

Supplemental Findings

The supplemental findings are attached to Exhibit F to address testimony submitted and issues raised during the final evidentiary hearing process and to provide cross references to pertinent pages that address those same issues within Exhibit F.

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Exhibit F – 1 Supplemental Findings

The supplemental findings are attached to Exhibit F to address testimony submitted and issues raised during the final evidentiary hearing process and to provide cross references to pertinent pages that address those same issues within Exhibit F or other items in the record. Copies of the written testimony submitted were provided in the November 7, 2016 Agenda Item Summary Attachment 3 and at the November 7, 2016 meeting. The City's responses to each of these items were provided in November 7, 2016 Agenda Item Summary Attachment 1, pp. 1-79, and in the staff report oral presentation as documented in the Minutes of the November 7, 2016 Joint Meeting of the City Council and Lane County Board of Commissioners.

The recent testimony received in response to the proposed 2030 Plan amendments is predominantly directed to the CIBL/EOA land need determination and the UGB amendment boundary location, not to the associated policy changes in Exhibits B-1, C-1, D, E. To summarize, those who provided the recent testimony can be sorted into four groupings:

Group 1. Those not included in the proposed UGB who wish to be included in the UGB assert that the City's proposed boundary amendment brings in the wrong lands. (Kloos/Terrell/Johnson Crushers/Willamette Water Company). City violated ORS 197.298. City should stop what it's doing and start over with CIBL/EOA process, City should reconsider Goshen.

Group 2. Those who assert that the City erred by not counting certain developed parcels or small parcels within the existing UGB as available inventory to meet 2010-2030 land needs. (1000 Friends)

Group 3. Those in favor of being included. (North Gateway property owners)

Group 4. Those opposed to being included (Mill Race property owners), concerned about how changes in land use will affect them personally and how infrastructure upgrades will occur.

A. Response to concerns about the CIBL inventory and employment land need determination — submitted by 1000 Friends and others

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

determination — resulting in a reduction of land needed in the UGB expansion from 640 to 223 acres of suitable employment land.

Mia Nelson, representing 1000 Friends of Oregon (1000 Friends) presented oral testimony at the September 12, 2016 hearing and submitted written testimony (letter dated September 12, 2016 and attachments) at the hearing. Ms. Nelson stated that she is not able to support the proposal completely because it is her opinion that the City has a lot of vacant and underutilized land and extending infrastructure to any of the areas outside the UGB is expensive. In her written testimony she raised three issues, all related to the need for employment sites as identified in the City's CIBL/EOA and the City's policy response to those needs. 1000 Friends agrees about the number of large sites Springfield needs. 1000 Friends disagrees with some of the data used in the CIBL/EOA and with some of the City's policy choices. Ms. Nelson disagrees with the City's land need determination and asserts that the City's inventory did not properly assess or quantify sites or portions of sites within the UGB, and thus more land should be assumed available to meet Springfield's identified employment land needs via redevelopment on such lands, reducing the number of sites and overall amount of land needed in the UGB expansion.

In summary, 1000 Friends asserts:

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

In her letter, Ms. Nelson posed questions about how specific sites inside the UGB were classified in the analysis, and submitted attachments that identify sites 1000 Friends thinks should be counted as inventory to meet Springfield's identified employment land needs.

The documents submitted into the record by 1000 Friends to describe specific sites inside the UGB is not contemporary with the City's inventory data, thus the data submitted is irrelevant to the inventory. The City examined the testimony and documents submitted by 1000 Friends and found the arguments and interpretations made to be flawed. The list of sites in the 1000 Friends letter and (and attachments labelled 1-14) depict maps and parcel size information about existing developed Springfield sites, with parcel lines, site development and improvements as they are described by data accessible in 2016. It is important to note that information submitted by 1000 Friends in 2016 is more recent information than the data used in the City's analysis. The CIBL/EOA reflects the parcel lines and improvement values as of July 2008 for the purposes of the 2010-2030 planning period of the 2030 Comprehensive Plan. Thus Ms. Nelson's testimony sets up an apples-to-oranges comparison of some parcels or tax lots as they existed

in the 2008 inventory vs. conditions as they may exist today. The altered¹ tax lot maps and air photos placed into the record by 1000 Friends creates potential to confuse decision makers because development, land divisions and property owner transfers have occurred since July 2008. City staff considered the information submitted and provided correct information from the CIBL database to address sites identified in the 1000 Friends letter and attachments. (November 7, 2016 Agenda Item Summary ATT1, Exhibit A-3; Supplemental Record file: CIBL Inventory) This information was shared with Ms. Nelson at a meeting with staff Pauly on October 6, 2016. Ms. Nelson was also given a digital copy of the CIBL database, along with information to help her read the data fields in the MS Access file.

ORAR 660-009-0010(5) allows an EOA to be based on information available or collectible at the time of preparation of the analysis, and none the information submitted by 1000 Friends indicates that it is unreasonable for the City to continue to rely on the CIBL/EOA inventory and analysis. In fact, the City finds that the aerial photos Ms. Nelson submitted in her attachments actually help tell the critical story about Springfield's deficient employment land supply — Springfield lacks suitable large sites to accommodate its target industry employers in the 2010-2030 planning period. If Ms. Nelson and 1000 Friends were successful in convincing the local officials or others on appeal that some or all of the sites depicted in her attachment should/must be assumed as the City's land inventory of sites available to accommodate desired jobs and employment growth for the 2010-2030 planning period, the City would not be able to meet its objectives of growing and diversifying the local, regional and state economy. That outcome would be contrary to the intent of Goal 9.

The following supplemental findings demonstrate that the City has considered the issues raised by 1000 Friends and explain the City's response to those concerns. 1000 Friends agrees with the number of large sites Springfield needs, but disagrees with the assumptions and policy choices used in the City's CIBL/EOA inventory work, the results of applying those assumptions to determine Springfield's employment land needs, and the City's land use policy choices in response to those needs. It is the City's position that the methodologies applied, the assumptions used and policy choices made in the CIBL/EOA are consistent with the applicable Oregon Statutes and Administrative Rules and are based on substantial evidence as explained in the CIBL/EOA and in the City's relevant findings under Goal 9 and 14.² The CIBL/EOA explains how tax lots were classified in the CIBL inventory and how lots classified "vacant" and potentially redevelopable" were evaluated based on substantial evidence, citizen involvement and the professional expertise of the City's consultant ECONorthwest. The City therefore continues to rely on the comprehensive and expert CIBL/EOA in support of its decision.

ORAR 660-009-0015(3)(b) Inventory of Industrial and Other Employment Lands

ORAR 660-009-0005(3) Industrial Use

ORAR 660-009-0005(13) Total Land Supply

¹ The 1000 Friends attachments include annotations drawn over air photos and tax lot maps to depict hypothetical "sites."

² See Exhibit F Findings under ORAR 660-009-0020(1) Policy commitment to designate adequate sites and facilities, page 67-78 for Springfield's policy commitments to enable and foster redevelopment.

OAR 660-009-0020(1) (b), (c) Industrial and Other Employment Development Policies

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

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

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

Adjacent contiguous tax lots or portions of tax lots that were being used in conjunction with the primary use of the site (public and private utilities and infrastructure, outdoor materials and equipment storage, storage, log yards and decks, ponds, etc. for paper and lumber mills, wood products manufacturing, freight service and agricultural use) were inventoried together, assumed to be needed for the operations of the primary use and thus were not assumed as available inventory to meet Springfield’s identified land needs. The City’s analysis of contiguous tax lots and employment sites within a plan or zoning district is consistent with OAR 660-009-0015(3)(b).

OAR 660-009-0005 (3)

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

OAR 660-009-0005(6)

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

OAR 660-009-0005 (13) states:

"Total Land Supply" means the supply of land estimated to be adequate to accommodate industrial and other employment uses for a 20-year planning period. Total land supply includes the short-term supply of land as well as the remaining supply of lands considered suitable and serviceable for the industrial or other employment uses identified in a comprehensive plan. Total land supply includes both vacant and developed land.

ORAR 660-009-0020 (1)(b)

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

A common theme runs through the three issues addressed in Ms. Nelson's testimony dated September 12, 2016 — the use of industrial land in Springfield (as classified in the City's 2008 CIBL inventory, as currently used in 2016 and how such land, tax lots, or portions thereof could/should be used in the future). Thus the City's Supplemental Findings address three interrelated issues raised by 1000 Friends to explain their relationship, as well as the relationship of these issues with concerns previously raised by Ms. Nelson and 1000 Friends in response to earlier iterations of the CIBL/EOA in the 2030 planning process.

The sites identified by 1000 Friends are needed to accommodate heavy industrial uses for which they are currently and appropriately planned, zoned and developed. The City is required to maintain a short-term supply of land that provides a range of site sizes and locations to accommodate the market needs of a variety of industrial and other employment uses. The City does not have substantial evidence to support adoption of a public policy — Springfield's employment land base— that relies on 1) an assumption that all of these sites are likely to be redeveloped during the 2010-2030 planning period; and 2) a proposal by the City to redesignate these sites for non-industrial uses. It is common knowledge in the land use planning field that industrial land is in short supply. Market pressures to convert industrial land to other uses is strong and will only increase as Springfield and other Oregon cities keep their UGBs as compact as possible. These heavy industrial uses and sites are not quite as "interchangeable" as 1000 Friends appears to suggest. It is easy to assert that such sites or portions of sites can be re-zoned or up-zoned to allow new or different uses on existing industrial sites and land uses instead of expanding the UGB to provide suitable land with the required characteristics of needed sites. But such assertions are backed by no evidence to demonstrate that such lands can or are likely to be redeveloped to meet Springfield's identified site needs within the planning period. For the reasons that follow, there is no basis to assume that Springfield can entirely meet its identified employment needs on such sites.

Contrary to Ms. Nelson's assertions, Springfield's inventory and analysis of its existing employment land base was rigorous and left no stone unturned. Before expanding the UGB, the City examined the

capacity of land within the existing UGB to accommodate employment growth, including sites where it is reasonable to assume that increased employment capacity on a site would occur within the planning period through redevelopment.

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

Springfield's Redevelopment Analysis. Before expanding the UGB to provide needed employment sites 5 acres and larger, the City identified and evaluated potentially redevelopable land in sites 5 acres and larger land within the existing UGB to accommodate employment growth through redevelopment. (CIBL/EOA pp. 27-38). The City's CIBL/EOA includes a Redevelopment Analysis. In that analysis, ECONorthwest applied a rigorous and reasonable evaluation of redevelopment potential. The City's database, prepared by ECONorthwest, classified tax lots as "redevelopable" (CIBL/EOA p. 32 Map 2-6: Potentially Redevelopable Commercial and Industrial Land City of Springfield). "Potentially redevelopable" sites were identified, examined and evaluated for their likelihood to provide suitable sites to meet identified land needs in the 2010-2030 planning period. The City's analysis concluded that 22% of needed jobs will locate on lands classified as "potentially redevelopable." The City's CIBL/EOA clearly explains the methodology and criteria ECO used to classify sites in the study and how "potentially redevelopable" sites were identified for the purpose of the study. (CIBL/EOA pp. 27-38).

CIBL/EOA Table 2-12 provides explanation for each "Potentially Redevelopable" site 5 acres and larger. As allowed under OAR 660-009-0015(3)(b), adjacent tax lots or portions of tax lots that were being used in conjunction with the primary use of the site (outdoor storage, log yards, ponds, etc.) were inventoried together, were assumed to be needed for the operations of the primary use, and thus were not assumed as available inventory to meet Springfield's identified land needs. Examples of this instance are on page 36 tax lot 1702320000100 (paper mill), tax lot 18021000000900 (wood products manufacturing), page 37 1702280000500 (agricultural uses), 1702332101219 (mini storage), 1702311200100 (lumber yard), and page 38 1702300001910 (freight service business).

Only land that is "likely to be redeveloped during the planning period" is required to be considered as available land to meet the City's identified site needs, pursuant to OAR 660-009-0005(1) which addresses "non-vacant land that is likely to be redeveloped during the planning period" as a category of "Developed Land" (emphasis added):

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

"Redevelopment is development that occurs on a tax lot that creates more employment space or capacity that the current use, and thus an increase in density on the tax lot."³

³ Statement by ECONorthwest, CIBL/EOA, p. 27.

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

One “Potentially Redevelopable” site larger than 20 acres was assumed as available inventory to meet identified needs in the 20-acre and larger size category (CIBL/EOA page 33), a site in the Jasper Natron area with multiple constraints on it that has been planned and zoned for Special Heavy Industrial use since the 1980’s. The 2030 Plan amendments address this site, as explained in the City’s Findings Exhibit F, page 69-72. Six “Potentially Redevelopable” sites in the 5-20 acre category were assumed as available inventory to meet identified needs, as addressed in the City’s Findings Exhibit F, page 72. See additional findings under section B below. The City’s analysis assumes all need for sites smaller than 5 acre will be met within the existing UGB.

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

1000 Friends Issue 1. CIBL/EOA Table 5-2 Average size of needed sites in the 20 acre and larger category. 1000 Friends takes issue with the average size of needed industrial and commercial and mixed use sites assumed for needed sites in the 20-acre and larger size category. The other site size averages in Table 5-1 (5-20 acres, 2-5 acres, 1-2 acres, less than 1 acre) are not challenged. The average site sizes in Table 5-1 are based on empirical analysis of the size of Industrial and Commercial tax lots with employment in Springfield in 2006. This analysis involved relating covered employment data to tax lots in Springfield.⁴ Ms. Nelson asserts that the City erred when it relied on historic site size data and confidential Quarterly Census of Employment and Wages (QCEW) covered employment data to determine the average size of needed industrial and commercial mixed use sites larger than 20 acres.

This assertion is contrary to testimony by Ms. Nelson in response to the 2009 Draft CIBL/EOA. In her letter addressed to Mayor Leiken and the Springfield City Council, dated January 19, 2010, she requested that the city abandon the more aspirational land need in the 2009 draft CIBL/EOA and stick to the “historic pattern” of site needs shown in 2009 Draft CIBL/EOA Table C-10. She repeated that same

⁴ CIBL/EOA p. 78.

request in her letter to the Springfield and Lane County Planning Commissions dated March 14, 2010 (p. 6), commenting on the 2009 Draft CIBL/EOA, which identified a need for a 640-acre UGB expansion:

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

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

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

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

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

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

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

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

There are several problems with Ms. Nelson’s statement and 1000 Friends’ assertion that the CIBL/EOA’s average site size of sites larger than 20 acres is excessive. First, the City’s policy objective is to provide suitable large sites for a range of industries to diversify the economy. The City’s choice of average site size is supported by data in the CIBL/EOA about the need for large sites. Second,

Springfield's list of target industries,⁵ includes such "legacy" – type industries, and that some of these will require large sites:

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

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

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

"There are a number of "legacy" industries in Springfield, such as the struggling Weyerhaeuser paper factory and the Rosboro log yard. The mothballed Sony factory is another example...The future viability of Springfield's various industries has to be considered when assessing redevelopment potential."

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

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

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

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

Springfield’s CIBL/EOA properly balances these more aspirational “target” land needs for specific types, sizes and locations of sites, with practical and reasonable assumptions about continuation of existing land uses and redevelopment opportunities within the existing UGB land supply. The 2030 land supply must be designated to provide sites suitable to accommodate “target industries” or the City and region will not be able to provide sites for those jobs the city aspires to. The CIBL/EOA includes ample assessment of redevelopment potential. Tax lots classified as “Potentially Redevelopable” in the CIBL inventory are reflected in CIBL/EOA Table 5-1. “Potentially Redevelopable” sites in each site size category are assumed to increase employment capacity on the redeveloped site. The assessment of redevelopment potential examined each “potentially redevelopable” site larger than 5 acres and, based on policy direction from the City Council in regard to assumptions and based on the professional judgment of ECONorthwest and local planning staff about each particular site, the City’s analysis identified sites that are reasonably likely to provide redevelopment opportunities in the 2010-2030 planning period. 1000 Friends to substitute 1000 Friends speculative assessment for Springfield’s 8 years of careful data analysis and local policy decisions.

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

1000 Friends seems to be suggesting that the City is required to or should rezone every heavy industrial site occupied by a use not in the City’s list of “target industries.” Ms. Nelson seems to be suggesting that the City’s analysis must/should assume that those “legacy” use businesses and jobs will disappear and that every tax lot will be available for redevelopment for “target industries” within the 20-year plan horizon. The City disagrees and has received no substantial evidence to support such a claim. The local government’s decision must be based on substantial evidence.

Springfield’s CIBL/EOA properly balances reasonable assumptions about aspirational “target industry⁶” land needs for specific types, sizes and locations of sites based on 1) site needs data about “target industries;” and 2) average sizes of commercial and industrial sites in Springfield. Springfield’s target industries have varied site needs. The CIBL/EOA land need determination is based on the City’s assumptions and policy choices that are centered on accommodating the majority of employment

⁶ Ibid.

growth needs within the existing UGB — partly through redevelopment of some sites inventoried in the CIBL, and in addition to meeting all of the residential growth needs that the City’s 2011- acknowledged plan assumes will be 100% accommodated within the existing UGB.

The CIBL/EOA assumes that the commercial and industrial land base will continue to be needed to support employment use (as it existed at the time of the 2008 inventory) *and* to support a sizable portion of the 46% of employment growth that is assumed to not require vacant land⁷. Springfield’s CIBL/EOA is based on reasonable but aggressive assumptions about redevelopment opportunities within the existing UGB land supply. Springfield’s CIBL/EOA is based on substantial evidence, not speculation. The purpose of the UGB expansion is to provide employment land sites with characteristics that cannot be found within the existing UGB. 1000 Friends seems to imply that employers will find sites with the needed site characteristics within the existing UGB, but has not presented substantial evidence to explain that hypothesis.

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

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

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

Use of confidential data in the CIBL/EOA land need determination analysis. Ms. Nelson questions the data used in Table 5-2. It is important to note that the City requested data from the Quarterly Census of Employment and Wages (QCEW) Program to be used by ECONorthwest in the City’s employment land analysis and the City signed a confidentiality agreement regarding use of that data. The United States Department of Labor, Bureau of Labor Statistics web page⁸ provides information about QCEW:

“The Quarterly Census of Employment and Wages Program is a cooperative program involving the [Bureau of Labor Statistics](#) (BLS) of the [U.S. Department of Labor](#) and the State Employment Security Agencies (SESAs). The QCEW program produces a comprehensive tabulation of employment and wage information for workers covered by State unemployment insurance (UI) laws and Federal workers covered by the Unemployment Compensation for Federal Employees (UCFE) program. Publicly available files include data on the number of establishments, monthly employment, and quarterly wages, by NAICS industry, by county, by ownership sector, for the

⁷ CIBL/EOA, p. vi. Figure S-1.

⁸ <http://www.bls.gov/cew/cewover.htm> accessed on October 18, 2016

entire United States. These data are aggregated to annual levels, to higher industry levels (NAICS industry groups, sectors, and supersectors), and to higher geographic levels (national, State, and Metropolitan Statistical Area (MSA)).”

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

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

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

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

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

1000 Friends Issue 1 Conclusion. The City considered the materials submitted by 1000 Friends and concludes that there is substantial evidence in CIBL/EOA to demonstrate that the average size of needed sites the City chose is based on substantial evidence about large sites in Springfield and on substantial evidence about the needs of the City’s target industry employers. 1000 Friends testimony does not explain why it is unreasonable for the City to rely on this evidence and analysis.

1000 Friends Issue 2: City failed to re-designate surplus industrial sites to meet its commercial deficit.
Large commercial and industrial sites are interchangeable.

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

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

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

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

The City’s findings explain how the existing land base in Springfield is assumed to provide sites for substantial amounts of redevelopment in the 2010-2030 planning period - including land to meet all residential land needs without expanding the UGB, and sites to provide employment growth that does

not require vacant sites. There is substantial evidence in CIBL/EOA to set forth the characteristics of needed commercial and mixed use sites and the City's findings provide substantial evidence to explain how the proposal meets OAR 660-024-0050(4). See also letter from Jeffrey Condit dated October 27, 2016.⁹

1000 Friends Issue 2 Conclusion. The City considered the materials submitted by 1000 Friends and concludes that 1000 Friends' arguments are speculative and do not constitute substantial evidence the City could rely upon to demonstrate that four industrial sites are suitable and could be assumed available to meet identified need for target industries that require commercial mixed use sites.

1000 Friends Issue 3. Failure to inventory all existing 20-acre sites. Citing Table 5-1, 1000 Friends asserts that several 20+ acre sites were not captured in inventory. As stated on page 2 above, the materials provided in the 1000 Friends attachments depict data describing tax lots and conditions available in 2016, as downloaded by Mia Nelson from the internet in 2016. The City's CIBL inventory was completed by ECONorthwest in July 2008. Some of the lots depicted in the 1000 Friends attachments have changed since the 2008 inventory. Staff provided the correct inventory information to Mia Nelson, but Ms. Nelson did not adjust her testimony to reflect the correct inventory data. Thus staff provided correct information from the CIBL inventory into the record¹⁰ and addressed the sites in these supplemental findings.

The CIBL inventory data is based on the tax lot and constraints data available at time of the 2008 inventory. The CIBL is a "snapshot in time" and Springfield is not required to re-inventory previously inventoried lands to account for changes on or to these sites since the inventory was conducted.¹¹ The following information provides response to the testimony submitted.

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

Brand S Road, Jasper Natron 29 acre mill site 18021000000900 – The City considered and evaluated a 29-acre site in CIBL/EOA Table 2-12 "Site-by-site review of parcels with redevelopment potential, sites 20 acres and larger, Springfield UGB , 2008" p.36. For the purposes of the Commercial and Industrial

⁹ November 7, 2016 Agenda Item Summary Attachment 1, Exhibit A-1, later dated October 27, 2016.

¹⁰ November 7, 2016 Agenda Item Summary Attachment 1, Exhibits A-2, A-3.

¹¹ See Exhibit F Findings, page 145-146 and footnote 127. "The City is not required to "to undertake multiple, shifting iterations of the same analysis as it moves through the planning and adoption process."

lands inventory, the CIBL/EOA concluded that this site does not provide a site in the 20-acre and larger category to meet identified site needs and likely to be redeveloped in the 2010-2030 planning period, based on the data as they existed at the time of the inventory. This tax lot has changed since the inventory. The CIBL inventory is a snap shot in time. The best data at the time of the inventory was used in the inventory. The CIBL data base file is the data set used in the analysis, not maps submitted by 1000 Friends. As noted above, the City may rely on the information available or collectible at the of the preparation of the CIBL/EOA. The City finds that it continues to be reasonable to do so, notwithstanding that some development has occurred since that CIBL/EOA was developed.

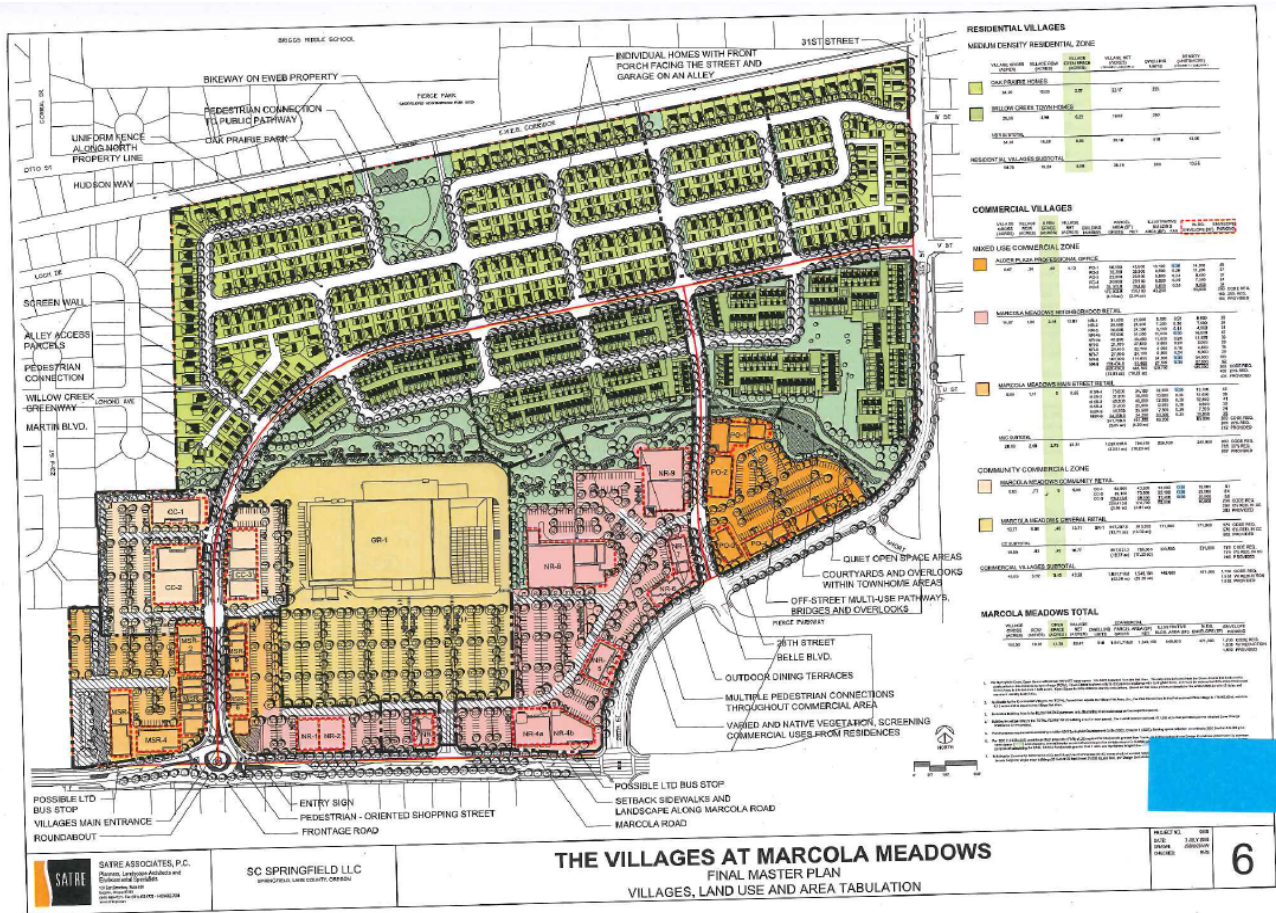
Marcola Meadows. For the purposes of the Commercial and Industrial lands inventory, the CIBL/EOA classified the 44 total commercial acres in the inventory as “master planned,” based on the approved Marcola Meadows Master Plan (CIBL/EOA, pp. 19, 74). The CIBL/EOA concluded that this site does not provide a site in the 20-acre and larger category to meet identified site needs in the 2010-2030 planning period. Nothing in the approved Master Plan¹² requires a 20-acre site to be reserved. Instead, the Master Plan provides “Commercial Villages” sites as follows:

- Area 3 “Alder Plaza Professional Office” 4.47 gross acres*
- Area 4 “Marcola Meadows Neighborhood Retail” 14.87 gross acres*
- Area 5 “Marcola Meadows Main Street Retail” 6.66 gross acres*
- Area 6 “Marcola Meadows Community Retail” 5.83 gross acres*
- Area 7 “Marcola Meadows General Retail” 13.77 gross acres*

Total commercial villages 45.6 gross acres, 42.28 net acres.

Page 1-5 of the approved Master Plan depicts planned locations of 2 residential villages and 5 commercial villages. The commercial villages are located in 5 separate areas of the property and are proposed to be developed in Phases 2 and 4. Buildout of the site as approved will provide sites for four types of retail commercial uses and 4.47 gross acres of land for “professional office” uses to complement the residential villages in the plan. Although the site remains vacant at present, the approved Master Plan is still valid and deed restrictions have been recorded to ensure implementation of the Master Plan including but not limited to: Condition 13 restricting permitted uses to the uses permitted in the Mixed Use Commercial District; Condition 16 restricting limit of commercial buildings to 30 feet when located within 50 feet of LDR District west of Martin Drive; Condition 18 restricting permitted uses to those uses permitted in the Nodal Development Overlay District (SDC 3.3-1010B applicable to the Mixed Use Commercial District). The property abuts low density residential neighborhoods on 3 sides.

¹² City File No. LRP2007-00028 The Villages at Marcola Meadows Final Master Plan, approved July 3, 2008, recorded July 25, 2008.



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

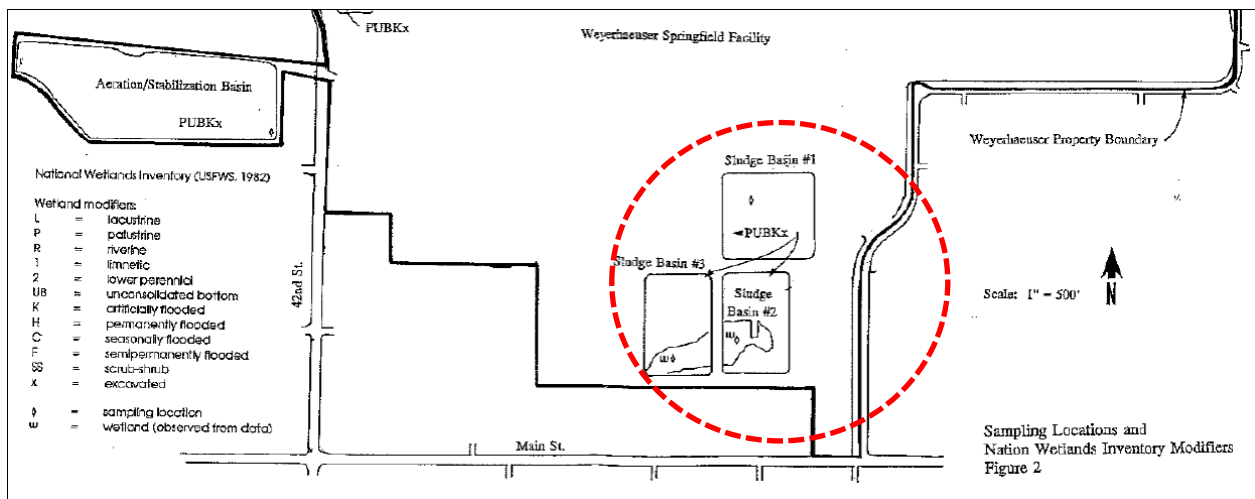
The CIBL inventory is a snap shot in time. The best data at the time of the inventory was used in the inventory. The CIBL data base file is the data set used in the analysis, not maps submitted by 1000 Friends.

CIBL/EOA Table 2-6 p. 19 shows that 161 unconstrained acres (18 tax lots) were classified as “Master Plan” in the inventory. The CIBL inventoried only the portion of the master planned sites that area approved for employment uses. Both Master Plans — Marcola Meadows and PeaceHealth River Bend — also include residential land. Master plan areas are shown in CIBL/EOA Map 2-2.

Weyerhaeuser/IP site southern 75 acres. 1000 Friends identifies this site as a “grass field with no improvements.” 1000 Friends asserts that site contains 30 buildable acres on 3 vacant lots and up to 75

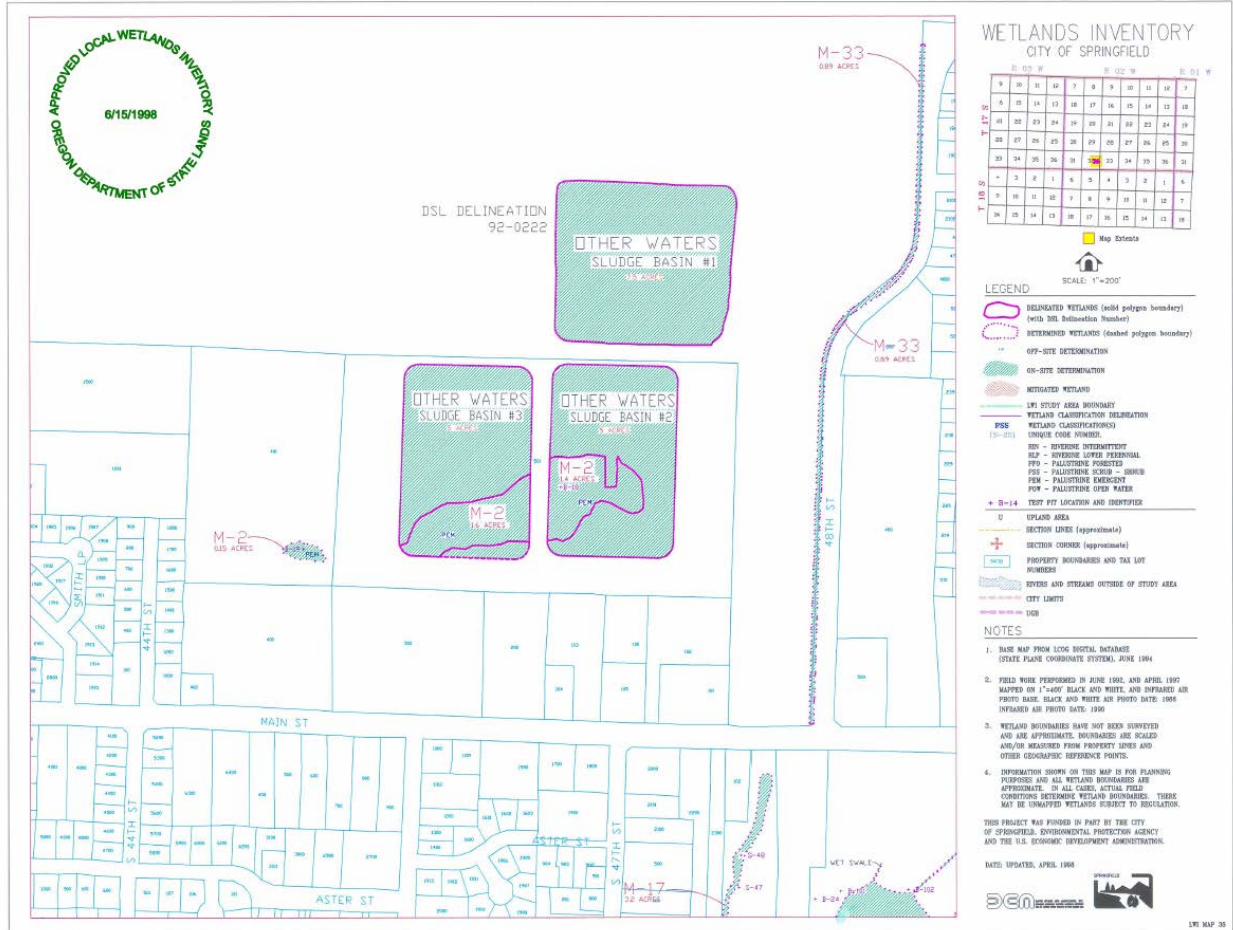
acres across all 4 lots, and states “At least 1 20-acre “potentially redevelopable” site should be counted.” The City considered and evaluated a 115-acre site in CIBL/EOA Table 2-12 “Site-by-site review of parcels with redevelopment potential, sites 20 acres and larger, Springfield UGB, 2008” p.36. For the purposes of the Commercial and Industrial lands inventory, the CIBL/EOA concluded that this site does not provide a site in the 20-acre and larger category to meet identified site needs and likely to be redeveloped in the 2010-2030 planning period, based on the data as they existed at the time of the inventory. The tax lot changed since the 2008 inventory.

City’s use of Local Wetland Inventory (LWI) GIS data in CIBL inventory. 1000 Friends identified an error in the constraints applied to the site in the CIBL inventory. 1000 Friends states that ponds/former ponds on the site were erroneously counted as a wetlands constraint in the CIBL inventory, submitting a 1992 letter from Kenneth Bierly, Oregon DSL Wetlands Program Manager (re wetland delineation report for T17S, R2W, Section 32) as evidence. The letter states that DSL will treat the sites listed in the letter as indicated. The 1992 letter lists Sludge ponds 1, 2 and 3 as “not regulated under Oregon’s Removal-Fill law;” and states “The proposal to utilize the Sludge Basins or log pond to an aeration basin would not be regulated by the Division of State Lands. You should consult with the Corps of Engineers on the application of their regulatory program to the sites.”



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

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



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

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

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

The CIBL inventory is a snap shot in time. The best data at the time of the inventory was used in the inventory — the LWI data in GIS. The CIBL data base file is the data set used in the analysis. At the time of the inventory, this site was part of the larger Weyerhaeuser Springfield Complex infrastructure. The City has considered the information submitted by 1000 Friends, but finds that adding the “sludge ponds” acres to increase the number of unconstrained acres on the site does not change the conclusions about this property in the CIBL inventory for reasons explained below.

1000 Friends suggests that any portion of a site without buildings demonstrates that a site is not needed by the employer, and thus the City could/should assume the site or a portion of the site as available inventory to meet identified land needs. The City disagrees with this interpretation. Adjacent tax lots or portions of tax lots that were being used in conjunction with the primary use of the site (outdoor storage, log yards, ponds, etc.) were assumed to be needed for the operations of the primary use and thus were not assumed as available inventory to meet Springfield’s identified land needs. The following findings explain why this policy choice is reasonable and based on substantial evidence. See also letter from Jeffrey Condit, dated October 27, 2016. ¹³

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

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

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

The City assumed the Weyerhaeuser/IP site as one large industrial complex site. Adjacent tax lots or portions of tax lots that were being used in conjunction with the primary use of this industrial complex (outdoor storage, log yards, ponds, etc.) were inventoried together because they were assumed to be needed for the operations of the primary use and thus were not assumed as available inventory to meet Springfield’s identified land needs. In 2006, the previous owner Weyerhaeuser Company submitted land use permit plans to the City of Springfield (File no. DRC2006-00015 Final Site Plan Equivalent Map). Drawing SPM-04-4405 – L-01 entitled “Weyerhaeuser Springfield Complex” depicts air photo and property features of the entire ownership — including the so-called “sludge ponds” portion of the site and other lands depicted in the altered air photos and tax lot maps submitted into the record by 1000

¹³ November 7, 2016 Agenda Item Summary Attachment 1, Exhibit A-1, later dated October 27, 2016.

Friends. The 2006 “Site Plan Equivalent Map” filed at the City clearly depicts the large development area of the site as one entirety the “Weyerhaeuser Springfield Complex.” The drawing/air photo clearly shows industrial site “development” features on the lots described in Ms. Nelson’s letter (p. 10-13) as land that “*has no improvements and is not being used in conjunction with the paper mill operation; it is a grass field.*” These features include a City sewer running between 42nd and 48th Streets, rail spurs, rail cars, tanks, roads, paved areas, sawdust/wood chip stockpiles, outdoor storage, ponds/remains of ponds, and stormwater management system outfall and monitoring points.

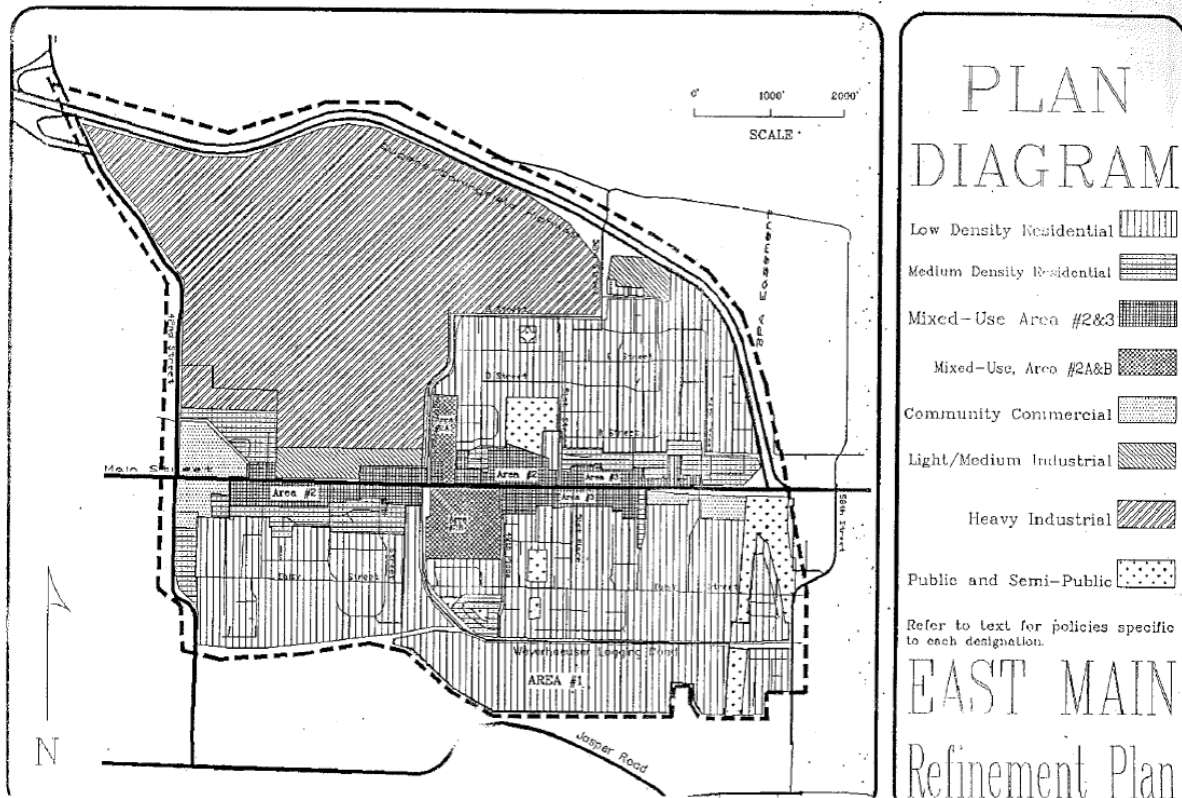
Evidence about this site exists in Springfield File No. DRC 2006-00015. Final Site Plan Equivalent Map Drawing SPM-04-4405-L-01 depicts for property lines, existing development and conditions on the ground for the full extent of the Weyerhaeuser Springfield Complex — including the tax lots mentioned in Ms. Nelson’s letter — as of date of submittal March 2, 2006. The file has a copy of the Assessor’s Maps for the property as configured in 2006: 17022900 tax lots 2900 and 2902 and lots created through Partition File No. 2000-11-0229 ‘Weyerhaeuser/Sierra Pine Partition.’ It is important to note that the 2006 maps clearly shows the property mentioned in Ms. Nelson’s letter as part of the overall Weyerhaeuser Springfield Complex, even though the tax lots mentioned in Ms. Nelson’s letter had been partitioned from the parent lot in 2000. Ownership from Weyerhaeuser to current owner IP EAT Three LLC was not recorded until August 4, 2008 – after the CIBL inventory was completed by ECONorthwest (July 2008). The Lane County Real Property Tax Lot Record shows the existing IP EAT Three LLC parcel 1702320000105 was created from 17023200 00100 in 2009. The Partition Plat map (File No. 2000-11-0229) indicates that Parcel 1 “not surveyed.”

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

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

industries. Staff did not and is not required to conduct analysis to determine if the sludge ponds/former sludge ponds support redevelopment. The evidence provided by 1000 Friends does not change this fact. Again, the fact that some site by site changes have occurred since 2008 (as was inevitable) does not undermine the comprehensive overall analysis in CIBL/EOA.

The City's CIBL/EOA analysis implements comprehensive plan policies intended to preserve the industrial land supply and to support expansion of existing industrial uses. The comprehensive plan (Metro Plan and the applicable East Main refinement plan) designate the entire Weyerhaeuser/IP Complex site for Heavy Industrial land uses¹⁴. The Metro Plan Diagram clearly shows the entire Weyerhaeuser/IP Complex site is designated Heavy Industrial. The Weyerhaeuser/IP Complex site is located within the East Main Refinement Plan¹⁵ area and is designated for Heavy Industrial use. The East Main Refinement Plan Diagram clearly shows the entire Weyerhaeuser/IP Complex site is designated Heavy Industrial:



¹⁴ ORS 197.712(2) ***By adoption of new goals or rules, or the application, interpretation or amendment of existing goals or rules, the Land Conservation and Development Commission shall implement all of the following... (c) Comprehensive plans and land use regulations shall provide for at least an adequate supply of sites of suitable sizes, types, locations and service levels for industrial and commercial uses consistent with plan policies; (d) Comprehensive plans and land use regulations shall provide for compatible uses on or near sites zoned for specific industrial or commercial uses." (emphasis added)

¹⁵ Springfield Ordinance 5432

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

East Main Industrial Element Criterion A states:

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

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

“Heavy Industrial

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

Light Medium Industrial

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

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

- “B.5 Provide existing industrial activities sufficient adjacent land for future expansion.*
- B.10 Encourage opportunities for a variety of heavy industrial development in Oregon’s second largest metropolitan area.*
- B.12 Discourage future Metro Plan amendments that would change development-ready industrial lands (sites defined as short-term in the metropolitan Industrial Lands Special Study, 1991) to non-industrial designations.*

B.16 Utilize processes and local controls, which encourage retention of large parcels or consolidation of small parcels of industrially or commercially zoned land to facilitate their use or reuse in a comprehensive rather than piecemeal fashion.”

(Metro Plan page III-B-4)

East Main Industrial Element Criterion B states:

“Encourage large blocks of Heavy Industrial land.”

East Main Industrial Element Goal 1 states:

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

East Main Refinement Plan Implementation Element p. 10 states:

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

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

The City’s conclusion about the Weyerhaeuser Complex is supported by policies in the comprehensive plan.

The record provides information about the important rail infrastructure existing at this site.¹⁶

OAR 660-009-0005(11)

“Site Characteristics” means the attributes of a site necessary for a particular industrial or other employment use to operate. The 200-acre Weyerhaeuser industrial complex site — the largest in Springfield — is suitable to accommodate rail-served heavy industrial uses. The City needs large industrial sites to accommodate existing and future industrial uses, so it would be poor public policy to assume dissolution of the City’s largest industrial site, as 1000 Friends suggests. The City’s CIBL inventory concluded that the lots or parcels included in the Weyerhaeuser Complex at the time of the inventory were necessary for the continued operation of industrial complex to operate.

¹⁶ Union Pacific Industrial land specialist Sandy Lindstrom provided staff with maps of functional rail lines, spurs and sidings in Springfield. Ms. Lindstrom noted the excellent rail facilities at the Weyerhaeuser complex and stated that such facilities are difficult to impossible to replicate today.

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

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

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

Definition of vacant applied to log decks and storage yards. See also letter from Jeffrey Condit, dated October 27, 2016.¹⁷

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

The City inventoried land in accordance with OAR 660-009-0015. City assessed suitability of “potentially redevelopable” sites, using criteria based on ECONorthwest professional expertise¹⁸, and City’s policy choices, and based on substantial evidence about large sites in Springfield and needs of target industry employers City hopes to accommodate. CIBL/EOA provides adequate explanation for choices made.

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

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

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

¹⁷ November 7, 2016 Agenda Item Summary Attachment 1, Exhibit A-1, later dated October 27, 2016.

¹⁸ ECONorthwest is a reputable economic planning firm “with over three decades of experience helping clients make sound decisions based on rigorous economic, planning and financial analysis”, including considerable experience preparing land inventories and economic opportunities analyses for Oregon communities. <http://www.econw.com/who-we-are> accessed November 17, 2016.

could be re-purposed to accommodate Springfield’s target industry employers. The problem with this line of reasoning is that it assumes that Springfield does not/should not require a land base suitable for heavy industrial uses.

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

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

Heavy Industrial

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

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

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

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

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

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

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

Special Heavy Industrial

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

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

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

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

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

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

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

zones. As used in Section 3.3-400, Floodplain Overlay District, any human-made change to improved or unimproved real estate located within the area of special flood hazard, including, but not limited to, buildings and other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations. As used in Section 3.4-280C., any activity within the Glenwood Riverfront portion of the WG Overlay District that would alter the elevation of the land; remove or destroy plant life; cause structures of any kind to be installed, erected, or removed; or result in a measurable change of any kind. (emphasis added)

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

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

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

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

Springfield’s target industries have varied site needs. The CIBL/EOA land need determination is based on the City’s assumptions and policy choices that are centered on accommodating the majority of employment growth needs within the existing UGB — partly through redevelopment of some sites

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

At the September 12, 2016 public hearing, Ms. Nelson submitted questions regarding constraints data applied in the CIBL inventory – and noting discrepancies regarding FEMA floodway data and Local Wetland Inventory data used in the 2008 inventory. The City considered and addressed those discrepancies. The City determined that the Local Wetland Inventory GIS data, FEMA floodway data and the tax lot data available at the time the inventory was conducted, were used appropriately for purposes of the inventory, and that correction of these discrepancies has no bearing on the results of the 2008 CIBL inventory process and determination of land needs.

The City considered and addressed other constraints data applied in the CIBL inventory on sites highlighted by Ms. Nelson. The City determined that the constraints data (e.g. slopes shown in the GIS data) was used appropriately for purposes of the inventory, and that Ms. Nelson's objections to the City's use of that data has no bearing on the results of the 2008 CIBL inventory process and determination of land needs.

The City applied the same "Absolute Constraints" and other factors as explained in the City's findings under Goals 9 and 14 when it evaluated the potential suitability of lands outside the UGB. The City used GIS data appropriately for purpose of evaluating of potentially suitable land inside and outside the UGB to meet its employment land needs.

1000 Friends Issue 3 Conclusion. There is substantial evidence in the CIBL/EOA, the City's findings and the CIBL data base in the record to demonstrate the City properly inventoried lands as required by Goal 9. There is substantial evidence in the CIBL/EOA, the City's findings and the CIBL data base in the record to demonstrate the City's response to land need is consistent with the applicable provisions of Oregon statutes and administrative rules and applicable provisions of the comprehensive plan.

1000 Friends October 13, 2016 email and attachments. In an email and attachments submitted on October 13, 2016, Mia Nelson representing 1000 Friends posed additional questions about the CIBL inventory. Staff reviewed the information submitted and has concluded that the information submitted did not bring new arguments or information to light that had not already been considered.

Slope constraints. Ms. Nelson questions how slope constraints were identified in the CIBL inventory. There are slope constraints shown in the CIBL inventory data on sites she considers to be flat.

“SLOPE CONSTRAINTS - Somehow objects on the ground were counted as slopes. For example, I’ve attached the USGS topo map for the International Paper site, and it’s so flat, there are not even any contour lines crossing the property. But the site is covered with red (signifying slope) on the constraints map. I cannot tell how much acreage has been wrongly excluded for slope constraint on the BLI.”

Ms. Nelson submitted a topo map of the International Paper site (formerly Weyerhaeuser site at time of CIBL). No contour interval or legend is shown in her map.

The CIBL data base identifies areas of tax lots with slopes 15% or greater as constrained. ECONorthwest used the best available GIS data layer to perform the inventory. The data used is described in the CIBL/EOA p. 14: Source: 10 meter digital elevation model (DEM). File used: slopwes_over_15.shp, accessed 2008. Access. The CIBL data base is in the record.

“Sludge ponds.”

“SLUDGE PONDS - As previously discussed, the ponds are not wetland and there is definitely an extra 20+ acre vacant site there that should be added to the inventory.”

This issue is addressed above.

Master planned sites.

“MASTER PLANNED SITES - Riverbend and Marcola Meadows. It’s impossible to tell how (or if) these were counted as sites. My best determination is that they were not counted at all. That is based on the fact that the EOA page 78 lists 4 commercial and 12 industrial vacant sites in the 5-20 acre site class....I found in the CIBL every one of those 16 sites (at least I think I did), and they were not the master planned sites. I made the attached document that shows all 16 sites, I numbered them and mapped them on the EOA’s vacant land map. I included the CIBL info for the Master Planned entries. Also, I found the Marcola Meadows site plan, and it’s clear now that about half the site is one contiguous commercial area. The EOA says it’s 44 acres of commercial. But it’s not included in the EOA’s tally of sites on page 78 (if it had been, there would be more than just the four 5-20 acre sites, and zero 20+ acre sites, in the EOA’s inventory). I could not find the Peace Health master plan, but suspect that these sites also were not counted.”

This issue is addressed above.

“Maple Island”

“MAPLE ISLAND - I just noticed while doing this work that the entire Maple Island area (that’s one of the proposed 50+ acre sites) is shown as 100% prohibitively constrained, I think due to riparian resources? Why is the city excluding sites already inside the UGB

for prohibitive constraints, but including this site? Shouldn't the same evaluation standards apply inside and outside the UGB?"

It is not clear which document or map Ms. Nelson is referencing in her statement: *"the entire Maple Island area (that's one of the proposed 50+ acre sites) is shown as 100% prohibitively constrained, I think due to riparian resources.*

It is not clear which *"sites already inside the UGB"* Ms. Nelson is referencing in her question.

It is not clear which *"evaluation standards"* Ms. Nelson is referencing in her question. The City's proposed plan amendments and evaluation of lands to meet identified needs are subject to the applicable Oregon statutes and administrative rules that direct how lands are to be evaluated. The City's findings address each applicable planning goal and rule.

Regarding the *"Maple Island"* question, Ms. Nelson may be referring to the Wicklund Trust property included in the North Gateway UGB expansion and to the Goal 5 Natural Resource site #S17 Maple Island Slough/McKenzie River as it affects the Wicklund property and how that property was considered in the City's UGB Location Alternatives Analysis. The City's findings under Goal 5 address Goal 5 resources (Exhibit F Findings, section beginning on page 436¹⁹). River Corridors and Waterways are addressed in the City's findings under Metro Plan Willamette River Greenway, River Corridors, and Waterways Element and Statewide Planning Goal 15: Willamette River Greenway (Exhibit F Findings, section beginning on page 424).

Lane County Goal 5 Significant Riparian Corridors map dated January 2004 shows the McKenzie River Riparian Resource for the Wicklund site outside the UGB. Inventory data used by Lane County to identify Goal 5 Riparian Corridors were:

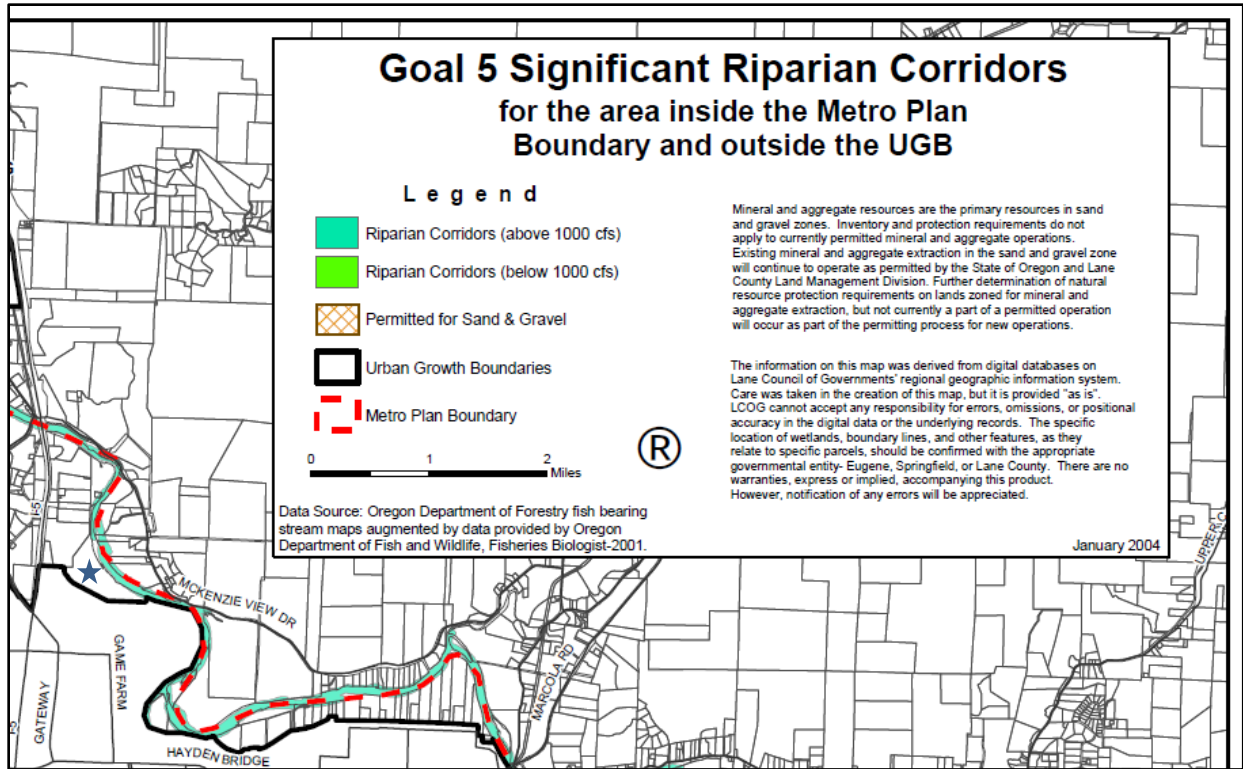
*"Maps of fish-bearing streams compiled by the Oregon Department of Forestry (ODF). Obtained in 2000. The data were verified and augmented by the lead fisheries biologist with the ODFW, Springfield office."*²⁰

*"Riparian Corridors. The map titled Goal 5 Significant Riparian Corridors for the area inside the Plan Boundary but outside the Eugene-Springfield UGB, adopted and incorporated here, shall be used to identify significant riparian corridors for purposes of applying Goal 5 riparian protection provisions (Class I Stream Riparian Protection Regulations) in Lane Code Chapter 16.253 for areas outside the UGB and inside the Plan Boundary. The map is on file at the Lane County Land Management Division."*²¹

¹⁹ Exhibit F Findings, p. 439 identify Goal 5 Resources located within or in proximity to Springfield's proposed UGB expansion areas. These include wetland M20 Maple Island Slough and riparian resource S17 Maple Island Slough.

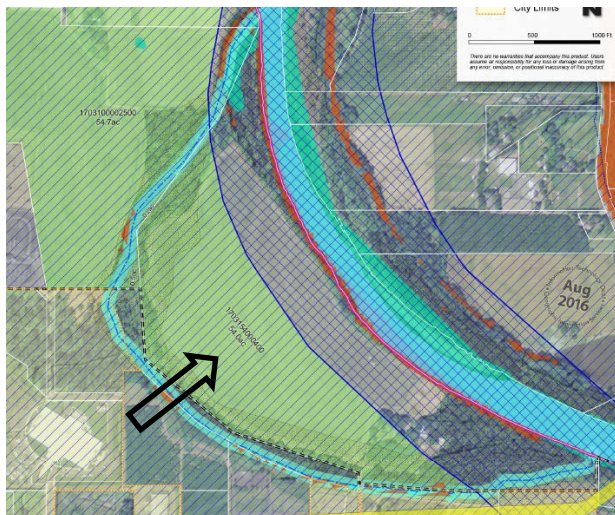
²⁰ Lane County Statewide Planning Goal 5 Compliance for Wetland, Riparian Corridor, and Wildlife Habitat. (LCOG document center, <http://www.lcog.org/DocumentCenter/Home/View/120>)

²¹ Ibid



Excerpt from Lane County Map: Goal 5 Significant Riparian Corridors, January 2004 (emphasis added)

★ = Wicklund Trust property



Excerpt of Map: Proposed UGB Expansion Area – North Gateway²², showing unconstrained land in green (arrow added to indicate Wicklund Trust property)

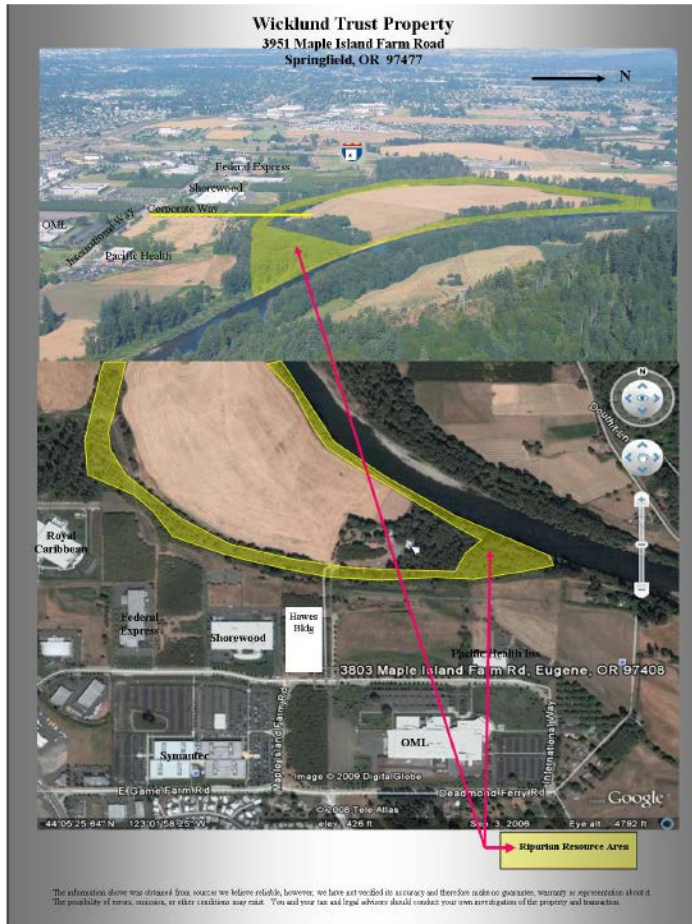
As stated in the City’s findings, footnote 13 on page 439, the mapping of Goal 5 natural resources on this property was brought to the City’s attention when Earle Wicklund submitted a letter dated March

²² This map is include as Exhibit A-4-2 in the subject Springfield 2030 Plan amendments ordinance

4, 2011 questioning the depiction of riparian resource areas as constraints on land located outside the UGB owned by Wicklund Trust in several maps that were circulating as part of the City’s residential and commercial/industrial land studies. The maps specifically identified in the Wicklund letter were “Employment Opportunity Area 1 North Gateway Area” (*“hand out during a late fall planning meeting”*) and “Map 3-4 Residential Land by Classification and Constraint Status,” a map dated July 2009 included in the Residential Land and Housing Needs Analysis Draft Report.²³ Mr. Wicklund questioned why the farmed area between the Maple Island Slough and the McKenzie River was included in maps of riparian resources. The Wicklund Trust property abuts the UGB along the Maple Island Slough. The letter stated *“there is no record the entire Trust property was co-adopted as riparian resource by Lane County”* and asked the City to produce information to address this concern. Mr. Wicklund asked the City to produce the document that *“depicts the Riparian Resource constraint on the ENTIRE Trust property for the first time so that I can reference it at appeal or during the public hearing process.”*

Page 5 of the Wicklund letter includes the following graphic:

²³Map 3-4 was included in Attachment 2 of meeting packet materials for the February 22, 2011 Joint City/County Work Session: SPRINGFIELD 2030 REFINEMENT PLAN AND URBAN GROWTH BOUNDARY STEP ONE: PROPOSED AMENDMENTS TO THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN TO COMPLY WITH HB3337 (ORS 197.304).



Staff conducted research of Natural Resource inventory adopting ordinances and studies to investigate this matter and found nothing to refute Mr. Wicklund’s statement: *“there is no record the entire Trust property was co-adopted as riparian resource by Lane County.”*

On September 15th, 2004 Lane County adopted ordinance PA 1215: criteria for determining significant Goal 5 riparian or wildlife habitat sites outside the Springfield City Limits and within the Springfield Urban Growth Boundary; and an updated Goal 5 inventory for resource sites outside the Springfield City Limits and within the Springfield Urban Growth Boundary. Section 2 of Ordinance No. 1215 clearly states that the inventory adopted is the inventory for lands *“that, as of September 15, 2004, are located outside the city limits and within the UGB of the City of Springfield:*

“The list and map(s) (Which consist of 7 tiles) entitled Springfield Inventory of Natural Resource Sites, attached as Exhibit B are hereby adopted as part of the inventory of significant Goal 5 resources for those areas listed/depicted thereon that, as of September 15, 2004, are located outside the city limits and within the UGB of the City of Springfield.” (emphasis added)

The County’s findings in support of Lane County ordinance PA 1215, Exhibit C, page 3, Goal 3, finding 11: “These amendments do not apply outside the urban growth boundary...”

The County’s findings in support of Lane County ordinance PA 1215, Exhibit C, page 4, Goal 5, finding 13:

“The proposed amendment to the Metro Plan updates the Natural Assets and Constraints Working Papers to include an updated inventory and revised significance criteria that are consistent with OAR 660-23-030. The Springfield Inventory of Natural Resources Sites replaces the criteria and inventoried sites within the Springfield UGB that are listed in the “Significant Vegetation and Wildlife Areas” table in the Natural Assets and Constraints Working Paper. The Inventory does not replace the working paper criteria or sites listed within the Eugene UGB or those sites within the exclusive jurisdiction of Lane County. The Inventory updates the significance criteria used to identify Springfield resource sites as well as the list of sites that fit those criteria.
(emphasis added)

Lane County Ordinance No. 1233 “In the matter of adopting the Springfield Natural Resource Study for application outside the Springfield City limits and within the Springfield Urban Growth Boundary” was adopted July 12, 2006. Section 1 of the ordinance states: “The Springfield Natural Resource Study attached as Exhibit ‘A’ ²⁴is adopted for application on the urbanizable lands within the Springfield Urban Growth Area.” On the same day, the County approved an ordinance (Ordinance No. 4-06) amending Lane Code Chapter 10, implementing protection measures for identified natural resource areas.

Lane County Ordinance No. 5-04 amended the Lane Code Chapter 16 to apply the Goal 5 “Safe Harbor” inventory and protection provisions to regulate development within the riparian corridors for the area between the UGB and the Metro Plan Boundary. Lane County chose to apply the “safe harbor” protections provided for riparian, wetlands and wildlife habitat resource sites in Statewide Planning Goal 5 (OAR 660-023-0090, 0100, and 0110).

The CIBL inventory of land within the UGB was the subject of considerable public review as it was compiled and presented in 2008-2009 and has been available for scrutiny by the public for more than eight years. Discrepancies regarding constraints data applied in the City’s land inventory process that were brought to light by members of the public and evidence presented by members of the public were reviewed and addressed as part of that review. As alternative areas and sites for meeting land needs were considered and studied between 2009 and 2016, many maps were prepared and made available for public review. Discrepancies regarding constraints data applied in the study or other data shown in UGB concepts and study area maps that were brought to light by members of the public were reviewed and addressed as part of that review.

The City’s analysis of potentially suitable employment land outside the UGB considered the evidence in Lane County’s Goal Natural Resources data, the Springfield Natural Resources Study, the Springfield

²⁴ Lane County Ordinance No. 1233 Exhibit A is the Springfield Natural resources Study Report, October 2005.

Wetland Inventory, the Springfield Water Quality Limited Watercourses Map, Eugene-Springfield Metropolitan Natural Resources Study inventory documentation, information submitted by property owners and members of the public, and GIS-based analysis. The City determined that the Wicklund Trust property is not as Ms. Nelson suggests “100% prohibitively constrained.”

Goal 5 resource inventories for the Wicklund site in accordance with OAR 660-023-0030 and amendment of the Springfield Natural Resources Study will be required prior to approval of a plan amendment or zone change that permits urban development on the site, as described in Urbanization Element Policies 47 and 48.

Urbanization Element Policy 50 requires an update of the Water Quality Limited Watercourses Map to address the areas added to the UGB. Maple Island Slough is a feature that straddles the existing UGB along the southern boundary of the Wicklund Trust property. The slough is on the Water Quality Limited Watercourses Map.

Conclusion: Maple Island Slough constraint data. The City considered and has addressed 1000 Friends question. The City previously investigated questions about the mapping of the natural resource on the Wicklund Trust property (in 2011) and based its decisions about constraints present on the property based on substantial evidence. The City properly used Lane County Natural Resource map data to identify riparian resource areas and wetlands in its evaluation of potentially suitable lands located outside the UGB and within Lane County’s jurisdiction. Use of this data had no bearing on the results of the 2008 CIBL inventory of lands within the UGB.

1000 Friends “CIBL Recap” attachment. In her emailed attachment entitled “CIBL Recap” Ms. Nelson submitted annotated enlargements of a map from the CIBL/EOA Map 2-4– already in the record, and pages reproduced from the regional Land Information Data base (RLID) with no explanation of why they are attached.

The existing Heavy Industrial (HI) zoning district would not provide suitable sites for some desired target employers. The City would need to re-zone land and in doing so, existing HI land uses would become non-confirming uses in the zone. Upzoning land before economic conditions support feasibility of redevelopment has potential to produce negative effects and is not sound public policy, thus the CIBL and 2030 Urbanization studies have not recommended such re-zoning.

1000 Friends would need to present substantial evidence before the decision makers to demonstrate that 1) these sites possess the characteristics of needed sites identified in the CIBL/EOA; and 2) that these sites will be available in the planning period ending 2030 to address Springfield’s deficit of sites larger than 20 acres, and thus eliminating or reducing the need to expand the UGB. 1000 Friends has failed to provide such evidence.

The City reviewed and considered the information submitted by 1000 Friends. No substantial evidence was submitted to demonstrate that the sites identified are suitable and possess the needed site characteristics to meet Springfield’s identified land needs. No substantial evidence was submitted to

support different assumptions about the likelihood of redevelopment to meet identified employment site needs within the planning period. The City’s assumptions, conclusions and policies about the likelihood of redevelopment to meet identified employment site needs within the planning period are reasonable and supported by the evidence in the record.

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

B. Response to challenges to Springfield’s conclusions about meeting employment site needs through redevelopment and land assembly — submitted by 1000 Friends and others

Individuals (Grier, Nelson/1000 Friends, Saul most recently and others over the course of the process as documented in the record) submitted testimony suggesting that Springfield’s need for employment sites — including sites larger than 5 acres — could/should be met entirely through assemblage and redevelopment of smaller parcels. George Grier stated: *“Site needs of many target industries could be met though parcel assembly or by intensive redevelopment or by repurposing underutilized parcels.”*

Staff agrees with Mr. Grier’s statement. Staff finds that these types of challenges to and criticisms of the proposal are not based on a complete reading of the proposal and the evidence in the record. The City’s assumptions and analysis regarding redevelopment must be based on substantial evidence. The CIBL/EOA ²⁵ provides that evidence. Adoption and acknowledgment of the CIBL/EOA and Comprehensive Plan amendments is considered to be urgent for Springfield as it establishes the contemporary factual basis and economic opportunities analysis to support the City’s land use planning decisions, including important decisions about land use, zoning, transportation and infrastructure planning that are necessary to support the aggressive levels of redevelopment assumed in the proposal.

Assumptions about redevelopment and redevelopment that adds employment capacity on a site are incorporated in Springfield’s inventory, analysis, site needs and policy choices as follows.

Springfield concludes that 188 industrial sites and 340 commercial and mixed use sites would redevelop to address land needs over the 20-year period and that all land needs on sites smaller than five acres would be accommodated through redevelopment. CIBL/EOA p. 79, Table 5-3 Comparison of employment land supply and site needs, Springfield UGB, 2010-2030 shows Springfield’s land need is for sites of all sizes. Table 5-1 Comparison of vacant land supply and site needs, industrial and other employment land, Springfield UGB 2010-2030 shows that Springfield concludes that 188 industrial sites and 340 commercial and mixed use sites would redevelop and increase capacity on the redeveloped

²⁵ CIBL/EOA Chapter 5 Land Capacity and Demand, pp. 77-81

sites to address land needs over the 20-year period.²⁶ This assumption — that 528 sites would redevelop to address land needs over the 20-year period has not been mentioned in the testimony received. 427 sites less than 1 acre in size are assumed to provide increased capacity on the redeveloped site. 48 sites 1-2 acres in size are assumed to provide increased capacity on the redeveloped site. 46 sites 2-5 acres in size are assumed to provide increased capacity on the redeveloped site. 6 sites 5-20 acres in size are assumed to provide increased capacity on the redeveloped site. 1 site 20 acres and larger is assumed to provide increased capacity on the redeveloped site.

In summary, the City’s analysis assumes that all “potentially redevelopable” sites smaller than 5 acres may redevelop over the 2010-2030 period. In addition to this assumption, the identified deficit of two commercial and mixed use sites smaller than 5 acres, which would require 6 acres of land is assumed to be met through redevelopment.²⁷ Clearly, assuming that all “potentially redevelopable” sites smaller than 5 acres may redevelop in ways that increase employment capacity on a site over the 2010-2030 period is an aggressive assumption for Springfield to make. The City can justify that assumption because of its focused efforts to support redevelopment within the Glenwood and Downtown urban renewal districts and its policies and plans supporting economic development, business growth and redevelopment throughout the City’s business and employment districts.

The CIBL/EOA (pp. 82- 98) identifies site size as a characteristic of needed sites, stating: *“The demand for employment sites (summarized in Table 5-1) is driven by expected employment growth in industries that have historically needed sites in different size groupings.”* (emphasis added) *“Table 4-2 summarizes the Comprehensive Plan designations where Springfield’s target industries are allowed within Springfield’s UGB.”* The City’s analysis assumes some target industries will find sites to meet their needs on sites designated for those uses. The land supply within the existing UGB that is designated for industrial and other employment uses will continue to accommodate existing uses, uses that do not increase employment capacity on a site, and uses that increase capacity on a site.

After assuming that all site needs for sites smaller than five acres would be addressed through redevelopment, the City’s analysis examined all “potentially redevelopable” lots 5 acres and larger within the UGB (CIBL/EOA Table 2-12, pp. 33-38) and considered whether is it reasonable to assume that all or some of these lots would redevelop in the planning period. The results of that analysis are stated in CIBL/EOA p. 38.

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

²⁶ CIBL/EOA, Table 5-1, p. 78.

²⁷ CIBL/EOA, p. 79.

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

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

“For the purposes of this study, redevelopment must add capacity for it to be relevant to the buildable lands inventory.”²⁸

The City concluded that some, but not all “Potentially Redevelopable Sites 5 acres and larger are likely to be redeveloped during the planning period.” It is important to note that what is often lost in discussions about meeting growth needs through redevelopment is an unspoken assumption that existing land uses (businesses and homes) that would be displaced by such “re-purposing” will choose to or be able to find other sites on which to locate within the planning period to “free up” a supply of suitable land for such redevelopment. Therefore, it is appropriate and reasonable public policy to assume that 100 percent of all lots that are classified as “potentially redevelopable²⁹” — based on empirical data for the purposes of the inventory — will not be available to meet identified employment land needs within the planning period and thus are not likely to be redeveloped during the planning period, as the City concluded based on the expertise of the City’s consultant ECONorthwest.³⁰ Such a conclusion is not required under goals 9 and 14. Such a conclusion also would be based on a limited or faulty understanding of Springfield’s land supply and the City’s adopted plans and policies for accommodating its 20-year residential and employment growth needs within that land supply.

The results of the CIBL/EOA Table 5-4 show that Springfield has determined the need for two industrial sites larger than 20 acres and five commercial and mixed use sites 5 acres and larger, and a total land need of 223 acres that cannot be met within the existing UGB.

Land assembly.

OAR 660-009-0005(2)

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

²⁸ CIBL/EOA, p. 27.

²⁹ CIBL/EOA p. 11.

³⁰ CIBL/EOA, pp. 33-38 Evaluation of Potentially Redevelopable Land in Sites 5 Acres and Larger.

CIBL/EOA page 89, 93-94, 97-98 and Exhibit F Findings, p. 123-126 address the issue of land assembly. Fragmented ownership is widely recognized — even by smart growth advocates—as one of the most challenging aspects of infill development because

- land cost can be high compared to undeveloped sites;
- real estate is generally more expensive in infill locations than in outlying areas;
- multiple owners increases property negotiation times with corresponding higher transaction and holding costs;
- owners of critical parcels often choose to leverage higher premiums from buyers;
- critical parcels may not be available;
- properties can have lengthy chains of title that must be established before ownership can be transferred;
- coordination of demolition of existing structures and site clean-up across multiple parcels complicates phasing and financing of development, and brownfield sites can have higher underwriting costs associated with evaluating site conditions
- removal of encumbrances (right of way, easements, utilities) across multiple parcels complicates site design, land use approvals, phasing and financing of development;
- site acquisition uncertainty and delays complicate phasing and financing of development;
- financial models used by lending institutions can act as a barrier to financing projects that requires land assembly in areas that have experienced neglect and disinvestment.

Springfield was early to recognize the challenges of land assembly and to develop public investment plans and tools (Glenwood and Downtown urban renewal districts) as incentives to assist developers in overcoming these challenges. Such efforts have had limited success in renewal areas with significant levels of parcel fragmentation, for the reasons stated above.

Redevelopment.

OAR 660-009-0005(1),(14) Definitions

The following findings supplement the findings in Exhibit F, pages 28-32 related to the CIBL/EOA inventory of lands within the existing UGB.

Springfield’s classification of land in the CIBL/EOA added a category: “Potentially Redevelopable.” 1000 Friends (September 12, 2016) asserts that City *must* count certain tax lots identified in their attachments as available inventory to meet Springfield’s land needs, citing the definition of “vacant” land in OAR 660-009-0005(14). 1000 Friends’ argument is without merit because it is not based on a complete reading and understanding of the City’s land classification working definitions and assumptions.

A key step in the City’s inventory and analysis was to classify each tax lot into a set of mutually exclusive categories that would be most meaningful for the purpose of the inventory. The land classifications that Springfield used are different from those in OAR 660-009-0005(14), and were developed after

consideration of important input from the public.³¹ CIBL/EOA p. 8 describes how the City’s consultant ECONorthwest incorporated public input as the working definitions and assumptions were developed. The CIBL Stakeholder and Technical Advisory Committees reviewed the definitions in OAR 660-009-0005 (1) “Developed Land”, and (14) “Vacant Land” to discuss the land classification “criteria” to be applied in the inventory. Redevelopment is a very important local economic development strategy and land use efficiency measure for Springfield that has received strong support by the public. Thus, the City’s inventory added a third land classification category: “Potentially redevelopable.” The committees believed that a more inclusive definition of “vacant land” would provide a more accurate estimate of Total Land Supply as defined by OAR 660-0090005(13):

OAR 660-009-0005 (13)

“Total Land Supply” means the supply of land estimated to be adequate to accommodate industrial and other employment uses for a 20-year planning period. Total land supply includes the short-term supply of land as well as the remaining supply of lands considered suitable and serviceable for the industrial or other employment uses identified in a comprehensive plan. Total land supply includes both vacant and developed land.

The 2030 Plan assumes 22% of needed employment growth will be located on land classified as “Potentially Redevelopable.”³²

CIBL/EOA Table 2-2, p. 9 provides a comparison of the City’s classifications for the purposes of the inventory and evaluation of the total supply of land estimated to be adequate to accommodate industrial and other employment uses for a 20-year planning period. CIBL/EOA Table 2-2 provides a comparison of the City’s three classifications vs. the two definitions in OAR 660-009-0005 (1) “Developed Land”, and (14) “Vacant Land”. 1000 Friends and others have not challenged the land classification system the City applied.

The City’s classification of vacant land is more inclusive than the OAR 660-009-0005(1) “Developed Land”, and (14) “Vacant Land” definitions because more lands were examined for their potential to meet employment needs as follows:

- Applying the rule definition would allow the City to *not even consider* lots less than ½ acre in size. Those lots would have been considered off the table — not available to meet employment land needs. The “vacant” classification in the CIBL inventory includes lots or parcels less than one half acre in size. Thus, more land is considered “vacant” under the CIBL definition than under the rule definition.

³² See Exhibit F Findings under OAR 660-009-0020(1) Policy commitment to designate adequate sites and facilities, page 67-78 for Springfield’s policy commitments to enable and foster redevelopment.

- Applying the rule definition would allow the City to exclude all lots or parcels 5 acres and larger where more than 0.5 acre is occupied by permanent buildings or improvements. Those lots would have been considered developed and not available to meet employment land needs. The “vacant” classification in the CIBL inventory did not automatically exclude all lots or parcels 5 acres and larger where more than 0.5 acre is occupied by pre-existing development. Thus, more land is considered “vacant” under the CIBL definition than under the rule definition. Lots occupied by pre-existing development were visually inspected to make a determination of whether they should be classified as developed or vacant.³³

Because more lands were considered, (not automatically excluded as the rule definition would allow) the City concluded that classification of lands as “vacant” in the CIBL inventory is more inclusive than a strict application of OAR 660-009-0005(14) and provides a better estimate of the "Total Land Supply" that would be adequate to accommodate industrial and other employment uses for a 20-year planning period [OAR 660-009-0005 (13)].

The CIBL classification “developed” is also different than the OAR 660-009-0005(1) definition. The classification of “developed” in the CIBL inventory: “lands that are developed at densities consistent with current zoning/plan designation and improvements that make it unlikely to redevelop during the analysis period,”³⁴ distinguishes “lands that are not classified as vacant, potentially redevelopable, or public are considered developed.” Lands “on which development has already occurred but on which, due to present or expected market forces, there exists the potential that existing development will be converted to more intensive uses during the planning period” are classified as “Potentially Redevelopable.”³⁵

Conclusion: Springfield CIBL/EOA Land Classifications. As shown in CIBL/EOA Table 2-2, page 9, the “vacant”, “developed” and “potentially redevelopable” land classifications applied in the City’s CIBL/EOA probe more deeply into the Springfield’s land base to provide a more accurate picture of the Total Land Supply for analysis purposes than would be provided by applying the two-step/either-or developed/vacant land rule definition. The classifications provide a better estimate of the "Total Land Supply" that would be adequate to accommodate industrial and other employment uses for a 20-year planning period [OAR 660-009-0005 (13)]. The classifications that Springfield chose to use in the inventory and analysis to inform policy development for the 2030 Plan were reasonable, consistent with Goals 9 and 14 and appropriate given the City’s policy choices to rely on redevelopment to meet a significant share of its employment growth (and residential growth) needs in the 2030 Plan.

Chapter 2 of the CIBL/EOA (pp. 5-41) provides thorough explanation of the inventory process, including how the land classifications were assigned to each tax lot in the CIBL inventory. The CIBL/EOA definition states:

³³ CIBL/EOA p. 10

³⁴ Ibid.

³⁵ Ibid. p. 11.

“Vacant land. Tax lots that have no structures or have buildings with very little value. For the purposes of this inventory, lands with improvement values under \$10,000 (2008 Lane County Assessment and Taxation Data) are considered vacant (not including lands that area identified as having mobile homes).”

As explained on page 7, ECO used a multi-step verification process, using the most current data and air photos available at the time, “intended to provide the greatest degree of accuracy possible.”

CIBL/EOA p. 23 Table 2-7 shows vacant and potentially redevelopable land.

CIBL/EOA p. 27-39 addresses capacity to accommodate employment growth through redevelopment. Building off the OAR 660-009-0005(1) definition of “developed land” the City’s analysis screens and sorts through non-vacant lands that to consider which of these lands could be considered “likely to be redeveloped.” The operational definition for the CIBL is:

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

ECO used the criteria on CIBL/EOA pp. 27-29 to analyze the non-vacant lands (including more lands that the City was required to consider under the OAR 660-009-0005(14) definition of “vacant) to determine which lands to classify as “Potentially Redevelopable.” ECO explained their methodology in CIBL/EOA pages 27-31. ECO determined

“Because the improvement of land value ratio is a gross indicator, it is reasonable to assume that not all of parcels that meet this criterion for redevelopment potential will be assumed to redevelop during the planning period.”³⁶

ECO explained the rationale for the City’s policy choice to exclude consideration of lots with lower redevelopment potential criteria from this classification — the “Lower Potential” grouping contains 28% of the City’s total employment land base and 7,107 jobs. Thus it would not be reasonable to assume 28% of the land base will redevelop to increase capacity by 2030.

“The significant amount of land and employment in this category suggests limited redevelopment potential (for a land capacity analysis, redevelopment provides sites for employment growth only when an existing use is replaced by a use that has more employment).”³⁷

Applying this assumption leaves 581 acres of land that were classified as “potentially redevelopable” in in the CIBL land base.³⁸ Use of this assumption was a policy choice by the City that was arrived at after consideration of alternatives by the CIBL Technical Advisory committee, Planning Commission and City Council. Map 2-6, p. 32 depicts the location of the lands classified as “Potentially Redevelopable.”

³⁶ CIBL/EOA p. 29.

³⁷ Ibid. p. 31.

³⁸ Ibid. p. 30.

ECO examined each tax lot classified as “potentially redevelopable” in the land base.³⁹ As previously explained in the CIBL definition of “vacant land” this step evaluated tax lots with existing development that would have been off the table and excluded from consideration had the City applied the rule definition of “vacant land.”⁴⁰ Use of that definition would have allowed the City to exclude all lots or parcels 5 acres and larger where more than 0.5 acre is occupied by permanent buildings or improvements. Those lots would have been considered developed and not available to meet employment land needs. The “vacant” classification in the CIBL inventory did not automatically exclude all lots or parcels 5 acres and larger where more than 0.5 acre is occupied by pre-existing development. Thus, more land is considered “vacant” under the CIBL definition than under the rule definition. Lots occupied by pre-existing development were visually inspected to make a determination of whether they should be classified as developed or vacant.

OAR 660-009-0015(2)

Chapter 4 and Appendix C of the CIBL/EOA address the requirements of OAR 660-009-0015(2) for the City to “identify the number of sites by type reasonably expected to be needed to accommodate the expected employment growth based on site characteristics typical of expected uses. Cities and counties are encouraged to examine existing firms in the planning area to identify the types of sites that may be needed for expansion.” Chapter 4 presents Springfield’s potential growth industries and summarizes employment forecast.⁴¹ Chapter 5 of the CIBL/EOA describes the site needs of target industries.

CIBL/EOA page 60 Figure 4-1 is a graphic showing the process for identifying site needs.

Table A-7, p. 122 shows a summary of *existing* employment. Map A-2, p. 126 shows employment in Springfield by plan designations. Table A-8, p. 127 converts employment to building types.

The trends analysis in Appendix A identified site needs in five types of buildings: Warehouse and Distribution, General Industrial, Office, Retail, and Medical & Government Institutions. Table A-10 and A-11, p. 129 shows percent of employees by building type and site sizes. Table A-12 shows potential growth sectors in Springfield, based on existing concentrations of employment and the Oregon Employment Department’s forecast for employment growth. Pages 130-131 shows the Oregon Employment Department’s list of 25 employment clusters on Lane County, from their report “Oregon’s Traded Clusters: Major Industries and Trends.” Regional business activity is summarized in CIBL/EOA pp. 132-136. Page 158 describes increases and decreases in the share of employment that are forecast. Table C-2 Summary of site requirements, p. 167-170 summarizes the common site needs for target industries and key issues related to sites in Springfield. This table includes examination of the employment land base within the existing UGB.

³⁹ Ibid. pp. 33-38.

⁴⁰ CIBL/EOA Table 2-8 shows that the City’s analysis classified 41.4 total acres in lots less than 0.5 acres, including 29.3 unconstrained acres. Under the rule definition, those sites would not have been considered vacant.

⁴¹ Appendix C provides documentation of the employment growth forecast.

Redevelopment conclusion. The City considered the testimony received and found no evidence to refute Springfield’s conclusions that 188 industrial sites and 340 commercial and mixed use sites would redevelop to address land needs over the 20-year period and that all land needs on sites smaller than five acres would be accommodated through redevelopment. Springfield’s conclusions and policy choices addressing the portion of employment land site needs to be met through redevelopment are reasonable and based on substantial evidence.

C. Response to concerns about Boundary Location Alternatives Analysis — submitted by Johnson Crushers and Willamette Water Company

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

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

The City respectfully disagrees. The City’s findings (Exhibit F, pp. 155-414) explain and demonstrate how the City’s analysis and the results of that analysis correctly follow the Commission’s and Court’s interpretation of the application of Goal 14 factors in the McMinnville decision, following an outline provided by DLCDC staff. See also letter from City’s legal counsel Jeffrey Condit, October 27, 2016 in response to assertions made by JCI/WW.⁴² The City’s findings under Goal 9 and Goal 14 (Exhibit F pages 18-161) provide thorough explanation and ample evidence to justify the need for suitable sites to meet the City’s economic objectives, including uses with special siting characteristics and the quantity, type and characteristics of needed sites consistent with the applicable provisions of the law and plan policies; and how the City’s 2030 plan policies and UGB amendment will provide those suitable sites. The City’s findings (Exhibit F pages 155-414) provide thorough explanation and ample evidence to justify the location of the UGB amendment. These supplemental findings outline how lands within the Seavey Loop area were excluded.

⁴² November 7, 2016 Agenda Item Summary Attachment 1, Exhibit A-1, later dated October 27, 2016.

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

The City excluded second priority lands that are not buildable:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- This step confirmed exclusion of Seavey Loop

The City disagrees with JCI/WW assertions (shown in italicized font) as follows:

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

“Extensive and diverse” are not criteria for prioritizing land under ORS 197.298, Goal 14 or Goal 9 rules.

The City’s Findings (Exhibit F) demonstrate that City evaluated all exception lands in the study area.

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

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

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

...“Seavey Loop consists mostly of Class IV soils and is therefore lighter in color than the Mill Race area which consists predominantly of Class II soils.”

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

JCI/WW suggests that the City rejected Seavey Loop on the basis of cost to serve and asserts that by examining cost factors, the City erred. See Exhibit A-1. The City’s findings provide substantial evidence to explain the need to provide suitable unconstrained land in its inventory to site target large employers. To be suitable, land must possess the characteristics of needed sites, including adequate parcel size and provision of urban services within the 20-year planning period.

The City’s UGB Alternatives Analysis, as set forth in the city’s findings, clearly follows the correct prioritization and application of Goal 14 Locational Factors as interpreted by the Court in *McMinnville* and as advised by DLCD Urbanization specialist staff Gordon Howard. It is not clear whether Mr. Kloos disagrees with the City’s application of Goal 14 Locational Factors. It is the City’s position that distance and topography (Willamette River) are physical constraints that preclude provision of urban services within the 20-year planning period. It is the City’s position that the Willamette River is a substantial

physical barrier between Springfield and Seavey Loop; and that the length, width and physical configuration of narrow South Franklin Boulevard corridor and I-5 ramp system linking Springfield to the Seavey Loop area is a physical barrier that creates a high degree of uncertainty about the City's ability to support and deliver urban services, including safe, multi-modal access, to potentially suitable parcels within the 2010-2030 planning period. The corridor is physically and spatially constrained — squeezed between the freeway verge, railroad tracks and the Willamette River Greenway and State parkland, creating substantial physical challenges to providing for safe, logical and efficient delivery of urban services within the planning period. For lands to be suitable to meet the identified needs, lands must be serviceable within the planning period. The City considered materials submitted by JCI/WW and concludes that JCI/WW has not provided substantial evidence to contradict the City's exclusion of Seavey Loop.

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

(a) The impacts to existing water, sanitary sewer, storm water and transportation facilities that serve nearby areas already inside the UGB;

(b) The capacity of existing public facilities and services to serve areas already inside the UGB as well as areas proposed for addition to the UGB; and

(c) The need for new transportation facilities, such as highways and other roadways, interchanges, arterials and collectors, additional travel lanes, other major improvements on existing roadways and the provision of public transit service.

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

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

estimates to compare the cost and difficulty of extending the three City services to each study area.”

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

OAR 660-009-0005

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

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

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

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

JCI/WW suggests the City should reconsider Goshen. “Goshen” east of I-5 was considered in the study and rejected. In 2008 ECONorthwest prepared maps of potential study areas. The area appears in the maps presented to Council on January 12, 2009 Agenda Item Summary Attachment 1-3. Lands located west of I-5 were not considered because Interstate Highway 5 separates Goshen from Springfield. The Metro Plan establishes Interstate Highway 5 as the jurisdictional boundary between Eugene on the west

side and Springfield on the east side. More recently, the City was asked by Lane County to reconsider Goshen. See November 7, 2016 Agenda Item Summary Attachment 1, Exhibit B for the City's response.

Conclusion. JCI/WW has not submitted evidence that land in Goshen provides or can be expected to provide land serviceable within the planning period with the appropriate site characteristics to meet Springfield's identified land needs.