

EUGENE CITY COUNCIL AGENDA

February 28, 2023

6:00 p.m. JOINT LANE COUNTY AND CITY OF EUGENE PUBLIC HEARING

This public hearing will be held using virtual meeting technology. Information about online options for access and participation will be available at <u>https://www.eugene-or.gov/3360/Webcasts-and-Meeting-Materials</u>

Meeting of February 28, 2023; Her Honor Mayor Lucy Vinis Presiding

Councilors

Randy Groves, President Mike Clark Lyndsie Leech Jennifer Yeh Matt Keating, Vice President Greg Evans Emily Semple Alan Zelenka

6:00 p.m. JOINT LANE COUNTY AND CITY OF EUGENE PUBLIC HEARING

1. PUBLIC HEARING: An Ordinance Establishing Urban Reserves for the City of Eugene; Amending the Eugene-Springfield Metropolitan General Plan; Amending the Envision Eugene Comprehensive Plan; and Amending the Public Facilities and Service Plan

The Eugene City Council welcomes your interest in these agenda items. This meeting location is wheelchair-accessible. For the hearing impaired, an interpreter can be provided with 48 hours' notice prior to the meeting. Spanish-language interpretation will also be provided with 48 hours' notice. To arrange for these services, contact the receptionist at 541-682-5010. City Council meetings are telecast live on Metro Television, Comcast channel 21, and rebroadcast later in the week.

El consejo de la Ciudad de Eugene agradece su interés en estos asuntos de la agenda. El lugar de la reunión tiene acceso para sillas de ruedas. Se puede proveer a un intérprete para las personas con discapacidad auditiva si avisa con 48 horas de anticipación. También se puede proveer interpretación para español si avisa con 48 horas de anticipación. Para reservar estos servicios llame al 541-682-5010. Las reuniones del consejo de la ciudad se transmiten en vivo por Metro Television, Canal 21 de Comcast y son retransmitidas durante la semana.

For more information, contact the Council Coordinator at 541-682-5010, or visit us online at www.eugene-or.gov.



Agenda Item Summary for Joint Public Hearing Eugene City Council and Lane County Board of Commissioners



AN ORDINANCE ESTABLISHING URBAN RESERVES FOR THE CITY OF EUGENE; AMENDING THE EUGENE-SPRINGFIELD METROPOLITAN GENERAL PLAN; AMENDING THE ENVISION EUGENE COMPREHENSIVE PLAN; AND AMENDING THE PUBLIC FACILITIES AND SERVICES PLAN (City of Eugene)

-and-

ORDINANCE NO: PA1388 IN THE MATTER OF ADOPTING AN ORDINANCE ESTABLISHING URBAN RESERVES FOR THE CITY OF EUGENE; AMENDING THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN; AMENDING THE LANE COUNTY RURAL COMPREHENSIVE PLAN; AMENDING THE ENVISION EUGENE COMPREHENSIVE PLAN; AMENDING THE PUBLIC FACILITIES AND SERVICES PLAN. (Lane County)

Meeting Date: February 28, 2023 <u>www.eugene-or.gov</u> <u>www.lanecounty.org</u> Agenda Item Number: 1 Staff Contacts: Rebecca Gershow and Lindsey Eichner Telephone: 541-682-8816, 541-682-3998

ISSUE STATEMENT

At this meeting, the Eugene City Council and Lane County Board of Commissioners will hold a public hearing to consider a proposal to establish urban reserves for the City of Eugene, which includes amendments to the Eugene-Springfield Metropolitan Area Plan (Metro Plan), Lane County Rural Comprehensive Plan, Envision Eugene Comprehensive Plan, and the Eugene-Springfield Metropolitan Area Public Facilities and Services Plan. After the hearing, each body will meet separately to deliberate and act on the proposal.

BACKGROUND

Oregon law allows cities and counties to establish urban reserves to provide more ease and certainty when Urban Growth Boundary (UGB) expansions are needed. Urban Reserves is a special status assigned to lands outside the UGB based on a land study that addresses specific considerations set out in State statutes and in rules adopted by the Land Conservation and Development Commission (LCDC). Land identified as Urban Reserves is then elevated into the first priority category for a UGB expansion if and when a city needs to expand its UGB for a growing population. The goal of urban reserve planning is to pre-identify a supply of land that is appropriate for UGB expansion, so that Eugene and Lane County are prepared to more efficiently address Eugene's growth in a way that meets the community's needs when the time is right.

The City and County most recently established Eugene's UGB in 2018, with enough land to meet housing, employment, school and park needs through 2032. That process was complicated and

lengthy. As part of that process, staff was directed to undertake urban reserves planning, so that urban reserves will be in place by the time another expansion of Eugene's UGB is needed.

Land within urban reserves retains its County land use zoning and remains in its rural use, and cannot be urbanized, until the County and City include it in Eugene's UGB. The only limitations that would apply to the development of urban reserve land are those identified in the proposed comprehensive plan policies set out below under "Regulatory Effect."

The State's urban reserve law allows cities and Counties to identify urban reserves to meet the land needs for between 10 and 30 years of population growth beyond Eugene's UGB. Based on direction from the Eugene City Council and the Lane County Board of Commissioners in November 2020, the proposed Eugene urban reserves would meet Eugene's projected needs for approximately 27 years of growth beyond 2032. The areas proposed for Eugene urban reserves are shown on **Attachment A**.

Eugene Urban Reserves Process

The City of Eugene and Lane County have been working jointly on urban reserve planning since January 2018. Collectively, staff met with the Eugene and Lane County Planning Commissions, City Council and County Board of Commissioners almost 30 times in the process of developing the formal package of material now presented. Notably, residents of rural Lane County who may be affected by this proposal have been involved throughout the process. The project's public engagement has included:

- Project <u>web page</u>
- Monthly e-newsletter
- Five in-person public meetings primarily for study area residents and property owners
- 1,500 visitors to a month-long virtual open house
- Five rounds of postcards mailed to residents and property owners within the Urban Reserves study area
- Regular emails to interested parties providing project updates
- Three interactive GIS story maps
- 18 Envision Eugene Technical Advisory Committee meetings
- 4,000 public notices mailed prior to the joint planning commission public hearing

Please see the Eugene Urban Reserves Public Engagement Summary at **Attachment B** (Exhibit F, Appendix 1).

Urban reserves planning has been organized into five phases; each building on the previous one, as shown below, and all of which entailed public engagement. The project is now in the last phase, the formal adoption process.



The order of analysis and minimum elements included in urban reserves planning is laid out by state rules, particularly Oregon Administrative Rules, Chapter 660, Division 21. Work has followed this structure, which is summarized at a very high level below, and detailed in the Eugene Urban Reserves Study at **Attachment B** (Exhibit F, Appendix 2).

Technical Analysis

The Technical Analysis phase was a multi-step process focused on developing a study area, identifying the amount of land needed for Urban Reserves, identifying the land in the study area that has the attributes needed to make it developable at urban levels, and determining how many homes or jobs could be accommodated on that developable land.

Suitability Analysis

While state and local policies provide guidance for where to grow, there is no 'perfect' area for Eugene to grow into. All areas have trade-offs. The purpose of the suitability analysis was to consider the land in terms of a list of factors prescribed by state rules, then dismiss land that, on balance, is not suitable for inclusion in urban reserves. The analysis went through multiple rounds of review by City and County staff, service providers, the Triple Bottom Line Sounding Board and the Envision Eugene Technical Advisory Committee.

Option Development

Land identified as potentially suitable for Urban Reserves was then, as required by State law, considered for inclusion based on its County land classification, with land designated for non-farm and non-forest uses (such as rural residential, industrial and commercial, and marginal lands) being prioritized for urban reserves over land designated for farm and forest uses. Among the farm and forest land, land with "richer" soils (e.g. high value farmland) was considered as last priority for inclusion in urban reserves. Since state law allows the City and County to plan for between 10 and 30 years of population growth, several options were developed and refined with the help of the Envision Eugene Technical Advisory Committee and input from the general public. Four options were then moved forward to City and County decision-makers: the largest possible Urban Reserve size (a 30-year reserve that inevitably included some of the highest class of farm land soils), the smallest possible Urban Reserve size (a 10-year reserve) and two options in between.

Direction

After receiving recommendations from the Eugene and Lane County Planning Commissions, the Eugene City Council (on October 21, 2020), and the Lane County Board of Commissioners (on November 10, 2020), passed motions directing staff to develop an adoption package as described in the 27-year option and to begin a public review and formal adoption process. This 27-year option preserves the highest value farmland and additional properties with higher value soils. Specifically, it allows the County and City to exclude from urban reserves otherwise suitable lands that are agricultural properties with predominant Class 1 soil and the agricultural properties directly adjacent to them with predominant Class 2 soil.

The Board of Commissioners also added to their 2020 direction: "so long as the proposal includes a comprehensive plan or IGA provision that requires reconsideration of urban reserves within 10 years of the UGB's expansion."

Formal Adoption Process

After receiving the 2020 direction to proceed as described above, work began on developing the adoption package, including an in-depth review of the initial suitability analysis, documenting compliance with state law and local code and policies, drafting plan amendments, developing legally required intergovernmental agreements (IGAs) between service providers, Lane County and City of Eugene, and preparing supporting documentation that demonstrates the proposal meets the State's technical and legal requirements, including those pertaining to public engagement.

On September 13, 2022, the County and City sent the Department of Land Conservation Development formal notice of the October 18, 2022 Eugene and Lane County Planning Commissions' hearing on the proposed urban reserves. Following, on September 16, 2022, a notice of the Joint Planning Commission Public Hearing was mailed to almost 4,000 owners and/or residents of property within or partially within the proposed urban reserves, nearby the proposed urban reserves, within the initial study area, and other interested parties. Following the joint hearing, the Lane County Planning Commission held a work session on December 6, 2022, and the Eugene Planning Commission held a work session on December 13. Both planning commissions voted unanimously to recommend approval of the package that is now before the City Council and the Board of Commissioners.

On February 7, 2023 a formal public notice of the City Council and Board of Commissioners public hearing on the proposed urban reserves was sent to the project's formal interested parties list. Notice of this hearing was also published in The Register-Guard. All testimony received by the time of publication is included in **Attachment C** to this memo.

Adoption Package

The components of the Urban Reserves adoption package are attached to this memo by links in **Attachment B** and include:

- Draft City of Eugene **Ordinance** establishing urban reserves for the City of Eugene
- Draft Lane County **Ordinance** establishing urban reserves for the City of Eugene
- **Plan Amendments** related to establishment of Eugene urban reserves and regulation of land within Eugene urban reserves until it is brought into Eugene's urban growth boundary:
 - Eugene-Springfield Metropolitan Area Plan Amendments
 - Lane County Rural Comprehensive Plan Amendments (to be adopted by Lane County only)
 - Eugene-Springfield Metropolitan Area Public Facilities and Services Plan Amendments
 - Envision Eugene Comprehensive Plan Amendments
- **Intergovernmental Agreements** regarding coordinated planning between Lane County, City of Eugene and service providers within the proposed urban reserves
- **Legal Findings** in support of the establishment of Eugene urban reserves, including the following:
 - Eugene Urban Reserves **Public Engagement Summary**

- Eugene Urban Reserves **Study**, which documents the analysis of land for inclusion in Eugene Urban Reserves based on the steps required by State statute and rules, and includes the following attachments:
 - Eugene Urban Reserves **Suitability Analysis Subarea Reports** (18 reports)
 - Eugene Urban Reserves Serviceability Analysis Report
- Eugene Urban Reserves **Technical Memo**, which describes the assumptions and methodology behind the technical analysis and how this work informs the land selected for Eugene urban reserves; it includes the following attachments:
 - Eugene Urban Reserves Land Need Model
 - Eugene Urban Reserves Map Documentation of Undevelopable Land
- List of Tax Lots Within the Eugene Urban Reserves

Regulatory Effect

One policy proposed for inclusion in both the Eugene-Springfield Metropolitan Area Plan and Lane County Rural Comprehensive Plan simply states the role of urban reserves in UGB expansions:

• The areas identified as Eugene urban reserves on the Eugene Urban Reserves map adopted as part of the Metro Plan and the Lane County Rural Comprehensive Plan shall be given priority consideration, consistent with Oregon law, for inclusion within the Eugene UGB when a UGB expansion is considered. (Metro Plan Policy 32, RCP Policy 18)

Another proposed policy, required by State law, ensure that property owners now entitled to build a single-family home on their land will retain that allowance after being included in urban reserves:

• Lane County shall continue to allow the siting of a single-family dwelling on a lawfully established unit of land after it has been included in Eugene urban reserves if the County's regulations would have allowed the single-family dwelling on the land prior to the land's inclusion in Eugene urban reserves. (Metro Plan Policy 33, RCP Policy 19)

As noted above, land within urban reserves retains its County land use zoning and remains in its rural use until the County and City include it in Eugene's UGB. State rules require the imposition of only a few restrictions on urban reserve land. State rules require that "until included in the urban growth boundary, lands in urban reserves shall continue to be planned and zoned for rural uses ...but in a manner that ensures a range of opportunities for the orderly, economic and efficient provision of urban services when these lands are included in the urban growth boundary." (OAR 660-021-0040(1)) While State law would allow for fairly substantial regulatory limits on the use of urban reserve land to accomplish this, only the following two policies are proposed for Eugene urban reserve land (for inclusion in both the Eugene-Springfield Metropolitan Area Plan and Lane County Rural Comprehensive Plan):

• Lane County shall continue to plan and zone land identified as Eugene urban reserves for rural uses and shall do so in a manner that ensures a range of opportunities for the orderly, economic and efficient provision of urban services and that will not hinder the efficient

February 28, 2023 JEO Public Hearing – Item 1

transition to urban land uses when these lands are included in the Eugene urban growth boundary as follows:

- Lane County shall not approve a change to its plans, land use code or zoning that would allow a more intensive use (including a higher residential density) on exception or nonresource land that is included in Eugene urban reserves than the use allowed on that land before the land was included in Eugene urban reserves. (Metro Plan Policy 34 a, RCP Policy 28 a)
- Lane County shall not approve a change that would allow resource land that is included in Eugene urban reserves to be rezoned or redesignated to a non-resource zone or designation, except for land awarded state or federal investment for the development of rail-related infrastructure near existing railways. (Metro Plan Policy 34 b, RCP Policy 28 b)

There are no land use code amendments proposed.

Planning Commission Recommendations

On December 6 and December 13, 2022, respectively, the Eugene Planning Commission and Lane County Planning Commission each unanimously recommended to their elected officials the approval of the urban reserves adoption package with a set of changes to respond to public testimony, as recommended by City and County staff. The proposal provided to the City Council and County Board includes the changes that were recommended by the Planning Commissions.

Procedural Summary

The process being followed for the formal consideration of the legislative adoption package meets or exceeds all the City and County procedural requirements for adoption of an amendment to the Lane County Rural Comprehensive Plan, a Type II Metro Plan and Public Facilities Plan amendment, and an amendment to the Envision Eugene Comprehensive Plan. The legislative process includes formal public notice and a joint hearing before the Eugene and Lane County Planning Commissions and a joint hearing before the Eugene City Council and Lane County Board of Commissioners.

At this stage, the City Council and Board of Commissioners roles are to participate in a joint public hearing and subsequently consider adoption of separate ordinances. The adoption of urban reserves must be based on the applicable approval criteria for the proposed amendments. Those criteria and findings addressing the approval criteria are provided in **Attachment B** (Exhibit F).

Record of Materials for the Council and Board's Consideration

An outline of all record materials with links is included at **Attachment C** and a printed copy of the materials have been made available to the City Council and the Board of Commissioners. As a courtesy, materials are also available on the project website, and the complete record is available for review by the public at City of Eugene's Permit and Information Center and Lane County's Land Management Division.

NEXT STEPS

After the public hearing, the City Council and Board of Commissioners will hold separate deliberation meetings and consider adoption of separate ordinances. The Eugene City Council deliberations and final action is scheduled for April 10, 2023. The Lane County Board of Commissioners deliberations and final action is scheduled for April 11, 2023.

Community members are encouraged to send their comments to <u>urbanreserves@eugene-or.gov</u>. All written comments received on or before February 17 at 5 pm will be provided to the City Council and Board of Commissioners prior to the public hearing. Written comments received after February 17 at 5 pm will be provided to the Council and Board in batches and included in the record.

COUNCIL/BOARD OPTIONS

None; this item is a public hearing only. Options will be provided at the time of deliberations and action.

ATTACHMENTS*

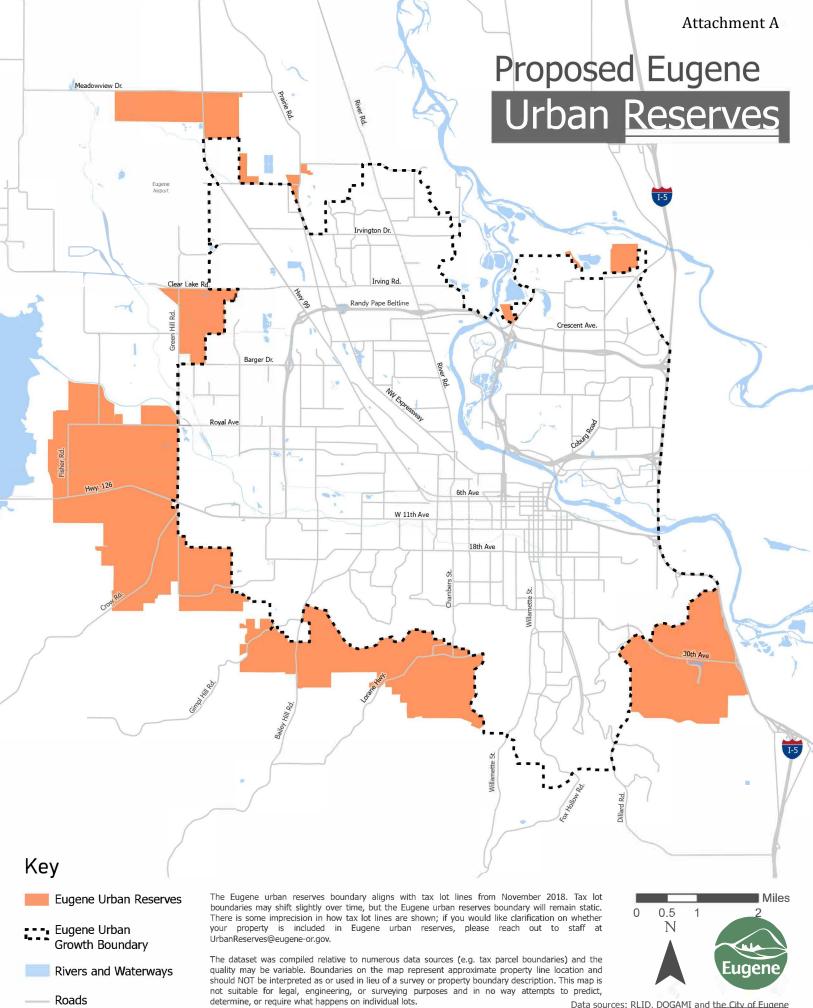
- A. Map of Proposed Eugene Urban Reserves
- B. Links to Proposed Eugene Urban Reserves Ordinances and Exhibits
- C. Links to Other Record Materials and Public Testimony

* The attachments are provided in this electronic format for easy access. All attachments and all materials linked in the attachments will be provided to the City Council and Board of Commissioners electronically, and a paper copy of all the materials will also be available in the City Council and Board of Commissioners offices.

FOR MORE INFORMATION

City Staff Contact:	Rebecca Gershow, Senior Planner		
Telephone:	541-682-8816		
Email:	<u>rgershow@eugene-or.gov</u>		
County Staff Contact:	Lindsey Eichner, Principal Planner		
Telephone:	541-682-3998		
Email:	<u>lindsey.eichner@lanecountyor.gov</u>		

Project page: <u>www.eugene-or.gov/UrbanReserves</u>



CC Agenda Page 8

Data sources: RLID, DOGAMI and the City of Eugene

February 28, 2023 JEO Public Hearing - Item 1

Links to Proposed Eugene Urban Reserves Ordinances and Exhibits

- <u>City of Eugene Draft Ordinance</u>
- Lane County Draft Ordinance
- Exhibit A-1: Amendments to Eugene-Springfield Metropolitan Area General Plan
- <u>Exhibit A-2: Amendments to Eugene-Springfield Metropolitan Area General Plan Eugene Urban</u> <u>Reserves (Digital Map)</u>
- Exhibit B: Amendments to Envision Eugene Comprehensive Plan
- Exhibit C: Amendments to Eugene-Springfield Metropolitan Area Public Facilities and Services Plan
- Exhibit D: Intergovernmental Agreements
- Exhibit E: Amendments to Lane County Rural Comprehensive Plan
- Exhibit F: Findings in Support of the Establishment of Urban Reserves for the City of Eugene
 - o Exhibit F: Findings, Appendix 1 Public Engagement Summary
 - Exhibit F: Findings, Appendix 2 Eugene Urban Reserves Study
 - Exhibit F: Findings, Appendix 2a Study / Subarea Reports
 - 1 Game Farm <u>2 – McKenzie</u> 3 – Beacon River Loop 4 – Awbrey 5 – Highway 99 6 – Airport North 7 – Airport 8 – Clear Lake 9 – Airport South 10 – Royal 11 – Fisher 12 – West 11th/Greenhill <u> 13 – Crow</u> 14 – Bailey / Gimpl Hill 15 – Crest / Chambers 16 – South Willamette / Fox Hollow 17 – Dillard 18 – Russel Creek
 - o Exhibit F: Findings, Appendix 3 Serviceability Analysis Report
 - Exhibit F: Findings, Appendix 4 Technical Memo
 - Exhibit F: Findings, Appendix 4a Land Need Model
 - Exhibit F: Findings, Appendix 4b Map Documentation of Undevelopable Land
 - Exhibit F: Findings, Appendix 5 Tax Lots Within the Eugene Urban Reserves

Eugene Urban Reserves City Files: MA 22-1, ECA 22-1, RA 22-1 | County File: 509-PA22-05580

Record Materials as of January 31, 2023

The following links to the record materials are provided as an easy way to access materials in the record. The record materials linked below will be provided to the City Council and the Board of County Commissioners electronically and a paper copy of all record materials will be available in both the City Council and Board of County Commissioners offices.

Proposed Adoption Materials to be Considered by the Joint Elected Officials - Ordinances, Amendments, Intergovernmental Agreements and Findings The updated adoption materials are included in the record and linked in **Attachment B: Links to Proposed Eugene Urban Reserves Ordinances and Exhibits**.

Materials Considered by the Planning Commissions - Ordinances, Amendments, Intergovernmental Agreements and Findings

The materials below were submitted to DLCD on September 13, 2022. On December 6 and December 13, 2022, the Lane County Planning Commission and the City of Eugene Planning Commission both unanimously recommended approval of the adoption package below with changes.

- <u>City of Eugene Draft Ordinance</u>
- Lane County Draft Ordinance
- Exhibit A-1: Amendments to Eugene-Springfield Metropolitan Area General Plan
- <u>Exhibit A-2: Amendments to Eugene-Springfield Metropolitan Area General Plan Eugene Urban</u> <u>Reserves (Digital Map)</u>
- Exhibit B: Amendments to Envision Eugene Comprehensive Plan
- Exhibit C: Amendments to Eugene-Springfield Metropolitan Area Public Facilities and Services Plan
- Exhibit D: Intergovernmental Agreements
- Exhibit E: Amendments to Lane County Rural Comprehensive Plan
- Exhibit F: Findings in Support of the Establishment of Urban Reserves for the City of Eugene
 - o Exhibit F: Findings, Appendix 1 Public Engagement Summary
 - Exhibit F: Findings, Appendix 2 Eugene Urban Reserves Study
 - Exhibit F: Findings, Appendix 2a Study / Subarea Reports

<u>1 – Game Farm</u> <u>2 – McKenzie</u> <u>3 – Beacon River Loop</u> <u>4 – Awbrey</u> 5 – Highway 99 6 – Airport North 7 – Airport 8 – Clear Lake 9 – Airport South 10 – Royal 11 – Fisher 12 – West 11^{t h}/ Greenhill 13 – Crow 14 – Bailey / Gimpl Hill 15 – Crest / Chambers 16 – South Willamette / Fox Hollow 17 – Dillard 18 – Russel Creek

- o Exhibit F: Findings, Appendix 3 Serviceability Analysis Report
- Exhibit F: Findings, Appendix 4 Technical Memo
 - Exhibit F: Findings, Appendix 4a Land Need Model
 - Exhibit F: Findings, Appendix 4b Map Documentation of Undevelopable Land
- Exhibit F: Findings, Appendix 5 Tax Lots Within the Eugene Urban Reserves

Testimony

- Batch 4: https://www.eugene-or.gov/DocumentCenter/View/68697/Batch_4
- Batch 3: <u>https://www.eugene-or.gov/DocumentCenter/View/68096/Batch_3</u>
- Batch 2: <u>https://www.eugene-or.gov/DocumentCenter/View/67644/Batch 2</u>
- Batch 1: <u>https://www.eugene-or.gov/DocumentCenter/View/67645/Batch 1</u>

Notices and Procedural Materials*

- 09/16/2022 Mailed Notice and Notice Affidavit
- 09/28/2022 Newspaper Legal Advertisement

*These materials will be available for download here: https://pdd.eugene-or.gov/LandUse/SearchApplicationDocuments?file=MA-22-0001

Other Documents and Materials

- DLCD June 2021 Submittal Materials and Affidavit
- November 10, 2020, Lane County Board of Commissioners Staff Report*
- Eugene Airport Memo Regarding Safety and Development Concerns
- Property Owner Matrix
- Property Owner FAQs
- Informational Mailings and Mailing Lists
- Email of Urban Reserves Initiation to City of Springfield

- Email of Urban Reserves Initiation to Lane County
- October 5, 2018, Urban Reserves Interested Parties Announcement
- Additional Correspondence

*The agenda and recording are linked below under Public Meeting Materials.

Public Meeting Materials

The meeting materials and recordings below are included in the record. They include, the City of Eugene Planning Commission and Lane County Planning Commission from September 2022 through December 2022 and select Eugene City Council, Lane County Board of Commissioners, and Envision Eugene Technical Advisory meetings prior to September 2022.

Meeting	Date	Meeting Materials	Recording
City of Eugene Planning Commission—	12/13/2022	Meeting Materials	Recording
recommendation of adoption package with changes			
Lane County Planning Commission—	12/06/2022	Meeting Materials	Recording
recommendation of adoption package with changes			
Eugene and Lane County Planning Commission	10/18/2022	Meeting Materials	Recording
– Joint Public Hearing			
City of Eugene Planning Commission—work	10/11/2022	Meeting Materials	Recording
session on adoption package			
Lane County Planning Commission—work	10/04/2022	Meeting Materials	Recording
session on adoption package			
Lane County Board of Commissioners—	11/10/2020	Meeting Materials	Recording
direction on 27-year urban reserve			
Eugene City Council—direction on 27-year urban	10/21/2020	Meeting Materials	Recording
reserve			
Envision Eugene Technical Advisory	07/16/2020	Meeting Materials	Recording
Committee—recommendation of 27-year urban			
reserve			