City Council
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www.eugene-or.gov

EUGENE CITY COUNCIL AGENDA

July 19, 2021

5:30 p.m. CITY COUNCIL PUBLIC HEARING

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

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Meeting of July 19, 2021;
Her Honor Mayor Lucy Vinis Presiding

Councilors

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

5:30 p.m. CITY COUNCIL PUBLIC HEARING

1. **PUBLIC HEARING: An Ordinance Concerning Commercial Setbacks and Amending Sections 9.0500, 9.2170, 9.3125, 9.4290 and 9.4530 of the Eugene Code, 1971, and Providing an Effective Date**

2. **PUBLIC HEARING: An Ordinance Vacating Portions of Mill Alley and Easements Located Within the Boundaries of the Plat of Town Run**

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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.

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or visit us online at www.eugene-or.gov.

EUGENE CITY COUNCIL
AGENDA ITEM SUMMARY

Public Hearing: An Ordinance Concerning Commercial Setbacks and Amending Sections 9.0500, 9.2170, 9.3125, 9.4290 and 9.4530 of the Eugene Code, 1971, and Providing an Effective Date

Meeting Date: July 19, 2021 | Agenda Item Number: 1
Department: Planning and Development | Staff Contact: Althea Sullivan
www.eugene-or.gov | Contact Telephone Number: 541-682-5485

ISSUE STATEMENT
The City Council will hold a public hearing on a City-initiated land use code amendment to require minimum building setbacks and landscaping for development on commercially zoned property.

BACKGROUND
This City-initiated land use code amendment proposes to establish a minimum building setback for development on commercially zoned property with the goal to create vibrant walkable streetscapes in Eugene's commercial areas. For context, the Eugene Zoning Map is available at https://experience.arcgis.com/experience/972e17b24da94f849c6068872108968f/page/page_1/ and shows the location of commercially zoned properties in Eugene.

As proposed, the land use code amendment would:
- Apply only to new buildings and linear expansion of existing buildings on commercially zoned property.
- Require a minimum setback of 3 feet for property zoned C-3 Major Commercial, and 5 feet for property zoned C-2 Community Commercial.
- Add landscaping, and hardscaping or pedestrian amenity requirements for minimum setback areas of all commercially zoned properties.
- Allow exceptions to the minimum setback for ground floor commercial uses when windows and taller ceilings are provided. Dimensions and window percentages are context specific, with more stringent requirements in the downtown area.
- Allow exceptions to the minimum setback for ground floor residential uses when residences are vertically separated, and enhanced pedestrian space is provided. Setback reduction allowance is context specific and differs between downtown and other areas.
- Allow for an adjustment review process when a proposal responds to the intent of the code and creatively meets or exceeds the development standards.

Eugene's land use code currently allows for (but does not require) buildings in some commercial zones to be constructed up to the sidewalk. In response to concern about some recent

developments, Council began a conversation about setbacks for properties in the downtown area with the intent of creating vibrant streetscapes and a walkable pedestrian environment.

In its early discussions, Council expressed concern with the current setback standards that allow for buildings to have residential units built adjacent to and level with the sidewalk. The lack of setbacks and transition space can result in an uncomfortable environment for pedestrians and residents due to the lack of privacy and close proximity of these buildings to the sidewalk. It was noted that the current requirements for setbacks do not create the conditions for a safe, comfortable and attractive downtown environment as aspired to in the community's policy and vision documents. Council expressed a desire for a solution that creates a more livable, greener, healthier, vibrant and pedestrian-friendly downtown, while providing for more certainty and not causing undue costs to housing.

At a work session on September 28, 2020, Council continued a discussion about building setback standards and how they impact the pedestrian environment. Council again expressed concern with the current setback standards, especially for residential units built adjacent to and level with sidewalks and for commercial buildings along narrower sidewalks. This discussion broadened from a downtown focus to City-wide attention. Following the discussion, Council voted unanimously to initiate this land use code amendment process. The motion passed by Council states:

> *Move to initiate a code amendment to change the default allowing for no commercial setbacks, to require commercial setbacks with planter strips, other amenities and design elements, (with the code amendment process) to be completed within six months if possible. The code amendment should allow for adjustments or outright exceptions for no commercial setbacks in building up to the sidewalk in certain specific circumstances to be enumerated in the code, and staff will check back before the end of the year reporting on feedback and potential exceptions for circumstances.*

Focus Group Feedback

As directed by Council, staff began by reaching out to stakeholders with initial concepts. To help frame a conversation staff prepared conceptual code changes that would require minimum setbacks and landscaping (as opposed to the current allowance for zero setback in certain zones such as C-2 Community Commercial and C-3 Major Commercial), with clear exceptions for walkways and enhanced pedestrian areas. The exceptions would also allow buildings to move closer to the property line dependent upon additional design requirements such as minimum window transparency for ground floor commercial uses, and vertical separation for ground floor residential uses.

Staff engaged the services of a local public involvement consultant, Ellen Teninty with Cogito Partners, to help facilitate two focus group meetings with staff and a variety of key stakeholders. Local architects, landscape architects, designers, planners, real estate developers and representatives of Downtown organizations were invited to review the conceptual code changes and provide their initial feedback.

Following the discussion with focus groups, staff returned to Council on February 22, 2021 to share the feedback and concepts for the code amendments (which are provided as an attachment to the Council's February 22, 2021 agenda item summary). At that work session, staff received additional guidance from Council on the initial concepts.

Proposed Land Use Code Amendment

Draft code language has been developed with the intention to meet Council's direction to require setbacks for buildings in commercial zones with landscaping and pedestrian amenities, except in instances where other design details are required. When concepts for the code amendments were refined into draft code, staff incorporated suggestions from the focus groups and Council discussion. Some of the notable changes from concept to code include the context-specific treatment of Downtown as compared to other commercial areas, a reduction in required ceiling height for exceptions, and the removal of a minimum windowsill height requirement. The draft code was taken to Planning Commission for a public hearing, which was followed by deliberations and a unanimous vote to recommend approval of the draft code. The proposed ordinance, which includes the draft code amendments recommended by the Planning Commission, is included as Attachment A.

Procedures/Applicable Approval Criteria

This proposed code amendment is subject to Type V application procedures [EC 9.7500 (https://eugene.municipal.codes/EC/9.7500) through EC 9.7560 (https://eugene.municipal.codes/EC/9.7560)] for the upcoming public hearing, as well as the applicable approval criteria from EC 9.8065 (https://eugene.municipal.codes/EC/9.8065). The legislative Type V process includes public notice and a hearing before the Planning Commission, which then forwards a recommendation to the City Council for a final public hearing and action.

The Planning Commission held the required public hearing on May 11, 2021, at which no testimony was provided. Following the hearing, the Planning Commission deliberated and voted unanimously to recommend approval of the code amendments as drafted. A video of the June 7, 2021 Planning Commission deliberations is available here: https://eugene.ompnetwork.org/sessions/182464?embedInPoint=1&embedOutPoint=3780&shareMethod=link.

Public Notice

Notice for this public hearing was conducted consistent with the notice requirements for Type V land use applications under EC 9.7520 (https://eugene.municipal.codes/EC/9.7520). This includes notice sent to Eugene neighborhood organizations, the Oregon Department of Land Conservation and Development, Lane County, the City of Springfield, and other community groups and individuals who have requested notice. Notice was also published in the Register Guard. No written testimony has been received to date. Any written comments received after the preparation of this staff report will be provided to the Planning Commission for inclusion into the public record.

PREVIOUS COUNCIL DIRECTION

March 13, 2017

Although Council did not provide formal direction at this work session, there was general agreement that the City Manager would return with a proposal for Council to consider.

September 28, 2020

Council passed the motion listed above, directing the initiation of a land use code amendment process and to report back on initial feedback. (Passed 8-0).

February 22, 2021

Council held a work session to hear a summary of focus group feedback on concepts for the land use code amendment.

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 26, 2021.

CITY MANAGER 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 26, 2021.

ATTACHMENTS

A. Draft Ordinance
   Exhibit A – EC Figure 9.2170(4)(c)
   Exhibit B – EC Figure 9.2170(4)(c)6
   Exhibit C – Findings

FOR MORE INFORMATION

Staff Contact: Althea Sullivan
Staff Telephone: 541.682.5485
Staff e-mail: ASullivan@eugene-or.gov

ORDINANCE NO. _____

AN ORDINANCE CONCERNING COMMERCIAL SETBACKS AND AMENDING SECTIONS 9.0500, 9.2170, 9.3125, 9.4290 AND 9.4530 OF THE EUGENE CODE, 1971, AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Section 9.0500 of the Eugene Code, 1971, is amended by adding the definitions of "Ground Floor Ceiling Height" and "Vertical Separation" to provide as follows:

9.0500 Definitions.

As used in this land use code, unless the context requires otherwise, the following words and phrases mean:

***

Ground Floor Ceiling Height. For purposes of EC 9.2170, ground floor ceiling height means the clear vertical distance from the finished floor to the finished ceiling.

***

Vertical Separation. For purposes of EC 9.2170, vertical separation means the vertical distance from the finished grade to the finished ground floor.

Section 2. Figure 9.2170(4)(b) is relabeled as Figure 9.2170(4)(c) as shown on Exhibit A attached to this Ordinance. Figure 9.2170(4)(b)6. is relabeled as Figure 9.2170(4)(c)6. as shown on Exhibit B attached to this Ordinance.

Section 3. Subsections (2), (4) and (5) of Section 9.2170 of the Eugene Code, 1971, are amended to provide as follows:

9.2170 Commercial Zone Development Standards – General.

***

(2) *Application of Standards.* In addition to applicable provisions contained elsewhere in this land use code, the development standards listed in Table 9.2170 Commercial Zone Development Standards shall apply to all development in commercial zones.

Table 9.2170 Commercial Zone General Building Height and Setback Standards				
	C-1	C-2	C-3	GO
Building Height (See EC 9.2170(3))				
Maximum Building Height	35 feet	120 feet	150 feet	50 feet
Setbacks (See EC 9.2170(4))				
Minimum Front Yard Setback	10 feet	[~~0~~] ***5*** feet	[~~0~~] ***3*** feet	10 feet
Maximum Front Yard Setback	15 feet	15 feet	15 feet	15 feet
Minimum Interior Yard Setback	0 feet to 10 feet	0 feet to 10 feet	0 feet	0 feet to 10 feet

***

(4) *Setbacks.*

(a) Exceptions to the general minimum front and interior yard setback requirements stated in Table 9.2170 Commercial Zone General Building Height and Setback Standards are contained in:

1. EC 9.6745 Setbacks – Intrusions Permitted.

2. EC 9.6750 Special Setback Standards.

(b) The minimum front yard setbacks stated in Table 9.2170 Commercial Zone General Building Height and Setback Standards, shall apply only to new buildings and any building addition that increases the length of the building facade facing a street, internal accessway, private drive, or shopping street as defined in EC 9.2175(3) by at least 100%. For purposes of this subsection, the front yard setback may be measured from a front lot line abutting a public street or from the edge of the sidewalk furthest from the curb of an internal accessway, private drive, or shopping street. In addition, only the portion of the development site specifically affected by the new building and any linear facade expansion of more than 100% are subject to the requirements of this subsection.

1. The minimum front yard setback in C-2 and C-3 zones shall be landscaped to the Basic Landscape Standard (L-1) in accordance with EC 9.6210(1), except for paved pedestrian walkways, building entrances and enhanced pedestrian space. Vehicular access connections and driveways to parking areas are also exempt from this landscaping standard, but vehicle use areas are not otherwise allowed between the building and the street within the minimum setback area.

2. In C-2, except for C-2 within the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, buildings and other structures with less than the minimum 5-foot setback are allowed, and exempt from the minimum landscaping requirement in this subsection, only for the following:

a. Ground floor commercial and other non-residential uses that provide a minimum 10-foot ground floor ceiling height, and at least 60 percent of the street facing ground-floor wall area consists of glazing, openings, display windows or doorways. To meet this standard, the area of openings, glazing,

display windows and doorways must allow two-way visibility with a Visible Light Transmittance (VLT) of at least 60 percent. Mullions and other solid components of glazed window systems may be counted as part of the glazing used to comply with this standard.

b. Ground floor residential uses with a vertical separation of 3 feet above grade. Shared lobbies and building entrances are exempt from these vertical separation requirements. The minimum setback under this exception may only be reduced to 3 feet, and the remaining area of the reduced setback shall be provided as enhanced pedestrian space.

c. Buildings with a street facing façade at the minimum 5-foot setback or less according to the standards above shall provide a main entrance facing the street. A building may have more than one main entrance, and buildings having frontage on more than one street shall provide at least one main entrance oriented to a street, or to the corner where two streets intersect.

d. Vehicular use areas are not permitted between the street and any portion of the building at or within the required minimum setback according to this subsection, except for access to parking areas.

3. For C-2 and C-3 within the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, buildings and other structures with less than the minimum setback are allowed, and exempt from the minimum landscaping requirement in this subsection, only for the following:

a. Ground floor commercial and other non-residential uses that provide a minimum 12-foot ground floor ceiling height, and at least 75 percent of the street facing ground-floor wall area consists of glazing, openings, display windows or doorways. To meet this standard the area of openings, glazing, display windows and doorways must allow two-way visibility with a Visible Light Transmittance (VLT) of at least 60 percent. Mullions and other solid components of glazed window systems may be counted as part of the glazing used to comply with this standard.

b. Ground floor residential uses with a vertical separation of 3 feet above grade. Shared lobbies and building entrances are exempt from these vertical separation requirements. The minimum setback under this exception may only be reduced to 3 feet, and the remaining area of reduced setback shall be provided as enhanced pedestrian space.

c. Buildings with a street facing façade at the minimum setback or less according to the standards above shall provide a main entrance facing the street. A building may have more than one main entrance, and buildings having frontage on more than one street shall provide at least one main entrance oriented to a street, or to the corner where two streets intersect.

d. Vehicular use areas are not permitted between the street and any portion of the building at or within the required minimum setback according to this subsection, except for access to parking areas.

4. The minimum setbacks in C-1 and GO shall be landscaped to the Basic Landscape Standard (L-1) in accordance with EC 9.6210(1), except for paved pedestrian walkways, building entrances and enhanced pedestrian space. Vehicular access connections and driveways to parking areas are also exempt from this landscaping standard, but vehicle use areas are not otherwise permitted between the building and the street within minimum setback areas.

([~~b~~]***c***) The maximum front yard setbacks stated in Table 9.2170 Commercial Zone General Building Height and Setback Standards, shall apply only to new buildings and any building addition that increases the length of the building facade facing a street, internal accessway, private drive, or shopping street as defined in EC 9.2175(3) by at least 100%. For purposes of this subsection, front yard setback may be measured from a ***front lot line abutting a*** public street or from the edge of the sidewalk furthest from the curb of an internal accessway, private drive, or shopping street. In addition, all new buildings and the portion of the development site specifically affected by the new building ***and any linear facade expansion of more than 100%*** are subject to the requirements of this subsection. (See Figure 9.2170(4)([~~b~~]***c***) Maximum Front Yard Setbacks, Building Orientation, and Entrances.)

1. In C-1, at least 80% of all street facing facades of the building must be within the specified maximum front yard setback.

2. In C-2 and C-3, a minimum of 25% of all street facing facades must be within the specified maximum front yard setback, or, orientation to an internal accessway, private drive, or shopping street as defined in EC 9.2175(3) is permitted in compliance with EC 9.2173(4)(a).

3. In GO, at least 60% of all street facing facades of the building must be within the specified maximum front yard setback.

4. Vehicular [~~parking and circulation is~~] ***use areas are*** not permitted in between the street and the portion of the building that is used to comply with this subsection.

5. Buildings fronting on a street must provide a main entrance facing the street on any facade of the building within the front yard setback. A main entrance is a principal entrance through which people enter the building. A building may have more than one main entrance. Buildings having frontage on more than one street shall provide at least one main entrance oriented to a street***, or to the corner where two streets intersect***.

6. The land between the portion of a building complying with EC 9.2170(4)([~~b~~]***c***)(1) or (2) and a street must be landscaped or paved with a hard surface for use by pedestrians. If a hard surface is provided, the area must contain at least the equivalent of 1 pedestrian amenity for every 200 square feet of hard surface. The use of porous materials for hard surfacing is encouraged. Residential developments are exempt from this subsection***, except as required by any more restrictive provisions of EC 9.2170(4)(b) above***. (See Figure 9.2170(4)([~~b~~]***c***)6. Landscaped or Paved Pedestrian Area with Pedestrian Amenities.)

7. The maximum front yard setback may be exceeded if the area between the building and the front property line is landscaped or paved for use by pedestrians. The area must contain at least the equivalent of 1 enhanced pedestrian amenity for every 200 square feet of hard surface. (See Figure 9.2170(4)([~~b~~]***c***)6. Landscaped or Paved

Pedestrian Area with Pedestrian Amenities.)

([~~c~~]***d***) Where lot lines abut property within a residential zone category, the minimum interior yard setback for any building shall be 10 feet. Within the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, adjustments to this section may be made based on the criteria in EC 9.8030(16).

([~~d~~]***e***) For lots zoned C-1 within the S-JW Jefferson Westside Special Area Zone boundaries as shown on Figure 9.3605, setbacks from all portions of interior lot lines (as that term is defined for purposes of the S-JW Special Area Zone) shall be at least 10 feet from the interior lot line. In addition, at a point that is 20 feet above grade, the setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally (approximately 50 degrees from vertical) away from that lot line.

([~~e~~]***f***) *Adjustments*. Except for the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, adjustments to the minimum and maximum front yard setbacks ***and landscaping standards*** in this subsection, except subsection (4)(a), may be made, based on criteria at EC 9.8030(2) Setback Standards Adjustment. Within the Downtown Plan Area, adjustments to the minimum and maximum front yard setbacks in this subsection, except subsection (4)(a), may be made, based on the criteria at EC 9.8030(16).

(5) *Landscaping*. The following landscape standards apply to new buildings, and the portion of the development site specifically affected by the new building and shall be subject to the requirements of this subsection.

(a) *Minimum Landscape Area Required*. In all commercial zones, except C-2 within the Downtown Plan Area as shown on Map 9.2161(6) and C-3, a minimum of 10 percent of the development site shall be landscaped with living plant materials. Within the C-2 zone within the Downtown Plan Area, a minimum of 5 percent of the development site shall be landscaped with living plant materials. No minimum landscaping is required in the C-3 zone***, except as required by EC 9.2170(4)(b)1***. All required landscaping shall comply with landscape standards beginning at EC 9.6200 Purpose of Landscape Standards. Any required landscaping, such as for required front or interior yard setbacks or off-street parking areas, shall apply toward the development site minimum landscape requirement. The area of exterior landscaping on the roof of a building or exposed terrace may be used to meet the 10% minimum landscaping standard. Up to 50% of the landscape area may be a hard surface for recreational or enhanced pedestrian space.

(b) *Minimum Landscape Standard*. Unless otherwise specified in this land use code, required landscape areas must, at a minimum, comply with EC 9.6210(1) Basic Landscape Standard (L-1).

(c) *Landscaping In Interior Yard Setbacks Abutting Residential Zones*. Landscape planting beds within the interior yard setbacks abutting a residential zone shall be a minimum of 7 feet in width and shall comply with EC 9.6210(3) High Screen Landscape Standard (L-3).

(d) *Street Trees*. Street tree requirements are specified in EC 7.280 Street Tree Program – Policies, Standards, Procedure.

(e) Within the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, adjustments to subsections (a) and (b) may be made based on the criteria in EC 9.8030(16).

Section 4. The "Interior Yard Setback – Detached Buildings" entry in the "Minimum Front Yard Setbacks" section of Table 9.3125(3)(g) in subsection (3) of Section 9.3125 of the Eugene Code, 1971, is amended to provide as follows:

9.3125 S-CN Chase Node Special Area Zone Development Standards.

...

(3) *Development Standards Applicable in Specific Subareas of the S-CN Zone.*

…

(g) The following Table 9.3125(3)(g) sets forth standards for specific subareas of the S-CN Zone, subject to the special development standards in EC 9.3126 Special Development Standards for Table 9.3125(3)(g).

Table 9.3125(3)(g) S-CN Chase Garden Node Special Zone Development Standards (See EC 9.3126 Special Development Standards for Table 9.3125(3)(g).)			
	C	**HDR/MU**	**HDR**
Minimum Front Yard Setbacks			
…			
Interior Yard Setback – Detached Buildings	0 to 10' (See EC 9.2170(4)([~~e~~]***d***)	5' or minimum 10' between buildings	5' or minimum 10' between buildings
…			

Section 5. Subsection (2) of Section 9.4290 of the Eugene Code, 1971, is amended to provide as follows:

9.4290 Density and Development Standards.

In addition to the requirements of the base zone, the following standards shall apply to all development, except that the standards in subsection (2) and (3) do not apply to single-family dwellings or duplexes.

***

(2) *Building Setbacks*.

(a) Buildings shall be set back a maximum of 15 feet from the street. There is no minimum setback***, except as required by EC 9.2170(4)(b).***

(b) Where the site is adjacent to more than one street, a building is required to meet the above maximum setback standard on only one of the streets.

Section 6. Subsections (1) and (6) of Section 9.4530 of the Eugene Code, 1971, are amended to provide as follows:

9.4530 /TD Transit Oriented Development Overlay Zone Development Standards.

(1) *Building Setbacks*.

(a) Buildings shall be set back a maximum of 15 feet from the street. There is no minimum setback***, except as required by EC 9.2170(4)(b).***

(b) Where the site is adjacent to more than one street, a building is required to meet the above maximum setback standard on only one of the streets.

***

(6) *Improvements Between Buildings and Streets*. The land between a building or exterior improvement and a street must be landscaped and/or paved with a hard surface for use by pedestrians. If hard-surfacing is provided, the area must contain pedestrian amenities such as seating areas, drinking fountains, and/or other design elements (such as public art, planters, and kiosks). The use of porous paving materials for hard surfacing is encouraged. Residential developments are exempt from this requirement***, except on properties zoned C-2 or C-3***. (See Figure 9.4530(8) Improvements Between Buildings and Streets in /TD Areas.)

Section 7. The findings set forth in Exhibit C attached to this Ordinance are adopted as findings in support of this Ordinance.

Section 8. 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 9. 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 10. 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 _____, 2021

_____
City Recorder

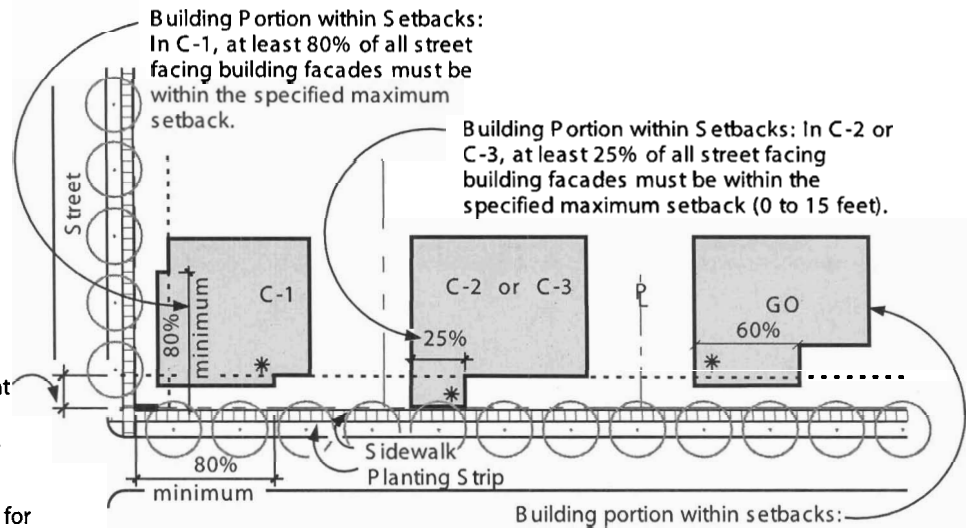
Approved by the Mayor this

____ day of _____, 2021

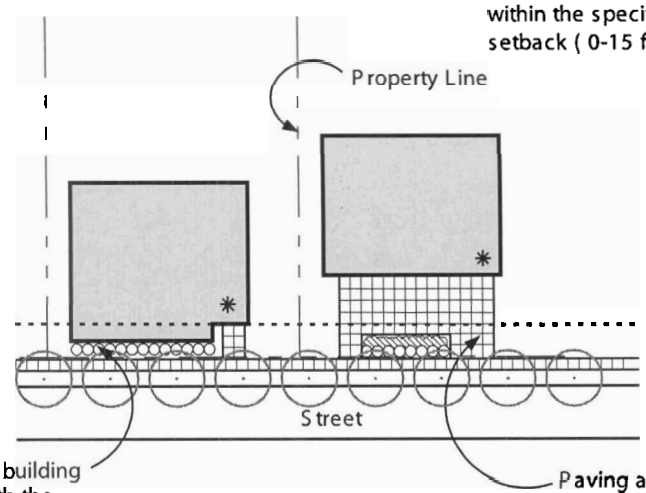
_____
Mayor

Figure
9.2170(4)(c)

Maximum Front Yard Setbacks, Building Orientation, and Entrances



See Figure 9.2173(3) for buildings over 25,000 square feet floor area.



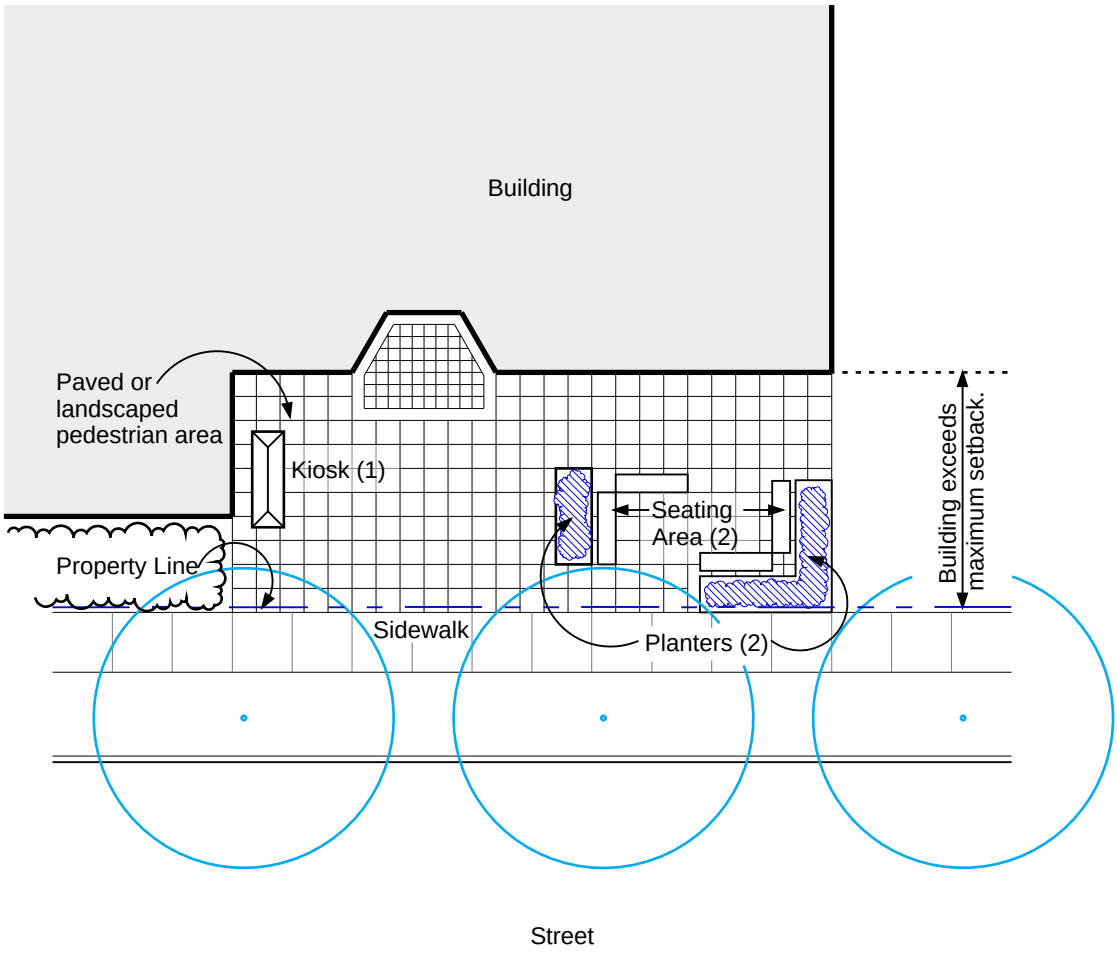
Landscape:
The space between the building and street complying with the maximum setback above must be landscaped or an enhanced pedestrian space in accordance with EC 9.6210(1) Basic Landscape Standard or Figure 9.2171(5)(e).

Paving and Pedestrian Amenities:
The maximum front yard setback may be exceeded if the area between the building and the street is landscaped or paved for use by pedestrians. The area must contain at least the equivalent of 1 enhanced pedestrian amenity for every 200 square feet of hard surface. See Figure 9.2171(5)(e) and Figure 9.4530(8).

*= Main Entrance

Figure 9.2170(4)(c)6.

Landscaped or Paved Pedestrian Area with Pedestrian Amenities



EXAMPLE:

- 1,000 square feet of hard surface with minimum of 1 amenity per 200 square feet.
- 5 Amenities Required: Select among design elements i.e. seating area, drinking fountain, public art, planter, kiosk.
- Selected: 2 seating areas
  2 planters
  1 kiosk

FINDINGS

Commercial Setbacks

(City File: CA 20-5)

Eugene Code (EC) Section 9.8065 requires that the code amendments comply with the following approval criteria (in **bold**):

EC 9.8065(1): Is consistent with applicable statewide planning goals adopted by the Land Conservation and Development Commission.

Findings addressing consistency with applicable statewide planning goals (shown in *italics)* are provided below.

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

The City has codified provisions for citizen involvement which ensure the opportunity for citizens to be involved in all phases of the planning process and set out requirements for such involvement. Adoption of the proposed code amendment will follow the process for Type V land use applications as laid out in the City's land use code, including requirements for public notice and comment. Additionally, staff held focus groups on initial concepts which allowed for input that was taken into consideration in drafting the commercial setbacks code amendments. The process for adopting the code amendment complies with Goal 1 because it is consistent with, and will not change, the City's existing and acknowledged citizen involvement provisions and included additional outreach.

The Planning Commission public hearing on the code amendment was duly noticed to the Department of Land Conservation and Development (DLCD), the City of Springfield, Lane County, and all City of Eugene recognized neighborhood organizations, as well as community groups and individuals who have requested notice. In addition, notice of the public hearing was also published in the Register Guard newspaper, a newspaper of general circulation in the City. Following the Planning Commission public hearing and recommendation, notice of the City Council public hearing was provided as required by the Eugene Code.

Application Notice and Involvement Timeline	**City Council Initiation**	September 28, 2020
	Focus Groups (Two Sessions)	November 6, 2020
	DLCD Notice	April 6, 2021
	Public Notice of Planning Commission Hearing	April 9, 2021
	Notice in Register Guard of Planning Commission Hearing	April 21, 2021
	Public Notice of City Council Hearing	July 1, 2021
	Notice in Register Guard of City Council Hearing	July 1, 2021

These processes afford ample opportunity for citizen involvement consistent with Goal 1. Therefore, the code amendment is consistent with Statewide Planning Goal 1.

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

The City's land use code specifies the formal adoption procedure and approval criteria that were used in considering these amendments. The record shows that there is an adequate factual basis for the amendments. 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 these amendments with the affected governmental units. Specifically, the City provided notice of the proposed action and opportunity to comment to Lane County, the City of Springfield and the Department of Land Conservation and Development.

There are no Goal 2 Exceptions required for the proposed ordinance. Therefore, the code amendment is consistent with Statewide Planning Goal 2.

> *Goal 3 - Agricultural Lands. To preserve agricultural lands.*

The code amendment does not affect any land designated for agricultural use. Therefore, the code amendment is consistent with Statewide Planning Goal 3.

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

The code amendment does not affect any land designated for forest use. Therefore, the code amendment is consistent with Statewide Planning Goal 4.

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

The code amendment does not create or amend the City's adopted inventory of Goal 5 resources and does not amend any code provision adopted in order to protect a significant Goal 5 resource, or to address specific requirements of Goal 5. The code amendment does not allow new uses that could be conflicting uses with a significant Goal 5 resource site and does not amend the City's acknowledged urban growth boundary. Therefore, the code 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 the impacts of those discharges. The amendments do not affect the City's ability to provide for clean air, water or land resources. Therefore, the code amendment is consistent with Statewide Planning Goal 6.

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 development in natural hazard areas without appropriate safeguards. The code amendment does not affect the City's existing restrictions and approval criteria regarding development in areas subject to natural disasters and hazards. Therefore, the code amendment is consistent with Statewide Planning Goal 7.

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

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

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.

The Administrative Rule for Statewide Planning Goal 9 (OAR 660, Division 9) requires cities to evaluate the supply and demand of commercial land relative to community economic objectives. The Employment Lands Supply Study 2012-2032 (ELSS) is included as appendix B in the City's comprehensive plan and complies with the requirements of Goal 9 and the corresponding Administrative Rule. The code amendment does not affect the amount of land designated or zoned for commercial use.

Goal 9 also requires cities consider methods and devices for overcoming certain regional conditions and deficiencies for implementing this goal, including land use controls and ordinances. The code amendment sets new standards for setbacks for commercially zoned property, but allows clear exceptions, and maintains adjustment review as an option to maintain flexibility for development. Therefore, to the extent Goal 9 is applicable to the amendment, 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 that communities plan for and maintain an inventory of buildable residential land for needed housing units. The code amendment does not impact the supply or availability of residential lands included in the City's documented supply of "buildable land" that is available for residential development. Therefore, to the extent Goal 10 is applicable to the code amendment, the code 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 code amendment does not affect the City's provision of public facilities and services. Therefore, the code amendment is consistent with Statewide Planning Goal 11.

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

Goal 12 is implemented through the Transportation Planning Rule (TPR, OAR 660-12). The code amendment will not significantly affect any transportation facility, nor does it change procedures related to analyzing and mitigating impacts to the transportation system. Therefore, the amendments are consistent with Statewide Planning Goal 12.

Goal 13 - Energy Conservation. To conserve energy.

The code amendment does not affect any of the City's energy conservation measures or programs. Therefore, the code amendment is consistent with 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 amendments do not affect the City's provisions regarding the transition of land from rural to urban uses. Therefore, the amendments are consistent with Statewide Planning Goal 14.

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

The amendments do not contain any changes to the City's Willamette River Greenway regulations; therefore, the amendments are consistent with Statewide Planning Goal 15.

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

The code amendment does not include any changes related to coastal, ocean, estuarine, or beach and dune resources. Therefore, the code amendment will not affect compliance with Statewide Planning Goals 16 through 19.

EC 9.8065(2): Is consistent with applicable provisions of the comprehensive plan and applicable adopted refinement plans.

The code amendment does not include any change in adopted land use designations or policy. It also does not change any requirements concerning compliance with the Metro Plan, Envision Eugene Comprehensive Plan, and applicable refinement plans. The changes are limited to requirements for setbacks for commercially zoned property, and there are no policies or other applicable provisions in the Metro Plan or adopted refinement plans that specifically serve as mandatory approval criteria for such design changes. Therefore, the code amendments comply with the above criterion.

EC 9.8065(3): In the case of establishment of a special area zone, is consistent with EC 9.3020 Criteria for Establishment of an S Special Area Zone.

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

CONCLUSION

Based on the available information and evidence, and the preceding findings of compliance, the code amendment complies with the applicable approval criteria.

EUGENE CITY COUNCIL
AGENDA ITEM SUMMARY

Public Hearing: An Ordinance Vacating Portions of Mill Alley and Easements Located Within the Boundaries of the Plat of Town Run

Meeting Date: July 19, 2021 | Agenda Item Number: 2
Department: Planning & Development | Staff Contact: Rodney Bohner
www.eugene-or.gov | Contact Telephone Number: 541-682-5437

ISSUE STATEMENT
The City Council will hold a public hearing on right-of-way and easement vacation requests submitted by the Eugene Urban Renewal Agency. The requested vacations consist of a portion of Mill Alley and associated unimproved public utility easements (City Files: VPU 21-1, VPU 21-2, VRP 21-1, and VRP 21-2). A vicinity map of the vacation requests is provided as Attachment A.

BACKGROUND
The Eugene Urban Renewal Agency (URA or the applicant) has requested vacations of two public ways associated with an undeveloped plat (VPU 21-2 and VPU 21-2) and vacations of two public utility easements acquired with public funds (VRP 21-1 and VRP 21-2). The URA filed these four requests for vacations related to the City Council's recent approval of the Town Run Subdivision (located on the Downtown Riverfront property). The URA acquired approximately 16.5 acres of land from EWEB in order to facilitate the property's development. As part of preparing the property for development, the URA submitted, and the City approved, a subdivision plat (the Plat of Town Run). As part of the new subdivision, the URA dedicated new rights-of-way for a street network throughout the subdivision. The newly dedicated rights-of-way will also serve as the location of new utilities to serve the entire site (including water, sanitary and storm sewer, and electric).

In order to ready the newly subdivided lots for sale and subsequent development, the applicant requests approval to vacate old utility easements and rights-of-way that crisscross the development site. These four vacation requests are briefly summarized below.

VPU 21-1 Vacation of Undeveloped Plat
Request for approval of Vacation of Mill Alley, an unimproved right-of-way created through the original plat of Eugene City in 1852. The total requested vacation area consists of 707 square feet of public right-of-way.

VPU 21-2 Vacation of Undeveloped Plat
Request for approval of vacation of the public utility easement that was reserved in the Street and Alley Vacation, Ordinance Number 19374, recorded February 13, 1986. The reserved public

utility easement corresponds to those portions of streets and alleys recorded in the original plat of Eugene City. The easement area consists of 30,090 square feet.

VRP 21-1 Vacation of Public Way Acquired with Public Funds
Request for approval of vacation of a public water main easement conveyed from C. O. Peterson, W. J. Royse, and the Eugene Woolen Mill Company to the City of Eugene in a Deed recorded on August 3, 1917 at the cost of one ($1.00) dollar and "other valuable considerations in hand paid" by the City of Eugene. No exact location of record was provided in said Deed. Staff have determined that the water main referred to in the easement has either been removed entirely or has been relocated to another public easement or right-of-way. It is the intent of the applicant to vacate all easement rights that were conveyed in the Deed. Because no exact location of record was provided, the proposed vacation encompasses nearly the entire Town Run Plat area, consisting of 15.61 acres.

VRP 21-2 Vacation of Public Way Acquired with Public Funds
Request for approval of vacation of the Mill Race Easement that was conveyed from the Eugene Power Company to the City of Eugene in the Deed that was recorded January 23, 1947 for the sum of ten ($10.00) dollars and other good and valuable considerations paid by the City of Eugene. This vacation concerns the historical raceway running from the Southern Pacific Railroad right-of-way north to East 4th Avenue. The raceway referred to in the Deed was piped underground and backfilled. It is the intent of the applicant to vacate all easement rights that were conveyed in the Deed.

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

VPU 21-1: https://pdd.eugene-or.gov/LandUse/SearchApplicationDocuments?file=VPU-21-0001
VPU 21-2: https://pdd.eugene-or.gov/LandUse/SearchApplicationDocuments?file=VPU-21-0002
VRP 21-1: https://pdd.eugene-or.gov/LandUse/SearchApplicationDocuments?file=VRP-21-0001
VRP 21-2: https://pdd.eugene-or.gov/LandUse/SearchApplicationDocuments?file=VRP-21-0002

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

Notice of public hearing for the requested vacations has been provided in the following manner: On July 2, 2021, the property was posted with signs in the immediate vicinity of the requested vacation; and on July 5, 2021 and July 12, 2021, legal notice was published in The Register-Guard newspaper. No public testimony has been received at this time. Any additional written testimony received prior to the close of the record will be forwarded to the City Council for consideration.

Utility Provider Consent
The applicant also received statements of concurrence from affected utility providers for the vacation of the public utility easements, which can be seen in the application materials.

Determination of Assessment
Pursuant to EC 9.8710(5) (https://eugene.municipal.codes/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 Manager has determined that the cost of construction of the new streets dedicated by the URA is equal to or exceeds the assessed value of the real property being vacated and any costs incurred by the City in the construction of public improvements within the vacation area. The URA is paying to construct and install the new streets and utilities, at a cost of approximately $16.5 million. The value of the newly created rights-of-way and transportation/utility improvements far exceeds the real market value of all the requested vacations combined.

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

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

COUNCIL OPTIONS
No action is required at this time; however, options will be provided at the time of City Council deliberations and action which is scheduled for July 26, 2021.

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 deliberations and action on July 26, 2021.

ATTACHMENTS

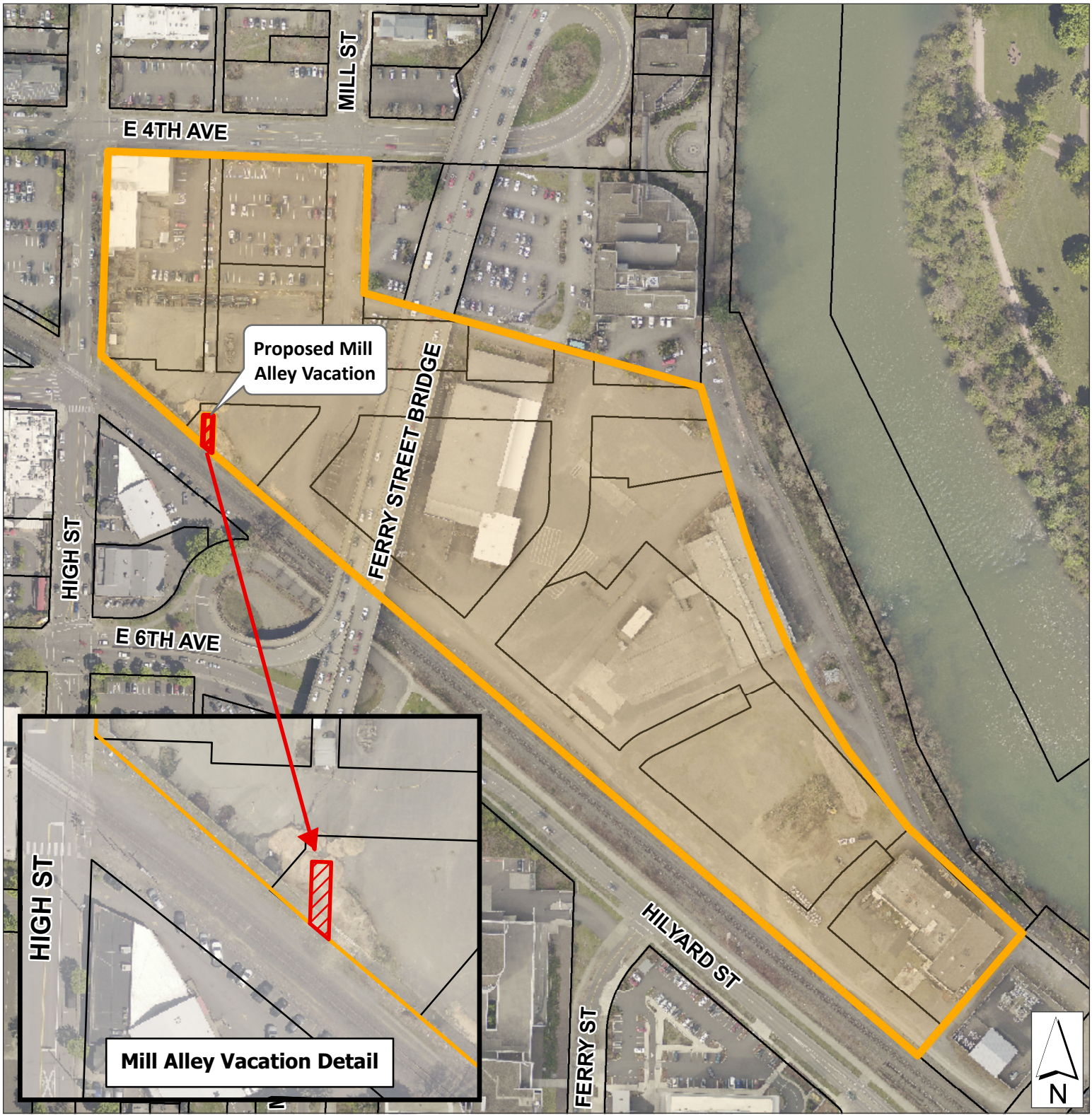
A. Vicinity Map
B. Draft Ordinance
   Exhibits A-1, B-1, C-1, D-1 – Legal Descriptions
   Exhibits A-2, B-2, C-2, D-2 – Site Plans
   Exhibit E – Findings

FOR MORE INFORMATION

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

Vicinity Map

Town Run Plat Vacations - City Files VPU 21-2 / VPU 21-2 / VRP 21-1 / VRP 21-2
Vacations of Undeveloped Plat & Vacations of Public Ways Acquired with Public Funds



Extent of Town Run Public Utility Easement Vacations
Mill Alley Vacation
Taxlots

July 2, 2021

0 85 170 340 Ft

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

Eugene

ORDINANCE NO. _____

AN ORDINANCE VACATING PORTIONS OF MILL ALLEY AND EASEMENTS LOCATED WITHIN THE BOUNDARIES OF THE PLAT OF TOWN RUN.

The City Council of the City of Eugene finds that:

A. The City Council of the City of Eugene approved an agenda scheduling a virtual public hearing at 5:30 p.m. on July 19, 2021, for the purpose of hearing protests and remonstrances to the proposed vacation of the following described rights-of-way and associated public utility easement:

The rights-of-way and utility easements identified on the Plat of Town Run which are more particularly described on Exhibits A-1, B-1, C-1 and D-1, and depicted on Exhibits A-2, B-2, C-2, and D-2 attached to this Ordinance.

B. Notice was duly and regularly given of the public hearing and, on July 19, 2021, the City Council held a public hearing and heard all objections to the proposed vacation.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

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

Section 2. The right-of-way and public utility easements described on Exhibits A-1, B-1, C-1 and D-1, and depicted on Exhibits A-2, B-2, C-2, and D-2 attached to this Ordinance are hereby vacated and shall revert pursuant to the statutes of the State of Oregon.

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

Passed by the City Council this

_____ day of _____, 2021.

_____
City Recorder

Approved by the Mayor this

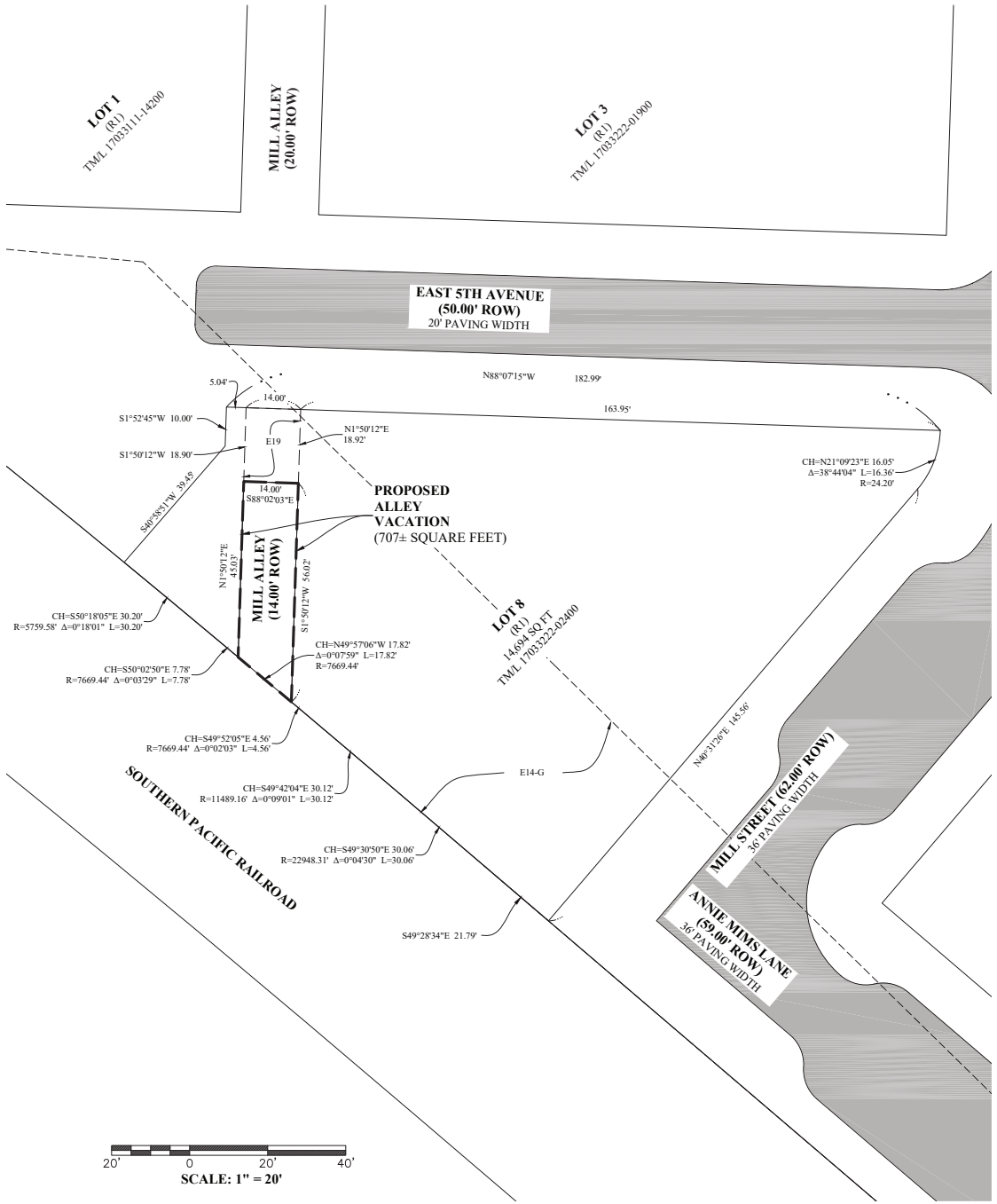
_____ day of _____, 2021.

_____
Mayor

MILL ALLEY VACATION

Situated in the Northeast 1/4 of Section 31 in Township 17 South, Range 3 West of the Willamette Meridian in the City of Eugene, Lane County Oregon and described as follows:

Being all that portion of Mill Alley that (1) lies south of the south margin of East 5th Avenue as shown on the original plat of the Eugene City as platted and recorded in Book "A' at Page 2 in Lane County Oregon Judgement Documents; and (2) lies within the plat boundaries of the plat of "Town Run" as platted and recorded April 3, 2020, in in Lane County Oregon Plat Records, and assigned Reception Number 2020-016334 in Lane County Oregon deed Records.



MILL ALLEY RIGHT-OF-WAY VACATION SITE PLAN
FOR
URBAN RENEWAL AGENCY OF THE CITY OF EUGENE

NE 1/4 SECTION 31
TOWNSHIP 17 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN
CITY OF EUGENE, LANE COUNTY, OREGON
MARCH 25, 2021

RIGHT-OF-WAY TO BE VACATED:

ALL THAT PORTION OF MILL ALLEY THAT (1) LIES SOUTH OF THE SOUTH MARGIN OF EAST 5TH AVENUE AS SHOWN ON THE ORIGINAL PLAT OF EUGENE CITY AND (2) LIES WITHIN THE PLAT BOUNDARIES OF THE PLAT OF TOWN RUN.

RESERVING THEREFROM, UNTO THE CITY OF EUGENE AND ANY OF ITS AGENCIES, AN EASEMENT FOR WASTEWATER PURPOSES WITHIN THE ENTIRETY OF THE VACATED AREA.

EASEMENTS TO REMAIN:

E19 14.00' WIDE PUBLIC WASTEWATER EASEMENT AS RESERVED IN THE PLAT OF TOWN RUN.

E14-G VARYING WIDTH EASEMENT FOR WATER LINES AND RELATED UTILITY FACILITIES AS CREATED IN THE DECLARATION OF EASEMENTS, INCLUDING THE TERMS AND PROVISIONS THEREOF, BY THE EUGENE WATER & ELECTRIC BOARD, A MUNICIPAL UTILITY OF THE CITY OF EUGENE, OREGON, THAT WAS RECORDED APRIL 17, 2018, RECEPTION NO. 2018-017637, LANE COUNTY DEEDS AND RECORDS; AS AMENDED BY (1) "AMENDMENT TO DECLARATION OF EASEMENTS" RECORDED OCTOBER 16, 2019, RECEPTION NUMBER 2019-046745, LANE COUNTY DEEDS AND RECORDS, AND (2) "SECOND AMENDMENT TO DECLARATION OF EASEMENTS" RECORDED MARCH 5, 2021, RECEPTION NUMBER 2021-015455, LANE COUNTY DEEDS AND RECORDS.

LEGEND:

(R1) PLAT OF TOWN RUN AS FILED APRIL 3, 2020 IN LANE COUNTY OREGON PLAT RECORDS AND ASSIGNED RECEPTION NUMBER 2020-016334 IN LANE COUNTY OREGON DEED RECORDS.

TM/L TAX MAP/LOT NUMBER.

TAX LOT:
TM 17033222 TL 02400.

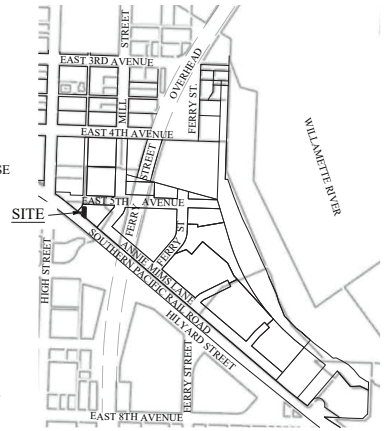
ZONING:
DOWNTOWN RIVER SPECIAL AREA WITH A MIXED USE SUBAREA (S-DR/MU)

SETBACKS:
NONE FOR THIS ZONE CLASSIFICATION.

ADDRESSES:
NONE.

EXISTING USE:
VACANT.

OWNERSHIPS:
URBAN RENEWAL AGENCY OF THE CITY OF EUGENE, OREGON, A MUNICIPAL CORPORATION



VICINITY MAP
SCALE: 1" = 500'

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JULY 20, 1993
REX A. BETZ
#2606
RENEWS: 12/31/21

EGR & Associates, Inc.
Engineers, Geologists, and Surveyors
2535B Prairie Road
Eugene, Oregon 97402
(541) 688-8322
Fax (541) 688-8087

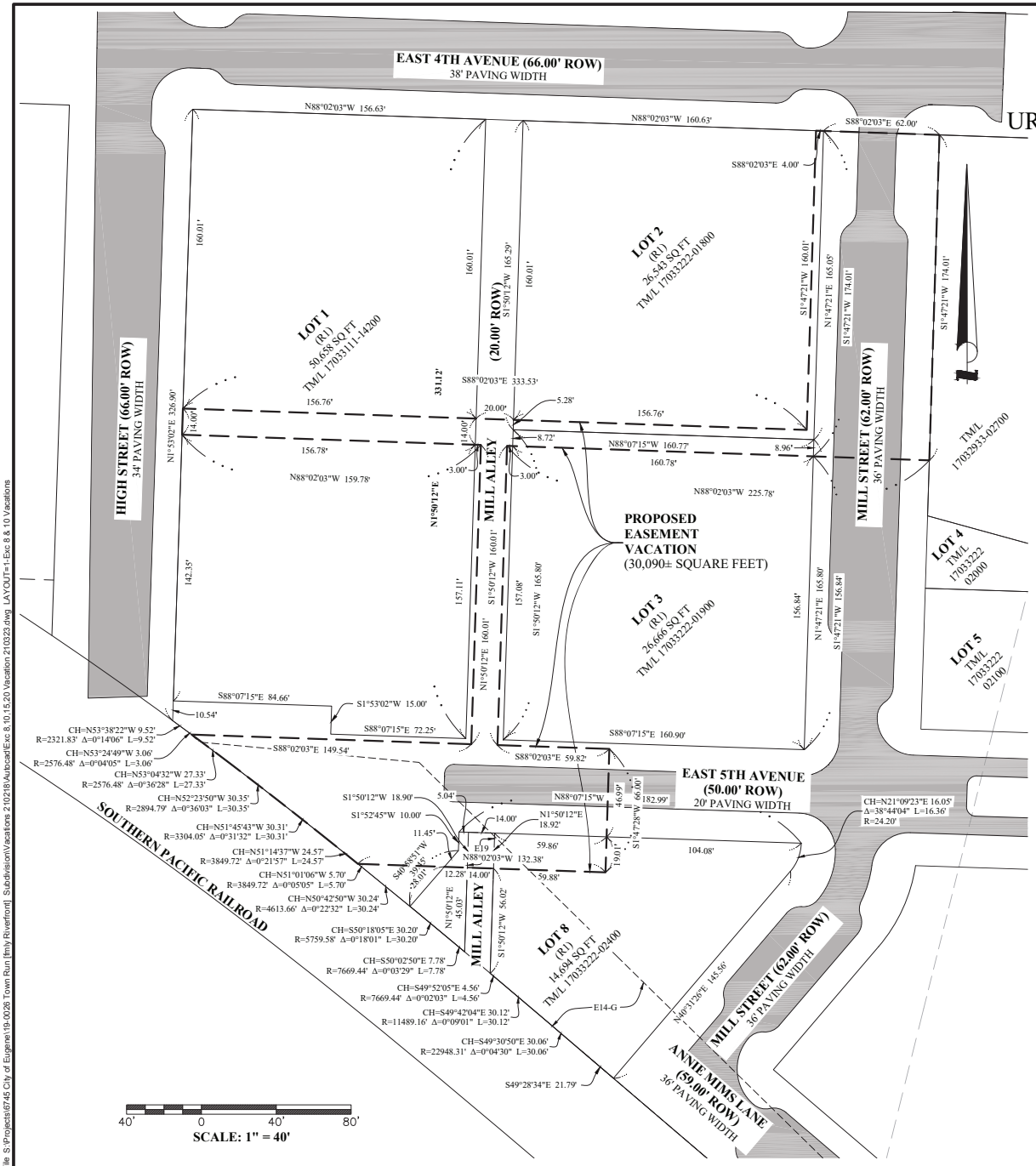
SHEET 1 OF 1

Main File: S:\Projects\6745 City of Eugene\19-0268 Town Run Ph 4\Riverfront Subdivision\Vacation 210218\Survey\Mill Alley Vacation 210326.dwg LAYOUT: 8-MILL ALLEY VACATION

EASEMENT VACATION

Situated in the Southwest 1/4 of Section 29, Northeast 1/4 of Section 31, and Northwest 1/4 of Section 32 in Township 17 South, Range 3 West of the Willamette Meridian in the City of Eugene, Lane County Oregon and described as follows:

Being all of the public utilities easement that was reserved in the Street and Alley Vacation, Ordinance Number 19374, that was recorded February 13, 1986 in Reel 1388R at Recorder's Number 1986-005882 in Lane County Oregon Deed Records, that lies within the plat boundaries of "Town Run" as platted and recorded April 3, 2020 in in Lane County Oregon Plat Records and assigned Reception Number 2020-016334 in Lane County Oregon deed Records.



EASEMENT VACATION SITE PLAN
FOR
URBAN RENEWAL AGENCY OF THE CITY OF EUGENE
SW 1/4 SECTION 29, NE 1/4 SECTION 31, AND NW 1/4 SECTION 32
TOWNSHIP 17 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN
CITY OF EUGENE, LANE COUNTY, OREGON
MARCH 24, 2021

EASEMENT TO BE VACATED:

PUBLIC UTILITIES EASEMENT AS RESERVED IN STREET AND ALLEY VACATION, ORDINANCE NUMBER 19374, RECORDED FEBRUARY 13, 1986 IN REEL 1388R AT RECORDER'S NUMBER 1986-005882, LCODR.

EASEMENTS TO REMAIN:

E19 14.00' WIDE PUBLIC WASTEWATER EASEMENT AS RESERVED IN THE PLAT OF TOWN RUN.

E14-G VARYING WIDTH EASEMENT FOR WATER LINES AND RELATED UTILITY FACILITIES AS CREATED IN THE DECLARATION OF EASEMENTS, INCLUDING THE TERMS AND PROVISIONS THEREOF, BY THE EUGENE WATER & ELECTRIC BOARD, A MUNICIPAL UTILITY OF THE CITY OF EUGENE, OREGON, THAT WAS RECORDED APRIL 17, 2018, RECEPTION NO. 2018-017637, LANE COUNTY DEEDS AND RECORDS; AS AMENDED BY (1) "AMENDMENT TO DECLARATION OF EASEMENTS" RECORDED OCTOBER 16, 2019, RECEPTION NUMBER 2019-046745, LANE COUNTY DEEDS AND RECORDS, AND (2) "SECOND AMENDMENT TO DECLARATION OF EASEMENTS" RECORDED MARCH 5, 2021, RECEPTION NUMBER 2021-015455, LANE COUNTY DEEDS AND RECORDS.

LEGEND:

(R1) PLAT OF TOWN RUN AS FILED APRIL 3, 2020 IN LANE COUNTY OREGON PLAT RECORDS AND ASSIGNED RECEPTION NUMBER 2020-016334 IN LANE COUNTY OREGON DEED RECORDS.

TM/L TAX MAP/LOT NUMBER.

TAX LOTS:

TM 17033111 TL 14200
TM 17033222 TLS 01800, 01900 & 02400.

ZONING:

DOWNTOWN RIVER SPECIAL AREA WITH A MIXED USE SUBAREA (S-DR/MU)

SETBACKS:

NONE FOR THIS ZONE CLASSIFICATION.

ADDRESSES:

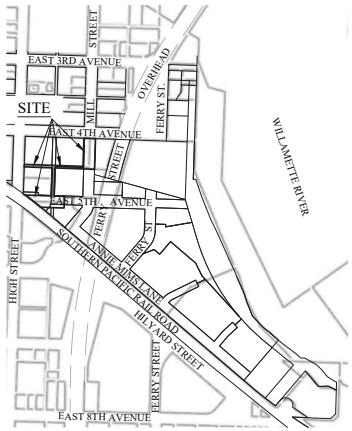
NONE.

EXISTING USE:

VACANT.

OWNERSHIPS:

URBAN RENEWAL AGENCY OF THE CITY OF EUGENE, OREGON, A MUNICIPAL CORPORATION



VICINITY MAP
SCALE: 1" = 500'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 20, 1993
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RENEWS: 12/31/21

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SHEET 1 OF 1

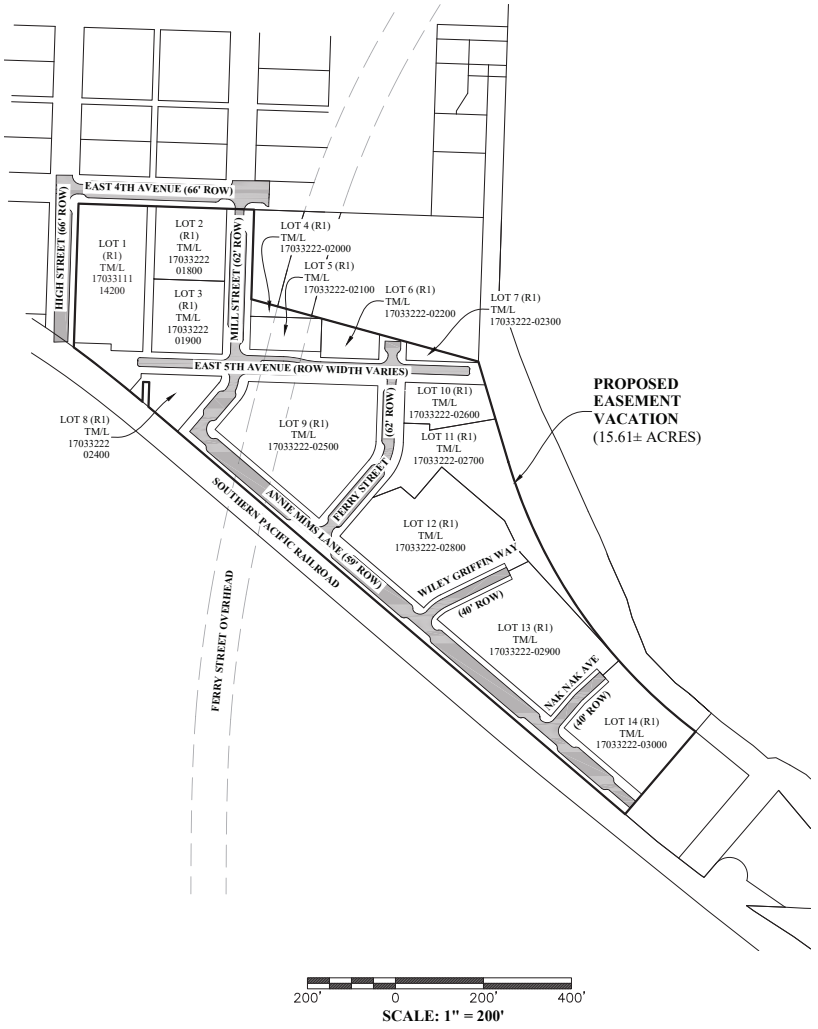
Main File S:\Projects\67-45 City of Eugene\19-0028 Town Run [fmly Riverfront] Subdivision\Vacations 210218\Autocad\Exc 8,10,15,20 Vacation 210323.dwg, LAYOUT1=1-Exc 8 & 10 Vacations

EASEMENT VACATION

Situated in the Southwest 1/4 of Section 29, Southeast 1/4 of Section 30, Northeast 1/4 of Section 31, and Northwest 1/4 of Section 32 in Township 17 South, Range 3 West of the Willamette Meridian in the City of Eugene, Lane County Oregon, and described as follows:

Being all that portion of the public water main easement [and associated rights thereof] that was conveyed in the Deed to the City of Eugene that was recorded August 3, 1917 in Book 116 at Page 59 in Lane County Oregon Deed Records, that lies within the plat boundaries of "Town Run" as platted and recorded April 3, 2020 in in Lane County Oregon Plat Records and assigned Reception Number 2020-016334 in Lane County Oregon deed Records.

EASEMENT VACATION SITE PLAN
FOR
URBAN RENEWAL AGENCY OF THE CITY OF EUGENE
SW 1/4 SECTION 29, SE 1/4 SECTION 30, NE 1/4 SECTION 31 AND NW 1/4 SECTION 32
TOWNSHIP 17 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN
CITY OF EUGENE, LANE COUNTY, OREGON
MARCH 24, 2021



EASEMENT TO BE VACATED:
WATER MAIN EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, GRANTED THE CITY OF EUGENE BY INSTRUMENT RECORDED AUGUST 3, 1917, IN BOOK 116 AT PAGE 59 IN LANE COUNTY OREGON DEED RECORDS. (NO EXACT LOCATION OF RECORD. NOT PLOTTABLE.)

LEGEND:
(R1) PLAT OF TOWN RUN AS FILED APRIL 3, 2020 IN LANE COUNTY OREGON PLAT RECORDS AND ASSIGNED RECEPTION NUMBER 2020-016334 IN LANE COUNTY OREGON DEED RECORDS.

TM/L TAX MAP/LOT NUMBER.

NOTES:
SEE PLAT OF TOWN RUN FOR LOT DIMENSIONS AND AREAS.
SEE PLAT OF TOWN RUN FOR EXISTING EASEMENTS AND DIMENSIONS.

TAX LOTS:
TM 17033111 TL 14200
TM 17033222 TLS 01800, 01900, 02000, 02100, 02200, 02300, 02400, 02500, 02600, 02700, 02800, 02900, AND 03000.

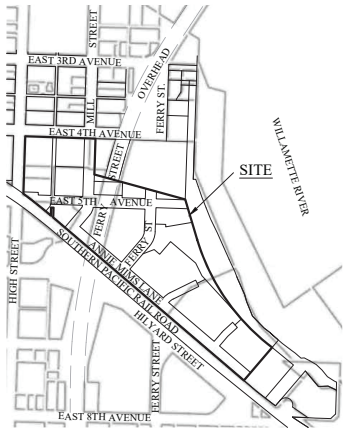
ZONING:
DOWNTOWN RIVER SPECIAL AREA WITH A MIXED USE SUBAREA (S-DR/MU)

SETBACKS:
NONE FOR THIS ZONE CLASSIFICATION.

ADDRESSES:
NONE.

EXISTING USE:
VACANT.

OWNERSHIPS:
URBAN RENEWAL AGENCY OF THE CITY OF EUGENE, OREGON, A MUNICIPAL CORPORATION



VICINITY MAP
SCALE: 1" = 500'

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JULY 20, 1993
REX A. BETZ
#2606
RENEWS: 12/31/21

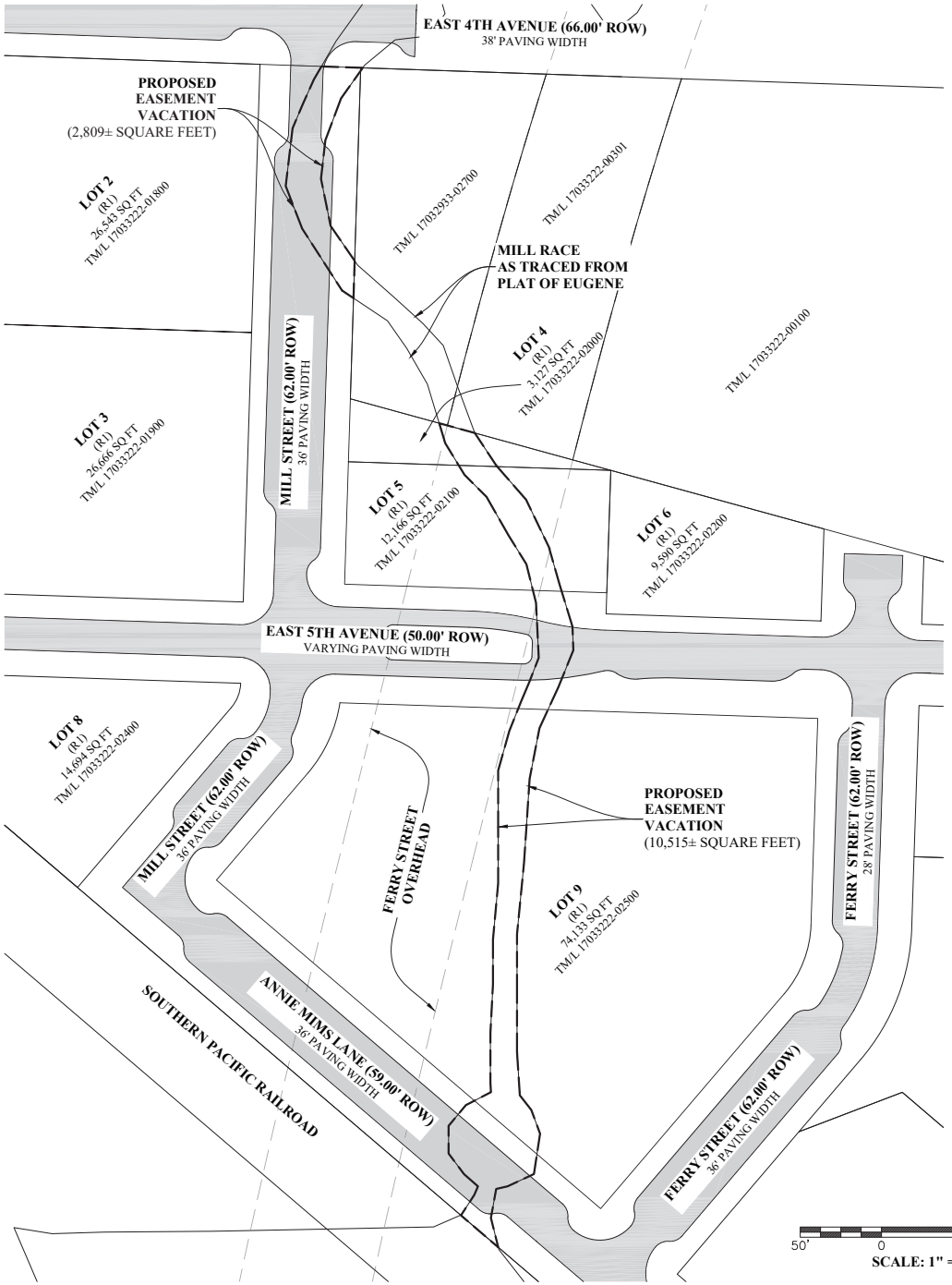
EGR & Associates, Inc.
Engineers, Geologists, and Surveyors
2535B Prairie Road
Eugene, Oregon 97402
(541) 688-8322
Fax (541) 688-8087

SHEET 1 OF 1

EASEMENT VACATION

Situated in the Southwest 1/4 of Section 29 and Northwest 1/4 of Section 32 in Township 17 South, Range 3 West of the Willamette Meridian in the City of Eugene, Lane County Oregon, and described as follows:

Being all that portion of the mill race easement [and associated terms and provisions thereof] that was conveyed in the Deed to the City of Eugene that was recorded January 23, 1947 in Book 340 at Pages 163-171 in Lane County Oregon Deed Records; that lies within the plat boundaries of "Town Run" as platted and recorded April 3, 2020 in in Lane County Oregon Plat Records and assigned Reception Number 2020-016334 in Lane County Oregon deed Records.



EASEMENT VACATION SITE PLAN
FOR
URBAN RENEWAL AGENCY OF THE CITY OF EUGENE
SW 1/4 SECTION 29 AND NW 1/4 SECTION 32
TOWNSHIP 17 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN
CITY OF EUGENE, LANE COUNTY, OREGON
MARCH 24, 2021

EASEMENT TO BE VACATED:
MILL RACE EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, IN FAVOR OF THE CITY OF EUGENE, AS SET FORTH IN INSTRUMENT RECORDED JANUARY 23, 1947, RECEPTION NO. B340 P163, LANE COUNTY OREGON DEED RECORDS. (LOCATION TRACED FROM ORIGINAL PLAT OF EUGENE)

LEGEND:
(R1) PLAT OF TOWN RUN AS FILED APRIL 3, 2020 IN LANE COUNTY OREGON PLAT RECORDS AND ASSIGNED RECEPTION NUMBER 2020-016334 IN LANE COUNTY OREGON DEED RECORDS.

TM/L TAX MAP/LOT NUMBER.

NOTES:
SEE PLAT OF TOWN RUN FOR LOT DIMENSIONS.
SEE PLAT OF TOWN RUN FOR EXISTING EASEMENTS AND DIMENSIONS.

TAX LOTS:
TM 17033222 TLS 02000, 02100, & 02500.

ZONING:
DOWNTOWN RIVER SPECIAL AREA WITH A MIXED USE SUBAREA (S-DR/MU)

SETBACKS:
NONE FOR THIS ZONE CLASSIFICATION.

ADDRESSES:
NONE.

EXISTING USE:
VACANT.

OWNERSHIPS:
URBAN RENEWAL AGENCY OF THE CITY OF EUGENE, OREGON, A MUNICIPAL CORPORATION

VICINITY MAP
SCALE: 1" = 500'

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JULY 20, 1993
REX A. BETZ
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RENEWS: 12/31/21

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SHEET 1 OF 1

FINDINGS IN SUPPORT OF VACATING A PORTION OF MILL ALLEY AND EASEMENTS LOCATED WITHIN THE BOUNDARIES OF THE PLAT OF TOWN RUN

APPLICATION OVERVIEW

Name (File Numbers): Plat of Town Run 3 (VPU 21-1)
Plat of Town Run 2 (VPU 21-2)
Plat of Town Run 4 (VRP 21-1)
Plat of Town Run 5 (VRP 21-2)

Applicant: Eugene Urban Renewal Agency

Subject Property: Map 17-03-31-11
Tax Lots 14200

Map 17-03-32-22
Tax Lots 1800, 1900, 2000, 2100, 2200, 2300, 2400, 2500, 2600, 2700, 2800, 2900, 3000

Zoning: Base zone S-DR Downtown Riverfront Special Area Zone with combinations of the following Zone Subdistricts, Overlay Subdistricts, and Overlay Zones:

S-DR/MU	Mixed-Use
S-DR/CL	Cultural Landscape and Open Space
S-DR/MU/1	(Active)
S-DR/MU/2	(People)
/WR	Water Resources Conservation Overlay

Location: South bank of the Willamette River, including land on both sides of the Ferry Street Viaduct, north of the Southern Pacific Railroad tracks and south of East 4th Avenue

BACKGROUND

The Eugene Urban Renewal Agency (URA or the applicant) filed four requests for vacations related to the City Council's recent approval the Town Run Subdivision (located on the Downtown Riverfront property). The URA acquired approximately 16.5 acres of land from EWEB in order to facilitate the property's development. As part of preparing the property for development, the URA submitted, and the City approved, a subdivision plat (the Plat of Town Run). As part of the new subdivision, the URA dedicated new rights-of-way for a street network throughout the subdivision. The newly dedicated rights-of-way will also serve as the location of new utilities to serve the entire site (including water, sanitary and storm sewer, and electric).

In order to ready the newly subdivided lots for sale and subsequent development, the applicant requests approval to vacate prior utility easements and rights-of-way that crisscross the development site. These four vacation requests are briefly summarized below:

VPU 21-1 Vacation of Undeveloped Plat
Request for approval of Vacation of Mill Alley, an unimproved right-of-way created through the original plat of Eugene City in 1852. The total requested vacation area consists of 707 square feet of public right-of-way.

VPU 21-2 Vacation of Undeveloped Plat
Request for approval of vacation of the public utility easement that was reserved in the Street and Alley Vacation, Ordinance Number 19374 that was recorded February 13, 1986. The reserved public utility easement corresponds to those portions of streets and alleys recorded in the original plat of Eugene City. The easement area consists of 30,090 square feet.

VRP 21-1 Vacation of Public Way Acquired with Public Funds
Request for approval of vacation of a public water main easement conveyed from C. O. Peterson, W. J. Royse, and the Eugene Woolen Mill Company to the City of Eugene in a Deed recorded on August 3, 1917 at the cost of one ($1.00) dollar and "other valuable considerations in hand paid" by the City of Eugene. No exact location of record was provided in said Deed. Staff have determined that the water main referred to in the easement has either been removed entirely or has been relocated to another public easement or right-of-way. It is the intent of the applicant to vacate all easement rights that were conveyed in the Deed. Because no exact location of record was provided, the proposed vacation encompasses nearly the entire Town Run Plat area, consisting of 15.61 acres.

VRP 21-2 Vacation of Public Way Acquired with Public Funds
Request for approval of vacation of the Mill Race Easement that was conveyed from the Eugene Power Company to the City of Eugene in the Deed that was recorded January 23, 1947 for the sum of ten ($10.00) dollars and other good and valuable considerations paid by the City of Eugene. This vacation concerns the historical raceway running from the Southern Pacific Railroad right-of-way north to East 4th Avenue. The raceway referred to in the Deed was piped underground and backfilled. It is the intent of the applicant to vacate all easement rights that were conveyed in the Deed. The proposed vacation consists of 10,515 square feet.

FINDINGS
The vacation process serves as a means to evaluate the need for public ways as land develops and uses change over time, and to address the manner in which the City may dispense with public ways. Public ways are defined by the Eugene Code as follows: "Any street, road, alley,

right-of-way, pedestrian or bicycle easement or accessway, or utility easement for public use that is controlled by the city, county, or state."

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. EC 9.8710(3) requires that any vacation of a public way acquired with public funds or an undeveloped subdivision and partition plat be considered and decided upon by the City Council in accordance with the procedures in EC 9.7455 through 9.7455. The public hearing is being conducted consistent with quasi-judicial procedures in State law and as set forth in EC 9.7065 – 9.7095.

When rights-of-way are vacated, ORS 271.140 generally requires ownership of the land underlying the vacated right-of-way to revert back to owners of the adjacent lands from which it was originally dedicated. In this instance, if the vacations are approved, the rights-of-ways will revert to the Eugene Urban Renewal Agency as the owner of the adjacent lands. EC 9.8710(5) requires the applicant to pay a special assessment to the City equal to the assessed value of the real property and any costs incurred by the City in the construction of public improvements as determined by the City Manager. The City Manager has determined that the cost of construction of the new streets dedicated by the URA is equal to or exceeds the assessed value of the real property being vacated and any costs incurred by the City in the construction of public improvements within the vacation area. As noted above, the URA is paying to construct and install the new streets and utilities, at a cost of approximately $16.5 million. The value of the newly created rights-of-way and transportation/utility improvements far exceeds the real market value of all the vacations combined.

The applicant has provided statements of concurrence from affected utility providers for the vacations of public utility easements.

Compliance with Approval Criterion
Per EC 9.8725, the sole approval criterion for these vacations requires City Council to find that approvals of the requested vacations are in the public interest. The full text of the approval criterion is provided below, with findings demonstrating compliance:

> **EC 9.8725: <u>Approval Criteria for the Vacation of Improved Public Right-of-Way, Public Ways Acquired with Public Funds, and Undeveloped Subdivision and Partition Plats</u>. 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 following findings demonstrate that vacation of a portion of Mill Alley and vacations of associated public utilities easements are in the public interest. This determination is based on the conclusion that vacation of these public ways will provide an opportunity for the efficient

use of land and will not negatively impact the transportation system, surrounding uses, or emergency access. The purpose of the applicant's vacation requests is to:

- Allow for the full development of the Town Run Subdivision in accordance with the Downtown Riverfront Concept Plan for redevelopment of the Downtown Riverfront site.
- Prepare the newly subdivided lots for sale and subsequent mixed-use development.
- Remove unnecessary rights-of-way and easements currently encumbering the Downtown Riverfront site.

The subject portion of Mill Alley and the associated public utility easement (VPU 21-1 & VPU 21-2) were intended as part of a development associated with a plat that was never fully developed (Original Plat of Eugene City). The undeveloped Mill Alley right-of-way does not currently provide direct access to surrounding streets. The undeveloped right-of-way does not provide required frontage for any abutting lots, as all abutting lots have adequate frontage on the proposed street system in accordance with Eugene Code. As there is a proposed public street system providing vehicular and pedestrian access to the lots and Mill Alley does not connect to any other rights-of-way, the undeveloped alley does not provide significant public transportation benefit nor vehicular or pedestrian circulation on adjoining streets.

The remnant public utility easement (VPU 21-1) contains no public infrastructure or publicly owned sanitary or stormwater lines. Statements of concurrence from affected utility providers further confirm that the subject easement does not provide a public benefit.

The City of Eugene has no public infrastructure or publicly owned sanitary or stormwater lines within either easement acquired with public funds (VRP 21-1 & VRP 21-2). Regarding VRP 21-1, new water mains have been installed throughout the site in new rights-of-way. Regarding VRP 21-2, the Mill Race was piped below ground in 1928, rendering the above-ground Mill Race Easement running across the property unnecessary. Statements of concurrence from affected utility providers for the vacations of public utility easements further confirm that the subject easements do not provide a public benefit.

Conclusion
The applicant's requested vacations of a portion of Mill Alley right-of-way and the associated public utility easements is in the public interest, based on the above facts and the terms of the ordinance.