



Eugene City Council

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EUGENE CITY COUNCIL AGENDA

July 16, 2018

7:30 p.m. CITY COUNCIL PUBLIC HEARING AND MEETING
Harris Hall, 125 East 8th Avenue
Eugene, Oregon 97401

Meeting of July 16, 2018;
Her Honor Mayor Lucy Vinis Presiding

Councilors

Mike Clark, President
Greg Evans
Emily Semple
Jennifer Yeh

Betty Taylor, Vice President
Chris Pryor
Claire Syrett
Alan Zelenka

7:30 p.m. CITY COUNCIL PUBLIC HEARING AND MEETING
Harris Hall, 125 East 8th Avenue

- 1. PUBLIC HEARING: An Ordinance Concerning the Skinner Butte Height Limitation Area, and Amending Section 9.6715 of the Eugene Code, 1971 (City File CA 18-3)**
- 2. PUBLIC HEARING: An Ordinance Concerning a Roof Sign for Property Identified as Map/Tax Lot 17-03-31-11-02800 (City File CA 18-3)**
- 3. PUBLIC HEARING: An Ordinance Vacating E. 5th Alley, Located Between Pearl Street and Oak Street, and a Portion of Pearl Alley, Located Between E. 5th Alley and E. 6th Avenue, and Providing for an Effective Date (City File VRI 18-2)**
- 4. PUBLIC HEARING: An Ordinance Concerning the Location of Recreational Retail Marijuana Uses and Amending Sections 9.2160, 9.2161, 9.2450, 9.2451, 9.3115, 9.3116, 9.3146, 9.3210, 9.3211, 9.3515, 9.3810, 9.3811, 9.3910 and 9.3911 of the Eugene Code, 1971. (City File CA 18-4)**

- 5. PUBLIC HEARING: A Resolution Granting a Measure 49 Claim and Waiving a Provision of Chapter 9 of the Eugene Code, 1971 for Property Located Adjacent to 70 West 24th Place, Eugene, Oregon (Assessor's Map 18-03-06-42, Tax Lot 2700)**
- 6. PUBLIC HEARING: An Ordinance Concerning the Prohibition of Smoking on Public Right-of-way Adjacent to Opted-In Properties; the Prohibition of Smoking Within the Downtown Core and Allowing for Properties to Opt-Out; and Amending Section 6.230 of the Eugene Code, 1971.**
- 7. PUBLIC HEARING AND POSSIBLE ACTION: A Resolution Adopting "Picture. Plan. Play. A Vision and Implementation Plan for Eugene's Parks and Recreation System"**
- 8. ACTION: Wildlife Feeding**

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.

<p>For more information, contact the Council Coordinator at 541-682-5010, or visit us online at <i>www.eugene-or.gov</i>.</p>
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EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Public Hearing: An Ordinance Concerning the Skinner Butte Height Limitation Area, and Amending Section 9.6715 of the Eugene Code, 1971 (City File CA 18-3)

Meeting Date: July 16, 2018
Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: 1
Staff Contact: Will Dowdy
Contact Telephone Number: 541-682-5340

ISSUE STATEMENT

The City Council will hold a public hearing on a land use code amendment to create a half-block building height transition area between the commercially zoned area south of 6th Avenue and the Skinner Butte Height Limitation Area north of 6th Avenue, between Washington Street and Coburg Road. A map identifying the properties subject to this ordinance is provided as Attachment A.

BACKGROUND

The Eugene Downtown Plan identifies opportunity areas for development within the downtown, including the “County Elections block” (between Oak and Pearl, 5th and 6th Avenues). The Lane County Board of Commissioners agreed to lease the site to Market District, LLC (an affiliate of Obie Companies), in conjunction with an affordable housing project by Homes for Good (formerly Housing and Community Services Agency of Lane County) on adjacent County property, and approved a development plan for the project. At a March 2018 City Council work session, Obie Companies presented a refined development concept, which included a 113-unit apartment building, a three-story retail and office building, and 82-room boutique hotel.

Obie Companies’ proposal to expand the 5th Street Market District on the County Elections block has the potential to achieve the following Downtown and Envision Eugene objectives:

- Redevelop one of the identified Development Opportunity Areas
- Expand the 5th Avenue Area (a *Special Place* and a *Great Street* in the Downtown Plan)
- Strengthen the pedestrian connection between the downtown core and activity on 5th Avenue, and ultimately to the planned Riverfront Park and the Willamette River
- Contribute to the Envision Eugene goal of 1,000 new multi-family homes in the downtown core

Current designs for the Obie Companies development show the top of the building at 80-90 feet above grade and roof sign at an additional 20-30 feet, which exceeds the current height limit for the Skinner Butte Height Limitation Area. In addition, roof structures and architectural features are shown on top of the roof.

The City Council initiated the land use process on April 9, 2018, to create a tiered height limit in the Skinner Butte Height Limitation Area.

Skinner Butte Height Limitation

The Skinner Butte Height Limitation Area (found at Eugene Code (EC) 9.6715) is the City's only height limitation area in the land use code, and applies to properties located between the Willamette River and 6th Avenue, and between Washington Street and Coburg Road. It was established to maximize the views to and from Skinner Butte as a reaction to the construction of Ya-Po-Ah Terrace, Eugene's tallest building.

The Skinner Butte Height Limitation Area restricts buildings, accessory roof structures, and architectural features to a specified height (either 500 feet above sea level or 40 feet tall, whichever is greater). Properties abutting 6th Avenue have an existing ground elevation of approximately 420 feet to 425 feet above sea level, creating an effective height limit of 75 feet to 80 feet depending on location. Without the restrictions of the Height Limitation Area, the buildings within this area would have same height limits as those facing them across 6th Avenue: 120 feet for properties in the C-2 Community Commercial zone and 150 feet for properties in the C-3 Major Commercial zone. Roof structures and architectural features would be allowed an additional 18 feet of height. The draft ordinance and findings are included in Attachment B.

If the proposed amendment is adopted, building heights within the southern half block between 5th and 6th Avenue in the Skinner Butte Height Limitation Area would be permitted to reach 530 feet above mean sea level, which would allow buildings up to approximately 110 feet tall. By utilizing a half block on the southern portion of the Limitation Area, the proposed amendment would create a tiered height from the C-2 or C-3 zones south of 6th Avenue to the Limitation Area.

Because the Skinner Butte Height Limitation amendment applies to a small number of properties, it is considered quasi-judicial and is subject to the quasi-judicial procedures from the Eugene Code (as opposed to the legislative procedures).

Planning Commission Process

Notice of the Planning Commission public hearing was mailed to the property owner and occupants of the subject properties, owners and occupants of property within 300 feet of the site, all neighborhood organizations in Eugene, the Oregon Department of Land Conservation and Development, Lane County, City of Springfield, and community groups and individuals who have requested notice. Signs announcing the Planning Commission hearing were posted on and around the property consistent with Eugene Code requirements. In addition to the notices required by the land use code, current information regarding this and other land use code updates is available on the City's [Land Use Code Amendments](#) web page.

The Planning Commission held a public hearing on June 5, 2018, to consider the proposed land use code amendment. The webcast of the meeting is available [here](#). The public hearing combined the Skinner Butte Height Limitation amendment and the Sign Ordinance. Six people testified at the public hearing, three spoke in favor of and three spoke in opposition to the proposed amendment

and uncodified ordinance. The Planning Commission deliberated at the end of the June 5 meeting and voted to recommend approval of the proposed Skinner Butte Height Limitation amendment.

City Council Process

Notice of the City Council public hearing was mailed on July 6, 2018, to the owners and occupants of the properties, anyone who submitted written or oral testimony in a timely manner during the Planning Commission hearing procedures and anyone who requested notice of the Planning Commission's recommendation.

Testimony received since the close of the Planning Commission record through July 10 is in Attachment C. Testimony received to-date is available for review in a binder in the City Council's office. A complete set of record materials are available for review in a binder located at the City Council Office or at Planning and Development Department at 99 West 10th Avenue. As a courtesy, some of the materials are also available for review online [here](#). Any additional written comments received after the preparation of this agenda item summary will be provided to the City Council prior to the public hearing for inclusion into the public record.

RELATED CITY POLICIES

Findings addressing consistency with related City policies, including provisions of the Metro Plan and applicable refinement plans, are included as an exhibit to the proposed ordinance.

COUNCIL OPTIONS

No action is required at this time; however, options will be provided at the time of City Council deliberations and action, scheduled for July 23, 2018.

CITY MANAGER'S RECOMMENDATION

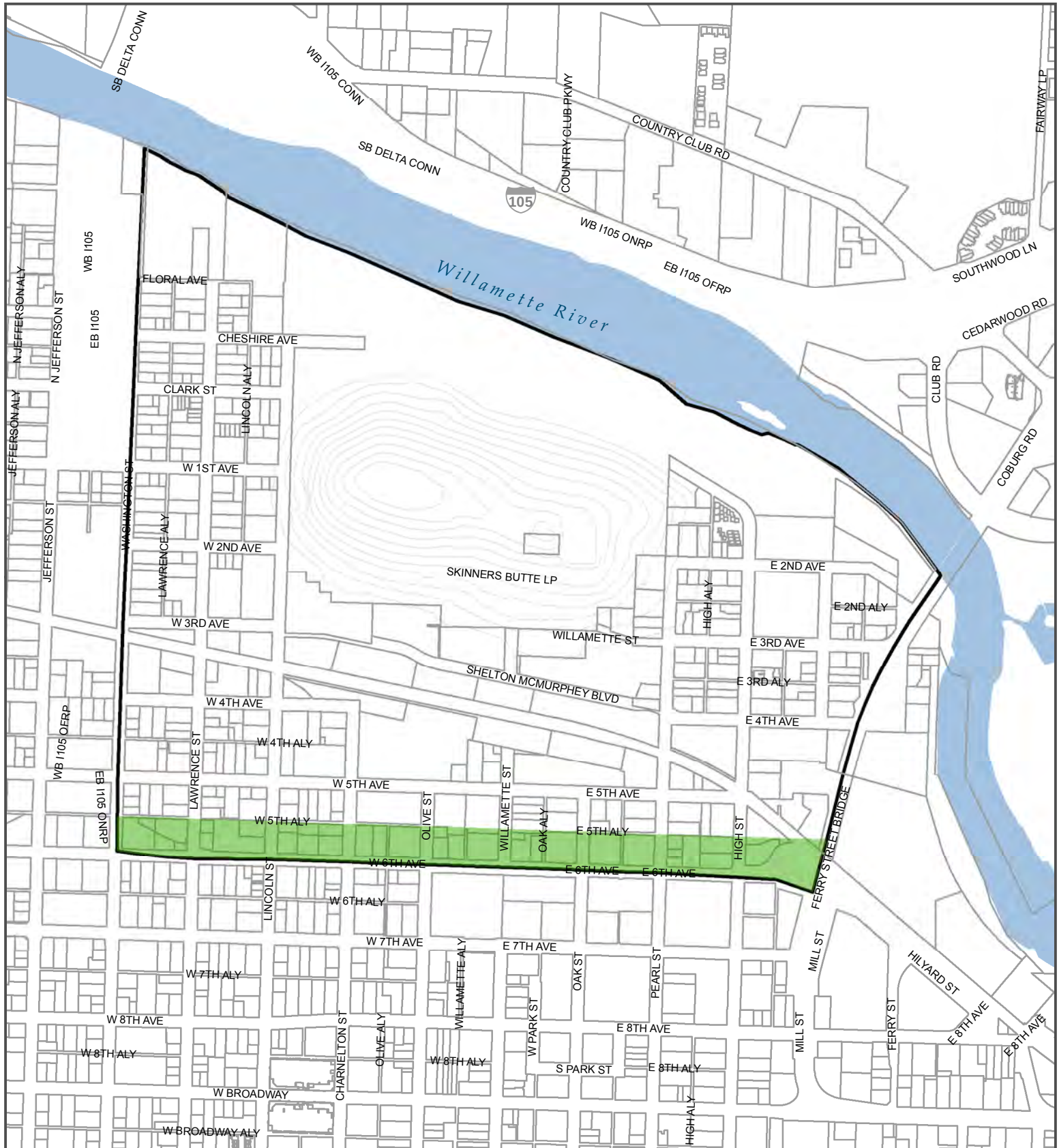
This item is scheduled for a public hearing only. Following the public hearing and City's receipt of any testimony, the City Manager will make a recommendation to be included in the council packet for action on July 23, 2018.

ATTACHMENTS

- A. Map of Subject Properties for Skinner Butte Height Limitation Area
- B. Draft Skinner Butte Height Limitation Area Ordinance and findings
- C. Testimony from June 6 through July 10

FOR MORE INFORMATION

Staff Contact: Will Dowdy
Telephone: 541-682-5340
Staff E-Mail: will.g.dowdy@ci.eugene.or.us



Map of Subject Properties

- Skinner Butte Height Limitation Area
- Affected Area for Skinner Butte Height Limitation Area

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ORDINANCE NO. _____

AN ORDINANCE CONCERNING SKINNER BUTTE HEIGHT LIMITATION AREA, AMENDING SECTION 9.6715 OF THE EUGENE CODE, 1971, AND PROVIDING FOR AN EFFECTIVE DATE.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Subsection (3) of Section 9.6715 of the Eugene Code, 1971, is amended to provide as follows:

9.6715 Height Limitation Areas.

- (1) **Purpose of Height Limitation Areas.** Certain geographical landmarks have scenic attributes that are of value to the community as a whole. To protect views to and from these landmarks, special limitations on building height are established on and around them.
- (2) **Applicability.** Special building height limitations apply to the specific areas listed in this section. If the exceptions provided for in EC 9.6720 Height Exemptions for Roof Structures and Architectural Features conflict with the building height limitations in this section, this section shall apply. All elevations in the height limitation areas shall be based on the mean sea level.
- (3) **Skinner Butte Height Limitation Area.** The boundaries of the Skinner Butte Height Limitation Area are as follows:
All property lying east of Washington Street, lying north of, and including, the north side of 6th Avenue, lying west of Coburg Road, and lying south of the Willamette River. (See Map 9.6715(3) Skinner Butte Height Limitation Area.)
 - (a) Within the Skinner Butte Height Limitation Area, the maximum height of any ***building or structure is as follows:***
 1. ~~[w]~~Where the existing ground elevation is at, or below, 460 feet above mean sea level:
 - a. ***Except for buildings and structures located entirely within the southern half blocks between 5th and 6th Avenues, the maximum height*** shall be to an elevation of 500 feet above mean sea level.
 - b. ***For buildings and structures located entirely within the southern half blocks between 5th and 6th Avenues, the maximum height shall be to an elevation of 530 feet above mean sea level.***
 2. ***The area referred to in subsection (3)(a)(1) as the “southern half blocks between 5th and 6th Avenues” is that area located within the Skinner Butte Height Limitation Area and not more than 193 feet north of the centerline of 6th Avenue.***
 - (b) ~~[The maximum height of any building w]~~Where the existing ground elevation is above 460 feet mean sea level, ***the maximum height*** shall be 40 feet above the existing ground elevation at all points.
 - (c) In neither case shall the maximum height of any building or structure exceed the maximum allowed in the zone.

Section 2. The findings set forth in Exhibit A attached to this Ordinance are adopted as findings in support of this Ordinance.

Section 3. The City Recorder, at the request of, or with the concurrence of the City Attorney, is authorized to administratively correct any reference errors contained herein or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

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

Section 5. This Ordinance shall take effect pursuant to Section 32 of the Eugene Charter 2002, or on the date of its acknowledgement as provided in ORS 197.625, whichever is later.

Passed by the City Council this

_____ day of July, 2018

Approved by the Mayor this

_____ day of July, 2018

City Recorder

Mayor

Preliminary Findings
Skinner Butte Height Limitation Amendment
(City File CA 18-3)

Overview

Skinner Butte Height Limitation Amendment: This proposed land use code amendment will create a half-block building height transition area between the commercially zoned area south of 6th Avenue and the Skinner Butte Height Limitation Area north of 6th Avenue. The proposed height transition area would occupy the half-block area north of 6th Avenue between Washington Street and Coburg Road. This amendment will increase allowable building heights within a half block area, north of 6th Avenue from 500 feet above mean sea level to 530 feet above mean sea level, which could result in buildings up to approximately 110 feet tall (from the current height limit of approximately 80 feet).

Findings

Eugene Code Section 9.8065 requires that the following approval criteria (in ***bold italics***) be applied to a code amendment:

- (1) The amendment is consistent with applicable statewide planning goals adopted by the Land Conservation and Development Commission.***

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

The City has acknowledged provisions for community involvement which insure the opportunity for citizens to be involved in all phases of the planning process and set out requirements for such involvement. The code amendment does not amend the citizen involvement program. The process for adopting this amendment complied with Goal 1 because it is consistent with the City's acknowledged citizen involvement provisions.

A Notice of Proposed Amendment was filed with the Oregon Department of Land Conservation and Development on May 2, 2018. A public hearing was scheduled before the Planning Commission on June 5, 2018. A public hearing is scheduled before the City Council for July 16, 2018. Consistent with land use code requirements, the Planning Commission public hearing on the proposal was duly noticed to all affected property owners and occupants, owners and occupants of property within 300 feet of the site, all neighborhood organizations in Eugene, the Oregon Department of Land Conservation and Development, Lane County, City of Springfield, and community groups and individuals who have requested notice. Signs announcing the public hearing were posted May 4, 2018 on and around the affected properties, consistent with land use code requirements. Information concerning the amendment, including the dates of the public hearings, was posted on the City of Eugene website.

These processes afford ample opportunity for citizen involvement consistent with Goal 1. Therefore, the ordinance 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 decisions and actions related to use of land and to assure an adequate factual basis for such decisions and actions.*

Eugene's land use code specifies the procedure and criteria that were used in considering this amendment. The record shows that there is an adequate factual basis for the amendment. The 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 the citizens.

To comply with the Goal 2 coordination requirement, the City engaged in an exchange about the subject of this amendment with all of the affected governmental units. Specifically, the City provided notice of the proposed action and opportunity to comment to the Oregon Department of Land Conservation and Development, as well as to Lane County and the City of Springfield. There are no exceptions to Statewide Planning Goal 2 required for this amendment. Therefore, the amendment is 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 do not affect any land designated for agricultural use. Therefore, Statewide Planning Goal 3 does not apply.

Goal 4 - Forest Lands. *To conserve forest lands.*

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

Goal 5 - Open Spaces, Scenic and Historic Areas, and Natural Resources. *To conserve open space and protect natural and scenic resources.*

OAR 660-023-0250(3) provides: Local governments are not required to apply Goal 5 in consideration of a PAPA unless the PAPA affects a Goal 5 resource. For purposes of this section, a PAPA would affect a Goal 5 resource only if:

- (a) The PAPA creates or amends a resource list or a portion of an acknowledged plan or land use regulation adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5;*
- (b) The PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list; or*
- (c) The PAPA amends an acknowledged UGB and factual information is submitted demonstrating that a resource site, or the impact areas of such a site, is included in the amended UGB area.*

This amendment does not create or amend the City's list of Goal 5 resources, do not amend a land use code provision adopted to protect a significant Goal 5 resource or to address specific

requirements of Goal 5, and do not amend the acknowledged urban growth boundary. Therefore, the amendment does not affect (a) or (c).

In regards to (b), the properties subject to the site-specific land use code amendment do not contain any Goal 5 resources. However, the 1978 Scenic Sites Working Paper and accompanying map, which is a part of the City's adopted significant Goal 5 inventory (see Ordinance No. 20351), identifies Skinner Butte as a "Scenic Site" (as both a "Vista" and as containing "Prominent and Plentiful Vegetation"). Per OAR 660-023-0230, "scenic views and sites" are lands valued for their aesthetic appearance.

Skinner Butte has long been recognized and valued in the community for its aesthetic appearance, which is evidenced by the adoption of the Skinner Butte Height Limitation Area in 1968. Notably, this pre-dates the adoption of Statewide Planning Goal 5 in December 1974. Section 9.6715(1) of the Eugene Code (EC), describes the purpose of height limitation areas as follows: "Certain geographical landmarks have scenic attributes that are of value to the community as a whole. To protect views to and from these landmarks, special limitations on building height are established on and around them."

For the reasons detailed below, the amendment does not allow uses that could conflict with the scenic qualities of Skinner Butte.

Properties on the south side of 6th Avenue, which are not located within the Skinner Butte Height Limitation Area, have a maximum building height of 150 feet for C-3 Major Commercial zones properties and 120 feet for C-2 Community Commercial zoned properties. The change to allow buildings to reach approximately 110 feet in height along the northern side of 6th Avenue (an increase of about 30 feet, from the current height limit of approximately 80 feet) provides a more gradual transition between the properties located to the south and the properties located to the north of 6th Avenue.

The properties to the north of 6th Avenue that are subject to the building height increase are over 1,000 feet from the base of Skinner Butte, and over 1,500 feet from the viewing area at the top of the butte. Given the distance between the subject properties along 6th Avenue and Skinner Butte, the potential impact to the views to and from the butte is minimal. Photos included in the record for this application demonstrate that the amendment will have a minimal impact on the views to and from the butte. The remainder of the height limitation area, which is closer to the butte, will remain in place. The change to the Skinner Butte Height Limitation Area does not conflict with the scenic value of the butte or the viewing of its prominent and plentiful vegetation, and therefore does not allow new uses that could be conflicting uses with a significant Goal 5 resource site.

The amendment is consistent with Statewide Planning Goal 5.

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

Goal 6 addresses waste and process discharges from development, and is aimed at protecting air, water and land from impacts from those discharges. The amendment does not affect the City's

ability to provide for clean air, water or land resources. Therefore, Statewide Planning Goal 6 does not apply.

Goal 7 - Areas Subject to Natural Disasters and Hazards. *To protect life and property from natural disasters and hazards.*

Goal 7 requires that local government planning programs include provisions to protect people and property from natural hazards such as floods, landslides, earthquakes and related hazards, tsunamis and wildfires. The Goal prohibits a development in natural hazard areas without appropriate safeguards. The amendment does not affect the City's restrictions on development in areas subject to natural disasters and hazards. Further, the amendment does not allow for new development that could result in a natural hazard. Therefore, Statewide Planning Goal 7 does not apply.

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.*

Goal 9 requires cities to evaluate the supply and demand of commercial land relative to community economic objectives. The amendment does not impact the supply of industrial or commercial lands. Instead, the Skinner Butte Height Limitation Area amendment increases the capacity of existing commercially zoned land by allowing additional building height. Therefore, the amendment is consistent with Statewide Planning Goal 9.

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

Goal 10 requires communities to provide an adequate supply of residential buildable land to accommodate estimated housing needs for a 20-year planning period. The Residential Lands Supply Study (2017) was adopted by the City of Eugene as a refinement of the Envision Eugene Comprehensive Plan, and complies with the requirements of Goal 10 and the corresponding Administrative Rule.

The amendment does not impact the supply of residential buildable land. No land is being re-designated from residential use to a nonresidential use, and the amendment does not otherwise diminish the amount of lands available for residential use. Instead, the Skinner Butte Height Limitation Area amendment increases the capacity of existing commercially zone land, by increasing the potential number of dwelling units that could be built.

Accordingly, the amendment does not impact the supply or availability of residential lands included in

the documented supply of “buildable land” that is available for residential development as inventoried in the acknowledged Residential Lands Supply Study. Therefore, the amendment is consistent with Statewide Planning Goal 10.

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. Therefore, Statewide Planning Goal 11 does not apply.

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

The Transportation Planning Rule (OAR 660-012-0060) contains the following requirement:

- (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.*

The amendment does not change the functional classification of a transportation facility, change the standards implementing a functional classification system or degrade the performance of a facility otherwise projected to not meet performance standards. Therefore, the amendment does not have a significant effect under (a) or (b). In regards to (c), the level of increased development that will result from the additional building height will have a negligible impact on any transportation facility.

Therefore, the amendment does not significantly affect any existing or future transportation facilities. Based on the above findings, the amendment is consistent with Statewide Planning Goal 12.

Goal 13 - Energy Conservation. To conserve energy.

The amendment does not impact energy conservation. 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.

The amendment does not affect the City's provisions regarding the transition of land from rural to urban uses. Therefore, 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 amendment does not contain any changes that affect the Willamette River Greenway regulations, therefore, Statewide Planning Goal 15 does not apply.

Goal 16 through 19 - Estuarine Resources, Coastal Shorelands, Beaches and Dunes, and Ocean Resources.

There are no coastal, ocean, estuarine, or beach and dune resources related to the property effected by this amendment. Therefore, these goals are not relevant and the amendment will not affect compliance with Statewide Planning Goals 16 through 19.

(2) The amendment is consistent with applicable provisions of the comprehensive plan and applicable adopted refinement plans.

Applicable Metro Plan Policies

The following policies from the *Metro Plan* (identified below in *italics*) are applicable to this amendment. To the extent that the following policies constitute mandatory approval criteria, based on the findings provided below, the amendment is consistent with and supported by the applicable provisions of the *Metro Plan*.

Environmental Design Element

E.5 Carefully develop sites that provide visual diversity to the urban area and optimize their visual and personal accessibility to residents.

The intent of this amendment is to permit taller buildings while still preserving the views to and from Skinner Butte. The height standards in the amendment permit buildings shorter than those allowed in adjacent commercial zones, preserving views to and from Skinner Butte and creating a visual step to soften the building height juxtaposition across 6th Avenue.

- E.6 Local jurisdictions shall carefully evaluate their development regulations to ensure that they address environmental design considerations, such as, but not limited to, safety, crime prevention, aesthetics, and compatibility with existing and anticipated adjacent uses (particularly considering high and medium density development locating adjacent to low density residential).*

Consistent with this policy, the amendment provides a creative solution to preserving the views to and from Skinner Butte while promoting commercial development downtown.

Envision Eugene Comprehensive Plan

The Envision Eugene Comprehensive Plan does not contain any policies relevant to this amendment.

Applicable Refinement Plans

Given the narrow applicability of this amendment, only the Eugene Downtown Plan (2004) was found to have policies relevant to this amendment:

Chapter 1, Policy 2. Downtown development shall support the urban qualities of density, vitality, livability and diversity to create a downtown, urban environment.

Chapter 2, Policy 2. Use downtown development tools and incentives to encourage development that provides character and density downtown.

Although these policies are aspirational, the amendment is consistent with each of these policies, supporting density and building character which adds to the downtown, urban environment.

Based on the above findings, the proposal is consistent with and supported by the applicable provisions of these adopted plans.

- (3) The amendment is consistent with EC 9.3020 Criteria for Establishment of an S Special Area Zone, in the case of establishment of a special area zone.***

The amendment does not establish a special area zone. Therefore, this criterion does not apply.

CAMP Allison K

From: DOWDY Will G
Sent: Thursday, June 07, 2018 7:23 AM
To: CAMP Allison K
Subject: Fwd: Obie Project

Will Dowdy
Urban Development Manager
City of Eugene
541.682.5340

Sent from my iPhone

Begin forwarded message:

From: Julie Barnas <jbarnas@comcast.net>
Date: June 6, 2018 at 4:17:51 PM PDT
To: will.g.dowdy@ci.eugene.or.us
Subject: Obie Project

Dear Will,

I was unable to attend last night's meeting concerning the request by Mr. Obie and his company to increase the permitted height of their project to 85' plus an additional 25' for a lit sign.

I can accept an additional 5' allowance so the building can add more apartments. I am strongly opposed to the additional 25' for a lit sign!

Many citizens and Mr. Obie are concerned about noise pollution in that area. I am concerned about light pollution. We do not need a sign 100+' in the sky! Mr. Obie can place his lit sign at street level where everyone can easily see it.

Please don't allow this light pollution to further mar the night view from Skinner Butte. Please don't allow this light pollution to further degrade our night skies. Please don't allow this senseless waste of electricity.

Sincerely,
Julie Barnas
1950 Monroe
Eugene, Or 97405

CAMP Allison K

From: DENBERG Matt H
Sent: Monday, June 11, 2018 4:08 PM
To: CAMP Allison K
Subject: FW: Zoning

Allison, Could you respond to this question and clarify the boundaries of changes to the proposed height restrictions?
Let me know if you aren't the right person to send this question to.

Please copy me on your reply so that I can learn more about the proposed changes.

Thanks,

Matt Denberg
Planning & Land Use Technician
City of Eugene
(541) 682-5226

From: Dawn Johnson [mailto:dawn@pacwestcommercial.com]
Sent: Monday, June 11, 2018 10:08 AM
To: DENBERG Matt H <Matt.H.Denberg@ci.eugene.or.us>
Subject: Zoning

The zoning for 512 & 532 Lincoln St, is S-W/SR. Will this property fall under the request to change height restrictions or was that a special request for the 5th street Market only?

Thank you,
Dawn

CAMP Allison K

From: CAMP Allison K
Sent: Tuesday, June 12, 2018 8:06 AM
To: 'dawn@pacwestcommercial.com'
Cc: DENBERG Matt H; DOWDY Will G
Subject: RE: Zoning

Hi Dawn,

Matt Denberg forwarded your question on to me. I hope I can be of help.

The addresses that you have listed below do not fall into the height limitation area that would be impacted by the proposed changes. The proposed changes would only affect the southern half of the block that these properties are on, and coinciding southern block portions between 5th and 6th from Washington Street to the Coburg Road overpass. The southern half of the block is the portion to the south of the W 5th Alley.

So, 512 and 532 Lincoln are not included in this proposed change.

The proposed changes would affect height allowances for all properties in the proposed area I described above, not just the 5th Street Market property.

I'm happy to answer any other questions you may have. Would you like to include your mailing address on the interested parties list for this code amendment moving forward?

Thanks!
Allie

Allie Camp

Urban Development Analyst
City of Eugene Planning and Development
541.682.5480
allison.k.camp@ci.eugene.or.us

From: Dawn Johnson [<mailto:dawn@pacwestcommercial.com>]
Sent: Monday, June 11, 2018 10:08 AM
To: DENBERG Matt H <Matt.H.Denberg@ci.eugene.or.us>
Subject: Zoning

The zoning for 512 & 532 Lincoln St, is S-W/SR. Will this property fall under the request to change height restrictions or was that a special request for the 5th street Market only?

Thank you,
Dawn

July 6, 2018

Mayor Vinis and Council:

Lane County's visitor industry generates nearly \$700 million in direct spending each year. Much attention is given to large signature events that generate significant economic impact, but the lion share of visitor spending is first generated from leisure travelers attracted to our region for fantastic food and beverage experiences, art events, fairs and festivals and outdoor activities. And second, from thousands of meeting and conference attendees and sports event participants.

Travel Lane County is encouraged to see many exciting projects coming to life in our community. Many of these projects will become demand generators that result in increased visitor spending.

One of these exciting projects is the Obie development along 6th Avenue. 5th Street Public Market draws thousands of leisure travelers annually. The addition of a second unique hotel, retail shops, restaurants, offices and housing will certainly increase the number of visitors, and locals, who will visit this vibrant area.

Travel Lane County supports the Obie development as proposed. We encourage the City Council to approve code updates to make provisions for this project and future developments that will enhance the surrounding area.

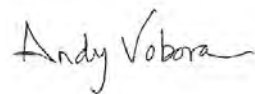
We support increasing the height limit to the proposed 110 feet south of 6th Avenue. The adoption of new height limits will clear the way for the Obie project, while positioning the area for other developments that will meet the City's goals for increased densities along main travel corridors and in the downtown area.

We support the request that the City vacate the alley. The alley vacation is needed for the project to proceed and function as designed.

We support the electronic sign, slated for the top of the Gordon Hotel. Visitors are drawn to iconic buildings and signs. Classic signs, like the Pike Place Market sign and others, create a sense of place. The Gordon sign, which one could argue is a form of art, could very well create a similar feel for downtown Eugene. We encourage the council to think creatively and use this opportunity to approve a sign exception, which will allow this project to move forward while acting as a catalyst to update the City's nearly 30-year old sign codes.

Travel Lane County encourages you to support the Obie project by approving the building height code amendment, vacating the alley and approving the proposed Gordon Hotel electronic sign.

Sincerely,



Andy Vobora



EUGENE, CASCADES & COAST SPORTS
TRAVEL LANE COUNTY

Vice President of Stakeholder Relations

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Public Hearing: An Ordinance Concerning a Roof Sign for Property Identified as Map/Tax Lot 17-03-31-11-02800 (City File CA 18-3)

Meeting Date: July 16, 2018
Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: 2
Staff Contact: Will Dowdy
Contact Telephone Number: 541-682-5340

ISSUE STATEMENT

The City Council will hold a public hearing on an uncoded land use ordinance to permit one illuminated roof sign on a specific property located at the northeast corner of East 6th Avenue and Oak Street. If adopted by City Council, this proposed ordinance would permit one unique roof sign on the subject property with a defined size maximum, height as measured from grade, and mounting style. A map identifying the property subject to this ordinance is provided as Attachment A.

BACKGROUND

The Eugene Downtown Plan identifies opportunity areas for development within the downtown, including the “County Elections block” (between Oak and Pearl, 5th and 6th Avenues). The Lane County Board of Commissioners agreed to lease the site to Market District, LLC (an affiliate of Obie Companies), in conjunction with an affordable housing project by Homes for Good (formerly Housing and Community Services Agency of Lane County) on adjacent County property, and approved a development plan for the project. At a March 2018 City Council work session, Obie Companies presented a refined development concept, which includes a 113-unit apartment building, a three-story retail and office building, and 82-room boutique hotel.

Obie Companies’ proposal to expand the 5th Street Market District on the County Elections block has the potential to achieve the following Downtown and Envision Eugene objectives:

- Redevelop one of the identified Development Opportunity Areas
- Expand the 5th Avenue Area (a *Special Place* and a *Great Street* in the Downtown Plan)
- Strengthen the pedestrian connection between the downtown core and activity on 5th Avenue, and ultimately to the planned Riverfront Park and the Willamette River
- Contribute to the Envision Eugene goal of 1,000 new multi-family homes in the downtown core

Current designs for the Obie Companies development show the top of the building at 80-90 feet above grade, and roof sign at an additional 20-30 feet, which exceeds the current height limit for the Skinner Butte Height Limitation Area. In addition, roof structures and architectural features are shown on top of the roof.

The City Council initiated the land use process on April 9, 2018, to permit a non-standard roof sign atop the proposed hotel site.

Gordon Hotel Sign Ordinance

Although roof signs are allowed under Eugene's land use code, the Sign Standards restrict the height of such signs. The 5th Street Market District expansion site falls under the Highway Commercial Sign Standards (EC 9.6675), which restricts roof sign heights to 30 feet from the existing grade (effectively limiting roof signs to 2- story buildings). Construction standards for roof signs (EC 9.6640) require that they are mounted no more than 1 foot above the building parapet wall, which assumes that signs will be viewed from a flatter angle (i.e., mounted on a 1- or 2-story building and viewed from the sidewalk). Roof signs on a taller building would need a greater clearance above the roof parapet for the bottom of the sign to be visible. The draft ordinance and findings are included in Attachment B.

If the proposed Gordon Hotel Sign ordinance is adopted, the property located at the northeast corner of East 6th Avenue and Oak Street (tax lot 17-03-31-11-02800) would be able to erect a roof sign with a defined size maximum, height as measured from grade, density, and mounting style.

Because the uncodified ordinance is site-specific (in that it only applies to the tax lot of the proposed Gordon Hotel), it is considered quasi-judicial and is subject to the quasi-judicial procedures from the Eugene Code (as opposed to the legislative procedures).

Planning Commission Process

Notice of the Planning Commission public hearing was mailed to the property owner and occupants of the subject properties, owners and occupants of property within 300 feet of the site, all neighborhood organizations in Eugene, the Oregon Department of Land Conservation and Development, Lane County, City of Springfield, and community groups and individuals who have requested notice. Signs announcing the Planning Commission hearing were posted on and around the property consistent with Eugene Code requirements. In addition to the notices required by the land use code, current information regarding this and other land use code updates is available on the City's [Land Use Code Amendments](#) web page.

The Planning Commission held a public hearing on June 5, 2018, to consider the proposed land use code amendment and uncodified ordinance. The webcast of the meeting is available [here](#). The public hearing combined the Skinner Butte Height Limitation amendment and the Sign Ordinance. Six people testified at the public hearing, three spoke in favor of and three spoke in opposition to the proposed amendment and uncodified ordinance. The Planning Commission deliberated at the end of the June 5 meeting and voted to recommend denial of the proposed uncodified ordinance for the Gordon Hotel sign because the sign is not essential to the development and because of concern that permitting a sign like this would provide an avenue around the existing sign code.

City Council Process

Notice of the City Council public hearing was mailed on July 6, 2018, to the owners and occupants of the properties, anyone who submitted written or oral testimony in a timely manner during the

Planning Commission hearing procedures and anyone who requested notice of the Planning Commission's recommendation.

Testimony received since the close of the Planning Commission record through July 10 is in Attachment C. Testimony received to date is available for review in a binder in the City Council's office. A complete set of record materials are available for review in a binder located at the City Council Office or at Planning and Development Department at 99 West 10th Avenue. As a courtesy, some of the materials are also available for review online [here](#). Any additional written comments received after the preparation of this agenda item summary will be provided to the City Council prior to the public hearing for inclusion into the public record.

RELATED CITY POLICIES

Findings addressing consistency with related City policies, including provisions of the Metro Plan and applicable refinement plans, are included as an exhibit to the proposed ordinance.

COUNCIL OPTIONS

No action is required at this time; however, options will be provided at the time of City Council deliberations and action, scheduled for July 23, 2018.

CITY MANAGER'S RECOMMENDATION

This item is scheduled for a public hearing only. Following the public hearing and City's receipt of any testimony, the City Manager will make a recommendation to be included in the council packet for action on July 23, 2018.

ATTACHMENTS

- A. Map of Subject Property for Sign Ordinance
- B. Draft Sign Ordinance and findings
- C. Testimony from June 6 through July 10

FOR MORE INFORMATION

Staff Contact: Will Dowdy
Telephone: 541-682-5340
Staff E-Mail: will.g.dowdy@ci.eugene.or.us



Map of Subject Properties

Affected area for Sign Ordinance



ORDINANCE NO. _____

AN ORDINANCE CONCERNING A ROOF SIGN FOR PROPERTY IDENTIFIED AS MAP/TAX LOT 17-03-31-11-02800.**The City Council of the City of Eugene finds as follows:**

A. Because these exceptions from the City's sign regulations are specific to a single property, it is appropriate to adopt the exceptions by ordinance without codification.

B. A copy of this ordinance shall be maintained at the City's Planning and Development Department.

NOW, THEREFORE,**THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:**

Section 1. Notwithstanding any conflicting provisions in Sections 9.6600 through 9.6680 of the Eugene Code, 1971 ("EC"), a single roof sign may be erected on the property identified as map/tax lot 17-03-31-11-02800, located at the northeast corner of 6th Avenue and Oak Street, a map of which is attached as Exhibit A to this Ordinance ("the Property"). The roof sign shall conform to the following requirements:

1. The sign may not exceed 200 square feet in sign area for one face and 400 square feet in area for 2 or more faces.
2. Not more than 50 percent of the sign area shall be comprised of solid or opaque material.
3. The sign shall not exceed the height limitations in EC 9.6715(3) or 530 feet in elevation above mean sea level, whichever is higher.
4. The sign shall be mounted no more than 15 feet above the surface of the roof or parapet wall at the sign location.
5. The sign must be constructed in accordance with the requirements of the State of Oregon Structural Specialty Code.

Section 2. Additional signs located on the Property shall be subject to the Highway Commercial Sign Standards (EC 9.6675).

Section 3. The findings set forth in Exhibit B attached to this Ordinance are adopted as findings in support of this Ordinance.

Passed by the City Council this

_____ day of July, 2018.

Approved by the Mayor this

_____ day of July, 2018.

City Recorder

Mayor

Exhibit A
Property Subject to Sign Code Ordinance (CA 18-3)



■ Property subject to Sign Code Ordinance



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

July 16, 2018, Public Hearing and Meeting - Item 2

May 2018



**Preliminary Findings
Gordon Hotel Sign Ordinance
(City File CA 18-3)**

Overview

Gordon Hotel Sign Ordinance: This proposed land use ordinance will permit one unique, illuminated roof sign with a defined size maximum, height as measured from grade, and mounting style on a specific property located at the northeast corner of E. 6th Avenue and Oak Street.

Findings

Eugene Code Section 9.8065 requires that the following approval criteria (in ***bold italics***) be applied to a land use ordinance:

(1) The amendment is consistent with applicable statewide planning goals adopted by the Land Conservation and Development Commission.

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

The City has acknowledged provisions for community involvement which insure the opportunity for citizens to be involved in all phases of the planning process and set out requirements for such involvement. The proposed land use ordinance does not amend the citizen involvement program. The process for adopting this ordinance complied with Goal 1 because it is consistent with the City's acknowledged citizen involvement provisions.

A Notice of Proposed Amendment was filed with the Oregon Department of Land Conservation and Development on May 2, 2018. A public hearing was scheduled before the Planning Commission on June 5, 2018. A public hearing is scheduled before the City Council for July 16, 2018. Consistent with land use code requirements, the Planning Commission public hearing on the proposal was duly noticed to all affected property owners and occupants, owners and occupants of property within 300 feet of the site, all neighborhood organizations in Eugene, the Oregon Department of Land Conservation and Development, Lane County, City of Springfield, and community groups and individuals who have requested notice. Signs announcing the public hearing were posted May 4, 2018 on and around the affected properties, consistent with land use code requirements. Information concerning the ordinance, including the dates of the public hearings, was posted on the City of Eugene website.

These processes afford ample opportunity for citizen involvement consistent with Goal 1. Therefore, the ordinance 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 decisions and actions related to use of land and to assure an adequate factual basis for such*

decisions and actions.

Eugene's land use code specifies the procedure and criteria that were used in considering this ordinance. The record shows that there is an adequate factual basis for the ordinance. The 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 the citizens.

To comply with the Goal 2 coordination requirement, the City engaged in an exchange about the subject of this ordinance with all of the affected governmental units. Specifically, the City provided notice of the proposed action and opportunity to comment to the Oregon Department of Land Conservation and Development, as well as to Lane County and the City of Springfield. There are no exceptions to Statewide Planning Goal 2 required for this ordinance. Therefore, the ordinance is consistent with Statewide Planning Goal 2.

Goal 3 - Agricultural Lands. To preserve agricultural lands.

The ordinance is for property located within the urban growth boundary and do not affect any land designated for agricultural use. Therefore, Statewide Planning Goal 3 does not apply.

Goal 4 - Forest Lands. To conserve forest lands.

The ordinance is for property located within the urban growth boundary and do not affect any land designated for forest use. Therefore, Statewide Planning Goal 4 does not apply.

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

OAR 660-023-0250(3) provides: Local governments are not required to apply Goal 5 in consideration of a PAPA unless the PAPA affects a Goal 5 resource. For purposes of this section, a PAPA would affect a Goal 5 resource only if:

- (a) The PAPA creates or amends a resource list or a portion of an acknowledged plan or land use regulation adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5;*
- (b) The PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list; or*
- (c) The PAPA amends an acknowledged UGB and factual information is submitted demonstrating that a resource site, or the impact areas of such a site, is included in the amended UGB area.*

This ordinance does not create or amend the City's list of Goal 5 resources, does not amend a land use code provision adopted to protect a significant Goal 5 resource or to address specific requirements of Goal 5, and does not amend the acknowledged urban growth boundary. Therefore, the ordinance does not affect (a) or (c).

In regards to (b), the property subject to the site-specific ordinance does not contain any Goal 5 resources. However, the 1978 Scenic Sites Working Paper and accompanying map, which is a part of

the City's adopted significant Goal 5 inventory (see Ordinance No. 20351), identifies Skinner Butte as a "Scenic Site" (as both a "Vista" and as containing "Prominent and Plentiful Vegetation"). Per OAR 660-023-0230, "scenic views and sites" are lands valued for their aesthetic appearance.

Skinner Butte has long been recognized and valued in the community for its aesthetic appearance, which is evidenced by the adoption of the Skinner Butte Height Limitation Area in 1968. Notably, this pre-dates the adoption of Statewide Planning Goal 5 in December 1974. Section 9.6715(1) of the Eugene Code (EC), describes the purpose of height limitation areas as follows: "Certain geographical landmarks have scenic attributes that are of value to the community as a whole. To protect views to and from these landmarks, special limitations on building height are established on and around them."

For the reasons detailed below, the ordinance does not allow uses that could conflict with the scenic qualities of Skinner Butte.

The ordinance has been written in a way to permit one unique sign restricted to one identified property to minimize visual barriers to Skinner Butte. The ordinance contains the following to minimize visual barriers:

1. The sign may not exceed 200 square feet in sign area for one face and 400 square feet in area for 2 or more faces.
2. Not more than 50 percent of the sign area shall be comprised of solid or opaque material.
3. The sign shall not exceed the height limitations in Eugene Code 9.6715(3) or 530 feet in elevation above mean sea level, whichever is higher.
4. The sign shall be mounted no more than 15 feet above the surface of the roof or parapet wall at the sign location.
5. The sign must be constructed in accordance with the requirements of the State of Oregon Structural Specialty Code.

Given these design parameters and the distance between the subject property and Skinner Butte, the potential impact to the views to and from the butte is minimal. The Gordon Hotel Sign Ordinance does not conflict with the scenic value of the butte or the viewing of its prominent and plentiful vegetation, and therefore does not allow new uses that could be conflicting uses with a significant Goal 5 resource site.

The ordinance is consistent with Statewide Planning Goal 5.

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

Goal 6 addresses waste and process discharges from development, and is aimed at protecting air, water and land from impacts from those discharges. The ordinance does not affect the City's ability to provide for clean air, water or land resources. Therefore, Statewide Planning Goal 6 does not apply.

Goal 7 - Areas Subject to Natural Disasters and Hazards. To protect life and property from natural

disasters and hazards.

Goal 7 requires that local government planning programs include provisions to protect people and property from natural hazards such as floods, landslides, earthquakes and related hazards, tsunamis and wildfires. The Goal prohibits a development in natural hazard areas without appropriate safeguards. The ordinance does not affect the City's restrictions on development in areas subject to natural disasters and hazards. Further, the ordinance does not allow for new development that could result in a natural hazard. Therefore, Statewide Planning Goal 7 does not apply.

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 ordinance 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.*

Goal 9 requires cities to evaluate the supply and demand of commercial land relative to community economic objectives. The ordinance does not impact the supply of industrial or commercial lands. Therefore, the ordinance is consistent with Statewide Planning Goal 9.

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

Goal 10 requires communities to provide an adequate supply of residential buildable land to accommodate estimated housing needs for a 20-year planning period. The Residential Lands Supply Study (2017) was adopted by the City of Eugene as a refinement of the Envision Eugene Comprehensive Plan, and complies with the requirements of Goal 10 and the corresponding Administrative Rule.

The ordinance does not impact the supply of residential buildable land. No land is being re-designated from residential use to a nonresidential use, and the ordinance does not otherwise diminish the amount of lands available for residential use.

Accordingly, the ordinance does not impact the supply or availability of residential lands included in the documented supply of "buildable land" that is available for residential development as inventoried in the acknowledged Residential Lands Supply Study. Therefore, the ordinance is consistent with Statewide Planning Goal 10.

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 ordinance does not affect the City's provision of public facilities and services. Therefore,

Statewide Planning Goal 11 does not apply.

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

The Transportation Planning Rule (OAR 660-012-0060) contains the following requirement:

- (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.*

The ordinance does not change the functional classification of a transportation facility, change the standards implementing a functional classification system or degrade the performance of a facility otherwise projected to not meet performance standards. Therefore, the ordinance does not significantly affect any existing or future transportation facilities. Based on the above findings, the ordinance is consistent with Statewide Planning Goal 12.

Goal 13 - Energy Conservation. *To conserve energy.*

The ordinance does not impact energy conservation. 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.*

The ordinance does not affect the City's provisions regarding the transition of land from rural to urban uses. Therefore, 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 ordinance does not contain any changes that affect the Willamette River Greenway regulations, therefore, Statewide Planning Goal 15 does not apply.

Goal 16 through 19 - Estuarine Resources, Coastal Shorelands, Beaches and Dunes, and Ocean Resources.

There are no coastal, ocean, estuarine, or beach and dune resources related to the property effected by this ordinance. Therefore, these goals are not relevant and the ordinance will not affect compliance with Statewide Planning Goals 16 through 19.

(2) *The amendment is consistent with applicable provisions of the comprehensive plan and applicable adopted refinement plans.*

Applicable Metro Plan Policies

The following policies from the *Metro Plan* (identified below in *italics*) are applicable to this ordinance. To the extent that the following policies constitute mandatory approval criteria, based on the findings provided below, the ordinance is consistent with and supported by the applicable provisions of the *Metro Plan*.

Environmental Design Element

E.5 Carefully develop sites that provide visual diversity to the urban area and optimize their visual and personal accessibility to residents.

The intent of this ordinance is to permit one unique, illuminated roof sign with a defined size maximum, height as measured from grade, and mounting style on a specific property. The addition of this sign will add visual diversity to the urban area while serving as a directional tool for residents and visitors to the downtown core area.

Envision Eugene Comprehensive Plan

The Envision Eugene Comprehensive Plan does not contain any policies relevant to this ordinance.

Applicable Refinement Plans

Given the narrow applicability of this ordinance, only the Eugene Downtown Plan (2004) was found to have policies relevant to this ordinance:

Chapter 2, Policy 2. Use downtown development tools and incentives to encourage development that provides character and density downtown.

Although this policy is aspirational, the ordinance is consistent with it, supporting building character which adds to the downtown, urban environment.

Based on the above findings, the proposal is consistent with and supported by the applicable provisions of these adopted plans.

(3) The amendment is consistent with EC 9.3020 Criteria for Establishment of an S Special Area Zone, in the case of establishment of a special area zone.

The ordinance does not establish a special area zone. Therefore, this criterion does not apply.

CAMP Allison K

From: DOWDY Will G
Sent: Thursday, June 07, 2018 7:23 AM
To: CAMP Allison K
Subject: Fwd: Obie Project

Will Dowdy
Urban Development Manager
City of Eugene
541.682.5340

Sent from my iPhone

Begin forwarded message:

From: Julie Barnas <jbarnas@comcast.net>
Date: June 6, 2018 at 4:17:51 PM PDT
To: will.g.dowdy@ci.eugene.or.us
Subject: Obie Project

Dear Will,

I was unable to attend last night's meeting concerning the request by Mr. Obie and his company to increase the permitted height of their project to 85' plus an additional 25' for a lit sign.

I can accept an additional 5' allowance so the building can add more apartments. I am strongly opposed to the additional 25' for a lit sign!

Many citizens and Mr. Obie are concerned about noise pollution in that area. I am concerned about light pollution. We do not need a sign 100+' in the sky! Mr. Obie can place his lit sign at street level where everyone can easily see it.

Please don't allow this light pollution to further mar the night view from Skinner Butte. Please don't allow this light pollution to further degrade our night skies. Please don't allow this senseless waste of electricity.

Sincerely,
Julie Barnas
1950 Monroe
Eugene, Or 97405

CAMP Allison K

From: DENBERG Matt H
Sent: Monday, June 11, 2018 4:08 PM
To: CAMP Allison K
Subject: FW: Zoning

Allison, Could you respond to this question and clarify the boundaries of changes to the proposed height restrictions?
[Let me know if you aren't the right person to send this question to.](#)

Please copy me on your reply so that I can learn more about the proposed changes.

Thanks,

Matt Denberg
Planning & Land Use Technician
City of Eugene
(541) 682-5226

From: Dawn Johnson [mailto:dawn@pacwestcommercial.com]
Sent: Monday, June 11, 2018 10:08 AM
To: DENBERG Matt H <Matt.H.Denberg@ci.eugene.or.us>
Subject: Zoning

The zoning for 512 & 532 Lincoln St, is S-W/SR. Will this property fall under the request to change height restrictions or was that a special request for the 5th street Market only?

Thank you,
Dawn

CAMP Allison K

From: CAMP Allison K
Sent: Tuesday, June 12, 2018 8:06 AM
To: 'dawn@pacwestcommercial.com'
Cc: DENBERG Matt H; DOWDY Will G
Subject: RE: Zoning

Hi Dawn,

Matt Denberg forwarded your question on to me. I hope I can be of help.

The addresses that you have listed below do not fall into the height limitation area that would be impacted by the proposed changes. The proposed changes would only affect the southern half of the block that these properties are on, and coinciding southern block portions between 5th and 6th from Washington Street to the Coburg Road overpass. The southern half of the block is the portion to the south of the W 5th Alley.

So, 512 and 532 Lincoln are not included in this proposed change.

The proposed changes would affect height allowances for all properties in the proposed area I described above, not just the 5th Street Market property.

I'm happy to answer any other questions you may have. Would you like to include your mailing address on the interested parties list for this code amendment moving forward?

Thanks!
Allie

Allie Camp

Urban Development Analyst
City of Eugene Planning and Development
541.682.5480
allison.k.camp@ci.eugene.or.us

From: Dawn Johnson [<mailto:dawn@pacwestcommercial.com>]
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July 6, 2018

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One of these exciting projects is the Obie development along 6th Avenue. 5th Street Public Market draws thousands of leisure travelers annually. The addition of a second unique hotel, retail shops, restaurants, offices and housing will certainly increase the number of visitors, and locals, who will visit this vibrant area.

Travel Lane County supports the Obie development as proposed. We encourage the City Council to approve code updates to make provisions for this project and future developments that will enhance the surrounding area.

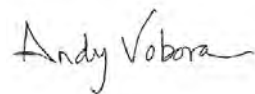
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We support the request that the City vacate the alley. The alley vacation is needed for the project to proceed and function as designed.

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Travel Lane County encourages you to support the Obie project by approving the building height code amendment, vacating the alley and approving the proposed Gordon Hotel electronic sign.

Sincerely,



Andy Vobora



EUGENE, CASCADES & COAST SPORTS
TRAVEL LANE COUNTY

Vice President of Stakeholder Relations

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Public Hearing: An Ordinance Vacating E. 5th Alley, located between Pearl Street and Oak Street, and a portion of Pearl Alley, located between E. 5th Alley and E. 6th Avenue, and providing for an effective date (City File VRI 18-2)

Meeting Date: July 16, 2018
Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: 3
Staff Contact: Nicholas R. Gioello
Contact Telephone Number: 541-682-5453

ISSUE STATEMENT

The City Council will hold a public hearing on a right-of-way vacation request submitted by Lane County and Mildred O, LLC. The requested vacation of two improved public rights-of-way consists of the following: the portion of East 5th Alley located between Oak Street and Pearl Street, and a portion of Pearl Alley located between East 6th Avenue and Pearl Alley. An aerial map of the alley vacation request is provided as Attachment A.

BACKGROUND

The total area of request, as described above, consists of 6,942 square feet of public right-of-way. The areas to be vacated currently serve as surface parking areas in conjunction with the property south of East 5th Alley. Lane County and Mildred O, LLC applied for the vacation request as co-applicants. The applicants own all of the properties abutting the alleys proposed to be vacated. The Lane County Board of Commissioners agreed to lease its property to Market District, LLC (an affiliate of Obie Companies), in conjunction with an affordable housing project by Homes for Good (formerly HACSA) on adjacent County property, and approved a development plan for the project. At a March 2018 City Council work session, Obie Companies presented a refined development concept, which includes a 113-unit apartment building, a three-story retail and office building, and 82-room boutique hotel. A conceptual development plan of the adjacent lands is included as Attachments B.

The vacation request process serves as a means to evaluate the need for public ways as land develops and uses change over time. This request for vacation is being considered in accordance with sections 9.8700-9.8725 of the Eugene Code and Oregon Revised Statutes 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.

A complete copy of the application along with other documents and information related to the vacation request including a written statement, consent forms, plans, and written testimony are contained in the council binder that has been placed in the City Manager's Office for reference.

Public Hearing Notice

Notice of public hearing for the requested alley vacation has been provided in the following manner: On June 26, 2018, notice was mailed to owners of property within 100 feet of the alleys, interested parties, and the officially recognized neighborhood group, the Downtown Neighborhood Association; on June 25, 2018, the property was posted in the immediate vicinity of the requested alley vacation; and on July 2, 2018 and July 9, 2018, legal notice was published in *The Register-Guard* newspaper.

No public comments have been received at this time. Any additional written testimony received prior to close of the public record will be forwarded to City Council for consideration. Public comments, notice, and all other record materials are included in the council binder, which is available at the City Manager's Office.

Consent of Abutting and Affected Property Owners

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 ORS is the land lying on either side of the vacated area to the next lateral street, and 400 feet beyond each terminus of the alley to be vacated.

ORS 271.080 also requires the applicant to obtain concurrence from all abutting property owners. All of the properties abutting the proposed alley vacation are owned by the co-applicants.

Based on the signed consent forms submitted with the application, the applicant has obtained consent for the proposed alley vacation from the property owners of approximately 73 percent of the affected area, which exceeds the requirements of ORS 271.080 and EC 9.8710. A map showing the affected area and the area of property owner consent is included as Attachment C.

Applicable 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:

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 applicant has provided conceptual redevelopment information regarding their intention to revitalize the area, which demonstrates the need for the vacation. The concept calls for the redevelopment of the surface parking lots with a consolidated development plan for the southern half of the block that includes three new buildings with retail/office, hotel, and mixed use building with residential apartments. While this plan is conceptual in nature, it attempts to demonstrate how this site is likely to be redeveloped. As the plan shows, vacation of the current alleys is necessary to accommodate redevelopment options similar to the applicant's proposal.

The proposed redevelopment is part of an agreement between the developer and Lane County, who owns the southern half of the block. This project, in conjunction with an affordable housing project by Homes for Good, was selected by Lane County Board of Commissioners for redevelopment of their existing surface parking lots—a site identified in the City’s 2004 Downtown Plan as the first on a list of “Development Opportunity Areas.” Obie Companies’ proposal to expand the 5th Street Market District on the Lane County property has the potential to achieve the following Downtown Plan and Envision Eugene objectives:

- Redevelop one of the identified Development Opportunity Areas;
- Expand the 5th Avenue Area (a Special Place and a Great Street in the Downtown Plan);
- Strengthen the pedestrian connection between the downtown core and activity on 5th Avenue, and ultimately to the planned Riverfront Park and the Willamette River;
- Contribute to the Envision Eugene goal of 1,000 new multi-family homes in the downtown core.

Circulation and Access

Analysis from Public Works staff confirms the surrounding street network is a traditional blocked street grid, which provides ample street connectivity as required by Eugene Code and negates the need for a secondary public thoroughfare. Because of the existing local street grid, the alleys to be vacated do not provide significant public transportation benefit, although they do provide public vehicular and pedestrian circulation on adjoining streets as well as the primary parking facilities for the surrounding businesses (primarily the 5th St Public Market). The proposed vacation will not impede or modify on-site circulation at this time. To the north is East 5th Avenue and to the west is Oak Street, both local City streets and fully improved with paving, curb and gutter, bike lanes, sidewalks and street lights. Pearl Street is to the east and is a major collector, and East 6th Avenue to the south is a major arterial. The surrounding street network provides ample transportation facilities for all users and is consistent with city design standards and master plans. The proposed alley vacation will not have a significant effect on the surrounding transportation systems. Public Works staff supports the right of way vacation from the perspective of providing adequate transportation facilities and services.

Utilities

The applicant has not provided plans showing a feasible relocation of the existing facilities in the right of way to be vacated. The utilities currently provide service to existing development and improved public rights of way. The applicant has proposed a Public Utility Easement (PUE) over the entire vacated area until such time as plans can be provided and approved through a development or public improvement permit application. A subsequent PUE vacation process will be required prior to the approval of development or public improvement permits. The proposed PUE provides the easement necessary to continue perpetual ownership, operation and maintenance of public utilities that remain. Public Works supports the right-of-way vacation contingent upon the reservation of a PUE.

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 total of \$130,650, which considered the value of the paved improvements, the value of the easement land area, and the value of the proposed PUE to be reserved by the City. On June 29, 2018, the applicant deposited the full assessed amount with 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.

RELATED CITY POLICIES

The approval criteria for this vacation request (the full text is included above) is located at EC 9.8725, which requires the council to find that approval of the vacation request is in the public interest.

COUNCIL OPTIONS

This item is scheduled for public hearing only. Council action will occur subsequent to the public hearing and the close of the record. Council action is scheduled for July 23, 2018.

CITY MANAGER'S RECOMMENDATION

No recommendation is provided at this time. A recommendation will be provided for the scheduled action on July 23, 2018.

SUGGESTED MOTION

No motion is suggested at this time.

ATTACHMENTS

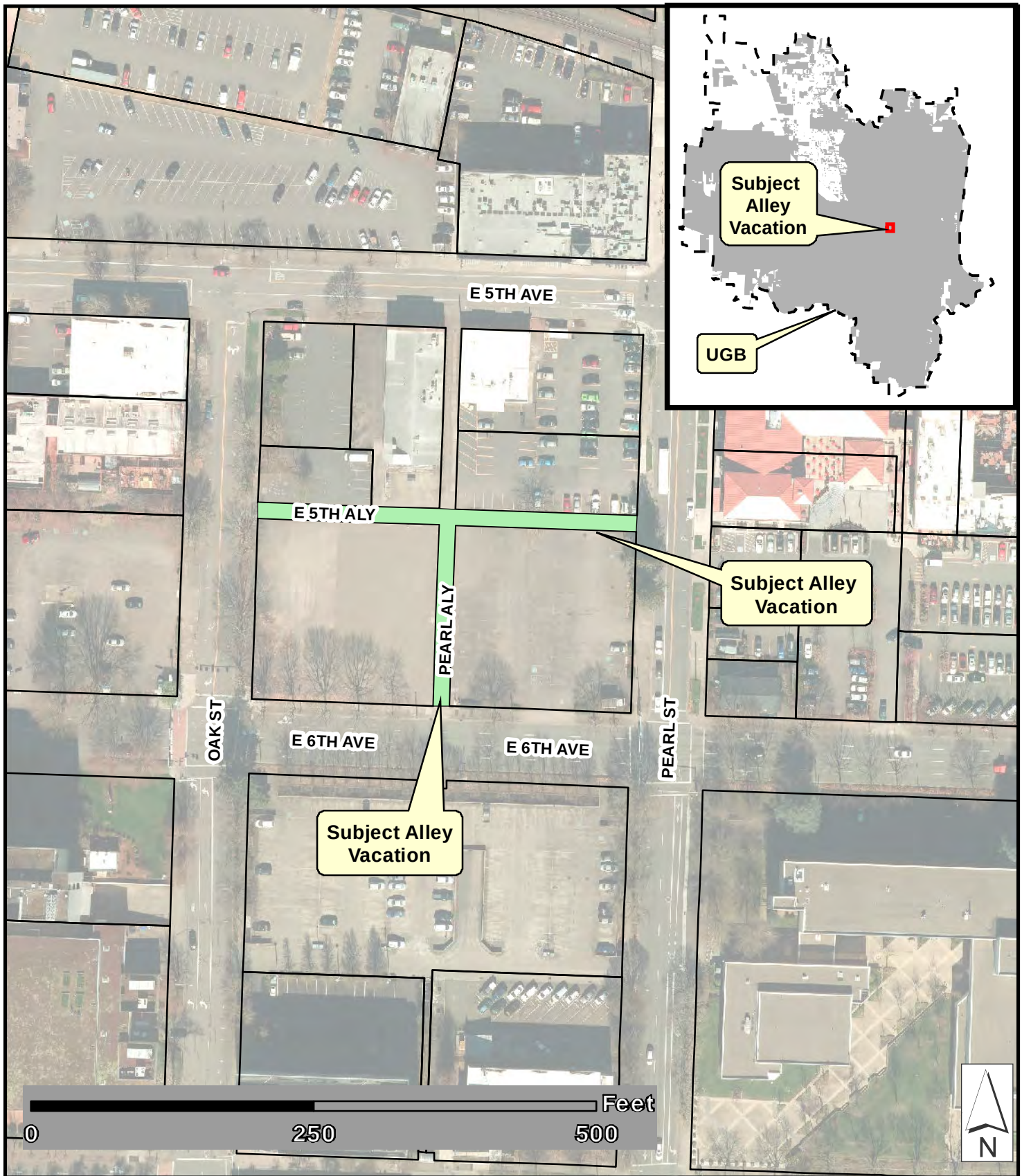
- A. Aerial map of alley vacation request
- B. Conceptual development plan
- C. Map of affected area and property owner consent
- D. Draft Ordinance

FOR MORE INFORMATION

Staff Contact: Nicholas Gioello, Associate Planner
Telephone: 541-682-5453
Staff E-Mail: nick.r.gioello@ci.eugene.or.us

Lane County & Mildred O, LLC (VRI 18-2) Vacation of Improved Right-of-Way

Attachment A



Legend

Pearl & 5th Alley
 Subject Property
 Taxlots

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

July 16, 2018, Public Hearing and Meeting - Item 3



June 2018

Attachment B

NOT FOR
CONSTRUCTION



30 NORTHWEST OAKLEY, SUITE 300
PORTLAND, OR 97209
T 503.243.1100
1505 5TH AVE, SUITE 300
SEATTLE, WA 98101
T 206.376.6000
1014 HOWARD STREET
SAN FRANCISCO, CA 94103
T 415.252.7803

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F 541.464.4100
www.kpff.com

EUGENE MARKET DISTRICT
6TH AVENUE AND PEARL STREET, EUGENE, OR

Oble Companies

REVISION	DATE	REASON FOR ISSUE
1	01/26/2018	Revisions 1

UTILITY PLAN

SD SET

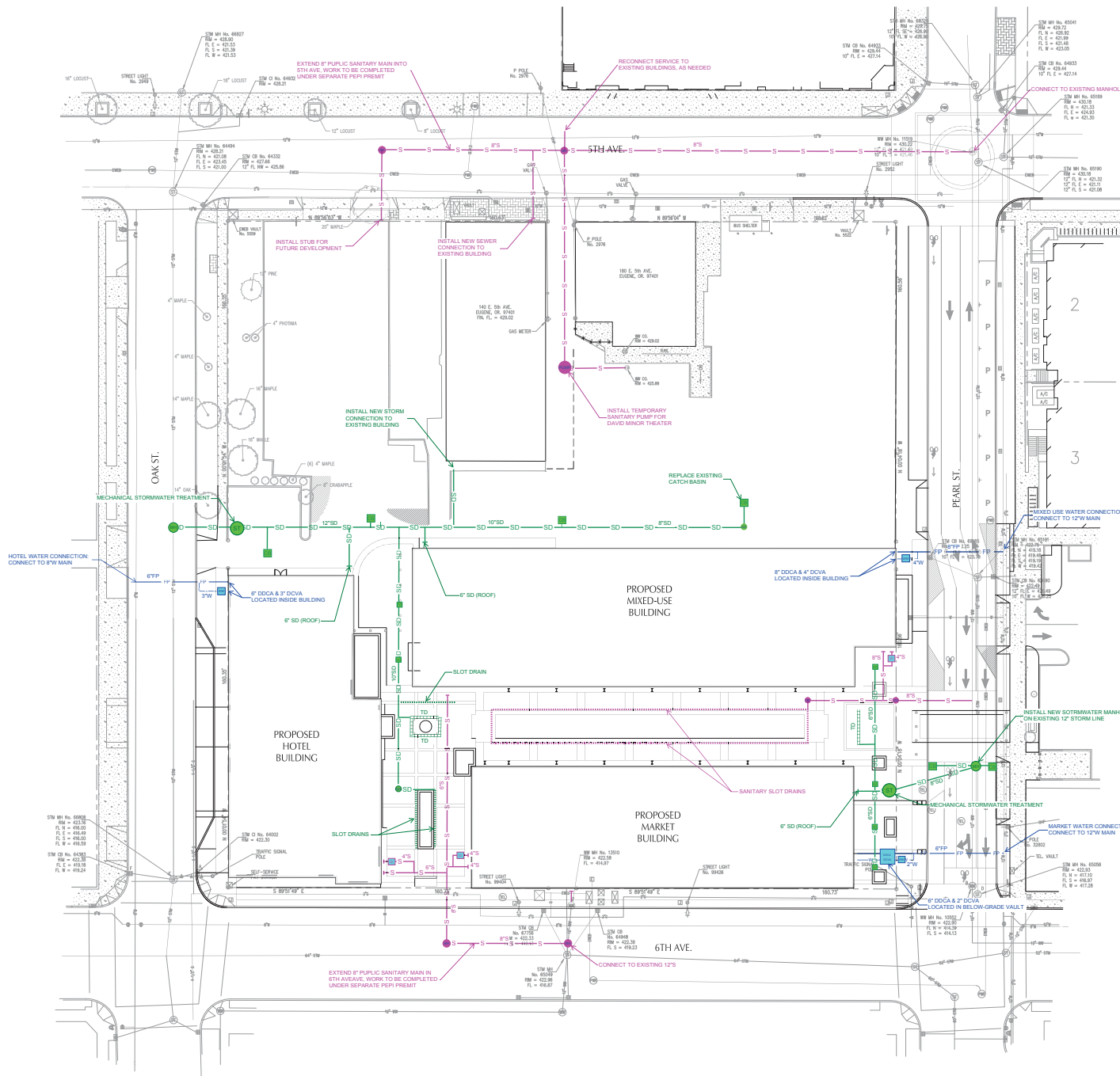
DATE: 01/26/2018 PROJECT: 171790

SHEET NUMBER: C2.0



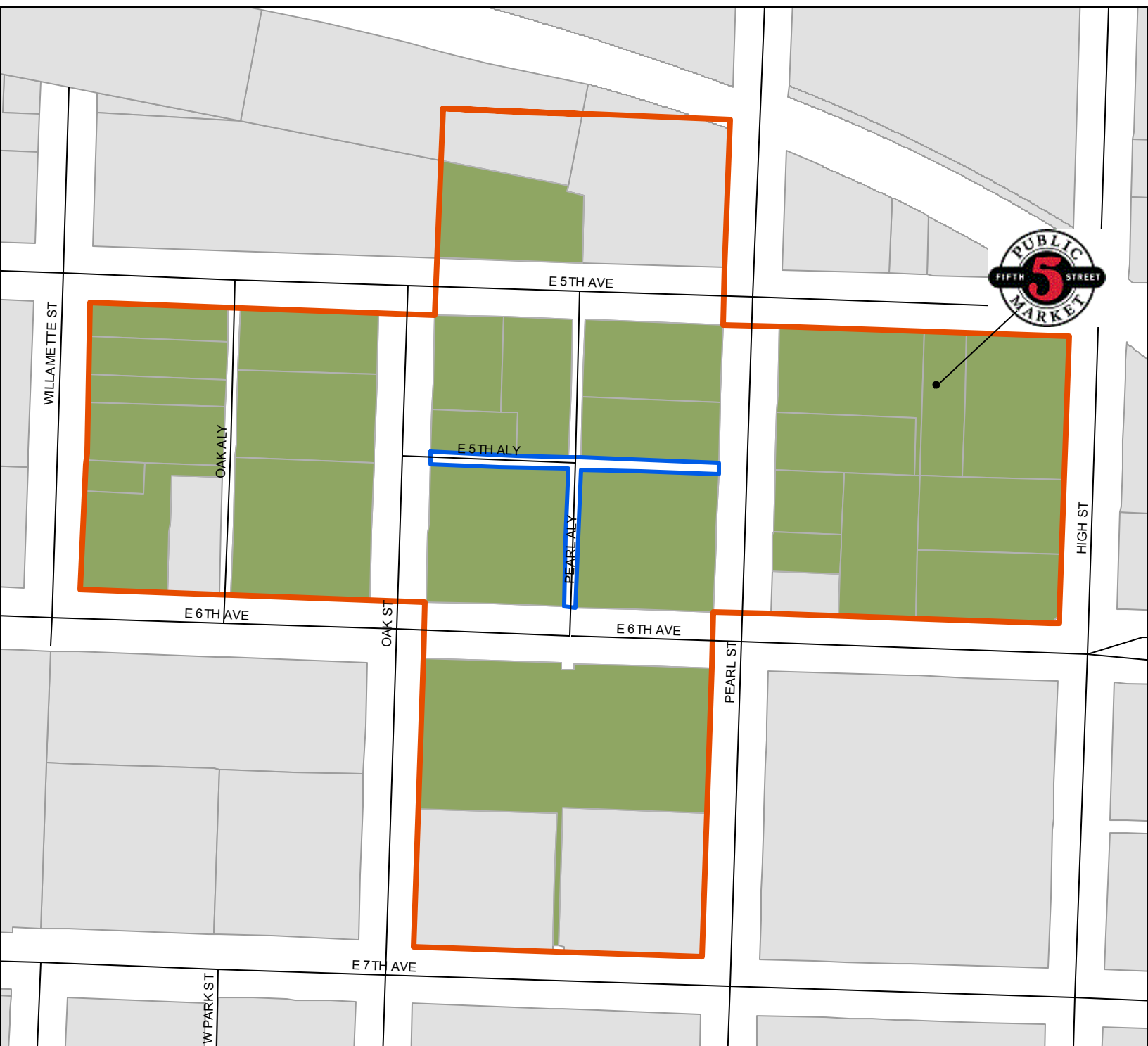
SCALE
1" = 20' FEET

July 16, 2018, Public Hearing and Meeting - Item 3



- SHEET LEGEND**
- DCVA DOUBLE CHECK VALVE ASSEMBLY
 - DDCA DOUBLE DETECTOR CHECK ASSEMBLY
 - AREA DRAIN
 - CATCH BASIN
 - STORMWATER TREATMENT MANHOLE
 - MANHOLE
 - CLEANOUT
 - SANITARY PUMP
 - WATER METER: ALL METERS TO BE LOCATED IN THE RIGHT-OF-WAY AND INSTALLED BY EWEB.
 - GREASE INTERCEPTOR
 - SLOT DRAIN
 - TRENCH DRAIN
 - FP FIRE PROTECTION LINE
 - S SANITARY SEWER LINE
 - SD STORMWATER LINE
 - W WATER LINE

Proposed Public Alley Vacation, Pearl & E 5th Aly



- Proposed Public Alley Vacation
- Real Property Affected
- Property owners granting consent
- Streets
- Taxlots

Acreage of real property affected: 11.36 ac
 Acreage of owners granting consent: 8.89 ac
 Portion of affected area with consent granted: 78%

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

June 26, 2018

July 16, 2018 Public Hearing and Meeting - Item 3

0 50 100 200



ORDINANCE NO. _____**AN ORDINANCE VACATING E. 5TH ALLEY, LOCATED BETWEEN PEARL STREET AND OAK STREET, AND A PORTION OF PEARL ALLEY, LOCATED BETWEEN E. 5TH ALLEY AND E. 6TH AVENUE, AND PROVIDING FOR AN EFFECTIVE DATE.****The City Council of the City of Eugene finds that:**

A. The City Council of the City of Eugene approved an agenda setting a public hearing to be held at 7:30 p.m. on July 16, 2018, at Harris Hall, for the purpose of hearing protests and remonstrances to the proposed vacation of the following described rights-of-way:

E. 5th Alley, located between Pearl Street and Oak Street, and a portion of Pearl Alley, located between E. 5th Alley and E. 6th Avenue, as more particularly described in Exhibit A and depicted on the map attached as Exhibit B to this Ordinance ("the Vacation Area"), reserving a public utility easement over the entire Vacation Area.

B. Notice was duly and regularly given of the public hearing and, on July 16, 2018, 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 hearing was published and posted as required by law, that consent of the owner(s) of the abutting property has been filed in the proceedings, and that vacation of the rights-of-way 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.

Section 2. The rights-of-way described and depicted on Exhibits A and B attached to this Ordinance are vacated subject to the public utility easements described in Exhibit A, 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 with the Recorder of Lane County, Oregon, together with a map or plat of said property. 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.

Section 4. Notwithstanding the effective date of ordinances as provided in the Eugene Charter of 2002, this Ordinance shall become effective 30 days from the date of passage by the City Council and approval by the Mayor, or upon the recording of the public utility easements described in Exhibit A in a form acceptable to the City Manager, whichever is later.

Passed by the City Council this

____ day of _____, 2018.

Approved by the Mayor this

____ day of _____, 2018.

City Recorder

Mayor

Exhibit A

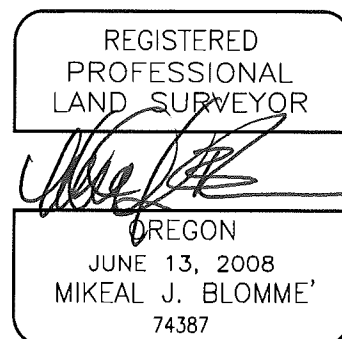
**Legal Description
For
Vacation of E. 5th Alley and a Portion of Pearl Alley**

A 14 foot wide strip of land located in Block 1 of Skinner's Donation to Lane County, Oregon, as platted and recorded in Volume A, Page 122, Lane County Oregon Deed Records, Lane County, Oregon, said strip being more particularly described as follows:

Beginning at the Southwest corner of Lot 3, Block 1, Skinner's Donation to Lane County, as depicted on the Plan of Eugene City, as platted and recorded in Volume A, Page 122, Lane County Oregon Deed Records, said point also being on the Easterly right of way of Oak Street, 33.00 feet from the centerline thereof; thence South 00°01'54" East, along said Easterly right of way, 14.00 feet to the Northwest corner of Lot 6, Block 1 of said Skinner's Donation; thence leaving said Easterly right of way along the North line of said Lot 6, South 89°53'56" East 160.69 feet to the Northeast corner of said Lot 6; thence South 00°03'11" East, along the East lines of Lots 6 and 7, Block 1 of said Skinner's Donation, 160.45 feet to the Southeast corner of said Lot 7, said point also being on the Northerly right of way of 6th Street, 33.00 feet from the centerline thereof; thence South 89°51'49" East, along said Northerly right of way, 14.00 feet to the Southwest corner of Lot 8, Block 1 of said Skinner's Donation; thence leaving said Northerly right of way along the West lines of Lots 8 and 5, Block 1 of said Skinner's Donation, North 00°03'11" West 160.46 feet to the Northwest corner of said Lot 5; thence South 89°53'56" East, along the North line of said Lot 5, 160.68 feet to the Northeast corner of said Lot 5, said point also being on the Westerly right of way of Pearl Street, 33.00 feet from the centerline thereof; thence North 00°04'18" West, along said Westerly right of way, 14.00 feet to the Southeast corner of Lot 4, Block 1 of said Skinner's Donation; thence leaving said Westerly right of way along the South lines of said Lots 4 and 3, North 89°53'56" West 335.37 feet to the Point of Beginning, in Eugene, Lane County, Oregon.

The City of Eugene to reserve an easement for public utilities over the above described 14.00 foot wide strip of land.

Contains 6,942 square feet, more or less.

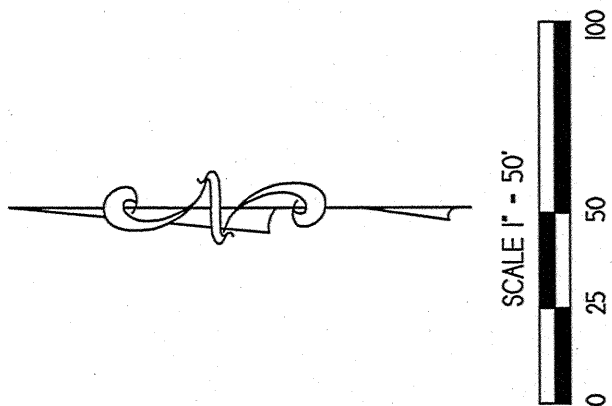
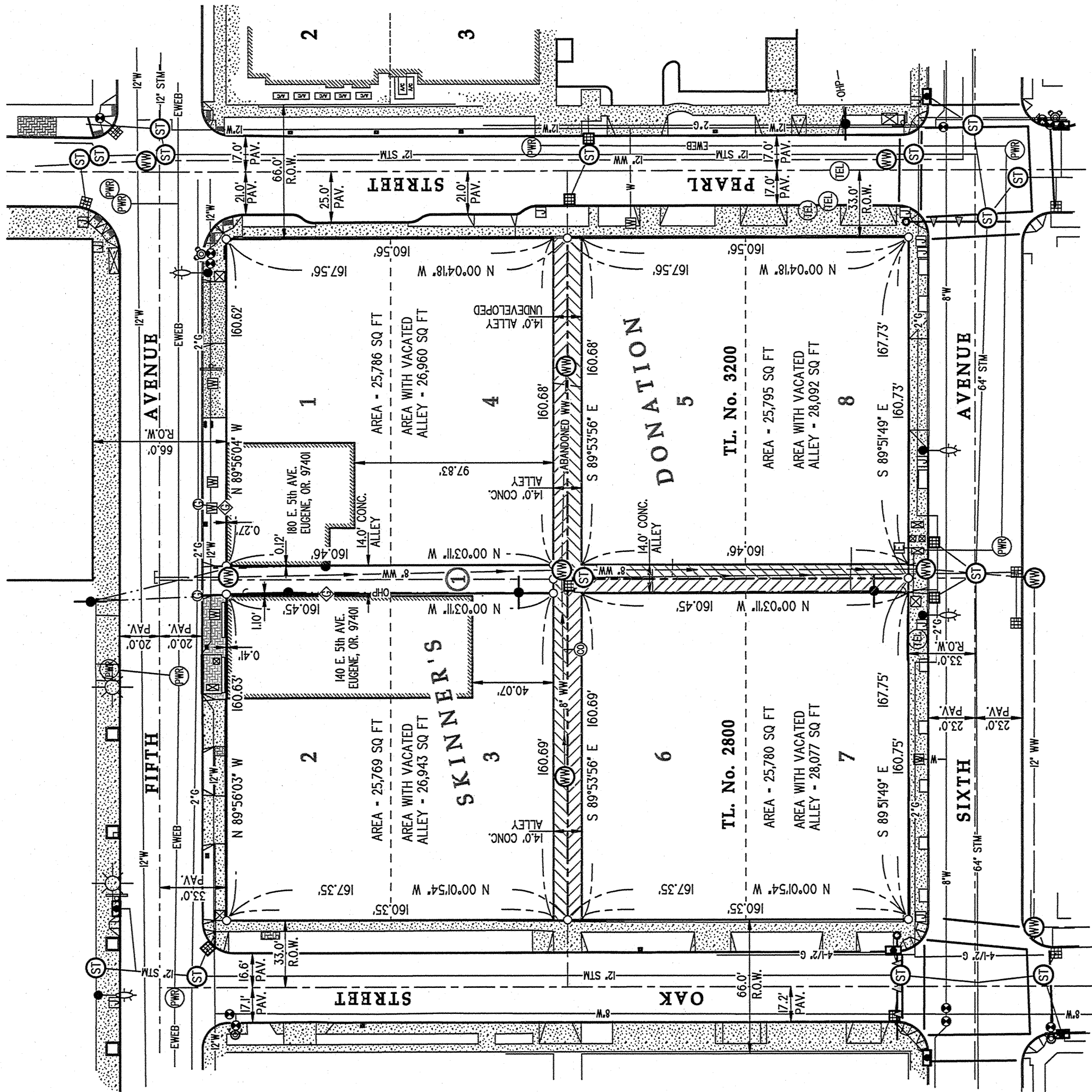
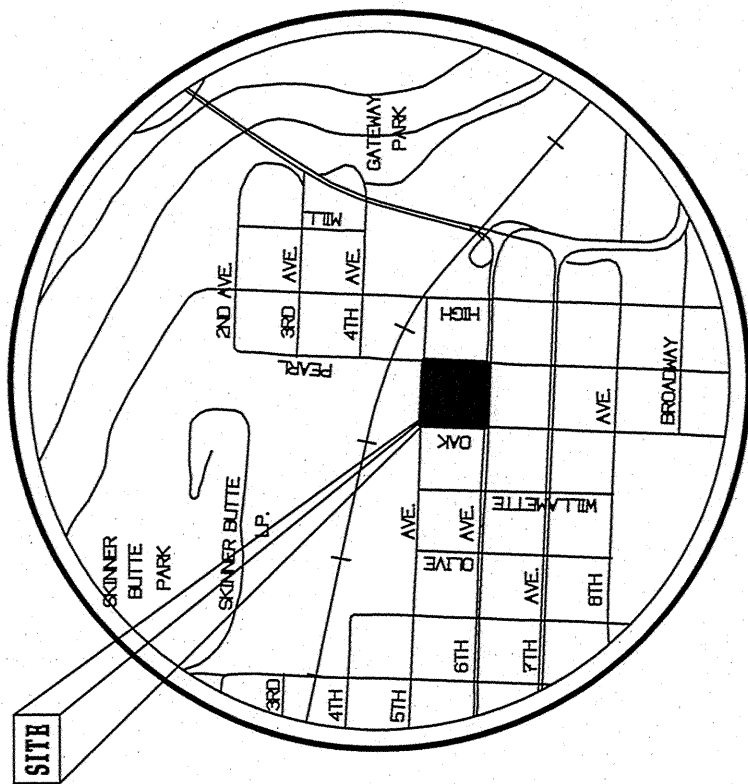


RENEWAL DATE: DEC 31, 2019

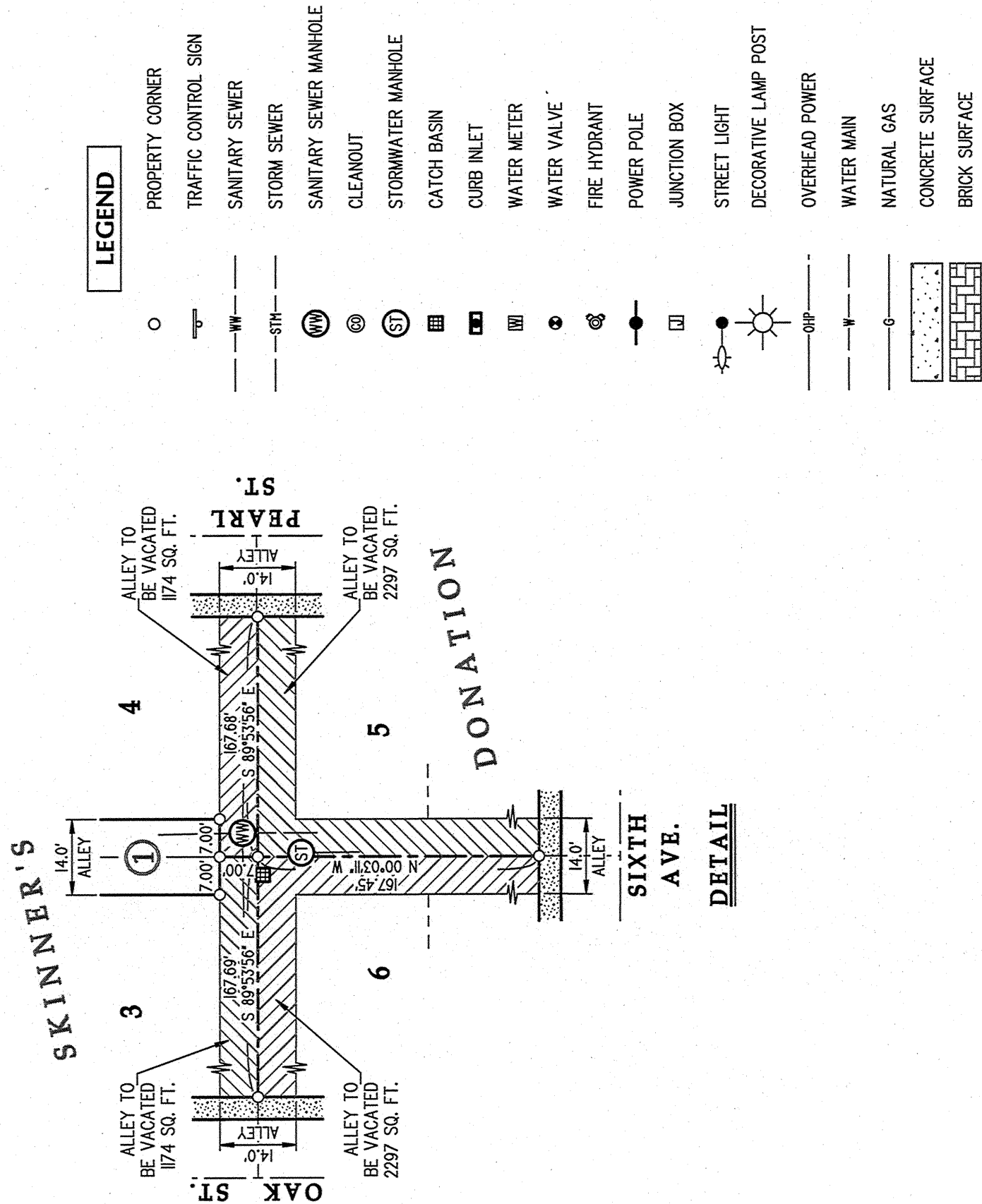
SITE PLAN
FOR

PUBLIC ALLEY VACATION

NE 1/4 SEC. 31 T 17 S, R 3 W W.M.
ASSESSORS MAP No. 17-03-31-11 TL No.'s 2800 & 3200
EUGENE, LANE COUNTY, OREGON
MAY 14, 2018



VICINITY MAP
NOT TO SCALE



REGISTERED
PROFESSIONAL
LAND SURVEYOR

Jonathan A. Oakes
OREGON
JULY 13, 1984
JONATHAN A. OAKES
2105
EXPIRES: DECEMBER 31, 2018

POAGE ENGINEERING & SURVEYING, INC.

P.O. BOX 2527 • EUGENE, OREGON 97402 • (541) 485-4505
JOB No. 4523, DWN. BY JAO/KSG 4523VAC.GXD, DATE: 04-18

Exhibit C Findings

Background:

The total area of request, consists of 6,942 square feet of public right-of-way. The areas to be vacated currently serve as surface parking areas in conjunction with the property south of East 5th Alley. Lane County and Mildred O, LLC applied for the vacation request as co-applicants. The applicants own all of the properties abutting the alleys proposed to be vacated. The Lane County Board of Commissioners agreed to lease its property to Market District, LLC (an affiliate of Obie Companies), in conjunction with an affordable housing project by Homes for Good (formerly HACSA) on adjacent County property, and approved a development plan for the project. At a March 2018 City Council work session, Obie Companies presented a refined development concept, which includes a 113-unit apartment building, a three-story retail and office building, and 82-room boutique hotel. A conceptual development plan of the adjacent lands is included as Attachments B.

The vacation request process serves as a means to evaluate the need for public ways as land develops and uses change over time. 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 requires ownership of the underlying land to revert back to the adjacent lands from which they were originally dedicated. If the vacation is approved, the alleys will revert from public to private ownership by Lane County and Mildred O, LLC. EC 9.8710(5) requires the applicants to pay to the City a special assessment equal to the assessed value of the real property and any costs incurred by the city in the construction of public improvements. Payment of the special assessment will be paid in a combination of cash and fair-market value of a 14 foot wide easement over the proposed alley vacations.

The vacation request process provides 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. Requests for the vacation of public streets and alleys are considered in accordance with Eugene Code (EC) 9.8700-9.8725 and Oregon Revised Statutes (ORS) 271.080-271.230. These requests are also subject to procedural requirements at EC 9.7445-9.7455.

Compliance with Approval Criteria:

The sole approval criterion at EC 9.8725 requires the City Council to find that approval of the requested right-of-way 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 for 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.

Vacation Findings

The following findings demonstrate that vacation of the portion of E. 5th Alley, located between Pearl Street and Oak Street, and a portion of Pearl Alley, located between E. 5th Alley and E. 6th Avenue, is in the public interest. This determination is based on the conclusion that vacation of these alleys will provide efficient use of land and will not negatively impact the transportation system, surrounding neighborhoods or emergency access. Additionally, future development opportunities of the adjacent lands can be enhanced through the consolidation of the site. As a result, vacation of the requested alleys will be in the public interest. Detailed findings to support these conclusions are provided below.

The applicant has provided conceptual redevelopment information regarding their intention to revitalize the area, which demonstrates the need for the vacation. The concept calls for the redevelopment of the surface parking lots with a consolidated development plan for the southern half of the block that includes three new buildings with retail/office, hotel, and mixed use building with residential apartments. While this plan is conceptual in nature, it attempts to demonstrate how this site is likely to be redeveloped. As the plan shows, vacation of the current alleys is necessary to accommodate redevelopment options similar to the applicant's proposal.

The proposed redevelopment is part of an agreement between the developer and Lane County, who owns the southern half of the block. This project, in conjunction with an affordable housing project by Homes for Good, was selected by Lane County Board of Commissioners for redevelopment of their existing surface parking lots—a site identified in the City's 2004 Downtown Plan as the first on a list of "Development Opportunity Areas." Obie Companies' proposal to expand the 5th Street Market District on the Lane County property has the potential to achieve the following Downtown Plan objectives:

- Redevelop one of the identified Development Opportunity Areas;
- Expand the 5th Avenue Area (a Special Place and a Great Street in the Downtown Plan);

- Strengthen the pedestrian connection between the downtown core and activity on 5th Avenue, and ultimately to the planned Riverfront Park and the Willamette River.

Analysis from Public Works staff confirms the surrounding street network is a traditional blocked street grid, which provides ample street connectivity as required by Eugene Code and negates the need for a secondary public thoroughfare. Because of the existing local street grid, the alleys to be vacated do not provide significant public transportation benefit, although they do provide public vehicular and pedestrian circulation on adjoining streets as well as the primary parking facilities for the surrounding businesses (primarily the 5th St Public Market). The proposed vacation will not impede or modify on-site circulation at this time. To the north is East 5th Avenue and to the west is Oak Street, both local City streets and fully improved with paving, curb and gutter, bike lanes, sidewalks and street lights. Pearl Street is to the east and is a major collector n, and East 6th Avenue to the south is a major arterial. The surrounding street network provides ample transportation facilities for all users and is consistent with city design standards and master plans. The proposed alley vacation will not have a significant effect on the surrounding transportation systems. Public Works staff supports the right of way vacation from the perspective of providing adequate transportation facilities and services.

The applicant has not provided plans showing a feasible relocation of the existing facilities in the right of way to be vacated. The utilities currently provide service to existing development and improved public rights of way. The applicant has proposed a Public Utility Easement (PUE) over the entire vacated area until such time as plans can be provided and approved through a development or public improvement permit application. A subsequent PUE vacation process will be required prior to the approval of development or public improvement permits. The proposed PUE provides the easement necessary to continue perpetual ownership, operation and maintenance of public utilities that remain. Public Works supports the right of way vacation contingent upon the reservation of a PUE.

Conclusion:

The applicant's requested right-of-way vacation is in the public interest, based on the above facts and the terms of the ordinance.

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Public Hearing: An Ordinance Concerning the Location of Recreational Retail Marijuana Uses and Amending Sections 9.2160, 9.2161, 9.2450, 9.2451, 9.3115, 9.3116, 9.3146, 9.3210, 9.3211, 9.3515, 9.3810, 9.3811, 9.3910 and 9.3911 of the Eugene Code, 1971. (City File CA 18-4)

Meeting Date: July 16, 2018
Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: 4
Staff Contact: Mike McKerrow
Contact Telephone Number: 541-682-5288

ISSUE STATEMENT

The City Council will hold a public hearing on a proposed separation between licensed recreational retail marijuana uses. The goal of this proposed land use code amendment is to establish a minimum 1,000-foot separation between any existing licensed recreational retail marijuana use and any new recreational retail marijuana use that locates in the City. If the proposed land use code amendment is adopted, a new retail business selling recreational marijuana would not be allowed to locate within 1,000 feet (about 2.5 blocks) of an existing licensed recreational retail marijuana store. Marijuana growing, wholesaling, processing and laboratory uses are not affected by this proposed amendment. The draft land use code language is provided in Attachment A.

BACKGROUND

Most of the 48 existing recreational retail marijuana stores in Eugene are located within either the downtown area or near 6th and 7th Avenues east of Chambers Street. About 70 percent of the existing stores are already within 1,000 feet of at least one other recreational retail marijuana store. A map of the existing recreational retail marijuana store locations in Eugene is provided in Attachment B.

State law already requires that recreational retail marijuana stores be located at least 1,000 feet from schools. State law allows cities to adopt reasonable regulations related to the location of recreational retail marijuana stores, including buffers between stores. The City Council discussed the idea of a buffer between new and existing recreational retail marijuana stores at work sessions on March 15 and July 19, 2017. The City Council has continued to hear from numerous community members that there is a need for a buffer between new and existing recreational retail marijuana stores. A separation requirement would support a diversity of uses in a particular zone or area of the community. In response to these public comments, City Council initiated the proposed land use code amendment on April 18, 2018.

Proposed Land Use Code Amendments

Recreational retail marijuana stores are allowed under the category of “specialty stores” in the land use code. Specialty stores are allowed in 14 zones. If the proposed amendment is adopted,

new recreational retail marijuana stores would need to be located at least 1,000 feet from the premises of existing recreational retail marijuana stores in any of the following 14 zones where specialty stores are allowed:

- o C-1 Neighborhood Commercial
- o C-2 Community Commercial
- o C-3 Major Commercial
- o GO General Office
- o E-1 Campus Employment
- o E-2 Mixed Use Employment
- o S-C Chambers Special Area Zone - Community Commercial sub area
- o S-CN - Chase Node Special Area Zone - Commercial (S-CN/C) and High Density Residential Mixed Use (S-CN/HDR/MU) sub areas
- o S-DW – Downtown Westside Special Area Zone
- o S-F – Fifth Street Special Area Zone
- o S-HB – Blair Boulevard Historic Commercial Special Area Zone
- o S-RN – Royal Node Special Area Zone - Residential Mixed Use (RMU), Commercial Mixed Use (CMU) and Main Street Commercial (MSC) sub areas
- o S-SW – Walnut Station Special Area Zone
- o S-W – Whiteaker Special Area Zone

The proposed change would only apply to new recreational retail marijuana uses. Any recreational retail marijuana use legally established prior to the effective date of this ordinance would be a “legal nonconforming” use in the land use code. This means that these uses could continue to operate even if the use was within 1,000 feet of another legally established recreational retail marijuana store.

Planning Commission Process/Recommendation

Notice of Planning Commission public hearing was sent to all neighborhood organizations in Eugene, the Oregon Department of Land Conservation and Development, Lane County, City of Springfield, and community groups and individuals who requested notice. Notice was also published in the Register Guard.

In addition to the notices required by the land use code, current information regarding this and other land use code updates is available on the City’s [Land Use Code Amendments](#) web page. The Planning Commission held a public hearing on June 5, 2018, to consider the proposed land use code amendments. The webcast of the public hearing is available [here](#). A total of five people testified at the public hearing; three individuals opposed the proposal while two individuals supported it.

Arguments in opposition to the proposed amendment included letting the free market regulate the number of store, no other uses have a separation requirement, and concern about such uses correctly paying federal taxes. Questions were also raised from an individual who is significantly invested in an in-process application for an Oregon Liquor Control Commission license about when their application would be vested. The two individuals supporting the proposed amendment argued that providing a separation between such uses would help limit availability and usage of

marijuana, decreasing health risks, especially among youth in the community. Written testimony received from April 16 through July 5, 2018, is included as Attachment C.

After the public hearing closed, the Planning Commission on the same evening deliberated and provided a recommendation to City Council. The Planning Commission voted unanimously (6 to 0) to recommend approval of the land use code amendment with the following additional recommendations:

- Applications for recreational marijuana uses that have been submitted to OLCC and for whom the City has issued a land use compatibility statement prior to adoption of the buffer ordinance should be “grandfathered” (not subject to the new 1,000-foot separation) even if they have not been issued a license by OLCC by the time the ordinance takes effect.
- The Planning Commission expressed the understanding that these proposed land use code amendments touch on policy issues outside the realm of land use and Planning Commission expresses no opinion on those non-land use policy issues; however, the Planning Commission believes that the proposed land use code language does what council intended it to do.
- The Planning Commission requested that staff follow up with the City Council on the effect the non-conforming use provisions in the City’s land use code will have on the grandfathered locations—in particular, whether the grandfathered locations will lose their non-conforming status if they expand or remodel.

The attached ordinance incorporates the Planning Commission’s recommendation that recreational retail marijuana applicants who have submitted a license application to OLCC and received a Land Use Compatibility Statement from the City prior to adoption of the ordinance be allowed to locate within 1000 feet of another recreational retail marijuana store—even if they are not actually issued an OLCC license until after the ordinance takes effect. Section 15 of the proposed ordinance provides that a licensed recreational retail marijuana store that was issued a LUCS by the City before June 15, 2018, may be located within 1000 feet of another licensed recreational retail marijuana store, even if the OLCC license is not issued until after the ordinance takes effect.

Although the Planning Commission did not include a specific date for issuance of LUCS statements in its recommendation, a requirement that applicants be issued a LUCS on or before a particular date provides certainty to both applicants and city staff. The June 15, 2018, date included in the draft ordinance is a staff recommendation based on information from OLCC that OLCC staff stopped reviewing new recreational retail license applications on June 15, 2018 (to allow OLCC staff to deal with the backlog of renewal applications). A copy of OLCC’s information bulletin is included as Attachment D.

Four LUCS applications for recreational retail marijuana uses have been submitted to and approved by the city in 2018. On June 26, staff approved a LUCS for a new location at 1491 Willamette Street. On July 6, staff approved two LUCSs at 133 and 1137 East 13th Avenue. Since these approvals occurred after the June 15 cutoff date included in the draft ordinance, if the council adopts the draft ordinance as written, these three locations would not be considered a non-conforming use. Staff would inform OLCC that the City’s land use code does not allow a recreational retail marijuana store at these three locations and OLCC may refuse to issue that applicant a license. To provide the same legal nonconforming status for these applicants as others

who were issued a LUCS before June 15, 2018, the council could choose to amend the ordinance to change the date by which a LUCS must be issued.

The Planning Commission also asked for additional clarification regarding how the legal nonconforming use provision in the land use code (Eugene Code (EC) 9.1220) would apply to the grandfathered recreational retail marijuana stores. The sale of a legal non-conforming use does not affect its non-conforming status so grandfathered recreational retail marijuana stores could be sold (subject to any state legal requirements). However, legal nonconforming uses may not be expanded or intensified. If the proposed ordinance is adopted, grandfathered recreational retail marijuana stores will not be able to expand their footprint without losing their non-conforming use status.

Public Hearing Notice

Notice of the City Council public hearing was mailed on July 3, 2018, to all persons who provided oral or written testimony to the Planning Commission, or requested notice of the Planning Commission's decision, and to all neighborhood associations in the City. Testimony received between June 5, 2018 (the close of the Planning Commission record), and July 3, 2018, is provided as Attachment C. Any additional written comments received after the preparation of this agenda item summary will be provided to the City Council prior to the public hearing for inclusion into the public record.

RELATED CITY POLICIES

Since Eugene's original zoning ordinance adoption in 1948, there has not been any minimum separation requirement in the land use code for any specific type of business, including adult-related businesses.

COUNCIL OPTIONS

No action is required at this time; however, options will be provided at the time of City Council deliberations and action scheduled for July 23, 2018.

CITY MANAGER'S RECOMMENDATION

This item is scheduled for a public hearing only. Following the public hearing and City's receipt of any testimony, the City Manager will make a recommendation to be included in the council packet for action on July 23, 2018.

ATTACHMENTS

- A. Draft Ordinance
- B. Map of Existing Recreational Retail Marijuana Stores
- C. Written Testimony
- D. OLCC Information Bulletin on License Application Processing Pause

FOR MORE INFORMATION

Staff Contact: Mike McKerrow
Telephone: 541-682-5288
Staff E-Mail: mike.j.mckerrow@ci.eugene.or.us

A complete set of record materials is available for review in a binder located at the City Council Office, and at Planning and Development Department at 99 West 10th Avenue. As a courtesy, most of the materials are also available for review online [here](#).

ORDINANCE NO. _____

AN ORDINANCE CONCERNING THE LOCATION OF RECREATIONAL RETAIL MARIJUANA USES AND AMENDING SECTIONS 9.2160, 9.2161, 9.2450, 9.2451, 9.3115, 9.3116, 9.3146, 9.3210, 9.3211, 9.3515, 9.3810, 9.3811, 9.3910 AND 9.3911 OF THE EUGENE CODE, 1971.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The “Specialty Store” entry under the “Trade (Retail and Wholesale)” section in Table 9.2160 of Section 9.2160 of the Eugene Code, 1971, is amended to provide as follows:

- 9.2160 Commercial Zone Land Use and Permit Requirements.** The following Table 9.2160 Commercial Zone Land Uses and Permit Requirements identifies those uses in Commercial Zones that are:
- (P) Permitted.
 - (SR) Permitted, subject to an approved site review plan or an approved final planned unit development.
 - (C) Subject to a conditional use permit or an approved final planned unit development.
 - (S) Permitted, subject to the Special Development Standards for Certain Uses beginning at EC 9.5000.
 - (#) The numbers in () in the table are uses that have special use limitations described in EC 9.2161.

Examples shown in Table 9.2160 are for informational purposes, and are not exclusive. Table 9.2160 does not indicate uses subject to Standards Review. Applicability of Standards Review procedures is set out at EC 9.8465.

Table 9.2160 Commercial Zone Land Uses and Permit Requirements				
	C-1	C-2	C-3	GO
Trade (Retail and Wholesale)				
Specialty Store (an example includes a gift store)	P(1)(10)	P(10)	P(10)	P(2)(10)

Section 2. A new subsection (10) is added to Section 9.2161 of the Eugene Code, 1971, to provide as follows:

- 9.2161 Special Use Limitations for Table 9.2160.**
- (10) *Separation between Retail Marijuana Uses. No portion of the premises of a retail marijuana use may be located within 1,000 feet from the premises of another retail marijuana use.***
 - (a) *“Premises” means the location of a retail marijuana use described in a license issued by the Oregon Liquor Control Commission pursuant to ORS 478B.105.***

- (b) ***“Retail Marijuana Use” means a recreational marijuana retail facility licensed by the Oregon Liquor Control Commission pursuant to ORS 478B.105.***
- (c) ***“Within 1,000 Feet” means a straight line measurement in a radius extending for 1,000 feet or less in every direction from the closest point anywhere on the premises of a retail marijuana use to the closest point anywhere on the premises of another retail marijuana use.***

Section 3. The “Specialty Store” entry under the “Trade (Retail and Wholesale)” section in Table 9.2450 of Section 9.2450 of the Eugene Code, 1971, is amended to provide as follows:

9.2450 **Employment and Industrial Zone Land Use and Permit Requirements.** The following Table 9.2450 Employment and Industrial Zone Land Use and Permit Requirements identifies those uses in the Employment and Industrial Zones that are:

- (P) Permitted.
- (SR) Permitted, subject to an approved site review plan or an approved final planned unit development.
- (C) Subject to a conditional use permit or an approved final planned unit development.
- (S) Permitted, subject to the Special Development Standards for Certain Uses beginning at EC 9.5000.
- (#) The numbers in () in the table are uses that have special use limitations that are described in EC 9.2451.

The examples listed in Table 9.2450 are for informational purposes and are not exclusive. Table 9.2450 does not indicate uses subject to Standards Review. Applicability of Standards Review procedures is set out at EC 9.8465.

Table 9.2450 Employment and Industrial Zone Land Use and Permit Requirements				
	E-1	E-2	I-2	I-3
Trade (Retail and Wholesale)				
Specialty Store (an example includes a gift store)	P(4)(7)	P(2)(7)		

Section 4. A new subsection (7) is added to Section 9.2451 of the Eugene Code, 1971, to provide as follows:

9.2451 **Special Use Limitations for Table 9.2450.**

- (7) ***Separation between Retail Marijuana Uses. No portion of the premises of a retail marijuana use may be located within 1,000 feet from the premises of another retail marijuana use.***
 - (a) ***“Premises” means the location of a retail marijuana use described in a license issued by the Oregon Liquor Control Commission pursuant to ORS 478B.105.***
 - (b) ***“Retail Marijuana Use” means a recreational marijuana retail facility licensed by the Oregon Liquor Control Commission pursuant to ORS 478B.105.***

- (c) *“Within 1,000 Feet” means a straight line measurement in a radius extending for 1,000 feet or less in every direction from the closest point anywhere on the premises of a retail marijuana use to the closest point anywhere on the premises of another retail marijuana use.*

Section 5. The “Specialty Store” entry under the “Trade (Retail and Wholesale)” section in Table 9.3115 of Section 9.3115 of the Eugene Code, 1971, is amended to provide as follows:

- 9.3115 S-CN Chase Node Special Area Zone Land Use and Permit Requirements.** The following Table 9.3115 S-CN Chase Node Special Area Zone Land Uses and Permit Requirements identifies those uses in the S-CN zone that are:
- (P) Permitted, subject to zone verification.
 - (C) Subject to an approved conditional use permit.
 - (S) Permitted subject to zone verification and the Special Development Standards for Certain Uses beginning at EC 9.5000.
 - (#) The numbers in () in the table are uses that have special use limitations described in EC 9.3116.

Examples of uses in Table 9.3115 are for informational purposes and not exclusive. Table 9.3115 does not include uses subject to Standards Review. Applicability of Standards Review procedures is set out at EC 9.8465.

Table 9.3115 S-CN Chase Node Special Area Zone Land Uses and Permit Requirements			
Land Use Type	C	HDR/MU	HDR
Trade (Retail and Wholesale)			
Specialty Store (<u>an example</u> includes a gift store)	P(6)(10)	P(1)(10)	

Section 6. A new subsection (10) is added to Section 9.3116 of the Eugene Code, 1971, to provide as follows:

- 9.3116 Special Use Limitations for Table 9.3115.**
- (10) *Separation between Retail Marijuana Uses. No portion of the premises of a retail marijuana use may be located within 1,000 feet from the premises of another retail marijuana use.*
- (a) *“Premises” means the location of a retail marijuana use described in a license issued by the Oregon Liquor Control Commission pursuant to ORS 478B.105.*
 - (b) *“Retail Marijuana Use” means a recreational marijuana retail facility licensed by the Oregon Liquor Control Commission pursuant to ORS 478B.105.*
 - (c) *“Within 1,000 Feet” means a straight line measurement in a radius extending for 1,000 feet or less in every direction from the closest point anywhere on the premises of a retail marijuana use to the closest point anywhere on the premises of another retail marijuana use.*

Section 7. Subsection (1) of Section 9.3146 of the Eugene Code, 1971, is amended to provide as follows:

9.3146 S-DR Downtown Riverfront Special Area Zone Prohibited Uses. The following uses are not permitted in the S-DR Zone.

- (1) The following “Retail Sales and Service Uses” are not permitted.
- (a) Agricultural Machinery Rental;
 - (b) Casinos;
 - (c) Drive-through facilities, except as permitted at EC 9.3145(4)(e);
 - (d) Indoor firing ranges;
 - (e) Heavy Equipment Sales;
 - (f) Kennels;
 - (g) Mortuaries;
 - (h) Outdoor sales or leasing of consumer vehicles, including passenger vehicles, motorcycles, light and medium trucks, boat and watercraft, and other recreational vehicles;
 - (i) Recreational vehicle parks;
 - (j) Recycling or transfer stations (with the exception of small recycling center as defined at EC 9.0500);
 - (k) Taxidermists;
 - (l) Vehicle service such as motor vehicle repair, tires sales and service, gas station, or car wash.
- (m) ***A retail marijuana use that is located within 1,000 feet of another retail marijuana use.***
- 1. ***“Premises” means the location of a retail marijuana use described in a license issued by the Oregon Liquor Control Commission pursuant to ORS 478B.105.***
 - 2. ***“Retail Marijuana Use” means a recreational marijuana retail facility licensed by the Oregon Liquor Control Commission pursuant to ORS 478B.105.***
 - 3. ***“Within 1,000 Feet” means a straight line measurement in a radius extending for 1,000 feet or less in every direction from the closest point anywhere on the premises of a retail marijuana use to the closest point anywhere on the premises of another retail marijuana use.***

Section 8. The “Specialty Store” entry under the “Trade (Retail and Wholesale)” section in Table 9.3210 of Section 9.3210 of the Eugene Code, 1971, is amended to provide as follows:

Table 9.3210 S-DW Downtown Westside Special Area Zone Uses and Permit Requirements	
	S-DW
Trade (Retail and Wholesale)	
Specialty <i>Specialty</i> Store (An example includes a gift store.)	P(3)(5)

Section 9. A new subsection (5) is added to Section 9.3211 of the Eugene Code, 1971, to provide as follows:

9.3211 Special Use Limitations for Table 9.3210.

- (5) *Separation between Retail Marijuana Uses. No portion of the premises of a retail marijuana use may be located within 1,000 feet from the premises of another retail marijuana use.***
- (a) *“Premises” means the location of a retail marijuana use described in a license issued by the Oregon Liquor Control Commission pursuant to ORS 478B.105.***
- (b) *“Retail Marijuana Use” means a recreational marijuana retail facility licensed by the Oregon Liquor Control Commission pursuant to ORS 478B.105.***
- (c) *“Within 1,000 Feet” means a straight line measurement in a radius extending for 1,000 feet or less in every direction from the closest point anywhere on the premises of a retail marijuana use to the closest point anywhere on the premises of another retail marijuana use.***

Section 10. A new subsection (9) is added to Section 9.3515 of the Eugene Code, 1971, to provide as follows:

9.3515 S-HB Blair Boulevard Historic Commercial Special Area Zone Development Standards.

The design standards set forth in this section apply to all property within the S-HB zone. In the event any of the development standards of this section conflict with the general development standards of this land use code, the standards in this section control. Property within this zone is also subject to the historic property alteration Type II review and historic property moving and demolition procedures and criteria in this land use code. Alterations shall be in character with the structure's original stylistic integrity as described in the city landmark nomination.

- (9) *Separation between Retail Marijuana Uses. No portion of the premises of a retail marijuana use may be located within 1,000 feet from the premises of another retail marijuana use.***
- (a) *“Premises” means the location of a retail marijuana use described in a license issued by the Oregon Liquor Control Commission pursuant to ORS 478B.105.***
- (b) *“Retail Marijuana Use” means a recreational marijuana retail facility licensed by the Oregon Liquor Control Commission pursuant to ORS 478B.105.***
- (c) *“Within 1,000 Feet” means a straight line measurement in a radius extending for 1,000 feet or less in every direction from the closest point anywhere on the premises of a retail marijuana use to the closest point anywhere on the premises of another retail marijuana use.***

Section 11. The “Specialty Store” entry under the “Trade (Retail and Wholesale)” section

in Table 9.3810 of Section 9.3810 of the Eugene Code, 1971, is amended to provide as follows:

9.3810 S-RN Royal Node Special Area Zone Land Use and Permit Requirements. The following Table 9.3810 S-RN Royal Node Special Area Zone Uses and Permit Requirements identifies those uses in the S-RN zone that are:

- (P) Permitted, subject to zone verification.
- (C) Subject to an approved conditional use permit.
- (S) Permitted subject to zone verification and the Special Development Standards for Certain Uses beginning at EC 9.5000.
- (SR) Permitted, subject to an approved site review plan or approved final planned unit development.
- (#) The numbers in () in the table are uses that have special use limitations described in EC 9.3811 Special Use Limitations for Table 9.3810.

Examples listed in Table 9.3810 are for informational purposes and are not exclusive. Table 9.3810 does not indicate uses subject to Standards Review. Applicability of Standards Review procedures is set out at EC 9.8465.

Table 9.3810 S-RN Royal Node Special Area Zone Land Uses and Permit Requirements					
	LDR	MDR	RMU	CMU	MSC
Trade (Retail and Wholesale)					
Specialty Store (<u>examples</u> include gift, computer or video store)			P(6) (3) (11)	P(7) (3) (11)	P(8) (3) (11)

Section 12. A new subsection (11) is added to Section 9.3811 of the Eugene Code, 1971,

to provide as follows:

9.3811 Special Use Limitations for Table 9.3810.

- (11) *Separation between Retail Marijuana Uses. No portion of the premises of a retail marijuana use may be located within 1,000 feet from the premises of another retail marijuana use.***
 - (a) *“Premises” means the location of a retail marijuana use described in a license issued by the Oregon Liquor Control Commission pursuant to ORS 478B.105.***
 - (b) *“Retail Marijuana Use” means a recreational marijuana retail facility licensed by the Oregon Liquor Control Commission pursuant to ORS 478B.105.***
 - (c) *“Within 1,000 Feet” means a straight line measurement in a radius extending for 1,000 feet or less in every direction from the closest point anywhere on the premises of a retail marijuana use to the closest point anywhere on the premises of another retail marijuana use.***

Section 13. The “Specialty Store” entry under the “Trade (Retail and Wholesale)” section

in Table 9.3910 of Section 9.3910 of the Eugene Code, 1971, is amended to provide as follows:

9.3910 S-W Whiteaker Special Area Zone Land Use and Permit Requirements. The following Table 9.3910 S-W Whiteaker Special Area Zone Uses and Permit Requirements identifies those uses in the S-W zone that are:

- (P) Permitted, subject to zone verification.
- (SR) Permitted, subject to an approved site review plan or an approved final planned unit development.
- (C) Subject to conditional use permit or an approved final planned unit development.
- (PUD) Permitted, subject to an approved final planned unit development.
- (S) Permitted subject to zone verification and the Special Development Standards for Certain Uses beginning at EC 9.5000.

- (#) The numbers in () in the table are uses that have special use limitations that are described in EC 9.3911.

Examples of uses in Table 9.3910 are for informational purposes and not exclusive. Table 9.3910 does not include uses subject to Standards Review. Applicability of Standards Review procedures is set out at EC 9.8465.

Table 9.3910 S-W Whiteaker Special Area Zone Uses and Permit Requirements	
	S-W
Trade (Retail and Wholesale)	
Specialty Store (examples include a gift, computer, candy, or video store)	P(1)(5)

Section 14. A new subsection (5) is added to Section 9.3911 of the Eugene Code, 1971, to provide as follows:

9.3911 Special Use Limitations for Table 9.3910.

- (5) ***Separation between Retail Marijuana Uses. No portion of the premises of a retail marijuana use may be located within 1,000 feet from the premises of another retail marijuana use.***
 - (a) ***“Premises” means the location of a retail marijuana use described in a license issued by the Oregon Liquor Control Commission pursuant to ORS 478B.105.***
 - (b) ***“Retail Marijuana Use” means a recreational marijuana retail facility licensed by the Oregon Liquor Control Commission pursuant to ORS 478B.105.***
 - (c) ***“Within 1,000 Feet” means a straight line measurement in a radius extending for 1,000 feet or less in every direction from the closest point anywhere on the premises of a retail marijuana use to the closest point anywhere on the premises of another retail marijuana use.***

Section 15. Notwithstanding any other provision of this ordinance, a retail marijuana use located within 1000 feet of the premises of another retail marijuana use shall be considered a

legal non-conforming use pursuant to EC 9.1220, provided that the City issued a Land Use Compatibility Statement for the retail marijuana use before June 15, 2018. For purposes of this section, “retail marijuana use” means a recreational marijuana retail facility licensed by the Oregon Liquor Control Commission pursuant to ORS 478B.105.

Section 16. The findings set forth in Exhibit A attached to this Ordinance are adopted as findings in support of this Ordinance.

Section 17. The City Recorder, at the request of, or with the concurrence of the City Attorney, is authorized to administratively correct any reference errors contained herein or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

Section 18. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Passed by the City Council this

____ day of _____, 2018

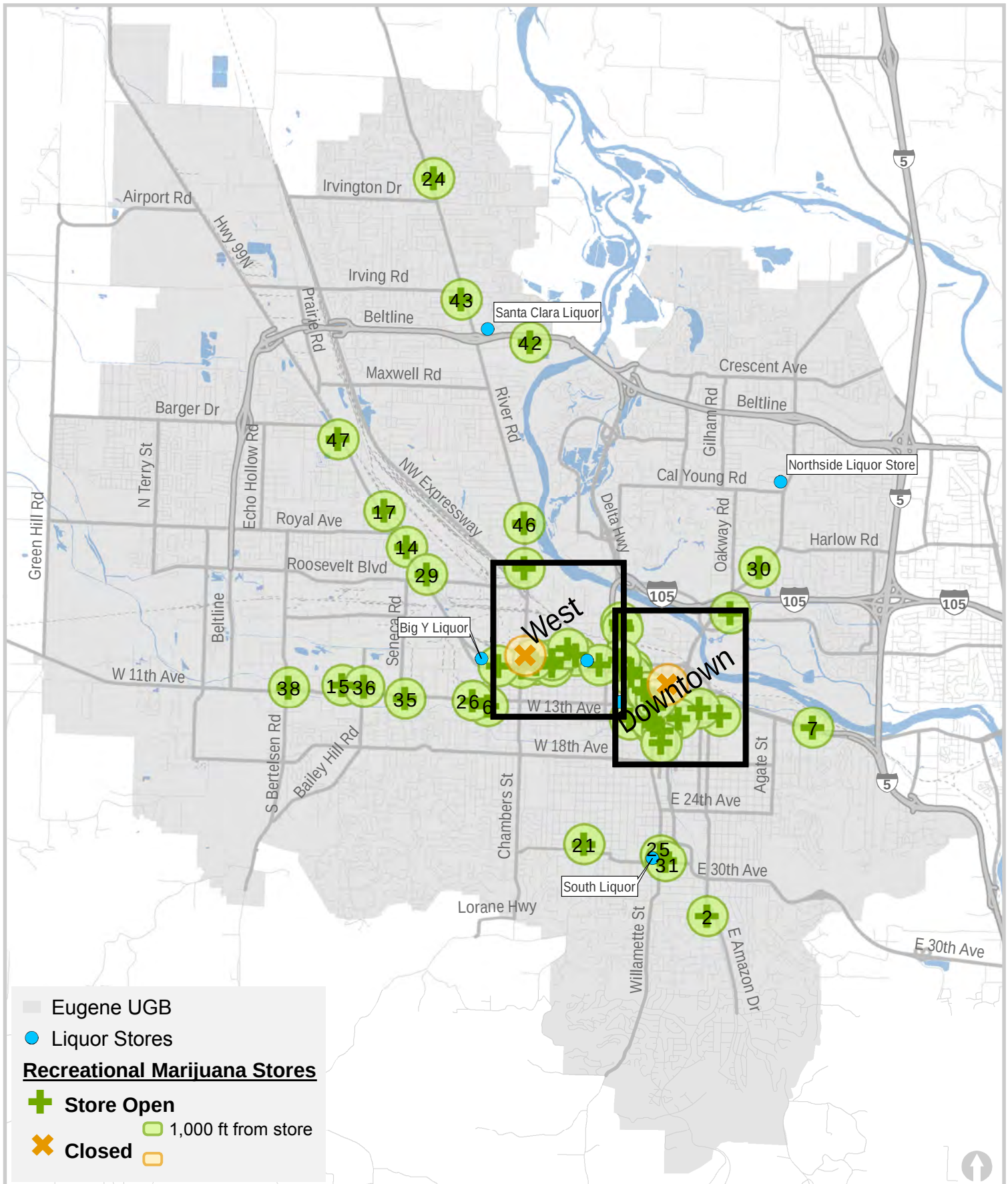
Approved by the Mayor this

____ day of _____, 2018

City Recorder

Mayor

Recreational Marijuana Stores



Data: OLCC Retail Marijuana Licenses: extracted 4/11/2018
 Caution: This map is based on imprecise source data,
 subject to change, and for general reference only.

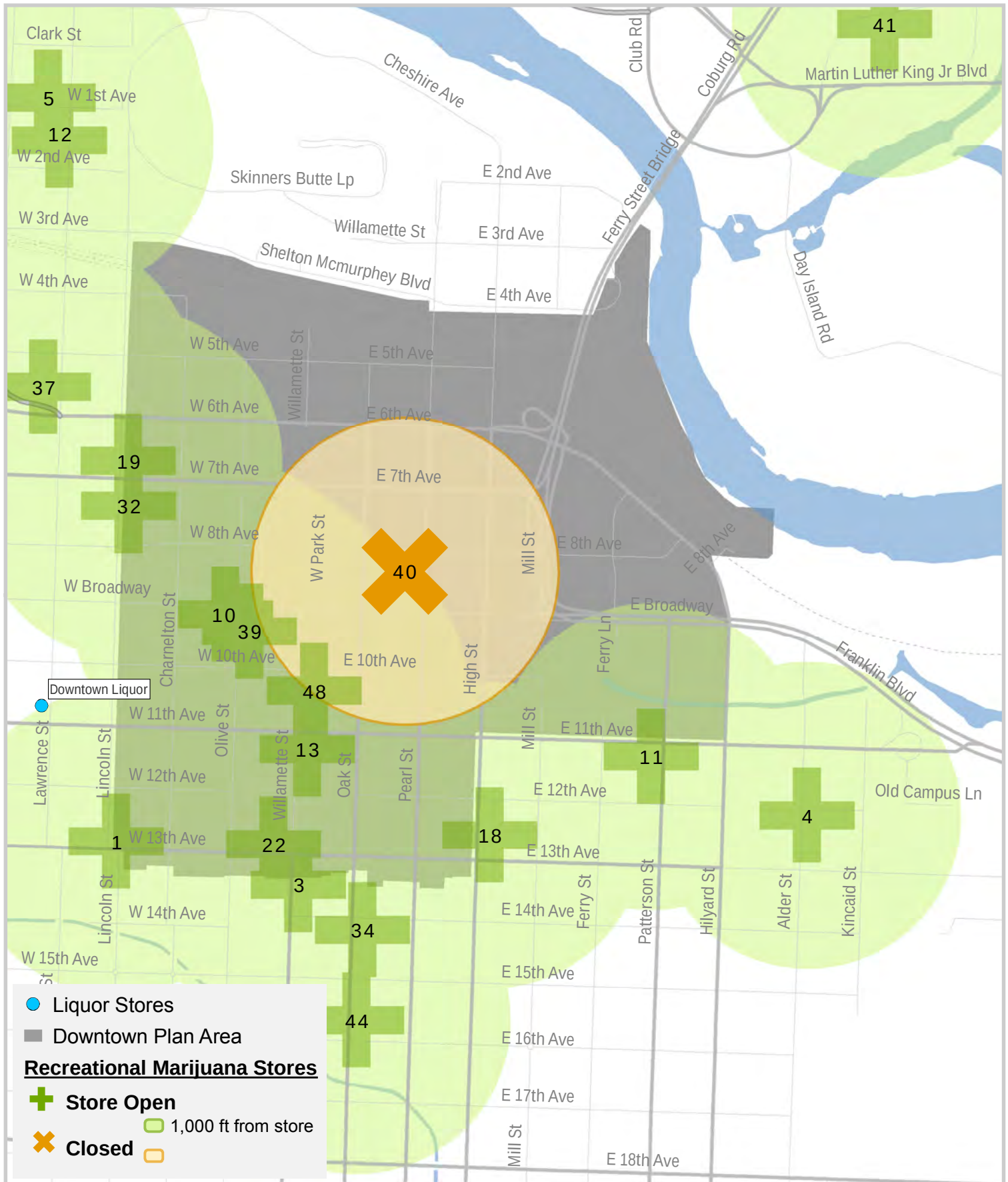
0 0.5 Miles

July 16, 2018, Public Hearing and Meeting - Item 4

City of Eugene, PDD
 4/25/2018



Recreational Marijuana Stores: Downtown Map



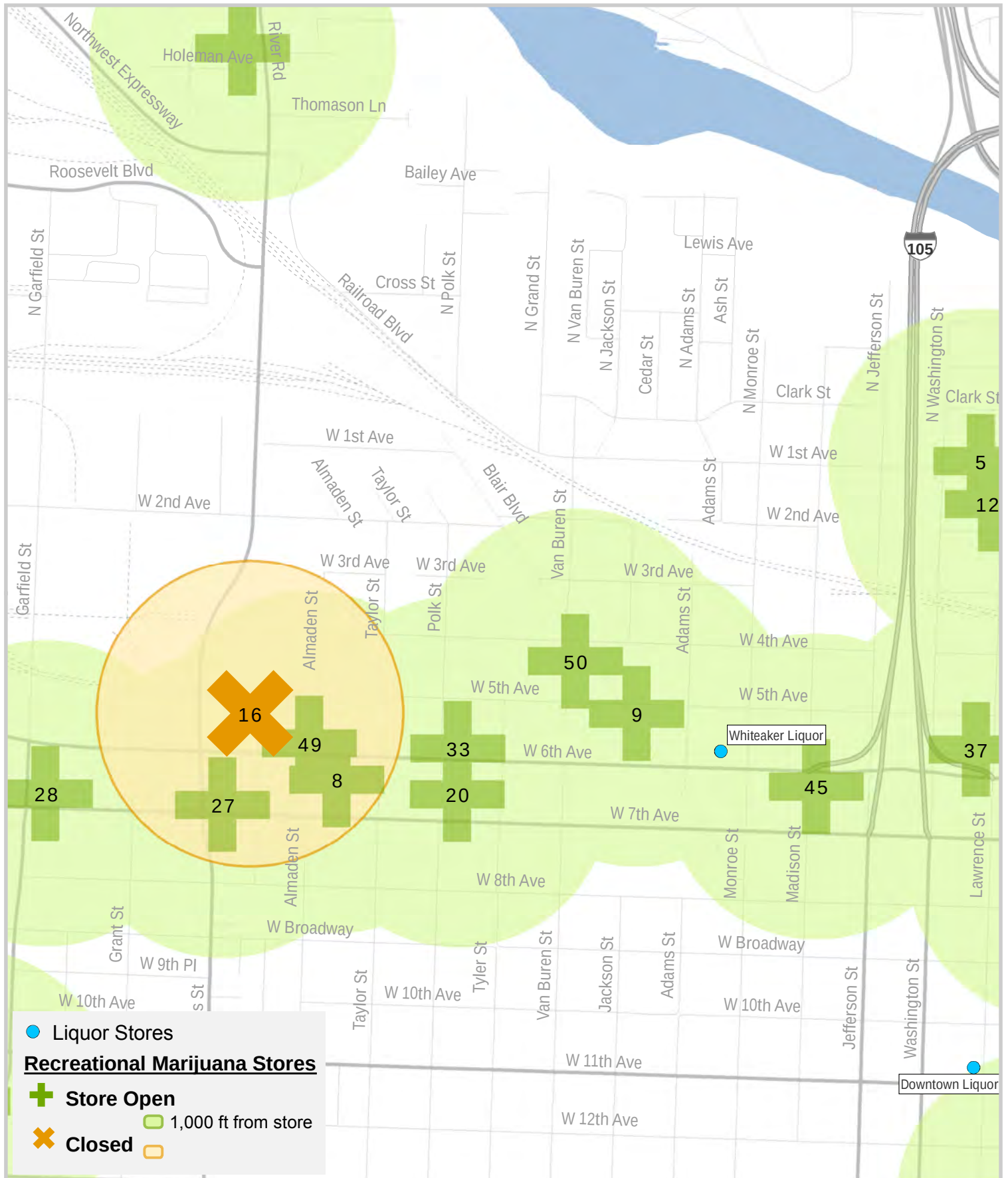
Data: OLCC Retail Marijuana Licenses: extracted 4/11/2018
 Caution: This map is based on imprecise source data,
 subject to change, and for general reference only.

July 16, 2018, Public Hearing and Meeting - Item 4

0 500 Feet
 City of Eugene, PDD
 4/24/2018



Recreational Marijuana Stores: West Map



MCKERROW Mike J

From: SELSER Lindsay R
Sent: Monday, April 16, 2018 7:58 PM
To: WHITMILL Mark D; MCKERROW Mike J
Subject: FW: PLEASE PASS A 1000' BUFFER BETWEEN CANNABIS STORES

FYI

From: susancosta@mosaicfairtradecollection.com <susancosta@mosaicfairtradecollection.com>
Sent: Monday, April 16, 2018 3:37 PM
To: *Eugene Mayor, City Council, and City Manager <mayorcouncilandcitymanager@ci.eugene.or.us>; SEMPLE Emily <Emily.Semple@ci.eugene.or.us>
Cc: 'Sarah Delp' <sarahd@eugenechamber.com>
Subject: RE: PLEASE PASS A 1000' BUFFER BETWEEN CANNABIS STORES

Dear Mayor & City Council,

I am alarmed and SAD to hear that you think we businesses downtown don't care about your passing a 1,000 buffer between cannabis stores. PLEASE GET THIS DONE ASAP. It's already sad and alarming that there are so many cannabis stores downtown ☹. This increases crime (research shows this, you should already know it) and it does not make downtown safe and pleasant which you have been spending tens or thousands of dollars on. Please represent the citizens of Eugene who work, pay taxes and elected you; we do not want so many cannabis stores in our downtown. Downtown should a destination for families and tourists and it should be safe for people who work here. You are really failing your electorate.

I also want to say that I am VERY IN FAVOR of your passing an ordinance that requires dog owners to have licenses for their pets. I have a dog and I pay for a license and everyone should. If someone does not want to pay for a license then they should not bring their dog to a public place, it's not fair to those of us who are responsible for our pets.

Please also come downtown and see all the vacant spaces that are available for lease and have sat unoccupied for many months. Downtown is at risk of becoming a 'skid row' and in many ways is already. You are not honoring your citizens by making downtown so unpleasant and so unsafe. So many other cities in Oregon have save fun downtowns (Bend, Corvallis, Salem, Ashland and more). Our Eugene should have a safe, pleasant downtown that we citizens can be proud of and enjoy. As of now citizens who want to feel safe have to go to privately owned for-profit malls with national chain stores; this is bad for our economy and sad for our image. PLEASE PASS ORDINANCES THAT MAKE DOWNTOWN SAFE AND PLEASANT.

Susan Costa, MBA
 Mosaic Fair Trade Collection
 206-427-4780

From: susancosta@mosaicfairtradecollection.com <susancosta@mosaicfairtradecollection.com>
Sent: Monday, January 22, 2018 2:21 PM
To: 'mayorcouncilandcitymanager@ci.eugene.or.us' <mayorcouncilandcitymanager@ci.eugene.or.us>; 'Emily.Semple@ci.eugene.or.us' <Emily.Semple@ci.eugene.or.us>

Cc: 'Sarah Delp' <sarahd@eugenechamber.com>

Subject: PLEASE PASS A 1000' BUFFER BETWEEN CANNABIS STORES

Dear Mayor, City Manager and Council Members,

My store is located at 28 E. Broadway and I just learned that an out-of-state marijuana company is planning to buy and open a mega-dispensary at 1 E. Broadway across the street from me. I am SO horrified by this, it will ruin my business and turn our downtown into a skid row.

I am very involved with downtown, I have attended many council meetings but cannot tonight SO PLEASE read my email and register my vote for the 1000' buffer. We have testified at your meetings so many times to ask you to make downtown MORE SAFE. Although you've spent tens of thousands of dollars to 'make downtown more pleasant' you did not renew the dog ban, you have not yet passed the 1000' buffer between cannabis stores and downtown continues to have safety problems and to be unpleasant. Please take action now!

I read that you wanted more research about cannabis laws but we already know:

- Eugene already has the highest number of cannabis retailers in the state, per capita. We have the same population of Salem, with double the number of retailers. (3/15/17)
- The Eugene police department reported an increase in thefts, burglaries and criminal activity around the areas where cannabis retailers are located. These have specifically been tied to the cash-based nature of their businesses. (3/15/17)
- Downtown Eugene stands to become a "cannabis district" unless we start to limit the number of cannabis businesses that can serve the area. Denver has had problems with this, in that it drives out other businesses who cannot attract customers to the area.
- A lot of planning and work has been done by many stakeholders to revitalize downtown, with a strong focus on public safety. While the existence of a cannabis retailer is not necessarily in conflict with the long term vision, the proliferation of a cannabis district is.
- Eugene is at or near capacity for cannabis retailers in the downtown area. Additional new businesses may negatively impact and drive out those who have already established themselves.
- Efforts in recruiting a variety of new businesses to the downtown area will be hindered by a high-concentration of one type of business.

Please come downtown and see how much space is up for lease, many for several months. Despite the money you spent and the programs you've done, businesses still feel like downtown is unsafe, unpleasant and not good for business. PLEASE DO NOT MAKE THINGS WORSE BY LETTING THIS MEGA-DISPENSARY OPEN DOWNTOWN.

So many people told me they are so glad I opened my fun, positive store downtown rather than a pot store or a tattoo parlor, yet my business is barely profitable. If the city wants downtown to be a skid row I will be moving when my lease is up in August this year ☹. I think it's very very sad that the voting, tax-paying, working, family-raising people of Eugene can only go to privately-owned for-profit malls with national chain stores to do their safe, pleasant shopping. Our downtown should be a safe, pleasant place that citizens can FEEL PROUD OF and where they can support locally-owned businesses that are better for our economy than chain stores and that could give our town a unique character.

PLEASE PASS THE 1000 BUFFER, PLEASE REINSTATE THE DOG BAN, PLEASE CONTINUE POLICE PATROLS DOWNTOWN AND PLEASE FINALLY MAKE OUR DOWNTOWN SAFE AND PLEASANT.

Very sincerely,

Susan Costa, MBA
Mosaic Fair Trade Collection
206-427-4780

MCKERROW Mike J

From: SELSER Lindsay R
Sent: Monday, April 16, 2018 7:59 PM
To: WHITMILL Mark D; MCKERROW Mike J
Subject: FW: Put 1000' cannabis buffer in place

FYI

From: Sherry Schaefer <sherry.schaefer.jkhq@statefarm.com>
Sent: Monday, April 16, 2018 3:12 PM
To: *Eugene Mayor, City Council, and City Manager <mayorcouncilandcitymanager@ci.eugene.or.us>
Subject: Put 1000' cannabis buffer in place

Dear All:

Downtown Eugene is at a tipping point. We need more restaurants, clothing, general merchandise, and related stores that attract/serve the entire community. Cannabis stores don't do that. I worry that downtown Eugene will become known only for cannabis outlets. Enacting the 1000' buffer will force cannabis distributors to spread out. It's my understanding that a number of communities have even said no cannabis in their urban core.

Thanks for your consideration.

Sherry Schaefer

MCKERROW Mike J

From: SELSER Lindsay R
Sent: Monday, April 16, 2018 8:39 AM
To: WHITMILL Mark D; MCKERROW Mike J
Subject: FW: Supporting the 1,000 buffer for marijuana stores

FYI

From: Rob E. Bennett <rebennett@downtownac.com>
Sent: Saturday, April 14, 2018 2:54 PM
To: *Eugene Mayor, City Council, and City Manager <mayorcouncilandcitymanager@ci.eugene.or.us>
Subject: Supporting the 1,000 buffer for marijuana stores

Dear Mayor and Council,

I'm writing to ask that you enact a 1,000 foot rule (or less) between retail marijuana stores. When looking at other cities around our state, most if not all have responsible rules in a place governing this industry. Some have even stricter laws (e.g. involving distance from day care facilities), which I ask you to consider as well.

Our businesses is Newberry Child Care located at 10th and Willamette. Even though State Certified Preschools were removed from the definition of a school under the rules that govern marijuana stores (through political maneuvering at the State level), Preschools are indeed learning facilities and are full of 3-6 year olds who require responsible oversight.

Thank you in advance for your consideration.

Rob Bennett

MCKERROW Mike J

From: SELSER Lindsay R
Sent: Tuesday, April 17, 2018 4:30 PM
To: MCKERROW Mike J; WHITMILL Mark D
Subject: FW: Buffer between dispensaries is needed!

FYI

From: Robert Steck <Robert@partneredsolutionsit.com>
Sent: Tuesday, April 17, 2018 8:25 AM
To: CLARK Mike <Mike.Clark@ci.eugene.or.us>
Cc: SEMPLE Emily <Emily.Semple@ci.eugene.or.us>; VINIS Lucy K <Lucy.K.Vinis@ci.eugene.or.us>; *Eugene Mayor, City Council, and City Manager <mayorcouncilandcitymanager@ci.eugene.or.us>
Subject: Buffer between dispensaries is needed!

Mike,

I am writing you and cc'ing your colleagues today to formal express my concern when I heard that City Council thought the buffer between dispensaries was a dead issue. As a business owner in downtown Eugene, I am surrounded with dispensaries. I had to explain to my 5 year old daughter just yesterday what 4:20 means and "Why does that guy have a sign that says \$5 grams" Yes, I had to help my daughter learn to say grams.

For me I see two scenarios play out if we don't put in a buffer. Downtown will become only dispensaries and everyone will focus on "Come downtown, we have the best selection from multiple businesses" or we will end up with a lot of vacant business and a repeat of 10 years ago. The vacant spots will be caused by businesses not wanting to be surrounded by dispensaries or by failed dispensaries. We need mixed use in downtown (and all of our city) and this mixed use included different kinds of businesses.

Thank you for your time.

Robert Steck
Chief Executive Officer
Partnered Solutions IT / Ruby Porter Marketing + Design
58 West 11th, Eugene OR 97401
p: 541.255.4980 x10 f: 541.255.4970
www.partneredsolutionsit.com / www.rubyporter.com
Divisions of Phoenix Business Solutions, LLC

MCKERROW Mike J

From: SELSER Lindsay R
Sent: Tuesday, April 17, 2018 4:29 PM
To: MCKERROW Mike J; WHITMILL Mark D
Subject: FW: 1,000 foot buffer

FYI

From: Rebecca Mannheimer <rmann@oregonartsupply.com>
Sent: Tuesday, April 17, 2018 2:37 PM
To: SEMPLE Emily <Emily.Semple@ci.eugene.or.us>
Cc: *Eugene Mayor, City Council, and City Manager <mayorcouncilandcitymanager@ci.eugene.or.us>
Subject: 1,000 foot buffer

Dear Council Members, Mayor and City Manager,

I am writing to you today to voice my concerns about a 1,000 foot buffer between dispensaries in Eugene. This is not a "dead issue" as there has been much talk about it in the community since the One East Broadway deal fell through for the mega dispensary that was looking to go in there.

My husband and I have been in the downtown core running Oregon Art Supply for nearly 20 years.

There have been some lean years and we have witness all the varing degrees of negativity through the years in regard to the downtown core.

We do not want to see the downtown become a "Cannabis District". The downtown merchants have worked long and hard to help bring events downtown that were family friendly, inclusive for all ages, and that created a strong focus on safety and civic pride. Please help us to continue in this effort by limiting the number cannabis dispensaries in our downtown core with a 1,000 foot buffer.

Sincerely,

Rebecca Mannheimer
Oregon Art Supply
1020 Pearl Street

MCKERROW Mike J

From: SELSER Lindsay R
Sent: Wednesday, April 18, 2018 12:25 PM
To: WHITMILL Mark D; MCKERROW Mike J; BRAUD Denny
Subject: FW: Call to action: 1,000ft. buffer
Attachments: CC Contact List 170706_201707061609176952.pdf

Importance: High

FYI

From: Melissa Brown <melissa@kivagrocery.com>
Sent: Wednesday, April 18, 2018 10:47 AM
To: *Eugene Mayor, City Council, and City Manager <mayorcouncilandcitymanager@ci.eugene.or.us>
Subject: FW: Call to action: 1,000ft. buffer
Importance: High

Dear Mayor and Council,
I am a member of DEM.

The membership has been asked to contact you in regards to implementation of a 1,000' buffer between dispensaries in downtown Eugene.

So, my 2 cents...

There are 6 convenience stores within 1000 feet of my business (the closest being 312' away), Whole Foods (now owned by the world's 7th largest retailer) is 0.5 miles away and Safeway 0.8 miles away making this a total "dead issue" for me. I love the notion of asking "that council implement smart planning tools to ensure that any one area does not become over saturated by one industry" but feel like instituting this ban would be an over-reach and think that time spent discussing the buffer would be better spent on other matters.

Sincerely,

Melissa Brown

The Kiva Grocery

From: Sarah Delp <sarahd@eugenechamber.com>
Date: Monday, April 16, 2018 at 1:27 PM
Subject: Call to action: 1,000ft. buffer

Dear DEM Members,

This Wednesday Eugene City Council will be discussing implementing a 1,000 foot buffer between dispensaries in Eugene. Similar ordinances have been put in place in many cities and communities across Oregon. In many ways Eugene is late to the game.

The council has been saying this is a "dead issue" as there has not been much talk about it in the community since the One East Broadway deal fell through for the mega dispensary that was looking to go in there. We need to make sure council sees this issue is not dead to us; it is a critical ordinance that council must act on now.

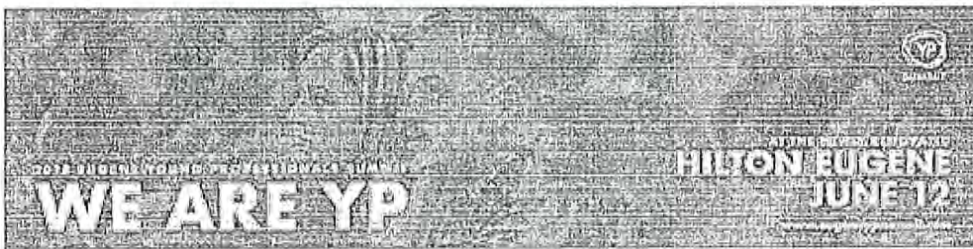
DEM is not opposing dispensaries; we just ask that council implement smart planning tools to ensure that any one area does not become over saturated by one industry. As merchants we want all of downtown to be successful and in order for it to prosper it needs a diversity of businesses.

Please email your city councilor & Emily Semple (who represents downtown) and let them know that you support a 1,000 foot buffer between dispensaries.

-DEM President, Nicole Desch

Thank you,

Sarah Delp
Eugene Area Chamber of Commerce
W: 541.242.2357
C: 541.513.0405
[Website](#) | [Facebook](#) | [Twitter](#)



MCKERROW Mike J

From: SELSER Lindsay R
Sent: Wednesday, April 25, 2018 9:15 AM
To: MCKERROW Mike J; WHITMILL Mark D
Subject: FW: Input on 1000 foot buffer for marijuana businesses

FYI

From: Cassandra Smyth <cassandraasmyth@gmail.com>
Sent: Tuesday, April 24, 2018 2:37 PM
To: *Eugene Mayor, City Council, and City Manager <mayorcouncilandcitymanager@ci.eugene.or.us>
Subject: Input on 1000 foot buffer for marijuana businesses

Hello! My name is a Cassandra and I've been a Eugene resident for almost 11 years now. I support the marijuana industry here but I also support the buffer zone being proposed, with the caveat that those already established businesses, who have already invested their capital, be grandfathered in and not pressured to move. As a whole, though, it seems clear that the proliferation of a weed shop on every corner that rivals jokes about Starbucks locations will eventually hurt both our city's reputation and the industry itself. I just wanted to share my thoughts since I will not be able to make the public hearing. Thank you for your time and service!

Sincerely,
Cassandra Smyth

MCKERROW Mike J

From: SELSER Lindsay R
Sent: Wednesday, April 25, 2018 9:15 AM
To: MCKERROW Mike J; WHITMILL Mark D
Subject: FW: Input on 1000 foot buffer for marijuana businesses

FYI

From: Cassandra Smyth <cassandraasmyth@gmail.com>
Sent: Tuesday, April 24, 2018 2:37 PM
To: *Eugene Mayor, City Council, and City Manager <mayorcouncilandcitymanager@ci.eugene.or.us>
Subject: Input on 1000 foot buffer for marijuana businesses

Hello! My name is a Cassandra and I've been a Eugene resident for almost 11 years now. I support the marijuana industry here but I also support the buffer zone being proposed, with the caveat that those already established businesses, who have already invested their capital, be grandfathered in and not pressured to move. As a whole, though, it seems clear that the proliferation of a weed shop on every corner that rivals jokes about Starbucks locations will eventually hurt both our city's reputation and the industry itself. I just wanted to share my thoughts since I will not be able to make the public hearing. Thank you for your time and service!

Sincerely,
Cassandra Smyth

MCKERROW Mike J

From: SELSER Lindsay R
Sent: Wednesday, May 16, 2018 9:19 AM
To: MCKERROW Mike J; BRAUD Denny
Cc: DOWDY Will G
Subject: FW: 7/16 Public Comment 1000 Foot Separation Between Retail Marijuana Businesses
Attachments: 5.14.18 LCPH Public Comment 1000 Foot Buffer MJ.pdf

FYI

From: OCHOA Christiane A <Christiane.OCHOA@co.lane.or.us>
Sent: Monday, May 14, 2018 4:22 PM
To: *Eugene Mayor, City Council, and City Manager <mayorcouncilandcitymanager@ci.eugene.or.us>
Cc: BASKERVILLE C.A. <C.A.Baskerville@co.lane.or.us>; WARREN Jocelyn T <Jocelyn.WARREN@co.lane.or.us>; GAFFNEY Karen R <Karen.GAFFNEY@co.lane.or.us>
Subject: 7/16 Public Comment 1000 Foot Separation Between Retail Marijuana Businesses

Please see my public comment on the 1000 foot separation between retail marijuana businesses that will be held during public hearing on 7/16/18. Thank you.

Christiane Ochoa, MPH
Community Health Analyst
Lane County Public Health, Prevention
Department of Health & Human Services
151 W. 7th Ave, Rm 410
Eugene, OR 97401
Phone 541.682.8789 | Fax 541.682.8700



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Español 1-855-DÉJELO YA (1-855-335 35692)
TTY 1-877-777-6534

All Oregonians are affected by tobacco www.smokefreeoregon.com

Oregon Indoor Clean Air Act <http://healthoregon.org/morefreshair>



Public Health

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Eugene, OR 97401

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Fax: 541-682-2455

Prevention

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Fax: 541-682-8700

Environmental Health

Room 430
541-682-4480
Fax: 541-682-7459

Maternal Child Health

Room 210
541-682-8702
Fax: 541-682-3925

Vital Records

Room 520
541-682-4045
Fax: 682-8700

WIC

Room 210
541-682-4202
Fax: 541-682-4248

Date: 5/14/18

To: Eugene City Council

Re: Public Hearing on 1000 Foot Separation of Retail Marijuana Businesses

Dear Eugene City Council:

My name is Christiane Ochoa and I am a Community Health Analyst and work for Lane County Public Health in Prevention. This written testimony is to provide information on the public health implications of the proposed separation of marijuana businesses to be discussed at the work session that will be held on July 16, 2018. The research suggests that a 1000 foot separation of retail marijuana businesses may be effective as a means of minimizing access, availability, and use of marijuana by youth. Restricting access and availability have been effective in reducing youth use of tobacco products and later addiction. Research on the addictive properties of marijuana is just beginning and suggests that young people who are frequent users are at risk.¹

There is extensive research regarding the relationship between the use of tobacco, alcohol and retail density. Extrapolating to marijuana suggests that a well-developed marijuana density policy has the potential to:

- Decrease youth access to marijuana.²
- Prevent experimental marijuana smoking.³⁻⁵
- Decrease youth marijuana use prevalence.⁶⁻⁸
- Reduce the disproportionate health burdens experienced by certain communities, especially lower-income populations and communities of color.⁹⁻¹¹
- Decrease the perception that marijuana use is risk free.¹²

Increased visibility of marijuana retailers in everyday environments encourages youth to perceive marijuana use as being common, and increases the likelihood of marijuana use¹³. In states, such as Oregon, where recreational marijuana is legal, strong zoning ordinances can control density of retail marijuana businesses in order to limit availability and exposure of youth to marijuana products, and minimize the potential for dependence and addiction¹⁴. Although there may be some benefits for certain medical conditions, it is important to note that marijuana is not a risk-free drug. Having at least a 1000 foot separation between retail marijuana businesses encourages competitive and responsible business practices, while also protecting the health and well-being of the community¹⁵.

The Lane County Public Health mission is to promote and protect the long-term health and well-being of individuals, families, and our community. The Lane County Public Health Prevention Section focuses on areas such as alcohol, tobacco, and drug prevention and specializes in creating, implementing, evaluating, and providing technical assistance on public health policies.

Thank you for your time. Lane County Public Health is happy to answer any questions you may have.

Sincerely,

Christiane Ochoa

Christiane Ochoa, MPH

LANE COUNTY DEPARTMENT OF HEALTH & HUMAN SERVICES
PUBLIC HEALTH SERVICES
151 W. 7th Avenue
Eugene, OR 97401

References

1. Johnston, L. D., O'Malley, P. M., Bachman, J. G., & Schulenberg, J. E. (2012). Monitoring the Future national results on adolescent drug use: Overview of key findings, 2011. Ann Arbor: Institute for Social Research, The University of Michigan.
2. Leatherdale, S. T., & Strath, J. M. Tobacco retailer density surrounding schools and cigarette access behaviors among underage smoking students. *Annals of Behavioral Medicine*. 2007 33(1), 105-111.
3. McCarthy WJ, Mistry R, Lu Y, Density of Tobacco Retailers Near Schools: Effects on Tobacco use Among Students. *American Journal of Public Health*. 2009;99(11):2006-13.
4. Campbell CA, Hahn RA, Elder R, et al. The effectiveness of limiting alcohol outlet density as a means of reducing excessive alcohol consumption and alcohol-related harms. *American Journal of Preventive Medicine*. 2009; 37(6):556-559.
5. Johns M, Sacks R, Rane M, Kansagra SM. Exposure to tobacco retail outlets and smoking initiation among New York City adolescents. *Journal of Urban Health*. 2013;90(6):1091-1101.
6. Henrisken L, Feigherty EC, Schleicher NC, et al. Is Adolescent Smoking Related to the Density and Proximity of Tobacco Outlets and Retail Cigarette Advertising Near Schools? *Prevention Medicine*. 2008;47(2):10-4.
7. Novak SP, Reardon SF, Raudenbush SW, et al. Retail tobacco outlet density and youth cigarette smoking: a propensity-modeling approach. *American Journal of Public Health*. 2006;96(4):670-676.
8. Campbell CA, Hahn RA, Elder R, et al. The effectiveness of limiting alcohol outlet density as a means of reducing excessive alcohol consumption and alcohol-related harms. *American Journal of Preventive Medicine*. 2009; 37(6):556-559.
9. Alaniz ML. Alcohol availability and targeted advertising in racial/ethnic communities. *Alcohol Health and Research World*. 1998; 22(4):286-289.
10. Chuang YC, Cubbin C, Ahn D, Winkleby MA. Effects of neighborhood socioeconomic status and convenience store concentration on individual level smoking. *Journal Epidemiological Community Health*. 2005;59(7):568-73.
11. Hyland A, Travers MJ, Cummings KM, et al. Tobacco outlet density and demographics in Erie County, New York. *American Journal of Public Health*. 2003;93(7):1075-76.
12. Weitzman ER, Folkman A, Folkman KL, Wechsler H. The relationship of alcohol outlet density to heavy and frequent drinking and drinking-related problems among college students at eight universities. *Health & Place*. 2003; 9:1-6.
13. Mair, C., Freisthler, B., Ponicki, W. R., & Gaidus, A. The impacts of marijuana dispensary density and neighborhood ecology on marijuana abuse and dependence. *Drug and Alcohol Dependence*, 2015;154, 111-116.

14. Cork Kerry, Tobacco Control Legal Consortium. *Toking, Smoking and Public Health: Lessons from Tobacco Control for Marijuana Regulation*. 2015.
15. Barry RA, Glantz A public Health Framework for Legalized Retail Marijuana Based on the US Experience: Avoiding a New Tobacco Industry. *PLoS Med*, 2016; 13(9):e1002131.

MCKERROW Mike J

From: Jonathan Driskill <jonathan@kevincohenplumbing.com>
Sent: Monday, May 21, 2018 2:06 PM
To: MCKERROW Mike J
Subject: Comment: Land Use Regulation Change - Dispensaries
Attachments: KCP Statement.pdf

To whom it may concern,

Please see attached comment from Kevin Cohen of Kevin Cohen Plumbing. Thank you for your time.

Jonathan Driskill
IT Manager
jonathan@kevincohenplumbing.com
Kevin Cohen Plumbing, Inc
1544 Hwy 99 North
Eugene, Oregon 97402
541-607-9208 Phone
541-607-7033 Fax

KEVIN COHEN PLUMBING INC.

To whom it may concern;

I am writing to voice my opinion on the proposed land use code change requiring a 1000 foot minimum distance between existing and proposed recreational marijuana stores. I believe the request by community members is based solely on bias, is only for visual purposes and not to support of a diversity of uses in particular zones as stated.

It is no secret that since 2015 there has been a surge in recreational marijuana dispensaries. This change has opened the doors for growers and cannabis users to enjoy something they had been doing secretly for years. Now there are safe, regulated and reputable places for people to enjoy this in spite of the already cumbersome regulations that exist on the dispensaries themselves.

I believe that dispensaries should be allowed to operate like any other business. You wouldn't ask three gas stations each on a corner to move because you need more diversity. You simply allow them to operate and allow the customers to determine whether there need for three on that corner. Marijuana shops are surging because everyone wants to get a piece of what has turned out to be a cash crop. The proposed change wouldn't clear out any of the existing shops that are allegedly crowding out other businesses. From my perspective and from other landlords like myself many of these buildings sat unused and unwanted until the marijuana shops started using them because they are inexpensive and available.

I feel strongly that the City of Eugene should praise these startups who have found ways to be profitable in spite of a difficult regulatory environment, they have created jobs and have done so without any rise in crime, traffic accidents or other associated issues. Let Eugene's consumers and our local economy sort out what is enough and what isn't.

Respectfully,



Kevin Cohen
President, Kevin Cohen Plumbing Inc.

Kevin Cohen Plumbing, CCB# 176311
1544 State Hwy 99 N, Eugene OR, 97402
541.607.9208 info@kevincohenplumbing.com

MCKERROW Mike J

From: OCHOA Christiane A <Christiane.OCHOA@co.lane.or.us>
Sent: Tuesday, May 22, 2018 2:23 PM
To: MCKERROW Mike J
Cc: GAFFNEY Karen R; WARREN Jocelyn T; BASKERVILLE C.A.; MAXWELL Elisabeth D; BEAR Emily B
Subject: Lane County Public Health Eugene Planning Commission Testimony 1000 Foot Buffer Between Marijuana Businesses
Attachments: LCPHEugenePlanningCommission5.22.18 Testimony.pdf

Good Afternoon Mike,

Please see the attached written testimony from Lane County Public Health regarding the public hearing of the 1000 foot separation of marijuana retailers for the Planning Commission. Thank you.

Christiane Ochoa, MPH

Community Health Analyst
Lane County Public Health, Prevention
Department of Health & Human Services
151 W. 7th Ave, Rm 410
Eugene, OR 97401
Phone 541.682.8789 | Fax 541.682.8700



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Fax: 541-682-3925

Vital Records
Room 520
541-682-4045
Fax: 682-8700

WIC
Room 210
541-682-4202
Fax: 541-682-4248

Date: 5/22/18
To: Eugene Planning Commission
Re: Public Hearing on 1000 Foot Separation of Retail Marijuana Businesses

Dear Eugene Planning Commission:

My name is Christiane Ochoa and I am a Community Health Analyst and work for Lane County Public Health in Prevention. This written testimony is to provide information on the public health implications of the proposed separation of marijuana businesses to be discussed at the public hearing that will be held on June 5th, 2018. The research suggests that a 1000 foot separation of retail marijuana businesses may be effective as a means of minimizing access, availability, and use of marijuana by youth. Restricting access and availability have been effective in reducing youth use of tobacco products and later addiction. Research on the addictive properties of marijuana is just beginning and suggests that young people who are frequent users are at risk.¹

There is extensive research regarding the relationship between the use of tobacco, alcohol and retail density. Extrapolating to marijuana suggests that a well-developed marijuana density policy has the potential to:

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Increased visibility of marijuana retailers in everyday environments encourages youth to perceive marijuana use as being common, and increases the likelihood of marijuana use¹³. In states, such as Oregon, where recreational marijuana is legal, strong zoning ordinances can control density of retail marijuana businesses in order to limit availability and exposure of youth to marijuana products, and minimize the potential for dependence and addiction¹⁴. Although there may be some benefits for certain medical conditions, it is important to note that marijuana is not a risk-free drug. Having at least a 1000 foot separation between retail marijuana businesses encourages competitive and responsible business practices, while also protecting the health and well-being of the community¹⁵.

The Lane County Public Health mission is to promote and protect the long-term health and well-being of individuals, families, and our community. The Lane County Public Health Prevention Section focuses on areas such as alcohol, tobacco, and drug prevention and specializes in creating, implementing, evaluating, and providing technical assistance on public health policies.

Thank you for your time. Lane County Public Health is happy to answer any questions you may have.

Sincerely,

Christiane Ochoa
Christiane Ochoa, MPH

LANE COUNTY DEPARTMENT OF HEALTH & HUMAN SERVICES
PUBLIC HEALTH SERVICES
151 W. 7th Avenue
Eugene, OR 97401

References

1. Johnston, L. D., O'Malley, P. M., Bachman, J. G., & Schulenberg, J. E. (2012). Monitoring the Future national results on adolescent drug use: Overview of key findings, 2011. Ann Arbor: Institute for Social Research, The University of Michigan.
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10. Chuang YC, Cubbin C, Ahn D, Winkleby MA. Effects of neighborhood socioeconomic status and convenience store concentration on individual level smoking. *Journal Epidemiological Community Health*. 2005;59(7):568-73.
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15. Barry RA, Glantz A public Health Framework for Legalized Retail Marijuana Based on the US Experience: Avoiding a New Tobacco Industry. *PLoS Med*, 2016; 13(9):e1002131.

MCKERROW Mike J

From: Philip Farrington <farringtoncpd@gmail.com>
Sent: Tuesday, May 22, 2018 12:17 PM
To: MCKERROW Mike J
Subject: Proposed code changes re: cannabis retail

Eugene Planning Commissioners:

Please accept this written testimony in support of the proposed change to the Eugene land use code establishing a 1000-foot separation between legally established cannabis retail stores.

The proposed code changes are prudent, modest, and ideally would have been put in place when the State of Oregon initially legalized cannabis sales, as did Portland, Springfield and numerous other cities. Although enacting this code change is belated, it still has merit.

The public and private sectors have expended considerable time, effort and financial resources in revitalizing downtown. However, downtown redevelopment is not "done," and requires continual care to ensure that past investments realize social and economic benefit. Downtown still struggles with providing a great mix of ground-floor retail establishments to serve office users, residents and visitors to downtown. Approving the proposed code change provides a regulation that cannabis retailers seek, as well as other merchants, providing the capacity for other types of uses and retail environments.

NOT providing this thoughtful, modest regulation results in unintended market distortions and cannibalization of retail space for redundant uses.

I urge you to recommend approval of this code change to the City Council.

Thanks for your service and consideration.

Philip Farrington
1160 Monroe Street
Eugene, OR. 97402
farringtoncpd@gmail.com

MCKERROW Mike J

From: mattox purvis <mlpurvis10@hotmail.com>
Sent: Wednesday, May 23, 2018 3:41 PM
To: MCKERROW Mike J

Hi,

I fully support limitine the location of any new marijuana sales facilities in the greatest say possible, including the 1000 ft restriction from location near another marijuana sales facility. Thanks, Mat Purvis

MCKERROW Mike J

From: Sarah Bennett <SBennett@bmc-llc.com>
Sent: Friday, May 25, 2018 4:22 PM
To: MCKERROW Mike J
Subject: Downtown Stakeholders Support for 1000' Buffer Zone Code Amendment
Attachments: Downtown Stakeholders - 1000 Buffer Zone.pdf

Mike,

Kindly include this letter from the Downtown Stakeholders in the packet for the Eugene Planning Commissioners regarding the 1000-foot cannabis buffer zone.

Thank you very much,
Sarah Bennett

From: Tiffany Edwards <tiffanye@eugenechamber.com>
Sent: Friday, May 25, 2018 1:30 PM
To: MCKERROW Mike J
Cc: Tiffany Edwards
Subject: Testimony on Marijuana Buffer Zones - Eugene Chamber
Attachments: Marijuana Buffers. PC.EUGChamber.pdf

Hi Mike,

Please see attached testimony for Planning Commission hearing on June 5th, on marijuana buffer zones.

Thanks so much!

Tiffany

Tiffany Edwards

Director of Business Advocacy

(541) 242-2352 w

(541) 678-3370 m

[Website](#) | [Facebook](#) | [Twitter](#)



**Eugene Area
Chamber of
Commerce**

1401 Willamette Street | Eugene, OR 97401

May 25, 2018

Planning Commission
c/o Mike McKerrow
City of Eugene Planning and Development Division
99 West 10th Avenue
Eugene, Oregon 97401



RE: Separation Between Retail Marijuana Uses (City File #CA 18-4)

Dear Planning Commissioners;

The Eugene Area Chamber of Commerce adamantly supports a code amendment that would require separation of at least 1000 feet between any existing retail marijuana establishments and any new marijuana retailers in the City of Eugene.

Downtown Eugene has been experiencing a significant and noticeable increase of marijuana retailers in the short period of time in which they've been permitted by law. We are concerned that continued trend has the potential to hinder the ability to attract new businesses to the area, when there is a high concentration of one type of business. Additionally, the City of Eugene, business community, residents and other stakeholders have invested a significant amount of resources in downtown revitalization and while the existence of cannabis retailers are not necessarily in conflict with the long term vision, the proliferation of a cannabis district, is.

By limiting the number of cannabis or marijuana retailers, it creates an opportunity for businesses where customers would gather, spend time, share commerce and socialize. The age-restrictive clientele and transactional nature of these retailers does not provide an environment or promote the downtown area as a center for commerce, culture of social activities.

Please support the separation between retail marijuana retailers as an important step in the efforts to provide greater diversity and economic vitality in downtown Eugene.

Thank you for your consideration.

Sincerely,



Brittany Quick-Warner
President and CEO, Eugene Area Chamber of Commerce

1401 Willamette Street P.O. Box 1107 Eugene, OR 97440-1107 Tel: 541.484.1314 Fax: 541.484.4942 eugenechamber.com

May 25, 2018

Eugene Planning Commission
City of Eugene Planning and Development Division
99 West 10th Avenue
Eugene, OR 97401

Dear Planning Commission Members:

I am a downtown Eugene property owner, business owner, and on the Steering Committee for the Downtown Neighborhood Association and I support the implementation of the 1000' buffer between cannabis dispensary's.

So much time and effort is being put into revitalizing downtown Eugene and we are really at a tipping point. We need a broad mix of retail businesses, at the street level, to be available to downtown residents and workers, as well to attract people from outside the area. Dispensaries sell a select product to a specific group of people. Communities, like Bend Oregon, chose to make their downtown core a retail cannabis free zone. I don't think Eugene needs to go that route but I also do not want our downtown to be known as the cannabis district. Having the buffer seems to offer some balance.

Thank you for your consideration.

Sherry Schaefer
252 W. 7th Street
Eugene, OR 97401

MCKERROW Mike J

From: john@jphammer.com
Sent: Thursday, May 31, 2018 12:51 PM
To: MCKERROW Mike J
Subject: Regarding Proposed Land Use Regulations for Marijuana Retail Locations

May 31, 2018

RE: Notice of Eugene Planning Commission Public Hearing June 5, 2018, Proposed Land Use regulations for Marijuana Retail Locations

Please do not implement land use code to require a 1,000 foot buffer between marijuana stores.

It is the same as telling Wendy's not to locate near McDonald's.

As a landlord I am not getting many calls for vacant space. I have marijuana tenants now, I don't want any more, but I didn't have other tenants who were interested to lease building.

The marijuana industry will sort out who stays open and who closes. Retail stores and growers already are starting to close their businesses. Remember video stores?

This is a dangerous play the City of Eugene is using to change zoning and how private property owners can use their property.

Before you decide, study planning division proposal, and the draft code language.

Is a buffer NEEDED? Voters voted on marijuana, let free enterprise work.

Let the unknown community members inform the community of their concerns if they want change.

Since when do unknown community members want change and the city agrees promptly?

Who are the community members?

A buffer is not needed.

Regards,

John P. Hammer

To whom it may concern,

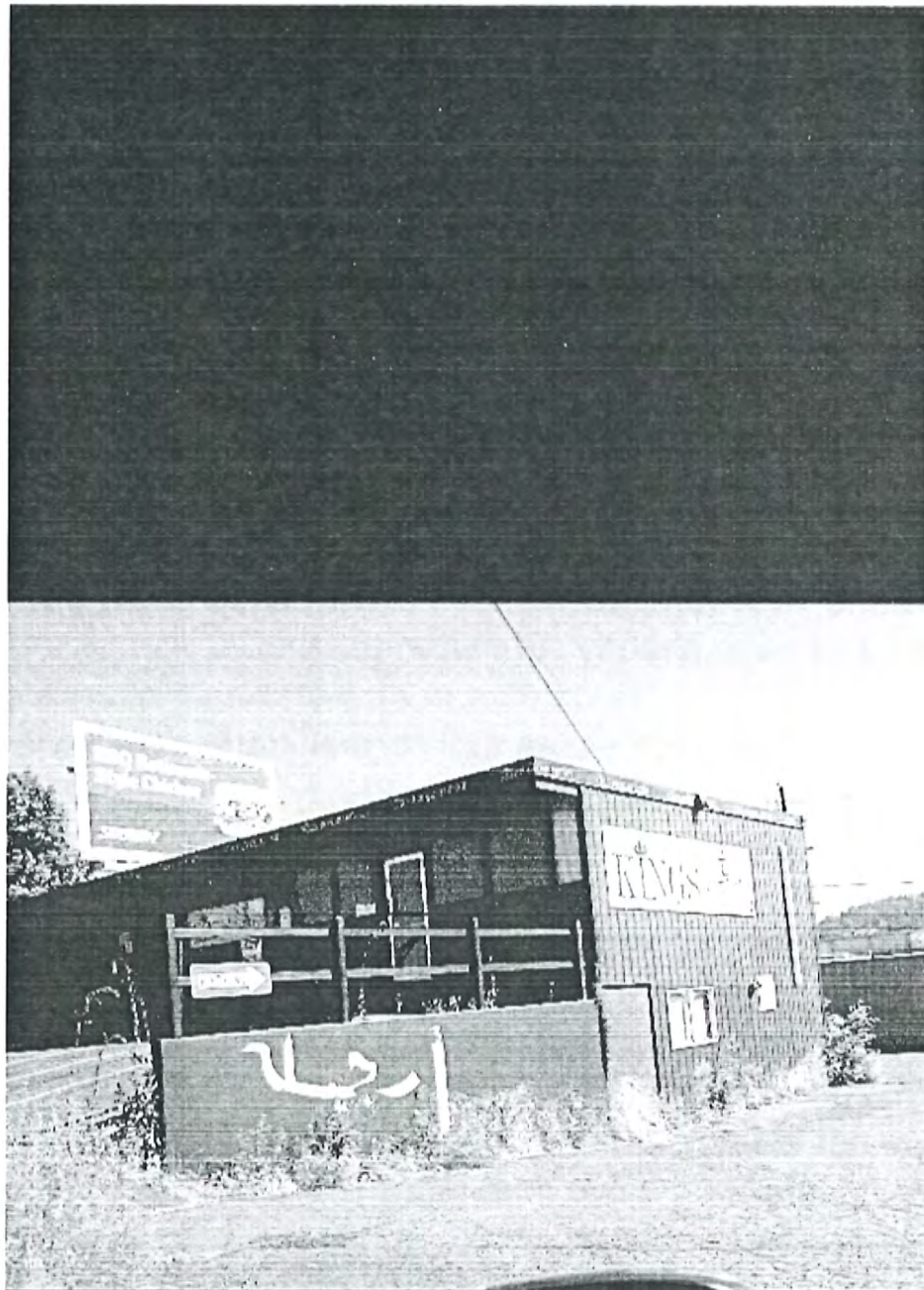
Hi, i am writing this letter to voice my concern and opinion on the new purposed change to the code regarding recreational marijuana stores within the city of Eugene. Me and my two business partners have been in the process of opening a recreational marijuana dispensary located at 2164 W 7th Ave. We have been in a lease since august of 2017 and have since then gutted and remodeled the building, both inside and out. We have already went and obtained an approved Land Use Compatibility Statement from the city planning department and have already submitted our OLCC license months ago.

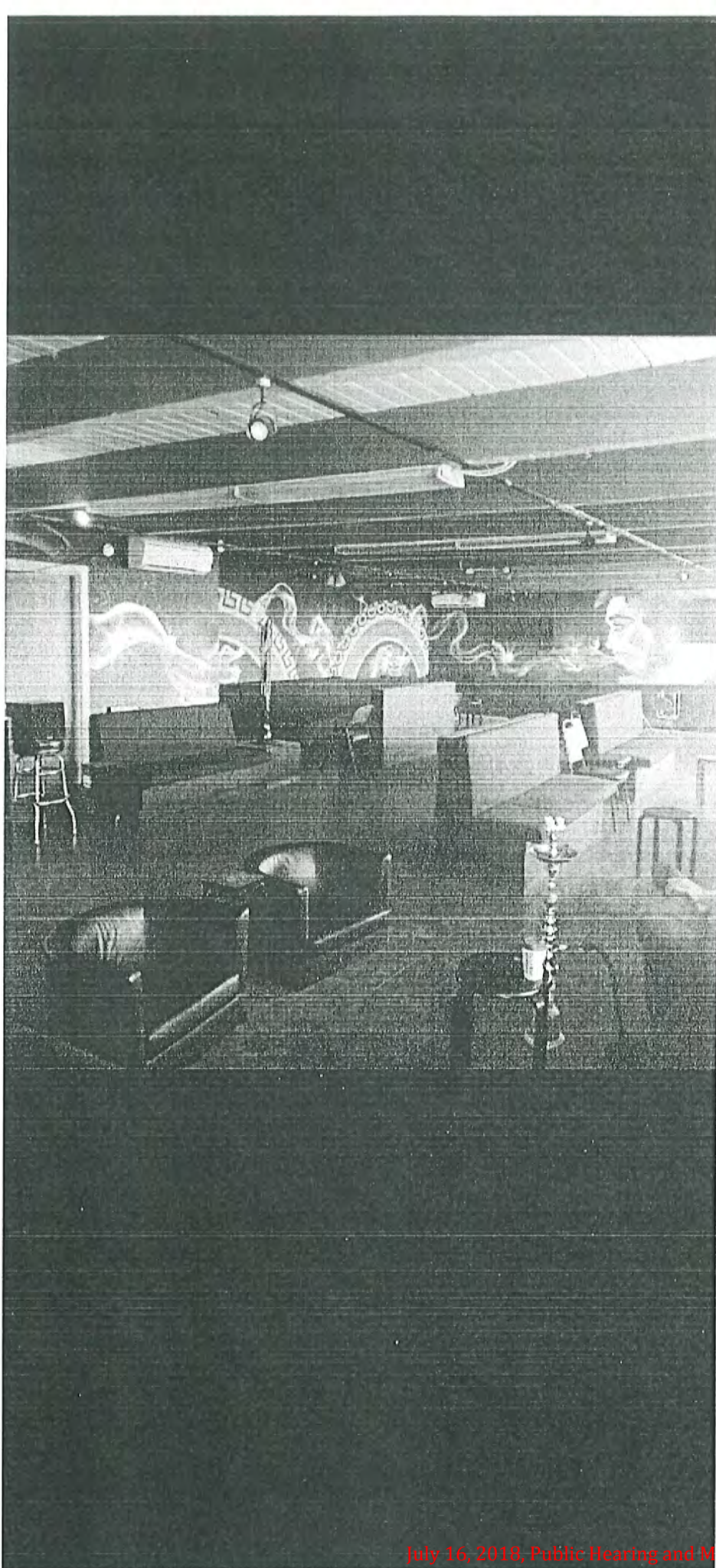
The purposed change states that no marijuana stores will be allowed to open within 1000 feet of an already existing marijuana store. We have already invested over \$50,000 preparing and improving the premises and if this new change of code were to apply to all unlicensed stores, regardless of already being in the application process, then it would be detrimental to us.

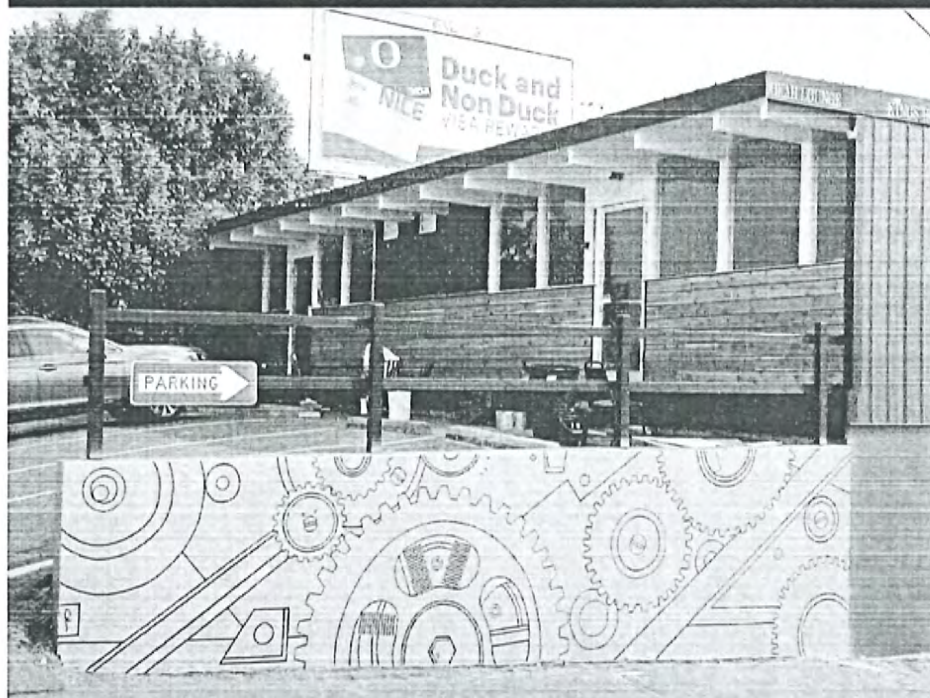
We are hoping that if this change does occur, it will only affect the businesses that have not already gotten an approved LUCS from the city or have not already applied and paid for their application with OLCC. We have signed a five year lease and plan to do long term business in the city of eugene, so please consider the businesses and people who have already invested a great deal of time and money into opening a store when deciding who will and will not be grandfathered in to the new change of code. Thank you very much for your time, with this i will also submit some before and after pictures detailing the extent of our remodel.

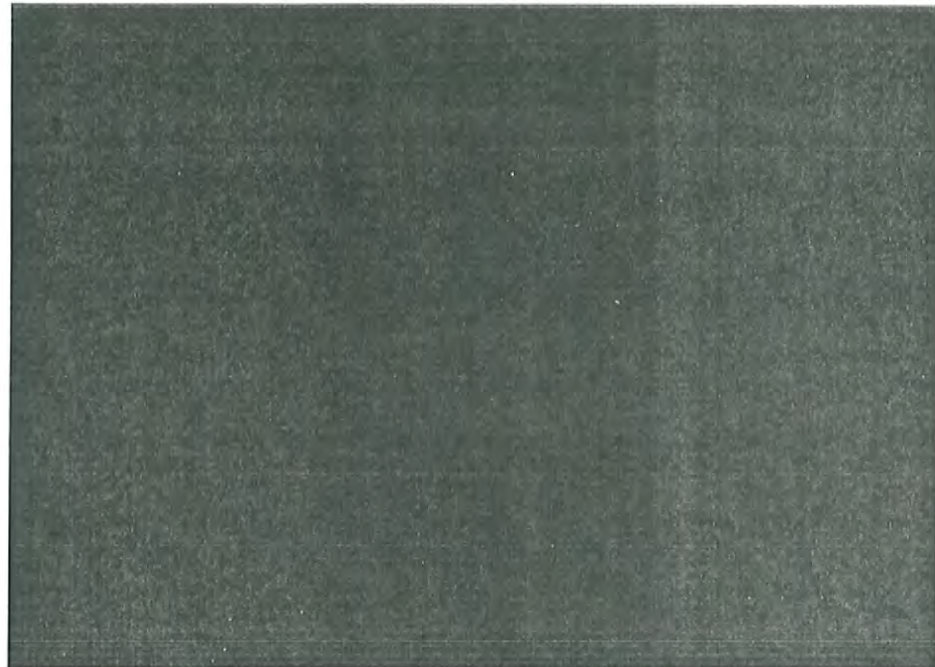
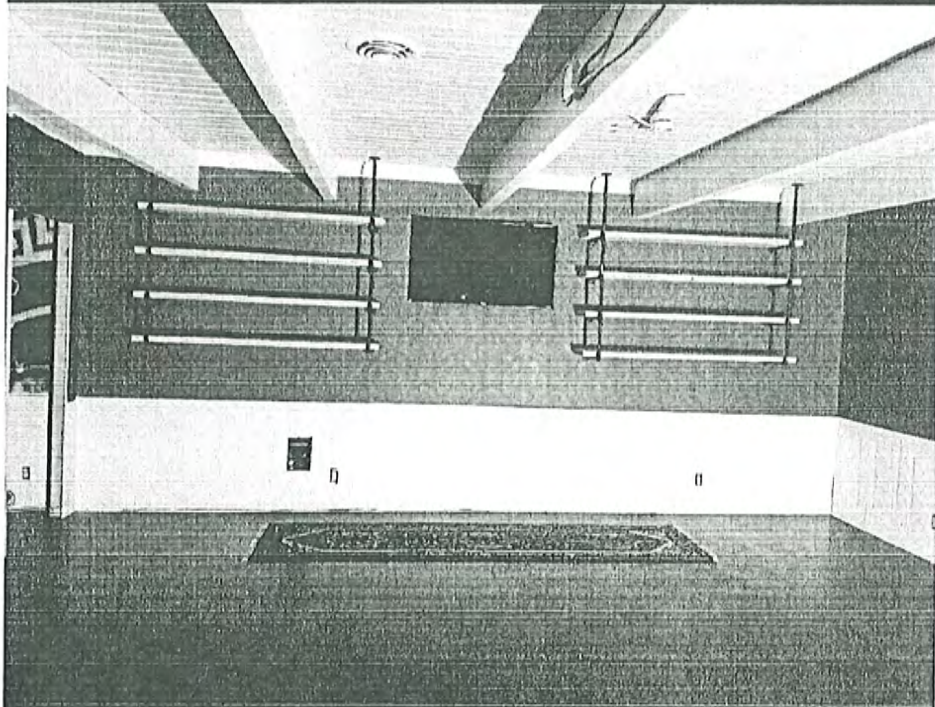
Sincerely,
Dutch Alchemy.

Cameron Story











Recreational Marijuana Program

Information Bulletin on License Application Processing Pause

June 8, 2018

On May 30, 2018 the Oregon Liquor Control Commission announced it would temporarily pause the processing of recreational marijuana license applications. The OLCC will accept and process license applications received by Friday, June 15, 2018. The OLCC will continue to accept, but will not immediately process license applications received beginning June 16, 2018.

This action is a temporary reprioritization of the agency's work load. Below are some frequently asked questions the OLCC has received related to the license application announcement.

Read the press release about the license application processing pause [here](#).

Does my application need to include an approved Land Use Compatibility Statement (LUCS) in order to be considered "submitted" prior to June 15, 2018? The OLCC will consider as "received" an application submitted through the OLCC online license application system by June 15, 2018 even if it does not include an approved LUCS. However, OLCC will contact and request an approved LUCS from applicants who do not submit a LUCS with their application; applications without a LUCS will not move into the assignment queue until it is received. Further, by policy the OLCC may consider an application incomplete if an approved LUCS is not submitted within 60 days of the OLCC request, unless the applicant asks for, and is provided a longer extension. Typically the OLCC does not provide application extensions longer than six months, and if the OLCC does not receive a LUCS within the extension timeframe the application may be deemed incomplete and inactivated.

Does my application need to be "complete" in order to meet the June 15, 2018 submission deadline? OLCC will continue to process applications received through the online system by June 15, 2018 in the same manner as it currently does. Applications will be screened for required documents and completeness, and the OLCC will request missing or incomplete items from the applicant. If an applicant does not respond to requests to submit required information in a timely manner the OLCC may deem the application incomplete and inactivate it. OLCC recommends an applicant review the list of [required forms and information](#) on its [website](#), and complete as much work on application as possible before submitting it in order to avoid the possibility of having the application inactivated.

Will OLCC still process changes of ownership, changes of financial interest, and premises changes? Yes, the OLCC will still process all change requests submitted by existing licensees. Licensees should expect as long as three months for the OLCC to process these requests, given the existing amount of change requests received and the agency's prioritized focus on renewing existing licenses.

How long will it be before my application is processed if I submit an application prior to June 15, 2018? At this time the OLCC has a nine month backlog of applications waiting to be assigned for investigation. However this timeframe could change depending on how quickly OLCC can catch up on renewals and change requests submitted by current licensees.

What happens to license applications submitted starting June 16, 2018? The OLCC will continue to accept license applications after June 15, 2018, but these applications will not be screened or assigned until the agency catches up on its existing inventory of submitted applications.

Are Marijuana Worker Permits affected by this deadline? No, the Marijuana Worker Permit program is not impacted by the June 15, 2018 deadline. The OLCC is current in its processing of Marijuana Worker Permits.

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Public Hearing: A Resolution Granting a Measure 49 Claim and Waiving a Provision of Chapter 9 of the Eugene Code, 1971 for Property Located Adjacent to 70 West 24th Place, Eugene, Oregon (Assessor's Map 18-03-06-42, Tax Lot 2700)

Meeting Date: July 16, 2018
Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: 5
Staff Contact: Dan Lawler
Contact Telephone Number: 541-682-5282

ISSUE STATEMENT

The Eugene City Council is scheduled to hold a public hearing on July 16, 2018, regarding a Measure 49 claim submitted by Elise Moore for the alleged reduction in fair market value to property located on a vacant lot adjacent to 70 West 24th Place, Eugene, Oregon. A vicinity map is provided as Attachment A.

BACKGROUND

In 2007, Oregon voters approved Measure 49 (codified as ORS 195.300-336), which grants a property owner of residentially-zoned land located within an urban growth boundary the right to compensation or waiver of a regulation (at the option of the government) if five substantive requirements are met. First, the claimant must own title to the property. Second, the regulation must constitute a "land use regulation" under the term's definition in Measure 49 and it must have been enacted after January 1, 2007, but not more than five years before the date the claim was filed. Third, the regulation must "restrict the residential use" of residentially-zoned private property. Fourth, the effect of the regulation must be a reduction of the fair market value of the property. Fifth, the regulation must not fall within one of Measure 49's six exemptions. As detailed in the attached report and recommendation (see Attachment B), the City Manager has concluded that the claim is valid.

This Measure 49 claim seeks waiver of a land use regulation, adopted in 2014, that limits building size on alley access lots to 10% of the total lot size. The property owner asserts that the land use regulation restricts the residential use of her property because it limits the size of a dwelling on the property to a maximum of 462 square feet. As a result, the property owner claims that the regulation reduces the fair market value of her property. In lieu of compensation, the City Manager has proposed a waiver of the alley access lot building size regulation as necessary to allow the claimant to build the 1,200 square-foot home desired by the claimant that complies with all other residential lot standards.

A copy of the Measure 49 claim, along with other documents and information related to the issues in the Measure 49 claim, is included as Attachment C and also contained in a notebook available at the City Manager's Office. A copy of that notebook is also available for public inspection at the

Eugene Planning and Development Department, First Floor Reception, 99 West 10th Avenue, Eugene, Oregon 97401 between 9:00 a.m. and 4:00 p.m.

Public notice of the Measure 49 claim was mailed 30 days in advance of the public hearing, consistent with requirements of the statute. Staff has received written testimony and included it in Attachment D.

Measure 49 requires the council to adopt a resolution approving or denying the claimants' claim within 180 days of the date the claim was complete, *i.e.*, council must approve or deny this claim no later than October 9, 2018. Council action is tentatively forecast for Monday, September 24, 2018. A copy of the proposed resolution granting Ms. Moore's Measure 49 claim and waiving the alley access lot building size regulation to allow her to build a 1,200 square foot home that complies with all other residential lot standards is included as Attachment E.

RELATED CITY POLICIES

None.

COUNCIL OPTIONS

After receiving public testimony, the City Council may choose to:

1. Determine that the claim is valid and waive the regulation, rather than pay compensation; or
2. Determine that the claim is valid and that compensation should be paid, rather waive the regulation; or
3. Determine that the claim is not valid and deny the claim.

CITY MANAGER'S RECOMMENDATION

This item is scheduled for a public hearing only. The City Manager's initial recommendation is included in Attachment B.

SUGGESTED MOTION

No motion is proposed, as this item is scheduled for a public hearing only. Following the public hearing and the City's receipt of testimony, the City Manager will provide a suggested motion to be included in the council packet for action, which will be scheduled prior to October 9, 2018.

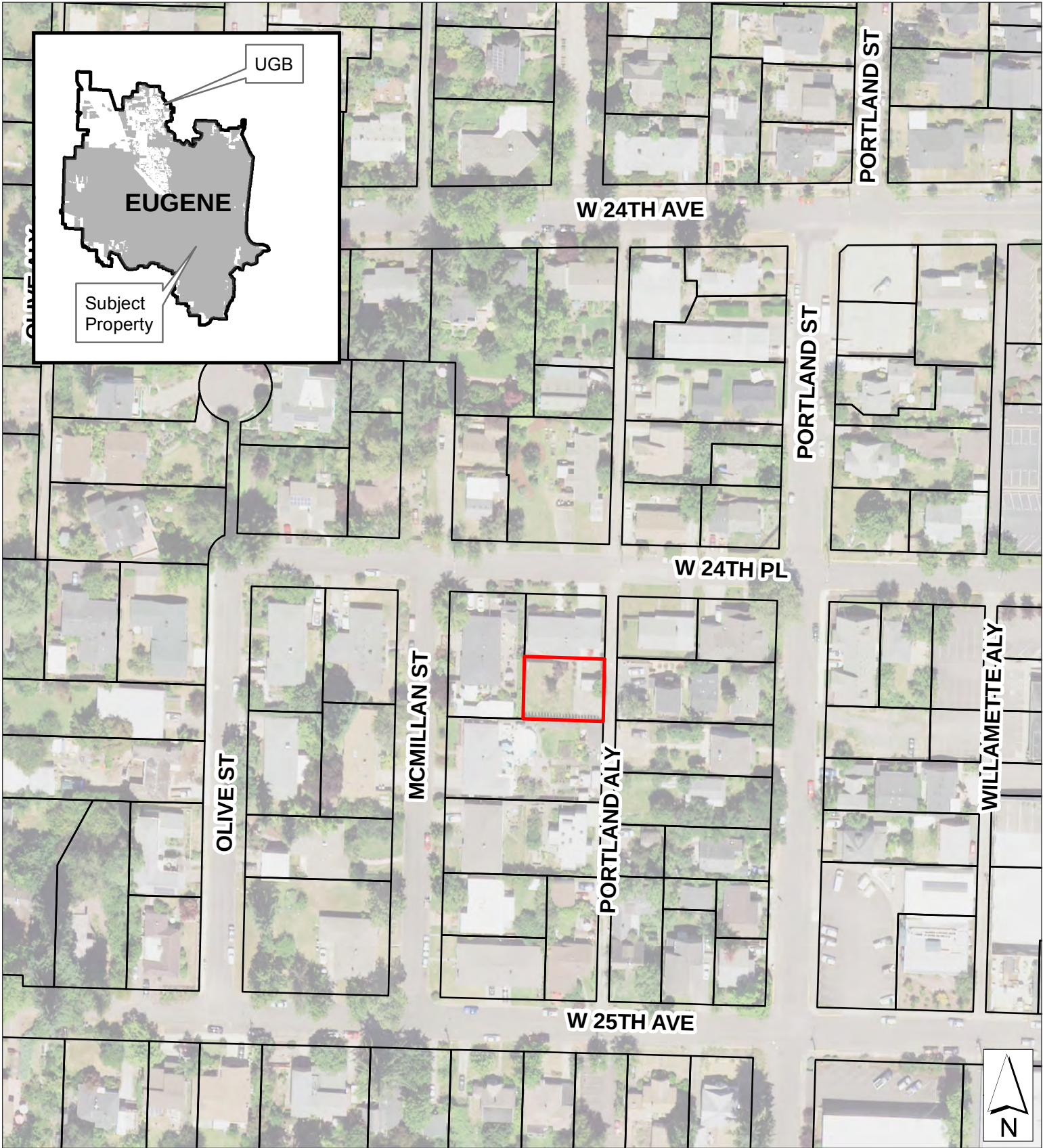
ATTACHMENTS

- A. Vicinity Map
- B. City Manager's Report and Recommendation
- C. Materials from the Claimant
- D. Written Testimony received through July 5, 2018
- E. Proposed Resolution

FOR MORE INFORMATION

Staff Contact: Dan Lawler, Assistant Planner
Telephone: 541-682-5282
Staff E-Mail: Daniel.R.Lawler@ci.eugene.or.us

Vicinity Map



Legend

Subject Property



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

July 16, 2018 Public Hearing and Meeting - Item 8

June 5, 2018





**BALLOT MEASURE 49
(ORS 195.300 – ORS 195.336)**

CLAIM FOR COMPENSATION

REPORT AND RECOMMENDATION OF THE CITY MANAGER

NAME OF CLAIMANT:	Elise Moore
PROPERTY ADDRESS:	West 24th Place & Portland Alley Eugene, OR 97405
CLAIMANT’S REPRESENTATIVE:	Bill Kloos
PROPERTY IDENTIFICATION:	Tax Lot 2700 of Assessor’s Map 18-03-06-42
ZONING:	R-1 Low Density Residential

I. Summary of Claim

Elise Moore (Claimant) submitted a claim under Ballot Measure 49 for compensation or waiver of land use regulations alleging a reduction in fair market value to her vacant property located near the intersection of West 24th Place and Portland Alley in Eugene, Oregon. The property is a vacant alley access lot that is zoned R-1 Low-Density Residential. Claimant asserts that EC 9.2751(18)(a)3., which limits building size on alley access lots to 10% of the lot size or 800 square feet (whichever is smaller), restricts the residential use of the property and reduces its value. Specifically, Claimant contends that she purchased the lot in 2010 to build a 1,200 square foot house on the property and that the 2014 regulation limits maximum building size on the lot to 462 square feet. She claims the regulation reduced the property’s value by \$25,000 and asks the City to compensate her for the lost value or to waive EC 9.2751(18)(a)3. to allow construction of a 1,200 square foot dwelling that complies with all other residential lot standards.

II. Summary of City Manager’s Recommendation

Measure 49 generally grants a property owner of residentially zoned land located within an urban growth boundary the right to compensation or waiver of the regulation (at the option of the government) if five substantive requirements are met. First, a claimant must own the property subject to the claim. Second, the regulation must constitute a “land use regulation” as that term is defined by Measure 49 and it must have been enacted after January 1, 2007, but not more than five years before the date the claim was filed. Third, the regulation must “restrict the residential use” of residentially zoned private property. Fourth, the regulation must cause a reduction of the fair

market value of the property. Fifth, the regulation must not fall within one of Measure 49's six exemptions.

As discussed below, the Moore claim is valid because it satisfies the five requirements of Measure 49: 1) Claimant Elise Moore owns the property; 2) EC 9.2751(18)(a)3. qualifies as a land use regulation and was enacted after January 1, 2007 and less than five years before the date the claim was filed; 3) EC 9.2751(18)(a)3. restricts a previously allowed residential use on the residentially zoned property; 4) EC 9.2751(18)(a)3. reduces the property's fair market value; and 5) EC 9.2751(18)(a)3. does not fall within one of the six Measure 49 exemptions. Therefore, this report concludes that the claim is valid.

If a claim is valid under Measure 49, a local government must either (1) compensate the claimant for the reduction in the fair market value of the property, or (2) authorize the claimant to use the property without application of the land use regulation "to the extent necessary to offset the reduction in the fair market value of the property." The Claimant requests compensation or a waiver of the regulation. Accordingly, the City Manager recommends that the City Council waive EC 9.2751(18)(a)3. as it relates to the Claimant's property and to the extent that waiver is needed to allow construction of allowed 1,200 square foot residential dwelling that complies with all other residential lot standards.

III. Analysis of Claim

A. Ownership

Measure 49 provides for payment of compensation or relief from (waiver of) specific regulations for "owners" of real property. Ballot Measure 49 defines "owner" to include "[t]he owner of fee title to the property as shown in the deed records of the county where the property is located[.]" ORS 195.300(18).

Based on information that the Claimant submitted (Warranty Deed 2010-033733) and information from the Lane County Regional Land Information Database (RLID), the City Manager concludes that Claimant Elise Moore acquired fee title to the subject property on July 8, 2010. Accordingly, Claimant Elise Moore is the owner of the property.

B. "Land Use Regulations"

Measure 49 requires compensation (or waiver) for only those regulations that constitute "land use regulations" as Measure 49 defines the term. Measure 49 defines "land use regulation," with respect to cities, as a "provision of a city comprehensive plan, zoning ordinance or land division ordinance that restricts the residential use of private real property zoned for residential use." ORS 195.300(14)(c). Further, land use regulations eligible for waiver under Measure 49 must have been enacted after January 1, 2007, but within five years of the date of the claim.

EC 9.2751(18)(a)3 is a land use regulation under Measure 49 because it is a provision of the city's zoning ordinance and it regulates residential uses on property in a residential use zone. This land use regulation was adopted as part of Ordinance No. 20541 as part of the Single Family Code Amendments, which became effective August 29, 2014. The Claimant filed her Measure 49 claim on January 29, 2018. Thus, EC 9.2751(18)(a)3. is a qualifying land use regulation under

Measure 49 because it was enacted after January 1, 2007, but within five years of the date of the claim.

C. Restriction on Residential Use

A “land use regulation” gives rise to a Measure 49 claim only if the regulation restricts the residential use of private real property. The specific regulation that the Claimant points to is EC 9.2751(18)(a)3., which limits the square footage of new dwellings built on alley access lots. The Claimant alleges that EC 9.2751(18)(a)3. restricts the residential use of her property because it prevents her from building a home that would have been allowed before the regulation took effect.

Adopted on July 28, 2014 (by Ordinance No. 20541) and effective on August 29, 2014, EC 9.2751(18)(a)3. establishes the following limitations on square footage of buildings on alley access lots:

(18) Alley Access Lots in R-1.

(a) General Standards.

- 1. Applicability. Except as provided in (b) below, the following standards apply to development on alley access lots in R-1.**
- 2. Use Regulations. Alley access lots have the same land use regulations as the base zone except that there is no allowance for a secondary dwelling.**
- 3. Building Size. The total building square footage of a dwelling shall not exceed 10 percent of the total lot area or 800 square feet, whichever is smaller. Total building square footage is measured at the exterior perimeter walls and is defined as all square footage inside of the dwelling, including, but not limited to hallways, entries, closets, utility rooms, stairways and bathrooms.**

Prior to the Council’s adoption of the above-quoted code provision, general R-1 zoning regulations applied to alley access lots and allowed lot owners to build structures that cover up to 50% of the lot. Thus, the Claimant could have built a 1,200 square foot house on her alley access lot before EC 9.2751(18)(a)3. went into effect because the total lot size is 4,620 square feet. Now, however, EC 9.2751(18)(a)3. limits any structure on the Claimant’s lot to a maximum of 462 square feet, which restricts the Claimant’s ability to build an economically and practically feasible home on the property.

For a land use regulation to restrict a residential use of property under Measure 49, the regulation must leave the property owner with no viable method to achieve the previously allowed residential use. Planning staff evaluated the feasibility of the Claimant using other land use mechanisms, including adjustment review, conditional use permits, planned unit developments, and variances, to build a 1,200 square foot home and determined that none of those options were feasible. Therefore, EC 9.2751(18)(a)3. restricts the Claimant’s residential use of property under Measure 49 because no viable method exists to achieve the previously allowed residential use, absent waiver of the regulation.

D. Reduction in Value

A “land use regulation” gives rise to a Measure 49 claim only if, in addition to restricting the residential use of private real property, it also reduces the fair market value of the property. Claimant submitted appraisals of the fair market value of the property one year before the adoption of EC 9.2751(18)(a)3. (July 28, 2013) and one year after the adoption of EC 9.2751(18)(a)3. (July 28, 2015).¹ The July 28, 2013 appraisal provides a property value of \$65,000. The July 28, 2015 appraisal provides a property value of \$40,000. As of the date of this Recommendation, nothing in the record contradicts the accuracy of the appraisals submitted by the Claimant. Accordingly, the appraisals confirm that EC 9.2751(18)(a)3. reduces the fair market value of the Claimant’s property.

E. Exemptions

Finally, a Measure 49 claim is not valid if the challenged regulation was enacted before the Claimant acquired the property or if it falls within one of the six exemptions under the Measure. Regulations adopted to 1) protect the public health and safety; 2) prevent nuisances; or 3) comply with federal law are exempt under Measure 49, even if they otherwise constitute “land use regulations” that “restrict the residential use” and “reduce the fair market value” of property. In addition, regulations that (4) restrict or prohibit the use of the property for selling pornography or performing nude dancing, (5) plan and rezone land for industrial zoning to be included in the UGB, or (6) plan and rezone land already within a UGB to industrial zoning, are also exempt under Measure 49.

The regulation at issue in this claim does not fall within any of these exemptions.

IV. Conclusion and Recommendation

Based on the analysis set forth above, the City Manager recommends that the City Council conclude that Claimant Elise Moore’s Measure 49 claim is valid. In lieu of compensation, the City Manager recommends that the City Council waive EC 9.2751(18)(a)3. to the extent such waiver is necessary to allow Claimant to construct a 1,200 square foot dwelling on the subject property that complies with all other residential lot. The recommended waiver does not address the applicability of any other provision that might preclude such construction.

Because the City Manager is recommending that the Council grant the Claimant a waiver of the building size limitation on alley access lots in EC 9.2751(18)(a)3., and Measure 49 authorizes a public hearing by the City Council in such instances, this claim has been scheduled for a public hearing on July 16, 2018.

¹ Measure 49 requires the reduction in fair market value of the property be demonstrated through an appraisal that meets certain requirements. ORS 194.310(2). The appraisal submitted by Claimants satisfies those requirements.

LAW OFFICE OF BILL KLOOS PC

OREGON LAND USE LAW
375 W. 4TH AVENUE, SUITE 204
EUGENE, OR 97401
TEL: 541.343.8596
WEB: WWW.LANDUSEOREGON.COM

BILL KLOOS
BILLKLOOS@LANDUSEOREGON.COM

January 29, 2018

Jon Ruiz
Eugene City Manager
125 East 8th Ave., Second Floor
Eugene, OR 97401

Re: Measure 49 Claim; Elise Moore; Lane County Assessor's Map 18-03-06-42, Tax Lot 2700

Dear Mr. Ruiz:

Please accept this filing and form as a request for relief (compensation for lost value or waiver) under ORS 195.305 and following. This claim is filed on behalf of the owner of the vacant alley access lot referenced above.

The information that follows is organized under the statutory authorization in ORS 195.312(7) and (8). ORS 195.312(7) requires filing with the City Manager. It says:

“If a claim under ORS 195.310 is filed with state government, as defined in ORS 174.111, the claim must be filed with the department. If the claim is filed with Metro, a city or a county, the claim must be filed with the chief administrative office of the public entity, or with an individual designated by ordinance, resolution or order of the public entity.”

The remainder of this letter is organized to follow the ORS 195.312(8) requirements for the contents of a claim.

(8) A claim filed under ORS 195.310 must be in writing and must include:

(a) The name and address of each owner;

Elise Moore
70 West 24th Place
Eugene, OR 97405

(b) The address, if any, and tax lot number, township, range and section of the property;

18-03-06-42-02700
Township: 18S
Range: 3W
Section: 6

- (c) Evidence of the acquisition date of the claimant, including the instrument conveying the property to the claimant and a report from a title company identifying the person in which title is vested and the claimant's acquisition date and describing exceptions and encumbrances to title that are of record;**

Attached is the July 8, 2010 deed conveying the subject lot to Elise Moore. See Exhibit A. In addition, a title report from Cascade Title Company and the RLID detailed property report are attached. See Exhibits B and C.

- (d) A citation to the land use regulation that the claimant believes is restricting the claimant's desired use of the property that is adequate to allow the public entity to identify the specific land use regulation that is the basis for the claim;**

Ordinance 20541 (enacted July 28, 2014, effective August 29, 2014) creates general and area specific development standards for alley access lots. The general standards are applicable to the subject alley access lot and limits the building size to 10% of the lot size or 800 square feet, whichever is smaller. The restrictive land use regulation can be found in Ordinance 20541, Section 6 adding EC 9.2751(18)(a) 3. Building Size. Prior to enactment of this land use regulation, alley access lots located in the R-1 zone were subject to the same development standards as non-alley access lots.

- (e) A description of the specific use of the property that the claimant desires to carry out but cannot because of the land use regulation; and**

Claimant desires to build a 1200 square foot house on the subject alley access lot. According to the Lane County Assessor's tax map, the alley access lot measures 60 feet by 77 feet, 4,620 square feet, or roughly 0.10 of an acre. Under the building size standard referenced above, any dwelling constructed on this lot would be limited to 462 square feet or about 1/3 the size of the dwelling that claimant desires to construct. This restriction in building size reduces the value of the property.

- (f) An appraisal of the property that complies with ORS 195.310 (2) or, for a claim based on a land use regulation described in ORS 195.300 (14)(e), an appraisal that complies with ORS 195.310 (4)(b).**

The appraisal requirements of ORS 195.310(2) apply. Submitted with this application are two appraisals performed by Duncan and Brown. See Exhibit D. One demonstrates the fair market value of the property on July 28, 2013, one year before the land use regulation was enacted. The other demonstrates the fair market value of the property on July 28, 2015, one year after the land use regulation was enacted.

Mr. John Ruiz
January 29, 2018
Page 3

Under ORS 195.310(2)(c), the appraiser has included a determination of the highest and best use of the property on July 28, 2014 at the time that the land use regulation was enacted. See Exhibit D.

The owner looks forward to providing any completeness information you request, and to the hearing on this matter if there is to be one.

Sincerely,

Bill Kloos

Bill Kloos

List of Exhibits:

- A. Deed of Conveyance
- B. Cascade Title Company Report
- C. RLID Report
- D. Appraisal



MEASURE 49 CLAIM

Please complete the following application checklist. Note that additional information may be required upon further review in order to adequately address the applicable criteria for approval. If you have any questions about filling out this application, please contact Planning staff at the Permit and Information Center, phone (541) 682-5377, 99 West 10th Avenue, Eugene.

List all Assessor's Map and Tax Lot numbers of the property included in the claim.			
Assessor's Map	Tax Lot	Existing Zoning	Existing Use
18-03-06-42	2700	R-1	shed

Street Address(es) (if available):

Identify the current land use regulation(s) that allegedly restricts the use of the real property and allegedly causes a reduction in the fair market value of the subject property. Include the Ordinance No. and effective date.
Ordinance 20541, Section 6, which added to the code EC 9.2751(18)(a)(3)
Prior to the enactment of this provision alley access lots in R-1 were subject to the same development as non-alley access lots.

The total alleged reduction in fair market value of the property due to the land use regulation(s) noted above.

General Requirements

- ☒ Proof of ownership of the property that is subject of the claim.
- ☒ Proof that all owners of the property have consented in writing to the claim.
- ☒ Include a written narrative and associated written documentation/evidence that the claim meets all applicable requirements of ORS 195.300-195.336.

By signing, the undersigned certifies that he/she has read and understood the submittal requirements outlined, and that he/she understands that omission of any listed item may cause delay in processing the application. I (We), the undersigned, acknowledge that the information supplied in this application is complete and accurate to the best of my (our) knowledge.

OWNER (Also the Applicant? ☒ Yes / ☐ No):

Name (print): Elise Moore Phone: 541-954-5455

Address: 70 West 24th Place

City/State/Zip: Eugene, OR 97405

Signature:

APPLICANT ☒ / APPLICANT'S REPRESENTATIVE ☐ (Check one):

Name (print): Same as above

Company/Organization:

Address:

City/State/Zip: E-mail (if applicable):

Phone: Fax:

Signature:

APPLICANT'S REPRESENTATIVE ☒ / DESIGNATED CONTACT PERSON ☒ (Check all that apply):

Name (print): Bill Kloos

Company/Organization: Law Office of Bill Kloos PC

Address: 375 W. 4th Ave.. Suite 204

City/State/Zip: Eugene, OR E-mail (if applicable): BillKloos@LandUseOregon.com

Phone: 541-843-8596 Fax: None

Signature:

After recording return to:	
Order Number: 36904	SH
Western Title & Escrow 497 Oakway Road, Suite 340 Eugene, OR 97401	
Grantee Name(s)	
Elise A. Moore 70 West 24th Place Eugene, OR 97405	
Until a change is requested, all tax statements shall be sent to the following address:	
Same as Above	

Division of Chief Deputy Clerk
Lane County Deeds and Records

2010-033733



\$42.00

01160707201000337330010012

07/09/2010 10:15:45 AM

RPR-DEED Cnt=1 Stn=15 CASHIER 06

\$5.00 \$11.00 \$16.00 \$10.00

Reserved for Recorder's Use

STATUTORY WARRANTY DEED

Barbara S. Shields and Patrick J. Shields

Grantor(s) convey and warrant to

Elise A. Moore, Grantee the following described real property free of encumbrances except as specifically set forth herein:

The East 77 feet of Lot 13, Block 6, MELROSE ADDITION, as platted and recorded in Book 5, Page 10, Lane County Oregon Plat Records, in Lane County, Oregon.

Account No(s): **0628279**

Map/Tax Lot No(s): **18 03 06 42 02700**

This property is free of encumbrances, EXCEPT: All those items of record, if any, as of the date of this deed, including any real property taxes due, but not yet payable.

The true consideration for this conveyance is **\$55,550.00**. (Here comply with requirements of ORS 93.030.)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.

Executed this 8th day of July, 2010

Barbara S. Shields

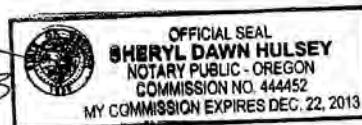
Patrick J. Shields

State of **Oregon**, County of **Lane** ss.

This instrument was acknowledged before me on this 8th day of July, 2010 by **Barbara S. Shields and Patrick J. Shields**

Notary Public for Oregon

My commission expires: 12/22/2013





STATUS OF RECORD TITLE REPORT

LAW OFFICE OF BILL KLOOS PC
ATTN: BILL KLOOS
375 WEST 4TH AVENUE, STE. 204
EUGENE, OR 97401

Date: NOVEMBER 29, 2017
Our No: CT-0304993
Your No: --
Charge: \$300.00

As requested, Cascade Title Co. has searched our tract indices as to the following described real property:

The East 77 feet of Lot 13, Block 6, MELROSE ADDITION, as platted and recorded in Book 5, Page 10, Lane County Oregon Plat Records, in Lane County, Oregon.

and as of: NOVEMBER 20, 2017 at 8:00 A.M., we find the following:

Vestee:

ELISE A. MOORE

Said property is subject to the following on record matters:

1. Easement, including the terms and provisions thereof, granted the City of Eugene, by instrument recorded June 14, 1957, Reception No. 1957-015040, Lane County Oregon Deed Records.
2. 5.50' Private Maintenance Access Easement Agreement, including the terms and provisions thereof, recorded April 15, 2010, Reception No. 2010-017886, Lane County Deeds and Records.
3. Deed of Trust, including the terms and provisions thereof, executed by Elise A. Moore, Grantor, to Fidelity National Title Insurance Company, Trustee, for the benefit of Mortgage Electronic Registration Systems, Inc., (MERS) acting solely as a nominee for Pinnacle Capital Mortgage Corporation, Beneficiary, dated April 20, 2012, recorded April 30, 2012, Reception No. 2012-020829, Lane County Deeds and Records, to secure payment of a note in the amount of \$221,600.00. (Also includes other property)

NOTE: Taxes, Account No. 0628279, Assessor's Map No. 18 03 06 4 2, #2700, Code 4-00, 2017-2018, in the amount of \$113.64, PAID IN FULL.

Order No. 0304993

Page 2

This report is to be utilized for information only. This report is not to be used as a basis for transferring, encumbering or foreclosing the real property described.

The liability of Cascade Title Co. is limited to the addressee and shall not exceed the premium paid hereunder.

CASCADE TITLE CO., by:

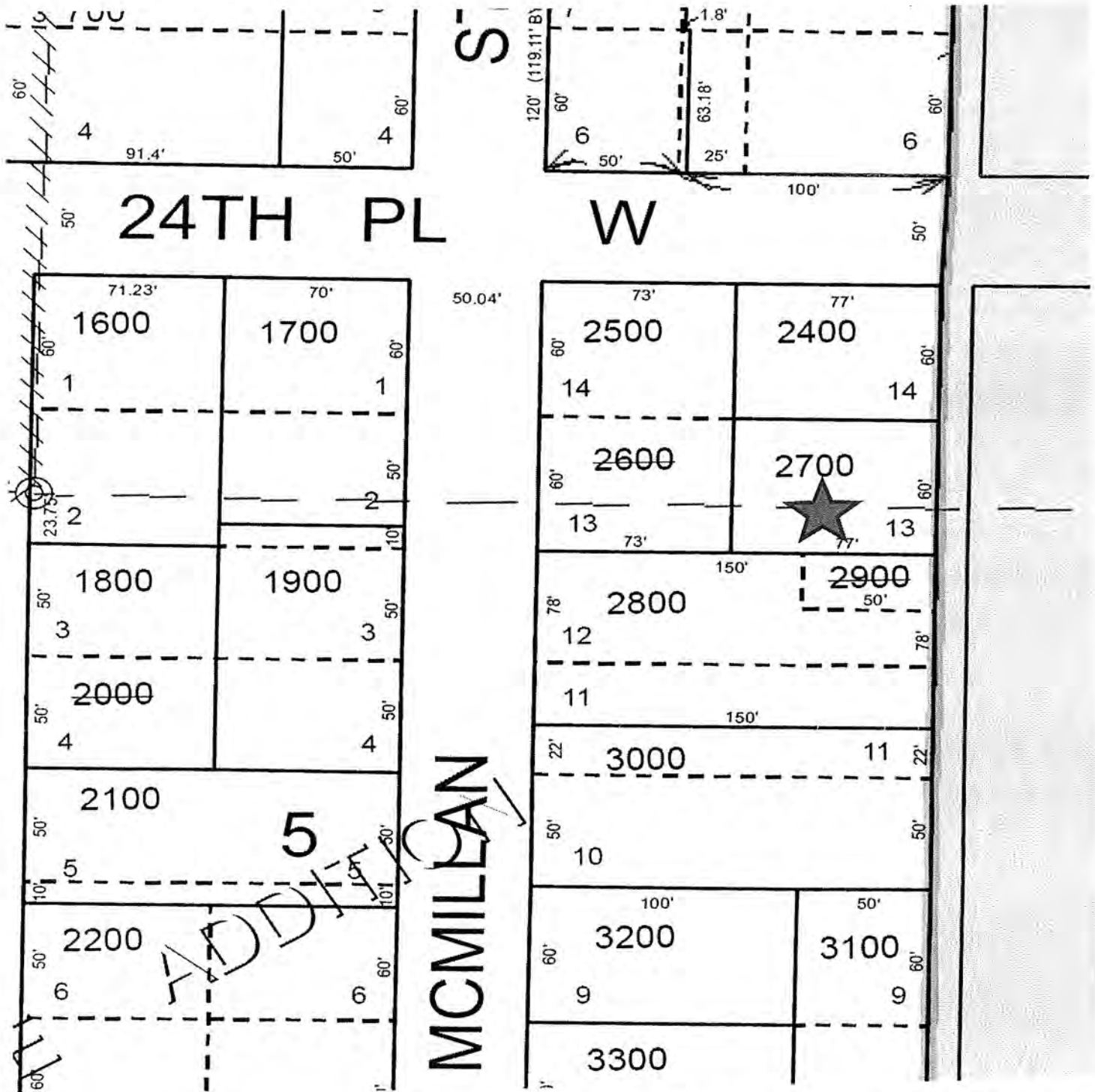
ec: Title Officer: DEBBIE KNUDSEN

Cc: LAW OFFICE OF BILL KLOOS PC
ATTN: BILL KLOOS



CASCADE TITLE CO.

MAP NO.
18-03-06-42



THIS MAP/PLAT IS BEING FURNISHED AS AN AID IN LOCATING THE HEREIN DESCRIBED LAND IN RELATION TO ADJOINING STREETS, NATURAL BOUNDARIES AND OTHER LAND, AND IS NOT A SURVEY OF THE LAND DEPICTED. EXCEPT TO THE EXTENT A POLICY OF TITLE INSURANCE IS EXPRESSLY MODIFIED BY ENDORSEMENT, IF ANY, THE COMPANY DOES NOT INSURE DIMENSIONS, DISTANCES, LOCATION OF EASEMENTS, ACREAGE OR OTHER MATTERS SHOWN HEREON.

July 16, 2018 P:\TITLES SHOW\Map 18-03-06-42.mxd

Detailed Property Report

Site Address N/A
Map & Taxlot# 18-03-06-42-02700
SIC N/A
Tax Account# 0628279

Property Owner 1
 MOORE ELISE A
 70 W 24TH PL
 EUGENE, OR 97405
 Tax account acreage 0.11
 Mapped taxlot acreage[†] 0.11

[†] Mapped Taxlot Acreage is the estimated size of a taxlot as derived from the county GIS taxlot layer, and is not to be used for legal purposes.

Map & Taxlot # 18-03-06-42-02700**Business Information**

RLID does not contain any business data for this address

Improvements

No assessor photos, assessor sketches or building characteristic information is available for this tax account.

Site Address Information

No site address associated with this tax account number

General Taxlot Characteristics**Geographic Coordinates**

X 4239408 Y 872687 (State Plane X,Y)
Latitude 44.0322 **Longitude** -123.0930

Zoning

Zoning Jurisdiction Eugene
 Eugene

Parent Zone R-1 Low-Density Residential

Land Use**General Land Use**

Code Description
 V Vacant

Detailed Land Use

Code Description
 9100 Vacant, Unused, Undeveloped Land

Taxlot Characteristics

Incorporated City Limits	Eugene
Urban Growth Boundary	Eugene
Year Annexed	1948
Annexation #	N/A
Approximate Taxlot Acreage	0.11
Approx Taxlot Sq Footage	4,792
Plan Designation	Metro Plan Map
Eugene Neighborhood	Friendly Area Neighbors
Metro Area Nodal Dev Area	No
Septic	No
Well	No
Landscaping Quality	data not available
Historic Property Name	N/A
City Historic Landmark?	No
National Historical Register?	No

Service Providers

Fire Protection Provider	Eugene Fire & EMS Department
Ambulance Provider	Eugene Fire & EMS
Ambulance District	WC
Ambulance Service Area	West/Central
LTD Service Area?	Yes
LTD Ride Source?	Yes
Soil Water Cons. Dist/Zone	Upper Willamette / data not available
Emerald People's Utility District	N

Environmental Data

FEMA Flood Hazard Zone

Code Description

X Areas determined to be outside of 500-year flood.

FIRM Map Number 41039C1137F

Community Number 410122

Post-FIRM Date 09/29/1986

Panel Printed? Yes

Soils

Soil Map Unit# Soil Type Description

% of Taxlot Ag Class Hydric %

127C Urban land-Hazelair-Dixonville complex, 3 to 12 percent slopes 100% 8 3

Schools

	Code	Name
School District	4J	Eugene
Elementary School	503	Adams
Middle School	526	Roosevelt
High School	539	South Eugene

Political Districts

Election Precinct	1127	State Representative District 8
City Council Ward	E1	State Representative Paul Holvey
City Councilor	Emily Semple	State Senate District 4
County Commissioner District 3 (Eugene-South)		State Senator Floyd Prozanski
County Commissioner	Pete Sorenson	
EWEB Commissioner	Steve Mital	
LCC Board Zone	5	

Census Information

The information provided below is only a small sampling of the information available from the US Census Bureau. The links at the end of each section below will take you to source tables at American Fact Finder, with additional details. Those links will take you to the most current estimates, but estimates for several previous years will also be available.

To view more Census detail about this tract, visit [Census Reporter](#).

Demographic Characteristics	Tract 4700		Eugene		Lane County		Oregon	
	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error
Total Population	4,199	+/-307	159,615	+/-142	357,060	*****	3,939,233	*****
Percent age 5 and Under	1.7%	+/-1.3	4.6%	+/-0.3	5.0%	*****	5.9%	+/-0.1
Percent Age 18 and Over	86.2%	+/-2.5	82.0%	+/-0.5	80.8%	*****	78.2%	+/-0.1
Percent Age 65 and Over	11.6%	+/-1.7	14.0%	+/-0.4	16.7%	+/-0.1	15.4%	+/-0.1
Median Age	29.4	+/-2.7	33.8	+/-0.4	39.3	+/-0.3	39.1	+/-0.2

For a complete breakdown of population by age, gender, race, ethnicity and more, visit [American Fact Finder](#).

Housing Characteristics	Tract 4700		Eugene		Lane County		Oregon	
	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error
Occupied Housing Units	1,697	+/-79	66,093	+/-846	146,235	+/-853	1,533,430	+/-4,037
Vacant Housing Units	38	+/-44	4,109	+/-554	11,275	+/-841	161,753	+/-3,792
Percent Owner Occupied Housing Units	45.5%	+/-4.4	48.3%	+/-0.9	58.7%	+/-0.6	61.3%	+/-0.3
Percent Renter Occupied Housing Units	54.5%	+/-4.4	51.7%	+/-0.9	41.3%	+/-0.6	38.7%	+/-0.3
Homeowner Vacancy Rate	0.0%	+/-4.1	2.0%	+/-0.6	1.8%	+/-0.4	1.7%	+/-0.1
Rental Vacancy Rate	3.9%	+/-4.6	3.1%	+/-0.7	3.5%	+/-0.6	4.2%	+/-0.2
Median House Value (dollars)	334,000	+/-34,141	240,500	+/-4,018	215,300	+/-2,425	237,300	+/-1,069
Median Monthly Mortgage (dollars)	1,587	+/-354	1,579	+/-32	1,433	+/-18	1,557	+/-7
Median Monthly Rent (dollars)	946	+/-140	890	+/-15	866	+/-10	907	+/-4

For a complete breakdown of housing by tenure, number of bedrooms, year built and more, visit [American Fact Finder](#).

Economic Characteristics	Tract 4700		Eugene		Lane County		Oregon	
	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error
Median Household Income (dollars)	51,741	+/-11,000	43,101	+/-1,093	44,103	+/-729	51,243	+/-271
Unemployment Rate	5.2%	+/-3.2	9.4%	+/-0.8	9.9%	+/-0.6	9.3%	+/-0.2
Poverty Rate	30.4%	+/-6.7	24.4%	+/-1.0	20.1%	+/-0.6	16.5%	+/-0.3

For a complete breakdown of incomes, poverty, employment, commute patterns and more, visit [American Fact Finder](#).

Social Characteristics	Tract 4700		Eugene		Lane County		Oregon	
	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error
Percent Bachelor Degree or Higher	56.8%	+/-6.2	39.7%	+/-1.0	28.4%	+/-0.6	30.8%	+/-0.2
Percent High School Graduate or Higher	94.1%	+/-4.3	93.5%	+/-0.6	91.1%	+/-0.5	89.8%	+/-0.2

For a complete breakdown of educational attainment, school enrollment, marital status, ancestry and more, visit [American Fact Finder](#).

Source: U.S. Census Bureau, 2011-2015 American Community Survey 5-Year Estimates

Explanation of Symbols:

An "*****" entry in the margin of error column indicates that the estimate is controlled, and a margin of error is not provided.

Liens

None

Building Permits

None

Land Use Applications

None

Petitions

None

Tax Statements & Tax Receipts**Account#:** 0628279View tax statement(s) for: [2017](#) [2016](#)**Tax Receipts**

Receipt Date	Amount Received	Tax	Discount	Interest	Applied Amount
11/14/2017	\$110.23	\$110.23	\$3.41	\$0.00	\$113.64
11/14/2016	\$107.50	\$107.50	\$3.32	\$0.00	\$110.82
11/16/2015	\$104.41	\$104.41	\$3.23	\$0.00	\$107.64
11/17/2014	\$102.30	\$102.30	\$3.16	\$0.00	\$105.46
05/08/2014	\$6.15	\$6.15	\$0.00	\$0.00	\$6.15
11/07/2013	\$94.53	\$94.53	\$1.93	\$0.00	\$96.46
11/15/2012	\$91.55	\$91.55	\$2.83	\$0.00	\$94.38

Data source: Lane County Assessment and Taxation

Owner/Taxpayer**Owners**

Owner	Address	City/State/Zip
MOORE ELISE A	70 W 24TH PL	EUGENE, OR 97405

Taxpayer

Party Name	Address	City/State/Zip
MOORE ELISE A	70 W 24TH PL	EUGENE, OR 97405

Data source: Lane County Assessment and Taxation

Account Status**Status** Active Account Current Tax Year

Account Status	none
Remarks	none
Special Assessment Program	N/A

Data source: Lane County Assessment and Taxation

General Tax Account Information

Tax Account Acreage	0.11
Fire Acres	N/A
Property Class	100 - Residential, vacant
Statistical Class	N/A
Neighborhood	411508 - Urban Mixed College Hill Md SE
Category	Land and Improvements

Data source: Lane County Assessment and Taxation

Township-Range-Section / Subdivision Data

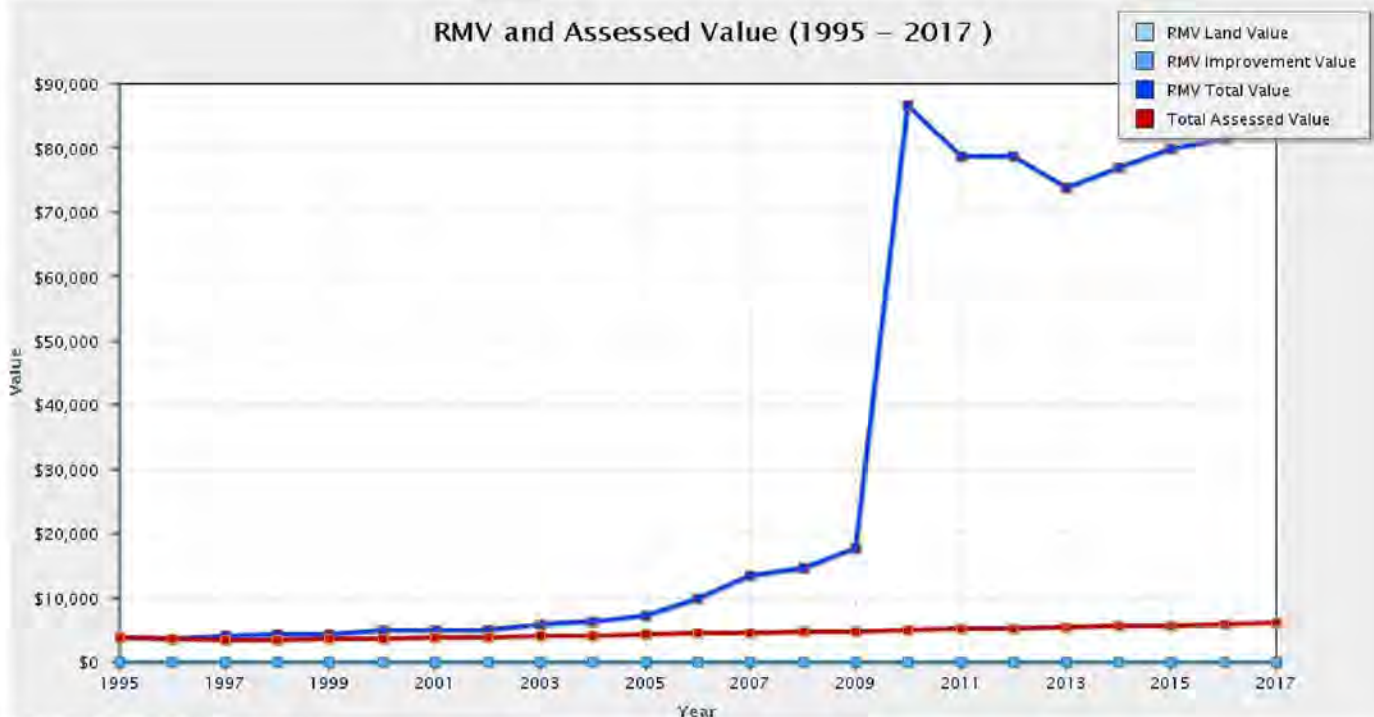
Subdivision Type	N/A	Subdivision Name	N/A	Subdivision Number	N/A
Phase	N/A	Lot/Tract/Unit #	TL 02700	Recording Number	N/A

Data source: Lane County Assessment and Taxation

Property Values & Taxes

The values shown are the values certified in October unless a value change has been processed on the property. Value changes typically occur as a result of appeals, clerical errors and omitted property. The tax shown is the amount certified in October. This is the full amount of tax for the year indicated and does not include any discounts offered, payments made, interest owing or previous years owing. It also does not reflect any value changes.

Real Market Value (RMV)				Total Assessed Value	Tax
Year	Land	Improvement	Total		
2017	\$83,771	\$0	\$83,771	\$6,080	\$ 113.64
2016	\$81,486	\$0	\$81,486	\$5,903	\$ 110.82
2015	\$79,963	\$0	\$79,963	\$5,731	\$ 107.64
2014	\$76,917	\$0	\$76,917	\$5,564	\$ 105.46
2013	\$73,870	\$0	\$73,870	\$5,402	\$ 102.61
2012	\$78,708	\$0	\$78,708	\$5,245	\$ 94.38
2011	\$78,708	\$0	\$78,708	\$5,092	\$ 92.59
2010	\$86,528	\$0	\$86,528	\$4,944	\$ 91.28
2009	\$17,853	\$0	\$17,853	\$4,800	\$ 89.00
2008	\$14,634	\$0	\$14,634	\$4,660	\$ 83.68
2007	\$13,550	\$0	\$13,550	\$4,524	\$ 81.67
2006	\$9,891	\$0	\$9,891	\$4,392	\$ 84.44
2005	\$7,220	\$0	\$7,220	\$4,264	\$ 81.78
2004	\$6,279	\$0	\$6,279	\$4,140	\$ 78.18
2003	\$5,761	\$0	\$5,761	\$4,019	\$ 75.79
2002	\$5,054	\$0	\$5,054	\$3,902	\$ 70.30
2001	\$4,860	\$0	\$4,860	\$3,788	\$ 64.62
2000	\$4,960	\$0	\$4,960	\$3,678	\$ 65.45
1999	\$4,350	\$0	\$4,350	\$3,571	\$ 59.19
1998	\$4,220	\$0	\$4,220	\$3,467	\$ 56.16
1997	\$4,100	\$0	\$4,100	\$3,366	\$ 57.09
1996	\$3,630	\$0	\$3,630	\$3,630	\$ 55.76
1995	\$3,740	\$0	\$3,740	\$3,740	\$ 58.63

RMV and Assessed Value (1995 – 2017)

Current Year Assessed Value \$6,080
Less Exemption Amount * N/A
Taxable Value **\$6,080**

* Frozen Assessed Value

Data source: Lane County Assessment and Taxation

Tax Code Area & Taxing Districts

Tax Code Area (Levy Code) for current tax year 00400

Taxing Districts for TCA 00400

City of Eugene
 Eugene School District 4J
 Eugene Urban Renewal Downtown
 Lane Community College
 Lane County
 Lane Education Service District

****NOTE** Lane County Assessment and Taxation Tax Code Area & Taxing Districts reflect the current certified year. The **Billing Rate Document** may still reference the prior year's rates and details until we receive the current report from Lane County.

Data source: Lane County Assessment and Taxation

Sales & Ownership Changes

Sale Date	Sale Price	Doc #	Image	Analysis Code	Multiple Accts?	Grantor(s)	Grantee(s)
07/08/2010	\$55,550	2010-33733		Y	No	SHIELDS BARBARA S & PATRICK J	MOORE ELISE A
07/14/2006	\$285,000	2006-51736		8	No	WHITE JULIE DIANE	SHIELDS BARBARA S
07/14/2006	\$285,000	2006-51736		K	Yes	WHITE JULIE DIANE	SHIELDS BARBARA S & PATRICK J
06/03/2005	\$250,000	2005-41659		K	Yes	SCHWARTZ ANNABEL	WHITE JULIE DIANE

Data source: Lane County Assessment and Taxation



APPRAISAL REPORT

Vacant Residential Lot
Portland Alley
Eugene, Lane County, Oregon
Tax Lot 2700 on Map 18-03-06-42

Submitted To:

Bill Kloos
Law Office of Bill Kloos PC
375 W. 4th Avenue, Suite 204
Eugene, Oregon 97401

Submitted By:

Zoe R. York, MAI
Richard J. Duncan, MAI, SRA
Duncan & Brown, LLC
260 West 12th Avenue
Eugene, Oregon 97401
Duncan & Brown File No. **17-166**

Date of Report:

June 16, 2017

Date (s) of Value:

July 28, 2013
July 28, 2015





DUNCAN & BROWN
REAL ESTATE ANALYSTS

PRINCIPALS

RICHARD J. DUNCAN, MAI, SRA
JASEN D. HANSEN, MAI
COREY S. DINGMAN, MAI

June 16, 2017

ASSOCIATES

THOMAS S. MORGAN
ALAN CLARK
LEAH C. CALLAHAN, MAI
CLINT C. BECRAFT, MAI
ZOE R. YORK, MAI
BARBARA SHIELDS
ROBERT A. McLAUCHLIN
NICOLE C. AUTRY
JOSEPH JACKSON

Bill Kloos
Law Office of Bill Kloos PC
375 W. 4th Avenue, Suite 204
Eugene, Oregon 97401

RE: Vacant Residential Lot
Portland Alley
Eugene, Lane County, Oregon
Tax Lot 2700 on Map 18-03-06-42

Dear Mr. Kloos:

Pursuant to your request, we have completed an appraisal of the captioned real estate as of the requested dates of value. The subject property consists of a single tax lot totaling 0.11 acre, zoned R-1, Low Density Residential. The lot is located on Portland Alley in Eugene, Lane County, Oregon. The Lane County Department of Assessment and Taxation identifies the subject property as Tax Lot 2700 on Map 18-03-06-42. The property is improved with a concrete pad, a small shed and perimeter fencing.

The purpose of this inspection and subsequent analysis was to develop an opinion of the as-is market value of the subject property as of July 28, 2013, one year prior to the 2014 City of Eugene Ordinance 20541, as well as the as-is market value of the subject property as of July 28, 2015, one year after Ordinance 20541 was enacted. The intended use is to assist the client in determining the effect on fair market value of the subject site as a result of the ordinance. Based on our inspection and analysis of pertinent market data, it is our opinion the market values of the subject site, as of the respective dates of value, were:

Market Value July 28, 2013:	\$65,000
Market Value July 28, 2015:	\$40,000

The following appraisal report details the basis and reasoning for our value conclusion. This report conforms to the *Uniform Standards of Professional Appraisal Practice* (USPAP) adopted by the Appraisal Standards Board of the Appraisal Foundation and is intended to comply with the reporting standards set forth under USPAP Standards Rule 2-2(a) for an Appraisal Report. Discussion contained in this report is specific to the needs of the client and for the stated intended use. Supporting documentation concerning the data, reasoning and analyses is retained in the appraisers' work file. The appraisers are not responsible for unauthorized use of this report. We certify this appraisal has been prepared in accordance with the Code of Professional Ethics and Standards of Professional Practices set forth by the Appraisal Institute. We certify we have no present or contemplated interest in the property and our fee for making this appraisal is not predicated upon reporting any specified value or value range.

Bill Kloos
June 16, 2017

Please contact us at your convenience if any additional data or information is required.

Respectfully submitted,
DUNCAN & BROWN



Zoe R. York, MAI
zoe@duncanbrown.com



Richard J. Duncan, MAI, SRA
rick@duncanbrown.com

ZRY, MAI, Certification No. C001053, Exp. 07/31/18
RJD, MAI, SRA, Certification No. C000106, Exp. 7/31/17

ZRY/RJD/cp

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AERIAL PHOTOGRAPHS

2011 Lane County Aerial Photographs



EXECUTIVE SUMMARY

Location: Vacant Residential Lot
Portland Alley
Eugene, Lane County, Oregon
Map 18-03-06-42, Tax Lot 2700

Property Type: Vacant residential lot.

Owner of Record: Elise A. Moore

Tax & Assessment Data (2013):

Identification		Real Market Value			Assessed Value	Taxes
Tax Lot	Account	Land	Improvements	Total	Total	
2700	0628279	\$73,870	\$0	\$73,870	\$5,402	\$102.61

Tax & Assessment Data (2015):

Identification		Real Market Value			Assessed Value	Taxes
Tax Lot	Account	Land	Improvements	Total	Total	
2700	0628279	\$79,963	\$0	\$79,963	\$5,731	\$107.64

Parcel Size: The subject site contains 0.11 acre or 4,620 square feet, per the Lane County plat map.

Zoning: R-1, Low Density Residential by the City of Eugene.

Highest & Best Use—
July 28, 2013:

Development with an allowable residential use in the R-1 zone, subject to general development standards within the zone. There was no specific development restrictions associated with alley access lot development.

July 28, 2015:

Development with an allowable residential use in the R-1 zone, subject to alley access lot development standards within the zone, which most notably include a building size restriction to a maximum of 10% of the total lot area, or 462 square feet.

Market Value Conclusions:

July 28, 2013:

\$65,000

July 28, 2015:

\$40,000

Date of Report: June 16, 2017

Appraisers: Zoe R. York, MAI & Richard J. Duncan, MAI, SRA

ASSUMPTIONS & LIMITING CONDITIONS

General Assumptions and Limiting Conditions

1. This Appraisal Report is intended to comply with the reporting requirements set forth under Standards Rule 2-2(a) of the *Uniform Standards of Professional Appraisal Practice*. As such, information and discussions of the data, reasoning, and analyses that were used in the appraisal process to develop the appraisers' opinion of value are specific to the needs of the client and for the intended use stated in this report. Supporting documentation concerning the data, reasoning and analyses is retained in the appraisers' file. The appraisers are not responsible for unauthorized use of this report.
2. The information furnished by others is believed to be reliable. However, no warranty is given for its accuracy. The appraisers' liability is limited to the client's interest only in an amount not to exceed the fee for the service.
3. Title to the property is assumed good and marketable unless otherwise stated in this report. No responsibility is assumed for the legal description or for such matters including legal or title considerations. The property is appraised free and clear of any or all liens or encumbrances unless otherwise stated in this report. It is assumed the utilization of the land and improvements is within the boundaries or property lines of the property described and there is no encroachment or trespass unless otherwise stated in this report.
4. Responsible ownership and competent property management are assumed unless otherwise stated in this report. It is assumed there is full compliance with all applicable federal, state and local environmental regulations and laws, unless non-compliance is stated, defined and considered in the appraisal report.
5. It is assumed that all required licenses, certificates of occupancy or other legislative or administrative authority from any local, state, or national governmental or private entity or organization have been or can be obtained or renewed for any use on which the value estimates contained in this report are based.
6. Compliance with all applicable zoning and use regulations and restrictions is assumed unless a nonconforming use has been stated, defined and considered in the appraisal report.
7. It is assumed there are no hidden or unapparent conditions of the property, subsoil or structures that render it more or less valuable. No responsibility is assumed for such conditions or for arranging for engineering studies that may be required to discover them.
8. The appraisers are not qualified to detect hazardous waste and/or toxic materials. Any comment by the appraisers that may suggest the possibility of the presence of such substances should not be taken as confirmation of the presence of hazardous waste and/or toxic materials. Such determination would require investigation by a qualified expert in the field of environmental assessment. The presence of substances such as asbestos, urea-formaldehyde foam insulation or other potentially hazardous materials may affect the value of the property. The appraisers' value estimate is predicated on the assumption there is no such material on or in the property that would cause a loss in value unless otherwise stated in this report. No responsibility is assumed for any environmental conditions, or for any expertise or engineering knowledge required to discover them. The appraisers' descriptions and comments are the result of the routine observations made during the appraisal process.

9. Any sketch in this report may show approximate dimensions and is included to assist the reader in visualizing the property. Maps and exhibits found in this report are provided for reference purposes only. No guarantee as to accuracy is expressed or implied unless otherwise stated in this report. No survey has been made for the purpose of this report.
10. Unless otherwise stated in this report, the subject property is appraised without a specific compliance survey having been conducted to determine if the property is or is not in conformance with the requirements of the Americans with Disabilities Act. The presence of architectural and communications barriers that are structural in nature and would restrict access by disabled individuals may adversely affect the property's value, marketability, or utility.
11. Possession of this report, or a copy thereof, does not carry with it the right of publication. It may not be used for any purpose by any person other than the party to whom it is addressed without the written consent of the appraisers, and in any event only with proper written qualification and only in its entirety. The appraisers are not required to give further consultation, testimony, or be in attendance in court with reference to the property in question because of this appraisal, unless arrangements have been previously made.
12. Neither all nor any part of the contents of this report, including any conclusions as to value, the identity of the appraisers, or the firm with which the appraisers are connected, shall be disseminated to the public through advertising, public relations, news, sales or other media without the prior written consent and approval of the appraisers.

PERTINENT DEFINITIONS

Market Value

The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

1. buyer and seller are typically motivated;
2. both parties are well informed or well advised, and acting in what they consider their own best interests;
3. a reasonable time is allowed for exposure in the open market;
4. payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
5. the price represents the normal consideration for the property sold, unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.¹

As Is Market Value

The estimate of the market value of real property in its current physical condition, use, and zoning as of the appraisal date.²

Highest & Best Use

The reasonably probable use of property that results in the highest value. The four criteria that the highest and best use must meet are legal permissibility, physical possibility, financial feasibility, and maximum productivity.³

When a site contains improvements, the highest and best use may be determined to be different than the existing use. The existing use will continue unless and until land value in its highest and best use exceeds the sum of the value of the entire property in its existing use, and the cost to remove the improvements.

An additional implication is that the determination of the highest and best use results from the appraiser's judgment and analytical skills, that is, that the use determined from analysis represents an opinion not a fact to be found. In appraisal practice, the concept of highest and best use represents the premise upon which value is based.

1. 12 C.F.R. Part 34.42(g); 55 Federal Register 34696, August 24, 1990, as amended at 57 Federal Register 12202, April 9, 1992; 59 Federal Register 29499, June 7, 1994.
2. Appraisal Institute, *The Dictionary of Real Estate Appraisal*, 6th ed., (Chicago: Appraisal Institute, 2015), p. 13.
3. *Ibid.*, p. 109

PRELIMINARY INFORMATION

Property Appraised

The subject property consists of a single tax lot totaling 0.11 acre, zoned R-1, Low Density Residential. The lot is located on Portland Alley in Eugene, Lane County, Oregon. The Lane County Department of Assessment and Taxation identifies the subject property as Tax Lot 2700 on Map 18-03-06-42. The property is improved with a concrete pad, a small shed and perimeter fencing.

Purpose and Intended Use

The purpose of this inspection and subsequent analysis was to develop an opinion of the as-is market value of the subject property as of July 28, 2013, one year prior to the 2014 City of Eugene Ordinance 20541, as well as the as-is market value of the subject property as of July 28, 2015, one year after Ordinance 20541 was enacted. The intended use is to assist the client in determining the effect on fair market value of the subject site as a result of the ordinance.

Intended User and Client

The clients and intended users of this report are Elise Moore and Bill Kloos, attorney at Law Office of Bill Kloos PC.

Interest Appraised

Fee simple estate.

Scope of the Appraisal

The scope of the appraisal assignment has been to collect, confirm, analyze and interpret pertinent market data and other market forces so as to arrive at the requested opinions of market value for the subject property. As part of the assignment, a complete investigation of all pertinent data in relation to the subject property was conducted.

This investigation included, but was not limited to:

- Personal inspection of the subject property, the immediate neighborhood, and market area to determine marketability of the subject;
- Review of public property records related to the subject;
- Research of supply and demand of competing sites over the last 7 years;
- Research and analysis of transactions of comparable sites. Research for comparable sales included Lane County deed records from 2010 through the current date (June 2017), as well as the Multiple Listing Service from 2010 to the current date (June 2017) and discussions with market participants regarding trends, lot values and market appeal during this time frame;
- Discussions with 2010 seller of the subject lot;
- Research of market conditions that influence value for the subject property on both dates of value;
- Application of the appropriate approaches to value and reconciliation to the requested opinions of market value;
- Preparation of the written appraisal report conveying the appraisers' analyses and conclusions.

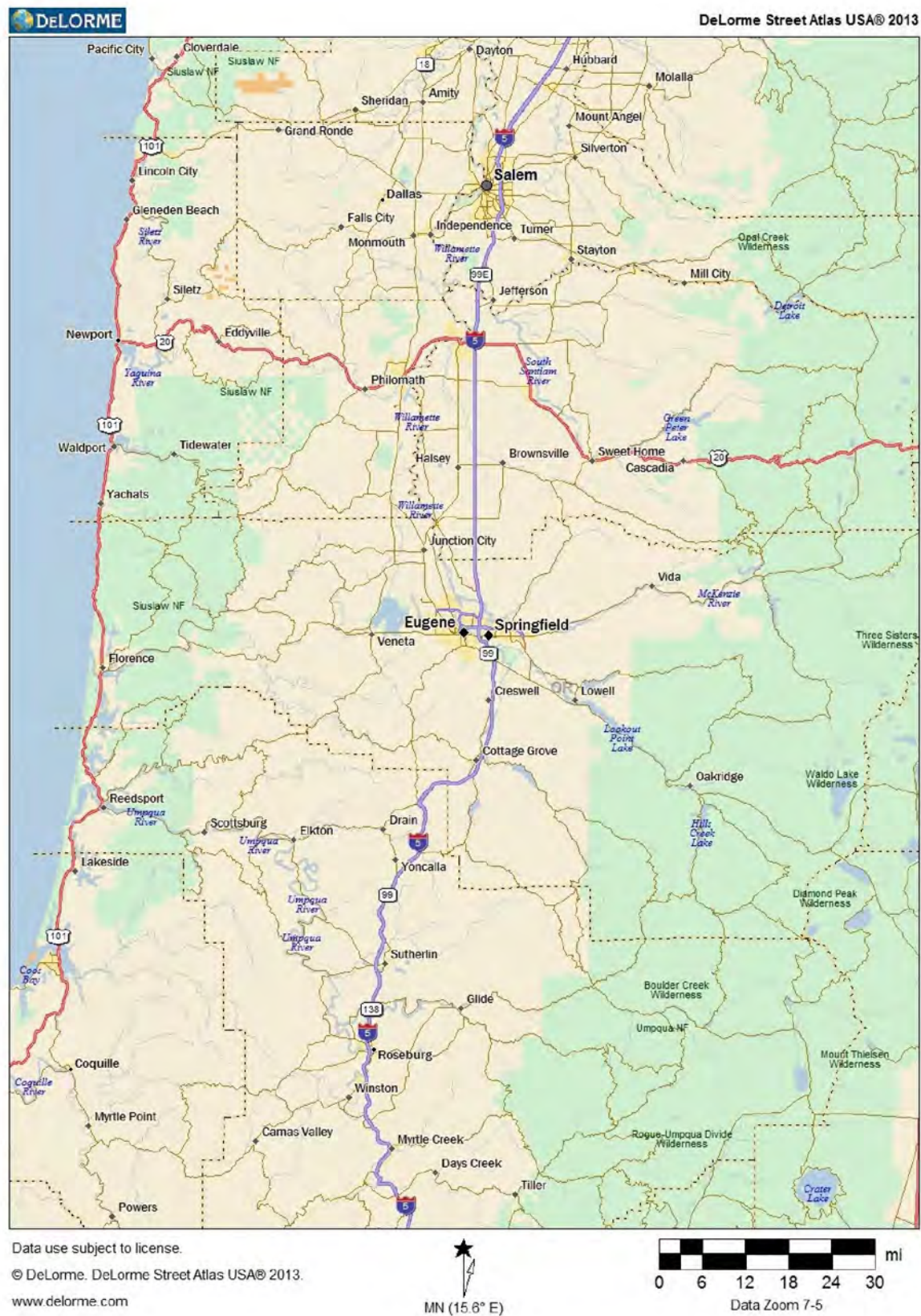
Information	Source
Address, tax information	Lane County records.
Zoning	City of Eugene.
Site size	Lane County records.
Flood plain information	Federal Emergency Management Agency (FEMA).
Sales and lease data	Appraisers' files; public records; multiple listing service; broker interviews.

The Sales Comparison Approach will be utilized in the valuations. This approach is based on the principle that an informed purchaser would pay no more for a property than the cost of acquiring an existing property with the same utility. The Cost Approach and Income Approaches are not applicable methods of valuation for vacant land.

Compliance and Competency Provision

This appraisal has been prepared in compliance with the 2016-17 *Uniform Standards of Professional Appraisal Practice* (USPAP) as adopted by the Appraisal Standards Board of the Appraisal Foundation. Zoe R. York, MAI, and Richard J. Duncan, MAI, SRA, are certified general appraisers in the State of Oregon and have the knowledge and experience to complete this assignment competently, in compliance with the stated regulations.

REGIONAL MAP



MARKET AREA DESCRIPTION

Eugene/Springfield Metropolitan Area

The Eugene/Springfield metropolitan area is located in Lane County, in the central, western portion of the state of Oregon. The Willamette Valley is the most densely populated portion of the state with the three largest metropolitan areas—Portland, Salem and Eugene/ Springfield—located at the north, middle and south ends of the valley, respectively.



Eugene is home to University of Oregon and is also known as “Track Town USA” for its abundant running trails and renowned venue, Hayward Field. Springfield has historically been known for its forest products industry; over the past 15+ years, Springfield has also attracted a number of other major employers, diversifying and expanding its economic base. The Eugene/Springfield community is also popular for its natural beauty and rich recreational opportunities bolstered by its proximity to the Cascade Mountains, Willamette Valley vineyards, and Oregon coast.

Population & Demographics

Oregon economic conditions heavily influence the state’s population growth. Approximately 70% of the population of Lane County is in or within five miles of the Eugene/Springfield metropolitan area, Oregon’s second largest following the Portland/Vancouver metropolitan area and the fifth most populous metropolitan area in the Oregon/Washington/Idaho tri-state region. The city, county and state population growth statistics are set forth as follows:

Population						% Growth			
	1980	1990	2000	2010	2016 est.	1980-1990	1990-2000	2000-2010	2010-2016
Eugene	105,664	112,669	137,893	156,185	165,885	6.63%	22.4%	12.3%	6.2%
Springfield	41,621	44,683	52,864	59,403	60,140	7.35%	18.3%	12.4%	1.2%
Lane County	275,226	282,912	322,977	351,715	365,940	2.79%	14.2%	8.9%	4.0%
Oregon	2,633,149	2,842,337	3,421,399	3,831,074	4,076,350	7.94%	20.3%	12.0%	6.4%

Over most of the last century, Oregon, Lane County, and the cities of Eugene and Springfield have exhibited a capacity for rapid, nearly uninterrupted population growth. From 1970 to 2007, the population of Lane County grew at an average annual rate of 1.3%; during the same period, Eugene and Springfield grew at annual rates of 1.8% and 2.1%, respectively. The 2010 census reflected a continuation of this trend but a breakdown of the annual data reveals that population growth slowed substantially in all areas of Oregon since 2006. Except for the Hispanic population, which has grown eight times faster than the non-Hispanic population in Oregon over the last decade, population growth in Oregon declined from 2006 to 2013. In 2013-14, this trend reversed in Lane County and Oregon, which grew at their fastest pace since the late-2000s recession.⁴

4. Wihtol, Christian. “Oregon population grows with economy.” *The Register-Guard*. 19 Nov. 2014.

Market Area Description

In-migration has been the driving force behind population growth in Lane County since the beginning of the decade, as people move for jobs, the relatively affordable cost of living, and the local climate and lifestyle amenities.⁵ The population over age 65 is expected to grow rapidly, along with national trends, while the population under age 65 will grow more slowly or even slightly decline in size as the school-age population has recently done.⁶ These changing demographics will affect employment, government programs and private sector opportunities.

U.S. Census QuickFacts	Eugene	Springfield	Lane Co.	Oregon
Area (sq. miles):	43.72	15.74	4,553.12	95,988.01
Population density (persons per sq. mile):	3,572	3,774	77.2	39.9
Households, total:	65,814	23,632	144,912	1,516,456
Average household size (persons):	2.28	2.50	2.38	2.49
Average family size:	2.88	3.05	2.90	3.04
Median household income:	\$42,167	\$39,273	\$42,931	\$50,229
Median age (years):	34.2	34.7	39.0	38.7
Persons under 5 years:	4.9%	7.3%	4.9%	6.2%
Persons under 18 years:	18.2%	24.3%	19.1%	22.6%
Persons 65 years and over:	12.6%	11.6%	16.8%	13.9%
Female persons:	51.1%	51.0%	50.9%	50.5%
Persons below poverty level:	24.1%	21.5%	20.0%	16.2%
High school graduate or higher, of persons age 25+:	93.8%	86.7%	91.1%	89.4%
Bachelor's degree or higher, of persons age 25+:	39.0%	14.9%	27.7%	29.7%
Housing units:	69,951	24,809	156,448	1,675,562
Homeownership rate:	49.8%	53.3%	59.6%	62.0%
Housing units in multi-unit structures:	34.1%	27.9%	22.3%	23.2%
Median value of owner-occupied housing units:	\$238,700	\$168,600	\$218,900	\$238,000
Mean travel time to work (minutes) for workers age 16+:	17.1	18.8	19.6	22.5
Total number of firms, 2007:	16,645	4,050	32,527	348,154
Manufacturers' shipments, 2007 (\$1000):	2,276,080	1,029,165	6,219,861	66,880,653
Merchant wholesaler sales, 2007 (\$1000):	1,569,559	499,059	2,889,191	51,910,777
Retail sales, 2007 (\$1000):	2,582,532	755,583	4,452,231	50,370,919
Accommodation and food services sales, 2007 (\$1000):	369,764	120,726	607,721	7,555,764

Sources: 2009–2013 American Community Survey, 2007 Economic Census

Urban/Suburban Geography & Real Estate Development Patterns

The community is situated at the confluence of the McKenzie and Willamette rivers at the head of the Willamette Valley. The Willamette River flows northward from the southern valley to its confluence with the Columbia River at Portland and Vancouver, Washington. The Eugene/Springfield metropolitan area is approximately 440 feet above sea level, and the topography of the area is flat valley floor and flood plain land. The head of the Willamette Valley is bordered by the Coast Range on the west and the Cascade Range foothills on the east; the area to the south is mountainous as well. The valley is open to the north.

Climate in the southern Willamette Valley is generally mild with no seasonal extremes. The average high temperature for December is 49°F, while the average low is 37°F. For August, the average high and low temperatures are 82° and 51°F, respectively. The area has an average frost-free period of approximately 150 days and receives approximately 46 inches of rain per year on average, with over 85% falling between October and May. Snow is rare in the winter, as are temperatures above 100°F in the summer.

The high economic growth periods in the 1920s, 1960s, 1970s, and 1990s saw the most development activity, with new development extending outward from the city centers. Both Eugene and Springfield experienced high levels of residential, commercial and industrial development

5. Op cit.

6. McDonald, Sherri Buri. "Low-Growth Pains: Slow population gain ripples through Lane County's economy." *The Register-Guard*. 24 Feb. 2011.

between 2000 and 2006, but the global economic recession of the late 2000s severely curtailed new development in almost all segments of the local market area.

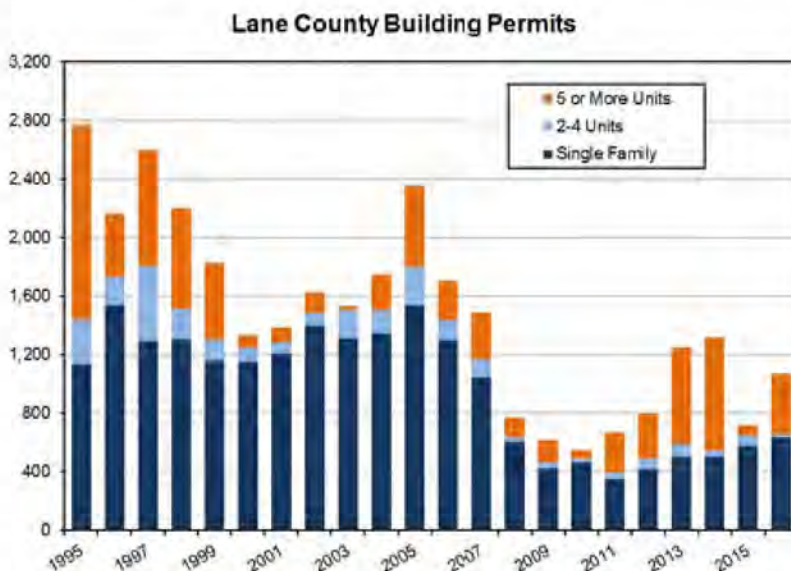
Residential Development—

The majority of the area's single-family housing was built from 1965 to 1980, and consists primarily of average-quality, ranch-style homes. Residential development slowed during the recession of 1981-83, with new construction gaining speed beginning in 1988 and continuing until the recession in 2007. New single-family homes constructed since 1988 are of generally higher quality than those of the 1970s with two-level houses more prevalent due to smaller lots. Between 2008 and 2012, building activity fell well below the historic average for single-family homes but more recently has shown evidence of some recovery.

Multi-family development in the area ranges in age from new to 50 years old. Most multi-family structures are wood-frame, garden-court style, and suburban apartment complexes. A large number of units were constructed in the 1990s, which resulted in above-average vacancy for an extended timeframe as new units were absorbed. Recent building permit data indicates about 2,500+ new apartment units have been constructed in Eugene and Springfield since 2000, with the majority of the newest construction located near the University of Oregon campus.

New housing construction in Lane County peaked in 2005 before the late-2000s recession and dropped dramatically from 2006 to 2009. Since then the level of permits has slowly increased as excess inventory has been reduced.⁷

Multi-unit structures of five or more units grew rapidly in 2013 and 2014 from a boom in student housing associated with the University of Oregon. Single family units have steadily increased since bottoming out in 2011, although they are still well below pre-recession levels.⁸



Commercial and Industrial Development—

Commercial development includes a central business district in Eugene's downtown core, neighborhood shopping centers, two regional malls, and a large lifestyle shopping center, which account for much of the retail space in the area. Downtown Eugene contains a large amount of office space with city, county, and federal governments occupying the largest share. The downtown Springfield area has a limited supply of general office space, with government agencies occupying the majority of what is available. Over the past 15 years, newer offices have been developed by owner-occupants in the Coburg Road, Chad Drive, and Crescent Avenue subareas in north Eugene, as well as in the Gateway subarea in northwest Springfield.

The Eugene/Springfield metropolitan area has several established industrial neighborhoods. The West Eugene industrial neighborhood is the largest and most heavily developed industrial area in

7. Rooney, Brian. "New Housing Construction in Lane County Is Slowly Coming Back From Recessionary Lows". Worksource Oregon, 9 Feb. 2017. Web.

8. Ibid.

the city of Eugene. Other industrial development in Eugene is located near Highway 99N/Airport Road, a developing area with a large amount of vacant land. Industrial development in Springfield is located on the south side of South A Street and in areas near Olympic Street and 42nd Street. Between 2005 and 2007, prior to the late-2000s recession, industrial development had also been occurring at a historically high level.

Education

The metropolitan area is served by three school districts: Eugene, Springfield and Bethel, containing a total of 35 elementary schools, three K-8 schools, 15 middle schools, seven comprehensive high schools, four alternative high schools, an international high school program on multiple campuses, three K-12 language immersion programs, and a life skills program. There are six charter schools among the three districts. The area is also served by several parochial and college preparatory schools.



Eugene is the home of the University of Oregon, Lane Community College, Gutenberg College, Northwest Christian University and New Hope Christian College. The University of Oregon (UO) is a four-year state university with an enrollment of 24,125 students as of fall 2015. UO has earned national and international recognition for excellence in its law school, business, journalism and music colleges, as well as its chemistry, creative writing, psychology and special education programs.

Lane Community College (LCC), a two-year public college, includes general education courses, lower-division college transfer courses, and occupational training. Over 36,000 students take credit or noncredit classes at LCC, which has the third largest enrollment of credit students of the 17 community colleges in Oregon. The main campus is located in south Eugene and its new Downtown Campus Academic Building, a \$54 million, 90,000-square-foot building featuring sustainable construction and design features, housing for 255 students and a bookstore, opened in downtown Eugene in 2012. LCC also offers a Flight Technology Center at the Eugene Airport, community learning centers in Cottage Grove and Florence, and several outreach centers in area high schools and other sites.



Transportation

The metropolitan area is served by the Interstate 5 (I-5) freeway, the westernmost interstate freeway system in the U.S., which extends the length of the west coast. This freeway bisects the metropolitan area from north to south and forms the boundary between Eugene and Springfield. Interstate 105 (I-105), an inter-urban freeway, traverses I-5 connecting Eugene and Springfield. Several major state highways pass through the community and provide a direct route of travel to the major markets throughout the region.

The city of Eugene is a major switching area for the Union Pacific and BSNF railroads. Motor freight carriers and the Greyhound bus line also service the metropolitan area. Eugene Airport, also known as Mahlon Sweet Field, is the fifth-largest airport in the Pacific Northwest and the largest non-hub airport in the nation, providing commercial air service to major cities in six western states.⁹ The Port of Coos Bay, located 120 miles to the southwest, is the largest deep-draft coastal harbor between San Francisco Bay and Puget Sound, and is Oregon's second-busiest maritime commerce center.¹⁰

Utilities & Community Services

Water and sewerage are provided by local municipalities, while solid waste disposal service falls to various private firms. Eugene Water and Electric Board, Springfield Utility Board, and Northwest Natural Gas serve most areas throughout Eugene and Springfield. The cities have individual police departments and are involved in a phased consolidation of the fire departments, while outlying areas are served by rural fire districts and the county sheriff's department.

Three hospitals serve the region. Sacred Heart Medical Center at RiverBend, opened in the Gateway area of Springfield in 2008 by non-profit operator PeaceHealth, is licensed for 338 beds and is the only Level II trauma center in Lane County. Sacred Heart Medical Center University District, a 104-bed specialty hospital, is located near the University of Oregon campus in central Eugene. Since completion of RiverBend, PeaceHealth has invested substantially in the University District hospital. Included in the upgrades are completed remodels of rehabilitation and elder services and recently started construction of a new 24,684 square-foot behavioral health center and remodeling of the emergency department. The most recent construction was completed in 2014 at a cost of over \$14 million.

McKenzie-Willamette Medical Center, an investor-owned acute care hospital licensed for 114 beds, is located in the north-central neighborhood of Springfield. It has also expanded with the construction of the McKenzie Wound Center on West 11th Avenue in Eugene.

Additionally, the State of Oregon opened a 211,000-square-foot, 174-bed state psychiatric hospital in Junction City in 2015.¹¹ The \$84 million hospital was originally intended to be co-located with a new state prison at a total project cost of \$130 million, but inmate populations have declined significantly over the last decade and the prison development is on hold indefinitely. In December 2016, Governor Kate Brown proposed shuttering the hospital facility in order to balance the state budget¹²; state leaders are evaluating the budget proposal in the current legislative term.



In 2016, the U.S. Department of Veterans Affairs opened a 126,000-square-foot hospital in northeast Eugene. The hospital is estimated to have cost \$50 million, and services include surgeries, podiatry and dental care. Officials expect to care for close to 14,000 veterans at the new facility.¹³

9. *Eugene Airport Media Guide*, Eugene Airport website, <http://flyeug.com>.

10. Oregon International Port of Coos Bay, "Navigation & Channel Data," <http://www.portofcoosbay.com>.

11. Carillo, Angelica. "New psychiatric hospital in Junction City to welcome first patients this week." *KMTR*. 8 March 2015. Web.

12. "Governor proposes closing new Junction City campus of the Oregon State Hospital." *KVAL*. 1 Dec. 2016. Web.

13. McDonald, Sherri Buri. "Veterans, medical staff celebrate Eugene VA clinic's grand opening." *The Register-Guard*. 26 Jan. 2016.

Government Controls & Regulations

Eugene and Springfield are both governed by a mayor/city council/city manager form of government. Lane County has a commission form of government with five county commission districts. Eugene is the county seat. Oregon and Lane County rely on income and property tax receipts for school, local, state and general funding; there is no sales tax in Oregon.

A significant amount of area throughout several Oregon counties is non-taxable federal lands, dating back to the 1900s. To make up for the loss of property tax revenue, federal agencies have shared receipts from timber sales with the respective counties. As the forest products industry began experiencing structural changes in the 1980s, this revenue source became volatile and declined substantially. In 1994, Congress responded by providing "safety net payments" to counties in northern California, western Oregon and western Washington; in 2000, Congress passed the Secure Rural Schools and Community Self-Determination Act that provided enhanced, stabilized payments to counties in more states; this has been an important revenue source for Lane County. This act expired in 2014 and was not reauthorized by Congress, though it is expected to be pursued again by Oregon's congressional delegation. Timber states in the western U.S. saw the biggest drop, and Forest Service payments to Oregon counties dropped from \$67.9 million to \$5.9 million.¹⁴

Oregon has one of the most comprehensive land use planning systems in the United States. The system was established in the early 1970s as a way to facilitate orderly development, control urban sprawl and preserve farmland. Each local government was required to establish an Urban Growth Boundary (UGB) and develop a plan in which growth outside the boundary cannot take place until the interior of the boundary is filled. The State Land Conservation and Development Commission (LCDC) was established to oversee the process. Local planning departments and commissions still retain the authority to direct growth in their respective jurisdictions, and adherence to the goals of the statewide land use planning system varies within in the state. The state Land Use Board of Appeals (LUBA) was established to settle disputes not resolved at the local level. Citizens may challenge local decisions by appealing to LUBA.

Economic Conditions

The Eugene/Springfield metropolitan area is the regional hub for manufacturing, services and government in the southern Willamette Valley. The primary trading area population is approximately 220,000, and retail, wholesale, and professional services serve an overall population of approximately 550,000, which includes all of Lane County and portions of neighboring counties.

Forest products manufacturing has been a major economic driver in the area, although the impact is not nearly as high as in the past. As Lane County's economy has diversified over the past several decades, industries such as retail trade, services and health care have expanded as major industries. The cities of Eugene and Springfield continue to identify new opportunities to further diversify the employment base, such as recruiting a customer service call center for Symantec (maker of Norton software), a call center for Royal Caribbean cruise line, and call centers for Enterprise Rent-A-Car and Pentagon Federal Credit Union. In addition to growth in call centers, the area is home to an expanding artisan food and beverage industry. Regional vineyards, breweries, food manufacturers and retailers are proliferating in the Willamette Valley. As of 2010, Lane County had 44 vineyards producing 920 tons of grapes which support numerous local wineries.¹⁵ In 2013, Ninkasi Brewing, with 75 employees, became the third-largest beer producer in Oregon and 32nd in national beer sales, capturing a portion of the \$10.2 billion craft beer industry nationwide.¹⁶ Other organic and artisan food producers include chocolatiers, dairy producers, and other specialized food makers.

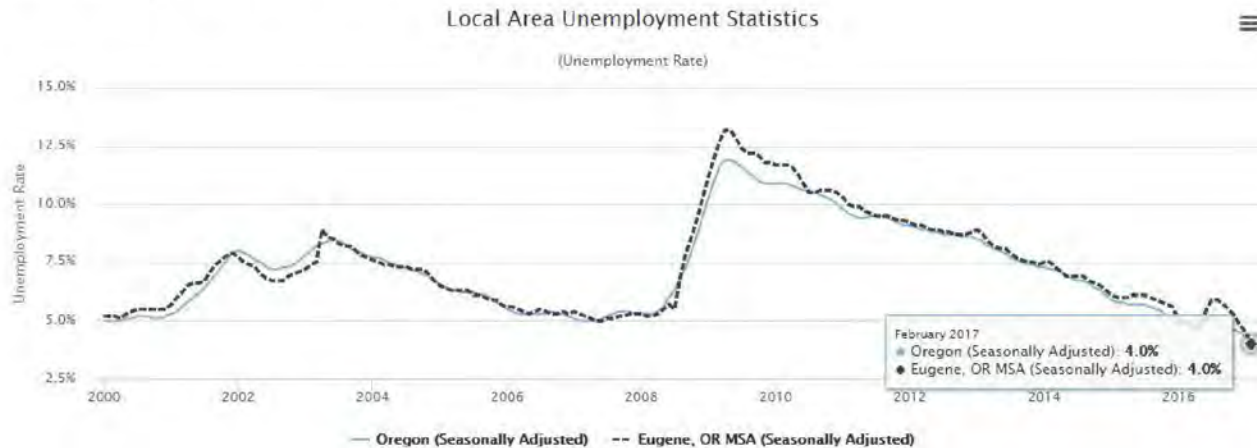
14. Associated Press. "Steep drop in timber payments announced." *The Register-Guard*. 16 Jan. 2015.

15. Shelton-Tideman, Annette I. "Fruit of the Vine: Oregon's Grape and Wine Industry." *Worksource Oregon*. 21 Sept. 2012. Web.

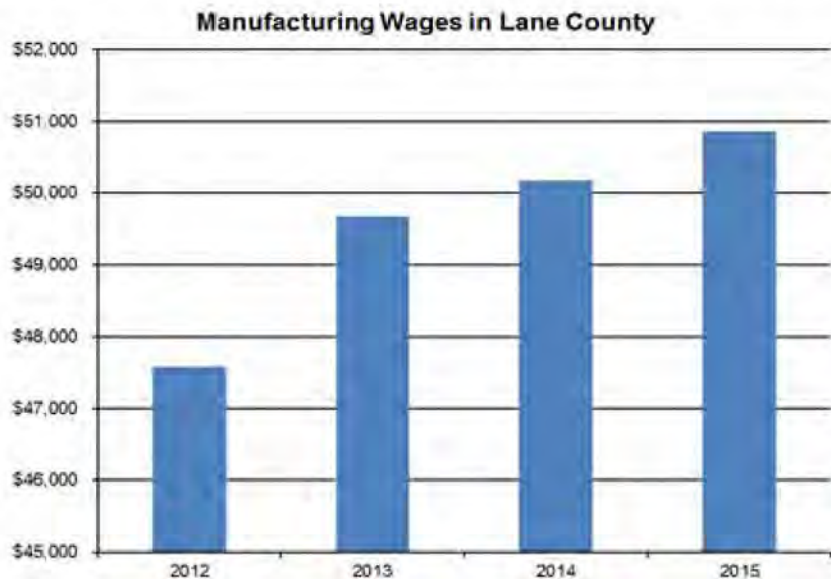
16. "Ninkasi Brewing Continues to Boom and Grow." *Business Oregon*. n.d. Web. <<http://www.oregon4biz.com/story.php?storyID=71>>. "Beer Sales." *Brewers Association*. N.p., n.d. Web. <<http://www.brewersassociation.org/pages/business-tools/craft-brewing-statistics/beer-sales>>.

Market Area Description

Oregon's most recent economic expansion ended within the onset of the late-2000s economic recession in late 2007 when statewide unemployment began to rise, hitting a peak of 11.6% in May 2009. Seven years later, Oregon's payroll employment rose above its pre-recession peak in November 2014, reaching a record 1,740,800 jobs. During the roughly two years of job loss that started in December 2007, the state lost 147,400 jobs, or 8.5%. Most of the job growth since then has come from the state's metropolitan areas and especially the Portland area. In comparison, Lane County lost a higher percentage of jobs and was slower going into the recovery. Lane County's pre-recession peak was in February 2008 and county employment finally bottomed out in September 2010 after losing 17,900 jobs, or 11.4%. As of June 2016, the county has regained 15,900 jobs, about 88% of the jobs lost.¹⁷



In the first half of 2016, bright spots in job and general economic growth appeared: "Health care and transportation and warehousing are both growing at a rate above 4%. Announcements that the Swanson plant will be rebuilt, Winnebago arriving, and a new cell phone chip manufacturer acquiring the old Hynix plant have hopes high for more impressive growth in the near future as well."¹⁸ In 2016's second quarter, Oregon's Employment Department forecast Lane County's tech sector would grow by 28% between 2014 and 2024, compared with 11% growth for all industries¹⁹ and reported manufacturing wages in Lane County began showing consistent growth from 2012 to 2015.²⁰



17. Rooney, Brian. "Lane County Is Almost Back to Prerecession Employment Levels". *Worksource Oregon*, 19 Sept. 2016. Web.
18. Thompson, Kim. "Employment Growth Slow but Steady in Eugene/Springfield Metro Area". *Worksource Oregon*, 6 Jan. 2016. Web.
19. Thompson, Kim. "Lane County's Tech Sector Employment Flat in 2015 but Future Growth is Expected". *Worksource Oregon*, 26 June 2016. Web.
20. Thompson, Kim. "Manufacturing Wages on the Rise in Lane County". *Worksource Oregon*, 25 Aug. 2016. Web.

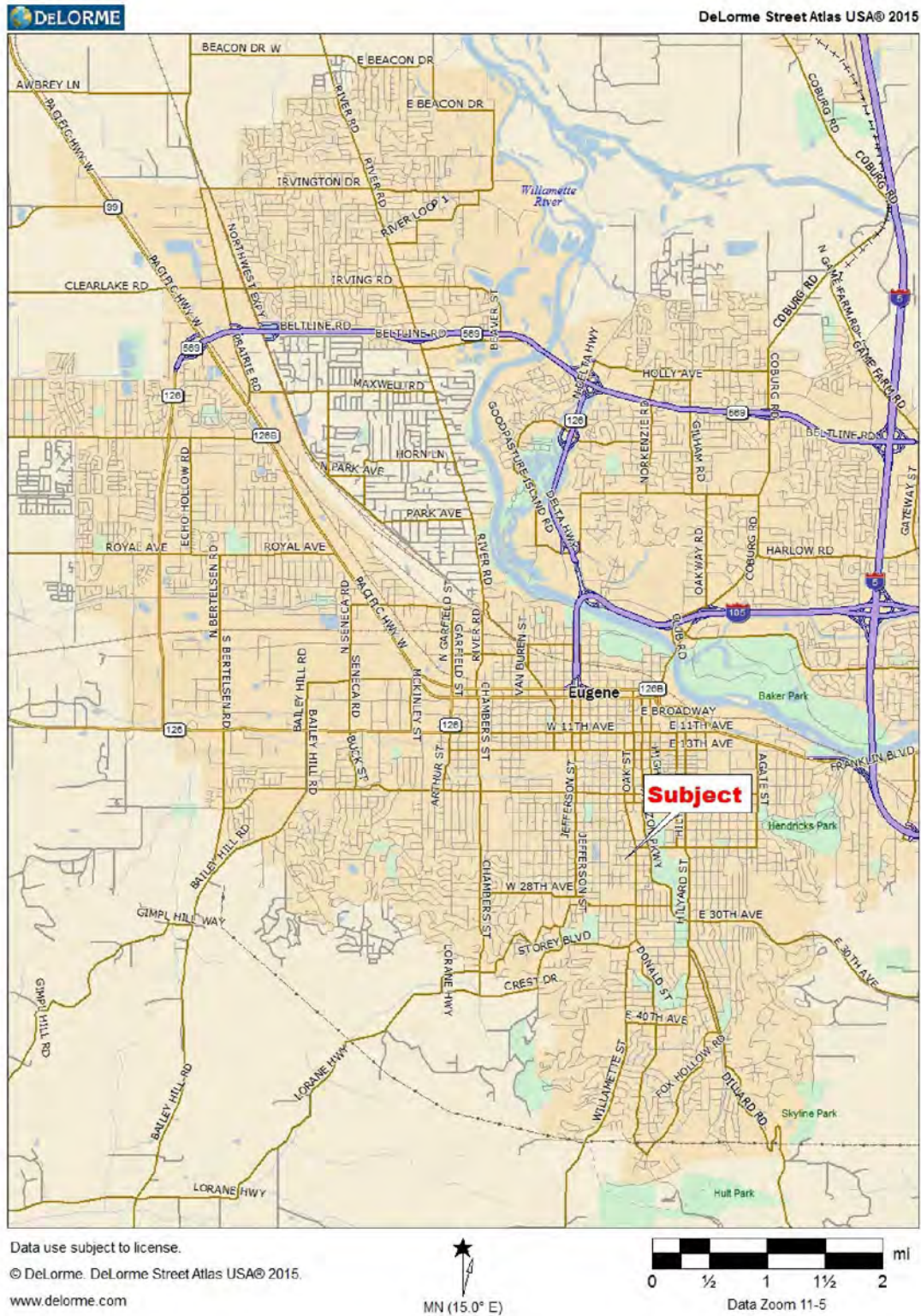
Summary & Trends

Eugene and Springfield are typical western American cities in that they were founded on, and still somewhat depend on, resource-based industries such as forest products and agriculture. Major local institutions such as the University of Oregon and government agencies have provided an increased level of stability. The economy has diversified over the past several years and is expected to continue to do so in the future. The local economy tends to parallel national and state business cycles and trends.

The metropolitan area is currently experiencing modest population growth, as is the state as a whole, and the majority of the increase is attributable to migration from other states. In the local area, the fastest growing age group is 55+, a trend that is expected to continue and will further spur the health care and retail services sectors of the local economy. Another growth trend is indicated by continued increases in students enrolled in local universities. Development of student housing increased over the last few years, with a number of additional projects nearly completed and proposed for the upcoming year. Based on recent enrollment figures and the current and forecasted supply of new units in the campus area, supply is expected to surpass demand in the near-term for this market sub-sector.

Overall, the market area is expected to experience modest population growth in the next five years. Real estate values have appreciated and depreciated with the swings of the local economy and the amount of migration. Real estate values are generally stable with higher transaction volume over the past 2 to 4 quarters, with some areas beginning to experience slight to moderate increases in market prices. The long-term outlook for the area is for continued stability and modest appreciation following national and state-wide trends.

CITY MAP



DeLorme Street Atlas USA® 2015

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NEIGHBORHOOD DESCRIPTION

South Eugene

The subject neighborhood is commonly referred to as South Eugene. The dominating factor in the neighborhood is the strip commercial development on the east and west sides of Willamette Street. This commercial corridor provides the majority of commercial services for the southeast quadrant of Eugene, generally bordered by 18th Avenue on the north, the existing city limits to the east and south, and Chambers Street to the west, an area of approximately eight square miles. The specific components of the subject neighborhood are described as follows:

Residential Development

Single-family residential development is the predominant land use in southeast Eugene, excluding the commercial corridor along Willamette Street and several other small commercial pockets. The northern boundary of the subject neighborhood is located close to the downtown core area, and, therefore, the residential developments are generally older and of lesser quality than the more recent residential developments near the neighborhood's southern boundaries. The majority of single-family uses in the larger neighborhood boundaries are of average quality, developed between the 1930s and 1950s, ranging in price from approximately \$180,000 to \$300,000.

However, the College Hill area, in which the subject is located on the eastern periphery, is one of the prime residential areas in South Eugene, with older, good-quality homes with classic design and excellent appeal, ranging in price from \$350,000 to \$800,000.

The primary importance of residential development in the subject neighborhood is the quantity of residential development in comparison to the relatively low amount of commercial development. The large population base, serviced by a relatively small amount of close-by commercial facilities, results in a positive atmosphere for commercial development.

Multi-family residential development is scattered throughout the subject neighborhood. Multi-family developments range from small 2- to 3-unit buildings to large 30+-unit apartment complexes. The typical multi-family development in the subject neighborhood is of average quality and condition, appealing to moderate-income families and students due to the proximity to the University of Oregon.

Commercial Development

The majority of commercial development within the subject neighborhood is located on the east and west sides of Willamette Street, extending southerly from 18th Avenue to approximately 32nd Avenue, with a primary commercial intersection at Willamette Street and 29th Avenue. The commercial developments consist of a combination of retail and office use.

Retail Use—

Most of the retail facilities in the subject neighborhood were constructed in the 1960s and are of average quality and condition. The trend is towards updating the exterior appeal of the commercial properties to be more competitive in the market for specialty-type retailers.

Retail users are generally located in small neighborhood shopping centers or in strip-style developments along Willamette Street. The intersection of 29th Avenue and Willamette Street contains a neighborhood shopping center that has been renovated and renamed Woodfield Station. The center contains a variety of retail users, including Rite-Aid, Market of Choice (grocery store),

Oregon Community Credit Union, and smaller retail stores and restaurants such as Subway, Sixteen Tons, and Pizza Hut, among others. Two mid-size retail tenants, OfficeMax and Big 5 Sporting Goods, are newer to the South Eugene neighborhood. Other smaller strip developments along Willamette Street include a variety of uses such as personal service providers, barber/beauty shops, an organic food store, and other similar secondary retail facilities. There are several small fast food and eat-in restaurants, as well as gas stations and auto service businesses located in the subject neighborhood.

Office Use—

Office use is a secondary commercial use in the subject neighborhood. Of the existing office developments, the majority are used for medical/dental purposes, with several medical, dental and related facilities located between 18th Avenue and 32nd Avenue on Willamette Street. In summary, the majority of commercial development within the subject neighborhood is retail oriented, with office use, primarily medical/dental-related, as the secondary commercial use.

Industrial Development

There is no industrial development in the subject neighborhood.

Utilities

The subject neighborhood is located within the city limits of Eugene and is served by all public utilities including sanitary sewer, storm sewer, public water, electricity, telephone, cable television, and natural gas.

Transportation

The subject neighborhood is well served by transportation facilities. Willamette Street is one of the primary north/south arterials between the downtown core area and South Eugene. The primary east/west arterials through the subject neighborhood are 18th Avenue and 29th Avenue, with various collectors and secondary residential streets throughout the area. The Lane Transit District provides regularly scheduled bus service throughout the area.

Access to the surrounding freeway systems is rated as average via Willamette Street to the downtown core area, and 30th Avenue leading east to the I-5 freeway. Overall, access to and through the subject neighborhood is typical of the majority of suburban areas throughout Eugene.

PROPERTY DATA

Legal Description

A preliminary title report setting forth the legal description for the subject property was not provided. The subject is identified by the Lane County Department of Assessment and Taxation as Tax Lot 2700 on Map 18-03-06-42.

Ownership & Sales History

Public records indicate ownership in the subject property is vested in *Elise A. Moore*. Research of available public records and private data services indicates that there have been no other transactions involving ownership of the subject property in the past three years.

Present Use

As of both dates of value, July 28, 2013 and July 28, 2015, the subject lot was a residential development lot improved with a small shed and perimeter fencing as well as a small concrete pad.

Pertinent Conditions of Title

A preliminary title report was not provided. A sewer line easement reportedly exists for the adjacent residence, which does not appear to impact the utilization of the site under its highest and best use. During the appraisal inspection, no other easements, encroachments or encumbrances were noted that would have a negative impact on the subject property when compared to competing properties. Therefore, a specific assumption of this report is that there are no conditions of title that would adversely affect the subject property. ***If questions arise concerning exceptions of title or other issues, further research is advised.***

Real Estate Tax Analysis

Owners of real and business personal property pay property taxes according to the assessed value of taxable residential, commercial, farm, industrial, utility and timber property. County assessors use permanent rates set for all taxing districts in fiscal year 1997-98, when taxes were significantly reduced with a statewide average 17% cut in tax levies. Certain types of levies are outside this reduction. The tax rates cannot exceed \$15 per \$1,000 of real market value. For 1997-98, all property was valued by county assessors at 90% of the July 1, 1995, levels. For subsequent years, assessed values are limited to a 3% annual growth rate. Construction since July 1, 1995, is valued at the average rate of similar properties in the area. One-third payment is due by November 15. If fully paid by November 15, a 3% discount is allowed. Special exemptions, tax relief programs and deferrals are available. The 2013 and 2015 certified real market and assessed values via the Lane County Department of Assessment and Taxation are set forth as follows:

Tax & Assessment Data (2013):

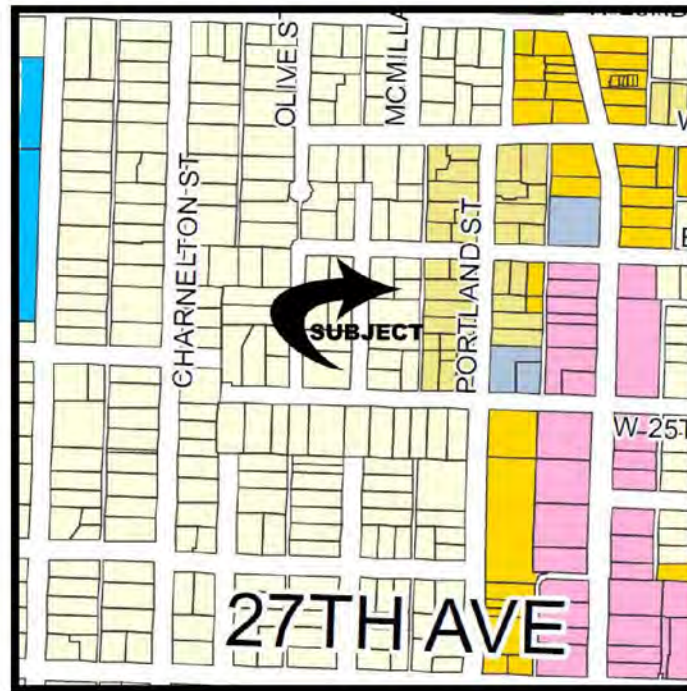
Identification		Real Market Value			Assessed Value	Taxes
Tax Lot	Account	Land	Improvements	Total	Total	
2700	0628279	\$73,870	\$0	\$73,870	\$5,402	\$102.61

Tax & Assessment Data (2015):

Identification		Real Market Value			Assessed Value	Taxes
Tax Lot	Account	Land	Improvements	Total	Total	
2700	0628279	\$79,963	\$0	\$79,963	\$5,731	\$107.64

Zoning

The subject is zoned R-1, Low Density Residential by the City of Eugene.



AG Agricultural	PL Public Land	NR Natural Resource	R-3 Limited High-Density Residential
C-1 Neighborhood Commercial	E-1 Campus Employment	PRO Park, Recreation & Open Space	R-4 High-Density Residential
C-2 Community Commercial	E-2 Mixed Use Employment	R-1 Low-Density Residential	S Special Area
C-3 Major Commercial	I-2 Light-Medium Industrial	R-1.5 Rowhouse	S-H Historic
GO General Office	I-3 Heavy Industrial	R-2 Medium-Density Residential	

Purpose

The purpose of the R-1, Low Density Residential, zone is to implement the Metro Plan by providing areas for low density residential use. The R-1 zone is designed for one-family dwellings with some allowance for other types of dwellings, and is also intended to provide a limited range of non-residential uses that can enhance the quality of low-density residential areas.

Additional Information

The development codes, which includes building standards and permitted uses, are available at the City of Eugene Planning Department website: <http://www.eugene-or.gov>

Ordinance No. 20541—

In 2014, Ordinance No. 20541 was enacted, which is an ordinance concerning single family code amendments for accessory buildings, alley access lots and secondary dwellings; amending Sections 9.0500, 9.1245, 9.2740, 9.2741, 9.2750, 9.2751, 9.2775, 9.6775 and 9.8030, of the Eugene Code, 1971; and providing an effective date. For the subject lot, the most applicable section of this ordinance relates to modifications of Section 9.2751 (18), which introduced additional development restrictions associated with alley access lots. Prior to this ordinance (i.e. the 2013 valuation), there were no substantial restrictions associated with alley lot development. Rather, an existing alley lot could be developed to the same standards as a typical residential lot as provided in the code. Below is the pertinent section of Ordinance No. 20541 which impacts the development allowance for the subject lot as of the 2015 valuation date.

**9.2751 Special Development Standards for Table 9.2750
(18) Alley Access Lots in R-1.**

(a) General Standards.

1. Applicability. Except as provided in (b) below, the following standards apply to development on alley access lots in R-1.

2. Use Regulations. Alley access lots have the same land use regulations as the base zone except that there is no allowance for a secondary dwelling.

3. **Building Size.** The total building square footage of a dwelling shall not exceed 10 percent of the total lot area or 800 square feet, whichever is smaller. Total building square footage is measured at the exterior perimeter walls and is defined as all square footage inside of the dwelling, including, but not limited to hallways, entries, closets, utility rooms, stairways and bathrooms.

4. Lot Coverage. Alley access lots shall meet the lot coverage requirements for R-1, except that all roofed areas shall be included as part of the calculation of lot coverage.

5. Building Height/Interior Setback.

- a. Interior yard setbacks shall be at least 5 feet, including along the alley frontage. In addition, at a point that is 8 feet above finished grade, the setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally away from the property line perpendicular to the alley until a point not to exceed a maximum building height of 18 feet.
- b. The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback described in a. above, except that eaves and chimneys are allowed to project into this setback no more than 2 feet. **(See Figure 9.2751(16)(b)3.)**
- c. These standards may be adjusted in accordance with EC 9.8030(35).

6. Windows, Dormers and Balconies.

- a. Any window on the upper story must be located a minimum of 10 feet from any property line.
- b. Up to two dormers are allowed on the side of the dwelling facing the alley. Dormers are limited to a maximum width of 10 feet. Dormers are not allowed on the remaining sides of the dwelling.
- c. Balconies and other second floor outdoor areas are only allowed on the side of the dwelling facing the alley, and shall be setback at least 10 feet from the alley.
- d. Notwithstanding b. and c. above, dormers and balconies are not allowed on the second floor of a dwelling on any nonalley facing property line unless the affected adjacent property owner consents in writing on a form approved by the city.

7. Bedrooms. The dwelling shall contain no more than 3 bedrooms.

8. Primary Entrance. The primary entry to the dwelling shall be defined by a covered or roofed entrance with a minimum roof depth and width of no less than 3 feet.

9. Pedestrian Access. The dwelling shall be served by a minimum three foot wide hard-surfaced/hard-scaped (paved, concrete or pavers) pedestrian walkway from the alley, or from the front street via an easement. The pedestrian walkway must be recognizable and distinct (different color, materials and/or texture) from the driveway and parking area, but is not required to be separated from the driveway or parking area.

10. Parking Spaces. There shall be a minimum of 1 and a maximum of 2 parking spaces on the lot.

11. Parking and Driveway.

- a. Only one covered or enclosed parking space may be provided (carport or garage). The covered or enclosed parking space shall be counted towards the total number of parking spaces.
- b. The maximum dimensions for a garage shall be 16 feet by 24 feet, with a maximum garage door width of 9 feet.
- c. The minimum setback for a garage shall be 5 feet from the alley. If the garage is setback greater than 5 feet from the alley, it must be setback a minimum of 15 feet and the area between the garage and the alley shall be counted towards one parking space.
- d. The maximum width for a driveway accessing a garage or carport shall be 12 feet.
- e. The maximum dimensions for one parking space located perpendicular to the alley shall be 12 feet in width by 20 feet in depth.
- f. The maximum dimensions for two side by side parking spaces perpendicular to the alley shall be 20 feet in width by 20 feet in depth.
- g. The maximum dimensions for tandem parking spaces shall be 12 feet in width by 33 feet in depth.
- h. Only one parking space parallel to the alley shall be allowed, and such space shall not exceed 10 feet in width and 20 feet in length along the length of alley.
- i. The total vehicle use area, including but not limited to driveways and on-site parking, but not including parking space in garage, shall not exceed 400 square feet.
- j. No parking shall occur outside of the vehicle use area. **(See Figure 9.2751(18)(a)11.)**

12. Distance from Street/Fire Safety. If any portion of the exterior walls of the first story of the dwelling is greater than 150 feet from the centerline of the alley where it intersects with the curb of the street, as measured by a route approved by the fire code official, the dwelling shall be equipped throughout with multi-purpose residential sprinklers as defined in National Fire Protection Association Standard 13D.

13. Trash and Recycling. Outdoor storage and garbage areas shall be screened from view from adjacent properties and those across the alley with a minimum 42-inch tall 100-percent site obscuring fence or enclosure on at least three sides.

14. Accessory Buildings. Detached accessory buildings are allowed subject to the standards at EC 9.2751(16), except that the total square footage of all accessory buildings on an alley access lot is limited to 400 square feet.

15. Adjustment Review. For alley access lots, EC 9.2751(18)(a)5 is the only standard that may be adjusted. This standard is not adjustable for dwellings within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association.

(b) Area-Specific Alley Access Lot Standards in R-1. Except as provided below, the standards in subsection (a) of this section apply to alley access lots existing as of April 12, 2014, in the R-1 zone within the city recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association. In lieu of EC 9.2751(18)(a)3. Building Size, the following applies:

1. Building Size. An alley access lot dwelling shall not exceed 1,000 square feet of total building square footage, measured at the exterior perimeter walls. For alley access lots, total building square footage is defined as all square footage inside of the dwelling, including, but not limited to hallways, entries, closets, utility rooms, stairways and bathrooms.
2. This standard may not be adjusted.

SUBJECT PHOTOGRAPHS



Subject lot.



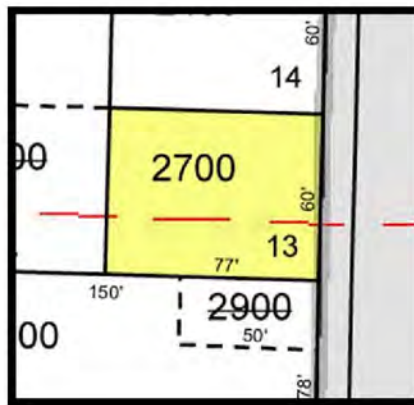
Access to subject lot via Portland Alley.

PROPERTY DESCRIPTION



Parcel Size:

The subject site contains 0.11 acre or 4,620 square feet per the Lane County plat map.



Zoning:

R-1, Low Density Residential. Please refer to the zoning section of this report for additional details.

Flood Hazard Area:

Zone X, areas determined to be outside of 500-year flood; FEMA Map 41039C1137F.

Access:

The site is accessed via Portland Alley which is a graveled public alley.

Property Description

Topography:	The site is generally level and at grade with the alleyway. Surrounding properties slope upward to the west, with the adjacent property owner's retaining wall bordering the western boundary.
Utilities:	All public utilities are available to the subject site.
Wetlands/Soils:	There are no known wetlands located on the subject property. A soil survey has not been supplied to the appraisers. During the property inspection, there were no conditions observed that would suggest any problem with development of the site. It is assumed there are no soil conditions that would affect development of the subject site to its highest and best use.
Hazardous Wastes:	A Phase I Environmental Assessment of the subject site was not provided. The appraisers' final value estimate is predicated on the assumption that there are no hazardous wastes on or in the property that would cause a loss in value. No responsibility is assumed for any environmental conditions or for any expertise or engineering knowledge required to discover them. The appraisers' descriptions and resulting comments are the result of the routine observations made during the appraisal process. It should be understood the appraisers are not experts in this field and if there is further concern with regard to hazardous materials, further research is advised.
Improvements:	The property is improved with a concrete pad, a small shed and perimeter fencing.

HIGHEST AND BEST USE

The term “Highest and Best Use”, which was previously defined, applies specifically to the highest and best use of land. It is recognized that, in the case where the site has existing improvements, highest and best use may very well be determined to be different from the present use. The existing use will continue, however, unless and until land value in its highest and best use exceeds the total value of the property in its existing use.

In order to pass the test of highest and best use, a property use must be legally permissible, physically possible, and financially feasible or marketable. Therefore, in the measurement of highest and best use, the ability of the subject property to meet these criteria was analyzed.

As Vacant, Before Ordinance (July 28, 2013)

The physical characteristics of the subject property have previously been described. The property is well located, properly served, and has all public utilities available. The property’s location in a desirable South Eugene neighborhood is good; however, the smaller size and location on a graveled alley reduces the appeal of the site compared to a typical single family lot in the area. All governmental hurdles have been cleared, and the property is located in a growing area. The site is zoned R-1, Low Density Residential and could be developed with any allowable use within the zone. Therefore, the concluded highest and best use as of the 2013 date of value would be development with an allowable residential use in the R-1 zone, subject to general development standards within the zone. There was no specific prohibitive development restriction associated with alley access lot development as of the 2013 date of value.

As Vacant, After Ordinance (July 28, 2015)

As of the 2015 date of value, all physical characteristics remain unchanged. Aside from some slight improvements in market conditions, the legal considerations are the primary changed element between the 2013 and 2015 dates of value. In 2014, Ordinance No. 20541 was enacted, which concerns single family code amendments for accessory buildings, alley access lots and secondary dwellings; amending Sections 9.0500, 9.1245, 9.2740, 9.2741, 9.2750, 9.2751, 9.2775, 9.6775 and 9.8030, of the Eugene Code, 1971; and providing an effective date.

For the subject lot, the most applicable section of this ordinance relates to modifications of Section 9.2751 (18), which introduced additional development restrictions associated with alley access lots. The most pertinent restriction relates to a building size restriction to a maximum of 10% of the total lot area, or 462 square feet for the subject site. Therefore, the concluded highest and best use as of the 2015 date of value would be development with an allowable residential use in the R-1 zone, subject to alley access lot development standards within the zone, which restricts the building size to a maximum of 462 square feet.

APPRAISAL PROCESS

The appraisal process that is applied to most real estate properties is designed to evaluate all factors that influence value. Regional, city, and neighborhood information has been presented to inform the reader of general outside influences that may affect value. The Highest and Best Use section has been provided to evaluate the effect of legal, physical, and market considerations that influence the use of the property. The next portion of the appraisal process deals directly with the valuation of the subject property.

Generally, there are three approaches to value a property: the Cost Approach, the Sales Comparison Approach, and the Income Capitalization Approach. The Cost Approach and Income Approaches are not applicable in the valuation of vacant land.

The Sales Comparison Approach will be utilized in the valuation. This approach is based on the principle that an informed purchaser would pay no more for a property than the cost of acquiring an existing property with the same utility. For vacant land, properties are generally compared in their entirety or on a price-per-acre basis. For this analysis, sale properties will be compared to the subject in their entirety, which is typical for residential lots.

The lack of uniformity within the marketplace prevents direct extraction of adjustments from the market. General analysis reflecting market behavior is utilized to determine which comparables are superior or inferior to the subject. In estimating the value of the subject site, research and analysis was conducted of recent sales in the local market of similarly zoned sites deemed competitive. All sales were cash or cash-equivalent transactions and were arm's-length, with no noted duress reported by the parties involved. The lack of uniformity within the marketplace prevents direct extraction of adjustments from the market. General analysis reflecting market behavior is utilized to determine which comparables are superior or inferior to the subject.

Lot Sale Trends & Sale Selection

In the last 5 to 7 years there have been very few lot sales in the subject neighborhood and competitive neighborhoods in Eugene. This is in part due to the limited lot inventory and also due in part to the recession which slowed lot sale activity through 2015 as existing inventory was absorbed and the market entered into a sustained recovery from the recession. Over the past two years, there has been a substantial increase in lot sale activity, but sales of properties similar in location and size to the subject remain scarce, again due to limited inventory. In all of Eugene in the last 84 months, 127 lots under 7,000 square feet have sold at prices ranging from \$25,000 to \$200,000 with an average sale price of \$67,000 and median sale price of \$60,000. Very few of these sales were in the subject's neighborhood and even fewer were located on an alley.

Due to the unique characteristics of the subject lot, as well as the limited sale activity, the search for comparable data was expanded both geographically and in terms of dates of sale. Given the trends during the recession, lot sales which occurred between 2010 and 2015 would be appropriate comparables for the 2013 and 2015 valuation dates. There was some slight appreciation noted in lot values, which will be considered when comparing lot sales from differing sale dates than the dates of value, but notable appreciation in lot prices did not begin until late 2016 and into 2017 in the local market, allowing for utilization of a broad date range for comparable data. Other attributes for consideration will be location on an alley or typical residential street, topography, lot size, and overall locational appeal.

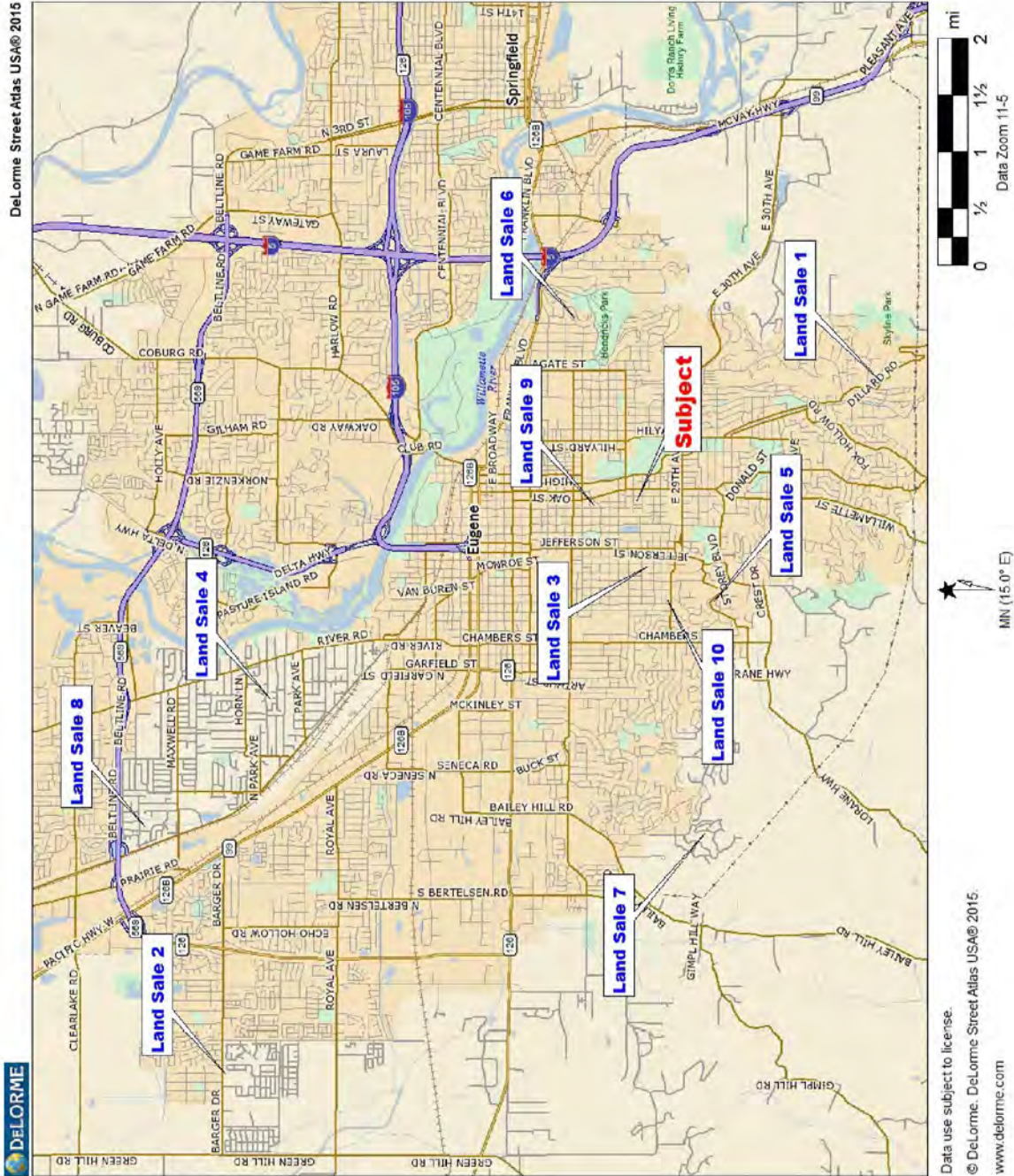
VALUATION

July 28, 2013

The comparables below are the best available data for utilization in the valuation of the property as of July 28, 2013. As of this date, the lot could be developed under the same development standards as a typical residential lot. The site is relatively small and located on a graveled alley, but is very well located in a central South Eugene neighborhood and is level and easily developable. The sales reflect a range of sites considered comparable in development utility and appeal.

LAND SALES SUMMARY CHART

No.	Location	Sale Date	Sale Price	Size (Acres)	Zoning	Comments
1	Woodhill Drive Eugene	4/14	\$30,000	0.07	R-1	Small lot located on Woodhill Drive, a private dead-end street off of Old Dillard Road. All utilities available. Area of newer homes. Sloped topography. Inferior lot size and topography. Low Indicator.
2	Tel Estates Eugene	4/13 3/14 3/14	\$43,500 \$42,500 \$42,500	0.13 0.08 0.09	R-1	Tel Estates is a 64-lot residential project located off Barger Drive with homes in the \$250,000+ range. The lots are accessed via a concrete paved alleyway and back up to Barger Drive. Inferior lot sizes for two of the sales and inferior location. Low Indicators.
3	25 th & Monroe Eugene	9/11	\$44,750	0.13	R-1	Lot in front of 2575 Monroe. Purchaser of improved property purchased the lot for cash at a discounted price. Generally level with all utilities available. Superior lot size but purchased at a discount. Also slightly inferior market conditions in 2011 compared to 2013. Low Indicator.
4	W. Hilliard Eugene	5/14	\$35,000	0.10	R-1	Lot located on W. Hilliard. Water and power to property with septic line installed. Flat lot in established neighborhood. Similar lot size but inferior location. Low indicator.
5	Van Buren & Lorane Eugene	4/11	\$50,000	0.16	R-1	Vacant lot at the corner of Lorane Highway and Van Buren Street. All utilities available. Sloped lot. Superior size but inferior topography. Slightly inferior market conditions in 2011 compared to 2013. Low Indicator.
6	Sunset Drive & Sunset Aly Eugene	6/15	\$55,000	0.10	R-1	Small lot located in University area. Sloped lot but with views. Access from street and alley. All utilities available. Similar lot size but inferior topography. Superior access and location. Slightly superior market conditions in 2015 compared to 2013. Low indicator due primarily to topography.
7	3377 Bentley Avenue Eugene	12/12	\$57,500	0.12	R-1/PD	Lot in Somerset Hills PUD. All utilities available. Gentle slope. Circular shape lot with common areas associated with PUD. Superior lot size, but inferior shape and utility. Low indicator.
8	Wildcreek Woods Off Bushnell Lane Eugene	12/14 12/14 12/14 11/14 11/14 11/14 10/14 6/15 4/15	\$52,500 \$55,000 \$65,000 \$52,500 \$49,900 \$52,500 \$55,000 \$52,500 \$52,500	0.10 0.11 0.23 0.08 0.07 0.09 0.08 0.13 0.10	R-1	Lots in a newer subdivision in River Road area. Small lots with all utilities available accessed from a public street. Level and readily developable. Area of entry level homes. Low to slightly high indicators.
9	Grand View Drive Eugene	6/15	\$60,000	0.15	R-1	Gently sloped lot located on Grand View off Willamette Street. Lot sold with right of first refusal with adjacent home at 55 Grand View. Vacant lot with all utilities available. Superior lot size, similar location, inferior topography. Reasonable indicator.
10	W. 27 th Place Eugene	1/11	\$90,000	0.10	R-1	Small lot located in cul-de-sac off of Tyler Street & W. 28 th Avenue. All utilities available. Hallin Park Subdivision. Area of newer homes. Similar location overall but superior access and lot appeal. Slightly inferior market conditions in 2011 compared to 2013. High Indicator.
	Portland Alley Eugene	7/10	\$55,550	0.11	R-1	Subject lot, purchased by the buyer of the adjacent residence. Motivated seller. Slightly inferior market conditions in 2010 compared to 2013.





Comparable 1



Comparable 2



Comparable 3



Comparable 4



Comparable 5



Comparable 6



Comparable 7



Comparable 8
entire project highlighted



Comparable 9



Comparable 10

Conclusion

The comparable lot sales above reflect prices from \$30,000 to \$90,000 per lot. The lots range in size from 0.07 to 0.23 acre (most under 0.16 acre) and are located in generally comparable locations throughout Southeast and Southwest Eugene. The only alley access lots which could be located are within a newer subdivision (Tel Estates), so while these are alley lots, the alleys are concrete paved and the lots have superior appeal to the subject's alley access. These lots are located in an inferior location. Some of the sale lots are sloped, which increases the cost of development compared to a flat lot, but also allows for some view amenity, which the subject does not have.

As previously discussed, the sale dates were expanded to include sales from 2011 through 2015, which is considered in this analysis. Consideration is given to improved market conditions between 2010 and 2015, but no quantitative data exists for extraction of a market conditions adjustment. Consideration is also given to the 2010 sale of the subject at \$55,550. The subject lot sold in conjunction with the adjacent improved residence and the seller indicated that they were motivated to sell and discounted the lot slightly for the transaction of both properties to occur at once. Based on the available data, the as-is market value of the subject property as of July 28, 2013 is concluded to be **\$65,000**.

Marketing Time & Exposure Time

Marketing time is defined as, "An opinion of the amount of time it might take to sell a real or personal property interest at the concluded market value level during the period immediately after the effective date of an appraisal."²¹ Exposure time is defined as, "[The] estimated length of time that the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal."²² Exposure time is always presumed to occur *prior to* the effective date of the appraisal. The overall concept of reasonable exposure encompasses not only adequate, sufficient and reasonable time but also adequate, sufficient and reasonable effort. In estimating marketing and exposure time for the subject property, sales that have occurred in the marketplace and properties that have been offered for sale were considered. Based on historical and current market information, marketing time and exposure time for the subject property are each estimated to be approximately 12 to 18 months as of the date of value.

21. Appraisal Institute, *The Dictionary of Real Estate Appraisal*, 6th ed. (Chicago: Appraisal Institute, 2015), p. 140.

22. *Ibid.*, p. 83

VALUATION

July 28, 2015

As discussed previously, there have been very few lot sales similar to the subject (either before or after the zoning ordinance) in the last 5+ years. Ordinance No. 20541 was enacted in July 2014. There have been even fewer sales since the modification in the zoning that reflect similar development restrictions. This is due in part to a limited number of infill lots, but also due to the restrictive nature of the zoning ordinance. For lots smaller than 8,000 square feet, which is very typical of alley access lots, the restriction on the size of new building structures to 10% of the site area is very restrictive and reduces the price which can be paid for lots subject to this ordinance. Most market participants would look to an alternative lot rather than build a structure less than 800 square feet in size. Considering the costs to construct, many of which are constant regardless of the size of the home and the resulting higher construction costs per square foot for a small home, a structure of this size would typically not be feasible or economical. There are no economies of scale and a very limited market of purchasers who would find this type of site appealing. For those buyers who are looking to build a very small residence, the maximum building size puts downward pressure on the price which can be paid for the land. Consequently, many owners of lots like the subject choose not to sell the lot, but rather, assemble with an adjacent lot to create a larger site rather than sell at a lower price. This reduces the number of transactions of this type due both to the limited market of buyers but also the limited number of willing sellers.

Only two sales could be located of alley lots sold after the ordinance was enacted. The search included discussions with local market participants, a search of sold, expired, cancelled and active/pending sales in the Multiple Listing Service, and a review of individual Lane County deed records for lot sales after July 2014. The sales below reflect the only known market data for lots of this type.

LAND SALES SUMMARY CHART

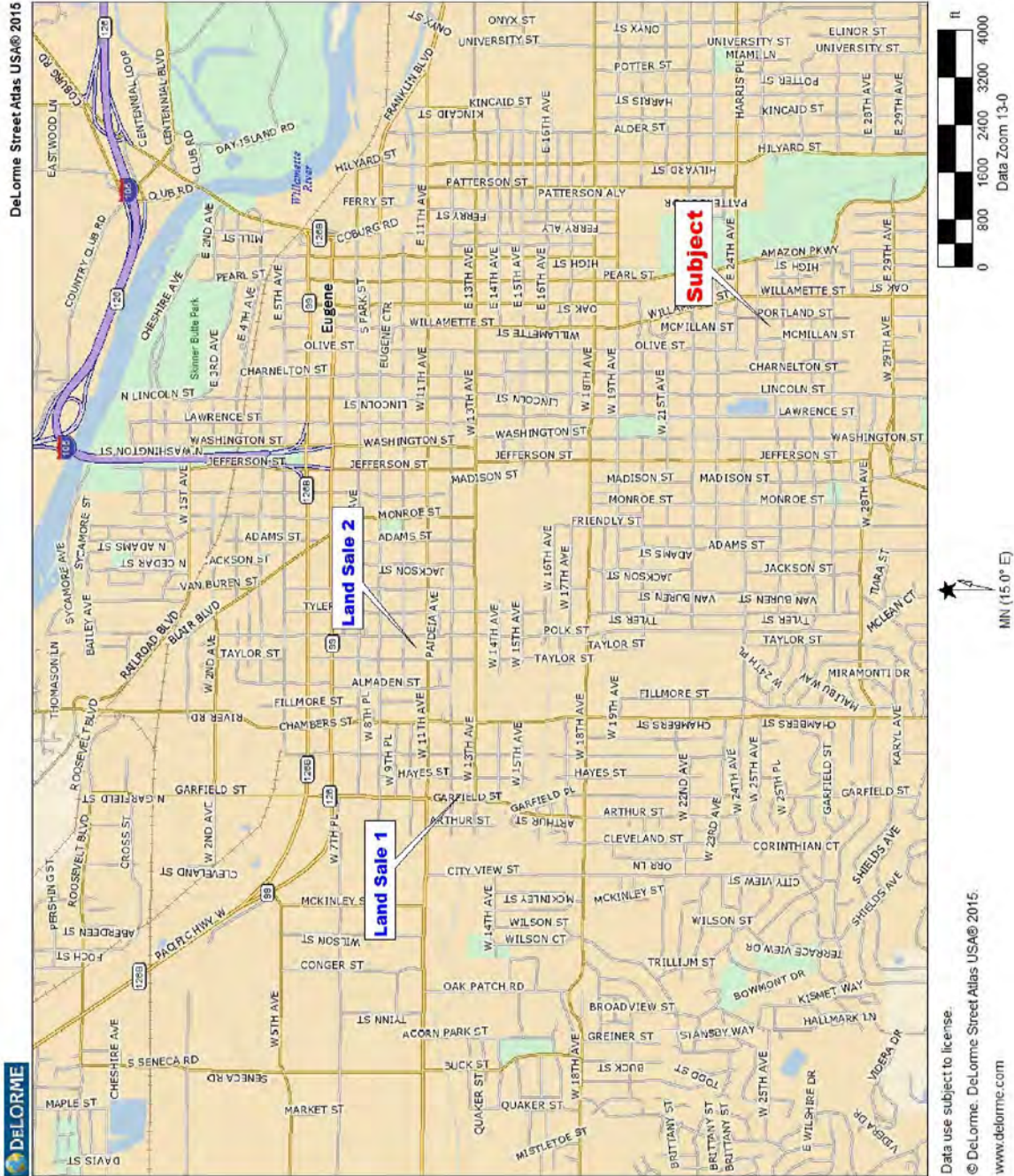
No.	Location	Sale Date	Sale Price	Size (Acres)	Zoning	Comments
1	1981 W. 12 th Aly Eugene	6/16	\$44,000	0.09	R-1	Undeveloped alley access lot. Development limited to 10% of total lot coverage or 400 square feet for this parcel. Usable lot area only approximately 2,500 square feet. Utilities available.
2	W. 10 th Alley Eugene	9/14	\$46,050	0.10	S-C/R-2	Lot located on W. 10 th Alley. Not listed on the Multiple Listing Service. Small alley lot similar to the subject, but zoning allows for superior development being located in the S-C/R-2 zone. Alley open space requirements and other development standards apply but less restrictive than the R-1 zone standards. Inferior in overall location.
	Portland Alley Eugene			0.11	R-1	



Comparable 1



Comparable 2



Conclusion

The comparable lot sales above reflect prices from \$44,000 to \$46,050 for lots located on alleys. Sale 1 is the only sale of a lot with a similar development restriction and occurred under superior market conditions. Sale 2 is the sale of a very physically similar alley lot, but this lot is located in a slightly less restrictive zone. This lot is, however, inferior in overall location compared to the subject. These are slightly high indicators of value for the subject but are the best available data for valuation after the ordinance was enacted. Additional consideration is also given to the less appealing small lot /alley lot sales presented in the prior data set, as the appeal of the subject is substantially diminished due to the restrictions imposed by the ordinance. In the absence of directly comparable data, it would be appropriate to compare the subject with the lots of lesser appeal that were previously presented; these ranged in value from \$30,000 to \$45,000 per lot. Based on the available data, the as-is market value of the subject property as of July 28, 2015 is concluded to be **\$40,000**.

Marketing Time & Exposure Time

Based on historical and current market information, marketing time and exposure time for the subject property are each estimated to be approximately 9 to 12 months.



ADDENDA

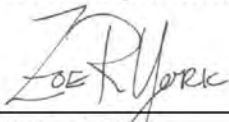
*Vacant Residential Lot
Portland Alley
Eugene, Lane County, Oregon
Map 18-03-06-42, Tax Lot 2700*

**CERTIFICATION
PLAT MAP
APPRAISERS' QUALIFICATIONS**

CERTIFICATION

We, Zoe R. York, MAI, and Richard J. Duncan, MAI, SRA, do hereby certify that:

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions and conclusions are limited only by the reported assumptions and limiting conditions, and are our personal, impartial, and unbiased professional analyses, opinions and conclusions.
- We have no present or prospective interest in the property that is the subject of this report, and no personal interest with respect to the parties involved.
- We have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- Our engagement in this assignment was not contingent upon developing or reporting predetermined results.
- Our compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- Zoe R. York, MAI and Richard J. Duncan, MAI, SRA inspected the subject property.
- No one provided significant professional assistance to the persons signing this report.
- The appraisers have performed no services, as appraisers or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.
- The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics & Standards of Professional Appraisal Practice of the Appraisal Institute, which include the *Uniform Standards of Professional Appraisal Practice*.
- The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
- As of the date of this report, Richard J. Duncan, MAI, SRA has completed the requirements of the continuing education program for Designated Members of the Appraisal Institute.
- As of the date of this report, Zoe R. York, MAI has completed the requirements of the continuing education program for Designated Members of the Appraisal Institute.
- We have had a level of training and experience considered necessary for the formation of a reliable opinion of value of the subject property.
- Our analysis, opinions and conclusions were developed, and this report has been prepared, in conformity with the applicable Internal Revenue Service Valuation Guidelines.

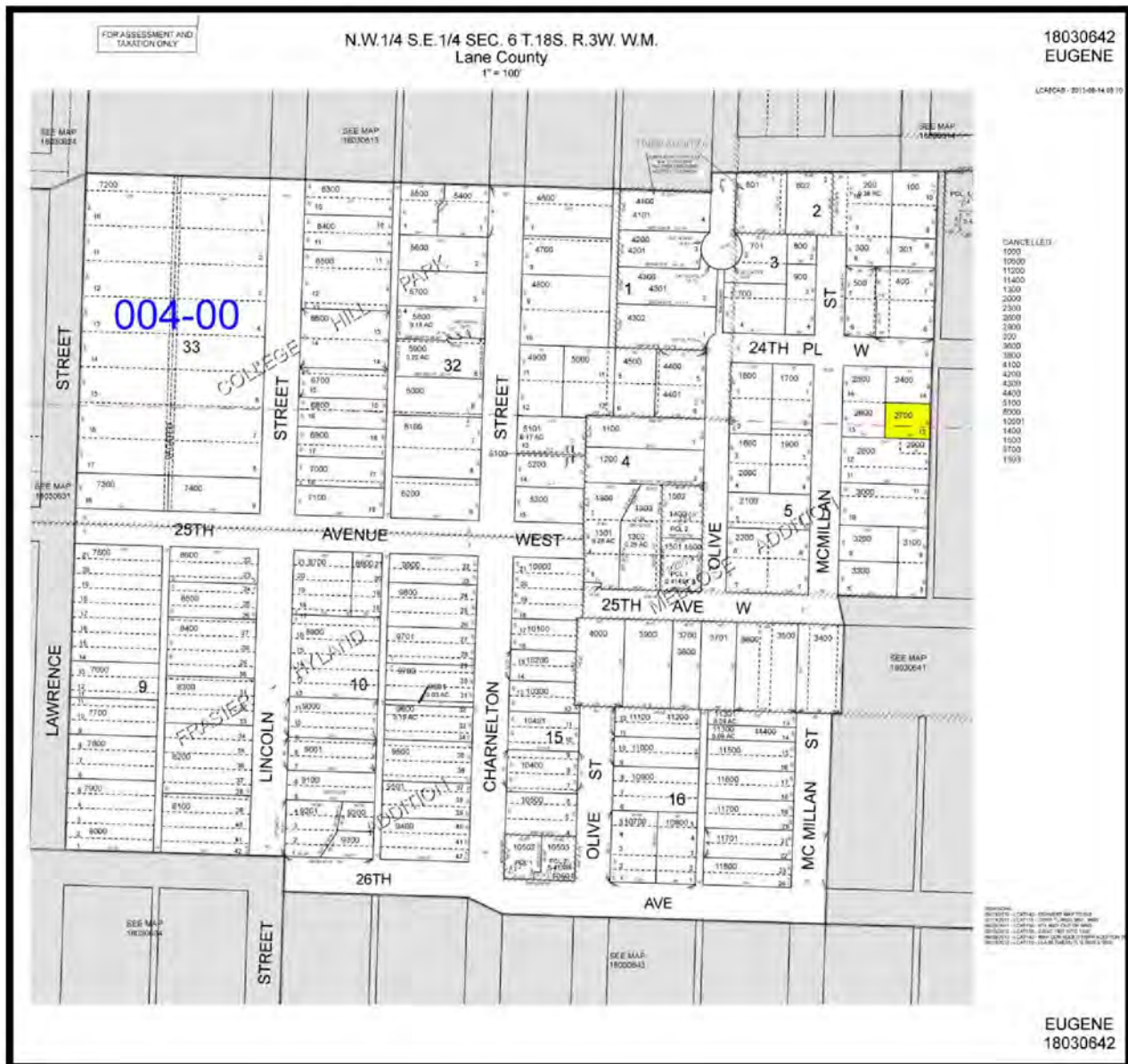


Zoe R. York, MAI
Certification No. C001053
Expiration 7/31/18



Richard J. Duncan, MAI, SRA
Certification No. C000106
Expiration 7/31/17

PLAT MAP



ZOE R. YORK, MAI

Qualifications

PROFESSIONAL DESIGNATIONS

MAI – Appraisal Institute	2014
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FORMAL EDUCATION

Bachelor of Science Degree	2008
University of Oregon, Department of Mathematics	

APPRAISAL EDUCATION

Appraisal Institute

Uniform Appraisal Standards for Federal Land Acquisitions	2015
Data Verification & Methods	2014
Business Practices & Ethics	2014
Advanced Concepts and Case Studies	2011
Advanced Income Capitalization	2011
Finance Statistics and Valuation Modeling	2010
Business Practices and Ethics	2010
Advanced Applications Course 550	2010
General Appraiser Income Approach Part 2	2009
General Appraiser Income Approach Part 1	2009
General Appraiser Report Writing and Case Studies	2009
General Appraiser Site Valuation & Cost Approach	2008
General Appraiser Sales Comparison Approach	2008

Additional Courses

National USPAP Update	2014
National USPAP Update	2011
National USPAP Update	2009
Basic Appraisal Procedures	2007
Basic Appraisal Principles and Practice	2007
Uniform Standards of Professional Practice	2007
Supervising Appraiser/Appraiser Assistant Trainee Course	2007

Seminars

Navigating ODOT Appraisals & Reviews	2013
Eminent Domain	2014

LICENSE

Certified General Appraiser – State of Oregon, 2011	Certificate No. C001053
---	-------------------------

PROFESSIONAL EXPERIENCE

Certified General Appraiser	2011 – Present
Duncan & Brown, LLC	

Appraiser Assistant	2008 – 2011
Duncan & Brown, Inc.	

PROFESSIONAL AFFILIATIONS

Appraisal Institute – Member, Newsletter Editor	2014-Present
Appraisal Institute – Candidate for designation, Appraisal Institute	2013

Appraisal Institute – general Associate Member of the Appraisal Institute	2011 – 2012
Appraisal Institute – Affiliate Member	2007 – 2011

BUSINESS AFFILIATIONS

Zonta of Eugene-Springfield, President	Eugene, Oregon
Sponsors, Inc., Secretary	Eugene, Oregon
Eugene Active 20-30 Club, Member, Bulletin Editor	Eugene, Oregon

RICHARD J. DUNCAN, MAI, SRA

Qualifications

PROFESSIONAL DESIGNATIONS

SRA – Appraisal Institute	1991
MAI – Appraisal Institute, Certificate No. 7961	1988
Eugene Planning Commissioner	

FORMAL EDUCATION

Graduate Study in Real Estate	1978
University of Oregon, Eugene, Oregon	
Master Degree	1975
Business Administration – Quantitative Methods	
University of Oregon, Eugene, Oregon	
Bachelor of Science Degree	1973
Business Administration – Marketing	
University of Nebraska at Lincoln	

APPRAISAL EDUCATION

University Courses

Real Estate Principles and Practice
Real Estate Economics
Real Estate Investment Analysis
Real Estate Appraising
Real Estate Finance
Property Taxation
Land Use Planning

Appraisal Institute

Easement Valuation
Standards of Professional Practice
Wetlands Valuation
Litigation and Court Preparation
Developments in Income Property Valuation
Argus Software Training
Contemporary Issues of Appraisal Theory
Management of an Appraisal Office
Subdivision Analysis
Limited Appraisals & Reporting Options
Uniform Standards of Professional Appraisal Practices
High-Tech Appraisal Office
Internet and Appraising
Litigation Skills for the Appraiser
Automated Valuation Models
Standards of Professional Appraisal Practice, Part B
Special Purpose Properties-Greater Oregon Chapter
Partial Interest Valuation

Appraisal Institute, cont'd

Standards of Professional Appraisal Practice – Part A
Industrial Search Strategies for R.E. Appraisers
Feasibility, Market Value, Investment Timing: Option Value
Valuation of Detrimental Condition
Standards of Professional Appraisal Practice – Part B
Analyzing Operating Expenses
Uniform Appraisal Standards for Federal Land Acquisitions
Small Hotel/Motel Valuation
Appraisal Scope of Work: Burden or Blessing
Income Capitalization – Advanced
Business Practices and Ethics
ODOT R/W Training
Appraisal Review-USPAP Standard 3

Appraiser Certification & Licensing Board

Administrative Rule Overview

American Institute of Real Estate Appraisers

Course 1A – Principles of Appraising
Capitalization A&B
Capitalization – Theory and Techniques
Depreciation Analysis
Highest and Best Use Analysis
Case Studies in Real Estate Valuation
Standards of Professional Practice
Valuation Analysis and Report Writing
Cash Equivalency
Analyzing Cash Flows
R/E Investment and Discounted Cash Flow Analysis
Feasibility Analysis – Non-Residential Properties

Society of Real Estate Appraisers

Appraising Residential Condominiums
Income Property Valuation – Course 201/202
Contemporary Appraising of Income Property
Investment Feasibility Analysis
Appraisal Office Management

American Society of Farm Managers and Rural Appraisers

Fractional Interest Seminar
Appraising Undivided Interests in Real Estate

Other Appraisal Courses

Private Appraisal Assignments
Ad Valorem Tax Consultation

USGA Regional Green Section Conference

Golf Course Construction

Oregon Planning Institute

Urban Planning/Smart Growth-2003
Annexation/Transportation Modeling/Econ. Dev.-2004
Green Construction/Wetland/Transplan Model-2005
Long Range Transportation Planning/Big Look-2006
Planning Full Spectrum-2007

EXPERT WITNESS

Lane County Circuit Court
Federal Bankruptcy Court
Lane County District Court
Klamath County District Court
Deschutes County District Court

LICENSE

Certified General Appraiser – State of Oregon

Certificate No. C000106

PROFESSIONAL EXPERIENCE

Partner/Appraiser 1994 to present
Duncan & Brown Real Estate Analysts

Partner/Appraiser 1988 – 1994
Duncan, Morgan & Brown

Partner/Appraiser/Broker 1985 – 1988
Duncan, Morgan & Associates

Partner/Broker 1980 – 1985
Duncan, Cox & Associates

BUSINESS AFFILIATIONS

Board of Realtors Eugene, Oregon
Home Builders Association Eugene, Oregon
Rotary International Eugene, Oregon



DUNCAN & BROWN
REAL ESTATE ANALYSTS

PRINCIPALS

RICHARD J. DUNCAN, MAI, SRA
JASEN D. HANSEN, MAI
COREY S. DINGMAN, MAI

ASSOCIATES

THOMAS S. MORGAN
ALAN CLARK
LEAH C. CALLAHAN, MAI
CLINT C. BECRAFT, MAI
ZOE R. YORK, MAI
BARBARA SHIELDS
ROBERT A. McLAUCHLIN
NICOLE C. AUTRY
JOSEPH JACKSON

March 22, 2018

Bill Kloos
Law Office of Bill Kloos PC
375 W. 4th Avenue, Suite 204
Eugene, Oregon 97401

RE: Addendum to Duncan & Brown File No. 17-166
Vacant Residential Lot
Portland Alley
Eugene, Lane County, Oregon
Tax Lot 2700 on Map 18-03-06-42

Dear Mr. Kloos:

On June 16, 2017 we submitted an appraisal report to you regarding the property referenced above. The scope of work within the appraisal was to develop an opinion of the as-is market value of the subject property as of July 28, 2013, one year prior to the 2014 City of Eugene Ordinance 20541, as well as the as-is market value of the subject property as of July 28, 2015, one year after Ordinance 20541 was enacted. Per your request, we have expanded the scope of work to include determination of the highest and best use in the year that the regulation was enacted, i.e. July 28, 2014. As of July 28, 2014, the concluded highest and best use would be development with an allowable residential use in the R-1 zone, subject to alley access lot development standards within the zone, which restricts the building size to a maximum of 462 square feet. Please contact us at your convenience if any additional data or information is required.

Respectfully submitted,
DUNCAN & BROWN

Zoe R. York, MAI
zoe@duncanbrown.com

Richard J. Duncan, MAI, SRA
rick@duncanbrown.com

ZRY, MAI, Certification No. C001053, Exp. 07/31/18
RJD, MAI, SRA, Certification No. C000106, Exp. 7/31/19
ZRY/RJD/

260 WEST 12TH AVENUE, EUGENE, OREGON 97401
(541) 687-1938 OR (541) 683-3400 | ROSEBURG (541) 673-3300
INFO@DUNCANBROWN.COM

LAWLER Daniel R

From: MichellePellitier <michelle@pellitier.com>
Sent: Sunday, June 24, 2018 1:21 PM
To: LAWLER Daniel R
Cc: 'Michelle Pellitier'
Subject: RE: Moore M49 Claim

Daniel,

Thanks for the further explanation. It was hard to understand from the letter we received.

With your explanation I still think that on a lot of that size an 800 sq ft structure might be big enough. I don't know if there will be height restrictions but it would seem that a 2 story dwelling is more important to be the limitation than the sq ft at this point. I did drive by the site yesterday and there is another house that faces the alley. Its about 900 sq. ft. and it looks quite nice.

When driving through the alley there is significant encroachment at the south end of the alley. There are tall shrubs that stick out 4 feet from the telephone pole that I think defines the alley edge and the structures on the SE corner of the South end of the alley have many planters and pots and trash containers that are either in the alley or right up next to it. If public works can prune back the encroaching plant materials it would certainly help to clarify where people can "live" on the alley.

Thanks for being willing to help with that maintenance!

Michelle R Pellitier, Interior & Event Designer
 Pellitier & Pellitier
 P.O. Box 5512
 Eugene, OR 97405
 541-484-2045 office
 541-554-4390 cell

From: LAWLER Daniel R <Daniel.R.Lawler@ci.eugene.or.us>
Sent: Thursday, June 21, 2018 3:41 PM
To: MichellePellitier <michelle@pellitier.com>
Subject: RE: Moore M49 Claim

Hi Michelle,

Thanks for reaching out! I saved your email as testimony and your concerns are in the record. Here are my responses to some of your concerns:

Although the law that established Measure 49 claims was passed in 2007, the ordinance that restricted Ms. Moore's use of the property was passed in 2014, which was after she acquired the property. The year that the restricting ordinance was passed is the relevant year for M49 claims.

You're correct that the 2014 rules reduced the size of buildings allowed on alley access lots. It limits building size (not just for ADUs, but all types of residential buildings) to either 800 square feet or 10% of lot size, whichever is smaller.

If the City Council accepts Ms. Moore's claim and allows her to build the house, interior yard setbacks of at least 5 feet will apply. However, given the lot size, she would be more likely to build closer to the interior of the lot. If other residents are allowing their personal property and vegetation to encroach onto the alley I can contact code enforcement to address the issue.

Unfortunately City Code does not allow us to require improvements to the alley as a condition to M49 approval. However, if the alley is in rough shape and requires maintenance for safety concerns, I can contact Public Works and ask them to look into it.

Please let me know if you have any other questions. I'm happy to help.

Cheers,

Dan

From: MichellePellitier [<mailto:michelle@pellitier.com>]
Sent: Wednesday, June 20, 2018 10:29 AM
To: LAWLER Daniel R <Daniel.R.Lawler@ci.eugene.or.us>
Cc: 'Michelle Pellitier' <michelle@pellitier.com>
Subject: Moore M49 Claim

Daniel,

My husband and I own a property near the above listed claim. We received the notice of public hearing regarding this issue, although no map was enclosed I was able to look it up online.

A couple of comments that I would like make as testimony on this action:

If the law known as measure 49 that restricts the relief property owners can receive was passed in 2007 and the claimant acquired the property in 2010 then I do not think Ms. Moore is entitled to relief in that she should have done her due diligence prior to acquiring the property. Many things that are out of our control affect our property values and there is no guarantees as a property owner that values will be maintained or increase over time.

As I understand it from your background the rules were changed in 2014 that reduced the size of the building that can be built on alley access lots. It seems to me that the current ADU size is limited to 800 sq ft and that size should apply to alley access lots under a certain size. I would still require off alley parking. That is the only relief I would consider.

I do have serious concerns about that alley however. At the south end of the alley between 24th and 24th place there are buildings that are built almost on the alley with little or no set back, as a result the occupants have encroached onto the alley significantly with personal property and vegetation. I think if people are to develop alley access homes then it should be required that the alley they are building on be maintained to a serviceable width for the entire block. This alley already has one alley access home on it yet the alley is not maintained. Is there a way to require that initial alley maintenance be included in this approval process?

Thank you for receiving my testimony. I would appreciate being notified of the results.

Michelle R Pellitier, Interior & Event Designer
Pellitier & Pellitier
P.O. Box 5512
Eugene, OR 97405
541-484-2045 office

June 30, 2018

Mayor: Lucy Vinis
City Manager: John Ruiz
City Council Members
City Planning: Dan Lawler

Regarding the upcoming Public hearing on File Name: Moore M49 Claim
Property Location: 70 West 24th Place (Portland Alley)
Property Owner: Elise Moore

My property abuts the alley lot in question. This lot was also offered to me to buy prior to Ms. Moore buying the land. I chose not to buy the property because I did not want to develop it.

At the time the property was for sale and when Ms. Moore purchased the property, the city was looking at ways to increase the housing density within the current urban growth boundaries. The city via public meetings, appealing to the Friendly Area Neighborhood group, and Envision Eugene was looking at the Friendly area specifically to help develop our "large" lots with additional housing units. At the time, there was not a limitation of size of the unit to be 10% of the size of the lot. Years after Ms. Moore purchased the property the city instituted new regulations which greatly limited her option for the size of the structure she could build.

The city should "grandfather" her property to the regulations under which she purchased her property or compensate her the lost value she has now endured due to the city changing the regulations...four years after she purchased the property.

The city needs to reconsider the limitations that have been placed on owners of alley properties purchased prior to the 2014 regulation.

Thank you,

Mary L. Brorby
2455 McMillan St.
Eugene, OR 97405

LAWLER Daniel R

From: Paul Conte <paul.t.conte@gmail.com>
Sent: Tuesday, July 03, 2018 9:10 PM
To: LAWLER Daniel R
Cc: ASPEGREN Bill (SMTP)
Subject: Fwd: M49 18-1

Dan,

It appears you've taken over this case.

See below.

Please include me as an "Interested Party" and add the message below to the record.

Has staff done anything to prepare a recommendation to the City Council to correct what appears to be an inadvertent error in the wording of the code?

If not, please do so immediately.

I'd appreciate a response to these requests.

Thank you,

Paul Conte
541.344.2552

**Accredited Earth Advantage
Sustainable Homes Professional**

----- Forwarded message -----

From: Paul Conte <paul.t.conte@gmail.com>
Date: Mon, May 21, 2018 at 2:37 PM
Subject: M49 18-1
To: SULLIVAN Althea C <Althea.C.Sullivan@ci.eugene.or.us>
Cc: SOMMERS Lauren A <Lauren.A.Sommers@ci.eugene.or.us>

Althea,

Please add me as an interested party on the M49 18-1 application for Elise Moore.

Also, please correct the "Application" document entry for the Application Completeness Review, which incorrectly states "Hilton."

Also, please correct the database entry so that this application shows up on a search for Measure 49 Claim in the past year (On Advanced Search) lists this application. (My search returned "No records were found matching the search parameters you entered")

I've review the cited code provision, which states:

9.2752(18)(a)3. Building Size. The total building square footage of a dwelling shall not exceed 10 percent of the total lot area or 800 square feet, whichever is smaller.

On the face of it, this seems to be an erroneous requirement because a legal, full-size R-1 lot of 4,500 s.f., would allow a dwelling of only 45 s.f., which is not a reasonable size. In order for the limit of 800 s.f., to go into effect, the alley access lot would have to be over 8,000 s.f., and I doubt there are more than a few, if any alley access lots of that size. Further, the "Lot Coverage" standard in sub (4) would be practically meaningless; and the "Bedrooms" limit would also be practically meaningless. I would recommend you check the file on Ordinance 20541 to verify that (3) wasn't supposed to state "whichever is *greater*."

Although a *reasonable* limit to the size of a dwelling on an alley access lot would not trigger a valid M49 claim (see the City's most recent decision), a limit of 462 feet might be construed as being a *practical* prohibition against creating any dwelling, and therefore would potentially merit approval of a M49 claim.

In any case, the council could amend the code to make sense, by replacing "smaller" with "greater" or increasing the 10% to a larger value (e.g., 15% or 20%). In either case, the code would allow a reasonable dwelling and the M49 claim would not warrant approval.

Please keep me informed.

-- Paul

**Accredited Earth Advantage
Sustainable Homes Professional**

LAWLER Daniel R

From: Bill Aspegren <aspegren@comcast.net>
Sent: Wednesday, July 04, 2018 5:52 PM
To: LAWLER Daniel R
Cc: Paul Conte
Subject: RE: Moore M49 Materials

Dan, thanks for the reply.

Please make sure I am listed as a person of interest. Also let me know what you are recommending to the Council ASAP.

I have seen Paul Conte's e-mail suggesting a minor fix to the code, which allows a reasonable sized house on existing alley access lots. In fact, this may have been the original intent.

9.2751(18)(a)3

Building Size. The total building square footage of a dwelling shall not exceed 10 percent of the total lot area or 800 square feet, whichever is **smaller**. Total building square footage is measured at the exterior perimeter walls and is defined as all square footage inside of the dwelling, including, but not limited to hallways, entries, closets, utility rooms, stairways and bathrooms.

Change smaller to greater and the code becomes reasonable. I believe in addition to the 800 square foot building you can add a 300 square foot garage, resulting in a 1,100 square foot structure.

I know code changes take time. However, if the Council authorizes this change, they could request that Moore puts her claim on hold until the change is effective.

If this solution is not acceptable to either the Council or Moore, make sure you have an independent appraiser determine the value of the property before moving forward. This was done for a recent 49 claim and it proved very interesting. I believe this should be standard practice on the part of the City.

Bill Aspegren

From: LAWLER Daniel R <Daniel.R.Lawler@ci.eugene.or.us>
Sent: Tuesday, July 3, 2018 2:20 PM
To: ASPEGREN Bill (SMTP) <aspegren@comcast.net>
Subject: Moore M49 Materials

Hi Bill,

Sorry it took me a while to get back to you! You can find the materials for the Moore M49 claim here:

<http://pdd.eugene-or.gov/LandUse/SearchApplicationDocuments?file=M49-18-0001>

Please let me know if you have any trouble with the link or if you have any other questions.

Thanks!

Dan Lawler
Assistant Planner
City of Eugene Planning Division
541-682-5282

RESOLUTION NO. _____

A RESOLUTION GRANTING A MEASURE 49 CLAIM AND WAIVING A PROVISION OF CHAPTER 9 OF THE EUGENE CODE, 1971, FOR PROPERTY LOCATED ADJACENT TO 70 WEST 24th PLACE, EUGENE, OREGON (ASSESSOR'S MAP 18-03-06-42, TAX LOT 2700).

The City Council of the City of Eugene finds that:

A. Elise Moore (Claimant) submitted a claim to the City seeking compensation or a waiver of EC 9.2751(18)(a)3. under Ballot Measure 49. Claimant alleges that the limit on building size on alley access lots to 10% of the lot size or 800 square feet (whichever is smaller) restricts the residential use and diminishes the fair market value of her vacant property located adjacent to 70 West 24th Place, Eugene, Oregon.

B. The City Manager has caused an investigation of the claim to be made, has determined the claim to be valid, and has submitted to the Council a Report and Recommendation that EC 9.2751(18)(a)3. be waived to allow Claimant to construct a 1,200 square foot dwelling that complies with all other residential lot standards on the subject property. The recommended waiver does not address the applicability of any other provision that might preclude such construction.

C. Considering the City Manager's recommendation and conclusion as to the validity of the claim, and the lack of City funds with which to pay compensation to the Claimant, the City Council finds the public interest will be best served by waiving the requirement of EC 9.2751(18)(a)3. as set forth herein.

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EUGENE, a Municipal Corporation of the State of Oregon, as follows:

Section 1. Based on the above findings, which are adopted, and the analysis contained in the Report and Recommendation of the City Manager, the City Council hereby waives EC 9.2751(18)(a)3. for the property owned by Claimant Elise Moore, Assessor's Map 18-03-06-42, Tax Lot 2700.

Section 2. A copy of this Resolution shall be forwarded to Elise Moore at 70 West 24th Place, Eugene, Oregon 97405, to her representative, Bill Kloos at 375 W. 4th Street, Suite 204, Eugene, Oregon 97401, and to the City's Planning & Development Department. A copy of this Resolution shall be recorded with the Lane County Records Department.

Section 3. This Resolution shall become effective immediately upon its adoption.

The foregoing Resolution adopted the ____ day of _____, 2018.

City Recorder

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Public Hearing: An Ordinance Concerning the Prohibition of Smoking on Public Right-of-way Adjacent to Opted-In Properties; the Prohibition of Smoking Within the Downtown Core and Allowing for Properties to Opt-Out; and Amending Section 6.230 of the Eugene Code, 1971.

Meeting Date: July 16, 2018
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 6
Staff Contact: Becky DeWitt
Contact Telephone Number: 541-682-5616

ISSUE STATEMENT

The Eugene City Council will hold a public hearing on a proposed ordinance to expand smoke-free areas in the City of Eugene. The purpose of the ordinance is to promote community health by reducing the exposure and impacts of secondhand smoke and cigarette litter.

BACKGROUND

Tobacco is the leading cause of preventable death in the United States, Oregon, and Lane County. Tobacco-related diseases kill approximately 7,000 Oregonians each year and nearly 700 people a year in Lane County alone. An additional 600 deaths are caused by secondhand smoke each year across the state. Medical expenses and lost wages due to tobacco-related disease and early death cost Lane County over \$260 million a year, or \$1,800 per household. Surveys indicate that 75 percent of Lane County residents believe it is important to be protected from secondhand smoke outdoors.

Preventing and reducing the impact of tobacco in Lane County is one of the objectives of the local Community Health Improvement Plan. Evidence shows that increasing tobacco and smoke-free environments is one of the most effective ways to reduce tobacco use and prevent secondhand smoke exposure.

Due to the significant cost of tobacco use to society and individuals there is an increasing trend for businesses and governments to adopt policies regulating smoking or tobacco use in outdoor public spaces nationally, and in Oregon. For instance, Salem, Oregon, passed an ordinance that allows smoking to be prohibited on sidewalks and landscape strips within public right-of-ways that are adjacent to properties where smoking is prohibited as a policy of the property owner. Several of our regional partners, including the University of Oregon, Peace Health, and Lane Transit District, have sought the authority to prohibit smoking in the right-of-ways adjacent to their smoke-free properties. There are also a number of City-owned smoke-free properties where this would be beneficial.

Cities including Ashland, Oregon, McMinnville, Oregon, Boulder, Colorado, Fort Collins, Colorado, and Boise, Idaho, have passed ordinances creating smoke-free outdoor areas in their city centers and downtowns. In 2016, all city of Eugene parks and open spaces became smoke-free. In January, 2017, Lane County acted to make all 73 county parks and open spaces smoke- and tobacco-free.

Current City ordinances do not allow smoking within 10 feet of any public doorway or within 25 feet of the entrance to government buildings throughout Eugene. While these ordinances provide some level of protection from secondhand smoke indoors, they do not address outdoor smoking in high use pedestrian areas, such as sidewalks, alleys and public spaces.

Staff has reviewed this item through a triple bottom line lens and finds that supporting smoke-free initiatives is beneficial from an environmental health, social equity, and economic prosperity perspective. Positive environmental impacts include cleaner air and reduced litter. In addition, research has shown that groups with lower socio-economic resources experience disproportionate impacts of smoking to both their health and economic prosperity. Costs of treating smoking-related illnesses continue to be significant in both Lane County and nationwide.

In order to preserve council's option to take action on this item prior to summer break, the attached draft ordinance (Attachment A) includes the following provisions:

- Expand smoke-free areas to include the public spaces—sidewalks, alleys, and plazas—within the defined area of the downtown core (Ordinance Exhibit A). This ordinance includes an option for properties within the downtown core to “Opt-Out” and create designated smoking areas at any time.
- This ordinance also includes an “Opt-In” option for smoke-free properties outside of the downtown core to create smoke-free areas on the public right-of-way adjacent to their properties.

Following consideration of these options, council can move forward with a July 16 public hearing on the ordinance as written and, if Council chooses, amend the ordinance at the time of Council action on July 23. Potential outcomes on this topic include adopting an ordinance that is opt-in city-wide and opt-out for the downtown core, opt-in city-wide with no special downtown core provision, or taking no action.

RELATED CITY POLICIES

City Council Goals

Safe Community – A community where all people are safe, valued and welcome.

- Greater sense of safety

Regional Prosperity Economic Development Plan

Strategy 5: Identify as a Place to Thrive, Priority Next Step – Urban Vitality

As we foster a creative economy, dynamic urban centers are and important assess. Eugene, Springfield and many of the smaller communities in the region, recognize the importance of

supporting and enhancing vitality in their city centers. Building downtowns as places to live, work and play will support the retention and expansion of the existing business community and be a significant asset to attract new investment. The Cities of Eugene and Springfield will continue to enhance their efforts to promote downtown vitality through development and redevelopment.

COUNCIL OPTIONS

This is a public hearing item only.

CITY MANAGER'S RECOMMENDATION

This is a public hearing item only.

SUGGESTED MOTION

This is a public hearing item only. No action is required at this time.

ATTACHMENTS

- A. Proposed Ordinance
 - 1. Exhibit A: Downtown Core Map
- B. Section 6.230 of Eugene Code, 1971.

FOR MORE INFORMATION

Staff Contact: Becky DeWitt
Telephone: 541-682-5616
Staff E-Mail: Becky.L.DeWitt@ci.eugene.or.us

ORDINANCE NO. _____

AN ORDINANCE CONCERNING THE PROHIBITION OF SMOKING ON PUBLIC RIGHT-OF-WAY ADJACENT TO OPTED-IN PROPERTIES; THE PROHIBITION OF SMOKING WITHIN THE DOWNTOWN CORE AND ALLOWING FOR PROPERTIES TO OPT-OUT; AND AMENDING SECTION 6.230 OF THE EUGENE CODE, 1971.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Subsection (2) of Section 6.230 of the Eugene Code, 1971, is amended to add a new subsection (q) and to provide as follows:

6.230 Smoking Prohibited in Public Places and Places of Employment.

- (2) Smoking is prohibited ***on all real property owned by the city and*** in all public places and all places of employment within the city, including, but not limited to the following:

....

- (q) If requested by the property owner and approved by the city manager, public rights-of-way adjacent to properties where smoking is prohibited by subsections (2)(a)-(p) of this section, and public rights-of-way adjacent to smoke free publicly owned properties. The request shall comply with the rules adopted by the city manager under section 2.019 of this code.***

Section 2. Subsection (2) of Section 6.230 of the Eugene Code, 1971, is amended to add a new subsection (r) and to provide as follows:

- (2) Smoking is prohibited ***on all real property owned by the city and*** in all public places and all places of employment within the city, including, but not limited to the following:

....

- (r) Within the downtown core as that area is defined in section 4.871 of this code. Notwithstanding the prohibition contained in this section, the city manager is authorized to permit smoking in designated areas adjacent to private establishments that request such permission and that comply with the rules adopted by the city manager under section 2.019 of this code.***

Section 3. A map generally depicting the geographic boundary described in EC 6.230(2)(r) is attached hereto as Exhibit A.

Section 4. The City Recorder, at the request of, or with the consent of the City Attorney, is authorized to administratively correct any reference errors contained herein, or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

Passed by the City Council this

____ day of _____, 2018

City Recorder

Approved by the Mayor this

____ day of _____, 2018

Mayor

Downtown Core

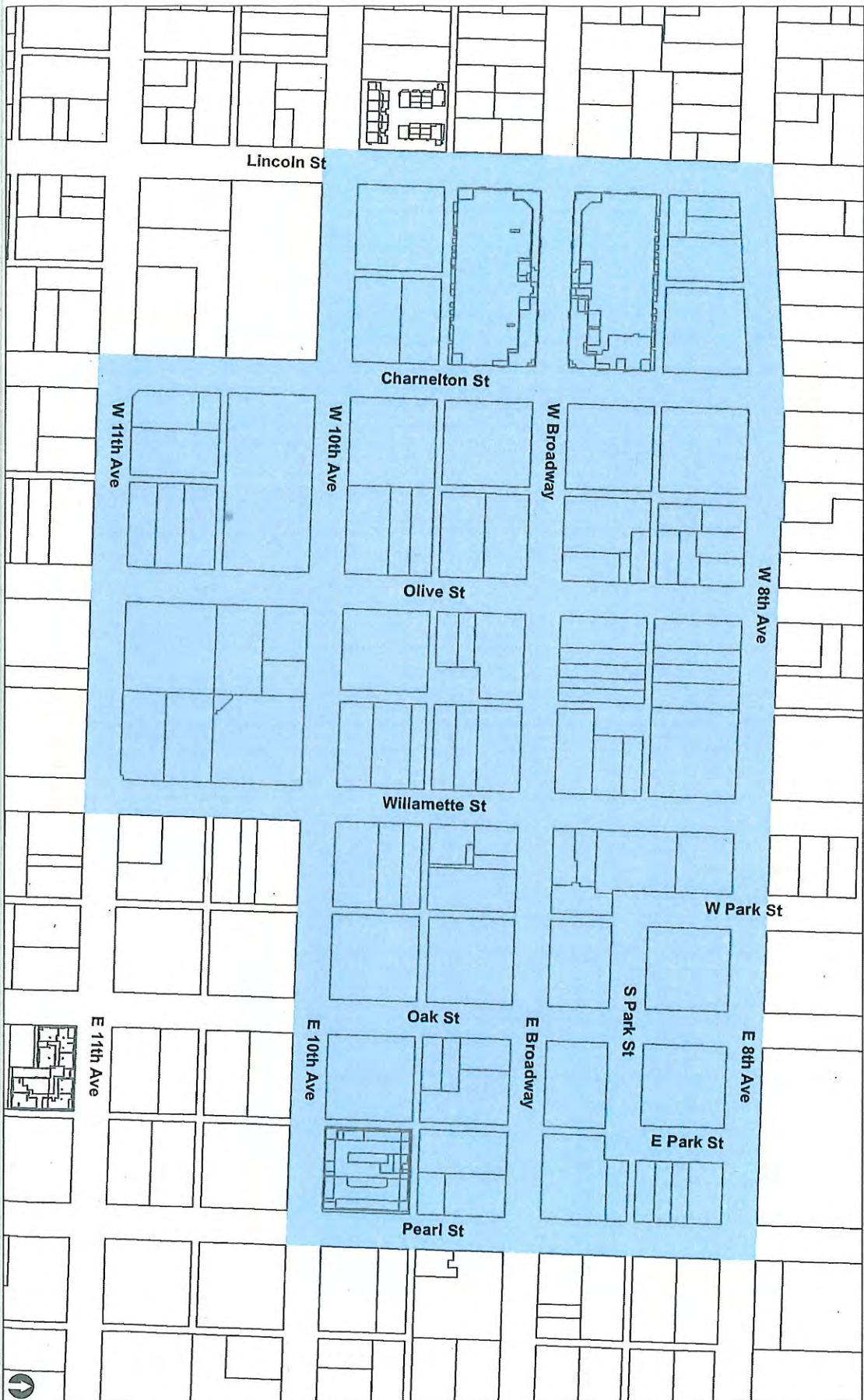


Exhibit A to Ordinance

Tobacco Products and Smoking

6.225 **Definitions.** For the purposes of sections 6.230 to 6.240 of this code, the following words and phrases mean:

Bar. An area that is devoted to the serving of alcoholic beverages for consumption by guests on premises and in which the serving of food is only incidental to the consumption of such beverages.

Business. Any sole proprietorship, partnership, joint venture, corporation, or other business entity, including retail establishments where goods or services are sold as well as professional corporations and other entities where professional services are delivered.

Employee. Any person who is employed by an employer in consideration for direct or indirect monetary wages or profit, and any person who volunteers his or her services to a non-profit entity. This definition includes independent contractors.

Employer. Any person or entity who employs the services of one or more individuals.

Enclosed area. All space between a floor and a ceiling that is enclosed on all sides by solid walls or windows (exclusive of door or passageways) which extend from the floor to the ceiling, including all space therein screened by partitions which do not extend to the ceiling or are not solid, "office landscaping" or similar structure.

Place of employment. Any enclosed area under the control of a public or private employer which employees normally access during the course of employment, including, but not limited to, work areas, employee lounges and rest rooms, conference and class rooms, cafeterias and hallways. A private residence is not a "place of employment" unless it is used as a child care, adult day care, or health care facility.

Public place. Any enclosed area to which the public is invited or in which the public is permitted including, but not limited to, banks, education facilities, health facilities, laundromats, public transportation, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, theaters, and waiting rooms. A private residence is not a "public place" unless it is used as a child care, adult day care, or health care facility.

Public transportation. Any motorized vehicle used to transport people which is held out for hire by the public or used by a public or private elementary or secondary school to transport students.

Restaurant. Any coffee shop, cafeteria, sandwich stand, private or public school cafeteria, and any other eating establishment that gives or offers food for sale to the public, guests or employees, as well as kitchens in which food is prepared on the premises for serving elsewhere, including catering facilities.

Retail tobacco store. A retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental.

Service line. Any indoor line, or any portion of an indoor line that extends out of doors, at which one or more persons is waiting for or receiving services of any kind, whether or not such services involves the exchange of money.

Smoking. Any inhaling, exhaling, burning, or carrying of any lighted pipe, cigar, cigarette, or other tobacco-like product or substance in any manner or in any form.

Sports facility. Any sports pavilion, gymnasium, health spa, swimming pool, roller rink, bowling alley, or other enclosed places where members of the general public assemble either to engage in physical exercise, participate in athletic competition, or witness sports events.

Tobacco product. Any tobacco cigarette, cigar, pipe tobacco, smokeless tobacco, chewing tobacco, or any other form of tobacco that may be utilized for smoking, chewing, inhalation, or other means of ingestion.

(Section 6.225 added by Ordinance No. 18721, enacted November 12, 1980; amended by Ordinance No. 20212, enacted September 25, 2000, effective October 26, 2000; and Ordinance No. 20338, enacted March 4, 2005, effective April 3, 2005.)

6.230 Smoking Prohibited in Public Places and Places of Employment.

- (1) Nothing in sections 6.225 to 6.240 shall be construed to in any way affect smoking prohibitions imposed by the fire marshal or other laws, ordinances, or regulations.
- (2) Smoking is prohibited in all public places and all places of employment within the city, including, but not limited to the following:
 - (a) All elevators.
 - (b) Rest rooms, lobbies, reception areas, hallways, and any other areas of common use.
 - (c) Buses, taxicabs, and any other means of public transportation.
 - (d) Service lines, or within ten feet of a service line that extends out of doors.
 - (e) Retail stores.
 - (f) All areas available and customarily used by the general public located in a business patronized by the public, including non-profit

and public businesses. Affected businesses include, but are not limited to, professional offices, banks, laundromats, hotels and motels.

- (g) All restaurants, taverns, bars, cocktail lounges and bingo parlors.
- (h) Any enclosed facility that is primarily used for exhibiting any motion picture, stage or drama production, lecture, music recital or other similar performance, except for performers when smoking is part of a stage or drama production.
- (i) Sports facilities.
- (j) Every room, chamber, place of meeting or public assembly, including school buildings under the control of any board, council, commission, or committee, including joint committees or agencies of the city, during the time a public meeting is in progress.
- (k) Within publicly owned buildings and within 25 feet of any entrance or air intake to, or any operable window of, any such building. However, notwithstanding the foregoing prohibition, a private establishment that is located in a city-owned building and that has a separate entrance may have an outdoor smoking area if it complies with other provisions of this code and any rules adopted by the city manager to implement this section, and no smoking occurs within 25 feet of an entrance, air intake to or operable window of another business, agency or establishment located within the same city-owned building.
- (l) Waiting rooms, hallways, wards, and semi-private rooms of health care facilities, including, but not limited to, hospitals, clinics, physical therapy facilities, and doctor's and dentist's offices.
- (m) Lobbies, hallways, and other enclosed common areas in apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities.
- (n) Polling places.
- (o) Within a reasonable distance, of not less than ten feet, of any entrance to any enclosed area where smoking is prohibited.
- (p) The exterior of city-owned buildings a primary purpose of which is to provide services and programs to children under the age of 18, including but not limited to libraries, pools, sports parks and community centers. The city manager shall adopt an administrative order that identifies the specific facilities covered by this subsection. For purposes of this subsection, "exterior" means the area outside of the building extending from the building footprint to the curb, including but not limited to driveways, planting strips, sidewalks, pedestrian ways, patios and alleys adjacent to the city-owned building, but not extending into any non-city owned property adjacent to the building or onto the roadway. Notwithstanding the prohibition contained in this section, if a private establishment is located in a city-owned building, the

provisions of subsection (2)(k) of this section related to private establishments shall apply.

- (3) Employers are required to provide for all employees a place of employment in which employees are not exposed to the smoking of others.

(Section 6.230 added by Ordinance No. 18721, enacted November 12, 1980; amended by Ordinance No. 20212, enacted September 25, 2000, effective October 26, 2000; Ordinance No. 20215, enacted November 13, 2000, effective December 13, 2000; Ordinance No. 20338, enacted March 4, 2005, effective April 3, 2005; Ordinance No. 20451, enacted February 8, 2010; effective March 12, 2010.)

6.235 Smoking Prohibited - Enforcement.

- (1) In every building or enclosed area in which smoking is prohibited by section 6.230 of this code, a “No Smoking” sign shall be conspicuously posted by the owner, manager, or other person having control of the building or area. The signs shall be of a form and size approved by the city manager and contain a reference that regulation is by sections 6.225 to 6.240 of this code.
- (2) At primary entrances to public places or publicly owned buildings in which smoking is prohibited by section 6.230 of this code, the owner or manager of such place or building shall post a “No Smoking” sign so that the sign is plainly visible from the outside of the entrance. The signs shall be of a form and size approved by the city manager and contain a reference that regulation is by sections 6.225 to 6.240 of this code.
- (3) It shall be unlawful for any person to remove, deface, or destroy any sign required by this section.
- (4) No person or employer shall discharge, refuse to hire, or in any manner retaliate against an employee, applicant for employment, or customer because the employee, applicant, or customer reports or attempts to prosecute a violation of section 6.230 of this code.
- (5) Any person who violates a provision of section 6.230 or 6.235, or any business, owner, or employer who permits a violation to occur, shall be subject to the penalties provided in section 6.990(12), an administrative civil penalty pursuant to section 6.995 of this code, or both such fine and penalty.

(Section 6.235 added by Ordinance No. 18721, enacted November 12, 1980; amended by Ordinance No. 20212, enacted September 25, 2000, effective October 26, 2000; and Ordinance No. 20338, enacted March 4, 2005, effective April 3, 2005; subsection (5) administratively amended by Ordinance No. 20338.)

6.240 Smoking Prohibited - Exceptions. The restrictions set forth in sections 6.230 and 6.235 of this code do not apply to:

- (a) Private residences, unless the private residence is used as a child care, adult day care, or health care facility;
- (b) Rented motel/hotel rooms that are designated in some manner as smoking rooms by the owner of the establishment renting the room;
- (c) Private rooms rented for an occupancy that exceeds one month and not located in a private residence used as a child care, adult day care, or health care facility;

(d) Retail tobacco stores; or

(e) Designated smoking entrances.

(Section 6.240 added by Ordinance No. 20212, enacted September 25, 2000, effective October 26, 2000; and amended by Ordinance No. 20215, enacted November 13, 2000, effective December 13, 2000.)

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Public Hearing and Possible Action: A Resolution Adopting “Picture. Plan. Play. A Vision and Implementation Plan for Eugene’s Parks and Recreation System”

Meeting Date: July 16, 2018
Department: Public Works/Library, Recreation
and Cultural Services
www.eugene-or.gov

Agenda Item Number: 7
Staff Contact: Carolyn Burke
Contact Telephone Number: 541-682-4914

ISSUE STATEMENT

This public hearing provides an opportunity for the public to comment on the Draft Parks and Recreation System Plan (*Picture. Plan. Play. A vision and Implementation Plan for Eugene’s Parks and Recreation System*) which council will consider adopting by resolution immediately following the hearing. While a public hearing is not legally required for the City Council to adopt the plan, it was decided that the community should continue to have opportunities to weigh in on plan development, including the final adoption process. The draft resolution is included as Attachment A.

BACKGROUND

In 2015, the Parks and Open Space and Recreation Services divisions launched a process to establish a plan for the future of the parks and recreation system. Two outcomes of this process include a 30-year vision for parks and recreation to benefit current and future generations and a 10-year implementation plan that identifies priorities and funding strategies. Following three years of planning work and an award-winning community engagement effort that connected with over 12,000 community members, a draft of *Picture. Plan. Play: A Vision and Implementation Plan for Eugene’s Parks and Recreation System* was made available for public review in January, 2018. As discussed at your July 11 work session, slight modifications to the plan have been made since then. The final draft of the plan proposed for your adoption is available at www.eugparksandrec.org and hard copies of the final draft will be provided at your places for this hearing and possible action.

The vision for parks and recreation in Eugene is a system of beautiful, inspiring places that foster personal, community and environmental health while upholding four core principles:

- Care for and make the most of what we have
- Serve the entire community
- Create more connections
- Build better partnerships

These guiding principles respond to current challenges and look forward in anticipation of a growing population whose reliance on parks and recreation will become even more central to

preserving Eugene's exceptional quality of life. *Picture. Plan. Play. A Vision and Implementation Plan for Eugene's Parks and Recreation System* documents the relationship between the residents of Eugene and their parks and recreation system and offers detailed recommendations for a healthier future for all.

A series of work sessions with the City Council have paralleled the planning process, including discussions of a long-range vision for parks and recreation in Eugene, community engagement results, funding mechanisms, funding priorities, and implementation strategies. City Council referred two funding measures to the May 2018 ballot; a \$3.15 million 5-year Operations and Maintenance Local Option Levy and a \$39.35 million General Obligation Bond Measure. Both measures were firmly based in the findings of the Parks and Recreation System Plan and both measures passed with resounding community support.

Next Steps

Later in 2018, the City Council will consider an update to the City's Parks and Recreation System Development Charge methodology. While staff's recommendations for the SDC update will be based on achievement of the service levels reflected in the new System Plan, the System Plan and the SDC updates are not co-dependent. In other words, council's approval of the new System Plan would not predetermine or limit council's future actions with regards to a revised SDC methodology

RELATED CITY POLICIES

- Council goal for Accessible and Thriving Culture and Recreation (a community where arts and outdoors are integral to our social and economic well-being and are available to all).
- Council goal for Fair, Stable and Adequate Financial Resources (a government whose ongoing financial resources are based on a fair and equitable system of revenues and are adequate to maintain and deliver municipal services).

COUNCIL OPTIONS

- A. Adopt the resolution presented in Attachment A, adopting "Picture. Plan. Play. A Vision and Implementation Plan for Eugene's Parks and Recreation System."
- B. Adopt the resolution presented in Attachment A, adopting "Picture. Plan. Play. A Vision and Implementation Plan for Eugene's Parks and Recreation System" [with specific modifications identified by City Council].
- C. Take no action at this time.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends Option A, adopting the resolution presented in Attachment A, adopting "Picture. Plan. Play. A Vision and Implementation Plan for Eugene's Parks and Recreation System."

SUGGESTED MOTION

Move to adopt the resolution presented in Attachment A, adopting “Picture. Plan. Play. A Vision and Implementation Plan for Eugene’s Parks and Recreation System.”

ATTACHMENTS

- A. A resolution adopting “Picture. Plan. Play. A vision and Implementation Plan for Eugene’s Parks and Recreation System.”
 - Resolution Exhibit A: “Picture. Plan. Play. A vision and Implementation Plan for Eugene’s Parks and Recreation System.” [to be provided at each councilor’s place]

FOR MORE INFORMATION

Staff Contact: Carolyn Burke, Project Manager

Telephone: 541-682-4914

Staff E-Mail: carolyn.j.burke@ci.eugene.or.us

Staff Contact: Craig Carnagey, Parks and Open Space Director

Telephone: 541-682-4930

Staff E-Mail: craig.t.carnagey@ci.eugene.or.us

Staff Contact: Craig Smith, Recreation Director

Telephone: 541-682-5334

Staff E-Mail: craig.h.smith@ci.eugene.or.us

RESOLUTION NO. _____**A RESOLUTION ADOPTING “PICTURE. PLAN. PLAY. A VISION AND IMPLEMENTATION PLAN FOR EUGENE’S PARKS AND RECREATION SYSTEM.”****The City Council of the City of Eugene finds that:**

A. The City of Eugene has developed a Plan entitled “Picture. Plan. Play. A Vision and Implementation Plan for Eugene’s Parks and Recreation System” (“the 2018 Plan”), attached as Exhibit A to this Resolution, to serve as a guide for the City with respect to the future parks, open space and recreation system.

B. Public involvement was a major component of the 2018 Plan preparation process, connecting with approximately 12,000 community members, garnering two awards, and culminating with a public hearing on July 16, 2018.

C. The vision for parks and recreation in Eugene is a system of beautiful, inspiring places that foster personal, community and environmental health while upholding four core principles:

- Care for and make the most of what we have
- Serve the entire community
- Create more connections
- Build better partnerships

D. The 2018 Plan (including its appendices) is not a land use plan or a systems development charge capital improvement plan described at ORS 223.309.

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EUGENE, a Municipal Corporation of the State of Oregon, as follows:

Section 1. The City of Eugene’s “Picture. Plan. Play. A Vision and Implementation Plan for Eugene’s Parks and Recreation System” Plan attached as Exhibit A to this Resolution is adopted.

Section 2. This Resolution shall become effective immediately upon its adoption.

The foregoing Resolution adopted the ____ day of _____, 2018.

City Recorder

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Action: Wildlife Feeding

Meeting Date: July 16, 2018
Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: 8
Staff Contact: Rachelle Nicholas
Contact Telephone Number: 541-682-5495

ISSUE STATEMENT

The City Council is scheduled to take action on proposed changes to the City's Nuisances code (6.005). The proposed code includes language that would prohibit the feeding of "wildlife" and provide examples of prohibited conditions attracting rodents. The purpose of the proposed changes is to add language that would address a growing concern regarding the increase in turkeys and rats.

BACKGROUND

The City of Eugene over the last few years has seen a rise in the number of rat-related complaints in neighborhoods and homes. Based on field experience, we know there is at least some link between the increase in rats and the growing popularity of urban agriculture, composting and gardening which create an opportune food source for rats. At the February 28, 2018, work session, City staff discussed the educational outreach and code compliance work that has been happening in response to the concerns.

In addition to concerns related to an increase in rats, there's been a growing community concern regarding the number of wild turkeys in neighborhoods. During the February work session, City staff and Christopher Yee, District Biologist with Oregon Department of Fish and Wildlife, provided information on what other communities may be doing to address this concern.

Based on this information, City Council directed the City Manager to bring back an ordinance that prohibits feeding wildlife if the feeding causes damage to neighboring property or attracts rats. Staff researched 32 cities in Oregon and found that none of the cities has code provisions prohibiting wildlife feeding that causes property damage to a neighborhood. Of the 32 cities, 10 had code provisions regulating wildlife feeding. At the April 11, 2018, work session, staff provided a summary of three examples of wildlife feeding code from three other Oregon cities including Corvallis, Medford and Philomath. At that work session, councilors indicated they wanted to ensure the City had adequate code language to address the rat problem in addition to the growing population of turkeys and showed general support for the City of Medford's code.

The draft ordinance attached to this AIS adds a new section to the City's nuisance code that prohibits the feeding of wildlife, including deer, raccoon, wild turkey, bear, cougar, coyote and

wolf. Additionally, the draft ordinance provides examples of prohibited conditions that attract rodents, such as open compost piles and accumulated garbage. The conditions attracting rats provided as examples in the draft ordinance are already prohibited in existing code language included in Chapter 6.010, 6.015, 6.050, 6.055, 6.815 and 9.5250; however, inclusion of the conditions in the rodent control section of the City Code is intended to be responsive to the council's discussion at the April 11 work session. Also in response to council's discussion, the draft ordinances includes a cross-reference to the City's urban animal keeping standards.

A public hearing on the proposed code changes was held by City Council on June 11, 2018. Six people presented testimony at the hearing for council consideration. The public testimony focused on the desire for more outreach and education and banning the use of rodenticides.

Education and outreach around rodent control and prevention continues.

- A [webpage](#) has been created with a plethora of useful information and resources.
- In addition to the webpage, the City now has an online Rat Education Kit available for free at eugene-or.gov/rats to enable residents, neighborhood associations and community groups to spread information about rat prevention and control. The kit includes easy-to-use education tools including text for newsletters or emails, downloadable posters, and brochures to share or print and even graphics created for Facebook and Twitter, including text for the post.
- A rodent control and prevention public service announcement poster is up inside all Lane Transit District buses for the summer months and educational advertisements are running on social media as well.

RELATED CITY POLICIES

Eugene Code Chapter 6.015: Rodent Control - Conditions Attracting Rats Prohibited -
Eugene Code Chapter 9.5250: Urban Animal Keeping Standards

COUNCIL OPTIONS

1. Approve the code changes and adopt the ordinance as attached
2. Modify the code changes and adopt a modified ordinance
3. Take no action

CITY MANAGER'S RECOMMENDATION

The City Manager recommends Option 1: the Eugene City Council approve the changes to the City's Nuisance code and adopt the ordinance as attached.

SUGGESTED MOTION

Move to adopt Council Bill 5189 that updates the City's Nuisance code.

ATTACHMENTS

- A. Draft Ordinance Concerning Rodents and Prohibiting the Feeding of Wildlife; Amending Sections 6.005 and 6.015 of the Eugene Code, 1971; and Adding a New Section 6.020.
- B. Eugene Code Chapter 9.5250 Urban Animal Keeping Standards

FOR MORE INFORMATION

Staff Contact: Rachelle Nicholas
Telephone: 541-682-5495
Staff E-Mail: rachelle.d.nicholas@ci.eugene.or.us

ORDINANCE NO. _____

AN ORDINANCE CONCERNING RODENTS AND PROHIBITING THE FEEDING OF WILDLIFE; AMENDING SECTIONS 6.005 AND 6.015 OF THE EUGENE CODE, 1971; AND ADDING A NEW SECTION 6.020.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Section 6.005 of the Eugene Code, 1971, is amended to add the following definitions:

6.005 **Definitions.** For purposes of sections 6.005 to 6.845, the following words and phrases mean:

Feed. To place, deposit, distribute, store or scatter food, garbage or any other attractant so as to constitute a lure, attraction, or enticement for wildlife.

Wildlife. Deer, raccoon, wild turkey, bear, cougar, coyote, and wolf.

Section 2. Section 6.015 of the Eugene Code, 1971, is amended to provide:

6.015 Rodent Control - Conditions Attracting Rats Prohibited.

- (1)** No owner or person in charge of property shall allow conditions to exist thereon or therein, which attract or are likely to attract, feed or harbor rats or mice. The conditions prohibited by this section are nuisances subject to abatement as provided in this code. ***Conditions prohibited by this section include, but are not limited to:***
 - a. Open compost piles;***
 - b. Accumulated garbage, recycling or animal waste not stored in containers compliant with EC 6.055(2);***
 - c. Animal feed not stored in compliance with subsection (3) of this section; and,***
 - d. Overgrown vegetation that is used for habitation by rodents.***
- (2)** All portions of every building or other structure, other than residences, in which handling, storing or keeping any substance on which rats and mice can feed shall be rodent-proof.
- (3)** All food for chickens, horses, mules, cows, goats, pigs or other domestic animals shall be kept and stored ***in accordance with EC 9.5250 (Urban Animal Keeping Standards)*** and either in a building, structure, part thereof, or container that is rodent-proof.
- (4)** All garbage or refuse consisting of waste material upon which rats or mice may feed shall be placed in covered rodent-proof containers of a type prescribed by the city manager or the manager's designee, until collected by garbage haulers.

- (5) All premises improved or unimproved, and all open lots, streets, sidewalks, alleys and other areas in the city shall be kept clean and free from all rubbish, as well as from loose material that might serve as a harbor for rats and mice. All lumber, boxes, barrels, loose iron and material that might harbor rats shall be placed upon supports in such manner as to provide no refuge for rats and mice.
- (6) All improvements, repairs, construction and maintenance of a building or structure, or any equipment or fixtures therein shall comply with this section.
- (7) The city manager or the manager's designee is hereby authorized and empowered to make inspection of the exterior, interior and underneath any building or structure or premises in the city. It shall be unlawful for an owner or person in charge of property to fail to permit such inspection when requested to do so in accordance with law.

Section 3. A new section 6.020 is added to Eugene Code, 1971, to provide:

6.020 Wildlife – Feeding Prohibited. No person shall feed wildlife within the city.

Section 4. The City Recorder, at the request of, or with the consent of the City Attorney, is authorized to administratively correct any reference errors contained herein, or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

Passed by the City Council this

_____ day of June, 2018

City Recorder

Approved by the Mayor this

_____ day of June, 2018

Mayor

9.5250 Urban Animal Keeping Standards.

- (1) **Purpose.** The purpose of these standards is to allow for increased opportunities for residential urban animal keeping and farming within the city limits, while encouraging compatibility within the urban environment. Animal keeping is the practice of raising domesticated animals that are used primarily as food or product sources.
- (2) **Application of Standards.** In addition to applicable provisions contained elsewhere in this land use code, where this land use code allows Urban Animal Keeping, all of the standards in this section apply.
- (3) **General Standards.**
 - (a) Animals not addressed in this section are not permitted under the "Urban Animal Keeping" use category.
 - (b) Except for an animal kept on-site by an educational or religious institution, the person responsible for keeping an animal shall reside on or adjacent to the development site on which the animal is kept.
 - (c) In addition to applicable provisions contained in this land use code, the keeping of one or more animals under these provisions shall also comply with all other applicable provisions of the Eugene Code, including but not limited to sections 4.083 through 4.084 Noise Disturbance, section 4.335 Animal Abuse, section 4.340 Animal Neglect, and section 4.430 Continuous Annoyance.

(4) Animals Allowed.

- (a) On development sites of less than 20,000 square feet and located in a zone that allows "Urban Animal Keeping," any two of the following four categories of animals are allowed:
 - 1. Chickens and Domestic Fowl. Up to 6 of any combination of chickens and domestic fowl over six months of age and up to 6 of any combination of chickens and domestic fowl under six months of age. For purposes of EC 9.5250, "domestic fowl" means quails, pheasants, ducks, pigeons, and doves. Roosters, geese, peacocks, and turkeys are prohibited.
 - 2. Rabbits. Up to 6 over six months of age and up to 6 under six months of age.
 - 3. Miniature Goats. Up to 3 miniature goats, commonly known as pygmy, dwarf, and miniature goats, provided that males are neutered.
 - 4. Miniature Pig. No more than one miniature pig, up to 150 pounds in weight.

In addition to the above, Honey Bees are allowed (up to 3 hives) provided that they are located at least 5 feet from all property lines and the opening of the hive is pointed toward the center of the property and a water source is provided on site within 15 feet of each hive.

- (b) On development sites 20,000 square feet or greater and located in a zone that allows "Urban Animal Keeping," all of the following are allowed:
 - 1. Chickens, Rabbits, and Domestic Fowl. Limited by the area requirement in section (8) below. Roosters, geese, peacocks, and turkeys are prohibited.
 - 2. Miniature Goats. Up to 3 miniature goats, commonly known as pygmy, dwarf, and miniature goats, provided that males are

neutered. Additional miniature goats are allowed subject to the area requirement in section (8) below.

3. Miniature Pig. No more than one miniature pig, up to 150 pounds in weight.
 4. Cows, miniature cows, horses, miniature horses, sheep, goats, emus, alpacas, and llamas. Limited by the area requirement in section (8) below.
 5. Honey Bees. Up to 4 hives, provided that they are located at least 25 feet from all property lines and a water source is provided on site within 15 feet of each hive.
- (5) **Sanitation.** Proper sanitation shall be maintained for all animals at all times to prevent any condition which may be dangerous or detrimental to the health of the public or animals, or constitute a nuisance. Proper sanitation includes:
- (a) Disposing of animal waste matter and not allowing it to accumulate;
 - (b) Compost piles that contain animal waste matter shall be located at least 5 feet from all property lines and be within a container or bin enclosed on all sides and covered to deter rodents, flies, and other pests;
 - (c) Ensuring odors resulting from the animals are not detectable beyond property lines; and
 - (d) Storing all animal food in metal or other rodent-proof containers.
- (6) **Fencing.** Fencing is required and shall be designed and constructed to confine all animals to the site on which the animal is kept. The fence location and height are those required for fences in the applicable base and overlay zone.
- (7) **Enclosures.**
- (a) An enclosure is required and shall be designed and constructed to provide shelter from the weather for all animals kept outdoors on the development site.
 - (b) The enclosure shall be roofed and have at least two solid sides.
 - (c) The enclosure shall comply with the required height for accessory structures in the applicable base and overlay zone.
 - (d) All structures designed and used to provide shelter for all animals shall be located at least 10 feet from all property lines, except where an adjacent property owner authorizes in writing that an enclosure can be located closer to the neighbor's property.
- (8) **Area Requirement for Animals.** Minimum area of development site per animal over 6 months of age is as follows:
- (a) Cows and horses: 10,000 square feet per animal.
 - (b) Miniature cows, miniature horses, sheep, miniature goats, goats, emus, alpacas, and llamas: 5,000 square feet per animal.
 - (c) Chickens, Rabbits, and Domestic Fowl: 1,000 square feet per animal.
- (9) **Harvesting.**
- (a) Only chickens, domestic fowl, or rabbits can be harvested on site.
 - (b) Harvesting shall occur only on the development site on which the animals are kept, and shall not occur in view from any public area or any adjacent property owned by another.
 - (c) Harvesting shall be done in a humane and sanitary manner.
 - (d) No commercial slaughterhouse shall be allowed.
- (10) **Enforcement.** Failure to adhere to the standards required under this section shall constitute a violation subject to the enforcement provisions of section 9.0000 through 9.0280 General Administration.