



Eugene City Council

101 W 10th Ave., Suite 203
Eugene, OR 97401
541-682-5010 • 541-682-5414 Fax
www.eugene-or.gov

EUGENE CITY COUNCIL AGENDA

July 12, 2021

7:30 p.m. CITY COUNCIL MEETING and

MEETING OF THE EUGENE URBAN RENEWAL AGENCY

As the state and community recover from the COVID-19 pandemic, most City Council meetings will continue to be held remotely using virtual meeting technology.

Information about online or other options for access and participation will be available at <https://www.eugene-or.gov/3360/Webcasts-and-Meeting-Materials>

Meeting of July 12, 2021; Her Honor Mayor Lucy Vinis Presiding

Councilors

Jennifer Yeh, President

Claire Syrett, Vice President

Mike Clark

Greg Evans

Randy Groves

Matt Keating

Emily Semple

Alan Zelenka

7:30 p.m. CITY COUNCIL MEETING

- 1. PLEDGE OF ALLEGIANCE TO THE FLAG AND READING OF THE DECLARATION OF INDEPENDENCE**
- 2. COMMITTEE REPORTS AND ITEMS OF INTEREST**
- 3. CONSENT CALENDAR 1**
 - A. Approval of City Council Minutes**
 - B. Approval of City Council Tentative Agenda**
- 4. PUBLIC FORUM**
- 5. ACTION: An Ordinance Amending the Eugene-Springfield Metropolitan Area General Plan Diagram and the Whiteaker Plan Land Use Diagram to Redesignate the Property Identified as Assessor's Map 17-04-25-41, Tax Lot 7000 and Assessor's Map 17-04-25-42, Tax Lot 100 from Light-Medium Industrial to Mixed Use and Rezone the Property from I-2 Light-Medium Industrial with /SR Site Review Overlay to S-W Whiteaker Special Area with /SR Site Review Overlay**

- 6. ACTION: An Ordinance Vacating Slocum Drive, Songbird Loop, and Public Utility Easement**
- 7. ACTION: Authorize the Urban Renewal Agency to Pay for, and the City to Acquire, the MGP Site**
- 8. ACTION: Authorize the Urban Renewal Agency to Pay for, and the City to Acquire, The MGP Site**

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

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

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

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Pledge of Allegiance to the Flag

Meeting Date: July 12, 2021
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 1
Staff Contact: Beth Forrest
Contact Telephone Number: 541-682-5882

ISSUE STATEMENT

In honor of Independence Day on July 4, there will be a reading of the Declaration of Independence and reciting of the Pledge of Allegiance to the Flag.

BACKGROUND

The City Council voted at its June 27, 2011, work session to begin formal council meetings with a voluntary recitation of the Pledge of Allegiance to the Flag at those meetings closest to the following holidays: Memorial Day, Veterans Day, Flag Day, and the Fourth of July. In addition, the council voted to begin a practice of reading the Declaration of Independence and/or from the Constitution of the United States at the beginning of its meeting closest to the Fourth of July.

According to the United States Code, Title 4 (U.S. Flag Code), the Pledge "...should be rendered by standing at attention and facing the flag with the right hand over the heart. When not in uniform, men should remove any non-religious headwear with their right hand and hold it at the left shoulder, the hand being over the heart. Persons in uniform should remain silent, face the flag, and render the military salute."

The Pledge is as follows: *"I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all."*

CITY MANAGER'S RECOMMENDATION

No recommendation is necessary.

SUGGESTED MOTION

No motion is necessary.

FOR MORE INFORMATION

Staff Contact: Beth Forrest
Telephone: 541-682-5882
Staff E-Mail: bforrest@eugene-or.gov

July 12, 2021 Meeting – Item 1

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Approval of City Council Minutes

Meeting Date: July 12, 2021
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 3A
Staff Contact: Beth Forrest
Contact Telephone Number: 541-682-5882

ISSUE STATEMENT

This is a routine item to approve City Council minutes.

SUGGESTED MOTION

Move to approve the minutes for the work session on February 8, 2021.

ATTACHMENTS

A. February 8, 2021, Work Session Minutes

FOR MORE INFORMATION

Staff Contact: Beth Forrest
Telephone: 541-682-5882
Staff E-Mail: bforrest@eugene-or.gov

MINUTES

**Eugene City Council
Virtual Work Session
Eugene, Oregon 97401**

**February 8, 2021
5:30 p.m.**

Councilors Present: Emily Semple, Matt Keating, Alan Zelenka, Jennifer Yeh, Mike Clark, Greg Evans, Claire Syrett, Randy Groves

Mayor Vinis opened the February 8, 2021, work session of the Eugene City Council.

Councilor Clark joined the meeting at 5:41 p.m.

1. WORK SESSION – Urban Forestry Program

Parks and Open Space Division Manager Craig Carnagey, Green Infrastructure Manager Carrie Peterson and Urban Forestry Supervisor Eric DeBord provided an overview of the Urban Forestry Program.

Council Discussion:

- Councilor Groves – thanked staff for the presentation; asked how Eugene stands when benchmarked against other communities and how much wetlands affect the calculation of Eugene’s canopy; asked if staff are careful what species are planted with regard to wildfire concerns.
- Councilor Evans – asked if there is a plan to replace the flowering plum trees that were planted in the Bethel neighborhood 25-30 years ago, whose roots have grown horizontally and displaced sidewalks and curbs; inquired if there is an alternative species that would be better suited to the soil in Bethel.
- Councilor Keating – stated he would like to see a breakdown of canopy percentages for residential, commercial, industrial, parks, open space and right-of-way zones; asked how other municipalities handle tree removal from private property and what best practices are for mitigating canopy loss.
- Councilor Yeh – expressed surprise in learning Eugene is below the national average for tree canopy percentage; thanked urban forestry staff for the work they do.
- Councilor Clark – inquired if the 23 percent tree canopy coverage includes all land, private and public; asked if there are plans to mitigate dangers caused by trees with small root balls falling over.
- Councilor Zelenka – asked if Eugene is behind on tree canopy percentage because of tree loss due to storms in the past 10 years; inquired if it is the City’s responsibility to grind out stumps of trees that have fallen in the right-of-way and how behind the City currently is in doing this; asked if the current practice is to remove an old tree if it is dislocating a sidewalk.
- Mayor Vinis – reminded the public that planting trees can help the city meet climate action goals; reminded Council that trees are part of the current Clear and Objective Standards process.

2. WORK SESSION – Northwest Natural Gas Franchise Agreement

City Manager Sarah Medary, Intergovernmental Relations Manager Ethan Nelson, and Assistant City Attorney Hwa Go provided a status update on negotiations with Northwest Natural Gas (NWNNG) regarding renewing its franchise agreement with the City.

Councilor Syrett joined the meeting at 6:31 p.m.

Council Discussion:

- Councilor Clark – asked if there are other municipalities in Oregon that have carbon reduction agreements with their gas company and if Eugene has the opportunity to create the first one; inquired what the consequences will be if the franchise agreement expires, and if it will cost more for residential customers to establish new service; stated he is concerned that commercial customers will be required to pay more and restaurants that survived COVID will not survive this; asked what will happen to the Riverfront development without a franchise agreement in place.
- Councilor Zelenka – stated this agreement is the first of its kind and will take time to negotiate; asked questions regarding how the City will operate without the franchise agreement; asked what the circumstances are for termination under the current franchise agreement.
- Councilor Evans – inquired what the urban renewal agency had decided regarding allowing gas infrastructure in the Riverfront development; stated he would like to see a greater commitment by NWNG to carbon reduction goals and environmental stewardship.
- Councilor Groves – stated he is still interested in reaching an agreement with NWNG and is not concerned if negotiations extend past the deadline; stated he is concerned for infrastructure laborers and business and how to help with the transition and keep them surviving; expressed concern over costs and stated the reality is that costs will be passed on to the consumer and will be burdensome for low-income households; stated he would like to hear from more community members on this topic.
- Councilor Yeh – stated negotiations with NWNG began in 2018 and she does not feel that continuing unsuccessful negotiations will be of benefit when the current deal points do not contribute substantially to meeting the City's climate recovery goals; stated at this point she is not in favor of extending the franchise agreement but in finding other ways to meet climate recovery goals.
- Councilor Keating – inquired if the City fails to enter into an agreement with NWNG that puts the City on track to meet its Climate Recovery Ordinance (CRO) goals, could it ban fossil fuel infrastructure until policies sufficient to meet CRO goals are put in place.
- Councilor Syrett – stated the City's Planning and Development Director confirmed for her that NWNG is putting basic infrastructure into the Riverfront development now under the current franchise agreement; stated that two years ago NWNG was given an opportunity by the City to join it in demonstrating leadership in addressing climate change and in creating a model that other communities could follow; expressed frustration at recent developments and behaviors by NWNG, including dragging its feet and engaging in a public relations campaign that spreads lies about what Council is trying to do; stated that NWNG seems determined to pass on any additional fees to the customer and has not proposed any sacrifice on its own behalf; stated this industry is facing an existential crisis and fossil fuels need to be phased out.
- Councilor Semple – stated she is in agreement with the comments made by Councilors Yeh and Syrett; expressed frustration that negotiations have dragged on and is discouraged that progress has not been made; stated she would like to see staff time devoted to work that actually makes a difference.
- Mayor Vinis – stated NWNG is not offering the City very much and if Council considers decoupling the carbon reduction agreement from the franchise agreement, it really has no hold over NWNG since NWNG's actions would then be voluntary and its commitment is limited; stated if Eugene is to be a model, let it be for doing good work on behalf of carbon reduction and climate change, not for how a city is held hostage to a franchise agreement that doesn't serve its higher goals; stated this is an important moment for Council to stand clearly for what it sees as its legacy work going forward.

Mayor Vinis adjourned the meeting at 7:05 p.m.

Respectfully submitted,

Beth Forrest
City Recorder

(Recorded by Jessica Gebb)

Link to the webcast of this City Council meeting [here](#).

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Approval of Tentative Working Agenda

Meeting Date: July 12, 2021
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 3B
Staff Contact: Beth Forrest
Contact Telephone Number: 541-682-5882

ISSUE STATEMENT

This is a routine item to approve the City Council Tentative Working Agenda.

BACKGROUND

On July 31, 2000, the City Council held a process session and discussed the Operating Agreements. Section 2 notes, in part, that "The City Manager shall recommend monthly to the council which items should be placed on the council agenda. This recommendation shall be placed on the consent calendar at the regular City Council meetings (regular meetings are those meetings held on the second and fourth Monday of each month in the Council Chamber). If the recommendation contained in the consent calendar is approved, the items shall be brought before the council on a future agenda. If there are concerns about an item, the item may be pulled from the consent calendar at the request of any councilor or the Mayor. A vote shall occur to determine if the item should be included as future council business." Scheduling of this item is in accordance with the Council Operating Agreements.

COUNCIL OPTIONS

The council may choose to approve, amend or not approve the tentative agenda.

SUGGESTED MOTION

Move to approve the items on the Tentative Working Agenda.

ATTACHMENTS

A. Tentative Working Agenda

FOR MORE INFORMATION

Staff Contact: Beth Forrest
Telephone: 541-682-5882
Staff E-Mail: bforrest@eugene-or.gov



City Council Tentative Agenda

Updated July 8, 2021

**** SPECIAL NOTICE ****

As our state and community recover from the COVID-19 pandemic, most City Council meetings will continue to be held remotely using virtual meeting technology. Information about how to access these meetings will be available at <https://www.eugene-or.gov/3360/Webcasts-and-Meeting-Materials>.

July 2021					
Date	Day	Time	Title	Length	Dept. Contact
12-Jul	Monday	5:30 p.m.	Affordable Housing Trust Fund Review & FY22 Funding Allocation (Work Session)	45 mins	Ellen Meyi-Galloway, PDD
			Ordinance to Finalize Compliance With ORS 197.312(5) for ADUs (Work Session & Poss. Action)	45 mins	Jeff Gepper, PDD
		7:30 p.m.	Pledge of Allegiance to the Flag Committee Reports and Items of Interest Public Forum Ord. on 1400 Cross Street Metro Plan/Refinement Plan Amendments & Zone Change (Action) Land Use Application VRI 20-1 for Right-of-Way Vacation (Neighborly Ventures Inc.) (Action) Authorize the City to Acquire the MGP Site (Action) URA - Authorize the Urban Renewal Agency to Pay for the MGP Site (Action)		Rodney Bohner, PDD Jeff Gepper, PDD Amanda Nobel, PDD Amanda Nobel, PDD
Expected absences for 7/12: none					
14-Jul	Wednesday	12 p.m.	Joint Meeting with Lane County Commissioners on Homeless Services (Work Session)	90 mins	Sarai Johnson, CS
Expected absences for 7/14: none					



Work Session



Action



Public Hearing



Public Forum



Consent Calendar



Committee Reports/Items of Interest



CC Agenda Items



CC Agenda Items



Pledge of Allegiance

19-Jul	Monday	5:30 p.m.	 Ordinance on Commercial Setbacks (Public Hearing)		Althea Sullivan, PDD
			 Ordinance on Town Run Plat Vacations (Public Hearing)		Rodney Bohner, PDD
		7:30 p.m.	 Community Forum on the Ad Hoc Committee on Police Policy Recommendations		
Expected absences for 7/19: none					
21-Jul	Wednesday	12 p.m.	 Unhoused Response Update (Work Session)	60 mins	Kristie Hammitt, CMO Matt Rodrigues, PW
			 TBD (Work Session)	30 mins	
Expected absences for 7/21: none					
26-Jul	Monday	5:30 p.m.	 Ad Hoc Committee on Police Policy Update (Work Session)	45 mins	Sarah Medary, CMO
			 Response to Hate Crimes (Work Session)	45 mins	Fabio Andrade, CS Chief Skinner, EPD
26-Jul	Monday	7:30 pm	 Committee Reports and Items of Interest		Rodney Bohner, PDD
			 Public Forum		
			 Resolution Annexing Land to City of Eugene (Oakleigh Lane) (Consent Calendar 2)		Rodney Bohner, PDD
			 Resolution Annexing Land at 3514 River Road (Consent Calendar 2)		Rodney Bohner, PDD
			 Resolution Annexing Land at 801 River Loop 1 (A 21) (Consent Calendar 2)		Rodney Bohner, PDD
			 Ordinance on Commercial Setbacks (Action)		Althea Sullivan, PDD
 Ordinance on Town Run Plat Vacations (Action)		Rodney Bohner, PDD			
Expected absences for 7/26: none					
28-Jul	Wednesday	12 p.m.	 Sustainability Commission Update (Work Session)	45 mins	Samantha Roberts, CS
			 TBD (Work Session)	45 mins	
Expected absences for 7/28: none					

Council Break: July 29 – September 8

September 2021					
Date	Day	Time	Title	Length	Dept. Contact
8-Sep	Wednesday	12 pm	 TBD (Work Session)	45mins	
			 TBD (Work Session)	45 mins	
Expected absences for 9/8: Groves					
13-Sep	Monday	5:30 pm	 TBD (Work Session)	45 mins	
			 TBD (Work Session)	45 mins	
		7:30 pm	 Committee Reports and Items of Interest  Public Forum		
Expected absences for 9/13: none					
15-Sep	Wednesday	12 pm	 TBD (Work Session)	45 mins	
			 TBD (Work Session)	45 mins	
Expected absences for 9/15: none					
20-Sep	Monday	5:30 pm	Schedule only as needed		
		7:30 pm	 TBD (Public Hearing)		
Expected absences for 9/20: none					
22-Sep	Wednesday	12 pm	 TBD (Work Session)	45 mins	
			 TBD (Work Session)	45 mins	
Expected absences for 9/22: none					
27-Sep	Monday	5:30 p.m.	 TBD (Work Session)	45 mins	
			 TBD (Work Session)	45 mins	
		7:30 pm	 Committee Reports and Items of Interest  Public Forum		
Expected absences for 9/27: none					
29-Sep	Wednesday	12 pm	 TBD (Work Session)	45 mins	
			 TBD (Work Session)	45 mins	
Expected absences for 9/29: none					

October 2021					
Date	Day	Time	Title	Length	Dept. Contact
11-Oct	Monday	5:30 pm	 TBD (Work Session)	45 mins	
			 TBD (Work Session)	45 mins	
		7:30 pm	 Committee Reports and Items of Interest		
 Public Forum					
Expected absences for 10/11: none					
13-Oct	Wednesday	12 pm	 TBD (Work Session)	45 mins	
			 TBD (Work Session)	45 mins	
Expected absences for 10/13: none					
18-Oct	Monday	5:30 pm	Schedule only as needed		
		7:30 pm	 TBD (Public Hearing)		
Expected absences for 10/18: none					
20-Oct	Wednesday	12 pm	 TBD (Work Session)	45 mins	
			 TBD (Work Session)	45 mins	
Expected absences for 10/20: none					
25-Oct	Monday	5:30 p.m.	 TBD (Work Session)	45 mins	
			 TBD (Work Session)	45 mins	
		7:30 pm	 Committee Reports and Items of Interest		
 Public Forum					
Expected absences for 10/25: none					
27-Oct	Wednesday	12 pm	 TBD (Work Session)	45 mins	
			 TBD (Work Session)	45 mins	
Expected absences for 10/27: none					

November 2021						
Date	Day	Time	Title		Length	Dept. Contact
8-Nov	Monday	5:30 pm	 TBD (Work Session)		45 mins	
			 TBD (Work Session)		45 mins	
		7:30 pm	 Pledge of Allegiance to the Flag  Committee Reports and Items of Interest  Public Forum			
Expected absences for 11/8: none						
10-Nov	Wednesday	12 pm	 TBD (Work Session)		45 mins	
			 TBD (Work Session)		45 mins	
Expected absences for 11/10: none						
15-Nov	Monday	5:30 pm	Schedule only as needed			
		7:30 pm	 TBD (Public Hearing)			
Expected absences for 11/15: none						
17-Nov	Wednesday	12 pm	 TBD (Work Session)		45 mins	
			 TBD (Work Session)		45 mins	
Expected absences for 11/17: none						
22-Nov	Monday	5:30 p.m.	 TBD (Work Session)		45 mins	
			 TBD (Work Session)		45 mins	
		7:30 pm	 Committee Reports and Items of Interest  Public Forum			
Expected absences for 11/22: none						
24-Nov	Wednesday	12 pm	Schedule only as needed			
Expected absences for 11/24: none						

December 2021						
Date	Day	Time	Title		Length	Dept. Contact
8-Dec	Wednesday	12 pm	 TBD (Work Session)		45 mins	
			 TBD (Work Session)		45 mins	
Expected absences for 12/8: none						
13-Dec	Monday	5:30 p.m.	 TBD (Work Session)		45 mins	
			 TBD (Work Session)		45 mins	
		7:30 pm	 Committee Reports and Items of Interest			
			 Public Forum			
Expected absences for 12/13: none						
15-Dec	Wednesday	12 pm	 TBD (Work Session)		45 mins	
			 TBD (Work Session)		45 mins	
Expected absences for 12/15: none						

Council Break: December 16 – January 10

 Work Session	 Action	 Public Hearing	 Public Forum	 Consent Calendar
 Committee Reports/Items of Interest	 Ceremonial Matters	 Pledge of Allegiance		

Approved Work Session Polls to be Scheduled	Councilor	Date Approved
"Housing Status" as a Protected Class – <i>follow-up TBD</i>	Sample	03/12/20
Response to Hate Crimes – <i>scheduled July 26</i>	Clark	03/18/21
Eugene Airport and LCC Aviation Academy – <i>to be rescheduled</i>	Evans	03/18/21
Reparations (two-part work session) – <i>Part 1 held June 23</i>	Evans	03/18/21
Waste Management at Large Events	Sample	04/08/21
Funding Source for Climate Change and Homelessness	Zelenka	05/10/21
Follow-Up Work Sessions to be Scheduled		
TAC Implementation – <i>ongoing; scheduled July 14</i>		
Naming Policy –		
Steam Plant Deal Points –		

UPCOMING PUBLIC HEARINGS			
Date of Public Hearing	Title	Description	Staff Contact
July 19 (5:30 p.m.)	Ordinance on Commercial Setbacks	Public Hearing on a City-initiated land use code amendment to require minimum building setbacks and landscaping for development on commercially zoned property.	Althea Sullivan 541-682-5485
July 19 (5:30 p.m.)	Ordinance on Town Run Plat Vacations	The Eugene Urban Renewal Agency (URA) requests approval of four vacations of prior right-of-way and utility easements within Downtown Riverfront property (Plat of Town Run). In order to make the new subdivided lots ready for sale and subsequent development, it is necessary that the prior utility easements that crisscrossed the development site be vacated.	Rodney Bohner 541-682-5437

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Public Forum

Meeting Date: July 12, 2021
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 4
Staff Contact: Beth Forrest
Contact Telephone Number: 541-682-5882

ISSUE STATEMENT

This segment allows citizens the opportunity to express opinions and provide information to the council. Testimony presented during the Public Forum should be on city-related issues and should not address items which have already been heard by a Hearings Official or are on the present agenda as a public hearing item.

SUGGESTED MOTION

No action is required; this is an informational item only.

FOR MORE INFORMATION

Staff Contact: Beth Forrest
Telephone: 541-682-5882
Staff E-Mail: bforrest@eugene-or.gov

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Action: An Ordinance Amending the Eugene-Springfield Metropolitan Area General Plan Diagram and the Whiteaker Plan Land Use Diagram to Redesignate the Property Identified as Assessor's Map 17-04-25-41, Tax Lot 7000 and Assessor's Map 17-04-25-42, Tax Lot 100 from Light-Medium Industrial to Mixed Use and Rezone the Property from I-2 Light-Medium Industrial with /SR Site Review Overlay to S-W Whiteaker Special Area with /SR Site Review Overlay

Meeting Date: July 12, 2021
Department: Planning & Development
www.eugene-or.gov

Agenda Item Number: 5
Staff Contact: Rodney Bohner
Contact Telephone Number: 541-682-5347

ISSUE STATEMENT

The City Council is scheduled to take action on an ordinance approving land use designation and zoning changes on two lots referred to as 1400 Cross Street (City Files: MA 20-2 / RA 20-2 / Z 20-8). If adopted, the ordinance would approve a Metro Plan Amendment and Refinement Plan Amendment to change the plan designation from Light Medium Industrial to Mixed Use, with a concurrent Zone Change from I-2 Light-Medium Industrial with partial /SR Site Review overlay to S-W Whiteaker Special Area zone with /SR Site Review overlay zone. The subject property, consisting of 4.62 acres, is located west of North Polk Street, northeast of Railroad Boulevard, and south of Cross Street. Maps showing the location of the subject property and existing zoning of the surrounding area are provided in Attachment A.

BACKGROUND

The applicant, 1400 Cross Street LLC, applied for a privately initiated, site-specific Metro Plan Amendment, Refinement Plan Amendment and concurrent Zone Change for the subject property with the goal of allowing a more diverse range of uses and businesses on the property that are compatible with existing nearby development.

The subject property is currently zoned I-2 Light-Medium Industrial and a change to S-W Whiteaker Special Area Zone will encourage the economic vitality of the area for employment and industrial, institutional, and commercial uses while also allowing a mix of residential dwellings. The S-W zone has a broad range of permitted uses. No single use is mandated or required within the area and the zone encourages both a mixture of uses within a building as well as within a block. As the current Light Medium Industrial land use designation does not support a zone change to S-W, site-specific amendments to the land use diagrams of the Metro Plan and the Whiteaker Plan are required. The application before Council is for an amendment to change the

July 12, 2021 Meeting – Item 5

Metro Plan and Whiteaker Plan designations, and a concurrent Zone Change. If this application is approved, the subject property could be developed with any use permitted in the S-W zone, as identified in [EC Table 9.2450](https://eugene.municipal.codes/EC/9.2450) (<https://eugene.municipal.codes/EC/9.2450>). Detailed maps showing the proposed redesignations and zoning changes are included as Exhibits A, B, and C of the draft ordinance (see the draft ordinance included as Attachment B to this AIS).

More details on this request can be found in the materials provided to Council for the public hearing on May 17, 2021. Councilors were previously provided a full set of record materials on a thumb drive. Otherwise, application materials can be made available to anyone in hardcopy or electronic format upon request. The majority of the materials can also be viewed online here: <https://pdd.eugene-or.gov/LandUse/SearchApplicationDocuments?file=MA-20-0002>

Planning Commission Process and Recommendation

The Planning Commission held a public hearing on January 26, 2021 to consider the proposed Metro Plan Amendment and Zone Change. The webcast of the meeting is available at <https://eugene.ompnetwork.org/sessions/161261?embedInPoint=4901&embedOutPoint=7186&shareMethod=link>. During the public hearing, Planning Commissioners received testimony from the applicant and heard testimony from several interested parties. Prior the close of the public hearing, the Planning Commission received a request to extend the open record period for additional testimony and evidence, consistent with State law (ORS 197.763). The Planning Commission then reopened the record at their meeting on February 22, 2021 to allow for the submission of additional materials related to the applicant's transportation analysis. The webcast of the meeting is available at <https://eugene.ompnetwork.org/sessions/163081/eugene-planning-commission-meeting-february-22-2021>.

Following the close of this additional open record period, the Planning Commission held final deliberations on March 29, 2021. The Planning Commission deliberated and unanimously voted to recommend approval of the proposed plan amendments and zone change with a trip cap condition. The webcast of their final deliberations meeting is available at <https://eugene.ompnetwork.org/sessions/175511/eugene-planning-commission-meeting-march-29-2021>.

City Council Process and Public Hearing

This request is subject to Metro Plan Amendment procedures at Eugene Code (EC) [9.7700-9.7735](https://eugene.municipal.codes/EC/09_MetroPlanAmendProcedures) (https://eugene.municipal.codes/EC/09_MetroPlanAmendProcedures), and the decision must be based on the approval criteria from [EC 9.7735](https://eugene.municipal.codes/EC/9.7735) (<https://eugene.municipal.codes/EC/9.7735>), [EC 9.8424](https://eugene.municipal.codes/EC/9.8424) (<https://eugene.municipal.codes/EC/9.8424>) and [EC 9.8865](https://eugene.municipal.codes/EC/9.8865) (<https://eugene.municipal.codes/EC/9.8865>). Findings demonstrating compliance with the approval criteria are included as Exhibit D to the draft ordinance (included as Attachment B to this AIS). The City Council held a public hearing on the application on May 17, 2021. The applicant's representative provided testimony in support of the proposed amendments and zone change, including the recommended condition of approval for a trip cap on future development. No one else provided testimony about the application, and staff has not received any written testimony about the application as of the publication of this AIS.

PREVIOUS COUNCIL DIRECTION

[May 17, 2021, Public Hearing](#)

A public hearing was held, at which no public testimony was received.

COUNCIL OPTIONS

The City Council may:

1. Adopt the ordinance as proposed in Attachment B to this AIS.
2. Adopt the ordinance with specific modifications as determined by the City Council.
3. Take no action.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends adoption of the ordinance as provided in Attachment B.

SUGGESTED MOTION

Move to adopt the Ordinance, included as Attachment B to this AIS, amending the Eugene-Springfield Metropolitan Area General Plan Diagram and the Whiteaker Plan Land Use Diagram to redesignate the property identified as Assessor's Map 17-04-25-41, Tax Lot 7000 and Assessor's Map 17-04-25-42, Tax Lot 100 from Light-Medium Industrial to Mixed Use and rezone the property from I-2 Light-Medium Industrial with /SR Site Review Overlay to S-W Whiteaker Special Area with /SR Site Review Overlay.

ATTACHMENTS

- A. Vicinity Maps
- B. Proposed Ordinance and Exhibits
 - Exhibit A: Metro Plan Designation Map
 - Exhibit B: Refinement Plan Designation Map
 - Exhibit C: Zone Change Map
 - Exhibit D: Findings

FOR MORE INFORMATION

Staff Contact: Rodney Bohner, Associate Planner
Telephone: 541-682-5437
Staff E-Mail: RBohner@eugene-or.gov

VICINITY MAP

1400 Cross Street - Metro Plan Amendment, Refinement Plan Amendment and Zone Change (MA 20-2 / /RA 20-2 / Z 20-8)



Subject Property

Taxlots

Streets

01/19/2021

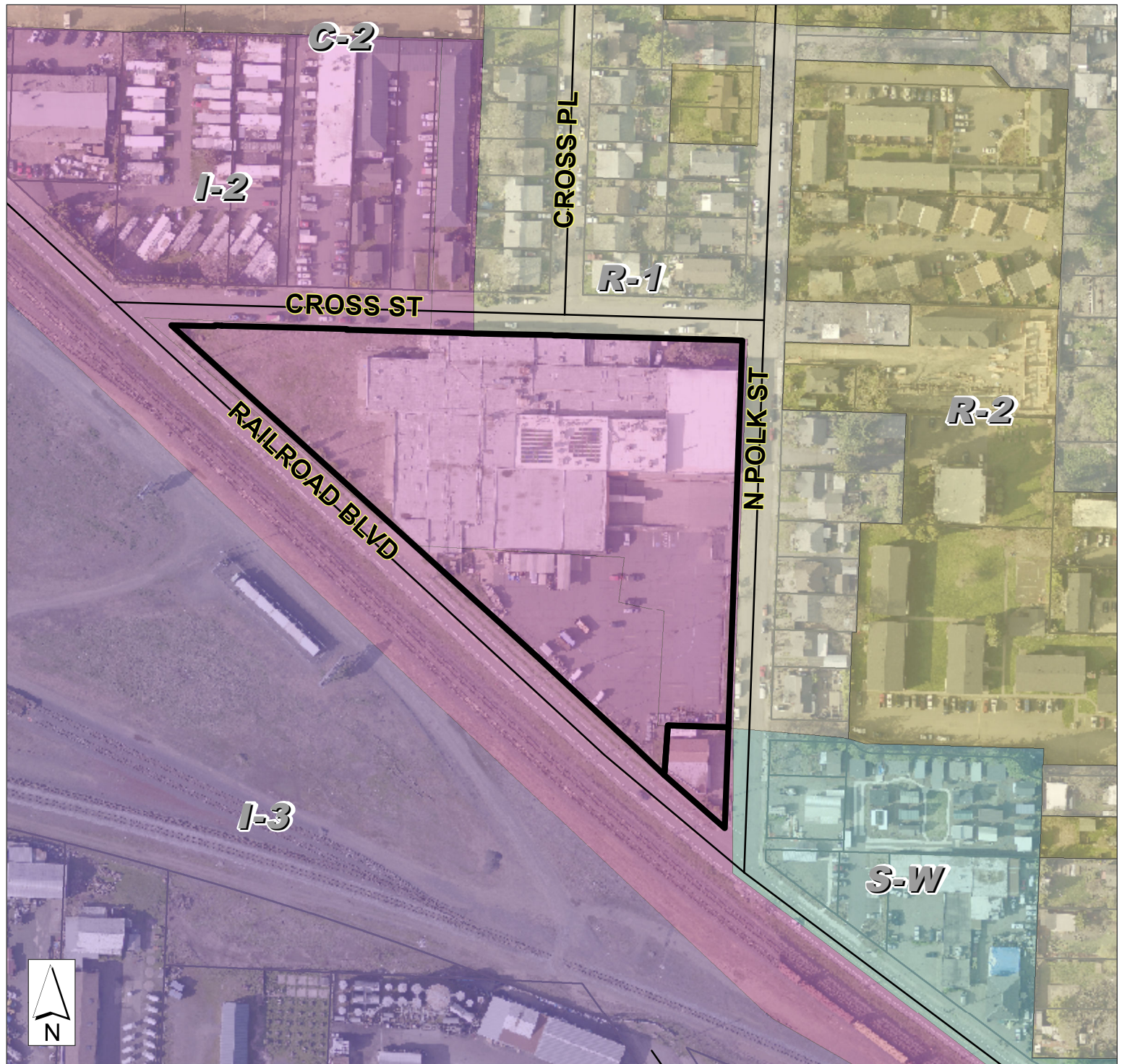
0 125 250 500 Feet

Caution:
This map is based on imprecise
source data, subject to change,
and for general reference only.



VICINITY BASE ZONING MAP

1400 Cross Street - Metro Plan Amendment, Refinement Plan Amendment and Zone Change (MA 20-2 / RA 20-2 / Z 20-8)



- Subject Property
- Taxlots
- Streets
- C-2 Community Commercial
- I-2 Light-Medium Industrial
- I-3 Heavy Industrial
- R-1 Low-Density Residential
- R-2 Medium-Density Residential
- S Special Area

0 75 150 300 Feet

Caution:
This map is based on imprecise
source data, subject to change,
and for general reference only.

01/19/2021



ORDINANCE NO. _____

AN ORDINANCE AMENDING THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN DIAGRAM AND THE WHITEAKER PLAN LAND USE DIAGRAM TO REDESIGNATHE PROPERTY IDENTIFIED AS ASSESSOR'S MAP 17-04-25-41, TAX LOT 7000, AND ASSESSOR'S MAP 17-04-25-42, TAX LOT 100, FROM LIGHT MEDIUM INDUSTRIAL TO MIXED USE AND REZONE THE PROPERTY FROM I-2 LIGHT MEDIUM INDUSTRIAL WITH /SR SITE REVIEW OVERLAY TO S-W WHITEAKER SPECIAL AREA WITH /SR SITE REVIEW OVERLAY.

The City Council of the City of Eugene finds as follows:

A. On July 14, 2020, 1400 Cross Street, LLC submitted applications for a Type I amendment to the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) plan diagram, an amendment to the Whiteaker Plan land use diagram, and a concurrent zone change to redesignate and rezone the property identified as Assessor's Map 17-04-25-41, Tax Lot 7000 and Assessor's Map 17-04-25-42, Tax Lot 100. The applicant requested a Metro Plan designation change from the Light-Medium Industrial designation to a Mixed Use designation. Approval of the Metro Plan amendment results in the automatic concurrent amendment of the Whiteaker Plan land use diagram, giving the subject property a Mixed Use designation under the Whiteaker Plan. The zone change requested by the applicant would rezone the subject property from I-2 Light-Medium Industrial with a partial /SR Site Review overlay to S-W Whiteaker Special Area with /SR Site Review overlay over the entire property.

B. On January 26, 2021, the Eugene Planning Commission held a public hearing on the application. The Eugene Planning Commission recommended that the Eugene City Council adopt the proposed amendments to the Metro Plan plan diagram as shown in Exhibit A, and the Whiteaker Plan land use diagram as shown in Exhibit B.

NOW, THEREFORE,

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The Eugene-Springfield Metropolitan Area General Plan land use diagram is amended to redesignate the property identified as Assessor's Map 17-04-25-41, Tax Lot 7000 and Assessor's Map 17-04-25-42, Tax Lot 100 from Light-Medium Industrial to Mixed Use, as depicted on Exhibit A attached hereto and incorporated herein by reference.

Section 2. Consistent with the provisions of section 9.7730(5) of the Eugene Code, 1971, the Land Use Diagram located between pages 36 and 39 of the Whiteaker Plan is amended to redesignate the property identified as Assessor's Map 17-04-25-41, Tax Lot 7000 and Assessor's Map 17-04-25-42, Tax Lot 100 from Light-Medium Industrial to Mixed Use, as depicted on Exhibit B attached hereto and incorporated herein by this reference.

Section 3. The property identified as Assessor's Map 17-04-25-41, Tax Lot 7000 and Assessor's Map 17-04-25-42, Tax Lot 100, is rezoned from I-2 Light-Medium Industrial with a partial /SR Site Review overlay to S-W Whiteaker Special Area with /SR Site Review overlay as

depicted on Exhibit C attached hereto and incorporated herein by this reference.

Section 4. The findings set forth in the attached Exhibit D are adopted in support of this Ordinance.

Section 5. Based on the findings set forth in Exhibit D attached hereto and adopted as findings in support of this Ordinance, the following limitation on development of the property identified as Assessor's Map 17-04-25-41, Tax Lot 7000 and Assessor's Map 17-04-25-42, Tax Lot 100 is hereby imposed:

Site development shall be limited so as to generate no more than 328 PM peak hour vehicle trips as determined by the most current edition of the Institute of Transportation Engineers Trip Generation Manual. The City may allow development intensity beyond this maximum number of peak hour vehicle trips if the applicant submits to the appropriate approving agencies a transportation impact analysis demonstrating the proposed intensification of use is consistent with the Transportation Planning Rule (TPR) criteria outlined in Oregon Administrative Rule (OAR) 660 012-0060. The applicant shall seek, and the City shall consider such approval using the City's Type II land use application procedure.

Section 6. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct, and independent provision and that holding shall not affect the validity of the remaining portions of this Ordinance.

Passed by the City Council this

_____ day of _____, 2021

City Recorder

Approved by the Mayor this

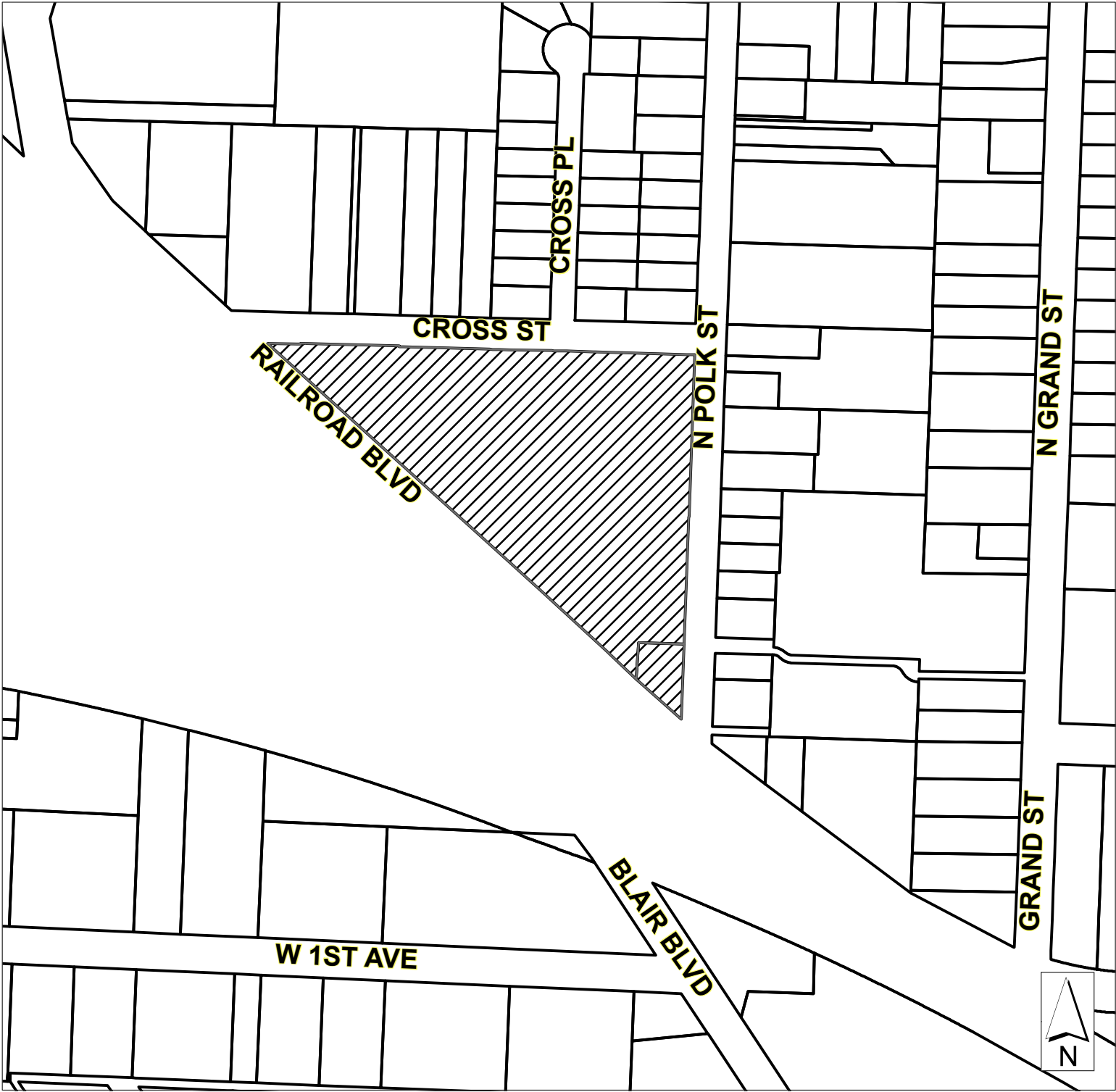
_____ day of _____, 2021.

Mayor

Metro Plan Designation

Exhibit A

1400 Cross Street - City File: MA 20-2 / RA 20-2 / Z 20-8
Metro Plan Amendment, Refinement Plan Amendment & Zone Change



 Mixed Use

 Taxlots



Refinement Plan Designation

1400 Cross Street - City File: MA 20-2 / RA 20-2 / Z 20-8

Metro Plan Amendment, Refinement Plan Amendment & Zone Change



 Mixed Use

 Taxlots

Zone Change

1400 Cross Street - City File: MA 20-2 / RA 20-2 / Z 20-8

Metro Plan Amendment, Refinement Plan Amendment & Zone Change



 S-W Whiteaker Special Area Zone with /SR Site Review Overlay

 Taxlots

Assessor's Map 17-04-25-41, Tax Lot 7000 and
Assessor's Map 17-04-25-42, Tax Lot 100



**FINDINGS IN SUPPORT OF AMENDING THE EUGENE-SPRINGFIELD
METROPOLITAN AREA GENERAL PLAN DIAGRAM AND WHITEAKER PLAN
LAND USE DIAGRAM TO REDESIGNATE THE PROPERTY IDENTIFIED AS
ASSESSOR'S MAP 17-04-25-41, TAX LOT 7000 AND ASSESSOR'S MAP 17-04-25-
42, TAX LOT 100, FROM LIGHT MEDIUM INDUSTRIAL TO MIXED USE AND
REZONE THE PROPERTY FROM I-2 LIGHT-MEDIUM INDUSTRIAL WITH /SR SITE
REVIEW OVERLAY TO S-W WHITEAKER SPECIAL AREA WITH /SR SITE REVIEW
OVERLAY.**

APPLICATION OVERVIEW

Name (File Numbers): 1400 Cross Street (MA 20-2 / RA 20-2 / Z 20-8)

Map No. / Tax Lots: 17-04-25-41 / 7000 and 17-04-25-42 / 100

The applicant is seeking an amendment to the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) land use diagram, with a concurrent Refinement Plan Amendment (Whiteaker Plan), and Zone Change. The requested changes are outlined in Table 1, below.

1400 Cross Street Metro Plan/Refinement Plan Amendment & Zone Change			
Application (File #)	Current	Proposed	Acres
Metro Plan Amendment (MA 20-2)	Light-Medium Industrial	Mixed Use	4.62
Refinement Plan Amendment (RA 20-2)	Light-Medium Industrial	Mixed Use	4.62
Zone Change (Z 20-8)	Light-Medium Industrial	S-W Whiteaker Special Area with /SR Site Review	4.62

Table 1: Current/Proposed Plan Designations and Zoning

The subject property is located west of North Polk Street, northeast of Railroad Boulevard, and south of Cross Street. The site is comprised of two Tax Lots (Map 17-04-25-41, Tax Lot 7000 and Map 17-04-25-42, Tax Lot 100) and is 4.62 acres in size. Existing industrial businesses are located on Tax Lot 100, and one retail business located on Tax Lot 7000.

FINDINGS

This request for a Metro Plan Amendment (Type I) and concurrent applications are subject to the land use application procedures in the Eugene Code (EC) 9.7700-9.7735. The Metro Plan Amendment process at EC 9.7730(5) also triggers the need for an amendment to the Whiteaker Plan, which is the applicable refinement plan for this area. Per EC 9.8005, the requested Refinement Plan Amendment and Zone Change are being processed concurrently.

The following findings address details of the proposal in the context of compliance with the applicable approval criteria at EC 9.7735, EC 9.8424, and EC 9.8865. Those criteria are provided below (in **bolded text**), including findings addressing compliance with each.

METRO PLAN AMENDMENT

The applicant's requested Metro Plan Amendment proposes to change the land use designation of the subject property from Light-Medium Industrial to Mixed Use. It qualifies as a Type I amendment as it only involves a change to the land use diagram and no text amendments to the plan are proposed or required. The following findings address the applicable approval criteria for the Metro Plan Amendment request:

EC 9.7735 (1): The proposed amendment is consistent with the relevant Statewide Planning Goals.

Goal 1: Citizen Involvement - To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

The City's provisions for citizen involvement ensure the opportunity for citizens to be involved in all phases of the planning process and set out requirements for such involvement. The proposal does not include any changes to the City's citizen involvement program.

The City's land use code implements Statewide Planning Goal 1 through its noticing requirements, which include:

- A pre-application neighborhood/applicant meeting (01/23/2020)
- Notice to the Oregon Department of Land Conservation and Development (12/22/2020)
- Referrals and notice sent to Lane County and the City of Springfield (01/06/2021)
- Public notice for the Planning Commission public hearing to consider the applications, which includes: mailing notice to interested parties and adjacent property owners (12/24/2020); posting of the notice on-site (01/08/2021); and, publishing the notice in a local newspaper (01/08/2021).
- Public notice for the City Council public hearing to consider the applications which includes mailing notice to interested parties (04/29/2021) and publishing the notice in a local newspaper (05/02/2021).

Consideration of the amendments and zone change began with a Planning Commission public hearing on January 26, 2021, providing an opportunity for members of the public to provide verbal testimony in addition to written comments. Following consideration and deliberations, the Planning Commission provided a recommendation to the City Council. The Eugene City Council then held a public hearing to consider the proposal on May 17, 2021. Each public hearing presented an opportunity for interested parties to provide testimony to the Planning Commission and City Council for their consideration.

Based on these findings, the proposed Metro Plan Amendment is consistent with Statewide Planning Goal 1.

Goal 2: Land Use Planning - To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

In accordance with Statewide Planning Goal 2, the requested Metro Plan Amendment is being processed according to Eugene's land use code, which specifies the procedure and criteria for consideration of the request. The requested Metro Plan amendment qualifies as a Type I amendment as defined in EC 9.7705 because the only requested change is to the Metro Plan's land use diagram, for lands located wholly within the City of Eugene. Consistent with EC 9.7715(1), the request for an amendment was initiated by a representative for the property owners. Per EC 9.7705(1), this Type I amendment requires approval by City of Eugene only. The subject property is entirely within the Eugene City limits and there is no regional impact associated with this request to amend the Metro Plan land use designation. As the application follows the procedural requirements established by Eugene's land use code, the amendment is consistent with Statewide Planning Goal 2.

The Statewide Planning Goal 2 coordination requirement is met when the City engages in an exchange, or invites such an exchange, between the City and any affected governmental unit and when the City uses the information obtained in the exchange to balance the needs of its citizens. To comply with the Goal 2 coordination requirement, the City provided notice of the proposal and opportunity to comment to Lane County, Lane Council of Governments, City of Springfield, the Oregon Department of Transportation and the Oregon Department of Land Conservation and Development.

There are no exceptions to Statewide Planning Goal 2 required for this amendment. Therefore, the amendments are consistent with Statewide Planning Goal 2.

Goal 3: Agricultural Lands - To preserve agricultural lands.

The amendment is for property located within the urban growth boundary and does not affect any land designated for agricultural use. Based on this finding, Statewide Planning Goal 3 does not apply.

Goal 4: Forest Lands - To preserve forest lands.

The amendment is for property located within the urban growth boundary and does not affect any land designated for forest use. Based on this finding, Statewide Planning Goal 4 does not apply.

Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces - To protect natural resources and conserve scenic and historic areas and open spaces.

There are no Goal 5 resources located on the subject property. This amendment does not

create or amend the City's list of Goal 5 resources, does not amend a code provision adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5, nor does it allow new uses that could be conflicting with a significant Goal 5 resource site. Therefore, Statewide Planning Goal 5 does not apply.

Goal 6: Air, Water and Land Resources Quality - To maintain and improve the quality of the air, water and land resources of the state.

The proposed change to the Metro Plan does not impact the existing regulations that implement the air, water, and land resources quality protections. Given this fact, any future development will be subject to City regulations and other state and federal requirements, ensuring that future developments will be consistent with this Goal. Based on these findings, the amendment is consistent with Statewide Planning Goal 6.

Goal 7: Areas Subject to Natural Hazards - To protect people and property from natural hazards.

Goal 7 requires that local government planning programs include provisions to protect people and property from the following natural hazards: floods, landslides, earthquakes and related hazards, tsunamis, coastal erosion and wildfires. The Goal prohibits a development in natural hazard areas without appropriate safeguards. The subject property is not located within known areas of natural disasters or hazards. The subject property is outside the flood zone and is not subject to hazards normally associated with wildfires or tsunamis. Other hazards can be mitigated at the time of development based on applicable land use code provisions, building codes and building techniques. The map amendment does not affect the City's restrictions on development in areas subject to natural disasters and hazards. Based on these findings, the amendment is consistent with Statewide Planning Goal 7.

Goal 8: Recreational Needs - To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Goal 8 ensures the provision of recreational facilities to Oregon citizens and is primarily concerned with the provision of those facilities in non-urban areas of the state. The amendment does not affect the City's provisions for or access to recreation areas, facilities or recreational opportunities. Therefore, Statewide Planning Goal 8 does not apply.

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

Statewide Planning Goal 9 requires cities to evaluate the supply and demand of commercial and industrial land relative to community economic objectives. This Metro Plan Amendment is only

related to lands designated as industrial. The Administrative Rule for Statewide Planning Goal 9 (OAR 660 Division 9) requires that the City provide for at least an adequate supply of sites of suitable sizes, types, location, and service levels for a variety of industrial and commercial uses consistent with plan policies.

The Employment Lands Supply Study 2012-2032 (ELSS) is included as Appendix B in the City's comprehensive plan, Envision Eugene, and complies with the requirements of Goal 9 and the corresponding Administrative Rule.

The ELSS classifies the subject properties as "developed commercial and industrial lands." See Employment Land Supply (2012) Figure 5, map tile 11 of 18. Based on this classification, the subject property was not included in the inventory of available or developable employment lands within Eugene's Urban Growth Boundary. Therefore, while the subject property may have some developable area, the proposed amendment to the Metro Plan will have no impact on the City's adopted available or developable employment land capacity.

Further, OAR 660-009-010(4) includes specific requirements for changes in plan designation that involve land in excess of two acres within an existing urban growth boundary from an industrial use designation to a non-industrial use designation, or another employment use designation to any other use designation. Goal 9 requires that the City provide for at least an adequate supply of sites of suitable size, types, locations, and service level for a variety of industrial and commercial uses consistent with Metro Plan Policies. Oregon Administrative Rule 660-009-000 et seq. (Division 9) establishes the applicability of Goal 9 rules. OAR 660-009-0010(4) states:

For a post-acknowledgement plan amendment under OAR chapter 660, division 18, that changes the plan designation of land in excess of two acres within an existing urban growth boundary from an industrial use designation to a non-industrial use designation, or another employment use designation to any other use designation, a city or county must address all applicable planning requirements, and:

- a) Demonstrate that the proposed amendment is consistent with its most recent economic opportunities analysis and the parts of its acknowledged comprehensive plan which address the requirements of this division; or*
- b) Amend its comprehensive plans to incorporate the proposed amendment, consistent with the requirements of this division; or*
- c) Adopt a combination of the above, consistent with the requirements of this division.*

The proposed Metro Plan Amendment involves a plan designation change of land in excess of four acres from a Light-Medium Industrial land use to Mixed Use designation. For the purposes of the City's ELSS, mixed use designations are grouped under the broad category of commercial uses. Therefore, because the proposed amendment proposes changes to the plan designation of land in excess of four acres from an industrial use to another employment use designation, OAR 660-009-010(4) applies.

For the purpose of demonstrating consistency with the ELSS, it is important to discuss how the ELSS categorizes the subject site and to review past measures the City has implemented to increase employment development based on the ELSS findings. The ELSS divides forecasted industrial employment growth into tax lot site sizes ranging from less than 10 acres or larger than 10 acres. At just over 4.5 acres, the subject site falls into forecast for sites under 10 acres. The ELSS identified 404 acres of developable industrial lands less than 10 acres in size. Based on forecasted land need, the ELSS forecast calculated a surplus of 121 acres. Due to this identified surplus and in combination with deficiencies with other employment land types, the City pursued strategies to increase the supply of employment land capacity and efficiency such as consolidating small sites into larger sites and rezoning some areas zoned industrial to a new E-2 Mixed Use Zone (Envision Eugene Implementation: Employment and Industrial Zone Changes and Code Amendments; City Files CA 13-4 and Z 13-8). These efficiency measures resulted in a deficiency of 26 small-industrial acres. The City addressed this deficiency by including some smaller industrial sites in the Clear Lake UGB expansion area.

As discussed above, the ELSS does not identify the subject property in the inventory of available or developable industrial employment lands. In terms of potential loss of over four acres of designated industrial employment lands, the ELSS supports the proposed amendment following on the heels of the ELSS measures to increase capacity and efficiency of employment lands broadly within the urban growth boundary. First, the proposed amendment and zone change would permit a mixture of commercial and industrial uses with an emphasis on employment use flexibility while avoiding creating a non-conforming situation regarding current industrial development. Further, by allowing for more employment use types than in the industrial plan designation and zoning, the proposed mixed-use designation and zoning allows for greater employment capacity and reduces the need to expand the UGB for employment lands.

Additional findings addressing the relevant policies of the Metro Plan and Envision Eugene, consistent with OAR 660-009-0010(4)(a), are provided below under EC 9.7735(2) and (3) and are incorporated herein by reference.

Further contextual analysis demonstrating how the proposed amendment supports Statewide Planning Goal 9 generally is included in the applicant's narrative.

Given these facts, the requested Metro Plan Amendment will not adversely impact the ability to provide opportunities for a variety of economic activities.

Based on these findings, the proposal is consistent with Statewide Planning Goal 9.

Goal 10: Housing - To provide for the housing needs of citizens of the state.

Goal 10 requires that communities plan for and maintain an inventory of buildable residential land for needed housing units. The Administrative Rule for Statewide Planning Goal 10 (OAR 660 Division 8) states that "the mix and density of needed housing is determined in the housing

needs projection. The Envision Eugene Residential Lands Supply Study (RLS), which includes Eugene's Housing Needs Assessment (HNA), determined that Eugene meets the demand for low, medium, and high-density residential land. Further, the Buildable Land Inventory (BLI) recognized the subject site as developed and designated for industrial development.

The RLS recognizes that Eugene has some additional new housing land supply made available through redevelopment of "developed" commercial land. In this case, the proposed amendments and zone change provide an opportunity to add 4.62 acres of mixed-use land which allows for the ability to develop low- to high-density residential uses that would not otherwise be allowed under the existing industrial plan designation and zoning. This allowance would create additional housing opportunities which exceed HNA and BLI assumptions, consistent with Goal 10.

The proposed amendments do not leave the City with less than adequate residential land supply in the types, locations, and affordability ranges affected. However, the fact remains that the site is currently developed with existing industrial uses and no plans for redevelopment of the site are under consideration at this time.

Based on these findings, the proposal meets the Goal 10 requirements to the extent they could be construed as being applicable in this case.

Goal 11: Public Facilities and Services - To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

The amendment does not affect the City's provision of public facilities and services. Based on this finding, Statewide Planning Goal 11 does not apply. However, as a note, all necessary public services exist or are readily available near the subject site.

Goal 12: Transportation - To provide and encourage a safe, convenient and economic transportation system.

Statewide Planning Goal 12 requires a determination of whether the proposed Metro Plan Amendment will significantly impact an existing or planned transportation facility. OAR 660-012-0060, the Transportation Planning Rule (TPR), implements Goal 12 for proposed amendments to the Metro Plan diagram, such as this application. The TPR contains the following requirement:

OAR 660-012-0060(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed

under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*
- (b) Change standards implementing a functional classification system; or*
- (c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.*
 - (A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*
 - (B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or*
 - (C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.*

Kelly Sandow, PE, of Sandow Engineering, prepared a TPR analysis on behalf of the applicant to demonstrate consistency with Statewide Planning Goal 12 requirements and the Eugene 2035 Transportation System Plan (TSP). The analysis calculated an assumed “worst-case development” scenario for the existing and proposed land use designations and zoning to quantify potential transportation impacts for a 20-year planning horizon. The assumption was based on the total site area, a rate of development based on proposed zoning and a high traffic impact use allowed in the existing (I-2) and proposed (S-W) zone. City staff concurred with the scope of the study, and the analysis was initially found to be consistent with the agreed upon scope of work.

The applicant’s TPR analysis concluded that the proposed amendment and zone change will not significantly affect the operation of the studied intersections, in accordance with OAR 660-012-0060(1). This is supported by findings included within the analysis that verify the proposed amendment and zone change does not significantly affect any transportation facility, citing compliance with OAR 660-012-0060(1)(a) through (c). The analysis concludes that because OAR 660-012-0060(1) is satisfied and there is no significant effect, the remaining OAR subsections (2) through (11) do not apply.

While staff initially concurred with the consultant’s methodology and findings, it was found that there is a significant effect that needs to be addressed under the TPR, contrary to the applicant’s TPR conclusions. A significant effect was triggered under OAR 660-012-0060(1)(c)(C)

due to impact to the intersection at River Road and Railroad Boulevard (also NW Expressway) and Railroad Boulevard and Polk Street.

Additionally, staff reevaluated the assumptions and conclusion of the applicant's TPR analysis and found one key issue with the applicant's assumptions. The applicant's worst-case scenario proposed a 5,000 square foot convenience store, which is only allowed in the I-2 zone under certain limitations. One such limitation, under EC 9.2451(4) requires convenience stores (up to 5,000 square feet) in the I-2 zone to be located on development sites with frontage on an arterial street (major or minor). However, this site does not front an arterial street. Railroad Boulevard, the highest classification street fronting the subject property, is classified as a major collector. Therefore, a "convenience store" cannot be reasonably be considered as an allowed use on the subject property as part of the applicant's TPR assumptions.

The applicant's traffic engineer provided revised reasonable worst-case scenario findings on March 1, 2021 (Sandow Engineering TPR Trip Cap Memorandum). The applicant's revised assumptions eliminated the convenience store use and decreased the percentage of lot coverage committed to landscaping, stormwater facilities, and setbacks. The applicant also added "car repair, paint, and body shop" as a proposed use which is permitted in the I-2 zone. The revised worst-case peak hour trip generation count decreased from 453 PM peak hour trips to 328 PM peak hour trips. The revisions to the reasonable worst-case scenario under current zoning more accurately reflect a reasonable worst-case scenario considering the I-2 permitted uses and development standards. The applicant's traffic engineer further defends the revised assumptions by comparing local precedents in their March 15, 2021 memorandum.

The proposed amendments and zone change continue to result in a "significant effect" under OAR 660-012-0060(1)(c)(C) due to impact to the intersection at River Road and Railroad Boulevard (also NW Expressway) and Railroad Boulevard and Polk Street, as discussed further below.

The City uses Level of Service (LOS) as our performance standard to determine significant effect and the adopted performance standard is a minimum LOS E, at all intersections outside of the downtown area. LOS can be generally described as a measure of the amount of time delay expected at a given intersection. LOS ranges from A to F, with A indicating the most desirable condition and F indicating the most unsatisfactory condition. The applicant's traffic study identified two intersections within the study area that do not meet the minimum LOS standard at the end of the planning period for the current designation or the amended designation. The intersection of River Road and Railroad Boulevard (also NW Expressway) is projected to perform at LOS "F" at the end of the planning period. The intersection of Railroad Boulevard and Polk Street is also projected to perform at LOS "F" at the end of the planning period. Therefore, the increased number of vehicle trips generated by the proposed amendment will further degrade the performance of an existing facility such that it would not meet the performance standards identified in the TSP. Based on these facts, the requested change triggers a significant effect under TPR subsection (1)(c)(C). When a significant effect is

determined, a remedy to mitigate increased degradation is required to ensure compliance with the TPR's subsection (2).

OAR 660-012-0060(2) If a local government determines that there would be a significant effect, then the local government must ensure that allowed land uses are consistent with the identified function, capacity, and performance standards of the facility measured at the end of the planning period identified in the adopted TSP through one or a combination of the remedies listed in (a) through (e) below, unless the amendment meets the balancing test in subsection (2)(e) of this section or qualifies for partial mitigation in section (11) of this rule. A local government using subsection (2)(e), section (3), section (10) or section (11) to approve an amendment recognizes that additional motor vehicle traffic congestion may result and that other facility providers would not be expected to provide additional capacity for motor vehicles in response to this congestion.

- (a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.*
- (b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.*
- (c) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.*
- (d) Providing other measures as a condition of development or through a development agreement or similar funding method, including, but not limited to, transportation system management measures or minor transportation improvements. Local governments shall, as part of the amendment, specify when measures or improvements provided pursuant to this subsection will be provided.*
- (e) Providing improvements that would benefit modes other than the significantly affected mode, improvements to facilities other than the significantly affected facility, or improvements at other locations, if the provider of the significantly affected facility provides a written statement that the system-wide benefits are sufficient to balance the significant effect, even though the improvements would not result in consistency for all performance standards.*
 - (A) The provider of the significantly affected facility provides a written statement that the system-wide benefits are sufficient to balance the significant effect, even though the improvements would not result in consistency for all performance standards;*
 - (B) The providers of facilities being improved at other locations provide written statements of approval; and*

(C) The local jurisdictions where facilities are being improved provide written statements of approval.

Neither staff nor the applicant proposes measures listed in subsections (a) through (c) or (e). The following trip cap condition is recommended as a simple remedy and is a mitigation tool consistent with OAR 660-012-0060(2)(d). It limits future development's transportation impact to a level the same as the current plan designation and zoning. To calculate the number of trips for the trip cap condition, the analysis uses the most reasonable buildout scenario under the current plan designation and zoning, which was calculated in the applicant's updated trip cap analysis. The result of the trip cap is that a change in plan designation and zoning will have no greater impact on the transportation system than the current designation and zone.

Recommended Trip Cap Condition of Approval

Site development shall be limited so as to generate no more than 328 PM peak hour vehicle trips as determined by the most current edition of the Institute of Transportation Engineers Trip Generation Manual. The City may allow development intensity beyond this maximum number of peak hour vehicle trips if the applicant submits to the appropriate approving agencies a transportation impact analysis demonstrating the proposed intensification of use is consistent with the Transportation Planning Rule (TPR) criteria outlined in Oregon Administrative Rule (OAR) 660 012-0060. The applicant shall seek, and the City shall consider such approval using the City's Type II land use application procedure.

This trip cap condition provides an enforceable, ongoing requirement limiting traffic generation to a level consistent with the current Metro Plan designation. Therefore, the proposed Metro Plan amendment (and zone change) will not increase trip generation, thereby demonstrating compliance with the requirements of the TPR. With the inclusion of the trip cap condition, the proposal meets the requirements of Statewide Planning Goal 12, the Transportation Planning Rule, and the City's TSP.

Based on these revised findings and proposed condition of approval, the proposal is consistent with Statewide Planning Goal 12.

Goal 13: Energy Conservation - To conserve energy.

The proposed change to the Metro Plan's land use diagram will not amend or otherwise involve any land use regulations that implement this Goal. Therefore, Statewide Planning Goal 13 does not apply.

Goal 14: Urbanization - To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

The amendments do not affect the City's provisions regarding the transition of land from rural to urban uses. Based on this finding, Statewide Planning Goal 14 does not apply.

Goal 15: Willamette River Greenway - To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

The amendments do not contain any changes that affect the Willamette River Greenway regulations, nor is the subject property located within the adopted Willamette Greenway boundary. Based on this finding, Statewide Planning Goal 15 does not apply.

Goals 16 – 19: Estuarine Resources; Coastal Shorelands; Beaches and Dunes; and Ocean Resources

There are no estuarine, beach and dune, coastal, or ocean resources related to the property affected by these amendments. Based on this finding, Statewide Planning Goals 16 through 19 do not apply.

Based on the findings above, the Metro Plan Amendment complies with Statewide Planning Goals and the approval criterion at EC 9.7735(1) is met.

EC 9.7735(2): The proposed amendment does not make the Metro Plan internally inconsistent.

No policies within the Metro Plan appear to serve as mandatory approval criteria, nor do any appear to be directly relevant to this site-specific amendment. Therefore, the proposed amendment does not present any conflict with Metro Plan policies nor make the Metro Plan internally inconsistent. Based on these findings, this criterion is met.

EC 9.7735(3): When the city-specific local comprehensive plan also applies, the proposed amendment is consistent with the city-specific local comprehensive plan.

The city-specific local comprehensive plan for the City of Eugene is the Envision Eugene Comprehensive Plan. The following policies from the Envision Eugene (EE) Comprehensive Plan provides relevant, general support for the amendment to the Metro Plan Diagram:

EE Policy 3.1 Employment growth. Plan for an employment growth rate that is identified in the current adopted Economic Opportunities Analysis. Strive to capture a majority of the region's employment growth within the City of Eugene.

EE Policy 3.21 Parcel assembly. Facilitate reconfiguration of smaller vacant or underutilized industrial parcels to create redevelopment opportunities within the urban growth boundary.

EE Policy 3.35 Neighborhood vitality. Recognize the vital role of commercial facilities that provide services and goods in complete, walkable neighborhoods throughout the community. Encourage the preservation and creation of affordable neighborhood commercial space to support a broad range of small business owners across all neighborhoods.

Each of the policies above come from Economic Development Chapter of the EE Comprehensive Plan. The applicant contends that the proposed amendment will diversify industrial and commercial uses permitted on the site as well which can better serve the Whiteaker Neighborhood and broader Eugene community. The proposed amendment and concurrent zone change will expand the variety of uses permitted on the property while applying additional development standards meant to promote overall neighborhood compatibility between otherwise noncompatible uses (i.e. low-density residential and industrial). Based on these facts, the proposed amendment and concurrent zone change are generally supported by the EE Economic Development policies cited above.

The Transportation chapter of Envision Eugene states that the Eugene 2035 Transportation System Plan (TSP) serves as the transportation element for the comprehensive plan. As noted in the findings related to Statewide Planning Goal 12, the Metro Plan Diagram amendment is consistent with the City's TSP, and therefore consistent with the transportation element of Envision Eugene. No transportation policies appear to be directly relevant to this site-specific Metro Plan Amendment, nor do they serve as mandatory approval criteria for the amendment.

Based on these findings, the proposed Metro Plan Amendment is consistent with Envision Eugene, the City's local comprehensive plan.

REFINEMENT PLAN AMENDMENT

The proposed Metro Plan Amendment also triggers the need for an amendment to the Whiteaker Plan (WP), which is the applicable refinement plan for this area. The subject property is located in the South Sladden Subarea, as identified in the WP. The WP's land use diagram designates the property as Light-Medium Industrial. Per EC 9.7730(5)(b), since no text amendment is required, the refinement plan designation would change automatically to Mixed Use to remain consistent with the Metro Plan. This only occurs if the amendment to the Metro Plan land use designation is approved. The following findings address the applicable approval criteria for the related refinement plan amendment:

EC 9.8424(1): The refinement plan amendment is consistent with all of the following:

(a) Statewide planning goals.

The findings addressing consistency with the Statewide Planning Goals are included above under Metro Plan Amendment approval criterion EC 9.7735(1), incorporated herein by

reference. Based on those findings, the proposal is consistent with the Statewide Planning Goals.

(b) Applicable provisions of the comprehensive plan.

Per the findings above under Metro Plan Amendment approval criteria EC 9.7735(2) and EC 9.7735(3), incorporated herein by reference, the proposal is consistent with the provisions of the comprehensive plan.

(c) Remaining portions of the refinement plan.

The proposed amendment to the refinement plan only includes the automatic amendment to the land use diagram through the procedures identified at EC 9.7730(5). No other amendments to the WP are proposed.

The subject property is located in the South Sladden Area, Subarea 9, of the WP. The plan designations of this area, which vary considerably, include a designation of mixed use along West 1st Avenue and Railroad Boulevard adjacent to the subject property. In this subarea the following policy is applicable:

2. In the South Sladden area, change the zoning of parcels designated on the Whiteaker Plan Diagram as mixed use to Whiteaker MU-W. Apply the site review subdistrict to all property zoned MU-W.

This policy was originally implemented through the zoning of the adjacent mixed-use designated areas (previously known as MU-W, Whiteaker Mixed Use District). That zone was subsequently reclassified as part of the City's land use code update in 2001 from MU-W to S-W, Whiteaker Special Area Zone. For consistency with this WP policy, the applicant has proposed to apply the /SR Site Review overlay zone. The applicant's concurrent proposal to rezone the subject property from I-2 to S-W/SR is consistent with the WP policy noted above.

There are no other policies in the WP that appear to serve as mandatory approval criteria or require further analysis in this instance, and the proposed plan amendment is otherwise consistent with the WP.

Based on the available information, EC 9.8424(1) is met.

EC 9.8424(2): The refinement plan amendment addresses one or more of the following:

- (a) An error in the publication of the refinement plan.**
- (b) New inventory material which relates to a statewide planning goal.**
- (c) New or amended community policies.**

- (d) New or amended provisions in a federal law or regulation, state statute, state regulation, statewide planning goal, or state agency land use plan.**
- (e) A change of circumstances in a substantial manner that was not anticipated at the time the refinement plan was adopted.**

The concurrent amendment to the plan designation on the Metro Plan diagram constitutes a “new or amended community policy” per EC 9.8424(2) above. Per the findings pertaining to the Metro Plan diagram amendment at EC 9.7735, incorporated herein by reference, the designation change is consistent with all Statewide Planning Goals and the existing Metro Plan policies. Therefore, if the requested Metro Plan Amendment is approved, the refinement plan must respond to remain consistent. Based on these findings, this criterion is met.

ZONE CHANGE EVALUATION

The applicant’s request includes a concurrent zone change request from I-2 Light-Medium Industrial to S-W Special Whiteaker Mixed Use with /SR Site Review overlay, to bring the zoning into conformance with the proposed Mixed Use plan designation. The following findings address the applicable approval criteria for the related zone change request:

EC 9.8865(1): The proposed change is consistent with applicable provisions of the Metro Plan. The written text of the Metro Plan shall take precedence over the Metro Plan diagram where apparent conflicts or inconsistencies exist.

According to EC 9.3905, the requested S-W Whiteaker Special Area Zone implements the mixed use designation of the Whiteaker Plan. The analysis and findings under the refinement plan amendment criteria, incorporated herein by reference, provide positive findings for consistency between the S-W, Whiteaker Special Area zoning and the mixed use designation of the Metro Plan. Therefore, as the current Metro Plan designation is Light-Medium industrial, consistency with this provision is contingent upon the approval of the Metro Plan Amendment to amend land use designation. With respect to Metro Plan policies, there appear to be no policies that would serve as mandatory approval criteria for this zone change or require further analysis beyond that provided above for the requested plan amendment.

Based on these findings, and with approval of the proposed Metro Plan Amendment, this criterion is met.

EC 9.8865(2): The proposed zone change is consistent with applicable adopted refinement plans. In the event of inconsistencies between these plans and the Metro Plan, the Metro Plan controls.

The subject property is within the boundaries of the Whiteaker Plan (WP), which is the applicable adopted refinement plan for the area of this request. The WP identifies the subject property as being designated for Light-Medium Industrial. However, according to the Metro Plan Amendment procedures at EC 9.7730(5)(b), if the requested plan diagram amendment is

enacted and no text in the refinement needs to be amended, then the WP's land use diagram is automatically amended to remain consistent with the Metro Plan. There are no text amendments proposed or otherwise required in this instance. Therefore, if the concurrent Metro Plan Amendment is approved, the WP's land use diagram will automatically be amended and be consistent with the proposed zoning. Other than the policy addressed at EC 9.8424(1)(c) above, no other policies listed in the WP appear to serve as mandatory approval criteria for this zone change or require further analysis beyond that provided above for the requested plan amendment.

Based on these findings, and with approval of the proposed plan amendment, this criterion is met.

EC 9.8865(3): The uses and density that will be allowed by the proposed zoning in the location of the proposed change can be served through the orderly extension of key urban facilities and services.

Key urban facilities and services are defined in the Metro Plan as: wastewater service, stormwater service, transportation, water service, fire and emergency medical services, police protection, City-wide parks and recreation programs, electric service, land use controls, communication facilities, and public schools on a district-wide basis (see Metro Plan, page V-3). The following summary addresses the availability of these key urban services and facilities as required under this criterion.

Wastewater: Adjacent to the subject property in the northwest corner is a 54-inch public sewer line flowing east from MH 9255 to 9373 and 9292 on Cross Street. Additionally, there is an 8-inch public wastewater line at MH10274 along Polk Street from Railroad Blvd to Cross Street.

Stormwater: Public Stormwater facilities exist within the right-of-way of both Polk and Cross Streets via weepholes in the curb and existing storm drains. There do not appear to be any downstream capacity issues within the area and any future development will be required to meet standards set forth in the Stormwater Management Manual and Chapter 9 of the Eugene Code.

Streets: The property has primary frontage on Railroad Blvd which is identified as a major collector, as well as access connections to both the local streets Polk Street and Cross Street. All roadways are owned and maintained by the City of Eugene and are fully paved, with sidewalks, curb and gutter, and additionally street trees and streetlights in several areas surrounding the property. Street standards will be required to be addressed at the time of any future development

Solid Waste: Collection service is provided by private entities. Regional disposal sites and the Short Mountain Landfill are operated by Lane County.

Water and Electric: Water and electrical services, operated by Eugene Water and Electric Board (EWEB) are available for extension to the property. Any future development will require coordination with EWEB staff to ensure that water and electric services comply with City standards and EWEB requirements.

Public Safety: Police protection for the subject property is consistent with service provision through the City. Fire protection will be provided by the Eugene/Springfield Fire Department. Emergency medical services are currently provided on a regional basis by the cities of Eugene and Springfield.

Transportation: The subject property is accessible to pedestrians, bicycles, and vehicles via the surrounding street network. Three public transit stops are located adjacent to the subject property. Sidewalks are present along all street frontages of the subject property.

Parks and Recreation: Parks and recreation programs are provided on a City-wide basis. The inclusion of the subject property in the City is sufficient evidence to demonstrate the minimum level of this key urban service is met.

Planning and Development Services: Planning and building permit services are provided for all properties located within the urban growth boundary by the City of Eugene. The Eugene Code, Chapter 9, will provide the required land use controls for future development of the subject property.

Communication: A variety of telecommunication providers offer communications services throughout the Eugene/Springfield area; therefore, these services are available, and this key urban service requirement is met.

Public Schools: The subject property is within Eugene School District 4J. As access to schools is evaluated on a district wide basis, the property's location within the school district is sufficient evidence to demonstrate the minimum level of this key urban service is met.

Based on these findings, this criterion is satisfied.

EC 9.8865(4) The proposed zone change is consistent with the applicable siting requirements set out for the specific zone in:

(o) EC 9.3905 Whiteaker Special Area Zone Siting Requirements.

The applicant has requested a change to the S-W Whiteaker Special Area zone. The specific siting standards for S-W are listed under EC 9.3905 and provided for ease of reference below.

EC 9.3905: S-W Whiteaker Special Area Zone Siting Requirements. In addition to the approval criteria at EC 9.8865 Zone Change Approval Criteria, the site must be planned for a special mix of uses in the Whiteaker Neighborhood Plan.

As the siting requirements state that S-W is limited to areas designated for mixed use in the WP, compliance with this provision is contingent upon the approval of the concurrent plan amendment. Therefore, the proposal complies with EC 9.3905.

Based on these findings, with approval of the proposed plan amendment, the siting requirements will be satisfied, and this criterion is met.

EC 9.8865(5) In cases where the NR zone is applied ...

This criterion does not apply because the proposed zone change does not include the NR zone.

OAR 660-012-0060 - Transportation Planning Rule

While not an approval criterion included in Eugene Code, zone change applications are required to demonstrate compliance with the State's Transportation Planning Rule under OAR 660-012-0060. Consistent with the findings under the Statewide Planning Goal 12, incorporated herein by reference, the proposed zone change is consistent with the Transportation Planning Rule.

CONCLUSION

Based on the available information and evidence, and the preceding findings of compliance with the applicable approval criteria, the proposed Metro Plan Amendment, Refinement Plan Amendment, and Zone Change comply with the applicable approval criteria, subject to the following condition of approval:

Trip Cap Condition of Approval

Site development shall be limited so as to generate no more than 328 PM peak hour vehicle trips as determined by the most current edition of the Institute of Transportation Engineers Trip Generation Manual. The City may allow development intensity beyond this maximum number of peak hour vehicle trips if the applicant submits to the appropriate approving agencies a transportation impact analysis demonstrating the proposed intensification of use is consistent with the Transportation Planning Rule (TPR) criteria outlined in Oregon Administrative Rule (OAR) 660 012-0060. The applicant shall seek, and the City shall consider such approval using the City's Type II land use application procedure.

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Action: An Ordinance Vacating Slocum Drive, Songbird Loop, and Public Utility Easement

Meeting Date: July 12, 2021
Department: Planning & Development
www.eugene-or.gov

Agenda Item Number: 6
Staff Contact: Jeff Gepper
Contact Telephone Number: 541-682-5282

ISSUE STATEMENT

The City Council is scheduled to take action on a right-of-way vacation request submitted by Neighborly Ventures Inc. The requested vacation of the unimproved public rights-of-way consists of Slocum Drive and Songbird Loop, as well as an associated unimproved public utility easement (City File: VRI 20-1). A vicinity map and an aerial map of the vacation request are provided as Attachments A and B.

BACKGROUND

The applicant has requested a vacation of platted public rights-of-way and a public utility easement in order to develop the properties with multi-family dwellings consistent with the residential plan designation and zoning for the property. Additionally, the vacation will satisfy a condition of Site Review approval for the development known as the Southwest Eugene Apartments (City File: SR 20-3).

The total requested vacation area consists of 25,288 square feet of public right-of-way, comprised of Slocum Drive (16,438 square feet) and Songbird Loop (8,850 square feet). Neither right-of-way was ever developed and currently consist of tall grasses and shrubs. The request also includes vacation of a 7-foot wide public utility easement that abuts the north side of Slocum Drive and the west side of Songbird Loop. The public utility easement is also undeveloped and not necessary to serve the properties which have frontage on Willow Creek Road. The rights-of-way and the public utility easement were dedicated as part of a plat through a previous land division (City File: M 00-3). The City's Public Works Department supports the proposed vacation.

More details on this request can be found in the full record of application materials to date, which was provided separately to Councilors on a thumb-drive for the June 21, 2021 public hearing. Otherwise, application materials can be made available to the public in hardcopy or electronic format upon request. These materials can also be accessed online here:

<https://pdd.eugene-or.gov/LandUse/SearchApplicationDocuments?file=VRI-20-0001>.

July 12, 2021 Meeting – Item 6

City Council Process

The vacation request process serves as a means to evaluate the need for public ways as land develops and uses change over time, and to address the manner in which the City may dispense with public ways. This request for vacation is being considered in accordance with Sections 9.8700 – 9.8725 of the Eugene Code (EC) and Oregon Revised Statutes (ORS) 271.080 – 271.230 and is being processed pursuant to EC 9.7445 – 9.7455. The public hearing and process was conducted consistent with quasi-judicial procedures in State law and as set forth in EC 9.7065 – 9.7095.

Notice of the June 21, 2021 public hearing for the requested vacation was provided in the following manner: on May 25, 2021, notice was mailed to owners of property within 100 feet of the rights-of-way, interested parties, and the officially recognized neighborhood group, the Churchill Area Neighbors; on June 7, 2021, the property was posted with signs in the immediate vicinity of the requested vacation; and, on June 7, 2021 and June 14, 2021, legal notice was published in The Register-Guard newspaper. No written testimony was received prior to the close of the record.

On [June 21, 2021](https://eugene.ompnetwork.org/sessions/183479?embedInPoint=240&embedOutPoint=6426&shareMethod=link) (webcast and meeting materials found at <https://eugene.ompnetwork.org/sessions/183479?embedInPoint=240&embedOutPoint=6426&shareMethod=link>), Council held a public hearing on the application, during which the applicant's representative provided testimony in support of the application. No other verbal or written testimony was received for the application prior to the close of the record.

Consent of Abutting and Affected Property Owners and Utility Providers

In accordance with ORS 271.080, the applicant has provided evidence of consent to the vacation from owners of at least two-thirds of the property within the affected area. In this case, the affected area per State law is the land lying on either side of the vacated area to the next lateral street, and 400 feet beyond each terminus of the rights-of-way to be vacated.

Based on the signed consent forms submitted with the application, the applicant has obtained consent for the proposed vacation from the property owners of approximately 89 percent of the affected area for Slocum Drive and 100 percent for Songbird Loop, which exceeds the requirements in Oregon Revised Statute (ORS) 271.080 and Eugene Code (EC) Section 9.8710. A map showing the affected area and the area of property owner consent was included in the materials provided the public hearing on June 21, 2021.

The applicant also received statements of concurrence from affected utility providers for the vacation of the unimproved public utility easement, which can be seen in the application materials. The concurrences demonstrate that the public utility easement is undeveloped, and the properties can be served by their frontage on Willow Creek Road.

Determination of Assessment

Pursuant to EC 9.8710(5), the applicant is required to pay a deposit equal to the assessment of special benefit resulting from the vacation. The amount of money to be deposited is to be determined by the City Manager. Pursuant to the City Code, the City provided a notice to the applicants of the assessment 20 days prior to the public hearing. At that time, the assessment was

determined to be a total of \$35,660, which has been deposited by the applicants to the City. If the application is approved and the vacation becomes effective, the deposit will be retained by the City; if the application is denied or the vacation fails to take effect for another reason, the money will be returned to the applicant.

Applicable Approval Criteria

The Eugene City Council must determine whether the consent of the owners of the requisite area has been obtained and whether notice has been duly given, and must address the relevant approval criterion from EC 9.8725 in making a decision on the proposed right-of-way vacation, as listed below in *italics*. Findings demonstrating compliance with these requirements can be found in Attachment C, Exhibit C of the Draft Ordinance.

The city council shall approve, or approve with conditions and reservations of easements, the vacation of improved public right-of-way, public ways acquired with public funds, or undeveloped subdivision and partition plats, or portions thereof, including public right-of-way and improved public easements located therein, only if the council finds that approval of the vacation is in the public interest.

COUNCIL OPTIONS

The City Council may:

1. Adopt the ordinance as proposed in Attachment C to this AIS.
2. Adopt the ordinance with specific modifications as determined by the City Council.
3. Take no action.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends adoption of the ordinance as provided in Attachment C.

SUGGESTED MOTION

Move to adopt the Ordinance, included as Attachment C to this AIS, vacating Slocum Drive, Songbird Loop, and Public Utility Easement.

ATTACHMENTS

- A. Vicinity Map
- B. Aerial Map of Vacation Request
- C. Draft Ordinance
 - a) Exhibit A – Legal Description
 - b) Exhibit B – Site Plan
 - c) Exhibit C – Findings

FOR MORE INFORMATION

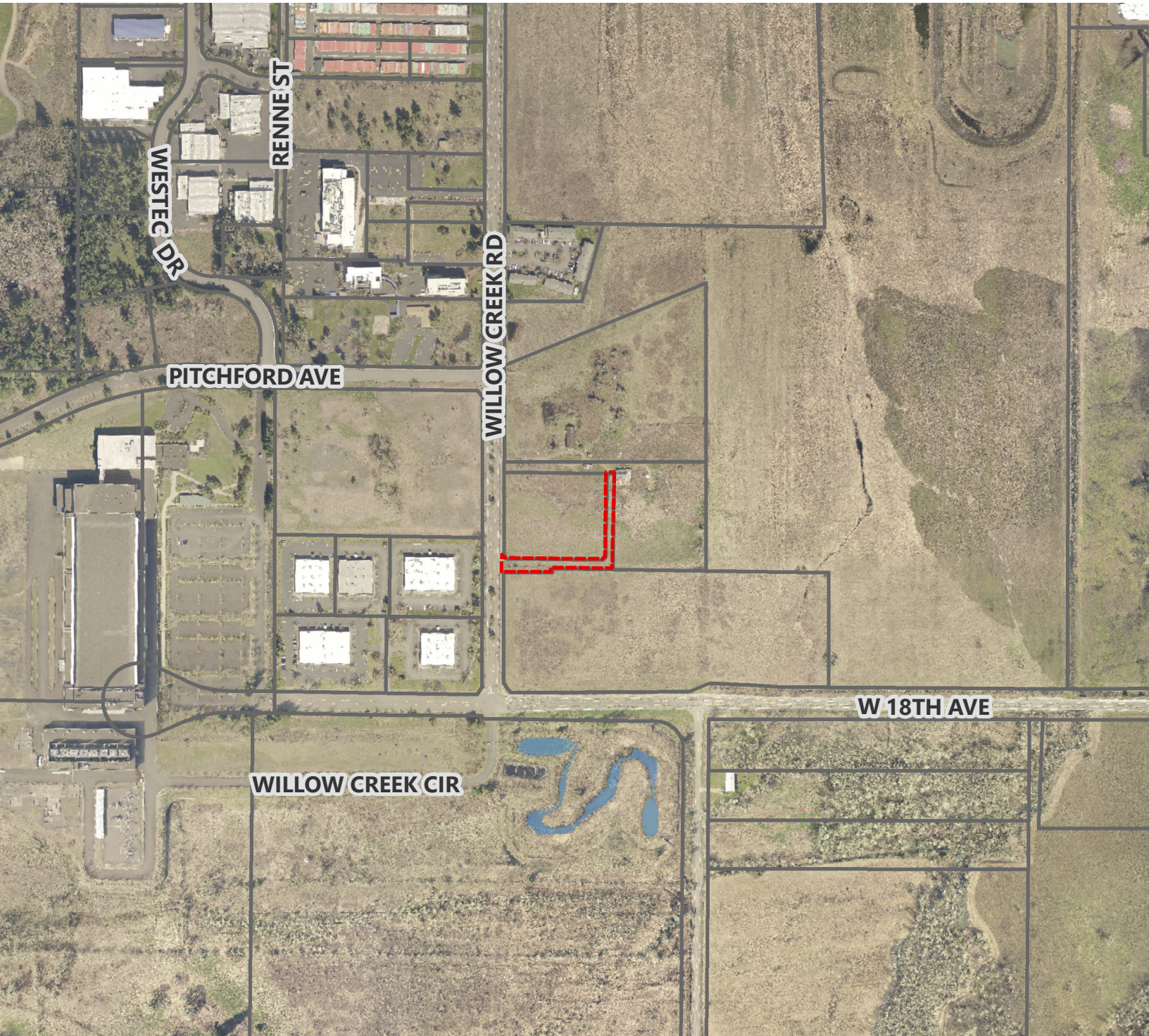
Staff Contact: Jeff Gepper, Senior Planner
Telephone: 541-682-5282
Staff E-Mail: JGepper@eugene-or.gov



Vicinity Map: Neighborly Ventures Vacation (File: VRI 20-1)

Platted Rights-of-Way and Public Utility Easement Vacation

Attachment A



- Area of Requested Vacation*
- Taxlots

*Areas included in the vacation request are: Slocum Drive Right-of-Way, Songbird Loop Right-of-Way, and a 7-foot Public Utility Easement that travels along the north side of the rights-of-way.

0 190 380 760 Ft



Caution: This map is based on imprecise source data, subject to change, and for general reference only.

Created on 6/7/2021
by City of Eugene Planning Division





- Area of Requested Rights-of-Way Vacation*
- Area of Requested Public Utility Easement Vacation*
- Taxlots

*Areas included in the vacation request are: Slocum Drive Right-of-Way, Songbird Loop Right-of-Way, and a 7-foot Public Utility Easement that travels along the north side of the rights-of-way. See Ordinance Exhibit B for more detailed map.

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Caution: This map is based on imprecise source data, subject to change, and for general reference only.

Created on 5/28/2021
by City of Eugene Planning Division



ORDINANCE NO. _____

AN ORDINANCE VACATING SLOCUM DRIVE, SONGBIRD LOOP, AND PUBLIC UTILITY EASEMENT.

The City Council of the City of Eugene finds that:

A. The City Council of the City of Eugene approved an agenda scheduling a virtual public hearing at 7:30 p.m. on June 21, 2021, for the purpose of hearing protests and remonstrances to the proposed vacation of the following described rights-of-way and associated public utility easement:

The rights-of-way identified as Slocum Drive and Songbird Loop, and the associated public utility easement, all of which are more particularly described in Exhibit A and are depicted on the map attached as Exhibit B to this Ordinance ("the Vacation Area").

B. Notice was duly and regularly given of the public hearing and, on June 21, 2021, the City Council held a public hearing and heard all objections to the proposed vacation.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The City Council of the City of Eugene finds that notice of the public hearing on the proposed vacation was published and posted as required by law, that consents required by EC 9.8710(6) and ORS 271.080(2), signatures required by EC 9.8710(7), and letters of concurrence to the vacation from affected utility providers required by EC 9.8710(1) have been filed in the proceedings, and that vacation of the rights-of-way and public utility easements described and depicted on Exhibits A and B is in the public interest, as described in the Findings attached as Exhibit C to this Ordinance and hereby adopted in support of this Ordinance.

Section 2. The rights-of-way and public utility easements described and depicted on Exhibits A and B attached to this Ordinance are hereby vacated and shall revert pursuant to the statutes of the State of Oregon.

Section 3. The City Recorder is directed to file a certified copy of this Ordinance, including all attachments with the Recorder of Lane County, Oregon. In addition, a certified copy of this Ordinance shall be filed with the Lane County Assessor and a certified copy shall be filed with the Lane County Surveyor.

Passed by the City Council this

_____ day of _____, 2021.

Approved by the Mayor this

_____ day of _____, 2021.

City Recorder

Mayor

Slocum Drive Legal Description

Beginning at the most Southerly Southwest corner of Parcel 2, Partition Plat 2019-P2853 in the Northeast Quarter of Section 4, Township 18 South, Range 4 West of the Willamette Meridian, City of Eugene, Lane County, Oregon; thence along the South Right of Way of Slocum Drive the following three calls: North 89°11'15" West 222.36 feet; South 00°48'45" West 15.00 feet; North 89°11'15" West 179.84 feet to the East Right of Way of Willow Creek Road; thence along said East Right of Way North 00°09'00" East 59.15 feet to the most Westerly Southwest corner of Parcel 1, Partition Plat 2001-P1449; thence along the South line of said Parcel 1 the following two calls: South 44°32'24" East 14.43 feet; South 89°11'15" East 355.12 feet to the Most Southerly Southeast corner of said Parcel 1; thence parallel to the South Right of Way of Slocum Drive South 89°11'15" East 37.50 feet to the most Southerly West line of said Parcel 2; thence along said West line South 00°48'45" West 34.00 feet to the Point of Beginning and containing 16,438 square feet, more or less.

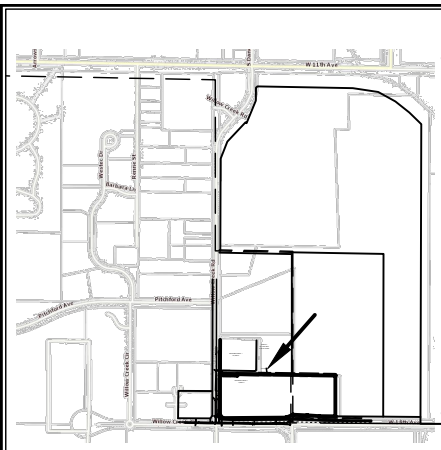
Songbird Loop Legal Description

Commencing at the most Southerly Southwest corner of Parcel 2, Partition Plat 2019-P2853 in the Northeast Quarter of Section 4, Township 18 South, Range 4 West of the Willamette Meridian, City of Eugene, Lane County, Oregon; thence along the most Southerly West line of said Parcel 2 North 00°48'45" East 34.00 feet to the True Point of Beginning; thence along said West line North 00°48'45" East 320.00 feet to the Northeast Terminus of Songbird Loop; thence along said Terminus North 89°11'15" West 27.50 feet to the Northeast Corner of Parcel 1, Partition Plat 2001-P1449; thence along the East line of said Parcel 1 the following two calls: South 00°48'45" West 310.00 feet; South 45°48'45" West 14.14 feet; thence parallel to the South Right of Way of Slocum Drive South 89°11'15" East 37.50 feet to the True Point of Beginning and containing 8,850 square feet, more or less.

Public Utility Easement Legal Description

Beginning at the Northeast Corner of Parcel 1, Partition Plat 2001-P1449 in the Northeast Quarter of Section 4, Township 18 South, Range 4 West of the Willamette Meridian, City of Eugene, Lane County, Oregon; thence along the North line of said Parcel 1 North 89°11'15" West 7.00 feet; thence South 00°48'45" West 307.10 feet; thence South 45°48'45" West 8.34 feet; thence North 89°11'15" West 349.35 feet; thence North 44°32'24" West 18.63 feet to the East Right of Way of Willow Creek Road; thence along said East Right of Way South 00°09'00" West 9.95 feet to the most Westerly Southwest corner of said Parcel 1; thence along the South line of said Parcel 1 the following three calls: South 44°32'24" East 14.43 feet; South 89°11'15" East 355.12 feet; North 45°48'45" East 14.14 feet to the West Right of Way of Songbird Loop; thence North 00°48'45" East 310.00 feet to the Point of Beginning and containing 4,820 square feet, more or less.

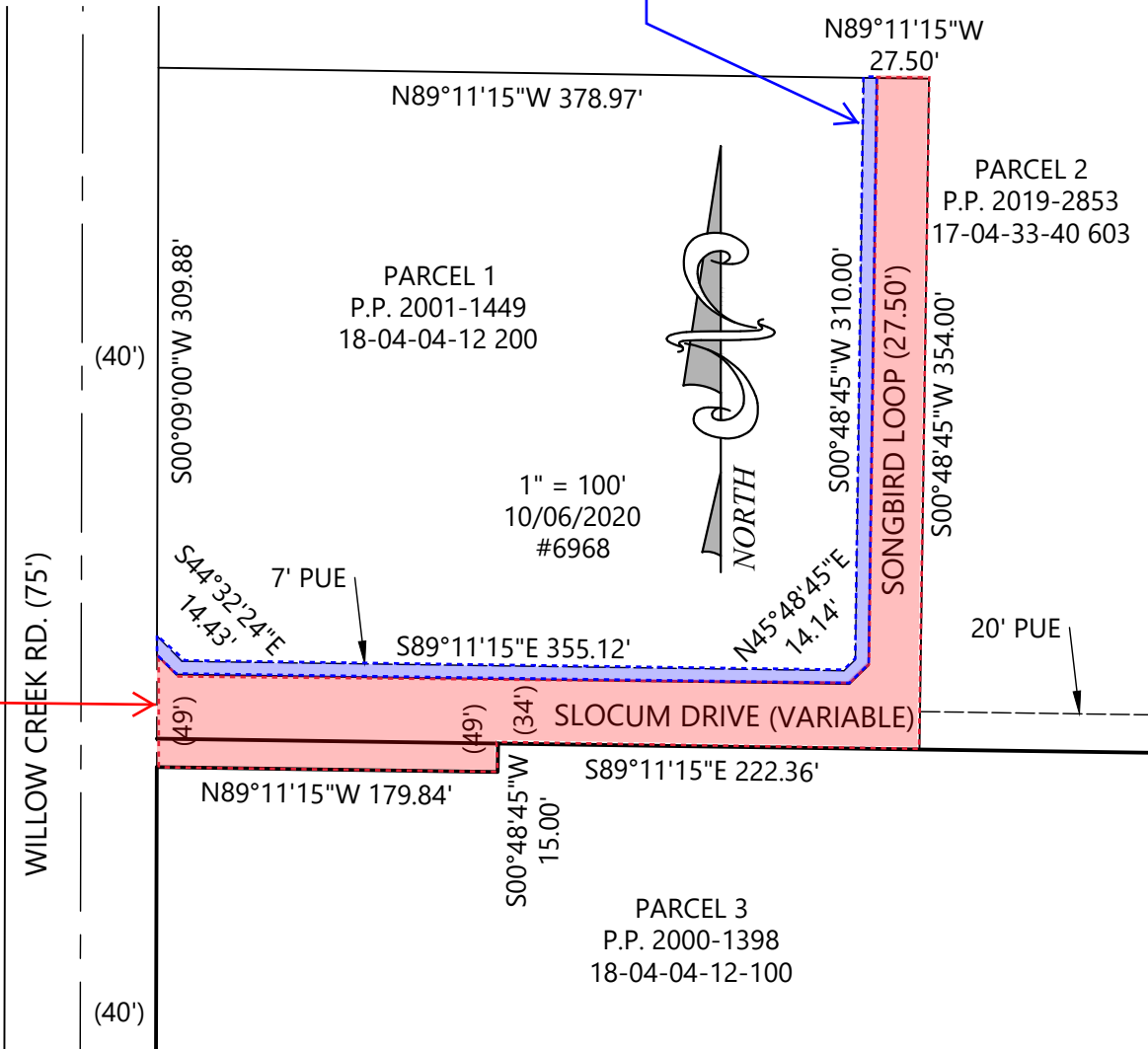
AREA OF VACATION



VICINITY MAP

Slocum Drive and
Songbird Loop Rights-
of-Way to be Vacated

7-Foot Public Utility
Easement to be
Vacated



Findings

Background:

Slocum Drive and Songbird Loop are unimproved rights-of-way. The total requested vacation area consists of 25,288 square feet of public right-of-way, comprised of Slocum Drive (16,438 square feet) and Songbird Loop (8,850 square feet). The request also includes vacation of a 7-foot wide public utility easement that abuts the north side of Slocum Drive and the west side of Songbird Loop. Both rights-of-way and the public utility easement were dedicated as part of a plat through a partition (City File: M 00-3).

- The Slocum Drive right-of-way abuts Tax Lot 100 of Assessor's Map 18-04-04-12 owned by Asgar R. Sadri L.T. and Tax Lot 200 of Assessor's Map 18-04-04-12 owned by Crown Pointe Village of Eugene, LLC.
- The Songbird Loop right-of-way abuts Tax Lot 200 of Assessor's Map 18-04-04-12 and Tax Lot 603 of Assessor's Map 17-04-33-40, both of which are owned by Crown Pointe Village of Eugene, LLC.
- The public utility easement is located entirely within Tax Lot 200 of Assessor's Map 18-04-04-12.

The vacation request process serves as a means to evaluate the need for public ways as land develops and uses change over time, and to address the manner in which the City may dispense with public ways. This request for vacation is being considered in accordance with Sections 9.8700 – 9.8725 of the Eugene Code (EC) and Oregon Revised Statutes (ORS) 271.080 – 271.230 and processed pursuant to EC 9.7445 – 9.7455. The public hearing is being conducted consistent with quasi-judicial procedures in State law and as set forth in EC 9.7065 – 9.7095.

When rights-of-way are vacated, ORS 271.140 generally requires ownership of the land underlying the vacated right-of-way to revert back to owners of the adjacent lands from which it was originally dedicated. If the vacation is approved, the rights-of-ways will revert to private ownership of Asgar R. Sadri L.T. and Crowne Point Village of Eugene, LLC. EC 9.8710(5) requires the applicant to pay a special assessment to the City equal to the assessed value of the real property and any costs incurred by the City in the construction of public improvements. The applicant has paid the required assessment.

In accordance with ORS 271.080, the applicant has provided evidence of consent to the vacation from owners of at least two-thirds of the property within the affected area. In this case, the affected area per State law is the land lying on either side of the vacated area to the next lateral street, and 400 feet beyond each terminus of the rights-of-way to be vacated. Based on the signed consent forms submitted with the application, the applicant has obtained consent for the proposed vacation from the property owners of approximately 89 percent of the affected area for Slocum Drive and 100 percent for Songbird Loop, which exceeds the requirements of ORS 271.080 and EC 9.8710.

The applicant also received statements of concurrence from affected utility providers for the vacation of the unimproved public utility easement.

Compliance with Approval Criteria:

Per EC 9.8725, the sole approval criterion for this vacation requires the City Council to find that approval of the requested vacation is in the public interest. The full text of the approval criterion is provided below, with findings demonstrating compliance:

The city council shall approve, or approve with conditions and reservations of easements, the vacation of improved public right-of-way, public ways acquired with public funds, or undeveloped subdivision and partition plats, or portions thereof, including public right-of-way and improved public easements located therein, only if the council finds that approval of the vacation is in the public interest.

The required public notice and hearing have occurred on the vacation request in accordance with applicable statutory and local code requirements. Consent to the vacation request from abutting and affected owners, and payment of a special assessment for the area of vacated right-of-way, has been provided by the applicant, as required by statutes and local code. Utility concurrences were received from impacted utility providers, as required by statutes and local code.

Vacation Findings

The following findings demonstrate that a vacation of Slocum Drive and Songbird Loop and associated public utility easement is in the public interest.

This determination is based on the conclusion that the vacation of these rights-of-way and public utility easement will provide an opportunity for the efficient use of land and will not negatively impact the transportation system, surrounding uses, or emergency access. The purpose of the applicant's vacation request is to:

- Allow for the full development of the lots in accordance with their residential plan designation and zoning.
- Satisfy Condition #14 of the approved Site Review application (City File: SR 20-3) to allow the development of Tax Lot 100 of Assessor's Map 18-04-04-12 with apartment dwellings and associated amenities in accordance with the approved Site Review plans.
- Remove rights-of-way and a public utility easement that are no longer necessary for the development of the Tax Lots 100 and 200 of Assessor's Map 18-04-04-12.

These undeveloped rights-of-way do not currently provide direct access to the surrounding streets. The undeveloped rights-of-way do not provide required frontage for any abutting lot, as all abutting lots have adequate frontage on Willow Creek Road in accordance with Eugene Code. The rights-of-way and public utility easement were intended as part of a development associated with the partition that was never developed.

Analysis from Public Works staff confirms the surrounding street network provides necessary street connectivity as required by the Eugene Code. All lots abutting the right-of-ways proposed for vacation have frontage and possible access connections in accordance with Eugene Code on Willow Creek Road (Minor Arterial). As there is an existing public street providing vehicular and pedestrian access to the lots and the undeveloped streets do not connect to any other rights-of-way, the undeveloped rights-of-way do not provide significant public transportation benefit and public vehicular and pedestrian circulation on adjoining streets will not be compromised as a result of the vacation.

The City of Eugene has no public infrastructure or publicly owned sanitary or storm drain piping within Slocum Drive, Songbird Avenue, or their associated public utility easements.

Conclusion:

The applicant's requested vacation of the Slocum Drive right-of-way, Songbird Loop right-of-way, and the associated public utility easement is in the public interest, based on the above facts and the terms of the ordinance.

EUGENE CITY COUNCIL AND URBAN RENEWAL AGENCY BOARD AGENDA ITEM SUMMARY



Action: Authorize the Urban Renewal Agency to Pay for,
and the City to Acquire the MGP Site

Meeting Date: July 12, 2021
Department: Planning and Development
www.eugene-or.gov

Agenda Item Numbers: 7 & 8
Staff Contact: Amanda Nobel Flannery
Contact Telephone Number: 541-682-5535

ISSUE STATEMENT

The City Council and the Urban Renewal Agency Board (Agency Board) previously authorized the Agency to pay for and acquire the Manufactured Gas Plant (MGP) site from the Eugene Water and Electric Board (EWEB). Following acquisition of the site the Agency planned to immediately transfer the MGP site to the City. The Council and Agency Board are now asked to authorize the City Manager to sign a purchase and sale agreement that would allow the City to directly acquire the MGP site from EWEB, instead of having the Agency be an intermediate, short-term owner.

BACKGROUND

On December 14, 2020, the Agency Board and City Council authorized the City Manager to execute a purchase and sale agreement with EWEB for the acquisition of the MGP site. Under that December 2020 authorization, the funds for the acquisition would come from the Agency. The Agency would acquire the site from EWEB and then would immediately transfer the site to the City. At that time, it was believed that having the Agency acquire the site, with a subsequent transfer to the City, would be the simplest and quickest path towards acquisition of the site. That has not turned out to be the case, and staff are now requesting that the City Council and Agency Board authorize the City to acquire the MGP site directly from EWEB.

The reason direct City acquisition is now the simpler path relates to the involvement of other entities in the cleanup that occurred on the MGP site. Those other entities (two businesses) participated with EWEB in that cleanup because of their history related to the site prior to EWEB's acquisition. As a result, those two entities and EWEB entered into a series of agreements concerning the future use and ownership of the MGP site. As long as the City acquires the MGP site directly from EWEB, those entities and the agreements will not pose an obstacle or delay in the City acquiring the land. For that reason, the City Manager is requesting new authorization from City Council and the Agency Board to allow the City to acquire the property directly from EWEB using urban renewal funding.

July 12, 2021 Meeting – Items 7 & 8

The only change requested today is to allow the City to acquire the site directly from EWEB, rather than the Agency acquiring the site and then transferring the site to the City. Urban renewal funds will still be used to pay for the site, and the site will still end up in the City's ownership.

PREVIOUS COUNCIL AND AGENCY BOARD DIRECTION

December 14, 2020 City Council and Agency Board Meeting

The City Council adopted a motion "to authorize the City Manager to negotiate and sign a purchase and sale agreement for the agency's acquisition of the MGP site for \$400,000 using Riverfront Urban Renewal funds and that includes as one of the conditions of closing the City Council's adoptions of amendments to EC 2.196."

The URA Board adopted a motion "to authorize the Agency Director to negotiate and sign a purchase and sale agreement for the agencies acquisition of the MGP site for \$400,000 using Riverfront Urban Renewal funds and that includes as one of the conditions of closing the City Council's adoptions of amendments to EC 2.196."

COUNCIL AND AGENCY BOARD OPTIONS

The Council and the Board can:

- (1) Provide the new requested authorization; or
- (2) Reject the request for new authorization.

CITY MANAGER AND AGENCY DIRECTOR'S RECOMMENDATION

The City Manager and Agency Director recommend option 1 – provide the new requested authorization.

SUGGESTED MOTIONS

City Council: Move to authorize the City Manager to sign a purchase and sale agreement for the City's acquisition of the MGP site for \$400,000 using Riverfront Urban Renewal funds and that includes as one of the conditions of closing the City Council's adoptions of amendments to EC 2.196.

Agency Board: Move to authorize the expenditure of \$400,000 of Riverfront Urban Renewal funds for acquisition of the MGP site.

FOR MORE INFORMATION

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