



Eugene City Council

125 E. 8th Ave., 2nd Floor
Eugene, OR 97401-2793
541-682-5010 • 541-682-5414 Fax
www.eugene-or.gov

EUGENE CITY COUNCIL AGENDA

July 23, 2018

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

Meeting of July 23, 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 MEETING
Harris Hall, 125 East 8th Avenue
Eugene, Oregon 97401

1. PUBLIC FORUM

2. CONSENT CALENDAR

A. Approval of City Council Minutes

- a. June 20, 2018, Work Session
- b. June 25, 2018 Work Session
- c. June 25, 2018, Meeting
- d. June 27, 2018, Work Session

B. Approval of Tentative Working Agenda

**C. Adopting A Resolution Approving a Low-Income Rental Housing
Property Tax Exemption for Ya Po Ah Terrace**

D. Appointments to Historic Review Board

E. City Manager Pay Adjustment and Contract Amendment

- 3. PUBLIC HEARING AND POSSIBLE ACTION: An Ordinance Extending the Term of Ordinance No. 20397 Granting to Comcast of Oregon II, Inc. a Franchise for Operation of a Cable Telecommunications System, and Providing an effective date.**
- 4. ACTION: An Ordinance Concerning the Skinner Butte Height Limitation Area, and Amending Section 9.6715 of the Eugene Code, 1971 (City File CA 18-3)**
- 5. ACTION: An Ordinance Concerning a Roof Sign for Property Identified as Map/Tax Lot 17-03-31-11-02800 (City File CA 18-3)**
- 6. ACTION: An Ordinance Vacating East 5th Alley, Located Between Pearl Street and Oak Street, and a Portion of Pearl Alley, Located Between East 5th Alley and East 6th Avenue, and Providing for an Effective Date (City File VRI 18-2)**
- 7. ACTION: 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)**
- 8. ACTION: 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.**
- 9. ACTION: A Resolution Designating Eugene as a BEE CITY USA Affiliate**

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

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

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

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Public Forum

Meeting Date: July 23, 2018
Department: Central Services
www.eugene-or.gov

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

ISSUE STATEMENT

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

SUGGESTED MOTION

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

FOR MORE INFORMATION

Staff Contact: Beth Forrest
Telephone: 541-682-5882
Staff E-Mail: beth.l.forrest@ci.eugene.or.us

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Approval of City Council Minutes

Meeting Date: July 23, 2018
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 2A
Staff Contact: Beth Forrest
Contact Telephone Number: 541-682-5882

ISSUE STATEMENT

This is a routine item to approve City Council minutes.

SUGGESTED MOTION

Move to approve the minutes for the June 20, June 25, and June 27, 2018, Work Sessions as well as the June 25, 2018 Meeting.

ATTACHMENTS

- A. June 20, 2018, Work Session
- B. June 25, 2018, Work Session
- C. June 25, 2018, Meeting
- D. June 27, 2018, Work Session

FOR MORE INFORMATION

Staff Contact: Beth Forrest
Telephone: 541-682-5882
Staff E-Mail: beth.l.forrest@ci.eugene.or.us

M I N U T E S

**Eugene City Council
Harris Hall, 125 East 8th Avenue
Eugene, Oregon 97401**

**June 20, 2018
12:00 p.m.**

Councilors Present: Emily Semple, Betty Taylor, Alan Zelenka, Jennifer Yeh, Mike Clark, Greg Evans, Claire Syrett, Chris Pryor

Mayor Vinis opened the June 20, 2018, Work Session of the Eugene City Council.

1. ACTION: Appointments to Eugene Planning Commission

MOTION AND VOTE: Councilor Clark, seconded by Councilor Taylor, moved to reappoint Kristin Taylor to the Planning Commission for a four-year term beginning July 1, 2018, and ending June 30, 2022. **PASSED 8:0**

MOTION: Councilor Clark, seconded by Councilor Taylor, moved to appoint Lisa Fragala to the Planning Commission for a four-year term beginning July 1, 2018, and ending June 30, 2022.

MOTION TO SUBSTITUTE: Councilor Zelenka, seconded by Councilor Pryor, moved to substitute Tiffany Edwards.

Council Discussion

- There are three strong candidates who received votes to be nominated; the motions reflect the order listed on the ballot.
- Strongly support Lisa Fragala, in recognition of her neighborhood association participation and work experience.
- Order is unimportant in this situation; all three candidates will be appointed.

VOTE ON MOTION TO SUBSTITUTE: PASSED 5:3, Councilors Semple, Syrett, and Taylor opposed.

VOTE ON MAIN MOTION: PASSED 6:2, Councilors Semple and Taylor opposed.

MOTION AND VOTE: Councilor Clark, seconded by Councilor Taylor, moved to appoint Lisa Fragala to the Planning Commission for an unexpired term ending June 30, 2021.
PASSED 8:0

MOTION AND VOTE: Councilor Clark, seconded by Councilor Taylor, moved to appoint Christopher Ramey to the Planning Commission for an unexpired term ending June 30, 2019. **PASSED 8:0**

2. Motion to Develop Resolution Proposing Bee City Designation

MOTION AND VOTE: Councilor Clark, seconded by Councilor Taylor, moved to direct the City Manager to return to the City Council with a resolution to designate Eugene as a BEE CITY USA affiliate. **PASSED 8:0**

3. WORK SESSION: C-2 Community Commercial Zoning

Land Use Planning Manager Alissa Hansen spoke about current C-2 zoning locations and standards and what the process would be for changing the standards or rezoning.

Council Discussion

- Request made for specific examples of someone asking to have their land changed from another zone to C-2.
- Concerns expressed that people buying property don't understand the zones around them, including C-2; consider requiring that information as part of closing documents.
- More information requested about allowable building heights in cities in Oregon.
- Council may want to consider having different height limitations in different areas in C-2.
- Concerns expressed and questions asked about street-front sidewalks and setbacks.
- Questions asked about proposed Obie development height compared to C-2 allowable height.
- Support accommodating as much multi-unit growth as possible, opposed to limiting heights.
- This is part of the ongoing conversation about how to manage inevitable growth and change; important to be thoughtful and deliberate.
- Support process and rules that respect each neighborhood and allows planning for them differently.
- Consideration should be given to the effect of limiting uses in C-2 zoning and how it will impact compliance with the UGB adoption.
- Concerns expressed about the timelines and capacity of staff to do more analysis regarding C-2 questions in addition to existing work.
- Questions asked about legal implications of potential zone changes.

MOTION: Councilor Taylor, seconded by Councilor Semple, moved to initiate the land use code amendment process to make the changes to the C-2 Community Commercial zone described in section "A" on the yellow paper distributed at today's work session.

Council Discussion

- These restrictions would make development more difficult and eliminate opportunities.
- If an amendment process was initiated, it would initiate the specific changes in the motion.

VOTE: FAILED 1:7, Councilor Taylor voted in favor.

MOTION: Councilor Taylor moved to initiate the land use code amendment process to make the changes described in section "B" on the yellow paper distributed at today's work session. Councilor Taylor did not receive a second for this motion.

Council Discussion

- Council has already decided that it supports more density and will live with the impacts that brings, including traffic.
- Important to think about the impacts of C-2 before it's too late and development occurs that angers residents.

ATTACHMENT A

MOTION: Councilor Zelenka, seconded by Councilor Taylor, moved to have staff and the Planning Commission look at the issues discussed today, in particular setbacks, height, and bring back information, analysis, and potential impacts at a future work session.

Council Discussion

- Consider how these questions fit in with other priorities in Planning; important to not add too much additional work and to incorporate the work into existing initiatives.
- There are tradeoffs inherent in all of the decisions council makes; important to have conversations about the implications of decisions in a bigger sense.
- Support consideration of an ordinance that would increase transparency and require zoning information as part of purchase and sale agreements.

VOTE: PASSED 8:0

The meeting adjourned at 1:23 p.m.

Respectfully submitted,

Elena Domingo
Deputy City Recorder

MINUTES

Eugene City Council
Harris Hall, 125 East 8th Avenue
Eugene, Oregon 97401

June 25, 2018
5:30 p.m.

Councilors Present: Alan Zelenka, Jennifer Yeh, Mike Clark, Claire Syrett, Chris Pyror

Councilors Absent: Emily Semple, Betty Taylor, Greg Evans

Mayor Vinis started the discussion but did not open the meeting because a quorum was not present.

1. Committee Reports and Items of Interest

Council Discussion

- American Cancer Society recently updated recommendations for cancer screenings to age 45 instead of age 50; raise awareness about the need to get prompt screenings.
- Reminder about Kakegawa Sister City delegation trip to Japan.
- Thankful to mayors who went to the Mexico border and grateful for federal delegates who are stepping up for families.

2. WORK SESSION: Eugene Downtown Public Safety Update

Chief Skinner spoke about the new responses to ongoing problems in the downtown area.

Council Discussion

- There are a spectrum of behaviors that need to be addressed downtown, ranging from illegal, to intimidating, to nuisance behavior; issue facing council and community is how to address the less-than-criminal behavior.
- Support expressed for exploring creative options to address unwanted behavior downtown.
- Important to identify the line between human service needs and public safety contact with individuals.
- Pleased with approaches proposed and being taken, including incorporating alternative justice approaches.
- Need to learn how to share the sidewalks together; support more civil interactions.
- Questions asked about EPD night shift hours.
- Important to ensure that downtown ambassadors and parks ambassadors are well-briefed about Human Rights Office, human rights codes and the services that people can receive.
- Concerns expressed about engaging with individuals about their behavior.
- Support exploring other avenues for more ideas about how to address issues downtown.
- Goal should be to change the standard for behavior and what is acceptable.

The discussion ended at 6:25 p.m.

Respectfully submitted,

Elena Domingo
Deputy City Recorder

MINUTES

**Eugene City Council
Harris Hall, 125 East 8th Avenue
Eugene, Oregon 97401**

**June 25, 2018
7:30 p.m.**

Councilors Present: Alan Zelenka, Jennifer Yeh, Mike Clark, Greg Evans, Claire Syrett, Chris Pyror

Councilors Absent: Emily Semple, Betty Taylor, Greg Evans

Mayor Vinis opened the June 25, 2018, meeting of the Eugene City Council.

1. PUBLIC FORUM

1. Dana Furgerson – shared the Sustainability Committee rodent control committee recommendation.
2. Patty Hine – spoke about how zoning changes can help combat global warming.
3. Debra McGee – talked about concerns regarding meeting CRO and CAP requirements.
4. Laurie Powell – voiced concerns about proposed natural gas pipeline and the status of the TSP.
5. Linda Heyl – asked for clear metrics to be a part of implementing the CRO.
6. Bill O'Brien – spoke about a historic preservation plaque on a tree that is missing.
7. Roy Ward – shared support for making Protections for Individuals Ordinance stronger.
8. Robin Bloomgarden – voiced concerns that community members are being cut out of CAP process.
9. Dante Douglas – shared support for abolishing ICE.
10. Todd Boyle – asked Council to reiterate non-cooperation with ICE.
11. Michelle Emmons – talked about Willamette Riverkeeper programs and cleanups near the river.
12. Joshua Caraco – voiced concerns about renters' rights, no-cause evictions and application fees.
13. Eric Jackson – spoke about how treatment of the unhoused needs to be worked on aggressively.
14. Lillith Snow – voiced concerns that there are not enough legal places to sleep at night.
15. Kimberly Gladen – spoke about safety concerns downtown; supported the use of mobile cameras.
16. John Barofsky – talked about the supplemental budget on the consent calendar.
17. Kassia – shared support for rideshare in the Eugene area.
18. Louis English – voiced concerns about homeless camps near the river and sanitation problems.
19. Al Grapel – spoke about the need for porta-potties near the river, concerns about water pollution.

Council Discussion

- Issues related to homelessness are being addressed by a number of City and intergovernmental groups.
- The term “affordable housing” is still confusing; it has been a while since Council discussed renter's rights.
- Support efforts to protect our residents from undue data collection.
- Oregon specifically prohibits local law enforcement from acting in the form of a federal agent.

2. CONSENT CALENDAR

- A. Approval of City Council Minutes
 - May 29, 2018, Work Session
 - May 29, 2018, Meeting
- B. Approval of Tentative Working Agenda
- C. Adoption of Resolution 5232 Adopting a Supplemental Budget; Making Appropriations for the City of Eugene for the Fiscal Year Beginning July 1, 2017 and Ending June 30, 2018

MOTION AND VOTE: Councilor Clark, seconded by Councilor Taylor, moved to approve the items on the Consent Calendar. **PASSED 5:0**

Mayor Vinis adjourned the City Council meeting and opened a meeting of the Eugene Urban Renewal Agency.

3. URA PUBLIC HEARING: Proposed Terms for Downtown Riverfront Development

Community Development Director Michael Kinnison introduced the Public Hearing about the proposed riverfront development with a Power Point presentation.

1. Zach Mulholland – shared Sustainability Commission recommendations for redevelopment.
2. Tiffany Edwards – spoke in support of riverfront development as proposed.
3. Pete Knox – said he was excited for the mixed-use development and business opportunities.
4. Philip Lawson – shared idea of turning the steam plant into a youth center.
5. Tom Stewart – spoke in support of current plan for riverfront redevelopment.
6. Chris Edwards – spoke in support of riverfront redevelopment as proposed.
7. Jim Neu – spoke in support of building green functional mixed-use riverfront development.
8. Sue Prichard – expressed enthusiastic support for the project and approving MUPTE requests.
9. Tom Brandt – spoke about development over the years in Eugene.
10. Kelly Fitzpatrick – advocated for green space, community garden and creative development.
11. John Barofsky – spoke about tools for the project including increment financing and MUPTE.
12. Brittany Quick-Warner – voiced support for proposed development.
13. Kimberly Gladen – shared concerns that there is not enough affordable housing in the plan.
14. Bob Hart –voiced support for riverfront development and the cultural nexus it creates.
15. David Sonnichsen – supported the park concept and opposed a potential bridge across river.
16. James Atkins –spoke about excitement as a developer to connect downtown to the river.

The meeting adjourned at 9:16 p.m.

Respectfully submitted,

Elena Domingo
Deputy City Recorder

MINUTES

Eugene City Council
Harris Hall, 125 East 8th Avenue
Eugene, Oregon 97401

June 27, 2018
12:00 p.m.

Councilors Present: Alan Zelenka, Jennifer Yeh, Mike Clark, Claire Syrett, Chris Pyror

Councilors Absent: Emily Semple, Betty Taylor, Greg Evans

Mayor Vinis opened the June 27, 2018, Work Session of the Eugene City Council.

1. WORK SESSION: 2021 Update

Public Works Director Sarah Medary and 2021 Project Lead Stephanie Scafa gave an update about how the City is preparing for the 2021 IAAF World Track and Field Championships.

Council Discussion

- Information requested about how many visitors are expected for the event.
- Questions asked about athlete housing and visitor accommodations.
- Support early efforts to engage neighborhoods.
- Support coordinating efforts regarding Airbnb and rental housing resources.

2. WORK SESSION: Envision Eugene Comprehensive Plan

Metro Community Planning Manager Terri Harding and Associate Planner Chelsea Hartman provided background information about the comprehensive plan and the role of City Council moving forward.

Council Discussion

- Information requested about how this plan will be integrated with other plans, such as the Climate Action Plan and the Transportation System Plan.
- Questions asked about community plans that were part of Envision Eugene and how they get integrated into the comprehensive plan.
- Clarification requested what happens if there are inconsistencies between a refinement plan and the comprehensive plan.
- Regarding refinement plans, important to also consider how out-of-date they might be or if they are still valid or applicable to current conditions.
- Clarification requested about the differences between special area zones and refinement plans.
- Concerns expressed about the multiple simultaneous public involvement processes and whether that will be confusing to constituents. Would like to see effective citizen participation.

The meeting adjourned at 1:07 p.m.

Respectfully submitted,

Elena Domingo
Deputy City Recorder

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Approval of Tentative Working Agenda

Meeting Date: July 23, 2018
Department: City Manager's Office
www.eugene-or.gov

Agenda Item Number: 2B
Staff Contact: Beth Forrest
Contact Telephone Number: 541-682-5882

ISSUE STATEMENT

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

BACKGROUND

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

RELATED CITY POLICIES

There are no policy issues related to this item.

COUNCIL OPTIONS

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

CITY MANAGER'S RECOMMENDATION

The City Manager has no recommendation on this item.

SUGGESTED MOTION

Move to approve the items on the Tentative Working Agenda.

ATTACHMENTS

A. Tentative Working Agenda

FOR MORE INFORMATION

Staff Contact: Beth Forrest

Telephone: 541-682-5882

Staff E-Mail: beth.l.forrest@ci.eugene.or.us



City Council Tentative Agenda

Updated July 19, 2018

Meeting Location: Harris Hall, 125 East 8th Avenue, unless otherwise noted

July 2018						
Date	Day	Time	Title	Length	Dept. Contact	
23-Jul	Monday	5:30 pm	 Committee Reports and Items of Interest	45 mins	Michael Kinnison, PDD	
			 URA Riverfront Development (Work Session)			
			 Nuisance Codes (Work Session)			
		7:30 pm	 Public Forum		Ellen Meyi-Galloway, PDD	
			 Resolution Approving LIRHPTE for Ya Po Ah Terrace (Evergreen Union Retirement Assoc.) (Consent Calendar)			
			 Appointments to Historic Review Board (Consent Calendar)			Cas Casados, CS
			 Ordinance Concerning Extension of Comcast Franchise Agreement (Public Hearing & Possible Action)			Pam Berrian, CS
			 Ordinance-Skinner Butte Height Limitation Amendment (Action)			Will Dowdy, PDD
			 Ordinance-Gordon Hotel Sign Code Amendments (Action)			Will Dowdy, PDD
			 Ordinance-Lane County/Obie Alley Vacation (VRI 18-2) (Action)			Nick Gioello, PDD
			 Ordinance on Separation Between Retail Marijuana Uses (Action)			Mike McKerrow, PDD
			 Smoke-Free Ordinance (Action)			Becky DeWitt, CS
			 Resolution on Bee City (Action)			Carolyn Burke, PW
Expected absences for 7/23:						



Work Session



Action



Public Hearing



Public Forum



Consent Calendar



Committee Reports/Items of Interest



Ceremonial Matters



Pledge of Allegiance

25-Jul	Wednesday	12 pm	 Item of Interest  Town Square Planning (Work Session)  Downtown Public Safety Update (Work Session)	45 mins 45 mins	Will Dowdy, PDD Chief Skinner, EPD
<i>Expected absences for 7/25:</i>					

Council Break: July 26 – September 10

September 2018						
Date	Day	Time	Title		Length	Dept. Contact
10-Sep	Monday	5:30 pm	 Committee Reports and Items of Interest	45 mins	Rob Inerfeld, PW	
			 Transportation Systems Plan Update (Work Session)			
			 Unimproved Roads (Work Session)			
		7:30 pm	 Ceremonial Matters		Nick Gioello, PDD	
 Public Forum						
 Resolution Annexing Land Located at 1127 – 1129 Maclay Drive (Brabham, Jesse; A 18-2) (Consent Calendar)						
Expected absences for 9/10: none						
12-Sep	Wednesday	12 pm	 Marginalized Voices (Work Session)	45 mins	Katie Babits, CS	
			 Council Process Session (Work Session)	45 mins	Becky DeWitt, CS	
Expected absences for 9/12: none						
17-Sep	Monday	7:30 pm	 TBD (Public Hearing)			
Expected absences for 9/17: none						
19-Sep	Wednesday	12 pm	 Moving Ahead Project Update (Work Session)	60 mins	Zach Galloway, PDD	
Expected absences for 9/19: none						
24-Sep	Monday	5:30 pm	 Committee Reports and Items of Interest	90 mins	Kristie Hammitt, CS	
			 Community Justice System Update (Work Session)			
		7:30 pm	 Public Forum			
Expected absences for 9/24: none						

26-Sep	Wednesday	12 pm	 Police Auditor/Civilian Review Board Report (Work Session)	45 mins	Mark Gissiner, PAO
			 Town Square Update (Work Session)	45 mins	Will Dowdy, CS
<i>Expected absences for 9/26: none</i>					

October 2018						
Date	Day	Time	Title		Length	Dept. Contact
8-Oct	Monday	5:30 pm	 Committee Reports and Items of Interest	45 mins	Dan Kaler, PW	
			 Transportation SDC Methodology (Work Session)			
			 Riverfront Update (Work Session)	45 mins	Michael Kinnison, PDD Denny Braud, PDD	
		7:30 pm	 Ceremonial Matters			
 Public Forum						
Expected absences for 10/8: none						
10-Oct	Wednesday	12 pm	 Joint City Council/Lane County Commission – Homeless Services Systems Analysis Report (Work Session)	90 mins	Regan Watjus, CS	
Expected absences for 10/10: none						
15-Oct	Monday	7:30 pm	 TBD (Public Hearing)			
Expected absences for 10/15: none						
17-Oct	Wednesday	12 pm	 Police Commission Annual Report and Work Plan (Work Session)	45 mins	Jeremy Cleversey, EPD	
			 Climate Action Plan Update (Work Session)	45 mins	Chelsea Clinton, PDD	
Expected absences for 10/17: none						
22-Oct	Monday	5:30 pm	 Committee Reports and Items of Interest	45 mins	Kristie Hammitt, CS	
			 Community Justice System Update – Part 2 (Work Session)			
			 Recycling Update (Work Session)	45 mins	Michael Wisth, PDD	
		7:30 pm	 Public Forum			
Expected absences for 10/22: none						

24-Oct	Wednesday	12 pm	 Joint City Council/Planning Commission Meeting (Work Session)	90 mins	Robin Hostick, PDD
Expected absences for 10/24: none					
31-Oct	Wednesday	12 pm	 TBD (Work Session)	45 mins	
			 TBD (Work Session)	45 mins	
Expected absences for 10/31: none					

November 2018						
Date	Day	Time	Title		Length	Dept. Contact
13-Nov	Tuesday	5:30 pm	 Committee Reports and Items of Interest	45 mins	Will Dowdy, PDD	
		 Town Square Update (Work Session)				
			 TBD (Work Session)			
		7:30 pm	 Public Forum		Denny Braud, PDD	
			 Riverfront- Land Use Code Updates (Public Hearing)			
Expected absences for 11/13: none						
14-Nov	Wednesday	12 pm	 Parks SDC Methodology (Work Session)	45 mins	TBD, PW	
			 TBD (Work Session)	45 mins		
Expected absences for 11/14: none						
19-Nov	Monday	7:30 pm	 TBD (Public Hearing)			
Expected absences for 11/19: none						
21-Nov	Wednesday	12 pm	 TBD (Work Session)	45 mins		
			 TBD (Work Session)	45 mins		
Expected absences for 11/21: none						
26-Nov	Monday	5:30 pm	 Committee Reports and Items of Interest	45 mins	Mark Schoening, PW	
		 Stormwater Program Update (Work Session)				
			 TBD (Work Session)			
		7:30 pm	 Public Forum		Denny Braud, PDD	
			 Riverfront Land Use Code Updates (Action)			
Expected absences for 11/26: none						

28-Nov	Wednesday	12 pm	 TBD (Work Session)	45 mins	
			 TBD (Work Session)	45 mins	
<i>Expected absences for 11/28: none</i>					

December 2018					
Date	Day	Time	Title	Length	Dept. Contact
10-Dec	Monday	5:30 pm	 Committee Reports and Items of Interest  TBD (Work Session)  TBD (Work Session)		
		7:30 pm	 Public Forum  Supplemental Budget (Public Hearing and Action)  URA Supplemental Budget (Public Hearing and Action)		Jamie Garner, CS Jamie Garner, CS
Expected absences for 12/10: none					
12-Dec	Wednesday	12 pm	 Emergency Operations Center (Work Session)	45 mins	Randi Bowers-Payne, CS
			 TBD (Work Session)	45 mins	
Expected absences for 12/12: none					

Council Break: December 13 – January 14

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

Approved Work Session Polls to be Scheduled	Councilor	Date Approved
Rest Stop Siting Policy	Evans	11/9/17
Hwy 99/Bethel Urban Renewal District	Evans	11/9/17
Home Energy Score Policy	Sample	3/9/18
Follow-Up Work Sessions to be Scheduled		
\$1 Million Shelter		
Commercial Setbacks		
Property Leases		
Inclusionary Zoning		

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Adoption of a Resolution Approving a Low-Income Rental Housing Property Tax Exemption for Ya Po Ah Terrace

Meeting Date: July 23, 2018
Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: 2C
Staff Contact: Ellen Meyi-Galloway
Contact Telephone Number: 541-682-5532

ISSUE STATEMENT

City Council is asked to approve a resolution for a new 20-year Low-Income Rental Housing Property Tax Exemption for Ya Po Ah Terrace, located at 350 Pearl Street. The owner of the development is Evergreen Union Retirement Association, a 501(c)(3) non-profit organization. The 222-unit property provides affordable rental housing for seniors, including 211 units for very low-income seniors.

BACKGROUND

The City adopted the low-income rental housing property tax exemption program in 1990. Eugene has approved tax exemptions for 31 affordable housing developments with over 1,200 units since adoption. Council unanimously approved extending the 20-year LIRHPTE program for an additional ten years in 2011. The approved ordinance also enables recipients to reapply for the 20-year LIRHPTE after the initial 20-year period has expired. Council reviews each tax exemption request on a case-by-case basis. Most recently, council approved a new LIRHPTE for Emerald Village Eugene in January 2018, and a LIRHPTE renewal for Woodleaf Village in June 2018.

Projects must meet ten criteria including requirements for rents and incomes limited to households with incomes at or below 60 percent of area median income. If an application meets the substantive criteria [EC 9.239(3)(a)-(i)] as referenced in the Report and Recommendation (Attachment A), the City must grant the exemption by resolution (Attachment B). A decision to deny the exemption cannot be made by simple motion or inaction; it would need to be made by a resolution (Attachment C) that explains how the applicant has failed to demonstrate that the tax exemption is in the public interest.

Summary of requested tax exemption

Ya Po Ah Terrace was constructed in 1968 in the Downtown Neighborhood (map in Attachment D). Since 1968, Ya Po Ah Terrace has rented 211 of the units to households earning at or below 50 percent of area median income at affordable rents. The majority of the current residents have extremely low incomes (earning less than 30 percent of area median income). A subsidy contract through the U.S. Department of Housing and Urban Development helps to keep rents low.

Ya Po Ah Terrace is preparing for a substantial rehabilitation, and was awarded Low-Income Housing Tax Credits through Oregon Housing and Community Services. The City of Eugene will provide Community Development Block Grant rental rehabilitation loan funds for the project. The requested LIRHPTE would only apply to the 211 income-restricted units. The apartments would not be able to maintain their current level of affordability without the property tax exemption.

The requested exemption meets the substantive criteria [EC 9.239(3)(a)-(i)] as shown in the Report and Recommendation (Attachment A). No public comments were received during the public comment period.

RELATED CITY POLICIES

The proposed project advances goals established in multiple local plans and policies. The five-year Eugene-Springfield 2015 Consolidated Plan identifies many affordable housing goals including affordable housing preservation. Other plans and policies include the Residential Land Use and Housing Element of the Metropolitan Area General Plan, Eugene City Council Adopted Growth Management Policies, the Lane County Ten Year Plan to End Chronic Homelessness, Housing Dispersal Policy, and the Lane County Continuum of Care Plan. The proposed property tax exemption also supports the Envision Eugene pillar of providing housing affordable to all income levels by supporting subsidized affordable housing projects.

COUNCIL OPTIONS

The City Council has two options:

1. Approve the tax exemption.
2. Deny the tax exemption.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends option 1, to approve a Resolution granting a 20-year Low-Income Rental Housing Property Tax Exemption for the property located at 350 Pearl Street.

SUGGESTED MOTION

Move to adopt a Resolution approving a 20-year Low-Income Rental Housing Property Tax Exemption for the property located at 350 Pearl Street.

ATTACHMENTS

- A. Report and Recommendation
- B. Resolution to approve the tax exemption
- C. Resolution to deny the tax exemption
- D. Map and image of the site

FOR MORE INFORMATION

Staff Contact: Ellen Meyi-Galloway

Telephone: 541-682-5532

Staff E-Mail: Ellen.E.Meyi-Galloway@ci.eugene.or.us

**REPORT AND RECOMMENDATION
of the Community Development Manager
of the Planning and Development Department**

**Application of Evergreen Union Retirement Association
For Low-Income Rental Housing Property Tax Exemption
(Section 2.937 to 2.940 of the Eugene Code, 1971)
for Property at 350 Pearl Street, Eugene, Oregon**

The Community Development Manager of the Planning and Development Department of the City of Eugene finds that:

1. Evergreen Union Retirement Association is the owner of real property located at **350 Pearl Street**, Eugene, Oregon, 97401 (Assessor's Map 17-03-30-44; Tax Lot 4700; Assessor's Property Account No. 0257244). Evergreen Union Retirement Association ("the applicant"), located at 350 Pearl Street, Eugene, Oregon 97401, has submitted an application for an exemption from ad valorem taxes under the City's Low-Income Rental Housing Property Tax Exemption Program (Sections 2.937 to 2.940 of the Eugene Code, 1971) for 211 low-income rental housing units (121 studios, 30 alcoves and 60 one-bedroom units).

2. I have reviewed the application and find that the applicant has submitted all materials, fees and documents required by the application, and is in compliance with the provisions of EC 2.939(3) and Sections 2.1 through 2.9 of the Standards and Guidelines adopted by Resolution No. 5028. Specifically I find:

- (a) The property, or portion thereof subject to the property tax exemption, will be occupied solely as a residence for low-income persons.
- (b) The applicant's application was filed prior to January 1, 2020.
- (c) The property is owned by a nonprofit corporation organized in a manner that meets the criteria for a public benefit corporation as described under ORS 65.001(37).
- (d) The property is owned by a nonprofit corporation that expends no more than ten percent of its annual income from residential rentals for purposes other than acquisition, maintenance or repair of residential rental property for low-income persons, or for the provision of on-site child care services for the residents of the rental property.
- (e) The applicant has complied with the policies set forth in the Standards and Guidelines for Low-Income Rental Housing Property Tax Exemption adopted by council Resolution No. 5028.
- (f) The proposed development is consistent with the city's housing dispersal policy.
- (g) The proposed development does not cause the displacement of low-income persons.

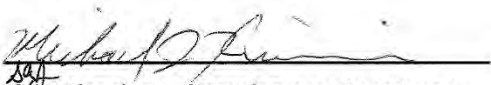
- (h) The proposed development does not cause destruction of historic properties.
- (i) The proposed development is otherwise consistent with the Eugene Code and adopted city regulations and policies.
- (j) The applicant has executed, and agrees to maintain in effect for the duration of the tax exemption period, a Rent Regulatory Agreement.
- (k) The applicant has consented in writing that for the duration of the tax exemption period, the city may inspect the property for which the exemption is granted.

4. Comments have been solicited from interested City departments, 4J School District, and the affected neighborhood groups. No public comments were received.

Therefore, based on the above findings, the proposed project conforms with all applicable City Code provisions, local plans, planning regulations, the Envision Eugene Plan, and the criteria set forth in the City's adopted Standards and Guidelines for Low-Income Rental Housing Property Tax Exemption, and I recommend that the application be approved.

Dated this 16 day of July, 2018.

Print: Michael J. Kinnison

Sign: 

Community Development Manager AIC of the Planning and Development Department

RESOLUTION NO. _____

A RESOLUTION APPROVING A LOW-INCOME RENTAL HOUSING PROPERTY TAX EXEMPTION FOR A PORTION OF THE PROPERTY LOCATED AT 350 PEARL STREET, EUGENE, OREGON. (APPLICANT EVERGREEN UNION RETIREMENT ASSOCIATION)

The City Council of the City of Eugene finds that:

A. Evergreen Union Retirement Association is the owner of real property located at 350 Pearl Street, Eugene, Oregon, 97401 (Assessor's Map 17-03-30-44; Tax Lot 4700; Assessor's Property Account No. 0257244). Evergreen Union Retirement Association ("the applicant"), located at 350 Pearl Street, Eugene, Oregon 97401, has submitted an application pursuant to Section 2.939(3) of the Eugene Code, 1971 ("EC"), for an exemption from ad valorem taxes under the City's Low-Income Rental Housing Property Tax Exemption Program (EC 2.937 to 2.940).

B. The Ya Po Ah Terrace development is a 222-unit apartment complex with common areas. A tax exemption is being sought for the 211 low-income rental housing units in the complex (121 studios, 30 alcoves and 60 one-bedroom units) and common space serving the units for which the exemption is sought. Eleven of the units in the development are market rate units which will not be subject to the exemption.

C. The Community Development Manager of the Planning and Development Department, as designee of the City Manager, has prepared a Report and Recommendation recommending that the application be approved and the exemption granted. In making that recommendation, the Community Development Manager found that the applicant submitted all materials, documents and fees required by EC 2.938 and is in compliance with the policies set forth in the Standards and Guidelines adopted by Resolution No. 5028. In addition, the Community Development Manager found that the applicant has complied with the criteria for approval provided in EC 2.939(3) and the eligibility requirements at Section 2.1 through 2.9 of the Standards and Guidelines adopted by Resolution No. 5028.

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 upon the above findings, the City Council approves the application of Evergreen Union Retirement Association for an ad valorem property tax exemption under the City's Low-Income Rental Housing Property Tax Exemption Program for a portion of the property located at 350 Pearl Street, Eugene, Oregon, 97401 (Assessor's Map 17-03-30-44; Tax Lot 4700; Assessor's Property Account No. 0257244) which will include:

1.1 211 low-income rental housing units (121 studios, 30 alcoves and 60 one-bedroom units), and the common spaces serving those units which shall be used for the purpose of providing low-income rental house.

1.2 The portion of the property consisting of 11 market rate units is not subject to the exemption.

Section 2. The land and units described in Section 1.1 above are declared exempt from local ad valorem property taxation commencing July 1, 2019, and continuing for a continuous period of 20 years unless earlier terminated in accordance with the provisions of Section 2.940 of the Eugene Code, 1971, which provides for termination after an opportunity to be heard if:

2.1 Construction or development of the exempt property differs from the construction or development described in the application for exemption, or was not completed by January 1, 2020, and no extensions or exceptions were granted; or

2.2 The applicant fails to comply with provisions of ORS 307.515 to 307.523, provisions of the Eugene Code, 1971, the Standards and Guidelines adopted by Council Resolution No. 5028, or any conditions imposed in this Resolution.

The tax exemption shall be terminated immediately, without right of notice or appeal, pursuant to the provisions of ORS 307.531 in the event that the county assessor determines that a change of use to other than that allowed has occurred for the housing unit, or portion thereof, or, if after the date of this approval, a declaration as defined in ORS 100.005 is presented to the county assessor or tax collector for approval under ORS 100.110.

Section 3. The City Manager, or the Manager's designee, is requested to forward a copy of this Resolution to the applicant within 10 days from the date of adoption of this Resolution, and to cause a copy of this Resolution to be filed with the Lane County Assessor on or before April 1, 2019. The copy of the Resolution sent to the applicant shall be accompanied by a notice explaining the grounds for possible termination of the exemption prior to the end of the exemption period and the effects of the termination.

Section 4. This Resolution shall become effective immediately upon its adoption.

The foregoing Resolution adopted the _____ day of July, 2018.

City Recorder

RESOLUTION NO. _____

A RESOLUTION DENYING A LOW-INCOME RENTAL HOUSING PROPERTY TAX EXEMPTION FOR A PORTION OF THE PROPERTY LOCATED AT 350 PEARL STREET, EUGENE, OREGON. (APPLICANT EVERGREEN UNION RETIREMENT ASSOCIATION)

The City Council of the City of Eugene finds that:

A. Evergreen Union Retirement Association is the owner of real property located at 350 Pearl Street, Eugene, Oregon, 97401 (Assessor's Map 17-03-30-44; Tax Lot 4700; Assessor's Property Account No. 0257244). Evergreen Union Retirement Association ("the applicant"), located at 350 Pearl Street, Eugene, Oregon 97401, has submitted an application pursuant to Section 2.939(3) of the Eugene Code, 1971 ("EC"), for an exemption from ad valorem taxes under the City's Low-Income Rental Housing Property Tax Exemption Program (EC 2.937 to 2.940).

B. The Ya Po Ah Terrace development is a 222-unit apartment complex with common areas. A tax exemption is being sought for the 211 low-income rental housing units in the complex (121 studios, 30 alcoves and 60 one-bedroom units) and common space serving the units for which the exemption is sought. Eleven of the units in the development are market rate units which will not be subject to the exemption.

C. The Community Development Manager of the Planning and Development Department, as designee of the City Manager, has prepared a Report and Recommendation recommending that the application be approved and the exemption granted. In making that recommendation, the Community Development Manager found that the applicant submitted all materials, documents and fees required by EC 2.938 and is in compliance with the policies set forth in the Standards and Guidelines adopted by Resolution No. 5028. In addition, the Community Development Manager found that the applicant has complied with the criteria for approval provided in EC 2.939(3) and the eligibility requirements at Section 2.1 through 2.9 of the Standards and Guidelines adopted by Resolution No. 5028.

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. Notwithstanding the findings in the Community Development Manager's Report and Recommendation, the City Council denies the application of Evergreen Union Retirement Association for an ad valorem property tax exemption under the City's Low-Income Rental Housing Property Tax Exemption Program for the property located at 350 Pearl Street, Eugene, Oregon, 97401 (Assessor's Map

17-03-30-44; Tax Lot 4700; Assessor's Property Account No. 0257244) because the applicant has failed to demonstrate satisfactory compliance with the criteria in Section 2.939(3) of the Eugene Code, 1971.

Section 2. The City Manager, or the Manager's designee, is requested to forward a copy of this Resolution to the applicant within ten days from the date of adoption of this Resolution, along with a notice informing the applicant of the right to appeal in the manner set forth in ORS 34.010 to 34.100.

Section 3. This Resolution shall become effective immediately upon its adoption

The foregoing Resolution adopted the _____ day of July, 2018.

City Recorder

Ya-Po-Ah

Aerial



Project Site Taxlot

Orthophotography: 2017
Caution: This map is based on imprecise source data, subject to change, and for general reference only.

0 100 Feet
City of Eugene, PDD
December 8, 2017
Eugene



July 23, 2018, Meeting – Item 2C

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Appointments to Historic Review Board

Meeting Date: July 23, 2018
Department: City Manager's Office
www.eugene-or.gov

Agenda Item Number: 2D
Staff Contact: Cas Casados
Contact Telephone Number: 541-682-8497

ISSUE STATEMENT

This is an action item to correct an administrative error on the term lengths included in the motions passed on July 9, 2018, for two of the appointments to the Historic Review Board. Standard terms on the HRC are four years. Two appointees, Sarah Shmigelsky and Daniel Lombardi, were appointed to three-year terms instead of four. The motion contained herein corrects the oversight.

BACKGROUND

Each year, the council makes appointments to boards, committees and commissions. Chapter 2 of the Eugene Code addresses standing committees to the City Council and the appointment process for each body. For most standing committees created in the code, council is the appointing authority.

The annual recruitment for boards, committees and commissions was initiated on January 31, 2018, and concluded March 31, 2018. The recruitment was publicized on the internet, in newspapers, through flyers, at City offices, and at City- and neighborhood-related meetings and events.

Members of the council were provided with copies of the applications to all council-nominated advisory groups. Applicants who received five or more votes to be appointed or reappointed, were automatically placed in nomination for formal appointment. Those who received at least four votes in any category were invited for an interview. Interviews for all committees were held on May 24, 2018.

RELATED CITY POLICIES

The boards, committees and commissions serve as advisory bodies to the City Council in the development of various City policies.

CITY MANAGER'S RECOMMENDATION

The City Manager has no recommendation on this item; the appointments are made by the council.

SUGGESTED MOTION

Move to reappoint Sarah Shmigelsky to the Historic Review Board for a four-year term ending June 30, 2022.

Move to appoint Daniel Lombardi to the Historic Review Board for a four-year term ending June 30, 2022.

ATTACHMENTS

None

FOR MORE INFORMATION

Staff Contact: Cas Casados

Telephone: 541-682-8497

Staff E-Mail: cas.m.casados@ci.eugene.or.us

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



City Manager Pay Adjustment and Contract Amendment

Meeting Date: July 23, 2018
Department: Central Services, Human Resources
www.eugene-or.gov

Agenda Item Number: 2E
Staff Contact: Keri Beraldo
Contact Telephone Number: 541-682-5765

ISSUE STATEMENT

On July 16, 2018, Council conducted their annual evaluation for Eugene City Manager, Jon Ruiz. The two-part format, agreed upon by the council and City Manager Ruiz, included an executive session followed by a public session where the Council shared their overall performance feedback of City Manager Ruiz. At the July 16th meeting Council approved amending City Manager Ruiz's employment contract to replace the COLA reference to a market adjustment pay (MAP) reference. Two additional issues regarding City Manager Ruiz's compensation require Council action.

BACKGROUND

With respect to compensation, the contract provides that the City Manager will receive (1) whatever COLA that non-represented employees receive, and (2) a merit and deferred compensation adjustment based on the ratings that Council gives to the City Manager, "unless the Council determines that the City's budget situation is sufficiently ominous that no merit or deferred compensation increase should be made."

1. January 1, 2018, 2% COLA-Type Salary Adjustment:

Human Resources inadvertently neglected to inform Council at the July 16th work session that non-represented employees received a 2% COLA-type salary adjustment on January 1, 2018. In February, 2018, the Council (via consent agenda item) granted the Police Auditor this 2% salary adjustment (retroactive to January). Because this 2% salary adjustment was not, technically, a COLA, City Manager Ruiz's employment contract does not speak to it and, therefore, it was not given to him in January. This information is being provided so that Council can consider awarding City Manager Ruiz the 2% COLA-type salary adjustment granted non-represented employees and the Police Auditor in January, 2018.

2. Employment Contract Ambiguity:

Prior to the July 16, 2018, work session Human Resources received overall performance ratings for City Manager Ruiz from eight of the nine Council members; resulting in a weighted overall performance rating average of 2.5 for City Manager Ruiz. Verbally at the July 16 work session, and subsequently confirmed in writing, the remaining Councilor rated City Manager Ruiz as "excellent." Based on the overall performance ratings of all nine Councilors, City Manager Ruiz's weighted overall performance rating average is 2.55555555555556.

City Manager Ruiz's employment contract states that a weighted average rating of 1.6 - 2.5 results in a 3.5% salary increase and a rating of 2.6 – 3 results in a 5% salary increase. A weighted average rating falling between 2.5 and 3 is not specifically addressed in City Manager Ruiz's employment contract. A common solution for addressing this type of issue is to round the number to the nearest tenth, however, because the employment contract is silent, Council action is needed. Council is asked to consider authorizing the Council President to execute a contract amendment to round City Manager Ruiz's weighted overall performance rating averages to the nearest tenth. It Council rounds City Manager Ruiz's 2018 weighted overall performance rating average to the nearest tenth, his rating of 2.55555555555556 would be rounded up to 2.6, which, pursuant to his employment contract, would provide City Manager Ruiz with a 5% salary increase.

RELATED CITY POLICIES

None

COUNCIL OPTIONS

1. The Council may approve award of a 2% salary adjustment effective January 1, 2018, and approve execution of a contract amendment to clarify that a weighted rating average should be rounded to the nearest tenth.
2. The Council may decline to award a salary adjustment effective January 1, 2018, and/or approval of a contract amendment to clarify that a weighted rating average should be rounded to the nearest tenth.

SUGGESTED MOTION

I move to: 1) approve a 2% increase to the City Manager's salary effective January 1, 2018, consistent with the COLA-type salary adjustment granted non-represented employees and the Police Auditor; and, 2) authorize the Council President to execute a contract amendment to clarify that, for purposes of the City's Manager's performance review compensation adjustment, the City Manager's weighted overall performance rating average will be rounded to the nearest tenth.

ATTACHMENTS

None.

FOR MORE INFORMATION

Staff Contact: Keri Beraldo Human Resources
Telephone: 541-682-5765
Staff E-Mail: keri.l.beraldo@ci.eugene.or.us

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Public Hearing and Possible Action: An Ordinance extending the term of Ordinance No. 20397 granting to Comcast of Oregon II, Inc. a franchise for operation of a cable telecommunications system, and providing an effective date.

Meeting Date: July 23, 2018
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 3
Staff Contact: Mike Streepey, Pam Berrian
Contact Telephone Numbers: 541-682-682, 541-682-5590

ISSUE STATEMENT

The purpose of this public hearing is to provide an opportunity for public comment regarding the proposed ordinance extending Comcast's cable television franchise agreement until January 1, 2019, and providing an immediate effective date for the ordinance. City Council is also being requested to take action on the ordinance. Without the extension, the franchise agreement will expire on August 1, 2018. This ordinance would only extend the term of the franchise; all other franchise terms and conditions would remain the same.

BACKGROUND

The City of Eugene, the City of Springfield, and Lane County together have granted Comcast of Oregon II, Inc. ("Comcast") a franchise for the operation of a cable communications system (Eugene Ordinance No. 20397). The Metropolitan Policy Commission ("MPC") is the entity designated by the three jurisdictions to administer the franchise. The existing franchise expires August 1, 2018.

The federal Cable Act requires cable providers to have franchises and provides for a renewal process. Eugene, Springfield, and Lane County staff have been negotiating the renewal terms with Comcast for the past year, and have provided progress updates to the MPC, acting as the Cable Commission. The parties expect to complete the negotiations within the next few months.

Council is being asked to take action on the proposed ordinance to extend the franchise term until January 1, 2019, and provide for an immediate effective date to prevent a lapse in the franchise agreement after August 1, and to allow the parties to conclude the renewal negotiations. Springfield City Council recently approved an ordinance extending the franchise term and providing for an immediate effective date. Lane County staff will soon be requesting its Board to take similar action.

The ordinance would only extend the term of the franchise. All other franchise terms and conditions would remain the same, including Comcast's obligation to pay franchise fees for use of the rights of way. There are no anticipated costs as a result of the extension. After negotiations are completed, the proposed renewal franchise agreement will be brought to the City Council for action as an ordinance, with a likely term of 10 years.

RELATED CITY POLICIES

- A. City Telecommunication Vision and Policy: The City of Eugene's telecommunications vision is completion and operation of a coordinated regional information infrastructure that provides accessible and affordable high-speed connectivity for citizens, public institutions, and businesses and is constructed in a manner that best serves the public interest.
- B. Telecommunications Ordinance, Eugene Code 3.005, 3.400 to 3.430
- C. Ordinance No. 20397, An Ordinance Granting Comcast of Oregon II, Inc., An Additional Term and Franchise Renewal For The Operation Of A Cable Communications System; Amending Ordinance 19775; Adopting A Severability Clause; And Providing an Effective Date.

COUNCIL OPTIONS

- 1. Adopt the Ordinance as proposed, which includes an immediate effective date.
- 2. Adopt the Ordinance with modifications as determined by the City Council.
- 3. Deny the Ordinance.
- 4. Take no action.

Option 1, adopting the ordinance as proposed, will extend the cable franchise term until January 1, 2019, without a lapse, and allow the parties to complete negotiations. For Options 3 and 4, the franchise would expire on August 1, 2018, and while the franchise might possibly be construed as continuing on a month-to-month informal basis while the parties are engaged in renewal negotiations, a formal extension is the preferred course. Staff believe Option 1 would provide the best opportunity for a clear path to continued negotiations of a new 10-year franchise.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends that the City Council adopt the ordinance.

SUGGESTED MOTION

I move to adopt an ordinance extending the term of Ordinance No. 20397 granting to Comcast of Oregon II, Inc., a franchise for operation of a cable telecommunications system, and providing an effective date.

ATTACHMENTS

- A. Proposed Ordinance

FOR MORE INFORMATION

Staff Contact: Pam Berrian, Information Services Division

Telephone: 541-682-5590

Staff E-Mail: pam.c.berrian@ci.eugene.or.us

Staff Contact: Mike Streepey, Finance Division

Telephone: 541-682-6820

Staff E-Mail: michael.l.streepey@ci.eugene.or.us

ORDINANCE NO. _____

AN ORDINANCE EXTENDING THE TERM OF ORDINANCE NO. 20397 GRANTING TO COMCAST OF OREGON II, INC. A FRANCHISE FOR OPERATION OF A CABLE TELECOMMUNICATIONS SYSTEM, AND PROVIDING AN EFFECTIVE DATE.

The City Council of the City of Eugene finds that:

A. The Cities of Eugene and Springfield, together with Lane County, granted a franchise to Comcast of Oregon II, Inc. ("Comcast") for the operation of a cable communication system, and have designated the Metropolitan Policy Commission (MPC), acting as the cable commission, as the representative of the local franchising authorities in administration of the franchise

B. The City of Eugene enacted Ordinance No. 19775 on May 13, 1991, granting the franchise.

C. The City of Eugene enacted Ordinance No. 20397 on October 22, 2007, amending and renewing the franchise through August 1, 2018.

D. The federal Cable Act requires a franchise for the operation of cable telecommunications systems and provides for a formal or informal renewal process under the Cable Act.

E. The Cities of Eugene and Springfield, Lane County, and Comcast are currently engaged in good faith negotiations under the Cable Act's informal process to renew Comcast's cable franchise and the parties anticipate those negotiations will not be completed prior to August 1, 2018.

F. The Cities of Springfield and Eugene, and Lane County have determined that it serves the public welfare to extend the term of the current franchise from August 1, 2018 to January 1, 2019.

NOW, THEREFORE,

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The franchise granted to Comcast in Ordinance No. 20397 shall be extended up to and through January 1, 2019.

Section 2. The City of Eugene and Comcast agree that execution of this extension does not waive any rights that either party may have under the Cable

Communications Policy Act of 1984, as amended, 47 U.S.C. §§ 521 *et seq.*, or other provision of federal, state, or local law.

Section 3. Other than the duration of the franchise set forth herein, Ordinance No. 20397 shall continue in full force and effect.

Section 4. Pursuant to the provisions of Section 32(2) of the Eugene Charter of 2002, with the affirmative vote of two-thirds of the members of the City Council, this Ordinance shall become effective immediately upon adoption by the Council and approval by the Mayor, or passage over the Mayor's veto. An immediate effective date is necessary so that the cable franchise remains in effect while the Cities of Eugene and Springfield, Lane County, and Comcast complete the franchise negotiations.

Passed by the City Council this

____ day of July, 2018

Approved by the Mayor this

____ day of July, 2018

City Recorder

Mayor

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Action: 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 23, 2018
Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: 4
Staff Contact: Will Dowdy
Contact Telephone Number: 541-682-5340

ISSUE STATEMENT

On July 23, 2018, the City Council will take action 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, and 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 includes a 113-unit apartment building, a three-story retail and office building, and 82-room boutique hotel.

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

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. (Each zone also allows up to 18 feet of additional height for roof structures and architectural features.) 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 Recommendation

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](#). Six people testified at the public hearing, five spoke in favor of and one spoke in opposition to the proposed amendment. 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 that would be subject to the height limitation amendment, 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 following publication of the agenda item summary for the public hearing on these ordinances but prior to the close of the record is provided in Attachment C.

At the City Council's July 16, 2018, public hearing, 11 people provided testimony. Ten people spoke in favor of and one spoke in opposition of the proposed amendment. The webcast of the meeting is available [here](#).

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 W. 10th Avenue. As a courtesy, some of the materials are also available for review online [here](#).

RELATED CITY POLICIES

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

COUNCIL OPTIONS

The City Council may consider the following options:

1. Approve the Skinner Butte Height Limitation ordinance.
2. Approve the Skinner Butte Height Limitation ordinance with specific modifications as determined by the City Council.
3. Deny the ordinance.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends approval of the ordinance.

SUGGESTED MOTION

Move to adopt Council Bill 5192, an Ordinance Concerning the Skinner Butte Height Limitation Area.

ATTACHMENTS

- A. Map of Subject Properties for Skinner Butte Height Limitation Area
- B. Draft Skinner Butte Height Limitation Area Ordinance and Findings
- C. Testimony received between July 12 and July 16, 2018

FOR MORE INFORMATION

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

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: David Davini <DavidD@giustina.com>
Sent: Wednesday, July 11, 2018 2:31 PM
To: CAMP Allison K
Subject: Public market sign

Allison Camp,

I am writing to let you know I am in favor of the city council approving a sign code exception for the 5th Street Public Market Expansion. Signs should be able to properly compliment the development they are advertising rather than being restricted to the black and white of a building code. A few different or whimsical signs in downtown would continue to project Eugene as a modern and innovative thinker when it comes to buildings etc. I encourage the council to look at the details of this plan and I think they will find that an exception in this case produces a better overall project not just for the developer but for the city. I encourage the council to support this request. Please let me know if you have any questions. Thanks.

David Davini

CAMP Allison K

From: Jenny Bennett <jbennett@sbko.bank>
Sent: Wednesday, July 11, 2018 4:25 PM
To: CAMP Allison K
Subject: Support for Skinner Butte Height Limitation, Gordon Sign and Alley Vacation

Hi Allison,

I hope you are having a good day. I am writing because I am unable to testify next Monday, so I hope that you will please accept this testimony in support of the Skinner Butte Height Limitation, Gordon Hotel Sign and alley vacation that will allow the 5th Street Public Market Expansion to proceed with the revitalization that is going on in the 5th Street area, near downtown.

I am a big supporter of downtown, which includes the Riverfront development, Market District neighborhood, and Downtown Eugene, where I work every day and where our family owns a business. The stronger each of these elements are, the stronger we are together. The Market Expansion will add economic vitality to our downtown, bringing more jobs, visitors and foot traffic to the area. The height limit change will help us achieve our density goals. I want to say a special word about the sign. As a marketing person, I know that signage is important. We lack sign diversity in Eugene, and an exception to the code that allows us to incorporate this rooftop sign into the development is not only warranted but should be applauded. Signs can communicate activity and vitality – just what we need downtown. If you look at old photos of downtown, one thing you'll notice is the collection and variety of signs that signal that downtown has a lot going on. If you approve this exception, I'm confident that when the building is done we'll be glad we did it.

Thank you for taking my viewpoint into consideration.

Jenny Bennett, CFMP
Vice President
Marketing & Business Development



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CAMP Allison K

From: SELSER Lindsay R
Sent: Wednesday, July 18, 2018 7:41 AM
To: CAMP Allison K; DOWDY Will G; KINNISON Michael J
Subject: FW: Obie Project Support

From: Matt Roberts <mroberts@uoregon.edu>
Sent: Wednesday, July 11, 2018 2:15 PM
To: *Eugene Mayor, City Council, and City Manager <mayorcouncilandcitymanager@ci.eugene.or.us>
Subject: Obie Project Support

Dear Mayor and Council members,

The University of Oregon supports the creation of a vibrant “Market District” adjacent to the property at 510 Oak St. recently acquired by the University. Redevelopment of this area will complement our efforts to revitalize a historic building for academic and community purposes and ensure every part of downtown is utilized to its full potential. The former Willamette Stationers building will be the new home for the UO’s College of Design’s faculty artists and designers. It will also house studios and creative-maker space for student, faculty, and more.

Obie Development’s vision for an expansion of the 5th Street Market will enhance the creative atmosphere of the area and could become a destination for artists, art lovers, and creative people from around the region and state. Please ensure that local ordinances allow the Obie project to be realized.

Thank you,

Matt Roberts

Matt Roberts
Senior Director, Community Relations
O: 541-346-2125 | C: 541-543-4405



5th Street Public Market Expansion

Public Hearing July 16, 2018

Dear Eugene Mayor and City Councilors,

Good evening. I am Gary Wildish at 2424 Quince St. Eugene, OR 97404. Longtime resident of Eugene. I am unable to be at the Hearing so I am submitting testimony in support of the 5th Street Public Market Expansion.

The alley vacation request seems like a reasonable, fair and is consistent with what is happening and is proposed to happen in the area around the Market.

We have talked a great deal about increasing the density in the core area of Eugene for quite a while. The request for increasing the height in the Market expansion would be a good way to facilitate that conversation. I think the Ya-Po-Ah Terrace is too tall.

I see the 5th Street Public Market as a Heritage area in Eugene. I feel we citizens can be proud of the results of the OBIE folk's efforts. They have invested a great deal and the results are attractive and a great benefit to our community. The 5th Street Public Market is a fun place to shop, eat or just walk around. The proposed sign for the Hotel may not meet the existing code but it is consistent with the era when most of that area was developed. I would encourage action that would allow there proposed sign.

Thank you for your time and consideration,

Gary Wildish

CAMP Allison K

From: Scott Freck <scott.freck@eugenesymphony.org>
Sent: Thursday, July 12, 2018 9:34 AM
To: CAMP Allison K
Subject: Eugene Symphony letter of support for 5th Street Market expansion
Attachments: Eugene Symphony letter of support for 5th Street Market expansion - July 12 2018.pdf

Dear Ms. Camp –

Attached please find a letter in support of Obie Companies' proposed expansion of the 5th Street Market in advance of Monday's City Council meeting. Please let me know if you have any questions or concerns, and thank you very much.

Best regards,
Scott

Scott Freck
Executive Director

Eugene Symphony Association, Inc.
115 W. 8th Avenue | Suite 115 | Eugene, OR 97401
541-687-9487 Ext. 1107
eugenesymphony.org

Enriching lives through the power of music.





EUGENE SYMPHONY

FRANCESCO LECCE-CHONG

Music Director & Conductor

SCOTT FRECK

Executive Director

July 12, 2018

Eugene City Council
125 E 8th Avenue, Second Floor
Eugene, Oregon 97401

Dear Mayor Vinis and Council Members –

I write today on behalf of the Eugene Symphony Association in support of Obie Companies' ambitious and visionary project to expand the 5th Street Market.

This project, like the original 5th Street Market before it, has great potential to significantly enhance quality of life and quantity of commerce in the downtown core. As one of the region's cornerstone arts and cultural organizations, the Eugene Symphony is enthusiastic about the prospect of increasing both the density of urban living and the energy sparked by added retail and professional traffic in such close proximity to the Hult Center for the Performing Arts.

Put simply, having more people downtown – working, living, shopping, dining, or visiting our fair city – can only improve the sense of vibrancy that arts organizations like ours depend on for ticket-buyers, donors, and creative partners. This kind of bold urban statement promises a wellspring of vitality and sense of connectedness that I think we all strive to achieve for our area.

And, as a matter of personal opinion, I believe the proposed sign to top The Gordon Hotel component of the project is both tasteful and iconic. In no way do I see it as a potential distraction or blemish on our skyline, but rather feel that its retro look will lend a kind of classy vintage cool to the neighborhood – as if George Gershwin had stopped by to perform *Rhapsody in Blue* and found just the right place to stay while in Eugene.

In closing, we are all hopeful that the project will move forward and carry with it a renewed sense of pride and accomplishment for the people of our wonderful community, and urge you to grant the necessary permits for it to proceed as envisioned.

Respectfully yours,

Scott Freck
Executive Director

ENRICHING LIVES THROUGH THE POWER OF MUSIC

CAMP Allison K

From: SELSER Lindsay R
Sent: Wednesday, July 18, 2018 7:31 AM
To: MCKERROW Mike J; CAMP Allison K; DOWDY Will G; KINNISON Michael J
Subject: FW: Upcoming Matters for City Council

From: John and Peggy Doty <johndoty1@comcast.net>
Sent: Friday, July 13, 2018 6:18 PM
To: *Eugene Mayor, City Council, and City Manager <mayorcouncilandcitymanager@ci.eugene.or.us>
Subject: Upcoming Matters for City Council

Good Afternoon Mayor Vinis , Counselors, and City Manager

I understand that your Monday meetings will be full of matters that will likely be voted upon.

I wish to provide my support for the following measures:

1000 foot marijuana buffer zones.

This is a policy adopted by numerous cities across Oregon and makes sense. 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. While I think the “free market” will eventually weed out (pun intended) the inefficient operators, I think that the quality and safety of our neighborhoods will be much stronger with this buffer zone.

Smoke Free Downtown

I like the ability of the businesses downtown to “opt-out” and the businesses outside of down town to “opt-in” provided that the mechanism and bureaucracy to make these selections are not too cumbersome and costly for the business and the city. Keep it simple.

Sign Code Ordinance and Height Limit Code Amendment

The economic investment, affordable housing, and job creation proposed near 5th and 6th streets warrant approval of the Sign Code Ordinance and Height Limit Code Amendment.

Regards,

John Doty
Ward 8

CAMP Allison K

From: Jenny Ulum <jenny@obie.com>
Sent: Monday, July 16, 2018 11:00 AM
To: CAMP Allison K
Subject: Testimony -- 5th Street Market project
Attachments: Stangeland testimony.com.doc

Hi Allie:

Brad Stangeland asked me to submit this testimony on his behalf. I will read excerpts into the record but thought I would provide the full document to you in advance. Thank you!

Jenny

Jenny Ulum
Public Affairs Counsel
Obie Companies
541-743-4006 (direct)
541-954-6819 (cell)



July 12, 2018

To Mayor Vinis and the Eugene City Council:

Please accept this letter as testimony in support of the proposals before you to advance the 5th Street Public Market expansion. I regret that travel commitments prevent me from attending the public hearing in person and appreciate your accepting this written testimony.

As a landscape architect, I respect the role of design in creating successful buildings and developments that in turn create successful cities. Eugene is a single-story-structure city but it can't stay that way, and our own goals suggest we don't want it to. If we don't want sprawl, we need to go up. In the Market District neighborhood, buildings already exceed the proposed new height limit. Height limits are intended to keep buildings at a certain scale. But when we already have buildings nearby that exceed that height, and in light of our goal to prevent sprawl, it makes sense to give developers some latitude to go up rather than out – especially when the “up” is reasonable and modest, as in this proposal. Limiting the new height to the half-block along 6th Avenue assures that we will maintain a very livable scale that is appropriate to the neighborhood.

It's obvious that the development is a vast improvement over what is there now. These are going to be beautiful buildings with charm. The proposal before you represents a choice about how we grow and develop as a city. We risk reaching the point where we limit how nice our buildings can be because they can't generate enough income. The new model for a city is this vibrant urban environment and we're bringing that to the downtown. It's going to be an active district like we see in Seattle's Pike Place Market and Portland's Old Town or Pearl District (both of which, coincidentally, have important and recognizable signs). People are engaged in their environment both vertically and horizontally, in part because we have the height to accommodate them in work and living units. In other words, buildings need to be big enough and have enough people in them to make the buildings pencil.

As we continue our efforts to make downtown safe and vibrant, we must recognize the very real economics at work when developing downtown. In the plainest possible terms, it's a matter of square feet, not floors. If we can't build out, we must build up to capture the necessary square footage. Each floor of a building generates revenue – revenue the developers and investors count on before they pull a single permit or pay a single property tax dollar. Each floor houses visitors paying for a hotel room and the transient room tax, or an apartment with a tenant paying rent and working and shopping in the neighborhood. Eliminating a floor creates a major economic impact and could make or break a project.

Finally, let me briefly address the sign. It may seem like a minor point but to a designer it is anything but. It is the cherry on top that complements and completes a beautiful new building. It carries out the theme of the district and resonates with me and I think with others as well. The hotel sign is a classic representation and speaks to our roots as a western city. In close proximity to the train station, The Gordon Hotel reminds us of earlier hotels that were in that neighborhood to serve people traveling by rail. Certainly the period-appropriate rooftop sign has less mass and is in my view preferable to a building or wall-mounted sign.

Eugene loves its natural features but we need to pay attention to our skyline, too, and we need to be thinking ahead 50 to 100 years. Having elegant buildings that are landmarks in our city's core will help create an interesting, appealing and urban skyline. The city of Eugene hasn't built up because it didn't have to, but the time has come. We should think of this as an opportunity to come of age and start creating a diverse new skyline for Eugene, including diversity in signage.

I urge your support for all three proposals before you that will allow the 5th Street project to fulfill its potential and contribute to a successful downtown. Thank you for considering this testimony.

Sincerely,

Brad Stangeland

CAMP Allison K

From: EVON SMITH <evonmieko@comcast.net>
Sent: Monday, July 16, 2018 6:26 PM
To: CAMP Allison K
Subject: Market Expansion Sign

Dear City Council,

I am writing to support the Obie Companies' request for an exception to the City of Eugene sign code for its Market expansion project. The proposed Gordon Hotel roof top sign would be a significant marker for this exciting redevelopment of the Market District. My business - Smith Family Bookstore -- is one block from the site where the Gordon Hotel and other new retail and housing will be built. We look forward to seeing these empty spaces filled with new energy and buildings that will introduce visitors and bring the community back to the Market District. The Obie Companies' thoughtful and creative vision for the Gordon Hotel requires a strong identity, and the sign code exception would allow the bold and innovative roof top sign that supports the design and planning proposed for the entire development. I hope the City of Eugene allows this exception to the sign code.

Sincerely, Evon Smith

Smith Family Bookstore

525 Willamette Street

Eugene OR 97401

CAMP Allison K

From: John S. Barry <jb@johnsbarry.net>
Sent: Monday, July 16, 2018 1:16 PM
To: CAMP Allison K
Subject: testimony in favor of 5th Street Public Market expansion
Attachments: 5th Street Market expansion support letter 7.16.18.pdf

Dear Ms. Camp -

Please find attached a letter of support for the proposed 5th Street Market expansion being considered this evening by City Council.

Sincerely,

John Barry
541-286-8040

July 16, 2018

Mayor Lucy Vinis
Members of the Eugene City Council
Ms. Allison Camp
125 E. 8th Avenue,
2nd Floor
Eugene, OR 97401
submitted via email to: allison.k.camp@ci.eugene.or.us

Dear Mayor Vinis, Members of the Eugene City Council, and Ms. Camp -

Please accept this testimony in support of the 5th Street Public Market expansion plans as designed and submitted—specifically the height limit request, sign ordinance variance, and alley vacation.

As a patron of the arts in Eugene and former arts administrator, I am excited about the prospect of additional resources being made available to local artists through the planned expansion, particularly opportunities for local visual artists to display and sell their creative works to the public. Such opportunities are one of the primary needs that artists in our community face as they work to make a living by their craft and enliven our wonderful city through their creativity and dedication.

I appreciate the careful thought put into the project design and the attention paid to honoring the historical character of the area. Undoubtedly, this effort will provide yet another anchor— together with the existing Hult Center for the Performing Arts and the University of Oregon's planned renovation of the property at 510 Oak Street into faculty artists' studios—for a much-needed cultural district in the heart of downtown. The proposed rooftop sign, especially, is attractive and an integral part of this plan as it will draw attention to the new district and become a distinguishing marker for community members and visitors alike.

Thank you for your consideration.

Sincerely,

A handwritten signature in dark ink, appearing to read 'John Barry', with a stylized, sweeping flourish extending to the right.

John Barry
2105 Musket Street
Eugene, OR 97408
jb@johnsbarry.net

CAMP Allison K

From: Marin Emrick <marin.marie.emrick@gmail.com>
Sent: Monday, July 16, 2018 8:31 AM
To: CAMP Allison K
Subject: Market Expansion Project:

Greetings Allie,

My name is Marin Emrick. I am writing to you in regards to the market expansion project by 5th Street Public Market and Obie Companies to testify in support of the sign code exception. I have grown up around 5th street market and have always enjoyed its' power in bringing the community of Eugene together. The Market is a destination spot for friends and families to meet and spend good quality time together for a special occasion. The market expansion and the sign proposed is attractive and to me really brings that destination spot people wish to go to into the atmosphere. I have the pleasure of working at Marché restaurant in 5th Street Public Market and there is nothing more rewarding to me than seeing the smiling faces walking around the market. The market expansion will continue this trend with the rooftop sign that draws the community members attention. The sign reminds me personally of New York City, or Pike Place Market; two destination spots that catch peoples eye. The market expansion will create something special and different with the rooftop sign and I am in full support and hope you see the benefits it will bring to the Eugene Community.

Thank you so much for your time.

Sincerely,
Marin Emrick

CAMP Allison K

From: Sean Emrick <sean@browncontracting.net>
Sent: Monday, July 16, 2018 9:33 AM
To: CAMP Allison K
Subject: 5th Street Public Market Expansion Sign Code & Building Height Code request

Allie-

I am not able to attend the City Council's Public Testimony session this evening at Harris Hall. I'm sending you this email in hopes that you can forward it along to the City Council as my testimony in support of the 5th Street Market's request for exceptions to the Sign Ordinance and Building Height Limit Codes for their proposed 5th Street Market Expansion Project.

As a 49 year resident of the City of Eugene, I'm excited about the new energy the 5th Street Market has brought to our Community over the recent years. The beautiful Inn at the 5th hotel, the new finish festivities for the annual Butte to Butte, winter time snow events, and all the other various community events the Market as supported through the year are all great examples of how the Market area has had a positive effect on the City of Eugene. I'm excited for the 5th Street Market's expansion and the continued positive impact it will have on our City.

I appreciate the necessity for having a Sign Code & Building Height Limit Code review process. I think this makes good sense. It's also important to address the age of some of these codes, and how the intent and relevance of our City Codes need to change with the times. In other words, we don't want our City to be stuck in the Dark Ages because we fail to update our codes. I appreciate the forward thinking decisions the City Council has made over the past year. As a City, it feels like we are heading in a good direction (although slowly, but at least we are moving forward). I hope the Council can support the 5th Street Market's request on these matters and continue the forward progress to help revitalize our City.

I appreciate the amount of time and energy you all put into our City.

Regards,
Sean Emrick

CAMP Allison K

From: Susan DeHart <suedeh5@hotmail.com>
Sent: Monday, July 16, 2018 1:20 PM
To: CAMP Allison K
Subject: Skinner Butte Height Limitation Area

Hello Allison,

I want to make known my opposition to the proposed land use change for the Skinner Butte Height Limitation Area. There is no public benefit to allowing an extra 30 feet of height to the current limit. Especially when it is for a sign. The plan only benefits the owners of the hotel by allowing them to make their advertising more visible.

Thank you for your time.

Susan DeHart

CAMP Allison K

From: SELSER Lindsay R
Sent: Wednesday, July 18, 2018 7:20 AM
To: CAMP Allison K; DOWDY Will G; KINNISON Michael J
Subject: FW: Testimony from the Chamber - 5th Street
Attachments: SUPPORTEUGChamber.5thSt.pdf

From: Tiffany Edwards <tiffanye@eugenechamber.com>
Sent: Monday, July 16, 2018 4:43 PM
To: *Eugene Mayor, City Council, and City Manager <mayorcouncilandcitymanager@ci.eugene.or.us>
Subject: Testimony from the Chamber - 5th Street

Mayor Vinis, City Councilors, and Jon,
Please see attached testimony from the Eugene Chamber regarding the proposed code changes for the Skinner Butte height increase and Gordon Hotel Sign.

Thank you!
Tiffany

Tiffany Edwards
Director of Business Advocacy
(541) 242-2352 w
(541) 678-3370 m
[Website](#) | [Facebook](#) | [Twitter](#)



1401 Willamette Street | Eugene, OR 97401

July 13, 2018

Eugene Mayor Vinis and Eugene City Council
125 East 8th Avenue, 2nd Floor
Eugene, OR 97401



Dear Mayor Vinis and Eugene City Councilors:

The Eugene Area Chamber of Commerce supports the proposed code amendments to increase allowable building heights in the commercially zoned area south of 6th Avenue and north of 6th Avenue between Washington Street and Coburg Road, from 500 feet above sea level to 550 feet above sea level. Additionally, we support the proposed sign code amendment to allow for an illuminated roof sign on top of the planned Gordon Hotel.

The Eugene Chamber believes the building height increase amendment to be modest, limited and reasonable, yet supportive of economic development efforts currently underway in this urban area of downtown Eugene. We believe this change is important to advancing improvement to the downtown area and to achieving the community's goals of compact urban growth.

We also support the sign code amendment on the basis that the proposed sign is tasteful, attractive and adds to the life of downtown, not unlike Seattle's Pike Place Market sign or Portland's White Stag Building. The impacts to the overall skyline is minimal, yet provides a unique landmark opportunity, which is in keeping with the area's history.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brittany Quick-Warner', followed by a circular flourish.

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

CAMP Allison K

From: SELSER Lindsay R
Sent: Wednesday, July 18, 2018 7:21 AM
To: MCKERROW Mike J; CAMP Allison K; DOWDY Will G; KINNISON Michael J
Subject: FW: Submission of Written Testimony

From: Tim Campbell <timc@campbellre.com>
Sent: Monday, July 16, 2018 4:15 PM
To: *Eugene Mayor, City Council, and City Manager <mayorcouncilandcitymanager@ci.eugene.or.us>
Subject: Submission of Written Testimony

As an Owner and Property Manager for various downtown buildings, I cast my support to you all for the 1,000 foot marijuana Buffer Zones, the Smoke Free Downtown, the Skinner Butte area height code amendment and the Gordon Hotel Sign code amendment.

For the height code and the sign amendment, the citizens of Eugene hasn't seen something this good looking for a LONG time! This is something that will have class and last for decades!

Thank you!

Tim Campbell
Campbell Commercial Real Estate
Licensed in the State of Oregon
701 High Street, #300, Eugene, OR

PH: 541-484-2214
Cell: 541-521-0404
Web: www.campbellre.com



EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Action: 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 23, 2018
Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: 5
Staff Contact: Will Dowdy
Contact Telephone Number: 541-682-5340

ISSUE STATEMENT

On July 23, 2018, the City Council will take action on an uncodified 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.

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 one- or two-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 (Assessor's Map/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 as specified in the draft ordinance.

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 legislative procedures.

Planning Commission Recommendation

The Planning Commission held a public hearing on June 5, 2018, to consider the uncodified ordinance. The webcast of the meeting is available [here](#). Four people testified at the public hearing, two spoke in favor of and two spoke in opposition to the proposed 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 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 subject property, 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 following publication of the agenda item summary for the public hearing on these ordinances but prior to the close of the record is provided in Attachment C.

At the City Council's July 16, 2018, public hearing, 19 people provided testimony. Fifteen people spoke in favor of and three spoke in opposition of the proposed ordinance. One person spoke neutrally about the proposed ordinance, recommending that the sign code be revised as a whole. The webcast of the meeting is available [here](#).

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 W. 10th Avenue. As a courtesy, some of the materials are also available for review online [here](#).

RELATED CITY POLICIES

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

COUNCIL OPTIONS

The City Council may consider the following options:

1. Approve the uncodified sign code ordinance.
2. Approve the uncodified sign code ordinance with specific modifications as determined by the City Council.
3. Deny the ordinance.

CITY MANAGER'S RECOMMENDATION

The City Manager concurs with public testimony that the sign will have positive impact as an urban design element, supporting wayfinding, contributing to placemaking efforts and connecting to Eugene's legacy of iconic signs, and therefore recommends approval of the ordinance.

SUGGESTED MOTION

Move to adopt Council Bill 5193, an Uncodified Ordinance Concerning the Gordon Hotel Sign.

ATTACHMENTS

- A. Map of Subject Property for Sign Ordinance
- B. Draft Sign Ordinance and Findings
- C. Testimony received between July 12 and July 16, 2018

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



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

July 23, 2018, Meeting - Item 5
City of Eugene PDD June 29, 2018



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 23, 2018, Meeting - Item 5

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: David Davini <DavidD@giustina.com>
Sent: Wednesday, July 11, 2018 2:31 PM
To: CAMP Allison K
Subject: Public market sign

Allison Camp,

I am writing to let you know I am in favor of the city council approving a sign code exception for the 5th Street Public Market Expansion. Signs should be able to properly compliment the development they are advertising rather than being restricted to the black and white of a building code. A few different or whimsical signs in downtown would continue to project Eugene as a modern and innovative thinker when it comes to buildings etc. I encourage the council to look at the details of this plan and I think they will find that an exception in this case produces a better overall project not just for the developer but for the city. I encourage the council to support this request. Please let me know if you have any questions. Thanks.

David Davini

CAMP Allison K

From: Jenny Bennett <jbennett@sbko.bank>
Sent: Wednesday, July 11, 2018 4:25 PM
To: CAMP Allison K
Subject: Support for Skinner Butte Height Limitation, Gordon Sign and Alley Vacation

Hi Allison,

I hope you are having a good day. I am writing because I am unable to testify next Monday, so I hope that you will please accept this testimony in support of the Skinner Butte Height Limitation, Gordon Hotel Sign and alley vacation that will allow the 5th Street Public Market Expansion to proceed with the revitalization that is going on in the 5th Street area, near downtown.

I am a big supporter of downtown, which includes the Riverfront development, Market District neighborhood, and Downtown Eugene, where I work every day and where our family owns a business. The stronger each of these elements are, the stronger we are together. The Market Expansion will add economic vitality to our downtown, bringing more jobs, visitors and foot traffic to the area. The height limit change will help us achieve our density goals. I want to say a special word about the sign. As a marketing person, I know that signage is important. We lack sign diversity in Eugene, and an exception to the code that allows us to incorporate this rooftop sign into the development is not only warranted but should be applauded. Signs can communicate activity and vitality – just what we need downtown. If you look at old photos of downtown, one thing you'll notice is the collection and variety of signs that signal that downtown has a lot going on. If you approve this exception, I'm confident that when the building is done we'll be glad we did it.

Thank you for taking my viewpoint into consideration.

Jenny Bennett, CFMP
Vice President
Marketing & Business Development



96 E. Broadway, Eugene, OR 97401

Direct: 541.684.7527

Mobile: 541.510.6522

Client service: 541.684.7500

Website: www.sbko.bank

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CAMP Allison K

From: SELSER Lindsay R
Sent: Wednesday, July 18, 2018 7:41 AM
To: CAMP Allison K; DOWDY Will G; KINNISON Michael J
Subject: FW: Obie Project Support

From: Matt Roberts <mroberts@uoregon.edu>
Sent: Wednesday, July 11, 2018 2:15 PM
To: *Eugene Mayor, City Council, and City Manager <mayorcouncilandcitymanager@ci.eugene.or.us>
Subject: Obie Project Support

Dear Mayor and Council members,

The University of Oregon supports the creation of a vibrant “Market District” adjacent to the property at 510 Oak St. recently acquired by the University. Redevelopment of this area will complement our efforts to revitalize a historic building for academic and community purposes and ensure every part of downtown is utilized to its full potential. The former Willamette Stationers building will be the new home for the UO’s College of Design’s faculty artists and designers. It will also house studios and creative-maker space for student, faculty, and more.

Obie Development’s vision for an expansion of the 5th Street Market will enhance the creative atmosphere of the area and could become a destination for artists, art lovers, and creative people from around the region and state. Please ensure that local ordinances allow the Obie project to be realized.

Thank you,

Matt Roberts

Matt Roberts
Senior Director, Community Relations
O: 541-346-2125 | C: 541-543-4405



5th Street Public Market Expansion

Public Hearing July 16, 2018

Dear Eugene Mayor and City Councilors,

Good evening. I am Gary Wildish at 2424 Quince St. Eugene, OR 97404. Longtime resident of Eugene. I am unable to be at the Hearing so I am submitting testimony in support of the 5th Street Public Market Expansion.

The alley vacation request seems like a reasonable, fair and is consistent with what is happening and is proposed to happen in the area around the Market.

We have talked a great deal about increasing the density in the core area of Eugene for quite a while. The request for increasing the height in the Market expansion would be a good way to facilitate that conversation. I think the Ya-Po-Ah Terrace is too tall.

I see the 5th Street Public Market as a Heritage area in Eugene. I feel we citizens can be proud of the results of the OBIE folk's efforts. They have invested a great deal and the results are attractive and a great benefit to our community. The 5th Street Public Market is a fun place to shop, eat or just walk around. The proposed sign for the Hotel may not meet the existing code but it is consistent with the era when most of that area was developed. I would encourage action that would allow there proposed sign.

Thank you for your time and consideration,

Gary Wildish

CAMP Allison K

From: Scott Freck <scott.freck@eugenesympphony.org>
Sent: Thursday, July 12, 2018 9:34 AM
To: CAMP Allison K
Subject: Eugene Symphony letter of support for 5th Street Market expansion
Attachments: Eugene Symphony letter of support for 5th Street Market expansion - July 12 2018.pdf

Dear Ms. Camp –

Attached please find a letter in support of Obie Companies' proposed expansion of the 5th Street Market in advance of Monday's City Council meeting. Please let me know if you have any questions or concerns, and thank you very much.

Best regards,
Scott

Scott Freck
Executive Director

Eugene Symphony Association, Inc.
115 W. 8th Avenue | Suite 115 | Eugene, OR 97401
541-687-9487 Ext. 1107
eugenesympphony.org

Enriching lives through the power of music.





EUGENE SYMPHONY

FRANCESCO LECCE-CHONG

Music Director & Conductor

SCOTT FRECK

Executive Director

July 12, 2018

Eugene City Council
125 E 8th Avenue, Second Floor
Eugene, Oregon 97401

Dear Mayor Vinis and Council Members –

I write today on behalf of the Eugene Symphony Association in support of Obie Companies' ambitious and visionary project to expand the 5th Street Market.

This project, like the original 5th Street Market before it, has great potential to significantly enhance quality of life and quantity of commerce in the downtown core. As one of the region's cornerstone arts and cultural organizations, the Eugene Symphony is enthusiastic about the prospect of increasing both the density of urban living and the energy sparked by added retail and professional traffic in such close proximity to the Hult Center for the Performing Arts.

Put simply, having more people downtown – working, living, shopping, dining, or visiting our fair city – can only improve the sense of vibrancy that arts organizations like ours depend on for ticket-buyers, donors, and creative partners. This kind of bold urban statement promises a wellspring of vitality and sense of connectedness that I think we all strive to achieve for our area.

And, as a matter of personal opinion, I believe the proposed sign to top The Gordon Hotel component of the project is both tasteful and iconic. In no way do I see it as a potential distraction or blemish on our skyline, but rather feel that its retro look will lend a kind of classy vintage cool to the neighborhood – as if George Gershwin had stopped by to perform *Rhapsody in Blue* and found just the right place to stay while in Eugene.

In closing, we are all hopeful that the project will move forward and carry with it a renewed sense of pride and accomplishment for the people of our wonderful community, and urge you to grant the necessary permits for it to proceed as envisioned.

Respectfully yours,

Scott Freck
Executive Director

ENRICHING LIVES THROUGH THE POWER OF MUSIC

CAMP Allison K

From: SELSER Lindsay R
Sent: Wednesday, July 18, 2018 7:31 AM
To: MCKERROW Mike J; CAMP Allison K; DOWDY Will G; KINNISON Michael J
Subject: FW: Upcoming Matters for City Council

From: John and Peggy Doty <johndoty1@comcast.net>
Sent: Friday, July 13, 2018 6:18 PM
To: *Eugene Mayor, City Council, and City Manager <mayorcouncilandcitymanager@ci.eugene.or.us>
Subject: Upcoming Matters for City Council

Good Afternoon Mayor Vinis , Counselors, and City Manager

I understand that your Monday meetings will be full of matters that will likely be voted upon.

I wish to provide my support for the following measures:

1000 foot marijuana buffer zones.

This is a policy adopted by numerous cities across Oregon and makes sense. 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. While I think the “free market” will eventually weed out (pun intended) the inefficient operators, I think that the quality and safety of our neighborhoods will be much stronger with this buffer zone.

Smoke Free Downtown

I like the ability of the businesses downtown to “opt-out” and the businesses outside of down town to “opt-in” provided that the mechanism and bureaucracy to make these selections are not too cumbersome and costly for the business and the city. Keep it simple.

Sign Code Ordinance and Height Limit Code Amendment

The economic investment, affordable housing, and job creation proposed near 5th and 6th streets warrant approval of the Sign Code Ordinance and Height Limit Code Amendment.

Regards,

John Doty
Ward 8

CAMP Allison K

From: Jenny Ulum <jenny@obie.com>
Sent: Monday, July 16, 2018 11:00 AM
To: CAMP Allison K
Subject: Testimony -- 5th Street Market project
Attachments: Stangeland testimony.com.doc

Hi Allie:

Brad Stangeland asked me to submit this testimony on his behalf. I will read excerpts into the record but thought I would provide the full document to you in advance. Thank you!

Jenny

Jenny Ulum
Public Affairs Counsel
Obie Companies
541-743-4006 (direct)
541-954-6819 (cell)



July 12, 2018

To Mayor Vinis and the Eugene City Council:

Please accept this letter as testimony in support of the proposals before you to advance the 5th Street Public Market expansion. I regret that travel commitments prevent me from attending the public hearing in person and appreciate your accepting this written testimony.

As a landscape architect, I respect the role of design in creating successful buildings and developments that in turn create successful cities. Eugene is a single-story-structure city but it can't stay that way, and our own goals suggest we don't want it to. If we don't want sprawl, we need to go up. In the Market District neighborhood, buildings already exceed the proposed new height limit. Height limits are intended to keep buildings at a certain scale. But when we already have buildings nearby that exceed that height, and in light of our goal to prevent sprawl, it makes sense to give developers some latitude to go up rather than out – especially when the “up” is reasonable and modest, as in this proposal. Limiting the new height to the half-block along 6th Avenue assures that we will maintain a very livable scale that is appropriate to the neighborhood.

It's obvious that the development is a vast improvement over what is there now. These are going to be beautiful buildings with charm. The proposal before you represents a choice about how we grow and develop as a city. We risk reaching the point where we limit how nice our buildings can be because they can't generate enough income. The new model for a city is this vibrant urban environment and we're bringing that to the downtown. It's going to be an active district like we see in Seattle's Pike Place Market and Portland's Old Town or Pearl District (both of which, coincidentally, have important and recognizable signs). People are engaged in their environment both vertically and horizontally, in part because we have the height to accommodate them in work and living units. In other words, buildings need to be big enough and have enough people in them to make the buildings pencil.

As we continue our efforts to make downtown safe and vibrant, we must recognize the very real economics at work when developing downtown. In the plainest possible terms, it's a matter of square feet, not floors. If we can't build out, we must build up to capture the necessary square footage. Each floor of a building generates revenue – revenue the developers and investors count on before they pull a single permit or pay a single property tax dollar. Each floor houses visitors paying for a hotel room and the transient room tax, or an apartment with a tenant paying rent and working and shopping in the neighborhood. Eliminating a floor creates a major economic impact and could make or break a project.

Finally, let me briefly address the sign. It may seem like a minor point but to a designer it is anything but. It is the cherry on top that complements and completes a beautiful new building. It carries out the theme of the district and resonates with me and I think with others as well. The hotel sign is a classic representation and speaks to our roots as a western city. In close proximity to the train station, The Gordon Hotel reminds us of earlier hotels that were in that neighborhood to serve people traveling by rail. Certainly the period-appropriate rooftop sign has less mass and is in my view preferable to a building or wall-mounted sign.

Eugene loves its natural features but we need to pay attention to our skyline, too, and we need to be thinking ahead 50 to 100 years. Having elegant buildings that are landmarks in our city's core will help create an interesting, appealing and urban skyline. The city of Eugene hasn't built up because it didn't have to, but the time has come. We should think of this as an opportunity to come of age and start creating a diverse new skyline for Eugene, including diversity in signage.

I urge your support for all three proposals before you that will allow the 5th Street project to fulfill its potential and contribute to a successful downtown. Thank you for considering this testimony.

Sincerely,

Brad Stangeland

CAMP Allison K

From: EVON SMITH <evonmieko@comcast.net>
Sent: Monday, July 16, 2018 6:26 PM
To: CAMP Allison K
Subject: Market Expansion Sign

Dear City Council,

I am writing to support the Obie Companies' request for an exception to the City of Eugene sign code for its Market expansion project. The proposed Gordon Hotel roof top sign would be a significant marker for this exciting redevelopment of the Market District. My business - Smith Family Bookstore -- is one block from the site where the Gordon Hotel and other new retail and housing will be built. We look forward to seeing these empty spaces filled with new energy and buildings that will introduce visitors and bring the community back to the Market District. The Obie Companies' thoughtful and creative vision for the Gordon Hotel requires a strong identity, and the sign code exception would allow the bold and innovative roof top sign that supports the design and planning proposed for the entire development. I hope the City of Eugene allows this exception to the sign code.

Sincerely, Evon Smith

Smith Family Bookstore

525 Willamette Street

Eugene OR 97401

CAMP Allison K

From: John S. Barry <jb@johnsbarry.net>
Sent: Monday, July 16, 2018 1:16 PM
To: CAMP Allison K
Subject: testimony in favor of 5th Street Public Market expansion
Attachments: 5th Street Market expansion support letter 7.16.18.pdf

Dear Ms. Camp -

Please find attached a letter of support for the proposed 5th Street Market expansion being considered this evening by City Council.

Sincerely,

John Barry
541-286-8040

July 16, 2018

Mayor Lucy Vinis
Members of the Eugene City Council
Ms. Allison Camp
125 E. 8th Avenue,
2nd Floor
Eugene, OR 97401
submitted via email to: allison.k.camp@ci.eugene.or.us

Dear Mayor Vinis, Members of the Eugene City Council, and Ms. Camp -

Please accept this testimony in support of the 5th Street Public Market expansion plans as designed and submitted—specifically the height limit request, sign ordinance variance, and alley vacation.

As a patron of the arts in Eugene and former arts administrator, I am excited about the prospect of additional resources being made available to local artists through the planned expansion, particularly opportunities for local visual artists to display and sell their creative works to the public. Such opportunities are one of the primary needs that artists in our community face as they work to make a living by their craft and enliven our wonderful city through their creativity and dedication.

I appreciate the careful thought put into the project design and the attention paid to honoring the historical character of the area. Undoubtedly, this effort will provide yet another anchor— together with the existing Hult Center for the Performing Arts and the University of Oregon's planned renovation of the property at 510 Oak Street into faculty artists' studios—for a much-needed cultural district in the heart of downtown. The proposed rooftop sign, especially, is attractive and an integral part of this plan as it will draw attention to the new district and become a distinguishing marker for community members and visitors alike.

Thank you for your consideration.

Sincerely,

A handwritten signature in dark ink, appearing to read 'John Barry', with a stylized, sweeping flourish extending to the right.

John Barry
2105 Musket Street
Eugene, OR 97408
jb@johnsbarry.net

CAMP Allison K

From: Marin Emrick <marin.marie.emrick@gmail.com>
Sent: Monday, July 16, 2018 8:31 AM
To: CAMP Allison K
Subject: Market Expansion Project:

Greetings Allie,

My name is Marin Emrick. I am writing to you in regards to the market expansion project by 5th Street Public Market and Obie Companies to testify in support of the sign code exception. I have grown up around 5th street market and have always enjoyed its' power in bringing the community of Eugene together. The Market is a destination spot for friends and families to meet and spend good quality time together for a special occasion. The market expansion and the sign proposed is attractive and to me really brings that destination spot people wish to go to into the atmosphere. I have the pleasure of working at Marché restaurant in 5th Street Public Market and there is nothing more rewarding to me than seeing the smiling faces walking around the market. The market expansion will continue this trend with the rooftop sign that draws the community members attention. The sign reminds me personally of New York City, or Pike Place Market; two destination spots that catch peoples eye. The market expansion will create something special and different with the rooftop sign and I am in full support and hope you see the benefits it will bring to the Eugene Community.

Thank you so much for your time.

Sincerely,
Marin Emrick

CAMP Allison K

From: Sean Emrick <sean@browncontracting.net>
Sent: Monday, July 16, 2018 9:33 AM
To: CAMP Allison K
Subject: 5th Street Public Market Expansion Sign Code & Building Height Code request

Allie-

I am not able to attend the City Council's Public Testimony session this evening at Harris Hall. I'm sending you this email in hopes that you can forward it along to the City Council as my testimony in support of the 5th Street Market's request for exceptions to the Sign Ordinance and Building Height Limit Codes for their proposed 5th Street Market Expansion Project.

As a 49 year resident of the City of Eugene, I'm excited about the new energy the 5th Street Market has brought to our Community over the recent years. The beautiful Inn at the 5th hotel, the new finish festivities for the annual Butte to Butte, winter time snow events, and all the other various community events the Market as supported through the year are all great examples of how the Market area has had a positive effect on the City of Eugene. I'm excited for the 5th Street Market's expansion and the continued positive impact it will have on our City.

I appreciate the necessity for having a Sign Code & Building Height Limit Code review process. I think this makes good sense. It's also important to address the age of some of these codes, and how the intent and relevance of our City Codes need to change with the times. In other words, we don't want our City to be stuck in the Dark Ages because we fail to update our codes. I appreciate the forward thinking decisions the City Council has made over the past year. As a City, it feels like we are heading in a good direction (although slowly, but at least we are moving forward). I hope the Council can support the 5th Street Market's request on these matters and continue the forward progress to help revitalize our City.

I appreciate the amount of time and energy you all put into our City.

Regards,
Sean Emrick

CAMP Allison K

From: Susan DeHart <suedeh5@hotmail.com>
Sent: Monday, July 16, 2018 1:20 PM
To: CAMP Allison K
Subject: Skinner Butte Height Limitation Area

Hello Allison,

I want to make known my opposition to the proposed land use change for the Skinner Butte Height Limitation Area. There is no public benefit to allowing an extra 30 feet of height to the current limit. Especially when it is for a sign. The plan only benefits the owners of the hotel by allowing them to make their advertising more visible.

Thank you for your time.

Susan DeHart

CAMP Allison K

From: SELSER Lindsay R
Sent: Wednesday, July 18, 2018 7:20 AM
To: CAMP Allison K; DOWDY Will G; KINNISON Michael J
Subject: FW: Testimony from the Chamber - 5th Street
Attachments: SUPPORTEUGChamber.5thSt.pdf

From: Tiffany Edwards <tiffanye@eugenechamber.com>
Sent: Monday, July 16, 2018 4:43 PM
To: *Eugene Mayor, City Council, and City Manager <mayorcouncilandcitymanager@ci.eugene.or.us>
Subject: Testimony from the Chamber - 5th Street

Mayor Vinis, City Councilors, and Jon,
Please see attached testimony from the Eugene Chamber regarding the proposed code changes for the Skinner Butte height increase and Gordon Hotel Sign.

Thank you!
Tiffany

Tiffany Edwards
Director of Business Advocacy
(541) 242-2352 w
(541) 678-3370 m
[Website](#) | [Facebook](#) | [Twitter](#)



1401 Willamette Street | Eugene, OR 97401

July 13, 2018

Eugene Mayor Vinis and Eugene City Council
125 East 8th Avenue, 2nd Floor
Eugene, OR 97401



Dear Mayor Vinis and Eugene City Councilors:

The Eugene Area Chamber of Commerce supports the proposed code amendments to increase allowable building heights in the commercially zoned area south of 6th Avenue and north of 6th Avenue between Washington Street and Coburg Road, from 500 feet above sea level to 550 feet above sea level. Additionally, we support the proposed sign code amendment to allow for an illuminated roof sign on top of the planned Gordon Hotel.

The Eugene Chamber believes the building height increase amendment to be modest, limited and reasonable, yet supportive of economic development efforts currently underway in this urban area of downtown Eugene. We believe this change is important to advancing improvement to the downtown area and to achieving the community's goals of compact urban growth.

We also support the sign code amendment on the basis that the proposed sign is tasteful, attractive and adds to the life of downtown, not unlike Seattle's Pike Place Market sign or Portland's White Stag Building. The impacts to the overall skyline is minimal, yet provides a unique landmark opportunity, which is in keeping with the area's history.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brittany Quick-Warner', followed by a circular flourish.

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

CAMP Allison K

From: SELSER Lindsay R
Sent: Wednesday, July 18, 2018 7:21 AM
To: MCKERROW Mike J; CAMP Allison K; DOWDY Will G; KINNISON Michael J
Subject: FW: Submission of Written Testimony

From: Tim Campbell <timc@campbellre.com>
Sent: Monday, July 16, 2018 4:15 PM
To: *Eugene Mayor, City Council, and City Manager <mayorcouncilandcitymanager@ci.eugene.or.us>
Subject: Submission of Written Testimony

As an Owner and Property Manager for various downtown buildings, I cast my support to you all for the 1,000 foot marijuana Buffer Zones, the Smoke Free Downtown, the Skinner Butte area height code amendment and the Gordon Hotel Sign code amendment.

For the height code and the sign amendment, the citizens of Eugene hasn't seen something this good looking for a LONG time! This is something that will have class and last for decades!

Thank you!

Tim Campbell
Campbell Commercial Real Estate
Licensed in the State of Oregon
701 High Street, #300, Eugene, OR

PH: 541-484-2214
Cell: 541-521-0404
Web: www.campbellre.com





July 16, 2018

Eugene City Council
125 East 8th Avenue, 2nd Floor
Eugene, Oregon 97401

Eugene City Councilors:

I'm writing to convey my support for an iconic sign to be placed atop the upcoming Gordon Hotel near Fifth Street in downtown Eugene.

As creative director of Eugene-based AHM Brands, I view this issue through the lens of communication, perception and identity and see great benefit in allowing an iconic sign to proceed for several reasons:

It will build awareness

Done well, inviting attention is a good thing, and, just as good logos and strong identities reflect the brands they belong to, architectural signage can do the same for a city. Here in the Pacific Northwest, Seattle's "Public Market Center" sign and Portland's "White Stag" sign offer perfect examples of commerce-driven displays that have become embedded into the very identity of their respective cities. With the proposed iconic sign atop the Gordon Hotel, Eugene has an opportunity to point to its storied industrial past as well as help define and draw positive attention to the city's evolving character and personality.

It will positively influence perceptions

If we want Eugene to be a thriving engine for people to build careers and families, how the community is perceived by tourists, job-seekers and other visitors becomes crucial. Signs of development, change and progress subtly but powerfully suggest commitment to a healthy, vibrant, responsibly managed city. An iconic sign atop the Gordon Hotel let's all who visit downtown know that Eugene is an energetic, maturing city that looks forward with optimism and enthusiasm to what the future holds.

It's an opportunity to solidify the current vision for downtown

Downtown Eugene is on the cusp of undergoing a visionary enhancement that incorporates the downtown core, the upcoming expansion of the University of Oregon and local economic growth spurred by the development of the technology and innovation sector. An iconic sign on top of the Gordon Hotel provides the perfect means to honor the past through a retro aesthetic appropriate for an area that once supported several hotels built along the still-working rail line, while communicating Eugene's commitment to what's next: an ever-evolving, vibrant and sustainable downtown core.

Thank you for considering allowing an iconic sign atop the upcoming Gordon Hotel. Opportunities to make such a positive impact on our city and its future don't arrive often and should not be wasted.

Sincerely,

A handwritten signature in black ink, appearing to read "Tyler J. James". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Tyler J. James
MANAGING PARTNER AND CREATIVE DIRECTOR
AHM BRANDS

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



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

Meeting Date: July 23, 2018
Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: 6
Staff Contact: Nicholas R. Gioello
Contact Telephone Number: 541-682-5453

ISSUE STATEMENT

On July 28, 2018, the City Council is scheduled to take action on an ordinance for 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: a portion of East 5th Alley located between Oak Street and Pearl Street, and the southern portion of Pearl Alley located between East 5th Alley and East 6th Avenue.

BACKGROUND

On July 16, 2018, the City Council held a public hearing to consider the applicant's request for vacation of the segments of East 5th Alley and Pearl Alley, described above and as shown in Attachment A. The total area of request consists of 6,942 square feet of public right-of-way. The co-applicants own all of the properties abutting the alleys proposed to be vacated, and provided evidence of consent to the vacation from owners of at least two-thirds of the property within the affected area.

The applicant provided a conceptual redevelopment plan at the hearing to illustrate their intention to revitalize and develop the area in question and demonstrates the need for the vacations, see Attachment B. 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 Housing and Community Services Agency of Lane County) on adjacent County property, and approved a development plan for the project. The development concept includes a 113-unit apartment building, a three-story retail and office building, and 82-room boutique hotel. While this plan is conceptual in nature, it attempts to demonstrate how this site is likely to be redeveloped and how vacation of the current alleys is necessary in order to accommodate redevelopment options similar to the applicant's illustration.

The applicants propose to reserve a 14-foot public utility easement over both alleys for underground utilities. With the retention of this easement, future buildings will need to be located outside of the easements. Alternatively, the easements and underground utilities could be

relocated on the property with the approval of a subsequent land use application for a Vacation of Improved Easements.

Applicable Criteria

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. Consent of the owners of the requisite area has been obtained and the applicant has paid a deposit equal to the fair market assessed value of the property, as determined by City of Eugene appraisal staff. The relevant approval criterion from EC 9.8725 for the proposed right-of-way vacation is 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 findings provided with the draft ordinance (see Attachment C) demonstrate that vacation of 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, 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. The requested vacation of the alleys is also in the public interest because it would enhance future development opportunities of the adjacent lands through the consolidation of the site.

The proposed redevelopment site is 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.

Additionally, the public interest is also achieved based on the condition that the applicant will provide a Public Utility Easement over the vacated area to ensure continued maintenance access to underground utilities, until such time as they may be relocated.

City Council Process

The public hearing was conducted consistent with quasi-judicial procedures in State law and as set forth in EC 9.7065 through EC 9.7095. The record was closed at the public hearing on July 16, 2018. All written testimony is included in the application file, a copy of which is contained in a binder that has been placed in the Council Office for reference. Written testimony was received

from six individuals prior to the public hearing, all in favor of the alley vacation or overall support for the proposed expansion of the 5th Street Public Market. No opposition to the alley vacation has been received. At the public hearing on July 16, 2018, three people spoke in favor of the proposed alley vacation and no opposition was expressed.

Staff therefore recommends that City Council conclude that approval of the vacation request is found to be in the public interest, as required by the approval criteria. Detailed findings to support these conclusions are provided within the ordinance, included as Attachment C.

COUNCIL OPTIONS

The council may:

1. Approve the alley vacation and adopt the ordinance as attached.
2. Approve the alley vacation with modified conditions.
3. Deny the alley vacation application.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends that the City Council approve the vacation request and adopt the ordinance as attached.

SUGGESTED MOTION

Move to adopt Council Bill No. 5194, an ordinance vacating the portion of East 5th Alley, located between Pearl Street and Oak Street, and a portion of Pearl Alley, located between East 5th Alley and East 6th Avenue, and providing for an effective date.

ATTACHMENTS

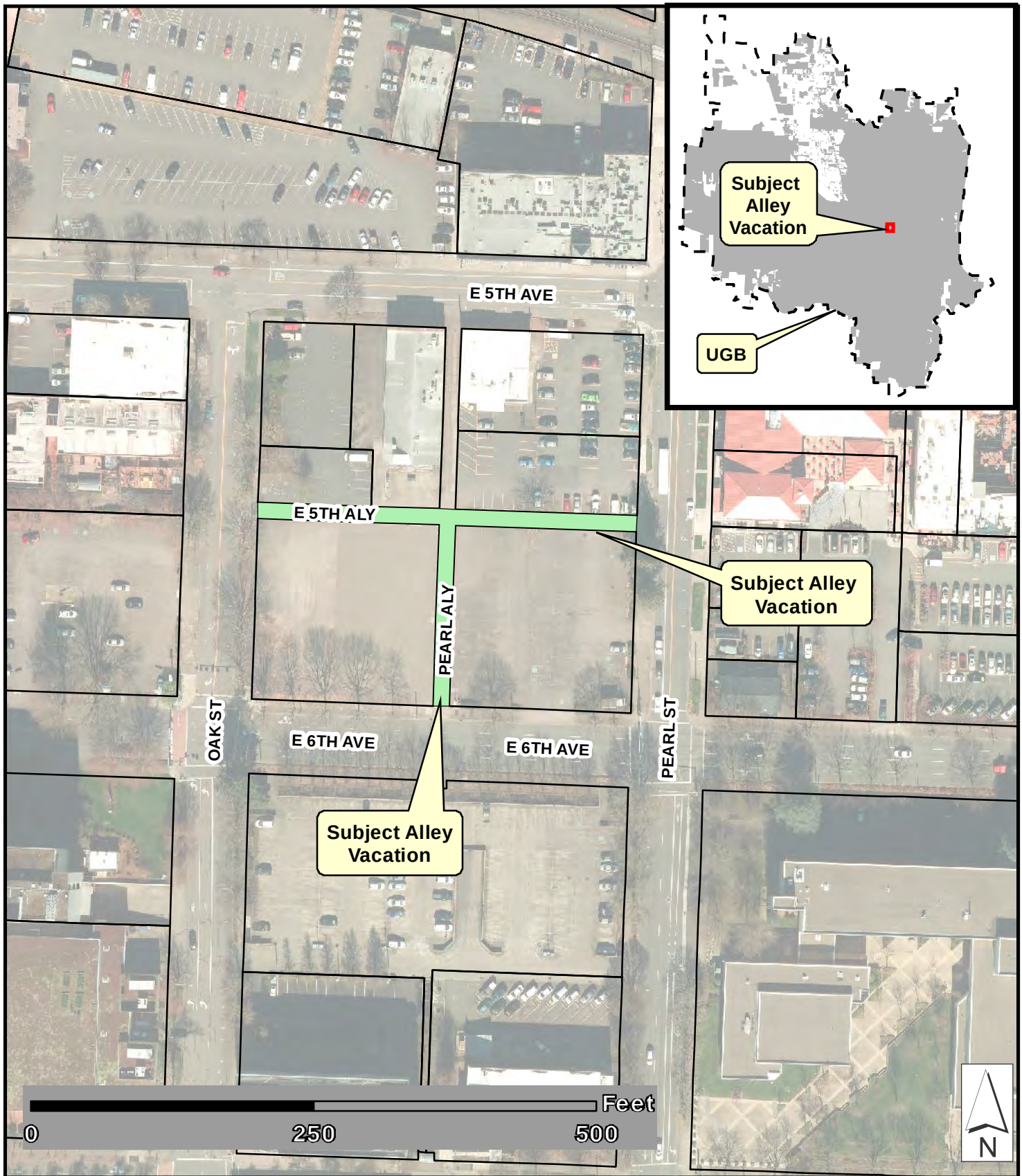
- A. Aerial Map of Alley Vacation Request
- B. Conceptual Development Plan
- C. Ordinance (with Exhibits A –C) for Alley Vacation
- D. Public Testimony received between July 6 and July 16, 2018

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.



June 2018

Attachment B

NOT FOR
CONSTRUCTION



30 NORTHWEST OAK, SUITE 300
PORTLAND, OR 97209
T 503.243.1100
1205 5TH AVE, SUITE 300
SEATTLE, WA 98101
T 206.376.0000
1014 HOWARD STREET
SAN FRANCISCO, CA 94103
T 415.252.7803

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1201 1st Avenue, Suite 100
Eugene, OR 97401
T 541.484.4100
F 541.484.4100
www.kpff.com

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

Osle Companies

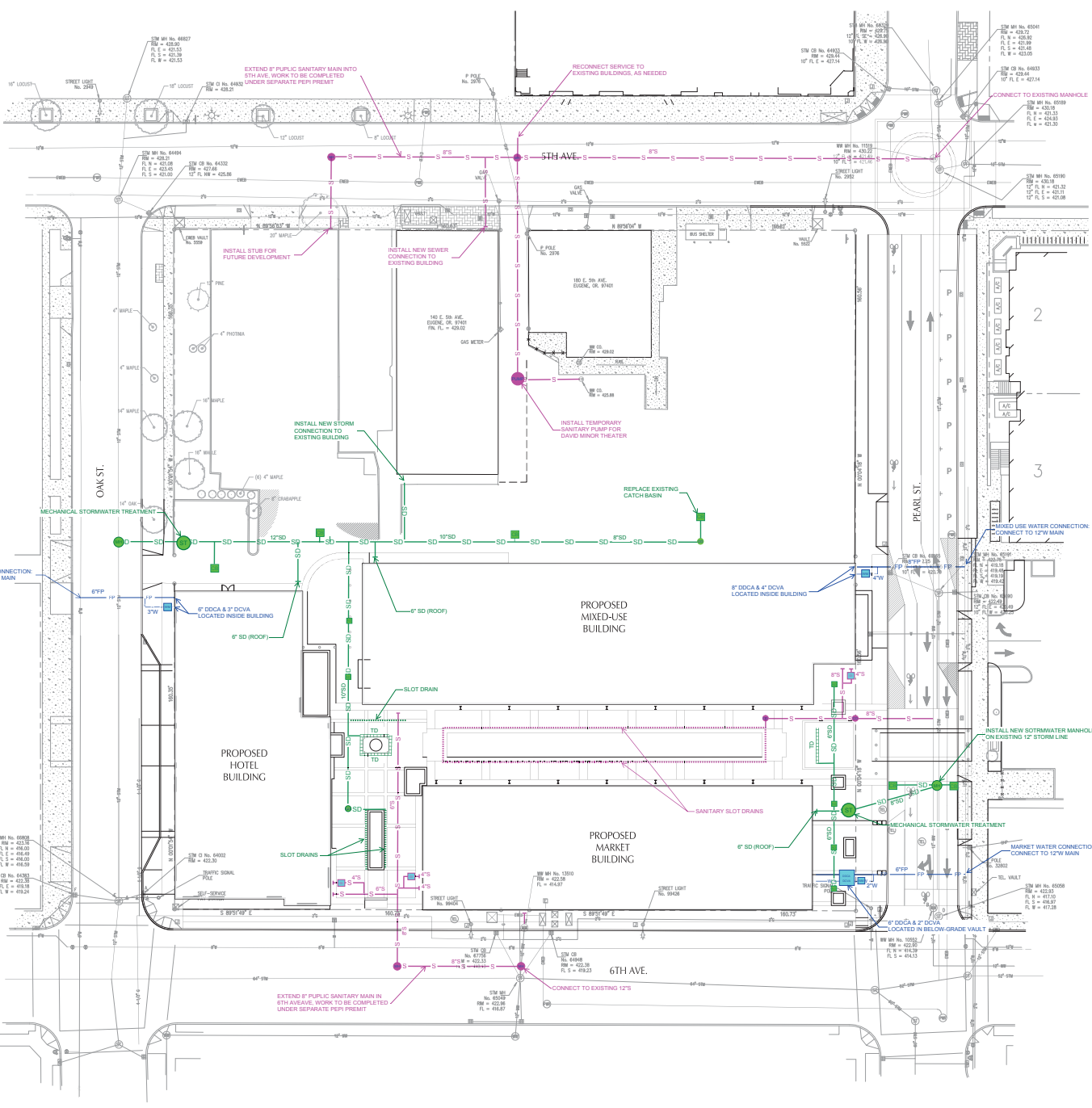
REVISION	DATE	REASON FOR ISSUE
1	01/26/2018	Revisions 1

UTILITY PLAN

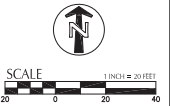
SD SET

DATE	PROJECT
01/26/2018	171790

SHEET NUMBER
C2.0



- 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
 - FIRE PROTECTION LINE
 - SANITARY SEWER LINE
 - STORMWATER LINE
 - WATER LINE



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

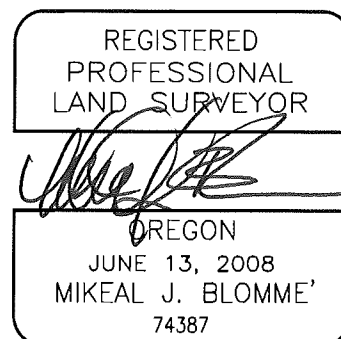
Legal Description For Vacation of E. 5th Alley and a Portion of Pearl Alley

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.

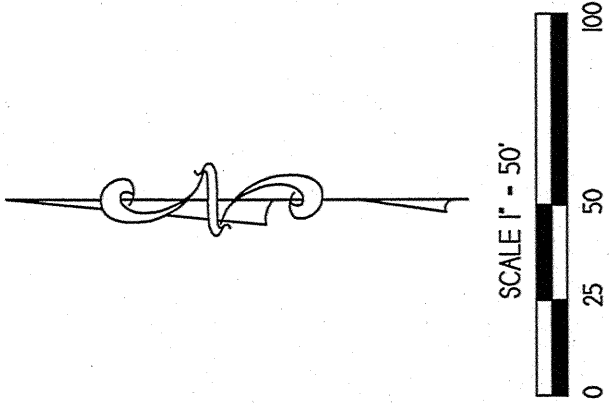
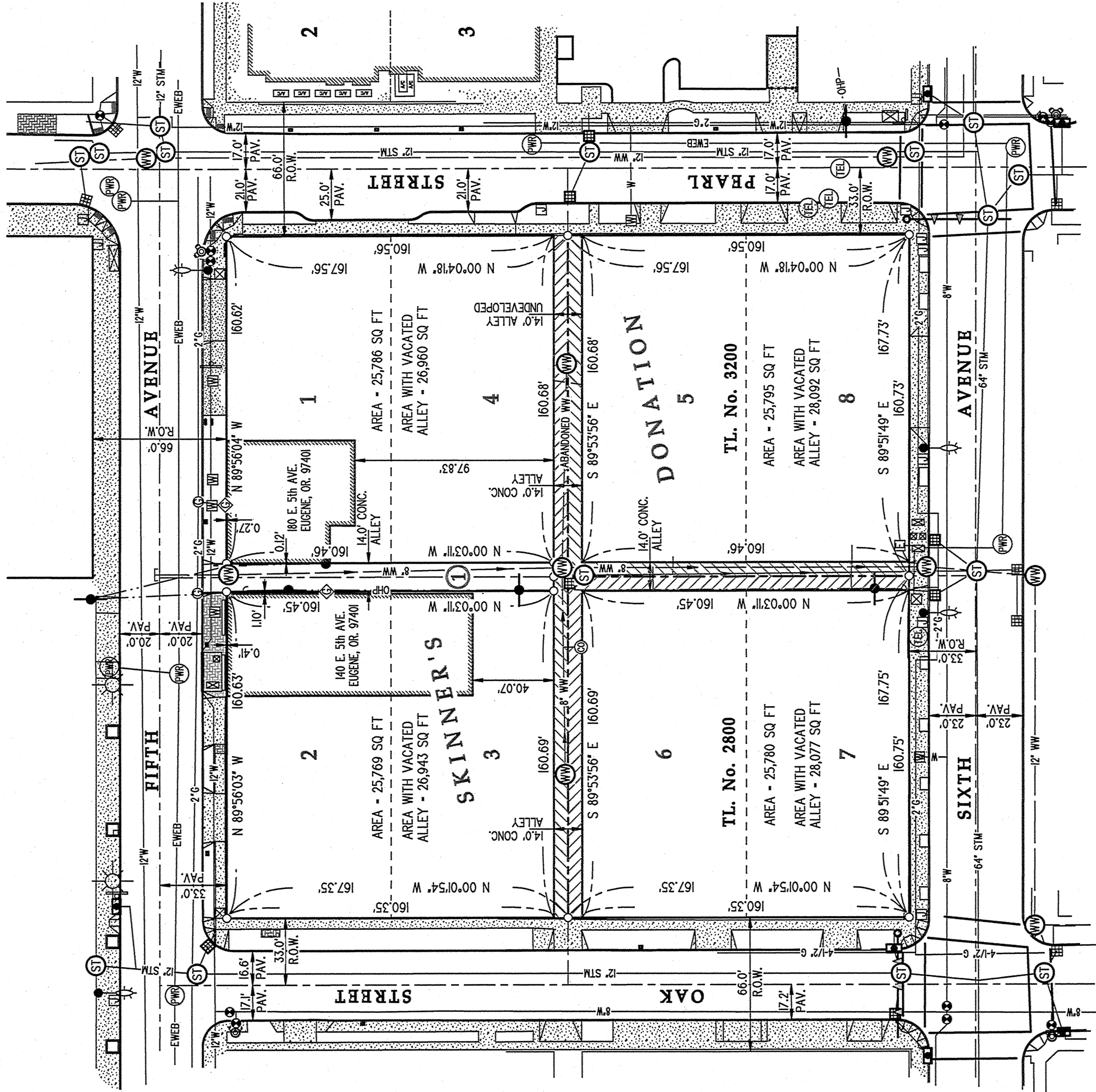
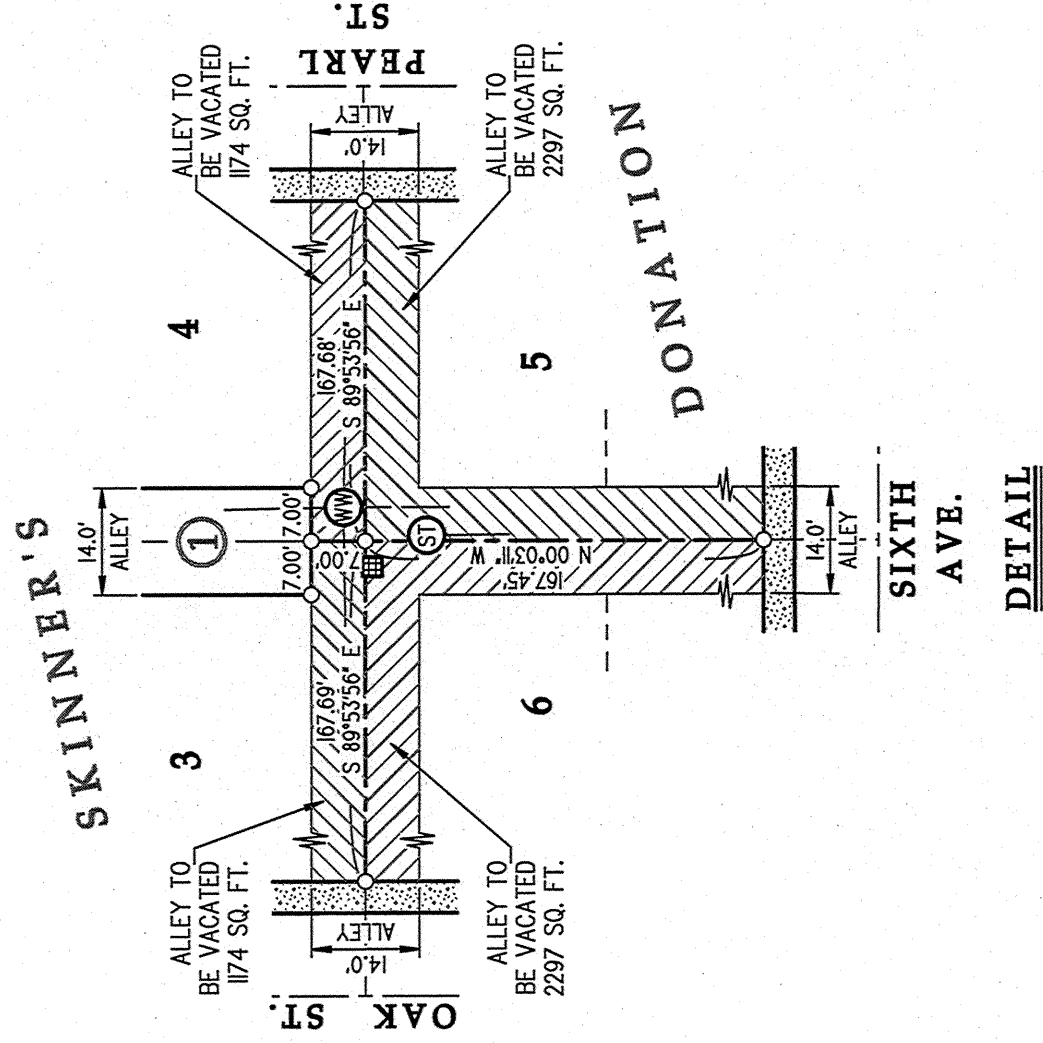


RENEWAL DATE: DEC 31, 2019

SITE PLAN
FOR

PUBLIC ALLEY VACATION

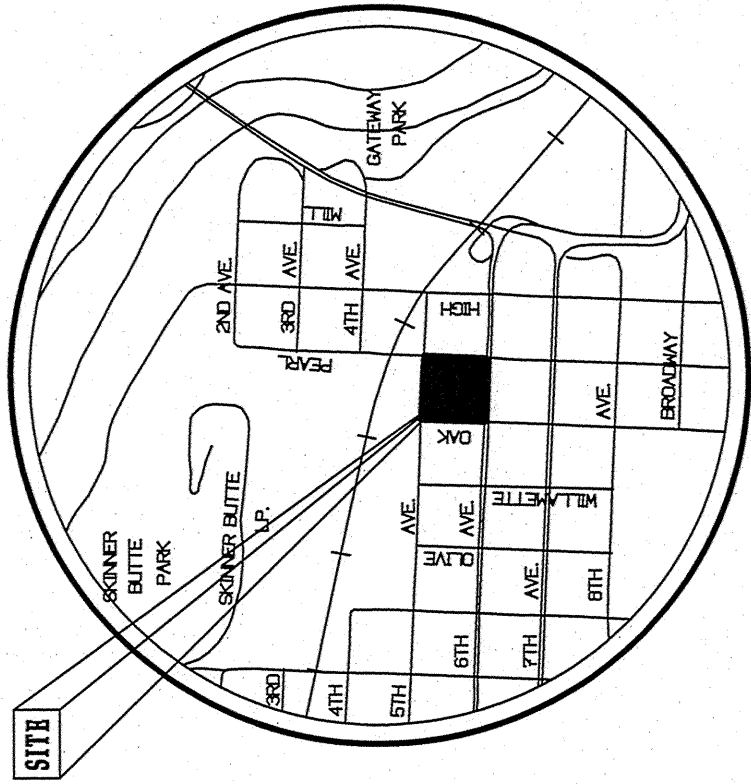
NE 1/4 SEC. 31 T 17 S, R 3 W W.M.
ASSESSORS MAP No. 17-03-31-11 TL No.'s 2800 & 3200
EUGENE, LANE COUNTY, OREGON
MAY 14, 2018



LEGEND

- PROPERTY CORNER
- TRAFFIC CONTROL SIGN
- SANITARY SEWER
- STORM SEWER
- SANITARY SEWER MANHOLE
- CLEANOUT
- STORMWATER MANHOLE
- CATCH BASIN
- CURB INLET
- WATER METER
- WATER VALVE
- FIRE HYDRANT
- POWER POLE
- JUNCTION BOX
- STREET LIGHT
- DECORATIVE LAMP POST
- OVERHEAD POWER
- WATER MAIN
- NATURAL GAS
- CONCRETE SURFACE
- BRICK SURFACE

VICINITY MAP
NOT TO SCALE



REGISTERED
PROFESSIONAL
LAND SURVEYOR

JONATHAN A. OAKES
JULY 13, 1984
205
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.

July 16, 2018

Mayor Lucy Vinis
Members of the Eugene City Council
Ms. Allison Camp
125 E. 8th Avenue,
2nd Floor
Eugene, OR 97401
submitted via email to: allison.k.camp@ci.eugene.or.us

Dear Mayor Vinis, Members of the Eugene City Council, and Ms. Camp -

Please accept this testimony in support of the 5th Street Public Market expansion plans as designed and submitted—specifically the height limit request, sign ordinance variance, and alley vacation.

As a patron of the arts in Eugene and former arts administrator, I am excited about the prospect of additional resources being made available to local artists through the planned expansion, particularly opportunities for local visual artists to display and sell their creative works to the public. Such opportunities are one of the primary needs that artists in our community face as they work to make a living by their craft and enliven our wonderful city through their creativity and dedication.

I appreciate the careful thought put into the project design and the attention paid to honoring the historical character of the area. Undoubtedly, this effort will provide yet another anchor— together with the existing Hult Center for the Performing Arts and the University of Oregon's planned renovation of the property at 510 Oak Street into faculty artists' studios—for a much-needed cultural district in the heart of downtown. The proposed rooftop sign, especially, is attractive and an integral part of this plan as it will draw attention to the new district and become a distinguishing marker for community members and visitors alike.

Thank you for your consideration.

Sincerely,

A handwritten signature in dark ink, appearing to read "John Barry", with a stylized, sweeping flourish extending to the right.

John Barry
2105 Musket Street
Eugene, OR 97408
jb@johnsbarry.net

5th Street Public Market Expansion

Public Hearing July 16, 2018

Dear Eugene Mayor and City Councilors,

Good evening. I am Gary Wildish at 2424 Quince St. Eugene, OR 97404. Longtime resident of Eugene. I am unable to be at the Hearing so I am submitting testimony in support of the 5th Street Public Market Expansion.

The alley vacation request seems like a reasonable, fair and is consistent with what is happening and is proposed to happen in the area around the Market.

We have talked a great deal about increasing the density in the core area of Eugene for quite a while. The request for increasing the height in the Market expansion would be a good way to facilitate that conversation. I think the Ya-Po-Ah Terrace is too tall.

I see the 5th Street Public Market as a Heritage area in Eugene. I feel we citizens can be proud of the results of the OBIE folk's efforts. They have invested a great deal and the results are attractive and a great benefit to our community. The 5th Street Public Market is a fun place to shop, eat or just walk around. The proposed sign for the Hotel may not meet the existing code but it is consistent with the era when most of that area was developed. I would encourage action that would allow there proposed sign.

Thank you for your time and consideration,

Gary Wildish

July 12, 2018

To Mayor Vinis and the Eugene City Council:

Please accept this letter as testimony in support of the proposals before you to advance the 5th Street Public Market expansion. I regret that travel commitments prevent me from attending the public hearing in person and appreciate your accepting this written testimony.

As a landscape architect, I respect the role of design in creating successful buildings and developments that in turn create successful cities. Eugene is a single-story-structure city but it can't stay that way, and our own goals suggest we don't want it to. If we don't want sprawl, we need to go up. In the Market District neighborhood, buildings already exceed the proposed new height limit. Height limits are intended to keep buildings at a certain scale. But when we already have buildings nearby that exceed that height, and in light of our goal to prevent sprawl, it makes sense to give developers some latitude to go up rather than out – especially when the “up” is reasonable and modest, as in this proposal. Limiting the new height to the half-block along 6th Avenue assures that we will maintain a very livable scale that is appropriate to the neighborhood.

It's obvious that the development is a vast improvement over what is there now. These are going to be beautiful buildings with charm. The proposal before you represents a choice about how we grow and develop as a city. We risk reaching the point where we limit how nice our buildings can be because they can't generate enough income. The new model for a city is this vibrant urban environment and we're bringing that to the downtown. It's going to be an active district like we see in Seattle's Pike Place Market and Portland's Old Town or Pearl District (both of which, coincidentally, have important and recognizable signs). People are engaged in their environment both vertically and horizontally, in part because we have the height to accommodate them in work and living units. In other words, buildings need to be big enough and have enough people in them to make the buildings pencil.

As we continue our efforts to make downtown safe and vibrant, we must recognize the very real economics at work when developing downtown. In the plainest possible terms, it's a matter of square feet, not floors. If we can't build out, we must build up to capture the necessary square footage. Each floor of a building generates revenue – revenue the developers and investors count on before they pull a single permit or pay a single property tax dollar. Each floor houses visitors paying for a hotel room and the transient room tax, or an apartment with a tenant paying rent and working and shopping in the neighborhood. Eliminating a floor creates a major economic impact and could make or break a project.

Finally, let me briefly address the sign. It may seem like a minor point but to a designer it is anything but. It is the cherry on top that complements and completes a beautiful new building. It carries out the theme of the district and resonates with me and I think with others as well. The hotel sign is a classic representation and speaks to our roots as a western city. In close proximity to the train station, The Gordon Hotel reminds us of earlier hotels that were in that neighborhood to serve people traveling by rail. Certainly the period-appropriate rooftop sign has less mass and is in my view preferable to a building or wall-mounted sign.

Eugene loves its natural features but we need to pay attention to our skyline, too, and we need to be thinking ahead 50 to 100 years. Having elegant buildings that are landmarks in our city's core will help create an interesting, appealing and urban skyline. The city of Eugene hasn't built up because it didn't have to, but the time has come. We should think of this as an opportunity to come of age and start creating a diverse new skyline for Eugene, including diversity in signage.

I urge your support for all three proposals before you that will allow the 5th Street project to fulfill its potential and contribute to a successful downtown. Thank you for considering this testimony.

Sincerely,

Brad Stangeland



EUGENE SYMPHONY

FRANCESCO LECCE-CHONG

Music Director & Conductor

SCOTT FRECK

Executive Director

July 12, 2018

Eugene City Council
125 E 8th Avenue, Second Floor
Eugene, Oregon 97401

Dear Mayor Vinis and Council Members –

I write today on behalf of the Eugene Symphony Association in support of Obie Companies' ambitious and visionary project to expand the 5th Street Market.

This project, like the original 5th Street Market before it, has great potential to significantly enhance quality of life and quantity of commerce in the downtown core. As one of the region's cornerstone arts and cultural organizations, the Eugene Symphony is enthusiastic about the prospect of increasing both the density of urban living and the energy sparked by added retail and professional traffic in such close proximity to the Hult Center for the Performing Arts.

Put simply, having more people downtown – working, living, shopping, dining, or visiting our fair city – can only improve the sense of vibrancy that arts organizations like ours depend on for ticket-buyers, donors, and creative partners. This kind of bold urban statement promises a wellspring of vitality and sense of connectedness that I think we all strive to achieve for our area.

And, as a matter of personal opinion, I believe the proposed sign to top The Gordon Hotel component of the project is both tasteful and iconic. In no way do I see it as a potential distraction or blemish on our skyline, but rather feel that its retro look will lend a kind of classy vintage cool to the neighborhood – as if George Gershwin had stopped by to perform *Rhapsody in Blue* and found just the right place to stay while in Eugene.

In closing, we are all hopeful that the project will move forward and carry with it a renewed sense of pride and accomplishment for the people of our wonderful community, and urge you to grant the necessary permits for it to proceed as envisioned.

Respectfully yours,

Scott Freck
Executive Director

ENRICHING LIVES THROUGH THE POWER OF MUSIC

GIOELLO Nick R

From: CAMP Allison K
Sent: Thursday, July 12, 2018 7:51 AM
To: GIOELLO Nick R
Subject: FW: Support for Skinner Butte Height Limitation, Gordon Sign and Alley Vacation

From: Jenny Bennett [mailto:jbennett@sbko.bank]
Sent: Wednesday, July 11, 2018 4:25 PM
To: CAMP Allison K <Allison.K.Camp@ci.eugene.or.us>
Subject: Support for Skinner Butte Height Limitation, Gordon Sign and Alley Vacation

Hi Allison,

I hope you are having a good day. I am writing because I am unable to testify next Monday, so I hope that you will please accept this testimony in support of the Skinner Butte Height Limitation, Gordon Hotel Sign and alley vacation that will allow the 5th Street Public Market Expansion to proceed with the revitalization that is going on in the 5th Street area, near downtown.

I am a big supporter of downtown, which includes the Riverfront development, Market District neighborhood, and Downtown Eugene, where I work every day and where our family owns a business. The stronger each of these elements are, the stronger we are together. The Market Expansion will add economic vitality to our downtown, bringing more jobs, visitors and foot traffic to the area. The height limit change will help us achieve our density goals. I want to say a special word about the sign. As a marketing person, I know that signage is important. We lack sign diversity in Eugene, and an exception to the code that allows us to incorporate this rooftop sign into the development is not only warranted but should be applauded. Signs can communicate activity and vitality – just what we need downtown. If you look at old photos of downtown, one thing you'll notice is the collection and variety of signs that signal that downtown has a lot going on. If you approve this exception, I'm confident that when the building is done we'll be glad we did it.

Thank you for taking my viewpoint into consideration.

Jenny Bennett, CFMP
Vice President
Marketing & Business Development



96 E. Broadway, Eugene, OR 97401

Direct: 541.684.7527

Mobile: 541.510.6522

Client service: 541.684.7500

Website: www.sbko.bank

Follow us on:



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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.

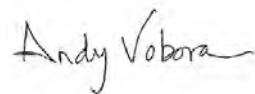
We support increasing the height limit to the proposed 110 feet south of 6th Avenue. The adoption of new height limits will clear the way for the Obie project, while positioning the area for other developments that will meet the City's goals for increased densities along main travel corridors and in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



Action: 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 23, 2018
Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: 7
Staff Contact: Mike McKerrow
Contact Telephone Number: 541-682-5288

ISSUE STATEMENT

On July 23, 2018, the City Council is scheduled to take action 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 (about 2.5 city blocks) between any existing licensed recreational retail marijuana use and any new recreational retail marijuana use that locates in the City. Marijuana growing, wholesaling, processing and laboratory uses are not affected by this proposed amendment. The draft land use code language and findings are provided in Attachment A.

BACKGROUND

Most of the 49 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 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 allows cities to adopt reasonable regulations related to the location of recreational retail marijuana stores, including buffers between stores. In response to 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. 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.

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 recommendations related to “grandfathering” existing uses. The attached ordinance incorporates these recommendations.

City Council Public Hearing

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.

The City Council held a public hearing on July 16, 2018, to consider the proposed land use code amendment. The webcast of the public hearing is available [here](#). A total of nine people testified at the public hearing, and provided a broad range of perspectives. Seven of the speakers supported the proposed buffer. Those testifying in favor of the change mentioned supporting a revitalization

of downtown through encouraging diverse commercial enterprises and wanting to avoid downtown getting a reputation for any specific type of use. Two speakers were opposed to the code amendment. They stated that if the 1,000-foot buffer was to be adopted it should have been when recreational retail marijuana stores first became legal to provide an even playing field. Doing it now limits future opportunities for a retail marijuana store location within 1,000 feet of an existing marijuana store. Also, no other uses are regulated in Eugene with a separation standard.

At the end of the public hearing, Councilor Syrett asked staff for information on three topics. In response, staff has provided an updated map showing Terrapin Care Station at 835 E. Park Street as an open business on the downtown map in Attachment B. Staff also researched the overall number of existing retail businesses within the “downtown core area” (interpreted as being within the adopted Downtown Plan Map area). There are approximately 249 such retail businesses. Within the same area, there are nine operating recreational retail marijuana stores. Also, in response to Councilor Syrett’s request for information, staff notes that last year the Eugene Police Department analyzed reported incidents from 2014 through May of 2017 for locations within a 1000 feet of retail marijuana businesses as well as incidents occurring on the premises. The report compares a trend line for total City crime with crime at or near retail marijuana businesses which is briefly summarized below.

During this time period (2014-2017) all incidents of crime occurring on the property of retail marijuana businesses dropped 25 percent. The incidents that occurred on the premises of the marijuana businesses are a very, very small minority of all incidents within a 1000 feet of the premises. Regarding more specific types of crime, the incidents that increased within 1,000 feet of recreational retail marijuana stores during this time period are: forgeries (49 percent), disorderly conduct (35 percent), driving under the influence (33 percent) and assaults (32 percent). The incidents that decreased during this time period are: robbery (28 percent), drug violations (22 percent) and burglary (13 percent).

Councilor Zelenka requested the approximate opening dates of recreational retail marijuana stores in Eugene. Staff will provide this information at the meeting on July 23, 2018.

Testimony received following the public hearing through July 17, 2018, is also provided in Attachment C. A complete set of record materials is also available for review in a binder located at the City Council Office, and at Planning and Development Department at 99 W. 10th Avenue. As a courtesy, most of the materials are also available for review online [here](#).

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 or adopted policy for any specific type of business, including adult-related businesses.

COUNCIL OPTIONS

The City Council may consider the following options:

1. Approve the ordinance.
2. Approve the ordinance with specific modifications as determined by the City Council.
3. Deny the ordinance.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends approval of the ordinance as provided in Attachment A.

SUGGESTED MOTIONS

Move to adopt Council Bill 5195, an Ordinance Concerning the Location of Recreational Retail Marijuana Uses.

ATTACHMENTS

- A. Draft Ordinance with Findings
- B. Updated Map of Existing Recreational Retail Marijuana Stores
- C. Additional Written Testimony Received July 7 - 17, 2018

FOR MORE INFORMATION

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

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

Findings

Separation Between Recreational Retail Marijuana Uses (City File CA 18-4)

Overview

The goal of this proposed land use code amendment is to create a minimum 1,000 foot separation between existing licensed recreational retail marijuana stores and any new recreational retail marijuana stores.

As a result of the land use code amendment, new recreational retail marijuana stores must be located at least 1,000 feet from the premises of existing licensed recreational retail marijuana stores in the following 14 zones:

- 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

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 proposed land use code amendments do not amend the citizen involvement program. The process for adopting these amendments 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 1, 2018. A public hearing is scheduled before the Planning Commission on June 6, 2018. A tentative 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 neighborhood organizations in Eugene, community groups and individuals who requested notice. In addition, notice of the public hearing was also published in the Register Guard. Information concerning the amendments, including the dates of the public hearings were 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 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 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 these amendments. Therefore, the amendments are consistent with Statewide Planning Goal 2.

Goal 3 - Agricultural Lands. To preserve agricultural lands.

The amendments are 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 amendments are 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.*

These amendments do not create or amend the City's list of Goal 5 resources, do not amend a code provision adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5, do not allow new uses that could be conflicting uses with a significant Goal 5 resource site and do not amend the acknowledged urban growth boundary. Therefore, Statewide Planning Goal 5 does not apply.

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 amendments do 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 amendments do not affect the City's restrictions on development in areas subject to natural disasters and hazards. Further, the amendments do 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 amendments do 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 amendments do not impact the supply of industrial or commercial lands. Therefore, the amendments are 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. According to the Residential Lands Supply Study, there is sufficient buildable residential land to meet the identified land need.

The amendments do not impact the supply of residential buildable land. Therefore, the amendments are 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 amendments do 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 amendments do 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 not to meet performance standards. Therefore, Statewide Planning Goal 12 does not apply.

Goal 13 - Energy Conservation. To conserve energy.

The amendments do 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 amendments do 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 amendments do 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 these amendments. Therefore, these goals are not relevant and the amendments 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 Metro Plan does not contain any policies relevant to this amendment.

Envision Eugene Comprehensive Plan

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

Applicable Refinement Plans

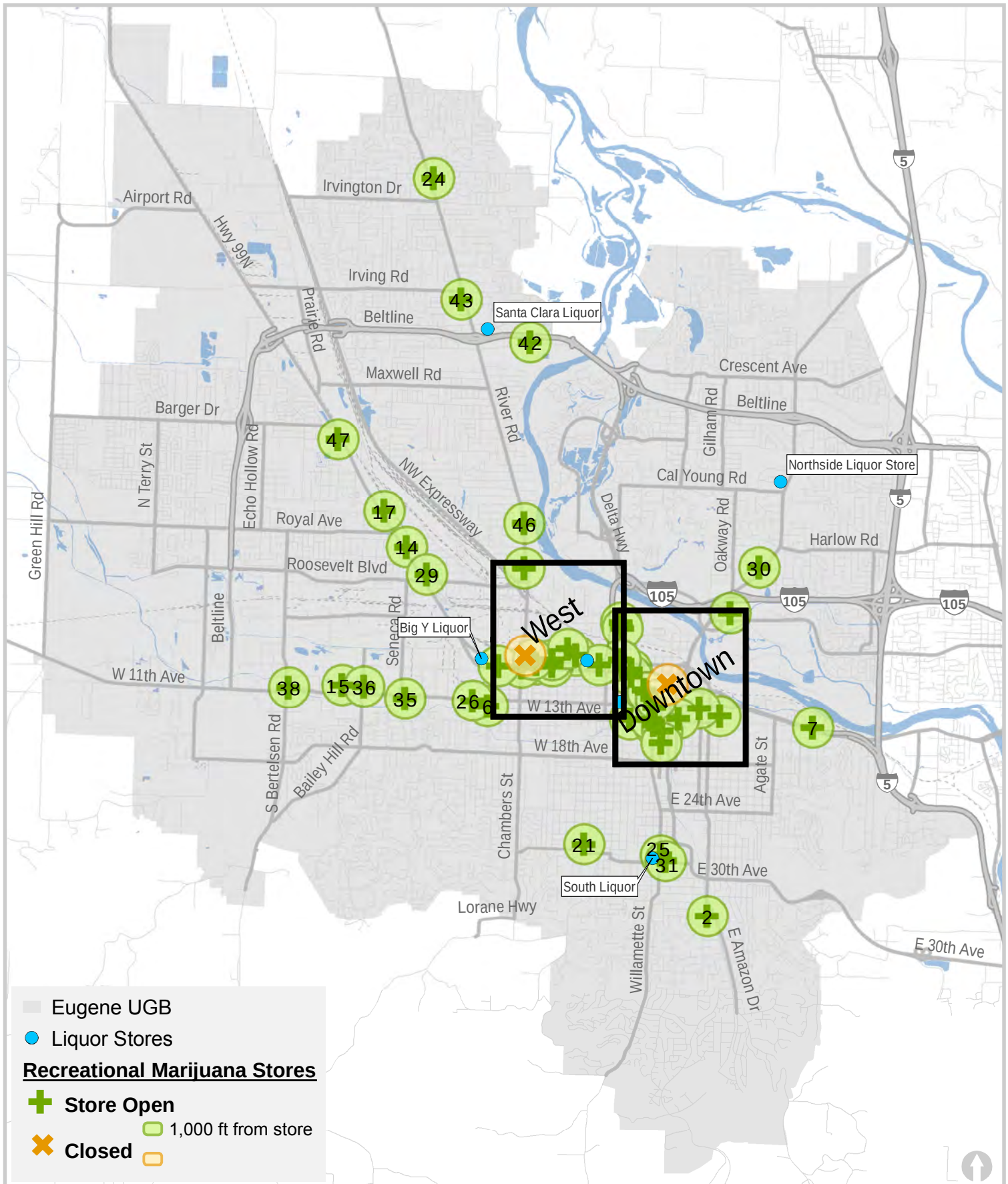
No relevant policies were found in the following adopted refinement plans:

- o Bethel-Danebo Refinement Plan (1982)
- o Bethel-Danebo Refinement Plan Phase II (1977)
- o Eugene Downtown Plan (2004)
- o Eugene (EWEB) Downtown Riverfront Specific Area Plan (2013)
- o Fairmount/U of O Special Area Study (1982)
- o Laurel Hill Neighborhood Plan (1982)
- o 19th and Agate Special Area Study (1988)
- o South Hills Study (1974)
- o South Willamette Subarea Study (1987)
- o Walnut Station Specific Area Plan (2010)
- o Westside Neighborhood Plan (1987)
- o West University Refinement Plan (1982)
- o Whiteaker Plan (1994)
- o Willow Creek Special Area Study (1982)

(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 amendments do not establish a special area zone. Therefore, this criterion does not apply.

Recreational Marijuana Stores



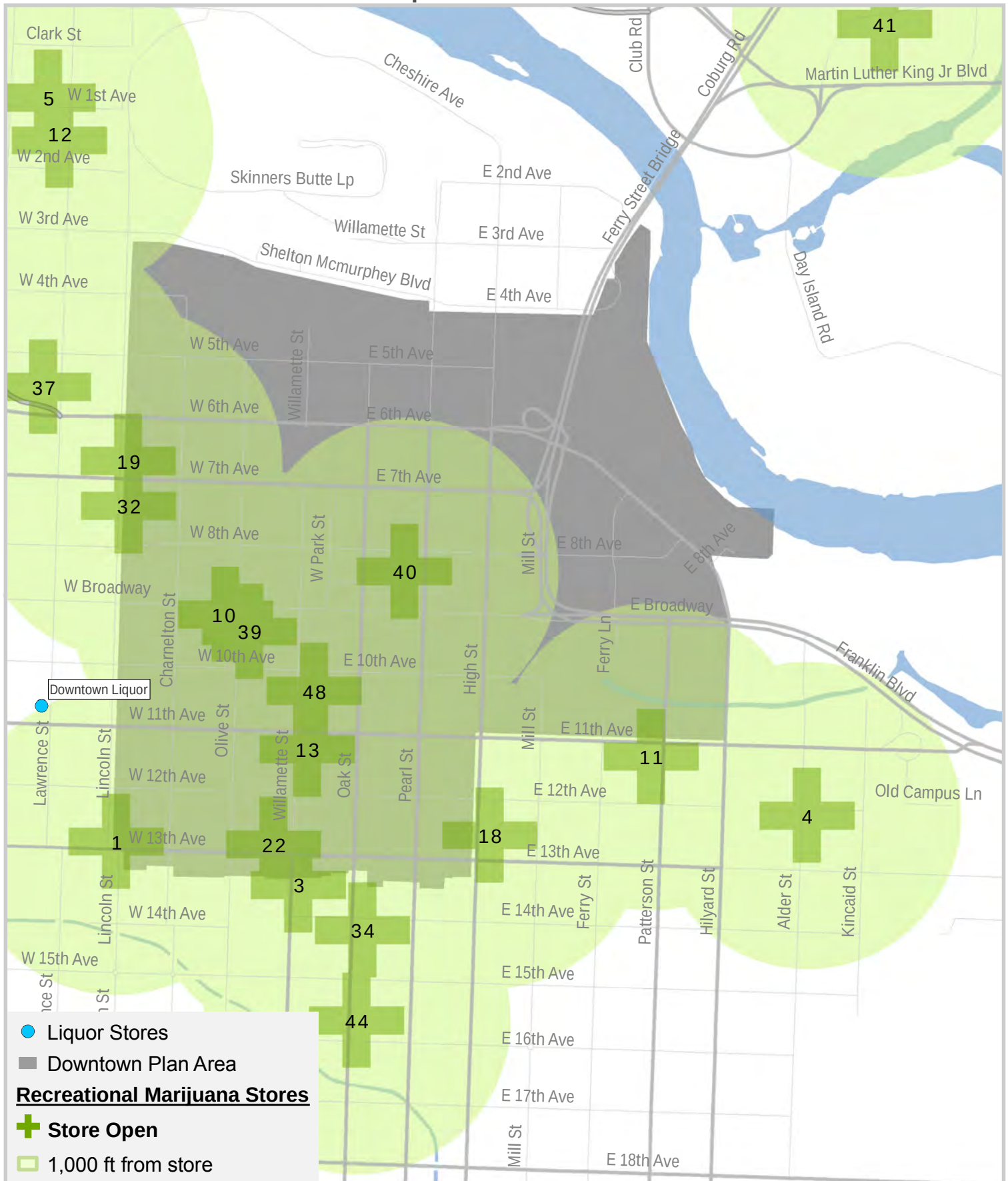
Data: OLCC Retail Marijuana Licenses: extracted 4/11/2018
 Caution: This map is based on imprecise source data,
 subject to change, and for general reference only.

0 0.5 Miles

July 23, 2018 Meeting - Item 7
 City of Eugene, PDD
 4/25/2018

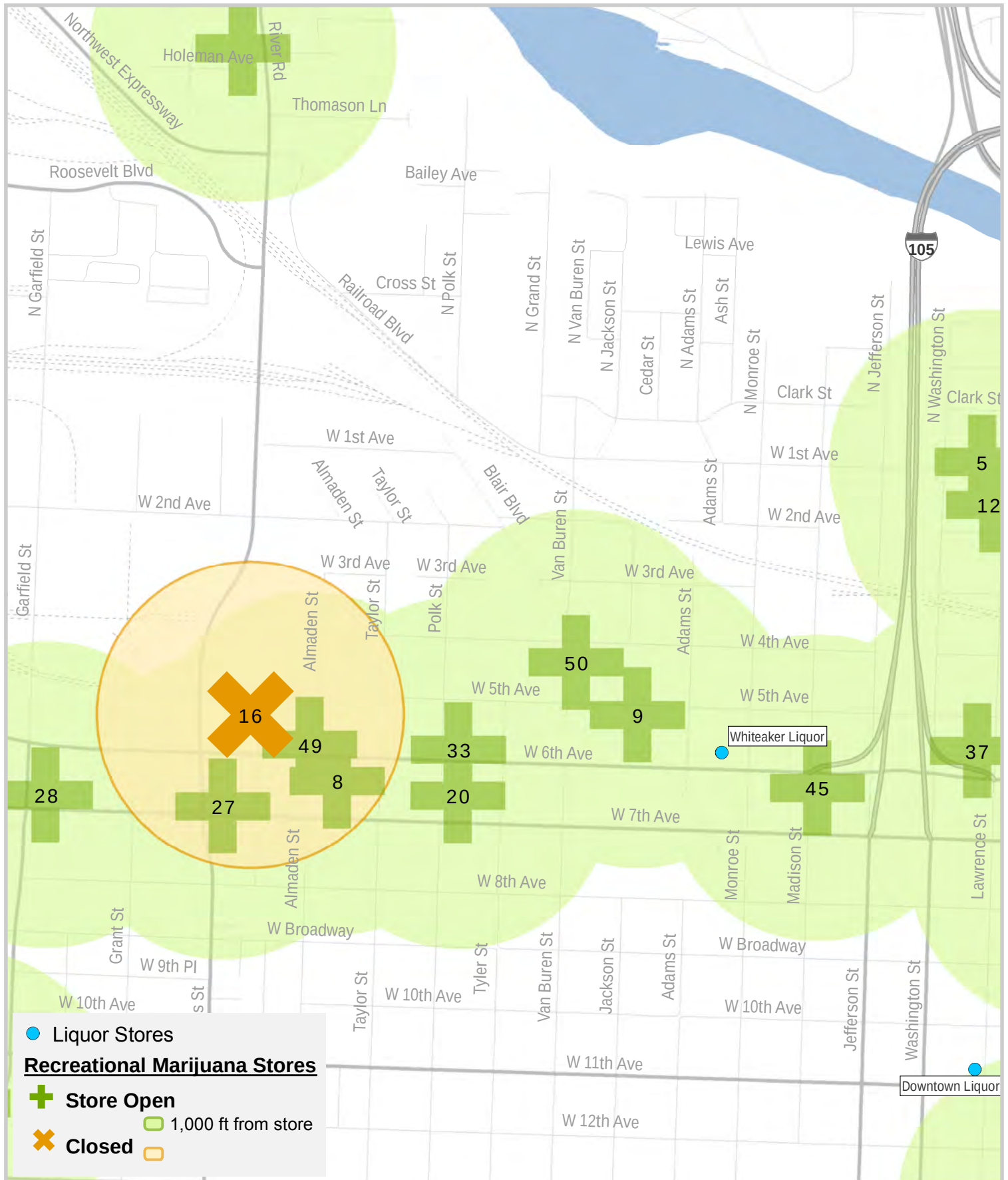


Recreational Marijuana Stores: Downtown Map Updated 7/17/2018



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.

Recreational Marijuana Stores: West 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.



Table to Accompany Maps

Map Id	Name	Address	Medical Grade	Delivery
1	4-TWENTY MARKET	1293 LINCOLN ST		
2	AMAZON ORGANICS	3443 HILYARD ST. SUITE F	Yes	Yes
3	CANNABIS RE-LEAF	1361 WILLAMETTE STREET		
4	APOTHCA	804 E. 12TH AVENUE	Yes	Yes
5	BUDS LLC	439 W 1ST AVE	Yes	Yes
6	ELEV8 CANNABIS	2055 W 12TH AVE	Yes	Yes
7	EUGENE OG	2045 FRANKLIN BLVD.	Yes	Yes
8	EMERALD CITY MEDICINAL	1474 WEST 6TH AVENUE		
9	GLASSROOTS	980 WEST 5TH AVE	Yes	
10	FLOWR OF LYFE	114 WEST BROADWAY	Yes	
11	CANNABLISS & CO.	588 E. 11TH		Yes
12	GRASSLANDS DISPENSARY	154 LAWRENCE ST		
13	EUGREEN HEALTH CENTER	1111 WILLAMETTE ST.	Yes	
14	GREEN HEALTH ASSOCIATES	607 HIGHWAY 99 NORTH	Yes	
15	EUGREEN HEALTH CENTER	1000 OBIE STREET SUITE A		Yes
16	GREENMAN	540 FILLMORE STREET SUITE A		
17	HWY 99 CANNABIS, CO.	1083 B HWY 99 N.		
18	HUSH	1257 HIGH ST SUITE A		
19	HUNKY DORY	675 LINCOLN ST		Yes
20	LA MOTA	1291 W. 7TH AVE	Yes	Yes
21	MOSS CROSSING	2751 FRIENDLY ST.	Yes	
22	JAMAICA JOEL'S	37 W. 13TH AVE. SUITE 201	Yes	Yes
23	NECTAR	340 RIVER ROAD	Yes	Yes
24	MOOD	40 RIVER LOOP 2 BUILDING 1 SUITE B		
25	NEXT LEVEL WELLNESS	2837 WILLAMETTE STREET SUITE A	Yes	
26	PROHIBITIONS FALLS	2270 WEST 11TH		
27	QUICK STOP CANNABIS	1681 W. 7TH AVENUE	Yes	Yes
28	RIVER VALLEY REMEDIES	1985 W 7TH AVE		Yes
29	RARE EARTH ORGANICS LLC	2699 ROOSEVELT BLVD		Yes
30	NODAK GREEN PRAIRIE	390 COBURG ROAD SUITE A - 2	Yes	
31	SOLUTIONS OF THE MILLENNIUM LLC	2893 OAK ST	Yes	
32	SPACEBUDS	741 LINCOLN STREET	Yes	Yes
33	STAR LEAF CANNABIS	1279 W 6TH AVE		
34	FREQUENT VIBRATIONZ	1409 OAK ST.	Yes	Yes
35	MARY JANE'S POT SHOP	3170 WEST 11TH AVENUE UNIT A		
36	SOUTHERN OREGON CANNABIS CONNECTION	1055 BAILEY HILL RD. SUITE C		
37	OREGON MEDIGREEN	570 LAWRENCE ST #112		
38	SWEET TREE FARMS	4097 WEST 11TH AVE		
39	SWEET LEAF CANNABIS	943 OLIVE ST	Yes	Yes
40	TERRAPIN CARE STATION	835 E PARK ST #100		
41	THE PEOPLE'S WELLNESS CENTER	71 CENTENNIAL LOOP SUITE B	Yes	Yes
42	THE HERBAL CONNECTION	463 RIVER AVE.	Yes	
43	OREGON'S GREEN RUSH	2644 RIVER ROAD #5	Yes	Yes
44	THE GREENER SIDE	1553 OAK ST		
45	SUNSHINE WEED COMPANY	698 WEST 6TH AVE		



Table to Accompany Maps

Map Id	Name	Address	Medical Grade	Delivery
46	TERPENE STATION	645 RIVER RD STE 3	Yes	
47	TJ'S PROVISIONS	1910 EMPIRE PARK DRIVE		
48	TJ'S ON THE ALLEY	1027 WILLAMETTE STREET	Yes	Yes
49	WILDFLOWER PNW	1509 W 6TH AVE		
50	TWENTY AFTER FOUR WELLNESS CENTER	420 BLAIR BLVD SUITE A	Yes	Yes

Data: Oregon Liquor Control Commission (OLCC) 4/11/2018

MCKERROW Mike J

From: Maria Kalnbach <mkalnbach@comcast.net>
Sent: Monday, July 16, 2018 6:56 PM
To: MCKERROW Mike J
Subject: Fwd: Marijuana Outlet Density and the Advertising

----- Original Message -----

From: Maria Kalnbach <mkalnbach@comcast.net>
To: mayorcouncilandcitymanager@ci.eugene.or.us
Date: July 16, 2018 at 6:54 PM
Subject: Marijuana Outlet Density and the Advertising

Dear Mayor Vinis and City Council Members,

Thank you for considering the 1000 foot separation between retail marijuana businesses. I support the 1000 foot separation. I am a Eugene resident and a parent of three (including one teenager).

While I did vote to legalize marijuana, it was also my hope that marijuana would be not only regulated in a way that not only kept our youth from purchasing marijuana products, but also protects our youth from marijuana advertising. With each marijuana shop comes advertising banners, posters, billboards and sandwich boards. Think about a youth who may be transported by their parent each day through downtown and how many pot ads they see. The more shops we have, the more creative and aggressive the advertising becomes in order to compete with the store on the same block.

The research shows like alcohol and tobacco, the more exposure a youth has to advertising the more normalized it becomes which may lead to higher rates of use. The results of a recent study done in California by a senior behavioral scientist at the RAND Corporation, "suggest that exposure to Medical Marijuana advertising may not only play a significant role in shaping attitudes about marijuana, but may also contribute to increased marijuana use and related negative consequences throughout adolescence. This highlights the importance of considering regulations for marijuana advertising, similar to regulations in place for the promotion of tobacco and alcohol in the U.S." [https://www.drugandalcoholdependence.com/article/S0376-8716\(18\)30231-X/fulltext](https://www.drugandalcoholdependence.com/article/S0376-8716(18)30231-X/fulltext)

While we already have regulations in place for marijuana advertising, including three warning statements on each advertisement, due to low staffing and funding at the Oregon Liquor Control

Commission, very little enforcement is done with regards to advertising. I had twice reported one store close to the University of Oregon. This store advertises prices using banners and often offers student discounts with no statements of age or any other warning statements. My reports have gone unanswered as this store continues to hang the same banners.

While marijuana use may be fine for adults, we now know that marijuana may negatively affects the developing teenage brain. We also know that the use of marijuana in our youth impacts cognitive and memory skills potentially impacting their ability to learn at this crucial time in their lives.

Please think about how the increased concentration of marijuana shops impacts our youth and their future just by their exposure to the advertisements they see each day. With this in mind, please vote to put a 1000 foot buffer in place.

Thank you,

Maria Kalnbach

4425 North Shasta Loop

MCKERROW Mike J

From: susancosta@mosaicfairtradecollection.com
Sent: Saturday, July 07, 2018 1:02 PM
To: MCKERROW Mike J
Subject: Vote YES for the 1000 Ordinance

Hi Mike,

I own Mosaic downtown, we are working so hard to make downtown safer and more pleasant. As such please ask the council to vote YES finally for the 1000 buffer between cannabis stores.

Thanks.

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

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Action: 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 23, 2018
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 8
Staff Contact: Becky DeWitt
Contact Telephone Number: 541-682-5616

ISSUE STATEMENT

This is the council's opportunity to take action 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, McMinville, 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.

On July 16, 2018, council held a public hearing at which 15 people spoke in favor of the proposed ordinance, six people spoke in opposition, and one person made a neutral statement. Additional testimony on this subject has been received via the Mayor and Council email.

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

1. Adopt the ordinance as proposed.
2. Adopt the ordinance with modifications as determined by the City Council.
3. Take no action on the ordinance.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends adoption of the ordinance as proposed.

SUGGESTED MOTION

I move to adopt Council Bill ____, 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.

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

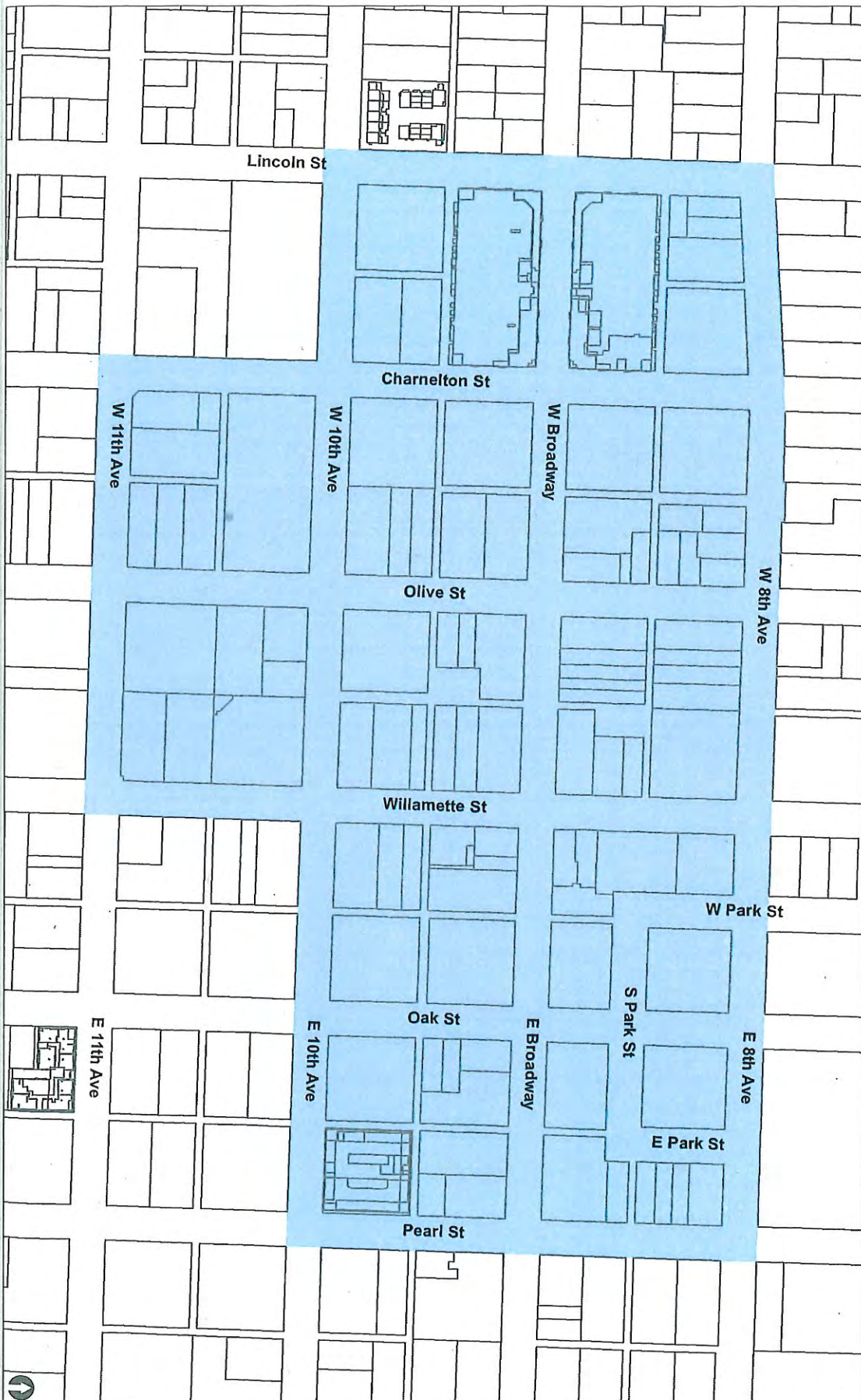


Exhibit A to Ordinance

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



Action: A Resolution Designating Eugene as a BEE CITY USA Affiliate

Meeting Date: July 23, 2018

Department: Public Works

www.eugene-or.gov

Agenda Item Number: 9

Staff Contact: Shelly Miller

Contact Telephone Number: 541-682-4888

ISSUE STATEMENT

This is an action item to vote on a resolution designating Eugene as a BEE CITY USA affiliate. The mission of BEE CITY USA is to galvanize communities to sustain bees and other pollinators.

BACKGROUND

The City of Eugene has the opportunity to partner with other community groups to enhance the public's understanding about the vital role that pollinators play and to support and encourage pollinator habitat creation and enhancement on both public and private land.

This resolution was proposed by Beyond Toxics and Glory Bee, and its proposal has resulted in the formation of the Eugene Pollinator Protection Committee. The Eugene Pollinator Protection Committee is a partnership of local government, businesses, and environmental nonprofits that share a commitment to preserve local bee populations based on available science and community participation. Members of the committee include representation from Beyond Toxics, GloryBee, the Xerces Society for Invertebrate Conservation, Walama Restoration Project, Lane County Audubon Society and the City of Eugene Parks and Open Space Division.

If adopted, this resolution will direct the City Manager to continue staff involvement in activities of the Pollinator Protection Committee including such things as:

- Annually celebrate National Pollinator Week or some other appropriate occasion with education events
- Install and maintain at least one authorized BEE CITY USA street sign and create a webpage on the City of Eugene's website
- Create, enhance and maintain pollinator-friendly habitat
- Maintain a number of pesticide-free parks and work to create additional pesticide-free parks
- Disseminate educational materials to the public
- Track annual pollinator habitat created, enhanced and maintained
- Comply with previously adopted policies that require an Integrated Pest Management plan and ban on the use of neonicotinoids
- Apply for annual renewal, pay a renewal fee, and prepare a report on the previous year's activities

Other Oregon communities that have become Bee Cities include Ashland, Phoenix, Talent, Gold Hill and Wilsonville. The University of Oregon has also recently been designated a BEE CAMPUS USA.

COUNCIL OPTIONS

The City Council can adopt or not adopt the resolution.

SUGGESTED MOTIONS

Move to adopt the resolution designating Eugene as a BEE CITY USA affiliate.

ATTACHMENT

A. Proposed Resolution

FOR MORE INFORMATION

Staff Contact: Shelly Miller
Telephone: 541-682-4888
Staff E-Mail: shelly.a.miller@ci.eugene.or.us

RESOLUTION NO. _____

**A RESOLUTION DESIGNATING THE CITY OF EUGENE A BEE CITY
USA® AFFILIATE.**

The City Council of the City of Eugene finds that:

A. The mission of BEE CITY USA® is to galvanize communities to sustain pollinators responsible for the reproduction of 90% of the world's wild plant species, by providing them with healthy habitat rich in a variety of native plants and free, or nearly free, of pesticides.

B. Due in part to the tremendous diversity of wild native bees, along with the honey bees that were brought to the United States from Europe in the 1600s, we have very diverse dietary choices rich in fruits, nuts, vegetables and even dairy products. One in every three bites of food we eat is courtesy of insect pollination.

C. Bees and other pollinators have experienced population declines due to a combination of habitat loss, widespread use of pesticides, and the spread of invasive species and diseases.

D. Pollinator-friendly communities can benefit local and regional economies through healthier ecosystems, increased vegetable and fruit crop yields, and increased demand for pollinator friendly plant materials from local nurseries and growers

E. An ideal pollinator-friendly habitat:

- (1) Provides diverse and abundant nectar and pollen from plants blooming in succession throughout the growing season;
- (2) Provides water for drinking, nest-building, cooling, diluting stored honey, and butterfly puddling;
- (3) Provides spaces (leaf and brush piles, un-mowed fields or field margins, bare ground, fallen trees and other dead wood) for nesting and overwintering for wild pollinators;
- (4) Is pesticide-free or has minimal and least toxic but effective pesticide use carried out with least ill effects on pollinators;
- (5) Is comprised of mostly, if not all, native species of annual and perennial forbs, grasses, vines, shrubs, and trees in landscapes because many wild pollinators prefer or depend on the native plants with which they co-adapted;
- (6) Includes, where possible, designated pollinator and/or pesticide-free zones in public spaces with signage to educate the public and build awareness; and,
- (7) Provides for safe and humane removal of honey or native bees when required and possible.

F. Supporting pollinators fosters environmental awareness and sustainability, and increases interactions among community stewards, backyard beekeepers, farmers, children, educators, Master Gardeners, local businesses, faith-based organizations, and nature-related organizations.

G. In order to enhance understanding among local government staff and the public about the vital role that pollinators play and what each of us can do to sustain them, the Eugene City Council supports and encourages pollinator habitat creation and enhancement on both public and private land.

H. The City of Eugene should be certified a BEE CITY USA community because:

- (1) Eugene has banned neonicotinoid use on city property;
- (2) Eugene invests in the creation, restoration and management of native pollinator habitat;
- (3) Eugene has an Integrated Pest Management plan that includes non-chemical techniques and reduces pesticide use on City property with least toxic and most effective techniques; and
- (4) Eugene maintains pesticide-free parks and strives to create additional pesticide-free parks.

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 Council directs the City Manager to pursue the designation of the City of Eugene as a BEE CITY USA community, with the Eugene Parks and Open Space Division serving as a BEE CITY USA sponsor.

Section 2. In furtherance of establishing the City of Eugene as a Bee City USA and for as long as Eugene remains a Bee City USA, the City Council directs the City Manager to continue providing a city staff liaison to the Eugene Pollinator Protection Committee to support that Committee's facilitation of the following:

- (a) **Celebration:** Annually celebrate National Pollinator Week (third full week of June) or some other appropriate occasion with educational events, pollinator habitat plantings or restoration, proclamations or promotions that showcase Eugene's commitment to enhancing pollinator health and habitat.
- (b) **Publicity & Information:** Install and maintain at least one authorized BEE CITY USA street sign in a prominent location, and create and maintain a webpage which includes, at minimum, a copy of this resolution, links to the national BEE CITY USA website, contact information for the local government's BEE CITY USA liaison, contact information for the Eugene Pollinator Protection

ATTACHMENT A

Committee, and reports of the pollinator-friendly activities the community has accomplished the previous year(s).

- (c) Habitat: Create, enhance and maintain pollinator-friendly habitats, which can include, but are not limited to:
 - (1) Identification and inventory of City of Eugene real property that can be enhanced with pollinator-friendly plantings or restorations.
 - (2) Creation of a recommended locally native species list to include forbs, grasses, vines, shrubs, and trees and a list of local suppliers for those species.
 - (3) Maintenance of a number of pesticide-free parks and a program to create additional pesticide-free parks by working with neighborhood adoption groups.
 - (4) Dissemination of informational and educational materials to the public.
 - (5) Tracking annual pollinator habitat created, enhanced or maintained.
- (d) Policy: Comply with the City of Eugene Ordinance that requires an Integrated Pest Management Plan and ban on the use of neonicotinoids.
- (e) Renewal: Assist the City of Eugene, after completing the first full year as a BEE CITY USA affiliate, each January to apply for renewal of Eugene's BEE CITY USA designation.

Section 5. This Resolution is effective immediately upon its passage by the City Council.

The foregoing Resolution adopted the ____ day of _____, 2018.

City Recorder