 20-year planning period ending 2030, as defined in 660-009-0005(9).</p>
<p>Oxbow/Camp Creek Exception Parcels</p>	
<p>Water</p>	<p>5 Difficult</p> <ul style="list-style-type: none"> • Isolated by distance and topography from existing urban services • Separated from urban services by the McKenzie River, must cross river with urban services • Nearest water transmission line is a 16” line Marcola Rd. /Hayden Bridge • River is a barrier to extension of water transmission that makes extension of public water system infeasible⁵⁵ • Same findings as Mohawk

⁵³ Lane County Weight Restricted Bridges and Approved Route List (Revised 02-2014), <http://www.odot.state.or.us/forms/motcarr/od/4020.pdf>, website accessed 2-5-16.

⁵⁴ Email from LTD staff Will Mueller, dated June 28, 2013 provides comments describing the physical requirements necessary to provide transit service applicable to extending transit service to any new areas: “Connecting roadways and streets would need to be constructed to city standards that support LTD’s buses including sufficient lane width, intersection curb radii, and sidewalk width at prospective bus stops to meet ADA standards in effect at time of construction (2013 standards require 8’ sidewalks at bus stops).

⁵⁵ See email from City Civil Engineer Clayton McEachern P.E., to Linda Pauly, dated 2/8/16 describing physical constraints to extending a water transmission line across the McKenzie River either via the existing bridge or by boring underwater.

<p>Wastewater</p>	<p>5 Difficult</p> <ul style="list-style-type: none"> • Isolated by distance and topography from existing urban services • Separated from urban services by the McKenzie River, must cross river with urban services • Would require pumping across the river and expanding capacity in existing sewer in Marcola Road (existing UGB). Geology precludes boring under river in this location. • EWEB intake at Hayden Bridge is the intake for the City of Eugene’s water supply. • Would require new trunk line from North Springfield Interceptor to and along Hayden Bridge Rd and new pump stations inside area to get flow to new trunk. Bridge is high point. Pump stations are needed to bring flow up to bridge and across river, then gravity flow to interceptor. • Nearest collection system is a 10” line in Marcola Rd., more than 4,000 feet from Hayden Bridge, and approximately 6,000 feet to the westernmost parcel. • Eastern Camp Creek parcels approximately 5 miles from nearest wastewater connection via Hayden Bridge/Marcola Rd. or via Hendricks Bridge/Main Street. • Same findings as Mohawk
<p>Stormwater</p>	<p>5 Difficult</p> <ul style="list-style-type: none"> • Separated from urban services by the McKenzie River • No new outfalls permitted upstream from Hayden Bridge (Three Basin Rule)⁵⁶ • EWEB intake at Hayden Bridge is the intake for the City of Eugene’s water supply. • No developed system or existing discharge permits in vicinity • Same findings as Mohawk are applicable
<p>Transportation (including transit service)</p>	<p>5 Difficult</p> <ul style="list-style-type: none"> • Isolated by distance and topography from existing urban services • Access to exception parcels from Springfield and I-5 is across the McKenzie River via Marcola Rd. (Rural Major Collector, 46-36’ wide), Old Mohawk Rd. (Rural Minor Collector/Rural Local Collector, 30’ wide), and Camp Creek Rd. (Rural Major Collector, 30’ wide). Roads may need improvement to accommodate additional development and multi-modal access: • Upgrade 42nd St. to urban standards • Upgrade 42nd/Marcola intersection • Upgrade 42nd and Hwy 126 interchange • Upgrade Camp Creek to urban standards and provide capacity improvements • Would require internal collector street system • Marcola Road: “With Permit Truck-Tractor Semitrailer Combinations may operate at a maximum of 75 feet in overall length. The maximum length of a semitrailer in a truck tractor semitrailer combination is 53 feet. Double Trailer Combinations may operate at a maximum of 95 feet in overall length.”⁵⁷ • No transit services, pedestrian facilities or ADA access in area. • Same findings as Mohawk are applicable
<p>Urban services conclusion: Oxbow/Camp</p>	<p>The City excluded the Oxbow/Camp Creek Exception parcels from consideration because these areas do not provide and cannot reasonably be expected to be provided with the public water, wastewater, stormwater and transportation</p>

⁵⁶ OAR 340-041-0350(1)(b) prohibits new or increased waste discharges that require NPDES permit, WPCF permit, or 401 Certification to the waters of the McKenzie River Subbasin above the Hayden Bridge (river mile 15).

⁵⁷ Lane County Weight Restricted Bridges and Approved Route List (Revised 02-2014), <http://www.odot.state.or.us/forms/motcarr/od/4020.pdf>, website accessed 2-5-16

Creek Exception	infrastructure and services necessary to serve urban employment uses. Lands cannot reasonably be provided with urban services due to physical constraints of distance and topography that preclude reasonable extension of water, wastewater and transportation, including transit, and ability to provide adequate stormwater management. The City has determined that this area is not serviceable to meet Springfield’s identified industrial and commercial land use needs during the 20-year planning period ending 2030, as defined in OAR 660-009-0005(9).
Jasper Bridge Exception Parcels	
Water	<p>A: 5 Difficult B: 4 Difficult</p> <ul style="list-style-type: none"> • Isolated by distance and topography from existing urban services • Must cross Willamette River with urban services to serve Jasper Bridge A (west side) parcels. • The nearest water transmission line is 2-3 miles from the exception parcels: the 24” “Natron” water line, extended in 2013 to the SW corner of the school district property. The 16” line at Westwind/Linda Lane provides a looped system. • A planned 24” line will extend south from Weyerhaeuser Haul Rd. to serve the SE portion of the UGB.
Wastewater	<p>5 Difficult</p> <ul style="list-style-type: none"> • Isolated by distance and topography from existing urban services • The nearest sewer is 2-3 miles from these parcels. The Jasper Trunk terminus at S. 57th is a 12” main. Nearest 27” main is at 42nd St. Multiple pump stations would be needed, or a new treatment facility if permitting would allow. • Would require pump stations and trunk line extensions to cross Willamette River to serve west side parcels. • Jasper trunk sewer may not have adequate capacity to serve industrial uses, so a new parallel trunk may be necessary • May be more feasible to serve from Pleasant Hill if a public collection/treatment system is developed for that area in the future • Geology may allow boring under river in this location
Stormwater	<p>2 Easier</p> <ul style="list-style-type: none"> • Physical connections to the Middle Fork Willamette River system can be made with little or no impact on existing stormwater systems. This area would be a new basin. • Development of the area may require land acquisition to safely convey stormwater runoff to the river. • Would require new outfall(s) to Willamette River. • New stormwater outfalls will involve several other regulatory agencies because the work would affect threatened and endangered species habitat, excavation in the waters of the state and waters of the United States, and potential wetlands. • The Middle Fork Willamette River is federally classified as critical salmonid habitat.
Transportation (including transit service)	<p>5 Difficult</p> <ul style="list-style-type: none"> • Isolated by distance and topography from existing urban services • Access from Jasper Road but urban standards and capacity improvements would be necessary.⁵⁸ • Topography limits expansion of Jasper Rd.

⁵⁸ Project #US-12 Jasper Road-South 42nd Street to northwest of Mt. Vernon Road, and Project # US-13 Bob Straub Parkway – Mt. Vernon Rd to UGB are identified as a “Beyond 20-year Projects,” TSP Projects Located on Lane CO Facilities list, in the 2035 Springfield TSP, Attachment A.

	<ul style="list-style-type: none"> • West side parcels: The existing 1952 metal truss Jasper Bridge⁵⁹ has low service life and would need to be upgraded or replaced to handle increased traffic generation and to provide multi-modal access to Jasper Bridge A west side parcels. • Connection to Hwy 58 but limited connection to Hwy 126/I-5 • Need to further study capacity at the I-5/Hwy 58th interchange. Improvements may be needed depending on size and location of expansion area.”^{60,61} • Access to west side parcels would route traffic through existing rural residential development on Edenvale Rd. • County facilities Jasper – Lowell Road, Jasper Rd. and Hills Creek Road: “With Permit Truck-Tractor Semitrailer Combinations may operate at a maximum of 75 feet in overall length. The maximum length of a semitrailer in a truck tractor semitrailer combination is 53 feet. Double Trailer Combinations may operate at a maximum of 95 feet in overall length.”⁶² • Needs internal collector system • “Main St/Straub Parkway intersection is failing today even with planned interchange improvements”, and there are safety issues with signal. Traffic would need to be distributed differently. Significant development would need to participate in funding of ODOT IAMP. Impacts to the OR126/Main St intersection should be considered. ODOT’s previous analysis indicate that the OR 126/Main St, Main St/54th St. and Main St/58th St all exceed capacity by 2031.^{63 64} • Bob Straub Parkway – Mt. Vernon to UGB needs to be improved to a three-lane cross section with sidewalks and bike facilities.⁶⁵ • No pedestrian facilities or ADA access in area. • Nearest public transit service is at Thurston Station on Main Street, >3 miles away.⁶⁶
<p>Urban services conclusion: Jasper Bridge Exception</p>	<p>The City excluded the Jasper Bridge Exception parcels from consideration because these areas do not provide and cannot reasonably be expected to be provided with the public water, wastewater, stormwater and transportation infrastructure and services necessary to serve urban employment uses. Lands cannot reasonably be provided with urban services due to physical constraints of distance and topography that preclude reasonable extension of water, wastewater and transportation, including transit, and ability to provide adequate stormwater management. The City has determined that this area is not serviceable to meet Springfield’s identified industrial and commercial land use needs during the 20-year planning period ending 2030, as defined in OAR 660-009-0005(9).</p>

⁵⁹ Jasper Bridge (ODOT 04117A) is identified in the ODOT 2015 *Bridge Condition Report* as “Low Service Life”, a candidate for repair or replacement; bridge #07890 at MP 5.64 has timber substructure deficiencies.

⁶⁰ Comments received from ODOT Region 2, Area 5 staff Savannah Crawford, email dated June 18, 2013.

⁶¹ Interchange improvements at Main St/Hwy 126 and Highway 126 at 52nd are listed as financially constrained projects in the Regional Transportation Plan (RTP).

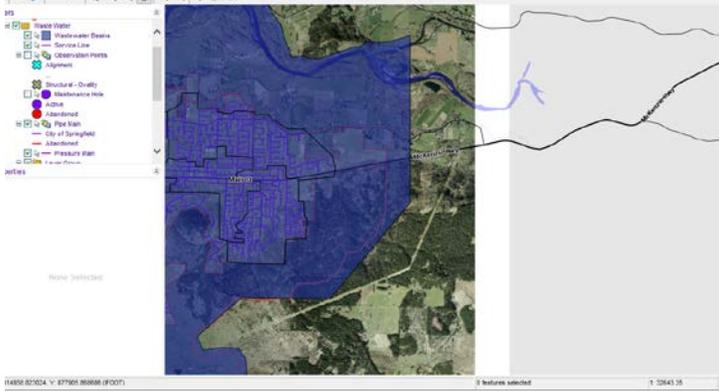
⁶² *Lane County Weight Restricted Bridges and Approved Route List* (Revised 02-2014), <http://www.odot.state.or.us/forms/motcarr/od/4020.pdf>, website accessed 2-5-16

⁶³ Comment received ODOT staff Crawford, meeting on June 11, 2013 and email dated June 18, 2013.

⁶⁴ Project #R-58 OR 126/52nd St Interchange Improvements and #R-59 and R-43 OR 126/Main Interchange Improvements are identified as “20-year Priority Projects” in the 2035 Springfield TSP, Attachment A, p.9. Est. cost of #43 is 50 million.

⁶⁵ Project #US-13 is identified as a “Beyond 20-year Project,” list of TSP Projects Located on Lane CO Facilities, Springfield 2035 TSP, Attachment A.

⁶⁶ Email from LTD staff Will Mueller, dated June 28, 2013 provides comments describing the physical requirements necessary to provide transit service applicable to extending transit service to any new areas: “Connecting roadways and streets would need to be constructed to city standards that support LTD’s buses including sufficient lane width, intersection curb radii, and sidewalk width at prospective bus stops to meet ADA standards in effect at time of construction (2013 standards require 8’ sidewalks at bus stops).

Far East Exception A and B Parcels	
Water	<p>A: 1 Easier</p> <ul style="list-style-type: none"> The nearest transmission line is the 12" line terminating ½ mile east of the existing UGB on Main St/Hwy 126, approximately ½ mile from exception parcel 1702336241500. <p>B: 5 Difficult</p> <ul style="list-style-type: none"> Separated from urban services by distance and topography. The nearest transmission line is the 12" line terminating ½ mile east of the existing UGB on Main St/Hwy 126. Distant from SUB service area. Higher elevation would require pumping and reservoir.
Wastewater	<p>A: 1 Easier</p> <p>B: 5 Difficult - Separated from urban services by distance and topography.</p> <ul style="list-style-type: none"> May require a new pump station at bottom of Cedar Flat/126 and force main to bring gravity flow to Thurston trunk sewer. May need to be a stepped system to address topography. New or upgrade trunk line may be needed in Thurston Rd. from North Springfield interceptor at International Paper (unfunded upgrade project is identified in CIP). Steep slopes south of McKenzie Hwy/Main St.  <p>City of Springfield wastewater basin (shown in blue) and service main in relationship with Far East, Thurston and Oxbow/Camp Creek areas</p>
Stormwater	<p>A: 3 Medium Difficult</p> <p>B: 5 Difficult</p> <ul style="list-style-type: none"> No developed system in vicinity Cedar Creek drainage basin is nearing stormwater receiving capacity^{67, 68} (unfunded upgrade project is identified in CIP). No new outfalls permitted on McKenzie River upstream from Hayden Bridge (Three Basin Rule)⁶⁹

⁶⁷ City of Springfield Stormwater Facilities Master Plan, Oct. 2008; City of Springfield Stormwater Management Plan, updated 2010, <http://springfield-or.gov/ESD/stormwater%20management%20plan%202008.pdf>, accessed 2/8/16.

⁶⁸ City of Springfield Stormwater Basin Characterization Study, Lane Council of Governments, 2008, pp. 17-26 describes existing outfalls and water quality concerns in this basin.

⁶⁹ OAR 340-041-0350(1)(b) prohibits new or increased waste discharges that require NPDES permit, WPCF permit, or 401 Certification to the waters of the McKenzie River Subbasin above the Hayden Bridge (river mile 15). The McKenzie supports anadromous and resident fish species and is considered "essential fish habitat" for threatened and endangered species (Table 11, p. 20).

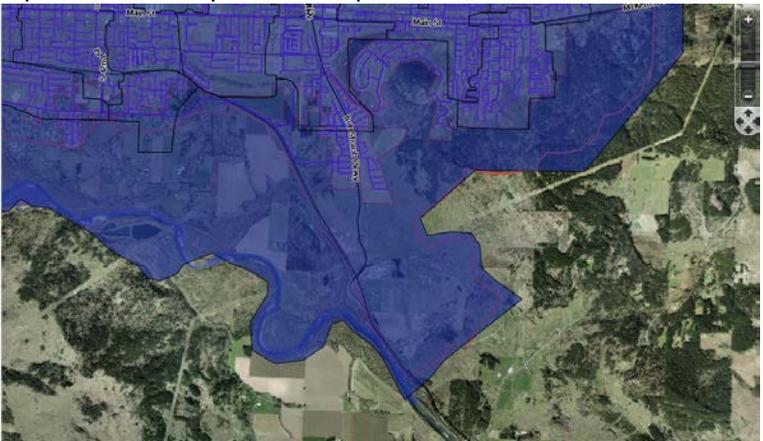
	<ul style="list-style-type: none"> • Sensitive environmental protection/salmonid species habitat restoration projects will limit/restrict new outfalls • Ability to manage stormwater on-site will be limited by high water table and typically⁷⁰ requires 8-10% of parcel area.
<p>Transportation (including transit service)</p>	<p>A: 1 Easier B: 5 Difficult. Separated from urban services by distance and topography.</p> <ul style="list-style-type: none"> • Access to A and B from E. Main Street/McKenzie Hwy (State Highway) and Thurston Road (Rural Major Collector). • Two new bridges would be needed over Cedar Creek on 66th and Weaver Lane. • 66th St., Weaver Lane and Billings Rd. would require urban standards improvements and capacity upgrades. • Extend Billings Rd. to E. Main St. • Upgrade capacity on 66th St. from Main St. to Thurston Rd. • Upgrade capacity on Thurston Rd. and provide urban standards from 69th St. to E. Main Street • Improve Thurston Rd between Weaver Rd. and UGB⁷¹ • Intersection improvements at Thurston Rd. and E. Main St. • Would need internal collector street system • Access to Exception C from Cedar Flat Road, Rural Local Collector • slopes between E. Main Street/McKenzie Hwy and parcels limit constrain options • “Main St/Straub Parkway intersection is failing today even with planned interchange improvements”, and there are safety issues with signal. Traffic would need to be distributed differently. Significant development would need to participate in funding of ODOT IAMP. Impacts to the OR126/Main St intersection should be considered. ODOT’s previous analysis indicate that the OR 126/Main St, Main St/54th St. and Main St/58th St all exceed capacity by 2031.^{72, 73}
<p>Urban services conclusion: Far East Exception</p>	<p>Far East Exception A parcels were considered physically serviceable during the 20-year planning period ending 2030, as defined in OAR 660-009(9). The relative proximity of the easternmost parcels in this area to existing water, wastewater and transportation facilities suggests that water and wastewater facilities could be extended or upgraded to have adequate capacity within the 20-year planning period. The City excluded the Far East Exception B parcels from consideration because this area does not provide and cannot reasonably be expected to be provided with the public water, wastewater, stormwater and transportation infrastructure and services necessary to serve urban employment uses. Lands cannot reasonably be provided with urban services due to physical constraints of distance and topography that preclude reasonable extension of water, wastewater and transportation, including transit, and ability to provide adequate stormwater management. The City has determined that this area is not serviceable to meet Springfield’s identified industrial and commercial land use needs during the 20-year planning period ending 2030, as</p>

⁷⁰ Eugene Stormwater Management Manual “Simplified Method”, Appendix C, is a rule of thumb Springfield engineers use for typical small developments.

⁷¹ Project #US-14 is identified in the 2030 Springfield TSP as a Priority Project on the 20-year project list, Projects on Lane CO. Facilities, Attachment A, with an estimated cost of \$4,800,000.

⁷² Comment received ODOT staff Crawford, meeting on June 11, 2013 and email dated June 18, 2013.

⁷³ Interchange improvements at Main St/Hwy 126 and Highway 126 at 52nd are listed as financially constrained projects in the Regional Transportation Plan (RTP) and are identified as 20-year Priority Projects in the 2035 Springfield TSP, Attachment A.

	defined in OAR 660-009-0005(9).
Wallace Creek Exception Parcels	
Water	<p>5 Difficult</p> <ul style="list-style-type: none"> • Separated from urban services by distance and topography. • Exception parcels are located more than 3 miles from the nearest water main. • The nearest water transmission line is the 24" "Natron" water line, extended in 2013 to the SW corner of the school district property. The 16" line from Westwind/Linda Lane provides a looped system. • A planned 24" line will extend south from Weyerhaeuser Haul Rd. to serve the SE portion of the UGB. • Wallace Creek Rd. narrow, winding corridor alignment and topography preclude infrastructure extensions. Extension along Weyerhaeuser Haul Road alignment may be a possible alternative. • No developed system in vicinity
Wastewater	<p>4 Difficult</p> <ul style="list-style-type: none"> • Isolated by distance and topography from existing urban services • No developed system in vicinity. • Wallace Creek Rd. narrow, winding corridor alignment and topography preclude infrastructure extensions. Extension along Weyerhaeuser Haul Road alignment may be a possible alternative to serve parcels in Haul Road area. • The nearest sewer is 2-3 miles from the parcels. The Jasper Trunk terminus at S. 57th is a 12" main. Nearest 27" main is at 42nd St. • It is anticipated one or two additional small pump stations may be needed to serve some portions of the area depending upon future development configuration and topography. • Jasper trunk sewer may not have adequate capacity to serve additional industrial uses, so a new parallel trunk may be necessary. <div style="display: flex; align-items: flex-start;"> <div style="width: 25%; border: 1px solid gray; padding: 5px; margin-right: 5px;"> <p>Layers</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Infrastructure <input type="checkbox"/> Hydrants <input checked="" type="checkbox"/> Wastewater <input checked="" type="checkbox"/> Wastewater Basins <input checked="" type="checkbox"/> Service Line <input checked="" type="checkbox"/> Observation Points <input checked="" type="checkbox"/> Alignment <input type="checkbox"/> Structural - Ouality <input type="checkbox"/> Maintenance note <input type="checkbox"/> Access <input type="checkbox"/> Abandoned <input checked="" type="checkbox"/> Pipe Main <input type="checkbox"/> City of Springfield <p>Properties</p> <p>None Selected</p> </div>  </div> <p>City of Springfield wastewater basin (shown in blue)and service main in relationship with Wallace Creek, South Hills, West Jasper Mahogany, and Jasper Bridge areas</p>
Stormwater	<p>5 Difficult</p> <ul style="list-style-type: none"> • Upgrade existing Wallace Creek outfall to Middle Fork Willamette River • No developed system in vicinity • Physical connections to the Middle Fork Willamette River system can be made with little or no impact on existing stormwater systems. • Development of the area will require land acquisition to safely convey stormwater runoff to the river if lands are not bordering Wallace Creek • New stormwater outfalls will involve several other regulatory agencies because the

	<p>work would affect threatened and endangered species habitat, excavation in the waters of the state and waters of the United States, and potential wetlands.</p> <ul style="list-style-type: none"> • Stormwater management through the use of on-site retention and/or infiltration would be challenging given the sloped topography and location relative to Springfield Utility Board’s Willamette well field. • The Middle Fork Willamette River is federally classified as critical salmonid habitat.
<p>Transportation (including transit service)</p>	<p>3 Medium Difficult</p> <ul style="list-style-type: none"> • Isolated by distance and topography from existing urban services • Access limited to one way in/out • Existing rail crossing at Jasper Rd/Wallace Creek Rd. is substandard. Upgrade would be needed. An at-grade crossing may not be feasible in this location. Existing traffic waiting to cross backs into Jasper Rd. 24 trains/day. • Wallace Creek Road will need improvement to urban standards. The existing narrow, winding alignment through sloped topography is a constraint. • DOGAMI SLIDO mapped landslide hazard area • Access via Jasper Rd., but urban standards and capacity improvements needed⁷⁴: Improvement of the entire length of Jasper Road to urban standards and upgrade to 4 lanes to Main Street via South 42nd Street, including Union Pacific mainline crossing upgrades on South 42nd Street and intersection upgrades along the length of the entire corridor. • Topography limits expansion of Jasper Rd. • May trigger capacity improvements (4-lane section) for Bob Straub Parkway: Improvements to Bob Straub Parkway from Jasper Road to Daisy Street, upgrading to 4 lanes. • Intersection improvements will be needed at Bob Straub Parkway and Daisy Street.⁷⁵ • Jasper Rd. & Straub Parkway: “With Permit Truck-Tractor Semitrailer Combinations may operate at a maximum of 75 feet in overall length. The maximum length of a semitrailer in a truck tractor semitrailer combination is 53 feet. Double Trailer Combinations may operate at a maximum of 95 feet in overall length.” • Intersection improvements will be needed at Bob Straub Parkway and Jasper Road, which will include a new traffic signal. • A new road connection from Bob Straub Parkway to Jasper Road will be needed in the vicinity of the Webb property (Tax Lot 1802090000103), which will include a new grade separated crossing over the railroad. • Connection to Hwy 58 but limited connection to Hwy 126/I-5 • Need to further study capacity at the I-5/Hwy 58th interchange. Improvements may be needed depending on size and location of expansion area.”⁷⁶ • Nearest transit service is at Thurston Station on Main Street, >3 miles away.⁷⁷ No transit services, pedestrian facilities or ADA access in area. • “Main St/Straub Parkway intersection is failing today even with planned interchange improvements”, and there are safety issues with signal. Traffic would need to be distributed differently. Significant development would need to participate in funding of ODOT IAMP. Impacts to the OR126/Main St intersection should be considered.

⁷⁴ See Jasper Bridge exception area

⁷⁵ Project #R-44 is identified as a “Beyond 20-year Project” in the 2035 Springfield TSP

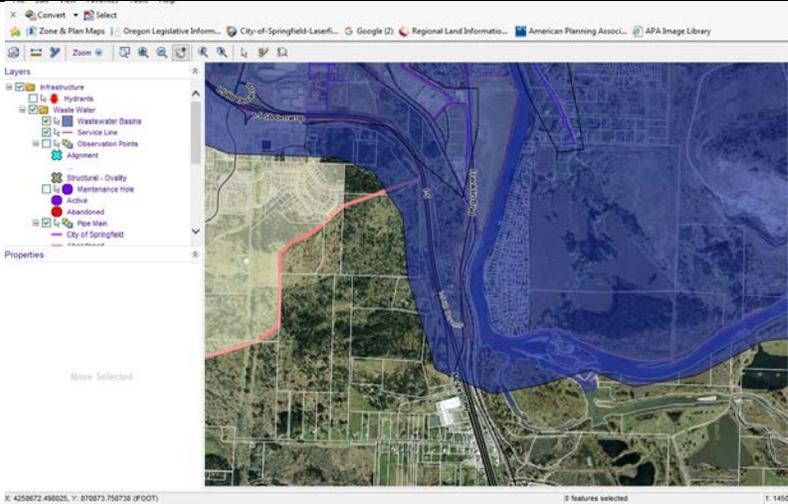
⁷⁶ Comments received from ODOT Region 2, Area 5 staff Savannah Crawford, email dated June 18, 2013.

⁷⁷ Email from LTD staff Will Mueller, dated June 28, 2013 provides comments describing the physical requirements necessary to provide transit service applicable to extending transit service to any new areas: “Connecting roadways and streets would need to be constructed to city standards that support LTD’s buses including sufficient lane width, intersection curb radii, and sidewalk width at prospective bus stops to meet ADA standards in effect at time of construction (2013 standards require 8’ sidewalks at bus stops).

	<p>ODOT's previous analysis indicate that the OR 126/Main St, Main St/54th St. and Main St/58th St all exceed capacity by 2031.^{78, 79}</p>
<p>Urban services conclusion: Wallace Creek Exception</p>	<p>The City excluded the Wallace Creek exception parcels from consideration because the area does not provide and cannot reasonably be expected to be provided with the public water, wastewater, stormwater and transportation infrastructure and services necessary to serve urban employment uses in this location. Providing service to the area will present significant challenges not only in the length of improvements, but also the multiple at grade railroad crossings that will likely be needed along Jasper Road and Wallace Creek Rd. In addition, Jasper Road will likely need to be upgraded to provide capacity for employment development. Lands cannot reasonably be provided with urban services due to physical constraints of distance and topography that preclude reasonable extension of water, wastewater and transportation, including transit, and ability to provide adequate stormwater management. The City has determined that this area is not serviceable to meet Springfield's identified industrial and commercial land use needs during the 20-year planning period ending 2030, as defined in OAR 660-009-0005(9).</p>
<p>Seavey Loop Exception B, C and E Parcels: Second Priority</p>	
<p>Water</p>	<p>3 Medium Difficult</p> <ul style="list-style-type: none"> Existing public rural water system and service provided by Willamette Water Company Exception B, C and E parcels are located more than 2 miles from the nearest SUB water main, a 16" line in McVay.
<p>Wastewater</p>	<p>5 Difficult</p> <ul style="list-style-type: none"> No developed system in vicinity Isolated by distance and topography from existing urban services Would require sewer extension from the Franklin/McVay trunk 18" line in Glenwood B: 2 miles to serve the parcel at south end of College View; C: 2.4 miles to serve Twin Buttes parcels; E: 1.75 miles to 2 miles to serve So. Franklin parcels Would require upgrades to existing Glenwood MWMC pump station Would require a new small sized wastewater pump station located near the intersection of 30th Avenue and College View Road. Would require a new wastewater gravity/pressure main extension from the new pump station at 30th Avenue and College View Road to a new pump station in the vicinity of the intersection of Seavey Loop and Franklin Boulevard, and a gravity main extension along College View Road southerly, ending near the intersection with Franklin Boulevard in order to serve existing properties. Would require a new small sized wastewater pump station located near the intersection of Franklin Boulevard and Twin Buttes Road. Wastewater service to this area could become feasible in the future beyond the planning period, however given its removed location from the rest of Springfield, and the number of new pump stations that will likely be needed to provide service, there will be long-term operational costs associated with providing service to this area.

⁷⁸ Comments received from ODOT staff Crawford, meeting on June 11, 2013 and email dated June 18, 2013.

⁷⁹ Interchange improvements at Main St/Hwy 126 and Highway 126 at 52nd are listed as financially constrained projects in the Regional Transportation Plan (RTP).

	 <p>City of Springfield wastewater basin (shown in blue) and service main in relationship with Seavey Loop study area</p>
<p>Stormwater</p>	<p>5 Difficult</p> <ul style="list-style-type: none"> • Isolated by distance and topography from existing urban services • Physical connections to Oxley Slough and/or the Coast Fork Willamette River can be made with little or no impact on existing stormwater systems, although the connection locations may need to be outside of the proposed expansion area. • New stormwater outfalls to Oxley Slough and/or the Coast Fork Willamette River receiving waters will involve several other regulatory agencies because the work would affect riparian areas, excavation in the waters of the state and waters of the United States, and potential wetlands. • While the Coast Fork Willamette River is not federally classified as critical salmonid habitat, the State has designated the Coast Fork Willamette River as essential salmonid habitat. • Stormwater management through the use of on-site retention and/or infiltration may be allowable in this area as it is outside of the zone of contribution for Springfield Utility Board’s wells and no other wellhead protection zones have been identified to our knowledge. • Considering the multiple overlapping regulatory jurisdictions for constructing new stormwater outfalls into the Coast Fork Willamette River and/or Oxley Slough, stormwater service for this area may be feasible if on-site stormwater management techniques that maximize stormwater retention and infiltration are required.
<p>Transportation (including transit service)</p>	<p>5 Difficult</p> <ul style="list-style-type: none"> • Proximate to I-5, but access is indirect and limited by the awkward connection and limited capacity at Franklin and 30th Ave. interchange. Access to I-5 at south end is underneath the freeway, via Highway 58/Goshen interchange. • Limited capacity at I-5/30th Street interchange. “Need to further study capacity at the I-5/30th Street interchange and the I-5/Hwy 58th interchange. Improvements at one or both locations may be needed depending on size and location of expansion area.”⁸⁰

⁸⁰ Comments received from ODOT Region 2, Area 5 staff Savannah Crawford, email dated June 18, 2013.

- City staff identified a need for an Extension of 30th Avenue as a grade separated to the intersection with Franklin Boulevard and Seavey loop near the southeast corner of the EPUD property. This excludes I-5 interchange improvements or upgrades.⁸¹
- City staff identified a need for the north end of Seavey Loop Rd. to be reconfigured to terminate South of Franklin Boulevard (North of EPUD).
- Existing rail underpass at Franklin is very narrow and restricts truck passage.
- Opportunities for rail access are unlikely, given the existing infrastructure configuration, lack of siding and narrow width and depth of parcels
- Isolated from urban transportation system
- May trigger capacity improvements for McVay Highway in Glenwood
- Service to this area may be feasible, however there are expected to be some challenges surrounding the 30th Avenue extension and potential for interchange improvements at Interstate 5.
- “Difficult to serve with transit except via one-directional route variation from current #92 Lowell/LCC route which only runs 3 trips per weekday.”⁸² No pedestrian facilities or ADA access in area.



I-5, Franklin, and rail overpass at northern entrance to Seavey Loop area

⁸¹ At a meeting of the College View Stakeholder Working Group meeting, ODOT staff David Helton stated that the existing 30th Ave. interchange would likely be sufficient to accommodate traffic from future development in the study area concept (as mapped on that date).

⁸² Comments from meeting with Lane Transit District staff Evans, Schwetz, Luftig and ODOT staff Crawford, June 11, 2013.



I-5/30th ramp, Franklin Blvd., College View Rd. and railroad corridor

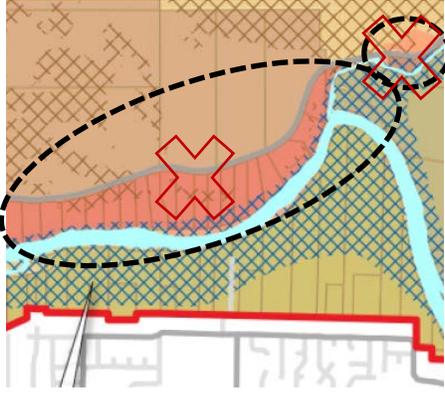
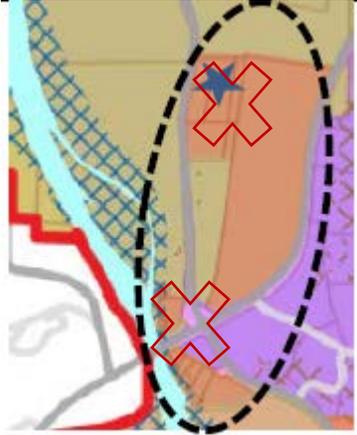
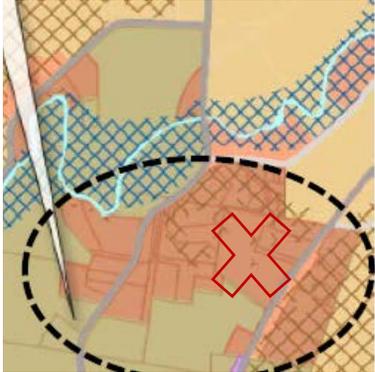
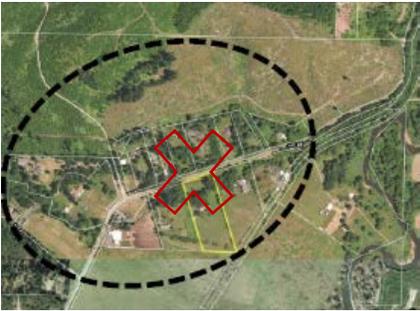
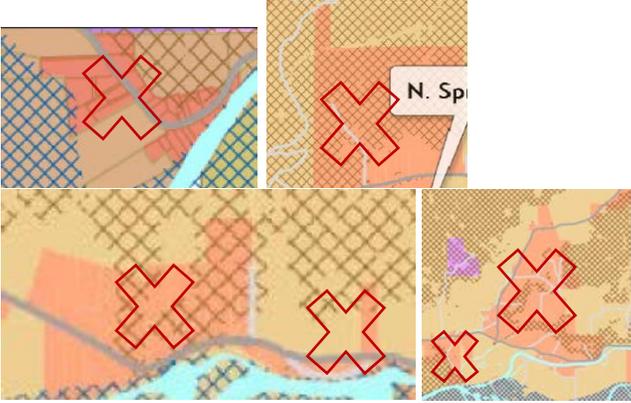
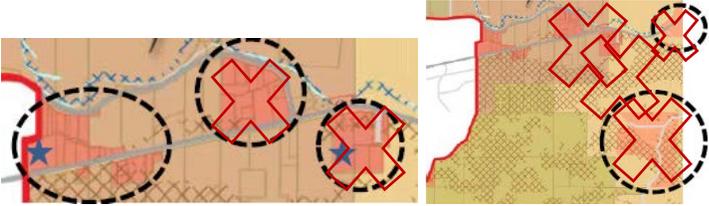
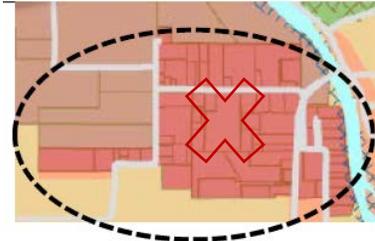


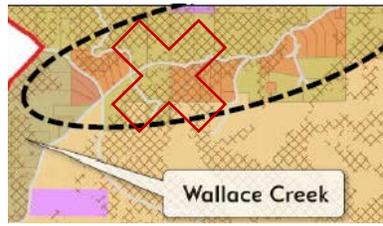
Access to I-5 is via South Franklin/Hwy 99, under I-5 overpass, and via Hwy 58 ramp

Urban services conclusion:
Seavey Loop Exception B, C and E

The City excluded the **Seavey Loop B, C and E** exception parcels from consideration because these areas do not provide and cannot reasonably be expected to be provided with the public water, wastewater, stormwater and transportation infrastructure and services necessary to serve urban employment uses. Lands cannot reasonably be provided with urban services due to physical constraints of distance and topography that preclude reasonable extension of water, wastewater and transportation, including transit, and ability to provide adequate stormwater management. The City has determined that this area is not serviceable to meet Springfield’s identified industrial and commercial land use needs during the 20-year planning period ending 2030, as defined in OAR 660-009-0005(9).

Table 6: Second priority exception parcels excluded: public facilities constraints [ORS 197.298(3)(b)]

<p>McKenzie View B</p> 	<p>Mohawk A</p> 	<p>Mohawk B</p> 
<p>Mohawk C</p> 	<p>Oxbow/Camp Creek</p> 	
<p>Far East Springfield B</p> 	<p>Jasper Bridge A</p> 	

<p>Jasper Bridge B</p> 	<p>Seavey Loop B</p> 	<p>Seavey Loop C</p> 
<p>Seavey Loop E</p> 		<p>Wallace Creek</p> 

In addition to the summary data compiled in Table 5, the record includes studies, facilities master plans, maps, documentation from engineering staff and service providers, demonstrating that the City uniformly evaluated and compared ability to provide urban services to all potentially suitable exception parcels when it identified potentially suitable ORS 197.298 second priority exception land parcels; and that the City conducted the public services analysis in coordination with service providers, including the Oregon Department of Transportation with regard to impacts on the state transportation system.

In addition to the summary data compiled in Table 5, the record includes studies, facilities master plans, maps, documentation from engineering staff and service providers, demonstrating that the City uniformly evaluated and compared ability to provide urban services to all potentially suitable exception parcels all exception parcels as the factual basis to justify excluding ORS 197.298 second priority exception land parcels from further analysis.

Although second priority areas McKenzie View A, West Jasper/Mahogany, Clearwater, Seavey Loop A, D, F, and Seavey Loop/Goshen exception parcels were excluded from further consideration under OAR 660-009-0005(12) above (in Table 4), because they lacked the appropriate site characteristics, areas McKenzie View A, West Jasper/Mahogany, Seavey Loop A, D, F, and Seavey Loop/Goshen exception parcels could

also be dismissed under the public services analysis because providing water, sewer, stormwater and transportation facilities and service would be physically infeasible in the planning period 2010-2030.

Exception areas excluded based upon specific land needs (197.298(3)(a)) in a previous step: **McKenzie View A*, West Jasper/Mahogany*, Clearwater*, Seavey Loop A*, Seavey Loop D*, Seavey Loop F*, Seavey Loop/Goshen***

Exception areas excluded based upon based upon specific land needs and inability to reasonably provide urban services due to physical constraints (197.298(3)(b)): **Mohawk A, B and C; Oxbow/Camp Creek; Jasper Bridge A and B; Far East B; Wallace Creek; Seavey Loop B, C and E**

After excluding exception areas based upon based upon specific land needs and inability to reasonably provide urban services due to physical constraints (197.298(3)(a) and (b)), one *potentially* suitable and serviceable exception area remains a candidate for UGB expansion: **Far East A**. As shown in Table 7, this area has 2 parcels 5 acres or larger, a total of 13.3 acres. These parcels are not contiguous to one another.

**Table 7:
Potentially Suitable & Serviceable Second Priority Exception Land Parcels**

Area	# of parcels 5+ ac adjacent to UGB	# of parcels 20+ ac *	# of parcels 5+ ac*	Parcels and unconstrained acres	Zoning
Far East A	2	0	2	1702362401500; 6.4 acres 1701312001500; 6.9 acre slopes <15%, developed residential use, *entire property is sloped >12% ⁸³	RR2 RR2



Star indicates 5-acre residential parcels

The City relied on the findings in Table 5 —as further documented by referenced facility plans, maps and supplemental evidence in the record — to determine whether *potentially suitable* candidate second priority lands can be served with public water, wastewater, stormwater, and transportation including public transit systems within the 2010-2030 planning period based on physical constraints. In this step,

⁸³ According to RLID, the mapped NRCS soil series for this parcel is “43E Dixonville-Philomath-Hazelair complex, 12 to 35% slopes

the City excluded lands it deemed not serviceable based on physical constraints — and therefore not suitable — from further consideration in the UGB Alternatives Analysis.

The City’s evaluation of alternatives and its conclusions regarding serviceability and thus suitability are based on a comparative analysis of physical facilities and services constraints that is appropriate for this level of planning. The City applied service comparison factors uniformly to the land under each priority. The City’s conclusions regarding which lands to exclude are reasonable and supported by evidence.

At this point in the analysis, the City identified two *potentially* suitable first priority land parcels that are physically serviceable within Preliminary Study Area Grouping Far East A, but had not yet evaluated the area through the lenses of Goal 14 Location Factors 3 and 4.

At this point in the analysis, the City determined that the amount of suitable land in the first priority category would not be sufficient to meet the employment land deficiency. The City determined that the need for sites 20 acres and larger cannot be met on second priority land. The City identified two exception parcels in Far East A that are potentially suitable and serviceable to meet need for 5-acre sites if services can be provided within the planning period.

To continue its evaluation of *potentially* suitable exception and land sites to satisfy the employment land need deficiency, the City applied Goal 14 Location Factors 3 and 4. The amount and type of *potentially* suitable first priority land parcels does not exceed the amount necessary to satisfy the need deficiency. The City applied Goal 14 Location Factors 3 and 4 to evaluate *potentially* suitable exception and land sites to satisfy the employment land need deficiency.

OAR 660-024-0060(1)

“(b) If the amount of suitable land in the first priority category exceeds the amount necessary to satisfy the need deficiency, a local government must apply the location factors of Goal 14 to choose which land in that priority to include in the UGB.”

ORS 197.298 (1)(b) Goal 14 Location Factor 3 – Second Priority Lands Analysis

To continue its evaluation of *potentially* suitable exception and land sites to satisfy the employment land need deficiency, the City applied Goal 14 Factor 3 to evaluate the Far East A area exception parcels based on comparative ESEE consequences (Goal 14, Boundary Location, Factor 3), and based on compatibility with agricultural & forest activities (Goal 14, Boundary Location, Factor 4).

As previously noted, DLCD staff Gordon Howard provided an outline of the steps to be followed to exclude or include land:

- Exclude lands that are not buildable⁸⁴

⁸⁴ “Buildable” is a Goal 10 term. It is the City’s position that OAR 660-024-0060 (1) requires the City to consider whether sites are “suitable” at this “buildable” stage in the evaluation process.

- Exclude lands based upon specific land needs (197.298(3)(a));
- Exclude lands based upon inability to reasonably provide urban services due to physical constraints (197.298(3)(b));
- Include lower priority lands needed to include or provide services to urban reserve lands (197.298(3)(c));
- **Exclude lands based upon analysis of comparative ESEE consequences (Goal 14, Boundary Location, Factor 3);**
- **Exclude lands based upon analysis of compatibility with agricultural & forest activities (Goal 14, Boundary Location, Factor 4)**

The City addressed Goal 14 Location Factor 3 as part of the ORS 197.298 evaluation process after making a determination of which exception parcels were potentially suitable based on their size and lack of constraints, and after identifying potentially suitable parcels within a given geographic area grouping that could reasonably be serviceable by 2030. Goal 14 Location Factor 3 requires the City to make a determination that exception area parcels of land selected to be included in an urban growth boundary (UGB) will result in better environmental, social, energy, and economic (ESEE) consequences than the other exception lands of equal priority considered in this step and other alternative sites that were considered for inclusion and rejected. The following section of this report addresses the first application of Goal 14 Location Factor 3 to second priority land parcels considered for inclusion in the UGB.

Under a Goal 14 Factor 3 analysis regarding public facilities and services, a local government may consider relative difficulty and cost differences between urbanizing alternative sites and may consider whether the amount of potentially suitable land within a geographic area could reasonably justify the extension of public infrastructure.

McKenzie View, Oxbow/Camp Creek, Mohawk, West Jasper/Mahogany, East Springfield, Wallace Creek, Jasper Bridge, Clearwater, and Seavey Loop were excluded from further consideration for inclusion in the UGB based on physical constraints that preclude serviceability. It is important to note that although the City did not exclude these lands on the basis of comparative environmental, social, energy, and economic (ESEE) consequences, all of these excluded lands would be excluded under Goal 14 Location Factor 3: Comparative environmental, social, energy, and economic (ESEE) consequences solely on the basis of cost, at the point in the analysis when cost to provide public infrastructure and urban services is considered. The City's reasoning is based on a high level planning estimates of cost per linear mile⁸⁵, factors easily multiplied by the numbers of miles indicated in Table 5 needed to reach *potentially* suitable parcels of adequate size and slope, to calculate cost estimates for the comparative purposes of this analysis. For example, the City estimated extension of wastewater main to serve the Seavey Loop areas outlined in the Map "Springfield 2030 Plan: Potential UGB Expansion Engineering

⁸⁵ For example, Springfield City Council Agenda Item Summary, April 28, 2014, ATT2 provided the Council with approximate unit costs of wastewater and transportation improvements to supplement the City Engineer's memorandum. "These analyses were not budget-level cost estimations but rather estimates whose principal value is to permit comparison of relative levels of cost."

Feasibility Analysis, April 2014”⁸⁶ to cost 13 million dollars based on a unit cost of \$428/liner foot to extend the pressure main and a unit cost of 3.5 million to upgrade an MWMC pump station. These costs are for the offsite portion of the infrastructure extension to reach the outside boundary of the area shown in the referenced map and do not include the cost to the development site from that boundary.

Goal 14 Location Factor 3 and 4 Evaluation of *Potentially Suitable* Exception Land

The City relied on the same findings in Table 2 Second Priority Exception and Non-Resource Parcels and Constraints Analysis and Table 5 Public Facilities and Service Analysis — as explained and supported in greater detail in referenced facility plans, maps and supplemental evidence in the record — as the basis for comparing relative costs associated with constructing public facilities and providing public services to lands in the vicinity of the Springfield UGB, and thus to compare *economic* consequences (ESEE) of alternative expansion areas under Goal 14 Location Factor 3 in the next step in the UGB Alternatives Analysis. At this point in the analysis, the City excluded lands based on cost of needed infrastructure relative to the amount of suitable exception land to be served.

The City relied on the same findings in Table 2 Second Priority Exception and Non-Resource Parcels and Constraints Analysis and Table 5 Public Facilities and Service Analysis and associated text in this report — as explained and supported in greater detail in referenced facility plans, maps and supplemental evidence in the record — to compare the relative social, environmental and energy (ESEE) consequences associated with constructing public facilities, providing public services and urbanizing land to support industrial and commercial mixed-use development in alternative locations, and thus to compare the ESEE consequences of alternative expansion areas under Goal 14 Location Factor 3 in later steps in the UGB Alternatives Analysis.

Only one exception area was found to be *potentially* suitable and serviceable — **Far East A**, thus no further comparison with other second priority land under Goal 14 Location Factor 3 or Factor 4 was required.

Goal 14 Factor 3: Comparative environmental, social, energy, and economic (ESEE) consequences

The City evaluated the **Far East A** exception land parcel(s) further under a Goal 14 Location Factor 3 analysis: the comparative environmental, social, energy, and economic (ESEE) consequences.

Economic Consequences

The City’s Economic Opportunities Analysis Final report explains the importance of and the City of Springfield’s need to maintaining an inventory of suitable sites for industrial and commercial development to support a strong diverse economy and to provide for the city’s employment needs as required under Goal 9. To provide an adequate amount and suitable type of land for target industrial

⁸⁶ Ibid.

and commercial mixed use employers, the City needs to add suitable sites 5 acres and larger that are sloped less than 7% maximum for office uses and 5% or less for manufacturing uses. Economically feasible serviceability is an important factor in the City’s determination of whether it is reasonable to assume that a particular site is suitable for industrial or commercial use to meet the city’s identified site needs for employment land suitability as defined in OAR 660-009-0005(9).

The City reasoned that the following facts regarding **Far East A** exception land parcel(s) are relevant when considering the **economic** consequences of urbanization to establish a land supply for industrial and office commercial employment land uses in this location:

- The suitable acreage in Parcel 1 (6.4 acres) and Parcel 2 (6.9 acres) is marginal to meet Springfield’s identified land needs. CIBL/EOA Table 5-2 states that the average size of needed sites in the 5-20 acre category is 10 acres for an industrial site and 9.3 acres for a commercial and mixed use site.⁸⁷ Thus these two sites are too small to be suitable for industrial uses and are both smaller than the 9.3-acre average size of needed sites in the 5-20 acre category.
- 1701312001500; 6.9 acre slopes <15%, developed residential use, *entire property is sloped >12%
- The topography of the **Far East A** Parcel 2 site is limited to meet Springfield’s identified industrial and commercial site needs. Springfield’s target manufacturing industries require sites sloped 5% or less. Springfield’s target commercial and mixed use employers require sites sloped 7% or less. The City determined through GIS analysis⁸⁸, the portions of parcels 1 and 2 that is sloped 7% or less and 5% or less. Both parcels are developed with rural homes and structures.

Parcel #	Contiguous acres 7% or less slope	Contiguous acres 5% or less slope	Notes
Parcel 1: 1702362401500	7.2 ac.	5.9 ac.	developed residential use occupies highway side of parcel
Parcel 2: 1701312001500	5.5 ac. ⁸⁹	2.8 ac	Robinson parcel, recently removed from Metro Plan

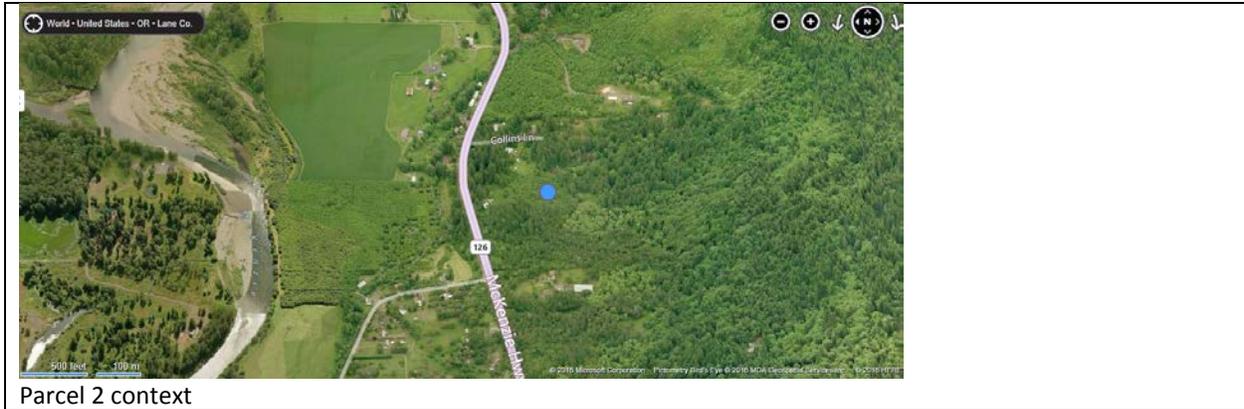


Parcel 2 context

⁸⁷ CIBL/EOA, p. 78.

⁸⁸ based on 2m resolution elevation data obtained from LCOG, email from staff Engelmann to staff Pauly, March 10, 2016

⁸⁹ According to RLID, the mapped NRCS soil series for this parcel is “43E Dixonville-Philomath-Hazelair complex, 12 to 35% slopes, 100%”. The City’s GIS slopes analysis shows 6.9 acre sloped <15%



- As shown in Table 2, the area has only 2 parcels 5 acres or larger, a total of 13.3 acres and suitable acreage includes sloped land in excess of 5 and 7%.
- Suitable acreage in Parcel 1 and Parcel 2 is insufficient to justify the offsite cost to extend water and wastewater to Parcel 2.
- The suitable parcels are not contiguous to one another, thus cost share between property owners is unlikely.
- Offsite cost comes at relatively higher public cost than onsite connections to water, wastewater, stormwater and transportation systems.
- It is not reasonable to assume that the amount of potentially suitable land within Far East A would justify the cost to extend public infrastructure to the site.

Far East A parcels were considered physically serviceable. The relative distance to existing water, wastewater and transportation facilities suggests that water and wastewater facilities could be extended or upgraded to have adequate capacity within the 20-year planning period. However, there are only two sites 5 acres or larger (and the site abutting the UGB is sloped 12% or more), thus it would not be practical or feasible to extend infrastructure to serve one or two 5 acre sites.

The **Far East A** exception land parcel(s) cannot reasonably accommodate the needed urban industrial and commercial employment land uses based on **economic** consequences, because urbanization will not be economically feasible.

Environmental and Energy Consequences

The City finds that the following facts about **Far East A** exception land parcel(s) are relevant when considering the **environmental and energy** consequences of urbanization in this location:

- As shown in TSP Figure 12, no existing or planned pedestrian facilities serve east Main Street/Highway 126 east of 70th Street. No existing or planned pedestrian facilities serve Thurston Road east of 69th Street.
- As shown in TSP Figure 10 Main Street/Highway 126 and Thurston Road to the UGB extent are within the Recommended Roadway Network.
- As shown in TSP Figure 3, Main Street/Highway 126 is a Federal Truck Route.

- As shown in TSP Figure 9, planned frequent transit service network routes, the nearest connect is at Main Street/Highway 126 and Straub Parkway.

Geologic Hazards

The City referenced data in [Oregon HazVu](#), DOGAMI's online interactive geohazard map to identify hazard area areas. State of Oregon Department of Geology and Mineral Industries <http://oregongeology.org/pubs/>

Given that several of the UGB Preliminary Study Area groupings examined by the City are within, surrounded by or are accessible only by lands with steeply sloped topography, the City referenced data in the Oregon Department of Geology and Mineral Industries (DOGAMI) online interactive geohazard map to identify areas where landslide hazards have been documented. The DOGAMI website states that “the map offers a general look at regions that may be at risk for landslides, and will be used to help prioritize areas for future in-depth landslide mapping and study;” and “The Statewide Landslide Information Database of Oregon (SLIDO) project was created to improve our understanding of the landslide hazard in Oregon and to provide a statewide base level of landslide data. The original studies vary widely in scale, scope, and focus, which is reflected in a wide range in the accuracy, detail, and completeness with which landslides are mapped.” The map indicates areas of low, moderate, high and very high landslide susceptibility for counties, incorporated cities, and some watersheds. The DOGAMI website states: “Landslide susceptibility is the likelihood that a location will have landslides in the future.” DOGAMI maps are for informational purposes and are not regulatory.

The DOGAMI website states:

“One of the most common and devastating geologic hazards in Oregon is landslides. Average annual repair costs for landslides in Oregon exceed \$10 million, and severe winter storm losses can exceed \$100 million (Wang, Y., Summers, R. D., and Hofmeister, R. J., 2002, Landslide loss estimation pilot project in Oregon: Oregon Department of Geology and Mineral Industries Open-File Report O-02-05, 23 p.). As population growth continues to expand and development into landslide susceptible terrain occurs, greater losses are likely to result. In order to begin reducing losses from landslides, widespread endeavors are necessary at all community levels from state government to individual family homes. One successful way to reduce losses from landslides is through pre-disaster mitigation, which can be performed at many scales from statewide to local. To begin pre-disaster mitigation, the landslide hazard must be located. Once the hazard is located, the population and infrastructure vulnerable to the hazard can be identified and the risk mitigated.” (emphasis added)

The DOGAMI website states:

“The primary purpose of SLIDO is to provide the best currently available mapping of landslide features throughout Oregon. The database should serve as useful tool for differentiating broad areas of higher and lower hazards and as a starting point for more

detailed study. This spatial information is basic to emergency management and land-use applications, including:

- Identify vulnerable areas that may require planning considerations
- *Estimate potential losses from specific hazard events (before or after a disaster hits)*
- *Decide how to allocate resources for most effective and efficient response and recovery*
- *Prioritize mitigation measures that need to be implemented to reduce future losses”*
(emphasis added)

The City considered the DOGAMI SLIDO data for the purposes of informing the next steps in the analysis: 1) determination of suitability of land for urban growth including but not limited to physical factors involved when developing sites 5 acres and larger to accommodate specific types of industrial and commercial employment land uses to meet Springfield’s employment land needs; and 2) examination and comparison of the ESEE consequences of urbanizing lands within the second priority category.

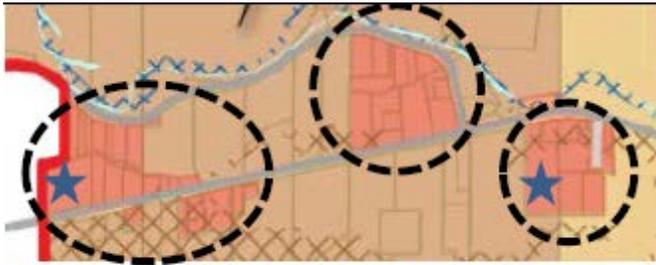
The City appropriately considered the general DOGAMI SLIDO data in relationship to the UGB Preliminary Study Area to discern and differentiate broad areas of higher and lower landslide hazards to identify potentially vulnerable areas within the Preliminary Study Area that may require land use planning considerations.

The City appropriately used the general DOGAMI SLIDO data when it identified the UGB Preliminary Study Area groupings in the vicinity of documented landslide hazards to determine where there exists an increased likelihood that a location will have landslides in the future and where relatively greater losses are likely to result. Comparatively, the City considered areas without known landslide hazards to be more suitable for urbanization than areas with documented landslide hazards.

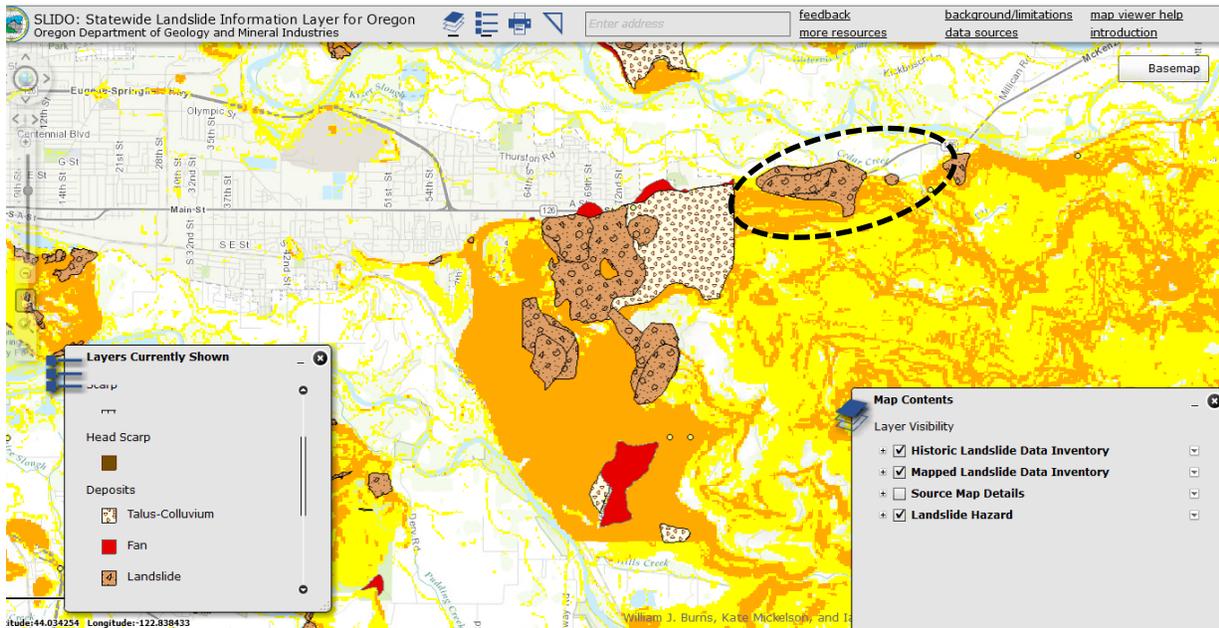
Oregon Statewide Planning Goal 7 directs local governments to “adopt comprehensive plans (inventories, policies and implementing measures) to reduce risk to people and property from natural hazards” including landslides. Springfield has acknowledged comprehensive plan policies and implementing measures to reduce risk to people and property from landslide hazards, including Springfield Development Code Section 3.3-500 Hillside Development Overlay District standards. These policies and standards were developed to address development of lands already inside the UGB that are planned to accommodate urban levels of development. New hazard information published by the State, such as the DOGAMI SLIDO data is useful to local governments as they plan expansions of their UGBs to accommodate forecast urban growth.

The City’s review of The DOGAMI SLIDO map data identified the presence of documented landslide hazards and relatively higher landslide susceptibility including Very High, High, and Moderate in the vicinity of UGB Preliminary Study Area groupings: McKenzie View A, B, Mohawk A, B and C, Oxbow/Camp Creek, **Far East**, South Hills, Wallace Creek and Seavey Loop B and C and Seavey Loop/Goshen. There exists an increased likelihood that mapped hazard locations will have landslides in the future compared to areas without mapped hazards.

DOGAMI SLIDO maps⁹⁰ of the South Hills area indicate the presence of landslide hazards in the in the immediate vicinity of the **Far East Springfield** Preliminary Study Area grouping.



Star indicates 5-acre residential parcels



Detail: DOGAMI SLIDO Far East landslide hazard area

The presence of landslide hazards influence future urbanization patterns by potentially increasing risk to public health, safety and welfare both onsite and offsite of the parcels of land being developed and/or by imposing constraints that could preclude development or contribute to the infeasibility of developing a particular site to accommodate the types of particular industrial and other employment uses identified in the CIBL/EOA. Although the City did not identify the presence of landslide hazards as an absolute development constraint for the purposes of the Commercial and Industrial Lands Inventory, the City considered areas with known landslide hazards as comparatively less “suitable” to meet the need for large site industrial and commercial mixed use employment site needs when it determined suitability of land for urban growth including but not limited to physically developing sites 5 acres and larger to accommodate specific types of industrial and commercial employment land uses to meet Springfield’s employment land needs; and when it examined and compared the ESEE consequences of urbanizing lands with or without known landslide hazards within the second priority category.

⁹⁰ Ibid.

The intensification of development associated with urbanization would require site grading and excavation to construct large site urban employment uses and to extend the infrastructure needed to serve development. Such grading and excavation may not be physically or economically feasible or advisable in areas of known instability, and such site development may not be achievable under the standards of the City's Development Code Hillside Development District.⁹¹

For purposes of the ESEE social and economic comparison, the City finds that when urbanization and development occurs in hillside areas with terrain known to be landslide-susceptible, greater losses are likely to result than when urbanization and development occurs in areas with terrain not known to be landslide-susceptible.

According to DOGAMI⁹² staff, when grading and excavation remove land from the basal area of a slide or when drainage is altered in a way that directs water to a slide, those actions serve to destabilize the slide. The DOGAMI map clearly indicates that McKenzie Highway 126 traverses the basal area of a slide area.

For purposes of the ESEE economic consequences comparison, the City finds that urbanization and development occurring in hillside areas with terrain known to be landslide-susceptible will be more costly to build and maintain than urbanization and development outside of areas with terrain not known to be landslide-susceptible, because such development must meet more rigorous engineering, architectural and construction requirements. The public cost of constructing infrastructure, providing services and maintaining infrastructure in sloped terrain is comparatively higher than developing public facilities on flatter areas.

For purposes of the ESEE environmental and social consequences comparison, the City finds that urbanization and development occurring in hillside areas with terrain known to be landslide-susceptible will result in higher risk to public health and safety than developing public facilities on with terrain not known to be landslide-susceptible.

The City finds that the **Far East A** exception land parcel(s) cannot reasonably accommodate the needed urban industrial and commercial employment land uses based on comparative **environmental** and **energy** consequences.

Social Consequences

⁹¹ Springfield Development Code Section 3.3-500 Hillside Development Overlay District is applied in residential zoning districts above 670 feet elevation or to development areas below 670 feet in elevation where any portion of the development area exceeds 15 percent slope. Development standards address special street grade and grading plan standards, and geotechnical report requirements to address geological conditions of the site.

⁹² Radio interview with DOGAMI Chief Scientist Ian Madin, on Jefferson Exchange program, 1280AM, March 10, 2016 explaining the SLIDO map data project.

The City finds that the following facts about **Far East A** exception land parcel(s) are relevant when considering the **social** consequences of urbanization in this location:

OAR 660-009-0005 (3) states:

“Industrial Use” means employment activities generating income from the production, handling or distribution of goods. Industrial uses include, but are not limited to: manufacturing; assembly; fabrication; processing; storage; logistics; warehousing; importation; distribution and transshipment; and research and development. Industrial uses may have unique land, infrastructure, energy, and transportation requirements. Industrial uses may have external impacts on surrounding uses and may cluster in traditional or new industrial areas where they are segregated from other non-industrial activities.”

The **Far East A** exception land parcel(s) cannot reasonably accommodate the needed urban industrial employment land uses because of the following **social** consequences:

- The Goal 9 rule’s definition of “industrial” clearly recognizes that “Industrial uses may have external impacts on surrounding uses;” and that industrial uses typically and traditionally may locate in locations where other industrial activities are occurring.
- Industrial uses may have external impacts on surrounding uses and may cluster in traditional or new industrial areas where they are segregated from other non-industrial activities.[OAR 660-009-0005(3)]
- The **Far East A** exception area is already committed to rural residential uses on small parcels.
- Based on the UGB Alternatives Analysis, input from the CIBL Technical Advisory Committee and the public, the **Far East A** area is better suited to residential uses than industrial or office commercial employment uses.
- The cost of extending offsite infrastructure to serve industrial and commercial mixed use development sites will create a public cost, as the city has limited legal authority to exact off-site improvements. Exactions must be proportional to the impacts of the development.

ORS 197.298(1)(b) Goal 14 Location Factor 3 Conclusion – Second Priority Lands Analysis

The City excluded Far East A lands based upon analysis of comparative ESEE consequences (Goal 14, Boundary Location, Factor 3). The City determined that the cost to serve 2 parcels 5 acres or larger — a total of 13.3 acres — is not economically feasible. These parcels are not contiguous to one another. McKenzie View A Preliminary Study Area grouping cannot reasonably be served with adequate public facilities by 2030 and thus are not suitable to meet the identified employment land need. The City finds that the long-term environmental, economic, social and energy consequences resulting from the use at the exception site with measures designed to reduce adverse impacts are significantly more adverse than would typically result from the same proposal being located in other areas.

Goal 14 Factor 4: Compatibility of proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB

The City finds that the following facts about **Far East A** exception land parcel(s) are relevant when considering the consequences of urbanization in this location:

- Excellent Class I and II agricultural soils exist on and immediately abutting and between the potentially suitable exception parcels. The land along the McKenzie River is prime class I and II farm land.

ORS 197.298 (1)(b) Goal 14 Location Factor 4 Conclusion – Second Priority Lands Analysis: Goal 14 Location Factor 4 implicitly requires that the City’s determination to exclude the exception area sites it considered and rejected must also be justified based on consideration of Goal 14 Location Factor 4: Compatibility with nearby ag and forest land. The City’s findings provide evidence to explain why this is the case.

As previously stated, the lands adjacent to the UGB that are identified in the Lane Rural Comprehensive Plan as exception or nonresource land are identified by orange color in Map 1 Priority Areas and Constraints Analysis. As shown in that map, Springfield is unlike many Oregon cities in that there are few exceptions areas in the immediate vicinity of the UGB. Most exception parcels closest to the City are small developed rural residential parcels on land divisions approved by Lane County prior to adoption of SB100 and thus not suitable for meeting Springfield’s large site employment land urbanization needs. Many of the exceptions parcels are remote and physically isolated from the City due to natural barriers formed by the McKenzie and Middle Fork Willamette rivers, steep topography of the Coburg Hills and Thurston South Hills, and other natural constraints. As shown in Map 1, and as explained in the following section of this report, most of the exceptions parcels areas in the vicinity of the UGB are located on the opposite side of the McKenzie and Middle Fork Willamette rivers, and many are constrained by slopes >15%.

The City’s description of exception land Table 2 provides evidence to demonstrate that expanding the UGB onto exception lands in all instances would actually promote urban sprawl by “opening up” new corridors of urbanization into, through, and adjacent to extensive large blocks of resource land areas north of the McKenzie River, up the McKenzie River, and south of the Springfield UGB. In all but two instances (Far East Springfield which has one exception parcel 5 acres or larger abutting the UGB, and Clearwater, which has no parcel 5 acres or larger), exception areas are located remote to the UGB and would require leapfrogging across land unsuitable for urbanization to extend infrastructure and services to remote parcels of land.

The analysis of efficient accommodation of identified land needs under Goal 14, factor 1, allows a local government to consider the ability of a site to accommodate a compact urban form. The term “maximum efficiency of land uses” invokes a concern for avoiding leapfrog or sprawling development inconsistent with the density and connectivity associated with urban development. In addition to being highly inefficient, impractical and financially infeasible, it would have consequences that could pose impacts to nearby ag and forest land and uses thereon, including but not limited to increased traffic conflicts with farm or forestry vehicles.

Also it should be noted that some exception parcels, while developed, committed and zoned for rural uses, comprise Class 1 and 2 agricultural soils that, if included in the UGB, would become urbanizable. Throughout the analysis, staff noted the presence of agricultural uses in many of these areas that currently provide opportunities for small “micro” farms close to the urban area that contribute to the local food system economy.⁹³

ORS 197.298 (1)(b) Conclusions – Second Priority Lands Analysis

ORS 197.298 requires that urbanization be directed to the second priority exception or non-resource lands to accommodate the land need if the second priority lands can “reasonably accommodate” the identified land need. As explained in this report, and supported by the substantive and evidence in the record, the City conducted a complete and thorough alternatives analysis of second priority lands adjacent to the UGB that was not limited to those lots or parcels that abut the UGB, but also included all exception land in the vicinity of the UGB that has a reasonable potential to satisfy the identified need deficiency. [OAR 660-024-0060(4)].

The City determined that second priority lands adjacent to or in the vicinity of the UGB cannot reasonably accommodate the identified employment land need. The City’s decision was reached after identifying and evaluating all exception and non-resource land in the vicinity of the UGB, after identifying and evaluating potentially suitable exception parcels 5 acres or larger (including contiguous parcels <5 acres under same ownership) without absolute development constraints; after consultation with experts to identify needed site characteristics for the target industrial and commercial/mixed use industries identified in the CIBL/EOA that require sites 5 acres and larger and 20 acres and larger, including public facilities needs for industrial and commercial land development; after consultation with public facility and services providers including ODOT; after evaluation of exception land location and topography as it relates to the ability to extend public facilities of sufficient physical capacity and structure to support provision of urban services including water and wastewater mains and public transit service to UGB expansion areas; in consideration of applicable policies in the *Springfield Development Code* Chapter 5.7-100 for annexing territory; after consideration of infrastructure and transportation needs to serve lands already in the UGB as identified in the applicable *Eugene-Springfield*

⁹³ **Citation:** Local Food system report in the record

Metropolitan Area Public Facilities and Services Plan, applicable transportation system plans, facilities master plans and capital improvement programs; and after consideration of the City's development standards and requirements for urban development in the *Springfield Development Code* Chapters 3.2-300, 3.2-400, 3.2-600, 3.3-300, 3.3-300, 3.3-400, 3.3-500, 3.3-1000, Chapter 4 in its entirety and the *Springfield Engineering Design Standards and Procedures Manual*.

After a thorough parcel-by-parcel evaluation, the City determined that urbanization cannot be directed to the exception and non-resource lands adjacent to the UGB because exception and non-resource lands cannot "reasonably accommodate" the identified specific industrial and commercial-mixed use land need for sites 5 acres and larger. Therefore, second priority exception and non-resource lands are inadequate to accommodate the amount of land needed because specific types of identified land needs cannot be reasonably accommodated on exception and non-resource lands, and future urban services could not reasonably be provided to the exception and non-resource lands due to topographical or other physical constraints.

The City's conclusion that exception and non-resource lands adjacent to the UGB these lands could not reasonably be provided with urban services within the 2010-2030 planning period based on topographical or other physical constraints was reached based on sound reasoning of ample data and is supported by substantial evidence in the record.

After conducting a thorough parcel-by-parcel evaluation of *potentially* suitable parcels that could reasonably accommodate the identified specific industrial and commercial-mixed use land need for sites 5 acres and larger and that are potentially serviceable due to proximity and lack of topographic or other physical constraints (**Far East A**), the City determined that the comparative environmental, economic, social and energy consequences of directing urbanization to the Far East A area compare unfavorably to directing urbanization to other lands because land is not suitable to meet the site needs of target industries and the amount of unconstrained land is economically infeasible to serve with public water and wastewater facilities on a cost basis. The City concluded that urbanization of Far East A is not economically viable on a service cost basis.

After conducting a thorough parcel-by-parcel evaluation of the location of the **Far East A** in relationship to land designated for agriculture and forestry in the Lane Rural Comprehensive Plan; and after consideration of comparative environmental, energy, economic and social consequences of urbanizing those lands for the purpose of developing industrial and office commercial urban uses [Goal 14 Boundary Location Factor 3]; and after consideration of compatibility of the proposed industrial and office commercial urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB [Goal 14 Boundary Location Factor 4] the City concluded that urbanization of Far East A and other exception land is not economically viable on a service cost basis and is more likely to negatively affect nearby agricultural and forest activities occurring on farm and forest land outside the UGB by extending or expanding new corridors of urban development into areas primarily designated for agricultural and forest use. [Goal 14 Boundary Location Factor 4] conclusions here.

Thus, urbanization of exception land compares unfavorably with other lands the City considered for inclusion in the UGB.

The City's evaluation properly considered second priority exception and non-resource lands as alternative boundary locations consistent with ORS 197.298 and Goal 14 Boundary Location Factors 3 and 4.

The City's conclusion that directing urbanization to the Far East A exception area would not "reasonably accommodate" the identified specific industrial and commercial-mixed use land need for sites 5 acres and larger was reached based on sound reasoning of ample data and is supported by substantial evidence in the record.

The City's conclusion that directing urbanization to the Far East A exception area to accommodate the identified specific industrial and commercial-mixed use land need for sites 5 acres and larger compares unfavorably to directing urbanization to other lands was reached based on sound reasoning of ample data and is supported by substantial evidence in the record.

Therefore, second priority exception and non-resource area lands are inadequate to accommodate the amount of land needed.

The City's conclusion that second priority exception and non-resource lands are inadequate to accommodate the amount of employment land needed because specific types of identified land needs was reached based on sound reasoning of ample data and is supported by substantial evidence in the record.

The preceding analysis provide substantive evidence to explain why the city concluded that most of the 72 isolated, remote and scattered second priority exception land parcels 5 acres or larger are not serviceable and suitable to meet Springfield's employment land needs and why the few, scattered parcels that may be serviceable are of insufficient size, quantity and location to be provided with economically feasible and cost efficient infrastructure and services.

To accommodate the identified land need, the City identified and evaluated the next priority of land under ORS 197.298.

ORS 197.298 (1)(c):

"If land under paragraphs (a) and (b) of this subsection is inadequate to accommodate the amount of land needed, third priority is land designated as marginal land pursuant to ORS 197.247 (1991 Edition)."

OAR 660-024-0060(1)

"(c) If the amount of suitable land in the first priority category is not adequate to satisfy the identified need deficiency, a local government must determine which land in the next priority is suitable to accommodate the remaining need, and proceed using the same

method specified in subsections (a) and (b) of this section until the land need is accommodated.”

IDENTIFY THIRD PRIORITY MARGINAL LAND

Next, the City’s analysis identified third priority marginal lands adjacent to the UGB. As shown in Table 7, marginal lands exist in three areas adjacent to Springfield’s UGB: Oxbow/Camp Creek, Mohawk and Wallace Creek.

Table 7 Preliminary Study Areas Containing Third Priority Marginal Lands:

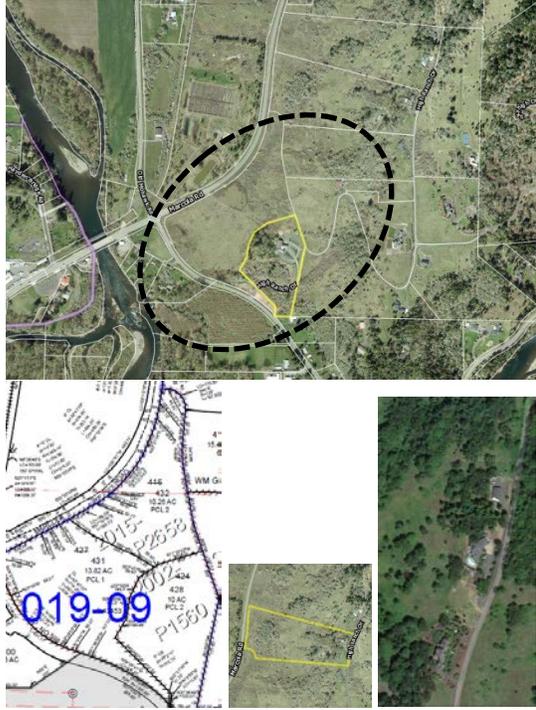
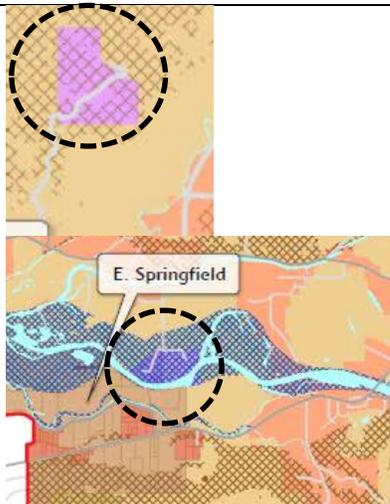
North Gateway	McKenzie View	Oxbow/Camp Creek
Hayden Bridge	Mohawk	North Springfield Highway
East Springfield	South Hills	West Jasper/Mahogany
Wallace Creek	Jasper Bridge	Mill Race
Seavey Loop	Thurston	Clearwater

This section of the report provides explanation and evidence to support the City’s findings addressing ORS 197.298(1) through (4), OAR 660-024-0060(1)(a), OAR 660-024-0060(1)(b), OAR 660-024-0060(1)(c), OAR 660-024-0060(1)(d), OAR 660-024-0060(1)(e), OAR 660-024-0060(3), OAR 660-024-0060(4), OAR 660-024-0060(5), OAR 660-024-0060(6), OAR 660-024-0060(7), OAR 660-024-0060(8)(a), OAR 660-024-0060(8)(b), and OAR 660-024-0060(8)(c).

Table 8: General Description of Third Priority Marginal Lands Parcels and Constraints provides a general descriptive summary of the Third Priority marginal lands in the vicinity of the UGB. Where shown, the red line in the small maps below is the UGB. Underlined parcel numbers indicate parcels with 5 or more unconstrained acres.

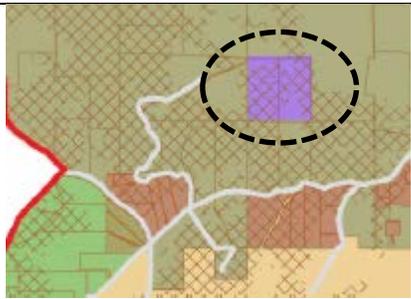
Table 8: Third Priority Marginal Lands Parcels and Constraints	
<p>Mohawk Marginal⁹⁴</p> <ul style="list-style-type: none"> • Skyline Ranch plat, 20-acre rural residential lots • Slopes > 25%, slopes 15-25% cover most of area • Some parcels with flatter topography are located in the SW portion of this area: <ul style="list-style-type: none"> ○ <u>17-02-20-00 428: 5.8 acres</u> <15% slopes, developed w/New Song Church, hydric soils 	

⁹⁴ See maps in record “Employment Opportunity Area 2 Hayden Bridge Area – Potential Study Area Evaluation”, ECONorthwest, November 2008 showing marginal land area parcel sizes and slope constraints; and copy of A & T map 17-02-20-00 with marginal parcels highlighted and slope calculations for parcels.

 <ul style="list-style-type: none"> ○ <u>17-02-20-00 0431: 8 acres <5% slope. 13.8 acres, 80 % of 13.8 ac. site is NRCS CI 8 (110—Pits)⁹⁵, 12% of site has 3-12% slopes, 8% has slopes<3%, vacant. Parcel 1 of Subdivision 2015-P2658.</u> ○ <u>17-02-20-00 0432: 9.3 acres slopes < 15% (3 acres <5%, 6.3 5-15%), hydric soils, vacant</u> ○ <u>17-02-20-00 0413: developed rural residential use on High Ranch Drive, small flatter topo area (<5 acres) along Marcola road edge of parcel</u> ○ <u>17-02-20-00 0412: 20.6 acres developed rural residential use on High Ranch Drive, small flatter topo area (~2 acres) along Marcola road edge of parcel, 56% of parcel has slopes > 12%, slopes up to 75%, hydric soils</u> <ul style="list-style-type: none"> ● Other parcels in this area have slopes > 15% and are developed with rural residential uses. ● (3) parcels 5.8-9.3 unconstrained acres in this area 	
<p>Oxbow/Camp Creek Marginal⁹⁶</p> <ul style="list-style-type: none"> ● Three contiguous 15-acre parcels: 17022400 TL 406 (73% 12-45% slopes), TL 407 (94% 12-45% slopes), TL 408 (84% 12-45% slopes) ● Slopes 12-45% ● Remote from UGB ● Developed with rural residential uses.  <ul style="list-style-type: none"> ● Marginal parcels on the McKenzie River 17-01-30-00 2300, 2301, 2302, 2303 are entirely in the floodway 	

⁹⁵ Soil and slope percentages determined from NRCS data in the Lane County Regional Land Information Database. NRCS Soil Survey of Lane County, p. 123 defines soil map unit 110—Pits “as open excavations from which soil and commonly some of the underlying material have been removed.” ...Some pits “are being filled or will be filled with industrial waste or material from roadside cutbank slopes or ditch cleaning.”

⁹⁶ See maps in record A & T map 17-02-21-24 with marginal land parcels highlighted. Slope percentages determined from NRCS data in the Lane County Regional Land Information Database

<p>Wallace Creek Marginal A</p> <ul style="list-style-type: none"> ○ Within 1 mile of UGB via Jasper Rd. and Wallace Creek Rd. ○ (2)20-acre parcels (separate ownership) Some slopes 2-12%, some >15% ○ <u>18-02-14-00 1002 17.9 unconstrained acres</u> ○ <u>18-02-14-00 1003 17.7 unconstrained acres</u> (Wallace Creek⁹⁷ 50' setback assumed) ○ Wetlands and hydric soils are present along Wallace Creek, both sides of Wallace Creek Rd. 	
<p>Wallace Creek Marginal B</p> <ul style="list-style-type: none"> ● Predominantly slopes >15% ● 2 parcels, total of 40.3 acres, separate ownership, homes on each parcel ● 18-02-12-00 TL 302 3.8 acres unconstrained ● <u>18-02-12-00 TL 303 6.4 acres unconstrained</u> (unconstrained portion is developed with rural residence) 	

IDENTIFY THIRD PRIORITY MARGINAL LAND WITH THE SPECIFIED CHARACTERISTICS TO MEET THE IDENTIFIED EMPLOYMENT LAND NEED TO INCLUDE IN THE UGB

⁹⁷ *Water Quality Results for the Middle and Coast Fork Willamette Watersheds and Eight Small Cities in the Upper Willamette Sub-basin: 2008- 2010, July 2011*, http://www.longtom.org/wp-content/uploads/2012/05/Upper-Willamette-WQ-Monitoring-Final-Report_2010.pdf report states: “Wallace Creek, a small tributary that enters the Middle Fork Willamette River downstream of Dexter Dam and which dries up in the summer, always met the State Standard for temperature but did not for dissolved oxygen and E. coli.”

Suitability Findings: Marginal Land

To identify potentially suitable marginal land sites to meet employment land needs, the City applied the following factors⁹⁸ (from an outline provided by DLCD Staff Gordon Howard) to exclude or include marginal lands in the next stage of the evaluation process:

- Exclude lands that are not buildable⁹⁹
- Exclude lands based upon specific land needs (197.298(3)(a))

The next step in the City’s process identified which marginal land parcels could potentially be suitable to meet the City’s need for employment land, including sites larger than 20 acres. This step excluded parcels or portions of parcels with absolute development constraints that make lands not buildable, and excluded marginal land with pre-existing development and parcelization patterns that limit the suitability of lands for use as future employment sites.

For the purpose of evaluating third priority marginal land, the City identified the following criteria to apply equally to all parcels within the Preliminary Study Area — in order of the land’s priority under ORS 197.298— to determine whether a parcel of land or group of parcels is potentially suitable to meet employment land needs.

Site size is a key factor because Springfield’s land need in the UGB expansion is for sites larger than 5 acres, with some needed sites larger than 20 acres.

The City identified parcels 5 acres or larger as potentially suitable to meet employment land needs, and excluded parcels or portions of parcels <5 acres from further analysis.

Topography is a key factor in determining suitability because Springfield’s land need is for industrial and commercial employment sites with relatively flat topography <5% and <7%.

Consistent with the absolute constraints applied in the Commercial and Industrial Buildable Lands Inventory and Economic Opportunities Analysis (CIBL/EOA), the City identified the following factors as “absolute constraints” to development of employment uses and to providing urban services to employment land:

- Portions of tax lots with slopes>15%
- Portions of tax lots comprising waterways and inventoried wetlands
- Portions of tax lots within the floodway
- Portions of tax lots within riparian resource areas

The City excluded portions of parcels constrained by floodway, inventoried wetlands, waterways, and riparian resources when it analyzed the suitable acreage of a parcel or group of parcels. As these factors preclude or place limitations on whether a parcel is buildable for urban development, they subsequently

⁹⁹ “Buildable” is a Goal 10 term. It is the City’s position that OAR 660-024-0060 (1) requires the City to consider whether sites are “suitable” at this “buildable” stage in the evaluation process.

preclude or place limitations on the suitability of land to accommodate the need deficiency determined under OAR 660-024-0050.

The City identified parcels or portions of parcels with slopes <15% as potentially suitable to meet employment land needs, and excluded parcels or portions of parcels with slopes >15% from further analysis.

The City excluded portions of parcels constrained by floodway, inventoried wetlands, waterways, and riparian resources when it analyzed the suitable acreage of a parcel or group of parcels.

The City’s findings describe or map all of the alternative areas evaluated in the boundary location alternatives analysis as required by OAR 660-024-0060(6). The City’s analysis involves more than one parcel or area within a particular priority category in ORS 197.298 for which circumstances are the same, so as permitted under OAR 660-024-0060(6), the City is allowed to consider and evaluate these parcels or areas as a single group. The City analyzed parcels within a priority category by geographic groupings as permitted under OAR 660-024-0060(6).

In addition to the summary data compiled in Table 8, the record includes maps, acreage calculations and other evidence demonstrating that the City uniformly evaluated parcelization, slopes, floodway, inventoried wetlands, waterways, and riparian resources on all marginal land parcels in the preliminary study area when it identified potentially suitable ORS 197.298 third priority marginal land parcels.

In addition to the summary data compiled in Table 8, the record includes maps, acreage calculations and other evidence demonstrating that the City uniformly evaluated parcelization, slopes, floodway, inventoried wetlands, waterways, and riparian resources on all marginal land parcels in the preliminary study area as the factual basis to justify excluding ORS 197.298 third priority marginal land parcels from further analysis.

None of the marginal land areas contains a potentially redevelopable parcel larger than 20 acres without absolute development constraints.

As shown in Table X, two marginal land groupings contain vacant or potentially redevelopable parcels 5-20 acres without absolute development constraints:

Table 9: Potentially Suitable Third Priority Marginal Land		
Area	Vacant or potentially redevelopable parcels larger than 20 acres without absolute development constraints?	Vacant or potentially redevelopable 5-20 acre parcels without absolute development constraints?
Mohawk	No	Yes
Oxbow/Camp Creek	No	No
Wallace Creek A	No	Yes
Wallace Creek B	No	Yes

As described and shown in the preceding text and graphics, and as verified by supporting evidence (parcel maps data and GIS maps) in the record, the City applied characteristics of parcel size, topography, and absolute development constraints (floodway, wetlands, riparian resources) to all third

priority marginal land parcels in the Preliminary UGB Study Area to identify potentially suitable third priority land to meet the employment land need. **These steps excluded the Oxbow/Camp Creek and Wallace Creek B marginal land parcels from further analysis.**

To identify potentially suitable marginal land sites to meet employment land needs, the City applied the following factors¹⁰⁰ (from an outline provided by DLCD Staff Gordon Howard) to exclude or include marginal lands in the next stage of the evaluation process:

- Exclude lands that are not buildable¹⁰¹
- Exclude lands based upon specific land needs (197.298(3)(a))

Two marginal land areas — Mohawk and Wallace Creek A (indicated by a “yes” in Table 9) could potentially provide sites 5-20 acres in size without absolute development constraints to meet employment land needs.

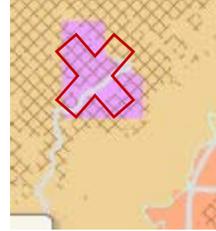
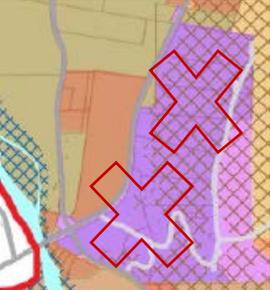
The City identified Mohawk and Wallace Creek A marginal land parcels as worthy of additional analysis to determine serviceability and suitability to meet the need for smaller 5-20 acre sites.

No marginal land area will provide a vacant or potentially redevelopable candidate site 20 acres and larger without absolute development constraints to meet employment land needs.

The City’s need for sites 20 acres and larger cannot be met by adding marginal land lands to the UGB.

The Oxbow/Camp Creek and Wallace Creek B marginal land parcels were excluded from further analysis.

Table 10: Third Priority Marginal land parcels excluded:

Oxbow/Camp Creek	Wallace Creek B	Mohawk
		

In the next step, the City conducted a public facilities and services analysis to determine whether the *potentially* suitable land identified in the previous step could reasonably be provided with the public water, sewer, stormwater and transportation facilities needed to serve industrial and commercial mixed

¹⁰¹ “Buildable” is a Goal 10 term. It is the City’s position that OAR 660-024-0060 (1) requires the City to consider whether sites are “suitable” at this “buildable” stage in the evaluation process.

use employment uses within the 2010-2030 planning period and thus be considered suitable candidate lands to accommodate the identified employment land need deficiency determined under OAR 660-024-0050.

As previously explained in this report for land to be “suitable” for industrial and other employment use under OAR 660-009-0005(12) it must be “serviceable.” OAR 660-009-0005(9) states that “‘Serviceable’ means a city or county has determined that public facilities and transportation facilities, as defined by OAR chapter 660, division 11 and division 12, currently have adequate capacity for development planned in the service area where the site is located or can be upgraded to have adequate capacity within the 20-year planning period.”

Public Services Analysis of Potentially Suitable Third Priority Land

OAR 660-024-0060(7) states:

“For purposes of Goal 14 Boundary Location Factor 2, “public facilities and services” means water, sanitary sewer, storm water management, and transportation facilities.”

Using GIS mapping and analysis tools and input received from the CIBL Technical Advisory Committee, City, County and State public agency staff including ODOT and Lane Transit District, other service providers and the public, the City conducted analysis to evaluate, compare and determine whether and how water, sanitary sewer, storm water management, and transportation facilities could be provided to potentially suitable third priority marginal land parcels within the Mohawk, Oxbow/Camp Creek, and Wallace Creek areas. The result of this step is a determination of whether parcels within each priority and within each geographic grouping can reasonably be served to support the employment land uses identified in the CIBL/EOA within the 2010-2030 planning horizon.

As previously explained in this report Goal 11 requires public facilities to be planned to support types and levels of urban facilities and services appropriate for Springfield’s needs and requirements, consistent with the comprehensive plan. Springfield’s need is for the types and levels of public facilities and services appropriate and necessary to support the needs of urban industrial and commercial uses generally and manufacturing and office employment sites specifically.¹⁰² Goal 11 requires public facilities and services to be provided “*in a timely, orderly and efficient arrangement.*” Goal 14 requires cities to evaluate changes to their UGB considering “*orderly and economic provision of public facilities and services.*”

As previously explained in this report requirements under OAR chapter 660, division must be considered at this stage in the UGB Alternatives Analysis to ensure that the amendment of the comprehensive plan to add urbanizable lands to the UGB is supported by adequate planned transportation facilities in a manner that is consistent with applicable transportation planning requirements in OAR chapter 660,

¹⁰² Springfield’s Target Industries are listed and explained in detail in the CIBL/EOA.

division 12. The City is expanding the UGB to designate suitable land for industrial and commercial development, therefore suitable candidate lands added to the UGB must provide for the relevant transportation needs: movement of goods and services to support industrial and commercial development planned for pursuant to OAR chapter 660, division 9 and Goal 9 (Economic Development);[OAR 660-012-0030 (1)(c)] and movement of workforce employees to and from the workplace, including needs of the transportation disadvantaged.

Just as the TSP must “evaluate potential impacts of system alternatives that can reasonably be expected to meet the identified transportation needs in a safe manner and at a reasonable cost with available technology;”[OAR 660-012-0035] the City’s UGB study carefully examined and compared alternative candidate growth areas to determine which alternative(s) can reasonably be expected to meet the identified transportation needs in a safe manner and at a reasonable cost with available technology.”

The transportation system must “support urban development by providing types and levels of transportation facilities and services appropriate to serve the land uses identified in the acknowledged comprehensive plan.” [OAR 660-012-0035(3)(a)]. The City is expanding the UGB to designate suitable land for industrial and commercial development, therefore suitable candidate lands added to the UGB must be located where the relevant transportation needs can be provided: movement of goods and services to support the industrial and commercial employment development planned for pursuant to OAR chapter 660, division 9 and Goal 9 (Economic Development), and movement of workforce employees to and from the workplace, including needs of the transportation disadvantaged. [OAR 660-012-0030(1)(b)]

The City evaluated alternative candidate lands to consider the advantages and disadvantages of moving goods and service, workforce employees, including needs of the transportation disadvantaged via the existing and planned transportation system to minimize adverse economic, social, environmental and energy consequences. [OAR 660-012-0035(3)(c)]. The City accomplished this by measuring and comparing distance to candidate sites via existing and planned routes.

To address OAR 660-012-0005 (41) “*Vehicle Miles of Travel (VMT)*”, the City considered the VMT advantages and disadvantages of moving goods and service, workforce employees, including needs of the transportation disadvantaged via the existing and planned transportation system [OAR 660-012-0005(41)]when it evaluated alternative candidate lands. The City accomplished this by measuring and compared distance to candidate sites via existing and planned routes, assuming build out of the planned system. This is germane to the evaluation of serviceability because urban transit service is required for a city of Springfield’s size, to ensure that new jobs can be accessible to that transportation disadvantaged and as an important means to reducing VMT. Thus, ability to reasonably provide public transit service to new urban areas is a critical and necessary component of serviceability in this case. The City, in consultation with Lane Transit District staff, considered whether extending public transit service to candidate expansion areas can reasonably be expected to be feasible to meet the identified transportation needs in a safe manner and at a reasonable cost with available technology.

The City correctly applied the requirement of OAR 660-024-0060(7) in its analysis of third priority land under ORS 197.298 by evaluating and comparing water, sanitary sewer, storm water management, and transportation facilities in its analysis of "public facilities and services", as demonstrated in the summary of data in Table 11 and as further supported by evidence in the record.

The Public Services Analysis section, on pages 211-251 of this report provides a general overview and maps of existing water, sanitary sewer, storm water management, and transportation facilities the City referenced when it described the physical location and proximity of existing facilities to *potentially* suitable parcels, when it identified physical or regulatory barriers that would make service extensions difficult or physically infeasible to support development within the 2010-2030 planning period, and when it evaluated impacts to facilities needed to serve lands already in the UGB. As previously noted, that section of the report provides explanation and evidence to support the City's findings addressing ORS 197.298(1) through (4), OAR 660-024-0060(1)(a), OAR 660-024-0060(1)(b), OAR 660-024-0060(1)(c), OAR 660-024-0060(1)(e), OAR 660-024-0060(3), OAR 660-024-0060(4), OAR 660-024-0060(5), OAR 660-024-0060(6), OAR 660-024-0060(7), OAR 660-024-0060(8)(a), OAR 660-024-0060(8)(b), and OAR 660-024-0060(8)(c) — including additional evidence to support the City's rationale for excluding from consideration the **Oxbow/Camp Creek, Wallace Creek B and Mohawk** marginal land parcels in the City's previous step.

Table 11 summarizes and compares the opportunities and constraints associated with constructing public facilities and providing public services to lands in the vicinity of the Springfield UGB. The information summarized in Table X is based on information received from City engineering and transportation staff, the Springfield CIBL Technical Advisory Committee (TAC), service providers, public agency staff that were consulted with throughout the multi-year urbanization study process, and the public facilities plans identified in the previous sections of this report. In the Public Facilities and Services Analysis, the City identified physical constraints, engineering constraints, including legal constraints that affect or influence the physical placement of wastewater or stormwater management facilities.

The analysis includes a high planning level assessment of the relative degree of difficulty of providing public facilities and services. Early in the iterative multi-year analysis process, engineering and transportation staff, public service agency staff were asked to assign a numeric value ranging from 1-5 to assess and compare the relative degree of difficulty of providing public facilities and services to an area with 1= EASIER, 3=MEDIUM DIFFICULT, 5=DIFFICULT.¹⁰³ The relative rankings assigned were based on conceptual-level discussion of the wastewater, transportation, and stormwater improvements that would likely be needed to provide these public services to serve general areas, not individual parcels. Relative degree of difficulty addressed providing services to the edge of an area and did not include providing services internally within an area. These discussions and assessments were not based upon detailed analysis and are therefore subject to change. Cost of service was not estimated or evaluated at this point in the analysis.

¹⁰³ Draft Buildable Lands Inventory, 12/11/09 by City Engineer Ken Vogeney, input from Springfield Utility Board

In addition to the summary data compiled in Table 11, the record includes studies, facilities master plans, maps, documentation from engineering staff and service providers, demonstrating that the City uniformly evaluated and compared ability to provide urban services to all potentially suitable marginal land parcels when it identified potentially suitable ORS 197.298 third priority marginal land parcels.

In addition to the summary data compiled in Table 11, the record includes studies, facilities master plans, maps, documentation from engineering staff and service providers, demonstrating that the City uniformly evaluated and compared ability to provide urban services to all potentially suitable marginal land parcels as the factual basis to justify excluding ORS 197.298 third priority marginal land parcels from further analysis.

The City’s conclusions regarding which lands to exclude are reasonable and supported by ample evidence.

Although third priority areas **Mohawk Marginal, Oxbow/Camp Creek Marginal and Wallace Creek B Marginal** were excluded from further consideration under OAR 660-009-0005(12) in the city’s previous step because these lands lacked the appropriate site characteristics, these areas could also be dismissed under the public services analysis because providing water, sewer, stormwater and transportation facilities and service would be physically infeasible in the planning period 2010-2030.

Table 11 - Public Services Analysis of Potentially Suitable Marginal Land	
Mohawk Marginal Parcels	
Water	<p>5 Difficult</p> <ul style="list-style-type: none"> • Isolated by distance and topography from existing urban services • Separated from urban services by the McKenzie River, must cross river with urban services • River is a barrier to extension of water transmission that makes extension of public water system infeasible¹⁰⁴ • Nearest water transmission line is a 16” line at Marcola Rd. /Hayden Bridge
Wastewater	<p>5 Difficult</p> <ul style="list-style-type: none"> • Separated from urban services by the McKenzie River, must cross river with urban services • Separated from urban services by the McKenzie River, must cross river with urban services • Will require pumping across the river and expanding capacity in existing sewer in Marcola Road (existing UGB). Geology precludes boring under river in this location. • Would require new trunk line from North Springfield Interceptor to and along Hayden Bridge Rd and new pump stations inside area to get flow to new trunk. Bridge is high point. Pump stations are needed to bring flow up to bridge and across river, then gravity flow to interceptor. <p>Nearest collection system is a 10” line in Marcola Rd., 4 miles to outer areas</p>

¹⁰⁴ See email from City Civil Engineer Clayton McEachern P.E., to Linda Pauly, dated 2/8/16 describing physical constraints to extending a water transmission line across the McKenzie River either via the existing bridge or by boring underwater.

<p>Stormwater</p>	<p>5 Difficult</p> <ul style="list-style-type: none"> • Separated from urban services by the McKenzie River • No new outfalls permitted upstream from Hayden Bridge (Three Basin Rule¹⁰⁵) • Eugene Water and Electric Board’s water intake at Hayden Bridge would require significant separation from any new outfalls developed downstream from the intake¹⁰⁶ • No developed system in vicinity
<p>Transportation (including transit service)</p>	<p>5 Difficult</p> <ul style="list-style-type: none"> • Isolated by distance and topography from existing urban services • Access to Springfield is across the McKenzie River via 42nd Street and Marcola Rd. (Rural Major Collector, 46-36’ wide), Old Mohawk Rd. (Rural Minor Collector/Rural Local Collector, 30’ wide), and Camp Creek Rd. (Rural Major Collector, 30’ wide).^{107 108} Roads may need improvement to accommodate additional development and provide multi-modal access: <ul style="list-style-type: none"> • Upgrade 42nd St. to urban standards¹⁰⁹ • Upgrade 42nd/Marcola intersection • May need to upgrade 42nd and OR 126 interchange¹¹⁰ • Upgrade Camp Creek to urban standards and provide capacity improvements • Would require internal collector street system. • Existing bridge in place, but would need to be improved to provide full urban standards including multi-modal access. • Urban standards and capacity improvements needed on existing and future collector system from Mohawk/Highway 126 interchange to area, including Hayden Bridge Rd, 19th St, 23rd St, and 31st St • Previous ODOT study showed a need for upgrading at Hwy 126 and 42nd St. (without UGB expansion). Traffic backs up at the 42nd St. rail crossing at entrance to the IP plant, causing delays with access to Hwy 126. • Located 1-5 miles mile from Highway 126/I-105, and I-5 • Steep slopes east of Marcola Rd. • Access would route traffic through farmland and rural residential areas • Marcola Road and Old Mohawk Road: “With Permit Truck-Tractor Semitrailer Combinations may operate at a maximum of 75 feet in overall length. The maximum length of a semitrailer in a truck tractor semitrailer combination is 53 feet. Double Trailer Combinations may operate at a maximum of 95 feet in overall length.”¹¹¹ • No transit services, pedestrian facilities or ADA access in area. Nearest service is

¹⁰⁵ OAR 340-041-0350(1)(b) prohibits new or increased waste discharges that require NPDES permit, WPCF permit, or 401 Certification to the waters of the McKenzie River Subbasin above the Hayden Bridge (river mile 15).

¹⁰⁶ See email from City Civil Engineer Clayton McEachern P.E., describing physical factors that preclude construction of new stormwater outfalls in the vicinity of EWEB’s Hayden Bridge McKenzie River water intake facility.

¹⁰⁷ Source of Functional Classifications: 2004 Lane County Transportation System Plan Functional Class Subarea 14 Map 4-14

¹⁰⁸ Source of road widths: Lane County Roads Inventory,

http://www.lanecounty.org/Departments/PW/TransPlanning/Documents/AppendixB_RoadsInventory.pdf

Accessed January 26, 2016

¹⁰⁹ Project # R-41 42nd St. from Marcola Rd. to railroad tracks is listed as a “20-year priority project” in the Springfield 2035 TSP Attachment A.

¹¹⁰ See ODOT staff Helton email to staff Reesor, Dec. 29, 2008: “The interchange on Hwy 126 at 42nd St. has failing segments even with planned improvements, but it can probably be made to operate with additional improvements to the local system.” Project #R-35 is identified as a “Beyond 20-year Project” in the 2035 Springfield TSP, Appendix A, p. 14.

¹¹¹ Lane County Weight Restricted Bridges and Approved Route List (Revised 02-2014), <http://www.odot.state.or.us/forms/motcarr/od/4020.pdf>, website accessed 2-5-16.

	<p>Route 17 Hayden Bridge Rd. and 19th Street. Route Description: “The route begins at Springfield Station (Bay B) and travels North on 5th Street where it serves Springfield City Hall and Library and the Fred Meyer Shopping Center. The bus travels East on Hayden Bridge Place, North on 7th Street, West on Hayden Bridge Road, and South onto 19th Street where it serves Mohawk Marketplace. The bus travels West on Q Street and South on 5th Street to return to Springfield Station.”¹¹²</p>
<p>Urban services conclusion: Mohawk Marginal</p>	<p>The City excluded the Mohawk Third Priority lands from consideration because these areas do not provide and cannot reasonably be expected to be provided with the public water, wastewater, stormwater and transportation infrastructure and services necessary to serve urban employment uses. Lands cannot reasonably be provided with urban services due to physical constraints of distance and topography that preclude reasonable extension of water, wastewater and transportation, including transit, and ability to provide adequate stormwater management. The City has determined that this area is not serviceable to meet Springfield’s identified industrial and commercial land use needs during the 20-year planning period ending 2030, as defined in OAR 660-009-0005(9).</p>
<p>Wallace Creek A Marginal Parcels</p>	
<p>Water</p>	<p>5 Difficult</p> <ul style="list-style-type: none"> • Parcels are separated from urban services by distance and topography • The nearest water transmission line is the 24” “Natron” water line, extended in 2013 to the SW corner of the school district property. The 16” line from Westwind/Linda Lane provides a looped system. • A planned 24” line will extend south from Weyerhaeuser Haul Rd. to serve the SE portion of the UGB. • Wallace Creek Rd. corridor alignment and topography are not conducive to infrastructure extensions. Extension of infrastructure along the Weyerhaeuser Haul Road alignment may be possible. • No developed system in vicinity • Marginal land parcels are located ~2.5 miles from the nearest water main. • Separated by at-grade rail crossing at Jasper Rd/Wallace Creek Rd.
<p>Wastewater</p>	<p>5 Difficult</p> <ul style="list-style-type: none"> • Separated from urban services by distance and topography • Parcels are located more than 1.5 miles from the UGB and more than 2 miles to the nearest trunk sewer (Jasper Trunk). • Wallace Creek Rd. corridor alignment and topography are not conducive to infrastructure extensions. Extension of infrastructure along the Weyerhaeuser Haul Road alignment may be possible. • It is anticipated one or two additional small pump stations may be needed to serve some portions of the area depending upon future development configuration and topography. • Capacity in Jasper Trunk Sewer is not expected to be a concern because flow timing and rates can be managed via the pump station.

¹¹² Email from LTD staff Will Mueller, dated June 28, 2013 provides LTD comments describing the physical requirements necessary to provide transit service applicable to extending transit service to any new areas: “Connecting roadways and streets would need to be constructed to city standards that support LTD’s buses including sufficient lane width, intersection curb radii, and sidewalk width at prospective bus stops to meet ADA standards in effect at time of construction (2013 standards require 8’ sidewalks at bus stops).”

	<ul style="list-style-type: none"> • Separated by at-grade rail crossing at Jasper Rd/Wallace Creek Rd. • No developed system in vicinity.
<p>Stormwater</p>	<p>5 Difficult</p> <ul style="list-style-type: none"> • Separated from urban services by distance and topography • No developed system in vicinity • Presence of wetland, Wallace Creek and intermittent streams on the two parcels may provide opportunity for stormwater conveyance and management if water quality standards can be met. • Physical connections to the Middle Fork Willamette River system can be made with little or no impact on existing stormwater systems. • Upgrade existing Wallace Creek stormwater outfall to Middle Fork Willamette River • New stormwater outfalls will involve several other regulatory agencies because the work would affect threatened and endangered species habitat, excavation in the waters of the state and waters of the United States, and potential wetlands. • The Middle Fork Willamette River is federally classified as critical salmonid habitat. • Stormwater management through the use of on-site retention and/or infiltration may be possible in flatter topo areas of parcels.
<p>Transportation (including transit service)</p>	<p>5 Difficult</p> <ul style="list-style-type: none"> • Isolated by distance and topography from existing urban services • Would require secondary access • Existing rail crossing at Jasper Rd/Wallace Creek Rd. is substandard. Upgrade would be needed. An at-grade crossing may not be feasible in this location. Existing traffic waiting to cross backs into Jasper Rd. 24 trains/day. • Wallace Creek Road will need improvement to urban standards. The existing narrow, winding alignment through sloped topography is a constraint. • DOGAMI SLIDO mapped landslide hazard area along Wallace Creek Road • Access via Jasper Rd., but urban standards and capacity improvements needed¹¹³: Improvement of the entire length of Jasper Road to urban standards and upgrade to 4 lanes to Main Street via South 42nd Street, including Union Pacific mainline crossing upgrades on South 42nd Street and intersection upgrades along the length of the entire corridor. • Topography limits expansion of Jasper Rd. portion of the narrow corridor next to the Willamette River • May trigger capacity improvements (4-lane section) for Bob Straub Parkway: Improvements to Bob Straub Parkway from Jasper Road to Daisy Street, upgrading to 4 lanes. • Intersection improvements will be needed at Bob Straub Parkway and Daisy Street.¹¹⁴ • Jasper Rd. & Straub Parkway: “With Permit Truck-Tractor Semitrailer Combinations may operate at a maximum of 75 feet in overall length. The maximum length of a semitrailer in a truck tractor semitrailer combination is 53 feet. Double Trailer Combinations may operate at a maximum of 95 feet in overall length.” • Intersection improvements will be needed at Bob Straub Parkway and Jasper Road, which will include a new traffic signal. • A new road connection from Bob Straub Parkway to Jasper Road will be needed in the vicinity of Tax Lot 1802090000103, which will include a new grade separated crossing over the railroad.

¹¹³ See Jasper Bridge exception area

¹¹⁴ Project #R-44 is identified as a “Beyond 20-year Project” in the 2035 Springfield TSP

	<ul style="list-style-type: none"> • Connection to Hwy 58 but limited connection to Hwy 126/I-5 • “Need to further study capacity at the I-5/Hwy 58th interchange. Improvements may be needed depending on size and location of expansion area.”¹¹⁵ • Nearest transit service is at Thurston Station on Main Street, >3 miles away.¹¹⁶ No transit services, pedestrian facilities or ADA access in area. • “Main St/Straub Parkway intersection is failing today even with planned interchange improvements”, and there are safety issues with signal. Traffic would need to be distributed differently. Significant development would need to participate in funding of ODOT IAMP. Impacts to the OR126/Main St intersection should be considered. ODOT’s previous analysis indicate that the OR 126/Main St, Main St/54th St. and Main St/58th St all exceed capacity by 2031.”^{117, 118}
<p>Urban services conclusion: Wallace Creek Marginal A</p>	<p>The City excluded the Wallace Creek Marginal A parcels from consideration because the area does not provide and cannot reasonably be expected to be provided with the public water, wastewater, stormwater and transportation infrastructure and services necessary to serve urban employment uses in this location. Providing service to the area will present significant challenges not only in the length of improvements, but also the multiple at grade railroad crossings that will likely be needed along Jasper Road and Wallace Creek Rd. In addition, Jasper Road will likely need to be upgraded to provide capacity for employment development. Lands cannot reasonably be provided with urban services due to physical constraints of distance and topography that preclude reasonable extensions and upgrades of water, wastewater and transportation, services including transit, and ability to provide adequate stormwater management. The City has determined that this area is not serviceable to meet Springfield’s identified industrial and commercial land use needs during the 20-year planning period ending 2030, as defined in OAR 660-009-0005(9).</p>
<p>Wallace Creek B Marginal Parcels</p>	
<p>Water</p>	<p>5 Difficult</p> <ul style="list-style-type: none"> • Parcels are separated from urban services by distance and topography • The nearest water transmission line is the 24” “Natron” water line, extended in 2013 to the SW corner of the school district property. The 16” line from Westwind/Linda Lane provides a looped system. • A planned 24” line will extend south from Weyerhaeuser Haul Rd. to serve the SE portion of the UGB. • Wallace Creek Rd. corridor alignment and topography are not conducive to infrastructure extensions. Extension along Weyerhaeuser Haul Road alignment may be possible. • No developed system in vicinity

¹¹⁵ Comments received from ODOT Region 2, Area 5 staff Savannah Crawford, email dated June 18, 2013.

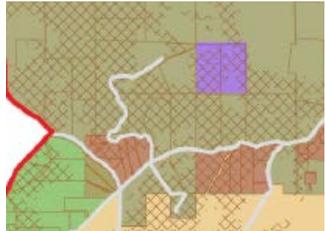
¹¹⁶ Email from LTD staff Will Mueller, dated June 28, 2013 provides comments describing the physical requirements necessary to provide transit service applicable to extending transit service to any new areas: “Connecting roadways and streets would need to be constructed to city standards that support LTD’s buses including sufficient lane width, intersection curb radii, and sidewalk width at prospective bus stops to meet ADA standards in effect at time of construction (2013 standards require 8’ sidewalks at bus stops).

¹¹⁷ Comments received from ODOT staff Crawford, meeting on June 11, 2013 and email dated June 18, 2013.

¹¹⁸ Interchange improvements at Main St/Hwy 126 and Highway 126 at 52nd are listed as financially constrained projects in the Regional Transportation Plan (RTP).

	<ul style="list-style-type: none"> • Marginal land parcels are located more than 3 miles from the nearest water main.
Wastewater	<p>5 Difficult</p> <ul style="list-style-type: none"> • Separated from urban services by distance and topography • No developed system in vicinity. • Parcels are located more than 1.5 miles from the UGB and more than 2 miles to the nearest trunk sewer (Jasper Trunk). • Wallace Creek Rd. corridor alignment and topography are not conducive to infrastructure extensions. Extension of infrastructure along the Weyerhaeuser Haul Road alignment may be possible. • It is anticipated one or two additional small pump stations may be needed to serve some portions of the area depending upon future development configuration and topography. • Capacity in Jasper Trunk Sewer is not expected to be a concern because flow timing and rates can be managed via the pump station.
Stormwater	<p>5 Difficult</p> <ul style="list-style-type: none"> • Separated from urban services by distance and topography • No developed system in vicinity • Physical connections to the Middle Fork Willamette River system can be made with little or no impact on existing stormwater systems. • Development of the area may require land acquisition to safely convey stormwater runoff to the River. • Upgrade existing Wallace Creek outfall to Middle Fork Willamette River New stormwater outfalls will involve several other regulatory agencies because the work would affect threatened and endangered species habitat, excavation in the waters of the state and waters of the United States, and potential wetlands. The Middle Fork Willamette River is federally classified as critical salmonid habitat. • Stormwater management through the use of on-site retention and/or infiltration would be challenging given the sloped topography.
Transportation (including transit service)	<ul style="list-style-type: none"> • Isolated by distance and topography from existing urban services • Would require secondary access • Marginal B parcels are remote, accessed via Jasper Rd.- Wallace Creek Rd. – to vicinity of R.R. Baker Rd. Topo separates from upper Wallace Creek Rd. • Existing rail crossing at Jasper Rd/Wallace Creek Rd. is substandard. Upgrade would be needed. An at-grade crossing may not be feasible in this location. Existing traffic waiting to cross backs into Jasper Rd. 24 trains/day. • Wallace Creek Road will need improvement to urban standards. The existing narrow, winding alignment through sloped topography is a constraint. • DOGAMI SLIDO mapped landslide hazard area along Wallace Creek Road • Access via Jasper Rd., but urban standards and capacity improvements needed¹¹⁹: Improvement of the entire length of Jasper Road to urban standards and upgrade to 4 lanes to Main Street via South 42nd Street, including Union Pacific mainline crossing upgrades on South 42nd Street and intersection upgrades along the length of the entire corridor. • Topography limits expansion of Jasper Rd. portion of the narrow corridor next to the Willamette River • May trigger capacity improvements (4-lane section) for Bob Straub Parkway: Improvements to Bob Straub Parkway from Jasper Road to Daisy Street, upgrading

¹¹⁹ See Jasper Bridge exception area

	<p>to 4 lanes.</p> <ul style="list-style-type: none"> • Intersection improvements will be needed at Bob Straub Parkway and Daisy Street.¹²⁰ • Jasper Rd. & Straub Parkway: “With Permit Truck-Tractor Semitrailer Combinations may operate at a maximum of 75 feet in overall length. The maximum length of a semitrailer in a truck tractor semitrailer combination is 53 feet. Double Trailer Combinations may operate at a maximum of 95 feet in overall length.” • Intersection improvements will be needed at Bob Straub Parkway and Jasper Road, which will include a new traffic signal. • A new road connection from Bob Straub Parkway to Jasper Road will be needed in the vicinity of Tax Lot 1802090000103, which will include a new grade separated crossing over the railroad. • Connection to Hwy 58 but limited connection to Hwy 126/I-5 • “Need to further study capacity at the I-5/Hwy 58th interchange. Improvements may be needed depending on size and location of expansion area.”¹²¹ • Nearest transit service is at Thurston Station on Main Street, >3 miles away.¹²² No transit services, pedestrian facilities or ADA access in area. • “Main St/Straub Parkway intersection is failing today even with planned interchange improvements”, and there are safety issues with signal. Traffic would need to be distributed differently. Significant development would need to participate in funding of ODOT IAMP. Impacts to the OR126/Main St intersection should be considered. ODOT’s previous analysis indicate that the OR 126/Main St, Main St/54th St. and Main St/58th St all exceed capacity by 2031.”^{123, 124} 
<p>Urban services conclusion: Wallace Creek Marginal B</p>	<p>The City excluded the Wallace Creek Marginal B parcels from consideration because the area does not provide and cannot reasonably be expected to be provided with the public water, wastewater, stormwater and transportation infrastructure and services necessary to serve urban employment uses in this location. Providing service to the area will present significant challenges not only in the length of improvements, but also the multiple at grade railroad crossings that will likely be needed along Jasper Road and Wallace Creek Rd. In addition, Jasper Road will likely need to be upgraded to provide capacity for employment development. Lands cannot reasonably be provided with urban services due to physical constraints of</p>

¹²⁰ Project #R-44 is identified as a “Beyond 20-year Project” in the 2035 Springfield TSP

¹²¹ Comments received from ODOT Region 2, Area 5 staff Savannah Crawford, email dated June 18, 2013.

¹²² Email from LTD staff Will Mueller, dated June 28, 2013 provides comments describing the physical requirements necessary to provide transit service applicable to extending transit service to any new areas: “Connecting roadways and streets would need to be constructed to city standards that support LTD’s buses including sufficient lane width, intersection curb radii, and sidewalk width at prospective bus stops to meet ADA standards in effect at time of construction (2013 standards require 8’ sidewalks at bus stops).

¹²³ Comments received from ODOT staff Crawford, meeting on June 11, 2013 and email dated June 18, 2013.

¹²⁴ Interchange improvements at Main St/Hwy 126 and Highway 126 at 52nd are listed as financially constrained projects in the Regional Transportation Plan (RTP).

	distance and topography that preclude reasonable extensions and upgrades of water, wastewater and transportation, services including transit, and ability to provide adequate stormwater management. The City has determined that this area is not serviceable to meet Springfield’s identified industrial and commercial land use needs during the 20-year planning period ending 2030, as defined in OAR 660-009-0005(9).
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The City relied on the findings in Table 11 — as further documented by referenced facility plans, maps and supplemental evidence in the record — to determine whether *potentially suitable* candidate second priority lands can be served with public water, wastewater, stormwater, and transportation including public transit systems within the 2010-2030 planning period based on physical constraints. In this step, the City excluded lands it deemed not serviceable based on physical constraints — and therefore not suitable — from further consideration in the UGB Alternatives Analysis.

The City’s evaluation of alternatives and its conclusions regarding serviceability and thus suitability are based on a comparative analysis of physical facilities and services constraints that is appropriate for this level of planning. The City applied service comparison factors uniformly to the land under each priority.

As required in OAR 660-024-0060(8)(a), the City evaluated and compared the relative advantages and disadvantages of potentially suitable third priority marginal land by gathering and compiling data in Table 8: General Description of Third Priority Marginal Lands Parcels and Constraints and Table 11: Public Services Analysis of Potentially Suitable Marginal Land Summary. For the purpose of evaluating serviceability of parcels within the third priority [ORS 197.298(3)(b)], the City grouped the potentially suitable third priority parcels within general geographic areas. Based on this data, the City determined whether a parcel or group of marginal land parcels could reasonably be provided with the water, sewer/wastewater, stormwater, and transportation including transit facilities and services needed to urbanize land to accommodate the need deficiency determined under OAR 660-024-0050 within the 2010-2030 planning period.

The City correctly applied the requirement of OAR 660-024-0060(8)(a) in its analysis of third priority land under ORS 197.298.

As stated in OAR 660-024-0060(8)(b), the capacity of existing public facilities and services to serve areas already inside the UGB as well as areas proposed for addition to the UGB is a key factor to be considered in making a determination with respect to the provision of public facilities and services needed to urbanize alternative boundary locations, and thus capacity is a key factor to be considered in making a determination that a particular area is suitable to accommodate the need deficiency determined under OAR 660-024-0050.

As required in OAR 660-024-0060(8)(b), the City analyzed, evaluated and compared impacts to existing public facilities and services to serve areas already inside the UGB when it compiled data in Table 8: General Description of Third Priority Marginal Lands Parcels and Constraints and Table 11: Public Services Analysis of Potentially Suitable Marginal Land Summary. Based on this data, the City

determined whether and how providing a parcel or group of third priority marginal land parcels with the water, sewer/wastewater, stormwater, and transportation including transit services needed to urbanize land to accommodate the need deficiency determined under OAR 660-024-0050 would impact existing and planned public facilities and services within the 2010-2030 planning period.

The City correctly applied the requirement of OAR 660-024-0060(8)(b) in its analysis of third priority land under ORS 197.298.

As stated in OAR 660-024-0060(8)(c), the need for new transportation facilities, such as highways and other roadways, interchanges, arterials and collectors, additional travel lanes, other major improvements on existing roadways — and as Springfield is an urban areas of 25,000 or more — the provision of public transit service, are key factors to be considered in making a determination with respect to the provision of public facilities and services needed to urbanize alternative boundary locations; and thus are key factors to be considered in making a determination that a particular area is suitable to accommodate the need deficiency determined under OAR 660-024-0050.

As required in OAR 660-024-0060(8)(c), the City evaluated and compared advantages and disadvantages with respect to the need for new transportation facilities, such as highways and other roadways, interchanges, arterials and collectors, additional travel lanes, other major improvements on existing roadways and the provision of public transit service by gathering and compiling facilities maps and data in Table 8: General Description of Third Priority Marginal Lands Parcels and Constraints and Table 11: Public Services Analysis of Potentially Suitable Marginal Land Summary. The City collected public facilities data from ODOT and other Federal, State and Local agencies and service providers. Based on this data, the City determined whether a parcel or group of third priority marginal land parcels could be made accessible with the transportation facilities including transit services needed to urbanize land to accommodate the need deficiency determined under OAR 660-024-0050 within the 2010-2030 planning period.

The City correctly applied the requirement of OAR 660-024-0060(8)(c) in its analysis of third priority land under ORS 197.298.

The City excluded the third priority lands based upon specific land needs (197.298(3)(a)):

- **This step excluded parcels with less than 5 unconstrained acres.**
- **The City excluded lands based on slopes exceeding 7%, distance to I-5**
- **This step excluded Oxbow/Camp Creek Marginal from further analysis.**
- **This step excluded Wallace Creek Marginal A from further analysis.**
- **This step confirmed exclusion of Wallace Creek Marginal B parcels.**
- **This step excluded Mohawk Marginal parcels.**

The City excluded the third priority lands based upon inability to reasonably provide urban services due to physical constraints (197.298(3)(b))

- **This step confirmed exclusion of Mohawk Marginal parcels.**

- This step confirmed exclusion of Wallace Creek Marginal A parcels.
- This step confirmed exclusion of Oxbow/Camp Creek Marginal parcels.

ORS 197.298 (1)(b) Goal 14 Location Factor 3 – Second Priority Lands Analysis

To confirm its evaluation of *potentially* suitable marginal land sites to satisfy the employment land need deficiency, the City applied Goal 14 Factor 3 to evaluate the Far East A area exception parcels based on comparative ESEE consequences (Goal 14, Boundary Location, Factor 3), and based on compatibility with agricultural & forest activities (Goal 14, Boundary Location, Factor 4).

As previously noted, DLCD staff Gordon Howard provided an outline of the steps to be followed to exclude or include land:

- Exclude lands that are not buildable¹²⁵
- Exclude lands based upon specific land needs (197.298(3)(a));
- Exclude lands based upon inability to reasonably provide urban services due to physical constraints (197.298(3)(b));
- Include lower priority lands needed to include or provide services to urban reserve lands (197.298(3)(c));
- **Exclude lands based upon analysis of comparative ESEE consequences (Goal 14, Boundary Location, Factor 3);**
- **Exclude lands based upon analysis of compatibility with agricultural & forest activities (Goal 14, Boundary Location, Factor 4)**

The City addressed Goal 14 Location Factor 3 as part of the ORS 197.298 evaluation process after making a determination of which third priority lands were potentially suitable based on parcel size size and lack of constraints, and after identifying potentially suitable parcels within a given geographic area grouping that could reasonably be serviceable by 2030. Goal 14 Location Factor 3 requires the City to make a determination that third priority parcels of land selected to be included in an urban growth boundary (UGB) will result in better environmental, social, energy, and economic (ESEE) consequences than the other lands of equal priority considered in this step and other alternative sites that were considered for inclusion and rejected. Under a Goal 14 Factor 3 analysis regarding public facilities and services, a local government may consider relative difficulty and cost differences between urbanizing alternative sites and may consider whether the amount of potentially suitable land within a geographic area could reasonably justify the extension of public infrastructure.

Mohawk Marginal, Wallace Creek Marginal A, and Oxbow/Camp Creek Marginal were excluded from further consideration for inclusion in the UGB based on physical constraints that preclude serviceability. It is important to note that although the City did not exclude these lands on the basis of comparative

¹²⁵ “Buildable” is a Goal 10 term. It is the City’s position that OAR 660-024-0060 (1) requires the City to consider whether sites are “suitable” at this “buildable” stage in the evaluation process.

environmental, social, energy, and economic (ESEE) consequences, all of these excluded lands would be excluded under Goal 14 Location Factor 3: Comparative environmental, social, energy, and economic (ESEE) consequences solely on the basis of cost, at the point in the analysis when cost to provide public infrastructure and urban services is considered. The City’s reasoning is based on a high level planning estimates of cost per linear mile¹²⁶, factors easily multiplied by the numbers of miles indicated in Table 11 needed to reach *potentially* suitable parcels of adequate size and slope, to calculate cost estimates for the comparative purposes of this analysis.

- **This step confirmed exclusion of Mohawk Marginal parcels**
- **This step confirmed exclusion of Wallace Creek Marginal A**
- **This step confirmed exclusion of Oxbow/Camp Creek Marginal.**

Table 12 Third Priority Marginal Land Excluded on the basis of specific land needs [ORS 197.298(3)(a)], Public Facilities [ORS 197.298(3)(b)], and ESEE Consequences
McKenzie View
Mohawk
Wallace Creek A
Wallace Creek B

As explained in this report, and supported by the substantive and evidence in the record, the City conducted a complete and thorough alternatives analysis of third priority lands adjacent to the UGB that was not limited to those lots or parcels that abut the UGB, but also included all land in the vicinity of the UGB that has a reasonable potential to satisfy the identified need deficiency. [OAR 660-024-0060(4)].

The City determined that third priority lands adjacent to or in the vicinity of the UGB are not suitable to meet the identified employment land need and cannot reasonably accommodate the identified employment land need. The City’s decision was reached after identifying and evaluating marginal land in the vicinity of the UGB, after identifying and evaluating potentially suitable parcels 5 acres or larger without absolute development constraints; after consultation with experts to identify needed site characteristics for the target industrial and commercial/mixed use industries identified in the CIBL/EOA that require sites 5 acres and larger and 20 acres and larger, including public facilities needs for industrial and commercial land development; after consultation with public facility and services providers including ODOT; after evaluation of exception land location and topography as it relates to the ability to extend public facilities of sufficient physical capacity and structure to support provision of urban services including water and wastewater mains and public transit service to UGB expansion areas; in consideration of applicable policies in the *Springfield Development Code* Chapter 5.7-100 for annexing

¹²⁶ For example, Springfield City Council Agenda Item Summary, April 28, 2014, ATT2 provided the Council with approximate unit costs of wastewater and transportation improvements to supplement the City Engineer’s memorandum. “These analyses were not budget-level cost estimations but rather estimates whose principal value is to permit comparison of relative levels of cost.”

territory; after consideration of infrastructure and transportation needs to serve lands already in the UGB as identified in the applicable *Eugene-Springfield Metropolitan Area Public Facilities and Services Plan*, applicable transportation system plans, facilities master plans and capital improvement programs; and after consideration of the City's development standards and requirements for urban development in the *Springfield Development Code* Chapters 3.2-300, 3.2-400, 3.2-600, 3.3-300, 3.3-300, 3.3-400, 3.3-500, 3.3-1000, Chapter 4 in its entirety and the *Springfield Engineering Design Standards and Procedures Manual*.

ORS 197.298 (1)(c) Conclusion – Third Priority Lands Analysis: After a thorough parcel-by-parcel evaluation, the City determined that urbanization cannot be directed to the marginal lands adjacent to the UGB because marginal lands are not suitable and cannot reasonably accommodate the identified specific industrial and commercial-mixed use land need for sites 5 acres and larger. Therefore, third priority marginal lands are inadequate to accommodate the amount of land because specific types of identified land needs cannot be reasonably accommodated on the marginal lands, and future urban services could not reasonably be provided to the marginal lands due to topographical or other physical constraints.

ORS 197.298 Conclusion: The City properly applied and followed the prioritization requirements in ORS 197.298 to the UGB alternatives analysis when it studied, evaluated and selected land which land to be included within the urban growth boundary amendment.

CONSIDERATION OF LAND OF LOWER PRIORITY [ORS 197.298(1)(d)]

ORS 197.298 (1)(d):

“If land under paragraphs (a) to (c) of this subsection is inadequate to accommodate the amount of land needed, fourth priority is land designated in an acknowledged comprehensive plan for agriculture or forestry, or both.”

ORS 197.298(2):

“Higher priority shall be given to land of lower capability as measured by the capability classification system or by cubic foot site class, whichever is appropriate for the current use.”

OAR 660-024-0060(1)(d):

“Notwithstanding subsection (a) to (c) of this section, a local government may consider land of lower priority as specified in ORS 197.298(3).”

ORS 197.298(3)

“Land of lower priority under subsection (1) of this section may be included in an urban growth boundary if land of higher priority is found to be inadequate to accommodate the amount of land estimated in subsection (1) of this section for one or more of the following reasons:

(a) Specific types of identified land needs cannot be reasonably accommodated on higher priority lands;

(b) Future urban services could not reasonably be provided to the higher priority lands due to topographical or other physical constraints; or

(c) Maximum efficiency of land uses within a proposed urban growth boundary requires inclusion of lower priority lands in order to include or to provide services to higher priority lands.”

After the City examined and excluded all land of higher priority for expansion under ORS 197.298 (1)(b) and (1)(c), and found those lands unsuitable and thus inadequate to accommodate the land need, the City’s next two steps were to identify fourth priority land adjacent to and in the vicinity of the UGB that is potentially suitable to meet the need deficiency, [ORS 197.298 (1)(d)] and to evaluate potentially suitable land “by agriculture or forest land capability as measured by the capability classification system or by cubic foot site class, whichever is appropriate for the current use.” [ORS 197.298(2)] In this next step, the City identified candidate UGB study areas lands for further evaluation and comparison under ORS 197.298(3) by 1) identifying fourth priority lands; and 2) prioritizing those lands as required under ORS 197.298(2):

“Higher priority shall be given to land of lower capability as measured by the capability classification system or by cubic foot site class, whichever is appropriate for the current use.”

The statute directs the City to further prioritize lands land designated in an acknowledged comprehensive plan for agriculture or forestry for inclusion on the basis of the capability classification system or cubic foot class.

The statute directs the City to identify and evaluate both agriculture and forest lands in this step and without prioritize one over the other. Instead, the statute directs the analysis to consider “fourth priority land designated in an acknowledged comprehensive plan for agriculture or forestry, or both.”

IDENTIFY FOURTH PRIORITY LAND DESIGNATED IN AN ACKNOWLEDGED COMPREHENSIVE PLAN FOR AGRICULTURE OR FORESTRY OR BOTH

With the exception of its western boundary located along Interstate Highway 5, nearly all of Springfield’s UGB is surrounded by land designated in an acknowledged comprehensive plan for agriculture and forestry. As shown in Table 13, land designated in an acknowledged comprehensive plan for agriculture or forestry is present in every area adjacent to and in the vicinity of Springfield’s UGB.

North Gateway	McKenzie View	Oxbow/Camp Creek
Hayden Bridge	Mohawk	North Springfield Highway
Far East	South Hills	West Jasper/Mahogany
Wallace Creek	Jasper Bridge	Mill Race
Seavey Loop	Thurston	Clearwater

Table 13 indicates study area groupings that contain areas designated for agriculture in the Lane Rural Comprehensive Plan with beige color, consistent with the color used to indicate the Agriculture plan designation in the Lane Rural Comprehensive Plan maps used in this analysis.

Table 13 indicates study area groupings that contain areas designated for forestry in the Lane Rural Comprehensive Plan with olive green color, consistent with the color used to indicate the Agriculture plan designation in the Lane Rural Comprehensive Plan maps used in this analysis.

Table 13 indicates study area groupings that contain areas designated for agriculture and forestry in the Lane Rural Comprehensive Plan with both colors.

This section of the report provides explanation and evidence to support the City’s findings addressing ORS 197.298(1) through (4), OAR 660-024-0060(1)(a), OAR 660-024-0060(1)(b), OAR 660-024-0060

(1)(c), OAR 660-024-0060(1)(d), OAR 660-024-0060(1)(e), OAR 660-024-0060(3), OAR 660-024-0060(4), OAR 660-024-0060(5), OAR 660-024-0060(6), OAR 660-024-0060(7), OAR 660-024-0060(8)(a), OAR 660-024-0060(8)(b), and OAR 660-024-0060(8)(c), Goal 14, Boundary Location Factor 3; and Goal 14, Boundary Location, Factor 4.

To perform analysis of the much larger set of fourth priority lands adjacent or in the vicinity of the UGB, the City conducted analysis by geographic area groupings in its next step. Table 14 provides a general descriptive summary of the Fourth Priority lands adjacent to and in the vicinity of the UGB. Lands in the Preliminary Study area are organized geographically and are named consistently with the names used in the second and third priority lands analyses.

This step identified candidate fourth priority land that *could* potentially be added to the UGB if deemed suitable to accommodate the employment land need deficiency determined under OAR 660-024-0050. The City's description of each grouping in Table 14 includes maps and information to identify agriculture or forest plan designations, dominant soil capability classifications and general physical and locational characteristics.

The City's description of each exception area identified the presence of "absolute development constraints" (slopes >15%, floodway, wetlands, and riparian resource areas) in each area to provide data to inform its determination of which fourth priority land parcels or portions of parcels *may* potentially be suitable to accommodate the employment land need deficiency determined under OAR 660-024-0050.

For the purposes of the preliminary screening of fourth priority land in Table 14, the City applied the same constraints criteria as those applied in the City's Commercial and Industrial Buildable Lands (CIBL) inventory of land inside the UGB:

- Slopes – slopes over 15% are considered unbuildable
- Floodway – areas within the floodway as mapped by FEMA are considered unbuildable
- Wetlands – areas identified in the national wetlands inventory or Springfield's local wetlands inventory are considered unbuildable
- Riparian resource areas – areas identified by Springfield or Lane County as riparian resource areas are considered unbuildable.

OAR 660-009-0005(2)

"Development Constraints" means factors that temporarily or permanently limit or prevent the use of land for economic development. Development constraints include, but are not limited to, wetlands, environmentally sensitive areas such as habitat, environmental contamination, slope, topography, cultural and archeological resources,

infrastructure deficiencies, parcel fragmentation, or natural hazard areas.” [emphasis added]

OAR 660-009-0005(11)

“Site Characteristics” means the attributes of a site necessary for a particular industrial or other employment use to operate. Site characteristics include, but are not limited to, a minimum acreage or site configuration including shape and topography, visibility, specific types or levels of public facilities, services or energy infrastructure, or proximity to a particular transportation or freight facility such as rail, marine ports and airports, multimodal freight or transshipment facilities, and major transportation routes.”
[emphasis added]

The development constraints applied in the City’s analysis are constraints identified in OAR 660-009-0005(2) and site attributes identified in OAR 660-009-0005(11).

For the purposes of increasingly detailed analysis to determine suitability of potentially suitable fourth priority land in Table X to meet the site needs of the City’s target employers and in addition to excluding lands with slopes 15% or greater, the City applied the following needed site characteristic parameters applicable to the City’s target employment industries¹:

- Springfield’s target manufacturing industries require sites sloped 5% or less.
- Springfield’s target commercial and mixed use employers require sites sloped 7% or less.

The constraint of “infrastructure deficiencies that temporarily or permanently limit or prevent the use of land for economic development” is identified separately in the Public Facilities Analysis.

The City used industry standard GIS mapping and measuring tools and methods to quantify parcel and constraints data for evaluation as groupings were selected for further analysis in the UGB study.

Table 14 provides a general descriptive summary of the Fourth Priority lands in the vicinity of the UGB. Table 14 provides a context photo² and two side-by-side maps of each Preliminary Study area grouping: 1) an excerpt from the Lane County Map viewer plan map indicating LRCP plan designation;^{3 4} and 2) an excerpt from Map 4: LRCP plan designation, ECONorthwest, December 2008 indicating soil classification.

These map excerpts are color keyed as shown on the following page.

¹ CIBL/EOA pp. iii-iv, pages 82-95, Appendix C., pages 167-178.

² Context photos are screenshots from Bing maps accessed March 10-11 via links in RLID.

³ <http://lcmmaps.lanecounty.org/LaneCountyMaps/ZoneAndPlanMapsApp/index.html>

accessed March 10, 2016

⁴ land designated Agriculture in the Metro Plan west of I-5 is shown in a different brown map color and is indicated by an “A” on the parcel. For example, the land west of I-5 west of the North Gateway study area and west of Armitage Rd. is designated “Agriculture” in the Metro Plan and zoned EFU30.

LRCP plan designation map legend	Soil classification map legend
<p>Rural Plan Designation</p> <p>RCP Plan Designation</p> <ul style="list-style-type: none"> F - Forest A - Agricultural ML - Marginal C - Commercial I - Industrial R - Residential NRES - Non Resource P - Parks AIR - Airport NR:CA - Natural Resource Conservation Area E - Estuary DR - Destination Resort NR:M - Natural Resource : Mineral PF - Public Facility NR:W - Natural Resource : Wildlife 	<p>capability class</p> <ul style="list-style-type: none"> Class 1 Class 2 Class 3 Class 4 Class 5 Class 6 Class 7 Class 8

Where shown, the red line in the small maps below is the UGB.

The City’s findings describe or map all of the alternative resource land areas evaluated in the boundary location alternatives analysis as required by OAR 660-024-0060(6). The City’s analysis involves more than one parcel or area within a particular priority category in ORS 197.298 for which circumstances are the same, so as permitted under OAR 660-024-0060(6), the City is allowed to consider and evaluate these parcels or areas as a single group. The City analyzed parcels within a priority category by capability classification groupings as permitted under OAR 660-024-0060(6).

In addition to the summary data compiled in Table 14, the record includes maps, acreage calculations and other evidence demonstrating that the City uniformly evaluated soils, parcelization, slopes, floodway, inventoried wetlands, waterways, and riparian resources on resource land parcels in the preliminary study area as factual basis to justify excluding ORS 197.298 lands parcels from further analysis.

Table 14: General Description of Fourth Priority Land

North Gateway



- The North Gateway preliminary study area consists solely of the land east of Interstate Highway 5 between the Springfield UGB and the McKenzie River. Lands east and north of the river are in the McKenzie View study area grouping.
- With the exception of the NW corner of the study area (Armitage Park), the North Gateway site is designated Agriculture.
- The area has large, potentially suitable parcels that abut the Springfield UGB and land designated Campus Industrial in the Metro Plan, including parcels 20 acres and larger.
- Area abuts and is highly visible from Interstate Highway 5.
- Area is flat with some slopes along the banks of the river, slough, freeway and the Sprague overpass

embankment

- Floodway, riparian resources and wetlands along the river and Maple Island Slough, hydric soils
- Entire study area is in the floodplain
- Soil classification is mixed. Area comprises Class II, IV, VII, and VIII. Predominantly Class II overall, with Class VII and VIII soils along the river and sloughs.
- The parcels adjacent to and abutting UGB in the southern portion of the area have higher priority for inclusion under ORS 197.298 because the tracts are not composed predominantly of soils classified as prime, unique, Class I or II and high value (ORS 215.710(3)(a)-(d):⁵
 - 1703154000 400 54% of tract is not high value farmland (Class II, IV, VII, VIII)
 - 17031000 2500 56% of tract is not high value farmland (Class II, IV, VII, VIII)
- 17031000 2400 89% of tract is high value farmland (Class II, IV and VIII)
- Parcels north of Sprague consist of predominantly high value soils – lower priority for expansion.
- Presence of hydric soils may indicate wetlands.
- Sensitive Drinking Water Protection Overlay zone: I-5 well (located on EWEB site)
- 1703154000 801 is developed with EWEB power electrical transmission facilities and Rainbow/SUB wells
- Accessed via Corporate Way from the south or via Gateway St. - North Game Farm Rd - Armitage Rd - Sprague Rd Overpass from the south or west.
- Area was identified by the CIBL Technical and Stakeholder Advisory Committees as a potential employment area worthy of further study in the Preliminary CIBL Analysis (2008-2009), and was included in draft alternatives reviewed by the Joint Planning Commissions and Springfield City Council.



1703154000 400



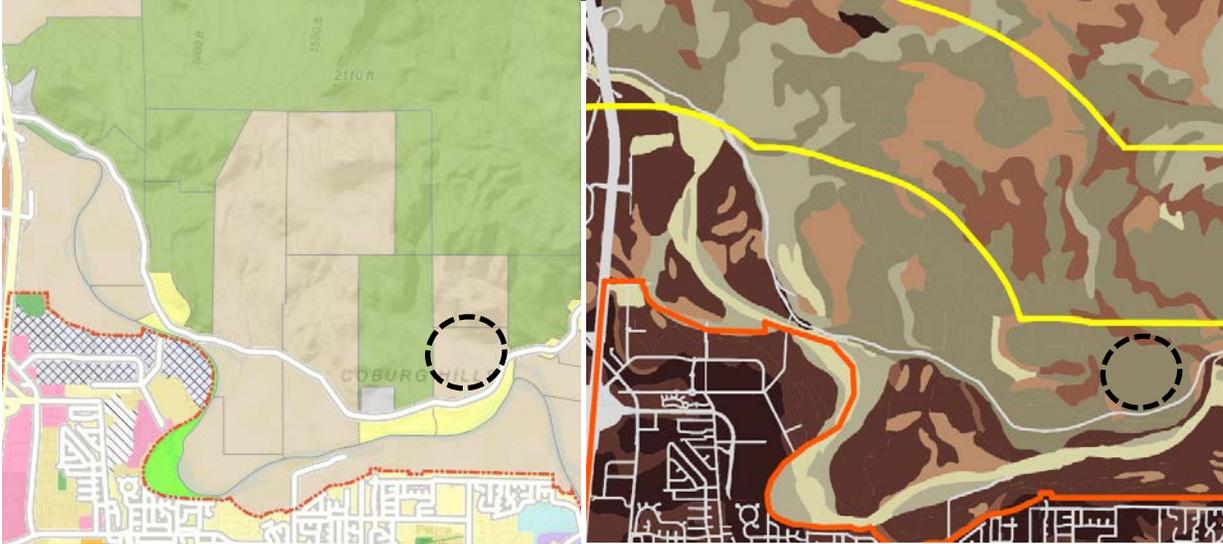
170310000 2500



170310000 2400

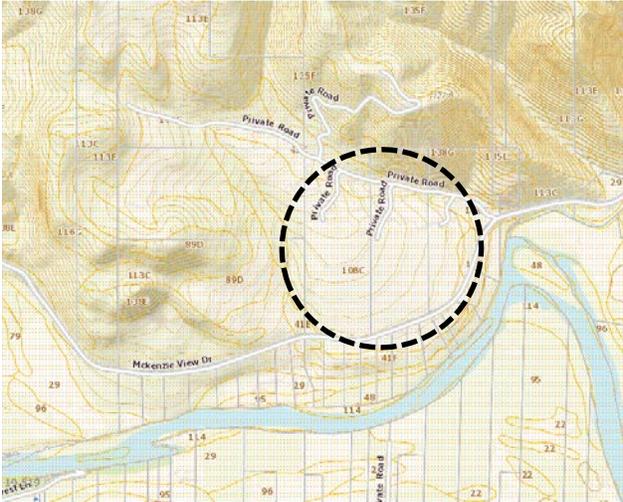
⁵ The City used RLID data to calculate % of soil units in a tract.

McKenzie View

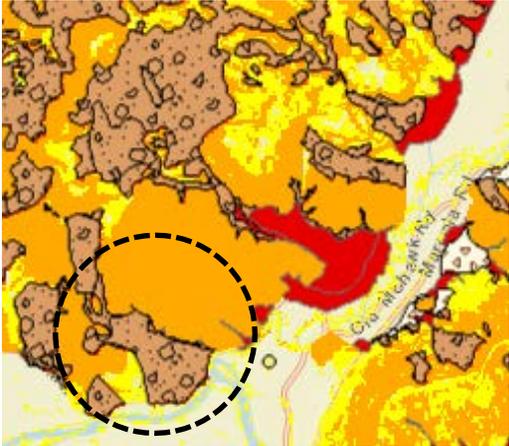


- The McKenzie View preliminary study area consists of the land north of the McKenzie River between Interstate Highway 5 and Marcola Road (Hayden Bridge).
- Land is across the McKenzie River from Springfield and no bridges exist between Interstate Highway 5 and Hayden Bridge/Marcola Rd.
- Fourth Priority lands are designated Agriculture and Forest.
- Soil classification is mixed. Area comprises Class I, II, III, IV, VI, VII, and VIII. Predominantly Class II soils along the river. Predominantly Class VI in the hills.
- Large parcels are across the river, none are adjacent to UGB.
- Slopes and soils:
 - Predominantly slopes >15% I-5 to Mohawk River on north side of McKenzie View Drive except one area of slopes <15% is shown on map, soil is Class VI (108C- Philomath 3-12% slopes)
 - 17021800 402
 - 17021800 403

- 17021800 404
- Slopes 15% or less I-5 to Mohawk River on south side of McKenzie View Drive Lands slopes are predominantly Class II
- DOGAMI mapped landslide hazards in Coburg Hills
- Floodway, riparian resources and wetlands along the river
- accessed via Coburg Rd - McKenzie View Drive; or from Marcola Road - Old Mohawk Road - Hill Road - McKenzie View Drive.

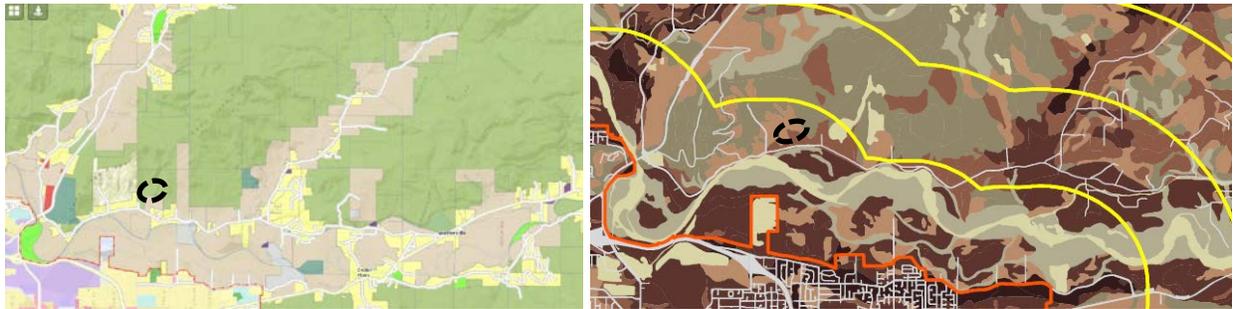


McKenzie View site topography and Cl. VI soil



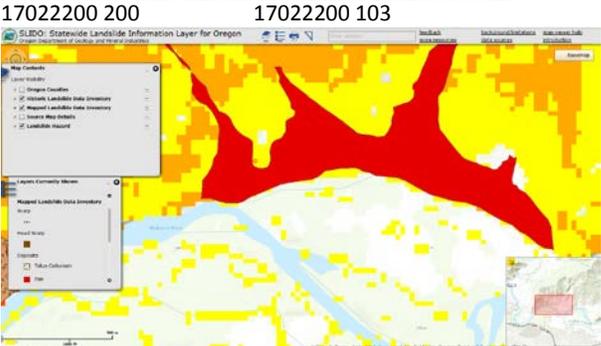
McKenzie View site DOGAMI hazards

Oxbow/Camp Creek



- The Oxbow/Camp Creek preliminary study area consists of the land north of the McKenzie River between Marcola Road (Hayden Bridge) and Hendricks Bridge, excluding the Mohawk Valley.
- Land is across the McKenzie River from Springfield and no bridges exist between Interstate Highway 5 and Hayden Bridge/Marcola Rd.
- Fourth Priority lands are designated Agriculture and Forest.
- Soil classification is mixed. Area comprises CI I, II, II, IV, VI, VII, VIII soils. Predominantly Class II soils along the river. Predominantly Class VI in the hills. Some Class I along Upper Camp Creek.
- Large, unconstrained parcels are located across the river, not adjacent to UGB.
- Large unconstrained parcels south of Camp Creek Road are predominantly Class II soils.
- Unconstrained portions of parcels north of Camp Creek Road are predominantly Class III soils (105A Pengra 1-4% slopes, and Class VI 108F Philomath 12-45% slope)
 - 17022200 200 approx. 31 acres Class III, slopes 15% or less (4% 105A), EFU
 - 17022200 103 approx. 11 acres Class III, slopes 15% or less (105A – Pengra 1-4% slopes, 113E, 102C), EFU
 - 17022300 300 approx. 6.8 acres Class III, slopes 15% or less (105A – Pengra 1-4% (105A – Pengra 1-4% slopes, 47% 108C Philomath, EFU, BPA easement
- Large unconstrained parcels west of Upper Camp Creek Road are Class I, II and III soils lower priority for expansion
- DOGAMI mapped landslide hazards in Coburg Hills
- riparian resources and wetlands along the McKenzie River

- accessed via Marcola Road – Camp Creek Road from the south; or via Hendricks Bridge – Millican Road – Camp Creek Road from the east; or via Coburg Road – McKenzie View Drive – Old Mohawk Road – Mohawk Road
- Armitage Rd - Sprague Rd overpass - McKenzie View Drive, or from Marcola Road - Old Mohawk Road - Hill Road - McKenzie View Drive.



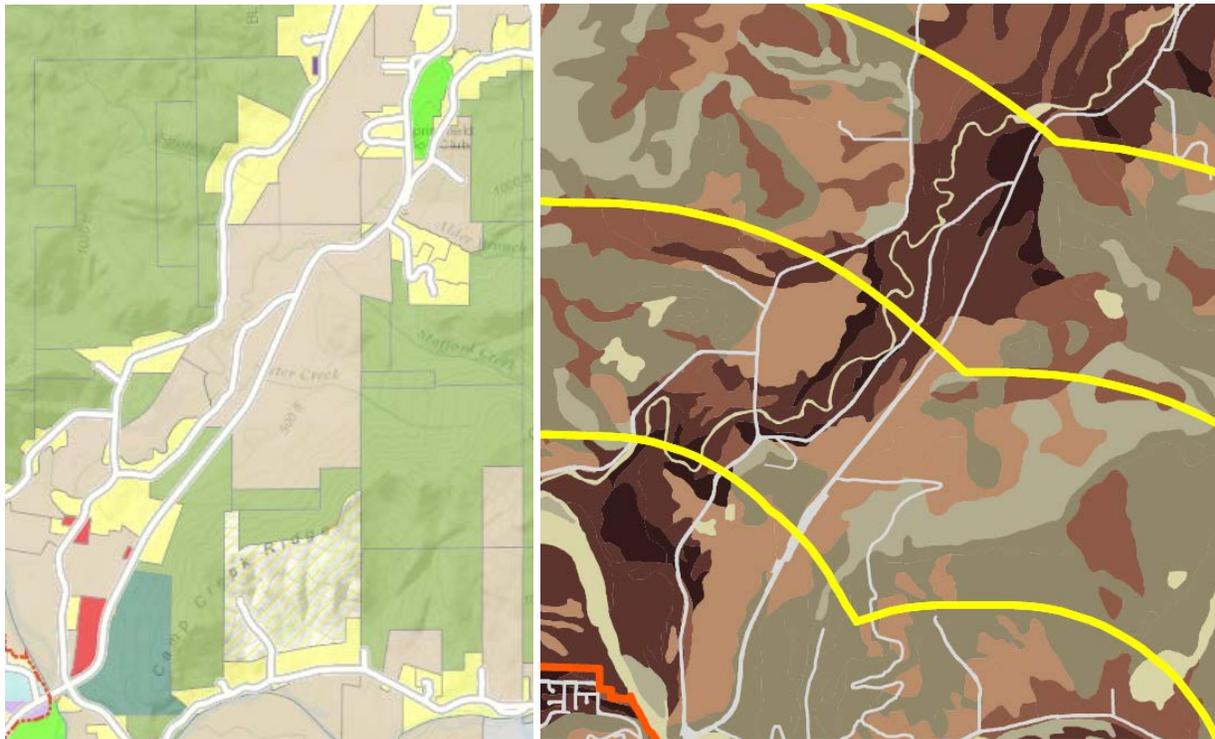
DOGAMI mapped landslide hazards north of Camp Creek Rd.

Hayden Bridge



- The Hayden Bridge preliminary study area consists of the land between the UGB and the McKenzie River extending between the vicinity of Harvest Lane and Marcola Road and the Springfield UGB and the McKenzie River.
- Entire area is designated Agriculture.
- Part of a larger block of agricultural land that extends north of the McKenzie River into the McKenzie View and Mohawk study areas
- Predominantly Class II soils. Area comprises Class II, III and IV.
- The area has large parcels that abut and are split by the Springfield UGB along Hayden Bridge Road, including several parcels larger than 20 acres.
- The area abuts urbanizable land designated for and developed with urban and urbanizable Low Density Residential uses.
- Topography is flat.
- Floodway, riparian resources and wetlands along the river
- Drinking Water Protection Overlay District: Pierce and Chase wells
- Accessed via Hayden Bridge Road and Harvest Lane
- Lower priority for inclusion under ORS 197.298 because parcels consist of predominantly high value soils.

Mohawk



- The Mohawk preliminary study area consists of the land north of the McKenzie River along Marcola Road (Hayden Bridge)
- Land is across the McKenzie River from Springfield
- Fourth Priority lands are designated Agriculture and Forest.
- Large parcels are across the river, not adjacent to UGB
- DOGAMI mapped landslide hazards in Coburg Hills and Camp Creek Ridge
- Floodway, riparian resources and wetlands along the McKenzie and Mohawk Rivers
- Presence of hydric soils
- accessed via Marcola Road – Camp Creek Road from the south; or via Hendricks Bridge – Millican Road – Camp Creek Road from the east; or via Coburg Road – McKenzie View Drive – Old Mohawk

Road – Mohawk Road

- Armitage Rd - Sprague Rd overpass - McKenzie View Drive, or from Marcola Road - Old Mohawk Road - Hill Road - McKenzie View Drive.
- Predominantly forestland
- Agricultural soil classification is mixed. Predominantly Class II with some Class I along the Mohawk and McKenzie Rivers. Area comprises Class I, II, III, IV, VI, and VII.
- Part of larger block of agricultural land that includes the Hayden Bridge and McKenzie View areas
- Large, unconstrained parcels west of Mohawk Road have Class I/II soils; and Class II/III (130 Waldo High Value), 1A Abiqua, 78 McAlpin High Value
- Large unconstrained parcels east of Mohawk Road are Class IV soils: predominantly 85 Natroy High Value/78 McAlpin High Value
- Lower priority for inclusion under ORS 197.298 because unconstrained large parcels consist of predominantly high value capability class soils.
- Presence of hydric soils may indicate wetlands.
- Area was identified by the CIBL Technical and Stakeholder Advisory Committees as a potential employment area worthy of further study in the Preliminary CIBL Analysis (2008-2009), and was included in draft alternatives reviewed by the Joint Planning Commissions and Springfield City Council.

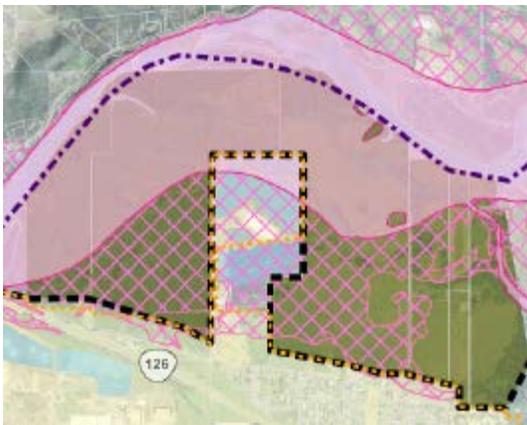
North Springfield Highway



- The North Springfield Highway preliminary study area consists of the land between the UGB and the McKenzie River west to east between the Oxbow and Ruff Park, and extending north-south between the Springfield UGB and the McKenzie River.
- Entire area is designated Agriculture.
- part of a larger block of agricultural land that extends on both sides of the McKenzie River west into the McKenzie View and Mohawk study areas an east to the Far East study area.
- Predominantly Class II soils. Area comprises Class I, II, III, IV, VII soils.
- The area has very large parcels (predominantly Class II, mixed with I, II and IV) that abut the Springfield UGB along High Banks Road at 52nd Street
- The parcels adjacent to and abutting UGB in the southern portion of the area have lower priority for inclusion under ORS 197.298 because they consist of predominantly high value soils.
- The area abuts land in the UGB designated for and developed with Heavy Industrial (Bluewater Boats),

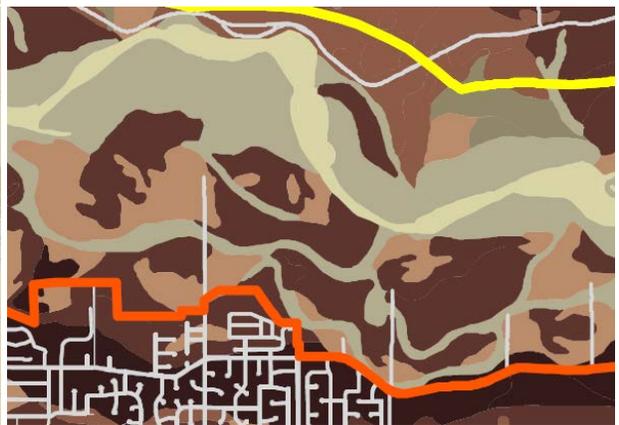
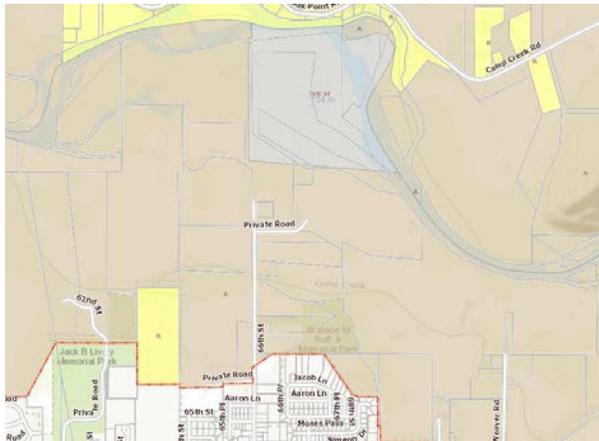
Low Density Residential and Park uses.

- Slopes are flat.
- Floodway, riparian resources and wetlands along the river
- Floodplain
- Drinking Water Protection Overlay zone: Plat 1 and 2 wells
- Convenient access to Interstate Highway 5 via Interstate Highway 105/State Highway 126B at 52nd Street
- 52nd Street (inside the UGB from the south to High Banks Rd.) is classified as a Major Collector Street in the TSP. High Banks Road between 52nd and 58th is classified as a Major Collector Street in the TSP.
- Filbert orchards
- Area was identified by the CIBL Technical and Stakeholder Advisory Committees as a potential employment area worthy of further study in the Preliminary CIBL Analysis (2008-2009), and was included in draft alternatives reviewed by the Joint Planning Commissions and Springfield City Council.
- Area has suitable large parcels larger than 20 acres.



Floodway extent (area in solid pink color)

Thurston

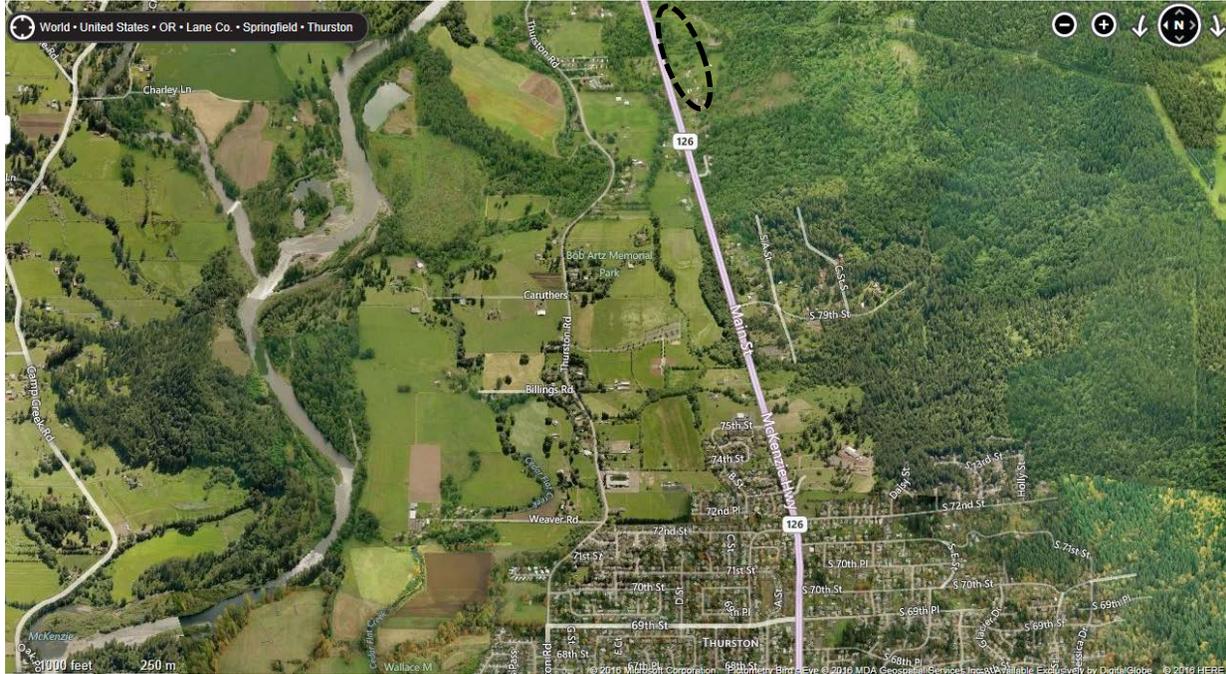


- Abuts UGB
- Part of a large block of agricultural land.
- Soils capability classification is mixed. Area comprises Class I, II, IV and VII, predominantly Class II.
- Constrained by floodway, riparian resources (McKenzie River, Cedar Creek), wetlands
- Drinking Water Protection Overlay District: Thurston, Thurston Middle School, Platt 1 and Platt 2 wells
- Lower priority for inclusion under ORS 197.298 because parcels consist of predominantly high value soils.



Floodway extent (solid pink color)

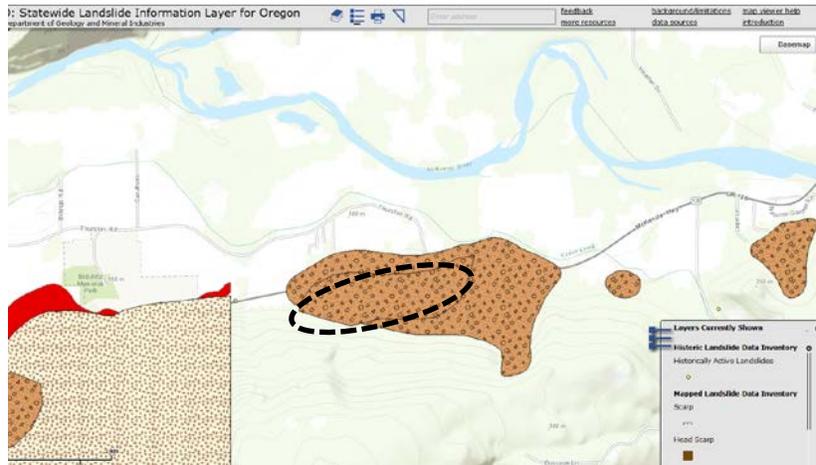
Far East



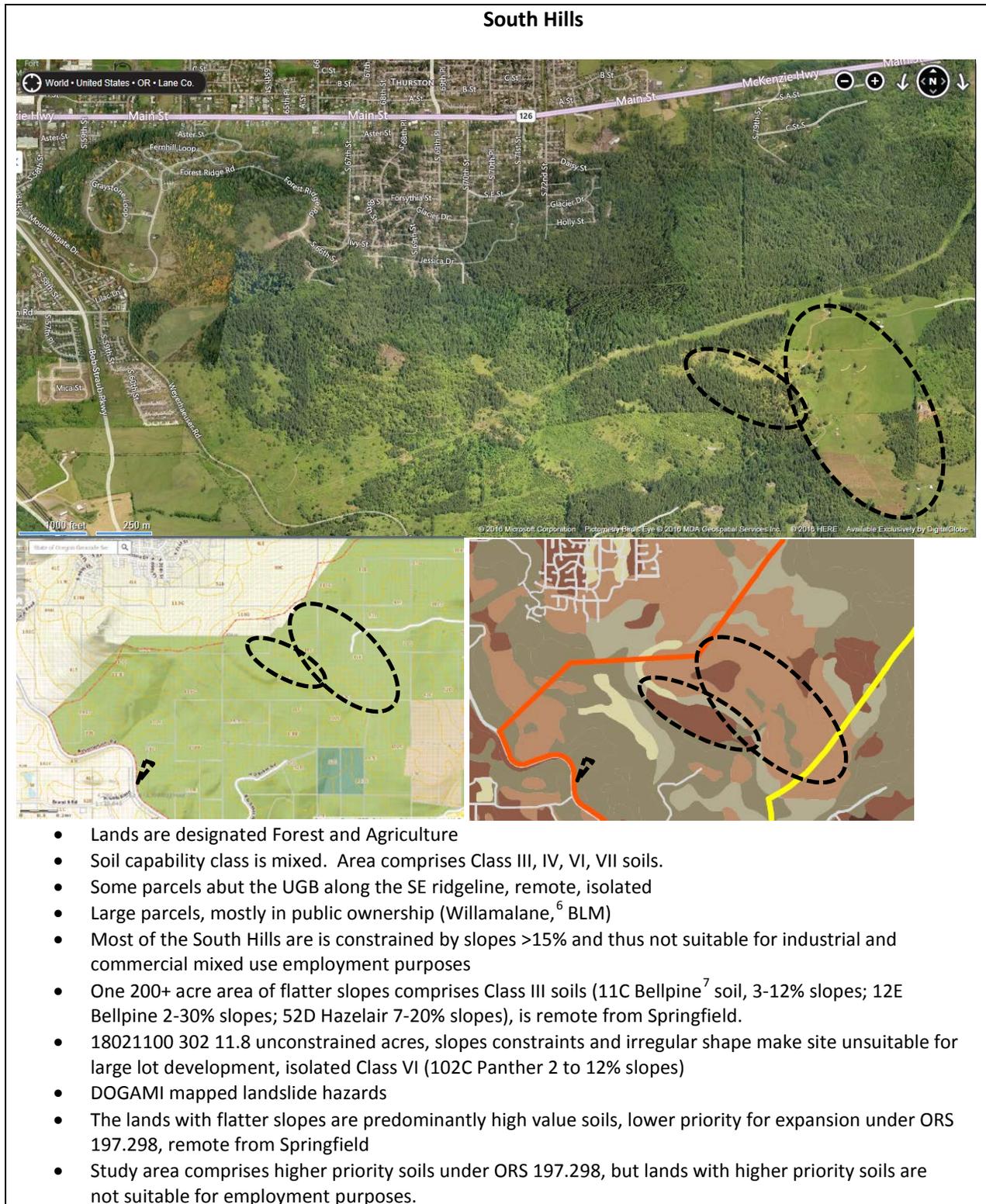
- Area comprises Class I, II, III, IV, VI, VI, VII, VIII soils; predominantly Class II and flat topography north of Highway 126; predominantly Class IV south of Highway 126 constrained by slopes 20-30%; (52D Hazelair 7-20 % slopes)
- Large Agriculture parcels 6-13 acres in size north of Highway 126 comprise predominantly Class I and II soils.
- Most of the lands south of Highway 126 are sloped 15% or greater. Forest parcels 6-24 acres in size on the south side comprise Class IV soils and are constrained by slopes. Portions of (5) Forest parcels have slopes 15% or less in the area indicated on the maps above.
- DOGAMI landslide hazards
- Floodway north of Cedar Creek, riparian resources McKenzie River, Cedar Creek
- Drinking Water Protection Overlay District: Thurston Middle School and Thurston wells
- Sand and Gravel natural resources
- Adjacent City Low Density Residential development, and County Rural residential development, mobile home park
- Unconstrained large parcels (north of Highway 126) are lower priority for expansion under ORS 197.298

based on predominance of Class I and II soils.

- The area north of Highway 126 was excluded on the basis of soils capability classification.
- Unconstrained large parcels (south of Highway 126) are higher priority for expansion under ORS 197.298, but slopes 7-35% exceed suitability for industrial and commercial mixed use office development. This area was excluded on the basis of specific land needs (197.298(3)(a)) because sloped topography greater than 7% is not suitable for the needed uses.



DOGAMI mapped landslides



⁶ The Willamalane parks and open space acquisition includes 232 acres outside the UGB, described in Willamalane *Draft Thurston Hills Natural Area Management Plan*, March 2016, pp. 1-12 and “Map 1.”

⁷ Class III Bellpine is identified in OAR 660-033-0030(8)(a) as meeting the definition of “High Value Farmland”

West Jasper/Mahogany



- Study area includes large parcels designated Agriculture
- Floodway, riparian resources and wetlands along the Middle Fork Willamette River
- Flood plain
- Agricultural capability classification is mixed. Area comprises Class II, IV, VII, and VIII.
- Predominantly flat topography
- Wetlands, hydric soils
- Study area includes productive farmland
- 2 BPA easements cross the study area
- Suitable large parcels abut UGB along Jasper Road, including parcels larger than 20 and 50 acres
- EFU tracts comprising predominantly CI II high value soils, lower priority for expansion⁸:

⁸ See detailed maps in the record: West Jasper/Mahogany study area

- 18020400 1600
- 18020400 2701
- 18020900 2600
- 18020100 500
- 18020900 1402
- 18020900 1403
- 18020800 200
- (5) EFU tracts are not predominantly high value farmland, higher priority for expansion:
 - 18020900 200 (62.4 acres): 53% cl VII and VIII, 44% CI II
 - 18020900 301 (8.4 acres) 64% CI VII, 17% CI III, 10% CI VIII water, 9% CI II
 - 18020900 203 (22.7 acres): 78% CI VII, 8% CI VIII water, 12% CI III, 2% CI II
 - 18020400 2401 (6.1 acres): 28% CI VII, 26% CI III, 46% CI II
 - 18020400 3000 (54.5 acres):
- 18020900 1300 is public land: Oregon Dept. of State Lands
- Proximate (across Jasper Road) to un-annexed land designated for Industrial uses inside the UGB (Jasper-Natron) and land within the City Limits that is planned and partially developed with residential uses (Jasper Meadows), school and park uses.
- Area was identified by staff (2013) as a potential employment area worthy of further study in the UGB Study Area and was included in draft alternatives reviewed by the Springfield City Council in 2013-2014.



18020400 3000



18020400 2701



18020400 2401



18020900 203

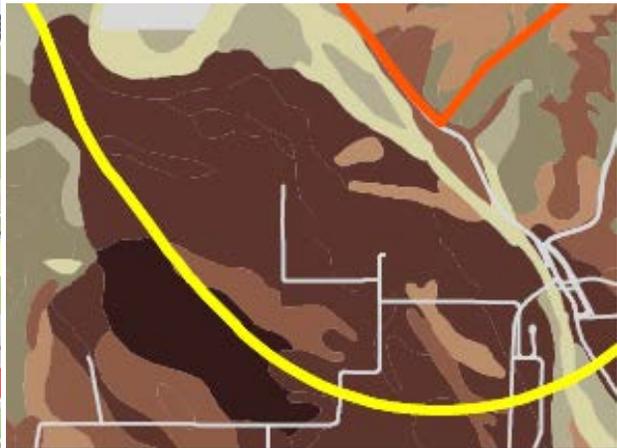
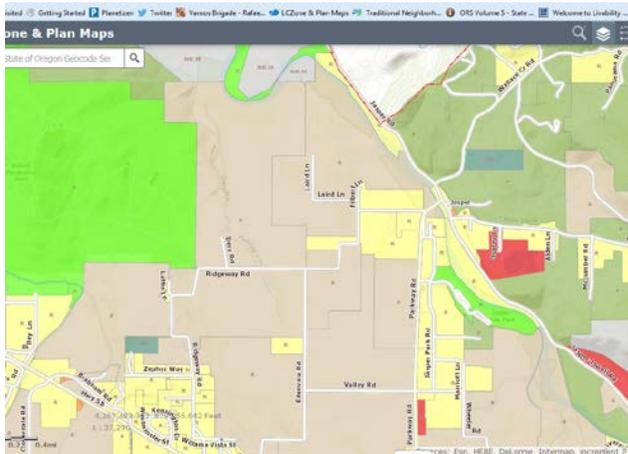


18020900 200



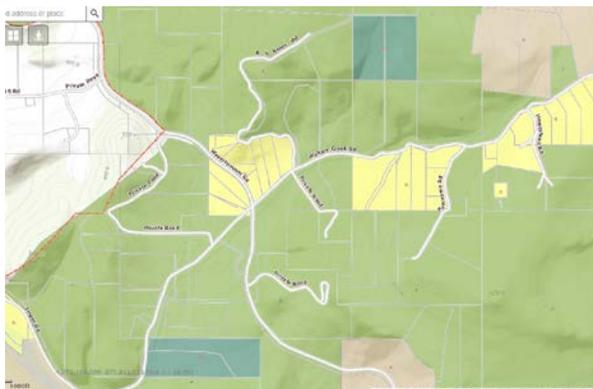
18020900 301

Jasper Bridge



- Study area includes large parcels designated Agriculture
- Floodway, riparian resources and wetlands along the Middle Fork Willamette River
- Flood plain
- Agricultural capability classification is mixed. Area comprises Class I, II, II, and IV. Predominantly Class II.
- Productive farmland
- Predominantly flat topography
- Wetlands
- Large block of Class I and II soils – lower priority for expansion under ORD 197.298

Wallace Creek



- Designated Forest
- Abuts UGB along ridgeline
- Constrained by slopes >15%
- Soil capability class is mixed. Area comprises Class II, III, IV, VI, VII soils.
- Philomath 3-12% (olive green), McAlpin (intersection w/ Wey. Rd.) HazelAire 2-7%
- Flatter slope areas are Class II, III and IV soils.
 - 1802140000 801: 52% CI II and III (Bellpine HV), lower priority for expansion
 - 1802140000 501: 79% CI II, lower priority
 - 1802140000 905: 50% Class III (Bellpine HV), low priority, slopes 12-20%

 - 1802140000 900: 51% CI VI, 49% CI. II (inc. 41% Bellpine CI III HV)
 - 1802140000 800: 66% CI III, 28% CI VI, 6% CI II
 - 1802140000 500: 46% CI III, 28% CI VI, 14% CI IV, 11% CI II, 1% CI VI
 - 1802140000 903: 89% CI III, 7 ac. wetland

- 1802140000 902: 94% CI III
- 1802140000 1303: 19 ac. 77% CI VI



1802140000 900

1802140000 800

1802140000 500

1802140000 902 & 903



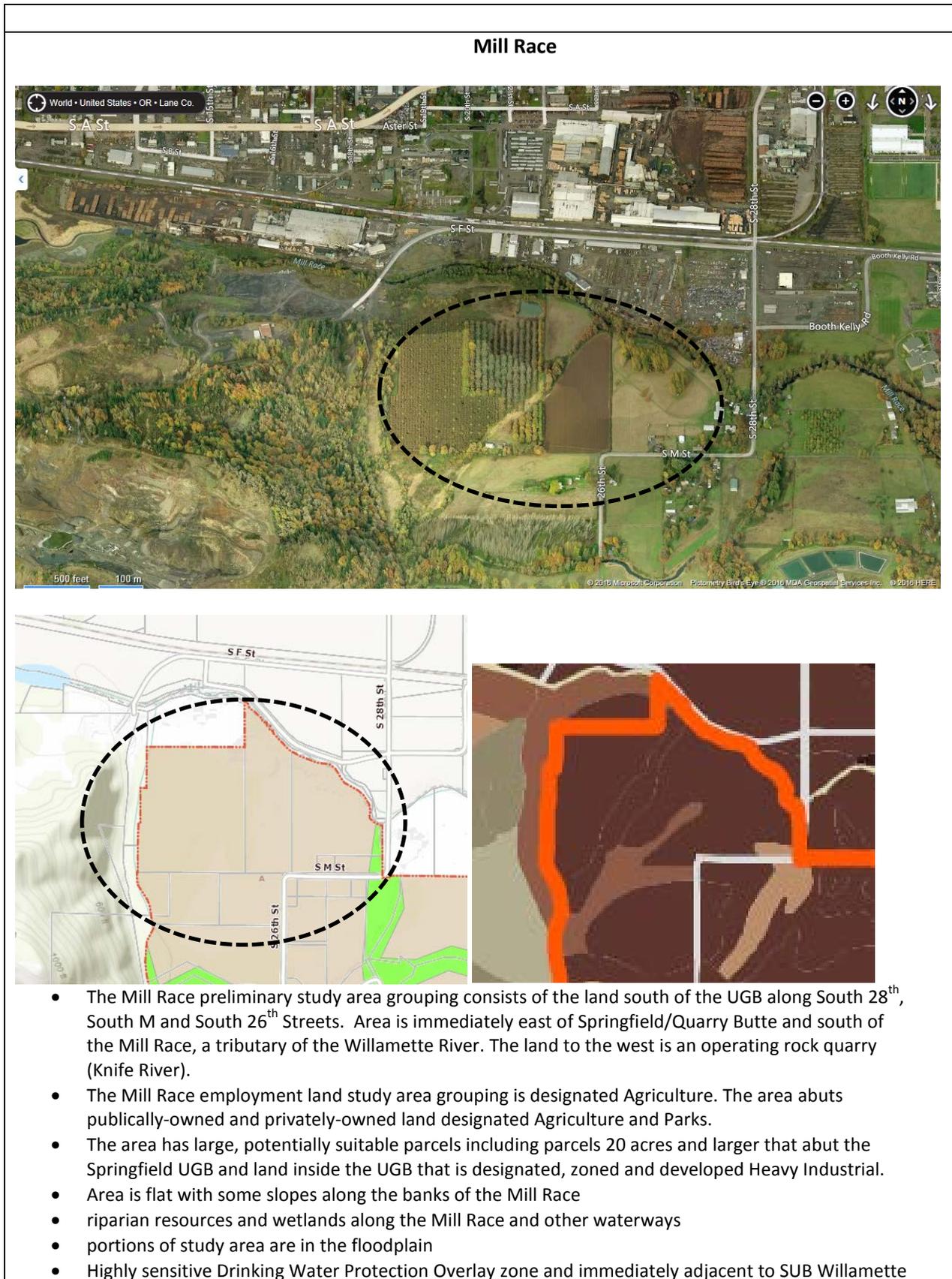
1802140000 1303



Slopes >15%

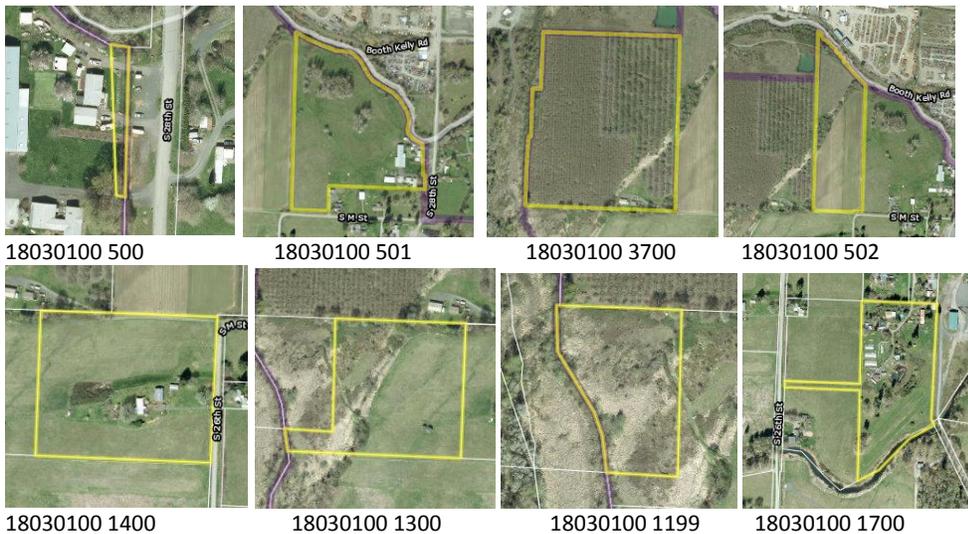


Hydric soils and NWI wetlands

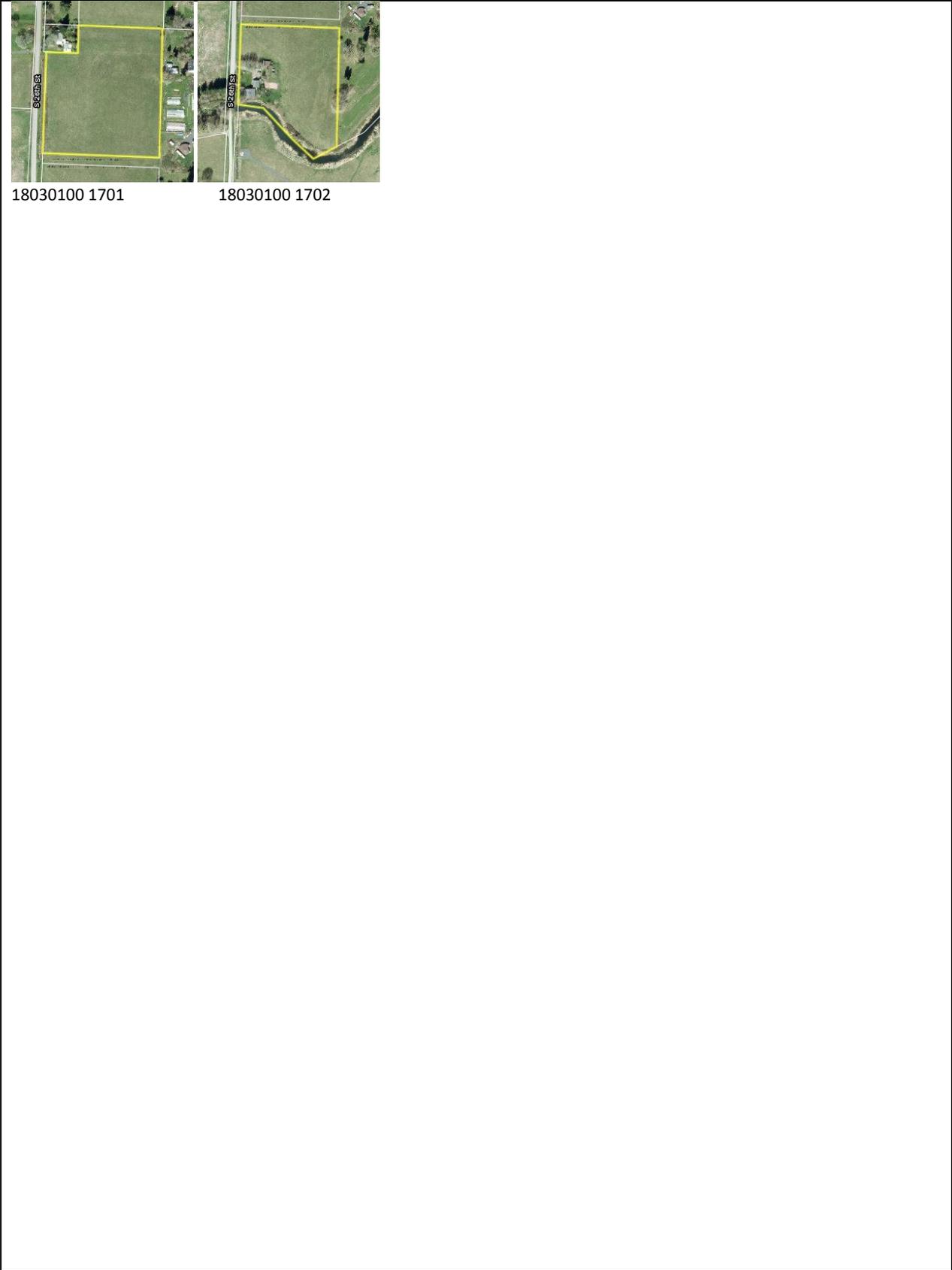


Wellfield, Springfield’s primary drinking water source.

- Soil classification predominantly Class II overall, with some Class III and IV.
- Lower priority for expansion under ORS 197.298.
- Not excluded due to its location immediately adjacent to existing industrial land inside the UGB, its proximity to existing truck routes, public transit, and rail facilities, and presence of a 57-acre tract (in SUB’s ownership) and a 21.1 acre tract comprising developable land not outside of the flood plain.
- SUB Tract (57.2 acres) abuts SUB land inside the UGB, abuts Swanson Mill site (currently being re-built and upgraded after the 2014 fire), and has access easements through to F Street.⁹
 - 18030100 3700/18030100 502
- 18030100 501 abuts UGB is a 20-acre site, abuts UGB
- Smaller 5-10 ac sites in study area:
 - 18030100 1400/ 18030100 1300/ 18030100 1199
 - 18030100 1700
 - 18030100 1701/18030100 1702
- Access to the area to and from Interstate Highway 5 is via South 28th Street, classified as a Major Collector in the TSP; and South M and South 26th (Lane County road); and South F Street (via SUB access easement on Swanson property)— a Local Street in the TSP.
- Area was identified by the CIBL Technical and Stakeholder Advisory Committees as a potential employment area worthy of further study in the Preliminary CIBL Analysis (2008-2009), and was included in draft alternatives reviewed by the Joint Planning Commissions and Springfield City Council.



⁹ See 4-29-14 email from SUB General Manager Jeff Nelson to staff Pauly: “when SUB purchased the KR property, SUB made sure that emergency vehicles can access through KR’s property via the Swanson easement (for all the area, not just the three parcels) to comply with the Fire Marshall’s requirements for emergency vehicle access circulation.” See letters from SUB General Manager Jeff Nelson, dated 9-10-13 and 5-1-14 to Springfield Mayor and Council regarding SUB’s request to bring the tract purchased from Knife River into the UGB to be designated for employment uses; thus the City assumed this publicly-owned land is a candidate site for inclusion in the UGB to meet employment land needs.



Seavey Loop

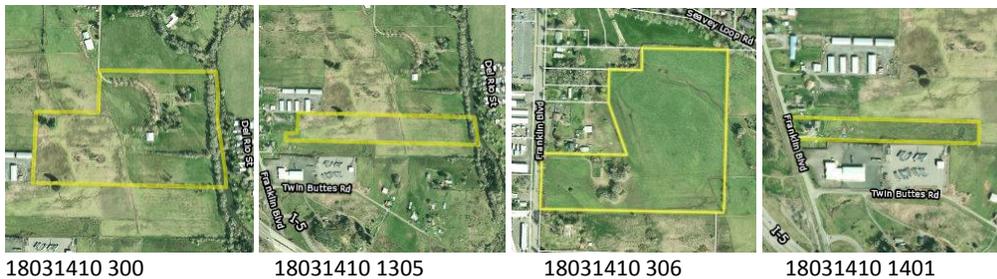


- Designated Agriculture
- Soil capability class is mixed. Area comprises Class II, III, IV, and VI, soils.
- Soils predominantly Class II, and Class III and IV High Value and Prime (same priority as CI II), lower priority for expansion
- Part of a larger block of high value agricultural land
- Tracts with Class VI soils are constrained by slopes and very restrictive BPA easements.
- North and Eastern portions of study area are entirely in the floodway.
- Hydric soils
- Area contains parcel larger than 20 acres, including a multiple-parcel tract of land owned by one family, but parcels comprise predominantly High Value Ag. soils, lower priority for expansion.

- 18031410 300: 62% High Value Ag.
- 18031410 1305: 74% High Value Ag
- 18021410 1400: 100% High Value Ag
- 18031100 1600: 100% High Value Ag
- 18031130 3900: 61% High Value Ag
- 18031410 306: 77% High Value Ag
- 18031410 307: 74% High Value Ag
- 18031410 305: 100% High Value Ag
- 18031100 1604: 81% High Value Ag

- 18031410 1401: 36% High Value Ag, higher priority for expansion, 5 ac.

- NOTE: One EFU tract 18031440 501, 504 and 505 (20.1 ac.) is completely surrounded by exception land and I-5, and does not comprise predominantly high value ag soils, thus is considered second priority land. This tract is constrained by slopes and very restrictive BPA easements and was excluded from consideration.
- See additional description of this Study Area under Second Priority Exception Areas
- Area was identified by the CIBL Technical and Stakeholder Advisory Committees as a potential employment area worthy of further study in the Preliminary CIBL Analysis (2008-2009), and was included in draft alternatives reviewed by the Joint Planning Commissions and Springfield City Council.

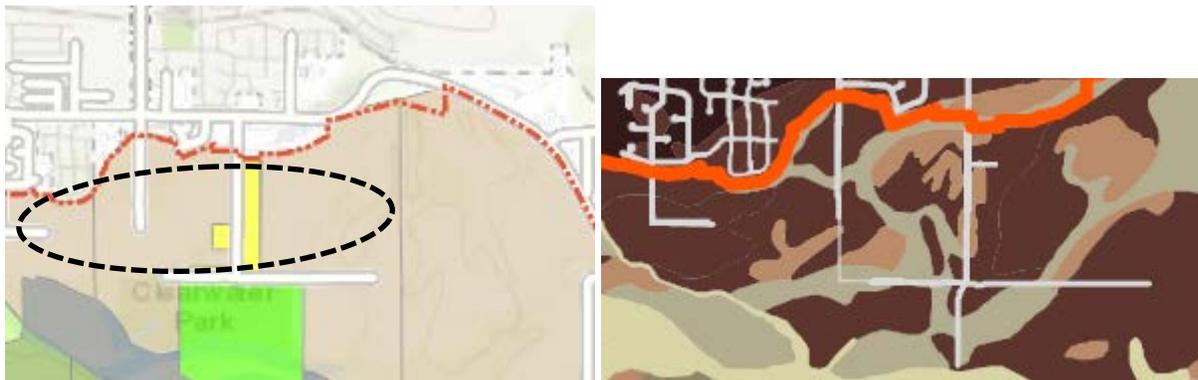


¹⁰ It should be noted that the Alvey Substation located south of this area “is a high voltage substation hub for BPA’s high voltage transmission network 115kV and above. It is not a distribution substation. Lines go out of BPA’s substation that feed to local distribution substations that transform the voltage from 115kV to a lower distribution voltage.” “If a large user were to locate in the College View area, they would not receive service directly from BPA’s substation, however a new High Voltage to Low Voltage distribution network substation could be built.” (email from Jeff Nelson to staff Pauly, SUB, 9-11-14)



Floodway extent

Clearwater



- Designated agriculture
- Potentially suitable parcels including parcels 10 and 20 acres and larger parcels that abut the Springfield UGB and land inside the UGB that is designated, zoned and developed Low Density Residential
- Area is flat with some slopes along the banks of the Middle Fork Willamette river
- Riparian resources and wetlands along the river and Mill Race and Gorrie Creek
- Portions of study area are in the floodplain; floodway along the river
- Sensitive Drinking Water Protection Overlay zone and near SUB's Willamette Wellfield, Springfield's primary drinking water source.
- Soil classifications are mixed, predominantly Class II overall, with some Class IV and VII.
- Public parkland in the vicinity
- Hydric soils
- Parcels comprising <50% High Value Ag soils
 - 18020800 100 (16.2 acres) 54% non high value (Cl. VIII, II VII)
 - 18020500 2801 (29 ac.)* 58% non high value (Cl VII, VI, II)

- 18020500 1928 (10 ac.)* 33% CI VII, 34% CI IV, 33% CI II
- Parcels comprising more than 50% High Value Ag soils:
 - 18020500 2800 (39.5 ac.) 63% CI II, low priority for expansion
 - 18020500 2600 (22 ac.)* 72% CI II, low priority for expansion
 - 18020500 2202 (21 ac.)* 96% CI II, low priority for expansion
 - 18020500 1900 (10.3 ac.)* 80% CI II, low priority for expansion
 - 18020500 1708 (5.8 ac.)* 66% CI II, low priority for expansion
 - 18020500 1800 (36 ac.)* 63% CI II, low priority for expansion
 - 18020600 4202 (21 ac.)* 73% CI II, low priority for expansion
- 18020500 1909, 18020600 1001 are public land owned by Springfield School District
- Area was identified by the RLS and CIBL Technical and Stakeholder Advisory Committees as a potential future residential expansion area but not suitable for industrial and commercial development.



PRIORITIZE FOURTH PRIORITY AGRICULTURAL AND FOREST LANDS ON THE BASIS OF CAPABILITY CLASSIFICATION

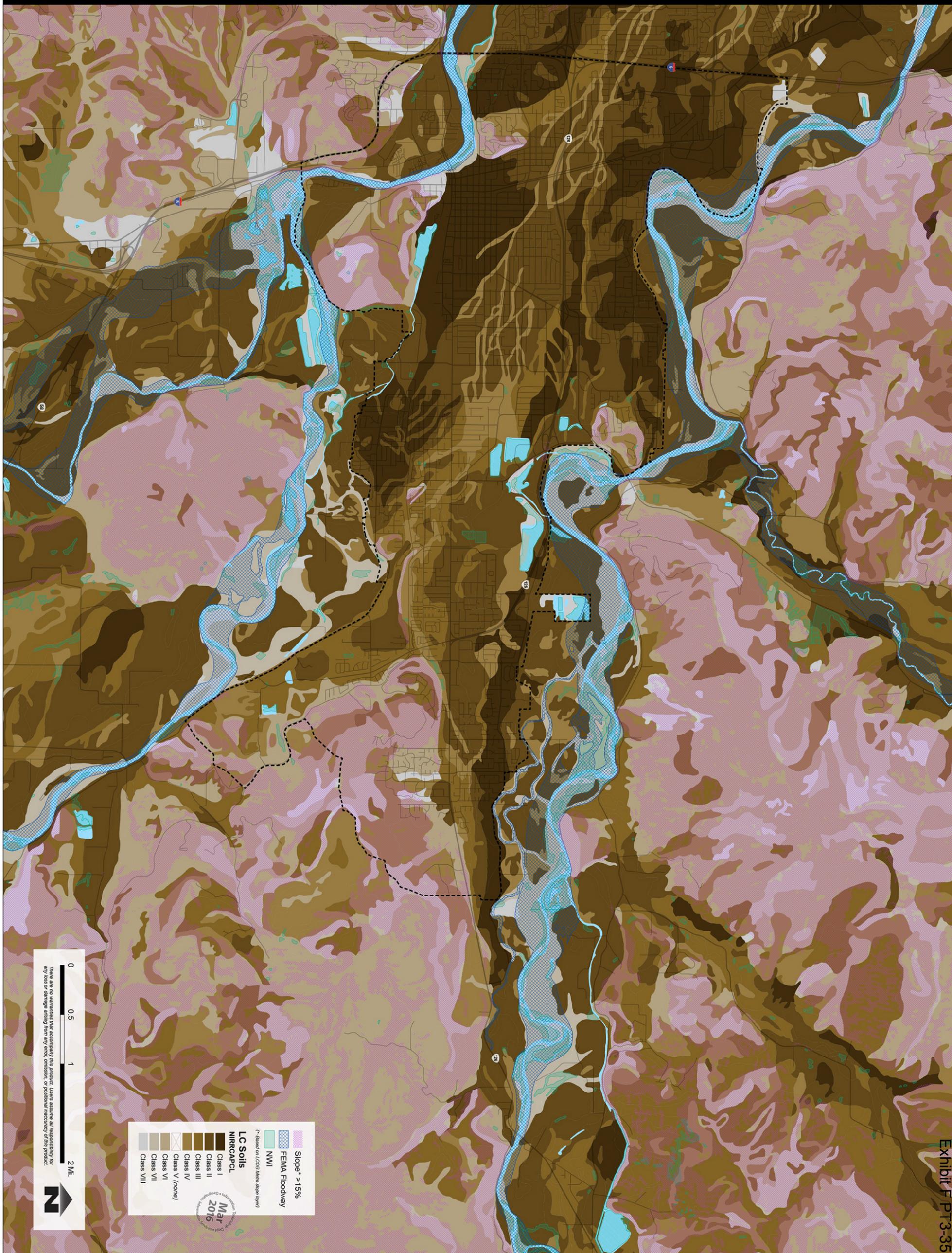
ORS 197.298(2):

“Higher priority shall be given to land of lower capability as measured by the capability classification system or by cubic foot site class, whichever is appropriate for the current use.”

The City conducted an area-wide high level assessment of soil capability classification to determine and compare the capability classification system or by cubic foot site class of lands adjacent to the UGB that are designated for agriculture, forestry or both.

Table 14 above provides additional information to compare general soil classifications between the study area groupings and parcels within groupings.

SPRINGFIELD 2030 REFINEMENT PLAN: Soil Capability and Constraints



Slope >15%
 FEMA Floodway
 NWI
(*) Based on LCOG Akers slope type
LC Soils
NIRCAPCL
 Class I
 Class II
 Class III
 Class IV
 Class V (none)
 Class VI
 Class VII
 Class VIII

Oregon Department of Transportation
 Mar 2016

0 0.5 1 2 Mi.
 There are no warranties that accompany this product. Users assume all responsibility for any use of drawings arising from any error, omission, or positional inaccuracy of the product.

Exhibit F PT3-35

Analysis of Capability Classification in the Springfield UGB Study Area [ORS 197.298(2)]

This section of the report explains how the City addressed ORS 197.298 (1)(d) and (2) when the City identified the capability classifications of soils found in the potential urban growth areas surrounding Springfield’s UGB, and when the City mapped the UGB study area to analyze fourth priority lands designated for agriculture and forestry in the Lane Rural Comprehensive Plan. As supported by ample evidence in the record documenting the City’s iterative planning process beginning in 2008, the City’s UGB location alternatives analysis examined capability classifications of all land surrounding the UGB in the initial, preliminary and final stages of the UGB study area alternatives analysis.

Methodology. The capability classifications mapping for the initial analysis included all land in the vicinity of the UGB, and extending several miles out to the north, east and south.¹¹ To compare and evaluate land under ORS 197.298 (1)(d) and (2), the City used the United States Department of Agriculture Natural Resources Conservation Service (NRCS) Lane County Soil Survey data to prepare maps of the lands adjacent to the UGB depicting soil classifications I through VIII.¹² These maps provided the factual base for conducting analysis to determine the location of prime agricultural soils and the geographic relationship of those soils to the existing UGB and potential UGB expansion areas.

In addition to providing a factual basis for the City’s prioritization of lands designated for agriculture and/or forestry by capability classification, this section of the report provides evidence and findings to address the City’s analysis under Goal 14, Boundary Location Factor 4 for comparing land groupings within the fourth priority under ORS 197.298; and to justify the City’s ultimate choice of expansion areas under Goal 14, Boundary Location Factor 4 — balanced with the other Goal 14, Boundary Location Factors.

As stated on the USDA NRCS Soils website, a published soil survey is a detailed report on the soils of an area. The soil survey has maps with soil boundaries and photos, descriptions, and tables of soil properties and features. Soil surveys are used by farmers, real estate agents, land use planners, engineers and others who desire information about the soil resource.¹³

Land Capability Classification is defined in the NRCS Technical Reference NSSH Part 622.02:

- a. *“Definition. Land capability classification is a system of grouping soils primarily on the basis of their capability to produce common cultivated crops and pasture plants without deteriorating over a long period of time.*
- b. *Classes. Land capability classification is subdivided into capability class and capability subclass nationally. Some States also assign a capability unit.*

¹¹ Lands west of Interstate Highway 5 were assumed to be within the City of Eugene’s jurisdictional area as described in the Metro Plan and were not included in Springfield’s analysis.

¹² Map 4: Study Area Soil Class, City of Springfield, OR, ECONorthwest, December 2008

¹³ USDA NRCS website http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/survey/?cid=nrcs142p2_053375, accessed 12-15-15.

- c. *Significance. Land capability classification has value as a grouping of soils. National Resource Inventory information, the Farmland Protection Policy Act, and many field office technical guides have been assembled according to these classes. The system has been adopted in many textbooks and has wide public acceptance. Some State legislation has used the system for various applications. Users should reference [Agriculture Handbook No. 210](#) for a listing of assumptions and broad wording used to define the capability class and capability subclass.*
- d. *Application. All map unit components, including miscellaneous areas, are assigned a capability class and subclass. Agriculture Handbook No. 210 provides general guidance, and individual State guides provide assignments of the class and subclass applicable to the State. Land capability units can be used to differentiate subclasses at the discretion of the State. Capability class and subclass are assigned to map unit components in the official soil survey database.”¹⁴*

As stated in the National Soil Survey Handbook, Part 622 (00-Exhibit 1), USDA, NRCS:

“Capability units are soil groups within a subclass. The soils in a capability unit are enough alike to be suited to the same crops and pasture plants, to require similar management, and to have similar productivity. Capability units are generally designated by adding an Arabic numeral to the subclass symbol, for example, 2e-4 and 3e-6. The use of this category of the land capability classification is a state option. This category of the system is not stored in the NRCS soil survey database.”¹⁵

As stated in the Forward to the Agriculture Handbook No. 210 p. iii:

“Since soil surveys are based on all the characteristics of soils that influence their use and management, interpretations are needed for each of the many uses.”¹⁶

and

“In using the capability classification, the reader must continually recall that it is an interpretation. Like other interpretations, it depends on the probable interactions between the kind of soil and the alternative systems of management. Our management systems are continually changing. Economic conditions change. Our knowledge grows. Land users are continually being offered new things, such as new machines, chemicals, and plant varieties.”¹⁷

and

“The new technology applies unevenly to the various kinds of soil. Thus the grouping of any one kind of soil does not stay the same with changes in technology. That is, new combinations of practices increase the productivity of some soils more than others, so some are going up in scale whereas others are going down, relatively. Some of our most

¹⁴ National Soil Survey Handbook, Part 622, USDA, NRCS
http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/ref/?cid=nrcs142p2_054226#ex6 accessed 12-16-15.

¹⁵ National Soil Survey Handbook, Part 622 (00-Exhibit 1), USDA, NRCS, provided to staff by Eugene USDA/NRCS District Conservationist Tom Burnham, 12-16-15.

¹⁶ Agriculture Handbook No. 210, Land Capability Classification, USDA Soil Conservation Service,

¹⁷ Ibid.

productive soils of today were considered poorly suited to crops a few years ago. On the other hand, some other soils that were once regarded as good for cropping are now being used more productively for growing pulpwood. These facts in no way suggest that we should not make interpretations. In fact, they become increasingly important as technology grows. But these facts do mean that soils need to be reinterpreted and regrouped after significant changes in economic conditions and technology.”¹⁸

and

“...other important interpretations are made of soil surveys. Examples include groupings of soils according to crop-yield predictions, woodland suitability, range potentiality, wildlife habitat, suitability for special crops, and engineering behavior. Many other kinds of special groupings are used to meet local needs.”¹⁹

The City used NRCS SSURGO data to map soils and their capability classifications.²⁰ Staff contacted Cory Owens, USDA NRCS State Soil Scientist²¹ to confirm that the capability classifications I-VIII in the SSURGO data base are a component of the official soil survey database.

For more detailed study area and parcel-level analysis, the City applied the NRCS SSURGO map data to the City’s maps of study areas.²² The City also accessed NRCS soils data from the Regional Land Information Database (RLID) in Lane County and accessed soil map units on a parcel by using the Lane County Plan and Zone online Map viewer. Soils information in RLID is derived by overlay of Lane County regional GIS taxlot layer with soil units mapped by USDA Natural Resource Conservation Service (NRCS). In addition to the names and relative extents of the soil “map units” which occur on the taxlot, limited soil characteristics are displayed in RLID. For Lane County, the RLID data shows the name and number of the soil map unit and the percentage of each mapped soil unit on a parcel. In addition to GIS analysis of the NRCS data, the City utilized the parcel-based soils data in RLID in the boundary alternatives analysis. In RLID, the “Ag Class” value (formally known as Non-Irrigated Land Capability Class) represents the dominant capability class, under non-irrigated conditions, for each map unit, based on composition percentage of all components in the map unit. Land capability classification relates to the suitability of soils for most kinds of field crops. Capability classes are designated by the numbers I through VIII, which indicate progressively greater limitations and narrower choices for practical use:

Class I soils have few limitations that restrict their use.

Class II soils have moderate limitations that reduce the choice of plants or that require moderate conservation practices.

Class III soils have severe limitations that reduce the choice of plants or that require special conservation practices, or both.

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ NRCS Lane County Soil Survey

²¹ telephone communication between staff Pauly and NRCS staff Cory Owens, 12-17-15

²² Email from staff Mike Engelmann to staff Pauly, 12-17-15

Class IV soils have very severe limitations that reduce the choice of plants or that require very careful management, or both.

Class V soils are subject to little or no erosion but have other limitations, impractical to remove, that restrict their use mainly to pasture, rangeland, forestland, or wildlife habitat.

Class VI soils have severe limitations that make them generally unsuitable for cultivation and that restrict their use mainly to pasture, rangeland, forestland, or wildlife habitat.

Class VII soils have very severe limitations that make them unsuitable for cultivation and that restrict their use mainly to grazing, forestland, or wildlife habitat.

Class VIII soils and miscellaneous areas have limitations that preclude commercial plant production and that restrict their use to recreational purposes, wildlife habitat, watershed, or esthetic purposes.

In RLID, the “Hydric” value indicates the percentage of each map unit that meets the definition of hydric soils. Map units are composed of one or more map unit components or soil types, each of which is rated as hydric soil or not hydric. Map units that are made up dominantly of hydric soils may have small areas of minor non-hydric components in higher positions on the landscape, and map units that are made up dominantly of non-hydric soils may have small areas of minor hydric components in lower positions on the landscape. Each map unit is rated based on its respective components and the percentage of each component within the map unit.

OAR 660-033-0030(2) states: *“When a jurisdiction determines the predominant soil capability classification of a lot or parcel it need only look to the land within the lot or parcel being inventoried.”*

ORS 215.710 lists the soils to be considered high value farmland: land in a tract composed predominantly of soils that are irrigated and classified prime, unique, Class I or Class II; or non-irrigated and classified prime, unique, Class I or Class II. In addition, for lands in the Willamette Valley, tracts composed predominantly of certain Class III or IV soils listed in ORS 215.710(3)(a)-(d) and soils west of the Cascades listed in (4)(a)-(d) are considered high value.

OAR 660-033-0030 (8)(a) "High-Value Farmland" means land in a tract composed predominantly of soils that are:

(A) Irrigated and classified prime, unique, Class I or II; or

(B) Not irrigated and classified prime, unique, Class I or II.

(c) In addition to that land described in subsection (a) of this section, high-value farmland, if in the Willamette Valley, includes tracts composed predominantly of the

following soils in Class III or IV or composed predominantly of a combination of the soils described in subsection (a) of this section and the following soils:

(A) Subclassification IIIe, specifically, Bellpine, Bornstedt, Burlington, Briedwell, Carlton, Cascade, Chehalem, Cornelius Variant, Cornelius and Kinton, Helvetia, Hillsboro, Hult, Jory, Kinton, Latourell, Laurelwood, Melbourne, Multnomah, Nekia, Powell, Price, Quatama, Salkum, Santiam, Saum, Sawtell, Silverton, Veneta, Willakenzie, Woodburn and Yamhill;

(D) Subclassification IVw, specifically, Awbrig, Bashaw, Courtney, Dayton, Natroy, Noti and Whiteson.

The UGB Preliminary Study Area contains fourth priority land tracts composed predominantly of soils that are identified in OAR 660-0233-0030(8)(a) as meeting the definition of comprising “High Value Farmland,” including soils and combinations of Subclassification IIIe and IVw soils.

In addition to prioritizing lands on the basis of capability classification as required by ORS 197.298, the City is require to apply Goal 14 Factors 3 and 4 to compare and evaluate candidate agricultural lands for inclusion in the UGB. In addition to requesting input from agency staff, the public and property owners to conduct the evaluation of alternatives, city staff conducted a literature search of relevant literature on this topic from the Oregon Department of Agriculture to supplement this report. The Department’s 2007 report “*Identification and Assessment of the Long-Term Commercial Viability of Metro Region Agricultural Lands*”, January 2007²³ states:

“Analysis of site and situation is best understood as an examination of both the capability (ability of the land to produce an agricultural product) and the suitability (ability to conduct viable farm use) of any given tract of land to be utilized for farm use. The key factors employed to identify significant and intact agricultural lands are discussed below.”

“Capability factors

The physical ability of land to produce an agricultural product is a key and dominant factor in any assessment. Quantity and quality of soils and water play a significant role in the viability of agricultural production.”

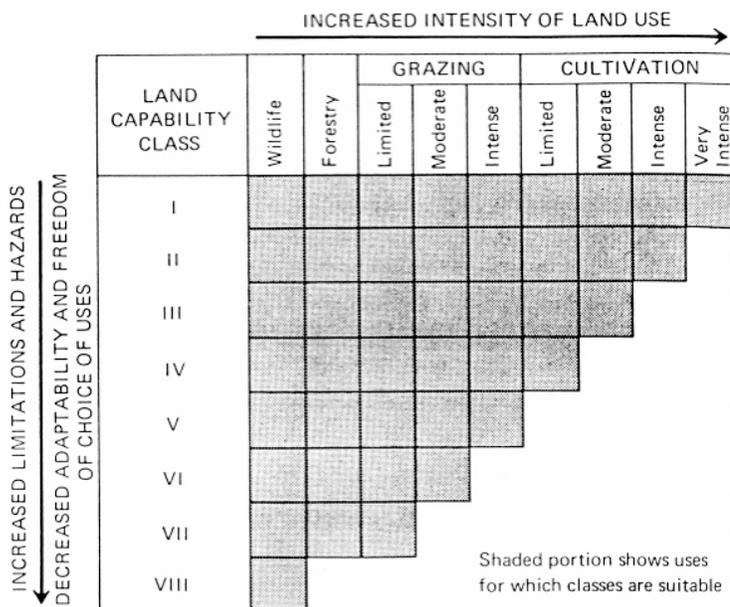
Soils: USDA NRCS agricultural capability class and importance (prime, unique, important farmlands). Because soils play a key role in the required Goal 14 analysis and Oregon land use issues, a more detailed discussion is provided below.

Soils surveys are based on all the characteristics of soils, including climate, that influence their use and management. Interpretations are provided within soil surveys for various land uses, including agriculture. Among these interpretations is the grouping of soils into

²³ Pages 13-14

agricultural capability classes. This classification system places soils in eight capability classes. The better the agricultural capability (decreasing from I-VIII), the less management (input) is required by the operator to produce a crop. Soil quality is also a key to the production options available to a grower.

The soils in the first four classes (I-IV), under typical/good management practices, are considered arable and are capable of producing adapted plants and common cultivated field crops and pasture plants. Some soils in classes V-VII are capable of producing specialized crops and even field and vegetable crops under special management.”



“Soils can also be designated as prime, unique, or high-value farmland:

Prime Farmland is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber and oilseed crops. It must be available for these uses. It has the soil quality, growing season, and moisture supply needed to produce economically sustained high yields of crops when treated and managed according to acceptable farming methods, including water management. In general, prime farmlands have an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, acceptable salt and sodium content, and few or no rocks. They are permeable to water and air. Prime farmlands are not exclusively erodible or saturated with water for a long period of time, and they either do not flood frequently or are protected from flooding.”

“Unique farmland is land other than prime farmland that is used for the production of specific high value food and fiber crops. It has the special combination of soil quality, location, growing season and moisture supply needed to produce economically sustained

high quality and/or high yields of a specific crop when treated and managed according to acceptable farming methods. Some examples of crops are tree nuts, cranberries, wine grapes, and tree fruits.”

“High Value Farmland is defined in ORS 215.710(1), (3) and (4) and OAR 660-033-0020(8)(a), (c), (d) and (e). “High Value Farmland” is land in a tract composed predominantly (50.1%) of certain specified soils commonly referred to as “High Value Farmland Soils.” These soils (alone or in combination) are the following:

1. Those soils classified by the Natural Resource Conservation Service (NRCS) as:

- a. Prime, Unique, Capability Class 1 or Capability Class 2 not irrigated; or*
- b. Prime, Unique, Capability Class 1 or Capability Class 2 if irrigated; and*

2. Certain specifically listed Capability Class 3 and 4 soils for the:

- a. Willamette Valley; and*
- b. Oregon Coast west of the summit of the Coast Range if used in conjunction with a dairy operation on January 1, 1993; and*

“High-value farmland also includes other lands planted in specified perennials based on the 1993 Farm Service Agency air photos.”

“Water: Availability of water for irrigation of agricultural crops and livestock watering. Water is key to the production of many high-value crops. However, many crops, including high-value crops, can be produced using dryland agricultural practices. Dryland production is most feasible where precipitation is adequate to allow economic return on a nonirrigated crop. New technologies in delivery and storage can compensate for limited availability.”

“Water availability is both an asset and a threat to regional agricultural. Current availability is overall good throughout the region. Expansion in some areas, especially where groundwater is the major source, is severely limited by ground water limitations. Such limitations do not impair the use of existing water rights. It is especially important to recognize existing agricultural irrigation in groundwater restricted areas because new irrigation rights currently are difficult to obtain.”

“Most of the suitability factors can be related to the position of farming operations as part of a large block of agricultural land or other resource lands. Protecting and maintaining large blocks of agricultural land is key to maintaining the integrity of working lands. Integrity involves many issues including the ability to operate with limited conflicts, curtail speculative land values and maintain a critical mass of land sufficient to leverage the infrastructure needs of the industry. (emphasis added)

- *Land use pattern: Adjacent and area land use pattern (nonfarm uses, exception areas). Includes analysis of edges that provide workable buffers between agricultural lands and nonfarm uses.*
- *Agricultural land use pattern within the subject agricultural area: The types of crops grown and the ability of farming operations/practices associated with the producing these crops to co-exist with other land uses in the area can be an important factor.*
- *Parcelization (number and size), tenure and ownership pattern: In analyzing suitability, parcelization is important, but not always as a stand-alone factor. All other factors being equal, smaller parcels under multiple ownerships are less favorable for long-term commercial farm use. The practice of renting or leasing smaller (and larger) parcels is very common in the region and needs to be taken into account. Long term, if the smaller parcels are protected for farm use, they frequently become available for rent, lease or acquisition for farm use, especially if they do not contain dwellings.*
- *Agriculture infrastructure: Elements such as transportation, irrigation delivery, labor availability, processing and other service needs, agricultural special districts, drainage facilities, etc., can be important factors in the long-term viability of an area. It is important to note that, unlike the infrastructure needs for new urban development, the agricultural infrastructure is in most cases already in place and has been and is being maintained and updated on an ongoing basis.*
- *Zoning, within subject agricultural area: Many lands currently employed in farm use within the Metro region are not zoned for exclusive farm use. The long-term suitability of such areas is impacted by the nonfarm uses that may be permitted and by the ability to further partition or subdivide the area.*
- *Location in relationship to adjacent lands zoned for nonresource development:*
- *The number, size and length of edges with urban and other nonfarm development impact the efficiency and effectiveness of agricultural practices and can impact land values.*
- *The scale, shape and size of protrusions of nonresource lands into agricultural lands also impact efficient and effective agricultural operations.*
- *Certain nonfarm uses are more compatible with agricultural operations than others.*
- *The ability to further partition or subdivide.*
- *Location/availability of edges and buffers that help insulate and protect agricultural operations from nearby nonfarm use.*

Other factors

- *Concentration/clusters of farms:*
- *The dependence between farms: ability for sharing of labor, housing, equipment and other needed services can be critical to the bottom line.*
- *The ability to leverage agriculture’s infrastructure needs by maintaining economies of scale.*
- *A cluster of farms can also have marketing value. Customers like to make one trip to obtain berries, fruits, vegetables and other products in one area.*
- *Agri-tourism can also benefit from clusters. Examples include winery tours, marketing by the Tri County Farm Fresh Food Guide, and the Hood River Valley “Fruit Loop.”*

“Trends in regional agriculture create different needs, opportunities and abilities for the industry. Consumer trends are increasingly dynamic and segmented, creating new markets; markets that are rapidly changing and demanding more specialty products. Specifically:

- *Global trade opportunities and concerns.*
- *Demand for organic, sustainable, high quality foods both in the home and at restaurants.*
- *Farmers markets, direct marketing opportunities, development of specialty and niche crops.*
- *“Agri-tourism*
- *Increasing demand for biofuels/energy development. Agricultural practices associated with the production of commodities used in the production of biofuels tend to be more extensive in nature, usually do not require irrigation and tend to require the use of larger machinery.*
- *Growing recognition of food security issues and demand for products from the local food shed.*
- *Federal Farm Bill. New conservation incentives and other programs related to renewable energy and farmland protection could help region farms cope.*

Location within and near a major metropolitan region can be a major asset in light of the trends outlined above. Many of the intensive, high-value, niche and specialty crops in increasing demand can be produced under circumstances not otherwise conducive to more recognized agricultural production in the region.”²⁴

²⁴ *Identification and Assessment of the Long-Term Commercial Viability of Metro Region Agricultural Lands, Oregon Department of Agriculture, 2007*

The Department of Agriculture’s inventory and analysis for Portland Metro identified varying intensities, scale and suitability situations within the region’s agricultural lands. The study identified an agricultural lands hierarchy that recognized three levels of agricultural lands found in the Portland Metro region:

- **“Foundation Agricultural Lands:** *agricultural lands that provide the core support to the region’s agricultural base. These lands anchor the region’s larger agricultural base. They incubate and support the larger agricultural industry and are vital to its long-term viability. They have the attributes necessary to sustain current agricultural operations and to adapt to changing technologies and consumer demands.”*
- **“Important Agricultural Lands:** *agricultural lands that are suited to agricultural production and contribute to or have the capacity to contribute to the commercial agricultural economy. These lands maintain the ability to remain viable over the long term. They have the potential to be Foundation Agricultural Lands, but tend to be not utilized to their full potential. Trends in regional agricultural could lead to a greater development of the agricultural capacity of these areas.*
- **Conflicted Agricultural Lands** *are agricultural lands whose agricultural capability (soils/water) is more times than not considered excellent but whose suitability is questionable primarily due to questions of integrity and ability to operate. These questions lead to issues of long-term viability. These lands are influenced by factors that diminish long-term certainty, which in turn tends to limit investment in agricultural operations by area farmers. These lands could become Important Agricultural Lands with changes in circumstances and trends in the industry. There may be individual or multiple operations within these areas that are conducting efficient, effective and viable operations.”²⁵*

The City’s data base and methodology for identifying and evaluating soils for the purpose of ORS 197.298 and Goal 14 is reasonable and consistent with the law.

Evaluation results. The City’s initial wide-ranging look at soil classifications in 2008 provided a “big picture” of where prime agricultural soils and important agricultural lands are located in relationship with Springfield’s UGB and future growth needs. This assessment was confirmed through the City’s multi-year Citizen Involvement process and input from local agricultural experts and practitioners. This is important and germane to the City’s UGB study because Oregon law and the Oregon Department of Agriculture identify the importance of large blocks of agricultural land as an important factor in maintaining the states’s agricultural land base:

ORS 215.243 (2)

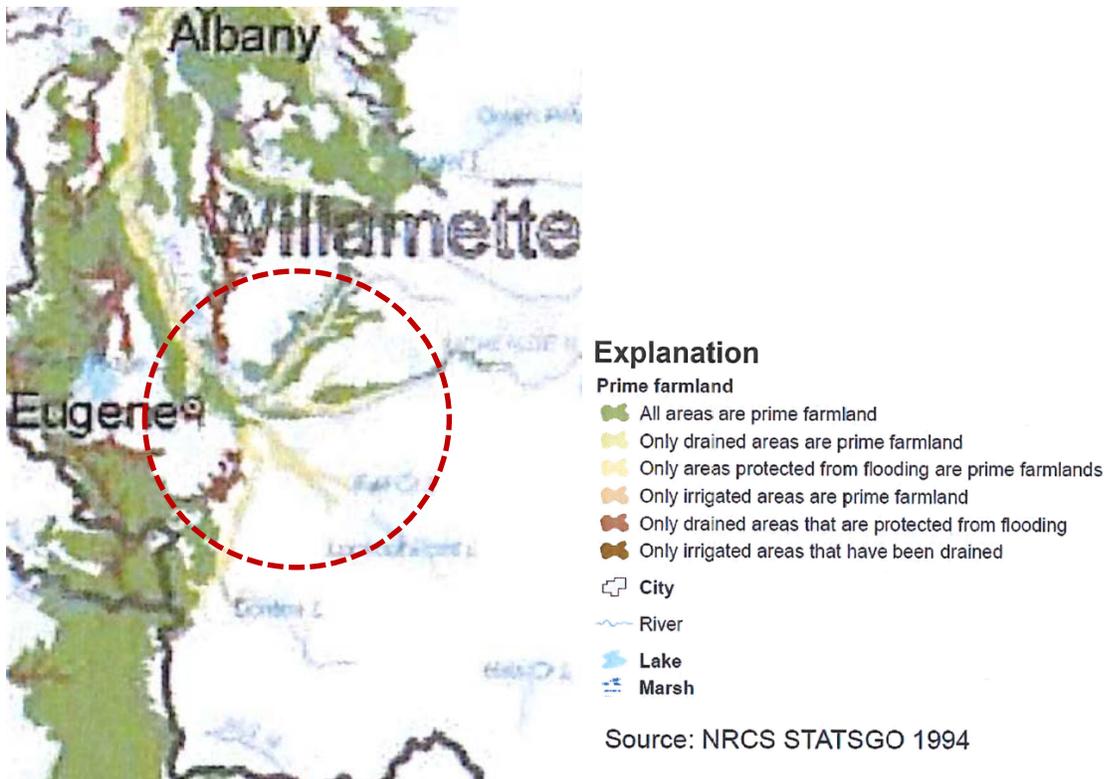
“The preservation of a maximum amount of the limited supply of agricultural land is necessary to the conservation of the state’s economic resources and the preservation of such land in large blocks is necessary in maintaining the agricultural economy of the state and for the assurance of adequate, healthful and nutritious food for the people of this state and nation. (emphasis added)

²⁵ Ibid

“Expansion of urban development into rural areas is a matter of public concern because of the unnecessary increases in costs of community services, conflicts between farm and urban activities and the loss of open space and natural beauty around urban centers occurring as the result of such expansion.”

The average size of a farm in Lane County (2012) is 83 acres.²⁶

An enlargement of the map “Prime Farmlands in Oregon” of the vicinity of the Springfield UGB Vicinity²⁷ illustrates the general location of large blocks of prime farmland in relationship to the Springfield/Eugene metro area:



²⁶ USDA Census of Agriculture 2012, County Profile, Lane County, Oregon, http://www.agcensus.usda.gov/Publications/2012/Online_Resources/County_Profiles/Oregon/cp41039.pdf accessed 12-16-15.

²⁷ *Integrated Water Resources Strategy, Map Gallery*, Oregon Water Resources Dept., 2010, p. 6.

Insert 11 x 17 page: Map 4: Study Area Soil Class, ECONorthwest, December 2008

As clearly shown in Map 2: Alternatives Analysis Soils and Constraints (derived from NRCS SSURGO data)—in which the darkest brown colors on the map indicate locations of Class I (soils with few limitations that restrict their use) and Class II (soils with moderate limitations that reduce the choice of plants or that require moderate conservation practices)— the largest blocks of predominantly Class I and II soils outside of the Springfield UGB are located:

- south of the Willamette River, south of the Springfield UGB and east of Interstate Highway 5 (Seavey Loop area);
- southeast of the UGB, between the Willamette River and Pudding Creek, north of Highway 58 (Jasper Bridge area), and extending farther south to the Pleasant Hill area.

The City identified two prime farmland areas consisting of the largest blocks of predominantly Class I and II soils outside of the Springfield UGB when it prioritized and evaluated lands based on capability classification, and when it considered and compared potential UGB expansion areas that would avoid or reduce impacts to those two prime farmland areas.

It should be noted here that both of these prime farm soil areas are located in the immediate vicinity of second priority exception areas, thus the City was required under ORS 197.298 to consider second priority Seavey Loop and Jasper Bridge areas as candidate lands for urbanization regardless of this fact. The City’s analysis provided explanation of why the Seavey Loop/College View study area and Jasper Bridge exception parcels were eliminated from consideration for employment land due to lack of suitable parcel sizes and physical constraints that preclude the ability to provide public facilities and services within the planning period. It should also be noted that the City received large volumes of comments from the public expressing concerns about and preferences for the importance of maintaining the Seavey Loop agricultural area for agriculture.

Other Class I and II soil areas, both in the vicinity of the UGB, and several miles out from the UGB are in smaller blocks or are more mixed.

- Generally, the northern edge of the existing Springfield UGB follows the McKenzie River and its flood plain. Lands outside of and adjacent to the UGB and on the Springfield side of the McKenzie River are predominantly Class II soils, interspersed with Class VII channels and smaller amounts of Class IV soils.
- Generally, the southern portion of the existing Springfield UGB between the UGB and the Willamette River comprises lands consisting primarily of Class II soils, interspersed with Class VII channels and smaller amounts of Class IV soils.
- Generally, the southeast portion of the existing Springfield UGB follows the ridgeline of the Thurston South Hills (“South Hills” Study Area grouping). The Thurston South Hills lands outside of and adjacent to the UGB are predominantly a mix of Class VI, IV, and VII soils.
- Generally, lands located farther south of the UGB, south of the Willamette River and its side channels comprise the largest blocks of Class I and II soils.

To conduct the soils analysis, the City identified general geographic groupings of all land areas in the vicinity of the UGB and named the areas for ease of reference, mapping and communication purposes. The City did not arbitrarily delineate UGB study areas for the purpose of conducting a quantitative analysis. Instead, the City reviewed NRCS Lane County Soil Survey soils series maps, sorted soil series into Classes I through VIII and conducted a visual qualitative assessment to determine the presence and general location of high value agricultural soils in the vicinity of the Springfield UGB.

For the purpose of prioritizing agriculture or forest land by capability classification, the City conducted a general visual assessment of mapped capability class to begin to sort lands in the order of highest capability classification as shown in Map 4: Study Area Soil Class, City of Springfield, OR, ECONorthwest, December 2008. This assessment includes all land, including the second and third priority lands previously discussed. It addresses mapped capability classification only and does not apply or address interplay of constraints such as slopes, rivers, floodway, existing development, etc.²⁸

The soils in the vicinity of the Springfield UGB are located generally as follows:

Class I Soils

Within the preliminary Springfield UGB Study area adjacent to the UGB, Class I soils are found in the following areas:

- McKenzie View
- Mohawk
- Oxbow/Camp Creek
- Hayden Bridge
- Far East Springfield
- North Springfield Highway
- Thurston
- Jasper Bridge
- Seavey Loop²⁹

As shown in Map 4, the largest contiguous areas of Class I soil within the preliminary Springfield UGB Study area are Jasper Bridge and Mohawk.

The City's UGB employment land expansion does not include areas comprised of Class I soils.

Class II Soils

Within the preliminary Springfield UGB Study area, Class II soils are found in the following areas:

²⁸ The City prepared a map Soil Capability and Constraints, depicting soil capability classes and absolute development constraints, March 2016.

²⁹ In a meeting with staff Pauly, Ross Penhallegon OSU extension service, stated that the best farmland in the City's study area is "right along Seavey Loop", and described this area as "very prime farm land" and "#1 place for close-in agriculture." See also email from R. Penhallegon to L. Pauly dated Feb. 27, 2015.e

- North Gateway
- McKenzie View
- Hayden Bridge
- Mohawk
- Oxbow/Camp Creek
- North Springfield Highway
- Thurston
- Far East Springfield
- South Hills
- Wallace Creek
- Jasper Bridge
- West Jasper/Mahogany
- Clearwater
- Mill Race
- Seavey Loop
- Far East Springfield
- Jasper Bridge
- Mahogany
- Clearwater
- Oxbow/Camp Creek

Each Preliminary study area grouping comprises at least some Class II soils. The largest contiguous areas of Class II soil within the preliminary Springfield UGB Study area are Jasper Bridge, Seavey Loop and Oxbow/Camp Creek. The study area with the smallest size mapped Class II areas are South Hills and Wallace Creek.

The City's UGB employment land expansion includes Class II soils in the North Gateway and Mill Race areas.

Class III Soils

Within the preliminary Springfield UGB Study area, Class III soils are found in the following areas:

- McKenzie View
- Mohawk
- Hayden Bridge
- Oxbow/Camp Creek
- North Springfield Highway
- Far East Springfield
- South Hills
- Wallace Creek

- Jasper Bridge
- Mill Race
- Seavey Loop

Each Preliminary study area grouping except North Gateway, Thurston, West Jasper/Mahogany and Clearwater comprise at least some Class III soils. The largest contiguous areas of Class III soils are in Oxbow/Camp Creek.

The UGB Preliminary Study Area contains soils that are identified in OAR 660-0233-0030(8)(a) as meeting the definition of comprising “High Value Farmland,” including soils and combinations of Subclassification IIIe and IVw soils. *Subclassification IIIe, specifically, Bellpine, Bornstedt, Burlington, Briedwell, Carlton, Cascade, Chehalem, Cornelius Variant, Cornelius and Kinton, Helvetia, Hillsboro, Hult, Jory, Kinton, Latourell, Laurelwood, Melbourne, Multnomah, Nekia, Powell, Price, Quatama, Salkum, Santiam, Saum, Sawtell, Silverton, Veneta, Willakenzie, Woodburn and Yamhill;*

(D) Subclassification IVw, specifically, Awbrig, Bashaw, Courtney, Dayton, Natroy, Noti and Whiteson.

Underlined soils are present in UGB Preliminary Study Area.

The City’s UGB employment land expansion includes Class III soils in the Mill Race area.

Class IV Soils

Within the preliminary Springfield UGB Study area adjacent to the UGB, Class IV soils are found in the following areas:

- North Gateway
- McKenzie View
- Mohawk
- Oxbow/Camp Creek
- North Springfield Highway
- Thurston
- Far East Springfield
- South Hills
- Wallace Creek
- Jasper Bridge
- Jasper Bridge
- West Jasper/Mahogany
- Clearwater
- Mill Race
- Seavey Loop

Each Preliminary study area grouping comprises at least some Class IV soils. The largest contiguous areas of Class IV soil in the vicinity of Springfield's UGB are South Hills (Forest land) and Mohawk (agricultural land). Class IV soil are also located between the McKenzie Highway and South Hills in the Far East Springfield area.

The UGB Preliminary Study Area contains soils that are identified in OAR 660-0233-0030(8)(a) as meeting the definition of comprising "High Value Farmland," including soils and combinations of Subclassification IIIe and IVw soils. *Subclassification IIIe, specifically, Bellpine, Bornstedt, Burlington, Briedwell, Carlton, Cascade, Chehalem, Cornelius Variant, Cornelius and Kinton, Helvetia, Hillsboro, Hult, Jory, Kinton, Latourell, Laurelwood, Melbourne, Multnomah, Nekia, Powell, Price, Quatama, Salkum, Santiam, Saum, Sawtell, Silverton, Veneta, Willakenzie, Woodburn and Yamhill;*

(D) Subclassification IVw, specifically, Awbrig, Bashaw, Courtney, Dayton, Natroy, Noti and Whiteson.

The City's UGB employment land expansion includes Class IV soils in the North Gateway and Mill Race areas.

Class V Soils

No Class V soils are found within the Springfield UGB study area adjacent to the UGB.

Class VI Soils

Within the preliminary Springfield UGB Study area adjacent to the UGB, Class VI soils are found in the following areas:

- McKenzie View
- Mohawk
- Oxbow/Camp Creek
- Far East
- South Hills
- Wallace Creek
- Seavey Loop

The largest contiguous areas of Class IV soil in the vicinity of Springfield's UGB are McKenzie View, Mohawk, Camp Creek and South Hills

Class VI soils in the McKenzie View/Coburg Hills area are steep slopes with numerous landslide areas mapped in DOGAMI SLIDO.

Class VI soils in the Mohawk Valley area (east side of valley) include numerous areas are mapped in DOGAMI SLIDO as landslide talus/colluvium, and fans.

The City's UGB employment land expansion does not include Class VI soils.

Class VII Soils

Within the preliminary Springfield UGB Study area adjacent to the UGB, Class VII soils are found in the following areas:

- North Gateway
- McKenzie View
- Oxbow/Camp Creek
- North Springfield Highway
- Thurston
- Far East
- South Hills
- Wallace Creek
- West Jasper/Mahogany
- Clearwater
- Seavey Loop

The City's UGB expansion includes Class VII soils.

Class VIII Soils

Within the preliminary Springfield UGB Study area adjacent to the UGB, Class VIII soils are found in the following areas:

- North Gateway
- McKenzie View
- Oxbow/Camp Creek
- North Springfield Highway
- Far East
- South Hills
- West Jasper/Mahogany
- Clearwater
- Mill Race
- Seavey Loop

This classification includes W Water, 114 Riverwash, 110 Pits, 127C Urban land-Hazelair-Dixonville

The City's UGB expansion includes Class VIII soils in the North Gateway (Natural Resource designation) and Mill Race (Public/Semi-Public designation) areas.

UGB Study Area Soils Summary:

In the vicinity of the Springfield UGB, the City concluded that largest contiguous areas of Class I and II high value farmland soils are located:³⁰

- Farmland east of Mt. Pisgah and west of Jasper Road
- Seavey Loop area east of Mt. Pisgah and along Highway 58

Generally speaking, in the Springfield area Class VIII, VII and VI soils are located in the hills and along the McKenzie and Willamette river channels, sloughs and floodways and generally are not suitable for developing urban industrial and office employment centers. No Class V soils are present in the area.

The City’s analysis evaluated agriculture and forest-designated land with Class VIII, VII, VI, (no class V), IV, III, II and I capability classifications to identify potential candidate expansion areas.

The City’s analysis properly assigned higher priority to land of lower capability as measured by the NRCS capability classification system when it evaluated and selected potential candidate UGB expansion areas, consistent with ORS 197.298 (1) and (2).³¹

Table 15: Evaluation of Potentially Suitable Fourth Priority Land

Map and Tax Lot	Capability Class %	Soil Map Units/Slopes	Suitable employment site for inclusion in UGB?
North Gateway Site (Note Class II land north of Sprague was excluded)			
1703154000 400 (102 ac.)* High value farmland comprises 45% of tract	45% CI II 35% CI VII 15% CI IV 6% CI VIII Hydric soils	95 Newberg 48 Fluvents 22 Camas 114 Riverwash Flat topo	YES Proximity Topo Public Facilities ESEE
170310000 2500 (68.3 ac.)* High value farmland comprises 44% of tract	46% CI II 34% CI IV 16% CI VII 4% CI VIII Hydric soils	96 Newberg 22 Camas 48 Fluvents 114 Riverwash Flat topo	YES Proximity Topo Public Facilities ESEE
170310000 2400 (22.8 ac.)* High value farmland comprises 89% of portion of tract east of I-5 (area west of I-5 is excluded from this study)	89% CI II 4% CI VII 7% CI VIII Hydric soils	Flat site 96 Newberg 22 Camas, 114 Riverwash	YES Proximity Topo Public Facilities ESEE
McKenzie View Site (Note Class I and II land was excluded)			
17021800 402 17021800 403 17021800 404	VI	108C- Philomath 3-12% slopes	NO Public Facilities Slopes Proximity Landslide hazard ESEE

³⁰ Map 4: Study Area Soil Class, City of Springfield, OR, ECONorthwest, December 2008

³¹ The City’s record includes descriptions of the applicable soil series from the NRCS Soil Survey of Lane County.

Oxbow/Camp Creek (Note Class I and II land was excluded)			
17022200 200 17022200 103 17022300 300 approx. 6.8 acres are Class III, slopes 15% or less	III	105A – Pengra 1-4% slopes, 113E 102C 108C – Philomath	NO Public Facilities Proximity Landslide hazard BPA easement ESEE
17022300 700, 703, 704	III (high value farmland)	11C Bellpine 3-12% (high value farmland)	NO Soil Capability Slopes Proximity Public Facilities ESEE
Far East (South) (Note Class I and II lands and lands north of Hwy 126 were excluded)			
1702364000 200 1702364000 100 1701310000 603 1701310000 600 1701310000 500 43E	III	52D Hazelaire 7-20% slopes 43E Dixonville-Philomath- Hazelaire Complex, 12-35% slopes	NO Slopes Landslide hazard ESEE
West Jasper/Mahogany (Note Class II land was excluded)			
18020900 301 (8.4 acres)* 18020900 200 (62.4 acres)*	64% CI VII, 17% CI III, 10% CI VIII water, 9% CI II 53% cl VII and VIII, 44% cl II	95 Newberg 48 Fluvents 52B Hazelaire 2-7 % slopes hydric soils	NO Proximity Public Facilities ESEE
18020400 3000 (54.5 acres)*	75% CI VII, 25% CI II	48 Fluvents 95 Newberg 73 Linslaw 121B Salkum, 2-8% slopes hydric soils	NO Proximity Public Facilities ESEE
1802090000 203 (22.7 acres)*	86% water and fluvents CI VIII, VII, 2% CI II	48 Fluvents 52B Hazelaire 2-7 % slopes 73 Linslaw 95 Newberg hydric soils	NO Proximity Public Facilities ESEE
18020400 2401 (6.1 acres)*	54% non farm, 46% CI VII, II, IV	95 Newberg 48 Fluvent 52B Hazelaire 2-7 % hydric soils	NO Proximity Public Facilities ESEE
Clearwater			
18020500 2800 (39.5 ac.)*	63% CI II 23% CI VII 14% CI IV	95 & 96 Newberg 48 Fluvents 22 Camas	NO Capability Classification Proximity Public Facilities

			ESEE
18020500 2600 (22 ac.)*	72% CI II 14% CI IV 14% CI VII	95 & 96 Newberg 22 Camas 48 Fluvents	NO Capability Classification Proximity Public Facilities ESEE
18020800 100 (16.2 ac.)*	46% CI II 40% CI VIII 14% CI VII	95 Newberg 110 Pits 48 Fluvents	NO Proximity Public Facilities ESEE
18020500 1928 (10 ac.)*	34% CI IV 33% CI VII 33% CI II	22 Camas 48 Fluvents 95 Newberg	NO Proximity Public Facilities ESEE
18020500 2801 (29 ac.)*	56% CI VII 3% CI VI 36% CI II	48 Fluvents 113E Rittner 12-30% slopes 96 Newberg, Salkum 2-8% slopes	NO Proximity Public Facilities ESEE
Wallace Creek			
1802140000 900 (17 ac.)*	51% CI VI	102C Panther 2-12% slopes 11D Bellpine 12-20% slopes 52B Hazelair 2-7% slopes hydric soils	NO Slopes Proximity Public Facilities ESEE
18021400 800 (8.3 ac.)*	66% CI III 28% CI VI 6% CI II	52B Hazelair 2-7 % slopes 102C Panther 2-12% slopes 78 McAlpin hydric soils	NO Slopes Proximity Public Facilities ESEE
1802140000 903 (7 ac.)* 1802140000 902 (4.8 ac.)*	89% CI III 11% 94% CI III	130 Waldo 102C Panther 2-12% slopes hydric soils	NO Slopes Proximity Public Facilities ESEE
1802140000 500 (20.8 ac.)*	46% CI III 28% CI VI 14% CI IV 11% CI II 1% CI VI	130 Waldo 108C Philomath, 3-12% 52D Hazelair, 14% 78 McAlpin 102C Panther 2-12% slopes hydric soils	NO Slopes Proximity Public Facilities ESEE
1802140000 1303 (19 ac.)*	77% CI VI 22% CI III	108C Philomath, 3-12% 130 Waldo/Hazelair/Dupee hydric soils	NO Proximity Public Facilities ESEE
Mill Race			
SUB Tract 18030100 3700 (SUB)(36.7 ac.)*	95% CI II 3 % CI III HV	26 Chehalis, 29 Cloquato, 95& 96 Newberg, 79 McBee (Prime)	YES Proximity Topo Public Facilities ESEE
18030100 502 (SUB) (20.5 ac.)*	85% CI II 13% CI III	96 Newberg, 79 McBee (Prime), 29 Cloquato, 26	YES Proximity Topo Public Facilities ESEE

	1% CI VIII water	Chehalis, W water	YES Proximity Topo Public Facilities ESEE
18030100 501 (22.1 ac.)*	99% CI II 1% Water	96 Newberg	YES Proximity Topo Public Facilities ESEE
18030100 1400 (9.9 ac.)*	100% High value ag: 63% CI II, 36% CI III McBee (HV)	29 Cloquato 79 McBee 96 Newberg	YES Proximity Topo Public Facilities ESEE
18030100 1300 (8.32 ac.)*	100% High value ag: 44% CI II, 56% CI III McBee (HV)	29 Cloquato 79 McBee 96 Newberg 26 Chehalis	
18030100 1199 (3.4 ac.)*	100% High value ag: 82% CI II, 17% CI III McBee (HV)	26 Chehalis 95 Newberg 79 McBee	
18030100 1700 (10 ac.)*	56% CI II 44% CI III	95 & 96 Newberg, 29 Cloquato, 22 Camas	YES Proximity Topo Public Facilities ESEE
18030100 1701(5 ac.)*	100% CI II	96 Newberg, 29 Cloquato	YES Proximity Topo Public Facilities ESEE
18030100 1702(5.3 ac.)*	77% CI II 34% CI IV	95 & 96 Newberg, 29 Cloquato 22 Camas	
Seavey Loop			
18031410 300 (36 ac.)*	62% High Value Ag: 42% CI II 9% CI III Prime 28% CI III 11% CI IV High Value 11% CI VI	78 McAlpin, 26 Chehalis 79 McBee ³² 130 Waldo 85 Natroy ³³ 43C Dixonville-Philomath- Hazelair complex	NO Soil Capability Public Facilities Proximity ESEE
18031410 1305 (15.6 ac.)*	74% High Value Ag: 72% CI IV High Value 1% CI III 1% CI II 24% CI VI	85 Natroy 79 McBee 78 McAlpin 43C Dixonville-Philomath- Hazelair complex	
18021410 1400 (5 ac.)*	100% High Value Ag:	85 Natroy	

³² McBee is listed in the NRCS Soil Survey of Lane County as prime farmland soil.

³³ Natroy in the Willamette Valley is identified as high value farmland in ORS 215.710

<p>18031100 1600 (3.8 ac.)*</p>	<p>100% CI IV High Value</p> <p>100% High Value Ag: 71% CI II 30% CI II High Value</p>	<p>26 Chehalis 79 McBee</p>	
<p>18031130 3900 (3.1 ac)*</p>	<p>61% High Value Ag: 61% CI III Prime 38% CI IV</p>	<p>79 McBee 43C Dixonville-Philomath-Hazelair complex</p> <p>Hydric soils</p>	
<p>18031410 306 (20 ac.)*</p>	<p>77% High Value Ag: 40% CI II 14% CI III Prime 23% CI IV High Value 15% CI IV</p> <p>9% CI VI</p>	<p>118 Salem, 26 Chehalis 79 McBee 85 Natroy 43C Dixonville-Philomath-Hazelair complex 12-35% slopes 43C Dixonville-Philomath-Hazelair complex 3-12% slopes 102 C Panther</p>	<p>NO Soil Capability Public Facilities Proximity ESEE</p>

* absolute development constraints are not deducted from parcel acreage in this table

EXCLUDE HIGHER PRIORITY FOURTH PRIORITY AGRICULTURAL LANDS ON THE BASIS OF CAPABILITY CLASSIFICATION

In the next step in the process, the City excluded fourth priority lands on the basis of the capability classification system or by cubic foot site class of lands adjacent to the UGB.

Class I capability lands excluded.

The City excluded all the lands within the preliminary Springfield UGB Study area with Class I capability from further consideration:

- McKenzie View
- Mohawk
- Oxbow/Camp Creek
- Hayden Bridge
- Thurston
- Far East Springfield
- North Springfield Highway
- Jasper Bridge

- Seavey Loop³⁴

The City excluded the largest contiguous areas of Class I soil within the preliminary Springfield UGB Study area: Jasper Bridge and Mohawk.

The City's UGB employment land expansion does not include areas comprised of Class I soils.

Class II capability lands excluded.

Most of the preliminary study area groupings comprise at least some Class II soils. With the exception of the South Hills and Wallace Creek, the preliminary study areas adjacent to the UGB comprise Class II soils. To provide unconstrained, suitably sloped, and serviceable land for industrial and commercial mixed use office employment in an efficient growth pattern in accord with all applicable statutes, administrative rules and comprehensive plan policies, the City determined it would need to include some Class II soils in the UGB expansion. Thus the City could not exclude all lands with Class II soils at this point in the analysis. Thus the City sought to limit and lessen the impacts of such an expansion on farmland by avoiding the largest areas of Class II soils and other High Value Farmland as defined in ORS 215.710 and OAR 660-033-0030(8)(a) when it selected candidate fourth priority parcels for expansion. By expanding on land with more mixed soils, the City's expansion has less overall impact on large blocks of prime soils and prime farmland in the vicinity of the UGB and less overall impact on the viability of larger agricultural areas in the vicinity of the UGB.³⁵ The City's reasoning to fully meet the intent of ORS 197.298 and the Goal 14 Factors 1-4 is consistent with the law.

The City's analysis identified and compared the proportion of Class II and other High Value and Prime Farmland soils on potentially suitable candidate parcels when the City determined which parcels comprise predominantly High Value soils; when the City relied on that data to determine prioritization of fourth priority lands under ORS 197.298; and when the City applied Goal 14 Factors 1-4 to candidate fourth priority lands.

The largest contiguous areas of Class II soil within the preliminary Springfield UGB Study area are Jasper Bridge, Seavey Loop and Oxbow/Camp Creek areas. The City determined that those study areas have lower priority for inclusion if found to be suitable to meet the identified land need.

The North Gateway site north of Sprague Road comprises predominantly Class II soils. The City excluded that area from consideration:

³⁴ In a meeting with staff Pauly on 1-13-13, Ross Penhallegon OSU extension service, stated that the best farmland in the City's study area is "right along Seavey Loop", and described this area as "very prime farm land" and "#1 place for close-in agriculture." See also email from R. Penhallegon to L. Pauly dated Feb. 27, 2015.

³⁵ For example, *Agronomic Suitability Analysis of Wicklund Trust Property*, Northwest Consulting, Jan. 27, 2009, pp. 2-4 describes the perceived effect of adjacent urbanization on the economic viability of farm operations and the unknown effect on adjacent farmland if subject property were to be removed from production. See also attached corroborating letter from Chad Egge, farmer of subject property 2005-2009.



Class II area excluded

The City excluded all Class II areas in McKenzie View. These Class II sites were also excluded on the basis of public facilities constraints, proximity and Goal 14 factors 3 and 4.

The City excluded all Class II areas in Oxbow/Camp Creek. These Class II sites were also excluded on the basis of public facilities constraints, proximity and Goal 14 factors 3 and 4.

The City excluded all Class II areas in Far East and all adjacent agricultural lands north of Highway 126. These Class II sites were also excluded on the basis of public facilities constraints, proximity and Goal 14 factors 3 and 4.

The City excluded all Class II areas in West Jasper/Mahogany. These Class II sites were also excluded on the basis of public facilities constraints, proximity and Goal 14 factors 3 and 4.

The City excluded all Class II areas in Clearwater. These Class II sites were also excluded on the basis of public facilities constraints, proximity and Goal 14 factors 3 and 4.

The City excluded all Class II areas in Wallace Creek. These Class II sites were also excluded on the basis of public facilities constraints, proximity and Goal 14 factors 3 and 4.

The City excluded all Class II areas in Seavey Loop. These Class II sites were also excluded on the basis of public facilities constraints, proximity and Goal 14 factors 3 and 4.

The City's UGB expansion includes lands predominantly Class II in Mill Race. The City identified suitable parcels comprising Class II soils in Table 15.

The City's UGB expansion includes Class II soils within mixed soil areas in North Gateway. The City identified suitable parcels comprising Class II soils in Table 15.

Class III capability lands excluded.

Each Preliminary study area grouping except North Gateway, Thurston, West Jasper/Mahogany and Clearwater comprises at least some Class III soils. Some Class III soils are considered High Value and Prime Farmland within the Willamette Valley.

The largest contiguous areas of Class III soils are in Oxbow/Camp Creek. The City excluded Class III (Bellpine) High Value Farmland areas in Oxbow/Camp Creek. Class III sites were also excluded on the basis of public facilities constraints, proximity and Goal 14 factors 3 and 4.

The City excluded Class III (McBee) Prime Farmland areas in Seavey Loop that are mixed with Class II High Value and Class IV Prime Farmland soils. These Class III sites were also excluded on the basis of public facilities constraints, proximity and Goal 14 factors 3 and 4.

The City's UGB expansion includes Class III soils in Mill Race that are mixed with Class II and Class IV.

Class IV capability lands excluded.

The City excluded Class IV (Natroy) High Value Farmland areas in Seavey Loop that are mixed with Class II and Class III High Value Farmland soils. These Class IV sites were also excluded on the basis of public facilities constraints, proximity and Goal 14 factors 3 and 4.

Class VI soils excluded.

The City's UGB expansion does not include Class VI soils. The City evaluated the potentially suitable lands comprising Class VI soils and ultimately rejected those sites from consideration. These Class VI sites were also excluded on the basis of public facilities constraints, proximity and Goal 14 factors 3 and 4.

Class VII soils are higher priority for expansion.

The City's UGB expansion includes Class VII soils in North Gateway and Mill Race.

The City evaluated the potentially suitable lands comprising Class VII soils and ultimately rejected those sites from consideration. These Class VII sites were also excluded on the basis of physical public facilities constraints, proximity and Goal 14 factors 3 and 4.

Class VIII soils are higher priority for expansion.

The City's UGB expansion includes Class VIII soils in North Gateway and Mill Race.

The City evaluated the potentially suitable lands comprising Class VIII soils and ultimately rejected those sites from consideration. It should be noted that the Class VIII capability classification in Lane County includes Water. These Class VIII sites were also excluded on the basis of public facilities constraints, proximity and Goal 14 factors 3 and 4.

Table 16: Fourth Priority Agriculture and Forest Land Excluded on the Basis of Predominant Capability Classification				
North Gateway (North of Sprague) Class II	McKenzie Class I and II	View	Oxbow/Camp Class I, II and III High Value	Creek
Hayden Bridge	Mohawk		North Springfield Highway	
Far East (North of Hwy 126)	South Hills Class III High Value		West Jasper/Mahogany Class II	
Wallace Creek	Jasper	Bridge		
Seavey Loop Area 1	Thurston		Clearwater	

Areas designated Agriculture are shown in beige color. Areas designated Forest are shown in green color. Areas with both designations are shown with both colors.

EXCLUDE FOURTH PRIORITY LANDS LACKING THE SPECIFIED CHARACTERISTICS TO MEET THE IDENTIFIED EMPLOYMENT LAND NEED

OAR 660-024-0060(1)(d):

“Notwithstanding subsection (a) to (c) of this section, a local government may consider land of lower priority as specified in ORS 197.298(3).”

ORS 197.298(3)

“Land of lower priority under subsection (1) of this section may be included in an urban growth boundary if land of higher priority is found to be inadequate to accommodate the amount of land estimated in subsection (1) of this section for one or more of the following reasons:

(a) Specific types of identified land needs cannot be reasonably accommodated on higher priority lands; (emphasis added)

(b) Future urban services could not reasonably be provided to the higher priority lands due to topographical or other physical constraints; (emphasis added)

or

(c) Maximum efficiency of land uses within a proposed urban growth boundary requires inclusion of lower priority lands in order to include or to provide services to higher priority lands.”

As explained above, the City excluded fourth priority lands on the basis of 1) soil capability classification; and 2) specific types of land needs. As previously explained above and in the CIBL/EOA, the City screened each study area grouping to identify lands with slopes 15% or less and comprising at least 5

acres without absolute development constraints that make lands unbuildable for industrial or commercial employment uses. In this step, the City's methodology excluded lands of higher priority capability classification because those lands are encumbered by absolute development constraints to the extent that the City's specific types of identified cannot be reasonably accommodated [ORS 197.298 (3)(a)]. This report and the local record provide adequate evidence of the thorough and painstaking process conducted by City staff to screen candidate lands adjacent to the UGB to evaluate alternative locations. The City's methodology and reasoning for excluding lands of lower priority capability classification is appropriate and consistent with the law.

Exclude higher priority lands where specific types of identified land needs cannot be reasonably accommodated [ORS 197.298(3)(a)] and/or where future urban services could not reasonably be provided to the higher priority lands due to topographical or other physical constraints [ORS 197.298(3)(b)]

In the next step, the City excluded the fourth priority lands that are *not* potentially suitable to provide sites with the needed site characteristics to satisfy the identified employment land need deficiency.

OAR 660-024-0060 (1)(e) states:

“For purposes of this rule, the determination of suitable land to accommodate land needs must include consideration of any suitability characteristics specified under section (5) of this rule, as well as other provisions of law applicable in determining whether land is buildable or suitable.”[emphasis added]

OAR660-024-0060(5)

“If a local government has specified characteristics such as parcel size, topography, or proximity that are necessary for land to be suitable for an identified need, the local government may limit its consideration to land that has the specified characteristics when it conducts the boundary location alternatives analysis and applies ORS 197.298.” [emphasis added]

Identification of Potentially Suitable and Serviceable Land

At this stage in the analysis, the city had identified lands of suitable parcel sizes (at least 5 acres of unconstrained land - free of absolute development constraints. These candidate sites were then evaluated to determine whether topographic or other physical constraints preclude reasonable service provision and consideration of site location and other physical characteristics of needed sites to accommodate target industry employment types identified in the CIBL/EOA. The City's Public Services Analysis compared relative physical distance to the public facilities and services needed to serve

industrial and office commercial employment land uses, including the target industries identified in the CIBL/EOA.

As previously explained in the City’s findings under Goal 9, the CIBL/EOA³⁶ provides a determination of the amount and type of land needed in the UGB amendment to accommodate Springfield’s employment land needs for 2010-2030, and OAR 660-009-0005 states that “the determination of suitable land to accommodate land needs must include consideration of any suitability characteristics specified under Section (5), as well as other provisions of law applicable in determining whether land is buildable or suitable.”

To identify *potentially* suitable land to meet employment land needs, the City applied the following factors³⁷ (from an outline provided by DLCD Staff Gordon Howard) to exclude or include fourth priority lands in the next stage of the evaluation process:

- Exclude lands that are not buildable³⁸
- Exclude lands based upon specific land needs (197.298(3)(a))

The next step in the process screened candidate lands to identify and compare lands having the site characteristics necessary for the operation of the target industrial and other employment industries identified in the CIBL/EOA. Springfield’s EOA identifies a need for sites larger than 20 acres. As previously explained in this report, higher priority exception areas and marginal lands sites in the vicinity of the UGB will not provide suitable employment sites for the 2010-2030 planning period. Exception areas and marginal lands are inadequate to accommodate the type of employment land needed, thus the City’s analysis considered land designated in the acknowledged Lane Rural Comprehensive Plan for agriculture or forestry or both.

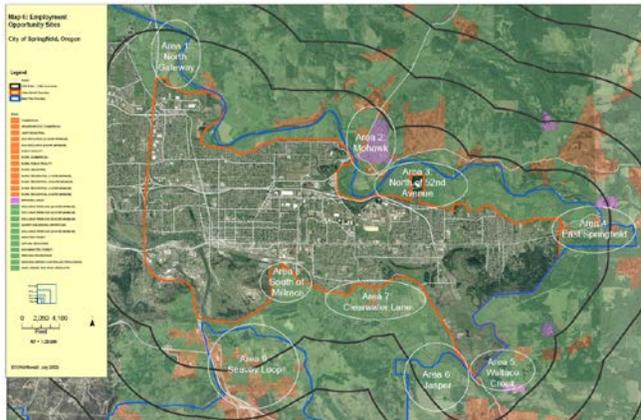
Background regarding City’s process to identify candidate lands based upon specific land needs. The following information is provided to explain how the City’s alternatives analysis integrated public input received through a multi-year iterative planning process, and to explain maps and other materials dated 2008-2010 that are in the City’s local record and/or have been integrated into this report.

Early in the City’s land assessment process (2008-2009), the CIBL Technical and Stakeholder committees identified an initial set of lands they deemed worthy of further analysis to determine their suitability for urbanization. This input was based on early GIS screening of land surrounding the UGB by consultant ECONorthwest to locate priority lands under ORS 197.298, large parcel sizes, and land free of absolute development constraints. At that time and based on Springfield’s preliminary draft analysis of residential and employment land needs, it was anticipated that UGB expansion would be required to meet both

³⁶ CIBL/EOA Table S-5, page x.

³⁸ “Buildable” is a Goal 10 term. It is the City’s position that OAR 660-024-0060 (1) requires the City to consider whether sites are “suitable” at this “buildable” stage in the evaluation process.

employment *and* residential land needs. The record provides documentation of the 2008-2009 analysis process, including maps that assumed expansion for residential purposes in addition to employment purposes.^{39 40} For example, as shown in the following map dated 2008, nine areas were initially considered for further analysis and discussion through the City's the public involvement process 2008-2010. Other areas or specific parcels were proposed throughout the public involvement process and public hearing conducted by the Springfield and Lane County Planning Commissions in Feb-May 2010.



Initial study area identification: 2008-2009 CIBL/EOA public involvement process

The UGB study area established by the City includes land that was previously identified in the initial 2008-2009 Commercial and Industrial Lands Study planning process (CIBL Technical Advisory Committee and Stakeholder Advisory Committee, public workshops, open houses and public hearings) as having a reasonable potential to satisfy the residential and employment land need deficiencies that had been estimated at that time. The City's initial 2008-2009 Commercial and Industrial Lands Study planning process identified areas for evaluation and consideration based on an expected need for a larger UGB expansion to meet *both* residential and employment land needs. The City's final land need is for fewer acres of employment land — 223 acres — compared with the 640-acre deficit identified in the 2009 Draft CIBL/EOA. The City went on to meet its residential land deficit without expanding the UGB.

The City's final UGB expansion proposal also includes existing Willamalane parks and SUB public facilities to address concerns raised by the public, planning commissioners and elected officials during the 2008-2010 public involvement process.

EXCLUDE LANDS THAT ARE NOT BUILDABLE (SUITABLE) BASED UPON SPECIFIC LAND NEEDS [ORS 197.298(3)(a)]

³⁹ It is important to note that 2008-2009 analysis maps in the local record also relied upon older data sets that were later found to be incomplete or incorrect. For example, the floodway data for the Seavey Loop area was found to be inaccurate and was updated subsequently. This had the effect of substantially reducing the amount of unconstrained acreage from the area shown in the earlier 2008-2009 maps.

⁴⁰ The Metro Plan boundary was amended subsequent to the creation of the 2008-2009 maps.

This section of the report provides explanation and evidence to support the City’s findings addressing ORS 197.298(1) through (4), OAR 660-024-0060(1)(a), OAR 660-024-0060(1)(b), OAR 660-024-0060(1)(c), OAR 660-024-0060(1)(d), OAR 660-024-0060(1)(e), OAR 660-024-0060(3), OAR 660-024-0060(4), OAR 660-024-0060(5), OAR 660-024-0060(6), OAR 660-024-0060(7), OAR 660-024-0060(8)(a), OAR 660-024-0060(8)(b), and OAR 660-024-0060(8)(c).

OAR 660-024-0060(1)(e)

“For purposes of this rule, the determination of suitable land to accommodate land needs must include consideration of any suitability characteristics specified under section (5) of this rule, as well as other provisions of law applicable in determining whether land is buildable or suitable.”

OAR 660-024-0060 (5)

“If a local government has specified characteristics such as parcel size, topography, or proximity that are necessary for land to be suitable for an identified need, the local government may limit its consideration to land that has the specified characteristics when it conducts the boundary location alternatives analysis and applies ORS 197.298.”

The Goal 9 rule clearly allows and requires the City to identify the typical attributes of employment land sites necessary to accommodate the industries and employers that will support the City’s economic development objectives, based on the Economic Opportunities Analysis. The Goal 9 rule clearly allows and requires the City to designate suitable, serviceable sites, types and locations for employment uses — through its comprehensive plan and through appropriate implementing measures including amendments to plan and zone map designations, land use regulations, public facility plans, and transportation system plans.

"Site Characteristics" means the attributes of a site necessary for a particular industrial or other employment use to operate. Site characteristics include, but are not limited to, a minimum acreage or site configuration including shape and topography, visibility, specific types or levels of public facilities, services or energy infrastructure, or proximity to a particular transportation or freight facility such as rail, marine ports and airports, multimodal freight or transshipment facilities, and major transportation routes. [OAR 660-009-0005(11)]

"Suitable" means serviceable land designated for industrial or other employment use that provides, or can be expected to provide the appropriate site characteristics for the proposed use. [OAR 660-009-0005(12)]

As described in the preceding text and graphics, the City excluded parcels smaller than 5 acres in size and portions of parcels with absolute development constraints (slopes >15%, floodway, inventoried wetlands, waterways, and riparian resources) from consideration when it analyzed the potentially suitable acreage within a grouping of parcels of a particular soil capability classification, as permitted under OAR 660-024-0060(5).

As described and shown in the preceding text and graphics, and as verified by supporting evidence (GIS and Lane County Assessor parcel maps and RLID parcel data) in the record, the City applied characteristics of parcel size, topography, and absolute development constraints (floodway, wetlands, riparian resources) to fourth priority land areas in the Preliminary UGB Study Area to identify potentially suitable land to meet the employment land need, when it conducted the boundary location alternatives analysis and applied ORS 197.298. [OAR 660-024-0060(1)(e) and OAR 660-024-0060 (5)] .

After excluding lands based on soil capability classification, the City's analysis identified parcel groupings in Table 15 that contain *potentially* suitable fourth priority land. These areas were identified for additional analysis study to determine serviceability and suitability to determine which candidate lands lands in the vicinity of the UGB can "reasonably accommodate" the identified employment land need.

Public Services Analysis of Potentially Suitable Fourth Priority Land

OAR 660-024-0060(7)

"For purposes of Goal 14 Boundary Location Factor 2, "public facilities and services" means water, sanitary sewer, storm water management, and transportation facilities."

Using GIS mapping and analysis tools and input received from the CIBL Technical Advisory Committee, City, County and State public agency staff including ODOT and Lane Transit District, other service providers and the public, the City conducted analysis to evaluate, compare and determine whether and how water, sanitary sewer, storm water management, and transportation facilities could be provided to potentially suitable fourth priority areas. The result of this step is a determination of whether parcels within each geographic grouping can reasonably be served to support the employment land uses identified in the CIBL/EOA within the 2010-2030 planning horizon.

The City correctly applied the requirement of OAR 660-024-0060(7) in its analysis of fourth priority land under ORS 197.298 by evaluating and comparing water, sanitary sewer, storm water management, and transportation facilities in its analysis of "public facilities and services", as demonstrated in the summary of data in Table 17 and as further supported by evidence in the record.

Table 17 summarizes and compares the opportunities and constraints associated with constructing public facilities and providing public services to lands in the vicinity of the Springfield UGB. The information summarized in Table 17 is based on information received from City engineering and transportation staff, the Springfield CIBL Technical Advisory Committee (TAC), service providers, public agency staff that were consulted with throughout the multi-year urbanization study process, and the public facilities plans identified in the previous sections of this report pages 212-235. The Public Facilities and Services Analysis identified physical constraints, engineering constraints, including legal constraints that affect or influence the physical placement of wastewater or stormwater management facilities.

The Public Services Analysis section of this report on pages 211-235 provides a general overview and maps of existing water, sanitary sewer, storm water management, and transportation facilities the City

referenced when it described the physical location and proximity of existing facilities to *potentially* suitable areas, when it identified physical or regulatory barriers that would make service extensions difficult or physically infeasible to support development within the 2010-2030 planning period, and when it evaluated impacts to facilities needed to serve lands already in the UGB. As previously noted, that section of the report provides explanation and evidence to support the City's findings addressing ORS 197.2989(1) through (4), OAR 660-024-0060(1)(a), OAR 660-024-0060(1)(b), OAR 660-024-0060(1)(c), OAR 660-024-0060(1)(e), OAR 660-024-0060(3), OAR 660-024-0060(4), OAR 660-024-0060(5), OAR 660-024-0060(6), OAR 660-024-0060(7), OAR 660-024-0060(8)(a), OAR 660-024-0060(8)(b), and OAR 660-024-0060(8)(c) — including additional evidence to support the City's rationale for excluding areas from consideration in the previous step.

The analysis includes a high planning level assessment of the relative degree of difficulty of providing public facilities and services. Early in the iterative multi-year analysis process, engineering and transportation staff, public service agency staff were asked to assign a numeric value ranging from 1-5 to assess and compare the relative degree of difficulty of providing public facilities and services to an area with 1= EASIER, 3=MEDIUM DIFFICULT, 5=DIFFICULT.⁴¹ The relative rankings assigned were based on conceptual-level discussion of the wastewater, transportation, and stormwater improvements that would likely be needed to provide these public services to serve general areas, not individual parcels. Relative degree of difficulty addressed providing services to the edge of an area and did not include providing services internally within an area. These discussions and assessments were not based upon detailed analysis and are therefore subject to change. The cost of providing infrastructure and services was not estimated or evaluated at this point in the analysis.

The City relied on the findings in Table 17 — as further documented by referenced facility plans, maps and supplemental evidence in the record — to determine whether *potentially suitable* candidate fourth priority lands can be served with public water, wastewater, stormwater, and transportation including public transit systems within the 2010-2030 planning period based on physical constraints. In this step, the City excluded lands it deemed not serviceable based on physical constraints — and therefore not suitable — from further consideration in the UGB Alternatives Analysis.

The City's evaluation of alternatives and its conclusions regarding serviceability and thus suitability are based on a comparative analysis of physical facilities and services constraints that is appropriate for this level of planning. The City applied service comparison factors uniformly to the land under each priority. The City's conclusions regarding which lands to exclude on the basis of public facilities constraints are reasonable and supported by evidence.

⁴¹ Draft Buildable Lands Inventory, 12/11/09 by City Engineer Ken Vogeney, input from Springfield Utility Board

Table 17: Fourth Priority Land: Public Facilities and Services Analysis Summary	
North Gateway	
The City excluded North Gateway — North of Sprague Road lands on the basis of agricultural capability classification.	
North Gateway – UGB to Sprague Road:	
Water	<p>1 Easier</p> <ul style="list-style-type: none"> • Abuts City limits • An existing 12” line in Maple Island Road is 200 feet from the area. • An existing 24” line in Corporate Way is approximately 450 feet from the area. • An existing 12” line in Sportsway (Royal Caribbean) is approximately 310 feet from the area or 1000 feet from the area via Sportsway.
Wastewater	<p>1 Easier</p> <ul style="list-style-type: none"> • Abuts City limits • Existing sewer connections are located approximately 500 feet (at Corporate Way) and 1,700 feet (at Royal Caribbean) to the area. • A pressure main will need to be extended from the end of the existing 8-inch main on the south side of the Royal Caribbean site north to the area. • A pressure main will need to be extended from the existing 8-inch main in Corporate Way north to the area. • Pump station upgrades will be required for the existing pump station at International Way and International Court. • Pump station upgrades will likely be needed for the existing pump station at Deadmond Ferry Road and Game Farm Road to accommodate the additional flows from the Corporate Way line. • Internal improvements needed within the area: a new medium sized wastewater pump station located at the intersection of Sports Way extension and the existing UGB, and a new small sized wastewater pump station located at the existing UGB to connect to the pressure main extension from Corporate Way.
Stormwater	<p>3 Medium Difficult</p> <ul style="list-style-type: none"> • Abuts City limits • Stormwater management through the use of on-site retention and/or infiltration may be possible but limited by proximity to Springfield Utility Board’s I-5 well field. • Physical connections to the McKenzie River or Maple Island Slough can be made with little or no impact on existing systems, although Maple Island Slough is currently blocked from flowing into the McKenzie River. A flow path would need to be restored if a significant amount of runoff is directed to the Slough. • The McKenzie River is federally classified as critical salmonid habitat. • Restoring a flow path from Maple Island Slough to the river will involve several other regulatory agencies because the work would affect threatened and endangered species habitat, a designated Riparian Resource area, excavation in the waters of the state and waters of the United States, and potential wetlands. • New stormwater outfalls to the McKenzie River will also involve several other regulatory agencies for the same reasons as outfalls to Maple Island Slough. • Multiple overlapping regulatory jurisdictions for constructing new stormwater outfalls into the McKenzie River and/or the Maple Island Slough, and the limitations regarding on-site stormwater management, stormwater service for this area may present significant challenges and require atypical restrictions and limits.
Transportation including Transit	5 Difficult (Trip capacity)

	<p>1 Easier (Transit service)</p> <ul style="list-style-type: none"> • Abuts City limits • Nine offsite road extensions/improvements may be needed to provide service to the area: <ul style="list-style-type: none"> ○ Extension of Maple Island Slough Road northerly towards the Maple Island Slough then extending westerly to the connection with Sports Way.⁴² ○ Extension of Sports Way northerly to the existing UGB line. ○ Sprague Road overpass will likely need to be improved or reconstructed to accommodate traffic load and meet current design standards. Associated with this improvement, are improvements to Sprague Road westerly to Armitage Road. ○ Armitage Road will likely need to be widened from Sprague Road to North Game Farm Road. ○ Intersection improvements may be needed at Armitage Road and North Game Farm Road, such as the addition of a left turn lane and signal modifications. ○ A bridge connection may be needed from the extended Maple Island Slough Road to Tax Lot 170315400040 in order to reduce impacts to natural resource areas and to the flood plain carrying capacity. ○ Current studies for the Gateway/Beltline intersection and the Beltline/I-5 interchange show that current and planned development within the current UGB may not be able to be accommodated within the planning horizon, and potential mitigation projects have been identified. The additional vehicle trips from the North Gateway Area will require additional lane and intersection capacity that is not available in the planned mitigation projects, so that additional capacity will need to be provided.⁴³ ○ Extension of Maple Island Slough Road Southerly from Game Farm Road to a connection point with Beltline Road.⁴⁴ ○ The addition of capacity improvements will likely be needed for the interchange operations at Beltline Road and Interstate 5.⁴⁵ • Internal improvement needed within the area: Bridge connection from Tax Lot 17031540004000 over the Maple island Slough to Tax Lot 1703100002500 to provide internal circulation and reduce impacts to natural resource areas and to the flood plain carrying capacity. • Capacity constraints at Gateway/Beltline and Beltline/I-5 will pose significant challenges for development within the planning horizon. • The need to construct bridges to provide services and internal circulation will pose significant challenges for development within the planning horizon. • International Way is part of an existing and planned Frequent Transit Network route in the TSP and RTP. Area is within ½ mile of the existing EmX bus rapid transit line (RiverBend-Gateway) and EmX station located at International Way/Maple Island Road.
<p>Urban services conclusion/ physical constraints North Gateway</p>	<p>Area is serviceable as described in OAR 660-009-0005(9). The City included the North Gateway Fourth Priority lands south of Sprague Road in the UGB.</p> <ul style="list-style-type: none"> • Area is not physically constrained by slopes, river crossings or distance that would preclude provision of services as defined in OAR 660-009-0005(9).

⁴² Roadway project is shown in Springfield TSP Figure 10 Recommended Roadway Network.

⁴³ “Gateway-Beltline intersection capacity improvements” is a project identified in the Springfield TSP.

⁴⁴ Project is identified in the Springfield TSP.

⁴⁵ Project is identified in the Springfield TSP.

<p>Fourth Priority lands</p>	<ul style="list-style-type: none"> • Proximity to the City and existing service connections increases the feasibility of extending or upgrading infrastructure and services to provide adequate capacity within the 20-year planning period ending 2030. • Protection of drinking water resources will present significant challenges for development within this area and will require special restrictions and/or limits. • Transportation constraints may present significant challenges for development within the planning horizon and may require atypical restrictions, limits or solutions.
<p>McKenzie View</p>	
<p>The City excluded unconstrained McKenzie View lands comprising predominantly Class I and II soils on the basis of agricultural capability classification.</p>	
<p>Water</p>	<p>5 Difficult</p> <ul style="list-style-type: none"> • Isolated by distance and topography from existing urban services • Separated from urban services by the McKenzie River, must cross river with urban services • Would need to bore under river (if permitted) to extend public water service main • Nearest water transmission line is a 24" line in the vicinity of 28th Street/Yolanda, approximately 6,000-8000 feet from potentially suitable parcels • Services would need to be extended through un-annexed land.
<p>Wastewater</p>	<p>5 Difficult</p> <ul style="list-style-type: none"> • Isolated by distance and topography from existing urban services • Separated from urban services by the McKenzie River, must cross river with urban services • Nearest collection system is across the river and more than 2,000 feet away: a 15" line in Vera Street. • Would need to upgrade Vera pump station. • Would need to bore under river (if permitted) to extend service main, then gravity flow to East Springfield interceptor. • Services would need to be extended through un-annexed land.
<p>Stormwater</p>	<p>3 Medium Difficult</p> <ul style="list-style-type: none"> • Separated from urban services by the McKenzie River • Isolated by distance and topography from existing urban services. • No developed system or outfalls in vicinity • New stormwater outfalls will involve several other regulatory agencies because the work would affect threatened and endangered species habitat, excavation in the waters of the state and waters of the United States, and potential wetlands. • The McKenzie River is federally classified as critical salmonid habitat. • Services would need to be extended through un-annexed land.
<p>Transportation (including transit service)</p>	<p>5 Difficult</p> <ul style="list-style-type: none"> • Isolated by distance and topography from existing urban services • Access from Springfield and I-5 is via McKenzie View Drive, a Rural Minor Collector – approximately 4.5 miles from UGB at Game Farm Rd.; or across the McKenzie River via Marcola Rd. (Rural Major Collector, 46-36' wide), Old Mohawk Rd. (Rural Minor Collector), and Hill Rd. (Rural Minor Collector) - approximately 4 miles from UGB at

	<p>Hayden Bridge.</p> <ul style="list-style-type: none"> No access to Springfield or to I-5 except via Coburg Rd or Marcola Rd unless a new bridge over the McKenzie River is built. Depending upon new bridge location, existing Springfield street network would need to be upgraded and collectors/arterials added to provide transportation capacity. All roads will need improvement to accommodate industrial or commercial development and multi-modal access Services would need to be extended through un-annexed land. Intersection improvements needed at Coburg Rd & McKenzie View Drive Upgrade McKenzie View Drive to urban standards and provide capacity improvements Marcola Road: "With Permit Truck-Tractor Semitrailer Combinations may operate at a maximum of 75 feet in overall length. The maximum length of a semitrailer in a truck tractor semitrailer combination is 53 feet. Double Trailer Combinations may operate at a maximum of 95 feet in overall length." ⁴⁶ No transit services, pedestrian facilities or ADA access in area. Same findings as Mohawk area regarding a need for upgrades to 42nd St., 42nd/Marcola intersection and 42nd and Hwy 126 interchange
<p>Urban services conclusion/ physical constraints McKenzie View Fourth Priority lands</p>	<p>The City excluded the McKenzie View Fourth Priority lands from consideration because this area does not provide and cannot reasonably be expected to be provided with the public water, wastewater, stormwater and transportation infrastructure and services necessary to serve urban employment uses. Lands cannot reasonably be provided with urban services due to physical constraints of distance and topography that preclude reasonable extension of water, wastewater and transportation, including transit, and ability to provide adequate stormwater management. The City has determined that this area is not serviceable to meet Springfield's identified industrial and commercial land use needs during the 20-year planning period ending 2030, as defined in OAR 660-009-0005(9).</p>
<p>Oxbow/Camp Creek</p>	
<p>The City excluded lands comprising predominantly Class I, Class II and Class III High Value Farmland soils on the basis of agricultural capability classification.</p>	
<p>Water</p>	<p>5 Difficult</p> <ul style="list-style-type: none"> Isolated by distance and topography from existing urban services Separated from urban services by the McKenzie River, must cross river with urban services Nearest water transmission line is a 16" line Marcola Rd. /Hayden Bridge River is a barrier to extension of water transmission that makes extension of public water system infeasible ⁴⁷ Same findings as Mohawk are applicable. Services would need to be extended through un-annexed land.
<p>Wastewater</p>	<p>5 Difficult</p> <ul style="list-style-type: none"> Isolated by distance and topography from existing urban services Separated from urban services by the McKenzie River, must cross river with urban services

⁴⁶ Lane County Weight Restricted Bridges and Approved Route List (Revised 02-2014), <http://www.odot.state.or.us/forms/motcarr/od/4020.pdf>, website accessed 2-5-16

⁴⁷ See email from City Civil Engineer Clayton McEachern P.E., to Linda Pauly, dated 2/8/16 describing physical constraints to extending a water transmission line across the McKenzie River either via the existing bridge or by boring underwater.

	<ul style="list-style-type: none"> • Would require pumping across the river and expanding capacity in existing sewer in Marcola Road (existing UGB). Geology precludes boring under river in this location. • EWEB intake at Hayden Bridge is the intake for the City of Eugene’s water supply. • Would require new trunk line from North Springfield Interceptor to and along Hayden Bridge Rd and new pump stations inside area to get flow to new trunk. Bridge is high point. Pump stations are needed to bring flow up to bridge and across river, then gravity flow to interceptor. • Nearest collection system is a 10” line in Marcola Rd., more than 4,000 feet from Hayden Bridge. • Eastern Camp Creek parcels approximately 5 miles from nearest wastewater connection via Hayden Bridge/Marcola Rd. or via Hendricks Bridge/Main Street. • Same findings as Mohawk are applicable. • Services would need to be extended through un-annexed land.
<p>Stormwater</p>	<p>5 Difficult</p> <ul style="list-style-type: none"> • Separated from urban services by the McKenzie River • No new outfalls permitted upstream from Hayden Bridge (Three Basin Rule)⁴⁸ • EWEB intake at Hayden Bridge is the intake for the City of Eugene’s water supply. • No developed system or existing discharge permits in vicinity • Same findings as Mohawk are applicable • Services would need to be extended through un-annexed land.
<p>Transportation (including transit service)</p>	<p>5 Difficult</p> <ul style="list-style-type: none"> • Isolated by distance and topography from existing urban services • Access from Springfield and I-5 is across the McKenzie River via Marcola Rd. (Rural Major Collector, 46-36’ wide), Old Mohawk Rd. (Rural Minor Collector/Rural Local Collector, 30’ wide), and Camp Creek Rd. (Rural Major Collector, 30’ wide). Roads may need improvement to accommodate additional development and multi-modal access: <ul style="list-style-type: none"> • Upgrade 42nd St. to urban standards • Upgrade 42nd/Marcola intersection • Upgrade 42nd and Hwy 126 interchange • Upgrade Camp Creek to urban standards and provide capacity improvements • Would require internal collector street system • Marcola Road: “With Permit Truck-Tractor Semitrailer Combinations may operate at a maximum of 75 feet in overall length. The maximum length of a semitrailer in a truck tractor semitrailer combination is 53 feet. Double Trailer Combinations may operate at a maximum of 95 feet in overall length.”⁴⁹ • No transit services, pedestrian facilities or ADA access in area. • Same findings as Mohawk are applicable. • Services would need to be extended through un-annexed land.
<p>Urban services conclusion: Oxbow/Camp Creek Fourth</p>	<p>The City excluded the Oxbow/Camp Creek area from consideration because these areas do not provide and cannot reasonably be expected to be provided with the public water, wastewater, stormwater and transportation infrastructure and services necessary to serve urban employment uses. Lands cannot reasonably be provided</p>

⁴⁸ OAR 340-041-0350(1)(b) prohibits new or increased waste discharges that require NPDES permit, WPCF permit, or 401 Certification to the waters of the McKenzie River Subbasin above the Hayden Bridge (river mile 15).

⁴⁹ Lane County Weight Restricted Bridges and Approved Route List (Revised 02-2014), <http://www.odot.state.or.us/forms/motcarr/od/4020.pdf>, website accessed 2-5-16

Priority lands	with urban services due to physical constraints of distance and topography that preclude reasonable extension of water, wastewater and transportation, including transit, and ability to provide adequate stormwater management. The City has determined that this area is not serviceable to meet Springfield’s identified industrial and commercial land use needs during the 20-year planning period ending 2030, as defined in OAR 660-009-0005(9).
Hayden Bridge	
The City excluded unconstrained lands on the basis of agricultural capability classification.	
Mohawk	
The City excluded unconstrained lands on the basis of agricultural capability classification.	
Water	<p>5 Difficult</p> <ul style="list-style-type: none"> • Isolated by distance and topography from existing urban services • Separated from urban services by the McKenzie River, must cross river with urban services • River is a barrier to extension of water transmission that makes extension of public water system infeasible⁵⁰ • Nearest water transmission line is a 16” line at Marcola Rd. /Hayden Bridge
Wastewater	<p>5 Difficult</p> <ul style="list-style-type: none"> • Isolated by distance and topography from existing urban services • Separated from urban services by the McKenzie River, must cross river with urban services • Will require pumping across the river and expanding capacity in existing sewer in Marcola Road (existing UGB). Geology precludes boring under river in this location. A line rupture in this location could contaminate Eugene’s water supply. • Would require new trunk line from North Springfield Interceptor to and along Hayden Bridge Rd and new pump stations inside area to get flow to new trunk. Bridge is high point. Pump stations are needed to bring flow up to bridge and across river, then gravity flow to interceptor. • Nearest collection system is a 10” line in Marcola Rd., more than 4,000 feet from UGB, and 4 miles to outer areas
Stormwater	<p>5 Difficult</p> <ul style="list-style-type: none"> • Separated from urban services by the McKenzie River • No new outfalls permitted upstream from Hayden Bridge (Three Basin Rule⁵¹) • Eugene Water and Electric Board’s water intake at Hayden Bridge would require significant separation from any new outfalls developed downstream from the intake⁵² • No developed system in vicinity
Transportation (including transit service)	<p>5 Difficult</p> <ul style="list-style-type: none"> • Isolated by distance and topography from existing urban services • Access to Springfield is across the McKenzie River via 42nd Street and Marcola Rd. (Rural Major Collector, 46-36’ wide), Old Mohawk Rd. (Rural Minor Collector/Rural

⁵⁰ See email from City Civil Engineer Clayton McEachern P.E., to Linda Pauly, dated 2/8/16 describing physical constraints to extending a water transmission line across the McKenzie River either via the existing bridge or by boring underwater.

⁵¹ OAR 340-041-0350(1)(b) prohibits new or increased waste discharges that require NPDES permit, WPCF permit, or 401 Certification to the waters of the McKenzie River Subbasin above the Hayden Bridge (river mile 15).

⁵² See email from City Civil Engineer Clayton McEachern P.E., to staff Pauly, dated 2/8/16 describing physical factors that preclude construction of new stormwater outfalls in the vicinity of EWEB’s Hayden Bridge McKenzie River water intake facility.

	<p>Local Collector, 30' wide), and Camp Creek Rd. (Rural Major Collector, 30' wide).^{53 54} Roads may need improvement to accommodate additional development and provide multi-modal access:</p> <ul style="list-style-type: none"> • Upgrade 42nd St. to urban standards⁵⁵ • Upgrade 42nd/Marcola intersection • May need to upgrade 42nd and OR 126 interchange⁵⁶ • Upgrade Camp Creek to urban standards and provide capacity improvements • Would require internal collector street system. • Existing bridge in place, but would need to be improved to provide full urban standards including multi-modal access. • Urban standards and capacity improvements needed on existing and future collector system from Mohawk/Highway 126 interchange to area, including Hayden Bridge Rd, 19th St, 23rd St, and 31st St • Previous ODOT study showed a need for upgrading at Hwy 126 and 42nd St. (without UGB expansion). Traffic backs up at the 42nd St. rail crossing at entrance to the IP plant, causing delays with access to Hwy 126. • Located 1-5 miles mile from Highway 126/I-105, and I-5 • Steep slopes east of Marcola Rd. • Access would route traffic through farmland and rural residential areas • Marcola Road and Old Mohawk Road: "With Permit Truck-Tractor Semitrailer Combinations may operate at a maximum of 75 feet in overall length. The maximum length of a semitrailer in a truck tractor semitrailer combination is 53 feet. Double Trailer Combinations may operate at a maximum of 95 feet in overall length."⁵⁷ • No transit services, pedestrian facilities or ADA access in area. Nearest service is Route 17 Hayden Bridge Rd. and 19th Street. Route Description: "The route begins at Springfield Station (Bay B) and travels North on 5th Street where it serves Springfield City Hall and Library and the Fred Meyer Shopping Center. The bus travels East on Hayden Bridge Place, North on 7th Street, West on Hayden Bridge Road, and South onto 19th Street where it serves Mohawk Marketplace. The bus travels West on Q Street and South on 5th Street to return to Springfield Station."⁵⁸
<p>Urban services conclusion/ physical constraints Mohawk</p>	<p>The City excluded the Mohawk Fourth Priority lands from consideration on the basis of agricultural capability classification. These lands do not provide and cannot reasonably be expected to be provided with the public water, wastewater, stormwater and transportation infrastructure and services necessary to serve urban employment uses. Lands cannot reasonably be provided with urban services due to</p>

⁵³ Source of Functional Classifications: 2004 Lane County Transportation System Plan Functional Class Subarea 14 Map 4-14

⁵⁴ Source of road widths: Lane County Roads Inventory, http://www.lanecounty.org/Departments/PW/TransPlanning/Documents/AppendixB_RoadsInventory.pdf

Accessed January 26, 2016

⁵⁵ Project # R-41 42nd St. from Marcola Rd. to railroad tracks is listed as a "20-year priority project" in the Springfield 2035 TSP Attachment A.

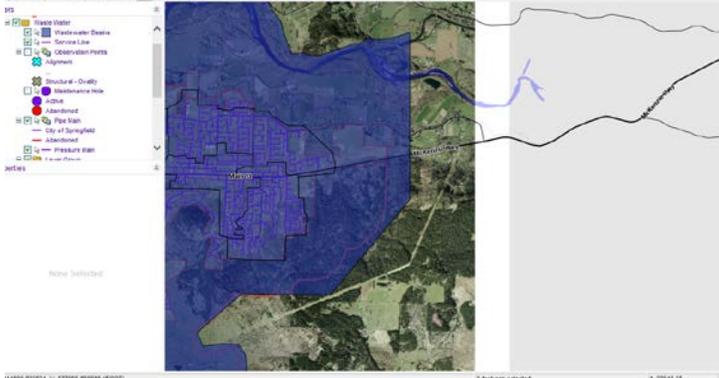
⁵⁶ See ODOT staff Helton email to staff Reesor, Dec. 29, 2008: "The interchange on Hwy 126 at 42nd St. has failing segments even with planned improvements, but it can probably be made to operate with additional improvements to the local system." Project #R-35 is identified as a "Beyond 20-year Project" in the 2035 Springfield TSP, Appendix A, p. 14.

⁵⁷ Lane County Weight Restricted Bridges and Approved Route List (Revised 02-2014), <http://www.odot.state.or.us/forms/motcarr/od/4020.pdf>, website accessed 2-5-16.

⁵⁸ Email from LTD staff Will Mueller, dated June 28, 2013 provides comments describing the physical requirements necessary to provide transit service applicable to extending transit service to any new areas: "Connecting roadways and streets would need to be constructed to city standards that support LTD's buses including sufficient lane width, intersection curb radii, and sidewalk width at prospective bus stops to meet ADA standards in effect at time of construction (2013 standards require 8' sidewalks at bus stops).

<p>Fourth Priority lands</p>	<p>physical constraints of distance and topography that preclude reasonable extension of water, wastewater and transportation, including transit, and ability to provide adequate stormwater management. The City has determined that this area is not serviceable to meet Springfield’s identified industrial and commercial land use needs during the 20-year planning period ending 2030, as defined in OAR 660-009-0005(9).</p>
<p>North Springfield Highway</p>	
<p>The City excluded unconstrained parcels on the basis of agricultural capability classification.</p>	
<p>Water</p>	<p>1 Easier</p> <ul style="list-style-type: none"> • Abuts City Limits • An older 12” line in High Banks road is approximately 270 feet from the area. • A newer 24” line is in 52nd Street to serve Hyland Business Park, approximately 1300 feet from the area via High Banks Road.
<p>Wastewater</p>	<p>1 Easier</p> <ul style="list-style-type: none"> • Abuts City Limits • A new large wastewater pump station is required to get flow from this area into the existing 15-inch main in High Banks Road. For this study, the location for the new large pump station was assumed to be in the vicinity of High Banks Road and 52nd Street. • Internal improvements needed within the area: new small sized wastewater pump stations located in the vicinity of Tax Lot 1702280000304 and Northwest portion of the Tax Lot 1702280000103.
<p>Stormwater</p>	<p>5 Difficult</p> <ul style="list-style-type: none"> • Abuts City Limits • Physical connections to Cedar Creek or the McKenzie River can be made with little or no impact on existing stormwater systems. Oregon’s Three Basin Rule (OAR 340-041-0350) restricts new stormwater outfalls and other discharges to the McKenzie River upstream of Hayden Bridge. • New stormwater outfalls to Cedar Creek or to the McKenzie River will involve several other regulatory agencies because the work would affect threatened and endangered species habitat, excavation in the waters of the state and waters of the United States, and potential wetlands. • Stormwater management through the use of on-site retention and/or infiltration may be allowable in this area as it is outside of the zone of contribution for Springfield Utility Board’s wells. • The McKenzie River and Cedar Creek are federally classified as critical salmonid habitat. Considering the multiple overlapping regulatory jurisdictions for constructing new stormwater outfalls into the McKenzie River and/or Cedar Creek, stormwater service for this area may be feasible if on-site stormwater management techniques that maximize stormwater retention and infiltration are required.
<p>Transportation (including transit service)</p>	<p>2 Easier</p> <ul style="list-style-type: none"> • Abuts City Limits • Four offsite road extensions/improvements are needed to provide service to the area: <ul style="list-style-type: none"> ○ A new at grade intersection or interchange will be needed at the intersection of OR Highway 126 and 52nd Street. ○ Intersection improvements for increased capacity will be needed at the intersection of Main Street and OR Highway 126. ○ A new at grade intersection improvement will be needed for the intersection of 52nd Street and High Banks Road. ○ A new at grade intersection improvement will be needed for the intersection of 58th Street and High Banks Road. • Internal improvements needed within the area: bridge connections over existing ditches

	and creeks to access the northern portion of the area.
Urban services conclusion/ physical constraints North Springfield Highway Fourth Priority lands	<ul style="list-style-type: none"> • Area is serviceable for water, wastewater and transportation as described in OAR 660-009-0005(9). Area is not physically constrained by slopes, river crossings or distance that would preclude feasible provision of water, wastewater and transportation services. • Area is physically constrained for stormwater management due to existing physical capacity limitations on receiving streams within the basin, floodplain, and regulatory restrictions on new discharges to receiving streams and rivers. • Stormwater management may become physically feasible if regulatory barriers can be met through use of engineered on-site stormwater management facilities that maximize stormwater retention and infiltration.
Thurston	
The City excluded unconstrained land comprising predominantly Class I and II soils on the basis of agricultural capability classification.	
Far East	
The City excluded unconstrained land comprising predominantly Class I and II soils (north of Highway 126) on the basis of soils capability classification.	
The unconstrained land south of Highway 126 was excluded on the basis of specific land needs (197.298(3)(a)).	
Water	<p>Within one mile of UGB 2: Medium</p> <p>More than one mile from UGB: 5 Difficult</p> <ul style="list-style-type: none"> • Separated from urban services by distance and topography. • The nearest transmission line is the 12" line terminating ½ mile east of the existing UGB on Main St/Hwy 126. • Services would need to be extended through un-annexed land. • Distant from SUB service area. • Higher elevations would require pumping and reservoir.
Wastewater	<p>5 Difficult</p> <ul style="list-style-type: none"> • Separated from urban services by distance and topography. • The nearest service connection of sufficient size for industrial and commercial uses is the 15" line at Main Street/S. 72nd, approximately 1.5 miles to the western boundary of the area • Services would need to be extended through un-annexed land. • May require a new pump station at bottom of Cedar Flat/126 and force main to bring gravity flow to Thurston trunk sewer. May need to be a stepped system to address topography. • New or upgrade trunk line may be needed in Thurston Rd. from North Springfield interceptor at International Paper (unfunded upgrade project is identified in CIP). • Services would need to be extended through un-annexed land. • Steep slopes south of McKenzie Hwy/Main St.

	 <p>City of Springfield wastewater basin (shown in blue) and service main in relationship with Far East, Thurston and Oxbow/Camp Creek areas</p>
<p>Stormwater</p>	<p>5 Difficult</p> <ul style="list-style-type: none"> • No developed system in vicinity • Cedar Creek drainage basin is nearing stormwater receiving capacity^{59, 60} (unfunded upgrade project is identified in CIP). • No new outfalls permitted on McKenzie River upstream from Hayden Bridge (Three Basin Rule)⁶¹ • Sensitive environmental protection/salmonid species habitat restoration projects will limit/restrict new outfalls • Ability to manage stormwater on-site will be limited by high water table and typically⁶² requires 8-10% of parcel area. • Services would need to be extended through un-annexed land.
<p>Transportation (including transit service)</p>	<p>5 Difficult</p> <ul style="list-style-type: none"> • Separated from urban services by distance and topography. • Access is from E. Main Street/McKenzie Hwy (State Highway), with secondary access from Thurston Road (Rural Major Collector). • Two new bridges would be needed over Cedar Creek on 66th and Weaver Lane. • 66th St., Weaver Lane and Billings Rd. would require urban standards improvements and capacity upgrades. • Extend Billings Rd. to E. Main St. • Upgrade capacity on 66th St. from Main St. to Thurston Rd. • Upgrade capacity on Thurston Rd. and provide urban standards from 69th St. to E. Main Street • Improve Thurston Rd between Weaver Rd. and UGB⁶³ • Intersection improvements at Thurston Rd. and E. Main St.

⁵⁹ City of Springfield Stormwater Facilities Master Plan, Oct. 2008; City of Springfield Stormwater Management Plan, updated 2010, <http://springfield-or.gov/ESD/stormwater%20management%20plan%202008.pdf>, accessed 2/8/16.

⁶⁰ City of Springfield Stormwater Basin Characterization Study, Lane Council of Governments, 2008, pp. 17-26 describes existing outfalls and water quality concerns in this basin.

⁶¹ OAR 340-041-0350(1)(b) prohibits new or increased waste discharges that require NPDES permit, WPCF permit, or 401 Certification to the waters of the McKenzie River Subbasin above the Hayden Bridge (river mile 15). The McKenzie supports anadromous and resident fish species and is considered “essential fish habitat” for threatened and endangered species (Table 11, p. 20).

⁶² Eugene Stormwater Management Manual “Simplified Method”, Appendix C, is a rule of thumb Springfield engineers use for typical small developments.

⁶³ Project #US-14 is identified in the 2030 Springfield TSP as a Priority Project on the 20-year project list, Projects on Lane CO. Facilities, Attachment A, with an estimated cost of \$4,800,000.

	<ul style="list-style-type: none"> • Would need internal collector street system • Access to Exception C from Cedar Flat Road, Rural Local Collector • slopes between E. Main Street/McKenzie Hwy and parcels limit constrain options • “Main St/Straub Parkway intersection is failing today even with planned interchange improvements”, and there are safety issues with signal. Traffic would need to be distributed differently. Significant development would need to participate in funding of ODOT IAMP. Impacts to the OR126/Main St intersection should be considered. ODOT’s previous analysis indicate that the OR 126/Main St, Main St/54th St. and Main St/58th St all exceed capacity by 2031. ⁶⁴, ⁶⁵ • Services would need to be extended through un-annexed land. • Frequent transit service is not planned beyond Thurston Station.
<p>Urban services conclusion: Far East Fourth Priority lands</p>	<p>Far East Fourth Priority lands within 1 mile of the UGB were considered physically serviceable for water and transportation during the 20-year planning period ending 2030 as described in OAR 660-009-0005(9).</p> <ul style="list-style-type: none"> • Area is physically constrained for stormwater management due to existing physical capacity limitations on receiving streams within the basin, floodplain, and regulatory restrictions on new discharges to receiving streams and rivers. • Stormwater management may become physically feasible if regulatory barriers can be met through use of engineered on-site stormwater management facilities that maximize stormwater retention and infiltration. • Area is physically constrained for wastewater service. Distance would likely preclude feasible extension of wastewater service within the 20-year planning period. <p>The City excluded the Far East Fourth Priority lands farther than 1 mile from the UGB from consideration because this area does not provide and cannot reasonably be expected to be provided with the public water, wastewater, stormwater and transportation infrastructure and services necessary to serve urban employment uses. Lands cannot reasonably be provided with urban services due to physical constraints of distance and topography that preclude reasonable extension of water, wastewater and transportation, including transit, and ability to provide adequate stormwater management. The City has determined that this area is not serviceable to meet Springfield’s identified industrial and commercial land use needs during the 20-year planning period ending 2030, as defined in OAR 660-009-0005(9).</p>
South Hills	
<p>The City excluded unconstrained lands comprising predominantly Class III High Value Farmland soils on the basis of agricultural capability classification.</p>	
<p>The City excluded unconstrained lands on the basis of specific land needs (197.298(3)(a)).</p>	
West Jasper/Mahogany	
<p>The City excluded unconstrained lands comprising predominantly Class II soils on the basis of agricultural capability classification.</p>	
<p>The City excluded unconstrained parcels on the basis of specific land needs (197.298(3)(a)).</p>	

⁶⁴ Comment received ODOT staff Crawford, meeting on June 11, 2013 and email dated June 18, 2013.

⁶⁵ Interchange improvements at Main St/Hwy 126 and Highway 126 at 52nd are listed as financially constrained projects in the Regional Transportation Plan (RTP) and are identified as 20-year Priority Projects in the 2035 Springfield TSP, Attachment A .

<p>Water</p>	<p>3 Medium Difficult</p> <ul style="list-style-type: none"> • The nearest lines of sufficient size to serve industrial or commercial employment uses are the 16” line in South 57th /Mount Vernon Rd. and 16” line at Linda Lane, located approximately ½ mile from the eastern boundary of the area at Mahogany Lane. • Services would need to be extended under the Union Pacific railroad line and across Jasper Road.⁶⁶
<p>Wastewater</p>	<p>1 Easier</p> <ul style="list-style-type: none"> • The Jasper Trunk sewer 27” line is located approximately 200 feet to the east across Jasper Road and the railroad to the boundary of this area. • Services would need to be extended through un-annexed land and would require easements to facilitate feasible service connections • A large wastewater pump station will be needed in the vicinity of the intersection of Mt. Vernon Road and Jasper Road, on the north side of the Union Pacific Railroad mainline to get flows from Mahogany Lane area into the Jasper Trunk Sewer. Capacity in this Trunk Sewer is not expected to be a concern because flow timing and rates can be managed via the pump station.
<p>Stormwater</p>	<p>3 Medium Difficult</p> <ul style="list-style-type: none"> • Physical connections to the Middle Fork Willamette River and Jasper Slough system can be made with little or no impact on existing stormwater systems, although the flow capacity of portions of Jasper Slough system would likely need to be increased before additional runoff could be directed to it. • Few if any of the intermittent flow channels of the Jasper Slough system are maintained as drainage ways. Development of the area will require public acquisition and improvement of at least some of these channels to ensure that stormwater runoff can be safely conveyed to the River. • The Middle Fork Willamette River and Jasper Slough system are federally classified as critical salmonid habitat. • New stormwater outfalls will involve several other regulatory agencies because the work would affect threatened and endangered species habitat, excavation in the waters of the state and waters of the United States, and potential wetlands. • Stormwater management through the use of on-site retention and/or infiltration would likely not be allowed in the area due to its proximity to Springfield Utility Board’s Willamette well field.
<p>Transportation including Transit</p>	<p>5 Difficult</p> <ul style="list-style-type: none"> • Eight offsite road extensions/improvements are needed to provide service to the area: <ul style="list-style-type: none"> ○ Intersection improvements will be needed at Jasper Road and Mt. Vernon Road, which will include improvements to the Union Pacific Railroad crossing and a new traffic signal. ○ Improvements to Mt. Vernon Road from Jasper Road to South 57th Street will be required for additional capacity. ○ Intersection improvements will be needed at Bob Straub Parkway and Mt. Vernon Road, which will include a new traffic signal. ○ Intersection improvements will be needed at Bob Straub Parkway and Jasper Road, which will include a new traffic signal. ○ A new road connection from Bob Straub Parkway to Jasper Road will be needed in the vicinity of Tax Lot 1802090000103, which will include a new grade separated crossing over the railroad. ○ Improvement of the entire length of Jasper Road to urban standards and upgrade to

⁶⁶ Bart McKee, SUB stated that it would be physically possible to bore under the railroad in the vicinity to extend water service to the area.

	<p>4 lanes to Main Street via South 42nd Street, including Union Pacific mainline crossing upgrades on South 42nd Street and intersection upgrades along the length of the entire corridor.</p> <ul style="list-style-type: none"> ○ Improvements to Bob Straub Parkway from Jasper Road to Daisy Street, upgrading to 4 lanes. ○ Intersection improvements will be needed at Bob Straub Parkway and Daisy Street. <ul style="list-style-type: none"> ● Internal improvements needed within the area: <ul style="list-style-type: none"> ○ A new small sized wastewater pump station will likely be needed located in the vicinity of the southerly end of Tax Lot 1802090000600. ○ A new small sized wastewater pump station will likely be needed located in the vicinity of the easterly side of Tax Lot 1802090000200. ○ It is anticipated one or two additional small pump stations may be needed to serve some portions of the area depending upon future development configuration and topography. ○ Improvements to the existing Mahogany Lane will be needed for additional capacity. ○ The potential for two bridge connections over flood plain designated sloughs to facilitate internal circulation.
<p>Urban services conclusion: West Jasper/ Mahogany Fourth Priority lands</p>	<p>Area was considered physically serviceable during the 20-year planning period ending 2030 as defined in OAR 660-009-0005(9).</p> <ul style="list-style-type: none"> ● Area is not physically constrained by slopes, river crossings or distance that would preclude provision of services as defined in OAR 660-009-0005(9). ● Proximity to the City and existing wastewater service connection increases the feasibility of extending or upgrading infrastructure and services to provide adequate capacity within the 20-year planning period ending 2030. ● Protection of drinking water resources will present significant challenges for development within this area and will require special restrictions and/or limits. ● The significant needs for transportation facility upgrades to serve industrial and commercial employment uses present significant challenges for development within the planning horizon.
Jasper Bridge	
<p>The City excluded area comprising predominantly Class I and II soils on the basis of agricultural capability classification.</p>	
<p>Urban services conclusion: Jasper Bridge Fourth Priority lands</p>	<p>The City excluded the Jasper Bridge Fourth priority lands from consideration because these areas do not provide and cannot reasonably be expected to be provided with the public water, wastewater, stormwater and transportation infrastructure and services necessary to serve urban employment uses. Lands cannot reasonably be provided with urban services due to physical constraints of distance and topography that preclude reasonable extension of water, wastewater and transportation, including transit, and ability to provide adequate stormwater management. The City has determined that this area is not serviceable to meet Springfield’s identified industrial and commercial land use needs during the 20-year planning period ending 2030, as defined in OAR 660-009-0005(9).</p>
Clearwater	
<p>The City excluded unconstrained parcels comprising predominantly Class II soils on the basis of agricultural capability classification.</p>	
<p>The City excluded unconstrained parcels on the basis of specific land needs (197.298(3)(a)).</p>	
<p>Water</p>	<p>3 Medium Difficult</p>

	<ul style="list-style-type: none"> • 16" line in the vicinity of Daisy and 48th Street (Westwind) is approximately ½ mile north of the UGB • Nearest 12" line is in South 42nd approximately ¼ mile to the UGB via 42nd Street
Wastewater	<p>2 Easier</p> <ul style="list-style-type: none"> • The Jasper Trunk sewer 27" line is located along Jasper Road. • Distance to potentially suitable land varies from approximately 330 feet at 42nd Street to 200 feet (across Jasper Slough) at 41st/Filbert Meadows to 1364 feet at South 39th • Services would need to be extended through un-annexed developed residential land to reach some portions of this area.
Stormwater	<p>3 Medium Difficult</p> <ul style="list-style-type: none"> • Physical connections to the Middle Fork Willamette River and Jasper Slough system can be made with little or no impact on existing stormwater systems, although the flow capacity of portions of Jasper Slough system would likely need to be increased before additional runoff could be directed to it. • Few if any of the intermittent flow channels of the Jasper Slough system are maintained as drainage ways. Development of the area will require public acquisition and improvement of at least some of these channels to ensure that stormwater runoff can be safely conveyed to the River. • The Middle Fork Willamette River and Jasper Slough system are federally classified as critical salmonid habitat. • New stormwater outfalls will involve several other regulatory agencies because the work would affect threatened and endangered species habitat, excavation in the waters of the state and waters of the United States, and potential wetlands. • Stormwater management through the use of on-site retention and/or infiltration would likely not be allowed in the area due to its proximity to Springfield Utility Board's Willamette well field.
Transportation	<p>5 Difficult</p> <ul style="list-style-type: none"> • Clearwater Lane would need to be upgraded to urban standards and may be of to serve industrial and commercial employment uses.⁶⁷ • Secondary access would be required. • Offsite road extensions/improvements are needed to provide service to the area: <ul style="list-style-type: none"> ○ Intersection improvements will be needed at Jasper Road and Mt. Vernon Road, which will include improvements to the Union Pacific Railroad crossing and a new traffic signal. ○ Improvements to Mt. Vernon Road from Jasper Road to South 57th Street will be required for additional capacity. ○ Intersection improvements will be needed at Bob Straub Parkway and Mt. Vernon Road, which will include a new traffic signal. ○ Intersection improvements will be needed at Bob Straub Parkway and Jasper Road, which will include a new traffic signal. ○ Improvement of the entire length of Jasper Road to urban standards and upgrade to 4 lanes to Main Street via South 42nd Street, including Union Pacific mainline crossing upgrades on South 42nd Street and intersection upgrades along the length of the entire corridor. ○ Improvements to Bob Straub Parkway from Jasper Road to Daisy Street, upgrading to 4 lanes. ○ Intersection improvements will be needed at Bob Straub Parkway and Daisy Street.

⁶⁷ Urban Standards Project US-14: Clearwater Lane – south of Jasper Road to UGB is identified in TSP Projects located on Lane County facilities in the TSP Table 1 as a Priority Project in the 20-year project list.

	<ul style="list-style-type: none"> Internal improvements be needed within the area: small-medium sized wastewater pump station to get flow to Jasper Trunk Nearest transit service is along Main Street, approximately ¼ mile to UGB/northern boundary of area A planned bike boulevard along Virginia-Daisy is approximately ½ mile to UGB/northern boundary of area.
Urban services conclusion: Clearwater Fourth Priority lands	<p>Area is physically serviceable as defined in OAR 660-009-0005(9). Area is not physically constrained by slopes, river crossings or distance that would preclude feasible provision of water, wastewater and transportation services.</p> <ul style="list-style-type: none"> Proximity to the City and existing wastewater service connection increases the feasibility of extending or upgrading infrastructure and services to provide adequate capacity within the 20-year planning period ending 2030. Protection of drinking water resources will present significant challenges for development within this area and will require special restrictions and/or limits. The significant needs for transportation facility upgrades to serve industrial and commercial employment uses present significant challenges for development within the planning horizon.
Mill Race	
Water	<p>1 Easier</p> <ul style="list-style-type: none"> There is ample existing water distribution infrastructure already located within this area to serve industrial and commercial employment uses. SUB's existing 60" line in South 28th Street extends south of the Mill Race along the eastern boundary of this area.⁶⁸ Existing 20" and 16" lines cross the Mill Race. A 16" line extends south to wellfield site via easements on private lands. A new 24" line was recently installed along the north side of the Mill Race. A T was installed in F Street to extend a 12" line to serve properties adjacent to the Swanson Mill site. There are no major improvements anticipated to meet the internal water service needs within this area.
Wastewater	<p>3 Medium Difficult</p> <ul style="list-style-type: none"> The nearest wastewater line is the 48" trunk line in F Street at 28th Street, located approximately 1400-1700 feet from the area. A new small sized wastewater pump station located near the south side of the South 28th Street Bridge over the Mill Race will be needed to provide service to this area. A main line extension in south 28th Street from the South F Street interceptor to the new pump station will be needed. Abuts City limits There are no major improvements anticipated to meet the internal wastewater needs to serve this area.
Stormwater	<p>3 Medium Difficult</p> <ul style="list-style-type: none"> Physical connections to the Springfield Mill Race, Gory Creek or Quarry Creek can be made with little or no impact on existing systems, although the flow capacity of the two creeks would likely need to be increased before additional runoff could be directed to them. New stormwater outfalls to any of these three receiving waters will involve several other regulatory agencies because the work would affect threatened and endangered species habitat, a designated Riparian Resource area, excavation in the waters of the state and

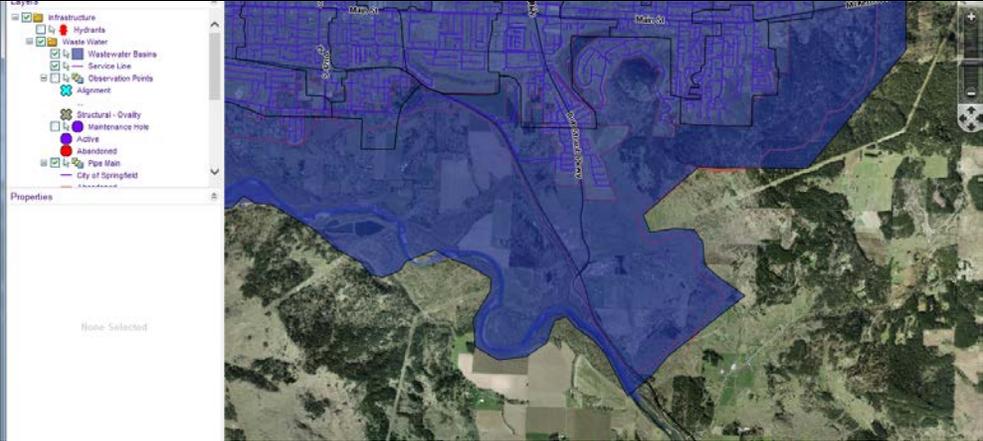
⁶⁸ Updated water line information provided by Bart McKee, SUB (telephone call with staff Pauly, April 5, 2016).

	<p>waters of the United States, and potential wetlands. New stormwater outfalls to the Springfield Mill Race are also regulated by an intergovernmental agreement with the US Army Corps of Engineers as part of the Mill Race enhancement project.</p> <ul style="list-style-type: none"> • Stormwater management through the use of on-site retention and/or infiltration would likely be limited in this area due to its proximity to Springfield Utility Board’s Willamette well field. • Abuts City limits • The Middle Fork Willamette River is federally classified as critical salmonid habitat and the Springfield Mill Race enhancement project was performed to provide additional salmonid habitat. • Stormwater service within this area may require atypical restrictions and solutions and will present significant challenges considering the multiple overlapping regulatory jurisdictions for constructing new stormwater outfalls into the Springfield Mill Race, Gory Creek or Quarry Creek, and the limitations regarding on-site stormwater management. • There are no major improvements anticipated to meet the internal stormwater needs to serve this area.
<p>Transportation</p>	<p>4 Difficult Abuts City limits Five offsite road extensions/improvements are needed to provide service to the area:</p> <ul style="list-style-type: none"> • South 28th Street will need to be improved from Main Street southerly to the existing UGB near the Mill Race.⁶⁹ • Crossing improvements for the intersection of South 28th Street and the Union Pacific Railroad will be needed. • Upgrades to the existing South 28th Street bridge at the Mill Race may be required due to weight limit restrictions. • Intersection improvements will be needed at the intersection of Main Street and South 28th Street. • A secondary access will be needed. Options include improving access via South F Street or bridge over the Mill Race and Jasper Slough to a connection point near the intersection of Jasper Road and South 32nd Street. • Service to this area may be feasible; however providing service will have significant challenges due to the need for improving access and providing secondary access. This access may require constructing a bridge over Mill Race and Jasper Slough to a connection point near the intersection of Jasper Road and South 32nd Street. • Existing frequent transit service is available on Main Street, approximately .75 miles from the UGB at 28th Street. The Main Street Corridor is a planned Frequent Transit Network route in the TSP and RTP. The area is within ½ mile of the Main Street Corridor (South A). • Planned and funded bicycle facilities along the Mill Race/Booth Kelly Road will provide ped/bike connectivity between Main Street, Downtown Springfield and Mid-Springfield and the existing Middle Fork Path recreational path system immediately adjacent to this area. • There are no major improvements anticipated to meet the internal transportation needs to serve this area.
<p>Urban services conclusion:</p>	<p>Area is serviceable as described in OAR 660-009-0005(9). The City included the Mill Race Fourth Priority lands in the UGB.⁷⁰</p>

⁶⁹ Urban Standards Project US-7: South 28th Street – F Street to UGB is identified in TSP Projects located on Lane County facilities, Table 4 as a Beyond 20-year project.

<p>Mill Race Fourth Priority lands</p>	<ul style="list-style-type: none"> • Area is not physically constrained by slopes, river crossings or distance that would preclude provision of services as defined in OAR 660-009-0005(9). • Proximity to the City and existing service connections increases the feasibility of extending or upgrading infrastructure and services to provide adequate capacity within the 20-year planning period ending 2030. • Protection of drinking water resources will present significant challenges for development within this area and will require special restrictions and/or limits.
<p>Wallace Creek</p>	
<p>The City excluded unconstrained lands comprising predominantly Class II and Class III High Value Farmland soils on the basis of agricultural capability classification.</p>	
<p>Water</p>	<p>5 Difficult</p> <ul style="list-style-type: none"> • Separated from urban services by distance and topography. • Located more than 3 miles from the nearest water main. • The nearest water transmission line is the 24" "Natron" water line, extended in 2013 to the SW corner of the school district property. The 16" line from Westwind/Linda Lane provides a looped system. • A planned 24" line will extend south from Weyerhaeuser Haul Rd. to serve the SE portion of the UGB. • Wallace Creek Rd. narrow, winding corridor alignment and topography preclude infrastructure extensions. Extension along Weyerhaeuser Haul Road alignment may be a possible alternative. • Separated by at-grade rail crossing at Jasper Rd/Wallace Creek Rd. • No developed system in vicinity
<p>Wastewater</p>	<p>5 Difficult</p> <ul style="list-style-type: none"> • Isolated by distance and topography from existing urban services • No developed system in vicinity. • Wallace Creek Rd.'s narrow, winding corridor alignment and topography preclude infrastructure extensions. Extension along Weyerhaeuser Haul Road alignment may be a possible alternative to serve parcels in Haul Road area. • The Jasper Trunk sewer is 2-3 miles away. • It is anticipated one or two additional small pump stations may be needed to serve some portions of the area depending upon future development configuration and topography. • Jasper trunk sewer may not have adequate capacity to serve additional industrial uses, so a new parallel trunk may be necessary. • Separated by at-grade rail crossing at Jasper Rd/Wallace Creek Rd.

⁷⁰ See proposed Metro Plan Amendment for parcel numbers designated Urban Holding Area – Employment. Note other publicly owned lands in this area designated Public/Semi Public that the City added to the UGB to accommodate existing and planned SUB water treatment facilities and Willamalane parks.

	 <p>City of Springfield wastewater basin (shown in blue) and service main in relationship with Wallace Creek, South Hills, West Jasper Mahogany, and Jasper Bridge areas</p>
<p>Stormwater</p>	<p>5 Difficult</p> <ul style="list-style-type: none"> • Upgrade existing Wallace Creek outfall to Middle Fork Willamette River • No developed system in vicinity • Physical connections to the Middle Fork Willamette River system can be made with little or no impact on existing stormwater systems. • Development of the area will require land acquisition to safely convey stormwater runoff to the river if lands are not bordering Wallace Creek • New stormwater outfalls will involve several other regulatory agencies because the work would affect threatened and endangered species habitat, excavation in the waters of the state and waters of the United States, and potential wetlands. • Stormwater management through the use of on-site retention and/or infiltration would be challenging given the sloped topography and location relative to Springfield Utility Board’s Willamette well field. • The Middle Fork Willamette River is federally classified as critical salmonid habitat.
<p>Transportation (including transit service)</p>	<p>5 Difficult</p> <ul style="list-style-type: none"> • Isolated by distance and topography from existing urban services • Would require secondary access • Existing rail crossing at Jasper Rd/Wallace Creek Rd. is substandard. Upgrade would be needed. An at-grade crossing may not be feasible in this location. Existing traffic waiting to cross backs into Jasper Rd. 24 trains/day. • Wallace Creek Road will need improvement to urban standards. The existing narrow, winding alignment through sloped topography is a constraint. • DOGAMI SLIDO mapped landslide hazard area along Wallace Creek Road • Access via Jasper Rd., but urban standards and capacity improvements needed⁷¹: Improvement of the entire length of Jasper Road to urban standards and upgrade to 4 lanes to Main Street via South 42nd Street, including Union Pacific mainline crossing upgrades on South 42nd Street and intersection upgrades along the length of the entire corridor. • Topography limits expansion of Jasper Rd. portion of the narrow corridor next to the Willamette River • May trigger capacity improvements (4-lane section) for Bob Straub Parkway: Improvements to Bob Straub Parkway from Jasper Road to Daisy Street, upgrading

⁷¹ See Jasper Bridge exception area

	<p>to 4 lanes.</p> <ul style="list-style-type: none"> • Intersection improvements will be needed at Bob Straub Parkway and Daisy Street.⁷² • Jasper Rd. & Straub Parkway: “With Permit Truck-Tractor Semitrailer Combinations may operate at a maximum of 75 feet in overall length. The maximum length of a semitrailer in a truck tractor semitrailer combination is 53 feet. Double Trailer Combinations may operate at a maximum of 95 feet in overall length.” • Intersection improvements will be needed at Bob Straub Parkway and Jasper Road, which will include a new traffic signal. • A new road connection from Bob Straub Parkway to Jasper Road will be needed in the vicinity of Tax Lot 1802090000103, which will include a new grade separated crossing over the railroad. • Connection to Hwy 58 but limited connection to Hwy 126/I-5 • “Need to further study capacity at the I-5/Hwy 58th interchange. Improvements may be needed depending on size and location of expansion area.”⁷³ • Nearest transit service is at Thurston Station on Main Street, >3 miles away.⁷⁴ No transit services, pedestrian facilities or ADA access in area. • “Main St/Straub Parkway intersection is failing today even with planned interchange improvements”, and there are safety issues with signal. Traffic would need to be distributed differently. Significant development would need to participate in funding of ODOT IAMP. Impacts to the OR126/Main St intersection should be considered. ODOT’s previous analysis indicate that the OR 126/Main St, Main St/54th St. and Main St/58th St all exceed capacity by 2031.”^{75, 76}
<p>Urban services conclusion: Wallace Creek Fourth Priority lands</p>	<p>The City excluded the Wallace Creek area from consideration because the area does not provide and cannot reasonably be expected to be provided with the public water, wastewater, stormwater and transportation infrastructure and services necessary to serve urban employment uses in this location. Providing service to the area will present significant challenges not only in the length of improvements, but also the multiple at grade railroad crossings that will likely be needed along Jasper Road and Wallace Creek Rd. In addition, Jasper Road will likely need to be upgraded to provide capacity for employment development. Lands cannot reasonably be provided with urban services due to physical constraints of distance and topography that preclude reasonable extensions and upgrades of water, wastewater and transportation, services including transit, and ability to provide adequate stormwater management. The City has determined that this area is not serviceable to meet Springfield’s identified industrial and commercial land use needs during the 20-year planning period ending 2030, as defined in OAR 660-009-0005(9).</p>
<p>Seavey Loop</p>	
<p>The City excluded unconstrained lands comprising predominantly Class II, Class III High Value Farmland and Class</p>	

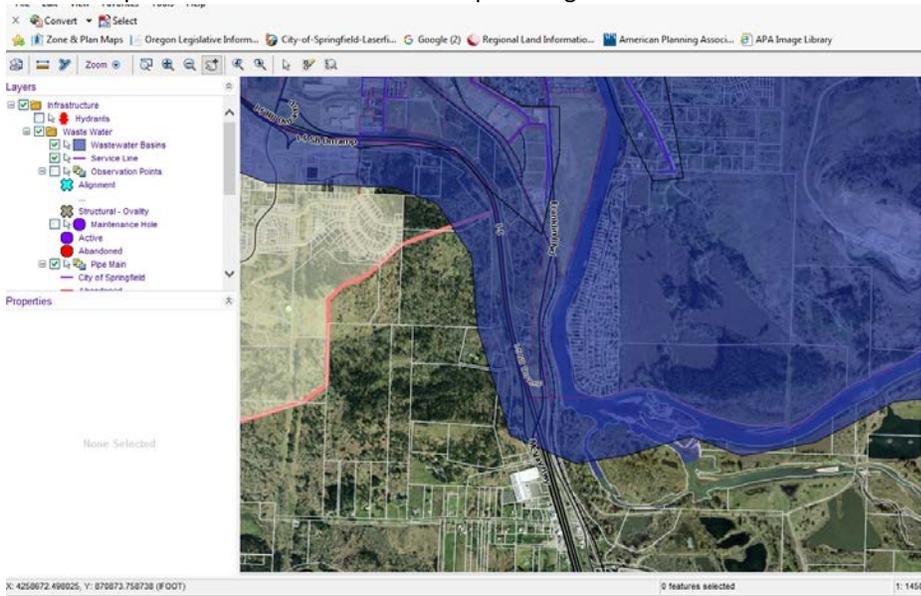
⁷² Project #R-44 is identified as a “Beyond 20-year Project” in the 2035 Springfield TSP

⁷³ Comments received from ODOT Region 2, Area 5 staff Savannah Crawford, email dated June 18, 2013.

⁷⁴ Email from LTD staff Will Mueller, dated June 28, 2013 provides comments describing the physical requirements necessary to provide transit service applicable to extending transit service to any new areas: “Connecting roadways and streets would need to be constructed to city standards that support LTD’s buses including sufficient lane width, intersection curb radii, and sidewalk width at prospective bus stops to meet ADA standards in effect at time of construction (2013 standards require 8’ sidewalks at bus stops).

⁷⁵ Comments received from ODOT staff Crawford, meeting on June 11, 2013 and email dated June 18, 2013.

⁷⁶ Interchange improvements at Main St/Hwy 126 and Highway 126 at 52nd are listed as financially constrained projects in the Regional Transportation Plan (RTP).

IV Prime soils on the basis of agricultural capability classification.	
Water	<p>3 Medium Difficult</p> <ul style="list-style-type: none"> Existing rural water system and service provided by Willamette Water Company Potentially suitable lands are located more than 2 miles from the nearest SUB water main, a 16" line in McVay
Wastewater	<p>5 Difficult</p> <ul style="list-style-type: none"> No developed system in vicinity Isolated by distance and topography from existing urban services Would require extension of a pressure main from the Franklin/McVay trunk 18" line in Glenwood, approximately 2 miles to the western boundary of the potentially suitable lands. Would require upgrades to existing Glenwood MWMC pump station. A new large sized wastewater pump station located near the intersection of Seavey Loop and Franklin Boulevard will be needed. Would require a new small sized wastewater pump station located in the vicinity of the intersection of 30th Avenue and College View Road. Would require a new wastewater gravity/pressure main extension from the new pump station at 30th Avenue and College View Road to a new pump station in the vicinity of the intersection of Seavey Loop and Franklin Boulevard, and a gravity main extension along College View Road southerly, ending near the intersection with Franklin Boulevard in order to serve existing properties. Would require a new small sized wastewater pump station located near the intersection of Franklin Boulevard and Twin Buttes Road. Would require a new small sized wastewater pump station located in the vicinity of Seavey Loop Road near the West property line of the Tax Lot 1803141000305. Wastewater service to this area could become feasible in the future beyond the planning period, however given its removed location from the rest of Springfield, and the number of new pump stations that will likely be needed to provide service, there would be long-term operational costs associated with providing this service.  <p>City of Springfield wastewater basin (shown in blue) and service main in relationship with Seavey Loop study area</p>
Stormwater	<p>5 Difficult</p>

	<ul style="list-style-type: none"> • Isolated by distance and topography from existing urban services • Physical connections to Oxley Slough and/or the Coast Fork Willamette River can be made with little or no impact on existing stormwater systems, although the connection locations may need to be outside of the proposed expansion area. • New stormwater outfalls to Oxley Slough and/or the Coast Fork Willamette River receiving waters will involve several other regulatory agencies because the work would affect riparian areas, excavation in the waters of the state and waters of the United States, and potential wetlands. • While the Coast Fork Willamette River is not federally classified as critical salmonid habitat, the State has designated the Coast Fork Willamette River as essential salmonid habitat. • Stormwater management through the use of on-site retention and/or infiltration may be allowable in this area as it is outside of the zone of contribution for Springfield Utility Board’s wells and no other wellhead protection zones have been identified to the City’s knowledge. • Considering the multiple overlapping regulatory jurisdictions for constructing new stormwater outfalls into the Coast Fork Willamette River and/or Oxley Slough, stormwater service for this area may be feasible if on-site stormwater management techniques that maximize stormwater retention and infiltration are required.
<p>Transportation (including transit service)</p>	<p>5 Difficult</p> <ul style="list-style-type: none"> • Proximate to I-5, but freeway access is indirect and limited by the awkward connection and limited capacity at Franklin and 30th Ave. interchange. Access to I-5 at south end of area is from beneath the freeway, via Highway 58/Goshen interchange. • Limited capacity at I-5/30th Street interchange. “Need to further study capacity at the I-5/30th Street interchange and the I-5/Hwy 58th interchange. Improvements at one or both locations may be needed depending on size and location of expansion area.”⁷⁷ • City staff identified a need for an Extension of 30th Avenue as a grade separated to the intersection with Franklin Boulevard and Seavey loop near the southeast corner of the EPUD property. This excludes I-5 interchange improvements or upgrades.⁷⁸ • City staff identified a need for the north end of Seavey Loop Rd. to be reconfigured to terminate South of Franklin Boulevard (North of EPUD). • Existing rail underpass at Franklin is very narrow and restricts truck passage. • Opportunities for rail access are unlikely, given the existing infrastructure configuration, lack of siding and narrow width and depth of parcels • Isolated from urban transportation system • May trigger capacity improvements for McVay Highway in Glenwood • Service to this area may be feasible, however there are expected to be some challenges surrounding the 30th Avenue extension and potential for interchange improvements at Interstate 5. • “Difficult to serve with transit except via one-directional route variation form current #92 Lowell/LCC route which only runs 3 trips per weekday.”⁷⁹ No pedestrian facilities or ADA access in area.
<p>Urban services</p>	<p>The City excluded the Seavey Loop Fourth Priority lands from consideration because</p>

⁷⁷ Comments received from ODOT Region 2, Area 5 staff Savannah Crawford, email dated June 18, 2013.

⁷⁸ At the College View Stakeholder Working Group meeting on March 4, 2015, ODOT staff David Helton stated that the existing 30th Ave. interchange would likely be sufficient to accommodate traffic from future development in the study area concept as mapped on that date.

⁷⁹ Comments from meeting with Lane Transit District staff Evans, Schwetz, Luftig and ODOT staff Crawford, June 11, 2013.

<p>conclusion: Seavey Loop Fourth Priority lands</p>	<p>these areas do not provide and cannot reasonably be expected to be provided with the public water, wastewater, stormwater and transportation infrastructure and services extensions and upgrades necessary to serve urban employment uses within the planning period. Lands cannot reasonably be provided with urban services due to physical constraints of distance and topography that preclude reasonable extension of water, wastewater and transportation, including transit, and ability to provide adequate stormwater management. The City has determined that this area is not serviceable to meet Springfield’s identified industrial and commercial land use needs during the 20-year planning period ending 2030, as defined in OAR 660-009-0005(9).</p>
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IDENTIFY FOURTH PRIORITY LANDS WITH THE SPECIFIED CHARACTERISTICS TO MEET THE IDENTIFIED EMPLOYMENT LAND NEED TO INCLUDE IN THE UGB

The City conducted a public facilities and services analysis to determine whether the *potentially* suitable land identified in the previous step could reasonably be provided with the public water, sewer, stormwater and transportation facilities needed to serve industrial and commercial mixed use employment uses within the 2010-2030 planning period and thus be considered suitable candidate lands to accommodate the identified employment land need deficiency determined under OAR 660-024-0050.

As previously explained in this report for land to be “suitable” for industrial and other employment use under OAR 660-009-0005(12) it must be “serviceable.” OAR 660-009-0005(9) states that “‘Serviceable’ means a city or county has determined that public facilities and transportation facilities, as defined by OAR chapter 660, division 11 and division 12, currently have adequate capacity for development planned in the service area where the site is located or can be upgraded to have adequate capacity within the 20-year planning period.”

As previously explained in this report Goal 11 requires public facilities to be planned to support types and levels of urban facilities and services appropriate for Springfield’s needs and requirements, consistent with the comprehensive plan. Springfield’s need is for the types and levels of public facilities and services appropriate and necessary to support the needs of urban industrial and commercial uses generally and manufacturing and office employment sites specifically.⁸⁰ Goal 11 requires public facilities and services to be provided “*in a timely, orderly and efficient arrangement.*” Goal 14 requires cities to evaluate changes to their UGB considering “*orderly and economic provision of public facilities and services.*”

As previously explained in this report requirements under OAR chapter 660, division must be considered at this stage in the UGB Alternatives Analysis to ensure that the amendment of the comprehensive plan to add urbanizable lands to the UGB is supported by adequate planned transportation facilities in a manner that is consistent with applicable transportation planning

⁸⁰ Springfield’s Target Industries are listed and explained in detail in the CIBL/EOA.

requirements in OAR chapter 660, division 12. The City is expanding the UGB to designate suitable land for industrial and commercial development, therefore suitable candidate lands added to the UGB must provide for the relevant transportation needs: movement of goods and services to support industrial and commercial development planned for pursuant to OAR chapter 660, division 9 and Goal 9 (Economic Development);[OAR 660-012-0030 (1)(c)] and movement of workforce employees to and from the workplace, including needs of the transportation disadvantaged.

Just as the TSP must “evaluate potential impacts of system alternatives that can reasonably be expected to meet the identified transportation needs in a safe manner and at a reasonable cost with available technology;”[OAR 660-012-0035] the City’s UGB study carefully examined and compared alternative candidate growth areas to determine which alternative(s) can reasonably be expected to meet the identified transportation needs in a safe manner and at a reasonable cost with available technology.”

The transportation system must “support urban development by providing types and levels of transportation facilities and services appropriate to serve the land uses identified in the acknowledged comprehensive plan.” [OAR 660-012-0035(3)(a)]. The City is expanding the UGB to designate suitable land for industrial and commercial development, therefore suitable candidate lands added to the UGB must be located where the relevant transportation needs can be provided: movement of goods and services to support the industrial and commercial employment development planned for pursuant to OAR chapter 660, division 9 and Goal 9 (Economic Development), and movement of workforce employees to and from the workplace, including needs of the transportation disadvantaged. [OAR 660-012-0030(1)(b)]

The City evaluated alternative candidate lands to consider the advantages and disadvantages of moving goods and service, workforce employees, including needs of the transportation disadvantaged via the existing and planned transportation system to minimize adverse economic, social, environmental and energy consequences. [OAR 660-012-0035(3)(c)]. The City accomplished this by measuring and comparing distance to candidate sites via existing and planned routes.

To address OAR 660-012-0005 (41) “*Vehicle Miles of Travel (VMT)*”, the City considered the VMT advantages and disadvantages of moving goods and service, workforce employees, including needs of the transportation disadvantaged via the existing and planned transportation system [OAR 660-012-0005(41)]when it evaluated alternative candidate lands. The City accomplished this by measuring and comparing distance to candidate sites via existing and planned routes, assuming build out of the planned system. This is germane to the evaluation of serviceability because urban transit service is required for a city of Springfield’s size, to ensure that new jobs can be accessible to that transportation disadvantaged and as an important means to reducing VMT. Thus, ability to reasonably provide public transit service to new urban areas is a critical and necessary component of serviceability in this case. The City, in consultation with Lane Transit District staff, considered whether extending public transit service to candidate expansion areas can reasonably be expected to be feasible to meet the identified transportation needs in a safe manner and at a reasonable cost with available technology.

Table 18: Fourth priority land excluded based upon specific land needs [ORS 197.298(3)(a)]

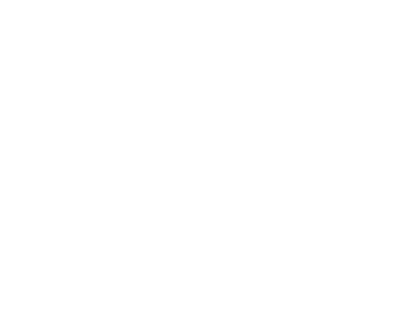
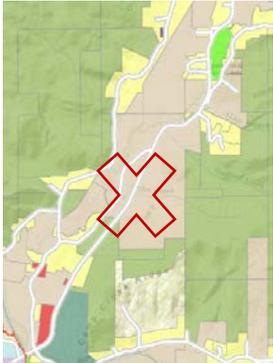
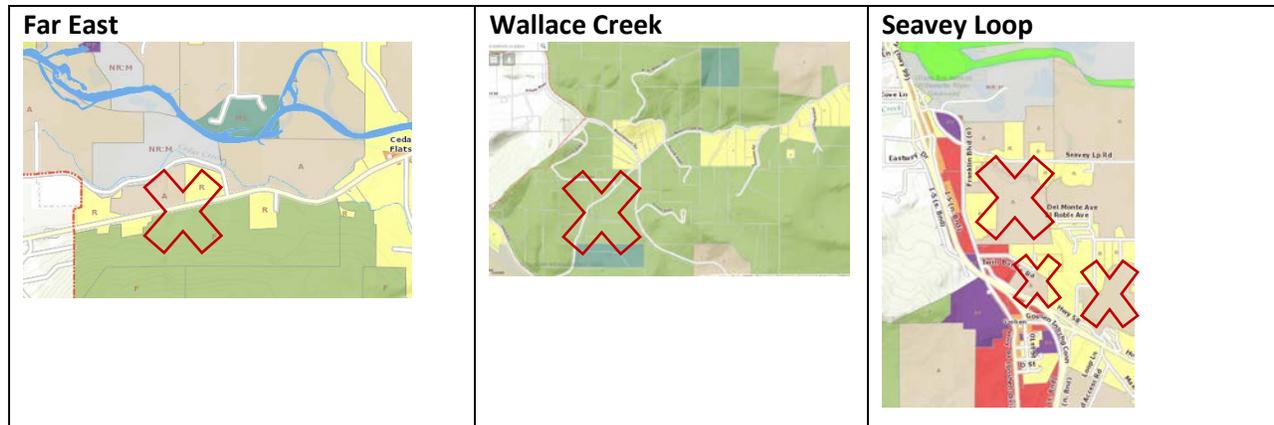
<p>Far East</p> 	<p>West Jasper/Mahogany</p> 	<p>Clearwater</p> 
<p>South Hills</p> 	<p>Wallace Creek</p> 	

Table 19: Fourth priority land excluded: public facilities constraints [ORS 197.298(3)(b)]

<p>McKenzie View</p> 	<p>Mohawk</p> 	<p>Oxbow/Camp Creek</p> 
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ORS 197.298 (1)(b) Goal 14 Location Factor 3 and Factor 4 – Fourth Priority Lands Analysis

To continue its evaluation of *potentially* suitable land sites to satisfy the employment land need deficiency, the City applied Goal 14 Factor 3 to evaluate the **North Gateway, McKenzie View, Mohawk, Oxbow/Camp Creek, North Springfield Highway, Far East, West Jasper/Mahogany, Clearwater, Wallace Creek, Mill Race and Seavey Loop** areas based on comparative ESEE consequences (Goal 14, Boundary Location, Factor 3), and based on compatibility with agricultural & forest activities (Goal 14, Boundary Location, Factor 4).

As previously noted, DLCD staff Gordon Howard provided an outline of the steps to be followed to exclude or include land:

- Exclude lands that are not buildable⁸¹
- Exclude lands based upon specific land needs (197.298(3)(a));
- Exclude lands based upon inability to reasonably provide urban services due to physical constraints (197.298(3)(b));
- Include lower priority lands needed to include or provide services to urban reserve lands (197.298(3)(c));
- **Exclude lands based upon analysis of comparative ESEE consequences (Goal 14, Boundary Location, Factor 3);**
- **Exclude lands based upon analysis of compatibility with agricultural & forest activities (Goal 14, Boundary Location, Factor 4)**

The City addressed Goal 14 Location Factor 3 as part of the ORS 197.298 evaluation process after making a determination of which fourth priority lands were potentially suitable based on parcel size size and lack of constraints, and after identifying potentially suitable parcels within a given geographic area

⁸¹ “Buildable” is a Goal 10 term. It is the City’s position that OAR 660-024-0060 (1) requires the City to consider whether sites are “suitable” at this “buildable” stage in the evaluation process.

grouping that could reasonably be serviceable by 2030. Goal 14 Location Factor 3 requires the City to make a determination that fourth priority parcels of land selected to be included in an urban growth boundary (UGB) will result in better environmental, social, energy, and economic (ESEE) consequences than the other lands of equal priority considered in this step and other alternative sites that were considered for inclusion and rejected. Under a Goal 14 Factor 3 analysis regarding public facilities and services, a local government may consider relative difficulty and cost differences between urbanizing alternative sites and may consider whether the amount of potentially suitable land within a geographic area could reasonably justify the extension of public infrastructure.

EVALUATE FOURTH PRIORITY LAND HAVING THE SPECIFIED CHARACTERISTICS TO MEET THE IDENTIFIED EMPLOYMENT LAND NEED

In the next step the City applied Goal 14, Boundary Location, Factor 3 and 4 to compare fourth priority lands under ORS 197.298.

- Exclude lands based upon analysis of comparative ESEE consequences (Goal 14, Boundary Location, Factor 3);
- Exclude lands based upon analysis of compatibility with agricultural & forest activities (Goal 14, Boundary Location, Factor 4)

Goal 14, Boundary Location, Factor 3 ESEE Consequences

In addition to information comparing ESEE consequences in the preceding sections of this report, the following section provides additional evidence and findings to address and compare the ESEE consequences of expanding the UGB to include alternative candidate lands. This section of the report explains how the City compared the ESEE consequences of urbanizing potentially suitable and serviceable candidate lands. The City reasoned that the following topics and facts are relevant to its comparative evaluation of candidate lands. Since relevant topics address multiple Environmental, Economic, Social and Energy consequence, ESEE consequences are addressed by topic.

Geologic Hazards

As previously stated, given that several of the UGB Preliminary Study Area groupings examined by the City are within, surrounded by or are accessible only by lands with steeply sloped topography, the City referenced data in the Oregon Department of Geology and Mineral Industries (DOGAMI) online interactive geohazard map to identify areas where landslide hazards have been documented. The City considered the DOGAMI SLIDO data for the purposes of informing subsequent steps in the analysis: 1) determination of suitability of land for urban growth including but not limited to physical factors involved when developing sites 5 acres and larger to accommodate specific types of industrial and commercial employment land uses to meet Springfield's employment land needs; and 2) examination and comparison of the ESEE consequences of urbanizing lands within the each priority category. As previously stated, the City's review of The DOGAMI SLIDO map data identified the presence of

documented landslide hazards and relatively higher landslide susceptibility including Very High, High, and Moderate in the vicinity of UGB Preliminary Study Area groupings: McKenzie View A, B, Mohawk A, B and C, Oxbow/ Camp Creek, Far East, South Hills, Wallace Creek and Seavey Loop B and C and Seavey Loop/Goshen. There exists an increased likelihood that mapped hazard locations will have landslides in the future compared to areas without mapped hazards.

The City's review of The DOGAMI SLIDO map data identified no documented landslide hazards or relatively lower landslide susceptibility (Low to Moderate) in the UGB Preliminary Study Areas Jasper Bridge A and B, West Jasper/Mahogany, Clearwater, Mill Race, and North Gateway. North Springfield Highway study area grouping has one mapped historically active landslide and low to moderate landslide susceptibility.

The presence of landslide hazards influence future urbanization patterns by potentially increasing risk to public health, safety and welfare both onsite and offsite of the parcels of land being developed and/or by imposing constraints that could preclude development or contribute to the infeasibility of developing a particular site to accommodate the types of particular industrial and other employment uses identified in the CIBL/EOA. Although the City did not identify the presence of landslide hazards as an absolute development constraint for the purposes of the Commercial and Industrial Lands Inventory, the City considered areas with known landslide hazards as comparatively less "suitable" to meet the need for large site industrial and commercial mixed use employment site needs when it determined suitability of land for urban growth including but not limited to physically developing sites 5 acres and larger to accommodate specific types of industrial and commercial employment land uses to meet Springfield's employment land needs; and when it examined and compared the ESEE consequences of urbanizing lands with or without known landslide hazards within the second priority category.

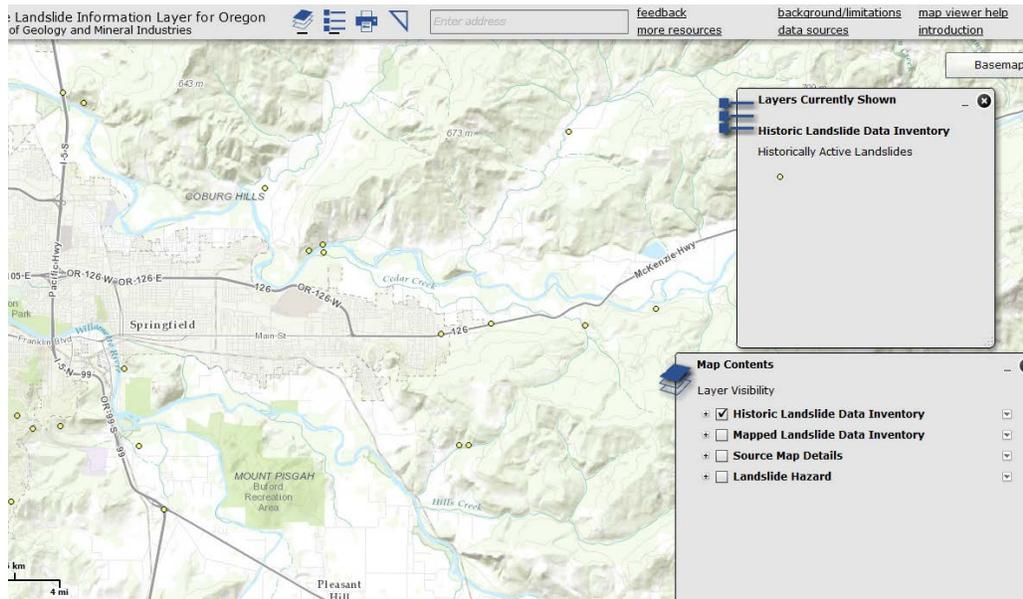
The intensification of development associated with urbanization would require site grading and excavation to construct large site urban employment uses and to extend the infrastructure needed to serve development. Such grading and excavation may not be physically or economically feasible or advisable in areas of known instability, and such site development may not be achievable under the standards of the City's Development Code Hillside Development District.⁸²

For purposes of the ESEE social and economic comparison, the City finds that when urbanization and development occurs in hillside areas with terrain known to be landslide-susceptible, greater losses are likely to result than when urbanization and development occurs in areas with terrain not known to be landslide-susceptible.

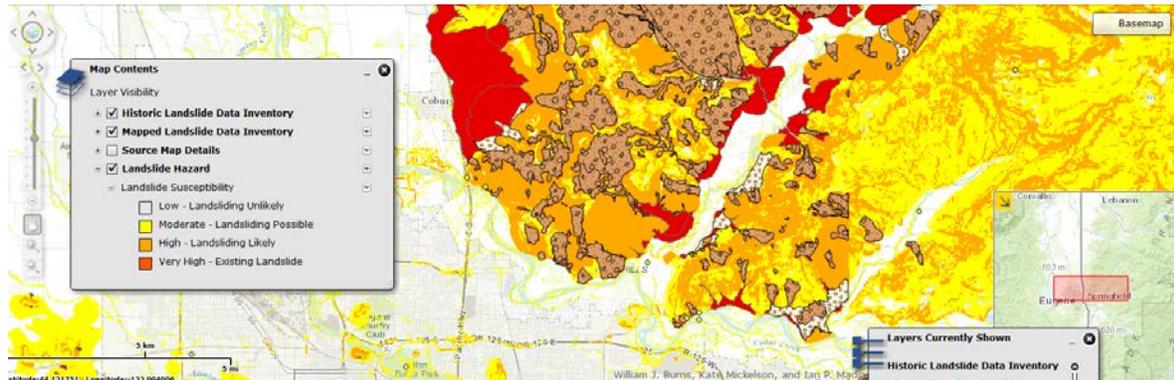
For purposes of the ESEE economic consequences comparison, the City finds that urbanization and development occur in hillside areas with terrain known to be landslide-susceptible will be more costly to

⁸² Springfield Development Code Section 3.3-500 Hillside Development Overlay District is applied in residential zoning districts above 670 feet elevation or to development areas below 670 feet in elevation where any portion of the development area exceeds 15 percent slope. Development standards address special street grade and grading plan standards, and geotechnical report requirements to address geological conditions of the site.

meet more rigorous engineering, architectural and construction requirements than urbanization and development outside of areas with terrain not known to be landslide-susceptible.



DOGAMI SLIDO maps⁸³ of the Coburg Hills area indicate the presence of existing and historic landslides throughout the Coburg Hills, north of Springfield and the McKenzie River. For example, as shown in the following detail from the map, the hills are generally mapped with landslide hazards susceptibility ratings of “Very high – existing landslide,” “High - landsliding likely,” and “Moderate – landsliding possible.”

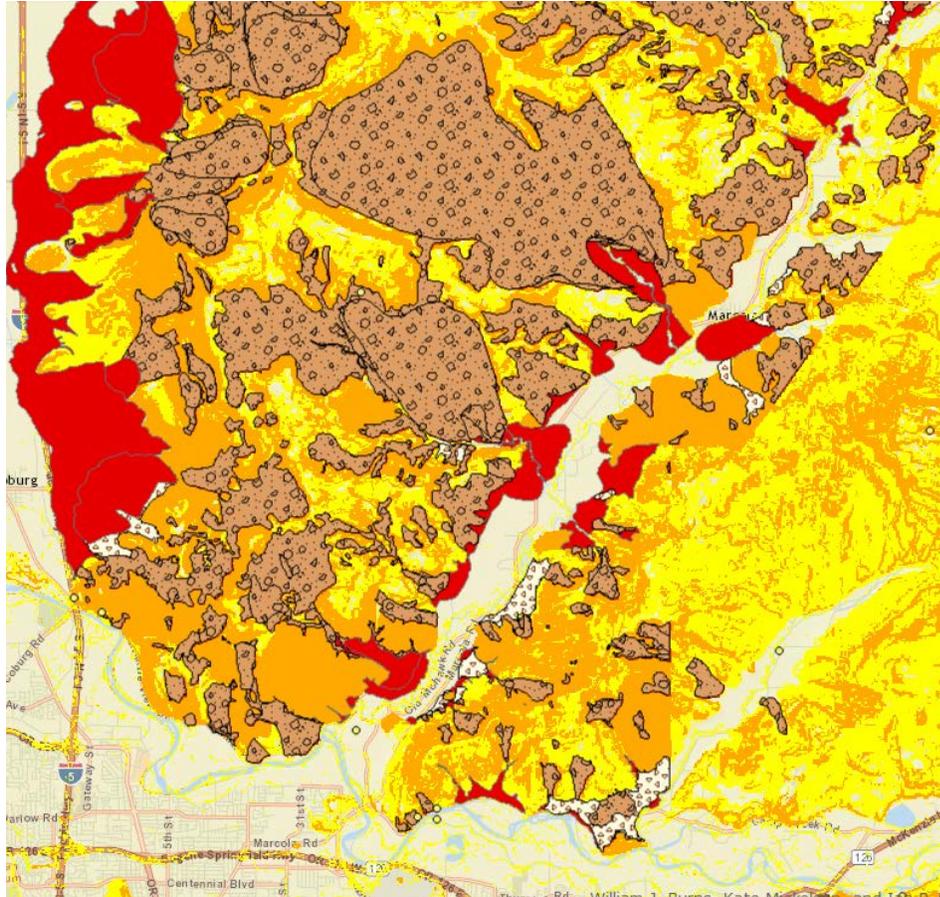


DOGAMI SLIDO Coburg Hills landslide hazard area: **McKenzie View B, Mohawk A, B and C and Oxbow/ Camp Creek Preliminary Study Area groupings**

⁸³ DOGAMI SLIDO viewer, <http://www.oregongeology.org/sub/slido/>

The website states: “Although the data have been processed successfully on a computer system at the Oregon Department of Geology and Mineral Industries (DOGAMI), no warranty expressed or implied is made regarding the accuracy or utility of the data on any other system or for general or scientific purposes, nor shall the act of distribution constitute any such warranty. This disclaimer applies both to individual use of the data and aggregate use with other data. We also urge you to pay careful attention to the contents of the metadata with these data and to the compilation process and limitations described therein. The Oregon Department of Geology and Mineral Industries shall not be held liable for improper or incorrect use of the data described and/or contained herein. Data are not intended for site-specific investigations.”

DOGAMI SLIDO maps⁸⁴ of the Coburg Hills area indicate the presence of landslide hazards in the near vicinity of the **McKenzie View A, B, Mohawk A, B and C** and **Oxbow/ Camp Creek** Preliminary Study Area groupings and adjacent resource lands.

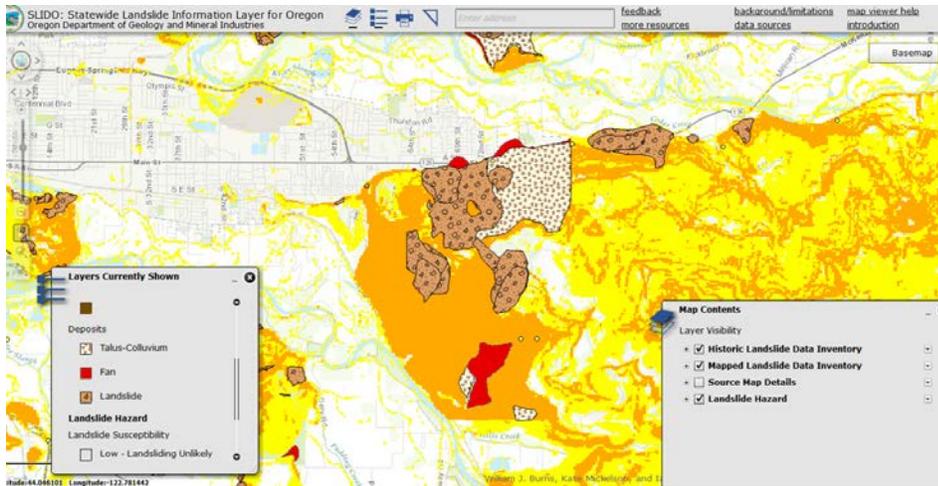


Detail: DOGAMI SLIDO McKenzie View A, B; Mohawk A, B and C; and Oxbow/Camp Creek areas

DOGAMI SLIDO maps⁸⁵ of the South Hills area indicate the presence of high landslide hazards and landslides in the near vicinity of the **Wallace Creek** Preliminary Study Area grouping.

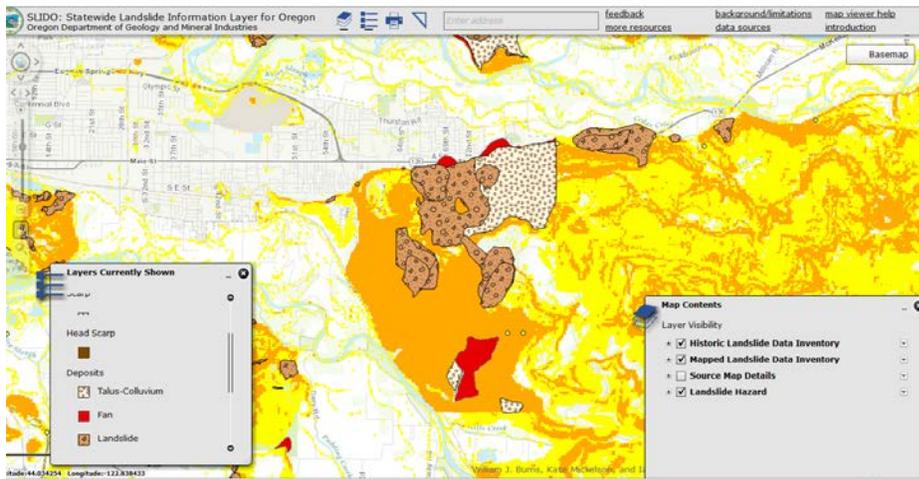
⁸⁴ Ibid.

⁸⁵ Ibid.

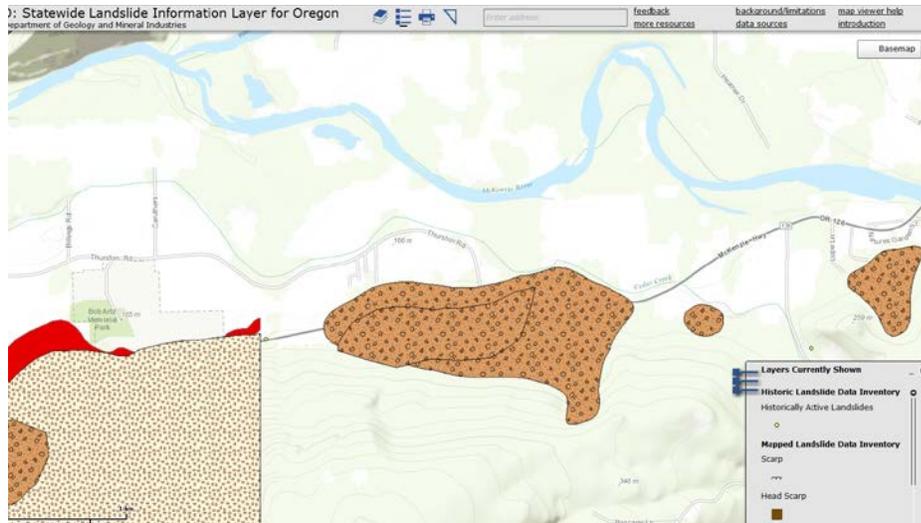


Detail DOGAMI SLIDO Wallace Creek landslide hazard area

DOGAMI SLIDO maps⁸⁶ of the South Hills area indicate the presence of landslide hazards in the near vicinity of the **Far East Springfield** and **South Hills Preliminary Study Area** groupings



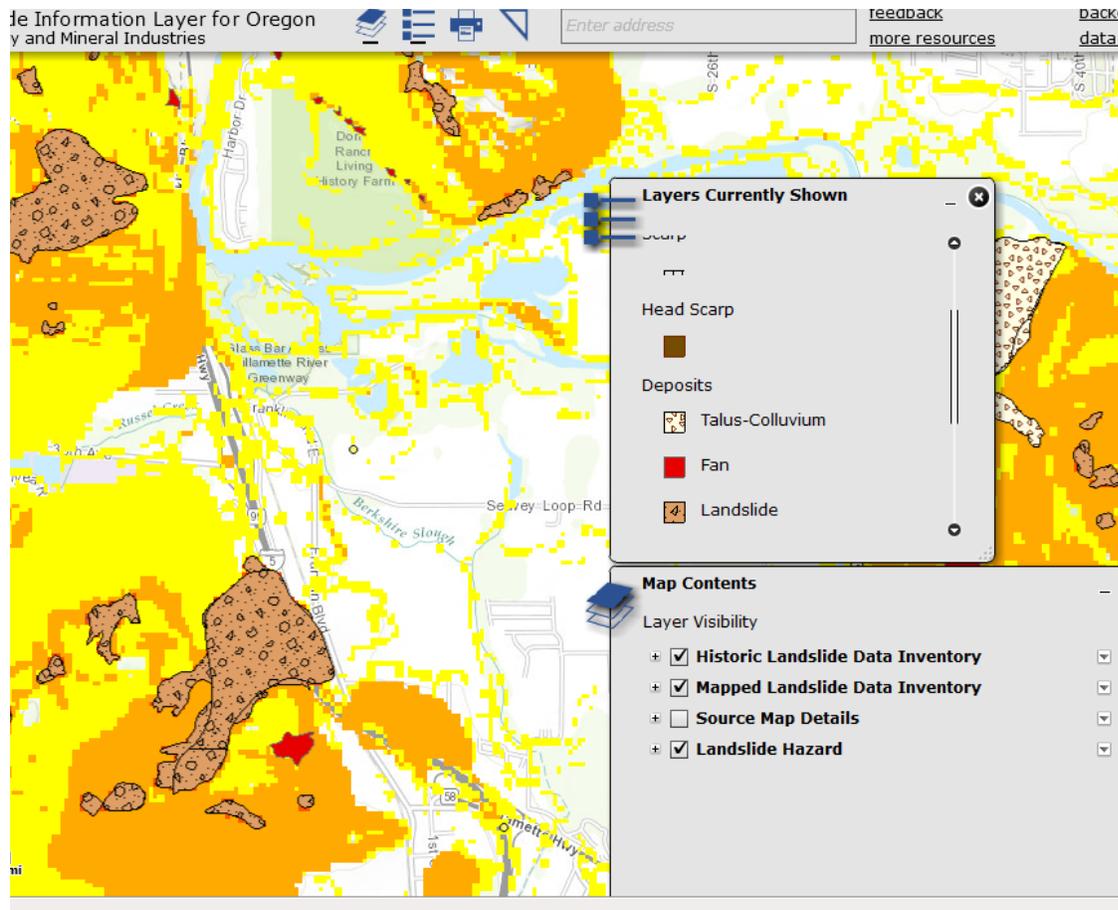
⁸⁶ Ibid.



Detail: DOGAMI SLIDO Far East landslide hazard area

DOGAMI SLIDO maps⁸⁷ of the area southwest of the UGB indicate the presence of landslide hazards in the near vicinity of the **Seavey Loop B and C Exception Area** Preliminary Study Area groupings and adjacent resource lands.

⁸⁷ Ibid.



DOGAMI SLIDO Seavey Loop B and C mapped landslide hazard areas

The City applied the following criteria when it evaluated and compared transportation related impacts and ESEE consequences of urbanizing alternative locations. The City reasoned that the following criteria and facts are relevant to its comparative evaluation of candidate lands:

Transportation Impacts Related to Distance from City and Major Transportation Facilities

Location of area causes conflicts with State Planning Goals and local plan policies related to maintaining efficient, compact urban form by causing comparatively substantial additional vehicle miles travelled to and from new employment center land uses.

Location and physical constraints of area causes conflicts with Federal, State or Local policies regarding safety or performance standards of the transportation system, including freight mobility, roadway, transit, bicycle and pedestrian facilities.

A more distant location of an area from urban infrastructure and services results in a stronger likelihood that urbanization will not be provided with inadequate emergency access.

A location requiring a river crossing results in a stronger likelihood that urbanization will not be provided with inadequate emergency access.

A development project that results in vehicle miles traveled exceeding an applicable threshold of significance may indicate a significant impact.

Generally, development projects that locate within one-half mile of either an existing major transit stop or a stop along an existing high quality transit corridor may be presumed to cause a less than significant transportation impact. Similarly, development projects that decrease vehicle miles traveled in the project area compared to existing conditions may be considered to have a less than significant transportation impact.

Vehicle miles traveled is an appropriate metric to evaluate a project's transportation impacts.

Comparative assessment of ESEE impacts associated with certain transportation projects must address the potential for induced travel. Adding additional lane miles to serve more distant areas may induce increased automobile and truck travel, and vehicle miles traveled, compared to existing conditions, and may be presumed to cause transportation environmental impacts.

Transportation projects that reduce, or have no impact on, vehicle miles traveled may be presumed to cause a less significant transportation environmental impact.

If existing models or methods are not available to estimate the vehicle miles traveled for the particular project being considered, a lead agency may analyze the project's vehicle miles traveled qualitatively. Such a qualitative analysis would evaluate factors such as the availability of transit, proximity to other destinations (such as homes, employment and services), area demographics, etc.

For the purposes of the UGB Alternatives Analysis, the City assumed that the target industrial and other employment uses requiring sites 5 acres and larger — as identified in the EOA — would induce travel and transportation-related impacts similar to the travel and impacts of existing industrial and other employment uses in Springfield — such as the employment sectors located in the International Way Campus Industrial district.

For the purposes of the UGB Alternatives Analysis, the City assumed that adding or improving additional lane miles to serve more distant areas may induce increased automobile and truck travel, and vehicle miles traveled, compared to existing conditions, and may be presumed to cause transportation environmental impacts relative to trip length, as identified in the City's Public Facilities Analysis.

ESEE Environmental/Air Quality/Energy Consequences

Accounting for vehicle miles traveled (VMT) is a measure used in connection with long range planning, or as part of the analysis of a project's greenhouse gas emissions or energy impacts. Methods of some estimating vehicle miles traveled include: ⁸⁸

*“**Trip-based assessment** of a project's effect on travel behavior counts VMT from individual trips to and from the project. It is the most basic, and traditionally most common, method of counting VMT. A **tour-based assessment** counts the entire home-back-to-home tour that includes the project.*

Both trip- and tour-based assessments can be used as measures of transportation efficiency, using denominators such as per capita, per employee, or per person-trip. ...a tour-based assessment of VMT is a more complete characterization of a project's effect on VMT. In many cases, a project affects travel behavior beyond the first destination. The location and characteristics of the home and workplace will often be the main drivers of VMT. For example, a residential or office development located near high quality transit will likely lead to some commute trips utilizing transit, affecting mode choice on the rest of the tour.

Characteristics of an office project can also affect an employee's VMT even beyond the work tour. For example, a workplace located at the urban periphery, far from transit, can cause an employee to need to own a car, which in turn affects the entirety of an employee's travel behavior and VMT. For this reason, when estimating the effect of an office development on VMT, it may be appropriate to consider total employee VMT.”(emphasis added)

Based on this reasoning and for the purposes of this ESEE analysis, the City assumed that the more distant the exception area is located from the City, the greater the distance the potential urban employment site/workplace will located from the City and from transit. This greater distance is more likely to cause an employee to need to own a car, which in turn affects the entirety of an employee's travel behavior and VMT.

Urbanizing areas more distant from the City, will result in relative increases in VMT and transportation impacts within the existing UGB as more employees need to own a car to reach their more distant workplaces.

Designating land for employment centers within or proximate to multimodal transportation networks will have the consequence of adding new users to systems. This can cause mixed cumulative impacts:

“When evaluating impacts to multimodal transportation networks, lead agencies generally should not treat the addition of new users as an adverse impact. Any travel-

⁸⁸ “Technical Advisory of Evaluating Transportation Impacts in CEQA,” California Governor's Office of Planning and Research, Jan. 20, 2016, pp. 13-14.

efficient infill development is likely to add riders to transit systems, potentially slowing transit vehicle mobility, but also potentially improving overall destination proximity. Meanwhile, such development improves regional vehicle flow generally by loading less vehicle travel onto the regional network than if that development was to occur elsewhere.”⁸⁹

“Increased demand throughout a region may, however, cause a cumulative impact by requiring new or additional transit infrastructure. Such impacts may be best addressed through a fee program that fairly allocates the cost of improvements not just to projects that happen to locate near transit, but rather across a region to all projects that impose burdens on the entire transportation system.”⁹⁰

“Projects that would likely lead to an increase in VMT, (including for purposes of accurately estimating GHG and other impacts that are affected by VMT), generally include:

- *Addition of through lanes on existing or new highways, including general purpose lanes, HOV lanes, peak period lanes, auxiliary lanes, and lanes through grade-separated interchanges.”*

Projects that would not likely lead to a substantial or measureable increase in VMT, generally include:

- *Rehabilitation, maintenance, replacement and repair projects designed to improve the condition of existing transportation assets (e.g., highways, roadways, bridges, culverts, tunnels, transit systems, and assets that serve bicycle and pedestrian facilities) and that do not add additional motor vehicle lanes.*
- *Roadway shoulder enhancements to provide “breakdown space,” otherwise improve safety or provide bicycle access.*
- *Addition of an auxiliary lane of less than one mile in length designed to improve roadway safety.*
- *Installation, removal, or reconfiguration of traffic lanes that are not for through traffic, such as left, right, and U-turn pockets, or emergency breakdown lanes that are not utilized as through lanes.*
- *Addition of roadway capacity on local or collector streets provided the project also substantially improves conditions for pedestrians, cyclists, and, if applicable, transit*
- *Conversion of existing general purpose lanes (including ramps) to managed lanes or transit lanes, or changing lane management in a manner that would not substantially decrease impedance to use*
- *Reduction in number of through lanes, e.g. a “road diet”*
- *Grade separation to separate vehicles from rail, transit, pedestrians or bicycles, or to replace a lane in order to separate preferential vehicles (e.g. HOV, HOT, or trucks) from general vehicles*

⁸⁹ Ibid. p. 26.

⁹⁰ “Technical Advisory of Evaluating Transportation Impacts in CEQA,” California Governor’s Office of Planning and Research, Jan. 20, 2016

- *Installation, removal, or reconfiguration of traffic control devices, including Transit Signal Priority (TSP) features*
- *Traffic metering systems*
- *Timing of signals to optimize vehicle, bicycle or pedestrian flow*
- *Installation of roundabouts*
- *Installation or reconfiguration of traffic calming devices*
- *Adoption of or increase in tolls*
- *Addition of tolled lanes, where tolls are sufficient to mitigate VMT increase (e.g., encourage carpooling, fund transit enhancements like bus rapid transit or passenger rail in the tolled corridor)*
- *Initiation of new transit service*
- *Conversion of streets from one-way to two-way operation with no net increase in number of traffic lanes*
- *Removal of off-street parking spaces*
- *Adoption or modification of on-street parking or loading restrictions (including meters, time limits, accessible spaces, and preferential/reserved parking permit programs).*
- *Addition of traffic wayfinding signage*
- *Rehabilitation and maintenance projects that do not add motor vehicle capacity*
- *Any lane addition under 0.3 miles in length, including addition of any auxiliary lane less than 0.3 miles in length”⁹¹*

Causes of Induced VMT. Induced VMT occurs where roadway capacity is expanded in a congested area, leading to an initial appreciable reduction in travel time. With lower travel times, the modified facility becomes more attractive to travelers, resulting in the following trip-making changes, which have implications for total VMT:

- *Longer trips. The ability to travel a long distance in a shorter time increases the attractiveness of destinations that are further away, increasing trip length and VMT.*
- *Changes in mode choice. When transportation investments are devoted to reducing automobile travel time, travelers tend to shift toward automobile use from other modes, which increases VMT.*
- *Route changes. Faster travel times on a route attract more drivers to that route from other routes, which can increase or decrease VMT depending on whether it shortens or lengthens trips.*
- *Newly generated trips. Increasing travel speeds can induce additional trips, which increases VMT. For example, an individual who previously telecommuted or purchased goods on the internet might choose to accomplish those ends via automobile trips as a result of increased speeds.*
- *Land Use Changes. Faster travel times along a corridor lead to land development further along that corridor; that development generates and attracts longer trips, which increases VMT. Over several years, this component of induced VMT can be substantial, e.g. approximately half of the total effect on VMT.*

These effects operate over different time scales. For example, changes in mode choice might occur immediately, while land use changes typically take a few years or longer.”⁹²

⁹¹ Ibid.

⁹² Ibid

ESEE Energy Consequences

“Targets to reduce existing VMT to curb greenhouse gases, and other pollutants do not translate directly into VMT thresholds for individual projects for numerous reasons, however, including the following:

Some, though not all, of the emissions reductions needed to achieve those targets will be accomplished by other measures, including increased vehicle efficiency and decreased fuel carbon content.

New projects alone will not sufficiently reduce VMT to achieve those targets, nor are they expected to be the sole source of VMT reduction.

Interactions between land use projects, and also between land use and transportation projects, existing and future, together affect VMT.”⁹³

Because regional location is the most important determinant of VMT, locating vehicular trip-inducing urban land uses in travel efficient locations is widely recognized as one effective means of reducing VMT, and thus reducing energy consumption associated with transportation. Based on this accepted fact, it is reasonable for the City to assume that the more remote the location from Springfield, the higher the VMT associated with development would result. For the purposes of the UGB Alternatives Analysis, the City assumed locations farther from Springfield — as identified by relative trip length in the City’s Public Facilities Analysis — would result in increased VMT and increase in impacts associated with VMT compared to areas closer to Springfield.

The relative proximity of the North Gateway and Mill Race sites to the region’s existing and planned public frequent transit network system is the basis for the City’s assumption that those two locations provide travel-efficient locations relative to the other alternatives studied and thus would result in comparatively higher percentage of commute trips by transit and fewer vehicular commute trips to employment centers.

ESEE Economic Consequences

OAR 660-009-0005 (3) states:

““Industrial Use” means employment activities generating income from the production, handling or distribution of goods. Industrial uses include, but are not limited to: manufacturing; assembly; fabrication; processing; storage; logistics; warehousing; importation; distribution and transshipment; and research and development. Industrial uses may have unique land, infrastructure, energy, and transportation requirements. Industrial uses may have external impacts on surrounding uses and may cluster in traditional or new industrial areas where they are segregated from other non-industrial activities.” (emphasis added)

⁹³ Ibid.

The Goal 9 rule’s definition of “industrial” clearly recognizes that “Industrial uses may have external impacts on surrounding uses;” and that industrial uses typically and traditionally may locate in locations where other industrial activities are occurring.

The City’s description of candidate study areas identifies the land uses surrounding each candidate area.

For the purposes of the UGB Alternatives Analysis, the City assumed that candidate study areas sharing boundaries with lands designated, zoned and developed with urban industrial and other employment uses have comparative economic advantages over areas that do not share boundaries with lands designated, zoned and developed with urban industrial and other employment uses, because aggregating employment uses results in greater efficiencies in infrastructure, services and transportation. [OAR 660-009-0005 (3)] The North Gateway and Mill Race sites abut industrial lands inside the UGB.

As previously stated, increased distance from Springfield increases the public costs to construct maintain and operate infrastructure and services. Developing sites closer to Springfield decreases the public costs to construct maintain and operate infrastructure and services.

As previously stated, increased distance from Springfield increases travel times for transporting goods and services, and employee travel time, resulting in relatively higher cost to businesses and employees.

Social Consequences Comparison

The majority of second priority exception lands in the vicinity of the UGB are designated and zoned for and developed with rural residential uses, thus exception land parcel(s) are already developed and committed to rural uses, primarily rural residential uses.

Expanding the UGB to include any of the exception areas studied would encompass lands designated and zoned for and developed with rural residential uses that lack the characteristics of needed employment sites.

When exceptions areas were designated by Lane County in the Lane Rural Comprehensive Plan, and zoned Rural Residential, those lands were committed to rural uses in accord with the administrative rules in Division 4 interpreting the Goal 2 exception process in effect at the time they were designated. As stated in OAR 660-004-0010, *“The exceptions process is generally applicable to all or part of those statewide goals that prescribe or restrict certain uses of resource land, restrict urban uses on rural land, or limit the provision of certain public facilities and services.”*

Including developed Rural Residential exception or marginal lands nthe UGB that are not suitable to accommodate Springfield’s needed industrial and commercial mixed use employment uses on large sites 5 acres or larger and 20 acres or larger, would make those lands “urbanizable.” The City would be required to redesignate and rezone rural residential lands for employment use. In many, but not all circumstances in the study area, this would come at a greater social cost and would be more likely to

result in land use conflicts between existing rural residential uses and industrial and commercial mixed use employment uses.⁹⁴

If the City were to expand the UGB to include Third or Fourth priority resource lands in remote locations from Springfield, unsuitable intervening resource, exception and marginal rural lands remaining outside the UGB would likely be affected by the siting of urban industrial and commercial uses. Industrial and commercial uses are not typically considered compatible with residential uses, and land use buffers would typically be required, reducing the overall developable acreage of a site. In many, but not all circumstances in the study area, this would come at a greater social cost and would be more likely to result in land use conflicts between existing rural residential uses and industrial and commercial mixed use employment uses.

Goal 14 Location Factor 3 Conclusions – Fourth Priority Lands Analysis

The City's analysis of comparative ESEE consequences (Goal 14, Boundary Location, Factor 3) confirmed exclusion of lands in the previous steps:

- **This step confirmed exclusion of McKenzie View land** (cost, remote, contrary to compact urban development, no transit, landslide hazards, farmland)
- **This step confirmed exclusion of Oxbow/Camp Creek** (cost, remote, contrary to compact urban development, no transit, landslide hazards, farmland)
- **This step confirmed exclusion of Mohawk** (cost inhibitive infrastructure upgrades to cross river, distance, unsuitable location, remote, contrary to compact urban development, no transit, landslide hazards, farmland)
- **This step confirmed exclusion of North Springfield Highway** (environmental, flooding, stormwater discharge regulations, habitat)
- **This step confirmed exclusion of West Jasper/Mahogany (cost/benefit, cost inhibitive infrastructure upgrades, no transit, environmental, habitat, social, farmland)**
- **This step confirmed exclusion of Clearwater** (no transit, social, farmland)
- **This step confirmed exclusion of Wallace Creek lands on the basis of** (cost/benefit, landslide hazards, cost inhibitive infrastructure upgrades, contrary to compact urban development, no transit)
- This step confirmed exclusion of **Far East** (cost/benefit, cost inhibitive infrastructure upgrades, farmland, contrary to compact urban development, no transit, landslide hazards)
- This step confirmed exclusion of **Seavey Loop** (contrary to compact urban development, cost inhibitive infrastructure upgrades, cost/benefit, social, farmland)

The City determined that the cost to serve potentially suitable lands within these areas is not feasible within the planning period.

⁹⁴ See the record at [X](#) documenting input from Seavey Loop neighbors regarding the City's consideration of the College View study area

The City determined that these areas cannot reasonably be served with adequate public facilities by 2030 and thus are not suitable to meet the identified employment land need.

The City finds that the long-term environmental, economic, social and energy consequences resulting from the use at these site with measures designed to reduce adverse impacts are significantly more adverse than would typically result from the same proposal being located in other areas.

Goal 14 Factor 4: Compatibility of proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB

Goal 14 Factor requires the City to address how development of urban industrial and commercial employment uses within the UGB expansion area would be compatible with nearby agricultural and forest activities occurring on farm and forest land outside the UGB. Given that ORS 197.298 requires the City to site urban uses on farmland as the fourth priority, and given that the City has no suitable Second or Third Priority lands to accommodate the employment land need, the City must meet a high bar to demonstrate that the farmland it chose to include in the UGB expansion was carefully and thoughtfully selected after a thorough comparison of all alternative areas within the same priority to consider how future urbanization to accommodate target industry employment uses would be compatible/incompatible with nearby agricultural and forest activities occurring on farm and forest land outside the UGB.

The City reasoned that the following facts are relevant to the Factor 4 comparison because maintaining a compact urban form reduces opportunities for land use conflicts between urban industrial and commercial employment uses and agricultural and forest activities.

The North Gateway and Mill Race suitable employment lands are contiguous with the Springfield City limits. Expanding the UGB on land contiguous to the City will result in a more compact, efficient urban form with relatively less potential for conflict with surrounding agricultural and forest activities occurring on farm and forest land outside the UGB than would result from expanding in alternative sites. Compact, efficient urban form is consistent with Metro Plan policy and Oregon law and Goal 14 Factors 1 and 2.

The result of expanding onto more distant and non-contiguous lands would a “leapfrogging” development pattern over, past or through unsuitable agricultural or forest land, inducing addition or expansion of urban corridors through the rural Lane County landscape. The purpose of a UGB is to separate urbanizable from rural land. Establishment of corridors to serve distant development creates or increases edge effects. Edges, where they occur along and though farm or forest land areas, inherently create or increase physical opportunities for land use conflicts and contribute to urban sprawl. In addition to being inefficient and contrary to the Oregon Statewide Planning Goals, development of urban corridors through farm or forest land by extending and upgrading infrastructure through intervening unsuitable lands between the City limits and suitable sites would be more likely to

create or increase compatibility impacts with nearby agricultural and forest activities occurring on farm and forest land outside the UGB including but not limited to increased volume and speed of vehicle trips on rural roads, inducement of land use changes from rural to urban on intervening unsuitable lands, and land value speculation that has deleterious effects on local viability of farming.

The City's Public Facilities Analysis provides a summary of transportation and infrastructure extensions or improvements that would be needed to serve each alternative area, including the approximate length of service extensions and location of transportation system improvements that would be triggered by development in each area.

Urbanization of the North Gateway and Mill Race suitable employment lands will not affect forestry activities because the sites do not share edges with lands designated Forest in the Lane Rural Comprehensive Plan. Transportation and infrastructure extensions or improvements will not require crossing lands designated Forest.

Urbanization of Mill Race suitable employment lands will not affect agriculture activities because the sites do not share edges with lands designated Agriculture in the Lane Rural Comprehensive Plan. Transportation and infrastructure extensions or improvements will not require crossing lands designated Agriculture.

Urbanization of the North Gateway suitable employment lands will move the urbanizable edge farther north and thus has potential to affect agriculture activities occurring on lands between the proposed new edge of the UGB (at Sprague Road) and the McKenzie River. Agriculture uses in the area north of Sprague Road include the former Bloomer's Nursery (closed in 2016), and staff observed livestock grazing activity on the tracts between Sprague Road and the McKenzie River. Trucks, contractor and customer vehicles have operated on Sprague Road to access Bloomer's over the past years and no deleterious impacts to agriculture uses north of Sprague Road have been identified through the City's multi-year public involvement process. The City's Public Facilities Analysis identifies a need to improve Sprague Road to serve North Gateway suitable employment lands. Transportation impacts generated by development and any mitigation required to address those impacts are determined at time of plan amendment and zone change, annexation and the City development approval process in coordination with ODOT and other agencies and with input from potentially affected parties.

Urbanization of the North Gateway suitable employment lands will not affect agriculture activities occurring on lands on the opposite side of the McKenzie River because the river serves as a buffer between land uses. Additional buffering will be provided between the river and future development sites by the Natural Resource plan designation applied to the floodway area. The Transportation and infrastructure extensions or improvements to serve the North Gateway suitable employment lands will not require crossing the McKenzie River or adjacent rural lands.

Urbanization of Mill Race suitable employment lands will not affect agriculture activities south of the Willamette River (Seavey Loop) because the river and intervening public, parks and open space lands serves as a buffer.

The City confirmed its exclusion of other fourth priority lands based upon analysis of compatibility with agricultural & forest activities (Goal 14, Boundary Location, Factor 4) through the Alternatives Analysis process, as summarized in Tables 13 and 15 of this report. Table 13 General Description of Fourth Priority land provides maps and text to identify the location of each alternative area studied by the City in relationship with surrounding lands designated Agriculture or Forest in the Lane Rural Comprehensive Plan and the relative proximity of each area to the City. Table 17 Fourth Priority Land Public Facilities and Services Analysis Summary describes the facilities that would be needed to serve each area.

- This step confirmed exclusion of McKenzie View
- This step confirmed exclusion of Hayden Bridge
- This step confirmed exclusion of Thurston
- This step confirmed exclusion of Mohawk
- This step confirmed exclusion of Oxbow/Camp Creek
- This step confirmed exclusion of Far East
- This step confirmed exclusion of Clearwater
- This step confirmed exclusion of West Jasper/Mahogany
- This step confirmed exclusion of Jasper Bridge
- This step confirmed exclusion of South Hills
- This step confirmed exclusion of Wallace Creek
- This step confirmed exclusion of Seavey Loop

The City contacted USDA NRCS and Oregon Department of Agriculture staff to request technical assistance regarding statutes and administrative rules that are relevant when addressing soil capability classification⁹⁵ and relevant resources to consult as the City addressed Factor 4.

OAR 660-033-0030(2)

“When a jurisdiction determines the predominant soil capability classification of a lot or parcel it need only look to the land within the lot or parcel being inventoried. However, whether land is “suitable for farm use” requires an inquiry into factors beyond the mere identification of scientific soil classifications. The factors are listed in the definition of agricultural land set forth at OAR 660-033-0020(1)(a)(B). This inquiry requires the consideration of conditions existing outside the lot or parcel being inventoried. Even if a

⁹⁵ As recommended by USDA and OR Dept. of Ag staff, City staff consulted the most recent Census of Agriculture and special tabulations from the census developed by Oregon State University, the Oregon Department of Agriculture, the United States Department of Agriculture's NRCS, the Oregon State University Extension Service and the county assessor's office to obtain data to determine the nature of the existing commercial agricultural enterprise within the area for the purposes of this study.

lot or parcel is not predominantly Class I-IV soils or suitable for farm use, Goal 3 nonetheless defines as agricultural "Lands in other classes which are necessary to permit farm practices to be undertaken on adjacent or nearby lands." A determination that a lot or parcel is not agricultural land requires findings supported by substantial evidence that addresses each of the factors set forth in 660-033-0020(1)."

As previously stated, the City excluded fourth priority lands from consideration on the basis of soil capability classification.

- The City excluded **North Gateway — North of Sprague Road** lands comprising predominantly Class II soils on the basis of agricultural capability classification.
- The City excluded unconstrained **McKenzie View** lands comprising predominantly Class I and II soils on the basis of agricultural capability classification.
- The City excluded unconstrained **Oxbow/Camp Creek** lands comprising predominantly Class I, Class II and Class III High Value Farmland soils on the basis of agricultural capability classification.
- The City excluded unconstrained **Hayden Bridge** lands comprising predominantly Class II soils on the basis of agricultural capability classification.
- The City excluded unconstrained **Mohawk** lands comprising predominantly Class I and II soils on the basis of agricultural capability classification.
- The City excluded unconstrained **North Springfield Highway** lands comprising predominantly Class II soils on the basis of agricultural capability classification.
- The City excluded unconstrained **Thurston** lands comprising predominantly Class I and II soils on the basis of agricultural capability classification.
- The City excluded unconstrained **Far East — North of Highway 126** lands comprising predominantly Class I and II soils on the basis of agricultural capability classification.
- The City excluded unconstrained **South Hills** lands comprising predominantly Class III High Value Farmland soils on the basis of agricultural capability classification.
- The City excluded unconstrained **West Jasper/Mahogany** lands comprising predominantly Class II soils on the basis of agricultural capability classification.
- The City excluded unconstrained **Jasper Bridge** lands comprising predominantly Class I and II soils on the basis of agricultural capability classification.
- The City excluded unconstrained **Clearwater** lands comprising predominantly Class II soils on the basis of agricultural capability classification.
- The City excluded unconstrained **Wallace Creek** lands comprising predominantly Class II and III High Value Farmland soils on the basis of agricultural capability classification.
- The City excluded unconstrained **Seavey Loop** lands comprising predominantly Class II, Class III High Value and Class IV Prime Farmland soils on the basis of agricultural capability classification.

As previously stated, the City also excluded lands comprising soils of higher priority for expansion in the Clearwater, West Jasper/Mahogany, Wallace Creek, Thurston, Far East, Mohawk, Oxbow/Camp Creek and South Hills areas (identified in Table 13) on the basis of Specific Land Needs [ORS 197.298(3)(a)]; on

the basis of inability to reasonably provide urban services due to physical constraints [ORS 197.298(3)(b)]; and on the basis of comparative ESEE consequences.

Another, additional reason the City chose not to expand the UGB to include several non-contiguous parcels with soils of higher priority in the Clearwater, West Jasper/Mahogany, Wallace Thurston, Far East, Mohawk and Oxbow/Camp Creek areas (identified in Table 13), even though those parcels are not predominantly Class I-IV soils, is because the City reasoned that those lands are suitable and will remain suitable for farm use consistent with their Agriculture designation and Exclusive Farm Use zoning in the Lane Rural Comprehensive Plan because those lands are *“are necessary to permit farm practices to be undertaken on adjacent or nearby lands,”* consistent with the definition of agricultural land set forth at OAR 660-033-0020(1)(a)(B). The City assumed, based on the input it received from property owners, farmers, citizens and agriculture experts over the multi-year public involvement process, that the agricultural lands it excluded are — and will remain through the 2010-2030 planning period — more *“suitable for farm use as defined in ORS 215.203(2)(a), taking into consideration soil fertility; suitability for grazing; climatic conditions; existing and future availability of water for farm irrigation purposes; existing land use patterns; technological and energy inputs required; and accepted farming practices;”* than the two areas (North Gateway UGB to Sprague Road and Mill Race) the City chose to include in the UGB to meet its specific employment land needs.

The City reasoned that the agricultural lands it excluded will remain *“necessary to permit farm practices to be undertaken on adjacent or nearby agricultural lands.”*

The City reasoned that the agricultural lands it excluded will continue to support Commercial Agricultural Enterprise consisting of farm operations that will contribute in a substantial way to the area's existing agricultural economy; and help maintain agricultural processors and established farm markets.

The City reasoned that the agricultural lands it excluded will continue to support farm use as defined in ORS 215.203 and OAR Division 33 on lands designated Agriculture and zoned Exclusive Farm Use in the Lane Rural Comprehensive Plan by maintaining viable use of abutting high value farmland parcels [OAR 660-033-0030(2)], and by maintaining contiguous connected blocks of farmland through the planning period.

The City reasoned that the following facts and criteria are relevant to comparing the consequences of urbanization related to agriculture and forest uses within the locations it evaluated for inclusion in the UGB:

- Class I and II and high value or prime III or IV agricultural soils exist on and immediately abutting the areas.
- Agriculture area is physically buffered from the urban area by the river.
- Nonfarm (residential uses) exist throughout the area and there is little documented history of conflicts with agricultural operations in the area.

- Tract and field sizes are appropriate for the character of agriculture in the area.
- Existing land use regulations – EFU and exceptions zoning limit the ability to further divide area agricultural lands
- Opportunities for the direct marketing and promotion of agricultural products exists. Farm stands, U-picks and small farms producing high-value products for sale to the urban market are not uncommon and are increasing in the area. This lends itself to greater opportunities for farms to produce crops that cater to the ever-growing demand for locally produced food and other agricultural products.
- Comparative length of shared edge with the UGB.
- Comparative length of needed urban services extensions and improvements that would be required through or along bordering farm or forest lands.

Based on balanced consideration of the factors addressed above, the City reasoned that the potentially suitable Fourth Priority sites it excluded are better suited for the continued production of agricultural and forest products within the planning period because those areas are relatively well buffered and protected from urbanization by their distance, by their location within large blocks of farm and/or forest land, by their location on the opposite side of the McKenzie or Willamette Rivers, and by their relatively remote locations accessed via rural roads of narrow width restricted by geology and slopes and via weight-restricted bridges.

Based on balanced consideration of the factors addressed above, and based on evidence in the record, the City reasoned that the agricultural lands it included — North Gateway UGB to Sprague Road and Mill Race — are comparatively less suited for the continued production of agricultural products within the planning period because these areas are not well buffered from the City. Both areas abut the City limits and existing industrial land developed with industrial uses.

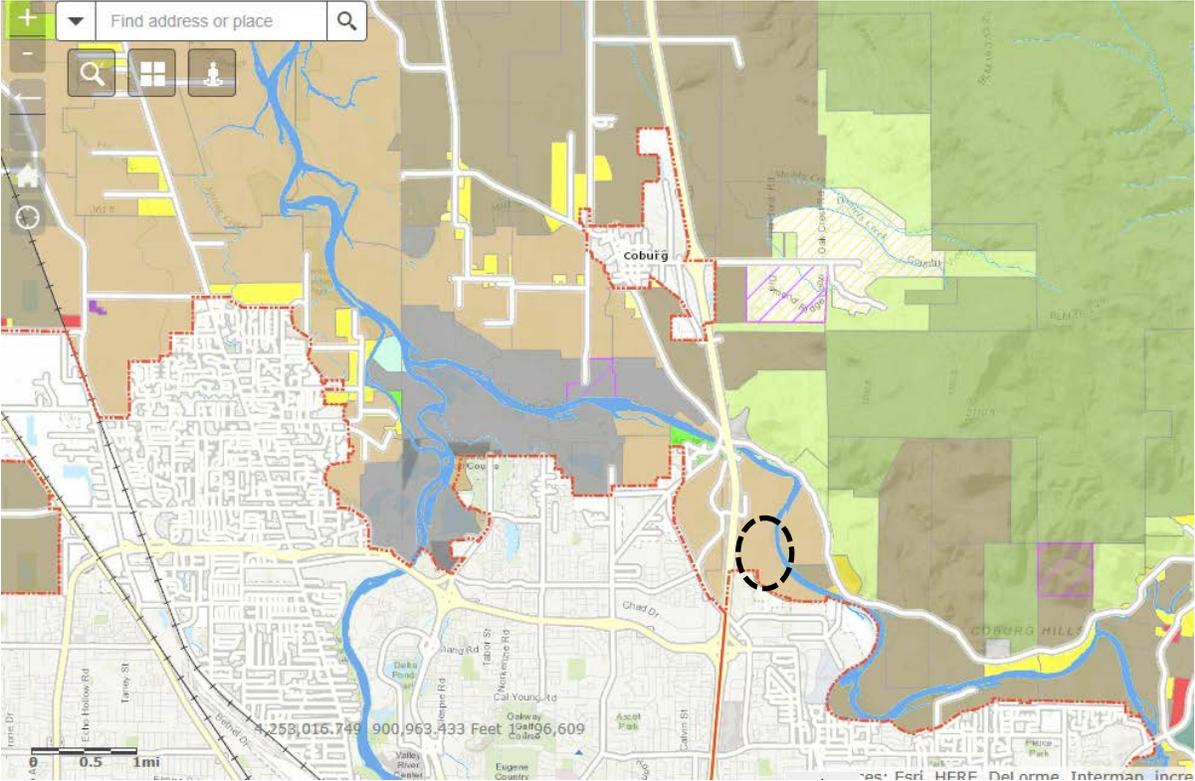
Any expansion of the UGB inherently alters the pattern of land uses in a given area as urbanizable lands develop over time. The City's analysis and the conclusions reached are reasonable and supported by ample evidence. The following maps are included to illustrate how the City's UGB expansion will result in a minimal overall alteration of the pattern of land uses in the Metro area, with an emphasis on how the expansion could amount and affect pattern of agricultural land uses in the region.

The following map⁹⁶ depicts the location of the proposed North Gateway UGB expansion (214 gross acres including right of way/132.1 unconstrained employment land acres) in relationship to resource land designated Agricultural (tan color) in the LRCP between the Springfield, Coburg and Eugene UGBs/urbanizable lands. The map shows how this block of farmland is already split (and rendered less viable) by Interstate Highway 5.

⁹⁶ <http://lcmapping.lanecounty.org/LaneCountyMaps/ZoneAndPlanMapsApp/index.html>

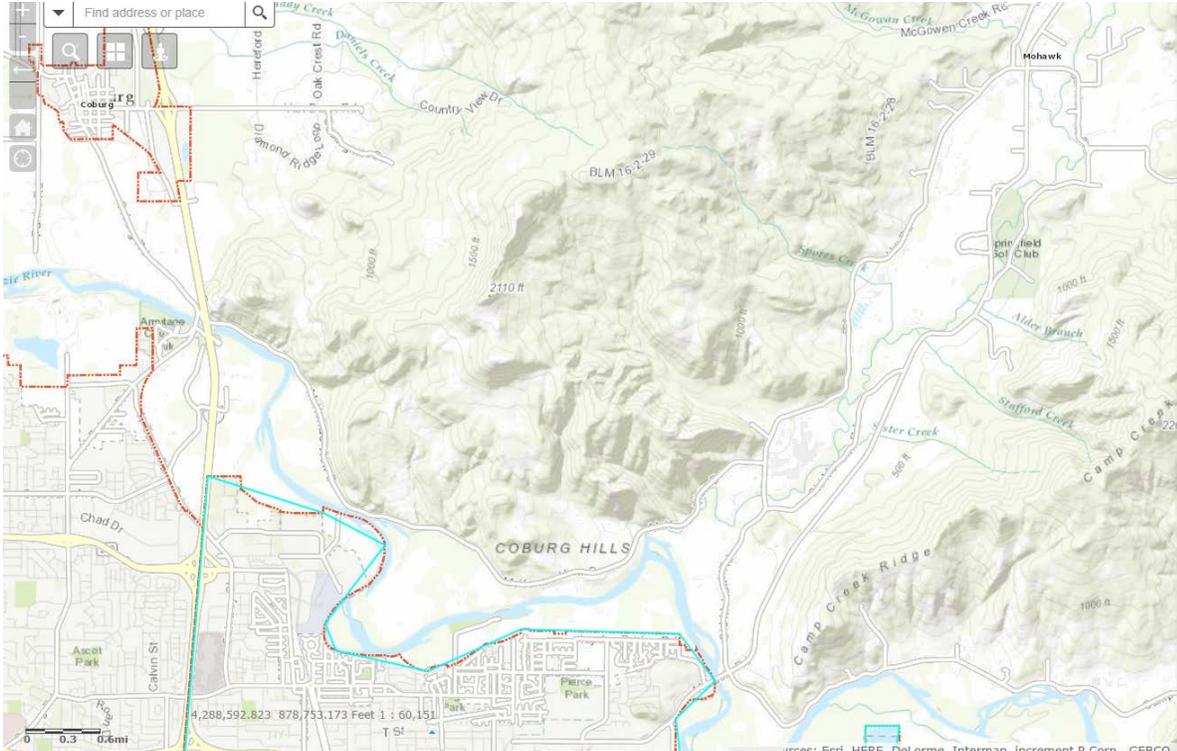


Sprague Road Overpass



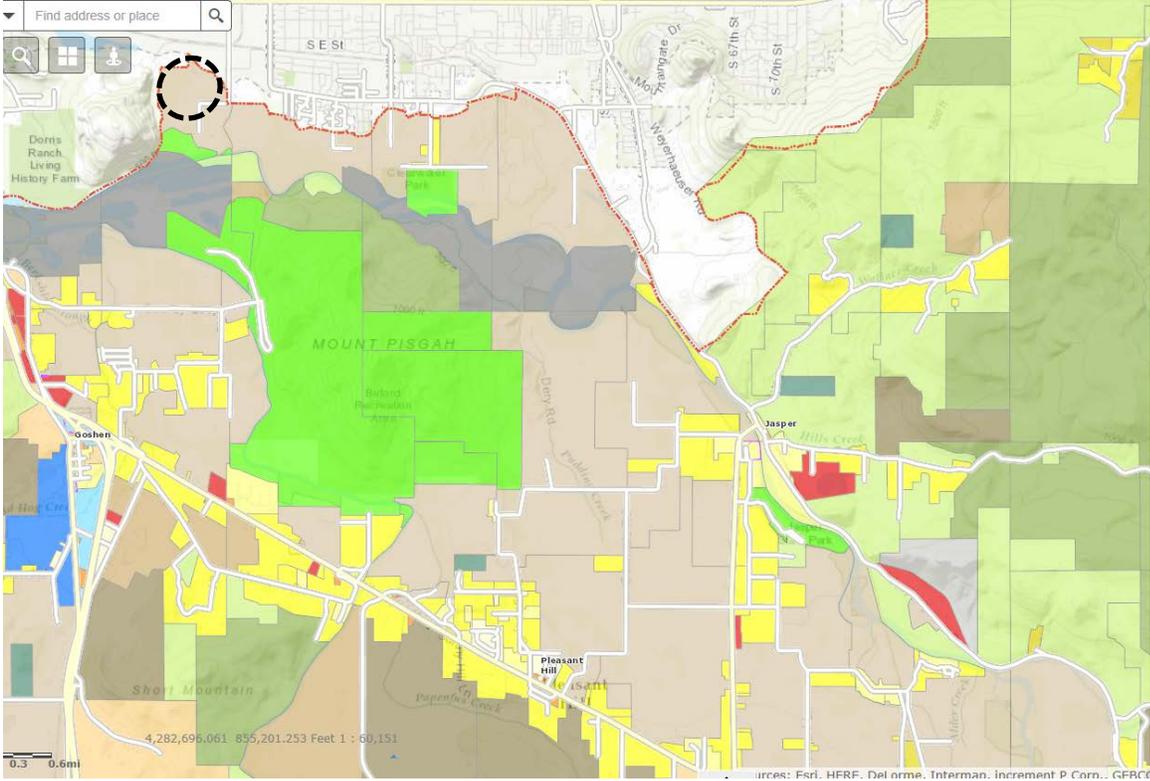
Goal 14 Locational Factor 4: Compatibility with Agriculture

Proposed North Gateway UGB employment land expansion relative to farmland north and west of Springfield UGB – farmland shown in beige color



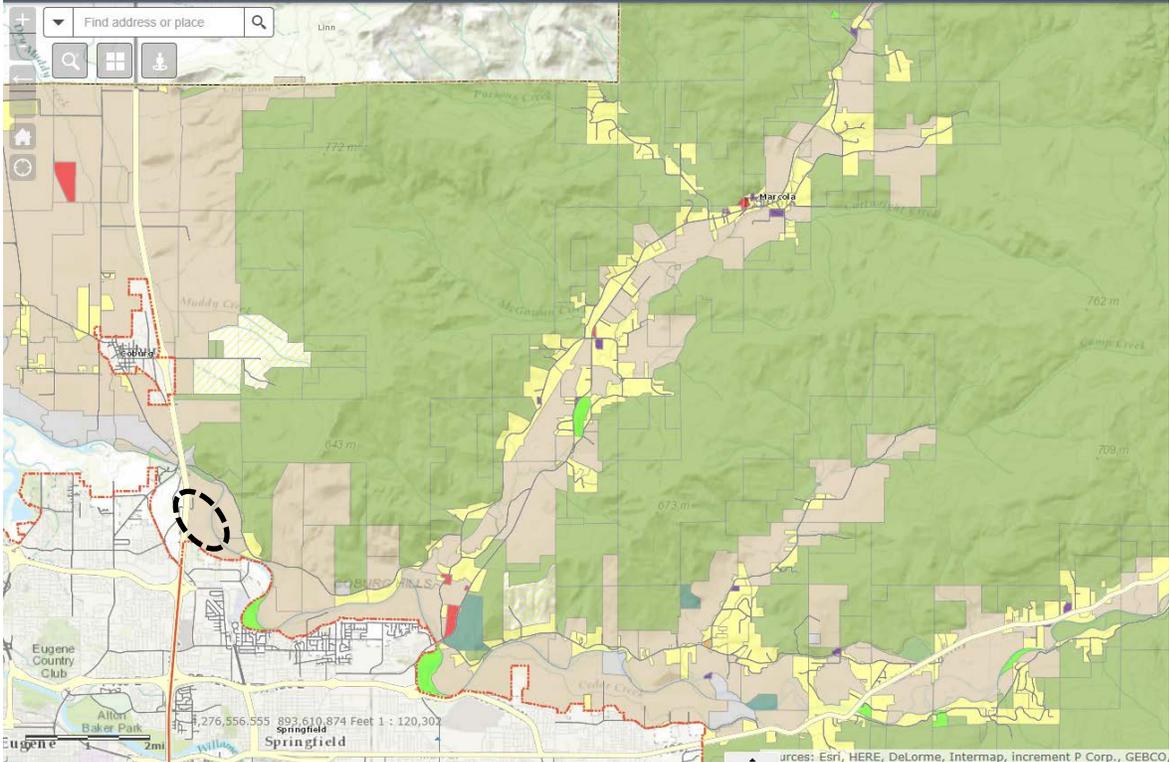
Topographic Constraints North of McKenzie River:
 McKenzie View, Mohawk, and Camp Creek Study Areas⁹⁷

⁹⁷ <http://lcmaps.lanecounty.org/LaneCountyMaps/ZoneAndPlanMapsApp/index.html>

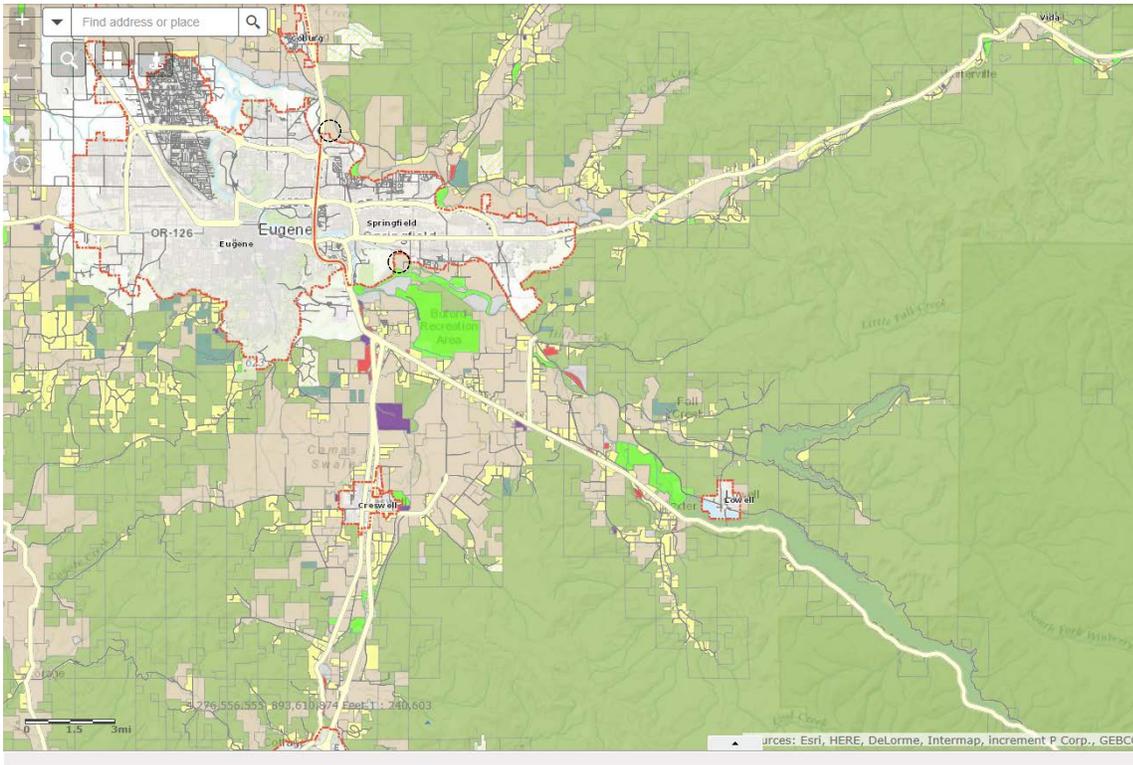


Goal 14 Locational Factor 4: Compatibility with Agriculture

Proposed Mill Race UGB employment land expansion relative to farmland south of Springfield UGB – farmland shown in beige color



Goal 14 Locational Factor 4: Compatibility with Agriculture and Forest Resource Lands
North Gateway UGB Employment Land Expansion



Goal 14 Locational Factor 4: Compatibility with Agriculture and Forest Resource Lands
 Farmland Surrounding Eugene-Springfield Metro Area within Lane County – shown in beige color, Forestland shown in green.

○ = indicates Springfield UGB Employment Land Expansion

The preceding map depicts the location of land designated Agriculture in the Lane Rural Comprehensive Plan. The larger areas of land designated Agriculture are located south of the Springfield UGB.

The City’s analysis excluded the areas listed in Table 20 from further consideration.

Table 20: Fourth Priority Agriculture and Forest Land Excluded on the basis of specific land needs [ORS 197.298(3)(a)], Public Facilities [ORS 197.298(3)(b)], and ESEE Consequences

North Gateway (North of Sprague)	McKenzie	View	Oxbow/Camp	Creek
Hayden Bridge	Mohawk		North Springfield Highway	
Far East	South Hills		West Jasper/Mahogany	
Wallace Creek	Jasper	Bridge		
Seavey Loop Area 1	Thurston		Clearwater	

As explained in this report, and supported by the substantive and evidence in the record, the City conducted a complete and thorough alternatives analysis of fourth priority lands adjacent to the UGB that was not limited to those lots or parcels that abut the UGB, but also included all land in the vicinity of the UGB that has a reasonable potential to satisfy the identified need deficiency. [OAR 660-024-0060(4)].

The City determined that fourth priority lands adjacent to or in the vicinity of the UGB cannot reasonably accommodate the identified employment land need. The City's decision was reached after identifying and evaluating resource land in the vicinity of the UGB, after identifying and evaluating potentially suitable parcels 5 acres or larger without absolute development constraints; after consultation with experts to identify needed site characteristics for the target industrial and commercial/mixed use industries identified in the CIBL/EOA that require sites 5 acres and larger and 20 acres and larger, including public facilities needs for industrial and commercial land development; after consultation with public facility and services providers including ODOT; after evaluation of exception land location and topography as it relates to the ability to extend public facilities of sufficient physical capacity and structure to support provision of urban services including water and wastewater mains and public transit service to UGB expansion areas; in consideration of applicable policies in the *Springfield Development Code* Chapter 5.7-100 for annexing territory; after consideration of infrastructure and transportation needs to serve lands already in the UGB as identified in the applicable *Eugene-Springfield Metropolitan Area Public Facilities and Services Plan*, applicable transportation system plans, facilities master plans and capital improvement programs; and after consideration of the City's development standards and requirements for urban development in the *Springfield Development Code* Chapters 3.2-300, 3.2-400, 3.2-600, 3.3-300, 3.3-300, 3.3-400, 3.3-500, 3.3-1000, Chapter 4 in its entirety and the *Springfield Engineering Design Standards and Procedures Manual*.

After a thorough evaluation, the City determined that urbanization would be directed to North Gateway UGB to Sprague Road and to Mill Race because these lands provide comparative advantages over other areas and therefore can "reasonably accommodate" the identified specific industrial and commercial-mixed use land need for sites 5 acres and larger.

After conducting a thorough parcel-by-parcel evaluation of *potentially* suitable parcels that could reasonably accommodate the identified specific industrial and commercial-mixed use land need for sites 5 acres and larger and that are potentially serviceable due to proximity and lack of topographic or other physical constraints, the City determined that the comparative environmental, economic, social and energy consequences of directing urbanization to these two areas compare favorably to directing urbanization to other lands because land is suitable to meet the site needs of target industries and the amount of unconstrained land is more economically feasible to serve with public water and wastewater facilities on a cost basis.

After conducting a thorough parcel-by-parcel evaluation of the location of the **areas** in relationship to land designated for agriculture and forestry in the Lane Rural Comprehensive Plan; and after consideration of comparative environmental, energy, economic and social consequences of urbanizing those lands for the purpose of developing industrial and office commercial urban uses [Goal 14

Boundary Location Factor 3]; and after consideration of compatibility of the proposed industrial and office commercial urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB [Goal 14 Boundary Location Factor 4] the City concluded that urbanization of North Gateway UGB to Sprague Road and Mill Race is more economically viable on a service cost basis and is less likely to negatively affect nearby agricultural and forest activities occurring on farm and forest land outside the UGB by extending or expanding new corridors of urban development into areas primarily designated for agricultural and forest use. [

Thus, urbanization of the North Gateway UGB to Sprague Road site and Mill Race site compares favorably with other lands the City considered for inclusion in the UGB.

The City’s conclusion was reached based on sound reasoning of ample data and is supported by substantial evidence in the record.

Table 21: Springfield UGB Expansion and Land Use Designations

Area	Suitable Employment Acres Designated Urban Holding Area – Employment (UHA-E)	Acres Designated Natural Resource (NR)	Acres Designated Public/Semi Public (P/SP)	Gross Acres (inc. right of way)
North Gateway	132.1	53.3	9.7	212.4
Mill Race	125	0	373.1	508.1
Other Parkland	0	0	72	72
Total Land Added	Total Suitable 257.1	Total Natural Resource 53.3	Total Public /Semi Public 454.8	792.5

Goal 14 Location Factors 1 and 2

In the next step the City applied and balanced Goal 14, Boundary Location Factors 1 and 2 to confirm selection of the parcels to be included in the UGB for industrial and commercial mixed use employment purposes.

Goal 14 Factor 1: Efficient accommodation of identified land needs. The North Gateway UGB expansion accommodates employment land needs efficiently. The three suitable North Gateway employment sites abut the UGB and City limits and thus do not require inclusion of unsuitable intervening lands. The North Gateway UGB expansion designates 139.4 acres of land in three contiguous tracts for employment (Urban Holding Area – Employment plan designation). Of the 139.4 acres so designated, 132.1 acres are unconstrained and suitable for development. 7.3 acres comprise waterways, riparian

resources, wetlands and slopes >15%. The City assumed that the public streets and facilities needed to serve development will be accommodated within the 139.4 acres designated Urban Holding Area – Employment.

The proximate location and ample size of the area will support efficient urban development of an employment center adjacent to an existing employment center. Two of the three sites about the City’s International Way Campus Industrial employment center (existing employers include Royal Caribbean, Symantec, Richardson Sports, Pacific Source, Hawes Investments, and Oregon Medical Labs.)

The North Gateway UGB expansion adds 214 gross acres to the UGB. Gross acreage includes lands the City designated to ensure efficient, appropriate land use, to accommodate existing and planned public facilities, and to limit development to protect important natural resources: 53.3 floodway-constrained acres on two tracts fronting the McKenzie River “Natural Resource;” and 9.7 acres designated Public/Semi Public (EWEB parcel abutting I-5 that is developed with electric facilities and public water wells and Sprague Road right of way). Gross acreage includes 9.9 acres of right of way along Interstate Highway 5. The proposed UGB is along the centerline of the freeway, a consistent northerly extension of the existing centerline UGB.

The Mill Race UGB expansion accommodates employment land needs efficiently. The three suitable employment sites about the UGB and City limits and thus do not require inclusion of unsuitable intervening lands. The three sites comprise 78.3 suitable, contiguous unconstrained acres, large enough to accommodate a target industry employment use requiring a site size equal to or larger than the average Springfield large site size (63 acres)⁹⁹. The proximate location and ample size of the area will support efficient urban development of an employment center adjacent to an existing Heavy Industrial area.

As shown in the Map: Proposed UGB Expansion Area - Mill Race August 2015 (Ordinance Exhibit A , the City also included the 13 smaller parcels (ranging in size from 0.3 to 9.2 unconstrained acres) that are located between the suitable SUB and Johnson tracts and the publicly owned lands to the south the City is including and designating Public/Semi Public to accommodate existing Willamalane parks and SUB Willamette Well field and treatment plant. The City reasoned that if these lands are not included, they will become entirely surrounded by the UGB. The City reasoned that bringing these “extra” lands that are currently designated Agriculture in the Lane Rural Comprehensive Plan and zoned EFU into the UGB makes better sense than leaving those lands outside the UGB and within Lane County’s land use planning jurisdiction. At previous joint work sessions of the Springfield City Council and Lane County in review of the City’s UGB amendment, elected officials recommended against leaving “strips” of land in County jurisdiction between the UGB and the river.

City to add to in this section after conducting additional stakeholder outreach, open houses and public hearing.

⁹⁹ EcoNorthwest, Springfield CIBL/EOA Summary Report, August 2015, page 16, Characteristics of Large Site Needs.

Seven of the parcels comprise frontage along South 28th, South M, or South 26th Streets, three roads that will be needed to urbanize the Mill Race area. Thus, portions of these lands may be needed within the planning period to provide additional right of way to enable primary or secondary access and other urban services to the SUB and Johnson employment land tracts when these existing rural roads are improved to urban standards. Existing SUB water lines are located within easements on the parcels fronting 28th Street, South M Street. The City reasoned that the “extra” lands are needed to provide services to the needed suitable tracts to the west and north.

The City also reasoned that additional riparian resource buffers are likely to be required within the Mill Race area that will reduce the developable acreage. As previously stated in the Public Facilities Analysis “the Middle Fork Willamette River is federally classified as critical salmonid habitat and the Springfield Mill Race enhancement project was performed to provide additional salmonid habitat. Stormwater service within this area may require atypical restrictions and solutions and will present significant challenges considering the multiple overlapping regulatory jurisdictions for constructing new stormwater outfalls into the Springfield Mill Race, Gory Creek or Quarry Creek and the limitations regarding on-site stormwater management.” The City adopted Urbanization Element policies to address the unique natural resources of the Mill Race area that may require atypical development standards to ensure that development does adversely impact critical drinking water and surface water resources. Thus the “extra” parcels of land are necessary to ensure that the Mill Race area has sufficient land to accommodate the atypical stormwater management facilities that will be required to develop this area in conformance with atypical regulatory restrictions, to protect highly sensitive groundwater or surface water resources and/or to provide additional salmonid habitat mitigation that may be required.

The result of including these parcels “inflates” the City’s UGB expansion by 34 “extra” acres of employment land over and above the City’s overall land need. The City finds that adding these 34 excess acres is reasonable. The lands will be zoned “Agriculture – Urban Holding Area” to allow continuation of existing rural levels of use. 34 acres is 25% of the total 133.2 acres the City designated for employment. 25% is a reasonable amount of land need to assume for public services.

The City included 373.1 acres of public land within the Mill Race area in the UGB. Those lands are developed with Willamalane parks and public facilities. The City designated these lands Public/Semi Public.

The Mill Race UGB expansion includes 508.1 gross acres. Gross acres include right of way, acres constrained by wetlands, slopes >15%, riparian resource areas and floodway. Of that total, 373.1 acres are designated Public/Semi Public to accommodate existing and planned parks and public water system facilities; 135 acres are designated for employment. 125 of the 135 employment acres are unconstrained and suitable.

The City’s Mill Race UGB expansion and its designation of land within the area use land efficiently.

The City’s UGB expansion adds approximately 257 suitable acres of employment land on 273 gross acres within two geographic areas – North Gateway and Mill Race.

The City's UGB expansion adds approximately 257 suitable acres of employment land on 273 gross acres designated for employment use to meet the City's employment land need of 223 acres.

In addition to previously meeting all residential needs without expanding the UGB, Springfield will meet all need for industrial and commercial sites 5 acres or less without expanding the UGB.

The City's UGB accommodates identified land needs efficiently.

The City chose sites that will yield a high percentage of unconstrained land that is suitable for development of the target industries employment uses the City seeks to accommodate.

Goal 14 Factor 2: Orderly and economic provision of public facilities and services. The North Gateway site is located next to Interstate Highway 5 and is visible from the freeway. Some employers prefer freeway visibility.

The City's UGB expansion includes 455 acres of existing publicly-owned land, parks and open space designated Public/Semi Public. These lands were included in the amended UGB at the request of Willamalane and SUB to facilitate orderly and economic management of parks and recreation services, orderly and economic provision of public facilities that may be needed for park and recreation uses or for development of public water system facilities needed to serve Springfield's needs.

ORS 197.298 / Goal 14 Conclusion: In summary, as explained in this report and based on the evidence herein and supported by additional evidence in the record, the City properly applied and followed the prioritization requirements in ORS 197.298 and Goal 14 to the UGB alternatives analysis when it studied, evaluated and selected land which land to be included within the urban growth boundary amendment. The State's acknowledgement of the locally adopted Springfield 2030 Comprehensive Plan and UGB Amendment will provide reasonable opportunities in Springfield for urban commercial and industrial needs for the 2010-2030 period through changes to the urban growth boundary. [ORS 197.712(2)(g)(B)]

The following findings and conclusions support the Commission's affirmation of the proposed Springfield 2030 Comprehensive Plan and UGB amendments as they apply or interpret applicable goals or rules in their review of the subject proposal.

ORS 197.707 Legislative intent states: *"It was the intent of the Legislative Assembly in enacting ORS chapters 195, 196, 197, 215 and 227 not to prohibit, deter, delay or increase the cost of appropriate development, but to enhance economic development and opportunity for the benefit of all citizens. [1983 c.827 §16]"*

ORS 197.712(1) Commission duties states: *"...in carrying out statewide comprehensive land use planning, the provision of adequate opportunities for a variety of economic activities throughout the state is vital to the health, welfare and prosperity of all the people of the state."*

ORS 197.712(2) Commission duties states that when LCDC applies and interprets existing goals or rules, the Commission shall implement the following:

(a) Comprehensive plans shall include an analysis of the community's economic patterns, potentialities, strengths and deficiencies as they relate to state and national trends.

(b) Comprehensive plans shall contain policies concerning the economic development opportunities in the community. (emphasis added)

(c) Comprehensive plans and land use regulations shall provide for at least an adequate supply of sites of suitable sizes, types, locations and service levels for industrial and commercial uses consistent with plan policies. (emphasis added)

(d) Comprehensive plans and land use regulations shall provide for compatible uses on or near sites zoned for specific industrial and commercial uses. (emphasis added)

(g) Local governments shall provide:

(B) Reasonable opportunities for urban residential, commercial and industrial needs over time through changes to urban growth boundaries. (emphasis added)

The City's proposed Springfield 2030 Comprehensive Plan and UGB amendments are based on the Economic Opportunities Analysis — *"an analysis of the community's economic patterns, potentialities, strengths and deficiencies as they relate to state and national trends."*

The Springfield Comprehensive Plan Economic Element *"contains policies concerning the economic development opportunities in the community,"* in response to the Economic Opportunities Analysis, prepared and locally adopted to implement the provisions of Goal 9 and OAR Division 9.

The Springfield Comprehensive Plan and UGB, as amended through State acknowledgement of the subject comprehensive plan and UGB amendment proposals, provide for *"at least an adequate supply of sites of suitable sizes, types, locations and service levels for industrial and commercial uses consistent with plan policies,"* including applicable Metro area transportation and public facilities policies.

The City's Urbanization Element policies and "Urban Holding Area – Employment" land use designation protect lands added to the UGB from premature or incompatible interim development and ensure that the lands added to the UGB will *"provide an adequate supply of sites of suitable sizes, types, locations and service levels for industrial and commercial uses consistent with plan policies,* including sites with the required characteristics typically needed to *accommodate specific industrial and commercial uses.* This, the lands the City added to the UGB to meet specific industrial and commercial needs are designated and zoned properly and adequately to retain those lands to accommodate those specific industrial and commercial uses.

The City's application of "Agriculture – Urban Holding Area" zoning to lands added to the UGB designated for specific industrial and commercial uses *provides for compatible interim uses on sites zoned for specific industrial and commercial uses* but does not allow interim uses that would preclude urban development of the land to accommodate the specific industrial and commercial needs identified in the Economic Opportunities Analysis and Economic Element policies.

Implementation of the City's Urbanization Element policies will ensure that lands added to the UGB can reasonably and efficiently be provided with urban services including but not limited to public sewer, water and transportation services, including public transit services to support the land uses contemplated in the comprehensive plan and land use regulations.

Springfield's 2030 Comprehensive plan policies, applicable Metro Plan designations, existing applicable Springfield refinement plan designations and policies, existing Springfield Zoning Map designations, and land use regulations implemented through the Springfield Development Code *provide for compatible uses on or near sites zoned for specific industrial and commercial uses.*

Through previous adoption in 2011 by the Springfield City Council and Lane County of the 2030 Residential Element policies and through implementation of those policies to meet residential land needs for the 2010-2030 planning period without expanding the UGB (2013 Glenwood plan amendments), the local governments have already provided reasonable opportunities for urban residential needs.

Through local adoption by the Springfield City Council and Lane County of the proposed Springfield 2030 Comprehensive Plan and UGB amendments, the local governments are *providing reasonable opportunities for urban commercial and industrial needs over time through changes to Springfield's urban growth boundaries.*

As explained in this report and as thoroughly documented through ample evidence provided in the record the Springfield 2030 Comprehensive Plan and UGB amendments are consistent with the applicable provisions of Oregon law.

VII. 2030 Plan Compliance with Other Planning Goals and Metro Plan Policies

Metro Plan Environmental Resources Element

The Environmental Resources Element of the Metro Plan, III-C-1 states:

“The Environmental Resources Element addresses the natural assets and hazards in the metropolitan area. The assets include agricultural land, clean air and water, forest land, sand and gravel deposits, scenic areas, vegetation, wildlife, and wildlife habitat. The hazards include problems associated with floods, soils, and geology. The policies of this element emphasize reducing urban impacts on wetlands throughout the metropolitan area and planning for the natural assets and constraints on undeveloped lands on the urban fringe.” (emphasis added)

“The natural environment adds to the livability of the metropolitan area. Local awareness and appreciation for nature and the need to provide a physically and psychologically healthy urban environment are reasons for promoting a compatible mix of nature and city. Urban areas provide a diversity of economic, social, and cultural opportunities. It is equally important to provide diversity in the natural environment of the city. With proper planning, it is possible to allow intense urban development on suitable land and still retain valuable islands and corridors of open space. Open space may reflect a sensitive natural area, such as the floodway fringe, that is protected from development. Open space can also be a park, a golf course, a cemetery, a body of water, or an area left undeveloped within a private commercial or residential development. Agricultural and forested lands on the fringe of the urban area, in addition to their primary use, provide secondary scenic and open space values.” (emphasis added)

*“The compact urban growth form concentrates urban development and activities, thus protecting valuable resource lands on the urban fringe. But concentrating development increases pressures for development within the urban growth boundary (UGB), making planning for open space and resource protection a critical concern within that boundary.”*¹ Planning can ensure the

¹ As explained in the *Metro Plan* Preface and Chapter I, Eugene, Springfield and Lane County are taking incremental steps to transition from a single “metropolitan UGB” to two separate UGBs, “the Eugene UGB” and “the Springfield UGB.” The general references to “the UGB” within the Environmental Resources Element of the *Metro Plan* shall be interpreted as applying to any UGB within the *Metro Plan* area, unless the text specifically refers to the metropolitan UGB, the Springfield UGB or the Eugene UGB.

coexistence of city and nature; one example is the Greenway.” (emphasis added)

“The Environmental Resources Element provides broad direction for maintaining and improving our natural urban environment. Other elements in the Metro Plan that provide more detail with particular aspects of the natural environment: Greenway, River Corridors and Waterways; Environmental Design; Public Facilities and Services; and Parks and Recreation Facilities. The emphasis in the Environmental Resources Element is the protection of waterways as a valuable and irreplaceable component of the overall natural resource system important to the metropolitan area. Waterways are also addressed in the “Greenway and Public Facilities and Services elements.” While some overlap repetition is unavoidable, the Greenway element emphasizes the intrinsic value of the Willamette River waterway for enjoyment and active and passive use by residents of the area. The public facilities element deals with components of the natural resource system in the context of the water and stormwater systems. The public facilities element includes findings and policies related to waterways, groundwater, drinking water protection, the Clean Water Act, and the Endangered Species Act. “(emphasis added)

“The inventories conducted as the basis for this element and the goals and policies contained herein address Statewide Planning Goals 3, 4, 5, 6, and 7 and interpret those goals in the context of the needs and circumstances of the metropolitan area.”

The City’s 2030 Plan amendments re-designate 53.3 acres of agricultural land to “Natural Resource” in the North Gateway area. The Natural Resource designation area is coterminous with the FEMA floodway along the floodway of the McKenzie River.

The City’s 2030 Plan amendments designate 399.2 acres of land Public/Semi Public. Of this acreage, 148.7 acres are already parkland and will be zoned Public Land and Open Space (PLO) to remain parkland. 72 acres will be rezoned from EFU to PLO. The proposal zones a total of 361 public land acres to Public Land and Open Space.

The City’s 2030 Plan amendments designate 274.4 acres of agricultural land (including existing roads and right of way) “Urban Holding Area – Employment.”

The City’s 2030 Plan amendments redesignate 1.8 acres of private land from Park to “Urban Holding Area – Employment.”²

² The Land Rural Comprehensive Plan map shows “Park” designation along the eastern parcel lines of Tax lots 18030100 500, 18030100 501 and 18030100 2000 west of the existing UGB line. The Park designation as shown does not follow waterways or other natural features.

The City's 2030 Plan amendments re-zone 327 acres from Exclusive Farm Use (EFU) to "Agriculture – Urban Holding Area" (AG).

The City's 2030 Plan amendments will yield 53.3 acres of Natural Resource land, 361 acres of Public Land and Open Space land, a total of 414.3 acres. The City's 2030 Plan amendments will yield 274 gross acres of land designated to allow urbanization for urban employment uses.

As a result of the City's 2030 Plan amendments, 414.3 acres of the 575.8 acres of EFU land affected by the plan change will be designated Public/Semi Public and Natural Resource. Both plan designations support implementation of Metro Plan Environmental Resources Element goals 1-4 (p. III-C-3) by:

1. *"Protect valuable natural resources and encourage their wise management, use, and proper reuse."*
2. *"Maintain a variety of open spaces within and on the fringe of the developing area."*
3. *"Protect life and property from the effects of natural hazards."*
4. *"Provide a healthy and attractive environment, including clean air and water, for the metropolitan population."*

As explained in the City's findings under Goal 5 and 6, lands added to the UGB will become subject to existing Springfield Development Code (SDC) land use regulations that require riparian area setbacks, restoration and enhancement along Water Quality Limited Waterways and wetlands to protect and enhance water quality and aquatic species habitat. Development of land within the floodplain is subject to the City's SDC 3.3-400 Floodplain Overlay District to protect life and property from the effects of natural hazards. Springfield's existing development standards have previously been acknowledged to be in compliance with the Metro Plan Environmental Resources Element and applicable Statewide planning goals and administrative rules.

The 2030 Plan amendments will protect and enhance waterways through application of existing acknowledged Metro Plan policies and Springfield Development Code land use regulations to all lands added to the UGB.

The Environmental Resources Element of the Metro Plan, Policy C.1 states:

"Where agricultural land is being considered for inclusion in future amendments to the UGB, least productive agricultural land shall be considered first. Factors other than agricultural soil ratings shall be considered when determining the productivity of agricultural land. Relevant factors include suitability for grazing, climatic conditions, existing and future availability of water for farm irrigation, ownership patterns, land use patterns, proximity to agricultural soils or current farm uses, other adjacent land uses, agricultural

history, technological and energy inputs required, accepted farming practices, and farm market conditions.”

As explained in the findings under Goal 14, the City’s UGB amendment follows the prioritization of land required by ORS 197.298 and the Goal 14 Location Factors.

The Environmental Resources Element of the Metro Plan, Policy C.3 directs a future study to:

“evaluate approaches to use in order to maintain physical separation between the Eugene-Springfield metropolitan area and smaller outlying communities.”

As explained in the findings under Goal 14, the City’s UGB amendment, like UGB amendments by other cities, is required to follow the prioritization of land required by ORS 197.298 and the Goal 14 Location Factors. The City has no authority to require other cities to *maintain physical separation between the Eugene-Springfield metropolitan area and smaller outlying communities*. The City’s analysis explains the City’s rationale for its choice to include the North Gateway and Mill Race sites. The City’s findings provide maps³ depicting the physical separation between Springfield and smaller outlying communities. The City’s choice maintains physical separation between the smaller outlying communities of Marcola, Goshen, Jasper, Pleasant Hill, and Cedar Flat that are located within or near the City’s UGB Preliminary Study Area. The City’s choice to include the North Gateway site, combined with Coburg’s UGB expansion choice, slightly reduces the separation between Springfield and Coburg. The City’s choice to include the Mill Race site does not reduce separation between Springfield and smaller outlying communities. The City’s 2030 Plan amendments are consistent with the intent of Environmental Resources Element Policy C.3.

Environmental Resources Element, Policy C.5 addresses Forestlands:

“Metropolitan goals relating to scenic quality, water quality, vegetation and wildlife, open space, and recreational potential shall be given a higher priority than timber harvest within the UGB.”

The City’s Development Code 5.19-100 implements Policy C.5 by regulating timber harvest within the UGB. This existing regulation will apply to lands added to the Springfield UGB.

Environmental Resources Element, Policy C.19 states:

“Agricultural production shall be considered an acceptable interim and temporary use on urbanizable land and on vacant and underdeveloped urban land where no conflicts with adjacent urban uses exist.”

Environmental Resources Element, Policy C.20 states:

³ Page 405-407

“Continued local programs supporting community gardens on public land and programs promoting urban agriculture on private land shall be encouraged. Urban agriculture includes gardens in backyards and interim use of vacant and underdeveloped parcels.”

The 2030 Plan amendments establish and apply the “Agriculture – Urban Holding Area” zoning district to urbanizable lands added to the UGB to allow agricultural production and community gardens as acceptable interim and temporary uses on land designated to meet long-term employment land needs.

Environmental Resources Element, Policy C.21 states:

“When planning for and regulating development, local governments shall consider the need for protection of open spaces, including those characterized by significant vegetation and wildlife. Means of protecting open space include but are not limited to outright acquisition, conservation easements, planned unit development ordinances, streamside protection ordinances, open space tax deferrals, donations to the public, and performance zoning.”

The City’s 2030 Plan amendments include plan designations and plan policies that consider and address the need for protection of open spaces and protection of significant vegetation and wildlife within the areas added to the UGB.

The City designated 53.3 acres of privately-owned agricultural land to “Natural Resource” in the North Gateway area in consideration of the need for protection of open spaces, including those characterized by significant vegetation and wildlife. The Natural Resource designation area is coterminous with the FEMA floodway along the floodway of the McKenzie River. The City’s riparian area protection ordinance is applied to all lands added to the UGB.

The City designated 399.2 acres of land Public/Semi Public. Including these lands in the UGB establishes consistent policies and land use regulations to support existing SUB-City-Willamalane partnership efforts to acquire, protect, connect, and enhance public open spaces and waterways in the Mill Race expansion area. The City’s findings under Goal 8 and Goal 11 explain why the City incorporated existing parkland and other public land owned by the City and Springfield Utility Board (SUB) in the UGB expansion to meet community park and open space needs identified in the adopted *Willamalane Comprehensive Plan*, to partially address the 300-acre deficit of parkland identified in the City’s acknowledged residential land inventory (*Residential Land Use and Housing Needs Analysis*), and to accommodate SUB’s existing and planned public water system water facilities.

The 2030 Plan amendments include Urbanization Element policies requiring updates to applicable natural resource inventories prior to land use approval that permits urban development in the North Gateway and Mill Race UGB expansion areas.

The 2030 Plan amendments include Urbanization Element policies that require adoption of updated implementation measures to protect drinking water and surface water resources prior to approval of rezoning that permits urban development.

The City's 2030 Comprehensive Plan Urbanization Element, Policy 47 states:

“Prior to approval of a plan amendment or zone change that permits urban development within the North Gateway or Mill Race District urbanizable lands, the Springfield Local Wetland Inventory shall be updated in accordance with Statewide planning Goal 5 and Goal 5 administrative rules requirements.”

The City's 2030 Comprehensive Plan Urbanization Element, Policy 48 states:

“Prior to approval of a plan amendment or zone change that permits urban development within the North Gateway or Mill Race District urbanizable lands, the Springfield Natural Resources Inventory shall be updated in accordance with Statewide planning Goal 5 and Goal 5 administrative rules requirements and the Springfield Natural Resources Study shall be amended. The inventory process shall map the resource areas, determine significance, and adopt a list of significant resource sites as part of the comprehensive plan and land use regulations. More precise field surveys to locate top of bank and to monument riparian area setbacks are required prior to site plan approval and issuance of building permits.”

The City's 2030 Comprehensive Plan Urbanization Element, Policy 49 states:

“Employment Lands designated UHA-E shall be planned and zoned as economic districts that provide and promote suitable sites for clean manufacturing⁴ uses and office/tech/flex employers in Springfield's target industry sectors. Limited neighborhood-scale retail uses that primarily serve employees within an industrial or office building or complex may be permitted as a secondary element within employment mixed-use zones. Urban Holding Area-Employment (UHA- E) sites shall not be re-designated or zoned to permit development of regional retail commercial uses.”

The City's 2030 Comprehensive Plan Urbanization Element, Policy 50 states:

“The Springfield Water Quality Limited Waterways Map shall be updated to include the North Gateway and Mill Race Districts. Springfield's implementation measures to maintain the City's compliance with the Clean

⁴ For the purposes of this policy, “clean” is defined as land uses, construction practices, and business operations that minimize waste and environmental impacts, and that contribute to a safe, healthy, and clean community, maintain the aquifer recharge capacity of the site by reducing impervious surfaces, and protect Springfield's drinking water source areas from contamination.

Water Act and other Federal resource protection mandates shall automatically apply to the lands included in the UGB though the provisions of the Springfield Development Code.”

The City’s 2030 Comprehensive Plan Urbanization Element, Policy 51 states:

“Grow and develop the City in ways that will to ensure the stability of Springfield’s public drinking water supply to meet current and future needs.

- ***Prior to City approval of annexation, land division or site development in the North Gateway and Mill Race UHA-E districts, the City — in partnership with Springfield Utility Board — shall conduct a Springfield Development Code Amendment process to prepare and apply specialized development standards that protect Drinking Water Source Areas to urbanizable lands designated UHA-E to ensure that new development contributes to a safe, clean, healthy, and plentiful community drinking water supply. The standards shall identify design, development, construction and best management processes appropriate and necessary to maintain aquifer recharge and protect drinking water quality and quantity. The standards shall also identify land use buffers appropriate and necessary to protect the Willamette Wellfield and the surface water features that are known to be in hydraulic connection with the alluvial aquifer.***
- ***Continue to Update the Springfield Comprehensive Plan and Springfield Development Code as new natural hazards information becomes available.***
- ***Encourage increased integration of natural systems into the built environment, such as vegetated water quality stormwater management systems and energy-efficient buildings.”***

The Springfield CIBL/EOA identified floodway, riparian resource areas and wetlands within the existing and expanded UGB as absolute development constraints, thus the City is not assuming lands with these features are developable for inventory purposes. The City designated a 20-year supply of land that is unconstrained, suitable, and sufficient to meet its commercial and industrial land needs, after careful consideration of the need for protection of open spaces and protection of significant vegetation and wildlife within the existing UGB and expanded UGB.

The 2030 Plan designates and zones land and provides policies to implement protection of open spaces and protection of significant vegetation and wildlife.

Environmental Resources Element, Policy C.25 states:

“Springfield, Lane County, and Eugene shall consider downstream impacts when planning for urbanization, flood control, urban storm runoff, recreation, and water quality along the Willamette and McKenzie Rivers.”

The 2030 Plan amendments include plans for urbanization within and adjacent to the floodplains and drainage basins of the Willamette and McKenzie Rivers. Development of land within the floodplain is subject to the City’s SDC 3.3-400 Floodplain Overlay District to protect life and property from the effects of natural hazards and SDC 3.3-300 to regulate uses and development setbacks within the greenway. The City regulates development to address flood control, urban storm runoff, recreation, and water quality through its implementation of SDC 4.3-110, 4.3-115, 4.3-117 and 3.3-200 at time of development approval.

Environmental Resources Element, Policies C.30 and 31 state:

“Except as otherwise allowed according to Federal Emergency Management Agency (FEMA) regulations, development shall be prohibited in floodways if it could result in an increased flood level. The floodway is the channel of a river or other water course and the adjacent land area that must be reserved to discharge a one-percent-chance flood in any given year.”

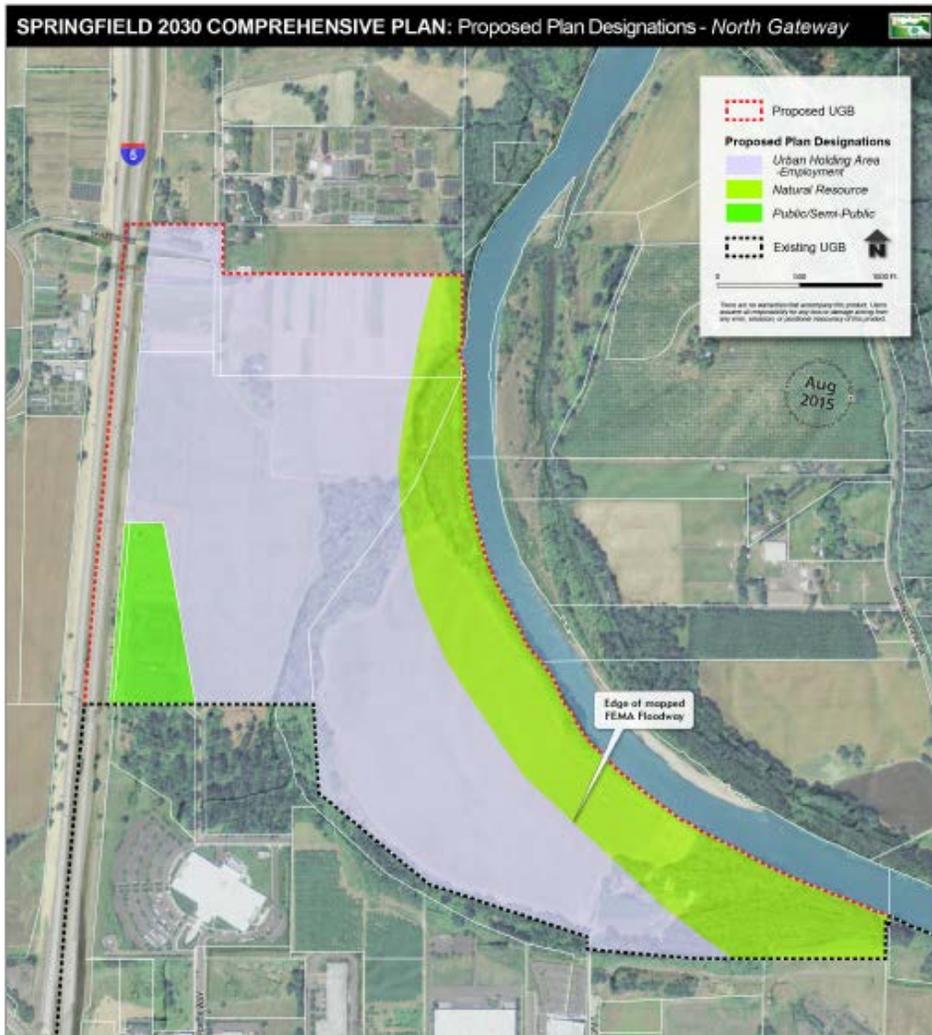
“When development is allowed to occur in the floodway or floodway fringe, local regulations shall control such development in order to minimize the potential danger to life and property. Within the UGB, development should result in in-filling of partially developed land. Outside the UGB, areas affected by the floodway and floodway fringe shall be protected for their agricultural and sand and gravel resource values, their open space and recreational potential, and their value to water resources.”

The City’s land inventories did not count land within the floodway as developable. The CIBL/EOA identified floodway, riparian resource areas and wetlands within the existing and expanded UGB as absolute development constraints, thus the City is not assuming lands with these features are developable for inventory purposes. The City designated a 20-year supply of land that is unconstrained, suitable, and sufficient to meet its commercial and industrial land needs, after careful consideration of the need for protection of open spaces and protection of significant vegetation and wildlife within the existing UGB and expanded UGB. Development of land within the floodplain is subject to the City’s SDC 3.3-400 Floodplain Overlay District to protect life and property from the effects of natural hazards.

2030 Plan re-designates floodway land to Natural Resource and Public/Semi Public. The City’s 2030 Plan amendments designate the 53.3 acres of agricultural land within the FEMA floodway along the floodway of the McKenzie River as “Natural Resource” in the North Gateway area.⁵

⁵ As shown in the **Map: Proposed Plan Designations North Gateway**

The Natural Resource designation area is coterminous with the FEMA floodway along the floodway of the McKenzie River.



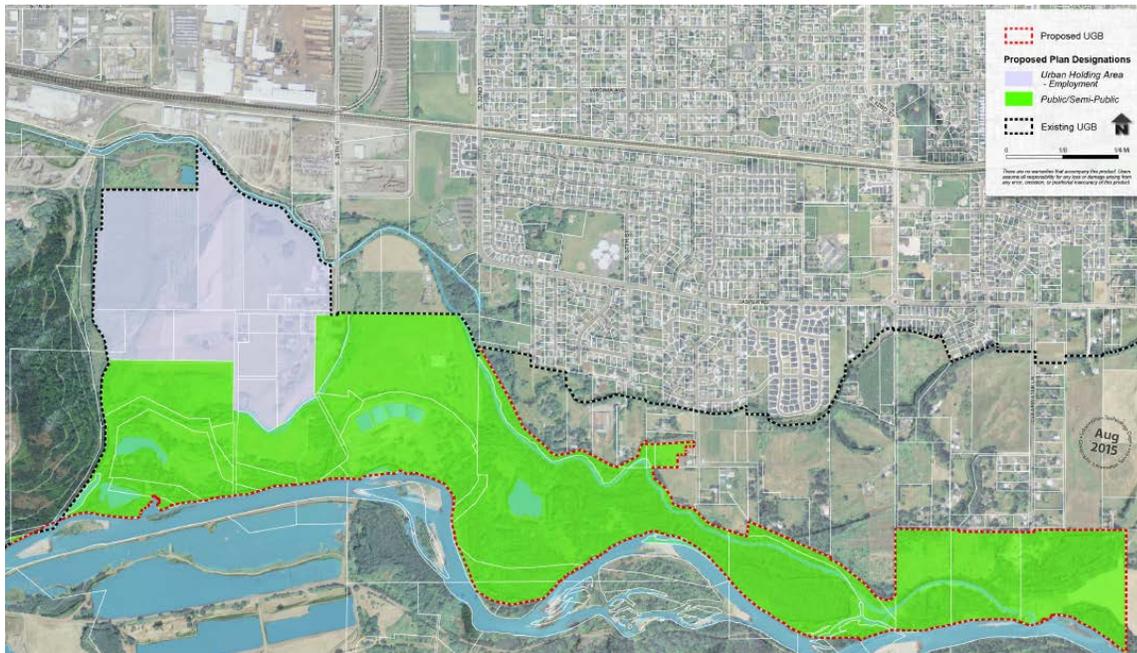
Floodway Extent and Natural Resource Designation: North Gateway UGB Expansion Area

The Middle Fork Willamette River floodway within the Mill Race UGB expansion area is on public land. The 2030 Plan designates that land Public/Semi Public.



Middle Fork Willamette Floodway Extent on Public Land – Mill Race UGB Expansion⁶
(Cross hatch = FEMA floodway)

⁶ As shown in **Map – Proposed UGB Expansion – Mill Race**



Public/Semi Public Plan Designation: Mill Race UGB Expansion Area

The City's riparian area protection ordinance is applied to all lands added to the UGB, including water quality limited waterways (WQLW) that are direct tributaries to the McKenzie and Willamette Rivers.

Policies of the Metro Plan Environmental Resources Element will continue to be applicable to Springfield, as refined through adoption of adopted policies in the Springfield Comprehensive Plan.

Conclusion Metro Plan Environmental Resources Element: The 2030 Plan designates and zones land and provides policies to implement the applicable policies of the Metro Plan Environmental Resources Element.

Metro Plan Willamette River Greenway, River Corridors, and Waterways Element and Statewide Planning Goal 15: Willamette River Greenway

OAR 660-015-0005

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 Willamette River Greenway, River Corridors, and Waterways Element implements Statewide Planning Goal 15 Willamette River Greenway. The Metro Plan Willamette River Greenway, River Corridors, and Waterways Element is and will continue to be Springfield's existing acknowledged comprehensive plan adopted pursuant to ORS Chapter 197 and other applicable statutes, goals and guidelines for jurisdictions along the river.

660-024-0020 (1)(e) Adoption or Amendment of a UGB

“(1) All statewide goals and related administrative rules are applicable when establishing or amending a UGB, except as follows:

(e) Goal 15 is not applicable to land added to the UGB unless the land is within the Willamette River Greenway Boundary.”

Pursuant to OAR 660-024-0020(1)(e) Goal 15 is not applicable to land added to the UGB unless the land is within the Willamette River Greenway Boundary.

The 2030 Plan UGB amendment includes land within the Willamette Greenway, therefore Goal 15 is applicable where the Willamette River Greenway coincides with lands added to the UGB in the Mill Race UGB expansion area.

In addition to the Willamette River Greenway, the Metro Plan Willamette River Greenway, River Corridors, and Waterways Element addresses river corridors and waterways.

Policies of the Metro Plan Willamette River Greenway, River Corridors, and Waterway Element will continue to be applicable to Springfield, as refined through adoption of policies in the Springfield Comprehensive Plan.⁷

The 2030 Plan addresses continued compliance with Goal 15 by demonstrating the Plan's consistency with acknowledged Metro Plan policies, by adding new Springfield-specific policies to more specifically address the Greenway land in the Mill Race UGB expansion area, and by implementing Greenway plan policies through the existing Springfield Development Code regulations⁸ applicable to lands within the Willamette Greenway Overlay District.

Willamette River Greenway, River Corridors, and Waterways Element III-D-1 states:

⁷ The jurisdictional area of the *Metro Plan* was found to be in compliance with Goal 15 on September 12, 1982. Subsequent Willamette Greenway boundary determinations have acknowledged by Springfield, Eugene and Lane County.

⁸ SDC 3.3-300 Willamette Greenway Overlay District.

“The Willamette River has long been recognized in the Eugene-Springfield area as a valuable natural asset. A number of policy documents and programs adopted by local jurisdictions have reinforced the community concern to preserve and protect metropolitan river corridors.”

“In the metropolitan area, a large portion of land within the Greenway is in public ownership or public parks such as Mount Pisgah, Skinner’s Butte, Alton Baker, and Island Park.”

“The three jurisdictions cooperated in the development of a bicycle-pedestrian trail system that extends along the Greenway from south of Springfield to north of Eugene and into the River Road area.”

Land along the Greenway in private ownership is in a variety of uses, some of which appear to provide greater opportunity than others for public access and enjoyment. “Certain commercial uses, such as restaurants, can allow customers visual enjoyment of the Greenway. Other uses, such as the many industrial uses, would appear to provide little if any opportunity for access or enjoyment of the Greenway. This is evidenced by much of the existing industrial development along the Willamette River in the Glenwood area.”

Springfield and Lane County previously adopted a new plan for the Glenwood riverfront⁹ that requires and supports transition of land uses along the river from industrial to Residential Mixed Use, Office Mixed Use, Commercial Mixed Use and Employment Mixed Use. Implementation of the plan through the redevelopment of Glenwood will provide opportunities for public access and enjoyment of the Greenway, while maintaining the supply of land to meet 20-year residential and employment needs.

“The statewide Greenway goal specifically applies to the Willamette River. In the Eugene-Springfield area, portions of the McKenzie River share equal importance as a natural resource worthy of conservation and protection. Additionally, the metropolitan network of waterways and associated creeks and drainageways are important features in the metropolitan area, with potential as part of an areawide waterways system. For that reason, while this element must specifically cover the Willamette River Greenway, it is important to consider the McKenzie River, where it is situated within the area of the Metro Plan and the inland system of waterway corridors connecting various parts of Springfield, Eugene, and Lane County to one another.”

⁹ Glenwood Refinement Plan Phase One Amendments
<http://www.springfield-or.gov/dpw/GlenwoodRefinementPlan.htm>

The City of Springfield requires a Discretionary Use Permit for any change or intensification of use, or construction that has a significant visual impact in the Willamette Greenway Overlay District, which is combined with a “Greenway Setback Line.”

Springfield implements Metro Plan Willamette River Greenway, River Corridors, and Waterways Element policies through the land use regulations of its existing, acknowledged Springfield Development Code 3.3-300 Willamette Greenway Overlay District.

The 2030 Plan implements the Metro Plan Willamette River Greenway, River Corridors, and Waterways Element goals, objectives and policies intended to protect, conserve, and enhance the natural, scenic, environmental, and economic qualities of river and waterway corridors through the following new 2030 Plan goals, policies and implementation measures:

The 2030 Comprehensive Plan Urbanization Element, Goal UG-4 states:

“As the City grows and as land develops, maintain and reinforce Springfield’s identity as a river-oriented community by emphasizing and strengthening physical connections between people and nature in the City’s land development patterns and infrastructure design.”

The 2030 Comprehensive Plan Urbanization Element, Policy 41 states:

“Protect, conserve, and enhance the natural, scenic, environmental, and economic qualities of the McKenzie and Willamette River and waterway corridors as Springfield grows and develops.”

The 2030 Comprehensive Plan Urbanization Element, Policy 42 states:

“Land use regulations and acquisition programs along river corridors and waterways shall take into account the concerns and needs of the community, such as recreation, resource protection, wildlife habitat, enhancement of river corridor or waterway environments, potential for public access, and opportunities for river-oriented urban development and infrastructure design. (Adapted from Greenway, River Corridors and Waterways Metro Plan D.2 p III-D-4)

The City’s 2030 Comprehensive Plan Urbanization Element, Policy 44 states:

The City of Springfield and Willamalane shall continue to cooperate in expanding water-related parks and other facilities, where appropriate, that allow access to and enjoyment of river and waterway corridors. (Adapted from Greenway, River Corridors and Waterways Metro Plan D.3, p III-D-4)

The City's 2030 Comprehensive Plan Urbanization Element, Policy 45 states:

New development that locates along river corridors and waterways shall be designed to enhance natural, scenic and environmental qualities of those water features. (Adapted from Greenway, River Corridors and Waterways Metro Plan D.4, p III-D-4)

2030 Plan Urbanization Element Policies 46, 47 and 52 direct planning efforts to provide public access to the Mill Race, Willamette River Greenway and the McKenzie River and to provide active transportation systems in new growth areas.

The City's 2030 Comprehensive Plan Urbanization Element, Policy 46 states:

"Continue efforts to restore, enhance and manage the Springfield Mill Race to fulfill multiple community objectives. Partner with Willamalane and Springfield Utility Board to provide public access to the Mill Race where appropriate. (Adapted from Greenway, River Corridors and Waterways Metro Plan D.4, p III-D-4)"

Springfield 2030 Comprehensive Plan Urbanization Element, Policy 47 states:

"Continue efforts to provide increased opportunities for public access to the Willamette River Greenway and the McKenzie River through comprehensive planning, development standards, annexation agreements, the land use permitting process, and through partnerships with Willamalane, Springfield Utility Board and property owners."

Springfield 2030 Comprehensive Plan Urbanization Element, Policy 52 states:

"Grow and develop the City in ways that maintain and improve Springfield's air quality to benefit public health and the environment."

- ***Prioritize and seek funding for mixed use land use district planning and multi-modal transportation projects that reduce reliance on single occupancy vehicles (SOVs) consistent with Springfield Transportation System Plan (TSP) Policy 1.2, 1.3 and 1.4.***
- ***Coordinate land use and transportation system planning for urbanizable lands at the refinement plan and/or Master Plan level to identify and conceptually plan alignments for locating multi – modal facilities.***
- ***Plan, zone and design transportation systems in the North Gateway and Mill Race Urban Holding Area - Employment districts to provide multi-modal transportation choices for district employees.***
- ***Promote the use of active transportation systems as new growth areas and significant new infrastructure are planned and developed.***

In addition to Springfield-specific 2030 Plan Urbanization Policies applicable to lands within the Springfield UGB, the Metro Plan Willamette River Greenway, River Corridors, and Waterway Element will continue to be applicable to Springfield, as specifically refined through adoption of policies in the Springfield Comprehensive Plan.

Metro Plan Environmental Design Element

Metro Plan Environmental Design Element II-D-6 states:

“The Environmental Design Element is concerned with that broad process which molds the various components of the urban area into a distinctive, livable form that promotes a high quality of life.

The Metro Plan must go beyond making the urban area more efficient and better organized to also ensure that the area is a pleasant, attractive, and desirable place for people to live, work, and play. The Environmental Design Element is concerned with how people perceive and interact with their surroundings. Perceptions of livability greatly differ between individuals; so, generalizations concerning this element need to be carefully drawn. Many different indicators of livability have been identified, such as the numbers of local educational, medical, and recreational facilities, and natural environmental conditions. Not all these indicators are directly concerned with environmental design, showing that the concept of livability is influenced by all elements of the Metro Plan. This element focuses on some of the features of the natural and built environment that affect the quality of life.

The metropolitan area is changing in ways that are far-reaching and diverse. Decisions that concern change have an effect on the form of the area. If we are to maintain a livable urban environment and realize the full potential of our desirable and distinctive qualities, daily decisions that concern change must be guided by environmental design principles, such as site planning, in combination with other planning policies.

Based on concerns related to energy conservation, environmental preservation, transportation, and other issues, increased density is desirable. This increases the need for effective, detailed environmental design in order to ensure a high quality of life and a high degree of livability in an increasingly dense urban environment.

This area is noted for the high degree of livability enjoyed by its residents. Environmental design is a process that helps to maintain and enhance these positive attributes.”

This Element has 3 Goals (III-E-1):

- *Secure a safe, clean, and comfortable environment which is satisfying to the mind and senses.*
- *Encourage the development of the natural, social, and economic environment in a manner that is harmonious with our natural setting and maintains and enhances our quality of life.*
- *Create and preserve desirable and distinctive qualities in local and neighborhood areas.*

Policy E-7 states:

“The development of urban design elements as part of local and refinement plans shall be encouraged.”

Policy E-9 states:

“Refinement plans shall be developed to address compatibility of land uses, safety, crime prevention, and visual impact along arterial and collector streets, within mixed-use areas. During the interim period before the adoption of a refinement plan, these considerations shall be addressed by cities in approving land use applications in mixed use areas by requiring conditions of approval where necessary.”

Springfield has previously adopted local urban design plans for the Downtown District and the Glenwood Phase One mixed use areas. Springfield addresses this policy as local district and neighborhood refinement plans are adopted. Springfield addresses this policy by implementing Springfield Development Code standards for new development through the land use approval process. 2030 Plan policies require additional refinement planning for new areas added to the UGB.

Conclusion Metro Plan Environmental Design Element: The 2030 Plan amendments are consistent with Metro Plan Environmental Design Element policies.

Statewide Planning Goal 1: Citizen Involvement

OAR 660-015-0000(1)

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

No amendments to acknowledged citizen involvement programs are proposed. The Springfield and Lane County have acknowledged land use codes that are intended to serve as the principal implementing ordinances for the *Metro Plan*. Chapter 5 of the SDC, *Metro Plan Amendments; Public Hearings*, prescribes the manner in which a Type II *Metro Plan* amendment must be noticed. Requirements under Goal 1 are met by adherence to the citizen involvement processes required by the *Metro Plan* and implemented by the Springfield Development Code, Chapter 5, Section 5.14-135, Eugene Code Section 9.7735, and Lane Code Sections 12.025 and 12.240.

Notice to DLCD was provided on December 31, 2009. Amended Notice to DLCD was provided on July X, 2016. Mailed notice to interested parties, parties of record, and property owners and residents within 500 feet of the proposed boundary change was mailed on August X, 2016.

Conclusion Goal 1: As described in the City's findings under Goal 9 and 14, the City provided ample opportunities for citizens to be involved in the 2030 planning process. The Record Index provides a complete list of citizen involvement activities over a multi-year period between 2007 and 2016. The CIBL/EOA Appendix D explains how community visioning informed the identification of community economic development objectives and strategies, and the assumptions used in the CIBL/EOA to determine employment land needs. The local record contains complete documentation of each public involvement activity conducted, including meetings, open houses, workshops, surveys, visioning sessions, work sessions, outreach to agencies and service providers, and public hearings. The City published recordings of the CIBL Stakeholder Committee meetings, meeting minutes, 2010 Planning Commission public hearing, and summaries of input received 2007-2016 on the City web site.

Add summary of 2016 process after the summer open houses and public hearing are completed.

Statewide Planning Goal 2: Land Use Planning

OAR 660-015-0000(2)

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

The Metro Plan and Springfield 2030 Comprehensive Plan are the land use or comprehensive plans required by this goal; the Springfield Development Code and the Lane Code are the implementation measures required by this goal. Comprehensive plans, as defined by ORS 197.015(5), must be coordinated with affected governmental units. Coordination means that

comments from affected governmental units are solicited and considered. The CIBL/EOA provides an adequate factual base for decisions and action in regard to implementation of Goal 9 Economic Development on lands within the Springfield Urban Growth Boundary.

The current version of the *Metro Plan* was last amended in 2014 (DLCD File no. 003-14, Springfield Ordinance No. 6332; Eugene Ordinance No. 20545; and Lane County Ordinance No. PA 1313).

The 2030 Plan amendments are the next step in Springfield’s process to adopt a City-specific comprehensive plan, in light of the evolving framework for land use planning in the Eugene-Springfield metropolitan area. As stated on page I-3 to I-4 of the *Metro Plan*:

“Oregon Revised Statute 197.304 (2007)

Historically, many provisions in the Metro Plan were based on a premise that Eugene and Springfield would continue to have a regional metropolitan urban growth boundary (“metropolitan UGB”) that includes both cities and adjacent “urbanizable” areas of Lane County. However, ORS 197.304, adopted by the Oregon Legislature in 2007, requires Eugene and Springfield to divide the metropolitan UGB into two city-specific UGBs. Each city is also required to demonstrate that its separate UGB includes sufficient land to accommodate its 20-year need for residential land consistent with Statewide Planning Goal 10 (Housing) and Goal 14 (Urbanization). These statutory mandates implicitly require each city to also adopt a separate 20-year population forecast. ORS 197.304 allows the cities to take these separate actions “[n]otwithstanding . . . acknowledged comprehensive plan provisions to the contrary.”

The ORS 197.304 mandates are being carried out by the two cities and Lane County through a series of incremental actions over time rather than through a Metro Plan Update process. Some of the land use planning that has historically been included in the Metro Plan will, instead, be included in the cities’ separate, city-specific comprehensive plans. This does not diminish the fact that the cities and the county remain committed to regional problem-solving.¹⁰

The three jurisdictions anticipate that the implementation of ORS 197.304 will result in a regional land use planning program that continues to utilize the Metro Plan and regional functional plans for land use planning responsibilities that remain regional in nature. City-specific plans will be used to address those

¹⁰ In addition to the continued collaboration through some regional land use plans, such as the regional transportation system plan and the regional public facilities and services plan, the three jurisdictions are committed to working collaboratively in other ways and through other initiatives, such as the Regional Prosperity Economic Development Plan jointly approved in February, 2010.

planning responsibilities that the cities address independently of each other."
(emphasis added)

"In addition to the continued collaboration through some regional land use plans, such as the regional transportation system plan and the regional public facilities and services plan, the three jurisdictions are committed to working collaboratively in other ways and through other initiatives, such as the Regional Prosperity Economic Development Plan jointly approved in February, 2010."
(emphasis added)

Each city is taking a different approach to, and is on a different time line for, establishing its own UGB, 20-year land supply and city-specific comprehensive land use plans. As this incremental shift occurs, the Metro Plan will be amended several times to reflect the evolving extent to which it continues to apply to each jurisdiction. During this transition, the three jurisdictions will also continue to work together on any other Metro Plan amendments needed to carry out planning responsibilities that continue to be addressed on a regional basis. (emphasis added)

ORS 197.304 allows the cities to adopt local plans that supplant the regional nature of the Metro Plan "[n]otwithstanding . . . acknowledged comprehensive plan provisions to the contrary." As these local plans are adopted, Eugene, Springfield and Lane County wish to maintain the Metro Plan as a guide that will direct readers to applicable local plan(s) when Metro Plan provisions no longer apply to one or more of the jurisdictions. Therefore, when Eugene or Springfield adopts a city-specific plan to independently address a planning responsibility that was previously addressed on a regional basis in the Metro Plan, that city will also amend the Metro Plan to specify which particular provisions of the Metro Plan will cease to apply within that city.¹¹ Unless the Metro Plan provides otherwise, such Metro Plan provisions will continue to apply within the other city. If the other city later adopts its own city-specific plan intended to supplant the same Metro Plan provisions, it may take one of two actions. That city will either amend the Metro Plan to specify that the particular provisions also cease to apply within that city or, if the provisions do not apply to rural or urbanizable areas within the Metro Plan boundary, to simply delete those particular Metro Plan provisions. (emphasis added)

¹¹ As more specifically explained in Chapter IV of the Metro Plan, one city with co-adoption by Lane County may amend the *Metro Plan* to specify which particular *Metro Plan* provisions no longer apply within the unincorporated (urbanizable) portions of its UGB. The other city is not required to co-adopt such a *Metro Plan* amendment. See Chapter IV.

To better enable the jurisdictions to amend the Metro Plan as required by ORS 197.304, the procedures for amending the Metro Plan, provided in Chapter IV, were revised in 2013. The Eugene City Council, the Springfield City Council, and the Lane County Board of Commissioners adopted identical amendments to Chapter IV of the Metro Plan on November 18, 2013:

Eugene City Council, Ordinance No. 6304

Springfield City Council, Ordinance No. 20519

Lane County Board of Commissioners, Ordinance No. PA 1300"

As explained in Metro Plan pages I-8 to I-9:

"Relationship to Other Plans, Policies, and Reports

The Metro Plan is the basic guiding land use policy document for regional land use planning. As indicated in the Purpose section, above, the region also utilizes: (a) city-wide comprehensive plans; (b) functional plans and policies addressing single subjects throughout the area, including the Eugene-Springfield Public Facilities and Services Plan (Public Facilities and Services Plan) and the regional transportation system plan; and (c) neighborhood plans or special area studies that address those issues that are unique to a specific geographical area. In all cases, the Metro Plan is the guiding document for regional comprehensive land use planning and city-specific plans may be adopted for local comprehensive land use planning. Refinement plans and policies must be consistent with applicable provisions in the Metro Plan or the applicable local comprehensive plan. Should inconsistencies occur, the applicable comprehensive plan is the prevailing policy document. The process for reviewing and adopting refinement plans is outlined in Chapter IV.
(emphasis added)

The City coordinated with the affected units of government (Eugene and Lane County) in adoption the 2014 Metro Plan "enabling" amendments. Staff forwarded the 2030 Metro Plan text amendments in Ordinance Exhibit D to Eugene planning staff. Staff coordinated with Eugene and Lane County on the boundary description. Staff coordinated closely with Lane County staff and legal counsel to prepare the 2030 Plan Urbanization Element policies, plan designations and zoning maps. Eugene and Lane County staff participated in the CIBL Technical Advisory Committee, along with representatives from Oregon Department of Transportation, Oregon Economic and Business Development Department, and the Department of Land Conservation and Development. Staff conducted outreach to affect government agencies throughout the multi-year planning process, as documented in the local record.

The 2030 Plan amendments (Ordinance Exhibit D) amend Metro Plan text to clearly state where the new Springfield 2030 Plan policies supplant, add or delete certain Metro Plan policies and findings.

The Metro Plan was amended to adopt the 2030 Plan amendments after public meetings, public workshops and joint hearings of the Springfield and Lane County Planning Commissions and Elected Officials.

Goal 2 Conclusions. The 2030 Plan amendments adopt the CIBL/EOA as the Technical Supplement to the Springfield 2030 Comprehensive Plan Economic Element to establish the adequate factual base for decisions and actions in regard to implementation of Goal 9 Economic Development on lands within the Springfield Urban Growth Boundary.

The 2030 Plan amendments provide consistent and coordinate comprehensive planning to implement Metro Plan policies and Goal 2.

Statewide Planning Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces

OAR 660-015-0000(5)

To protect natural resources and conserve scenic and historic areas and open spaces.

660-024-0020 (1)(c) Adoption or Amendment of a UGB

“(1) All statewide goals and related administrative rules are applicable when establishing or amending a UGB, except as follows:

(c) Goal 5 and related rules under OAR chapter 660, division 23, apply only in areas added to the UGB, except as required under OAR 660-023-0070 and 660-023-0250;”

Goal 5 and related rules under OAR chapter 660, division 23 are applicable to the proposal only in the areas added to the UGB. [OAR 660-024-0020 (1)(c)]

OAR 660-023-0070 Buildable Lands Affected by Goal 5 Measures

Measures to protect significant resource sites inside the UGB have been factored into Springfield’s CIBL/EOA land inventory process. Significant Wetlands and Riparian Resources — including development setbacks — are identified as “Absolute Constraints” in the City’s

Goals 9, 10 and 14 inventories and have been deducted from the buildable land inventory and calculation of suitable acres on as site. Springfield’s amendment of the UGB adds suitable, unconstrained land based on the inventory and site needs analysis.

OAR 660-023-0250 Applicability

“(1) This division replaces OAR 660, Division 16, except with regard to cultural resources, and certain PAPAs and periodic review work tasks described in sections (2) and (4) of this rule. Local governments shall follow the procedures and requirements of this division or OAR 660, Division 16, whichever is applicable, in the adoption or amendment of all plan or land use regulations pertaining to Goal 5 resources...”

The proposal does not adopt plan or land use regulations pertaining to Goal 5 resources. OAR 660-023-0250(1) is not triggered.

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

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

The proposal does not create or amend a resource list or a portion of an acknowledged plan or land use regulation adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5. OAR 660-023-0250(3)(a) is not triggered.

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

2030 Plan requires Goal 5 inventory updates for UGB expansion areas prior to approval of urban uses. The 2030 Plan does not allow new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list. Areas added to the UGB to meet employment land needs are designated “Urban Holding Area – Employment (UHA-E)” and zoned “Agriculture—Urban Holding Area (AG).” Although land is added to the City’s urbanizable area, the AG zoning district is a holding district that does not allow new urban uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list. The AG zoning district allows a subset of uses that are currently permitted under the existing Lane County Exclusive Farm Use (EFU) zoning. OAR 660-023-0250(3)(b) is not triggered.

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

The 2030 Plan amendments amend the acknowledged Springfield UGB. The City’s GIS-based analysis of the amended UGB area and factual information from adopted City and County ordinances indicates that inventoried Goal 5 resource sites are present in the amended UGB areas. Therefore, for the purposes of this section, the 2030 UGB and associated PAPA “would affect a Goal 5 resource.” [OAR 660-023-0250(3)(c)]

Inventoried Goal 5 Resources: Metro Natural Resources Study 2005-2006 (completed under previous Period Review). Springfield Ordinance 6085 (2004) adopted criteria for determining significant Goal 5 riparian or wildlife habitat sites within the City limits and adopted an updated Goal 5 inventory within the Springfield city limits. The ordinance adopted Exhibit A (criteria), and Exhibit B (list and 6 map tiles entitled Springfield Inventory of Natural Resource Sites within the Springfield city limits). Ord. Section 3 states: “the inventory of significant Goal 5 resources for the Springfield city limits shall include, and be limited to, the resource sites shown for that area on the following documents: April 12, 1978 Sand and Gravel Working Paper; April 12, 1978 Scenic Sites Working Paper; the April 12, 1978 Willamette River Greenway Working Paper; the April 12, 1978 Archaeological Sites Working Paper; the 1998 Springfield Local Wetland Inventory; the Washburne Historic Landmark District; the Historic Landmark Inventory; and the 1992 Gateway Historic resources Survey.”

Springfield Ordinance 6150 (2005) and Lane County Ordinance PA1233 (2006) adopted the Springfield Natural Resources Study — including the Springfield Inventory of Natural Resource Areas as an element of previous *Metro Plan* Periodic Review Task 7 and the Springfield Local Wetland Inventory as an element of previous *Metro Plan* Periodic Review Task 5. The study addressed resources located within the City of Springfield and its urbanizable area. The Study was prepared to complete the inventory process described in OAR 660-023-0030 and the ESEE decision process described in OAR 660-023-0040 and included implementing regulations to achieve Goal 5 compliance. The Springfield Development Code was amended concurrently to add protection measures for identified natural resource areas (wetlands and riparian). The adopting ordinance also included the following text:

“WHEREAS, in addition to the inventories of riparian, upland wildlife habitat and wetland sites referred to above, the following inventories make up the entire inventory of significant Goal 5 resources within the City of Springfield: the April 12, 1978 Sand and Gravel Working Paper; April 12, 1978 Scenic Sites Working Paper; the April 12, 1978 Willamette River Greenway Working Paper; the April 12, 1978 Archaeological Sites Working Paper; the December 1, 1976 list of historic landmarks, and the Water-quality Limited Waterways Map.”

Springfield and Lane County have previously acknowledged Goal 5 inventories and programs to achieve Goal 5 within the existing UGB. The existing Metro Plan Natural Resources Study inventoried resources in the UGB expansion areas because those lands were within the Metro Plan boundary when the inventories were conducted and acknowledged.

Springfield has existing Division 23-compliant programs in place to achieve Goal 5, consistent with OAR 660-023-0050 and those programs will apply to the land added to the UGB.

Springfield Development Code 4.3-117 Natural Resource Protection Areas contains the City’s development standards for protecting natural resources to implement Goal 5, to safeguard fish and wildlife habitat and to implement the goals and policies of the *Metro Plan*. The code provisions are applicable to “land within the wetland and/or riparian resource boundary and the development setback area, specifically locally significant protected wetlands, listed in the Local Wetland Inventory and shown on the Local Wetland Inventory Map; locally significant protected riparian areas, listed in the Springfield Inventory of Natural Resources Sites and shown on the Natural Resources Inventory Map.

When the UGB amendment is acknowledged, land use decisions for the urbanizable land added to the UGB will be subject to the development standards in SDC 4.3-117 for protecting natural resources to implement Goal 5, to safeguard fish and wildlife habitat and to implement the goals and policies of the *Metro Plan*.

Springfield Development Code 4.3-115 Water Quality Protection contains the City’s development standards for protecting riparian areas along watercourses shown on the Water Quality Limited Watercourses (WQLW) Map, as explained in the City’s findings under Goal 6. When the UGB amendment is acknowledged, the urbanizable land added to the UGB will be subject to the development standards for protecting riparian areas in SDC 4.3-115.

OAR 660-023-0250(3)(c) Conclusion: Goal 5 is applicable to the proposal pursuant to OAR 660-023-0250(3)(c). Goal 5 is applicable to the proposal only in the areas added to the UGB pursuant to 660-024-0020 (1)(c).

Goal 5 Resources within the UGB expansion areas. The following inventoried **Goal 5 resources** and **Water Quality Limited Waterways*** are located within or in proximity to Springfield’s proposed UGB expansion areas:

Goal 5 Resources located within or in proximity to Springfield’s proposed UGB expansion areas		
<i>Wetland Resources</i>	<i>Location/Expansion Area</i>	<i>Goal 5 Inventory</i>
M 01 wetland	Ruff Park	Goal 5 Local Wetland Inventory
W 01a Mill Race	Mill Race	Goal 5 Local Wetland Inventory

M20 Maple Island Slough	North Gateway	Goal 5 Local Wetland Inventory
LC NWI ID 4650, 4642	North Gateway	Goal 5 National Wetland Inventory
LC NWI ID 6349, 6357, 6363, 6373, 6263, 6272, 6274, 6302, 6409, 6419, 6381, 6415, 6420, 6405, 6450, 6466	Mill Race	Goal 5 National Wetland Inventory
Waterways & Riparian Resources	Location/Expansion Area	Protection Status as Goal 5 and/or Water Quality Limited Waterways (WQLW)¹² (for WQLW see Goal 6 findings)
S03 Mill Race A, natural	Mill Race	Goal 5 and Local WQLW
Middle Fork Willamette River	Mill Race	Goal 5 and Oregon WQLW >1000CFS
Gorrie Creek	Mill Race	Goal 5 and Local WQLW
Quarry Creek	Mill Race	Local WQLW
S17 Maple Island Slough ¹³	North Gateway	Goal 5 and Local WQLW
McKenzie River	North Gateway	Goal 5 and Oregon WQLW>1000CFS
S10 McKenzie Oxbow	Oxbow	Goal 5 and Oregon WQLW

¹² Springfield Ordinance No. 6021, adopted July 15, 2002 amends the SDC to reference the WQLW Map. The title of the ordinance includes the statement “adopting the water quality limited watercourse map”, yet ordinance Section 28 states “The Water Quality Limited Watercourse (WQLW) Map, August 2002 is hereby added by reference”. The definition in Chapter 6 of the Development Code for the Water Quality Limited Watercourses is “Those watercourses within the City and its urbanizing area that are specified on the WQLW Map” and that the standards for protecting watercourses in Section 4.3-115 only apply to those watercourses that are shown on the WQLW Map. The August 2002 WQLW map is the most recent adopted map for regulatory purposes.

¹³ On March 11, 2011, staff received a letter from Wicklund Trust (North Gateway site property owner) stating concern about the accuracy of maps in the adopted Goal 5 inventory depicting the location of natural resource site S-17 on the Wicklund Trust property. The letter contains documentation submitted to the Wicklund Trust’s attorney Jordan Schrader Ramis to describe the soils and vegetation of the land. The letter includes a “Summary of Wetland and Stream Reconnaissance” conducted in August 25-26, 2009 by Raedecker Associates. Based on the adopted inventory, information included in the Wicklund Trust letter, and the City’s GIS-based analysis of mapped resources and analysis of the site utilizing LiDAR remote sensing technology, a Goal 5 inventory for the Wicklund site in accordance with OAR 660-023-0030 and amendment of the Springfield Natural Resources Study will be required prior to approval of a plan amendment or zone change that permits urban development on the site, as described in Urbanization Element Policy x. The inventory process shall map the resource areas, determine significance, and adopt a list of significant resource sites as part of the comprehensive plan and land use regulations. More precise field surveys to locate top of bank and to monument riparian area setbacks are required prior to site plan approval and issuance of building permits.

Keizer Slough	Oxbow	Oregon WQLW
48 th Street Channel	Just east of Oxbow and Keizer Slough	Local WQLW
Cedar Creek	Lively Park, Ruff Park	Goal 5 and Local WQLW

Water Quality Limited Waterways (WQLW) shown on the Springfield WQLW map were included in the Goal 5 inventory of significant sites within the City of Springfield (Springfield Ordinance 6150). As shown in the City’s Water Quality Limited Waterways Map, most of the inventoried WQLWs are located along the existing UGB or within the City Limits. WQLWs contain Oregon Division of State Lands “Essential Salmonid Habitat” Stream Designations. WQLWs are protected under the Water Quality Protection standards in Springfield Development Code 4.3-115. Natural Resource Protection Areas are protected under Springfield Development Code 4.3 –117 Natural Resource Protection Areas.

2030 Plan Urbanization Element Policy 47 states:

“Prior to approval of a plan amendment or zone change that permits urban development within the North Gateway or Mill Race District urbanizable lands, Prior to approval of a plan amendment or zone change that permits urban development within the North Gateway or Mill Race District urbanizable lands, the Springfield Local Wetland Inventory shall be updated in accordance with Statewide planning Goal 5 and Goal 5 administrative rules requirements.”

2030 Plan Urbanization Element Policy 48 states:

“Prior to approval of a plan amendment or zone change that permits urban development within the North Gateway or Mill Race District urbanizable lands, the Springfield Natural Resources Inventory shall be updated in accordance with Statewide planning Goal 5 and Goal 5 administrative rules requirements and the Springfield Natural Resources Study shall be amended. The inventory process shall map the resource areas, determine significance, and adopt a list of significant resource sites as part of the comprehensive plan and land use regulations. More precise field surveys to locate top of bank and to monument riparian area setbacks are required prior to site plan approval and issuance of building permits.”

2030 Plan Urbanization Element Policy 50 requires an update of the WQLW map to include the areas added to the UGB:

“The Springfield Water Quality Limited Waterways Map shall be updated to include the North Gateway and Mill Race Districts. Springfield’s implementation measures to maintain the City’s compliance with the Clean Water Act and other Federal resource protection mandates shall automatically apply to the lands included in the UGB though the provisions of the Springfield Development Code.”

“(4) Consideration of a PAPA regarding a specific resource site, or regarding a specific provision of a Goal 5 implementing measure, does not require a local government to revise acknowledged inventories or other implementing measures, for the resource site or for other Goal 5 sites, that are not affected by the PAPA, regardless of whether such inventories or provisions were acknowledged under this rule or under OAR 660, Division 16.”

Conclusion OAR 660-023-0250(4): Pursuant to OAR 660-023-0250(4), the City is not required to revise the Metro Natural Resources inventory acknowledged in 2005 or its Springfield Development Code Goal 5 protection implementation measures. Springfield Development Code Goal 5 and Water Quality Limited Waterway protection implementation measures will automatically be applied to protect inventoried resource sites when the UGB expansion is acknowledged and the lands become subject to the applicable Springfield Development Code provisions implementing Goal 5. Any subsequent changes to land use designations must comply with the applicable provisions of Goal 5 and interpretive rules.

“(5) Local governments are required to amend acknowledged plan or land use regulations at periodic review to address Goal 5 and the requirements of this division only if one or more of the following conditions apply, unless exempted by the director under section (7) of this rule...”(emphasis added)

The City is not in periodic review.

“(a) The plan was acknowledged to comply with Goal 5 prior to the applicability of OAR 660, Division 16, and has not subsequently been amended in order to comply with that division;”

Previously acknowledged Metro Natural Resources Inventory and land use regulations comply with Division 16. The Metro Natural Resources Inventory was acknowledged in 2005, after applicability of OAR 660, Division 16 and has been amended in 2011 (Glenwood)¹⁴. OAR 660-023-0250(5)(a) is not triggered.

¹⁴ Springfield Ordinance 6265/ Lane County Ordinance PA1227 updated the Wetland Inventory, Inventory of Natural Resource Sites, and Natural Resource Study to include the Glenwood wetland and riparian sites.

“(b) The jurisdiction includes riparian corridors, wetlands, or wildlife habitat as provided under OAR 660-023-0090 through 660-023-0110, or aggregate resources as provided under OAR 660-023-0180; or...”

Springfield’s jurisdiction includes riparian corridors, wetlands, or wildlife habitat as provided under OAR 660-023-0090 through 660-023-0110, or aggregate resources as provided under OAR 660-023-0180, as identified in the previously acknowledged Metro Natural Resources Inventory and land use regulations that comply with Division 16. OAR 660-023-0250(5)(b) is triggered.

“(c) New information is submitted at the time of periodic review concerning resource sites not addressed by the plan at the time of acknowledgement or in previous periodic reviews, except for historic, open space, or scenic resources.”

Based on Lane County’s inventory and City analysis, the Springfield Goal 5 inventory will need to be updated to include the UGB expansion areas to address the boundary changes and to address resource sites (if any) in the expansion areas not addressed by the plan at the time of the last period review work task acknowledgement. For example, Lane County’s plan identifies National Wetland Inventory wetland resources within the UGB expansion areas. Prior to urbanization, the Local Wetland Inventory, Inventory of Natural Resource Sites, and Natural Resource Study will need to be updated for the areas added to the UGB. For example, the City conducted a similar process for the Glenwood area in 2011, as the Glenwood Refinement Plan amendments were being prepared. Thus the 2030 Plan includes Urbanization Element policies 47 and 48:

2030 Plan Urbanization Element Policy 47 states:

“Prior to approval of a plan amendment or zone change that permits urban development within the North Gateway or Mill Race District urbanizable lands, the Springfield Local Wetland Inventory shall be updated in accordance with Statewide planning Goal 5 and Goal 5 administrative rules requirements.”

2030 Plan requires a Local Wetland Inventory prior to urban development in UGB expansion areas. The following information is provided to explain why 2030 Urbanization Element Policy 47 is required. A wetlands inventory is a systematic survey of a fairly large geographic area to locate and map wetlands and classify them by type (for example, forested wetland or wet prairie). Many different inventory methods may be used, ranging from remote sensing (using aerial photography or satellite imagery) to on-the-ground surveys. The appropriate type of inventory method depends upon the intended uses, size of area to be covered, and available funds. There are two types of wetlands inventories that comprise the State Wetlands Inventory: the National Wetlands Inventory (NWI) and the Local Wetlands Inventory (LWI).

It is important to note that Lane County’s plan identifies *National Wetland Inventory* wetland resources within the Springfield UGB expansion areas.

“The NWI was developed by the U.S. Fish and Wildlife Service and covers the entire country. It relies on high-altitude aerial photos, with limited field work. While the NWI is extremely useful for many resource management and planning purposes, its small scale, accuracy limitations, age (1980s), and absence of property boundaries make it unsuitable for parcel-based decision making.”¹⁵ (emphasis added)

“To augment the NWI in urban and urbanizing areas where more detailed inventory information is needed, the Department of State Lands (DSL) developed guidelines and rules for Local Wetlands Inventories. An LWI aims to map all wetlands at least 0.5 acres or larger at an accuracy of approximately 25 feet on a parcel-based map. Actual map accuracy varies, and areas that could not be field verified will be less accurate. (The LWI is not a substitute for a detailed delineation of wetland boundaries.) The LWI maps and report provide information about the inventory area and the individual wetlands, including:

- *Total acreage of wetlands in the inventory area*
- *Acreage of each wetland type in the inventory area (e.g., 18 acres of forested wetland)*
- *Location, approximate size, and classification (type) of each wetland mapped*
- *A description of each mapped wetland*
- *A functions and condition assessment of all mapped wetlands*
- *All tax lots containing wetlands*

Once an inventory is completed and approved by DSL, there are certain requirements and implications:

An approved LWI is incorporated into the SWI and is made available by DSL to other agencies and the public. Wetlands and waterways, regardless of whether or not they are mapped, may be regulated under the State Removal-Fill Law. If ground-altering site work is proposed, a more precise wetland boundary may need to be located (a “delineation”) to know where state permit requirements apply. Compliance with wetland and waterway regulations remains the responsibility of the landowner.”

Under Statewide Planning Goal 5, Springfield must conduct an LWI and wetland function and condition assessment (in compliance with OAR 141-086-0180 to 0240 procedures for conducting LWIs), and then must identify locally significant

¹⁵ From http://www.oregon.gov/dsl/WETLAND/docs/fact2_2004.pdf

wetlands (LSW). DSL adopted rules for how LSWs are identified, using information from the LWI. A protection program is then adopted by the local government to further guide the management of LSWs.

An approved LWI must be used by the local government (in place of the NWI) for the Wetland Land Use Notification process (a local-state coordination process)." (emphasis added).

*"Local Wetland Inventories (LWI) provide a planning tool for balancing the protection of wetland functions that are of value to a community with community development needs. A LWI is also required as base information for city or county Goal 5 (Natural Resources) wetland protection programs. Advance information on the location of wetlands helps to avoid last-minute delays when beginning development or conducting real estate transactions."*¹⁶

2030 Plan Urbanization Element Policy 48 states:

"Prior to approval of a plan amendment or zone change that permits urban development within the North Gateway or Mill Race District urbanizable lands, the Springfield Natural Resources Inventory shall be updated in accordance with Statewide planning Goal 5 and Goal 5 administrative rules requirements and the Springfield Natural Resources Study shall be amended. The inventory process shall map the resource areas, determine significance, and adopt a list of significant resource sites as part of the comprehensive plan and land use regulations. More precise field surveys to locate top of bank and to monument riparian area setbacks are required prior to site plan approval and issuance of building permits."

"(6) If a local government undertakes a Goal 5 periodic review task that concerns specific resource sites or specific Goal 5 plan or implementing measures, this action shall not by itself require a local government to conduct a new inventory of the affected Goal 5 resource category, or revise acknowledged plans or implementing measures for resource categories or sites that are not affected by the work task."

Although the City is not in periodic review, the follow-up process to conduct the Local Wetland Inventory, Inventory of Natural Resource Sites, and Natural Resource Study updates in specific areas, including specific UGB expansion areas, prior to urbanization will not by itself require Springfield to conduct a new inventory of the affected Goal 5 resource category, or revise acknowledged plans or implementing measures for resource categories or sites that are not affected by the work task.

¹⁶ Ibid.

“(7) The director may exempt a local government from a work task for a resource category required under section (5) of this rule. The director shall consider the following factors in this decision:

(a) Whether the plan and implementing ordinances for the resource category substantially comply with the requirements of this division; and

(b) The resources of the local government or state agencies available for periodic review, as set forth in ORS 197.633(3)(g).”

The City is not in periodic review. However, if applicable, the City requests Director exemption under OAR 660-023-0250(7)(a) and (b). 2030 Urbanization Element policies 47 and 48 ensure that thorough, updated Goal 5 analysis will be conducted prior to zoning that allows urban development. To conduct the Goal 5 update prior to UGB amendment adoption would be premature and would be predetermining outcome of UGB Alternatives Analysis prior to completion of public review process, in violation of Goal 1. At a meeting on July 22, 2015 in Salem, DLCD staff concurred with the City’s approach to Goal 5 compliance.

Springfield’s acknowledged plans to address Goal 5 are the Metro Natural Resources Study (UGB expansion areas) and Springfield Natural Resources Study (inside the existing UGB and NR features located along the boundary).

Springfield’s jurisdiction includes riparian corridors, wetlands, or wildlife habitat as provided under OAR 660-023-0090 through 660-023-0110 or aggregate resources as provided under OAR 660-023-0180; or (c) New information is submitted at the time of periodic review concerning resource sites not addressed by the plan at the time of acknowledgement or in previous periodic reviews, except for historic, open space, or scenic resources. Therefore, Subsection (5) is triggered, unless exempted by the director under section (7):

Springfield’s proposal addresses Goal 5 by amending the acknowledged plan. The proposed UGB amendment addresses Goal 5 through Springfield 2030 Urbanization Element policies and through implementation of existing land use regulations in the newly urbanizable areas added to the UGB.

OAR 660-023-0140 Groundwater Resources

Drinking water protection. The proposed UGB expansion areas comprises environmentally sensitive Drinking Water Source Areas that provide the City of Springfield’s drinking water. Development within Drinking Water Source Areas is subject to the Springfield Development Code Drinking Water Protection (DWP) Overlay District¹⁷, which will automatically apply when the UGB is amended. The DWP Overlay District “is established to protect aquifers used as

¹⁷ Springfield Development Code 3.3-200

potable water supply sources by the City from contamination.”¹⁸ The DWP Overlay District was established in 2000, “*establishing procedures and standards for the physical use of hazardous or other materials harmful to groundwater within TOTZ (time of travel zones) by new and existing land uses requiring development approval.*” The DWP Overlay District accomplishes protection “*by including methods and provisions to*

- *Restrict or prohibit the use of hazardous or other materials which are potential groundwater contaminants;*
- *Set standards for the storage, use, handling, treatment, and production of hazardous or other materials that pose a risk to the groundwater within TOTZ; and*
- *Review new or expanded uses of hazardous or other materials that pose a risk to groundwater.*”¹⁹²⁰

Springfield’s Drinking Water Protection program is recognized nationally as a successful model groundwater protection program. The Springfield Drinking Water Protection Plan was adopted May 17, 1999. The public water system²¹ serves over 10,000 Oregon citizens, thus the Springfield Drinking Water Protection Area is a “statewide significant resource” under the state land use program.²²

2030 Plan requires specialized drinking water protection standards to be developed for the North Gateway and Mill Race UGB expansion areas to protect the aquifer system. OAR 660-023-0140(1)(c) Groundwater Resources states that to “*protect significant groundwater resources*” means to *adopt land use programs to help ensure that reliable groundwater is available to areas planned for development and to provide a reasonable level of certainty that the carrying capacity of groundwater resources will not be exceeded.*” OAR 660-023-0140(1)(e) defines “Wellhead protection area” as “*the surface and subsurface area surrounding a water well, spring, or wellfield, supplying a public water system, through which contaminants are reasonably likely to move toward and reach that water well, spring, or wellfield.*”

A 2013 study of the Willamette Wellfield aquifer system provides explanation of the hydrologic connection between the aquifer and surface water in the proposed Mill Race District UGB expansion area.

“Given the unconfined nature of the aquifer and groundwater-level response in neighboring wells to changes in stream stage (CH2M HILL, 1982), the alluvial

¹⁸ Ibid, SDC 3.3-205

¹⁹ SDC 3.3-205B.

²⁰ SDC 3.3-215 states: “the degree of aquifer protection required in this Section is based on scientific and engineering considerations.”

²¹ As defined in OAR 660-023-0140(1)(d) “Public water system” is a system supplying water for human consumption that has four or more service connections, or a system supplying water to a public or commercial establishment that operates a total of at least 60 days per year and that is used by 10 or more individuals per day.

²² Nov. 29, 1999 letter DEQ Drinking Water Protection

aquifer is known to be in hydraulic connection with area surface water features. Those features include the Willamette River, Mill Race, Gorrie Creek, Quarry Creek, and the channels moving water to the west away from the filtration plant dewatering system. Streambed sediments are permeable and allow recharge to the alluvial aquifer. During periods when the surface water features (other than the Willamette River or Mill Race/Gorrie Creek) are dry, groundwater levels decline and wellfield capacity drops by nearly half (Western Groundwater Services, 2007). Groundwater that moves downgradient through the aquifer and is not captured by wells continues to move through the groundwater system discharging eventually to the Willamette River” (Golder Associates, 1995). [GSI Water Solutions, Inc. Geologist Technical Memorandum to Springfield Utility Board, October 29, 2013 paper, page 6]

The 2030 Plan expands the UGB and designates land as “Urban Holding Area- Employment.” Over the 20-year planning period, these lands will transition from rural to urban and be developed with urban industrial and other employment uses. Therefore, land use planning and development regulations applicable to the UGB expansion areas must be coordinated to ensure that Springfield’s Drinking Water Source Areas are protected.

2030 Plan Urbanization Element Policy 51 states:

“Grow and develop the City in ways that will to ensure the stability of Springfield’s public drinking water supply to meet current and future needs.

- ***Prior to City approval of annexation, land division or site development in the North Gateway and Mill Race UHA-E districts, the City — in partnership with Springfield Utility Board — shall conduct a Springfield Development Code Amendment process to prepare and apply specialized development standards that protect Drinking Water Source Areas to urbanizable lands designated UHA-E to ensure that new development contributes to a safe, clean, healthy, and plentiful community drinking water supply. The standards shall identify design, development, construction and best management processes appropriate and necessary to maintain aquifer recharge and protect drinking water quality and quantity. The standards shall also identify land use buffers appropriate and necessary to protect the Willamette Wellfield and the surface water features that are known to be in hydraulic connection with the alluvial aquifer.***
- ***Continue to Update the Springfield Comprehensive Plan and Springfield Development Code as new natural hazards information becomes available.***

- ***Encourage increased integration of natural systems into the built environment, such as vegetated water quality stormwater management systems and energy-efficient buildings.”***

Cultural and Historic Resources. The City reviewed SHPO records of cultural and historic resources within the expansion areas. There is one listing on the State’s Inventory of Historic Structures and Sites that is located in the Mill Race District. The site is shown to be ineligible. There are no listings for the Gateway area.

The City also reviewed Lane County’s list of Historic Structures and Sites (Lane Code 11.030, Updated 8/09/02). No structures or sites in the expansion areas were listed. Section 11.030 was subsequently removed from the Lane Code and “Historic Structures and Sites” are now defined in LC 11.300-10 as “Property currently listed in the National Register of Historic Places, established and maintained under the National Historic Preservation Act of 1966 (PL 89-655) (See LM 11.300) (Revised by Ordinance No. 10-82, Effective 7.9.82).”

No known Goal 5 resources cultural and historic resources will affected by this proposal.

Goal 5 Conclusion: The 2030 Plan amendments are in compliance with the applicable provisions of Goal 5.

Statewide Planning Goal 6: Air, Water and Land Resources Quality

OAR 660-015-0000(6)

To maintain and improve the quality of the air, water and land resources of the state

Goal 6 addresses compliance with federal and state environmental quality statutes, and how this compliance is achieved as development proceeds in relationship to air sheds, surface water features and groundwater resources, watershed basins and land resources. Springfield and the Eugene-Springfield Metropolitan area have existing programs in place to maintain and improve the quality of the air, water and land resources of the state.

Springfield’s Environmental Services Division (ESD) coordinates the City’s and Metro region’s compliance with applicable federal and state environmental quality statutes. ESD promotes and protects the public’s health, safety, and welfare by providing professional leadership in the protection of the local environment, responsive service to service recipients, and effective administration of the Regional Wastewater Program. ESD maintains compliance with Goal 6 through multiple programs including:

Water Resources Programs

- implementing the City's National Pollutant Discharge Elimination Systems (NPDES) stormwater discharge permit;
- coordinating the City's Endangered Species Act response;
- implementing the Stormwater Facilities Master Plan in conjunction with the City's Engineering Division.

Industrial Pretreatment Program

- regulating Significant Industrial Users (SIUs) of the regional wastewater system through permits;
- administrating the Pollution Management Practice programs.

Wastewater & Stormwater (Sewer & Drainage) Programs

- implementing local sewer user and stormwater rates and Systems Development Charges (SDCs);
- Public Education and Outreach to inform residents, businesses, and industries about urban stormwater runoff and pollution prevention;
- Public Participation to involve the public in the stormwater planning process;
- Illicit Discharge of Contaminants – to address illegal or illicit dumping of pollutants, whether accidental or intentional;
- Construction Site Runoff - working with contractors and developers where land clearing or construction may result in erosion, sedimentation, and soil loss;
- Post-Construction Erosion Control - ensures that new developments "build in" features (such as bio-swales) to continuously manage water quality in the future
- Good Internal Housekeeping - assessing the City's own maintenance practices and policies to ensure that work crews use the best practices to minimize pollution in their everyday tasks.

Wastewater generated in the Eugene/Springfield metropolitan area is cleaned at the [regional wastewater treatment facility](#). Pollution is controlled at the source through pretreatment programs located both in Springfield and Eugene. These regional industrial wastewater pretreatment programs are designed to protect the environment and the area's wastewater collection and treatment facilities by regulating potentially contaminated wastewater discharges from commercial and industrial activities.

Regulatory activities include developing pollutant limits for industrial discharges, responding to permit violations, and conducting industrial site inspections. The City of Springfield Pretreatment Program works closely with business and industry to control pollutants discharged into the wastewater treatment system; control spills and illicit discharges; and promote pollution prevention and recycling.

The City of Springfield provides Metropolitan Wastewater Management Commission (MWWC) administration, including: legal and risk management services; financial management and

accounting; budget and rate development; billing and customer service; public information, education, and citizen involvement programs. Springfield also provides long-range capital planning, and design and construction management for the regional facility. For more information visit the [MWMC](#) website.

Pursuant to the Intergovernmental Agreement between the City of Springfield and Lane County, Springfield ESD provides a subset of environmental services within the unincorporated urbanizable area.

Lane Regional Air Pollution Authority LRAPA and the U.S. Environmental Protection Agency (EPA) are responsible for monitoring and regulating air quality and air pollution discharges. The Lane Regional Air Protection Agency was created in 1968 to achieve and maintain clean air in Lane County, Oregon in a manner consistent with local priorities and goals. With the support of its member entities, which include Lane County and the cities of Eugene, Springfield, Cottage Grove and Oakridge, LRAPA carries out its mission to protect and enhance air quality through a combination of regulatory and non-regulatory programs and activities. The agency plays an active role in community development and planning, and works collectively with other local governments and community groups to help achieve federal Clean Air Act goals and objectives.

The EPA delegates authority to the Oregon Department of Environmental Quality (DEQ) to operate federal environmental programs within the state such as the federal Clean Air, Clean Water, and Resource Conservation and Recovery Acts. DEQ is responsible for protecting and enhancing Oregon's water and air quality, for cleaning up spills and releases of hazardous materials, for managing the proper disposal of hazardous and solid wastes, and for enforcing Oregon's environmental laws. DEQ staff use a combination of technical assistance, inspections and permitting to help public and private facilities and citizens understand and comply with state and federal environmental regulations.

The Oregon Department of State Lands is the administrative agency of the State Land Board responsible for sound stewardship of the state's lands, wetlands, waterways. It is the lead state agency responsible for the protection and maintenance of Oregon's wetlands resources through its administration of the state's removal-fill law, which protects Oregon's waterways and wetlands from uncontrolled alteration.

203 Plan Urbanization Element Policy 52 addresses air quality:

***“Grow and develop the City in ways that maintain and improve Springfield’s air quality to benefit public health and the environment.*”**

- ***Prioritize and seek funding for mixed use land use district planning and multi-modal transportation projects that reduce reliance on single occupancy vehicles (SOVs) consistent with Springfield Transportation System Plan (TSP) Policy 1.2, 1.3 and 1.4.***

- ***Coordinate land use and transportation system planning for urbanizable lands at the refinement plan and/or Master Plan level to identify and conceptually plan alignments for locating multi – modal facilities.***
 - ***Plan, zone and design transportation systems in the North Gateway and Mill Race Urban Holding Area - Employment districts to provide multi-modal transportation choices for district employees.***
 - ***Promote the use of active transportation systems as new growth areas and significant new infrastructure are planned and developed.”***

Goal 6 is addressed in Metro Plan Environmental Resources Element, pages III-C-15 toC-17 Air, Water and Land Resources Quality. The 2030 Plan amendments are consistent with these Metro Plan policies. The 2030 Plan amendments do not directly permit new land uses or changes in land uses and thus have no direct affect on or applicability to this goal. Any actions affecting land use or development that occur as a result of the 2030 Plan amendments are subject to the applicable goals, statutes and rules at the time those actions are undertaken.

Goal 6 Conclusion. Existing local, regional, state and federal programs and facilities exist to prevent discharges from threatening to violate, or violate applicable state or federal environmental quality statutes, rules and standards. The proposed 2030 plan amendments do not alter the City and region’s acknowledged compliance with Goal 6.

Statewide Planning Goal 7: Areas Subject To Natural Hazards

OAR 660-015-0000(7)

To protect people and property from natural hazards

The Metro Plan and the City’s development code are acknowledged to be in compliance with all applicable statewide land use goals, including Goal 7. Goal 7 requires local governments to address natural hazards within their comprehensive land-use plans. For the purposes of Goal 7, natural hazards include floods, landslides, earthquakes and related hazards, tsunamis, coastal erosion, and wildfires. Comprehensive plans address Goal 7 natural hazard planning through inventories, policies, mapping, ordinances and other implementing measures. Local land use plans guide development in hazardous areas with the overall goal of avoiding or minimizing risks to people and property from natural hazards.

Springfield has existing programs, policies, zoning overlay districts, and development standards to regulate development in areas subject to natural hazards to address threats posed by

natural hazards to people and property. The City of Springfield implements Metro Plan policies and Goal 7 as it relates to land use planning and development through the Springfield Development Code:

- Floodplain Overlay District SDC 3.3-400
- Hillside Development Overlay District SDC 3.3-500

New development within the UGB — including interim development and future development of urbanizable lands added to the UGB through adoption of the proposed 2030 plan UGB amendment — is subject to the Springfield Development Code, including all applicable overlay districts.

The 2030 Plan amendments do not alter existing development standards applicable in areas subject to natural hazards. The 2030 Plan amendments will be implemented through those acknowledged programs, policies, zoning overlay districts, and development standards.

The City's CIBL/EOA land inventory identified "floodway" and slopes >15% as "absolute constraints." These two development constraints are related to Goal 7 natural hazards. Portions of tax lots in the floodway and with slopes >15% were assumed unsuitable for the purposes of the inventory.

OAR 660-009-0005(2) provides the following definition of "development constraints:"

"Development Constraints" means factors that temporarily or permanently limit or prevent the use of land for economic development. Development constraints include, but are not limited to, wetlands, environmentally sensitive areas such as habitat, environmental contamination, slope, topography, cultural and archeological resources, infrastructure deficiencies, parcel fragmentation, or natural hazard areas.

The Administrative Rule provides a broad definition of constraints and leaves discretion for local governments in the application of the definition. Absolute constraints were deducted from the buildable portion of lots as they were determined to be factors that temporarily or permanently limit or prevent the use of land for economic development as defined in OAR 660-009-0005(2). For the purpose of the CIBL/EOA inventory, ECONorthwest used the following data sources were used to identify floodway and slope constraints:

- Floodway – Source: Army Corps of Engineers digital "FIRM" maps. File used: fld_way.shp
- Slopes over 15% - Source: 10 meter digital elevation model (DEM). File used: slopes_over_15.shp

Flood way and slopes greater than 15 percent are considered constrained for the purposes of the buildable lands inventory.

For the purposes of the UGB Boundary Location Alternatives Analysis, City staff used LCOG's Regional Data Base, FEMA maps, and the City's high resolution GIS topographic data (LIDAR) to identify and map constraints, and as explained in the City's findings under OAR 660-024-0060, the UGB Alternatives Analysis of potentially suitable employment land sites referenced the 2016 DOGAMI SLIDO maps of landslide hazards as part of the City's assessment of buildable lands, in addition to application of the slopes constraint.

Springfield's existing UGB and the proposed UGB contain land in the floodplain and floodway. As currently mapped by the Federal Emergency Management Agency (FEMA), all of the North Gateway UGB expansion area is within the 100-year flood plain of the McKenzie River. A portion of the North Gateway UGB expansion area is in the floodway. As currently mapped by the Federal Emergency Management Agency (FEMA), portions of the Mill Race UGB expansion area is within the 100-year flood plain of the Middle Fork Willamette River. Most of this land is in public ownership.

Metro Plan Policy C.31 states:

“When development is allowed to occur in the floodway or floodway fringe, local regulations shall control such development in order to minimize the potential danger to life and property. Within the UGB, development should result in in-filling of partially developed land. Outside the UGB, areas affected by the floodway and floodway fringe shall be protected for their agricultural and sand and gravel resource values, their open space and recreational potential, and their value to water resources.” (III-C-16)

Springfield Development Code 3.3-420C. states that development is prohibited in the floodway unless certification by an engineer or architect is provided demonstrating that encroachments, including fill, new construction, substantial improvements, and other development will not result in any increase in flood levels during the occurrence of the base flood discharge. Replacement of structures already in the floodway is permitted if they are located in the same site and are the same size without the certification.

As shown in Ordinance Exhibit A, the 2030 Plan amendments designate the portion of the North Gateway UGB expansion area within the floodway as “Natural Resource.”

Springfield and Lane County previously adopted implementing measures to reduce risk to people and property from flood hazards within Springfield's UGB. These measures are contained in Springfield Development Code 3.3-400 Floodplain Overlay District and are based on the Oregon Model Flood Damage Prevention Ordinance approved by the Federal Emergency Management Agency (FEMA).

Springfield Development Code 3.3-420A. and B. state that development may occur in areas of special flood hazard if certain development standards for construction of buildings and streets are met.

Springfield Development Code 3.3-420D. states that the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than 1 foot at any point.

Urban and urbanizable land within all areas of special flood hazard as mapped by FEMA is subject to the Floodplain Overlay District development standards (Springfield Development Code 3.3-400 Floodplain Overlay District) in place at the time development occurs.

Landslide hazards. The UGB expansion avoids sloped lands because the needed employment site characteristics are sites with flat topography.

As recommended in Goal 7 Guideline B.2. Springfield requires site-specific reports, appropriate for the level and type of hazard (e.g., hydrologic reports, geotechnical reports or other scientific or engineering reports) prepared by a licensed professional to be submitted with development requests in high hazard areas. Such reports evaluate the risk to the site as well as the risk the proposed development may pose to other properties.

Metro Plan Policy C.32 Local governments shall require site-specific soil surveys and geologic studies where potential problems exist. When problems are identified, local governments shall require special design considerations and construction measures to be taken to offset the soil and geologic constraints present, to protect life and property, public investments, and environmentally-sensitive areas.

Springfield and Lane County previously adopted land use regulations to regulate the development of buildings and streets in hillside areas. These existing implementing measures in Springfield Development Code 3.3-500 Hillside Development Overlay District regulate development to ensure that development minimizes the potential for earth movement and resultant hazards to life and property and provides adequate access for emergency services.

Hillside Development Overlay District standards are applicable in residential zoning districts above 670 feet in elevation OR to development areas below 670 feet in elevation where any portion of the development area exceeds 15 percent slope. The City requires special reports (Geotechnical Report, Grading Plan report, Vegetation and Revegetation Report, Verification of Slope and Grade Percentages, a Development Plan report), special engineering requirements, and fire protection requirements for development approvals in these areas.

Development of this land is subject to Springfield Development Code 3.3-500 Hillside Development Overlay District standards.

The cities of Eugene and Springfield updated the *Multi-jurisdictional Natural Hazards Mitigation Plan* (NHMP) in 2014 to identify natural hazard preparedness. This work was performed in partnership with the Oregon Partnership for Disaster Resilience with funding from the Federal Emergency Management Agency (FEMA) Pre-Disaster Mitigation Grant Program. The natural hazards mitigation plan provides the Springfield community with a set of goals, action items, and resources designed to reduce risk from future natural disaster events.

The City and its Lane Livability Consortium partners recently conducted a planning process funded by a HUD Livable Communities grant to increase community resiliency. A resilient community is one that understands and is prepared for natural hazards and other uncertainties. Preparation starts with an understanding of vulnerabilities. The Lane Livability Consortium toolkit presents tools and results for assessing vulnerability. The findings of the completed assessment are used to inform natural hazards planning and other planning, risk management, and investment decisions.

The *Eugene Springfield Multi-Jurisdictional Emergency Operations Plan* is an all-hazards plan which outlines how the cities of Eugene and Springfield will prepare for and respond to emergencies. The purpose of the plan is to establish a comprehensive approach to protect the life, safety and health of the community. The Basic Plan describes how the cities' emergency management systems are organized and provides a framework for collaboration and coordination in order to provide the most efficient and effective use of resources during emergencies and major disasters. The Basic Plan also supports and facilitates emergency management coordination at the federal, state, and county levels.

Goal 7 Conclusion: Springfield 2030 Comprehensive Plan policies and the existing implementing measures contained in the Springfield Development Code 3.3-400 Floodplain Overlay District have been adopted by Springfield and Lane County to reduce risk to people and property from natural hazards. The proposal addresses flood hazards in compliance with Goal 7. Springfield 2030 Comprehensive Plan policies and the existing implementing measures contained in the Springfield Development Code 3.3-500 Hillside Development Overlay District have been adopted by Springfield and Lane County to reduce risk to people and property from natural hazards. The 2030 Plan amendments are in compliance with Goal 7.

Statewide Planning Goal 8: Recreational Needs

OAR 660-015-0000(8)

To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Goal 8 requires planning to meet recreation needs “now and in the future” by governmental agencies having responsibility for recreation areas, facilities and opportunities: (1) in coordination with private enterprise; (2) in appropriate proportions; and (3) in such quantity,

quality and locations as is consistent with the availability of the resources to meet such requirements. Goal 8 requires State and federal agency recreation plans to be coordinated with local and regional recreational needs and plans. Goal 8 guidelines recommend inventories to determine recreation needs in the planning area,” based on adequate research and analysis of public wants and desires.” “Long range plans and action programs to meet recreational needs should be developed by each agency responsible for developing comprehensive plans.”

Metro Plan IIIH Parks and Recreation Facilities Element policy H.2 states:

“Local parks and recreation plans and analyses shall be prepared by each jurisdiction and coordinated on a metropolitan level. The park standards adopted by the applicable city and incorporated into the city’s development code shall be used in local development processes.” (Page III-H-4)

Springfield’s acknowledged Goal 8 Comprehensive Plan element is the Willamalane Park and Recreation Comprehensive Plan.

Public land UGB amendment. The 2030 Plan amendments expand the UGB to encompass certain existing publicly-owned lands, parks, open space and public facilities that are currently located outside of the UGB. The purpose of the public land expansion is to plan designate and zone those lands to protect critical publicly-owned natural resources, parks and facilities therein and to facilitate the efficient planning and management of these lands to benefit Springfield’s residents. Bringing these public lands owned by the City, Willamalane Parks and Recreation (the City’s park and recreation service provider agency) and Springfield Utility Board into the UGB recognizes the need to provide urban services — including Policing and Fire and Life Safety services to protect the health, safety and welfare of the public. The 2030 Plan Public Land, Parks and Open Space UGB expansion includes:

- Certain SUB/City public land including Springfield Utility Board’s Willamette Well Field drinking water source area and drinking water treatment facility south of South 28th Street and the Springfield Mill Race as mapped and listed in Ordinance Exhibit A; and
- Certain Willamalane Parks and Open Space lands as mapped and listed in Ordinance Exhibit A.

Willamalane Park and Recreation District (WPRD) is designated in the Eugene-Springfield Metropolitan Area General Plan as the park and recreation service provider for Springfield and its urbanizable area. Willamalane is a special service taxing district with the authorization to purchase, develop and maintain park facilities, but it has no authority or obligation for Goal 8 compliance; that responsibility lies with the City of Springfield after coordinating with the Park District.

Willamalane owns 783 acres of land (recent acquisitions not included), 37 facilities, seven community recreation and support facilities, and three undeveloped properties in the greater Springfield area. The planning area for Willamalane's 20-year Park and Recreation Comprehensive Plan is generally defined by Springfield's urban growth boundary (UGB). There are a few minor exceptions to this circumstance where the district boundary is outside the UGB. In those cases the Willamalane's planning area is defined by the district boundary. In addition, the district's boundary generally coincides with the Springfield city limits, but there are some instances where the district boundary is outside the city limits and UGB. Developed areas annexed by the City of Springfield are automatically annexed to the District.

Park and Recreation Community Needs Assessment. As part of the update to Willamalane's Park and Recreation Comprehensive Plan (Comprehensive Plan) an extensive community needs assessment was completed.²³ The Community Needs Assessment included public involvement activities such as surveys and workshops in which community input was solicited from a range of cohort groups. Information on parks and facilities, recreation services, and maintenance and operations was gathered to identify future needs for park and recreation services and infrastructure to meet a growing population.

The district population forecast is the same as the forecast used by the City of Springfield for the residential buildable lands study. Over the next 20 years, the population is projected to increase by 22 percent within the Willamalane planning area. As such, Willamalane will have to increase services, parks and facilities just to maintain the current level of service for the planning area.

Willamalane uses a parkland standard of 14.00 acres per 1,000 residents. Based on this standard, 160 additional acres of parkland are currently needed. By 2030, that total increase to 364 acres. The future parkland need of approximately 364 acres includes 68 acres of Neighborhood Parks, 102 acres of Community Parks, and 194 acres of Natural Area.

Willamalane Comprehensive Plan Map 2 lists proposed park and recreation projects. In the proposed Mill Race UGB expansion area, the following park projects are proposed:

- establishing Georgia Pacific Park as a natural area;
- establishing Clearwater Park as a special use park;
- completion of the Middle Fork multi-use path; and
- construction of the Millrace multi-use path.

The proposed UGB expansion will also include the following Willamalane properties in north Springfield:

- the Oxbow;
- Lively Park; and

²³ Willamalane Park and Recreation Comprehensive Plan, Appendix A

- Ruff Park.

There are five (5) existing parks currently outside the existing UGB that Willamalane has requested to include within the UGB. These parks are:

1. Weyerhaeuser-McKenzie Natural Area Park (Tax Lots 17022900002901, 1702300000401). These tax lots are approximately 55 acres in size. The City of Springfield transferred this property to Willamalane in October of 2013. This natural area is one of a few locations in Springfield that offers potentially ADA accessibility to the McKenzie River. Currently the site is improved with an informal parking area, an internal access road and bridge, and a well field operated by Springfield Utility Board. Willamalane has plans to improve the area with a formal parking area and universal access to the water. These plans are consistent with the *McKenzie River Oxbow Natural Area Master Plan* (the master plan for this natural area) as approved by the City of Springfield on June 18, 2001. Willamalane has plans to complete restoration of the property consistent with recommendations in the Master Plan. In addition, the use of this property as a natural area park and creating an accessible connection to the McKenzie River is consistent with the Willamalane Comprehensive Plan and its Community Needs Assessment.
2. Jack B. Lively Memorial Park (Lively Park) (Tax Lot 1702270001101). This park is a community park and is approximately 32 acres in size. A portion of the park is currently outside the UGB. The park is improved with SPLASH, a regional recreational pool facility, a playground, basketball court, sand volleyball court, walking trails, two picnic shelters and a dog park. The tax lot proposed to be included in the UGB is 9.74 acres in size and currently contains soft-surface walking trails, a footbridge, and the north portion of the dog park, consistent with the 2005, Lively Park Master Plan. Willamalane does not have any plans to further develop this area. The existing trail system on the 9.74 acre parcel is consistent with the Jack B. Lively Memorial Park Master Plan and the Willamalane Comprehensive Plan and Community Needs Assessment to provide additional opportunities for walking.
3. Ruff (Wallace M Jr.) Memorial Park (Tax Lots 1702270001502, 1702341115500). This park is a special use park and is 9.79 acres in size. It is located at 1161 66th Street in the Thurston area of Springfield. The park can be accessed from 66th Street and via a pedestrian path from Jacob Lane, which is to the south of the park. The park is currently improved with walking trails, extensive planting of Magnolia trees, and a foot bridge over Cedar Creek. In the spring of 2013 Willamalane acquired Tax Lot 1702341115500, which is 6.1 acres in size and is south of the existing Ruff Park. Although Willamalane does not currently have plans to develop this newly acquired land, any future development within the park, including the panhandle portion will be consistent with the park standards for special use parks per the Willamalane

Comprehensive Plan and the Ruff Park master plan. Currently the park serves the residents within Levi Landing subdivision, which is immediately south of the park and within the UGB. Since Ruff Park serves the residents in the UGB, it should be in the UGB

4. Clearwater Park (Tax Lots 1802080000300, 1802080000400, 1802080000500, 1802080000600). This park is a special use park and is approximately 66 acres in size. The Park has been undergone many changes in the last 3-5 years. It was recently upgraded with a new boat ramp/landing, parking, restroom, park host site, and soft surface trails. The inlet and new channel for the Springfield Mill Race was developed in 2010. It is also the eastern trailhead for the 4-mile Middle Fork Path. Future use in the park is planned to include archery range, 9-hole disc golf, a nature play-ground, and additional soft surface trails. The park offers a place for recreating with family and friends and connecting with nature. The combination of the Middle Fork Willamette River, Springfield Mill Race and their diverse habitat types, presents an opportunity to enhance natural areas, water quality and wildlife habitat while concurrently providing outdoor education and recreation amenities for the people of Springfield. This is a unique destination in south Springfield.
5. Georgia-Pacific Park. This park is approximately 125 acres in size and is classified as a natural area park. The majority of Georgia-Pacific Park is already located within the UGB. Of the 125 acres, approximately 12 acres is outside the UGB. It is jointly owned by SUB, City of Springfield and Willamalane. Plans include developing the Mill Race Path through the park, connecting to the Middle Fork Path. The Comprehensive Plan, and agreements with SUB and the City, calls for the joint development of a management plan and master plan for the park. Having the entire park included in the UGB will facilitate a joint management approach to the park. Besides developing a portion of the Mill Race Path within Georgia-Pacific Park, Willamalane has no additional development plans. Willamalane staff has conceptualized this area for soft surface trails, and habitat restoration. This is a unique destination in south Springfield. By including this entire property in the UGB, the City is increasing Willamalane's service area within the UGB and within the City's jurisdiction, which is consistent with Willamalane being the park and recreation service provider for the City.

By including these properties within UGB, the City is increasing Willamalane's service area within the UGB and within the City's jurisdiction, which is consistent with Willamalane being the park and recreation service provider for the City.

By incorporating both Clearwater Park and all of Georgia-Pacific Park into the UGB, the City of Springfield incorporates a regional path system within its jurisdiction. The Middle Fork Path and the Mill Race Path (once completed), will be an eight mile multi-use path that connects downtown to the Middle Fork Willamette River.

The City is bringing into its jurisdiction an increased amount of natural area parks that offer the community the opportunity to access nearby waterways, unique vegetative habitats, and an expanding network of trails and paths.

The UGB line truncates several of these Parks: Lively, Ruff, G-Pacific Park. Currently, these portions of the parks are outside the UGB and Metro Plan boundary and are subject to the Lane Rural Comprehensive Plan and Lane Code. Amending the UGB so that the entire park is within the Metro Plan boundary and Springfield UGB facilitates consistent and efficient comprehensive planning and park management considerations.

Once within the UGB, it is anticipated that the public safety of the parks may increase since the City of Springfield will have planning jurisdiction over these parks and could provide for quicker response time for emergency services compared to County enforcement and emergency services.

The proposed UGB expansion provides a significant opportunity to meet the parkland need for existing and future residents and workers in Springfield, as well as the public at large.

In 2011, Springfield Ordinance 6268 was adopted and acknowledged. The ordinance adopted the Springfield UGB and the Springfield Residential Land and Housing Needs Analysis (RLHNA). The RLHNA identified a deficit of 300 acres of parkland.

The current, acknowledged Springfield UGB only partially addressed land needed for parks, open space and public facilities. Thus, the current UGB does not provide sufficient land for parks and open space, as identified in Springfield's Goal 8 Comprehensive Plan element — the Willamalane Comprehensive Plan.

The proposed UGB expansion addresses a portion of parkland and open space needs that can be met on publicly owned land adjacent to the existing UGB.

Springfield's review and amendment of the UGB to encompass existing publicly owned parks, open space and key public facilities land does not trigger simultaneous review and amendment of housing need or other category of land need. The lands in the UGB expansion are already designated and zoned Parks and Open Space, Agriculture in the Lane County Rural Comprehensive Plan — all non-urban, non-residential land located outside of the current UGB, therefore Springfield's buildable land inventory is not affected.

Therefore the proposed UGB amendment in consideration of one category of land need — certain public facilities, parkland and open space — is consistent with OAR 660-024-0040(3).

Goal 8 Conclusion: Amending the UGB and Metro Plan boundary to including existing Willamalane Parks and Open Space land is consistent with Goal 8 and 14.

Statewide Planning Goal 11: Public Facilities and Services

OAR 660-015-0000(11)

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.

Goal 11 requires urban development to be guided and supported by types and levels of urban public facilities and services appropriate for, but limited to, the needs and requirements of the urban and urbanizable areas to be served. A provision for key facilities must be included in each plan. Jurisdictions are required to develop and adopt public facility plans for areas within urban growth boundaries.

The goal defines “a timely, orderly and efficient arrangement” as “a system or plan that coordinates the type, locations and delivery of public facilities and services in a manner that best supports the existing and proposed land uses.”

The goal defines “urban facilities and services” as “key facilities and to appropriate types and levels of at least the following: police protection; sanitary facilities; storm drainage facilities; planning, zoning and subdivision control; health services; recreation facilities and services; energy and communication services; and community governmental services.”

As recommended in Goal 11 guideline A.1, the Goal 14 administrative rules provide rules for coordinating plans providing for public facilities and services with plans for designation of urban boundaries, urbanizable land, and for the transition of rural land to urban uses.

OAR 660-024-0040 addresses how land needs for the 20-year planning period must be determined, including land needs for employment, transportation and public facilities.

OAR 660-024-0040(7)

“The determination of 20-year land needs for transportation and public facilities for an urban area must comply with applicable requirements of Goals 11 and 12, rules in OAR chapter 660, divisions 11 and 12, and public facilities requirements in ORS 197.712 and 197.768. The determination of school facility needs must also comply with 195.110 and 197.296 for local governments specified in those statutes.”

Conclusion Goal 11 Applicability. Goal 11 is applicable to the 2030 plan amendments as it relates to the City’s determination of 20-year land needs for public facilities for the urban area. School facility needs are not addressed in the 2030 Plan amendments.

Metro Plan Public Facilities and Services Element. The City's 2030 Plan amendments rely upon the acknowledged Metro Plan policies, plans and findings to demonstrate Springfield's continued compliance with Goal 11 for Springfield's urban area. The Metro Plan III-G. Public Facilities and Services Element is the determination of 20-year land needs for transportation and public facilities for the lands within the Metro Plan boundary, including Springfield's urban and urbanizable areas.

The Springfield CIBL/EOA is the City's determination of 20-year land needs for employment. 20-year land needs for transportation and public facilities to serve employment and other uses will be accommodated via existing or planned facilities as identified in the Metro Plan Public Facilities and Services Element. The Metro Plan "Public Facilities and Services Element provides direction for the future provision of urban facilities and services to planned land uses within the *Metro Plan Plan Boundary*." (p. III-G-1)

The 2030 Plan amendments expand the UGB and Metro Plan boundary to meet long term employment needs and to bring existing public facilities, parks and open space into the City's UGB and Metro Plan boundary. The 2030 Plan amendment Ordinance Exhibit A amends both the Springfield UGB and the Metro Plan boundary within Springfield's jurisdictional area east of Interstate 5.

Lands within the existing UGB are subject to the Public Facilities and Services Element of the Metro Plan (Chapter III G), associated public facilities plans, policies, and existing acknowledged measures (Springfield Development Code land use regulations) that implement Public Facilities and Services Element of the Metro Plan (Chapter III G) plans and policies.

Lands added to the Springfield UGB and the Metro Plan boundary will be subject to the Public Facilities and Services Element of the Metro Plan (Chapter III G), associated public facilities plans, policies, and existing acknowledged measures (Springfield Development Code land use regulations) that implement Public Facilities and Services Element of the Metro Plan (Chapter III G) plans and policies.

2030 Plan establishes "holding area" designation and zoning allowing interim uses in UGB expansion areas consistent with Metro Public Facilities and Services Element. The 2030 Plan amendments plan and zone the UGB expansion areas new land uses within the *Metro Plan* plan boundary to allow agriculture uses, public facilities, parks and open space. These uses are the same uses the Metro Plan Public Facilities and Services Element assumed would occur in those areas.

At the time the Metro Plan Public Facilities and Services Element was acknowledged, the lands included in Springfield's UGB expansion were all within the Metro Plan Boundary²⁴. The

²⁴ A Metro Plan Boundary amendment initiated by Lane County was acknowledged in 2013. The result of that amendment was a Metro Plan Boundary east of Interstate 5 that is coterminous with Springfield's

acknowledged Metro Plan Public Facilities and Services Element provides direction for the future provision of urban facilities and services to planned land uses within the *Metro Plan* Plan Boundary as planned at the time the Metro Plan Public Facilities and Services Element was acknowledged. Planned land uses for lands within Springfield’s existing UGB — as articulated in the 2030 Plan amendments — are consistent with planned uses as designated in the acknowledged Metro Plan and as provided with services pursuant to the Metro Plan Public Facilities and Services Element. Planned land uses for lands in Springfield’s UGB expansion areas were assumed to be agriculture uses, public facilities, parks and open space.

2030 Plan long term planned uses within the UGB expansion area are employment uses, public facilities, parks and open space. Lands planned to meet long term employment needs are designated Urban Holding Area-Employment (UHA-E) and zoned Agriculture—Urban Holding Area (AG), an urban transition holding zone. The existing uses on lands designated Urban Holding Area – Employment and zoned Agriculture are agricultural uses and associated farm dwellings. Urban uses are not permitted until after annexation. Lands planned for public facilities, parks and open space are designated Public/Semi Public and zoned Public Land and Open Space.

Public facility plans coordinate the type, locations and delivery of public facilities and services in a timely, orderly and efficient manner. Goal 11 requires cities to develop and adopt public facility plans that describe how urban development will be guided and supported by types and levels of urban public facilities and services appropriate for, but limited to, the needs and requirements of the urban and urbanizable lands within the urban growth boundary to be served. The public facility plan is a support document to the comprehensive plan that coordinates the type, locations and delivery of public facilities and services in a timely, orderly and efficient manner that best supports the existing and proposed land uses. Division 11 provides rules for developing public facility plans. The facility plan describes the water, sewer and transportation facilities which are to support the land uses designated in the acknowledged comprehensive plan [OAR 660-015-0000(1)].

The designated interim “Urban Holding Area – Employment,” the designated “Public/semi-public” and “Natural Resource” land uses in the 2030 Plan amendments are supported by the Metro Plan Public Facilities and Services policies and PFSP.

For the purposes of Goal 11, a water system is subject to regulation under ORS 448.119 to 448.285[OAR 660-015-0000(1)].

For the purposes of Goal 11, extension of a sewer or water system means the extension of a pipe, conduit, pipeline, main, or other physical component from or to an existing sewer or water system, as defined by Commission rules.

existing UGB. The City’s 2030 Plan will expand the Metro Plan Boundary east of Interstate 5 to be coterminous with Springfield’s *amended* UGB.

Goal 11 guideline 1 states that plans providing for public facilities and services should be coordinated with plans for designations of urban boundaries, urbanizable land, and the transition from rural land to urban uses.

The 2030 Plan Urbanization Element includes policies requiring timely coordination of public facilities planning with land use and transportation planning to guide the transition of lands added to the UGB from rural to urban.

Goal 11 guideline 3 states that public facilities and services in urban areas should be provided at levels necessary and suitable for urban uses.

Goal 11 guideline 4 states: “Public facilities and services in urbanizable areas should be provided at levels necessary and suitable for existing uses. The provision for future public facilities and services in these areas should be based upon: (1) the time required to provide the service; (2) reliability of service; (3) financial cost; and (4) levels of service needed and desired.” (emphasis added)

Public facilities and services in urbanizable areas should be provided at levels necessary and suitable for existing uses. Existing uses in the UGB expansion areas are rural uses. Urban employment uses are not permitted outright by adoption of the 2030 Plan amendments. Instead, as described in the City’s findings below and under Goal 14, these lands are designated and zoned with an interim “holding zone.”

The 2030 Plan Urbanization Element includes policies requiring timely provision of urban services through the annexation process, consistent with applicable Metro Plan policies.

2030 Plan Urbanization Element Policy 30:

“Unincorporated land within the Springfield UGB may be developed with permitted uses at maximum density only upon annexation to the City when it is found that key urban facilities and services can be provided to the area to be annexed in an orderly and efficient manner. Provision of these services to the area proposed for annexation is consistent with the timing and location for such extension, where applicable, in the City’s infrastructure plans — such as the Public Facilities and Services Plan; the Springfield Transportation System Plan; the City’s Capital Improvement Program; and the urbanization goals, policies and implementation strategies of this Element — or a logical time within which to deliver these services has been determined, based upon demonstrated need and budgetary priorities.”

The PFSP describes the facilities and services needed in urban areas to provide service levels necessary and suitable for urban uses.

Eugene-Springfield Metropolitan Area Public Facilities and Services Plan. The Metro Plan Public Facilities and Services Element incorporates the findings and policies in the Eugene-Springfield Metropolitan Area Public Facilities and Services Plan (PFSP), adopted as a refinement to the Metro Plan. The PFSP is Springfield’s acknowledged public facility plan. The PFSP provides guidance for public facilities and services, including planned water, wastewater, stormwater, and electrical facilities. As required by Goal 11, the PFSP identifies and shows the general location of the water, wastewater, and stormwater projects needed to serve land within the UGB. The PFSP also contains this information for electrical facilities, although not required to by law. (p. III-G-1, 2) The PFSP addresses facilities and services needed to serve the land uses designated in the comprehensive plan, including all urban land designated urban development within the Springfield UGB. The PFSP helps assure that urban development within Springfield’s urban growth boundary is guided and supported by types and levels of urban facilities and services appropriate for the needs and requirements of the urban areas to be serviced, and that those facilities and services are provided in a timely, orderly and efficient arrangement, as required by Goal 11.

Springfield has a PFSP as required under ORS 197.712(2)(e).

Before the newly urbanizable land added to the Springfield UGB can transition from urbanizable to urban (e.g. annexation to the City of Springfield to allow urban development), transportation and public facilities must be planned and provided to serve the areas added to the UGB.

2030 Plan Urbanization Element Policy 29 states:

“Annexation shall continue to be a prerequisite for urban development and the delivery of City services in accordance with the Springfield Comprehensive Plan and Springfield Development Code.”

2030 Plan Urbanization Element Policy 30 states:

“Unincorporated land within the Springfield UGB may be developed with permitted uses at maximum density only upon annexation to the City when it is found that key urban facilities and services can be provided to the area to be annexed in an orderly and efficient manner. Provision of these services to the area proposed for annexation is consistent with the timing and location for such extension, where applicable, in the City’s infrastructure plans — such as the Public Facilities and Services Plan; the Springfield Transportation System Plan; the City’s Capital Improvement Program; and the urbanization goals, policies and implementation strategies of this Element — or a logical time within which to deliver these services has been determined, based upon demonstrated need and budgetary priorities.”

2030 Plan requires timely amendment of PFSP. 2030 Plan Urbanization Element Policy 37 requires the PFSP to be updated prior to approval of a PAPA or zoning amendment that permits urban development above the level currently permitted in the existing Lane County zoning:

“Prior to re-designating and rezoning land designated Urban Holding Area-Employment, the City shall update and adopt amendments to the Eugene-Springfield Metropolitan Public Facilities and Services Plan (PFSP) that may be needed to identify new facilities or major modification of facilities needed to serve development of urban employment uses within the North Gateway or Mill Race districts as necessary to demonstrate consistency with statewide planning Goal 11 and Goal 11 administrative rules requirements and the policies of Metro Plan Chapter III-G Public Facilities Element of the Metro Plan.”

Goal 11 guideline 5 states “A public facility or service should not be provided in an *urbanizable* area unless there is provision for coordinated development of all the other urban facilities and services appropriate to that area.”

Public facilities and services in Springfield’s *urban* areas will be provided at levels necessary and suitable for urban uses only after annexation to the City and shall be coordinated with development of all the other urban facilities and services appropriate to that area. [2030 Urbanization Element Policies 29, 30 and 31]

2030 Plan Urbanization Element Policy 27 states:

“The coordinated, timely provision of urban services is a central element of the City’s comprehensive growth management strategy for infill, redevelopment and new development. Development undertaken in pursuit of housing goals, diversifying the economy and neighborhood livability shall occur only after the logical and efficient delivery of all urban services have been provided to these sites.

- ***Prepare and adopt comprehensive plan and zoning updates at the neighborhood, district, and corridor scale to determine the density, character and design of urban development in alignment with infrastructure capacity to ensure efficient and economical delivery of urban services in balance with the City’s financial resources.”***

2030 Plan Urbanization Element Policy 28 states:

“Regionally significant public investments within Springfield’s UGB shall be planned on a metropolitan-wide basis, as described in the regional transportation and public facilities plans.”

The 203 Plan Urbanization Element (Ordinance Exhibit C-1, page 15-17 sets forth required planning procedures to ensure timely coordination of facilities planning for the UHA-E designated lands added to the UGB:

“PLAN AMENDMENT PROCEDURES AND REQUIREMENTS TO DESIGNATE UHA-E URBANIZABLE LAND FOR URBAN DEVELOPMENT BEFORE ANNEXATION AND DEVELOPMENT APPROVAL

Lands designated UHA-E require comprehensive plan amendments and may require facility plan amendments prior to their designation and zoning for urban employment use. The policies and implementation strategies in this Urbanization Element describe Statewide Planning Goal requirements that must be addressed prior to approval of plan and zoning changes that allow the transition from urbanizable to urban on lands designated UHA-E. Specific policies and implementation strategies are listed under each Urbanization Planning Goal to identify the steps needed before land may be designated, zoned and annexed to permit development to occur. These steps ensure that ample opportunities for citizen involvement are provided through community refinement planning processes conducted at the district scale to establish employment land use designations, zoning, design and development standards, transportation systems and public facilities to meet and balance community and industry needs in the North Gateway and Mill Race UHA-E Districts.”

and:

“Planning Requirements in Urban Holding Areas

District, refinement plan or master plan approval is required prior to or concurrent with annexation of land designated Urban Holding Area- Employment as shown in Table 3. Urban Holding Areas are zoned Agriculture - Urban Holding Area (AG) prior to plan amendment approval and prior to annexation.”

Table 5: Pre-Development Approval Process Steps – Urban Holding Areas	
City-initiated Planning Process	Owner-initiated Planning Process
1. City prepares Plan Amendment to address all applicable Statewide Planning Goals (e.g. amended or new refinement plan or district plan), Metro Plan and 2030 Comprehensive Plan policies and Springfield Development Code standards.	1. Applicant submits request to City to initiate amendments to Transportation System Plan and Public Facilities and Services Plan, and other city actions that may be required prior to plan amendment approval.
2. City and Lane County approve Plan Amendment to amend Metro Plan and Springfield 2030 Comprehensive Plan. UHA-E designation is replaced with employment plan designations (e.g. Employment, Employment Mixed Use, Campus Industrial, Industrial).	2. Applicant prepares and submits Plan Amendment application to address all applicable Statewide Planning Goals, Metro Plan and 2030 Comprehensive Plan policies, and Springfield Development Code standards. Applicant proposes employment plan

AG zoning remains in effect until Master Plan and new zoning are approved.	designations (e.g. Employment, Employment Mixed Use, Campus Industrial, Industrial).
3. City prepares and approves Zoning Map Amendment to apply new zoning districts (e.g. Industrial, Campus Industrial, Employment Mixed Use, Employment). Land is planned and zoned and eligible for annexation.	3. City and Lane County approve Plan Amendment to amend Metro Plan and Springfield 2030 Comprehensive Plan. UHA-E designation is replaced with employment plan designations (e.g. Employment, Employment Mixed Use, Campus Industrial, Industrial). AG zoning remains in effect until Master Plan and new zoning are approved.
4. Applicant prepares and submits Master Plan and annexation applications with demonstration of key urban service provision.	4. Applicant prepares and submits Master Plan with proposed zoning and demonstration of key urban services provision. Applicant submits annexation application.
5. City approves City approves Master Plan and annexation.	5. City approves Master Plan and Zoning Map Amendment and annexation.
6. Applicant submits Master Plan Type III, and Site Plan, Subdivision etc. Type II development applications.	6. Applicant submits Site Plan, Subdivision etc. Type II development applications.

The requirements above are also provided in the City’s AG Zoning District land use regulations (Ordinance Exhibit E), as explained in the City’s findings under Goals 9 and 14.

OAR 660-024-0060(8)

“The Goal 14 boundary location determination requires evaluation and comparison of the relative costs, advantages and disadvantages of alternative UGB expansion areas with respect to the provision of public facilities and services needed to urbanize alternative boundary locations...

The evaluation and comparison must include:

- (a) The impacts to existing water, sanitary sewer, storm water and transportation facilities that serve nearby areas already inside the UGB;*
- (b) The capacity of existing public facilities and services to serve areas already inside the UGB as well as areas proposed for addition to the UGB; and*
- (c) The need for new transportation facilities, such as highways and other roadways, interchanges, arterials and collectors, additional travel lanes, other*

major improvements on existing roadways and, for urban areas of 25,000 or more, the provision of public transit service.”

Goal 11 is applicable to the 2030 plan amendments as it relates to the City’s Goal 14 Boundary Alternatives Analysis process to evaluate and compare potential UGB expansion areas.

As part of Springfield’s 2030 Plan CIBL/EOA planning process, ECO Northwest and the City conducted analysis to identify public facilities and services needed to serve target employers, forecast employment growth industries, site types and site needs. The CIBL/EOA planning process identified infrastructure and service capacity constraints and development constraints as they affect the suitability and serviceability of lands in the CIBL inventory to meet identified employment site needs. ECONorthwest and the City examined industry service needs to evaluate the capacity of existing and planned public facilities and services (water, sanitary sewer, stormwater and transportation facilities) to serve areas already inside the UGB as well as areas proposed for addition to the UGB.

As part of Springfield’s UGB Alternatives Analysis process, the City conducted a series of comparative analyses to determine the degree of difficulty of serving alternative locations for UGB expansion, to identify the facilities and services that potentially will be needed and to estimate cost of developing and providing infrastructure and services. The City’s comparative estimated costs are high level approximate “rough cost estimates” expressed in current-year dollars, developed to aid in achieving the requirements of Goal 11, Public Facilities and Services, OAR 660-015-0000(11). Project cost estimates are not intended to be as exact as is required for budgeting purposes.

Goal 14 comparative analyses of serving alternative UGB expansion locations. As part of the City’s evaluation of candidate lands to include in the UGB expansion, staff conducted outreach with agency staff and service providers to conduct comparative analyses of alternative UGB expansion locations to:

- Identify public facilities and services that may be required to serve candidate areas;
- Estimate costs to provide services public facilities and services that may be required to serve candidate areas;
- Identify candidate areas or portions thereof that could be served by facilities that are already planned to serve lands within the existing UGB.
- Compare 20-year land needs for transportation and public facilities that may be required to serve the UGB expansion areas as they ultimately develop with urban uses. For this high level analysis, the City assumed Campus Industrial–type employment uses and densities would be planned for the expansion areas.

The City evaluated and compared of the relative costs, advantages and disadvantages of alternative UGB expansion areas with respect to the provision of public facilities and services

needed to urbanize alternative boundary locations:²⁵ The City’s analysis identified the facilities and services that potentially will be needed — based on service levels for industrial and commercial uses consistent with plan policies.

ORS 197.712(2)(c)

“By the adoption of new goals or rules, or the application, interpretation or amendment of existing goals or rules, the Land Conservation and Development Commission shall implement all of the following:

(c) Comprehensive plans and land use regulations shall provide for at least an adequate supply of sites of suitable sizes, types, locations and service levels for industrial and commercial uses consistent with plan policies.”

The 2030 Plan expands the UGB to “provide at least an adequate supply of sites of suitable sizes, types, locations and service levels for industrial and commercial uses consistent with plan policies.” For the purposes of the City’s public facilities and services analysis to compare and evaluate potentially suitable UGB expansion areas under Goal 14, the City evaluated needed urban services levels for industrial and commercial uses consistent with plan policies in the Metro Plan Public Facilities and Services Element, PFSP, and 2030 Plan Urbanization Element.

OAR 660-011-0025 Timing of Required Facilities

“(1) The public facilities plan shall include a general estimate of the timing for the planned public facility projects. This timing component of the public facilities plan can be met in several ways depending on whether the project is anticipated in the short term or long term. The timing of projects may be related directly to population growth, e.g., the expansion or new construction of water treatment facilities. Other facility projects can be related to a measure of the facility’s service level being met or exceeded, e.g., a major arterial or intersection reaching a maximum vehicle-per-day standard. Development of other projects may be more long term and tied neither to specific population levels nor measures of service levels, e.g., sewer projects to correct infiltration and inflow problems. These projects can take place over a long period of time and may be tied to the availability of long-term funding. The timing of projects may also be tied to specific years.

(2) Given the different methods used to estimate the timing of public facilities, the public facility plan shall identify projects as occurring in either the short term or long term, based on those factors which are related to project

²⁵ The City’s findings under Goal 14: “Public Facilities Analysis” provide summaries of public facilities for UGB study area lands organized by priority categories pursuant to ORS 197.298, and specific references to the facilities plans used as the factual base to inform the analysis.

development. For those projects designated for development in the short term, the public facility plan shall identify an approximate year for development. For those projects designated for development over the long term, the public facility plan shall provide a general estimate as to when the need for project development would exist, e.g., population level, service level standards, etc. Timing provisions for public facility projects shall be consistent with the acknowledged comprehensive plan's projected growth estimates. The public facility plan shall consider the relationships between facilities in providing for development.

(3) Anticipated timing provisions for public facilities are not considered land use decisions as specified in ORS 197.712(2)(e), and, therefore, cannot be the basis of appeal under ORS 197.610(1) and (2) or 197.835(4)."

2030 Plan Urbanization Element Policy 37 requires the PFSP to be updated prior to approval of a PAPA or zoning amendment that permits urban development above the level currently permitted in the existing Lane County zoning:

"Prior to re-designating and rezoning land designated Urban Holding Area-Employment, the City shall update and adopt amendments to the Eugene-Springfield Metropolitan Public Facilities and Services Plan (PFSP) that may be needed to identify new facilities or major modification of facilities needed to serve development of urban employment uses within the North Gateway or Mill Race districts as necessary to demonstrate consistency with statewide planning Goal 11 and Goal 11 administrative rules requirements and the policies of Metro Plan Chapter III-G Public Facilities Element of the Metro Plan."

To evaluate and compare the ESEE consequences of expanding the UGB in different locations under ORS 197.298 and Goal 14, City Engineering and Finance staff:

- Identified projects that would likely be needed to serve the area
- Prepared rough cost estimates of projects
- Identified potential funding mechanisms

Timing of needed projects shall be identified when the PFSP is updated.

OAR 660-011-0030 Location of Required Facilities

"(1) The public facility plan shall identify the general location of the public facility project in specificity appropriate for the facility. Locations of projects anticipated to be carried out in the short term can be specified more precisely than the locations of projects anticipated for development in the long term.

(2) Anticipated locations for public facilities may require modifications based on subsequent environmental impact studies, design studies, facility master plans, capital improvement programs, or land availability. The public facility plan should anticipate those changes as specified in OAR 660-011-0045.”

The existing PFSP and local facilities plans identify general location of needed public facility projects to serve lands designated for urban employment and other uses within the existing UGB.

The City’s UGB Boundary Alternatives Analysis findings²⁶ (Public Facilities and Services Analysis) identifies anticipated locations for public facilities needed to serve uses within the existing UGB and the UGB expansion areas.

OAR 660-011-0035 Determination of Rough Cost Estimates for Public Facility Projects and Local Review of Funding Mechanisms for Public Facility Systems

“(1) The public facility plan shall include rough cost estimates for those sewer, water, and transportation public facility projects identified in the facility plan. The intent of these rough cost estimates is to:

(a) Provide an estimate of the fiscal requirements to support the land use designations in the acknowledged comprehensive plan; and

(b) For use by the facility provider in reviewing the provider's existing funding mechanisms (e.g., general funds, general obligation and revenue bonds, local improvement district, system development charges, etc.) and possible alternative funding mechanisms. In addition to including rough cost estimates for each project, the facility plan shall include a discussion of the provider's existing funding mechanisms and the ability of these and possible new mechanisms to fund the development of each public facility project or system. These funding mechanisms may also be described in terms of general guidelines or local policies.

(2) Anticipated financing provisions are not considered land use decisions as specified in ORS 197.712(2)(e) and, therefore, cannot be the basis of appeal under ORS 197.610(1) and (2) or 197.835(4).”

The existing PFSP and local facilities plans comply with OAR 660-011-0035. The City’s UGB Boundary Alternatives Analysis planning process provided planning level rough cost estimates. Estimated project costs and comparisons are provided in the City’s findings under Goal 14.

²⁶ The referenced City’s findings are located in this report under Goal 14 subheader OAR 660-024-0060.

OAR Division 11 Conclusion: Springfield’s existing comprehensive plan, PFSP and 2030 Plan Urbanization Element policies comply with the applicable rules of Division 11.

Consistency with Metro Plan Public Facilities and Services Element. The 2030 Plan amendments do not include amendments to the Metro Plan Public Facilities and Services Element or concurrent amendments to the PFSP. The following findings and policies from the existing acknowledged Metro Plan Public Facilities and Services Element are applicable to Springfield land use decisions. Thus, the findings and policies are related to the 2030 Plan amendments, are provided in this report to demonstrate compliance with Goal 11 and Division 11 Public Facilities Planning, and to provide context for the 2030 Plan amendments. Excerpts from existing plan text are shown in italicized font.

“The availability of public facilities and services is a key factor influencing the location and density of future development. The public’s investment in, and scheduling of, public facilities and services are a major means of implementing the Metro Plan. As the population of the Eugene-Springfield area increases and land development patterns change over time, the demand for urban services also increases and changes. These changes require that service providers, both public and private, plan for the provision of services in a coordinated manner, using consistent assumptions and projections for population and land use.”

Goals

1. *Provide and maintain public facilities and services in an efficient and environmentally responsible manner.*
2. *Provide public facilities and services in a manner that encourages orderly and sequential growth.*

Findings and Policies

- *Urban expansion within the UGB is accomplished through in-fill, redevelopment, and annexation of territory which can be served with a minimum level of key urban services and facilities. This permits new development to use existing facilities and services, or those which can be easily extended, minimizing the public cost of extending urban facilities and services.*
- *In accordance with Statewide Planning Goal 11 and OAR 660, the Public Facilities and Services Plan identifies jurisdictional responsibility for the provision of water, wastewater and stormwater, describes respective service areas and existing and planned water, wastewater, and stormwater facilities, and contains planned facilities maps for these services. Electric system information and improvements are included in the Public Facilities and Services Plan, although not required by state law. Local facility master plans and refinement plans provide more specific project information.*

- *The Public Facilities and Services Plan finds that almost all areas within the city limits of Eugene and Springfield are served or can be served in the short-term (0-5 years) with water, wastewater, stormwater, and electric service. Exceptions to this are stormwater service to portions of the Willow Creek area and southeast Springfield, and full water service at some higher elevations in Eugene’s south hills. Service to these areas will be available in the long term. Service to all areas within city limits are either in a capital improvement plan or can be extended with development.*
- *With the improvements specified in the Public Facilities and Services Plan project lists, all urbanizable areas within the UGB can be served with water, wastewater, stormwater, and electric service at the time those areas are developed. In general, areas outside city limits serviceable in the long term are located near the urban growth boundary and in urban reserves, primarily in River Road/Santa Clara, west Eugene’s Willow Creek area, south Springfield, and the Thurston and Jasper-Natron areas in east Springfield.*
- *As discussed in the Public Facilities and Services Plan, a majority of Nodal Development Areas proposed in TransPlan are serviceable now or in the short term. The City of Eugene’s adopted Growth Management Policy #15 states, “Target publicly-financed infrastructure extensions to support development for higher densities, in-fill, mixed uses, and nodal development.”*
- *Springfield relies on groundwater for its sole source of water. Eugene Water & Electric Board’s (EWEB) water source is the McKenzie River and EWEB is developing groundwater sources. The identification of projects on the Public Facilities and Services Plan planned facilities map does not confer rights to a groundwater source.*
- *Administration and enforcement of the Clean Water Act stormwater provisions occur at the state level, through National Pollutant Discharge Elimination System (NPDES) permitting requirements. Applicable jurisdictions are required to obtain an NPDES stormwater permit from the Oregon Department of Environmental Quality (DEQ), and prepare a water quality plan outlining the Best Management Practices (BMPs) to be taken over a five-year permit period for reducing stormwater pollutants to “the maximum extent practicable.”*
- *The Clean Water Act requires states to assess the quality of their surface waters every three years, and to list those waters that do not meet adopted water quality standards. The Willamette River and other water bodies have been listed as not meeting the standards for temperature and bacteria. This will require the development of Total*

Maximum Daily Loads (TMDLs) for these pollutants, and an allocation to point and non-point sources.

- *The listing of Spring Chinook Salmon as a threatened species in the Upper Willamette River requires the application of Endangered Species Act (ESA) provisions to the salmon's habitat in the McKenzie and Willamette Rivers. The decline in the Chinook Salmon has been attributed to such factors as destruction of habitat through channelization and revetment of river banks, non-point source pollution, alterations of natural hydrograph by increased impervious surfaces in the basin, and degradation of natural functions of riparian lands due to removal or alteration of indigenous vegetation.*
- *There are many advantages to keeping channels open, including, at a minimum, natural biofiltration of stormwater pollutants; greater ability to attenuate effects of peak stormwater flows; retention of wetland, habitat, and open space functions; and reduced capital costs for stormwater facilities.*
- *An increase in impervious surfaces, without mitigation, results in higher peak flows during storm events, less opportunity for recharging of the aquifer, and a decrease in water quality.*
- *Stormwater systems tend to be gravity-based systems that follow the slope of the land rather than political boundaries. In many cases, the natural drainageways such as streams serve as an integral part of the stormwater conveyance system.*
- *In general, there are no programs for stormwater maintenance outside the Eugene and Springfield city limits, except for the Lane County Roads Program. State law limits county road funds for stormwater projects to those located within the public right-of-way.*
- *Filling in designated floodplain areas can increase flood elevations above the elevations predicted by Federal Emergency Management Agency (FEMA) models, because the FEMA models are typically based only on the extent of development at the time the modeling was conducted and do not take into account the ultimate buildout of the drainage area. This poses risks to other properties in or adjacent to floodplains and can change the hydrograph of the river.*
- *State Planning Goal 5 and OAR 660-023-0090 require state and local jurisdictions to identify and protect riparian corridors.*

Policies

- **Policy G.1: Extend the minimum level and full 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 this chapter, and other Metro Plan policies.**
- **Policy G.2: 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, capital improvement plans and ordinances as the guide for detailed planning and project implementation.**
- **Policy G.3: Modifications and additions to or deletions from the project lists in the Public Facilities and Services Plan for water, wastewater, and stormwater public facility projects or significant changes to project location, from that described in the Public Facilities and Services Plan maps 1, 2 and 3, require amending the Public Facilities and Services Plan and the Metro Plan, except for the following:**
 - 1) Modifications to a public facility project which are minor in nature and do not significantly impact the project's general description, location, sizing, capacity or other general characteristic of the project; or**
 - 2) Technical and environmental modifications to a public facility which are made pursuant to final engineering on a project; or**
 - 3) Modifications to a public facility project which are made pursuant to findings of an Environmental Assessment or Environmental Impact Statement conducted under regulations implementing the procedural provisions of the National Environmental Policy Act of 1969 or any federal or State of Oregon agency project development regulations consistent with that act and its regulations.**
- **Policy G.4: The cities and Lane County shall coordinate with EWEB, SUB, and special service districts operating in the metropolitan area, to provide the opportunity to review and comment on proposed public facilities, plans, programs, and public improvement projects or changes thereto that may affect one another's area of responsibility.**
- **Policy G.7: 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.**

- ***Policy G.10: Continue to take positive steps to protect groundwater supplies. The cities, county, and other service providers shall manage land use and public facilities for groundwater-related benefits through the implementation of the Springfield Drinking Water Protection Plan and other wellhead protection plans. Management practices instituted to protect groundwater shall be coordinated among the City of Springfield, City of Eugene, and Lane County.***
- ***Policy G.11: Ensure that water main extensions within the urban growth boundary include adequate consideration of fire flows.***
- **Policy G.13: Improve surface and ground water quality and quantity in the metropolitan area by developing regulations or instituting programs for stormwater to:**
 - a. **Increase public awareness of techniques and practices private individuals can employ to help correct water quality and quantity problems;**
 - b. **Improve management of industrial and commercial operations to reduce negative water quality and quantity impacts;**
 - c. **Regulate site planning for new development and construction to better manage pre- and post-construction storm runoff, including erosion, velocity, pollutant loading, and drainage;**
 - d. **Increase storage and retention and natural filtration of storm runoff to lower and delay peak storm flows to settle out pollutants prior to discharge into waterways;**
 - e. **Require on-site controls and development standards, as practical, to reduce off-site impacts from stormwater runoff;**
 - f. **Use natural and simple mechanical treatment systems to provide treatment for potentially contaminated runoff waters;**
 - g. **Reduce street-related water quality and quantity problems;**
 - h. **Regulate use and require containment and/or pretreatment of toxic substances;**
 - i. **Include containment measures in site review standards to minimize the effects of chemical and petroleum spills; and**
 - j. **Consider impacts to ground water quality in the design and location of dry wells.**

- ***Policy G.14: Implement changes to stormwater facilities and management practices to reduce the presence of pollutants regulated under the Clean Water Act and to address the requirements of the Endangered Species Act.***
- ***Policy G.15: Consider wellhead protection areas and surface water supplies when planning stormwater facilities.***
- ***Policy G.16: Manage or enhance waterways and open stormwater systems to reduce water quality impacts from runoff and to improve stormwater conveyance.***
- ***Policy G.17: Include measures in local land development regulations that minimize the amount of impervious surface in new development in a manner that reduces stormwater pollution, reduces the negative effects from increases in runoff, and is compatible with Metro Plan policies.***
- ***Policy G.18: The cities and Lane County shall adopt a strategy for the unincorporated area of the urban growth boundary to: reduce the negative effects of filling in floodplains and prevent the filling of natural drainage channels except as necessary to ensure public operations and maintenance of these channels in a manner that preserves and /or enhances floodwater conveyance capacity and biological function.***
- ***Policy G.19: Maintain flood storage capacity within the floodplain, to the maximum extent practical, through measures that may include reducing impervious surface in the floodplain and adjacent areas.***
- ***Policy G.26: Plan for the following levels of service for rural designations outside the urban growth boundary within the Metro Plan Boundary:***
 - a. Agriculture, Forest Land, Sand and Gravel, and Parks and Open Space. No minimum level of service is established.***
 - b. Rural Residential, Rural Commercial, Rural Industrial, and Government and Education. On-site sewage disposal, individual water systems, rural level of fire and police protection, electric and communication service, schools, and reasonable access to solid waste disposal facility.***
- ***Policy G.27: Consistent with local regulations, locate new urban water, wastewater, and stormwater facilities on farm land and urban water and wastewater facilities on forest land outside the urban growth boundary only when the facilities exclusively serve land inside the urban growth boundary and there is no reasonable alternative.***

- ***Policy G.29: Facility providers shall coordinate with Lane County and other local jurisdictions and obtain the necessary county land use approvals to amend the Lane County Rural Comprehensive Plan, or the Metro Plan, as needed and consistent with state law, to appropriately designate land for urban facilities located outside the urban growth boundary or the Plan boundary.***
- ***Policy G.30: The cities shall coordinate with Lane County on responsibility and authority to address stormwater-related issues outside the Plan boundary, including outfalls outside the Springfield portion of the urban growth boundary.***

The City's findings under Goal 14, (pages 212-235 of this report, and Tables 5, 11, and 17) identify the facilities plans the City to determine infrastructure and public facilities needs in the Boundary Alternatives Analysis.

Goal 11 PFSP Conclusions: The City conducted analysis to identify public facilities that are likely to be needed within the 2010-2030 planning period to serve the North Gateway and Mill Race UGB expansion areas.(Table 17)

The 2030 plan amendments designate urbanizable land in the UGB expansion areas as "Urban Holding Area - Employment (UHA-E), an urban transition plan designation. Lands designated UHA-E are zoned Agriculture, an urban transition zoning district. Urban land uses are not permitted until subsequent plan amendments and zone changes that demonstrate compliance with applicable planning goals including Goal 11 are adopted and acknowledged to allow transition from rural to urban. Public facilities and services needed to serve land designated for urban development in the UHA-E districts will be determined in coordination with subsequent refinement and master planning of the two new employment districts. The PFSP shall be amended as necessary after specific facility needs are determined. The 2030 Plan Urbanization Element and AG Zoning District land use regulations describe the required sequencing of post-acknowledgement plan amendments, including PFSP amendments.

The 2030 plan amendments meet the applicable requirements of Goal 11. As Springfield adopts subsequent plan amendments and zone changes that make adjustments to permitted uses or densities, the City will evaluate effects on capacity of public infrastructure, and where necessary, propose additional plan amendments in compliance with this goal.

OAR 660-011-0000 Definitions

(1) "Public Facilities Plan": A public facility plan is a support document or documents to a comprehensive plan. The facility plan describes the water, sewer and transportation facilities which are to support the land uses designated in the appropriate acknowledged comprehensive plans within an urban growth boundary containing a population greater than 2,500. Certain elements of the public facility plan also shall be adopted as part of the comprehensive plan, as specified in OAR 660-11-045.

(2) *"Rough Cost Estimates": Rough cost estimates are approximate costs expressed in current-year (year closest to the period of public facility plan development) dollars. It is not intended that project cost estimates be as exact as is required for budgeting purposes.*

(3) *"Short Term": The short term is the period from year one through year five of the facility plan.*

(4) *"Long Term": The long term is the period from year six through the remainder of the planning period.*

(5) *"Public Facility": A public facility includes water, sewer, and transportation facilities, but does not include buildings, structures or equipment incidental to the direct operation of those facilities.*

(6) *"Public Facility Project": A public facility project is the construction or reconstruction of a water, sewer, or transportation facility within a public facility system that is funded or utilized by members of the general public.*

(7) *"Public Facility Systems": Public facility systems are those facilities of a particular type that combine to provide water, sewer or transportation services.*

For purposes of this division, public facility systems are limited to the following:

(a) Water:

(A) Sources of water;

(B) Treatment system;

(C) Storage system;

(D) Pumping system;

(E) Primary distribution system.

(b) Sanitary sewer:

(A) Treatment facilities system;

(B) Primary collection system.

(c) Storm sewer:

(A) Major drainageways (major trunk lines, streams, ditches, pump stations and retention basins);

(B) Outfall locations.

(d) *Transportation:*

(A) *Freeway system, if planned for in the acknowledged comprehensive plan;*

(B) *Arterial system;*

(C) *Significant collector system;*

(D) *Bridge system (those on the Federal Bridge Inventory);*

(E) *Mass transit facilities if planned for in the acknowledged comprehensive plan, including purchase of new buses if total fleet is less than 200 buses, rail lines or transit stations associated with providing transit service to major transportation corridors and park and ride station;*

(F) *Airport facilities as identified in the current airport master plans;*

(G) *Bicycle paths if planned for in the acknowledged comprehensive plan.*

(8) *"Land Use Decisions": In accordance with [ORS 197.712\(2\)\(e\)](#), project timing and financing provisions of public facility plans shall not be considered land use decisions as specified under [ORS 197.015\(10\)](#).*

(9) *"Urban Growth Management Agreement": In accordance with OAR 660-003-0010(2)(c), and urban growth management agreement is a written statement, agreement or set of agreements setting forth the means by which a plan for management of the unincorporated area within the urban growth boundary will be completed and by which the urban growth boundary may be modified (unless the same information is incorporated in other acknowledged documents).*

(10) *Other Definitions: For the purposes of this division, the definitions in [ORS 197.015](#) shall apply except as provided for in section (8) of this rule regarding the definition in [ORS 197.015\(10\)](#).*

Statewide Planning Goal 12: Transportation

OAR 660-015-0000(12)

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

Goal 12 lists nine requirements for transportation plans, including the requirement for Transportation plans to conform with local and regional comprehensive land use plans. This section of the City's findings explain how the subject 2030 Plan amendments to the comprehensive plan were coordinated with local and regional transportation planning to support and advance the planning objectives in Goal 12:

"Plans shall (1) consider all modes of transportation including mass transit, air, water, pipeline, rail, highway, bicycle and pedestrian; including mass transit,

air, water, pipeline, rail, highway, bicycle and pedestrian; (2) be based upon an inventory of local, regional and state transportation needs; (3) consider the differences in social consequences that would result from utilizing differing combinations of transportation modes; (4) avoid principal reliance upon any one mode of transportation; (5) minimize adverse social, economic and environmental impacts and costs; (6) conserve energy; (7) meet the needs of the transportation disadvantaged by improving transportation services; (8) facilitate the flow of goods and services so as to strengthen the local and regional economy; and (9) conform with local and regional comprehensive land use plans."

The City's findings under Goal 12 provide supporting rationale to explain how coordination with local and regional transportation planning strongly influenced the City's evaluation of policy alternatives under Goal 9 and 12, and its evaluation of Urban Growth Boundary Alternatives under Goal 14 and OAR 660-024-0060.

Goal 12 defines *Transportation* as *"the movement of people and goods."*

Goal 12 defines *Transportation Facility* as *"any physical facility that moves or assists in the movement of people and goods excluding electricity, sewage and water."*

Goal 12 defines *Transportation System* as *"one or more transportation facilities that are planned, developed, operated and maintained in a coordinated manner to supply continuity of movement between modes, and within and between geographic and jurisdictional areas."*

Goal 12 defines *Mass Transit* as *"any form of passenger transportation which carries members of the public on a regular and continuing basis."*

Goal 12 defines *Transportation Disadvantaged* as *"those individuals who have difficulty in obtaining transportation because of their age, income, physical or mental disability."*

Springfield's acknowledged transportation plans are the regional transportation system plan (RTSP) *TransPlan*, which guides development through 2021, and Springfield's local 2035 Transportation System Plan (TSP), effective 2015-2035.²⁷ The plans were acknowledged to affirm conformance with local and regional comprehensive land use plans in compliance with Goal 12. The acknowledged regional and local transportation system plans are in effect over the 2010-2030 planning period of the subject 2030 Plan amendments to the comprehensive plan. In 2016, the RTSP is in the process of being updated.²⁸

²⁷ The Springfield TSP and adopted findings are included in the record.

²⁸ Central Lane MPO Unified Planning Work Program FY2016-2017 Interim Review and Update, Addendum to the UPWP, May 2016, Item 4 Regional Transportation System Plan. The MPO is scheduled to resume work of the RTSP after the Eugene TSP is completed. See also Item 6. Transportation Planning Performance Measures and Revised Estimated Timeline.

Springfield and Eugene, having separate UGBs, are in the process of developing local comprehensive land use plans that will eventually supplant the Metro Plan comprehensive land use plan. Updates to the regional transportation plan will conform with Eugene and Springfield's local comprehensive land use plans, as required by Goal 12. Updates to the TSP will conform with Springfield's local comprehensive land use plan.

The City's subject 2030 Plan amendments as they address land uses within the existing UGB have been planned in coordination with Springfield's acknowledged TSP and *TransPlan*.

The City's subject 2030 Plan amendments as they address lands added to the UGB have been planned in coordination with the applicable transportation policies in Springfield's acknowledged TSP, Metro Plan Transportation Element Land Use policies.

Springfield 2030 Economic and Urbanization Element policies guide land use development over the 2010-2030 planning period consistent with the transportation policies in Springfield's acknowledged TSP, and Metro Plan Transportation Element Land Use policies.

Transportation planning required prior to future development in UGB expansion areas.

Transportation planning will be coordinated with future urbanization of lands added to the UGB by the City's subject 2030 Plan amendments through future amendments to the TSP and RTSP. The City and Lane County adopted 2030 Plan Urbanization Element policies and land use regulations requiring a post-acknowledgement plan amendment process — including necessary updates to the TSP — prior to issuance of land use development approval that increases trips above existing rural levels of use. By adopting Ordinance Exhibits A-2, A-3 and E, the City and Lane County designated the newly urbanizable employment lands added to the UGB as "Urban Holding Area – Employment" and zoned the lands "Agriculture –Urban Holding Area."

Springfield 2030 Economic and Urbanization Element policies guide development of employment land uses over the 2010-2030 planning period consistent with the transportation policies in Springfield's acknowledged TSP and in coordination with regional transportation plans as they are updated.

The required PAPA process to update the TSP will address OAR 660-009-0000(1)(i): *"Ensure that changes to comprehensive plans are supported by adequate planned transportation facilities."*

OAR 660-012-0000(1) Oregon Administrative Rules Division 12 implements Statewide Planning Goal 12 (Transportation) "to provide and encourage a safe, convenient and economic transportation system" and "implements provisions of other statewide planning goals related to transportation planning in order to plan and develop transportation facilities

and services in close coordination with urban and rural development.” The Stated purpose of Division 12 Transportation Planning is:

“to direct transportation planning in coordination with land use planning to:

(a) Promote the development of transportation systems adequate to serve statewide, regional and local transportation needs and the mobility needs of the transportation disadvantaged;

(b) Encourage and support the availability of a variety of transportation choices for moving people that balance vehicular use with other transportation modes, including walking, bicycling and transit in order to avoid principal reliance upon any one mode of transportation;

(c) Provide for safe and convenient vehicular, transit, pedestrian, and bicycle access and circulation;

(d) Facilitate the safe, efficient and economic flow of freight and other goods and services within regions and throughout the state through a variety of modes including road, air, rail and marine transportation;

(e) Protect existing and planned transportation facilities, corridors and sites for their identified functions;

(f) Provide for the construction and implementation of transportation facilities, improvements and services necessary to support acknowledged comprehensive plans;

(g) Identify how transportation facilities are provided on rural lands consistent with the goals;

(h) Ensure coordination among affected local governments and transportation service providers and consistency between state, regional and local transportation plans; and

(i) Ensure that changes to comprehensive plans are supported by adequate planned transportation facilities.”

Because Springfield’s population is greater than 2,500, Goal 12 administrative rules required the City to prepare and adopt a TSP. Prior to 2014, Springfield met this requirement through the local and regionally adopted TransPlan.

TransPlan (last amended in 2002) conforms with the land use designations and land use patterns established in Springfield’s acknowledged local and regional comprehensive land use plans — the Metro Plan and Springfield’s acknowledged refinement plans.

Prior to 2014, the 2002 TransPlan served as both the adopted local TSPs for Eugene and Springfield and as the Regional Transportation System Plan (RTSP) for the Central Lane MPO area.

In 2014 the Springfield 2035 TSP was adopted to supersede TransPlan as the City's specific refinement of the Eugene-Springfield Comprehensive General Plan (Metro Plan) insofar as it affects transportation systems within the Springfield UGB.

In 2016, the city of Eugene is preparing the Eugene TSP.

TransPlan will remain as the Regional Transportation System Plan (RTSP) for Eugene and Springfield until a new RTSP is adopted by the appropriate MPO jurisdictions. An updated RTSP is being developed through a regional process as outlined in a work plan agreed to with the Land Conservation and Development Commission.²⁹

As stated in the City's TSP findings³⁰:

"... the needs, projects, and policies identified in the Springfield TSP are consistent with TransPlan population and employment projections and therefore the TSP is consistent with TransPlan. Thus, TransPlan can serve as the benchmark for meeting this criterion until such a time that the ongoing regional process is complete. Until the new RTSP is adopted, Springfield is still held to the adopted performance standards in TransPlan (acting as the RTSP) and nothing in the 2035 Springfield TSP will inhibit or discourage continued achievement of the 2002 TransPlan performance objectives."

The City of Springfield 2035 Transportation System Plan (TSP) was adopted and acknowledged in 2014³¹ to replace the TransPlan as Springfield's local TSP after a thorough TSP planning process involving the general public, stakeholders, other agency staff and local and regional appointed and elected officials. The TSP conforms with the land use designations and land use patterns established in Springfield's local and regional comprehensive land use plans — the Metro Plan (including the acknowledged Springfield 2030 Residential Land Use and Housing Element³² and Springfield's acknowledged refinement plans).

The Springfield TSP is a comprehensive 20-year plan to guide transportation investments within the City of Springfield UGB — replacing TransPlan as the Transportation Element of the Metro Plan for the City of Springfield. The TSP was adopted by Springfield and Lane

²⁹ Central Lane MPO Unified Planning Work Program (WPWP) Addendum to the UPWP May 2016, p. 8 revised timeline, Action Item 4.

³⁰ Springfield File No. TYP413-00009, Staff Report Attachment 1, p. 19.

³¹ Springfield Ordinance No. 6314, Springfield File No. TYP413-00009, Staff Report Exhibit A 2/24/14.

³² Springfield Ordinance No. 6268 establishing a separate City of Springfield UGB pursuant to House Bill 3337 (2006) as codified in Oregon Revised Statute 197.304.

County as a post acknowledgement plan amendment of the Metro Plan — as a supporting facility refinement plan providing more detailed policy guidance for specific transportation facilities, as required under Goal 12.

Springfield’s acknowledged TSP provides a 20-year blueprint for how the City should maintain and improve the transportation network to meet growth demands within the existing Springfield UGB. The TSP addressed OAR 660-009-0000(1) (a) – (h).

The Springfield TSP identifies the preferred future multi-modal transportation system and the City’s policies related to the transportation system. It also identifies the function, capacity, and location of future facilities, and identifies planning-level costs for needed improvements to support expected development and growth and possible sources of system funding. The TSP goals and policies implement the Goal 12: Transportation Element of the Metro Plan.³³ It is important to note that transportation modelling for the acknowledged TSP was developed in coordination with Springfield’s 2030 comprehensive planning as follows:

“The transportation model used in the Springfield TSP differs from the TRANSPLAN model used in TransPlan. The TSP used the Springfield 2035 BUILD 1 (full build) model, which incorporates the Springfield 2030 land use plan. The coordinated population for Springfield created by PSU/PRC was used to derive population and housing growth for the model study area. The employment forecast was made by LCOG based on historical trends.”³⁴ (emphasis added)

“Comparisons are made below with TRANSPLAN, the regional TSP for the Eugene/Springfield area. There are significant differences between TRANSPLAN and the SPRINGFIELD travel model:

- a) TRANSPLAN geography is that of the METROPLAN; it does not include the City of Coburg. The SPRINGFIELD 2035 geography is that of the current MPO which includes Coburg and some additional Lane County land surrounding the UGBs.*
- b) TRANSPLAN model used 295 transportation analysis zones; the 2035 SPRINGFIELD model uses 666 transportation analysis zones. Thus, the latter has more refinement in the analysis units.*
- c) TRANSPLAN model did not have special treatment for BRT system operations; the 2035 SPRINGFIELD model does.*
- d) TRANSPLAN land use included the TRANSPLAN nodes. The 2035 SPRINGFIELD model has no specific nodes specified.*
- e) TRANSPLAN used the TPR vehicle trip rate reduction of 10% allowed by the TPR. The 2035 SPRINGFIELD model did not. (VTR=vehicle trip reduction). Under this*

³³ Springfield 2035 Transportation System Plan (TYP413-00009) Staff Report, p. 2.

³⁴ Springfield 2035 Transportation System Plan (TYP413-00009) Staff Report Attachment A: Statistics from the Springfield 2035 BUILD 1 travel demand model.

reduction trips from areas designated as mixed-use, pedestrian friendly areas are removed and transferred to other modes.”³⁵

As stated in the adopted TSP findings, Springfield Ordinance 6314 Exhibit A, the previously adopted and acknowledged Springfield TSP demonstrated that the TSP is consistent with the 2002 TransPlan.

As previously noted in the City’s TSP findings:

“the 2002 TransPlan will still serve as the Regional Transportation System Plan (RTSP) for Eugene and Springfield until the new RTSP is adopted. An updated RTSP is being worked on through a regional process as outlined in a work plan agreed to with the Land Conservation and Development Commission. This regional process will enable the full effect of Springfield’s policies and priorities, the City of Eugene’s Envision Eugene strategies and multimodal projects and LTD’s final transit network to be appropriately represented within the LCOG travel demand model. At that time, both cities and the region can establish and evaluate key performance statistics to replace and/or supplement those included in TransPlan that allow the cities and the region to monitor over time progress toward this TSP criteria. Further, as noted previously although the horizon years for Springfield’s TSP and the RTP are different than that of TransPlan, the total population and employment estimates, upon which the recommended multimodal projects and policies in the TSP are based, are consistent. Detailed information received from LCOG provides the following information:

- *The 2002 TransPlan modeled year 2020 total Population estimates for the Metro Area as 325,400; year 2025 total population was forecast as 351,263. The Springfield TSP is based on a total population for the Metro Area of 316,452 people, less than that of TransPlan.*
- *The 2002 TransPlan modeled year 2020 covered employment of 164,100 jobs; year 2025 forecasts reflect 176,004 jobs. The Springfield TSP accounts for only 164,110 in the region.*

Based on these population and employment forecast comparisons, it can be concluded that the travel demand forecasts associated with the needs, projects, and policies identified in the 2035 Springfield TSP are less than the 2025 TransPlan travel demand forecasts. As a result, from an operational forecast standpoint, the 2035 Springfield TSP is consistent with TransPlan and can serve as the benchmark for meeting this criterion until such a time that the ongoing regional process is complete. (emphasis added)

³⁵ Ibid.

Conclusion 660-009-0000(1): The acknowledged Springfield TSP, including the travel demand model, and the 2030 Plan amendments were coordinated to advance the objectives of OAR 660-009-0000(1).

OAR 660-012-0000(2)

The stated purpose (2) of Division 12:

“In meeting the purposes described in section (1), coordinated land use and transportation plans should ensure that the planned transportation system supports a pattern of travel and land use in urban areas that will avoid the air pollution, traffic and livability problems faced by other large urban areas of the country through measures designed to increase transportation choices and make more efficient use of the existing transportation system.”
(emphasis added)

OAR 660-012-0000(3)

The stated purpose (3) of Division 12 addresses coordination of land use and transportation planning:

“Coordinating land use and transportation planning will also complement efforts to meet other state and local objectives, including containing urban development, reducing the cost of public services, protecting farm and forest land, reducing air, water and noise pollution, conserving energy and reducing emissions of greenhouse gases that contribute to global climate change.” (emphasis added)

“(a) In all urban areas, coordinated land use and transportation plans are intended to provide safe and convenient vehicular circulation and to enhance, promote and facilitate safe and convenient pedestrian and bicycle travel by planning a well-connected network of streets and supporting improvements for all travel modes. (emphasis added)

(b) In urban areas that contain a population greater than 25,000 persons, coordinated land use and transportation plans are intended to improve livability and accessibility by promoting the provision of transit service where feasible and more efficient performance of existing transportation facilities through transportation system management and demand management measures. (emphasis added)

(c) Within metropolitan areas, coordinated land use and transportation plans are intended to improve livability and accessibility by promoting changes in the transportation system and land use patterns. A key outcome of this effort is a reduction in reliance on single occupant automobile use, particularly during peak periods. To accomplish this outcome, this division

promotes increased planning for alternative modes and street connectivity and encourages land use patterns throughout urban areas that make it more convenient for people to walk, bicycle, use transit, use automobile travel more efficiently, and drive less to meet their daily needs. The result of applying these portions of the division will vary within metropolitan areas. Some parts of urban areas, such as downtowns, pedestrian districts, transit-oriented developments and other mixed-use, pedestrian-friendly centers, will be highly convenient for a variety of modes, including walking, bicycling and transit, while others will be auto-oriented and include more modest measures to accommodate access and circulation by other modes.”
(emphasis added)

The RTSP and TSP promote increased planning for alternative modes and street connectivity.

The Springfield 2035 TSP contains multiple goals and polices which support implementation of OAR 660-012-0000(3) and Springfield’s existing and proposed plan designations, existing land use efficiency measures and new 2030 Plan policies. These TSP policies include, but are not limited to:

TSP Goal 1: Community Development – Provide an efficient, sustainable, diverse, and environmentally sound transportation system that supports and enhances Springfield’s economy and land use patterns.

TSP Policy 1.3: Provide a multi-modal transportation system that supports mixed-use areas, major employment centers, recreation, commercial, residential, and public developments, to reduce reliance on single-occupancy vehicles (SOVs).

TSP Policy 2.3: Expand existing Transportation Demand Management (TDM) programs related to carpooling, alternate work schedules, walking, bicycling, and transit use in order to reduce peak hour congestion and reliance on SOVs.

TSP Policy 2.5: Coordinate with Lane Transit District (LTD) to increase the transit system’s accessibility and convenience for all users, including the transportation-disadvantaged population. (NOTE Action 2: Monitor and adjust bus stop locations as needed to support surrounding land uses and provide more efficient and safe service).

TSP Goal 3: System Design: Enhance and expand Springfield’s transportation system design to provide a complete range of transportation mode choices.

TSP Policy 3.2: Expand and enhance Springfield’s bikeway system and provide bicycle system support facilities to both new development and redevelopment / expansion.

TSP Policy 3.3: *Street design standards should be flexible and allow appropriate-sized local, collector, and arterial streets based upon traffic flow, geography, efficient land use, social, economic, and environmental impacts.*

TSP Policy 3.7: *Provide for a pedestrian environment that supports adjacent land uses and is designed to enhance the safety, comfort, and convenience of walking by providing direct routes and removing barriers when possible.*

TSP Policy 3.8: *Coordinate the design of Springfield's transportation system with relevant local, regional, and state agencies. (NOTE Action #3 – Partner with LTD to provide frequent transit network connections along major corridors. Frequent transit network should connect to local neighborhood bus service and major activity center to provide viable alternatives to vehicle trips).*

The 2030 Plan amendments support and advance TSP and RTSP coordinated land use and transportation planning policies and measures designed to increase transportation choices and make more efficient use of the existing transportation system. The City and Lane County adopted 2030 Plan policies and implementation strategies that are supportive of land use patterns that make it more convenient for people to walk, bicycle, use transit, use automobile travel more efficiently, and drive less to meet their daily needs.

2030 Plan policies and the UGB amendment direct planned employment growth to existing employment centers and corridors serviced by the region's existing and planned public transit network. The UGB Alternatives Analysis considered "containing urban development, reducing the cost of public services, protecting farm and forest land, reducing air, water and noise pollution, conserving energy and reducing emissions of greenhouse gases that contribute to global climate change" when it compared the advantages and disadvantage of alternative expansion areas. The City's policy choices to absorb growth within the existing UGB, to reduce the size of the UGB expansion, and to expand the UGB expansion into two sites immediately adjacent to existing, developed industrial zones reduces VMT and the associated energy, air quality, GHG impacts compared to expanding into land more distant from the City.³⁶

2030 Plan Urbanization Element Policy 51 states:

"Grow and develop the City in ways that maintain and improve Springfield's air quality to benefit public health and the environment.

- ***Prioritize and seek funding for mixed use land use district planning and multi-modal transportation projects that reduce reliance on single occupancy***

³⁶ The City's findings under Goal 14, page 388 explain how comparative VMT associated impacts were considered in the UGB Boundary Alternatives Analysis conducted under OAR 660-024-0060.

vehicles (SOVs) consistent with Springfield Transportation System Plan (TSP) Policy 1.2, 1.3 and 1.4.

- **Coordinate land use and transportation system planning for urbanizable lands at the refinement plan and/or Master Plan level to identify and conceptually plan alignments for locating multi – modal facilities.**
- **Plan, zone and design transportation systems in the North Gateway and Mill Race Urban Holding Area - Employment districts to provide multi-modal transportation choices for district employees.**
- **Promote the use of active transportation systems as new growth areas and significant new infrastructure are planned and developed.”**

2030 Comprehensive Plan policies to guide future transportation system planning. To address Goal 12, the City and Lane County adopted policies in the 2030 Plan Urbanization Element to guide future transportation system planning to serve the lands added to the UGB through the subject UGB amendment:

2030 Plan Urbanization Element Policy 23 states:

“Amend the Gateway Refinement Plan to include the North Gateway UHA-E area prior to or concurrent with approval of an owner-initiated plan amendment or zone change that allows urban development in the North Gateway UHA-E area. The amended Gateway Refinement Plan shall describe the logical extension of transportation and public facilities to serve the entire North Gateway UHA-E area.”

2030 Plan Urbanization Element Policy 39 states:

“The North Gateway and Mill Race districts shall be planned and designed to encourage and support the availability of a variety of transportation choices for moving people that balance vehicular use with other transportation modes, including walking, bicycling and transit in order to avoid principal reliance upon any one mode of transportation; support the mobility needs of the transportation disadvantaged; and provide for safe and convenient vehicular, transit, pedestrian, and bicycle access and circulation. Plan and zoning amendments shall include a transportation system analysis and plan to demonstrate compliance with Statewide planning Goal 12 and Goal 12 administrative rules.”

2030 Plan Urbanization Element Policy 40 states:

“Public transportation systems shall be designed to facilitate future extension of the public transit system to serve the North Gateway district.”

2030 Plan Urbanization Element Policy 27 states:

***“The coordinated, timely provision of urban services is a central element of the City’s comprehensive growth management strategy for infill, redevelopment and new development. Development undertaken in pursuit of housing goals, diversifying the economy and neighborhood livability shall occur only after the logical and efficient delivery of all urban services have been provided to these sites.*”**

- ***Prepare and adopt comprehensive plan and zoning updates at the neighborhood, district, and corridor scale to determine the density, character and design of urban development in alignment with infrastructure capacity to ensure efficient and economical delivery of urban services in balance with the City’s financial resources.”***

2030 Plan Urbanization Element Policy 28 states:

“Regionally significant public investments within Springfield’s UGB shall be planned on a metropolitan-wide basis, as described in the regional transportation and public facilities plans.”

2030 Plan Urbanization Element Policy 24 states:

“Lands added to the UGB in 2016 for employment, public facilities, parks, open space and recreation in the Mill Race area shall be comprehensively planned in the context of a larger Mill Race District that includes the Booth Kelly Mixed Use site and the industrially-zoned lands south of the railroad corridor. The plan shall identify opportunities for integrating economic development, recreation, arts, culture, historic interpretation, and pedestrian/bicycle connectivity between the Middle Fork Willamette River and Downtown District; and shall identify development standards that protect Drinking Water Source Areas and other natural resources from incompatible development.”

Conclusion 660-012-0000(2) and (3): The acknowledged Springfield TSP and 2030 Plan amendments were coordinated to advance the objectives of OAR 660-012-0000(2) and (3).

OAR 660-012-0015(3)

OAR 660-012-0015(4)

OAR 660-012-0016(1)

As previously explained, Springfield has acknowledged regional and local Transportation System Plans establishing a system of transportation facilities and services adequate to meet identified local transportation needs, consistent with adopted elements of the state TSP, as required in OAR 660-012-0015(3) and (4), and OAR 660-012-0016(1)

OAR 660-012-0020 Elements of Transportation System Plans

OAR 660-012-0025 Complying with the Goals in Preparing Transportation System Plans; Refinement Plans

Springfield's comprehensive plan — consisting of the acknowledged Metro Plan as further refined and augmented through acknowledgement of the local TSP, Springfield 2030 Comprehensive Plan and Springfield's seven acknowledged neighborhood refinement plans — coordinate land use planning with the local and regional transportation plans allocating urban population density and employment to designated centers and other identified areas in the MPO to provide for implementation of the metropolitan area's integrated land use and transportation plan or strategy.

Springfield's TSP was previously acknowledged to be consistent with Division 12 and the Central Lane MPO's Regional Transportation Plan (RTP). TSPs for cities and counties located within an MPO area must be consistent with both the Division 12 Transportation Planning Rule (TPR) and the MPO's Regional Transportation Plan (RTP), which is adopted to meet Federal requirements. The TPR distinguishes requirements for communities based on population size. Given Springfield's population and the fact that it is a member of the Central Lane MPO, the following elements addressed in the acknowledged Springfield TSP:

- A determination of transportation system needs;
- State, regional, and local transportation needs;
- Needs of the transportation disadvantaged;
- Needs for movement of goods and services to support industrial and commercial development planned for pursuant to OAR 660-009 and Goal 9;
- Calculation of local and regional transportation needs based upon accomplishment of the requirement in OAR 660-012-0035(4) to reduce reliance on the automobile;
- System design to support increasing transportation choices and reducing automobile reliance;
- A road plan for a system of arterials and collectors and standards for the layout of local streets and other important non-collector street connections.
- Functional classifications of roads in the Springfield TSP are consistent with functional classifications of roads in state and regional TSPs and provide for continuity between adjacent jurisdictions;
- The standards for the layout of local streets shall provide for safe and convenient bike and pedestrian circulation necessary to carry out OAR 660-012-0045(3)(b);
- New connections to arterials and state highways consistent with designated access management categories;

- A public transportation plan that describes public transportation services for the transportation disadvantaged and identifies service inadequacies; intercity bus and passenger rail service and identifies the location of terminals; and identifies existing and planned transit trunk routes, exclusive transit ways, terminals and major transfer stations, major transit stops, and park-and-ride stations;
- A bicycle and pedestrian plan for a network of bicycle and pedestrian routes throughout the planning area consistent with the requirements of ORS 366.514;
- A rail, water and pipeline transportation plan which identifies where mainline and branchline railroads and railroad facilities, port facilities, and major regional pipelines and terminals are located or planned within the planning area;
- A plan for transportation system management and demand management;
- A parking plan as provided in OAR 660-012-0045(5)(c);
- Policies and land use regulations for implementing the TSP as provided in OAR 660-012-0045

The TSP supersedes *TransPlan* as the City's specific refinement of the Eugene-Springfield Comprehensive General Plan (Metro Plan) insofar as it affects land within the existing Springfield UGB. The TSP adoption findings confirmed that the TSP is consistent with the Metro Plan and *TransPlan*. *TransPlan* will remain in effect as the region's Regional Transportation System Plan (RTSP) until such time as a new RTSP is adopted by the partner jurisdictions. An updated *RTSP* is being developed through a regional process as outlined in a work plan agreed to with the Land Conservation and Development Commission.³⁷

The Springfield 2035 Transportation System Plan (2035 TSP) meets state requirements for a transportation system plan and is a resource for future transportation decision making. The 2035 TSP identifies the preferred future multi-modal transportation system and the City's policies related to the transportation system. It also identifies the function, capacity, and location of future facilities, and identifies planning-level costs for needed improvements to support expected development and growth and possible sources of system funding. This TSP is intended to provide the City with flexibility as staff, the public, and decision makers prioritize and fund critical transportation investments. The TSP provides:

- *A blueprint for transportation investment*
- *A tool for coordination with regional agencies and local jurisdictions*
- *Information to ensure prudent and effective land use choices*
- *Solutions to address existing and future transportation needs for bicycles, pedestrians, transit, vehicles, freight, and rail*

The TSP is the transportation element of and a supporting document to Springfield's current comprehensive planning document (Metro Plan, 2004 update) as required by state law. The City

³⁷ Springfield Ordinance 6314

updated the 2035 TSP goals and policies during the planning process to implement the Goal 12: Transportation Element of the Metro Plan.

Oregon Transportation Plan (OTP) Policy 2.2 – Management of Assets “It is the policy of the State of Oregon to manage transportation assets to extend their life and reduce maintenance costs.”

The 2030 Plan addresses transportation/land use planning coordination for employment sites added to the UGB. Urbanization Element Policy 38 requires that the TSP be updated and adopted prior to or concurrently with any plan or zoning amendment that allows an increase in trips over levels permitted in the AG zone and before any urban level development can occur in the UGB expansion areas:

“To ensure that changes to the Springfield Comprehensive Plan are supported by adequate planned transportation facilities, the City shall update and adopt amendments to the Springfield Transportation System Plan (TSP) to identify facilities that may be needed to provide and encourage a safe, convenient and economic multi-modal transportation system to support development of urban uses and densities in the North Gateway and Mill Race areas. The TSP update shall be coordinated with City-initiated comprehensive land use planning or owner-initiated plan amendments and shall be prepared and adopted prior to or concurrently with any plan or zoning amendment that allows an increase in trips over the levels permitted in the AG zone.” (emphasis added)

Urbanization Element Policy 39 requires:

“The North Gateway and Mill Race districts shall be planned and designed to encourage and support the availability of a variety of transportation choices for moving people that balance vehicular use with other transportation modes, including walking, bicycling and transit in order to avoid principal reliance upon any one mode of transportation; support the mobility needs of the transportation disadvantaged; and provide for safe and convenient vehicular, transit, pedestrian, and bicycle access and circulation. Plan and zoning amendments shall include a transportation system analysis and plan to demonstrate compliance with Statewide planning Goal 12 and Goal 12 administrative rules.” (emphasis added)

Urbanization Element Policy 49 prohibits regional retail uses in the UGB expansion areas:

“Employment Lands designated UHA-E shall be planned and zoned as economic districts that provide and promote suitable sites for clean manufacturing³⁸ uses and office/tech/flex employers in Springfield’s target industry sectors. Limited

³⁸ For the purposes of this policy, “clean” is defined as land uses, construction practices, and business operations that minimize waste and environmental impacts, and that contribute to a safe, healthy, and clean community, maintain the aquifer recharge capacity of the site by reducing impervious surfaces, and protect Springfield’s drinking water source areas from contamination.

neighborhood-scale retail uses that primarily serve employees within an industrial or office building or complex may be permitted as a secondary element within employment mixed-use zones. Urban Holding Area-Employment (UHA- E) sites shall not be re-designated or zoned to permit development of regional retail commercial uses. (emphasis added)

Springfield’s existing transportation capacity and operational efficiency was measured through the TSP process. Future transportation capacity and operational efficiency will be measured through use of Lane Council of Governments (LCOG) Regional Transportation Model.

The acknowledged TSP is consistent with the statewide Transportation Planning Rule and the Central Lane MPO’s Regional Transportation Plan (RTP) as required under OAR 660-012-0016. TSPs for cities and counties located within an MPO area must be consistent with both the statewide Transportation Planning Rule and the MPO’s Regional Transportation Plan (RTP), which is adopted to meet Federal requirements.

The Central Lane MPO RTP meets federal guidelines for the area and guides regional transportation system planning and development. The RTP currently has a planning horizon that goes beyond the planning horizons of the Metro Plan and *TransPlan*. The RTP is updated every four years. Springfield’s TSP is consistent with the most currently updated RTP.

The 2030 Plan Springfield’s comprehensive plan and the proposed 2030 Plan elements and UGB amendment has been coordinated with the RTP.

Conclusion 660-012-0020, OAR 660-012-0025, OAR 660-012-0030 (1), (2). The acknowledged Springfield TSP and 2030 Plan amendments were coordinated to comply with 660-012-0020, OAR and 660-012-0025.

OAR 660-012-0030 Determination of Transportation Needs

OAR 660-012-0030(1)

OAR 660-012-0030(2)

Conclusion OAR 660-012-0030 (1) and (2). The acknowledged Springfield TSP and 2030 Plan Economic and Urbanization Element policies and UGB amendments were coordinated to identify transportation needs relevant to the planning area including state, regional and local needs; the needs of the transportation disadvantaged; the needs for movement of goods and services to support industrial and commercial development as described in the City’s findings under Goal 9 and Goal 14. The TSP is acknowledged to be in compliance with OAR 660-009-0030 (1), and (2). Future updates to the TSP are required to address the needs for movement of goods and services to support industrial and commercial development in the UGB expansion areas, as required by 2030 Urbanization Element policies³⁹ and

³⁹ Exhibit C-1Urbanization Element Policy 38 and 39

Springfield Development Code land use regulations adopted by the City and Lane County in Ordinance Exhibits C-1 and E.

OAR 660-012-0030(3)

“Within urban growth boundaries, the determination of local and regional transportation needs shall be based upon:

(a) Population and employment forecasts and distributions that are consistent with the acknowledged comprehensive plan, including those policies that implement Goal 14.

Forecasts and distributions shall be for 20 years and, if desired, for longer periods; and

(b) Measures adopted pursuant to OAR 660-012-0045 to encourage reduced reliance on the automobile.”

The planning year horizon for the acknowledged Springfield TSP is 2035, consistent with the Regional Transportation Plan (RTP), which is also 2035. The planning year horizon for the current RTSP (i.e. TransPlan) is 2025 (as amended in 2010).

Springfield’s previously acknowledged UGB provides adequate residential land to accommodate the forecast population growth for the 2010-2030 planning period by designating land to meet the City’s deficit of high density residential land.⁴⁰ The acknowledged TSP was planned in coordination with the 2010-2030 forecast residential land need. The transportation model used in the Springfield TSP used the Springfield 2035 BUILD 1 (full build) model, which incorporates the Springfield 2030 land use plan. The coordinated population for Springfield created by PSU/PRC was used to derive population and housing growth for the model study area.⁴¹ The employment forecast was made by LCOG based on historical trends. Land use was allocated in the TSP as described in the acknowledged Springfield Residential Land Use and Housing Element.⁴² The determination of transportation needs in the TSP was based on measures adopted pursuant to OAR 660-012-0045 to encourage reduced reliance on the automobile. 2010-2030 residential growth needs were addressed in the TSP. The planned transportation system addresses transportation needs.

It is important to note that based on the population and employment forecast comparisons used in the recent transportation system modelling work, “it can be concluded that the travel demand forecasts associated with the needs, projects, and policies identified in the 2035 Springfield TSP are less than the

⁴⁰ Springfield Ordinance 6316 Glenwood Refinement Plan Phase One amendments included measures adopted pursuant to OAR 660-012-0045 to encourage reduced reliance on the automobile.

⁴¹ For more detailed information see Springfield Ordinance No. 6314, Springfield File No. TYP413-00009, TSP Staff Report Exhibit A 2/24/14.

⁴² For example, the TSP allocated high density residential land uses in the Glenwood Residential Mixed-Use district, based on the Glenwood Refinement Plan Phase One plan amendments and Glenwood Plan District zoning code. The area is designed Mixed Use Nodal Development in the Metro Plan and was granted one of the first Multi-modal Mixed Use Area (MMA) designations in the state.

2025 TransPlan travel demand forecasts. As a result, from an operational forecast standpoint, the 2035 Springfield TSP is consistent with TransPlan.”⁴³

TSP Update to address 2030 UGB/Employment Forecast. Springfield’s CIBL/EOA identified a need to expand the UGB to accommodate future employment land needs. Because a UGB expansion had not yet occurred when the TSP was adopted, the TSP addressed land uses within Springfield’s existing UGB. Subsequent to acknowledgement of the 2030 Plan and UGB amendment, the TSP will need to be updated as necessary before any urban level development that increases trips over existing rural levels can occur in the UGB expansion areas.⁴⁴ As previously stated, the 2030 Urbanization Element policies (Ordinance Exhibit A-2, C-1, D) and Springfield Development Code land use regulations (Ordinance Exhibit A-3 and E) adopted by the City and Lane County ensure that the TSP is updated to reflect the Springfield 2030 employment forecast adopted into the Comprehensive Plan (Ordinance Exhibit B-2) and to provide distributions that are consistent with the comprehensive plan as amended through acknowledgement of the subject ordinance, including the 2030 Plan designations and policies that implement Goal 14.

2030 Plan Urbanization Element Policy 38 states:

“To ensure that changes to the Springfield Comprehensive Plan are supported by adequate planned transportation facilities, the City shall update and adopt amendments to the Springfield Transportation System Plan (TSP) to identify facilities that may be needed to provide and encourage a safe, convenient and economic multi-modal transportation system to support development of urban uses and densities in the North Gateway and Mill Race areas. The TSP update shall be coordinated with City-initiated comprehensive land use planning or owner-initiated plan amendments and shall be prepared and adopted prior to or concurrently with any plan or zoning amendment that allows an increase in trips over the levels permitted in the AG zone.”

The City’s findings under Goal 14, (pages 212-235 of this report, and Tables 5, 11, and 17) identify the facilities plans the City to determine infrastructure and public facilities needs in the Boundary Alternatives Analysis. The City’s findings under Goal 14, Factor 3 ESEE Consequences p. 388-393 address transportation impacts related to distance from the city and from major transportation facilities.

Vehicle Miles Travelled

Conclusion OAR 660-012-0030 (3). The acknowledged Springfield TSP was coordinated with Springfield 2030 population forecasts and land use distributions that are consistent with the acknowledged comprehensive plan. The 2030 Plan amendments require transportation planning updates prior to any

⁴³ Springfield Ordinance No. 6314, Springfield File No. TYP413-00009, TSP Staff Report Exhibit A 2/24/14, p. 3.

⁴⁴ As explained in the City’s detailed findings under Goal 14 Public Facilities Analyses, and supported by evidence in the form of maps and adopted facilities plans in the local record, both UGB expansion areas would be served by existing or planned transportation facilities or projects already assumed and identified in the TSP.

plan or zoning amendment that allows urban levels of development in the UGB expansion areas designated UHA-E. The acknowledged Springfield TSP and comprehensive plan, and the subject 2030 Plan amendments support implementation of land use patterns and transportation system improvements to encourage reduced reliance on the automobile.

OAR 660-012-0035(1),(3),(4) and (5)

Transportation and land use coordination policies intended to provide a transportation system to support economic development and goods movement while reducing reliance on the automobile were relevant to the Springfield 2035 TSP and are relevant to 2030 Plan. The findings for the TSP⁴⁵ provide explanation:

“The 2035 Springfield TSP is also consistent with the 2002 TransPlan from a goals and policy standpoint. Attachment B is a memorandum that provides a comparison and consistency evaluation between the draft goals for the RTSP update and policies contained in the Eugene, Springfield, and Coburg TSPs currently being prepared, and the existing Lane County TSPs and TransPlan. Each of these documents has very similar goal and policy objectives and in no way in conflict with each other to the extent that any one plan might undermine the implementation of another. It should be noted that while the Springfield 2035 TSP does not specifically address or include the nodal growth policies that are identified in the 2002 TransPlan, there is nothing in the 2035 Springfield TSP that would inhibit or discourage the potential for growth in the nodal areas that have already been established in Springfield’s current comprehensive land use planning document (Metro Plan, 2004 update) and enabled through the City’s zoning and development code. Additionally, a similar or greater lever of alternative travel mode projects are identified for implementation in these areas compared to TransPlan. Consequently, with the 2002 TransPlan still in effect as the adopted RTSP for the Central Lane MPO area and with the Metro Plan still serving as the City’s comprehensive land use planning document, adoption of the 2035 Springfield TSP will not interfere with or undermine continued implementation and evaluation of TPR compliance or progress as periodically assessed through the currently adopted 2002 TransPlan performance measures.” (emphasis added)

As stated in TSP staff report⁴⁶, the projects, plans and policies in the acknowledged TSP support implementation of the 2002 TransPlan performance measures:

“The TSP policies in Chapter 2, the transportation planning toolbox and the recommended projects in Chapter 5 are all based on the premise of reducing reliance on the automobile in the future. The majority of the recommended projects are either

⁴⁵ Springfield Ordinance No. 6314, Springfield File No. TYP413-00009, TSP Staff Report Exhibit A 2/24/14, p. 4-35.

⁴⁶ Springfield Ordinance No. 6314, Springfield File No. TYP413-00009, TSP Staff Report, Attachment 1, p. 15.

transit, new off-street pedestrian and bicycle facilities, and/or upgrades to existing streets to add pedestrian and bicycle features. There are very few projects aimed solely at facilitating motor vehicle mobility. Further, the city is exploring alternative mobility standards at key locations to reduce the need for and impact of roadway improvement projects on state facilities.” (emphasis added)

“In addition, the land use allocation of jobs and households that serves as the basis for the LCOG travel demand model focuses the majority of the growth in key redevelopment opportunity areas within the City, such as the Glenwood Riverfront Area, Downtown, Gateway, and Jasper-Natron. Noted in TransPlan as nodal areas, these areas are intended as mixed use, high density environments that will require a robust pedestrian, bicycle and transit infrastructure.” (emphasis added)

The 2030 Plan designates employment land to provide efficient freight/goods movement to support economic development.

Metro Plan Transportation Element p. III-F-11 states:

“The OTP recognizes that goods movement of all types makes a significant contribution to the region’s economy and wealth and contributes to residents’ quality of life. OTP Policy 3A promotes a balanced freight transportation system that takes advantage of the inherent efficiencies of each mode.”

“Goods movement is directly supported by system-wide and roadway transportation system improvements.”

The 2030 Plan provides coordinated land use and transportation policies intended to provide a transportation system to support economic development and goods movement — consistent with Metro Plan Transportation Element Policy F.29 which states:

“Support reasonable and reliable travel times for freight/goods movement in the Eugene Springfield region.”

The 2030 Plan designates employment growth areas with convenient access to I-5, and State Highways and truck routes to facilitate movement of goods.

Metro Plan Transportation Element p. III-F-1 describes the transportation planning strategies addressed in the Metro Plan Transportation Element to implement a safe, convenient, and economic transportation system in compliance with Goal 12:

“Three types of transportation planning strategies are reflected in the goals and policies in this element: transportation demand management (TDM), land use, and system improvements. TDM strategies focus on reducing demands placed on the transportation system, and thus system costs, by providing incentives to redistribute or

eliminate vehicle trips and by encouraging alternative modes. Land use strategies focus on encouraging development patterns that reduce the need for automobiles, reduce trip lengths, and support the use of alternative modes. System improvements focus on increasing efficiency and adding capacity or new facilities to the existing highway, transit, bicycle, and pedestrian systems. (emphasis added).

Together, these strategies form a balanced policy framework for meeting local and state transportation goals to: increase urban public transit rider-ship; reduce reliance on the automobile; substitute automobile trips with alternative modes, such as walking and biking; and reduce automobile energy consumption and transportation costs.

Not all Transportation Element policies will apply to a specific transportation-related decision. When conformance with adopted policy is required, policies in this and other Metro Plan elements will be examined to determine which policies are relevant and can be applied. When policies support varying positions, decision makers will seek a balance of all applicable policies. Goals are timeless, but some policies will expire as they are implemented.”

As stated in the adopted Springfield TSP findings, Springfield Ordinance 6314 Exhibit A:

“However, it should be noted that the 2002 TransPlan continues to serve as the region’s Transportation Planning Rule (TPR) required RTSP until such time as a new RTSP is adopted by the appropriate MPO jurisdictions. The performance measures by which progress towards meeting TPR requirements over the TransPlan planning horizon are evaluated for the Central Lane MPO area shall also remain in effect until (1) both Eugene and Springfield have completed updates to their land use and transportation plans, (2) a new assessment (based on analysis from both new local TSPs) of how well the Region is addressing TPR requirements is completed, (3) a determination of how or if the current performance measures need to be updated is completed, and (4) a new RTSP is completed and adopted. Because it is important that the local TSP for Springfield continues to support the policies and general objectives of the 2002 TransPlan until a new RTSP is adopted, Staff has prepared findings confirming that the Springfield TSP is consistent with the 2002 TransPlan.”

As stated in the adopted Springfield TSP findings, Springfield Ordinance 6314 Exhibit A:

“For the purpose of serving as Springfield’s local TSP, TransPlan will be replaced by the Springfield 2035 TSP. However, TransPlan will continue to serve as the Regional Transportation System Plan (RTSP) for Eugene and Springfield until a new RTSP is adopted. An updated RTSP is being developed through a regional process described in a work plan agreed to with the Land Conservation and Development Commission. The Central Lane MPO member jurisdictions are in the process of refining the task details

and timelines in the existing RTSP update work plan with LCDC to more accurately reflect the coordination challenges and various dependencies between the RTSP, local TSP, and land use planning work that is underway. This includes future work needed to assess compliance with the TPR per capita VMT reduction requirements or assess and incorporate updated performance measures in the Regional Transportation System Plan (RTSP) based on the analysis conducted for the Springfield and Eugene TSPs after each local TSP is reconciled with any land use plan changes that are made through the processes that are currently underway. As previously noted, until that work is complete, the current 2002 TransPlan and its performance measures will remain in effect.”
(emphasis added)

Metro Plan Transportation Element Policies F.1, F.2, F.3, and F.4 coordinating transportation planning with plan use planning are implemented through the projects, programs and policies in the Springfield TSP and through Springfield’s acknowledged comprehensive plan land use designations and land use regulations.

Policy F.1: “Apply the nodal development strategy in areas selected by each jurisdiction that have identified potential for this type of transportation-efficient land use pattern.”

Policy F.2: “Support application of the nodal development strategy in designated areas through information, technical assistance, or incentives.”

Policy F.3: “Provide for transit-supportive land use patterns and development, including higher intensity, transit-oriented development along major transit corridors and near transit stations; medium- and high-density residential development within ¼ mile of transit stations, major transit corridors, employment centers, and downtown areas; and development and redevelopment in designated areas that are or could be well served by existing or planned transit.”

Policy F.4: “Require improvements that encourage transit, bicycles, and pedestrians in new commercial, public, mixed use, and multi-unit residential development.”

The Metro Plan⁴⁷ defines Nodal development (node) as follows:

Nodal development (node): Nodal development is a mixed-use, pedestrian-friendly land use pattern that seeks to increase concentrations of population and employment in well-defined areas with good transit service, a mix of diverse and compatible land uses, and public and private improvements designed to be pedestrian and transit oriented. Fundamental characteristics of nodal development require:

- Design elements that support pedestrian environments and encourage transit use, walking and bicycling;

⁴⁷ Metro Plan Chapter V Glossary, p.V-4.

- A transit stop which is within walking distance (generally ¼ mile) of anywhere in the node);
- Mixed uses so that services are available within walking distance;
- Public spaces, such as parks, public and private open space, and public facilities, that can be reached without driving; and
- A mix of housing types and residential densities that achieve an overall net density of at least 12 units per net acre.

Nodal developments will vary in the amount, type, and orientation of commercial, civic, and employment uses; target commercial floor area ratios; size of building; and the amount and types of residential uses.

As demonstrated in the TSP findings, the acknowledged Springfield TSP provides local comprehensive plan coordinated land use-transportation policies consistent with relevant Metro Plan Transportation Element Land Use Policies F.1, F.2, F.3, and F.4.

The subject 2030 Plan amendments (Ordinance Exhibits B, C, D and E) provide local comprehensive plan land use goals, policies and implementation strategies coordinated with transportation policies, programs, projects and strategies consistent with relevant Metro Plan Transportation Element Land Use Policies F.1, F.2, F.3, and F.4. The City's 2030 Plan emphasizes a compact urban growth pattern, by providing land to meet all employment land needs for sites smaller than 5 acres within the existing UGB.⁴⁸

The City's previously acknowledged 2030 Plan Residential Land and Housing Element Policies and land use efficiency measures and densities allocate all residential and housing growth needs to lands within the existing UGB.⁴⁹

The 2030 Comprehensive Plan Economic and Urbanization Elements address the integral relationship between transportation systems and land use in comprehensive planning through land use plan amendments and policies that direct urban development and urban expansion to areas identified as necessary and suitable for urban development; and through policies that address (1) the need for all modes of transportation to support economic development and livability including mass transit, rail, highway, bicycle and pedestrian; (2) the transportation needs of the workforce and target industry employers based on Springfield's Economic Opportunities Analysis; (3) avoiding principal reliance upon any one mode of transportation; (4) minimizing adverse social, economic and environmental impacts

⁴⁸ As explained in the CIBL/EOA and the City's findings under Goal 9.

⁴⁹ Acknowledged 2030 Residential Land Use and Housing Policy H.1 densities support transit: Residential Low Density 6-14 du/acre, Residential Special Density 8-14, Residential Medium Density 14-28 du/acre, Residential High Density 28-42 du/acre, Springfield Development Code Glenwood Plan District Residential Mixed Use 50 du/ac minimum, no maximum, Mixed Use Residential MUR 20 du/acre minimum; MUC no maximum. Policy H.3 and implementation actions 3.1, 3.2, 3.3, 3.4; Policy H.4; Policy H.5; Policy H.7 and implementation actions 7.1, 7.2, 7.4; Policy H.10; Policy H.13.

and costs; (5) conserving energy by reducing travel distance; (6) meeting the needs of the transportation disadvantaged by improving access to transportation services; and (7) locating employment centers to facilitate the flow of goods and services so as to strengthen the local, regional and state economy.

The employment forecast identifies a need to provide sites for 13,000 + new jobs through 2030. The integral relationship between transportation facilities and services and employment land uses was a consideration of utmost importance in the City's evaluation of options to accommodate employment growth and diversification of the economy. The City needs to expand the UGB to add 223 acres of suitable, large sites to its employment land inventory. Decreasing the distance needed to travel to and from these new employment and industrial areas added to the UGB and to and from redevelopment employment and industrial areas within the city is an important consideration used by the City to evaluate options for accommodating forecast employment growth. Suitable, well-located employment sites will facilitate the safe, efficient and economic flow of freight and other goods and services within the region and throughout the state. The City's Goal 14 Boundary Alternatives Analysis evaluated potential growth areas to determine whether new jobs would be located within ½ mile of planned centers, districts, and corridors served by the regions' Frequent Transit Network (FTN).

The 2030 Plan emphasizes and provides policy support for redevelopment and new development that increases capacity in areas served by transit. Needed employment in new employment areas added to the UGB, within existing employment areas and in redevelopment employment areas within the city should be located where adequate transportation facilities already exist, are planned or can be logically and efficiently extended to ensure that jobs are accessible via a choice of transportation modes including modes accessible to the transportation disadvantaged. The 2030 Comprehensive Plan allocates the majority of new jobs to employment land within ½ mile of planned centers, districts, and corridors served by the regions' Frequent Transit Network (FTN). Adding suitable large employment sites to existing city employment centers supports the availability of a variety of transportation choices for moving people that balance vehicular use with other transportation modes, including walking, bicycling and transit in order to avoid principal reliance upon any one mode of transportation. This strategy promotes equity and opportunity by ensuring that access to jobs is possible through the region's public transit network.

2030 Plan Urbanization Element Goal UG-1 states:

“Promote compact, orderly and efficient urban development by guiding future growth to vacant sites and redevelopment areas within the established areas of the city and to urbanizable lands where future annexation and development may occur.”

2030 Plan Urbanization Element Policy 2 states:

“Continue to support and facilitate redevelopment and efficient urbanization through City-initiated area-specific refinement planning and zoning amendments consistent with the policies of this Plan. Plans shall designate an adequate and competitive supply of land to facilitate short-term and long-term redevelopment activity. Efficiency measures achieved through plan amendments may be reflected in land

supply calculations to the extent that they are likely to increase capacity of land suitable and available to meet identified needs during the relevant planning period.

- *Continue to provide public policy and financial support when possible for redevelopment in Springfield.*
- *Continue to prioritize and incentivize redevelopment in the Glenwood and Downtown urban renewal districts and support redevelopment throughout the City as described in the Economic and Residential Elements of this Plan.*
- *Continue to provide development tools and incentives (such as Urban Renewal support) within targeted priority redevelopment areas as resources become available to facilitate expedient and economically feasible redevelopment.*
- *Continue to conduct focused planning in key redevelopment areas, as directed by the City Council, as resources are available. Such efforts will review, update and supersede existing refinement plan designations and policies.*
- *Identify and include public agencies and private stakeholder partners in district-specific planning efforts to facilitate redevelopment through partnerships and other cooperative relationships.”*

2030 Plan Urbanization Element Goal UG-2 states:

“Promote efficient and economical patterns of mixed land uses and development densities that locate a variety of different life activities, such as employment, housing, shopping and recreation in convenient proximity; and where accessible by multiple modes of transportation — including walking, bicycling, and transit in addition to motor vehicles — both within and between neighborhoods and districts.”

2030 Plan Urbanization policies identify the City’s strategies for providing public incentives to assist redevelopment of sites to meet employment land needs, as resources are available.

2030 Plan Urbanization Element Policy 17 states:

“In new growth and redevelopment areas throughout the City, plan and support the transition to transportation-efficient land use patterns by providing incentives such as City-initiated plan and zoning updates, technical assistance, implementation of design standards, and permit processing assistance to guide the development of well-designed neighborhoods, efficient and economically viable mixed use districts and corridors.”

2030 Plan Urbanization Element Policy 18 states:

“Within districts and neighborhoods currently characterized by a limited range of land uses and activities, pursue comprehensive planning and zoning code updates to allow for mixed-use development at appropriate locations as one method of providing additional land use diversity and choices — as described in the Economic and Residential Land Use Elements of this plan.”

2030 Plan Urbanization Element Policy 19 states:

“Support new development and redevelopment in mixed use areas to address Springfield’s needs for housing, employment, and shopping opportunities in connected walkable neighborhood locations served by the region’s frequent transit network (FTN).”

2030 Plan Urbanization Element Policy 20 states:

“Plan and zone land to support transit-oriented land use patterns and development, including but not limited to higher intensity development in the City’s employment and commercial centers and along major transit corridors; employment uses located within ¼ mile of transit stations or stops; and residential development within ½ mile of transit stations or stops.”

2030 Plan Urbanization Element Policy 21 states:

“As permitted under Oregon law, require improvements in new commercial, public, mixed use, and multi-unit residential development that encourage walking, bicycling and the use of transit.”

2030 Plan Urbanization Element Policy 36 states:

“The City shall continue to seek funding opportunities and public-private partnerships to allow construction of key urban infrastructure elements to support pedestrian and transit-friendly redevelopment in Glenwood and Downtown, such as the Franklin Corridor multiway boulevard in Glenwood and enhancements to the Main Street/South A couplet through Downtown.”

2030 Plan Urbanization Element Policy 39 and 40 address multi modal transportation planning requirements for the UGB expansion areas:

“The North Gateway and Mill Race districts shall be planned and designed to encourage and support the availability of a variety of transportation choices for moving people that balance vehicular use with other transportation modes, including walking, bicycling and transit in order to avoid principal reliance upon any one mode of transportation; support the mobility needs of the transportation disadvantaged; and provide for safe and convenient vehicular, transit, pedestrian, and bicycle access and circulation. Plan and zoning amendments shall include a transportation system analysis and plan to demonstrate compliance with Statewide planning Goal 12 and Goal 12 administrative rules.” (Policy 39)

“Public transportation systems shall be designed to facilitate future extension of the public transit system to serve the North Gateway district.” (Policy 40)

The City’s North Gateway and Mill Race districts designate suitable employment land to provide additional employment capacity on sites immediately abutting land previously identified as “Potential Nodes” in TransPlan. This action designates land to expand existing employment areas in support of new employment occurring in walkable centers and corridors served by the region’s Frequent Transit Network.

2030 Plan Economic Element Policies support employment growth within existing Nodal Development (ND) designated areas (RiverBend: Ordinance 6241, Downtown: Ordinance 6146, Marcola Meadows – Ordinance 6195; Glenwood - Ordinance 6316); 30th and Main – Ordinance 6177); and approved Glenwood Mixed Use Multi Modal Areas (MMAs): Ordinance 6316; and existing employment centers served by transit, as described in the City’s findings under Goal 9. This action supports development of new employment occurring in connected, walkable employment centers and corridors served by the region’s Frequent Transit Network. Over 400 additional units of High Density Mixed-Use Residential housing are planned at the Glenwood site. 518 units of Medium Density Residential housing are planned at the Marcola Meadows site.⁵⁰

2030 Plan Economic Element Policies support designation and zoning of land to increase employment in Mixed-Use areas, as described in the City’s findings under Goal 9. This action supports development of new employment occurring in connected, walkable employment centers and corridors served by the region’s Frequent Transit Network.

The CIBL/EOA identified location relative to transit routes as a “characteristic of needed sites” for some of Springfield’s target industry employers that require sites larger than 5 acres, as described in the CIBL/EOA and in the City’s findings under Goal 9. This action supports development of needed larger employment sites and new employment occurring in connected, walkable employment centers and corridors served by the region’s Frequent Transit Network. An example of this pattern working in Springfield is the International Way and RiverBend employment center served by the Gateway EmX Bus Rapid Transit service.⁵¹ 730 units of Medium Density Residential housing are planned for the RiverBend site.⁵²

In the City’s 2030 Plan UGB Boundary Location Alternatives Analysis under Goal 14, the City considered location relative to transit routes as a “characteristic of needed sites” for some of Springfield’s target industry employers, and thus evaluated alternatives on the basis of being able to provide suitable sites

⁵⁰ Marcola Meadows Master Plan

⁵¹ LCDC toured this area and other developed nodal development and transit-served areas at a past Commission meeting in Springfield.

⁵² RiverBend Master Plan

for large employers in locations within a ½ mile of existing or planned Frequent Transit Network (FTN) public transit routes.

Conclusion OAR 660-012-0035(4) and (5): The subject 2030 Plan amendments include local comprehensive plan land use policies, land use designations and land use regulations that are coordinated with the acknowledged TSP and RTSP to support implementation of relevant Metro Plan Transportation Element and Use Policies F.1, F.2, F.3, and F.4 and relevant requirements of OAR 660-012-0035 (4) and (5).

Conclusions OAR 660-012-0035. The subject 2030 Plan amendments include local comprehensive plan Economic Element and Urbanization Element land use policies (Ordinance Exhibit B and C) coordinated with transportation policies to support provision of transit-supportive land use patterns and development, including higher intensity, transit-oriented development along major transit corridors and near transit stations; medium- and high-density residential development within ¼ mile of transit stations, major transit corridors, employment centers, and downtown areas; and development and redevelopment in designated areas that are or could be well served by existing or planned transit.

Existing acknowledged comprehensive plan policies, plan designations, zoning and Springfield Development Code and proposed 2030 Plan UGB, policies, plan designations, zoning and Springfield Development Code direct and regulate new residential, employment and mixed-use land uses to support achievement of transit-supportive land use patterns and development, including higher intensity, transit-oriented development along major transit corridors and near transit stations; medium- and high-density residential development within ¼ mile of transit stations, major transit corridors, employment centers, and downtown areas; and development and redevelopment in designated areas that are or could be well served by existing or planned transit.

OAR 660-024-0045 Implementation of the Transportation System Plan

(1) *“Each local government shall amend its land use regulations to implement the TSP.”*

(2) *“Local governments shall adopt land use or subdivision ordinance regulations, consistent with applicable federal and state requirements, to protect transportation facilities, corridors and sites for their identified functions. Such regulations shall include:*

(a) Access control measures, for example, driveway and public road spacing, median control and signal spacing standards, which are consistent with the functional classification of roads and consistent with limiting development on rural lands to rural uses and densities;

(b) Standards to protect future operation of roads, transitways and major transit corridors;

(c) Measures to protect public use airports by controlling land uses within airport noise corridors and imaginary surfaces, and by limiting physical hazards to air navigation;

(d) A process for coordinated review of future land use decisions affecting transportation facilities, corridors or sites;

(e) A process to apply conditions to development proposals in order to minimize impacts and protect transportation facilities, corridors or sites;

(f) Regulations to provide notice to public agencies providing transportation facilities and services, MPOs, and ODOT of:

(A) Land use applications that require public hearings;

(B) Subdivision and partition applications;

(C) Other applications which affect private access to roads; and

(D) Other applications within airport noise corridors and imaginary surfaces which affect airport operations; and

(g) Regulations assuring that amendments to land use designations, densities, and design standards are consistent with the functions, capacities and performance standards of facilities identified in the TSP.”

(3) “Local governments shall adopt land use or subdivision regulations for urban areas and rural communities as set forth below. The purposes of this section are to provide for safe and convenient pedestrian, bicycle and vehicular circulation consistent with access management standards and the function of affected streets, to ensure that new development provides on-site streets and accessways that provide reasonably direct routes for pedestrian and bicycle travel in areas where pedestrian and bicycle travel is likely if connections are provided, and which avoids wherever possible levels of automobile traffic which might interfere with or discourage pedestrian or bicycle travel.”

(4) To support transit in urban areas containing a population greater than 25,000, where the area is already served by a public transit system or where a determination has been made that a public transit system is feasible, local governments shall adopt land use and subdivision regulations as provided in (a)–(g) below...”

Springfield has land use regulations in place consistent with applicable federal and state requirements and laws, to protect transportation facilities, corridors and sites for their identified functions, including measures and land use development review procedures addressing the standards listed in OAR 660-012-0045(2)(a)-(g). In 2016 Springfield is conducting several projects that will update the Springfield Development Code and Engineering Design Standards Manual to enhance compliance with OAR 660-

012-0045. The TSP Implementation project updates development code and engineering design manual standards city-wide. TSP Appendix I “Plan Implementation and Recommended Ordinance/Code Language” outlines recommended code updates to implement the TSP.⁵³ While the existing SDC meets TPR standards, the TSP project will implement the updated policies found in TSP Chapter 2. The Downtown District Design Standards project updates standards applicable to land within the Downtown Refinement Plan. The Main Street Corridor Plan Phase Two project will create an innovative zoning code for the Main Street Corridor. Both projects address "safe and convenient" pedestrian and bicycle facility routes, facilities and improvements, bicycle and vehicular parking requirements and facilities, alleys, accessways, curb extensions, pedestrian crossings, facility designs to support transit use, and development standards listed in OAR 660-012-0045(4) and (5). The SDC (city-wide) allows provision of on-street parking and shared parking to meet minimum off-street parking requirements. The City’s acknowledged Glenwood Plan District code implements off-street parking maximums.

Springfield has land use regulations in place consistent with applicable federal and state requirements and laws, to protect transportation facilities, corridors and sites for their identified functions, including measures and land use development review procedures addressing the standards listed in OAR 660-012-0045(2)(a)-(g).

Springfield adopted new land use regulations that protect transportation facilities for their identified functions. The 2030 Plan designates and zones the lands added to the UGB to meet long range employment needs Urban Holding Area- Employment. The 2030 Plan applies 2030 Urbanization Element (Ordinance Exhibit C-2) policies requiring TSP and PFSP amendments prior to approval of rezoning for urban use as explained in Urbanization Element Table 5: pre-Development Approval Process Steps – Urban Holding Areas and Policies 38 and 39. The City and Lane County adopted and applied the AG-Urban Holding Area Zoning District (Ordinance Exhibits A, E) establishing land use regulations in SDC 3.2-915(A)(4) which states: ***“Proposed new uses or expansions of existing uses must demonstrate that the use will not generate vehicle trips exceeding pre-development levels.”*** AG zone SDC 3.2-930, Table 1. Pre-Development Approval Process Steps – Urban Holding Areas Table 1 provides an overview of the planning procedures required prior to rezoning land from Agriculture - Urban Holding Area (AG) to urban employment zoning designations (e.g. Employment, Employment Mixed Use, Campus Industrial, or Industrial), including the following two steps:

<u>Table 1. Pre-Development Approval Process Steps – Urban Holding Areas</u>	
<u>City-initiated Planning Process</u>	<u>Owner-initiated Planning Process</u>
1. <u>City prepares Plan Amendment to address all applicable Statewide Planning Goals (e.g. amended or new refinement plan or district plan), Metro Plan and Springfield Comprehensive Plan policies and Springfield Development Code standards.</u>	1. <u>Applicant submits request to City to initiate amendments to the Transportation System Plan and Public Facilities and Services Plan, and other city actions that may be required prior to plan amendment approval.</u>

⁵³ The recommended updates would amend SDC Sections 4.2, 4.6, and 3.2 (panhandle lots), Appendix I. p. 3-4.

<p><u>2. City and Lane County approve Plan Amendment to amend Metro Plan and Springfield Comprehensive Plan. UHA-E designation is replaced with employment plan designations (e.g. Employment, Employment Mixed Use, Campus Industrial, or Industrial). AG zoning remains in effect until Master Plan and new zoning are approved.</u></p>	<p><u>2. Applicant prepares and submits Plan Amendment application to address all applicable Statewide Planning Goals, Metro Plan and Springfield Comprehensive Plan policies, and Springfield Development Code standards. Applicant proposes employment plan designations (e.g. Employment, Employment Mixed Use, Campus Industrial, or Industrial).</u></p>
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Conclusions: OAR 660-12-0045. The 2030 Plan amendments and Springfield’s existing Development Code provide land use regulations consistent with applicable federal and state requirements and laws, to protect transportation facilities, corridors and sites for their identified functions, including measures and land use development review procedures addressing the standards listed in OAR 660-012-0045(2)(a)-(g).

OAR 660-012-0060 Plan and Land Use Regulation Amendments

OAR 660-024-0020 (1)(d) states:

“The transportation planning rule requirements under OAR 660-012-0060 need not be applied to a UGB amendment if the land added to the UGB is zoned as urbanizable land, either by retaining the zoning that was assigned prior to inclusion in the boundary or by assigning interim zoning that does not allow development that would generate more vehicle trips than development allowed by the zoning assigned prior to inclusion in the boundary;

Conclusions OAR 660-012-0060. The City and Lane County assigned the “Urban Holding Area – Employment (UHA-E)” comprehensive plan designation and “Agriculture – Urban Holding Area (AG)” interim zoning to the urbanizable employment lands added to the UGB in the City’s 2030 Plan amendments. The zoning does not allow development that would generate more vehicle trips than development permitted under the existing Lane County Agriculture zoning assigned prior to the inclusion of the lands in the UGB.

The UHA-E designation and AG zone establish an urban transition land use district that restricts interim uses to those already permitted under the existing Lane County Exclusive Farm Use (EFU) zoning. As permitted under OAR 660-024-0020 (1)(d), the OAR 660-012-0060 requirement to conduct a transportation impact analysis can be deferred until the analysis is needed to evaluate a proposed plan or zoning amendment that will allow urban development.

The subject 2030 Plan amendments do not trigger the transportation planning rule requirements under OAR 660-012-0060.

Adoption of the 2030 Plan UGB amendment triggers a need to update the Springfield Transportation System Plan prior to approval of plan designation or zoning amendments and annexation to allow urban development in the UHAs. Exhibit E SDC AG zone describes the required sequencing of these post-acknowledgement plan amendments prior to approval of any land use proposal that creates significant impacts above levels assumed by acknowledged Transportation Systems Plans.

Compliance with Section 60 of the TPR for lands inside the previously-acknowledged Springfield UGB.

The 2030 plan codifies and relies upon the acknowledged comprehensive plan designations, Metro Plan land use policies and TSP. Inside the current UGB, the 2030 Plan implements existing acknowledged comprehensive plan designations that were in place when the region's acknowledged transportation system plans and Springfield's local Transportation System Plan were adopted. Plan and zoning map designations interpreting and implementing those designations do not cause "significant impacts" within the meaning of the rule.

LUBA has determined that plan and zoning amendments do not have significant impacts under Section 60 to the extent that those amendments were in place and therefore necessarily assumed by acknowledged Transportation Systems Plans. The leading case on this issue is *Mason v. City of Corvallis*, 49 Or LUBA 199 (2005). In *Mason*, the subject decision rezoned land from low-density rural to urban low-density-residential (LDR) densities allowed under a city comprehensive plan designation that had been assumed in the city's acknowledged TSP.

Elements of the 2030 Plan that reflect, interpret, or implement comprehensive plan designations and other land use measures assumed by TransPlan/TSP do not have significant impacts within the meaning of Section 60 of the TPR.

The same is true of elements of the 2030 Plan that incorporate or otherwise reflect other post-acknowledgment plan or zoning amendment decisions that have become final and no longer subject to appeal. Those decisions are deemed "acknowledged" by operation of law and are presumed to have been made in full compliance with the LCDC's transportation goal and interpretive rule. See *Friends of Neabeack Hill v. City of Philomath*, 139 Or App 39, 911 P2d 350, rev. den. 323 Or 136(1996). Examples reflected in the draft 2030 Plan include post-acknowledgment amendments relating to RiverBend, the Sports Complex, Gateway Refinement Plan, Downtown Refinement Plan, and Glenwood Refinement Plan.

The 2030 Plan supports implementation of the TSP and Metro Plan Transportation Element policies addressing the following goals:

1. *"Provide an integrated transportation and land use system that supports choices in modes of travel and development patterns that will reduce reliance on the automobile and enhance livability, economic opportunity, and the quality of life."*
2. *"Enhance the Eugene-Springfield metropolitan area's quality of life and economic opportunity by providing a transportation system that is:*

- *Balanced,*
- *Accessible,*
- *Efficient,*
- *Safe,*
- *Interconnected,*
- *Environmentally responsible,*
- *Supportive of responsible and sustainable development,*
- *Responsive to community needs and neighborhood impacts, and*
- *Economically viable and financially stable.”*

As one strategy to achieve these goals, the Metro Plan policies in the Transportation Element address land use as follows:

“The Oregon Transportation Planning Rule (TPR) [OAR 660-012-0060(1)(c) and (d) and (5)] encourages plans to provide for mixed-use, pedestrian-friendly development, based on information that documents the benefits of such development and the Land Conservation and Development Commission’s (LCDC) policy interest in encouraging such development to reduce reliance on the automobile. The rule [OAR 660-012-0045(4)(a) and (e)] requires local governments to adopt land use regulations that allow transit-oriented developments on lands along transit routes and require major developments to provide either a transit stop on site or connection to a transit stop when the transit operator requires such an improvement. The rule [OAR 660-012-0045(3)] also requires local governments to adopt land use regulations that provide for safe and convenient pedestrian and bicycle access within new developments and from these developments to adjacent residential areas and transit stops and to neighborhood activity centers.”

The acknowledged TSP establishes Springfield’s local transportation system plan consistent with the policy direction of Policy 1B of the OHP to coordinate land use and transportation decisions to efficiently use public infrastructure investments to:

- *Maintain the mobility and safety of the highway system;*
- *Foster compact development patterns in communities;*
- *Encourage the availability and use of transportation alternatives; and*
- *Enhance livability and economic competitiveness.*

2030 Plan supports implementation of TransPlan/Metro Plan Transportation Element/TSP strategies to reduce reliance on single occupancy vehicles. Springfield previously designated and zoned lands to support implementation of the regional principles, goals, policies and strategies of the adopted Metro Plan Transportation Element intended to support achievement of compact urban growth, increase residential densities, and encourage mixed-use developments in designated areas. Springfield previously designated lands “Nodal Development;” established Mixed-Use zoning districts and a Nodal

Overlay District in the Springfield Development Code; applied Mixed-use zoning and a Nodal Development Overlay District; and designated one of the first Multi-modal Mixed Use Areas (MMA) ⁵⁴ Areas in the state (Glenwood).

The subject Springfield 2030 Comprehensive Plan policies (and the previously acknowledged 2030 Residential Land Use and Housing Element policies and implementation measures) support implementation of nodal development as one land use strategy intended to increase use of alternative modes of transportation and increased opportunities for people to live near their jobs and to make shorter trips for a variety of purposes. The CIBL/EOA allocates employment growth to nodal areas as shown in the applicable adopted Springfield refinement plans and master plans. The City's subject 2030 Plan amendments implement existing acknowledged comprehensive plan designations and zoning map designations interpreting and implementing those designations that were in place when the Springfield Transportation System Plan was adopted. The 2030 Plan Economic Element and Urbanization Element policies in Ordinance Exhibits B and C provide clear city-specific land use policy direction coordinated with Springfield TSP policies, projects and programs to support implementation of land use and transportation planning measures that are intended to:

- Maintain the mobility and safety of the highway system;
- Continue to foster compact development patterns in Springfield;
- Continue to encourage the availability and use of transportation alternatives by allocating 2030 employment growth to areas with existing or planned public transit service; and
- Enhance Springfield's livability and economic competitiveness.

The Metro Plan Transportation Element noted the challenge of changing long-established land use patterns to encourage availability and use of transportation alternatives”:

“The Market Demand Study for Nodal Development (ECONorthwest and Leland Consulting Group, 1996) recommended that the public strategy for nodal development should be flexible and opportunistic and include use of financial incentives, targeted infrastructure investments, public-private partnerships, and an inviting administrative atmosphere.” ⁵⁵

“During the public review of the nodal development strategy, many comments were received that identified the need for incentives for developers, builders, property owners, and neighborhoods to ensure that nodal developments would be built consistent with design guidelines. The type of support and incentives suggested ranged from public investments in infrastructure to technical assistance and economic incentives.” ⁵⁶

⁵⁴ As defined in OAR 660-012-0060(10)(B)(b)(A),(B), (C),(D) and (E).

⁵⁵ Metro Plan p.III–F-4

⁵⁶ Ibid.

As described in the City’s findings under Goal 9, the 2030 Plan Economic Element policies identify Springfield’s public strategy for supporting redevelopment of higher density, transit-oriented mixed-use development as a key element in the city’s overall economic development strategy. Springfield provides information, technical assistance, financing incentives and infrastructure support for nodal development primarily through the Springfield Economic Development Agency’s (SEDA) administration of the Glenwood and Downtown urban renewal districts. [Metro Plan Transportation Element Policy F.2, F.3]

As described in the TSP, Springfield coordinates with the MPO and partners with Lane Transit District and Springfield School District 19 to implement demand management programs (Point-to Point Solutions, Smart Trips Program, Safe Route to Schools).

Downtown Parking Management Plan to support Downtown redevelopment. Springfield’s Downtown District is exempt from parking requirements. The Downtown Parking Management Plan⁵⁷ was adopted in 2010. Section VII of the Plan presents Springfield’s strategies for regulating parking efficiently to support safe and positive customer experience to support Downtown commerce and to help Springfield attract a more diverse mix of retail, office and residential uses. The City is currently implementing the strategies and is considering parking management program options to incentivize redevelopment in Glenwood.

2030 Plan policies support compact urban design to reduce traffic impact on state highways. The Oregon Highway Plan recognizes that access management strategies can be implemented to reduce trips and impacts to major transportation facilities, such as freeway interchanges, and that communities with compact urban designs that incorporate a transportation network of arterials and collectors will reduce traffic impacts on state highways, postponing the need for investments in capacity-increasing projects.

The 2030 Plan policies support employment growth in centers and corridors accessible by transit, walking and bicycling. Metro Plan Transportation Element p. III-F-9 states:

“Transit services are particularly important to the transportation disadvantaged population: persons who are limited in meeting their travel needs because of age, income, location, physical or mental disability, or other reasons. The Americans with Disabilities Act (ADA) requires fixed-route systems like Lane Transit District’s (LTD) to provide a comparable level of service to the elderly and persons with disabilities who are unable to successfully use the local bus service. LTD’s Americans with Disabilities Act Paratransit Plan, 1994-1995 Update (January 18, 1995) was found to be in full compliance with the ADA by the Federal Transit Administration.”

Metro Plan Transportation Element Policy F.18 states:

⁵⁷ Springfield Downtown Urban Design Plan – Parking Management, Rick Williams consulting, July 2010.

“Improve transit service and facilities to increase the system’s accessibility, attractiveness, and convenience for all users, including the transportation disadvantaged population.”

Metro Plan Transportation Element Policy F.19 states:

“Establish a BRT system composed of frequent, fast transit service along major corridors and neighborhood feeder service that connects with the corridor service and with activity centers, if the system is shown to increase transit mode split along BRT corridors, if local governments demonstrate support, and if financing for the system is feasible.”

Metro Plan Transportation Element Policy F.20 states:

“Implement traffic management strategies and other actions, where appropriate and practical, that give priority to transit and other high occupancy vehicles.”

Metro Plan Transportation Element Policy F.22 states:

“Construct and improve the region’s bikeway system and provide bicycle system support facilities for both new development and redevelopment/expansion.”

Metro Plan Transportation Element Policy F.23 states:

“Require bikeways along new and reconstructed arterial and major collector streets.”

Metro Plan Transportation Element Policy F.24 states:

“Require bikeways to connect new development with nearby neighborhood activity centers and major destinations.”

Metro Plan Transportation Element Policy F.26 states:

“Provide for a pedestrian environment that is well integrated with adjacent land uses and is designed to enhance the safety, comfort, and convenience of walking.”

Metro Plan Transportation Element Policy F.27 states:

“Provide for a continuous pedestrian network with reasonably direct travel routes between destination points.”

Metro Plan Transportation Element Policy F.28 states:

“Construct sidewalks along urban area arterial and collector roadways, except freeways.”

Goal 12 Conclusion. Based on the findings and conclusions stated, the City’s 2030 Plan amendments are consistent with Goal 12, and the relevant policies of the Metro Plan.

Statewide Planning Goal 13: Energy Conservation

OAR 660-015-0000(13)

To conserve energy.

“Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.”

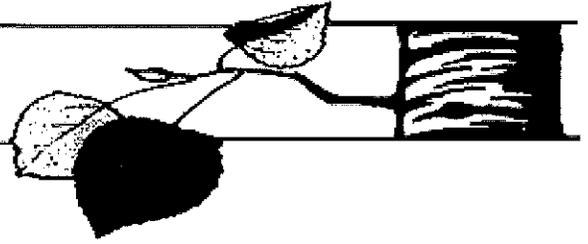
Metro Plan IIIJ Energy Element addresses Goal 13. The 2030 Plan amendments so not affect compliance with Goal 13 or Metro Plan IIIJ Energy Element. 2030 Plan policies support and encourage use of energy efficient buildings, energy efficient transportation systems and modes, recycling and re-use of previously land and buildings, and increasing employment capacity in higher density mixed-use multi-modal centers and corridors.

The Goal 14 boundary alternatives analysis requires cities to consider and balance energy consequences as one of the four Goal 14 ESEE locational factors in comparing different sites for potential urbanization.

To implement Goal 13, the Springfield Development Code addresses lot size, dimension, and siting controls; building height and bulk; density of uses; availability of light, wind and air; compatibility of and competition between competing land use activities; and provisions for collection of waste.

Goal 13 conclusion. The 2030 Plan amendments are consistent with Goal 13, as implemented through the policies in Metro Plan IIIJ Energy Element and the 2030 Plan policies.

Puzzle Parts, LLC
840 Bellline Road, Suite 202, Springfield, OR 97477
(541) 746-8444 * Fax (541) 746-2590



September 14, 2016

Linda Pauly
City of Springfield
Planning Department
225 Fifth Street
Springfield, OR 97477

Dear Ms. Pauly,

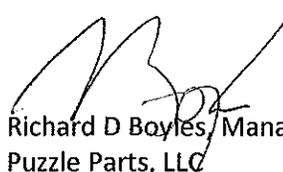
Re: Support for Springfield UGB Expansion

I am the Managing Member of Puzzle Parts, LLC which is the owner of property in the north Gateway area proposed for inclusion an expanded Urban Growth Boundary. I was unable to attend the public hearing on September 12. I would like to take this opportunity to express support for the proposed UGB expansion and in particular for expansion in the north Gateway area. I have previously indicated my group's support, but wish to reiterate our position.

Most fundamentally, the City is required by law to periodically assess inventory and demand for land to be used for industrial purposes and to designate lands in sufficient quantity to meet the projected 20 year demand. The City has been engaged in this work for many years at this point and invested a tremendous amount of staff time and public money in this process, not to mention the time spent by our elected officials in guiding the process. As an interested observer, I have noted the meticulous and painstaking approach that City staff and officials have taken to prepare the demand estimates and to evaluate the most feasible locations for the required expansion. I have noted the many opportunities for citizen involvement. We are in full support of the proposal for UGB expansion presented September 12th.

While we are in full support of the plan as presented, it is my observation that the proposal is the result of a political process as well as a planning process. Planners and the cities they work for are forced to consider from which quarter appeals are likely to come and to adapt good planning to minimize the likelihood of appeal and in particular the likelihood of a successful appeal. It is my belief that in response to this dynamic, demand projections underestimate the actual likely demand. Not providing adequate land for future business and employment growth will guarantee that Springfield will not grow to its full potential. Therefore, I urge that as the adoption process moves forward, no further compromise be made with respect to the demand estimates.

Respectfully,


Richard D Boyles, Managing Member
Puzzle Parts, LLC

Date Received: 9-19-16
Planner: LP

October 6, 1992

David B. Barrows
Director, Environmental Sciences
Woodward-Clyde Consultants
111 SW Columbia, Suite 990
Portland, OR 997201

STATE LAND BOARD

BARBARA ROBERTS
Governor
PHIL KEISLING
Secretary of State
ANTHONY MEEKER
State Treasurer

Re: Wetland Delineation Weyerhaeuser Mill, Springfield
T17S, R2W, Section 32

Dear Dave:

I have reviewed the above referenced wetland delineation. The delineation involves a broad variety of created lagoons, ponds, and other waterway/wetland sites. Based on the information presented and personal knowledge of the site, the Division of State Lands will treat the following sites as indicated:

Aeration/Stabilization Basin	-	Not regulated under Oregon's Removal-Fill Law
No. 2 Pond	-	Not regulated under Oregon's Removal-Fill Law
Surge Pond	-	Not regulated under Oregon's Removal-Fill Law
Log Pond	-	Not regulated under Oregon's Removal-Fill Law
Sludge Basin No. 1	-	Not regulated under Oregon's Removal-Fill Law
Sludge Basin No. 2	-	Not regulated under Oregon's Removal-Fill Law
Sludge Basin No. 3	-	Not regulated under Oregon's Removal-Fill Law
Cooling Ponds	-	Not regulated under Oregon's Removal-Fill Law
McKenzie Slough	-	Removal filling subject to Oregon's Removal-Fill Law of ORS 141-85-010



775 Summer Street NE
Salem, OR 97310-1337
(503) 378-3805
FAX (503) 378-4844

The Administrative Rules of OAR 141-85-010 exempt the application of the law to the above sites because they do not meet the criteria established as "other bodies of water".

We would encourage you to advise Weyerhaeuser Co. that protection of wetlands established in the cooling ponds should be explored. The proposal to utilize the Sludge Basins or log pond to an aeration basin would not be regulated by the Division of State Lands. You should consult with the Corps of Engineers on the application of their regulatory program to the sites.

To clarify your reports in the future, I would suggest that you refer to Oregon's Removal-Fill Law as ORS 196.800 - 196.990 (page 2-1). Additionally, the soils mapped for the area including Newburg, Cloquato, Chehalis, Chapman and Camas, are not hydric soils.

If you have any questions concerning this letter, please call.

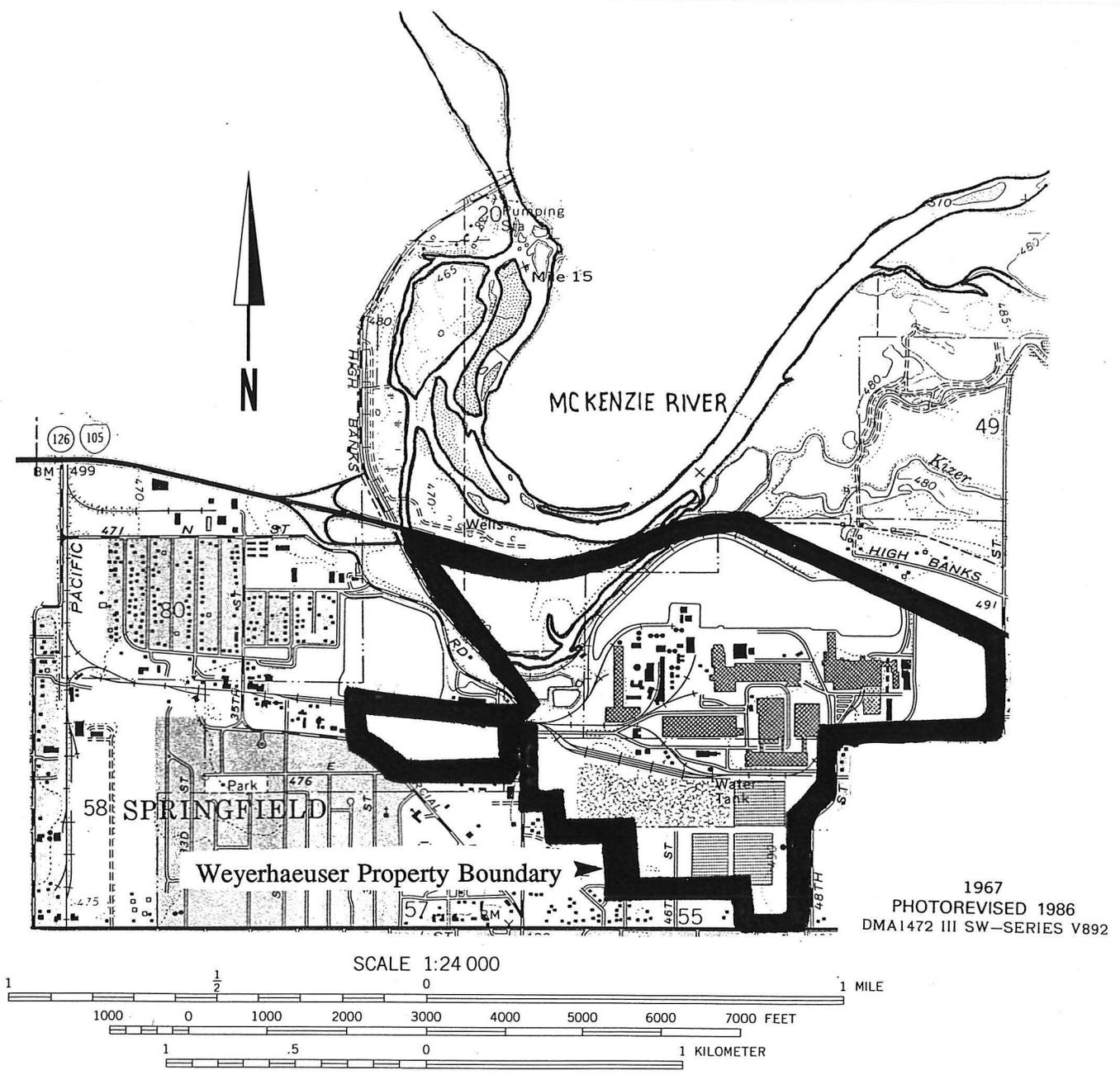
Sincerely,

A handwritten signature in black ink, appearing to read "Ken Bierly". The signature is written in a cursive, somewhat stylized font.

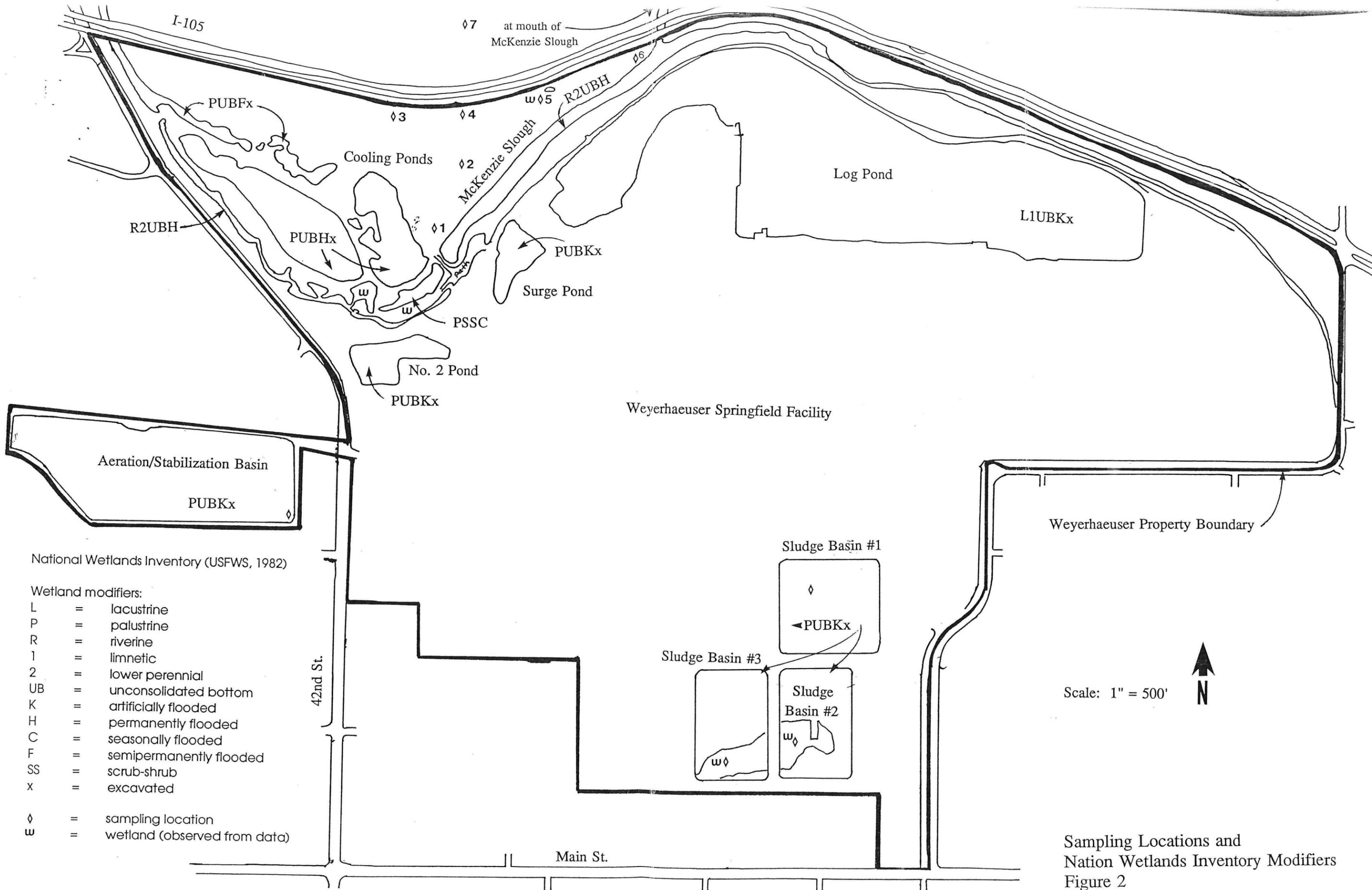
Kenneth F. Bierly
Wetlands Program Manager

KFB/jp
ken:150

cc: Jim Goudzwaard, Corps of Engineers



Weyerhaeuser Springfield
 Site Location
 Figure 1



Sampling Locations and
 Nation Wetlands Inventory Modifiers
 Figure 2

From: [Mia Nelson](#)
To: [PAULY Linda](#)
Subject: Sludge ponds
Date: Thursday, September 15, 2016 11:06:21 AM
Attachments: [WD 1992-0222 Final docs.pdf](#)
[ATT00001.htm](#)

Linda,

I just obtained the attached copy of the delineation report for the three sludge ponds mentioned in my letter. All three were determined not to be subject to regulation by DSL.

Please enter the attachment into the record for the UGB proceedings.

Mia

Mia Nelson
Urban Specialist
1000 Friends of Oregon
P.O. Box 51252
Eugene, OR 97405
(541) 520-3763

PAULY Linda

From: richard proulx <proulx79@gmail.com>
Sent: Monday, September 19, 2016 11:10 PM
To: MILLER Keir C
Subject: Springfield Urban Growth Boundary

Dear Mayor Lundberg, City Councilors, Lane County Commissioners, and Lane County Planning Commission.

My name is Richard Proulx. My family and I live at 2777 South M St. Springfield, Or 97477.

I came to the City Council meeting last Monday, 9/12/2016. In fact, I spoke at the meeting. The problem, is that with a week to organize, and only three minutes to respond to information that took Linda Pauly eight years to gather, I felt short changed in getting my information to you. Therefore I will try again through email.

Let me say, I appreciate what Linda is trying to accomplish. She has worked very hard at this for several years. I have received several letters from her over the years. In fact, I did submit a written response in 2010.

Unfortunately, I can't support her proposal for including the South 28th area into the urban growth boundary. Here is my reasoning why...

My family moved to this neighborhood in 1959, 57 years ago. It was a quiet, peaceful area with deer, eagles, and an abundance of other wildlife. We were a five minute walk to the Willamette river, which was like looking at a post card it was so pretty. Traffic was very limited. In part because of a gravel road that was/is very dusty in the summer and muddy with large pot holes in the winter. In part because the train blocks the road for extended periods of time multiple times a day. And in part because it is a dead end road.

There are about 14 families that live in our neighborhood. These families have lived here for many,many years. To the best of my knowledge, every family but two have lived here for 20 years or more. One of the two "newer" families move in after the owner died, the other because of a divorce.

In fact, this is an area people come to to settle permanently. Some of the people we have lost over the years include:

Denna, who lived on her ranch over 15 years

Jerry Bingham 20 plus years

Mr. Bales 25 plus years

Wes 20 plus years

Mac McNair and his wife 50 plus years

Virginia Schmidt 54 years

and Bob Saul over 90 years.

In the late 1980s Molly and Bill Reaves sold what is now the SUB well fields property to I believe the City of Springfield for one dollar. The only requirement was that the property never be developed. Because of the wells, some fencing and moderate gates were installed. We still had access to the river and walks through beautiful country.

In the early 2000s SUB invited all the homeowners to a barbecue on the well field property. They wanted to develop the water supply system by installing water filtration ponds. They (SUB) explained all the benefits of the new water system and how they were going to be great neighbors. I can tell you, they were anything but.

Date Received: 9-20-16
Planner: LP

Extensive fencing and large gates were installed (including a gate across public property at the end of South 26th St. that SUB now wants to acquire as vacated).

A large piece of our "heaven " had been taken away from us. We lost our access to the river. And if we were on the property, we were TOLD to get off, even when we were on an easement with permission. Large numbers of SUB vehicles and work trucks went past my home daily to work on their new water system. They were noisy (especially the diesels), creating substantial amounts of dust that coated our home, and caused our gravel road to erode at a much faster rate.

Within the last six to eight years, two of our neighbors passed, (Jerry and Denna). SUB/City of Springfield purchased the property and immediately put up more fencing and gates. One of the fences runs along my property line about 10 feet from my home. They converted that six acre parcel zoned E25, exclusive farming, into an "industrial staging area". For weeks, SUB operated heavy equipment on this property leveling the land and building a road through it. Diesel machinery and backup beepers were going off at 6:30 in the morning!!! Remember, some of this was only feet from my house. The dust was ridiculous. I did ask that they not start quite so early, as my mother, who was living with us at the time, was still sleeping. We were accommodated by SUB moving the start of their day to 7:00am. This new property also meant more SUB vehicles coming and going tearing up the road.

So another portion of our community had been taken away and replaced with fences noise and dust. The properties we used to walk freely were disappearing.

Next came the Willamalane bike trail along the river. This project started in about 2012. For two summers, dump trucks full of dirt went by our home full, then leave empty. Our living room actually shook every time one went by. Conservatively, I would estimate 50 trucks going in , then out each day. More noise, more dust, more wear and tear on the road. And now we have concerns about the bridge that is getting all the use from the many large trucks. I don't believe it was built with this kind of traffic in mind.

A side note to the bike trail. SUB goes to all that work securing the well field property with fencing. Property that very few people know about. Then allows the bike trail to be built right next to the fence. It would be very easy for someone to cut the fence, do some kind of damage or , perish the thought, terroristic attack on the water system and get out. It's a curious decision.

Now there is a bike path along the creek that will connect with the Clearwater bike path. How is it we can spend millions of dollars on this bike path, including pouring concrete across South 28th connecting the paths, and there is no plans to deal with the gravel road for at least 20 years. Out of curiosity, when the bike path is completed, will the bikers have to stop for the road traffic, or will the people who have live here and used the road for decades have to stop?

As you can see, in the last 20 to 30 years our wonderful community is being squeezed out and our quality of life infringed upon. Available properties are consumed by SUB or City of Springfield as soon as they become available. Traffic, dust, noise, erosion seem to increase daily. Bike paths opening up our neighborhood to strangers who would have never known of it. I believe it is only a matter of time before the increase in traffic leads to crime that doesn't exist back here now.

Allowing our area to fall into the urban growth boundary and the possibility of even more traffic back here in the form of business would not be right. We have lived here happily for decades. Four generations of my family call this area home. We have hunted, fished lived and died here. We have reaped the benefits of living in this wonderful area. We have lived by the zoning laws even when we don't agree with them (which will be changed the minute the urban growth proposal goes through because it benefits the city)

I could go on, but I'm afraid I am rambling at this point. I don't want to be in the urban growth, nor do any of my neighbors. I pray you take our feelings under serious consideration when you make your decision.

Thank you for your time,

Sincerely,

Richard Proulx

LAW OFFICE OF BILL KLOOS, PC

OREGON LAND USE LAW

375 W. 4th AVENUE, SUITE 204
EUGENE, OR 97401
TEL: 541.343.8596
WEB: WWW.LANDUSEOREGON.COM

BILL KLOOS
BILLKLOOS@LANDUSEOREGON.COM

October 13, 2016

Springfield City Council and Lane County Board of Commissioners
c/o City of Springfield Planning Department
225 Fifth Street
Springfield, Oregon 97477

Re: Springfield 2030 Refinement Plan; UGB Expansion for Goal 9 Land; Seavey Loop Area

Dear City Councilors and County Commissioners:

We submit this letter and attachments on behalf of Johnson Crushers International (JCI) and the Willamette Water Company for submission into the record for the Springfield 2030 Refinement Plan Update and Proposed Expansion of the Urban Growth Boundary (UGB) proceedings. Both parties have actively participated in the City's efforts throughout the development of the proposal before you, as evidenced by the attached letters and the involvement in last year's Seavey Loop area stakeholder working group meetings.

This letter summarizes key points from those letters, and discusses evidence submitted during last month's joint hearing and issues raised during the course of the UGB expansion process. For your convenience attached hereto are: Attachment 1, Letter to Joint Governing Bodies, August 22, 2016; Attachment 2, Letter to Joint Governing Bodies, February 5, 2014; Attachment 3, Letter to Joint Planning Commissions, February 17, 2010; and Attachment 4, Springfield Community Enterprise Zone Map. The 2010 and 2014 letters contain their identified exhibits; the exhibits for the 2016 letter were submitted prior to the public hearing.

ORS 197.298 compels the City to include the Seavey Loop Area in the UGB expansion proposal.

As a review of the attached documents reveals, our main point throughout the UGB expansion process has been consistent and unwavering. Under the ORS 197.298 statutory priorities scheme for UGB expansion, any proposal for the City of Springfield to expand its UGB for employment land purposes that does not include the Seavey Loop area is unlikely to survive appellate review. The Seavey Loop area contains not only exception areas dedicated to employment uses, it contains more exception areas than any other area under consideration. Furthermore, agricultural lands within the study area contain soils of poorer quality, and thus higher priority, than the areas proposed for inclusion.

While the ORS 197.298 priority scheme often has not corresponded with local governments' preferences for how they wish to grow, time and time again LCDC and the Court of Appeals have held that the legislature has made its intention to protect resource land clear through the priority scheme and that governing bodies must respect that intention. Those appellate bodies have held that any effort to vary from that scheme, whether through the application of Goal 14 locational factors or exceptions to the priorities scheme provided under ORS 197.298(3), faces a very daunting task that will be subject to meticulous review. The cities of McMinnville, Bend, Woodburn, Newberg and Coburg, among others, have tried and failed to deviate substantially from the priority scheme. Springfield is setting a course that will have it joining that list.

Public facilities and services do not form a basis for excluding the Seavey Loop Area.

While the findings before you purport to not consider the cost of providing public facilities and services to the various areas, there is evidence in the record that the rough costs were evaluated, which begs the question of whether it has factored into the recommendation. As the Court of Appeals made clear in *1000 Friends of Oregon v. LCDC (McMinnville)*, 244 Or App 239, 275-76, 259 P3d 1021 (2011), the cost of providing public facilities and services such as transportation and water cannot form the basis upon which to exclude higher-priority lands under the ORS 197.298/Goal 14 framework. There are no physical barriers that prevent the provision of public facilities and services to the Seavey Loop area.

Another public facilities and services issue that came up early in the proceeding is the City's requirement that all facilities and services be City services. LCDC addressed that express issue in its review of the City of Bend's UGB expansion proposal. In that decision, attached to our 2014 submittal, LCDC concluded that Bend's requirement that an area be serviceable by water and sanitary services and that it be within the regional stormwater plan service area was appropriate, but that the requirement that those systems be "city" systems was not. As our 2010 letter explains, there are existing water facilities that provide water throughout the Seavey Loop area adequate to accommodate any UGB expansion. Those existing water facilities cannot be ignored in the UGB expansion analysis.

The joint governing bodies should reconsider including Goshen in the UGB expansion.

Early last year during the Seavey Loop stakeholders meetings, there was discussion of the possibility of including Goshen in the City's UGB expansion proposal. The stakeholders were informed that the governing bodies had considered that idea and concluded not to pursue it. We believe that the governing bodies should reconsider whether Goshen, in conjunction with Seavey Loop, offers the best solution for the City to accommodate its employment land needs in view of the statutory priorities.

As the county's efforts to develop and implement Goshen's G.R.E.A.T. plan demonstrate, Goshen is a valuable location to develop industrial uses of the type identified by the City of Springfield. Additionally, Goshen is already part of the Springfield Community Enterprise Zone. See attached Attachment 4. Not only does the Seavey Loop Area connect to both the existing UGB on the north and Goshen to the south, Goshen consists of exception areas that, like

most of the Seavey Loop area, are the highest priority for UGB expansion under the statutory priority scheme. Last, while there is some concern about the linear expansion of the UGB along I-5, prior decisions discussed in the attached letters have concluded that the form of urban growth is an insufficient reason to deviate from the priority scheme.

The governing bodies should reconsider their prior decision and consider including Goshen in the UGB expansion decision.

The governing bodies should instruct staff to revisit the vacant lands inventory.

The September 12, 2016 letter submitted to the governing bodies from 1000 Friends of Oregon raises a significant number of issues related to the *Commercial and Industrial Buildable Lands Inventory* (CIBL) and *Economic Opportunities Analysis* (EOA). While we disagree in general with 1000 Friends about the amount of land and number of sites the City needs to meet its employment land needs, we are concerned by 1000 Friends' allegations that the City's analysis did not include consideration of specific sites.

LCDC remanded the City of Newberg UGB decision, in part, because the city failed to explain why identified vacant sites were not included in the buildable lands inventory. While we have not verified whether 1000 Friends' contentions that the BLI does not include the identified sites is accurate, their credibility as an organization justifies taking their claims seriously. We note that, given the unfortunate length of time required by the UGB expansion planning process, the site specific analysis contained in the BLI may be grossly out-of-date. It may well be that sites that were developed and in use at the time of the study are now vacant, and vice versa.

The joint governing bodies may wish to consider instructing staff to update the BLI.

Conclusion

We understand that this has been a long and challenging process for both the City of Springfield and its County partner. However, we feel compelled to urge the governing bodies to reconsider the proposal as it now stands and to send it back to staff to make the recommendation consistent with the ORS 197.298 statutory priority scheme as it has been interpreted and applied by LCDC and the Court of Appeals.

On behalf of our clients, we hereby request notice and a copy of the decision.

Thank you for your consideration.

Sincerely,

Bill Kloos

Bill Kloos

Cc: Jeff Schwartz, Johnson Crushers International

Willamette Water Company

Mary Bridget Smith, Springfield City Attorney (via e-mail)

Andy Clark, Lane County Legal Counsel (via e-mail)

Attachments

Attachment 1, Letter to Joint Governing Bodies, August 22, 2016

Attachment 2, Letter to Joint Governing Bodies, February 5, 2014, with exhibits

Attachment 3, Letter to Joint Planning Commissions, February 17, 2010, with exhibits

Attachment 4, Springfield Community Enterprise Zone Map

LAW OFFICE OF BILL KLOOS PC

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BILLKLOOS@LANDUSEOREGON.COM
TEL: 541.343.8596

August 22, 2016

Springfield City Council and Lane County Board of Commissioners
c/o Lane County Land Management Division
3050 North Delta Hwy
Eugene, OR 97408

Re: Springfield Urban Growth Boundary, Comprehensive Plan and Zoning Changes, & Lane County Rural Comprehensive Plan Updates

Dear City Councilors and County Commissioners:

We submit this letter and attached exhibits on behalf of Johnson Crushers International (JCI) for submission into the record for the Springfield 2030 Refinement Plan Update and Proposed Expansion of the Urban Growth Boundary (UGB) proceedings. JCI, with the support of other landowners in the Seavey Loop area, have participated in the UGB expansion proceedings for several years. Unfortunately, it troubles us to have to repeat much of what we told the joint decision-making bodies back in 2014 – the proposal before you and the findings in support of that proposal are flawed. You should not approve the proposed ordinances and, instead, should instruct the planning staff to make a decision that is consistent with the priority scheme set forth in ORS 197.298 as it has been interpreted and applied by LCDC, the Court of Appeals and, most recently, LUBA.

While we fundamentally agree with the analysis to-date concerning the amount of employment land the City of Springfield will need in the coming years, as well as the appropriateness of looking at promoting "Traded Sector" employment opportunities, we disagree with the current UGB expansion proposal before you, which does not include the Seavey Loop area in the lands proposed to be included in the UGB for employment purposes.

We again encourage the Springfield City Council and Lane County Board to revisit the state statute and the Statewide Planning Goal 14 that will be the touchstones for review of any decision to expand the City of Springfield's UGB. Now is the time for you to examine, on your own, the requirements of ORS 197.298 and to evaluate the proposal before you through that lens. We are confident that following such consideration, you will recognize the necessity of including the Seavey Loop area as one of the areas for inclusion into the City of Springfield's UGB.

The evidence in the record supports inclusion of the Seavey Loop area.

Upon review of the joint hearing materials, we were at first shocked that the Seavey Loop area was not included as part of the UGB employment lands expansion proposal and then appalled at

the analysis included in the findings that resulted in that conclusion. Simply put, the findings do not comport with the evidence in the record and the recommended decision is contrary to the priority scheme set forth under ORS 197.298.

The evidence in the record supports a conclusion that the Seavey Loop Area can and will help the City of Springfield satisfy a significant portion of its demonstrated employment land needs consistent with the statutory priority scheme. Conclusions otherwise are contrary to the evidence in the record.

ORS 197.298 sets out both the priority scheme and the permitted exceptions for including lands within an urban growth boundary.¹ While appellate interpretations of the meaning and application of ORS 197.298 will be addressed under separate heading below, as will specific errors regarding the Seavey Loop area analysis in the proposed findings, suffice it to say that the priority scheme set forth under ORS 197.298 is strictly applied on appellate review.

¹ ORS 197.298 **Priority of land to be included within urban growth boundary** provides:

"(1) In addition to any requirements established by rule addressing urbanization, land may not be included within an urban growth boundary except under the following priorities:

"(a) First priority is land that is designated urban reserve land under ORS 195.145, rule or metropolitan service district action plan.

"(b) If land under paragraph (a) of this subsection is inadequate to accommodate the amount of land needed, second priority is land adjacent to an urban growth boundary that is identified in an acknowledged comprehensive plan as an exception area or nonresource land. Second priority may include resource land that is completely surrounded by exception areas unless such resource land is high-value farmland as described in ORS 215.710.

"(c) If land under paragraphs (a) and (b) of this subsection is inadequate to accommodate the amount of land needed, third priority is land designated as marginal land pursuant to ORS 197.247 (1991 Edition).

"(d) If land under paragraphs (a) to (c) of this subsection is inadequate to accommodate the amount of land needed, fourth priority is land designated in an acknowledged comprehensive plan for agriculture or forestry, or both.

"(2) Higher priority shall be given to land of lower capability as measured by the capability classification system or by cubic foot site class, whichever is appropriate for the current use.

"(3) Land of lower priority under subsection (1) of this section may be included in an urban growth boundary if land of higher priority is found to be inadequate to accommodate the amount of land estimated in subsection (1) of this section for one or more of the following reasons:

"(a) Specific types of identified land needs cannot be reasonably accommodated on higher priority lands;

"(b) Future urban services could not reasonably be provided to the higher priority lands due to topographical or other physical constraints; or

"(c) Maximum efficiency of land uses within a proposed urban growth boundary requires inclusion of lower priority lands in order to include or to provide services to higher priority lands."

Because the City of Springfield has no urban reserves, exception areas constitute the land of highest priority for inclusion into the city's UGB. ORS 197.298(1)(b). As we explained in our February 2014 letter to the joint decision-makers:

"Of the areas under consideration for UGB expansion, the Seavey Loop area is the **only** area that already includes exception land planned for employment uses, and it is the area that has the highest concentration of exception lands of all types." Letter, February 2014, page 3.

Attached as Exhibit 1 is a map showing the Seavey Loop area (also called College View during some planning stages) that shows the Seavey Loop area under consideration throughout the land use proceedings. It appears from the graphics in the proposed findings that the present Seavey Loop area may include a slightly different configuration of parcels, to include the entirety of the JCI parcel to the east of S. Franklin Boulevard; but overall the Seavey Loop area considered for inclusion into Springfield's UGB to meet the city's employment land needs is very similar to that shown on Exhibit 1.

Compare that area to Exhibit 2, which shows the county zoning and plan designations for the Seavey Loop area. The vast majority of those parcels are exception lands, which are the highest priority lands for inclusion under ORS 197.298(1). Some of the land is EFU land, but as will be discussed momentarily, that land too is of higher priority than the EFU lands for areas the proposal recommends for inclusion into the UGB.

The above points are reinforced by the attached Exhibit 3, which shows all of the exception areas around the City of Springfield. Note that the exception areas within Area 9, Seavey Loop, are more extensive and more diverse than other exception areas. Further note that the two areas recommended by staff for inclusion into the UGB, the North Gateway area and the Mill Race area, contain no exception lands.

Because the Springfield area has no significant marginal lands that can meet employment land needs, the next consideration under the priority scheme is to include resource land, either agricultural, forestry or both. ORS 197.298(1)(d). However, ORS 197.298(2) explicitly provides that higher priority is to be given to land with lower soil capabilities as measured by either the capability classification system (for agricultural lands) or by cubic foot site class (for forestry lands).

Again, the evidence in the record demonstrates that the resource lands within the Seavey Loop area contains lands of lower soil capabilities than do those of the Mill Race area and the northern portion of the North Gateway area. This is plainly demonstrated in the attached Exhibit 4, which shows soils classifications by shades of brown. The darker the color, the better the soil and the lower priority. Exhibit 4 is annotated with yellow clouds around three key areas. It is plainly evident that the Seavey Loop area includes light to medium shades of brown compared to the medium to dark shades of brown for the areas staff recommend for inclusion into the UGB. That

means the agricultural lands for Seavey Loop have a higher priority for inclusion in the UGB expansion than the other two areas. No amount of finagled finding is going to persuade an appellate review body to disregard what their eyes plainly show them from the Soil Capability and Constraints map.

Last, and perhaps most significant, is Exhibit 5, the July 2014 UGB Expansion Area map for Seavey Loop/College View. That map shows, even with the BPA easement and steep-slope areas excluded, multiple vacant or near vacant parcels of between 4 and 14 acres, as well as at least one parcel over 30 acres in size. Note that the findings include the entirety of TL 306, the JCI parcel to the east of S. Franklin Boulevard, as being 20 acres, whereas Exhibit 5 only includes an 8.8-acre portion of that parcel. With the full JCI parcel, that would make two individual parcels of at least 20 acres in size available in Seavey Loop. Each of the above parcels, either individually or collectively for adjacent vacant parcels, can help the City meet its employment land needs and reduce the pressure to bring farmland with even higher value soils into the UGB.

The City's employment land needs have been identified as the need for 4 parcels between 4 and 20 acres totaling 37 acres, and three parcels greater than 20 acres totaling 186 acres. See Staff Report, p. 102. The evidence in the record demonstrates that the available land within the Seavey Loop area can easily help the city meet a substantial portion of its medium parcel size needs and one to two of its large parcel needs.

Findings cannot be used to explain those facts away. And given that the Seavey Loop area consists of exception land and lower soils quality/higher priority lands than the other areas recommended for inclusion into the UGB, the City and County must first include Seavey Loop before it can look to those other areas to help meet the City's demonstrated employment land needs. That is what the statutory priority scheme set forth in ORS 197.298(1) requires.

While the Seavey Loop area cannot meet the entirety of the City's demonstrated employment land needs, the City cannot leap frog over Seavey Loop simply because it alone cannot meet all of the city's needs. ORS 197.298 prohibits the City and the County from doing that.

Recent case law has only reinforced the focus on the statutory priority scheme for UGB expansion decision making.

Our February 2014 letter to the joint bodies discussed at length the legal framework for UGB expansions as well as relevant interpretations of those requirements conducted by LCDC and the Oregon Court of Appeals. They included an LCDC order to the City of Bend and Deschutes County, and the Court of Appeals decisions in *1000 Friends of Oregon v. LCDC (McMinnville)*, 244 Or App 239, 259 P3d 1021 (2011), and *1000 Friends of Oregon v. LCDC (Woodburn II)*, 260 Or App 444, 317 P3d 927 (2014). None turned out well for the local jurisdictions.

Recently, LUBA revisited the framework the Court of Appeals presented in the *McMinnville* case when ruling on Coburg's efforts to expand its urban growth boundary. See attached Exhibit

6, *Land Watch of Lane County v. Lane County*, __ Or LUBA __ (Luba Nos. 2016-003/004, August 1, 2016). While this UGB decision will be reviewed by LCDC instead of LUBA, it is worth noting that the Board's interpretation and application of ORS 197.298 is just as demanding as LCDC's and the Court of Appeals'.

LUBA's explanation of the UGB expansion process and the court's interpretation of it in *McMinnville* covers 6 pages. See, Exhibit 6, Slip Op at 17-23. However, the Board begins its explanation with the following summary:

"ORS 197.175(1) requires cities and counties to exercise their planning and zoning responsibilities in accordance with state land use statutes and the Statewide Planning Goals. ORS 197.298 requires that urbanization of rural lands occur by expanding the UGB based on a priority scheme. Although the statute partially supplants the requirements of Goal 14, the Goal continues to operate in a manner that supplements the statutory priority scheme." Exhibit 6, Slip Op at 17 (footnote omitted).

In remanding under the second assignment of error, LUBA rejected thirteen different reasons under Goal 14, its administrative rules, and ORS 197.298(3) the City of Coburg gave for deviating from the ORS 197.298(1) statutory priority scheme.

Because LUBA directly and succinctly addressed just how difficult it is for a local government to justify deviating from the statutory priority scheme in its conclusion for the second assignment of error, it is worth quoting from that decision here. LUBA explained:

"To the extent our discussion above has not made this point clearly enough, respondents appear to view Goal 14, Boundary Location Factor 3 "[c]omparative environmental, energy, economic and social consequences" and Goal 14 Boundary Location Factor 4 "[c]ompatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest lands outside the UGB" and ORS 197.298(3) as a [*sic.*] more available vehicles for not following the ORS 197.298(1) priorities for including better agricultural lands than is actually the case. In applying the Goal 14 Boundary Location Factors, respondents must do more than identify possible environmental, energy, economic or social consequences, and possibly incompatibilities with agricultural activities if exception lands or poorer quality agricultural soils are included according to the ORS 197.298(1) priorities. *Respondents must establish that such considerations justify deviating from the statutory priorities, notwithstanding the legislature's expressed preference for those priorities. Respondents should not underestimate the difficulty of making such a demonstration. A similar caution is appropriate for attempts to use ORS 197.298(3) to avoid the ORS 197.298(1) priority scheme.*" Exhibit 6, *Land Watch of Lane County v. Lane County*, Slip-Op at 46-47 (*emphasis supplied*).

All three appellate bodies have basically said that overcoming the ORS 197.298(1) priority scheme is much more than simply jumping a hurdle, it means successfully completing a pole-vault. The proposed decision and findings before you fail to even come close to that bar.

As the City Council and County Board consider the proposal before it, you must be cognizant of the priority requirements spelled out under ORS 197.298 and Goal 14, as interpreted by these appellate bodies, as well as the need to fully justify your rationale if you wish to make a decision that will pass muster in Salem. The priority scheme does not readily allow local governments to skip higher priority lands to include lower priority lands instead. Consequently, if any area is brought into the City of Springfield to meet the identified employment land need, it must include land in the Seavey Loop area before turning to other areas to bring in the remaining amount of land needed.

The proposed findings contain fatal flaws in its analysis of the Seavey Loop Area.

The proposed findings make numerous factual, legal and analytic errors, several of which are discussed below. The City Council and Board of Commissioners should reject the proposed findings and request that staff present a decision and findings that can withstand review by LCDC.

The findings substantially misrepresent the footprint of the Seavey Loop area under consideration.

Attached Exhibits 1 and 5 show the footprint of the Seavey Loop area under consideration to accommodate the City of Springfield's employment land needs with only minor potential variation. At least twice the findings make statements that are correct only if the "Seavey Loop area" is an area substantially greater than what has actually been proposed for inclusion into the UGB.

At page 336 the findings state that "the largest blocks of predominantly Class I and II soils outside of the Springfield UGB are located * * * south of the Willamette River, south of the Springfield UGB and east of Interstate Highway 5 (Seavey Loop area)." As one can readily see from attached Exhibit 4 (Soils Map) there are **no** blocks of predominantly Class I and II soils in the Seavey Loop area actually considered.

The error at page 336 is perhaps clarified by the error at page 342, which states that the largest contiguous areas of Class I and Class II high value farmland soils include "Seavey Loop area east of Mt. Pisgah and along Highway 58."

From that statement everything is plainly evident – both Class I and II soils references are to areas east of the Seavey Loop area that is actually considered for inclusion into the UGB. To be clear, never in the several years of this ongoing land use process has the City of Springfield or any party involved ever requested or even considered that the land in the floodway immediately

east of the Seavey Loop area shown at Exhibits 1 and 5, or the agricultural lands even further east that approach Mt. Pisgah were part of the "Seavey Loop area" proposed for UGB expansion.

Any findings or analysis that considers those areas as being part of the Seavey Loop area is flat out wrong, as are other factual errors contained in the findings.

The findings so focus on the trees that it misses the forest, perhaps intentionally so.

One cannot accuse the findings of brevity, not at 517 pages. But while the statute and goal require a degree of attention to detail, it does not permit losing the big picture. Compliance with ORS 197.298(1) is not determined by the number of words contained in a set of findings. Furthermore, the statute – goal interaction in the UGB expansion process, while somewhat complex, is much simpler than that employed by the proposed findings as the Court of Appeals explained in *McMinnville*, and LUBA summarized in the recent Coburg decision.

The degree of detail engaged by the findings here raises serious questions as to whether such efforts are an intentional effort to craft the analysis to reach a desired outcome, not to follow the direction provided by the statute and goal to determine the lands they indicate should be brought into the UGB.

A couple of examples are worth noting. Why is it that, when examining the exception areas within Seavey Loop, the analysis breaks the area down into 6, if not 7 different smaller segments identified as Seavey Loop A through F and Seavey Loop/Goshen? Why are no other areas similarly broken down? Does that breaking the study area into smaller segments help or hurt the analysis?

The above begs the question why the analysis failed to recognize that there is one industrially zoned parcel and three adjacent rural residential parcels that are each greater than 6 acres in size and are minimally developed? Each is suitable for meeting the City's demonstrated employment land needs. The analysis concluded none of them were developable for that purpose.

Furthermore, those three rural residential parcels, totaling 21 acres are adjacent to JCI's property – either 8.8 or 20 acres in size depending upon whether one includes part of or the entirety of the property – represent a substantial opportunity of providing a 30-to-40-acre site to attract the types of traded sector employers the city seeks. Why does the analysis hide that condition instead of revealing it? Furthermore, one of the smaller parcels abuts the 31-acre Straub Family Revocable Trust property, which could lead to a 60-70-acre site for possible industrial development.

Instead of understanding the opportunity that the Seavey Loop area affords the City of Springfield to meet its demonstrated economic land needs, the analysis dissects the area so finely as to make the area unrecognizable as a whole. Reviewing bodies on appeal will not make the same mistake.

The findings misapply ORS 197.298(1)(d) and ORS 197.298(2).

This issue is discussed briefly above in the section on why the evidence supports inclusion of the Seavey Loop area, however additional analysis is warranted.

ORS 197.298(2) is explicit that a higher priority should be given to land of "lower capability as measured by the capability classification system." That system classifies soils as Class I through VIII, with Class I soils being of better quality (i.e. more productive) and Class VIII being of poor quality.

However, throughout much of the findings, the analysis uses descriptions such as "high value farmland" and "low value soils", which refer to groupings of soils classifications used for other statutory reasons. What the analysis does is it gives the appearance that different areas under consideration have similar soils when they in fact do not merely because the two areas consist of different soils type that are considered soils that support a high value farmland classification. But those soils are not the same, at least not for purposes of UGB expansion analysis. One look at the soils map included hereto as Exhibit 5 can show you that. Both Seavey Loop and the Mill Race area consist predominantly of high value farmland, Seavey Loop consists mostly of Class IV soils and is therefore lighter in color than the Mill Race area which consists predominantly of Class II soils. To the ORS 197.298 statutory priority scheme, this difference is significant and requires one area (Seavey Loop) to be brought into the UGB before the other area (Mill Race) if additional land is needed to meet the City's employment land needs after examination of higher priority lands. The findings do not make this distinction clear.

The proposed findings misapply ORS 197.298(2) and ORS 197.298(1)(d) in failing to prioritize the available agricultural land at Seavey Loop above lower priority lands in the Mill Race area and the North Gateway area.

The findings misapply the ORS 197.298(3) exceptions to the statutory priority scheme.

As LUBA made clear in its decision for the City of Coburg, the exceptions to the statutory priority scheme provided under ORS 197.298(3) are precisely defined and are difficult to meet. The findings misapply at least two of these exceptions – subsections (a) and (b).

ORS 197.298(3)(a) permit an exception to the statutory priority scheme for instances when "specific types of identified land needs cannot be reasonably accommodated on higher priority lands." The findings seek to invoke various provisions of OAR 660 division 09 and division 24, pertaining to economic development and urban growth boundaries, to define what is meant by "reasonably accommodated." See Findings, p. 206 *et. seq.* However, the findings attempt to use those regulations to lower the statutory bar to make it easier to deviate from the priority scheme. Appellate bodies time and time again have concluded that such approaches constitute error.

As LCDC told the City of Bend and Deschutes County, the bar for bypassing higher priority lands altogether in favor of lower priority lands is extremely high. So, for example, as LUBA

explained in its recent decision, the parcelization of land is no excuse to conclude that certain land types cannot be reasonably accommodated on higher priority lands because, by their very nature, exception lands will always be more parcelized than non-exception land. The findings' efforts to use administrative rules to lower the standard for when the "cannot be reasonably accommodated" exception is met constitutes error that LCDC will not overlook.

Similarly, the findings' application of ORS 197.298(3)(b) and its exception to deviate from the priority scheme because "future urban services could not reasonably be provided to the higher priority lands due to topographical or other physical constraints" provided express circumstances for when that exception is available. Those circumstances are not met for the Seavey Loop area. While the findings expressly state that "cost of service was not estimated or evaluated at this time" (Findings p. 236) and the analysis tables includes statements such as, "Lands cannot reasonably be provided with urban services due to physical constraints of distance and topography that preclude reasonable extension of [services]" (See Findings p. 251) those statements only pay lip service to the requirements of the exception, at least in the instance of Seavey Loop.

The findings use the right words, but when one reviews the analysis itself, one sees that water is already provided to the area, wastewater requires only the addition of a couple of pump stations along with line extensions (not an unreasonable engineering effort), storm water services can be "made with little or no impact on existing storm water systems" requiring only the coordination with several other regulatory agencies; and that traffic services are feasible despite expected challenges at certain locations. See, *e.g.*, Findings, pages 248-51, (Public Facilities and Services Analysis for Seavey Loop Exception B, C and E). Each is simply a cost or coordination factor. Likewise, distance of the length involved for Seavey Loop is not a physical constraint, it simply increases the cost of the utility improvements, something appellate bodies have concluded is not a permissible consideration. There are no "topographic" constraints described in the analysis despite the statement that there are.

Such faulty analysis is erroneously applied repeatedly to the Seavey Loop area throughout the findings and the application of the ORS 197.298(3) exception criteria. Reviewing bodies will not permit the weakening of the exception criteria as the findings attempt and the reviewing bodies will remand a decision that adopts the proposed findings.

The above are but a few of the analytical, legal and factual flaws contained in the proposed findings. The City Council and the County Board of Commissioners should reject the analysis now and instruct staff to revisit the findings and to apply the priority scheme and exceptions in the manner set forth in their plain language and as applied upon appellate review.

Conclusion

We urge the joint decision-making bodies to reject the proposal before you and to direct the planning staff to develop a proposal and draft supporting findings that are consistent with ORS 197.298 and Goal 14. LCDC, the Court of Appeals, and now LUBA have plainly stated that the

legislature meant what it said in establishing the statutory priority scheme and that any UGB expansion decision that is not consistent with that statute will be remanded back to the local governments.

We believe that there can be no defensible decision to expand the City of Springfield's urban growth boundary for employment land purposes that does not include the Seavey Loop area as part of the proposal. It is in everyone's best interest to get this right the first time around.

Thank you for your consideration.

Sincerely,

Bill Kloos

Bill Kloos

Cc: Jeff Schwartz, Johnson Crushers International
Mary Bridget Smith, Springfield City Attorney
Andy Clark, Lane County Legal Counsel

Exhibits included:

- Exhibit 1 College View Proposed UGB Expansion Area Map, December 2014
- Exhibit 2 Seavey Loop Area Plan and Zone Designation Map Excerpts
- Exhibit 3 Map 6: Priority 1 Lands for UGB Expansion, ECO Northwest, June 2009
- Exhibit 4 Soil Capability and Constraints Map (Annotated), March 2016
- Exhibit 5 Proposed UGB Expansion Areas – College View Industrial, July 2014
- Exhibit 6 *Land Watch of Lane County v. Lane County*, __ Or LUBA __ (Luba Nos. 2016-003/004, August 1, 2016)

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February 5, 2014

Springfield City Council and Lane County Board of Commissioners
c/o City of Springfield Planning Department
225 Fifth Street
Springfield, Oregon 97477

Re: Springfield 2030 Refinement Plan; UGB Expansion for Goal 9 Land; Seavey Loop Area

Dear City Councilors and County Commissioners:

We submit this letter and attached exhibits on behalf of Johnson Crushers International (JCI) for submission into the record for the Springfield 2030 Refinement Plan Update and Proposed Expansion of the Urban Growth Boundary (UGB) proceedings. JCI also has the support of other existing landowners in the Seavey Loop area, including owners of existing industrial uses that would like to expand and add jobs, but are presently hamstrung by being outside the UGB.

While we fundamentally agree with the analysis to date concerning the amount of employment land the City of Springfield will need in the coming years, as well as the appropriateness of looking at promoting "Traded Sector" employment opportunities, we disagree with the current UGB expansion proposal before you, which does not include the Seavey Loop area in the lands proposed to be included in the UGB for employment purposes. (See Exhibit A, 7/22/2013 Memorandum to Gino Grimaldi).

We encourage the Springfield City Council and Lane County Board to revisit the state statute and the Statewide Planning Goal that will be the touchstone for review of any decision to expand the City of Springfield's UGB. While the Springfield 2030 Refinement Plan and UGB expansion process has been long, thoughtful and exhaustive, we believe that the emphasis staff placed on adhering to the statute and the Goal in early presentations to the Commercial and Industrial Buildable Lands (CIBL) Stakeholders and to the Planning Commissions has not been carried forward to the current recommendations to the City Council and the County Board. Consequently, now is the time for you to factor ORS 197.298 and Goal 14 into your deliberations about which areas must and which areas should be brought into the Springfield UGB. We are confident that following such consideration, you will include the Seavey Loop area as one of the areas for inclusion into the City of Springfield's UGB.

The remainder of this letter provides background information as to why the controlling statute and Goal 14 factors, as interpreted by LCDC and the Oregon Court of Appeals, compel including the Seavey Loop area into the Springfield UGB if the UGB is expanded to include land to promote economic development.

Legal Framework

Early in the Springfield 2030 Refinement Plan proceedings, city planning staff and the consultants hired by the city did an excellent job of summarizing the legal framework that regulates the process and decision-making required for a city to expand its urban growth boundary. Staff noted that the Oregon Revised Statutes and Goal 14 prescribe a precise hierarchy regarding the priority of land types that can be included within a proposal to expand an urban growth boundary. That priority, with rare exceptions, controls which lands must be brought into a UGB, and, if higher priority lands are insufficient to meet the established land need, identifies the process and standards by which local governments should identify which land of equal priority should be included to address the unmet need.

ORS 197.298 sets out both the priority and the permitted exceptions for including lands within an urban growth boundary.¹ Staff summarized the statutory priorities as:

¹ ORS 197.298 **Priority of land to be included within urban growth boundary** provides:

"(1) In addition to any requirements established by rule addressing urbanization, land may not be included within an urban growth boundary except under the following priorities:

"(a) First priority is land that is designated urban reserve land under ORS 195.145, rule or metropolitan service district action plan.

"(b) If land under paragraph (a) of this subsection is inadequate to accommodate the amount of land needed, second priority is land adjacent to an urban growth boundary that is identified in an acknowledged comprehensive plan as an exception area or nonresource land. Second priority may include resource land that is completely surrounded by exception areas unless such resource land is high-value farmland as described in ORS 215.710.

"(c) If land under paragraphs (a) and (b) of this subsection is inadequate to accommodate the amount of land needed, third priority is land designated as marginal land pursuant to ORS 197.247 (1991 Edition).

"(d) If land under paragraphs (a) to (c) of this subsection is inadequate to accommodate the amount of land needed, fourth priority is land designated in an acknowledged comprehensive plan for agriculture or forestry, or both.

"(2) Higher priority shall be given to land of lower capability as measured by the capability classification system or by cubic foot site class, whichever is appropriate for the current use.

"(3) Land of lower priority under subsection (1) of this section may be included in an urban growth boundary if land of higher priority is found to be inadequate to accommodate the amount of land estimated in subsection (1) of this section for one or more of the following reasons:

"(a) Specific types of identified land needs cannot be reasonably accommodated on higher priority lands;

"(b) Future urban services could not reasonably be provided to the higher priority lands due to topographical or other physical constraints; or

"(c) Maximum efficiency of land uses within a proposed urban growth boundary requires inclusion of lower priority lands in order to include or to provide services to higher priority lands."

1. Urban reserve areas (Springfield does not have urban reserves)
2. Exception areas
3. Marginal Lands (Lane County is a marginal land county)
4. Resource lands.

(See Exhibit B CIBL Stakeholders September 25, 2008 Presentation).

City staff also clearly articulated the Goal 14 factors that weigh into consideration when determining which particular lands are to be included into a UGB. The Goal 14 locational factors are:

1. Efficient accommodation of identified land needs
2. Orderly and economic provision of public facilities and services
3. Comparative environmental, energy, economic and social consequences
4. Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB (See Exhibit B).

Some of the Goal 14 locational factors can be applied at the same time as the ORS 197.298 priority factors, while others of the locational factors are to be applied at later stages of the process to determine which lands are ultimately to be brought into a UGB. As discussed in more detail below, the proper application of ORS 197.298 and Goal 14 has been the focus of Land Conservation and Development Commission (LCDC) and Court of Appeal reviews of local UGB expansion decisions.

Considering the statutory priorities in light of the deliberations currently before you, since the City of Springfield has no urban reserve land, the city must move to the next highest priority land as prescribed by ORS 197.298(1)(b) – land adjacent to the UGB that is acknowledged as an exception area or as nonresource land. Of the areas under consideration for UGB expansion, the Seavey Loop area is the **only** area that already includes exception land planned for employment uses, and it is the area that has the highest concentration of exception lands of all types.

The Seavey Loop area also includes nonresource lands that are of equal priority to exception areas. The Oregon Administrative Rules provides definitions for "Resource Land" and "Nonresource Land." OAR 660-004-0005 Definitions provides:

"(2) "Resource Land" is land subject to one or more of the statewide goals listed in OAR 660-004-0010(1)(a) through (g) except subsections (c) and (d).

"(3) "Nonresource Land" is land not subject to any of the statewide goals listed in OAR 660-004-0010(1)(a) through (g) except subsections (c) and (d). Nothing in these definitions is meant to imply that other goals, particularly Goal 5, do not apply to nonresource land." (See also OAR 660-021-0010(2) and (3), providing identical definition).

The statewide goals identified in the above definitions listed in OAR 660-004-0010 include:

- "(a) Goal 3 "Agricultural Lands"
- "(b) Goal 4 "Forest Lands"
- ". . . .
- "(e) Goal 16 "Estuarine Resources"
- "(f) Goal 17 "Coastal Shorelands"
- "(g) Goal 18 "Beaches and Dunes" "

Consequently, the only "resource lands" in the Springfield UGB area are agricultural and forest lands. Lands that fall under the other Statewide Planning Goals are deemed to be "nonresource" lands.

Attached as Exhibit C are map excerpts showing the plan and zone designations for the Seavey Loop area. These maps show that the Seavey Loop properties immediately abutting the Springfield UGB are plan designated P – Parks, and they have a zoning of SG – Sand, Gravel and Rock Products – Controlled Processing District. (See also Exhibit D Ordinance PA 1283, proposing Lane County plan and zone designations for properties no longer within the Metro Plan Area as a consequence of Ordinance PA 1281, which shrunk the Metro Plan boundary to the UGB on the Springfield side of the Metro Plan.) These are Goal 5 plan and zone designations and are consequently "nonresource" lands under the OAR definitions above.

In addition to the extensive lands adjacent to the UGB that have Sand and Gravel zoning, there is also a strip of "committed land" connecting the UGB to the Seavey loop area. This property is identified as Assessor's Map 18-03-11 Tax Lot 700. The zoning history of Tax Lot 700, which is 2.34 acres in size, is documented extensively in Exhibit M hereto, which is a January 29, 2014 memorandum from Lanfear Consulting LLC, which includes 14 supporting exhibits. It is largely developed with the railroad. The Lanfear Memorandum explains that TL 700 was zoned C-2 by County Ordinance No. 223 in 1966. It also explains why the property remains zoned C-2 at this time. In summary, TL 700 creates a physical connection between the existing UGB and the Seavey Loop area. Whether considered alone or in conjunction with the "nonresource" Sand and Gravel lands discussed above, it is exception land and is a basis for first priority treatment for the Seavey Loop area.

In summary, this combination of exception and nonresource lands adjacent to the existing UGB places major portions of the Seavey Loop area in the highest priority of any land under consideration for inclusion into the UGB.

The Seavey Loop area, like each of the other areas under consideration, also contains some resource lands, which are of a lower priority under the statute. However, unlike those other areas, the Seavey Loop area has nonresource lands of a higher priority, and the application of the Goal 14 locational factors weighs towards including the Seavey Loop area resource lands under consideration in addition to the nonresource lands for efficiency purposes.

To summarize this straightforward application of the statute and Goal 14: If any area is brought into the City of Springfield to meet the identified employment land need, it must include land in the Seavey Loop area. While ORS 197.298(3)(c) allows for a city to include land of lower priority in conjunction with land of higher priority, for the purposes of maximizing land use efficiency, the statute does not readily allow a city to skip higher priority lands to include lower priority lands instead.

The above application of the statute and Goal is mirrored in the Urban Growth Boundary Alternatives Analysis presented on June 22, 2009 at the Planning Commission Joint Work Session. Materials for that work session are attached hereto as Exhibit E. In discussing the development of the UGB concepts, the consultant, ECONorthwest, stated:

"The concepts recognize the statutory priority scheme for inclusion of lands in the UGB[.]" See page 4, ECONorthwest DRAFT UGB Concepts, Exhibit E.

The report goes on to state:

"All of the areas consider the statutory priority scheme for inclusion of lands in the UGB. All of the concepts include exception lands that are in Areas 4, 5, 7, and 9. Priority 1 lands are shown on Map 6[.]"

Map 6 from that exhibit shows that the only commercial and industrial exception lands under consideration are located in the Seavey Loop area. See Exhibit E. Consequently, the Seavey Loop area is included in each of the scenarios that involve expanding the UGB to include additional employment land. ECONorthwest understood the necessity of including the Seavey Loop exception lands under the legal framework for UGB expansion. Any discretion that may be involved concerning the Seavey Loop area centers only on how much of the resource land there should also be included as part of the area added to the UGB.

Relevant Interpretations

In recent years the LCDC and the Oregon Court of Appeals have issued rulings involving the application of ORS 197.298 and Goal 14 in the UGB expansion process. Two points are readily apparent from these decisions. First, the reviewing bodies are rigidly applying the requirements set forth in both the statute and the goal. For a local government to simply go through the motions of the process but not make decisions that conform to the statutory and goal requirements does not satisfy the requirements. Second, these reviewing bodies are rigidly adhering to the fundamental principle under Oregon's land use framework that urban growth should not come at the expense of resource land unless absolutely necessary. As a result, local governments must justify why it is necessary to expand onto resource land instead of onto available nonresource land, and that justification will be closely scrutinized. Time and time again, decisions that elect to bring in resource lands instead of exception areas are being sent back to the local government for further justification and/or modification.

In 2010, LCDC issued an order to the City of Bend and Deschutes County regarding a proposed UGB expansion for the city. See attached Exhibit F. That order explained that, while the statute and Goal provide some room for flexibility in the selection of lands to be brought into the UGB, the LCDC concluded that the methodology and approach used by the City of Bend improperly excluded a substantial amount of land planned and zoned as exception lands in favor of including large amounts of lower priority lands. Exhibit F, page 115 of 156. As the LCDC order for Bend demonstrates, the hurdle for bypassing higher priority lands altogether in favor of lower priority lands is extremely high.

Perhaps the most comprehensive explanation of the UGB expansion process in recent years is presented in the Court of Appeals decision *1000 Friends of Oregon v. LCDC (McMinnville)*, 244 Or App 239, 259 P3d 1021 (2011). See Exhibit G. Although the Court of Appeals was applying the old version of Goal 14 in that case, the decision is still relevant in that the sequencing of activity and the relationships between ORS 197.298 and Goal 14 provisions that remain in the new version of the Goal is the same. In that decision, the Court of Appeals described a three-step process for UGB expansion. Step one is to determine the land need (if any) for UGB expansion. 244 Or App at 255-57. Step two is to determine the adequacy of candidate lands under ORS 197.298(1) and (3), and Goal 14 factors that do not have more restrictive counterparts under the statute. *Id.* at 257-65. Step three is for the local government to determine which candidate lands are to be included under Goal 14. *Id.* at 265-66.

Under the scheme outlined by the Court of Appeals, land under a higher priority must be included in the lands to be annexed into a UGB unless the local government can affirmatively demonstrate under the statute and applicable Goal 14 criteria that the higher priority land is "inadequate to accommodate the amount of land needed." *Id.* at 261. Once land is identified that could be added to the UGB, Goal 14 "works in two ways – both to make choices among land in the lowest rung of the priority scheme and to justify the inclusion of the entire set of lands selected under ORS 197.298. *Id.* at 265.

In the end, the Court of Appeals in *1000 Friends of Oregon v LCDC (McMinnville)* remanded on several grounds generally pertaining to the improper application of Goal 14 locational criteria (such as the cost of transportation or water services) to exclude higher priority lands under the statute, and for failure to adequately explain why certain higher priority lands were excluded in favor of lower priority lands or to explain the selection between equal priority lands. *Id.* at 287-88.

Also, in a decision issued just this year, the Court of Appeals reversed and remanded, for the second time, an LCDC order pertaining to the City of Woodburn. See Exhibit H, *1000 Friends of Oregon v. LCDC (Woodburn II)*, __ Or App __, __ P3d __ (No. A148592, Jan. 2, 2014). In this most recent opinion, the Court of Appeals never even reached the issue raised by petitioners about whether the City improperly included lowest priority, high value farmland over higher priority nonresource and marginal lands. Rather, the court simply concluded that LCDC did not adequately explain why the city's expansion of its UGB to include additional land for industrial

use was consistent with pertinent law. That is, the analysis of how much additional land the city needed to include in the UGB was insufficient for review. *Id.* Slip op at 2. Until the city justified how much land it needed, the court could not even review whether the lands selected to fill the stated "need" were appropriate. Again, each decision that is made in the UGB expansion process will be subject to close scrutiny by reviewing bodies.

As the City Council and County Board move forward on the matter of which lands to include within an expanded UGB, you should be cognizant of the priority requirements spelled out under ORS 197.298 and Goal 14 and the need to fully justify your rationale, if you wish to make a decision that will pass muster in Salem.

Facts Before the City and County

As one can see from the discussion above, the process to expand a UGB operates under severe constraints, and local decision-makers are limited in the discretion they can exercise. The City of Springfield's consultant, ECONorthwest, described the application of ORS 198.298 and Goal 14 in a 2008 memorandum to the Springfield City Council and Planning Commission thusly:

"These factors provide direction on selection of lands within the priority scheme and also outline some reasons why lower priority lands may be part of an expansion area if they may better address these factors than lands in higher priority categories. The ORS 197.298 priority scheme is relatively rigid, but the Goal 14 factors allow some flexibility. ORS 197.298 and Goal 14 allow some exceptions to the priority scheme based on "special" needs. For example, if a city identifies a need for lower cost housing that can only be developed on flat land, then that may be a reason to include *some* resource lands before, or together with, exceptions lands. *Such an exception would require additional justification and must be supported by solid technical analysis.*" Exhibit I, December 30, 2008 Memorandum from ECONorthwest to Springfield City Council and Planning Commission, at p. 1-10. (*Emphasis added.*)

As noted above, the Seavey Loop area includes the **only** exception area land committed to employment uses of all the study areas. It is, in short, the only area under consideration that has the highest statutory priority. See Exhibit E, Map 6. Seavey Loop is also an area that the Commercial and Industrial Buildable Lands Stakeholder Committee prioritized as a high priority employment opportunity area. Exhibit J Meeting Minutes, UGB/ Commercial Industrial Buildable Lands (CIBL) Stakeholder Committee, January 22, 2009, page 3.

Given that the parcel sizes in the Seavey Loop area meet those required for "Traded Sector" employment opportunities, that the proximity of the site to I-5 satisfies requirements for that employment sector, and that Seavey Loop has the second highest acreage outside of the floodplain of all of the areas under consideration, it is difficult to see how one could defend an analysis that concludes the Seavey Loop area is inadequate to accommodate the proposed economic use. (See Exhibit A, Attachment 3, pages 4, 7 and 10 of 33). Certainly the Seavey

Loop area does not have sufficient acreage to fulfill **all** of the city's employment needs, but the issue for deliberation should boil down to how much extra acreage is needed **after** inclusion of the Seavey Loop area and which of the other sites is best suited to address that extra need.

As the Court of Appeals made clear, if the Seavey Loop area is not included in the UGB expansion, the city will have to explain not only why the Seavey Loop area is not included, but also explain how **each** of the other sites is sufficiently better than the Seavey Loop area as to warrant the inclusion of lower priority high value farmland over areas that have already received an exception to the resource goals and its adjacent farmlands. That alone would be a hard case to make. But when some of those alternative areas lie substantially within the flood plain (Exhibit E, Map 3: Study Area Constraints, Attachment 2-3), are located in well protection areas (Exhibit K, Lane County Ordinance PA 1290, Map), and were lower ranked employment opportunity sites by the CIBL Stakeholders Committee (Exhibit J, page 3), it is difficult to see how the Economic, Social, Environmental and Energy (ESEE) analysis and other analyses could support a conclusion that those sites are so much better than the Seavey Loop Site as to justify non-inclusion of the Seavey Loop area into the UGB.

The City Council and County Board should also be wary of other issues that have crept into the UGB expansion background materials and deliberations. For example, while the cost of providing public facilities and services may be an appropriate criterion for distinguishing between and ultimately selecting which lower-priority areas to bring into the UGB, as the Court of Appeals made clear in *1000 Friends of Oregon v. LCDC (McMinnville)*, the costs of providing services such as transportation and water cannot form the basis upon which to exclude higher-priority lands under the ORS 197.298/ Goal 14 framework. 244 Or App 275-76. Likewise, the services provided to areas under consideration cannot be limited to "city" provided services. In the Bend proceeding discussed above, the city established review criteria that required lots to be serviceable by "city" water and sanitary services and that lie within the regional stormwater plan service area. In sending the decision back to the city, DLCD commented that the serviceable criterion was permissible "except for the limitation to *city* facilities" for the sanitary systems. See Exhibit F, page 118, Table 3. A notation referring to the analysis for the sanitary facilities was made for the water and stormwater facilities.

Similarly, while Goal 14 allows for an examination of the compatibility of the proposed urban uses with adjacent properties, the examination is limited to agricultural and forest activities occurring on farm and forest land located outside the UGB. (See Exhibit L – Goal 14: Urbanization, Boundary Location Factor 4). Again we see the statewide land use scheme's intended protection of resource uses and lands for resource uses. Neither the Goal nor the statute provides that similar consideration be given to residential or other nonresource uses outside the UGB.

One final example is worth pointing out. The staff report discusses considerations related to the City's "natural and cultural heritage." The statute and Goals do not allow for exclusion of higher priority land in the UGB expansion process for those and other unnamed reasons.

Conclusion

As the Springfield City Council and Lane County Board of Commissioners move forward on the City of Springfield UGB expansion, you should be conscious of the standards under which the decision must be made, attentive to the facts in the record, and wary of arguments and considerations that ask you to deviate from the facts and standards. Such deviations are a recipe for delays at LCDC and, potentially, at the Court of Appeals. When land use planners and attorneys discuss troubles with the state scheme for expanding UGBs, they often list, in a single sentence, the troubles in “McMinnville, Bend and Woodburn.” Springfield should learn from the missteps of these other cities, get it right the first time, and not become the fourth in the shorthand list of bad dream UGB experiences.

The Seavey Loop Area includes exception and nonresource land that is the highest priority under consideration and must be brought into the UGB. The area also includes lower priority land that the Goal 14 efficiency and economic provision of services locational criteria provide justification for including along with the exception area to meet economic growth needs. Still, even if the maximum suitable acreage within the Seavey Loop area is part of the UGB expansion proposal, other sites will be required to meet the city's demonstrated need for additional industrial land. The City Councilors and Board of Commissioners should carefully apply the Goal 14 standards to determine which other sites best help the city meet its employment land needs.

Thank you for your consideration.

Sincerely,

Bill Kloos

Bill Kloos

Cc: Jeff Elliott, Johnson Crushers International
Mary Bridget Smith, Springfield City Attorney
Andy Clark, Lane County Legal Counsel
Linda Pauley, City of Springfield

Exhibits included:

- Exhibit A 7/22/2013 Memorandum to Gino Grimaldi
- Exhibit B CIBL Stakeholders September 25, 2008 Presentation
- Exhibit C Seavey Loop area plan and zone designation maps.
- Exhibit D Lane County Ordinance PA 1283
- Exhibit E June 22, 2009 Planning Commission Joint Work Session Materials
- Exhibit F DLCD Order 001775 – Report on Bend and Deschutes County's Amendment to the Bend Urban Growth Boundary (cover only, full copy provided to staff)
- Exhibit G *1000 Friends of Oregon v. LCDC (McMinnville)*, 244 Or App 239, 259 P3d 1021 (2011).
- Exhibit H *1000 Friends of Oregon v. LCDC (Woodburn II)*, __ Or App __, __ P3d __ (No. A148592, Jan. 2, 2014)
- Exhibit I December 30, 2008 Memorandum from ECONorthwest to Springfield City Council and Planning Commission
- Exhibit J Meeting Minutes, UGB/ Commercial Industrial Buildable Lands (CIBL), January 22, 2009
- Exhibit K Lane County Ordinance PA 1290
- Exhibit L Goal 14: Urbanization, 2006 (New)
- Exhibit M Ltrr from Lanfear Consulting LLC (Jan. 29, 2014)(re Map 18-03-11 TL 700)

Springfield UGB Planning:
Stakeholder Committee Meeting #5
Preliminary Results: EOA and BLI

Presented by:

ECONorthwest

September 25, 2008

Where are we in the Project Tasks?

- Draft technical products:
 - EOA
 - CIBL
 - Economic Development Strategy
- Next steps
 - Review draft products with Steering Committee and decision-makers
 - Finalize draft products
 - Begin alternatives analysis

Purpose of Tonights' Meeting

- Get comments and input on draft products
 - Now, but we will take comments until Oct 3
- Discuss key assumptions that impact land need:
 - Constraint assumptions
 - Redevelopment assumptions

Commercial and Industrial Buildable Lands Inventory

How did we determine what is both developable and buildable?

- Establish a land base: All commercial and industrial land in Springfield's UGB
- Classify all land
 - Developed
 - Vacant or partially vacant
 - Redevelopable
- Determine constraints and remove constrained vacant land

Status of Employment Land

- 3,407 acres in tax lots
 - 56% developed
 - 24% redevelopable
 - 20% vacant
- 25% Constrained
- 75% Unconstrained

Classification	Tax Lots	Acres in Tax Lots	Constrained Acres	Unconstrained Acres
Developed	1,251	1,931.4	390.0	1,541.4
Redevelopable	579	807.3	173.9	633.4
Vacant	274	668.8	273.7	395.1
Total	2,104	3,407.5	837.6	2,569.9

Map 2-2 Commercial and Industrial Land by Classification City of Springfield Oregon

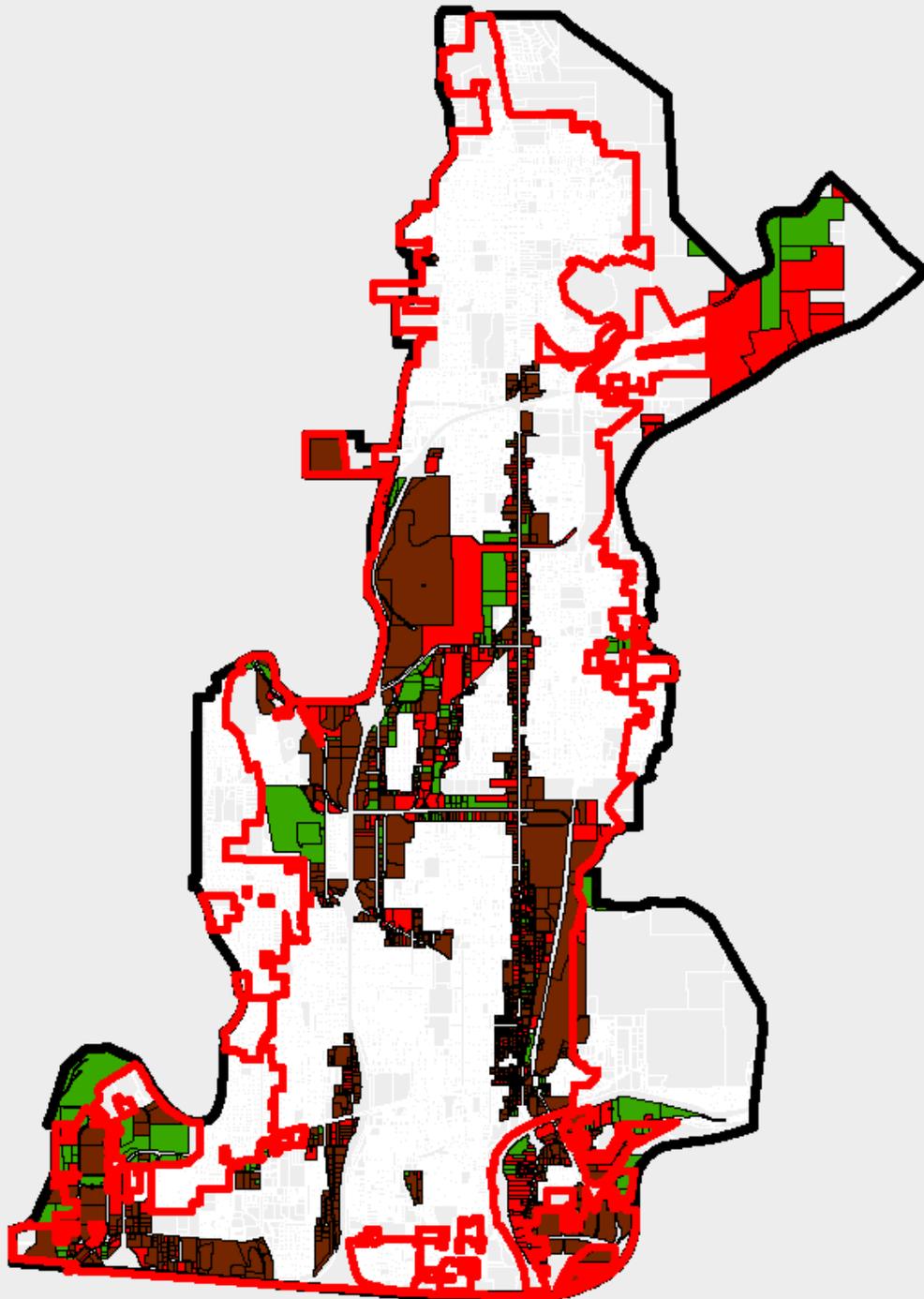
- Legend**
-  City Limits
 -  Urban Growth Boundary
 -  Tax Lots

- Classification**
-  Developed
 -  Potentially Redevelopable
 -  Vacant

Note: Map shows tax lots included in the Inventory. Some tax lots have split parcel designations with portions that are not in the Inventory. The tabular summaries only include acres in the Inventory. Large sites in Jasper/Natron are an example.



DRAFT
ECONOMETRICAL, August 2008



Vacant and Potentially Redevelopable Land

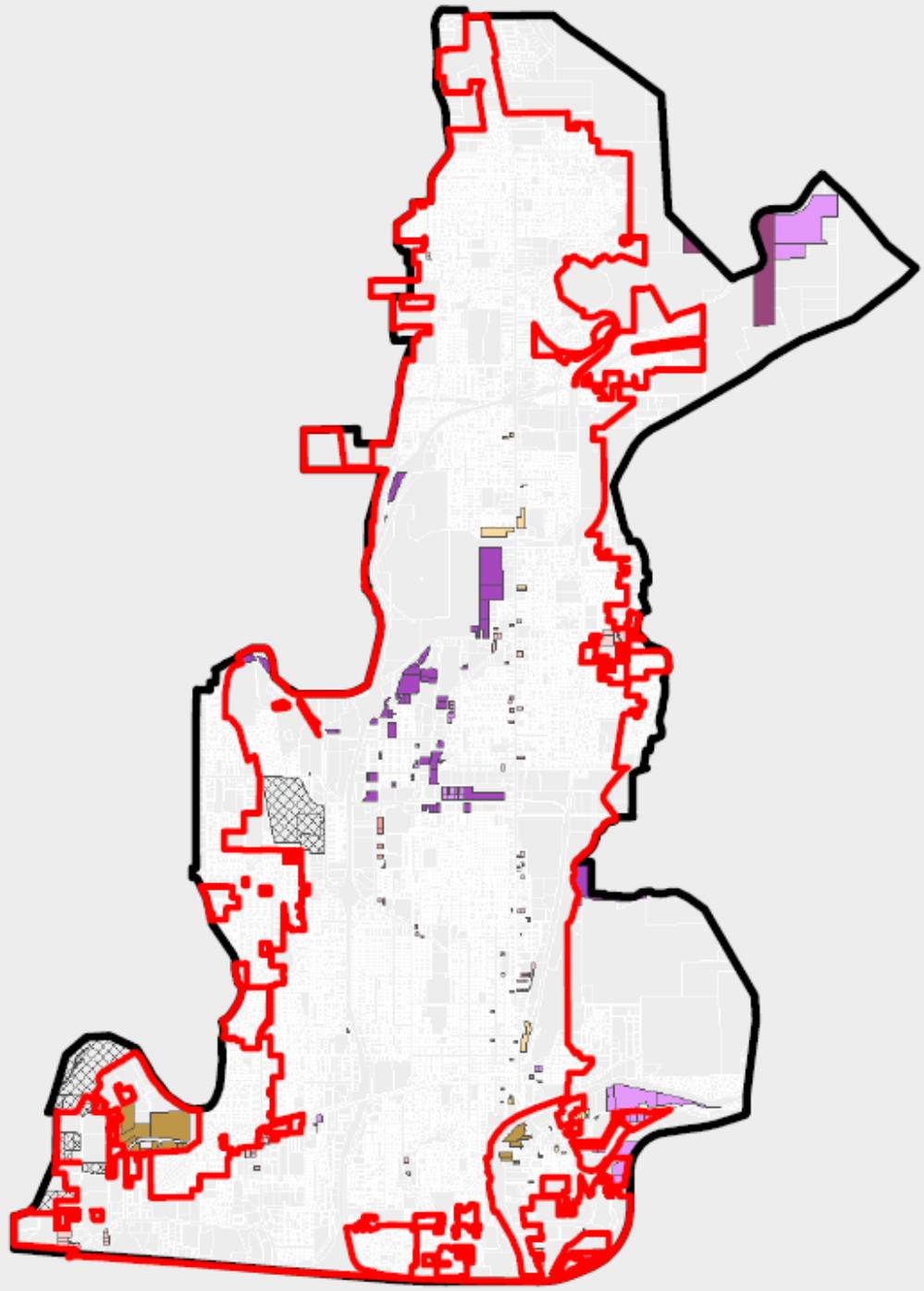
	Tax Lots	Acres in Tax Lots	Constrained Acres	Unconstrained Acres
VACANT LAND				
Industrial	136	510.0	252.3	257.7
Commercial	70	46.9	3.9	43.0
Mixed Use	57	111.9	17.5	94.4
Subtotal	263	668.8	273.7	395.1
POTENTIALLY REDEVELOPABLE LAND				
Industrial	208	568.6	140.1	428.5
Commercial	170	133.9	8.3	125.5
Mixed Use	171	104.8	25.4	79.4
Subtotal	549	807.3	173.9	633.4

**Map 2-3
Vacant Commercial and
Industrial Land and
Development Constraints
City of Springfield
Oregon**

- Legend**
- City Limits
 - Urban Growth Boundary
 - Tax Lots

- Plan Designation**
- Campus Industrial
 - Commercial
 - Commercial Mixed Use
 - Heavy Industrial
 - LIGHT MED IND MIXED USE
 - Light Medium Industrial
 - Major Retail Center
 - Medium Density Res Mixed
 - Mixed Use
 - Special Heavy Industrial

- Development Constraints**
- Slopes over 15%
 - Wetlands
 - Riparian Resource Areas
 - Floodway
 - Willamette River Greenway
 - 100-year Floodplain



N

ES&JT
E03020001, August 2009

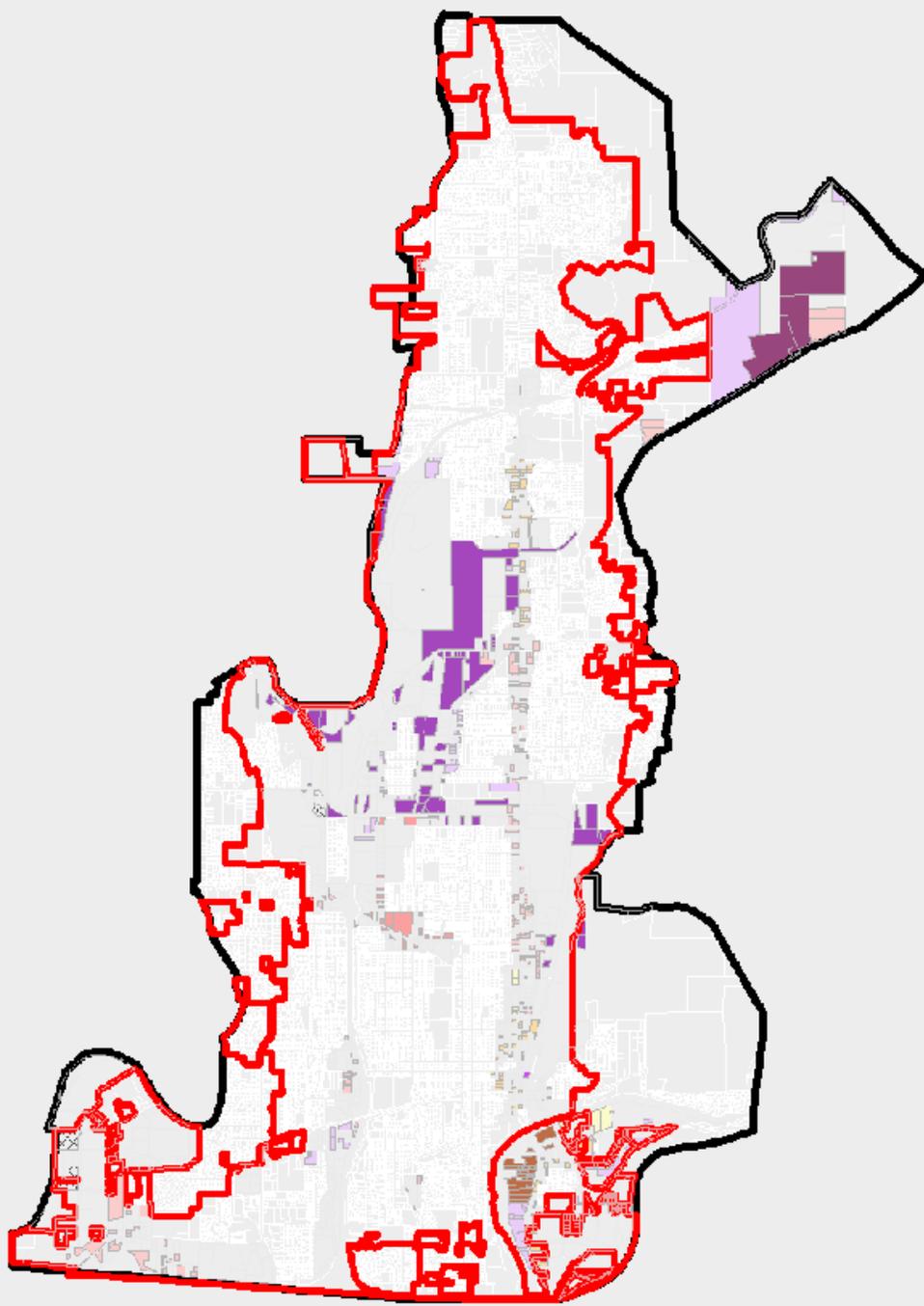
**Map 2-4
Potentially Redevelopable
Commercial and
Industrial Land
City of Springfield
Oregon**

- Legend**
- City Limits
 - Urban Growth Boundary
 - Tax Lots

- Plan Designation**
- Campus Industrial
 - Commercial
 - Commercial Mixed Use
 - Heavy Industrial
 - LIGHT MED IND MIXED USE
 - Light Medium Industrial
 - Major Retail Center
 - Medium Density Res Mixed
 - Special Heavy Industrial
 - Mixed Use



DRAFT
ECONOMIST, August 2016



Development Constraints

- Absolute or partial?
- Constraints
 - Floodway
 - Floodplain
 - Wetlands
 - Riparian corridors
 - Slopes
 - Willamette River Greenway
 - BPA easements

**Map 2-3
Vacant Commercial and
Industrial Land and
Development Constraints
City of Springfield
Oregon**

Legend

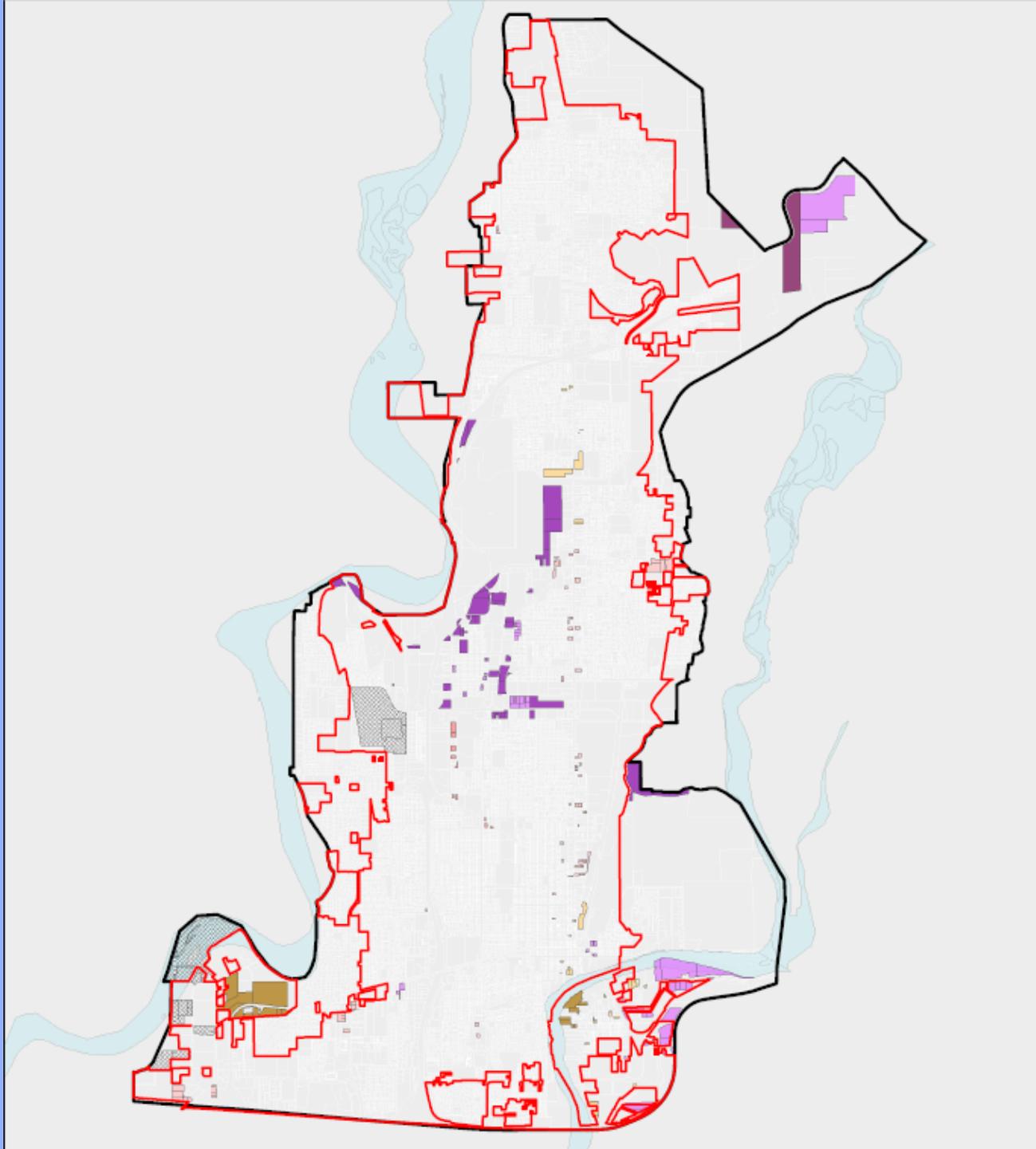
-  City Limits
-  Urban Growth Boundary
-  Tax Lots

Plan Designation

-  Campus Industrial
-  Commercial
-  Commercial Mixed Use
-  Heavy Industrial
-  LIGHT MED IND MIXED USE
-  Light Medium Industrial
-  Major Retail Center
-  Medium Density Res Mixed
-  Mixed Use
-  Special Heavy Industrial

Development Constraints

-  Slopes over 15%
-  Wetlands
-  Riparian Resource Areas
-  Floodway
-  Willamette River Greenway
-  100-year Floodplain



DEBATT
ECONOMICS August 2006



**Map 2-3
Vacant Commercial and
Industrial Land and
Development Constraints
City of Springfield
Oregon**

Legend

-  City Limits
-  Urban Growth Boundary
-  Tax Lots

Plan Designation

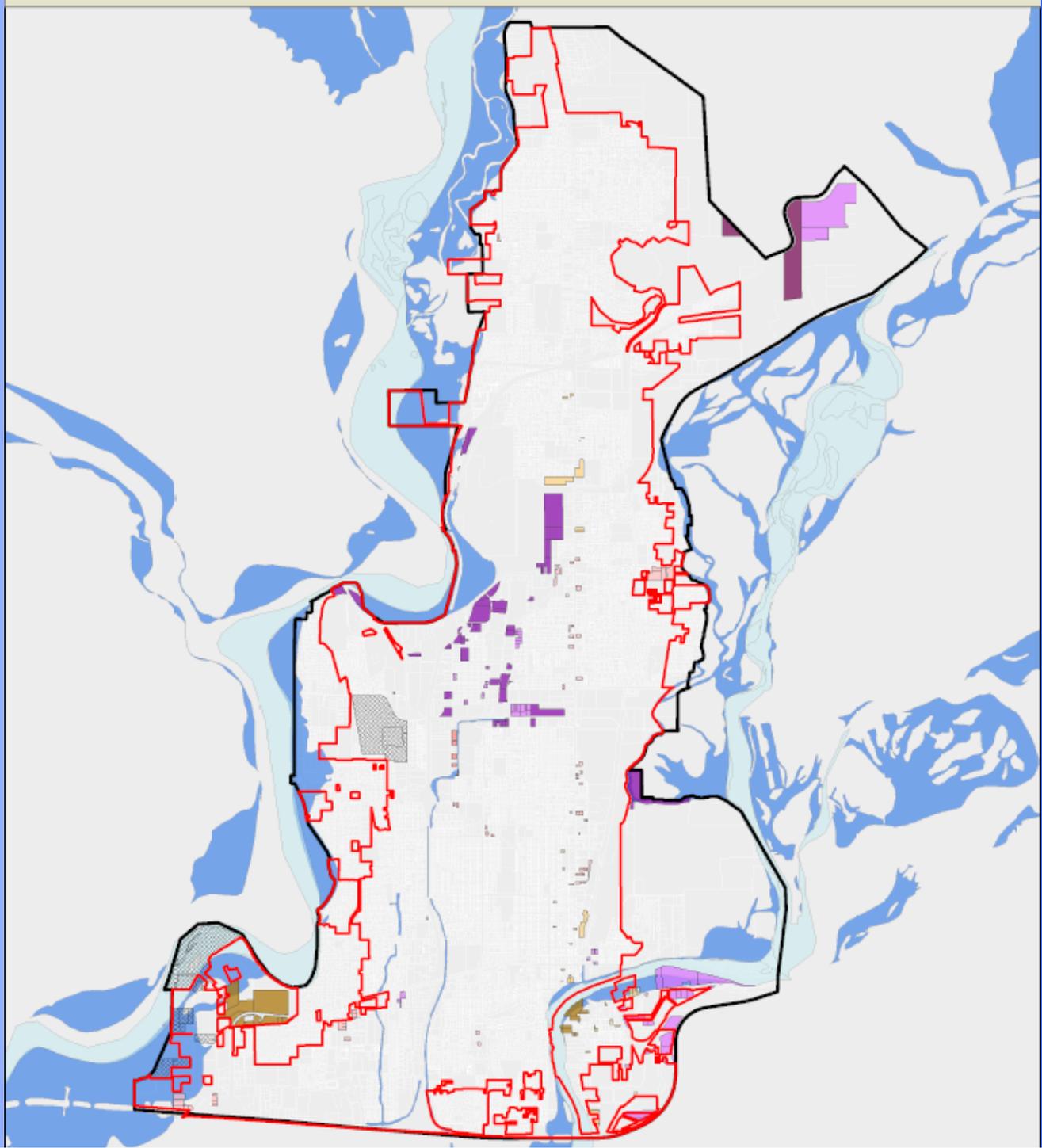
-  Campus Industrial
-  Commercial
-  Commercial Mixed Use
-  Heavy Industrial
-  LIGHT MED IND MIXED USE
-  Light Medium Industrial
-  Major Retail Center
-  Medium Density Res Mixed
-  Mixed Use
-  Special Heavy Industrial

Development Constraints

-  Slopes over 15%
-  Wetlands
-  Riparian Resource Areas
-  Floodway
-  Willamette River Greenway
-  100-year Floodplain



0 1,200 2,400 4,800
DRAFT
 ECHOconsult, August 2006



Map 2-3 Vacant Commercial and Industrial Land and Development Constraints City of Springfield Oregon

- Legend**
- City Limits
 - Urban Growth Boundary
 - Tax Lots

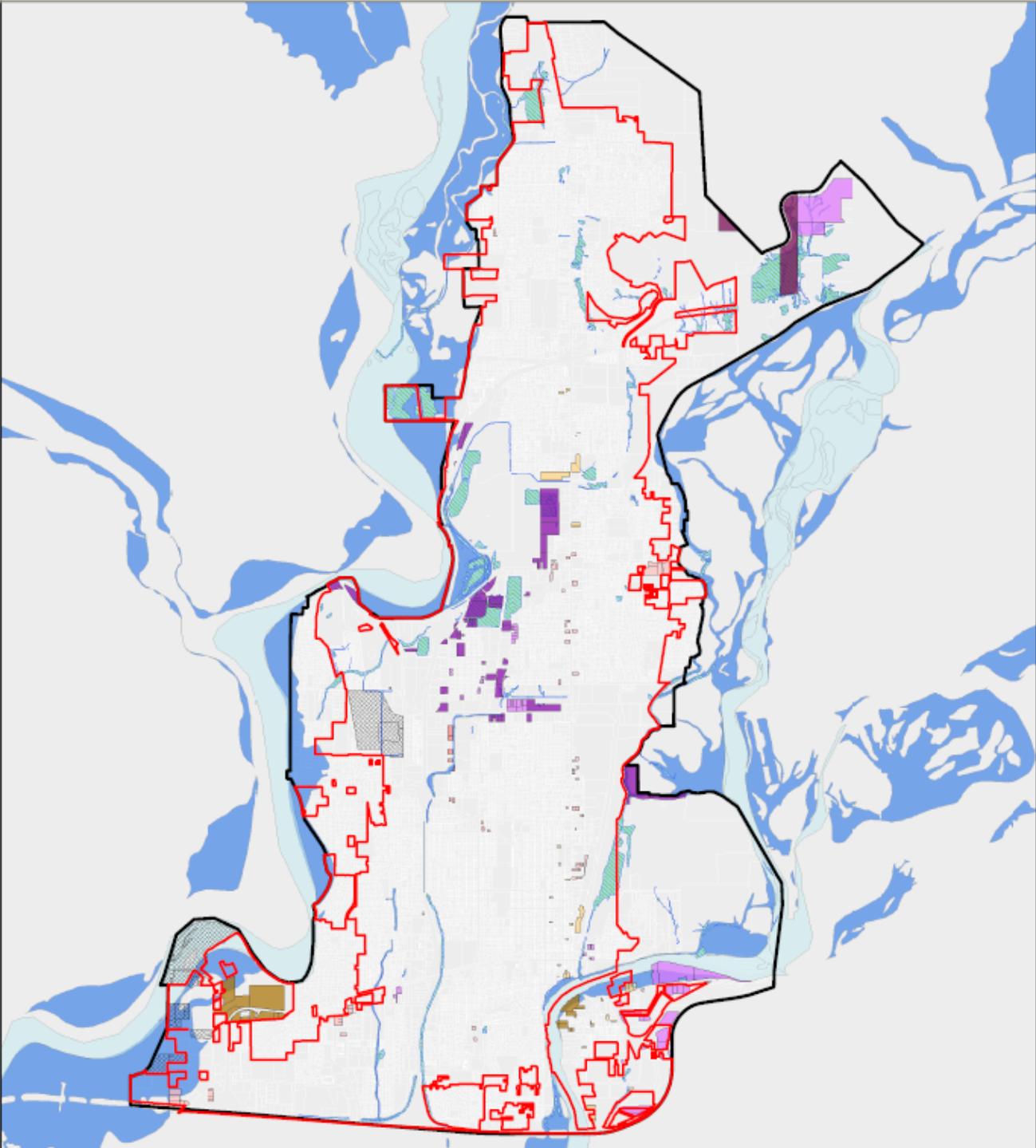
Plan Designation

- Campus Industrial
- Commercial
- Commercial Mixed Use
- Heavy Industrial
- LIGHT MED IND MIXED USE
- Light Medium Industrial
- Major Retail Center
- Medium Density Res Mixed
- Mixed Use
- Special Heavy Industrial

Development Constraints

- Slopes over 15%
- Wetlands
- Riparian Resource Areas
- Floodway
- Willamette River Greenway
- 100-year Floodplain

DATE: 8/20/2008
ECONOMIST: August 2008

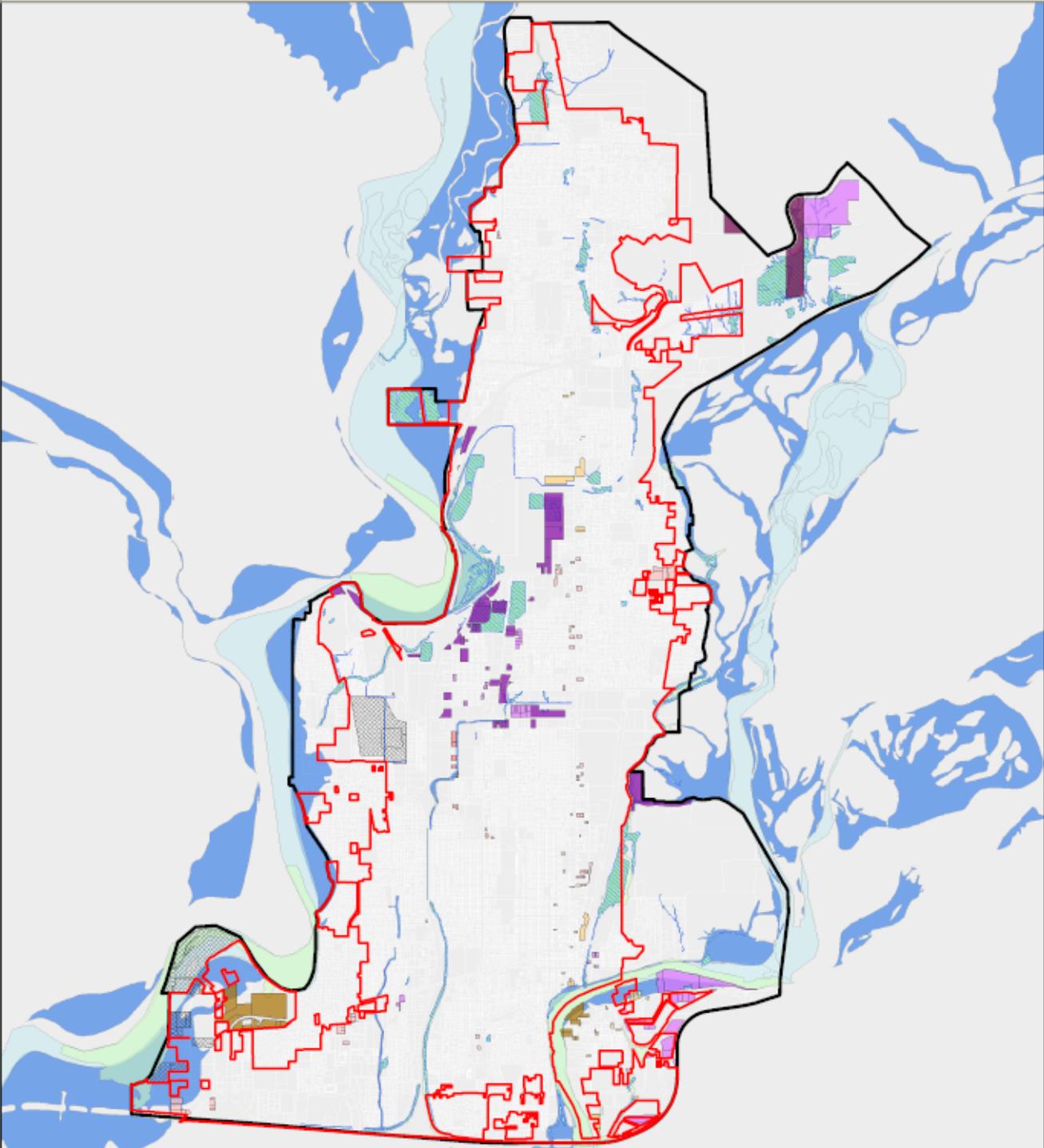


**Map 2-3
Vacant Commercial and
Industrial Land and
Development Constraints
City of Springfield
Oregon**

- Legend**
-  City Limits
 -  Urban Growth Boundary
 -  Tax Lots

- Plan Designation**
-  Campus Industrial
 -  Commercial
 -  Commercial Mixed Use
 -  Heavy Industrial
 -  LIGHT MED IND MIXED USE
 -  Light Medium Industrial
 -  Major Retail Center
 -  Medium Density Res Mixed
 -  Mixed Use
 -  Special Heavy Industrial

- Development Constraints**
-  Slopes over 15%
 -  Wetlands
 -  Riparian Resource Areas
 -  Floodway
 -  Willamette River Greenway
 -  100-year Floodplain



0 1,000 2,000 Feet
N
DATE: 8/20/2008
BY: ECH/MSW/ML

**Map 2-3
Vacant Commercial and
Industrial Land and
Development Constraints
City of Springfield
Oregon**

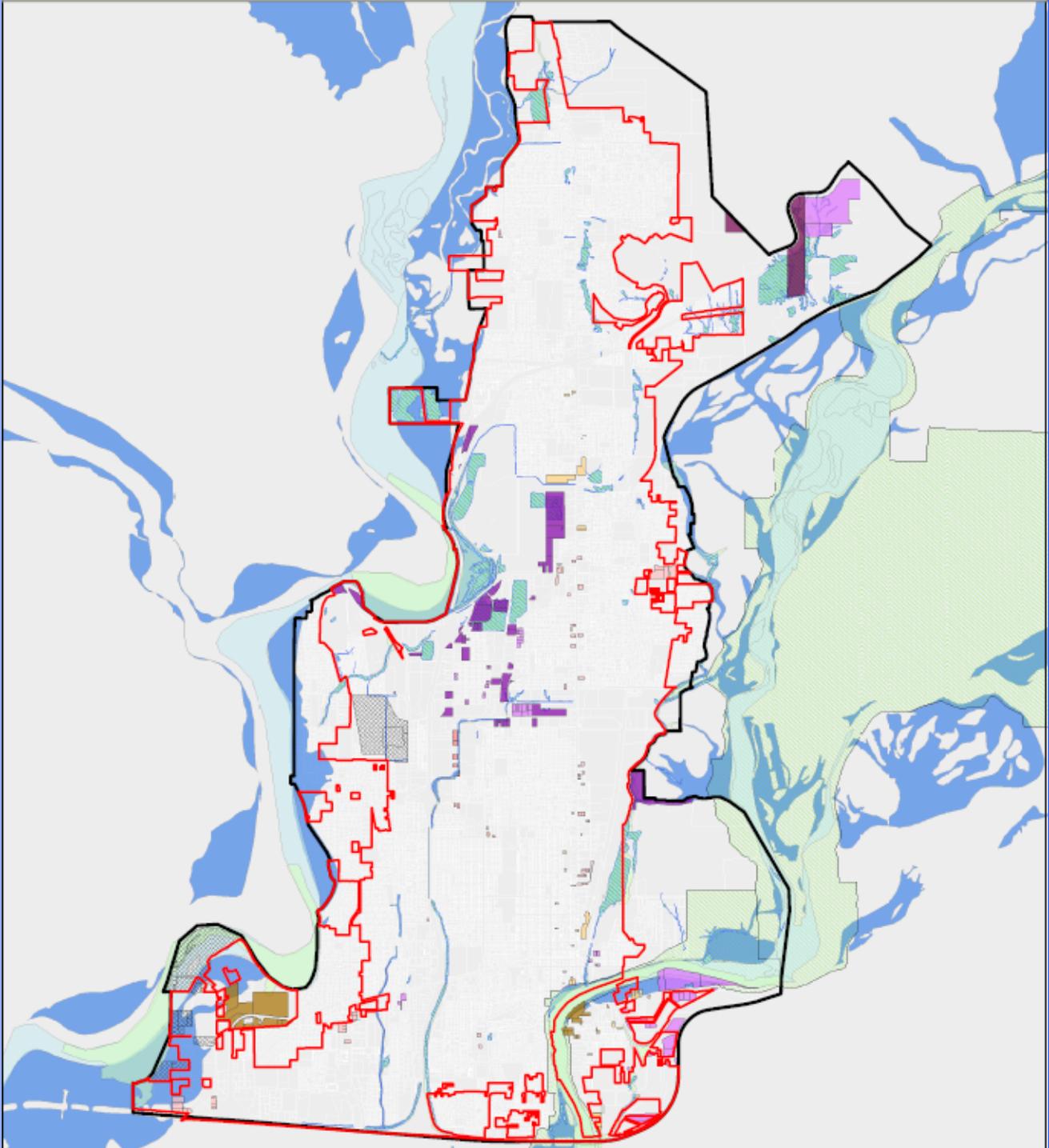
- Legend**
- City Limits
 - Urban Growth Boundary
 - Tax Lots

Plan Designation

- Campus Industrial
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- Commercial Mixed Use
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- Special Heavy Industrial

Development Constraints

- Slopes over 15%
- Wetlands
- Riparian Resource Areas
- Floodway
- Willamette River Greenway
- 100-year Floodplain



DAWDT
ECONOMICS, August 2008

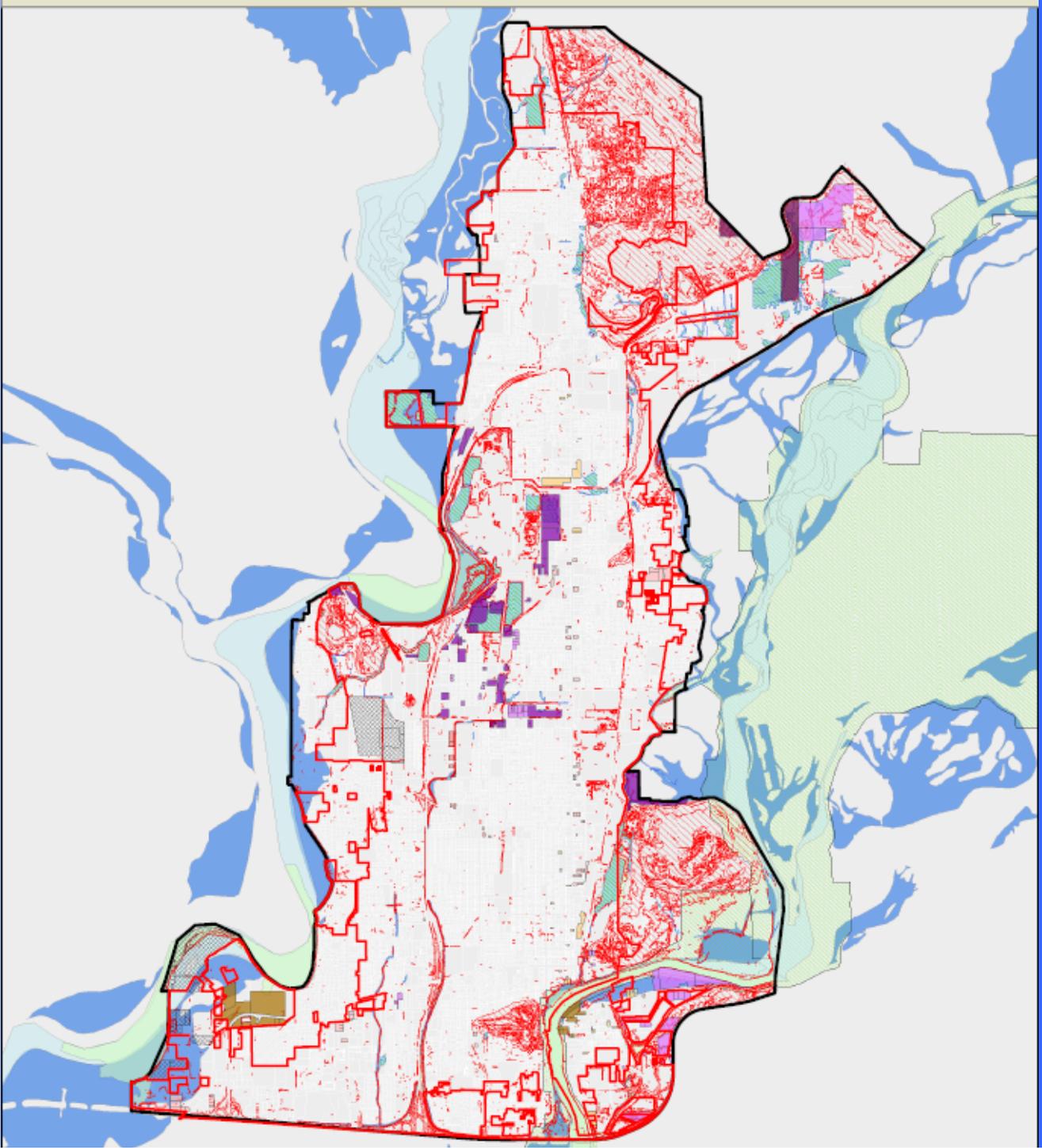


**Map 2-3
Vacant Commercial and
Industrial Land and
Development Constraints
City of Springfield
Oregon**

- Legend**
- City Limits
 - Urban Growth Boundary
 - Tax Lots

- Plan Designation**
- Campus Industrial
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- Development Constraints**
- Slopes over 15%
 - Wetlands
 - Riparian Resource Areas
 - Floodway
 - Willamette River Greenway
 - 100-year Floodplain



DUPT
E:\CityPlan\Map April 2006

0 1,200 2,400 4,800

N

TAC Recommendations about Constraints

- Make these assumptions about the effect of constraints:
 - Absolute constraints that are removed from the inventory: floodway, riparian corridors, most wetlands, and most slopes over 15%
 - Partial constraints that make development more complicated: floodplain, Willamette River Greenway, and BPA easements

Economic Opportunities Analysis

Key Employment Trends Affecting Employment Growth

- Changes in Lane County employment between 1980 and 2007
 - Services increased from 23% to 42%
 - Retail decrease from 21% to 13%
 - Manufacturing decrease from 20% to 13%
 - Government decrease from 20% to 16%

Employment Growth Opportunities

- Medical services
- High-tech
- “Green” businesses
- Small scale manufacturing
- Professional and technical services
- Specialty food processing
- Tourism
- Call centers
- Back-Office functions
- Corporate headquarters
- Services for residents and seniors
- Government and public services

Employment Growth 2010-2030

- Nearly 13,500 new employees

Building Type	2010		2030		Change 2010 to 2030
	Employment	% of Total	Employment	% of Total	
Industrial					
Warehousing & Distribution	2,954	7.0%	3,343	6.0%	389
General Industrial	6,457	15.3%	7,523	13.5%	1,066
Commercial					
Office	12,561	29.7%	17,274	31.0%	4,713
Retail	7,709	18.2%	9,752	17.5%	2,043
Medical & Government	12,603	29.8%	17,831	32.0%	5,228
Total	42,284	100.0%	55,723	100.0%	13,439

Assumptions about Employment Infill

- Some new jobs will not need employment land
- New jobs that will locate on non-employment land
 - 1,918 new jobs
 - 14% of new jobs
- New jobs that will locate in existing built space
 - 1,344 new jobs
 - 10% of new jobs
- 3,626 or 24% of new employment will not require buildable land
- 10,177 new jobs will require employment land

Long-term Site Needs

- Based on current distribution of firm and site size

	Site Size (acres)						Total
	Less than 1	1 to 2	2 to 5	5 to 20	20 to 50	Greater than 50	
Total Employment	2,170	1,148	1,153	1,979	1,454	2,273	10,177
Average Employees per Firm	12	30	39	101	594	1,432	
Needed Sites based on historic employment patterns	181	38	30	20	2	2	273
Range of needed sites	180 to 250	40 to 70	30 to 60	20 to 45	3 to 6	2 to 4	295 to 435

Long-term Site Needs

- Majority of sites smaller than 5 acres
- 8 sites larger than 20 acres

Building Type	Site Size (acres)						Total Sites
	Less than 1	1 to 2	2 to 5	5 to 20	20 to 50	Greater than 50	
Warehousing & Distribution			3	5	1		9
General Industrial	5	7	10	11	3	3	39
Office	100	20	20	5	1		146
Retail	70	15	10	4			99
Medical & Government	50	18	5	5			78
Total	225	60	48	30	5	3	371

But how much land does Springfield need?

We can't yet provide a definitive answer...

- It depends on assumptions about land capacity from:
 - Infill
 - Redevelopment
- However, it appears the City has a deficit of larger sites

TAC Recommendations for Assumptions about Land Capacity

- Infill Assumptions
 - Assume that 14% of new jobs will locate on non-employment land
 - Assume that 10% of new jobs will locate in existing built space
- Use the proposed redevelopment assumptions with the following changes
 - Discount redevelopment potential along Highway 126 outside of downtown because of ODOT's requirements for development

Comments Received to Date

Comments on the EOA

1. Potential for employment in call centers: region may accommodate up to 3,000 more jobs
2. Need for large mfg sites: Lost 10 opportunities in 2008 because of lack of sites 50-200 acres
3. Need for land-use buffers with industrial sites: Problems with existing industrial uses and compatibility

Comments on the EOA

4. Redevelopment assumptions: Some sites may be redevelopable but have artificially low land value
5. CIBL Committee's contribution to EOA: Not clear how Committee's work has influenced EOA.

Next Steps

OAR 660-024-0050(4)

“If the inventory demonstrates that the development capacity of land inside the UGB is inadequate to accommodate the estimated 20-year needs... the local government must amend the plan to satisfy the need deficiency, either by increasing the development capacity of land already inside the city or by expanding the UGB, or both, and in accordance with ORS 197.296 where applicable. Prior to expanding the UGB, a local government must demonstrate that the estimated needs cannot reasonably be accommodated on land already inside the UGB. Changes to the UGB must be determined by evaluating alternative boundary locations consistent with OAR 660-024-0060.”

Alternatives Analysis

- Must evaluate alternatives, including land efficiency measures and alternative boundary locations
- Must start with highest priority and work down (e.g., consider exceptions areas first)
- Application of Goal 14 criteria
- Can consider land that is not adjacent
- Can consider site requirements
- Must include a map of alternatives considered
- Can consider costs, advantages and disadvantages of public services

Boundary Location

- The location of the urban growth boundary and changes to the boundary shall be determined by evaluating alternative boundary locations consistent with ORS 197.298 and with consideration of the [Goal 14] factors.
- Implication: All land adjacent to the UGB must be considered in the alternatives analysis

ORS 197.298

UGB expansion priorities:

1. Urban reserve areas (Springfield does not have urban reserves)
2. Exceptions areas
3. Marginal lands (Lane County is a marginal land county)
4. Resource lands

Goal 14 factors

1. Efficient accommodation of identified land needs
2. Orderly and economic provision of public facilities and services
3. Comparative environmental, energy, economic and social consequences
4. Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB

Process Steps

- Finalize EOA and land need estimates
- Identify UGB expansion study areas (including all areas adjacent to UGB, except Eugene UGB)
- Solicit requests for inclusion from property owners
- Use ORS 197.298 and Goal 14 factors to conduct “first cut” elimination

Process Steps (cont.)

- Apply any “special” site needs criteria
- Conduct more detailed evaluation of Goal 14 criteria
- Select preferred alternative

IN THE BOARD OF COUNTY COMMISSIONERS, LANE COUNTY, OREGON

ORDINANCE NO. PA 1283

IN THE MATTER OF AMENDING THE LANE COUNTY RURAL COMPREHENSIVE PLAN BY APPLYING PLAN DESIGNATIONS TO LANDS REMOVED FROM THE METRO PLAN PURSUANT TO ORDINANCE NO. PA 1281; ADOPTING THE CITY OF SPRINGFIELD PARCEL SPECIFIC UGB BOUNDARY ON OFFICIAL LANE COUNTY RURAL COMPREHENSIVE PLAN MAPS TO COMPLY WITH OAR 660-024-0020(2); AND ADOPTING SAVINGS AND SEVERABILITY CLAUSES.

WHEREAS, through Ordinance No. PA 1281, the partners of the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) have jointly modified the boundaries of the Metro Plan; and

WHEREAS, it is now necessary to amend the Lane County Rural Comprehensive Plan (RCP) to apply RCP plan designations to lands removed from the Metro Plan pursuant to ordinance no. PA 1281; and

WHEREAS, it is also necessary to adopt the City of Springfield's parcel specific Urban Growth Boundary location on official Lane County RCP plan and zone maps to comply with OAR 660-024-0020(2); and

WHEREAS, the proposal was reviewed at a hearing of Lane County Planning Commission on July 19, 2011, and August 16, 2011; and

WHEREAS, the proposal was also reviewed at hearing of the Lane County Board of Commissioners on March 13, 2012; and

WHEREAS, evidence exists in the record indicating that the proposal meets the requirements of the RCP, Lane Code and applicable state law; and

WHEREAS, the Board of County Commissioners is now ready to take action.

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

Section 1. The Official Lane County Rural Comprehensive Plan (RCP) - plan maps # 1701, 1702, 1703, 1802 and 1803, which are included as Exhibits A-E to this ordinance are hereby repealed and replaced with the amended RCP plan maps # 1701, 1702, 1703, 1802 and 1803 included as Exhibits F-J attached and incorporated herein by this reference.

Section 2. The Official RCP – zone maps # 1702, 1703, 1802 and 1803, which are included as Exhibits K-N to this ordinance are hereby repealed and replaced with the amended RCP zone maps # 1702, 1703, 1802 and 1803 included as Exhibits O-R attached and incorporated herein by this reference.

Section 3. The prior policies, plan and zone diagram designations repealed or changed by this Ordinance remain in full force and effect to authorize prosecution of persons in violation thereof prior to the effective date of this Ordinance.

Section 4. If any section, subsection, sentence, clause phrase of portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such section shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

FURTHER, although not part of this Ordinance, the Board of County Commissioners adopts findings and conclusions in support of this action as set forth in Exhibit "E" to Ordinance No. PA 1281, incorporated here by this reference.

ENACTED this 4th day of June, 2012~~3~~

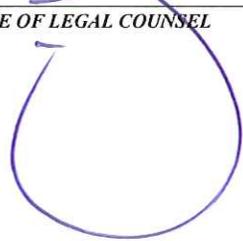


Sid Leiken, Chair
Lane County Board of Commissioners

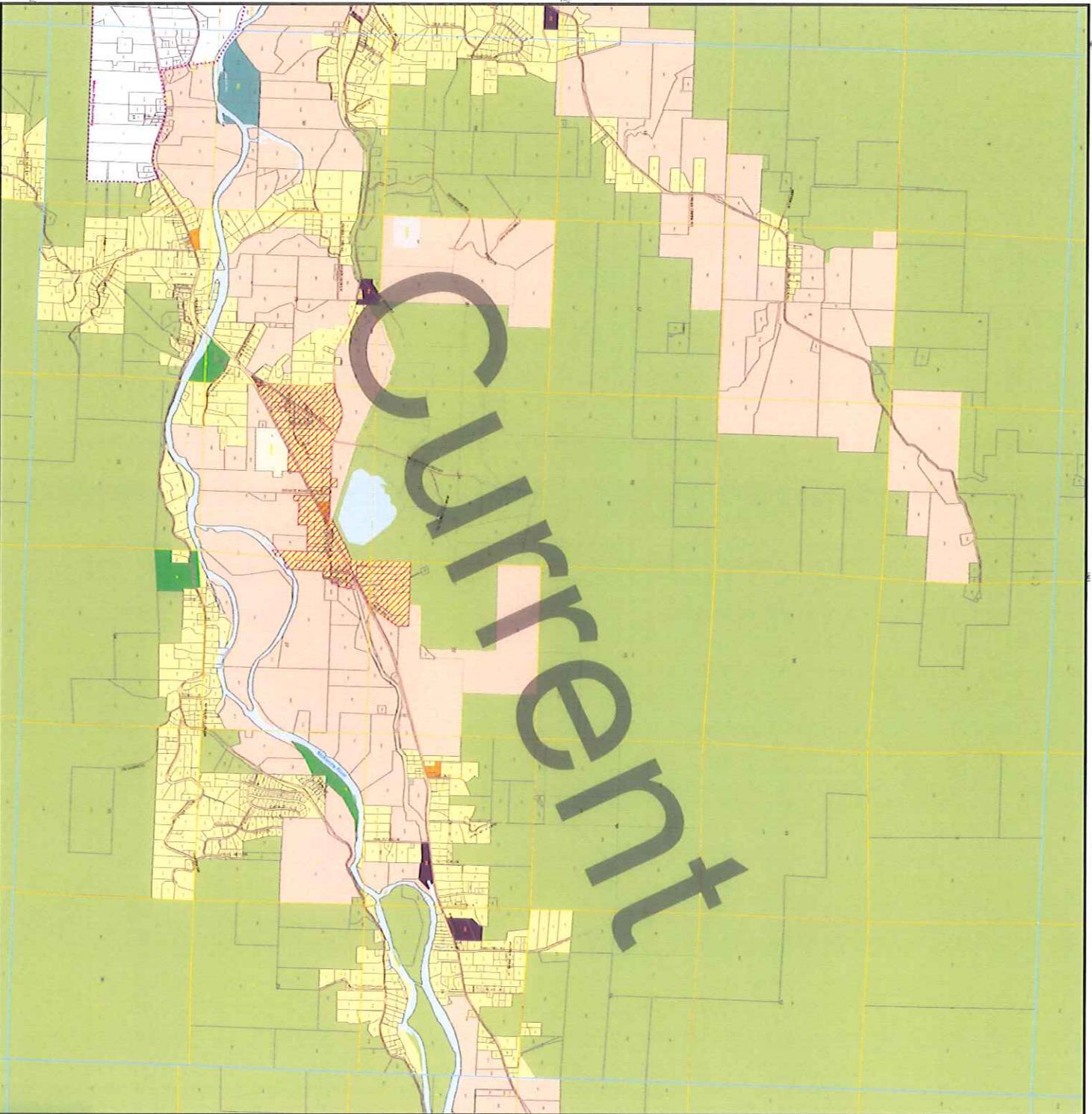
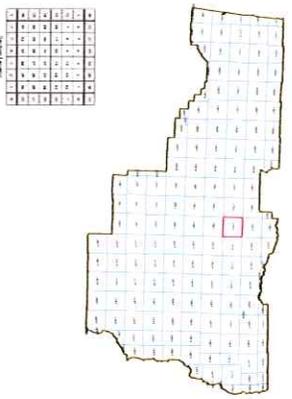


Recording Secretary for this Board Meeting

APPROVED AS TO FORM *Approved true*
Date 7/18/12 Lane County

OFFICE OF LEGAL COUNSEL


Township 17 South, Range 01 West



RCP Plan Designations

- F - Farm
- A - Agricultural
- M - Marginal
- C - Commercial
- I - Industrial
- R - Residential
- IBC1 - Urban Intensive
- P - Parks
- AIR - Airport
- IBC2 - Industrial Medium Density/Competition Area
- IBC3 - Industrial Medium Density
- IBC4 - Industrial Medium Density
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- IBC100 - Industrial Medium Density

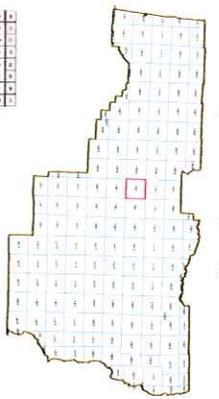
- UGB
- City Limits
- Communities
- Rural
- Urban
- Township Range
- Sections
- Metro Plan Boundary
- Parcel
- Roads
- Surface Water

Revision	Revised Date	Revised By	Revised For
1	08/01/2016	Jan Fierstra	Initial
2	08/11/2016	Jan Fierstra	Final
3			
4			
5			
6			
7			
8			
9			
10			



Official Lane County
Plan Map

Township 18 South, Range 03 West



1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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RCP Plan Designations

- 1 - Forest
- A - Agricultural
- M - Medium Density Residential
- C - Commercial
- I - Industrial
- R - Residential
- RP1 - Rural Residential
- P - Parks
- AR - Airport
- RP1CA - Rural Resource Conservation Area
- RP1W - Wildlife Resource Habitat
- RP1V - Wetland Resource Habitat
- E - Ecology
- SR - State Park
- TR - Tribal Land

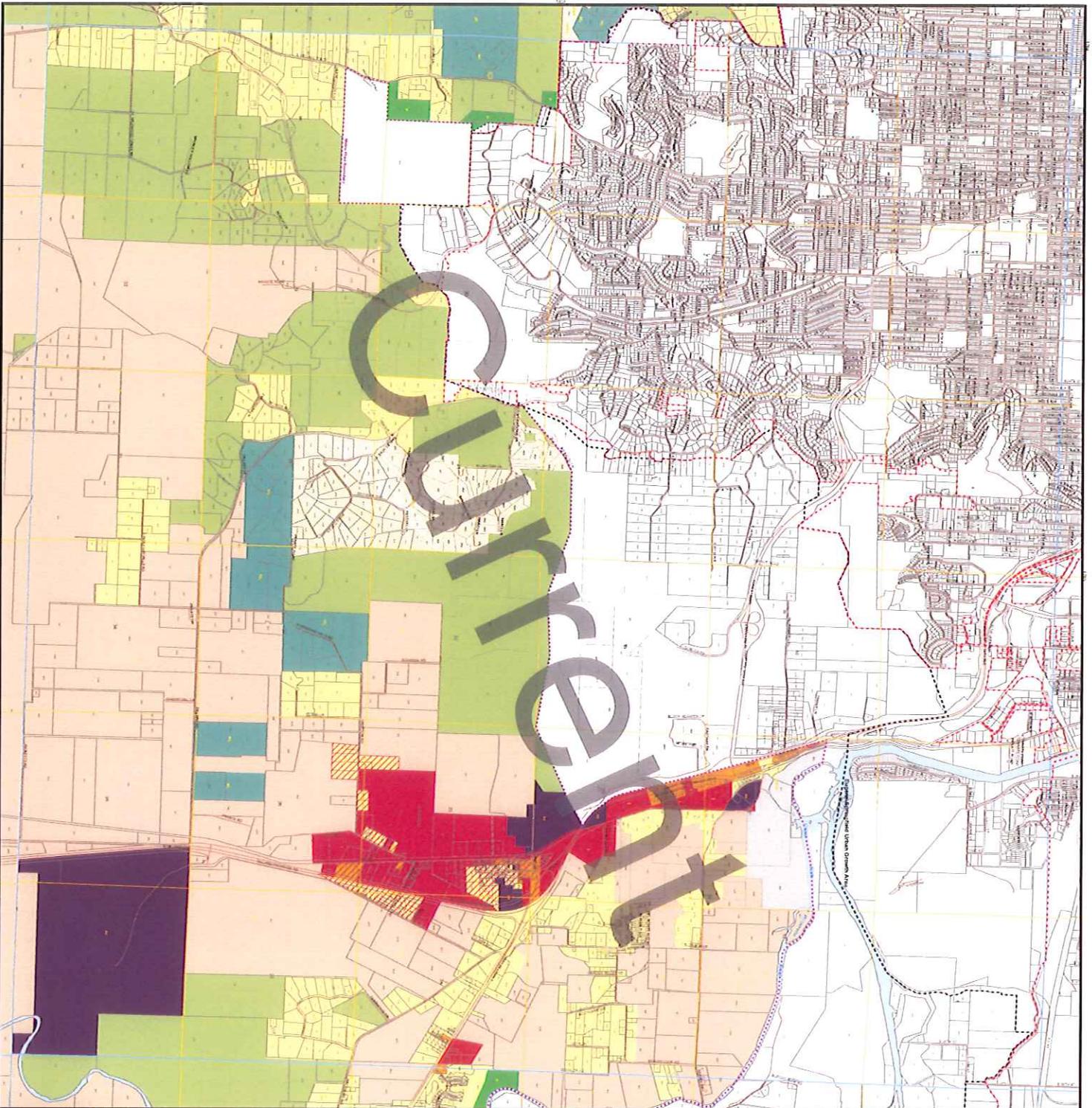
- UCD - Township Range
- City Limits - Sections
- Community - Major Plan Boundary
- Urban - Parcels
- Roads
- Surface Water

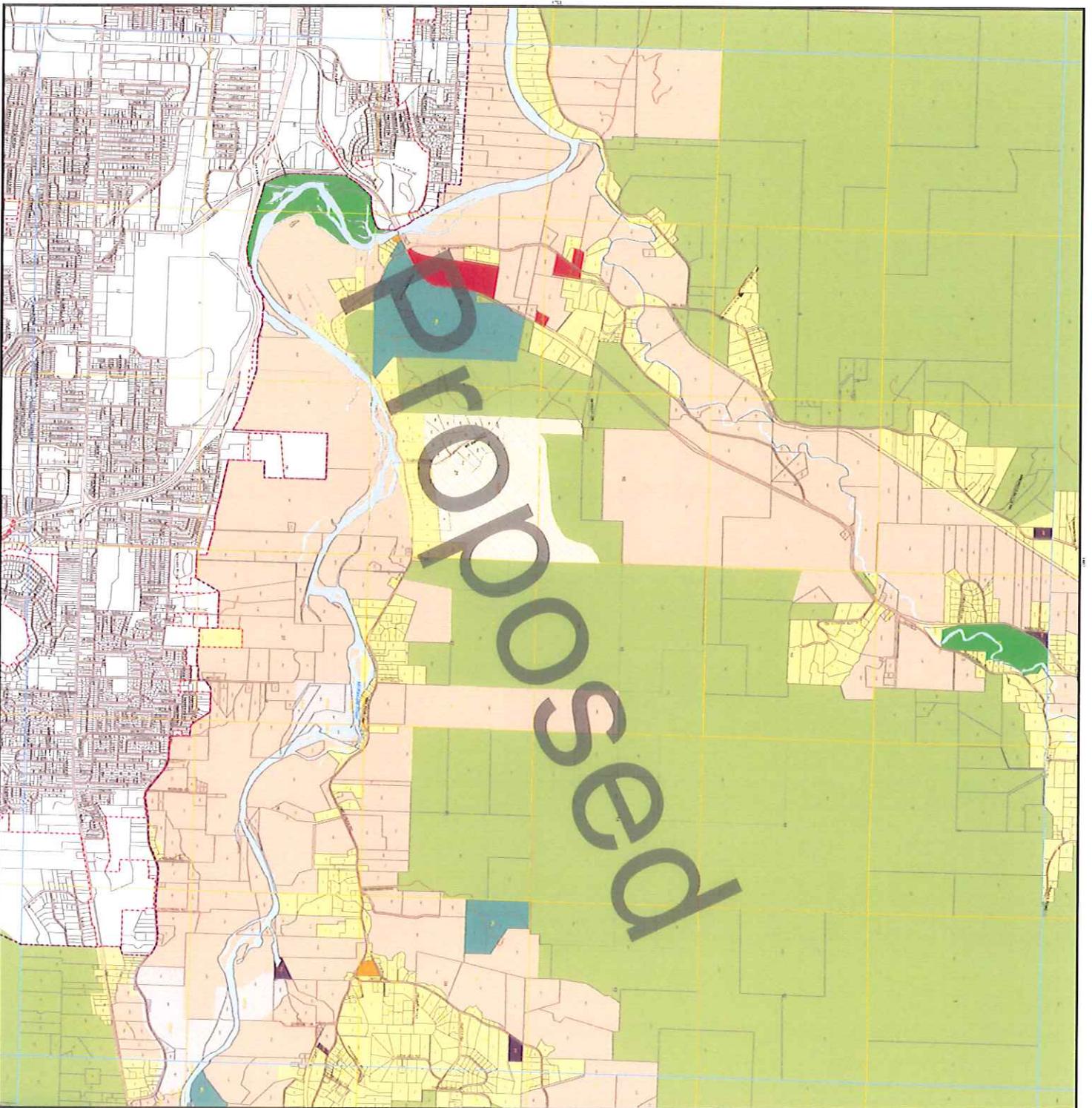
Revision	Substance or Date of Revision	Prepared by	Reviewed by	Revision Description
1	ORD 2015-01	Jan 11, 2015	NA	Map Approved

1	2	3	4	5	6	7	8	9	10
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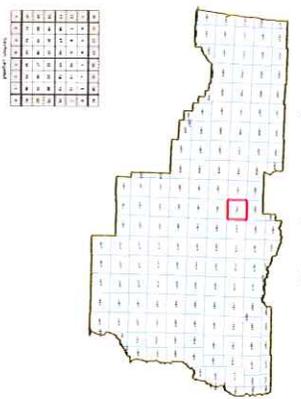


Official Lane County
Plan Map





Township 17 South, Range 02 West



RCP Plan Designations

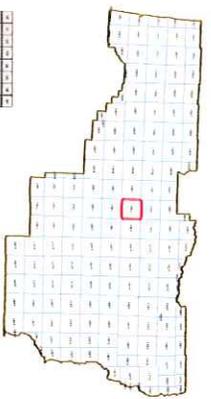
- F - Forest
- A - Agricultural
- M - Marginal
- C - Commercial
- I - Industrial
- R - Residential
- MHC - Nonconforming
- A - Air Airport
- PDC - Natural Resources Conservation Area
- MPA - Mineral Resource Reserve
- MPA - Mineral Resource Waiver
- E - Ecology
- DC - Distribution Center
- M - Multi-Family

- UDS**
- Township Range
- City Limits
- Sections
- Major Plan Boundary
- Surface Water
- Parcels
- Roads

Revision	Ordinance or Decision	Effective Date	Permitting Action	Revision Description
1	ORD PA1346	July 11, 2018	NA	Map Revised
2	ORD PA1359	May 26, 2019	PA 08-0735	Map Revised to Reflect
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Official Lane County
Plan Map

Township 18 South, Range 02 West



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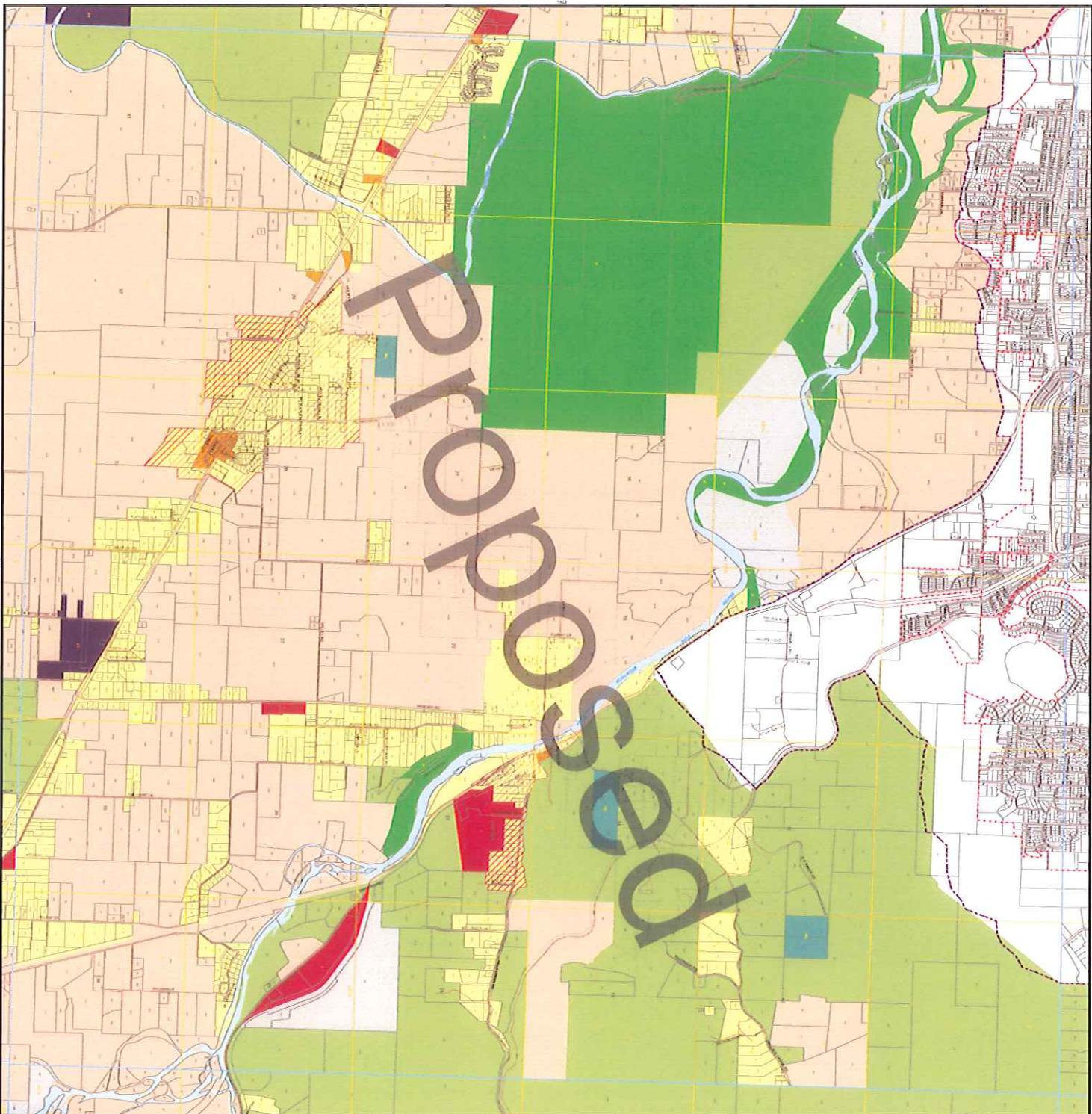
RCP Plan Designations

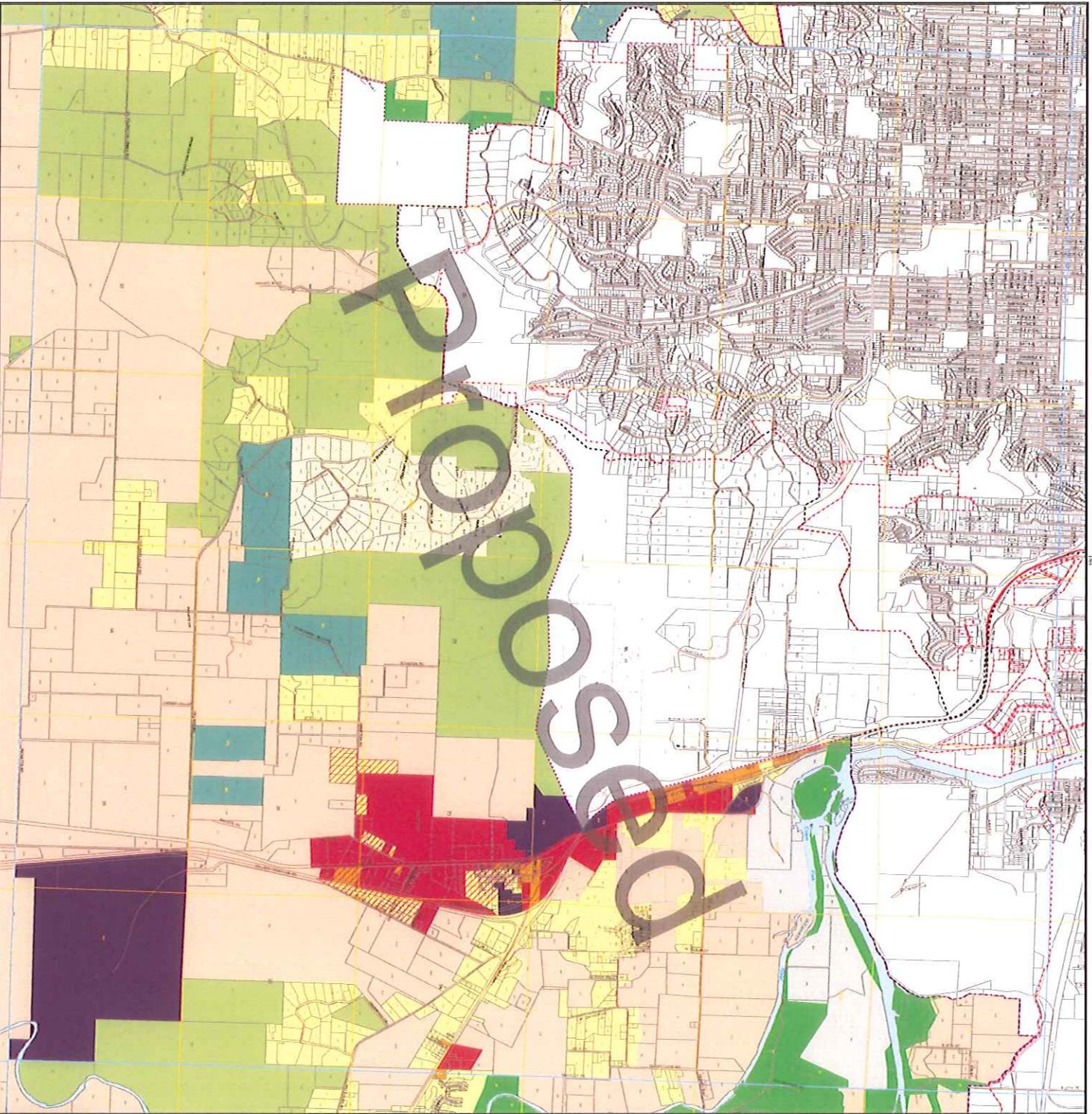
- 1 - 1st Zone
- A - Agricultural
- ML - Marginal
- C - Commercial
- I - Industrial
- R - Residential
- 1 - 1st Residential
- 2 - 2nd Residential
- 3 - 3rd Residential
- 4 - 4th Residential
- 5 - 5th Residential
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- 100 - 100th Residential

- USG - USGS
- City Limits - City Limits
- Sections - Sections
- Metrop Plan Boundary - Metrop Plan Boundary
- Communities - Communities
- Urban - Urban
- Township Range - Township Range
- Permits - Permits
- Roads - Roads
- Surface Water - Surface Water

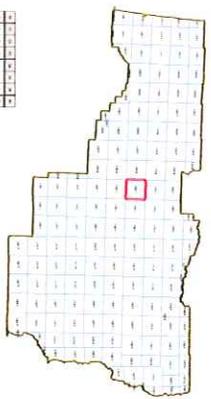
ORDINAL ADJUTANT GENERAL NUMBER	ORD/DAT/246	Section	Section Description
1	ORD/DAT/246	1	Section 1
2	NA	2	Section 2
3	NA	3	Section 3
4	NA	4	Section 4
5	NA	5	Section 5
6	NA	6	Section 6
7	NA	7	Section 7
8	NA	8	Section 8
9	NA	9	Section 9
10	NA	10	Section 10

Official Lane County
Plan Map





Township 18 South, Range 03 West



1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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RCP Plan Designations

- 1 - Open
- A - Agriculture
- ML - Medium Density Residential
- C - Commercial
- 1 - Industrial
- 2 - Industrial
- 3 - Industrial
- 4 - Industrial
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- 7 - Industrial
- 8 - Industrial
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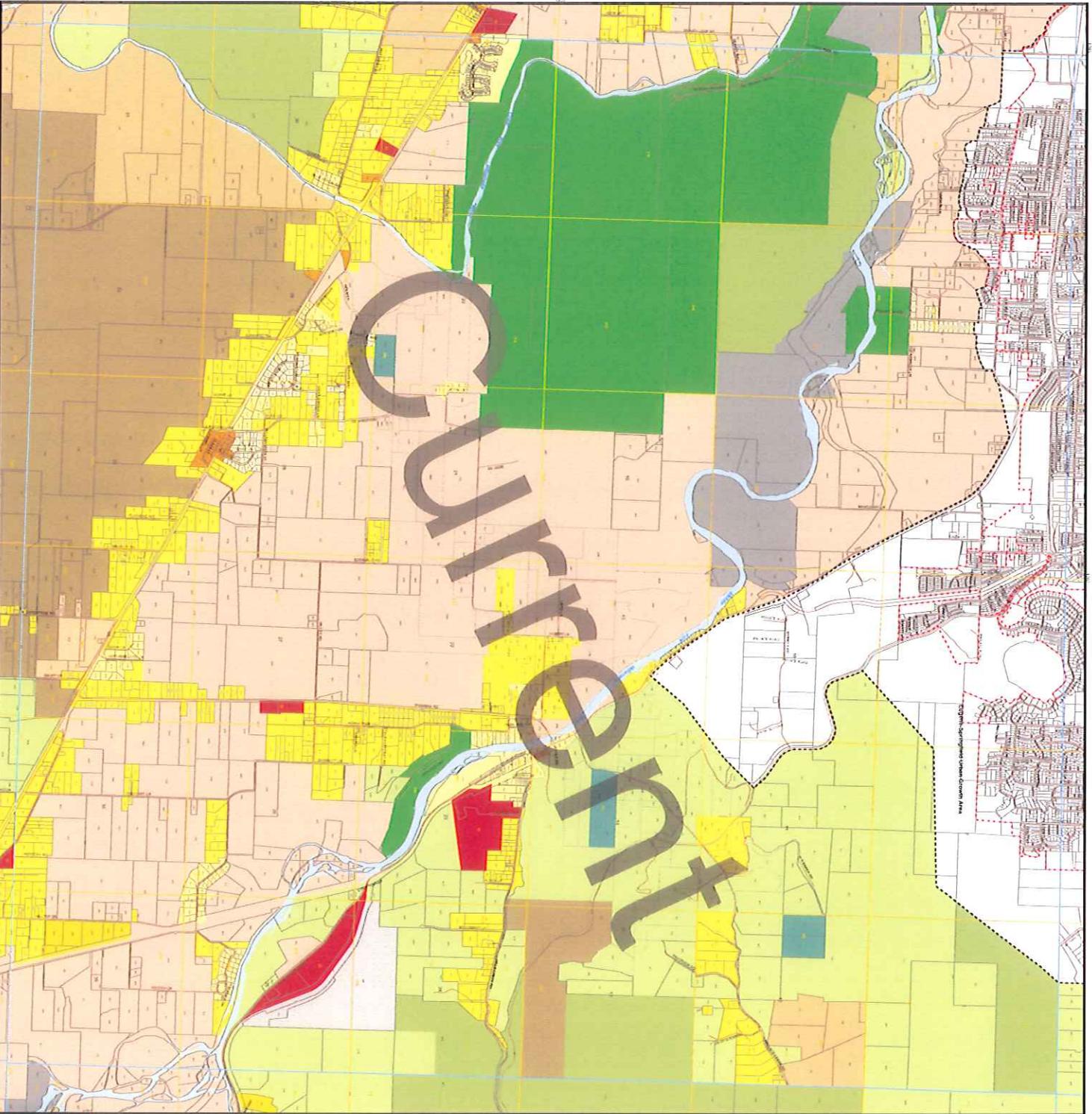
- UGB - Urban Growth Boundary
- City Limits - City Limits
- County - County
- Metropolitan Boundary - Metropolitan Boundary
- Surface Water - Surface Water
- Township Range - Township Range
- Sections - Sections
- Parcels - Parcels
- Roads - Roads
- Public Facility - Public Facility

Section	Designation	Area (Acres)
1	1 - Open	100
2	1 - Open	100
3	1 - Open	100
4	1 - Open	100
5	1 - Open	100
6	1 - Open	100
7	1 - Open	100
8	1 - Open	100
9	1 - Open	100
10	1 - Open	100

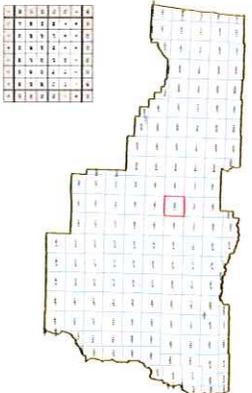
Section	Designation	Area (Acres)
1	1 - Open	100
2	1 - Open	100
3	1 - Open	100
4	1 - Open	100
5	1 - Open	100
6	1 - Open	100
7	1 - Open	100
8	1 - Open	100
9	1 - Open	100
10	1 - Open	100



Official Lane County
Plan Map



Township 18 South, Range 02 West



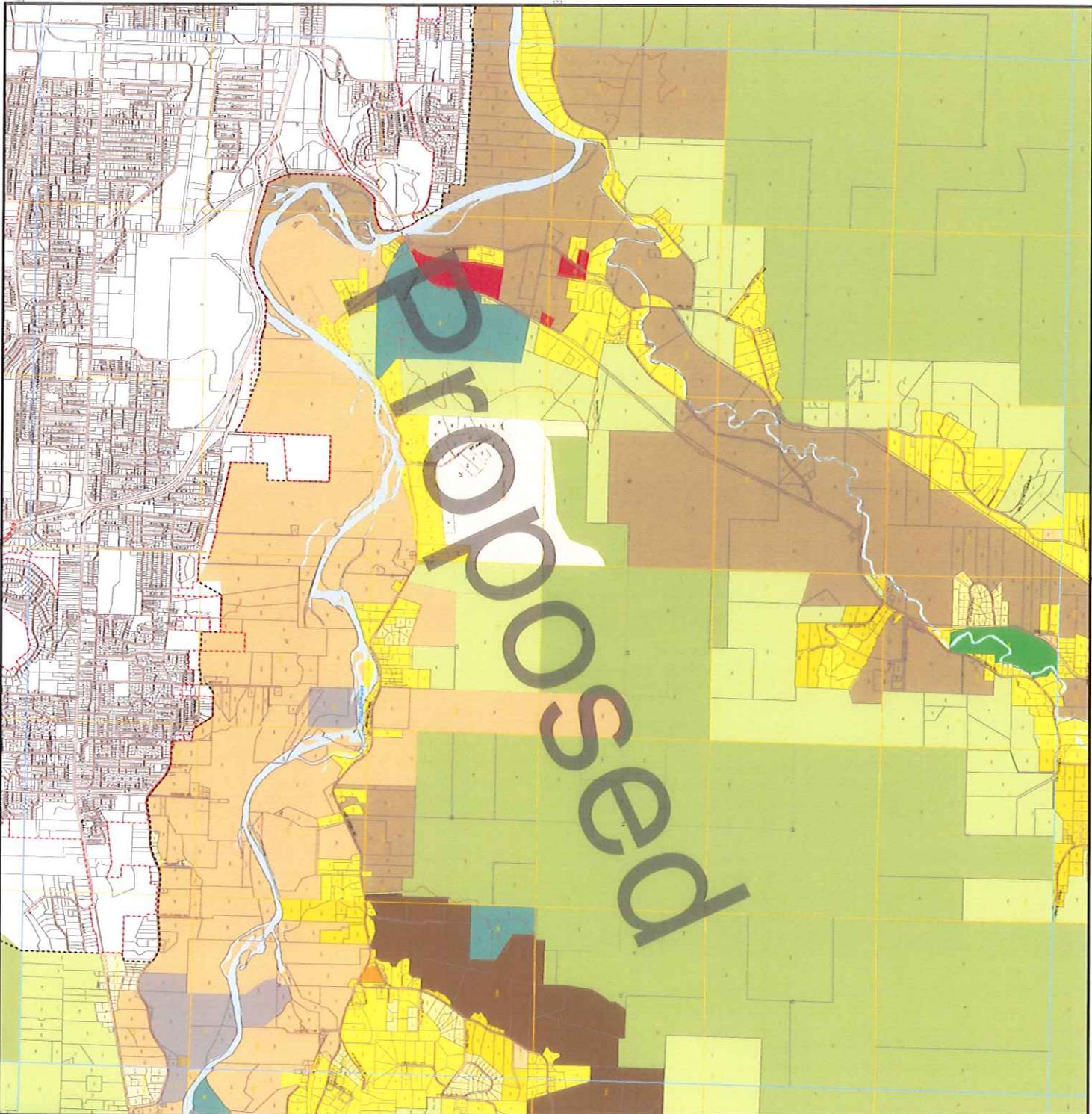
Scale: 1 inch = 1 mile

- Zoning**
- F1 - Non-sprinkled Forest
 - F2 - Impaired Forest
 - E20 - Exclusion Farm (20 acre minimum)
 - E30 - Exclusion Farm (30 acre minimum)
 - E40 - Exclusion Farm (40 acre minimum)
 - E50 - Exclusion Farm (50 acre minimum)
 - E60 - Exclusion Farm (60 acre minimum)
 - E70 - Exclusion Farm (70 acre minimum)
 - E80 - Exclusion Farm (80 acre minimum)
 - E90 - Exclusion Farm (90 acre minimum)
 - MC - Municipal Center
 - RC - Rural Commercial
 - RI - Rural Industrial
 - R1 - Rural Residential
 - R2 - Rural Residential (2 acre minimum)
 - R3 - Rural Residential (3 acre minimum)
 - R4 - Rural Residential (4 acre minimum)
 - R5 - Rural Residential (5 acre minimum)
 - R6 - Rural Residential (6 acre minimum)
 - R7 - Rural Residential (7 acre minimum)
 - R8 - Rural Residential (8 acre minimum)
 - R9 - Rural Residential (9 acre minimum)
 - R10 - Rural Residential (10 acre minimum)
 - R15 - Rural Residential (15 acre minimum)
 - R20 - Rural Residential (20 acre minimum)
 - R30 - Rural Residential (30 acre minimum)
 - R40 - Rural Residential (40 acre minimum)
 - R50 - Rural Residential (50 acre minimum)
 - R60 - Rural Residential (60 acre minimum)
 - R70 - Rural Residential (70 acre minimum)
 - R80 - Rural Residential (80 acre minimum)
 - R90 - Rural Residential (90 acre minimum)
 - PO - Park and Recreation
 - PR - Rural Park and Recreation
 - AO - Airport Operations
 - CLWP - Close Lane Waterland Production Area
 - NR - Natural Resource
 - NE - Natural Estuary
 - DE - Deception Forest
 - OU - Quarry and Mining Operations
 - SO - Sand, Gravel and Rock Products
 - SDCP - Sand and Gravel Controlled Processing
 - CR - Rural Commercial
 - CC - Neighbourhood Commercial
 - CI - Commercial
 - MC - Light Industrial
 - MP - Mobile Facility

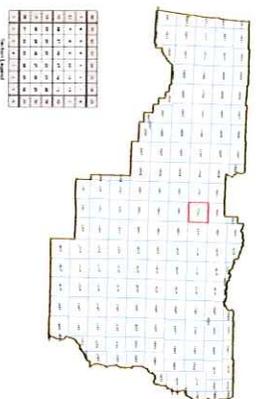
- UCB Township Range
- Parcel
- Surface Water
- City Limits
- Sections
- Roads

- Official, Adopting Ordinance Number** ORD 041246
- | Revision | Ordinance Number | Date Effective | From | To | Reason Description |
|----------|------------------|----------------|------|----|--------------------|
| 1 | ORD 041246 | July 11, 2008 | NA | NA | Map Adopted |
| 2 | NA | 10/10/08 | NA | NA | |
| 3 | NA | March 8, 2011 | NA | NA | |
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Official Lane County Zoning Map



Township 17 South, Range 02 West



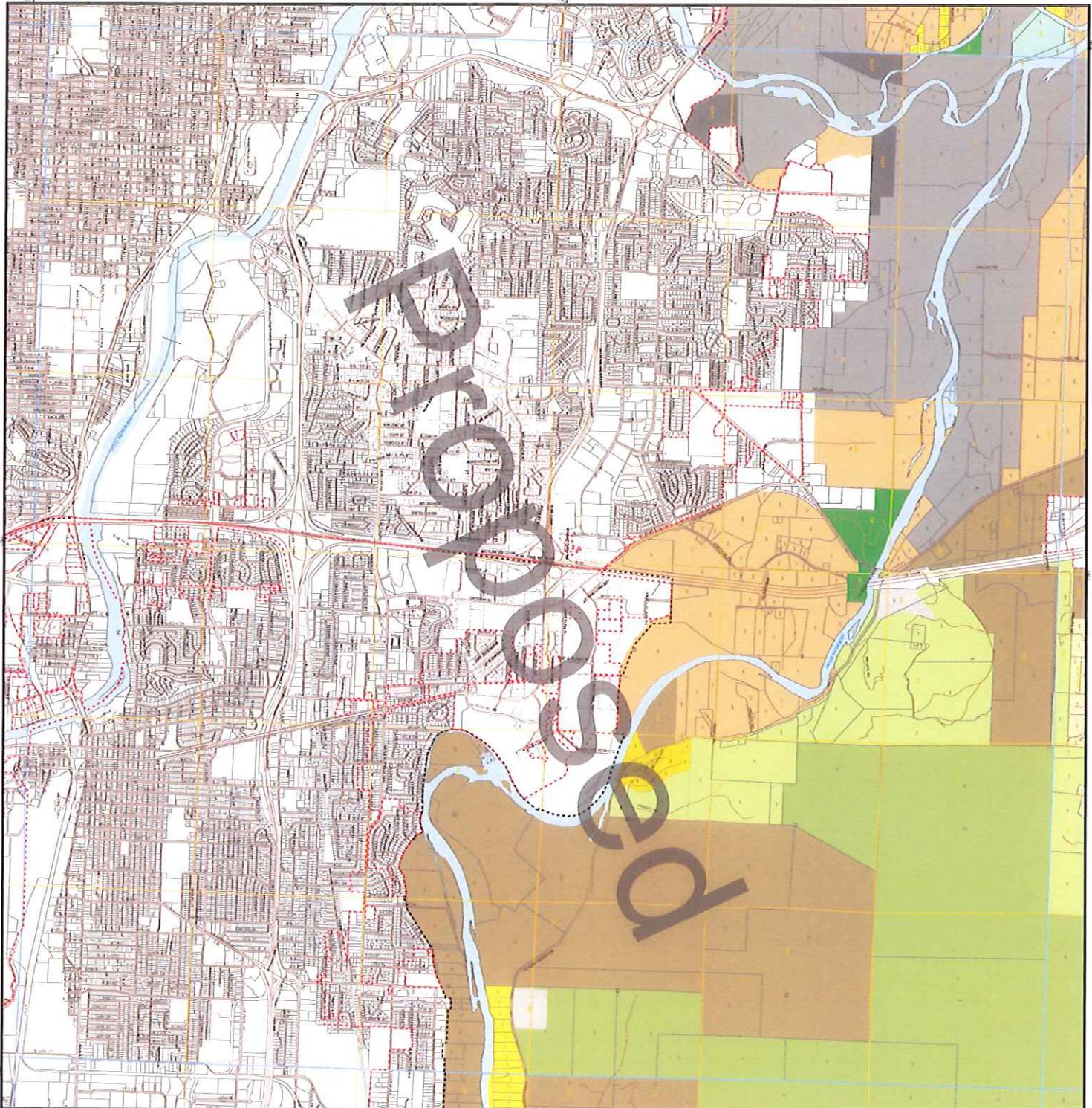
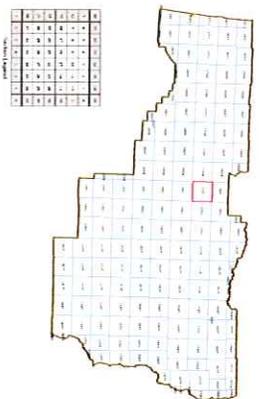
Zoning

- F1 - Non-impacted Forest
- F2 - Impacted Forest
- E25 - Exclusive Farm Use (25 acre minimum)
- E20 - Exclusive Farm Use (20 acre minimum)
- E15 - Exclusive Farm Use (15 acre minimum)
- E10 - Exclusive Farm Use (10 acre minimum)
- E5 - Exclusive Farm Use (5 acre minimum)
- M - Marginal lands
- MC - Rural Commercial
- RI - Rural Industrial
- RP - Rural Public Facility
- RR1 - Rural Residential (1 acre minimum)
- RR2 - Rural Residential (2 acre minimum)
- RR3 - Rural Residential (3 acre minimum)
- RR4 - Rural Residential (4 acre minimum)
- RR5 - Rural Residential (5 acre minimum)
- RR6 - Rural Residential (6 acre minimum)
- RR7 - Rural Residential (7 acre minimum)
- RR8 - Rural Residential (8 acre minimum)
- RR9 - Rural Residential (9 acre minimum)
- RR10 - Rural Residential (10 acre minimum)
- RR11 - Rural Residential (11 acre minimum)
- RR12 - Rural Residential (12 acre minimum)
- RR13 - Rural Residential (13 acre minimum)
- RR14 - Rural Residential (14 acre minimum)
- RR15 - Rural Residential (15 acre minimum)
- RR16 - Rural Residential (16 acre minimum)
- RR17 - Rural Residential (17 acre minimum)
- RR18 - Rural Residential (18 acre minimum)
- RR19 - Rural Residential (19 acre minimum)
- RR20 - Rural Residential (20 acre minimum)
- RP - Park and Recreation
- RP - Rural Park and Recreation
- AO - Airport Operations
- CLWP - Clear Lake Watershed Protection Area
- NB - Natural Beauty
- NE - Natural Ecology
- DM - Downtown District
- DM - Quarry and Mining Operations
- SO - Sand, Gravel and Rock Products
- SCGP - Sand and Gravel Central Processing
- CR - Rural Commercial
- CC - Neighborhood Commercial
- C1 - Commercial
- MC - Light Industrial
- PI - Public Facility

Revision	Ordinance or Resolution Number	Effective Date	Revision Description
1	ORD 04 1246	July 11, 2008	NA
2	ORD 04 1259	May 26, 2010	PA 08-0733
3	NA	March 2, 2011	NA
4			
5			
6			
7			
8			
9			
10			

Official Lane County
Zoning Map

Township 17 South, Range 03 West



Zoning

- F1 - Non-Residential Forest
- F2 - Impacted Forest
- EC30 - Exclusive Farm Use (20 acre minimum)
- EC35 - Exclusive Farm Use (35 acre minimum)
- EC40 - Exclusive Farm Use (40 acre minimum)
- EC45 - Exclusive Farm Use (45 acre minimum)
- EC50 - Exclusive Farm Use (50 acre minimum)
- EC60 - Exclusive Farm Use (60 acre minimum)
- EC70 - Exclusive Farm Use (70 acre minimum)
- EC80 - Exclusive Farm Use (80 acre minimum)
- EC90 - Exclusive Farm Use (90 acre minimum)
- EC100 - Exclusive Farm Use (100 acre minimum)
- MC - Marginal Lands
- RC - Rural Commercial
- RI - Rural Industrial
- RIP - Rural Public Facility
- R101 - Rural Residential (1 acre minimum)
- R102 - Rural Residential (2 acre minimum)
- R103 - Rural Residential (3 acre minimum)
- R104 - Rural Residential (4 acre minimum)
- R105 - Rural Residential (5 acre minimum)
- R106 - Rural Residential (6 acre minimum)
- R107 - Rural Residential (7 acre minimum)
- R108 - Rural Residential (8 acre minimum)
- R109 - Rural Residential (9 acre minimum)
- R110 - Rural Residential (10 acre minimum)
- R111 - Rural Residential (11 acre minimum)
- R112 - Rural Residential (12 acre minimum)
- R113 - Rural Residential (13 acre minimum)
- R114 - Rural Residential (14 acre minimum)
- R115 - Rural Residential (15 acre minimum)
- R116 - Rural Residential (16 acre minimum)
- R117 - Rural Residential (17 acre minimum)
- R118 - Rural Residential (18 acre minimum)
- R119 - Rural Residential (19 acre minimum)
- R120 - Rural Residential (20 acre minimum)
- PP - Park and Recreation
- PPR - Rural Park and Recreation
- AO - Airport Operations
- CLMP - Clear Lake Watershed Protection Area
- NR - Natural Resources
- NE - Natural Estuary
- DR - Driftwood Reserve
- DM - Quarry and Mining Operations
- SC - Sand, Gravel and Rock Products
- SDCP - Sand and Gravel Controlled Processing
- CR - Rural Commercial
- CC - Neighborhood Commercial
- C3 - Commercial
- NC - Light Industrial
- PI - Light Industrial
- PP - Light Industrial

UCB

- Township Range
- Parcels
- Surface Water
- City Limits
- Sections
- Roads

Revision	Change or Date Entered	Reason/Description
1	ORD 2A1246 July 11, 2018	NA
2		
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10		

ORD 2A1246
Reason/Description
Map Adopted

Official Lane County
Zoning Map



AGENDA ITEM SUMMARY

Meeting Date: June 22, 2009
Meeting Type: Work Session
Department: Development Services
Staff Contact: Linda Pauly
Staff Phone No: (541) 726-4608
Estimated Time: 1 hour

**SPRINGFIELD
CITY COUNCIL**

ITEM TITLE:	URBAN GROWTH BOUNDARY ALTERNATIVES ANALYSIS
ACTION REQUESTED:	Conduct a joint work session with the Planning Commission regarding the Alternatives Analysis phase of Springfield’s land supply and urban growth boundary (UGB) study. Staff and the City’s consultant (ECONorthwest) are asking the Council and Planning Commission to be aware that three draft concepts for potential urban growth boundary expansion are ready to be circulated for public review and comment.
ISSUE STATEMENT:	<p>ECONorthwest is preparing a land use Alternatives Analysis for the City of Springfield. It includes an analysis and justification for urban growth boundary expansion as necessary to meet documented shortfalls of commercial, industrial and residential land. The study area for potential Springfield growth is land adjacent to the Springfield portion of the Metropolitan UGB.</p> <p>ECONorthwest will 1) provide an overview of opportunity areas for employment, residential, and public/semi-public uses; 2) present three draft land use concepts that will address identified land use deficiencies; and 3) provide background information on the requirements for the Alternatives Analysis. The attached memorandum (Attachment 1) explains the Alternatives Analysis in detail.</p> <p>City Attorney Bill Van Vactor will provide an overview of the urban growth boundary expansion process. Staff will provide an updated UGB Policy Package Public Review and Adoption Schedule (Attachment 4) and discuss next steps. The three concepts and supporting documents will be displayed at two public open houses in July and August, presented to a variety of community groups and other interested parties for comments over the summer months, and at the subject of a public hearing before the joint City and Lane County planning commissions on September 15, 2009.</p>
ATTACHMENTS:	<ol style="list-style-type: none"> 1. Memorandum (ECONorthwest): Requirements for UGB Alternatives Analysis 2. Maps: Study Area Existing Conditions and Constraints 3. Maps: Three Preliminary UGB Expansion Concepts 4. UGB Policy Package Public Review and Adoption Schedule
DISCUSSION/ FINANCIAL IMPACT:	<p>The draft economic opportunities and housing needs analyses both conclude that Springfield will need to expand its UGB to accommodate growth forecast for the 2010-2030 period. The exact acreage of the expansion is not yet known; however, general figures are available. The City needs about 640 suitable acres for employment and about 400 buildable acres for housing and other needs. The final acreage figures will depend on the types of land use efficiency measures the City adopts, as well as the specific areas into which urban growth is to occur. Staff is working with the Planning Commission to develop Plan and Code Amendments that will implement additional efficiency measures. At its work session on June 2, 2009 the Planning Commission and a residential lands focus group endorsed several concepts: 1) increasing density in Glenwood, Downtown, Gateway, in nodes, along transit corridors and possibly as an adjunct to future employment centers in the expansion areas; and 2) establishing a low-medium density plan designation and zoning district (8 to 15 units per net acre) that could allow a mixing of small lot, detached single family homes and slightly higher density row houses and duplexes to encourage development of a wider range of housing choice and price ranges.</p>

ECONorthwest

ECONOMICS • FINANCE • PLANNING

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FAX • (541) 344-0562
info@eugene.econw.com

Suite 400
99 W. 10th Avenue
Eugene, Oregon 97401-3001

Other Offices
Portland • (503) 222-6060
Seattle • (206) 622-2403

10 June 2009

TO: Springfield City Council
CC: Bill Grile, Greg Mott, Linda Pauly
FROM: Bob Parker
SUBJECT: REQUIREMENTS FOR UGB ALTERNATIVES ANALYSIS AND PRELIMINARY LAND USE CONCEPTS

This memorandum presents a brief description of state planning requirements for the modifications of Urban Growth Boundaries (UGBs). It also includes maps of lands outside the UGB, with a specific focus on 10 employment opportunity areas.

The objectives of this memorandum (and our June 22nd meeting) are to provide the City Council and Planning Commission with:

- An overview of opportunity areas for employment, residential, and public/semi-public uses
- Three draft land use concepts that will address identified land use deficiencies
- Background information on the requirements for the Alternatives Analysis

PRELIMINARY EVALUATION OF LANDS OUTSIDE THE SPRINGFIELD UGB

The draft economic opportunities and housing needs analyses both conclude that Springfield will need to expand its UGB to accommodate growth forecast for the 2010-2030 period. The exact acreage of the expansion is not yet known; however, general figures are available. The City needs about 640 suitable acres for employment and about 400 buildable acres for housing and other needs. **The final acreage figures will depend on the types of land use efficiency measures the City adopts, as well as the specific areas that it chooses to expand into.**

As a first step in the Alternatives Analysis, ECONorthwest worked with City staff to develop a series of maps showing characteristics of lands adjacent to the existing Springfield portion of the Metropolitan UGB.¹ The primary study area lands adjacent to the Springfield portion of the Metropolitan UGB. The following maps support this memorandum:

- Map 1: Aerial photo of study areas

¹ The evaluation does not consider lands inside the Eugene portion of the Metropolitan UGB, or lands west of Interstate 5.

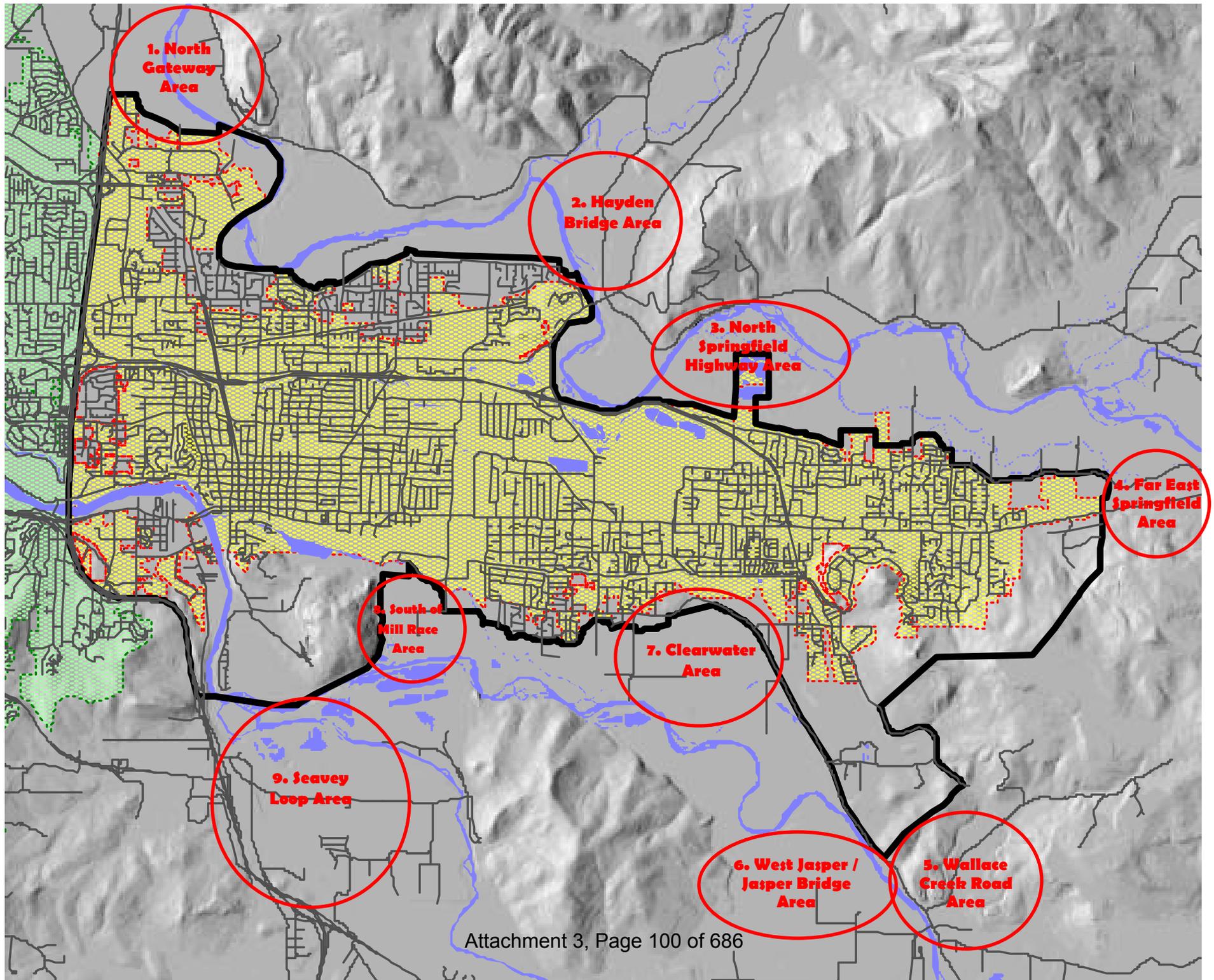
- Map 2: Study area zoning (exceptions, marginal land, resource land)
- Map 3: Study area constraints
- Map 4: Study area soil class
- Map 5: Study area national wetlands inventory and hydric soils
- Map 6: Priority 1 lands
- Maps 7/8: UGB concept 1
- Maps 9/10: UGB concept 2
- Maps 11/12: UGB concept 3

UGB EXPANSION STUDY AREAS

The Commercial and Industrial Buildable Lands Stakeholder Committee identified nine potential UGB expansion areas. These areas were identified by review of physical constraints, topography, access, and other land attributions. The nine study areas include:

1. North Gateway Area
2. Hayden Bridge Area
3. North Springfield Highway Area
4. Far East Springfield Area
5. Wallis Creek Road Area
6. West Jasper/Jasper Bridge Area
7. Clearwater Area
8. South of Mill Race Area
9. Seavey Loop Area

The map on the following page shows the approximate location of the UGB study areas.

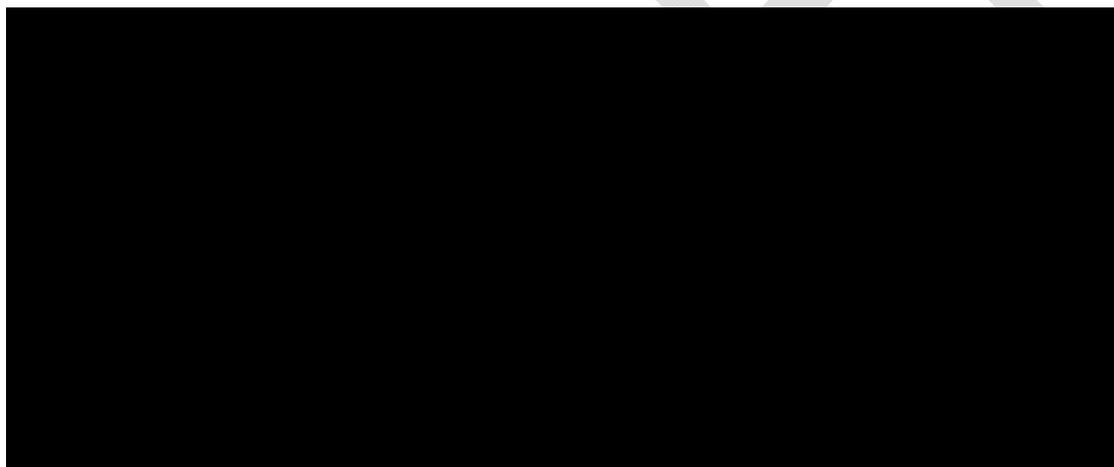


DEVELOPMENT OF DRAFT UGB CONCEPTS

The draft land use concepts presented in this memorandum are based on identified residential, employment and other land needs. The concepts recognize the statutory priority scheme for inclusion of lands in the UGB, and build from input received from the CIBL stakeholder committee, Planning Commission, and City Council.

Table 1 summarizes the three land use concepts. Each concept includes 640 suitable acres of employment land and 400 suitable acres of residential land. Suitable acres are acres free from physical constraints. The suitability analysis used the same deductions as used in the buildable land inventory—floodways, wetlands, steep slopes, riparian setbacks, and powerline easements are all considered unsuitable for development. The total acres column includes both suitable and constrained lands. The concepts were built from tax lot boundaries; in some of the areas, the City would reduce the total acres by not include constrained lands (particularly lands within the floodway).

Table 1. Summary of land use concepts



The concepts vary in how land was allocated to each study area. The area numbers in the table correspond to the areas on the map on the previous page. Areas 2 and 6 were not included in the draft concepts because both would require the City to cross major waterways (Area 2 would require crossing the McKenzie and Area 6 would require crossing the Willamette). These crossings, combined with the physical features of the areas, make them more difficult to service.

All of the areas consider the statutory priority scheme for inclusion of lands in the UGB. All of the concepts include exceptions lands that are in Areas 4, 5, 7, and 9. Priority 1 lands are shown on Map 6. Maps 7 through 12 show the concepts; for each concept we present a generalized map and a map of the concept overlaid on an aerial photo.

A final note on the concepts: the residential component incorporates land use efficiencies that are required to meet the needed mix and density. If the City chooses to adopt additional land use efficiency measures, the needed residential acreage figure would be reduced.

NEXT STEPS

The next step in the process is to identify a preferred land use concept and to finalize the land use efficiency measures. Once these steps are complete, ECO will conduct further study and prepare an alternatives analysis report that will serve as the basis for the amended Springfield UGB.

APPENDIX A: POLICY CONTEXT FOR ALTERNATIVES ANALYSIS

This section provides a brief overview of statewide planning goal 14 (Urbanization) and related statutes and administrative rules that govern UGB expansions. These include Goal 14, ORS 197.298, and OAR 660-024. .

Goal 14: Urbanization

The purpose of goal 14 is:

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 goal requires that incorporated cities establish UGBs. Moreover, any UGB amendments must be a collaborative process that involves cities and counties and must be adopted by both the city and the county.

Goal 14 requires change of urban growth boundaries be based on the following:

- (1) Demonstrated need to accommodate long range urban population, consistent with a 20-year population forecast coordinated with affected local governments; and
- (2) Demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets and roads, schools, parks or open space, or any combination of the need categories.

Goal 14 includes two other need provisions that are relevant: (1) “in determining need, local governments may specify characteristics, such as parcel size, topography or proximity, necessary for land to be suitable for an identified need”; and (2) “prior to expanding an urban growth boundary, local governments shall demonstrate that needs cannot reasonably be accommodated on land already inside the urban growth boundary.” In summary, needs can include land characteristics and cities must consider whether needs can be met within the existing UGB before expanding the UGB.

This is germane to the first steps in the Alternatives Analysis. For example, the City could choose to identify certain areas such as lands with steep slopes or lands in federal ownership as not meeting identified needs.

Priority of lands

ORS 197.298 establishes a priority of lands for consideration in UGB expansions:

- (a) First priority is land that is designated urban reserve land under ORS 195.145, rule or metropolitan service district action plan. (Springfield does not have urban reserve areas; therefore, this does not apply).
- (b) If land under paragraph (a) of this subsection is inadequate to accommodate the amount of land needed, second priority is land adjacent to an urban growth boundary that is identified in an acknowledged comprehensive plan as an exception area or nonresource land.

Second priority may include resource land that is completely surrounded by exception areas unless such resource land is high-value farmland as described in ORS 215.710.

(c) If land under paragraphs (a) and (b) of this subsection is inadequate to accommodate the amount of land needed, third priority is land designated as marginal land pursuant to ORS 197.247. (Lane County is a marginal land county; therefore, this applies to Springfield).

(d) If land under paragraphs (a) to (c) of this subsection is inadequate to accommodate the amount of land needed, fourth priority is land designated in an acknowledged comprehensive plan for agriculture or forestry, or both.

In short, there are three priorities that apply to Springfield. First priority is exception areas or non-resource lands, and may include resource land that is completely surrounded by exception areas unless such resource land is high-value farmland. Second priority is marginal land. Third priority is resource land.

Goal 14 provides some additional guidance on boundary locations with consideration of the following factors:

- (1) Efficient accommodation of identified land needs;
- (2) Orderly and economic provision of public facilities and services;
- (3) Comparative environmental, energy, economic and social consequences; and
- (4) Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB.

These factors provide direction on selection of lands within the priority scheme and also outline some reasons why lower priority lands may be part of an expansion area if they may better address these factors than lands in higher priority categories. The ORS 197.298 priority scheme is relatively rigid, but the Goal 14 factors allow some flexibility. ORS 197.298 and Goal 14 allow some exceptions to the priority scheme based on “special” needs. For example, if a city identifies a need for lower cost housing that can only be developed on flat land, then that may be a reason to include some resource lands before, or together with, exceptions lands. Such an exception would require additional justification and must be supported by solid technical analysis.

Division 24: The Urbanization Rule

In 2006, the Land Development and Conservation Commission adopted amendments to the Urbanization Rule (OAR 660-024) that were intended to clarify the process of amending UGBs. We have referred to this rule, and some of the safe harbors it establishes, in work on the housing and economic elements.

Subsection 0050 clarifies the procedures for land inventories and local government response to land deficiencies. OAR 660-024-0050(4) requires cities to amend UGBs in response to land deficiencies:

“If the inventory demonstrates that the development capacity of land inside the UGB is inadequate to accommodate the estimated 20-year needs... the local

government must amend the plan to satisfy the need deficiency, either by increasing the development capacity of land already inside the city or by expanding the UGB, or both, and in accordance with ORS 197.296 where applicable. Prior to expanding the UGB, a local government must demonstrate that the estimated needs cannot reasonably be accommodated on land already inside the UGB. Changes to the UGB must be determined by evaluating alternative boundary locations consistent with OAR 660-024-0060.”

Based on the Economic Opportunities Analysis and Residential Lands Study, preliminary land needs have been identified. The findings of the buildable lands inventory and land needs analysis are that some of the need will be met within the UGB, but that additional buildable land will be needed.

Boundary Location Alternatives Analysis

OAR 660-024-0060 requires cities conduct an “Alternatives Analysis” when considering a UGB amendment. The alternatives analysis (the part of the UGB review process that we are now moving into) requires all lands adjacent to and around the existing UGB be reviewed. Relevant sections of OAR 660-024-0060 specify the following:

- (1) When considering a UGB amendment, a local government must determine which land to add by evaluating alternative boundary locations. This determination must be consistent with the priority of land specified in ORS 197.298 and the boundary location factors of Goal 14, as follows:
 - (a) Beginning with the highest priority of land available, a local government must determine which land in that priority is suitable to accommodate the need deficiency determined under 660-024-0050.
 - (b) If the amount of suitable land in the first priority category exceeds the amount necessary to satisfy the need deficiency, a local government must apply the location factors of Goal 14 to choose which land in that priority to include in the UGB.
 - (c) If the amount of suitable land in the first priority category is not adequate to satisfy the identified need deficiency, a local government must determine which land in the next priority is suitable to accommodate the remaining need, and proceed using the same method specified in subsections (a) and (b) of this section until the land need is accommodated.
 - (d) Notwithstanding subsection (a) through (c) of this section, a local government may consider land of lower priority as specified in ORS 197.298(3).
 - (e) For purposes of this rule, the determination of suitable land to accommodate land needs must include consideration of any suitability characteristics specified under section (5) of this rule, as well as other provisions of law applicable in determining whether land is buildable or suitable.

...

(3) The boundary location factors of Goal 14 are not independent criteria. When the factors are applied to compare alternative boundary locations and to determine the UGB location, a local government must show that all the factors were considered and balanced.

(4) In determining alternative land for evaluation under ORS 197.298, "land adjacent to the UGB" is not limited to those lots or parcels that abut the UGB, but also includes land in the vicinity of the UGB that has a reasonable potential to satisfy the identified need deficiency.

(5) If a local government has specified characteristics such as parcel size, topography, or proximity that are necessary for land to be suitable for an identified need, the local government may limit its consideration to land that has the specified characteristics when it conducts the boundary location alternatives analysis and applies ORS 197.298.

(6) The adopted findings for UGB adoption or amendment must describe or map all of the alternative areas evaluated in the boundary location alternatives analysis. If the analysis involves more than one parcel or area within a particular priority category in ORS 197.298 for which circumstances are the same, these parcels or areas may be considered and evaluated as a single group.

(7) For purposes of Goal 14 Boundary Location Factor 2, "public facilities and services" means water, sanitary sewer, storm water management, and transportation facilities.

(8) The Goal 14 boundary location determination requires evaluation and comparison of the relative costs, advantages and disadvantages of alternative UGB expansion areas with respect to the provision of public facilities and services needed to urbanize alternative boundary locations. This evaluation and comparison must be conducted in coordination with service providers, including the Oregon Department of Transportation with regard to impacts on the state transportation system. "Coordination" includes timely notice to service providers and the consideration of evaluation methodologies recommended by service providers. The evaluation and comparison must include:

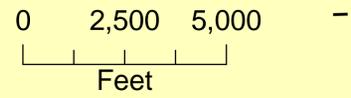
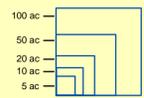
(a) The impacts to existing water, sanitary sewer, storm water and transportation facilities that serve nearby areas already inside the UGB;

(b) The capacity of existing public facilities and services to serve areas already inside the UGB as well as areas proposed for addition to the UGB; and

(c) The need for new transportation facilities, such as highways and other roadways, interchanges, arterials and collectors, additional travel lanes, other major improvements on existing roadways and, for urban areas of 25,000 or more, the provision of public transit service.

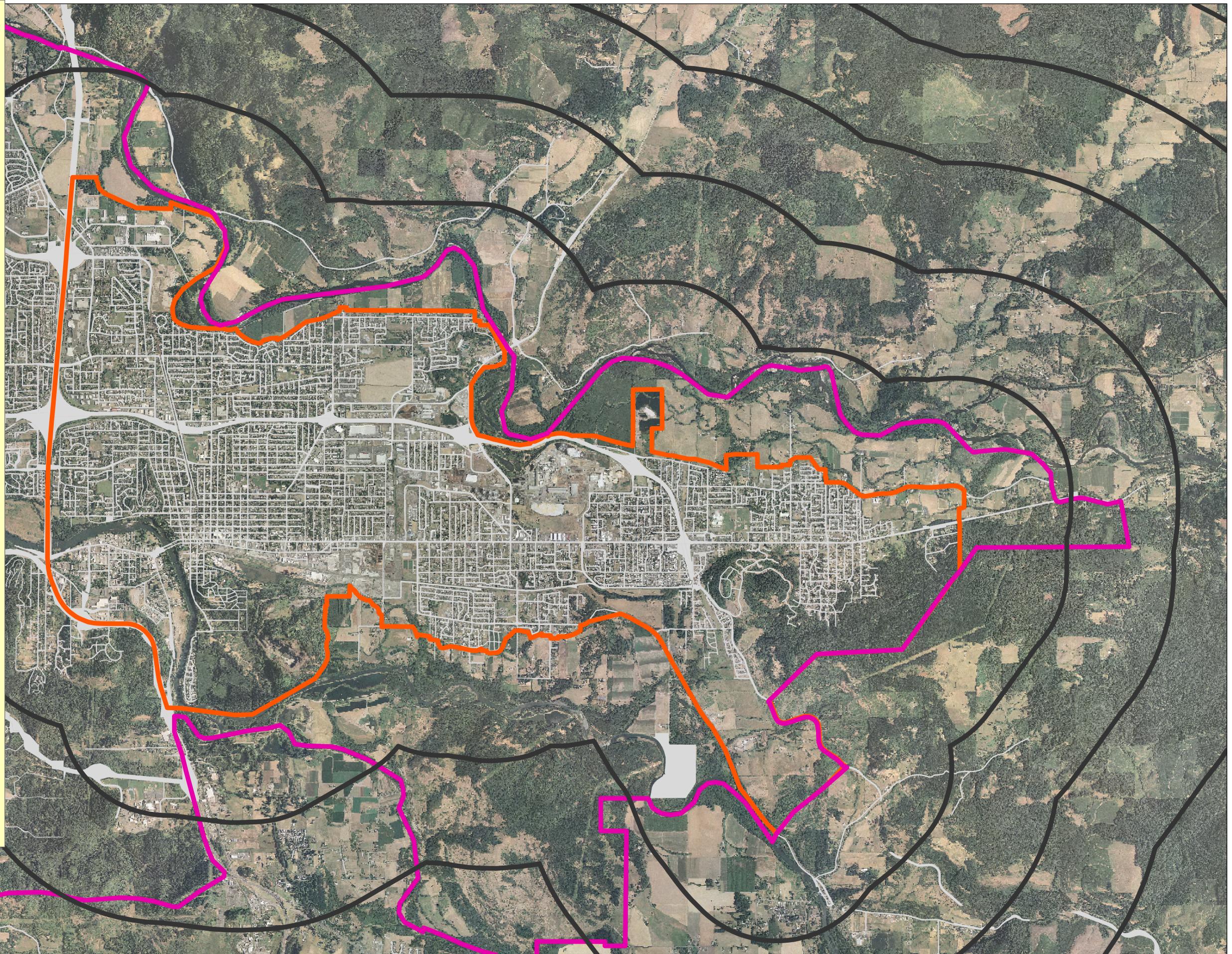
Map 1: Aerial Photo
City of Springfield, Oregon

- Legend**
- UGB Buffer - 1 Mile Increments
 - Urban Growth Boundary
 - Metro Plan Boundary



RF = 1:25,000

ECONorthwest, December 2008



**Map 2: Study Area Zoning
(exceptions, marginal land,
and resource land)**

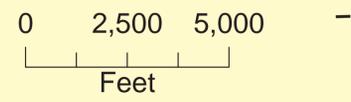
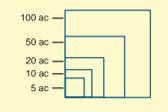
City of Springfield, Oregon

Legend

-  UGB Buffer - 1 Mile Increments
-  Urban Growth Boundary
-  Metro Plan Boundary

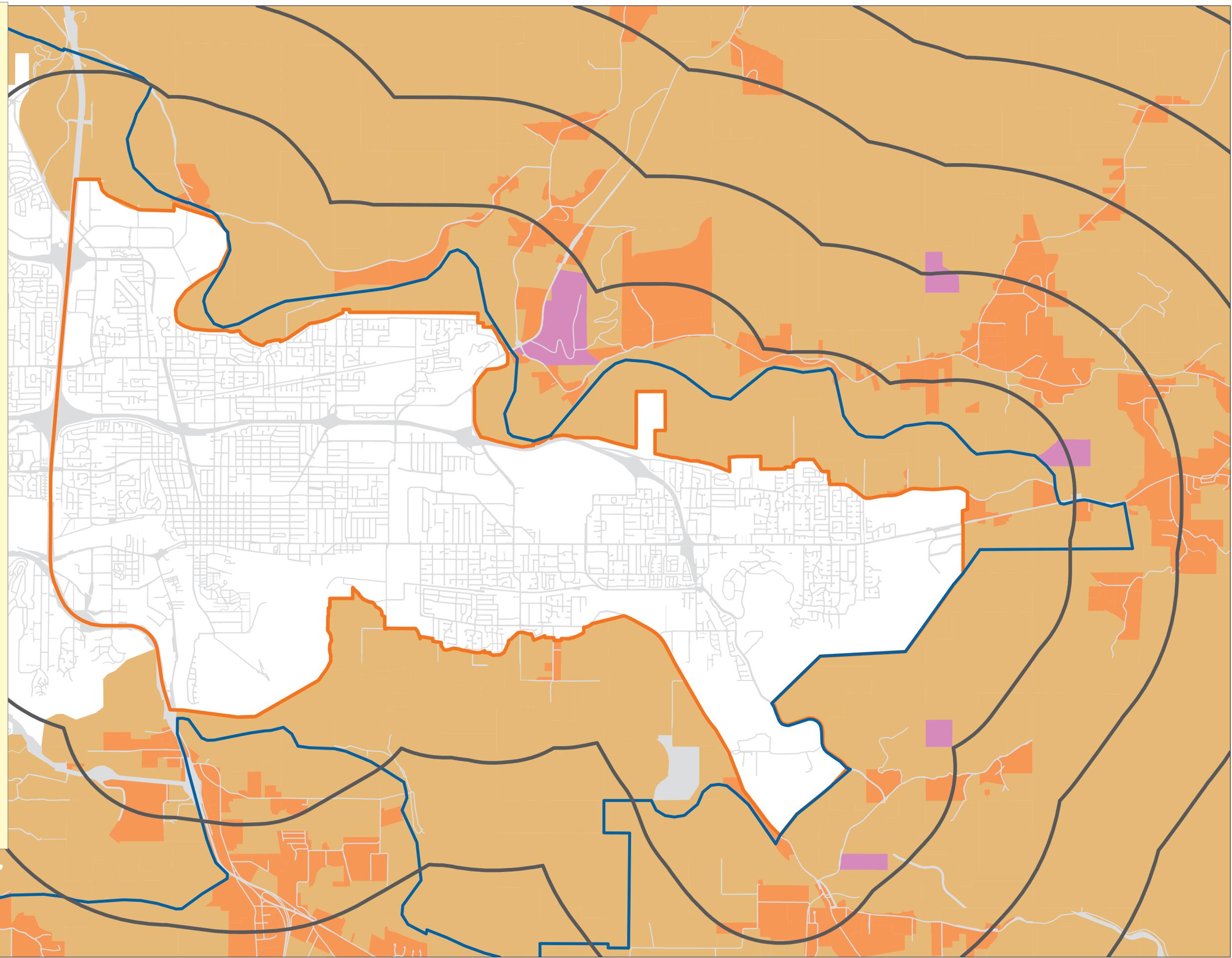
zoning
ZONE_NAME

-  COMMERCIAL
-  NEIGHBORHOOD COMMERCIAL
-  LIGHT INDUSTRIAL
-  NON RESOURCE (10 ACRE MINIMUM)
-  NON RESOURCE (5 ACRE MINIMUM)
-  PUBLIC FACILITY
-  RURAL COMMERCIAL
-  RURAL PUBLIC FACILITY
-  RURAL INDUSTRIAL
-  RURAL RESIDENTIAL (1 ACRE MINIMUM)
-  RURAL RESIDENTIAL (10 ACRE MINIMUM)
-  RURAL RESIDENTIAL (2 ACRE MINIMUM)
-  RURAL RESIDENTIAL (5 ACRE MINIMUM)
-  MARGINAL LANDS
-  EXCLUSIVE FARM USE (30 ACRE MINIMUM)
-  EXCLUSIVE FARM USE (40 ACRE MINIMUM)
-  EXCLUSIVE FARM USE (60 ACRE MINIMUM)
-  QUARRY AND MINING OPERATIONS
-  EXCLUSIVE FARM USE (25 ACRE MINIMUM)
-  IMPACTED FOREST
-  NATURAL RESOURCE
-  NON-IMPACTED FOREST
-  PARK AND RECREATION
-  SAND AND GRAVEL CONTROLLED PROCESSING
-  SAND, GRAVEL AND ROCK PRODUCTS



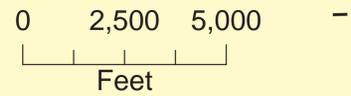
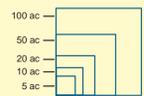
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ECONorthwest, December 2008



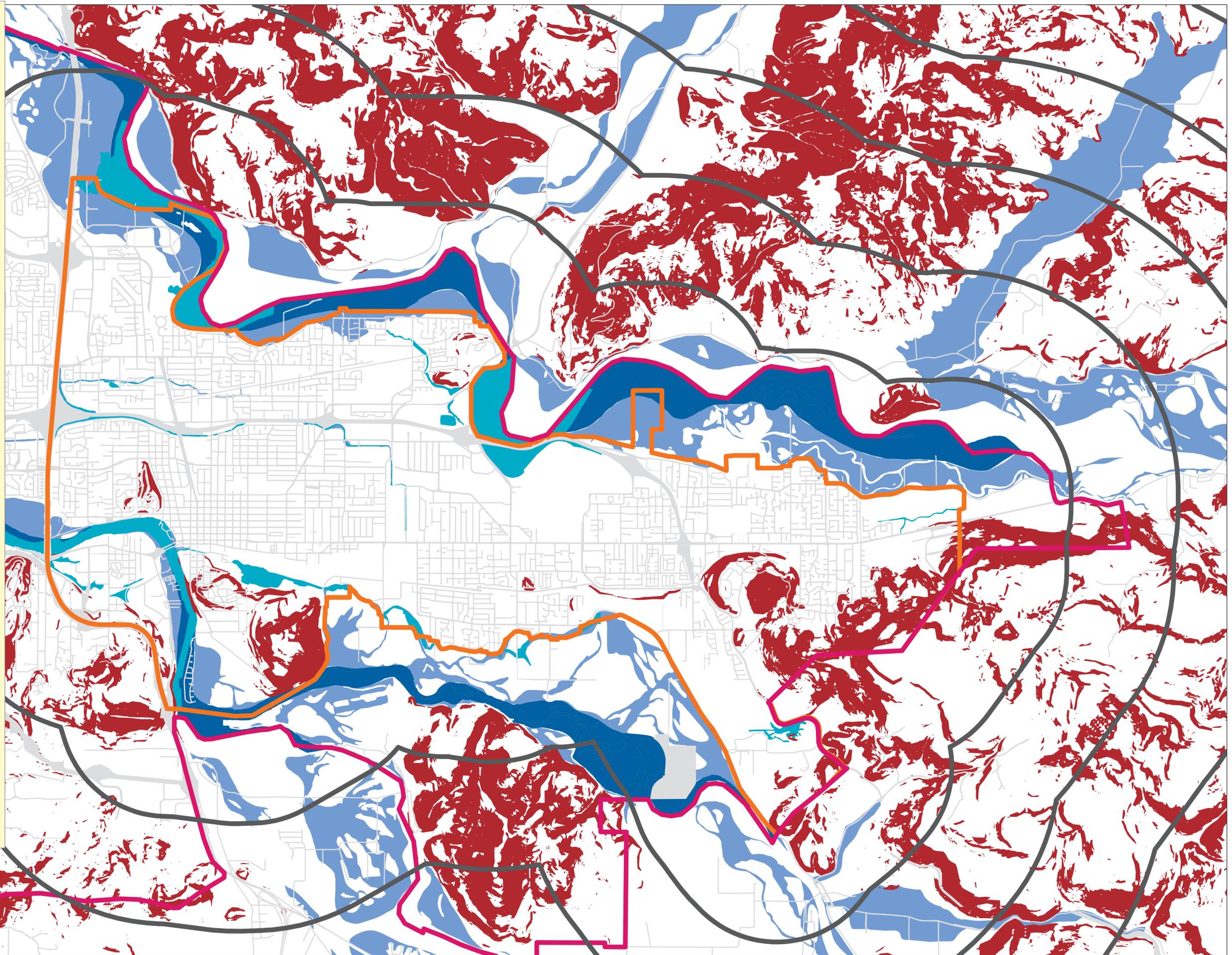
Map 3: Study Area Constraints
City of Springfield, Oregon

- Legend**
- UGB Buffer - 1 Mile Increments
 - Urban Growth Boundary
 - Metro Plan Boundary
 - Lane Slopes 25% and greater
 - Riparian Resource Areas
 - Floodway
 - Flood plain



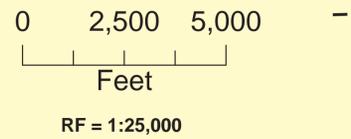
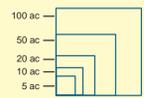
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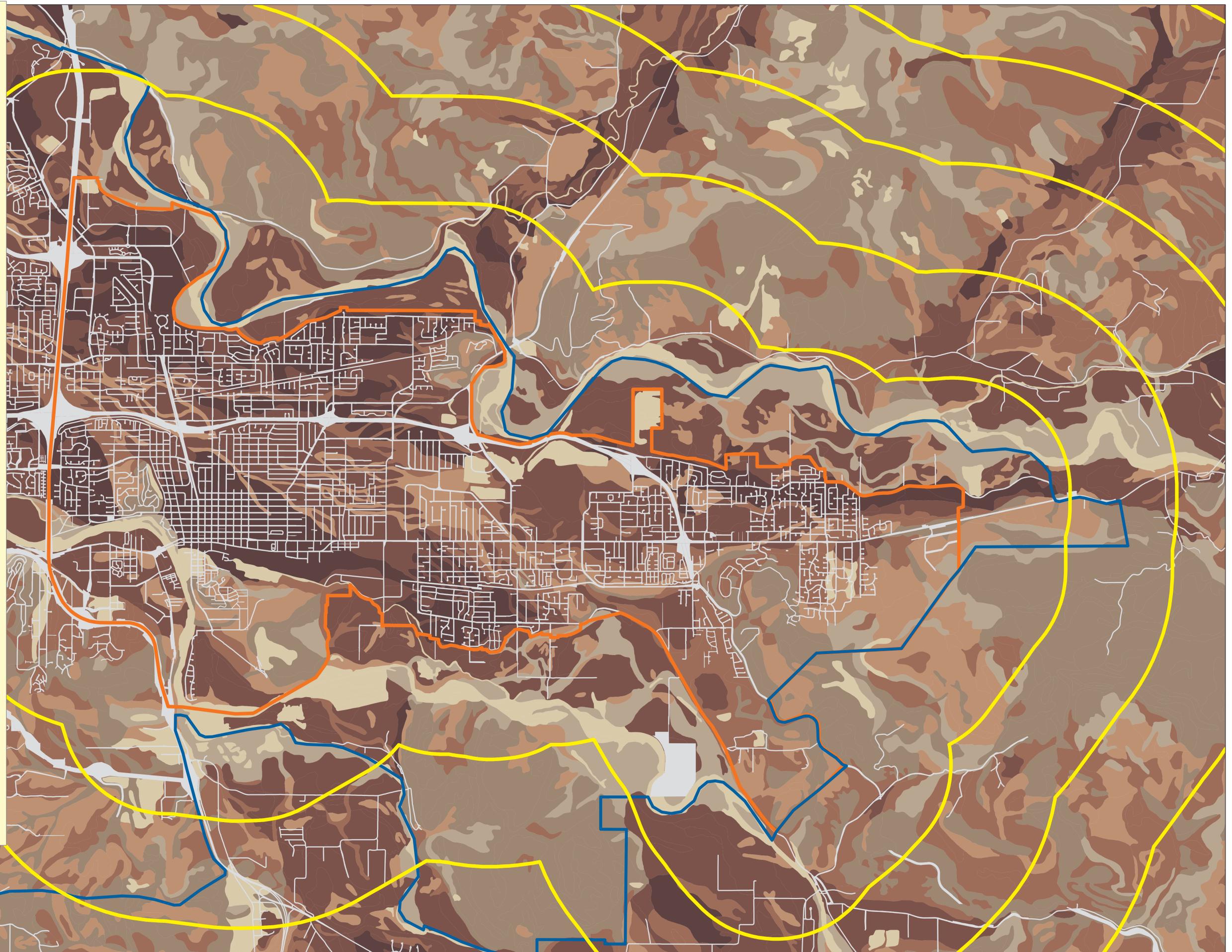


Map 4: Study Area Soil Class
City of Springfield, Oregon

- Legend**
-  UGB Buffer - 1 Mile Increments
 -  Urban Growth Boundary
 -  Metro Plan Boundary
- capability class**
-  Class 1
 -  Class 2
 -  Class 3
 -  Class 4
 -  Class 5
 -  Class 6
 -  Class 7
 -  Class 8

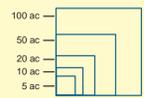


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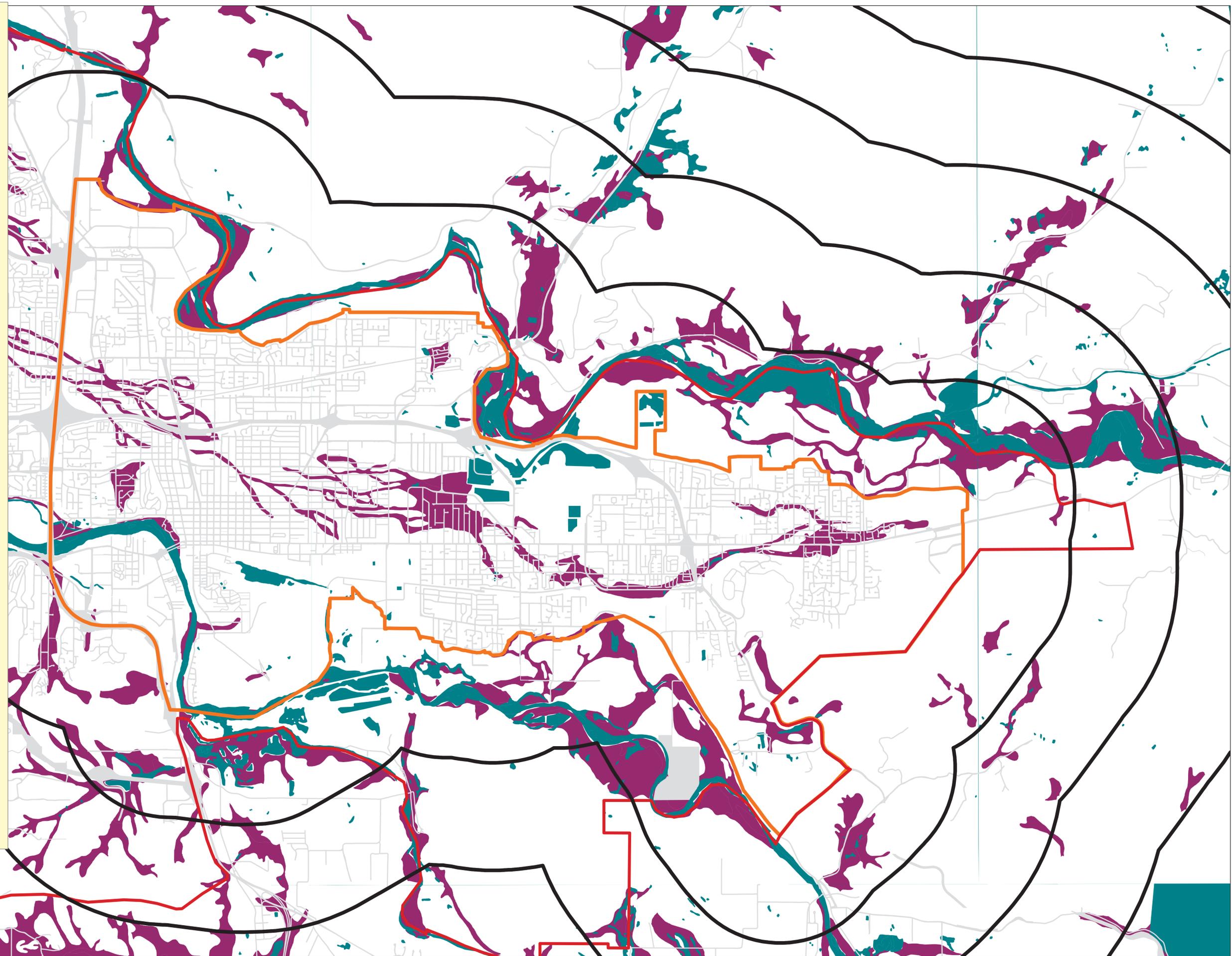
Map 5: Study Area National Wetland Inventory and Hydric Soils
City of Springfield, Oregon

- Legend**
- UGB Buffer - 1 Mile Increments
 - Urban Growth Boundary
 - Metro Plan Boundary
 - Lane County NWI
 - Hydric Soils



RF = 1:25,000

ECONorthwest, December 2008

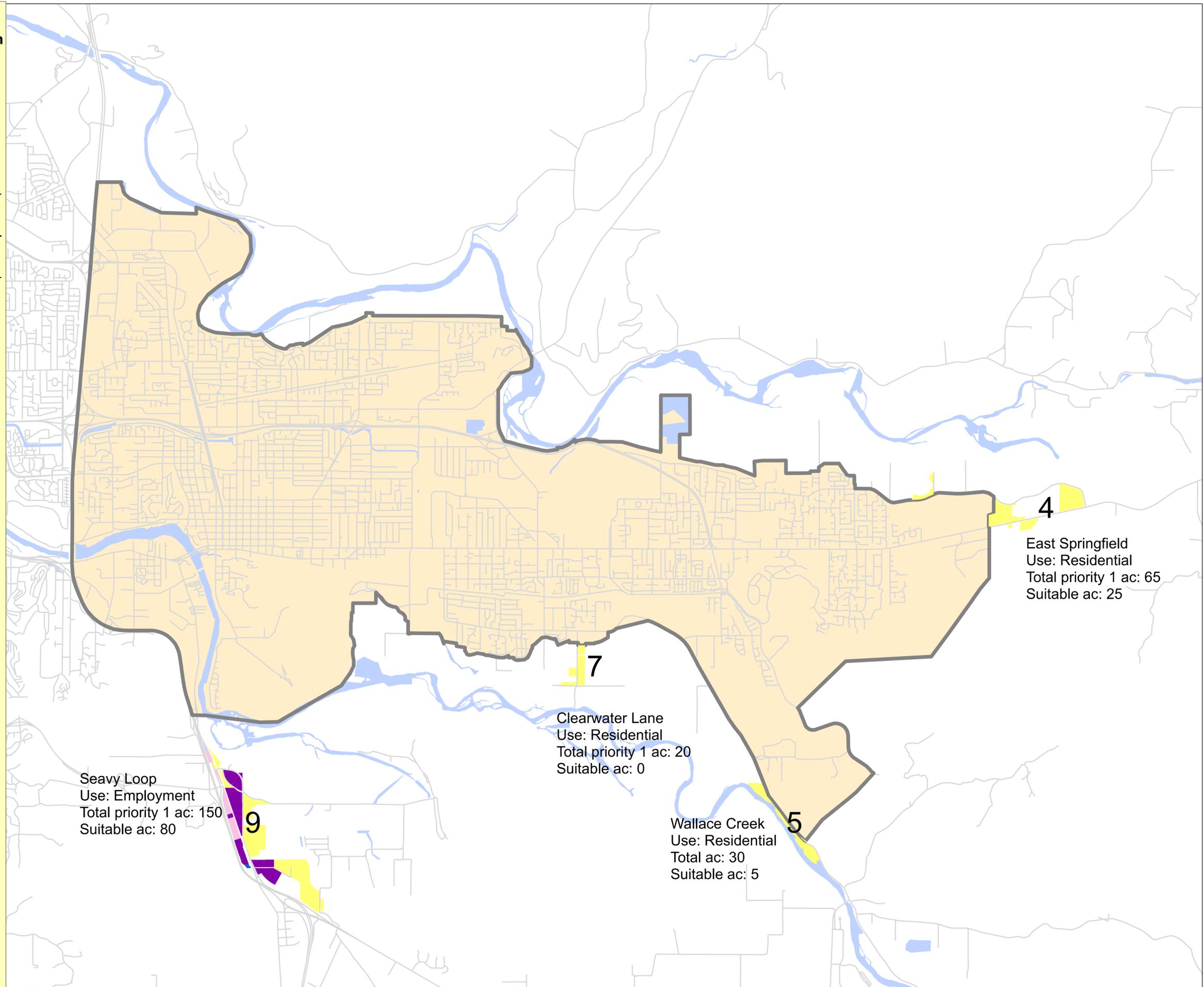


**Map 6. Priority 1 Lands for UGB Expansion
City of Springfield, Oregon**

Zoning

- Rural Residential
- Rural Commercial
- Rural Industrial
- Rural Public Facility

Zoning					
Area	Rural Residential	Rural Commercial	Rural Industrial	Rural Public Facility	Total
4. East Springfield	65	0	0	0	65
5. Wallace Creek	30	0	0	0	30
7. Clearwater Lane	20	0	0	0	20
9. Seavey Loop	94	15	40	1	150



4
East Springfield
Use: Residential
Total priority 1 ac: 65
Suitable ac: 25

7
Clearwater Lane
Use: Residential
Total priority 1 ac: 20
Suitable ac: 0

5
Wallace Creek
Use: Residential
Total ac: 30
Suitable ac: 5

9
Seavey Loop
Use: Employment
Total priority 1 ac: 150
Suitable ac: 80

Note: This is an urban growth boundary (UGB) expansion concept map. The boundary locations and acreages are approximate. The maps are subject to change. The inclusion of any properties in study areas shown on this map does not imply a future policy choice by the City of Springfield to include that land in the UGB.

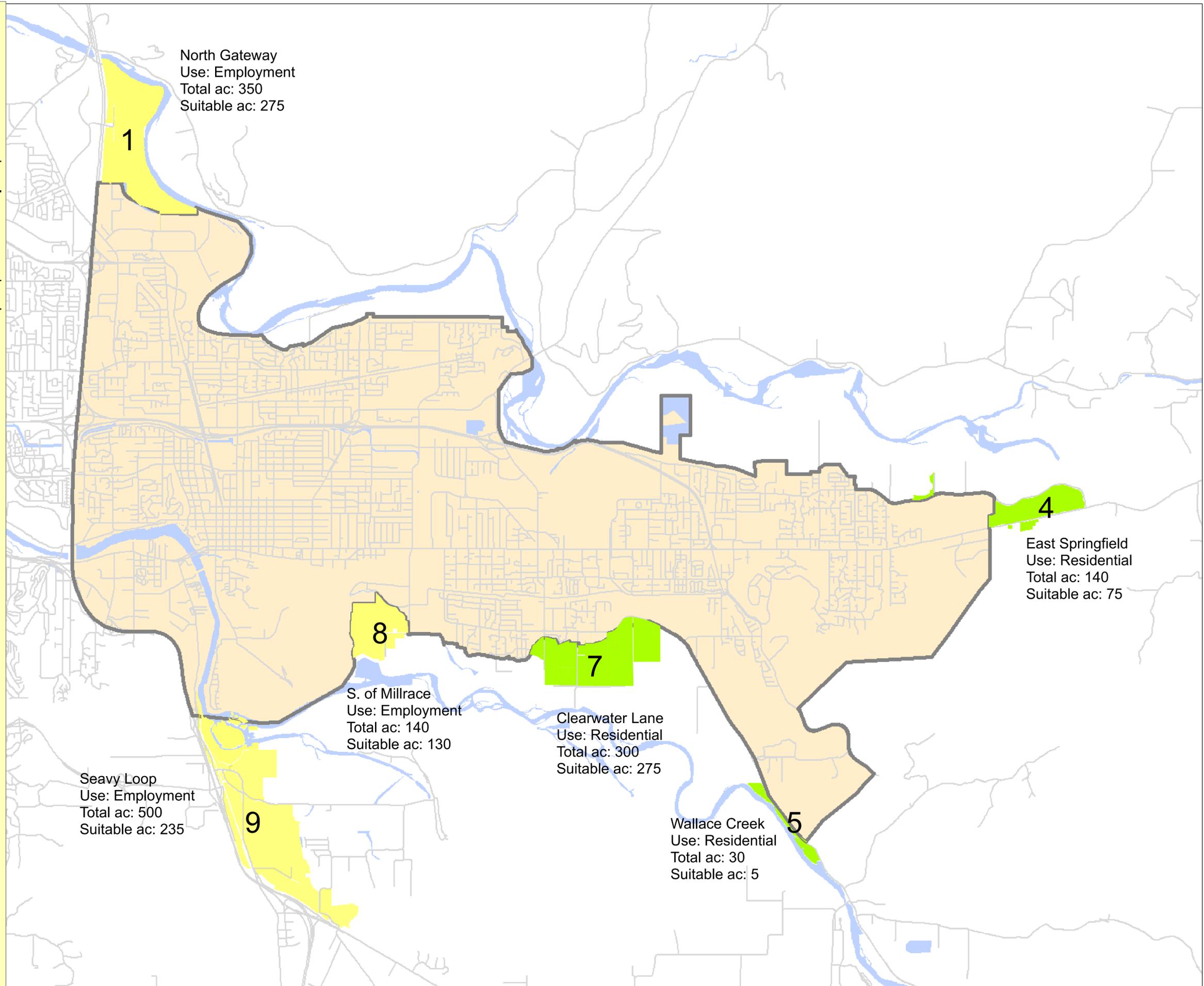


Map 7. Springfield Land Use Concept 1
City of Springfield, Oregon

Legend

- Residential Areas
- Employment Areas

Area	Use	Total Acres	Suitable Acres
1. North Gateway	Employment	350	275
4. East Springfield	Residential	140	75
5. Wallace Creek	Residential	30	5
7. Clearwater Lane	Residential	250	320
8. S. of Millrace	Employment	140	130
9. Seavey Loop	Employment	420	235
Total Employment		910	640
Total Residential		420	400



Note: This is an urban growth boundary (UGB) expansion concept map. The boundary locations and acreages are approximate. The maps are subject to change. The inclusion of any properties in study areas shown on this map does not imply a future policy choice by the City of Springfield to include that land in the UGB.

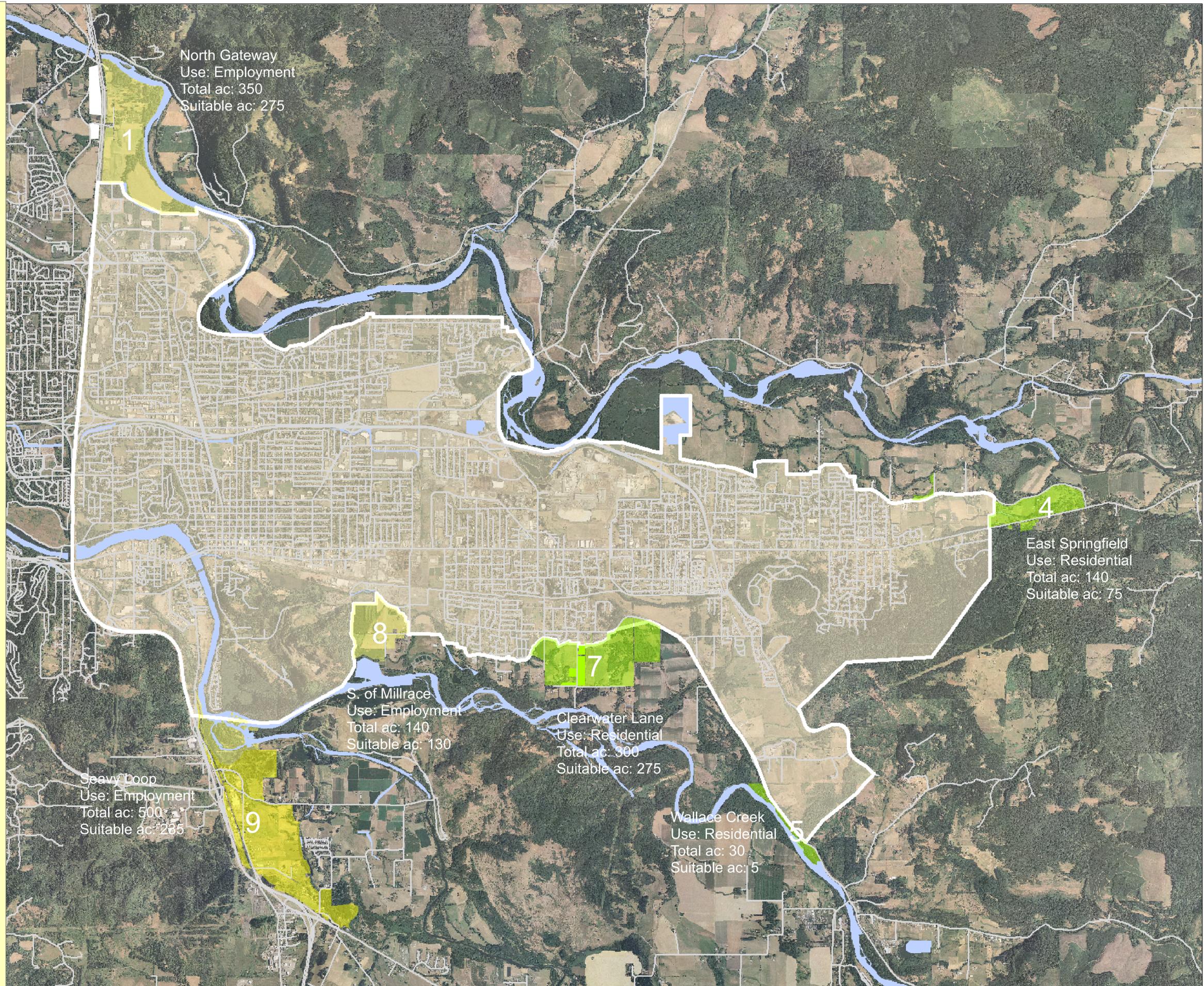


Map 8. Springfield Land Use Concept 1
City of Springfield, Oregon

Legend

- Residential Areas
- Employment Areas

Area	Use	Total Acres	Suitable Acres
3. N. of 52nd Ave.	Employment	540	300
4. East Springfield	Residential	60	35
5. Wallace Creek	Residential	30	5
7. Clearwater Lane	Residential	390	360
8. S. of Millrace	Employment	350	250
9. Seavey Loop	Employment	260	90
Total Employment		1150	640
Total Residential		480	400



Note: This is an urban growth boundary (UGB) expansion concept map. The boundary locations and acreages are approximate. The maps are subject to change. The inclusion of any properties in study areas shown on this map does not imply a future policy choice by the City of Springfield to include that land in the UGB.

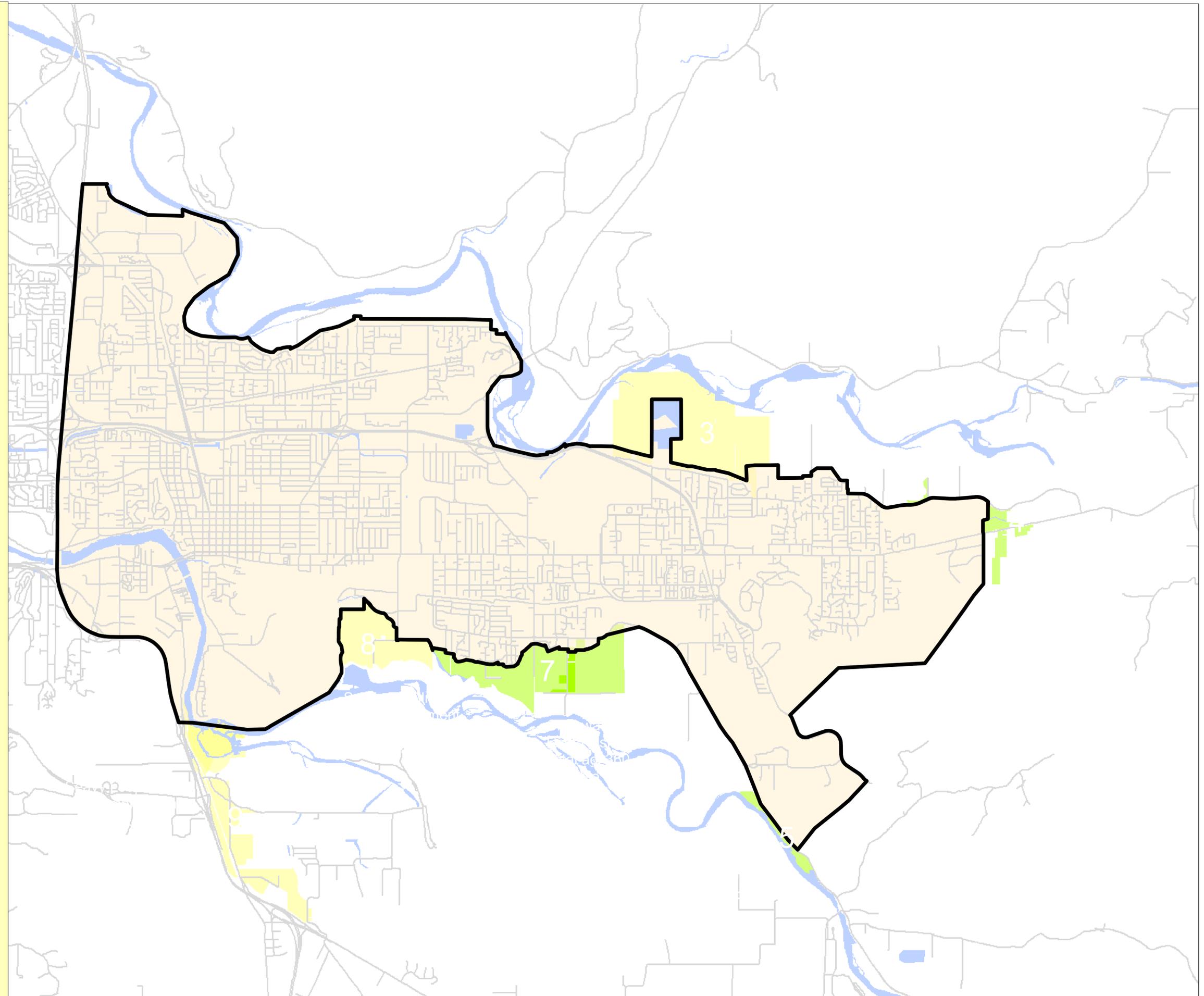


Map 9. Springfield Land Use Concept 2
City of Springfield, Oregon

Legend

- Residential Areas
- Employment Areas

Area	Use	Total Acres	Suitable Acres
3. N. of 52nd Ave.	Employment	540	300
4. East Springfield	Residential	60	35
5. Wallace Creek	Residential	30	5
7. Clearwater Lane	Residential	390	360
8. S. of Millrace	Employment	350	250
9. Seavey Loop	Employment	260	90
Total Employment		1150	640
Total Residential		480	400



Note: This is an urban growth boundary (UGB) expansion concept map. The boundary locations and acreages are approximate. The maps are subject to change. The inclusion of any properties in study areas shown on this map does not imply a future policy choice by the City of Springfield to include that land in the UGB.

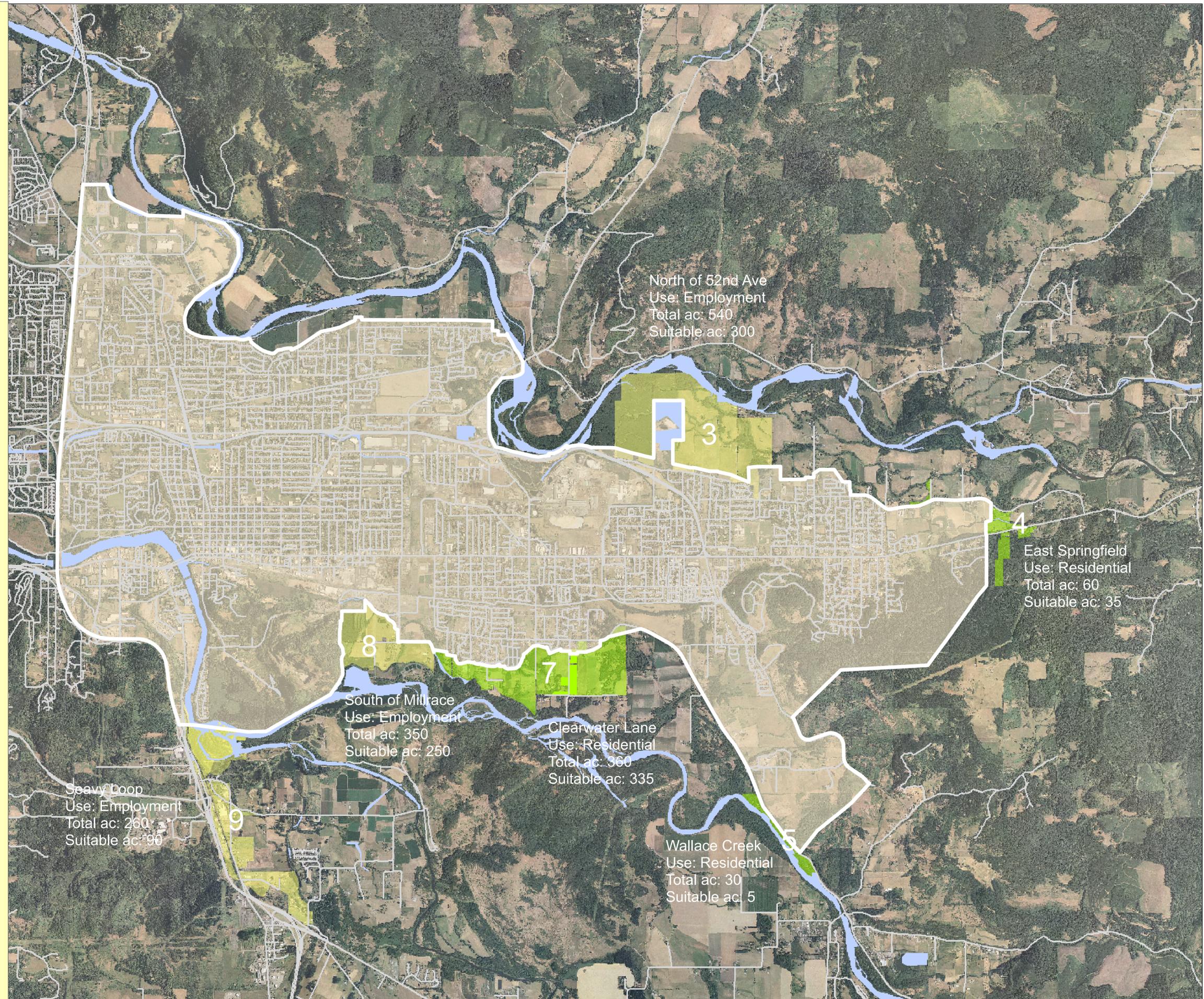


Map 10. Springfield Land Use Concept 2
City of Springfield, Oregon

Legend

- Residential Areas
- Employment Areas

Area	Use	Total Acres	Suitable Acres
3. N. of 52nd Ave.	Employment	540	300
4. East Springfield	Residential	60	35
5. Wallace Creek	Residential	30	5
7. Clearwater Lane	Residential	390	360
8. S. of Millrace	Employment	350	250
9. Seavey Loop	Employment	260	90
Total Employment		1150	640
Total Residential		480	400



Note: This is an urban growth boundary (UGB) expansion concept map. The boundary locations and acreages are approximate. The maps are subject to change. The inclusion of any properties in study areas shown on this map does not imply a future policy choice by the City of Springfield to include that land in the UGB.



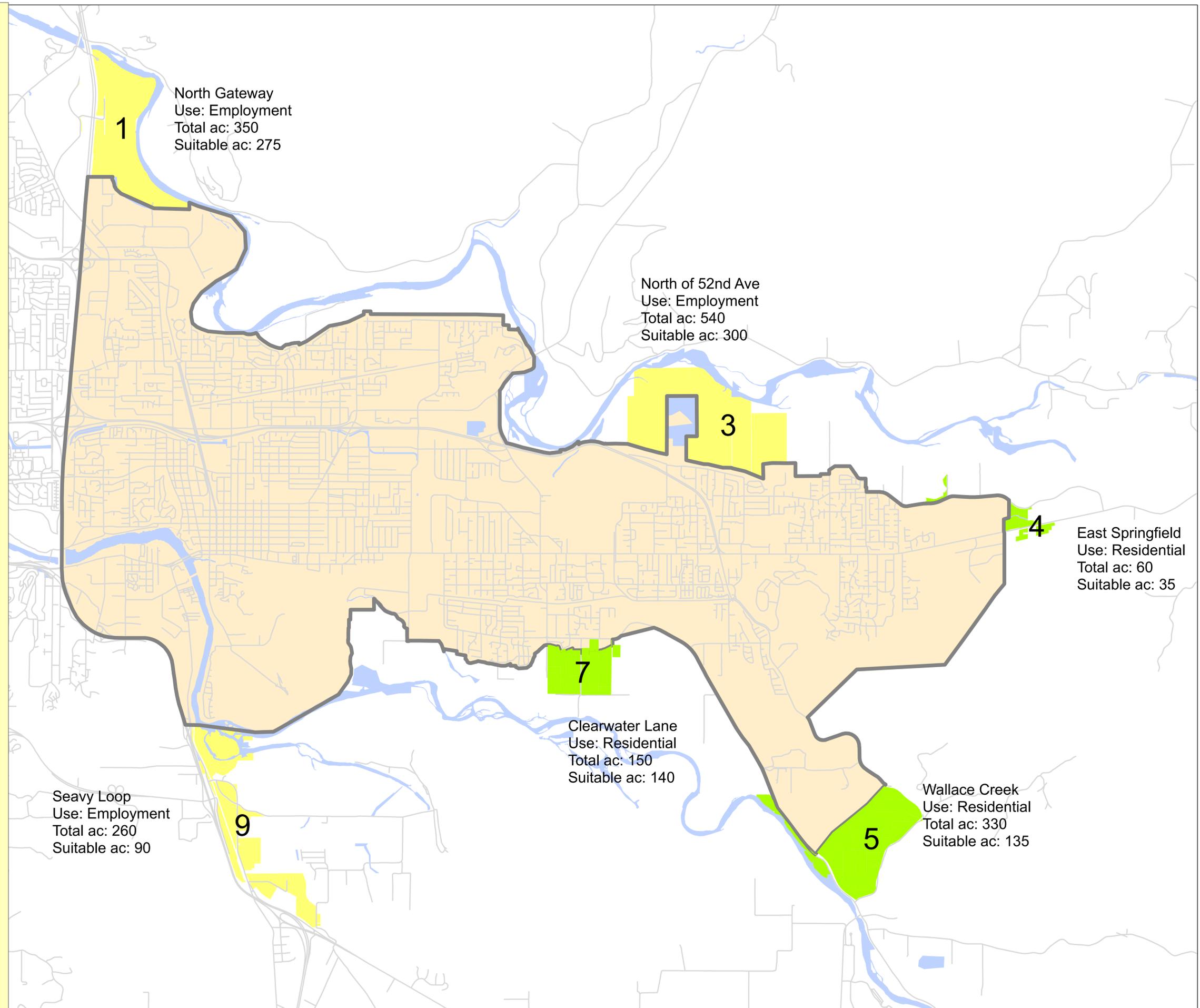
Map 11. Springfield Land Use Concept 3
City of Springfield, Oregon

Legend

- Residential Areas
- Employment Areas

Area	Use	Total Acres	Suitable Acres
1. North Gateway	Employment	350	275
3. N. of 52nd Ave.	Employment	500	275
4. East Springfield	Residential	60	35
5. Wallace Creek	Residential	310	250
7. Clearwater Lane	Residential	140	115
9. Seavey Loop	Employment	260	90
Total Employment		1110	640
Total Residential		510	400

Note: This is an urban growth boundary (UGB) expansion concept map. The boundary locations and acreages are approximate. The maps are subject to change. The inclusion of any properties in study areas shown on this map does not imply a future policy choice by the City of Springfield to include that land in the UGB.



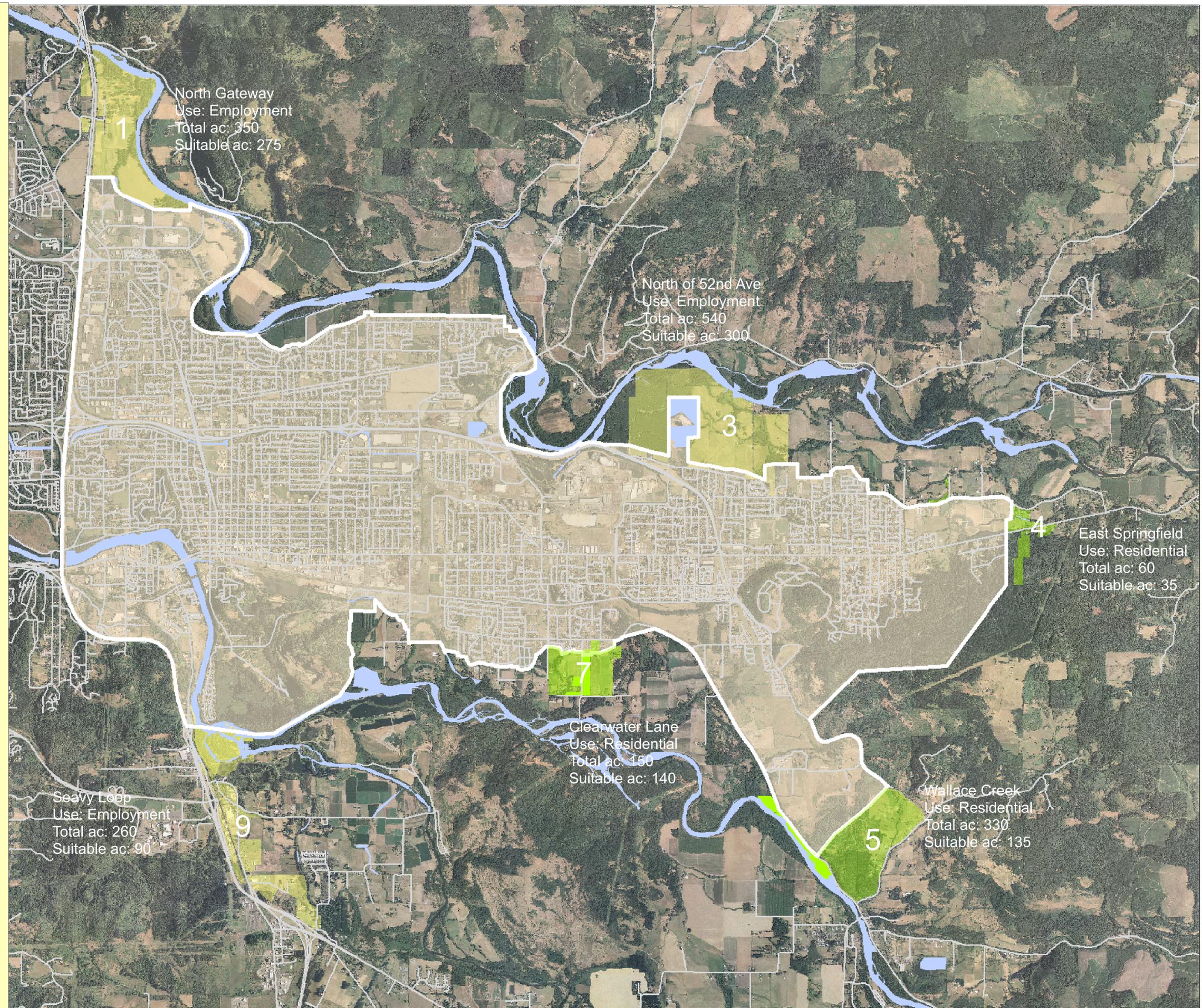
Map 12. Springfield Land Use Concept 3
City of Springfield, Oregon

Legend

- Residential Areas
- Employment Areas

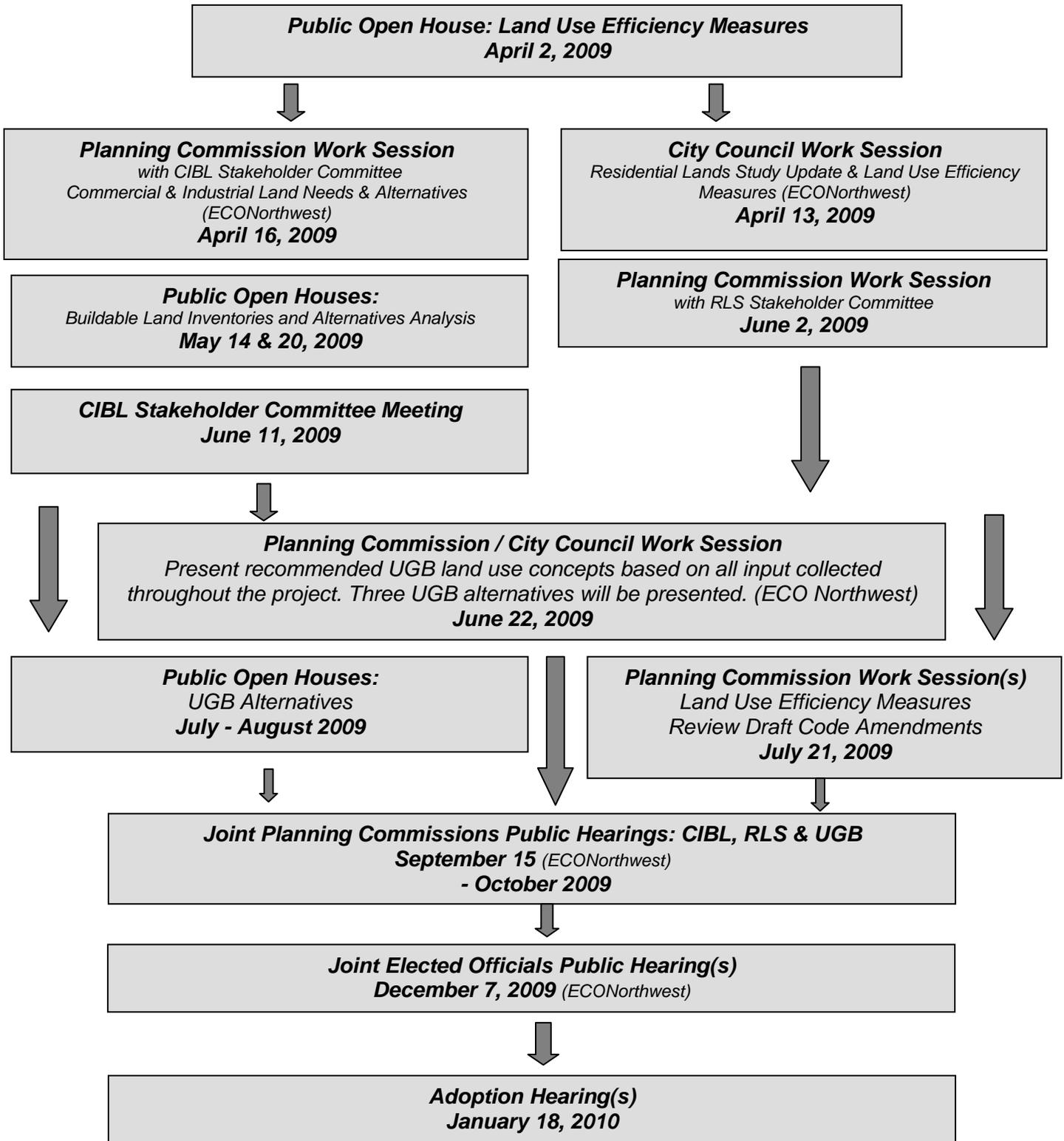
Area	Use	Total Acres	Suitable Acres
1. North Gateway	Employment	350	275
3. N. of 52nd Ave.	Employment	500	275
4. East Springfield	Residential	60	35
5. Wallace Creek	Residential	310	250
7. Clearwater Lane	Residential	140	115
9. Seavey Loop	Employment	260	90
Total Employment		1110	640
Total Residential		510	400

Note: This is an urban growth boundary (UGB) expansion concept map. The boundary locations and acreages are approximate. The maps are subject to change. The inclusion of any properties in study areas shown on this map does not imply a future policy choice by the City of Springfield to include that land in the UGB.



CIBL/RLS/UGB Public Review and Adoption Process

**The dates shown are subject to change. Please contact Planning Division staff
Linda Pauly at 726-4608 to confirm dates prior to these meetings.*



DEPARTMENT OF LAND CONSERVATION & DEVELOPMENT

REPORT ON BEND AND DESCHUTES COUNTY'S
AMENDMENT TO THE BEND URBAN GROWTH BOUNDARY

DLCD ORDER 001775

January 8, 2010

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EXHIBIT B: April 14, 2005 staff report to LCDC regarding UGB location factors

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I. EXECUTIVE SUMMARY

The City of Bend is nationally recognized as a high-quality, desirable place to live and work. Bend is the seventh largest city in Oregon, and is one of the fastest growing communities in the state. Over the next twenty years, close to forty thousand new residents are expected in the city. Planning for the homes and jobs that current and future citizens will need is an important responsibility, and the decisions made now will have long-term consequences for the city and region.

The city and Deschutes County have made a substantial effort to plan for the future of the area in their decisions on the Bend urban growth boundary (UGB). The UGB establishes where the city will grow over the next twenty years. Setting this boundary and planning for the lands inside of it directly influences what types of housing are likely to be built, what employment opportunities the city is prepared for, and the future costs of public facilities. It also has important long-term consequences for where people live and work in the region, and the extent to which they need to drive to get from homes to jobs to shopping and other destinations.

This is a decision by the Director of the Oregon Department of Land Conservation and Development about whether the City of Bend and Deschutes County's UGB expansion complies with state land use laws. The decision is to remand the UGB expansion (along with a related amendment to the city's public facilities plan) back to the city and county for revisions needed for the decisions to conform with state requirements.

The director agrees with the city and county that a UGB expansion is needed, but the size of the expansion is over four square miles larger than the amount of land the local governments determined is needed. The director also agrees with the city and county that they have appropriately shown a need for land for a new university site and for a large-site general industrial area. However, the local governments need to complete technical work to document that lands for these important future uses can't be found within the existing city limits.

The director also determines that the city has not done an adequate job of planning for needed housing for current and future residents of Bend and the region. The city has documented a real need for more affordable housing, and for housing for people who work in Bend – to reverse the trend of workers leaving the city to find affordable housing. However, the city's planning for future residential development does not lay the groundwork for these types of housing to be developed in Bend.

State land use laws require cities to work to encourage growth to occur on vacant and underutilized lands within urban areas before expanding into rural areas. Bend has taken tentative steps in this direction, but its indefinite plans do not demonstrate that the city will meet its housing needs over the next twenty years.

Finally, the city and county decisions regarding where to expand the Bend UGB fail to explain (adequately) why certain lands are included, while others are not. An important aspect of this decision is the location of future sewer system investments, and the Director agrees that the planning for those system improvements is an important consideration in deciding where to locate the boundary. However, the findings and technical work supporting the decision are conflicting in some aspects, and do not appear to provide decision-makers with an adequate basis for making decisions about the long-term cost implications of expanding the boundary in particular locations.

The Department of Land Conservation and Development has committed a substantial amount of staff time and funding to working with the city and county to plan for the community's future. This decision is designed to help move that effort forward, and the department will continue to offer its assistance as Bend plans for its future.

II. BACKGROUND AND DESCRIPTION OF UGB PROPOSAL

The City of Bend adopted an 8,462-acre UGB expansion and supporting plan and code amendments on January 5, 2009. (See Figure 1, UGB Map, on the following page.) Deschutes County co-adopted the same UGB expansion along with its own supporting plan and code amendments on February 11, 2009. The city and county decisions were submitted to the department for review on April 16, 2009. In its submittal to the department, the city summarized its proposal as follows:

The adopted UGB amendment is substantially different from previous submittals dated June 11, 2007 and October 8, 2008. Lands proposed to be included to the west and north are exception lands. Lands proposed to be included to the northeast and due east are a combination of exception and resource lands; lands to the south and southeast are exception lands. [Notice of Adoption of an UGB Amendment form dated April 16, 2009]

A. Background

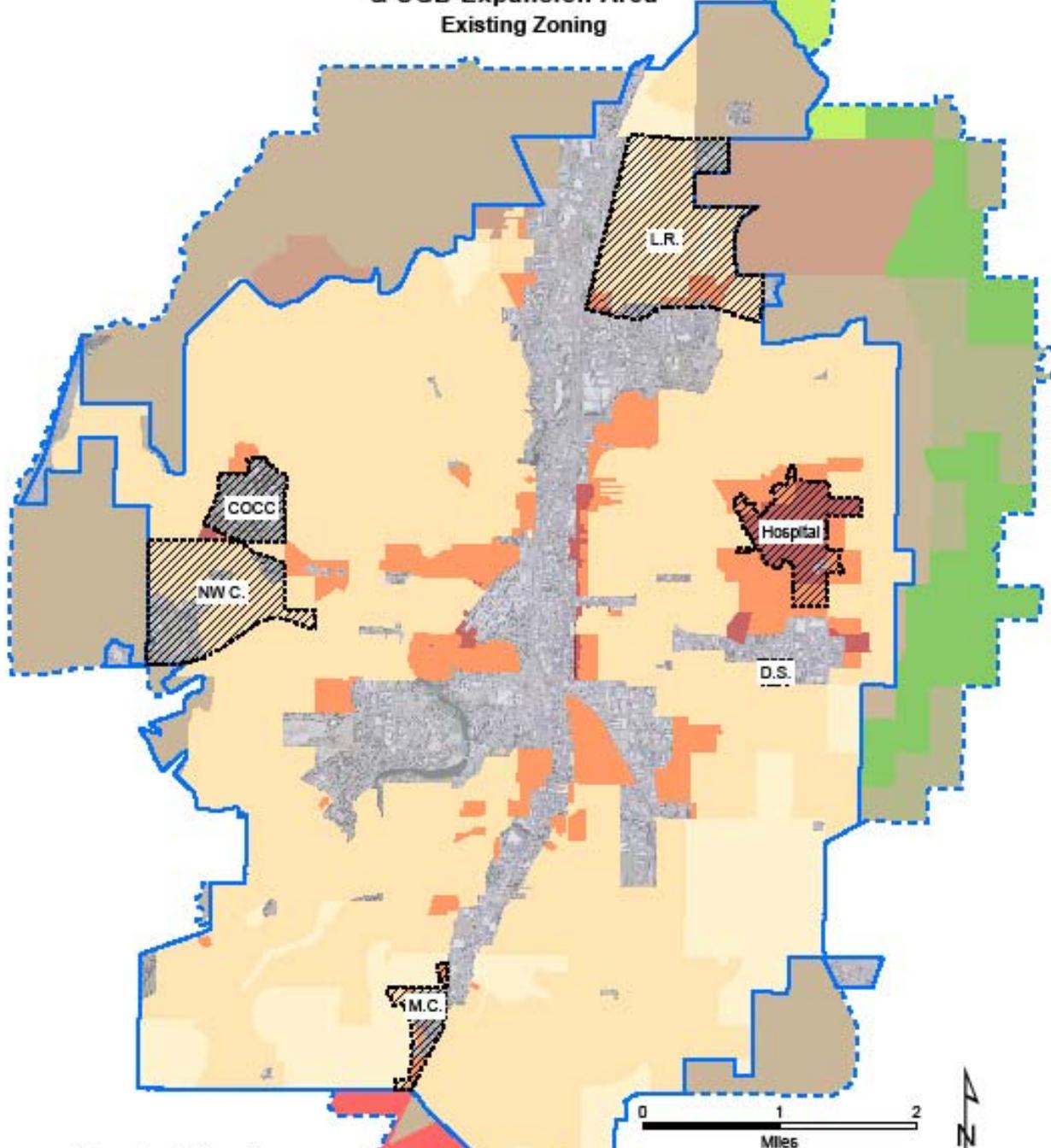
The city began review of its need for additional land for housing in 2004, and later added an evaluation of its employment land needs as part of its UGB review. On June 11, 2007, the city submitted a notice of a proposed 4,884-acre UGB expansion to the department through a 45-day post-acknowledgement plan amendment notice. The notice also included a 14,775-acre urban reserve proposal, which was withdrawn from further consideration shortly thereafter. Following joint public hearings by the city and county planning commissions, it was decided locally that further work was needed on the UGB expansion proposal.

On October 8, 2008, the city submitted notice of a revised UGB expansion proposal that included 8,943 acres, 83 percent larger than the June 11, 2007 proposal. A joint planning commission hearing occurred on October 27, 2008, followed the next day by an adoption recommendation by the Bend Planning Commission. The Bend City Council and Deschutes County Board of Commissioners held a joint public hearing on the proposal on November 24, 2008 and considered certain changes to it. The written public hearing record remained open until December 1, 2008. After deliberation during December, 2008, the city council adopted the proposal on January 5, 2009.¹

The Deschutes County Planning Commission forwarded its recommendation on November 13, 2008 and Board of Commissioners co-adopted the UGB expansion and

¹ The Bend City Council approved Ordinance NS-2111 related to amendments to sewer and water public facility plans involved with the UGB proposal, Ordinance NS-2112 related to justification of the UGB expansion and amendments to the Bend Area General Plan, and Ordinance NS-2113 concerning UGB-related amendments to the Bend Development Code.

**Urban Residential Lands
& UGB Expansion Area
Existing Zoning**



Urban Growth Boundary
 [Solid Blue Line] Current UGB
 [Dashed Blue Line] Expansion Area

**Figure 1
Bend Urban Area Residential Zones**

- RH - Res Urb High Density
- EFUAL - Alfalfa
- RM - Res Urb Medium Density
- EFUTRB - Tum/Red/Ben
- RS - Res Urb Standard Density
- MUA10 - Multi Use Ag
- RL - Res Urb Low Density
- UAR - Urban Area Reserve
- Other City Zones (Emply, Mix Use, & Pub. Use)
- SR2.5 - Res Sub Low Density
- [Hatched Pattern] Overlay or Refining Zones
- RR10 - Rural Residential

Oregon
Department of Land
Conservation & Development

This product is for informational purposes and may not have been prepared for or be suitable for legal engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the reliability of the information.

Aerial Image: 2009 NMAP
UGB and zoning information extracted from maps provided by City of Bend and Deschutes County
DLCD 060 000 00000
Bend Oregon 97701

related amendments to the county comprehensive plan and county zoning code on February 11, 2009.²

The city provided notice and submittal of the UGB expansion to the department on April 16, 2009. The submittal contained an approximately 14,000-page record, including the adopted ordinances NS-2112 and NS-2113. The submittal did not include Ordinance NS-2111, which adopted an amended public facility plan, although a copy of Ordinance NS-2111 was included in the April 16, 2009 submittal materials.

The 21-day objection period for the April 16, 2009 submittal ended on May 7, 2009, with 27 parties filing objections. Also on May 7, 2009, the department sent the city notice that the submittal was incomplete. The city responded to the department's notice on June 5, 2009.

On June 12, 2009, the city provided notice and submittal of its adoption of the public facility plans related to the UGB expansion, including the notice of adoption for Ordinance NS-2111. This submittal started a second 21-day objection period. This second objection period ended on July 6, 2009 with nine objecting parties, including some who had objected during the objection period for the UGB submittal.

The department determined that the city's submittals were complete on August 28, 2009, and consolidated the record for review in the manner of periodic review. This began the department's 120-day review period to prepare a decision on the consolidated submittal. The 120-day review period was extended to January 8, 2010 by agreement of the city, in response to a request from the department on December 15, 2009.

B. Summary of the UGB expansion

The UGB expansion adds 8,462 acres to the existing 21,247-acre Bend UGB, an approximately 40 percent increase. The expansion includes 2,866 acres for housing needs and related uses and 2,090 acres for employment needs and related uses, for a total land need of 4,956 acres. [R. at 1054, 1057-1058] The amendment includes 5,475 acres considered "suitable" and available for development, leaving a theoretical "surplus" of 519 acres. [R. at 1054] In addition to the 519-acres, the UGB amendment includes 2,987 acres considered unsuitable for satisfying housing and employment land needs.

Of the 5,475 acres considered "suitable" and available for development, 4,069 acres are exception lands, which (under state law) are the highest priority lands for UGB expansions. ORS.197.298. The remaining 1,407 acres are resource (farm) lands, which are the lowest priority lands for UGB expansions. [R. at 1058] The findings do not indicate the land priority of the 3,506 acres of land that have been included in the UGB expansion, but that are either unsuitable for housing and employment land, or are

² The Deschutes County Board of Commissioners approved Ordinance No. 2009-01, related to co-adoption of the proposed Bend UGB and associate comprehensive plan policies and Ordinance No. 2009-02, related to the county zoning map and zoning ordinance text for areas within the Bend UGB.

"surplus" according to the findings. These 3,506 acres represent 41.4 percent of the UGB expansion area.

In 2008, the population living within the prior UGB was reported to be 76,551. The city's 2028 planning year population is projected to be 115,063. [R. at 1302]

The city's housing needs analysis identifies a need for 16,681 new dwelling units over the 20-year planning period, of which 11,159 dwelling units would be accommodated in the prior UGB. [R. at 1070-1071, 1083] According to the decision, this leaves the need for 5,522 new dwelling units to expand on 941 net acres of expanded UGB area.³ [R. at 1080, 1082]

The city projects that non-shift employment in 2028 will include 60,607 jobs citywide, of which 29,602 will be new employees. [R. at 1108, 1140] 2,090 acres of land were included in the UGB expansion to provide the sites necessary for this expanded employment base.

³ Second homes and vacant homes are not included in these housing needs numbers.

III. OBJECTIONS AND ANALYSIS

A. Organization of Review

Due to the size of the submittals included in this proceeding, the large number of objections provided by objectors and the range of issues subject to objections, the department has consolidated its review of objections by major compliance topics. This review starts in section III.E.

Sections III.B and C address the status of the objectors, determining whether they meet the legal requirements for objections, and whether their objections meet the requirements for valid objections. Section III.D addresses objections to Department of Land Conservation and Development's jurisdiction to review a portion of the submittal – the City of Bend's adoption of Ordinance NS-2111, adopting amended public facilities plans that relate to and are used as one basis for the city and county decisions on the Bend UGB.

Starting with Section III.E, review of each consolidated compliance topic includes (a) a summary of the applicable legal requirements relating to that set aspect of the decisions, (b) a summary of the local government actions, (c) a summary of relevant objections and previous department comments, and (d) the director's analysis and conclusions. The analysis and conclusions in each section are collected together and repeated in the report's final section, which contains the director's conclusions and decision. In the event of any conflict between the conclusions in Section III. and the conclusions in Section IV, those in Section IV will control.

B. Objectors and Status

Persons who participated at the local level orally or in writing during the local process leading to the final decision may file an objection to the local government's UGB expansion with the department, which then must review the expansion decision or refer it to the Land Conservation and Development Commission (LCDC) for review. Pursuant to OAR 660-025-0140(2), to be valid, objections must:

- (a) Be in writing and filed with the department's Salem office no later than 21 days from the date the notice of the submittal to the department was mailed by the local government;
- (b) Clearly identify an alleged deficiency in the UGB expansion, and the statute, goal or administrative rule the task submittal is alleged to have violated;
- (c) Suggest specific revisions that would resolve the objection; and
- (d) Demonstrate that the objecting party participated at the local level orally or in writing during the local process.

On May 7, 2009, the 21-day objection period for the city's April 16, 2009 submittal ended with the following 26 parties filing timely objections with the department. The

parties listed all participated at the local level according to materials submitted to the department, with the exception of Mr. and Mrs. Harold Simpson, as set forth in more detail in the next subsection. This list presents objectors in roughly the same order that they were received by the department.

1. Swalley Irrigation District
2. Tony Aceti
3. Terry L. Anderson
4. Toby Bayard
5. Bend-La Pine School District
6. Bend Metro Park and Recreation District
7. Brooks Resources Corporation
8. Richard and Jelinda Carpenter, Jack McGilvary (trustee)
9. Central Oregon LandWatch
10. Cindy Shonka
11. Edward J. Elkins, Doris E. Elkins
12. Fred and Katy Boos
13. Hillary Garrett
14. E. M. Holiday
15. Mark Anderson
16. Barbara I. McAusland
17. Tony and Cyllene King
18. Miller Tree Farm, LLC (Charlie Miller)
19. Newland Communities
20. Oregon Department of State Lands
21. Paul J. Shonka
22. Rose and Associates, LLP
23. Shevlin Sand and Gravel, Inc.
24. Mr. and Mrs. Harold Simpson
25. Keith Spencer
26. Tumalo Creek Development, LLC

On July 6, 2009, the 21-day objection period for the city's June 12, 2009 submittal ended with the following nine parties filing timely objections with the department. The parties listed all participated at the local level according to materials submitted to the department. This list presents objectors in roughly the same order that they were received by the department.

1. Toby Bayard
2. Hunnel United Neighbors
3. Newland Communities
4. Swalley Irrigation District
5. Anderson Ranch
6. Central Oregon LandWatch
7. J. L. Ward Company
8. Rose and Associates, LLC

9. Tumalo Creek Development

C. Validity of Objections

Objections must satisfy the requirements of OAR 660-025-0140(2) in order to be valid and considered by the director. This rule states:

Persons who participated at the local level orally or in writing during the local process leading to the final decision may object to the local government's work task submittal. To be valid, objections must:

- (a) Be in writing and filed with the department's Salem office no later than 21 days from the date the notice was mailed by the local government;
- (b) Clearly identify an alleged deficiency in the work task sufficiently to identify the relevant section of the final decision and the statute, goal, or administrative rule the task submittal is alleged to have violated;
- (c) Suggest specific revisions that would resolve the objection; and
- (d) Demonstrate that the objecting party participated at the local level orally or in writing during the local process.

Some objectors have provided numerous or multiple objections covering a range of compliance issues, while others focus on a single objection. All of the objectors listed in section III.B filed their objection(s) in a timely matter, satisfying the requirements of OAR 660-025-0140(2)(a).

The objection of Mr. and Mrs. Harold W. Simpson (dated May 1, 2009) does not establish a clearly identified deficiency in the submittal as required by OAR 660-025-0140(2)(b). The objector attached a letter dated December 15, 2008, which apparently was originally sent by another party to the city, but after the City of Bend closed the public record on the matter on December 1, 2008. The objectors have not demonstrated that they participated orally or in writing at the local level as required by OAR 660-025-0140(2)(d). The Simpsons' objections are not valid.

The objection of Keith Spencer (dated April 23, 2009) does not establish a clearly identified deficiency in the submittal, as required by OAR 660-025-0140(2)(b). As a result, Mr. Spencer's objections are not valid.

The remaining objectors provided one or more valid objections. However, as set forth in more detail in the director's analysis section later in this report, specific objections may be found to be invalid based on criteria in OAR 660-025-0140(2)(b) or OAR 660-025-0140(2)(c).

Objections not addressed in the analysis sections of this report are denied.

D. DLCD Jurisdiction

Objector Swalley Irrigation District (Swalley) contends that the Land Use Board of Appeals (LUBA or the Board), and not this department has jurisdiction over the city's submittal. Swalley rests the objection upon (1) the "tardiness" of the city's submittal, and (2) the contention that the submittals are not and do not arise from UGB amendments within the department's jurisdiction under ORS 197.825(2)(c)(A). Swalley objects that in order to invoke the exception to LUBA jurisdiction under ORS 197.825(2)(c)(A), a local government submittal to the department must occur closer to the time of adoption than occurred in this matter. Swalley objects that the city's submittal is not timely for purposes of ORS 197.825(2)(c)(A) because it occurred after the time for filing a LUBA appeal or intervention. Objector Swalley contends this is because transfers to LUBA can only occur within certain statutory limits, citing ORS 197.830(9). Objector Swalley expounds that under ORS 197.825(2)(c)(A), the director can only transfer a matter to LUBA within the 21-day period in which a notice of intent to appeal a land use decision may be filed under ORS 197.830(9). Swalley argues "DLCD director's transfer authority is only exercisable and thus necessarily must occur in the LUBA 21 day appeal period." [Swalley Objection 1, at 14]

a. Legal Standard

Under ORS 197.825, LUBA has exclusive jurisdiction to review any land use decision of a local government with specific statutory exceptions.⁴ One exception to the exclusive jurisdiction of the board is for certain matters submitted to the department. ORS 197.825(2) provides in part:

The jurisdiction of the board:

* * * * *

(c) Does not include a local government decision that is:

(A) Submitted to the Department of Land Conservation and Development for acknowledgment under ORS 197.251, 197.626 or 197.628 to 197.650 or a matter arising out of a local government decision submitted to the department for acknowledgment, unless the Director of the Department of Land Conservation and Development, in the director's sole discretion, transfers the matter to the board[.]”

ORS 197.825(2)(c)(A) excludes submittals pursuant to ORS 197.626, which provides:

⁴ ORS 197.825(1) provides:

Except as provided in ORS 197.320 and subsections (2) and (3) of this section, the Land Use Board of Appeals shall have exclusive jurisdiction to review any land use decision or limited land use decision of a local government, special district or a state agency in the manner provided in ORS 197.830 to 197.845.

[A] city with a population of 2,500 or more within its urban growth boundary that amends the urban growth boundary to include more than 50 acres or that designates urban reserve under ORS 195.145, or a county that amends the county's comprehensive plan or land use regulations implementing the plan to establish rural reserves designated under ORS 195.141, shall submit the amendment or designation to the Land Conservation and Development Commission in the manner provided for periodic review under ORS 197.628 to 197.650. (Emphasis added.)

The commission adopted OAR 660-025-0040⁵ to implement its exclusive jurisdiction under the statute and OAR 660-025-0250⁶ to provide for transfers of matters to LUBA.

⁵ OAR 660-025-0040 provides:

(1) The commission, pursuant to ORS 197.644(2), has exclusive jurisdiction to review the evaluation, work program, and all work tasks for compliance with the statewide planning goals and applicable statutes and administrative rules. Pursuant to ORS 197.626, the commission has exclusive jurisdiction to review the following land use decisions for compliance with the statewide planning goals:

- (a) If made by a city with a population of 2,500 or more inside its urban growth boundary, amendments to an urban growth boundary to include more than 50 acres;
 - (b) If made by a metropolitan service district, amendments to an urban growth boundary to include more than 100 acres;
 - (c) plan and land use regulations that designate urban reserve areas.
- (2) The director may transfer one or more matters arising from review of a work task, urban growth boundary amendment or designation or amendment of an urban reserve area to the Land Use Board of Appeals pursuant to ORS 197.825(2)(c)(A) and OAR 660-025-0250.

⁶ OAR 660-025-0250 provides:

- (1) When the department receives an appeal of a director's decision pursuant to OAR 660-025-0150(4), the director may elect to transfer a matter raised in the appeal to the Land Use Board of Appeals (board) under ORS 197.825(2)(c)(A).
- (2) Matters raised in an appeal may be transferred by the director to the board when:
 - (a) The matter is an urban growth boundary expansion approved by the local government based on a quasi-judicial land use application and does not require an interpretation of first impression of statewide planning Goal 14, ORS 197.296 or 197.298; or
 - (b)(A) The matter alleges the work task submittal violates a provision of law not directly related to compliance with a statewide planning goal;
 - (B) The appeal clearly identifies the provision of the task submittal that is alleged to violate a provision of law and clearly identifies the provision of law that is alleged to have been violated; and
 - (C) The matter is sufficiently well-defined that it can be separated from other allegations in the appeal.
- (3) When the director elects to transfer a matter to the board, notice of the decision must be sent to the local jurisdiction, the appellant, objectors, and the board within 60 days of the date the appeal was filed with the department. The notice shall include identification of the matter to be transferred and explanation of the procedures and deadline for appeal of the matter to the board.
- (4) The director's decision under this rule is final and may not be appealed.

b. Summary of Local Actions

The city submitted notice of the city's and county's adoption of four ordinances to the department on April 16, 2009. Those four ordinances were the city's ordinances adopting the amended UGB and amending the city's development code in certain respects (Ordinances Nos. NS-2112 and NS-2113), and the county's ordinances co-adopting the amended UGB and making certain amendments to the county's comprehensive plan map and text for the lands within the UGB expansion area. [R. at 1050-1051 (city ordinance NS 2112 - UGB); R. at 1836-1844 (city ordinance NS 2113 – development code); [county ordinance 2009-1 – UGB map and DCC and TSP map]; [county ordinance 2009-2 – zoning map and certain DCC amendments]. The city did *not* submit ordinance NS 2111, amending the city's Public Facilities Plan element of its General Plan, to the department on April 16, 2009 (although the city included a copy of this ordinance, which the city adopted immediately before the UGB amendment ordinance, in the record for the submittal of the UGB ordinance (NS 2112), and the city submitted a separate notice of adoption of the Public Facilities Plan on January 9, 2009). However, on June 12, 2009, following LUBA's decision in *Swalley Irrigation District v. City of Bend*, __ Or LUBA __ (LUBA Nos. 2009-012, 2009-013, 2009-31 and 2009-032 , May 8, 2009) and order in *Swalley Irrigation District v. City of Bend*, __ Or LUBA __ (LUBA Nos. 2009-010, 2009-011, and 2009-020, May 8, 2009) the city separately submitted ordinance NS 2111 to the department, and provided notice to the objectors, as required by OAR 660-025-0175(3) and (4) and OAR 660-025-0130 and -0140.

c. Analysis

The director concludes that this objection is not well-taken. Nothing in ORS 197.830(9) addresses department transfers to LUBA. Nothing in ORS 197.825(2)(c)(A) or its statutory context prescribes a time frame in which the director must act to transfer some or all of a local government submittal to LUBA. In construing ORS 197.825(2)(c)(A), the department may not insert what the legislature has omitted – in this circumstance a 21-day time frame that constrains the director's statutory authority to otherwise transfer a matter to LUBA. ORS 174.010. Nor can the director read ORS 197.830(9) as context in such a manner as to give no effect to ORS 197.825(2)(c)(A) in the circumstances presented here. *Id.*

The director notes that LUBA had not issued its orders on the jurisdictional issues at the time of Swalley's objections. Swalley Objection 1, at 4. LUBA has subsequently ruled on substantively the same jurisdictional arguments presented in this objection. The Board held, "ORS 197.825(2)(c)(A) and ORS 197.626, and the implementing rules adopted by DLCD make clear that after the City of Bend submitted NS-2112 and NS-2113 to DLCD for review under the statutes governing periodic review, LUBA ceased to have jurisdiction over those submitted decisions or over matters arising out of those submitted decisions unless the director of DLCD transfers matters to LUBA pursuant to OAR 661-025-0250(2)." *Swalley Irrigation District*, __ Or LUBA __ (LUBA Nos. 2009-012, 2009-013, 2009-31 and 2009-032 , May 8, 2009) (Slip op at 8). The Board also has dismissed challenges to County Ordinances 2009-01 and 2009-02 submitted to the department on

April 16, 2009. *Swalley Irrigation District v. City of Bend*, __ Or LUBA __ (LUBA Nos. 2009-33 and 2009-034, July 1, 2009).

Swalley also asserts that the City of Bend's ordinance NS-2111, adopting the city's water public facilities plans and the sewer public facilities plans as amendments to the city's comprehensive plan, is not itself an amendment of the city's UGB or "a matter arising out of" the city's UGB amendment. ORS 197.825(2)(c)(A). The director does not agree. The decision concerning where to expand its UGB relies heavily on the amendments to the public facilities plans as a factor in determining where to expand the UGB. See, e.g., R. at 1192 (Collection System Master Plan, and exclusion of exception lands to the southwest due to the feasibility of providing sewer service during the planning period). The city's 45-day notice also identified amendments to its Public Facilities Plan as being a part of its proposed adoption of an amended UGB. As a result, the director finds that Ordinance NS-2111 "arises out of" the city's UGB amendment, declines to transfer jurisdiction for review to LUBA, and determines that the director has jurisdiction to review the ordinance.

d. Conclusion

The director denies this objection. Consistent with LUBA's decisions and orders regarding jurisdiction over the city and county submittals, unless and until the matters are transferred to LUBA pursuant to OAR 661-025-0250(2), jurisdiction lies with the department.

E. Residential and Related Land Need

The City of Bend is the seventh largest city in Oregon, and from 2000 to 2005 the city grew rapidly—more rapidly than projected by the city at the last major update of its comprehensive plan (in 1998). [R. at 2116, 1059] Deschutes County completed a coordinated 20-year population forecast for the cities of Bend, Redmond and Sisters and the remainder of the county in 2004. [R. at 1981] That forecast projects the population of Bend to grow from 52,800 in 2000 to 109,389 in 2025. [R. at 1981] As the first step in its analysis of the capacity of its urban growth boundary (UGB), the city extrapolated the county’s population forecast to 2028 (in order to have a 20-year forecast for its review of its UGB). The forecast includes a 2028 population for Bend of 115,063. [R. at 1067, 1301] [ORS 195.034(1)] The city initiated a process for formal analysis of its UGB capacity and the consideration of a potential UGB amendment on June 11, 2007 by mailing notice of its initial evidentiary hearing to the department. [R. at 1053] The city adopted an amendment to the UGB and supporting analysis and related comprehensive plan amendments on (January 5, 2009).

This section of the directors report and decision addresses whether the UGB amendment complies with applicable state laws that guide local governments in determining: (1) the amount of land needed inside a UGB over the 20-year period for housing and other land uses (except for employment-related land need, which is addressed in section III.F of this report), (2) how much of this land need could be provided on land already inside the UGB, and (3) how much of this land need can be met only through expansion of the current UGB. The final subsection addresses the relation between the city’s UGB amendment and existing policies in the acknowledged Bend General Plan concerning needed housing.

The director’s analysis and decisions are based on his evaluation of the city and county decisions and the objections to those decisions, as well as the information and findings provided in the submittal.

1. The Quantity of Land Required for Needed Housing

a. Legal standards

ORS 197.295–197.314, 197.475–197.492 and 197.660–197.670, Statewide Land Use Planning Goals 10 and 14, and OAR 660, divisions 8 and 24 are the applicable state laws.¹

The fundamental requirement of these state laws is that cities over 25,000 in population must periodically demonstrate that their comprehensive plans provide for sufficient buildable lands within their urban growth boundary to accommodate needed housing for 20 years. A city meets this requirement by:

1. Forecasting what the population within the UGB will be in 20 years, usually relying on a coordinated population forecast adopted by the county; [ORS 195.036; 195.034; OAR 660-024-0030(3) and (4)]
2. Inventorying the supply of “buildable lands”⁷ within the existing UGB and determining the capacity of those lands for additional residential development over the 20-year period under current zoning [ORS 197.296(3)(a)];
3. Determining what is “needed housing” (ORS 197.303⁸ and OAR 660-024-0010(3)⁹) for the community by “housing type”¹⁰ and density, and determining the number of

⁷ Under Statewide Land Use Planning Goal 10, the term “buildable lands – refers to lands in urban and urbanizable [lands within a UGB that still have rural zoning] areas that are suitable, available and necessary for residential use.” See also, ORS 197.295(1) (same). The term is further defined by LCDC rule as:

residentially designated land within the urban growth boundary, including both vacant and developed land likely to be redeveloped, that is suitable, available and necessary for residential uses. Publicly owned land is generally not considered available for residential uses. 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, 15, 16, 17, or 18;
- (c) Has slopes of 25 percent or greater;
- (d) Is within the 100-year floodplain; or
- (e) Cannot be provided with public facilities.

[OAR 660-008-0005(2); OAR 660-024-0010 (definitions for UGB management)]

⁸ ORS 197.303 provides:

(1) As used in ORS 197.307 * * * “needed housing” means housing types determined to meet the need shown for housing within an urban growth boundary at particular price ranges and rent levels. * * * “[N]eeded housing” also means:

- (a) Housing that includes, but is not limited to, attached and detached single-family housing and multiple family housing for both owner and renter occupancy;
 - (b) Government assisted housing;
 - (c) Mobile home or manufactured dwelling parks as provided in ORS 197.475 to 197.490; and
 - (d) Manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated manufactured dwelling subdivisions.
- * * * *

The housing types listed in the statute, namely “attached single family housing,” “detached single family housing,” and “multiple family housing” also are defined by LCDC rule. OAR 660-008-0005.

⁹ OAR 660-024-0010(3) provides that:

- (3) “Housing need” or “housing need analysis” refers to a local determination as to the needed amount, types and densities of housing that will be:
 - (a) Commensurate with the financial capabilities of present and future area residents of all income levels during the 20-year planning period;
 - (b) Consistent with any adopted regional housing standards, state statutes regarding housing need and with Goal 10 and rules interpreting that goal; and

housing units needed and the amount of land needed for each needed housing type for the 20-year period; [ORS 197.296(3)(b)]

4. If a city determines that its housing need (third step) exceeds its UGB's capacity (second step), the city must first determine whether land inside the UGB can be rezoned to accommodate the additional need. If so, the city must also amend its land use regulations to add new measures that demonstrably increase the likelihood that lands within the existing UGB will accommodate the remaining need. If the city determines it must add lands to its UGB to meet some or all of its projected housing needs, it may do so only after demonstrating that those needs cannot reasonably be accommodated on land already inside the UGB. Statewide Land Use Planning Goal 14.¹¹
5. As part of step 4, a city must determine the density and mix of needed housing types that must occur to meet projected overall housing needs for the 20-year planning period. If that planned density is greater than the actual density of development that has occurred within the UGB since the last periodic review (1998 in the case of Bend), the city must adopt measures to demonstrably increase the likelihood that future residential development in the UGB will occur at the density required to meet the projected housing needs. Similarly, if the overall mix of needed housing types during the 20-years planning period is different from the actual mix that has occurred within the UGB since the last periodic review (1998 for Bend [R. at 1074]), the city must adopt measures to demonstrably increase the likelihood that future residential development will occur in a manner that meets projected housing needs. [ORS 197.296(7)-(9)]
6. If the city determines that some or all of its additional need cannot be met by rezoning and other efficiency measures inside the current UGB (steps 4 and 5), the city must add land to its UGB to accommodate the remaining need. [See ORS 197.296(6)]

The needed housing statutes at ORS 197.295 to 197.314 and Statewide Land Use Planning Goal 10 require cities to *plan* for an adequate supply of land for needed housing. For the most part, they do not directly require cities to *ensure* that needed housing will be developed; that will depend on the market and other programs such as public and non-profit housing programs, tax incentives, and government subsidies.

(c) Consistent with Goal 14 requirements.

¹⁰ The housing types that must be analyzed include, but are not limited to, owner and renter occupied: attached single-family housing, detached single-family housing, and multiple family housing, along with the other three housing types listed in ORS 197.303(1)(b)-(d)) (in footnote 2, above).

¹¹ Statewide Land Use Planning Goal 14 provides, in pertinent part, that: "Prior to expanding an urban growth boundary, local governments shall demonstrate that needs cannot reasonably be accommodated on land already inside the urban growth boundary."

Two other important aspects of Goal 10 and the needed housing statutes and rules bear emphasis in this regard. They are: (a) that the Goal 10 rule requires cities and counties to consider the needs of the relevant *region* in arriving at a fair allocation of housing types within the UGB [OAR 660-008-0030]—in other words, the planning requirements of these laws apply regionally to some degree; and (b) ORS 197.296(7) not only requires planning—it requires “measures that demonstrably increase the likelihood that residential development will occur [at particular density levels, and in particular forms or types].” [ORS 197.296(7)] Such measures may include land use planning actions, but may also include financial incentives, density bonus incentives, redevelopment and infill strategies (such as urban renewal), authorization of new housing types, etc. [ORS 197.297(9)]

b. Summary of Local Actions

On January 5, 2009, the City of Bend adopted three ordinances. The first ordinance (Ordinance NS-2111) amended the city’s Public Facilities Master Plan. [R. at 35]. The second ordinance (Ordinance NS-2112) amended the city’s comprehensive plan map, including its map of its UGB, along with certain provisions of the urban area comprehensive plan text. [R. at 1050-1051] The third ordinance amends the city’s development code in certain respects to implement ordinance NS-2112 (the UGB amendment). [R. at 1836-1837]

The city initiated the evaluation and amendment of its UGB in June of 2007. The first step was to develop an estimate of the total number of new housing units needed over the planning period (from 2008 to 2028). [R. at 1069] The city utilized some of the safe harbors set forth in OAR 660, division 24 in projecting the number of new households, and used a vacancy factor based on 2000 census data. [R. at 1069] The total number of projected households, and thus the number of housing units, that the city found is needed for the 2008–2028 period is 16,681. [R. at 1070]

The city also produced several iterations of a buildable lands inventory (BLI), beginning in 2005, and updated several times through October of 2008. Based on the BLI, the city determined that there were 2,909 acres of vacant or redevelopable residential land within the UGB (prior to the expansion). [R. at 1071] The city then determined that buildable lands within the UGB had the capacity to accommodate 11,159 housing units (or 67 percent of the projected housing units needed for the 2008–2028 planning period) [R. at 1071-1072], leaving 5,522 units needed, to be accommodated by expanding the UGB.

The city prepared three alternate housing needs assessments: the “2709 Trend Forecast,” the “Goal 10 Housing Need Forecast,” and the “Transition Forecast.” [R. at 1075-1078] The findings state that the Transition Forecast satisfies Goal 10. [R. at 1078] The Transition Forecast projects a need for 10,843 (65 percent) detached units and 5,838 (35 percent) attached units for the 2008–2028 planning period.¹² The city then derived a

¹² The city *adopted* a housing *type* mix of 65 percent detached and 35 percent attached, because this was the built mix in 2008. [R. at 1306-07] The city didn’t adopt a separate housing *tenure* mix because it considered the housing type mix of 65 percent detached and 35 percent attached to be “a surrogate measure for tenure.” [R. at 1306]

“need” for additional residential land in an expanded UGB totaling 941 acres, based on the projected 65/35 housing type mix, using the same allocation of planning designations for the new units that exists in the current UGB (52 percent RS, 35 percent RM, and 13 percent RH) [R. at 1079-1080] The city’s estimate of land need reflects some projected increase in average density within these zones, from approximately four units per net acre within the existing UGB to approximately six units per net acre on the lands added to the UGB for residential purposes. [R. at 1080, 1081]

The city has taken several actions to increase the capacity for residential development within the existing UGB. [R. at 1083-1084] These include amendments to the Bend Development Code in 2006, as well as two new efficiency measure proposed in this amendment (beginning to *plan* for 500 units of attached housing in the Central Area Plan, and plan for 600 units of additional housing along transit corridors). [R. at 1085] These two new efficiency measures are reflected in amendments to Chapter 5 of the city’s General Plan. [R. at 1085, note 48; see also R. at 1311 (transit corridor planning to be done prior to 2012, no date is provided for Central Area planning)]

The city also estimated land need for several other uses related to residential use. First, the city prepared a separate estimate of land needed for second homes. [R. at 1086-1088] The city estimates that 18 percent of the number of the total additional housing units projected as needed for the planning period from 2008 to 2028 will be needed for second homes, or an additional 3,002 units. The city also projected that these second-home units will develop at a net density of six units per acre, leading to a land need of 500 acres for second homes. The city estimated that 377 acres of land were consumed over the prior seven years by second home development. [R. at 1086]

The city also estimated land need for schools (192 acres) [R. at 1089], parks (474 acres) [R. at 1090], private open space and private rights-of-way and institutional uses (other than schools and parks). Based on data for the land area of these uses within the existing UGB, the city added 15 percent to the amount of land need for housing to account for these uses. [R. at 1091] Finally, the city added another 21 percent for land needed for streets and other public rights-of-way. [R. at 1092]

The city adopted a Framework Plan Map as part of its UGB expansion. The map identifies seven master plan areas. The General Plan states, “The framework plan functions somewhat like a general plan map by indicating general locations, land use types, and densities of a variety of future urban uses,” [p. 1-5] and, “* * * Owners of large parcels will be required to demonstrate how projects will be developed after annexation in ways that are consistent with the illustrations of the framework plan and the identified land need.” [p. 1-6]

The following table, which is a copy of table III-14 from the city’s findings, summarizes the amount of land the city found was needed for expansion of its UGB for residential and other non-employment purposes during the 2008-2028 planning period. [R. at 1092]

Table 1. Summary of UGB Expansion Needed for Housing and Related Uses (2028)

Acres for new housing units	941
Acres for public schools	192
Acres for public parks and trails	474
Acres for second homes	500
Subtotal	2,107
Acres for other land uses (institutional, private open space, private ROW)	442
Acres for public rights of way	316
Estimate of Total Acres Needed	2,886

The city also included almost 3,000 acres of land in the UGB expansion that are not identified as being needed for housing or employment, or any other land need. [R. at 1054] While it appears that the city considers these acres to be unsuitable for any urban land needs, the city does not explain why these additional lands are included within the UGB if they cannot serve an urban need for land. There are no findings addressing these lands other than the two sentences at R. 1054.

c. Objections

The following subsection summarizes and paraphrases objections filed relating to the amount of land in the UGB expansion area for residential and other non-employment uses. The department also commented on these issues in letters to the city dated October 24, 2008 and November 21, 2008. Responses to these objections are provided in subsections 1.e and 2.e, below.

Anderson – The city and county underestimate the amount of land needed for right-of-way, and therefore fail to comply with OAR 660-024-0040(1). Specifically, the estimate is based on land use within the existing UGB, and fails to account for substandard existing rights-of-way and for needs attributable to stormwater management. [May 7, 2009 letter from Andrew Stamp]

Toby Bayard – The proposal doesn’t plan for needed housing types to meet the housing needs of all residents as required by Goal 10, particularly lower income and multifamily housing. The proposal underestimates the land need for housing for lower income households.

The UGB amendment includes approximately 3,500 acres above the city’s projected land needs, evidently including a variety of lands that are not suitable for urban uses. These lands include land in rural subdivisions, and appear to include lands that contain Goal 5 resources, but none of the reasons for inclusion are contained in the city’s findings. State law does not allow a buffer or cushion (the city included a cushion of 519 acres).

The city has failed to show that residential uses cannot be reasonably accommodated within the existing UGB. The city estimates a potential capacity within the UGB of 44,738 units, but assumes that only 25 percent of this capacity will be utilized. Existing residential density in Bend is less than half that of other Oregon cities of the same size.

The city fails to plan for efficient use of the lands added to the UGB, by assuming that 76 percent of that land will be zoned RS (average density of 4 du/acre). Only 33 acres of the total 941 acres is assumed to be zoned RH (average density of 22 du/acre).

Bend's 1998 General Plan projected a housing mix of 55 percent single-family and 45 percent multi-family (including 10 percent mobile home parks), but actual development since 1998 has been 77 percent single-family and 23 percent multi-family (with 0 percent mobile home parks). The city assumes that housing density and mix will continue to produce the same housing types, without regard for current and future housing needs of the city's population over the next 20 years. The 1998 planned mix of 55/45 percent is identical to the mix provided by the Oregon Housing and Community Services Department's Housing Needs Model, which the city rejected and replaced with a much higher percentage of single-family housing and a much lower percentage of multi-family housing. The city also changed to a different type of housing mix, "detached percent and attached percent" instead of "single-family percent and multi-family percent," which includes single-family housing in the form of high end, low density detached housing, and attached housing in the form of attached housing in the form of high end townhomes, condos, and resort communities. The new mix terminology does less to ensure that both detached and attached housing types more affordable to lower and middle income households are likely to develop. The proposal includes medium and high density development only in the Central Area and on Transit Corridors without demonstrating that this will meet the 20-year housing needs of all residents.

The city has reduced the density in the RL (Residential Low Density) and RS (Residential Standard Density) zones.

The city's estimate of land need for second homes is too high, and is not supported by the evidence in the record.

The city's estimate of land need for public right-of-way is too high.

The city did not sufficiently consider efficiency measures inside the existing UGB as required by ORS 197.296(9). The efficiency measures that were adopted lack documentation to assure that they will be effective. [April 29, 2009 letter]

Carpenter/McGilvary – The city and county underestimate the amount of land needed for right-of-way, and therefore fails to comply with OAR 660-024-0040(1). Specifically, the estimate is based on land use within the existing UGB, and fails to account for substandard existing rights-of-way and for needs attributable to stormwater management. [May 5, 2009 letter from Bruce White]

Central Oregon LandWatch – The city does not explain how or why unsuitable lands are added to the UGB to arrive at a gross acreage total of 8,462 acres. The city's findings do not explain why some lands are considered unsuitable, nor why they are nevertheless added to the UGB. The city's determination that lots less than 3 acres in size are

unsuitable if they have existing development is not explained, not does it comply with Goal 14.

The city has not complied with OAR 660-015-0000(14)(2), in that it has not demonstrated that its projected needs cannot be met within the existing UGB.

The city's projected land need of 500 acres for second home development is not justified and is based on incorrect data.

The city's projected land need of 474 acres for parks is not justified, and is based on plans not incorporated into the city's comprehensive plan. In addition, the city fails to account for the fact that some of this need is and will continue to be met on lands outside of the UGB.

Regarding land need for public right-of-way, the city's estimate is based on existing development patterns and does not consider provisions for skinny streets that can and have reduced the amount of land required in newer developments in the city.

Regarding land needed for private rights-of-way and open space, there is no showing of why this type of private land use is needed under Goal 14, when public parks are already provided.

The city misconstrues 660-024-0040(1) in including a "buffer" of 519 acres over and above its demonstrated land need for residential use.

The city fails to consider the approval of the Tetherow destination resort and its effect on land need within the UGB for this type of use.

The city relied on current market conditions as the basis for determining that a greater degree of redevelopment will not occur within the 20-year planning period. The proposed housing mix of 65 percent single-family detached and 35 percent multi-family will not correct a historic shortfall of land for medium and higher density housing types. The city has not done enough to promote infill and redevelopment within the existing UGB, and must adopt more measures to plan for more multi-family housing. [May 7, 2009 letter from Paul Dewey]

Barbara I. McAusland – Bend's Development Code lacks incentives needed for the construction of affordable housing. Providing for second homes in the residential lands need consumes residential land without providing for the primary affordable housing needs of residents. Too much land is added to the UGB. [May 5, 2009 letter]

Newland Communities – The city underestimates the residential land need through the planning period. The assumptions used by the city concerning redevelopment and infill are overly optimistic, and do not account for various livability land needs such as parks and schools. The city also did not adjust its capacity analysis to reflect infrastructure of lot configuration constraints. The city failed to consider the presence of dwellings on lots

in its capacity analysis. The proposed expansion improperly provides less “room” or “livability” per person than existed during the period 1981–2008. The buildable land inventory within the existing UGB is overly conservative and likely overestimates the number of residential units that could be accommodated within the existing UGB and underestimates the amount of land needed within the proposed UGB.

The city’s use of the Oregon Housing and Community Services Department’s Housing Needs Model is in error, and will likely result in an underestimate of land need outside the existing UGB during the planning period. The Housing Needs Model should not be used in a UGB expansion, and Bend’s use of it should be disregarded. The state should disregard the city’s discussion or application of the Housing Needs Model and rely on actual trends (77/23 split) or the transition forecast of 65/35. The city must use the 1998-2005 housing mix and densities as required by HB 2709. [ORS 197.296]

The city is required to project housing density and mix, not housing tenure, and not a particular single family/multi-family split.

The theoretical surplus of 519 acres is needed to fulfill land needs, and to provide for effective delivery of infrastructure and complete communities. [May 7, 2009 letter from Christie White]

Oregon Department of State Lands – The city did not properly analyze housing need by type and density as required by ORS 197.296(3)(b) and failed to plan for needed housing as required by ORS 197.303. The city’s conclusion concerning a 65/35 detached/attached housing mix is too generalized to comply with the specificity required under ORS 197.296(3)(b), 197.296(9) and 197.303 for a determination of the number of units and amount of land needed for each housing type (attached and detached single-family housing, and multiple family housing, each for both owner and renter occupancy) for the next 20 years.

The city also fails to adequately consider regional housing needs and a fair allocation of housing types, as required by OAR 660-008-0030.

As a result of these deficiencies, the proposal fails to demonstrate that the UGB will provide sufficient buildable land to accommodate projected housing needs for 20 years. [May 7, 2009 letter from Gary Vrooman]

Swalley Irrigation District – The city and county violated Goal 10 by failing to show that there are measures to achieve needed housing types.

The amount of land determined to be needed is too large and beyond what the city determined was needed. The 519-acre cushion must be removed.

The buildable land inventory does not include all buildable land as defined in ORS 197.295, *e.g.*, by excluding vacant land accessed by private road, by very narrowly defining “redevelopable” land, by excluding “split-zoned” parcels, and by not including

all “partially vacant” land planned or zoned for residential use. The city’s buildable land inventory and housing need analysis ignores or minimizes manufacture home parks as a needed housing type without a factual basis. The city ignores, contrary to Goal 10, the shortage of workforce housing. The city double-counts land need for open space, parks and schools. Parcels 3 acres or smaller with a house are arbitrarily rejected as “unsuitable” for future infill or redevelopment.

The city has selected the most expensive lands to serve with public facilities, making it impossible for affordable housing to be provided.

The city ignored the housing that is planned within two destination resort sites in its housing needs assessment.

The city has failed to include efficiency measures for the existing UGB as required by Goal 14 and ORS 197.296. [May 6, 2009 letter from Wendie Kellington, pp. 63-65, 72, 77-78]

d. Analysis and Conclusions

Population (Statewide Planning Goal 14, Factor 1; and OAR 660-024-0030). The city’s extension of Deschutes County’s acknowledged population forecast, from 2025 to 2028 complies with relevant state law. [ORS 195.036; 195.034] The city used a 1.7 percent annual growth rate for the 2025–2028 period, which is the same average annual growth rate that the County forecast for Bend for 2025. [ORS 195.034(1); R. at 1067-1068]

Buildable Lands Inventory/Capacity Analysis (ORS 197.296(3)–(5); Statewide Planning Goal 10; OAR 660-024-0050; OAR 660-008-0010).

Quantity of Buildable Lands Within the Prior UGB – OAR 660-008-0010 requires that the BLI document the amount of buildable land in each residential plan designation. The BLI must further break down the analysis into the amount of land in each plan designation that is vacant, and the amount that is redevelopable. [OAR 660-024-0050(1)] Buildable lands are residentially designated lands within the UGB that are suitable, available and necessary for residential uses. [OAR 660-008-005(2)] Lands are generally considered suitable and available unless severely constrained by natural hazards, subject to protection measures such as those required by Goal 5, have slopes over 25 percent, are within the 100-year floodplain, or cannot be provided with public facilities. [OAR 660-008-005(2)] In addition, “redevelopable lands” are lands zoned for residential use that are already developed, but where there is a strong likelihood that existing development will be converted to more intense residential uses during the planning period. [OAR 660-008-0050(6)]

Buildable lands include lands that may be used for a mix of residential and employment uses. [ORS 197.296(4)(a)] Finally, the city must create a map or document to verify and identify specific lots or parcels that have been determined to be buildable. [ORS 197.296(4)(c)]

The findings do not clearly explain how the city determined the amount of land that is redevelopable or vacant (the total quantity of vacant and redevelopable lands is determined to be 2,909 acres). [R. at 1071] Generally, the city indicates that the BLI is based on a parcel-level database, where city staff reviewed each tax lot to determine its development status (vacant, vacant platted, vacant with constraints, and redevelopable). [R. at 1071] The city included a summary of the BLI in its newly adopted Chapter 5 of the Bend Area General Plan. [R. at 1288, Table 5-4] However, there does not appear to be a map of the lands determined to be buildable in the record—making it impossible to identify the quantity or location of redevelopable or vacant lands. In addition, the city’s most recent BLI indicates in notes that:

- (a) Developed residential lots contain existing dwellings and do not meet the [redevelopment] criteria below, or are used for employment, schools, parks, open space, institutional uses, or parking lots[;] and
- (b) Redevelopable residential lots can double the number of dwelling units on the lot, are greater than 0.5 acre, have a land value greater than improvement value, [and] have no CC&Rs prohibiting future land division[;] and
- (c) Constrained lots are those with development constraints (no public road access) or with physical constraints over 50% of the lots (includes slopes greater than 25%, areas of special interest, and floodplains. [R. at 2042])

Based on these notes from the most recent BLI, it appears that the city excluded “constrained” lands that may qualify as “buildable land” under OAR 660-008-005(2). That rule provides that lands are generally considered suitable unless they meet certain specific criteria. It also appears that the city concluded that no redevelopment will occur on lots unless they contain at least 0.5 acres and have a land value exceeding improvement value. The criteria in the rule do not correspond to the criteria used by the city.

It also appears that the city considered some lands as “developed residential lots” that could be redeveloped, such as lands used for open space or parking lots. The criteria for “redevelopable residential lots” do not appear to comply with OAR 660-008-0005(6). Although consideration of land and improvement values and CC&Rs is relevant to the likelihood of existing development being converted to more intense residential uses over 20 years, there is no finding or reasoning in the city’s decision that documents the determination required by the rule (i.e., that there is a strong likelihood that existing development will be converted to the capacities the city projects).

Finally, the BLI does not include consideration of potential development in lands that may be used for a mix of residential and employment uses. [R. at 2129] In sum, the department is unable to determine whether the *amount* of vacant and redevelopable land projected by the city for each residential plan designation complies with OAR 660-008-0005, 660-008-0010, 660-024-0050, and ORS 197.295 and 197.296(3) and (4). The director remands the city and county decisions with direction to:

1. Include a map of buildable lands, as required by ORS 197.296(4)(c), as well as a zoning map and a comprehensive plan map for the lands within the prior UGB.
2. Include as its inventory of buildable lands, an analysis for each residential plan district of those lands that are “vacant,” and of those lands that are “redevelopable” as those terms are used in ORS 197.296(4)-(5) and OAR 660-008-005(6). As part of this inventory, include an analysis of what amount of redevelopment and infill has occurred, and the density of that development, by plan district, since 1998. The inventory must include the UAR and SR 2 ½ plan districts, as well as the RL, RS, RM and RH districts.
3. If the city excludes lands on the basis that there is not a strong likelihood that existing development will be converted to more intense residential uses during the planning period, include an analysis of lands within all districts showing the extent to which infill and redevelopment has or has not occurred since 1998.

Capacity Analysis for the Prior UGB – In determining the capacity of buildable lands, the city estimated that *all* vacant and redevelopable land will develop during the planning period. [R. at 1071] However, the city also bases its capacity analysis on the assumption that development in the RL, RS and RM plan designations will occur at the minimum density allowed by zoning for vacant lands in these districts, and that development in the RH district will occur at a lower density than the minimum allowed due to parcelization patterns. [R. at 1071] Most of the buildable lands capacity is estimated to be vacant lots and parcels rather than from lands that might redevelop. [R. at 1071, Table III-4]

The findings refer to a March 3, 2008 memorandum as providing the detail for the city’s assumptions on buildable land capacity. [R. at 1071, 8408-8414] That memorandum indicates the city used the following assumptions regarding the projected density of new housing units per *acre* through *redevelopment*: one unit per acre for RL; two units per acre for RS; five units per acre for RM; and essentially no redevelopment for RH lands. For *vacant* lands that are *already platted* (or in the process of division), the assumed densities per *lot* are: one unit per lot for RL and RS, and two units per lot for RM and RH. For *vacant acreage*, the densities per *acre* are: two units per acre for RL, four units per acre for RS; eight units per acre for RM; and fourteen units per acre for RH. These calculations net out land for right-of-way (at 31 percent; later changed to 21 percent). [R. at 8409-8410; 1072] The findings do not include an analysis of lands zoned UAR or SR 2½ within the prior UGB (there appear to be UAR areas at Cooley Road, and at Juniper Ridge, and SR 2 ½ areas north of Roper Road, as well as other scattered UAR areas on the west side of the city, all within the prior UGB).

The city’s minimum densities for its residential plan designations per its Development Code (Section 2.1.600), and the total acreage within the prior UGB for each as reported by the city, [R. at 8412] are:

- Urban Area Reserve (UAR) one unit per ten gross acres (acreage not listed)

- Suburban Low Density Residential (SR 2½) one unit per 2½ gross acres (single family detached housing) (acreage not listed)
- Low Density Residential (RL) 1.1 units per gross acre (single family detached housing) (1,527 total acres)
- Standard Density Residential (RS) 2.0 units per gross acre (single family detached housing) (9,611 acres)
- Medium Density Residential (RM-10) 6.0 units per gross acre (manufactured homes and attached housing) Note that single-family detached housing is a permitted use in this zone, with no apparent minimum density. (1,336 acres, include RM)
- Medium Density Residential (RM) 7.3 units per gross acre (attached multi-family housing) Note that single-family detached housing is a permitted use in this zone, with no apparent minimum density.
- High Density Residential (RH) 21.7 units per gross acre (attached multi-family housing) (316 acres) [R. at 8411]

While the assumption that *all* buildable lands will be developed during the planning period is aggressive, assumptions regarding the amount of development that will occur on those lands is quite conservative, particularly given the predominance of land planned for lower density within the existing UGB (RL and RS, with the latter allowing a minimum lot size of one-half acre and the former a minimum lot size of just under one acre). In addition, the city apparently failed to analyze lands zoned UAR or SR 2½ at all in terms of development capacity. The final determination of capacity within the existing UGB, which uses these assumptions, yields a total of 10,059 units (before new efficiency measures are considered). [R. at 1071, Table III-4]

Under ORS 197.296(3) and (5)(a), the determination of capacity must be based on data relating to land within the UGB that has been collected since the last periodic review (the city completed its last periodic review in 1998). More specifically, ORS 197.296(5)(a) requires that the determination of housing capacity be based on:

- (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.

The findings do not relate the capacity analysis to the factors that the statute requires. Although some of the city's earlier efforts were based on actual infill and redevelopment

data from 1998 to 2008,¹³ the decision simply uses assumptions based on minimum allowed density.¹⁴ The analysis also leaves out any analysis of the extent to which lands have been, or are likely to be, rezoned to higher densities. As a result, the director determines that the city's capacity analysis does not comply with Goal 10 or ORS 197.296(3) or 197.296(5)(a). The director remands the city and county decisions with direction to:

1. For each zoning district, analyze the number of units, density and average mix of housing types of urban residential development that has actually occurred since 1998 (including through rezoning) and how much of this occurred on vacant lands, and how much occurred through redevelopment;
2. For each zoning district, analyze whether future trends over the 20-year planning period are reasonably expected to alter the amount, density and mix of housing types that has actually occurred since 1998; and
3. For each zoning district, adopt findings and conclusions regarding the number of units, the density, and the mix of housing types that the city concludes is likely to occur over the planning period, and identify how much is expected to occur on vacant lands, and how much is expected to occur through redevelopment.

Housing Needs Analysis (ORS 197.296(3)(b)(5); Statewide Planning Goal 10; OAR 660-024-0040 and 0050; OAR 660-008-0005, 0010 and 0030; Goal 14). Like the statutorily required analysis of housing capacity within the existing UGB, the scope and basis for the housing needs analysis is largely dictated by state statute. ORS 197.296(3)(b) and (5) require that the city:

Conduct an analysis of housing need by type and density range, in accordance with ORS 197.303 and statewide planning goals and rules relating to housing, to determine the number of units and amount of land needed *for each needed housing type* for the next 20 years.” ORS 197.296(3)(b)(emphasis added); and that

The determination of housing * * * need pursuant to subsection (3) of this section must be based on data relating to land within the urban growth boundary that has

¹³ Using 1998-2005 built densities and the current distribution of residential land among the different residential zones would appear to result in a capacity of 12,280 housing units within the existing UGB rather than 10,059 units as the city ended up finding. [Table 13, R. at 2132] The low average built densities in the RL zone (two units per net acre) and RS zone (four units per net acre), and the predominance of those zones (84 percent of the city's total residentially-designated land is RL or RS [Table 5-4, R. at 1288] results in a lower capacity within the existing UGB.

¹⁴ It also appears that the city excluded certain developed lands from consideration for redevelopment potential. Even developed lands must be considered for redevelopment under Goal 10. *Opus Development Corp. v. City of Eugene*, 28 Or LUBA 670, 693-695 (1995).

[sic] been collected since the last periodic review or five years, whichever is greater. The data shall include:

- (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. [ORS 197.296(5)] [emphasis added]

In addition, ORS 197.303 defines “needed housing” as:

* * * housing types determined to meet the need shown for housing within an urban growth boundary *at particular price ranges and rent levels*. On and after the beginning of the first periodic review of a local government’s acknowledged comprehensive plan, “needed housing” also means:

- (a) Housing that includes, but is not limited to, *attached and detached single-family housing and multiple family housing for both owner and renter occupancy*;
- (b) Government assisted housing;
- (c) Mobile home or manufactured dwelling parks as provided in ORS 197.475 to 197.490; and
- (d) Manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated manufactured dwelling subdivisions.” [ORS 197.303(1)] [emphasis added]

OAR 660-008-0005 defines several terms used in the preceding statutes that are pertinent to the scope of a city’s required housing needs analysis, including: “attached single family housing,” “detached single family housing,” “housing needs projection,” and “multiple family housing.” In particular, the term “housing needs projection” (which is the same as the “housing needs analysis” under 197.296(3)) is:

* * * a local determination, justified in the plan, of the mix of housing types and densities that will be:

- (a) *Commensurate with the financial capabilities of present and future area residents of all income levels during the planning period*;
- (b) Consistent with any adopted regional housing standards, state statutes and Land Conservation and Development Commission administrative rules; and
- (c) Consistent with Goal 14 requirements. [OAR 660-008-0005(4)] [emphasis added]

The city must estimate housing need for each housing type for *both* owner and renter occupancy. ORS 197.303(1)(a). Needed housing also requires that the city evaluate the need for housing at particular price ranges (owner occupancy) and rent levels (renter occupancy), and (as noted above) commensurate with the financial capabilities of *current and future* residents. [Statewide Planning Goal 10, Goal 10 definition of “Needed Housing Units;” OAR 660-008-0005(4) (definition of “housing needs projection”)] Finally, OAR 660-008-0010 and ORS 197.307(3) require that “[s]ufficient buildable lands shall be designated on the comprehensive plan map to satisfy housing needs by type and density range as determined in the housing needs projection.” See generally, *DLCD v. City of McMinnville*, 41 Or LUBA 210 (2001).

OAR 660-024-0040(7) provides several safe harbors used by the city, under which a city is not required to separately estimate the need for certain housing types (government-assisted housing, manufactured dwellings on individual lots, manufactured dwelling parks).

The collective result of these requirements as applied to the City of Bend is that the city is required to estimate housing need for at least three housing types:

- Attached single family housing (common-wall dwellings or rowhouses where each dwelling unit occupies a separate lot, OAR 660-008-0005(1));
- Detached single family housing (a housing unit that is free standing and separate from other housing units, OAR 660-008-0005(3); and
- Multiple family housing (attached housing where each dwelling unit is not located on a separate lot, OAR 660-008-0005(5)).

In addition, the city must estimate housing need for each of these three housing types for *both* owner and renter occupancy. [ORS 197.303(1)(a)] This estimate must be based both on data concerning the development that has actually occurred since the last periodic review, and on demographic and housing trends. [ORS 197.296(5)(a)] The city must consider the housing needs of both present and future residents. OAR 660-008-0005(4) and OAR 660-008-0010. See generally, *DLCD v. City of McMinnville*, 41 Or LUBA 210 (2001).

Projected Overall Need for Housing Units – The city projected its overall need for housing during the planning period by dividing the total forecasted population increase (less persons in group quarters) by its projected household size (based on the 2000 census) to derive a forecast for needed new housing units. [R. at 1070, Table III-2] The city utilized several safe harbor provisions of OAR 660-024-0040 in making these forecasts. The findings show that it is qualified to use of these safe harbor provisions, and that the forecast of new housing units needed in the 2008–2028 period complies with state laws. The total of new housing units needed during the planning period is 16,681. [R. at 1070] The director finds that the city’s projection of overall need for housing units complies with applicable state law.

Projected Need by Density and Housing Type – The city carried out three different housing needs analyses: a “HB 2709 Forecast;”¹⁵ a “Housing Needs Model;” and a “Transition Forecast.” [R. 1074-1078]. It appears that the city relied on the “Transition Forecast” for its final decision. [R. at 1078 (“The city finds that this final forecast (aka transition forecast) will meet Goal 10.”)] However, the city *adopted* as its final housing need analysis a new Chapter 5 of its General Plan. [R. at 1050, 1280-1315 (“This section of Chapter 5 represents Bend’s Housing Needs Analysis.” R. at 1285)] Nevertheless, the city’s findings refer to the three prior analyses rather than to Chapter 5, for reasons that are not clear. As a result, it is extremely difficult to understand the city’s reasoning.

The beginning of the newly adopted General Plan Chapter 5 includes a series of important findings, including:

- “The inadequate supply of land has led to a lack of multi family units * * *.”
- “Central Oregon has the highest net migration in the state. The inadequate supply of land has led to a lack of multi-family units.”
- “The rapid increase in population has resulted in a growth in demand for workforce housing that has outpaced the production of workforce housing units. Between 2000 and 2005, job growth created a demand for 9,057 units of workforce housing while only 8,230 units were produced.”
- “* * * [M]ore affordable forms of housing, such as multi-family units, are currently being priced out of the Bend market.”
- “Affordable housing for service workers, both for individuals and families, is in short supply in Bend. * * * * While the cost of rental housing has not increased as rapidly as house prices, recent rent increases are starting to place additional

¹⁵ The city states that its “House Bill 2709 trend forecast” -- an “extrapolation of actual housing mix and density trends between 1998 and 2005” [R. at 2121] -- is consistent with ORS 197.296. The department does not agree. ORS 197.296(5) sets out the state’s UGB housing capacity and need methodology for cities like Bend that have 25,000 or more people in their UGBs. The UGB data on which the city must rely include:

- The number, density and average mix of housing types of urban residential development that have actually occurred;
- Trends in density and average mix of housing types of urban residential development;
- Demographic and population trends;
- Economic trends and cycles; and
- The number, density and average mix of housing types that have occurred on the buildable lands described in subsection (4)(a) of this section. [ORS 197.296(5)(a)]

Only two of these data sources, the first and last, address *past* housing development; the others address future housing *trends*. This means that the city cannot rely exclusively on past data to determine housing need and capacity within the existing UGB. The analysis must also be based on current and future trends.

pressure on low-income households. Further complicating the issue is the seasonality of many jobs in the region * * * making it difficult for the region to meet peak housing needs. * * *

- “The lack of affordable housing for the workforce has a negative affect on employers in Central Oregon. * * *
- “The increasing lack of housing affordable to low and moderate income households is resulting in many area workers purchasing homes and living in other communities, including Redmond, Prineville and others. * * * This is exacerbating traffic congestion and other issues caused by rapid growth in the community. It also affects the ability of area employers to attract workers for jobs at many income levels, including service and professional workers.” [R. at 1282-1284].¹⁶
- “In 2000, there were 2,087 and 2,285 very low and low income households, respectively, in Bend. There were only approximately 1,300 housing units available at prices at or under 30% of these households’ monthly income * * *. Over 90% of these were rental units.” [R. at 1309]

The city analyzed the housing development that occurred within its prior UGB between 2000 and 2008 for two housing types: attached and detached. [R. at 1286] There is no separate analysis of single family attached housing (the data for this housing type are combined with the detached single family housing data). The data show that the proportion of single family housing within the UGB has increased from 70 percent to 78 percent of all units over this period, while the proportion of multi-family housing has held steady (at 20 percent). The proportion of housing in manufactured home parks has decreased rapidly. [R. at 1286, Table 5-3 (note, there are math errors in the cited percentages)] The city also (in narrative, summary form) analyzed the change in density for single family and multi-family housing, finding that single family housing density has increased by 54 percent since 1999, and that the density of some types of multi-family housing has increased by 10 percent (there is no narrative regarding apartments or condominiums). [R. at 1289-1290] The findings also show a significant *decrease* in rental housing as a proportion of the total between 1990 and 2000. [R. at 1290, Table 5-7].

Like Chapter 5, the findings concerning the Transition Forecast consider housing need only for two categories: detached units and attached units. [R. at 1078, Table III-10] The projected housing mix of these two categories is 65 percent detached, and 35 percent attached. The findings indicate that most detached units will be owner-occupied, and that 38 percent of the attached units also are currently owner-occupied, with that percentage

¹⁶ “It is clear that the city has a shortage of land in the higher density zones. A comparison of the land need and land supply by zones shows an overall deficit of about 250 net acres in the RM zone and a deficit of about 200 acres in the RH zone. From a planning perspective, it doesn’t make sense to expect that this shortage of RM and RH land will be met entirely in the UGB expansion area(s).” [R. at 2133, City of Bend, Residential Lands Study, April 25, 2005]

expected to increase. [R. at 1078-1079] In other words, the Transition Forecast assumes that at least 78 percent of the housing needed between 2008 and 2028 will be owner-occupied (65% + 38% of 35%).

There are two main problems with the analysis. First, the lack of a clear connection between the findings and its adopted housing needs analysis (Chapter 5), along with the collapsing of housing types into two summary categories (attached and detached), makes it effectively impossible to determine whether the amendment complies with the substantive requirements of Goal 10 and ORS 197.296 to designate sufficient lands to satisfy housing needs by housing type and density. As a result of the use of varying categories and terminology, the director is unable to determine whether the housing needs analysis complies (in form) with ORS 197.296 and Goal 10.

This is not simply a technical problem; the use of varying housing type categories and labels in the findings makes it impossible to evaluate whether they comply with Goal 10 and ORS 197.296 (compare Tables III-5, III-6, III-8, III-9 and III-10). The terminology also makes it impossible to determine whether and how the city's residential zones provide for various housing types as contemplated by OAR 660, division 8. The "transition forecast," which blends actual development with future needs, provides an estimated future housing *type* mix of 54 percent detached and 46 percent attached. [R. at 2130] It is impossible for the director to compare this result with the other two forecasts, the 1998–2005 built mix, and with the 1998 planned mix, because the findings express housing mix in terms of single-family vs. multi-family housing types, not detached versus attached housing types.

More substantively, it is clear from the findings that there is a current and projected future shortage of land for multi-family housing. [R. at 1075] In addition, the city has identified a significant need for additional workforce housing to reduce the growing trend of commuting into Bend from surrounding communities [R. at 1282], and a need for additional seasonal worker housing. [R. at 1282] Neither the findings nor the Housing Needs Analysis explain how the current and future planning designations of land will provide for these housing needs. Instead, the decision simply assumes (and does not attempt to alter) the recent trends that have created these housing needs.

Specifically, the city has planned most of its residential lands (87 percent) within the prior UGB for low-density, single family residential use (RL (1.1 dwelling per gross acre minimum density) and RS (2.2 dwellings per gross acre minimum density)). Multi-family housing (buildings with more than 3 units) is not allowed within the RL and RS zones (duplexes and triplexes are conditional uses in the RS zone). [Bend Code section 2.1.200, R. 1287-1288].

Further, the city is planning for an equivalent distribution of lands among residential districts for the lands the UGB expansion area. [R. at 1079; 1080] (Table III-12 shows 76 percent of the total acreage as being in the RS zone; note that lands in the RL zone are not included in this table at all because, according to the city, this zone will not provide

needed housing.) [R. at 1079; see also R. at 1098 (Framework Plan¹⁷ allocates 84 percent of (non-employment) lands added to the UGB as RS)]. The record lacks findings on why the existing distribution by zone is appropriate for the expansion area, and why it is appropriate for the 20-year planning period, especially in light of other findings in the record about demographic, household income, and housing affordability trends for the Bend area that indicate the existing distribution is not appropriate for the future.¹⁸

Conversely, previous planning decisions may have undermined the city's ability to provide needed multi-family and high density housing. The city's 2008 BLI reports that there are 341 acres designated as high density residential (RH), which contained 1,246 dwelling units, of which 172 units are single family dwellings. [Table 5-4, R. at 1288, Table 5-5, R. at 1289] This amounts to a gross density of 3.65 dwelling units per acre for the 341-acre inventory of RH-designated land.

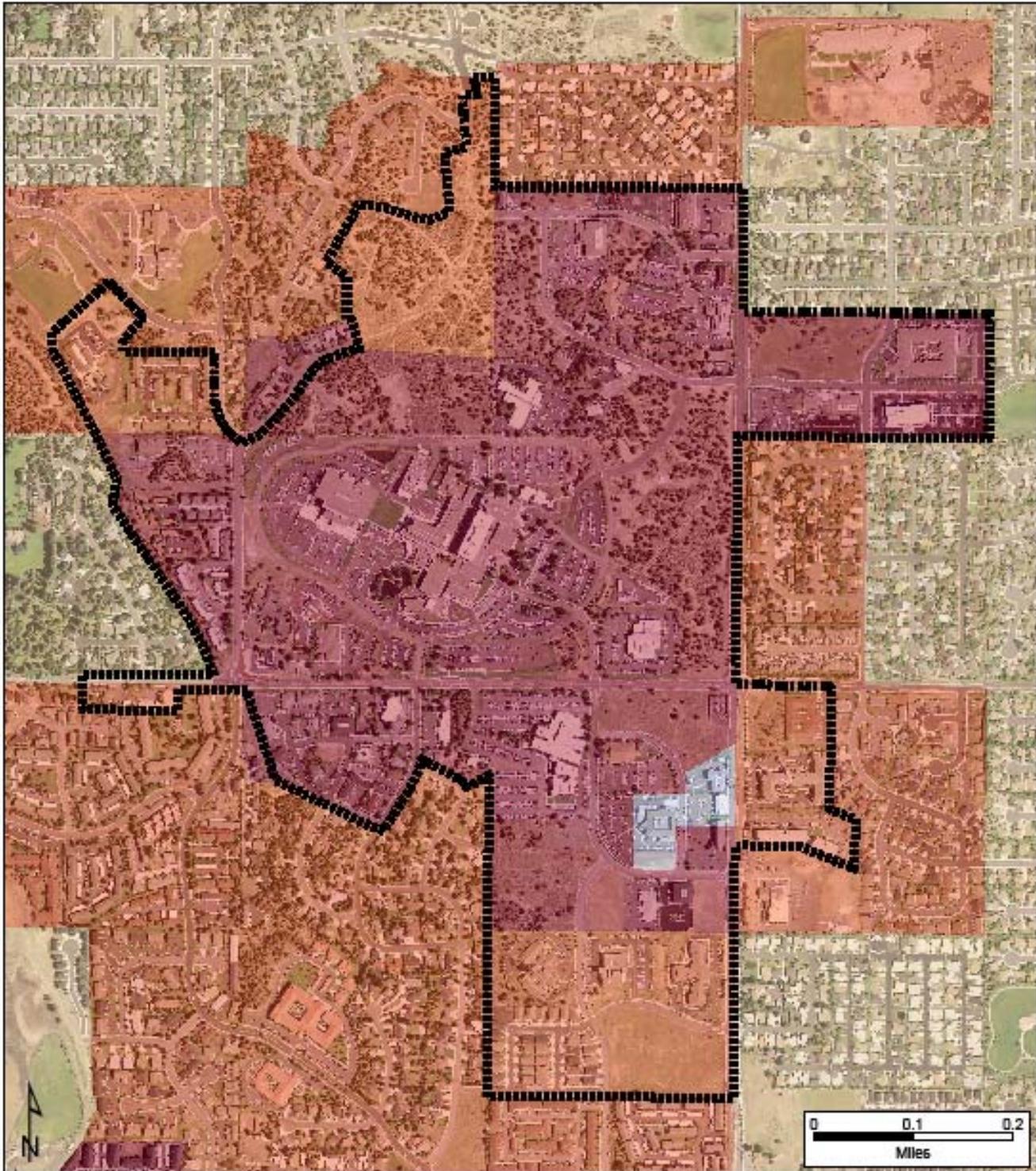
In attempting to understand the low unit per acre yield from the RH inventory, the department has determined that approximately 215 acres of the 341 RH inventory is included within the Medical District Overlay Zone, which is anchored by St. Charles Hospital. (See Figure 2 on the following page). A review of existing land uses within the overlay zone's RH-designated area shows that a majority is devoted to the hospital and related medical uses, including satellite facilities and offices, as well as what appears to be a potential hospital expansion area. Most of the assisted living and nursing home units within the overlay district are actually located on medium density (RM) designated and zoned land. Very little high density housing is found in the approximately 215-acre area of RH. This is partially confirmed by the 2008 BLI, which shows only 29 nursing home dwelling units in the city's RH inventory.

It can be fairly concluded from this data that these approximately 215 acres of RH lands have and will yield very little actual multi-family housing. This "non-yielding" area represents 63 percent of the city's entire RH inventory, leaving only 126 acres of RH land citywide to meet the needs of this needed housing type.

Housing densities within the city appear to have increased to some extent since the last periodic review, and in this sense the city may be moving toward compliance with the intent of Goal 10, OAR 660-008-0020, ORS 197.296 and ORS 197.307(3). Further, the overall amount of land identified as needed by the city for residential uses (941 acres), *may* be reasonable given the city's rapid growth. However, without findings that connect the identification of housing needs with a showing that sufficient lands have been

¹⁷ The Framework Plan referred to in the findings at R. 1098 is referred to elsewhere as the draft Framework Plan. R. 1056]. The Framework Plan is referenced in the City's General Plan, but it is not clear that the city has adopted the Framework Plan.

¹⁸ The city adopted a housing *type* mix of 65 percent detached and 35 percent attached because this was the built mix in 2008. [R. at 1306-07] It is not clear whether this mix applies to the entire amended UGB, or only to the expansion area.



Medical District Overlay Zone

Figure 2



Oregon
Department of Land
Conservation & Development

This product is for informational purposes and may not have been prepared for or be suitable for legal engineering, or for any other purpose. Users of this information should review or consult the primary data and/or other maps sources to ascertain the usability of the information.

- RH - Res Urb High Density
- RM - Res Urb Medium Density
- RS - Res Urb Standard Density

- Other City Zones (Employ, Mo Use, & Pub. Pac.)
- Overlay Zone Boundary

Aerial image: 2009 HAP
LOB and zoning information extracted
from maps provided by City of Bend
and Deschutes County
DLCD GIS July 2010
Hospaf/mc

provided to meet those needs, the director is unable to conclude that the city's decision complies with Goal 10, the Goal 10 rules, the needed housing statutes, or Goal 14 and OAR 660, division 24.

For the foregoing reasons, the director remands the city and county decisions, with direction to:

1. Revise the Housing Needs Analysis to comply with ORS 197.296, OAR 660-008-0020, and ORS 197.303. The Housing Needs Analysis must include an evaluation of the need for at least three housing types at particular price ranges (owner occupancy) and rent levels (renter occupancy), and commensurate with the financial capabilities of *current and future* residents. Those housing types include: (a) attached single family housing (common-wall dwellings or rowhouses where each dwelling unit occupies a separate lot pursuant to OAR 660-008-0005(1)); (b) detached single family housing (a housing unit that is free standing and separate from other housing units pursuant to OAR 660-008-0005(3); and (c) multiple family housing (attached housing where each dwelling unit is not located on a separate lot pursuant to OAR 660-008-0005(5));
2. Adopt the revised Housing Needs Analysis as an element of the comprehensive plan, along with findings that demonstrate how the revised Housing Needs Analysis complies with the applicable statutory, goal and rule requirements described above.

Amount of Land Added to the UGB for Residential Land Need – The amendment includes a conclusion that there is a need for 941 acres of additional land for needed housing, for 5,522 dwelling units that cannot be accommodated within the prior UGB. [R. at 1082] As noted above, without findings that connect this amount to needed housing types as identified by the city in its own findings, and as required by state law, the director is unable to determine whether the amount of land added to the UGB is lawful.

A final key assumption used by the city to determine the quantity of land required in an expansion area for needed housing is that new residential development in the expansion area will occur at an overall density of six units to the net acre, not including lands planned for low density development. [R. at 1079, 1080]¹⁹ The findings state that this density:

* * * would be higher than densities seen in recent development because the 2006 Development Code requires minimum densities of development to ensure housing

¹⁹ The General Plan amendments assumed an average net density of 5.9 dwelling units per net acre, for the expansion area only, based on average net densities for the RS, RM and RH Zones. [R. at 1308] These densities don't appear consistent with the 2006 built densities or the planned densities for the existing UGB or the "Needed density by housing types," and the plan doesn't include findings for the decision to use these numbers. Compare Table 13 [R. at 2132], Table 5-28 [R. at 1308], Table 5-29 [R. at 1308], and Table 5-29A [R. at 1309].

developed in the RM and RH zone occurs at densities higher than the assumed overall coverage of six units to the net acre. The city feels compelled to point out that the needed density of six units to the net acre is 50 percent higher than the current net density of just under 4 units to the acre. [R. at 1081]

As described in more detail below, the director does not agree that the minimum density provisions of the city's 2006 Development Code ensure or otherwise encourage any increase in density given the current and planned allocations of land between the SR 2½, RL, RS, RM and RH districts within the city and within the UGB expansion area. There is simply too much land planned as SR 2½, RL and RS, combined with minimum densities for these districts of one unit per 2.5 acres, 1.1 unit per acre, and two units per acre, respectively, to ensure anything but large lot residential development.

The use of an overall average residential density for the UGB expansion area of 6.0 units per net acre assumes that the city will maintain the same proportional allocation of zones within its prior UGB in the expansion area, providing no progress toward planning for more efficient urban development. This results in the city adding more land to its UGB than is necessary to provide needed housing, and in the long term this will only exacerbate the transportation and public facility challenges facing the city. As a result, the director finds that the city has not demonstrated that the amount of land added to the city's UGB for needed housing complies with Goal 10 or Goal 14, or their implementing rules, or with the needed housing statutes. The director remands the city and county decisions, with direction to:

Analyze what the mix of plan designations should be in the UGB expansion area in direct relation to the city's projected housing needs, and consider the adoption of new residential plan districts that encourage more multi-family, higher density single family housing, and other needed housing types for a greater proportion of the expansion area, in order to meet the city's and the region's demonstrated housing needs.

Measures – In order to approve the UGB expansion, the director also must determine whether the identified needs for residential land can reasonably be accommodated on land within the prior UGB. [Goal 14; OAR 660-024-0050(4)] In addition, Goal 10 and ORS 197.307(3) require that, when the city identifies a need for housing at particular price ranges and rent levels, sufficient buildable lands must be provided to satisfy that need. ORS 197.296(7) also requires adoption of measures that “demonstrably increase the likelihood that residential development will occur at the housing types and density and at the mix of housing types required to meet needs over the next 20 years.”

As part of its decision, the city adopted two new measures intended to increase the proportion of its housing need that could be satisfied within the existing UGB. These measures add 500 units of housing in the Central Area Plan, and up-zone areas along

transit corridors for another 600 units. Chapter 5 of the General Plan (Housing) requires that transit corridor amendments be implemented prior to 2012 [R. at 1311]; there is no timeframe associated with the Central Area Plan work. Nor does Chapter 5 include any specific commitment in terms of number of housing units. Although these units are “assumed” to be attached, the numbers are described as an estimate. [R. at 1303] As a result, the director is unable to determine that these measures “demonstrably increase the likelihood” that the additional residential development will occur.

The city also notes in its findings that it has taken *prior* efficiency measures. [R. at 1083] With respect to these measures, the director believes that the main efficiency measures identified by the city are not likely to be effective. The minimum adopted densities range from 1.1 unit per gross acre to 2.0 units per gross acre for most residentially zoned lands. Even in the city’s medium-density zones, the minimum densities are 6.0 to 7.3 units per acre. These densities do little or nothing to address the city’s identified need for multi-family, lower income, or workforce housing. As noted above, multi-family housing is not allowed at all in the RS zone (other than duplexes and triplexes, which are conditional uses). The 2007 Residential Lands Study does not demonstrate how much these actions have increased housing densities, how many additional housing units they provided, or how much urban land they saved in the past, nor does it show how much of the city’s needed housing types and units, and what amount of residential land, these actions will provide within the next 20 years. As a result, the director determines that the city has failed to demonstrate that the estimated needs cannot reasonably be accommodated on land already within the UGB. The director remands the city and county decisions, with direction to:

1. Consider measures to encourage needed housing types within additional areas of the city, including rezoning of areas along transit corridors and in neighborhood centers.
2. Consider splitting the existing RS zone, which covers most of the residential areas of the city, into two or more zones in order to encourage redevelopment in some areas while protecting development patterns in well-established neighborhoods.
3. In areas where the city is planning significant public investments, consider up-zoning as a means to help spread the costs of such investments.
4. Consider strengthening the minimum density provisions in the existing UAR and SR 2½ zones by eliminating PUDs and other clustering tools.
5. Consider strengthening the minimum density provisions in the existing RS and RM zones to encourage development of needed housing types, rather than relying on low density residential development.

As noted above, the director believes the city likely will be able to make a showing that some amount of residential land is needed in an expanded UGB due to the city’s rapid growth rate, but the director believes there are other reasonable measures that the city can

take to accommodate more of the needed housing within the prior UGB over the next 20 years.

e. Response to Objections

Toby Bayard –

Objection: The UGB amendment includes approximately 3,500 acres above the projected land needs, evidently including a variety of lands that are not suitable for urban uses. These lands include land in rural subdivisions, and appear to include lands that contain Goal 5 resources, but none of the reasons for inclusion are contained in the findings. State law does not allow a buffer or cushion (the city included a cushion of 519 acres).

Response: This objection is sustained. As noted in the department’s analysis, the findings provide no basis for including lands beyond the roughly 5,000 acres shown as needed for residential and employment related land needs.

Objection: The city has failed to show that residential uses cannot be reasonably accommodated within the existing UGB. The city estimates a potential capacity within the UGB of 44,738 units, but assumes that only 25 percent of this capacity will be utilized. Existing residential density in Bend is less than half that of other Oregon cities of the same size.

Response: This objection is sustained. Goal 14 and OAR 660-024-0050 require the city to show that its needs for urban land cannot reasonably be accommodated within the existing UGB.

Objection: The city has assumed no redevelopment of RL and RS lands within the UGB. Goal 14 and Goal 10 requires the city to analyze what redevelopment has actually occurred on these lands since 1998, and to estimate redevelopment based on actual experience as well as future trends, rather than simply concluding that no redevelopment will occur.

Response: This objection is sustained. As noted above, state statute requires the city to base its estimate of redevelopment on what has actually occurred within the UGB as well as future trends. The city’s findings do not address redevelopment or infill that has occurred on UAR, SR 2½, RL, or RS lands.

Objection: The city fails to plan for efficient use of the lands added to the UGB, by assuming that 76 percent of that land will be zoned RS (average density of four dwelling units per acre). Only 33 acres of the total 941 acres is assumed to be zoned RH (average density of 22 dwelling units per acre).

Response: This objection is sustained. The city’s Framework Plan and findings, as well as Chapter 5 of the General Plan, indicate that only a very small percentage of land added to the UGB will be planned for moderate or high-density residential uses. Given the findings that there is a shortage of multi-family housing, and shortages of affordable and workforce housing, the decision to follow existing land allocations in the expansion lands violates both Goal 10 and Goal 14, and their implementing rules.

Objection: Bend’s 1998 General Plan projected a housing mix of 55 percent single-family and 45 percent multi-family (including 10 percent mobile home parks), but actual development since 1998 has been 77 percent single-family and 23 percent multi-family (with 0 percent mobile home parks). The city assumes that housing density and mix will continue to produce the same housing types, without regard for current and future housing needs of the city’s population over the next 20 years. The 1998 planned mix of 55/45 percent is identical to the mix provided by the Oregon Housing and Community Services Department’s Housing Needs Model, which the city rejected and replaced with a much higher percentage of single-family housing and a much lower percentage of multi-family housing.

The city also changed to a different type of housing mix, “detached percent and attached percent” instead of “single-family percent and multi-family percent,” which includes single-family housing in the form of high end, low density detached housing, and attached housing in the form of attached housing in the form of high end townhomes, condos, and resort communities. The new mix terminology does less to ensure that both detached and attached housing types more affordable to lower and middle income households are likely to develop. The proposal includes medium and high density development only in the Central Area and on Transit Corridors without demonstrating that this will meet the 20-year housing needs of all residents.

Response: This objection is sustained for the reasons set forth in the department’s analysis. The form of the city’s Housing Needs Analysis makes it impossible to determine what housing needs are, and whether the city’s UGB expansion will meet those needs.

Objection: The city did not sufficiently consider efficiency measures inside the existing UGB as required by ORS 197.296(9). The efficiency measures that were adopted lack documentation to assure that they will be effective.

Response: This objection is sustained. As determined above, the city needs to evaluate additional measures to assure that it provides lands for needed housing, and the two efficiency measures that the city has adopted are not adequately assured based on the lack of specificity in Chapter 5.

Central Oregon LandWatch –

Objection: The city has not complied with OAR 660-015-0000(14)(2), in that it has not demonstrated that its projected needs cannot be met within the existing UGB.

Response: This objection is sustained. Both Goal 14 and ORS 197.296 require the city to adopt measure to provide needed housing within its UGB before looking to lands outside of the UGB.

Objection: The city relied on current market conditions as the basis for determining that a greater degree of redevelopment will not occur within the 20-year planning period. The proposed housing mix of 65 percent single-family detached and 35 percent multi-family will not correct a historic shortfall of land for medium and higher density housing types. The city has not done enough to promote infill and redevelopment within the existing UGB, and must adopt more measure to plan for more multi-family housing.

Response: This objection is sustained for the reasons set forth in the director’s decision.

Barbara I. McAusland –

Objection: Bend’s Development Code lacks incentives needed for the construction of affordable housing. Providing for second homes in the residential lands need consumes residential land without providing for the primary affordable housing needs of residents. Too much land is added to the UGB.

Response: These objections are sustained in part. As set forth in the director’s decision above, the city must consider additional measure to assure that lands are provided for the development of needed housing. The director agrees with the city and with the objector that second home development competes with other needed housing types, and should be considered in the city’s decisions, and that the city’s planning for expansion areas can influence whether the lands are used for second home development or other forms of housing. The director agrees that the city has not justified the amount of land added to the UGB.

Newland Communities –

Objection: The city underestimates the residential land need through the planning period. The assumptions used concerning redevelopment and infill are overly optimistic, and do not account for various livability land needs such as parks and schools. The city also did not adjust its capacity analysis to reflect infrastructure of lot configuration constraints. The city failed to consider the presence of dwellings on lots in its capacity analysis. The proposed expansion improperly provides less “room” or “livability” per person than existed during the period 1981-2008. The buildable land inventory within the existing UGB is overly conservative and likely overestimates the number of residential units that could be accommodated within the existing UGB and underestimates the amount of land needed within the proposed UGB.

Response: The director denies Newland’s objection that the city has underestimated the need for residential land through the planning period. As set forth above, the director is unable to determine whether the city has underestimated or overestimated its need for residential land due to problems with the city’s BLI and HNA.

The director does not agree that the assumptions used by the city concerning redevelopment and infill are overly optimistic. Again, those assumptions are inadequately documented under ORS 197.296.

The director does not agree that the city failed to consider livability needs. The city has included estimated land need for parks and schools. Again, however, the amounts of land included for these needs are not adequately documented under Goal 14 or OAR 660, division 24.

The director denies the objection that the city’s capacity analysis should reflect infrastructure of lot configuration constraints without more specific evidence that lands cannot be served during the planning period. The city did consider the presence of dwellings on lots in its capacity analysis, as set forth above.

The director denies the objection that the proposed expansion improperly provides less “room” or “livability” per person than existed during the period 1981-2008. There is evidence in the record that the density of the city is significantly lower than other large cities in Oregon, and there is nothing in state law that prevents the city from increasing the efficiency of its development pattern and lowering its costs for public services.

The director denies the objection that the buildable land inventory within the existing UGB is overly conservative and likely overestimates the number of residential units that could be accommodated within the existing UGB and underestimates the amount of land needed within the proposed UGB for the reasons set forth in the director’s analysis, above. In its current form, it is not possible to conclude whether the city’s BLI complies with ORS 197.296 and Goal 10.

Objection: The city’s use of the Oregon Housing and Community Services Department’s Housing Needs Model is in error, and will likely result in an underestimate of land need outside the existing UGB during the planning period. The Housing Needs Model should not be used in a UGB expansion, and Bend’s use of it should be disregarded. The state should disregard the city’s discussion or application of the Housing Needs Model and rely on actual trends (77/23 split) or the transition forecast of 65/35. The city must use the 1998-2005 housing mix and densities as required by HB 2709 [ORS 197.296].

Response: Based on the city’s findings, it does not appear that the city relied on the Housing Needs Model. Instead, the city relied on the HNA in Chapter 5 of its General Plan and (as set forth in its findings) its “Transition Forecast.” The Housing Needs Model is one source of evidence of needed housing, and one which the city apparently did not rely on. As a result, this objection provides no basis for remand of the city’s decision. The director agrees that 1998-2008 housing mix and densities (for each of the city’s residential districts) is one of the bases that the city must consider (along with future trends), as set forth in the analysis above.

Objection: The city is required to project housing density and mix, not housing tenure, and not a particular single family/multi-family split.

Response: This objection is denied, in part. The city is required to project housing density and mix for both owner-occupied and rental housing, for each residential district, for single family detached, single family attached, and multi-family housing. ORS 197.296(3) and (5).

Oregon Department of State Lands –

Objection: The city did not properly analyze housing need by type and density as required by ORS 197.296(3)(b) and failed to plan for needed housing as required by ORS 197.303. The city’s conclusion concerning a 65/35 detached/attached housing mix is too generalized to comply with the specificity required under ORS 197.296(3)(b), 197.296(9) and 197.303 for a determination of the number of units and amount of land needed for each housing type (attached and detached single-family housing, and multiple family housing, each for both owner and renter occupancy) for the next 20 years.

Response: This objection is sustained, for the reasons set forth in the director’s analysis, above.

Objection: The city also fails to adequately consider regional housing needs and a fair allocation of housing types, as required by OAR 660-008-0030.

Response: This objection is sustained. The city is obligated under Goal 10, and the cited rule, to consider needed housing on a regional basis. The city's findings indicate that much needed housing for the City of Bend is being provided outside of the city, forcing the region's residents to drive long distances and creating imbalances between cities in Central Oregon. The city and the county must address these regional issues on remand.

Objection: As a result of these deficiencies, the proposal fails to demonstrate that the UGB will provide sufficient buildable land to accommodate projected housing needs for 20 years.

Response: This objection is sustained. Until the city completes the tasks required on remand, it has not demonstrated that its UGB will provide sufficient buildable land to accommodate projected housing needs for 20 years.

Swalley Irrigation District –

Objection: The city and county violated Goal 10 by failing to adopt measures to achieve needed housing types.

Response: This objection is sustained, for the reasons set forth in the director's analysis above.

Objection: The buildable land inventory does not include all buildable land as defined in ORS 197.295, e.g., by excluding vacant land accessed by private road, by very narrowly defining "redevelopable" land, by excluding "split-zoned" parcels, and by not including all "partially vacant" land planned or zoned for residential use. The city's buildable land inventory and housing need analysis ignores or minimizes manufactured home parks as a needed housing type without a factual basis. The city ignores, contrary to Goal 10, the shortage of workforce housing. The city double-counts land need for open space, parks and schools. Parcels 3 acres or smaller with a house are arbitrarily rejected as "unsuitable" for future infill or redevelopment.

Response: This objection is sustained for the reasons set forth in the director's analysis above.

Objection: The city has selected the most expensive lands to serve with public facilities, making it impossible for affordable housing to be provided.

Response: This objection is sustained, in part. ORS 197.296(9) requires cities to ensure that land for needed housing is in locations appropriate for the housing types identified as needed. The city has identified needs for multi-family, workforce, and seasonal worker housing, and a general housing affordability problem, and yet at least some of the lands included within the expansion area are shown by the city's analyses to have very high service costs. The city's revised HNA should address and link needed housing types with its existing analysis of service costs.

Objection: The city ignored the housing that is planned within two destination resort sites in its housing needs assessment.

Response: This objection is sustained for the reasons set forth in response to the similar objection from Central Oregon LandWatch.

Objection: The city has failed to include efficiency measures for the existing UGB as required by Goal 14 and ORS 197.296.

Response: This objection is sustained, in part. The city has included two new efficiency measures and referred to some existing efficiency measures as described in the director's analysis above. However, as set forth in detail above, these measures are both too uncertain, and inadequately related to the city's housing needs, to ensure that the city is complying with the need criteria of Goal 14, or with the requirements of ORS 197.296 to adopt measures to ensure that the city is planning for needed housing.

f. Summary of Decision on Housing and Residential Land Needs

The director remands the UGB amendment with the following instructions:

1. Include a map of buildable lands, as required by ORS 197.296(4)(c), as well as a zoning map and a comprehensive plan map for the lands within the prior UGB;
2. Include as its inventory of buildable lands, an analysis for each residential plan district of those lands that are "vacant," and of those lands that are "redevelopable" as those terms are used in ORS 197.296(4)-(5) and OAR 660-008-005(6). As part of this inventory, include an analysis of what amount of redevelopment and infill has occurred, and the density of that development, by plan district, since 1998. The inventory must include the UAR and SR 2 ½ plan districts, as well as the RL, RS, RM and RH districts;
3. If the city excludes lands on the basis that there is not a strong likelihood that existing development will be converted to more intense residential uses during the planning period, include an analysis of lands within all districts showing the extent to which infill and redevelopment has or has not occurred since 1998;
4. For each zoning district, analyze the number of units, density and average mix of housing types of urban residential development that has actually occurred since 1998 (including through rezoning) and how much of this occurred on vacant lands, and how much occurred through redevelopment;
5. For each zoning district, analyze whether future trends over the 20-year planning period are reasonably expected to alter the amount, density and mix of housing types that has actually occurred since 1998;
6. For each zoning district, adopt findings and conclusions regarding the number of units, the density, and the mix of housing types that the city concludes is likely to occur over the planning period, and identify how much is expected to occur on vacant lands, and how much is expected to occur through redevelopment;

7. Revise the Housing Needs Analysis to comply with ORS 197.296, OAR 660-008-0020, and ORS 197.303. The Housing Needs Analysis must include an evaluation of the need for at least three housing types at particular price ranges (owner occupancy) and rent levels (renter occupancy), and commensurate with the financial capabilities of *current and future* residents. Those housing types include: (a) attached single family housing (common-wall dwellings or rowhouses where each dwelling unit occupies a separate lot pursuant to OAR 660-008-0005(1)); (b) detached single family housing (a housing unit that is free standing and separate from other housing units pursuant to OAR 660-008-0005(3); and (c) multiple family housing (attached housing where each dwelling unit is not located on a separate lot pursuant to OAR 660-008-0005(5));
8. Adopt the revised Housing Needs Analysis as an element of the comprehensive plan, along with findings that demonstrate how the revised Housing Needs Analysis complies with the applicable statutory, goal and rule requirements described above;
9. Analyze what the mix of plan designations should be in the UGB expansion area in direct relation to the city's projected housing needs, and consider the adoption of new residential plan districts that encourage more multi-family, higher density single family housing, and other needed housing types for a greater proportion of the expansion area, in order to meet the city's and the region's demonstrated housing needs;
10. Consider measures to encourage needed housing types within additional areas of the city, including rezoning of areas along transit corridors and in neighborhood centers;
11. Consider splitting the existing RS zone, which covers most of the residential areas of the city, into two or more zones in order to encourage redevelopment in some areas while protecting development patterns in well-established neighborhoods;
12. In areas where the city is planning significant public investments, consider up-zoning as a means to help spread the costs of such investments;
13. Consider strengthening the minimum density provisions in the existing UAR and SR 2½ zones by eliminating PUDs and other clustering tools; and
14. Consider strengthening the minimum density provisions in the existing RS and RM zones to encourage development of needed housing types, rather than relying on low density residential development.

2. Land Added to the UGB for Related (Non-Employment) Uses

a. Legal standards

Goals 10 and 14 and OAR 660, divisions 8 and 24 are the applicable state laws.

b. Summary of Local Actions

As noted in the introduction to this section, in addition to the 941 acres of land added to the UGB for residential uses, the city has added 1,925 acres to meet its estimated land need for public schools, parks, second homes, private open space and rights-of-way, and public rights-of-way. The amount of land the city estimates is needed for each of these uses (based partially on its analysis of land use within the prior UGB) is summarized in Table 1, in subsection 1.b of this section. [R. at 1092]

c. Objections.

Objections related to land need are itemized in subsection 1.c, above, and the department's responses related to those objections specific to non-residential, non-employment land need are provided in section 2.e, below.

d. Analysis and Conclusions.

Public schools and parks. The estimates of land need for public schools [R. 1088-1089] and parks [R. 1089-1090] are based on per-capita service standards recommended by the school district and the parks district. While there may be no inherent problem with the use of service standards, the city's application of the standards assumes that *all* new school and park facilities to serve new residents in Bend will be located on expansion lands outside of the prior UGB. The findings do not address whether the estimated land needs for schools can reasonably be accommodated within the UGB, as required by OAR 660-024-0050(4). Similarly, the findings for parks do not address whether the estimated need can be met within the UGB, or the extent to which the need may already be met by existing or planned facilities *outside* of the UGB (some types of park facilities are allowed outside of UGBs; see, OAR 660, division 34).

In addition, the land need estimate for public parks was increased from 362 acres to 474 acres at the very end of the city's review process, based not on the district's service standards but on an estimate of land need "on a quadrant basis using the city's Framework Plan." [R. at 1090] The findings do not clearly explain the basis for this increase,²⁰ and given the director's action with regard to the Framework Plan (see below) do not have an adequate factual base. As a result, the director is unable to find that there is an adequate factual basis for the increased estimate of land needed for public parks. The director remands the city and county decisions, with direction to:

1. Determine whether the need for land for public schools can reasonably be accommodated within the existing UGB;

²⁰ The city's acceptance of this estimate was based on city council direction to err on the side of including too much, rather than too little land. [R. at 1090, note 55; R. at 8801]

2. Determine whether the need for land for public parks (including trails) can reasonably be accommodated within the existing UGB, and whether this need is already met in whole or in part by facilities planned or existing outside of the UGB; and
3. Adopt findings that justify the increase in land needed on a “quadrant” basis for parks, or use the prior estimate of the district for a lesser acreage.

Second homes. The director agrees with the city that second homes are a “legitimate Goal 10 issue.” The city has estimated a land need for 500 acres for second home development. This acreage represents over half (again) the amount of land added for new housing units (first homes).

The city received testimony estimating that 377 acres of land were developed with second homes during the seven years prior to its decision. [R. at 1086] The city also received testimony that 20 percent of the total number of homes that would be developed during the planning period would be second homes. [R. at 1087] However, the city elected to use an 18 percent factor instead. [R. at 1087]

The director believes there is substantial evidence in the record to support the city’s determination concerning the number of *units* of second home development during the planning period (between 18 and 20 percent of the total units needed). However, the city’s findings do not identify or explain why the city used an average density of six units per net acre (the same density used for the expansion area generally) for this housing type. The findings do not explain why second homes require the same amount of land as the city is planning for first home development. Nor do the findings evaluate whether (or to what extent) this use might be accommodated within the prior UGB. [OAR 660-024-0050] Instead, the findings assume the entire need must be met on expansion lands at the same density as first home development. The result is that, although the city estimates second homes will be 18 percent of the total units developed over the next 20 years, it then allocates second homes more than half of the amount of land allocated to first home development. As a result, the director is unable to determine that land need for this use complies Goals 10 or 14, or their implementing rules, or with ORS 197.296. The director remands the city and county decisions, with direction to:

1. Coordinate with the county specifically concerning the need for second-home housing, and where this need should be satisfied regionally;
2. Evaluate whether this need can reasonably be accommodated on lands within the existing UGB;
3. To the extent that additional lands are required, establish a reasonable, specific density of development for this housing type for the next 20 years.

Private Open Space and Private Rights-of-way. The city applied a 15 percent factor to its projected residential (and park and school and second home) land needs to reflect projected land need for private open space and private rights-of-way. This figure is based on an analysis of the proportion of land within the prior UGB devoted to this use, and assumes the same land allocation within the expansion area. [R. at 1092] However, projecting a land need for private open space and rights-of-way for public parks and for public schools does not appear logical (unless the 15 percent figure was derived for all non-employment lands within the existing UGB, which is not clear from the findings). Further, there is no explanation in the record why prior development patterns, with a relatively large amount of private open space, is needed within the expansion area. Elsewhere in its decision, the city determines that lots that have access through private rights-of-way are not suitable for urbanization. Simply adopting past development patterns is not a sufficient basis to demonstrate a land need under Goal 14 or under ORS 197.296. For all these reasons, the director is unable to determine that this element of the city’s decision complies with Goal 14 or OAR 660-024-0040.

The director remands the city and county decisions, with direction to either remove private open space and private rights-of-way as categories of land need, or justify why private open space and private rights-of-way are needed within the UGB expansion area in addition to estimated land needs for public parks and public rights-of-way.

Surplus Acreage. The amendment expands the UGB by 5,475 “suitable” acres to meet the estimated land need of 4,956 acres, yielding a surplus of 519 acres. [R. at 1193] The city’s findings explain this excess acreage by referring to OAR 660-024-0040(1), which acknowledges that 20-year projections of land needs are estimates that should not be held to an unreasonably high level of precision. The city also appears to believe that this amount of acreage is needed for several specific reasons, including efficient provision of public services (e.g., including land on both sides of roads in some expansion areas), to facilitate the development of complete neighborhoods, and to make it possible to distribute employment lands throughout the expansion area. [R. at 1193] The findings, however, simply state these reasons, without explaining where these areas are, or why it is not possible to reduce acreage elsewhere in order to keep the total acreage consistent with its estimated land need.

The state does not require precision in estimating land need, and the city’s estimates for residential, employment, and other land needs necessarily involve some degree of uncertainty.²¹ But once the city *makes* its estimate, state law does not allow the city to simply add a cushion. Instead, state law requires the city to make its best effort to arrive at a reasonable estimate of land need and then stick with that number. The inclusion of a specific amount of land in the UGB in addition to estimated need appears to be driven by its desire to include particular properties in the expansion area rather than first

²¹ As an example, the Goal 10 findings state that the “[c]ity identified a need for 2,714 acres of additional land for housing based on the inventory, the coordinated population forecast, and the housing needs analysis.” [R. at 1219] However, elsewhere the findings state that the estimated residential land need is 2,866 acres. [R. at 1092, 1167]

determining an amount of land need, and then deciding where to satisfy that need. [R. at 1193]

In addition, as noted at the introduction to this section, the city has included almost 3,000 additional acres of land within its UGB expansion area with no need determination at all. The city's decision appears to reflect an interpretation of state law that if lands are not suitable for urbanization,²² they may nevertheless be included within a UGB with no need showing. That interpretation turns the state's urban growth management statutes, goals and rules on their heads.²³

The city has provided no justification or explanation for the inclusion of these lands in its findings. As a result, the director remands the city and county decisions, with direction to remove the approximately 3,000 acres of lands from the UGB expansion area that the city has found are not suitable for urbanization, or explain with specificity why their inclusion is justified under Goal 10 and Goal 14.

Buffer Areas and Land Shown as RL in the Framework Plan. The adopted "Alternative 4A" UGB includes a 29-acre strip of Urban Low Density Residential (RL) along the central west edge of the proposed UGB, north of Skyliners Road and west of Master Plan Areas 3 and 4. [See Bend Urban Area Framework Plan Map, R. at 3; map of "Alternative 4A – Preliminary UGB Expansion December 3, 2008," Supp. R. at 3; and Supp. R. at 207-08] Neither the 2007 Residential Lands Study nor the General Plan amendments provide an adequate factual basis for a need for this land for this use and, in fact, the findings provide that lands proposed for RL plan designations are not serving an urban need. [R. at 1079] The city has not demonstrated a Goal 10 or 14 need for a very low density residential buffer with housing at two units per acre along the west side of the existing UGB between Skyliners Road and Shevlin Park.

More generally, the Framework Plan shows a substantial amount of lands planned as RL (Low Density Residential, 1.1 to 2.2 dwelling units per acre). As noted above, the city does not anticipate that the housing in these lands will serve any urban need. [R. at 1079] We find no findings explaining why it is appropriate to bring these lands within the UGB or what the urban land need is for them. The Framework Plan indicates that the city has no expectation that these lands will ever become urban. In fact, much of the lands were found by the city to not be suitable for urbanization.

²² The city's bases for determining that lands in the expansion area are not suitable for urbanization also contain multiple problems, including that: (a) the conclusion that a parcel smaller than three acres with an existing dwelling on it is not suitable for urbanization lacks an adequate factual basis, and is not consistent with Goal 14; (b) the city's conclusion that lands within certain rural subdivisions cannot urbanize due to their CC&Rs is not supported by the city's own findings, which do *not* show that these lands cannot undergo additional development except in the case of a couple of the subdivisions. These issues are addressed in more detail in the portion of this decision concerning the city's decision about *where* to expand its UGB.

²³ For example, see *Collins v. LCDC*, 75 Or App 517 (1985).

As a result, the director finds that their inclusion in the UGB violates Goal 14 and Goal 10 and their implementing rules, as well as ORS 197.296. The director remands the city and county decisions, with direction to remove the lands from the UGB expansion area that the city has designated as RL in its Framework Plan map, or explain with specificity why their inclusion is justified under Goal 10 and Goal 14.

e. Response to Objections

Anderson –

Objection: The city and county underestimate the amount of land needed for right-of-way, and therefore fails to comply with OAR 660-024-0040(1). Specifically, the estimate is based on land use within the existing UGB, and fails to account for standard existing rights-of-way and for needs attributable to stormwater management.

Response: This objection is denied. While additional right-of-way may be required for stormwater management, the city has included a 15 percent factor for private rights-of-way and open space that should provide more than enough land area for stormwater management needs. In addition, the city’s assumption that most of the added residential land will be planned RL or RS provides substantial excess land beyond that required for needed housing. There is no specific evidence regarding the quantity of land needed for stormwater management and public right-of-way, or that the amount of land the city has added to the UGB cannot accommodate these uses. The city should evaluate the amount of land needed for stormwater management in connection with its reevaluation of land need for the UGB expansion area, but no separate remand is required.

Toby Bayard –

Objection: The proposal doesn’t plan for needed housing types to meet the housing needs of all residents as required by Goal 10, particularly lower income and multifamily housing. The proposal underestimates the land need for housing for lower income households.

Response: This objection is sustained. As noted above, the city’s Housing Needs Analysis fails to analyze needed housing types as required by Goal 10, the Goal 10 rule, and ORS 197.296. The city’s Framework Plan would devote most of the expansion area to low density residential uses, where large lots would likely not provide needed housing for lower income households.

Objection: The city’s estimate of land need for second homes is too high, and is not supported by the evidence in the record.

Response: This objection is denied in part. As noted in the department’s analysis, second home housing is an appropriate Goal 10 issue, and there is substantial evidence to support the city’s determination concerning the need for second home units. However, as to the acreage of land needed in a UGB expansion area, the objection is sustained. As explained above, the city has not explained whether this need can be accommodated within the existing UGB, or the amount of land needed in the expansion area.

Objection: The city’s estimate of land need for public right-of-way is too high.

Response: This objection is denied. There is substantial evidence in the record to support the city's use of a 21 percent factor in estimating right-of-way for lands added to the UGB (the amount of land devoted to right-of-way within the existing UGB).

Carpenter/McGilvary –

Objection: The city and county underestimate the amount of land needed for right-of-way, and therefore fails to comply with OAR 660-024-0040(1). Specifically, the estimate is based on land use within the existing UGB, and fails to account for substandard existing rights-of-way and for needs attributable to stormwater management.

Response: This objection is denied for the same reasons that the objection of Anderson was denied (above).

Central Oregon LandWatch –

Objection: The city does not explain how or why unsuitable lands are added to the UGB to arrive at a gross acreage total of 8,462 acres. The city's findings do not explain why some lands are considered unsuitable, nor why they are nevertheless added to the UGB. The city's determination that lots less than 3 acres in size are unsuitable if they have existing development is not explained, not does it comply with Goal 14.

Response: These objections are sustained. State law does not allow lands that are not needed, and not suitable, for urban development to be added to an urban growth boundary. The city's findings do not explain its justification for adding lands beyond the approximately 5,000 acres of land need shown for housing, housing-related, and employment needs.

Objection: The city's projected land need of 500 acres for second home development is not justified and is based on incorrect data.

Response: This objection is denied in part and sustained in part. The objection is denied with respect to the city's estimate of needed units. The objection is sustained with regard to the acreage needed within the UGB expansion area, for the reason set forth above with regard to the similar Bayard objection.

Objection: The city's projected land need of 474 acres for parks is not justified, and is based on plans not incorporated into the city's comprehensive plan. In addition, the city fails to account for the fact that some of this need is and will continue to be met on lands outside of the UGB.

Response: This objection is denied in part, and sustained in part. The district's plans can serve as substantial evidence for the city's decision, even though those plans have not been adopted by the city as part of its comprehensive plan. As a result, the city could chose to base its decision on evidence including service standards recommended by the district. However, the element of the objection with regard to the location of where this land need may be met is sustained, for the reasons set forth above.

Objection: Regarding land need for public right-of-way, the city's estimate is based on existing development patterns and does not consider provisions for skinny streets that can and have reduced the amount of land required in newer developments in the city.

Response: This objection is denied. The city can choose to rely on evidence consisting of development patterns from lands within the prior UGB in estimating land need in the expansion area for public right-of-way unless there is a showing that doing so would violate the city's code or comprehensive plan.

Objection: Regarding land needed for private rights-of-way and open space, there is no showing of why this type of private land use is needed under Goal 14, when public parks are already provided.

Response: This objection is sustained for the reasons set forth in the director's decision.

Objection: The city misconstrues 660-024-0040(1) in including a "buffer" of 519 acres over and above its demonstrated land need for residential use.

Response: This objection is sustained for the reasons set forth in the director's decision.

Objection: The city fails to consider the approval of the Tetherow destination resort and its effect on land need within the UGB for this type of use.

Response: This objection is sustained. Both the city and the county have an obligation to consider other second-home development in the region in determining how much second-home development is needed within Bend's UGB. The director's decision requires the city and the county to coordinate in determining regional need for this type of housing, and what proportion of that need should be accommodated within Bend.

Newland Communities –

Objection: The theoretical surplus of 519 acres is needed to fulfill land needs, and to provide for effective delivery of infrastructure and complete communities.

Response: This objection is denied, in part. The director agrees that the 519 acres in question may only be included if the city documents a need for that amount of land. Otherwise, the objection is denied because the city has failed to provide the required justification of need under Goal 14, as set forth in detail above.

Swalley Irrigation District –

Objection: The amount of land determined to be needed is too large and beyond what the city determined was needed. The 519-acre cushion must be removed.

Response: This objection is sustained, in part. As set forth in more detail above, the city has not adequately documented its 20-year need for land for housing and other non-employment uses. In addition, the city may not include land in addition to its documented 20-year need (e.g., the 519 acres of "cushion").

f. Summary of Decision on Land Need Not Related to Residential or Employment Needs

The director remands the UGB amendment with the following instructions:

1. Determine whether the need for land for public schools can reasonably be accommodated within the existing UGB;

2. Determine whether the need for land for public parks (including trails) can reasonably be accommodated within the existing UGB, and whether this need is already met in whole or in part by facilities planned or existing outside of the UGB;
3. Adopt findings that justify the increase in land needed on a “quadrant” basis for parks, or use the prior estimate of the district for a lesser acreage;
4. Coordinate with the county specifically concerning the need for second-home housing, and where this need should be satisfied regionally;
5. Evaluate whether this need can reasonably be accommodated on lands within the existing UGB;
6. To the extent that additional lands are required, establish a reasonable, specific density of development for this housing type for the next 20 years;
7. Either remove private open space and private rights-of-way as categories of land need, or justify why private open space and private rights-of-way are needed within the UGB expansion area in addition to estimated land needs for public parks and public rights-of-way;
8. Remove the approximately 3,000 acres of lands from the UGB expansion area that the city has found are not suitable for urbanization, or explain with specificity why their inclusion is justified under Goal 10 and Goal 14; and
9. Remove the lands from the UGB expansion area that the city has designated as RL in its Framework Plan map, or explain with specificity why their inclusion is justified under Goal 10 and Goal 14.

3. Is the UGB amendment consistent with the Bend Area General Plan?

a. Legal standard

Comprehensive Plan data, findings, conclusions, and policies must be complete, comply with the statewide planning goals, and be internally consistent. ORS 197.015(5), ORS 197.250, and Goal 2.

b. Summary of Local Actions

On January 5, 2009, the city adopted a UGB expansion and other Bend Area General Plan amendments. [R. at 1228-1835] The amendments regarding housing and residential land are in Chapter 5 of the Plan. [R. at 1280-1315]

c. Analysis

No objections were received concerning consistency of the action with Bend's General Plan. The UGB amendment findings state: "Adopted policies in the Bend General Plan support the designation of higher-density residential areas in proximity to commercial services, parks and schools." [R. at 2133] However, the only places that the city plans for needed medium density and high density housing is in the Central Plan Area, on some planned transit routes (location undefined), and in the expansion area; no new medium density and high density housing, infill development, or redevelopment is planned for existing neighborhoods. Therefore, this part of the UGB amendment is not consistent with existing plan policies. (For more details, see the discussions in this report regarding (1) compliance with Goal 14 with efficiency measures, and (2) Goal 10 compliance.)

The UGB amendment and related plan amendments are also inconsistent with the following plan policies:

- Housing Policy 4: "Implement strategies to allow for infill and redevelopment at increased densities, with a focus on opportunity areas identified by the city through implementation strategies associated with this policy." [R. at 1311] Evidence of inconsistency: *As discussed elsewhere in this report*, the city is apparently restricting infill and redevelopment to (1) certain areas in the Central Area Plan and along planned fixed route transit corridors, and (2) developed exception parcels in the UGB expansion area that are larger than three acres. The record shows no evidence for planned infill and redevelopment in most of the existing UGB and also much of the exception lands in the expansion area.
- Housing Policy 17: "Implement changes to the city's code that facilitate the development of affordable housing for very low, low and moderate-income residents, as determined by appropriate percentages of Area median Family income, consistent with recent updates to the city's development code and/or new strategies identified in the Plan" [R. at 1313] Evidence of inconsistency: *As discussed elsewhere in this report*, the proposal does not demonstrate for either the 2006 development code or proposed amendments thereto how the code will facilitate the development of needed housing for households of most income levels.
- Housing Policy 21: "In areas where existing urban level development has an established lot size pattern, new infill subdivision or PUD developments shall have a compatible lot transition that compliments the number of adjoining lots, lot size and building setbacks of the existing development while achieving at least the minimum density of the underlying zone. New developments may have smaller lots or varying housing types internal to the development." [R. at 1313] Evidence of inconsistency: *As discussed elsewhere in this report*, the proposed UGB and other plan amendments do not plan for—in fact, do not permit—any infill subdivisions in existing neighborhoods.

d. Conclusion and decision

The Bend Area General Plan is internally inconsistent. The UGB amendment and related plan amendments adopted on January 5, 2009 are not consistent with Housing Policies 4, 17 and 21.

The director remands the proposal with direction to revise the proposal to be consistent with Housing Policies 4, 17 and 21 in Chapter 5 of the Bend Area General Plan.

4. Do the UH-10, UH-2½ and SR 2½ zones comply with Goal 14 and OAR 660, division 24?

a. Legal Standard

Goal 14 and OAR 660-024-0050(5) (2006) address the zoning of land brought into a UGB.²⁴ The goal and rule require county zoning for urbanizable land within the UGB to “maintain [the land’s]²⁵ potential for planned urban development until appropriate public facilities and services are available or planned.”

Retaining the existing rural zoning on land brought into the UGB maintains large parcel sizes, severely restricts new non-resource uses, and limits new primary structures. Allowing parcelization at well below 10 acres and allowing new primary use structures,

²⁴ Goal 14 provides, in part:

Urbanizable Land

Land within urban growth boundaries shall be considered available for urban development consistent with plans for the provision of urban facilities and services. Comprehensive plans and implementing measures shall manage the use and division of urbanizable land to maintain its potential for planned urban development until appropriate public facilities and services are available or planned.

The statewide planning goal definitions as amended April 28, 2005 define “urbanizable land” as: “Urban land that, due to the preset unavailability of urban facilities and services, or for other reasons, either:

- (a) Retains the zone designations assigned prior to inclusion in the boundary; or
- (b) Is subject to interim zone designations intended to maintain the land’s potential for planned urban development until appropriate public facilities and services are available or planned.”

[OAR 660, division 15]

Goal 14 planning guideline #2 states: “The size of the parcels of urbanizable land that are converted to urban land should be of adequate dimension so as to maximize the utility of the land resource and enable the logical and efficient extension of services to such parcels.”

Likewise, OAR 660-024-0050(5) (adopted October 5, 2006) provides: “When land is added to the UGB, the local government must assign appropriate urban plan designations to the added land, consistent with the need determination. The local government must also apply appropriate zoning to the added land consistent with the plan designation or may maintain the land as urbanizable land until the land is rezoned for the planned urban uses, either by retaining the zoning that was assigned prior to inclusion in the boundary or by applying other interim zoning that maintains the land's potential for planned urban development. The requirements of ORS 197.296 regarding planning and zoning also apply when local governments specified in that statute add land to the UGB.”

²⁵ “Its” refers to land within the UGB.

especially if they are placed in the middle of a parcel, fails to maintain the expansion area in parcels and in form that can develop efficiently and where it is possible to provide efficient and economic urban services. As the city's findings regarding suitability indicate, urbanizing areas that have developed as suburban subdivisions can be extremely difficult.

b. Summary of Local Actions

The county adopted two holding zones for the UGB expansion area: the Urban Holding-10 (10-acre minimum parcel size) and the Urban Holding-2½ (2½-acre minimum parcel size), in Title 19 of the Deschutes County Code. [R. at 1877-80] The findings state that these zones:

* * * respect the existing pattern of development and permit reasonable use of the land in the interim while retaining the rural densities. Both holding zones allow lot sizes as small as 15,000 square feet provided that the overall density of the development does not exceed the density of the zone. This 'cluster development' provision encourages maximum retention of large lot parcels. Too often holding zones with ten acre minimum lot sizes develop with 'hobby' farms and ranchettes that never redevelop to urban potential. Cluster development allows residential development at the same rural density but preserves the majority of the land for urban development. [R. at 1221]

An existing city zone, Suburban Low Density Residential (SR 2½), like the new UH-2½ and UH-10 zones, was intended to hold parcels within the UGB "until these lands are annexed to the city or until sewer service is available, and such lands are rezoned consistent with planned densities and uses in the Bend Area General Plan."

c. Analysis

The findings quoted above fail to recognize that the "cluster" provisions in the "holding" zones allow substantial low-density suburban development to occur on lands that are planned for urban densities. None of the adopted zones will preserve urbanizable land for future urbanization. As a result, the city and county actions violate Goal 14 and OAR 660-024-0050. Fifteen-thousand square-foot lots (approximately three units per acre) are urban-density lots, albeit at a density that is lower the six units per acre that the city has planned for the expansion area. Urban levels and intensities of development are not permitted within a UGB unless and until urban facilities and services are available and the land is annexed to the city. Even without the provision for "clustering" with 15,000 square foot lots, the UH-2½ and SR 2½ zones' 2.5-acre minimum parcel size is too small to protect urbanizable lands for efficient future urbanization once the lands are annexed and provided with urban public services. State law provides for two ways to preserve urbanizable land for future urban development: retain the existing rural resource zoning, or apply an interim holding zone that maintains large parcel sizes and doesn't

increase vehicle trip generation.²⁶ State law does not allow holding zones that provide for substantial increases in development, increased traffic generation, and inefficient future development patterns prior to urbanization and the application of urban zoning and provision of urban services.

The existing city zone, Suburban Low Density Residential (SR 2½), like the new UH-2½ and UH-10 zones, is intended to hold parcels within the UGB “until these lands are annexed to the city or until sewer service is available, and such lands are rezoned consistent with planned densities and uses in the Bend Area General Plan.” The SR 2½ zone applies only to “existing SR 2½ lands within the UGB.” At first glance, this appears to prohibit *new* lots as small as 2½ acres in the urbanizable area (*i.e.*, outside city limits) of the city’s UGB. However, there is no maximum lot size in this zone, and existing SR 2½ lots larger than 2.5 acres may be divided into lots as small as 2.5 acres.²⁷ As explained above, 2.5 acres is too small a parcel size for a holding zone in an urbanizable area because it does not maintain land for efficient future urbanization. Therefore, the SR 2½ zone also violates Goal 14 and OAR 660-024-0050.

The department advised the city of these issues by letter on October 24, 2008. [R. at 4372]

d. Conclusion and Decision

The UH-10, UH-2½, and SR 2½ zones do not maintain the potential of urbanizable land for planned urban development until appropriate public facilities and services are available or planned and therefore violate Goal 14 and OAR 660-024-0050. The director remands the city and county decisions with direction to:

1. Eliminate the UH-2½ zone, and eliminate application of the SR 2½ zone to lands within the UGB expansion area; and
2. Revise the UH-10 zone to:
 - a. Prohibit land divisions that create any parcels smaller than 10 acres in size; and
 - b. Include development siting standards to avoid future conflicts with the extension of efficient urban transportation, public facilities, and land use patterns; and
3. Apply the UH-10 zone to any and all land acknowledged for addition to the UGB.

²⁶ See, e.g., ORS 197.752(1): “Lands within urban growth boundaries shall be available for urban development concurrent with the provision of key urban facilities and services in accordance with locally adopted development standards.” Also see OAR 660-024-0020(1)(d): “The transportation planning rule requirements under OAR 660-012-0060 need not be applied to a UGB amendment if the land added to the UGB is zoned as urbanizable land, either by retaining the zoning that was assigned prior to inclusion in the boundary or by assigning interim zoning that does not allow development that would generate more vehicle trips than development allowed by the zoning assigned prior to inclusion in the boundary.”

²⁷ See Bend Code Section 10-10.9C.

F. Economic Development Land Need

Several objections raise issues related to the assumptions, analysis and conclusions used to determine land need for employment uses. The legal criteria for this portion of the submittal are found in Statewide Planning Goal 9 and OAR 660, division 9.

Subsection 1.a, below, provides a description of what the goal and rules require, and this description is relied upon in subsequent subsections addressing related objections to the UGB amendment. Objections relating to land need for employment uses that not specifically addressed are deemed denied for the reasons set forth in this section.

1. Did the city have an adequate factual basis for including and excluding lands for employment uses?

a. Legal Standard

Statewide Planning Goal 9, “Economic Development,” requires that comprehensive plans provide opportunities for a variety of economic activities, based on inventories of areas suitable for increased economic growth taking into consideration current economic factors. The goal requires that comprehensive plans provide for at least an adequate supply of suitable sites, and limit incompatible uses to protect those sites for their intended function.

OAR 660, division 9 is the administrative rule that implements Goal 9. Its purpose is to “link planning for an adequate land supply to infrastructure planning, community involvement and coordination among local governments and the state,” and “to assure that comprehensive plans are based on information about state and national economic trends.” [OAR 660-009-0000]

OAR 660-009-0010(5) provides that the effort necessary to comply with OAR 660-009-0015 through 660-009-0030 will vary depending upon the size of the jurisdiction, the detail of previous economic development planning efforts, and the extent of new information on national, state, regional, county, and local economic trends. A local government’s planning effort is adequate if it uses the best available or readily collectable information to respond to the requirements of the administrative rule.

OAR 660-009-0015 requires that comprehensive plans provide an Economic Opportunities Analysis (EOA) that describes a review of economic trends, required site types for likely future employers in the jurisdiction, an inventory of available lands, and assessment of the community’s economic development potential. OAR 660-009-0015(1) requires that the review of trends be the principal basis for estimating future employment land uses.

OAR 660-009-0020 requires that comprehensive plans include policies to implement the local economic development objectives, provide a competitive short- and long-term supply of sites for employment, ensure those sites are suitable for expected users, and provide necessary public facilities and services. OAR 660-009-0020(2) states that plans

for cities and counties within a Metropolitan Planning Organization (MPO) must include detailed strategies for preparing the total land supply for development and for replacing the short-term supply of land as it is developed.

OAR 660-009-0025 requires that comprehensive plans adopt measures adequate to implement local economic development policies. These include designation of sites for a 20-year supply of employment land and maintenance of a short-term supply of serviceable lands.

OAR 660, division 24, "Urban Growth Boundaries," provides direction regarding the use of data, findings and conclusions developed to address economic development and Goal 9 during a UGB review. OAR 660-024-0040(5) states that the determination of 20-year employment land need for an urban area must comply with applicable requirements of Goal 9 and OAR 660, division 9, and must include a determination of the need for a short-term supply of land for employment uses. Employment land need may be based on an estimate of job growth over the planning period. Local government must provide a reasonable justification for the job growth estimate, but Goal 14 does not require that job growth estimates necessarily be proportional to population growth.

b. Summary of Local Actions

The EOA is included in the record as Appendix E. [R. at 1498] The EOA includes a discussion of the community's objectives, including target industries. [R. at 1516] The Executive Summary highlights the steps of the complete analysis including demographic trends, historic and expected employment trends, inventory of the current land supply, determination of new employment, land need through 2028, which is reported in the summary as a table [R. at 1503-1506].

Section 3 of the EOA contains the review of trends used for estimating future employment land uses, as required by OAR 660-009-0015(1). [R. at 1519-1566] It provides a detailed report and analysis of trends, including population and demographics, coordinated population projection, educational attainment, household income, wages and benefits, labor force and unemployment, changing economic markets, current covered employment, employment shifts and land needs, the economic outlook, local economic trends, expectations of disproportionate employment growth, land supply as a threat to employment growth, education's role in the economy, and a need for a large university campus.

Other sections of the EOA detail characteristics of Bend's employment lands, discuss the employment projection methodology, and the results of the projections. [R. at 1567-1578]. The EOA includes a discussion of the use of employment categories instead of the more common employment sectors. [R. at 1583-1584]

The EOA includes a note that the analysis and conclusions were modified by the city [R. at 1585]. The modifications, based on input from the planning commission, UGB

technical advisory committee, and stakeholders, are discussed in appendices A-H [R. at 1642-1727].

Appendix A presents the modified employment projections per industrial sector classification as a spreadsheet. [R. at 1642]

Appendix B is a memo outlining staff recommendations of modifications to economic variables relative to consultant work completed for the city. [R. at 1649-1651] To account for uncovered workers, the employment projection is increased by 11.5 percent, based on interpolation of national and state census data. No local employment data were gathered for this analysis. The memo includes a comment by the Oregon Employment Department regional economist that no analysis exists to suggest how land needs for uncovered workers should be calculated, and suggested a rule-of-thumb instead. The memo also makes recommendations regarding modifications to the employment forecast for employment on residential and public facilities lands.

The submittal includes findings in support of the UGB expansion for employment lands. [R. at 1103-1165] These findings include: policy direction, incorporation by reference of a 2008 EOA, trend analysis, employment projection, employment land inventory, employment land need, discussion of how to satisfy the requirements of Goal 9, identification of required site types, assessment of economic development potential, meeting the requirement of MPOs for short-term supply, economic development policies, designation of employment lands, and findings related to uses with special siting requirements.

In summary, the EOA says there is need for 1,008 acres of commercial land and between 100 and 250 acres of land for each of the following use categories: industrial and mixed employment, public facilities, economic uses in residential zones, medical, new hospital site, a university site, and two 56-acre industrial sites. The total employment land need shown is 2,090 acres. [R. at 1114] This compares to the “Scenario A” conclusion that there is a 1,380-acre need, which was the result of a relatively simplistic formula of dividing employment projections by employment densities.

c. Objections and DLCD Comments

DLCD commented on Goal 9 issues prior to local adoption of the UGB amendment. A DLCD letter of October 24, 2008 commented that the EOA lacked findings on site suitability criteria and findings supporting a land need for two approximately 50-acre industrial sites. [R. at 4725]

A DLCD letter of November 21, 2008 commented that assumptions and determinations relating to employment land were either missing, were not calculated accurately, or lacked an adequate factual basis. Specifically, DLCD cautioned against: (1) the use of a 15 percent vacancy rate assumption for the 20-year employment land supply; (2) adding “surplus” employment land to the need calculation to account for market efficiency; and (3) adding residential land need via the EOA based on employment in residential zones.

The letter further comments that these errors led to an overestimation of the need for employment land. [R. at 3765]

Three objectors challenged whether the submittal provides an adequate factual basis for the findings and conclusions drawn: Swalley Irrigation District, Brooks Resources, and Central Oregon LandWatch.

Swalley Irrigation District – The employment forecast is not supported by evidence in the record. [Swalley Irrigation District, May 6, 2009, pp. 47-53]

Brooks Resources – The findings do not demonstrate that at least some of the employment land needs cannot be accommodated within the existing UGB. The record lacks evidence that the Westside UGB expansion area is suitable for employment lands. [Brooks Resources April 29, 2009, pages 2–9]

Central Oregon LandWatch – The findings and EOA are outdated, so there is no basis for need demonstrated. [Central Oregon LandWatch May 7, 2009, pages 11–12]

d. Analysis

A local government’s planning effort under Goal 9 is adequate if it uses the best available or readily collectable information to respond to the requirements of the rule. [OAR 660-009-0010(5)] This standard is intended to make the planning effort informative rather than prescriptive. A substantial record of fact gathering and analysis exists in the record.

The methodology for determining employment land need for a legislative UGB amendment includes the following main steps:

- Determine the total 20-year employment land supply need by reviewing trends; [OAR 660-009-0005(13), 0015(1) and 0025(2)]
- Subtract existing sites that are defined as vacant; [OAR 660-009-0005(13)]
- Subtract existing sites that are defined as likely to redevelop; [OAR 660-009-0005(13)]
- Add needed sites not available in the inventory of vacant or likely to redevelop. [OAR 660-009-0025(2)]

Completing these steps yields the amount of employment land required in a UGB expansion to meet the 20-year employment land supply called for in the Goal 9 rule. It may also identify some amount of surplus employment land. This surplus means that there are currently-zoned employment sites unsuitable to meet the requirements of the 20-year supply, although in usual practice this is absorbed by the need for general employment sites without specific characteristics other than some number of acres in unspecified locations.

The analysis for the EOA did not follow these steps, and the record is unclear and confusing regarding how the amount of land needed for employment was determined. An

EOA was prepared in 2008, and it was incorporated by reference in the findings for the UGB expansion, [R. at 1110] but other, conflicting findings and conclusions were also included, without the differences being reconciled. A table showing the 20-year employment land need in gross acres is included in the findings. [R. at 1114, 1141]

A table showing the existing supply of vacant and developed employment land is also included in the findings. [R. at 1109] However, there is no analysis included that distinguishes developed employment land likely to redevelop during the planning period from that not likely to redevelop. As set forth above, this analysis is key to determining the quantity of land needed for employment uses for a UGB expansion, and is a required part of an EOA. [OAR 660-009-0015 and 660-009-0005(1)] The EOA “* * * assumes that 10 percent of new employment will take place on existing lands.” [R. at 1595] However, there is no analysis of trends to support this assumption.

The findings also do not include identification of needed suitable sites (i.e., sites that are not in the inventory of vacant and likely to redevelop sites already in the UGB). The city response to DLCD’s request for record clarification [Bend December 7, 2009] refers to sections of the original EOA as the analysis and basis for findings, but the original EOA analysis was significantly modified later in the process [R. at 1585], and it does not appear that the original EOA is still a basis for the city's decision given the findings.

Forecasts and data are not required to be updated once the UGB review process has begun. [OAR 660-024-0040(2)]

Regarding the assumption that Bend will experience a 15 percent vacancy rate on employment land during the planning period, the evidence in the record does not support such a conclusion. [R. at 1616 and 1111-1112]. The findings state that the local vacancy rates have been approximately half this amount. The city justifies the higher long-term rate on a desire to drive industrial and commercial land rents down. That cannot be a basis for inflating trend data because, taken to its extreme, it would have no limit in terms of the acreage assumed to be committed as a result of commercial and industrial vacancies. While employment land availability, and the effects of availability on rents and land prices, are legitimate considerations in planning for growth, assigning an across-the-board vacancy rate that is significant above trends [R. at 1562] does not comply with the Goal 9 rule.

e. Conclusion

Except for the objection from Central Oregon LandWatch that the findings and EOA are outdated, the objections based on adequacy of the factual record, findings and analysis are sustained. The record does not include adequate findings, analysis or evidence to justify the city's determination of employment land need. The director remands with instructions to develop an EOA that includes a determination of the employment land supply consistent with the requirements of OAR 660, division 9. This must at least include the following elements based on factual evidence:

1. Determination of the 20-year supply of employment land;
2. An inventory of existing employment land categorized into vacant, developed land likely to redevelop within the planning period, and developed land unlikely to redevelop within the planning period;
3. Identification of required site types that are not in the inventory of either vacant or likely to redevelop sites;
4. Identification of serviceable land; and
5. Reconciliation of need and supply.

2. Does the analysis show too great a need for employment land?

a. Legal Standard

OAR 660-009-0015 requires that an EOA determine the need for employment land. OAR 660-024-0040(5) establishes the determination of employment land in the context of a UGB amendment. A more complete explanation of the Goal 9 requirements is provided in subsection 1.a of this section. These rules make it clear that the standard is for the city to provide a 20-year supply of land for employment.

In order to justify a need for employment land within the UGB to provide for efficient market functions or to respond to unique market conditions, there needs to be in the record a policy directive to provide additional land to meet some public purpose; a factual basis in the EOA to satisfy OAR 660, division 9; and, to satisfy OAR 660, division 24, a finding that the job growth estimate that supports that land need determination is reasonable.

b. Summary of Local Actions

A general summary of the city's actions is provided in subsection 1.b, above. The EOA discusses the provision of additional employment lands for a variety of locations and sites in addition to the 20-year supply, described in the EOA as Scenario B. [R. at 1620] A summary is provided. [R. at 1632] The land need findings discuss the city's rationale for increasing the supply of employment land 20-year need. [R. at 1115-1165]

Scenario A is characterized as "minimal employment land demand" and is from the 2008 EOA. Scenario B makes several adjustments to the employment land need from Scenario A, based on input from a stakeholder group. Scenario B reduces the land need as determined by a review of trends from 1,380 to 898 acres, reduces the resulting amount of vacancy-rate adjustment from 207 to 134 acres, adds 421 acres of redundant supply for market choice, increases the resulting 21 percent right of way adjustment to 235 acres, and adds 15 percent or 168 acres for other land needs. The total estimated employment land need in Scenario B is unclear [R. at 1622].

The city adopted economic development policies in chapter 6 of the Bend Area General Plan. [R. at 1339] The policies accept the 2008 EOA and associated land needs, establish the short-term supply management plan, establish emphasis on large-lot industrial, and established mixed-use and commercial development guidance. The short-term land supply management plan requires staff to report to council and do not include detailed strategies for preparing the total land supply for development and for replacing the short-term supply of land as it is developed as required by OAR 660-009-0020(2).

c. Objections and DLCD Comments

The department commented that the city erred in increasing its estimated long-term (20-year) employment land supply by 50 percent based on analysis perhaps appropriate for the required short-term supply, and by adding residential land need in the EOA based on employment in residential zones. [R. at 3765-3766] Also see the description of DLCD comments in subsection 1.c of this section.

The department received objections from four parties alleging a variety of deficiencies with the submittal related to the amount of employment land the city needs: Swalley Irrigation District, Central Oregon Land Watch, and Brooks Resources Corporation.

Swalley Irrigation District – The UGB was expanded to include more employment land than was justified. The city used an erroneous definition of “developed land” and “serviceable land.” [Swalley Irrigation District, May 6, 2009, pp. 47-53]

Brooks Resources – The findings do not demonstrate that at least some of the employment land needs cannot be accommodated within the existing UGB. [Brooks Resources April 29, 2009, pages 2–9]

Central Oregon LandWatch – The EOA employed an inappropriate assumption regarding vacancy rates and institutional use, open space, and right of way. The EOA does not demonstrate a need for several specific uses. The EOA impermissibly adds surplus employment land to the inventory. [Central Oregon Land Watch May 7, 2009, pages 11–12]

Barbara I. McAusland – Barriers to locating industry in Bend argue against the need for an oversupply of industrial land. The findings do not demonstrate a need for an oversupply of employment land. [McAusland May 5, 2009, page 3]

d. Analysis

The determination of the employment land supply is based on the review of trends the local government expects to influence the decision. The local government then identifies the sites that are expected to be needed to accommodate anticipated employment growth. There is in the record policy direction, fact-based analysis of an employment projection, and market analysis of the rationale for providing employment land above the minimum 20-year need. No upper limit is established in rule or statute, but OAR 660-009-0015(2) states that the EOA “must identify the number of sites by type *reasonably expected to be*

needed to accommodate the expected employment growth. . .” [emphasis added] and OAR 660-024-0050 and Goal 14 require an analysis showing that the needs cannot reasonably be accommodated on land already inside the UGB.

The EOA includes two estimates of employment land need [R. at 1618, 1622]. Both scenario A and B include policy directives to increase the base land need for a variety of factors including vacancy, redundant supply, and right-of-way. There is policy direction and ample discussion. However, as noted in subsection 1.c of this section, the city’s findings do not explain the land need determination in a fashion that demonstrates it complies with OAR 660, division 9.

In order to justify an increase in the need for certain types of employment land within the UGB over what a trends-based analysis would conclude, there would need to be a policy directive to provide additional land for economic development purposes in the record; a factual basis in the EOA to satisfy OAR 660, division 9; and, to satisfy OAR 660, division 24, a finding that the job-growth estimate that supports the land need determination is reasonable and cannot be accommodated within the existing UGB.

As noted in subsection 1.c above, the findings do not include identification of needed suitable sites. The EOA does not make a distinction between built sites that are likely to redevelop and those that are not, as required by OAR 660-009-0015(3).

e. Conclusion

The objection is sustained. The director remands with the same instructions explained in subsection 1.e, above.

3. Did the city err in designating 114 acres for employment in residential areas?

a. Legal standard

OAR 660, division 9 requires that an EOA determines the need for employment land. [OAR 660-009-0015] OAR 660-024-0040(5) establishes the determination of employment land in the UGB. A more complete explanation is provided in subsection 1.a of this section, above.

OAR 660-009-0005(3) defines industrial use. OAR 660-009-005(6) defines “other employment uses” as:

All non-industrial employment activities including the widest range of retail, wholesale, service, non-profit, business headquarters, administrative and governmental employment activities that are accommodated in retail, office and flexible building types. Other employment uses also include employment activities of an entity or organization that serves the medical, educational, social service, recreation and security needs of the community typically in large buildings or multi-building campuses.

OAR 660-009-0025 requires local governments to “adopt measures adequate to implement [economic development] policies” and “(a)ppropriate implementing measures include amendments to plan and zone map designations...”

Goals 10 and 14 and OAR 660, divisions 8 and 24 establish the requirements for designation of residential land and UGB expansion considerations for residential uses.

b. Summary of Local Actions

The findings regarding employment land need in Table 4-3 include 119 acres for employment uses on residentially zoned land. [R. at 1114] The trends analysis includes the number of employees expected to find employment on 119 acres zoned for residential [R. at 1113].

The 2008 EOA recommends an increase to the employment projection for jobs that are typically based in residential zones, such as certain public facilities, schools, churches and home occupations, and that may not be captured by traditional forecast methods, and recommends that additional residential land be designated to accommodate the forecast. [R. at 1651]

c. Objections and DLCD Comments

The department received objections regarding designation of residential areas for employment from Swalley Irrigation District and Central Oregon LandWatch. DLCD had also commented on this issue. The department’s letter asserts that the EOA allocates a significant amount of employment to the high-density residential districts based on a methodology that does not protect lands for needed multi-family housing from commercial development. [R. at 3767]

Subsequent review has revised this analysis. The city’s 2008 EOA [R. at 1651] recommends an increase to the employment projection for jobs typically based in residential zones, such as certain public facilities, schools, churches and home occupations that may not be captured by traditional forecast methods, and recommends that additional residential land be designated to accommodate the forecast.

d. Analysis

It is appropriate to define the portion of projected employment that is expected to take place on residential land in order to gain an accurate approximation of how much will locate in employment zones. However, OAR 660, division 9 does not permit designation of residential land for employment use. Residential land is designated according to the standards of OAR 660, division 8, which permits adjustments to the residential buildable lands inventory to account for non-residential uses.

e. Conclusion

The objection is sustained. The 119 acres of residential land is not justified, and must be removed from the employment land need.

4. Did the city err in including land for a hospital, university campus, and two 50-acre industrial sites?

a. Legal standard

OAR 660-009 requires that an EOA determines the need for employment land. [OAR 660-009-0015] OAR 660-024-0040(5) establishes the determination of employment land in the UGB. OAR 660-009-0025(8) provides requirements for designating employment uses with special siting characteristics.²⁸ A more complete explanation of OAR 660, division 9 requirements is provided in subsection 1.a of this section, above.

In order to justify an increase in the need for certain types of employment land within the UGB there must be a factual basis in the EOA to satisfy OAR 660, division 9, a policy directive to provide the sites for economic development purposes, and measures to protect the sites for the intended uses.

b. Summary of Local Actions

The EOA discusses the provision of additional employment lands for specific uses including a new hospital, a university campus and two 50-acre industrial sites [R. at 1506, 1517, 1628, 1724]. Policies are included as an appendix to the EOA [R. at 1674]. Findings are included [R. at 1103-1165], with specific use references [R. at 1107, 1114, 1115, 1116, 1120, 1122, 1123, 1124, 1126, 1128, 1140].

c. Objections and DLCD Comments

The department received objections alleging the city lacked justification to add to its estimated need land for a hospital, a university campus and two 50-acre industrial sites. [Central Oregon LandWatch May 7, 2009, p. 11] The department had commented that the city lacked substantial findings to support the addition of large sites for a new hospital, an auto mall, a university campus and two 50-acre industrial sites [R. at 3770, 3771, 3776].

d. Analysis

A jurisdiction's planning effort is adequate if it uses the best available or readily collectable information to respond to the requirements of this division per OAR 660-009-0010(5). There is in the record policy direction, fact-based analysis of an employment

²⁸ OAR 660-009-0025(8): * * * Cities and counties that adopt objectives or policies providing for uses with special site needs must adopt policies and land use regulations providing for those special site needs. Special site needs include, but are not limited to large acreage sites, special site configurations, direct access to transportation facilities, prime industrial lands, sensitivity to adjacent land uses, or coastal shoreland sites designated as suited for water-dependent use under Goal 17. Policies and land use regulations for these uses must:

- (a) Identify sites suitable for the proposed use;
- (b) Protect sites suitable for the proposed use by limiting land divisions and permissible uses and activities that interfere with development of the site for the intended use; and
- (c) Where necessary, protect a site for the intended use by including measures that either prevent or appropriately restrict incompatible uses on adjacent and nearby lands.

projection and market analysis of the rationale for providing employment land for a hospital, a university campus, and two 50-acre industrial sites.

The justification for these specific uses is undermined, however, by other deficiencies in the EOA. The EOA does not adequately identify land already in the UGB that could be developed for some or all these uses. There city does not appear to have adopted policies or other mechanisms to ensure the land included in the UGB is protected for the intended use and from conflicting uses.

e. Conclusion

While the analysis of the need for the specific employment uses is present, the EOA must also analyze whether these uses can reasonably be accommodated within the existing UGB. Additionally, the city has not adopted policies that provide adequate protections to ensure the sites remain available for the intended uses.

The objection is sustained. The director remands with instructions to analyze whether the identified uses can reasonably be accommodated within the existing UGB, and for the adoption of measures so that employment land with special siting characteristics complies with OAR 660-009-0025(8) regarding protection of the site for the intended use and from conflicting uses.

G. Public Facilities Plans

This section addresses whether the City of Bend’s ordinance NS-2111, adopting new public facilities plans for the city and a new Chapter 8, complies with Goal 11, Goal 14, applicable administrative rules, and OAR 660-024-0060, or whether the ordinance takes exceptions to those goals.

a. Legal Standard

Goal 11 and ORS 197.712(2)(e) require cities with a population greater than 2,500 to prepare and adopt public facilities plans for water, sewer and transportation services within the city’s UGB. Public Facilities Plans (PFPs) are required primarily to assure that local governments plan for timely, orderly and efficient arrangement of public facilities and services, and to serve as a framework for future urban development. Timely, orderly and efficient arrangement “refers to a system or plan that coordinates the type, locations and delivery of public facilities and services in a manner that best supports existing and proposed land uses.” Goal 11 and OAR 660-011-0000.

The required contents of a public facility plan are provided in OAR 660-011-0010(1), and are not intended to cause duplication or to supplant technical documents supporting facility plans and programs. OAR 660-011-0010(3). At a minimum, public facility plans shall include plans for water, sewer and transportation facilities and the responsibility(ies) for preparation, adoption and amendment of a public facility plan shall be specified within an urban growth management agreement. OAR 660-011-0015(1).

When evaluating a proposed UGB amendment, OAR 660-024-0060(8) requires that:

The Goal 14 boundary location determination requires evaluation and comparison of the relative costs, advantages and disadvantages of alternative UGB expansion areas with respect to the provision of public facilities and services needed to urbanize alternative boundary locations. This evaluation and comparison must be conducted in coordination with service providers, including the Oregon Department of Transportation with regard to impacts on the state transportation system. “Coordination” includes timely notice to service providers and the consideration of evaluation methodologies recommended by service providers. The evaluation and comparison must include:

- (a) The impacts to existing water, sanitary sewer, storm water and transportation facilities that serve nearby areas already inside the UGB;
- (b) The capacity of existing public facilities and services to serve areas already inside the UGB as well as areas proposed for addition to the UGB

* * *

b. Summary of Local Actions

The city prepared certain water and sewer system master plans in 2007, which evaluated the capacity of existing public facilities to serve areas already within the UGB, as well as areas being studied at that time for possible inclusion in a UGB expansion area. Those master plans also identified significant system improvements needed both to serve lands and uses within the existing UGB (a significant number of homes in the prior UGB utilize septic systems) and to serve lands being considered for inclusion in a UGB expansion area. The master plans evaluate future service needs for a UGB expansion area containing only lands zoned UAR. They did not evaluate other exception lands, including a large area of rural residential development to the south of the city, or most of the lands zoned and planned for farm use to the east that were included in the UGB expansion area. See, e.g. R. at 467 (map of study area); R. at 500-504 (SE interceptor). The sewer collection master plan also did not evaluate the cost of some improvements identified as needed (North interceptor crossing of Deschutes River, R. at 497 “For this river crossing to be cost-effective, a bridge must be constructed over the river. * * * Costs for the bridge structure were not included in the cost for this interceptor.”]

In the first half of 2008, the city had certain addenda to the master plans prepared. [R. at 211]. Those include several analyses specific to particular areas (Newlands property; Hamby Road area). On October 8, 2008, the city provided the department an amended 45-day notice of its proposed UGB amendment that included a summary statement that it was also proposing to amend its public facilities plan element of the General Plan. However, no draft of the PFP Chapter (chapter 8) of the city's General Plan was provided until October 20, 2008 (seven days before the first evidentiary hearing).

Bend Ordinance NS-2111 adopts certain Water Public Facilities Plans and Sewer Public Facilities Plans as amendments to the Public Facilities Element of the Bend General Plan. [R. at 35]. The ordinance also appears to adopt the city’s sewer and water public facilities plans in support of and associated with its UGB expansion proposal. [R. at 35-1049] Exhibit A (Findings in Support of UGB Expansion) [R. at 37-210], Exhibit B (Findings in Support of the Amendments to the Public Facilities Plan) [R. at 211-224] and Exhibit C (Facilities Plans and all supporting components, addenda and supplements) [R. at 225-1049] are attached to Ordinance NS-2111.

Ordinance NS-2111 states:

* * * the Public Facilities serve the goals, objectives and policies of the General Plan by addressing the provision of public facilities and services within the urban growth boundary (UGB), services to areas outside the UGB, locating and managing public facilities and financing public facilities. [Record at Page 35] The city’s Goal 11 findings state “the proposed amendment to Chapter 8 of the Bend General Plan incorporates the city’s water system master plan and collection system master plan as Goal 11 public facility plans,” and “[i]n addition, the city has based the proposed expansion of the UGB in part on the development of three

(3) new sewer interceptors that are located beyond the city's current UGB. [R. at 205]

Exhibit C [R. at 225] includes documents that comprise the adopted Public Facilities Plan. The following is a general description of the facilities plan and incorporated documents provided in the findings:

The water system master plan covers those areas already inside the Bend UGB, and areas outside the current Bend UGB that are not already served by the Avion Water Company or another private water utility. The sewer master plans include a Collection System Master Plan (CSMP) that covers those areas inside the existing Bend UGB, and areas identified under the (prior, 2007) Bend Area General Plan as urban reserves. The sewer master plans also include a master plan for the reclamation facility, which is located north and east of Bend and treats effluent collected through the city system. [R. at 211]

The proposal includes a new chapter 8 of the Bend Area General Plan dated October 20, 2008. [R. at 1478-1498] No facility collection, distribution or service area maps are provided in chapter 8 of the plan. Map information is contained only in incorporated documents. The findings also incorporate by reference the adoption of water and sewer collection master plans and supporting documentation as the public facility plans for water and sewer service under Goal 11. [R. at 211]

The incorporated water and sewer collection master plans and supporting documents are described as follows. The adopted water public facility plan (WPF) includes:

- Water System Master Plan (WSMP) Update-Final Report (2007) [R. at 225-340]
- Airport Water System Master Plan (2007) [R. at 341-384]

The adopted sewer public facilities plan (SPFP) includes:

- Collection System Master Plan (CSMP) Final Report (2007) [R. at 385-516]
- CSMP Addendum No. 1 – Final Executive Summary and Alternative Technical Analysis: North East Bend (2007) [R. at 517-550]
- CSMP Addendum No. 2 – Collection System CIP Analysis and Report (2008) [R. at 551-692]
- CSMP Addendum No. 3 – Technical Memorandum 1.5 – Hamby Road Sewer Analysis (2008) [R. at 693-703]
- Water Reclamation Facilities Plan (2008) and Technical memos No. 1-10 [R. at 705-1048]

In a footnote, the city's findings state, "The record on the Bend UGB expansion also includes a 2007 draft of the CSMP, including nine study area plans that were submitted to DLCD on June 11, 2007." [R. at 211, see footnote 1].

A number of technical memos related to sewer planning appear in the city's supplemental submittal provided to the department on May 6, 2009. However, Ordinance NS-2111 and its associated findings do not appear to include these technical memos, and they are not listed as part of the incorporated public facilities plans adopted as part of the UGB adoption package which is described above from page 211 of the record.²⁹

The adopted public facilities plan includes sewer, stormwater and water services only. Transportation plans are not included in the public facilities plan amendment. The city's submittal and this report, however, do address transportation separately.

c. Objections and Analysis

The city did not prepare revised public facilities plans for water or sewer to address the additional lands added to its UGB expansion study area in 2008. Although there are parts of the city's submission that address parts of the additional expansion area, the primary two master plans limit their analysis to lands that were planned UAR in 2007. [R. at 450-453] Exception lands and agricultural lands to the east are not analyzed in the sewer system collection master plan. Nor are exception lands to the south of the city. The water system master plan only examined Tetherow and Juniper Ridge outside of the prior UGB. [R. at 249]

Nine objecting parties raised 13 specific concerns related to the city's public facilities plans. Four of the 13 parties filed public facilities plan objections during the city's first UGB submittal to the department on April 16, 2009, and in response to the city's June 12, 2009 supplemental submittal of public facilities plans as part of the UGB expansion proposal.

A list of objectors and a summary of objections filed in response to the city's public facilities plans follows. Parties filing objections on both submittals are noted with an asterisk.

- Swalley Irrigation District *
- Central Oregon LandWatch *
- Rose and Associates, LLC *
- Tumalo Creek Development, LLC *
- Toby Bayard
- Hunnel United Neighbors
- Newland Communities
- Anderson Ranch
- J. L. Ward Company

Swalley Irrigation District – The May 6, 2009 objection states that no notice was provided to DLCD or others for the city's public facilities plans, nor was notice provided advising of hearings on the plans. The objection further states that there was never a time when the city provided opportunity for meaningful input on the location of public

²⁹ Supplemental Items 99, 99A through 99M, Supplemental R. at 985 – 1210.

facilities. [p. 1]. The city's October 8, 2008 and October 20, 2008 revised notice to DLCD indicated that the city planned to adopt a variety of public facility plans on November 24, 2008, yet those plans were not attached to the revised DLCD notice, making the notice void. [p. 22]

The objection also states that draft public facilities plans were improperly used to influence the location of the UGB without adequate public input, thereby violating Goal 1. [pp. 25-26]

The objection points out that Goal 11 requires the city to (1) evaluate the carrying capacity of "air, land and water resources of the planning area" and not exceed such carrying capacity, (2) provide an orderly and efficient arrangement of public facilities and services, and (3) provide rough cost estimates for planned facilities. According to the objection, the city fails these requirements, particularly in the service areas of the Swalley Irrigation District. [p. 55]

The objection argues that, for reasons generally discussed above, chapter 8 of the Bend Area General Plan does not comply with OAR 660, divisions 11 or 24. [p. 80]

The objection points out that the city's Consolidated Sewer Master Plan (CSMP, 2007) acknowledges significant funding gaps. At the same time, the CSMP fails to compare the cost of sewer upgrades and enhancements to areas of failing onsite system or areas with infill and redevelopment capacity versus the CSMP's program. [pp. 88-89] The objection discusses several areas where the CSMP is allegedly deficient. [pp. 89-95]

The objection asks that the department remand and instruct the city to select public facility options that are reasonably affordable and can demonstrate reasonable costs for needed housing, and that the city be required to examine "undisputed" exception areas in the south and southwest quadrants of the city.³⁰ [p. 103]

Swalley Irrigation District also submitted objections in a July 6, 2009 letter (herein noted as SID2) on the city's public facility plan submittal. The objection's arguments regarding whether the department and the LCDC have jurisdiction to decide the adequacy of Bend's public facilities plan are examined in section III.D of this report. [SID2, pp. 8-12]

The objection argues that the public facility plan submittal failed to clearly identify what adoption decisions were submitted, leaving objectors to guess what the city actually submitted. [SID2, pp. 12-13]

The objection argues that since the UGB proposal does not demonstrate compliance with Goal 14, ORS 197.298 and OAR 660-0024-0060, the city must start over with its public facilities planning after it develops a new UGB proposal that follows and meets those requirements. [SID2, p. 43] The objection provides a number of technical challenges to

³⁰ Swalley Irrigation District has objected that lands zoned Urban Area Reserve (UAR) were not acknowledged exception lands.

the city's sewer master plan, which are similar to the objector's earlier May 2009 submittal. [SID2, pp. 45-55]

Central Oregon LandWatch – The May 7, 2009 objections argue that the sewer and water facility plans impermissibly provide infrastructure on lands outside the current UGB. [Page 16 of 18] The objector's June 30, 2009 objections argue that the city predetermined "so many aspects" of its UGB decision on the location of infrastructure, that it has not properly prepared public facility plans for lands inside the current UGB. The objection argues that the city has not recognized its overarching priority "to provide sewer to the thousands of acres and people currently lacking this service within the City." The objection points out that, while the city's Central Area needs infrastructure improvements and capacity to handle substantial infill development, it assumes only 500 new residential units due to Central Area sewer deficiencies. [p. 2] The objection incorporates by reference the June 28, 2009 objections of Toby Bayard.

Rose and Associates, LLC – The objector filed during both submittal phases. In its May 5, 2009 objection, it is argued, "The city erred by adopting the sewer and water master plans as part of the UGB rather than through an independent process." In addition, the city failed to comply with Goal 1 when it adopted the plans without separate public hearings. [p. 3] (See section III.K concerning Goal 1 objections.) The objection also points to technical errors regarding gravity sewer serviceability for specific property excluded from the UGB proposal. [p. 5]

The objector's June 29, 2009 submittal argues that the city sewer plan is inconsistent with the UGB amendment and does not provide for timely, orderly and efficient service, as required by Goal 11. The objection points out specific lands included in the UGB proposal but not in the sewer facilities plan, and other properties included in the sewer facilities plan but not in the UGB proposal. [p. 2]

Tumalo Creek Development, LLC – The objector's July 2, 2009 submittal states that the public facilities plan violates Goal 11 and OAR 660, division 11, because it does not consider more cost effective sewer alternatives. The objection cites its submittal of alternative lower cost technical solutions (e.g., membrane technology associated with satellite treatment facilities) for serving portions of the west side and Central Area, which it determined would provide much needed additional capacity in the city's urban core. According to the objection, however, the city did not consider objector's alternative proposal and the city's findings do not address the proposed alternatives. [p. 2] This objection is also included in the objector's May 7, 2009 submittal.

The objection argues that the sewer facility plan does not provide service in a "timely, orderly, and efficient" manner. The objection specifically points to the ability of the city to serve areas needing a Deschutes River crossing via the proposed North Interceptor as an area that will likely have to wait years and probably decades for sewer service, due to high costs and environmental concerns. The city has not adequately addressed these cost and environmental concerns, according to the objection. [pp. 2-3]

Toby Bayard – The objector’s June 28, 2009 objection argues that the city adopted its public facilities plans without the benefit of a public hearing, “having failed to advertise, properly notice, or inform the public that it was accepting testimony on the PFP.” (See section III.K of this report, dealing with Goal 1.)

While the objector’s June 28, 2009 objections include concerns over how the city adopted its public facility plans and how it used the same plans in determining its Goal 14 boundary location analysis, these issues are addressed elsewhere in this report. (See report discussions on Goal 1 and ORS 197.298.). The objection lays out a number of Goal 11 concerns as follows:

- There is no clear statement demonstrating how various public facilities plan infrastructure costs will be funded [pp. 7, 23]
- The public facilities plans and related documents provide conflicting information [p. 7]
- The sewer facilities plan contemplates provision of services to areas not part of the UGB proposal. [p. 15] At the same time, certain land included in the UGB proposal is not included in the sewer facilities plans. [p. 18]
- The sewer facilities plan does not satisfy Goal 11 requirements for a timely, orderly and efficient arrangement. [p. 20]
- The city’s sewer facilities plan was not coordinated with other entities, including state and federal agencies. [p. 20-21]
- The sewer facilities plan and Bend Area General Plan Chapter 8 (Facilities Plan) conflict with each other and with the city’s findings. [p. 21-22]
- Key Goal 11 determinants were not properly applied when developing the sewer facilities plan. [p. 22]
- The Northern Interceptor cost estimates omit crucial cost components. [p. 22-23]
- Goal 11 requires that estimates use current year costs but the city used 3-year old cost estimates. [p. 23]

Hunnel United Neighbors – The objection argues that the city failed to provide a sewer facility plan that is internally coordinated or provides for an orderly, timely and efficient arrangement of services. The objection challenges whether the Northern Interceptor produces an orderly arrangement of sewer service, given that Goal 11 directs that priority should be given to the large supply of unsewered land to the southeast and south which is located in the current UGB. The objection questions whether the Northern Interceptor will accommodate timely development in an area that is already subject to “serious transportation issues” and cost of service issues. The objection also questions whether the Northern Interceptor’s full cost, which has not been “determined or disclosed” related to the crossing of the Deschutes River, will demonstrate an efficient arrangement of its sewer service plans. [pp. 3-4]

Newland Communities – Most of the objection’s concerns raise jurisdictional issues related to review of the public facilities plans; these are addressed in section III.D of this report. The objection provides a single objection directly pertinent to Goal 11, which is stated in precautionary terms as follows: “If DLCD exercises jurisdiction over the PFPs,

DLCD’s review must conform with OAR 660-011-0010(1) and OAR 660-011-0050.” The objection then argues that the city’s decision meets these requirements. [July 2, 2009, letter from Christe C. White]

Anderson Ranch – The objection argues that in preparing its public facility plans, the city failed to comply with the citizen involvement requirements of OAR 660-015-0000(1). This objection is addressed in section III.K of this report under Goal 1 compliance.

J. L. Ward Company – The objection questions whether the sewer facility plan adequately addresses which existing and amended UGB areas are to be served by the proposed Southeast Sewer Interceptor and asks that this be clarified by the city. [June 22, 2009, letter from Jan Ward]

d. Analysis

In this section, the department examines whether the public facilities plans satisfy the requirements of Goal 11 and its rule, and whether those plans are consistent with the land use provisions of Goal 14, ORS 197.298 and OAR 660, division 24 relating to a UGB expansion. The following examination is based on the objections above and on the department’s own concerns.

Public notice, hearing issues and public involvement. Under OAR 660-025-0175(3) and ORS 197.610, the city is required to provide the department with notice of a proposed amendment 45 days prior to the city’s first evidentiary hearing on the proposal. The notice is required to contain the text of the amendment and any supplemental information that the local government believes is necessary to inform the director as to the effect of the proposal. [ORS 197.610(1)] The department received notice of the city’s June 2007 public hearings on its first UGB proposal, including draft public facility plans for a 4,884-acre UGB amendment considered at that time.^{31 32} The city’s October 8, 2008 revised notice,³³ however, which proposed to nearly double the size of its UGB proposal to 8,943 acres, did not include updated public facility plans, as pointed out in department letters sent to the city in October 2008 and November 2008.

³¹ While the city’s June 11, 2007, 45-day notice and submittal included a draft public facilities plan, it did not include other information necessary to review that proposal at that time. Specifically, the submittal did not contain any comparative analysis as required by ORS 197.298 and Goal 14 locational factors.

³² On March 30, 2007, the city submitted a plan amendment to the department that proposed to amend Chapter 8 – Public Facilities and Services element to the Bend Area General Plan. (DLCD file Bend 002-07, local file 07-012) The proposal included changing the plan text to incorporate by reference two new facility master plans, a Water Master Plan and a Sewage Collection System Plan, with no changes to existing policies or the UGB. The intent of these amendments was to support re-calculation of system development charges for water and sewer services and for capital improvement programming. In April, 2007 the city indefinitely postponed hearings on the amendment. (Source: DLCD plan amendment files)

³³ The city’s October 8, 2008 revised 45-day notice was revised on October 20, 2008; neither of the notices contained an updated public facility plan for the 8,943-acre UGB proposal.

Several parties raise objections regarding adequate public involvement and the city's public hearings process related to adoption of its public facility plans; these objections are addressed in sections III.K in this report. Objections have also raised jurisdictional questions relating the city's public facility plan adoption; these objections are addressed in section III.D.

Public facility plans were improperly used to determine the location of the UGB. A key question raised by objector is whether the sewer collection and water distribution master plans are consistent with the city's UGB expansion, and whether these plans provided the analysis required to evaluate alternate locations for a UGB expansion, as required by ORS 197.298, Goal 14 and OAR 660, division 24.

The first step in making such a determination is to examine the capacity of the city's public facilities to serve the existing UGB area, as well as areas proposed for addition to the UGB. OAR 660-024-0060(8).

The next step is a comparative analysis of the relative costs, advantages, and disadvantages of alternative UGB expansion areas with respect to the provision of public facilities and services. OAR 660-024-0060(8).

The data and findings from the second step may be used in two situations:

1. When a city prepares findings supported by an adequate factual base to demonstrate that future urban services could not reasonably be provided to higher priority lands (such as exception lands) due to topographical or other physical constraints, the city may then exclude these lands from the prioritization otherwise required by ORS 197.298(1). ORS 197.298(3)(b).
2. In addition, if the total amount of land in a particular priority category exceeds the amount needed, the city may apply, weigh and balance the four Goal 14 location factors to select which lands will be added to the UGB. One of those four factors is the "orderly and economic provision of public facilities and services" (see OAR 660-024-0060(1)).

The requirements for analyzing alternate UGB expansion areas are contained in OAR 660-024-0060(8).

The city's Goal 11 findings state, "The city has based the proposed expansion of the UGB in part on the development of three (3) new sewer interceptors that are located beyond the city's current UGB." [Record at 205] The record does not support this finding. The sewer collection master plan included an analysis of planned new sewer interceptors, but the location of those interceptors was (for the most part) not identified as being on agricultural lands (the interceptors are located almost entirely on UAR lands, or within the existing UGB). Further the analysis of what lands will be served in the future in the master plans does not correlate with the lands in the UGB expansion area. The UGB expansion area includes substantial lands that are evaluated in the master plans,

creating an internal conflict in the city's General Plan contrary to Goal 2 as well as Goals 11 and 14. Nor do the master plans contain an analysis of the relative costs, advantages and disadvantages of alternative UGB expansion areas as required by OAR 660-024-0060(8). Instead, they simply analyze the feasibility of serving the existing UGB and UAR lands.

Not all serviceable exception areas were included in the public facility plans. Several objections point to certain lands included in the amended UGB but not included in the public facility plans, and certain other lands included in the public facility plans but not included in the UGB proposal. The Collection System Master Plan (CSMP) study area includes the area within the prior UGB, UAR exception lands adjacent to the existing UGB, all of the 1,500-acre Juniper Ridge area in the north one square mile of EFU lands,³⁴ and the Tetherow destination resort located southwest of the current UGB. [R. at 410] The CSMP has also included some exception lands adjacent to the UGB designated as SR 2½, and property owned by the Department of State Lands (DSL). The UGB expansion area does not include the DSL and Tetherow properties, and only a portion of the Juniper Ridge site (as location of a future university site); nor does it include a large area of rural residential development south of the city.

The city also adopted CSMP Addendum No. 1–Final Executive Summary and Alternative Technical Analysis: North East Bend (2007) which expands the territorial scope of the CSMP approximately 1.5 miles eastward north of Butler Market Road to include both exception and resource lands in the northeast area of the UGB proposal. [R. at 517-550] The main purpose of this study is to propose a more southerly alignment for the Plant Interceptor sewer line to the treatment plant. It is not clear from the record what disposition occurs between the CSMP’s original version of the Plant Interceptor expansion and alignment and the North East Bend supplement, which appears as an alternative to the original CSMP Plant Interceptor proposal. Chapter 8 of the General Plan appears to provide that the CSMP (rather than the Addendum) controls. [R. at 1495 (“[The CSMP] shall direct the development of the system and be the basis for all sewer planning and capital improvement projects.” R. at 1495, Policy 2.)³⁵

³⁴ Land referred to as Section 11 owned by the Oregon Department of State Lands, zoned for exclusive farm use and located adjacent to the current UGB on the east side.

³⁵ The city also adopted CSMP Addendum No. 3–Technical Memorandum 1.5–Hamby Road Sewer Analysis (2008) which proposes an alternative sewer interceptor approximately one mile east of the existing UGB on a mix of exception and resource land. The newly proposed route at least partially replaces an earlier proposed Southeast Interceptor alignment along 27th Street. [R. at 693-703] This proposed alternative interceptor, proposed as an alternative alignment for the Southeast Interceptor, would flow north from Stevens Road (Department of State Lands property located at Section 11) along Hamby Road to one of the Plant Interceptor alternatives described above. Similar to the Plant Interceptor alternatives, the findings do not explain the disposition between the CSMP’s original alignment for the Southeast Interceptor expansion and the Hamby Road alternative. The Addendum No. 3 shows the costs of the two alignments to be very similar, and indicates that there are disadvantages to the Hamby Road alignment. [R. at 698]

Approximately 640 acres of exception land adjacent to the prior (and current) UGB in the southwest area in the vicinity of Bucks Canyon Road and west of Highway 97 are not evaluated in the CSMP. This area meets the city's suitability criteria, but is not included in the UGB or in the CSMP. [R. at 2449] The Bucks Canyon Road exception area is zoned RR-10 and consists of mostly large-lot exception properties. This exception area was included in the September 2008 UGB alternatives analysis in Alternatives 1 and 2, and a significant portion of Alternative 3. [R. at 5983, 5986 and 5989, respectively] Each alternative map showed proposed sewer interceptors and major roadway facilities. These exception lands are not considered in the CSMP although they meet the suitability criteria for residential development and are located at a higher elevation than gravity sewers in CSMP Planning Study Area No. 8 served by the CSMP's proposed Southeast Sewer Interceptor. [R. at 463, 476]

The Water System Master Plan Update does not cover all the existing UGB or expanded UGB area. The Water System Master Plan (WSMP) update was completed in March 2007. [R. at 226] According to the WSMP, the city serves 53,000 people within its existing UGB at the time the study was completed. The remaining population within the UGB was served by two private water providers, the Avion Water Company and Roats Water System. [R. at 236] The WSMP goes on to point out that the plan includes the "current service area within the UGB and the Tetherow development area as well as the Juniper Ridge area." [R. at 236]

The WSMP does not contain any public facility plan components for the Avion Water Company or Roats Water System, as required by OAR 660-011-0005 and -0010 and OAR 660-024-0020(1). The WSMP does not appear to contain composite service maps of the UGB service areas or illustrations of the proposed principle water distribution system operated by the Avion Water Company or Roats Water System.

The UGB expansion proposal includes areas served by the city, Avion Water Company, and Roats Water Company. However, there is no evidence that the WSMP includes plans for these expansion areas, as required by the Goal 11 and 14 rules. The WSMP also does not appear to satisfy the coordination requirements in Goals 2 and 11.

Sewer plans undercut providing adequate and timely services to unserved, underserved and areas with high infill and redevelopment potential, such as the Central area. This objection is closely related to the Goal 14 requirement to promote efficient patterns of urban development; adequate provision of density measures called for by ORS 197.296 and Goal 14; and OAR 660-024-0050(4), which calls for demonstration that land needs cannot reasonably be accommodated on land already inside the UGB prior to expanding the boundary.

The most significant CSMP project to affect the service capacity of the Central area is the need for a threefold increase in capacity of the Westside pump station, which is a major regional facility serving west and central Bend. The CSMP shows that ultimate buildout of the service area relying on the Westside pump station will require rerouting some of the increased flow from the pump station to a new Westside Interceptor, hence

connection to a new Northern Interceptor near Highway 97, all to relieve the current central interceptor, which follows a northeasterly alignment to the treatment plan. [R. at 493, 494, 495, 497] The CSMP's cost estimate for upgrading the Westside pump station, Westside Interceptor and Northern Interceptor to near Highway 97 is almost the same as building the entire Northern Interceptor, including an alignment that crosses the Deschutes River and follows the contour around the north and west quadrants of Awbrey Butte. [R. at 488, 499, 504]

The CSMP notes that 53 percent of the acreage, or 9,468 acres, within the existing UGB does not currently receive sanitary sewer service based on the city's 2005 database. [R. at 407] The city identifies 2,909 acres of vacant and redevelopable residential land by plan designation in UGB in 2008. [R. at 1071, 1083] The CSMP describes its UGB buildout conditions as the number of dwelling units "calculated assuming all parcels developed on a net acreage basis at the average zoning density for the specific land use type for each parcel." [R. at 407] For areas within the current UGB, the CSMP utilizes average densities for new housing construction over the last six years, as inventoried by the city planning department.³⁶ [R. at 417] The city's RS designation is estimated to build out at 5.3 dwelling units per acre during the planning period.

For UAR areas located outside the existing UGB, the CSMP assumes an average residential density of 5.3 dwelling units per acre. [R. at 417] However, nothing in the record demonstrates how almost 3,000 acres of land "unsuitable" for urban development, and 519 acres of buildable "surplus," are analyzed and accounted in the sewer facility plan. The effect of these approximately 3,500 acres of "unsuitable" and "surplus" land on the capability and capacity of service cannot be determined from the record when it provides little or no information on the location of such "unsuitable" and "surplus" lands.

On the other hand, the city's housing needs analysis assumes that vacant and redevelopable residential land within the current UGB, will build out at the current average density of 3.96 units per acre. [R. at 1071, 1289] For the expanded UGB area, however, the housing needs analysis assumes an average density of just under 5.9 units per acre on 941 net acres of residential development spread over 2,866 acres. [R. at 1080, 1082] In essence, the city proposes to provide higher densities in UGB expansion areas on the city periphery than on existing vacant and redevelopable land inside the existing UGB.

Both needs analysis numbers are inconsistent with those used by the CSMP. For areas in the existing UGB, the city's needs analysis density is significantly less than that of the CSMP, which from a sewer service perspective, effectively leaves more development capacity inside the UGB than reported by the city.

³⁶ This residential density data is provided in Table 2-7 of the CSMP. [Record at Page 418] An average overall density and period of measurement is not provided, though. The department believes this data shows recent density of new construction for the period of 1998 to 2005.

The Bend General Plan incorporates a defective PFP. The discussion above highlights internal inconsistencies between the city’s water and sewer facilities plans and the UGB expansion. Chief among these inconsistencies are that the sewer plans include areas that are not part of the UGB expansion area, and the UGB expansion area includes areas not analyzed in the CSMP. Similar deficiencies appear for the water system plan. These internal inconsistencies are incorporated into the Bend General Plan in chapter 8, Public Facilities and Services, do not provide an adequate public facilities plan required by Goal 2 and Goal 11 or as required by the Goal 11 rules or the UGB amendment rules (OAR 660, divisions 11 and 24, respectively). [R. at 1480, 1483]

No timely, orderly and efficient arrangement of public facilities. Timely, orderly and efficient arrangement refers to “a system or plan that coordinates the type, locations and delivery of public facilities and services in a manner that best supports the existing and proposed land uses.” [Goal 11 and OAR 660-011-0000] If the public facility plan is found to be incomplete, as described immediately above, then the water and sewer facility plans, as a whole, cannot demonstrate the “timely, orderly and efficient arrangement of public facilities.”

Did not evaluate carrying capacity. “Carrying capacity” is a term used by Statewide Planning Goal 6. This term does not apply directly to Goal 11 unless a water or air quality violation is found. Since the UGB expansion does not directly implicate water or air quality standards, there is no Goal 11 compliance issue.

Can the city’s public facilities plan be acknowledged for areas of the existing UGB, only? At the city's request, the department considered whether the updated public facilities plan could be partially acknowledged for use in planning sewer and water services within the existing UGB. In order to be acknowledged, the adopted plan would need to demonstrate compliance with Goal 11 and its rules, including those parts of the goal and rules that prohibit extension of sewer collection systems beyond the UGB to serve properties located outside of the current UGB. The exception includes mitigating circumstance for specifically recognized health hazards.

Internal inconsistencies identified in this section, including density assumptions related to infill and redevelopment, and the efficient development of vacant land, need to be resolved between the city’s needs analysis and its public facilities plans before the public facilities plans may be acknowledged. In addition, the city must complete its public facility plan for water by including information called out in OAR 660-011-0010 for areas served by the Avion Water Company and Roats Water Company, consistent with the city’s urban growth management agreement with each water company. [OAR 660-011-0015] As a result, the director determines that he cannot partially acknowledge the city's public facilities plan based on the current submittal.

d. Conclusions

The director remands the public facilities plans for sewer and water, and directs the City of Bend to complete the work described below.

The city is directed to prepare revised public facility plans and amend chapter 8 of the Bend Area General Plan to clearly identify what sewer and water projects are needed to accommodate development in the UGB expansion area, including the elements listed below. To the extent that the city is relying on relative costs of public facilities and services to justify inclusion of particular lands within the UGB expansion area, it must include the comparative analysis required by OAR 660-024-0060(8).

Revised public facilities plans shall contain the items listed in ORS 660-011-0010(1), which outlines the minimum content for a public facility plan, including:

- a. An inventory and general assessment of the condition of all the significant public facility systems which support the land uses designated in the acknowledged comprehensive plan;
- b. A list of the significant public facility projects which are to support the land uses designated in the acknowledged comprehensive plan. Public facility project descriptions or specifications of these projects as necessary;
- c. Rough cost estimates of each public facility project;
- d. A map or written description of each public facility project's general location or service area;
- e. Policy statement(s) or urban growth management agreement identifying the provider of each public facility system. If there is more than one provider with the authority to provide the system within the area covered by the public facility plan, then the provider of each project shall be designated;
- f. An estimate of when each facility project will be needed; and
- g. A discussion of the provider's existing funding mechanisms and the ability of these and possible new mechanisms to fund the development of each public facility project or system.

H. Transportation Planning

Several objections raise issues related to whether the transportation planning component of UGB planning complied with relevant requirements. The legal criteria for this portion of the submittal are primarily found in Statewide Planning Goal 12 and OAR 660, division 12 (the “Transportation Planning Rule” or “TPR”).

1. Did the amendments to the transportation plan violate Goal 12 or OAR 660, division 12 and related portions of Goal 14 and OAR 660-024-060?

Several objections allege the amendments to the City of Bend’s urban-area transportation plan violate Goal 12 and the TPR and related portions of Goal 14 and OAR 660-024-060, which require consideration of cost and feasibility of providing transportation facilities needed to serve planned urban development. The department submitted comments to the city prior to adoption of the amendments, and these comments along with the objections raise issues with whether the evaluation of transportation facility improvement needs (i.e., major road and highway improvements) provide a complete and accurate evaluation and comparison of the costs, advantages, and disadvantages of alternative UGB expansion areas.

a. Legal Standard

OAR 660-024-0060(8) sets forth how cities must evaluate and compare public facility costs of alternative boundary expansion areas:

The Goal 14 boundary location determination requires evaluation and comparison of the relative costs, advantages and disadvantages of alternative UGB expansion areas with respect to the provision of public facilities and services needed to urbanize alternative boundary locations. This evaluation and comparison must be conducted in coordination with service providers, including the Oregon Department of Transportation with regard to impacts on the state transportation system. “Coordination” includes timely notice to service providers and the consideration of evaluation methodologies recommended by service providers. The evaluation and comparison must include:

* * *

(c) The need for new transportation facilities, such as highways and other roadways, interchanges, arterials and collectors, additional travel lanes, other major improvements on existing roadways and, for urban areas of 25,000 or more, the provision of public transit service.

b. Summary of Local Actions

The city has adopted findings that reflect a transportation analysis of UGB alternatives conducted in 2007 by DKS (Bend UGB Expansion: Transportation Analysis), which has been incorporated into amendments to the city's transportation system plan (TSP), and the transportation element of the general plan. [R. at 2184-2303] The city's evaluation and comparison of transportation costs, advantages and disadvantages follows the city's overall approach to evaluation of alternatives, which combines multiple individual areas into a few composite options for UGB expansion.

The major findings of the city's transportation analysis are as follows:

- Overall impacts, needed mitigation measures, and costs are similar under any of the alternatives analyzed.
- State highways will be severely congested.... The most severe congestion would be on US 97 north of Colorado Avenue to the city limits. Significant system expansion, new facilities or new management measures would be needed to comply with state mobility standards.”
- The four land use scenarios for UGB expansions have very similar relative impacts on the Capacity Street network.The location, function and scale of needed additional improvements on the state and city street network had very many common elements among the scenarios. That means that the total expected investment will be very similar no matter which combination of areas within the planning area is selected for UGB expansion.
- Development in the Juniper Ridge area does have several unique roadway elements associated with the state highway that do not occur with the other land use scenarios considered. These potentially could include upgraded junctions with US 97 at Cooley Road, US 97 at Deschutes Market Road and a potential additional connection in between. The scale of these projects would require additional review and approvals with ODOT.
- The total cost estimated for mitigations to the transportation system resulting from UGB expansion ranges from \$154 million to \$232 million A major element of this cost range is targeted for improvements at the US 97 / US 20 junction area which is under study by ODOT for a preferred alternative solution (cost estimated at \$125 million to \$185 million in 2006 Refinement Plan.)
- Further study is required to select the best options on state facilities in the US 97 and Cooley Road areas that were identified for the Juniper Ridge development scenario. Recommendations made in this study are preliminary only. Specifically the concept of upgrades at Cooley Road and Deschutes Market Road require further study in conjunction with the Juniper Ridge Master Plan to understand the best combination of

investments on the state highway system. (Findings in Support of UGB Expansion, page 150-151; [R. at 1202-1203]

c. Objections and DLCD Comments

The department and the Oregon Department of Transportation (ODOT) expressed concerns about the city's evaluation and comparison of transportation costs of different UGB expansion alternatives prior to adoption. The department raised this issue in its comment letters in July 2007 and October 2008.

In November 2007, the department advised that the city needed to do more work and coordination with ODOT to compare costs, advantages and disadvantages of expanding UGB to the north. [R. at 10378] In October 2008, the department again expressed concern that the city's process for evaluating transportation costs was not complete or detailed enough to comply with requirements in OAR 660, division 24. The department's comments questioned the city's decision to assign costs of major roadway improvements in the north area of Bend to the entire city, and the city's overall conclusion that the extent of needed transportation improvements was essentially the same regardless which lands were included in the UGB.

ODOT expressed significant concern about the proposal to extend commercial and other intensive zoning along both ends of Highways 20 and 97. Of particular concern was the northerly portion of Highway 97 and 20. Intensifying land use in this area will further complicate the process of identifying transportation solutions and, given that it will likely be 15-20 years before a long-term solution could be constructed, these more intensive uses will exacerbate the existing congestion and safety issues. (ODOT Preliminary Comments on City of Bend UGB Expansion, October 27, 2008) [R. at 4392]

ODOT also commented on the April 2007 DKS Traffic Report: "It is unclear to what extent this analysis reflects the impacts and needed mitigation for the currently proposed "Alternative 4." We are currently comparing this report to the Alternative 4 proposal but it is clear that the preferred alternative has not been sufficiently analyzed to determine what the transportation investment costs will be." (ODOT Preliminary Comments on City of Bend UGB Expansion, October 27, 2008) [R. at 4392]

Five objectors challenged whether the city has adequately evaluated and compared transportation costs, advantages and disadvantages of alternative UGB expansion areas:

- Swalley Irrigation District
- Rose and Associates
- Central Oregon LandWatch
- Newland Communities
- Department of State Lands

Each of these objectors made objections to the city's analysis that can be characterized as follows:

- The city failed to analyze relative costs of serving individual areas and instead assigned the cost of major improvements to the city or UGB as a whole, when in fact, these improvements are primarily needed to serve a particular area. Several objectors referred to comments provided by ODOT expressing concern about improvements proposed to in the North area, to Highway 20 and 97.
- The analysis of roadway improvements needs did not use a consistent or accurate method to evaluate transportation of roads needed to serve development in different areas of the city.

Individual objectors provided additional specific objections to the city’s analysis, as follows.

Swalley Irrigation District – The city assigned costs of major roadway projects that appear to be needed primarily to serve UGB expansion to the NW to the entire city. These include a proposed new bridge crossing the Deschutes River and improvements to state highways 97 and 20. The city fails to provide a detailed cost estimate for the Deschutes River bridge construction. [Swalley, May 6, 2009, page 75]

Department of State Lands – The city excluded transportation infrastructure improvement costs directly associated with specific alternative UGB expansion areas, leading to flawed conclusions and decisions. The city excluded from its analysis expensive transportation improvements at Cooley Road that are required to serve the Juniper Ridge expansion area. The city also excluded the expensive bridge over the Deschutes River that is necessary to serve select northwest UGB candidate expansion areas. These projects are by far the largest improvements in the city’s transportation infrastructure list, yet those improvements are not applied to the UGB expansion areas they uniquely serve. If the candidate UGB expansion areas served by these infrastructure improvements were not included in the UGB, then these expensive projects would not be needed or built to the same extent, and the extraordinary costs of the projects would not be incurred to the same degree. [DSL, May 7, 2009, page 5 of 6]

Rose and Associates, LLC – North end highway and bridge improvements are estimated at \$300-\$500 million with no clue as to where funding might come from. Rather than analyze the direct impacts of adjacent properties upon development, the city spread these costs evenly through out the system. This same methodology was not employed at the south end interchange, for example. There is not consistency in the methodology creating an unfair advantage for the north and west properties in terms of cost per acre to develop. [Rose and Associates, May 1, 2009, Exhibit 2]

The city used different local roadway spacing standards (arterials and collectors) for the north and west areas than they did for the southeast area. Due to steep slopes, the Deschutes River and other natural features, it would not be practical to build a standard grid system as is required in the southeast. Therefore, in the city’s analysis, the cost to serve the southeast area is higher than serving the north and west areas. What they didn’t

take into account was the extraordinary cost of building roadways on steep terrain. They also didn't take into account the extraordinary cost of building a bridge across the river and the north end interchange. The relative cost comparison is fundamentally flawed. [Rose and Associates, May 1, 2009 Exhibit 2]

Newland Communities – The city did not properly consider costs and advantages of its property (and others) in the southeast area that will rely on the existing collector and arterial street system and not require trips on the heavily impacted Highway 97 and 20 for access to employment and other local trips. [Newland Communities, May 7, 2008, pages 21-22]

Central Oregon LandWatch – The city did not provide a detailed transportation analysis for the UGB expansion that it ultimately adopted. The analysis the city relied upon covers earlier proposals that are significantly different than the one ultimately adopted by the city and county.

Expansion in the northwest area would require widening of Newport and Galveston Streets from three to five lanes, which would violate a city plan policy that restricts widening of these streets (Street System Policy 21 of the Bend Area General Plan). [LandWatch, May 7, 2009, page 16]

d. Analysis

The city's evaluation of transportation costs of serving different areas is improper and incomplete. By bundling combinations of different areas into UGB expansion alternatives, the city has not properly conducted the evaluation of "alternative areas" called for in OAR 660-012-0060(8) because the analysis does not disclose unique costs associated with serving individual areas.

The city has not justified assignment of cost for key major highway improvements in Highway 97/20 area to all of the possible UGB expansion areas. State highway and related improvements in the north Highway 97/20 area are the single largest transportation cost identified in the city's evaluation. The city's estimate, based on a 2006 refinement plan is that facilities will cost \$125 million to \$185 million. These improvements makes up roughly 80 percent of the total cost of transportation improvements needed to serve the proposed UGB expansion areas. The city's findings assert that these improvements will be needed for any of the possible UGB expansion areas the city is considering. The city's position is not supported by the findings provided and is contrary to the information that is in the record and as a result does not have an adequate factual base.

The city's findings, summarized above, state that Juniper Ridge has unique additional costs, but does not itemize or otherwise identify these costs, and indicates that the further study of appropriate solutions is needed, and that this would need to be done "in conjunction with the Juniper Ridge Master Plan." By contrast, the city has provided a

detailed estimate of individual street improvements needed to serve most of the other proposed expansion areas.

Also, as Central Oregon LandWatch notes, the city's analysis does not appear to have considered existing plan policies that restrict widening of Newport and Galveston.

The DKS analysis that the city relies on was conducted prior to the development of the city's adopted UGB amendment, Alternative 4A. Alternative 4A is significantly different from the UGB expansion alternatives analyzed by DKS and as a result the city's analysis does not comply with OAR 660-024-0060.

e. Conclusion

The director remands the evaluation of transportation costs of UGB expansion alternatives for further work consistent with the requirements of OAR 660-024-0060(8). The findings and analysis need to be revised to:

1. Identify and assign costs of individual UGB expansion areas, rather than combinations of different areas;
2. Provide additional information regarding the costs of providing transportation facilities to serve individual areas, including any extraordinary costs related to overcoming topographic barriers or rights of way;
3. Provide more detailed analysis of the extent to which the costs of improvements for major roadway improvements in north area (including proposed improvements to Highways 20 and 97) are a result of and should be assigned to development in the north area rather than the city as a whole. (That is, the city's analysis and evaluation should assess whether the extent of improvements in north area might be avoided or reduced in scale or cost if the UGB was not expanded in this area, or if the extent of the UGB expansion was reduced.); and
4. Provide comparable estimates for providing needed roadway capacity for areas that, because of topographic constraints, may need to be served by different types of road networks. For example, growth on the east side can apparently be served by a fairly complete grid of streets, while topographic barriers limit potential for a full street grid in this area.

2. Does the UGB amendment violate Goal 12 because the urban-area Transportation System Plan has not been acknowledged to be in compliance with the Transportation Planning Rule?

a. Legal Standard

The TPR requires that cities and counties adopt TSPs establishing a system of planned transportation facilities and services to adequate to support planned land uses.

b. Summary of Local Actions

The city's findings note that the city adopted a TSP that was approved in periodic review. [R. at page 1202]

c. Objections

Swalley Irrigation District contends that the city’s UGB amendment does not comply with various portions of the TPR that require the city to adopt a TSP, which sets forth a system of planned facilities and services to meet identified transportation needs.

d. Analysis

The Bend TSP, adopted in 2000, was *partially* approved by the commission in periodic review. The commission’s approval of the TSP itemized a number of relevant TPR requirements with which the city had not fully complied. However, the department believes that, notwithstanding this remaining work, the existing TSP is partially acknowledged and the city may rely upon it. The TSP complies with Goal 12 and the TPR except for those provisions where the periodic review order specifically indicated additional work remains to be done. The objector does not indicate how the UGB amendment is inconsistent with specific provisions of the TPR where the city has additional work to do.³⁷

e. Conclusion

The city has a substantially complete, commission-approved TSP. Because the objector has not identified specific TPR provisions that require additional work by the city that affect the UGB decision, the department disagrees that the TPR requirement that the city have an adopted TSP has been violated.

3. Does the UGB amendment violate Goal 12 and the Transportation Planning Rule because findings do not demonstrate there are adequate planned transportation facilities to serve the planned land uses?

a. Legal standard

OAR 660, division 24 requires that UGB amendments comply with all statewide planning goals and rules, including Goal 12 and the TPR. OAR 660-012- 0020(1)(d) allows cities to defer addressing requirements of OAR 660-012-0060 (to demonstrate that there are adequate planned transportation facilities) until property is re-designated or rezoned to allow urban development.³⁸

³⁷ The department has separately identified outstanding work related to TPR planning requirements for metropolitan areas that the city has not completed. These are discussed below, but were not raised by Swalley and so are not considered here.

³⁸ OAR 660-024-0020(1)(d) The transportation planning rule requirements under OAR 660-012-0060 need not be applied to a UGB amendment if the land added to the UGB is zoned as urbanizable land, either by retaining the zoning that was assigned prior to inclusion in the boundary or by assigning interim zoning that does not allow development that would generate more vehicle trips than development allowed by the zoning assigned prior to inclusion in the boundary;

b. Summary of Local Actions

The findings indicate that the city has elected to defer addressing OAR 660-012-0060 to subsequent plan amendments and zone changes as provided for in OAR 660-024-0020. The findings supporting the UGB amendment indicate that adopted zoning for UGB expansion areas put in place interim plan and zone designations that are intended to restrict development to levels that would not result in more traffic generation than allowed by existing zoning. [R. at 1202]

c. Objection

Swalley Irrigation District contends that the UGB amendment fails to comply with provisions of OAR 660-012-0060, applicable to plan amendments and zone changes, which require that the city plan for adequate transportation facilities and services to accommodate planned land uses.

d. Analysis

The city is required to address OAR 660-012-0060 requirements as part of its UGB decision *only* if that decision also authorizes more intense use of the land (in terms of trip generation) than allowed under current zoning. In this case, the UGB decision defers addressing OAR 660-012-0060 to a separate process that would involve a plan amendment and zone change. In short, while the city has the option to address and comply with the OAR 660-012-0060 now, it has chosen instead to defer compliance with the TPR to a subsequent plan amendment or zone change, which it is allowed to do if its interim zoning does not allow development that would generate more vehicle trips than the prior zoning.

As noted in section III.E.4 of this report, however, the interim zoning applied by the city and the county includes provisions that *may* allow for development that would generate more vehicle trips. The director is unable to determine whether the city and county have complied with this provision because their findings do not address it and there does not appear to be a comparison of prior and current zoning of the expansion area for Alternative 4A in the record.

e. Conclusion

The objection is sustained. OAR 660, division 24 specifically allows local governments to address OAR 660-012-0060 in a subsequent plan amendment or zone change, but only if they show that the interim zoning adopted for the UGB expansion area will not generate more traffic than the prior zoning. The expansion area includes a significant amount of land that had prior resource zoning (mainly EFU), that now is zoned UAR-10, as a result, the director concludes that the city and county have failed to show that they are entitled to defer the application of OAR 660-012-0060.

The director remands with direction to either retain current zoning within the expansion area or evaluate and adopt findings and measures to address OAR 660-012-0060.

4. Planning Status of the Proposed Deschutes River Bridge Crossing

a. Legal Standard

OAR 660-012-0025 describes how local governments are to comply with the statewide planning goals in preparing TSPs. This rule includes three major requirements:

- It directs that TSPs are to include land use decisions regarding planned transportation facilities (OAR 660-012-0025)(1));
- It directs that TSPs include findings showing that planned facilities are consistent with applicable goal requirements (OAR 660-012-0025)(2)); and
- It allows, under certain conditions, that local governments may defer required planning decisions to a subsequent refinement plan. (OAR 660-012-0025(3))³⁹

b. Summary of Local Actions

The TSP indicates that the city “contemplates” a new bridge over the Deschutes River in northwest Bend. The TSP also includes two new minor arterial street segments that would extend from existing roadways to either side of the Deschutes River to the location where the proposed bridge is contemplated:

The transportation circulation plan for the greater Bend urban area also contemplates a new bridge over the Deschutes River. This new bridge would join an extension of Skyline Ranch Road on the west to an extension of Cooley Road on the eastside. *Arterial street connections are included in the plan to accommodate that facility.*

The exact location and alignment of the affected roadways and bridge crossing is the subject of further study and evaluation. Also, the *final* determination of need, evaluation of state land use Goal 5 and other impacts is being deferred to a refinement study. Findings of need and impact will be incorporated into the TSP once that study has been completed. [R. at 1472, emphasis added]

³⁹ (3) A local government or MPO may defer decisions regarding function, general location and mode of a refinement plan if findings are adopted that:

- (a) Identify the transportation need for which decisions regarding function, general location or mode are being deferred;
- (b) Demonstrate why information required to make final determinations regarding function, general location, or mode cannot reasonably be made available within the time allowed for preparation of the TSP;
- (c) Explain how deferral does not invalidate the assumptions upon which the TSP is based or preclude implementation of the remainder of the TSP;
- (d) Describe the nature of the findings which will be needed to resolve issues deferred to a refinement plan; and
- (e) Set a deadline for adoption of a refinement plan prior to initiation of the periodic review following adoption of the TSP.

The proposed bridge is also shown on the adopted roadway system map.⁴⁰

While the TSP appears to be deferring key planning decisions about the bridge to a refinement study, the adopted findings addressing OAR 660-012-0025(3)⁴¹ say:

[The city is] not proposing to defer decisions regarding function, general location and mode of a refinement plan to a later date. [Exhibit D, Bend UGB Expansion Study – Statewide Planning Goal 12 Findings, pages 15 and 41 of 55]

In the process of conducting its review, the department has learned that the city may have adopted the wrong findings.⁴²

c. Objection and DLCD Comments

Swalley Irrigation District contends that the UGB amendment violates several provisions of the TPR, including OAR 660-012-0025. [Swalley Irrigation District, May 6, 2009, page 56] As discussed in detail in objections related to Goals 5, 11, and 14, Swalley argues that the sewer plan assumes a crossing of the Deschutes River—in the form of either a bridge or tunnel under the river—but does not incorporate the cost of this crossing in its cost estimates, or address relevant goal requirements that would apply to this decision.

DLCD’s October 24, 2008 letter asked that the city clarify the planning status of the proposed bridge:

While this improvement is included in the plan’s list of “outstanding issues” the text of the plan suggests that the city has made key land use decisions about need, mode, function and general location of this planned improvement [in].... Section 9.6.3 (quoted above)

If the city is making a decision that this roadway and bridge are planned facilities subject only to subsequent decisions about selecting a precise alignment, the plan

⁴⁰ The river crossing is highlighted with a large asterisk with this note: “Bridge subject to further study of need and location (see TSP Chapter 9)” [R. at 1476]

⁴¹ The city’s adopted Goal 12 and TPR findings are referenced in the record at page 1220. The referenced exhibit, Exhibit D, was included in the city’s 2007 notice to the department, but was not included in the adopted record.

⁴² In response to a request from the department to confirm the contents of the city’s record and findings, city staff advised the department that the wrong set of TPR findings were adopted. [Bend letter, December 7, 2009, page 8 of 9] The adopted findings are a draft version dating from June 2007. The record includes “replacement” findings developed in 2008 that are somewhat different than the 2007 findings, but these were not adopted by the city or county as their official findings. In addition, the city advises that it has posted a *third* set of TPR findings on its website that were not part of the city’s record. Due to time constraints in preparing this report, the department has not been able to analyze these findings in detail. And, in any event, the director must base his decision on the city’s adopted findings.

needs to (1) address the relevant goals, including Goal 5, (2) establish an overall corridor within which the roadway may be located; and (3) specify the process and standards by which a subsequent decision selecting an alignment for the roadway and bridge will be made. [R. at 4735]

d. Analysis

OAR 660-012-0025 directs that TSPs clearly make or defer decisions about proposed transportation improvements. In this case, the plan is ambiguous. It neither clearly authorizes the proposed bridge, with findings demonstrating that the bridge is consistent with relevant goals, nor clearly defers specific planning decisions about the bridge to a subsequent process.

It appears that the city may have intended to defer a decision on a possible bridge in the northwest area to some point in the future. However, the TSP does not accomplish deferral consistent with OAR 660-012-0025. The TSP does not include findings and provisions required to properly accomplish deferral consistent with the OAR 660-012-0025(3). In addition, parts of the TSP and other parts of the UGB submittal suggest a decision to plan a bridge at this location (i.e., the statement that the bridge is contemplated, and decision to plan for minor arterial roadways extending to either side of the river at to the proposed bridge location).

In short, further work is needed to either authorize the bridge as a planned facility, or defer decisions to a subsequent refinement plan consistent with OAR 660-012-0025. Also, whichever path the city chooses to take in addressing OAR 660-012-0025, its work should be conducted in concert with work addressing two other requirements: OAR 660-024-0060(8) evaluating and comparing costs of different UGB expansion alternatives and evaluating whether widening of Newport and Galveston streets is consistent with the city's adopted plan policies for these streets.

e. Conclusion

The objection is sustained. The plan policy language does not comply with OAR 660-012-0025. As described above, OAR 660-012-0025 requires specific findings and actions when a local government acts to defer required planning decisions to a refinement plan. The city's findings and policies do not fulfill requirements of OAR 660-012-0025(3). The director remands the decision with instructions to either revise the TSP to include planning decisions required to comply with the TPR and applicable goals or properly accomplish deferral consistent with OAR 660-012-0025(3).

Because the bridge is an expensive improvement and appears intended to serve a specific area, the city should, as part of its Goal 14 work, consider whether the bridge improvement is needed to serve a specific areas proposed for UGB expansion, and consider the costs of such an improvement as part of its evaluation of expansion alternatives consistent with OAR 660-024-0060(8).

5. Is the city obligated to complete overdue requirements to reduce reliance on the automobile?

This subsection addresses several issues related to TPR requirements that apply specifically to city's within metropolitan planning areas (MPOS), and whether these requirements must be satisfied prior to significantly amending its UGB. The TPR establishes planning requirements for cities within MPO areas to develop a strategy to reduce reliance on the automobile through the adoption of transportation and land use measures. This section of the report addresses three related issues:

1. Whether the metropolitan planning requirements of the TPR are applicable to Bend at this time;
2. Whether Bend's plan is in compliance with provisions applicable to metropolitan areas for adoption of standards and benchmarks to reduce reliance on the automobile; and
3. Whether the planning requirements in the TPR must be met prior to a significant amendment of the UGB.

Goal 12 and the TPR apply to the UGB expansion decision. Bend is subject to TPR requirements for metropolitan areas, and is well past deadlines for completing the required work. The outstanding work is significant because it is likely to require that the city take additional steps to promote mixed-use land use patterns that support multiple modes of transportation. This work relates directly to requirements in Goal 14 that the city maximize efficiency of urban land uses, and demonstrate that lands within the UGB cannot reasonably accommodate anticipated housing, employment and other land needs.

Issue 1: Whether Bend is Subject to Metropolitan Transportation Planning Requirements at this time.

a. Legal standard

OAR 660-012-0016 and -0055 require that each MPO prepare a regional transportation system plan (RTSP) in coordination with adoption of the federally-required regional transportation plan (RTP). Under both provisions, MPO plans and the city's conforming amendments to its TSP must be adopted no later than one year after the federally required RTP.⁴³

⁴³ OAR 660-012-0016: (1) In metropolitan areas, local governments shall prepare, adopt, amend and update transportation system plans required by this division in coordination with regional transportation plans (RTPs) prepared by MPOs required by federal law. Insofar as possible, regional transportation system plans for metropolitan areas shall be accomplished through a single coordinated process that complies with the applicable requirements of federal law and this division. * * *

(2) When an MPO adopts or amends a regional transportation plan that relates to compliance with this division, the affected local governments shall review the adopted plan or amendment and either:

b. Summary of Local Actions

The city asserts that obligations in OAR 660-012- 0016 and -0055 to conduct metropolitan planning are not applicable at this time:

OAR 660-012-0016...[and]...OAR 660-012-0055(1)...[do] not apply to the City of Bend because at the time the 2000 Bend Urban Area Transportation System Plan was prepared and adopted on October 11, 2000, the city of Bend was not part of an MPO. [Exhibit D, Bend UGB Expansion Study – Statewide Planning Goal 12 Findings, pp. 15 and 41 of 55]

However, the city’s findings, prepared in 2007 and adopted by reference in its submittal, indicate that the city understood the one-year deadline for adoption of an RTSP:

An RTP that meets federal requirements is expected by the end of June 2007 and an RTP that meets the requirements of this division is expected by the end of December 2007. The City of Bend is committed to amending the City’s TSP to be consistent with the adopted RTP within one year of the adoption of the RTP. [Exhibit D, Bend UGB Expansion Study – Statewide Planning Goal 12 Findings, page 42 of 55]

c. DLCD Comments

The department advised the city that the metropolitan transportation planning requirements in the TPR are applicable to Bend at this time. The department raised this issue in its comment letters in July 2007 and October and November 2008:

The Transportation Planning Rule (TPR) requires that metropolitan areas adopt transportation and land use plans and measures that significantly increase the availability and convenience of alternative modes of transportation and reduce reliance on the automobile. Bend is past due in completing this work. The City of

-
- (a) Make a finding that the proposed regional transportation plan amendment or update is consistent with applicable provisions of adopted regional and local transportation system plan and comprehensive plan and compliant with the applicable provisions of this division; or,
 - (b) Adopt amendments to the relevant regional or local transportation system plan that make the regional transportation plan and the applicable transportation system plans consistent with one another and compliant with the applicable provisions of this division. Necessary plan amendments or updates shall be prepared and adopted in coordination with the federally-required plan update or amendment. Such amendments shall be initiated no later than 30 days from the adoption of the RTP amendment or updated and shall be adopted no later than one year from the adoption of the RTP amendment or update or according to a work plan approved by the commission. * * *

OAR 660-012-0055(1)(b): When an area is designated as an MPO or is added to an existing MPO, the affected local governments shall, within one year of adoption of the regional transportation plan, adopt a regional TSP in compliance with applicable requirements of this division and amend local transportation system plans to be consistent with the regional TSP.

Bend is currently obligated to work with department to prepare a work plan and schedule for completing the required work. (DLCD, November 21, 2008) [R. at 3781]

d. Analysis

The metropolitan transportation planning requirements were applicable at the time the city adopted its amended UGB and amended its TSP. As outlined above, the TPR includes two separate but essentially equivalent requirements for adoption and update of transportation system plans in metropolitan areas.

OAR 660-012-0016 was adopted in 2006 and specifically addresses the relationship of state and federally required transportation plans. This was intended to minimize duplication of effort in meeting state and federal transportation planning requirements. As noted above, the rule specifically directs that TPR required planning "...be accomplished through a single coordinated process" and allows up to one year for local governments to adopt conforming amendments when a federally adopted plan is adopted or amended. (OAR 660-012-0016 also allows local governments to request an extension to the one year deadline, but the city has not requested an extension.)

OAR 660-012-0055, adopted in 1991, requires local governments in a newly designated or expanded MPO to adopt a TSP within one year of adoption of a federally required RTP.

The Bend MPO was designated in 2002, and the MPO adopted an RTP on June 27, 2007. Consequently, the city was obligated to adopt amendments to its TSP meeting relevant TPR requirements no later than June 27, 2008.⁴⁴

The fact that the city was not part of an MPO in 2000 when it adopted its TSP does not affect the applicability of the metropolitan planning requirements. OAR 660-012-0016 clearly directs that metropolitan planning requirements be addressed *at the same time* and *through the same process* that is used to develop the RTP.

The MPO has been working on preparation of an RTP since the area was designated as a metropolitan area in 2002. The city's proposed UGB expansion proposal, TSP, and the RTP have been developed at the same time (2006-2007), and all three plans cover the same planning period: through 2030. Under the terms of the TPR, the city's TSP is subject to metropolitan planning requirements and must include these in its transportation plan.

e. Conclusion

The TPR requirements for metropolitan areas are applicable to Bend at this time.

⁴⁴ The city could also have requested that the commission approve a work program extending the date for completion of the required plan as provided in OAR 660-012- 0016, but it has not done so.

Issue 2: Whether the adopted TSP complies with TPR requirements for metropolitan areas.

a. Legal Standard

OAR 660-012-0035 includes requirements regarding planning for transportation choices, and reduced reliance on the automobile. The rule includes a specific target for reduction in vehicle miles traveled (VMT) and provides timeframes for completion and review procedures.⁴⁵

b. Summary of Local Actions

The submittal includes conflicting findings on its compliance with metropolitan transportation planning requirements. As noted above, city argues that provisions of the TPR for metropolitan areas do not apply to Bend at this time. However, the city's findings also say that the city has adopted performance measures and benchmarks as required by 0035 and that it can demonstrate that it has planned for a five percent reduction in vehicle miles travelled (VMT) per capita, as required by the rule:

* * * the TSP includes benchmarks to assure satisfactory progress towards meeting the approved standard or standards adopted pursuant to this rule at

⁴⁵ OAR 660-012-0035: (4) In MPO areas, regional and local TSPs shall be designed to achieve adopted standards for increasing transportation choices and reducing reliance on the automobile. Adopted standards are intended as means of measuring progress of metropolitan areas towards developing and implementing transportation systems and land use plans that increase transportation choices and reduce reliance on the automobile. It is anticipated that metropolitan areas will accomplish reduced reliance by changing land use patterns and transportation systems so that walking, cycling, and use of transit are highly convenient and so that, on balance, people need to and are likely to drive less than they do today.

OAR 660-012-0035(5) *MPO areas shall adopt standards to demonstrate progress towards increasing transportation choices and reducing automobile reliance* as provided for in this rule:

(a) *The commission shall approve standards by order upon demonstration by the metropolitan area that:*

- (A) Achieving the standard will result in a reduction in reliance on automobiles;
- (B) Achieving the standard will accomplish a significant increase in the availability or convenience of alternative modes of transportation;
- (C) Achieving the standard is likely to result in a significant increase in the share of trips made by alternative modes, including walking, bicycling, ridesharing and transit;
- (D) VMT per capita is unlikely to increase by more than five percent; and
- (E) The standard is measurable and reasonably related to achieving the goal of increasing transportation choices and reducing reliance on the automobile as described in OAR 660-012-0000.

(6) *A metropolitan area may also accomplish compliance with requirements of subsection (3)(e), sections (4) and (5) by demonstrating to the commission that adopted plans and measures are likely to achieve a five percent reduction in VMT per capita over the 20-year planning period.* The commission shall consider and act on metropolitan area requests under this section by order.

(7) *Regional and local TSPs shall include benchmarks to assure satisfactory progress towards meeting the approved standard or standards adopted pursuant to this rule at regular intervals over the planning period. MPOs and local governments shall evaluate progress in meeting benchmarks at each update of the regional transportation plan. Where benchmarks are not met, the relevant TSP shall be amended to include new or additional efforts adequate to meet the requirements of this rule. [emphasis added]*

regular intervals over the planning period. [Exhibit D, Bend UGB Expansion Study – Statewide Planning Goal 12 Findings, page 27 of 45]

* * * the City can demonstrate to the commission that adopted plans and measures are likely to achieve a five percent reduction in VMT per capita over the 20-year planning period.⁴⁶ In addition, the City has adopted interim benchmarks for VMT reduction and shall evaluate progress in achieving VMT reduction at each update of the TSP. [Exhibit D, Bend UGB Expansion Study – Statewide Planning Goal 12 Findings, page 27 of 55]

c. DLCD Comments

The Bend metropolitan area does not have commission-approved standards or benchmarks for achieving reduced reliance on the automobile as required by OAR 660-012-0035. The department raised this issue in its comment letters of October 24, 2008 and November 21, 2008:

We...recommend that the city revise or delete the finding related to TPR Section 0035. This section of the rule relates to adoption of measures to implement an adopted, Commission-approved standard (required of 0035(5)-(6). As noted above, work related to these requirements remains as an outstanding work task. (DLCD, October 24, 2008, page 16.) [R. at 4737]

The key outstanding [TPR] requirement relates to adoption of a plan and measures to significantly increase the availability and convenience of alternative modes of transportation and reduce reliance on the automobile. This includes development and adoption of specific targets for accomplishing reduced reliance. (TPR Section 035(5)) (DLCD, November 21, 2008) [R. at 3781]

d. Analysis

While the city has adopted several benchmarks for adding bike and pedestrian facilities and transit service, it has not formally proposed or adopted a performance measure as required by provisions of OAR 660-012-0035, and has not obtained or sought commission approval of such a standard as required by OAR 660-012-0035(5)(a).

Further, although the city asserts that it can demonstrate that its TSP is likely to achieve a five percent reduction in VMT—thus meeting relevant requirements of the TPR—nothing in city’s TSP or adopting findings provide evidence to support this assertion, or that would provide a basis for a commission order approving this finding as provided under OAR 660-012-0035(6).

⁴⁶ Under terms of OAR 660-012-0035(6), a metropolitan area can meet the requirement to adopt standards for accomplishing reduced reliance on the automobile in sections 0035(4) and (5) “...by demonstrating to the commission that adopted plans and measures are likely to achieve a 5% reduction in VMT per capita over the 20 year planning period.”

e. Conclusion

The city's amended TSP does not satisfy TPR requirements for metropolitan planning. The city must develop a standard and benchmarks that show how the city's transportation and land use plans will significantly increase the availability and convenience of alternative modes of transportation and reduce reliance on the automobile and obtain commission approval of those measures.

Issue 3: Whether the TPR's requirements for metropolitan area planning must be completed prior to or contemporaneously with the city's UGB amendment

a. Legal standard

OAR 660-024-0020 requires that the city address all of the statewide planning goals in its decision to amend its UGB:

- (1) All statewide goals and related administrative rules are applicable when establishing or amending a UGB, except as follows:

* * *

- (d) The transportation planning rule requirements under OAR 660-012-0060 need not be applied to a UGB amendment if the land added to the UGB is zoned as urbanizable land, either by retaining the zoning that was assigned prior to inclusion in the boundary or by assigning interim zoning that does not allow development that would generate more vehicle trips than development allowed by the zoning assigned prior to inclusion in the boundary OAR 660-024-0020 (emphasis added).⁴⁷

This rule allows deferral of the application of OAR 660-012-0060, but not of other provisions of the TPR. The TPR includes several specific requirements for metropolitan areas that affect or are implemented through changes to land use densities, designations and design standards to meet specific requirements in the TPR to significantly increase transportation options and significantly reduce reliance on the automobile. These include:

- Adoption of local standards, approved by LCDC, that demonstrate the city's TSP will significantly increase transportation options and reduce reliance on the automobile. (OAR 660-012-0035(4)-(6))
- Adoption of a parking plan and a transit plan (OAR 660-012-0020(2)(c) and (g))
- Adoption of ordinance amendments to allow for transit-oriented developments, and transit-supportive uses and densities along transit routes (OAR 660-012-0045(4))

⁴⁷ As noted above, the director sustained an objection from Swalley Irrigation District concerning this requirement as it relates to deferring application of OAR 660-012-0060 of the TPR to subsequent plan and zone change decisions.

b. Summary of Local Actions

Table 2 below summarizes the city’s actions and findings that relate to planning requirements for metropolitan areas. As noted above, for the most part the city contends that these requirements do not apply to the city at this time. Individual findings appear to suggest that the city has nonetheless adopted actions that comply with metropolitan planning provisions in the TPR.

Table 2. City findings and actions related to TPR Requirements for Metropolitan Areas

TPR Section	Summary	Goal 14 Related Outcome	City Findings/Status
0035(4)–(7)	Performance standards for increasing transportation options and reducing reliance on the automobile	Plan and zoning changes to allow more mixed use higher density residential and employment development; especially in close-in areas, and infill and redevelopment	City has not adopted performance standards. The TSP includes several “benchmarks” for TDM, bike and pedestrian improvements that were adopted as part of city’s 2000 TSP that predate Bend’s designation as an MPO ⁴⁸
0020(2)(g) 0045(5)(c)	Parking Plan to reduce per capita parking by 10% or adopt parking management reforms	Supports increased employment density, multifamily housing density	City findings assert city has met this requirement of the rule. Nothing in TSP or record includes a parking management plan that meets applicable requirements
0020(2)(c)(C)	Transit Plan designating major transit routes and major stops	Supports higher residential and employment densities	TSP includes a map of potential routes and three potential major stops. ^{49 50} Policies dating from 2000 TSP direct city to continue work on transit planning
0045(4)–(5)	Ordinances allowing transit-oriented developments and transit supportive uses and densities along transit routes	Increased housing and employment densities along transit routes	City has adopted some changes to ordinances as a result of 2000 TSP work and PR remand. Policies direct city to continue work. ⁵¹ No new ordinance provisions as part of this amendment.

c. DLCD Comments

The department raised this issue in its comment letters in October and November 2008:

⁴⁸ TPR requires benchmarks that measure progress in implementing adopted, LCDC approved performance standards. Since Bend does not have an adopted, approved performance standard, these benchmarks do not meet -0035 requirements.

⁴⁹ At present, the following are proposed as major transit stops: the downtown transit center, St. Charles Medical Center and Central Oregon Community College. Also, as the system grows, evaluation of major transit stops in the northern and southern reaches of the Bend area should be conducted. [R. at 1388]

⁵⁰ “The final determination of public transit routes, facilities and amenities within the UGB areas will be subject to further analysis and funding availability. [R. at 1453]

⁵¹ “Major transit corridors shall be opportunity areas within ¼ mile of either side of a corridor shall be a priority for medium to high density residential designations to implement the Framework Plan. [TSP, R. at 1354]

In our July 2007 comments we recommended that the city clarify the relationship of proposed TSP amendments to the city's obligations to prepare and adopt a regional transportation system plan (RTSP) in compliance with the TPR. Of particular note are TPR requirements to plan for reduced reliance on the automobile. Because land use strategies play an important role in accomplishing this objective, this work should be integrated with the city's consideration of UGB amendments. (DLCD, October 24, 2008) [R. at 4737]

The key outstanding [TPR] requirement relates to adoption of a plan and measures to significantly increase the availability and convenience of alternative modes of transportation and reduce reliance on the automobile. This includes development and adoption of specific targets for accomplishing reduced reliance. (OAR 660-012-035(5)) Because urban growth patterns affect reliance on the automobile, the proposal needs to assess how expansion to different areas would affect city's efforts to reduce reliance on the automobile. In general, reduced reliance on the automobile is accomplished by planning for compact, mixed use development, with an emphasis on focusing development in close in areas and along major transit routes. This is especially true for major trip generating uses, including regional commercial development, the proposed university and hospital medical center. For these uses, the proposal should evaluate whether needs can be met through increased infill or redevelopment or more intense development of close in sites. (DLCD, November 21, 2008) [R. at 3781]

d. Analysis

The city is required to address portions of Goal 12 and TPR related to metropolitan planning in its UGB amendment. The UGB expansion adds a significant quantity of land and residential and employment capacity to the Bend urban area that will affect transportation systems and that will have long-term effects on the extent to which area residents must rely on automobiles. Compliance with these provisions of the rule is important now because the work needed to meet these requirements relates to and affects the city's decisions about how to accommodate future urban growth. Generally, this portion TPR is met by changes to land use designations and densities that result by planning and zoning additional areas for compact, mixed use development and higher densities, through increased rates of infill and redevelopment and through development of transit oriented development or mixed use centers or neighborhoods:

It is anticipated that metropolitan areas will accomplish reduced reliance by changing land use patterns and transportation system so that walking, cycling and use of transit are highly convenient and so that, on balance, people need to and are more likely to drive less than they do today. [OAR 660-012-0035(4)]

In addition, the TPR includes detailed guidance about the kinds of land use actions that metropolitan areas should consider to accomplish this objective.⁵²

As the department stated in its comments to the city, this work must be integrated into the city's analysis of future land use needs as part of the UGB amendment process. As discussed above, the Goal 14 rule requires the city to consider and adopt efficiency measures to attempt to accommodate future land use needs on lands that are currently within the UGB. Since city must comply with the TPR as part of its UGB amendment, the city's efficiency measures must also include land use related actions that comply with the TPR.

e. Conclusion

The city's plan does not comply with key portions of the TPR related to planning for reduced reliance on the automobile. The city does not have a commission-approved standard for accomplishing reduced reliance on the automobile; a transit or parking plan; or related implementing measures allowing for transit oriented development.

Compliance with this part of the TPR is likely to require that the city take steps to plan and zone lands to encourage more compact, mixed use development, either through infill and redevelopment in the central area, or more detailed planning for transit oriented development or mixed use centers along transit routes. This work is closely related to work city is otherwise required to complete in order to comply with Goal 14 to adopt "efficiency measures." The city's decision is remanded to address these portions of the TPR, and to coordinate this work with its proposed UGB expansion.

⁵² OAR 660-012-0035(2) lists the types of land use changes that local governments are encouraged to consider to reduce reliance on the automobile:

- (a) Increasing residential densities and establishing minimum residential densities within one quarter mile of transit lines, major regional employment areas, and major regional retail shopping areas;
- (b) Increasing allowed densities in new commercial office and retail developments in designated community centers;
- (c) Designating lands for neighborhood shopping centers within convenient walking and cycling distance of residential areas; and
- (d) Designating land uses to provide a better balance between jobs and housing considering:
 - (A) The total number of jobs and total of number of housing units expected in the area or subarea;
 - (B) The availability of affordable housing in the area or subarea; and
 - (C) Provision of housing opportunities in close proximity to employment areas.

6. Did the rezoning of lands within the UGB expansion area violate Goal 2, OAR 660-024-0050(5) and the Transportation Planning Rule?

a. Legal standard

OAR 660-024-0050(5) (2006)⁵³ provides that at the time a city and county adopt a UGB amendment, they must also adopt comprehensive plan and zoning designations that are consistent with the 20-year land need determinations for all land that is being added to the UGB. This rule codifies long-standing appellate case law.⁵⁴ For Bend, this rule applies to revisions to plan and zoning maps to address future urban residential, commercial, industrial, institutional, park, and other uses in the expansion area. There are two ways to zone the land being added to the UGB: (1) retain the existing rural zoning, such as rural residential or exclusive farm use, or (2) apply interim urban holding zones that limit or prohibit land divisions, maintain large parcel sizes, limit uses, and prohibit increased vehicle trip generation.⁵⁵ The purpose of this requirement is to maintain the potential of the urbanizable land⁵⁶ within the UGB for future planned urban development.

b. Summary of Local Actions

In addition to adopting new interim plan and zoning designations, the city also designated future land uses for the expansion area on the Urban Area Framework Plan Map [R. at

⁵³ The text of OAR 660-024-0050(5) (2006):

When land is added to the UGB, the local government must assign appropriate urban plan designations to the added land, consistent with the need determination. The local government must also apply appropriate zoning to the added land consistent with the plan designation or may maintain the land as urbanizable land until the land is rezoned for the planned urban uses, either by retaining the zoning that was assigned prior to inclusion in the boundary or by applying other interim zoning that maintains the land's potential for planned urban development. The requirements of ORS 197.296 regarding planning and zoning also apply when local governments specified in that statute add land to the UGB.

⁵⁴ A UGB expansion based on a specific need must be conditioned on zoning and development the subject property to achieve the result of providing for the identified need. *Concerned Citizens vs. Jackson County*, 33 Or LUBA 70 (1997).

⁵⁵ See, e.g., ORS 197.752(1): "Lands within urban growth boundaries shall be available for urban development concurrent with the provision of key urban facilities and services in accordance with locally adopted development standards." Also see OAR 660-024-0020(1)(d): "The transportation planning rule requirements under OAR 660-012-0060 need not be applied to a UGB amendment if the land added to the UGB is zoned as urbanizable land, either by retaining the zoning that was assigned prior to inclusion in the boundary or by assigning interim zoning that does not allow development that would generate more vehicle trips than development allowed by the zoning assigned prior to inclusion in the boundary."

⁵⁶ The definitions in OAR 660, division 15 define "Urbanizable land" as: "Urban land that, due to the present unavailability of urban facilities and services, or for other reasons:

- (a) Retains the zone designations assigned prior to inclusion in the boundary; or
- (b) Is subject to interim zone designations intended to maintain the land's potential for planned urban development until appropriate public facilities and services are available or planned."

"Urban land" is defined as "land inside an urban growth boundary."

4897]. Part of the expansion area was designated as six master plan areas: four on the west side, one on the south side, and one on the northeast side. The map specifies the approximate gross “available acres” for various urban uses for each master plan area.

c. Objection

Tumalo Creek Development LLC contends Bend violated Goal 2 by assigning future plan designations in the proposed Framework Plan to lands outside its jurisdiction. This would be lawful only if the designations are guidelines. If the map designations are binding, the city must coordinate with Deschutes County and comply with statutes and rules regarding re-zoning, including Goal 2. Objector states that it owns the land designated as Master Plan Area 3. [May 7, 2009 letter, p. 2]

d. Analysis

The city designated future urban land uses on the Urban Area Framework Plan Map. This designation was coordinated with Deschutes County through the county’s co-adoption of the UGB amendment, Framework Plan amendments, and plan and zoning map amendments, in compliance with OAR 660-024-0050(5)(2006). However, the city did not apply the *appropriate* plan designations and zoning as required by OAR 660-024-0050(5).⁵⁷

⁵⁷ The proposal does not comply with the OAR 660-024-0050(5) requirement to apply appropriate plan designations and zoning to the expansion area. This rule states:

When land is added to the UGB, the local government must assign appropriate *urban* plan designations to the added land, consistent with the need determination. The local government must also apply appropriate zoning to the added land consistent with the plan designation, or may maintain the land as urbanizable land either by *retaining the zoning* that was assigned prior to inclusion in the boundary *or* by applying other *interim zoning that maintains the land’s potential for planned urban development until the land is rezoned for the planned urban uses*. The requirements of ORS 197.296 regarding planning and zoning also apply when local governments specified in that statute add land to the UGB. [Emphasis added]

The city applied the following *plan designations* to the expansion area: Urban Reserve Residential, Urban Reserve Commercial, Urban Reserve Industrial, Surface Mining, and Public Facilities. [Bend Urban Area Proposed General Plan Map, R. at 40, 174, 1189, 1055, 1226, 1232] Except for the last two, these are rural, not *urban* plan designations.⁵⁷ The city has in the past zoned a large amount of land outside the UGB as “urban reserve”⁵⁷ but has not used such zoning inside the UGB.

The proposed *zoning* for the expansion area also does not comply with OAR 660-024-050(5). The county adopted two new zones for the expansion area, the Urban Holding-10 (10-acre minimum parcel size) and the Urban Holding-2½ (2½-acre minimum parcel size), in Title 19 of the Deschutes County Code. [R. at 1852] The code also states that an existing city zone, Suburban Low Density Residential (SR 2½), like the new UH-2½ and UH-10 zones, is an urban holding zone. Please see the detailed discussion in section III.E regarding the department’s position that these three zones will not preserve urbanizable land for future urbanization and therefore are not urban holding zones in violation of Goal 14 and OAR 660-0050(5). The “land uses” that appear on the Bend Area Framework Plan Map [R. at 1235] are neither land use designations nor the pre-expansion zoning or interim holding zones; they are the intended future urban uses, only.

e. Conclusion and Decision

The city and county did not violate Goal 2 by adopting future urban plan designations for lands within the proposed UGB expansion area. The city appropriately coordinated with Deschutes County. The director denies this objection.

However, as described in more detail immediately below, the city violated OAR 660-024-0050(5) by applying *rural* plan designations (Urban Reserve Residential, Urban Reserve Commercial, Urban Reserve Industrial) to portions of the expansion area, and by applying zoning designations that fail to maintain the expansion area as urbanizable land either by retaining the zoning that was assigned prior to inclusion in the boundary *or* by applying other interim zoning *that maintains the land's potential for planned urban development until the land is rezoned for the planned urban uses.*

I. UGB Location

1. Do the UGB locational analysis and UGB amendment comply with the requirements of ORS 197.298, Goal 14 and OAR 660, division 24?

a. Legal standard

ORS 197.298, Goal 14 and OAR 660-024-0060⁵⁸ contain the applicable state requirements that establish *where* a city may expand its urban growth boundary (UGB).

⁵⁸ ORS 197.298 Priority of land to be included within urban growth boundary:

(1) In addition to any requirements established by rule addressing urbanization, land may not be included within an urban growth boundary except under the following priorities:

(a) *First* priority is land that is *designated urban reserve* land under ORS 195.145, rule or metropolitan service district action plan.

(b) If land under paragraph (a) of this subsection is inadequate to accommodate the amount of land needed, *second* priority is land adjacent to an urban growth boundary that is identified in an acknowledged comprehensive plan as an *exception area or non-resource land*. Second priority may include *resource land that is completely surrounded by exception areas* unless such resource land is high-value farmland as described in ORS 215.710.

(c) If land under paragraphs (a) and (b) of this subsection is inadequate to accommodate the amount of land needed, *third* priority is land designated as *marginal land* pursuant to ORS 197.247 (1991 Edition).

(d) If land under paragraphs (a) to (c) of this subsection is inadequate to accommodate the amount of land needed, *fourth* priority is land *designated in an acknowledged comprehensive plan for agriculture or forestry*, or both.

(2) Higher priority shall be given to land of lower capability as measured by the capability classification system or by cubic foot site class, whichever is appropriate for the current use.

(3) Land of lower priority under subsection (1) of this section may be included in an urban growth boundary if land of higher priority is found to be inadequate to accommodate the amount of land estimated in subsection (1) of this section for one or more of the following reasons:

(a) Specific types of identified land needs cannot be reasonably accommodated on higher priority lands;

(b) Future urban services could not reasonably be provided to the higher priority lands due to topographical or other physical constraints; or

(c) Maximum efficiency of land uses within a proposed urban growth boundary requires inclusion of lower priority lands in order to include or to provide services to higher priority lands.”

[emphasis added]

Statewide Planning Goal 14 (as amended April 28, 2005) requires the following:

Boundary Location

The location of the urban growth boundary and changes to the boundary shall be determined by evaluating alternative boundary locations consistent with ORS 197.298 and with consideration of the following factors:

- (1) Efficient accommodation of identified land needs;
- (2) Orderly and economic provision of public facilities and services;
- (3) Comparative environmental, energy, economic and social consequences; and

(4) Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB.

The relevant rules in OAR 660-024-0060 (adopted 10-5-06) are as follows:

Boundary Location Alternatives Analysis

(1) When considering a UGB amendment, a local government must determine which land to add by evaluating alternative boundary locations. This determination must be consistent with the priority of land specified in ORS 197.298 and the boundary location factors of Goal 14, as follows:

(a) Beginning with the highest priority of land available, a local government must determine which land in that priority is suitable to accommodate the need deficiency determined under 660-024-0050.

(b) If the amount of suitable land in the first priority category exceeds the amount necessary to satisfy the need deficiency, a local government must apply the location factors of Goal 14 to choose which land in that priority to include in the UGB.

(c) If the amount of suitable land in the first priority category is not adequate to satisfy the identified need deficiency, a local government must determine which land in the next priority is suitable to accommodate the remaining need, and proceed using the same method specified in subsections (a) and (b) of this section until the land need is accommodated.

(d) Notwithstanding subsection (a) through (c) of this section, a local government may consider land of lower priority as specified in ORS 197.298(3).

(e) For purposes of this rule, the determination of suitable land to accommodate land needs must include consideration of any suitability characteristics specified under section (5) of this rule, as well as other provisions of law applicable in determining whether land is buildable or suitable.

(3) The boundary location factors of Goal 14 are not independent criteria. When the factors are applied to compare alternative boundary locations and to determine the UGB location, a local government must show that all the factors were considered and balanced.

(4) In determining alternative land for evaluation under ORS 197.298, "land adjacent to the UGB" is not limited to those lots or parcels that abut the UGB, but also includes land in the vicinity of the UGB that has a reasonable potential to satisfy the identified need deficiency.

(5) If a local government has specified characteristics such as parcel size, topography, or proximity that are necessary for land to be suitable for an identified need, the local government may limit its consideration to land that has the specified characteristics when it conducts the boundary location alternatives analysis and applies ORS 197.298.

(6) The adopted findings for UGB adoption or amendment must describe or map all of the alternative areas evaluated in the boundary location alternatives analysis. If the analysis involves more than one parcel or area within a particular priority category in ORS 197.298 for which circumstances are the same, these parcels or areas may be considered and evaluated as a single group.

(7) For purposes of Goal 14 Boundary Location Factor 2, "public facilities and services" means water, sanitary sewer, storm water management, and transportation facilities.

(8) The Goal 14 boundary location determination requires evaluation and comparison of the relative costs, advantages and disadvantages of alternative UGB expansion areas with respect to the provision of public facilities and services needed to urbanize alternative boundary locations. This evaluation and comparison must be conducted in coordination with service providers, including the Oregon Department of Transportation with regard to impacts on the state transportation system. "Coordination" includes timely notice to service providers and the consideration of evaluation methodologies recommended by service providers. The evaluation and comparison must include:

(a) The impacts to existing water, sanitary sewer, storm water and transportation facilities that serve nearby areas already inside the UGB;

(b) The capacity of existing public facilities and services to serve areas already inside the UGB as well as areas proposed for addition to the UGB; and

The department provided a detailed explanation of how to complete an analysis of UGB locational alternatives in letters to the city dated May 27, 2008, October 24, 2008, and November 21, 2008 [R. at 3758, 4356, 4722, and 7268]. Deschutes County legal counsel also provided public written advice concerning the locational analysis on September 17, 2007 that is consistent with the department's letters. [R. at 8870] The process is set forth in Goal 14, ORS 197.298, and OAR 660, division 24, and is summarized as follows.

Once a local government has accommodated as much of its total 20-year identified needs for housing and employment as it reasonably can in the current UGB,⁵⁹ it then proceeds to analyze lands within a study area outside the existing UGB from which to select lands to satisfy any remaining needs. Goal 14, ORS 197.296, OAR 660-024-0050(4).

The first step is to determine a study area around the existing UGB. Next, the government determines which lands in the study area are the highest priority lands under ORS 197.298(1). For Bend, since there are no acknowledged urban reserves that were adopted under OAR 660-024-0060(1)(a) and ORS 197.298(1)(b), the highest priority lands for urbanization are exception areas (areas that are not subject to the agricultural or forest lands goals, and that usually are planned for rural residential, rural industrial, rural commercial or other rural uses). In the case of Bend, exception areas include properties zoned UAR, RR-10, and SR 2½, as Goal 3 and Goal 4 exceptions were taken for all of these lands (the status of the UAR zoned lands is addressed in more detail later in this section).

Once the highest priority lands are identified, the local government must develop a list of the lands and/or map them. The list or map, along with other data, is then used to analyze the lands for their suitability.

The suitability analysis relates directly to how the local government has justified its need for additional lands. If the additional lands are for general needed housing (e.g., for single family residential) the suitability criteria that may be used as a screen to eliminate lands from consideration (at this stage) are the same general criteria used in determining what residential lands are "buildable" (housing) or "suitable vacant and developed land" (employment). OAR 660-024-0060(1)(e) and 660-024-0010(1)(lands for housing are not buildable if they: have severe natural hazards, are protected by Goal 5, have slopes over 25 percent, are within the 100-year floodplain, can't be provided with public facilities); OAR 024-0010(8))(lands for employment are not "suitable" unless they are "serviceable" (OAR 660-009-0005(9) and are either "vacant" (a lot greater than 1/2 acre not containing permanent improvements or greater than 5 acres where less than 1/2 acre is occupied by

(c) The need for new transportation facilities, such as highways and other roadways, interchanges, arterials and collectors, additional travel lanes, other major improvements on existing roadways and, for urban areas of 25,000 or more, the provision of public transit service.

⁵⁹ The adequacy of the city's accommodation of identified need and efficiency measures for land within the existing UGB is addressed in more detail elsewhere in this report.

improvements, OAR 660-009-0005(14)) or developed but likely to be redeveloped during the planning period. OAR 660-009-0005(1).

If, however, the additional lands are for an “identified need” with “specified characteristics” in terms of location, then the local government may use the required locational characteristics identified in the need showing as a screen to eliminate lands from consideration. OAR 660-024-0060(5). An example is rail-dependent industrial uses. If the local government’s economic opportunities analysis demonstrates a need for this type of employment use, lands without rail access could (and should) be excluded from review under the priority of lands statute (ORS 197.298(1)). Similarly, if the local government’s housing needs analysis shows a need for high-density, multi-family housing that needs to be located close to a university, or that is located on a planned bus route (in the comprehensive plan), then the city or county may specify suitability criteria that limit its locational analysis to lands that will satisfy the identified need. OAR 660-024-0060(5).

Once the local government has determined the quantity of suitable first priority lands adjacent to the existing UGB, it compares that quantity with the amount of land need it has demonstrated in its housing needs analysis and/or economic opportunities analysis. OAR 660-024-0060(1)(b). If the amount of suitable land in the first priority category exceeds the amount needed, it then uses the Goal 14 location factors to identify which first priority lands to include in its UGB. OAR 660-024-0060(1)(b). The Goal 14 location factors are not criteria, they are considerations that are applied to each alternative parcel or group of parcels. The parcel or parcels that, on balance, best satisfy the factors are selected. In other words, no single one of the four location factors may be the sole basis for selecting a particular parcel(s) to add to the UGB.

If the amount of suitable land in the first priority category does *not* exceed the amount needed, the city or county then proceeds to evaluate the second priority category in the same manner, and so on until sufficient lands are included in the UGB. OAR 660-024-0060(1)(c).

As noted above, ORS 197.298(3)(a) allows a city or county to limit the application of the priority of lands for urbanization established in ORS 197.298(1) if the need being addressed is specific type of identified need with particular locational requirements. Similarly, ORS 197.298(3)(b) and (c) also provide bases for not including lands that would otherwise be a higher priority for a UGB expansion. See also, OAR 660-024-0060(1)(d). The exceptions to the priority statute for the difficulty of providing future urban services (ORS 197.298(3)(b), and for maximum efficiency of land use within the proposed UGB are narrowly construed as exceptions to the general rule for where UGBs are to expand.⁶⁰

⁶⁰ ORS 197.298(3) allows a city or county to exclude higher priority parcels from consideration up-front, before the city selects suitable parcels in that priority; and, if the land supply in that priority category exceeds need, before the city applies the Goal 14 boundary location factors. There is a high threshold to exclude higher priority land, such as exception land (including land zoned UAR) and instead add lower

This step provides a tentative list of highest priority parcels (within the exception lands category) to add to the UGB.⁶¹

If the amount of suitable exception land is *not* sufficient to meet the land need, the local government adds all of the suitable exception lands to the UGB expansion area, and then evaluates lands in the next highest priority category in ORS 197.298(1). For Bend, the next highest priority of land for urbanization is resource land with low resource production capability.

If the analyses do not yield enough land to meet the housing and employment needs the city has identified, then city may consider lower priority lands (i.e., the next set of higher capability farm and forest lands) and produce a tentative list of suitable lands in this final priority category for addition to the UGB.

If there remains an unmet need after this process, the next step is to expand the study area and begin the process described above again from the beginning.

b. Summary of Local Actions

The following is a summary of the city's and county's analyses of where to expand the UGB:

In January 2006, the city established a study area of approximately 27,000 acres for both a proposed UGB expansion and a proposed urban reserve area designation. [R. at 45, 1060] In June 2007, the first UGB expansion scenario was prepared and sent to the department with a 45-day notice. On August 7, 2007, the city and Deschutes County

priority lands, such as farmlands. For example, the fact that it may cost more to provide public services to one area than others does not satisfy ORS 197.298(3)(b) or OAR 660-024-0060. Likewise, the fact that one parcel will yield fewer new homes or less development than others does not allow a local government to exclude that land from a UGB expansion area in favor of other, lower priority lands. LUBA and the courts have construed the ORS 197.298(3) exceptions narrowly to allow inclusion of lower priority lands at the exclusion of higher priority lands only in cases with compelling facts. *See, e.g., DLCD v. Douglas County*, 36 Or LUBA 26 (1999) (“Factors that may have the effect of eliminating alternative sites because they are somewhat more expensive to develop are inadequate to demonstrate the eliminated alternative site cannot reasonably accommodate the identified need.”); *1000 Friends of Oregon, et al vs. Metro*, 38 Or LUBA 565 (2000) (“Metro must determine whether exception lands can reasonably accommodate the proposed use. As we stated in *Parklane I* and *Residents of Rosemont*, exception criterion (ii) is not satisfied by findings that alternative sites to resource lands cannot accommodate the proposed use ‘as well as’ those resource lands ... a finding that the resource land has relatively fewer developmental constraints or a higher percentage of buildable lands than an alternative site is not sufficient to satisfy the ‘reasonably accommodate’ standard”).

⁶¹ “The goal of consideration under [the Goal 14 boundary location factors] is to determine the ‘best’ land to include within the UGB, based on appropriate consideration and balancing of each factor.” The Goal 14 location factors “must be considered together and balanced, but individual factors are not independent approval criteria.” *Alliance for Responsible Land Use v. Deschutes Cty*, 40 Or LUBA 304, 318-319 (2001), *aff’d* 179 Or App 348 (2002). *Also see* OAR 660-024-0060(1)(b).

withdrew the urban reserve amendment until the UGB expansion was resolved. [DLCD Form 3 Notice of Denial/Withdrawal, Supplemental Record at 1423] In the fall of 2007, the city enlarged the study area to over 44,000 acres,[R. at 1061] and to respond to direction from the city council to consider the need for land for employment uses as well as housing. [R at 1060]

The city established and applied “threshold suitability criteria” to lands within the enlarged study area. [R. at 1062] The suitability criteria were intended to be consistent with the Goal 14 location factors. [R. at 1062] The parcels that met all of these criteria were considered suitable to meet Bend’s needs for housing and employment (and other land needs). [R. at 1168-1170] Those suitability criteria included:

- Whether the parcel can be served [with sewer] by an existing or proposed city facility detailed in the 2008 Collection System Master Plan [e.g., the amended Public Facilities Plan]
 - Whether the parcel is serviceable according to the 2007 City Water Master Plan, as amended, or a private water district service area
 - If the parcel scores medium or high for street connectivity
 - Not an active surface mine, not a state of local park, not a landfill, not a destination resort
 - Vacant or improved with improvement value below \$20,000
 - Improved with a dwelling, if on a parcel greater than 3 acres
 - Improved with a school or church, if on a parcel greater than 5 acres
 - Not recreational land
 - Not owned by the Bend/La Pine School District
 - Not in a commercial farm classification with 23 acres of irrigation water rights
 - Not subject to restrictive CC&Rs
 - Not in private open space
- [R. at 1169]

The “suitable” parcels were then separated into the ORS 197.298 priority groups. The city then applied the Goal 14 location factors to the exception lands by ranking them. The city developed five alternate UGB expansion scenarios after performing additional analysis and evaluation under planning commission direction.

Alternative 1 “places a strong emphasis on the statutory priorities of ORS 197.298(1)” and has “an overriding emphasis on including higher priority lands under the statute.”⁶² [R. at 1186] The Planning Commission recommended Alternative 4 to the city council, which modified Alternative 4 as a new Alternative 4A. The city council adopted Alternative 4A on January 5, 2009, and Deschutes County adopted it on February 11, 2009. Alternative 4A between 8,462 and 8,943 acres of land to the UGB. The city’s

⁶² Alternative 1 is the only one of the total seven scenarios for which the city makes this statement. Alternative 1 included 87 percent exception land and 13 percent resource land. Alternative 4A, which the city council adopted on January 5, 2009, reduced the amount of exception land to 74 percent and increased the amount of resource land to 26 percent.

findings report the total acreage as 8,462 acres [R. at 1054], but the city’s post-adoption notice to the department reports the acreage as 8,943 (which *may* be the “total” acreage of 8,462 plus the city’s “surplus” of another 519 acres). [R. at 1054]. Of the 8,500 plus acres added, it appear the city included approximately 3,500 to 4,000 acres of land that it determined are not “suitable” for inclusion in the UGB. [R. at 1054]

Of the 5,475 acres of “suitable” land included in the UGB, 4,069 acres (74 percent) was first priority exception land (79 percent of which is zoned Urban Area Reserve), and 1,406 acres (26 percent) was resource land.⁶³ [R. at. 47-48, 153-154, 156, 171-178, 1050, 1062-63, 1166-1207, including Figures V-6 and V-7 and Table V-9]

c. Objections

Tony Aceti – The amendment includes too much EFU land and not enough exception land. [May 4, 2009 page 1]

Terry L. Anderson – The southwest Buck Canyon area, which is suitable exception land, should be included in the amended UGB. [May 6, 2009, page 1]

Central Oregon LandWatch – The amendment does not justify its assumption that the following lands are unsuitable:

- Parcels smaller than three acres with a house,
- Split-zoned parcels, and
- Parcels that did not score “medium” or “high” for street connectivity.

In applying the Goal 14 boundary location factors, the city did not adequately consider the “economic” part of the factor that considers “[o]rderly and economic provision of public facilities and services.” The city also fails to apply one of the location factors, “Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB.” (May 7, 2009, pp. 9, 13, 15-16)

Hilary Garrett – The amendment passed over suitable high-priority exception land in the southwest Buck Canyon area for actively farmed EFU lands east of Hamby Road for the indefensible reason that the farm parcels will help build the southeast sewer interceptor. One of the suitability criteria was not evenly applied to like lands; *i.e.*, objector’s residential subdivision of lots largely smaller than three acres was included while parcels smaller than three acres in another part of the UGB study area were excluded. No parcels smaller than three acres should be included in the amendment. [April 18, 2009, pp. 1-2]

Miller Tree Farm – The city’s threshold suitability criteria impermissibly allowed the city to add resource land in place of much of the available exception land. The city gave these criteria more weight than the ORS 197.298 priorities, without justification in the record for doing so. As LUBA ruled in *Residents of Rosemont v. Metro*, 38 Or LUBA 199

⁶³ In response to a department request for direction to location in the record, the city identified the following pages as constituting the city’s boundary location analysis: 1059-1065, 1166-1207, and 7772-7775.

(2000) and *1000 Friends of Oregon v. Metro*, 38 Or LUBA 565 (2000), it isn't sufficient to determine that exception lands cannot accommodate the proposed use as well as resource lands can accommodate the same use(s). Development must be directed to exception lands rather than the resource lands if the exception lands can reasonably accommodate the proposed development. For example, a finding that exception lands can't accommodate as much or as dense residential development per acre as resource lands does not justify excluding those exception lands. The city did not properly apply and balance the Goal 14 boundary location factors. [May 5, 2009, pp. 1-2, 8-10]

Paul J. Shonka – The amendment includes too much EFU land and not enough exception land. [May 1, 2009, pp. 1-2]

Cindy B. Shonka – The amendment includes too much EFU land and not enough exception land. [May 1, 2009, pp. 1-2]

Tony and Cyllene King (McGraw and Associates, LLC) – The amendment includes too much EFU land and not enough exception land. [May 1, 2009, p. 1]

Oregon Department of State Lands – The selection of land does not comply with the ORS 197.298 priorities to add land to a UGB. The “Stevens Road Tract,” a large parcel of EFU land abutting the east side of Bend's UGB and owned by the objector, should be included in the expansion if any resource land is included, because the tract is the city's “top-ranked UGB candidate expansion area.” [May 7, 2009, pp 4-5]

Rose and Associates, LLC – The city's sewer, water and transportation plans dictated the location of the UGB expansion and predetermined the outcome of the location analysis, in violation of Goal 14. The location analysis fails to include one of the four Goal 14 boundary location factors: “Comparative environmental, energy, economic and social consequences.” The location analysis inappropriately deferred the evaluation and comparison of alternate sites for provision of public facilities and services, which is required by OAR 660-024-0060(8). [May 5, 2009, p. 3]

Barbara I. McAusland – The correct lands were not selected in the location analysis. [May 5, 2009, pp. 1-2]

Swalley Irrigation District The correct lands were not selected in the location analysis and the city's suitability findings are inadequate, in violation of Goal 14. The city fails to adequately consider adding thousands of acres of highest priority exception lands in the southwest area. The amendment lacks a factual basis for its claim that all suitable exception land has been included. The city's suitability criteria, including exclusion of parcels smaller than 3 acres with a dwelling, are not consistent with State law. The city fails to comply with its own ordinance that requires application of the Goal 14 boundary location factors and the Goal 2 exception process that were in effect before LCDC amended Goal 14, Goal 2, and OAR 660-004-0010 on April 28, 2005. Exception land in the northwest area should be removed from the amendment. The location alternatives analysis should have considered the impacts of urbanization on rural irrigation systems,

which are water systems under OAR 660-024-0060(8). [May 6, 2009, pp. 40, 42-43, 60-61, 71-73, 75-79]

Newland Communities – The findings support inclusion of the objector’s 149 agriculturally designated acres in the northeast area that are surrounded by exception lands on the northeast, north, west, and south. Inclusion of this land should be augmented with a better “legal and factual argument” based on the record, which the objector provides. The city properly followed the location analysis in Goal 14, OAR 660-024-0060, and ORS 197.298. [May 7, 2009, pp. 3, 9-10, 22]

Harold W. Sampson – The city should include the exception lands east of N. Highway 97 bordered by the Burlington Northern Railroad and Juniper Ridge and should eliminate the auto mall and industrial area west of N. Highway 97. [May 1, 2009, p. 1]

Brooks Resources Corporation – Land selected for employment uses is not suitable for that use. [April 29, 2009, pp. 5-8]

d. Analysis

The city and county locational analysis of where to expand its UGB does not comply with ORS 197.298, Goal 14 or the pertinent provisions of OAR 660, division 24 as summarized above. The analysis does reflect a substantial effort to examine what lands are best suited for addition to the UGB, but the methodology and approach used improperly excluded a substantial amount of land planned and zoned as exception lands (including a significant amount of land in existing suburban subdivisions, many of which rely on septic systems) from consideration for inclusion in the UGB. This resulted from the city’s use of suitability criteria, some of which did not correspond to the future housing and employment needs identified by the city, and some of which simply do not comply with state law.⁶⁴

Generally, the analysis of suitability is not transparent and lacks clear explanations linking its analysis to the data in the record. In addition, once they began considering farm land for the UGB expansion, the city and county were required to analyze farm lands with the poorest soils first, which they failed to do. The record does not demonstrate that all resource lands within the study area are grouped by soil capability, and then considered and added according to capability (lower capability lands before higher capability lands), in accordance with Goal 14, ORS 197.298, and OAR 660-024-0060.

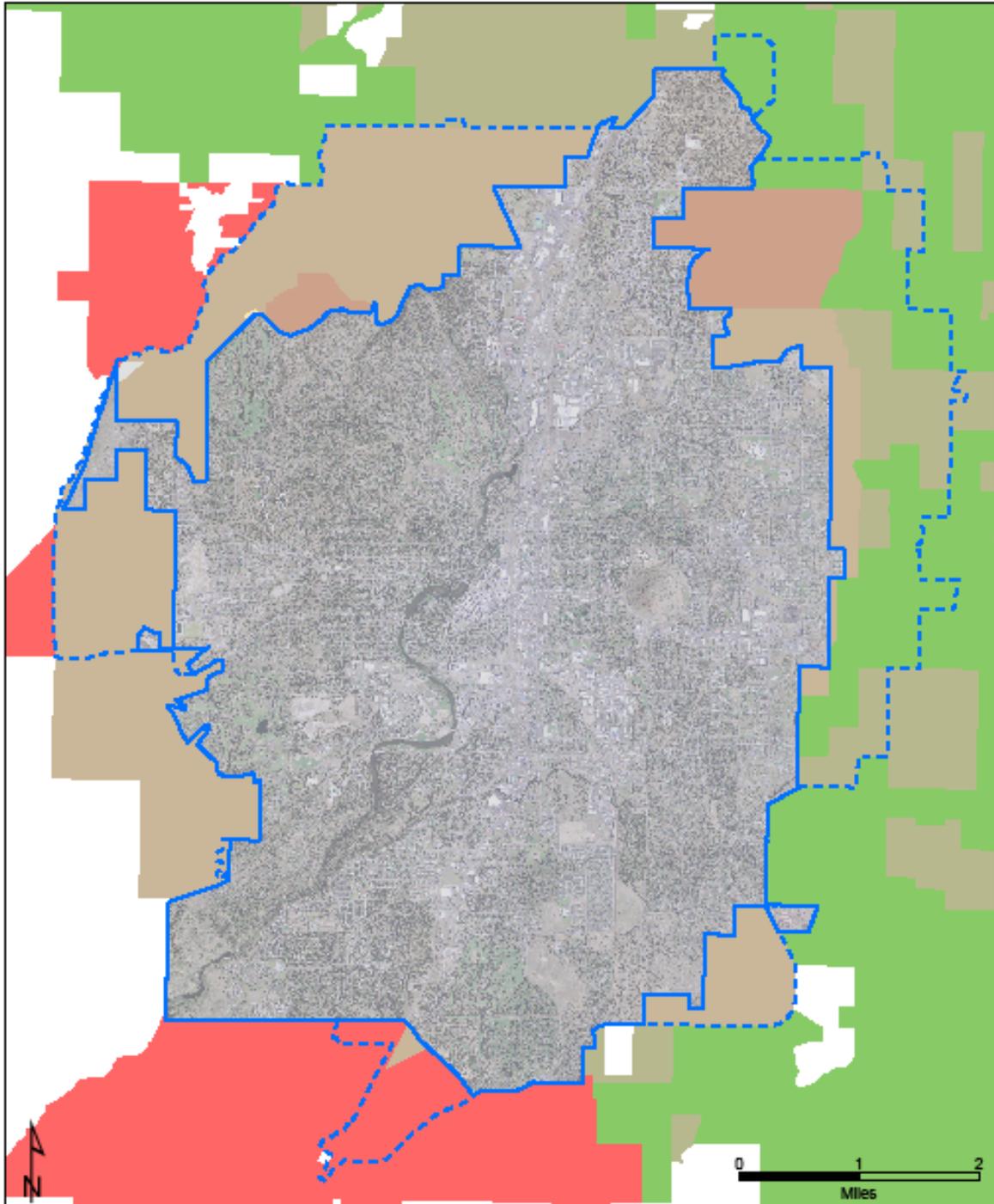
⁶⁴ On or about April 10, 2008, the city planning commission was presented with a proposed “strategy” for the city’s boundary alternatives analysis. [R. at 7772-75] The memorandum quoted relevant portions of Goal 14, OAR 660-024-0060, and ORS 197.298, but its explanation of how those laws must be applied was incorrect. In letters dated May 27, 2008, October 24, 2008, and November 21, 2008, the department advised the city of the deficiencies in its UGB location analysis, and offered detailed direction on how to complete the analysis correctly under state law. [R. at 3758, 4356, 4722, and 7268] The incorrect “strategy” proposed in the memorandum appears to be the methodology that the city used to arrive at Alternative 4A, which the city council adopted on January 5, 2009.

The city and county did, generally, attempt to avoid land planned as agricultural land. However, the present findings and record do not justify (at this point) any significant inclusion of agricultural lands in the UGB expansion area. The city has begun to make an adequate showing that expansion onto some agricultural lands to the east may be necessary to provide public services to higher priority lands (ORS 197.298(3)(c) [R. at 1183-1186], but given the uncertainty concerning the *amount* of land needed, the director cannot determine that the city has made the showing required by the statute at this time. There also are several, technical, problems with the submittal. The record does not include a map or description of all resource parcels in the study area, as required by OAR 660-024-0060(6). The boundary location analysis map shows only those parcels determined to be “suitable” because they met all of the city’s threshold suitability criteria. [R. at 165, 1180, Figure V-4] The department has prepared a map showing the zoning of lands in the study area as Figure 2, using GIS data from Deschutes County.

The record does not include a map or description of all exception parcels in the study area, which is required by OAR 660-024-0060(6). But see Figure 3 on the following page, prepared by the department based on the county’s official zoning maps. The boundary location analysis map in the record shows only those exception parcels that are determined “suitable” because they met all of the “threshold suitability criteria.” [R. at 164, 1179 - Figure V-3] The city removed all other exception parcels from the study area prior to the boundary location analysis, using the “threshold suitability criteria” that appears to be developed *after* the completed need analysis. Other exception lands are not part of the need analysis in the record. [R. at 47-48,153-160, 1062-63, 1168-75]

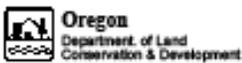
Suitability. As described above, in order to eliminate lands from consideration for inclusion in a UGB expansion, they either must be found to be generally unsuitable based on the criteria in OAR 660, division 8 (“buildable” lands for housing) or division 9 (“suitable and available lands” for employment), or (if the lands are being added for a specific identified land need) the suitability criteria must be based on the applicable needs analysis (HNA or EOA). In addition, lands in a study area may be unsuitable for one need, and suitable for another (for example, suitable for single family housing, but unsuitable for a medical center). The underlying housing and employment needs analyses establish a generalized housing need – mainly for single family housing, as well as general commercial uses, and do not identify why these general uses can’t be met (at least in part) on adjacent exception lands identified as unsuitable. As shown in Figure 2, there is a substantial amount of exception land to adjacent to the southern boundary of the city. The city’s analysis of these lands is addressed in more detail, below.

The city’s application of site criteria to *all* planned urban uses before the study area parcels were divided into the ORS 197.298(1) priorities was overbroad. This step prematurely rejected many parcels that are suitable for one or more of the city’s future land needs before those parcels could be analyzed under OAR 660-24-0060 and ORS 197.298. The city improperly “refined and reduced the size of the study area for the 20-year UGB expansion (2028) in an iterative fashion.” [R. at 152, 1167]



Exception Lands Zoning

Figure 3



This product is for informational purposes and may not have been prepared for or be suitable for legal engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

- | | |
|---|--|
| Unincorporated County Areas | Urban Growth Boundary |
| ■ EFU Resource | ▬ Current UGB |
| ■ SR2.5 - Res. Suburb. Low Density | - - - Expansion Area |
| ■ UAR - Urban Area Reserve | |
| ■ MUA10 - Multi Use Agriculture | |
| ■ RR10 - Rural Residential | |

Aerial Image: 2008 HAP
 UGB and zoning information extracted from maps provided by City of Bend and Deschutes County
 DLCD GIS 06/11/2010
 AerialImage.gxd

The suitability criteria for a UGB amendment for a *general* residential or employment land need are identified in OAR 660-024-0010(8) (for employment uses) and in OAR 660-024-0010(1) (for general housing needs). OAR 660-024-0060(5) allows local governments to apply additional suitability criteria, but only for an “identified need.” That term is a term of art, from ORS 197.298(3)(a) – e.g. an “identified need” that has specific locational requirements that are unique to that particular use. The city could, for instance, determine that there is a need for and identified housing type, such as higher density attached multi-family housing along transit routes (where there is access to multiple modes of travel), and thereby justify not following the statutory direction to include exception lands before agricultural lands, if the only locations for this identified type of housing that are along planned or current transit (bus) lines are zoned for agriculture. Similarly, if the economic opportunities analysis identified a need for a site with rail access, and the only such site is on agricultural lands, then the city could use rail access as a suitability criterion and screen out exception lands if there are no exception lands with rail access.

Some of the city’s suitability criteria do follow the general suitability criteria allowed under OAR 660-024-0010(1) and 0010(8). Others are appropriate only for an “identified need” for a particular planned urban use that has specific locational requirements. To assist the city on remand, the director provides his evaluation of the city’s criteria in the following table.

Table 3. Findings Regarding Boundary Location Threshold Suitability Criteria

Criterion	Analysis
Lot is not entirely within the 100-year floodplain.	This criterion is based on OAR 660-008-0005(2) (for housing) ⁶⁵ and OAR 660-009-0005(2) (for employment), ⁶⁶ and is a permissible screen for both general land need and specific identified land needs.
Lot is serviceable for <i>city</i> sanitary (does not include private or public systems other than the city).	This criterion is a permissible screen under OAR 660-008-0005(2)(e) (cannot be provided with public facilities), except for the limitation to <i>city</i> facilities. So long as sanitary sewer is available or feasible during the planning period, the property cannot be excluded as unsuitable.
Lot is serviceable for city water.	This criterion is permissible, see analysis immediately above.
Lot is in regional stormwater plan service area.	This criterion is permissible, see analysis immediately above.

Criterion	Analysis
The lot scores medium or high for street connectivity.	This criterion is not a permissible suitability screen. As long as street access is feasible during the planning period, the property can be provided with public facilities. This criteria can, however, be used as a Goal 14 factor for determining what exception lands to include in the event there is an excess amount of such lands and the city and the county are deciding which exception lands to include.
Lot is a public or private right-of-way for roads, sidewalks, and/or landscaping.	Publicly owned land generally is not considered buildable (Goal 10 – within the existing UGB) or suitable (OAR 660-024), and is an appropriate suitability screen. However, <i>private</i> right-of-way and open space land is “generally considered “suitable and available.”
Lot does not contain an active surface mine in the county’s Goal 5 inventory.	This criterion, which is based on OAR 660-008-0005(2) (for housing) and OAR 660-009-0005(2) (for employment), is a permissible suitability screen for general land need.
Lot is not designated by the county as a Goal 5 resource.	This criterion, which is based on OAR 660-008-0005(2) (for housing) and OAR 660-009-0005(2) (for employment), is a permissible suitability screen for general land need.
Lot is not a cemetery.	This criterion, which is based on OAR 660-008-0005(2) (for housing) and OAR 660-009-0005(2) (for employment), is a permissible suitability screen for general land need.
Lot is not owned by the federal government.	This criterion, which is based on OAR 660-008-0005(2) (for housing) and OAR 660-009-0005(2) (for employment), is a permissible suitability screen for general land need.
<ul style="list-style-type: none"> • Lot is not a state park; • Lot is not owned by the Bend Metro Park and Recreation District (listed twice). • Lot is not owned by Bend-La Pine School District 	These criteria, which are based on OAR 660-008-0005(2) (for housing) and OAR 660-009-0005(2) (for employment), are permissible suitability screens for general land need.

Criterion	Analysis
Lot is not a public or private open space.	This criterion is a permissible suitability screen for <i>publicly owned</i> open space, but not for private open space. OAR 660-008-0005(2).
Lot is developed with a school or church and is larger than 5 acres.	(1) Some church and school land may be redeveloped. Such lands may be screened as “unsuitable” only based on findings and an adequate factual base that they are not likely to be redeveloped during the 20-year planning period. Larger lots with substantial vacant land generally will be considered to be suitable (at least in part)..
Lot is not a landfill.	This criterion may be used only if based on findings and an adequate factual base that the lands are not likely to be redeveloped during the 20-year planning period. OAR 660-008-0005(2) (for housing) and OAR 660-009-0005(2) (for employment).
Lot is not a destination resort approved by the county.	This criterion may be used only if based on findings and an adequate factual base that the lands are not likely to be redeveloped during the 20-year planning period.
Lot has recorded CC&Rs prohibiting further division.	This criterion may be used only if based on findings and an adequate factual base that the lands are not likely to be redeveloped during the 20-year planning period. The director finds that the evidence cited in the city’s findings, R. at 1171-1174, does not support the city’s conclusion that the listed subdivisions cannot be redeveloped. The comments in Table V-6 [R. at 1173] show that additional residential development is not prohibited in almost all of the subdivisions listed. Even for those few subdivisions where additional land divisions are prohibited by CC&Rs, the findings do not address whether there are vacant lots, or whether additional housing not involving a land division, such as an “in-law” apartment or “granny flat” may be feasible.

Criterion	Analysis
Lot has improvements with a value of less than \$20,000.	This criterion may be used only if based on findings and an adequate factual base that the lands are not likely to be redeveloped during the 20-year planning period. The valuation threshold used by the city is very low in relation to the potential value of residential redevelopment, and would appear to effectively define lands that have minimal improvements as being developed rather than vacant.
Lot has 1 dwelling and is larger than three acres.	This criterion may be used only if based on findings and an adequate factual base that the lands are not likely to be redeveloped during the 20-year planning period. The acreage threshold used by the city is very high. A lot with an existing home and several acres of land normally could accommodate some additional residential development during a twenty-year planning period. As noted in the section of this report addressing housing need, the city has not analyzed the actual level of redevelopment that has occurred on such lands, making it impossible to reach definitive conclusions about the amount of redevelopment that is likely to occur, as those terms are used in OAR 660-008-0005(2) and 660-024-0010(1) and 0060(1)(e) and (5). The city appears to have excluded a substantial amount of exception lands based on this criterion.

Criterion	Analysis
Lot is zoned EFU-TRB with 23 acres of high value soils when irrigated OR zoned EFU-UAL with 36 acres of high value soils when irrigated.	The capability of soils on commercial farm parcels becomes relevant only if and when (a) all suitable exception parcels have been added, (b) some amount of 20-year land need remains, (c) the city goes to the next highest priority under ORS 197.298(1), which is agriculture or forest land, (d) lower capability agriculture or forest parcels have been given priority over higher capability resource parcels per ORS 197.298(2), (e) lower capability resource parcels are not suitable for the identified need, or there is not enough lower capability resource land to meet that remaining need, and (f) lowest priority high value resource land must be considered.

By excluding a large amount of adjacent exception lands as “unsuitable” based on suitability criteria that are not tied to a specific identified need for housing or employment, or are not based in the general criteria allowed under OAR 660-024-0060, the city and county have not complied with Goal 14, ORS 197.298, and OAR 660, division 24. The analysis creates an artificial shortage of first priority exception lands, and then uses that shortage to justify including lower priority resource land, effectively undermining the statutory priorities in ORS 197.298.⁶⁷

⁶⁷ In *D.S. Parklane Development, Inc. v. Metro*, 35 Or LUBA 516 (1999), *aff'd as modified* 165 Or App 1 (2000), LUBA found that Metro, in part, created its own inadequacy of higher priority lands to accommodate urban land need. LUBA concluded that this error undermined the urban reserve rule’s priority scheme “and hence the urban reserve rule.” “[W]e conclude that Metro’s failure to study enough higher priority lands created in part the inadequacy that Metro relied upon to designate lower priority lands, and further that Metro’s application of Subsections 2, 3 and 4 [of OAR 660-021-0030] as described above effectively undermines the urban reserve rule’s priority scheme and hence the urban reserve rule.” *Id.* at 554.

“The relationship between the elements of ORS 197.298(1) through (3) is essentially the same as the relationship between the elements of OAR 660-021-0030(3) and (4), and LUBA’s and the Court of Appeals’ interpretation of the latter should guide the interpretation of the former.” *Residents of Rosemont v. Metro*, 38 Or LUBA 199, 249 (2000), *aff'd in part, rev'd and rem's on other grounds* 173 Or App 321 (2001). The statutory exceptions to the priorities to add land to a UGB in ORS 197.298(3), enacted in 1995, were based on the statutory exceptions to the priorities to add land to *urban reserves* in OAR 660-021-0030(4), which LCDC had previously adopted in 1992. Therefore, interpretations of the OAR 660-021-0030(4) priority exceptions in *Parklane* apply to Bend’s use of the ORS 19.298(3) priority exceptions in this UGB amendment, including the magnitude of error caused by improper use of both the priorities and the exceptions to the priorities.

In conclusion, even assuming that (1) the city’s 20-year land need estimate of 4,956 acres [R. at 39, 43, 152, 1054, 1058, 1167] is correct, and (2) the city does not need to adopt any additional efficiency measures to accommodate housing need within the existing UGB, it appears that the city could meet all of its 20-year land needs within adjacent exception lands.⁶⁸

Aggregation of Lands for Alternatives Analysis. A second general problem with the locational analysis is that large areas grouped for evaluation do not have similar circumstances as required by OAR 660-024-0060(6). The analysis:

- Aggregates all parcels in the study area and then applied the same “threshold suitability criteria” for all urban land needs;
- Did not separate resource parcels by soil capability before applying site need criteria;
- Did not map or describe the resource parcels in the study area by soil capability;
- Classified resource lands by current use, which is not a valid “common circumstance” under Goal 14, ORS 197.298, and OAR 660-024-0060;
- Segregated exception parcels with potential scenic or natural resources from other exception parcels, without any Goal 5 inventory and regulatory protection program as a basis for doing so;
- Grouped together exception and resource parcels into UGB alternative scenarios based, in part, on cost to extend sewer lines, instead of following the methodology for selecting parcels to include in Goal 14, ORS 197.298 and OAR 660-024-0060;
- Segregated exception parcels into two different groups—parcels zoned Urban Area Reserve and all other exception parcels—when all exception parcels are the same priority and must be treated alike under ORS 197.298(1)(b).

As a result, the analysis does not comply with the OAR 660-024-0050(5) requirement to apply appropriate plan designations and zoning to the expansion area. This rule states:

When land is added to the UGB, the local government must assign appropriate *urban* plan designations to the added land, consistent with the need determination. The local government must also apply appropriate zoning to the added land consistent with the plan designation, or may maintain the land as urbanizable land either by *retaining the zoning* that was assigned prior to inclusion in the boundary or by applying other *interim zoning that maintains the land’s potential for planned urban development until the land is rezoned for the planned urban uses*. The requirements of ORS 197.296 regarding planning and zoning also apply when local governments specified in that statute add land to the UGB. [emphasis added]

⁶⁸ The findings provide that only 5,733 acres of the adjacent exception lands in the study area are “suitable,” and only 5,434 acres are both “suitable and available.” [R. at 159, 175-176, 1174, 1190-91]

Response to Objections. For the reasons set forth above, the following objections are sustained by the director:

- The amendment includes too much EFU land and not enough exception land (Tony Aceti, Paul J. Shonka, Cindy B. Shonka, Tony and Cyllene King (McGraw and Associates)).
- The amendment does not justify excluding parcels that have a house and are smaller than three acres (Central Oregon LandWatch, Swalley Irrigation District).
- The amendment does not justify excluding parcels that are split-zoned or don't score medium or high for street connectivity (Central Oregon LandWatch)
- The correct parcels were not selected for inclusion in the UGB. (Barbara I. McAusland, Swalley Irrigation District).
- The city improperly excluded suitable high priority exception land in the SW Buck Canyon area (Hilary Garrett).
- One of the suitability criteria was not evenly applied to like lands; i.e., objector's residential subdivision containing lots smaller than three acres was included, while parcels smaller than three acres in another part of the UGB study area were excluded (Hilary Garrett).
- The use of threshold suitability criteria impermissibly allowed the city to add resource land in place of much of the exception land. Development must be directed to the exception lands instead of resource lands if the exception lands can reasonably accommodate the proposed development. A finding that exception lands cannot accommodate as much or as dense residential development per acre as resource lands does not justify excluding those exception lands (Miller Tree Farm).
- The selection of land does not comply with the ORS 197.298 priorities to add land to a UGB (Department of State Lands).
- The suitability findings are inadequate, in violation of Goal 14 (Swalley Irrigation District).
- The amendment fails to adequately consider adding thousands of acres of highest priority exception lands in the SW area (Swalley Irrigation District).
- The amendment lacks a factual basis for its claim that all suitable exception land has been included (Swalley Irrigation District).
- Suitability criteria, including exclusion of parcels smaller than three acres with a dwelling, are not consistent with State law (Swalley Irrigation District).
- The SW Buck Canyon Area is suitable exception land and should be included in the expansion if needed (Terry L. Anderson).

- The city fails to apply one of the location factors, “Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB” (Central Oregon LandWatch).
- The location analysis fails to include one of the four Goal 14 boundary location factors: “Comparative environmental, energy, economic and social consequences” (Rose and Associates, LLC).
- The amendment does not properly apply and balance the Goal 14 boundary location factors (Miller Tree Farm).

The following objections are denied:

- The “Stevens Road Tract,” a large parcel of EFU land abutting the east side of Bend’s UGB that is owned by the objector, should be included in the UGB expansion if any resource land is included, because it is the city’s “top-ranked UGB candidate expansion area” (Department of State Lands). Reason for denial: Because of the improper application of relevant state goals, statutes and rules in the city’s urban growth boundary location analysis, it is not possible to determine, until the city redoes the location analysis on remand, whether any resource land must be added to the UGB, and if so, where. In addition, there is no showing that these lands have lower capability soils, under ORS 197.298(2).
- The amendment fails to comply with a city ordinance that requires application of the Goal 14 boundary location factors and the Goal 2 exception process that were in effect before LCDC amended Goal 14, Goal 2, and OAR 660-004-0010 on April 28, 2005 (Swalley Irrigation District). Reason for denial: LCDC adopted amendments to Goal 14, Goal 2, and OAR 660-004-0010 on April 28, 2005, effective April 28, 2006. These amendments, among other things, revised the Goal 14 location factors and eliminated the need for Goal 2 exception findings for a UGB amendment. A city that began the UGB amendment process prior to LCDC’s action had the option of proceeding with either the “old” Goal 14 or the “new” Goal 14. The city submitted a 45-day notice of the UGB amendment on June 11, 2007⁶⁹ and adopted the UGB amendment on January 5, 2009; Deschutes County adopted the UGB amendment on February 11, 2009; and the city and county submitted a revised UGB amendment to the department on April 16, 2009⁷⁰, after the goal amendments took effect. Between the time that the city submitted its notice and the time the city and county adopted the revised UGB amendment, the city made several changes to the findings and conclusions and used the amended Goal 14. Any provisions in the city’s plan or code to the contrary are not consistent with current State law and are not valid or enforceable. The goals and that apply to this UGB amendment are those in effect after LCDC amended Goal 14, Goal 2, and OAR 660-004-0010.

⁶⁹ See Notice of Proposed Amendment in the department’s City of Bend PAPA file 010-007.

⁷⁰ See Notice of Adoption of UGB Amendment in the department’s City of Bend UGB file 2009-01.

- Exception land in the northwest area should be removed from the amendment (Swalley Irrigation District). Reason for denial: The director cannot determine based on the current record whether these lands should or should not be included.
- The location alternatives analysis should have considered the impacts of urbanization on rural irrigation systems, which are water systems under OAR 660-024-0060(8) (Swalley Irrigation District). Reason for denial: OAR 660-024-0060(8)⁷¹ specifies how cities apply the Goal 14 boundary location factors to the land in a statutory priority category in order to select the parcels to fulfill the city’s 20-year land need for a particular urban use. This rule addresses application of only one of the four factors, “orderly and economic provision of public facilities and services,” which must be weighed and balanced when applied to all parcels in the relevant priority. Goal 14 and OAR 660, division 24 use the term “public facilities and services,” but public facilities and their component systems are defined in Goal 11 and OAR 660, division 11. Goal 11 defines “water system” as “a system for the provision of piped water for human consumption subject to regulation under ORS 448.119 to 448.285.” (emphasis added) Irrigation is “the watering of land by artificial means to foster plant growth.” (emphasis added)⁷² Thus, an irrigation system is not a water system under Goal 11, Goal 14, and their implementing rules, and a city does not consider irrigation systems in a UGB location analysis.

The following objections are addressed in other sections of this report:

- The location analysis inappropriately deferred the evaluation and comparison of alternate sites for provision of public facilities and services, which is required by OAR 660-024-0060(8) (Rose and Associates, LLC) (see Goal 12).

⁷¹ This rule states:

(8) The Goal 14 boundary location determination requires evaluation and comparison of the relative costs, advantages and disadvantages of alternative UGB expansion areas with respect to the provision of public facilities and services needed to urbanize alternative boundary locations. This evaluation and comparison must be conducted in coordination with service providers, including the Oregon Department of Transportation with regard to impacts on the state transportation system. “Coordination” includes timely notice to service providers and the consideration of evaluation methodologies recommended by service providers. The evaluation and comparison must include:

(a) The impacts to existing water, sanitary sewer, storm water and transportation facilities that serve nearby areas already inside the UGB;

(b) The capacity of existing public facilities and services to serve areas already inside the UGB as well as areas proposed for addition to the UGB; and

(c) The need for new transportation facilities, such as highways and other roadways, interchanges, arterials and collectors, additional travel lanes, other major improvements on existing roadways and, for urban areas of 25,000 or more, the provision of public transit service.

⁷² Definition from Merriam-Webster On-Line Dictionary.

- Land selected for employment uses is not suitable for that use (Brooks Resources Corporation) (see Goal 9).

d. Conclusion and decision

The UGB location analysis and UGB amendment do not comply with the boundary location requirements in Goal 14, ORS 197.298, and OAR 660, division 24.

The director remands the UGB amendment with direction to submit a UGB location analysis that is consistent with requirements of Goal 14, ORS 197.298, and OAR 660, division 24, as described in this report.

2. Do the UGB location analysis and UGB amendment comply with ORS 197.298?

This section addresses the following additional issues related to the location analysis under Goal 14 and ORS 197.298:

- Which lands in Bend’s UGB study area are considered exception lands under ORS 197.298(1)(b)?
- Are lands zoned UAR urban reserves under ORS 197.298(1)(a), exception lands under ORS 197.298(1) (b), or something else?
- Do ORS 197.298(2) requirements to rank parcels by soil capability apply to all of the land priorities in ORS 197.298(1)(a) through (d), or does it apply only to designated resource lands in ORS 197.298(1)(d)?
- Does the UGB expansion comply with the ORS 197.298(2) requirement to give higher priority to resource land of lower capability?
- Does the UGB expansion comply with ORS 197.298(3)(a) in including certain agricultural lands to satisfy identified needs for a future university site, and for large site, general industrial center?
- Does the UGB expansion comply with ORS 197.298(3)(c) in eliminating higher priority exception lands to the south of the city from consideration for inclusion in the UGB?

a. Legal standard

The relevant state law is ORS 197.298. As the department explained in comment letters to the city on May 27, 2008, October 24, 2008, and November 21, 2008 [R. at 3758, 4356, 4722, and 7268], ORS 197.298 requires Bend’s UGB location analysis to include the following:

First, determine which parcels in the study area are the highest priority lands under ORS 197.298(1). For Bend, these are exception parcels under ORS 197.298(1)(b)

because there are no acknowledged urban reserves under ORS 195.145 and ORS 197.298(1)(a).⁷³ Make a list of these parcels and/or map them. Determine which of these parcels are suitable for an identified land need⁷⁴ by analyzing each parcel according to specific site suitability characteristics for the intended use, if any (*i.e.*, residential, commercial or industrial), that were identified in the earlier need analysis (for example, if the city's EOA identified special size, location and access characteristics necessary for regionally significant industrial sites).

The city may determine that study area parcels are not suitable by applying: (1) one or more of the physical site need characteristics that were identified during the need analysis, if any; or (2) one or more of the three exceptions to the statutory priorities in ORS 197.298(3), which may or may not overlap with the previously identified physical site need characteristics; or (3) both.⁷⁵

The remaining parcels after this analysis form a preliminary list of suitable highest priority (exception) parcels. If the amount of suitable exception land under ORS 197.298(1) (b) *exceeds* the land need deficiency amount outside the existing UGB, then the city applies the four Boundary Location Factors in Goal 14 to all of the suitable exception parcels or areas, in order to narrow down the list and select the best exception parcels for the amount of the land need.⁷⁶ This provides a tentative list of highest priority parcels to add to the UGB.

If the total amount of suitable exception land is *not sufficient* to meet the amount of land need, the city must first add all of the suitable exception parcels, and then

⁷³ Bend's exception areas consist primarily of parcels zoned UAR, RR-10, and SR 2½.

⁷⁴ To determine whether the land in any of the ORS 197.298(1) priorities is "inadequate to accommodate the amount of land needed" for a particular urban use under ORS 197.298(1), a local jurisdiction must consider both quantity and suitability. *City of West Linn vs. LCDC*, 201 Or. App. 419, 440 (2005).

⁷⁵ In order to exclude lands in any priority category in favor of land in a lower priority, a city or county must provide data, analysis, and findings consistent with one or more of the three exceptions in ORS 197.298(3). ORS 197.298(3) allows a city to remove higher priority parcels from consideration up-front, before the city selects suitable parcels in that priority; and, if supply in that priority exceeds need, before the city applies the Goal 14 boundary location factors. However, there is a high threshold to exclude higher priority land, such as exception land (including land zoned UAR) and instead add lower priority lands, such as farmlands. For example, the fact that it may cost more to service one parcel than to service others does not satisfy ORS 197.298(3)(b). Likewise, the fact that one parcel will yield fewer new homes or less development than others does not satisfy ORS 197.298(3)(c). LUBA and the courts have construed the ORS 197.298(3) exceptions narrowly to allow inclusion of lower priority lands at the exclusion of higher priority lands only in cases with compelling facts.

⁷⁶ Because they are factors and not criteria, the considerations embodied in the factors are applied to each alternative parcel or group of parcels. The parcel or parcels that, on balance, best satisfy the factors should be selected. In other words, no single one of the four location factors, such as "orderly and economic provision of public facilities and services" or "efficient accommodation of identified land needs," may be the sole basis for selecting particular parcels to add to the UGB. See OAR 660-024-0060(1) (b).

evaluate all of the parcels and/or areas of similar parcels in the next highest priority category in ORS 197.298(1). For Bend, the next highest priority of land for urbanization is resource land with low resource production capability in ORS 197.298(1) (d).

This evaluation *may* start with a suitability analysis based on: (1) one or more physical site need characteristics that were identified during the need analysis, if any, or (2) one or more of the exceptions to the priorities in ORS 197.298(3) if there are adequate data and findings to support one or more of the three exceptions, or (3) both. (See OAR 660-024-0060(1)(c) and (2).) The steps described for highest priority exception land above are applied to each available parcel of lower-capability farmland, providing a tentative list of suitable parcels in this priority to add to the UGB Note that the Goal 14 boundary location factors are *not* triggered and applied in this situation. The Goal 14 factors are applied only when there is an excess amount of suitable land in a priority category.

If, after the previous analyses, the city still does not have enough land to meet all of its 20-year identified need for the particular use, the city may consider lower priority lands (*i.e.*, the next set of higher capability farm and forest lands) under ORS 197.298(2), using the same analytical methodology used to select higher priority lands, and produce a tentative list of suitable parcels in this final priority to add to the UGB.

b. Summary of Local Actions

The analysis classified parcels designated UAR as exception lands. [R. at 162, 1177] In addition, the Bend Area General Plan (the city's comprehensive Plan) includes a statement that "Lands in this Urban Reserve area [land zoned UAR] are considered first for any expansion of the Urban Growth Boundary." Because of this plan provision, the amendment ranked UAR-zoned land higher than other exception land and included it in the UGB expansion before considering the other exception parcels zoned Suburban Residential 2.5-acre minimum, MUA 10-acre minimum, and Rural Residential 10-acre minimum. [R. at 175, 1190]

It is unclear from the record whether the city selected resource parcels in accordance with ORS 197.298(2), which includes mapping or describing the soil capability of all resource parcels in the study area, grouping them according to soil capability, considering low capability parcels before high capability parcels, and applying the Goal 14 boundary location factors if there is more resource land than needed.⁷⁷

⁷⁷ The record is missing a map showing the soil capability of all resource parcels in the original or revised study area. The boundary location analysis map that shows resource lands does not show soil capability. [See R. at 165,1180, Figure V-4]

Consideration of resource parcels assumes that all of the 20-year needed cannot reasonably be accommodated on land within the existing UGB through efficiency measures, and on exception land outside the existing UGB. Whether the city can reasonably accommodate more or all of its 20-year land needs within the existing UGB or on exception land is addressed elsewhere in this report.

The amendment includes resource lands for a future university site on the city-owned property known as Juniper Ridge, and for a large-site general industrial center adjacent to the East State Highway 20/Hamby Road intersection. The city's analysis is that land of lower priority (*e.g.*, exception land), could not reasonably accommodate these uses, justifying an exception to the statutory priorities to add land to a UGB under ORS 197.298(3)(a). [R. at. 166-167, 1181-82]

The amendment also includes 1,253 acres of resource land identified as Areas A through D on the east and northeast side of the existing UGB. The primary justification for including these lands is that planned sanitary sewer lines must cross these intervening resource parcels in order to serve exception parcels elsewhere. The findings state that maximum efficiency of land uses within the proposed UGB requires inclusion of these lower priority resource lands in order to include or provide services to the higher priority exception lands, pursuant to an exception to the statutory priorities to add land to a UGB in ORS 197.298(3) (c). [R. at 168-171, 1183-86, including Figure V-5]

c. Objections

Tony Aceti – The amendment includes too much EFU land and not enough exception land. [May 4, 2009, p. 1]

Paul J. Shonka – The amendment includes too much EFU land and not enough exception land. [May 1, 2009, pp. 1-2]

Cindy B. Shonka – The amendment includes too much EFU land and not enough exception land. [May 1, 2009, pp. 1-2]

Tony and Cyllene King (McGraw and Associates, LLC) – The amendment includes too much EFU land and not enough exception land. [May 1, 2009, p. 1]

Oregon Department of State Lands (DSL) – The amendment's selection of land does not comply with the ORS 197.298 priorities to add land to a UGB. [May 7, 2009, p. 4]

Barbara I. McAusland – The correct lands were not selected in the location analysis. [May 5, 2009, pp. 1-2]

Swalley Irrigation District – The correct lands were not selected in the location analysis. The amendment fails to adequately consider adding thousands of acres of suitable highest priority exception lands in the southwest area. The amendment lacks a factual basis for its claim that all suitable exception land has been included. The amendment's suitability criteria are not consistent with state law, including exclusion of parcels smaller than three acres with a dwelling. The amendment's suitability findings are inadequate. The analysis was not based on appropriately adopted public facilities plans (see Goal 11 objections). ORS 197.298(2)'s requirement to rank parcels by soil capability applies to all of the types

of land in ORS 197.298 (1)(a)–(d) being considered for addition to a UGB (*i.e.*, urban reserves, exception areas, non-resource lands, and marginal lands), and not just rural resource land under ORS 197.298(1)(d). The lands designated “Urban Area Reserve” were never properly excepted from Goals 3 and 4 and therefore are Agricultural lands not exception lands under ORS 197.298(1)(b) (except for one small area designated “Industrial Park”). [May 6, 2009, pp. 34-40, 59-61, 68, 70, and 77-78]

Newland Communities – The amendment properly followed the location analysis in Goal 14, OAR 660-024-0060 and ORS 197.298. The amendment properly included much of objector’s land. Objector’s property, although designated Agricultural, has the high priority of exception or non-resource land because a private consultant’s report concludes that 85 percent of the tract is non-agricultural land. [May 7, 2009, pp. 3, 9, and 11-12]

Rose and Associates, LLC – The lands designated “Urban Area Reserve” were never properly excepted from Goals 3 and 4 and therefore are Agricultural lands not exception lands under ORS 197.298(1)(b) (except for one small area designated “Industrial Park”). [May 5, 2009, pp. 1-2]

The requirements, objections, and analysis of the UGB location are complex. The following subsection is comprised of issues and sub-issues paired with a summary of the results of the department’s findings.

d. Analysis

Which lands in Bend’s UGB study area are exception lands evaluated under ORS 197.298(1)(b)? Are lands zoned UAR urban reserves evaluated under ORS 197.298(1)(a), exception lands evaluated under ORS 197.298(1)(b)? On June 25, 1981, LCDC acknowledged the City of Bend comprehensive plan, which included city and county exceptions to Goals 3 and 4 for approximately 6,858 acres of land outside the 1981 UGB. These lands were designated UAR, 10-acre minimum parcel size (UAR-10), Suburban Residential, 2.5-acre minimum parcel size (SR 2½), and Surface Mining (SM). Parcels zoned UAR are therefore exception lands. UAR parcels in Deschutes County have not been designated as urban reserves under ORS 195.145.⁷⁸ UAR lands in Deschutes County are exception lands. [R. at 7268; Excerpts from the July 7, 1981 LCDC Compliance Acknowledgment Order for the Bend comprehensive plan are attached as Exhibit A]

Does the ORS 197.298(2) requirement to rank parcels by soil capability apply to all of the land types in ORS 197.298(1)(a) through (d), or does it apply only to resource lands in ORS 197.298(1)(d)? The ORS 197.298(2) requirement to rank parcels by soil capability applies only to designated resource lands under ORS 197.298(1)(d). The types of land specified in ORS 197.298(1)(a)–(c) being considered for addition to a UGB (*i.e.*,

⁷⁸ In fact, it is impossible for land zoned Urban Area Reserve to be statutory urban reserves. ORS 195.145 was adopted by the Legislative Assembly in 1993, 12 years after Bend’s comp plan, including Goal 3 and 4 exceptions for UAR parcels, was acknowledged.

urban reserves, exception areas, non-resource lands, and marginal lands) are not ranked by soil capability, and soil capability is not a criterion or factor to determine whether those parcels are added to the UGB.

LUBA has agreed that the ORS 197.298(2) priority ranking scheme is applicable only to resource lands. In its decision remanding expansion of the Myrtle Creek UGB, LUBA stated: “ORS 197.298(2) and Goal 14, factor 6⁷⁹ establish a second priority system for including agricultural lands.”⁸⁰

“The relationship between the elements of ORS 197.298(1)–(3) is essentially the same as the relationship between the elements of OAR 660-021-0030(3) and (4), and LUBA’s and the Court of Appeals’ interpretation of the latter should guide the interpretation of the former.”⁸¹ The statutory exceptions to the priorities to add land to a *UGB* in ORS 197.298(3), enacted in 1995, were based on the statutory exceptions to the priorities to add land to *urban reserves* in OAR 660-021-0030(4), which LCDC had previously adopted in 1992. Therefore, appellate interpretations of the OAR 660-021-0030(4) priority exceptions⁸² apply to Bend’s use of the ORS 197.298(3)(a) and (c) priority exceptions in this UGB amendment, including assigning the same meaning to the second sentence of OAR 660-021-0030(3)(c) and ORS 197.298(2). In 2000, the commission amended OAR 660-021-0030 to move the text that was a separate sub-rule, OAR 660-021-0030(3)(d), into 660-021-0030(4), apparently for consistency with ORS 197.298. In 1995, the rule text originally adopted as OAR 660-021-0030(3)(d) was codified in its own statutory subsection, ORS 197.298(2), instead of being included within ORS 197.298(1)(d).

The language of ORS 197.298(2) and the second sentence of OAR 660-021-0030(3)(c) indicates that their use is limited to resource lands by referring to the resource capability as “appropriate for the current use.” This could not apply to exception land or non-resource land (ORS 197.298(1)(b) and OAR 660-021-0030(3)(a) because once an exception has been taken to land outside a UGB, it is no longer farm or forest land.

⁷⁹ Before LCDC amended Goal 14 in 2005, the goal contained seven factors. Factor 6 was: “Retention of agricultural land as defined, with Class I being the highest priority for retention and Class VI the lowest priority.” The 2005 amendments separated the factors into two groups: need criteria and location factors. At the same time, location factor 6 was deleted because LCDC considered a reference to ORS 197.298 in the new preface to the location factors an adequate representation of state policy to retain agricultural land. [See April 14, 2005 staff report to LCDC, attached as Exhibit B]

⁸⁰ *DLCD vs. Douglas County*, 36 Or LUBA 26, 36-37 (1999). LUBA also stated: “Like ORS 197.298(2), Goal 14, factor 6 requires that when agricultural lands are added to the UGB higher priority must be given to land of lower agricultural capability.” *DLCD vs. Douglas County*, 36 Or LUBA at 37, fn 14.

⁸¹ *Residents of Rosemont*, 38 Or LUBA at 249.

⁸² See, e.g., *D.S. Parklane Development, Inc. v. Metro*, 35 Or LUBA 516 (1999).

Does the amendment comply with the ORS 197.298(2) requirement to give higher priority to resource land of lower capability? The amendment submittal does not contain the data and findings that constitute an ORS 197.298(2) soil capability comparison and analysis. The amendment does not include a map showing the soil capability of all resource parcels in the study area. The boundary location analysis map that shows resource lands does not show soil capability. The record lacks the data, analysis, and (particularly) findings that resource lands within the study area were grouped by soil capability, with lower capability lands being considered before higher capability lands, in accordance with Goal 14, ORS 197.298, and OAR 660-024-0060.⁸³

The analysis in the city and county's decisions relies on the current use of resource parcels as a factor in determining which resource parcels to include in the UGB [R. at 178-184, 1193-99]; however, under state statute, resource lands must be selected for inclusion in a UGB based exclusively on soil capability. [See ORS 197.298(1)(d) and (2)]

Does the city's UGB expansion comply with ORS 197.298(3)(a) in including certain specified areas to satisfy an identified need for land?

Does the UGB expansion comply with ORS 197.298(3)(c) in including certain resources lands in order to provide services to higher priority exception lands?

The decisions rely on both ORS 197.298(3)(a) and (c)⁸⁴ to include resource lands on the North and East side of the city. [R. at 1181-86] Two specific employment needs are identified that must be met on agricultural lands: a need for a future university campus with approximately 150 acres of land, and a need for a large site general industrial center on county-owned land adjacent to the intersection of E. Highway 20 and Hamby Road. [R. at 1181]

The director has previously determined that the decision adequately establishes a need for these two employment uses, but that there has not been an analysis of whether they may reasonably be accommodated within the prior UGB. If the city and county conduct an analysis of lands within the existing UGB, and conclude that these uses cannot be reasonably accommodated, and that analysis is supported by appropriate findings and an adequate factual base, then they will have made the showing required by ORS 197.298(3)(a) and Goal 14 for a specific identified land need. At this point, however, due

⁸⁴ ORS 197.298(3):

(3) Land of lower priority under subsection (1) of this section may be included in an urban growth boundary if land of higher priority is found to be inadequate to accommodate the amount of land estimated in subsection (1) of this section for one or more of the following reasons:

(a) Specific types of identified land needs cannot be reasonably accommodated on higher priority lands;

(b) Future urban services could not reasonably be provided to the higher priority lands due to topographical or other physical constraints; or

(c) Maximum efficiency of land uses within a proposed urban growth boundary requires inclusion of lower priority lands in order to include or to provide services to higher priority lands.

to the absence of the required analysis of whether the use can occur within the existing UGB, the director is unable to conclude that the decision complies with ORS 197.298(3)(a).

The UGB expansion also includes 1,253 acres of agricultural lands included in Areas A-D on the East side of the city, based on the need to include them to serve adjacent exception lands. ORS 197.298(3)(c). [R. 1183-1186]. The findings generally demonstrate that inclusion of *some* of these lands may be necessary in order to provide services to lands already within the (prior) UGB and to serve exception lands in the expansion area. However, the findings also state that some agricultural lands in these areas were included “in order to achieve a logical boundary.” In addition, the decision relies on the city’s newly adopted public facilities plan and, as determined in that section of this decision, there are deficiencies in those plans.

“Area A” appears to consist of two non-contiguous groups of parcels totaling 143 acres adjacent to the northeast corner of the current UGB. [R. at 169-170, 1184-85 including Figure V-5] The amendment justifies adding this resource land as follows: “Inclusion of this area will allow for extension of urban services from the current UGB to the Pioneer Loop Exception land. Inclusion of Area A will allow for the extension of Cooley Rd. eastward to Deschutes Market Rd. and eventually to a link with Hamhook/Hamby Rd. In addition, the planned North Sewer Interceptor will pass through Area A as it is extended westward from the wastewater treatment plant. This interceptor is included in the city’s adopted Sewer Public Facility Plan.” [R. at 168-169, 1183-84] The problem with this rationale is that it is not clear why the entire area of resource lands must be included in order to serve lands within the UGB and exception parcels adjacent to the northeast of the current UGB. [see Figure V-5, R. at 169, 1184].

“Area B” is a 422-acre area on both the west and east sides of Hamhook Road and both north and south of Butler Market Road, east of the current UGB. It is separated from the east boundary of the UGB by a large area of exception parcels also proposed for inclusion. [See Figure V-5, R. at 169, 1184] The amendment states that “[t]his resource is included in order to provide urban services (specifically the planned Hamby Rd. sewer interceptor) from exception lands abutting Pioneer Loop in the north to exception lands on both sides of Hamby, south of Nelson Rd....the Hamby interceptor...must pass through these resource lands in order to reach higher priority exception areas to the south.” [R. at 169, 1184] The record does not demonstrate the need to add Area B, a large area of resource parcels, in order to provide public services to a small exception area east of Hamhook Road. [See Figure V-5, R. at 169]

“Area C” is 536 acres of resource land on both sides of Hamhook Road. Again, the amendment states that this land is needed to extend the sewer interceptor – and also parks and schools -- to exception land farther south; however, the Alternative 4A map shows that the exception areas farther south are accessible from the existing UGB. [Figure V-5, R. at 169, 1184]

“Area D” is 152 acres of resource land east of the current UGB, south of Areas A through C. The Alternative 4A map shows that the exception parcels adjacent to Area D are accessible from the existing UGB. [See Figure V-5, R. at 169, 1184] The findings do not explain why the entire area of resource lands must be included in order to serve the exception areas.

In conclusion, at this time the director is unable to determine that the inclusion of these agricultural lands complies with ORS 197.298(3)(c). It appears that once the problems with the public facilities plans are resolved, the city may be able to make the showing required by the statute to include some of these lands, but at present there is too much uncertainty regarding the overall amount of land need to determine that these lands must be included (it may not be necessary to include the adjacent exception lands if the overall quantity of land need is substantially lower). In addition, the city’s findings must determine with specificity that inclusion of the agricultural lands is necessary in order to serve nearby exception lands.⁸⁵

Response to Objections. The following objections are denied by the director:

- ORS 197.298(2)’s requirement to rank parcels by soil capability applies to all of the types of land in ORS 197.298 (1)(a)–(d) being considered for addition to a UGB (*i.e.*, urban reserves, exception areas, non-resource lands, and marginal lands), and not just rural resource land under ORS 197.298(1)(d) (Central Oregon LandWatch, Swalley Irrigation District). Reason for denial: As explained in the issues discussion above, the ORS 197.298(2) requirement to prioritize land by soil capability applies only to resource lands.
- Environmental impacts to natural resources, the barrier of high land cost to affordable housing, or the impact to irrigation districts may justify rejecting suitable exception land for resource land under the ORS 197.298(3) exceptions to the ORS 197.298 (1) and (2) statutory priorities (Central Oregon LandWatch). Reason for denial: The only bases for rejecting exception parcels are:
 - They are not suitable for a particular use based on physical site need criteria established during the need analysis, or
 - An adequate factual record justifies one of the three exceptions to the statutory priorities in ORS 197.298(3).

⁸⁵ “Subsection 4(c) applies where the inclusion of lower priority lands is *required* in order * * * to achieve a maximally efficient urban form, either because higher priority lands *cannot be included* absent inclusion of lower priority lands, or because urban services *cannot be provided* to higher priority lands absent inclusion of those lands. If a proposed urban reserve area can achieve ‘[m]aximum efficiency of land uses,’ that is, develop at urban densities and efficiencies, *without* including lower priority lands, then inclusion of such lands is not required, and Subsection 4(c) does not apply.” *D.S. Parklane Development, Inc.*, 35 Or LUBA at 617.

- Environmental impacts to natural resources, the barrier of high land cost to affordable housing, and the impact to irrigation districts are neither Goal 14 physical site need characteristics, nor ORS 197.297(3) exceptions to the statutory priorities to add land to a UGB. In addition, the record does not justify the city’s rejection of any exception land for either of those reasons.
- Lands zoned UAR are highest priority for inclusion in the UGB under ORS 197.298(1)(a) (Miller Tree Farm). Reason for denial: As discussed in the issues section above, for the City of Bend, all exception lands are first priority under ORS 197.298(1)(b) for addition to the UGB; UAR-zoned parcels do not have any higher priority than other exception parcels.
- The lands designated “Urban Area Reserve” were never properly excepted from Goals 3 and 4 and therefore are Agricultural lands, not exception lands under ORS 197.298(1)(b) (except for one small area designated “Industrial Park”) (Swalley Irrigation District, Rose and Associates, LLC). Reason for denial: As discussed in the issues section above, parcels zoned Urban Area Reserve were acknowledged as exception lands in 1981.
- The city properly followed the location analysis in Goal 14, OAR 660-024-0060, and ORS 197.298 (Newland Communities). Reason for denial: As discussed in the issues section above, the UGB location analysis was not consistent with Goal 14, OAR 660-024-0060, and ORS 197.298.
- The city properly included much of Objector’s land (Newland Communities). Reason for denial: Because of the improper application of relevant state goals, statutes and rules in the city’s urban growth boundary location analysis, it is not possible to determine, until the city redoes the location analysis on remand, whether any resource land may be added to the UGB, and if so, where.
- Objector’s property, although designated Agricultural, has the high priority of exception or non-resource land because a private consultant’s report concludes that 85 percent of the tract is non-agricultural land (Newland Communities). Reason for denial: ORS 197.298(1)(b) exception lands are only those that have been acknowledged as such by LCDC. Unless and until Deschutes County re-designates the objector’s land as non-resource land or marginal land, this land is in the lowest priority of designated agricultural or forest land under ORS 197.298(1)(d).

e. Conclusion and decision

The UGB location analysis and UGB amendment do not comply with the ORS 197.298 priorities for adding land to an urban growth boundary.

J. Natural Resources and Hazards

The department submitted comments and received objections related to compliance with Statewide Planning Goal 5 and received one objection related to Statewide Planning Goal 7. These goals relate to natural resource areas and natural hazards.

1. Did the city and county comply with Goal 5 and its implementing rules in amending the city's UGB?

The department received a variety of objections that the city failed to comply with Goal 5 by not adequately applying Goal 5 to the UGB expansion area, and by identifying land within the proposed expansion area as protected land without adequate justification for the designation.

a. Legal Standard

Statewide Planning Goal 5 and OAR 660, division 23 address protection of significant natural, scenic and historic resources and open space. Rules in OAR 660, division 23 specify which resource categories must be protected by comprehensive plans and which are subject to local discretion and circumstances; the rules provide guidance on how to complete inventories and protection programs, and when the rule requirements apply. OAR 660, division 23 requires cities to inventory significant riparian areas, wetlands and wildlife habitat.

For some Goal 5 resources the rule allows cities to rely on inventories compiled by other agencies, and for other resources the local government must complete their own inventory of the resource. For all inventoried significant Goal 5 resources, a local government must complete a process to develop and implement appropriate protection measures. If a local program to protect a Goal 5 resource includes development restrictions, the loss of buildable land that results from these restrictions must be accounted for when determining the amount of land need.

OAR 660, divisions 23 and 24 both specify that a UGB expansion triggers applicability of Goal 5. [OAR 660-023-0250(3)(c) and OAR 660-024-0020(1)(c)] At a minimum, a local jurisdiction expanding its UGB must complete the following for the expansion area when factual information is submitted that a Goal 5 resource or the impact area of a Goal 5 resource is included in the UGB expansion area:

- Conduct an inventory of Goal 5 resources that are required to be inventoried and for which the rule does not rely on state or federal inventories. These are riparian corridors, wetlands, and wildlife habitat
- Adopt the local state and federal inventories as described in the rule for resources that require inventories. These are: federal Wild and Scenic Rivers, Oregon Scenic Waterways, state-designated critical groundwater areas and restrictively classified areas, approved Oregon Parks and Recreation Commission recreation trails, Oregon

State Register of Natural Heritage Resources sites, federally designated wilderness areas, and certain specific energy sources.

- Develop a local protection programs for all significant Goal 5 resources that are identified in an inventory, as required by the rule specific to the resource category.

Local jurisdictions have the option of conducting inventories and developing protection programs for historic resources, open space, and scenic views and sites. When using this option at the time of a UGB expansion, the Goal 5 process for these resources must be complete before land can be designated unbuildable or limitations on building can be considered in sizing the expansion area. [OAR 660-023-0070] The Goal 5 process is complete for these resources when:

- Existing and available information about Goal 5 resource sites is collected [OAR 660-23-0030(2)]
- Information on the location, quantity, and quality of the resource is determined to be adequate [OAR 660-23-0030(3)]
- The significance of resource sites is determined [OAR 660-23-003(4)]
- A list of significant resources is adopted of as part of the comprehensive plan [OAR 660-23-0030(5)]
- An analysis is completed of the economic, social, environmental and energy (ESEE) consequences that could result from a decision to allow, limit, or prohibit a conflicting use [OAR 660-23-0040]
- A program to achieve Goal 5 is developed and adopted based on the conclusions of the ESEE analysis [OAR 660-23-0050]

b. Summary of Local Actions

Findings in the submittal state that the proposed UGB expansion and Public Facilities Plan element of the city's General Plan satisfy Goal 5 because, "it avoids to the extent practicable lands with county-inventoried Goal 5 resources." The findings for Goal 5 further state that Deschutes County's Goal 5 program "does not identify any acknowledged riparian corridors, wetlands, wildlife habitat or other Goal 5 resources within the proposed urban growth boundary." [R. at 1215] The findings also state that review of the National Wetlands Inventory shows no wetlands within the proposed expansion area, and this serves to satisfy Goal 5 requirements.

The findings describe the county's knowledge of wildlife habitat within its jurisdiction, and explains that the proposed expansion area does not include any lands in the Wildlife Area Combined Zone, "applied to Goal 5 wildlife habitat," and does not include county-mapped deer winter range or elk habitat [R. at 1216]. The findings do not state when the county's inventories were last updated.

The findings identify two significant riparian corridors within the proposed expansion area and explain that they are protected through the county's plan and code. The findings also state that "approximately 22 additional [riparian] acres are located in the proposed UGB expansion area outside of the Deschutes River and Tumalo Creek." [R. at 1216]

The findings also consider the possibility that additional Goal 5 resources will be identified through future planning efforts. The record states that existing city code implementing its Waterway Overlay Zone and its areas of special interest will apply to newly identified Goal 5 resources. [R. at 1216]

New policies commit the city to perform “a complete Goal 5 inventory once the new UGB is acknowledged.” Other policies prevent urbanizable land from becoming urban until the Goal 5 inventory is complete and protection measures are in place. [R. at 1217] The findings apparently use the term “Goal 5 resource” only to refer to resources that have, or will at some point, be identified as significant Goal 5 resources.

The findings do not include information about the approach to areas of special interest (ASI), a city classification described in the Bend General Plan. The ASI classification includes Goal 5 scenic, open space and habitat resources. [R. at 1247] Some discussion of the city’s intention to identify and manage impacts to ASIs is presented in the findings on the UGB locational analysis. [R. at 159]. Although the term “Areas of Significant Interest” is not used, the findings state that about 299 acres will not be available for urban uses, “because of their significance as scenic or natural resource” [R. at 159] The bulleted list of evidence for these resources in the proposed expansion area describes landscape features that fit the ASI classification. These include: the presence of the Deschutes River viewshed; presence of the Deschutes River Canyon State Scenic Waterway; and past surveys documenting prominent rock outcroppings, which are potential scenic resources.

Bend has included the Bend Area General Plan as amended January 5, 2009 in the record. Chapter 2, “Natural Features and Open Space,” provides some information on riparian areas, wetlands and wildlife habitat, and the city’s commitment to protecting these resources. The preservation of water resources, riparian areas and wildlife habitats is identified as one of the goals necessary to ensure Bend’s livability by provide long term protection of open space and natural features. [R. at 1244] In several places, the Natural Features and Open Space chapter recognizes that the Deschutes River and Tumalo Creek provide important habitat for a variety of aquatic life, birds, reptiles and mammals, both big and small. On page 1251 of the record, it is stated that all of the significant wetlands identified for the local wetland inventory, conducted in 2000, are located along the Deschutes River.

The plan includes several policies for natural features and open space. Policy 4 states:

Prior to the completion of the Goal 5 inventory, analysis and ordinance by the city, properties seeking annexation shall conduct a Goal 5 inventory pursuant to OAR 660-023. Where a significant Goal 5 resource is identified, amendments to the Bend Area General Plan and the Bend Development Code shall be proposed and adopted, consistent with inventory findings and OAR 660-23, to ensure appropriate protection of the resource, prior to approval of any land use action.

This appears to be one of the policies mentioned in the findings. [R. at 1217]. It would allow development to proceed and provide for a property-by-property approach to the inventory and protection of Goal 5 resources.

The “Natural Features and Open Space” chapter of the plan explains that the identification and preservation of ASIs and natural features is part of an effort to “retain and conserve the natural character of Bend as the community grows and changes.” [R. at 1247] ASIs are identified as “features typical of Central Oregon, or represent important wildlife areas.” [R. a 1247]. The association of river canyons with wildlife habitat is recognized in this section.

The analysis for UGB amendment alternative 4A includes information on the environmental consequences of selecting the alternative, and discusses Goal 5 resources for each quadrant. It appears that the term “Goal 5 resource” is used to refer to a resource that has already been identified as significant and placed on the Deschutes County inventory of significant resources, or that may be identified by the city as significant in the future. There are findings of no Goal 5 resources for the northeast priority 2 and priority 4 quadrants and the southeast priority 2 and priority 4 quadrants. It is stated that the southeast priority 4 quadrant is near Townsend bat habitat and has features that could qualify as an ASI. The northwest priority 2 quadrant is described as having one Goal 5 resource, a 200-acre aggregate site, and potential Goal 5 resources within the Tumalo Creek corridor. It is also stated that a State Scenic Waterway designation is recognized for portions of the Deschutes River that run through this quadrant. [R.. at 2460-1261]

There are findings of “no naturally occurring wetlands” for four of the six quadrants, presumably based on the National Wetlands Inventory. The analysis states that the southwest quadrant “contains some soils that have characteristics that may be indicative of potential areas of special interest,” and that the northwest quadrant contains a band of lowlands along the canyon bottom of the Deschutes River and Tumalo Creek which is in the 100-year floodplain. [R. at 2430-2462]

c. Objections and DLCD Comments

DLCD provided comments regarding Goal 5 requirements to the city in letters of October 24 and November 8, 2008. [R. at 4728-4729 and 3782] There were two main issues raised with respect to Goal 5: the Goal 5 *procedures* that are required prior to land being identified as non-buildable, and the *inventory* requirements for Goal 5 resources that are triggered at the time of a UGB expansion.

In the October 24 letter, DLCD described several Goal 5 resource categories that overlapped with the “areas of special interest” designation used by the city, and described some options for meeting the objectives of preserving the values of these land both within and outside the confines of Goal 5. The November 8th letter recognized the city’s intent to complete the Goal 5 requirements following completion of the UGB expansion, and stated this was not sufficient to comply with the rule. Both letters explained that it was the city’s obligation to inventory riparian areas, wetlands and wildlife habitat and assess

resource sites for significance when factual information was submitted that these resources exist in the expansion area.

Objectors have raised concerns regarding the decision to postpone application of the Goal 5 process to known resources that exist within the proposed expansion area. In particular, riparian areas, wetlands, wildlife habitat and state Scenic Waterways need to be inventoried and protected as part of the UGB expansion planning process.

The following comments have been submitted regarding compliance with OAR 660-023 and OAR 660-024-060.

Swalley Irrigation District – Avoidance of county-designated Goal 5 resources (e.g., big game habitat) does not comply with the Goal 5 rule. At the time of a UGB expansion, resources within the expansion area must be reevaluated due to the new conflicting uses allowed. The city failed to apply Goal 5 protections to state scenic waterways. The designation of land along the Deschutes River and canyon as unbuildable was made without completion of the Goal 5 process. It is premature to adopt the Combined Sewer Master Plan and the transportation plan without an adequate inventory of Goal 5 resources. [Swalley, May 6, 2009, p. 45]

Toby Bayard – The city failed to complete Goal 5 inventories of natural areas, scenic and historic areas and open space. Land set aside for protection within the proposed expansion area was not adequately identified as a Goal 5 resource. Reliance on county Goal 5 inventory is not sufficient to meet Goal 5 requirements that apply to the proposed UGB expansion. The city failed to maintain an inventory of historic, open space, and scenic views and sites. [Bayard, April 29, 2009, pp. 1 and 34]

Bend Metro Park and Recreation District – The city failed to provide an adequate Goal 5 analysis as part of the proposed UGB expansion, pursuant to OAR 660-023-0250. The city inappropriately defers Goal 5 analysis to after the adoption of the UGB. [Bryant Lovlien & Jarvis, PC for Bend Metro Parks & Recreation District, May 5, 2009, pp. 1-2]

Central Oregon Land Watch – The city wrongly interpreted OAR 660-024-0020(1)(c) and 660-023-0250(3)(c) and failed to apply Goal 5 requirements as part of the proposed UGB expansion. The designation of 299 acres as restricted due to the presence of Goal 5 resources is not based on a Goal 5 inventory. The city wrongly relies on existing county Goal 5 inventory information to identify to satisfy Goal 5 requirements triggered by the UGB expansion. [Paul Dewey Attorney at Law for Central Oregon Land Watch, May 7, 2009, pp. 5 and 14-15]

Edward J. and Doris E. Elkins – City failed to justify their designation of available lands and constrained lands since no Goal 5 analysis has been completed. A portion of the land was identified as constrained without adequate inventory and assessment. [Elkins, April 26, 2009, pp 1-3].

Department of State Lands – The city failed to conduct Goal 5 inventories and analysis in the proposed UGB expansion areas. [Vrooman, Oregon Department of Justice for Oregon Department of State Lands, May 7, 2009, p. 4]

Tumalo Creek Development, L.L.P. – The city’s proposed areas of special interest do not comply with Goal 5. The city failed to conduct a Goal 5 process to properly identify the location of and potential conflicts with ASI designated land. [David C. Allen Attorney, for Tumalo Creek Development, LLC, May 7, 2009, p. 3]

Toby Bayard (PFP) – The city failed to meet its Goal 5 obligations. Specifically, the city did not perform a Goal 5 inventory in advance of recommendations to construct a major sewer system interceptor. [Bayard, July 2, 2009, pp. 11-14]

Swalley Irrigation District (PFP) – The city failed to apply the Goal 5 process during adoption of the public facilities plan, which was required due to the presence of a designated State Scenic Waterway in the northwest quadrant. This objection is also included in the objections made to the UGB expansion. The city failed to address the habitat conservation planning effort that is underway for the bull trout and to recognize constraints on sewers and other infrastructure that are likely to result from the federal endangered species listing. Potential impacts to Tumalo Creek have not been evaluated. [Swalley Irrigation District, July, 6 2009, pp. 29-31]

d. Analysis

The city states that the proposal “avoids to the extent practicable lands with county-inventoried Goal 5 resources,” and that Deschutes County’s Goal 5 program “does not identify any acknowledged riparian corridors, wetlands, wildlife habitat or other Goal 5 resources within the proposed urban growth boundary.” [R. at 1215] These statements may be accurate if Goal 5 resources are understood to mean only resources that the *city* has determined to be significant, but it does not appear that the city made that decision. Even so, there appears to be some contradiction. The findings also state that the Deschutes County Code, Chapter 23.112, identifies two Goal 5 riparian areas within the expansion area. The findings go to explain that “most of these areas are along the Deschutes River and Tumalo Creek...[but] approximately 22 additional acres are located in the proposed UGB expansion area outside of the Deschutes River and Tumalo Creek.” [R. at 1216]

OAR 660-23-0250(3)(c) specifies that that the requirements of Goal 5 apply when a post-acknowledgment plan amendment “amends an acknowledged UGB and factual information is submitted demonstrating that a resource site, or the impact areas of such a site, is included in the amended UGB area.” The resource sites at issue in this rule are not only sites that have already been identified by the county as significant. The rule requires the city to independently evaluate the expansion area where where resources are identified and evaluate them for significance and possible protection. The city may use the county’s inventory as a starting point, but it must also evaluate other information and make its own determination of significance.

The city has factual information that natural resource sites may exist in the UGB expansion area. The alternatives analysis and associated maps clearly show that the Deschutes River and Tumalo Creek run through proposed expansion areas. The Bend Area General Plan recognizes the association between these two landscape features and important wildlife habitat. [R. at 1251 and 1254]

The plan also recognizes the association between the Deschutes River and wetlands. [R. at 1251] Four out of the six quadrants in Alternative 4 are described as having “no naturally occurring wetlands,” [R. at 2432, 2437, 2442 and 2447] presumably based on National Wetland Inventory data. The southwest quadrant is described as having soils with “characteristics that may be indicative of areas of special interest.” [R. at 2453] The northwest quadrant is described as having land along the Deschutes River and Tumalo Creek that is within the 100-year floodplain. [R. at 2461] The descriptions of these latter two quadrants may indicate the likelihood of wetlands. The record also acknowledges the State Scenic River designation for the Deschutes River [R. at 2460], and the existence of a Goal 5 aggregate resource in the northwest quadrant. [R. at 2460-2461]

Based on the evidence in the record of Goal 5 resources, the city needs to conduct an inventory, identify conflicting uses, and complete the Goal 5 process for the following resources in the proposed expansion area: riparian corridors, wetlands, and wildlife habitat. Potential impacts from new uses that will result from the proposed UGB expansion on the significant Goal 5 resources that are located in the expansion area must also be identified. These include State Scenic Waterways along the Deschutes River and the aggregate resource site in the northwest quadrant.

The city will also need to complete the Goal 5 process for areas of special interest, if these lands are to be considered unavailable for urban use within the proposed UGB expansion area. The Goal 5 process includes the identification of potential impacts from allowed uses and an assessment of the consequences of allowing, limiting or prohibiting uses and activities that conflict with a significant resource. This process is intended to generate findings that justify the final decision to alter or not alter development options. It is possible that the city will be able to rely on significance criteria and portions of the impact analysis that were completed to implement the ASI program within the existing UGB. However, if the ASI program development was competed under OAR 660, division 16, additional work will be needed. The fact that the ASI definition includes wildlife habitat, and implementation of protection measures serve in part to protect habitat, the city will need to consider the requirements of OAR 660-23-0110, when applying Goal 5 to these resources.

Failure to complete an inventory of historic resources was mentioned by one objector, but local governments are not required to identify and protect significant historic resources under Goal 5. If a jurisdiction chooses to identify historic resources, the process and criteria described in OAR 660-23-0200 must be followed. Another objector stated that the city had not adequately addressed current efforts to develop a habitat conservation plan for bull trout in the Deschutes River. Although the listing of bull trout under the

federal Endangered Species Act may be an important consideration for UGB expansion, Goal 5 does not require fish habitat to be included in a wildlife inventory. The inclusion of fish habitat will depend on choices made by the city when applying the rule (OAR 660-23-0110(4)), and is a consideration in protection of riparian corridors.

The director concurs with the objectors that the city has not completed the steps necessary to assess Goal 5 resources within the UGB expansion area for significance, and has not adequately addressed potential impacts to known significant Goal 5 resources as required by OAR 660-023-0250(3)(c) and OAR 660-024-060. The director also concurs that the areas of special interest identified by the city have not been evaluated sufficiently by the city at this point in time for land to be set aside for their protection. Furthermore, the director agrees with objectors that planning for transportation, housing and parks is undermined by the lack of analysis of the location, quantity, and quality of Goal 5 resources.

e. Conclusion

The UGB amendment and the amendments to the Public Facilities Plan do not comply with OAR 660, division 23. The director remands with direction to complete the inventory, assessment, and program development work needed to comply with Goal 5.

2. Is the designation of Surface Mining on certain property appropriate?

a. Legal Standard

OAR 660-023-0180 addresses identification of significant aggregate resources, approval of mining activity, and protection of the resource from conflicting uses. The rule sets criteria for significance and prescribes a process for evaluating potential impacts from the proposed mining activity. The rule requires a plan amendment for amending the local inventory of significant aggregate resources, changes to the mining activities allowed on the site, changes to the post-mining use of the site, and changes to the restrictions imposed in the impact area on new uses that could conflict with a protected mining activity.

b. Summary of Local Actions

The Bend Urban Area General Plan Map, dated December 12, 2008, shows the comprehensive plan designation for property owned by Shevlin Sand and Gravel to be surface mining. [R. at 1226]

c. Objection

One objector, Shevlin Sand and Gravel (SSG), raised a concern about a comprehensive plan map designation of surface mining that does not correlate with the Department of Aggregate and Mineral Industry (DOGAMI) permit authorizing mining. The objector does not cite a violation of local or state regulations, but explains that the plan designation depicted on the Bend Urban Area Proposed General Plan Map creates a problem with making use of their property. More land is designated as surface mining

than is covered under the DOGAMI permit for their mining operation. The land not covered by the DOGAMI permit can't be mined, and it can't be used for other purposes due to the plan designation. The objector does not state when the plan designation was made.

The objection is, "The surface mining designation makes [the] portion of the property [not covered by the DOGAMI permit] useless, because it is legally impossible for SSG to conduct mining and processing operations in this area." The objector recommends that the City of Bend change the boundary of the area designated surface mining to include only the area subject to the DOGAMI permit. The objector has provided a diagram showing the DGAMI permit boundary. Some land would need to be removed and other land added to the area designated as surface mining for the boundaries to be coincident. [Johnson & Sherton Attorney for Shevlin Sand and Gravel, May 7, 2009, pp. 1-2]

d. Analysis

The map designation is presumably based on a previous action by Deschutes County to designate the Shevlin Sand and Gravel property as a significant aggregate resource. A UGB expansion does not trigger a requirement for the city to conduct a new inventory of aggregate resources within the expansion area. Local jurisdictions are only required to amend the significant aggregate resource inventory in response to an application for a post-acknowledgement plan amendment. [OAR 660-23-0180(2)] A change in the boundaries of this site will require consideration of a separate plan amendment and will need to be based on findings developed consistent with OAR 660-23-0180.

e. Conclusion.

The objection is not sustained.

3. Does the UGB amendment comply with Goal 7 when the findings do not address wildfire hazard?

a. Legal Standard

Goal 7 is: "To protect people and property from natural hazards." There is no administrative rule associated with this goal.

The goal requires local governments to "adopt comprehensive plans (inventories, policies and implementing measures) to reduce risk to people and property from natural hazards." The definition of natural hazard includes wildfires. The goal provides how local governments are to implement the goal, and avoiding development in hazard areas is one of the principles to be considered.

b. Summary of Local Actions

The UGB amendment findings, analysis and conclusions do not address wildfire risk as a consideration regarding where to locate the boundary.

c. Objection

Central Oregon LandWatch objected that the UGB amendment does not address wildfire risk and specifically that emergency preparedness and emergency access are not addressed. The objector submitted evidence that the City of Bend “is one of four western cities at the greatest risk of wildfire.” The objector cites to Goal 7 provisions, and states the department should review new fire hazard information and notify local governments (presumably Bend and Deschutes County in this case) that the information requires a local response, as required by Goal 7. The objection does not identify this new information. [Central Oregon LandWatch, May 7, 2009, p. 17]

d. Analysis

Deschutes County has adopted a community wildfire protection plan for the Greater Bend Area that identifies significant wildfire risks for the area. The department agrees that the county and city should consider wildfire risk in evaluating the location and type of development for the city’s UGB expansion. However, at present, the Goal 7 does not *require* such an action by the county and city.

e. Conclusion

The director denies this objection. However, the director also believes that the city and county should consider the information in the Community Wildfire Protection Plan for the Greater Bend area on remand as they determine where to expand the UGB and how to plan for the expansion area.

K. Procedural Issues

Several objections raise issues related to whether the city and county have complied with certain procedural requirements in adopting the five ordinances at issue in this review. The legal criteria for this portion of the submittal are primarily found in ORS 197.610, OAR 660-025-0175 and OAR 660-018-0020, and Goals 1 and 2. This section addresses objections relating to local procedure and coordination for both the four ordinances initially submitted to the department (the two county ordinances, and city ordinances NS 2112 (UGB) and NS 2113 (code amendments), and the city's public facilities plan, adopted as ordinance NS 2111.

1. Did the city properly notice its submittal of the ordinances and plan amendments to the department?

Swalley Irrigation District (Swalley) alleges that the City of Bend's April 16, 2009 notice of its submittal to the department is inadequate to meet ORS 197.626, 197.633(2)(b), OAR 660-025-0175(3), and OAR 660-025-0100 (as well as Goal 1) in that the notice does not identify with clarity what decisions were submitted to the department for review. Swalley Objection 2(A), at 17-18.

a. Legal Standard

OAR 660-025-0175 sets forth how local governments must provide notice of UGB amendments, and the requirements for submittal of their final decision:

- (3) The local government must provide notice of the proposed amendment according to the procedures and requirements for post-acknowledgement plan amendments in ORS 197.610 and OAR 660-018-0020.
- (4) The local government must submit its final decision amending its urban growth boundary, or designating urban reserve areas, to the department according to all the requirements for a work task submittal in OAR 660-025-0130 and 660-025-0140.

In turn, OAR 660-025-0130 governs what must be submitted to the department and when, and OAR 660-025-0140 governs notice of the submittal and objections.

b. Summary of Local Actions

The city submitted notice of the city's and county's adoption of four ordinances to the department on April 16, 2009. Those four ordinances were the city's ordinances adopting the amended UGB and amending the city's development code in certain respects (Ordinances NS-2112 and NS-2113), and the county's ordinances co-adopting the amended UGB and making certain amendments to the county's comprehensive plan map and text for the lands within the UGB expansion area. [R. at 1050-1051 (city ordinance NS 2112 - UGB); R. at 1836-1844 (city ordinance NS 2113 – development code);

[county ordinance 2009-1 – UGB map and DCC and TSP map]; [county ordinance 2009-2 – zoning map and certain DCC amendments].

The city did *not* submit ordinance NS 2111, amending the city’s Public Facilities Plan element of its General Plan, to the department on April 16, 2009 (although a copy of this ordinance, which was adopted immediately before the UGB amendment ordinance, was included in the record for the submittal of the UGB ordinance (NS 2112), and the city submitted a separate notice of adoption of the Public Facilities Plan on January 9, 2009). However, on June 12, 2009, following LUBA’s decision and May 8, 2009 order in LUBA Nos. 2009-010, 2009-011 and 2009-020, the city did separately submit ordinance No. NS-2111 to the department, and provided notice to the objectors, as required by OAR 660-025-0175(3) and (4) and OAR 660-025-0130 and -0140.

c. Analysis

Although the city’s action in adopting the Public Facility Plan elements of its General Plan as a separate ordinance from its UGB amendment may have caused confusion, there is no legal prohibition on what the city did. The city’s 45-day notice covered both the UGB amendment and amendments to elements of the city’s comprehensive plan, including the Public Facilities Plan. The city properly gave post-adoption notice of its submittals to the department and those entitled to notice.

d. Conclusion

The director denies this objection. The city properly gave pre- and post-adoption notice of its submittals to those entitled to notice, include Swalley.

2. Did the city provide required notice and hearings for its ordinances?

Swalley, Bayard, Hillary Garrett, and Central Oregon LandWatch allege that the local processes leading to the submittals were unreasonably confusing and provided inadequate notice. Swalley Objection 2(B), at 18-28; Bayard Objection 1, at 23-25; Central Oregon LandWatch Objection at 6-8; Hillary Garrett, at 3-4.

a. Legal Standard

OAR 660-018-0020 sets forth how local governments must provide notice to the department 45 days in advance of the first evidentiary hearing on a proposed comprehensive plan amendment:

- (1) A proposal to amend a local government acknowledged comprehensive plan * * * must:
 - (a) Be submitted to the director at least 45 days before the first evidentiary hearing on adoption. * * *
 - (c) Contain two copies of the text and any supplemental information the local government believes is necessary to inform the director as to the effect of the proposal. One of the required copies may be an electronic copy;

* * *

(e) In the case of a map change, include a map showing the area to be changed as well as the existing and proposed designations. Wherever possible, this map should be on 8-1/2 by 11-inch paper;

* * *

(2) The text submitted to comply with subsection (1)(c) of this rule must include the specific language being proposed as an addition to or deletion from the acknowledged plan or land use regulations. A general description of the proposal or its purpose is not sufficient. In the case of map changes, the text must include a graphic depiction of the change, and not just a legal description, tax account number, address or other similar general description.

These provisions concern the required notice to the department. They do not prohibit changes to a proposed action. If a local government substantially amends a proposed plan amendment, then it must describe the changes in its notice of adoption. [OAR 660-018-0045]

Statewide Planning Goal 1 sets forth what must be contained in a local government's citizen involvement program. The city's citizen involvement program is acknowledged for compliance with Goal 1. The city's hearings procedures for legislative amendments do include a local code requirement for 20-day advance local notice of public hearings on legislative plan amendments, which is cited by Bayard and Garrett. BDC Section 4.1.315.

b. Summary of Local Actions

The city provided an amended 45-day notice to the department of its revised proposal to amend the UGB and certain provisions of its comprehensive plan, including the Public Facilities element of its plan, and including its development code, on October 8, 2008. [R. at 4820] Swalley, Garrett and Bayard identify several respects in which they and other local participants were frustrated or confused about what was proposed, and allege that the proposed Public Facilities Plan was not submitted to the department until October 20, 2008, and that the local newspaper notice did not separately identify that amendments to the Public Facilities Plan were to be heard.

The record indicates that the proposed amendments to Chapter 8 (Public Facilities) of the General Plan were first presented to the city's planning commission on or about August 15, 2008. [R. at 6150, 6250] The record also indicates that the location and, to some extent, size of the proposed UGB amendment was changed significantly on or about October 3, 2008, and that the city and county planning commissions met to consider the submittals on October 27, 2008. [R. at 1211] The city gave public notice of the planning commissions' hearing on October 7, 2008; [R. at 4756] and public notice of the city council hearing on November 7, 2008. [R. at 3954-55] It is not clear when the city provided the text of the proposed changes to Chapter 8 of its General Plan (Public Facilities); it appears that the text was sent on or about October 20th.

c. Analysis

Swalley, Garrett and Bayard are correct that the city's notices failed to comply with OAR 660-018-0020 and ORS 197.610, in that the submittal was late (in relation to the first evidentiary hearing) and may not have initially been complete. It also appears that the city's notice of the planning commissions' joint hearing and the city council hearing violated BDC section 4.1.315 by failing to provide notice 20 days in advance of the hearings. However, Swalley, Garrett and Bayard also note that they were allowed to and did provide written testimony to the planning commissions (and city council) at public hearings on the proposals.

Whether a violation of the notice requirements of ORS 197.610 requires a remand depends on whether the objector(s) were prejudiced by the late or inadequate notice. See, *No Tram to OHSU, Inc. v. City of Portland*, 44 Or LUBA 647, 658 (2003). In this case, Swalley and other objectors allege that they were prejudiced by the lack of time to review the extensive submittal, which was changed substantially by the city in early October. The objectors have identified substantial prejudice in the sense of not having been able to present their concerns to the local decision-makers.

d. Conclusion

Goal 1 is violated in the context of a legislative comprehensive plan amendment only if the local government does not follow its citizen involvement program. *Casey Jones Well Drilling, Inc. v. City of Lowell*, 34 Or LUBA 263, 284 (1998); *Wade v. Lane County*, 20 Or LUBA 369 (1990). Swalley and Bayard have not identified a violation of Goal 1.

However, as set forth above, the record shows that the city did violate ORS 197.610 by failing to provide timely and adequate notice of its proposed amendment to its General Plan. As a result, the director concludes that remand is required in this case.

3. Did the city otherwise violate Goal 1?

Toby Bayard (and to some degree Swalley and Central Oregon LandWatch) alleges that the city failed to provide critical information to the public in a timely fashion, and made substantial last-minute changes in its proposal that had the effect of not allowing the public adequate time to comment. [Bayard Objection 1 at 1-26; Central Oregon LandWatch Objection at 6-8]

a. Legal Standard

Goal 1 is to "develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process." [OAR 660-015-0000(1)] Goal 1 establishes requirements for local citizen involvement programs. Its provisions do not apply to comprehensive plan amendments unless those amendments include the government's citizen involvement program. The city and county submittals do not amend or affect either the city's or county's citizen involvement program. Under those circumstances, the submittals are in violation of Goal 1 only if the submittals include provisions that are inconsistent with the city or county citizen involvement programs.

Homebuilders Assoc. v. Metro, 42 Or LUBA 176, 196-197 *aff'd Homebuilders Assn. of Metropolitan Portland*, 184 Or App at 669. No objector attempts to establish that the submittals include provisions that are inconsistent with either citizen involvement. In addition, the objectors do not identify any specific provision of the city's citizen involvement program that has been violated. See, General Plan, Chapter 1.

b. Summary of Local Actions

The city is not amending its citizen involvement program.

c. Analysis

Because the city is not amending its citizen involvement program, Goal 1 does not establish requirements for the local government actions before the director.

d. Conclusion

The director denies the Bayard, Central Oregon LandWatch and Swalley objections concerning Goal 1, because the goal does not establish legal requirements for the actions that are before the director for review.

4. Did the local governments fail to coordinate with Swalley Irrigation District, Central Oregon Irrigation District, or ODOT in violation of Goal 2?

Swalley Irrigation District (Swalley) and Toby Bayard allege that the city and county failed to coordinate with the Swalley and other governmental entities, as required by Goal 2. In particular, Swalley alleges that the submittals were not coordinated with the district in the sense that the district's needs were considered and accommodated as much as possible. Goal 2; ORS 197.015(5). [Swalley Objection 2(A), at 28-34. Bayard Objection 2, at 27-33]

a. Legal Standard

The coordination elements of Goal 2 require local governments to exchange information with affected governmental units. In addition, information received from affected governmental units must be used by the adopting local government. *Santiam Water Control District v. City of Stayton*, 54 Or LUBA 553, 558-559 (2007); *DLCD v. Douglas County*, 33 Or LUBA 216, 221 (1997); *Brown v. Coos County*, 31 Or LUBA 142, 145 (1996). The adopting government must provide "notice clearly explaining the nature of the proposal and soliciting comments concerning the proposal." *1000 Friends of Oregon v. City of North Plains*, 27 Or LUBA 372, 394, *aff'd* 130 Or App 406 (1994). A local government's 45-day notice to DLCD is not sufficient for this purpose. *Id.*

Similarly, newspaper notice is not sufficient. *Adkins v. Heceta Water District*, 23 Or LUBA 207, 218 (1992). Finally, the local government's findings must address the concerns raised; simply rejecting the concerns or deferring addressing them to a later time is not sufficient. *Cox v. Polk County*, 49 Or LUBA 78, 89 (2005). *DLCD v. Douglas County*, *supra*. Goal 2 and ORS 197.015(5) do not mandate success in accommodating

the needs or legitimate interests of all affected governmental agencies, but they do mandate a reasonable effort to accommodate those needs and legitimate interests “as much as possible.” *Turner Community Association v. Marion County*, 37 Or LUBA 324, 353-354 (1999). From the foregoing, the coordination requirement is satisfied where the local government has engaged in an exchange of information regarding an affected governmental unit’s concerns, put forth a reasonable effort to accommodate those concerns and legitimate interests as much as possible, and made findings responding to legitimate concerns.

b. Summary of Local Actions

The city adopted findings summarizing its coordination with irrigation districts, including Swalley. [R. at 1214-1215] Those findings describe how the city and the district communicated, and the city’s consideration of the concerns raised by the district. According to the city’s findings, it removed a 332-acre area entirely within the district. Also according to the city it “cannot balance SID’s opposition to urbanization with the need for urbanization of the identified lands, for all of the reasons explained in the city’s findings.” [R. at 1215]

c. Analysis.

The director concludes that the city has complied with the coordination elements of Goal 2. The city met repeatedly with the district; conducted an analysis of the acreage of irrigated lands affected by the proposal; removed some irrigated lands from the proposal; and adopted findings describing the district’s concerns and how they were accommodated. Although the notice provided by the city was confusing, it appears to have met legal requirements, and the district itself has indicated that it was able to make its concerns known in writing.

d. Conclusion

The director concludes that the city’s and county’s actions (the three city ordinances, and the two county ordinances) were adopted in compliance with the coordination requirements of Goal 2. The objection is denied.

5. Did the city improperly adopt the Public Facilities Plan?

Toby Bayard and Hillary Garrett and Central Oregon LandWatch, and Hunnel United Neighbors and Anderson Ranch all allege that the city improperly adopted the Public Facilities Plan in NS 2111. Specifically, they allege there was no public hearing on the ordinance, and that the city’s public notice only referenced the UGB amendment. Bayard Objection 2, at 25; Garret Objection, at 3.

a. Legal Standard

BDC section 4.1.310 requires a public hearing before the city’s planning commission and its city council on any legislative change to the city’s plan or land use regulations. BDC 4.1.315 requires public notice of the hearing 20 days prior to the date of the hearing.

b. Summary of Local Actions

The city held a public hearing on the proposed Public Facilities Plan. The planning commission held a hearing on October 27, 2008 and the city council held a hearing on November 24, 2008. The city provided public notice of the proposed UGB amendment, which included the proposed adoption of Chapter 8 of the General Plan (Public Facilities).

c. Analysis

BDC section 4.1.310 requires a public hearing on the legislative change to the city's General Plan. The code does not prevent the city from splitting proposed changes to its comprehensive plan into two ordinances, so long as a public hearing was held that covers all of the changes. The city's hearings appear to have met the code requirement. The objectors have not identified a legal requirement concerning the level of detail required in the city's public notice.

d. Conclusion

Based on the reasoning above, the director denies these objections.

IV. CONCLUSIONS AND DECISION

1. Conclusions

The scope of the director's review of the decisions is whether they comply with the statewide planning goals and relevant statutes and administrative rules. The foregoing sections of this report explain the analysis and findings for the relevant provisions of law. The conclusions resulting from of the director's review are as follows.

Goal 1

As explained in section III.K.2 and 3, the local governments comply with Goal 1.

Goal 2

As explained in sections III.H.5 and III.K.4, the local government actions and decisions generally comply with Goal 2. However, as explained in sections III.E. and III.G., there are inconsistencies between the housing needs analysis and the UGB decision, and between the public facilities master plans and the UGB decision such that the decisions do not comply with the Goal 2 requirement for consistency with the comprehensive plan. Bend and Deschutes County complied with the requirement of Goal 2 that it coordinate the UGB amendment with affected units of local government. The director concludes that the decisions do not comply with Goal 2, for the reasons stated above and in the analysis sections of this report.

Goal 3

Compliance with Goal 3 in the context of a UGB amendment relies on satisfaction of Goal 14 requirements. See the section for Goal 14, below. Because the local governments have not demonstrated that the UGB amendment has satisfied the need criteria or location factors in Goal 14, the director cannot conclude that agricultural land is preserved and maintained pursuant to Goal 3. The director concludes that the decisions do not comply with Goal 3.

Goal 4

Compliance with Goal 4 in the context of a UGB amendment relies on satisfaction of Goal 14 requirements. In this case, no land subject to Goal 4 is affected by the decision. The director concludes that, as a result, Goal 4 does not apply to the decisions.

Goal 5

As discussed in section III.J, the UGB submittal does not comply with the requirements of Goal 5. The city has not completed the steps necessary to assess Goal 5 resources within the UGB expansion area for significance, and has not adequately addressed potential impacts to known significant Goal 5 resources as required by OAR 660-023-

0250(3)(c) and OAR 660-024-060. The director concludes that the decisions violate Goal 5.

Goal 6

Goal 6 ensures compliance with state and federal environmental laws. No person has objected that the decisions violate Goal 6, or that Goal 6 compliance will be affected by the UGB expansion. The city's amended public facilities plans indicate that the city will be in compliance with state and federal water quality laws. As a result, the director concludes that the UGB expansion complies with Goal 6.

Goal 7

As discussed in section III.J.3, the director concludes that the decisions do not conflict with the requirements of Goal 7.

Goal 8

The city's analysis of land needs included an analysis of lands required for parks. No person has objected that the UGB expansion violates Goal 8. The director concludes that the expansion complies with Goal 8.

Goal 9

This goal is addressed in section III.F. The UGB amendment does not appropriately identify land for employment uses for the planning period. The data and analysis in the adopted economic opportunities analysis are inadequate to justify the amount and location of employment land included in the UGB expansion. As a result, the director concludes that the decisions violate Goal 9.

Goal 10

As explained in section III.E, the adopted housing needs analysis does not demonstrate that the comprehensive plan will permit appropriate housing types and densities that accommodate housing affordability needs for Bend's population. The residential land needs analysis contains data, assumptions, and conclusions that are not supported by the evidence in the record. As a result, the director concludes that the decisions do not comply with Goal 10.

Goal 11

The public facilities plans and comprehensive plan amendments prepared in conjunction with the UGB amendment do not comply with the requirements of Goal 11 or OAR 660, division 11. As a result, the director concludes that the decisions do not comply with Goal 11.

Goal 12

The decision did not properly evaluate transportation impacts or clearly make or defer decisions about proposed transportation improvements. The city, as a member of a

metropolitan planning organization, needs to address requirements for increasing the availability and convenience of alternative modes of transportation and reducing reliance on the automobile and it has not done so. As a result, the director concludes that the decisions do not comply with Goal 12.

Goal 13

Compliance with Goal 13 in the context of a UGB amendment relies on satisfaction of Goal 14 requirements. See the section for Goal 14, below. Because the local governments have not demonstrated that the UGB amendment has satisfied the need criteria or location factors in Goal 14, particularly as they relate to efficient arrangement of land uses, the director cannot conclude that energy is conserved pursuant to Goal 13. As a result, the director determines that the decisions do not comply with Goal 13.

Goal 14

Primary considerations for evaluating compliance with Goal 14 include 20-year land need and the appropriate location for the UGB. Need is addressed in section III.E and F while boundary location is addressed in section III.I. The findings and conclusions supporting the decision do not adequately justify the amount of land included in the UGB amendment for residential, employment, or other uses. The findings supporting the decision on UGB location do not adequately address the requirements of the goal. As a result, the director determines that the decisions do not comply with Goal 14.

ORS 197.296, 197.298, 197.303, 197.307

2. Decision

The director remands the decisions to the City of Bend and to Deschutes County for further action, consistent with this report and order.



Department of Land Conservation and Development

1175 COURT STREET N.E., SALEM, OREGON 97310 PHONE (503) 378-4926

July 7, 1981

The Honorable Ruth Burleigh
Mayor, City of Bend
P.O. Box 431
Bend, OR 97701

Dear Mayor Burleigh *(Handwritten signature)*

It gives me a great deal of pleasure to confirm that the Land Conservation and Development Commission, on June 25, 1981, officially acknowledged the comprehensive plan and implementing ordinances of the City of Bend as being in compliance with the Statewide Planning Goals.

The acknowledgment signifies a historic step for the City's land use planning efforts.

I would like to commend the local officials, staff, and citizens of your City for their hard work and foresight in the field of land use planning.

Congratulations,

(Handwritten signature)

W. J. Kvarsten
Director

WJK:DZ:af
5980A/5B

Enclosure

cc: Deschutes County Board of Commissioners
Betsy Shay, Coordinator
Brent Lake, Field Representative
Dick Wilson, Real Estate Division
Claire Puchy/Dale Blanton, Lead Reviewers
~~Jim Knight, DLCD~~
DLCD Library
Portland Field Office

LAND CONSERVATION AND DEVELOPMENT COMMISSION
ACKNOWLEDGMENT OF COMPLIANCE

RESPONSE TO CONTINUANCE ORDER OFFERED

January 22, 1980

City of Bend

DATE RECEIVED:
January 14, 1981

DATE OF COMMISSION ACTION:
June 26, 1981

I. REQUEST

Acknowledgment of Compliance with the Statewide Planning Goals for the comprehensive plan and implementing measures.

II. SUMMARY OF RECOMMENDATIONS

Staff:

Recommends the Commission acknowledge the City of Bend's comprehensive plan and implementing measures to be in compliance with the Statewide Planning Goals.

Local Coordination Body:

None received.

FIELD REPRESENTATIVE: Brent Lake
Phone: 389-2253

LEAD REVIEWER: Dale Blanton/Claire Puchy
Phone: 378-4926

COORDINATOR: Betsy Shay
Phone: 382-4000

Date of Report: June 17, 1981

III. BACKGROUND INFORMATION

The Commission reviewed the City of Bend's initial acknowledgment request in December, 1979, and offered to continue the request 120 days to allow the City time to complete work to comply with Statewide Planning Goals 1, 2, 4-6 and 8-14. Major problems were primarily due to the fact that the UGB and major portions of the plan were established prior to the adoption of the Statewide Planning Goals. Most plan policies were advisory rather than mandatory, and there was an inadequate factual base for a number of goals. The location and size of the UGB were not supported with adequate findings.

IV. ADDITIONAL MATERIALS

The following additional materials have been submitted by the City as part of its second acknowledgment request:

City and urban area plan amendments, and UGB amendments	City Resolution No. 1557 (12-17-80) County Ordinance No. 80-216 (12-18-80)
City Zoning Ordinance amendments	City Ordinance No. NS-1308 (1-7-81)
City Zoning Map amendments	City Ordinance NS-1314 (2-18-81)
Urban Area Zoning Map and ordinance amendments	County Ordinance No. 80-217 (12-18-80)
Historic Preservation Ordinance	City Ordinance No. NS-1289 (9-17-80) County Ordinance No. PL-21 (9-17-80)
Joint Urban Area Planning Commission	City Ordinance No. NS-1300 (11-19-80) County Ordinance No. 80-226 (12-18-80)
City of Bend - Water System Master Plan	(July 1980)

V. FINDINGS AND REASONS

Previously Approved Goals:

In making its continuance offer in December, 1979, the Commission found the City of Bend's request in compliance with Statewide Planning Goal 7. The amendments made do not conflict with that action taken by the Commission.

Requirement 2

All lands remaining outside the boundary established in 1. above, but inside the current UGB must be designated as natural resource, rural or urban reserve, and zoned in the UAR-10 or other protective zone classification until such time as a boundary change is justified.

Response

Lands between the IUGB and out UGB have been designated as Agriculture or Open Space on the plan map and zoned in UAR-10 (Urban Reserve), SM (Surface Mining) and SR-2 1/2 (Residential Suburban).

An exceptions statement has been adopted for the area between the IUGB and the outer UGB. This document states:

"The City and County have agreed to a new Initial Urban Growth Boundary that excludes approximately 25 percent of the land contained in the 1979 Urban Growth Boundary. These lands are designated as urban reserve and surface mining, and zoned SR-2 1/2, UAR-10, and SM. The majority of the SR-2 1/2 areas are currently developed with lot sizes of that size or smaller.

The inventory of soil data indicates that most of the agriculture lands are Class VI and are interspersed between lava ridges of scabland Class VIII. The forest soils are site 6 except for a small area of 4 contained within the Tumalo Creek Canyon which is Shevlin Park. The conclusion from this analysis is that these lands are marginal resource lands. Much of the land is surrounded by existing one to five acre subdivisions. These areas have been excepted in the Deschutes County Comprehensive Plan.

The urban reserve area acts as a buffer to the more rural and resource lands beyond the UGB. The use of the urban reserve will promote more orderly and efficient development, and still retain the 1972 planning commitments which have resulted in financial commitments from both the public and private sectors. The minimum lot sizes of 2 1/2 to 10 acres will be compatible with the adjacent land uses, and in most cases are the same as the adjacent MUA-10 and RR-10 zoning outside the UGB.

The provisions of these areas as urban reserve will enable the community to convert these areas when needed, and hopefully reduce any impact of the small number of individual owners of larger parcels within the IUGB. It is important to pre-plan future expansion areas for compatibility and consistency with

adjacent uses and services. These areas offer opportunities important to the Bend's and Deschutes County's economy for destination resorts. These areas offer the community an opportunity to review rural urban conflicts and develop more compatible urban and rural relationships.

No alternatives were considered, since this would require the enlargement of the 1979 UGB.

Based on these considerations, the City and County are taking an exception to Goals 3 and 4 as they relate to the land between the IUGB and the UGB."

Objection

1000 Friends of Oregon has objected to acknowledgment of the Bend Plan for Goal 14 (see Attachment A). The objection raises the following issues:

1. Unjustified use of a double UGB.
2. Inadequate demonstration of need and commitment for lands included in the UGB.
3. Inappropriate urban densities.
4. Inappropriate inclusion of lands within the UGB.

Response

The concept of a second UGB as a longer term boundary for planning purposes does not violate Goal 14 or other resource Goals in this instance. The concept here can be an effective long-range tool for facilities and urbanization planning. Adopted plan policies cited earlier in this section of the report ensure the orderly provision of facilities and services within the IUGB. Although no specific policy prohibits annexation beyond the IUGB, this has not been a compliance requirement. Even though not explicitly stated as policy, the City cannot under Goal 14, annex beyond the IUGB. If the plan indicated that such an annexation could occur, this would violate Goal 14. The combination of quality of resource lands, holding zones and a requirement to amend the IUGB before more intense development insures the IUGB will function as an effective Goal 14 boundary.

As noted in the conclusion to this section of this report, the City has adequately considered the seven factors of Goal 14 in establishing the IUGB. Although the boundary contains more land than needed, the area is justified based upon commitment and other locational factors.

The SR 2 1/2 outside the IUGB is justified because the area is relatively parcelized and for the most part, surrounded by a Deschutes County exception to Goals 3 and 4 based upon commitment. This area is clearly a

dividing line between the larger urbanizable parcels inside the IUGB and the agricultural areas beyond the outer UGB and as such provide for an orderly transition between urban, rural and resource lands.

The RL lands (20,000 square foot) do not impact the City's ability to meet its housing needs, but are not efficient in terms of economy of services. However this area is, for the most part already developed to these lot sizes and is outside the Phase II service area. According to the City:

"These RL areas have supplied a substantial amount of the recently developed lots providing modest priced housing within the urban area. In most cases, until such time as the sewer would become available, these areas will not be further divided.

The County's subdivision ordinance does contain replatting provisions. The Urban Area Planning Commission is working on a redraft of the subdivision ordinance to bring standards, procedures, and requirements into uniformity within the urban area. We will add provisions for redivision as part of this process" (see Attachment C).

Finally, the inclusion of a 177 acre parcel inside the UGB, but outside the IUGB does not impact the County's ability to preserve all or portions of the parcel as a habitat area. This parcel's inclusion in the outer UGB does not violate Goal 14.

Conclusion: The City of Bend complies with Goal 14.

The City has revised its urban growth boundary to exclude 6,858 acres which are not needed and could not be justified based upon Goal 14 requirements. The revised boundary is justified because the land is committed to urban development through facilities or existing development. Locational considerations of Goal 14 (Factors 3-7) are addressed by the findings document through general findings and specific findings for each geographic segment of the boundary. This initial urban growth boundary serves as a viable Goal 14 UGB. Any land use changes outside the IUGB will require an amendment pursuant to the seven factors of the Goal. The outer UGB will work as a longer term growth area, which will be retained for potential urbanization at the time the land is needed. In the interim, UAR-10, SM and SR-2 1/2 zoning will retain the area in a land use pattern which will enable more intensive development in the future.

OVERALL CONCLUSION

The City of Bend has made extensive modifications to its comprehensive plan and implementing measures to correct deficiencies identified by the Commission in December, 1979. Among the major changes were a completely updated land use and buildable lands inventory, a new water plan, a new

parks plan, and a revised economic base analysis. Perhaps the most significant change has been the establishment of a UGB and IUGB with Deschutes County. The City now has a sound plan upon which land use decisions can be based.

V. RECOMMENDATION

Staff:

Recommends the Commission acknowledge the City of Bend's comprehensive plan and implementing measures to be in compliance with the Statewide Planning Goals.

Local Coordination Body:

None received.

CP:kb
5514A
6/15/81



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

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Web Address: <http://www.oregon.gov/LCD>

April 14, 2005

EXHIBIT B

Bend UGB

January 8, 2010

Page 1 of 5

TO: Land Conservation and Development Commission (LCDC)

FROM: Bob Rindy and Jim Hinman, DLCD

SUBJECT: Agenda Item 6; April 28, 2005, LCDC meeting

WORK SESSION AND POSSIBLE ADOPTION OF PROPOSED AMENDMENTS TO GOAL 14 AND RELATED ADMINISTRATIVE RULES CONCERNING URBAN GROWTH BOUNDARIES

AGENDA ITEM SUMMARY

This item is a work session intended for Land Conservation and Development Commission (LCDC) to discuss and potentially adopt proposed amendments to Goal 14 and two related administrative rules – OAR 660, Divisions 004 and 026. The proposed amendments (Attachments A through C to this report) are intended to clarify and streamline the state's urban growth boundary (UGB) requirements and procedures. LCDC held a final public hearing on these proposals February 3, 2005, and extended the time for written comments until February 28, 2005. The Commission held a work session on March 17, 2005, to discuss the proposals and the comments regarding the proposals. At that time, the Commission indicated its intent to consider adoption of the goal and rule amendments at its April 28, 2005, meeting.

For more information about this agenda item, contact Bob Rindy, at (503) 373-0050, Ext. 229, or email at bob.rindy@state.or.us.

SUMMARY OF RECOMMENDED ACTION

The department recommends that the Commission adopt the proposed Goal 14 amendments and related rule amendments, OAR 660, Divisions 004 and 026.

BACKGROUND AND HISTORY

The Commission initiated this policy project on June 11, 2004. The intent is to clarify and streamline the UGB amendment process by amending Goal 14 and by adopting new administrative rules outlining procedures and requirements for UGB amendments. An addition new rule (not presented with this report) would include "safe-harbors" that will specify optional methods for local governments to use in order to save time and expense in the UGB amendment process.



EXHIBIT: 6
LAND CONSERVATION &
DEVELOPMENT COMMISSION
DATE: 4/28/05
PAGES: 22
SUBMITTED BY: DLCD staff

LCDC appointed an advisory workgroup to guide the department and Commission with this project, consisting of twenty four members from a variety of backgrounds representing local governments, state agencies, citizens and interest groups concerned about the UGB amendment process. The workgroup began meeting in July 2004 and has met twelve times.

The workgroup discussion of amendments to Goal 14 resulted in proposed changes to the existing text that would more clearly express longstanding UGB policy and other requirements, and improve wording that is currently ambiguous or unclear. The workgroup has also recommended the elimination of a major step in the UGB process – the “exceptions process” – and replacing it with more clearly expressed requirements intended to accomplish the same purposes. The workgroup discussion resulted in proposed amendments to Goal 14 and two related rules (Divisions 004 and 026), published October 20, 2004, that were the subject of ten public hearings statewide conducted by the department in November 2004 through January 2005, and also the subject of two LCDC public hearings and one work session.

In addition to consideration of Goal 14 itself, the workgroup’s primary purpose has been to draft a new set of rules (under a proposed new Division 024 under OAR 660) in order to clearly set forth the procedures and requirements for UGB amendment, and to provide a higher level of detail than the goal itself concerning these procedures and requirements. Most important, the draft rules would establish new “safe harbor” provisions intended to reduce local government time and cost in amending a UGB. An initial draft of these new rules was published on October 20, 2004, and was also a subject of the department’s ten public hearings in November 2004 through January 2005. Based on comments received in the initial ten public hearings, the workgroup determined that there had not been enough time for study and discussion of the new rules, especially the proposed safe harbors. In response, at its December 8, 2004, meeting, LCDC directed the department and the workgroup to extend the time period for study and consideration of the proposed new UGB rules under Division 024. The workgroup will meet at least through the Fall of 2005 in order to refine the proposed new rules for LCDC’s consideration later in 2005.

In its February and March 2005, meetings, LCDC indicated its intent to consider adoption of the proposed amendments to Goal 14 (and the two related rules). The workgroup met December 18, 2004, and January 6, 2005, in order to respond to the Commission’s direction with regard to the proposed Goal 14 amendments. Based on this discussion, the department issued a new draft of the goal amendments (and two related rules at OAR 660, Divisions 004 and 026) on January 7, 2005.

On February 3, 2005, the Commission held a final public hearing on the proposed amendments to Goal 14 and related rules. After the close of that hearing, LCDC directed the department to extend the period for written comments. The comment period was extended to February 28, 2005, based on a revised draft of the Goal amendments dated February 9, 2005, and a written proposal for the applicability dates of the new goal and rule amendments should they be adopted by the Commission (See Attachment D).

NOTE: This report does not include detailed descriptions of the intended goal amendments. The department's November 29, 2004, and January 19, 2005 staff reports provided detailed descriptions as to the intent of the various changes in the proposed Goal 14 and related rule amendments, and these descriptions were also summarized and attached to the department's March 3, 2005, staff report to LCDC.

SUMMARY OF MARCH 17, 2005, LCDC WORKSESSION

At its March 17, 2005, meeting, the Commission held a work session on the proposed amendments. At that time the Commission discussed the various issues that had been raised in testimony regarding the proposal. The Commission's discussion is summarized below.

1. Timeline for Goal Adoption

The Commission discussed postponing action to amend Goal 14 until the broad "30-year review" of the land use program contemplated in the department's legislative proposal, Senate Bill 82. The Commission decided the proposed amendments to Goal 14 should not be put off to that longer-term review of the program.

2. Potential for Litigation regarding Changes to Goal 14

The Commission agreed that, although changes to the goal should be made very carefully because they are likely to be the subject of litigation in the future, the potential for unintended consequences as a result of such litigation should not deter action to clarify and streamline Goal 14.

3. Livability

The Commission favored leaving the term "livability" in the Land Need section of the goal, but also leaving the clarifying language on page 1, lines 30 through 32 of Attachment A, that had been crafted in order to replace "livability". In its discussion the Commission indicated that, although the term livability, as interpreted in the past, does not provide a different standard than the new clarifying language, there is a public perception that omitting the term could in some manner affect a change in the goal. The Commission asked the department to omit Option 1 in the proposed goal amendments, and prepare a version for Commission consideration in April that carries forward Option 2 retaining the word "livability" (See Attachment A).

4. The "and" Between Need Factors 1 and 2

The Commission discussed the two need factors, and agreed that local governments need to address both of these factors (1) and (2), and may not choose either one or the other. This was in response to a suggestion that prior policy allowed local governments to consider both factors, but then address only one or the other. The department pointed out that the seven factors were always connected by an "and," i.e., there had not been

previous policy suggesting only one of the need factors could be addressed. Thus, to change the "and" to "or" would be a change in policy.

The discussion also highlighted the fact that authorizing only one of the need factors to be addressed could imply that a local government may ignore Factor 1 and approve a UGB amendment without support of a 20-year population forecast. The amended goal states that the determination of a land need is a two-step process: First, calculate the 20-year population forecast, and then calculate the amount of land needed for one or more need categories. As part of this discussion, the Commission also directed that the department's staff report clarify that a new 20-year population forecast is not necessarily required in order to amend a UGB. Rather the local government must show that the proposed UGB amendment "is consistent with" the 20-year forecast, either a new forecast or the current forecast. Thus, a "quasi-judicial UGB amendment" proposed by a property owner could still be considered based on the current population forecast.

5. The "or" in the list of uses under Factor 2

Proposed amendments to Need Factor 2 link the list of land need categories with the term "or", rather than "and" as in the current list ("Demonstrated need for land suitable to accommodate housing, employment opportunities, livability "or" uses such as public facilities, streets and roads, schools, parks or open space"). The department explained that this was done in order to clarify that a local government could pursue a UGB amendment in order to accommodate only one of the categories of needs on the list while not addressing the other, for example, to accommodate the need for housing land while not simultaneously examining the need for employment land. In the discussion, it was brought out that the term "and/or" may have been more appropriate, but that term is discouraged by legal counsel and protocols for rule drafting. The Commission directed the department to propose wording that accomplishes the same thing without using "and/or," and that more clearly indicates the intent to authorize a UGB amendment for one or more need categories. The department has proposed the following:

"(2) Demonstrated need for land suitable to accommodate housing, employment opportunities, and livability *or any combination of the foregoing*, and uses such as public facilities, streets and roads, schools, parks or open space."

6. Special Characteristics for Need

The Commission discussed the new proposed wording indicating that local government may specify characteristics of needed land, and the alternative wording proposed by Jeff Bachrach, which provides more specificity than the department's proposed wording. The Commission discussed whether the language should remain fairly broad, as in the current draft proposal, or provide a higher order of specificity, as in Mr. Bachrach's proposal. It was concluded that the general direction in the workgroup's proposal provides a greater degree of discretion for local governments.

7. The Reference to ORS 197.298

The Commission discussed whether to include this reference in the goal, and whether or not there is need for more detailed guidance on the manner in which cities address this statute and the locational factors. The Commission decided to include the reference, and to consider the question of additional guidance in the new UGB rules under consideration by the workgroup. Proposed legislation affecting this statute was also discussed and the Commission agreed that we would not likely know whether this bill would pass by April 28, and we should not delay action due to that uncertainty.

It was also noted that this statute is the only place in the goal that provides for consideration of the preservation of farm and forest land in UGB amendments. If at any point in the future that statute is deleted or modified, the Commission indicated it would need to revise the locational factors to return Factor (6) or something equivalent.

8. If "livability" is retained as a need, should it be remove it as a location factor?

The Commission asked whether the decision to retain "livability" as a need factor would mean that it is no longer appropriate to add it as a locational factor (the term is included as a new Location Factor 2, see Page 2, Line 12 of Attachment A). The department notes that Location Factor 2 also includes the term "efficient urban form", which is not currently a location factor.

By retaining the word "livability" in both the sections, the Commission may be implying – and a Court could well conclude - that "livability" is something different in each section, and that is not necessarily what the UGB workgroup intended. The department indicated that there might conceivably be some aspects of "livability" that are purely locational, and therefore this term could logically remain under the Boundary Location section of the goal. On the other hand, the goal does not currently require local governments to address "livability" as a locational factor. As such, this would arguably be a *modification* of the goal, *not a clarification*. If the rationale for retaining "livability" in the land needs section is to *not* change the Goal, then the Commission might also consider *not* adding the term to the locational factors.

If the commission decides to *not* add "livability" as a new location factor, the department would recommend that the commission also consider whether the remaining piece of that factor, regarding "efficient urban form," should stand alone as a new Location Factor 2, or should be combined with the proposed modified Location Factor 1, which also addresses efficiency.

9. Urbanizable land available "over time"

The discussion brought out concerns regarding the phrase "over time" and whether this might be misinterpreted to mean there would be some sort of sequence for making UGB land available. This discussion also raised the fact that the proposed goal should do more

1000 Friends of Oregon v. Land Conservation and Development Com'n
244 Or.App. 239, 259 P.3d 1021
Or.App.,2011.
July 13, 2011

Court of Appeals of Oregon.

1000 FRIENDS OF OREGON, Friends of Yamhill County and Ilsa Perse, Petitioners,
v.
LAND CONSERVATION AND DEVELOPMENT COMMISSION and City of McMinnville,
Respondents.

06WKTASK001709; 08WKTASK001760; A134379.

Argued and Submitted Sept. 28, 2010.

Decided July 13, 2011.

Background: Citizens sought review of decision by Land Conservation and Development Commission approving a large expansion of the urban growth boundary (UGB) of city.

Holdings: The Court of Appeals, [Sercombe, J.](#), held that:

- (1) statute providing for land priority in expanding a city's UGB could be applied to prioritize areas of potential UGB expansion based upon the functional needs of particularly intended land uses;
- (2) Commission improperly applied land priority statute in approving the city's resort to lower-priority land because of the relatively higher costs of providing a particular public facility or service to the higher priority area; and
- (3) Commission's order regarding expansion of city's urban growth boundary lacked substantial reason and was inadequate for judicial review.

Reversed and remanded.

West Headnotes

[1]  [KeyCite Citing References for this Headnote](#)

 [414](#) Zoning and Planning

 [414III](#) Modification or Amendment; Rezoning

 [414III\(A\)](#) In General

 [414k1158](#) Particular Uses or Restrictions

 [414k1160](#) k. Changes to comprehensive or general plan. [Most Cited Cases](#)

Statute providing for land priority in expanding a city's urban growth boundary (UGB) could be applied to prioritize areas of potential UGB expansion based upon the functional needs of particularly intended land uses. [West's Or.Rev. Stat. Ann. § 197.298\(1\)](#).

[2]  [KeyCite Citing References for this Headnote](#)

- ☞ [414](#) Zoning and Planning
 - ☞ [414III](#) Modification or Amendment; Rezoning
 - ☞ [414III\(A\)](#) In General
 - ☞ [414k1158](#) Particular Uses or Restrictions
 - ☞ [414k1160](#) k. Changes to comprehensive or general plan. [Most Cited Cases](#)

The more specific limitations in statute providing for land priority in expanding a city's urban growth boundary (UGB) displace the application of their more generic and flexible counterparts in administrative rule regarding urbanization. [West's Or.Rev. Stat. Ann. § 197.298\(1, 3\)](#); [OAR 660-015-0000\(14\)](#).

[3]  [KeyCite Citing References for this Headnote](#)

- ☞ [414](#) Zoning and Planning
 - ☞ [414III](#) Modification or Amendment; Rezoning
 - ☞ [414III\(A\)](#) In General
 - ☞ [414k1158](#) Particular Uses or Restrictions
 - ☞ [414k1160](#) k. Changes to comprehensive or general plan. [Most Cited Cases](#)

Land Conservation and Development Commission improperly applied statute providing for land priority in expanding a city's urban growth boundary (UGB) in approving the city's resort to lower-priority land because of the relatively higher costs of providing a particular public facility or service to the higher priority area. [West's Or.Rev. Stat. Ann. § 197.298\(1\)](#).

[4]  [KeyCite Citing References for this Headnote](#)

- ☞ [414](#) Zoning and Planning
 - ☞ [414X](#) Judicial Review or Relief
 - ☞ [414X\(C\)](#) Scope of Review
 - ☞ [414X\(C\)1](#) In General
 - ☞ [414k1624](#) k. Decisions of boards or officers in general. [Most Cited Cases](#)

Reviewing court's role is to determine whether the Land Conservation and Development Commission applied the correct legal test in deciding whether the city's decision regarding expansion of urban growth boundary was supported by substantial evidence.

[5]  [KeyCite Citing References for this Headnote](#)

☞ [414 Zoning and Planning](#)

☞ [414X Judicial Review or Relief](#)

☞ [414X\(A\) In General](#)

☞ [414k1592](#) k. Preservation before board or officer of grounds of review. [Most Cited Cases](#)

A party's claim of error by Land Conservation and Development Commission in its periodic review order is limited to the Commission's resolution of objections raised in the periodic review proceedings. [Rules App.Proc., Rule 5.45\(1\)](#).

[6]  [KeyCite Citing References for this Headnote](#)

☞ [414 Zoning and Planning](#)

☞ [414III Modification or Amendment; Rezoning](#)

☞ [414III\(B\) Proceedings to Modify or Amend](#)

☞ [414k1189](#) k. Filing, publication, and posting; minutes and findings. [Most Cited Cases](#)

☞ [414 Zoning and Planning](#)  [KeyCite Citing References for this Headnote](#)

☞ [414X Judicial Review or Relief](#)

☞ [414X\(A\) In General](#)

☞ [414k1594](#) k. Record. [Most Cited Cases](#)

Land Conservation and Development Commission's order regarding expansion of city's urban growth boundary lacked substantial reason and was inadequate for judicial review, where the Commission failed to consistently identify the needed categories and quantities of land uses, which was the fundamental premises of its justification of the boundary change. [West's Or.Rev. Stat. Ann. § 197.298](#).

[7]  [KeyCite Citing References for this Headnote](#)

☞ [414 Zoning and Planning](#)

☞ [414III Modification or Amendment; Rezoning](#)

☞ [414III\(A\) In General](#)

☞ [414k1158](#) Particular Uses or Restrictions

☞ [414k1160](#) k. Changes to comprehensive or general plan. [Most Cited Cases](#)

Inefficiencies in the provision of roads to a potential urbanizing area is not sufficient to exclude that area under provision of statute prioritizing land for extension of a city's urban growth boundary that allowed lower priority land to be included if future urban services could not reasonably be provided to the higher priority lands due to topographical or other physical constraints; transportation facilities are not an “urban service” under the statute. [West's Or.Rev. Stat. Ann. § 197.298\(3\)\(b\)](#).

[8]  [KeyCite Citing References for this Headnote](#)

☞ [414 Zoning and Planning](#)

☞ [414III Modification or Amendment; Rezoning](#)

☞ [414III\(A\) In General](#)

☞ [414k1158 Particular Uses or Restrictions](#)

☞ [414k1160 k. Changes to comprehensive or general plan. \[Most Cited Cases\]\(#\)](#)

The incompatibility of any proposed residential use of the subarea with nearby industrial and institutional uses is a legitimate consideration in applying statute prioritizing land for extension of a city's urban growth boundary. [West's Or.Rev. Stat. Ann. § 197.298\(1\)](#).

[9]  [KeyCite Citing References for this Headnote](#)

☞ [414 Zoning and Planning](#)

☞ [414X Judicial Review or Relief](#)

☞ [414X\(A\) In General](#)

☞ [414k1592 k. Preservation before board or officer of grounds of review. \[Most Cited Cases\]\(#\)](#)

Citizens' assertion on appeal that Land Conservation and Development Commission made inconsistent determinations regarding excepting areas from city's expansion of its urban growth boundary was not preserved because citizens never asserted to the Commission that the city was constrained to treat both areas in the same way.

[10]  [KeyCite Citing References for this Headnote](#)

☞ [414 Zoning and Planning](#)

☞ [414III Modification or Amendment; Rezoning](#)

☞ [414III\(A\) In General](#)

☞ [414k1158 Particular Uses or Restrictions](#)

☞ [414k1160 k. Changes to comprehensive or general plan. \[Most Cited Cases\]\(#\)](#)

Issues regarding pedestrian circulation in area were insufficient to exclude the area from consideration as part of city's expansion of its urban growth boundary under statute that prioritized land for such expansions. [West's Or.Rev. Stat. Ann. § 197.298\(1\)](#).

[11]  [KeyCite Citing References for this Headnote](#)

☞ [414 Zoning and Planning](#)

☞ [414III Modification or Amendment; Rezoning](#)

☞ [414III\(A\) In General](#)

☞ [414k1158 Particular Uses or Restrictions](#)

☞ [414k1160 k. Changes to comprehensive or general plan. \[Most Cited Cases\]\(#\)](#)

Land Conservation and Development Commission erred in its application of statute providing for land priority in expanding a city's urban growth boundary to city's findings that sloped area was unsuitable for inclusion in expanded boundary by considering the orderly and economic

provision of public facilities and services to the area; the provision of public facilities and services factor can be used in evaluating candidate land, but not in determining such land in the first instance. [West's Or.Rev. Stat. Ann. § 197.298](#).

[12]  [KeyCite Citing References for this Headnote](#)

[414](#) Zoning and Planning

[414III](#) Modification or Amendment; Rezoning

[414III\(A\)](#) In General

[414k1158](#) Particular Uses or Restrictions

[414k1160](#) k. Changes to comprehensive or general plan. [Most Cited Cases](#)

Land Conservation and Development Commission erred in failing to determine whether the city's rationale for excluding certain lots from its proposed expansion of its urban growth boundary was based upon consequences and compatibility considerations relevant under statute providing for land priority in determining urban growth boundary and whether that rationale was legally sufficient without consideration of a larger area. [West's Or.Rev. Stat. Ann. § 197.298\(1\)](#).

**1023 [Mary Kyle McCurdy](#), Portland, argued the cause and filed the briefs for petitioners.

Steven Shipsey, Assistant Attorney General, argued the cause for respondent Land Conservation and Development Commission. On the brief were [John R. Kroger](#), Attorney General, [Jerome Lidz](#), Solicitor General, and Denise G. Fjordbeck, Attorney-in-Charge Civil/Administrative Appeals.

[Jeffrey G. Condit](#), Portland, argued the cause for respondent City of McMinnville. With him on the brief was Miller Nash LLP.

Before [ORTEGA](#), Presiding Judge, and [SERCOMBE](#), Judge, and [LANDAU](#), Judge pro tempore.

[SERCOMBE, J.](#)

*241 This case concerns whether the Land Conservation and Development Commission (LCDC or commission) erred in approving a large expansion of the urban growth boundary (UGB) of the City of McMinnville (city). A UGB is the part of the land use map in a city's comprehensive plan that demarcates the area around a city that is available for expansion and future urban uses. Here, the city proposed to expand its UGB in various directions by several hundred acres and to redesignate the included territory for different types of urban uses, including neighborhoods of integrated commercial and higher-density residential land. Most of the included acreage is high-quality agricultural land that was previously zoned for exclusive farm uses. The primary issue in this case is whether [ORS 197.298](#), a statute that prioritizes the types of land that can be added to a UGB, requires that other territory—land not designated for agricultural use or lower-quality farmland—be added to the UGB instead of some of the high-quality agricultural land. We conclude that LCDC erred in its application of [ORS 197.298](#) and that a correct application of the law could compel a different result. We therefore reverse the

order under review and remand the case to LCDC for further action under a correct interpretation of the governing standards.

I. BACKGROUND

The parties to this case differ as to the meaning of the standards that apply to UGB changes that result from periodic review of the city's comprehensive plan. In order to better frame the contentions of the parties and the history of the proceedings, we begin by describing the legal framework for regulation of the future uses of land around an incorporated city and the periodic review planning process used to adopt those regulations. **1024 [ORS 197.175\(1\)](#) requires cities and counties to exercise their planning and zoning responsibilities in accordance with state land use statutes and special rules (goals) approved by LCDC. [ORS 197.175\(2\)](#) specifically directs that each city and county “adopt, amend and revise comprehensive plans in compliance with goals approved by [LCDC].” The LCDC goals, in turn, set out substantive standards for the content of comprehensive plans. However, a city *242 or county can take an “exception” to the application of a goal to particular property regulated by the comprehensive plan.

We recently described the relationship of the goals and the exception process in [Waste Not of Yamhill County v. Yamhill County, 240 Or.App. 285, 287–89, 246 P.3d 493 \(2010\)](#), *adh'd to as modified on recons.*, [241 Or.App. 199, 255 P.3d 496 \(2011\)](#):

“Some of those goals require plans to restrict the use or development of different types of resource lands, *e.g.*, Goal 3 (Agricultural Lands), [OAR 660–015–0000\(3\)](#), and Goal 4 (Forest Lands), [OAR 660–015–0000\(4\)](#). When a city or county wishes to adopt a property-specific plan provision that is inconsistent with a goal requirement, it approves an exception to that goal requirement as part of the comprehensive plan. * * *

“[ORS 197.732\(2\)](#) [and Goal 2, Part II] * * * describe[] three types of exceptions: for physically developed land that is not available for the goal use; for land that is ‘irrevocably committed’ to a nongoal use; and for land needed for a use not allowed by a goal policy. The latter type of exception, a ‘reasons’ or ‘need’ exception is allowed by [ORS 197.732\(2\)\(c\)](#) [and Goal 2]:

“ ‘A local government may adopt an exception to a goal if:

“ ‘ * * * * *

“ ‘(c) The following standards are met:

“ ‘(A) Reasons justify why the state policy embodied in the applicable goals should not apply;

“ ‘(B) Areas that do not require a new exception cannot reasonably accommodate the use;

“ ‘(C) The long term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site; and

*243 “ (D) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.’ ”

Thus, when a city amends its comprehensive plan, including any amendment to its UGB, the city must justify the change as being consistent with the LCDC goals, except to the extent that compliance with a goal is excused by an exception to its application.

Goal 14 (Urbanization), [OAR 660-015-0000](#)(14), provides particular standards for setting or changing a UGB: [FN1](#)

[FN1](#). The provisions of Goal 14 were amended by LCDC on April 28, 2005. The amendments allow local governments “that initiated an evaluation of the [UGB] land supply prior to April 28, 2005, and consider[ed] an amendment of the UGB based on that evaluation” to apply the former version of Goal 14 to that amendment. The city applied the former version of Goal 14. All references to Goal 14 and its implementing regulations in this opinion pertain to the former Goal 14 and the regulations in effect prior to the goal amendments, unless otherwise noted.

“Urban growth boundaries shall be established to identify and separate urbanizable land from rural land. Establishment and change of the boundaries shall be based upon considerations of the following factors:

“(1) Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals;

“(2) Need for housing, employment opportunities, and livability;

“(3) Orderly and economic provision for public facilities and services;

“(4) Maximum efficiency of land uses within and on the fringe of the existing urban area;

“(5) Environmental, energy, economic and social consequences;

**1025 “(6) Retention of agricultural land as defined, with Class I being the highest priority for retention and Class VI the lowest priority; and,

“(7) Compatibility of the proposed urban uses with nearby agricultural activities.

“The results of the above considerations shall be included in the comprehensive plan. In the case of a change *244 of a boundary, a governing body proposing such change in the boundary separating urbanizable lands from rural land, shall follow the procedures and requirements as set forth in the Land Use Planning goal (Goal 2) for goal exceptions.”

The referenced Goal 2 standards for exceptions are to the exception standards noted above. 243 Or.App. at 241-43, 259 P.3d at 1023-24.

[ORS 197.298](#) supplements the Goal 14 criteria used to justify a UGB change. The statute requires that land be added to a UGB in a priority sequence:

“(1) In addition to any requirements established by rule addressing urbanization, land may not be included within an urban growth boundary except under the following priorities:

“(a) First priority is land that is designated urban reserve land under [ORS 195.145](#), rule or metropolitan service district action plan.

“(b) If land under paragraph (a) of this subsection is inadequate to accommodate the amount of land needed, second priority is land adjacent to an urban growth boundary that is identified in an acknowledged comprehensive plan as an exception area or nonresource land. Second priority may include resource land that is completely surrounded by exception areas unless such resource land is high-value farmland as described in [ORS 215.710](#).

“(c) If land under paragraphs (a) and (b) of this subsection is inadequate to accommodate the amount of land needed, third priority is land designated as marginal land pursuant to [ORS 197.247](#) (1991 Edition).

“(d) If land under paragraphs (a) to (c) of this subsection is inadequate to accommodate the amount of land needed, fourth priority is land designated in an acknowledged comprehensive plan for agriculture or forestry, or both.

“(2) Higher priority shall be given to land of lower capability as measured by the capability classification system or by cubic foot site class, whichever is appropriate for the current use.

“(3) Land of lower priority under subsection (1) of this section may be included in an urban growth boundary if *245 land of higher priority is found to be inadequate to accommodate the amount of land estimated in subsection (1) of this section for one or more of the following reasons:

“(a) Specific types of identified land needs cannot be reasonably accommodated on higher priority lands;

“(b) Future urban services could not reasonably be provided to the higher priority lands due to topographical or other physical constraints; or

“(c) Maximum efficiency of land uses within a proposed urban growth boundary requires inclusion of lower priority lands in order to include or to provide services to higher priority lands.”

Thus, [ORS 197.298\(1\)](#) requires that the statutory priorities be applied to UGB amendments “[i]n addition to any requirements established by rule addressing urbanization,” *i.e.*, Goal 14 and its implementing administrative rules. The priority statute directs the application of different, but somewhat analogous, factors in approving UGB changes than those mandated by Goal 14. This case raises questions about the fit between Goal 14 and [ORS 197.298](#): whether Goal 14 is applied to the classification of lands as eligible for prioritization under [ORS 197.298](#), how Goal

14 works in determining whether higher-priority land is “inadequate to accommodate the amount of 5 land needed,” and the ways the two policies are otherwise integrated in their application.

One final legal setting is worthy of discussion at this point. The plan amendments in this case arose in the context of “periodic review” of the city's comprehensive plan. The statutes that define the periodic review process provide context to an understanding **1026 of the demands of Goal 14 and [ORS 197.298](#) when a UGB is changed as part of a plan update.

Once a local comprehensive plan has been approved or “acknowledged” by LCDC as consistent with the statewide planning goals, [ORS 197.628\(1\)](#) requires that the plan and implementing land use regulations be periodically updated

“to respond to changes in local, regional and state conditions to ensure that the plans and regulations remain in *246 compliance with the statewide planning goals adopted pursuant to [ORS 197.230](#), and to ensure that the plans and regulations make adequate provision for economic development, needed housing, transportation, public facilities and services and urbanization.”

[ORS 197.296](#) specifies particular work tasks for larger cities during periodic review to accommodate demand for new housing. A locality must “demonstrate that its comprehensive plan * * * provides sufficient buildable lands within the urban growth boundary * * * to accommodate estimated housing needs for 20 years.” [ORS 197.296\(2\)](#). To do this, [ORS 197.296\(3\)](#) requires that a local government shall

“(a) Inventory the supply of buildable lands within the urban growth boundary and determine the housing capacity of the buildable lands; and

“(b) Conduct an analysis of housing need by type and density range, in accordance with [ORS 197.303](#) and statewide planning goals and rules relating to housing, to determine the number of units and amount of land needed for each needed housing type for the next 20 years.”

If the housing need determined under [ORS 197.296\(3\)\(b\)](#) exceeds the housing capacity inventoried under [ORS 197.296\(3\)\(a\)](#), then [ORS 197.296\(6\)](#) requires that the local government (a) “[a]mend its urban growth boundary to include sufficient buildable lands to accommodate housing needs for the next 20 years”; (b) amend its plan and implementing regulations to “include new measures that demonstrably increase the likelihood that residential development will occur at densities sufficient to accommodate housing needs for the next 20 years without expansion of the urban growth boundary”; or (c) adopt a combination of actions under (a) and (b).

II. HISTORY OF THE PROCEEDINGS

The city followed the dictates of [ORS 197.296](#) in the periodic review process. In 2003, after three years of study and hearings, it adopted text and map amendments to the McMinnville Growth Management and Urbanization Plan (MGMUP), along with supporting findings, documentation of its future population and employment needs, a buildable land analysis, and an assessment of alternative lands for *247 expanding the UGB. The city was rapidly growing,

having doubled in population between 1980 and 2002 to 28,200 persons. The city estimated it would grow to a population of 44,055 by 2023. Based on that expected growth, the city assessed its residential, industrial, and other land needs for the next 20 years.

The MGMUP set out a growth management strategy to minimize the extent, and guide the direction, of changes in the city's UGB to accommodate those future land needs. The plan directed zoning changes to facilitate more dense uses in the downtown area and along major roads, infill and redevelopment of underutilized land, and creation of “neighborhood activity centers” (NACs), in order to intensify land uses in the UGB expansion areas.

The plan described NACs as follows:

“Under this concept, neighborhoods are each centered or organized around an activity center that would provide a range of land uses within walking distance of neighborhoods—preferably within a one-quarter mile area—including neighborhood-scaled [commercial and civic uses]. Surrounding the activity center (or **focus area**) are **support areas**, which include the highest-density housing within the neighborhood, with housing densities progressively decreasing outward.

“These activity centers would be selected due to their location, distribution, proximity to vacant buildable lands, ability to accommodate higher intensity and density **1027 development, and their context and ability to foster the development of a traditional, or complete, neighborhood. The selected Neighborhood Activity Centers should be equally spaced around the edge of the McMinnville urban area, with the downtown area serving as the geographic center or hub.”

(Boldface in original.) After further specifying those technical parameters for an NAC, which require a high degree of comprehensive master planning and a defined amount of land, the plan concludes that

“Neighborhood Activity Centers should not be located in areas that are heavily parcelized, or characterized by numerous individual ownerships. Priority should be given *248 to locations that consist primarily of large vacant parcels in order to maximize the ability to realize such development in a cost effective, comprehensively planned manner.”

The city determined that the NAC form of development would facilitate the construction of new medium-density to high-density housing, as compared with the low-density residential development pattern of the past, and decrease the quantity of land that needed to be added to the UGB by approximately 225 acres.

With those assumptions, the city determined that it needed to expand the UGB by 1,188 gross acres, including 890 buildable acres. The city concluded that this was necessary to accommodate a need for 537 acres for residential use (341 acres for low-density residential development and 106 acres for medium-density and high-density residential use), 193 acres for office and commercial uses, and 314 acres for parks in order to serve an estimated population of 44,055 by 2023.^{FN2} The plan and its findings quantified needs for additional land supply, both inside and outside of the existing urban growth boundary, by land use type (*e.g.*, single-family detached housing, manufactured dwellings, row/townhouses, and apartments) and zoning designation.

[FN2](#). The remaining acres were needed for institutional and governmental uses.

The adopted UGB changes designated four parts of the added land for neighborhood activity centers (Three Mile Lane, Southwest, Northwest, and Grandhaven NACs). For the most part, those boundary changes captured prime agricultural land. Another area of agricultural land was added, a good part of which had already been developed as a city park (Norton Lane). The city also proposed to add four exception areas to the boundary to meet residential needs (Fox Ridge Road, Redmond Hill Road, Riverside South, and Lawson Lane). The city decided, however, not to add five exception areas (Westside Road, Bunn's Village, Old Sheridan Road, Riverside North, and Booth Bend Road) for various reasons.

The findings adopted to justify those actions evaluated a number of considerations in applying [ORS 197.298\(1\)](#) to nine alternative exception areas, including potential for annexation, costs of water service, transportation circulation *249 issues, consistency with a compact urban form (distance from commercial services and schools), compatibility with adjacent land uses, and environmental concerns. The findings analyzed whether the exception areas would be suitable for an NAC. Both the plan and the adopted findings concluded that the five excluded exception areas would be insufficient to meet that need:

“These sub-areas are, in summary, extensively parcelized; held in multiple ownerships; require costly extension or upgrades to existing public utilities to support urban density development; are located some distance from existing public utilities, schools, and other services; in some cases, located adjacent to heavy industrial development and rail; and have extensive amounts of rural residential development in locations and patterns that make higher density development impracticable or [un]timely.”

The findings further explained, “Absent supporting urban residential development, it is not appropriate that these sub-areas be considered for other identified residential land needs, such as schools, parks, and churches, or for commercial land needs.” The plan assumed that future low-density residential land need could be satisfied by land within the existing UGB. The findings then evaluated**1028 the included exception areas and five parcels of high-quality agricultural land (Norton Lane, Three Mile Lane, Northwest, Grandhaven, and Southwest properties) for consistency with the Goal 14 locational factors. [FN3](#)

[FN3](#). Another agricultural area, West Hills South, was analyzed but not proposed to be added to the UGB at that time.

The city presented the MGMUP amendments and supporting documentation to the Department of Land Conservation and Development (DLCD or department) for approval as a completed work task. [FN4](#) Petitioners 1000 Friends of Oregon and Friends of Yamhill County objected to the *250 city's submissions and appealed the director's decisions on those objections to LCDC. After a hearing, the commission approved inclusion of three exception areas in the UGB (Riverside South, Fox Ridge Road, and Redmond Hill), and remanded the proceeding to the city for an evaluation of adding lower-quality agricultural land, as well as, among other

things, consideration of parkland needs and the exclusion of floodplain areas from the proposed UGB. On remand, the city adopted ordinances to remove floodplains from three expansion subareas, adjust slightly the calculations of needed lands, change the boundaries of the added areas, correct implementing zoning, justify its parklands assumptions, and otherwise respond to the remanding directives. In particular, the city added some lower-quality agricultural land (Fox Ridge North and West Hills South), and adopted new findings to justify its exclusion of other lower-quality agricultural lands.

[FN4](#). Under the periodic review process, when a work task is completed, the actions are submitted to the DLCDC director for approval. [ORS 197.633\(4\)](#). The director can approve or remand the work task, or refer the work task to LCDC. *Id.* If the director approves completion of the work task, the action is final unless an interested party files an objection to the approval. If a work task is referred or appealed, LCDC will consider the matter under a process set out by its rules. [ORS 197.633\(5\)](#). *See also* [ORS 197.633\(2\)](#) (required rulemaking for periodic review process); OAR ch. 660, div. 25 (periodic review rules).

Ultimately, the city determined that it needed to add 663 gross acres to the UGB for residential land needs to be developed at a higher density (6.3 dwellings/acre) than allowed under low-density residential zoning. It proposed to add four NAC areas to meet 488 acres of that need, two additional parcels of agricultural land to address 175 acres of that need (Norton Lane and West Hills South), and the three previously approved exception areas to be developed for residences at lower densities (Riverside South, Fox Ridge Road, and Redmond Hill Road).

And so, the city sought DLCD approval of the retooled UGB amendments. Petitioners filed extensive and particular objections to the submission with the DLCD director. In general, petitioners asserted that the city zoning map and regulations did not adequately implement the plan directives, the large size of the proposed UGB expansion was not justified, and the expansion improperly included prime agricultural land instead of available exception areas and areas of poorer soils. Petitioners argued that those actions were inconsistent with [ORS 197.298](#), Goal 14, and the Goal 2 exception criteria. Petitioners objected to particular city findings that ruled out individual exception areas and lower-quality agricultural lands, complaining either that the findings lacked factual support or were insufficient to explain the particular decision under all applicable decisional standards. *251 The objections were not sustained by the DLCD director, who approved the UGB changes.

Petitioners appealed to LCDC. Petitioners took issue with DLCD's response to their objections. They complained that the DLCD report did not respond to their objections and that DLCD otherwise erred in sustaining factual findings and making legal determinations about the various parcels included and excluded from the proposed UGB change. Among the many specific assertions, petitioners argued that the NAC designations over-allocated needed amounts of commercial land and parkland, the boundary expansion excluded over 225 buildable acres of exception lands, and the relevant legal standard was "whether exception areas can accommodate the use at all, not whether they can do so as efficiently or beneficially as farmland." Specifically, petitioners alleged that "the city's **1029 identified land needs are not limited to pedestrian- and transit-oriented development in neighborhood activity centers" and added that,

“[u]nder [ORS 197.298](#), resource land cannot be included in a UGB instead of exception land if the exception land can reasonably accommodate some portion of identified needs. It cannot be excluded simply because it cannot meet one type of identified land need.”

Petitioners reiterated that the exclusion of parcels with lower-quality agricultural lands could not be justified because of their inability to accommodate an NAC when “the city has [a] specific, identified land need for low density housing that exceeds the capacity of all the exception areas it has included within the UGB.”

Following a hearing, the commission upheld the department's approval of the plan amendments. Petitioners sought review in this court. After petitioners filed their opening brief, LCDC withdrew its original order for reconsideration.

The order on reconsideration generally approved the exclusion of the exception areas because “they could not accommodate the identified land need (MGMUP, pp. 6–5 to 6–10)” ^{FN5} based on physical constraints, location relative to *252 existing and planned facilities, surrounding uses, market demand, and “[e]xisting development patterns and other factors affecting urbanization.” LCDC more particularly justified the failure to include particular exception areas because the area could not (1) be served with public facilities under [ORS 197.298\(3\)\(b\)](#); (2) “reasonably accommodate the need for pedestrian- and transit-oriented development in a neighborhood activity center”; (3) “accommodate residential use”; or (4) “reasonably accommodate the need for a compact, pedestrian-friendly urban area.” As to the omitted lower-quality resource land, West Hills was excluded because it could not “reasonably accommodate the city's identified need [for ‘medium- or high-density housing’]” and because of topographic constraints to the supply of water under [ORS 197.298\(3\)\(b\)](#). The resource area north of Fox Hills Road was left out because, “pursuant to Goal 2, the city did not need to consider lands under [ORS 197.298](#) that could not reasonably accommodate its identified need.” The resource land near the airport was determined to not “accommodate an identified need due to safety issues.” Based on these and other extensive findings, LCDC concluded that “the city has adequately justified those areas included and excluded from the UGB based on relevant criteria.” The LCDC order is before us on review.

[FN5](#). The referenced part of the MGMUP is a summary of the analysis of alternative sites for a UGB expansion. It describes the city's “identified land needs” as needs for “an increased percentage of multi-family, or single-family attached, housing,” in general, and neighborhood activity centers, in particular, and for “314 acres of public parkland, 96 acres for public school use, and 106 acres for future commercial development.” The summary further notes the “identified residential land needs as they are described in the ‘McMinnville Residential Land Needs Analysis’ (and the revisions to that document), and the ‘Urbanization Element Update.’ ” The residential land needs analysis describes generic residential land needs.

III. CONTENTIONS OF THE PARTIES

Petitioners raise three assignments of error. We reject the second and third assignments of error without further discussion. The remaining assignment of error raises a number of general concerns about whether the city properly applied Goal 14 and [ORS 197.298](#) to sort through potentially eligible property for inclusion in the UGB. Those concerns are that the city initially erred in amending the UGB and LCDC erred in upholding the UGB decisions because (1) the

*253 city did not apply the Goal 14 standards completely or consistently when it assessed exception areas by, on the one hand, using a particular factor to rule out some land with a disqualifying characteristic, but, on the other hand, including land in the boundary with that same quality; and (2) the city ruled out some land for consideration by defining its land needs too particularly at the front end of the [ORS 197.298](#) prioritization— *i.e.*, land needed for use as an NAC or for particularized residential land needs—so that less exception land was available for the city's particular needs and more agricultural land was **1030 included in the boundary than otherwise would have been included had the city's needs been defined more generically.

As to the latter contention, respondents argue that [ORS 197.296\(3\)\(b\)](#) requires the city to determine “housing need by type and density range, in accordance with [ORS 197.303](#) and statewide planning goals and rules relating to housing.” To the extent that need cannot be met by zoning changes inside the UGB, then land can be added to the UGB under [ORS 197.298](#) to address those particular housing needs. Respondents claim that that is what the city did.

LCDC defends its decision more specifically. The commission contends that Goal 14, in general, and its incorporated Goal 2 exception factors can be used to define even more particular land needs at the front end of the [ORS 197.298](#) analysis. Thus, LCDC asserts that the city defined the NAC land form as the need to be evaluated under the priorities statute and relied on the desired characteristics of an NAC site as reasons to rule out higher-priority land in order to resort to lower-priority land under [ORS 197.298](#). Petitioners disagree and counter that, even if an NAC does qualify as a generic or specific land need under [ORS 197.298](#), the land added through the NACs does not satisfy all of the city's quantitative needs for additional residential land and a more rigorous application of [ORS 197.298](#) is required to justify bringing agricultural land into the boundary for that non-NAC need.

Petitioners also dispute the sufficiency of LCDC's findings on their objections to the city's rationale for not including particular exception areas in the UGB (Old *254 Sheridan Road, Riverside North, and Booth End Road) or not adding lower-quality agricultural land (West Hills, north of Fox Ridge Road, north of McMinnville Airport, and various smaller tracts) before including prime agricultural land. The city and LCDC respond that the locational factors in Goal 14 were properly applied to categorize those exception and lower-value agricultural lands as insufficient.

Many of the general differences between the parties stem from their different understandings about how [ORS 197.298](#) works to sort land available for inclusion within a UGB. In petitioners' view, the priorities statute works to categorize land as available to meet broadly defined land use needs (in this case, for residential land of any kind). Higher-priority land qualifies to meet that need unless urban services cannot be provided to the land because of physical constraints. Goal 14 is then applied to the prioritized and available land to determine the specific urban growth areas.

According to respondents, however, [ORS 197.298](#) is applied—especially during the periodic review process—to determine the adequacy of land for more particular land use needs (in this case, for higher-density residential uses). Higher-priority land qualifies to meet that need unless it is determined to be unsuitable under the Goal 14 locational factors and the Goal 2 exceptions

criteria. Goal 14 is then applied to corroborate the inclusion of higher-priority land and to justify any further selection among land of a lower-priority class.

We ultimately conclude that neither party has it quite right. For the reasons stated below, we agree that [ORS 197.298](#) does provide the first cut in the sorting process and that Goal 14 is then applied to justify the inclusion or exclusion of the sorted lands and any remaining choices about what land to include in the boundary. Goal 14 also plays a role in identifying the types of land that are subjected to the priorities statute. Goal 14 is used in evaluating the adequacy of available land under [ORS 197.298\(1\)](#), but in a more particular way than suggested by respondents. We reach those initial conclusions based on an analysis of the text and context of [ORS 197.298](#).

*255 IV. STATUTORY CONSTRUCTION ANALYSIS

Our determination of the legislature's intent in enacting [ORS 197.298](#) is guided primarily by the text and context of the statute, in light of any pertinent legislative history. [State v. Gaines, 346 Or. 160, 171–72, 206 P.3d 1042 \(2009\)](#). In the analysis of the text of the statute, we give words of common usage their “plain, natural, and ordinary meaning.” **1031 [PGE v. Bureau of Labor and Industries, 317 Or. 606, 611, 859 P.2d 1143 \(1993\)](#). That textual analysis, of course, is assisted by our prior construction of the statutory terms. [Waite v. Dempsey, 203 Or.App. 136, 141, 125 P.3d 788 \(2005\)](#). The context of a statute includes the entire enactment of which it was a part, [State v. Ortiz, 202 Or.App. 695, 699–700, 124 P.3d 611 \(2005\)](#), as well as related statutes on the same subject, [State v. Carr, 319 Or. 408, 411–12, 877 P.2d 1192 \(1994\)](#).

A. Step One: Determine the land needed under [ORS 197.298\(1\)](#)

[1]  The first issue concerns how to categorize land needs that arise from periodic review for purposes of the application of [ORS 197.298](#) to a large-scale expansion of a UGB. LCDC and the city argue that [ORS 197.298](#) can be applied to prioritize areas of potential UGB expansion based upon the functional needs of particularly intended land uses (*i.e.*, an NAC). Petitioners, by contrast, suggest that the statute is applied to broad, generic types of land use needs that are identified during periodic review (*e.g.*, 250 acres for residential uses) and that adequacy determinations under [ORS 197.298\(1\)](#) are less particular in focus.

Again, the descending priorities in [ORS 197.298\(1\)](#) are applied to determine whether the priority land is “inadequate to accommodate the amount of land needed.” The first step is to determine the “amount of land needed.” That determination is necessarily made by the application of Goal 14, which provides that “[e]stablishment and change of the boundaries shall be based upon considerations of the following factors: (1) Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals; (2) Need for housing, employment opportunities, and livability * * *.” In [Residents of Rosemont v. Metro, 173 Or.App. 321, 328, 21 P.3d 1108 \(2001\)](#), we explained that

*256 “[w]e held in [Baker \[v. Marion County, 120 Or.App. 50, 852 P.2d 254, rev. den., 317 Or. 485, 858 P.2d 875 \(1993\)\]](#) that factors 1 and 2 of Goal 14 are interdependent and that, if one of the factors is not fully satisfied, or is less determinative, that factor must still be considered and

discussed in deciding if a need for expansion of a UGB has been shown under factors 1 and 2 of Goal 14.”

(Footnote omitted.) In the context of periodic review, Factor 1 pertains to a determination of overall land need in order to accommodate population growth. Factor 2 requires subcategorization of that need at least to specify separate quantities of land needed for “housing, employment opportunities, and livability.” Because different types of land use consume different amounts of land (e.g., the dwellings/acre densities for low-, medium-, and high-density residential development), determining the amount of land needed to be added to a UGB during periodic review under Factors 1 and 2 necessarily requires differentiation of land use types according to their land consumption attributes. The coordinated application of [ORS 197.298](#) with Goal 14 (“[i]n addition to any requirements established by rule addressing urbanization”) implies that [ORS 197.298](#) is applied during periodic review to the quantified land use needs identified by the operation of Factors 1 and 2 of Goal 14.

That application of [ORS 197.298](#) is more directly required by [ORS 197.296](#) during the periodic review process. That statute prompts a quantification of the amounts of land needed for specific residential purposes prior to UGB amendments that result from the periodic review process.^{FN6} As part of that process, [ORS 197.296\(3\)](#) requires an analysis of “housing need by type and density range * * * to determine the number of units and amount of land needed for each needed housing type for the next 20 years.” If those needs cannot be met within the existing UGB **1032 through rezonings or infill, then the locality must “[a]mend its urban growth boundary to *257 include sufficient buildable lands to accommodate housing needs.” [ORS 197.296\(6\)\(a\)](#). The statutory direction to amend the UGB “to accommodate housing needs” that are classified “by type and density” strongly implies that the next step—the operation of [ORS 197.298](#)—works on those same inventoried needs. Thus, for purposes of periodic review, [ORS 197.298](#) works on types of land uses that generate the need for specific quantities of land as a result of the application of the need factors of Goal 14 and related statutory directives, including [ORS 197.296](#).^{FN7} We reject petitioners' general contention that LCDC erred in applying [ORS 197.298\(1\)](#) to evaluate the city's need for higher-density residential land, as opposed to all residential needs.^{FN8}

[FN6](#). The 1995 Legislative Assembly adopted the initial versions of [ORS 197.296](#) and [ORS 197.298](#) as part of one law. Or. Laws 1995, ch. 547. In construing the meaning of a statute, we have looked at the context of related statutes in the same chapter in which a provision has been codified, *Morsman v. City of Madras*, 203 Or.App. 546, 561, 126 P.3d 6, rev. den., 340 Or. 483, 135 P.3d 318 (2006), and at other provisions of the bill enacting that statute, *Ortiz*, 202 Or.App. at 699–700, 124 P.3d 611.

[FN7](#). LCDC did not approve any addition to the McMinnville UGB because “[s]pecific types of identified land needs cannot be accommodated on higher priority lands” under [ORS 197.298\(3\)\(a\)](#). We need not apply that part of the statute to dispose of the contentions in this review proceeding. [ORS 197.298\(3\)\(a\)](#) does have contextual relevance, however, in contrasting the types of “[s]pecific * * * land needs” under [ORS 197.298\(3\)](#) with the types of land use needs identified at the front end of [ORS 197.298](#) as the statute is applied during the periodic review process. The text of [ORS 197.298\(3\)](#) suggests that its “specific types” pertain to need for land of

a particular quality or situation, such as size, site characteristics, service levels, or proximity to other land uses, that occurs only on lower-priority land. For example, [ORS 197.712\(2\)\(c\)](#) requires comprehensive plans to “provide for at least an adequate supply of sites of suitable sizes, types, locations and service levels for industrial and commercial uses consistent with plan policies.” That more discrete land need is in contrast to the more generic land use needs identified during periodic review and used in making adequacy determinations under [ORS 197.298\(1\)](#).

[FN8](#). We need not decide the relationship of the current Goal 14 to [ORS 197.298](#). The land need portion of Goal 14 now requires that a UGB change be based on

“(2) Demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets and roads, schools, parks or open space, or any combination of the need categories in this subsection (2).

“In determining need, local government may specify characteristics, such as parcel size, topography or proximity, necessary for land to be suitable for an identified need.”

B. Step Two: Determine the adequacy of candidate lands under [ORS 197.298\(1\)](#) and [\(3\)](#)

1. General scheme characteristics—the tension between [ORS 197.298](#) and Goal 14

The next step is somewhat more complicated—the application of [ORS 197.298\(1\)](#) and [\(3\)](#), together with Goal 14, to locate and justify the inclusion of land to fill that quantified need. [ORS 197.298\(1\)](#) provides that its prioritization *258 scheme, which allows for bringing prime resource land into the UGB as a last resort, is “[i]n addition to any requirements established by rule addressing urbanization”—a plain reference to Goal 14 (Urbanization) and its implementing rules. As noted above, Goal 14 sets out seven factors for changing a UGB: two “need” factors relate to determining the need for additional land (“[d]emonstrated need to accommodate long-range population growth” and “[n]eed for housing, employment opportunities, and livability”) and five “locational” factors relate to justifying the selection of land to satisfy those determined needs (either inside the existing UGB or at specific locations outside the UGB) based on public facilities and services, efficiency of land uses, consequences of any allowed development, retention of agricultural land for farm use, and compatibility of development with nearby agricultural activities. [FN9](#)

[FN9](#). The incorporated Goal 2 exception standards also require an analogous assessment of the reasons for a UGB change (comparable to Goal 14, Factors 1 and 2); why areas that do not require an exception to Goal 14 (*i.e.*, areas already inside the UGB) “cannot reasonably accommodate the use”; the long-term environmental, economic, social, and energy consequences of expanding at a particular location, as opposed to other possible locations; and the compatibility of development allowed by the expansion with adjacent uses.

In prior decisions concerning the application of Goal 14 to UGB changes, we have required that all five locational factors be considered together and balanced in assessing the alternative locations for a UGB change. In **1033 [Citizens Against Irresponsible Growth v. Metro, 179 Or.App. 12, 17, 38 P.3d 956 \(2002\)](#), we concluded that the locational factors in Goal 14 “do not stand alone but represent * * * several factors to be considered and balanced when amending a

UGB. * * * No single factor is of such importance as to be determinative in a [] UGB amendment proceeding, nor are the individual factors necessarily thresholds that must be met.” Similarly, in [1000 Friends of Oregon v. Metro, 174 Or.App. 406, 409–10, 26 P.3d 151 \(2001\)](#), we noted that

“the locational factors are not independent approval criteria. It is not necessary that a designated level of satisfaction of the objectives of each of the factors must always be met before a local government can justify a change in a UGB. Rather, the local government must show that the factors were ‘considered’ and balanced by the local government in *259 determining if a change in the UGB for a particular area is justified. It is within a local government’s authority to evaluate the Goal 14 factors and exercise its judgment as to which areas should be made available for growth.”

In other words, under Goal 14, an expansion of a UGB to include agricultural land could be justified if considerations of the cost of public facilities, land use efficiency, and environmental, energy, economic, and social consequences and compatibility with nearby land were favorable.

By contrast, [ORS 197.298](#) appears to operate less flexibly. Under the priorities statute, prime agricultural land can be included within a UGB *only if* urban reserve land, nonresource land, exception land, and marginal land are “inadequate to accommodate the amount of land needed” for identified urban uses.

So, which scheme ultimately controls the choice of where to expand a UGB—the flexible Goal 14 or the more rigid [ORS 197.298](#)? Our case law—in a very imprecise way—suggests that the answer may be either or both.

We have previously determined that Goal 14 interacts with [ORS 197.298](#) in two ways. First, the two operate *independently* to justify a UGB expansion. Compliance with [ORS 197.298](#) does not absolve the independent and separate requirement to apply the Goal 14 factors to a proposed UGB change. In [Residents of Rosemont](#), two cities challenged Metro’s decision to expand the Portland-area UGB in order to address a need for housing in a particular part of the metropolitan area. An issue on review was whether a subregional need for housing could qualify under the Goal 14 need factors as a basis for expanding the UGB without considering that need in the context of the overall regional need for housing. We held that it could not, at least in the context presented. We also concluded that compliance with the criteria in [ORS 197.298](#) did not excuse the separate application of Goal 14 to the UGB amendment:

“Those priority concerns [in [ORS 197.298](#)] do not purport to be the exclusive considerations governing the location of UGBs, and [ORS 197.298\(3\)](#) does not purport to excuse compliance with Goal 14’s requirements for the establishment or change of UGBs. [ORS 197.298](#) specifically provides that *260 the priorities for UGB inclusion that it sets forth are ‘[i]n addition to any requirements established by rule addressing urbanization.’ Metro contends that it is impossible to implement the requirements of [ORS 197.296](#) and [197.298](#) and the requirements of Goal 14. Because of that, it asserts that the provisions must be read together. The problem with that argument, however, is that, because [ORS 197.298](#) specifically provides that its requirements are *in addition* to the urbanization requirements of Goal 14, which are particularly directed to the

establishment and change of UGBs, it cannot be said that the statute was intended to supersede Goal 14.”

[173 Or.App. at 332–33, 21 P.3d 1108](#) (emphases in original). *See also* [1000 Friends of Oregon, 174 Or.App. at 412–14, 26 P.3d 151](#) (compliance with [ORS 197.298](#) in justifying a UGB change does not excuse the need to separately apply Goal 14, Factor 6 (retention of agricultural land), to the proposed change).

Subsequently, though, we have held that [ORS 197.298](#) is to be applied in an *integrated* way with Goal 14. In [**1034 City of West Linn v. LCDC, 201 Or.App. 419, 422, 119 P.3d 285 \(2005\)](#), we reviewed an LCDC approval of another amendment to the Portland-area UGB by Metro. In that case, the petitioner argued that the particular UGB expansion was inconsistent with [ORS 197.298](#) because lower-priority resource land had been added without determining that there was inadequate land of higher priority anywhere in the region. We agreed with LCDC that the locational factors of Goal 14 were relevant in determining whether land of a particular priority in [ORS 197.298\(1\)](#) is “inadequate to accommodate the amount of land needed.” We reasoned that

“[t]he operative term is ‘inadequate.’ Whether there is adequate land to serve a need may depend upon a variety of factors. In particular, the adequacy of land may be affected by locational characteristics that must be taken into account under Goal 14. As LCDC correctly noted, [ORS 197.298\(1\)](#) expressly provides that the priorities that it describes apply ‘[i]n addition to any requirements established by rule addressing urbanization,’ such as the locational factors described in Goal 14. As a result, the fact that other, higher priority land may exist *somewhere* adjacent to the UGB does not necessarily mean that that land will be ‘[]adequate to accommodate the amount of land needed,’ if *261 using it for an identified need would violate the locational considerations required by Goal 14. In other words, the statutory reference to ‘inadequate’ land addresses suitability, not just quantity, of higher priority land.”

[City of West Linn, 201 Or.App. at 440, 119 P.3d 285](#) (emphasis in original). In [Hildenbrand v. City of Adair Village, 217 Or.App. 623, 634, 177 P.3d 40 \(2008\)](#), we summarized the holding in [City of West Linn](#) and stated that determining “whether there is ‘inadequate’ land to serve a need depends on not only the constraints identified by [ORS 197.298\(3\)](#), but also the criteria for locating an urban growth boundary expansion under Goal 14.”

This relationship between the overlapping policies in Goal 14 and [ORS 197.298](#)—that the policies are to be applied separately as well as together—creates, at the very least, some awkwardness in their application. Complete integration of the policies is inconsistent with their independent viability. What might reconcile that tension, however, is if [ORS 197.298](#) is not completely conflated with Goal 14—only partially integrated with the goal—in its application, and if Goal 14 is separately and fully applied to the candidate land identified under [ORS 197.298](#) in order to determine if that land is suitable for inclusion in the UGB. We examine that possibility next.

2. Integration of Goal 14 and ORS 197.298

We turn, then, to the adequacy assessment under [ORS 197.298\(1\)](#), specifically the factors used to determine when priority “land * * * is inadequate to accommodate the amount of land needed.” Petitioners contend that a jurisdiction can use lower-priority land for its land needs only when higher-priority land is not available to accommodate the need because of one of the limitations in [ORS 197.298\(3\)](#) (specific type of identified need, urban services unavailability due to topographical or physical constraints, needed to provide services to higher-priority land). The Goal 14 locational factors, according to petitioners, must be applied in the process of selecting among alternative locations in the same priority class. Respondents disagree and argue that all of the Goal 14 locational factors are used to determine if priority land is *262 “inadequate to accommodate the amount of land needed” under [ORS 197.298](#).

The parties agree, and we concur, that any necessary UGB amendment process for purposes of land development begins with the identification of buildable land that is contiguous to the existing boundary. [ORS 197.296\(6\)\(a\)](#) makes this step explicit for housing needs, requiring the locality to “[a]mend its urban growth boundary to include sufficient buildable lands to accommodate housing needs.” For this and other purposes, [ORS 197.295\(1\)](#) defines “buildable lands” as “lands in urban and urbanizable areas that are suitable, available and necessary for residential uses * * * [including] both vacant land and developed land likely to be redeveloped.” LCDC has further defined “suitable and available” buildable lands to **1035 exclude land that is severely constrained by natural hazards under Goal 7; subject to natural resource protection measures under Goals 5, 15, 16, 17, or 18; severely sloped; within a floodplain; or to which public facilities “[c]annot be provided.” [OAR 660-008-0005\(2\)](#).

The adequacy assessment under [ORS 197.298\(1\)](#), then, applies to land that could be developed. The candidate land, whether exception land or different types of agricultural land, must be “buildable.” So, evaluating whether candidate land is “inadequate” under [ORS 197.298\(1\)](#) requires considering qualities other than whether the land is buildable.

[City of West Linn](#) established that Goal 14 is applied in the prioritization of land under [ORS 197.298\(1\)](#) to determine if land of a particular priority “is inadequate to accommodate the amount of land needed.” [201 Or.App. at 440, 119 P.3d 285](#). However, petitioners read [City of West Linn](#) too narrowly in confining the Goal 14 analysis in [ORS 197.298\(1\)](#) to the selection of land within a single priority class of lands, rather than as general criteria on the inadequacy of land within that priority class to meet the need and allow resort to lower-priority land.

Rather, the question becomes whether all of the Goal 14 locational factors are used to disqualify higher-priority land under [ORS 197.298\(1\)](#), or whether a more limited sorting occurs that leaves land available for the potential application of [ORS 197.298\(3\)](#). Based on the text of both policies—including*263 a comparison of the more specific locational criteria in [ORS 197.298\(3\)](#) with their Goal 14 analogues, and the textual dynamic within [ORS 197.298](#) between subsections (1) and (3)—we conclude that the legislature likely intended the latter option.

In the context of expanding a UGB to include lower-priority land, [ORS 197.298\(3\)](#) states more specific limitations than the analogous factors in Goal 14 do: Factor 3 of Goal 14 requires consideration of the “[o]rderly and economic provision for public facilities and services,” but

[ORS 197.298\(3\)\(b\)](#) prefers higher-priority land over resource land unless “[f]uture urban services could not reasonably be provided to the higher priority lands due to topographical or other physical constraints.” Goal 14, Factor 4, directs consideration of the “[m]aximum efficiency of land uses within and on the fringe of the existing urban area,” whereas [ORS 197.298\(3\)\(c\)](#) inhibits urbanization of lower-priority land unless “[m]aximum efficiency of land uses within a proposed urban growth boundary requires inclusion of lower priority lands in order to include or to provide services to higher priority lands.”

The particular limitations in [ORS 197.298\(3\)\(b\)](#) and (c) have no practical effect if the broader and less restrictive Goal 14 factor counterparts must be used to determine whether to include lower-priority land under [ORS 197.298\(1\)](#). If land is “inadequate” under Factor 3 because the relative cost of delivery of public facilities and services to the area is high, then the more specific limitation in [ORS 197.298\(3\)\(b\)](#)—permitting an inadequacy conclusion only when public services cannot be extended because of topographic or physical constraints—has no independent force. Because [ORS 197.298\(3\)](#) relates “only to the inclusion of land that comes within the priority concerns described in [[ORS 197.298\(1\)](#)],” *Residents of Rosemont*, 173 Or.App. at 332, 21 P.3d 1108, it follows that [ORS 197.298\(1\)](#) must use different kinds of limitations to determine inadequacy than those set out in [ORS 197.298\(3\)](#). Otherwise, [ORS 197.298\(3\)](#) is redundant or incapable of application. We are constrained to construe [ORS 197.298](#) in a way that gives effect to all of its terms. “As a general rule, we assume that the legislature did not intend any portions of its enactments to be meaningless surplusage.” *State v. Stamper*, 197 Or.App. 413, 417, 106 P.3d 172, rev. den., 339 Or. 230, 119 P.3d 790 (2005); see also [ORS 174.010](#) (“In the construction *264 of a statute, * * * where there are several provisions or particulars such construction is, if possible, to be adopted as will give effect to all.”).

[2]  It follows, then, that the more specific limitations in [ORS 197.298\(3\)](#) displace the application of their more generic and flexible Goal 14 counterparts in the application of [ORS 197.298\(1\)](#). That displacement gives meaning to [ORS 197.298\(3\)](#), which reads that it—as opposed to other factors—is applied to **1036 determine “if land of higher priority is * * * inadequate to accommodate the amount of land estimated in subsection (1).” That explicit requirement precludes the application of any analogous, but less restrictive, suitability criteria under [ORS 197.298\(1\)](#) to make that same determination, *i.e.*, whether higher-priority land “is inadequate to accommodate the amount of land needed.” That limited use of Goal 14 in applying [ORS 197.298\(1\)](#) avoids the complete conflation of Goal 14 and [ORS 197.298](#) and allows for the sequential application of [ORS 197.298\(3\)](#).

Instead, the Goal 14 locational factors that are applied under [ORS 197.298\(1\)](#) and *City of West Linn* are those that are *not* the counterparts to the [ORS 197.298\(3\)](#) factors: Factor 5 (“Environmental, energy, economic and social consequences”) and Factor 7 (“Compatibility of the proposed urban uses with nearby agricultural activities”). The application of Goal 14, Factors 5 and 7, at this point parallels the separate considerations for determining the location of a UGB amendment that are required by the Goal 2 exception criteria that are incorporated into Goal 14; that parallel reinforces the logic of a limited use of Goal 14 as part of the application of [ORS 197.298](#). Those Goal 2 considerations are:

“(3) The long term environmental, economic, social and energy consequences resulting from the use of the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site; and

“(4) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.”

*265 [OAR 660-015-0000](#)(2), Part II. ^{FN10} Thus, those specific Goal 2 exception criteria and their Goal 14 factor counterparts (Factors 5 and 7) are the relevant Goal 14 considerations in assessing the adequacy of land in a priority class under [ORS 197.298\(1\)](#).

FN10. The remaining exception criteria are less relevant in determining where a UGB should be expanded. The first criterion goes to the reasons for expanding the UGB and is satisfied through the general application of Goal 14, particularly Factors 1 and 2. [OAR 660-004-0010](#)(1)(d)(B)(i) (reasons factor for UGB change under former Goal 14 “satisfied by compliance with the seven factors of Goal 14”). The second criterion requires consideration of “[a]reas which do not require a new exception.” In the case of a Goal 14 exception, that area is the land already in the UGB. See 243 Or.App. at 272, 259 P.3d at 1040.

 [3] Based upon the text and context of [ORS 197.298](#), we conclude that not all of the Goal 14 locational criteria are applied under [ORS 197.298\(1\)](#) to determine if priority land “is inadequate to accommodate the amount of land needed.” Instead, only the consequences and compatibility factors of Goal 2, Part II, and Goal 14 are applied. Whether the priority land is inadequate due to the unavailability of public facilities and services or because of land use efficiencies is determined by the separate application of [ORS 197.298\(3\)](#). Thus, we agree with petitioners' general claim that LCDC improperly applied [ORS 197.298\(1\)](#) in approving the city's resort to lower-priority land because of the relatively higher costs of providing a particular public facility or service to the higher-priority area.

C. Step Three: Determine which candidate lands should be included under Goal 14

Goal 14 is independently applied, then, *after* land has been prioritized under [ORS 197.298](#) as adequate to accommodate the identified need. [ORS 197.298](#) operates, in short, to identify land that *could* be added to the UGB to accommodate a needed type of land use. Thereafter, Goal 14 works to qualify land that, having been identified already under [ORS 197.298](#), *should* be added to the boundary. This works in two ways—both to make choices among land in the lowest rung of the priority scheme and to justify the inclusion of the entire set of lands selected under [ORS 197.298](#). Once candidate lands have been located under [ORS 197.298](#) (*i.e.*, *266 the higher-priority lands that have been identified as adequate to satisfy part of a land need and any remaining lower-priority lands that exist in quantities sufficient to accommodate the remaining need), the location of the boundary changes is determined **1037 by the full and consistent application of the Goal 14 locational factors, the Goal 2 exception criteria to those candidate lands, and relevant plan and ordinance criteria.

It is at this point in the analysis that cost efficiencies in the provision of public facilities and services become relevant. Considerations of Goal 14, Factor 3 (provision of public facilities and services) and Factor 4 (efficiency of land uses), at this point—in combination with the other Goal 14 locational factors—may prompt the discarding of candidate land identified under [ORS 197.298](#), and the selection of land otherwise consistent with the Goal 14 factors.

That application of all of the provisions in Goal 14 to the resulting UGB change is required under [Citizens Against Irresponsible Growth](#) and [1000 Friends of Oregon](#). The application of Goal 14 to the land that results from the prioritization of [ORS 197.298](#) allows the separate and full use of both policies in justifying a UGB change that is contemplated by the priorities statute (“[i]n addition to any requirements established by rule addressing urbanization, land may not be included within an urban growth boundary except under the following priorities”) and our holdings in [Residents of Rosemont](#) and [1000 Friends of Oregon](#).

With those principles in mind, we turn to petitioners' remaining contentions.

V. JUSTIFICATION FOR THE PROPOSED CHANGES

A. Standards of review

We begin with our standards of review. [ORS 197.650\(1\)](#) provides that we review the LCDC order “in the manner provided in [ORS 183.482](#).” That part of the Administrative Procedures Act sets out the standards of review of a contested case order and provides:

“(a) The court may affirm, reverse or remand the order. If the court finds that the agency has erroneously *267 interpreted a provision of law and that a correct interpretation compels a particular action, the court shall:

“(A) Set aside or modify the order; or

“(B) Remand the case to the agency for further action under a correct interpretation of the provision of law.

“(b) The court shall remand the order to the agency if the court finds the agency's exercise of discretion to be:

“(A) Outside the range of discretion delegated to the agency by law;

“(B) Inconsistent with an agency rule, an officially stated agency position, or a prior agency practice, if the inconsistency is not explained by the agency; or

“(C) Otherwise in violation of a constitutional or statutory provision.

“(c) The court shall set aside or remand the order if the court finds that the order is not supported by substantial evidence in the record. Substantial evidence exists to support a finding of fact when the record, viewed as a whole, would permit a reasonable person to make that finding.”

[ORS 183.482\(8\)](#).

[4]  We recently explained that the requirements that an agency correctly 33 interpret the law, explain inconsistencies, and have evidentiary support for the decision implies that LCDC must “ ‘demonstrate in [its] opinion[] the *reasoning* that leads the agency from the *facts* that it has found to the *conclusions* that it draws from those facts.’ ” [1000 Friends of Oregon v. LCDC](#), 237 Or.App. 213, 225, 239 P.3d 272 (2010) (*Woodburn*) (quoting *Drew v. PSRB*, 322 Or. 491, 500, 909 P.2d 1211 (1996)) (emphasis in *Drew*). See also [City of Roseburg v. Roseburg City Firefighters](#), 292 Or. 266, 271, 639 P.2d 90 (1981) (stating the test as “whether there is a basis in reason connecting the inference [of compliance with the decisional standard] to the facts from which it is derived”). In connection with substantial evidence review, we do not review the city's decision for evidentiary support. Rather, “[o]ur role is to determine whether [LCDC] applied the correct legal test *268 in deciding whether [the city's] decision is supported by substantial evidence.” **1038 [Citizens Against Irresponsible Growth](#), 179 Or.App. at 21, 38 P.3d 956.^{FN11}

FN11. In [City of West Linn](#), we concluded, based on [1000 Friends of Oregon v. LCDC \(Lane County\)](#), 305 Or. 384, 404–05, 752 P.2d 271 (1988), that an LCDC order approving a legislative UGB change under [ORS 197.650](#) “implicates the substantial evidence standard that is described in [\[ORS 183.482\]](#).” [201 Or.App. at 428, 119 P.3d 285](#). More precisely, LCDC reviews UGB and periodic review submissions for “compliance with the statewide planning goals.” [ORS 197.628\(1\)](#). Goal 2, in turn, requires that land use decisions have an “adequate factual base.” LCDC's review of a legislative UGB change for an “adequate factual base” is synonymous with the requirement that a decision be supported by substantial evidence. Substantial evidence review of an LCDC periodic review order may directly occur when the commission requests and obtains new evidence for the periodic review submission and then makes factual findings on that enhanced record. See [OAR 660–025–0160\(5\)](#) (allowing supplement to periodic review record).

[5]  Finally, the focus of our review is on the issues presented on appeal that have been preserved before LCDC. As we said in [Marion County v. Federation For Sound Planning](#), 64 Or.App. 226, 237, 668 P.2d 406 (1983), “[a] petitioner seeking judicial review under the terms of [\[ORS 197.650\]](#) must base the arguments on the objections (or comments) filed with DLCD; those objections will therefore frame the issues on appeal.”^{FN12} This requires objectors before LCDC to make an explicit and particular specification of error by the local government. [ORAP 5.45\(1\)](#) requires preservation of error in a lower court in order to consider the error on appeal. We apply that preservation requirement to administrative proceedings. [Veselik v. SAIF](#), 177 Or.App. 280, 288, 33 P.3d 1007 (2001), *rev. den.*, 334 Or. 121, 47 P.3d 484 (2002); see also [VanSpeybroeck v. Tillamook County](#), 221 Or.App. 677, 690, 191 P.3d 712 (2008) (applying preservation requirements in proceedings to review LUBA orders). A party's claim of error by LCDC *269 in its periodic review order, therefore, is limited to the commission's resolution of objections raised in the periodic review proceedings.

FN12. Moreover, under [ORS 197.633\(2\)](#), LCDC is obliged to “adopt rules for conducting periodic review.” The rules require persons who object to a work task submittal to file written

objections with DLCD that “[c]learly identify an alleged deficiency in the work task sufficiently to identify the relevant section of the final decision and the statute, goal, or administrative rule the task submittal is alleged to have violated.” [OAR 660–025–0140\(2\)\(b\)](#). [OAR 660–025–0150\(4\)\(d\)\(B\)](#) imposes that same specification of error requirement when an appeal is taken to LCDC from DLCD decisions on periodic review task completions. Objections that do not meet that standard “will not be considered by the director or commission.” [OAR 660–025–0140\(3\)](#). If no objections are received, “the work task shall be deemed approved.” [OAR 660–025–0150\(3\)\(a\)](#). Standing to appeal an LCDC periodic review order is limited to “[p]ersons who submitted comments or objections” to the agency. [ORS 197.650](#).

B. The commission's defense

We turn—at long last—to petitioners' contentions about the deficiencies in LCDC's order and findings in light of the specific objections and exceptions they filed with the agency. Petitioners' assignment of error contends that (1) LCDC erroneously interpreted [ORS 197.298](#), Goal 14, *former* [ORS 197.732\(1\)\(c\)\(B\)](#) (2005), *amended by* Or. Laws 2007, ch. 71, § 68, *renumbered as* [ORS 197.732\(2\)\(c\)\(B\)](#) (2007) (“[a]reas which do not require a new exception cannot reasonably accommodate the use”), and Goal 2, Part II(c), [OAR 660–004–0020](#) (an administrative rule detailing the requirements for a “reasons” exception to a goal); (2) LCDC made a decision not supported by substantial evidence; and (3) LCDC acted inconsistently with an official agency position in adding agricultural land rather than other lands. Although petitioners' contentions are framed with respect to the exclusion of particular exception and higher-priority resource lands from the area of the proposed UGB change, their arguments attack the *manner* in which the city and LCDC applied [ORS 197.298](#). Petitioners complain that the city defined the needed land—higher-density residential land—too specifically under Step One so that [ORS 197.298\(1\)](#) was applied to allow the exclusion of some land that could be used for low-density residential needs and that lands were excluded under Step Two because of a single deficiency rather than an overall adequacy assessment based on balancing all of the considerations. Moreover, petitioners argue that various locational factors in Goal 14 were not considered as part of Step Three **1039 in evaluating the alternatives for the UGB expansion.

In its brief, LCDC offers a broad justification for its order and joins the city's more specific defenses. LCDC explains that the city identified neighborhood activity centers as a form of land need to which the prioritization scheme of [ORS 197.298\(1\)](#) was then applied, and that the commission was correct in approving the exclusion of exception areas and higher-priority resource lands that could not accommodate *270 NACs. LCDC further argues that, under the Goal 2 exceptions criteria, a broad test should be employed under [ORS 197.298](#) to determine whether candidate lands are “inadequate to accommodate the amount of land needed.” LCDC reasons that (1) [ORS 197.298](#) is administered “[i]n addition to” Goal 14; (2) Goal 14 includes the “reasons” exception criteria in Goal 2; (3) [ORS 197.298\(1\)](#) incorporates the exceptions criterion in Goal 2 that “[a]reas that do not require a new exception cannot reasonably accommodate the use”; and, therefore, (4) the statute allows a broad assessment of whether land is “inadequate to [reasonably] accommodate” an identified land need.

LCDC's first defense—that the city appropriately identified a quantity of needed NAC land and applied [ORS 197.298\(1\)](#) to that quantified need—fails because that is not what the city did. The city did determine that the NAC mixed-use category of land use would use less land than the

traditional low-density residential development for housing needs. But the city did not quantify the amount of any needed mixed-use category of commercial and residential land uses and then apply the [ORS 197.298\(1\)](#) priorities to that quantified mixed-use need. To recall, [ORS 197.298\(1\)](#) is applied to determine if land of a particular priority “is found to be inadequate to accommodate the *amount of land*” determined to be needed. (Emphasis added.) Here, the city quantified the need for categories of residential, commercial, industrial, parkland, and other land uses and then applied the priorities to those quantitative needs. However, the city used the defined qualities of an NAC (*e.g.*, size, location to downtown, and urban form) as a basis to rule out higher-priority land under [ORS 197.298\(1\)](#), and, in doing so, proved the wrong point.

LCDC's argument that its order is justified because of the need for land for NACs is not supported by the order's reasoning or result. First, the order is unclear on the specifics of the identified need under [ORS 197.298](#)—whether the need is for residential land in general; higher-density residential land; mixed-use land for specified residential, commercial, and parkland needs; or NACs. The order upholds the exclusion of the Westside Road exception area from the UGB amendment under [ORS 197.298\(3\)\(b\)](#) (unavailability of services due to topographic or other physical constraints), rather than because the area is unsuitable for use as an NAC. *271 Another part of the order approves exclusion of the Bunn's Village exception area under [ORS 197.298\(3\)\(b\)](#) as well as under [ORS 197.298\(1\)](#) for its unsuitability for “pedestrian- and transit-oriented development in a neighborhood activity center.” LCDC determined that the Booth Bend Road exception area “cannot reasonably accommodate the identified need,” but purports to identify the need as one for a “compact, pedestrian-friendly urban area.” The city's failure to include the Old Sheridan Road exception area into the boundary change was approved because “this area cannot reasonably accommodate the identified need,” yet that approval was made without any elaboration on the nature of that identified need. The Riverside North area was not included because “this area cannot reasonably accommodate residential use.” If [ORS 197.298](#) is applied to address separate types of land needs, then the amount of each of those land needs must be quantified, and the land supply examined to see if it is “inadequate to accommodate [each] amount of land needed.”

[6]  Second, the order, in fact, approves the inclusion of some of the lower-priority agricultural land (Norton Lane, West Hills South, and part of Fox Ridge North) ahead of some exception areas even though those agricultural areas were not designated as NACs. Thus, the adopted justification for the UGB amendments as well as the actual inclusion of agricultural land for general residential**1040 use suggests that lower-priority land was not added solely to meet the need for an identified quantity of land for mixed-use development. The adopted order fails to explain why the failure of an exception area to accommodate the need for an NAC justifies its exclusion from the expansion area when lower-priority land is being added to accommodate a less specific need for residential land. As we held in [Woodburn, 237 Or.App. at 224–26, 239 P.3d 272](#), when an LCDC order fails to explain its reasoning for finding consistency with the standards for a UGB expansion, the order lacks substantial reason and becomes inadequate for judicial review. The failure of LCDC to consistently identify the needed categories and quantities of land uses—the fundamental premises of its justification of the UGB change under [ORS 197.298](#)—requires the same conclusion here.

LCDC's second point—that the “[a]reas that do not require a new exception cannot reasonably accommodate the use” criterion in the Goal 2 exception standards can be used *272 to rule out higher-priority land under [ORS 197.298\(1\)](#), presumably no matter how the need for residential land is described—also does not withstand scrutiny. As noted earlier, Goal 14 requires that a UGB change “follow the procedures and requirements as set forth in the Land Use Planning goal (Goal 2) for goal exceptions.” The standards for such an exception include a determination that “[a]reas which do not require a new exception cannot reasonably accommodate the use.” But that criterion applies to land that does not require an exception to Goal 14, *i.e.*, land already within the UGB or specially designated land in unincorporated communities outside of a UGB. [VinCEP v. Yamhill County, 215 Or.App. 414, 425, 171 P.3d 368 \(2007\)](#) (“areas which do not require a new exception” criterion under Goal 14 are “lands within urban growth boundaries and areas for which a Goal 14 exception has already been taken”). The exception standard requires an evaluation of whether land inside of a UGB can be developed in a way that eliminates or minimizes the need to expand a UGB. The criterion is not a factor to distinguish among lands that do require an exception to Goal 14—the exception and resource lands outside the UGB that could qualify for inclusion within the boundary.^{FN13} So the second exception criterion, by its terms, is not relevant to classify exception and resource lands outside the existing UGB as suitable for growth.^{FN14}

[FN13](#). DLCD understood that the second exception criterion did not require an alternatives analysis of lands outside the existing UGB. In its decision on petitioners' objections in the first LCDC proceeding, the department noted:

“It is not clear that [the alternative lands exception criterion] distinguishes between Goal 3 exception lands and resource lands outside of a UGB. Both require that the city follow the exceptions process for a UGB amendment and can be said to ‘require a new exception.’ The department understands this standard to mean that a UGB amendment is needed only if lands inside a UGB or rural lands for which an exception to Goal 14 has been taken cannot reasonably accommodate the use.”

[FN14](#). The reference to the Goal 2 exception requirements in Goal 14 was eliminated in the revision to Goal 14 adopted in 2005. In its place, the goal now requires that, “[p]rior to expanding an urban growth boundary, local governments shall demonstrate that needs cannot reasonably be accommodated on land already inside the urban growth boundary.”

In addition, [OAR 660-004-0010\(1\)\(c\)\(C\)](#) now provides that, “[w]hen a local government changes an established urban growth boundary applying Goal 14 as amended April 28, 2005, a goal exception is not required unless the local government seeks an exception to any of the requirements of Goal 14 or other applicable goals[.]”

*273 The order under review approves the city's decision not to include the North Fox Ridge Road resource area in the UGB because, “pursuant to Goal 2, the city did not need to consider lands under [ORS 197.298](#) that could not reasonably accommodate its identified need.” In other

parts of the order, the exclusions are justified under a generic “reasonably accommodate” standard (presumably tied to Goal 2), rather than the more discrete accommodation standards of [ORS 197.298\(1\)](#) and [\(3\)](#). In those respects, LCDC erred in applying the wrong standards and misconstrued the applicable law. [ORS 183.482\(8\)\(a\)](#).

We must next determine if those Step One and Step Two errors compel a different result under [ORS 183.482\(8\)\(a\)](#) (allowing remedy**1041 if “the agency has erroneously interpreted a provision of law and * * * a correct interpretation compels a particular action”). We turn then to petitioners' specific contentions about the application of [ORS 197.298](#). LCDC and the city defend the LCDC order by arguing that the exclusions are justified under [ORS 197.298](#), no matter how the residential land need is defined—whether as a need for higher-density residential land or for land suitable for an NAC.

C. Application of [ORS 197.298](#)

Petitioners claim that LCDC erred in endorsing the exclusion of three exception areas—Old Sheridan Road, Riverside North, and Booth Bend Road—that should have been added to the boundary under [ORS 197.298](#). They reason that those areas were excluded because they were unsuitable for medium-density and high-density housing, but that such a specification of need is inappropriate for the application of [ORS 197.298](#). Rather, petitioners argue, the statute should have been applied to residential land needs as a whole. Moreover, the quantity of needed low-density residential land (341 acres) exceeded the buildable land added through the included exception areas, so petitioners reason that the other exception areas should have been brought into the boundary to meet low-density residential land needs. Finally, petitioners claim that there is no substantial evidence that the excluded exception areas could not accommodate some *274 medium-density or high-density housing. More specifically, petitioners contest LCDC's findings on the excluded exception areas as well as the three excluded lower-quality resource lands tracts (West Hills, Fox Ridge Road North, and the area north of McMinnville Airport).

1. Old Sheridan Road exception area

In its findings on [ORS 197.298\(1\)](#), the city evaluated this exception area under factors that it also applied to other exception areas (annexation potential, ability to develop with adequate internal transportation circulation, limited traffic access from Highway 18, consistency with compact urban form, and public safety issues). As stated earlier, considerations of the *general availability* of public facilities and services are immaterial as part of the Step Two application of [ORS 197.298](#). The remaining determinations by the city are relevant under [ORS 197.298\(1\)](#) (comparative long-term environmental, economic, social and energy (EESA) consequences resulting from the use at the proposed site). The city's decision to exclude the Old Sheridan Road exception area was based upon a balancing of those determinations.

Petitioners objected to DLCD that the city's findings failed to establish that the Old Sheridan Road exception area could not accommodate a portion of the city's residential land needs. More specifically, petitioners claimed that the city findings showed that the comparative costs of providing city facilities and services to the area varied, depending upon the service, but were not prohibitive. Petitioners disputed that there was evidence in the record to support the city's

findings that Old Sheridan Road provided the sole access to the area and that the area was distant from existing public utilities and schools.

DLCD did not resolve those objections under [ORS 197.298\(1\)](#). Instead, DLCD concluded that it “agrees with the city's findings that transportation facilities cannot reasonably be provided to this area under [ORS 197.298\(3\)\(b\)](#).” Again, [ORS 197.298\(3\)\(b\)](#) allows resort to lower-priority land if “[f]uture urban services could not reasonably be provided to the higher priority lands due to topographical or other physical constraints.” LCDC appeared to affirm on that basis, largely because Highway 18 is a limited access highway.

*275 On review, petitioners argue that [ORS 197.298\(3\)\(b\)](#) allows resort to lower-priority land only if a package of future urban services could not be reasonably provided. Petitioners contend that LCDC's findings failed to evaluate the entire suite of urban services in excluding the Old Sheridan Road exception area and that the deficiency in the provision of transportation facilities was not due to topographical or other physical constraints. Moreover, petitioners claim that there is no substantial evidence to support the finding of unavailable transportation facilities because local streets could be extended**1042 to the area. Respondents counter that LCDC approved the exclusion of Old Sheridan Road, in part, because lack of access to Highway 18 required prohibitively expensive road improvements to the area and congestion in other access points to the highway.

We disagree with petitioners' contention that a composite of urban services must to be considered under [ORS 197.298\(3\)\(b\)](#). Although the term “urban services” is not defined in the statute, a related term, “urban facilities and services” is defined under Goal 11 to include “police protection; sanitary facilities; storm drainage facilities; planning, zoning and subdivision control; health services; recreation facilities and services; energy and communication services; and community governmental services.” [OAR 660-015-0000\(11\)](#). That definition does not include water supply systems or roads. Goal 12 separately deals with transportation facilities, a utility that is neither “urban,” being necessary to both rural and urban land uses, nor a “service.” [ORS 197.298\(3\)](#), by its plain text, refers only to those “urban services” that could be constrained “due to topographical or other physical constraints.” Thus, the text of the provision refers to a service that is urban in character and that can be physically constrained in its provision. What is a constrained urban service is a matter of proof in a particular UGB amendment proceeding, but it surely does not mean the full panoply of urban facilities and services described in Goal 11.

 [7] We do agree, however, with petitioners' contention that inefficiencies in the provision of roads to a potential urbanizing area is not sufficient to exclude that area under [ORS 197.298\(3\)\(b\)](#). Transportation facilities are not an “urban service” under the statute. It may be that LCDC's *276 order also implicitly rests upon excluding the Old Sheridan Road exception area from the category of candidate lands under [ORS 197.298\(1\)](#). As noted earlier, however, any inefficiency in the provision of urban services and facilities is not material to the analysis under [ORS 197.298\(1\)](#). LCDC erred in approving the exclusion on either of those bases; it should have addressed whether the city's findings were otherwise factually and legally sufficient under [ORS 197.298\(1\)](#).

2. Riverside North exception area

Petitioners next contend that the basis for excluding the Riverside North exception area—unsuitability for residential use due to “noise and odor associated with the adjacent sewage treatment plant, industrial use, and railroad”—was insufficient under [ORS 197.298\(3\)\(a\)](#) because residential use is not a “[s]pecific type[] of identified land need[]” under that statutory provision, but a more generic need that is subject to the priorities of [ORS 197.298\(1\)](#). Petitioners argue that LCDC's findings are deficient in failing to assess whether the Riverside North exception area could be used to satisfy nonresidential land needs, in general, or for industrial uses, in particular, thereby allowing redesignation of existing industrial land within the UGB for residential uses. Petitioners finally assert that the city's decision to exclude Riverside North was inconsistent with its decision to include the Riverside South exception area, and that, in approving both actions, LCDC acted “inconsistently with official agency position or practice” and without substantial evidence.

 [8]  [9] Respondents argue that the incompatibility of any proposed residential use of the subarea with nearby industrial and institutional uses is a legitimate consideration in applying [ORS 197.298\(1\)](#). Based on the Step Two analysis noted earlier (that EESE considerations under Goal 2 and Goal 14, Factor 5, are applied under [ORS 197.298\(1\)](#)), we agree with respondents. We also agree with respondents' further contention that LCDC did not misconstrue the applicable law or fail to support its decision by substantial reason in not requiring redesignation of industrial land within the existing UGB for residential uses in order to add Riverside North for industrial purposes. Finally, petitioners' assertion that LCDC made inconsistent determinations on *277 the Riverside South and Riverside North areas was not preserved, because petitioners never asserted to DLCD that the city was constrained to treat both areas in the same way.

**1043 3. Booth Bend Road exception area

 [10] Again, the city adopted findings on the considered exception areas, including the Booth Bend Road exception area, that evaluated those areas under [ORS 197.298\(1\)](#) based upon a balancing of factors that included the area's potential for annexation, internal transportation circulation, urban form, public safety, the overall cost-effectiveness of the provision of urban facilities, and compatibility with adjacent uses, including agricultural uses. The city excluded the Booth Bend Road exception area because of limited potential for annexation, the cost-ineffectiveness of necessary road and sanitary sewer improvements, the lack of supportive neighborhood services and facilities, and incompatibility with adjacent agricultural uses.

Before LCDC, petitioners disputed the factual accuracy of some of the city's findings. LCDC overruled those objections because “this area is problematic since it would be an isolated extension of the UGB across the highway, making walking to nearby destinations difficult[,]” such that it could not “reasonably accommodate the need for a compact, pedestrian-friendly urban area.”

On review, petitioners argue that that specification of need is not a “[s]pecific type[] of identified land need[]” under [ORS 197.298\(3\)\(a\)](#) and, to the extent that the need arises as a consequence of the application of Goal 14, Factor 4 (efficiency of land uses on the fringe of

urban areas), that consideration was not balanced with other Goal 14 factors in determining suitability under [ORS 197.298\(1\)](#). Moreover, petitioners assert that excluding the Booth Bend Road exception area because of its isolated location (south of Highway 18) is inconsistent with the inclusion of other areas south of the highway (Three Mile Lane and Lawson Lane areas). Respondents counter that the city's findings appropriately considered urban form and conflicts with agricultural land in its [ORS 197.298\(1\)](#) analysis.

*278 We agree with petitioners that the application of [ORS 197.298\(1\)](#) requires more than the consideration of pedestrian circulation. LCDC erred in failing to address whether the city's findings about other [ORS 197.298\(1\)](#) considerations were sufficient and were supported by the record. The city's evaluation of the cost-effectiveness of the provision of public facilities and services is immaterial to the analysis under [ORS 197.298\(1\)](#) during Step Two. In the same way, considerations of urban form under Goal 14, Factor 4, are more appropriately deferred to Step Three, during the full application of Goal 14 to candidate lands identified under the priorities statute.

4. West Hills resource land area

Following the initial remand of the MGMUP amendments by LCDC, the city analyzed resource areas with poorer soils for potential inclusion within the UGB. The city determined that an area in the West Hills west of Fox Ridge Road and Redmond Hill Road (exception areas included in the UGB in the initial LCDC proceedings) would be unsuitable. The findings in support of that conclusion identified a land need for medium- and high-density housing. The city reasoned that the sloped topography of the subarea would increase the cost of construction “anywhere from \$5,000 to \$15,000 per lot in additional development costs, depending on site-specific conditions”; the area was more likely to be developed with single-family residences; additional water distribution facilities and transportation access would be expensive; the area was too far from commercial areas for feasible higher-density residential development; and development would be incompatible with nearby farm and forestry operations and with a compact urban form. The city concluded that the area should be excluded from the boundary change under [ORS 197.298\(3\)](#).

In their DLCD objections, petitioners agreed with the city's rationale for excluding the more steeply sloped portions of the subarea, but claimed that the more gently sloped portions adjacent to the current UGB would be suitable to accommodate identified land needs. Petitioners disagreed with the city's limitation of the identified need to higher-density residential use and with the city's adopted rationale *279 for exclusion that relied upon the expense of water service, the feasibility and likelihood of higher-density housing in the area, and the expense of road **1044 extension and distance from commercial areas. After reiterating much of the city's findings, LCDC concluded that

“1000 Friends objects to the exclusion of this area, contending that the city erred in its findings and that the area can accommodate specific types of land needs * * *. Specifically, that this higher priority area can accommodate low-, medium-, or high-density housing even with the constraints of slope, water service costs, transportation difficulties, and should therefore be included. The Commission finds that the city established both that the West Hills area could not

reasonably accommodate the city's identified need and that under [ORS 197.298\(3\)\(b\)](#), the city could not reasonably provide water, a future urban service, due to the topographical constraint.”

On review, petitioner argues that LCDC's determination applies only to the more steeply sloped part of the resource area and not to the more gently sloped area adjacent to the existing UGB. Petitioners further assert that the findings do not identify which land need could not be accommodated, that the reference in the findings to the effects of inclusion of the territory on nearby agricultural land is inappropriate under [ORS 197.298\(1\)](#), and that water services can be extended to the lower portions of the resource area. Respondents claim that the city findings and LCDC restatement of those findings applied to the entire resource area and were sufficient under [ORS 197.298\(1\)](#).

 [11] We agree with petitioners in part. The city findings identified a need for higher-density housing. We concluded earlier that [ORS 197.298\(1\)](#) could be applied to prioritize land to satisfy that particular need. The city considered some relevant factors under [ORS 197.298\(1\)](#), including compatibility with adjacent agricultural land, in evaluating the resource area. However, LCDC relied upon the city's findings that applied Goal 14, Factor 3 (“[o]rderly and economic provision for public facilities and services”), in determining suitability under [ORS 197.298\(1\)](#). Because that factor is applied under Goal 14 to evaluate, but not determine, candidate *280 lands (Step Three in the analysis), LCDC erred in its application of [ORS 197.298](#) to the city's findings. Petitioners have not otherwise shown that LCDC incorrectly applied [ORS 197.298](#) or misunderstood the substantial evidence test in approving the city's findings on this issue.

5. Area north of Fox Ridge Road

A portion of the area north of Fox Ridge Road (Tax Lot 700) was added to the UGB. Petitioners argue that an additional corridor of land in this area should have been included (Tax Lots 100, 200, 300, and 400). The city determined that Tax Lot 100 and portions of Tax Lot 200, although within the boundaries of the Northwest NAC, should be excluded from the UGB because of limited connectivity with the existing road system and “the steep slopes in the southern portions of these two properties leave only perhaps a 200-foot wide buildable corridor extending across tax lots 700, 200 and 100.” The city concluded that those properties should not be included in the boundary “as permitted by [ORS 197.298\(3\)\(a\)](#).”

In their DLCD objections, petitioners complained that the city failed to address the potential inclusion of Tax Lots 300 and 400 and that the city's factual findings on the soil composition, road connectivity, and buildable lands in the resource area were not supported by the record. LCDC reiterated the city's findings, concluding that,

“[f]or the reasons cited above, the city [concluded that the needs identified in the MGMUP cannot be reasonably accommodated by the areas of Class III and Class IV soils within tax lot R4513–00100 or the northern portion of tax lot R4418–00200. The city, therefore, did not include these lands in its expanded UGB, purportedly under [ORS 197.298\(3\)\(a\)](#). The Commission concludes that the city erred in excluding the lands under [ORS 197.298\(3\)\(a\)](#). However, pursuant to Goal 2, the city did not need to consider lands under [ORS 197.298](#) that could not reasonably accommodate its identified need.”

After noting petitioners' objections “to the exclusion of tax lot 100, the northern portion of tax lot 200, and land west of tax lot 100 from the proposed UGB” and their assertion that the *281 city's findings on the soil composition**1045 of Tax Lots 100 and 200 were wrong, LCDC decided that

“[t]he Commission concludes that the city has established that the excluded lots will have limited future connectivity, are constrained by slope that leaves a limited building corridor, and would create an island of agricultural activity and cut off tax lots 1100 and 1000 from existing farm operations.”

On review, petitioners claim that LCDC's findings addressed only part of the area they argued should have been included and failed to address Tax Lots 300 and 400. Petitioners also contend that the reasons for excluding two of the tax lots—road connectivity and cutting off farm parcels—are insufficient if the entire area is included. Respondents argue that LCDC affirmed the city's findings on the unsuitability of Tax Lots 100 and 200 under [ORS 197.298](#) based on a number of relevant considerations (topography, relation to existing and future development, connectivity, and effect on agricultural operations) and that LCDC did not err in its construction of applicable law or application of the substantial evidence test in reaching those determinations.

[\[12\]](#)  We agree with petitioners that LCDC failed to address their core contention—that the city did not evaluate, in its adopted findings, whether a larger area of properties north of Fox Ridge Road, with lower-class soils, could reasonably accommodate the city's identified need for residential land instead of the lower-priority land added for that purpose, and that such an evaluation was necessary under [ORS 197.298\(1\)](#).^{FN15} LCDC should have determined whether the city's rationale for excluding Tax Lots 100 and 200 was based upon consequences and compatibility considerations relevant under [ORS 197.298\(1\)](#) and whether that rationale was legally sufficient without consideration of a larger area. *282 Instead, LCDC sustained the city's determination “pursuant to Goal 2,” using a broader and incorrect “reasonably accommodate” standard in the application of [ORS 197.298](#). And, LCDC did not deal with petitioners' contention that the city's findings were insufficient under [ORS 197.298\(1\)](#) because the city did not address whether the consequences and compatibility concerns about bringing Tax Lots 100 and 200 into the boundary should have been mitigated by including a differently configured area. That determination was necessary to LCDC's conclusion that the city's findings demonstrated its compliance with [ORS 197.298\(1\)](#).

[FN15](#). On remand of the original UGB decision, DLCD directed the city to “identify areas with class 3 and 4 agricultural soils and either (1) include them in the UGB instead of areas with class 1 and 2 soils, if any, or (2) explain why they should not be included based on the standards in [ORS 197.298\(3\)](#).” The city identified the properties with Class III and IV soils that were within one mile of its 1981 UGB. It is not clear whether Tax Lots 300 and 400 fit within that parameter. The “discussion areas” map of alternative lands attached to petitioners' opening brief appears to exclude Tax Lots 300 and 400.

6. Other resource land areas

After the remand, the city considered including in the UGB three lower-quality agricultural tracts near the municipal airport: a 197-acre tract north of the airport that is bordered by farmland on three sides; a smaller 35-acre tract on Highway 18 that is situated south of the air museum, and surrounded by the existing UGB except along an access road; and a large tract east of the airport. The city made collective findings on those properties under [ORS 197.298](#), although some of the collective findings appear to be specific to a particular, but unidentified, property (*e.g.*, “[t]his property is also immediately adjacent to the airport approach zone for Runway 17,” “[t]his land * * * would be bordered by actively farmed land on three of its four sides”). The findings note concerns with the effects of high-density housing on flight safety and use of adjacent agricultural land as the bases for excluding the properties from the boundary. The city concluded:

“For the above noted reasons, the City concludes that specific types of land needs as identified in the MGMUP cannot be reasonably accommodated on the lands north and east of the McMinnville Municipal Airport, on which are found predominantly Class III or Class IV soils. The City, therefore, has not included these **1046 lands in its expanded urban growth boundary, as permitted by [ORS 197.298\(3\)\(a\)](#).”

In their DLCD objections, petitioners complained that the city findings made collective assessments about differently situated properties and that the smaller tract next to the museum could be used to satisfy low-density residential land needs. LCDC, after taking administrative notice of the *283 airport master plan, concluded that “[d]evelopment of these lands at urban residential densities would be incompatible with the long range plans for the airport, * * * and would potentially threaten the airport's viability.” The commission reiterated some of the city's collective findings that were written as particular to one property. After noting petitioners' concern that the small tract adjacent to the air museum was not analyzed in the findings, LCDC concluded that “the city established that the area cannot reasonably accommodate an identified need due to safety issues related to the airport.”

On review, petitioners argue that the smaller 35-acre parcel, which is composed of Class III soils, has particular priority under [ORS 197.298\(1\)\(b\)](#) (giving second priority to exception lands and “resource land that is completely surrounded by exception areas”). Petitioners claim that the city and LCDC did not address that property in particular, instead they lumped it with two other properties that have different compatibility issues. Finally, petitioners argue that, if the basis for excluding this parcel is its unavailability for high-density residential use, that basis does not excuse its potential use for low-density residential needs. Respondents counter that airport safety concerns are relevant issues under [ORS 197.298\(1\)](#) in the application of Goal 14, Factor 3 (orderly and economic provision of services), Factor 4 (maximum efficiency of land uses), and Factor 5 (EESA consequences).

LCDC's findings on this tract are inadequate for judicial review. As noted earlier, the [ORS 197.298\(1\)](#) consequences and compatibility factors apply differently, depending upon whether the quantified land need is for land to be used for low-density residential, mixed-use, or higher-density residential uses. The findings do not explain why the tract was evaluated for higher-density residential land needs alone. Moreover, the findings set out common compatibility

concerns caused by proximity to a runway and flight paths for properties located in different areas and, presumably, with different compatibility issues. As such, the findings lack substantial reason because they do not articulate the [ORS 197.298](#) evaluation for the smaller 35-acre parcel.

*284 Finally, petitioners claim that they called the city's attention to other potential higher-priority resource lands (the Riverside area, land south of the airport, and land south of Three Mile Lane and west of Booth Bend Road), but that those sites were not evaluated, contrary to the then applicable version of [OAR 660-004-0020\(2\)\(b\)\(C\)](#),^{FN16} a rule applicable to UGB changes made under the older version of Goal 14. Petitioners argue that LCDC erred in failing to remand the decision to the city for that consideration.

[FN16. OAR 660-004-0020](#) was amended in 2011. Those amendments are not relevant to the contentions on review.

The above-cited rule set policy on how to comply with the reasons exception criterion in Goal 2, Part II(c), that “[a]reas which do not require a new exception cannot reasonably accommodate the use.” That rule stated that

“[s]ite specific comparisons are not required of a local government taking an exception, unless another party to the local proceeding can describe why there are specific sites that can more reasonably accommodate the proposed use. A detailed evaluation of specific alternative sites is thus not required unless such sites are specifically described with facts to support the assertion that the sites are more reasonable by another party during the local exceptions proceedings.”

As we noted earlier, however, that exception criterion does not apply to evaluating land outside a UGB—all of which required a new exception to Goal 14 as applicable here—for inclusion in the boundary. Instead,**1047 it requires determining if land already inside the UGB—land which does not require a new exception—can reasonably accommodate the need. As such, [OAR 660-004-0020\(2\)\(b\)\(C\)](#) did not require the city to evaluate any particular alternative site proposed by petitioners.

Instead, the city applied particular criteria (*e.g.*, within one mile of the 1981 UGB, composition of Class III or IV soils, and within prescribed geographic boundaries) to inventory the lands to be studied. Petitioners did not object to the city or LCDC that those inventory criteria were unlawful or that they had been misapplied to petitioners' suggested alternative resource lands areas. Thus, the commission did *285 not err in failing to require the city to study those areas for inclusion.

D. Application of Goal 14 locational factors

Petitioners' first set of contentions relate to Step Two—the application of Goal 14 in determining whether the quantity of land in the priority class is inadequate under [ORS 197.298\(1\)](#). Petitioners claim that, in separately applying the locational factors of Goal 14 to the areas proposed to be added to the UGB, the city and LCDC erred in failing to consider all of the available exception lands collectively and consistently and did not explain how the locational factors—in particular, Factors 3 (public facilities and services), 4 (efficiency of land uses), and 7

(compatibility with agricultural activities)—were balanced to include some exception lands and not others. They assert that Factor 7 was not applied at all in the evaluation of the available exception areas, but was instead applied only to the already included territory.

Respondents protest that those arguments were not made to LCDC and that the commission is not obliged to determine on its own whether those particular deficiencies in the local decision existed. As we said before, petitioners' contentions must be particularly raised before LCDC in order to merit review in this court. Petitioners generally asserted below—in the midst of dozens of more specific objections—that “the city has not conducted a coordinated land priority analysis around the entire UGB perimeter.” That is insufficient to raise the specific objection that the city failed to completely consider any particular Goal 14 factor in its evaluation of whether exception lands could reasonably accommodate an identified land need.

Petitioners next argue that LCDC erred in approving the city's Goal 14 evaluation of both the low-value farmland that was excluded from the UGB and the high-value farmland that was included. Petitioners assert that the city and LCDC erred in failing to consider Factor 3 (public facilities and services) in comparing alternative lower-quality resource lands, made no findings about the availability of public services to the Airport North and the Fox Ridge Road North resource areas, and inconsistently evaluated the public services factor in comparing the West Hills resource area *286 with the higher-quality Southwest and Grandhaven areas. According to petitioners, LCDC and the city further erred in not balancing Factor 4 (efficiency of land uses) with other factors in evaluating alternative resource lands, instead subsuming that consideration in the application of [ORS 197.298](#), and in applying Factor 4 to land outside of the “existing urban area.” Petitioners also complain that Factor 6 (retention of agricultural lands) was applied in a cursory manner to available resource lands and that LCDC made no findings on that complaint.

Some of those contentions were preserved; others were not. Before the agency, petitioners cited [ORS 197.298](#) and Goal 14 as the bases for their contention that the city erred in excluding certain exception areas and higher-priority resource land. Much of the argument was framed around whether those properties could reasonably accommodate an identified land need, a contention apparently rooted in the requirements of [ORS 197.298](#). As we concluded earlier, the relevant Goal 14 factors in the sorting of suitable higher-priority land under [ORS 197.298\(1\)](#) are Factor 5 (EASE consequences) and Factor 7 (compatibility with agricultural activities) and their analogues in the Goal 2 exception criteria. We earlier determined the legal sufficiency of the city's consideration of exception lands and higher-priority resource lands under [ORS 197.298\(1\)](#); petitioners' restated Goal 14 **1048 contentions about the excluded exception and higher-priority resource lands raise no different and relevant claims.

Petitioners' remaining contentions concern Step Three, the application of Goal 14, Factor 7 (compatibility of proposed urban uses with agricultural lands) to the lands considered for inclusion in the boundary. The city's Factor 7 findings from 2003 on the Norton Lane, Three Mile Lane, Southwest, Northwest, and Grandhaven areas described adjacent agricultural land uses in general terms (“actively farmed land,” “active farm use,” “agricultural farm use,” “actively farmed agricultural land,” and “large-parcel farm operations”) before concluding that,

“[t]he Council concludes that the proposed expansion areas will not create compatibility conflicts between uses. Much *287 of the existing UGB is adjacent to resource lands that are currently in agricultural uses. Expansion of the UGB would not create new uses that would create new types of compatibility issues.”

Before LCDC, among other assertions, petitioners argued that the city's findings on the application of Factor 7 to four of those areas were (1) incomplete because the findings did not consider the particular agricultural activities of nearby land and compare compatibility conflicts among the considered resource lands; and (2) inaccurate because the findings do not examine the boundaries of the redrawn resource lands areas that were altered following remand. In its order, LCDC reiterated the city's findings and affirmed, without further analysis, that the city properly applied Factor 7. We agree with petitioners that LCDC erred in not requiring additional findings on Factor 7. The existing findings were not sufficiently descriptive of nearby agricultural uses to allow comparison among the candidate sites and were inaccurate as to the redrawn boundaries of the resource areas. We reject petitioners' remaining Goal 14 contentions.

VI. CONCLUSIONS

We conclude that the commission erroneously interpreted [ORS 197.298](#) by failing to require that the city first separately quantify its needs for low-density residential land, higher-density residential land, and mixed-use land (Step One) and then apply [ORS 197.298\(1\)](#) and [\(3\)](#) to each of those quantified needs (Step Two), and in permitting the city to exclude land from further consideration under [ORS 197.298\(1\)](#) for immaterial reasons. Further, correct application of [ORS 197.298](#) would compel different actions by the commission in its evaluation of the city's justification for excluding particular exception and resource areas under [ORS 197.298](#). Thus, a remand is appropriate under [ORS 183.482\(8\)\(a\)\(B\)](#) (allowing remand to an agency for “further action under a correct interpretation of the provision of law”).

On remand, LCDC should respond to petitioners' contentions by making additional findings or taking appropriate action in its review of the city's submissions to (1) determine what particular and quantified land use needs are to be accommodated by any additional land to be added to *288 the McMinnville UGB; (2) apply [ORS 197.298](#) to determine the land available to accommodate those quantified land use needs; (3) apply Goal 14 to justify the inclusion of suitable land in any amended UGB; and (4) take any other necessary action under a correct interpretation of the governing standards, including a determination of whether the city's submission, “on the whole, conform[s] with the purposes of the goals and any failure to meet individual goal requirements is technical or minor in nature” under [ORS 197.747](#).

Reversed and remanded.

244 Or.App. 239, 259 P.3d 1021

FILED: January 2, 2014

IN THE COURT OF APPEALS OF THE STATE OF OREGON

1000 FRIENDS OF OREGON,
FRIENDS OF MARION COUNTY, LOLITA CARL,
KATHLEEN CARL, DIANE MIKKELSON,
and MARION COUNTY FARM BUREAU,
Petitioners,

v.

LAND CONSERVATION AND DEVELOPMENT COMMISSION;
CITY OF WOODBURN; and MARION COUNTY,
Respondents.

Land Conservation and Development Commission
11WKTASK001802

A148592

Argued and submitted on March 15, 2013.

Mary Kyle McCurdy argued the cause and filed the briefs for petitioners.

Patrick M. Ebbett, Senior Assistant Attorney General, argued the cause for respondent Land Conservation and Development Commission. With him on the brief were John R. Kroger, Attorney General, and Anna M. Joyce, Solicitor General.

N. Robert Shields argued the cause for respondent City of Woodburn. With him on the joint brief was Gloria M. Roy for respondent Marion County.

Before Armstrong, Presiding Judge, and Nakamoto, Judge, and Egan, Judge.

ARMSTRONG, P. J.

Reversed and remanded for reconsideration.

1 ARMSTRONG, P. J.

2 Under Oregon's land use laws, local governments may (and, in some cases,
3 must) engage in periodic review of their comprehensive land use plans. *See* ORS
4 197.628 to 197.636. As a result of a periodic-review process, the City of Woodburn
5 amended its urban growth boundary (UGB) to include additional land--409 gross acres or
6 about 362 net buildable acres--for industrial use. The city submitted that amendment to
7 the Land Conservation and Development Commission (LCDC) for review. ORS
8 197.626(1)(b). LCDC approved the city's amendment of its UGB. Petitioners sought
9 judicial review of LCDC's order of approval. We concluded that LCDC's order was
10 inadequate for judicial review and, accordingly, reversed the order and remanded the case
11 to LCDC for reconsideration. *1000 Friends of Oregon v. LCDC*, 237 Or App 213, 239
12 P3d 272 (2010) (*Woodburn I*). LCDC has now completed that reconsideration and issued
13 a new order approving the city's UGB expansion.

14 Petitioners again seek judicial review.¹ Petitioners challenge two aspects of
15 LCDC's order: its approval of the amount of industrial land in the UGB amendment and
16 its approval of the inclusion of particular high-value farmland within the UGB as
17 industrial land. Petitioners contend that the city included more industrial land within its
18 UGB than will be developed within the 20-year planning period and that LCDC did not

¹ In the initial judicial review proceeding in this court, the petitioners were 1000 Friends of Oregon, Friends of Marion County, Lolita Carl, Kathleen Carl, Diane Mikkelson, Carla Mikkelson, and Marion County Farm Bureau. In this judicial review proceeding, the petitioners are the same except that Carla Mikkelson does not appear.

1 adequately explain why that inclusion is consistent with Statewide Land Use Planning
2 Goals 9 and 14 and other rules. Alternatively, petitioners challenge the city's inclusion
3 within the UGB of high-value farm land, which by law has the lowest priority for
4 urbanization. Petitioners assert that, by approving the inclusion of that land, LCDC made
5 a decision that erroneously interpreted the law and is not supported by substantial
6 evidence. Because we conclude that LCDC again did not adequately explain why the
7 city's expansion of its UGB to include an additional 409 acres for industrial use is
8 consistent with pertinent law, we reverse the order and remand for reconsideration.
9 Accordingly, we do not reach the second issue--*viz.*, the inclusion of high-value farmland
10 within the city's UGB.

11 In the late 1990s, the city began the periodic-review process to update its
12 comprehensive plan and other planning documents. As part of that periodic-review
13 process, the city completed various work tasks and, as relevant here, decided in 2005 to
14 expand its UGB to include 409 gross acres for industrial uses. To support the need for
15 that expansion, the city relied on work performed at its direction by consultant
16 ECONorthwest. That work included an economic-opportunities analysis (EOA)--*see*
17 OAR 660-009-0015 (requiring cities with areas within the UGB to perform an economic-
18 opportunities analysis comparing the demand for land for industrial and other
19 employment uses to the existing supply of such land); an economic development
20 strategy--*see* OAR 660-009-0020 (requiring cities with areas within the UGB to adopt
21 policy stating the economic-development objectives for the planning area, based on the

1 economic-opportunities analysis required by OAR 660-009-0015); and a site-
2 requirements analysis.²

3 The city justified the number of acres of industrial land that it added to its
4 UGB using a "target-industries" approach developed through the work of ECONorthwest.
5 Put simply, the target-industries approach considers a local government's employment-
6 growth projections and goals for employment, and establishes a framework for attracting
7 the kind of employers that could reasonably be expected to support the kind and amount
8 of employment growth to which the local government aspires. Given the site needs of
9 those particular employers, the local government identifies potentially available land both
10 within and outside its UGB and selects a group of sites and an amount of land that it
11 believes will accommodate the employers that it seeks to attract. The target-industries
12 approach differs from an "employees-per-acre" approach, under which a local
13 government simply projects employment growth and divides that growth by a statistically
14 accepted number of employees per acre of land in order to arrive at the number of acres
15 needed to support employment growth.

16 In the target-industries approach developed here, the city aimed to promote
17 economic growth by pursuing development that would create higher-paying jobs to
18 attract new residents who would both live and work in Woodburn. To facilitate that goal,
19 the city identified high-wage target industries that it believed might locate in Woodburn

² The pertinent Oregon Administrative Rules in this case are those that were in effect when the city amended its UGB on November 2, 2005. Accordingly, all references to the OARs in this opinion are to the rules in effect on that date.

1 because of its location on I-5 between Portland and Salem. The city then identified the
2 site and building requirements and preferences of the targeted industries. The city also
3 adopted an employment-growth forecast. In light of academic and federal population
4 estimates and forecasts, the city predicted a 20-year employment-growth rate of 3
5 percent, leading to a projected increase of 8,374 jobs. Ultimately, the city determined
6 that, to further its economic-development strategy and accommodate the volume of job
7 growth that it projected, it needed 42 total industrial sites, 23 of which were available on
8 land within the existing UGB and 19 of which it decided to provide by expanding its
9 UGB into its Southwest Industrial Reserve (SWIR).

10 In the Woodburn UGB Justification Report, to which LCDC referred in its
11 original order and its order on remand, the city explained the reasons that it needed the
12 additional sites:

13 "Goal 14, Land Need factor (2), recognizes that changes to a UGB may be
14 based on demonstrated need for employment opportunities.

15 "* * * * *

16 "The employment land needs analysis in ECONorthwest's 'Site
17 Requirements for Woodburn Target Industries' (October 2003) concluded
18 that about 370 acres would need to be developed for basic employment uses
19 to accommodate a mid-range need of 7,140 new employees between 2000
20 and 2020, based on employee-per-acre ratios. However, *to attract targeted*
21 *industries[,] Woodburn must provide choice among and an adequate*
22 *inventory of suitable sites. Under the site suitability method, it is possible*
23 *that some sites may not fully develop during the planning period, either*
24 *because a portion of the site will be held for future development or because*
25 *a reserved site will not be selected by a targeted industry. * * * [T]he*
26 *proposed Plan includes measures to ensure that * * * such parcels cannot be*
27 *re-designated for commercial use.*

1 "Woodburn's employment land needs are designed to meet ORS 197.712
2 and the Goal 9 Rule (OAR Chapter 660, Division 009) requirements that
3 cities 'identify the types of sites that are likely to be needed by industrial
4 and commercial uses which might expand or locate in the planning area.'
5 To be clear, industrial site needs are not based on floor-area ratios or
6 employee per acre ratios."

7 (First and third emphasis in original; second emphasis added; footnotes omitted.)

8 Petitioners objected to the UGB amendment, and LCDC considered those
9 objections. Petitioners contended, among other things, that the city had included more
10 industrial land within its amended boundary than was needed to accommodate projected
11 industrial job growth or the needs of its target industries and, accordingly, more industrial
12 land than the city expected to develop over the 20-year planning period, in violation of
13 Goal 9, the land use planning goal that addresses economic development. *Woodburn I*,
14 237 Or App at 222. Petitioners further argued that the city's target-industries approach
15 "inflate[d]" the number of acres that needed to be included within the UGB to
16 accommodate industrial job growth and did not address the demonstrated need for any
17 additional industrial land to be included in the proposed UGB expansion as required by
18 Goal 14, the land use planning goal that addresses urbanization. *Id.*

19 LCDC approved the city's expansion of its UGB. LCDC reasoned as
20 follows in rejecting petitioners' objections:

21 "[The city's UGB Justification Report] identif[ied] the total number of sites
22 required for all the site size needs, and [found] 42 total sites needed for all
23 targeted industries. According to 1000 Friends, this is an oversupply of
24 sites that leads to more land than is justified. *However, the city has*
25 *designated these sites* to provide for the required short-term supply as well
26 *as to provide market choice among sites. The Commission finds that this is*
27 *a key component of a successful industrial development strategy, and is*

1 *required by OAR 660-009-0025.* In addition, the objection states that the
2 city acknowledges that 'not all of the industrial land proposed for inclusion
3 is expected to develop by 2020.' This is due to the fact that industrial users
4 often choose to purchase a site larger than their immediate need in order to
5 ensure that they have adequate land for future expansion, and the statement
6 referred to by the objector is recognition of that fact. Additionally, OAR
7 660-009-[0]025(2) specifies that plans must designate serviceable land
8 suitable to meet the site needs identified in Section (1) of this rule. Except
9 as provided for in Section (5) of this rule, the total acreage of land
10 designated must at least equal the total projected land needs for each
11 industrial or other employment use category identified in the plan during
12 the 20-year planning period.

13 " * * * * *

14 "In conclusion, the Commission finds that Woodburn's plans for
15 economic development comply with the Goal 9 and Goal 14 rules. The
16 city's employment projection and land needs assessment are reasonable, for
17 the reasons explained in these findings and more particularly described in
18 the Woodburn UGB Justification Report."

19 *Woodburn I*, 237 Or App at 222-23 (internal quotation marks omitted; some bracketed
20 material added; emphasis in *Woodburn I*). Petitioners sought judicial review of LCDC's
21 approval of the city's UGB amendments. As we characterized petitioners' arguments in
22 our original opinion, they contended that the city had included more land in the UGB
23 than it would need during the 20-year planning period in violation of Goals 9 and 14, and
24 that LCDC's justification for affirming that inclusion--*i.e.*, that the inclusion is required
25 by OAR 660-009-0025 to provide market choice among sites--is not allowed under Goals
26 9 or 14. *Id.* at 223-24.

27 We concluded that LCDC's order did not provide an adequate basis for us
28 to review petitioners' contentions. We noted that, "although LCDC discusse[d] Goal 9
29 and its implementing rules and conclude[d] that the UGB amendment complies with both

1 Goals 9 and 14, LCDC provided essentially no reasoning as to that conclusion with
2 respect to Goal 14. In particular, LCDC offered no explanation concerning the reasons
3 that the need factors of Goal 14 are satisfied under the circumstances of this case." *Id.* at
4 223.

5 With respect to Goal 9, we stated that LCDC's "mere reference to 'market
6 choice' [was] insufficient to explain the reason that the city's UGB expansion is consistent
7 with that goal." *Id.* at 225. We acknowledged that LCDC might have been correct that
8 some forms of "market choice" would be consistent with Goal 9, but rejected the
9 proposition that *all* "forms and degrees" of market choice would be. *Id.* We concluded
10 that, "given the variety of the industries that the city targeted and the diversity and
11 multiplicity of the sites that the city designated, it [was] incumbent on LCDC to cogently
12 explain the reasons that the degree of market choice employed by the city * * * is
13 consistent with the requirements of Goal 9 and OAR 660-009-0025." *Id.* at 226.

14 With respect to Goal 14, we observed that "a local government is not
15 permitted to establish [a UGB] containing more land than the locality needs for future
16 growth." *Id.* (internal quotation marks omitted). We noted that LCDC had provided only
17 a summary conclusion that the city's UGB amendment was consistent with Goal 14;
18 LCDC had not referred to or explained how the city had satisfied the Goal 14 need
19 factors. *Id.* We concluded that LCDC's treatment was insufficient to explain why
20 including more land than was expected to be developed during the planning period was
21 consistent with Goal 14. *Id.*

1 In addition, we noted that compliance with Goal 9 does not necessarily
2 establish compliance with Goal 14. *Id.* Accordingly, and because petitioners had
3 asserted that the UGB amendment violated both goals, LCDC had to explain why the
4 amendment was consistent with both the economic development principles of Goal 9 and
5 the urbanization requirements of Goal 14. *Id.*

6 In conclusion, we stated:

7 "[B]ecause LCDC did not adequately explain the reasons that the UGB
8 amendment--which included more industrial land than will be developed during
9 the planning period so that the city could provide for market choice among sites--
10 was consistent with Goals 9 and 14, its order failed to respond to petitioners'
11 objections and [was] inadequate for judicial review * * * concerning the propriety
12 of the UGB amendment."

13
14 *Id.* at 226-27.

15 On remand, LCDC circulated a draft revised order to the parties and
16 considered written and oral arguments. On March 16, 2011, LCDC issued a revised
17 order again approving the city's amendment of its UGB. LCDC's analysis rests on two
18 foundations: first, what it characterized as a "close correlation" between the need for
19 industrial land calculated using the employees-per-acre approach and the need for
20 industrial land determined using the target-industries approach, and second, the city's
21 analysis of population, employment, target industries, and site requirements, which
22 LCDC concluded provided a factual and analytical base to establish that the city's
23 decision was consistent with Goal 14, Goal 9, and ORS 197.712 (setting out
24 comprehensive plan requirements). For the reasons explained below, we conclude that

1 LCDC's analysis is not supported by substantial reason.³

2 LCDC began its analysis by comparing the projected land need (in

³ We note that our standard of review of LCDC orders like the one in this case has changed since we decided *Woodburn I*. In 2011, after LCDC issued its revised order in this case and after petitioners had sought judicial review of that order, the legislature amended ORS 197.650 (and other statutes, including ORS 197.633, which includes the standard of review LCDC is to apply to local government actions) at the request of DLCD to alter the standards of review that both LCDC and this court will apply in, among other things, periodic review proceedings. Or Laws 2011, ch 469; *see also* Or Laws 2011, ch 469, § 9 (making amendment effective on passage, June 23, 2011). In so doing, the legislature intended to streamline, in a coordinated way, the process of review--before both LCDC and this court--of local government decisions on UGB amendments. *See* Audio Recording, Senate Committee on Environment & Natural Resources, HB 2031, May 24, 2011, at 52:14 (statement of Bob Rindy, Policy Analyst and Legislative Coordinator, DLCD), <https://olis.leg.state.or.us> (accessed Dec 19, 2013); Audio Recording, Senate Floor Debate, HB 2031, June 8, 2011, at 56:10 (statement of Senator Dingfelder, carrier of the bill), <http://olis.leg.state.or.us> (accessed Dec 19, 2013); Staff Measure Summary, Senate Committee on Environment and Natural Resources, HB 2031, June 7, 2011. As pertinent here, under the 2011 amendments, the standard of review described in ORS 197.651(10)--which is substantively akin to our standard of review of Land Use Board of Appeals orders--replaced the standard derived from the Administrative Procedures Act, which we had generally applied when reviewing an LCDC order such as the one in this case. *See* ORS 197.650(1) (2009) (providing, in part, that LCDC orders "may be appealed to the Court of Appeals in the manner provided in ORS 183.482"); *see also Woodburn I*, 237 Or App at 223-27 (applying that standard; reasoning that, to be adequate for judicial review, LCDC's order had to demonstrate substantial reason).

Here, as noted above, before the 2011 amendments became effective, LCDC conducted its post-remand review of the city's actions and issued its revised order--which noted that "[j]udicial review is pursuant to the provision[s] of ORS 183.482 and 197.650"--and petitioners sought judicial review of that order. In light of that unique posture, we conclude that the former standard of review in ORS 197.650(1) (2009) applies. That understanding is consistent with what we understand to be the legislature's intent in adopting Oregon Laws 2011, chapter 469, as a coordinated package of legislation that would streamline review of local government decisions regarding their UGBs. *See also 1000 Friends of Oregon v. LCDC*, 244 Or App 267-68, 259 P3d 1021 (2011) (applying pre-2011 standard of judicial review where the case was pending before the effective date of the 2011 amendments and our decision issued thereafter).

1 buildable acres) based on employment projections and an employee-per-acre calculation-
2 -viz., 311 acres--with the projected land need based on the target-industries approach used
3 by the city--viz., 362 acres. LCDC stated that "the relatively close correlation" between
4 those two numbers "provide[d] important corroboration for the city's ultimate decision
5 concerning the amount of land needed for industrial and office uses."⁴ Generally, LCDC
6 wrote:

7 "The more a city's land need for employment based on its analysis of
8 economic opportunities and sites diverges from what would be predicted
9 based solely on forecasted population and employment growth and
10 employee-per-acre ratios, the more thoroughly the city will need to
11 substantiate its economic opportunities analysis and resulting site needs. In
12 effect, the population and employment projections (Goal 14, factor 1),

⁴ Petitioners contend that, on remand, LCDC impermissibly added the projected land need for "office" employment to the projected land need for "industrial" employment to support its conclusion that the city added a permissible amount of industrial land to its UGB. As we explain below, we conclude that the prong of LCDC's analysis that relies upon that calculation does not meaningfully support its conclusion. Accordingly, we need not address petitioners' argument that LCDC impermissibly added "office" and "industrial" land needs together. We note, however, that LCDC argues on judicial review that the city's "target industries" included both "industrial industries" (e.g., printing and publishing, electronics fabrication) and "non-industrial industries" (e.g., nondepository credit institutions, health services). And the city relied on the projected employment and site needs of all the targeted industries--both "industrial" and "non-industrial"--to justify the expansion of its UGB to include more land for industrial use. It is not readily apparent to us why the targeting of *nonindustrial* employers justifies inclusion within the UGB of any land for *industrial* use. Moreover, the site requirements analysis provided by ECONorthwest provides limited support for the conclusion that the targeted employers require industrial-zoned land. In the site-requirements analysis, ECONorthwest specifically described the site needs for most of the target industries (there is no specific description of the site needs of the industry identified as Industry #36 "Electronics - Fab Plants"--the industry that purportedly needs lot sizes of 100 to 300 acres). As to the four "non-industrial industries," the site requirements analysis indicated that those employers could locate on commercially zoned land. And, even the description of the needs of some of the "industrial industries" (e.g., printing & publishing, wholesale trade) mentions no particular zoning need for the pertinent employer.

1 serve as an elastic constraint on a community's projected land needs based
2 on the aspirations and opportunities (Goal 14, factor 2 and Goal 9), as
3 documented through an EOA and through site requirements. The further
4 the two diverge, the stronger the substantiation required that future
5 opportunities are real (in the sense of land need under Goal 14, factor 1)
6 and not speculative."

7 Here, according to LCDC, the two numbers (311 and 362) are "relatively close," and so
8 LCDC determined that the population and employment projections "support a conclusion
9 that the city's UGB expansion for industrial and office uses contains an amount of land
10 that is reasonably related to both its forecasted growth (Goal 14, factor 1) and its
11 employment opportunities (Goal 14, factor 2, and Goal 9)."

12 LCDC did not explain why a close correlation between projected land need
13 based on an employee-per-acre ratio and projected land need based on a target-industries
14 analysis "corroborates" the number projected by the target-industries analysis. Moreover,
15 although LCDC indicated that a local government with a target-industries-based number
16 that is "more" divergent from the employee-per-acre-based number will need to provide
17 "more" thorough substantiation of its EOA and site needs, it gave no content to that
18 analysis: how much more "divergence" requires how much more substantiation? Here,
19 the numbers diverge by more than 16 percent. Would 20 percent no longer be considered
20 "close"? Most importantly, LCDC did not explain why the relationship between the two
21 numbers, in any case, should relieve it from reviewing--or local governments from
22 explaining--why the amount of land proposed to be added to the UGB is consistent with
23 the goals and other law just as carefully as it would if the correlation were not "close."
24 We are not persuaded that the purportedly "close correlation" in this case provides

1 analytical support for LCDC's conclusion that the city added a legally permissible
2 amount of industrial land to its UGB. Accordingly, we turn to the other justifications for
3 approval of the UGB expansion in LCDC's order on remand to determine whether they
4 support the conclusion that LCDC reached.⁵

5 In its order on remand, LCDC concluded that the city's analysis of
6 population, employment, target industries, and site requirements provided a factual and
7 analytical base to establish that the city's decision was consistent with Goal 14, Goal 9,
8 and ORS 197.712. LCDC thoroughly reiterated the steps undertaken by the city and its
9 consultant in order to arrive at the conclusion that, under a target-industries analysis and
10 to support the economic opportunities that the city wished to offer, the city needed to add
11 409 gross acres of land for industrial use. The city indeed engaged in a lengthy process,

⁵ In its brief in this judicial review proceeding, LCDC identifies the "close correlation" approach as LCDC's "analytic framework" for evaluating this case. LCDC noted that DLCD Director Richard Whitman acknowledged that there was a "certain element of professional judgment by the experts advising the city as to whether [these] sites are necessary to achieve these employment opportunities" and that such an approach "appear[ed] to give to a consultant" a "degree of discretion" that might lead to "discomfort." Accordingly, Whitman explained, "[t]hat's why we looked at the employee-per-acre approach as a check on that to see if the numbers were in fairly close alignment * * *." In its brief, LCDC conceded that, given the "close correlation" between the employee-per-acre number and the target-industries number, "LCDC did not closely scrutinize the substantiation behind the city's stated needs. Instead, it accorded the city a fair amount of deference." Aside from the "close-correlation" comparison, however, LCDC's brief does not identify how it reasoned that the city's land need complied with the law. LCDC's brief does point to LCDC's reliance on the city's "exhaustive and comprehensive assessment of the site needs of its target industries," but we do not understand LCDC to argue that that reliance provides independent reasoning. Although LCDC appears to argue that the only analytical underpinning for the order on remand was the "close correlation" calculation, we nonetheless have reviewed the other justifications in LCDC's order to determine whether they provide substantial reason for its decision.

1 resulting in a voluminous record, in this periodic-review process. Similarly, LCDC, in its
2 order on remand, recounted in detail the steps that the city took in engaging in and
3 documenting its process. LCDC also walked through applicable goals and other legal
4 provisions, and concluded that the city's expansion of its UGB was consistent with each.
5 What is lacking, however, is a meaningful explanation of *why* the steps taken by the city
6 satisfy those legal standards. Instead, LCDC recounted all the steps that the city took and
7 then concluded--without analysis--that those steps are factually and analytically
8 supported, and are consistent with the law.

9 LCDC's discussion of Goal 14, factor 2, is illustrative:

10 "The city's population and employment forecasts provide context for the
11 city's determination of its need for employment opportunities under Goal
12 14, factor 2 * * *. The commission finds that there is a reasonable
13 relationship between the city's estimate of 8,374 new jobs during the 2000-
14 2020 planning period and the amount of land it has determined is needed
15 for employment opportunities based on its analysis of economic
16 opportunities, target industries and suitable sites. The commission
17 concludes that for these reasons, and the reasons set forth in the
18 department's response to the written argument of the parties (dated January
19 7, 2011 and expressly incorporated by this reference) that the amount of
20 land the city has added to its UGB is consistent with both Goal 9 and Goal
21 14. The city has not added more land than needed during the 20-year
22 planning period. Nor, despite some contradictory statements in the city's
23 planning documents, has it added land in order to provide for 'market
24 choice' (as explained in more detail below). Instead, the amount of land
25 included in the UGB expansion is based on a reasonable projection of what
26 target industries the city is most likely to succeed in attracting or having
27 expand during the planning period, and the site requirements of those
28 industries (the types of sites companies in those industries typically require
29 in order to locate in a community). Finally, * * * the commission also finds
30 that the city's estimate of land need is reasonably related to its projections
31 of population and employment growth during the planning period.

32 "The commission further finds that the city has demonstrated compliance
33 with Goal 14, factor 2 * * * through its analysis of target industries and

1 suitable sites needed to provide employment opportunities that are
2 reasonably likely to generate the employment needed for the city's current
3 and projected future population. In this instance, the target industries
4 methodology the city used is appropriate and complies with * * * Goal 14,
5 factor 2. Using an employees-per-acre methodology is not required to
6 demonstrate compliance with * * * Goal 14, factor 2, and the city did not
7 use it to demonstrate total land need. The city's decision to use a targeted
8 industries methodology instead of an employees-per-acre [methodology] is
9 permissible under Goal[] * * * 14. As explained above, the city's decision
10 to plan for employment opportunities rather than projected employment
11 based on population growth does not mean that the city added more land
12 than it needs for employment during 2000-2020.

13 "Goal 9 and Goal 14, factor 2, and the commission's Goal 9 rule (OAR 660-
14 009-0025(2)(2005)) require the city to plan for an amount of land in each
15 site category that at least equals the projected land needs for each category
16 during the 20-year planning period. The city projected land needs by size
17 class--tied to the particular requirements of its target industries, and
18 demonstrated a need for approximately 409 gross acres of land after
19 accounting for sites within the prior UGB. The commission finds that the
20 city's analysis complies with Goals 9 and 14, as well as OAR 660-009
21 (2000).

22 "* * * * *

23 "The city's decision * * * complies with Goal 14, factor[] 2 * * *. Goal 14
24 requires that 'Establishment and change of urban growth boundaries shall
25 be based on the following: (1) Demonstrated need to accommodate long
26 range urban population, consistent with a 20-year population forecast
27 coordinated with affected local governments; and (2) Demonstrated need
28 for housing, employment opportunities, livability or uses such as public
29 facilities, streets and roads, schools, parks or open space, or any
30 combination of the need categories in this subsection (2). In determining
31 need, local government may specify characteristics, such as parcel size,
32 topography or proximity, necessary for land to be suitable for an identified
33 need.'

34 "* * * * *

35 "The city complied with Goal 14, factor 2 by identifying its employment
36 opportunities through an economic opportunities analysis, and by
37 establishing the site requirements for target industries needed to accomplish
38 the 20-year economic strategy and associated city policies.

1 "The commission finds that the city identified a reasonable set of site
2 requirements for its target industries. The portfolio of sites chosen by
3 Woodburn is a reasonable estimation, based on expert opinion, for the city
4 to rely on as to its employment opportunities and corresponding land needs
5 for the planning period.

6 "The commission finds that the city's use of target industries to identify
7 employment need over the planning period is consistent with the city's
8 population and employment projections. Employment forecasts inform
9 policy decisions and afford local governments the ability to plan a future
10 different from historical trends."

11 That discussion, while lengthy, does not include reasoning. It includes
12 findings of fact (including facts about what the city or its consultant did during the
13 periodic-review process) and statements of law or policy. It also includes conclusions
14 that the facts in this case satisfy the law. It does not include the reasoning that led LCDC
15 from the facts to its conclusion.

16 We have extracted each proposition included in LCDC's discussion and
17 categorized it as follows:

- 18 • Employment forecasts inform policy decisions and allow local governments the
19 ability to plan a future that differs from historical trends. (statement of policy)
- 20 • The city's population and employment forecasts provide context for the city's
21 determination of employment need. (statement of policy)
- 22 • The city's estimate of land need is reasonably related to the city's projections of
23 population and employment growth. (conclusion)
- 24 • To demonstrate compliance with Goal 14, factor 2, a local government need not
25 use an employees-per-acre methodology, but may use a target-industries

- 1 methodology. (statement of law)
- 2 • The city did not use an employees-per-acre approach; it used a target-industries
3 approach. (finding of fact)
- 4 • The city's decision to use a target-industries approach was permissible under Goal
5 14, factor 2. (conclusion)
- 6 • The city's determination of employment need was based on its analysis of
7 economic opportunities, target industries, and suitable sites. (finding of fact)
- 8 • The city's analysis of target industries and sites needed to support employment
9 opportunities and future population demonstrate compliance with Goal 14, factor
10 2. (conclusion)
- 11 • The city's decision to plan for employment opportunities (*i.e.*, use the target-
12 industries approach) rather than projected employment based on population (*i.e.*,
13 use the employees-per-acre approach) does not mean that the city added more land
14 than needed during the employment period. (conclusion)
- 15 • The amount of land that the city included in the UGB expansion was based on a
16 reasonable projection of the target industries that the city is most likely to attract
17 or have expand during the planning period and the site requirements of those
18 industries. (conclusion)
- 19 • The city identified a reasonable set of site requirements for its target industries.
20 (conclusion)
- 21 • The "portfolio" of sites that the city chose was based on expert opinion and is a

- 1 reasonable estimate of what the city will need to provide the land needed to
2 support the employment opportunities that it has chosen. (finding of fact;
3 conclusion)
- 4 • The city has demonstrated compliance with Goal 14, factor 2, through its target-
5 industries and site-needs analysis. (conclusion)
 - 6 • A local government must plan for an amount of land that will meet at least the
7 projected land need for each category during the planning period. (statement of
8 law)
 - 9 • The city projected land needs by class size tied to the needs of its target industries.
10 (statement of fact)
 - 11 • The city took into account sites within the existing UGB. (statement of fact)
 - 12 • The city demonstrated a need for 409 gross acres of land. (conclusion)
 - 13 • The city's analysis complies with Goals 9 and 14 and OAR 660-009. (conclusion)
 - 14 • The city complied with Goal 14, factor 2, by identifying its employment
15 opportunities through its EOA and by establishing the site requirements that its
16 target industries would need to accomplish the city's economic strategy.
17 (conclusion)
 - 18 • The city did not add more land to the UGB than it will need during the 20-year
19 planning period. (conclusion)
 - 20 • The city did not add land to the UGB in order to provide market choice.
21 (conclusion)

1 To the extent that LCDC intended to base its conclusion that the city's
2 actions complied with Goal 14, factor 2, on the proposition that the city had engaged in a
3 particular process, that is insufficient. If it were sufficient, local governments could
4 establish compliance with Goal 14, factor 2, simply by verifying that they had engaged in
5 the correct process, regardless of their conclusions. Substantial reason requires, at the
6 least, an explanation of why the process in which a local government engaged *and* the
7 results that it reached are consistent with the law.

8 In addition, LCDC incorporated into its discussion of Goal 14, factor 2,
9 "the reasons set forth in the department's response to the written argument of the parties."
10 We have examined that response and conclude that it fails to supply LCDC's order with
11 substantial reason. The response relies on the same two foundations described above:
12 (1) the "close correlation" between the amount of land actually added to the UGB and the
13 amount that would have been added using an employees-per-acre approach ("[E]ven
14 under the employee per acre method of estimating future land need, the approximately
15 360 net acres of land that the city has added to its UGB for industrial and office uses * *
16 * is reasonably related to the amount of land shown to be needed under a traditional
17 employee per acre methodology.") and (2) the city engaged in "steps [that] are a
18 permissible means of complying with Goals 9 and 14[.]" As we have explained, those
19 foundations do not provide substantial reason.

20 We have carefully reviewed LCDC's entire order on remand, and we
21 conclude that LCDC did not adequately explain the reasons that led it to conclude the

1 city's UGB amendment complied with applicable law. As noted, in light of that
2 disposition, we do not address petitioners' arguments regarding the inclusion of certain
3 high-value farmland within the UGB as industrial land.

4 Reversed and remanded for reconsideration.

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30 December 2008

TO: Springfield City Council and Planning Commission
FROM: Bob Parker
SUBJECT: OPPORTUNITY AREAS FOR EMPLOYMENT SITES AND REQUIREMENTS FOR UGB ALTERNATIVES ANALYSIS

This memorandum presents a brief description of state planning requirements for the modifications of Urban Growth Boundaries (UGBs). It also includes maps of lands outside the UGB, with a specific focus on 10 employment opportunity areas.

The objectives of this memorandum (and our January 12th meeting) are to provide the City Council and Planning Commission with:

- An overview of opportunity areas for employment
- Background information on the Alternatives Analysis

PRELIMINARY EVALUATION OF LANDS OUTSIDE THE SPRINGFIELD UGB

The draft economic opportunities and housing needs analyses both conclude that Springfield will need to expand its UGB to accommodate growth forecast for the 2010-2030 period. The exact acreage of the expansion is not yet known; it will depend on the types of land use efficiency measures the City adopts, as well as the specific areas that it chooses to expand into.

As a first step in the Alternatives Analysis, ECONorthwest worked with City staff to develop a series of maps showing characteristics of lands adjacent to the existing Springfield portion of the Metropolitan UGB.¹ The primary study area lands adjacent to the Springfield portion of the Metropolitan UGB. The following maps support this memorandum:

- Map 1: Aerial photo of study areas
- Map 2: Study area zoning (exceptions, marginal land, resource land)
- Map 3: Study area constraints

¹ The evaluation does not consider lands inside the Eugene portion of the Metropolitan UGB, or lands west of Interstate 5.

- Map 4: Study area soil class
- Map 5: Study area national wetlands inventory and hydric soils

POTENTIAL AREAS FOR EMPLOYMENT

The EOA concludes the City will need to add employment sites to the UGB. Chapter 5 of the EOA identifies a need for larger sites (>5 acres), and some very large sites (three sites >50 acres). Chapter 5 of the EOA also identifies site characteristics that are specific to different industries. Because of the need for larger sites, and the more specific siting characteristics, planners often start the alternatives analysis by identifying potential employment sites.

At its November meeting, the Technical Advisory Committee identified the following employment opportunity areas. This was largely a brainstorming session to conduct a first-cut analysis.

1. North Gateway Area
2. Hayden Bridge Area
3. North Springfield Highway Area
4. Far East Springfield Area
5. Wallis Creek Road Area
6. West Jasper/Jasper Bridge Area
7. Clearwater Area
8. South of Mill Race Area
9. Seavey Loop Area
10. Goshen Area

The map on the following page shows the approximate location of the employment opportunity areas. The Stakeholder Committee will discuss the sites at our next meeting scheduled for January 5th. We will summarize the Committee's comments at the beginning of the January 12th worksession.

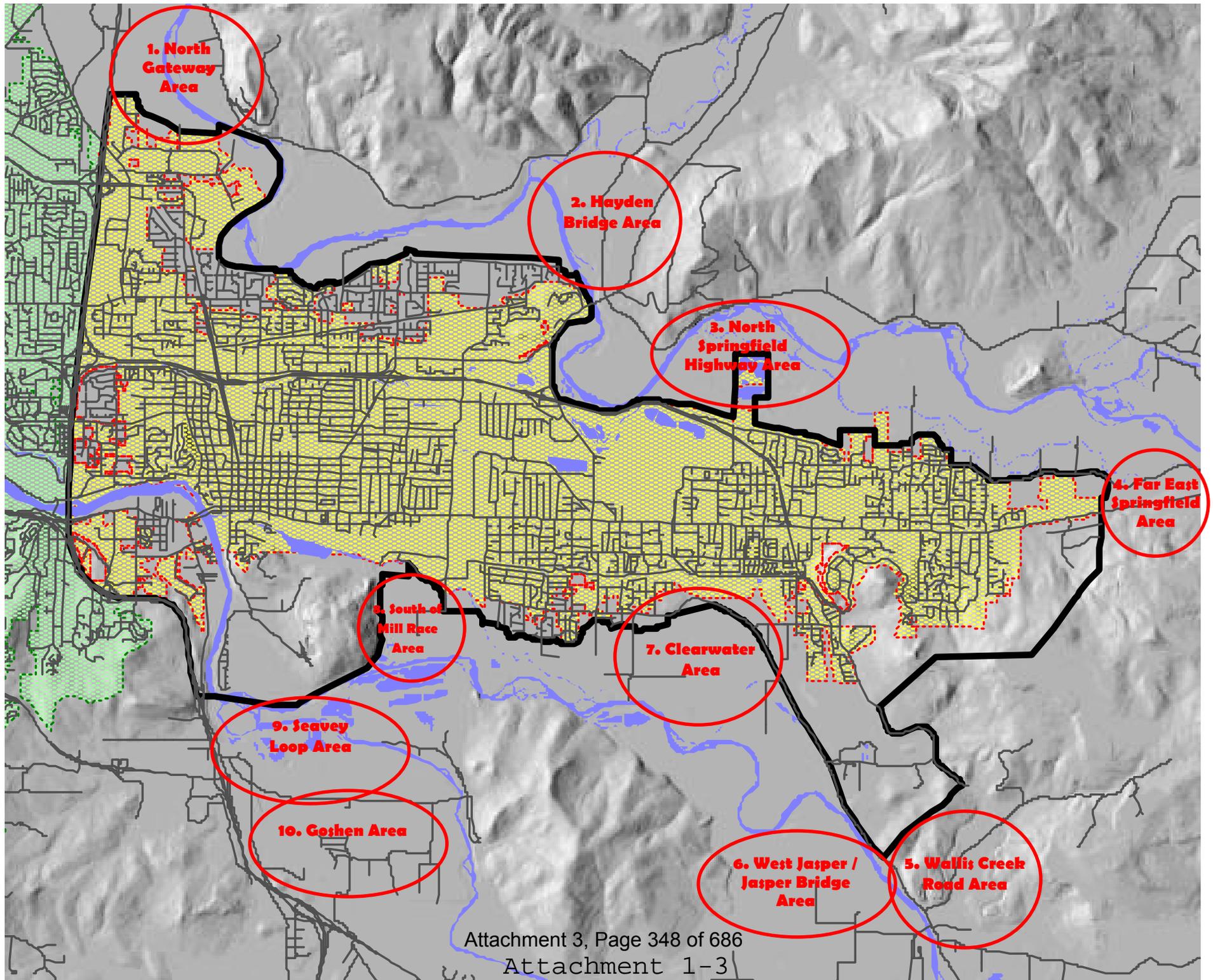


Table 1. Employment Opportunity Areas: Public Service Opportunities and Constraints

The following table summarizes public service opportunities and constraints based on information from the Springfield Technical Advisory Committee (TAC). The table is draft, and will be refined through additional discussions with staff and the TAC.

Area	Water	Wastewater	Stormwater	Transportation	Public Safety	Comments
1. North Gateway		May require pumping station Existing sewer in close proximity Potential higher cost than other areas	No developed system, wetlands, riparian areas and natural resources areas. Permitting required for new outfalls	No internal road network Access from existing farm roads Limited capacity at I-5/Beltline interchange Underpass/overpass provides potential access		Portions of the site are in the floodplain and floodway
2. Hayden Bridge		May require pumping across river, then Potential gravity flow Potential higher cost than other areas	No developed system Need to acquire base data	Access from Marcola Road Existing bridge in place		Some floodplain / floodway located west of Marcola Rd. Some steep slopes located east of Marcola Rd.
3. North Springfield Highway		May require a pump station for some areas – mostly gravity flow	wetlands, riparian areas and natural resources areas. Permitting required for new outfalls	Potential access to I-105 and High Banks Road		Portions of the site are in the floodplain and floodway
4. Far East Springfield		May require pumping station	Needs planning and infrastructure	Access from E. Main Street		Some steep slopes
5. Wallis Creek Road		Potential gravity flow area	Needs planning and infrastructure	Access from Jasper Rd. Existing bridge would likely need upgrade for increased traffic generation		Not a lot of floodplain area

Area	Water	Wastewater	Stormwater	Transportation	Public Safety	Comments
6. West Jasper/ Jasper Bridge		May require pump station	Needs planning and infrastructure	Access from Jasper Road		Large portion of rural residential / commercial land
7. Clearwater		Potential gravity flow area Existing sewer in close proximity New sewer extension planned along Jasper Road	Needs flood study Needs planning and infrastructure	Access from Jasper Road		Some floodplain along existing UGB Large portions without floodplain
8. South of Mill Race		Existing sewer in close proximity Potential gravity flow area	Needs flood study Needs planning and infrastructure Limited discharge opportunities	Access to S. 28 th St. & S. M St.		Existing SUB well fields in place Mostly publicly owned land
9. Seavey Loop	No existing water service	Need sewer extension from Glenwood Upgrades to existing pump station Potential gravity flow area	Needs flood study Needs planning and infrastructure Limited discharge opportunities	Limited capacity at I-5/30 th Street interchange Need for rail and river crossings Opportunities for rail access		Opportunities for parkland at river confluence area School capacity may be limited
10. Goshen		Potential gravity flow area Potential higher cost than other areas	Needs planning and infrastructure			

Table 2. Employment Opportunity Areas: Site Characteristics and Suitability

The following table summarizes the suitability for development by building type in each of the employment opportunity areas. The table also presents the site characteristics (identified in the economic opportunities analysis (EOA)) that make the opportunity area suitable. The building types identified in the EOA are: Warehousing and Distribution (W&D), General Industrial (GI), Office (Off.), Retail (Ret.), and Other Services (OS). The EOA identified need for sites 5 acres and larger in each of these building types.

Area	Suitability by Building Type					Site Characteristics that make the site suitable	Comments
	W &D	GI	Off .	Ret.	OS		
1. North Gateway	●	●	●	○	●	Potentially 50+ acre site(s) Located near I-5 interchange Relatively flat Surrounding uses compatible with warehousing and industrial uses Visible from I-5 or arterial streets	Potential demand for land in the North Gateway area (according to Jack Roberts) Willing multiple owners (according to Jack Roberts)
2. Hayden Bridge	⊗	⊗	●	○	●	Sites 5+ acres Access to arterial streets Slopes less than 15% Surrounding uses are compatible with office, retail, and other service uses Visible from arterial or collector streets	High amenity area presents opportunities for corporate head quarters or other commercial
3. North Springfield Highway	⊗	⊗	●	○	○	Sites 5+ acres Type of street access Slopes less than 15% Surrounding uses are compatible with office, retail, and other service uses	
4. Far East Springfield	⊗	⊗	●	○	○	Sites 5+ acres Access to arterial streets Areas with slopes less than 15% Surrounding uses are compatible with office, retail, and other service uses Visible from arterial or collector streets	

Area	Suitability by Building Type					Site Characteristics that make the site suitable	Comments
	W &D	GI	Off	Ret.	OS		
5. Wallis Creek Road	⊗	●	⊙	⊗	⊗	Potentially 50+ acre site(s) Type of street access Slopes less than 15% Surrounding uses are compatible with industrial, office, retail, and other service uses	
6. West Jasper/ Jasper Bridge	⊗	●	⊙	⊗	⊗	Potentially 50+ acre site(s) Type of street access Slopes less than 15% Surrounding uses are compatible with industrial, office, retail, and other service uses	
7. Clearwater	⊗	⊗	⊙	⊙	⊙	Sites 5+ acres Access to collector and neighborhood streets Slopes less than 15%	
8. South of Mill Race	⊗	⊗	⊙	⊙	⊙	Sites 5+ acres Access to collector and neighborhood streets Slopes less than 15% Surrounding uses are compatible with office, retail, and other service uses	
9. Seavey Loop	●	●	⊙	⊗	⊙	Potentially 50+ acre site(s) Located near I-5 interchange Relatively flat Surrounding uses compatible with warehousing, industrial, office, and other service uses Rail access	Opportunity for denser industrial development Commercial firms have expressed interest in this area (according to Jack Roberts)

Area	Suitability by Building Type					Site Characteristics that make the site suitable	Comments
	W &D	GI	Off .	Ret.	OS		
10. Goshen	●	●	⊗	⊗	⊗	Potentially 50+ acre site(s) Located near I-5 interchange Relatively flat Surrounding uses compatible with warehousing, industrial, office, and other service uses	May meet regional industrial land need

Note: ● Highly suitable ● Somewhat suitable ⊗ Unsuitable

POLICY CONTEXT FOR ALTERNATIVES ANALYSIS

This section provides a brief overview of statewide planning goal 14 (Urbanization) and related statutes and administrative rules that govern UGB expansions. These include Goal 14, ORS 197.298, and OAR 660-024. .

Goal 14: Urbanization

The purpose of goal 14 is:

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 goal requires that incorporated cities establish UGBs. Moreover, any UGB amendments must be a collaborative process that involves cities and counties and must be adopted by both the city and the county.

Goal 14 requires change of urban growth boundaries be based on the following:

- (1) Demonstrated need to accommodate long range urban population, consistent with a 20-year population forecast coordinated with affected local governments; and
- (2) Demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets and roads, schools, parks or open space, or any combination of the need categories.

Goal 14 includes two other need provisions that are relevant: (1) “in determining need, local governments may specify characteristics, such as parcel size, topography or proximity, necessary for land to be suitable for an identified need”; and (2) “prior to expanding an urban growth boundary, local governments shall demonstrate that needs cannot reasonably be accommodated on land already inside the urban growth boundary.” In summary, needs can include land characteristics and cities must consider whether needs can be met within the existing UGB before expanding the UGB.

This is germane to the first steps in the Alternatives Analysis. For example, the City could choose to identify certain areas such as lands with steep slopes or lands in federal ownership as not meeting identified needs.

Priority of lands

ORS 197.298 establishes a priority of lands for consideration in UGB expansions:

- (a) First priority is land that is designated urban reserve land under ORS 195.145, rule or metropolitan service district action plan. (Springfield does not have urban reserve areas; therefore, this does not apply).
- (b) If land under paragraph (a) of this subsection is inadequate to accommodate the amount of land needed, second priority is land adjacent to an urban growth boundary that is identified in an acknowledged comprehensive plan as an exception area or nonresource land.

Second priority may include resource land that is completely surrounded by exception areas unless such resource land is high-value farmland as described in ORS 215.710.

(c) If land under paragraphs (a) and (b) of this subsection is inadequate to accommodate the amount of land needed, third priority is land designated as marginal land pursuant to ORS 197.247. (Lane County is a marginal land county; therefore, this applies to Springfield).

(d) If land under paragraphs (a) to (c) of this subsection is inadequate to accommodate the amount of land needed, fourth priority is land designated in an acknowledged comprehensive plan for agriculture or forestry, or both.

In short, there are three priorities that apply to Springfield. First priority is exception areas or non-resource lands, and may include resource land that is completely surrounded by exception areas unless such resource land is high-value farmland. Second priority is marginal land. Third priority is resource land.

Goal 14 provides some additional guidance on boundary locations with consideration of the following factors:

- (1) Efficient accommodation of identified land needs;
- (2) Orderly and economic provision of public facilities and services;
- (3) Comparative environmental, energy, economic and social consequences; and
- (4) Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB.

These factors provide direction on selection of lands within the priority scheme and also outline some reasons why lower priority lands may be part of an expansion area if they may better address these factors than lands in higher priority categories. The ORS 197.298 priority scheme is relatively rigid, but the Goal 14 factors allow some flexibility. ORS 197.298 and Goal 14 allow some exceptions to the priority scheme based on “special” needs. For example, if a city identifies a need for lower cost housing that can only be developed on flat land, then that may be a reason to include some resource lands before, or together with, exceptions lands. Such an exception would require additional justification and must be supported by solid technical analysis.

Division 24: The Urbanization Rule

In 2006, the Land Development and Conservation Commission adopted amendments to the Urbanization Rule (OAR 660-024) that were intended to clarify the process of amending UGBs. We have referred to this rule, and some of the safe harbors it establishes, in work on the housing and economic elements.

Subsection 0050 clarifies the procedures for land inventories and local government response to land deficiencies. OAR 660-024-0050(4) requires cities to amend UGBs in response to land deficiencies:

“If the inventory demonstrates that the development capacity of land inside the UGB is inadequate to accommodate the estimated 20-year needs... the local

government must amend the plan to satisfy the need deficiency, either by increasing the development capacity of land already inside the city or by expanding the UGB, or both, and in accordance with ORS 197.296 where applicable. Prior to expanding the UGB, a local government must demonstrate that the estimated needs cannot reasonably be accommodated on land already inside the UGB. Changes to the UGB must be determined by evaluating alternative boundary locations consistent with OAR 660-024-0060.”

Based on the Economic and Housing Elements, preliminary land needs have been identified. In the draft Urbanization Element presented to the Committee, the findings of the buildable lands inventory and land needs analysis are that some of the need will be met within the UGB, but that additional buildable land will be needed.

Boundary Location Alternatives Analysis

OAR 660-024-0060 requires cities conduct an “Alternatives Analysis” when considering a UGB amendment. The alternatives analysis (the part of the UGB review process that we are now moving into) requires all lands adjacent to the existing UGB be reviewed (e.g., a ring around the UGB). Relevant sections of OAR 660-024-0060 specify the following:

- (1) When considering a UGB amendment, a local government must determine which land to add by evaluating alternative boundary locations. This determination must be consistent with the priority of land specified in ORS 197.298 and the boundary location factors of Goal 14, as follows:
 - (a) Beginning with the highest priority of land available, a local government must determine which land in that priority is suitable to accommodate the need deficiency determined under 660-024-0050.
 - (b) If the amount of suitable land in the first priority category exceeds the amount necessary to satisfy the need deficiency, a local government must apply the location factors of Goal 14 to choose which land in that priority to include in the UGB.
 - (c) If the amount of suitable land in the first priority category is not adequate to satisfy the identified need deficiency, a local government must determine which land in the next priority is suitable to accommodate the remaining need, and proceed using the same method specified in subsections (a) and (b) of this section until the land need is accommodated.
 - (d) Notwithstanding subsection (a) through (c) of this section, a local government may consider land of lower priority as specified in ORS 197.298(3).
 - (e) For purposes of this rule, the determination of suitable land to accommodate land needs must include consideration of any suitability characteristics specified under section (5) of this rule, as well as other provisions of law applicable in determining whether land is buildable or suitable.

...

(3) The boundary location factors of Goal 14 are not independent criteria. When the factors are applied to compare alternative boundary locations and to determine the UGB location, a local government must show that all the factors were considered and balanced.

(4) In determining alternative land for evaluation under ORS 197.298, "land adjacent to the UGB" is not limited to those lots or parcels that abut the UGB, but also includes land in the vicinity of the UGB that has a reasonable potential to satisfy the identified need deficiency.

(5) If a local government has specified characteristics such as parcel size, topography, or proximity that are necessary for land to be suitable for an identified need, the local government may limit its consideration to land that has the specified characteristics when it conducts the boundary location alternatives analysis and applies ORS 197.298.

(6) The adopted findings for UGB adoption or amendment must describe or map all of the alternative areas evaluated in the boundary location alternatives analysis. If the analysis involves more than one parcel or area within a particular priority category in ORS 197.298 for which circumstances are the same, these parcels or areas may be considered and evaluated as a single group.

(7) For purposes of Goal 14 Boundary Location Factor 2, "public facilities and services" means water, sanitary sewer, storm water management, and transportation facilities.

(8) The Goal 14 boundary location determination requires evaluation and comparison of the relative costs, advantages and disadvantages of alternative UGB expansion areas with respect to the provision of public facilities and services needed to urbanize alternative boundary locations. This evaluation and comparison must be conducted in coordination with service providers, including the Oregon Department of Transportation with regard to impacts on the state transportation system. "Coordination" includes timely notice to service providers and the consideration of evaluation methodologies recommended by service providers. The evaluation and comparison must include:

(a) The impacts to existing water, sanitary sewer, storm water and transportation facilities that serve nearby areas already inside the UGB;

(b) The capacity of existing public facilities and services to serve areas already inside the UGB as well as areas proposed for addition to the UGB; and

(c) The need for new transportation facilities, such as highways and other roadways, interchanges, arterials and collectors, additional travel lanes, other major improvements on existing roadways and, for urban areas of 25,000 or more, the provision of public transit service.



CITY OF SPRINGFIELD, OREGON

225 FIFTH STREET • SPRINGFIELD, OR 97477 • PH: (541)726-3610 • FAX: (541)726-3689

UGB / Commercial Industrial Buildable Lands (CIBL) Stakeholder Committee

Meeting Minutes

Monday, January 22nd, 2009

6:00pm – 8:00pm

Springfield City Hall
225 Fifth Street, Springfield, OR
Library Meeting Room

These minutes summarize the discussion of the Committee. A record of the full discussion is provided on the city's website along with other materials from this and past Committee meetings.

I. Attendance:

Stakeholders: Brianna Huber, Mike Kelly, George Grier, Lee Beyer, Kari Westlund, Johnny Kirschenmann, Naomi Campollo, Dave Marra, Doug McKay, Dan Egan, Guy Weese, Steven Yett, Philip Farrington, Don Oldenburg.

Staff: David Reesor; Linda Pauly; Bob Parker; Beth Goodman; Bill Grile; John Tamulonis; Mark Metzger

II. Greetings / Routine Business

1. Roll Call
2. Review of Minutes – Minutes approved as written
3. Public Testimony – None noted

III. Review of Employment and Residential lands Opportunity Area

Bob Parker presented a 15 minute summary of the input from the City Council, Planning Commission and Technical Advisory Committee concerning the ten "Opportunity Areas" using the memorandum, "Summary of Input from Council/Planning Commission..." that was included in the meeting packet. Areas 9 and 10 were grouped together for the discussion and map.

Shown below are a few key statements made about each Opportunity Area:

Area 1: North Gateway Area

The primary constraints are transportation related. Stacking at the Gateway/Beltline intersection is an issue that has repercussions for the I-5 interchange as well as local traffic.

Area 2: Hayden Bridge Area

There may be deed restrictions on land in the area limiting additional land division. There may be wetland constraints in the area as well.

Area 3: North Springfield Highway Area

There are concerns about the accuracy of floodplain mapping for the area. It is likely that there are serious floodplain and floodway issues in this area. Improvements are planned for the Hwy 126/52nd Street interchange that may improve access to Hwy 126 from Area 3. Area 3 drains to Cedar Creek which has been noted to be at capacity already.

Area 4: Far East Springfield Area

Cedar Creek drainage capacity is also a constraint for this area. There are also steep slope constraints affecting parts of the area.

Area 5: Wallace Creek Road Area

Slope issues make this area a better candidate for residential development than employment uses.

Area 6: West Jasper/Jasper Bridge Area

Floodplain issues and the complications of crossing the Willamette River with urban services are significant constraints.

Area 7: Clearwater Area

The TAC raised a question about whether the rail line which runs parallel to Jasper Rd. would limit access to the site. The area was thought to be a better candidate for residential development than employment uses.

Area 8: South of Millrace Area

Transportation access to the area is limited to South 28th at this time. SUB's Willamette wellfield in the southwest corner of Area 8 may complicate development for employment uses, depending on the type of use and the chemicals used.

Area 9 Seavey Loop and Goshen Area

Areas 9 and 10 were combined for discussion as per direction from the last meeting. TAC members suggested that a separate wastewater treatment facility may be required to serve the area. The rail line may limit transportation access to the area. The 30th Ave/I-5 interchange is scheduled for improvement. The improvements may enhance access to this area.

General Discussion about the Opportunity Area Summary

Committee members asked about how they could recommend/prioritize opportunity areas without knowing in more detail how much of each area is free of constraints. Staff indicated that the Committee, at this step in the process, is to provide feedback of a general nature that identifies both opportunities and constraints for each site. The prioritization process helps staff to focus their attention as they continue to refine their analysis potential expansion area. Staff will work in

the coming months to more carefully calculate the extent of known constraints on each site and to gather additional information from Public Works on the serviceability of each site.

Concerns were expressed that identifying potential expansion areas that might trigger speculative buying of land in agricultural areas. Such speculation could drive land prices up and make in doing so, take them out of agricultural production by making them too expensive.

Prioritization of Employment Opportunity Areas

The Committee first considered the prioritization of sites offered by the TAC and discussed their own priority areas. Discussion led to recommendations for first tier (high priority) second tier (middle priority) and third tier (low priority) sites.

After extensive discussion staff summarized the Committee prioritization for employment uses and asked for confirmation that the priority list was accurate. The list is shown below

Priority Employment Opportunity Areas

High Priority	North Gateway (Area 1); Seavey Loop/Goshen (Areas 9/10)
Middle Priority	South of Millrace (Area 8); Hayden Bridge (Area 2); North Springfield Highway (Area 3)
Low Priority	Far East Springfield (Area 4); Wallace Creek Road (Area 5); West Jasper/Jasper Bridge (Area 6); Clearwater (Area 7)

Prioritization of Residential Lands

The Committee asked for clarification about “next steps” and how the Residential Lands Study will be integrated with the CIBL work. Staff reiterated that the Committee’s work will give staff focus for refining the opportunity site analysis and in doing so, these broad areas would shrink. Following this time of more detailed staff analysis, a public workshop (or other similar public outreach) would be conducted to seek landowner and general public feedback on the opportunity areas. The process would culminate in a joint meeting of the Committee and the Springfield Planning Commission to look at a refined opportunity area recommendation.

Staff provided some background on the work of the Residential Lands Committee which last met in 2007. The Residential Committee established the assumptions and definitions to be used in identifying an inventory of residential buildable lands. These were reviewed and approved by the Planning Commission and City Council. Work on the Residential Lands study has been delayed while Lane County sought to compile a “coordinated population estimate” which includes an assumed rate of growth for each city in the county. This growth rate estimate is essential to projecting the land supply that will be needed to meet future housing needs.

City staff first proposed an average annual growth rate of 1.7% based on the average annual growth rate that had actually occurred since the 1999 Eugene-Springfield Residential Lands Study was adopted. Based on that rate of growth a preliminary land need of about 1000 acres was estimated.

More recently, the Council chose to adopt the new “safe harbor” population projection of about 1.1% in hopes of reducing exposure to appeal and expediting the approval process.

Staff indicated that they hope to return to the Committee at its February 26th meeting with a more definitive residential land need estimate.

Staff emphasized that for this meeting, the focus of discussion of potential residential sites and their priority should be kept at a broad level as has been the case with the employment lands.

Priority Residential Opportunity Lands**

Higher Priority	Far East Springfield (Area 4); Wallace Creek Road (Area 5); West Jasper/Jasper Bridge (Area 6); Clearwater (Area 7)
Lower Priority	North Gateway (Area 1); North Springfield Highway (Area 3); South of Millrace (Area 8); Seavey Loop/Goshen (Areas 9/10)

**The Committee engaged in a round-robin discussion of their priority residential lands but did not come to consensus/closure as it did with the employment lands. It was recognized that some of the high priority employment lands had some potential for residential development because of their size and or constraints. Some of the higher value residential areas listed on the table are burdened with significant constraints. This table is a broad interpretation of the input provided by Committee members. No attempt was made to differentiate between “high, medium and low priority.”

Closing Remarks

Committee members expressed a desire to have more specific direction for discussion. Provide more direction for members so that they can provide more specific input. Members also asked for a more specific description of the “next steps” in the process and the role that the Committee will be asked to play.

Chairperson Egan expressed his strongly held opinion that cheesecake should be provided in celebration of the Committee’s work at the February 26 meeting.

IN THE BOARD OF COUNTY COMMISSIONERS, LANE COUNTY, OREGON

ORDINANCE NO. PA 1290

IN THE MATTER OF AMENDING THE LANE COUNTY RURAL COMPREHENSIVE PLAN TO CONTINUE APPLYING CERTAIN INVENTORIES, POLICIES AND FINDINGS OF THE EUGENE SPRINGFIELD METROPOLITAN AREA GENERAL PLAN TO THOSE SPECIFIED LANDS REMOVED FROM THE METRO PLAN BY ORDINANCE NO. PA 1281 AND ADOPTING SAVINGS AND SEVERABILITY CLAUSES.

WHEREAS, through Ordinance No. PA 1281, the partners of the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) have jointly modified the boundaries of the Metro Plan; and

WHEREAS, on lands being removed from the Metro Plan pursuant to Ordinance No. PA 1281, policies and applicable findings related to inventoried Goal 5 resources are required to provide necessary protections and policy guidance; and

WHEREAS, the previously adopted Goal 5 inventories, policies and findings contained in the Metro Plan for Riparian Areas, Wetlands, Wildlife Habitat, Mineral and Aggregate Resources and Open Space provide necessary protections and policy direction for those Goal 5 resources on lands that are being removed from the Metro Plan; and

WHEREAS, Lane County and the City of Springfield have agreed to provide opportunity to the City to review and be a decision maker on proposed Post Acknowledgment Plan Amendments (PAPAs) to the Rural Comprehensive Plan for areas within sensitive ground water 2 year time of travel zones as depicted in the Springfield Drinking Water Protection Plan more specifically identified in Exhibit B; and

WHEREAS, necessary Rural Comprehensive Plan findings and policies must exist to provide decision makers a reasonable basis to formulate decisions pertaining to such PAPAs, which may potentially impact sensitive ground water sources; and

WHEREAS, findings and policies currently exist within the Metro Plan and Rural Comprehensive Plan, which the City of Springfield finds will be appropriate to address aforementioned need; and

WHEREAS, the proposal was reviewed at a joint public hearing with the Lane County Planning Commission, the City of Springfield Planning Commission and the City of Eugene Planning Commission on July 19, 2011, and August 16, 2011; and

WHEREAS, the proposal was also reviewed at a joint public hearing with elected officials of Lane County, the City of Springfield and the City of Eugene on March 13, 2012; and

WHEREAS, evidence exists in the record indicating that the proposal meets the requirements of Lane Code and applicable state law; and

WHEREAS, the Board of County Commissioners is now ready to take action.

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

Section 1. The Goal 5 policies of the Rural Comprehensive Plan are amended as reflected in Exhibit A attached and incorporated herein by this reference to;

- A. Continue applying the acknowledged Goal 5 inventories, policies and findings of the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) to all lands removed from the Metro Plan by Ordinance No. PA 1281; and
- B. Incorporate additional findings and policies contained within the Metro Plan and the Lane County Rural Comprehensive Plan to continue providing a basis for future decisions made by the City and County regarding PAPA applications within sensitive ground water time of travel zones as depicted in the Springfield Drinking Water Protection Plan and more specifically identified in Exhibit B attached and incorporated herein by this reference.

Section 2. The prior policies, plan and zone diagram designations repealed or changed by this Ordinance remain in full force and effect to authorize prosecution of persons in violation thereof prior to the effective date of this Ordinance.

Section 3. 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 section shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

FURTHER, although not part of this Ordinance, the Board of County Commissioners adopts findings in support of this action as set forth in Exhibit "E" to Ordinance No. PA 1281, incorporated here by this reference.

ENACTED this 4th day of June, 2013.



Sid Leiken, Chair
Lane County Board of Commissioners



Recording Secretary for this Board Meeting

APPROVED AS TO FORM

Date 1/9/13 Lane County



OFFICE OF LEGAL COUNSEL

Exhibit A to Ordinance No. PA 1290

4. The County shall protect the sites of hydroelectric resources through conditional or special use provisions of its resource zones. Sites for which a license has been applied for with federal and state authorities, or for which water impoundments of more than 100 acre – feet are proposed, or which will generate power in excess of 75 KW, shall be shown on the Plan as a special designation, an Exception to applicable LCDC Goals taken if necessary, and a special zoning district applied. At that time, the Goal 5 rule conflict analysis shall also be carried out.
5. For additional energy policies see Goal 3.

Water Resources

1. State policy normally promotes multiple use of surface waters throughout Lane County. Under such policy, use conflicts can and do occur. As the first step in addressing this problem, the County urges the Oregon Water Policy Review Board and the Department of Environmental Quality to update the existing water basin plans and establish priorities among the various beneficial uses for specific water areas. The economic, social, environmental and energy consequences of each use should be considered in establishing priorities and resolving any identified conflicts. Lane County will cooperate to the maximum extent practicable in such a program.
2. The County supports congressional reauthorization of upper Willamette basin reservoirs, to reflect actual use priorities. To the extent practicable, the County will cooperate with the Corps of Engineers in resolving existing use conflicts and accommodating the needs of competing uses.
3. Adequacy of water supply, particularly those relying on groundwater sources, shall be a major concern in reviewing major land use changes. For the purpose of applying this policy, major land use change shall be any application reviewed by the Hearings Official or the Planning Commission.
4. The primary means of evaluating groundwater resources for land use planning purposes shall be through the land division review process. The Little Butte Volcanics, Eugene Formation, Fisher Formation, Spencer Formation, Flourney Formation, Alluvium and Older Dunes geological units shall be designated as quality and/or quantity limited aquifers. As such the provisions of Chapter 13, Lane Code (Land Divisions) regarding areas so designated will apply.
5. Land use designations in the Comprehensive Plan and implementing zoning shall be commensurate with groundwater aquifer capacities.

Lands Removed from the Eugene- Springfield Metropolitan Area General Plan

1. For those lands located outside of the City of Springfield's Urban Growth Boundary that were removed from the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) by Ordinance No. PA 1281, the above listed RCP Goal 5 policies shall not apply. Instead, the Goal 5 inventories, policies and findings of the Metro Plan for Riparian Corridors, Wetlands, Wildlife Habitat, Mineral and Aggregate Resources and Open Space shall continue to be applicable to those lands by this policy to the same extent they were applicable when those lands were included in the Metro Plan.
2. In reviewing Post Acknowledgment Plan Amendment (PAPA) applications for lands located within sensitive 2- Year Time of Travel Zones identified in the Springfield Drinking Water Protection Plan and further specifically depicted on Exhibit B of Ordinance No. PA 1290 the following Metro Plan and Lane County Rural Comprehensive Plan findings and policies shall be considered:

Exhibit A to Ordinance No. PA 1290

1. Metro Plan, The Fundamental Principles Chapter of the Metro Plan including Metropolitan Goals, Environmental Resources, paragraphs 1, 2, 3 and 4,
2. Metro Plan, Metropolitan Goals, Public Facilities, paragraph 1,
3. Metro Plan, Environmental Resources Element, Agricultural Lands (Goal 3), Policies 1-4,
4. Metro Plan, Environmental Resources Element, Riparian Corridors Wetlands and Wildlife Habitat (Goal 5), Policy 8,
5. Metro Plan, Environmental Resources Element, Mineral and Aggregate Resources (Goal 5), findings 12, 13, 14,
6. Metro Plan, Willamette River Greenway, River Corridors and Waterways Element, Goal and Policies D5, D6 and D 10,
7. Metro Plan, Public Facilities and Services Element, Policy G3,
8. Metro Plan, Public Facilities and Services Element, Services to Development with the Urban Growth Boundary: Water, Findings 11, 12 and 13 Policies 9, 10, 11 and 12,
9. Metro Plan, Public Facilities and Services Element, Locating and Managing Public Facilities Outside the Urban Growth Boundary, Finding 36,
10. Lane County Rural Comprehensive Plan, Goal 5 Open Spaces, Scenic and Historic Areas and Natural Resources, Mineral and Aggregate Resources, Policies 1-11,
11. Lane County Rural Comprehensive Plan, Goal 5 Open Spaces, Scenic and Historic Areas and Natural Resources, Water Resources, Policies 1-4,
12. Lane County Rural Comprehensive Plan, Goal 6 Air, Water and Land Resources, Water Quality, Policies 1-7

Oregon's Statewide Planning Goals & Guidelines

GOAL 14: URBANIZATION

OAR 660-015-0000(14)

(Effective April 28, 2006)

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.

Urban Growth Boundaries

Urban growth boundaries shall be established and maintained by cities, counties and regional governments to provide land for urban development needs and to identify and separate urban and urbanizable land from rural land. Establishment and change of urban growth boundaries shall be a cooperative process among cities, counties and, where applicable, regional governments. An urban growth boundary and amendments to the boundary shall be adopted by all cities within the boundary and by the county or counties within which the boundary is located, consistent with intergovernmental agreements, except for the Metro regional urban growth boundary established pursuant to ORS chapter 268, which shall be adopted or amended by the Metropolitan Service District.

Land Need

Establishment and change of urban growth boundaries shall be based on the following:

(1) Demonstrated need to accommodate long range urban population, consistent with a 20-year

population forecast coordinated with affected local governments; and

(2) Demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets and roads, schools, parks or open space, or any combination of the need categories in this subsection (2).

In determining need, local government may specify characteristics, such as parcel size, topography or proximity, necessary for land to be suitable for an identified need.

Prior to expanding an urban growth boundary, local governments shall demonstrate that needs cannot reasonably be accommodated on land already inside the urban growth boundary.

Boundary Location

The location of the urban growth boundary and changes to the boundary shall be determined by evaluating alternative boundary locations consistent with ORS 197.298 and with consideration of the following factors:

(1) Efficient accommodation of identified land needs;

(2) Orderly and economic provision of public facilities and services;

(3) Comparative environmental, energy, economic and social consequences; and

(4) Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB.

Urbanizable Land

Land within urban growth boundaries shall be considered available for urban development consistent with plans for the provision of urban facilities and services. Comprehensive plans and implementing measures shall manage the use and division of urbanizable land to maintain its potential for planned urban development until appropriate public facilities and services are available or planned.

Unincorporated Communities

In unincorporated communities outside urban growth boundaries counties may approve uses, public facilities and services more intensive than allowed on rural lands by Goal 11 and 14, either by exception to those goals, or as provided by commission rules which ensure such uses do not adversely affect agricultural and forest operations and interfere with the efficient functioning of urban growth boundaries.

Single-Family Dwellings in Exception Areas

Notwithstanding the other provisions of this goal, the commission may by rule provide that this goal does not prohibit the development and use of one single-family dwelling on a lot or parcel that:

- (a) Was lawfully created;
- (b) Lies outside any acknowledged urban growth boundary or unincorporated community boundary;
- (c) Is within an area for which an exception to Statewide Planning Goal 3 or 4 has been acknowledged; and
- (d) Is planned and zoned primarily for residential use.

Rural Industrial Development

Notwithstanding other provisions of this goal restricting urban uses on rural

land, a county may authorize industrial development, and accessory uses subordinate to the industrial development, in buildings of any size and type, on certain lands outside urban growth boundaries specified in ORS 197.713 and 197.714, consistent with the requirements of those statutes and any applicable administrative rules adopted by the Commission.

GUIDELINES

A. PLANNING

1. Plans should designate sufficient amounts of urbanizable land to accommodate the need for further urban expansion, taking into account (1) the growth policy of the area; (2) the needs of the forecast population; (3) the carrying capacity of the planning area; and (4) open space and recreational needs.

2. The size of the parcels of urbanizable land that are converted to urban land should be of adequate dimension so as to maximize the utility of the land resource and enable the logical and efficient extension of services to such parcels.

3. Plans providing for the transition from rural to urban land use should take into consideration as to a major determinant the carrying capacity of the air, land and water resources of the planning area. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources.

4. Comprehensive plans and implementing measures for land inside urban growth boundaries should encourage the efficient use of land and the development of livable communities.

B. IMPLEMENTATION

1. The type, location and phasing of public facilities and services are factors

which should be utilized to direct urban expansion.

2. The type, design, phasing and location of major public transportation facilities (i.e., all modes: air, marine, rail, mass transit, highways, bicycle and pedestrian) and improvements thereto are factors which should be utilized to support urban expansion into urbanizable areas and restrict it from rural areas.

3. Financial incentives should be provided to assist in maintaining the use and character of lands adjacent to urbanizable areas.

4. Local land use controls and ordinances should be mutually supporting, adopted and enforced to integrate the type, timing and location of public facilities and services in a manner to accommodate increased public demands as urbanizable lands become more urbanized.

5. Additional methods and devices for guiding urban land use should include but not be limited to the following: (1) tax incentives and disincentives; (2) multiple use and joint development practices; (3) fee and less-than-fee acquisition techniques; and (4) capital improvement programming.

6. Plans should provide for a detailed management program to assign respective implementation roles and responsibilities to those governmental bodies operating in the planning area and having interests in carrying out the goal.

MEMORANDUM

Date: January 29, 2014

To: Bill Kloos

From: Thom Lanfear 

Subject: Zoning Research
Map 18-03-11 Taxlot 700

Taxlot 700 on Assessment and Taxation Map 18-03-11 lies east of the right-of-way of McVay Highway and west of the SPRR right-of-way within the original Donation Land Claim #59. The northern portion is within the urban growth boundary of Springfield and the Metro Plan boundary. The southern portion is within the Rural Comprehensive Plan of Lane County; however, a small central portion of the taxlot was within the Metro Plan boundary from 1980 to 2013.

Taxlot 700 was initially zoned C-2 at the time of adoption of Ordinance 223 in 1966. Due to its' inclusion in the Metro Plan boundary during the 1980's, this area did not undergo a change in zoning in 1984 when the Rural Comprehensive Plan (RCP) was developed. While the southern portion of taxlot 700 was included in the Developed and Committed Lands exception 412-1 and given a RR-5 designation in February 1984, the C-2 area outside of the urban growth boundary but within the Metro Boundary remained unchanged.

The official zoning map is now in error where it shows a zoning of SG for the portion of taxlot 700 within the RCP and outside of the former Metro Boundary. This area should reflect the RR-5 zoning applied when the County included the area in the developed and committed exception area 412-1 in the Board Order 89-1-25-10. The area formerly within the Metro Plan boundary should reflect the only zoning ever applied to the property, which is the C-2 zone designation adopted in Ordinance 223 on July 27, 1966. The C-2 area of taxlot 700 connects the northern area within the urban growth boundary with the rural residential area found in the southern portion of taxlot 700.

Exhibits

1. Real Property Tax Lot Record Map & Tax Lot 1803110000700
Map 18-03-11 Taxlot 700 is described as: All that part of DLC #59 Notification #3286 in Section 2, 3, 10, & 11, Township 18 South, Range 3 West, lying east of the County Road, except the right of way belonging to S.P. Co. Except: That portion in T. L. 2300 on Map 18-03-11-3.
2. Maps of DLC #59 T18S R03W
These maps illustrate the shape and positioning of DLC # 59 within Section 11.
3. Current Assessment & Taxation Map 180311

4. 1975 Assessment & Taxation Maps

180301 & 180302

1803034 & 180304

1803101 & 1803104

180311 & 18031122

1803113 & 180312

These maps illustrate the taxlot boundaries in the area as configured in 1975.

5. Ordinance No. 223

This Ordinance adopted July 27, 1966 applied the first zoning to Section 11 of Township 18 South Range 3 West. Zoning was applied by metes and bounds descriptions. Taxlot 700 appears to fall within the description of Area A on Page 2 of the Ordinance.

6. Zoning Map 180311

This map is the zoning map used in the planning department during the early 1970's.

7. Zoning Map 180311 (portion)

This is an enlargement of the top left corner of the 1970's zoning map that identifies the specific placement of C-2 zoning on taxlot 700 on August 25, 1966.

8. Ordinance No. 604

This Ordinance applied SG zoning to the area east of the railroad and south of the Middle Fork Willamette River in 1976.

9. Current Zoning Maps

These maps show the SG zoning in error on the southern portion of taxlot 700 and the gap in zoning within the former Metro Plan boundary.

10. Ordinance No. 856

This Ordinance adopted developed and Committed Lands findings for area within the Metro Plan boundary in 1982. Taxlot 700 was not included in the area closest to the property which was Area 13A.

11. Developed and Committed Findings Exception 412-1

These findings for Board Order 89-1-25-10 include a listing for taxlot 700 including all 2.73 acres. The associated map clearly illustrates the Exception Area boundaries within taxlot 700 extending north to the Metro Plan boundary as it was located at the time (1989).

12. Ordinance No PA 884

This Ordinance adopted the Developed and Committed Lands findings for Exception Area 412-1 in 1984 which applied RR-5 zoning to taxlot 700 to the area outside of the Metro Plan boundary.

13. Official Plan Map Plot #412 (1984)

This Map reflects the Developed and Committed Lands area for taxlot 700 adopted in 1984. It clearly shows the gap on the west side of the river between the urban growth boundary and the Metro Plan boundary.

14. Draft Plot Map 412 (portion)

This map was the map formerly adopted as the zoning map in Ordinance No. PA 884. It shows taxlot 700 within the boundaries of the RR-5 zone extending to the Metro Area Boundary.

Real Property Tax Lot Record

Lane County Assessment and Taxation
 Print Date: Dec 18, 2013



In preparation of these records, every effort has been made to offer the most current, correct, and clearly expressed information possible. Nevertheless, inadvertent errors in information may occur. In particular but without limiting anything here, Lane County disclaims any responsibility for typographical errors and accuracy of this information. The information and data included on Lane County servers have been compiled by Lane County staff from a variety of sources, and are subject to change without notice to the User. Lane County makes no warranties or representations whatsoever regarding the quality, content, completeness, suitability, adequacy, sequence, accuracy, or timeliness of such information and data.

In 2011, Assessment and Taxation was awarded an economic development grant which facilitated the scanning of the approximately 160,000 then-existing tax lot records. The scanning took place between February and June 2012.

The legal descriptions contained herein are for tax lot purposes only.

Included in this report:

1. A listing of documents affecting ownership and/or property boundary changes.
2. The scanned tax lot record image and any legal description changes made since .

Map & Tax Lot 1803110000700	Current Parcel/Account	Current TCA
Status Active	0663532	01901

Document #	Type	Date	Effective Year	Tax Lot Acres
	Description Card			2.73

Comments:

OFFICIAL RECORD OF DESCRIPTIONS OF REAL PROPERTIES

18215
OLD NUMBER

OFFICE OF COUNTY ASSESSOR LANE COUNTY, OREGON
663 532

CODE
NO.

MAP NO. 18.03.11	TAX LOT NO. 12 of Sec. 11 700	SECTION 10 11	TOWNSHIP 18 S.	RANGE 3W	W.M.	AERIAL PHOTO
ACCOUNT NUMBER		SECTION			TOWNSHIP	

LOT NO.	BLOCK NO.	ADDITION	CITY
---------	-----------	----------	------

INDENT EACH NEW COURSE TO THIS POINT	LEGAL DESCRIPTION	DEED RECORD		ACRES REMAINING
		DATE OF ENTRY	DEED NUMBER	
	2-293-4		PCM No ref.	No.
	All that part of D. L. C. #59, Notif. #3286 in Sections 2, 3, 10 & 11, Township 18 South, Range 3 West, lying East of the County Road, except the right of way belonging to the S. P. Co. Containing	1885 1914 1923 1927	VS/P49 V105/P221 V137/P79 V152/P584*	3.0
	Except: That portion in T. L. 2300 on map 18-03-11-3. Acreage corrections 1970 Containing more or less			2.73

*Description does not read as above but is included therein.

** Notice - Please place an 8 in front of
 DLC Number when searching for specific
 DLC corner records. Example NE
 Corner DLC 37 will be 837010**

T1B5 R03W

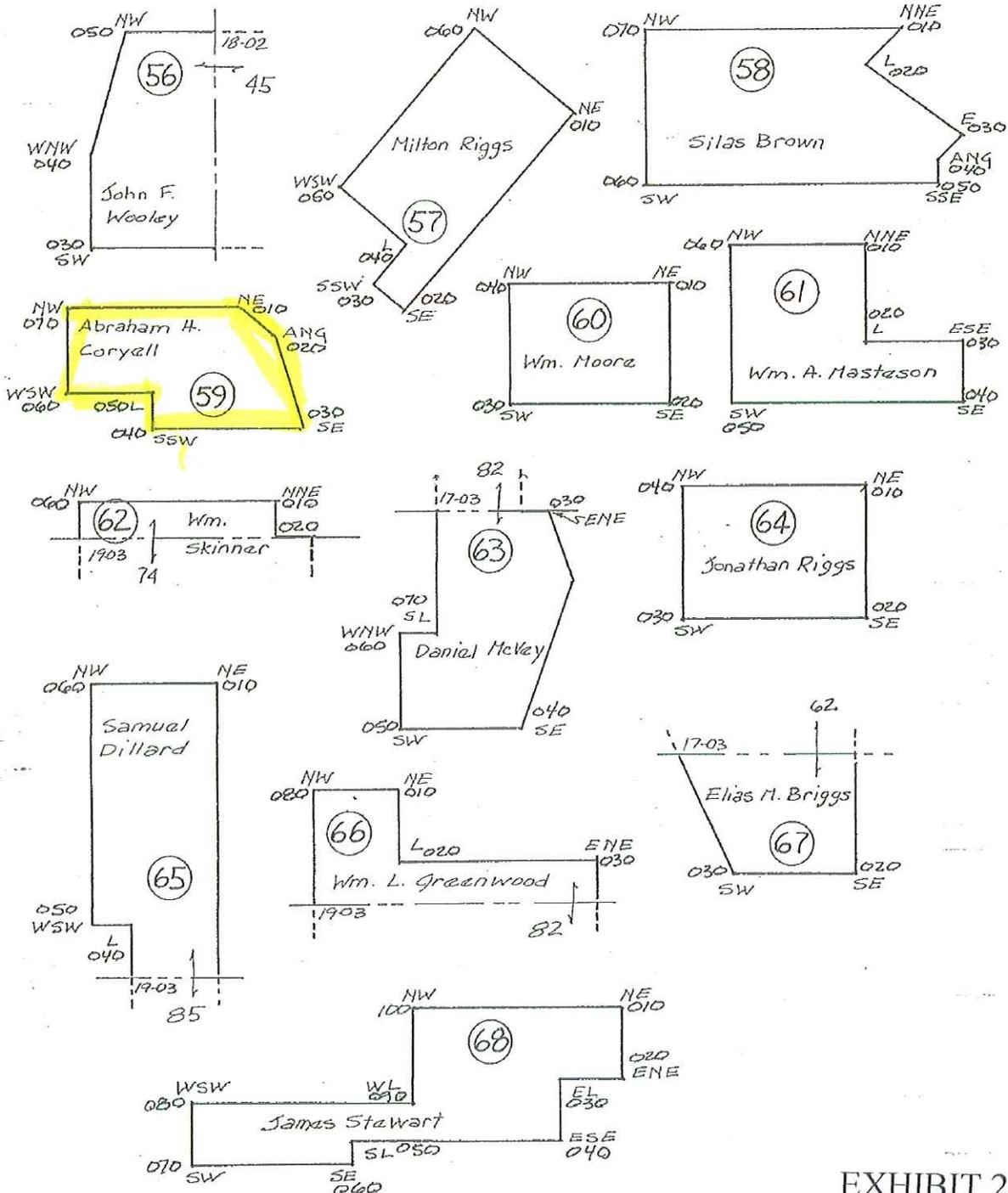
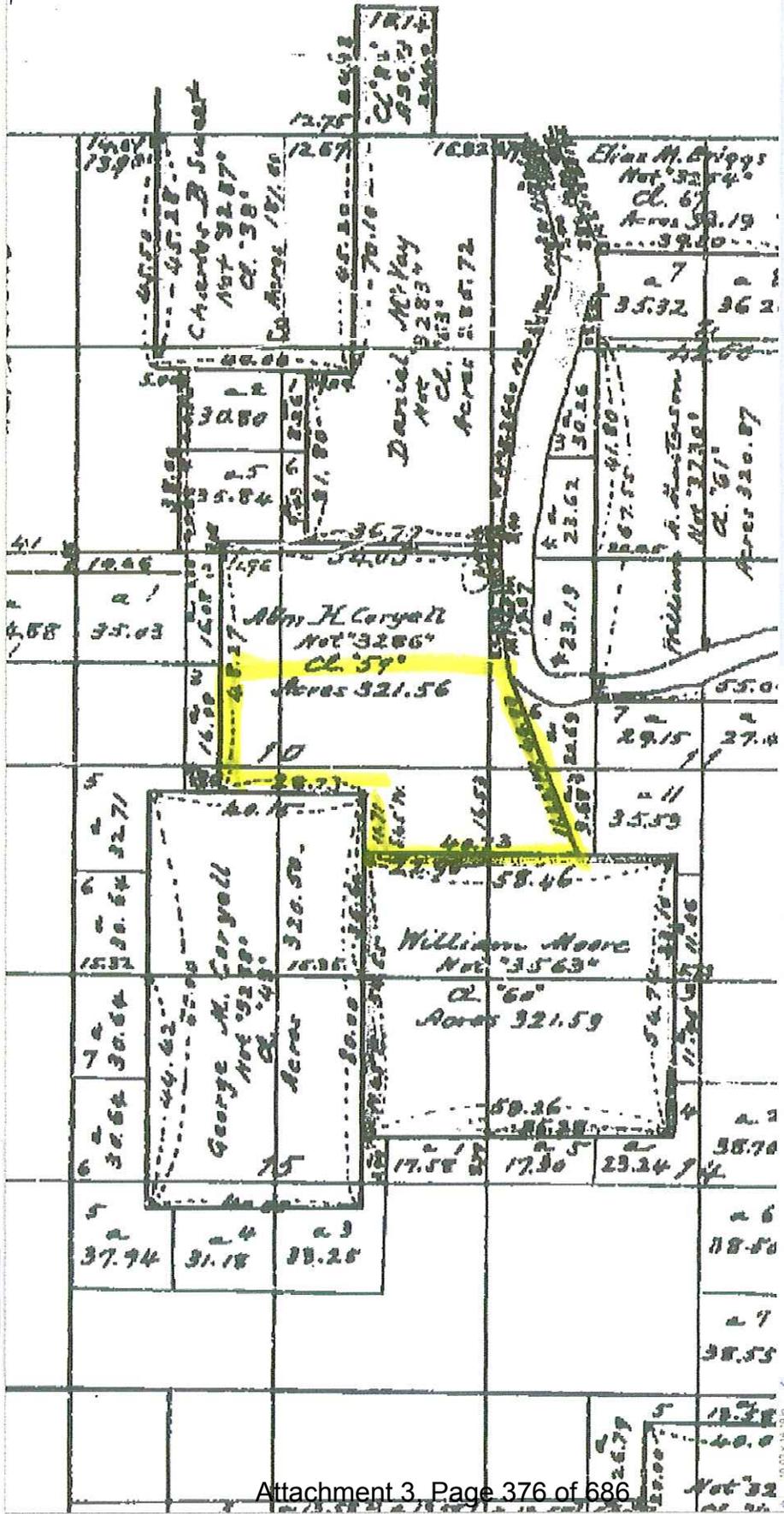


EXHIBIT 2

NOT TO SCALE

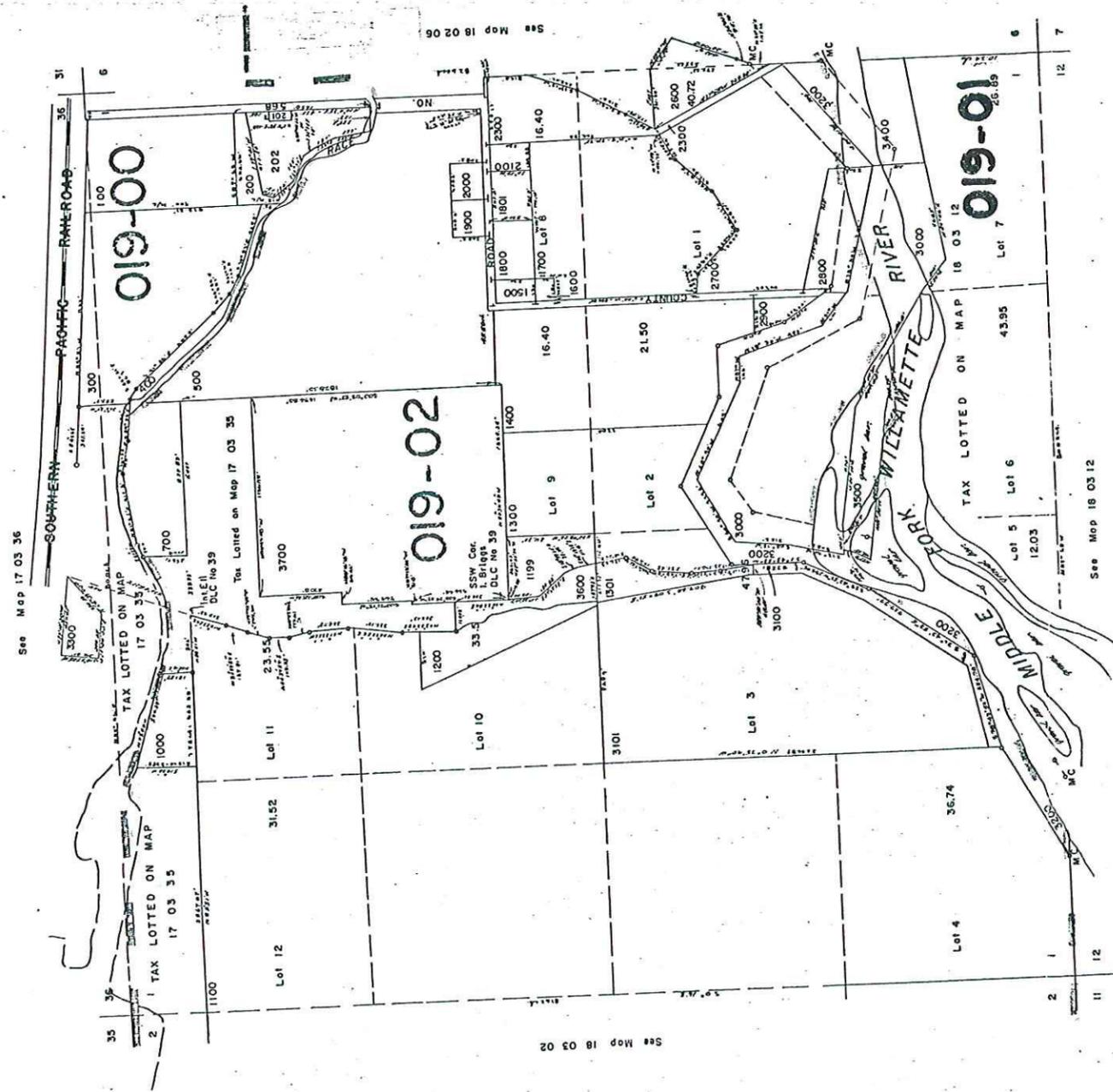
3 West, Williamie Meridia



18 03 01

Section 1 T.18S. R.3W.W.M.
LANE COUNTY

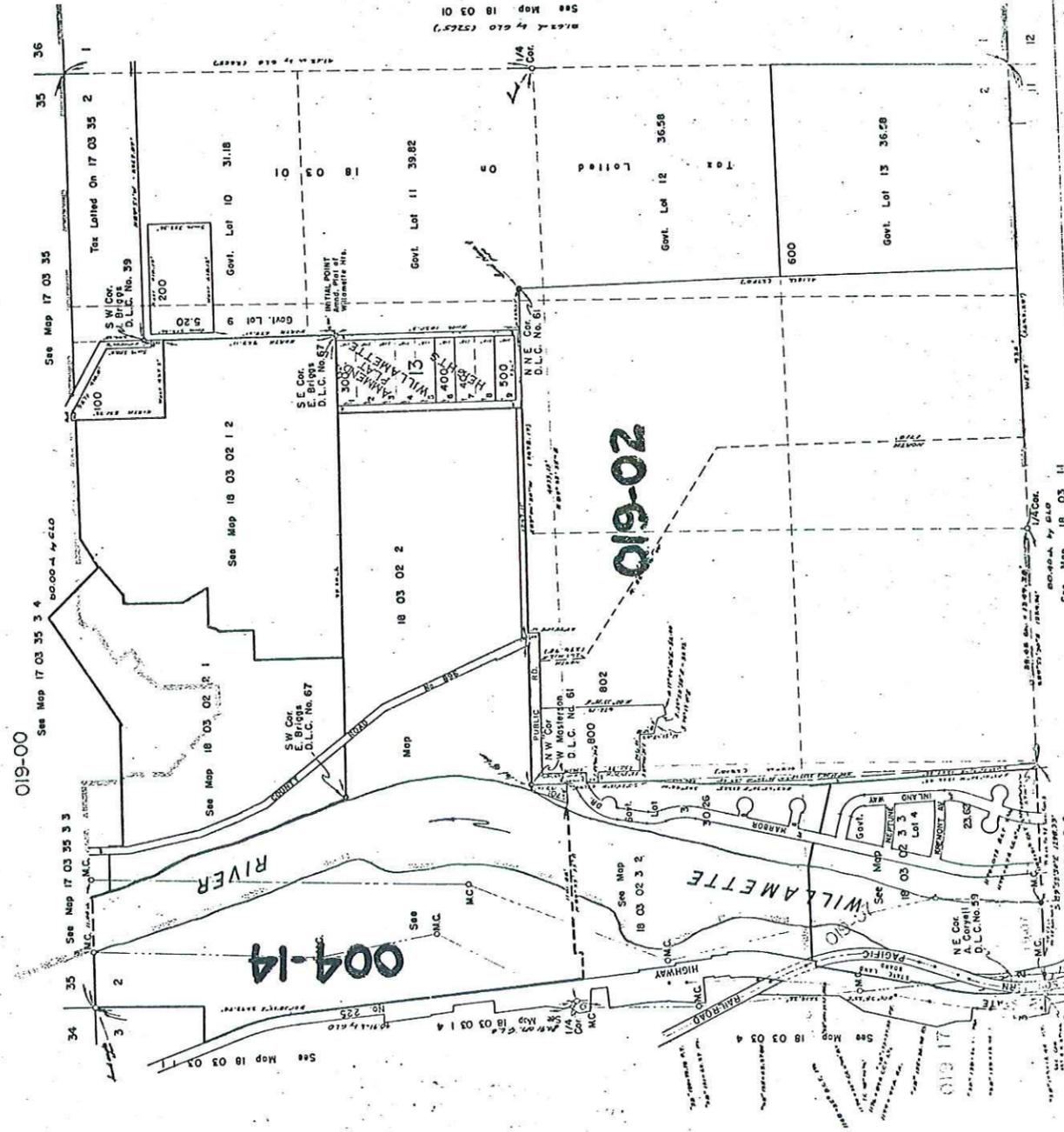
1"=400'



18 03 02
& INDEX

Section 2 T.18S. R.3W.W.M.
LANE COUNTY

1"=400'



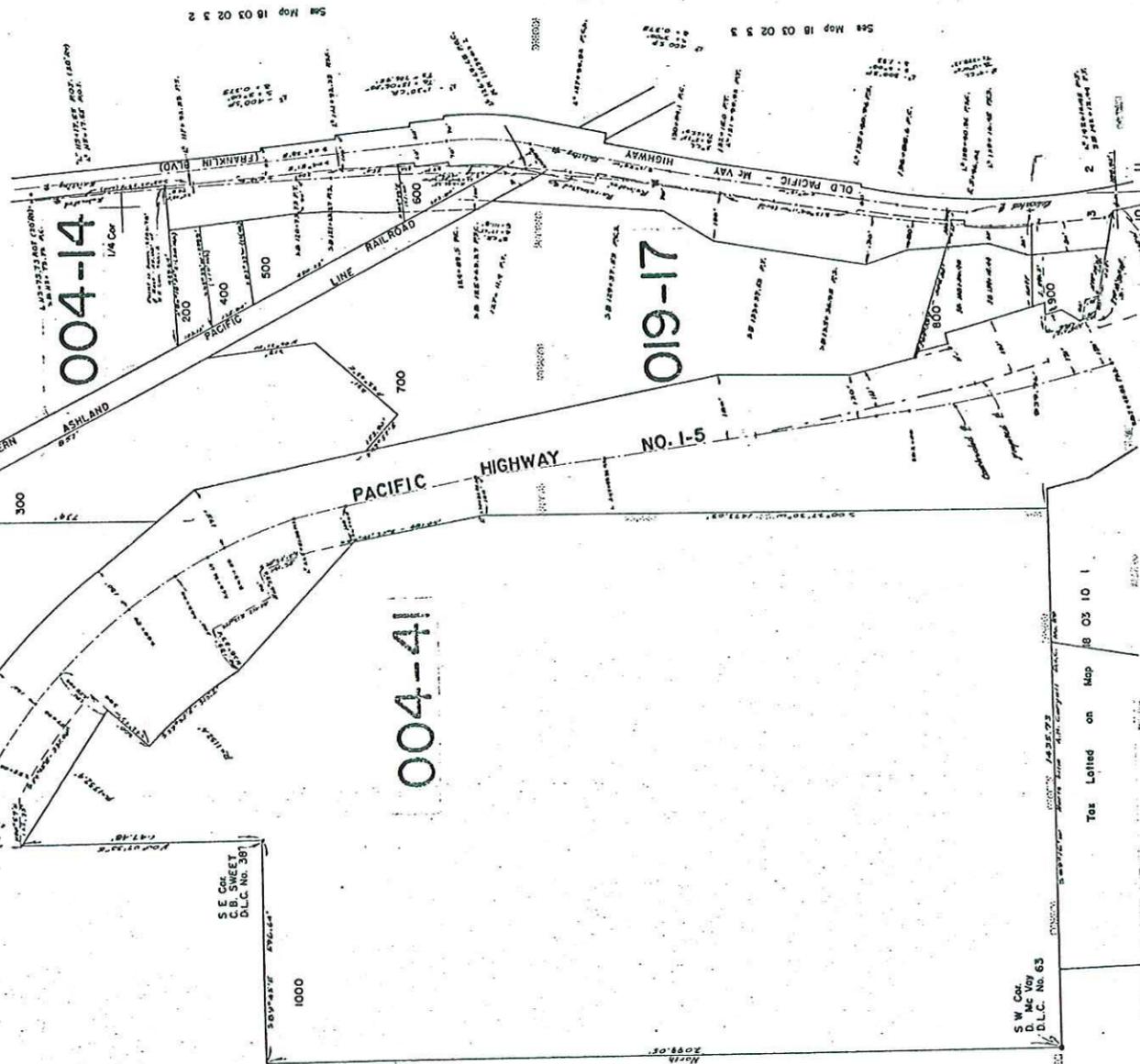
18 03 03 4

SE 1/4 Sec. 3 T.18S. R.3W.M.
LANE COUNTY

See Map 18 03 03 1 3

See Map 18 03 03 1 4

1"=200'



004-14

019-17

004-41

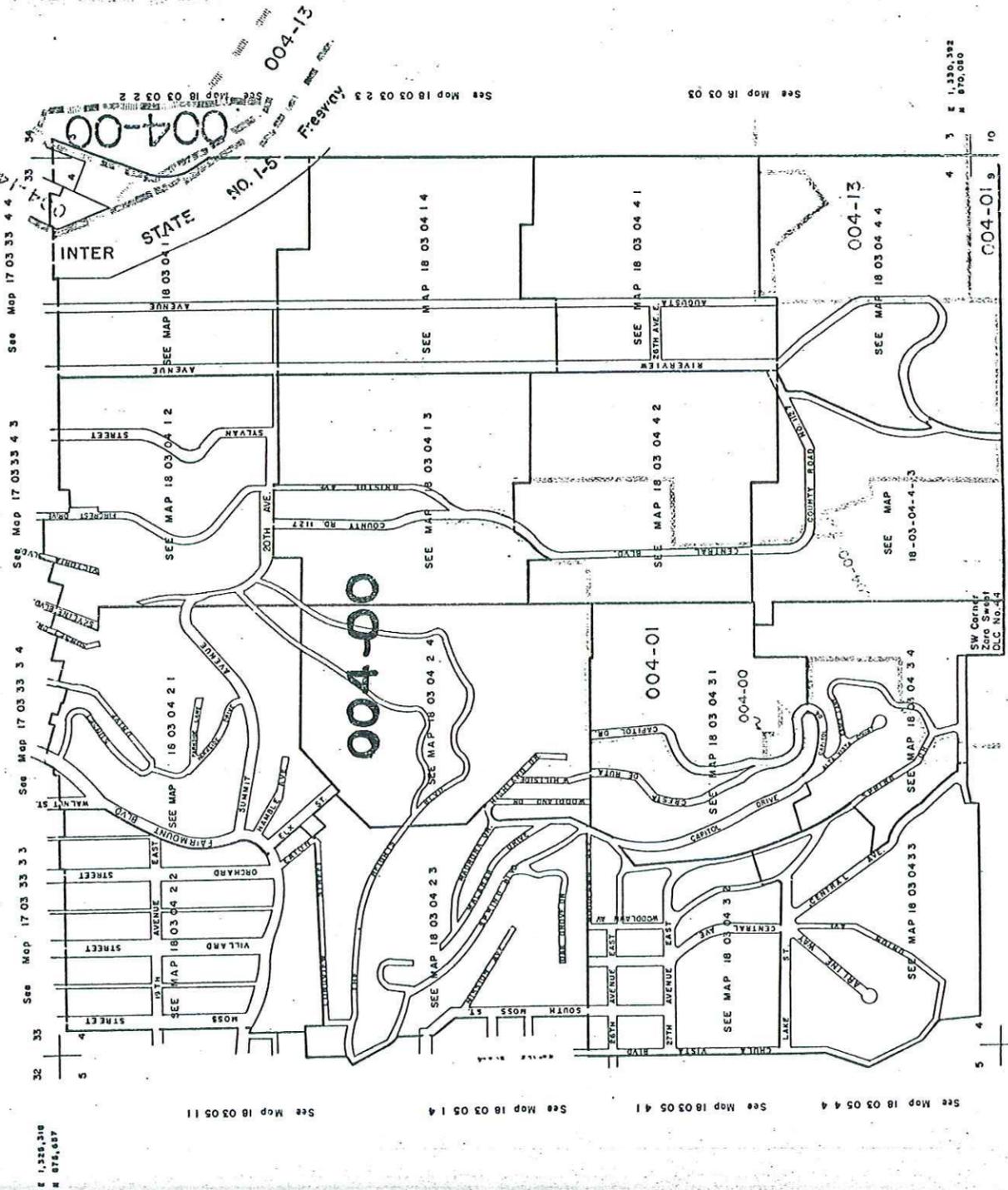
SW Cor.
D. Mc Vay
D.L.C. No. 63

1/4 Ck

Tot. Lotted on Map 18 03 10 1

18 03 04
INDEX
EUGENE

Section 4 T.18S. R.3W.M.
LANE COUNTY
1"=400'



004-00

004-01

004-13

E 1,325,310
N 872,657

E 1,325,322
N 872,680

See Map 18 03 03

See Map 18 03 05 4 1

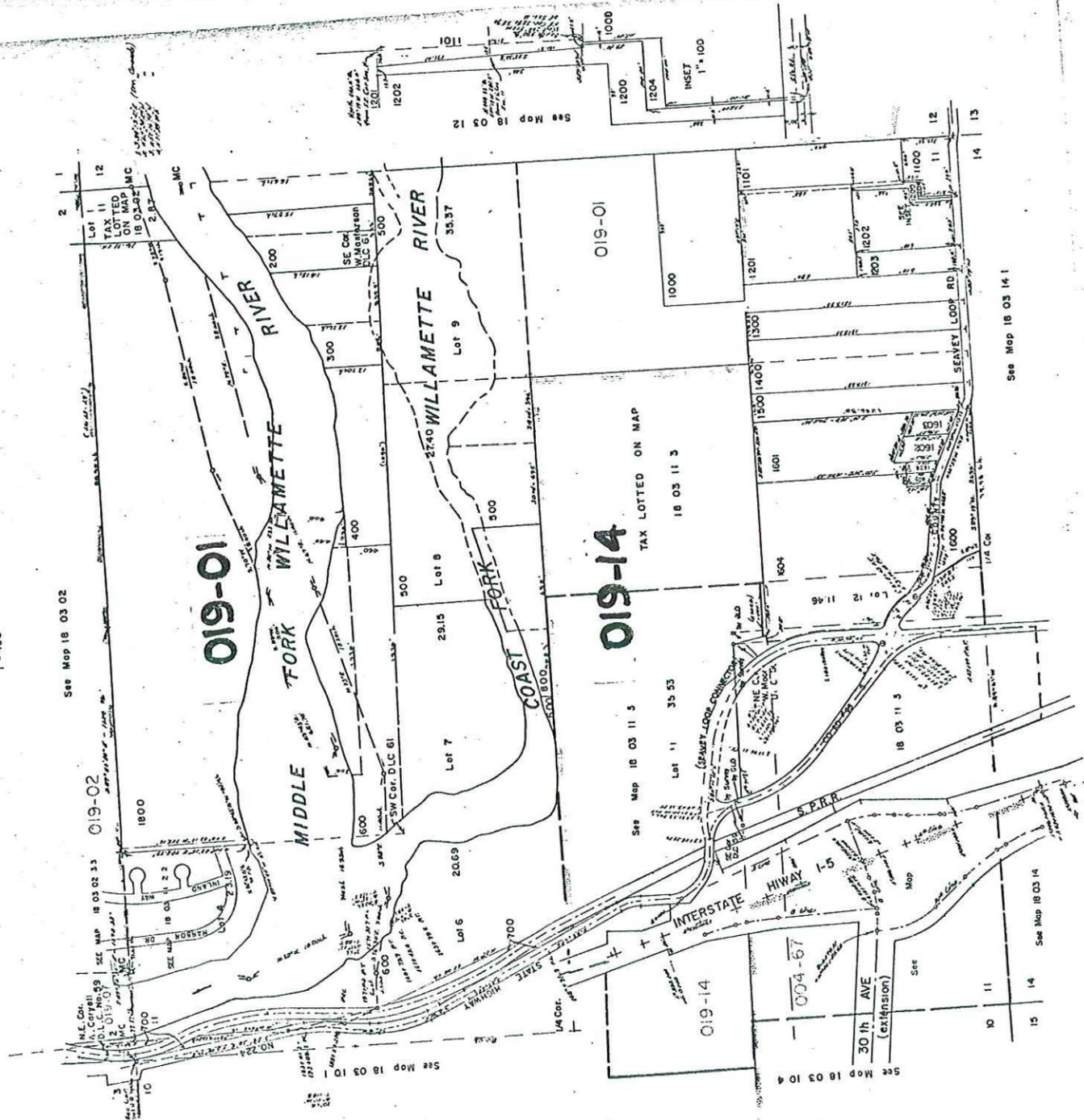
See Map 18 03 05 4 4

See Map 18 03 05 4 1

See Map 18 03 05 4 4

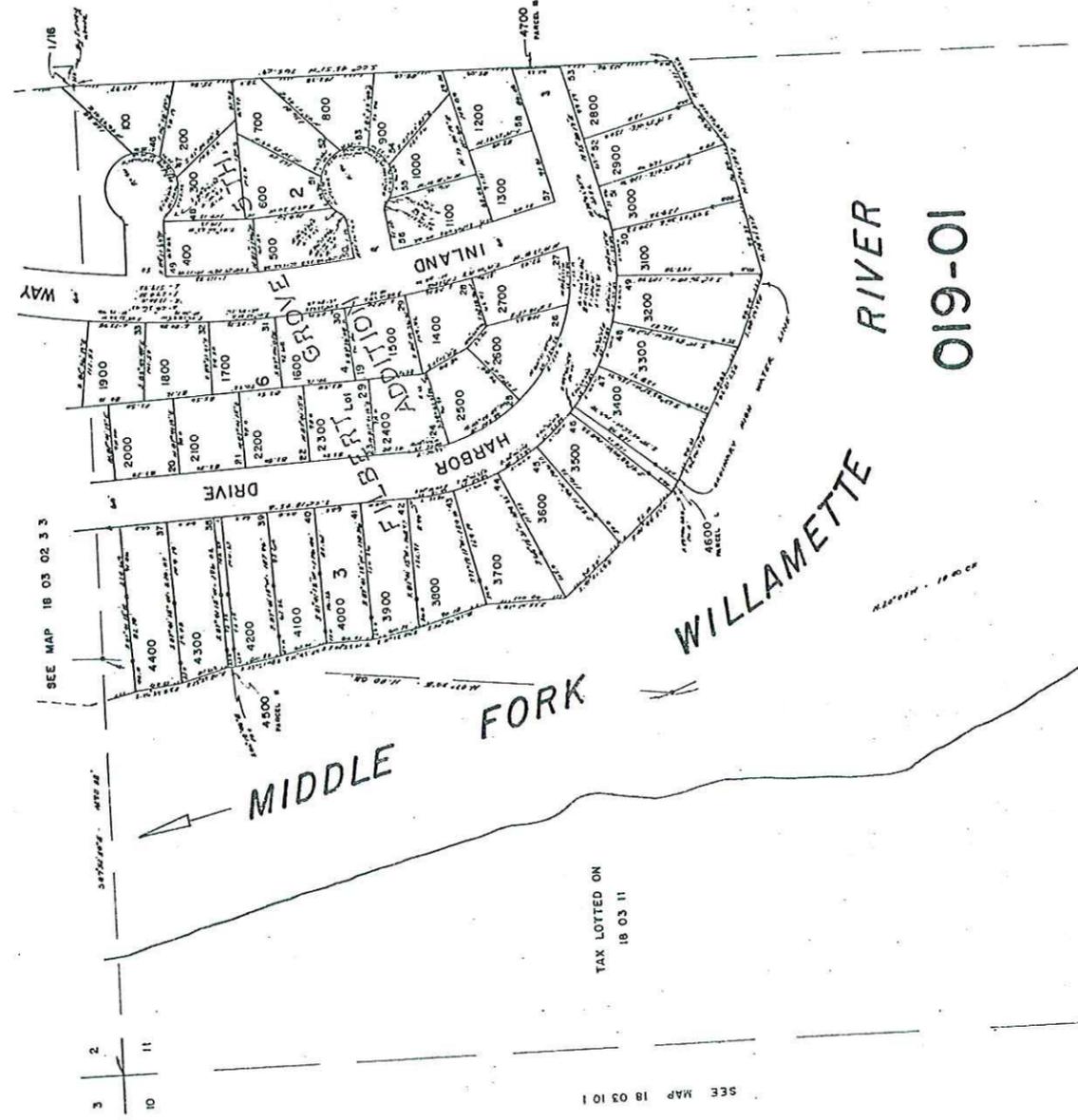
Section 11 T.18S. R.3W.W.M.
LANE COUNTY
1"=400'

18 03 11
& INDEX



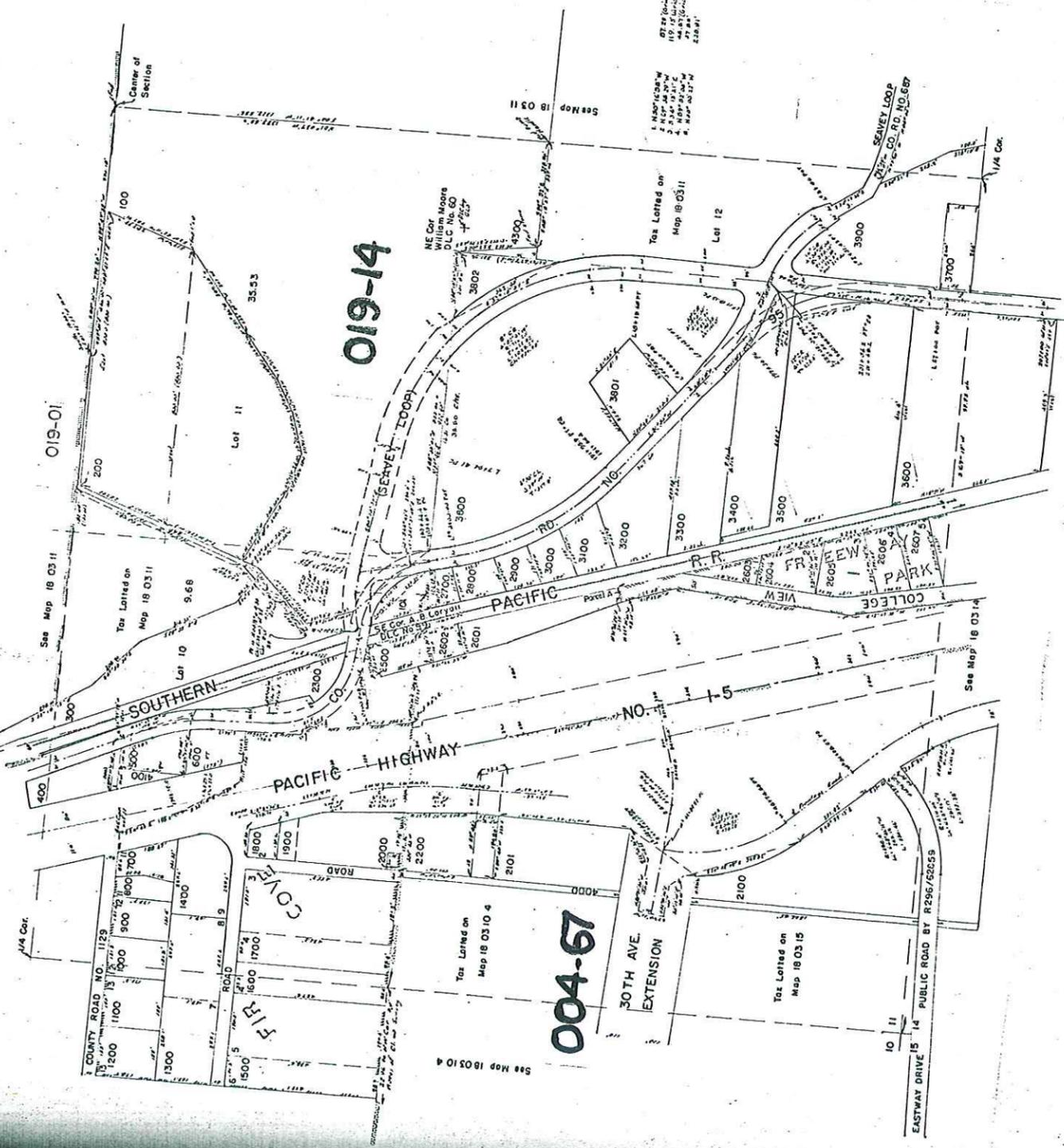
NW1/4 NW1/4 Sec. 11 T.18S. R.3W.W.M.
LANE COUNTY
1"=100'

18 03 11 22



SW1/4 Sec. 11 T. 18S. R. 3W.W.M.
LANE COUNTY
1"=200'

18 03 11 3



Section 12 T. 18S. R. 3W.W.M.
LANE COUNTY
1"=400'

18 03 12



THURSDAY THE FIFTH DAY OF JULY, 1966

30-352

FILED
AT _____ O'CLOCK _____ M

JUL 27 1966

HWA RANOLPH, Director of the
Dept. of Records and Elections of Lane County
BY Neil Anderson
DEPUTY

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

LANE COUNTY ZONING AND)	Adopting a Comprehensive Plan and Zoning Certain
LAND USE ORDINANCE NO. 223)	Land in Sections 6, 7, 8, 17, 18, 19, 20, 30, 31, Twp 18S, R2W, W.M., Sections 1, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, 36, Twp 18S, R3W, W.M., to AGT Agriculture, Grazing, Timber Raising District; AGT-TP Agriculture, Grazing, Timber Raising-Trailer Park District; RA Suburban District; C-2 Neighborhood Commercial District; C-3 Commercial District; M-1 Limited Industrial District; M-2 Light Industrial District; M-3 Heavy Industrial District; PR Public Reserve District; and Establishing Special Setback Requirements.

The Board of County Commissioners of Lane County ordains as follows:

The following described land, to-wit:

Area to be zoned to AGT, Agriculture, Grazing, Timber Raising District

Beginning at the intersection of 30th Avenue and the Eugene city limits line in Section 8 of Twp. 18 South, Range 3 West; thence follow said city limits line northerly and easterly to the intersection with 29th Street and the north line of Section 9 of Twp. 18 South, Range 3 West; thence easterly along the north line of said Sections 9 and 10 of Twp. 18 South, Range 3 West to the east line of Section 10, Twp. 18 South, Range 3 West; thence easterly to the left bank of the middle fork of the Willamette River; thence easterly along said left bank about four miles to the east line of Section 8, Twp. 18 South, Range 2 West; thence southerly along said section line to a point 1700 feet south of the north line of Section 20, Twp. 18 South, Range 2 West, said point being the present Pleasant Hill zoning boundary; thence westerly and southerly along said boundary to the left bank of the coast fork of the Willamette River; thence southerly along said left bank to the south line of Section 31, Twp. 18 South, Range 2 West; thence westerly along the south line of Section 31 and the south line of Sections 36 and 35 to the Southern Pacific Railroad tracks; thence northerly along said tracks to the east-west centerline of said Section 35; thence westerly along the east-west centerline of Sections 35, 34, 33, 32, and 31 to the north-south centerline of Section 31 in Twp. 18 South, Range 3 West; thence northerly along the north-south centerline of Section 31 to a point 300 feet south of Fox Hollow Road; thence northerly parallel to and 300 feet from Fox Hollow Road being the present zoning boundary to the north line of the South 1/2 of the South 1/2 of Section 20; thence easterly to the east line of Section 20; thence northerly along said east line to the northeast corner of said section; thence easterly along the south line of Section 16 to the 1/4 corner on the south line; thence north to the 1/4 corner on the north line of said section; thence west to the city limits line; thence easterly and northerly along said city limits line to the Point of Beginning.

EXCEPT the following described area presently zoned AGT-TP, Agriculture, Grazing, Timber Raising-Trailer Park District.

Beginning at a point on the east line of the Washington I. Riggs D.L.C. No. 40 in Section 13, Twp. 18 South, Range 3 West, W.M., said point being 589.16 feet north 0° 47' East of the most southerly southeast corner of said claim; run thence along the said east line of Claim No. 40 North 0° 47' East 437.59 feet; thence North 53° 36' West 402.76 feet; thence North 33° 06' 20" West 287.09 feet; thence North 04° 14' 20" West 208.31 feet; thence North 89° 55' West 419.60 feet; thence South 00° 05' West 261.13 feet; thence South 60° 05' West 57.74 feet; thence South 0° 05' West 487.00 feet; thence South 79° 13' East 438.00 feet; thence South 0° 47' West 165.00 feet; thence South 79° 13' East 542.72 feet to the Point of Beginning.

EXHIBIT 5

in Lane County, Oregon; and

* ALSO EXCEPT Areas A, B, C, D, and E hereinafter described:

AREA A: Area to be zoned to C-2 Neighborhood Commercial District

Beginning at the point of intersection of the north right-of-way line of Bloomberg Road (County Road No. 1129) and the west right-of-way line of Interstate Highway No. 5; run North $17^{\circ} 41' 30''$ West 683.01 feet; thence South $78^{\circ} 20'$ West along the right-of-way line of said highway 30 feet more or less; thence North $31^{\circ} 03' 10''$ West 531.73 feet; thence South $74^{\circ} 55'$ West 129.12 feet; thence South $17^{\circ} 41' 30''$ East 171.11 feet; thence North $74^{\circ} 24'$ East 14 feet more or less; thence South $11^{\circ} 40'$ East 728 feet more or less to a point on a line 197.60 feet north of and parallel to the north right-of-way line of Bloomberg Road; thence North $89^{\circ} 43' 18''$ East to a point 213.67 feet South $89^{\circ} 43' 18''$ West of the west right-of-way line of Interstate Highway No. 5; thence South $23^{\circ} 45'$ East 118.94 feet; thence South $04^{\circ} 15'$ East 97.50 feet; thence North $89^{\circ} 55'$ East 91.9 feet; thence South $19^{\circ} 51'$ East 40 feet; thence South $89^{\circ} 55'$ West 10 feet more or less; thence South 179.7 feet; thence West 40 feet more or less; thence South 169.1 feet; thence East 195 feet more or less; thence South 730 feet more or less; thence North $89^{\circ} 40'$ East 185 feet more or less to the west right-of-way line of Interstate Highway No. 5; thence Northerly and Westerly along said right-of-way 800.2 feet more or less to the point of intersection of the north line of Fir Cove Road and the West right-of-way line of Interstate Highway No. 5; thence North $17^{\circ} 41' 30''$ West 319 feet more or less to the north line of Bloomberg Road said point also being the Point of Beginning in Lane County, Oregon.

ALSO to be zoned to C-2 Neighborhood Commercial District

Beginning at a point at the intersection of the north right-of-way line of County Road No. 95, more commonly known as Franklin Boulevard, and the west right-of-way line of the Southern Pacific Railroad; run thence north $23^{\circ} 37'$ West 449.97 feet more or less; thence Southerly and Easterly along the easterly and northerly right-of-way line of said County Road to the Point of Beginning in Lane County, Oregon.

ALSO to be zoned to C-2 Neighborhood Commercial District

Beginning at the southeast corner of the A. H. Coryell D.L.C. No. 59 in Twp. 18S, R3W, W.M. run thence Northerly along the west right-of-way line of the Southern Pacific Railroad 153 feet; thence South $72^{\circ} 18' 30''$ West 104.09 feet; thence Southerly along the east right-of-way line of Interstate Highway No. 5, 875 feet more or less; thence due East to the west right-of-way line of the Southern Pacific Railroad 40 feet more or less; thence Northerly along said railroad right-of-way line 768 feet more or less to the Point of Beginning in Lane County, Oregon.

*AREA B: Area to be zoned to C-3 Commercial District

Beginning at the southeast corner of the William Moore Donation Land Claim No. 60, Twp. 18S, R3W, W.M. run thence South $89^{\circ} 36' 40''$ along the South line of said D.L.C. 310.38 feet to the Easterly margin of Interstate No. 5; thence following the said Easterly margin North $17^{\circ} 41' 30''$ West 1771.28 feet to a point opposite and 100.00 feet Easterly of centerline Station L² 348 ± 00; thence North $12^{\circ} 47' 35''$ West 702.57 feet to a point opposite and 160.00 feet Easterly of centerline station L² 341 ± 00; thence North $03^{\circ} 06' 55''$ East 508.14 feet to a point opposite and 340.50 feet Easterly of centerline Station L² 336±25; thence Easterly 40 feet more or less to the West right-of-way of the Southern Pacific Railroad; thence South-easterly along said right-of-way line 2950 feet more or less; thence Southerly 100 feet more or less to the Point of Beginning in Lane County, Oregon.

AREA B: Area to be zoned to PR Public Reserve District

Beginning at the intersection of Interstate Highway No. 5 and the Southern Pacific Railroad in Section 14, Twp. 18 South, Range 3 West 1920 feet more or less south-easterly from the southeast corner of the W. Moore D.L.C. No. 60; thence North-westerly from said point along the west right-of-way line of the Southern Pacific Railroad 770 feet more or less; thence West 440 feet; thence Southeasterly along the east right-of-way line of Interstate Highway No. 5 to the point of intersection of said right-of-way line with the west right-of-way line of the Southern Pacific Railroad, said point also being the Point of Beginning in Lane County, Oregon.

AREA G - Area to be zoned to R-1 Suburban District

Beginning at the southeast corner of Lot 1 in Block 1 of the Cochen Plat as recorded in Book W, Pages 349 and 512 in Lane County, Oregon Plat Records, run thence easterly 226 feet; thence northerly 50 feet more or less; thence North 25° 00' East 270.77 feet; thence South 04° 00' East 30 feet more or less; thence easterly 130 feet to the west right-of-way line of Interstate Highway No. 5; thence southerly along said right-of-way line 345 feet more or less; thence easterly 224 feet; thence South 03° 32' East 240 feet; thence westerly 231 feet to the centerline of the 1/2 mile wide right-of-way in Block 5 of the Cochen Plat; thence southerly along said line 150 feet; thence easterly 150 feet; thence northerly to a point 48.28 feet south of the southwest corner of Lot 5 in Block 5 in the Cochen Plat; thence North 07° 20' East 466 feet; thence southerly along the west right-of-way line of Interstate Highway No. 5, 190 feet more or less; thence South 25° 38' West 490 feet; thence westerly 770 feet; thence northerly 466 feet; thence westerly to the southwest corner of Lot 8, Block 3 in the Cochen Plat, 25 feet more or less; thence northerly 1134 feet to the Point of Beginning in Lane County, Oregon.

AREA C - Area to be zoned to C-3 Commercial District

Beginning at the point of intersection of the north right-of-way line of "A" Street, as recorded in the Cochen Plat in Book W, Pages 349 & 512 in Lane County, Oregon and the east right-of-way line of Pacific Highway U.S. 99; thence running northerly 400 feet more or less along the right-of-way line of said Highway to its intersection with the south right-of-way line of the Old Willamette Highway; thence easterly along the south right-of-way line of the Old Willamette Highway 695.95 feet; thence southeasterly along the west right-of-way line of Interstate Highway No. 5, 369.78 feet more or less; thence South 86° 59' 10" West 120 feet; thence North 4° 00' West 32 feet more or less; thence South 85° 53' West 279.8 feet; thence southerly 120.68 feet; thence South 85° 53' West 340.95 feet; thence northerly 15 feet more or less to the most northerly boundary of the Cochen Plat as recorded in the Lane County, Oregon Plat Records; thence westerly along said boundary 344.9 feet to the point of beginning in Lane County, Oregon.

ALSO to be zoned to C-3 Commercial District

Beginning at the intersection of the east line of Highway 99 and the south line of County Road 906; thence run South 65° 00' East 610 feet along the south line of County Road 906; thence South 15° 25' West 430.8 feet to a point about 330 feet from the west line of Interstate No. 5 when measured at right angles thereto; thence southeasterly parallel to and 350 feet from the west right-of-way of Interstate Highway No. 5, 936 feet when measured at right angles thereto; thence North 65° 0' West 180 feet to the east line of Highway No. 99; thence North 3° 30' West along said east line 189.9 feet to the Point of Beginning in Lane County, Oregon.

ALSO to be zoned to C-3 Commercial District

Lots 2, 3, 6 & 7, Block 1 and Lots 2, 3, 6 & 7, Block 2 of the Cochen Plat as platted and recorded in Book W, Pages 349 & 512, Lane County, Oregon Plat Records.

ALSO to be zoned to C-3 Commercial District

Beginning at the southwest corner of the W. Riggs D.L.C. No. 40; run thence North 51.3 feet; thence Northwesterly along the east right-of-way of the Southern Pacific Railroad 222 feet more or less to the west line of Old Highway No. 99; thence easterly 9 feet on the west right-of-way line; thence South 32° 06' East along said right-of-way line 308.16 feet to the south line of D.L.C. No. 40; thence westerly 84.70 feet to the Point of Beginning in Lane County, Oregon.

ALSO to be zoned to PR Public Reserve District

Glendora Tracts in Section 14 of Twp. 18 South, Range 3 West, Lots 1, 4, 5, 6, 7 & 8 of Block 3 as recorded in Book 12, Page 21, in the Lane County, Oregon Plat Records, and the Northerly 1/2 of Lots 9 and 10 in said plat described as follows:

Beginning at a point on the East line of Lot 9 of Block 3 in said plat, 20 feet North of the Southeast corner of said lot; run thence North 120 feet to the South line of Lot 6 of said plat; thence West along said South line 90 feet; thence North to a point 136.83 feet from the South right-of-way line of Interstate Highway No. 5; thence West 90 feet; thence South 38 feet; thence Southeasterly along a straight line to the Point of Beginning in Lane County, Oregon.

ALSO to be zoned to C-3 Commercial District

Beginning at the southwest corner of Lot 11, Block 3 in Glendora Tracts as recorded in Book 12, Page 21 in the Lane County, Oregon Plat Records; run thence East 395.01 feet; thence South 219.45 feet to the northerly right-of-way line of the Old Willamette Highway; thence North 89° 11' 30" West, 256.68 feet; thence Northwesterly along the east line of U.S. 99, 273.84 feet to the Point of Beginning in Lane County, Oregon.

ALSO to be zoned to C-3 Commercial District

Beginning at a point on the West line of Lot 15 of Block 3 in said Plat South 38 feet from the Northwest corner of said lot; run thence South 125 feet more or less to the North right-of-way line of the Old Willamette Highway; thence South 89° 11' 30" East 180 feet; thence North 20 feet; thence Northwesterly along a straight line from said point to the Point of Beginning in Lane County, Oregon.

AREA C: Area to be zoned to M-2 Light Industrial District

Goshen Plat in Section 23 of Twp. 18 South, Range 3 West, W.M. Block 3, Lots 2, 3, 6 & 7 as recorded in Book W, Page 349 & 512 in Lane County, Oregon Plat Records.

ALSO to be zoned to M-2 Light Industrial District

Beginning at a point on the south right-of-way line of "D" Street in Goshen, Oregon at its intersection with Pacific Highway U.S. 99, thence North 86° 30' East 200 feet; thence Southerly along a line parallel to said Highway 400 feet; thence Westerly along a line parallel to said "D" Street 200 feet; thence Northerly along the east right-of-way line of Pacific Highway U.S. 99, 400 feet to the Point of Beginning in Lane County, Oregon.

AREA C: Area to be zoned to M-3 Heavy Industrial District

Beginning at a point South 89° 40' West 729.3 feet and North 0° 49' East 2395.8 feet from the southeast corner of the Bethana Spawm D.I.C. No. 42; thence North 89° 05' 10" West to a point 1373 feet west of the west line of the Southern Pacific Railroad right-of-way; thence North 00° 59' 45" East 1791.5 feet; thence Easterly to a point 458 feet west of the west right-of-way line of the Southern Pacific Railroad; thence northerly parallel to the Southern Pacific Railroad 307 feet; thence Easterly 458 feet to the west right-of-way line of said railroad; thence South 3° 30' East 2192.2 feet; thence North 89° 05' 10" West 1353 feet more or less to the Point of Beginning in Lane County, Oregon.

ALSO to be zoned to M-3 Heavy Industrial District

Beginning at the southeast corner of the Silas Severin D.L.C. No. 41 in Twp. 18 South, Range 3 West; run thence North 26° 07' East 416.7 feet; thence Northerly parallel to Pacific Highway U.S. 99, 670 feet more or less to a point 400 feet south of the south line of "D" Street in Goshen; thence Westerly 580 feet more or less to the east right-of-way line of Pacific Highway U.S. 99; thence South 3° 30' East 1958.56 feet to the intersection of Pacific Highway U.S. 99 and the north line of County Road 906; thence South 65° 00' East 378.61 feet; thence North 25° 00' East 240.5 feet; thence North 65° 00' West 121.43 feet; thence North 0° 35' 405.02 feet to the Point of Beginning in Lane County Oregon.

ALSO to be zoned to M-3 Heavy Industrial District

Beginning at a point on the westerly right-of-way line of the Southern Pacific Railroad 722.04 feet North 03° 30' West from a point on the southerly line of the Milton Riggs D.L.C. No. 57, Twp. 18 South, Range 3 West of the Willamette Meridian; thence North 65° 00' West 457.88 feet; thence North 12° 55' East 622.80 feet; thence North 65° West 235 feet more or less to the East right-of-way line of County Road No. 893, commonly known as Hampton Road; thence North 25° 00' East 899 feet to the intersection of said County Road and the West right-of-way line of the Southern Pacific Railroad; thence South 3° 30' East 1826.60 feet to the Point of Beginning in Lane County, Oregon.

AREA C: Area to be zoned to PR Public Reserve District

Beginning at the northwest corner of Lot 1 in Block 5 of the Goshen Plat as recorded in Book W, Pages 349 & 512 in the Lane County, Oregon Plat Records; run thence Easterly 233 feet more or less to the most easterly boundary of said Plat; thence North 03° 52' West along said easterly boundary 240 feet; thence North 87° 00' East 493.6 feet more or less to the west right-of-way of Interstate Highway No. 5; thence Southeasterly along said right-of-way line 480 feet more or less; thence South 87° 20' West 666 feet to a point on the east line of Lot 5, Block 5 of the Goshen Plat 48.28 feet south of the northeast corner thereof; thence Southerly 111.72 feet along the west line of Second Street to the north line of "C" Street; thence Westerly along the north line of "C" Street 167 feet; thence Northerly 334 feet along the centerline of the 14 foot north south alley in Block 5 to the Point of Beginning in Lane County, Oregon.

ALSO to be zoned to PR Public Reserve District

Beginning at the southwest corner of the Washington Riggs D.L.C. No. 40 in Twp. 18 South, Range 3 West, W.M.; run thence Southerly along the east line of the Southern Pacific Railroad to the intersection of said line with the west line of the Pacific Highway U.S. 99; thence Northerly along the West line of said Highway to a point north 89° 16' East of said D.L.C. No. 40; thence South 89° 16' West to the Point of Beginning in Lane County, Oregon.

ALSO to be zoned to PR Public Reserve District

Beginning at the southwest corner of the Washington Riggs D.L.C. No. 40 in Twp. 18 South, Range 3 West, W.M.; run thence West along the south line of Section 14, Twp. 18 South, Range 3 West 176 feet; thence South 549.4 feet to a point which is 1045.0 feet east and 549.4 feet south of the quarter corner on the south line of said Section 14; thence West 312.9 feet; thence Southerly 269 feet to a point 818.4 feet south and 732.1 feet east of the quarter section corner on the south line of said Section 14; thence Westerly 590.2 feet; thence North 00° 59' 45" East 594 feet; thence Westerly 411.9 feet to a point 270 feet west of a north-south centerline of Section 23; thence North 224.4 feet to the south line of Section 14;

thence South 89° 55' West 760 feet; thence Northeasterly 478 feet; thence Northerly 1765 feet along a line 770 feet west from the north-south centerline of said Section 14 to the westerly right-of-way line of Interstate Highway No. 5; thence Southeasterly along said right-of-way line to the intersection of said right-of-way line and the westerly right-of-way line of the Southern Pacific Railroad; thence Southeasterly along the westerly right-of-way line of the Southern Pacific Railroad to the southwest corner of D.L.C. No. 40 being the Point of Beginning in Lane County, Oregon.

AREA D: Area to be zoned to AGT-TP Agriculture, Grazing, Timber Raising-Trailer Park District

Beginning at a point on the southerly line of the Washington Riggs D.L.C. No. 40 in Twp. 18 South, Range 3 West of the W.M. 147.08 feet South 88° 43' East from the re-entrant corner in said claim and running thence South 88° 43' on said line 272.03 feet; thence North 208.71 feet; thence North 88° 43' West 292.03 feet; thence South 208.71 feet to the Point of Beginning in Lane County, Oregon.

AREA E: Area to be zoned to M-2 Light Industrial District

Beginning at a point on the east line of the West 1/2 of the John F. Wooley D.L.C. No. 56 in Twp. 18 South, Range 3 West, W.M. at its intersection with the northerly right-of-way line of the Willamette State Highway No. 58; thence run along said east line North 0° 02' East 726.0 feet; thence North 60° 00' 30" West parallel with the northerly line of said Highway No. 58 right-of-way 346.26 feet; thence South 0° 02' West 726.00 feet to a point on the Northerly right-of-way line of said Highway No. 58; thence South 60° 00' 30" East 346.26 feet to the Point of Beginning in Lane County, Oregon.

Special Structure and Building Setback Requirements

The following special setback requirements which are exceptions to setback requirements of the Lane County Zoning and Land Use Ordinance No. 4 are hereby established:

All structures or buildings shall hereafter be located, moved, erected, constructed, or structurally repaired or altered or added to so that no portion thereof shall extend nearer than the distances hereafter shown when measured from and at right angles to the centerline of the below-named streets:

30th Avenue from Interstate 5 to the Eugene city limits: 125 feet from the centerline.

Franklin Boulevard (old Highway U.S. 99) from the McVey Overcrossing (opposite the confluence of the Middle and Coast Forks of the Willamette River) to the south line of Section 35, T18S, R3W, W.M.: 50 feet from the centerline.

Willamette Highway U.S. 58 from the Goshen Interchange to the Coast Fork of the Willamette River: 125 feet from the centerline.

and are subject to the regulations provided therefor in Lane County Zoning and Land Use Regulation Ordinance No. 4, as amended, known as the "Zoning Plan of the County of Lane, State of Oregon", pursuant to O.R.S. Chapter 215.

Approved and recommended for enactment by the affirmative vote of the Lane County Planning Commission this 28th day of June, 1966, after giving due notice of public hearing and holding a public hearing on the 28th day of June, 1966.

John B. Leahy
Chairman

Howard W. Rufford
Secretary

Enacted this 27 day of July, 1966.

James P. ...
Chairman of the Board of County Commissioners of Lane County

Ruby Wintner
Recording Secretary of the board at the meeting at which this ordinance was enacted

1. UNZONED TO RA 59-007 (ALL LOTS N. OF MIDDLE FORK) 18 MAY 59
2. UNZONED TO AGT AND M-1 60-025 (REMAINDER OF MAP) WITHDRAWN
3. UNZONED TO AGT AND C-2 66-091 (TO C-2: TL 700; TO AGT: REMAINDER OF MAPS. OF MIDDLE FORK) 25 AUG 66
4. AGT TO RG 66-133 (TL 1600) DENIED
5. AGT TO RG 67-057 (TL 1600) WITHDRAWN
- 1A RA TO RA-TP 60-010 (TL 1700) WITHDRAWN
- ~~6. RA TO RA/MH (TL 1700) Ord. 587 9 JUNE 76~~
- ~~7. AGT TO S-G Ord. 587 9 JUNE 76 (ZC 76-240)~~
- ~~8. AGT TO M-2 Ord. 587 9 JUNE 76~~
- ~~9. AGI TO AGT-S Ord. 587 9 JUNE 76~~

01

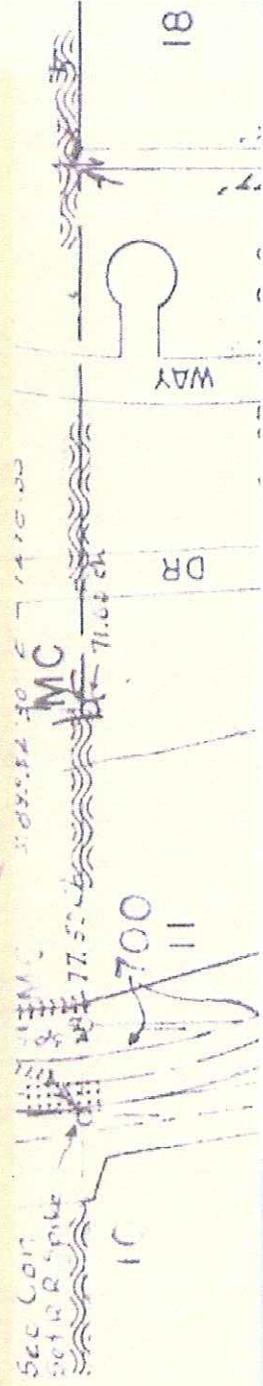


EXHIBIT 7

FILED AT _____ O'CLOCK _____ M

DEC -2 1976

B. M. PENFOLD, Director of the Dept. of Records and Elections of Lane County
BY Keith Fisher

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

LANE COUNTY ZONING AND LAND USE ORDINANCE NO. 604

-) Rezone certain land in Sections 1, 11
-) and 12, Township 18 South, Range 3 West;
-) Sections 6, 8, and 9, Township 18 South,
-) Range 2 West, W.M., from Agriculture,
-) Grazing, Timber Raising (AGT) District or
-) Farm-Forestry 20 (FF-20) District to
-) Sand, Gravel and Rock Products (S-G)
-) District

The Board of County Commissioners of Lane County ordains as follows:

Under authority of the applicable sections of ORS and Chapters 10 and 12 of Lane Code, the land described on Exhibit "A", attached hereto and incorporated herein by reference and depicted on the attached maps, is hereby rezoned from Agriculture, Grazing, Timber Raising (AGT) District or Farm-Forestry 20 (FF-20) District to Sand, Gravel and Rock Products (S-G) District.

Enacted this 10 day of December, 1976.

Robert C. Wood
Chairman, Lane County Board of Commissioners

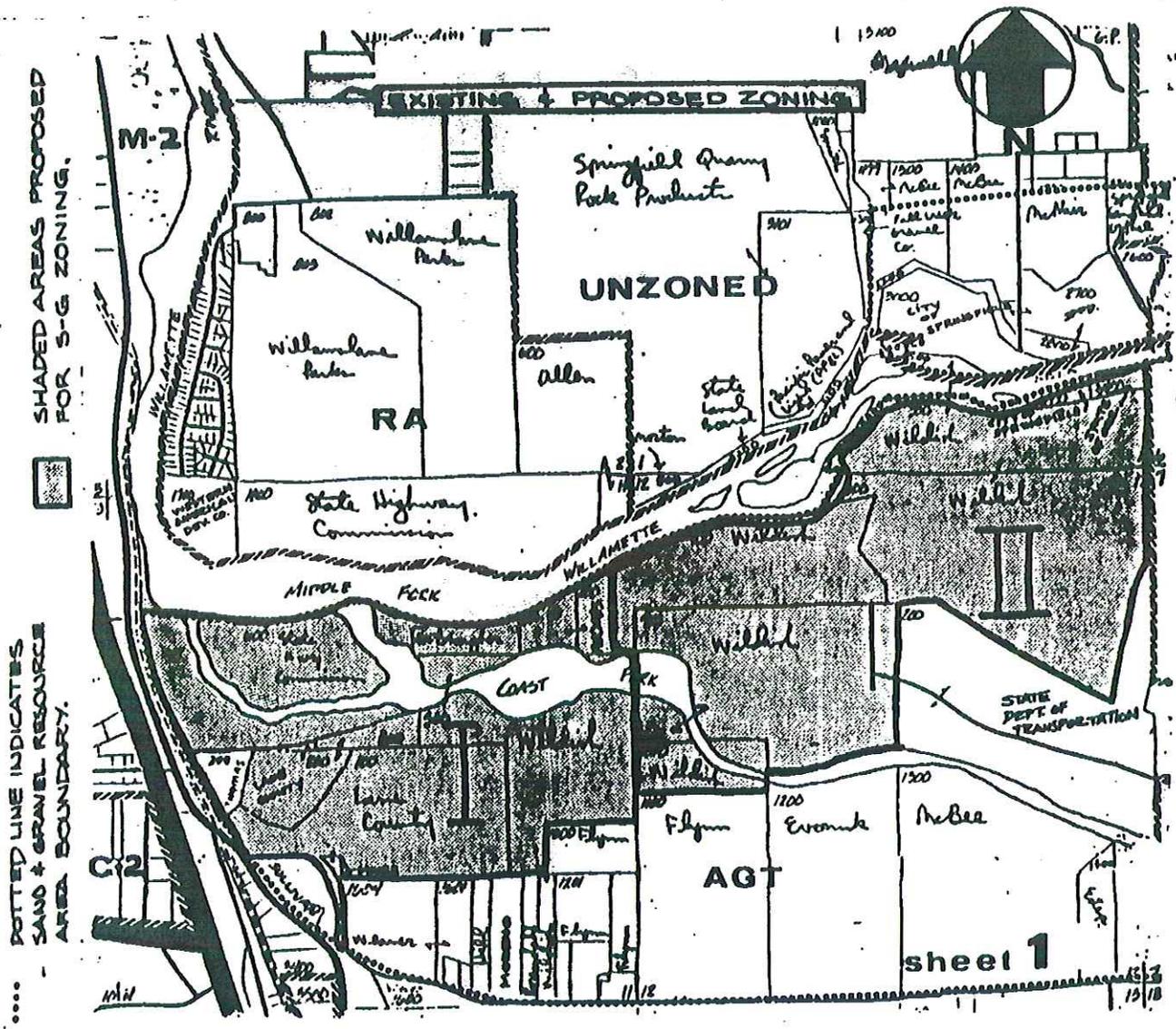
Rachel C. Lawrence
Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM
DATE 11/17/76 lane county
Heidi Z. Keefe
OFFICE OF LEGAL COUNSEL

After public hearing this 12th day of October 1976, the rezoning cited in the hereinabove ordinance was approved by the Lane County Planning Commission and is recommended for enactment.

James Dell
Acting Secretary, Lane County Planning Commission

EXHIBIT 8



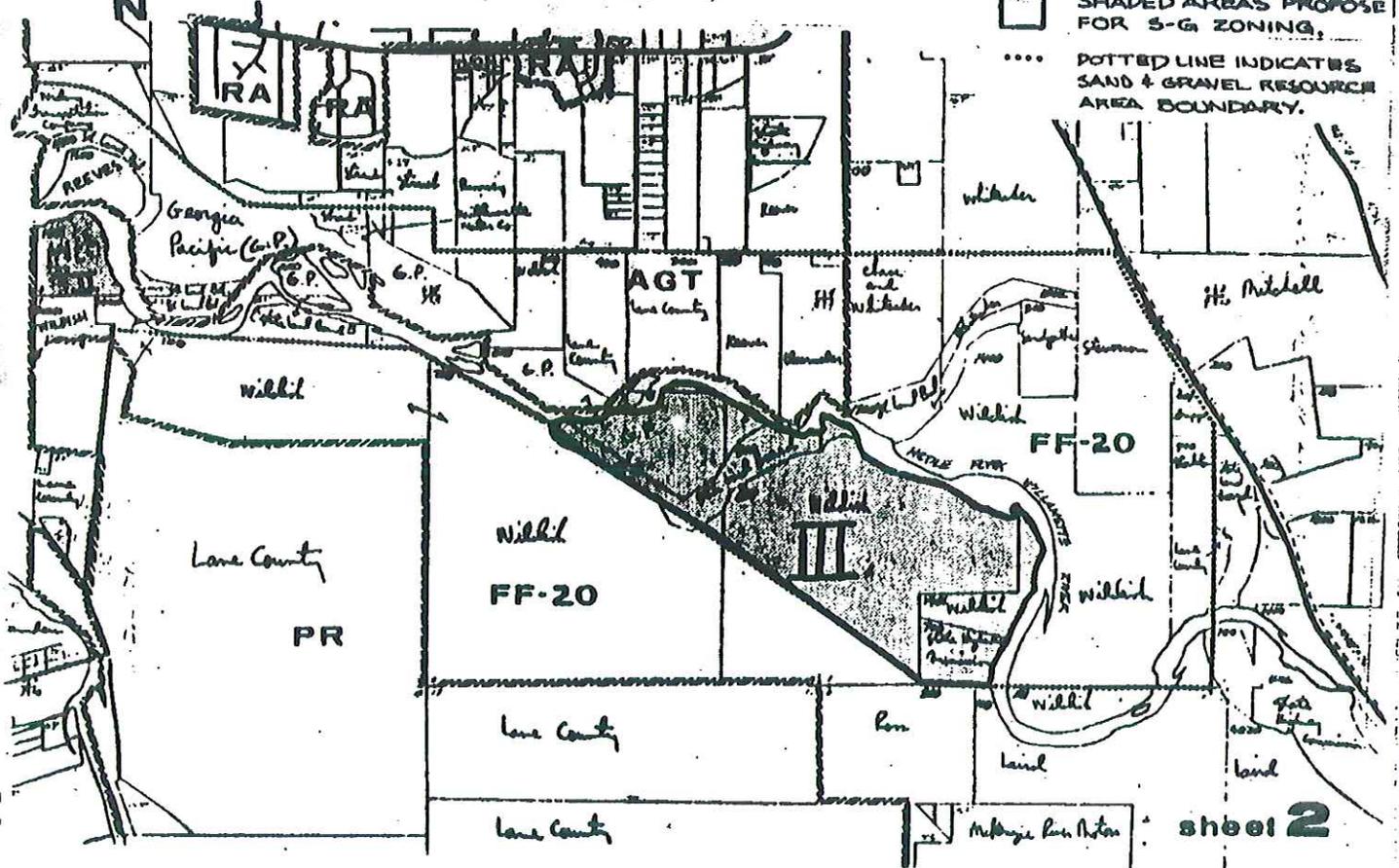
Ordinance No. 604
 LCPC by Initiation, ZC 76-240

Page 1 of 2



EXISTING & PROPOSED ZONING

SHADED AREAS PROPOSE FOR S-G ZONING,
DOTTED LINE INDICATES SAND & GRAVEL RESOURCE AREA BOUNDARY.



Ordinance No. 604
LCPC by Initiation, ZC 76-240

sheet 2

Internet Explorer window showing a GIS application titled "Zone & Plan Maps". The browser address bar shows "lanecounty.org". The page title is "Comments or Questions? | lanecounty.org".

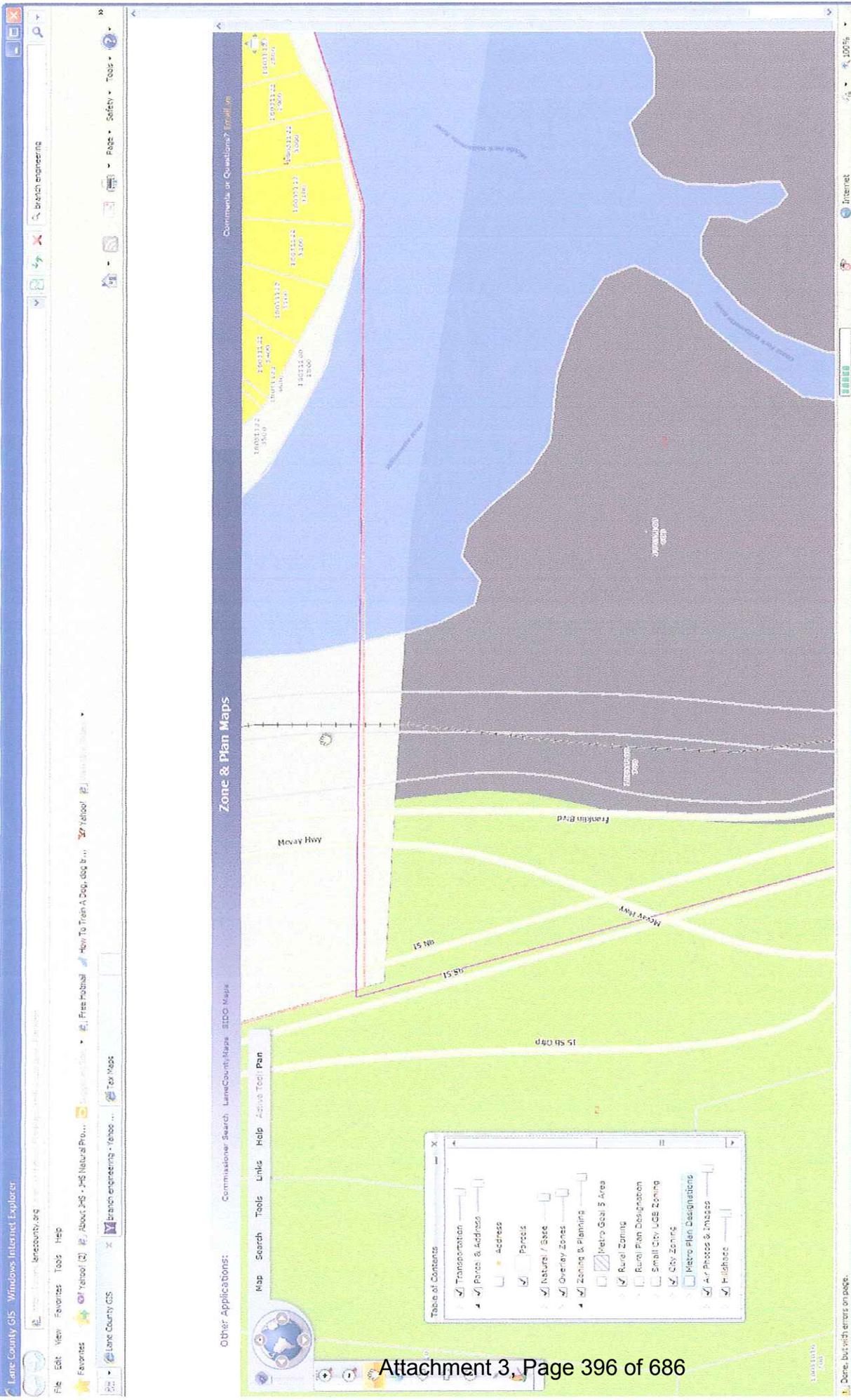
The GIS interface includes a menu bar with "Map Search Tools Links Help Active Tools Zoom In". Below the menu is a search bar and a "Commissioner Search LaneCounty/Mapz SIDO Maps" dropdown.

The main map area displays a geographic area with various colored overlays representing different zones and plans. A large blue area represents a water body, likely a reservoir or lake. Surrounding areas are colored in shades of green, yellow, orange, pink, and purple, indicating different land use zones. Labels on the map include "15 SB 04P", "15 SB", "Mevay Hwy", "Private Road", and "Hwy 101".

In the bottom right corner, there is a "Table of Contents" window with the following items:

- Transportation
- Parcel & Address
- Address
- Parcels
- Natural / Base
- Overlay Zones
- Zoning & Planning
- Metro Gov. 5 Area
- Rural Zoning
- Rural Plan Designation
- Small City UGB Zoning
- City Zoning
- Metro Plan Designations
- Air Photo & Images
- Highways

The status bar at the bottom of the browser window shows "Internet" and "100%".



FILED

AT O'CLOCK M

FEB 08 1982

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

D. W. CONNOLD, Director of
General Services of Lane County

BY *[Signature]*
DEPUTY

ORDINANCE NO. 856

) IN THE MATTER OF AMENDING THE
) EUGENE-SPRINGFIELD METROLOLITAN
) AREA GENERAL PLAN, AN ELEMENT
) OF THE GENERAL PLAN FOR LANE
) COUNTY

WHEREAS, the Board of County Commissioners adopted the Eugene-Springfield Metropolitan Area General Plan on August 27, 1980 (Ordinance No. 9-80) and amended said Plan on October 15, 1980 (Ordinance No. 9-80A); and

WHEREAS, the Oregon State Land Conservation and Development Commission reviewed the Eugene-Springfield Metropolitan Area General Plan for compliance with Statewide Goals and on September 24, 1981 granted Lane County, along with the City of Eugene and the City of Springfield, a 150-day continuance in order to complete necessary revisions to the Plan; and

WHEREAS, the Board of County Commissioners has received from the Lane County Planning Commission a resolution dated December 8, 1981, of record herein, recommending certain amendments to the Eugene-Springfield Metropolitan Area General Plan; and

WHEREAS, the Board of County Commissioners has received and considered the Eugene-Springfield Metropolitan Area General Plan, as adopted on August 27, 1980 and revised on October 15, 1980; proposed Metropolitan Plan Amendments (Copy attached hereto and indicated as Revised Appendix "B"); and public testimony and correspondence relating hereto; and

WHEREAS, the Board of County Commissioners has performed its public hearing and other duties in accordance with applicable law, including conducting public hearings with the Eugene and Springfield City Councils, and, therefore,

THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY ORDAINS AS FOLLOWS:

That the Eugene-Springfield Metropolitan Area General Plan as adopted and amended by Ordinance No.'s 9-80 and 9-80A, respectively (copy attached hereto and indicated as Appendix "A"), as amended by further action of the Board (text and diagram changes attached and indicated as Revised Appendix "B"), and also including exceptions to Statewide Goals No. 3 and 4 as presented in Appendix "C", and findings in support of the amendments contained in Appendix "D", be ADOPTED.

EXHIBIT 10

In the Matter of Amending the Eugene-Springfield Metropolitan Area General Plan, An Element of the General Plan for Lane County

Further intended that the following documents (Working Papers), on file in the Lane County Planning Division Offices, be recognized as supportive technical information used in the preparation of the Plan Amendments: Agricultural Lands Addendum, Forest Land Revision, Natural Resource Areas, Noise, Groundwaters, Economy Addendum, Emergency Medical Services, River Road/Santa Clara Facilities Plan, Willamette River Greenway Addendum, Natural Resource Areas: Conflict Resolution for Significant Areas.

This Ordinance shall take effect thirty (30) days from enactment hereof.

ENACTED this 3rd day of February, 1982.

Scott Linnallen
Chairman, Board of County Commissioners

Lee S. Ambraseen
Recording Secretary for this Meeting of the Board

After public hearing of December 8, 1981, the amendment cited in the hereinabove Ordinance was considered by the Lane County Planning Commission.

Lee Miller
Secretary, Lane County Planning Commission

APPROVED TO BE FILED
DATE 12/19/81
W. H. ...
OFFICE OF LANE COUNTY COUNSEL

In the Matter of Amending the Eugene-Springfield Metropolitan Area General Plan, An Element of the General Plan for Lane County

METROPOLITAN PLAN UPDATE
EXCEPTIONS

- I. INTRODUCTION
- II. AIRPORT
- III. LANE COMMUNITY COLLEGE CAMPUS
- IV. OTHER "BUILT UPON OR COMMITTED" LANDS
 - 1. Clearwater Lane, Area No. 1
 - 2. East Thurston, Areas No. 2A, 2B, 2C
 - 3. North 74th Street, Area No. 3
 - 4. Chapman Drive, Area No. 4
 - 5. River Loop No. 1, Area No. 5
 - 6. Willamette Valley Dog Kennel, Area No. 6
 - 7. Royal Avenue, Area No. 7
 - 8. Bonnie Heights Area No. 8
 - 9. Oak Hill Drive, Area No. 9
 - 10. Willow Creek Road, Area Nos. 10A & 10B
 - 11. Gimpl Hill Road, Area Nos. 11A & 11B
 - 12. Bailey Hill Road, Area No. 12
 - 13. Bloomberg Road, Area Nos. 13A & 13B

Lane Council of Governments
125 E. 8th Avenue
Eugene, Oregon 97401

This is one in a series of working papers prepared to bring the Metropolitan Plan into compliance with the Oregon Land Conservation and Development Commission's statewide planning goals - particularly Goal 2, "Land Use Planning", Goal 3, "Agricultural Lands" and Goal 4 "Forest Lands".

Appendix C

A. INTRODUCTION

Statewide planning goals, as adopted and interpreted by the Oregon Land Conservation and Development Commission (LCDC), require comprehensive plans to protect resource (agricultural and forest) lands in rural areas. Within the Metropolitan Plan area, rural lands outside the urban growth boundary are included.

A separate Metropolitan Plan working paper (April 1978) and addendum (October 1981) address statewide Goal 3, "Agricultural Lands." Agricultural lands are defined in LCDC Goal 3:

Agricultural Land - in western Oregon is land of predominantly Class I, II, III, and IV soils as identified in the Soil Capability Classification System of the United States Soil Conservation Service, and other lands which are suitable for farm use taking into consideration soil fertility, suitability for grazing, climatic conditions, existing and future availability of water for farm irrigation purposes, existing land use patterns, technological and energy inputs required, or accepted farming practices. Lands in other classes which are necessary to permit farm practices to be undertaken on adjacent or nearby lands, shall be included as agricultural land in any event.

A revision (October 1981) to the April 1978 Metropolitan Plan working paper addresses statewide Goal 4, "Forest Lands." In that revised working paper, forest lands are defined as follows:

1. All lands having soil capability (based on site index conversion to cubic foot site class rating 2-5) for production of commercial Douglas Fir forest, and
2. All forested lands as indicated in the inventory of vegetative cover types described in the "Vegetation/Wildlife Habitat" Working Paper, L-COG, April 1978.

The inventory identifies forest land based on multiple values including:

- | | |
|-------------------------|----------------------|
| 1) commercial | 6) soil protection |
| 2) wildlife habitat | 7) scenic resources |
| 3) fish habitat | 8) livestock grazing |
| 4) recreation use | 9) other urban uses |
| 5) watershed protection | |

Based upon statewide land use planning requirements and based upon the definitions and inventories referenced above, agricultural and forest resource lands must be designated for resource use. Once the plan designation is determined, the land must be zoned to protect the resource.

Designation of any non-resource use on rural lands outside the urban growth boundary is subject to the "exceptions" requirements of LCDC statewide Goal 2, "Land Use Planning."

On May 3, 1979, the LCDC adopted as policy, a March 10, 1978 Information Paper on the "Exceptions" Process. That paper states:

Simply stated, the Exceptions Process is a method for describing how the land use requirements of certain Statewide Goals have been balanced against local land use needs, as those needs apply to specific situations. In some situations, the specific requirements of certain Statewide Planning Goals may conflict with one of the community's site specific land use needs. The Exceptions Process provides the flexibility to deal with those kinds of conflicts.

The Exception itself is the documentation of a city or county's conclusion that "it is not possible to apply" a particular goal to certain land areas. That conclusion must be based on a justified need for a use, not otherwise allowed by a goal, to be located in a specific area. The conclusion must be well supported by compelling reasons and facts, as outlined in question 4.

It must be clearly understood that the Exceptions Process is not to be used to indicate that a jurisdiction disagrees with a goal or does not wish to comply with a specific goal.

The exceptions process and requirements for exceptions have evolved from Goal 2 interpretations established by LCDC decisions and policy and have been further defined by court cases and decisions of the Land Use Board of Appeals (LUBA).

Three levels of test are covered in the exceptions process:

1. "Built Upon" - This level of exception is based upon actual development. Detailed findings of fact are necessary to reach a conclusion that resource lands are "built upon." Factors for making those findings are discussed under number 2 below. If a specific "built upon" area is accompanied by findings of fact sufficient to conclude the specific area cannot be used for resource purposes, those findings need not be included as part of the Plan, but must be subject to public review.
2. "Committed" - This level of exception is based upon commitment to non-resource use determined by the following factors:
 - a) actual level of development and use,
 - b) adjacent uses,
 - c) parcel size and ownership patterns on neighboring properties,
 - d) neighborhood and regional characteristics,
 - e) natural boundaries, and
 - f) other relevant factors

As with "built upon" lands, detailed findings of fact are necessary to reach a conclusion that resource lands are "committed" to non-resource use. A key finding must be made, based on the factors above, that the "committed" lands cannot be used for resource purposes. Any combination of the above factors may be sufficient to support that key finding.

"The existence of small parcels, some with dwelling units, in an area of agricultural or forest land simply does not justify a conclusion that the area is somehow committed to non-farm and non-forest uses." 1000 Friends vs. Clackamas County and City of Sandy and Metropolitan Service District vs. Clackamas County LUBA No. 80-075, p. 15. If a specific "committed" area is accompanied by findings of fact sufficient to conclude the specific

area cannot be used for resource purposes, those findings need not be included as part of the Plan, but must be integrated into the Plan adoption procedures and must be subject to public review.

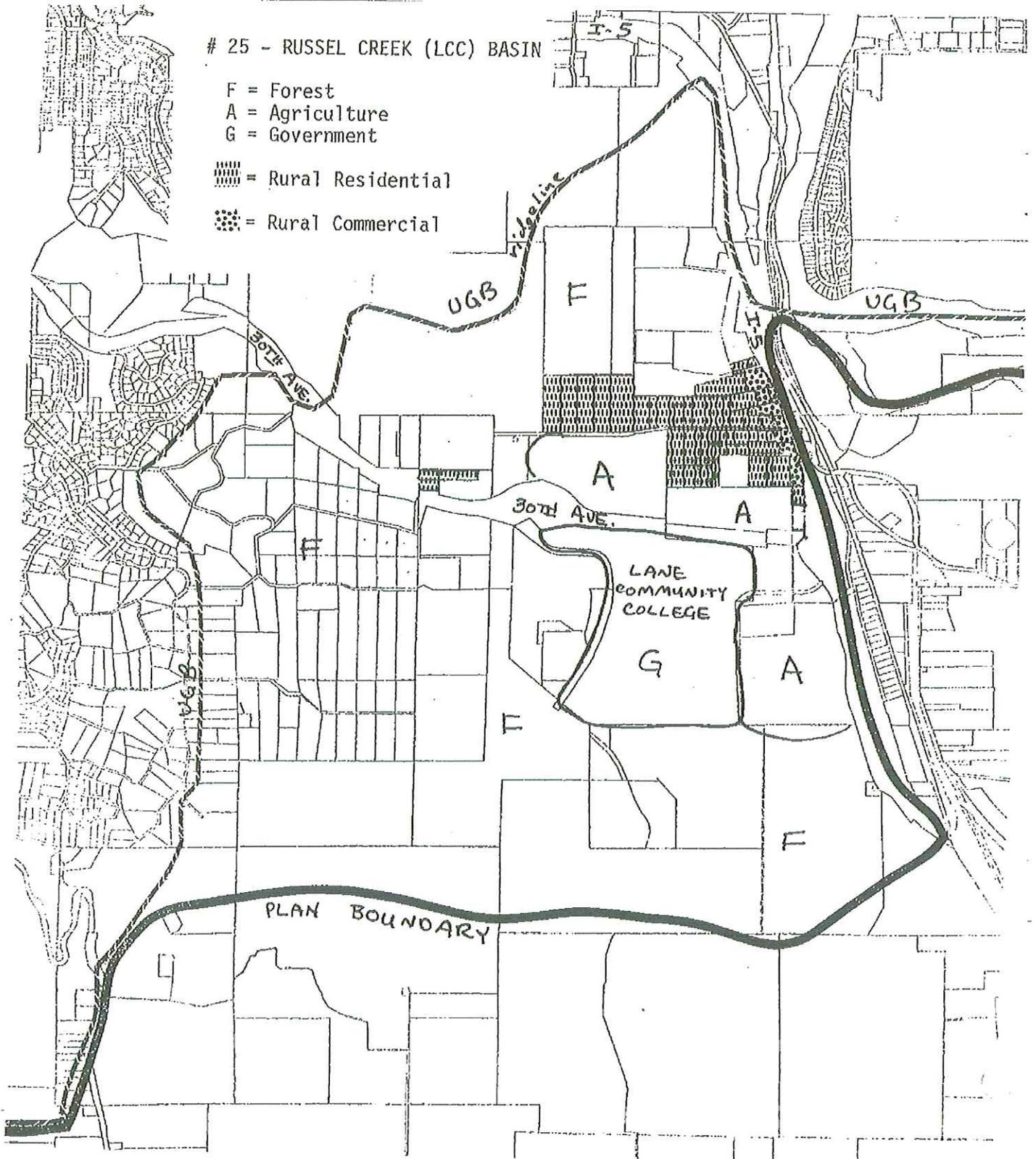
3. "Need" - This level of exception is the most strict and requires application of the more detailed exceptions process. Compelling reasons and specific findings of fact are needed to justify an exception at this third level. These findings of fact must address four key issues outlined in Goal 2:
 - a) Need - Document why these other uses (other than agriculture or forest) should be provided for. Facts and assumptions used as the basis for determining need must be set forth,
 - b) Alternatives - Examine what alternative locations within the area could be used for the proposed non-resource uses. A map showing the location of alternative areas considered which would not require an exception (if any) must be included; the selected site must be identified on the map.
 - c) Consequences - Discuss what the long-term environmental, social, economic and energy consequences to the public and the area would be of not applying the resource goal or of permitting the alternative use. The characteristics of each alternative area, the advantages and disadvantages of using each area for a use not consistent with the goal and the impacts of loss of the area for another use must be described. The reasons why the selected area is the best site available to meet the need must be listed.
 - d) Compatibility - Describe how the proposed uses are compatible with other adjacent uses. The adverse effects of the proposed uses on adjacent land uses must be described.

If compelling reasons and specific findings of fact addressing the factors above justify a conclusion the lands are "needed" for non-resource use, a more stringent exceptions process must be followed than is required for the "built upon" or "committed" lands.

1. The proposed exception must be communicated widely to citizens, affected governments and the LCDC field representative in determining:
 - a) the need for those uses and reasons for exception to the goal, and
 - b) the physical extent of the proposed exception area.

The communication must include "adequate" notice and time for review and comment on the proposed exception.
2. Notice of public hearings incorporating the proposed exception into the Plan must describe the proposed exception, including a summary of issues and area involved in the proposal.
3. Specific opportunity must be provided at public hearings for comment on the proposed exception.
4. If the "need" exception is justified, compelling reasons and facts must be documented (referenced and appended) in the Plan.

5. The exception takes effect when the comprehensive plan or plan amendment is adopted locally.
6. LCDC will review the adequacy and accuracy of the findings of fact and procedures for exceptions under a request for acknowledgment of compliance with Goal 2 when the comprehensive plan or plan amendment is submitted by local government.



This proposed "built upon or committed" exception is located east of Eugene in Township 18, range 3, Sections 10 and 11. McVay Road borders on the east and extends west along Bloomberg Road (See Maps IV-13A and IV-13B, subject property is outlined).

Findings of Fact:

1. This area is located on agricultural soil capability classification III and VI related soils. This area is defined as "agricultural land" in the Metropolitan Plan agricultural inventory.
2. This area is not defined as "forest land" in the Metropolitan Plan forestry inventory.
3. Surrounding land uses are mainly agricultural with a number of the adjacent parcels being vacant (See Maps IV-13A and IV-13B and Tables IV-13A and IV-13B).
4. Forty-seven of the 60 tax lots included in this request, as well as the majority of the surrounding adjacent parcels, are zoned in Lane County as Agricultural, Grazing, and Timber (AGT) the remaining 13 tax lots located along McVay Highway, are zoned in Lane County as Neighborhood Commercial District (C-2) (See Maps IV-13A and IV-13B and Tables IV-13A and IV-13B for further details).
5. The following services are available to this area:
 - a. Public water is provided by Willamette Water Corp. under contract with Eugene Water and Electric Board.
 - b. Bloomberg Road and McVay Highway are paved.
 - c. Sewage disposal is provided by individual subsurface sewage disposal systems.
 - d. Police protection is provided by the Lane County Sheriff's Office.
 - e. School facilities and services are provided by Springfield School District No. 19 except for the extreme western portion which is served by Eugene School District No. 4J.
 - f. Fire protection is provided by the Goshen Rural Fire District.
6. The ownership pattern is fragmented (See Maps IV-13A and IV-13B and Tables IV-13A and IV-13B for ownerships within the "built upon and committed" area and surrounding adjacent parcels).
7. Parcel sizes are small ranging from 0.2 to 5 acres (See Maps IV-13A and IV-13B and Tables IV-13A and IV-13B for further details).
8. Predominate use of parcels within this area is single-family residential; 38 of the 66 tax lots have single-family dwellings located on them; 20 are vacant and 8 have retail commercial uses on them.

9. The small lot size, the pattern of ownership, the current state of development for single-family residential use, and the commitment to rural residential living through subdivision and fragmented public and private service delivery and improvements render this area unsuitable for resource (agricultural) use; lots in this area could not be logically combined with adjacent, surrounding parcels to form economic farming or forest management units.

Recommendation

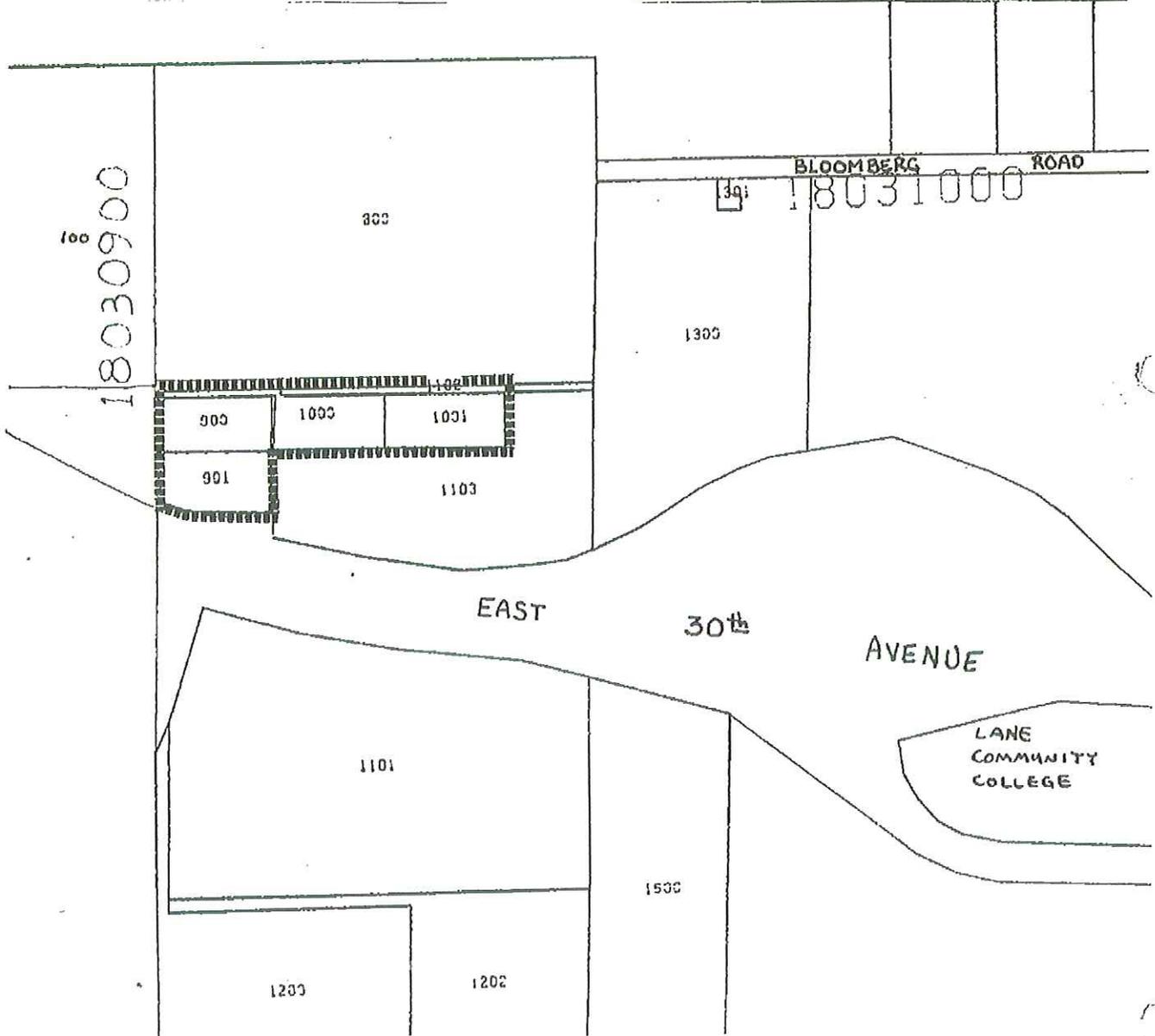
The tax lots stipulated as "built upon or committed" and zoned AGT in Tables IV-13A and IV-13B should be designated "rural residential" in the Metropolitan Plan, and those tax lots zoned C-2 in Table IV-13A should be designated "rural commercial".

METROPOLITAN PLAN UPDATE 1981
MAP NO IV - 13B
BLOOMBERG ROAD, AREA NO. 13B

Exception Area

1300 = Tax Lot No.

Scale: 1" = 400'



IV-100

TABLE IV-13A

MAPLOT	LAND USE(S) USE CODE	PCL SCL	IMPRS	ACRES	ZN3	OWNER NAME(S)
BLOOMBERG RD., AREA #13A - EXCEPTIONS						
18 03 10 00 00100	1111 S	431 150	\$66,710	5.00	AGT	WALD JAMES & WANDA
18 03 10 00 00300	1111 S	431 160	\$86,470	5.08	AGT	JONES DONALD W & HAZEL S
18 03 10 00 00400	1111 S	431 150	\$54,550	5.24	AGT	CHRUSZCH TONY & BERTHA
18 03 10 00 00500	1111 S	431 150	\$54,850	4.98	AGT	BERKEY VICTOR H & DELORAS J BERKEY VICTOR S & V A
18 03 10 00 00600	1111 S	431 140	\$52,630	5.40	AGT	CHAMBERLAIN DONALD R & MARY CUNNINGHAM DONALD O & C J
18 03 10 10 00900	1111 S 1111 S	131 130	\$27,980	0.79 0.40 0.39	AGT	CHURCH EARL T + ZELDA F TR
18 03 10 10 01000	1111 S	221 130	\$53,010	0.41	C2	ATKINSON LARKIN J & IDA L JACOBSON DANIEL C & EDITH
18 03 10 10 01100	9100 V	220 000	\$000	4.57	AGT	TROUTMAN DALLAS & JOY E
18 03 10 10 01101	6379 O 9100 V	221 701	\$982,590	2.39 0.42 1.96	C2	TROUTMAN DALLAS C & JOY E
18 03 10 10 01200	1111 S 9100 V	131 130	\$46,190	2.88 1.68 1.17	AGT	SINGLER JOSEPH G & MARY R DEPT OF VETS
18 03 10 10 01300	9100 V	131 307	\$080	1.31	AGT	WILLEMS GREG ALAN & PAULA K

TABLE IV-13A

MAPLOT	LAND USE(S) USE CODE	BLOOMBERG RD., AREA #13A - EXCEPTIONS PCL SCL IMPRS	ACRES	ZN3	OWNER NAME(S)
18 03 10 01400	9100 V	130 000	\$000	2.12 AGT	VIDMAR ALBERT & ELIZABETH
18 03 10 01500	9100 V	130 000	\$000	1.18 AGT	HOUARDY ALBERTA CHARLOTTE
18 03 10 01501	1111 S	131 140	\$30,290	1.17 AGT	HOUARDY ALBERTA CHARLOTTE
18 03 10 01600	1111 S	131 130	\$13,700	1.42 AGT	LORICKE JOSEPH C
18 03 10 01700	1111 S 9100 V	131 130	\$33,110	2.16 AGT 0.96 1.20	MURRAY EDWARD + ETHEL E
18 03 10 01800	1111 S	131 130	\$26,260	0.92 AGT	MARTIN CARL D & DOROTHY E
18 03 10 01900	1111 S	131 130	\$37,000	0.95 AGT	JONES EARL L & FLORENCE C BROWN MARY ALICE B
18 03 10 02000	1111 S	131 130	\$19,840	1.07 AGT	JONES EARL L + FLORENCE C BROWN MARY ALICE B
18 03 10 02100	9100 V	130 000	\$000	1.09 AGT	BARTHELEMY EDWARD N & M M
18 03 10 02300	9100 V	130 000	\$000	2.32 AGT	BARTHELEMY EDWARD N & M M
18 03 10 02400	1111 S 1300 Q	221 411	\$69,960	1.23 C2 0.79 0.45	KINYON ROBERT R
18 03 10 02500	5530 R	221 444	\$59,310	0.44 C2	SANDELMAN SANFORD UNION OIL CO OF CA

TABLE IV-13A

MAPLOT	LAND USE(S)	USE CODE	PCL SCL	IMPRS	EXCEPTIONS	ACRES	ZN3	OWNER NAME(S)
18 03 10 10 02500	5530 9400 9100	R V V	221	444	\$53,140	1.89 0.43 0.32 1.13	C2	CHEVRON USA INC
18 03 10 10 02700	1111	S	131	130	\$23,270	0.56	AGT	BRISTOW KENNETH W & ROSIE
18 03 10 10 02800	1111 9100	S V	131	140	\$37,680	1.23 0.57 0.66	AGT	GRANTHAM JOE E & ROSA LEE
18 03 10 10 02900	1111	S	131	130	\$21,270	0.77	AGT	PEERSON JOHN & VIOLET
18 03 10 10 03000	1111	S	131	130	\$17,980	0.71	AGT	PEERSON JOHN A & VIOLET E
18 03 10 10 03100	1111	S	221	140	\$23,830	0.34	C2	OAKES CLINTON MAX
18 03 10 10 03200	5530	R	221	444	\$13,620	0.59	C2	DEMOTT MABEL J & RALPH MID OIL CO
18 03 10 40 00200	1111	S	131	130	\$20,270	1.08	AGT	SANFORD CHARLES & MARJORIE
18 03 10 40 00300	1111	S	131	140	\$40,740	0.56	AGT	RODIN JOANNE
18 03 10 40 00400	1111	S	131	150	\$47,510	0.57	AGT	EMBERG CHESTER J & ORVILLA
18 03 10 40 00500	1111	S	131	140	\$28,660	0.67	AGT	METEER HAROLD B & GLADYS B
18 03 10 40 00700	1111	S	131	130	\$24,700	0.79	AGT	MCGUIRE SPENCER T & CLARA

REEL 112 PAGE 1649

TABLE IV-13A

MAPLOT	LAND USE(S)	USE CODE	PCL	SCL	BLOOMBERG RD., AREA #13A - EXCEPTIONS IMPRS	ACRES	ZN3	OWNER NAME(S)
18 03 10 40 00900	1111	S	131	130	\$22,060	1.23	AGT	LUND DONALD D + DOVA A ROSSI WALTER F & S L
18 03 10 40 01000	6379 8040	O A	131	307	\$5,700	0.96 0.48 0.48	AGT	LUND DONALD D + DOVA A ROSSI WALTER F & S L
18 03 10 40 01100	1111 8040	S A	131	140	\$42,050	1.23 0.60 0.62	AGT	LUND DONALD D + DOVA A ROSSI WALTER F & S L
18 03 10 40 01200	1111 8040	S A	131	130	\$21,980	2.10 1.04 1.06	AGT	BRAINARD DAVID E & SARAH J
18 03 10 40 01300	1111 8040	S A	131	140	\$51,840	0.83	AGT	MOYER MYRNE STACEY GEORGE F & P G
18 03 10 40 01400	1111 8040	S A	131	130	\$42,540	3.49 0.87 2.62	AGT	GANDY JUANITA & A W
18 03 10 40 01500	1111 8040	S A	131	130	\$17,980	3.66 1.81 1.84	AGT	BROWN CALVIN B & JUNE L
18 03 10 40 01600	1111 8040	S A	131	130	\$17,980	1.45 0.68 0.76	AGT	GANDY A W JR & JUANITA S
18 03 11 30 00700	5530	R	221	444	\$18,930	0.32	C2	PARTRIDGE BEVERLY HOWARD GALEN & KATHLEEN W POWELL CLOYD C & JEANETTE

TABLE IV-13A

MAPLOT	LAND USE(S) USE CODE	BLOOMBERG RD., AREA #13A - EXCEPTIONS PCL SCL IMPRS	ACRES	ZN3	OWNER NAME(S)
18 03 11 30 00800	D	221 242	\$24,950	C2	DODSON FRED L & MARY N
18 03 11 30 00900	S	131 140	\$33,680	C2	DODSON FRED L & MARY N
18 03 11 30 01000	V	130 000	\$000	C2	DENTON MARVIN L & LINDA L
18 03 11 30 01100	S	131 150	\$38,780	AGT	GRAY EDGAR L + D K
18 03 11 30 01200	S R	131 150	\$67,740	AGT	GRAY EDGAR L + D K
18 03 11 30 01300	V	130 000	\$000	AGT	DOORN WIM & CORNELIA
18 03 11 30 01400	R	221 444	\$25,710	C2	WHEELER CLIFFORD D & MAXINE DODSON FRED L & MARY N
18 03 11 30 01500	O	131 307	\$2,510	AGT	WHEELER CLIFFORD D & MAXINE DODSON FRED L & MARY N
18 03 11 30 01600	V	130 000	\$000	AGT	LORICKE MARY C & HIRAM W
18 03 11 30 01700	V	130 000	\$000	AGT	LORICKE MARY C
18 03 11 30 01800	S	221 130	\$25,700	C2	LORICKE HIRAM W & MARY C
18 03 11 30 01900	A	221 140	\$43,160	C2	MCCOWN CHARLES E

TABLE IV-13A

MAPLOT	LAND USE(S)	USE CODE	PCL	SCL	IMPR\$	AREA #13A - EXCEPTIONS	ACRES	ZN3	OWNER NAME(S)
	1111	S					0.50		LEWIS ORLEY I 1-6 ETAL 5-6
18 03 11 30	02000	6999	0	221	499	\$9,080	0.04	C2	POWELL CLOYD C & JEANNETTE KINYON ROBERT R
18 03 11 30	02101	9100	V	130	000	\$000	1.67	AGT	PONDEROSA INVEST CO 59% BARTZAT A M 29% WALLS MARGARET 12%
18 03 11 30	02200	8040	A	220	000	\$000	1.16	AGT	PONDEROSA INVEST CO 59% BARTZAT A M 29% WALLS MARGARET 12%
18 03 11 30	04000	9100	V	001	000	\$000	0.36	AGT	PONDEROSA INVEST CO 59% BARTZAT A M 29% WALLS MARGARET 12%

TABLE IV-13A

MAPLOT	LAND USE(S) USE CODE	BLOOMBERG RD., AREA #13A, SURROUNDING AREA PCL SCL	ACRES	ZN3	OWNER NAME(S)
18 03 10 00 00101	9100 V	431 000	7.01	AGT	THE MURPHY COMPANY THE MURPHY COMPANY
18 03 10 00 00200	9100 V	430 000	53.28	AGT	WEISETH WARREN M & FAYE WEISETH WARREN M & FAYE
18 03 10 00 00700	9100 V	420 000	241.59	AGT	OSU FOUNDATION 1-2 U OF O DEV FUND 1-2 OSU FOUNDATION 1-2 U OF O DEV FUND 1-2 OSU FOUNDATION 1-2 U OF O DEV FUND 1-2
18 03 10 00 01302	6719 G	420 000	50.52	AGT	LANE CO SCHOOL DIST 4-J MORGAN-FOLKER CO 2-5 ETAL STIMAC TERRY M 1-5 TEMPLEMAN NELSON B 1-5 VON SEEGER LAHRENCE L 1-5 LANE CO SCHOOL DIST 4-J MORGAN-FOLKER CO 2-5 ETAL STIMAC TERRY M 1-5 TEMPLEMAN NELSON B 1-5 VON SEEGER LAHRENCE L 1-5
18 03 10 10 00600	1111 S 9100 V	431 150	11.80 0.67 11.19	AGT	VON OHLEN CECIL R + B M
18 03 10 10 00700	1111 S 9100 V	431 170	11.52 0.67 10.83	AGT	ROBERTS MORENE E & GALE M
18 03 10 10 00800	6719 G	430 000	7.39	AGT	OREGON STATE OF
18 03 10 40 00600	8040 A	430 000	5.13	AGT	DEMOTT MABEL J BAIRD
18 03 10 40 01700	8040 A	430 000	27.16	AGT	

TABLE IV-13B

MAPLOT	LAND USE(S)	USE CODE	PCL	SCL	BLOOMBERG RD., AREA #13B- EXCEPTIONS	IMPRS	ACRES	ZN3	OWNER NAME(S)
18 03 10 00 00900	1111	S	121	150	\$57,060	0.94	AGT	CARTER JAMES D & KAY L	
18 03 10 00 00901	9100	V	120	000	\$000	1.02	AGT	CARTER JAMES D & KAY L	
18 03 10 00 01000	9100	V	120	000	\$000	1.13	AGT	HILL GEORGE D & LORRAINE A	
18 03 10 00 01001	1111	S	121	130	\$33,200	1.01	AGT	HILL ERIKA	
18 03 10 00 01102	9100	V	120	000	\$000	0.35	AGT	BRINK RAY C & LEE ONA BLUM LEWIS S	

TABLE IV-13B

MAPLOT	LAND USE(S)	USE CODE	BLOOMBERG RD., AREA #13B- SURROUNDING AREA	ZN3	OWNER NAME(S)
			PCL SCL IMPR\$ ACRES		
18 03 10 00 00800	6719	G	420 000 \$000 21.34	AGT	EUGENE CITY OF
18 03 10 00 01103	9100	V	420 000 \$000 5.96	AGT	MURPHY TED R BLUM LEWIS S

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO.

89-1-25-10

-) IN THE MATTER OF ADOPTING
-) SUPPLEMENTAL DEVELOPED AND
-) COMMITTED FINDINGS IN SUPPORT OF
-) ORDINANCE NO. PA 884 FOR:
-) PLOT 074, EXCEPTION #1
-) PLOT 075, EXCEPTION #1
-) PLOT 176, EXCEPTION #2
-) PLOT 403, EXCEPTION #2
-) PLOT 412, EXCEPTION #1
-) PLOT 417, EXCEPTION #1
-) PLOT 417, EXCEPTION #2
-) PLOT 430, EXCEPTION #1
-) PLOT 437, EXCEPTION #1
-) PLOT 437, EXCEPTION #3
-) PLOT 448, EXCEPTION #1
-) PLOT 448, EXCEPTION #2
-) PLOT 542, EXCEPTION #2
-) PLOT 542, EXCEPTION #3
-) PLOT 1010, EXCEPTION #1

FILED

AT _____ O'CLOCK _____ M

JAN 26 1989

County Clerk
For Lane County, Oregon

BY _____

DEPUTY

WHEREAS, on February 29, 1984 the Board of County Commissioners of Lane County adopted Ordinance No. PA 884, which applied Rural Comprehensive Plan designations and zoning districts; and

WHEREAS, the Board of Commissioners of Lane County adopted the following supplemental findings for Ordinance No. PA 884 and the following ordinances changing the application of the Rural Comprehensive Plan designations and zoning districts applied by ORD No. PA 884:

- Order No. 84-6-19-16, "Supplemental Findings in Support of ORD No. PA 884," adopted June 19, 1984; and
- Ordinance No. PA 888, "IN THE MATTER OF ADOPTING AN ORDINANCE FOR AMENDMENTS TO LANE COUNTY'S RURAL COMPREHENSIVE PLAN (ERRORS AND OMISSIONS/CORRECTIONS), adopted July 17, 1984; and
- Order No. 84-9-11-23, "Supplemental Findings in Support of ORD No. PA 884, adopted September 11, 1984; and
- Ordinance No. PA 891, "IN THE MATTER OF AMENDING ORDINANCE 887 TO CHANGE THE PLAN AND ZONE DESIGNATION ON VARIOUS PARCELS OF PROPERTY TO BRING THIS ELEMENT OF THE RURAL COMPREHENSIVE PLAN INTO COMPLIANCE WITH THE STATEWIDE PLANNING GOALS AND ADOPTING A SAVINGS AND SEVERABILITY CLAUSE," adopted September 12, 1984; and

IN THE MATTER OF ADOPTING SUPPLEMENTAL FINDINGS IN SUPPORT OF ORD NO. PA 884
page 1

EXHIBIT 11

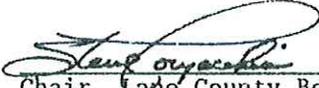
WHEREAS, LCDC acknowledged the Lane County Rural Comprehensive Plan (including the ordinances and orders mentioned above) on September 13, 1984; and

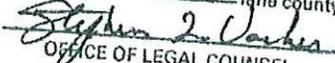
WHEREAS, on March 29, 1988, the Oregon Supreme Court remanded to LCDC its acknowledgment of the Lane County Rural Comprehensive Plan for reconsideration of five issues, including additional justification for developed and committed exception areas; and

WHEREAS, LCDC met on June 2, 1988 and adopted an In-Order-To-Comply directing Lane County to provide, among other things, additional justification for developed and committed exception areas designated and zoned by the Lane County Rural Comprehensive Plan; now, therefore, be it

ORDERED that the attached Supplemental Findings set forth in Exhibit "A" (Plot 074, 075), Exhibit "B" (Plot 176), Exhibit "C" (Plot 403), Exhibit "D" (Plot 412), Exhibit "E" (Plot 417), Exhibit "F" (Plot 417), Exhibit "G" (Plot 430), Exhibit "H" (Plot 437), Exhibit "I" (Plot 437), Exhibit "J" (Plot 448), Exhibit "K" (Plot 448), Exhibit "L" (Plot 542), Exhibit "M" (Plot 542), Exhibit "N" (Plot 1010), are hereby adopted in support of Ordinance No. PA 884.

DATED this 25 day of January, 1989.


Chair, Lane County Board of Commissioners

APPROVED AS TO FORM
Date 1-13-89 Lane county

OFFICE OF LEGAL COUNSEL

IN THE MATTER OF ADOPTING SUPPLEMENTAL FINDINGS IN SUPPORT OF ORD. PA 884,
page 2

12/27/74, they would be included in an approved and recorded partition map; and, that parcels without an approved and recorded partition map were created before 12/27/74.

v. Using the Lane County computer drawn map with the year built data and the partition and subdivision data plotted on it, the total number of parcels not included in an approved and recorded partition or subdivision, and being vacant or having a residence without built-upon data prior to 12/27/74 is: 9. It is assumed that these parcels were created prior to 12/27/74 for the same reasons as stated in the second reason in iv. above.

b) 2 parcels were created after the adoption of the 12/27/74 goal adoption date based upon use of the boundaries and dates of partitions and subdivisions which have been plotted onto the computer drawn map of the exception area and identification of the parcels included in this category which were created after 12/27/74.

12. GOAL COMPLIANCE HISTORY

0 parcels were created via application of the Goal 2 Developed and Committed Lands Exceptions process. This number was determined by examining the files for partitions and subdivisions created in 1980 or later to verify if developed-and-committed findings were included in these files as part of the basis for approving the partitions or subdivisions. It is assumed the Developed and Committed Lands Exceptions process was not followed for partitions and subdivisions created before 1980.

13. DEVELOPED AND COMMITTED RATIONALE

The result of all of this development is that land within this exception area is unsuitable for agricultural or forest uses because of the following factors:

- small tract sizes (as determined by dividing the acreage of the exception area: 59.97 by the # of parcels in the exception area: 44 = an average parcel size of 1.36 acres;
- fragmented ownerships unlikely to consolidate (contiguous ownerships are identified on map with struances);
- close proximity to residential development;
- the residential pattern of development: 36 residences in the exception area;
- the residential development is generally clustered around Interstate Highway 5 and Seavey Loop Road serving the exception area;
- the development within the exception area is clustered within a large group;
- a natural feature Coast Fork - Willamette River separates the exceptio area from adjacent resource land making it difficult for the development to spread and/or making it difficult for parcels within

the exception area to be combined with adjacent resource lands;
- any agricultural or forest uses within the exception area appear to be accessory to the residential use of the parcels because of the residential use of the parcels and their small sizes.

Background data in Lane County's Working Papers support the policy direction that clustered small parcels in fragmented ownerships in close proximity to residential development and/or developed with residences cannot reasonably be considered suitable for the continuation of commercial farm and forest uses.

"to qualify, an area must consist of at least four tracts (not parcels - see definition of 'tract' below*) which are contiguous to one another, a majority of which have been built upon. However, individual isolated commercial and industrial activities, regardless of the number of tracts involved, are considered for D&C status. Public facilities such as schools, are also considered. In most cases, all tracts must be 10 acres or less in size, unless other factors render larger tracts unsuitable for resource use and/or committed to development." Source: Lane County Developed and Committed Working Paper, August 1983.

Refer to the original findings sheet for this exception area for the specific details on the number of tracts, total acreage, average tract size, number of residences, number of other uses, number of vacant tracts, and development pattern.

*'Tract' refers to a lot within an approved and recorded subdivision plat, or a parcel within an approved and recorded partition map, or a parcel within an approved minor subdivision, or undivided/unpartitioned land under the same ownership. Contiguous units of the last type shall be considered a single tract.

DEVELOPED AND COMMITTED EXCEPTION FINDINGS
DATA SHEET

Map: 18-03-11

Plot: 412

Name: Franklin Blvd.

Exception Number: 1

The following were adopted by the corresponding ordinances in support of this developed and committed exception area.

- Developed + Committed Lands Working Papers; adopted by Lane County Ordinance #PA 883.
- Plan Diagram Maps; adopted by Lane County Ordinance # PA 884.
- Zoning Maps; adopted by Lane County Ordinance # PA 884.
- Summary Exception Sheet; Plot: 412, Exception Number: 1; adopted by Lane County Ordinance # PA 884.
- Supplemental Findings; adopted by Lane County Order # 84-6-19-16.

The following are additional data resources used to generate supplemental findings in support of this exception area:

- GIS Exception Plot No. 412
- GIS Exception Listing No. 412-1
- Aerial Photo Map Number: 18-03-11
- SCS Soil Survey Map Number: 91
- USGS Topographical Quadrangle Map: Eugene
- Lane County Tax Codes for Public Service Districts; 004-67,019-01, 019-14,019-15,019-19,

School District: Eugene #4J, Springfield #19
Fire District: Goshen R.F.P.D; May Carry Fire Patrol
Water District: None

DATA FOR EXCEPTION AREA DC-4121, MAPLOT ORDER 12:31 WEDNESDAY, DECEMBER 28, 1988 1

OWNER	MAPLOT	PCL	SCL	UNITS	YBLT	ZONE4	FRM	FOR	CACRES	ATACRES
SOUTHERN PACIFIC CO	18031100 00700	120	0							
PHILPOTT LOUIS L/MARJORI	18031100 01100	131	140	1	0	RR5	0	0	1.8540	2.7300
HARMON PATRICIA ANN	18031100 01200	130	0	1	0	RR5	0	0	2.1383	2.2300
HARMON PATRICIA ANN	18031100 01202	131	140	1	0	RR5	0	0	0.4414	0.4300
HARMON RAY G + EVA	18031100 01203	131	130	1	45	RR5	0	0	4.5646	4.8600
PHILPOTT LOUIS L + MARJO	18031100 01204	1	0	1	46	RR5	0	0	2.0825	2.1800
ROSENDAHL YVONNE	18031100 01300	131	130	1	24	RR5	1	0	0.1507	0.1000
STEEG FRANK C + MAXINE L	18031100 01400	451	140	2	24	RR5	0	0	5.1141	5.1200
HILL WALDO E + JOSEPHINE	18031100 01500	131	130	1	50	RR5	0	0	9.6950	9.7500
STRAUS ROBERT W + PATRIC	18031100 01600	453	252	2	0	RR5	1	0	3.8997	4.8600
WEAVER SALLY	18031100 01602	131	252	2	69	RR5	0	0	1.0091	3.7700
WEAVER SALLY	18031100 01603	131	252	2	69	RR5	0	0	0.9044	0.9500
FREE RODNEY L + PATRICIA	18031100 01605	130	252	1	74	RR5	0	0	0.3100	0.3200
FREE RODNEY L + PATRICIA	18031100 01606	130	0	1	0	RR5	0	0	0.3213	0.3300
LAMB GENEVY	18031130 01100	131	307	1	0	RR5	0	0	53.6556	53.3200
THOMAS A JOYCE	18031130 00100	131	130	1	35	RR5	0	0	0.4527	0.5900
THOMAS AUREVIA JOYCE	18031130 00300	131	0	1	0	RR5	0	0	3.4370	0.6200
THOMAS AUREVIA JOYCE	18031130 00300	131	0	1	0	RR5	0	0	3.4370	0.3100
THOMAS AUREVIA JOYCE	18031130 00300	131	130	1	10	RR5	0	0	3.4370	2.5300
BESSETT VIRGINIA L	18031130 00400	221	428	1	0	C3	0	0	0.6959	0.7800
MC GILLVREY SHIRLEY KAY	18031130 00500	221	454	1	55	C3	0	0	0.4902	0.4600
TEMPLAR CARL H + VIVIAN	18031130 00600	221	428	1	0	C3	0	0	0.4705	0.5600
DEDSON FRED L + MARY N	18031130 00700	221	421	2	62	C2	0	0	0.3257	0.0000
DODSON FRED L + MARY N	18031130 00800	221	0	2	0	C2	0	0	0.2443	0.3000
QUICK FRANK + DIANA	18031130 00900	221	140	1	30	C2	0	0	0.4388	0.3000
GRAY EDGAR L + D K	18031130 01000	211	428	1	84	C2	0	0	0.4486	0.5000
GRAY EDGAR L + D K	18031130 01100	221	150	1	42	RR5	0	0	0.5700	0.5000
MARTIN LYNN E + PATRICIA	18031130 01200	221	150	2	42	RR5	0	0	0.6400	0.6400
WHEELER CLIFFORD D + MAX	18031130 01300	221	0	1	42	RR5	0	0	0.5620	0.8400
WHEELER CLIFFORD D + MAX	18031130 01400	130	441	2	0	RR5	0	0	1.8014	2.0000
LORICKE MARY C + HIRAM W	18031130 01500	221	307	1	57	C3	0	0	0.8382	0.0000
LORICKE MARY C	18031130 01600	130	0	1	0	RR5	0	0	2.8139	3.0500
LORICKE HIRAM W + MARY C	18031130 01700	130	0	1	0	RR5	0	0	0.9195	1.0000
MCCOHN CHARLES E	18031130 01800	221	130	1	0	RR5	0	0	2.7777	3.0000
HYRICK LLOYD	18031130 01900	221	140	4	46	C2	0	0	0.1854	0.0000
ALLEN ALFRED A 1-4	18031130 02000	221	499	2	0	C2	0	0	1.2031	1.4200
ALLEN ALFRED & J 3-5	18031130 02101	130	0	1	0	C2	0	0	0.0423	0.0500
ALLEN ALFRED & J 3-5	18031130 02200	220	0	1	0	CR	0	0	1.6751	1.7600
WINGARD GEORGE F 1/3	18031130 02300	220	0	1	0	CR	0	0	1.1633	1.3000
SUNNY SERVICE STATIONS I	18031130 02500	221	444	1	63	C3	0	0	0.7554	0.9200
SUNNY SERVICE STATIONS I	18031130 02601	220	456	1	72	C3	0	0	0.4364	0.0000
SUNNY SERVICE STATIONS I	18031130 02602	221	456	1	72	C3	0	0	0.8373	0.7800
SARAH LAND CO	18031130 02603	220	0	1	0	C3	0	0	0.2182	0.2300
SHIRK FRANK B + JOANN	18031130 02604	221	456	2	67	C3	0	0	0.2457	0.0000
MOBIL OIL COMPANY	18031130 02604	1	0	2	0	C3	0	0	0.5471	0.0000
SARAH LAND CO	18031130 02605	220	0	2	0	C3	0	0	0.5471	0.0000
ROBERTS & WOODS INC	18031130 02606	221	457	1	69	C3	0	0	0.6737	0.0000
ROBERTS & WOODS INC	18031130 02607	220	0	1	0	C3	0	0	0.4805	0.0000
ROGERS RONALD J + DARLEN	18031130 02700	131	130	1	35	RR5	0	0	0.4954	0.0000
BLY IRENE E	18031130 02800	121	130	1	29	RR5	0	0	0.1714	0.2300
BUCKLEY BERDELL & RITA	18031130 02900	121	130	1	28	RR5	0	0	0.3513	0.3800
WILSON ELIZABETH M	18031130 03000	121	130	1	25	RR5	0	0	0.2977	0.3100
CASTLEBERRY ROBERT E + J	18031130 03100	121	140	1	25	RR5	0	0	0.3581	0.4000
CASTLEBERRY ROBERT E + J	18031130 03100	121	140	1	35	RR5	0	0	0.5442	0.5700

DATA FOR EXCEPTION AREA DC-4121, MAPLOT ORDER 12:31 WEDNESDAY, DECEMBER 28, 1988 2

OWNER	MAPLOT	PCL	SCL	UNITS	YBLT ZONE4	FRM	FOR	CACRES	ATACRES
BALDWIN AARON A & LORETT	18031130 03200	131	130	3	40 RR5	0	0	1.5187	1.53000
COBB LEE & CONNIE J	18031130 03300	321	704	1	81 M2	0	0	1.8704	1.99000
EL JAY INC	18031130 03400	320	0	1	0 M2	0	0	2.3305	2.26000
EL JAY INC	18031130 03500	321	780	1	0 M2	0	0	6.0432	5.60000
EL JAY INCORPORATED	18031130 03500	321	780	1	0 M2	0	0	6.0432	0.00000
EL JAY INC	18031130 03600	320	0	1	0 M2	0	0	5.7524	3.13000
EL JAY INC	18031130 03600	320	0	1	0 M2	0	0	5.7524	2.33000
BECK ELMUS C JR & HELEN	18031130 03700	131	140	1	64 RR5	0	0	0.6034	0.58000
EMERALD PEOPLES UTIL DIS	18031130 03800	430	0	2	0 RR5	0	0	10.2138	5.74000
EMERALD PEOPLES UTIL DIS	18031130 03801	130	0	1	0 RR5	0	0	1.0427	1.00000
STRAUS ROBERT W + PATRIC	18031130 03900	422	107	1	86 RR5	1	0	3.2822	3.10000
ERICKSON KENNETH M	18031130 04100	220	0	1	C C3	0	0	0.1525	0.14000

N= 65

New tax lots:

Emerald People's 18031130 00100

Util. Dist.

1.240 acres

Emerald People's 18031130 03803

Util. Dist.

4.110 acres

DATA FOR EXCEPTION AREA DC-4121, OWNER NAME ORDER

OWNER	MAPLOT	PCL	SCL FRM FOR	UNITS	YBLT ZONE ⁴	12:31 WEDNESDAY, DECEMBER 28, 1988 CAGRES	ACRES
ALLEN ALFRED & J 3-5	18031130 02101	130	0	0	0 CR	1.6751	1.7600
ALLEN ALFRED & J 3-5	18031130 02200	220	0	0	0 CR	1.1633	1.3000
ALLEN ALFRED A 1-4	18031130 02000	221	499	0	0 C2	0.0423	0.0500
BALDWIN AARON A & LORETT	18031130 03200	131	130	0	40 RR5	1.5187	1.5300
GECK ELMUS C JR & HELEN	18031130 03700	131	140	0	64 RR5	0.6034	0.5800
BESSETT VIRGINIA L	18031130 00400	221	428	0	0 C3	0.6959	0.7800
BLV IRENE E	18031130 02800	121	130	0	29 RR5	0.3513	0.3800
BUCKLEY BERDELL & RIITA	18031130 02900	121	130	0	28 RR5	0.2977	0.3100
CASTLEBERRY ROBERT E & J	18031130 03100	121	140	0	35 RR5	0.5442	0.5700
COBB LEE & CONNIE J	18031130 03300	321	704	0	81 M2	1.8704	1.9900
DEDSON FRED L & MARY N	18031130 00700	220	421	0	62 C2	0.3257	0.0000
DODSON FRED L & MARY N	18031130 00800	220	0	0	0 C2	0.2443	0.3000
EL JAY INC	18031130 03400	320	0	0	0 M2	2.3305	2.2600
EL JAY INC	18031130 03500	321	780	0	0 M2	6.0432	5.6000
EL JAY INC	18031130 03600	320	0	0	0 M2	5.7524	3.1300
EL JAY INCORPORATED	18031130 03600	320	0	0	0 M2	2.7524	2.3300
EMERALD PEOPLES UTIL DIS	18031130 03500	320	0	0	0 M2	6.0432	2.0000
EMERALD PEOPLES UTIL DIS	18031130 03800	321	780	0	0 M2	10.2138	5.7400
ERICKSON KENNETH M	18031130 03800	430	0	0	0 RR5	1.0427	1.0000
FREE RODNEY L & PATRICIA	18031130 04100	220	0	0	0 C3	0.1525	0.1400
FREE RODNEY L & PATRICIA	18031100 01605	131	252	0	74 RR5	0.3160	0.3200
GRAY EDGAR L + D K	18031100 01606	130	0	0	0 RR5	0.3213	0.3300
GRAY EDGAR L + D K	18031130 01000	211	428	0	84 C2	0.4486	0.5090
HARMON PATRICIA ANN	18031130 01100	221	150	0	42 RR5	0.5700	0.6400
HARMON PATRICIA ANN	18031100 01200	130	0	0	0 RR5	0.4414	0.4300
HARMON RAY G + EVA	18031100 01202	131	140	0	45 RR5	4.5446	4.5800
HILL WALDO E + JOSEPHINE	18031100 01203	131	130	0	46 RR5	2.0425	2.1800
LANE COUNTY	18031100 01500	131	130	0	40 RR5	4.8459	4.8600
LORICKE HIRAM W & MARY C	18031130 00100	431	307	0	0 SG	63.6056	63.2200
LORICKE MARY C	18031130 01700	130	0	0	0 RR5	2.7777	3.0000
LORICKE MARY C & HIRAM W	18031130 01600	130	0	0	0 RR5	0.9195	1.0000
MARTIN LYNN E & PATRICIA	18031130 01500	131	307	0	0 RR5	2.8139	3.0500
MC GILLVREY SHIRLEY KAY	18031130 01200	221	150	0	42 RR5	0.5620	0.6400
MCCOWN CHARLES E	18031130 00500	221	454	0	55 C3	0.4902	0.4600
MOBIL OIL COMPANY	18031130 02604	221	130	0	46 C2	0.1854	0.0000
MYRICK LLOYD	18031130 02604	1	0	0	0 C3	0.5471	0.0000
PHILPOTT LOUIS L + MARJO	18031130 01900	221	140	0	0 C2	1.2031	1.4200
PHILPOTT LOUIS L/MARJORI	18031100 01204	1	0	0	0 RR5	0.1307	0.1000
QUICK FRANK & DIANA	18031100 01100	131	140	0	40 RR5	2.1383	2.2300
ROBERTS & HOODS INC	18031130 00900	221	140	0	30 C2	0.4388	0.5000
ROBERTS & HOODS INC	18031130 02605	221	457	0	69 C3	0.4805	0.0000
ROBERTS & HOODS INC	18031130 02607	220	0	0	0 C3	0.4954	0.0000
ROGERS RONALD J & DARLEN	18031130 02700	131	130	0	35 RR5	0.1714	0.0000
ROSENDAHL YVONNE	18031100 01300	131	130	1	24 RR5	5.1141	5.1200
SARAH LAND CO	18031130 02603	131	0	0	0 C3	0.2467	0.0000
SARAH LAND CO	18031130 02604	220	0	0	0 C3	0.6737	0.0000
SHIRK FRANK B & JOANN	18031130 02605	220	456	0	67 C3	0.5471	0.0000
SOUTHERN PACIFIC CO	18031130 02604	221	0	0	0 RR5	1.8540	2.7300
STEC FRANK C & MAXINE L	18031100 00700	120	140	0	24 RR5	9.6950	9.7500
STRAUB ROBERT W + PATRIC	18031100 01400	431	0	1	0 RR5	3.8997	3.7700
STRAUB ROBERT W + PATRIC	18031100 01600	433	107	0	86 RR5	3.2822	3.1000
SUNNY SERVICE STATIONS I	18031130 03900	423	444	0	63 C3	0.4364	0.0000
SUNNY SERVICE STATIONS I	18031130 02500	221	0	0	0 C3	0.8373	0.7800

4
12:31 WEDNESDAY, DECEMBER 28, 1988

YBLT ZONE4
CAGRES
ATACRES

DATA FOR EXCEPTION AREA DC-4121, OWNER NAME ORDER

OWNER	MAPLOT	PCL	SCL	FRM	FOR	UNITS	YBLT ZONE4	CAGRES	ATACRES
SUNNY SERVICE STATIONS I	18031130 02602	221	456	0	0	1	72 C3	0.21820	0.23000
TEMPLAR CARL H & VIVIAN	18031130 00600	221	458	0	0	1	0 C3	0.47050	0.56000
THOMAS A JOYCE	18031130 00101	131	130	0	0	1	35 RR5	0.46270	0.59000
THOMAS AUREVIA JOYCE	18031130 00300	131	0	0	0	1	0 RR5	3.43700	0.62000
THOMAS AUREVIA JOYCE	18031130 00300	131	0	0	0	1	0 RR5	3.43700	0.31000
THOMAS AUREVIA JOYCE	18031130 00300	131	130	0	0	1	10 RR5	3.43700	2.53000
WEAVER SALLEY C	18031100 01603	131	252	0	0	2	69 RR5	0.90640	0.95000
WEAVER SALLEY	18031100 01602	131	252	0	0	2	69 RR5	1.00910	0.95000
WHEELER CLIFFORD D & MAX	18031130 01300	130	0	0	0	2	0 RR5	1.80140	2.00000
WHEELER CLIFFORD D & MAX	18031130 01400	221	441	0	0	1	57 C3	0.83820	0.00000
WILSON ELIZABETH M	18031130 03000	121	130	0	0	1	25 RR5	0.35810	0.40000
WINGARD GEORGE F 1/3	18031130 02300	120	0	0	0	1	0 RR5	0.75540	0.92000

N= 65

SUMMARY OF YEARS BUILT FOR EXCEPTION AREA DC-4121

12:31 WEDNESDAY, DECEMBER 28, 1988

		YR_CAT		
		B-1900 OR NOT KNOWN	C-1901-1974	E-1980-1987
		N	N	N
DCAREA				
4121		33.00	29.00	3.00

DATA
 4121
 4121
 4121G

AREA
 18.28
 103.52
 2.53

PERIF-LENGTH
 0.88
 3.82
 0.44

TEST-AREA
 0.00
 0.00
 0.00

TOTAL POLYGON AREA = 124.32
 NEGATIVE AREA = 0.00
 SLIVER AREA = 0.00
 TOTAL RETRACE LENGTH = 0.00

NUMBER OF POLYGONS = 3
 NUMBER OF POINTS = 97

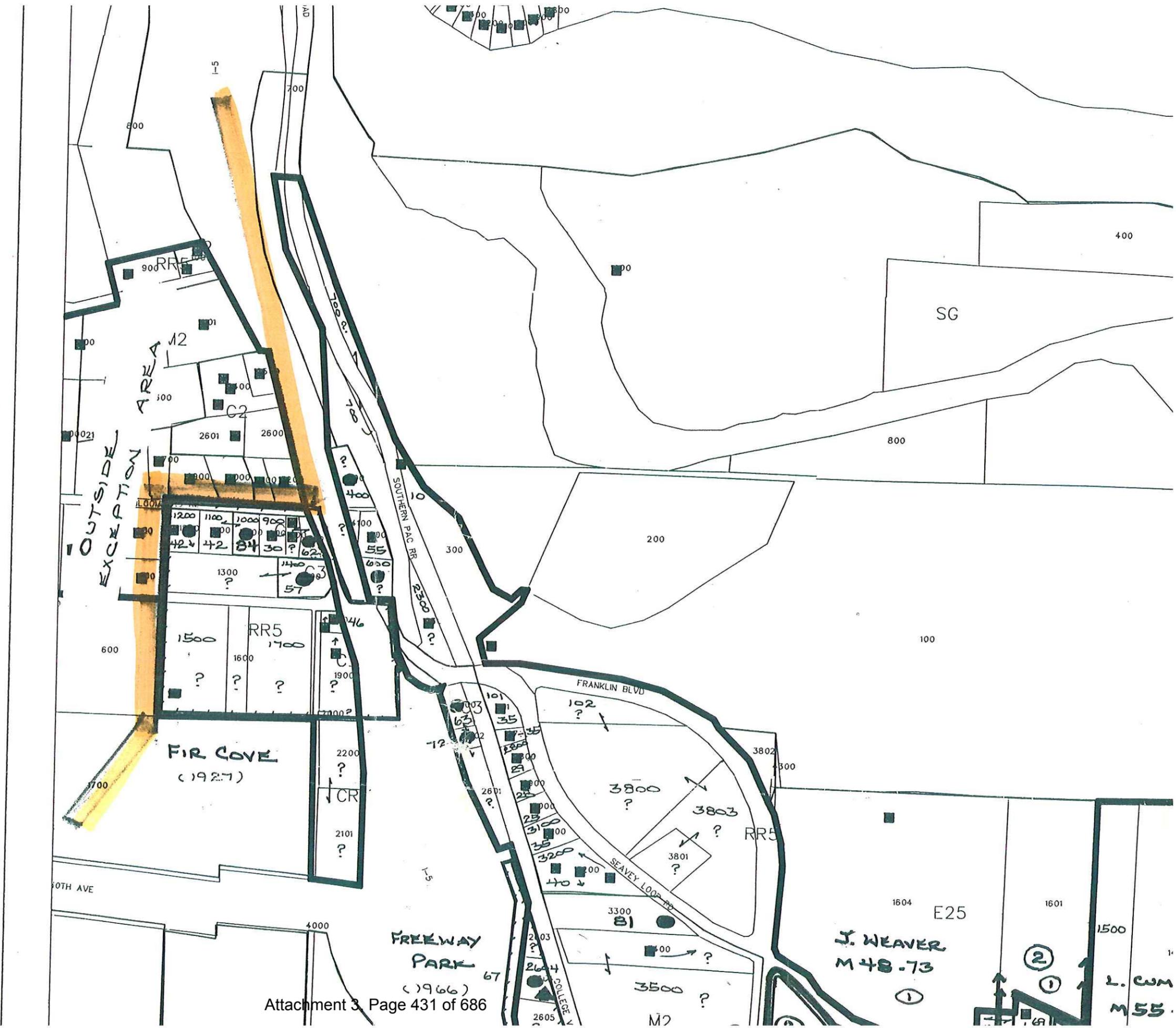
Average adjustment:

124.32	
- 2.53	0.00
<hr/>	
121.79	
- 63.22	18031130 - 00100
<hr/>	
58.57	
+ 1.40	18031130 - 00102
<hr/>	
59.97	0.00

SEE SUPPLEMENTAL REEL # 7 FOR
ACCOMPANYING MAP

BOOK 138

PAGE 621



IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO. ~~PA 884~~) IN THE MATTER OF APPLYING THE RURAL
) COMPREHENSIVE PLAN DESIGNATIONS AND
) RURAL COMPREHENSIVE PLAN ZONES TO
) RURAL LANE COUNTY OUTSIDE THE
) METROPOLITAN AREA GENERAL PLAN
) BOUNDARY, AND OUTSIDE ALL URBAN
) GROWTH BOUNDARIES, REPEALING PRIOR
) ZONING DISTRICTS AND PLAN DESIGNA-
) TIONS, AND ADOPTING A SAVINGS AND
) SEVERABILITY CLAUSE

WHEREAS, the plan designations and zoning districts applicable to rural Lane County are not in full compliance with the Statewide Goals, and

WHEREAS, the Oregon State Land Conservation and Development Commission has granted Lane County an extension of time to revise its designations and zones to bring them into conformity with the Statewide Planning Goals; and

WHEREAS, the Board of County Commissioners has received from the Lane County Planning Commission and the West Lane County Planning Commission recommended application of the new plan designations and zones, and

WHEREAS, the Board of County Commissioners has conducted a public hearing and is now ready to take action, now, therefore,

THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY ORDAINS AS FOLLOWS:

1. The Plan Designation and Zones as set forth on the attached maps (Exhibit "A") are hereby applied to Rural Lane County outside the Metropolitan Area General Plan Boundary and outside all Urban Growth Boundaries as modified by the attached change request summary, Board of County Commissioners action column (Appendix "B").

2. With exception of the following:

- (a) Rural Transportation Plan (Adopted by Ordinance No. 3-80).
- (b) Willamette Greenway Plan (Adopted by Ordinance No. 783).
- (c) Parks and Open Space Plan (Adopted by Ordinance No. 850).
- (d) Solid Waste Management Plan (Adopted by Ordinance No. 771 and subsequent amendment).
- (e) Coastal Resources Management Plan (Adopted by Ordinance No. 803) (Amended by Ordinance Nos. 862 and 876).

- (f) Siuslaw River Dredged Material Disposal Plan (Adopted by Ordinance No. 749) (Amended by Ordinance Nos. 861 and 877).
- (g) Housing Plan (Adopted by Ordinance 1-78).

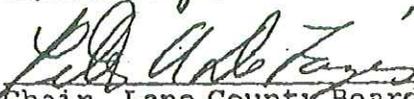
the prior Plan and Zone designations are repealed. However, the prior Plan designations and zoning districts remain in full force and effect to authorize prosecution of persons who violate their provisions prior to the effective date of this Ordinance.

3. 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 affect the validity of the remaining portions hereof.

4. The exceptions to Statewide Goals 3 and 4 are set forth in the attached Exhibit "B".

While not part of this Ordinance, the Board of County Commissioners adopt the Legislative Findings set forth in attached Exhibit "C" in support of this action.

Enacted this 29th day of February, 1984.



Chair, Lane County Board of
Commissioners



Recording Secretary for this
Meeting of the Board

Effective date 3/29/84

ORDINANCE NO. PA 884 - LEGISLATIVE FINDINGS

Ordinance No. PA 884 is the implementation of the policies adopted in Ordinance No. PA 883. The support documents and Findings adopted in that Ordinance are, therefore, adopted as if fully set forth herein.

Major map changes, based upon a nonresource designation are supported by prior quasi-judicial or current Findings set forth on attached Exhibit "D".

The Diagrams and Zones reflect only one "need" exception arising from a prior quasi-judicial application. We, therefore, readopt the need exception set forth on attached Exhibit "E". Note that pursuant to CPR summary, the new designation is Destination Resort, rather than Commercial Zones. However, the exception to the Goal remains valid. The site review conditions are also readopted.

In addition, map changes occurring on the basis of a Marginal Lands designation are explained in the attached Exhibit "F".

All other changes to the maps from the original staff recommendation are supported by changes to the developed and committed exception and the information and Findings submitted with CPR requests. Because the amount of supporting information is very extensive, it is not possible to set out new Findings for each approval, nor is such analysis appropriate for a legislative Ordinance. However, the basis for the approval exists in the written attachments to the CPR's, public testimony and deliberation. This information is available on request.

EXHIBIT "C"

RURAL COMP PLAN PROJECT
SUMMARY OF
SUPPLEMENTARY EXCEPTION FINDINGS

AS OF 6/21/84

PLOT & excpt #	MAP OR evaluatn	COMMTD findngs	DEVLDPD findngs	recommendation
015		X		ADOPT SUPPLEMENTAL FINDINGS
021-1		X		ADOPT SUPPLEMENTAL FINDINGS
021-2		X		ADOPT SUPPLEMENTAL FINDINGS
023-1	X	X		ADOPT SUPPLEMENTAL FINDINGS
026	X			NONE
028-1		X		ADOPT SUPPLEMENTAL FINDINGS
028-2	X	X		ADOPT SUPPLEMENTAL FINDINGS
028-3	X	X		ADOPT SUPPLEMENTAL FINDINGS
035-2		X		ADOPT SUPPLEMENTAL FINDINGS
99A		X		ADOPT SUPPLEMENTAL FINDINGS
117		X		ADOPT SUPPLEMENTAL FINDINGS
121		X		ADOPT SUPPLEMENTAL FINDINGS
134-1		X		ADOPT SUPPLEMENTAL FINDINGS
141		X		ADOPT SUPPLEMENTAL FINDINGS
162		X		ADOPT SUPPLEMENTAL FINDINGS
165-2		X		ADOPT SUPPLEMENTAL FINDINGS
166-1		X		ADOPT SUPPLEMENTAL FINDINGS
173-2		X		ADOPT SUPPLEMENTAL FINDINGS
175-1		X		ADOPT SUPPLEMENTAL FINDINGS
175-2		X		ADOPT SUPPLEMENTAL FINDINGS
182	X	X		ADOPT SUPPLEMENTAL FINDINGS
185-2		X		ADOPT SUPPLEMENTAL FINDINGS
199-1		X		ADOPT SUPPLEMENTAL FINDINGS
200		X		ADOPT SUPPLEMENTAL FINDINGS
203-1		X		ADOPT SUPPLEMENTAL FINDINGS
203-2		X		ADOPT SUPPLEMENTAL FINDINGS
222-2		X		ADOPT SUPPLEMENTAL FINDINGS
229		X		ADOPT SUPPLEMENTAL FINDINGS
230		X		ADOPT SUPPLEMENTAL FINDINGS
236-2		X		ADOPT SUPPLEMENTAL FINDINGS
237		X		ADOPT SUPPLEMENTAL FINDINGS
252-1		X		ADOPT SUPPLEMENTAL FINDINGS
254-3		X		ADOPT SUPPLEMENTAL FINDINGS
255-1		X		ADOPT SUPPLEMENTAL FINDINGS
255-2		X		ADOPT SUPPLEMENTAL FINDINGS
256-2		X		ADOPT SUPPLEMENTAL FINDINGS
260-1		X		ADOPT SUPPLEMENTAL FINDINGS
264-1		X		ADOPT SUPPLEMENTAL FINDINGS
264-4		X		ADOPT SUPPLEMENTAL FINDINGS
265-1		X		ADOPT SUPPLEMENTAL FINDINGS
270-2		X		ADOPT SUPPLEMENTAL FINDINGS
271-1		X		ADOPT SUPPLEMENTAL FINDINGS
280		X		ADOPT SUPPLEMENTAL FINDINGS
281-1		X		ADOPT SUPPLEMENTAL FINDINGS
281-2		X		ADOPT SUPPLEMENTAL FINDINGS
281-4		X		ADOPT SUPPLEMENTAL FINDINGS
282-1		X		ADOPT SUPPLEMENTAL FINDINGS

WLPC

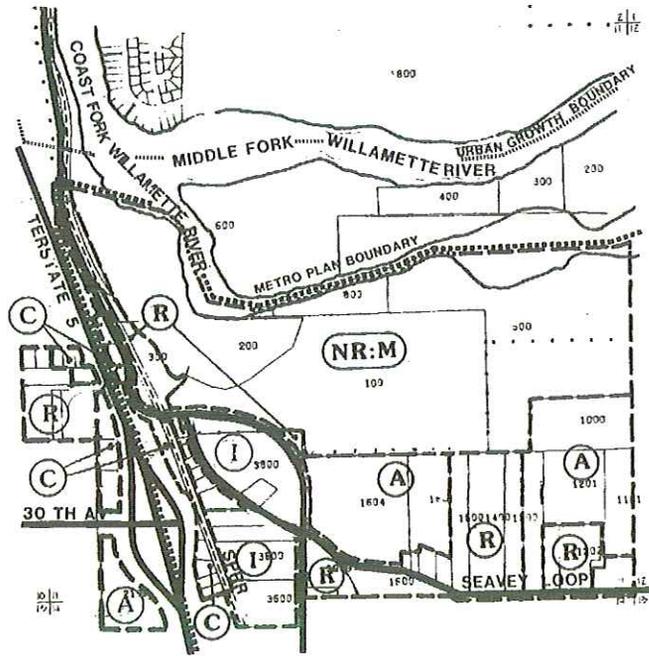
282-2	X		ADOPT SUPPLEMENTAL FINDINGS
286-1	X		ADOPT SUPPLEMENTAL FINDINGS
287	X		ADOPT SUPPLEMENTAL FINDINGS
294-1	X		ADOPT SUPPLEMENTAL FINDINGS
297-1	X		ADOPT SUPPLEMENTAL FINDINGS
298-1	X		ADOPT SUPPLEMENTAL FINDINGS
298-2	X		ADOPT SUPPLEMENTAL FINDINGS
306-1	X		ADOPT SUPPLEMENTAL FINDINGS
309-1	X		ADOPT SUPPLEMENTAL FINDINGS
309-2	X		ADOPT SUPPLEMENTAL FINDINGS
310-2	X		ADOPT SUPPLEMENTAL FINDINGS
311	X		ADOPT SUPPLEMENTAL FINDINGS
320	X		ADOPT SUPPLEMENTAL FINDINGS
325	X		ADOPT SUPPLEMENTAL FINDINGS
335		X	ADOPT SUPPLEMENTAL FINDINGS
347-1		X	ADOPT SUPPLEMENTAL FINDINGS
347-2	X		ADOPT SUPPLEMENTAL FINDINGS
351	X		ADOPT SUPPLEMENTAL FINDINGS
352	X		ADOPT SUPPLEMENTAL FINDINGS
355	X		ADOPT SUPPLEMENTAL FINDINGS
361		X	ADOPT SUPPLEMENTAL FINDINGS
367		X	ADOPT SUPPLEMENTAL FINDINGS
370-2	X		ADOPT SUPPLEMENTAL FINDINGS
371-1	X		ADOPT SUPPLEMENTAL FINDINGS
371-2	X		ADOPT SUPPLEMENTAL FINDINGS
375-2	X		ADOPT SUPPLEMENTAL FINDINGS
379	X		ADOPT SUPPLEMENTAL FINDINGS
385-4	X		ADOPT SUPPLEMENTAL FINDINGS
390-2	X		ADOPT SUPPLEMENTAL FINDINGS
391-11	X		ADOPT SUPPLEMENTAL FINDINGS
392-1	X		ADOPT SUPPLEMENTAL FINDINGS
393	X		ADOPT SUPPLEMENTAL FINDINGS
398-1	X		ADOPT SUPPLEMENTAL FINDINGS
398-2	X		ADOPT SUPPLEMENTAL FINDINGS
400-1	X		ADOPT SUPPLEMENTAL FINDINGS
400-2	X		ADOPT SUPPLEMENTAL FINDINGS
402-1	X		ADOPT SUPPLEMENTAL FINDINGS
403-2	X		ADOPT SUPPLEMENTAL FINDINGS
412	X		ADOPT SUPPLEMENTAL FINDINGS
413-1	X		ADOPT SUPPLEMENTAL FINDINGS
413-2	X		ADOPT SUPPLEMENTAL FINDINGS
417-2	X		ADOPT SUPPLEMENTAL FINDINGS
419-1	X		ADOPT SUPPLEMENTAL FINDINGS
419-2	X		ADOPT SUPPLEMENTAL FINDINGS
419-4	X		ADOPT SUPPLEMENTAL FINDINGS
424	X		ADOPT SUPPLEMENTAL FINDINGS
428-2	X		ADOPT SUPPLEMENTAL FINDINGS
429-2	X		ADOPT SUPPLEMENTAL FINDINGS
433-1	X		ADOPT SUPPLEMENTAL FINDINGS
433-2	X		ADOPT SUPPLEMENTAL FINDINGS
434-3	X		ADOPT SUPPLEMENTAL FINDINGS
436-1	X		ADOPT SUPPLEMENTAL FINDINGS
437-1	X		ADOPT SUPPLEMENTAL FINDINGS
442-3	X		ADOPT SUPPLEMENTAL FINDINGS
449-1	X		ADOPT SUPPLEMENTAL FINDINGS
449-2	X		ADOPT SUPPLEMENTAL FINDINGS
456-1	X		ADOPT SUPPLEMENTAL FINDINGS
460-1	X		ADOPT SUPPLEMENTAL FINDINGS
461	X		ADOPT SUPPLEMENTAL FINDINGS
469-1	X		ADOPT SUPPLEMENTAL FINDINGS

471		X		ADOPT SUPPLEMENTAL FINDINGS
473-1		X		ADOPT SUPPLEMENTAL FINDINGS
478-1		X		ADOPT SUPPLEMENTAL FINDINGS
478-2		X		ADOPT SUPPLEMENTAL FINDINGS
481-1		X		ADOPT SUPPLEMENTAL FINDINGS
484-5		X		ADOPT SUPPLEMENTAL FINDINGS
485-1		X		ADOPT SUPPLEMENTAL FINDINGS
486-1		X		ADOPT SUPPLEMENTAL FINDINGS
488-1		X		ADOPT SUPPLEMENTAL FINDINGS
489-1		X		ADOPT SUPPLEMENTAL FINDINGS
490-1		X		ADOPT SUPPLEMENTAL FINDINGS
491-3		X		ADOPT SUPPLEMENTAL FINDINGS
492-1		X		ADOPT SUPPLEMENTAL FINDINGS
494-3		X		ADOPT SUPPLEMENTAL FINDINGS
495-1		X		ADOPT SUPPLEMENTAL FINDINGS
498-1		X		ADOPT SUPPLEMENTAL FINDINGS
501-2	X			NONE
501-3		X		ADOPT SUPPLEMENTAL FINDINGS
511		X		ADOPT SUPPLEMENTAL FINDINGS
516-3		X		ADOPT SUPPLEMENTAL FINDINGS
517-1		X		ADOPT SUPPLEMENTAL FINDINGS
518-2		X		ADOPT SUPPLEMENTAL FINDINGS
521-1		X		ADOPT SUPPLEMENTAL FINDINGS
525A		X		ADOPT SUPPLEMENTAL FINDINGS
530		X		ADOPT SUPPLEMENTAL FINDINGS
531-2		X		ADOPT SUPPLEMENTAL FINDINGS
533		X		ADOPT SUPPLEMENTAL FINDINGS
536		X		ADOPT SUPPLEMENTAL FINDINGS
539		X		ADOPT SUPPLEMENTAL FINDINGS
541		X		ADOPT SUPPLEMENTAL FINDINGS
542A	X	X		ADOPT SUPPLEMENTAL FINDINGS
548		X		ADOPT SUPPLEMENTAL FINDINGS
555-1		X		ADOPT SUPPLEMENTAL FINDINGS
556		X		ADOPT SUPPLEMENTAL FINDINGS
559-2		X		ADOPT SUPPLEMENTAL FINDINGS
568-2	X	X		ADOPT SUPPLEMENTAL FINDINGS
569		X		ADOPT SUPPLEMENTAL FINDINGS
572-2		X		ADOPT SUPPLEMENTAL FINDINGS
578		X		ADOPT SUPPLEMENTAL FINDINGS
583		X		ADOPT SUPPLEMENTAL FINDINGS
591-2	X	X		ADOPT SUPPLEMENTAL FINDINGS
593		X		ADOPT SUPPLEMENTAL FINDINGS
597-1		X		ADOPT SUPPLEMENTAL FINDINGS
609		X		ADOPT SUPPLEMENTAL FINDINGS
610		X		ADOPT SUPPLEMENTAL FINDINGS
614		X		ADOPT SUPPLEMENTAL FINDINGS
619		X		ADOPT SUPPLEMENTAL FINDINGS
627-1		X		ADOPT SUPPLEMENTAL FINDINGS
627-2		X		ADOPT SUPPLEMENTAL FINDINGS
628-2		X		ADOPT SUPPLEMENTAL FINDINGS
629		X		ADOPT SUPPLEMENTAL FINDINGS
630		X		ADOPT SUPPLEMENTAL FINDINGS
631		X		ADOPT SUPPLEMENTAL FINDINGS
INDX-1				NA
INDX-2				NA
INDX-3				NA
INDX-4				NA
006-1	NA	NA	PORONLY	PA 913-84 SEA LION CAVES 95 AC REC. BY WLPC. (ONLY 25 MEET TEST)
007-4	NA	NA	NA	CHNG. TO NON-RES./DEV. SUP. FINDINGS

042		NA	NA	ERROR CORRECT MAPPING BY ORD. JUNE 27
056		NA	NA	TL 800 VACANT-RES. ZONE ON 2 SIDES
065-1		NA	NA	TL 601 CHANGE TO F2
066		NA	NA	TL'S 1402,1408,1407 S. OF RD., F2 & F1 ON ALL SIDES REC. F2
069		NA	NA	TL'S 3200,3300,3700,102,200,1500 TO F2 ADJACENT F1 & F2
157-1		NA	NA	TL 200 IS VACANT, ADJ. TO F1 & F2 REC. F2. TL 100 IS OK
157-2		NA	NA	TL'S 601,701 & 702 UNDER, PRED. FOREST MGMT. PLAN IN CPR FOR TL 601
164-2		NA	NA	TL 701 LAKE HILLS PUD, UNDEV. PORT. F2 UNLESS FINDINGS
188-1		NA	NA	IN VEN. UGB, CHG. MAP TO EXCLDE TL 900
199-2		NA	NA	THERE IS NO 199-2
201-1		NA	NA	TL 100 CURRENTLY IN FARM USE, CHG. TO E40
204-1		NA	NA	REZONE TL'S 600 & 601 TO F2
204-2		NA	NA	TL 402: 11.76 AC. BEING FARM. TL 403: 14.2 AC. ADJACENT
206		NA	NA	TL 500: 46.6 AC. - BERG CHG. TO E40
209		NA	NA	TL 2600: VAC. E40 ON 3 SIDES CHG. TO E40
223		NA	NA	CHG. TO E., TL 400 VACANT, ORCHARD
251		NA	NA	TL'S 1501,1600,1900 VAC. IN AG USE, CHG. TO E40
264-2		NA	NA	REZONE TL 2901 TO E30
270-1		NA	NA	TL 1200,1201,1300 & 1401 TO E40
281-3		NA	NA	CHG. TL 500,502,508 TO E30
300-1		NA	NA	TL 600,700 & 800, 2 DW F2 ADJ., REC. F2
300-2		NA	NA	POSSIBLE CHG. TO F2 - JUNE 27, 1984
301		NA	NA	SIX PARCELS ONLY 2 DEVELOPED
334-1		NA	NA	SUPL. FIND. NOT ADEQ. 1500 RES. ON 3 SIDES
334-3		NA	NA	POSSIBLE NON-RES. NEED FIND. (JIM , SAUL)
356	NA	NA		LOT 100 SHOULD BE CHG. TO F2 ON JUNE 27, 1984
358-3		NA	NA	TL 505 IS VAC., NEXT TO F1 REZ. TO F2
363		NA	NA	TL 1500 VAC. & SEPERATE FROM REST. CHG. TO F2
369-1		NA	NA	TL 100 VAC. & SEPARATE FROM REST. CHG. TO F2
378		NA	NA	PARCEL 2 OF TL 401 VAC. CHG. TO F2
382-1		NA	NA	ADOPT NON-RES. & SUPL. FINDINGS
383		NA	NA	ADOPT NON-RES. & SUPL. FIND.(HEMENWAY)
385-3		NA	NA	CHG. NORTHERN MOST POR. OF TL 500,600 TO E25 (SEE MAP)
400-3		NA	NA	CHG. TL 1601 TO E30
419-5		NA	NA	CRAIG LP. SUBD. NOT COMM. CHG. TO F2: TL 126 SEE CPR 859
426-1		NA	NA	TL 300 & 600 VAC. 10 AC. SURROUNDED BY E25, CHG. TO E25
434-1		NA	NA	TL 700 N. OF MOSBY CK. CHG. TO E40
439		NA	NA	TL 1200 & 600 N. OF CLOVERDALE RD.-E40
441-2		NA	NA	PAR. 3 OF TL 501-F2 REMAIN. COMMITTED
447		NA	NA	TL'S 600,700 & 1701 VAC. CHG. TO E30 PER ADJ. USES
453-2		NA	NA	NOT COMMITTED SEE CERRO GORDO

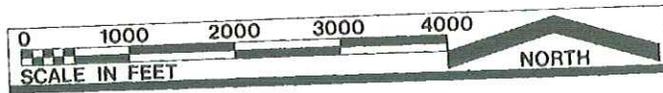
NON-RES. FINDINGS			
458	NA	NA	NON-RES. - THURMOND
463	NA	NA	NOT COMM. - SEE WOLF NON-RES. FINDINGS
464	NA	NA	NON-RES. - SEE CERRO GORDO
479-2	NA	NA	REZONE TL 1802 S. OF RD. TO E40
483-2	NA	NA	POR. OF TL 1800 S. OF POND CHG. TO F2
484-3	NA	NA	TL'S 1400, 1500 & 1700 CHG. TO E25
493-1	NA	NA	TL 1300 ADJ. TO F2 & DISASSOC. REC. F2
522	NA	NA	CHG. TL 500, 503, 504, 201 TO F2
531-1	NA	NA	REZONE TL 1300 TO F2
555-2	NA	NA	TL 1700 & 101 CHG. TO F2
596	NA	NA	TL 100, 102, 103, 200, 202 & 203 CHG. TO F2
597-2	NA	NA	TL 2000 CHANGE TO F2
603	NA	NA	TL 2200 (23 AC.) CHG. TO F2
604	NA		IN OAKRIDGE UGB - NO FURTHER ACTION NECESSARY
617	NA	NA	TL 1200, 1300, CHG. TO F2
628-1	NA	NA	TOKATEE GOLF COURSE TL 100 TAKE OUT

1010



425

413



	OFFICIAL PLAN MAP		PLOT# 412	
	Twnshp Range Section 18 03 11		<input type="text"/> / <input type="text"/>	
ORIGINAL ORD. # PA 884		DATE 2/29/1984		FILE #
REVISION #		ORD. #		DATE
				FILE #

EXHIBIT 13

LAW OFFICE OF BILL KLOOS, PC

OREGON LAND USE LAW

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February 17, 2010

City of Springfield and Lane County Planning Commissions
City of Springfield Planning Department
225 Fifth Street
Springfield, Oregon 97477

Re: Springfield 2030 Refinement Plan

Dear Planning Commissioners:

We represent the Willamette Water Company in the Springfield 2030 Refinement Plan proceedings and submit this letter and attached exhibits for entry into the record. The Willamette Water Company supports Concept 1, which proposes to expand the Springfield urban growth boundary (UGB) to include 235 suitable acres for employment use (420 total acres) in the Seavey Loop/Goshen area.

The Willamette Water Company

The Willamette Water Company is a Public Utilities Commission (PUC) regulated, quasi-municipal utility established in 1972. It currently serves domestic, commercial, industrial and public/institutional customers in the greater Goshen area. A map of the Willamette Water Company service area is attached hereto as Exhibit A. The current service area for the Willamette Water Company is heavily in commercial and industrial use, with non-residential customers accounting for approximately 70 percent of water usage and sales revenue. Its top customers include the BPA Alvey electrical substation, Emerald Peoples Utility District, JCI Fabricators and Cone Lumber.

The existing water distribution system in the Seavey Loop/Goshen area is robust. It is composed of approximately 40,000 feet of ductile iron main pipeline, varying from 20 inches to 6 inches in diameter. A map showing the diameters of the Willamette Water Company's water system is attached as Exhibit B. Ductile iron pipe provides a service life of over 90 years. The approximate age of the current system is 32 years. The system currently has 171 service meters, ranging in size from ¾ inch to 8-inch. There are also 47 fire hydrants, which are utilized by the Goshen Fire Department. A map showing the hydrant and valve locations for the Willamette Water Company's system is attached as Exhibit C. The system is gravity fed by the Eugene Water and Electric Board's Bloomberg Reservoir, with an overflow elevation of 700 feet.

The Willamette Water Company currently has a 4 CFS water right on the McKenzie River. While this water right is ample to supply the projected 40 year demand in the current service area, Willamette Water has applied for an additional 34 CFS water right on the McKenzie River to supply safe drinking water to an expanded service territory in the southern Willamette Valley. The current population of approximately 23,000 in this expanded service area is projected to

grow to about 51,000 over the next 40 years. This population increase, combined with poor water quality and low water production in the area, will result in a high demand for a source of clean, treated surface water. The Willamette Water Company is positioned to fulfill this need.

As is evident from the above, Willamette Water Company has existing infrastructure in place to provide water service to the Seavey Loop/Goshen area under consideration for inclusion into the City of Springfield's UGB.

The Seavey Loop/Goshen Area Contains the Only Exception Lands Dedicated to Employment Use and is the Highest Priority Land for Inclusion into the UGB.

As staff has explained throughout the HB 3337 process, Goal 14 and the Oregon Revised Statutes prescribe a precise hierarchy regarding the priority of land types that can be included within a proposal to expand an urban growth boundary.

ORS 197.298 sets out both the priority and the permitted exceptions for including lands within an urban growth boundary.¹ The highest priority land for consideration is land designated urban

¹ ORS 197.298 **Priority of land to be included within urban growth boundary** provides:

"(1) In addition to any requirements established by rule addressing urbanization, land may not be included within an urban growth boundary except under the following priorities:

"(a) First priority is land that is designated urban reserve land under ORS 195.145, rule or metropolitan service district action plan.

"(b) If land under paragraph (a) of this subsection is inadequate to accommodate the amount of land needed, second priority is land adjacent to an urban growth boundary that is identified in an acknowledged comprehensive plan as an exception area or nonresource land. Second priority may include resource land that is completely surrounded by exception areas unless such resource land is high-value farmland as described in ORS 215.710.

"(c) If land under paragraphs (a) and (b) of this subsection is inadequate to accommodate the amount of land needed, third priority is land designated as marginal land pursuant to ORS 197.247 (1991 Edition).

"(d) If land under paragraphs (a) to (c) of this subsection is inadequate to accommodate the amount of land needed, fourth priority is land designated in an acknowledged comprehensive plan for agriculture or forestry, or both.

"(2) Higher priority shall be given to land of lower capability as measured by the capability classification system or by cubic foot site class, whichever is appropriate for the current use.

"(3) Land of lower priority under subsection (1) of this section may be included in an urban growth boundary if land of higher priority is found to be inadequate to accommodate the amount of land estimated in subsection (1) of this section for one or more of the following reasons:

"(a) Specific types of identified land needs cannot be reasonably accommodated on higher priority lands;

"(b) Future urban services could not reasonably be provided to the higher priority lands due to topographical or other physical constraints; or

"(c) Maximum efficiency of land uses within a proposed urban growth boundary requires inclusion of lower priority lands in order to include or to provide services to higher priority lands."

reserve land. Since the City of Springfield has no urban reserve land, the city must move to the next highest priority land as prescribed by ORS 197.298(1)(b). The second priority land is land that is adjacent to the UGB that is acknowledged as an exception area or as nonresource land.

Of the areas under consideration for UGB expansion, the Seavey Loop/Goshen area is the only area that includes exception land planned for employment uses and is the area that has the highest concentration of exception land of all types. In short, if any area is brought into the City of Springfield to meet the identified employment land need, it must be land in the Seavey Loop/Goshen area.

While ORS 197.298(3)(c) allows for a city to include land of lower priority in conjunction with land of higher priority for the purposes of maximizing land use efficiency, the statute does not readily allow a city to skip higher priority lands to include lower priority lands instead. This point was made clear in DLCDC's recent order to the City of Bend regarding its proposed UGB expansion. That order is attached hereto as Exhibit D (The full 156 page order is provided with the original of this letter; copies include only the cover page). In that order, DLCDC concluded that the methodology and approach used by the City of Bend improperly excluded a substantial amount of land planned and zoned as exception lands in favor of including large amounts of lower priority lands. Exhibit D, page 115 of 156. As the LCDC order for Bend demonstrates, the hurdle for bypassing higher priority lands altogether in favor of lower priority lands is extremely high.

The Joint Planning Commissions should recommend that the Springfield City Council and the Lane County Commissioners include all of the acknowledged exception lands in the Seavey Loop/Goshen area, as well as those lower priority lands that will provide for maximum efficiency in providing services to those exception lands, in the new City of Springfield UGB.

Concept 1 is an efficient and defensible approach to fulfilling the City's employment land needs.

The Commercial and Industrial Buildable Lands Study/Goal 14 Analysis (CIBL) indicates that the City of Springfield needs an additional 640 acres of employment land to meet its needs over the next twenty years. With the guidance of the technical committee, staff and EcoNorthwest have developed three concepts as to how this need can be met. These three concepts are presented in the staff report.

The Willamette Water Company urges the Planning Commissioners to recommend adoption of Concept 1. It represents an efficient and defensible approach to fulfilling the City's employment land needs.

As noted above, the Seavey Loop/Goshen area represents the only area for consideration that includes exception land planned and zoned for employment (commercial and industrial) use and contains the largest area of exception land under consideration. It is the highest priority land for consideration and must be brought into the city if the city expands at all. The question is, how much land should be brought in?

The three concepts contain two different proposals for UGB expansion into the city. Concepts 2 and 3 envision bringing in a total of 260 acres to acquire 90 acres suitable for development. Those concepts include only exception lands in the Seavey Loop/Goshen area, which results in a jigsaw puzzle configuration of parcels.

Concept 1 envisions bringing in a total of 420 acres to provide 235 acres suitable for employment land use. Consistent with the principles set forth by ORS 197.298(1) and (3), Concept 1 includes lower priority lands entirely surrounded by exception lands or areas that will allow for the maximum efficiency of land uses in order to provide facilities and services to the exception lands in the area. As you can see from the graphic for Concept 1, it fills in the gaps of the puzzle.

Because the City of Springfield must include the Seavey Loop/Goshen area in any UGB expansion, it represents responsible planning and governance to do it in the most efficient manner possible. The way to do that is by recommending that the City Council and County Commissioners adopt Concept 1. It represents an efficient and defensible decision.

One final point should be made about the Seavey Loop/Goshen area. Map 9 from the staff report, entitled "Study Area Summaries," at page 647 of the staff report indicates that the Seavey Loop/Goshen area (Area 9/10) consists of 1,791 acres/399 tax lots. While the initial study area may have been that large, the Willamette Water Company is concerned that persons may believe that the entire area is under consideration for UGB expansion. It is not. There is no way the city could justify bringing in the large areas of farmland on the eastern portion of the study area.

Only the areas envisioned by the three proposed concepts represent defensible UGB expansion decisions, and of the three, Concept 1 is the best.

The Public Facilities and Services Analysis in the Staff Report is Misleading. There are Existing Water and Fire Services Available in the Seavey Loop/Goshen Area.

The staff report for this hearing contains information prepared by the public works staff regarding the Goal 14 Boundary Location Factor 2, which requires consideration of the orderly and economic provision of public facilities and services. That information is misleading.

The information provided in the staff report assumes that it is the City of Springfield and the Springfield Utility Board that is to provide the public facilities and services. So, for example, the Seavey Loop/Goshen area is identified as having no existing water service. See Section F-28, Staff Report p. 656. As this letter explains above, that is a factually incorrect statement.

Importantly, the assumption made in the city's analysis – that the city can and should limit its review of public facilities and services to those that it provides – is not defensible. Again, the DLCD's order in the Bend case provides guidance on this issue. In the Bend proceeding, the city established review criteria that required lots to be serviceable by "city" water and sanitary services and is within the regional stormwater plan service area. DLCD commented that the

serviceable criteria was permissible "except for the limitation to *city* facilities" for the sanitary systems. See Exhibit D, page 118, Table 3. A notation referring to the analysis for the sanitary facilities was made for the water and stormwater facilities.

In short, the appropriate consideration is whether public facilities and services can be provided to an area in an orderly and economic manner, not whether "city" facilities and services can be provided. Here, the Joint Planning Commissions and the local governments should know that the Seavey Loop/Goshen area considered for inclusion into the Springfield UGB already has existing water and fire services.

As discussed above and shown in Exhibits A through C, the Willamette Water Company has the existing infrastructure in place to provide water to the entire area considered for inclusion into the UGB. The Planning Commissioners should understand that water is not a "constraint" for the Seavey Loop/Goshen Area (see Staff Report p. 656, F-28), and will not be "difficult" to provide water services to (see Staff Report p. 661, F-33).

The case is the same for fire and life safety issues. Attached hereto as Exhibit E is a diagram showing the Goshen Fire Department service area. That diagram shows that the Seavey Loop/Goshen areas considered for inclusion into the City of Springfield are currently provided with fire and emergency services. There is no reason why these services could not be continued into the near-term future. There is no basis to conclude that fire services are constrained or difficult to provide for this area.

It is also worth noting that the staff report discusses the fact that Springfield fire services will need to expand to serve the southern Glenwood area as it develops. Any expansion plans that include the full Glenwood area can readily incorporate services to the Seavey Loop/Goshen area. In the mean time, public fire and emergency services already exist for the area and can efficiently be continued into the near-term future.

We urge the Joint Planning Commissions to recommend adoption of Concept 1 to the Springfield City Councilors and Lane Planning Commissioners.

Thank you for your consideration.

Sincerely,

Bill Kloos

Exhibits

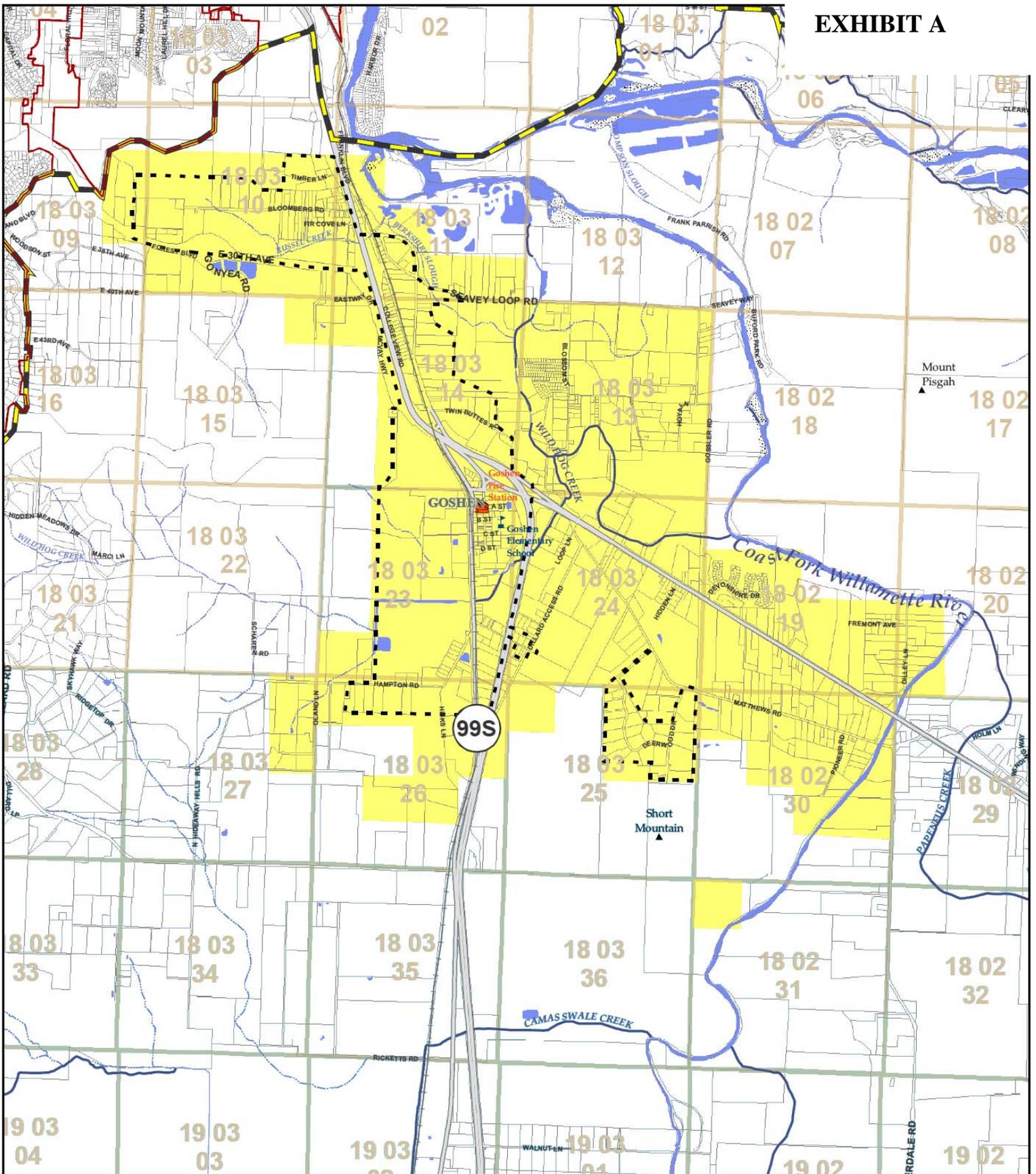
- Exhibit A Map – Willamette Water Company Service area
- Exhibit B Willamette Water Company Pipe Size Map
- Exhibit C Willamette Water Company Hydrant and Valve Location Map

The City of Springfield and Lane County Planning Commissioners

February 17, 2010

Page 6 of 6

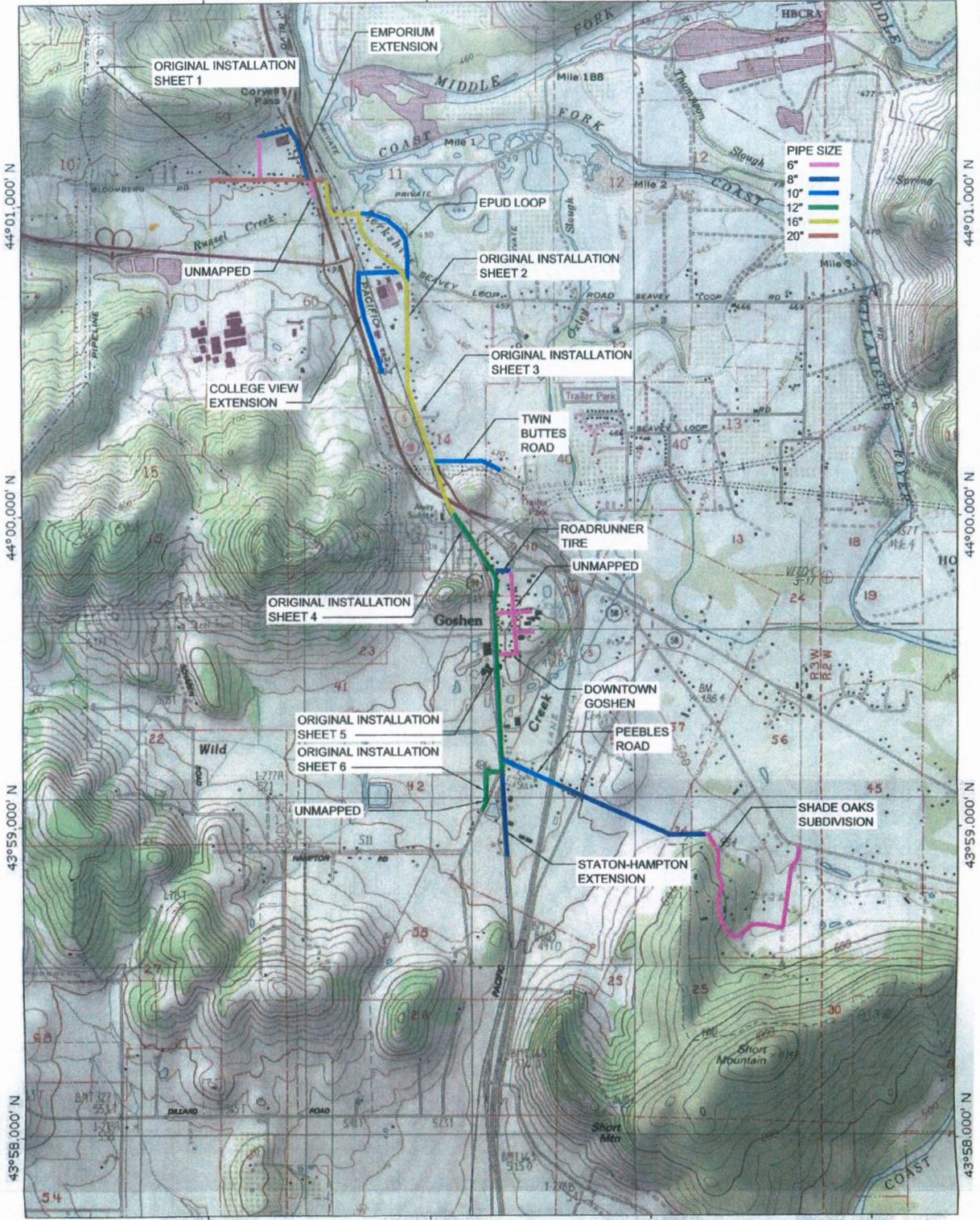
- Exhibit D DLCDC Order 001775 – Report on Bend and Deschutes County's Amendment to the Bend Urban Growth Boundary (cover only, full copy provided to staff)
- Exhibit E Map showing the Goshen Fire Department Service Area



Willamette Water Company

 Willamette Water Co. Service Area Rivers and Streams

 Existing Water Right



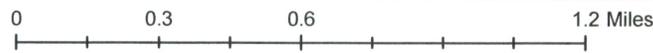
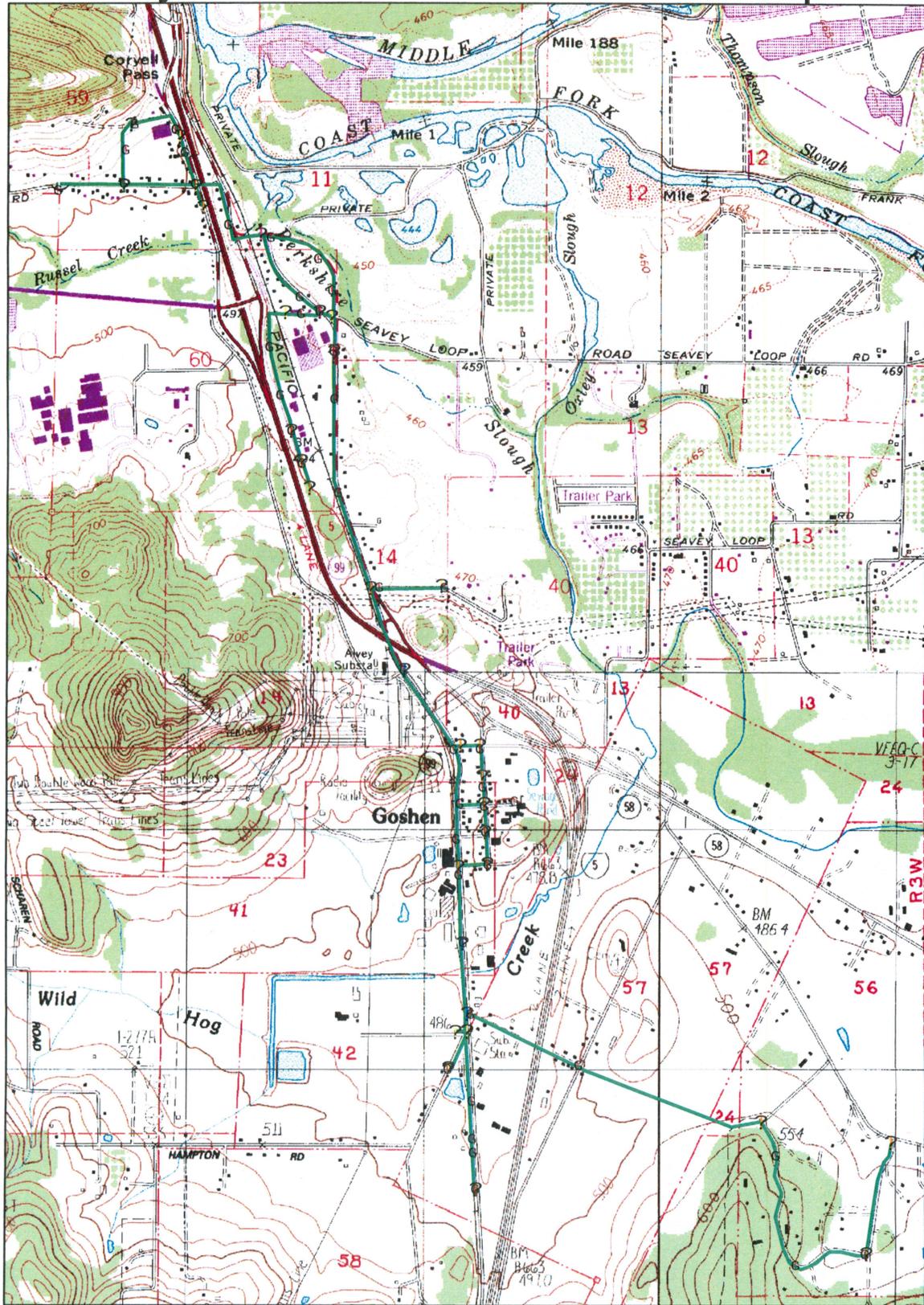
TN+MN
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Map created with TOPO! © 2002 National Geographic (www.nationalgeographic.com/topo)

Goshen Water
Distribution
System

Hydrant and Valve Location Map EXHIBIT C



Intended map use is for approximate valve locations and reference purposes only and should not be used for mainline locating. The map producer assumes no responsibility or liability for map accuracy or item location discrepancies.

- G Hydrants
- P 6" valves
- ⊗ 8" Valves
- ⊖ 10" Valves
- ⊕ 12" Valves
- ⊗ 16" Valves
- 20" main connection
- System Mainline

DEPARTMENT OF LAND CONSERVATION & DEVELOPMENT

**REPORT ON BEND AND DESCHUTES COUNTY'S
AMENDMENT TO THE BEND URBAN GROWTH BOUNDARY**

DLCD ORDER 001775

January 8, 2010

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EXHIBIT B: April 14, 2005 staff report to LCDC regarding UGB location factors

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I. EXECUTIVE SUMMARY

The City of Bend is nationally recognized as a high-quality, desirable place to live and work. Bend is the seventh largest city in Oregon, and is one of the fastest growing communities in the state. Over the next twenty years, close to forty thousand new residents are expected in the city. Planning for the homes and jobs that current and future citizens will need is an important responsibility, and the decisions made now will have long-term consequences for the city and region.

The city and Deschutes County have made a substantial effort to plan for the future of the area in their decisions on the Bend urban growth boundary (UGB). The UGB establishes where the city will grow over the next twenty years. Setting this boundary and planning for the lands inside of it directly influences what types of housing are likely to be built, what employment opportunities the city is prepared for, and the future costs of public facilities. It also has important long-term consequences for where people live and work in the region, and the extent to which they need to drive to get from homes to jobs to shopping and other destinations.

This is a decision by the Director of the Oregon Department of Land Conservation and Development about whether the City of Bend and Deschutes County's UGB expansion complies with state land use laws. The decision is to remand the UGB expansion (along with a related amendment to the city's public facilities plan) back to the city and county for revisions needed for the decisions to conform with state requirements.

The director agrees with the city and county that a UGB expansion is needed, but the size of the expansion is over four square miles larger than the amount of land the local governments determined is needed. The director also agrees with the city and county that they have appropriately shown a need for land for a new university site and for a large-site general industrial area. However, the local governments need to complete technical work to document that lands for these important future uses can't be found within the existing city limits.

The director also determines that the city has not done an adequate job of planning for needed housing for current and future residents of Bend and the region. The city has documented a real need for more affordable housing, and for housing for people who work in Bend – to reverse the trend of workers leaving the city to find affordable housing. However, the city's planning for future residential development does not lay the groundwork for these types of housing to be developed in Bend.

State land use laws require cities to work to encourage growth to occur on vacant and underutilized lands within urban areas before expanding into rural areas. Bend has taken tentative steps in this direction, but its indefinite plans do not demonstrate that the city will meet its housing needs over the next twenty years.

Finally, the city and county decisions regarding where to expand the Bend UGB fail to explain (adequately) why certain lands are included, while others are not. An important aspect of this decision is the location of future sewer system investments, and the Director agrees that the planning for those system improvements is an important consideration in deciding where to locate the boundary. However, the findings and technical work supporting the decision are conflicting in some aspects, and do not appear to provide decision-makers with an adequate basis for making decisions about the long-term cost implications of expanding the boundary in particular locations.

The Department of Land Conservation and Development has committed a substantial amount of staff time and funding to working with the city and county to plan for the community's future. This decision is designed to help move that effort forward, and the department will continue to offer its assistance as Bend plans for its future.

II. BACKGROUND AND DESCRIPTION OF UGB PROPOSAL

The City of Bend adopted an 8,462-acre UGB expansion and supporting plan and code amendments on January 5, 2009. (See Figure 1, UGB Map, on the following page.) Deschutes County co-adopted the same UGB expansion along with its own supporting plan and code amendments on February 11, 2009. The city and county decisions were submitted to the department for review on April 16, 2009. In its submittal to the department, the city summarized its proposal as follows:

The adopted UGB amendment is substantially different from previous submittals dated June 11, 2007 and October 8, 2008. Lands proposed to be included to the west and north are exception lands. Lands proposed to be included to the northeast and due east are a combination of exception and resource lands; lands to the south and southeast are exception lands. [Notice of Adoption of an UGB Amendment form dated April 16, 2009]

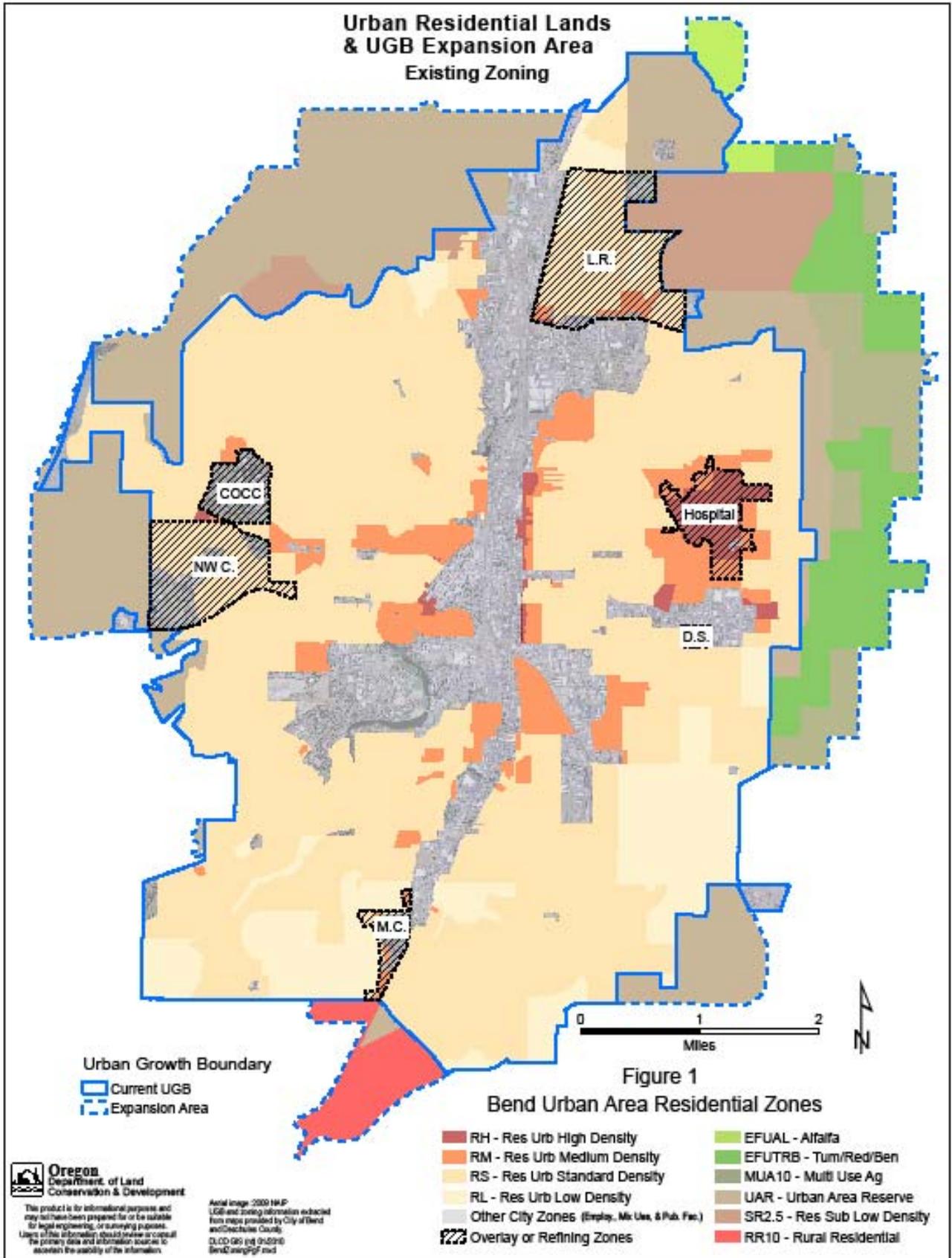
A. Background

The city began review of its need for additional land for housing in 2004, and later added an evaluation of its employment land needs as part of its UGB review. On June 11, 2007, the city submitted a notice of a proposed 4,884-acre UGB expansion to the department through a 45-day post-acknowledgement plan amendment notice. The notice also included a 14,775-acre urban reserve proposal, which was withdrawn from further consideration shortly thereafter. Following joint public hearings by the city and county planning commissions, it was decided locally that further work was needed on the UGB expansion proposal.

On October 8, 2008, the city submitted notice of a revised UGB expansion proposal that included 8,943 acres, 83 percent larger than the June 11, 2007 proposal. A joint planning commission hearing occurred on October 27, 2008, followed the next day by an adoption recommendation by the Bend Planning Commission. The Bend City Council and Deschutes County Board of Commissioners held a joint public hearing on the proposal on November 24, 2008 and considered certain changes to it. The written public hearing record remained open until December 1, 2008. After deliberation during December, 2008, the city council adopted the proposal on January 5, 2009.¹

The Deschutes County Planning Commission forwarded its recommendation on November 13, 2008 and Board of Commissioners co-adopted the UGB expansion and

¹ The Bend City Council approved Ordinance NS-2111 related to amendments to sewer and water public facility plans involved with the UGB proposal, Ordinance NS-2112 related to justification of the UGB expansion and amendments to the Bend Area General Plan, and Ordinance NS-2113 concerning UGB-related amendments to the Bend Development Code.



related amendments to the county comprehensive plan and county zoning code on February 11, 2009.²

The city provided notice and submittal of the UGB expansion to the department on April 16, 2009. The submittal contained an approximately 14,000-page record, including the adopted ordinances NS-2112 and NS-2113. The submittal did not include Ordinance NS-2111, which adopted an amended public facility plan, although a copy of Ordinance NS-2111 was included in the April 16, 2009 submittal materials.

The 21-day objection period for the April 16, 2009 submittal ended on May 7, 2009, with 27 parties filing objections. Also on May 7, 2009, the department sent the city notice that the submittal was incomplete. The city responded to the department's notice on June 5, 2009.

On June 12, 2009, the city provided notice and submittal of its adoption of the public facility plans related to the UGB expansion, including the notice of adoption for Ordinance NS-2111. This submittal started a second 21-day objection period. This second objection period ended on July 6, 2009 with nine objecting parties, including some who had objected during the objection period for the UGB submittal.

The department determined that the city's submittals were complete on August 28, 2009, and consolidated the record for review in the manner of periodic review. This began the department's 120-day review period to prepare a decision on the consolidated submittal. The 120-day review period was extended to January 8, 2010 by agreement of the city, in response to a request from the department on December 15, 2009.

B. Summary of the UGB expansion

The UGB expansion adds 8,462 acres to the existing 21,247-acre Bend UGB, an approximately 40 percent increase. The expansion includes 2,866 acres for housing needs and related uses and 2,090 acres for employment needs and related uses, for a total land need of 4,956 acres. [R. at 1054, 1057-1058] The amendment includes 5,475 acres considered "suitable" and available for development, leaving a theoretical "surplus" of 519 acres. [R. at 1054] In addition to the 519-acres, the UGB amendment includes 2,987 acres considered unsuitable for satisfying housing and employment land needs.

Of the 5,475 acres considered "suitable" and available for development, 4,069 acres are exception lands, which (under state law) are the highest priority lands for UGB expansions. ORS.197.298. The remaining 1,407 acres are resource (farm) lands, which are the lowest priority lands for UGB expansions. [R. at 1058] The findings do not indicate the land priority of the 3,506 acres of land that have been included in the UGB expansion, but that are either unsuitable for housing and employment land, or are

² The Deschutes County Board of Commissioners approved Ordinance No. 2009-01, related to co-adoption of the proposed Bend UGB and associate comprehensive plan policies and Ordinance No. 2009-02, related to the county zoning map and zoning ordinance text for areas within the Bend UGB.

"surplus" according to the findings. These 3,506 acres represent 41.4 percent of the UGB expansion area.

In 2008, the population living within the prior UGB was reported to be 76,551. The city's 2028 planning year population is projected to be 115,063. [R. at 1302]

The city's housing needs analysis identifies a need for 16,681 new dwelling units over the 20-year planning period, of which 11,159 dwelling units would be accommodated in the prior UGB. [R. at 1070-1071, 1083] According to the decision, this leaves the need for 5,522 new dwelling units to expand on 941 net acres of expanded UGB area.³ [R. at 1080, 1082]

The city projects that non-shift employment in 2028 will include 60,607 jobs citywide, of which 29,602 will be new employees. [R. at 1108, 1140] 2,090 acres of land were included in the UGB expansion to provide the sites necessary for this expanded employment base.

³ Second homes and vacant homes are not included in these housing needs numbers.

III. OBJECTIONS AND ANALYSIS

A. Organization of Review

Due to the size of the submittals included in this proceeding, the large number of objections provided by objectors and the range of issues subject to objections, the department has consolidated its review of objections by major compliance topics. This review starts in section III.E.

Sections III.B and C address the status of the objectors, determining whether they meet the legal requirements for objections, and whether their objections meet the requirements for valid objections. Section III.D addresses objections to Department of Land Conservation and Development's jurisdiction to review a portion of the submittal – the City of Bend's adoption of Ordinance NS-2111, adopting amended public facilities plans that relate to and are used as one basis for the city and county decisions on the Bend UGB.

Starting with Section III.E, review of each consolidated compliance topic includes (a) a summary of the applicable legal requirements relating to that set aspect of the decisions, (b) a summary of the local government actions, (c) a summary of relevant objections and previous department comments, and (d) the director's analysis and conclusions. The analysis and conclusions in each section are collected together and repeated in the report's final section, which contains the director's conclusions and decision. In the event of any conflict between the conclusions in Section III. and the conclusions in Section IV, those in Section IV will control.

B. Objectors and Status

Persons who participated at the local level orally or in writing during the local process leading to the final decision may file an objection to the local government's UGB expansion with the department, which then must review the expansion decision or refer it to the Land Conservation and Development Commission (LCDC) for review. Pursuant to OAR 660-025-0140(2), to be valid, objections must:

- (a) Be in writing and filed with the department's Salem office no later than 21 days from the date the notice of the submittal to the department was mailed by the local government;
- (b) Clearly identify an alleged deficiency in the UGB expansion, and the statute, goal or administrative rule the task submittal is alleged to have violated;
- (c) Suggest specific revisions that would resolve the objection; and
- (d) Demonstrate that the objecting party participated at the local level orally or in writing during the local process.

On May 7, 2009, the 21-day objection period for the city's April 16, 2009 submittal ended with the following 26 parties filing timely objections with the department. The

parties listed all participated at the local level according to materials submitted to the department, with the exception of Mr. and Mrs. Harold Simpson, as set forth in more detail in the next subsection. This list presents objectors in roughly the same order that they were received by the department.

1. Swalley Irrigation District
2. Tony Aceti
3. Terry L. Anderson
4. Toby Bayard
5. Bend-La Pine School District
6. Bend Metro Park and Recreation District
7. Brooks Resources Corporation
8. Richard and Jelinda Carpenter, Jack McGilvary (trustee)
9. Central Oregon LandWatch
10. Cindy Shonka
11. Edward J. Elkins, Doris E. Elkins
12. Fred and Katy Boos
13. Hillary Garrett
14. E. M. Holiday
15. Mark Anderson
16. Barbara I. McAusland
17. Tony and Cyllene King
18. Miller Tree Farm, LLC (Charlie Miller)
19. Newland Communities
20. Oregon Department of State Lands
21. Paul J. Shonka
22. Rose and Associates, LLP
23. Shevlin Sand and Gravel, Inc.
24. Mr. and Mrs. Harold Simpson
25. Keith Spencer
26. Tumalo Creek Development, LLC

On July 6, 2009, the 21-day objection period for the city's June 12, 2009 submittal ended with the following nine parties filing timely objections with the department. The parties listed all participated at the local level according to materials submitted to the department. This list presents objectors in roughly the same order that they were received by the department.

1. Toby Bayard
2. Hunnel United Neighbors
3. Newland Communities
4. Swalley Irrigation District
5. Anderson Ranch
6. Central Oregon LandWatch
7. J. L. Ward Company
8. Rose and Associates, LLC

9. Tumalo Creek Development

C. Validity of Objections

Objections must satisfy the requirements of OAR 660-025-0140(2) in order to be valid and considered by the director. This rule states:

Persons who participated at the local level orally or in writing during the local process leading to the final decision may object to the local government's work task submittal. To be valid, objections must:

- (a) Be in writing and filed with the department's Salem office no later than 21 days from the date the notice was mailed by the local government;
- (b) Clearly identify an alleged deficiency in the work task sufficiently to identify the relevant section of the final decision and the statute, goal, or administrative rule the task submittal is alleged to have violated;
- (c) Suggest specific revisions that would resolve the objection; and
- (d) Demonstrate that the objecting party participated at the local level orally or in writing during the local process.

Some objectors have provided numerous or multiple objections covering a range of compliance issues, while others focus on a single objection. All of the objectors listed in section III.B filed their objection(s) in a timely matter, satisfying the requirements of OAR 660-025-0140(2)(a).

The objection of Mr. and Mrs. Harold W. Simpson (dated May 1, 2009) does not establish a clearly identified deficiency in the submittal as required by OAR 660-025-0140(2)(b). The objector attached a letter dated December 15, 2008, which apparently was originally sent by another party to the city, but after the City of Bend closed the public record on the matter on December 1, 2008. The objectors have not demonstrated that they participated orally or in writing at the local level as required by OAR 660-025-0140(2)(d). The Simpsons' objections are not valid.

The objection of Keith Spencer (dated April 23, 2009) does not establish a clearly identified deficiency in the submittal, as required by OAR 660-025-0140(2)(b). As a result, Mr. Spencer's objections are not valid.

The remaining objectors provided one or more valid objections. However, as set forth in more detail in the director's analysis section later in this report, specific objections may be found to be invalid based on criteria in OAR 660-025-0140(2)(b) or OAR 660-025-0140(2)(c).

Objections not addressed in the analysis sections of this report are denied.

D. DLCD Jurisdiction

Objector Swalley Irrigation District (Swalley) contends that the Land Use Board of Appeals (LUBA or the Board), and not this department has jurisdiction over the city's submittal. Swalley rests the objection upon (1) the "tardiness" of the city's submittal, and (2) the contention that the submittals are not and do not arise from UGB amendments within the department's jurisdiction under ORS 197.825(2)(c)(A). Swalley objects that in order to invoke the exception to LUBA jurisdiction under ORS 197.825(2)(c)(A), a local government submittal to the department must occur closer to the time of adoption than occurred in this matter. Swalley objects that the city's submittal is not timely for purposes of ORS 197.825(2)(c)(A) because it occurred after the time for filing a LUBA appeal or intervention. Objector Swalley contends this is because transfers to LUBA can only occur within certain statutory limits, citing ORS 197.830(9). Objector Swalley expounds that under ORS 197.825(2)(c)(A), the director can only transfer a matter to LUBA within the 21-day period in which a notice of intent to appeal a land use decision may be filed under ORS 197.830(9). Swalley argues "DLCD director's transfer authority is only exercisable and thus necessarily must occur in the LUBA 21 day appeal period." [Swalley Objection 1, at 14]

a. Legal Standard

Under ORS 197.825, LUBA has exclusive jurisdiction to review any land use decision of a local government with specific statutory exceptions.⁴ One exception to the exclusive jurisdiction of the board is for certain matters submitted to the department. ORS 197.825(2) provides in part:

The jurisdiction of the board:

* * * * *

(c) Does not include a local government decision that is:

(A) Submitted to the Department of Land Conservation and Development for acknowledgment under ORS 197.251, 197.626 or 197.628 to 197.650 or a matter arising out of a local government decision submitted to the department for acknowledgment, unless the Director of the Department of Land Conservation and Development, in the director's sole discretion, transfers the matter to the board[.]”

ORS 197.825(2)(c)(A) excludes submittals pursuant to ORS 197.626, which provides:

⁴ ORS 197.825(1) provides:

Except as provided in ORS 197.320 and subsections (2) and (3) of this section, the Land Use Board of Appeals shall have exclusive jurisdiction to review any land use decision or limited land use decision of a local government, special district or a state agency in the manner provided in ORS 197.830 to 197.845.

[A] city with a population of 2,500 or more within its urban growth boundary that amends the urban growth boundary to include more than 50 acres or that designates urban reserve under ORS 195.145, or a county that amends the county's comprehensive plan or land use regulations implementing the plan to establish rural reserves designated under ORS 195.141, shall submit the amendment or designation to the Land Conservation and Development Commission in the manner provided for periodic review under ORS 197.628 to 197.650. (Emphasis added.)

The commission adopted OAR 660-025-0040⁵ to implement its exclusive jurisdiction under the statute and OAR 660-025-0250⁶ to provide for transfers of matters to LUBA.

⁵ OAR 660-025-0040 provides:

(1) The commission, pursuant to ORS 197.644(2), has exclusive jurisdiction to review the evaluation, work program, and all work tasks for compliance with the statewide planning goals and applicable statutes and administrative rules. Pursuant to ORS 197.626, the commission has exclusive jurisdiction to review the following land use decisions for compliance with the statewide planning goals:

- (a) If made by a city with a population of 2,500 or more inside its urban growth boundary, amendments to an urban growth boundary to include more than 50 acres;
 - (b) If made by a metropolitan service district, amendments to an urban growth boundary to include more than 100 acres;
 - (c) plan and land use regulations that designate urban reserve areas.
- (2) The director may transfer one or more matters arising from review of a work task, urban growth boundary amendment or designation or amendment of an urban reserve area to the Land Use Board of Appeals pursuant to ORS 197.825(2)(c)(A) and OAR 660-025-0250.

⁶ OAR 660-025-0250 provides:

- (1) When the department receives an appeal of a director's decision pursuant to OAR 660-025-0150(4), the director may elect to transfer a matter raised in the appeal to the Land Use Board of Appeals (board) under ORS 197.825(2)(c)(A).
- (2) Matters raised in an appeal may be transferred by the director to the board when:
 - (a) The matter is an urban growth boundary expansion approved by the local government based on a quasi-judicial land use application and does not require an interpretation of first impression of statewide planning Goal 14, ORS 197.296 or 197.298; or
 - (b)(A) The matter alleges the work task submittal violates a provision of law not directly related to compliance with a statewide planning goal;
 - (B) The appeal clearly identifies the provision of the task submittal that is alleged to violate a provision of law and clearly identifies the provision of law that is alleged to have been violated; and
 - (C) The matter is sufficiently well-defined that it can be separated from other allegations in the appeal.
- (3) When the director elects to transfer a matter to the board, notice of the decision must be sent to the local jurisdiction, the appellant, objectors, and the board within 60 days of the date the appeal was filed with the department. The notice shall include identification of the matter to be transferred and explanation of the procedures and deadline for appeal of the matter to the board.
- (4) The director's decision under this rule is final and may not be appealed.

b. Summary of Local Actions

The city submitted notice of the city's and county's adoption of four ordinances to the department on April 16, 2009. Those four ordinances were the city's ordinances adopting the amended UGB and amending the city's development code in certain respects (Ordinances Nos. NS-2112 and NS-2113), and the county's ordinances co-adopting the amended UGB and making certain amendments to the county's comprehensive plan map and text for the lands within the UGB expansion area. [R. at 1050-1051 (city ordinance NS 2112 - UGB); R. at 1836-1844 (city ordinance NS 2113 – development code); [county ordinance 2009-1 – UGB map and DCC and TSP map]; [county ordinance 2009-2 – zoning map and certain DCC amendments]. The city did *not* submit ordinance NS 2111, amending the city's Public Facilities Plan element of its General Plan, to the department on April 16, 2009 (although the city included a copy of this ordinance, which the city adopted immediately before the UGB amendment ordinance, in the record for the submittal of the UGB ordinance (NS 2112), and the city submitted a separate notice of adoption of the Public Facilities Plan on January 9, 2009). However, on June 12, 2009, following LUBA's decision in *Swalley Irrigation District v. City of Bend*, ___ Or LUBA ___ (LUBA Nos. 2009-012, 2009-013, 2009-31 and 2009-032 , May 8, 2009) and order in *Swalley Irrigation District v. City of Bend*, ___ Or LUBA ___ (LUBA Nos. 2009-010, 2009-011, and 2009-020, May 8, 2009) the city separately submitted ordinance NS 2111 to the department, and provided notice to the objectors, as required by OAR 660-025-0175(3) and (4) and OAR 660-025-0130 and -0140.

c. Analysis

The director concludes that this objection is not well-taken. Nothing in ORS 197.830(9) addresses department transfers to LUBA. Nothing in ORS 197.825(2)(c)(A) or its statutory context prescribes a time frame in which the director must act to transfer some or all of a local government submittal to LUBA. In construing ORS 197.825(2)(c)(A), the department may not insert what the legislature has omitted – in this circumstance a 21-day time frame that constrains the director's statutory authority to otherwise transfer a matter to LUBA. ORS 174.010. Nor can the director read ORS 197.830(9) as context in such a manner as to give no effect to ORS 197.825(2)(c)(A) in the circumstances presented here. *Id.*

The director notes that LUBA had not issued its orders on the jurisdictional issues at the time of Swalley's objections. Swalley Objection 1, at 4. LUBA has subsequently ruled on substantively the same jurisdictional arguments presented in this objection. The Board held, "ORS 197.825(2)(c)(A) and ORS 197.626, and the implementing rules adopted by DLCD make clear that after the City of Bend submitted NS-2112 and NS-2113 to DLCD for review under the statutes governing periodic review, LUBA ceased to have jurisdiction over those submitted decisions or over matters arising out of those submitted decisions unless the director of DLCD transfers matters to LUBA pursuant to OAR 661-025-0250(2)." *Swalley Irrigation District*, ___ Or LUBA ___ (LUBA Nos. 2009-012, 2009-013, 2009-31 and 2009-032 , May 8, 2009) (Slip op at 8). The Board also has dismissed challenges to County Ordinances 2009-01 and 2009-02 submitted to the department on

April 16, 2009. *Swalley Irrigation District v. City of Bend*, __ Or LUBA __ (LUBA Nos. 2009-33 and 2009-034, July 1, 2009).

Swalley also asserts that the City of Bend's ordinance NS-2111, adopting the city's water public facilities plans and the sewer public facilities plans as amendments to the city's comprehensive plan, is not itself an amendment of the city's UGB or "a matter arising out of" the city's UGB amendment. ORS 197.825(2)(c)(A). The director does not agree. The decision concerning where to expand its UGB relies heavily on the amendments to the public facilities plans as a factor in determining where to expand the UGB. See, e.g., R. at 1192 (Collection System Master Plan, and exclusion of exception lands to the southwest due to the feasibility of providing sewer service during the planning period). The city's 45-day notice also identified amendments to its Public Facilities Plan as being a part of its proposed adoption of an amended UGB. As a result, the director finds that Ordinance NS-2111 "arises out of" the city's UGB amendment, declines to transfer jurisdiction for review to LUBA, and determines that the director has jurisdiction to review the ordinance.

d. Conclusion

The director denies this objection. Consistent with LUBA's decisions and orders regarding jurisdiction over the city and county submittals, unless and until the matters are transferred to LUBA pursuant to OAR 661-025-0250(2), jurisdiction lies with the department.

E. Residential and Related Land Need

The City of Bend is the seventh largest city in Oregon, and from 2000 to 2005 the city grew rapidly—more rapidly than projected by the city at the last major update of its comprehensive plan (in 1998). [R. at 2116, 1059] Deschutes County completed a coordinated 20-year population forecast for the cities of Bend, Redmond and Sisters and the remainder of the county in 2004. [R. at 1981] That forecast projects the population of Bend to grow from 52,800 in 2000 to 109,389 in 2025. [R. at 1981] As the first step in its analysis of the capacity of its urban growth boundary (UGB), the city extrapolated the county’s population forecast to 2028 (in order to have a 20-year forecast for its review of its UGB). The forecast includes a 2028 population for Bend of 115,063. [R. at 1067, 1301] [ORS 195.034(1)] The city initiated a process for formal analysis of its UGB capacity and the consideration of a potential UGB amendment on June 11, 2007 by mailing notice of its initial evidentiary hearing to the department. [R. at 1053] The city adopted an amendment to the UGB and supporting analysis and related comprehensive plan amendments on (January 5, 2009).

This section of the directors report and decision addresses whether the UGB amendment complies with applicable state laws that guide local governments in determining: (1) the amount of land needed inside a UGB over the 20-year period for housing and other land uses (except for employment-related land need, which is addressed in section III.F of this report), (2) how much of this land need could be provided on land already inside the UGB, and (3) how much of this land need can be met only through expansion of the current UGB. The final subsection addresses the relation between the city’s UGB amendment and existing policies in the acknowledged Bend General Plan concerning needed housing.

The director’s analysis and decisions are based on his evaluation of the city and county decisions and the objections to those decisions, as well as the information and findings provided in the submittal.

1. The Quantity of Land Required for Needed Housing

a. Legal standards

ORS 197.295–197.314, 197.475–197.492 and 197.660–197.670, Statewide Land Use Planning Goals 10 and 14, and OAR 660, divisions 8 and 24 are the applicable state laws.¹

The fundamental requirement of these state laws is that cities over 25,000 in population must periodically demonstrate that their comprehensive plans provide for sufficient buildable lands within their urban growth boundary to accommodate needed housing for 20 years. A city meets this requirement by:

1. Forecasting what the population within the UGB will be in 20 years, usually relying on a coordinated population forecast adopted by the county; [ORS 195.036; 195.034; OAR 660-024-0030(3) and (4)]
2. Inventorying the supply of “buildable lands”⁷ within the existing UGB and determining the capacity of those lands for additional residential development over the 20-year period under current zoning [ORS 197.296(3)(a)];
3. Determining what is “needed housing” (ORS 197.303⁸ and OAR 660-024-0010(3)⁹) for the community by “housing type”¹⁰ and density, and determining the number of

⁷ Under Statewide Land Use Planning Goal 10, the term “buildable lands – refers to lands in urban and urbanizable [lands within a UGB that still have rural zoning] areas that are suitable, available and necessary for residential use.” See also, ORS 197.295(1) (same). The term is further defined by LCDC rule as:

residentially designated land within the urban growth boundary, including both vacant and developed land likely to be redeveloped, that is suitable, available and necessary for residential uses. Publicly owned land is generally not considered available for residential uses. 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, 15, 16, 17, or 18;
- (c) Has slopes of 25 percent or greater;
- (d) Is within the 100-year floodplain; or
- (e) Cannot be provided with public facilities.

[OAR 660-008-0005(2); OAR 660-024-0010 (definitions for UGB management)]

⁸ ORS 197.303 provides:

(1) As used in ORS 197.307 * * * “needed housing” means housing types determined to meet the need shown for housing within an urban growth boundary at particular price ranges and rent levels. * * * “[N]eeded housing” also means:

- (a) Housing that includes, but is not limited to, attached and detached single-family housing and multiple family housing for both owner and renter occupancy;
 - (b) Government assisted housing;
 - (c) Mobile home or manufactured dwelling parks as provided in ORS 197.475 to 197.490; and
 - (d) Manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated manufactured dwelling subdivisions.
- * * * *

The housing types listed in the statute, namely “attached single family housing,” “detached single family housing,” and “multiple family housing” also are defined by LCDC rule. OAR 660-008-0005.

⁹ OAR 660-024-0010(3) provides that:

- (3) “Housing need” or “housing need analysis” refers to a local determination as to the needed amount, types and densities of housing that will be:
 - (a) Commensurate with the financial capabilities of present and future area residents of all income levels during the 20-year planning period;
 - (b) Consistent with any adopted regional housing standards, state statutes regarding housing need and with Goal 10 and rules interpreting that goal; and

housing units needed and the amount of land needed for each needed housing type for the 20-year period; [ORS 197.296(3)(b)]

4. If a city determines that its housing need (third step) exceeds its UGB's capacity (second step), the city must first determine whether land inside the UGB can be rezoned to accommodate the additional need. If so, the city must also amend its land use regulations to add new measures that demonstrably increase the likelihood that lands within the existing UGB will accommodate the remaining need. If the city determines it must add lands to its UGB to meet some or all of its projected housing needs, it may do so only after demonstrating that those needs cannot reasonably be accommodated on land already inside the UGB. Statewide Land Use Planning Goal 14.¹¹
5. As part of step 4, a city must determine the density and mix of needed housing types that must occur to meet projected overall housing needs for the 20-year planning period. If that planned density is greater than the actual density of development that has occurred within the UGB since the last periodic review (1998 in the case of Bend), the city must adopt measures to demonstrably increase the likelihood that future residential development in the UGB will occur at the density required to meet the projected housing needs. Similarly, if the overall mix of needed housing types during the 20-years planning period is different from the actual mix that has occurred within the UGB since the last periodic review (1998 for Bend [R. at 1074]), the city must adopt measures to demonstrably increase the likelihood that future residential development will occur in a manner that meets projected housing needs. [ORS 197.296(7)-(9)]
6. If the city determines that some or all of its additional need cannot be met by rezoning and other efficiency measures inside the current UGB (steps 4 and 5), the city must add land to its UGB to accommodate the remaining need. [See ORS 197.296(6)]

The needed housing statutes at ORS 197.295 to 197.314 and Statewide Land Use Planning Goal 10 require cities to *plan* for an adequate supply of land for needed housing. For the most part, they do not directly require cities to *ensure* that needed housing will be developed; that will depend on the market and other programs such as public and non-profit housing programs, tax incentives, and government subsidies.

(c) Consistent with Goal 14 requirements.

¹⁰ The housing types that must be analyzed include, but are not limited to, owner and renter occupied: attached single-family housing, detached single-family housing, and multiple family housing, along with the other three housing types listed in ORS 197.303(1)(b)-(d)) (in footnote 2, above).

¹¹ Statewide Land Use Planning Goal 14 provides, in pertinent part, that: "Prior to expanding an urban growth boundary, local governments shall demonstrate that needs cannot reasonably be accommodated on land already inside the urban growth boundary."

Two other important aspects of Goal 10 and the needed housing statutes and rules bear emphasis in this regard. They are: (a) that the Goal 10 rule requires cities and counties to consider the needs of the relevant *region* in arriving at a fair allocation of housing types within the UGB [OAR 660-008-0030]—in other words, the planning requirements of these laws apply regionally to some degree; and (b) ORS 197.296(7) not only requires planning—it requires “measures that demonstrably increase the likelihood that residential development will occur [at particular density levels, and in particular forms or types].” [ORS 197.296(7)] Such measures may include land use planning actions, but may also include financial incentives, density bonus incentives, redevelopment and infill strategies (such as urban renewal), authorization of new housing types, etc. [ORS 197.297(9)]

b. Summary of Local Actions

On January 5, 2009, the City of Bend adopted three ordinances. The first ordinance (Ordinance NS-2111) amended the city’s Public Facilities Master Plan. [R. at 35]. The second ordinance (Ordinance NS-2112) amended the city’s comprehensive plan map, including its map of its UGB, along with certain provisions of the urban area comprehensive plan text. [R. at 1050-1051] The third ordinance amends the city’s development code in certain respects to implement ordinance NS-2112 (the UGB amendment). [R. at 1836-1837]

The city initiated the evaluation and amendment of its UGB in June of 2007. The first step was to develop an estimate of the total number of new housing units needed over the planning period (from 2008 to 2028). [R. at 1069] The city utilized some of the safe harbors set forth in OAR 660, division 24 in projecting the number of new households, and used a vacancy factor based on 2000 census data. [R. at 1069] The total number of projected households, and thus the number of housing units, that the city found is needed for the 2008–2028 period is 16,681. [R. at 1070]

The city also produced several iterations of a buildable lands inventory (BLI), beginning in 2005, and updated several times through October of 2008. Based on the BLI, the city determined that there were 2,909 acres of vacant or redevelopable residential land within the UGB (prior to the expansion). [R. at 1071] The city then determined that buildable lands within the UGB had the capacity to accommodate 11,159 housing units (or 67 percent of the projected housing units needed for the 2008–2028 planning period) [R. at 1071-1072], leaving 5,522 units needed, to be accommodated by expanding the UGB.

The city prepared three alternate housing needs assessments: the “2709 Trend Forecast,” the “Goal 10 Housing Need Forecast,” and the “Transition Forecast.” [R. at 1075-1078] The findings state that the Transition Forecast satisfies Goal 10. [R. at 1078] The Transition Forecast projects a need for 10,843 (65 percent) detached units and 5,838 (35 percent) attached units for the 2008–2028 planning period.¹² The city then derived a

¹² The city *adopted* a housing *type* mix of 65 percent detached and 35 percent attached, because this was the built mix in 2008. [R. at 1306-07] The city didn’t adopt a separate housing *tenure* mix because it considered the housing type mix of 65 percent detached and 35 percent attached to be “a surrogate measure for tenure.” [R. at 1306]

“need” for additional residential land in an expanded UGB totaling 941 acres, based on the projected 65/35 housing type mix, using the same allocation of planning designations for the new units that exists in the current UGB (52 percent RS, 35 percent RM, and 13 percent RH) [R. at 1079-1080] The city’s estimate of land need reflects some projected increase in average density within these zones, from approximately four units per net acre within the existing UGB to approximately six units per net acre on the lands added to the UGB for residential purposes. [R. at 1080, 1081]

The city has taken several actions to increase the capacity for residential development within the existing UGB. [R. at 1083-1084] These include amendments to the Bend Development Code in 2006, as well as two new efficiency measure proposed in this amendment (beginning to *plan* for 500 units of attached housing in the Central Area Plan, and plan for 600 units of additional housing along transit corridors). [R. at 1085] These two new efficiency measures are reflected in amendments to Chapter 5 of the city’s General Plan. [R. at 1085, note 48; see also R. at 1311 (transit corridor planning to be done prior to 2012, no date is provided for Central Area planning)]

The city also estimated land need for several other uses related to residential use. First, the city prepared a separate estimate of land needed for second homes. [R. at 1086-1088] The city estimates that 18 percent of the number of the total additional housing units projected as needed for the planning period from 2008 to 2028 will be needed for second homes, or an additional 3,002 units. The city also projected that these second-home units will develop at a net density of six units per acre, leading to a land need of 500 acres for second homes. The city estimated that 377 acres of land were consumed over the prior seven years by second home development. [R. at 1086]

The city also estimated land need for schools (192 acres) [R. at 1089], parks (474 acres) [R. at 1090], private open space and private rights-of-way and institutional uses (other than schools and parks). Based on data for the land area of these uses within the existing UGB, the city added 15 percent to the amount of land need for housing to account for these uses. [R. at 1091] Finally, the city added another 21 percent for land needed for streets and other public rights-of-way. [R. at 1092]

The city adopted a Framework Plan Map as part of its UGB expansion. The map identifies seven master plan areas. The General Plan states, “The framework plan functions somewhat like a general plan map by indicating general locations, land use types, and densities of a variety of future urban uses,” [p. 1-5] and, “* * * Owners of large parcels will be required to demonstrate how projects will be developed after annexation in ways that are consistent with the illustrations of the framework plan and the identified land need.” [p. 1-6]

The following table, which is a copy of table III-14 from the city’s findings, summarizes the amount of land the city found was needed for expansion of its UGB for residential and other non-employment purposes during the 2008-2028 planning period. [R. at 1092]

Table 1. Summary of UGB Expansion Needed for Housing and Related Uses (2028)

Acres for new housing units	941
Acres for public schools	192
Acres for public parks and trails	474
Acres for second homes	500
Subtotal	2,107
Acres for other land uses (institutional, private open space, private ROW)	442
Acres for public rights of way	316
Estimate of Total Acres Needed	2,886

The city also included almost 3,000 acres of land in the UGB expansion that are not identified as being needed for housing or employment, or any other land need. [R. at 1054] While it appears that the city considers these acres to be unsuitable for any urban land needs, the city does not explain why these additional lands are included within the UGB if they cannot serve an urban need for land. There are no findings addressing these lands other than the two sentences at R. 1054.

c. Objections

The following subsection summarizes and paraphrases objections filed relating to the amount of land in the UGB expansion area for residential and other non-employment uses. The department also commented on these issues in letters to the city dated October 24, 2008 and November 21, 2008. Responses to these objections are provided in subsections 1.e and 2.e, below.

Anderson – The city and county underestimate the amount of land needed for right-of-way, and therefore fail to comply with OAR 660-024-0040(1). Specifically, the estimate is based on land use within the existing UGB, and fails to account for substandard existing rights-of-way and for needs attributable to stormwater management. [May 7, 2009 letter from Andrew Stamp]

Toby Bayard – The proposal doesn’t plan for needed housing types to meet the housing needs of all residents as required by Goal 10, particularly lower income and multifamily housing. The proposal underestimates the land need for housing for lower income households.

The UGB amendment includes approximately 3,500 acres above the city’s projected land needs, evidently including a variety of lands that are not suitable for urban uses. These lands include land in rural subdivisions, and appear to include lands that contain Goal 5 resources, but none of the reasons for inclusion are contained in the city’s findings. State law does not allow a buffer or cushion (the city included a cushion of 519 acres).

The city has failed to show that residential uses cannot be reasonably accommodated within the existing UGB. The city estimates a potential capacity within the UGB of 44,738 units, but assumes that only 25 percent of this capacity will be utilized. Existing residential density in Bend is less than half that of other Oregon cities of the same size.

The city fails to plan for efficient use of the lands added to the UGB, by assuming that 76 percent of that land will be zoned RS (average density of 4 du/acre). Only 33 acres of the total 941 acres is assumed to be zoned RH (average density of 22 du/acre).

Bend's 1998 General Plan projected a housing mix of 55 percent single-family and 45 percent multi-family (including 10 percent mobile home parks), but actual development since 1998 has been 77 percent single-family and 23 percent multi-family (with 0 percent mobile home parks). The city assumes that housing density and mix will continue to produce the same housing types, without regard for current and future housing needs of the city's population over the next 20 years. The 1998 planned mix of 55/45 percent is identical to the mix provided by the Oregon Housing and Community Services Department's Housing Needs Model, which the city rejected and replaced with a much higher percentage of single-family housing and a much lower percentage of multi-family housing. The city also changed to a different type of housing mix, "detached percent and attached percent" instead of "single-family percent and multi-family percent," which includes single-family housing in the form of high end, low density detached housing, and attached housing in the form of attached housing in the form of high end townhomes, condos, and resort communities. The new mix terminology does less to ensure that both detached and attached housing types more affordable to lower and middle income households are likely to develop. The proposal includes medium and high density development only in the Central Area and on Transit Corridors without demonstrating that this will meet the 20-year housing needs of all residents.

The city has reduced the density in the RL (Residential Low Density) and RS (Residential Standard Density) zones.

The city's estimate of land need for second homes is too high, and is not supported by the evidence in the record.

The city's estimate of land need for public right-of-way is too high.

The city did not sufficiently consider efficiency measures inside the existing UGB as required by ORS 197.296(9). The efficiency measures that were adopted lack documentation to assure that they will be effective. [April 29, 2009 letter]

Carpenter/McGilvary – The city and county underestimate the amount of land needed for right-of-way, and therefore fails to comply with OAR 660-024-0040(1). Specifically, the estimate is based on land use within the existing UGB, and fails to account for substandard existing rights-of-way and for needs attributable to stormwater management. [May 5, 2009 letter from Bruce White]

Central Oregon LandWatch – The city does not explain how or why unsuitable lands are added to the UGB to arrive at a gross acreage total of 8,462 acres. The city's findings do not explain why some lands are considered unsuitable, nor why they are nevertheless added to the UGB. The city's determination that lots less than 3 acres in size are

unsuitable if they have existing development is not explained, not does it comply with Goal 14.

The city has not complied with OAR 660-015-0000(14)(2), in that it has not demonstrated that its projected needs cannot be met within the existing UGB.

The city's projected land need of 500 acres for second home development is not justified and is based on incorrect data.

The city's projected land need of 474 acres for parks is not justified, and is based on plans not incorporated into the city's comprehensive plan. In addition, the city fails to account for the fact that some of this need is and will continue to be met on lands outside of the UGB.

Regarding land need for public right-of-way, the city's estimate is based on existing development patterns and does not consider provisions for skinny streets that can and have reduced the amount of land required in newer developments in the city.

Regarding land needed for private rights-of-way and open space, there is no showing of why this type of private land use is needed under Goal 14, when public parks are already provided.

The city misconstrues 660-024-0040(1) in including a "buffer" of 519 acres over and above its demonstrated land need for residential use.

The city fails to consider the approval of the Tetherow destination resort and its effect on land need within the UGB for this type of use.

The city relied on current market conditions as the basis for determining that a greater degree of redevelopment will not occur within the 20-year planning period. The proposed housing mix of 65 percent single-family detached and 35 percent multi-family will not correct a historic shortfall of land for medium and higher density housing types. The city has not done enough to promote infill and redevelopment within the existing UGB, and must adopt more measures to plan for more multi-family housing. [May 7, 2009 letter from Paul Dewey]

Barbara I. McAusland – Bend's Development Code lacks incentives needed for the construction of affordable housing. Providing for second homes in the residential lands need consumes residential land without providing for the primary affordable housing needs of residents. Too much land is added to the UGB. [May 5, 2009 letter]

Newland Communities – The city underestimates the residential land need through the planning period. The assumptions used by the city concerning redevelopment and infill are overly optimistic, and do not account for various livability land needs such as parks and schools. The city also did not adjust its capacity analysis to reflect infrastructure of lot configuration constraints. The city failed to consider the presence of dwellings on lots

in its capacity analysis. The proposed expansion improperly provides less “room” or “livability” per person than existed during the period 1981–2008. The buildable land inventory within the existing UGB is overly conservative and likely overestimates the number of residential units that could be accommodated within the existing UGB and underestimates the amount of land needed within the proposed UGB.

The city’s use of the Oregon Housing and Community Services Department’s Housing Needs Model is in error, and will likely result in an underestimate of land need outside the existing UGB during the planning period. The Housing Needs Model should not be used in a UGB expansion, and Bend’s use of it should be disregarded. The state should disregard the city’s discussion or application of the Housing Needs Model and rely on actual trends (77/23 split) or the transition forecast of 65/35. The city must use the 1998-2005 housing mix and densities as required by HB 2709. [ORS 197.296]

The city is required to project housing density and mix, not housing tenure, and not a particular single family/multi-family split.

The theoretical surplus of 519 acres is needed to fulfill land needs, and to provide for effective delivery of infrastructure and complete communities. [May 7, 2009 letter from Christie White]

Oregon Department of State Lands – The city did not properly analyze housing need by type and density as required by ORS 197.296(3)(b) and failed to plan for needed housing as required by ORS 197.303. The city’s conclusion concerning a 65/35 detached/attached housing mix is too generalized to comply with the specificity required under ORS 197.296(3)(b), 197.296(9) and 197.303 for a determination of the number of units and amount of land needed for each housing type (attached and detached single-family housing, and multiple family housing, each for both owner and renter occupancy) for the next 20 years.

The city also fails to adequately consider regional housing needs and a fair allocation of housing types, as required by OAR 660-008-0030.

As a result of these deficiencies, the proposal fails to demonstrate that the UGB will provide sufficient buildable land to accommodate projected housing needs for 20 years. [May 7, 2009 letter from Gary Vrooman]

Swalley Irrigation District – The city and county violated Goal 10 by failing to show that there are measures to achieve needed housing types.

The amount of land determined to be needed is too large and beyond what the city determined was needed. The 519-acre cushion must be removed.

The buildable land inventory does not include all buildable land as defined in ORS 197.295, *e.g.*, by excluding vacant land accessed by private road, by very narrowly defining “redevelopable” land, by excluding “split-zoned” parcels, and by not including

all “partially vacant” land planned or zoned for residential use. The city’s buildable land inventory and housing need analysis ignores or minimizes manufacture home parks as a needed housing type without a factual basis. The city ignores, contrary to Goal 10, the shortage of workforce housing. The city double-counts land need for open space, parks and schools. Parcels 3 acres or smaller with a house are arbitrarily rejected as “unsuitable” for future infill or redevelopment.

The city has selected the most expensive lands to serve with public facilities, making it impossible for affordable housing to be provided.

The city ignored the housing that is planned within two destination resort sites in its housing needs assessment.

The city has failed to include efficiency measures for the existing UGB as required by Goal 14 and ORS 197.296. [May 6, 2009 letter from Wendie Kellington, pp. 63-65, 72, 77-78]

d. Analysis and Conclusions

Population (Statewide Planning Goal 14, Factor 1; and OAR 660-024-0030). The city’s extension of Deschutes County’s acknowledged population forecast, from 2025 to 2028 complies with relevant state law. [ORS 195.036; 195.034] The city used a 1.7 percent annual growth rate for the 2025–2028 period, which is the same average annual growth rate that the County forecast for Bend for 2025. [ORS 195.034(1); R. at 1067-1068]

Buildable Lands Inventory/Capacity Analysis (ORS 197.296(3)–(5); Statewide Planning Goal 10; OAR 660-024-0050; OAR 660-008-0010).

Quantity of Buildable Lands Within the Prior UGB – OAR 660-008-0010 requires that the BLI document the amount of buildable land in each residential plan designation. The BLI must further break down the analysis into the amount of land in each plan designation that is vacant, and the amount that is redevelopable. [OAR 660-024-0050(1)] Buildable lands are residentially designated lands within the UGB that are suitable, available and necessary for residential uses. [OAR 660-008-005(2)] Lands are generally considered suitable and available unless severely constrained by natural hazards, subject to protection measures such as those required by Goal 5, have slopes over 25 percent, are within the 100-year floodplain, or cannot be provided with public facilities. [OAR 660-008-005(2)] In addition, “redevelopable lands” are lands zoned for residential use that are already developed, but where there is a strong likelihood that existing development will be converted to more intense residential uses during the planning period. [OAR 660-008-0050(6)]

Buildable lands include lands that may be used for a mix of residential and employment uses. [ORS 197.296(4)(a)] Finally, the city must create a map or document to verify and identify specific lots or parcels that have been determined to be buildable. [ORS 197.296(4)(c)]

The findings do not clearly explain how the city determined the amount of land that is redevelopable or vacant (the total quantity of vacant and redevelopable lands is determined to be 2,909 acres). [R. at 1071] Generally, the city indicates that the BLI is based on a parcel-level database, where city staff reviewed each tax lot to determine its development status (vacant, vacant platted, vacant with constraints, and redevelopable). [R. at 1071] The city included a summary of the BLI in its newly adopted Chapter 5 of the Bend Area General Plan. [R. at 1288, Table 5-4] However, there does not appear to be a map of the lands determined to be buildable in the record—making it impossible to identify the quantity or location of redevelopable or vacant lands. In addition, the city’s most recent BLI indicates in notes that:

- (a) Developed residential lots contain existing dwellings and do not meet the [redevelopment] criteria below, or are used for employment, schools, parks, open space, institutional uses, or parking lots[;] and
- (b) Redevelopable residential lots can double the number of dwelling units on the lot, are greater than 0.5 acre, have a land value greater than improvement value, [and] have no CC&Rs prohibiting future land division[;] and
- (c) Constrained lots are those with development constraints (no public road access) or with physical constraints over 50% of the lots (includes slopes greater than 25%, areas of special interest, and floodplains. [R. at 2042]

Based on these notes from the most recent BLI, it appears that the city excluded “constrained” lands that may qualify as “buildable land” under OAR 660-008-005(2). That rule provides that lands are generally considered suitable unless they meet certain specific criteria. It also appears that the city concluded that no redevelopment will occur on lots unless they contain at least 0.5 acres and have a land value exceeding improvement value. The criteria in the rule do not correspond to the criteria used by the city.

It also appears that the city considered some lands as “developed residential lots” that could be redeveloped, such as lands used for open space or parking lots. The criteria for “redevelopable residential lots” do not appear to comply with OAR 660-008-0005(6). Although consideration of land and improvement values and CC&Rs is relevant to the likelihood of existing development being converted to more intense residential uses over 20 years, there is no finding or reasoning in the city’s decision that documents the determination required by the rule (i.e., that there is a strong likelihood that existing development will be converted to the capacities the city projects).

Finally, the BLI does not include consideration of potential development in lands that may be used for a mix of residential and employment uses. [R. at 2129] In sum, the department is unable to determine whether the *amount* of vacant and redevelopable land projected by the city for each residential plan designation complies with OAR 660-008-0005, 660-008-0010, 660-024-0050, and ORS 197.295 and 197.296(3) and (4). The director remands the city and county decisions with direction to:

1. Include a map of buildable lands, as required by ORS 197.296(4)(c), as well as a zoning map and a comprehensive plan map for the lands within the prior UGB.
2. Include as its inventory of buildable lands, an analysis for each residential plan district of those lands that are “vacant,” and of those lands that are “redevelopable” as those terms are used in ORS 197.296(4)-(5) and OAR 660-008-005(6). As part of this inventory, include an analysis of what amount of redevelopment and infill has occurred, and the density of that development, by plan district, since 1998. The inventory must include the UAR and SR 2 ½ plan districts, as well as the RL, RS, RM and RH districts.
3. If the city excludes lands on the basis that there is not a strong likelihood that existing development will be converted to more intense residential uses during the planning period, include an analysis of lands within all districts showing the extent to which infill and redevelopment has or has not occurred since 1998.

Capacity Analysis for the Prior UGB – In determining the capacity of buildable lands, the city estimated that *all* vacant and redevelopable land will develop during the planning period. [R. at 1071] However, the city also bases its capacity analysis on the assumption that development in the RL, RS and RM plan designations will occur at the minimum density allowed by zoning for vacant lands in these districts, and that development in the RH district will occur at a lower density than the minimum allowed due to parcelization patterns. [R. at 1071] Most of the buildable lands capacity is estimated to be vacant lots and parcels rather than from lands that might redevelop. [R. at 1071, Table III-4]

The findings refer to a March 3, 2008 memorandum as providing the detail for the city’s assumptions on buildable land capacity. [R. at 1071, 8408-8414] That memorandum indicates the city used the following assumptions regarding the projected density of new housing units per *acre* through *redevelopment*: one unit per acre for RL; two units per acre for RS; five units per acre for RM; and essentially no redevelopment for RH lands. For *vacant* lands that are *already platted* (or in the process of division), the assumed densities per *lot* are: one unit per lot for RL and RS, and two units per lot for RM and RH. For *vacant acreage*, the densities per *acre* are: two units per acre for RL, four units per acre for RS; eight units per acre for RM; and fourteen units per acre for RH. These calculations net out land for right-of-way (at 31 percent; later changed to 21 percent). [R. at 8409-8410; 1072] The findings do not include an analysis of lands zoned UAR or SR 2½ within the prior UGB (there appear to be UAR areas at Cooley Road, and at Juniper Ridge, and SR 2 ½ areas north of Roper Road, as well as other scattered UAR areas on the west side of the city, all within the prior UGB).

The city’s minimum densities for its residential plan designations per its Development Code (Section 2.1.600), and the total acreage within the prior UGB for each as reported by the city, [R. at 8412] are:

- Urban Area Reserve (UAR) one unit per ten gross acres (acreage not listed)

- Suburban Low Density Residential (SR 2½) one unit per 2½ gross acres (single family detached housing) (acreage not listed)
- Low Density Residential (RL) 1.1 units per gross acre (single family detached housing) (1,527 total acres)
- Standard Density Residential (RS) 2.0 units per gross acre (single family detached housing) (9,611 acres)
- Medium Density Residential (RM-10) 6.0 units per gross acre (manufactured homes and attached housing) Note that single-family detached housing is a permitted use in this zone, with no apparent minimum density. (1,336 acres, include RM)
- Medium Density Residential (RM) 7.3 units per gross acre (attached multi-family housing) Note that single-family detached housing is a permitted use in this zone, with no apparent minimum density.
- High Density Residential (RH) 21.7 units per gross acre (attached multi-family housing) (316 acres) [R. at 8411]

While the assumption that *all* buildable lands will be developed during the planning period is aggressive, assumptions regarding the amount of development that will occur on those lands is quite conservative, particularly given the predominance of land planned for lower density within the existing UGB (RL and RS, with the latter allowing a minimum lot size of one-half acre and the former a minimum lot size of just under one acre). In addition, the city apparently failed to analyze lands zoned UAR or SR 2½ at all in terms of development capacity. The final determination of capacity within the existing UGB, which uses these assumptions, yields a total of 10,059 units (before new efficiency measures are considered). [R. at 1071, Table III-4]

Under ORS 197.296(3) and (5)(a), the determination of capacity must be based on data relating to land within the UGB that has been collected since the last periodic review (the city completed its last periodic review in 1998). More specifically, ORS 197.296(5)(a) requires that the determination of housing capacity be based on:

- (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.

The findings do not relate the capacity analysis to the factors that the statute requires. Although some of the city's earlier efforts were based on actual infill and redevelopment

data from 1998 to 2008,¹³ the decision simply uses assumptions based on minimum allowed density.¹⁴ The analysis also leaves out any analysis of the extent to which lands have been, or are likely to be, rezoned to higher densities. As a result, the director determines that the city's capacity analysis does not comply with Goal 10 or ORS 197.296(3) or 197.296(5)(a). The director remands the city and county decisions with direction to:

1. For each zoning district, analyze the number of units, density and average mix of housing types of urban residential development that has actually occurred since 1998 (including through rezoning) and how much of this occurred on vacant lands, and how much occurred through redevelopment;
2. For each zoning district, analyze whether future trends over the 20-year planning period are reasonably expected to alter the amount, density and mix of housing types that has actually occurred since 1998; and
3. For each zoning district, adopt findings and conclusions regarding the number of units, the density, and the mix of housing types that the city concludes is likely to occur over the planning period, and identify how much is expected to occur on vacant lands, and how much is expected to occur through redevelopment.

Housing Needs Analysis (ORS 197.296(3)(b)(5); Statewide Planning Goal 10; OAR 660-024-0040 and 0050; OAR 660-008-0005, 0010 and 0030; Goal 14). Like the statutorily required analysis of housing capacity within the existing UGB, the scope and basis for the housing needs analysis is largely dictated by state statute. ORS 197.296(3)(b) and (5) require that the city:

Conduct an analysis of housing need by type and density range, in accordance with ORS 197.303 and statewide planning goals and rules relating to housing, to determine the number of units and amount of land needed *for each needed housing type* for the next 20 years.” ORS 197.296(3)(b)(emphasis added); and that

The determination of housing * * * need pursuant to subsection (3) of this section must be based on data relating to land within the urban growth boundary that has

¹³ Using 1998-2005 built densities and the current distribution of residential land among the different residential zones would appear to result in a capacity of 12,280 housing units within the existing UGB rather than 10,059 units as the city ended up finding. [Table 13, R. at 2132] The low average built densities in the RL zone (two units per net acre) and RS zone (four units per net acre), and the predominance of those zones (84 percent of the city's total residentially-designated land is RL or RS [Table 5-4, R. at 1288] results in a lower capacity within the existing UGB.

¹⁴ It also appears that the city excluded certain developed lands from consideration for redevelopment potential. Even developed lands must be considered for redevelopment under Goal 10. *Opus Development Corp. v. City of Eugene*, 28 Or LUBA 670, 693-695 (1995).

[sic] been collected since the last periodic review or five years, whichever is greater. The data shall include:

- (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. [ORS 197.296(5)] [emphasis added]

In addition, ORS 197.303 defines “needed housing” as:

* * * housing types determined to meet the need shown for housing within an urban growth boundary *at particular price ranges and rent levels*. On and after the beginning of the first periodic review of a local government’s acknowledged comprehensive plan, “needed housing” also means:

- (a) Housing that includes, but is not limited to, *attached and detached single-family housing and multiple family housing for both owner and renter occupancy*;
- (b) Government assisted housing;
- (c) Mobile home or manufactured dwelling parks as provided in ORS 197.475 to 197.490; and
- (d) Manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated manufactured dwelling subdivisions.” [ORS 197.303(1)] [emphasis added]

OAR 660-008-0005 defines several terms used in the preceding statutes that are pertinent to the scope of a city’s required housing needs analysis, including: “attached single family housing,” “detached single family housing,” “housing needs projection,” and “multiple family housing.” In particular, the term “housing needs projection” (which is the same as the “housing needs analysis” under 197.296(3)) is:

* * * a local determination, justified in the plan, of the mix of housing types and densities that will be:

- (a) *Commensurate with the financial capabilities of present and future area residents of all income levels during the planning period*;
- (b) Consistent with any adopted regional housing standards, state statutes and Land Conservation and Development Commission administrative rules; and
- (c) Consistent with Goal 14 requirements. [OAR 660-008-0005(4)] [emphasis added]

The city must estimate housing need for each housing type for *both* owner and renter occupancy. ORS 197.303(1)(a). Needed housing also requires that the city evaluate the need for housing at particular price ranges (owner occupancy) and rent levels (renter occupancy), and (as noted above) commensurate with the financial capabilities of *current and future* residents. [Statewide Planning Goal 10, Goal 10 definition of “Needed Housing Units;” OAR 660-008-0005(4) (definition of “housing needs projection”)] Finally, OAR 660-008-0010 and ORS 197.307(3) require that “[s]ufficient buildable lands shall be designated on the comprehensive plan map to satisfy housing needs by type and density range as determined in the housing needs projection.” See generally, *DLCD v. City of McMinnville*, 41 Or LUBA 210 (2001).

OAR 660-024-0040(7) provides several safe harbors used by the city, under which a city is not required to separately estimate the need for certain housing types (government-assisted housing, manufactured dwellings on individual lots, manufactured dwelling parks).

The collective result of these requirements as applied to the City of Bend is that the city is required to estimate housing need for at least three housing types:

- Attached single family housing (common-wall dwellings or rowhouses where each dwelling unit occupies a separate lot, OAR 660-008-0005(1));
- Detached single family housing (a housing unit that is free standing and separate from other housing units, OAR 660-008-0005(3); and
- Multiple family housing (attached housing where each dwelling unit is not located on a separate lot, OAR 660-008-0005(5)).

In addition, the city must estimate housing need for each of these three housing types for *both* owner and renter occupancy. [ORS 197.303(1)(a)] This estimate must be based both on data concerning the development that has actually occurred since the last periodic review, and on demographic and housing trends. [ORS 197.296(5)(a)] The city must consider the housing needs of both present and future residents. OAR 660-008-0005(4) and OAR 660-008-0010. See generally, *DLCD v. City of McMinnville*, 41 Or LUBA 210 (2001).

Projected Overall Need for Housing Units – The city projected its overall need for housing during the planning period by dividing the total forecasted population increase (less persons in group quarters) by its projected household size (based on the 2000 census) to derive a forecast for needed new housing units. [R. at 1070, Table III-2] The city utilized several safe harbor provisions of OAR 660-024-0040 in making these forecasts. The findings show that it is qualified to use of these safe harbor provisions, and that the forecast of new housing units needed in the 2008–2028 period complies with state laws. The total of new housing units needed during the planning period is 16,681. [R. at 1070] The director finds that the city’s projection of overall need for housing units complies with applicable state law.

Projected Need by Density and Housing Type – The city carried out three different housing needs analyses: a “HB 2709 Forecast;”¹⁵ a “Housing Needs Model;” and a “Transition Forecast.” [R. 1074-1078]. It appears that the city relied on the “Transition Forecast” for its final decision. [R. at 1078 (“The city finds that this final forecast (aka transition forecast) will meet Goal 10.”)] However, the city *adopted* as its final housing need analysis a new Chapter 5 of its General Plan. [R. at 1050, 1280-1315 (“This section of Chapter 5 represents Bend’s Housing Needs Analysis.” R. at 1285)] Nevertheless, the city’s findings refer to the three prior analyses rather than to Chapter 5, for reasons that are not clear. As a result, it is extremely difficult to understand the city’s reasoning.

The beginning of the newly adopted General Plan Chapter 5 includes a series of important findings, including:

- “The inadequate supply of land has led to a lack of multi family units * * *.”
- “Central Oregon has the highest net migration in the state. The inadequate supply of land has led to a lack of multi-family units.”
- “The rapid increase in population has resulted in a growth in demand for workforce housing that has outpaced the production of workforce housing units. Between 2000 and 2005, job growth created a demand for 9,057 units of workforce housing while only 8,230 units were produced.”
- “* * * [M]ore affordable forms of housing, such as multi-family units, are currently being priced out of the Bend market.”
- “Affordable housing for service workers, both for individuals and families, is in short supply in Bend. * * * * While the cost of rental housing has not increased as rapidly as house prices, recent rent increases are starting to place additional

¹⁵ The city states that its “House Bill 2709 trend forecast” -- an “extrapolation of actual housing mix and density trends between 1998 and 2005” [R. at 2121] -- is consistent with ORS 197.296. The department does not agree. ORS 197.296(5) sets out the state’s UGB housing capacity and need methodology for cities like Bend that have 25,000 or more people in their UGBs. The UGB data on which the city must rely include:

- The number, density and average mix of housing types of urban residential development that have actually occurred;
- Trends in density and average mix of housing types of urban residential development;
- Demographic and population trends;
- Economic trends and cycles; and
- The number, density and average mix of housing types that have occurred on the buildable lands described in subsection (4)(a) of this section. [ORS 197.296(5)(a)]

Only two of these data sources, the first and last, address *past* housing development; the others address future housing *trends*. This means that the city cannot rely exclusively on past data to determine housing need and capacity within the existing UGB. The analysis must also be based on current and future trends.

pressure on low-income households. Further complicating the issue is the seasonality of many jobs in the region * * * making it difficult for the region to meet peak housing needs. * * *

- “The lack of affordable housing for the workforce has a negative affect on employers in Central Oregon. * * *
- “The increasing lack of housing affordable to low and moderate income households is resulting in many area workers purchasing homes and living in other communities, including Redmond, Prineville and others. * * * This is exacerbating traffic congestion and other issues caused by rapid growth in the community. It also affects the ability of area employers to attract workers for jobs at many income levels, including service and professional workers.” [R. at 1282-1284].¹⁶
- “In 2000, there were 2,087 and 2,285 very low and low income households, respectively, in Bend. There were only approximately 1,300 housing units available at prices at or under 30% of these households’ monthly income * * *. Over 90% of these were rental units.” [R. at 1309]

The city analyzed the housing development that occurred within its prior UGB between 2000 and 2008 for two housing types: attached and detached. [R. at 1286] There is no separate analysis of single family attached housing (the data for this housing type are combined with the detached single family housing data). The data show that the proportion of single family housing within the UGB has increased from 70 percent to 78 percent of all units over this period, while the proportion of multi-family housing has held steady (at 20 percent). The proportion of housing in manufactured home parks has decreased rapidly. [R. at 1286, Table 5-3 (note, there are math errors in the cited percentages)] The city also (in narrative, summary form) analyzed the change in density for single family and multi-family housing, finding that single family housing density has increased by 54 percent since 1999, and that the density of some types of multi-family housing has increased by 10 percent (there is no narrative regarding apartments or condominiums). [R. at 1289-1290] The findings also show a significant *decrease* in rental housing as a proportion of the total between 1990 and 2000. [R. at 1290, Table 5-7].

Like Chapter 5, the findings concerning the Transition Forecast consider housing need only for two categories: detached units and attached units. [R. at 1078, Table III-10] The projected housing mix of these two categories is 65 percent detached, and 35 percent attached. The findings indicate that most detached units will be owner-occupied, and that 38 percent of the attached units also are currently owner-occupied, with that percentage

¹⁶ “It is clear that the city has a shortage of land in the higher density zones. A comparison of the land need and land supply by zones shows an overall deficit of about 250 net acres in the RM zone and a deficit of about 200 acres in the RH zone. From a planning perspective, it doesn’t make sense to expect that this shortage of RM and RH land will be met entirely in the UGB expansion area(s).” [R. at 2133, City of Bend, Residential Lands Study, April 25, 2005]

expected to increase. [R. at 1078-1079] In other words, the Transition Forecast assumes that at least 78 percent of the housing needed between 2008 and 2028 will be owner-occupied (65% + 38% of 35%).

There are two main problems with the analysis. First, the lack of a clear connection between the findings and its adopted housing needs analysis (Chapter 5), along with the collapsing of housing types into two summary categories (attached and detached), makes it effectively impossible to determine whether the amendment complies with the substantive requirements of Goal 10 and ORS 197.296 to designate sufficient lands to satisfy housing needs by housing type and density. As a result of the use of varying categories and terminology, the director is unable to determine whether the housing needs analysis complies (in form) with ORS 197.296 and Goal 10.

This is not simply a technical problem; the use of varying housing type categories and labels in the findings makes it impossible to evaluate whether they comply with Goal 10 and ORS 197.296 (compare Tables III-5, III-6, III-8, III-9 and III-10). The terminology also makes it impossible to determine whether and how the city's residential zones provide for various housing types as contemplated by OAR 660, division 8. The "transition forecast," which blends actual development with future needs, provides an estimated future housing *type* mix of 54 percent detached and 46 percent attached. [R. at 2130] It is impossible for the director to compare this result with the other two forecasts, the 1998–2005 built mix, and with the 1998 planned mix, because the findings express housing mix in terms of single-family vs. multi-family housing types, not detached versus attached housing types.

More substantively, it is clear from the findings that there is a current and projected future shortage of land for multi-family housing. [R. at 1075] In addition, the city has identified a significant need for additional workforce housing to reduce the growing trend of commuting into Bend from surrounding communities [R. at 1282], and a need for additional seasonal worker housing. [R. at 1282] Neither the findings nor the Housing Needs Analysis explain how the current and future planning designations of land will provide for these housing needs. Instead, the decision simply assumes (and does not attempt to alter) the recent trends that have created these housing needs.

Specifically, the city has planned most of its residential lands (87 percent) within the prior UGB for low-density, single family residential use (RL (1.1 dwelling per gross acre minimum density) and RS (2.2 dwellings per gross acre minimum density)). Multi-family housing (buildings with more than 3 units) is not allowed within the RL and RS zones (duplexes and triplexes are conditional uses in the RS zone). [Bend Code section 2.1.200, R. 1287-1288].

Further, the city is planning for an equivalent distribution of lands among residential districts for the lands the UGB expansion area. [R. at 1079; 1080] (Table III-12 shows 76 percent of the total acreage as being in the RS zone; note that lands in the RL zone are not included in this table at all because, according to the city, this zone will not provide

needed housing.) [R. at 1079; see also R. at 1098 (Framework Plan¹⁷ allocates 84 percent of (non-employment) lands added to the UGB as RS)]. The record lacks findings on why the existing distribution by zone is appropriate for the expansion area, and why it is appropriate for the 20-year planning period, especially in light of other findings in the record about demographic, household income, and housing affordability trends for the Bend area that indicate the existing distribution is not appropriate for the future.¹⁸

Conversely, previous planning decisions may have undermined the city's ability to provide needed multi-family and high density housing. The city's 2008 BLI reports that there are 341 acres designated as high density residential (RH), which contained 1,246 dwelling units, of which 172 units are single family dwellings. [Table 5-4, R. at 1288, Table 5-5, R. at 1289] This amounts to a gross density of 3.65 dwelling units per acre for the 341-acre inventory of RH-designated land.

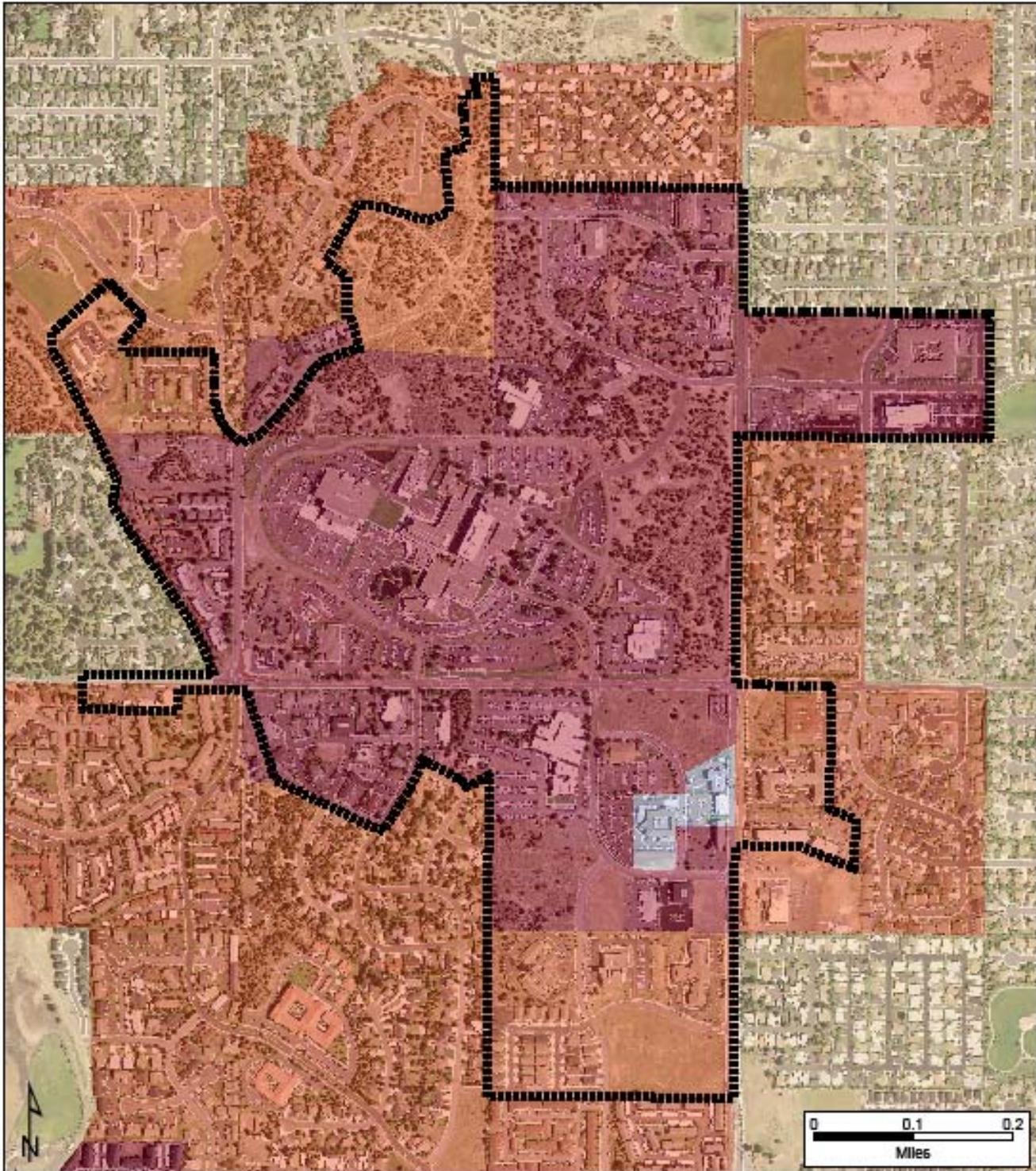
In attempting to understand the low unit per acre yield from the RH inventory, the department has determined that approximately 215 acres of the 341 RH inventory is included within the Medical District Overlay Zone, which is anchored by St. Charles Hospital. (See Figure 2 on the following page). A review of existing land uses within the overlay zone's RH-designated area shows that a majority is devoted to the hospital and related medical uses, including satellite facilities and offices, as well as what appears to be a potential hospital expansion area. Most of the assisted living and nursing home units within the overlay district are actually located on medium density (RM) designated and zoned land. Very little high density housing is found in the approximately 215-acre area of RH. This is partially confirmed by the 2008 BLI, which shows only 29 nursing home dwelling units in the city's RH inventory.

It can be fairly concluded from this data that these approximately 215 acres of RH lands have and will yield very little actual multi-family housing. This "non-yielding" area represents 63 percent of the city's entire RH inventory, leaving only 126 acres of RH land citywide to meet the needs of this needed housing type.

Housing densities within the city appear to have increased to some extent since the last periodic review, and in this sense the city may be moving toward compliance with the intent of Goal 10, OAR 660-008-0020, ORS 197.296 and ORS 197.307(3). Further, the overall amount of land identified as needed by the city for residential uses (941 acres), *may* be reasonable given the city's rapid growth. However, without findings that connect the identification of housing needs with a showing that sufficient lands have been

¹⁷ The Framework Plan referred to in the findings at R. 1098 is referred to elsewhere as the draft Framework Plan. R. 1056]. The Framework Plan is referenced in the City's General Plan, but it is not clear that the city has adopted the Framework Plan.

¹⁸ The city adopted a housing *type* mix of 65 percent detached and 35 percent attached because this was the built mix in 2008. [R. at 1306-07] It is not clear whether this mix applies to the entire amended UGB, or only to the expansion area.



Medical District Overlay Zone

Figure 2



Oregon
Department of Land
Conservation & Development

This product is for informational purposes and may not have been prepared for or be suitable for legal engineering, or for any other purpose. Users of this information should review or consult the primary data and/or other maps sources to ascertain the usability of the information.

- RH - Res Urb High Density
- RM - Res Urb Medium Density
- RS - Res Urb Standard Density

- Other City Zones (Employ, Mo Use, & Pub. Pac.)
- Overlay Zone Boundary

Aerial image: 2009 HAP
LSE and zoning information extracted
from maps provided by City of Bend
and Deschutes County
DLCD GIS and Planning
Hospital of Bend

provided to meet those needs, the director is unable to conclude that the city's decision complies with Goal 10, the Goal 10 rules, the needed housing statutes, or Goal 14 and OAR 660, division 24.

For the foregoing reasons, the director remands the city and county decisions, with direction to:

1. Revise the Housing Needs Analysis to comply with ORS 197.296, OAR 660-008-0020, and ORS 197.303. The Housing Needs Analysis must include an evaluation of the need for at least three housing types at particular price ranges (owner occupancy) and rent levels (renter occupancy), and commensurate with the financial capabilities of *current and future* residents. Those housing types include: (a) attached single family housing (common-wall dwellings or rowhouses where each dwelling unit occupies a separate lot pursuant to OAR 660-008-0005(1)); (b) detached single family housing (a housing unit that is free standing and separate from other housing units pursuant to OAR 660-008-0005(3); and (c) multiple family housing (attached housing where each dwelling unit is not located on a separate lot pursuant to OAR 660-008-0005(5));
2. Adopt the revised Housing Needs Analysis as an element of the comprehensive plan, along with findings that demonstrate how the revised Housing Needs Analysis complies with the applicable statutory, goal and rule requirements described above.

Amount of Land Added to the UGB for Residential Land Need – The amendment includes a conclusion that there is a need for 941 acres of additional land for needed housing, for 5,522 dwelling units that cannot be accommodated within the prior UGB. [R. at 1082] As noted above, without findings that connect this amount to needed housing types as identified by the city in its own findings, and as required by state law, the director is unable to determine whether the amount of land added to the UGB is lawful.

A final key assumption used by the city to determine the quantity of land required in an expansion area for needed housing is that new residential development in the expansion area will occur at an overall density of six units to the net acre, not including lands planned for low density development. [R. at 1079, 1080]¹⁹ The findings state that this density:

* * * would be higher than densities seen in recent development because the 2006 Development Code requires minimum densities of development to ensure housing

¹⁹ The General Plan amendments assumed an average net density of 5.9 dwelling units per net acre, for the expansion area only, based on average net densities for the RS, RM and RH Zones. [R. at 1308] These densities don't appear consistent with the 2006 built densities or the planned densities for the existing UGB or the "Needed density by housing types," and the plan doesn't include findings for the decision to use these numbers. Compare Table 13 [R. at 2132], Table 5-28 [R. at 1308], Table 5-29 [R. at 1308], and Table 5-29A [R. at 1309].

developed in the RM and RH zone occurs at densities higher than the assumed overall coverage of six units to the net acre. The city feels compelled to point out that the needed density of six units to the net acre is 50 percent higher than the current net density of just under 4 units to the acre. [R. at 1081]

As described in more detail below, the director does not agree that the minimum density provisions of the city's 2006 Development Code ensure or otherwise encourage any increase in density given the current and planned allocations of land between the SR 2½, RL, RS, RM and RH districts within the city and within the UGB expansion area. There is simply too much land planned as SR 2½, RL and RS, combined with minimum densities for these districts of one unit per 2.5 acres, 1.1 unit per acre, and two units per acre, respectively, to ensure anything but large lot residential development.

The use of an overall average residential density for the UGB expansion area of 6.0 units per net acre assumes that the city will maintain the same proportional allocation of zones within its prior UGB in the expansion area, providing no progress toward planning for more efficient urban development. This results in the city adding more land to its UGB than is necessary to provide needed housing, and in the long term this will only exacerbate the transportation and public facility challenges facing the city. As a result, the director finds that the city has not demonstrated that the amount of land added to the city's UGB for needed housing complies with Goal 10 or Goal 14, or their implementing rules, or with the needed housing statutes. The director remands the city and county decisions, with direction to:

Analyze what the mix of plan designations should be in the UGB expansion area in direct relation to the city's projected housing needs, and consider the adoption of new residential plan districts that encourage more multi-family, higher density single family housing, and other needed housing types for a greater proportion of the expansion area, in order to meet the city's and the region's demonstrated housing needs.

Measures – In order to approve the UGB expansion, the director also must determine whether the identified needs for residential land can reasonably be accommodated on land within the prior UGB. [Goal 14; OAR 660-024-0050(4)] In addition, Goal 10 and ORS 197.307(3) require that, when the city identifies a need for housing at particular price ranges and rent levels, sufficient buildable lands must be provided to satisfy that need. ORS 197.296(7) also requires adoption of measures that “demonstrably increase the likelihood that residential development will occur at the housing types and density and at the mix of housing types required to meet needs over the next 20 years.”

As part of its decision, the city adopted two new measures intended to increase the proportion of its housing need that could be satisfied within the existing UGB. These measures add 500 units of housing in the Central Area Plan, and up-zone areas along

transit corridors for another 600 units. Chapter 5 of the General Plan (Housing) requires that transit corridor amendments be implemented prior to 2012 [R. at 1311]; there is no timeframe associated with the Central Area Plan work. Nor does Chapter 5 include any specific commitment in terms of number of housing units. Although these units are “assumed” to be attached, the numbers are described as an estimate. [R. at 1303] As a result, the director is unable to determine that these measures “demonstrably increase the likelihood” that the additional residential development will occur.

The city also notes in its findings that it has taken *prior* efficiency measures. [R. at 1083] With respect to these measures, the director believes that the main efficiency measures identified by the city are not likely to be effective. The minimum adopted densities range from 1.1 unit per gross acre to 2.0 units per gross acre for most residentially zoned lands. Even in the city’s medium-density zones, the minimum densities are 6.0 to 7.3 units per acre. These densities do little or nothing to address the city’s identified need for multi-family, lower income, or workforce housing. As noted above, multi-family housing is not allowed at all in the RS zone (other than duplexes and triplexes, which are conditional uses). The 2007 Residential Lands Study does not demonstrate how much these actions have increased housing densities, how many additional housing units they provided, or how much urban land they saved in the past, nor does it show how much of the city’s needed housing types and units, and what amount of residential land, these actions will provide within the next 20 years. As a result, the director determines that the city has failed to demonstrate that the estimated needs cannot reasonably be accommodated on land already within the UGB. The director remands the city and county decisions, with direction to:

1. Consider measures to encourage needed housing types within additional areas of the city, including rezoning of areas along transit corridors and in neighborhood centers.
2. Consider splitting the existing RS zone, which covers most of the residential areas of the city, into two or more zones in order to encourage redevelopment in some areas while protecting development patterns in well-established neighborhoods.
3. In areas where the city is planning significant public investments, consider up-zoning as a means to help spread the costs of such investments.
4. Consider strengthening the minimum density provisions in the existing UAR and SR 2½ zones by eliminating PUDs and other clustering tools.
5. Consider strengthening the minimum density provisions in the existing RS and RM zones to encourage development of needed housing types, rather than relying on low density residential development.

As noted above, the director believes the city likely will be able to make a showing that some amount of residential land is needed in an expanded UGB due to the city’s rapid growth rate, but the director believes there are other reasonable measures that the city can

take to accommodate more of the needed housing within the prior UGB over the next 20 years.

e. Response to Objections

Toby Bayard –

Objection: The UGB amendment includes approximately 3,500 acres above the projected land needs, evidently including a variety of lands that are not suitable for urban uses. These lands include land in rural subdivisions, and appear to include lands that contain Goal 5 resources, but none of the reasons for inclusion are contained in the findings. State law does not allow a buffer or cushion (the city included a cushion of 519 acres).

Response: This objection is sustained. As noted in the department’s analysis, the findings provide no basis for including lands beyond the roughly 5,000 acres shown as needed for residential and employment related land needs.

Objection: The city has failed to show that residential uses cannot be reasonably accommodated within the existing UGB. The city estimates a potential capacity within the UGB of 44,738 units, but assumes that only 25 percent of this capacity will be utilized. Existing residential density in Bend is less than half that of other Oregon cities of the same size.

Response: This objection is sustained. Goal 14 and OAR 660-024-0050 require the city to show that its needs for urban land cannot reasonably be accommodated within the existing UGB.

Objection: The city has assumed no redevelopment of RL and RS lands within the UGB. Goal 14 and Goal 10 requires the city to analyze what redevelopment has actually occurred on these lands since 1998, and to estimate redevelopment based on actual experience as well as future trends, rather than simply concluding that no redevelopment will occur.

Response: This objection is sustained. As noted above, state statute requires the city to base its estimate of redevelopment on what has actually occurred within the UGB as well as future trends. The city’s findings do not address redevelopment or infill that has occurred on UAR, SR 2½, RL, or RS lands.

Objection: The city fails to plan for efficient use of the lands added to the UGB, by assuming that 76 percent of that land will be zoned RS (average density of four dwelling units per acre). Only 33 acres of the total 941 acres is assumed to be zoned RH (average density of 22 dwelling units per acre).

Response: This objection is sustained. The city’s Framework Plan and findings, as well as Chapter 5 of the General Plan, indicate that only a very small percentage of land added to the UGB will be planned for moderate or high-density residential uses. Given the findings that there is a shortage of multi-family housing, and shortages of affordable and workforce housing, the decision to follow existing land allocations in the expansion lands violates both Goal 10 and Goal 14, and their implementing rules.

Objection: Bend’s 1998 General Plan projected a housing mix of 55 percent single-family and 45 percent multi-family (including 10 percent mobile home parks), but actual development since 1998 has been 77 percent single-family and 23 percent multi-family (with 0 percent mobile home parks). The city assumes that housing density and mix will continue to produce the same housing types, without regard for current and future housing needs of the city’s population over the next 20 years. The 1998 planned mix of 55/45 percent is identical to the mix provided by the Oregon Housing and Community Services Department’s Housing Needs Model, which the city rejected and replaced with a much higher percentage of single-family housing and a much lower percentage of multi-family housing.

The city also changed to a different type of housing mix, “detached percent and attached percent” instead of “single-family percent and multi-family percent,” which includes single-family housing in the form of high end, low density detached housing, and attached housing in the form of attached housing in the form of high end townhomes, condos, and resort communities. The new mix terminology does less to ensure that both detached and attached housing types more affordable to lower and middle income households are likely to develop. The proposal includes medium and high density development only in the Central Area and on Transit Corridors without demonstrating that this will meet the 20-year housing needs of all residents.

Response: This objection is sustained for the reasons set forth in the department’s analysis. The form of the city’s Housing Needs Analysis makes it impossible to determine what housing needs are, and whether the city’s UGB expansion will meet those needs.

Objection: The city did not sufficiently consider efficiency measures inside the existing UGB as required by ORS 197.296(9). The efficiency measures that were adopted lack documentation to assure that they will be effective.

Response: This objection is sustained. As determined above, the city needs to evaluate additional measures to assure that it provides lands for needed housing, and the two efficiency measures that the city has adopted are not adequately assured based on the lack of specificity in Chapter 5.

Central Oregon LandWatch –

Objection: The city has not complied with OAR 660-015-0000(14)(2), in that it has not demonstrated that its projected needs cannot be met within the existing UGB.

Response: This objection is sustained. Both Goal 14 and ORS 197.296 require the city to adopt measure to provide needed housing within its UGB before looking to lands outside of the UGB.

Objection: The city relied on current market conditions as the basis for determining that a greater degree of redevelopment will not occur within the 20-year planning period. The proposed housing mix of 65 percent single-family detached and 35 percent multi-family will not correct a historic shortfall of land for medium and higher density housing types. The city has not done enough to promote infill and redevelopment within the existing UGB, and must adopt more measure to plan for more multi-family housing.

Response: This objection is sustained for the reasons set forth in the director’s decision.

Barbara I. McAusland –

Objection: Bend’s Development Code lacks incentives needed for the construction of affordable housing. Providing for second homes in the residential lands need consumes residential land without providing for the primary affordable housing needs of residents. Too much land is added to the UGB.

Response: These objections are sustained in part. As set forth in the director’s decision above, the city must consider additional measure to assure that lands are provided for the development of needed housing. The director agrees with the city and with the objector that second home development competes with other needed housing types, and should be considered in the city’s decisions, and that the city’s planning for expansion areas can influence whether the lands are used for second home development or other forms of housing. The director agrees that the city has not justified the amount of land added to the UGB.

Newland Communities –

Objection: The city underestimates the residential land need through the planning period. The assumptions used concerning redevelopment and infill are overly optimistic, and do not account for various livability land needs such as parks and schools. The city also did not adjust its capacity analysis to reflect infrastructure of lot configuration constraints. The city failed to consider the presence of dwellings on lots in its capacity analysis. The proposed expansion improperly provides less “room” or “livability” per person than existed during the period 1981-2008. The buildable land inventory within the existing UGB is overly conservative and likely overestimates the number of residential units that could be accommodated within the existing UGB and underestimates the amount of land needed within the proposed UGB.

Response: The director denies Newland’s objection that the city has underestimated the need for residential land through the planning period. As set forth above, the director is unable to determine whether the city has underestimated or overestimated its need for residential land due to problems with the city’s BLI and HNA.

The director does not agree that the assumptions used by the city concerning redevelopment and infill are overly optimistic. Again, those assumptions are inadequately documented under ORS 197.296.

The director does not agree that the city failed to consider livability needs. The city has included estimated land need for parks and schools. Again, however, the amounts of land included for these needs are not adequately documented under Goal 14 or OAR 660, division 24.

The director denies the objection that the city’s capacity analysis should reflect infrastructure of lot configuration constraints without more specific evidence that lands cannot be served during the planning period. The city did consider the presence of dwellings on lots in its capacity analysis, as set forth above.

The director denies the objection that the proposed expansion improperly provides less “room” or “livability” per person than existed during the period 1981-2008. There is evidence in the record that the density of the city is significantly lower than other large cities in Oregon, and there is nothing in state law that prevents the city from increasing the efficiency of its development pattern and lowering its costs for public services.

The director denies the objection that the buildable land inventory within the existing UGB is overly conservative and likely overestimates the number of residential units that could be accommodated within the existing UGB and underestimates the amount of land needed within the proposed UGB for the reasons set forth in the director’s analysis, above. In its current form, it is not possible to conclude whether the city’s BLI complies with ORS 197.296 and Goal 10.

Objection: The city’s use of the Oregon Housing and Community Services Department’s Housing Needs Model is in error, and will likely result in an underestimate of land need outside the existing UGB during the planning period. The Housing Needs Model should not be used in a UGB expansion, and Bend’s use of it should be disregarded. The state should disregard the city’s discussion or application of the Housing Needs Model and rely on actual trends (77/23 split) or the transition forecast of 65/35. The city must use the 1998-2005 housing mix and densities as required by HB 2709 [ORS 197.296].

Response: Based on the city’s findings, it does not appear that the city relied on the Housing Needs Model. Instead, the city relied on the HNA in Chapter 5 of its General Plan and (as set forth in its findings) its “Transition Forecast.” The Housing Needs Model is one source of evidence of needed housing, and one which the city apparently did not rely on. As a result, this objection provides no basis for remand of the city’s decision. The director agrees that 1998-2008 housing mix and densities (for each of the city’s residential districts) is one of the bases that the city must consider (along with future trends), as set forth in the analysis above.

Objection: The city is required to project housing density and mix, not housing tenure, and not a particular single family/multi-family split.

Response: This objection is denied, in part. The city is required to project housing density and mix for both owner-occupied and rental housing, for each residential district, for single family detached, single family attached, and multi-family housing. ORS 197.296(3) and (5).

Oregon Department of State Lands –

Objection: The city did not properly analyze housing need by type and density as required by ORS 197.296(3)(b) and failed to plan for needed housing as required by ORS 197.303. The city’s conclusion concerning a 65/35 detached/attached housing mix is too generalized to comply with the specificity required under ORS 197.296(3)(b), 197.296(9) and 197.303 for a determination of the number of units and amount of land needed for each housing type (attached and detached single-family housing, and multiple family housing, each for both owner and renter occupancy) for the next 20 years.

Response: This objection is sustained, for the reasons set forth in the director’s analysis, above.

Objection: The city also fails to adequately consider regional housing needs and a fair allocation of housing types, as required by OAR 660-008-0030.

Response: This objection is sustained. The city is obligated under Goal 10, and the cited rule, to consider needed housing on a regional basis. The city's findings indicate that much needed housing for the City of Bend is being provided outside of the city, forcing the region's residents to drive long distances and creating imbalances between cities in Central Oregon. The city and the county must address these regional issues on remand.

Objection: As a result of these deficiencies, the proposal fails to demonstrate that the UGB will provide sufficient buildable land to accommodate projected housing needs for 20 years.

Response: This objection is sustained. Until the city completes the tasks required on remand, it has not demonstrated that its UGB will provide sufficient buildable land to accommodate projected housing needs for 20 years.

Swalley Irrigation District –

Objection: The city and county violated Goal 10 by failing to adopt measures to achieve needed housing types.

Response: This objection is sustained, for the reasons set forth in the director's analysis above.

Objection: The buildable land inventory does not include all buildable land as defined in ORS 197.295, e.g., by excluding vacant land accessed by private road, by very narrowly defining "redevelopable" land, by excluding "split-zoned" parcels, and by not including all "partially vacant" land planned or zoned for residential use. The city's buildable land inventory and housing need analysis ignores or minimizes manufactured home parks as a needed housing type without a factual basis. The city ignores, contrary to Goal 10, the shortage of workforce housing. The city double-counts land need for open space, parks and schools. Parcels 3 acres or smaller with a house are arbitrarily rejected as "unsuitable" for future infill or redevelopment.

Response: This objection is sustained for the reasons set forth in the director's analysis above.

Objection: The city has selected the most expensive lands to serve with public facilities, making it impossible for affordable housing to be provided.

Response: This objection is sustained, in part. ORS 197.296(9) requires cities to ensure that land for needed housing is in locations appropriate for the housing types identified as needed. The city has identified needs for multi-family, workforce, and seasonal worker housing, and a general housing affordability problem, and yet at least some of the lands included within the expansion area are shown by the city's analyses to have very high service costs. The city's revised HNA should address and link needed housing types with its existing analysis of service costs.

Objection: The city ignored the housing that is planned within two destination resort sites in its housing needs assessment.

Response: This objection is sustained for the reasons set forth in response to the similar objection from Central Oregon LandWatch.

Objection: The city has failed to include efficiency measures for the existing UGB as required by Goal 14 and ORS 197.296.

Response: This objection is sustained, in part. The city has included two new efficiency measures and referred to some existing efficiency measures as described in the director's analysis above. However, as set forth in detail above, these measures are both too uncertain, and inadequately related to the city's housing needs, to ensure that the city is complying with the need criteria of Goal 14, or with the requirements of ORS 197.296 to adopt measures to ensure that the city is planning for needed housing.

f. Summary of Decision on Housing and Residential Land Needs

The director remands the UGB amendment with the following instructions:

1. Include a map of buildable lands, as required by ORS 197.296(4)(c), as well as a zoning map and a comprehensive plan map for the lands within the prior UGB;
2. Include as its inventory of buildable lands, an analysis for each residential plan district of those lands that are "vacant," and of those lands that are "redevelopable" as those terms are used in ORS 197.296(4)-(5) and OAR 660-008-005(6). As part of this inventory, include an analysis of what amount of redevelopment and infill has occurred, and the density of that development, by plan district, since 1998. The inventory must include the UAR and SR 2 ½ plan districts, as well as the RL, RS, RM and RH districts;
3. If the city excludes lands on the basis that there is not a strong likelihood that existing development will be converted to more intense residential uses during the planning period, include an analysis of lands within all districts showing the extent to which infill and redevelopment has or has not occurred since 1998;
4. For each zoning district, analyze the number of units, density and average mix of housing types of urban residential development that has actually occurred since 1998 (including through rezoning) and how much of this occurred on vacant lands, and how much occurred through redevelopment;
5. For each zoning district, analyze whether future trends over the 20-year planning period are reasonably expected to alter the amount, density and mix of housing types that has actually occurred since 1998;
6. For each zoning district, adopt findings and conclusions regarding the number of units, the density, and the mix of housing types that the city concludes is likely to occur over the planning period, and identify how much is expected to occur on vacant lands, and how much is expected to occur through redevelopment;

7. Revise the Housing Needs Analysis to comply with ORS 197.296, OAR 660-008-0020, and ORS 197.303. The Housing Needs Analysis must include an evaluation of the need for at least three housing types at particular price ranges (owner occupancy) and rent levels (renter occupancy), and commensurate with the financial capabilities of *current and future* residents. Those housing types include: (a) attached single family housing (common-wall dwellings or rowhouses where each dwelling unit occupies a separate lot pursuant to OAR 660-008-0005(1)); (b) detached single family housing (a housing unit that is free standing and separate from other housing units pursuant to OAR 660-008-0005(3); and (c) multiple family housing (attached housing where each dwelling unit is not located on a separate lot pursuant to OAR 660-008-0005(5));
8. Adopt the revised Housing Needs Analysis as an element of the comprehensive plan, along with findings that demonstrate how the revised Housing Needs Analysis complies with the applicable statutory, goal and rule requirements described above;
9. Analyze what the mix of plan designations should be in the UGB expansion area in direct relation to the city's projected housing needs, and consider the adoption of new residential plan districts that encourage more multi-family, higher density single family housing, and other needed housing types for a greater proportion of the expansion area, in order to meet the city's and the region's demonstrated housing needs;
10. Consider measures to encourage needed housing types within additional areas of the city, including rezoning of areas along transit corridors and in neighborhood centers;
11. Consider splitting the existing RS zone, which covers most of the residential areas of the city, into two or more zones in order to encourage redevelopment in some areas while protecting development patterns in well-established neighborhoods;
12. In areas where the city is planning significant public investments, consider up-zoning as a means to help spread the costs of such investments;
13. Consider strengthening the minimum density provisions in the existing UAR and SR 2½ zones by eliminating PUDs and other clustering tools; and
14. Consider strengthening the minimum density provisions in the existing RS and RM zones to encourage development of needed housing types, rather than relying on low density residential development.

2. Land Added to the UGB for Related (Non-Employment) Uses

a. Legal standards

Goals 10 and 14 and OAR 660, divisions 8 and 24 are the applicable state laws.

b. Summary of Local Actions

As noted in the introduction to this section, in addition to the 941 acres of land added to the UGB for residential uses, the city has added 1,925 acres to meet its estimated land need for public schools, parks, second homes, private open space and rights-of-way, and public rights-of-way. The amount of land the city estimates is needed for each of these uses (based partially on its analysis of land use within the prior UGB) is summarized in Table 1, in subsection 1.b of this section. [R. at 1092]

c. Objections.

Objections related to land need are itemized in subsection 1.c, above, and the department's responses related to those objections specific to non-residential, non-employment land need are provided in section 2.e, below.

d. Analysis and Conclusions.

Public schools and parks. The estimates of land need for public schools [R. 1088-1089] and parks [R. 1089-1090] are based on per-capita service standards recommended by the school district and the parks district. While there may be no inherent problem with the use of service standards, the city's application of the standards assumes that *all* new school and park facilities to serve new residents in Bend will be located on expansion lands outside of the prior UGB. The findings do not address whether the estimated land needs for schools can reasonably be accommodated within the UGB, as required by OAR 660-024-0050(4). Similarly, the findings for parks do not address whether the estimated need can be met within the UGB, or the extent to which the need may already be met by existing or planned facilities *outside* of the UGB (some types of park facilities are allowed outside of UGBs; see, OAR 660, division 34).

In addition, the land need estimate for public parks was increased from 362 acres to 474 acres at the very end of the city's review process, based not on the district's service standards but on an estimate of land need "on a quadrant basis using the city's Framework Plan." [R. at 1090] The findings do not clearly explain the basis for this increase,²⁰ and given the director's action with regard to the Framework Plan (see below) do not have an adequate factual base. As a result, the director is unable to find that there is an adequate factual basis for the increased estimate of land needed for public parks. The director remands the city and county decisions, with direction to:

1. Determine whether the need for land for public schools can reasonably be accommodated within the existing UGB;

²⁰ The city's acceptance of this estimate was based on city council direction to err on the side of including too much, rather than too little land. [R. at 1090, note 55; R. at 8801]

2. Determine whether the need for land for public parks (including trails) can reasonably be accommodated within the existing UGB, and whether this need is already met in whole or in part by facilities planned or existing outside of the UGB; and
3. Adopt findings that justify the increase in land needed on a “quadrant” basis for parks, or use the prior estimate of the district for a lesser acreage.

Second homes. The director agrees with the city that second homes are a “legitimate Goal 10 issue.” The city has estimated a land need for 500 acres for second home development. This acreage represents over half (again) the amount of land added for new housing units (first homes).

The city received testimony estimating that 377 acres of land were developed with second homes during the seven years prior to its decision. [R. at 1086] The city also received testimony that 20 percent of the total number of homes that would be developed during the planning period would be second homes. [R. at 1087] However, the city elected to use an 18 percent factor instead. [R. at 1087]

The director believes there is substantial evidence in the record to support the city’s determination concerning the number of *units* of second home development during the planning period (between 18 and 20 percent of the total units needed). However, the city’s findings do not identify or explain why the city used an average density of six units per net acre (the same density used for the expansion area generally) for this housing type. The findings do not explain why second homes require the same amount of land as the city is planning for first home development. Nor do the findings evaluate whether (or to what extent) this use might be accommodated within the prior UGB. [OAR 660-024-0050] Instead, the findings assume the entire need must be met on expansion lands at the same density as first home development. The result is that, although the city estimates second homes will be 18 percent of the total units developed over the next 20 years, it then allocates second homes more than half of the amount of land allocated to first home development. As a result, the director is unable to determine that land need for this use complies Goals 10 or 14, or their implementing rules, or with ORS 197.296. The director remands the city and county decisions, with direction to:

1. Coordinate with the county specifically concerning the need for second-home housing, and where this need should be satisfied regionally;
2. Evaluate whether this need can reasonably be accommodated on lands within the existing UGB;
3. To the extent that additional lands are required, establish a reasonable, specific density of development for this housing type for the next 20 years.

Private Open Space and Private Rights-of-way. The city applied a 15 percent factor to its projected residential (and park and school and second home) land needs to reflect projected land need for private open space and private rights-of-way. This figure is based on an analysis of the proportion of land within the prior UGB devoted to this use, and assumes the same land allocation within the expansion area. [R. at 1092] However, projecting a land need for private open space and rights-of-way for public parks and for public schools does not appear logical (unless the 15 percent figure was derived for all non-employment lands within the existing UGB, which is not clear from the findings). Further, there is no explanation in the record why prior development patterns, with a relatively large amount of private open space, is needed within the expansion area. Elsewhere in its decision, the city determines that lots that have access through private rights-of-way are not suitable for urbanization. Simply adopting past development patterns is not a sufficient basis to demonstrate a land need under Goal 14 or under ORS 197.296. For all these reasons, the director is unable to determine that this element of the city's decision complies with Goal 14 or OAR 660-024-0040.

The director remands the city and county decisions, with direction to either remove private open space and private rights-of-way as categories of land need, or justify why private open space and private rights-of-way are needed within the UGB expansion area in addition to estimated land needs for public parks and public rights-of-way.

Surplus Acreage. The amendment expands the UGB by 5,475 "suitable" acres to meet the estimated land need of 4,956 acres, yielding a surplus of 519 acres. [R. at 1193] The city's findings explain this excess acreage by referring to OAR 660-024-0040(1), which acknowledges that 20-year projections of land needs are estimates that should not be held to an unreasonably high level of precision. The city also appears to believe that this amount of acreage is needed for several specific reasons, including efficient provision of public services (e.g., including land on both sides of roads in some expansion areas), to facilitate the development of complete neighborhoods, and to make it possible to distribute employment lands throughout the expansion area. [R. at 1193] The findings, however, simply state these reasons, without explaining where these areas are, or why it is not possible to reduce acreage elsewhere in order to keep the total acreage consistent with its estimated land need.

The state does not require precision in estimating land need, and the city's estimates for residential, employment, and other land needs necessarily involve some degree of uncertainty.²¹ But once the city *makes* its estimate, state law does not allow the city to simply add a cushion. Instead, state law requires the city to make its best effort to arrive at a reasonable estimate of land need and then stick with that number. The inclusion of a specific amount of land in the UGB in addition to estimated need appears to be driven by its desire to include particular properties in the expansion area rather than first

²¹ As an example, the Goal 10 findings state that the "[c]ity identified a need for 2,714 acres of additional land for housing based on the inventory, the coordinated population forecast, and the housing needs analysis." [R. at 1219] However, elsewhere the findings state that the estimated residential land need is 2,866 acres. [R. at 1092, 1167]

determining an amount of land need, and then deciding where to satisfy that need. [R. at 1193]

In addition, as noted at the introduction to this section, the city has included almost 3,000 additional acres of land within its UGB expansion area with no need determination at all. The city's decision appears to reflect an interpretation of state law that if lands are not suitable for urbanization,²² they may nevertheless be included within a UGB with no need showing. That interpretation turns the state's urban growth management statutes, goals and rules on their heads.²³

The city has provided no justification or explanation for the inclusion of these lands in its findings. As a result, the director remands the city and county decisions, with direction to remove the approximately 3,000 acres of lands from the UGB expansion area that the city has found are not suitable for urbanization, or explain with specificity why their inclusion is justified under Goal 10 and Goal 14.

Buffer Areas and Land Shown as RL in the Framework Plan. The adopted "Alternative 4A" UGB includes a 29-acre strip of Urban Low Density Residential (RL) along the central west edge of the proposed UGB, north of Skyliners Road and west of Master Plan Areas 3 and 4. [See Bend Urban Area Framework Plan Map, R. at 3; map of "Alternative 4A – Preliminary UGB Expansion December 3, 2008," Supp. R. at 3; and Supp. R. at 207-08] Neither the 2007 Residential Lands Study nor the General Plan amendments provide an adequate factual basis for a need for this land for this use and, in fact, the findings provide that lands proposed for RL plan designations are not serving an urban need. [R. at 1079] The city has not demonstrated a Goal 10 or 14 need for a very low density residential buffer with housing at two units per acre along the west side of the existing UGB between Skyliners Road and Shevlin Park.

More generally, the Framework Plan shows a substantial amount of lands planned as RL (Low Density Residential, 1.1 to 2.2 dwelling units per acre). As noted above, the city does not anticipate that the housing in these lands will serve any urban need. [R. at 1079] We find no findings explaining why it is appropriate to bring these lands within the UGB or what the urban land need is for them. The Framework Plan indicates that the city has no expectation that these lands will ever become urban. In fact, much of the lands were found by the city to not be suitable for urbanization.

²² The city's bases for determining that lands in the expansion area are not suitable for urbanization also contain multiple problems, including that: (a) the conclusion that a parcel smaller than three acres with an existing dwelling on it is not suitable for urbanization lacks an adequate factual basis, and is not consistent with Goal 14; (b) the city's conclusion that lands within certain rural subdivisions cannot urbanize due to their CC&Rs is not supported by the city's own findings, which do *not* show that these lands cannot undergo additional development except in the case of a couple of the subdivisions. These issues are addressed in more detail in the portion of this decision concerning the city's decision about *where* to expand its UGB.

²³ For example, see *Collins v. LCDC*, 75 Or App 517 (1985).

As a result, the director finds that their inclusion in the UGB violates Goal 14 and Goal 10 and their implementing rules, as well as ORS 197.296. The director remands the city and county decisions, with direction to remove the lands from the UGB expansion area that the city has designated as RL in its Framework Plan map, or explain with specificity why their inclusion is justified under Goal 10 and Goal 14.

e. Response to Objections

Anderson –

Objection: The city and county underestimate the amount of land needed for right-of-way, and therefore fails to comply with OAR 660-024-0040(1). Specifically, the estimate is based on land use within the existing UGB, and fails to account for standard existing rights-of-way and for needs attributable to stormwater management.

Response: This objection is denied. While additional right-of-way may be required for stormwater management, the city has included a 15 percent factor for private rights-of-way and open space that should provide more than enough land area for stormwater management needs. In addition, the city’s assumption that most of the added residential land will be planned RL or RS provides substantial excess land beyond that required for needed housing. There is no specific evidence regarding the quantity of land needed for stormwater management and public right-of-way, or that the amount of land the city has added to the UGB cannot accommodate these uses. The city should evaluate the amount of land needed for stormwater management in connection with its reevaluation of land need for the UGB expansion area, but no separate remand is required.

Toby Bayard –

Objection: The proposal doesn’t plan for needed housing types to meet the housing needs of all residents as required by Goal 10, particularly lower income and multifamily housing. The proposal underestimates the land need for housing for lower income households.

Response: This objection is sustained. As noted above, the city’s Housing Needs Analysis fails to analyze needed housing types as required by Goal 10, the Goal 10 rule, and ORS 197.296. The city’s Framework Plan would devote most of the expansion area to low density residential uses, where large lots would likely not provide needed housing for lower income households.

Objection: The city’s estimate of land need for second homes is too high, and is not supported by the evidence in the record.

Response: This objection is denied in part. As noted in the department’s analysis, second home housing is an appropriate Goal 10 issue, and there is substantial evidence to support the city’s determination concerning the need for second home units. However, as to the acreage of land needed in a UGB expansion area, the objection is sustained. As explained above, the city has not explained whether this need can be accommodated within the existing UGB, or the amount of land needed in the expansion area.

Objection: The city’s estimate of land need for public right-of-way is too high.

Response: This objection is denied. There is substantial evidence in the record to support the city's use of a 21 percent factor in estimating right-of-way for lands added to the UGB (the amount of land devoted to right-of-way within the existing UGB).

Carpenter/McGilvary –

Objection: The city and county underestimate the amount of land needed for right-of-way, and therefore fails to comply with OAR 660-024-0040(1). Specifically, the estimate is based on land use within the existing UGB, and fails to account for substandard existing rights-of-way and for needs attributable to stormwater management.

Response: This objection is denied for the same reasons that the objection of Anderson was denied (above).

Central Oregon LandWatch –

Objection: The city does not explain how or why unsuitable lands are added to the UGB to arrive at a gross acreage total of 8,462 acres. The city's findings do not explain why some lands are considered unsuitable, nor why they are nevertheless added to the UGB. The city's determination that lots less than 3 acres in size are unsuitable if they have existing development is not explained, not does it comply with Goal 14.

Response: These objections are sustained. State law does not allow lands that are not needed, and not suitable, for urban development to be added to an urban growth boundary. The city's findings do not explain its justification for adding lands beyond the approximately 5,000 acres of land need shown for housing, housing-related, and employment needs.

Objection: The city's projected land need of 500 acres for second home development is not justified and is based on incorrect data.

Response: This objection is denied in part and sustained in part. The objection is denied with respect to the city's estimate of needed units. The objection is sustained with regard to the acreage needed within the UGB expansion area, for the reason set forth above with regard to the similar Bayard objection.

Objection: The city's projected land need of 474 acres for parks is not justified, and is based on plans not incorporated into the city's comprehensive plan. In addition, the city fails to account for the fact that some of this need is and will continue to be met on lands outside of the UGB.

Response: This objection is denied in part, and sustained in part. The district's plans can serve as substantial evidence for the city's decision, even though those plans have not been adopted by the city as part of its comprehensive plan. As a result, the city could chose to base its decision on evidence including service standards recommended by the district. However, the element of the objection with regard to the location of where this land need may be met is sustained, for the reasons set forth above.

Objection: Regarding land need for public right-of-way, the city's estimate is based on existing development patterns and does not consider provisions for skinny streets that can and have reduced the amount of land required in newer developments in the city.

Response: This objection is denied. The city can choose to rely on evidence consisting of development patterns from lands within the prior UGB in estimating land need in the expansion area for public right-of-way unless there is a showing that doing so would violate the city's code or comprehensive plan.

Objection: Regarding land needed for private rights-of-way and open space, there is no showing of why this type of private land use is needed under Goal 14, when public parks are already provided.

Response: This objection is sustained for the reasons set forth in the director's decision.

Objection: The city misconstrues 660-024-0040(1) in including a "buffer" of 519 acres over and above its demonstrated land need for residential use.

Response: This objection is sustained for the reasons set forth in the director's decision.

Objection: The city fails to consider the approval of the Tetherow destination resort and its effect on land need within the UGB for this type of use.

Response: This objection is sustained. Both the city and the county have an obligation to consider other second-home development in the region in determining how much second-home development is needed within Bend's UGB. The director's decision requires the city and the county to coordinate in determining regional need for this type of housing, and what proportion of that need should be accommodated within Bend.

Newland Communities –

Objection: The theoretical surplus of 519 acres is needed to fulfill land needs, and to provide for effective delivery of infrastructure and complete communities.

Response: This objection is denied, in part. The director agrees that the 519 acres in question may only be included if the city documents a need for that amount of land. Otherwise, the objection is denied because the city has failed to provide the required justification of need under Goal 14, as set forth in detail above.

Swalley Irrigation District –

Objection: The amount of land determined to be needed is too large and beyond what the city determined was needed. The 519-acre cushion must be removed.

Response: This objection is sustained, in part. As set forth in more detail above, the city has not adequately documented its 20-year need for land for housing and other non-employment uses. In addition, the city may not include land in addition to its documented 20-year need (e.g., the 519 acres of "cushion").

f. Summary of Decision on Land Need Not Related to Residential or Employment Needs

The director remands the UGB amendment with the following instructions:

1. Determine whether the need for land for public schools can reasonably be accommodated within the existing UGB;

2. Determine whether the need for land for public parks (including trails) can reasonably be accommodated within the existing UGB, and whether this need is already met in whole or in part by facilities planned or existing outside of the UGB;
3. Adopt findings that justify the increase in land needed on a “quadrant” basis for parks, or use the prior estimate of the district for a lesser acreage;
4. Coordinate with the county specifically concerning the need for second-home housing, and where this need should be satisfied regionally;
5. Evaluate whether this need can reasonably be accommodated on lands within the existing UGB;
6. To the extent that additional lands are required, establish a reasonable, specific density of development for this housing type for the next 20 years;
7. Either remove private open space and private rights-of-way as categories of land need, or justify why private open space and private rights-of-way are needed within the UGB expansion area in addition to estimated land needs for public parks and public rights-of-way;
8. Remove the approximately 3,000 acres of lands from the UGB expansion area that the city has found are not suitable for urbanization, or explain with specificity why their inclusion is justified under Goal 10 and Goal 14; and
9. Remove the lands from the UGB expansion area that the city has designated as RL in its Framework Plan map, or explain with specificity why their inclusion is justified under Goal 10 and Goal 14.

3. Is the UGB amendment consistent with the Bend Area General Plan?

a. Legal standard

Comprehensive Plan data, findings, conclusions, and policies must be complete, comply with the statewide planning goals, and be internally consistent. ORS 197.015(5), ORS 197.250, and Goal 2.

b. Summary of Local Actions

On January 5, 2009, the city adopted a UGB expansion and other Bend Area General Plan amendments. [R. at 1228-1835] The amendments regarding housing and residential land are in Chapter 5 of the Plan. [R. at 1280-1315]

c. Analysis

No objections were received concerning consistency of the action with Bend's General Plan. The UGB amendment findings state: "Adopted policies in the Bend General Plan support the designation of higher-density residential areas in proximity to commercial services, parks and schools." [R. at 2133] However, the only places that the city plans for needed medium density and high density housing is in the Central Plan Area, on some planned transit routes (location undefined), and in the expansion area; no new medium density and high density housing, infill development, or redevelopment is planned for existing neighborhoods. Therefore, this part of the UGB amendment is not consistent with existing plan policies. (For more details, see the discussions in this report regarding (1) compliance with Goal 14 with efficiency measures, and (2) Goal 10 compliance.)

The UGB amendment and related plan amendments are also inconsistent with the following plan policies:

- Housing Policy 4: "Implement strategies to allow for infill and redevelopment at increased densities, with a focus on opportunity areas identified by the city through implementation strategies associated with this policy." [R. at 1311] Evidence of inconsistency: *As discussed elsewhere in this report*, the city is apparently restricting infill and redevelopment to (1) certain areas in the Central Area Plan and along planned fixed route transit corridors, and (2) developed exception parcels in the UGB expansion area that are larger than three acres. The record shows no evidence for planned infill and redevelopment in most of the existing UGB and also much of the exception lands in the expansion area.
- Housing Policy 17: "Implement changes to the city's code that facilitate the development of affordable housing for very low, low and moderate-income residents, as determined by appropriate percentages of Area median Family income, consistent with recent updates to the city's development code and/or new strategies identified in the Plan" [R. at 1313] Evidence of inconsistency: *As discussed elsewhere in this report*, the proposal does not demonstrate for either the 2006 development code or proposed amendments thereto how the code will facilitate the development of needed housing for households of most income levels.
- Housing Policy 21: "In areas where existing urban level development has an established lot size pattern, new infill subdivision or PUD developments shall have a compatible lot transition that compliments the number of adjoining lots, lot size and building setbacks of the existing development while achieving at least the minimum density of the underlying zone. New developments may have smaller lots or varying housing types internal to the development." [R. at 1313] Evidence of inconsistency: *As discussed elsewhere in this report*, the proposed UGB and other plan amendments do not plan for—in fact, do not permit—any infill subdivisions in existing neighborhoods.

d. Conclusion and decision

The Bend Area General Plan is internally inconsistent. The UGB amendment and related plan amendments adopted on January 5, 2009 are not consistent with Housing Policies 4, 17 and 21.

The director remands the proposal with direction to revise the proposal to be consistent with Housing Policies 4, 17 and 21 in Chapter 5 of the Bend Area General Plan.

4. Do the UH-10, UH-2½ and SR 2½ zones comply with Goal 14 and OAR 660, division 24?

a. Legal Standard

Goal 14 and OAR 660-024-0050(5) (2006) address the zoning of land brought into a UGB.²⁴ The goal and rule require county zoning for urbanizable land within the UGB to “maintain [the land’s]²⁵ potential for planned urban development until appropriate public facilities and services are available or planned.”

Retaining the existing rural zoning on land brought into the UGB maintains large parcel sizes, severely restricts new non-resource uses, and limits new primary structures. Allowing parcelization at well below 10 acres and allowing new primary use structures,

²⁴ Goal 14 provides, in part:

Urbanizable Land

Land within urban growth boundaries shall be considered available for urban development consistent with plans for the provision of urban facilities and services. Comprehensive plans and implementing measures shall manage the use and division of urbanizable land to maintain its potential for planned urban development until appropriate public facilities and services are available or planned.

The statewide planning goal definitions as amended April 28, 2005 define “urbanizable land” as: “Urban land that, due to the preset unavailability of urban facilities and services, or for other reasons, either:

- (a) Retains the zone designations assigned prior to inclusion in the boundary; or
- (b) Is subject to interim zone designations intended to maintain the land’s potential for planned urban development until appropriate public facilities and services are available or planned.”

[OAR 660, division 15]

Goal 14 planning guideline #2 states: “The size of the parcels of urbanizable land that are converted to urban land should be of adequate dimension so as to maximize the utility of the land resource and enable the logical and efficient extension of services to such parcels.”

Likewise, OAR 660-024-0050(5) (adopted October 5, 2006) provides: “When land is added to the UGB, the local government must assign appropriate urban plan designations to the added land, consistent with the need determination. The local government must also apply appropriate zoning to the added land consistent with the plan designation or may maintain the land as urbanizable land until the land is rezoned for the planned urban uses, either by retaining the zoning that was assigned prior to inclusion in the boundary or by applying other interim zoning that maintains the land's potential for planned urban development. The requirements of ORS 197.296 regarding planning and zoning also apply when local governments specified in that statute add land to the UGB.”

²⁵ “Its” refers to land within the UGB.

especially if they are placed in the middle of a parcel, fails to maintain the expansion area in parcels and in form that can develop efficiently and where it is possible to provide efficient and economic urban services. As the city's findings regarding suitability indicate, urbanizing areas that have developed as suburban subdivisions can be extremely difficult.

b. Summary of Local Actions

The county adopted two holding zones for the UGB expansion area: the Urban Holding-10 (10-acre minimum parcel size) and the Urban Holding-2½ (2½-acre minimum parcel size), in Title 19 of the Deschutes County Code. [R. at 1877-80] The findings state that these zones:

* * * respect the existing pattern of development and permit reasonable use of the land in the interim while retaining the rural densities. Both holding zones allow lot sizes as small as 15,000 square feet provided that the overall density of the development does not exceed the density of the zone. This 'cluster development' provision encourages maximum retention of large lot parcels. Too often holding zones with ten acre minimum lot sizes develop with 'hobby' farms and ranchettes that never redevelop to urban potential. Cluster development allows residential development at the same rural density but preserves the majority of the land for urban development. [R. at 1221]

An existing city zone, Suburban Low Density Residential (SR 2½), like the new UH-2½ and UH-10 zones, was intended to hold parcels within the UGB "until these lands are annexed to the city or until sewer service is available, and such lands are rezoned consistent with planned densities and uses in the Bend Area General Plan."

c. Analysis

The findings quoted above fail to recognize that the "cluster" provisions in the "holding" zones allow substantial low-density suburban development to occur on lands that are planned for urban densities. None of the adopted zones will preserve urbanizable land for future urbanization. As a result, the city and county actions violate Goal 14 and OAR 660-024-0050. Fifteen-thousand square-foot lots (approximately three units per acre) are urban-density lots, albeit at a density that is lower the six units per acre that the city has planned for the expansion area. Urban levels and intensities of development are not permitted within a UGB unless and until urban facilities and services are available and the land is annexed to the city. Even without the provision for "clustering" with 15,000 square foot lots, the UH-2½ and SR 2½ zones' 2.5-acre minimum parcel size is too small to protect urbanizable lands for efficient future urbanization once the lands are annexed and provided with urban public services. State law provides for two ways to preserve urbanizable land for future urban development: retain the existing rural resource zoning, or apply an interim holding zone that maintains large parcel sizes and doesn't

increase vehicle trip generation.²⁶ State law does not allow holding zones that provide for substantial increases in development, increased traffic generation, and inefficient future development patterns prior to urbanization and the application of urban zoning and provision of urban services.

The existing city zone, Suburban Low Density Residential (SR 2½), like the new UH-2½ and UH-10 zones, is intended to hold parcels within the UGB “until these lands are annexed to the city or until sewer service is available, and such lands are rezoned consistent with planned densities and uses in the Bend Area General Plan.” The SR 2½ zone applies only to “existing SR 2½ lands within the UGB.” At first glance, this appears to prohibit *new* lots as small as 2½ acres in the urbanizable area (*i.e.*, outside city limits) of the city’s UGB. However, there is no maximum lot size in this zone, and existing SR 2½ lots larger than 2.5 acres may be divided into lots as small as 2.5 acres.²⁷ As explained above, 2.5 acres is too small a parcel size for a holding zone in an urbanizable area because it does not maintain land for efficient future urbanization. Therefore, the SR 2½ zone also violates Goal 14 and OAR 660-024-0050.

The department advised the city of these issues by letter on October 24, 2008. [R. at 4372]

d. Conclusion and Decision

The UH-10, UH-2½, and SR 2½ zones do not maintain the potential of urbanizable land for planned urban development until appropriate public facilities and services are available or planned and therefore violate Goal 14 and OAR 660-024-0050. The director remands the city and county decisions with direction to:

1. Eliminate the UH-2½ zone, and eliminate application of the SR 2½ zone to lands within the UGB expansion area; and
2. Revise the UH-10 zone to:
 - a. Prohibit land divisions that create any parcels smaller than 10 acres in size; and
 - b. Include development siting standards to avoid future conflicts with the extension of efficient urban transportation, public facilities, and land use patterns; and
3. Apply the UH-10 zone to any and all land acknowledged for addition to the UGB.

²⁶ See, e.g., ORS 197.752(1): “Lands within urban growth boundaries shall be available for urban development concurrent with the provision of key urban facilities and services in accordance with locally adopted development standards.” Also see OAR 660-024-0020(1)(d): “The transportation planning rule requirements under OAR 660-012-0060 need not be applied to a UGB amendment if the land added to the UGB is zoned as urbanizable land, either by retaining the zoning that was assigned prior to inclusion in the boundary or by assigning interim zoning that does not allow development that would generate more vehicle trips than development allowed by the zoning assigned prior to inclusion in the boundary.”

²⁷ See Bend Code Section 10-10.9C.

F. Economic Development Land Need

Several objections raise issues related to the assumptions, analysis and conclusions used to determine land need for employment uses. The legal criteria for this portion of the submittal are found in Statewide Planning Goal 9 and OAR 660, division 9.

Subsection 1.a, below, provides a description of what the goal and rules require, and this description is relied upon in subsequent subsections addressing related objections to the UGB amendment. Objections relating to land need for employment uses that not specifically addressed are deemed denied for the reasons set forth in this section.

1. Did the city have an adequate factual basis for including and excluding lands for employment uses?

a. Legal Standard

Statewide Planning Goal 9, “Economic Development,” requires that comprehensive plans provide opportunities for a variety of economic activities, based on inventories of areas suitable for increased economic growth taking into consideration current economic factors. The goal requires that comprehensive plans provide for at least an adequate supply of suitable sites, and limit incompatible uses to protect those sites for their intended function.

OAR 660, division 9 is the administrative rule that implements Goal 9. Its purpose is to “link planning for an adequate land supply to infrastructure planning, community involvement and coordination among local governments and the state,” and “to assure that comprehensive plans are based on information about state and national economic trends.” [OAR 660-009-0000]

OAR 660-009-0010(5) provides that the effort necessary to comply with OAR 660-009-0015 through 660-009-0030 will vary depending upon the size of the jurisdiction, the detail of previous economic development planning efforts, and the extent of new information on national, state, regional, county, and local economic trends. A local government’s planning effort is adequate if it uses the best available or readily collectable information to respond to the requirements of the administrative rule.

OAR 660-009-0015 requires that comprehensive plans provide an Economic Opportunities Analysis (EOA) that describes a review of economic trends, required site types for likely future employers in the jurisdiction, an inventory of available lands, and assessment of the community’s economic development potential. OAR 660-009-0015(1) requires that the review of trends be the principal basis for estimating future employment land uses.

OAR 660-009-0020 requires that comprehensive plans include policies to implement the local economic development objectives, provide a competitive short- and long-term supply of sites for employment, ensure those sites are suitable for expected users, and provide necessary public facilities and services. OAR 660-009-0020(2) states that plans

for cities and counties within a Metropolitan Planning Organization (MPO) must include detailed strategies for preparing the total land supply for development and for replacing the short-term supply of land as it is developed.

OAR 660-009-0025 requires that comprehensive plans adopt measures adequate to implement local economic development policies. These include designation of sites for a 20-year supply of employment land and maintenance of a short-term supply of serviceable lands.

OAR 660, division 24, "Urban Growth Boundaries," provides direction regarding the use of data, findings and conclusions developed to address economic development and Goal 9 during a UGB review. OAR 660-024-0040(5) states that the determination of 20-year employment land need for an urban area must comply with applicable requirements of Goal 9 and OAR 660, division 9, and must include a determination of the need for a short-term supply of land for employment uses. Employment land need may be based on an estimate of job growth over the planning period. Local government must provide a reasonable justification for the job growth estimate, but Goal 14 does not require that job growth estimates necessarily be proportional to population growth.

b. Summary of Local Actions

The EOA is included in the record as Appendix E. [R. at 1498] The EOA includes a discussion of the community's objectives, including target industries. [R. at 1516] The Executive Summary highlights the steps of the complete analysis including demographic trends, historic and expected employment trends, inventory of the current land supply, determination of new employment, land need through 2028, which is reported in the summary as a table [R. at 1503-1506].

Section 3 of the EOA contains the review of trends used for estimating future employment land uses, as required by OAR 660-009-0015(1). [R. at 1519-1566] It provides a detailed report and analysis of trends, including population and demographics, coordinated population projection, educational attainment, household income, wages and benefits, labor force and unemployment, changing economic markets, current covered employment, employment shifts and land needs, the economic outlook, local economic trends, expectations of disproportionate employment growth, land supply as a threat to employment growth, education's role in the economy, and a need for a large university campus.

Other sections of the EOA detail characteristics of Bend's employment lands, discuss the employment projection methodology, and the results of the projections. [R. at 1567-1578]. The EOA includes a discussion of the use of employment categories instead of the more common employment sectors. [R. at 1583-1584]

The EOA includes a note that the analysis and conclusions were modified by the city [R. at 1585]. The modifications, based on input from the planning commission, UGB

technical advisory committee, and stakeholders, are discussed in appendices A-H [R. at 1642-1727].

Appendix A presents the modified employment projections per industrial sector classification as a spreadsheet. [R. at 1642]

Appendix B is a memo outlining staff recommendations of modifications to economic variables relative to consultant work completed for the city. [R. at 1649-1651] To account for uncovered workers, the employment projection is increased by 11.5 percent, based on interpolation of national and state census data. No local employment data were gathered for this analysis. The memo includes a comment by the Oregon Employment Department regional economist that no analysis exists to suggest how land needs for uncovered workers should be calculated, and suggested a rule-of-thumb instead. The memo also makes recommendations regarding modifications to the employment forecast for employment on residential and public facilities lands.

The submittal includes findings in support of the UGB expansion for employment lands. [R. at 1103-1165] These findings include: policy direction, incorporation by reference of a 2008 EOA, trend analysis, employment projection, employment land inventory, employment land need, discussion of how to satisfy the requirements of Goal 9, identification of required site types, assessment of economic development potential, meeting the requirement of MPOs for short-term supply, economic development policies, designation of employment lands, and findings related to uses with special siting requirements.

In summary, the EOA says there is need for 1,008 acres of commercial land and between 100 and 250 acres of land for each of the following use categories: industrial and mixed employment, public facilities, economic uses in residential zones, medical, new hospital site, a university site, and two 56-acre industrial sites. The total employment land need shown is 2,090 acres. [R. at 1114] This compares to the “Scenario A” conclusion that there is a 1,380-acre need, which was the result of a relatively simplistic formula of dividing employment projections by employment densities.

c. Objections and DLCD Comments

DLCD commented on Goal 9 issues prior to local adoption of the UGB amendment. A DLCD letter of October 24, 2008 commented that the EOA lacked findings on site suitability criteria and findings supporting a land need for two approximately 50-acre industrial sites. [R. at 4725]

A DLCD letter of November 21, 2008 commented that assumptions and determinations relating to employment land were either missing, were not calculated accurately, or lacked an adequate factual basis. Specifically, DLCD cautioned against: (1) the use of a 15 percent vacancy rate assumption for the 20-year employment land supply; (2) adding “surplus” employment land to the need calculation to account for market efficiency; and (3) adding residential land need via the EOA based on employment in residential zones.

The letter further comments that these errors led to an overestimation of the need for employment land. [R. at 3765]

Three objectors challenged whether the submittal provides an adequate factual basis for the findings and conclusions drawn: Swalley Irrigation District, Brooks Resources, and Central Oregon LandWatch.

Swalley Irrigation District – The employment forecast is not supported by evidence in the record. [Swalley Irrigation District, May 6, 2009, pp. 47-53]

Brooks Resources – The findings do not demonstrate that at least some of the employment land needs cannot be accommodated within the existing UGB. The record lacks evidence that the Westside UGB expansion area is suitable for employment lands. [Brooks Resources April 29, 2009, pages 2–9]

Central Oregon LandWatch – The findings and EOA are outdated, so there is no basis for need demonstrated. [Central Oregon LandWatch May 7, 2009, pages 11–12]

d. Analysis

A local government’s planning effort under Goal 9 is adequate if it uses the best available or readily collectable information to respond to the requirements of the rule. [OAR 660-009-0010(5)] This standard is intended to make the planning effort informative rather than prescriptive. A substantial record of fact gathering and analysis exists in the record.

The methodology for determining employment land need for a legislative UGB amendment includes the following main steps:

- Determine the total 20-year employment land supply need by reviewing trends; [OAR 660-009-0005(13), 0015(1) and 0025(2)]
- Subtract existing sites that are defined as vacant; [OAR 660-009-0005(13)]
- Subtract existing sites that are defined as likely to redevelop; [OAR 660-009-0005(13)]
- Add needed sites not available in the inventory of vacant or likely to redevelop. [OAR 660-009-0025(2)]

Completing these steps yields the amount of employment land required in a UGB expansion to meet the 20-year employment land supply called for in the Goal 9 rule. It may also identify some amount of surplus employment land. This surplus means that there are currently-zoned employment sites unsuitable to meet the requirements of the 20-year supply, although in usual practice this is absorbed by the need for general employment sites without specific characteristics other than some number of acres in unspecified locations.

The analysis for the EOA did not follow these steps, and the record is unclear and confusing regarding how the amount of land needed for employment was determined. An

EOA was prepared in 2008, and it was incorporated by reference in the findings for the UGB expansion, [R. at 1110] but other, conflicting findings and conclusions were also included, without the differences being reconciled. A table showing the 20-year employment land need in gross acres is included in the findings. [R. at 1114, 1141]

A table showing the existing supply of vacant and developed employment land is also included in the findings. [R. at 1109] However, there is no analysis included that distinguishes developed employment land likely to redevelop during the planning period from that not likely to redevelop. As set forth above, this analysis is key to determining the quantity of land needed for employment uses for a UGB expansion, and is a required part of an EOA. [OAR 660-009-0015 and 660-009-0005(1)] The EOA “* * * assumes that 10 percent of new employment will take place on existing lands.” [R. at 1595] However, there is no analysis of trends to support this assumption.

The findings also do not include identification of needed suitable sites (i.e., sites that are not in the inventory of vacant and likely to redevelop sites already in the UGB). The city response to DLCD’s request for record clarification [Bend December 7, 2009] refers to sections of the original EOA as the analysis and basis for findings, but the original EOA analysis was significantly modified later in the process [R. at 1585], and it does not appear that the original EOA is still a basis for the city's decision given the findings.

Forecasts and data are not required to be updated once the UGB review process has begun. [OAR 660-024-0040(2)]

Regarding the assumption that Bend will experience a 15 percent vacancy rate on employment land during the planning period, the evidence in the record does not support such a conclusion. [R. at 1616 and 1111-1112]. The findings state that the local vacancy rates have been approximately half this amount. The city justifies the higher long-term rate on a desire to drive industrial and commercial land rents down. That cannot be a basis for inflating trend data because, taken to its extreme, it would have no limit in terms of the acreage assumed to be committed as a result of commercial and industrial vacancies. While employment land availability, and the effects of availability on rents and land prices, are legitimate considerations in planning for growth, assigning an across-the-board vacancy rate that is significant above trends [R. at 1562] does not comply with the Goal 9 rule.

e. Conclusion

Except for the objection from Central Oregon LandWatch that the findings and EOA are outdated, the objections based on adequacy of the factual record, findings and analysis are sustained. The record does not include adequate findings, analysis or evidence to justify the city's determination of employment land need. The director remands with instructions to develop an EOA that includes a determination of the employment land supply consistent with the requirements of OAR 660, division 9. This must at least include the following elements based on factual evidence:

1. Determination of the 20-year supply of employment land;
2. An inventory of existing employment land categorized into vacant, developed land likely to redevelop within the planning period, and developed land unlikely to redevelop within the planning period;
3. Identification of required site types that are not in the inventory of either vacant or likely to redevelop sites;
4. Identification of serviceable land; and
5. Reconciliation of need and supply.

2. Does the analysis show too great a need for employment land?

a. Legal Standard

OAR 660-009-0015 requires that an EOA determine the need for employment land. OAR 660-024-0040(5) establishes the determination of employment land in the context of a UGB amendment. A more complete explanation of the Goal 9 requirements is provided in subsection 1.a of this section. These rules make it clear that the standard is for the city to provide a 20-year supply of land for employment.

In order to justify a need for employment land within the UGB to provide for efficient market functions or to respond to unique market conditions, there needs to be in the record a policy directive to provide additional land to meet some public purpose; a factual basis in the EOA to satisfy OAR 660, division 9; and, to satisfy OAR 660, division 24, a finding that the job growth estimate that supports that land need determination is reasonable.

b. Summary of Local Actions

A general summary of the city's actions is provided in subsection 1.b, above. The EOA discusses the provision of additional employment lands for a variety of locations and sites in addition to the 20-year supply, described in the EOA as Scenario B. [R. at 1620] A summary is provided. [R. at 1632] The land need findings discuss the city's rationale for increasing the supply of employment land 20-year need. [R. at 1115-1165]

Scenario A is characterized as "minimal employment land demand" and is from the 2008 EOA. Scenario B makes several adjustments to the employment land need from Scenario A, based on input from a stakeholder group. Scenario B reduces the land need as determined by a review of trends from 1,380 to 898 acres, reduces the resulting amount of vacancy-rate adjustment from 207 to 134 acres, adds 421 acres of redundant supply for market choice, increases the resulting 21 percent right of way adjustment to 235 acres, and adds 15 percent or 168 acres for other land needs. The total estimated employment land need in Scenario B is unclear [R. at 1622].

The city adopted economic development policies in chapter 6 of the Bend Area General Plan. [R. at 1339] The policies accept the 2008 EOA and associated land needs, establish the short-term supply management plan, establish emphasis on large-lot industrial, and established mixed-use and commercial development guidance. The short-term land supply management plan requires staff to report to council and do not include detailed strategies for preparing the total land supply for development and for replacing the short-term supply of land as it is developed as required by OAR 660-009-0020(2).

c. Objections and DLCD Comments

The department commented that the city erred in increasing its estimated long-term (20-year) employment land supply by 50 percent based on analysis perhaps appropriate for the required short-term supply, and by adding residential land need in the EOA based on employment in residential zones. [R. at 3765-3766] Also see the description of DLCD comments in subsection 1.c of this section.

The department received objections from four parties alleging a variety of deficiencies with the submittal related to the amount of employment land the city needs: Swalley Irrigation District, Central Oregon Land Watch, and Brooks Resources Corporation.

Swalley Irrigation District – The UGB was expanded to include more employment land than was justified. The city used an erroneous definition of “developed land” and “serviceable land.” [Swalley Irrigation District, May 6, 2009, pp. 47-53]

Brooks Resources – The findings do not demonstrate that at least some of the employment land needs cannot be accommodated within the existing UGB. [Brooks Resources April 29, 2009, pages 2–9]

Central Oregon LandWatch – The EOA employed an inappropriate assumption regarding vacancy rates and institutional use, open space, and right of way. The EOA does not demonstrate a need for several specific uses. The EOA impermissibly adds surplus employment land to the inventory. [Central Oregon Land Watch May 7, 2009, pages 11–12]

Barbara I. McAusland – Barriers to locating industry in Bend argue against the need for an oversupply of industrial land. The findings do not demonstrate a need for an oversupply of employment land. [McAusland May 5, 2009, page 3]

d. Analysis

The determination of the employment land supply is based on the review of trends the local government expects to influence the decision. The local government then identifies the sites that are expected to be needed to accommodate anticipated employment growth. There is in the record policy direction, fact-based analysis of an employment projection, and market analysis of the rationale for providing employment land above the minimum 20-year need. No upper limit is established in rule or statute, but OAR 660-009-0015(2) states that the EOA “must identify the number of sites by type *reasonably expected to be*

needed to accommodate the expected employment growth. . .” [emphasis added] and OAR 660-024-0050 and Goal 14 require an analysis showing that the needs cannot reasonably be accommodated on land already inside the UGB.

The EOA includes two estimates of employment land need [R. at 1618, 1622]. Both scenario A and B include policy directives to increase the base land need for a variety of factors including vacancy, redundant supply, and right-of-way. There is policy direction and ample discussion. However, as noted in subsection 1.c of this section, the city’s findings do not explain the land need determination in a fashion that demonstrates it complies with OAR 660, division 9.

In order to justify an increase in the need for certain types of employment land within the UGB over what a trends-based analysis would conclude, there would need to be a policy directive to provide additional land for economic development purposes in the record; a factual basis in the EOA to satisfy OAR 660, division 9; and, to satisfy OAR 660, division 24, a finding that the job-growth estimate that supports the land need determination is reasonable and cannot be accommodated within the existing UGB.

As noted in subsection 1.c above, the findings do not include identification of needed suitable sites. The EOA does not make a distinction between built sites that are likely to redevelop and those that are not, as required by OAR 660-009-0015(3).

e. Conclusion

The objection is sustained. The director remands with the same instructions explained in subsection 1.e, above.

3. Did the city err in designating 114 acres for employment in residential areas?

a. Legal standard

OAR 660, division 9 requires that an EOA determines the need for employment land. [OAR 660-009-0015] OAR 660-024-0040(5) establishes the determination of employment land in the UGB. A more complete explanation is provided in subsection 1.a of this section, above.

OAR 660-009-0005(3) defines industrial use. OAR 660-009-005(6) defines “other employment uses” as:

All non-industrial employment activities including the widest range of retail, wholesale, service, non-profit, business headquarters, administrative and governmental employment activities that are accommodated in retail, office and flexible building types. Other employment uses also include employment activities of an entity or organization that serves the medical, educational, social service, recreation and security needs of the community typically in large buildings or multi-building campuses.

OAR 660-009-0025 requires local governments to “adopt measures adequate to implement [economic development] policies” and “(a)ppropriate implementing measures include amendments to plan and zone map designations...”

Goals 10 and 14 and OAR 660, divisions 8 and 24 establish the requirements for designation of residential land and UGB expansion considerations for residential uses.

b. Summary of Local Actions

The findings regarding employment land need in Table 4-3 include 119 acres for employment uses on residentially zoned land. [R. at 1114] The trends analysis includes the number of employees expected to find employment on 119 acres zoned for residential [R. at 1113].

The 2008 EOA recommends an increase to the employment projection for jobs that are typically based in residential zones, such as certain public facilities, schools, churches and home occupations, and that may not be captured by traditional forecast methods, and recommends that additional residential land be designated to accommodate the forecast. [R. at 1651]

c. Objections and DLCD Comments

The department received objections regarding designation of residential areas for employment from Swalley Irrigation District and Central Oregon LandWatch. DLCD had also commented on this issue. The department’s letter asserts that the EOA allocates a significant amount of employment to the high-density residential districts based on a methodology that does not protect lands for needed multi-family housing from commercial development. [R. at 3767]

Subsequent review has revised this analysis. The city’s 2008 EOA [R. at 1651] recommends an increase to the employment projection for jobs typically based in residential zones, such as certain public facilities, schools, churches and home occupations that may not be captured by traditional forecast methods, and recommends that additional residential land be designated to accommodate the forecast.

d. Analysis

It is appropriate to define the portion of projected employment that is expected to take place on residential land in order to gain an accurate approximation of how much will locate in employment zones. However, OAR 660, division 9 does not permit designation of residential land for employment use. Residential land is designated according to the standards of OAR 660, division 8, which permits adjustments to the residential buildable lands inventory to account for non-residential uses.

e. Conclusion

The objection is sustained. The 119 acres of residential land is not justified, and must be removed from the employment land need.

4. Did the city err in including land for a hospital, university campus, and two 50-acre industrial sites?

a. Legal standard

OAR 660-009 requires that an EOA determines the need for employment land. [OAR 660-009-0015] OAR 660-024-0040(5) establishes the determination of employment land in the UGB. OAR 660-009-0025(8) provides requirements for designating employment uses with special siting characteristics.²⁸ A more complete explanation of OAR 660, division 9 requirements is provided in subsection 1.a of this section, above.

In order to justify an increase in the need for certain types of employment land within the UGB there must be a factual basis in the EOA to satisfy OAR 660, division 9, a policy directive to provide the sites for economic development purposes, and measures to protect the sites for the intended uses.

b. Summary of Local Actions

The EOA discusses the provision of additional employment lands for specific uses including a new hospital, a university campus and two 50-acre industrial sites [R. at 1506, 1517, 1628, 1724]. Policies are included as an appendix to the EOA [R. at 1674]. Findings are included [R. at 1103-1165], with specific use references [R. at 1107, 1114, 1115, 1116, 1120, 1122, 1123, 1124, 1126, 1128, 1140].

c. Objections and DLCD Comments

The department received objections alleging the city lacked justification to add to its estimated need land for a hospital, a university campus and two 50-acre industrial sites. [Central Oregon LandWatch May 7, 2009, p. 11] The department had commented that the city lacked substantial findings to support the addition of large sites for a new hospital, an auto mall, a university campus and two 50-acre industrial sites [R. at 3770, 3771, 3776].

d. Analysis

A jurisdiction's planning effort is adequate if it uses the best available or readily collectable information to respond to the requirements of this division per OAR 660-009-0010(5). There is in the record policy direction, fact-based analysis of an employment

²⁸ OAR 660-009-0025(8): * * * Cities and counties that adopt objectives or policies providing for uses with special site needs must adopt policies and land use regulations providing for those special site needs. Special site needs include, but are not limited to large acreage sites, special site configurations, direct access to transportation facilities, prime industrial lands, sensitivity to adjacent land uses, or coastal shoreland sites designated as suited for water-dependent use under Goal 17. Policies and land use regulations for these uses must:

- (a) Identify sites suitable for the proposed use;
- (b) Protect sites suitable for the proposed use by limiting land divisions and permissible uses and activities that interfere with development of the site for the intended use; and
- (c) Where necessary, protect a site for the intended use by including measures that either prevent or appropriately restrict incompatible uses on adjacent and nearby lands.

projection and market analysis of the rationale for providing employment land for a hospital, a university campus, and two 50-acre industrial sites.

The justification for these specific uses is undermined, however, by other deficiencies in the EOA. The EOA does not adequately identify land already in the UGB that could be developed for some or all these uses. There city does not appear to have adopted policies or other mechanisms to ensure the land included in the UGB is protected for the intended use and from conflicting uses.

e. Conclusion

While the analysis of the need for the specific employment uses is present, the EOA must also analyze whether these uses can reasonably be accommodated within the existing UGB. Additionally, the city has not adopted policies that provide adequate protections to ensure the sites remain available for the intended uses.

The objection is sustained. The director remands with instructions to analyze whether the identified uses can reasonably be accommodated within the existing UGB, and for the adoption of measures so that employment land with special siting characteristics complies with OAR 660-009-0025(8) regarding protection of the site for the intended use and from conflicting uses.

G. Public Facilities Plans

This section addresses whether the City of Bend’s ordinance NS-2111, adopting new public facilities plans for the city and a new Chapter 8, complies with Goal 11, Goal 14, applicable administrative rules, and OAR 660-024-0060, or whether the ordinance takes exceptions to those goals.

a. Legal Standard

Goal 11 and ORS 197.712(2)(e) require cities with a population greater than 2,500 to prepare and adopt public facilities plans for water, sewer and transportation services within the city’s UGB. Public Facilities Plans (PFPs) are required primarily to assure that local governments plan for timely, orderly and efficient arrangement of public facilities and services, and to serve as a framework for future urban development. Timely, orderly and efficient arrangement “refers to a system or plan that coordinates the type, locations and delivery of public facilities and services in a manner that best supports existing and proposed land uses.” Goal 11 and OAR 660-011-0000.

The required contents of a public facility plan are provided in OAR 660-011-0010(1), and are not intended to cause duplication or to supplant technical documents supporting facility plans and programs. OAR 660-011-0010(3). At a minimum, public facility plans shall include plans for water, sewer and transportation facilities and the responsibility(ies) for preparation, adoption and amendment of a public facility plan shall be specified within an urban growth management agreement. OAR 660-011-0015(1).

When evaluating a proposed UGB amendment, OAR 660-024-0060(8) requires that:

The Goal 14 boundary location determination requires evaluation and comparison of the relative costs, advantages and disadvantages of alternative UGB expansion areas with respect to the provision of public facilities and services needed to urbanize alternative boundary locations. This evaluation and comparison must be conducted in coordination with service providers, including the Oregon Department of Transportation with regard to impacts on the state transportation system. “Coordination” includes timely notice to service providers and the consideration of evaluation methodologies recommended by service providers. The evaluation and comparison must include:

- (a) The impacts to existing water, sanitary sewer, storm water and transportation facilities that serve nearby areas already inside the UGB;
- (b) The capacity of existing public facilities and services to serve areas already inside the UGB as well as areas proposed for addition to the UGB

* * *

b. Summary of Local Actions

The city prepared certain water and sewer system master plans in 2007, which evaluated the capacity of existing public facilities to serve areas already within the UGB, as well as areas being studied at that time for possible inclusion in a UGB expansion area. Those master plans also identified significant system improvements needed both to serve lands and uses within the existing UGB (a significant number of homes in the prior UGB utilize septic systems) and to serve lands being considered for inclusion in a UGB expansion area. The master plans evaluate future service needs for a UGB expansion area containing only lands zoned UAR. They did not evaluate other exception lands, including a large area of rural residential development to the south of the city, or most of the lands zoned and planned for farm use to the east that were included in the UGB expansion area. See, e.g. R. at 467 (map of study area); R. at 500-504 (SE interceptor). The sewer collection master plan also did not evaluate the cost of some improvements identified as needed (North interceptor crossing of Deschutes River, R. at 497 “For this river crossing to be cost-effective, a bridge must be constructed over the river. * * * Costs for the bridge structure were not included in the cost for this interceptor.”]

In the first half of 2008, the city had certain addenda to the master plans prepared. [R. at 211]. Those include several analyses specific to particular areas (Newlands property; Hamby Road area). On October 8, 2008, the city provided the department an amended 45-day notice of its proposed UGB amendment that included a summary statement that it was also proposing to amend its public facilities plan element of the General Plan. However, no draft of the PFP Chapter (chapter 8) of the city's General Plan was provided until October 20, 2008 (seven days before the first evidentiary hearing).

Bend Ordinance NS-2111 adopts certain Water Public Facilities Plans and Sewer Public Facilities Plans as amendments to the Public Facilities Element of the Bend General Plan. [R. at 35]. The ordinance also appears to adopt the city’s sewer and water public facilities plans in support of and associated with its UGB expansion proposal. [R. at 35-1049] Exhibit A (Findings in Support of UGB Expansion) [R. at 37-210], Exhibit B (Findings in Support of the Amendments to the Public Facilities Plan) [R. at 211-224] and Exhibit C (Facilities Plans and all supporting components, addenda and supplements) [R. at 225-1049] are attached to Ordinance NS-2111.

Ordinance NS-2111 states:

* * * the Public Facilities serve the goals, objectives and policies of the General Plan by addressing the provision of public facilities and services within the urban growth boundary (UGB), services to areas outside the UGB, locating and managing public facilities and financing public facilities. [Record at Page 35] The city’s Goal 11 findings state “the proposed amendment to Chapter 8 of the Bend General Plan incorporates the city’s water system master plan and collection system master plan as Goal 11 public facility plans,” and “[i]n addition, the city has based the proposed expansion of the UGB in part on the development of three

(3) new sewer interceptors that are located beyond the city's current UGB. [R. at 205]

Exhibit C [R. at 225] includes documents that comprise the adopted Public Facilities Plan. The following is a general description of the facilities plan and incorporated documents provided in the findings:

The water system master plan covers those areas already inside the Bend UGB, and areas outside the current Bend UGB that are not already served by the Avion Water Company or another private water utility. The sewer master plans include a Collection System Master Plan (CSMP) that covers those areas inside the existing Bend UGB, and areas identified under the (prior, 2007) Bend Area General Plan as urban reserves. The sewer master plans also include a master plan for the reclamation facility, which is located north and east of Bend and treats effluent collected through the city system. [R. at 211]

The proposal includes a new chapter 8 of the Bend Area General Plan dated October 20, 2008. [R. at 1478-1498] No facility collection, distribution or service area maps are provided in chapter 8 of the plan. Map information is contained only in incorporated documents. The findings also incorporate by reference the adoption of water and sewer collection master plans and supporting documentation as the public facility plans for water and sewer service under Goal 11. [R. at 211]

The incorporated water and sewer collection master plans and supporting documents are described as follows. The adopted water public facility plan (WPF) includes:

- Water System Master Plan (WSMP) Update-Final Report (2007) [R. at 225-340]
- Airport Water System Master Plan (2007) [R. at 341-384]

The adopted sewer public facilities plan (SPFP) includes:

- Collection System Master Plan (CSMP) Final Report (2007) [R. at 385-516]
- CSMP Addendum No. 1 – Final Executive Summary and Alternative Technical Analysis: North East Bend (2007) [R. at 517-550]
- CSMP Addendum No. 2 – Collection System CIP Analysis and Report (2008) [R. at 551-692]
- CSMP Addendum No. 3 – Technical Memorandum 1.5 – Hamby Road Sewer Analysis (2008) [R. at 693-703]
- Water Reclamation Facilities Plan (2008) and Technical memos No. 1-10 [R. at 705-1048]

In a footnote, the city's findings state, "The record on the Bend UGB expansion also includes a 2007 draft of the CSMP, including nine study area plans that were submitted to DLCD on June 11, 2007." [R. at 211, see footnote 1].

A number of technical memos related to sewer planning appear in the city's supplemental submittal provided to the department on May 6, 2009. However, Ordinance NS-2111 and its associated findings do not appear to include these technical memos, and they are not listed as part of the incorporated public facilities plans adopted as part of the UGB adoption package which is described above from page 211 of the record.²⁹

The adopted public facilities plan includes sewer, stormwater and water services only. Transportation plans are not included in the public facilities plan amendment. The city's submittal and this report, however, do address transportation separately.

c. Objections and Analysis

The city did not prepare revised public facilities plans for water or sewer to address the additional lands added to its UGB expansion study area in 2008. Although there are parts of the city's submission that address parts of the additional expansion area, the primary two master plans limit their analysis to lands that were planned UAR in 2007. [R. at 450-453] Exception lands and agricultural lands to the east are not analyzed in the sewer system collection master plan. Nor are exception lands to the south of the city. The water system master plan only examined Tetherow and Juniper Ridge outside of the prior UGB. [R. at 249]

Nine objecting parties raised 13 specific concerns related to the city's public facilities plans. Four of the 13 parties filed public facilities plan objections during the city's first UGB submittal to the department on April 16, 2009, and in response to the city's June 12, 2009 supplemental submittal of public facilities plans as part of the UGB expansion proposal.

A list of objectors and a summary of objections filed in response to the city's public facilities plans follows. Parties filing objections on both submittals are noted with an asterisk.

- Swalley Irrigation District *
- Central Oregon LandWatch *
- Rose and Associates, LLC *
- Tumalo Creek Development, LLC *
- Toby Bayard
- Hunnel United Neighbors
- Newland Communities
- Anderson Ranch
- J. L. Ward Company

Swalley Irrigation District – The May 6, 2009 objection states that no notice was provided to DLCD or others for the city's public facilities plans, nor was notice provided advising of hearings on the plans. The objection further states that there was never a time when the city provided opportunity for meaningful input on the location of public

²⁹ Supplemental Items 99, 99A through 99M, Supplemental R. at 985 – 1210.

facilities. [p. 1]. The city's October 8, 2008 and October 20, 2008 revised notice to DLCD indicated that the city planned to adopt a variety of public facility plans on November 24, 2008, yet those plans were not attached to the revised DLCD notice, making the notice void. [p. 22]

The objection also states that draft public facilities plans were improperly used to influence the location of the UGB without adequate public input, thereby violating Goal 1. [pp. 25-26]

The objection points out that Goal 11 requires the city to (1) evaluate the carrying capacity of "air, land and water resources of the planning area" and not exceed such carrying capacity, (2) provide an orderly and efficient arrangement of public facilities and services, and (3) provide rough cost estimates for planned facilities. According to the objection, the city fails these requirements, particularly in the service areas of the Swalley Irrigation District. [p. 55]

The objection argues that, for reasons generally discussed above, chapter 8 of the Bend Area General Plan does not comply with OAR 660, divisions 11 or 24. [p. 80]

The objection points out that the city's Consolidated Sewer Master Plan (CSMP, 2007) acknowledges significant funding gaps. At the same time, the CSMP fails to compare the cost of sewer upgrades and enhancements to areas of failing onsite system or areas with infill and redevelopment capacity versus the CSMP's program. [pp. 88-89] The objection discusses several areas where the CSMP is allegedly deficient. [pp. 89-95]

The objection asks that the department remand and instruct the city to select public facility options that are reasonably affordable and can demonstrate reasonable costs for needed housing, and that the city be required to examine "undisputed" exception areas in the south and southwest quadrants of the city.³⁰ [p. 103]

Swalley Irrigation District also submitted objections in a July 6, 2009 letter (herein noted as SID2) on the city's public facility plan submittal. The objection's arguments regarding whether the department and the LCDC have jurisdiction to decide the adequacy of Bend's public facilities plan are examined in section III.D of this report. [SID2, pp. 8-12]

The objection argues that the public facility plan submittal failed to clearly identify what adoption decisions were submitted, leaving objectors to guess what the city actually submitted. [SID2, pp. 12-13]

The objection argues that since the UGB proposal does not demonstrate compliance with Goal 14, ORS 197.298 and OAR 660-0024-0060, the city must start over with its public facilities planning after it develops a new UGB proposal that follows and meets those requirements. [SID2, p. 43] The objection provides a number of technical challenges to

³⁰ Swalley Irrigation District has objected that lands zoned Urban Area Reserve (UAR) were not acknowledged exception lands.

the city's sewer master plan, which are similar to the objector's earlier May 2009 submittal. [SID2, pp. 45-55]

Central Oregon LandWatch – The May 7, 2009 objections argue that the sewer and water facility plans impermissibly provide infrastructure on lands outside the current UGB. [Page 16 of 18] The objector's June 30, 2009 objections argue that the city predetermined "so many aspects" of its UGB decision on the location of infrastructure, that it has not properly prepared public facility plans for lands inside the current UGB. The objection argues that the city has not recognized its overarching priority "to provide sewer to the thousands of acres and people currently lacking this service within the City." The objection points out that, while the city's Central Area needs infrastructure improvements and capacity to handle substantial infill development, it assumes only 500 new residential units due to Central Area sewer deficiencies. [p. 2] The objection incorporates by reference the June 28, 2009 objections of Toby Bayard.

Rose and Associates, LLC – The objector filed during both submittal phases. In its May 5, 2009 objection, it is argued, "The city erred by adopting the sewer and water master plans as part of the UGB rather than through an independent process." In addition, the city failed to comply with Goal 1 when it adopted the plans without separate public hearings. [p. 3] (See section III.K concerning Goal 1 objections.) The objection also points to technical errors regarding gravity sewer serviceability for specific property excluded from the UGB proposal. [p. 5]

The objector's June 29, 2009 submittal argues that the city sewer plan is inconsistent with the UGB amendment and does not provide for timely, orderly and efficient service, as required by Goal 11. The objection points out specific lands included in the UGB proposal but not in the sewer facilities plan, and other properties included in the sewer facilities plan but not in the UGB proposal. [p. 2]

Tumalo Creek Development, LLC – The objector's July 2, 2009 submittal states that the public facilities plan violates Goal 11 and OAR 660, division 11, because it does not consider more cost effective sewer alternatives. The objection cites its submittal of alternative lower cost technical solutions (e.g., membrane technology associated with satellite treatment facilities) for serving portions of the west side and Central Area, which it determined would provide much needed additional capacity in the city's urban core. According to the objection, however, the city did not consider objector's alternative proposal and the city's findings do not address the proposed alternatives. [p. 2] This objection is also included in the objector's May 7, 2009 submittal.

The objection argues that the sewer facility plan does not provide service in a "timely, orderly, and efficient" manner. The objection specifically points to the ability of the city to serve areas needing a Deschutes River crossing via the proposed North Interceptor as an area that will likely have to wait years and probably decades for sewer service, due to high costs and environmental concerns. The city has not adequately addressed these cost and environmental concerns, according to the objection. [pp. 2-3]

Toby Bayard – The objector’s June 28, 2009 objection argues that the city adopted its public facilities plans without the benefit of a public hearing, “having failed to advertise, properly notice, or inform the public that it was accepting testimony on the PFP.” (See section III.K of this report, dealing with Goal 1.)

While the objector’s June 28, 2009 objections include concerns over how the city adopted its public facility plans and how it used the same plans in determining its Goal 14 boundary location analysis, these issues are addressed elsewhere in this report. (See report discussions on Goal 1 and ORS 197.298.). The objection lays out a number of Goal 11 concerns as follows:

- There is no clear statement demonstrating how various public facilities plan infrastructure costs will be funded [pp. 7, 23]
- The public facilities plans and related documents provide conflicting information [p. 7]
- The sewer facilities plan contemplates provision of services to areas not part of the UGB proposal. [p. 15] At the same time, certain land included in the UGB proposal is not included in the sewer facilities plans. [p. 18]
- The sewer facilities plan does not satisfy Goal 11 requirements for a timely, orderly and efficient arrangement. [p. 20]
- The city’s sewer facilities plan was not coordinated with other entities, including state and federal agencies. [p. 20-21]
- The sewer facilities plan and Bend Area General Plan Chapter 8 (Facilities Plan) conflict with each other and with the city’s findings. [p. 21-22]
- Key Goal 11 determinants were not properly applied when developing the sewer facilities plan. [p. 22]
- The Northern Interceptor cost estimates omit crucial cost components. [p. 22-23]
- Goal 11 requires that estimates use current year costs but the city used 3-year old cost estimates. [p. 23]

Hunnel United Neighbors – The objection argues that the city failed to provide a sewer facility plan that is internally coordinated or provides for an orderly, timely and efficient arrangement of services. The objection challenges whether the Northern Interceptor produces an orderly arrangement of sewer service, given that Goal 11 directs that priority should be given to the large supply of unsewered land to the southeast and south which is located in the current UGB. The objection questions whether the Northern Interceptor will accommodate timely development in an area that is already subject to “serious transportation issues” and cost of service issues. The objection also questions whether the Northern Interceptor’s full cost, which has not been “determined or disclosed” related to the crossing of the Deschutes River, will demonstrate an efficient arrangement of its sewer service plans. [pp. 3-4]

Newland Communities – Most of the objection’s concerns raise jurisdictional issues related to review of the public facilities plans; these are addressed in section III.D of this report. The objection provides a single objection directly pertinent to Goal 11, which is stated in precautionary terms as follows: “If DLCD exercises jurisdiction over the PFPs,

DLCD’s review must conform with OAR 660-011-0010(1) and OAR 660-011-0050.” The objection then argues that the city’s decision meets these requirements. [July 2, 2009, letter from Christe C. White]

Anderson Ranch – The objection argues that in preparing its public facility plans, the city failed to comply with the citizen involvement requirements of OAR 660-015-0000(1). This objection is addressed in section III.K of this report under Goal 1 compliance.

J. L. Ward Company – The objection questions whether the sewer facility plan adequately addresses which existing and amended UGB areas are to be served by the proposed Southeast Sewer Interceptor and asks that this be clarified by the city. [June 22, 2009, letter from Jan Ward]

d. Analysis

In this section, the department examines whether the public facilities plans satisfy the requirements of Goal 11 and its rule, and whether those plans are consistent with the land use provisions of Goal 14, ORS 197.298 and OAR 660, division 24 relating to a UGB expansion. The following examination is based on the objections above and on the department’s own concerns.

Public notice, hearing issues and public involvement. Under OAR 660-025-0175(3) and ORS 197.610, the city is required to provide the department with notice of a proposed amendment 45 days prior to the city’s first evidentiary hearing on the proposal. The notice is required to contain the text of the amendment and any supplemental information that the local government believes is necessary to inform the director as to the effect of the proposal. [ORS 197.610(1)] The department received notice of the city’s June 2007 public hearings on its first UGB proposal, including draft public facility plans for a 4,884-acre UGB amendment considered at that time.^{31 32} The city’s October 8, 2008 revised notice,³³ however, which proposed to nearly double the size of its UGB proposal to 8,943 acres, did not include updated public facility plans, as pointed out in department letters sent to the city in October 2008 and November 2008.

³¹ While the city’s June 11, 2007, 45-day notice and submittal included a draft public facilities plan, it did not include other information necessary to review that proposal at that time. Specifically, the submittal did not contain any comparative analysis as required by ORS 197.298 and Goal 14 locational factors.

³² On March 30, 2007, the city submitted a plan amendment to the department that proposed to amend Chapter 8 – Public Facilities and Services element to the Bend Area General Plan. (DLCD file Bend 002-07, local file 07-012) The proposal included changing the plan text to incorporate by reference two new facility master plans, a Water Master Plan and a Sewage Collection System Plan, with no changes to existing policies or the UGB. The intent of these amendments was to support re-calculation of system development charges for water and sewer services and for capital improvement programming. In April, 2007 the city indefinitely postponed hearings on the amendment. (Source: DLCD plan amendment files)

³³ The city’s October 8, 2008 revised 45-day notice was revised on October 20, 2008; neither of the notices contained an updated public facility plan for the 8,943-acre UGB proposal.

Several parties raise objections regarding adequate public involvement and the city's public hearings process related to adoption of its public facility plans; these objections are addressed in sections III.K in this report. Objections have also raised jurisdictional questions relating the city's public facility plan adoption; these objections are addressed in section III.D.

Public facility plans were improperly used to determine the location of the UGB. A key question raised by objector is whether the sewer collection and water distribution master plans are consistent with the city's UGB expansion, and whether these plans provided the analysis required to evaluate alternate locations for a UGB expansion, as required by ORS 197.298, Goal 14 and OAR 660, division 24.

The first step in making such a determination is to examine the capacity of the city's public facilities to serve the existing UGB area, as well as areas proposed for addition to the UGB. OAR 660-024-0060(8).

The next step is a comparative analysis of the relative costs, advantages, and disadvantages of alternative UGB expansion areas with respect to the provision of public facilities and services. OAR 660-024-0060(8).

The data and findings from the second step may be used in two situations:

1. When a city prepares findings supported by an adequate factual base to demonstrate that future urban services could not reasonably be provided to higher priority lands (such as exception lands) due to topographical or other physical constraints, the city may then exclude these lands from the prioritization otherwise required by ORS 197.298(1). ORS 197.298(3)(b).
2. In addition, if the total amount of land in a particular priority category exceeds the amount needed, the city may apply, weigh and balance the four Goal 14 location factors to select which lands will be added to the UGB. One of those four factors is the "orderly and economic provision of public facilities and services" (see OAR 660-024-0060(1)).

The requirements for analyzing alternate UGB expansion areas are contained in OAR 660-024-0060(8).

The city's Goal 11 findings state, "The city has based the proposed expansion of the UGB in part on the development of three (3) new sewer interceptors that are located beyond the city's current UGB." [Record at 205] The record does not support this finding. The sewer collection master plan included an analysis of planned new sewer interceptors, but the location of those interceptors was (for the most part) not identified as being on agricultural lands (the interceptors are located almost entirely on UAR lands, or within the existing UGB). Further the analysis of what lands will be served in the future in the master plans does not correlate with the lands in the UGB expansion area. The UGB expansion area includes substantial lands that are evaluated in the master plans,

creating an internal conflict in the city's General Plan contrary to Goal 2 as well as Goals 11 and 14. Nor do the master plans contain an analysis of the relative costs, advantages and disadvantages of alternative UGB expansion areas as required by OAR 660-024-0060(8). Instead, they simply analyze the feasibility of serving the existing UGB and UAR lands.

Not all serviceable exception areas were included in the public facility plans. Several objections point to certain lands included in the amended UGB but not included in the public facility plans, and certain other lands included in the public facility plans but not included in the UGB proposal. The Collection System Master Plan (CSMP) study area includes the area within the prior UGB, UAR exception lands adjacent to the existing UGB, all of the 1,500-acre Juniper Ridge area in the north one square mile of EFU lands,³⁴ and the Tetherow destination resort located southwest of the current UGB. [R. at 410] The CSMP has also included some exception lands adjacent to the UGB designated as SR 2½, and property owned by the Department of State Lands (DSL). The UGB expansion area does not include the DSL and Tetherow properties, and only a portion of the Juniper Ridge site (as location of a future university site); nor does it include a large area of rural residential development south of the city.

The city also adopted CSMP Addendum No. 1–Final Executive Summary and Alternative Technical Analysis: North East Bend (2007) which expands the territorial scope of the CSMP approximately 1.5 miles eastward north of Butler Market Road to include both exception and resource lands in the northeast area of the UGB proposal. [R. at 517-550] The main purpose of this study is to propose a more southerly alignment for the Plant Interceptor sewer line to the treatment plant. It is not clear from the record what disposition occurs between the CSMP’s original version of the Plant Interceptor expansion and alignment and the North East Bend supplement, which appears as an alternative to the original CSMP Plant Interceptor proposal. Chapter 8 of the General Plan appears to provide that the CSMP (rather than the Addendum) controls. [R. at 1495 (“[The CSMP] shall direct the development of the system and be the basis for all sewer planning and capital improvement projects.” R. at 1495, Policy 2.)³⁵

³⁴ Land referred to as Section 11 owned by the Oregon Department of State Lands, zoned for exclusive farm use and located adjacent to the current UGB on the east side.

³⁵ The city also adopted CSMP Addendum No. 3–Technical Memorandum 1.5–Hamby Road Sewer Analysis (2008) which proposes an alternative sewer interceptor approximately one mile east of the existing UGB on a mix of exception and resource land. The newly proposed route at least partially replaces an earlier proposed Southeast Interceptor alignment along 27th Street. [R. at 693-703] This proposed alternative interceptor, proposed as an alternative alignment for the Southeast Interceptor, would flow north from Stevens Road (Department of State Lands property located at Section 11) along Hamby Road to one of the Plant Interceptor alternatives described above. Similar to the Plant Interceptor alternatives, the findings do not explain the disposition between the CSMP’s original alignment for the Southeast Interceptor expansion and the Hamby Road alternative. The Addendum No. 3 shows the costs of the two alignments to be very similar, and indicates that there are disadvantages to the Hamby Road alignment. [R. at 698]

Approximately 640 acres of exception land adjacent to the prior (and current) UGB in the southwest area in the vicinity of Bucks Canyon Road and west of Highway 97 are not evaluated in the CSMP. This area meets the city's suitability criteria, but is not included in the UGB or in the CSMP. [R. at 2449] The Bucks Canyon Road exception area is zoned RR-10 and consists of mostly large-lot exception properties. This exception area was included in the September 2008 UGB alternatives analysis in Alternatives 1 and 2, and a significant portion of Alternative 3. [R. at 5983, 5986 and 5989, respectively] Each alternative map showed proposed sewer interceptors and major roadway facilities. These exception lands are not considered in the CSMP although they meet the suitability criteria for residential development and are located at a higher elevation than gravity sewers in CSMP Planning Study Area No. 8 served by the CSMP's proposed Southeast Sewer Interceptor. [R. at 463, 476]

The Water System Master Plan Update does not cover all the existing UGB or expanded UGB area. The Water System Master Plan (WSMP) update was completed in March 2007. [R. at 226] According to the WSMP, the city serves 53,000 people within its existing UGB at the time the study was completed. The remaining population within the UGB was served by two private water providers, the Avion Water Company and Roats Water System. [R. at 236] The WSMP goes on to point out that the plan includes the "current service area within the UGB and the Tetherow development area as well as the Juniper Ridge area." [R. at 236]

The WSMP does not contain any public facility plan components for the Avion Water Company or Roats Water System, as required by OAR 660-011-0005 and -0010 and OAR 660-024-0020(1). The WSMP does not appear to contain composite service maps of the UGB service areas or illustrations of the proposed principle water distribution system operated by the Avion Water Company or Roats Water System.

The UGB expansion proposal includes areas served by the city, Avion Water Company, and Roats Water Company. However, there is no evidence that the WSMP includes plans for these expansion areas, as required by the Goal 11 and 14 rules. The WSMP also does not appear to satisfy the coordination requirements in Goals 2 and 11.

Sewer plans undercut providing adequate and timely services to unserved, underserved and areas with high infill and redevelopment potential, such as the Central area. This objection is closely related to the Goal 14 requirement to promote efficient patterns of urban development; adequate provision of density measures called for by ORS 197.296 and Goal 14; and OAR 660-024-0050(4), which calls for demonstration that land needs cannot reasonably be accommodated on land already inside the UGB prior to expanding the boundary.

The most significant CSMP project to affect the service capacity of the Central area is the need for a threefold increase in capacity of the Westside pump station, which is a major regional facility serving west and central Bend. The CSMP shows that ultimate buildout of the service area relying on the Westside pump station will require rerouting some of the increased flow from the pump station to a new Westside Interceptor, hence

connection to a new Northern Interceptor near Highway 97, all to relieve the current central interceptor, which follows a northeasterly alignment to the treatment plan. [R. at 493, 494, 495, 497] The CSMP's cost estimate for upgrading the Westside pump station, Westside Interceptor and Northern Interceptor to near Highway 97 is almost the same as building the entire Northern Interceptor, including an alignment that crosses the Deschutes River and follows the contour around the north and west quadrants of Awbrey Butte. [R. at 488, 499, 504]

The CSMP notes that 53 percent of the acreage, or 9,468 acres, within the existing UGB does not currently receive sanitary sewer service based on the city's 2005 database. [R. at 407] The city identifies 2,909 acres of vacant and redevelopable residential land by plan designation in UGB in 2008. [R. at 1071, 1083] The CSMP describes its UGB buildout conditions as the number of dwelling units "calculated assuming all parcels developed on a net acreage basis at the average zoning density for the specific land use type for each parcel." [R. at 407] For areas within the current UGB, the CSMP utilizes average densities for new housing construction over the last six years, as inventoried by the city planning department.³⁶ [R. at 417] The city's RS designation is estimated to build out at 5.3 dwelling units per acre during the planning period.

For UAR areas located outside the existing UGB, the CSMP assumes an average residential density of 5.3 dwelling units per acre. [R. at 417] However, nothing in the record demonstrates how almost 3,000 acres of land "unsuitable" for urban development, and 519 acres of buildable "surplus," are analyzed and accounted in the sewer facility plan. The effect of these approximately 3,500 acres of "unsuitable" and "surplus" land on the capability and capacity of service cannot be determined from the record when it provides little or no information on the location of such "unsuitable" and "surplus" lands.

On the other hand, the city's housing needs analysis assumes that vacant and redevelopable residential land within the current UGB, will build out at the current average density of 3.96 units per acre. [R. at 1071, 1289] For the expanded UGB area, however, the housing needs analysis assumes an average density of just under 5.9 units per acre on 941 net acres of residential development spread over 2,866 acres. [R. at 1080, 1082] In essence, the city proposes to provide higher densities in UGB expansion areas on the city periphery than on existing vacant and redevelopable land inside the existing UGB.

Both needs analysis numbers are inconsistent with those used by the CSMP. For areas in the existing UGB, the city's needs analysis density is significantly less than that of the CSMP, which from a sewer service perspective, effectively leaves more development capacity inside the UGB than reported by the city.

³⁶ This residential density data is provided in Table 2-7 of the CSMP. [Record at Page 418] An average overall density and period of measurement is not provided, though. The department believes this data shows recent density of new construction for the period of 1998 to 2005.

The Bend General Plan incorporates a defective PFP. The discussion above highlights internal inconsistencies between the city’s water and sewer facilities plans and the UGB expansion. Chief among these inconsistencies are that the sewer plans include areas that are not part of the UGB expansion area, and the UGB expansion area includes areas not analyzed in the CSMP. Similar deficiencies appear for the water system plan. These internal inconsistencies are incorporated into the Bend General Plan in chapter 8, Public Facilities and Services, do not provide an adequate public facilities plan required by Goal 2 and Goal 11 or as required by the Goal 11 rules or the UGB amendment rules (OAR 660, divisions 11 and 24, respectively). [R. at 1480, 1483]

No timely, orderly and efficient arrangement of public facilities. Timely, orderly and efficient arrangement refers to “a system or plan that coordinates the type, locations and delivery of public facilities and services in a manner that best supports the existing and proposed land uses.” [Goal 11 and OAR 660-011-0000] If the public facility plan is found to be incomplete, as described immediately above, then the water and sewer facility plans, as a whole, cannot demonstrate the “timely, orderly and efficient arrangement of public facilities.”

Did not evaluate carrying capacity. “Carrying capacity” is a term used by Statewide Planning Goal 6. This term does not apply directly to Goal 11 unless a water or air quality violation is found. Since the UGB expansion does not directly implicate water or air quality standards, there is no Goal 11 compliance issue.

Can the city’s public facilities plan be acknowledged for areas of the existing UGB, only? At the city's request, the department considered whether the updated public facilities plan could be partially acknowledged for use in planning sewer and water services within the existing UGB. In order to be acknowledged, the adopted plan would need to demonstrate compliance with Goal 11 and its rules, including those parts of the goal and rules that prohibit extension of sewer collection systems beyond the UGB to serve properties located outside of the current UGB. The exception includes mitigating circumstance for specifically recognized health hazards.

Internal inconsistencies identified in this section, including density assumptions related to infill and redevelopment, and the efficient development of vacant land, need to be resolved between the city’s needs analysis and its public facilities plans before the public facilities plans may be acknowledged. In addition, the city must complete its public facility plan for water by including information called out in OAR 660-011-0010 for areas served by the Avion Water Company and Roats Water Company, consistent with the city’s urban growth management agreement with each water company. [OAR 660-011-0015] As a result, the director determines that he cannot partially acknowledge the city's public facilities plan based on the current submittal.

d. Conclusions

The director remands the public facilities plans for sewer and water, and directs the City of Bend to complete the work described below.

The city is directed to prepare revised public facility plans and amend chapter 8 of the Bend Area General Plan to clearly identify what sewer and water projects are needed to accommodate development in the UGB expansion area, including the elements listed below. To the extent that the city is relying on relative costs of public facilities and services to justify inclusion of particular lands within the UGB expansion area, it must include the comparative analysis required by OAR 660-024-0060(8).

Revised public facilities plans shall contain the items listed in ORS 660-011-0010(1), which outlines the minimum content for a public facility plan, including:

- a. An inventory and general assessment of the condition of all the significant public facility systems which support the land uses designated in the acknowledged comprehensive plan;
- b. A list of the significant public facility projects which are to support the land uses designated in the acknowledged comprehensive plan. Public facility project descriptions or specifications of these projects as necessary;
- c. Rough cost estimates of each public facility project;
- d. A map or written description of each public facility project's general location or service area;
- e. Policy statement(s) or urban growth management agreement identifying the provider of each public facility system. If there is more than one provider with the authority to provide the system within the area covered by the public facility plan, then the provider of each project shall be designated;
- f. An estimate of when each facility project will be needed; and
- g. A discussion of the provider's existing funding mechanisms and the ability of these and possible new mechanisms to fund the development of each public facility project or system.

H. Transportation Planning

Several objections raise issues related to whether the transportation planning component of UGB planning complied with relevant requirements. The legal criteria for this portion of the submittal are primarily found in Statewide Planning Goal 12 and OAR 660, division 12 (the “Transportation Planning Rule” or “TPR”).

1. Did the amendments to the transportation plan violate Goal 12 or OAR 660, division 12 and related portions of Goal 14 and OAR 660-024-060?

Several objections allege the amendments to the City of Bend’s urban-area transportation plan violate Goal 12 and the TPR and related portions of Goal 14 and OAR 660-024-060, which require consideration of cost and feasibility of providing transportation facilities needed to serve planned urban development. The department submitted comments to the city prior to adoption of the amendments, and these comments along with the objections raise issues with whether the evaluation of transportation facility improvement needs (i.e., major road and highway improvements) provide a complete and accurate evaluation and comparison of the costs, advantages, and disadvantages of alternative UGB expansion areas.

a. Legal Standard

OAR 660-024-0060(8) sets forth how cities must evaluate and compare public facility costs of alternative boundary expansion areas:

The Goal 14 boundary location determination requires evaluation and comparison of the relative costs, advantages and disadvantages of alternative UGB expansion areas with respect to the provision of public facilities and services needed to urbanize alternative boundary locations. This evaluation and comparison must be conducted in coordination with service providers, including the Oregon Department of Transportation with regard to impacts on the state transportation system. “Coordination” includes timely notice to service providers and the consideration of evaluation methodologies recommended by service providers. The evaluation and comparison must include:

* * *

(c) The need for new transportation facilities, such as highways and other roadways, interchanges, arterials and collectors, additional travel lanes, other major improvements on existing roadways and, for urban areas of 25,000 or more, the provision of public transit service.

b. Summary of Local Actions

The city has adopted findings that reflect a transportation analysis of UGB alternatives conducted in 2007 by DKS (Bend UGB Expansion: Transportation Analysis), which has been incorporated into amendments to the city's transportation system plan (TSP), and the transportation element of the general plan. [R. at 2184-2303] The city's evaluation and comparison of transportation costs, advantages and disadvantages follows the city's overall approach to evaluation of alternatives, which combines multiple individual areas into a few composite options for UGB expansion.

The major findings of the city's transportation analysis are as follows:

- Overall impacts, needed mitigation measures, and costs are similar under any of the alternatives analyzed.
- State highways will be severely congested.... The most severe congestion would be on US 97 north of Colorado Avenue to the city limits. Significant system expansion, new facilities or new management measures would be needed to comply with state mobility standards.”
- The four land use scenarios for UGB expansions have very similar relative impacts on the Capacity Street network.The location, function and scale of needed additional improvements on the state and city street network had very many common elements among the scenarios. That means that the total expected investment will be very similar no matter which combination of areas within the planning area is selected for UGB expansion.
- Development in the Juniper Ridge area does have several unique roadway elements associated with the state highway that do not occur with the other land use scenarios considered. These potentially could include upgraded junctions with US 97 at Cooley Road, US 97 at Deschutes Market Road and a potential additional connection in between. The scale of these projects would require additional review and approvals with ODOT.
- The total cost estimated for mitigations to the transportation system resulting from UGB expansion ranges from \$154 million to \$232 million A major element of this cost range is targeted for improvements at the US 97 / US 20 junction area which is under study by ODOT for a preferred alternative solution (cost estimated at \$125 million to \$185 million in 2006 Refinement Plan.)
- Further study is required to select the best options on state facilities in the US 97 and Cooley Road areas that were identified for the Juniper Ridge development scenario. Recommendations made in this study are preliminary only. Specifically the concept of upgrades at Cooley Road and Deschutes Market Road require further study in conjunction with the Juniper Ridge Master Plan to understand the best combination of

investments on the state highway system. (Findings in Support of UGB Expansion, page 150-151; [R. at 1202-1203]

c. Objections and DLCD Comments

The department and the Oregon Department of Transportation (ODOT) expressed concerns about the city's evaluation and comparison of transportation costs of different UGB expansion alternatives prior to adoption. The department raised this issue in its comment letters in July 2007 and October 2008.

In November 2007, the department advised that the city needed to do more work and coordination with ODOT to compare costs, advantages and disadvantages of expanding UGB to the north. [R. at 10378] In October 2008, the department again expressed concern that the city's process for evaluating transportation costs was not complete or detailed enough to comply with requirements in OAR 660, division 24. The department's comments questioned the city's decision to assign costs of major roadway improvements in the north area of Bend to the entire city, and the city's overall conclusion that the extent of needed transportation improvements was essentially the same regardless which lands were included in the UGB.

ODOT expressed significant concern about the proposal to extend commercial and other intensive zoning along both ends of Highways 20 and 97. Of particular concern was the northerly portion of Highway 97 and 20. Intensifying land use in this area will further complicate the process of identifying transportation solutions and, given that it will likely be 15-20 years before a long-term solution could be constructed, these more intensive uses will exacerbate the existing congestion and safety issues. (ODOT Preliminary Comments on City of Bend UGB Expansion, October 27, 2008) [R. at 4392]

ODOT also commented on the April 2007 DKS Traffic Report: "It is unclear to what extent this analysis reflects the impacts and needed mitigation for the currently proposed "Alternative 4." We are currently comparing this report to the Alternative 4 proposal but it is clear that the preferred alternative has not been sufficiently analyzed to determine what the transportation investment costs will be." (ODOT Preliminary Comments on City of Bend UGB Expansion, October 27, 2008) [R. at 4392]

Five objectors challenged whether the city has adequately evaluated and compared transportation costs, advantages and disadvantages of alternative UGB expansion areas:

- Swalley Irrigation District
- Rose and Associates
- Central Oregon LandWatch
- Newland Communities
- Department of State Lands

Each of these objectors made objections to the city's analysis that can be characterized as follows:

- The city failed to analyze relative costs of serving individual areas and instead assigned the cost of major improvements to the city or UGB as a whole, when in fact, these improvements are primarily needed to serve a particular area. Several objectors referred to comments provided by ODOT expressing concern about improvements proposed to in the North area, to Highway 20 and 97.
- The analysis of roadway improvements needs did not use a consistent or accurate method to evaluate transportation of roads needed to serve development in different areas of the city.

Individual objectors provided additional specific objections to the city’s analysis, as follows.

Swalley Irrigation District – The city assigned costs of major roadway projects that appear to be needed primarily to serve UGB expansion to the NW to the entire city. These include a proposed new bridge crossing the Deschutes River and improvements to state highways 97 and 20. The city fails to provide a detailed cost estimate for the Deschutes River bridge construction. [Swalley, May 6, 2009, page 75]

Department of State Lands – The city excluded transportation infrastructure improvement costs directly associated with specific alternative UGB expansion areas, leading to flawed conclusions and decisions. The city excluded from its analysis expensive transportation improvements at Cooley Road that are required to serve the Juniper Ridge expansion area. The city also excluded the expensive bridge over the Deschutes River that is necessary to serve select northwest UGB candidate expansion areas. These projects are by far the largest improvements in the city’s transportation infrastructure list, yet those improvements are not applied to the UGB expansion areas they uniquely serve. If the candidate UGB expansion areas served by these infrastructure improvements were not included in the UGB, then these expensive projects would not be needed or built to the same extent, and the extraordinary costs of the projects would not be incurred to the same degree. [DSL, May 7, 2009, page 5 of 6]

Rose and Associates, LLC – North end highway and bridge improvements are estimated at \$300-\$500 million with no clue as to where funding might come from. Rather than analyze the direct impacts of adjacent properties upon development, the city spread these costs evenly through out the system. This same methodology was not employed at the south end interchange, for example. There is not consistency in the methodology creating an unfair advantage for the north and west properties in terms of cost per acre to develop. [Rose and Associates, May 1, 2009, Exhibit 2]

The city used different local roadway spacing standards (arterials and collectors) for the north and west areas than they did for the southeast area. Due to steep slopes, the Deschutes River and other natural features, it would not be practical to build a standard grid system as is required in the southeast. Therefore, in the city’s analysis, the cost to serve the southeast area is higher than serving the north and west areas. What they didn’t

take into account was the extraordinary cost of building roadways on steep terrain. They also didn't take into account the extraordinary cost of building a bridge across the river and the north end interchange. The relative cost comparison is fundamentally flawed. [Rose and Associates, May 1, 2009 Exhibit 2]

Newland Communities – The city did not properly consider costs and advantages of its property (and others) in the southeast area that will rely on the existing collector and arterial street system and not require trips on the heavily impacted Highway 97 and 20 for access to employment and other local trips. [Newland Communities, May 7, 2008, pages 21-22]

Central Oregon LandWatch – The city did not provide a detailed transportation analysis for the UGB expansion that it ultimately adopted. The analysis the city relied upon covers earlier proposals that are significantly different than the one ultimately adopted by the city and county.

Expansion in the northwest area would require widening of Newport and Galveston Streets from three to five lanes, which would violate a city plan policy that restricts widening of these streets (Street System Policy 21 of the Bend Area General Plan). [LandWatch, May 7, 2009, page 16]

d. Analysis

The city's evaluation of transportation costs of serving different areas is improper and incomplete. By bundling combinations of different areas into UGB expansion alternatives, the city has not properly conducted the evaluation of "alternative areas" called for in OAR 660-012-0060(8) because the analysis does not disclose unique costs associated with serving individual areas.

The city has not justified assignment of cost for key major highway improvements in Highway 97/20 area to all of the possible UGB expansion areas. State highway and related improvements in the north Highway 97/20 area are the single largest transportation cost identified in the city's evaluation. The city's estimate, based on a 2006 refinement plan is that facilities will cost \$125 million to \$185 million. These improvements makes up roughly 80 percent of the total cost of transportation improvements needed to serve the proposed UGB expansion areas. The city's findings assert that these improvements will be needed for any of the possible UGB expansion areas the city is considering. The city's position is not supported by the findings provided and is contrary to the information that is in the record and as a result does not have an adequate factual base.

The city's findings, summarized above, state that Juniper Ridge has unique additional costs, but does not itemize or otherwise identify these costs, and indicates that the further study of appropriate solutions is needed, and that this would need to be done "in conjunction with the Juniper Ridge Master Plan." By contrast, the city has provided a

detailed estimate of individual street improvements needed to serve most of the other proposed expansion areas.

Also, as Central Oregon LandWatch notes, the city's analysis does not appear to have considered existing plan policies that restrict widening of Newport and Galveston.

The DKS analysis that the city relies on was conducted prior to the development of the city's adopted UGB amendment, Alternative 4A. Alternative 4A is significantly different from the UGB expansion alternatives analyzed by DKS and as a result the city's analysis does not comply with OAR 660-024-0060.

e. Conclusion

The director remands the evaluation of transportation costs of UGB expansion alternatives for further work consistent with the requirements of OAR 660-024-0060(8). The findings and analysis need to be revised to:

1. Identify and assign costs of individual UGB expansion areas, rather than combinations of different areas;
2. Provide additional information regarding the costs of providing transportation facilities to serve individual areas, including any extraordinary costs related to overcoming topographic barriers or rights of way;
3. Provide more detailed analysis of the extent to which the costs of improvements for major roadway improvements in north area (including proposed improvements to Highways 20 and 97) are a result of and should be assigned to development in the north area rather than the city as a whole. (That is, the city's analysis and evaluation should assess whether the extent of improvements in north area might be avoided or reduced in scale or cost if the UGB was not expanded in this area, or if the extent of the UGB expansion was reduced.); and
4. Provide comparable estimates for providing needed roadway capacity for areas that, because of topographic constraints, may need to be served by different types of road networks. For example, growth on the east side can apparently be served by a fairly complete grid of streets, while topographic barriers limit potential for a full street grid in this area.

2. Does the UGB amendment violate Goal 12 because the urban-area Transportation System Plan has not been acknowledged to be in compliance with the Transportation Planning Rule?

a. Legal Standard

The TPR requires that cities and counties adopt TSPs establishing a system of planned transportation facilities and services to adequate to support planned land uses.

b. Summary of Local Actions

The city's findings note that the city adopted a TSP that was approved in periodic review. [R. at page 1202]

c. Objections

Swalley Irrigation District contends that the city’s UGB amendment does not comply with various portions of the TPR that require the city to adopt a TSP, which sets forth a system of planned facilities and services to meet identified transportation needs.

d. Analysis

The Bend TSP, adopted in 2000, was *partially* approved by the commission in periodic review. The commission’s approval of the TSP itemized a number of relevant TPR requirements with which the city had not fully complied. However, the department believes that, notwithstanding this remaining work, the existing TSP is partially acknowledged and the city may rely upon it. The TSP complies with Goal 12 and the TPR except for those provisions where the periodic review order specifically indicated additional work remains to be done. The objector does not indicate how the UGB amendment is inconsistent with specific provisions of the TPR where the city has additional work to do.³⁷

e. Conclusion

The city has a substantially complete, commission-approved TSP. Because the objector has not identified specific TPR provisions that require additional work by the city that affect the UGB decision, the department disagrees that the TPR requirement that the city have an adopted TSP has been violated.

3. Does the UGB amendment violate Goal 12 and the Transportation Planning Rule because findings do not demonstrate there are adequate planned transportation facilities to serve the planned land uses?

a. Legal standard

OAR 660, division 24 requires that UGB amendments comply with all statewide planning goals and rules, including Goal 12 and the TPR. OAR 660-012- 0020(1)(d) allows cities to defer addressing requirements of OAR 660-012-0060 (to demonstrate that there are adequate planned transportation facilities) until property is re-designated or rezoned to allow urban development.³⁸

³⁷ The department has separately identified outstanding work related to TPR planning requirements for metropolitan areas that the city has not completed. These are discussed below, but were not raised by Swalley and so are not considered here.

³⁸ OAR 660-024-0020(1)(d) The transportation planning rule requirements under OAR 660-012-0060 need not be applied to a UGB amendment if the land added to the UGB is zoned as urbanizable land, either by retaining the zoning that was assigned prior to inclusion in the boundary or by assigning interim zoning that does not allow development that would generate more vehicle trips than development allowed by the zoning assigned prior to inclusion in the boundary;

b. Summary of Local Actions

The findings indicate that the city has elected to defer addressing OAR 660-012-0060 to subsequent plan amendments and zone changes as provided for in OAR 660-024-0020. The findings supporting the UGB amendment indicate that adopted zoning for UGB expansion areas put in place interim plan and zone designations that are intended to restrict development to levels that would not result in more traffic generation than allowed by existing zoning. [R. at 1202]

c. Objection

Swalley Irrigation District contends that the UGB amendment fails to comply with provisions of OAR 660-012-0060, applicable to plan amendments and zone changes, which require that the city plan for adequate transportation facilities and services to accommodate planned land uses.

d. Analysis

The city is required to address OAR 660-012-0060 requirements as part of its UGB decision *only* if that decision also authorizes more intense use of the land (in terms of trip generation) than allowed under current zoning. In this case, the UGB decision defers addressing OAR 660-012-0060 to a separate process that would involve a plan amendment and zone change. In short, while the city has the option to address and comply with the OAR 660-012-0060 now, it has chosen instead to defer compliance with the TPR to a subsequent plan amendment or zone change, which it is allowed to do if its interim zoning does not allow development that would generate more vehicle trips than the prior zoning.

As noted in section III.E.4 of this report, however, the interim zoning applied by the city and the county includes provisions that *may* allow for development that would generate more vehicle trips. The director is unable to determine whether the city and county have complied with this provision because their findings do not address it and there does not appear to be a comparison of prior and current zoning of the expansion area for Alternative 4A in the record.

e. Conclusion

The objection is sustained. OAR 660, division 24 specifically allows local governments to address OAR 660-012-0060 in a subsequent plan amendment or zone change, but only if they show that the interim zoning adopted for the UGB expansion area will not generate more traffic than the prior zoning. The expansion area includes a significant amount of land that had prior resource zoning (mainly EFU), that now is zoned UAR-10, as a result, the director concludes that the city and county have failed to show that they are entitled to defer the application of OAR 660-012-0060.

The director remands with direction to either retain current zoning within the expansion area or evaluate and adopt findings and measures to address OAR 660-012-0060.

4. Planning Status of the Proposed Deschutes River Bridge Crossing

a. Legal Standard

OAR 660-012-0025 describes how local governments are to comply with the statewide planning goals in preparing TSPs. This rule includes three major requirements:

- It directs that TSPs are to include land use decisions regarding planned transportation facilities (OAR 660-012-0025)(1));
- It directs that TSPs include findings showing that planned facilities are consistent with applicable goal requirements (OAR 660-012-0025)(2)); and
- It allows, under certain conditions, that local governments may defer required planning decisions to a subsequent refinement plan. (OAR 660-012-0025(3))³⁹

b. Summary of Local Actions

The TSP indicates that the city “contemplates” a new bridge over the Deschutes River in northwest Bend. The TSP also includes two new minor arterial street segments that would extend from existing roadways to either side of the Deschutes River to the location where the proposed bridge is contemplated:

The transportation circulation plan for the greater Bend urban area also contemplates a new bridge over the Deschutes River. This new bridge would join an extension of Skyline Ranch Road on the west to an extension of Cooley Road on the eastside. *Arterial street connections are included in the plan to accommodate that facility.*

The exact location and alignment of the affected roadways and bridge crossing is the subject of further study and evaluation. Also, the *final* determination of need, evaluation of state land use Goal 5 and other impacts is being deferred to a refinement study. Findings of need and impact will be incorporated into the TSP once that study has been completed. [R. at 1472, emphasis added]

³⁹ (3) A local government or MPO may defer decisions regarding function, general location and mode of a refinement plan if findings are adopted that:

- (a) Identify the transportation need for which decisions regarding function, general location or mode are being deferred;
- (b) Demonstrate why information required to make final determinations regarding function, general location, or mode cannot reasonably be made available within the time allowed for preparation of the TSP;
- (c) Explain how deferral does not invalidate the assumptions upon which the TSP is based or preclude implementation of the remainder of the TSP;
- (d) Describe the nature of the findings which will be needed to resolve issues deferred to a refinement plan; and
- (e) Set a deadline for adoption of a refinement plan prior to initiation of the periodic review following adoption of the TSP.

The proposed bridge is also shown on the adopted roadway system map.⁴⁰

While the TSP appears to be deferring key planning decisions about the bridge to a refinement study, the adopted findings addressing OAR 660-012-0025(3)⁴¹ say:

[The city is] not proposing to defer decisions regarding function, general location and mode of a refinement plan to a later date. [Exhibit D, Bend UGB Expansion Study – Statewide Planning Goal 12 Findings, pages 15 and 41 of 55]

In the process of conducting its review, the department has learned that the city may have adopted the wrong findings.⁴²

c. Objection and DLCD Comments

Swalley Irrigation District contends that the UGB amendment violates several provisions of the TPR, including OAR 660-012-0025. [Swalley Irrigation District, May 6, 2009, page 56] As discussed in detail in objections related to Goals 5, 11, and 14, Swalley argues that the sewer plan assumes a crossing of the Deschutes River—in the form of either a bridge or tunnel under the river—but does not incorporate the cost of this crossing in its cost estimates, or address relevant goal requirements that would apply to this decision.

DLCD’s October 24, 2008 letter asked that the city clarify the planning status of the proposed bridge:

While this improvement is included in the plan’s list of “outstanding issues” the text of the plan suggests that the city has made key land use decisions about need, mode, function and general location of this planned improvement [in].... Section 9.6.3 (quoted above)

If the city is making a decision that this roadway and bridge are planned facilities subject only to subsequent decisions about selecting a precise alignment, the plan

⁴⁰ The river crossing is highlighted with a large asterisk with this note: “Bridge subject to further study of need and location (see TSP Chapter 9)” [R. at 1476]

⁴¹ The city’s adopted Goal 12 and TPR findings are referenced in the record at page 1220. The referenced exhibit, Exhibit D, was included in the city’s 2007 notice to the department, but was not included in the adopted record.

⁴² In response to a request from the department to confirm the contents of the city’s record and findings, city staff advised the department that the wrong set of TPR findings were adopted. [Bend letter, December 7, 2009, page 8 of 9] The adopted findings are a draft version dating from June 2007. The record includes “replacement” findings developed in 2008 that are somewhat different than the 2007 findings, but these were not adopted by the city or county as their official findings. In addition, the city advises that it has posted a *third* set of TPR findings on its website that were not part of the city’s record. Due to time constraints in preparing this report, the department has not been able to analyze these findings in detail. And, in any event, the director must base his decision on the city’s adopted findings.

needs to (1) address the relevant goals, including Goal 5, (2) establish an overall corridor within which the roadway may be located; and (3) specify the process and standards by which a subsequent decision selecting an alignment for the roadway and bridge will be made. [R. at 4735]

d. Analysis

OAR 660-012-0025 directs that TSPs clearly make or defer decisions about proposed transportation improvements. In this case, the plan is ambiguous. It neither clearly authorizes the proposed bridge, with findings demonstrating that the bridge is consistent with relevant goals, nor clearly defers specific planning decisions about the bridge to a subsequent process.

It appears that the city may have intended to defer a decision on a possible bridge in the northwest area to some point in the future. However, the TSP does not accomplish deferral consistent with OAR 660-012-0025. The TSP does not include findings and provisions required to properly accomplish deferral consistent with the OAR 660-012-0025(3). In addition, parts of the TSP and other parts of the UGB submittal suggest a decision to plan a bridge at this location (i.e., the statement that the bridge is contemplated, and decision to plan for minor arterial roadways extending to either side of the river at to the proposed bridge location).

In short, further work is needed to either authorize the bridge as a planned facility, or defer decisions to a subsequent refinement plan consistent with OAR 660-012-0025. Also, whichever path the city chooses to take in addressing OAR 660-012-0025, its work should be conducted in concert with work addressing two other requirements: OAR 660-024-0060(8) evaluating and comparing costs of different UGB expansion alternatives and evaluating whether widening of Newport and Galveston streets is consistent with the city's adopted plan policies for these streets.

e. Conclusion

The objection is sustained. The plan policy language does not comply with OAR 660-012-0025. As described above, OAR 660-012-0025 requires specific findings and actions when a local government acts to defer required planning decisions to a refinement plan. The city's findings and policies do not fulfill requirements of OAR 660-012-0025(3). The director remands the decision with instructions to either revise the TSP to include planning decisions required to comply with the TPR and applicable goals or properly accomplish deferral consistent with OAR 660-012-0025(3).

Because the bridge is an expensive improvement and appears intended to serve a specific area, the city should, as part of its Goal 14 work, consider whether the bridge improvement is needed to serve a specific areas proposed for UGB expansion, and consider the costs of such an improvement as part of its evaluation of expansion alternatives consistent with OAR 660-024-0060(8).

5. Is the city obligated to complete overdue requirements to reduce reliance on the automobile?

This subsection addresses several issues related to TPR requirements that apply specifically to city's within metropolitan planning areas (MPOS), and whether these requirements must be satisfied prior to significantly amending its UGB. The TPR establishes planning requirements for cities within MPO areas to develop a strategy to reduce reliance on the automobile through the adoption of transportation and land use measures. This section of the report addresses three related issues:

1. Whether the metropolitan planning requirements of the TPR are applicable to Bend at this time;
2. Whether Bend's plan is in compliance with provisions applicable to metropolitan areas for adoption of standards and benchmarks to reduce reliance on the automobile; and
3. Whether the planning requirements in the TPR must be met prior to a significant amendment of the UGB.

Goal 12 and the TPR apply to the UGB expansion decision. Bend is subject to TPR requirements for metropolitan areas, and is well past deadlines for completing the required work. The outstanding work is significant because it is likely to require that the city take additional steps to promote mixed-use land use patterns that support multiple modes of transportation. This work relates directly to requirements in Goal 14 that the city maximize efficiency of urban land uses, and demonstrate that lands within the UGB cannot reasonably accommodate anticipated housing, employment and other land needs.

Issue 1: Whether Bend is Subject to Metropolitan Transportation Planning Requirements at this time.

a. Legal standard

OAR 660-012-0016 and -0055 require that each MPO prepare a regional transportation system plan (RTSP) in coordination with adoption of the federally-required regional transportation plan (RTP). Under both provisions, MPO plans and the city's conforming amendments to its TSP must be adopted no later than one year after the federally required RTP.⁴³

⁴³ OAR 660-012-0016: (1) In metropolitan areas, local governments shall prepare, adopt, amend and update transportation system plans required by this division in coordination with regional transportation plans (RTPs) prepared by MPOs required by federal law. Insofar as possible, regional transportation system plans for metropolitan areas shall be accomplished through a single coordinated process that complies with the applicable requirements of federal law and this division. * * *

(2) When an MPO adopts or amends a regional transportation plan that relates to compliance with this division, the affected local governments shall review the adopted plan or amendment and either:

b. Summary of Local Actions

The city asserts that obligations in OAR 660-012- 0016 and -0055 to conduct metropolitan planning are not applicable at this time:

OAR 660-012-0016...[and]...OAR 660-012-0055(1)...[do] not apply to the City of Bend because at the time the 2000 Bend Urban Area Transportation System Plan was prepared and adopted on October 11, 2000, the city of Bend was not part of an MPO. [Exhibit D, Bend UGB Expansion Study – Statewide Planning Goal 12 Findings, pp. 15 and 41 of 55]

However, the city’s findings, prepared in 2007 and adopted by reference in its submittal, indicate that the city understood the one-year deadline for adoption of an RTSP:

An RTP that meets federal requirements is expected by the end of June 2007 and an RTP that meets the requirements of this division is expected by the end of December 2007. The City of Bend is committed to amending the City’s TSP to be consistent with the adopted RTP within one year of the adoption of the RTP. [Exhibit D, Bend UGB Expansion Study – Statewide Planning Goal 12 Findings, page 42 of 55]

c. DLCD Comments

The department advised the city that the metropolitan transportation planning requirements in the TPR are applicable to Bend at this time. The department raised this issue in its comment letters in July 2007 and October and November 2008:

The Transportation Planning Rule (TPR) requires that metropolitan areas adopt transportation and land use plans and measures that significantly increase the availability and convenience of alternative modes of transportation and reduce reliance on the automobile. Bend is past due in completing this work. The City of

-
- (a) Make a finding that the proposed regional transportation plan amendment or update is consistent with applicable provisions of adopted regional and local transportation system plan and comprehensive plan and compliant with the applicable provisions of this division; or,
 - (b) Adopt amendments to the relevant regional or local transportation system plan that make the regional transportation plan and the applicable transportation system plans consistent with one another and compliant with the applicable provisions of this division. Necessary plan amendments or updates shall be prepared and adopted in coordination with the federally-required plan update or amendment. Such amendments shall be initiated no later than 30 days from the adoption of the RTP amendment or updated and shall be adopted no later than one year from the adoption of the RTP amendment or update or according to a work plan approved by the commission. * * *

OAR 660-012-0055(1)(b): When an area is designated as an MPO or is added to an existing MPO, the affected local governments shall, within one year of adoption of the regional transportation plan, adopt a regional TSP in compliance with applicable requirements of this division and amend local transportation system plans to be consistent with the regional TSP.

Bend is currently obligated to work with department to prepare a work plan and schedule for completing the required work. (DLCD, November 21, 2008) [R. at 3781]

d. Analysis

The metropolitan transportation planning requirements were applicable at the time the city adopted its amended UGB and amended its TSP. As outlined above, the TPR includes two separate but essentially equivalent requirements for adoption and update of transportation system plans in metropolitan areas.

OAR 660-012-0016 was adopted in 2006 and specifically addresses the relationship of state and federally required transportation plans. This was intended to minimize duplication of effort in meeting state and federal transportation planning requirements. As noted above, the rule specifically directs that TPR required planning "...be accomplished through a single coordinated process" and allows up to one year for local governments to adopt conforming amendments when a federally adopted plan is adopted or amended. (OAR 660-012-0016 also allows local governments to request an extension to the one year deadline, but the city has not requested an extension.)

OAR 660-012-0055, adopted in 1991, requires local governments in a newly designated or expanded MPO to adopt a TSP within one year of adoption of a federally required RTP.

The Bend MPO was designated in 2002, and the MPO adopted an RTP on June 27, 2007. Consequently, the city was obligated to adopt amendments to its TSP meeting relevant TPR requirements no later than June 27, 2008.⁴⁴

The fact that the city was not part of an MPO in 2000 when it adopted its TSP does not affect the applicability of the metropolitan planning requirements. OAR 660-012-0016 clearly directs that metropolitan planning requirements be addressed *at the same time* and *through the same process* that is used to develop the RTP.

The MPO has been working on preparation of an RTP since the area was designated as a metropolitan area in 2002. The city's proposed UGB expansion proposal, TSP, and the RTP have been developed at the same time (2006-2007), and all three plans cover the same planning period: through 2030. Under the terms of the TPR, the city's TSP is subject to metropolitan planning requirements and must include these in its transportation plan.

e. Conclusion

The TPR requirements for metropolitan areas are applicable to Bend at this time.

⁴⁴ The city could also have requested that the commission approve a work program extending the date for completion of the required plan as provided in OAR 660-012- 0016, but it has not done so.

Issue 2: Whether the adopted TSP complies with TPR requirements for metropolitan areas.

a. Legal Standard

OAR 660-012-0035 includes requirements regarding planning for transportation choices, and reduced reliance on the automobile. The rule includes a specific target for reduction in vehicle miles traveled (VMT) and provides timeframes for completion and review procedures.⁴⁵

b. Summary of Local Actions

The submittal includes conflicting findings on its compliance with metropolitan transportation planning requirements. As noted above, city argues that provisions of the TPR for metropolitan areas do not apply to Bend at this time. However, the city's findings also say that the city has adopted performance measures and benchmarks as required by 0035 and that it can demonstrate that it has planned for a five percent reduction in vehicle miles travelled (VMT) per capita, as required by the rule:

* * * the TSP includes benchmarks to assure satisfactory progress towards meeting the approved standard or standards adopted pursuant to this rule at

⁴⁵ OAR 660-012-0035: (4) In MPO areas, regional and local TSPs shall be designed to achieve adopted standards for increasing transportation choices and reducing reliance on the automobile. Adopted standards are intended as means of measuring progress of metropolitan areas towards developing and implementing transportation systems and land use plans that increase transportation choices and reduce reliance on the automobile. It is anticipated that metropolitan areas will accomplish reduced reliance by changing land use patterns and transportation systems so that walking, cycling, and use of transit are highly convenient and so that, on balance, people need to and are likely to drive less than they do today.

OAR 660-012-0035(5) *MPO areas shall adopt standards to demonstrate progress towards increasing transportation choices and reducing automobile reliance* as provided for in this rule:

(a) *The commission shall approve standards by order upon demonstration by the metropolitan area that:*

- (A) Achieving the standard will result in a reduction in reliance on automobiles;
- (B) Achieving the standard will accomplish a significant increase in the availability or convenience of alternative modes of transportation;
- (C) Achieving the standard is likely to result in a significant increase in the share of trips made by alternative modes, including walking, bicycling, ridesharing and transit;
- (D) VMT per capita is unlikely to increase by more than five percent; and
- (E) The standard is measurable and reasonably related to achieving the goal of increasing transportation choices and reducing reliance on the automobile as described in OAR 660-012-0000.

(6) *A metropolitan area may also accomplish compliance with requirements of subsection (3)(e), sections (4) and (5) by demonstrating to the commission that adopted plans and measures are likely to achieve a five percent reduction in VMT per capita over the 20-year planning period.* The commission shall consider and act on metropolitan area requests under this section by order.

(7) *Regional and local TSPs shall include benchmarks to assure satisfactory progress towards meeting the approved standard or standards adopted pursuant to this rule at regular intervals over the planning period. MPOs and local governments shall evaluate progress in meeting benchmarks at each update of the regional transportation plan. Where benchmarks are not met, the relevant TSP shall be amended to include new or additional efforts adequate to meet the requirements of this rule. [emphasis added]*

regular intervals over the planning period. [Exhibit D, Bend UGB Expansion Study – Statewide Planning Goal 12 Findings, page 27 of 45]

* * * the City can demonstrate to the commission that adopted plans and measures are likely to achieve a five percent reduction in VMT per capita over the 20-year planning period.⁴⁶ In addition, the City has adopted interim benchmarks for VMT reduction and shall evaluate progress in achieving VMT reduction at each update of the TSP. [Exhibit D, Bend UGB Expansion Study – Statewide Planning Goal 12 Findings, page 27 of 55]

c. DLCD Comments

The Bend metropolitan area does not have commission-approved standards or benchmarks for achieving reduced reliance on the automobile as required by OAR 660-012-0035. The department raised this issue in its comment letters of October 24, 2008 and November 21, 2008:

We...recommend that the city revise or delete the finding related to TPR Section 0035. This section of the rule relates to adoption of measures to implement an adopted, Commission-approved standard (required of 0035(5)-(6). As noted above, work related to these requirements remains as an outstanding work task. (DLCD, October 24, 2008, page 16.) [R. at 4737]

The key outstanding [TPR] requirement relates to adoption of a plan and measures to significantly increase the availability and convenience of alternative modes of transportation and reduce reliance on the automobile. This includes development and adoption of specific targets for accomplishing reduced reliance. (TPR Section 035(5)) (DLCD, November 21, 2008) [R. at 3781]

d. Analysis

While the city has adopted several benchmarks for adding bike and pedestrian facilities and transit service, it has not formally proposed or adopted a performance measure as required by provisions of OAR 660-012-0035, and has not obtained or sought commission approval of such a standard as required by OAR 660-012-0035(5)(a).

Further, although the city asserts that it can demonstrate that its TSP is likely to achieve a five percent reduction in VMT—thus meeting relevant requirements of the TPR—nothing in city’s TSP or adopting findings provide evidence to support this assertion, or that would provide a basis for a commission order approving this finding as provided under OAR 660-012-0035(6).

⁴⁶ Under terms of OAR 660-012-0035(6), a metropolitan area can meet the requirement to adopt standards for accomplishing reduced reliance on the automobile in sections 0035(4) and (5) “...by demonstrating to the commission that adopted plans and measures are likely to achieve a 5% reduction in VMT per capita over the 20 year planning period.”

e. Conclusion

The city's amended TSP does not satisfy TPR requirements for metropolitan planning. The city must develop a standard and benchmarks that show how the city's transportation and land use plans will significantly increase the availability and convenience of alternative modes of transportation and reduce reliance on the automobile and obtain commission approval of those measures.

Issue 3: Whether the TPR's requirements for metropolitan area planning must be completed prior to or contemporaneously with the city's UGB amendment

a. Legal standard

OAR 660-024-0020 requires that the city address all of the statewide planning goals in its decision to amend its UGB:

- (1) All statewide goals and related administrative rules are applicable when establishing or amending a UGB, except as follows:

* * *

- (d) The transportation planning rule requirements under OAR 660-012-0060 need not be applied to a UGB amendment if the land added to the UGB is zoned as urbanizable land, either by retaining the zoning that was assigned prior to inclusion in the boundary or by assigning interim zoning that does not allow development that would generate more vehicle trips than development allowed by the zoning assigned prior to inclusion in the boundary OAR 660-024-0020 (emphasis added).⁴⁷

This rule allows deferral of the application of OAR 660-012-0060, but not of other provisions of the TPR. The TPR includes several specific requirements for metropolitan areas that affect or are implemented through changes to land use densities, designations and design standards to meet specific requirements in the TPR to significantly increase transportation options and significantly reduce reliance on the automobile. These include:

- Adoption of local standards, approved by LCDC, that demonstrate the city's TSP will significantly increase transportation options and reduce reliance on the automobile. (OAR 660-012-0035(4)-(6))
- Adoption of a parking plan and a transit plan (OAR 660-012-0020(2)(c) and (g))
- Adoption of ordinance amendments to allow for transit-oriented developments, and transit-supportive uses and densities along transit routes (OAR 660-012-0045(4))

⁴⁷ As noted above, the director sustained an objection from Swalley Irrigation District concerning this requirement as it relates to deferring application of OAR 660-012-0060 of the TPR to subsequent plan and zone change decisions.

b. Summary of Local Actions

Table 2 below summarizes the city’s actions and findings that relate to planning requirements for metropolitan areas. As noted above, for the most part the city contends that these requirements do not apply to the city at this time. Individual findings appear to suggest that the city has nonetheless adopted actions that comply with metropolitan planning provisions in the TPR.

Table 2. City findings and actions related to TPR Requirements for Metropolitan Areas

TPR Section	Summary	Goal 14 Related Outcome	City Findings/Status
0035(4)–(7)	Performance standards for increasing transportation options and reducing reliance on the automobile	Plan and zoning changes to allow more mixed use higher density residential and employment development; especially in close-in areas, and infill and redevelopment	City has not adopted performance standards. The TSP includes several “benchmarks” for TDM, bike and pedestrian improvements that were adopted as part of city’s 2000 TSP that predate Bend’s designation as an MPO ⁴⁸
0020(2)(g) 0045(5)(c)	Parking Plan to reduce per capita parking by 10% or adopt parking management reforms	Supports increased employment density, multifamily housing density	City findings assert city has met this requirement of the rule. Nothing in TSP or record includes a parking management plan that meets applicable requirements
0020(2)(c)(C)	Transit Plan designating major transit routes and major stops	Supports higher residential and employment densities	TSP includes a map of potential routes and three potential major stops. ^{49 50} Policies dating from 2000 TSP direct city to continue work on transit planning
0045(4)–(5)	Ordinances allowing transit-oriented developments and transit supportive uses and densities along transit routes	Increased housing and employment densities along transit routes	City has adopted some changes to ordinances as a result of 2000 TSP work and PR remand. Policies direct city to continue work. ⁵¹ No new ordinance provisions as part of this amendment.

c. DLCD Comments

The department raised this issue in its comment letters in October and November 2008:

⁴⁸ TPR requires benchmarks that measure progress in implementing adopted, LCDC approved performance standards. Since Bend does not have an adopted, approved performance standard, these benchmarks do not meet -0035 requirements.

⁴⁹ At present, the following are proposed as major transit stops: the downtown transit center, St. Charles Medical Center and Central Oregon Community College. Also, as the system grows, evaluation of major transit stops in the northern and southern reaches of the Bend area should be conducted. [R. at 1388]

⁵⁰ “The final determination of public transit routes, facilities and amenities within the UGB areas will be subject to further analysis and funding availability. [R. at 1453]

⁵¹ “Major transit corridors shall be opportunity areas within ¼ mile of either side of a corridor shall be a priority for medium to high density residential designations to implement the Framework Plan. [TSP, R. at 1354]

In our July 2007 comments we recommended that the city clarify the relationship of proposed TSP amendments to the city's obligations to prepare and adopt a regional transportation system plan (RTSP) in compliance with the TPR. Of particular note are TPR requirements to plan for reduced reliance on the automobile. Because land use strategies play an important role in accomplishing this objective, this work should be integrated with the city's consideration of UGB amendments. (DLCD, October 24, 2008) [R. at 4737]

The key outstanding [TPR] requirement relates to adoption of a plan and measures to significantly increase the availability and convenience of alternative modes of transportation and reduce reliance on the automobile. This includes development and adoption of specific targets for accomplishing reduced reliance. (OAR 660-012-035(5)) Because urban growth patterns affect reliance on the automobile, the proposal needs to assess how expansion to different areas would affect city's efforts to reduce reliance on the automobile. In general, reduced reliance on the automobile is accomplished by planning for compact, mixed use development, with an emphasis on focusing development in close in areas and along major transit routes. This is especially true for major trip generating uses, including regional commercial development, the proposed university and hospital medical center. For these uses, the proposal should evaluate whether needs can be met through increased infill or redevelopment or more intense development of close in sites. (DLCD, November 21, 2008) [R. at 3781]

d. Analysis

The city is required to address portions of Goal 12 and TPR related to metropolitan planning in its UGB amendment. The UGB expansion adds a significant quantity of land and residential and employment capacity to the Bend urban area that will affect transportation systems and that will have long-term effects on the extent to which area residents must rely on automobiles. Compliance with these provisions of the rule is important now because the work needed to meet these requirements relates to and affects the city's decisions about how to accommodate future urban growth. Generally, this portion TPR is met by changes to land use designations and densities that result by planning and zoning additional areas for compact, mixed use development and higher densities, through increased rates of infill and redevelopment and through development of transit oriented development or mixed use centers or neighborhoods:

It is anticipated that metropolitan areas will accomplish reduced reliance by changing land use patterns and transportation system so that walking, cycling and use of transit are highly convenient and so that, on balance, people need to and are more likely to drive less than they do today. [OAR 660-012-0035(4)]

In addition, the TPR includes detailed guidance about the kinds of land use actions that metropolitan areas should consider to accomplish this objective.⁵²

As the department stated in its comments to the city, this work must be integrated into the city's analysis of future land use needs as part of the UGB amendment process. As discussed above, the Goal 14 rule requires the city to consider and adopt efficiency measures to attempt to accommodate future land use needs on lands that are currently within the UGB. Since city must comply with the TPR as part of its UGB amendment, the city's efficiency measures must also include land use related actions that comply with the TPR.

e. Conclusion

The city's plan does not comply with key portions of the TPR related to planning for reduced reliance on the automobile. The city does not have a commission-approved standard for accomplishing reduced reliance on the automobile; a transit or parking plan; or related implementing measures allowing for transit oriented development.

Compliance with this part of the TPR is likely to require that the city take steps to plan and zone lands to encourage more compact, mixed use development, either through infill and redevelopment in the central area, or more detailed planning for transit oriented development or mixed use centers along transit routes. This work is closely related to work city is otherwise required to complete in order to comply with Goal 14 to adopt "efficiency measures." The city's decision is remanded to address these portions of the TPR, and to coordinate this work with its proposed UGB expansion.

⁵² OAR 660-012-0035(2) lists the types of land use changes that local governments are encouraged to consider to reduce reliance on the automobile:

- (a) Increasing residential densities and establishing minimum residential densities within one quarter mile of transit lines, major regional employment areas, and major regional retail shopping areas;
- (b) Increasing allowed densities in new commercial office and retail developments in designated community centers;
- (c) Designating lands for neighborhood shopping centers within convenient walking and cycling distance of residential areas; and
- (d) Designating land uses to provide a better balance between jobs and housing considering:
 - (A) The total number of jobs and total of number of housing units expected in the area or subarea;
 - (B) The availability of affordable housing in the area or subarea; and
 - (C) Provision of housing opportunities in close proximity to employment areas.

6. Did the rezoning of lands within the UGB expansion area violate Goal 2, OAR 660-024-0050(5) and the Transportation Planning Rule?

a. Legal standard

OAR 660-024-0050(5) (2006)⁵³ provides that at the time a city and county adopt a UGB amendment, they must also adopt comprehensive plan and zoning designations that are consistent with the 20-year land need determinations for all land that is being added to the UGB. This rule codifies long-standing appellate case law.⁵⁴ For Bend, this rule applies to revisions to plan and zoning maps to address future urban residential, commercial, industrial, institutional, park, and other uses in the expansion area. There are two ways to zone the land being added to the UGB: (1) retain the existing rural zoning, such as rural residential or exclusive farm use, or (2) apply interim urban holding zones that limit or prohibit land divisions, maintain large parcel sizes, limit uses, and prohibit increased vehicle trip generation.⁵⁵ The purpose of this requirement is to maintain the potential of the urbanizable land⁵⁶ within the UGB for future planned urban development.

b. Summary of Local Actions

In addition to adopting new interim plan and zoning designations, the city also designated future land uses for the expansion area on the Urban Area Framework Plan Map [R. at

⁵³ The text of OAR 660-024-0050(5) (2006):

When land is added to the UGB, the local government must assign appropriate urban plan designations to the added land, consistent with the need determination. The local government must also apply appropriate zoning to the added land consistent with the plan designation or may maintain the land as urbanizable land until the land is rezoned for the planned urban uses, either by retaining the zoning that was assigned prior to inclusion in the boundary or by applying other interim zoning that maintains the land's potential for planned urban development. The requirements of ORS 197.296 regarding planning and zoning also apply when local governments specified in that statute add land to the UGB.

⁵⁴ A UGB expansion based on a specific need must be conditioned on zoning and development the subject property to achieve the result of providing for the identified need. *Concerned Citizens vs. Jackson County*, 33 Or LUBA 70 (1997).

⁵⁵ See, e.g., ORS 197.752(1): "Lands within urban growth boundaries shall be available for urban development concurrent with the provision of key urban facilities and services in accordance with locally adopted development standards." Also see OAR 660-024-0020(1)(d): "The transportation planning rule requirements under OAR 660-012-0060 need not be applied to a UGB amendment if the land added to the UGB is zoned as urbanizable land, either by retaining the zoning that was assigned prior to inclusion in the boundary or by assigning interim zoning that does not allow development that would generate more vehicle trips than development allowed by the zoning assigned prior to inclusion in the boundary."

⁵⁶ The definitions in OAR 660, division 15 define "Urbanizable land" as: "Urban land that, due to the present unavailability of urban facilities and services, or for other reasons:

- (a) Retains the zone designations assigned prior to inclusion in the boundary; or
- (b) Is subject to interim zone designations intended to maintain the land's potential for planned urban development until appropriate public facilities and services are available or planned."

"Urban land" is defined as "land inside an urban growth boundary."

4897]. Part of the expansion area was designated as six master plan areas: four on the west side, one on the south side, and one on the northeast side. The map specifies the approximate gross “available acres” for various urban uses for each master plan area.

c. Objection

Tumalo Creek Development LLC contends Bend violated Goal 2 by assigning future plan designations in the proposed Framework Plan to lands outside its jurisdiction. This would be lawful only if the designations are guidelines. If the map designations are binding, the city must coordinate with Deschutes County and comply with statutes and rules regarding re-zoning, including Goal 2. Objector states that it owns the land designated as Master Plan Area 3. [May 7, 2009 letter, p. 2]

d. Analysis

The city designated future urban land uses on the Urban Area Framework Plan Map. This designation was coordinated with Deschutes County through the county’s co-adoption of the UGB amendment, Framework Plan amendments, and plan and zoning map amendments, in compliance with OAR 660-024-0050(5)(2006). However, the city did not apply the *appropriate* plan designations and zoning as required by OAR 660-024-0050(5).⁵⁷

⁵⁷ The proposal does not comply with the OAR 660-024-0050(5) requirement to apply appropriate plan designations and zoning to the expansion area. This rule states:

When land is added to the UGB, the local government must assign appropriate *urban* plan designations to the added land, consistent with the need determination. The local government must also apply appropriate zoning to the added land consistent with the plan designation, or may maintain the land as urbanizable land either by *retaining the zoning* that was assigned prior to inclusion in the boundary *or* by applying other *interim zoning that maintains the land’s potential for planned urban development until the land is rezoned for the planned urban uses*. The requirements of ORS 197.296 regarding planning and zoning also apply when local governments specified in that statute add land to the UGB. [Emphasis added]

The city applied the following *plan designations* to the expansion area: Urban Reserve Residential, Urban Reserve Commercial, Urban Reserve Industrial, Surface Mining, and Public Facilities. [Bend Urban Area Proposed General Plan Map, R. at 40, 174, 1189, 1055, 1226, 1232] Except for the last two, these are rural, not *urban* plan designations.⁵⁷ The city has in the past zoned a large amount of land outside the UGB as “urban reserve”⁵⁷ but has not used such zoning inside the UGB.

The proposed *zoning* for the expansion area also does not comply with OAR 660-024-050(5). The county adopted two new zones for the expansion area, the Urban Holding-10 (10-acre minimum parcel size) and the Urban Holding-2½ (2½-acre minimum parcel size), in Title 19 of the Deschutes County Code. [R. at 1852] The code also states that an existing city zone, Suburban Low Density Residential (SR 2½), like the new UH-2½ and UH-10 zones, is an urban holding zone. Please see the detailed discussion in section III.E regarding the department’s position that these three zones will not preserve urbanizable land for future urbanization and therefore are not urban holding zones in violation of Goal 14 and OAR 660-0050(5). The “land uses” that appear on the Bend Area Framework Plan Map [R. at 1235] are neither land use designations nor the pre-expansion zoning or interim holding zones; they are the intended future urban uses, only.

e. Conclusion and Decision

The city and county did not violate Goal 2 by adopting future urban plan designations for lands within the proposed UGB expansion area. The city appropriately coordinated with Deschutes County. The director denies this objection.

However, as described in more detail immediately below, the city violated OAR 660-024-0050(5) by applying *rural* plan designations (Urban Reserve Residential, Urban Reserve Commercial, Urban Reserve Industrial) to portions of the expansion area, and by applying zoning designations that fail to maintain the expansion area as urbanizable land either by retaining the zoning that was assigned prior to inclusion in the boundary *or* by applying other interim zoning *that maintains the land's potential for planned urban development until the land is rezoned for the planned urban uses.*

I. UGB Location

1. Do the UGB locational analysis and UGB amendment comply with the requirements of ORS 197.298, Goal 14 and OAR 660, division 24?

a. Legal standard

ORS 197.298, Goal 14 and OAR 660-024-0060⁵⁸ contain the applicable state requirements that establish *where* a city may expand its urban growth boundary (UGB).

⁵⁸ ORS 197.298 Priority of land to be included within urban growth boundary:

(1) In addition to any requirements established by rule addressing urbanization, land may not be included within an urban growth boundary except under the following priorities:

(a) *First* priority is land that is *designated urban reserve* land under ORS 195.145, rule or metropolitan service district action plan.

(b) If land under paragraph (a) of this subsection is inadequate to accommodate the amount of land needed, *second* priority is land adjacent to an urban growth boundary that is identified in an acknowledged comprehensive plan as an *exception area or non-resource land*. Second priority may include *resource land that is completely surrounded by exception areas* unless such resource land is high-value farmland as described in ORS 215.710.

(c) If land under paragraphs (a) and (b) of this subsection is inadequate to accommodate the amount of land needed, *third* priority is land designated as *marginal land* pursuant to ORS 197.247 (1991 Edition).

(d) If land under paragraphs (a) to (c) of this subsection is inadequate to accommodate the amount of land needed, *fourth* priority is land *designated in an acknowledged comprehensive plan for agriculture or forestry*, or both.

(2) Higher priority shall be given to land of lower capability as measured by the capability classification system or by cubic foot site class, whichever is appropriate for the current use.

(3) Land of lower priority under subsection (1) of this section may be included in an urban growth boundary if land of higher priority is found to be inadequate to accommodate the amount of land estimated in subsection (1) of this section for one or more of the following reasons:

(a) Specific types of identified land needs cannot be reasonably accommodated on higher priority lands;

(b) Future urban services could not reasonably be provided to the higher priority lands due to topographical or other physical constraints; or

(c) Maximum efficiency of land uses within a proposed urban growth boundary requires inclusion of lower priority lands in order to include or to provide services to higher priority lands.”

[emphasis added]

Statewide Planning Goal 14 (as amended April 28, 2005) requires the following:

Boundary Location

The location of the urban growth boundary and changes to the boundary shall be determined by evaluating alternative boundary locations consistent with ORS 197.298 and with consideration of the following factors:

- (1) Efficient accommodation of identified land needs;
- (2) Orderly and economic provision of public facilities and services;
- (3) Comparative environmental, energy, economic and social consequences; and

(4) Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB.

The relevant rules in OAR 660-024-0060 (adopted 10-5-06) are as follows:

Boundary Location Alternatives Analysis

(1) When considering a UGB amendment, a local government must determine which land to add by evaluating alternative boundary locations. This determination must be consistent with the priority of land specified in ORS 197.298 and the boundary location factors of Goal 14, as follows:

(a) Beginning with the highest priority of land available, a local government must determine which land in that priority is suitable to accommodate the need deficiency determined under 660-024-0050.

(b) If the amount of suitable land in the first priority category exceeds the amount necessary to satisfy the need deficiency, a local government must apply the location factors of Goal 14 to choose which land in that priority to include in the UGB.

(c) If the amount of suitable land in the first priority category is not adequate to satisfy the identified need deficiency, a local government must determine which land in the next priority is suitable to accommodate the remaining need, and proceed using the same method specified in subsections (a) and (b) of this section until the land need is accommodated.

(d) Notwithstanding subsection (a) through (c) of this section, a local government may consider land of lower priority as specified in ORS 197.298(3).

(e) For purposes of this rule, the determination of suitable land to accommodate land needs must include consideration of any suitability characteristics specified under section (5) of this rule, as well as other provisions of law applicable in determining whether land is buildable or suitable.

(3) The boundary location factors of Goal 14 are not independent criteria. When the factors are applied to compare alternative boundary locations and to determine the UGB location, a local government must show that all the factors were considered and balanced.

(4) In determining alternative land for evaluation under ORS 197.298, "land adjacent to the UGB" is not limited to those lots or parcels that abut the UGB, but also includes land in the vicinity of the UGB that has a reasonable potential to satisfy the identified need deficiency.

(5) If a local government has specified characteristics such as parcel size, topography, or proximity that are necessary for land to be suitable for an identified need, the local government may limit its consideration to land that has the specified characteristics when it conducts the boundary location alternatives analysis and applies ORS 197.298.

(6) The adopted findings for UGB adoption or amendment must describe or map all of the alternative areas evaluated in the boundary location alternatives analysis. If the analysis involves more than one parcel or area within a particular priority category in ORS 197.298 for which circumstances are the same, these parcels or areas may be considered and evaluated as a single group.

(7) For purposes of Goal 14 Boundary Location Factor 2, "public facilities and services" means water, sanitary sewer, storm water management, and transportation facilities.

(8) The Goal 14 boundary location determination requires evaluation and comparison of the relative costs, advantages and disadvantages of alternative UGB expansion areas with respect to the provision of public facilities and services needed to urbanize alternative boundary locations. This evaluation and comparison must be conducted in coordination with service providers, including the Oregon Department of Transportation with regard to impacts on the state transportation system. "Coordination" includes timely notice to service providers and the consideration of evaluation methodologies recommended by service providers. The evaluation and comparison must include:

(a) The impacts to existing water, sanitary sewer, storm water and transportation facilities that serve nearby areas already inside the UGB;

(b) The capacity of existing public facilities and services to serve areas already inside the UGB as well as areas proposed for addition to the UGB; and

The department provided a detailed explanation of how to complete an analysis of UGB locational alternatives in letters to the city dated May 27, 2008, October 24, 2008, and November 21, 2008 [R. at 3758, 4356, 4722, and 7268]. Deschutes County legal counsel also provided public written advice concerning the locational analysis on September 17, 2007 that is consistent with the department's letters. [R. at 8870] The process is set forth in Goal 14, ORS 197.298, and OAR 660, division 24, and is summarized as follows.

Once a local government has accommodated as much of its total 20-year identified needs for housing and employment as it reasonably can in the current UGB,⁵⁹ it then proceeds to analyze lands within a study area outside the existing UGB from which to select lands to satisfy any remaining needs. Goal 14, ORS 197.296, OAR 660-024-0050(4).

The first step is to determine a study area around the existing UGB. Next, the government determines which lands in the study area are the highest priority lands under ORS 197.298(1). For Bend, since there are no acknowledged urban reserves that were adopted under OAR 660-024-0060(1)(a) and ORS 197.298(1)(b), the highest priority lands for urbanization are exception areas (areas that are not subject to the agricultural or forest lands goals, and that usually are planned for rural residential, rural industrial, rural commercial or other rural uses). In the case of Bend, exception areas include properties zoned UAR, RR-10, and SR 2½, as Goal 3 and Goal 4 exceptions were taken for all of these lands (the status of the UAR zoned lands is addressed in more detail later in this section).

Once the highest priority lands are identified, the local government must develop a list of the lands and/or map them. The list or map, along with other data, is then used to analyze the lands for their suitability.

The suitability analysis relates directly to how the local government has justified its need for additional lands. If the additional lands are for general needed housing (e.g., for single family residential) the suitability criteria that may be used as a screen to eliminate lands from consideration (at this stage) are the same general criteria used in determining what residential lands are "buildable" (housing) or "suitable vacant and developed land" (employment). OAR 660-024-0060(1)(e) and 660-024-0010(1)(lands for housing are not buildable if they: have severe natural hazards, are protected by Goal 5, have slopes over 25 percent, are within the 100-year floodplain, can't be provided with public facilities); OAR 024-0010(8))(lands for employment are not "suitable" unless they are "serviceable" (OAR 660-009-0005(9) and are either "vacant" (a lot greater than 1/2 acre not containing permanent improvements or greater than 5 acres where less than 1/2 acre is occupied by

(c) The need for new transportation facilities, such as highways and other roadways, interchanges, arterials and collectors, additional travel lanes, other major improvements on existing roadways and, for urban areas of 25,000 or more, the provision of public transit service.

⁵⁹ The adequacy of the city's accommodation of identified need and efficiency measures for land within the existing UGB is addressed in more detail elsewhere in this report.

improvements, OAR 660-009-0005(14)) or developed but likely to be redeveloped during the planning period. OAR 660-009-0005(1).

If, however, the additional lands are for an “identified need” with “specified characteristics” in terms of location, then the local government may use the required locational characteristics identified in the need showing as a screen to eliminate lands from consideration. OAR 660-024-0060(5). An example is rail-dependent industrial uses. If the local government’s economic opportunities analysis demonstrates a need for this type of employment use, lands without rail access could (and should) be excluded from review under the priority of lands statute (ORS 197.298(1)). Similarly, if the local government’s housing needs analysis shows a need for high-density, multi-family housing that needs to be located close to a university, or that is located on a planned bus route (in the comprehensive plan), then the city or county may specify suitability criteria that limit its locational analysis to lands that will satisfy the identified need. OAR 660-024-0060(5).

Once the local government has determined the quantity of suitable first priority lands adjacent to the existing UGB, it compares that quantity with the amount of land need it has demonstrated in its housing needs analysis and/or economic opportunities analysis. OAR 660-024-0060(1)(b). If the amount of suitable land in the first priority category exceeds the amount needed, it then uses the Goal 14 location factors to identify which first priority lands to include in its UGB. OAR 660-024-0060(1)(b). The Goal 14 location factors are not criteria, they are considerations that are applied to each alternative parcel or group of parcels. The parcel or parcels that, on balance, best satisfy the factors are selected. In other words, no single one of the four location factors may be the sole basis for selecting a particular parcel(s) to add to the UGB.

If the amount of suitable land in the first priority category does *not* exceed the amount needed, the city or county then proceeds to evaluate the second priority category in the same manner, and so on until sufficient lands are included in the UGB. OAR 660-024-0060(1)(c).

As noted above, ORS 197.298(3)(a) allows a city or county to limit the application of the priority of lands for urbanization established in ORS 197.298(1) if the need being addressed is specific type of identified need with particular locational requirements. Similarly, ORS 197.298(3)(b) and (c) also provide bases for not including lands that would otherwise be a higher priority for a UGB expansion. See also, OAR 660-024-0060(1)(d). The exceptions to the priority statute for the difficulty of providing future urban services (ORS 197.298(3)(b), and for maximum efficiency of land use within the proposed UGB are narrowly construed as exceptions to the general rule for where UGBs are to expand.⁶⁰

⁶⁰ ORS 197.298(3) allows a city or county to exclude higher priority parcels from consideration up-front, before the city selects suitable parcels in that priority; and, if the land supply in that priority category exceeds need, before the city applies the Goal 14 boundary location factors. There is a high threshold to exclude higher priority land, such as exception land (including land zoned UAR) and instead add lower

This step provides a tentative list of highest priority parcels (within the exception lands category) to add to the UGB.⁶¹

If the amount of suitable exception land is *not* sufficient to meet the land need, the local government adds all of the suitable exception lands to the UGB expansion area, and then evaluates lands in the next highest priority category in ORS 197.298(1). For Bend, the next highest priority of land for urbanization is resource land with low resource production capability.

If the analyses do not yield enough land to meet the housing and employment needs the city has identified, then city may consider lower priority lands (i.e., the next set of higher capability farm and forest lands) and produce a tentative list of suitable lands in this final priority category for addition to the UGB.

If there remains an unmet need after this process, the next step is to expand the study area and begin the process described above again from the beginning.

b. Summary of Local Actions

The following is a summary of the city's and county's analyses of where to expand the UGB:

In January 2006, the city established a study area of approximately 27,000 acres for both a proposed UGB expansion and a proposed urban reserve area designation. [R. at 45, 1060] In June 2007, the first UGB expansion scenario was prepared and sent to the department with a 45-day notice. On August 7, 2007, the city and Deschutes County

priority lands, such as farmlands. For example, the fact that it may cost more to provide public services to one area than others does not satisfy ORS 197.298(3)(b) or OAR 660-024-0060. Likewise, the fact that one parcel will yield fewer new homes or less development than others does not allow a local government to exclude that land from a UGB expansion area in favor of other, lower priority lands. LUBA and the courts have construed the ORS 197.298(3) exceptions narrowly to allow inclusion of lower priority lands at the exclusion of higher priority lands only in cases with compelling facts. *See, e.g., DLCD v. Douglas County*, 36 Or LUBA 26 (1999) (“Factors that may have the effect of eliminating alternative sites because they are somewhat more expensive to develop are inadequate to demonstrate the eliminated alternative site cannot reasonably accommodate the identified need.”); *1000 Friends of Oregon, et al vs. Metro*, 38 Or LUBA 565 (2000) (“Metro must determine whether exception lands can reasonably accommodate the proposed use. As we stated in *Parklane I* and *Residents of Rosemont*, exception criterion (ii) is not satisfied by findings that alternative sites to resource lands cannot accommodate the proposed use ‘as well as’ those resource lands ... a finding that the resource land has relatively fewer developmental constraints or a higher percentage of buildable lands than an alternative site is not sufficient to satisfy the ‘reasonably accommodate’ standard”).

⁶¹ “The goal of consideration under [the Goal 14 boundary location factors] is to determine the ‘best’ land to include within the UGB, based on appropriate consideration and balancing of each factor.” The Goal 14 location factors “must be considered together and balanced, but individual factors are not independent approval criteria.” *Alliance for Responsible Land Use v. Deschutes Cty*, 40 Or LUBA 304, 318-319 (2001), *aff’d* 179 Or App 348 (2002). *Also see* OAR 660-024-0060(1)(b).

withdrew the urban reserve amendment until the UGB expansion was resolved. [DLCD Form 3 Notice of Denial/Withdrawal, Supplemental Record at 1423] In the fall of 2007, the city enlarged the study area to over 44,000 acres,[R. at 1061] and to respond to direction from the city council to consider the need for land for employment uses as well as housing. [R at 1060]

The city established and applied “threshold suitability criteria” to lands within the enlarged study area. [R. at 1062] The suitability criteria were intended to be consistent with the Goal 14 location factors. [R. at 1062] The parcels that met all of these criteria were considered suitable to meet Bend’s needs for housing and employment (and other land needs). [R. at 1168-1170] Those suitability criteria included:

- Whether the parcel can be served [with sewer] by an existing or proposed city facility detailed in the 2008 Collection System Master Plan [e.g., the amended Public Facilities Plan]
 - Whether the parcel is serviceable according to the 2007 City Water Master Plan, as amended, or a private water district service area
 - If the parcel scores medium or high for street connectivity
 - Not an active surface mine, not a state of local park, not a landfill, not a destination resort
 - Vacant or improved with improvement value below \$20,000
 - Improved with a dwelling, if on a parcel greater than 3 acres
 - Improved with a school or church, if on a parcel greater than 5 acres
 - Not recreational land
 - Not owned by the Bend/La Pine School District
 - Not in a commercial farm classification with 23 acres of irrigation water rights
 - Not subject to restrictive CC&Rs
 - Not in private open space
- [R. at 1169]

The “suitable” parcels were then separated into the ORS 197.298 priority groups. The city then applied the Goal 14 location factors to the exception lands by ranking them. The city developed five alternate UGB expansion scenarios after performing additional analysis and evaluation under planning commission direction.

Alternative 1 “places a strong emphasis on the statutory priorities of ORS 197.298(1)” and has “an overriding emphasis on including higher priority lands under the statute.”⁶² [R. at 1186] The Planning Commission recommended Alternative 4 to the city council, which modified Alternative 4 as a new Alternative 4A. The city council adopted Alternative 4A on January 5, 2009, and Deschutes County adopted it on February 11, 2009. Alternative 4A between 8,462 and 8,943 acres of land to the UGB. The city’s

⁶² Alternative 1 is the only one of the total seven scenarios for which the city makes this statement. Alternative 1 included 87 percent exception land and 13 percent resource land. Alternative 4A, which the city council adopted on January 5, 2009, reduced the amount of exception land to 74 percent and increased the amount of resource land to 26 percent.

findings report the total acreage as 8,462 acres [R. at 1054], but the city’s post-adoption notice to the department reports the acreage as 8,943 (which *may* be the “total” acreage of 8,462 plus the city’s “surplus” of another 519 acres). [R. at 1054]. Of the 8,500 plus acres added, it appear the city included approximately 3,500 to 4,000 acres of land that it determined are not “suitable” for inclusion in the UGB. [R. at 1054]

Of the 5,475 acres of “suitable” land included in the UGB, 4,069 acres (74 percent) was first priority exception land (79 percent of which is zoned Urban Area Reserve), and 1,406 acres (26 percent) was resource land.⁶³ [R. at. 47-48, 153-154, 156, 171-178, 1050, 1062-63, 1166-1207, including Figures V-6 and V-7 and Table V-9]

c. Objections

Tony Aceti – The amendment includes too much EFU land and not enough exception land. [May 4, 2009 page 1]

Terry L. Anderson – The southwest Buck Canyon area, which is suitable exception land, should be included in the amended UGB. [May 6, 2009, page 1]

Central Oregon LandWatch – The amendment does not justify its assumption that the following lands are unsuitable:

- Parcels smaller than three acres with a house,
- Split-zoned parcels, and
- Parcels that did not score “medium” or “high” for street connectivity.

In applying the Goal 14 boundary location factors, the city did not adequately consider the “economic” part of the factor that considers “[o]rderly and economic provision of public facilities and services.” The city also fails to apply one of the location factors, “Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB.” (May 7, 2009, pp. 9, 13, 15-16)

Hilary Garrett – The amendment passed over suitable high-priority exception land in the southwest Buck Canyon area for actively farmed EFU lands east of Hamby Road for the indefensible reason that the farm parcels will help build the southeast sewer interceptor. One of the suitability criteria was not evenly applied to like lands; *i.e.*, objector’s residential subdivision of lots largely smaller than three acres was included while parcels smaller than three acres in another part of the UGB study area were excluded. No parcels smaller than three acres should be included in the amendment. [April 18, 2009, pp. 1-2]

Miller Tree Farm – The city’s threshold suitability criteria impermissibly allowed the city to add resource land in place of much of the available exception land. The city gave these criteria more weight than the ORS 197.298 priorities, without justification in the record for doing so. As LUBA ruled in *Residents of Rosemont v. Metro*, 38 Or LUBA 199

⁶³ In response to a department request for direction to location in the record, the city identified the following pages as constituting the city’s boundary location analysis: 1059-1065, 1166-1207, and 7772-7775.

(2000) and *1000 Friends of Oregon v. Metro*, 38 Or LUBA 565 (2000), it isn't sufficient to determine that exception lands cannot accommodate the proposed use as well as resource lands can accommodate the same use(s). Development must be directed to exception lands rather than the resource lands if the exception lands can reasonably accommodate the proposed development. For example, a finding that exception lands can't accommodate as much or as dense residential development per acre as resource lands does not justify excluding those exception lands. The city did not properly apply and balance the Goal 14 boundary location factors. [May 5, 2009, pp. 1-2, 8-10]

Paul J. Shonka – The amendment includes too much EFU land and not enough exception land. [May 1, 2009, pp. 1-2]

Cindy B. Shonka – The amendment includes too much EFU land and not enough exception land. [May 1, 2009, pp. 1-2]

Tony and Cyllene King (McGraw and Associates, LLC) – The amendment includes too much EFU land and not enough exception land. [May 1, 2009, p. 1]

Oregon Department of State Lands – The selection of land does not comply with the ORS 197.298 priorities to add land to a UGB. The “Stevens Road Tract,” a large parcel of EFU land abutting the east side of Bend's UGB and owned by the objector, should be included in the expansion if any resource land is included, because the tract is the city's “top-ranked UGB candidate expansion area.” [May 7, 2009, pp 4-5]

Rose and Associates, LLC – The city's sewer, water and transportation plans dictated the location of the UGB expansion and predetermined the outcome of the location analysis, in violation of Goal 14. The location analysis fails to include one of the four Goal 14 boundary location factors: “Comparative environmental, energy, economic and social consequences.” The location analysis inappropriately deferred the evaluation and comparison of alternate sites for provision of public facilities and services, which is required by OAR 660-024-0060(8). [May 5, 2009, p. 3]

Barbara I. McAusland – The correct lands were not selected in the location analysis. [May 5, 2009, pp. 1-2]

Swalley Irrigation District The correct lands were not selected in the location analysis and the city's suitability findings are inadequate, in violation of Goal 14. The city fails to adequately consider adding thousands of acres of highest priority exception lands in the southwest area. The amendment lacks a factual basis for its claim that all suitable exception land has been included. The city's suitability criteria, including exclusion of parcels smaller than 3 acres with a dwelling, are not consistent with State law. The city fails to comply with its own ordinance that requires application of the Goal 14 boundary location factors and the Goal 2 exception process that were in effect before LCDC amended Goal 14, Goal 2, and OAR 660-004-0010 on April 28, 2005. Exception land in the northwest area should be removed from the amendment. The location alternatives analysis should have considered the impacts of urbanization on rural irrigation systems,

which are water systems under OAR 660-024-0060(8). [May 6, 2009, pp. 40, 42-43, 60-61, 71-73, 75-79]

Newland Communities – The findings support inclusion of the objector’s 149 agriculturally designated acres in the northeast area that are surrounded by exception lands on the northeast, north, west, and south. Inclusion of this land should be augmented with a better “legal and factual argument” based on the record, which the objector provides. The city properly followed the location analysis in Goal 14, OAR 660-024-0060, and ORS 197.298. [May 7, 2009, pp. 3, 9-10, 22]

Harold W. Sampson – The city should include the exception lands east of N. Highway 97 bordered by the Burlington Northern Railroad and Juniper Ridge and should eliminate the auto mall and industrial area west of N. Highway 97. [May 1, 2009, p. 1]

Brooks Resources Corporation – Land selected for employment uses is not suitable for that use. [April 29, 2009, pp. 5-8]

d. Analysis

The city and county locational analysis of where to expand its UGB does not comply with ORS 197.298, Goal 14 or the pertinent provisions of OAR 660, division 24 as summarized above. The analysis does reflect a substantial effort to examine what lands are best suited for addition to the UGB, but the methodology and approach used improperly excluded a substantial amount of land planned and zoned as exception lands (including a significant amount of land in existing suburban subdivisions, many of which rely on septic systems) from consideration for inclusion in the UGB. This resulted from the city’s use of suitability criteria, some of which did not correspond to the future housing and employment needs identified by the city, and some of which simply do not comply with state law.⁶⁴

Generally, the analysis of suitability is not transparent and lacks clear explanations linking its analysis to the data in the record. In addition, once they began considering farm land for the UGB expansion, the city and county were required to analyze farm lands with the poorest soils first, which they failed to do. The record does not demonstrate that all resource lands within the study area are grouped by soil capability, and then considered and added according to capability (lower capability lands before higher capability lands), in accordance with Goal 14, ORS 197.298, and OAR 660-024-0060.

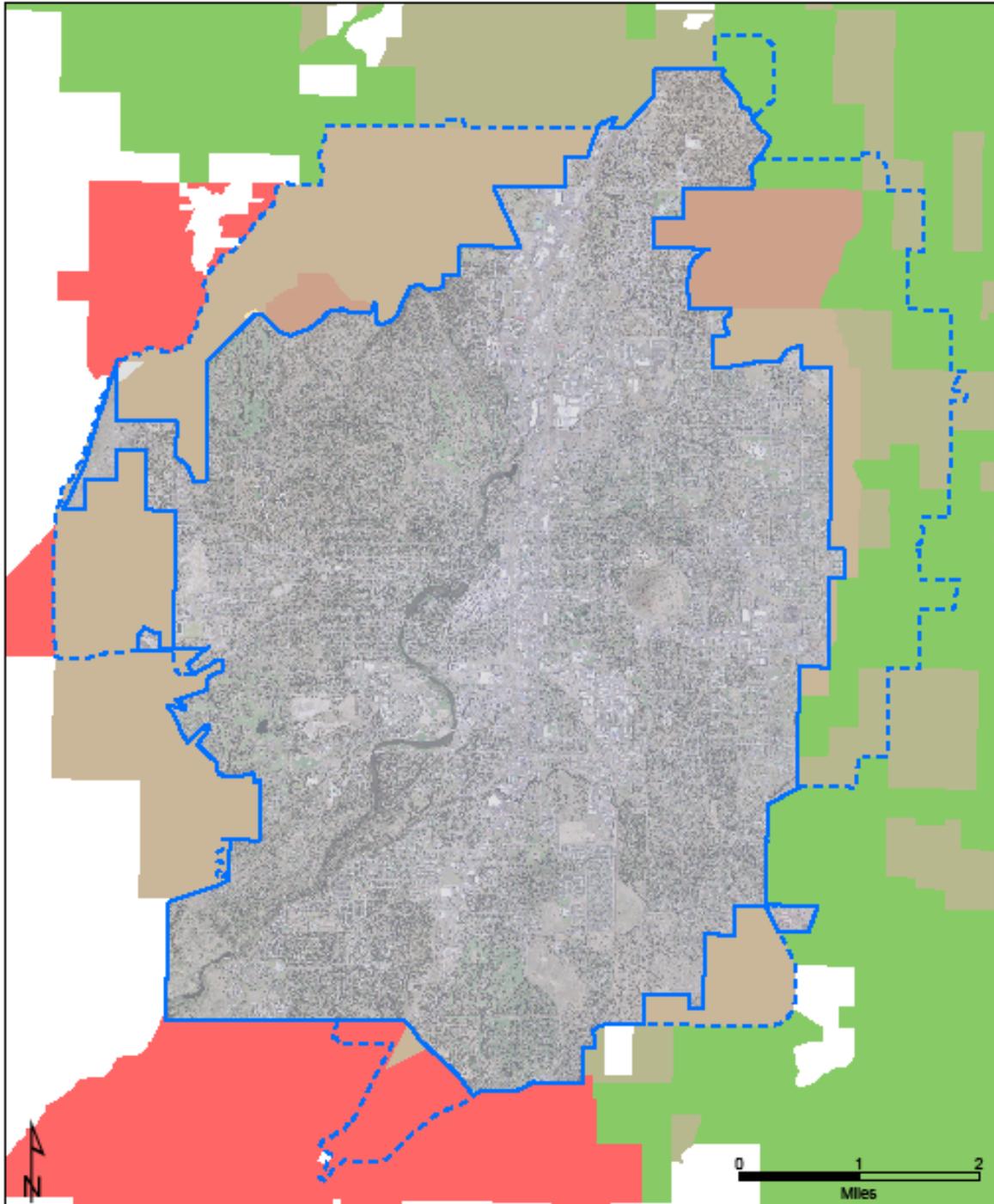
⁶⁴ On or about April 10, 2008, the city planning commission was presented with a proposed “strategy” for the city’s boundary alternatives analysis. [R. at 7772-75] The memorandum quoted relevant portions of Goal 14, OAR 660-024-0060, and ORS 197.298, but its explanation of how those laws must be applied was incorrect. In letters dated May 27, 2008, October 24, 2008, and November 21, 2008, the department advised the city of the deficiencies in its UGB location analysis, and offered detailed direction on how to complete the analysis correctly under state law. [R. at 3758, 4356, 4722, and 7268] The incorrect “strategy” proposed in the memorandum appears to be the methodology that the city used to arrive at Alternative 4A, which the city council adopted on January 5, 2009.

The city and county did, generally, attempt to avoid land planned as agricultural land. However, the present findings and record do not justify (at this point) any significant inclusion of agricultural lands in the UGB expansion area. The city has begun to make an adequate showing that expansion onto some agricultural lands to the east may be necessary to provide public services to higher priority lands (ORS 197.298(3)(c) [R. at 1183-1186], but given the uncertainty concerning the *amount* of land needed, the director cannot determine that the city has made the showing required by the statute at this time. There also are several, technical, problems with the submittal. The record does not include a map or description of all resource parcels in the study area, as required by OAR 660-024-0060(6). The boundary location analysis map shows only those parcels determined to be “suitable” because they met all of the city’s threshold suitability criteria. [R. at 165, 1180, Figure V-4] The department has prepared a map showing the zoning of lands in the study area as Figure 2, using GIS data from Deschutes County.

The record does not include a map or description of all exception parcels in the study area, which is required by OAR 660-024-0060(6). But see Figure 3 on the following page, prepared by the department based on the county’s official zoning maps. The boundary location analysis map in the record shows only those exception parcels that are determined “suitable” because they met all of the “threshold suitability criteria.” [R. at 164, 1179 - Figure V-3] The city removed all other exception parcels from the study area prior to the boundary location analysis, using the “threshold suitability criteria” that appears to be developed *after* the completed need analysis. Other exception lands are not part of the need analysis in the record. [R. at 47-48,153-160, 1062-63, 1168-75]

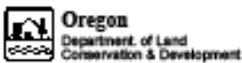
Suitability. As described above, in order to eliminate lands from consideration for inclusion in a UGB expansion, they either must be found to be generally unsuitable based on the criteria in OAR 660, division 8 (“buildable” lands for housing) or division 9 (“suitable and available lands” for employment), or (if the lands are being added for a specific identified land need) the suitability criteria must be based on the applicable needs analysis (HNA or EOA). In addition, lands in a study area may be unsuitable for one need, and suitable for another (for example, suitable for single family housing, but unsuitable for a medical center). The underlying housing and employment needs analyses establish a generalized housing need – mainly for single family housing, as well as general commercial uses, and do not identify why these general uses can’t be met (at least in part) on adjacent exception lands identified as unsuitable. As shown in Figure 2, there is a substantial amount of exception land to adjacent to the southern boundary of the city. The city’s analysis of these lands is addressed in more detail, below.

The city’s application of site criteria to *all* planned urban uses before the study area parcels were divided into the ORS 197.298(1) priorities was overbroad. This step prematurely rejected many parcels that are suitable for one or more of the city’s future land needs before those parcels could be analyzed under OAR 660-24-0060 and ORS 197.298. The city improperly “refined and reduced the size of the study area for the 20-year UGB expansion (2028) in an iterative fashion.” [R. at 152, 1167]



Exception Lands Zoning

Figure 3



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

- | | |
|---|---|
| Unincorporated County Areas | Urban Growth Boundary |
| ■ EFU Resource | Current UGB |
| ■ SR2.5 - Res. Suburb. Low Density | Expansion Area |
| ■ UAR - Urban Area Reserve | |
| ■ MUA10 - Multi Use Agriculture | |
| ■ RR10 - Rural Residential | |

Aerial Image: 2008 HAP
 UGB and zoning information extracted from maps provided by City of Bend and Deschutes County
 DLCD GIS 06/11/2010
 AerialImage.gis

The suitability criteria for a UGB amendment for a *general* residential or employment land need are identified in OAR 660-024-0010(8) (for employment uses) and in OAR 660-024-0010(1) (for general housing needs). OAR 660-024-0060(5) allows local governments to apply additional suitability criteria, but only for an “identified need.” That term is a term of art, from ORS 197.298(3)(a) – e.g. an “identified need” that has specific locational requirements that are unique to that particular use. The city could, for instance, determine that there is a need for and identified housing type, such as higher density attached multi-family housing along transit routes (where there is access to multiple modes of travel), and thereby justify not following the statutory direction to include exception lands before agricultural lands, if the only locations for this identified type of housing that are along planned or current transit (bus) lines are zoned for agriculture. Similarly, if the economic opportunities analysis identified a need for a site with rail access, and the only such site is on agricultural lands, then the city could use rail access as a suitability criterion and screen out exception lands if there are no exception lands with rail access.

Some of the city’s suitability criteria do follow the general suitability criteria allowed under OAR 660-024-0010(1) and 0010(8). Others are appropriate only for an “identified need” for a particular planned urban use that has specific locational requirements. To assist the city on remand, the director provides his evaluation of the city’s criteria in the following table.

Table 3. Findings Regarding Boundary Location Threshold Suitability Criteria

Criterion	Analysis
Lot is not entirely within the 100-year floodplain.	This criterion is based on OAR 660-008-0005(2) (for housing) ⁶⁵ and OAR 660-009-0005(2) (for employment), ⁶⁶ and is a permissible screen for both general land need and specific identified land needs.
Lot is serviceable for <i>city</i> sanitary (does not include private or public systems other than the city).	This criterion is a permissible screen under OAR 660-008-0005(2)(e) (cannot be provided with public facilities), except for the limitation to <i>city</i> facilities. So long as sanitary sewer is available or feasible during the planning period, the property cannot be excluded as unsuitable.
Lot is serviceable for city water.	This criterion is permissible, see analysis immediately above.
Lot is in regional stormwater plan service area.	This criterion is permissible, see analysis immediately above.

Criterion	Analysis
The lot scores medium or high for street connectivity.	This criterion is not a permissible suitability screen. As long as street access is feasible during the planning period, the property can be provided with public facilities. This criteria can, however, be used as a Goal 14 factor for determining what exception lands to include in the event there is an excess amount of such lands and the city and the county are deciding which exception lands to include.
Lot is a public or private right-of-way for roads, sidewalks, and/or landscaping.	Publicly owned land generally is not considered buildable (Goal 10 – within the existing UGB) or suitable (OAR 660-024), and is an appropriate suitability screen. However, <i>private</i> right-of-way and open space land is “generally considered “suitable and available.”
Lot does not contain an active surface mine in the county’s Goal 5 inventory.	This criterion, which is based on OAR 660-008-0005(2) (for housing) and OAR 660-009-0005(2) (for employment), is a permissible suitability screen for general land need.
Lot is not designated by the county as a Goal 5 resource.	This criterion, which is based on OAR 660-008-0005(2) (for housing) and OAR 660-009-0005(2) (for employment), is a permissible suitability screen for general land need.
Lot is not a cemetery.	This criterion, which is based on OAR 660-008-0005(2) (for housing) and OAR 660-009-0005(2) (for employment), is a permissible suitability screen for general land need.
Lot is not owned by the federal government.	This criterion, which is based on OAR 660-008-0005(2) (for housing) and OAR 660-009-0005(2) (for employment), is a permissible suitability screen for general land need.
<ul style="list-style-type: none"> • Lot is not a state park; • Lot is not owned by the Bend Metro Park and Recreation District (listed twice). • Lot is not owned by Bend-La Pine School District 	These criteria, which are based on OAR 660-008-0005(2) (for housing) and OAR 660-009-0005(2) (for employment), are permissible suitability screens for general land need.

Criterion	Analysis
Lot is not a public or private open space.	This criterion is a permissible suitability screen for <i>publicly owned</i> open space, but not for private open space. OAR 660-008-0005(2).
Lot is developed with a school or church and is larger than 5 acres.	(1) Some church and school land may be redeveloped. Such lands may be screened as “unsuitable” only based on findings and an adequate factual base that they are not likely to be redeveloped during the 20-year planning period. Larger lots with substantial vacant land generally will be considered to be suitable (at least in part)..
Lot is not a landfill.	This criterion may be used only if based on findings and an adequate factual base that the lands are not likely to be redeveloped during the 20-year planning period. OAR 660-008-0005(2) (for housing) and OAR 660-009-0005(2) (for employment).
Lot is not a destination resort approved by the county.	This criterion may be used only if based on findings and an adequate factual base that the lands are not likely to be redeveloped during the 20-year planning period.
Lot has recorded CC&Rs prohibiting further division.	This criterion may be used only if based on findings and an adequate factual base that the lands are not likely to be redeveloped during the 20-year planning period. The director finds that the evidence cited in the city’s findings, R. at 1171-1174, does not support the city’s conclusion that the listed subdivisions cannot be redeveloped. The comments in Table V-6 [R. at 1173] show that additional residential development is not prohibited in almost all of the subdivisions listed. Even for those few subdivisions where additional land divisions are prohibited by CC&Rs, the findings do not address whether there are vacant lots, or whether additional housing not involving a land division, such as an “in-law” apartment or “granny flat” may be feasible.

Criterion	Analysis
Lot has improvements with a value of less than \$20,000.	This criterion may be used only if based on findings and an adequate factual base that the lands are not likely to be redeveloped during the 20-year planning period. The valuation threshold used by the city is very low in relation to the potential value of residential redevelopment, and would appear to effectively define lands that have minimal improvements as being developed rather than vacant.
Lot has 1 dwelling and is larger than three acres.	This criterion may be used only if based on findings and an adequate factual base that the lands are not likely to be redeveloped during the 20-year planning period. The acreage threshold used by the city is very high. A lot with an existing home and several acres of land normally could accommodate some additional residential development during a twenty-year planning period. As noted in the section of this report addressing housing need, the city has not analyzed the actual level of redevelopment that has occurred on such lands, making it impossible to reach definitive conclusions about the amount of redevelopment that is likely to occur, as those terms are used in OAR 660-008-0005(2) and 660-024-0010(1) and 0060(1)(e) and (5). The city appears to have excluded a substantial amount of exception lands based on this criterion.

Criterion	Analysis
Lot is zoned EFU-TRB with 23 acres of high value soils when irrigated OR zoned EFU-UAL with 36 acres of high value soils when irrigated.	The capability of soils on commercial farm parcels becomes relevant only if and when (a) all suitable exception parcels have been added, (b) some amount of 20-year land need remains, (c) the city goes to the next highest priority under ORS 197.298(1), which is agriculture or forest land, (d) lower capability agriculture or forest parcels have been given priority over higher capability resource parcels per ORS 197.298(2), (e) lower capability resource parcels are not suitable for the identified need, or there is not enough lower capability resource land to meet that remaining need, and (f) lowest priority high value resource land must be considered.

By excluding a large amount of adjacent exception lands as “unsuitable” based on suitability criteria that are not tied to a specific identified need for housing or employment, or are not based in the general criteria allowed under OAR 660-024-0060, the city and county have not complied with Goal 14, ORS 197.298, and OAR 660, division 24. The analysis creates an artificial shortage of first priority exception lands, and then uses that shortage to justify including lower priority resource land, effectively undermining the statutory priorities in ORS 197.298.⁶⁷

⁶⁷ In *D.S. Parklane Development, Inc. v. Metro*, 35 Or LUBA 516 (1999), *aff'd as modified* 165 Or App 1 (2000), LUBA found that Metro, in part, created its own inadequacy of higher priority lands to accommodate urban land need. LUBA concluded that this error undermined the urban reserve rule’s priority scheme “and hence the urban reserve rule.” “[W]e conclude that Metro’s failure to study enough higher priority lands created in part the inadequacy that Metro relied upon to designate lower priority lands, and further that Metro’s application of Subsections 2, 3 and 4 [of OAR 660-021-0030] as described above effectively undermines the urban reserve rule’s priority scheme and hence the urban reserve rule.” *Id.* at 554.

“The relationship between the elements of ORS 197.298(1) through (3) is essentially the same as the relationship between the elements of OAR 660-021-0030(3) and (4), and LUBA’s and the Court of Appeals’ interpretation of the latter should guide the interpretation of the former.” *Residents of Rosemont v. Metro*, 38 Or LUBA 199, 249 (2000), *aff'd in part, rev'd and rem's on other grounds* 173 Or App 321 (2001). The statutory exceptions to the priorities to add land to a UGB in ORS 197.298(3), enacted in 1995, were based on the statutory exceptions to the priorities to add land to *urban reserves* in OAR 660-021-0030(4), which LCDC had previously adopted in 1992. Therefore, interpretations of the OAR 660-021-0030(4) priority exceptions in *Parklane* apply to Bend’s use of the ORS 19.298(3) priority exceptions in this UGB amendment, including the magnitude of error caused by improper use of both the priorities and the exceptions to the priorities.

In conclusion, even assuming that (1) the city’s 20-year land need estimate of 4,956 acres [R. at 39, 43, 152, 1054, 1058, 1167] is correct, and (2) the city does not need to adopt any additional efficiency measures to accommodate housing need within the existing UGB, it appears that the city could meet all of its 20-year land needs within adjacent exception lands.⁶⁸

Aggregation of Lands for Alternatives Analysis. A second general problem with the locational analysis is that large areas grouped for evaluation do not have similar circumstances as required by OAR 660-024-0060(6). The analysis:

- Aggregates all parcels in the study area and then applied the same “threshold suitability criteria” for all urban land needs;
- Did not separate resource parcels by soil capability before applying site need criteria;
- Did not map or describe the resource parcels in the study area by soil capability;
- Classified resource lands by current use, which is not a valid “common circumstance” under Goal 14, ORS 197.298, and OAR 660-024-0060;
- Segregated exception parcels with potential scenic or natural resources from other exception parcels, without any Goal 5 inventory and regulatory protection program as a basis for doing so;
- Grouped together exception and resource parcels into UGB alternative scenarios based, in part, on cost to extend sewer lines, instead of following the methodology for selecting parcels to include in Goal 14, ORS 197.298 and OAR 660-024-0060;
- Segregated exception parcels into two different groups—parcels zoned Urban Area Reserve and all other exception parcels—when all exception parcels are the same priority and must be treated alike under ORS 197.298(1)(b).

As a result, the analysis does not comply with the OAR 660-024-0050(5) requirement to apply appropriate plan designations and zoning to the expansion area. This rule states:

When land is added to the UGB, the local government must assign appropriate *urban* plan designations to the added land, consistent with the need determination. The local government must also apply appropriate zoning to the added land consistent with the plan designation, or may maintain the land as urbanizable land either by *retaining the zoning* that was assigned prior to inclusion in the boundary or by applying other *interim zoning that maintains the land’s potential for planned urban development until the land is rezoned for the planned urban uses*. The requirements of ORS 197.296 regarding planning and zoning also apply when local governments specified in that statute add land to the UGB. [emphasis added]

⁶⁸ The findings provide that only 5,733 acres of the adjacent exception lands in the study area are “suitable,” and only 5,434 acres are both “suitable and available.” [R. at 159, 175-176, 1174, 1190-91]

Response to Objections. For the reasons set forth above, the following objections are sustained by the director:

- The amendment includes too much EFU land and not enough exception land (Tony Aceti, Paul J. Shonka, Cindy B. Shonka, Tony and Cyllene King (McGraw and Associates)).
- The amendment does not justify excluding parcels that have a house and are smaller than three acres (Central Oregon LandWatch, Swalley Irrigation District).
- The amendment does not justify excluding parcels that are split-zoned or don't score medium or high for street connectivity (Central Oregon LandWatch)
- The correct parcels were not selected for inclusion in the UGB. (Barbara I. McAusland, Swalley Irrigation District).
- The city improperly excluded suitable high priority exception land in the SW Buck Canyon area (Hilary Garrett).
- One of the suitability criteria was not evenly applied to like lands; i.e., objector's residential subdivision containing lots smaller than three acres was included, while parcels smaller than three acres in another part of the UGB study area were excluded (Hilary Garrett).
- The use of threshold suitability criteria impermissibly allowed the city to add resource land in place of much of the exception land. Development must be directed to the exception lands instead of resource lands if the exception lands can reasonably accommodate the proposed development. A finding that exception lands cannot accommodate as much or as dense residential development per acre as resource lands does not justify excluding those exception lands (Miller Tree Farm).
- The selection of land does not comply with the ORS 197.298 priorities to add land to a UGB (Department of State Lands).
- The suitability findings are inadequate, in violation of Goal 14 (Swalley Irrigation District).
- The amendment fails to adequately consider adding thousands of acres of highest priority exception lands in the SW area (Swalley Irrigation District).
- The amendment lacks a factual basis for its claim that all suitable exception land has been included (Swalley Irrigation District).
- Suitability criteria, including exclusion of parcels smaller than three acres with a dwelling, are not consistent with State law (Swalley Irrigation District).
- The SW Buck Canyon Area is suitable exception land and should be included in the expansion if needed (Terry L. Anderson).

- The city fails to apply one of the location factors, “Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB” (Central Oregon LandWatch).
- The location analysis fails to include one of the four Goal 14 boundary location factors: “Comparative environmental, energy, economic and social consequences” (Rose and Associates, LLC).
- The amendment does not properly apply and balance the Goal 14 boundary location factors (Miller Tree Farm).

The following objections are denied:

- The “Stevens Road Tract,” a large parcel of EFU land abutting the east side of Bend’s UGB that is owned by the objector, should be included in the UGB expansion if any resource land is included, because it is the city’s “top-ranked UGB candidate expansion area” (Department of State Lands). Reason for denial: Because of the improper application of relevant state goals, statutes and rules in the city’s urban growth boundary location analysis, it is not possible to determine, until the city redoes the location analysis on remand, whether any resource land must be added to the UGB, and if so, where. In addition, there is no showing that these lands have lower capability soils, under ORS 197.298(2).
- The amendment fails to comply with a city ordinance that requires application of the Goal 14 boundary location factors and the Goal 2 exception process that were in effect before LCDC amended Goal 14, Goal 2, and OAR 660-004-0010 on April 28, 2005 (Swalley Irrigation District). Reason for denial: LCDC adopted amendments to Goal 14, Goal 2, and OAR 660-004-0010 on April 28, 2005, effective April 28, 2006. These amendments, among other things, revised the Goal 14 location factors and eliminated the need for Goal 2 exception findings for a UGB amendment. A city that began the UGB amendment process prior to LCDC’s action had the option of proceeding with either the “old” Goal 14 or the “new” Goal 14. The city submitted a 45-day notice of the UGB amendment on June 11, 2007⁶⁹ and adopted the UGB amendment on January 5, 2009; Deschutes County adopted the UGB amendment on February 11, 2009; and the city and county submitted a revised UGB amendment to the department on April 16, 2009⁷⁰, after the goal amendments took effect. Between the time that the city submitted its notice and the time the city and county adopted the revised UGB amendment, the city made several changes to the findings and conclusions and used the amended Goal 14. Any provisions in the city’s plan or code to the contrary are not consistent with current State law and are not valid or enforceable. The goals and that apply to this UGB amendment are those in effect after LCDC amended Goal 14, Goal 2, and OAR 660-004-0010.

⁶⁹ See Notice of Proposed Amendment in the department’s City of Bend PAPA file 010-007.

⁷⁰ See Notice of Adoption of UGB Amendment in the department’s City of Bend UGB file 2009-01.

- Exception land in the northwest area should be removed from the amendment (Swalley Irrigation District). Reason for denial: The director cannot determine based on the current record whether these lands should or should not be included.
- The location alternatives analysis should have considered the impacts of urbanization on rural irrigation systems, which are water systems under OAR 660-024-0060(8) (Swalley Irrigation District). Reason for denial: OAR 660-024-0060(8)⁷¹ specifies how cities apply the Goal 14 boundary location factors to the land in a statutory priority category in order to select the parcels to fulfill the city’s 20-year land need for a particular urban use. This rule addresses application of only one of the four factors, “orderly and economic provision of public facilities and services,” which must be weighed and balanced when applied to all parcels in the relevant priority. Goal 14 and OAR 660, division 24 use the term “public facilities and services,” but public facilities and their component systems are defined in Goal 11 and OAR 660, division 11. Goal 11 defines “water system” as “a system for the provision of piped water for human consumption subject to regulation under ORS 448.119 to 448.285.” (emphasis added) Irrigation is “the watering of land by artificial means to foster plant growth.” (emphasis added)⁷² Thus, an irrigation system is not a water system under Goal 11, Goal 14, and their implementing rules, and a city does not consider irrigation systems in a UGB location analysis.

The following objections are addressed in other sections of this report:

- The location analysis inappropriately deferred the evaluation and comparison of alternate sites for provision of public facilities and services, which is required by OAR 660-024-0060(8) (Rose and Associates, LLC) (see Goal 12).

⁷¹ This rule states:

(8) The Goal 14 boundary location determination requires evaluation and comparison of the relative costs, advantages and disadvantages of alternative UGB expansion areas with respect to the provision of public facilities and services needed to urbanize alternative boundary locations. This evaluation and comparison must be conducted in coordination with service providers, including the Oregon Department of Transportation with regard to impacts on the state transportation system. “Coordination” includes timely notice to service providers and the consideration of evaluation methodologies recommended by service providers. The evaluation and comparison must include:

(a) The impacts to existing water, sanitary sewer, storm water and transportation facilities that serve nearby areas already inside the UGB;

(b) The capacity of existing public facilities and services to serve areas already inside the UGB as well as areas proposed for addition to the UGB; and

(c) The need for new transportation facilities, such as highways and other roadways, interchanges, arterials and collectors, additional travel lanes, other major improvements on existing roadways and, for urban areas of 25,000 or more, the provision of public transit service.

⁷² Definition from Merriam-Webster On-Line Dictionary.

- Land selected for employment uses is not suitable for that use (Brooks Resources Corporation) (see Goal 9).

d. Conclusion and decision

The UGB location analysis and UGB amendment do not comply with the boundary location requirements in Goal 14, ORS 197.298, and OAR 660, division 24.

The director remands the UGB amendment with direction to submit a UGB location analysis that is consistent with requirements of Goal 14, ORS 197.298, and OAR 660, division 24, as described in this report.

2. Do the UGB location analysis and UGB amendment comply with ORS 197.298?

This section addresses the following additional issues related to the location analysis under Goal 14 and ORS 197.298:

- Which lands in Bend's UGB study area are considered exception lands under ORS 197.298(1)(b)?
- Are lands zoned UAR urban reserves under ORS 197.298(1)(a), exception lands under ORS 197.298(1) (b), or something else?
- Do ORS 197.298(2) requirements to rank parcels by soil capability apply to all of the land priorities in ORS 197.298(1)(a) through (d), or does it apply only to designated resource lands in ORS 197.298(1)(d)?
- Does the UGB expansion comply with the ORS 197.298(2) requirement to give higher priority to resource land of lower capability?
- Does the UGB expansion comply with ORS 197.298(3)(a) in including certain agricultural lands to satisfy identified needs for a future university site, and for large site, general industrial center?
- Does the UGB expansion comply with ORS 197.298(3)(c) in eliminating higher priority exception lands to the south of the city from consideration for inclusion in the UGB?

a. Legal standard

The relevant state law is ORS 197.298. As the department explained in comment letters to the city on May 27, 2008, October 24, 2008, and November 21, 2008 [R. at 3758, 4356, 4722, and 7268], ORS 197.298 requires Bend's UGB location analysis to include the following:

First, determine which parcels in the study area are the highest priority lands under ORS 197.298(1). For Bend, these are exception parcels under ORS 197.298(1)(b)

because there are no acknowledged urban reserves under ORS 195.145 and ORS 197.298(1)(a).⁷³ Make a list of these parcels and/or map them. Determine which of these parcels are suitable for an identified land need⁷⁴ by analyzing each parcel according to specific site suitability characteristics for the intended use, if any (*i.e.*, residential, commercial or industrial), that were identified in the earlier need analysis (for example, if the city's EOA identified special size, location and access characteristics necessary for regionally significant industrial sites).

The city may determine that study area parcels are not suitable by applying: (1) one or more of the physical site need characteristics that were identified during the need analysis, if any; or (2) one or more of the three exceptions to the statutory priorities in ORS 197.298(3), which may or may not overlap with the previously identified physical site need characteristics; or (3) both.⁷⁵

The remaining parcels after this analysis form a preliminary list of suitable highest priority (exception) parcels. If the amount of suitable exception land under ORS 197.298(1) (b) *exceeds* the land need deficiency amount outside the existing UGB, then the city applies the four Boundary Location Factors in Goal 14 to all of the suitable exception parcels or areas, in order to narrow down the list and select the best exception parcels for the amount of the land need.⁷⁶ This provides a tentative list of highest priority parcels to add to the UGB.

If the total amount of suitable exception land is *not sufficient* to meet the amount of land need, the city must first add all of the suitable exception parcels, and then

⁷³ Bend's exception areas consist primarily of parcels zoned UAR, RR-10, and SR 2½.

⁷⁴ To determine whether the land in any of the ORS 197.298(1) priorities is "inadequate to accommodate the amount of land needed" for a particular urban use under ORS 197.298(1), a local jurisdiction must consider both quantity and suitability. *City of West Linn vs. LCDC*, 201 Or. App. 419, 440 (2005).

⁷⁵ In order to exclude lands in any priority category in favor of land in a lower priority, a city or county must provide data, analysis, and findings consistent with one or more of the three exceptions in ORS 197.298(3). ORS 197.298(3) allows a city to remove higher priority parcels from consideration up-front, before the city selects suitable parcels in that priority; and, if supply in that priority exceeds need, before the city applies the Goal 14 boundary location factors. However, there is a high threshold to exclude higher priority land, such as exception land (including land zoned UAR) and instead add lower priority lands, such as farmlands. For example, the fact that it may cost more to service one parcel than to service others does not satisfy ORS 197.298(3)(b). Likewise, the fact that one parcel will yield fewer new homes or less development than others does not satisfy ORS 197.298(3)(c). LUBA and the courts have construed the ORS 197.298(3) exceptions narrowly to allow inclusion of lower priority lands at the exclusion of higher priority lands only in cases with compelling facts.

⁷⁶ Because they are factors and not criteria, the considerations embodied in the factors are applied to each alternative parcel or group of parcels. The parcel or parcels that, on balance, best satisfy the factors should be selected. In other words, no single one of the four location factors, such as "orderly and economic provision of public facilities and services" or "efficient accommodation of identified land needs," may be the sole basis for selecting particular parcels to add to the UGB. See OAR 660-024-0060(1) (b).

evaluate all of the parcels and/or areas of similar parcels in the next highest priority category in ORS 197.298(1). For Bend, the next highest priority of land for urbanization is resource land with low resource production capability in ORS 197.298(1) (d).

This evaluation *may* start with a suitability analysis based on: (1) one or more physical site need characteristics that were identified during the need analysis, if any, or (2) one or more of the exceptions to the priorities in ORS 197.298(3) if there are adequate data and findings to support one or more of the three exceptions, or (3) both. (See OAR 660-024-0060(1)(c) and (2).) The steps described for highest priority exception land above are applied to each available parcel of lower-capability farmland, providing a tentative list of suitable parcels in this priority to add to the UGB Note that the Goal 14 boundary location factors are *not* triggered and applied in this situation. The Goal 14 factors are applied only when there is an excess amount of suitable land in a priority category.

If, after the previous analyses, the city still does not have enough land to meet all of its 20-year identified need for the particular use, the city may consider lower priority lands (*i.e.*, the next set of higher capability farm and forest lands) under ORS 197.298(2), using the same analytical methodology used to select higher priority lands, and produce a tentative list of suitable parcels in this final priority to add to the UGB.

b. Summary of Local Actions

The analysis classified parcels designated UAR as exception lands. [R. at 162, 1177] In addition, the Bend Area General Plan (the city's comprehensive Plan) includes a statement that "Lands in this Urban Reserve area [land zoned UAR] are considered first for any expansion of the Urban Growth Boundary." Because of this plan provision, the amendment ranked UAR-zoned land higher than other exception land and included it in the UGB expansion before considering the other exception parcels zoned Suburban Residential 2.5-acre minimum, MUA 10-acre minimum, and Rural Residential 10-acre minimum. [R. at 175, 1190]

It is unclear from the record whether the city selected resource parcels in accordance with ORS 197.298(2), which includes mapping or describing the soil capability of all resource parcels in the study area, grouping them according to soil capability, considering low capability parcels before high capability parcels, and applying the Goal 14 boundary location factors if there is more resource land than needed.⁷⁷

⁷⁷ The record is missing a map showing the soil capability of all resource parcels in the original or revised study area. The boundary location analysis map that shows resource lands does not show soil capability. [See R. at 165,1180, Figure V-4]

Consideration of resource parcels assumes that all of the 20-year needed cannot reasonably be accommodated on land within the existing UGB through efficiency measures, and on exception land outside the existing UGB. Whether the city can reasonably accommodate more or all of its 20-year land needs within the existing UGB or on exception land is addressed elsewhere in this report.

The amendment includes resource lands for a future university site on the city-owned property known as Juniper Ridge, and for a large-site general industrial center adjacent to the East State Highway 20/Hamby Road intersection. The city's analysis is that land of lower priority (*e.g.*, exception land), could not reasonably accommodate these uses, justifying an exception to the statutory priorities to add land to a UGB under ORS 197.298(3)(a). [R. at. 166-167, 1181-82]

The amendment also includes 1,253 acres of resource land identified as Areas A through D on the east and northeast side of the existing UGB. The primary justification for including these lands is that planned sanitary sewer lines must cross these intervening resource parcels in order to serve exception parcels elsewhere. The findings state that maximum efficiency of land uses within the proposed UGB requires inclusion of these lower priority resource lands in order to include or provide services to the higher priority exception lands, pursuant to an exception to the statutory priorities to add land to a UGB in ORS 197.298(3) (c). [R. at 168-171, 1183-86, including Figure V-5]

c. Objections

Tony Aceti – The amendment includes too much EFU land and not enough exception land. [May 4, 2009, p. 1]

Paul J. Shonka – The amendment includes too much EFU land and not enough exception land. [May 1, 2009, pp. 1-2]

Cindy B. Shonka – The amendment includes too much EFU land and not enough exception land. [May 1, 2009, pp. 1-2]

Tony and Cyllene King (McGraw and Associates, LLC) – The amendment includes too much EFU land and not enough exception land. [May 1, 2009, p. 1]

Oregon Department of State Lands (DSL) – The amendment's selection of land does not comply with the ORS 197.298 priorities to add land to a UGB. [May 7, 2009, p. 4]

Barbara I. McAusland – The correct lands were not selected in the location analysis. [May 5, 2009, pp. 1-2]

Swalley Irrigation District – The correct lands were not selected in the location analysis. The amendment fails to adequately consider adding thousands of acres of suitable highest priority exception lands in the southwest area. The amendment lacks a factual basis for its claim that all suitable exception land has been included. The amendment's suitability criteria are not consistent with state law, including exclusion of parcels smaller than three acres with a dwelling. The amendment's suitability findings are inadequate. The analysis was not based on appropriately adopted public facilities plans (see Goal 11 objections). ORS 197.298(2)'s requirement to rank parcels by soil capability applies to all of the types

of land in ORS 197.298 (1)(a)–(d) being considered for addition to a UGB (*i.e.*, urban reserves, exception areas, non-resource lands, and marginal lands), and not just rural resource land under ORS 197.298(1)(d). The lands designated “Urban Area Reserve” were never properly excepted from Goals 3 and 4 and therefore are Agricultural lands not exception lands under ORS 197.298(1)(b) (except for one small area designated “Industrial Park”). [May 6, 2009, pp. 34-40, 59-61, 68, 70, and 77-78]

Newland Communities – The amendment properly followed the location analysis in Goal 14, OAR 660-024-0060 and ORS 197.298. The amendment properly included much of objector’s land. Objector’s property, although designated Agricultural, has the high priority of exception or non-resource land because a private consultant’s report concludes that 85 percent of the tract is non-agricultural land. [May 7, 2009, pp. 3, 9, and 11-12]

Rose and Associates, LLC – The lands designated “Urban Area Reserve” were never properly excepted from Goals 3 and 4 and therefore are Agricultural lands not exception lands under ORS 197.298(1)(b) (except for one small area designated “Industrial Park”). [May 5, 2009, pp. 1-2]

The requirements, objections, and analysis of the UGB location are complex. The following subsection is comprised of issues and sub-issues paired with a summary of the results of the department’s findings.

d. Analysis

Which lands in Bend’s UGB study area are exception lands evaluated under ORS 197.298(1)(b)? Are lands zoned UAR urban reserves evaluated under ORS 197.298(1)(a), exception lands evaluated under ORS 197.298(1)(b)? On June 25, 1981, LCDC acknowledged the City of Bend comprehensive plan, which included city and county exceptions to Goals 3 and 4 for approximately 6,858 acres of land outside the 1981 UGB. These lands were designated UAR, 10-acre minimum parcel size (UAR-10), Suburban Residential, 2.5-acre minimum parcel size (SR 2½), and Surface Mining (SM). Parcels zoned UAR are therefore exception lands. UAR parcels in Deschutes County have not been designated as urban reserves under ORS 195.145.⁷⁸ UAR lands in Deschutes County are exception lands. [R. at 7268; Excerpts from the July 7, 1981 LCDC Compliance Acknowledgment Order for the Bend comprehensive plan are attached as Exhibit A]

Does the ORS 197.298(2) requirement to rank parcels by soil capability apply to all of the land types in ORS 197.298(1)(a) through (d), or does it apply only to resource lands in ORS 197.298(1)(d)? The ORS 197.298(2) requirement to rank parcels by soil capability applies only to designated resource lands under ORS 197.298(1)(d). The types of land specified in ORS 197.298(1)(a)–(c) being considered for addition to a UGB (*i.e.*,

⁷⁸ In fact, it is impossible for land zoned Urban Area Reserve to be statutory urban reserves. ORS 195.145 was adopted by the Legislative Assembly in 1993, 12 years after Bend’s comp plan, including Goal 3 and 4 exceptions for UAR parcels, was acknowledged.

urban reserves, exception areas, non-resource lands, and marginal lands) are not ranked by soil capability, and soil capability is not a criterion or factor to determine whether those parcels are added to the UGB.

LUBA has agreed that the ORS 197.298(2) priority ranking scheme is applicable only to resource lands. In its decision remanding expansion of the Myrtle Creek UGB, LUBA stated: “ORS 197.298(2) and Goal 14, factor 6⁷⁹ establish a second priority system for including agricultural lands.”⁸⁰

“The relationship between the elements of ORS 197.298(1)–(3) is essentially the same as the relationship between the elements of OAR 660-021-0030(3) and (4), and LUBA’s and the Court of Appeals’ interpretation of the latter should guide the interpretation of the former.”⁸¹ The statutory exceptions to the priorities to add land to a *UGB* in ORS 197.298(3), enacted in 1995, were based on the statutory exceptions to the priorities to add land to *urban reserves* in OAR 660-021-0030(4), which LCDC had previously adopted in 1992. Therefore, appellate interpretations of the OAR 660-021-0030(4) priority exceptions⁸² apply to Bend’s use of the ORS 197.298(3)(a) and (c) priority exceptions in this UGB amendment, including assigning the same meaning to the second sentence of OAR 660-021-0030(3)(c) and ORS 197.298(2). In 2000, the commission amended OAR 660-021-0030 to move the text that was a separate sub-rule, OAR 660-021-0030(3)(d), into 660-021-0030(4), apparently for consistency with ORS 197.298. In 1995, the rule text originally adopted as OAR 660-021-0030(3)(d) was codified in its own statutory subsection, ORS 197.298(2), instead of being included within ORS 197.298(1)(d).

The language of ORS 197.298(2) and the second sentence of OAR 660-021-0030(3)(c) indicates that their use is limited to resource lands by referring to the resource capability as “appropriate for the current use.” This could not apply to exception land or non-resource land (ORS 197.298(1)(b) and OAR 660-021-0030(3)(a) because once an exception has been taken to land outside a UGB, it is no longer farm or forest land.

⁷⁹ Before LCDC amended Goal 14 in 2005, the goal contained seven factors. Factor 6 was: “Retention of agricultural land as defined, with Class I being the highest priority for retention and Class VI the lowest priority.” The 2005 amendments separated the factors into two groups: need criteria and location factors. At the same time, location factor 6 was deleted because LCDC considered a reference to ORS 197.298 in the new preface to the location factors an adequate representation of state policy to retain agricultural land. [See April 14, 2005 staff report to LCDC, attached as Exhibit B]

⁸⁰ *DLCD vs. Douglas County*, 36 Or LUBA 26, 36-37 (1999). LUBA also stated: “Like ORS 197.298(2), Goal 14, factor 6 requires that when agricultural lands are added to the UGB higher priority must be given to land of lower agricultural capability.” *DLCD vs. Douglas County*, 36 Or LUBA at 37, fn 14.

⁸¹ *Residents of Rosemont*, 38 Or LUBA at 249.

⁸² See, e.g., *D.S. Parklane Development, Inc. v. Metro*, 35 Or LUBA 516 (1999).

Does the amendment comply with the ORS 197.298(2) requirement to give higher priority to resource land of lower capability? The amendment submittal does not contain the data and findings that constitute an ORS 197.298(2) soil capability comparison and analysis. The amendment does not include a map showing the soil capability of all resource parcels in the study area. The boundary location analysis map that shows resource lands does not show soil capability. The record lacks the data, analysis, and (particularly) findings that resource lands within the study area were grouped by soil capability, with lower capability lands being considered before higher capability lands, in accordance with Goal 14, ORS 197.298, and OAR 660-024-0060.⁸³

The analysis in the city and county's decisions relies on the current use of resource parcels as a factor in determining which resource parcels to include in the UGB [R. at 178-184, 1193-99]; however, under state statute, resource lands must be selected for inclusion in a UGB based exclusively on soil capability. [See ORS 197.298(1)(d) and (2)]

Does the city's UGB expansion comply with ORS 197.298(3)(a) in including certain specified areas to satisfy an identified need for land?

Does the UGB expansion comply with ORS 197.298(3)(c) in including certain resources lands in order to provide services to higher priority exception lands?

The decisions rely on both ORS 197.298(3)(a) and (c)⁸⁴ to include resource lands on the North and East side of the city. [R. at 1181-86] Two specific employment needs are identified that must be met on agricultural lands: a need for a future university campus with approximately 150 acres of land, and a need for a large site general industrial center on county-owned land adjacent to the intersection of E. Highway 20 and Hamby Road. [R. at 1181]

The director has previously determined that the decision adequately establishes a need for these two employment uses, but that there has not been an analysis of whether they may reasonably be accommodated within the prior UGB. If the city and county conduct an analysis of lands within the existing UGB, and conclude that these uses cannot be reasonably accommodated, and that analysis is supported by appropriate findings and an adequate factual base, then they will have made the showing required by ORS 197.298(3)(a) and Goal 14 for a specific identified land need. At this point, however, due

⁸⁴ ORS 197.298(3):

(3) Land of lower priority under subsection (1) of this section may be included in an urban growth boundary if land of higher priority is found to be inadequate to accommodate the amount of land estimated in subsection (1) of this section for one or more of the following reasons:

(a) Specific types of identified land needs cannot be reasonably accommodated on higher priority lands;

(b) Future urban services could not reasonably be provided to the higher priority lands due to topographical or other physical constraints; or

(c) Maximum efficiency of land uses within a proposed urban growth boundary requires inclusion of lower priority lands in order to include or to provide services to higher priority lands.

to the absence of the required analysis of whether the use can occur within the existing UGB, the director is unable to conclude that the decision complies with ORS 197.298(3)(a).

The UGB expansion also includes 1,253 acres of agricultural lands included in Areas A-D on the East side of the city, based on the need to include them to serve adjacent exception lands. ORS 197.298(3)(c). [R. 1183-1186]. The findings generally demonstrate that inclusion of *some* of these lands may be necessary in order to provide services to lands already within the (prior) UGB and to serve exception lands in the expansion area. However, the findings also state that some agricultural lands in these areas were included “in order to achieve a logical boundary.” In addition, the decision relies on the city’s newly adopted public facilities plan and, as determined in that section of this decision, there are deficiencies in those plans.

“Area A” appears to consist of two non-contiguous groups of parcels totaling 143 acres adjacent to the northeast corner of the current UGB. [R. at 169-170, 1184-85 including Figure V-5] The amendment justifies adding this resource land as follows: “Inclusion of this area will allow for extension of urban services from the current UGB to the Pioneer Loop Exception land. Inclusion of Area A will allow for the extension of Cooley Rd. eastward to Deschutes Market Rd. and eventually to a link with Hamhook/Hamby Rd. In addition, the planned North Sewer Interceptor will pass through Area A as it is extended westward from the wastewater treatment plant. This interceptor is included in the city’s adopted Sewer Public Facility Plan.” [R. at 168-169, 1183-84] The problem with this rationale is that it is not clear why the entire area of resource lands must be included in order to serve lands within the UGB and exception parcels adjacent to the northeast of the current UGB. [see Figure V-5, R. at 169, 1184].

“Area B” is a 422-acre area on both the west and east sides of Hamhook Road and both north and south of Butler Market Road, east of the current UGB. It is separated from the east boundary of the UGB by a large area of exception parcels also proposed for inclusion. [See Figure V-5, R. at 169, 1184] The amendment states that “[t]his resource is included in order to provide urban services (specifically the planned Hamby Rd. sewer interceptor) from exception lands abutting Pioneer Loop in the north to exception lands on both sides of Hamby, south of Nelson Rd....the Hamby interceptor...must pass through these resource lands in order to reach higher priority exception areas to the south.” [R. at 169, 1184] The record does not demonstrate the need to add Area B, a large area of resource parcels, in order to provide public services to a small exception area east of Hamhook Road. [See Figure V-5, R. at 169]

“Area C” is 536 acres of resource land on both sides of Hamhook Road. Again, the amendment states that this land is needed to extend the sewer interceptor – and also parks and schools -- to exception land farther south; however, the Alternative 4A map shows that the exception areas farther south are accessible from the existing UGB. [Figure V-5, R. at 169, 1184]

“Area D” is 152 acres of resource land east of the current UGB, south of Areas A through C. The Alternative 4A map shows that the exception parcels adjacent to Area D are accessible from the existing UGB. [See Figure V-5, R. at 169, 1184] The findings do not explain why the entire area of resource lands must be included in order to serve the exception areas.

In conclusion, at this time the director is unable to determine that the inclusion of these agricultural lands complies with ORS 197.298(3)(c). It appears that once the problems with the public facilities plans are resolved, the city may be able to make the showing required by the statute to include some of these lands, but at present there is too much uncertainty regarding the overall amount of land need to determine that these lands must be included (it may not be necessary to include the adjacent exception lands if the overall quantity of land need is substantially lower). In addition, the city’s findings must determine with specificity that inclusion of the agricultural lands is necessary in order to serve nearby exception lands.⁸⁵

Response to Objections. The following objections are denied by the director:

- ORS 197.298(2)’s requirement to rank parcels by soil capability applies to all of the types of land in ORS 197.298 (1)(a)–(d) being considered for addition to a UGB (*i.e.*, urban reserves, exception areas, non-resource lands, and marginal lands), and not just rural resource land under ORS 197.298(1)(d) (Central Oregon LandWatch, Swalley Irrigation District). Reason for denial: As explained in the issues discussion above, the ORS 197.298(2) requirement to prioritize land by soil capability applies only to resource lands.
- Environmental impacts to natural resources, the barrier of high land cost to affordable housing, or the impact to irrigation districts may justify rejecting suitable exception land for resource land under the ORS 197.298(3) exceptions to the ORS 197.298 (1) and (2) statutory priorities (Central Oregon LandWatch). Reason for denial: The only bases for rejecting exception parcels are:
 - They are not suitable for a particular use based on physical site need criteria established during the need analysis, or
 - An adequate factual record justifies one of the three exceptions to the statutory priorities in ORS 197.298(3).

⁸⁵ “Subsection 4(c) applies where the inclusion of lower priority lands is *required* in order * * * to achieve a maximally efficient urban form, either because higher priority lands *cannot be included* absent inclusion of lower priority lands, or because urban services *cannot be provided* to higher priority lands absent inclusion of those lands. If a proposed urban reserve area can achieve ‘[m]aximum efficiency of land uses,’ that is, develop at urban densities and efficiencies, *without* including lower priority lands, then inclusion of such lands is not required, and Subsection 4(c) does not apply.” *D.S. Parklane Development, Inc.*, 35 Or LUBA at 617.

- Environmental impacts to natural resources, the barrier of high land cost to affordable housing, and the impact to irrigation districts are neither Goal 14 physical site need characteristics, nor ORS 197.297(3) exceptions to the statutory priorities to add land to a UGB. In addition, the record does not justify the city's rejection of any exception land for either of those reasons.
- Lands zoned UAR are highest priority for inclusion in the UGB under ORS 197.298(1)(a) (Miller Tree Farm). Reason for denial: As discussed in the issues section above, for the City of Bend, all exception lands are first priority under ORS 197.298(1)(b) for addition to the UGB; UAR-zoned parcels do not have any higher priority than other exception parcels.
- The lands designated "Urban Area Reserve" were never properly excepted from Goals 3 and 4 and therefore are Agricultural lands, not exception lands under ORS 197.298(1)(b) (except for one small area designated "Industrial Park") (Swalley Irrigation District, Rose and Associates, LLC). Reason for denial: As discussed in the issues section above, parcels zoned Urban Area Reserve were acknowledged as exception lands in 1981.
- The city properly followed the location analysis in Goal 14, OAR 660-024-0060, and ORS 197.298 (Newland Communities). Reason for denial: As discussed in the issues section above, the UGB location analysis was not consistent with Goal 14, OAR 660-024-0060, and ORS 197.298.
- The city properly included much of Objector's land (Newland Communities). Reason for denial: Because of the improper application of relevant state goals, statutes and rules in the city's urban growth boundary location analysis, it is not possible to determine, until the city redoes the location analysis on remand, whether any resource land may be added to the UGB, and if so, where.
- Objector's property, although designated Agricultural, has the high priority of exception or non-resource land because a private consultant's report concludes that 85 percent of the tract is non-agricultural land (Newland Communities). Reason for denial: ORS 197.298(1)(b) exception lands are only those that have been acknowledged as such by LCDC. Unless and until Deschutes County re-designates the objector's land as non-resource land or marginal land, this land is in the lowest priority of designated agricultural or forest land under ORS 197.298(1)(d).

e. Conclusion and decision

The UGB location analysis and UGB amendment do not comply with the ORS 197.298 priorities for adding land to an urban growth boundary.

J. Natural Resources and Hazards

The department submitted comments and received objections related to compliance with Statewide Planning Goal 5 and received one objection related to Statewide Planning Goal 7. These goals relate to natural resource areas and natural hazards.

1. Did the city and county comply with Goal 5 and its implementing rules in amending the city's UGB?

The department received a variety of objections that the city failed to comply with Goal 5 by not adequately applying Goal 5 to the UGB expansion area, and by identifying land within the proposed expansion area as protected land without adequate justification for the designation.

a. Legal Standard

Statewide Planning Goal 5 and OAR 660, division 23 address protection of significant natural, scenic and historic resources and open space. Rules in OAR 660, division 23 specify which resource categories must be protected by comprehensive plans and which are subject to local discretion and circumstances; the rules provide guidance on how to complete inventories and protection programs, and when the rule requirements apply. OAR 660, division 23 requires cities to inventory significant riparian areas, wetlands and wildlife habitat.

For some Goal 5 resources the rule allows cities to rely on inventories compiled by other agencies, and for other resources the local government must complete their own inventory of the resource. For all inventoried significant Goal 5 resources, a local government must complete a process to develop and implement appropriate protection measures. If a local program to protect a Goal 5 resource includes development restrictions, the loss of buildable land that results from these restrictions must be accounted for when determining the amount of land need.

OAR 660, divisions 23 and 24 both specify that a UGB expansion triggers applicability of Goal 5. [OAR 660-023-0250(3)(c) and OAR 660-024-0020(1)(c)] At a minimum, a local jurisdiction expanding its UGB must complete the following for the expansion area when factual information is submitted that a Goal 5 resource or the impact area of a Goal 5 resource is included in the UGB expansion area:

- Conduct an inventory of Goal 5 resources that are required to be inventoried and for which the rule does not rely on state or federal inventories. These are riparian corridors, wetlands, and wildlife habitat
- Adopt the local state and federal inventories as described in the rule for resources that require inventories. These are: federal Wild and Scenic Rivers, Oregon Scenic Waterways, state-designated critical groundwater areas and restrictively classified areas, approved Oregon Parks and Recreation Commission recreation trails, Oregon

State Register of Natural Heritage Resources sites, federally designated wilderness areas, and certain specific energy sources.

- Develop a local protection programs for all significant Goal 5 resources that are identified in an inventory, as required by the rule specific to the resource category.

Local jurisdictions have the option of conducting inventories and developing protection programs for historic resources, open space, and scenic views and sites. When using this option at the time of a UGB expansion, the Goal 5 process for these resources must be complete before land can be designated unbuildable or limitations on building can be considered in sizing the expansion area. [OAR 660-023-0070] The Goal 5 process is complete for these resources when:

- Existing and available information about Goal 5 resource sites is collected [OAR 660-23-0030(2)]
- Information on the location, quantity, and quality of the resource is determined to be adequate [OAR 660-23-0030(3)]
- The significance of resource sites is determined [OAR 660-23-003(4)]
- A list of significant resources is adopted of as part of the comprehensive plan [OAR 660-23-0030(5)]
- An analysis is completed of the economic, social, environmental and energy (ESEE) consequences that could result from a decision to allow, limit, or prohibit a conflicting use [OAR 660-23-0040]
- A program to achieve Goal 5 is developed and adopted based on the conclusions of the ESEE analysis [OAR 660-23-0050]

b. Summary of Local Actions

Findings in the submittal state that the proposed UGB expansion and Public Facilities Plan element of the city's General Plan satisfy Goal 5 because, "it avoids to the extent practicable lands with county-inventoried Goal 5 resources." The findings for Goal 5 further state that Deschutes County's Goal 5 program "does not identify any acknowledged riparian corridors, wetlands, wildlife habitat or other Goal 5 resources within the proposed urban growth boundary." [R. at 1215] The findings also state that review of the National Wetlands Inventory shows no wetlands within the proposed expansion area, and this serves to satisfy Goal 5 requirements.

The findings describe the county's knowledge of wildlife habitat within its jurisdiction, and explains that the proposed expansion area does not include any lands in the Wildlife Area Combined Zone, "applied to Goal 5 wildlife habitat," and does not include county-mapped deer winter range or elk habitat [R. at 1216]. The findings do not state when the county's inventories were last updated.

The findings identify two significant riparian corridors within the proposed expansion area and explain that they are protected through the county's plan and code. The findings also state that "approximately 22 additional [riparian] acres are located in the proposed UGB expansion area outside of the Deschutes River and Tumalo Creek." [R. at 1216]

The findings also consider the possibility that additional Goal 5 resources will be identified through future planning efforts. The record states that existing city code implementing its Waterway Overlay Zone and its areas of special interest will apply to newly identified Goal 5 resources. [R. at 1216]

New policies commit the city to perform “a complete Goal 5 inventory once the new UGB is acknowledged.” Other policies prevent urbanizable land from becoming urban until the Goal 5 inventory is complete and protection measures are in place. [R. at 1217] The findings apparently use the term “Goal 5 resource” only to refer to resources that have, or will at some point, be identified as significant Goal 5 resources.

The findings do not include information about the approach to areas of special interest (ASI), a city classification described in the Bend General Plan. The ASI classification includes Goal 5 scenic, open space and habitat resources. [R. at 1247] Some discussion of the city’s intention to identify and manage impacts to ASIs is presented in the findings on the UGB locational analysis. [R. at 159]. Although the term “Areas of Significant Interest” is not used, the findings state that about 299 acres will not be available for urban uses, “because of their significance as scenic or natural resource” [R. at 159] The bulleted list of evidence for these resources in the proposed expansion area describes landscape features that fit the ASI classification. These include: the presence of the Deschutes River watershed; presence of the Deschutes River Canyon State Scenic Waterway; and past surveys documenting prominent rock outcroppings, which are potential scenic resources.

Bend has included the Bend Area General Plan as amended January 5, 2009 in the record. Chapter 2, “Natural Features and Open Space,” provides some information on riparian areas, wetlands and wildlife habitat, and the city’s commitment to protecting these resources. The preservation of water resources, riparian areas and wildlife habitats is identified as one of the goals necessary to ensure Bend’s livability by provide long term protection of open space and natural features. [R. at 1244] In several places, the Natural Features and Open Space chapter recognizes that the Deschutes River and Tumalo Creek provide important habitat for a variety of aquatic life, birds, reptiles and mammals, both big and small. On page 1251 of the record, it is stated that all of the significant wetlands identified for the local wetland inventory, conducted in 2000, are located along the Deschutes River.

The plan includes several policies for natural features and open space. Policy 4 states:

Prior to the completion of the Goal 5 inventory, analysis and ordinance by the city, properties seeking annexation shall conduct a Goal 5 inventory pursuant to OAR 660-023. Where a significant Goal 5 resource is identified, amendments to the Bend Area General Plan and the Bend Development Code shall be proposed and adopted, consistent with inventory findings and OAR 660-23, to ensure appropriate protection of the resource, prior to approval of any land use action.

This appears to be one of the policies mentioned in the findings. [R. at 1217]. It would allow development to proceed and provide for a property-by-property approach to the inventory and protection of Goal 5 resources.

The “Natural Features and Open Space” chapter of the plan explains that the identification and preservation of ASIs and natural features is part of an effort to “retain and conserve the natural character of Bend as the community grows and changes.” [R. at 1247] ASIs are identified as “features typical of Central Oregon, or represent important wildlife areas.” [R. a 1247]. The association of river canyons with wildlife habitat is recognized in this section.

The analysis for UGB amendment alternative 4A includes information on the environmental consequences of selecting the alternative, and discusses Goal 5 resources for each quadrant. It appears that the term “Goal 5 resource” is used to refer to a resource that has already been identified as significant and placed on the Deschutes County inventory of significant resources, or that may be identified by the city as significant in the future. There are findings of no Goal 5 resources for the northeast priority 2 and priority 4 quadrants and the southeast priority 2 and priority 4 quadrants. It is stated that the southeast priority 4 quadrant is near Townsend bat habitat and has features that could qualify as an ASI. The northwest priority 2 quadrant is described as having one Goal 5 resource, a 200-acre aggregate site, and potential Goal 5 resources within the Tumalo Creek corridor. It is also stated that a State Scenic Waterway designation is recognized for portions of the Deschutes River that run through this quadrant. [R.. at 2460-1261]

There are findings of “no naturally occurring wetlands” for four of the six quadrants, presumably based on the National Wetlands Inventory. The analysis states that the southwest quadrant “contains some soils that have characteristics that may be indicative of potential areas of special interest,” and that the northwest quadrant contains a band of lowlands along the canyon bottom of the Deschutes River and Tumalo Creek which is in the 100-year floodplain. [R. at 2430-2462]

c. Objections and DLCD Comments

DLCD provided comments regarding Goal 5 requirements to the city in letters of October 24 and November 8, 2008. [R. at 4728-4729 and 3782] There were two main issues raised with respect to Goal 5: the Goal 5 *procedures* that are required prior to land being identified as non-buildable, and the *inventory* requirements for Goal 5 resources that are triggered at the time of a UGB expansion.

In the October 24 letter, DLCD described several Goal 5 resource categories that overlapped with the “areas of special interest” designation used by the city, and described some options for meeting the objectives of preserving the values of these land both within and outside the confines of Goal 5. The November 8th letter recognized the city’s intent to complete the Goal 5 requirements following completion of the UGB expansion, and stated this was not sufficient to comply with the rule. Both letters explained that it was the city’s obligation to inventory riparian areas, wetlands and wildlife habitat and assess

resource sites for significance when factual information was submitted that these resources exist in the expansion area.

Objectors have raised concerns regarding the decision to postpone application of the Goal 5 process to known resources that exist within the proposed expansion area. In particular, riparian areas, wetlands, wildlife habitat and state Scenic Waterways need to be inventoried and protected as part of the UGB expansion planning process.

The following comments have been submitted regarding compliance with OAR 660-023 and OAR 660-024-060.

Swalley Irrigation District – Avoidance of county-designated Goal 5 resources (e.g., big game habitat) does not comply with the Goal 5 rule. At the time of a UGB expansion, resources within the expansion area must be reevaluated due to the new conflicting uses allowed. The city failed to apply Goal 5 protections to state scenic waterways. The designation of land along the Deschutes River and canyon as unbuildable was made without completion of the Goal 5 process. It is premature to adopt the Combined Sewer Master Plan and the transportation plan without an adequate inventory of Goal 5 resources. [Swalley, May 6, 2009, p. 45]

Toby Bayard – The city failed to complete Goal 5 inventories of natural areas, scenic and historic areas and open space. Land set aside for protection within the proposed expansion area was not adequately identified as a Goal 5 resource. Reliance on county Goal 5 inventory is not sufficient to meet Goal 5 requirements that apply to the proposed UGB expansion. The city failed to maintain an inventory of historic, open space, and scenic views and sites. [Bayard, April 29, 2009, pp. 1 and 34]

Bend Metro Park and Recreation District – The city failed to provide an adequate Goal 5 analysis as part of the proposed UGB expansion, pursuant to OAR 660-023-0250. The city inappropriately defers Goal 5 analysis to after the adoption of the UGB. [Bryant Lovlien & Jarvis, PC for Bend Metro Parks & Recreation District, May 5, 2009, pp. 1-2]

Central Oregon Land Watch – The city wrongly interpreted OAR 660-024-0020(1)(c) and 660-023-0250(3)(c) and failed to apply Goal 5 requirements as part of the proposed UGB expansion. The designation of 299 acres as restricted due to the presence of Goal 5 resources is not based on a Goal 5 inventory. The city wrongly relies on existing county Goal 5 inventory information to identify to satisfy Goal 5 requirements triggered by the UGB expansion. [Paul Dewey Attorney at Law for Central Oregon Land Watch, May 7, 2009, pp. 5 and 14-15]

Edward J. and Doris E. Elkins – City failed to justify their designation of available lands and constrained lands since no Goal 5 analysis has been completed. A portion of the land was identified as constrained without adequate inventory and assessment. [Elkins, April 26, 2009, pp 1-3].

Department of State Lands – The city failed to conduct Goal 5 inventories and analysis in the proposed UGB expansion areas. [Vrooman, Oregon Department of Justice for Oregon Department of State Lands, May 7, 2009, p. 4]

Tumalo Creek Development, L.L.P. – The city’s proposed areas of special interest do not comply with Goal 5. The city failed to conduct a Goal 5 process to properly identify the location of and potential conflicts with ASI designated land. [David C. Allen Attorney, for Tumalo Creek Development, LLC, May 7, 2009, p. 3]

Toby Bayard (PFP) – The city failed to meet its Goal 5 obligations. Specifically, the city did not perform a Goal 5 inventory in advance of recommendations to construct a major sewer system interceptor. [Bayard, July 2, 2009, pp. 11-14]

Swalley Irrigation District (PFP) – The city failed to apply the Goal 5 process during adoption of the public facilities plan, which was required due to the presence of a designated State Scenic Waterway in the northwest quadrant. This objection is also included in the objections made to the UGB expansion. The city failed to address the habitat conservation planning effort that is underway for the bull trout and to recognize constraints on sewers and other infrastructure that are likely to result from the federal endangered species listing. Potential impacts to Tumalo Creek have not been evaluated. [Swalley Irrigation District, July, 6 2009, pp. 29-31]

d. Analysis

The city states that the proposal “avoids to the extent practicable lands with county-inventoried Goal 5 resources,” and that Deschutes County’s Goal 5 program “does not identify any acknowledged riparian corridors, wetlands, wildlife habitat or other Goal 5 resources within the proposed urban growth boundary.” [R. at 1215] These statements may be accurate if Goal 5 resources are understood to mean only resources that the *city* has determined to be significant, but it does not appear that the city made that decision. Even so, there appears to be some contradiction. The findings also state that the Deschutes County Code, Chapter 23.112, identifies two Goal 5 riparian areas within the expansion area. The findings go to explain that “most of these areas are along the Deschutes River and Tumalo Creek...[but] approximately 22 additional acres are located in the proposed UGB expansion area outside of the Deschutes River and Tumalo Creek.” [R. at 1216]

OAR 660-23-0250(3)(c) specifies that that the requirements of Goal 5 apply when a post-acknowledgment plan amendment “amends an acknowledged UGB and factual information is submitted demonstrating that a resource site, or the impact areas of such a site, is included in the amended UGB area.” The resource sites at issue in this rule are not only sites that have already been identified by the county as significant. The rule requires the city to independently evaluate the expansion area where where resources are identified and evaluate them for significance and possible protection. The city may use the county’s inventory as a starting point, but it must also evaluate other information and make its own determination of significance.

The city has factual information that natural resource sites may exist in the UGB expansion area. The alternatives analysis and associated maps clearly show that the Deschutes River and Tumalo Creek run through proposed expansion areas. The Bend Area General Plan recognizes the association between these two landscape features and important wildlife habitat. [R. at 1251 and 1254]

The plan also recognizes the association between the Deschutes River and wetlands. [R. at 1251] Four out of the six quadrants in Alternative 4 are described as having “no naturally occurring wetlands,” [R. at 2432, 2437, 2442 and 2447] presumably based on National Wetland Inventory data. The southwest quadrant is described as having soils with “characteristics that may be indicative of areas of special interest.” [R. at 2453] The northwest quadrant is described as having land along the Deschutes River and Tumalo Creek that is within the 100-year floodplain. [R. at 2461] The descriptions of these latter two quadrants may indicate the likelihood of wetlands. The record also acknowledges the State Scenic River designation for the Deschutes River [R. at 2460], and the existence of a Goal 5 aggregate resource in the northwest quadrant. [R. at 2460-2461]

Based on the evidence in the record of Goal 5 resources, the city needs to conduct an inventory, identify conflicting uses, and complete the Goal 5 process for the following resources in the proposed expansion area: riparian corridors, wetlands, and wildlife habitat. Potential impacts from new uses that will result from the proposed UGB expansion on the significant Goal 5 resources that are located in the expansion area must also be identified. These include State Scenic Waterways along the Deschutes River and the aggregate resource site in the northwest quadrant.

The city will also need to complete the Goal 5 process for areas of special interest, if these lands are to be considered unavailable for urban use within the proposed UGB expansion area. The Goal 5 process includes the identification of potential impacts from allowed uses and an assessment of the consequences of allowing, limiting or prohibiting uses and activities that conflict with a significant resource. This process is intended to generate findings that justify the final decision to alter or not alter development options. It is possible that the city will be able to rely on significance criteria and portions of the impact analysis that were completed to implement the ASI program within the existing UGB. However, if the ASI program development was completed under OAR 660, division 16, additional work will be needed. The fact that the ASI definition includes wildlife habitat, and implementation of protection measures serve in part to protect habitat, the city will need to consider the requirements of OAR 660-23-0110, when applying Goal 5 to these resources.

Failure to complete an inventory of historic resources was mentioned by one objector, but local governments are not required to identify and protect significant historic resources under Goal 5. If a jurisdiction chooses to identify historic resources, the process and criteria described in OAR 660-23-0200 must be followed. Another objector stated that the city had not adequately addressed current efforts to develop a habitat conservation plan for bull trout in the Deschutes River. Although the listing of bull trout under the

federal Endangered Species Act may be an important consideration for UGB expansion, Goal 5 does not require fish habitat to be included in a wildlife inventory. The inclusion of fish habitat will depend on choices made by the city when applying the rule (OAR 660-23-0110(4)), and is a consideration in protection of riparian corridors.

The director concurs with the objectors that the city has not completed the steps necessary to assess Goal 5 resources within the UGB expansion area for significance, and has not adequately addressed potential impacts to known significant Goal 5 resources as required by OAR 660-023-0250(3)(c) and OAR 660-024-060. The director also concurs that the areas of special interest identified by the city have not been evaluated sufficiently by the city at this point in time for land to be set aside for their protection. Furthermore, the director agrees with objectors that planning for transportation, housing and parks is undermined by the lack of analysis of the location, quantity, and quality of Goal 5 resources.

e. Conclusion

The UGB amendment and the amendments to the Public Facilities Plan do not comply with OAR 660, division 23. The director remands with direction to complete the inventory, assessment, and program development work needed to comply with Goal 5.

2. Is the designation of Surface Mining on certain property appropriate?

a. Legal Standard

OAR 660-023-0180 addresses identification of significant aggregate resources, approval of mining activity, and protection of the resource from conflicting uses. The rule sets criteria for significance and prescribes a process for evaluating potential impacts from the proposed mining activity. The rule requires a plan amendment for amending the local inventory of significant aggregate resources, changes to the mining activities allowed on the site, changes to the post-mining use of the site, and changes to the restrictions imposed in the impact area on new uses that could conflict with a protected mining activity.

b. Summary of Local Actions

The Bend Urban Area General Plan Map, dated December 12, 2008, shows the comprehensive plan designation for property owned by Shevlin Sand and Gravel to be surface mining. [R. at 1226]

c. Objection

One objector, Shevlin Sand and Gravel (SSG), raised a concern about a comprehensive plan map designation of surface mining that does not correlate with the Department of Aggregate and Mineral Industry (DOGAMI) permit authorizing mining. The objector does not cite a violation of local or state regulations, but explains that the plan designation depicted on the Bend Urban Area Proposed General Plan Map creates a problem with making use of their property. More land is designated as surface mining

than is covered under the DOGAMI permit for their mining operation. The land not covered by the DOGAMI permit can't be mined, and it can't be used for other purposes due to the plan designation. The objector does not state when the plan designation was made.

The objection is, "The surface mining designation makes [the] portion of the property [not covered by the DOGAMI permit] useless, because it is legally impossible for SSG to conduct mining and processing operations in this area." The objector recommends that the City of Bend change the boundary of the area designated surface mining to include only the area subject to the DOGAMI permit. The objector has provided a diagram showing the DGAMI permit boundary. Some land would need to be removed and other land added to the area designated as surface mining for the boundaries to be coincident. [Johnson & Sherton Attorney for Shevlin Sand and Gravel, May 7, 2009, pp. 1-2]

d. Analysis

The map designation is presumably based on a previous action by Deschutes County to designate the Shevlin Sand and Gravel property as a significant aggregate resource. A UGB expansion does not trigger a requirement for the city to conduct a new inventory of aggregate resources within the expansion area. Local jurisdictions are only required to amend the significant aggregate resource inventory in response to an application for a post-acknowledgement plan amendment. [OAR 660-23-0180(2)] A change in the boundaries of this site will require consideration of a separate plan amendment and will need to be based on findings developed consistent with OAR 660-23-0180.

e. Conclusion.

The objection is not sustained.

3. Does the UGB amendment comply with Goal 7 when the findings do not address wildfire hazard?

a. Legal Standard

Goal 7 is: "To protect people and property from natural hazards." There is no administrative rule associated with this goal.

The goal requires local governments to "adopt comprehensive plans (inventories, policies and implementing measures) to reduce risk to people and property from natural hazards." The definition of natural hazard includes wildfires. The goal provides how local governments are to implement the goal, and avoiding development in hazard areas is one of the principles to be considered.

b. Summary of Local Actions

The UGB amendment findings, analysis and conclusions do not address wildfire risk as a consideration regarding where to locate the boundary.

c. Objection

Central Oregon LandWatch objected that the UGB amendment does not address wildfire risk and specifically that emergency preparedness and emergency access are not addressed. The objector submitted evidence that the City of Bend “is one of four western cities at the greatest risk of wildfire.” The objector cites to Goal 7 provisions, and states the department should review new fire hazard information and notify local governments (presumably Bend and Deschutes County in this case) that the information requires a local response, as required by Goal 7. The objection does not identify this new information. [Central Oregon LandWatch, May 7, 2009, p. 17]

d. Analysis

Deschutes County has adopted a community wildfire protection plan for the Greater Bend Area that identifies significant wildfire risks for the area. The department agrees that the county and city should consider wildfire risk in evaluating the location and type of development for the city’s UGB expansion. However, at present, the Goal 7 does not *require* such an action by the county and city.

e. Conclusion

The director denies this objection. However, the director also believes that the city and county should consider the information in the Community Wildfire Protection Plan for the Greater Bend area on remand as they determine where to expand the UGB and how to plan for the expansion area.

K. Procedural Issues

Several objections raise issues related to whether the city and county have complied with certain procedural requirements in adopting the five ordinances at issue in this review. The legal criteria for this portion of the submittal are primarily found in ORS 197.610, OAR 660-025-0175 and OAR 660-018-0020, and Goals 1 and 2. This section addresses objections relating to local procedure and coordination for both the four ordinances initially submitted to the department (the two county ordinances, and city ordinances NS 2112 (UGB) and NS 2113 (code amendments), and the city's public facilities plan, adopted as ordinance NS 2111.

1. Did the city properly notice its submittal of the ordinances and plan amendments to the department?

Swalley Irrigation District (Swalley) alleges that the City of Bend's April 16, 2009 notice of its submittal to the department is inadequate to meet ORS 197.626, 197.633(2)(b), OAR 660-025-0175(3), and OAR 660-025-0100 (as well as Goal 1) in that the notice does not identify with clarity what decisions were submitted to the department for review. Swalley Objection 2(A), at 17-18.

a. Legal Standard

OAR 660-025-0175 sets forth how local governments must provide notice of UGB amendments, and the requirements for submittal of their final decision:

- (3) The local government must provide notice of the proposed amendment according to the procedures and requirements for post-acknowledgement plan amendments in ORS 197.610 and OAR 660-018-0020.
- (4) The local government must submit its final decision amending its urban growth boundary, or designating urban reserve areas, to the department according to all the requirements for a work task submittal in OAR 660-025-0130 and 660-025-0140.

In turn, OAR 660-025-0130 governs what must be submitted to the department and when, and OAR 660-025-0140 governs notice of the submittal and objections.

b. Summary of Local Actions

The city submitted notice of the city's and county's adoption of four ordinances to the department on April 16, 2009. Those four ordinances were the city's ordinances adopting the amended UGB and amending the city's development code in certain respects (Ordinances NS-2112 and NS-2113), and the county's ordinances co-adopting the amended UGB and making certain amendments to the county's comprehensive plan map and text for the lands within the UGB expansion area. [R. at 1050-1051 (city ordinance NS 2112 - UGB); R. at 1836-1844 (city ordinance NS 2113 – development code);

[county ordinance 2009-1 – UGB map and DCC and TSP map]; [county ordinance 2009-2 – zoning map and certain DCC amendments].

The city did *not* submit ordinance NS 2111, amending the city’s Public Facilities Plan element of its General Plan, to the department on April 16, 2009 (although a copy of this ordinance, which was adopted immediately before the UGB amendment ordinance, was included in the record for the submittal of the UGB ordinance (NS 2112), and the city submitted a separate notice of adoption of the Public Facilities Plan on January 9, 2009). However, on June 12, 2009, following LUBA’s decision and May 8, 2009 order in LUBA Nos. 2009-010, 2009-011 and 2009-020, the city did separately submit ordinance No. NS-2111 to the department, and provided notice to the objectors, as required by OAR 660-025-0175(3) and (4) and OAR 660-025-0130 and -0140.

c. Analysis

Although the city’s action in adopting the Public Facility Plan elements of its General Plan as a separate ordinance from its UGB amendment may have caused confusion, there is no legal prohibition on what the city did. The city’s 45-day notice covered both the UGB amendment and amendments to elements of the city’s comprehensive plan, including the Public Facilities Plan. The city properly gave post-adoption notice of its submittals to the department and those entitled to notice.

d. Conclusion

The director denies this objection. The city properly gave pre- and post-adoption notice of its submittals to those entitled to notice, include Swalley.

2. Did the city provide required notice and hearings for its ordinances?

Swalley, Bayard, Hillary Garrett, and Central Oregon LandWatch allege that the local processes leading to the submittals were unreasonably confusing and provided inadequate notice. Swalley Objection 2(B), at 18-28; Bayard Objection 1, at 23-25; Central Oregon LandWatch Objection at 6-8; Hillary Garrett, at 3-4.

a. Legal Standard

OAR 660-018-0020 sets forth how local governments must provide notice to the department 45 days in advance of the first evidentiary hearing on a proposed comprehensive plan amendment:

- (1) A proposal to amend a local government acknowledged comprehensive plan * * * must:
 - (a) Be submitted to the director at least 45 days before the first evidentiary hearing on adoption. * * *
 - (c) Contain two copies of the text and any supplemental information the local government believes is necessary to inform the director as to the effect of the proposal. One of the required copies may be an electronic copy;

* * *

(e) In the case of a map change, include a map showing the area to be changed as well as the existing and proposed designations. Wherever possible, this map should be on 8-1/2 by 11-inch paper;

* * *

(2) The text submitted to comply with subsection (1)(c) of this rule must include the specific language being proposed as an addition to or deletion from the acknowledged plan or land use regulations. A general description of the proposal or its purpose is not sufficient. In the case of map changes, the text must include a graphic depiction of the change, and not just a legal description, tax account number, address or other similar general description.

These provisions concern the required notice to the department. They do not prohibit changes to a proposed action. If a local government substantially amends a proposed plan amendment, then it must describe the changes in its notice of adoption. [OAR 660-018-0045]

Statewide Planning Goal 1 sets forth what must be contained in a local government's citizen involvement program. The city's citizen involvement program is acknowledged for compliance with Goal 1. The city's hearings procedures for legislative amendments do include a local code requirement for 20-day advance local notice of public hearings on legislative plan amendments, which is cited by Bayard and Garrett. BDC Section 4.1.315.

b. Summary of Local Actions

The city provided an amended 45-day notice to the department of its revised proposal to amend the UGB and certain provisions of its comprehensive plan, including the Public Facilities element of its plan, and including its development code, on October 8, 2008. [R. at 4820] Swalley, Garrett and Bayard identify several respects in which they and other local participants were frustrated or confused about what was proposed, and allege that the proposed Public Facilities Plan was not submitted to the department until October 20, 2008, and that the local newspaper notice did not separately identify that amendments to the Public Facilities Plan were to be heard.

The record indicates that the proposed amendments to Chapter 8 (Public Facilities) of the General Plan were first presented to the city's planning commission on or about August 15, 2008. [R. at 6150, 6250] The record also indicates that the location and, to some extent, size of the proposed UGB amendment was changed significantly on or about October 3, 2008, and that the city and county planning commissions met to consider the submittals on October 27, 2008. [R. at 1211] The city gave public notice of the planning commissions' hearing on October 7, 2008; [R. at 4756] and public notice of the city council hearing on November 7, 2008. [R. at 3954-55] It is not clear when the city provided the text of the proposed changes to Chapter 8 of its General Plan (Public Facilities); it appears that the text was sent on or about October 20th.

c. Analysis

Swalley, Garrett and Bayard are correct that the city's notices failed to comply with OAR 660-018-0020 and ORS 197.610, in that the submittal was late (in relation to the first evidentiary hearing) and may not have initially been complete. It also appears that the city's notice of the planning commissions' joint hearing and the city council hearing violated BDC section 4.1.315 by failing to provide notice 20 days in advance of the hearings. However, Swalley, Garrett and Bayard also note that they were allowed to and did provide written testimony to the planning commissions (and city council) at public hearings on the proposals.

Whether a violation of the notice requirements of ORS 197.610 requires a remand depends on whether the objector(s) were prejudiced by the late or inadequate notice. See, *No Tram to OHSU, Inc. v. City of Portland*, 44 Or LUBA 647, 658 (2003). In this case, Swalley and other objectors allege that they were prejudiced by the lack of time to review the extensive submittal, which was changed substantially by the city in early October. The objectors have identified substantial prejudice in the sense of not having been able to present their concerns to the local decision-makers.

d. Conclusion

Goal 1 is violated in the context of a legislative comprehensive plan amendment only if the local government does not follow its citizen involvement program. *Casey Jones Well Drilling, Inc. v. City of Lowell*, 34 Or LUBA 263, 284 (1998); *Wade v. Lane County*, 20 Or LUBA 369 (1990). Swalley and Bayard have not identified a violation of Goal 1.

However, as set forth above, the record shows that the city did violate ORS 197.610 by failing to provide timely and adequate notice of its proposed amendment to its General Plan. As a result, the director concludes that remand is required in this case.

3. Did the city otherwise violate Goal 1?

Toby Bayard (and to some degree Swalley and Central Oregon LandWatch) alleges that the city failed to provide critical information to the public in a timely fashion, and made substantial last-minute changes in its proposal that had the effect of not allowing the public adequate time to comment. [Bayard Objection 1 at 1-26; Central Oregon LandWatch Objection at 6-8]

a. Legal Standard

Goal 1 is to "develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process." [OAR 660-015-0000(1)] Goal 1 establishes requirements for local citizen involvement programs. Its provisions do not apply to comprehensive plan amendments unless those amendments include the government's citizen involvement program. The city and county submittals do not amend or affect either the city's or county's citizen involvement program. Under those circumstances, the submittals are in violation of Goal 1 only if the submittals include provisions that are inconsistent with the city or county citizen involvement programs.

Homebuilders Assoc. v. Metro, 42 Or LUBA 176, 196-197 *aff'd Homebuilders Assn. of Metropolitan Portland*, 184 Or App at 669. No objector attempts to establish that the submittals include provisions that are inconsistent with either citizen involvement. In addition, the objectors do not identify any specific provision of the city's citizen involvement program that has been violated. See, General Plan, Chapter 1.

b. Summary of Local Actions

The city is not amending its citizen involvement program.

c. Analysis

Because the city is not amending its citizen involvement program, Goal 1 does not establish requirements for the local government actions before the director.

d. Conclusion

The director denies the Bayard, Central Oregon LandWatch and Swalley objections concerning Goal 1, because the goal does not establish legal requirements for the actions that are before the director for review.

4. Did the local governments fail to coordinate with Swalley Irrigation District, Central Oregon Irrigation District, or ODOT in violation of Goal 2?

Swalley Irrigation District (Swalley) and Toby Bayard allege that the city and county failed to coordinate with the Swalley and other governmental entities, as required by Goal 2. In particular, Swalley alleges that the submittals were not coordinated with the district in the sense that the district's needs were considered and accommodated as much as possible. Goal 2; ORS 197.015(5). [Swalley Objection 2(A), at 28-34. Bayard Objection 2, at 27-33]

a. Legal Standard

The coordination elements of Goal 2 require local governments to exchange information with affected governmental units. In addition, information received from affected governmental units must be used by the adopting local government. *Santiam Water Control District v. City of Stayton*, 54 Or LUBA 553, 558-559 (2007); *DLCD v. Douglas County*, 33 Or LUBA 216, 221 (1997); *Brown v. Coos County*, 31 Or LUBA 142, 145 (1996). The adopting government must provide "notice clearly explaining the nature of the proposal and soliciting comments concerning the proposal." *1000 Friends of Oregon v. City of North Plains*, 27 Or LUBA 372, 394, *aff'd* 130 Or App 406 (1994). A local government's 45-day notice to DLCD is not sufficient for this purpose. *Id.*

Similarly, newspaper notice is not sufficient. *Adkins v. Heceta Water District*, 23 Or LUBA 207, 218 (1992). Finally, the local government's findings must address the concerns raised; simply rejecting the concerns or deferring addressing them to a later time is not sufficient. *Cox v. Polk County*, 49 Or LUBA 78, 89 (2005). *DLCD v. Douglas County*, *supra*. Goal 2 and ORS 197.015(5) do not mandate success in accommodating

the needs or legitimate interests of all affected governmental agencies, but they do mandate a reasonable effort to accommodate those needs and legitimate interests “as much as possible.” *Turner Community Association v. Marion County*, 37 Or LUBA 324, 353-354 (1999). From the foregoing, the coordination requirement is satisfied where the local government has engaged in an exchange of information regarding an affected governmental unit’s concerns, put forth a reasonable effort to accommodate those concerns and legitimate interests as much as possible, and made findings responding to legitimate concerns.

b. Summary of Local Actions

The city adopted findings summarizing its coordination with irrigation districts, including Swalley. [R. at 1214-1215] Those findings describe how the city and the district communicated, and the city’s consideration of the concerns raised by the district. According to the city’s findings, it removed a 332-acre area entirely within the district. Also according to the city it “cannot balance SID’s opposition to urbanization with the need for urbanization of the identified lands, for all of the reasons explained in the city’s findings.” [R. at 1215]

c. Analysis.

The director concludes that the city has complied with the coordination elements of Goal 2. The city met repeatedly with the district; conducted an analysis of the acreage of irrigated lands affected by the proposal; removed some irrigated lands from the proposal; and adopted findings describing the district’s concerns and how they were accommodated. Although the notice provided by the city was confusing, it appears to have met legal requirements, and the district itself has indicated that it was able to make its concerns known in writing.

d. Conclusion

The director concludes that the city’s and county’s actions (the three city ordinances, and the two county ordinances) were adopted in compliance with the coordination requirements of Goal 2. The objection is denied.

5. Did the city improperly adopt the Public Facilities Plan?

Toby Bayard and Hillary Garrett and Central Oregon LandWatch, and Hunnel United Neighbors and Anderson Ranch all allege that the city improperly adopted the Public Facilities Plan in NS 2111. Specifically, they allege there was no public hearing on the ordinance, and that the city’s public notice only referenced the UGB amendment. Bayard Objection 2, at 25; Garret Objection, at 3.

a. Legal Standard

BDC section 4.1.310 requires a public hearing before the city’s planning commission and its city council on any legislative change to the city’s plan or land use regulations. BDC 4.1.315 requires public notice of the hearing 20 days prior to the date of the hearing.

b. Summary of Local Actions

The city held a public hearing on the proposed Public Facilities Plan. The planning commission held a hearing on October 27, 2008 and the city council held a hearing on November 24, 2008. The city provided public notice of the proposed UGB amendment, which included the proposed adoption of Chapter 8 of the General Plan (Public Facilities).

c. Analysis

BDC section 4.1.310 requires a public hearing on the legislative change to the city's General Plan. The code does not prevent the city from splitting proposed changes to its comprehensive plan into two ordinances, so long as a public hearing was held that covers all of the changes. The city's hearings appear to have met the code requirement. The objectors have not identified a legal requirement concerning the level of detail required in the city's public notice.

d. Conclusion

Based on the reasoning above, the director denies these objections.

IV. CONCLUSIONS AND DECISION

1. Conclusions

The scope of the director's review of the decisions is whether they comply with the statewide planning goals and relevant statutes and administrative rules. The foregoing sections of this report explain the analysis and findings for the relevant provisions of law. The conclusions resulting from of the director's review are as follows.

Goal 1

As explained in section III.K.2 and 3, the local governments comply with Goal 1.

Goal 2

As explained in sections III.H.5 and III.K.4, the local government actions and decisions generally comply with Goal 2. However, as explained in sections III.E. and III.G., there are inconsistencies between the housing needs analysis and the UGB decision, and between the public facilities master plans and the UGB decision such that the decisions do not comply with the Goal 2 requirement for consistency with the comprehensive plan. Bend and Deschutes County complied with the requirement of Goal 2 that it coordinate the UGB amendment with affected units of local government. The director concludes that the decisions do not comply with Goal 2, for the reasons stated above and in the analysis sections of this report.

Goal 3

Compliance with Goal 3 in the context of a UGB amendment relies on satisfaction of Goal 14 requirements. See the section for Goal 14, below. Because the local governments have not demonstrated that the UGB amendment has satisfied the need criteria or location factors in Goal 14, the director cannot conclude that agricultural land is preserved and maintained pursuant to Goal 3. The director concludes that the decisions do not comply with Goal 3.

Goal 4

Compliance with Goal 4 in the context of a UGB amendment relies on satisfaction of Goal 14 requirements. In this case, no land subject to Goal 4 is affected by the decision. The director concludes that, as a result, Goal 4 does not apply to the decisions.

Goal 5

As discussed in section III.J, the UGB submittal does not comply with the requirements of Goal 5. The city has not completed the steps necessary to assess Goal 5 resources within the UGB expansion area for significance, and has not adequately addressed potential impacts to known significant Goal 5 resources as required by OAR 660-023-

0250(3)(c) and OAR 660-024-060. The director concludes that the decisions violate Goal 5.

Goal 6

Goal 6 ensures compliance with state and federal environmental laws. No person has objected that the decisions violate Goal 6, or that Goal 6 compliance will be affected by the UGB expansion. The city's amended public facilities plans indicate that the city will be in compliance with state and federal water quality laws. As a result, the director concludes that the UGB expansion complies with Goal 6.

Goal 7

As discussed in section III.J.3, the director concludes that the decisions do not conflict with the requirements of Goal 7.

Goal 8

The city's analysis of land needs included an analysis of lands required for parks. No person has objected that the UGB expansion violates Goal 8. The director concludes that the expansion complies with Goal 8.

Goal 9

This goal is addressed in section III.F. The UGB amendment does not appropriately identify land for employment uses for the planning period. The data and analysis in the adopted economic opportunities analysis are inadequate to justify the amount and location of employment land included in the UGB expansion. As a result, the director concludes that the decisions violate Goal 9.

Goal 10

As explained in section III.E, the adopted housing needs analysis does not demonstrate that the comprehensive plan will permit appropriate housing types and densities that accommodate housing affordability needs for Bend's population. The residential land needs analysis contains data, assumptions, and conclusions that are not supported by the evidence in the record. As a result, the director concludes that the decisions do not comply with Goal 10.

Goal 11

The public facilities plans and comprehensive plan amendments prepared in conjunction with the UGB amendment do not comply with the requirements of Goal 11 or OAR 660, division 11. As a result, the director concludes that the decisions do not comply with Goal 11.

Goal 12

The decision did not properly evaluate transportation impacts or clearly make or defer decisions about proposed transportation improvements. The city, as a member of a

metropolitan planning organization, needs to address requirements for increasing the availability and convenience of alternative modes of transportation and reducing reliance on the automobile and it has not done so. As a result, the director concludes that the decisions do not comply with Goal 12.

Goal 13

Compliance with Goal 13 in the context of a UGB amendment relies on satisfaction of Goal 14 requirements. See the section for Goal 14, below. Because the local governments have not demonstrated that the UGB amendment has satisfied the need criteria or location factors in Goal 14, particularly as they relate to efficient arrangement of land uses, the director cannot conclude that energy is conserved pursuant to Goal 13. As a result, the director determines that the decisions do not comply with Goal 13.

Goal 14

Primary considerations for evaluating compliance with Goal 14 include 20-year land need and the appropriate location for the UGB. Need is addressed in section III.E and F while boundary location is addressed in section III.I. The findings and conclusions supporting the decision do not adequately justify the amount of land included in the UGB amendment for residential, employment, or other uses. The findings supporting the decision on UGB location do not adequately address the requirements of the goal. As a result, the director determines that the decisions do not comply with Goal 14.

ORS 197.296, 197.298, 197.303, 197.307

2. Decision

The director remands the decisions to the City of Bend and to Deschutes County for further action, consistent with this report and order.



Department of Land Conservation and Development

1175 COURT STREET N.E., SALEM, OREGON 97310 PHONE (503) 378-4926

July 7, 1981

The Honorable Ruth Burleigh
Mayor, City of Bend
P.O. Box 431
Bend, OR 97701

Dear Mayor Burleigh *(Handwritten signature)*

It gives me a great deal of pleasure to confirm that the Land Conservation and Development Commission, on June 25, 1981, officially acknowledged the comprehensive plan and implementing ordinances of the City of Bend as being in compliance with the Statewide Planning Goals.

The acknowledgment signifies a historic step for the City's land use planning efforts.

I would like to commend the local officials, staff, and citizens of your City for their hard work and foresight in the field of land use planning.

Congratulations,

(Handwritten signature)
W. J. Kvarsten
Director

WJK:DZ:af
5980A/5B

Enclosure

cc: Deschutes County Board of Commissioners
Betsy Shay, Coordinator
Brent Lake, Field Representative
Dick Wilson, Real Estate Division
Claire Puchy/Dale Blanton, Lead Reviewers
~~Jim Knight, DLCD~~
DLCD Library
Portland Field Office

LAND CONSERVATION AND DEVELOPMENT COMMISSION
ACKNOWLEDGMENT OF COMPLIANCE

RESPONSE TO CONTINUANCE ORDER OFFERED

January 22, 1980

City of Bend

DATE RECEIVED:
January 14, 1981

DATE OF COMMISSION ACTION:
June 26, 1981

I. REQUEST

Acknowledgment of Compliance with the Statewide Planning Goals for the comprehensive plan and implementing measures.

II. SUMMARY OF RECOMMENDATIONS

Staff:

Recommends the Commission acknowledge the City of Bend's comprehensive plan and implementing measures to be in compliance with the Statewide Planning Goals.

Local Coordination Body:

None received.

FIELD REPRESENTATIVE: Brent Lake
Phone: 389-2253

LEAD REVIEWER: Dale Blanton/Claire Puchy
Phone: 378-4926

COORDINATOR: Betsy Shay
Phone: 382-4000

Date of Report: June 17, 1981

III. BACKGROUND INFORMATION

The Commission reviewed the City of Bend's initial acknowledgment request in December, 1979, and offered to continue the request 120 days to allow the City time to complete work to comply with Statewide Planning Goals 1, 2, 4-6 and 8-14. Major problems were primarily due to the fact that the UGB and major portions of the plan were established prior to the adoption of the Statewide Planning Goals. Most plan policies were advisory rather than mandatory, and there was an inadequate factual base for a number of goals. The location and size of the UGB were not supported with adequate findings.

IV. ADDITIONAL MATERIALS

The following additional materials have been submitted by the City as part of its second acknowledgment request:

City and urban area plan amendments, and UGB amendments	City Resolution No. 1557 (12-17-80) County Ordinance No. 80-216 (12-18-80)
City Zoning Ordinance amendments	City Ordinance No. NS-1308 (1-7-81)
City Zoning Map amendments	City Ordinance NS-1314 (2-18-81)
Urban Area Zoning Map and ordinance amendments	County Ordinance No. 80-217 (12-18-80)
Historic Preservation Ordinance	City Ordinance No. NS-1289 (9-17-80) County Ordinance No. PL-21 (9-17-80)
Joint Urban Area Planning Commission	City Ordinance No. NS-1300 (11-19-80) County Ordinance No. 80-226 (12-18-80)
City of Bend - Water System Master Plan	(July 1980)

V. FINDINGS AND REASONS

Previously Approved Goals:

In making its continuance offer in December, 1979, the Commission found the City of Bend's request in compliance with Statewide Planning Goal 7. The amendments made do not conflict with that action taken by the Commission.

Requirement 2

All lands remaining outside the boundary established in 1. above, but inside the current UGB must be designated as natural resource, rural or urban reserve, and zoned in the UAR-10 or other protective zone classification until such time as a boundary change is justified.

Response

Lands between the IUGB and out UGB have been designated as Agriculture or Open Space on the plan map and zoned in UAR-10 (Urban Reserve), SM (Surface Mining) and SR-2 1/2 (Residential Suburban).

An exceptions statement has been adopted for the area between the IUGB and the outer UGB. This document states:

"The City and County have agreed to a new Initial Urban Growth Boundary that excludes approximately 25 percent of the land contained in the 1979 Urban Growth Boundary. These lands are designated as urban reserve and surface mining, and zoned SR-2 1/2, UAR-10, and SM. The majority of the SR-2 1/2 areas are currently developed with lot sizes of that size or smaller.

The inventory of soil data indicates that most of the agriculture lands are Class VI and are interspersed between lava ridges of scabland Class VIII. The forest soils are site 6 except for a small area of 4 contained within the Tumalo Creek Canyon which is Shevlin Park. The conclusion from this analysis is that these lands are marginal resource lands. Much of the land is surrounded by existing one to five acre subdivisions. These areas have been excepted in the Deschutes County Comprehensive Plan.

The urban reserve area acts as a buffer to the more rural and resource lands beyond the UGB. The use of the urban reserve will promote more orderly and efficient development, and still retain the 1972 planning commitments which have resulted in financial commitments from both the public and private sectors. The minimum lot sizes of 2 1/2 to 10 acres will be compatible with the adjacent land uses, and in most cases are the same as the adjacent MUA-10 and RR-10 zoning outside the UGB.

The provisions of these areas as urban reserve will enable the community to convert these areas when needed, and hopefully reduce any impact of the small number of individual owners of larger parcels within the IUGB. It is important to pre-plan future expansion areas for compatibility and consistency with

adjacent uses and services. These areas offer opportunities important to the Bend's and Deschutes County's economy for destination resorts. These areas offer the community an opportunity to review rural urban conflicts and develop more compatible urban and rural relationships.

No alternatives were considered, since this would require the enlargement of the 1979 UGB.

Based on these considerations, the City and County are taking an exception to Goals 3 and 4 as they relate to the land between the IUGB and the UGB."

Objection

1000 Friends of Oregon has objected to acknowledgment of the Bend Plan for Goal 14 (see Attachment A). The objection raises the following issues:

1. Unjustified use of a double UGB.
2. Inadequate demonstration of need and commitment for lands included in the UGB.
3. Inappropriate urban densities.
4. Inappropriate inclusion of lands within the UGB.

Response

The concept of a second UGB as a longer term boundary for planning purposes does not violate Goal 14 or other resource Goals in this instance. The concept here can be an effective long-range tool for facilities and urbanization planning. Adopted plan policies cited earlier in this section of the report ensure the orderly provision of facilities and services within the IUGB. Although no specific policy prohibits annexation beyond the IUGB, this has not been a compliance requirement. Even though not explicitly stated as policy, the City cannot under Goal 14, annex beyond the IUGB. If the plan indicated that such an annexation could occur, this would violate Goal 14. The combination of quality of resource lands, holding zones and a requirement to amend the IUGB before more intense development insures the IUGB will function as an effective Goal 14 boundary.

As noted in the conclusion to this section of this report, the City has adequately considered the seven factors of Goal 14 in establishing the IUGB. Although the boundary contains more land than needed, the area is justified based upon commitment and other locational factors.

The SR 2 1/2 outside the IUGB is justified because the area is relatively parcelized and for the most part, surrounded by a Deschutes County exception to Goals 3 and 4 based upon commitment. This area is clearly a

dividing line between the larger urbanizable parcels inside the IUGB and the agricultural areas beyond the outer UGB and as such provide for an orderly transition between urban, rural and resource lands.

The RL lands (20,000 square foot) do not impact the City's ability to meet its housing needs, but are not efficient in terms of economy of services. However this area is, for the most part already developed to these lot sizes and is outside the Phase II service area. According to the City:

"These RL areas have supplied a substantial amount of the recently developed lots providing modest priced housing within the urban area. In most cases, until such time as the sewer would become available, these areas will not be further divided.

The County's subdivision ordinance does contain replatting provisions. The Urban Area Planning Commission is working on a redraft of the subdivision ordinance to bring standards, procedures, and requirements into uniformity within the urban area. We will add provisions for redivision as part of this process" (see Attachment C).

Finally, the inclusion of a 177 acre parcel inside the UGB, but outside the IUGB does not impact the County's ability to preserve all or portions of the parcel as a habitat area. This parcel's inclusion in the outer UGB does not violate Goal 14.

Conclusion: The City of Bend complies with Goal 14.

The City has revised its urban growth boundary to exclude 6,858 acres which are not needed and could not be justified based upon Goal 14 requirements. The revised boundary is justified because the land is committed to urban development through facilities or existing development. Locational considerations of Goal 14 (Factors 3-7) are addressed by the findings document through general findings and specific findings for each geographic segment of the boundary. This initial urban growth boundary serves as a viable Goal 14 UGB. Any land use changes outside the IUGB will require an amendment pursuant to the seven factors of the Goal. The outer UGB will work as a longer term growth area, which will be retained for potential urbanization at the time the land is needed. In the interim, UAR-10, SM and SR-2 1/2 zoning will retain the area in a land use pattern which will enable more intensive development in the future.

OVERALL CONCLUSION

The City of Bend has made extensive modifications to its comprehensive plan and implementing measures to correct deficiencies identified by the Commission in December, 1979. Among the major changes were a completely updated land use and buildable lands inventory, a new water plan, a new

parks plan, and a revised economic base analysis. Perhaps the most significant change has been the establishment of a UGB and IUGB with Deschutes County. The City now has a sound plan upon which land use decisions can be based.

V. RECOMMENDATION

Staff:

Recommends the Commission acknowledge the City of Bend's comprehensive plan and implementing measures to be in compliance with the Statewide Planning Goals.

Local Coordination Body:

None received.

CP:kb
5514A
6/15/81



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Coastal Fax: (503) 378-6033

Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

April 14, 2005

EXHIBIT B

Bend UGB

January 8, 2010

Page 1 of 5

TO: Land Conservation and Development Commission (LCDC)

FROM: Bob Rindy and Jim Hinman, DLCD

SUBJECT: Agenda Item 6; April 28, 2005, LCDC meeting

WORK SESSION AND POSSIBLE ADOPTION OF PROPOSED AMENDMENTS TO GOAL 14 AND RELATED ADMINISTRATIVE RULES CONCERNING URBAN GROWTH BOUNDARIES

AGENDA ITEM SUMMARY

This item is a work session intended for Land Conservation and Development Commission (LCDC) to discuss and potentially adopt proposed amendments to Goal 14 and two related administrative rules – OAR 660, Divisions 004 and 026. The proposed amendments (Attachments A through C to this report) are intended to clarify and streamline the state's urban growth boundary (UGB) requirements and procedures. LCDC held a final public hearing on these proposals February 3, 2005, and extended the time for written comments until February 28, 2005. The Commission held a work session on March 17, 2005, to discuss the proposals and the comments regarding the proposals. At that time, the Commission indicated its intent to consider adoption of the goal and rule amendments at its April 28, 2005, meeting.

For more information about this agenda item, contact Bob Rindy, at (503) 373-0050, Ext. 229, or email at bob.rindy@state.or.us.

SUMMARY OF RECOMMENDED ACTION

The department recommends that the Commission adopt the proposed Goal 14 amendments and related rule amendments, OAR 660, Divisions 004 and 026.

BACKGROUND AND HISTORY

The Commission initiated this policy project on June 11, 2004. The intent is to clarify and streamline the UGB amendment process by amending Goal 14 and by adopting new administrative rules outlining procedures and requirements for UGB amendments. An addition new rule (not presented with this report) would include "safe-harbors" that will specify optional methods for local governments to use in order to save time and expense in the UGB amendment process.



EXHIBIT: 6
LAND CONSERVATION &
DEVELOPMENT COMMISSION
DATE: 4/28/05
PAGES: 22
SUBMITTED BY: DLCD staff

LCDC appointed an advisory workgroup to guide the department and Commission with this project, consisting of twenty four members from a variety of backgrounds representing local governments, state agencies, citizens and interest groups concerned about the UGB amendment process. The workgroup began meeting in July 2004 and has met twelve times.

The workgroup discussion of amendments to Goal 14 resulted in proposed changes to the existing text that would more clearly express longstanding UGB policy and other requirements, and improve wording that is currently ambiguous or unclear. The workgroup has also recommended the elimination of a major step in the UGB process – the “exceptions process” – and replacing it with more clearly expressed requirements intended to accomplish the same purposes. The workgroup discussion resulted in proposed amendments to Goal 14 and two related rules (Divisions 004 and 026), published October 20, 2004, that were the subject of ten public hearings statewide conducted by the department in November 2004 through January 2005, and also the subject of two LCDC public hearings and one work session.

In addition to consideration of Goal 14 itself, the workgroup’s primary purpose has been to draft a new set of rules (under a proposed new Division 024 under OAR 660) in order to clearly set forth the procedures and requirements for UGB amendment, and to provide a higher level of detail than the goal itself concerning these procedures and requirements. Most important, the draft rules would establish new “safe harbor” provisions intended to reduce local government time and cost in amending a UGB. An initial draft of these new rules was published on October 20, 2004, and was also a subject of the department’s ten public hearings in November 2004 through January 2005. Based on comments received in the initial ten public hearings, the workgroup determined that there had not been enough time for study and discussion of the new rules, especially the proposed safe harbors. In response, at its December 8, 2004, meeting, LCDC directed the department and the workgroup to extend the time period for study and consideration of the proposed new UGB rules under Division 024. The workgroup will meet at least through the Fall of 2005 in order to refine the proposed new rules for LCDC’s consideration later in 2005.

In its February and March 2005, meetings, LCDC indicated its intent to consider adoption of the proposed amendments to Goal 14 (and the two related rules). The workgroup met December 18, 2004, and January 6, 2005, in order to respond to the Commission’s direction with regard to the proposed Goal 14 amendments. Based on this discussion, the department issued a new draft of the goal amendments (and two related rules at OAR 660, Divisions 004 and 026) on January 7, 2005.

On February 3, 2005, the Commission held a final public hearing on the proposed amendments to Goal 14 and related rules. After the close of that hearing, LCDC directed the department to extend the period for written comments. The comment period was extended to February 28, 2005, based on a revised draft of the Goal amendments dated February 9, 2005, and a written proposal for the applicability dates of the new goal and rule amendments should they be adopted by the Commission (See Attachment D).

NOTE: This report does not include detailed descriptions of the intended goal amendments. The department's November 29, 2004, and January 19, 2005 staff reports provided detailed descriptions as to the intent of the various changes in the proposed Goal 14 and related rule amendments, and these descriptions were also summarized and attached to the department's March 3, 2005, staff report to LCDC.

SUMMARY OF MARCH 17, 2005, LCDC WORKSESSION

At its March 17, 2005, meeting, the Commission held a work session on the proposed amendments. At that time the Commission discussed the various issues that had been raised in testimony regarding the proposal. The Commission's discussion is summarized below.

1. Timeline for Goal Adoption

The Commission discussed postponing action to amend Goal 14 until the broad "30-year review" of the land use program contemplated in the department's legislative proposal, Senate Bill 82. The Commission decided the proposed amendments to Goal 14 should not be put off to that longer-term review of the program.

2. Potential for Litigation regarding Changes to Goal 14

The Commission agreed that, although changes to the goal should be made very carefully because they are likely to be the subject of litigation in the future, the potential for unintended consequences as a result of such litigation should not deter action to clarify and streamline Goal 14.

3. Livability

The Commission favored leaving the term "livability" in the Land Need section of the goal, but also leaving the clarifying language on page 1, lines 30 through 32 of Attachment A, that had been crafted in order to replace "livability". In its discussion the Commission indicated that, although the term livability, as interpreted in the past, does not provide a different standard than the new clarifying language, there is a public perception that omitting the term could in some manner affect a change in the goal. The Commission asked the department to omit Option 1 in the proposed goal amendments, and prepare a version for Commission consideration in April that carries forward Option 2 retaining the word "livability" (See Attachment A).

4. The "and" Between Need Factors 1 and 2

The Commission discussed the two need factors, and agreed that local governments need to address both of these factors (1) and (2), and may not choose either one or the other. This was in response to a suggestion that prior policy allowed local governments to consider both factors, but then address only one or the other. The department pointed out that the seven factors were always connected by an "and," i.e., there had not been

previous policy suggesting only one of the need factors could be addressed. Thus, to change the "and" to "or" would be a change in policy.

The discussion also highlighted the fact that authorizing only one of the need factors to be addressed could imply that a local government may ignore Factor 1 and approve a UGB amendment without support of a 20-year population forecast. The amended goal states that the determination of a land need is a two-step process: First, calculate the 20-year population forecast, and then calculate the amount of land needed for one or more need categories. As part of this discussion, the Commission also directed that the department's staff report clarify that a new 20-year population forecast is not necessarily required in order to amend a UGB. Rather the local government must show that the proposed UGB amendment "is consistent with" the 20-year forecast, either a new forecast or the current forecast. Thus, a "quasi-judicial UGB amendment" proposed by a property owner could still be considered based on the current population forecast.

5. The "or" in the list of uses under Factor 2

Proposed amendments to Need Factor 2 link the list of land need categories with the term "or", rather than "and" as in the current list ("Demonstrated need for land suitable to accommodate housing, employment opportunities, livability "or" uses such as public facilities, streets and roads, schools, parks or open space"). The department explained that this was done in order to clarify that a local government could pursue a UGB amendment in order to accommodate only one of the categories of needs on the list while not addressing the other, for example, to accommodate the need for housing land while not simultaneously examining the need for employment land. In the discussion, it was brought out that the term "and/or" may have been more appropriate, but that term is discouraged by legal counsel and protocols for rule drafting. The Commission directed the department to propose wording that accomplishes the same thing without using "and/or," and that more clearly indicates the intent to authorize a UGB amendment for one or more need categories. The department has proposed the following:

"(2) Demonstrated need for land suitable to accommodate housing, employment opportunities, and livability *or any combination of the foregoing*, and uses such as public facilities, streets and roads, schools, parks or open space."

6. Special Characteristics for Need

The Commission discussed the new proposed wording indicating that local government may specify characteristics of needed land, and the alternative wording proposed by Jeff Bachrach, which provides more specificity than the department's proposed wording. The Commission discussed whether the language should remain fairly broad, as in the current draft proposal, or provide a higher order of specificity, as in Mr. Bachrach's proposal. It was concluded that the general direction in the workgroup's proposal provides a greater degree of discretion for local governments.

7. The Reference to ORS 197.298

The Commission discussed whether to include this reference in the goal, and whether or not there is need for more detailed guidance on the manner in which cities address this statute and the locational factors. The Commission decided to include the reference, and to consider the question of additional guidance in the new UGB rules under consideration by the workgroup. Proposed legislation affecting this statute was also discussed and the Commission agreed that we would not likely know whether this bill would pass by April 28, and we should not delay action due to that uncertainty.

It was also noted that this statute is the only place in the goal that provides for consideration of the preservation of farm and forest land in UGB amendments. If at any point in the future that statute is deleted or modified, the Commission indicated it would need to revise the locational factors to return Factor (6) or something equivalent.

8. If "livability" is retained as a need, should it be remove it as a location factor?

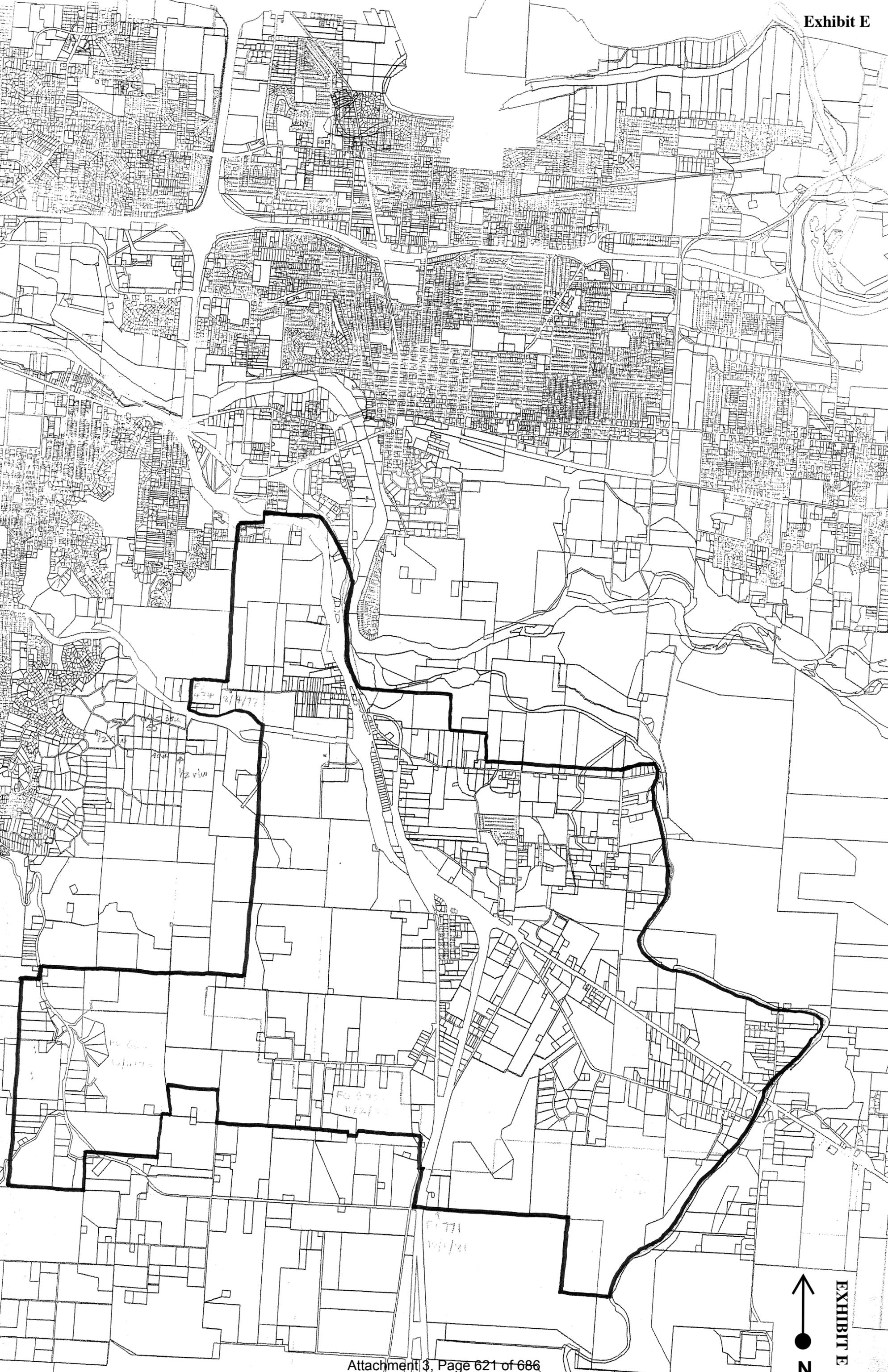
The Commission asked whether the decision to retain "livability" as a need factor would mean that it is no longer appropriate to add it as a locational factor (the term is included as a new Location Factor 2, see Page 2, Line 12 of Attachment A). The department notes that Location Factor 2 also includes the term "efficient urban form", which is not currently a location factor.

By retaining the word "livability" in both the sections, the Commission may be implying – and a Court could well conclude - that "livability" is something different in each section, and that is not necessarily what the UGB workgroup intended. The department indicated that there might conceivably be some aspects of "livability" that are purely locational, and therefore this term could logically remain under the Boundary Location section of the goal. On the other hand, the goal does not currently require local governments to address "livability" as a locational factor. As such, this would arguably be a *modification* of the goal, *not a clarification*. If the rationale for retaining "livability" in the land needs section is to *not* change the Goal, then the Commission might also consider *not* adding the term to the locational factors.

If the commission decides to *not* add "livability" as a new location factor, the department would recommend that the commission also consider whether the remaining piece of that factor, regarding "efficient urban form," should stand alone as a new Location Factor 2, or should be combined with the proposed modified Location Factor 1, which also addresses efficiency.

9. Urbanizable land available "over time"

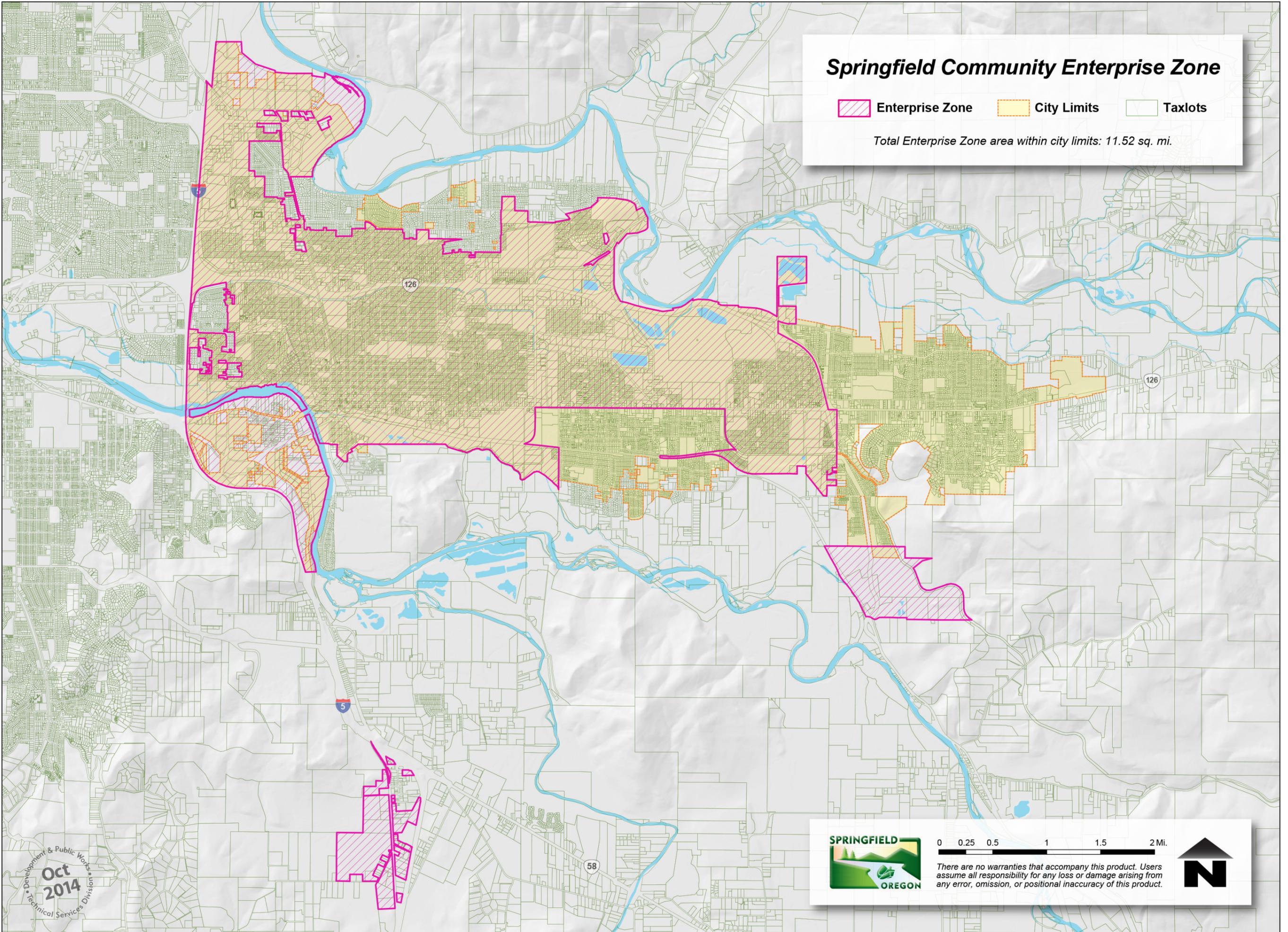
The discussion brought out concerns regarding the phrase "over time" and whether this might be misinterpreted to mean there would be some sort of sequence for making UGB land available. This discussion also raised the fact that the proposed goal should do more



Springfield Community Enterprise Zone

Enterprise Zone City Limits Taxlots

Total Enterprise Zone area within city limits: 11.52 sq. mi.



Development & Public Works
Oct 2014
Technical Services Division



0 0.25 0.5 1 1.5 2 Mi.

There are no warranties that accompany this product. Users assume all responsibility for any loss or damage arising from any error, omission, or positional inaccuracy of this product.



October 14, 2016

Linda Pauly, Principal Planner
Development and Public Works
City of Springfield
225 Fifth Street
Springfield, OR 97477
lpauly@springfield-or.gov

Re: Springfield 2030 Comprehensive Plan and Urban Growth Boundary Update

Dear Springfield City Councilors and Lane County Board of Commissioners:

Please enter this letter into the hearing record for the proposed Springfield 2030 Comprehensive Plan and Urban Growth Boundary Update.

I am one of five owners of a property within the proposed Mill Race Agriculture-Urban Holding Area Zoning District. We have deep roots in this land. Our great-grandfather, S.E. McBee, was a farmer who purchased land here before 1900 and built a two-story, 10-room farm house in 1905 on McBee Lane (now South 26th Street). In 1910, our other great-grandfather, Anthony Saul, purchased adjacent farm land on what is now South M Street, built a farm house and settled there with his family. Soon, a path was being worn between the two farms as our grandfather, Philip Saul, courted our grandmother, Lena McBee. Our father, Robert Saul, was born in the Saul farm house and lived his entire life on this land, apart from the time he was away serving in the U.S. military during World War II. Dad could look out the window of the house he built on land deeded to him by his parents and see the house where he was born. Dad passed away earlier this year at age 97 at the home he had built, and we have inherited the house and land where we were raised.

I have recited that brief history to establish that quality of life for current residents of the Mill Race area is important to us. Although most of the McBee and Saul farm land has passed into other ownership over time, those owners have been long established in a stable rural neighborhood currently zoned E25. It does not appear that the City of Springfield's planning process has spent any time assessing the impacts of the proposals on current land owners and their quality of life. The City appears to assume that all property owners are speculators, just waiting to sell out to a developer, rather than being happy with their current zoning and quality of life.

According to the Lane County Assessor's office, bringing land zoned E25 into Agriculture-Urban Holding Area zoning does not automatically change property values. However, once land is included in an Urban Growth Boundary, one property owner could, at their choice, submit a plan amendment and zone changes to allow annexation to the City of Springfield and permit urban development. The act of annexation would raise property taxes for all land owners since the city assesses property at a different tax rate than the county.

The proposed Springfield 2030 Comprehensive Plan would allow urban development in the Agriculture-Urban Holding Area such as (1) mixed use, which is usually defined as blending residential, commercial, cultural, institutional or industrial uses where those functions are physically and functionally integrated, and (2) campus industrial, which is defined as providing large areas for a variety of light industrial and office-based scientific, medical, research and development, or other professional businesses in a campus-like setting and typically have a large number of employees per acre. (Exhibit C-1, Table 1).

If one large property owner pursues urban development, pressure will be put on adjacent land owners through increased property tax rates, to also pursue urban development. In addition to higher property taxes, land owners who choose not to develop will be subjected to increased traffic, lights, noise, dust, crime and other effects that come with urbanization.

We question the need for the proposed Urban Growth Boundary expansion at all. The planning documents do not provide any evidence that the City of Springfield's need for four additional 5 to 20 acre commercial sites cannot be met by re-designation of surplus industrial sites currently within the city.

1000 Friends of Oregon has identified additional 5 to 20 acre and 20+ acre surplus industrial sites that were not included in the city's inventory that already are within the Urban Growth Boundary. These sites should have development priority ahead of expanding the Urban Growth Boundary to encourage sprawl.

The proposal significantly overstates the City of Springfield's need for an Urban Growth Boundary expansion. We believe the city should focus on the Springfield 2030 Comprehensive Plan, revisit its inventory of surplus industrial sites, and drop the proposed Urban Growth Boundary expansion in the Mill Race Area.

Sincerely,

A handwritten signature in cursive script that reads "Susan M. Saul".

Susan M. Saul

Trust Administrator

Saul Administrative Trust

10102 NE 10th Street

Vancouver, WA 98664

(360) 892-5643

susan103saul@gmail.com

Attachment 1

The screenshot displays the EASY MAP web application interface. At the top, there is a blue navigation bar with the "EASY MAP" logo and "Explore Create" options. Below this is a toolbar with various icons for map navigation and selection, including "Zoom In", "Zoom Out", "Full Extent", "Previous Extent", "Map Tips", "Search For Taxlot/Address", "Select By Point", "Select By Freehand", "Select By Line", "Select By Polygon", "Select By Rectangle", "Get Taxlots From Addresses", "Get Addresses From Taxlots", "Clear Selection", and "Clean Up".

The main map area shows a satellite view of a residential or commercial development. A yellow boundary highlights a specific area of interest. The map includes street names and lot numbers, such as 2010, 2015, 2020, 2025, 2030, 2035, 2040, 2045, 2050, 2055, 2060, 2065, 2070, 2075, 2080, 2085, 2090, 2095, 2100, 2105, 2110, 2115, 2120, 2125, 2130, 2135, 2140, 2145, 2150, 2155, 2160, 2165, 2170, 2175, 2180, 2185, 2190, 2195, 2200, 2205, 2210, 2215, 2220, 2225, 2230, 2235, 2240, 2245, 2250, 2255, 2260, 2265, 2270, 2275, 2280, 2285, 2290, 2295, 2300, 2305, 2310, 2315, 2320, 2325, 2330, 2335, 2340, 2345, 2350, 2355, 2360, 2365, 2370, 2375, 2380, 2385, 2390, 2395, 2400, 2405, 2410, 2415, 2420, 2425, 2430, 2435, 2440, 2445, 2450, 2455, 2460, 2465, 2470, 2475, 2480, 2485, 2490, 2495, 2500, 2505, 2510, 2515, 2520, 2525, 2530, 2535, 2540, 2545, 2550, 2555, 2560, 2565, 2570, 2575, 2580, 2585, 2590, 2595, 2600, 2605, 2610, 2615, 2620, 2625, 2630, 2635, 2640, 2645, 2650, 2655, 2660, 2665, 2670, 2675, 2680, 2685, 2690, 2695, 2700, 2705, 2710, 2715, 2720, 2725, 2730, 2735, 2740, 2745, 2750, 2755, 2760, 2765, 2770, 2775, 2780, 2785, 2790, 2795, 2800, 2805, 2810, 2815, 2820, 2825, 2830, 2835, 2840, 2845, 2850, 2855, 2860, 2865, 2870, 2875, 2880, 2885, 2890, 2895, 2900, 2905, 2910, 2915, 2920, 2925, 2930, 2935, 2940, 2945, 2950, 2955, 2960, 2965, 2970, 2975, 2980, 2985, 2990, 2995, 3000, 3005, 3010, 3015, 3020, 3025, 3030, 3035, 3040, 3045, 3050, 3055, 3060, 3065, 3070, 3075, 3080, 3085, 3090, 3095, 3100, 3105, 3110, 3115, 3120, 3125, 3130, 3135, 3140, 3145, 3150, 3155, 3160, 3165, 3170, 3175, 3180, 3185, 3190, 3195, 3200, 3205, 3210, 3215, 3220, 3225, 3230, 3235, 3240, 3245, 3250, 3255, 3260, 3265, 3270, 3275, 3280, 3285, 3290, 3295, 3300, 3305, 3310, 3315, 3320, 3325, 3330, 3335, 3340, 3345, 3350, 3355, 3360, 3365, 3370, 3375, 3380, 3385, 3390, 3395, 3400, 3405, 3410, 3415, 3420, 3425, 3430, 3435, 3440, 3445, 3450, 3455, 3460, 3465, 3470, 3475, 3480, 3485, 3490, 3495, 3500, 3505, 3510, 3515, 3520, 3525, 3530, 3535, 3540, 3545, 3550, 3555, 3560, 3565, 3570, 3575, 3580, 3585, 3590, 3595, 3600, 3605, 3610, 3615, 3620, 3625, 3630, 3635, 3640, 3645, 3650, 3655, 3660, 3665, 3670, 3675, 3680, 3685, 3690, 3695, 3700, 3705, 3710, 3715, 3720, 3725, 3730, 3735, 3740, 3745, 3750, 3755, 3760, 3765, 3770, 3775, 3780, 3785, 3790, 3795, 3800, 3805, 3810, 3815, 3820, 3825, 3830, 3835, 3840, 3845, 3850, 3855, 3860, 3865, 3870, 3875, 3880, 3885, 3890, 3895, 3900, 3905, 3910, 3915, 3920, 3925, 3930, 3935, 3940, 3945, 3950, 3955, 3960, 3965, 3970, 3975, 3980, 3985, 3990, 3995, 4000, 4005, 4010, 4015, 4020, 4025, 4030, 4035, 4040, 4045, 4050, 4055, 4060, 4065, 4070, 4075, 4080, 4085, 4090, 4095, 4100, 4105, 4110, 4115, 4120, 4125, 4130, 4135, 4140, 4145, 4150, 4155, 4160, 4165, 4170, 4175, 4180, 4185, 4190, 4195, 4200, 4205, 4210, 4215, 4220, 4225, 4230, 4235, 4240, 4245, 4250, 4255, 4260, 4265, 4270, 4275, 4280, 4285, 4290, 4295, 4300, 4305, 4310, 4315, 4320, 4325, 4330, 4335, 4340, 4345, 4350, 4355, 4360, 4365, 4370, 4375, 4380, 4385, 4390, 4395, 4400, 4405, 4410, 4415, 4420, 4425, 4430, 4435, 4440, 4445, 4450, 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5285, 5290, 5295, 5300, 5305, 5310, 5315, 5320, 5325, 5330, 5335, 5340, 5345, 5350, 5355, 5360, 5365, 5370, 5375, 5380, 5385, 5390, 5395, 5400, 5405, 5410, 5415, 5420, 5425, 5430, 5435, 5440, 5445, 5450, 5455, 5460, 5465, 5470, 5475, 5480, 5485, 5490, 5495, 5500, 5505, 5510, 5515, 5520, 5525, 5530, 5535, 5540, 5545, 5550, 5555, 5560, 5565, 5570, 5575, 5580, 5585, 5590, 5595, 5600, 5605, 5610, 5615, 5620, 5625, 5630, 5635, 5640, 5645, 5650, 5655, 5660, 5665, 5670, 5675, 5680, 5685, 5690, 5695, 5700, 5705, 5710, 5715, 5720, 5725, 5730, 5735, 5740, 5745, 5750, 5755, 5760, 5765, 5770, 5775, 5780, 5785, 5790, 5795, 5800, 5805, 5810, 5815, 5820, 5825, 5830, 5835, 5840, 5845, 5850, 5855, 5860, 5865, 5870, 5875, 5880, 5885, 5890, 5895, 5900, 5905, 5910, 5915, 5920, 5925, 5930, 5935, 5940, 5945, 5950, 5955, 5960, 5965, 5970, 5975, 5980, 5985, 5990, 5995, 6000, 6005, 6010, 6015, 6020, 6025, 6030, 6035, 6040, 6045, 6050, 6055, 6060, 6065, 6070, 6075, 6080, 6085, 6090, 6095, 6100, 6105, 6110, 6115, 6120, 6125, 6130, 6135, 6140, 6145, 6150, 6155, 6160, 6165, 6170, 6175, 6180, 6185, 6190, 6195, 6200, 6205, 6210, 6215, 6220, 6225, 6230, 6235, 6240, 6245, 6250, 6255, 6260, 6265, 6270, 6275, 6280, 6285, 6290, 6295, 6300, 6305, 6310, 6315, 6320, 6325, 6330, 6335, 6340, 6345, 6350, 6355, 6360, 6365, 6370, 6375, 6380, 6385, 6390, 6395, 6400, 6405, 6410, 6415, 6420, 6425, 6430, 6435, 6440, 6445, 6450, 6455, 6460, 6465, 6470, 6475, 6480, 6485, 6490, 6495, 6500, 6505, 6510, 6515, 6520, 6525, 6530, 6535, 6540, 6545, 6550, 6555, 6560, 6565, 6570, 6575, 6580, 6585, 6590, 6595, 6600, 6605, 6610, 6615, 6620, 6625, 6630, 6635, 6640, 6645, 6650, 6655, 6660, 6665, 6670, 6675, 6680, 6685, 6690, 6695, 6700, 6705, 6710, 6715, 6720, 6725, 6730, 6735, 6740, 6745, 6750, 6755, 6760, 6765, 6770, 6775, 6780, 6785, 6790, 6795, 6800, 6805, 6810, 6815, 6820, 6825, 6830, 6835, 6840, 6845, 6850, 6855, 6860, 6865, 6870, 6875, 6880, 6885, 6890, 6895, 6900, 6905, 6910, 6915, 6920, 6925, 6930, 6935, 6940, 6945, 6950, 6955, 6960, 6965, 6970, 6975, 6980, 6985, 6990, 6995, 7000, 7005, 7010, 7015, 7020, 7025, 7030, 7035, 7040, 7045, 7050, 7055, 7060, 7065, 7070, 7075, 7080, 7085, 7090, 7095, 7100, 7105, 7110, 7115, 7120, 7125, 7130, 7135, 7140, 7145, 7150, 7155, 7160, 7165, 7170, 7175, 7180, 7185, 7190, 7195, 7200, 7205, 7210, 7215, 7220, 7225, 7230, 7235, 7240, 7245, 7250, 7255, 7260, 7265, 7270, 7275, 7280, 7285, 7290, 7295, 7300, 7305, 7310, 7315, 7320, 7325, 7330, 7335, 7340, 7345, 7350, 7355, 7360, 7365, 7370, 7375, 7380, 7385, 7390, 7395, 7400, 7405, 7410, 7415, 7420, 7425, 7430, 7435, 7440, 7445, 7450, 7455, 7460, 7465, 7470, 7475, 7480, 7485, 7490, 7495, 7500, 7505, 7510, 7515, 7520, 7525, 7530, 7535, 7540, 7545, 7550, 7555, 7560, 7565, 7570, 7575, 7580, 7585, 7590, 7595, 7600, 7605, 7610, 7615, 7620, 7625, 7630, 7635, 7640, 7645, 7650, 7655, 7660, 7665, 7670, 7675, 7680, 7685, 7690, 7695, 7700, 7705, 7710, 7715, 7720, 7725, 7730, 7735, 7740, 7745, 7750, 7755, 7760, 7765, 7770, 7775, 7780, 7785, 7790, 7795, 7800, 7805, 7810, 7815, 7820, 7825, 7830, 7835, 7840, 7845, 7850, 7855, 7860, 7865, 7870, 7875, 7880, 7885, 7890, 7895, 7900, 7905, 7910, 7915, 7920, 7925, 7930, 7935, 7940, 7945, 7950, 7955, 7960, 7965, 7970, 7975, 7980, 7985, 7990, 7995, 8000, 8005, 8010, 8015, 8020, 8025, 8030, 8035, 8040, 8045, 8050, 8055, 8060, 8065, 8070, 8075, 8080, 8085, 8090, 8095, 8100, 8105, 8110, 8115, 8120, 8125, 8130, 8135, 8140, 8145, 8150, 8155, 8160, 8165, 8170, 8175, 8180, 8185, 8190, 8195, 8200, 8205, 8210, 8215, 8220, 8225, 8230, 8235, 8240, 8245, 8250, 8255, 8260, 8265, 8270, 8275, 8280, 8285, 8290, 8295, 8300, 8305, 8310, 8315, 8320, 8325, 8330, 8335, 8340, 8345, 8350, 8355, 8360, 8365, 8370, 8375, 8380, 8385, 8390, 8395, 8400, 8405, 8410, 8415, 8420, 8425, 8430, 8435, 8440, 8445, 8450, 8455, 8460, 8465, 8470, 8475, 8480, 8485, 8490, 8495, 8500, 8505, 8510, 8515, 8520, 8525, 8530, 8535, 8540, 8545, 8550, 8555, 8560, 8565, 8570, 8575, 8580, 8585, 8590, 8595, 8600, 8605, 8610, 8615, 8620, 8625, 8630, 8635, 8640, 8645, 8650, 8655, 8660, 8665, 8670, 8675, 8680, 8685, 8690, 8695, 8700, 8705, 8710, 8715, 8720, 8725, 8730, 8735, 8740, 8745, 8750, 8755, 8760, 8765, 8770, 8775, 8780, 8785, 8790, 8795, 8800, 8805, 8810, 8815, 8820, 8825, 8830, 8835, 8840, 8845, 8850, 8855, 8860, 8865, 8870, 8875, 8880, 8885, 8890, 8895, 8900, 8905, 8910, 8915, 8920, 8925, 8930, 8935, 8940, 8945, 8950, 8955, 8960, 8965, 8970, 8975, 8980, 8985, 8990, 8995, 9000, 9005, 9010, 9015, 9020, 9025, 9030, 9035, 9040, 9045, 9050, 9055, 9060, 9065, 9070, 9075, 9080, 9085, 9090, 9095, 9100, 9105, 9110, 9115, 9120, 9125, 9130, 9135, 9140, 9145, 9150, 9155, 9160, 9165, 9170, 9175, 9180, 9185, 9190, 9195, 9200, 9205, 9210, 9215, 9220, 9225, 9230, 9235, 9240, 9245, 9250, 9255, 9260, 9265, 9270, 9275, 9280, 9285, 9290, 9295, 9300, 9305, 9310, 9315, 9320, 9325, 9330, 9335, 9340, 9345, 9350, 9355, 9360, 9365, 9370, 9375, 9380, 9385, 9390, 9395, 9400, 9405, 9410, 9415, 9420, 9425, 9430, 9435, 9440, 9445, 9450, 9455, 9460, 9465, 9470, 9475, 9480, 9485, 9490, 9495, 9500, 9505, 9510, 9515, 9520, 9525, 9530, 9535, 9540, 9545, 9550, 9555, 9560, 9565, 9570, 9575, 9580, 9585, 9590, 9595, 9600, 9605, 9610, 9615, 9620, 9625, 9630, 9635, 9640, 9645, 9650, 9655, 9660, 9665, 9670, 9675, 9680, 9685, 9690, 9695, 9700, 9705, 9710, 9715, 9720, 9725, 9730, 9735, 9740, 9745, 9750, 9755, 9760, 9765, 9770, 9775, 9780, 9785, 9790, 9795, 9800, 9805, 9810, 9815, 9820, 9825, 9830, 9835, 9840, 9845, 9850, 9855, 9860, 9865, 9870, 9875, 9880, 9885, 9890, 9895, 9900, 9905, 9910, 9915, 9920, 9925, 9930, 9935, 9940, 9945, 9950, 9955, 9960, 9965, 9970, 9975, 9980, 9985, 9990, 9995, 10000.

Below the map, there is a search bar with the text "I want to...". To the right of the search bar, there are several icons for map navigation and selection, including "Map Tips", "Search For Taxlot/Address", "Select By Point", "Select By Freehand", "Select By Line", "Select By Polygon", "Select By Rectangle", "Get Taxlots From Addresses", "Get Addresses From Taxlots", "Clear Selection", and "Clean Up".

At the bottom of the interface, there is a "Selected Results (1)" section. It displays the following information:

- 1702280000902
- Map & Taxlot Number: 1702280000902
- Site Address 1 of 1: 800 48TH ST
- Tax Account Number 1: 1688613
- Property Owner 1: SIERRA/PRIME
- Approximate Taxlot Acreage: 70.99
- Other Links: [Icons for various reports and actions]

Attachment 2

EASY MAP

Explore | Create

Enable Map Tips
 Display for...
 Map Tips

Zoom In
 Zoom Out
 Full Extent
 Previous Extent

Search For Taxlot/Address
 Search

Select By Point
 Select By Freehand
 Select By Line
 Select By Polygon
 Select By Rectangle
 Taxlot Selection

Get Taxlots From Addresses
 Get Addresses From Taxlots
 Address Selection

Clear Selection
 Clean Up

Alphotos

Selected Results (2)
 View Selected >>
 Refine Results | Table View | Select None

1702290002903
 Taxlot
 MPA Taxlot Number: 1702290002903
 Site Address 1 of 1: 801 42ND ST
 Taxlot Account Number 1: 1714785
 Property Owner 1: IP EAT THREE LLC
 Approximate Taxlot Acreage: 175.48
 Reports: Other Links:

1702200000105
 Taxlot
 MPA Taxlot Number: 1702200000105
 Site Address 1 of 1: 785 42ND ST
 Taxlot Account Number 1: 1839837
 Property Owner 1: IP EAT THREE LLC
 Approximate Taxlot Acreage: 117.41
 Reports: Other Links:

Attachment 2 Doc 628 of 686

Attachment 3

EASY MAP Explore Create

Pen Zoom In Zoom Out Full Extent Previous Extent Map Tips

Navigation

Search For Taxlot/Address Search

Select By Point By Line Freehand Polygon Rectangle

Select By Polygon Rectangle

Get Taxlots From Addresses

Get Addresses From Taxlots

Clear Selection Clean Up

Map Tips

I want to...

Selected Results (1) View Selected >> View History

Refine Results | Table View | Select None

1703350000300

Taxlot

Map & Taxlot Number: 1703350000300

Site Address 1 of 1: 1651 S.F. ST

Tax Account Number 1: 302061

Priority Owner 1: SWANSON GROUP MFG LLC

Approximate Taxlot Acreage: 35.66

PDF Reports: Other Links:

Explore Create



Zoom In



Zoom Out



Full Extent



Previous Extent



Next Extent



Enable Map Tips



Display bar

Navigation



Selected Results (1)

<< View History

View Selected >>

Refine Results | Table View | Select All | Select None



1702280000401

Taxlot

Map & Taxlot Number: 1702280000401

Site Address 1 of 1: 5280 HIGH BANKS RD

Tax Account Number 1: 112464

Property Owner 1: DEFOE RONALD MAJOR

Approximate Taxlot Acreage: 46.75

RLID Reports: Other Links:



Search For Taxlot/Address

Search

I want to...



Select By Point



Select By Freehand



Select By Line



Select By Polygon



Select By Rectangle



Get Taxlots From Addresses



Get Address From

Address



Attachment 6

The screenshot displays the EASY MAP web application interface. The top navigation bar includes 'EASY MAP', 'Explore', and 'Create'. The main interface is divided into several sections:

- Navigation:** Includes 'Zoom In', 'Zoom Out', 'Full Extent', 'Previous Extent', and 'Next Extent' buttons.
- Map Tips:** Includes 'Enable Map Tips' and 'Display for...' options.
- Search:** A search bar with the placeholder text 'I want to...'. Below it, a dropdown menu shows 'Zoom out'.
- Taxdot Selection Tools:** A vertical toolbar with icons for 'Select By Point', 'Select By Freeshed', 'Select By Line', 'Select By Polygon', 'Select By Rectangle', 'Get Taxdots From Addresses', 'Get Addresses From Taxdots', 'Clear Selection', and 'Clean Up'.
- Selected Results (1):** A panel on the right showing details for a selected taxlot:
 - Map & Taxdot Number:** 1703254200100
 - Site Address 1 of 1:** 2150 OLYMPIC ST
 - Parcel Account Number 1:** 1098605
 - Property Owner 1:** HAMMER (DE) LIMITED PARTNERSHIP
 - Approximate Taxdot/Acreage:** 28.64
 - ID Reports:** Includes icons for 'Map', 'Parcel', and 'Other Links'.

Explore Create



Pan



Zoom In



Zoom Out



Full Extent



Previous Extent



Next Extent



Enable Map Tips



Display for...



Map Tips



Search For Taxlot/Address



Select By Point



Select By Freehand



Select By Polygon



Select By Rectangle



Get Taxlots From Addresses



Get Addresses From Taxlots



Clear Selection



Clean Up



Address Selection



Taxlot Selection



Search



I want to...



Selected Results (3)

View History | Refine Results | Table View | Select All | Select None

- 1703220002218**
Taxlot
 Map & Taxlot Number: 1703220002218
 Site Address 1 of 2: 3040 GATEWAY ST
 Tax Account Number 1: 1459146
 Property Owner 1: GATEWAY MALL PARTNERS
 Approximate Taxlot Acreage: 8.78
 RLID Reports: [Icons] Other Links: [Icons]
- 1703220002200**
Taxlot
 Map & Taxlot Number: 1703220002200
 Site Address 1 of 92: 3000 GATEWAY ST SPACE 3582
 Tax Account Number 1: 188373
 Property Owner 1: GATEWAY MALL PARTNERS
 Approximate Taxlot Acreage: 29.40
 RLID Reports: [Icons] Other Links: [Icons]
- 1703220002300**
Taxlot
 Map & Taxlot Number: 1703220002300
 Site Address 1 of 14: 3000 GATEWAY ST SPACE 900
 Tax Account Number 1: 188449
 Property Owner 1: GATEWAY MALL PARTNERS
 Approximate Taxlot Acreage: 11.01
 RLID Reports: [Icons] Other Links: [Icons]

Attachment 8

[Explore](#) [Create](#) [Enable Map Tips](#) [Map Type](#)

[Pan](#) [Zoom In](#) [Zoom Out](#) [Full Extent](#) [Previous Extent](#) [Next Extent](#)

[Search For Taxlot/Address](#) [Search](#)

[Select By Point](#) [Select By Freehand](#) [Select By Line](#) [Select By Polygon](#) [Select By Rectangle](#) [Tadot Selection](#)

[Get Tadots From Addresses](#) [Get Addresses From Tadots](#) [Address Selection](#) [Clear Selection](#) [Clean Up](#)



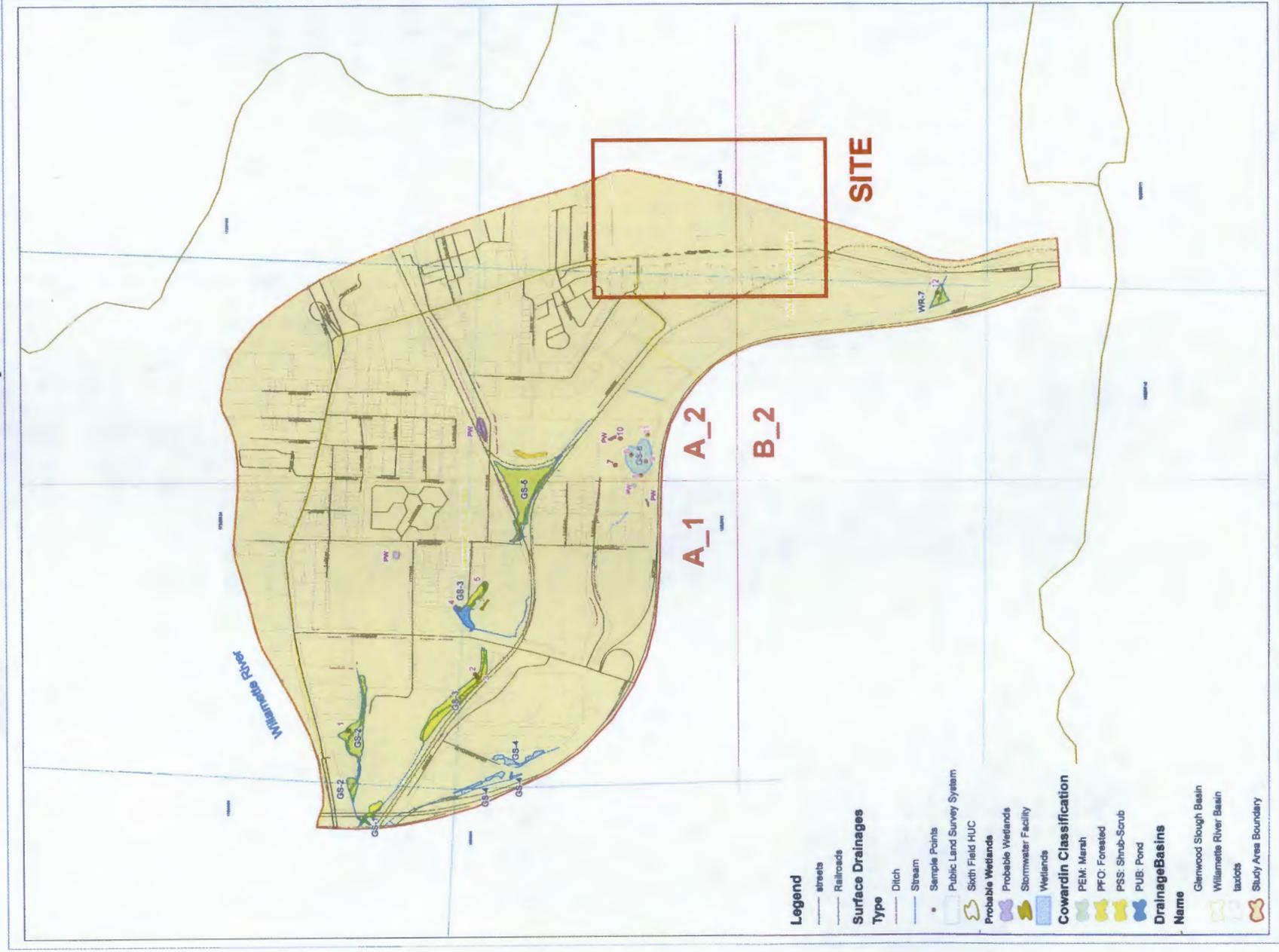
[I want to...](#)

Selected Results (1) [View Selected >>](#)

[Refine Results](#) | [Table View](#) | [Select All](#) | [Select None](#)

1803022003200
Taxlot
 Map & Taxlot Number: 1803022003200
 Site Address 1 of 2: 5001 FRANKLIN BLVD 1
 Tax Account Number 1: 579449
 Property Owner 1: WILDISH LAND CO
 Approximate Taxlot Acreage: 31.27
 RLID Reports: [View](#) [Print](#) [Other Links](#)

Glenwood LWI Map Index Attachment 10



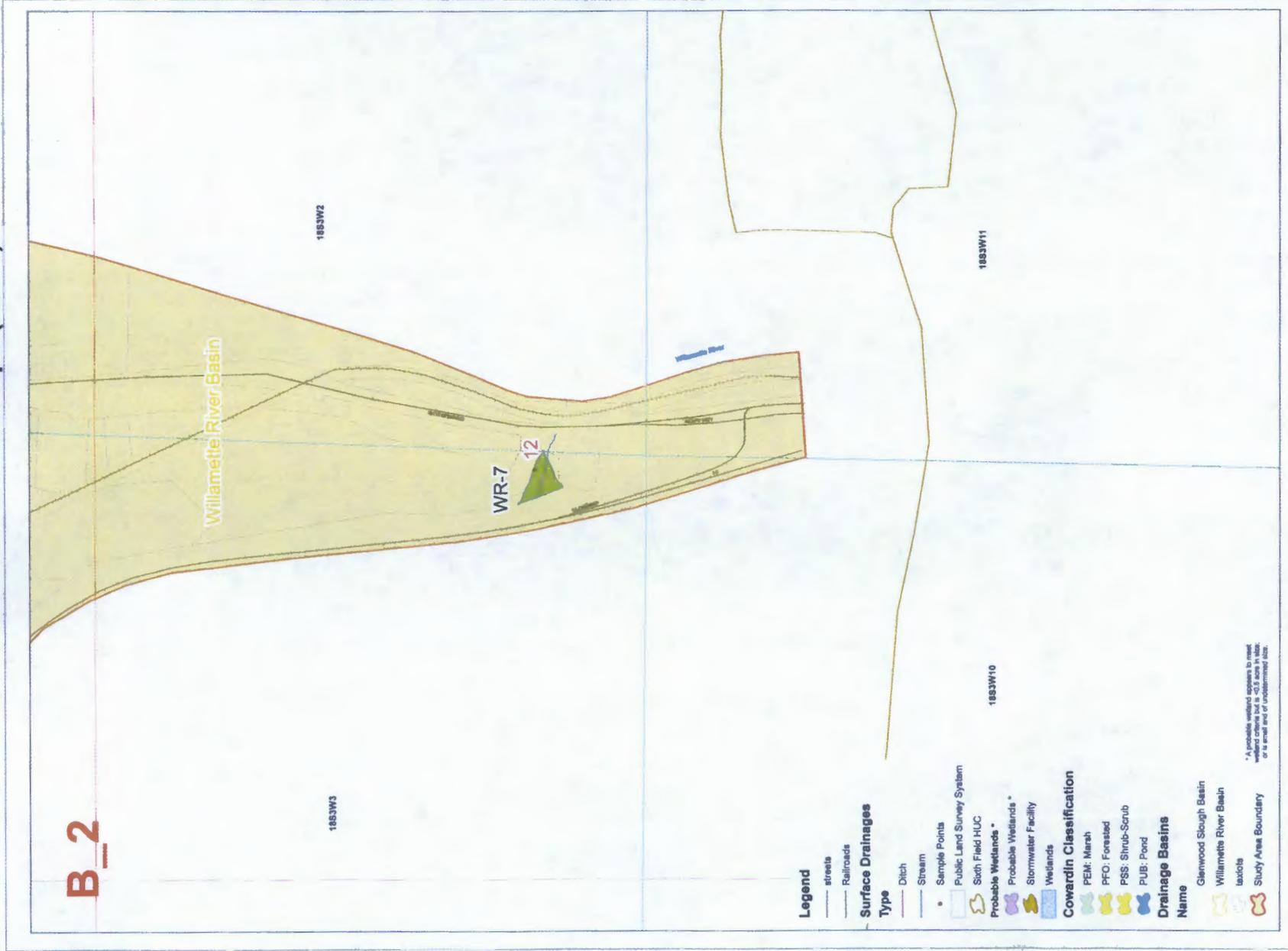
Sheet 1 - Glenwood Area of Springfield Local Wetlands Inventory

Information shown on this map is for planning purposes, represents the conditions that exist at the map date, and is subject to change. The location and extent of wetlands and other waters is approximate. There may be unmaped wetlands and other waters present that are subject to regulation. A current Oregon Department of State Lands-approved wetland delineation is required for state removal-fill permits. You are advised to contact the Department of State Lands and the U.S. Army Corps of Engineers with any regulatory questions.

1 inch = 433 feet
 0 250 500 1,000 Feet

Date of Final Map Preparation: 2/4/10
 APPROVED WETLANDS INVENTORY
 Oregon Department of State Lands
 Name: [Redacted]
 Date: [Redacted] Approved by: [Redacted]

Glenwood LWI Map (B-2)



Sheet 4 - Glenwood Area of Springfield Local Wetlands Inventory

Information shown on this map is for planning purposes, represents the conditions that exist at the time of the map. The extent of wetlands and other features is subject to change. The location and extent of wetlands and other features is subject to change. There may be unapproved wetlands and other features that are not shown on this map. A current Oregon Department of State Lands approved wetland delineation is required for state removal-fill permits. You are advised to contact the Department of State Lands and the U.S. Army Corps of Engineers with any regulatory questions.

APPROVED WETLANDS INVENTORY
Oregon Department of State Lands
Map No. 100-200-0000-0000
Date: 10/10/2010

Date of Final Map preparation: 2/4/10

Detailed Property Report

Site Address 36417 BRAND S RD Springfield, OR 97478-9502
 Map & Taxlot# 18-02-10-00-00900
 SIC N/A
 Tax Account# 0567451 a
 a Additional site address(es) are associated with this tax account

Attachment 11

Property Owner 1
 PERSON LEONA M
 2189 STONE CREST DR
 EUGENE, OR 97401
 Tax account acreage 31.94
 Mapped taxlot acreage† 29.63

† Mapped Taxlot Acreage is the estimated size of a taxlot as derived from the county GIS taxlot layer, and is not to be used for legal purposes.

Map & Taxlot # 18-02-10-00-00900



Property Values & Taxes

The values shown are the values certified in October unless a value change has been processed on the property. Value changes typically occur as a result of appeals, clerical errors and omitted property. The tax shown is the amount certified in October. This is the full amount of tax for the year indicated and does not include any discounts offered, payments made, interest owing or previous years owing. It also does not reflect any value changes.

Year	Real Market Value (RMV)			Total Assessed Value	Tax
	Land	Improvement	Total		
2015	\$707,239	\$27,470	\$734,709	\$725,241	\$7,267.85
2014	\$707,239	\$236,570	\$943,809	\$903,427	\$9,193.46
2013	\$686,640	\$245,100	\$931,740	\$877,114	\$25,737.66
2012	\$686,640	\$253,350	\$939,990	\$851,567	\$7,247.77
2011	\$686,640	\$721,924	\$1,408,564	\$1,219,404	\$7,434.77
2010	\$693,572	\$613,773	\$1,307,345	\$1,059,887	\$7,712.58
2009	\$877,940	\$685,045	\$1,562,985	\$984,755	\$7,852.98
2008	\$805,450	\$666,691	\$1,472,141	\$956,073	\$7,416.03
2007	\$730,840	\$550,725	\$1,281,565	\$844,720	\$7,404.47
2006	\$676,700	\$350,070	\$1,026,770	\$677,908	\$7,448.72
2005	\$501,260	\$285,640	\$786,900	\$658,163	\$7,286.13
2004	\$439,700	\$267,330	\$707,030	\$638,993	\$6,967.90
2003	\$472,790	\$285,390	\$758,180	\$620,382	\$6,511.10
2002	\$476,530	\$268,220	\$744,750	\$602,313	\$6,288.57
2001	\$512,400	\$289,600	\$802,000	\$584,770	\$6,108.33
2000	\$457,500	\$351,078	\$808,578	\$567,738	\$5,975.73
1999	\$387,710	\$324,371	\$712,081	\$551,202	\$5,681.96
1998	\$387,710	\$335,390	\$723,100	\$535,148	\$5,622.35
1997	\$383,870	\$335,390	\$719,260	\$519,561	\$5,739.96
1996	\$299,900	\$277,390	\$577,290	\$577,290	\$4,492.42
1995	\$299,900	\$277,390	\$577,290	\$577,290	\$4,512.44



Attachment 12

Attachment 13

Explore Create

Pen

Zoom In Zoom Out Full Extent Previous Extent

Navigation

Map Tips

Enable Map Tips Display for...

Search For Taxlot/Address Search

Select By Point Select By Line Select By Polygon Select By Rectangle

Get Taxlots From Addresses

Get Addresses From Taxlots

Clear Selection Clean Up



Selected Results (4)

View Selected >>

Refine Results | Table View | Show All | Select None

1702320000105

Taxlot

Map & Taxlot Number: 1702320000105

Site Address 1 of 1: 785 42ND ST

Tax Account Number 1: 1833837

Property Owner 1: IP EAT THREE LLC

Approximate Taxlot Acreage: 117.41

Other Links: [Icons]

1702320000401

Taxlot

Map & Taxlot Number: 1702320000401

Site Address 1 of 0:

Tax Account Number 1: 126142

Property Owner 1: IP EAT THREE LLC

Approximate Taxlot Acreage: 9.67

Other Links: [Icons]

1702320000501

Taxlot

Map & Taxlot Number: 1702320000501

Site Address 1 of 0:

Tax Account Number 1: 126167

Property Owner 1: IP EAT THREE LLC

Approximate Taxlot Acreage: 25.07

Other Links: [Icons]

1702322401500

Taxlot

Map & Taxlot Number: 1702322401500

Site Address 1 of 0:

Tax Account Number 1: 126563

Property Owner 1: IP EAT THREE LLC

Approximate Taxlot Acreage: 4.91

Other Links: [Icons]

Detailed Property Report

Site Address 785 42ND ST Springfield, OR 97478-5781
Map & Taxlot# 17-02-32-00-00105
 SIC N/A
Tax Account# 1833837

Property Owner 1
 IP EAT THREE LLC
 PO BOX 2118
 MEMPHIS, TN 38101
 Tax account acreage 119.05
 Mapped taxlot acreage¹ 117.41

¹ Mapped Taxlot Acreage is the estimated size of a taxlot as derived from the county GIS taxlot layer, and is not to be used for legal purposes.

Related Accts 1851409 4041867 4134233 5093651 5636839 5687159 5653249 5683903

Map & Taxlot # 17-02-32-00-00105



Environmental Data

FEMA Flood Hazard Zone

Code Description

- AE Areas of 100-year flood, base flood elevations determined.
- X Areas determined to be outside of 500-year flood.

FIRM Map Number 41039C1162F
 Community Number 415592
 Post-FIRM Date 09/27/1985
 Panel Printed? Yes

Soils

Soil Map Unit#	Soil Type Description	% of Taxlot	Ag Class	Hydric %
32	Coburg-Urban land complex	45%	2	4
119	Salem-Urban land complex	38%	2	0
101	Oxley-Urban land complex	10%	3	5
110	Pits	4%	8	0
97	Newberg-Urban land complex	2%	2	0
W	Water	2%	8	0

Property Values & Taxes

The values shown are the values certified in October unless a value change has been processed on the property. Value changes typically occur as a result of appeals, clerical errors and omitted property. The tax shown is the amount certified in October. This is the full amount of tax for the year indicated and does not include any discounts offered, payments made, interest owing or previous years owing. It also does not reflect any value changes.

Year	Real Market Value (RMV)			Total	Total Assessed Value	Tax
	Land	Improvement				
2015	\$4,019,811	\$349,770		\$4,369,581	\$4,369,581	\$75,155.91
2014	\$4,019,811	\$359,760		\$4,379,571	\$4,379,571	\$76,419.16
2013	\$3,902,730	\$367,410		\$4,270,140	\$4,270,140	\$75,275.29
2012	\$3,902,730	\$374,800		\$4,277,530	\$4,277,530	\$71,374.01
2011	\$3,902,730	\$1,906,880		\$5,809,610	\$5,809,610	\$97,154.69
2010	\$3,942,150	\$1,496,950		\$5,439,100	\$5,439,100	\$91,042.92
2009	\$4,990,060	\$1,664,470		\$6,654,530	\$6,654,530	\$111,911.89
2008	\$0	\$0		\$0	\$0	\$ 0.00

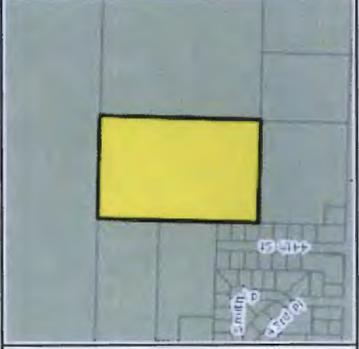
Detailed Property Report

Site Address N/A
 Map & Taxlot# 17-02-32-00-00401
 SIC N/A
 Tax Account# 0126142

Property Owner 1
 IP EAT THREE LLC
 PO BOX 2118
 MEMPHIS, TN 38101
 Tax account acreage 9.48
 Mapped taxlot acreage 9.67

* Mapped Taxlot Acreage is the estimated size of a taxlot as derived from the county GIS taxlot layer, and is not to be used for legal purposes.

Map & Taxlot # 17-02-32-00-00401



Environmental Data

FEMA Flood Hazard Zone
 Code Description
 X Areas determined to be outside of 500-year flood.

FIRM Map Number 41039C1162F
 Community Number 415592
 Post-FIRM Date 09/27/1985
 Panel Printed? Yes

Soils
 Soil Map Unit# Soil Type Description % of Taxlot Ag Class Hydric %
 32 Coburg-Urban land complex 61% 2 4
 119 Salem-Urban land complex 39% 2 0

Property Values & Taxes

The values shown are the values certified in October unless a value change has been processed on the property. Value changes typically occur as a result of appeals, clerical errors and omitted property. The tax shown is the amount certified in October. This is the full amount of tax for the year indicated and does not include any discounts offered, payments made, interest owing or previous years owing. It also does not reflect any value changes.

Year	Real Market Value (RMV)		Total	Total Assessed Value	Tax
	Land	Improvement			
2015	\$456,027	\$0	\$456,027	\$160,194	\$2,867.52
2014	\$456,027	\$0	\$456,027	\$155,528	\$2,824.23
2013	\$442,745	\$0	\$442,745	\$150,998	\$2,769.18
2012	\$442,745	\$0	\$442,745	\$146,600	\$2,613.15
2011	\$442,745	\$0	\$442,745	\$142,330	\$2,445.71
2010	\$447,218	\$0	\$447,218	\$138,184	\$2,376.43
2009	\$566,099	\$0	\$566,099	\$134,159	\$2,316.99
2008	\$519,357	\$0	\$519,357	\$130,251	\$2,278.49
2007	\$519,357	\$0	\$519,357	\$126,457	\$2,062.32
2006	\$480,887	\$0	\$480,887	\$122,774	\$2,004.09
2005	\$429,364	\$0	\$429,364	\$119,198	\$1,959.94
2004	\$373,360	\$0	\$373,360	\$115,726	\$1,922.35
2003	\$345,704	\$0	\$345,704	\$112,355	\$1,867.16
2002	\$342,282	\$0	\$342,282	\$109,083	\$1,705.89
2001	\$269,240	\$0	\$269,240	\$105,906	\$1,673.49
2000	\$220,690	\$0	\$220,690	\$102,821	\$1,633.05
1999	\$185,450	\$0	\$185,450	\$99,826	\$1,650.91
1998	\$180,050	\$0	\$180,050	\$96,918	\$1,604.87
1997	\$165,180	\$0	\$165,180	\$94,095	\$1,598.87
1996	\$104,550	\$0	\$104,550	\$165,180	\$2,575.15
1995	\$104,550	\$0	\$104,550	\$104,550	\$1,641.07

Detailed Property Report

Site Address N/A
 Map & Taxlot# 17-02-32-00-00501
 SIC N/A
 Tax Account# 0126167

Property Owner 1
 IP EAT THREE LLC
 PO BOX 2118
 MEMPHIS, TN 38101
 Tax account acreage 26.51
 Mapped taxlot acreage* 25.07

* Mapped Taxlot Acreage is the estimated size of a taxlot as derived from the county GIS taxlot layer, and is not to be used for legal purposes.

Map & Taxlot # 17-02-32-00-00501



Environmental Data

FEMA Flood Hazard Zone
Code Description
 X Areas determined to be outside of 500-year flood.

FIRM Map Number 41039C1162F
 Community Number 415592
 Post-FIRM Date 09/27/1985
 Panel Printed? Yes

Soils	Soil Map Unit#	Soil Type Description	% of Taxlot	Ag Class	Hydric %
119		Salem-Urban land complex	64%	2	0
32		Coburg-Urban land complex	28%	2	4
101		Oxley-Urban land complex	8%	3	5

Property Values & Taxes

The values shown are the values certified in October unless a value change has been processed on the property. Value changes typically occur as a result of appeals, clerical errors and omitted property. The tax shown is the amount certified in October. This is the full amount of tax for the year indicated and does not include any discounts offered, payments made, interest owing or previous years owing. It also does not reflect any value changes.

Year	Real Market Value (RMV)					Total	Total Assessed Value	Tax
	Land	Improvement						
2015	\$469,592	\$0	\$469,592	\$447,908	\$7,931.31	\$447,908	\$7,931.31	
2014	\$469,592	\$0	\$469,592	\$434,862	\$7,883.46	\$434,862	\$7,883.46	
2013	\$455,916	\$0	\$455,916	\$422,196	\$7,723.67	\$422,196	\$7,723.67	
2012	\$455,916	\$0	\$455,916	\$409,899	\$7,026.86	\$409,899	\$7,026.86	
2011	\$455,916	\$0	\$455,916	\$397,960	\$6,838.31	\$397,960	\$6,838.31	
2010	\$460,522	\$0	\$460,522	\$386,369	\$6,644.62	\$386,369	\$6,644.62	
2009	\$582,940	\$0	\$582,940	\$375,116	\$6,478.44	\$375,116	\$6,478.44	
2008	\$534,808	\$0	\$534,808	\$364,190	\$6,370.81	\$364,190	\$6,370.81	
2007	\$534,808	\$0	\$534,808	\$353,583	\$5,766.41	\$353,583	\$5,766.41	
2006	\$495,193	\$0	\$495,193	\$343,284	\$5,603.56	\$343,284	\$5,603.56	
2005	\$442,138	\$0	\$442,138	\$333,285	\$5,480.11	\$333,285	\$5,480.11	
2004	\$384,468	\$0	\$384,468	\$323,578	\$5,375.02	\$323,578	\$5,375.02	
2003	\$355,990	\$0	\$355,990	\$314,153	\$5,220.72	\$314,153	\$5,220.72	
2002	\$355,990	\$0	\$355,990	\$305,003	\$4,769.79	\$305,003	\$4,769.79	
2001	\$352,466	\$0	\$352,466	\$296,119	\$4,679.18	\$296,119	\$4,679.18	
2000	\$752,860	\$0	\$752,860	\$287,494	\$4,566.12	\$287,494	\$4,566.12	
1999	\$617,100	\$0	\$617,100	\$279,120	\$4,616.06	\$279,120	\$4,616.06	
1998	\$518,570	\$0	\$518,570	\$270,990	\$4,487.31	\$270,990	\$4,487.31	
1997	\$503,470	\$0	\$503,470	\$263,097	\$4,470.58	\$263,097	\$4,470.58	
1996	\$461,900	\$0	\$461,900	\$261,900	\$7,201.02	\$461,900	\$7,201.02	
1995	\$292,330	\$0	\$292,330	\$292,330	\$4,588.55	\$292,330	\$4,588.55	

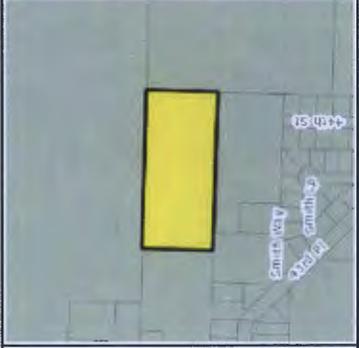
Detailed Property Report

Site Address N/A
 Map & Taxlot# 17-02-32-24-01500
 SIC N/A
 Tax Account# 0126563

Property Owner 1
 IP EAT THREE LLC
 PO BOX 2118
 MEMPHIS, TN 38101
 Tax account acreage 5.00
 Mapped taxlot acreage 4.91

* Mapped Taxlot Acreage is the estimated size of a taxlot as derived from the county GIS 'taxlot' layer, and is not to be used for legal purposes.

Map & Taxlot # 17-02-32-24-01500



Environmental Data

FEMA Flood Hazard Zone
 Code Description
 X Areas determined to be outside of 500-year flood.

FIRM Map Number 41039C1162F
 Community Number 415592
 Post-FIRM Date 09/27/1985
 Panel Printed? Yes

Soils	Soil Map Unit#	Soil Type Description	% of Taxlot	Ag Class	Hydric %
119		Salem-Urban land complex	49%	2	0
32		Coburg-Urban land complex	46%	2	4
34		Courtney gravelly silty clay loam	5%	4	97

Property Values & Taxes

The values shown are the values certified in October unless a value change has been processed on the property. Value changes typically occur as a result of appeals, clerical errors and omitted property. The tax shown is the amount certified in October. This is the full amount of tax for the year indicated and does not include any discounts offered, payments made, interest owing or previous years owing. It also does not reflect any value changes.

Year	Real Market Value (RMV)			Total	Total Assessed Value	Tax
	Land	Improvement				
2015	\$348,362	\$0	\$348,362	\$136,397	\$2,441.55	
2014	\$348,362	\$0	\$348,362	\$132,424	\$2,404.69	
2013	\$338,216	\$0	\$338,216	\$128,567	\$2,357.82	
2012	\$338,216	\$0	\$338,216	\$124,822	\$2,139.81	
2011	\$338,216	\$0	\$338,216	\$121,186	\$2,082.39	
2010	\$341,633	\$0	\$341,633	\$117,656	\$2,023.40	
2009	\$432,447	\$0	\$432,447	\$114,229	\$1,972.79	
2008	\$396,741	\$0	\$396,741	\$110,902	\$1,940.02	
2007	\$396,741	\$0	\$396,741	\$107,672	\$1,755.97	
2006	\$367,353	\$0	\$367,353	\$104,536	\$1,706.38	
2005	\$327,994	\$0	\$327,994	\$101,491	\$1,668.79	
2004	\$285,213	\$0	\$285,213	\$98,535	\$1,636.78	
2003	\$264,087	\$0	\$264,087	\$95,665	\$1,589.80	
2002	\$264,087	\$0	\$264,087	\$92,879	\$1,452.49	
2001	\$261,473	\$0	\$261,473	\$90,174	\$1,424.90	
2000	\$184,600	\$0	\$184,600	\$87,548	\$1,390.48	
1999	\$151,310	\$0	\$151,310	\$84,998	\$1,405.69	
1998	\$127,150	\$0	\$127,150	\$82,522	\$1,366.48	
1997	\$123,450	\$0	\$123,450	\$80,118	\$1,361.38	
1996	\$113,260	\$0	\$113,260	\$113,260	\$1,765.73	
1995	\$89,020	\$0	\$89,020	\$89,020	\$1,397.31	

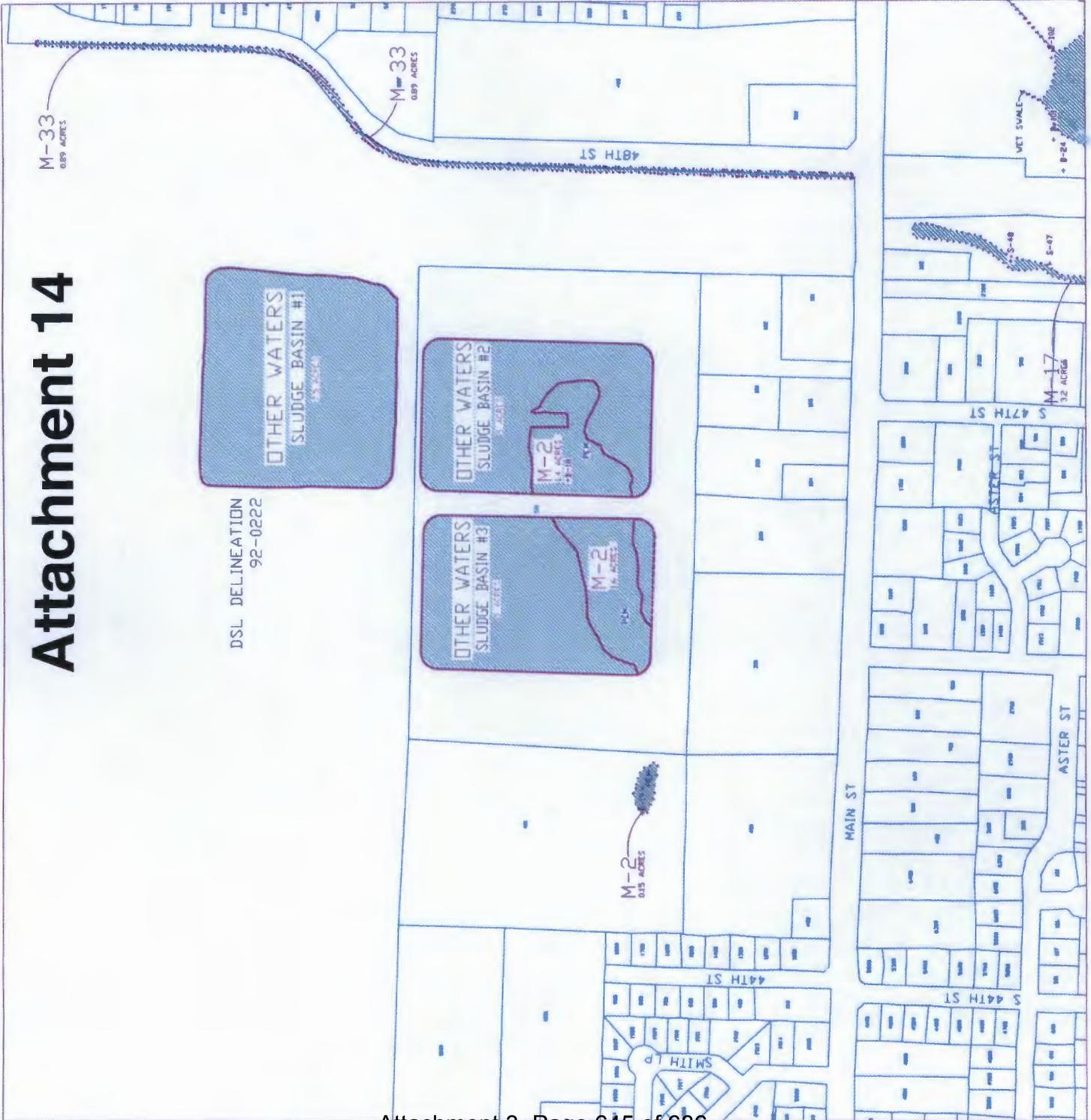
Attachment 14

WETLANDS INVENTORY CITY OF SPRINGFIELD

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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DSL DELINEATION
92-0222



LEGEND

- REGULATED WETLANDS (solid polygon boundary)
- FIELD DELINEATION NUMBER
- DETERMINED WETLANDS (hatched polygon boundary)
- OFF-SITE DETERMINATION
- ON-SITE DETERMINATION
- MITIGATED WETLAND
- LINE STUDY AREA BOUNDARY
- WETLAND CLASSIFICATION DELINEATION
- PSS (Palustrine Scrub)
- UNPAVED CODE NUMBER
- EB - EVERGREEN BETA/EMERSON
- EBP - EVERGREEN BETA/PINUS
- PF - PALUSTRINE FORESTED
- PS - PALUSTRINE SCRUB - SHrub
- POB - PALUSTRINE OPEN BARE
- POW - PALUSTRINE OPEN WATER
- TEST PIT LOCATION AND IDENTIFIER
- UPLAND AREA
- SECTION LINES (approximate)
- SECTION CORNER (approximate)
- PROPERTY BOUNDARIES AND TAX LOT
- RODGERS
- RIVERS AND STREAMS OUTSIDE OF STUDY AREA
- CITY LIMITS
- DOB

NOTES

- BASE MAP FROM LONG INITIAL INCREASE (STATE PLANS COORDINATE SYSTEM), JUNE 1984
- FIELD WORK PERFORMED IN JUNE 1982, AND APRIL 1987 MAPPED ON 1"-40' BLACK AND WHITE, AND INFLATED AIR PHOTO BASE, BLACK AND WHITE AIR PHOTO DATE: 1980 INFLATED AIR PHOTO DATE: 1986
- WETLAND BOUNDARIES HAVE NOT BEEN SURVEYED AND ARE APPROXIMATE. BOUNDARIES ARE FOLLOWS AND/OR ADJUSTED FROM PROPERTY LINES AND OTHER GEOGRAPHIC REFERENCE POINTS.
- INFORMATION SHOWN ON THIS MAP IS FOR PLANNING PURPOSES AND ALL WETLAND BOUNDARIES ARE APPROXIMATE. IN ALL CASES, ACTUAL FIELD CONDITIONS MAY VARY FROM WETLAND BOUNDARIES SHOWN ON THIS MAP. WETLAND BOUNDARIES SHOULD BE VERIFIED BY VISUAL SURVEY TO DETERMINE.

THIS PROJECT WAS FUNDED IN PART BY THE CITY OF SPRINGFIELD, ENVIRONMENTAL PROTECTION AGENCY AND THE U.S. ECONOMIC DEVELOPMENT ADMINISTRATION.

DATE UPDATED: APRIL 1988



Attachment 15

EASY MAP

Explore Create

Zoom In Zoom Out Full Extent Previous Extent

Navigation

Map Tips

Search For Taxlot/Address Search

I want 10...

Search

Search For Taxlot/Address

Select By Point

Select By Freehand

Select By Line

Select By Polygon

Select By Rectangle

Get Taxlots From Addresses

Get Addresses From Taxlots

Clear Selection Clean Up

Selected Results (4)

View Selected >> | Select None

Refine Results | Table View | Select None

1702312100100

Taxlot

Map & Taxlot Number: 1702312100100

Site Address 1 of 1: 1001 35TH ST

Tax Account Number 1: 116693

Property Owner 1: SUNDANCE LUMBER CO

Approximate Taxlot Acreage: 4.51

RLID Reports: [Icons] Other Links: [Icons]

1702304301700

Taxlot

Map & Taxlot Number: 1702304301700

Site Address 1 of 1: 115822

Tax Account Number 1: 116822

Property Owner 1: SUNDANCE LUMBER CO

Approximate Taxlot Acreage: 4.66

RLID Reports: [Icons] Other Links: [Icons]

1702304304700

Taxlot

Map & Taxlot Number: 1702304304700

Site Address 1 of 1: 1225 38TH ST

Tax Account Number 1: 116242

Property Owner 1: SUNDANCE LUMBER CO

Approximate Taxlot Acreage: 2.63

RLID Reports: [Icons] Other Links: [Icons]

1702311200100

Taxlot

Map & Taxlot Number: 1702311200100

Site Address 1 of 1: 116683

Tax Account Number 1: 116683

Property Owner 1: SUNDANCE LUMBER CO

Approximate Taxlot Acreage: 6.04

RLID Reports: [Icons] Other Links: [Icons]

Detailed Property Report

Site Address 1001 35TH ST Springfield, OR 97478-5605
 Map & Taxlot# 17-02-31-21-00100
 SIC N/A
 Tax Account# 0118693

Property Owner 1
 SUNDANCE LUMBER CO
 PO BOX 109
 SPRINGFIELD, OR 97477
 Tax account acreage 4.48
 Mapped taxlot acreage† 4.51

† Mapped Taxlot Acreage is the estimated size of a taxlot as derived from the county GIS taxlot layer, and is not to be used for legal purposes.

Related Accts 1851367

Map & Taxlot # 17-02-31-21-00100



Property Values & Taxes

The values shown are the values certified in October unless a value change has been processed on the property. Value changes typically occur as a result of appeals, clerical errors and omitted property. The tax shown is the amount certified in October. This is the full amount of tax for the year indicated and does not include any discounts offered, payments made, interest owing or previous years owing. It also does not reflect any value changes.

Year	Real Market Value (RMV)			Total Assessed Value	Tax
	Land	Improvement	Total		
2015	\$499,775	\$235,080	\$734,855	\$734,855	\$12,639.38
2014	\$499,775	\$218,960	\$718,735	\$718,735	\$12,541.24
2013	\$485,220	\$214,060	\$699,280	\$699,280	\$12,327.12
2012	\$485,220	\$181,780	\$667,000	\$667,000	\$11,129.42
2011	\$485,220	\$827,820	\$1,313,040	\$1,313,040	\$21,958.10
2010	\$490,120	\$869,460	\$1,359,580	\$1,359,580	\$22,757.46
2009	\$620,410	\$833,020	\$1,453,430	\$1,453,430	\$24,442.91
2008	\$569,180	\$989,450	\$1,558,630	\$1,479,827	\$25,598.57
2007	\$569,180	\$1,323,360	\$1,892,540	\$1,436,725	\$23,430.83
2006	\$527,020	\$1,339,070	\$1,866,090	\$1,394,879	\$22,769.17
2005	\$470,550	\$1,216,110	\$1,686,660	\$1,354,251	\$22,267.54
2004	\$409,170	\$695,870	\$1,105,040	\$1,105,040	\$17,821.75
2003	\$378,860	\$731,700	\$1,110,560	\$1,110,560	\$17,918.77
2002	\$378,860	\$779,270	\$1,158,130	\$1,158,130	\$17,551.46
2001	\$375,110	\$538,330	\$913,440	\$913,440	\$13,992.25
2000	\$238,630	\$948,570	\$1,187,200	\$1,063,632	\$16,893.14
1999	\$195,600	\$780,650	\$976,250	\$922,411	\$15,077.95
1998	\$164,370	\$740,890	\$905,260	\$895,545	\$14,444.90
1997	\$159,580	\$741,670	\$901,250	\$856,170	\$14,354.34
1996	\$146,400	\$729,580	\$875,980	\$875,980	\$13,656.54
1995	\$161,140	\$790,160	\$951,300	\$951,300	\$14,932.08

Detailed Property Report

Site Address N/A
Map & Taxlot# 17-02-30-43-01700
SIC N/A
Tax Account# 0115822

Property Owner 1
 SUNDANCE LUMBER CO
 PO BOX 109
 SPRINGFIELD, OR 97477
 Tax account acreage 4.97
 Mapped taxlot acreage† 4.88

† Mapped Taxlot Acreage is the estimated area of a taxlot as derived from the county GIS taxlot layer, and is not to be used for legal purposes.

Related Accts 5317340

Map & Taxlot # 17-02-30-43-01700



Property Values & Taxes

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Year	Real Market Value (RMV)			Total Assessed Value	Tax
	Land	Improvement	Total		
2015	\$325,381	\$0	\$325,381	\$248,124	\$4,441.49
2014	\$325,381	\$0	\$325,381	\$240,897	\$4,374.45
2013	\$315,904	\$0	\$315,904	\$233,881	\$4,289.19
2012	\$315,904	\$0	\$315,904	\$227,069	\$3,892.62
2011	\$315,904	\$0	\$315,904	\$220,455	\$3,788.17
2010	\$319,095	\$0	\$319,095	\$214,034	\$3,680.87
2009	\$403,918	\$0	\$403,918	\$207,800	\$3,588.81
2008	\$370,567	\$0	\$370,567	\$201,748	\$3,529.20
2007	\$370,567	\$0	\$370,567	\$195,872	\$3,194.38
2006	\$343,118	\$0	\$343,118	\$190,167	\$3,104.17
2005	\$306,356	\$0	\$306,356	\$184,628	\$3,035.78
2004	\$266,397	\$0	\$266,397	\$179,250	\$2,977.56
2003	\$246,664	\$0	\$246,664	\$174,029	\$2,892.08
2002	\$246,664	\$0	\$246,664	\$168,960	\$2,642.28
2001	\$244,222	\$0	\$244,222	\$164,039	\$2,592.10
2000	\$275,220	\$0	\$275,220	\$159,261	\$2,529.46
1999	\$225,590	\$0	\$225,590	\$154,622	\$2,557.12
1998	\$189,570	\$0	\$189,570	\$150,118	\$2,485.79
1997	\$184,050	\$0	\$184,050	\$145,746	\$2,476.54
1996	\$168,850	\$0	\$168,850	\$168,850	\$2,632.37
1995	\$161,940	\$0	\$161,940	\$161,940	\$2,541.89

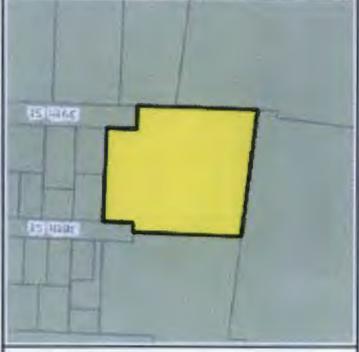
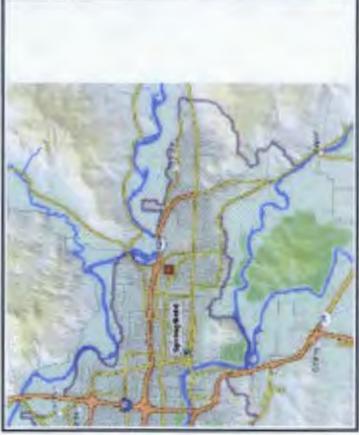
Detailed Property Report

Site Address 1225 38TH ST Springfield, OR 97478
Map & Taxlot# 17-02-30-43-04700
SIC N/A
Tax Account# 0116242 a
 a Additional site address(es) are associated with this tax account

Property Owner 1
 SUNDANCE LUMBER CO
 PO BOX 109
 SPRINGFIELD, OR 97477
 Tax account acreage 2.44
 Mapped taxlot acreage† 2.63

† Mapped Taxlot Acreage is the estimated size of a taxlot as derived from the county GIS taxlot layer, and is not to be used for legal purposes.

Map & Taxlot # 17-02-30-43-04700



Property Values & Taxes

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Year	Real Market Value (RMV)			Total	Total Assessed Value	Tax
	Land	Improvement	Total			
2015	\$185,889	\$0	\$185,889	\$85,829	\$1,536.36	
2014	\$185,889	\$0	\$185,889	\$83,329	\$1,513.17	
2013	\$180,475	\$0	\$180,475	\$80,902	\$1,483.68	
2012	\$180,475	\$0	\$180,475	\$78,546	\$1,346.51	
2011	\$180,475	\$0	\$180,475	\$76,258	\$1,310.37	
2010	\$182,298	\$0	\$182,298	\$74,037	\$1,273.26	
2009	\$230,757	\$0	\$230,757	\$71,881	\$1,241.42	
2008	\$211,704	\$0	\$211,704	\$69,787	\$1,220.79	
2007	\$211,704	\$0	\$211,704	\$67,754	\$1,104.97	
2006	\$196,023	\$0	\$196,023	\$65,781	\$1,073.77	
2005	\$175,021	\$0	\$175,021	\$63,865	\$1,050.11	
2004	\$152,193	\$0	\$152,193	\$62,005	\$1,029.98	
2003	\$140,920	\$0	\$140,920	\$60,199	\$1,000.41	
2002	\$140,920	\$0	\$140,920	\$58,446	\$914.01	
2001	\$129,721	\$0	\$129,721	\$55,612	\$878.76	
2000	\$118,220	\$0	\$118,220	\$53,992	\$857.53	
1999	\$96,900	\$0	\$96,900	\$52,419	\$866.90	
1998	\$81,430	\$0	\$81,430	\$50,892	\$842.71	
1997	\$79,060	\$0	\$79,060	\$49,410	\$839.57	
1996	\$72,530	\$0	\$72,530	\$72,530	\$1,130.74	
1995	\$54,040	\$860	\$54,900	\$54,900	\$861.73	

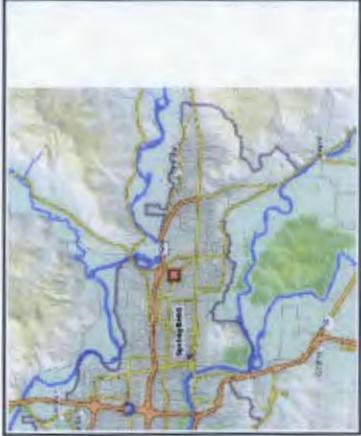
Detailed Property Report

Site Address N/A
 Map & Taxlot# 17-02-31-12-00100
 SIC N/A
 Tax Account# 0116853

Property Owner 1
 SUNDANCE LUMBER CO
 PO BOX 109
 SPRINGFIELD, OR 97477
 Tax account acreage 6.06
 Mapped taxlot acreage* 6.04

* Mapped Taxlot Acreage is the estimated size of a taxlot as derived from the county GIS taxlot layer, and is not to be used for legal purposes.

Map & Taxlot # 17-02-31-12-00100



Property Values & Taxes

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Year	Real Market Value (RMV)			Total	Total Assessed Value	Tax
	Land	Improvement				
2015	\$276,249	\$0	\$276,249	\$111,456	\$1,995.10	
2014	\$276,249	\$0	\$276,249	\$108,210	\$1,964.99	
2013	\$268,203	\$0	\$268,203	\$105,058	\$1,926.68	
2012	\$268,203	\$0	\$268,203	\$101,998	\$1,748.54	
2011	\$268,203	\$0	\$268,203	\$99,027	\$1,701.62	
2010	\$270,913	\$0	\$270,913	\$96,143	\$1,653.43	
2009	\$342,928	\$0	\$342,928	\$93,343	\$1,612.08	
2008	\$314,613	\$0	\$314,613	\$90,624	\$1,585.29	
2007	\$314,613	\$0	\$314,613	\$87,984	\$1,434.89	
2006	\$291,309	\$0	\$291,309	\$85,421	\$1,394.36	
2005	\$260,098	\$0	\$260,098	\$82,933	\$1,363.64	
2004	\$226,173	\$0	\$226,173	\$80,517	\$1,337.48	
2003	\$209,420	\$0	\$209,420	\$78,172	\$1,299.09	
2002	\$209,420	\$0	\$209,420	\$75,895	\$1,186.88	
2001	\$206,415	\$0	\$206,415	\$67,270	\$1,062.98	
2000	\$108,250	\$0	\$108,250	\$65,311	\$1,037.30	
1999	\$88,730	\$0	\$88,730	\$63,409	\$1,048.65	
1998	\$74,560	\$0	\$74,560	\$61,562	\$1,019.41	
1997	\$72,390	\$0	\$72,390	\$59,769	\$1,015.60	
1996	\$66,410	\$0	\$66,410	\$66,410	\$1,035.32	
1995	\$66,410	\$0	\$66,410	\$66,410	\$1,042.41	



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Portland Office • 133 SW 2nd Ave, Suite 201 • Portland, OR 97204 • (503) 497-1000 • fax (503) 223-0073 • www.friends.org
Southern Oregon Office • PO Box 2442 • Grants Pass, OR 97528 • (541) 474-1155 • fax (541) 474-9389

September 12, 2016

Honorable Mayor Christine Lundberg
Springfield City Council
City of Springfield
225 Fifth Street
Springfield, OR 97477

Lane County Board of Commissioners
Lane County Planning Commission
Lane County
125 E. 8th Avenue
Eugene, OR 97401

Re: Springfield UGB expansion; LRP2009-00014 (Springfield); 509-PA13-05393 (Lane County)

Dear Mayor Lundberg, Councilors and Commissioners:

Thank you for this opportunity to comment on the proposed Springfield Urban Growth Boundary (UGB) amendment. 1000 Friends of Oregon is a nonprofit, charitable organization dedicated to working with Oregonians to enhance our quality of life by building livable urban and rural communities, protecting family farms and forests, and conserving natural and scenic areas.

We have participated in this process since the original version was presented for hearing in 2009, and we appreciate the significant additional work that has been done by Springfield staff and city leadership since that time. The revised proposal is much stronger than before.

We support the determination of the August 2015 *Commercial and Industrial Buildable Lands Inventory and Economic Opportunities Analysis* (EOA) that over the next 20 years, Springfield will need the following large employment sites:

20+ acre sites:

3 industrial sites
1 commercial site

5-20 acre sites:

12 industrial sites
8 commercial sites

However, we do have concerns with a few other aspects of the revised proposal. They are:

1. Excessive size requirements for 20+ acre sites

Although we agree with the city's determination that Springfield needs four 20+ acre sites, we do not agree with the EOA's assertion that candidate sites actually need to be much larger than 20 acres in order to meet that need. The following Table 5-2 from the EOA states that "20 and Larger" sites must be, on average, 63 acres for industrial sites, and 60 acres for commercial sites.

Table 5-2. Average size of needed sites based on average sizes of sites with employment in Springfield, Springfield UGB

	Site Size (acres)				
	Less than 1	1 to 2	2 to 5	5 to 20	20 and Larger
Industrial	0.5	1.4	3.0	10.0	63.0
Commercial and Mixed Use	0.4	1.4	3.2	9.3	60.0

Source: ECONorthwest based on QCEW data

Note: Average site size for sites 20 acres and larger is rounded to the nearest acre.

The EOA provides this rationale:

"The average site sizes in Table 5-2 are based on empirical analysis of the size of Industrial and Commercial taxlots with employment in Springfield in 2006. This analysis involved relating covered employment data (covered employment in Springfield is shown in Table C-1) to taxlots in Springfield. The taxlots were grouped into categories of site size (i.e., less than 1 acre, 1-2 acres, etc.) by type of land (i.e., industrial or commercial/mixed-use). For each group, the average site size was determined, as shown in Table 5-2. For example, there were 75 Industrial sites smaller than 1 acre in Springfield with employment, with an average of 0.5 acres per site." (EOA, page 78)

We are unsure exactly which sites were used to compute these averages, since Table 5-2's footnote about its data source does not cite to evidence in the record. However, we have attempted to recreate the analysis using taxlot data from Lane County. Our research suggests that the average size of existing 20+ acre employment sites cannot inform the needs of Springfield's future targeted industries.

These are the occupied 20+ acre industrial sites we found:¹

Sierrapine mill	71 acres
International Paper mill (main taxlot only).....	175 acres
Swanson mill.....	36 acres
Rosboro mill	70 acres
Jasper-Natron mill (taxlot 1802100000200, see EOA pg. 33).....	47 acres
Jasper-Natron mill (taxlot 1802100000900, see EOA pg. 36).....	29 acres
High Banks warehouse	47 acres
True Value regional distribution center	29 acres
AVERAGE ALL SITES	63 acres

¹ See Attachments 1-6 for aerial maps and taxlot data.

Note that these eight sites average 63 acres, which matches the EOA's determination of average industrial site size. However, as previously mentioned, since we do not have access to ECONorthwest's data, we cannot be sure that our analysis exactly matches theirs.

Regardless of the details, it is clear that most of Springfield's large industrial sites are home to paper and lumber mills. The problem is, these are legacy industries that are not among the city's targeted industries, so their size is irrelevant to Springfield's future needs. Page 65 of EOA explains that trends indicating "decline in wood products manufacturing" informed the city's selection of different targeted industries. Specifically:

"Springfield identified the following types of target industries in manufacturing (as part of the General Industrial employment category) that require sites 5 acres and larger: medical equipment, high-tech electronics and manufacturing, recreational equipment, furniture manufacturing, specialty food processing." (EOA pg. 85, also see Table 5-5)

As explained on page 82 of the EOA, the Goal 9 administrative rule allows cities to specify "attributes of a site necessary for a particular industrial or other employment use to operate," such as size. The meaning of the phrase "a particular industrial use" in this rule has been interpreted by DLCD to require a certain level of specificity. Industries may be grouped together for purposes of establishing necessary site characteristics such as size, but only when those industries have similar operational needs.²

A paper mill, with its need for large sludge ponds, railcar accommodation, and wood storage yards, has little in common with Springfield's chosen targeted industries: medical equipment, high-tech electronics and manufacturing, recreational equipment, furniture manufacturing, specialty food processing. Therefore, the site characteristics of Springfield's existing paper and lumber mills are not relevant to the required Goal 9 analysis.

Besides the six mills, our above list includes two other existing industrial sites, but both are warehouses, and distribution is not one of Springfield's targeted industries. Beyond that, while the entire High Banks warehouse site is 47 acres, as shown by the aerial photo (Attachment 5), most of it is underwater. The warehouse sits on a section of the shoreline that is considerably smaller than 20 acres. That leaves the 29-acre True Value regional distribution center as the sole example of a Springfield warehouse on a 20+ acre site.

² For more on this topic, see page 17 of the 1/23/14 memo from DLCD director Jim Rue to LCDC that was posted as Agenda Item 4 to the February 13-14, 2014 LCDC Meeting. An excerpt: "In its review of objections, the department interprets the administrative rules to require a city to demonstrate that site characteristics describe operational needs of particular employment uses or groups of uses with similar operational needs. The department finds that the term 'particular' should be interpreted in a way that allows a city a reasonable and practical path to compliance with the rules while addressing its economic development needs. At the same time, it cannot be construed so broadly that it renders the term 'particular' moot. For example, requiring a city to determine, with substantial evidence, precise operational and siting needs for semiconductor manufacturing, medical device manufacturing, and nano & micro technology manufacturing separately is not practical or reasonable. On the other hand, 'manufacturing' is so broad and encompasses so many different 'particular uses' that implementing site characteristics at this level would likely not establish an adequate basis for rule compliance, much less address the practical needs of the city. In this example, 'high tech manufacturing' could be the appropriate level of aggregation that is still specific enough to be a 'particular use.'"

For commercial sites, we found only two 20+ acre sites:³

Peace Health hospital complex (see EOA pg.74)	72 acres
<u>Gateway shopping center (all three taxlots).....</u>	<u>48 acres</u>
AVERAGE ALL SITES.....	60 acres

Here, too, our average exactly matches the EOA's determination. And once again, it seems clear that these uses cannot inform Springfield's future site needs. Both uses are large, regional scale "one offs" that won't be recreated during the next 20 years. In addition, retail is not one of Springfield's targeted industries:

"Springfield identified the following types of large office employers as target industries that require sites of five acres or larger: high tech, corporate headquarters, biotech, professional and technical services, back office, and medical services. These and other target industries may locate on stand-alone sites or may locate in business parks. The types of buildings may be typical office buildings, flex buildings, or multiple buildings in a "campus" environment." (EOA pg. 90, also see Table 5-5 on page 84)

In the absence of any relevant evidence to the contrary, sites that contain at least 20 buildable acres must be considered suitable to meet the need for "20+ acre sites." This correction will have significant ramifications when determining the need for additional land outside the UGB, because currently, the EOA assumes that these sites need to average at least 60 acres in size.

2. Failure to re-designate surplus industrial sites to address commercial deficit

As illustrated by the EOA's Table 5-1 (reproduced below), Springfield has 18 buildable industrial sites in the 5-20 acre range, but needs only 12 of these, leaving a surplus of 6 sites.

Table 5-1 also shows that Springfield has 4 buildable commercial sites in the 5-20 acre range, but needs 8 of these, and so has a deficit of 4 sites.

³ See Attachment 7 for aerial map and taxlot data.

Table 5-1. Comparison of vacant land supply and site needs, industrial and other employment land, Springfield UGB, 2010-2030

	Site Size (acres)				
	Less than 1	1 to 2	2 to 5	5 to 20	20 and Larger
Buildable Land Inventory					
Vacant					
Industrial	72	24	20	12	0
Commercial and Mixed Use	104	14	6	4	0
Potentially Redevelopable					
Industrial	122	28	31	6	1
Commercial and Mixed Use	305	20	15	0	0
Total Buildable Sites					
Industrial	194	52	51	18	1
Commercial and Mixed Use	409	34	21	4	0
Site Needs					
Needed sites					
Industrial	7	7	7	12	3
Commercial and Mixed Use	174	31	23	8	1
Surplus (deficit) of sites					
Industrial	187	45	44	6	-2
Commercial and Mixed Use	235	3	-2	-4	-1

Source: ECONorthwest.

Note: The redevelopable sites in Table 5-1 are assumed to increase employment capacity on the redeveloped sites. As discussed in Chapter 2, redevelopment means a net increase in employment capacity, rather than only the replacement of an old building with a newer building.

There is nothing wrong with this initial determination. The problem is that the city skipped over the next step in the process, and jumped directly to a conclusion that the identified deficit of 4 commercial sites in the 5-20 acre range could only be remedied by expansion of the UGB.

Goal 14 and its administrative rules require that each of the existing 18 buildable industrial sites in the 5-20 acre size class first be assessed to determine whether any could be re-designated to meet the commercial deficit:

“Prior to expanding the UGB, a local government must demonstrate that the estimated needs cannot reasonably be accommodated on land already inside the UGB.” (OAR 660-024-0050(4))

Even though some of these 18 industrial sites might not be appropriate for commercial use, many probably are suitable. This is especially true since the summary Table 5-5 on page 84 shows there are no significant differences between the EOA’s site characteristics for industrial and commercial targeted industries on sites larger than 5 acres.

In addition, the UGB expansion areas are not divided into dedicated commercial vs. industrial sections. Instead, a generic employment land designation would be applied to all the land, with the final plan designation determined by future planning actions. As the staff report explains:

“The Urban Holding Area – Employment (UHA-E) designation identifies urbanizable areas within the Springfield UGB to meet Springfield’s long term employment land needs for the 2010-2030 planning period. The UHA-E designation reserves an adequate inventory of employment sites, including sites 20 acres and larger, that are suitable for industrial and commercial mixed use employment uses.” (Staff report, pg. 89)

Based on these facts, it seems clear that the city considers large commercial and industrial sites for its targeted industries to be essentially interchangeable. Thus, the identified deficit of 4 commercial sites in the 5-20 acre range could be easily met by strategic re-designation of 4 of the 18 inventoried industrial sites. Since there is currently a surplus of 6 such sites, the re-designation would still leave the city with a surplus of 2 additional industrial sites.

3. Failure to inventory all existing 20+ acre sites

An accurate inventory of all vacant and redevelopable sites is a critical part of any UGB evaluation. It appears that several 20+ acre sites were not captured by the city’s inventory.

The above Table 5-1 states that Springfield has no vacant commercial or industrial sites in the 20+ acre size class, and has only one re-developable site. It seems clear that this re-developable site is Jasper Natron taxlot 1802100000200, which is depicted on page 33 of the EOA. The staff report explains that it was inventoried as a 20+ acre site:

“The largest potentially redevelopable site is a 47-acre parcel in the Jasper-Natron Special Heavy Industrial District (Taxlot: 1802100000200. This site has approximately 36 acres of unconstrained land * * * The City reasoned that this site could provide one of the City’s needed sites 20 acres and larger.” (Staff report, pg. 69-70)

We agree that this is a 20+ acre site. However, we found four other employment sites that appear to contain 20+ acres of buildable land, yet do not appear in that category on the city’s inventory. They are:

Wildish site, Glenwood area

The “Wildish site” is a 31-acre parcel in the Glenwood area of Springfield, located on the west bank of the Willamette River. It is depicted as a Light Medium Industrial vacant site (light pink color) in the lower left corner of Map 2-3 on page 24 of the EOA. Below is a close up view of that part of Map 2-3 alongside an aerial map showing the lot boundaries.⁴

⁴ Also see Attachment 8, a printout from Lane County’s taxlot mapping system showing that the parcel is 31.27 acres, including the building. The building is in the “notch” that is missing from the site on Map 2-3. The notch area appears to be about 2 acres in size, so the actual vacant buildable area is somewhere between 25 and 30 acres.



A review of the current FEMA flood map (Attachment 9) shows that virtually none of this parcel is within the floodway. Some areas are within the floodplain, but the EOA does not consider that to be a prohibitive constraint. In fact, the entire proposed Gateway expansion area is within the floodplain. The FEMA map also includes topography; the site is nearly level with only a few feet of difference from one end to the other. Finally, the Glenwood Local Wetlands Inventory (Attachment 10) shows there are no delineated wetlands on the site. Therefore, there appear to be no constraints that would reduce the buildable portion of this site below 20 acres.

In 2012, the Wildish site was re-designated as “Employment Mixed Use” by the Glenwood Refinement Plan adopted as Springfield Ordinance 6279. That designation preserved this site’s status as an important 20+ acre employment site included in Springfield’s Commercial and Industrial Buildable Lands Inventory (CIBL). Ordinance 6279’s findings stated that the Wildish property is a 20+ acre employment site requiring protection from future land divisions:

“The proposed Glenwood Refinement Plan Housing and Economic Development Chapter, Economic Development Section states: ‘Nearly all parcels in the Glenwood Riverfront are classified in the CIBL as vacant or potentially redevelopable industrial, commercial, and mixed-use sites. The proposed plan designations for the Glenwood Riverfront, as described in the Land Use and Built Form Chapter, will result in vacant and redevelopable parcels in the Glenwood Riverfront contributing to Springfield’s commercial and industrial buildable lands supply.... There is a citywide deficit of industrial parcels greater than 20 acres, and there is a deficit of commercial and mixed-use parcels greater than 1 acre. Therefore, parcels sized in these categories must be

maintained or increased (through parcel consolidation) to preserve the commercial and industrial land supply.’ ***The limitation on land divisions is necessary to protect commercial and industrial land of both small and large (20 or more acres, for example the Wildish property)*** acreages as specified in CIBL.” (Springfield Ord. 6279, Exhibit A-40, emphasis added)

Given the above information, we cannot understand why the Wildish site was not included in the inventory as a 20+ acre site. If it was deemed to have less than 20 acres, and hence was inventoried as only a 5-20 acre site, that would appear to have been an error. Based on what we know, we think it should be inventoried as either a commercial or an industrial 20+ acre site, and the UGB expansion reduced accordingly. If the city has evidence to the contrary, we would appreciate a chance to review that information and modify our testimony.

Brand S Road, Jasper-Natron area

The EOA evaluated a 29-acre mill site on Brand S Road in the Jasper-Natron area (taxlot 1802100000900) for redevelopment potential, and concluded it had none:

“The site has more than 24 acres of unconstrained land. This site is owned and used by a wood products manufacturer. As long as the business is operational and continues to use this site, it will be unavailable for redevelopment.” (EOA, pg. 36)

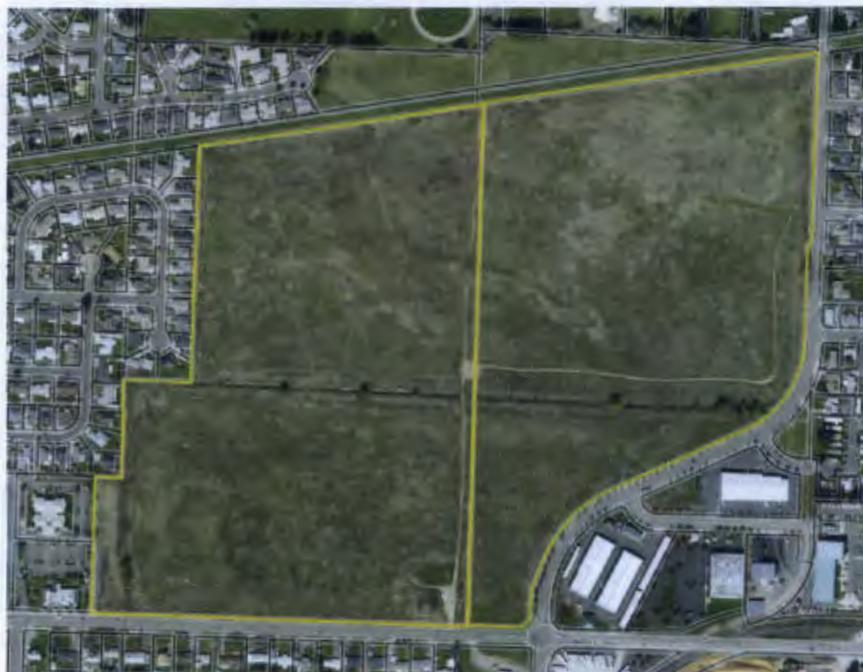
Since the inventory was performed many years ago, we are unsure if the city realizes that recently, nearly all the buildings on this site were demolished. As shown on the county tax printout (Attachment 11), the real market value of the site’s improvements was reduced from \$236,570 in 2014 to \$27,470 in 2015. The remaining structure appears to be a small outbuilding in the southwest corner, an area that is separated from the rest of the parcel by Brand S Road.

It is evident from the below aerial photo that the other buildings have been torn down to the ground, and the debris has been removed. Therefore, the site is now ready for redevelopment, and so must be counted as a 20+ acre site in the inventory.



Marcola Meadows

Marcola Meadows is a 100-acre master planned site that is depicted with an orange color near the center of Map 2-2 on page 20 of the EOA. Below is an aerial view of the site.





The EOA states that it inventoried the 44-acre portion that would contain employment uses:

“The inventory also includes two sites with approved master plans: Riverbend and Marcola Meadows. These sites have master plans that approve a specific amount of employment. The CIBL only inventoried the portion of these sites that are approved for employment uses.” (EOA, pg. 19)

“Marcola Meadows is a master-planned proposed mixed use project located on a vacant 100-acre parcel in Springfield. The project is expected to include about 190 single unit detached homes, about 120 townhouses, about 120 homes in apartments, and 54 homes for senior living. The total proposed land requirement of the residential village would be 39 acres. The Marcola Meadows Master Plan includes a commercial anchor development, professional offices and retail. The planned commercial component will occupy about 44 acres. The remaining land in the development will be used for common open space and streets.” (EOA, pg.74)

Since Marcola Meadows will accommodate well over 20 acres of commercial uses, we do not understand why this site wasn't inventoried as a 20+ acre site. Either the inventory should be amended to include Marcola Meadows in the count of 20+ acre sites, or additional evidence and findings should explain why it cannot provide such a site.

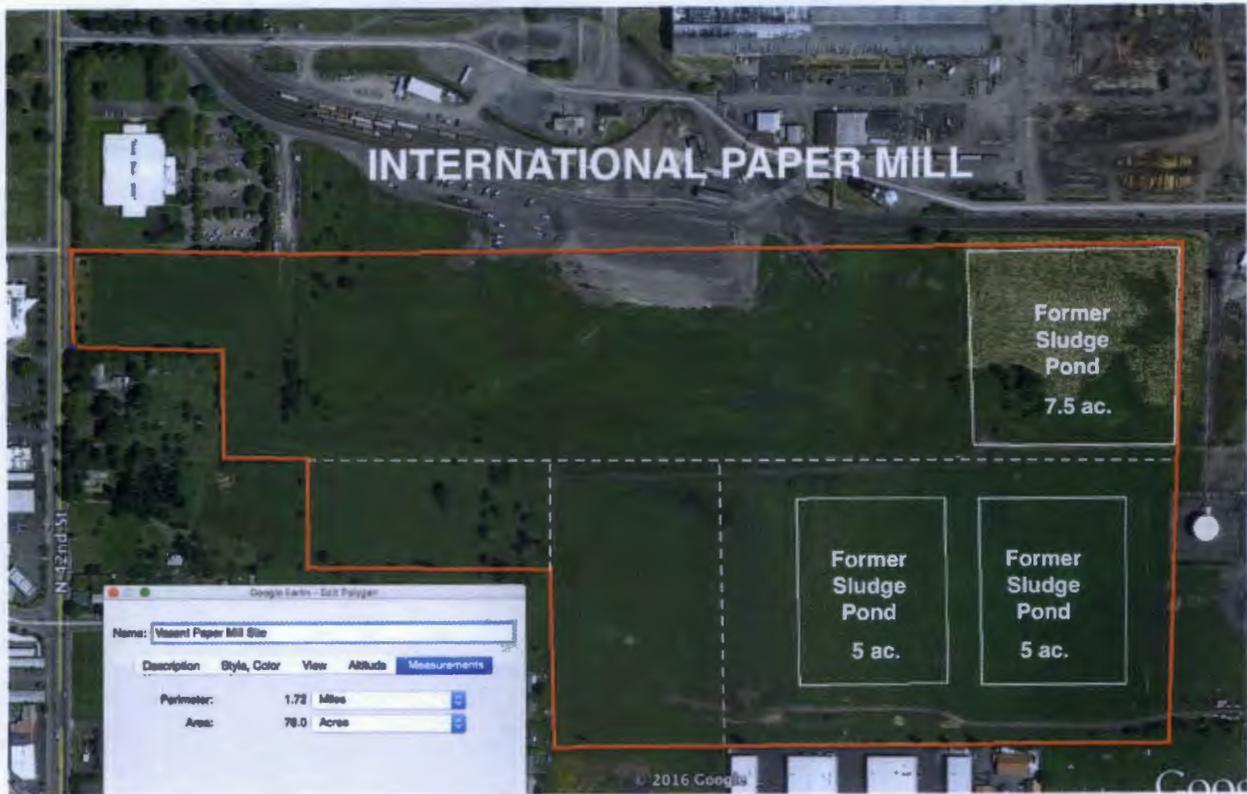
International Paper

The International Paper ownership is hundreds of acres in size and spans several adjacent lots. The entire complex is shown on the attached aerial photo (Attachment 12). The southern part of this ownership – which is at least 75 acres in size – has no improvements and is not being used in conjunction with the paper mill operation; it is a grass field. However, the site has not been included in the city's inventory of 20+ acre sites.

This southern portion is made up of four lots. Three are vacant; these are approximately 5, 10, and 25 acres in size. The fourth lot contains 117 acres, and has improvements in its northern portion. The lot boundaries and sizes are depicted on the printouts from Lane County's taxlot mapping system (Attachment 13). The printouts also establish the common ownership of all four lots and the lack of any improvements on the three smaller lots.

Below is a recent Google Earth image of the portion of the paper mill ownership that we think should have been inventoried as a 20+ acre site. The Google measurement box shows that the polygon outlined in red contains almost 80 acres. The approximate internal lot lines are shown as dashed white lines, and the location of three former paper mill sludge ponds are shown as solid white lines. The northern part of this area is the vacant portion of the 117-acre lot (roughly 40 acres); the three smaller lots to the south are entirely vacant (they are 5, 10 and 25 acres, for a total of another 40 acres).

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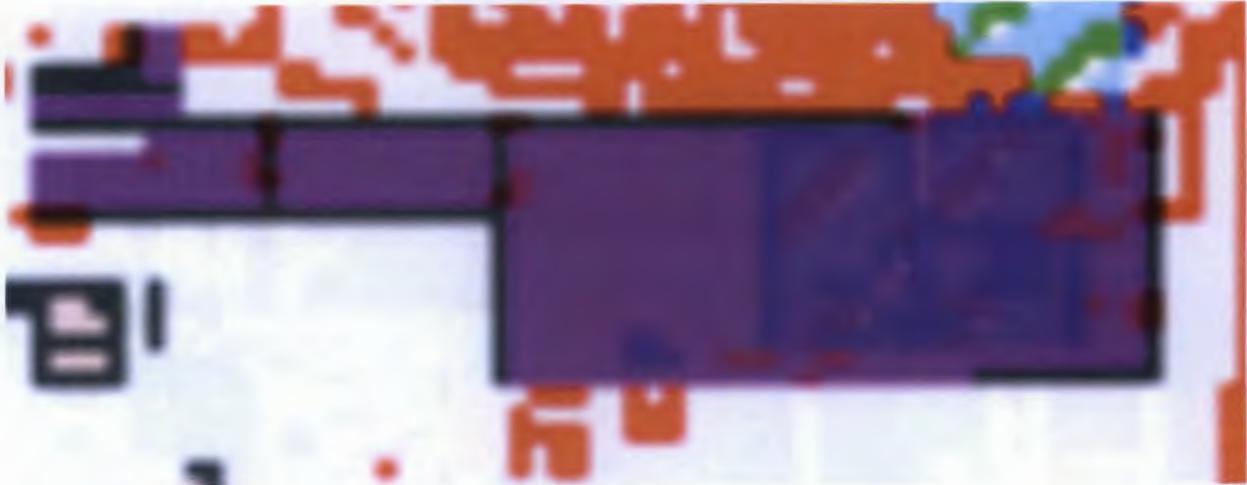


The redevelopment potential of the partially developed 117-acre lot is discussed on page 36 of the EOA. Despite the absence of improvements on the 40-acre southern portion, it was determined to have no capacity because, “This site is owned and used by a paper mill. As long as the paper mill is operational and continues to use this site, it will be unavailable for redevelopment.”

Because the record does not explain how individual lots were inventoried, we cannot determine how the three vacant lots were classified. Were they correctly considered to be one 40-acre site, since they have common ownership? Or was each lot erroneously considered to be a separate site? As best we can ascertain, the EOA’s Map 2-4 is the only place that gives any indication of which land was inventoried, and what constraints exist.⁵ A close up of the relevant part of Map 2-4 is reproduced below; the three vacant lots are in the purple area.

⁵ We have asked staff for taxlot specific information, and were told that the information is only available in the form of a Microsoft Access database, and that it would require a public information request to obtain. We do not understand how Map 2-4 could be sufficient to comply with the Goal 9 rule’s inventory requirements. For example, it is not possible to determine the site characteristics that each site has, because the size is not provided for any individual lot or aggregations thereof. OAR 660-009-0015(3) requires that information:

- “(a) For sites inventoried under this section, plans must provide the following information:
 - (A) The description, including site characteristics, of vacant or developed sites within each plan or zoning district;
 - (B) A description of any development constraints or infrastructure needs that affect the buildable area of sites in the inventory;”



The former sludge ponds are marked light blue with green diagonal stripes; the map's legend says that color indicates "Wetlands." These are not natural wetlands; the ponds were mapped as "Other Waters" on the city's wetlands inventory in the 1990s (Attachment 14), when they apparently still contained water. Today, however, the ponds have been abandoned and now are grass fields.

The former pond areas contain little to no hydric soil (one of the distinguishing features of wetlands), as illustrated by soils data on the county printout for the 25-acre taxlot that contains the two southern ponds (Attachment 13). Therefore, it seems unlikely that any substantial parts of these areas are still bona fide jurisdictional wetlands, now that the ponds have been drained. In fact, former sludge ponds are generally viewed as potential brownfields needing environmental remediation, and are often excellent candidates for redevelopment.

Even assuming that the entire area of the former sludge ponds are jurisdictional wetlands unusable for any purpose, there would still be 30 acres of vacant buildable land in the three vacant lots alone – they contain 40 acres of land, with at most, 10 acres of wetlands. Therefore, no matter how the partially developed 117-acre lot is evaluated, we think that at the very least, these three vacant lots should be inventoried as a 20+ acre site.

Regarding the exclusion of the vacant portion of the partially developed 117-acre lot, we have considered the explanation provided by the city on page 36 of the EOA: "This site is owned and used by a paper mill. As long as the paper mill is operational and continues to use this site, it will be unavailable for redevelopment."

We are unsure if the city erroneously believes that this unimproved portion is still being actively used by the mill. Alternatively, perhaps the city does realize the southern portion is not being used, but believes that since the northern portion *is* being used, the entire lot should be excluded from inventory. Or, the city may believe that this site should not be counted because the paper mill might start using it in the future.

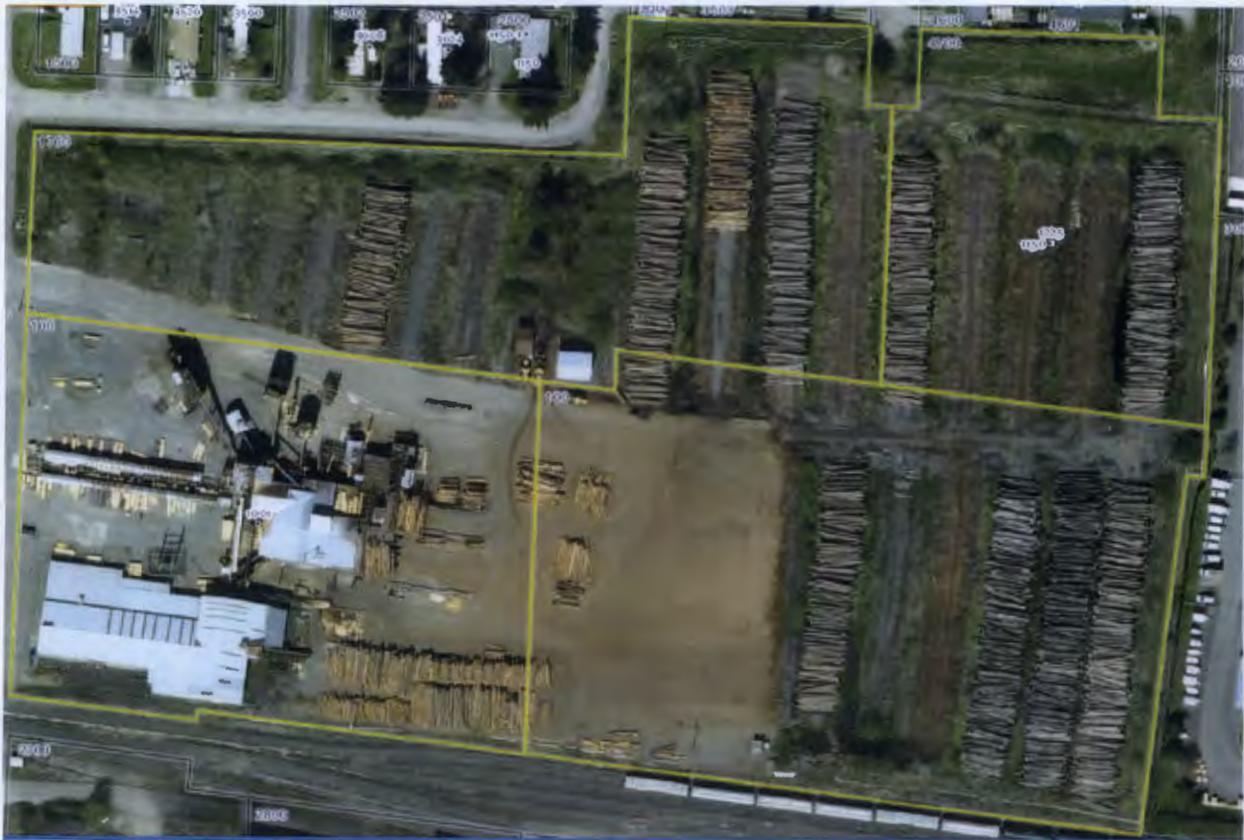
Even if the paper mill is the most likely future user of this site, and not some other employer, that would not diminish its future employment capacity. Any jobs created by the paper mill in a

future expansion onto this site would meet Springfield's employment needs just as well as any other newly created jobs. The employment forecast and land need determination do not differentiate between new jobs added by existing employers and jobs created by new firms. It doesn't make sense to ignore obvious buildable capacity that is already served with infrastructure, and expand the UGB to address a perceived land shortage that doesn't really exist.

For all the reasons above, we think that the International Paper ownership contains a minimum of 30 buildable acres on the three vacant lots, and at maximum, up to 75 acres across all four lots. The exact amount depends on the regulatory status of the former sludge ponds and the treatment of the 117-acre partially developed site. Either way, this is a 20+ acre site, and should be included in the city's inventory as such.

4. Goal 9 rule requires unimproved log storage yards to be inventoried as vacant

The Sundance lumber mill sits on one lot, but it stores logs on three adjacent lots that together comprise about 14 acres. All four lots are depicted below. The tax printouts (Attachment 15) show the only permanent improvements are on the lot where the mill itself sits.



Per the Goal 9 rule, these three unimproved lots must be inventoried as vacant land:

“‘Vacant Land’ means a lot or parcel:

- (a) Equal to or larger than one half-acre not currently containing permanent buildings or improvements; or
- (b) Equal to or larger than five acres where less than one half-acre is occupied by permanent buildings or improvements.” (OAR 660-009-0005(14))

Despite the reality that some businesses do use adjacent vacant lots to store their materials or products, there is no provision in the current Goal 9 rule for excluding such lots from inventory. This situation was considered during LCDC’s 2014 review of the Newberg UGB expansion. In its review, the Commission determined that a vacant lot used to site dumpsters by a waste disposal company had to be considered vacant; the same is true with these three log storage lots.

If the Goal 9 rule is ever revised in the future (and we think it badly needs to be), we would support changes to better capture the employment capacity of both vacant and improved sites. However, until that happens, the rule should be followed. The three adjacent lots contain a total of about 14 acres, and so should be added to the inventory as one additional 5-20 acre site.

Conclusion

To summarize our testimony:

- a) There is no relevant evidence supporting the city’s claim that its need for 20+ acre employment sites can only be met by sites that average 60+ acres in size.
- b) There is no evidence or findings demonstrating that the city’s need for four additional 5-20 acre commercial sites cannot be met via re-designation of surplus industrial sites.
- c) There are as many as four additional 20+ acre employment sites that were not included in the city’s inventory.
- d) There is an additional 5-20 acre site that was not included in the city’s inventory.

Taken together, these problems significantly overstate the city’s need for UGB expansion. Once they are corrected, the need to expand for employment uses will be substantially reduced, and possibly even eliminated.

If, after addressing these concerns, there still remains a need for additional 20+ acre sites, we would support the proposed Mill Race UGB expansion, which would provide 125 unconstrained buildable acres, including two sites that are 20+ acres in size. Most of the Mill Race area is out of the floodplain. In addition, it was determined to be the least expensive candidate expansion area to serve by the *UGB Study Areas Serviceability and Cost Analysis*, which was presented to the Springfield City Council on April 28, 2014. The Mill Race would cost far less to serve than the Gateway area, yet would provide roughly the same amount of buildable land.

Regarding the handful of smaller properties in the Mill Race expansion area, we can accept staff’s recommendation that these should also be included in the UGB, despite the lack of

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demonstrated need. Page 151 of the staff reports explain that these small parcels “would likely provide future access and services to the suitable large parcels,” and also that excluding this area would leave it stranded as an island surrounded by all sides by urbanized land, leaving a “donut hole in the donut” of the Metro Plan Boundary.

However, we cannot support any part of the Gateway expansion. The entire area is within the floodplain, and much of it is environmentally sensitive. Springfield’s own staff have cautioned that pending regulatory changes may make development of this area infeasible. According to the city’s 2014 *UGB Study Areas Serviceability and Cost Analysis*, the cost to provide services to this area exceeds \$125 million. This seems likely to be a terrible investment, in light of these additional regulations and subsequent reduction in buildable area.

The portions of the Gateway expansion area that are not wetland, riparian area or sloped are predominantly Class 2 farmland, and are currently making a valuable contribution to Lane County’s rural economy. Given the substantial financial and regulatory barriers to development, farming is likely the highest and best long-term use for this area. We ask that the city and county not approve the Gateway expansion, and instead retain the existing agricultural designation.

In addition, we urge the city to rethink its reliance on UGB expansions to provide future employment capacity. The tremendous cost of extending infrastructure to the urban fringe would have city-wide ramifications. Since it does not appear likely that landowners could pay their own way (the city’s cost estimate for the Gateway improvements is about \$100,000 per useable acre, possibly more than the finished land would be worth), SDCs would probably need to be substantially increased in order to service the new land. This would be a hidden subsidy, paid by every homebuilder and business creating new housing and employment anywhere in the city.

Beyond these cost concerns, a large supply of new urbanizable land outside the current UGB will harm Springfield’s efforts to revitalize and redevelop downtown, Glenwood, and other areas like East Main Street. It will also undercut urban property owners who have already invested heavily in their land and buildings, and who may have spent decades faithfully paying taxes to the city.

A more compact UGB would better support Springfield’s existing stakeholders, reduce commute times and transportation costs for Springfield residents, and better meet coming greenhouse gas reduction targets. All these things support values nearly everyone cares about: fairness, a higher quality of life, better affordability and a healthier environment.

Sincerely,



Mia Nelson
Willamette Valley Advocate
1000 Friends of Oregon
P.O. Box 51252
Eugene, OR 97452
541.520.3763

Attachments:

- 1- Sierrapine mill tax printout
- 2- International Paper tax printout
- 3- Swanson mill tax printout
- 4- Rosboro mill tax printout
- 5- High Banks warehouse tax printout
- 6- True Value warehouse tax printout
- 7- Gateway mall tax printout
- 8- Wildish site tax printout
- 9- Wildish site FEMA map
- 10- Glenwood LWI (2 pg.)
- 11- Brand S Road tax printout
- 12- International Paper aerial map
- 13- International Paper taxlot printouts (5 pg.)
- 14- International Paper wetlands map
- 15- Sundance mill tax printouts (5 pg.)

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1342 ½ 66th St
Springfield, OR 97478
September 12, 2016

Councilors and Commissioners,

My name is George Grier. I live and farm at 1342 ½ 66th Street, just north and across Cedar Creek from the Lively Dog Park.

Conversion of rural lands to urban uses can result in conflict with adjacent rural landowners. One example we encounter are uncontrolled dogs that present a serious threat to our livestock. Our farm is in the floodplain and is not a good candidate for urban use. But our ability to continue to farm is threatened by these conflicts. We hope that bringing Ruff Park and all of Lively Dog Park into the City will result in increased enforcement and communication between the City and its rural neighbors. There are some activities that preclude being good neighbors. In almost 50 years of farming here, we have been forced to curtail some of our normal farming operations due to proximity to our urban neighbors. Never have the roles been reversed, where our urban neighbors have considered modifying their activities so that we can continue to farm. Maybe now is a good time to start that discussion.

I served on the CIBL taskforce. At its conclusion I was concerned that Springfield was overestimating its future need for expansion and was relying too heavily on investing in expensive infrastructure in the floodplain. I appreciate the reanalysis that has occurred over the last few years and commend the City and its staff for the resulting refinements. One thing this exercise has brought into focus is the natural constraints Springfield faces to any future expansion of its UGB. The strategy of pursuing future expansion of the City into the floodplain is very risky. Funds for infrastructure improvements and expansion will continue to be limited. Using scarce funds for development in the floodplain is unwise. Many of the targeted businesses are unlikely to want to locate in areas that are subject to flooding. Flood insurance premiums in the aftermath of a Congressional overhaul of the NFIP have become prohibitive. Expansion into the floodplain is a high risk/low reward strategy.

Springfield has shown great foresight in its vision of redevelopment of Main Street and Glenwood. This is the future of our community. Whatever the outcome of the current UGB process, I would urge you to look beyond this moment. While the potential for parcel assembly was raised at the CIBL, it was never a serious consideration. Many of the targeted business from the analysis could be adequately served by parcel assembly or by more intensive redevelopment or repurposing of under-utilized parcels. This is especially true along Main Street and within Glenwood. The City has a history of successful parcel assembly and should continue to use this powerful tool. I am deeply concerned that the City has retreated from its vision of dynamic redevelopment along Main Street catalyzed by a transit-friendly corridor. Please don't let short term concerns from a vocal minority keep us from embracing this vision of Springfield's future.

Thank you,
George Grier

From: Mike Eyster
To: BELSON Sandy
Cc: PAULY Linda; Mikkelsen Vonnie
Subject: Springfield UGB expansion
Date: Sunday, September 11, 2016 9:03:43 PM

The Springfield Area Chamber of Commerce board of directors passed a motion endorsing the adoption of the UGB expansion per the plan presented to the City Council. The vote was 14 in favor, 0 opposed. Three board members who work for public agencies abstained from the vote.

I plan to attend the 7PM session on Monday 9/12 and report on the action of the Chamber board supporting the UGB expansion.

Mike Eyster

