

To:	Springfield and Lane County Planning Commissions
From:	Gregory Mott, Planning Manager
Date:	April 20, 2010
Subject:	Responses to testimony entered into the record of the Joint Planning Commission Hearing on the Proposed Springfield 2030 Refinement Plan Package

Issue

The City of Springfield initiated several post-acknowledgement plan amendments to the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) and the Springfield Development Code (SDC) that are collectively referred to as the proposed Springfield 2030 Refinement Plan Package. The public hearing before the planning commissions on this matter was conducted on February 17, 2010 and continued to March 16, 2010.¹ The written record of this hearing was extended until March 26, 2010. The City received 52 documents on this matter from interested parties and 22 persons appeared at the two public hearings; both oral and written testimony was entered into the record during the hearings. The purpose of this memorandum is to provide responses to the issues raised in this testimony.

Background

In general, the testimony in the record can be sorted into the following topic categories:

1. Requests for specific action on privately owned land (both owners and advocates);
2. Objections to information contained in supporting materials (Residential Lands and Housing Needs Analysis; Commercial and Industrial Buildable Lands Analysis; Economic Opportunities Analysis);
3. General objections or specified deficiencies in the proposed 2030 Refinement Plan, including the proposal to expand the UGB for commercial and industrial purposes, and not expanding the UGB for residential purposes; and,
4. General comments about quality of life, preserving that quality of life in an uncertain future, future challenges needing to be addressed, etc.

In addition to the preceding issues raised during the public hearing, the planning commissions identified a number of issues they wished to be answered or clarified in time for the April 20th joint planning commission work session. Those issues are:

1. What distinguishes suitable from unsuitable land when considering a UGB expansion;
2. How will Springfield fund infrastructure into UGB expansion areas;
3. Isn't UGB expansion for warehousing and distribution a waste of land given the low number of employees per acre for such uses;
4. How do you preserve a site for its intended use;
5. Are there legal restrictions against promoting growth in the floodplain;

¹ A joint planning commission work session on this proposal was conducted on February 2, 2010, and a Lane County Planning Commission work session discussion was held on March 2, 2010; however public testimony is not accepted or entered into the record of work sessions.

6. Why is the Sony property not included as a redevelopment site;
7. Please provide new FEMA maps or indicate when they may be forthcoming;
8. Why do concept maps continue to identify some UGB expansion areas as suitable for residential development if there is no proposal to expand for residential purposes;
9. Please indicate what the two blue colors on Map 3 are intended to identify;
10. Why is school capacity an issue in the Seavey Loop expansion area;
11. Can the entire McKenzie River paralleling the UGB be brought in as park and open space to protect this resource.
12. Where are ODOT's comments regarding UGB expansions; how much will it cost to upgrade ODOT facilities to accommodate UGB expansions;
13. Bill Kloos letter said the city needed to prepare a TPR analysis for plan/zone conflict actions, and that the proposed text did not provide clear and objective standards for residential development; and
14. What occurs to Goal 5 resources in UGB expansion areas and is this addressed in any of the analysis of these areas.

Discussion

The following is the complete list of individuals who appeared, submitted written testimony, or both, into the record of this hearing requesting a specific consideration for their property:

12/29/08 Steve and Sheri Tofflemoyer, PO Box 197, Springfield, OR 97477

Request to have TL 1900, Assessor's Map 18-02-05 included in the Springfield UGB

Submitted a letter that included earlier correspondence from the City of Springfield indicating the Tofflemoyer property would be considered for inclusion within the UGB during any general evaluation of the UGB undertaken within 5 years of the date of the correspondence (6/21/05).

Response:

No accompanying information relevant to this property was submitted addressing the requirements and standards of ORS 197.298, OAR 660-024-0060, or Goals 9, 10 or 14.

This property is in Area 7 of Land Use Concept 2 map.

2/24/09 Greg Harmon, South Dakota

Request to bring 30 acres north of Beltline, west of I-5 into the Springfield UGB

Submitted an email in support of inclusion within Springfield's UGB even though the property was located west of I-5.

Response:

No accompanying information relevant to this property was submitted addressing the requirements and standards of ORS 197.298, OAR 660-024-0060, or Goals 9, 10 or 14.

Land west of I-5 is not included in any of the UGB Land Use Concept proposals.

4/7/09 Ralph Wheeler, 3840 Hayden Bridge Road, Springfield, OR 97477

Request to have TL 103, Assessor's Map 17-02-19-41 included in the Springfield UGB.

Submitted a letter including a map of the property and the following information: the parcel is 1.5 acres; the parcel abuts the UGB on two sides; the parcel has received 2,000 yards of fill to raise the elevation "above flood zone level that is suitable" for building residential property.

Response:

The 2030 Refinement Plan does not include any proposals to expand the UGB for residential purposes. In December, 2009, the City Council accepted the final conclusions of the RLHNA that the City had enough residential inventory to accommodate projected demand for housing for the 20-year planning period.

This property is not within any of the expansion areas on the Land Use Concept maps.

5/28/09 Jennifer Gericke, PO Box 22221, Eugene, OR 97402

Submitted a FAX map requesting information about Tax Lot 1701, Assessor's Map 18-02-05; is it an exception area.

Response:

No accompanying information relevant to this property was submitted addressing the requirements and standards of ORS 197.298, OAR 660-024-0060, or Goals 9, 10 or 14.

This property is in Area 7 of Land Use Concept 2 map.

6/25/09 Sandra and Walter Johnson, 89733 Armitage Road, Eugene, OR 97408

Notes from a telephone conversation: own 371 acres north of Gateway; 1954 last flood; revetment along the McKenzie; area not flooded in 1996; thinks area should have new FEMA study; alluvium no longer deposited because of flood control measures; too much acreage zoned EFU in Lane County; the cannery is gone and farms 500 acres need canneries; owns land connecting to Royal Caribbean.

Response:

This property is in Area 1 on Land Use Concept 1 & 3 maps.

2/4/10 James Lee Johnson, 85740 Jasper Park Road, 97455

Submitted a letter requesting no UGB expansion in "West Jasper Area" or "Wallace Creek Road Area." Jasper Road is too narrow to accommodate more urban uses; West Jasper has prime agricultural soils and should be preserved for local sustainable food sources, wildlife habitat and groundwater recharge; owns Tax Lot 00700, Assessor's Map 18-02-22-11.

Response:

The property referred to in this letter as Wallace Creek Road Area is in Area 5 on Land Use Concept 1 & 3 maps; West Jasper Area is not included in any of the expansion areas on the Land Use Concept maps.

2/12/10 Hugh and Phyllis Hiller, 3899 Harmon Lane, Springfield, OR 97478

Request not to include Tax Lot 1601, Assessor's Map 18-02-06 within the UGB.

Submitted a letter opposing inclusion within the UGB; cited increased property taxes, EFU zoning, stay within the rivers, no funding to maintain existing infrastructure.

Response:

This property is within Area 7 on Land Use Concept 2 map.

2/12/10 Eugene and Emma Murr, 3901 Harmon Lane, Springfield, OR 97478

Request not to include Tax Lot 1604, Assessor's Map 18-02-06 within the UGB.

Submitted a letter opposing inclusion within the UGB; cited increased property taxes, EFU zoning, stay within the rivers, no funding to maintain existing infrastructure.

Response:

This property is within Area 7 on Land Use Concept 2 map.

2/13/10 Gregory and Lorrissa Leno, 739 C Street, Springfield, OR 97477

Submitted a letter opposed to the rezoning of Tax Lot 11700, Assessor's Map 17-03-35-13 from Low Density Residential to Medium Density Residential; will disturb the continuity of the Historical nature of the neighborhood and will increase traffic.

Response:

None of the elements of the 2030 Refinement Plan proposal include changes to the plan designation of this property; this property is already designated MDR on the Metro Plan; MDR zoning implements MDR plan designation; follow-up corridor studies and updates to older refinement plans is proposed as a means to address some of these plan/zone issues.

2/13/10 Frank M. Light, 3515 Valentine Court, Springfield, OR 97477

Submitted a letter requesting the rezoning of Tax Lots 6300 and 6400, Assessor's Map 17-03-25-34; and Tax Lots 6200, 6300 and 6500, Assessor's Map 12-02-14-23 from Low Density Residential to Community Commercial. The properties are surrounded on three sides by commercial zoning. The letter included a map of the properties.

Response:

None of the elements of the 2030 Refinement Plan proposal include changes to zoning or plan designation of this property; making the changes as requested requires a Metro Plan diagram amendment and corresponding zone change; follow-up corridor studies and updates to older refinement plans is proposed as a means to address some of these plan/zone issues.

2/16/10 Walter Johnson, Johnson Farms, 89733 Armitage Road, Eugene, OR 97408

Submitted a letter including personal history of farming in North Gateway for past 38 years; the soil is rocky, coarse sand with shallow unproductive soils covering 50% of the land area; rock removal has been unsuccessful as has been soil amendments; the expense of soil enhancements off-sets any gains in productivity; the land should be considered for future commercial development.

Response:

This property is in Area 1 on Land Use Concept 1 & 3 maps.

2/16/10 Marcia L. Sexton, 316 F Street #6, Springfield, OR 97477

Submitted a letter requesting zoning and plan designation of Tax Lots 90000 and 90001-8, Assessor's Map 17-03-35-21 be changed to High Density Residential consistent with existing use of high density condominium development.

Response:

None of the elements of the 2030 Refinement Plan proposal include changes to zoning or plan designation of this property; making the changes as requested requires a Metro Plan diagram amendment and corresponding zone change; follow-up corridor studies and updates to older refinement plans is proposed as a means to address some of these plan/zone issues.

2/17/10 Ralph Wheeler, 3840 Hayden Bridge Road, Springfield, OR 97477

Submitted a letter requesting Tax Lot 103, Assessor's Map 17-02-19-41 be included within the UGB. The letter included personal history of non-farm use for 20 years; 1.5 acre size; no farm deferral; adjacent to UGB on two sides; no affect to public facilities ("already laid to the property"); does not require submittal to LCDC because less than 50 acres; rezone to residential. A letter from the Wheeler's dated 1/24/92 was included; this earlier letter requested the City to consider bringing the same property into the UGB.

Response:

The 2030 Refinement Plan does not include any proposals to expand the UGB for residential purposes. In December, 2009, the City Council accepted the final conclusions of the RLHNA that the City had enough residential inventory to accommodate projected demand for housing for the 20-year planning period.

This property is not within any of the expansion areas on the Land Use Concept maps.

2/17/10 Richard and Rita Proulx, 2777 South M Street, Springfield, OR 97477

Submitted a letter opposing inclusion of their property within the UGB; opposed to the UGB coming any closer than current location; opposed to urban development in this area; concerned about infrastructure costs; concerned about safety, noise, odor and dust; concerned about condition of road now under light use.

Response:

This property is within Area 8 on Land Use Concept 1 & 2 maps.

2/17/10 Mike Miller, RE/MAX Integrity, 4710 village Plaza Loop, Suite 200, Eugene, OR 97401

Request to include property at 2828 Hayden Bridge Road (20 acres) and property at 3330 Hayden Bridge Road (88 acres) into the UGB; request to expand UGB to the McKenzie between 2100 block of Hayden Bridge Road to Hayden Bridge for multiple purposes including residential; disregard the conclusions of the Residential Lands Study and perform a new, non-biased study.

Response:

No accompanying information relevant to this property was submitted addressing the requirements and standards of ORS 197.298, OAR 660-024-0060, or Goals 9, 10 or 14.

The 2030 Refinement Plan does not include any proposals to expand the UGB for residential purposes. This property is not within any of the expansion areas on the Land Use Concept maps.

3/16/10 Donald Grant, 86886 Mahogany Lane, Springfield, OR 97478

Letter submitted into the record during the joint hearing on March 16, 2010; suggests property owned by Mahogany Neighbors (200 acres) be considered for inclusion within the UGB for residential development; cites continued interest in residential development in east Springfield and over-reliance on hillside development in the City's residential analysis.

Response:

The 2030 Refinement Plan does not include any proposals to expand the UGB for residential purposes. In December, 2009, the City Council accepted the final conclusions of the RLHNA that the City had enough residential inventory to accommodate projected demand for housing for the 20-year planning period.

This property is not within any of the expansion areas on the Land Use Concept maps.

Testimony submitted by advocates and representatives of property requested for specific action. Most of these are multiple submittals and are arranged chronologically by participant:

4/21/09 Randall S. Hledik, Wildish Companies, PO Box 7426/3600 Wildish Lane, Eugene, OR 97401/97408

Request to have Tax Lots 400, 900, 1000, 1401 and 1404, Assessor's Map 18-02-09; and Tax Lots 502 and 503, Assessor's Map 18-02-10, including in any conversations about expanding the Springfield UGB.

Submitted an email requesting land owned by Wildish Company be considered for inclusion in the UGB for purposes of residential, commercial or industrial development.

Response:

No accompanying information relevant to this property was submitted addressing the requirements and standards of ORS 197.298, OAR 660-024-0060, or Goals 9, 10 or 14.

The 2030 Refinement Plan does not include any proposals to expand the UGB for residential purposes. In December, 2009, the City Council accepted the final conclusions of the RLHNA that the City had enough residential inventory to accommodate projected demand for housing for the 20-year planning period.

This property is not within any of the expansion areas on the Land Use Concept maps.

4/24/09 Randall S. Hledik, Wildish Companies, PO Box 7426/3600 Wildish Lane, Eugene, OR 97401/97408

Request for consideration of Tax Lots 400, 900, 1000, and 1404, Assessor's Map 18-02-09; Tax Lots 502 and 503, Assessor's Map 18-02-10; and Tax Lot 101, Assessor's Map 18-02-16, for inclusion within any growth boundary expansion the city may propose.

Submitted an email that included a map of the property and the following information: A portion of the property is within the floodway; the rest is a mix of land that is both within and outside the 100 year floodplain and contains a mix of soil types ranging from Class II to Class VII. The property is situated between CIBL Areas 6 and 7; ask to consider for residential, commercial or industrial urban use.

Response:

The 2030 Refinement Plan does not include any proposals to expand the UGB for residential purposes. In December, 2009, the City Council accepted the final conclusions of the RLHNA that the City had

enough residential inventory to accommodate projected demand for housing for the 20-year planning period.

This property is not within any of the expansion areas on the Land Use Concept maps.

6/1/09 Michael E. Farthing, Attorney at Law, 462 Kodiak Street, Eugene, OR 97401, representing Gordon Webb, property owner in southeast Springfield

Requesting that approximately 280 acres of the Webb property, Tax Lot 100, Assessor's Map 18-02-10 be included within the UGB for residential purposes.

The letter included several maps showing the location of the property; a general description of the property as a prime candidate for UGB expansion to meet some of the anticipated residential lands needed for the next 20 years; 100-140 acres are gently sloped; the current UGB location on the property is impractical and not consistent with Metro Plan factors for determining UGB location that include protection of forest lands, ridgeline drainage basin and orderly and economic public services.

Response:

The 2030 Refinement Plan does not include any proposals to expand the UGB for residential purposes. In December, 2009, the City Council accepted the final conclusions of the RLHNA that the City had enough residential inventory to accommodate projected demand for housing for the 20-year planning period.

This property is not within any of the expansion areas on the Land Use Concept maps.

2/18/09 Jordan Schrader Ramis, Attorneys at Law, Two Centerpointe Drive, 6th Floor, Lake Oswego, OR 97035, representing the Wicklund Living Trust Property in the North Gateway Area

Requesting inclusion of Tax Lot 400, Assessor's Map 17-03-15-40, approximately 110 acres and immediately north of Maple Island Slough in the Gateway area, into the UGB.

The letter included email correspondence between the property owner and farmer lessee of the property, and an agronomist's report that concludes that the Trust property "consists of soils which are not High Value Farmland as defined by LCDC rule."

Response:

At the time of this submittal expansion area concept maps had not been developed; however it is within Area 1 on Land Use Concept 1 & 3 maps.

9/4/09 Raedeke Associates, Inc.(by Jordan Schrader Ramis), 5711 NE 63rd Street, Seattle, WA 98115

The letter contains the results of a wetlands and streams reconnaissance of the Wicklund farm; no streams or watercourses were found; most of the soil on the farm is Newberg fine sandy loam and Camas gravelly sandy loam; neither of these soils is hydric; no evidence of frequent or regular flooding; the only areas exhibiting the necessary hydrology, vegetation and soil is a small area adjacent to the McKenzie River.

1/19/10 Earle D. Wicklund, Trustee, Attorney in Fact, Wicklund Living Trust, 3951 Maple Island Farm Road, Springfield, OR 97477

Requesting inclusion in the UGB for purposes of development with medical services, high tech, specialty food processing, green businesses and corporate headquarters for the 110 acre Wicklund Farm.

The letter was submitted along with a bound document that included sections on agricultural production, Goal 5 resources, a conceptual site plan of the property showing development with urban uses, and an explanation of the UGB, annexation and zoning procedures.

Response:

This property is within Area 1 on Land Use Concept 1 & 3 maps.

3/5/10 Jordan Schrader Ramis, Two Centerpointe Drive, 6th Floor, Lake Oswego, OR 97035, representing Wicklund Living Trust

Requesting inclusion in the UGB for 110 acre Wicklund Farm, Tax Lot 400, Assessor's Map 17-03-15-40.

The letter included email correspondence between the property owner and farmer lessee of the property, and an agronomist's report that concludes that the Trust property "consists of soils which are not High Value Farmland as defined by LCDC rule." The letter also cites the suitability of the land for inclusion in the UGB; that this land is more suitable than other lands with different statutory priority; and breaks out the reasons why this site complies with the four specific requirements of Goal 14.

Response:

This property is within Area 1 on Land Use Concept 1 & 3 maps.

3/16/10 Earle Wicklund, Trustee, Wicklund Farm, 3951 Maple Island Farm Road, Springfield, OR

Requesting inclusion in the UGB for 110 acre Wicklund Farm, Tax Lot 400, Assessor's Map 17-03-15-40.

The letter includes reasons why the property should be brought into the UGB and developed; why a greenfield site is superior to a redevelopment site, includes an estimate of 2.5m in property tax and 60m in taxable payroll after build-out; requests endorsement of Concepts 1 or 3; and cites consistency with Goal 9 and Goal 14.

Response:

This property is within Area 1 on Land Use Concept 1 & 3 maps.

1/29/10 Jeff DeFranco, Director of Communications and Facilities, Springfield Public Schools, 525 Mill Street, Springfield, OR 97477

Consent and support to rezone District property at Thurston Middle School, Agnes Stewart Middle School, and the site owned on South 28th Street.

The letter indicated support to redesignate Thurston Middle School and Agnes Stewart Middle School as Public Land and Open Space and the S. 28th Street property to Medium Density Residential.

Response:

These actions were initiated by the City to reconcile plan/zone/use conflicts and are a component of the 2030 Refinement Plan package.

2/27/09 Dwight G. Purdy, Thorp Purdy Jewett Urness & Wilkinson, Attorneys at Law, 1011 Harlow Road, Suite 300, Springfield, OR 97477, representing the Springfield School District

Request to have surplus property on Rainbow Drive rezoned from Low Density Residential to Medium Density Residential; 13.54 acres, Tax Lot 1400, Assessor's Map 17-03-34-21.

The letter also indicated the property was designated Public Land on the Metro Plan.

At the time of submittal the City's Residential Lands Study concluded that the residential lands inventory had a deficit of 766 acres of LDR, 148 acres of MDR and 36 acres of HDR; these figures were subsequently updated to reveal a 72 acre surplus of LDR, an 18 acre surplus of MDR, and a 34 acre deficit of HDR. This proposal exacerbated the deficiency of LDR but reduced the MDR deficiency. The adopted version of the residential lands assessment is only slightly affected by this proposal; the LDR surplus is reduced marginally and the MDR surplus is increased marginally.

Response:

The 2030 Refinement Plan does not propose to redesignate land within the UGB to make up this deficit; none of the elements of the 2030 Refinement Plan proposal include changes to zoning or plan designation of this property; making the changes as requested requires a Metro Plan diagram amendment and corresponding zone change.

3/15/10 Brian J. Millington, Thorp, Purdy, Jewett, Urness & Wilkinson, Attorneys at Law, 1011 Harlow Road, Suite 300, Springfield, OR 97477, representing the Springfield School District

Request to redesignate Rainbow property from LDR to MDR (13.54 acres); request to redesignate former Mr. Vernon School property from Public Land to HDR (725 S 42nd Street, 3.63 acres); request to bring District property on Clearwater Lane into the UGB (19 acres, Tax Lot 1909, Assessor's Map 18-02-05)

These requests were the subject of three separate letters. Each letter included statements that the proposed changes would benefit the City's residential lands needs by increasing multifamily development opportunities. Additionally, building more dwellings on the Rainbow property would help attendance figures at Centennial Elementary and Hamlin Middle Schools, both of which are experiencing declining enrollments. The District does not include a designation or zoning preference for the Clearwater Lane property; however, since high schools are not permitted in residential districts, Public Land should be the preferred designation because it does allow all three school levels. The District cites information from the District's updated facilities plan which was submitted into the record of the March 16, 2010 continued public hearing, and which demonstrates a need to construct a new elementary or K-8 in this area; the Clearwater property is a good site for either of these schools.

Response:

The 2030 Refinement Plan does not propose to redesignate land within the UGB to make up this deficit; none of the elements of the 2030 Refinement Plan proposal include changes to zoning or plan designation of these properties; making the changes as requested requires a Metro Plan diagram amendment and corresponding zone change.

The Clearwater property is located in Area 7 on all three Land Use Concept maps.

3/26/10 Brian J. Millington, Thorp, Purdy, Jewett, Urness & Wilkinson, Attorneys at Law, 1011 Harlow Road, Suite 300, Springfield, OR 97477, representing the Springfield School District

Request to redesignate Rainbow property from LDR to MDR (13.54 acres); request to redesignate former Mr. Vernon School property from Public Land to HDR (725 S 42nd Street, 3.63 acres); request to bring District property on Clearwater Lane into the UGB (19 acres, Tax Lot 1909, Assessor's Map 18-02-05)

This letter included maps of all three properties; includes a citation from ORS 195.110 requiring large school districts (2,500+ enrollment) to address school facility needs by identifying land that is suitable for school facilities inside the UGB.

Response:

The 2030 Refinement Plan does not propose to redesignate land within the UGB to make up this deficit; none of the elements of the 2030 Refinement Plan proposal include changes to zoning or plan designation of these properties; making the changes as requested requires a Metro Plan diagram amendment and corresponding zone change.

The Clearwater property is located in Area 7 on all three Land Use Concept maps.

3/10/10 Michael M. Reeder, Arnold Gallagher Percell Roberts & Potter, Attorneys at Law, 800 U.S. Bank Center, 800 Willamette Street, Eugene, OR 97401, representing Amigos III, LLC

Requesting Tax Lot 202, Assessor's Map 17-02-34-32 (1.19 acres) be designated Community Commercial and not Medium Density Residential.

The letter includes several attachments, most notably a staff report, findings, and final order by the Planning Commission from a 2001 action to rezone land immediately south of this property to Community Commercial because the lot to the north (the Amigos lot) is designated Commercial. The letter suggests that this previous action, in addition to the well developed commercial on three sides of this property, is sufficient evidence that the property is properly designated commercial.

Response:

None of the elements of the 2030 Refinement Plan proposal include changes to zoning or plan designation of this property; making the changes as requested requires a Metro Plan diagram amendment and corresponding zone change.

3/16/10 Michael M. Reeder, Arnold Gallagher Percell Roberts & Potter, Attorneys at Law, 800 U.S. Bank Center, 800 Willamette Street, Eugene, OR 97401, representing Amigos III, LLC

Requesting Tax Lot 202, Assessor's Map 17-02-34-32 (1.19 acres) be designated Community Commercial and not Medium Density Residential.

The letter includes several attachments, most notably a staff report, findings, and final order by the Planning Commission from a 2001 action to rezone land immediately south of this property to Community Commercial because the lot to the north (the Amigos lot) is designated Commercial. The letter suggests that this previous action, in addition to the well developed commercial on three sides of this property, is sufficient evidence that the property is properly designated commercial.

Response:

None of the elements of the 2030 Refinement Plan proposal include changes to zoning or plan designation of this property; making the changes as requested requires a Metro Plan diagram amendment and corresponding zone change.

3/16/10 Michael M. Reeder, Arnold Gallagher Percell Roberts & Potter, Attorneys at Law, 800 U.S. Bank Center, 800 Willamette Street, Eugene, OR 97401, representing Rosboro, LLC

Request the city not redesignate Rosboro property Tax Lots 1003, 1004 and 1200, Assessor's Map 18-02-06 (east side of South 28th Street) from Heavy Industrial to Light Medium Industrial.

The letter cites the City's proposal to redesignate Agnes Stewart to Public Land and the Rosboro property LMI zoning as a buffer; cites the company's reliance on this property for wood products activities; cites other surrounding uses and zoning as heavy industrial; cites other provisions of the 2030 Refinement Plan that support the retention and expansion of existing businesses, family wage jobs, industrial diversity, etc.

Response:

This City-initiated amendment was not undertaken to provide additional LMI sites; sole purpose was to buffer the school property from heavy industrial activities.

3/26/10 Michael M. Reeder, Arnold Gallagher Percell Roberts & Potter, Attorneys at Law, 800 U.S. Bank Center, 800 Willamette Street, Eugene, OR 97401, representing Rosboro, LLC

Request the city not redesignate Rosboro property Tax Lots 1003, 1004 and 1200, Assessor's Map 18-02-06 (east side of South 28th Street) from Heavy Industrial to Light Medium Industrial.

The letter reiterates previous testimony requesting the City not change the Metro Plan designation of the Rosboro property from HI to LMI; includes an aerial map that shows the property; includes anecdotal information that the School District does not oppose retention of HI plan designation and zoning; contends that split-lot designation is not consistent with the goal of a parcel-specific plan diagram.

Response:

This City-initiated amendment was not undertaken to provide additional LMI sites; sole purpose was to buffer the school property from heavy industrial activities.

2/17/10 James W. Spickerman, Gleaves Swearingen Potter & Scott, Attorneys at Law, 975 Oak Street, Suite 800, Eugene, OR 97401-3156, representing Puzzle parts, LLC

Requesting Tax Lot 2500, Assessor's Map 17-03-10 (62.04 acres) be included in the UGB

The letter cites information from the City's Economic Opportunities Analysis (EOA) establishing the need for large parcels to accommodate future employment lands; that such lands suitable for such inclusion need to be flat, have frontage on collector or arterials, access to rail and freeways, separated from residential uses; letter attributes this site with such characteristics; cites Oregon Administrative Rules regarding economic development and urban growth boundary expansion that are satisfied by this property. The letter included attachments showing aerial photo of the property and list of all properties and property owners in Area 1 on Land Use Concept 1 & 3 maps.

Response:

This property is within Area 1 on Land Use Concept 1 & 3 maps.

The following testimony was submitted by individuals and representatives of various organizations or businesses without direct ownership of any land proposed for action in the 2030 Refinement Plan package.

11/25/09 Michael A. Kelly, 86965 Mahogany Drive, Springfield, OR 97478

Does not believe the assumptions in the Residential Lands Study are in the best interests of the City's future well being; believes the population forecast is too conservative and was accepted to avoid political consequences; believes assumed residential density of 7.2 dwellings per acre is too high, particularly when the majority of inventory is on land that can't be developed at this density; believes its unrealistic to think all of the City's future single family homes can be accommodated in exiting UGB.

Response:

The 2030 Refinement Plan does not include any proposals to expand the UGB for residential purposes. In December, 2009, the City Council accepted the final conclusions of the RLHNA that the City had enough residential inventory to accommodate projected demand for housing for the 20-year planning period.

1/29/10 Ed Moore, South Willamette Valley Regional Representative, Department of Land Conservation and Development, 644 A Street, Springfield, OR 97477

This letter provides a response to the City's proposed residential efficiency measures: raising minimum density by introducing a new LDR zone (SLR-small lot residential) that increases density from 6 units per acre to 8 units per acre has only a minimal impact;

Response:

The only LDR zone the City has does not have a minimum density standard; including a minimum density may only have a small effect on current practices but it requires a substantial increase in density for development approval thereby guaranteeing more efficient land use.

The new SLR should not restrict the location of duplexes if this zone is intended to encourage affordable housing and more types of housing;

Response:

The intent of the SLR is to encourage a mix of attached and detached single family dwellings for the purpose of expanding the opportunity for more affordable home ownership; by definition, a duplex is not an attached single family dwelling because it is not constructed to allow independent ownership of each unit.

MDR and HDR districts should not allow detached single family housing, including zero lot-line single family and manufactured housing on individual lots; duplexes should be permitted outright in these districts;

Response:

Our intent is to pursue the broadest possible range of ownership opportunities; if the minimum density standard can be achieved in the MDR or HDR through any variety of housing structure we'd prefer not to close the door on such a design proposal. Duplexes are by practice and definition a single structure with two dwelling units for rent. This is not a particularly efficient delivery of rental housing, but as we've previously stated, we are less concerned about the type of structure than we are about achieving the objective of housing choice, location, and cost.

The SLR District does not allow mobile home parks; ORS 197.480(1)(b) requires local ordinances to allow mobile home parks in zones that require/allow 6-12 units per acre.

Response:

As previously stated, our intent for the SLR is the increased opportunity for homeownership and that does not occur in mobile home parks; however, the statute is clear so we will make this change in the event the elected officials adopt this zoning district.

2/15/10 Ted Corbin, Chair, Springfield Historic Commission

Request that the Washburne Historic District not be designated for residential density increases from LDR to MDR.

The letter cites the need to preserve the existing historic character (low density) within the District; recalled the defeat of an earlier initiative that would have allowed accessory dwelling units in the District; understands that such action would follow adoption of the 203 Refinement Plan but prefers this matter be addressed now.

Response:

None of the elements of the 2030 Refinement Plan proposal include changes to zoning or plan designation of this property; follow-up corridor studies and updates to older refinement plans is proposed as a means to address some of these plan/zone issues.

2/17/10 Bill Kloos, Law Office of Bill Kloos, Oregon Land Use Law, 375 4th Street, Suite 204, Eugene, OR 97401, representing Willamette Water Company

Requests support of Concept 1 which proposes to expand the UGB to include 235 “suitable acres” for employment use in the Seavey Loop/Goshen area; includes general description of the Company’s water supply and distribution system; cites ORS 197.298 regarding priority of land to be included within UGB; contends that the Seavey Loop/Goshen area has the highest concentration of exception lands of all sites considered therefore must be first priority; Concept 1 is efficient and defensible; the area has water and fire protection that can “efficiently be continued into the near-term future.

Response:

This property is within Area 9 on Land Use Concept 1 & 3 maps.

2/17/10 Bill Kloos, Law Office of Bill Kloos, Oregon Land Use Law, 375 4th Street, Suite 204, Eugene, OR 97401, representing the Home Builders Association of Lane County

Cites City’s failure to ensure the 20-year land supply can be developed under clear and objective standards; if not, existing inventory needs to be debited from the inventory and other land needs to be added; supports a parcel-specific plan diagram; contends the proposed plan and code changes require TPR analysis now, not later; suggests language to be added to the 2030 Refinement Plan and Development Code to implement state law requiring clear and objective standards regulating the development of needed housing; must confirm actual capacity or planned capacity of infrastructure for existing inventory to confirm the projected development capacity is achievable.

Response:

The following response is excerpted from the attached memorandum (Attachment C) from Al Johnson, Attorney at Law, to Greg Mott, dated April 12, 2010:

“The draft 2030 Refinement Plan resolves about 300 of about 900 plan/zone conflicts identified by staff. The proposed changes would affect about 66 acres of vacant land. Of the 66 acres, about 41 acres involve a 25.13-acre change from Sand and Gravel to Light Medium Industrial near the former Blue Water Boats facility and a 15.73-acre change from Campus Industrial to Park and Open Space that was approved several years ago when the Gateway sports complex was created. The change was approved at that time but was never shown on the Gateway Refinement Plan. The remaining 26 acres is comprised of "dozens of small changes, the majority of which correct the land use designation to reflect the existing zoning or which reflects a change to fit the context of the neighborhood or reality on the ground." The affected lands have not been analyzed for constraints, which could reduce the affected buildable acreage further.

Concerns have been raised that resolving these conflicts, and, possibly, meeting other requirements incident to establishment of the city's new UGB, will be made more difficult by the recent decision of the Court of Appeals in Willamette Oaks, LLC v City of Eugene, 232 Or App 29 (Nov. 18, 2009) may require the city to perform a fresh "significant impact analysis" under

the LCDC's Transportation Planning Rule (TPR) for every 2030 Refinement Plan change to existing plan diagrams and zoning maps. This memo addresses these concerns in general terms.

As to the 2030 Refinement Plan generally, it is my opinion that (a) the new Court of Appeals decision should generally require the city to address only the "first stage" of the Transportation Rule and (b) the fact that the 2030 plan largely codifies and relies upon existing acknowledged comprehensive plan elements will greatly simplify that step.

As to the plan-zone conflicts, the recent decision will require only a "batched" first-stage analysis to most, if not all of the 300 that are proposed. All conflicts that are resolved in a manner that is consistent with the Metro Plan Diagram or any acknowledged amendment to or refinement of that diagram require only a first-stage analysis under the Mason rule discussed below. Conflicts that are resolved in a manner that is clearly inconsistent with the current acknowledged plan designation should probably be removed from the "now" list unless they are simply "codifications" of previous post-acknowledgement plan amendments during which the TPR was or should have been applied.

The concern arises because Willamette Oaks holds that local governments may not defer application of Section 60 of the Transportation Planning Rule (OAR 660-012-0060) when amending a comprehensive plan or implementing regulation. In so holding, the Court of Appeals indirectly overruled a 2004 Land Use Board of Appeals decision, Citizens for Protection of Neighborhoods v. City of Salem and Sustainable Fairview, 47 Or LUBA 111 (2004)(Sustainable Fairview).

In Sustainable Fairview, LUBA allowed deferral if the record showed that full compliance with the TPR's substantive and procedural requirements would be required before any additional development authorized by the subject plan or zone change could take place.

Fortunately, compliance with Section 60 of the TPR is not difficult to demonstrate for lands inside the currently-acknowledged urban growth boundary. In addition the TPR grants a specific exception for lands added to that boundary if the local government keeps those lands in an appropriate holding zone pending application of the TPR and other necessary planning steps.

Inside the current UGB, with few if any exceptions, the 2030 Plan simply implements existing acknowledged comprehensive plan designations that were in place when the region's acknowledged Transportation Systems Plan (TSP) was adopted. Refinement plan and zoning map designations interpreting and implementing those designations do not cause "significant impacts" within the meaning of the rule.

Section 60 is a two-stage regulation. The first stage is a determination whether a plan or zoning amendment will "significantly affect" a transportation facility. The second stage is the identification and implementation of one or more different kinds of "mitigation" measures to prevent the identified significant impacts or to render them no longer significant.

The applicant in Willamette Oaks skipped the first stage and sought deferral of both stages, relying on Sustainable Fairview. The court said the applicant couldn't do that. It did not, however, say there was anything wrong with other LUBA and court decisions about what is required for the first stage in different circumstances.

For example, 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. LUBA found that

"[I]t was appropriate for the city to compare traffic impacts based on the . . . LDR plan designation, not the county UR zone. The general purpose of OAR 660-12-0060 is to ensure that allowed uses are consistent with the planned function, capacity and performance standards of transportation facilities. If the applicable TSP assumes greater development density for a particular property than allowed under the pre-amendment zoning district, it seems more consistent with the purpose of OAR 661-010-0060 to compare development density (and hence traffic impacts) actually assumed by the TSP with the amended zoning rather than the preamendment zoning." 49 Or LUBA at 218.

In contrast, a local government that does not have an acknowledged TSP or can't show consistency with plan designations previously adopted in compliance with the TPR has to make a fresh significant impact analysis. See Just v. City of Lebanon, 49 Or LUBA 181 (2005).

In short, elements of the 2030 Refinement Plan that reflect, interpret, or implement comprehensive plan designations and other land use measures assumed by TransPlan do not have significant impacts within the meaning of Section 60 of the TPR.

The same is true of elements of the 2030 Refinement 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, and North Gateway.

This reasoning also maintains consistency between the TPR and potentially conflicting requirements of state land use statutes restricting collateral attacks on acknowledged plans and requiring that urban lands inventoried for needed housing and "competitive" industrial land supplies be rezoned and made available without undue regulatory burdens when needed during a planning period.

If the TPR is to remain fully applicable to future rezonings of land inventoried for "needed housing," it raises particularly serious--and not easily resolved--issues as to whether affected lands can remain in the buildable lands inventory. See Bill Kloos letter and Gloria Gardner responses.

See, for example: "competitive land supply" requirements of Goal 9 and Goal 9 Rule ; definitions of "buildable" and "available" in Goal 10 Housing Rule; 20-year residential land supply requirements of ORS 197.296; regulatory constraint statute at ORS 197.296(4), requiring cities over 25,000 to take local, state, and federal regulatory constraints into consideration in determining whether or not to include otherwise available lands in residential lands inventories; ORS 197.831, requiring local governments to demonstrate that ordinances required to contain clear and objective standards for

permits involving "needed housing" under ORS 197.307 and 227.175 are capable of being imposed only in a clear and objective manner."

2/17/10 Michael A. Kelly, 86965 Mahogany Drive, Springfield, OR 97478, Randall S. Hledik, Director of General Services, Wildish Land Co. PO box 7428 Eugene, OR 97401

Challenges conclusion of the Residential Lands Study that no additional land is needed for the next 20 years; believes new jobs created in the west and new housing created in the east is not efficient and does not provide choice or promote smart growth principles;

Response:

The 2030 Refinement Plan does not include any proposals to expand the UGB for residential purposes. In December, 2009, the City Council accepted the final conclusions of the RLHNA that the City had enough residential inventory to accommodate projected demand for housing for the 20-year planning period.

Although no decisions have been made, Land Use Concept 3 map does identify land adjacent to 52nd and Highbanks for consideration as a potential expansion area for employment purposes.

2/17/10 Cosette Rees, Chair, Springfield Chamber Economic Development Committee, 101 South A Street, Springfield, OR 97477

Is concerned the City is not proposing to add any residential land; believes the population forecast is artificially low; supports proposals to increase residential density; affordable housing cannot be developed in the Thurston hills and therefore will occur in other jurisdictions; Residential Land Study assumptions that conclude no UGB expansion is needed are flawed.

Response:

The 2030 Refinement Plan does not include any proposals to expand the UGB for residential purposes. In December, 2009, the City Council accepted the final conclusions of the RLHNA that the City had enough residential inventory to accommodate projected demand for housing for the 20-year planning period.

2/17/10 Richard M. Satre, Satre Associates, PC, 101 East Broadway, Suite 480, Eugene, OR 97401

Density assumption of 7.9 dwelling units per acre is too high; infill and sloped ground is not conducive to affordable housing; market place wants more than just hillside housing or east Springfield location; real choice will be provided by outlying communities of Veneta, Creswell, Harrisburg and Lowell; population forecast is too conservative; the plan lacks vision.

Response:

The 2030 Refinement Plan does not include any proposals to expand the UGB for residential purposes. In December, 2009, the City Council accepted the final conclusions of the RLHNA that the City had enough residential inventory to accommodate projected demand for housing for the 20-year planning period.

3/10/10 Cynthia Pappas, 1342 ½ 66th Street, Springfield, OR 97478

Disagrees with UGB expansion in Area 3 of Land Use Concept 3 map because of the frequent flooding; believes emphasis should be placed on redevelopment in Glenwood and Downtown; consolidation of parcels along east Main Street to create larger employment sites; poor public

policy to place future in floodplain development; letter included an air photo of Area 3 during the 1996 flood.

Response:

Area 3 on Land Use Concept 3 map is identified as having the following opportunities:

Transportation: Potential access to Hwy 126 and High Banks Road; ODOT in planning stages for improvements at 52nd Street and Main Street, which may make planning for additional capacity easier.

Characteristics: Sites 5+ acres; Type of street access; Slopes less than 15%; Surrounding uses are compatible with industrial, office, retail, and other service uses.

Other: Potentially a good location for industrial development.

And the following constraints:

Wastewater: May require a pump station for some areas – mostly gravity flow

Transportation: ODOT in planning stages for improvements at 52nd Street and Main Street but UGB expansion would require additional improvements beyond what is currently under consideration.

Stormwater: Presence of wetlands, riparian areas and natural resources areas. Must maintain natural drainage system in Cedar Creek.

Other: Some floodplain / floodway FEMA is re-mapping the floodplain in this area, with results due in late January 2009.

Stakeholder comments: Cedar Creek receives stormwater for parts at UGB. May be at capacity for stormwater. Concern about development potential in the floodplain; concern that the floodplain shown on the maps is inaccurate because the 1996 flood covered more area than shown SUB has wells in this area, which may restrict development.

3/10/10 George Grier, 1342 1/2 66th Street, Springfield, OR 97478

Springfield is asking you to bring an additional 640 acres of land into its UGB for employment growth. Both the nature and the scope of this request are unnecessary and ill-advised for several reasons:

- 1. The predictions for employment growth are inaccurate and overstate the anticipated job growth for the next 20 years.*
- 2. The number of large sites needed is overstated and not supported by the EOA.*
- 3. The specific sites needed, particularly large industrial sites, is unjustified.*
- 4. Many "Targeted Growth" sectors are unlikely to locate at the identified expansion locations which are at the urban fringe and within the floodplain.*
- 5. Redevelopment potential is understated and overlooked.*
- 6. Costs to serve the identified expansion areas are disproportionate to the number of jobs created at these sites.*

- 7. Given the unfunded infrastructure requirements Springfield faces within its existing UGB, it is extremely difficult to visualize when, or even if, funding will be available to service new areas outside the present UGB.*

Response:

The following response was prepared by ECONorthwest (Attachment B), the City's primary consultant providing assistance on the requirements of Goal 9 Economy, Goal 10 Housing and Goal 14 Urbanization. This response is applicable to the comments provided by Mr. Grier, Ms. Nelson, Mr. Emmons and Mr. Bowerman with respect to the correlation between the findings,

conclusions and recommendations of the EOA and proposals to expand the UGB for purposes of commercial and industrial land needs:

“On January 19, 2010, the Springfield City Council passed a resolution to adopt the draft Springfield Economic Opportunities Analysis (EOA) as the guiding document to support the Goal 9 element of the Springfield 2030 Plan and comply with the provisions of OAR 660-009. Through the hearings process, the City received comments from the public on a range of issues. This memorandum addresses comments from George Grier and 1000 Friends of Oregon about the connection between the employment forecast and the site needs analysis.

One of the key issues raised in the comments relates to the methods the EOA uses to estimate land need. Springfield received a number of specific comments that relate to the employment forecast and employment densities (as expressed in employees per acre) and how those figures do not support the conclusions of the EOA. The fact is that the EOA does not use employment density as a part of the site needs analysis. The employment forecast is only tangentially used. The remainder of this memorandum describes (1) ECO’s interpretation of the Goal 9 requirements, and (2) how ECO used that interpretation to develop the site needs analysis.

What Goal 9 Requires

At the broadest level, Goal 9 and its related Administrative Rules (OAR 660-009) states the following intent:

“The intent of the Land Conservation and Development Commission is to provide an adequate land supply for economic development and employment growth in Oregon.” OAR 660-009-0000

Goal 9 requires cities to state objectives for economic development (OAR 660-009-0020(1)(a)) and to identify the characteristics of sites needed to accommodate industrial and other employment uses to implement the economic development objectives (OAR 660-009-0025(1)).

Moreover, Goal 9 requires cities to conduct an Economic Opportunities Analysis (EOA) as defined by OAR 660-009-0015. The emphasis here is on economic opportunity. The Rule is flexible enough to recognize that simple linear analysis (for example new employees divided by employees per acre equals needed acres) is an inadequate approach to providing an adequate land supply for economic development and employment growth (the stated intent of Goal 9). A key working component of an EOA is found in 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 language has three operational aspects: “sites by type...needed;” “employment growth;” and “site characteristics.” The language does not specifically address or require a particular methodology, but does suggest an examination for firms in the area to identify types of sites that may be needed for expansion.

Related to the site analysis requirement of OAR 660-009-0015(2) is the OAR 660-009-0015(4) Assessment of Community Economic Development Potential requirement:

“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.”

Section 1 is a review of national, state, regional, county and local trends; and Section 3 is an inventory of industrial and other employment lands. In short, the key passage here is must estimate the types and amounts of industrial and other employment uses likely to occur in the planning area. The requirement is to base this on the information gathered in sections 1 and 3 or on the trend analysis and buildable land inventory. There is no requirement the estimate be based on an employment forecast.

This then leads to the more specific land designation requirements articulated in OAR 660-009-0025. Subsection (1) addresses 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.”

This subsection includes two key requirements: (1) the identification of the approximate number, acreage and site characteristics of sites, and (2) compatible uses with similar site characteristics may be combined into broad site categories.

This is precisely what the Springfield EOA does. It uses lot size and locational attributes (e.g., proximity to transportation, etc.) as threshold criteria. The basic method used in the EOA is:

Local Economic Development Objectives → Target Industries → Characteristics of Needed Sites → Comparison with Inventory = Number of Needed Sites

Or in more detail: the stated local economic development objectives as informed by the trend analysis leads to identification of target industries. Target industries have specific site requirements; those site requirements are compared with sites with similar characteristics in the buildable lands inventory. The comparison leads to a conclusion of whether the City has an adequate land supply for economic development and employment growth as stated in OAR 660-009-0000.

The key point of the preceding discussion is that the site needs analysis is on a site basis and not on an acreage basis. This is consistent with Goal 9 which recognizes that not all acres have the same attributes and that some attributes are more important to certain industries than others.

The remainder of this memorandum provides a detailed explanation of how ECO conducted the site analysis.

How Springfield Approached the Goal 9 Requirements

Consistent with the Goal 9 requirements, ECO used a site-based approach to projecting Springfield’s employment land need. This approach considers historical development patterns on commercial and industrial lands, the forecast of future employment growth, and Springfield’s vision and aspirations for economic development, as articulated in the City’s economic development objectives. This approach is not a demand-based approach, which projects employment land need based predominantly on the forecast of employment growth, using historical employment densities (e.g., the number of employees per acre) to estimate future commercial and industrial land demand. Rather, it is a site-based approach as described in the previous section.

The following steps describe the approach that ECO used to develop the estimate of employment site and land needs presented in Table 5-4 of the EOA:

1. Articulate the City’s economic development objectives. At the beginning of the project (in June 2008), ECO met with the City Council and Planning Commission to discuss the City’s economic development objectives. The direction to ECO and Staff was: (1) develop a reasonable and simple analysis of employment land sufficiency; (2) economic development policies should provide flexibility for future land uses; (3) consider development costs and

capitalize on existing economic opportunities; (4) focus on the project outcomes; and (5) provide enough land to meet employment land needs for the next 20-years.

ECO and City staff used this direction as the guiding principles for developing the Economic Development Objectives and Implementation Strategies articulated in the memorandum dated October 15, 2008. The Commercial Industrial Buildable Lands Stakeholder Committee provided input on the economic development objectives suggested by decision makers and suggested implementation strategies for each objective. Other sources of input on the objectives were public input from community workshops and the City's draft Economic Development Plan.

- 2. Conduct an economic opportunities analysis consistent with OAR 660-009-0015. ECO assessed Springfield's economic opportunities based on a review of national, state, regional, county, and local trends, as well as assessed economic development potential based on Springfield's comparative advantages. The results of this analysis are presented in the EOA in Chapter 3, Appendix A. and Appendix B.*
- 3. Identify potential growth industries. Based on the City's economic development objectives, the analysis in the economic opportunities analysis in the previous step, and Springfield's business clusters, ECO identified potential growth industries. These are industries that have growth potential in Springfield based on the City's comparative advantages and economic and employment trends that affect economic development throughout the Southern Willamette Valley and the entire State. The identification of potential growth industries also takes the City's aspirations for economic development (identified in the Economic Development Objectives) into consideration. The list of potential growth industries is not meant to be an exhaustive list of all possible growth industries but a list of the types of industries that are likely to locate in Springfield or that the City aspires to grow or attract.*
- 4. Forecast employment growth. ECO developed a forecast of employment growth in Springfield as required by Goals 9 and 14. The employment forecast is based on an estimate of total employment in Springfield. The rate of employment growth used in the employment forecast is based on the Oregon Employment Department's forecast for employment growth in Lane County (employment Region 5), as allowed by the safe harbor described in OAR 660-024-0040 (8) (a) (A). The end result of the employment forecast is an allocation of employment growth into industrial and commercial building types.*
- 5. Identify employment 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. ECO based the analysis of employment site and land needs on the following considerations:*
 - Factors that affect firms' locational decisions. ECO considered Springfield's opportunities and challenges for each of these factors, summarized in Table C-4 of the EOA.*
 - Common site requirements. Firms typically have similar land needs, such as need for relatively flat sites with urban services. Availability of these characteristics on employment sites in Springfield is summarized in Table C-6 of the EOA. Table C-5 provides examples of lot sizes typically needed for firms in selected industries. The purpose of Table C-5 is to illustrate that different types of industries need different sized sites and to provide some examples of these sites.*
 - Forecast of employment growth. The employment forecast provides one way to gauge land needs based on historical development patterns. ECO developed a forecast of employment growth (Step 4). Historical development patterns and ECO's past experience with similar projects suggest that some employment will not require new land. ECO estimated that 16% of employment would locate of land not designated for employment uses (e.g., home occupations) and 10% of new employment would be*

accommodated in existing industrial built space. ECO estimated that more than 10,000 employees would require new land over the planning period.

- *Historical employment development patterns.* ECO considered the need for land based on the forecast of employment growth (the approximately 10,000 employees mentioned above) and historical employment development patterns, presented in Table C-10. The range of needed sites presented in Table C-10 shows the number of sites needed based on historical employment patterns. These patterns are based on: (1) the distribution of employees by building type (e.g., general industrial or office) and site size in 2006 (shown in Table C-8); (2) the assumed distribution of the approximately 10,000 new employees (shown in Table C-9) based the historical distribution of employees (Table C-8); and the average firm size in 2006. Springfield's economic development aspirations. Goal 9 allows cities to consider their economic development aspirations when forecasting the site and land needs. Springfield's elected and appointed officials directed ECO and Staff to provide an economic development framework with flexibility to provide opportunities for economic development for both small employers and major employers who want to expand or locate in Springfield. These objectives are described in the Economic Development Objectives and Implementation Strategies memorandum. The range of needed sites presented in Table C-10 of the EOA takes Springfield's economic development aspirations into account.
 - *Estimate needed sites.* While Table C-10 in the EOA presents a range of needed sites, Springfield is required to present a number of needed sites by site size. This estimate of presented in the EOA in Table C-11 and Table 4-4. It takes into account the minimum number of needed sites based on historical development patterns and Springfield's aspirations for economic development.²
6. *Inventory suitable buildable employment land.* OAR 660-009-0012(3) requires cities to inventory industrial and other employment lands, to identify vacant and developed lands and account for development constraints. Table 2-7 in the EOA summarizes Springfield's vacant suitable land by plan designation and Table 2-8 summarizes vacant suitable land by plan designation and site size.

The EOA goes a step further and identifies land with redevelopment potential in Springfield. Redevelopment potential can be thought of as a continuum—from more redevelopment potential to less redevelopment potential. The EOA does not attempt to quantify the amount of land that will redevelop but estimates potential for redevelopment, focusing on redevelopment potential in Downtown Springfield and Glenwood. The reason that ECO presented the analysis of redevelopment is that one of the City Council's priorities is facilitating redevelopment in Downtown and Glenwood, as described in the Economic Development Objectives and Implementation Strategies memorandum.

7. *Compare the demand for with the supply of employment sites and land.* Table 5-1 presents a comparison of vacant and potentially redevelopable buildable sites with the estimate of needed sites (Table 4-4). Table 5-1 concludes that Springfield has a deficit of commercial and mixed use sites between 1 acre and 50 acres in size and industrial sites larger than 20 acres. ECO used an estimate of the average size of needed sites in Springfield (Table 5-2) to convert from

² The approach used to estimate needed sites uses a site-based approach, rather than a demand-based approach, which projects employment land need based predominantly on the forecast of employment growth, using historical employment densities (e.g., the number of employees per acre) to estimate future commercial and industrial land demand. The site-based approach considers the forecast for employment growth and historical employment demand patterns but also considers the City's economic development policies and aspirations.

the number of needed sites (Table 5-1) to employment land needs (Table 5-4). The estimate of employment land needs makes the following assumptions about needed sites:

- *Need for sites smaller than 5 acres will be accommodated through redevelopment. One of the City's economic development strategies is to encourage redevelopment, especially in Downtown and Glenwood—as well as any other “node” as defined through the TransPlan process. Table 5-1 shows that Springfield concludes that 187 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 23 commercial and mixed use sites smaller than five acres, which would require 71 acres of land. Table 5-4 shows no need for vacant land to accommodate demand for sites smaller than 5 acres.*
- *The average size of large sites. The size of larger sites (those over 5 acres) includes a wide range of site sizes. A prior version of the EOA presented two possible sizes for these larger sites, intended to both illustrate the fact that there is a wide range of potential site sizes and to give policymakers an option for choosing the preferred site size to meet the City's economic development objectives and aspirations.³ The size of sites in the current version of the EOA reflects direction from decision makers on their preference for site size to meet the City's economic development objectives and aspirations.*

Additional Response Comments from Al Johnson (Attachment C)

II. Site needs analysis and jobs per acre

This section provides some additional background on the issue addressed in the following comment and response in ECONW's supplemental memo: "Comment: The EOA assumes that jobs per acre density will be roughly half of that currently seen in Springfield."

"ECONW Response: The EOA makes no use of jobs per acre density assumptions (commonly called employees per acre) in any part of the analysis. This comment is derived from base year employment data, the building land inventory, and the site needs analysis. The consultants did not make this comparison in the report, because employment exists in many different plan designations in Springfield (see Table A-9, page 96) and the confidentiality limitations of the Quarterly Census of Employment and Wage data."

"A similar issue exists in calculating “derived” jobs per acre assumptions for the 2030 forecast. In short, any jobs per acre density analysis is fundamentally flawed because of the source data and how employment will distribute itself in the future among plan designations. Such an analysis is not required by Goal 9 and was not conducted by the consultants. The EOA does comply with the Goal 9 Administrative Rule in that it identifies site needs based on the target industries identified in the City's economic development strategy." The “site-needs” analysis described by ECONW in the above comments and detailed in the EOA is a permissible method of determining Goal 9 land needs and is consistent with available guidance from DLCD and the courts.

³ This version of the EOA was from November 2008 and noted that the final EOA would present one estimate of land need, rather than a range of land need.

It is expected that additional guidance will be provided before final adoption of the 2030 Plan. An appeal of LCDC 's 2007 approval of Woodburn's 2006 UGB expansion, involving similar issues, is pending at the Court of Appeals. Pending the Court's decision in the Woodburn appeal (now in its third year because appeals of LCDC decisions are not on the same expedited schedule as appeals of LUBA decisions), the city is relying on LCDC's decision and the state's brief in that case.

The Attorney General's brief defending LCDC's Woodburn UGB decision explains that Woodburn properly "determined its industrial land need based on a 'site-needs' approach to attract targeted industries" to meet identified needs. LCDC brief at p. 16 The brief points out that "A site-needs analysis focuses on the type of sites the industries require, not the amount of area that employees have been shown to use. " and that a local government "is not required" by state land use statutes, goals, or rules "to use the medium growth rate or a strict employee-per-acre methodology based on the population projection." LCDC brief at pp 16, 20. In fact, the brief states, "The city was not required by statute, goal, or rule to prepare a job growth projection." LCDC brief at p. 22. Therefore, even though it did prepare a job growth project, the City of Woodburn "was not required to tie its 20-year land need to that job growth projection." LCDC Brief at p. 22.

III. Land Assembly, Goal Nine, and Goal 14

This section provides some additional background on the issue addressed in the following comment and response in ECONW's supplemental memo: "Comment: The EOA doesn't account for the possibility of smaller parcels being assembled into larger sites."

*"ECONW Response: This issue was discussed by the Stakeholder Committee who recommended that parcelization be considered a constraint consistent with the definition of "Development Constraints" in OAR 660-009-0010(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]*

The implication that fragmentation is not a significant constraint runs counter to the policy and experience reflected in the Goal Nine Rule's requirement that large parcels meeting special site needs identified in a local government's EOA must be specifically "identified" and protected from fragmentation to preserve their availability and desirability as large sites. OAR 660-09-0025(8)(b) provides that

"Policies and land use regulations for these uses must

"(a) Identify sites suitable for the proposed use; and

"(b) Protect sites suitable for the proposed use by limiting land divisions . . ."

General assumptions that a certain percentage of small parcels will aggregate does not "identify sites suitable for the proposed use." Relying on small parcels to aggregate does not protect sites suitable by limiting land divisions because it relies on parcels that it's too late to protect.

Consistent with the rule, staff has pointed out that

"The city currently has no basis for assuming that . . . the need for large employment sites can be accommodated through assembly of small land parcels. Such assumptions would not take into account existing life cycle value of buildings, on-site compatibility of new uses with existing uses, or the ability of all affected parties to be able to satisfy site needs at these locations." 1/19/2010 staff memo to Planning Commission, Rec. A-296.

Moreover, the city's analysis allocates small parcels elsewhere by assuming that Springfield will be able to meet its projected employment land needs for sites five acres and smaller entirely on its current supply and therefore does not need to add land to the current UGB for such sites.

That

assumption is only possible because it is coupled with optimistic assumptions about the potential for redevelopment and infill on those lands: "Springfield assumes that all land needs on sites smaller than five acres would be accommodated through redevelopment." Rec. A-297

As background, here is some key language relevant to the relationship between the Goal 9 and Goal 14 interpretive rules:

OAR 660-024-0040(5) provides that

"(5) 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." (Emphasis added)

OAR 660-024-0050, Land Inventory and Response to Deficiency, provides in relevant part that

"(1) 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 residential land, the buildable land inventory must include vacant and redevelopable land, and be conducted in accordance with OAR 660-007-0045 or 660-008-0010, whichever is applicable, and ORS 197.296 for local governments subject to that statute.

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." (Emphasis added)

"(4) 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. . . . "

OAR 660-024-0010(8) provides that:

“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.' LCDC's 2009 amendments to the Goal 14/UGB rule include new cross-references to the Goal 9/Economic Development rule. DLCD explained the change as follows:

“Department staff noticed that division 24 (UGB rule) does not include a definition of „suitable vacant and developed land, ” a term that is used in OAR 660-024-0050(1) concerning employment and inventories, based on definitions in the Goal 9 rules. Therefore, staff proposes a definition in OAR 660-024-0010(8) that refers to definitions in Goal 9 rules.” 3/11-13/2009 LCDC Agenda Item 4 staff report, page 8.

3/11/10 Ed Moore, South Willamette Valley Regional Representative, Department of Land Conservation and Development, 644 A Street, Springfield, OR 97477

The Department believes the factual basis for adopting a new UGB for each of the cities can be accomplished through the adoption of a refinement plan and concurrent amendment of the Metro Plan. In the case of Springfield adopting the 2030 Plan as a refinement to the Metro Plan and the concurrent amendment of the Metro Plan, based upon the language in ORS 197.304, we believe the adoption of Springfield's 2030 Plan and concurrent amendment of the Metro Plan, including a map of Springfield's new UGB, appears to only require action by Springfield and Lane County. Once the 2030 Plan and map is adopted and acknowledged, the Springfield UGB will be the controlling UGB for planning purposes for the Springfield jurisdictional area as described in the Metro Plan.

At present it appears that Springfield will be adopting its jurisdictional UGB ahead of Eugene. When Springfield takes this action, we believe Eugene can continue to rely on the Metro Plan and the Metro UGB for their jurisdictional area west of I-5 Highway until they adopt their own UGB separate and apart from Springfield.

In the case of Springfield and Eugene, we have interpreted this provision (ORS 197.626 and OAR 660-024-0080) to mean that if either city, separately and apart from the other, establishes a new jurisdictional UGB that adds more than 50 acres to the existing Metro UGB within its jurisdictional area, then that UGB must be submitted to the Commission in the manner provided for periodic review. If, on the other hand, either city establishes a new jurisdictional UGB that adds no land or adds less than 50 acres to the existing Metro UGB for its jurisdictional area, then that UGB will be reviewed using the standard post-acknowledgment plan amendment process.

Additional analysis needed:

The department needs additional information to be able to determine compliance of the 2030 Plan with applicable Statewide Planning Program goals, statutes and administrative rules.

Chapter 2 – Urbanization, Urban Holding Areas (UHA) Interim Plan Designations (Attachment 1, page 3)

To ensure that the application of the E-UHA plan designation will be effective in protecting the employment land being brought into the UGB to meet Springfield's need for large suitable sites, the E-UHA needs to include a provision that prevents any division of land under this designation, even if the proposal would meet the minimum parcel size within the underlying county zoning district. The R-UHA designation needs a minimum parcel size of 10 acres.

Response:

In the event the Planning Commissions forward a recommendation to the JEO that includes a UGB expansion such a recommendation should be accompanied by additional language in the E-UHA designation prohibiting the creation of lots or parcels smaller than 10 acres.

Chapter 2 – Urbanization, Nodal Development Strategy (Attachment 1, page 4)

The 2030 Plan needs to do more to clearly document that provisions for future housing and employment land are consistent with achieving these targets (23% of new housing and 45% of new employment over the planning period to be accommodated within designated nodes). We recommend that the city present this in the form of a table that provides a node-by-node estimate of the new housing units and number of employees that the city's adopted planning actions will accommodate. This should include, for example, converting general information about planned building space (i.e. planned or expected square feet of office or retail development) into an estimate of the number of employees that the city expects will be accommodated.

Response:

The region has committed to a figure of 46% of total new jobs created between 2001 and 2015 being located in nodes. The relevance of this commitment is two fold: 1) it applies to jobs created between 2001 and 2015 (the last year that nodal development is a required land use model); and 2) the type of use appropriately located in a pedestrian-friendly, mixed-use environment.

Regarding this first qualification, the City is currently preparing a new transportation system plan that will be in effect within Springfield's new UGB, and co-producing a new regional transportation system plan that will be in effect within the MPO boundary, including the City of Coburg. Both of these plans will replace TransPlan with respect to local transportation planning decisions. Until these plan are completed and acknowledged by the state we cannot predict whether or not nodal development will be retained as a feature of either plan. Until this determination is final (perhaps in 2011 or 2012) the mandate does not go beyond 2015. The upshot of this is that employment allocation to nodes is only applicable through 2015, not the out year of 2030 used in the EOA.

The second aspect of this question involves the uses described in the EOA as target uses with particular site needs. The conclusion of the EOA is that "Springfield has a deficiency of six industrial sites on 450 acres and eleven commercial and mixed-use sites on about 190 acres that cannot be accommodated within the existing UGB over the 2010 to 2030 period." This conclusion, however, is based on the following adopted economic development strategies: "One of the City's economic development strategies is to encourage redevelopment, especially in Downtown and Glenwood [designated nodes]. Table 5-1 shows that Springfield concludes that 187 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” even though the site needs analysis determined the city had a deficiency of “33 commercial and mixed-use sites smaller than five acres, which would require 71 acres of land.

The EOA projects a need for 450 acres that would be comprised of sites 20 acres and larger for uses that “should not abut urban residential, school or park uses.” Such developments are inconsistent with the principle purpose of Nodal Development as described in TransPlan: “The nodes will be pedestrian-friendly environments with a mix of land uses, including public open spaces that are pedestrian-, transit-, and bicycle-oriented. Nodal will have commercial cores that contain a compatible mix of retail, office, employment, and civic uses. The amount and types of commercial and civic uses in the cores should be consistent with the type of nodal development center. The core should be adjacent to a frequently serviced transit stop. Nodal development centers will include a mix of housing types that achieve at least an average density that is within the medium-density range for residential uses.”

Chapter 4 – Residential Land and Housing Element (Attachment 1, Page 11)

We commented on the fact that the “12/09 RLHNA concludes that Springfield has a surplus of 59 residential acres,” and that the city could “accommodate the estimated HDR deficit of 34 acres” by rezoning a portion of “the surplus 72 LDR acres and/or surplus 18 MDR acres to HDR, so that Springfield’s new UGB would not require any additional land for its 20-year residential land needs.”

You are correct that redesignating existing LDR zoned property to HDR is not Springfield’s only option to remove the 20-year HDR deficit. Please consider other options, including, but not limited to, those in ORS 197.296(9). Any action or actions for which the city can make findings that demonstrate how the HDR deficit will be accommodated within the UGB are appropriate. All of these options must be considered and analyzed before the city may conclude that land must be added to the UGB to accommodate the 20-year HDR land need.

Response:

We agree with the Department’s assessment of our options regarding our response to the deficit of HDR land in the inventory. The City is currently developing land use updates in the Downtown and Glenwood refinement plan areas that include proposals to increase permitted residential density to 100 units per acre and apply minimum density standards of 50 units per acre. These provisions would apply to up to 25-30 acres; if adopted by the City Council these actions would exceed the defined HDR deficit.

3/14/10 Mia Nelson, Willamette Valley Advocate, 1000 Friends of Oregon, 220 East 11th Street, Suite 5, Eugene, OR 97401

Concerns with this proposal are broken out into five categories:

- I. APPARENT ERRORS AND OVERSIGHTS
- II. INSUFFICIENT INFORMATION
- III. CALCULATION OF JOB GROWTH
- IV. REDEVELOPMENT ASSUMPTIONS
- V. LARGE SITES & JOB DENSITY

Response:

The majority of this testimony focuses on the CIBL and EOA; answers to this testimony is provided by the City's consultants, ECONorthwest and Al Johnson (see pages 17-21). There is additional testimony regarding the findings of the City's Residential Lands and Housing Needs Analysis (RHLNA) adopted by the City Council in December, 2009 and proposed for inclusion in the 2030 Refinement Plan. Responses to these issues was provided to the City Council as part of the record of the hearing that adopted the RHLNA; those responses are reprised here. (Also see pages 17-25 of this memorandum for responses to CIBL, EOA and commercial/industrial UGB expansion issues):

5) Failure to Consider Use of Constrained Land For Parks. *The Residential Land and Housing Needs Analysis (RLHNA), which is one component of the Springfield 2030 Refinement Plan, wrongly assumes that constrained land has no parkland capacity. Springfield has significant parklands located on constrained land, such as the 100-acre natural park at the summit of Potato Hill. In its November 23, 2009 letter, Willamalane stated that natural and linear parks "can be located largely on constrained land." However, Springfield staff haven't changed this assumption because, according to staff, they do not know how many acres of each type of park the city should plan for since Willamalane's plan doesn't provide acreage totals by type. It appears that Willamalane would need to provide more guidance to enable the RLHNA to be corrected to reflect the true situation with constrained land. **We request that Willamalane be asked to provide a breakout of future park needs by type, and that Springfield staff then use that information to correct the RLHNA. Alternatively, staff could be directed to assume that the ratio of existing Willamalane natural and linear parks to total existing Willamalane parks will continue in future years.***

Response:

The City has a variety of strict development limitations that apply to sites that feature each of the constraints identified by Ms. Nelson. This regulatory framework applies regardless of ownership or proposed use; this is why these properties are categorized as constrained.

Willamalane Park and Recreation District provides a variety of park and recreation opportunities, facilities and services. One component of these opportunities includes "Natural Areas, Linear Parks, and Trails." The park plan recognizes that other comparable park districts have a larger inventory of this type of parkland, but even so, the plan does not include a quantitative standard applicable to need or preferred service level (Ref. Table A-16, Appendix A, Willamalane Park and Recreation Comprehensive Plan). The Plan does indicate several proposed park sites of the "Natural-Area" category in the southeast hills, including Mountain Gate and east of the cemetery; in Jasper-Natron and in Booth-Kelly. All of these sites are within existing residential designations (Booth-Kelly is mixed use). The lack of a standard defining the size of these potential park sites is further reflected by the District's case-by-case approach to the acquisition of this type of parkland as described in Chapter Four of the Plan:

"Collaborate with appropriate partners to pursue acquisition and development of natural areas coordinated with and connecting to neighborhoods and other parks. "(potential Jasper-Natron Natural-Area Park)

"Collaborate with appropriate partners to pursue acquisition and development of natural-area parks as opportunities arise." (potential Thurston Hills Natural-Area Park)

“Work with the landowner(s) to develop a natural-area park in coordination with future residential development.” (potential Mount Vernon Natural-Area Park)

Further, though the plan contemplates a network of connected parks in these areas, there is nothing in the plan that suggests a property that is unsuitable for residential development is suitable for park development. In any case, as long as the District does not have an adopted quantitative standard for this type of parkland the City cannot assume that a specific percentage of these constrained sites will be used for park use.

6) Failure to Consider Parkland Outside UGB. The *RLHNA* wrongly assumes that all parkland must be inside the UGB, despite the fact that 30% of Willamalane's current holdings are outside the UGB. Willamalane's service area is not coterminous with the Springfield UGB, and the park needs of Springfield residents are partially met by Willamalane's parklands located outside the UGB. It is reasonable to conclude that this situation will continue in the future. **We request that the *RLHNA* be revised to assume that 30% of future park needs will be provided for outside the UGB, continuing the historical trend.**

Response:

*With respect to the discrepancy between Willamalane's current total park land of 680 acres, and Table 6.2 in the *RLHNA* showing 563 acres, we believe this may be a differentiation of undeveloped park land (GP property, 125 acres); this makes the total 555 acres, not 563 acres. More to the point, however, is the fact that 206 acres of Willamalane's 680 acres (including the GP property) are outside the UGB. The City's jurisdiction does not extend beyond the UGB, therefore the City can't account for any of this 206 acres of parkland being part of the residential inventory subsumed by parks. There are actually only 474 acres of parkland within the UGB and of this, 381 acres (80%) are designated Park and Open Space on the Metro Plan diagram, not residential. This designation does not allow residential development therefore it is not included in any assumptions about gross residential v. net residential acres.*

This non-UGB parkland is the result of Willamalane Park ownership that preceded the adoption of the UGB or resulted from post-UGB cooperative agreements transferring parks from Lane County because the County could not afford to maintain these facilities. The proposition that land of any type outside the UGB should be counted as inventory within the UGB contradicts the very foundation and purpose of the Goals intended to protect and separate rural and urban uses. It makes no more sense to count Willamalane's parks outside the UGB than it does to count Lane County parks, or state or federal parks.

8) Exclusion of Land Over 25% Slope. The *RLHNA* assumes that all land over 25% slope has no capacity for any use, not even parkland, despite Springfield's long practice of siting both housing and natural parks on such land. Table 3-3 of the *RLHNA* shows 1,447 acres of buildable land, plus another 824 acres of "constrained" land that is excluded from the inventory. The *RLHNA* does not indicate how many of these 824 acres were excluded solely due to slope, so it is impossible to understand the ramifications of the underlying assumption that these sloped lands have no capacity. We have been requesting this information for several months, and Springfield staff has recently indicated that they will most likely be able to provide this data. **We request that the record be held open until April 20 to allow time for staff to provide this information, and to give the public sufficient time to respond.**

Response:

1. Total area of >25% slope where it represents over half of any one parcel = 372.4 acres
2. Total area of parcels excluded based on having over half >25% Slope = 543.8 acres

9) RLHNA's Non-Residential Land Need. The RLHNA's assumed land need for nonresidential uses such as schools, parks, roads, etc. is 74% of the net land needed for housing, triple what the OAR 660-024-0040(10) safe harbor allows. Safe harbor allowances are generally accepted as reasonable. Such a large increase beyond what is generally accepted as reasonable warrants closer scrutiny. Springfield staff has said that the requested land need is based on past statistics; however, these statistics are not found in the RLHNA. **We request that Springfield staff be asked to provide statistics and corroborating data demonstrating that this is true.**

Response:

We are not sure how the commenter arrived at the figure of 74% of the net land needed for housing. The total buildable land available, which excludes constrained land but includes vacant and partially vacant residential land, is 1447 acres; total vacant is 956. Table S-2 and 6-4 in the RHLNA identify 463 acres as unavailable because it's needed for parks, schools, right-of-way, etc. 463 acres is 48% of 956 acres and 32% of 1,447 acres. As we mentioned in our response to this testimony in December, 2009 the Metro Plan anticipates this proportional relationship:

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 (emphasis added) if compatible with refinement plans, zoning ordinances, and other local controls for allowed uses in residential neighborhoods.” (Page II-G-3)

11) Nodal Development. As pointed out by DLCD in its December 4, 2009 comments, the EOA should explicitly explain how its projections regarding employment density and site sizes match up with Springfield's commitment under TransPlan to locate an increased percentage of new employment in nodal development zones. **We request that Springfield staff provide clarification as to how the proposal complies with adopted nodal development strategies.**

Response:

The region has committed to a figure of 46% of total new jobs created between 2001 and 2015 being located in nodes. The relevance of this commitment is two fold: 1) it applies to jobs created between 2001 and 2015 (the last year that nodal development is a required land use model); and 2) the type of use appropriately located in a pedestrian-friendly, mixed-use environment.

Regarding this first qualification, the City is currently preparing a new transportation system plan that will be in effect within Springfield's new UGB, and co-producing a new regional transportation system plan that will be in effect within the MPO boundary, including the City of Coburg. Both of these plans will replace TransPlan with respect to local transportation planning decisions. Until these plans are completed and acknowledged by the state we cannot predict whether or not nodal development will be retained as a feature of either plan. Until this determination is final (perhaps in 2011 or 2012) the mandate does not go beyond 2015. The upshot of this is that employment allocation to nodes is only applicable through 2015, not the out year of 2030 used in the EOA.

The second aspect of this question involves the uses described in the EOA as target uses with particular site needs. The conclusion of the EOA is that "Springfield has a deficiency of six industrial sites on 450 acres and eleven commercial and mixed-use sites on about 190 acres that cannot be accommodated within the existing UGB over the 2010 to 2030 period." This conclusion, however, is based on the following adopted economic development strategies: "One of the City's economic development strategies is to encourage redevelopment, especially in Downtown and Glenwood [designated nodes]. Table 5-1 shows that Springfield concludes that 187 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" even though the site needs analysis determined the city had a deficiency of "33 commercial and mixed-use sites smaller than five acres, which would require 71 acres of land.

The EOA projects a need for 450 acres that would be comprised of sites 20 acres and larger for uses that "should not abut urban residential, school or park uses." Such developments are inconsistent with the principle purpose of Nodal Development as described in TransPlan: "The nodes will be pedestrian-friendly environments with a mix of land uses, including public open spaces that are pedestrian-, transit-, and bicycle-oriented. Nodal will have commercial cores that contain a compatible mix of retail, office, employment, and civic uses. The amount and types of commercial and civic uses in the cores should be consistent with the type of nodal development center. The core should be adjacent to a frequently serviced transit stop. Nodal development centers will include a mix of housing types that achieve at least an average density that is within the medium-density range for residential uses."

3/16/10 Richard M. Satre, Satre Associates, PC 101 East Broadway, Suite 480, Eugene, OR 97401

Suggests expanding UGB to include high value farm land that would continue to be farmed until needed for urban uses in the future.

Response:

The City has conducted a residential lands and housing needs analysis and a commercial and industrial buildable lands analysis; the Park District completed a 20-year park plan; and the School District completed a 10-year facility plan; where these evaluations concluded existing inventories within the UGB could not accommodate future growth over the planning period, they recommended bringing land into the UGB for the purpose of providing needed urban development sites for these activities, not for agricultural purposes. While the City is proposing an urban holding area as an interim strategy to protect new UGB expansion sites for their intended use, these sites are identified as future commercial and industrial development sites needed during the 20-year planning period. Notwithstanding the congruity of this testimony and the City's proposed holding areas, the underlying purpose of a UGB expansion must comply with the applicable goal; Goal 3 Agriculture

does not apply within the UGB; the City's position on Goal 10 Housing is that there is sufficient inventory within the UGB to accommodate growth during the 20-year planning period.

3/16/10 Robert Emmons, Land Watch Lane County, PO Box 5347, Eugene, OR 97405

Agrees with the positions found in testimony from Georg Grier and 1000 Friends of Oregon that the City's EOA is flawed; there are numerous sites within the UGB providing redevelopment opportunities that are environmentally sustainable; that protect natural resources and that anticipate impending issues such as peak oil, climate change and food security.

Response:

See responses to testimony provided by George Grier and 1000 Friends of Oregon on pages 17-25 of this memorandum.

3/16/10 Ken Schmidt, 605 Fair Oaks, Eugene, OR

Owns property at 4155 and 4181 E Street; the former is a single half-acre tax lot (TL 400) zoned Heavy Industrial; the latter is comprised of two tax lots; TL 300 is .71 acres and zoned Heavy Industrial; TL 500 is 3.70 acres and zoned Community Commercial; a single building straddles TL's 300 and 500. Requesting a zone change to Community Commercial for TL's 300 and 400. Also submitted report of damaged foundation of new house in SE hills of Springfield; contends that relying on hillsides as future inventory is risky and uncertain; should at least consider some flat areas for residential development.

Response:

None of the elements of the 2030 Refinement Plan proposal include changes to zoning or plan designation of this property; follow-up corridor studies and updates to older refinement plans is proposed as a means to address some of these plan/zone issues.

The 2030 Refinement Plan does not include any proposals to expand the UGB for residential purposes. In December, 2009, the City Council accepted the final conclusions of the RLHNA that the City had enough residential inventory to accommodate projected demand for housing for the 20-year planning period.

3/16/10 Tom Bowerman, 33707 McKenzie View Drive, Eugene, OR

Agrees with and supports the comments submitted by 1000 Friends; believes that the City should focus on redevelopment, better utilization of existing land; better fiscal management of what we have before thinking about adding more maintenance costs through UGB expansion; use the success of Downtown Corvallis as a model/example of what can happen here.

Response:

See responses to testimony provided by George Grier and 1000 Friends of Oregon on pages 17-25 of this memorandum.

Additional written Testimony Entered into the Record between March 17th and March 26th.

3/22/10 Ken Schmidt, Lincoln Capital II

The letter requested rezoning of 4155 and 4181 E Street from Heavy Industrial to Community Commercial; the letter included aerial photos and plat maps of the property.

Response:

None of the elements of the 2030 Refinement Plan proposal include changes to zoning or plan designation of this property; making the changes as requested requires a Metro Plan diagram amendment and corresponding zone change; follow-up corridor studies and updates to older refinement plans is proposed as a means to address some of these plan/zone issues.

3/26/10 Brian J. Millington, Thorp, Purdy, Jewett, Urness & Wilkinson, Attorneys at Law, 1011 Harlow Road, Suite 300, Springfield, OR 97477, representing the Springfield School District

Request to redesignate Rainbow property from LDR to MDR (13.54 acres); request to redesignate former Mr. Vernon School property from Public Land to HDR (725 S 42nd Street, 3.63 acres); request to bring District property on Clearwater Lane into the UGB (19 acres, Tax Lot 1909, Assessor's Map 18-02-05)

This letter include aerial photos of all three properties and undeveloped lands maps from the Districts Schools Facility Plan.

Response:

The 2030 Refinement Plan does not propose to redesignate land within the UGB to make up this deficit; none of the elements of the 2030 Refinement Plan proposal include changes to zoning or plan designation of these properties; making the changes as requested requires a Metro Plan diagram amendment and corresponding zone change.

The Clearwater property is located in Area 7 on all three Land Use Concept maps.

3/26/10 Michael M. Reeder, Arnold Gallagher Percell Roberts & Potter, Attorneys at Law, 800 U.S. Bank Center, 800 Willamette Street, Eugene, OR 97401, representing Rosboro, LLC

Request the city not redesignate Rosboro property Tax Lots 1003, 1004 and 1200, Assessor's Map 18-02-06 (east side of South 28th Street) from Heavy Industrial to Light Medium Industrial.

The letter reiterates previous testimony requesting the City not change the Metro Plan designation of the Rosboro property from HI to LMI; includes an aerial map that shows the property; includes anecdotal information that the School District does not oppose retention of HI plan designation and zoning; contends that split-lot designation is not consistent with the goal of a parcel-specific plan diagram.

Response:

This City-initiated amendment was not undertaken to provide additional LMI sites; sole purpose was to buffer the school property from heavy industrial activities.

Issues raised by the planning commissions:

1. What distinguishes suitable from unsuitable land when considering a UGB expansion;

Response:

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.” (OAR 660-012-0010)*

(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. (OAR 660-09-0005)

(1) 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 residential land, the buildable land inventory must include vacant and redevelopable land, and be conducted in accordance with OAR 660-007-0045 or 660-008-0010, whichever is applicable, and ORS 197.296 for local governments subject to that statute. 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. (OAR 660-024-0050)

(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.

(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.

(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. (OAR660-012-0060).

(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. (ORS 197.298 Priority of land to be included within urban growth boundary)

2. How will Springfield fund infrastructure into UGB expansion areas;

Response:

The City utilizes the following techniques and mechanisms to fund infrastructure throughout the city:

- Capital Improvements Planning;*
- Urban Renewal Tax Increment Financing (where applicable);*
- Local Improvement District;*
- Systems Development Charges;*
- City/developer partnerships; and*
- Loans, grants and other state and federal infrastructure and economic development funding sources*

3. Isn't UGB expansion for warehousing and distribution a waste of land given the low number of employees per acre for such uses;

Response:

Projected land needs for employment purposes is based on a variety of factors, but none of these factors include a standard, criteria or threshold based on employees per acre. The CIBL stakeholder process that developed the City's Economic Opportunities Analysis and Economic Development Strategies followed each of the required steps in OAR 660-009-0015, 0020 and 0025. The emphasis in this Rule is developing an outcome that can be substantiated by the fact base and reasonable expectation. Some of the commenters have singled out warehouse and distribution as a waste of land (though this fact has no relevance to the Rule) but ignore the necessary role that such uses provide in the supply, storage, distribution and delivery of the majority of goods each of us need on a routine basis. These facilities need to be geographically dispersed; they are fundamental to the efficient movement and storage of goods; they require unique location standards that makes it impractical if not impossible to relocate in many existing redevelopment sites or any sites removed from highway or rail, or sites adjacent to residential uses. It is probably a policy choice to include this use in a community's EOA; however, there is no statutory standard for employees per acre; these uses serve an important role in the supply chain of goods; and the CIBL Stakeholders endorsed this use as an element of the City's EOA.

4. How do you preserve a site for its intended use;

Response:

(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. (OAR 660-012-0050)

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 660-009-0025)

5. Are there legal restrictions against promoting growth in the floodplain;

Response:

There are no limitations in the statute regarding urban development in the floodplain (not floodway). Buildable lands inventories that are within the 100-year floodplain can be excluded under the generally not suitable or available category due to constraints as described in OAR 660-08-0005, including the 100-year floodplain.

The FEMA standards for development in the floodplain are that the community provide flood hazard insurance; that all dwellings must be constructed with a finished floor elevation 1 foot above the flood hazard elevation; and that the local building department certify this finished floor elevation standard as a condition of occupancy.

The City of Springfield does have a floodplain overlay district that regulates development in the 100-year flood hazard area consistent with the requirements of the FEMA flood insurance program. In addition, this overlay district requires an analysis of the impacts of fill within the floodplain to determine whether or not, and by how much, the elevation is altered by the proposed development.

6. Why is the Sony property not included as a redevelopment site;

Response:

The EOA defines redevelopment potential in two principal ways: a ratio of building value to land value and a ratio of building size to lot size: building value = less than 0.3:1.0 land value; building size = less than 10% of total area of the property. Additionally, redevelopment potential should be thought of as “a continuum – from more redevelopment potential to less redevelopment potential. The factors that affect redevelopment are complicated and include location, surrounding uses, current use, land and improvement values and other factors.” (EOA page 21) The total assessed land value of the Sony property is about 13.8 million; the total assessed improvement value is 13 million. Approximately half of this 40 acre site is occupied by building and parking areas. The building is also owned by PeaceHealth and is currently fully occupied with a host of different administrative hospital uses.

7. Please provide new FEMA maps or indicate when they may be forthcoming;

Response:

Attachment D, titled Current Flood Plain Studies/Requests Affecting Springfield – As of 4/7/2010 provides a summary of all of the ongoing, relevant floodplain studies. As you will note, the completion dates of these separate efforts is largely an uncertainty.

8. Why do concept maps continue to identify some UGB expansion areas as suitable for residential development if there is no proposal to expand for residential purposes;

Response:

These maps were developed in the spring and summer of 2009 when our data showed that the City would likely need between 900 and 1,200 acres of additional residential land. The CIBL Stakeholders took it upon themselves to evaluate potential UGB expansion areas for all inventory purposes, not just commercial and industrial.

Subsequent discovery of some mapping errors in the late fall revealed that the city had a slight surplus of residential inventory and, as a result, the City Council’s adoption of the Residential Lands and Housing Needs Analysis (RLHNA) in December, 2009 effectively eliminated the need to pursue expansion of the UGB for residential purposes. However, because these maps reflected the actual work that had been performed on this task, the annotations were left alone, including the vestigial residential references. Our previous communications on this matter have included the request that the planning commission disregard any reference to residential purposes; that request remains operational until and unless the planning commission(s) were to decide that sufficient evidence has been entered into the record of this hearing to support an expansion of the UGB to include residential inventory.

9. Please indicate what the two blue colors on Map 3 are intended to identify;

Response:

Map 3 showed the floodway in dark blue and the floodplain in light blue.

10. Why is school capacity an issue in the Seavey Loop expansion area;

Response:

The Seavey Loop area is within the boundary of District 19 and includes Goshen Elementary School. The school's current enrollment is 94 and it has a functional capacity of 175. Even though this represents a significant reserve, the general condition of the school is so poor that it would need to be upgraded or replaced in order to accommodate any significant increase in enrollment. It should be noted that such an effect is not anticipated if this expansion area is limited to non-residential use.

11. Can the entire McKenzie River paralleling the UGB be brought in as park and open space to protect this resource?

Response:

This question touches upon several elements of the statewide land use planning program so there is no a simple answer. Expanding the UGB for any reason must be justified; this includes land needed for park or open space uses. Under normal circumstances, a city could determine that the existing UGB did not have adequate park and/or open space and therefore a Goal 14 evaluation could be undertaken to evaluate the possibility of expanding the UGB for this purpose. In the case of a Goal 5 resource, the city would need to confirm the presence of the resource (significance determination) and then complete an ESEE analysis (an analysis of the economic, social, environmental, and energy consequences that could result from a decision to allow, limit, or prohibit a conflicting use) that should conclude the site needs to be brought into the UGB as the only way to protect the Goal 5 resource (Assuming no such Lane County ordinances are in effect). These same requirements apply to open space if the city's aim is to include open space within the UGB: "Local governments are not required to amend acknowledged comprehensive plans in order to identify new open space resources. If local governments decide to amend acknowledged plans in order to provide or amend open space inventories, the requirements of OAR 660-023-0030 through 660-023-0050 shall apply." These latter provisions include significance determination and the ESEE analysis.

All of the land between the McKenzie River and the City's UGB is planned and zoned for agricultural use or sand and gravel extraction (a Goal 5 resource). The basis of the "conflicting uses" determination would rest upon demonstration that the uses permitted by County EFU zoning would cause irreparable harm or loss to the Goal 5 resource, again assuming that no such County ordinances are currently in effect.

12. Where are ODOT's comments regarding UGB expansions; how much will it cost to upgrade ODOT facilities to accommodate UGB expansions;

Response:

ODOT has participated on the technical advisory committee of the CIBL process from the beginning. They provided comments on each of the expansion areas, including estimates of costs for state facilities to support the proposed use. These figures are embedded in the tables in Attachment 3 included in the staff report distributed for the February 17, 2010 public hearing.

13. Bill Kloos letter said the city needed to prepare a TPR analysis for plan/zone conflict actions, and that the proposed text did not provide clear and objective standards for residential development.

Response:

The City identified a number of plan/zone conflicts that have existed since the original acknowledgment in 1982. The 2030 Refinement Plan package does include a proposal to correct some of these conflicts by proper alignment of zoning with the plan designation. In cases where the proposed change is intended as the action to create a parcel-specific diagram, the city relied upon the GIS and RLID data files and therefore is simply putting closure on this matter at the diagram level. In these instances we do not believe the TPR analysis is required because these same data files were used to inform the modeling and development of the transportation plan that identified specific projects that would be necessary to accommodate future “planned” growth, i.e., the uses allowed by the Metro Plan designation, not the uses allowed by current local zoning. TransPlan was acknowledged by LCDC on May 8, 2001. These files also were used as the source of the buildable lands inventory that was undertaken in 1994 as a requirement of Periodic Review. This effort also received acknowledgment from DLCD in 1997.

In those instances where the 2030 Refinement Plan package makes a recommendation that deliberately changes the Metro Plan diagram designation, Goal 12 does apply; however, we believe that many of these changes do not generate a significant affect (as defined in the TPR) on the state transportation facility because: 1) the change applies to land smaller than .25 acres; 2) the land is already fully developed with a use consistent with the proposed Metro Plan designation; 3) the change reduces the intensity of permitted uses; and 4) the property is not within .5 miles of a state transportation facility. In these instances we believe that we can address Goal 12 with the statement that the changes, both individually and collectively, will not increase trips on the state system already modeled in the acknowledged transportation system plan (TransPlan) therefore the use does not result in a significant affect. All other actions to change Metro Plan designations that result in more intensive use of land are subject to a more rigorous analysis and therefore should be removed from consideration as a component of the 2030 Refinement Plan package. Please also review response provided by Al Johnson to this issue on pages 13-16 of this memorandum.

Mr. Kloos’ comments regarding new land use regulations must include clear and objective standards is correct. Mr. Kloos has suggested including the following language in the proposal:

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

We recommend this language be added to Chapter 4 Residential Land Use and Housing Element.

An additional note on this matter; the Metro Plan underwent Periodic Review between the years 1994 and 2007. During this time, the residential lands inventory and policies were updated; this effort also was acknowledged by LCDC as being completed in compliance with the applicable rules and provisions of Goal 10. Unless otherwise noted and addressed, nothing in the remainder of this proposal changes the status of those inventories already acknowledged by the state.

14. What occurs to Goal 5 resources in UGB expansion areas and is this addressed in any of the

analysis of these areas?

Response:

The City has an acknowledged Goal 5 inventory and protection/preservation plan; the provisions of this program will be applied to any land included in Springfield's UGB at the time of annexation or Master Plan approval. Until one of these two circumstances arise, the existing Lane County zoning and Goal 5 ordinances shall remain in force and effect.

Attachments

Attachment A – DVD of testimony submitted into the record of the joint Planning Commission public hearing

Attachment B – April 10, 2010 Response Memorandum from ECONorthwest to Linda Pauly and Greg Mott

Attachment C – April 12, 2010 Response Memorandum from Al Johnson to Greg Mott

Attachment D – Table of Floodplain analysis work currently underway on Springfield area rivers and streams