

IN THE BOARD OF COUNTY COMMISSIONERS, LANE COUNTY, OREGON

Ordinance No. PA 1308

AN ORDINANCE COMPLYING WITH THE LAND USE BOARD OF APPEALS (LUBA) REMAND (2012-077/078/079) BY INCORPORATING SUPPLEMENTAL FINDINGS INTO THE RECORD OF SPRINGFIELD FILE NUMBERS TYP411-00005, TYP411-00007 AND TYP311-0001 AND LANE COUNTY FILE NUMBER PA11-5489, AND AMENDING THE GLENWOOD REFINEMENT PLAN DIAGRAM AND TEXT, THE SPRINGFIELD ZONING MAP AND THE SPRINGFIELD DEVELOPMENT CODE, AND INCORPORATING ADDITIONAL FINDINGS IN ORDER TO CHANGE THE LAND USE DESIGNATION AND ZONING OF 14.29 ACRES OF LAND FROM EMPLOYMENT MIXED-USE TO COMMERCIAL MIXED-USE, AND ADOPTING A SAVINGS AND SEVERABILITY CLAUSE.

WHEREAS, Glenwood Phase I was adopted by Springfield on June 18, 2012 (Ordinance No. 6279) and by Lane County on September 5, 2012 (Ordinance No. PA1288 and Ordinance No. 3-12); and

WHEREAS, Shamrock Homes, LLC filed a Notice of Intent to Appeal Springfield Ordinances 6279 and Lane County Ordinances PA1288, and 3-12 on September 28, 2012; and

WHEREAS, LUBA rendered their decision (LUBA 2012/077/078/079) on July 12, 2013; and

WHEREAS, LUBA's decision required the City take additional action with regards to Goal 9 (Economic Development); Goal 10 (Housing); Goal 12 (Transportation); and Goal 15 (Willamette River Greenway); and

WHEREAS, timely and sufficient notice of the public hearings regarding the LUBA Remand pursuant to Glenwood Phase 1, has been provided in accordance with SDC Section 5.2-115; and

WHEREAS, Springfield Development Code Section 5.6-100 sets forth procedures for the amendment of the Glenwood Refinement Plan diagram and text and the SDC; and

WHEREAS: the Springfield File Numbers TYP411-0005 (Glenwood Refinement Plan diagram and text amendments) and TYP 411-00007 (Springfield Development Code amendments) and Lane County File Number PA 11-5489 contain supplemental findings and studies regarding Goals 9, 10, 12 and 15 that address the LUBA Remand; and

WHEREAS, Shamrock Homes, LLC presented public testimony on November 18, 2013 indicating that it believed the Glenwood Refinement Plan diagram and text amendments to address the LUBA Remand were insufficient, and Shamrock Homes, LLC requested additional changes to Assessor's Maps and Tax Lots 18-03-03-11 01401, 17-03-34-440 3300, and 17-03-34-44 00301; and

WHEREAS, based on Shamrock Homes, LLC public testimony, the Springfield File Numbers TYP411-00005 (Glenwood Refinement Plan diagram and text amendments), TYP311-00001 (Springfield Zoning Map amendments,) and TYP 411-00007 (Springfield Development

Code amendments) and Lane County File Number PA 11-5489 contain additional findings in order to change the land use designation and zoning of 14.29 acres of land from Employment Mixed-Use to Commercial Mixed-Use; and

WHEREAS, Springfield Development Code Section 5.22-100 sets forth procedures for the amendment of the Springfield Zoning Map; and

WHEREAS, the public hearings listed below were limited to address only the issues contained in the LUBA Remand and the land use designation and zone change of 14.29 acres from Employment Mixed-Use to Commercial Mixed-Use regarding Glenwood Phase I; and

WHEREAS, on October 15, 2013, the Springfield Planning Commission held a work session and public hearing regarding the LUBA Remand and the criteria of approval, findings and recommendations as set forth in Exhibit A, together with the testimony and submittals of those persons testifying at the public hearing or in writing are part of the public record, and the Springfield Planning Commission voted to recommend adoption of Glenwood Phase 1 LUBA Remand to the Springfield City Council and the Lane County Board of Commissioners; and

WHEREAS, on October 17, 2013, the Springfield City Council and the Lane County Board of Commissioners held a work session on the LUBA Remand; and

WHEREAS, on October 29, 2013, the Lane County Board of Commissioners held a first reading on the LUBA Remand; and

WHEREAS, on November 18, 2013, the Springfield City Council held a first reading and the Lane County Board of Commissioners held a second reading on the LUBA Remand; and

WHEREAS, on December 2, 2013, the Springfield City Council held a second reading and the Lane County Board of Commissioners held a third reading on the Glenwood Phase 1 LUBA Remand; and

WHEREAS, on January 28, 2014, the Lane County Board of Commissioners held a fourth reading on the Glenwood Phase 1 LUBA Remand; and

WHEREAS, on February 25, 2014, the Lane County Board of Commissioners held a fifth reading on the Glenwood Phase 1 LUBA Remand; and

WHEREAS, On April 1, 2014, the Springfield City Council held a third reading and the Lane County Board of Commissioners held a sixth reading on the Glenwood Phase 1 LUBA Remand and the land use designation and zone change of 14.29 acres from Employment Mixed-Use to Commercial Mixed-Use and substantial evidence exists within the public record as set forth in Exhibit A, together with the testimony and submittals of those persons testifying at the public hearing or in writing that has been considered and are part of the public record and the Springfield City Council is now ready to take action on the LUBA Remand; and

WHEREAS, on April 15, 2014, the Lane County Board of Commissioners held a seventh reading on the Glenwood Phase 1 LUBA Remand.

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

SECTION 1: The previously adopted Glenwood Refinement Plan Diagram (Ordinance No. 6279) as set forth in Exhibit B is hereby readopted in its entirety and further amended designating 33.26 acres from Residential Mixed-Use to Residential Mixed-Use/Multimodal

Mixed-Use Area, 14.58 acres from Commercial Mixed-Use to Commercial Mixed-Use/Multimodal Mixed-Use Area, 46.33 acres from Office Mixed-Use to Office Mixed-Use/Multimodal Mixed-Use Area, and 173.11 acres from Employment Mixed-Use to Employment Mixed-Use/Multimodal Mixed-Use Area in Glenwood Phase I and designating 14.29 acres from Employment Mixed-Use/Multimodal to Commercial Mixed-Use/Multimodal; and the previously adopted Glenwood Refinement Plan, Phase I text (Ordinance No. 6279) is hereby readopted in its entirety and further amended by amending text, development policies and implementation strategies in portions of the Land Use and Open Space Chapters for Glenwood Phase I; and amending the findings for TYP411-00005.


SECTION 2: The previously adopted Springfield Zoning Map (Ordinance No. 6279) as set forth in Exhibit B is hereby readopted in its entirety and further amended rezoning 14.29 acres from Employment Mixed-Use to Commercial Mixed-Use; and amending the findings for TYP311-00001.

SECTION 3: The Springfield Development Code as set forth in Exhibit C is hereby amended by amending Section 3.4-245; amending Section 3.5-280; amending Section 4.3-115; amending Appendix 3; and amending the findings for TYP411-00007.

SECTION 4: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such section constitutes a separate, distinct and independent provision, and such holding does not affect the validity of the remaining portions hereof.

FURTHER, although not part of this Ordinance, the Board of County Commissioners adopts findings and conclusions in support of this action as set forth in Exhibit "A" of the City of Springfield Ordinance No. 6316 attached and incorporated here by this reference.

ENACTED this 15th day of April, 2014.



Pat Farr, Chair
Lane County Board of Commissioners



Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM

Date 3-26-14 Lane County

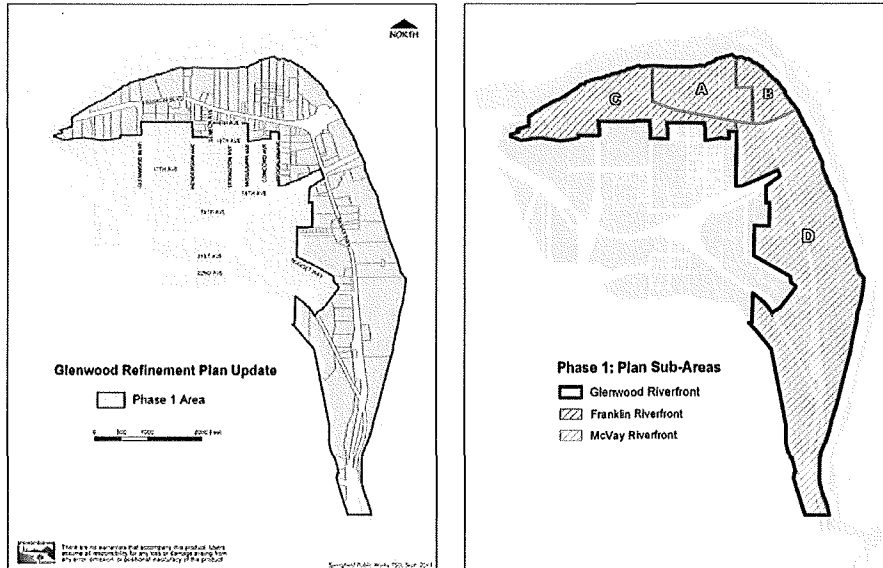

OFFICE OF LEGAL COUNSEL

Exhibit A
STAFF REPORT, FINDINGS AND ORDER

<p style="text-align: center;">City of Springfield and Lane County Glenwood Refinement Plan Update Project Proposed Phased 1 Plan and Zoning Amendments Required to Address the LUBA Remand</p> <p>Glenwood Phase I was adopted by Springfield on June 18, 2012 (Ordinance No. 6279) and by Lane County on September 5, 2012 (Ordinance No. PA1288 and Ordinance No. 3-12). Shamrock Homes, LLC filed a Notice of Intent to Appeal Ordinances 6279, PA12888, and 3-12 on September 28, 2012. The Land Use Board of Appeals (LUBA) rendered their decision (LUBA 2012-077/078/079) on July 12, 2013. LUBA's decision required the City take additional action with regards to Goal 9 (Economic Development); Goal 10 (Housing); Goal 12 (Transportation); and Goal 15 (Willamette River Greenway). The hearing will address the following issues in the LUBA Remand regarding the adoption of the Phase I Glenwood Refinement Plan:</p> <ol style="list-style-type: none">1. Demonstrate compliance with Goal 9 and the Goal 9 rule based on an acknowledged Economic Opportunities Analysis (EOA) and inventory;2. Demonstrate compliance with Goal 10 through consistency with the Metro Plan policies relating to housing;3. Demonstrate compliance with Goal 12 and the Goal 12 rule (TPR); and4. Demonstrate compliance with Goal 15 through setbacks based on the protection of resources identified in Greenway inventories. <p>As part of demonstrating compliance, the Glenwood Refinement Plan and the Springfield Development Code (SDC) are proposed to be amended as follows:</p> <ul style="list-style-type: none">• Amend the <i>Glenwood Refinement Plan</i> diagram and the refinement plan text to reflect changes made to the Plan diagram, including policies and implementation strategies regarding land use and open space within the Glenwood Phase I boundary and amend the Findings associated with TYP411-00005 to address the deficiencies identified in LUBA's Remand related to Goals 9, 10, 12, and 15.• Amend the <i>Springfield Development Code</i> Section 3.4-245, 3.5-280, 4.3-115 and Appendix 3 to implement the policies in the Glenwood Refinement Plan by establishing land use designations and Willamette Greenway development standards and amend the Findings associated with TYP411-00007 to address the deficiencies identified in LUBA's Remand related to Goals 9, 10, 12, and 15. <p>This staff report supplements findings that led to the adoption of the entire Glenwood Phase 1 plan and zoning amendments package; it is therefore limited to issues on remand from LUBA. The four LUBA Remand topics affect only the Glenwood Refinement Plan amendments (TYP411-00005) and the SDC amendments (TYP411-00007). The applicable criteria of approval for the proposed Glenwood Refinement Plan and Springfield Development Code amendments are specified in SDC 5.6-115.</p> <p>This staff report further supplements the aforementioned findings by addressing the Springfield Zoning Map amendment, Glenwood Refinement Plan amendment, and Springfield Development Code amendments associated with Assessor's Maps and Tax Lots 18-03-03-11-01401, 17-03-34-44-03300, and 17-03-34-44-00301 as articulated in the final section of this report.</p>	<p>Springfield File Numbers: TYP411-00005 TYP411-00007 TYP311-00001 Lane County File Number: PA 11-5489</p>
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GLENWOOD PHASE 1 PLAN AREA BOUNDARIES

Glenwood Phase 1 includes all land fronting the Willamette River from the I-5 Bridges to the southern boundary of Glenwood on both sides of Franklin Boulevard and McVay Highway, described as the Glenwood Riverfront. The proposed Glenwood Riverfront is further divided into the Franklin Riverfront and the McVay Riverfront. The Glenwood Riverfront is also divided into the following Subareas: A ; B ; C ; and D , as depicted below:



CRITERIA OF APPROVAL FOR THE AMENDMENT OF THE GLENWOOD REFINEMENT PLAN AND THE SPRINGFIELD DEVELOPMENT CODE THAT ARE PART OF SPRINGFIELD'S RESPONSE TO THE LUBA REMAND

Glenwood Phase I was adopted by Springfield on June 18, 2012 (Ordinance No. 6279) and by Lane County on September 5, 2012 (Ordinance No. PA1288 and Ordinance No. 3-12). Shamrock Homes, LLC filed a Notice of Intent to Appeal Ordinances 6279, PA12888, and 3-12 on September 28, 2012. LUBA rendered their decision (LUBA nos. 2012-077/078/079) on July 12, 2013. LUBA's decision required the City take additional action with regards to Goal 9 (Economic Development); Goal 10 (Housing); Goal 12 (Transportation); and Goal 15 (Willamette River Greenway).

Springfield File Numbers: TYP411-00005 (SDC amendments) and TYP411-00007 (Glenwood Refinement Plan amendments) and Lane County File Number: 6 PA 11-5489 included findings that addressed **SDC 5.6-115** that lists the following criteria of approval for the amendment of the Glenwood Refinement Plans and the Springfield Development Code:

"A. *In reaching a decision on the adoption or amendment of refinement plans and this Code's text, the City Council shall adopt findings that demonstrate conformance to the following:*

1. The Metro Plan;
2. Applicable State statutes; and

3. Applicable State-wide Planning Goals and Administrative Rules.

B. Applications specified in Section 5.6-105 may require co-adoption by the Lane County Board of Commissioners.”

The findings attached to the Ordinances referenced above pertaining to SDC 5.6-115 still apply. This hearing is limited to address the LUBA Remand topics as follows:

SDC 5.6-115A.:

Goal 9, additional findings have been prepared as discussed below to address the Third Assignment of Error that complies with SDC 5.6-115A.3, specifically acknowledged EOAs.

Goal 10, additional findings have been prepared as discussed below to address the Fourth Assignment of Error that complies with SDC 5.6-115A.1., specifically Metro Plan Policy A.25.

Goal 12, additional findings have been prepared as discussed below to address the Sixth Assignment of Error that complies with SDC 5.6-115A.3. and includes an amendment to the Glenwood Refinement Plan and Springfield Development Code establishing a Multimodal mixed-use area (MMA) in Glenwood Phase 1.

Goal 15, additional findings have been prepared as discussed below to address the Seventh Assignment of Error that complies with SDC 5.6-115A.3. and includes deleting text in the Refinement Plan and SDC Sections 3.4-280 and 4.3-115 referring to a coincident Greenway Setback Line and the establishment of a variable-width Greenway Setback for all of Glenwood Phase 1.

Each Assignment of Error is addressed in more detail below.

SDC 5.6-115B.:

Both the Springfield City Council and the Lane County Board of Commissioners must approve the adopting Ordinances resulting from this LUBA Remand.

THIRD ASSIGNMENT OF ERROR – REGARDING STATEWIDE PLANNING GOAL AND 9 (ECONOMIC DEVELOPMENT) AND THE GOAL 9 RULE.

Springfield will:

- I. Demonstrate compliance with Goal 9 and the Goal 9 rule based on an acknowledged EOA and inventory.
- II. Justify the 5-acre minimum development area rule based on an acknowledged EOA and inventory.
- III. Justify the short-term land supply rule based on an acknowledged EOA and inventory.

INTRODUCTION

The LUBA No. 2012-077/078/079 Final Opinion and Order Pages 12-13 states: *"We understand respondents to argue that the findings addressing Goal 9 and the Goal 9 Rule also rely on the city's older acknowledged economic opportunities analysis and its Goal 9 comprehensive plan elements. If that is the case and the city cited to the more recent CIBL/EOA only to confirm its conclusion based on the acknowledged EOA or Goal 9 comprehensive plan elements that Goal 9 is satisfied, then we see no error in such approach."*

The current adopted and acknowledged Industrial and Commercial Land Inventories are:

- The Metropolitan Industrial Lands Special Study (MILSS) was initiated in January, 1989 to answer questions about the demand for and supply of industrial sites in the metropolitan area and to update the industrial lands portion of the Metro Plan. The MILSS was composed of two elements: 1) the Metropolitan Industrial Lands Inventory Report, July 1993 (MILIR) (Exhibit 9-1) provided a detailed description of the MILSS purpose, background and methodology, economic trends, community objectives, and long-term industrial lands supply and demand; and 2) the Metropolitan Industrial Lands Policy Report, July 1993 (MILPR) (Exhibit 9-2) analyzed the policy framework for industrial land allocations, evaluated the development potential of sites throughout the metropolitan area, and included findings, conclusions and a series of implementation strategies (e.g. Zoning/Development Code amendments). These reports were adopted by: Eugene Ordinance 19866; Springfield Ordinance 5652; and by Lane County Ordinance PA 1022. Even though Glenwood was under Eugene's jurisdiction at this time, Glenwood was evaluated in these metro-area reports. The MILPR found that both the short-and long-term industrial land supply exceeded the demand projection for those categories. The methodologies used in these analyses were consistent with the requirements of Statewide Planning Goal 9, Economy of the State, in effect as written in 1993.
- The Springfield Commercial Lands Study (SCLS) (Exhibit 9-3) was one of eighteen work tasks in the metro area's concurrent Periodic Work Program, approved by DLCD in 1994. The SCLS was initiated in 1995 and completed in 2000. On January 27, 2000, Mark Radabaugh, DLCD Willamette Valley Urban Representative, sent a letter to Susanna Julber, Planner, stating the draft 1999 Commercial Lands Study *"...is complete and will comply with the requirements of Goal 9 – Economic Development when locally adopted."* The SCLS was adopted by Resolution No. 00-13 on February 7, 2000. The staff report stated that *"The intent of Springfield's adoption of SCLS is to make no substantive changes to the Metro Plan or the Springfield Development Code, but to adopt the SCLS as a policy document that will implement future amendments to the City's guiding documents to encourage responsible commercial development."* The SCLS identified a need for additional commercial acres to meet the demand for commercial land to the year 2015 by analyzing lands within Springfield's Urban Growth Boundary and did not include commercial lands in Glenwood, which was under Eugene's jurisdiction at the time¹. The SCLS did not make changes to either the Metro Plan or the

¹ The Eugene Commercial Lands Study 1992 (Ordinance 19879) stated: *"The Glenwood Refinement Plan contains a provision for mixed-use areas along the Willamette River that would allow office developments, limited commercial uses, business and industrial parks, and medium-density residential. Although there are about 80 acres of land in the mixed-use areas along the river, most of the area is developed and is likely to continue with noncommercial uses. An estimated 20 acres may convert to commercial uses in the long term. Two other mixed-use areas would*

Springfield Development Code. However, as an area-specific periodic review task, it updated the "Economic Element" of the Metro Plan and included findings, policies and implementation strategies regarding the supply of commercial lands based on the adopted studies.

The acknowledged MILIR, MILPR and SCLS are utilized to address Statewide Planning Goal 9 as discussed in I., below.

The current adopted, but not acknowledged commercial/industrial land inventory is:

- The draft Springfield Commercial Industrial Buildable Lands Inventory, Economic Opportunities Analysis and Economic Development Objectives and Strategies² (CIBL) (Exhibit 9-4)

Springfield adopted CIBL by Council Resolution 10-03 on January 19, 2010. CIBL contains the most current and best data available to inform the update of the Glenwood Refinement Plan as it address land needed for employment for the planning period 2010-2030. CIBL presents technical analysis to determine the amount of land that would be required to provide for economic development in all of Springfield and Glenwood urbanizable areas, based on the inventory of land available under existing Metro Plan residential designations, Plan policies, and statutory provisions for making such a determination. For the reason stated in the Introduction, CIBL can be used to supplement the findings, policies, and/or implementation actions of the MILPR and the SCLS, where applicable in the Glenwood Refinement Plan, Phase I areas, based upon the discussion in I., below.

I. FINDINGS IN COMPLIANCE WITH GOAL 9 AND THE GOAL 9 RULE BASED ON AN ACKNOWLEDGED EOA AND INVENTORY.

660-009-0010 APPLICATION

"(1) This division applies to comprehensive plans for areas within urban growth boundaries. This division does not require or restrict planning for industrial and other employment uses outside urban growth boundaries. Cities and counties subject to this division must adopt plan and ordinance amendments necessary to comply with this division. "

Findings

The Metro Plan is Springfield's comprehensive plan. All land within the Glenwood Phase 1 boundaries is either within Springfield's city limits or outside of the city limits, but within its UGB. There is no land in Glenwood that is outside of Springfield's UGB. The Springfield Development Code provides development standards and procedures in all of Springfield and Glenwood in particular. The amendment of the Glenwood Refinement Plan text and diagram is an amendment of the Metro Plan. Springfield and Lane County have co-adopted the Glenwood Phase 1 amendments.

Conclusion

Glenwood Phase I is within Springfield's UGB and amending Ordinances must be adopted by Springfield and Lane County. This requirement is met.

allow larger scale retail under limited conditions. About 15 to 25 acres of land could be developed for commercial uses in the mixed-use areas not along the river". P. III-16

² CIBL combines commercial and industrial land inventories into one study.

“(2) Comprehensive plans and land use regulations must be reviewed and amended as necessary to comply with this division as amended at the time of each periodic review of the plan pursuant to ORS 197.712(3). Jurisdictions that have received a periodic review notice from the Department (pursuant to OAR 660-025-0050) prior to the effective date of amendments to this division must comply with such amendments at their next periodic review unless otherwise directed by the Commission.”

Findings

Glenwood Phase 1 is part of the Glenwood Refinement Plan Update Project Post Acknowledgement Plan Amendment (PAPA) and, therefore, is not part of periodic review. This provision of the Goal 9 Rule is not applicable to these amendments to the Glenwood Refinement Plan, Phase I areas.

Conclusion

Glenwood Phase I is not part of periodic review. This requirement is met.

“(3) Cities and counties may rely on their existing plans to meet the requirements of this division if they conclude: (a) There are not significant changes in economic development opportunities (e.g., a need for sites not presently provided for in the plan) based on a review of new information about national, state, regional, county and local trends; and (b) That existing inventories, policies, and implementing measures meet the requirements in OAR 660-009-0015 to 660-009-0030.”

Findings Re: Subsection (3)(a)

Economic trends include population forecasts, income, type of employment, etc.; the focus here is on trends regarding manufacturing and non-manufacturing (commercial) sectors.

The MILIR Chapter IV: Economic Trends (Exhibit 9-1, Pages 23-32) discusses the viability of the lumber industry, the growth and diversification of non-lumber manufacturing sectors, the increase in non-manufacturing employment, especially the service sector (mainly health care and business services) and retail trade. This chapter discusses the metro area’s relationship to the state, country and global economy (especially regarding the information and service sectors).

The SCLS Chapter Three: Demand Analysis Exhibit 9-3, Pages 18 to 31 provides a similar review of Eugene-Springfield Metro Area trends; state trends; and national trends. The following topics are discussed: demand for timber and the shift to high tech industries as well as the service industry (restaurants, hotel and recreation industries); as resource-based industries continue to exhibit reduced demand, other non-lumber manufacturing and trade sectors will continue to experience growth; and retail development will occur to serve growing residential areas (small shops and convenience stores could be integrated into Neighborhood Center and Employment nodes, and shopping centers could be integrated into Commercial Center nodes).

CIBL Chapter 3 Economic Trends and Factors Affecting Future Economic Growth in Springfield (Exhibit 9-4 Pages 29-44) discusses the growing importance of health care and the continued importance of manufacturing, as well as government, professional and business services, leisure and hospitality and retail trade.

The above cited documents, even though separated by time, and with different definitions of employment categories, show the need for similar types of employment opportunities in Springfield.

Additionally, the total number of commercial/industrial developable acres and short-term and long-term supply has changed based upon development of vacant parcels, redevelopment of developed parcels and the change in jurisdiction of Glenwood from Eugene to Springfield.

The MILPR (Exhibit 9-2 Page 47 Table 5) estimated that the 20-year industrial land supply was about 3,600 acres within the Metro UGB and about 709 acres within the Springfield portion of the UGB alone (not including Glenwood). The MILPR (Exhibit 9-2 Page 7) further estimated that the most likely projected 20-year demand for industrial land for the Metro UGB would be between 650 and 1,172 acres, one-fifth to one-third of the supply.

The SCLS (Exhibit 9-3, Page ii) stated *"A detailed supply/demand analysis revealed a need for a minimum of 255 acres of commercial land to the year 2015 based on an absorption rate of 17 acres per year. Currently, there are 85 acres of vacant and 12 acres of redevelopable commercial land within the City's UGB, a total of 97 acres."* The MILPR shows an excess of industrial land and the SCLS shows a need of additional commercial land.

CIBL (Exhibit 9-4 Pages iv-vii) Tables S-2, S-3 and S-4 shows for industrial land, there are enough sites both vacant and redevelopable to serve Springfield UGB for the 20-year period 2010-2030 on sites less than 50 acres³ and that 52 percent of new employment would not require vacant land. CIBL also shows there is still a deficit of commercial and mixed use sites, consistent with the acknowledged industrial and commercial land supply estimates previously adopted and relied upon to establish the existing Metro Plan policies addressing Goal 9. The Glenwood Refinement Plan, Phase I amendments previously adopted were found to be consistent with those policies.

Conclusion Re: Subsection (3)(a)

The acknowledged MILIR, MILPR and SCLS showed similar industrial and commercial trends and a surplus of industrial lands with a deficit of commercial lands. CIBL also shows similar industrial and commercial trends with a surplus of industrial lands and a deficit of commercial and mixed use sites confirming the conclusions that there are not significant changes in the supply of commercial or industrial sites and the Glenwood Refinement Plan, Phase I amendments did not affect that supply and are consistent with the acknowledged studies and metro Plan Goal 9 policies. Subsection (3)(a) is met. See also Subsections (4)(a) and (5), below.

Findings: Re: Subsection (3)(b)

OAR 660-009-0015 Economic Opportunities Analysis

The MILIR (Exhibit 9-1), the MILPR (Exhibit 9-2) and the SCLS (Exhibit 9-3) contain a review of national, state and local trends; identification of required site types; an inventory of industrial and other employment lands; and an assessment of community economic potential.

OAR 660-009-0020 Industrial and Other Employment Development Policies

³ Springfield has a deficiency of industrial land on sites larger than 50 acres that cannot be accommodated within the existing UGB. This deficiency does not apply to Glenwood because all of Glenwood is within the Springfield UGB and development and/or redevelopment will occur on parcels less than 50 acres in size. CIBL also states that "The majority of employment growth in Springfield will not require vacant land."

The MILPR (Exhibit 9-2) and the SCLS (Exhibit 9-3) contain industrial/commercial policies and implementation strategies. The MILPR resulted in a Metro Plan amendment. The SCLS was part of periodic review and resulted in amendments to the Springfield Development Code.

OAR 660-009-0025 Designation of Lands for Industrial and Other Employment Uses

The MILIR (Exhibit 1), the MILPR (Exhibit 9-2) and the SCLS (Exhibit 9-3) identify needed industrial and employment sites, discuss the total land supply, and, specifically, address the short-term land supply.

OAR 660-009-0030 Multi-Jurisdiction Coordination

The MILIR (Exhibit 9-1) and the MILPR (Exhibit 9-2) involved Springfield, Eugene and Lane County adopting the reports by Ordinance. The SCLS (Exhibit 9-3) was a periodic review work task and was a Springfield product only that was developed within the parameters of state land use laws, the Metro Plan, the Springfield Development Code and the City’s other relevant planning documents and refinement plans.

Conclusion Re: Subsection (3)(b)

The MILIR , the MILPR and the SCLS (the existing inventories containing policies, and implementing measures) meet the requirements in OAR 660-009-0015 to 660-009-0030 and those applicable Goal 9 requirements in effect when the current Metro Plan policies were adopted. The Glenwood Refinement Plan, Phase I amendments were consistent with those policies and the existing plans sufficient to meet the requirements of OAR 660-009-0010(3)(b). Subsection (3)(b) is met.

“(4) For a post-acknowledgement plan amendment under OAR chapter 660, Division 18, that changes the plan designation of land in excess of two acres within an existing urban growth boundary from an industrial use designation to a non-industrial use designation, or another employment use designation to any other use designation, a city or county must address all applicable planning requirements, and: (a) “Demonstrate that the proposed amendment is consistent with its most recent economic opportunities analysis and the parts of its acknowledged comprehensive plan which address the requirements of this division;”

Findings⁴:

Glenwood Phase I proposed the following:

1. Amendments to the Metro Plan diagram:

Existing and Proposed Metro Plan Designations

Metro Plan Designation	Acres	
	Existing	Proposed
Low Density Residential	16.96	0.00
Commercial	2.67	0.00
Commercial/Industrial/Multi-Family Residential Mixed-Use	29.13	0.00
Commercial/Industrial Mixed-Use	44.38	0.00
Light Medium Industrial	87.73	0.00

⁴ Note: All designation and zoning calculations have been revised to reflect the additional amendments discussed in the final section of this document regarding Assessor’s Maps and Tax Lots 18-03-03-11-01401, 17-03-34-44-03300, and 17-03-34-44-00301.

Mixed-Use	0.00	144.28
Mixed-Use/Nodal*	52.02	122.99
Parks and Open Space	34.39	0.00
Total	267.28	267.28

2. Amendment to the Glenwood Refinement Plan diagram and text:

Existing and Proposed Refinement Plan Designations

Refinement Plan Designation	Acres	
	Existing	Proposed
Low Density Residential	16.96	0.00
Commercial	2.67	0.00
Commercial/Industrial/Multi-Family Residential Mixed-Use	29.13	0.00
Commercial/Industrial Mixed-Use	44.38	0.00
Light Medium Industrial	87.73	0.00
Mixed-Use/Nodal	52.02	0.00
Parks and Open Space	34.39	0.00
Residential Mixed-Use	0.00	33.26
Commercial Mixed-Use	0.00	28.87
Office Mixed-Use	0.00	46.33
Employment Mixed-Use	0.00	158.82
Total	267.28	267.28

3. Amendments to the Springfield Zoning Map :

Existing and Proposed Zoning Districts

Zoning District	Acres	
	Existing	Proposed
Low Density Residential	41.28	0.00
Medium Density Residential	7.04	0.00
Community Commercial	49.50	0.00
General Office	5.97	0.00
Light Medium Industrial	135.54	0.00
Parks and Open Space	27.96	0.00
Residential Mixed-Use	0.00	33.26
Commercial Mixed-Use	0.00	28.87
Office Mixed-Use	0.00	46.33
Employment Mixed-Use	0.00	158.82
Total	267.28	267.28

While it may appear that more than 2 acres of Commercial and Industrial Metro Plan designations are being eliminated, what is happening is that on the Metro Plan level, they are being changed to the Metro Plan Mixed Use or Mixed Use Nodal Designations, with no reference to specific Metro Plan

Commercial or Industrial designations. At the refinement plan level, these Mixed Use designations are made more specific; Commercial Mixed-Use, Office Mixed-Use and Employment Mixed-Use.⁵ The same titles are used for the zoning that is particular to Glenwood. Because the existing Metro Plan designations allowed a mix of residential uses and the refinement plan designations match the zoning, it is easier to follow the number of acres of commercial and industrial land changing from the existing zoning to the proposed zoning.⁶ The existing Community Commercial (49.5 acres) and General Office (5.97 acres) zoning totals 55.47 acres. The proposed Commercial Mixed-Use (28.87 acres) and Office Mixed-Use (46.33 acres) total 75.2 acres, an increase of 19.8 acres of Commercial land. The increase of commercial land is in conformance with the acknowledged SCLS and the applicable references in CIBL that found a deficiency of Commercial land in Springfield. The existing Light-Medium Industrial zoning is 135.4 acres. The proposed Employment Mixed-Use zoning is 158.82 acres. This is an increase of 23.82 acres. Most of this increase is from land designated Parks and Open Space and zoned Public Lands and Open Space (27.96 acres). PLO zoning identifies lands primarily in public ownership. These properties are privately owned. In 2006, the City Council directed staff to initiate a Metro Plan amendment to redesignate these properties to Light Medium Industrial, but an application was never processed because of Glenwood Phase I. These properties were designated and zoned Employment Mixed-Use.

Conclusion

The two-acre threshold has not been violated because there will be more commercial and industrial land in Glenwood Phase I based upon the amendment to the Glenwood Refinement Plan. As a result, this requirement is not applicable, but the findings here establish consistency with the acknowledged Metro Plan policies and commercial/industrial land studies, as well as the more recent CIBL that confirms the consistency of the amendments with applicable Goal 9 requirements. Section 4 is met.

Findings Re: Subsection (4)(a):

Refer to the discussion in Subsection (3) of this OAR regarding consistency with the acknowledged MILIR, MILPR and SCLS.

Conclusion Re: Subsection (4)(a):

⁵ ***“Relationship to Other Plans, Policies, and Reports***

The Metro Plan is the basic guiding land use policy document, but it is not the only such document. As indicated in the Purpose section, above, the Metro Plan is a framework plan, and it is important that it be supplemented by more detailed refinement plans, programs, and policies.... Refinements to the Metro Plan can include: ... and (c) neighborhood plans or special area studies that address those issues that are unique to a specific geographical area....” Chapter IV. (I-5 and -6)

“Chapter IV Metro Plan Review, Amendments, and Refinements

The Metro Plan is the long-range public policy document which establishes the broad framework upon which Eugene, Springfield, and Lane County make coordinated land use decisions. While the Metro Plan is the basic guiding land use policy document, it may be amended from time to time. Likewise, the Metro Plan may be augmented and implemented by more detailed refinement plans and regulatory measures.” (IV-1)

“Glossary...

40. Refinement plan: A detailed examination of the service needs and land use issues of a specific area, topic, or public facility. Refinement plans of the *Metro Plan* can include specific neighborhood plans,...that address a specific *Metro Plan* element or sub-element on a city-wide or regional basis.” (V-5)

⁶ As stated above the refinement plan designations and zoning districts will share the same names.

CIBL can be used to supplement these inventories because there is still a shortage of commercial land and a surplus of industrial land. Subsection (4)(a) is met.

(5) The effort necessary to comply with OAR 660-009-0015 through 660-009-0030 will vary depending upon the size of the jurisdiction, the detail of previous economic development planning efforts, and the extent of new information on national, state, regional, county, and local economic trends. A jurisdiction's planning effort is adequate if it uses the best available or readily collectable information to respond to the requirements of this division.

Findings:

Refer to the discussion in Subsection (3) of this OAR regarding the adequacy of the acknowledged MILIR, MILPR and SCLS, and the supplemental information obtained from CIBL confirming the consistency of the Glenwood Refinement Plan, Phase I amendments with the acknowledged inventory, studies, Metro Plan policies, and implementing measures addressing Goal 9 requirements.

Conclusion:

CIBL can be used to supplement these inventories because there is still a shortage of commercial land and a surplus of industrial land identified in the acknowledged commercial and employment opportunity analysis supporting the Metro Plan compliance with Goal 9. Subsection (5) is met.

II. JUSTIFY THE 5-ACRE MINIMUM DEVELOPMENT AREA RULE BASED ON AN ACKNOWLEDGED EOA AND INVENTORY.

Findings:

Petitioner raised the same 5-acre minimum development area issues under the Fourth Assignment of Error, Sub-assignment D. Five-Acre Minimum Development Area Pages 26 and 27 LUBA No. 2012-077/078/079. LUBA denied the Fourth Assignment of Error, Sub-assignment D. The 5-acre minimum development area was remanded under the Third Assignment of Error because the standard needed to be based on an acknowledged EOA and inventory. Under Topic I., staff determined that the MILIR, the MILPR and the SCLS are considered an acknowledged EOA, and CIBL can be used to confirm and support the acknowledged EOA. The Glenwood Refinement Plan, Phase I and implementing measures, including the minimum development area, are supported and consistent with those acknowledged studies as confirmed by CIBL.

Conclusion:

The 5-acre minimum development area challenged under the Third Assignment of Error, Sub-assignment C is justified because they are supported and consistent with the MILIR, the MILPR and the SCLS studies which are Springfield's acknowledged EOA, as confirmed by CIBL. This requirement is met.

III. JUSTIFY THE SHORT-TERM LAND SUPPLY RULE BASED ON AN ACKNOWLEDGED EOA AND INVENTORY.

Findings:

The MILPR (Exhibit 9-2, Chapter V: Evaluation of Industrial Sites Pages 41-46) addresses the short-term supply rule. The MILPR, as well as the MILIR, were metropolitan area studies. The SCLS (Exhibit 9-3 Chapter Four: Findings, Policies, Implementation Strategies Pages 33) also addresses the short-term supply and states "**Policy 1-C: Maintain at least a five-year supply of commercial land within the Urban Growth Boundary (UGB) that is currently served or readily serviceable with a full range of urban public**

facilities and services.” **“Policy 1-C (2):** Conduct future land analysis on commercial, industrial and residential development on a City-specific basis, rather than a Metro-wide basis, to ensure that information and resulting policies and implementation strategies accurately reflect the needs of Springfield residents.” These short-term policies are part of Springfield’s acknowledged EOA. Since CIBL can be used to supplement Springfield’s acknowledged EOA, the most recent information pertaining to short-term supply can be found in (Exhibit 9-4, Pages 25 to 27 Table 2-11). Those studies confirm the consistency of the Glenwood Refinement Plan, Phase I amendments with existing acknowledged Metro Plan and refinement plan policies and implementing strategies.

Conclusion:

The short-term supply has been justified by existing acknowledged economic opportunity analysis as confirmed by CIBL. This requirement is met.

FOURTH ASSIGNMENT OF ERROR – REGARDING STATEWIDE PLANNING GOAL 10 (HOUSING), THE GOAL 10 RULE, AND COMPREHENSIVE PLAN POLICIES RELATED TO HOUSING.

Springfield will:

- I. Address the LUBA Remand topics pertaining to Statewide Planning Goal 10 (Housing), the Goal 10 Rule, Oregon Administrative Rule (OAR) 660-015-0000(10), and Comprehensive Plan policies related to Housing.

I. LUBA REMAND TOPICS

The LUBA Remand requires Springfield to address the following topics:

- A. **Conserving Existing Manufactured Dwelling Parks** – Springfield must adopt a more adequate explanation for why making existing manufactured dwelling parks non-conforming uses is consistent with Policy A.25 considered in context with all other applicable plan policies.
- B. **Low-Density Residential Zoning for Manufactured Dwelling Parks** – Springfield must explain and establish that the deletion of certain previous Glenwood Refinement Plan sub-area policies is consistent with Policy A.25 and any other applicable plan policies.

SPRINGFIELD RESPONSE

The following discussion outlines Springfield’s findings and conclusion in response to the remand associated with comprehensive plan policies related to housing:

A. Conserving Existing Manufactured Dwelling Parks

Findings:

Metro Plan Housing Policy A.25 states: *Conserve the metropolitan area’s supply of existing affordable housing and increase the stability and quality of older residential neighborhoods, through measures such as revitalization; code enforcement; appropriate zoning; rehabilitation programs; relocation of existing structures; traffic calming; parking requirements; or public safety considerations. These actions should support planned densities in these areas. (Metro Plan III-A-10)*

The decision to designate Subarea D as Employment Mixed-Use and prohibit residential uses in this subarea came after nearly four years of public process with the refinement plan update project reviewed by the Citizen Advisory Committee (CAC), Planning Commissions, City Council, and Board of Commissioners. Throughout the visioning process for the Glenwood Riverfront dating back to 2009, the CAC concurred that the McVay Riverfront is appropriate for a mix of light industrial and office uses but not appropriate for residential use due to the proximity of a heavy freight rail line that bisects the subarea, existing and future incompatible light industrial uses within and to the west of the subarea, and existing heavy industrial uses, including a plant that produces precursor chemicals for adhesives and plastics, across the river to the east of the subarea. In fact, Statewide Planning Goal 9, Economic Development, states that “comprehensive plans for urban areas shall...limit uses on or near sites zoned for specific industrial and commercial uses to those which are compatible with proposed uses.” Taking this and the following into consideration, the CAC recommended that uses with the Employment Mixed-Use designation be limited to light-medium industrial, office employment, educational facilities, and supporting commercial and warehousing/distribution uses:

- To the west, land is developed predominantly with industrial uses.
- To the east, across the river, is the Momentive Chemical plant, the Harbor Drive manufactured home neighborhood, and vacant land.
- To the north and west are the Union Pacific and Central Oregon and Pacific rail lines. The Union Pacific railroad trestle crosses McVay Highway near the northern end of Subarea D while the Central Oregon and Pacific railroad trestle crosses McVay Highway at the southern end of Subarea D.
 - Negative externalities from these rail lines include noise, vibrations, and hazardous materials risks.
 - Union Pacific has indicated a strong desire to establish a second line within their ROW in the future.
- The relatively narrow land mass between McVay Highway and the Willamette River, coupled with recent floodplain and floodway data, required riparian setback, and greenway boundary result in highly constrained developable area along the McVay Riverfront.
- Subarea D is comprised of relatively large parcels, primarily undeveloped/underdeveloped, that fall within a condensed property ownership pattern.
 - 75% of Subarea D is under the ownership of 6 property owners.
- Springfield’s adopted Residential Lands and Housing Needs Analysis (RLNHA) identifies a citywide surplus of Low-Density Residential and Medium-Density Residential land uses.
- A majority of Subarea D is currently designated for some form of commercial/industrial use.
 - 80% of the commercial/industrial designated land in Subarea D, and 50% of Subarea D overall contributes to the commercial and industrial land needs identified in Springfield’s Draft Commercial and Industrial Buildable Lands Inventory, Economic Opportunities Analysis, and Economic Development Objectives and Implementation Strategies (CIBL)⁷.
 - With the exception of two manufactured home parks and ten small residential parcels with single manufactured homes that are designated and zoned Low-Density Residential, the majority of residential uses in Subarea D are already considered pre-existing non-conforming uses. Pre-existing non-conforming uses may continue in

⁷ The Springfield Commercial and Industrial Buildable Lands Inventory and Economic Opportunities Analysis mandated by HB 3337 and implemented by ORS 197.304 contains the most current and best data available to inform the update of the Glenwood Refinement Plan as it address land needed for employment for the planning period 2010-2030. However, proposed amendments are also consistent with the Metro Plan Economic Element as currently adopted and addressed elsewhere in the Findings.

- perpetuity, including modification or expansion, in accordance with Springfield Development Code Section 5.8-100.
- Six parcels along the hillside on the west side of the southern end of McVay Highway were designated Public Land. In 2006, Council moved to initiate a Metro Plan amendment to re-designate this land Light Medium Industrial, but the amendment was never processed due to the emergence of the Glenwood Refinement Plan update project.
- The Draft CIBL articulated that most future commercial/industrial growth will occur through redevelopment within the existing Urban Growth Boundary.
 - The Draft CIBL also identified a citywide deficit of industrial parcels greater than 20 acres, and there is a deficit of commercial and mixed-use parcels greater than 1 acre.
- Nearly all parcels in Subarea D are classified in the Draft CIBL as vacant or potentially redevelopable industrial, commercial, and mixed-use sites. The proposed plan designation for Subarea D, Employment Mixed Use, will result in vacant and redevelopable parcels that will contribute to Springfield's commercial and industrial buildable lands supply.
- The Draft CIBL articulates the types of industries that Springfield wants to attract as having the following attributes: high-wage, stable jobs with benefits; jobs requiring skilled and unskilled labor; employers in a range of industries that will contribute to a diverse economy; and industries that are comparable with Springfield's community values.
 - Springfield's 'target industries' include: medical services; services for seniors; small scale manufacturing; call centers; back-office functions; tourism; specialty food processing; high-tech; professional and technical services; green businesses; corporate headquarters; and services for residents. The Draft CIBL summarizes site needs and key locational issues for firms in potential growth industries in Springfield. Parcels in Subarea D meet a variety of these desirable site attributes: flat sites; parcel configuration and parking; soil stability and ground vibration characteristics; road transportation; rail transportation; air transportation; transit; pedestrian and bicycle facilities; labor force; amenities; fiber optics and telephone; potable water; power requirements; and land use buffers.
- The land use proposal for Subarea D preserves land for employment uses and enables Springfield to concentrate commercial retail opportunities in close proximity to the proposed residential mixed-use area (Subarea A).

Not only did Springfield consider existing conditions; local, state, and Federal regulations; and the most current available information regarding future land needs in determining the appropriate zoning for Subarea D, but Springfield also considered the decision to exclude new residential uses from those uses permitted in Subarea D in balancing all applicable comprehensive plan policies related to housing and proposed implementation of these policies in the Phase I Glenwood Refinement Plan.

In 2007, the Oregon Legislature passed and the Governor signed into law Chapter 650, Oregon Laws 2007, codified as ORS 197.304 and commonly known as "House Bill 3337". ORS 197.304 required Springfield to evaluate the sufficiency of its residential buildable land supply and to establish a separate Springfield UGB. Springfield conducted a residential land study to evaluate the sufficiency of its residential buildable land supply and prepared local housing policies that meet the requirements of Oregon Statewide Planning Goal 10 (ORS 197.295 to 197.314, ORS 197.475 to 197.490, and OAR 600-008). The *Springfield Residential Land and Housing Needs Analysis* (RLHNA) and the *Springfield 2030 Refinement Plan Residential Land Use and Housing Element* (2030-R) were adopted by Springfield and Lane County and acknowledged in September 2011 (Ordinance #6268).

Adoption of Ordinance #6268 required Springfield to address Statewide Planning Goal 10, including goals, objectives, policies and implementation actions that supplement, refine, and support the *Eugene-Springfield Metropolitan Area General Plan Residential Land Use and Housing Element* (Chapter III-A) and demonstrate the City's ongoing commitment to increasing housing choice and residential densities within Springfield's separate Urban Growth Boundary. The goals, policies and implementation strategies were developed to respond to the findings in the RLHNA in ways that best implement Springfield's preferred residential land use growth management strategies — as identified and prioritized through the public involvement process. The policies and implementation actions in Springfield's housing element support a 20% increase in density over the historical development pattern by facilitating more dense development patterns.

As the policies of the 2030-R supplement, refine, and support the Metro Plan's housing policies, the 2030-R policies provide clear direction for Springfield in updating refinement plans, zoning, and development regulations to address the community's housing needs. The 2030-R states "in those instances where findings and policies in this element differ quantitatively from policies in the *Metro Plan Residential Land Use and Housing Element*, the *Springfield 2030 Refinement Plan Residential Land Use and Housing Element* policies shall prevail. Issues not addressed in this element are addressed in the Metro Plan..." The 2030-R further states "as Springfield implements this element of the Springfield 2030 Refinement Plan — through future land use refinement plan updates at the city-wide, district, neighborhood, and corridor scale — the City shall continue to analyze the suitability of residential and residential mixed-use designations in terms of density and location and, based on this analysis, may propose changes to the Metro Plan Diagram and Springfield 2030 Refinement Plan Diagram." In adopting the Phase I Glenwood Refinement Plan, the Springfield City Council and Lane County Board of Commissioners did precisely this. They also "balance[d] the need to provide a sufficient amount of land to accommodate affordable housing with the community's goals to maintain compact urban form" in accordance with Metro Plan Policy A.30.

Ordinance 6268 specifically calls out the definition of needed housing under Statewide Planning Goal 10 (ORS 197.303) which includes "(c) Mobile home or manufactured dwelling parks as provided in ORS 197.475 to 197.490; and (d) Manufactured homes on individual lots planned and zoned for single family residential use that are in addition to lots within designated manufactured dwelling subdivisions." The adopted and acknowledged RLHNA identified a surplus of low-density residential land in Springfield, and the adopted and acknowledged 2030-R does not include any policy guidance that would direct legislative action to permit manufactured home parks in perpetuity or the establishment of new manufactured home parks. Indeed, Springfield is 'conserving the metropolitan area's supply of existing affordable housing' by permitting manufactured dwelling parks in all Low-Density Residential land in Springfield. The 2030-R does, however, include a goal of 'Fostering Housing Choice and Affordability' and a number of policies and implementation strategies that do provide guidance for subsequent legislative policy actions, such as those taken by the Springfield City Council and Lane County Board of Commissioners in co-adopting the Phase I Glenwood Refinement Plan.

"Policy H-8: Continue to support and assist affordable home ownership through programs that subsidize the development of affordable homes and provide down payment assistance to income qualified homeowners.

Policy H-9: Provide a broad range of quality accessible and affordable housing options for very low-, low-, and moderate-income residents. Affordable housing is defined as housing for which persons or

families pay 30 percent or less of their gross income for housing, including necessary and essential utilities (ORS 456.055).

Implementation Action 9.2: Create a land banking program to reserve land for affordable housing, as described in the 2010 'Complete Neighborhoods, Complete Streets' grant application, continue to seek grant funding sources for the program, and seek to implement this strategy in the Glenwood Riverfront District.

Policy H-10 : Through the updating and development of each neighborhood refinement plan, district plan or specific area plan, amend land use plans to increase development opportunities for quality affordable housing in locations served by existing and planned frequent transit service that provides access to employment centers, shopping, health care, civic, recreational and cultural services.

Implementation Action 10.2: Continue to creatively explore funding tools and options to leverage public, non-profit, and private investment in affordable housing.

Implementation Action 10.3: Continue to develop strategies and programs that support the repair, preservation, and improvement of the existing supply of affordable housing stock and the enhancement of existing affordable neighborhoods.

Implementation Action 10.5: Consider establishing urban renewal district set-asides for affordable housing."

The New Housing Development section of the Housing and Economic Development Chapter of the Glenwood Refinement Plan states "The Residential Mixed-Use designation in the Glenwood Riverfront, coupled with the proximity of that area to transit stations serving a high-frequency transit corridor, existing and future job centers, riverfront views, and unique development opportunities, provides an outstanding environment to stimulate residential development interest. Acknowledging that converting interest into action requires strong public/private partnerships, the Glenwood Urban Renewal Plan authorizes the Springfield Economic Development Agency (SEDA) to assist private, non-profit, and public developers in acquiring land and developing new housing and related infrastructure in the Glenwood Riverfront.

Sustainable neighborhoods must be inclusive and provide housing and employment opportunities for people of all races, ethnicities, ages, disability status, and income levels. Due to the Glenwood Riverfront's unique and desirable central location in the region, natural amenities and access to employers and institutions, housing developed in the Residential Mixed-Use area may be out of reach for low- and moderate-income persons⁸ unless proactive measures, implemented through the policies and implementation strategies below, are taken to facilitate the development of new affordable housing⁹ in this area. These housing units would also provide an opportunity for potentially displaced Glenwood

⁸ Low- and moderate-income persons are defined by the U.S. Department of Housing and Urban Development (HUD) as those persons whose household incomes are less than 80% of Area Median Income (AMI). In 2010, 80% of AMI for a four-person household in Lane County was \$46,000.

⁹ The cost of housing is generally considered to be affordable when it equals no more than 30% of household income (for owners, housing cost includes mortgage, principle and interest, property taxes, and insurance; for renters, housing cost includes rent and utilities).

residents to continue to live in affordable dwellings located in a desirable riverfront setting near their current neighborhood.

Transportation is the second highest household cost behind shelter, so reducing transportation costs, especially for low- and moderate-income families, frees up income for housing and other essential household expenses, provides affordable access to jobs, and offers convenience if services cluster nearby in mixed-use areas. Requiring housing developers to provide parking onsite or nearby increases development costs and makes the resulting housing less affordable. To help encourage reduced vehicle usage and provide for more choice on housing costs, this section also includes policy direction to evaluate and develop special parking standards. In coordination with the policy direction included in the Transportation Chapter, these standards should provide sufficient parking to meet demand while supporting Plan goals for housing and multimodal transportation.

Objective:

Facilitate the development of new high-density housing units, including affordable housing units, that enable residents from a wide range of economic levels, household sizes, and ages to live in the Glenwood Riverfront.

Policies & Implementation Strategies:

- Provide financial incentives for the development of new high-density housing units, including affordable housing units, through SEDA's tax increment-funded programs, as funding becomes available.
 - Pursue opportunities to collaborate with SEDA to set aside captured tax increment funds for the development of affordable housing.
 - Explore the feasibility of collaborating with SEDA to require the execution of some form of a 'Community Benefit Agreement'¹⁰ for housing development that receives financial support from SEDA.
 - Explore the feasibility of collaborating with SEDA to require new high-density housing units developed with the assistance of SEDA to provide a variety of unit sizes and occupancy opportunities.
- Provide financial incentives for the development of new high-density affordable housing units through local, state, and federally-funded housing and community development programs, as annexation occurs and funding becomes available.
 - Explore the feasibility of requiring new high-density housing units developed with the assistance of housing and community development programs to provide a variety of unit sizes and occupancy opportunities.
 - Consider prioritizing housing and community development investments for qualified housing and community development projects.
 - Explore the possibility of partnering with Eugene and Lane County, through the Intergovernmental Housing Policy Board, to establish a regional housing trust fund¹¹.
 - Establish a Vertical Housing Development Zone¹².

¹⁰ As defined by the Partnership for Working Families, a community benefit agreement is "a project-specific negotiated agreement between a developer and a broad community coalition that outlines the project's contributions to the community and ensures community support for the project."

¹¹ Housing trust funds are distinct funds established by city, county, or state governments that receive ongoing dedicated sources of public funding to support the preservation and production of affordable housing and increase opportunities for households to access decent affordable homes. Housing trust funds systematically shift affordable housing funding from annual budget allocations to the commitment of dedicated public revenue.

- *Seek opportunities to landbank for affordable housing development.*
- *Pursue opportunities to incentivize and support future innovative affordable housing options that may arise over the course of the Plan period.*
- *Prioritize and offer opportunities for Glenwood residents who qualify for new Springfield- and SEDA-assisted housing to relocate to such housing units.*
- *Scope and plan projects to effectively develop and implement programs that provide development incentives, such as density bonuses, to developers that agree to include affordable housing in their development mix.*
- *Evaluate and develop parking standards for inclusion in the Glenwood Riverfront Mixed-Use Plan District that: support Plan goals for housing that meet the needs of a range of households and supports multi-modal transportation choice; maximize efficient and economical use of the residential land supply; and provide sufficient parking to meet demand, in conjunction with an access system that provides balanced travel mode options.*

The Existing Housing Stock section of the Housing and Economic Development Chapter of the *Glenwood Refinement Plan* states “At the time this Plan was prepared, over 60% of Glenwood’s housing stock was comprised of travel trailers, mobile homes, and other manufactured dwelling units, many of which are located in the Glenwood Riverfront. Given the age, variety, and limited durability of these types of units, manufactured home park owners in the Glenwood Riverfront will face increased pressure to redevelop their land for more valuable mixed uses. Further, most of the manufactured home parks in the Glenwood Riverfront are served by aging and marginal onsite septic systems. As these systems fail, owners will face considerable expense to annex and connect to the public wastewater system. These costs may factor into owners’ decisions to close existing manufactured home parks.

Most existing manufactured home parks in the Glenwood Riverfront are now pre-existing non-conforming uses, either by zoning, plan designation, or both. As an example, if a developer came to Springfield to redevelop a mobile home park consistent with current zoning, prior to Plan adoption, (e.g., an industrial use on a property zoned and designated for that use), the same State regulations and levels of local assistance for displaced residents discussed above will apply. These mobile homes may remain as pre-existing non-conforming uses until such time the properties are redeveloped.

Objective:

Provide assistance to manufactured home park residents possibly displaced by the redevelopment of property in the Glenwood Riverfront.

Policies & Implementation Strategies:

- *Allow existing residential uses in manufactured home parks to continue under the pre-existing non-conforming use provisions of the Springfield Development Code.*
- *Rely on State laws and regulations, while responding with applicable referrals to available services, to address the needs of individual manufactured home park tenants.*
- *Consider providing financial assistance for mandated expenses of relocation or displacement of residents from potentially closed manufactured home parks through SEDA’s tax increment-funded programs, as funding becomes available.*

¹² A Vertical Housing Development Zone (VHZ) is an area designated by local jurisdictions to encourage dense, mixed-use developments. Eligible projects within a VHZ may receive partial property tax exemptions, which vary based on the number of ‘equalized floors’ in the development, with a maximum property tax exemption of 80 percent over a 10-year period. An additional partial property tax exemption may be given if some or all of the residential housing is for low-income persons (80 percent of area median income or below).

- *Explore the feasibility of partnering with a non-profit or for-profit entity to acquire land and develop a new manufactured home park in Springfield or other affordable housing opportunities for relocating potentially displaced manufactured home park residents.*

Ten parcels comprising 1.42 acres in the Glenwood Riverfront contain single family dwelling units on land that was zoned and designated for residential uses prior to adoption of this Plan. This Plan designates these parcels as Employment Mixed-Use in the event of redevelopment during the Plan period, for the reasons described in the Land Use Chapter. Until such time as redevelopment occurs, these single family dwelling units may remain as pre-existing, non-conforming uses.

A majority of the housing stock in Glenwood is in need of major repair, and the need for rehabilitation, weatherization, and major system upgrades increases as the housing ages. In the event that emergency repairs are needed on these single family housing units, certain low-income property owners could be eligible for Federal housing and community development programs managed by Springfield and other public agencies. While these programs may change and/or evolve over time, Springfield has made many of these or similar programs available to the residents of Springfield over the past 30 years and anticipates continuing to do so, subject to continued Federal funding support. The Emergency Home Repair Program provides financial support for urgent home repairs to enhance health, safety, or accessibility, and the Springfield Home Improvement Program provides financial support for substantial home repairs.

In 2006, SEDA initiated a tax-increment funded Glenwood Residential Improvement Program, which is designed to provide low- and very low- income Glenwood residents the means to perform major repairs to their owner-occupied single family and duplex structures. Homeowners with qualifying homes on these single unit parcels in Glenwood Phase I may be eligible for this program. Further, Federal housing and community development programs managed by Springfield, and tax-increment funded programs managed by SEDA, may be used to provide financial incentives to income-qualified property owners to connect to public infrastructure, such as public wastewater facilities.

In the event these parcels are annexed for emergency health and safety purposes, additional Federal housing and community development programs provided by the City will be made available to income-qualified residents and property owners. These programs currently include: the Chore Program, which provides financial assistance towards home and yard maintenance for senior and disabled homeowners; the Springfield Home Ownership Program, which provides financial support for first-time homebuyers; and the Emergency Rental Assistance Program, which provides one-time emergency assistance to residents facing eviction for non-payment of rent.

Objective:

Support the maintenance of safe and sanitary existing single family dwelling units in the Glenwood Riverfront.

Policies & Implementation Strategies:

- *Allow existing residential uses to continue under the pre-existing non-conforming use provisions of the Springfield Development Code.*
- *Continue existing programs designed to help improve the housing stock through Federal housing and community development programs and tax increment funded programs.*

“Implementation Action 10.6: In order to control the effects of regulatory processes on housing price, strive to minimize the time taken to process land use and building permits, subject to the need to review projects in accordance with applicable regulations. Continue to give priority in the plan review process to permits for very low-income housing.”

Glenwood Phase 1 provides updated standards that will reduce the time taken to process land use and building permits in Glenwood by 1) providing updated plans for infrastructure extension and design that will inform and expedite the annexation process and by 2) designating and zoning land for multi-family housing. Springfield gives priority in the plan review process to permits for very low-income housing.

Conclusion: Designating Subarea D Employment Mixed-Use and thus making existing manufactured dwelling parks non-conforming use is consistent with Policy A.25 in that it does one of the measures explicitly suggested in the policy for increasing the stability and quality of older residential neighborhoods – ‘[establishing]appropriate zoning.’ In establishing appropriate zoning, Springfield balanced all comprehensive plan policies and proposed policies within the Phase I Glenwood Refinement Plan.

Further, it is important to note that the Plan designation for the Shamrock Homes LLC property as per the 1986/1999 Glenwood Refinement Plan was Industrial/Commercial/Multi-Family Residential Mixed Use. At the time that plan was adopted, designation of this property for Medium-Density Residential uses did no more to preserve the existing manufactured home parks than the current Employment Mixed-Use Designation applied to the property in the Glenwood Refinement Plan, Phase I adoption. Manufactured home parks are not permitted in Medium Density Residential districts, so simply resolving the Plan/Zone conflict that exists on the property by re-zoning this property Medium Density Residential (a required first step prior to re-development under the existing Plan Designation) would also render the existing manufactured home parks a pre-existing non-conforming use. Additionally, since the property is not designated for Manufactured Home Park uses, Springfield has seen no net loss in land designated for this use. In fact, Glenwood Phase I substantially increases the housing development capacity in Glenwood (50 du/net acre, Subarea A), so Glenwood Phase I actually increases the affordable housing options for the metropolitan area. While those amendments do not force any change to uses in existing manufacture home parks, any plans for changes to those uses to intensify or redevelop the affordable housing on the Shamrock Homes LLC would have faced difficulties under the previous designations and zoning of those properties.

B. Low-Density Residential Zoning for Manufactured Dwelling Parks

The acknowledged 1986/1999 Glenwood Refinement Plan contained the following policies for what, under that plan, was considered Subarea 9:

1. *This subarea shall be considered appropriate for:*
 - *Mixed use for parks, office and industrial parks and medium-density residential use on the east side of McVay Highway;*
 - *Low-density residential use for the two manufactured dwelling parks on the west side of McVay Highway;*
 - *Commercial use in the vicinity of 20th Avenue;*
 - *Park use for James Park and the old Glenwood school site; and*
 - *Light-Medium Industrial for the remainder of the subarea.*

2. *The City shall allow for appropriate zoning reflecting the land use designations within this subarea.*
 - 2.1 *Allow for a mixture of zoning districts that would allow parks, office, and industrial parks, and medium-density residential use.*
 - 2.2 *Allow manufactured dwelling parks to have Low Density Residential zoning.*
 - 2.3 *Allow Neighborhood Commercial or Community Commercial zoning within the commercially designated area.*
3. *The City shall consider this area as appropriate for RV use.*
 - 3.1 *Continue to allow RVs to replace RVs and manufactured dwellings in existing manufactured dwelling parks that contain RVs.*
4. *The City shall defer to Willamalane to consider the potential for future park development within the area adjacent to the Willamette River. (GRP 33-34)*

The first three policies represented the Glenwood Refinement Plan text that described the Refinement Plan Diagram and Zoning Map for Subarea 9. Therefore, since Glenwood Phase I amended both the Plan Diagram and the Zoning Map for the Glenwood Riverfront, the text in the plan describing these maps was similarly amended. As discussed above, Metro Plan policy A.25 directs Eugene and Springfield to increase the stability and quality of older residential neighborhoods by, among other actions, establishing appropriate zoning. As discussed above, the Phase I process included an analysis of appropriate zoning for all parcels within the Glenwood Riverfront consistent with the Metro Plan policy A.25 when considered in context of other applicable plan policies.

Policy 3, including Sub-policy (Implementation Action) 3.1, was included in the 1986/1999 Glenwood Refinement Plan to demonstrate clear conformance of the Glenwood Refinement Plan with Metro Plan Policy A.21: *“Allow manufactured dwelling parks as an outright use in low-density residential zones if the local jurisdiction’s prescribed standards are met.”* Since Glenwood Phase I determined that the appropriate zoning for the Glenwood Riverfront did not include Low-Density Residential, a policy that further articulates the uses permitted in a Low-Density Residential district no longer applies. Further, Springfield Development Code section 3.2-210 permits *“RVs in existing RV or manufactured dwelling parks, unless the park rules prohibit the replacement of RVs”* in all Low-Density Residential zoning districts. The Glenwood Refinement Plan, Phase I amendments continue to comply with Metro Plan policy A.21 and are consistent with policy A.25 for the reasons described above. For similar reasons, changes to the Glenwood Refinement Plan to eliminate applicability of those sub-policies in Phase I areas is consistent with the applicable Metro Plan policies, including policy A.25 when considered in context of other applicable plan policies.

Conclusion: Deletion of Sub-Policy (Implementation Action) 2.2 and replacement with Policy A.1.a.6., as articulated in Appendix 3 of the Springfield Development Code (Designate and zone land on both sides of McVay Highway from the Springfield Bridges to the southern terminus of Springfield’s Urban Growth Boundary as Employment Mixed-Use, as depicted in Figure 2), is consistent with Metro Plan Policy A.25. Deletion of Sub-policy (Implementation Action) 3.1 is similarly consistent with Metro Plan Policy A.25, especially since the implementing regulations of the Springfield Development Code continue to carry out and reflect the sub-policy’s intent to allow for continued residential trailers, RVs, and manufactured home replacement.

SIXTH ASSIGNMENT OF ERROR – REGARDING STATEWIDE PLANNING GOALS 2 (LAND USE PLANNING) AND GOAL 12 (TRANSPORTATION) AND THE GOAL 12 RULE

LUBA remanded the Sixth Assignment of Error to address three subassignments of error. As discussed in Footnote #9, LUBA's decision applied the 2012 TPR. Accordingly, Springfield and Lane County respond to the Remand applying the 2012 TPR by:

- I. Establishing a Multimodal Mixed-Use Area (MMA) under OAR 660-012-0060(10), as amended January 1, 2012, that allows the establishment of a Multimodal Mixed-Use Area (MMA) by amending the Glenwood Refinement Plan for Glenwood Phase 1; and
- II. Amending the adopted Phase I Glenwood Refinement Plan and Springfield Development Code Sections 3.4-245 and Appendix 3 to reflect the establishment of the MMA refinement plan designation for the Glenwood Riverfront to comply with the TPR and eliminate any requirement to address whether the amendments to the Glenwood Refinement Plan, Phase I necessitate a finding of no "significant effect" on existing or planned transportation facilities as described in findings below.

INTRODUCTION

What is an MMA?

The MMA designation is applied by local governments to downtowns, town centers, main streets, or other areas inside Urban Growth Boundaries where the local government determines that there is and/or is planned to be:

- High-quality connectivity to and within the area by modes of transportation other than the automobile;
- A denser level of development of a variety of commercial and residential uses than in surrounding areas;
- A desire to encourage these characteristics through development standards; and
- An understanding that increased automobile congestion within and around the MMA is accepted as a potential trade-off.

How does the MMA work?

The flexibility gained by the MMA designation comes from the lifting of a requirement in the Transportation Planning Rules (TPR) to apply automobile congestion standards to the review of certain land use changes. Specifically, a local jurisdiction does not need to apply local or state congestion performance standards when evaluating proposed plan amendments against the TPR in OAR 660-012-0060. The act of designating an MMA is also not subject to significant effect evaluation requirements under this rule.

What actions, standards and policies does an MMA affect?

The MMA only applies to land use actions subject to TPR requirements in OAR 660-012-0060, including comprehensive plan and zoning map amendments, as well as plan and land use regulation text amendments. Within an adopted MMA, these land use decisions need not be tested for "significant effect" for performance standards related to motor vehicle traffic congestion. Other transportation performance standards and policies – including those addressing safety, other modes of transportation, network connectivity, and freight accessibility – still apply. Where there are concerns about meeting other performance standards and policies, the MMA designation action could provide for monitoring, potential triggers and/or management strategies to address the concerns.

I. FINDINGS OF COMPLIANCE WITH OAR 660-12-0060(10) FOR GLENWOOD PHASE I

“Notwithstanding sections (1) and (2) of this rule, a local government may amend a functional plan, a comprehensive plan or a land use regulation without applying performance standards related to motor vehicle traffic congestion (e.g. volume to capacity ratio or V/C), delay or travel time if the amendment meets the requirements of subsection (a) of this section. This section does not exempt a proposed amendment from other transportation performance standards or policies that may apply including, but not limited to, safety for all modes, network connectivity for all modes (e.g. sidewalks, bicycle lanes) and accessibility for freight vehicles of a size and frequency required by the development.

(a) A proposed amendment qualifies for this section if it:

(A) is a map or text amendment affecting only land entirely within a multimodal mixed-use area (MMA); and

(B) is consistent with the definition of an MMA and consistent with the function of the MMA as described in the findings designating the MMA.

(b) For the purpose of this rule, “multimodal mixed-use area” or “MMA” means an area:”

Section (10)(b)(A) requires the MMA to be an area *“with a boundary adopted by a local government as provided in subsection (d) or (e) of this section and that has been acknowledged;”*

Findings: Exhibit 12-1 includes proposed text describing the MMA and a map (revised Figure 2) of the proposed MMA boundary as an amendment to the Glenwood Refinement Plan. Exhibit 12-2 depicts the affected Tax Lots shown on revised Figure 2. Exhibit 12-3 includes proposed text as an amendment of the Springfield Development Code (SDC). The proposed MMA boundary is identical to the Glenwood Phase I boundary.

Conclusion: This requirement can be met through the adoption and acknowledgement of the proposed MMA boundary in the Glenwood Refinement Plan and the SDC through the Remand process. See also the response to OAR 660-012-0060(d).

Section (10)(b)(B) Requires MMAs to be located *“entirely within an urban growth boundary;”*

Findings: The jurisdiction of Glenwood was transferred to Springfield on December 12, 1998 through a joint adoption of a Metro Plan amendment by the cities of Springfield and Eugene and by Lane County (Springfield Jo. No. 98-09-199 – Ordinance 5900). The jurisdictional transfer means that Glenwood, including Glenwood Phase I, is entirely within Springfield’s UGB.

Conclusion: The proposed MMA boundary is located within Glenwood Phase I, which is within Springfield’s UGB. This requirement is met.

Section (10)(b)(C) requires MMAs to have *“adopted plans and development regulations that allow the uses listed in paragraphs (8)(b)(A) through (C) of this rule and that require new development to be consistent with the characteristics listed in paragraphs (8)(b)(D) through (H) of this rule;”*

The proposed MMA amendments are included in adopted plans and development regulations that allow the uses listed in (8)(b)(A) through (C) and require consistency with the characteristics listed in (8)(b)(D) through (H) of the TPR as described in OAR 660-012-0060(10) and the findings below.

Subsection (8)(b)(A) requires MMAs to allow *“A concentration of a variety of land uses in a well-defined area, including the following:”*

Findings: The proposed MMA is centered on Franklin Boulevard and McVay Highway. Glenwood Phase I allows a variety of mixed-use high-density residential, commercial, office and employment uses as specified in Exhibit 12-4 (SDC 3.4-250).

Conclusion: The proposed MMA allows a variety of land uses within a well-defined area. This requirement is met.

Subsection (8)(b)(A)(i) requires MMAs to allow *“Medium to high density residential development (12 or more units per acre).”*

Findings: Glenwood Phase I allows high density residential development in Subareas A, B, and C as specified in Exhibits 12-4 (SDC 3.4-250) and 12-5 (SDC 3.4-245) as a primary use. The minimum density is 50 dwelling units per net acre. There is no maximum density. There is no building height limitation except within the Willamette Greenway boundary as specified in Exhibit 12-7 (SDC 3.4-270).

Conclusion: The proposed MMA exceeds the minimum density of 12 dwelling units per acre. This requirement is met.

Subsection (8)(b)(A)(ii) requires MMAs to allow *“Offices or office buildings.”*

Findings: Glenwood Phase I allows offices (professional, scientific, and technical services) in Subareas A, B, C, and D as primary or secondary uses and office buildings (office employment uses) in Subareas B, C and D as primary uses as specified in Exhibits 12-4 (SDC 3.4-250) and 12-5 (SDC 3.4-245).

Conclusion: The proposed MMA allows offices and office buildings. This requirement is met.

Subsection (8)(b)(A)(iii) requires MMAs to allow *“Retail stores and services.”*

Findings: Glenwood Phase I allows retail stores and services (retail sales and services) in Subareas A, B, C, and D as secondary uses as specified in Exhibits 12-4 (SDC 3.4-250) and 12-5 (SDC 3.4-245).

Conclusion: The proposed MMA allows retail stores and services. This requirement is met.

Subsection (8)(b)(A)(vi) requires MMAs to allow *“Restaurants”*

Findings: Glenwood Phase I in its entirety allows restaurants (eating/drinking establishments) as specified in Exhibits 12-4 (SDC 3.4-250) and 12-5 (SDC 3.4-245) as either a primary or secondary use.

Conclusion: The proposed MMA allows restaurants. This requirement is met.

Subsection (8)(b)(A)(v) requires MMAs to allow *“Public open space or private open space which is*

available for public use, such as a park or plaza.”

Findings: Glenwood Phase I in its entirety allows parks and open space for public use as specified in Exhibits 12-4 (SDC 3.4-250) and 12-5 (SDC 3.4-245) as part of the Riverfront Linear Park/multi-use path required along the entire Glenwood Riverfront and the Neighborhood Urban Park Blocks required in Subarea A.

Conclusion: The proposed MMA allows public open space. This requirement is met.

Subsection (8)(b)(B) requires MMAs to ***“Generally include civic or cultural uses.”***

Findings: Glenwood Phase I allows civic uses (public uses including, but not limited to police and fire stations) in Subarea C as specified in Exhibits 12-4 (SDC 3.4-250) and 12-5 (SDC 3.4-245). Educational facilities are permitted in all Subareas as either a primary or secondary use. Historic and cultural resources are addressed as specified in Exhibit 12-7 (SDC 3.4-270).

Conclusion: The proposed MMA includes civic and cultural uses. This requirement is met.

Subsection (8)(b)(C) requires MMAs to allow ***“A core commercial area where multi-story buildings are permitted.”***

Findings: Glenwood Phase I, Subareas B, is designated Commercial Mixed-Use and allows commercial and office uses as specified in Exhibits 12-4 (SDC 3.4-250) and 12-5 (SDC 3.4-245). There is a building height minimum of two stories, and there is no building height limitation except within the Willamette Greenway boundary as specified in Exhibit 12-6 (SDC 3.4-275D.).

Conclusion: The proposed MMA allows for a commercial core where multi-story buildings are permitted. This requirement is met.

Subsection (8)(b)(D) requires MMAs to have development standards where ***“buildings and building entrances [are] oriented to streets.”***

Findings: Glenwood Phase I, in its entirety, requires proposed buildings and building entrances to be oriented to streets as specified in Exhibit 12-6 (SDC 3.4-275) – Orientation/entrances (Subsection G.) and build- to lines and maximum building setbacks (Subsection H.)

Conclusion: The proposed MMA has development standards where buildings and building entrances are oriented to streets. This requirement is met.

Subsection (8)(b)(E) requires MMAs to have ***“street connections and crossings that make the center safe and conveniently accessible from adjacent areas.”***

Findings: As required by Springfield Development Code Section 3.4-270A., a collector and local street grid system will serve Subareas A, B and C with short blocks and pedestrian-friendly larger block development sites by providing through block streets or accessways every 250 to 350 feet, as depicted in Exhibit 12-9 (Figure 4). The north/south streets in this grid will intersect Franklin Boulevard, which is being redesigned as a pedestrian- and transit-oriented hybrid multi-way boulevard

A street network similar in functionality to the street grid in the Franklin Riverfront that supports mixed-use development adjacent to McVay Highway, enhances multi-modal internal circulation, disperses traffic, facilitates walking and biking, orients development to a public realm, and enables clear and direct physical and visual routes between McVay Highway and the riverfront will be established at the time development is proposed in accordance with Springfield Development Code Section 3.4-270A.. Primary east-west streets will be located eastward from intersections with McVay Highway, which will be re-designed and re-constructed as a multi-modal transportation facility, in the vicinity of three future intersections as specified in Exhibit 12-10 (Figure 10), and access to individual development sites will be established via connections to the primary east-west streets or connections to shared driveways with special design considerations for minimizing out-of-direction travel, traffic congestion, and conflicting turning movements.

Conclusion: The proposed MMA has street connections and crossings that make the center safe and convenient, and accessible from adjacent areas. This requirement is met.

Subsection (8)(b)(F) requires MMAs to have *“a network of streets and, where appropriate, accessways and major driveways that make it attractive and highly convenient for people to walk between uses within the center or neighborhood, including streets and major driveways within the center with wide sidewalks and other features, including pedestrian-oriented street crossings, street trees, pedestrian-scale lighting and onstreet parking.”*

Findings: The network of streets is discussed above. Glenwood Phase I in its entirety address the following topics as specified in Exhibit 12-7 (SDC 3.4-270) Subsection A, (Public Streets, Alleys and Sidewalks); Subsection B. (Street Trees and Curbside Planter Strips); Subsection C. (Lighting); and Subsection G. (Vehicle/Bicycle Parking and Loading Standards).

All local streets will be developed consistent with maximum speeds of 20 miles per hour, and the elevation and appearance of sidewalks will be maintained where crossed by vehicular access points. A maximum of one through alley per block face may be considered to provide service access to mixed-use inner block development sites, and access to inner block development from north/south streets is limited unless access for loading, parking, and/or collection services is not possible from east-west streets. The frequency of curb cuts, loading docks, garage entrances, and driveways will be kept to a practical minimum, ideally no more than one vehicular access point per block face on east/west service streets.

All streets will provide for direct, continuous, and safe bicycle travel along both sides of the streets, and all streets will include wide, setback sidewalks that are buffered from traffic flow on both sides of the street. Traffic calming techniques, such as reduced lane widths, raised crosswalks and intersections, mini roundabouts, and pedestrian priority crossings are required for all streets.

Short-term on-street parking will be provided on both sides of streets, with the exception of the riverfront street, which will only have parking on the south (development) side of the street.

All development is required to enhance the urban design of the area and differentiate the building/frontage zone, the travel/throughway zone, the furnishing zone, and the curb/edge zone of the sidewalks by incorporating distinct elements, patterns, and/or materials such as pavement

treatments, street trees, landscaping, water quality facilities, street furniture, bicycle parking, public art, street lights, and pedestrian scale lighting.

Conclusion: The proposed MMA has a network of streets and, where appropriate, accessways and major driveways that make it attractive and highly convenient for people to walk between uses within the center or neighborhood, including streets and major driveways within the center with wide sidewalks and other features, including pedestrian-oriented street crossings, street trees, pedestrian-scale lighting and onstreet parking. This requirement is met.

Subsection (8)(b)(G) requires MMAs to have *“one or more transit stops (in urban areas with fixed route transit service).”*

Findings: The Lane Transit District provides transit service for the Eugene-Springfield metropolitan area. Franklin Boulevard currently has fixed-route bus rapid transit (EM-X) service with three existing transit stations. The Franklin Multi-way Boulevard redesign will relocate these transit stations with the intent to make them compatible with future redevelopment. Exhibit 12-7 (SDC 3.4-270K.) addresses the location of Transit Stations.

McVay Highway currently also has fixed-route transit service with five existing transit stops. Future re-design of McVay Highway will relocate these transit stops with the intent to make them compatible with future development. LTD is currently evaluating the feasibility of extending high frequency transit service along this corridor. Exhibit 12-7 (SDC 3.4-270K.) addresses the location of Transit Stations.

Conclusion: The proposed MMA has more than one transit stop. This requirement is met.

Subsection (8)(b)(H) requires regulations within MMAs to *“limit or do not allow low-intensity or land extensive uses, such as most industrial uses, automobile sales and services, and drive-through services.”*

Findings: Glenwood Phase I, Subareas A, B and C do not permit Industrial uses; Subarea D is designated Employment Mixed-Use and allows for light manufacturing uses that are limited as specified in Exhibits 12-4 (SDC 3.4-250), 12-5 (SDC 3.4-245) and 12-7 (SDC 3.4-270). Minimum building height in all of Glenwood Phase I is two stories.

Exhibit 12- 8 (SDC 3.4-255) lists over 20 uses that are prohibited within Glenwood Phase I, a portion of which pertain to automobile-related uses. Drive-through facilities and services are included in this list with the exception of a portion of Subarea D south of the Union Pacific railroad trestle. Drive-through facilities in this portion of Subarea D must meet specific standards that limit this use and are intended to limit disruption of on and off-site pedestrian and bicycle traffic as specified in Exhibit 12-8 (SDC3.4-255).

Conclusion: The proposed MMA limits and does not allow low-intensity or land extensive uses, such as most industrial uses, automobile sales and services, and drive-through services. This requirement is met.

Section (10)(b)(D) requires MMAs to have *“land use regulations that do not require the provision of off-street parking, or regulations that require lower levels of off-street parking than required in*

other areas and allow flexibility to meet the parking requirements (e.g. count on-street parking, allow long-term leases, allow shared parking); and”

Findings: Glenwood Phase I in its entirety has no minimum off-street parking requirement; there are maximum parking standards as specified in Exhibit 12-7 (SDC 3.4-270), Subsection G. (Vehicle/Bicycle Parking and Loading Standards). The maximum vehicle parking standards apply primarily to on-site surface parking. These standards require lower levels of off-street parking than required in other areas of Springfield and allow flexibility to meet the parking requirements by providing options to help meet parking maximums such as: a shared parking agreement; unbundled parking; car sharing; carpool and vanpool parking; subsidized transit passes; and establishment of alternative work schedules. There is a provision to allow additional parking over the maximum if the developer constructs a parking structure.

Conclusion: The proposed MMA does not require any minimum off-street parking and, therefore, requires lower levels of off-street parking than required in other areas and allows flexibility to meet the parking requirements. This requirement is met.

Section (10)(b)(D) requires the MMA to be *“located in one or more of the categories below:*

(i) at least one-quarter mile from any ramp terminal intersection of existing or planned interchanges;

(ii) within the area of an adopted Interchange Area Management Plan (IAMP) and consistent with the IAMP; or

(iii) within one-quarter mile of a ramp terminal intersection of an existing or planned interchange if the mainline facility provider has provided written concurrence with the MMA designation as provided in subsection (c) of this section.

(c) When a mainline facility provider reviews an MMA designation as provided in subparagraph (b)(E)(iii) of this section, the provider must consider the factors listed in paragraph (A) of this subsection.

(A) The potential for operational or safety effects to the interchange area and the mainline highway, specifically considering:

(i) whether the interchange area has a crash rate that is higher than the statewide crash rate for similar facilities;

(ii) whether the interchange area is in the top ten percent of locations identified by the safety priority index system (SPIS) developed by ODOT; and

(iii) whether existing or potential future traffic queues on the interchange exit ramps extend onto the mainline highway or the portion of the ramp needed to safely accommodate deceleration.

(B) If there are operational or safety effects as described in paragraph (A) of this subsection, the effects may be addressed by an agreement between the local government and the facility provider regarding traffic management plans favoring traffic movements away from the interchange, particularly those facilitating clearing traffic queues on the interchange exit ramps.”

Findings: The southeast boundary of Springfield’s UGB and Glenwood Phase 1 are approximately 1,700 feet (over one-quarter mile) from a ramp terminal intersection of an existing (Exit 189) Interstate 5 interchange. The Glenwood Phase I boundary is also located approximately 2,500 feet (over one-quarter mile) from a ramp terminal intersection of an existing (Exit 191) Interstate 5 interchange. No future interchanges are planned in this part of the metropolitan area.

Conclusion: The proposed MMA is located at least one-quarter mile from any ramp terminal intersection of existing or planned interchanges. This requirement is met.

“(d) A local government may designate an MMA by adopting an amendment to the comprehensive plan or land use regulations to delineate the boundary following an existing zone, multiple existing zones, an urban renewal area, other existing boundary, or establishing a new boundary. The designation must be accompanied by findings showing how the area meets the definition of an MMA. Designation of an MMA is not subject to the requirements in sections (1) and (2) of this rule.

(e) A local government may designate an MMA on an area where comprehensive plan map designations or land use regulations do not meet the definition, if all of the other elements meet the definition, by concurrently adopting comprehensive plan or land use regulation amendments necessary to meet the definition. Such amendments are not subject to performance standards related to motor vehicle traffic congestion, delay or travel time.”

Findings: Subsection (d) applies because the proposed establishment and adoption of an MMA for Glenwood Phase I will meet the intent of the MMA definition as addressed above. See also Subsection (10)(a)(A) (B)(b)(A).

Conclusion: Adoption of the amended Glenwood Refinement Plan and the SDC amendments discussed in Exhibits 12-1 through 12-3 will implement the proposed MMA. This requirement is met.

II. AMENDMENTS TO THE PHASE I GRP AND SDC TO REFLECT ESTABLISHMENT OF MMA

Please refer to Exhibits 12-1, 12-2, AND 12-3.

SEVENTH ASSIGNMENT OF ERROR – REGARDING STATEWIDE PLANNING GOAL 15 (WILLAMETTE GREENWAY).

Springfield and Lane County will:

- I. Amend the adopted Phase I Glenwood Refinement Plan (GRP) and Springfield Development Code (SDC) Sections 3.4-280, 4.3-115, and Appendix 3 to reflect the establishment of a Greenway Setback Line in the Glenwood Riverfront consistent with Statewide Planning Goal 15.
- II. Address the LUBA Remand topics pertaining to Statewide Planning Goal 15.

INTRODUCTION

Glenwood Phase 1 proposed to: Establish a coincident Greenway Setback Line and Riparian Setback of 75 feet measured from the top of bank as specified in the proposed Glenwood Mixed-Use Riverfront Plan District, Section 3.4-280. The intent of the coincident setbacks was to have only one setback line for developers to establish, thus reducing time and cost to the applicant. No adjustment of the 150 foot Willamette Greenway boundary was proposed. LUBA remanded the Seventh Assignment of Error to address one subassignment of error. Specifically, that Springfield and Lane County demonstrate that the Greenway Setback established in Glenwood Phase I is consistent with acknowledged Greenway Plans and considers inventoried resources.

I. AMENDMENTS TO THE PHASE I GRP & SDC TO COMPLY WITH THIS LUBA REMAND TOPIC

Please refer to Exhibits 15-4 and 15-5.

II. LUBA REMAND TOPIC

The LUBA Remand requires Springfield to address the following topic:

- A. Inventory** – Demonstrate that the proposed Willamette Greenway Setback Line is based on protection of resources as identified in Greenway inventories.

RESPONSE

Background:

- 1973 – The Oregon legislature passed the Willamette River Greenway Act House Bill 2497 (ORS 390.310-368), which established ties to a comprehensive state land use law (Oregon Senate Bill 100) passed that same year.
- 1975 – The Oregon Department of Land Conservation and Development included the Willamette River Greenway as one of nineteen Goals for statewide planning.
- 1976 – On November 6, Lane County approved moving the Willamette Greenways's south bank from Franklin Boulevard to a line 150 feet from the ordinary low water line. (Eugene Register Guard article dated November 7, 1976.)
- 1979 – The Draft Metro Area General Plan Background Report – “Goal 15 Willamette River Greenway. The Willamette River Greenway is the subject of individual planning processes by Eugene, Springfield and Lane County within the metropolitan area. The draft Plan includes a specific element reflecting the decisions resulting from those processes and elaborates on some of the concepts of the Greenway as they might be applied to other metropolitan area waterways. The Greenway is depicted on Auxiliary Map 2 in the draft Plan” (See also 1982 Metro Plan acknowledgement).
- 1980 – Lane County adopted the Willamette River Greenway Plan (See Exhibit 15-1) by Ordinance 783 on February 27, 1980 as specified in ORS 390.318. **Note: At this time, Glenwood was under the jurisdiction of Lane County.**
- 1980 – The Willamette Greenway Subdistrict adopted as part of the Springfield Zoning Code. Section 13.04 discusses a Greenway Setback Line for those lands along the Willamette River within Springfield's jurisdiction.
- 1982 – The Eugene-Springfield Metropolitan Area Plan, acknowledged by LCDC, contained Willamette Greenway policies. The jurisdictional area of the *Metro Plan* (i.e., Metro Plan Boundary) was found to be in compliance with Goal 15 on September 12, 1982.
- 1983 – The Comprehensive Zoning Code of the City of Springfield regarding the Greenway Setback Line is amended by Ordinance 5261.
- 1984 – On October 15, 1984 Springfield adopted Ordinance 5268 regarding Glenwood based on the 1984 Jurisdictional Study. Alternative No. 2 was approved giving Glenwood to Eugene. **Note: Prior to this date Glenwood was under the jurisdiction of Lane County.**
- 1986 – Springfield Development Code is adopted including the Willamette Greenway (WG) Overlay District. The WG Overlay District, currently Section 3.3-300, has not been amended since. The Greenway Setback Line in Springfield was established as top of bank.
- 1990 – Eugene adopts the Glenwood Refinement Plan (Ordinance 19713). The GRP referenced Section 9.260 of the Eugene Code that regulates development within the Willamette Greenway. The

adopting staff report addressed Statewide Planning Goal 15 as follows: "Goal 15 is intended to protect and enhance the quality of the Willamette River by creating the Willamette greenway. Glenwood has extensive frontage along the Willamette River. The refinement plan provides guidelines for development within the Willamette River greenway. It also provides for bicycle and pedestrian access along the riverbank." (Ref. Exhibit C P. 3)

- 1998 – On November 16th, by Ordinance 5900, the Springfield Council approves the transfer of the jurisdiction of Glenwood from Eugene to Springfield. **Note: Prior to this date, Glenwood was under the jurisdiction of Eugene.**
- 1999 – On November 8th Springfield adopts Ordinance 5944, the Glenwood Refinement Plan with no policy changes. The Glenwood Refinement Plan contained Site Development Guidelines, that established a 20 to 35 foot Greenway Setback Line "...from the top of the riverbank, unless the location of the floodway boundary requires a greater separation." (Ref. P. 37)
- 2001- The National Marine Fisheries Service (NMFS) endorsed the concept of a 75 foot "Salmon Setback" which would preclude development and an additional 75 feet of limited impact area to make up a 150 foot "salmon recovery zone" along the bank of the Willamette River.
- 2002 – Riparian standards were adopted by Springfield (ref. SDC Section 4.3-115) implementing Federal regulations imposed by the Clean Water Act, the Endangered Species Act and the Safe Drinking Water Act establishing a 75 foot setback, measured from the top of bank.
- 2003 – Letter from Rob Hallyburton, Community Services Manager, DLCD, to Greg Mott, Susan Muir and Kent Howe regarding the Eugene-Springfield Metro Plan Periodic Review Work Program Modification – Deletion of Task 6 (Order 001578). "The director is authorized to grant a modification to an approved periodic review work program if requested by a local government pursuant to OAR 5660-025-0170(1)(c). The rationale was that the Willamette River Greenway work task did not relate to economic development, housing, public facilities and services, or urbanization.
- 2004 – On November 23, Salix Associates prepared a "Report on Establishment of a Draft Willamette River Greenway Setback Line on the South and West Sides of the Willamette River Glenwood (Springfield), Oregon" (See Exhibit 15-2) as part of the 48-acre Glenwood Specific Area Plan Report. The report discussed the "Salmon Setbacks" cited earlier. The report included aerial photos that showed the boundaries of the vegetative fringe along the Willamette River in Glenwood. Field mapping was also used to establish the proposed Greenway Setback Line. This recommended Greenway Setback Line in that report was not adopted by the Springfield Council at that time.
- 2005 – The Springfield Council adopted amendments to the Glenwood Refinement Plan, Subarea 8, and the Springfield Development Code, the Glenwood Riverfront Plan District, SDC Section 3.4-200. The Glenwood Specific Area Plan, aka the Glenwood Riverfront Plan, was never officially adopted by the City. However the existing SDC Section 3.4-205B., states: "The GR regulations also implement the guiding principles of the "Glenwood Riverfront Plan"; and, in Subsection D., there is a reference to the Willamette Greenway Overlay District. The Glenwood Specific Area Plan did show the 75 foot riparian setback, but there is no mention of the salmon setback or the salmon recovery zone.
- 2005 – The Springfield Hearings Official established a Greenway Setback Line (SHR 2005-00004) on the Marvin property (Assessor's Map 17-03-34-41, TL 00100). The decision required a recorded survey showing "... the existing riparian vegetation line...." that delineated the variable-width setback line.
- 2005 - The Lane Council of Governments published *Willamette River Greenway Activity in the Metro Region (1987-2004)*. The document stated: "The Land Conservation and Development Commission adopted orders approving the Oregon Department of Transportation's Willamette River Greenway Plan segments for Lane County and the Cities of Eugene and Springfield where those plans were reflected in the acknowledged Metro Plan" (Ref. P. 2) "Conclusion Activities permitted in the

greenway area in the City of Springfield from 1987-2004 are shown to be within the intent of Goal 15: The Willamette River Greenway," (Ref. P. 5)

- 2012 – The Springfield Planning Commission established a Greenway Setback Line (TYP312-00004) on the Shinn property (Shamrock Mobile Home Park - Assessor's Map 17-03-34-44, TL 00301). The application included a Site Inventory of Natural Resources. The variable-width Greenway Setback ranges from 5 feet to 85 feet.
- 2014 – Salix Associates completed a Report on Establishing a Draft Greenway Setback Line for the Willamette River Greenway in Glenwood. This report is an update of the 2004 Salix and Associates report (See Exhibit 15-3).

Findings:

The 2014 Salix Associates *"Report on Establishing a Draft Greenway Setback Line for the Willamette River Greenway in Glenwood"* updates the 2004 Salix Associates Report and focuses on providing the technical evidence needed to support meeting three of the criteria associated with establishing a Greenway Setback Line in Springfield (SDC 3.3-325); *"C. Significant fish and wildlife shall be protected"; "D. Identified scenic qualities and view-points shall be preserved"; and "F. The natural vegetative fringe along the river shall be enhanced and protected to the maximum extent practical."*

Since the determination of the Greenway Setback Line will continue to be established as development and/or redevelopment occurs, staff contends the following additional criteria of approval under SDC 3.3-325 do not require to be addressed now, but at the time of development approval: *"A. Local, regional and State recreational needs shall be provided for consistent with the carrying capacity of the land. The possibility that public recreation use might disturb adjacent property shall be considered and minimized to the greatest extent possible;" "B. Adequate public access to the river shall be provided"; "E. The maintenance of public safety and protection of public and private property, especially from vandalism and trespass shall be provided for, to the maximum extent practicable"; and "H. Developments shall be directed away from the river to the greatest possible degree; provided, however, lands committed to urban uses shall be permitted to continue as urban uses, including port, public, industrial, commercial and residential uses, uses pertaining to navigational requirements, water and land access needs and related facilities."*

Under SDC 3.3-325 Criterion *"G. The location of known aggregate deposits shall be considered. Aggregate extraction may be permitted outside the Greenway Setback Area subject to compliance with State law, the underlying zoning district and conditions of approval designed to minimize adverse effects on water quality, fish and wildlife, vegetation, bank stabilization, stream flow, visual quality, quiet and safety and to guarantee reclamation"* does not apply because there are no known (inventoried) aggregate deposits located within the Glenwood Riverfront.

Springfield is placing the 2014 Salix Associates Report, which will be made available to property owners and developers as a resource tool, in the record and is amending the Glenwood Refinement Plan (See Exhibit 15-4) and the Springfield Development Code (See Exhibit 15-5) to eliminate the 75-foot Greenway Setback (coincident with the established 75-foot Riparian Setback) and establish a variable-width Greenway Setback. The Greenway Setback, when established on a case by case basis at the time of development, will protect the inventoried resources discussed in the 2014 Salix Associates Report. The proposed amendments of the Glenwood Refinement Plan and the Springfield Development Code do not change what may occur within the setback area (water-dependent and water-related uses), but establish a variable-width setback based on protection of inventoried resources.

Conclusion:

The Willamette River Greenway Plan adopted by Lane County in 1980 is the metropolitan area's initial Greenway development and management plan based on consideration of the Goal 15 resources and considerations identified in that Plan and subsequent refinements. The Metro Plan was found to be in compliance with Statewide planning Goal 15 in 1982. In 2004, the Salix Associates Report was prepared to inform the establishment of a Greenway Setback Line based upon existing riparian vegetation and other resources along the entire Willamette River frontage in Glenwood Phase I, but the recommendations were not adopted by the Springfield Council at that time. The 2014 Salix Associates Report provides the basis for the establishment of a variable Greenway Setback Line based upon a protection of natural resources. The actual Greenway Setback Line will be established on a case-by-case basis as development/redevelopment occurs. Springfield and Lane County will comply with this Remand topic regarding Statewide Planning Goal 15 with adoption of the proposed amendments to the Glenwood Refinement Plan and the Springfield Development Code as described above.

CONCLUSION

On the basis of this record, the proposed Glenwood Phase 1 supplemental findings, Glenwood Refinement Plan diagram and text amendments, and the Springfield Development Code amendments have been addressed under the LUBA Remand and are found to be consistent with the criteria of Springfield Development Code Sections SDC Section 5.6-115 A.-B.

SHAMROCK HOMES, LLC SETTLEMENT AMENDMENTS

The revised refinement plan designations in the Goal 12 discussion above include one change to where different refinement plan designations and zoning will apply to property located at Assessor's Maps and Tax Lots 18-03-03-11-01401, 17-03-34-44-03300, and 17-03-34-44-00301, currently owned by Shamrock Homes, LLC. That change reflected in the Glenwood Refinement Plan, Springfield Zoning Map, and the Springfield Development Code is due to concerns brought forward by the property owner during the public process. As detailed in Exhibit S, the 14.29 acres in Subarea D comprised of the aforementioned tax lots (10.85 acres east of McVay Highway and 3.74 acres west of McVay Highway) is to be designated Commercial Mixed-Use/Multimodal Mixed-Use Area rather than Employment Mixed-Use/Multimodal Mixed-Use Area, and the zoning is to be Commercial Mixed-Use rather than Employment Mixed-Use. This change from Employment Mixed-Use to Commercial Mixed-Use is based on the findings supporting the initial Ordinance No. 6279 (June 18, 2012) and this remand ordinance, as further supplemented by the findings below.

CONSISTENCY WITH STATEWIDE PLANNING GOALS (SDC 5.14-135C.1.)

Goal 1, Citizen Involvement: The policy decision to make this acreage Commercial Mixed-Use rather than Employment Mixed-Use was the subject of a public notice dated March 12, 2014 prior to consideration by the City Council, as required by the city's acknowledged program for citizen participation.

Goal 2, Land Use Planning: The policy decision to make this acreage Commercial Mixed-Use rather than Employment Mixed-Use was made consistent with the substantive and procedural requirements of the statewide planning goals, the Metro Plan, and refinement plans.

Goal 3, Agricultural Land: This goal does not apply inside an urban growth boundary.

Goal 4, Forest Land: This goal does not apply inside an urban growth boundary.

Goal 5, Natural Resources, Scenic and Historical Areas, and Open Space: The policy decision to make this acreage Commercial Mixed-Use rather than Employment Mixed-Use has no impact on any acknowledged inventory of Goal 5 resources. Neither does it affect any acknowledged Goal 5 regulation. Therefore, Goal 5 is not triggered.

Goal 6, Air, Water and Land Resources Quality: The policy decision to make this acreage Commercial Mixed-Use rather than Employment Mixed-Use is neutral in terms of compliance with state and local standards and programs relating to land, air and water quality.

Goal 7, Areas Subject to Natural Hazards: The policy decision to make this acreage Commercial Mixed-Use rather than Employment Mixed-Use is neutral in terms of compliance state and local law that protects life and property from natural hazards. At this location flooding is the principal hazard. No additional area in the floodplain will be potentially developable due to this shift.

Goal 8, Recreational Needs: The policy decision to make this acreage Commercial Mixed-Use rather than Employment Mixed-Use is neutral in terms of compliance with state and local park plans and regulations. The same recreational policies and regulations will apply, and the same footprint of development will be allowed.

Goal 9, Economic Development: The policy decision to make this acreage Commercial Mixed-Use rather than Employment Mixed-Use will increase the Commercial Mixed-Use/Multimodal Mixed-Use acreage in the Phase 1 area from 14.58 acres to 28.87 acres. It will decrease the Employment Mixed-Use/Multimodal Mixed-Use in the Phase 1 area from 173.11 acres to 158.82 acres. The findings above justify the initially proposed Commercial Mixed-Use and Employment Mixed-Use designations and zoning in terms of the requirements of Goal 9, the Goal 9 rules, the Metro Plan and the relevant Metro Plan commercial and industrial inventory documents. The shift from Employment Mixed-Use to Commercial Mixed-Use designations and zoning for the modest amount of acreage involved here is not a material change with respect to any of the relevant standards addressed above.

Goal 10, Housing: The policy decision to make this acreage Commercial Mixed-Use rather than Employment Mixed-Use is neutral in terms of Goal 10 housing issues.

Goal 11, Public Facilities and Services: The policy decision to make this acreage Commercial Mixed-Use rather than Employment Mixed-Use is neutral in terms of public facilities issues.

Goal 12, Transportation: The policy decision to make this acreage Commercial Mixed-Use rather than Employment Mixed-Use should have a positive impact on Goal 12 compliance. As the Remand findings above explain, the entirety of the Phase 1 area is being redesignated as a Multimodal Mixed-Use Area (MMA) under OAR 660-012-0060(10). This designation may be applied only to areas that meet strict state standards limiting auto-dependent uses. Under the new Glenwood Phase 1 zones, the Commercial Mixed-Use zone has more stringent standards with respect to auto use than the Employment Mixed-Use zone. It allows fewer auto-dependent uses. Thus, a shift to more Commercial Mixed-Use acreage, at the expense of Employment Mixed-Use acreage, further enhances the transportation objectives of the entire Phase 1 area.

Goal 13, Energy Conservation: The policy decision to make this acreage Commercial Mixed-Use rather than Employment Mixed-Use is neutral in terms of energy conservation.

Goal 14, Urbanization: This goal does not apply, as no change is being made in the urban growth boundary.

Goal 15, Willamette River Greenway: The policy decision to make this acreage Commercial Mixed-Use rather than Employment Mixed-Use is neutral in terms of Greenway issues. The Greenway and the Greenway setback have been established for the subject property. No additional uses will be allowed in the Greenway as a result of this change.

Goals 16 through 19: These coastal and shore lands goals do not apply.

METRO PLAN INTERNAL CONSISTENCY (SDC 5.14-135C.2.)

The initial Ordinance No. 6279 found that the Phase 1 amendments did not make the Metro Plan internally inconsistent. The policy change from Employment Mixed-Use to Commercial Mixed-Use for the property located at Assessor's Maps and Tax Lots 18-03-03-11-01401, 17-03-34-44-03300, and 17-03-34-44-00301 does not affect that conclusion.

REFINEMENT PLAN, PLAN DISTRICT AND SPRINGFIELD DEVELOPMENT CODE AMENDMENTS (SDC 5.6-115)

The initial Ordinance No. 6279 found that the Phase I amendments were in compliance with the standards for plan and code amendments. The policy change from Employment Mixed-Use to Commercial Mixed-Use for the property located at Assessor's Maps and Tax Lots 18-03-03-11-01401, 17-03-34-44-03300, and 17-03-34-44-00301 does not affect that conclusion.

ZONING MAP AMENDMENTS (SDC 5.22-115C)

The initial Ordinance No. 6279 found that the Phase I zoning changes were in compliance with these standards for zone changes. The policy change from Employment Mixed-Use to Commercial Mixed-Use for the property located at Assessor's Maps and Tax Lots 18-03-03-11-01401, 17-03-34-44-03300, and 17-03-34-44-00301 does not affect that conclusion.

above explain, the entirety of the Phase 1 area is being redesignated as a Multimodal Mixed-Use Area (MMA) under OAR 660-012-0060(10). This designation may be applied only to areas that meet strict state standards limiting auto-dependent uses. Under the new Glenwood Phase 1 zones, the Commercial Mixed-Use zone has more stringent standards with respect to auto use than the Employment Mixed-Use zone. It allows fewer auto-dependent uses. Thus, a shift to more Commercial Mixed-Use acreage, at the expense of Employment Mixed-Use acreage, is more in keeping with the transportation objectives of the entire Phase 1 area.

Goal 13, Energy Conservation: The policy decision to make this acreage Commercial Mixed-Use rather than Employment Mixed-Use is neutral in terms of energy conservation.

Goal 14, Urbanization: This goal does not apply, as no change is being made in the urban growth boundary.

Goal 15, Willamette River Greenway: The policy decision to make this acreage Commercial Mixed-Use rather than Employment Mixed-Use is neutral in terms of Greenway issues. The Greenway and the Greenway setback have been established for the subject property. No additional uses will be allowed in the Greenway as a result of this change.

Goals 16 through 19: These coastal and shore lands goals do not apply.

METRO PLAN INTERNAL CONSISTENCY (SDC 5.14-135C.2.)

The initial Ordinance No. 6279 found that the Phase 1 amendments did not make the Metro Plan internally inconsistent. The policy change from Employment Mixed-Use to Commercial Mixed-Use for the property located at Assessor's Maps and Tax Lots 18-03-03-11-01401, 17-03-34-44-03300, and 17-03-34-44-00301 does not affect that conclusion.

REFINEMENT PLAN, PLAN DISTRICT AND SPRINGFIELD DEVELOPMENT CODE AMENDMENTS (SDC 5.6-115)

The initial Ordinance No. 6279 found that the Phase I amendments were in compliance with the standards for plan and code amendments. The policy change from Employment Mixed-Use to Commercial Mixed-Use for the property located at Assessor's Maps and Tax Lots 18-03-03-11-01401, 17-03-34-44-03300, and 17-03-34-44-00301 does not affect that conclusion.

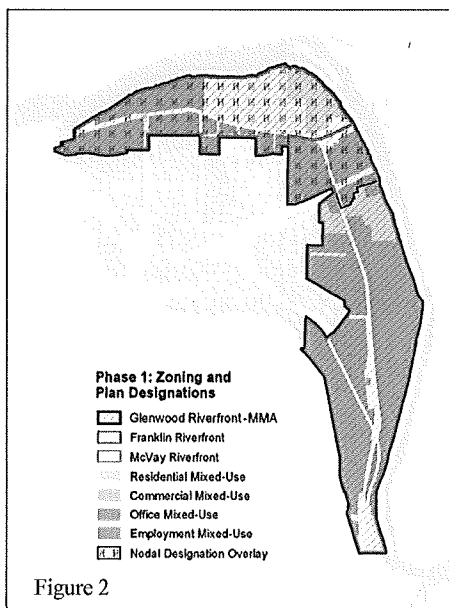
ZONING MAP AMENDMENTS (SDC 5.22-115C)

The initial Ordinance No. 6279 found that the Phase I zoning changes were in compliance with these standards for zone changes. The policy change from Employment Mixed-Use to Commercial Mixed-Use for the property located at Assessor's Maps and Tax Lots 18-03-03-11-01401, 17-03-34-44-03300, and 17-03-34-44-00301 does not affect that conclusion.

EXHIBIT B GLENWOOD REFINEMENT PLAN, PHASE I AMENDMENTS

REDESIGNATING 33.26 ACRES FROM RESIDENTIAL MIXED-USE TO RESIDENTIAL MIXED-USE/MULTIMODAL MIXED-USE AREA, 14.58 ACRES FROM COMMERCIAL MIXED-USE TO COMMERCIAL MIXED-USE/MULTIMODAL MIXED-USE AREA, 46.33 ACRES FROM OFFICE MIXED-USE TO OFFICE MIXED-USE/MULTIMODAL MIXED-USE AREA, AND 173.11 ACRES FROM EMPLOYMENT MIXED-USE TO EMPLOYMENT MIXED-USE/MULTIMODAL MIXED-USE AREA IN GLENWOOD PHASE I; REDESIGNATING AND REZONING 14.29 ACRES FROM EMPLOYMENT MIXED-USE/MULTIMODAL TO COMMERCIAL MIXED-USE/MULTIMODAL; AMENDING THE GLENWOOD REFINEMENT PLAN, PHASE I TEXT, DEVELOPMENT POLICIES AND IMPLEMENTATION STRATEGIES IN PORTIONS OF THE LAND USE AND OPEN SPACE CHAPTERS FOR GLENWOOD PHASE I; AND AMENDING THE FINDINGS OF TYP411-00005 AND TYP311-00001.

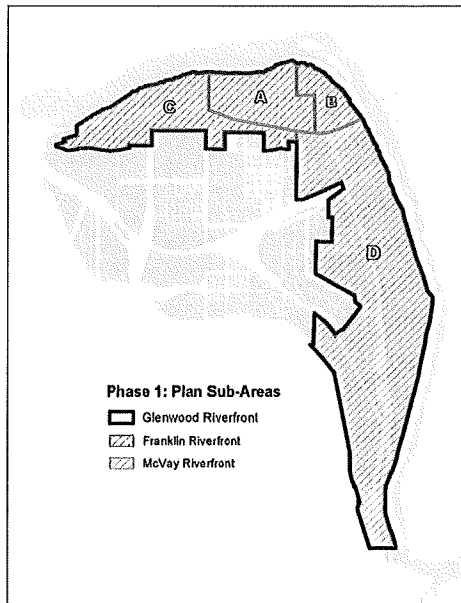
SECTION 1: The Glenwood Refinement Plan Diagram and Springfield Zoning Map under the Land Use and Built Form Chapter and the Land Use Section, Figure 2, is hereby amended as follows:



SECTION 2: The Glenwood Refinement Plan text under the Land Use and Built Form Chapter and the Land Use Section, the plan designation discussion is hereby amended as follows to add:

- “The Multimodal mixed-use area (MMA) is established where the local government determines that there is and/or is planned to be: high-quality connectivity to and within the area by modes of transportation other than the automobile; a denser level of development of a variety of commercial and residential uses than in surrounding areas; a desire to encourage these characteristics through development standards; and an understanding that increased automobile congestion within and around the MMA is accepted as a potential trade-off.”

SECTION 3: The Glenwood Refinement Plan Diagram under the Land Use and Built Form Chapter and the Land Use Section, Figure 3, is hereby amended as follows:



SECTION 4: The Glenwood Refinement Plan text under the Land Use and Built Form Chapter and the Land Use Section, the Subarea D discussion is hereby amended as follows to add:

“Within Subarea D, Assessor’s Maps and Tax Lots 18-03-03-11-01401, 17-03-34-44-03300, and 17-03-34-44-00301 allow the primary and secondary uses associated with the Commercial Mixed-Use designation.”

SECTION 5: The Glenwood Refinement Plan text under the Land Use and Built Form Chapter and the Land Use Section, “Policies & Implementation Strategies” is hereby amended as follows:

“Policies & Implementation Strategies:

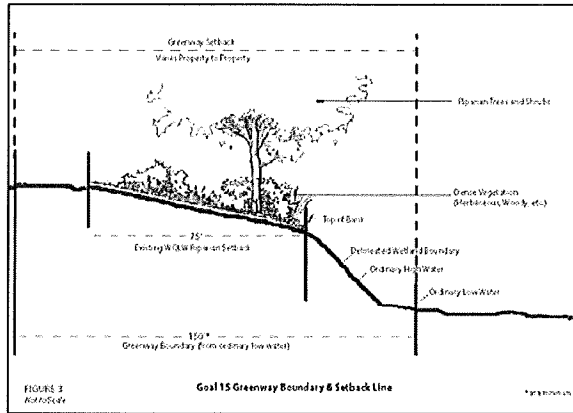
- Designate and zone land that meets the fundamental characteristics of the Mixed Use and Nodal Development Area designations, as defined in the Metro Plan, and Multimodal Mixed-Use Areas (MMA), as defined in OAR 660-012-0060.
 - **Delete the following bullet:** Identify four Glenwood Riverfront Subareas with primary and secondary uses that are specific to each.
 - Maintain and expand the existing nodal designation boundary to include land on both sides of Franklin Boulevard from the I-5 Bridges to the Springfield Bridges and on both sides of McVay Highway between the Springfield Bridges and an area just south of the railroad trestle, as depicted in Figure 2.

- Designate and zone land north of Franklin Boulevard in between the northern extension of Henderson Avenue and the northern extension of McVay Highway as Residential Mixed-Use, as depicted in Figure 2.
- Designate and zone land north of Franklin Boulevard in between the northern extension of McVay Highway and the Springfield Bridges as Commercial Mixed-Use, as well as Assessor's Maps and Tax Lots 18-03-03-11-01401, 17-03-34-44-03300, and 17-03-34-44-00301, as depicted in Figure 2.
- Designate and zone land on both sides of Franklin Boulevard from the I-5 Bridges to South Brooklyn Avenue as Office Mixed Use, as depicted in Figure 2.
- Designate and zone land on both sides of McVay Highway from the Springfield Bridges to the southern terminus of Springfield's Urban Growth Boundary as Employment Mixed-Use except for Assessor's Maps and Tax Lots 18-03-03-11-01401, 17-03-34-44-03300, and 17-03-34-44-00301, as depicted in Figure 2.
- Designate all land within the Phase I Glenwood Refinement Plan boundary a Multi-modal Mixed-Use Area (MMA), as depicted in Figure 2.
- Compliance with the Transportation Planning Rule (TPR). The TPR (OAR 660-012-0000, et seq.) requires that when making an amendment to a land use plan, a local jurisdiction shall put in place measures to ensure that land uses are consistent with the identified function, capacity and performance standards of a State or City facility, when the plan amendment has a significant effect on that facility. The TPR defines "significant effect" as reducing performance below the minimum acceptable standard in the relevant plan, or worsening the performance of a facility otherwise projected to perform below the minimum acceptable standard. However, a local government may amend a land use plan without applying the performance standards if the proposed amendment is entirely within a multimodal mixed-use area (MMA) (OAR 660-012-0060)."

SECTION 6: The Glenwood Refinement Plan text under the Open Space Chapter, the Natural Resources Section, the Wetlands & Riparian Areas Subsection beginning with "Statewide Planning Goal 15...", is hereby amended as follows:

"Statewide Planning Goal 15, Willamette River Greenway, requires a greenway boundary of 150 feet measured from the ordinary low water line, which allows development to occur within this zone as a discretionary use. Within this boundary, a Greenway Setback line is also required to delineate where only water-dependent and water-related development may occur, such as boat ramps, multi-use paths, and viewing areas (Figure 3). For much of the Glenwood Riverfront, the location of the Greenway Setback Line has not been formally established. The Implementation Strategies discussed below include working with property owners to establish property-specific, variable-width Greenway Setback Lines in the Glenwood Riverfront, as depicted in Figure 3."

SECTION 7: The Glenwood Refinement Plan text under the Open Space Chapter, the Natural Resources Section, and the Wetlands & Riparian Areas Subsection Figure 3 is hereby amended as follows:



SECTION 8: The Glenwood Refinement Plan text under the Open Space Chapter, the “Objective” is hereby amended as follows:

“Objective:

Provide ample opportunities for people to access and enjoy the Willamette River and the natural environment while: complying with State and Federal Regulations; providing stable riverbanks; and conserving, protecting, restoring, and establishing a diversity of riparian habitats and wetlands in order to retain their properly functioning condition related to fish and wildlife habitat, riverine flood control, sediment and erosion control, water quality, and groundwater protection.”

SECTION 9: The Glenwood Refinement Plan text under the Open Space Chapter, the Policies & Implementation Strategy beginning with “Restore, enhance, and protect...” and the policy beginning with “Establish...” is hereby amended as follows:

- “Restore, enhance, and protect the riverbank and riparian and wetland areas.
 - Work with property owners to establish Willamette River Greenway Setback Lines for water-dependent and water-related uses in the Glenwood Riverfront”.

SECTION 10: The Glenwood Refinement Plan text under the Open Space Chapter, the Policies & Implementation Strategy beginning with “Integrate natural resources...” and the policies beginning with “Limit recreation...” and “Locate a multi-use path...” is hereby amended as follows:

- “Integrate natural resources, urban interface/built environment, and water resources management.
 - “Limit recreation and associated improvements within the Riparian Setback to passive activities including, but not limited to: picnicking; pedestrian activities; bicycling; bird

watching; fishing; educational, interpretive, and directional signage; and riverfront viewing”.

- “Locate a multi-use path at the outer most edge of the Riparian Setback to the maximum extent practicable.”

**EXHIBIT C
SPRINGFIELD DEVELOPMENT CODE AMENDMENTS**

AMENDING THE SPRINGFIELD DEVELOPMENT CODE BY AMENDING SECTION 3.4-245; AMENDING SECTION 3.5-280; AMENDING SETION 4.3-115; AMENDING APPENDIX 3; AND AMENDING THE FINDINGS FOR TYP411-00007.

SECTION 1: SDC Subsection 3.4-245A.2.a. is hereby amended to read as follows:

“A. Applicable Land Use Designations.

2. The Glenwood Refinement Plan designations are as follows:

- a.** Residential Mixed-Use, Commercial Mixed-Use, Office Mixed-Use, and Employment Mixed-Use. The descriptions of these designations are the same as the base zoning districts described in Subsection 3.4-245B.
- b.** Multimodal Mixed-Use Area (MMA) designation applies to all land within the Glenwood Riverfront. The MMA is established where the local government determines that there is:
 - i.** High-quality connectivity to and within the area by modes of transportation other than the automobile;
 - ii.** A denser level of development of a variety of commercial and residential uses than in surrounding areas;
 - iii.** A desire to encourage these characteristics through development standards; and
 - iv.** An understanding that increased automobile congestion within and around the MMA is accepted as a potential trade-off.”

SECTION 2: SDC Subsection 3.4-245B.4. is hereby amended as follows to add:

“EXCEPTION: Assessor’s Maps and Tax Lots 18-03-03-11-01401, 17-03-34-44-03300, and 17-03-34-44-00301 permit primary and secondary uses as specified in Subsection 3.4-245B.2.”

SECTION 3: SDC Subsection 3.4-250. The Schedule of Use Categories header is hereby amended to read as follows:

“Categories/Uses	Residential Mixed-Use	Commercial Mixed-Use	Office Mixed-Use	Employment Mixed-Use”
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SECTION 4: SDC Subsection 3.4-255. The Prohibited Use Note (2) is hereby amended to read as follows:

“(2) EXCEPTION: Along McVay Highway in Subarea D south of the Union Pacific railroad trestle and outside of the nodal development area (except for Assessor’s Maps and Tax Lots 18-03-03-11-01401, 17-03-34-44-03300, and 17-03-34-44-00301), drive through facilities shall be permitted if they are in compliance with the following criteria:”

SECTION 5: SDC Subsection 3.4-265. The Base Zone Development Standards header is hereby amended to read as follows:

“Development Standards	Residential Mixed-Use	Commercial Mixed-Use	Office Mixed-Use	Employment Mixed-Use”
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SECTION 6: SDC Subsection 3.4-270G. Vehicle/Bicycle Parking and Loading Standards Subsection 5.b. and 11.b. are hereby amended to read as follows:

“5.b. In Subarea D south of the Union Pacific railroad trestle and outside of the nodal development area (except for Assessor’s Maps and Tax Lots 18-03-03-11-01401, 17-03-34-44-03300, and 17-03-34-44-00301), in addition to parking facilities permitted in Subsection 3.4-270G.5.a.i.-iv., surface parking facilities that are screened as specified in Subsection 3.4-270F.4.b. shall be permitted along McVay Highway and any other street frontage, in the following circumstances:”

“11.b. In Subarea D (except for Assessor’s Maps and Tax Lots 18-03-03-11-01401, 17-03-34-44-03300, and 17-03-34-44-00301), vehicle access to a parking lot or parking structure also may be from a common driveway serving multiple developments; in this case, a recorded joint-use/access easement shall be required”.

SECTION 7: SDC Subsection 3.4-275D. Building Design Standards – Height. Subsection 3. is hereby deleted in its entirety and Subsections 4. and 5. are hereby renumbered and amended to read as follows:

“3. In Subareas A, B, C, and Assessor’s Maps and Tax Lots 18-03-03-11-01401, 17-03-34-44-03300, and 17-03-34-44-00301, step backs that are a minimum of 15 feet wide shall be required beginning at the fourth story of a building and after each additional 3 stories to minimize shadow impacts and reduce the scale of the building as perceived along the street. Uses for the lower roofs may include, but not be limited to balconies and observation decks.

4. In all Subareas, non-residential ground floor space (commercial/office/light manufacturing businesses) shall have a minimum floor to floor height of 15 feet to accommodate space for mechanical systems.”

SECTION 8: SDC Subsection 3.4-275F. Building Design Standards – Windows and Doors. Subsections 1.b. and 2. are hereby amended to read as follows:

- “1.b.** In Subarea B and Assessor’s Maps and Tax Lots 18-03-03-11-01401, 17-03-34-44-03300, and 17-03-34-44-00301.”
- “2.** **EXCEPTION:** In Subarea D (except for Assessor’s Maps and Tax Lots 18-03-03-11-01401, 17-03-34-44-03300, and 17-03-34-44-00301), window-like treatments (e.g. window frames or tromp d’oeuil windows), may be substituted.”

SECTION 9: SDC Subsection 3.4-275G. Building Design Standards – Orientation/Entrances. Subsection 2 is hereby amended to read as follows:

- “2.** In Subarea A, B, and Assessor’s Maps and Tax Lots 18-03-03-11-01401, 17-03-34-44-03300, and 17-03-34-44-00301, all new individual residential dwellings that do not have businesses on the ground floor shall be designed so that each individual unit has a front door, or there is a primary entrance with a lobby that includes windows for safety facing the street.”

SECTION 10: SDC Subsection 3.4-275H. Building Design Standards – Build-to Lines and Building Setbacks. Subsections 2a. and 2d. are hereby amended to read as follows:

- “a.** In Subareas A, B, C, the portion of D north of the Union Pacific railroad trestle and within the nodal development area, and Assessor’s Maps and Tax Lots 18-03-03-11-01401, 17-03-34-44-03300, and 17-03-34-44-00301, buildings may be setback a maximum of 10 feet behind the build-to-line. This standard will still allow the establishment of a pleasant and diverse experience by providing additional pedestrian amenities. Pedestrian amenities shall be addressed as specified in Subsections 3.4-275I.2.a. and b.”

- “d.** In all Subareas, no parking shall be permitted within any building setback.

EXCEPTION: In Subarea D, south of the Union Pacific railroad trestle and outside of the nodal development area (except for Assessor’s Maps and Tax Lots 18-03-03-11-01401, 17-03-34-44-03300, and 17-03-34-44-00301), parking is permitted as specified in Subsections 3.4-270G.b.1. and 3.4-275H.2.b.”

SECTION 11: SDC Subsection 3.4-280C. “Greenway Setback Line” is hereby amended to read as follows:

“Greenway Setback Line. A line that divides the Glenwood Riverfront portion of the WG Overlay District into two distinct areas. In the area between the ordinary low water line and the Greenway Setback line, only water-dependent and water-related uses may occur. In the area from the Greenway Setback Line to the WG Overlay District outer boundary, uses permitted in the base zone may be allowed in accordance with the standards and criteria of this Section”.

SECTION 12: SDC Subsection 3.4-280D.1. is hereby amended to read as follows:

“D. Establishment of the Greenway Setback Line and Permitted Uses.

1. Establishment of the Greenway Setback Line. In the Glenwood Riverfront portion of the WG Overlay District, the Greenway Setback Line shall be established to protect, maintain, preserve, and enhance the natural, scenic, historic and recreational qualities of the Willamette Greenway. Only water-dependent and water-related uses are permitted between the Willamette River and the Greenway Setback Line. The location of the Greenway Setback Line shall be determined consistent with the criteria specified in Section L.1.; L.4.; L.5.; L.7.; L.10.; and L.11.

EXCEPTION: For property owners who received City approval to establish a Greenway Setback Line along the Glenwood Riverfront as specified in Section 3.3-300 prior to the effective date of this Ordinance, that approval shall continue to be in full force and effect when development is proposed within the WG Overlay District.”

SECTION 13: SDC Subsection 4.3-115B.6. is hereby amended to read as follows:

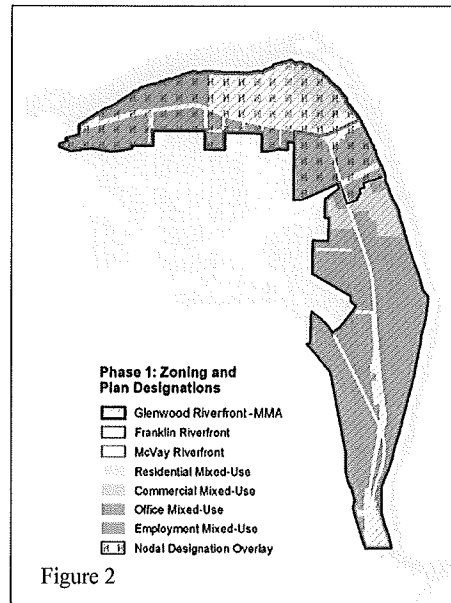
“B. Permitted Uses in Riparian Areas. The following uses are permitted in riparian areas as long as they do not diminish riparian functions:

6. Multi-use paths for pedestrian and/or bicycle use shall be permitted, provided that the multi-use path drains away from the watercourse. Multi-use paths shall be located along the outer edge of the required riparian area and away from the watercourse. The multi-use path shall be located at the outermost edge of the 75 foot-wide Riparian Setback to the maximum extent practicable. Utilities may be extended within a multi-use path.”

SECTION 14: SDC APPENDIX 3 GLENWOOD REFINEMENT PLAN POLICIES AND IMPLEMENTATION STRATEGIES, Subsection A.1.a. is hereby amended to read as follows:

“A.1.a. Designate and zone land that meets the fundamental characteristics of the Mixed Use and Nodal Development Area designations, as defined in the Metro Plan, and multi-modal mixed-use areas (MMA), as defined in OAR 660-012-0060.”

SECTION 15: SDC APPENDIX 3 GLENWOOD REFINEMENT PLAN POLICIES AND IMPLEMENTATION STRATEGIES, Figure 2 in Subsection A.1.a. is hereby amended as follows:



SECTION 16: SDC APPENDIX 3 GLENWOOD REFINEMENT PLAN POLICIES AND IMPLEMENTATION STRATEGIES, Subsection A.1.a1 is hereby deleted.

SECTION 17: SDC APPENDIX 3 GLENWOOD REFINEMENT PLAN POLICIES AND IMPLEMENTATION STRATEGIES, Subsection A.1.a.4 is hereby amended to read as follows:

“A.1.a.3. Designate and zone land north of Franklin Boulevard in between the northern extension of McVay Highway and the Springfield Bridges as Commercial Mixed-Use, as well as well as Assessor’s Maps and Tax Lots 18-03-03-11-01401, 17-03-34-44-03300, and 17-03-34-44-00301, as depicted in Figure 2.”

SECTION 18: SDC APPENDIX 3 GLENWOOD REFINEMENT PLAN POLICIES AND IMPLEMENTATION STRATEGIES, Subsection A.1.a5 is hereby amended to read as follows:

“A.1.a.4. Designate and zone land on both sides of McVay Highway from the Springfield Bridges to the southern terminus of Springfield’s Urban Growth Boundary as Employment Mixed-Use except for Assessor’s Maps and Tax Lots 18-03-03-11-01401, 17-03-34-44-03300, and 17-03-34-44-00301, as depicted in Figure 2.”

SECTION 19: SDC APPENDIX 3 GLENWOOD REFINEMENT PLAN POLICIES AND IMPLEMENTATION STRATEGIES, Subsection A.1.a7. is hereby amended to read as follows:

"A.1.a.6. Designate all land within the Phase I Glenwood Refinement Plan boundary a Multimodal Mixed-Use Area (MMA), as depicted in Figure 2."

SECTION 20: SDC APPENDIX 3 GLENWOOD REFINEMENT PLAN POLICIES AND IMPLEMENTATION STRATEGIES, Subsection A.1.a.8. is hereby added and reads as follows:

"A.1.a.7. Compliance with the Transportation Planning Rule (TPR). The TPR (OAR 660-012-0000, et seq.) requires that when making an amendment to a land use plan, a local jurisdiction shall put in place measures to ensure that land uses are consistent with the identified function, capacity, and performance standards of a State or City facility when the plan amendment has a significant effect on that facility. The TPR defines "significant effect" as reducing performance below the minimum acceptable standard in the relevant plan, or worsening the performance of a facility otherwise projected to perform below the minimum acceptable standard. However, a local government may amend a land use plan without applying the performance standards if the proposed amendment is entirely within a multimodal mixed-use area (MMA) (OAR 660-012-0060)."

SECTION 21: SDC APPENDIX 3 GLENWOOD REFINEMENT PLAN POLICIES AND IMPLEMENTATION STRATEGIES, Subsection C.1.a.1. is hereby amended as follows:

"C.1.a.1. Work with property owners to establish Willamette River Greenway Setback Lines for water-dependent and water-related uses in the Glenwood Riverfront."

SECTION 22: SDC APPENDIX 3 GLENWOOD REFINEMENT PLAN POLICIES AND IMPLEMENTATION STRATEGIES, Subsection C.1.b.2. is hereby amended as follows:

"C.1.b.2. Limit recreation and associated improvements within the Riparian Setback to passive activities including, but not limited to: picnicking; pedestrian activities; bicycling; bird watching; fishing; educational, interpretive, and directional signage; and riverfront viewing."

SECTION 23 SDC APPENDIX 3 GLENWOOD REFINEMENT PLAN POLICIES AND IMPLEMENTATION STRATEGIES, Subsection C.1.b.3. is hereby amended as follows:

"C.1.b.3. Locate a multi-use path at the outer most edge of the Riparian Setback to the maximum extent practicable."