



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

February 13, 2023

7:30 p.m. CITY COUNCIL MEETING

City Council meetings will continue to be held in hybrid format using in person and virtual meeting technology. Information about online or other options for access and participation will be available at <https://www.eugene-or.gov/3360/Webcasts-and-Meeting-Materials>

Meeting of February 13, 2023; Her Honor Mayor Lucy Vinis Presiding

Councilors

Randy Groves, President
Mike Clark
Lyndsie Leech
Jennifer Yeh

Matt Keating, Vice President
Greg Evans
Emily Semple
Alan Zelenka

7:30 p.m. CITY COUNCIL MEETING

1. CEREMONIAL MATTERS

2. COMMITTEE REPORTS AND ITEMS OF INTEREST

3. CONSENT CALENDAR 1

A. Approval of City Council Minutes

- January 9, 2023 Meeting
- January 17, 2023 Public Hearing
- January 18, 2023 Work Session
- January 23, 2023 Work Session
- January 23, 2023 Meeting
- January 25, 2023 Work Session
- January 30, 2023 Special Meeting

B. Approval of City Council Tentative Agenda

C. Appointment to the Metropolitan Wastewater Management Commission

4. PUBLIC FORUM

5. ACTION: An Ordinance Concerning the Skinner Butte Height Limitation Area, Amending Section 9.6715 and Figure 9.6715(3) of the Eugene Code, 1971.

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



Ceremonial Matters

Meeting Date: February 13, 2023
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 1
Staff Contact: Cherish Bradshaw
Contact Telephone Number: 541-682-8340

ISSUE STATEMENT

This item is to acknowledge awards and achievements and inform the public of proclamations signed by the Mayor. No action is required by the City Council.

BACKGROUND

At its 1997 fall process session, the council agreed to include a monthly agenda item entitled "Ceremonial Matters." From time to time, the Mayor is asked to sign proclamations or acknowledge awards received, which serve to encourage and educate the community about important issues and events.

CITY MANAGER'S RECOMMENDATION

This is an information item only.

ATTACHMENTS

None.

FOR MORE INFORMATION

Staff Contact: Cherish Bradshaw
Telephone: 541-682-8340
Staff E-Mail: cabradshaw@eugene-or.gov

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Approval of City Council Minutes

Meeting Date: February 13, 2023
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 3A
Staff Contact: Sara McKinney
Contact Telephone Number: 541-682-8497

ISSUE STATEMENT

This is a routine item to approve City Council minutes.

SUGGESTED MOTION

Move to approve the minutes for the work sessions on January 18, January 23, and January 25, 2023, meetings on January 9, 2023 and January 23, 2023, public hearing on January 17, 2023 and special meeting on January 30, 2023

ATTACHMENTS

- A. January 9, 2023 Meeting
- B. January 17, 2023 Public Hearing
- C. January 18, 2023 Work Session
- D. January 23, 2023 Work Session
- E. January 23, 2023 Meeting
- F. January 25, 2023 Work Session
- G. January 30, 2023 Special Meeting

FOR MORE INFORMATION

Staff Contact: Sara McKinney
Telephone: 541-682-8497
Staff E-Mail: smckinney@eugene-or.gov

MINUTES

Eugene City Council Meeting Eugene, Oregon 97401

January 9, 2023
7:30 p.m.

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

Mayor Vinis opened the January 9, 2023, meeting of the Eugene City Council in a hybrid in-person and virtual format at 101 W. 10th Avenue, Suite 114, Eugene, OR 97401.

1. ELECTION OF CITY COUNCIL OFFICERS FOR 2023

MOTION: Councilor Evans, seconded by Councilor Keating, moved to elect Councilor Groves as President of the City Council for 2023.

Council Discussion:

- Councilor Semple – noted that the proposed election of Councilor Groves was outside of the normal order of the Council.

MOTION TO SUBSTITUTE: Councilor Semple, seconded by Councilor Yeh, moved to substitute Councilor Keating for Council President.

Council Discussion:

- Councilor Keating – requested that his nomination be withdrawn; spoke about the demands on his schedule during the upcoming year; noted his support for the nomination of Councilor Groves for Council President.

MOTION WITHDRAWN: Councilor Semple withdrew her motion for substitution. Councilor Yeh accepted the withdrawal.

Council Discussion:

- Councilor Yeh – noted her appreciation for Councilor Keating's explanation.

VOTE ON MAIN MOTION: PASSED 8:0

MOTION: Councilor Groves, seconded by Councilor Yeh, moved to elect Councilor Keating as Vice President of the City Council for 2023.

Council Discussion:

- Councilor Semple – commented about time served on Council leadership by various members.

VOTE ON MAIN MOTION: PASSED 8:0

2. COMMITTEE REPORTS AND ITEMS OF INTEREST

- Councilor Groves – noted his appreciation for the work of outgoing Council President Evans.
- Councilor Evans – noted that the next Intergovernmental Relations committee will be February 1, 2023 at 1:30pm; noted that the City was awarded federal funds for a bike and pedestrian bridge over the Beltline at River Road; noted that the House of Representatives elected Kevin McCarthy as Speaker; noted that Congressman Hoyle was sworn in to represent the fourth congressional district; encouraged people to view the City's American Rescue Plan Act (ARPA) video; noted Governor Kotek was sworn in today and is appointing agency heads; noted that the Oregon legislative assembly will convene January 17, 2023; noted upcoming IGR updates.
- Councilor Keating – noted that there is currently no way to track if houselessness is a contributing factor to someone's death; stated support for efforts to ameliorate houselessness.
- Mayor Vinis – noted that she will be attending the US Conference of Mayors next week; noted that she will be meeting with Climate Mayors and the Environmental Protection Agency to discuss the use of Inflation Reduction Funds; stated her appreciation for the work of Representative DeFazio to ensure we received funds for the pedestrian bridge at River Road; noted various community events in honor of Martin Luther King Jr. Day; noted that a new peer support counseling center has opened in downtown.

3. CONSENT CALENDAR 1

A. Approval of City Council Minutes

- November 28, 2022, Meeting
- November 30, 2022, Work Session
- December 5, 2022, Special Meeting
- December 12, 2022, Work Session
- December 12, 2022, Meeting
- December 14, 2022, Work Session

B. Approval of City Council Tentative Agenda

MOTION AND VOTE: Councilor Groves, seconded by Councilor Keating, moved to approve the items on Consent Calendar 1.

VOTE: PASSED 8:0

4. PUBLIC FORUM

1. Janet Ayres – suggested a template be created for future interim appointments.
2. William Smith – welcomed Councilor Leech and asked for a moment of silence for Mark Hurwitz.
3. Laurie Powell – spoke in favor of the natural gas ban.
4. Tai Pruce-Zimmerman – spoke in favor of a Bethel area plan.
5. Robin Bloomgarden – spoke in favor of electrification.
6. Brittany Quick-Warner – spoke on improving the local business climate.
7. Patricia Hine – spoke in favor of electrification.

8. Thomas Newman – spoke in favor of funding for parks.
9. Drew Simrin – spoke in favor of electrification.
10. Aya Cockram – spoke in favor of electrification.
11. Richard Locke – spoke about the effects of unsanctioned camping.

Council Discussion

- Councilor Groves – noted his appreciation for the public forum speakers; spoke in support of a Bethel area plan and public health overlay zones; responded to the comment about the interim appointment process.
- Councilor Zelenka – spoke in response to the comment about the interim appointment process; noted that the University area also needs an area plan.
- Councilor Leech – noted her appreciation for those who have been supportive of her since her appointment.

Mayor Vinis adjourned the meeting at 8:22 p.m.

Respectfully submitted,

Katie LaSala
City Recorder

(Recorded by Cherish Bradshaw)

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

MINUTES

**Eugene City Council
Public Hearing
Eugene, Oregon 97401**

**January 17, 2023
5:30 p.m.**

Councilors Present: Randy Groves Emily Semple, Matt Keating, Alan Zelenka, Jennifer Yeh, Mike Clark, Greg Evans, and Lyndsie Leech

Councilor Groves opened the January 17, 2023 public hearing of the Eugene City Council in a hybrid format at 101 W 10th Avenue, Suite 114, Eugene OR 97401.

1. PUBLIC HEARING – An Ordinance Concerning the Skinner Butte Height Limitation Area, Amending Section 9.6715 and Figure 9.6715(3) of the Eugene Code, 1971.

Councilor Groves opened the Public Hearing in quasi-judicial format.

Assistant City Manager, Kristie Hammitt, introduced the topic and provided background information.

Councilor Groves provided time for Council members to disclose any bias, conflicts of interest, ex parte communications or abstentions pursuant to Eugene Code 9.7065.

Council Discussion:

- Councilor Leech – disclosed a recent meeting with Sarah Means from Obie company in which they discussed the need for increased housing and how the proposed code amendment could impact that need.
- Councilor Evans – disclosed a recent meeting with Sarah Means and Brian Obie from Obie company in which they discussed the need for increased housing and how the proposed code amendment could impact that need.
- Councilor Groves – disclosed a recent meeting with Sarah Means of the Obie Company regarding downtown housing and development processes.

1. Sarah Means – spoke on behalf of the applicant.
2. Betsy Schultz – spoke in favor of the proposed code amendment.
3. Samantha Roberts – spoke in favor of the proposed code amendment.
4. Mary Dour – spoke in opposition of the proposed code amendment.
5. Robin Bloomgarden – spoke in opposition of the proposed code amendment.
6. Mark Robinowitz – spoke in opposition of the proposed code amendment.
7. William O’Brien – spoke in opposition of the proposed code amendment.
8. “Prem” Terri Dawson – spoke in opposition of the proposed code amendment.
9. Jim Neu – spoke in opposition of the proposed code amendment.

Staff and applicant waved right to rebuttal of testimony.

Council Discussion:

- Councilor Leech – asked staff to clarify the process for consideration and applicable approval criteria.
- Councilor Keating – noted his preference to build Eugene up rather than out; asked staff to provide information regarding studies done on the impact of this code amendment on migratory birds; asked staff to gather any environmental impact information that this amendment could have on migratory patterns.
- Councilor Yeh – asked staff to clarify if the proposed code amendment is use specific; asked if the code could require the use to be for housing.
- Councilor Clark – asked if it is appropriate for the approval criteria to inquire about, or require, increased capacity of use with the increased height; asked staff which Council Goal is specifically related to infrastructure.

Councilor Groves closed the Public Hearing and record for the code amendment.

Councilor Groves adjourned the meeting at 6:12 p.m.

Respectfully submitted,

Katie LaSala
City Recorder

(Recorded by Sara McKinney)

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

MINUTES

Eugene City Council Work Session Eugene, Oregon 97401

January 18, 2023
12:00 p.m.

Councilors Present: Greg Evans, Matt Keating, Jennifer Yeh, Mike Clark, Randy Groves, Alan Zelenka, Lyndsie Leech and Emily Semple

Councilor Groves opened the January 18, 2023, work session of the Eugene City Council in a hybrid format at 101 W 10th Avenue, Eugene OR 97401.

1. **EXECUTIVE SESSION Pursuant to ORS 192.660(2)(e) real property transactions**
2. **WORK SESSION: Alternative Response Study**

Assistant City Manager, Kristie Hammitt, introduced Community Safety Initiative Project Manager, Jeremy Cleversy, and Michele Weinzel and Thomas Shea from BerryDunn who presented information on the alternative response study.

Councilor Discussion:

- Councilor Groves – noted the study will help the City to improve the crisis response processes and services.
- Councilor Evans – noted that CAHOOTS is underfunded and is over-tasked; asked how state resources could improve the capacity of the system; asked how the system can be improved to prevent misuse of services.
- Councilor Leech – outlined the adolescent mobile crisis response service provided by a local nonprofit; asked how the City could work with Lane County to improve the crisis response service before the Request for Proposals begins; asked how the 988 crisis hotline is incorporated in the dispatch system; is in favor of the coordinator position recommended in the presentation; noted the importance of having coordinated systems that share information between service providers.
- Councilor Keating – asked for an example of information, that is not considered protected personal information, that would be redacted or removed from public data reports; asked for clarity on what impacts increased wall time for units at hospitals; asked if there are community para-medicine models that the City should consider.
- Councilor Zelenka – asked staff about the plan for using the information and implementing the recommendations presented.

MOTION AND VOTE: Councilor Zelenka, seconded by Councilor Keating, moved to extend the meeting by ten minutes. **VOTE: 8:0 PASSED**

- Councilor Zelenka – asked how addressing root causes such as affordable housing, mental health, and substance abuse services would impact the efficiency and effectiveness of the current response system.
- Councilor Semple – asked how the City can reduce the per capita homelessness rates; noted that the City provides an unprecedented level of service that may be impacting the homelessness rates.
- Councilor Clark – asked if the report will have any community expectations and if the current service level is more or less than what the community expects to receive; noted that a report had been completed regarding community expectations several years ago.
- Councilor Groves – stated that converting information and data points into useful information for problem solving is difficult but possible; noted that local non-profits also experience data collection issues that make joint data sharing difficult; noted that calls for service are increasing while funding and resources are shrinking.

Councilor Groves adjourned the meeting at 1:44 p.m.

Respectfully submitted,

Katie LaSala
City Recorder

(Recorded by Sara McKinney)
Webcast of meeting available [here](#).

MINUTES

Eugene City Council Work Session Eugene, Oregon 97401

January 23, 2023
5:30 p.m.

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

Mayor Vinis opened the January 23, 2023, work session of the Eugene City Council in a hybrid format at 101 W 10th Avenue, Eugene OR 97401.

1. **WORK SESSION: Outline of Terms - University of Oregon Autzen Complex Expansion**

City Manager, Sarah Medary, introduced Planning & Development Executive Director, Denny Braud, who presented an outline of terms regarding the University of Oregon Autzen Complex Expansion project proposal.

Councilor Discussion:

- Councilor Evans – asked about access to the Moshofsky Center for other sports and entities; asked staff the deal provides like value for both the City and University of Oregon.
- Councilor Zelenka – noted that the current offer is more beneficial for the City than for University of Oregon; noted the proposal would increase and improve parking for the Science Center, Alton Baker Park, and for disabled individuals; asked staff to clarify the land ownership on the lots south of the river; asked staff about the University's plan for that land.
- Councilor Keating – asked if the City plans to build parking on the lots south of the river adjacent to University owned land; asked if the Science Center is in support of the proposal; asked if this proposal has been discussed with Whilamut Citizen Planning Committee; asked how common it is to have proposed \$1 million donation for an undetermined mutually beneficial community project; noted concerns about the proposed donation; noted concerns with the University's proposal to build a third practice facility.
- Councilor Yeh –noted that the Science Center is losing parking and access for patrons; asked about next steps if Science Center lease cannot be negotiated satisfactorily; stated that she is concerned about the impacts to the Science Center; asked about the University of Oregon's role in deciding how the \$1 million donation will be used; noted potential difficulties negotiating the use of the donation.
- Councilor Semple – noted concern regarding impact on the Science Center; asked about the length of the agreement regarding game day parking revenue between the Science Center and University of Oregon; noted appreciation for the mutually beneficial proposal; noted support for the proposal; asked for an update on the quiet zone project.
- Councilor Clark –is in favor of the land swap proposal; asked about the square footage of the Science Center; asked what the Science Center pays in rent to the City;

asked about potential impacts if the University of Oregon changes sports conference affiliations; asked if student enrollment increases will impact this project.

- Councilor Groves – noted that the impact on the Science Center is a concern, but believes it can be worked out; noted that this proposal is a good value for the community; noted concern about the overall end design of the new facility; asked staff to clarify the City’s approval authority over the final designs; noted the importance of aesthetics and design for a large building at a main entrance to the City; stated interest in hearing the details of the deal as they unfold.
- Councilor Yeh – noted that the details of the proposal are important; stated that mitigating operational impacts on the Science Center are necessary for a positive outcome; asked staff to clarify if the Science Center would have access to the proposed new parking;; noted she would support the proposal.
- Councilor Zelenka – noted that the donation could be used for more than one project; noted that the donation placed in an escrow account would gain interest; stated that a joint project with the donated funds could be mutually beneficial; noted that moving the fence around Cuthbert Theater would improve the proposal.
- Mayor Vinis – noted appreciation for the work done to improve the proposal from the original proposed offer from the University of Oregon; noted the importance to remain committed to the Science Center’s continued services.

MOTION AND VOTE: Councilor Groves, seconded by Councilor Keating, moved to approve the Outline of Terms included in Attachment A and authorize the City Manager to enter into an agreement with the UO consistent with these terms. **VOTE: PASSED 7:1** (opposed by Keating)

2. **WORK SESSION: Strategic Planning Update**

City Manager, Sarah Medary, and City Manager’s Office Director, Brooke Freed, provided and update on strategic planning.

Councilor Discussion:

- Councilor Semple – noted that the Strategic plan has not changed; noted an interest in next steps; noted concern over the amount of time action has taken.
- Councilor Zelenka – asked staff how the strategic plan focus areas relate to the goals and outcomes from June 2021; asked if sustainability is still a focus area; noted that in the community survey housing, homelessness, public safety, and climate change were the primary concerns but are not outlined in the strategic plan; will wait to see how the strategic plan connects to the goals and outcomes.
- Councilor Evans – noted concern over belonging and access to services throughout the City; noted that some parts of the community do not have the culture of belonging; noted that the Bethel area feels disconnected from the City; stated the culture of belonging should be extended from the City as an employer to the City’s residents.
- Councilor Yeh – noted that it takes time to develop a strategic plan; stated preference for connecting our core values into the strategic plan and then into actions; noted concern over confusion to the public and making sure that the plan is clear and understandable.

- Councilor Clark – stated that he was unable to connect in all parts of the strategic planning divisions at the September workshop; noted concern over how the phrase a culture of belonging was interpreted; spoke in favor of a better sense of belonging to carry throughout the City.
- Councilor Yeh – noted agreement that a stronger culture of belonging is needed throughout the City; noted that strategic plans are for a limited period of time; stated that not every concern can be addressed in a strategic plan.
- Councilor Evans – recommended a book on the culture of belonging in an organization; noted the importance of listening to the needs of the community.
- Mayor Vinis – noted that the list of urgent community needs is missing climate change and economic development; stated it is important to look forward.

Mayor Vinis adjourned the meeting at 7:02 p.m.

Respectfully submitted,

Katie LaSala
City Recorder

(Recorded by Cherish Bradshaw)
Webcast of meeting available [here](#).

MINUTES

Eugene City Council Meeting Eugene, Oregon 97401

January 23, 2023
7:30 p.m.

Councilors Present: Emily Semple, Matt Keating, Alan Zelenka, Jennifer Yeh, Mike Clark, Greg Evans, Lyndsie Leech

Councilors Absent: Randy Groves

Mayor Vinis opened the January 23, 2023, meeting of the Eugene City Council in a hybrid in-person and virtual format at 101 W. 10th Avenue, Suite 114, Eugene, OR 97401.

1. CEREMONIAL MATTERS

Mayor Vinis read proclamations for Lunar New Year, International Holocaust Remembrance Day, and World Religion Day.

2. COMMITTEE REPORTS AND ITEMS OF INTEREST

- Councilor Semple – reminded community members that it is their responsibility to clear the leaves from their sidewalks.
- Councilor Keating – noted the recent addition of a Sustainability Commission member from Ward 2; noted recent mass shootings and statistics about gun violence in the United States.
- Councilor Yeh – stated that the Metropolitan Wastewater Management Commission meets every second Friday and noted various commission updates regarding budgets, permits, and recruitment; noted that she spent the weekend celebrating the Lunar New Year with family.
- Mayor Vinis – spoke about her recent trip to the US Conference of Mayors; noted that while in Washington D.C. she had also met with Climate Mayors and the Environmental Protection Agency.

3. CONSENT CALENDAR 1

A. Approval of City Council Minutes

- January 4, 2023 State of the City
- January 9, 2023 Work Session
- January 11, 2023 Work Session

B. Approval of City Council Tentative Agenda

C. Adoption of a Resolution Approving A Low-Income Rental Housing Property Tax Exemption

Council Discussion

- Councilor Zelenka – noted the benefits of the resolution to approve a low-income rental housing property tax exemption.

MOTION AND VOTE: Councilor Keating, seconded by Councilor Zelenka, moved to approve the items on Consent Calendar 1.

VOTE: PASSED 7:0

4. PUBLIC FORUM

1. Richard Locke – spoke about the effects of homelessness in Ward 7.
2. Bethany Cotton – spoke in favor of electrification.
3. Sheree Miller – spoke in favor of the proposed noise ordinance.
4. Steve Ochs – spoke in favor of the Homes for Good Housing Agency proposal.
5. Angela Englert – spoke in favor of the proposed noise ordinance.
6. Greg Vik – spoke about the effects of homelessness on the community.
7. Grace Brahler – spoke in favor of electrification.
8. Liz Ness – spoke about the Rotary Club of Eugene.
9. Carolyn Partridge – spoke in favor of electrification.
10. William Smith – spoke on wireless safety and broadband infrastructure.
11. Angelique Orman – spoke in favor of the proposed noise ordinance.
12. Chuck Areford – spoke in favor of electrification.
13. Abraham Kelso – spoke in favor of electrification.
14. Debra McGee – spoke in favor of electrification.
15. Jim Neu – spoke in favor of electrification.
16. Valerie Rosenberg – spoke in favor of electrification.
17. Laura Shoe – spoke in favor of the proposed noise ordinance.
18. Allen Hancock – spoke in favor of a bike path improvement.
19. Mason Tyler – spoke in favor of electrification.
20. Stefan Strek – spoke in favor of world peace and ending hunger.
21. Caitlin Howard – spoke in favor of electrification.
22. Thomas Newman – spoke in favor of the University of Oregon expansion.
23. Dharmika Henshel – spoke in favor of the proposed noise ordinance.
24. Samuel Blake – spoke in favor of electrification.
25. Charlie Fortenberry – spoke in favor of the Homes for Good Housing Agency proposal.
26. Joshua Korn – spoke about wireless safety and broadband infrastructure.

Council Discussion

- Councilor Keating – noted his appreciation for Liz Ness and Carolyn Partridge’s testimonies.

5. CONSENT CALENDAR 2

A. Approval of a Resolution Annexing Land to the City of Eugene (Assessor’s Map 17-04-24-31, Tax Lot 04500 Located at 800 River Road). (City File: A 22-6

B. Approval of a Resolution Annexing Land to the City of Eugene (Assessor’s Map 17- 04-24-21, Tax Lot 06800 located at 90 Arbor Drive) (City File: A 22-9)

MOTION AND VOTE: Councilor Keating, seconded by Councilor Zelenka, moved to approve the items on Consent Calendar 2.

VOTE: PASSED 7:0

6. ACTION: Approval of Resources for Housing Affordable to Low-Income Persons

Council Discussion

- Councilor Clark – asked staff when the naval reserve was vacated and announced as surplus; asked about the approval timeline to use the site for affordable housing; asked if there had been any other proposed uses for the site; stated his support for the proposal.
- Councilor Zelenka – asked about the source of the funding for the City Fee Assistance program; asked about the value of the property; noted his excitement for the project; noted that all new local affordable housing has been subsidized; stated that the City will need to change its strategy to meet its affordable housing goals; stated his support for the proposal.
- Councilor Semple – noted various aspects of the project’s design; stated her support for the proposal.

MOTION AND VOTE: Councilor Keating, seconded by Councilor Zelenka, moved to award Homes for Good the former Naval Reserve property (identified on Attachment A to this AIS) for development of the Naval Reserve Apartments and Early Learning Center, provided Homes for Good secures project financing no later than June 1, 2024. Further, move to recommend awarding \$1,176,575 of HOME funds for the proposal, provided Homes for Good secures project financing no later than June 1, 2024.

VOTE: PASSED 7:0

7. ACTION: An Ordinance Concerning Regulations for Commercial and Industrial Noise; Amending Section 6.750 of the Eugene Code, 1971; and Adding Section 6.752 to that Code.

Council Discussion

- Councilor Clark – stated that the community has work to do regarding the integration point of industrial and residential areas; stated his support for the ordinance.
- Councilor Leech – noted that for this case, the normal 30-day implementation should be waived.
- Councilor Zelenka – asked about the sound engineer who served as a consultant for this ordinance; asked about the consequences for ordinance violators; noted that this ordinance will correct a loophole; stated support for the ordinance.

MOTION: Councilor Keating, seconded by Councilor Zelenka, moved to adopt the Ordinance Concerning Regulations for Commercial and Industrial Noise; Amending Section 6.750 of the Eugene Code, 1971; and Adding Section 6.752 to that Code.

MOTION TO AMEND: Councilor Leech, seconded by Councilor Zelenka, moved to amend the ordinance to add a new section four declaring an emergency caused by persistent and unregulated vibrations and low frequency sounds and providing for an immediate effective date with the affirmative vote of two-thirds on the members of the City Council.

Council Discussion

- Councilor Clark – noted his hesitations about adopting an emergency clause; stated that he was willing to discuss the necessity of the amendment.
- Councilor Leech – noted that the residents have been impacted for several years and that the company has had opportunities to provide solutions.
- Councilor Semple – stated support for the amendment.

VOTE ON MOTION TO AMEND: PASSED 6:1 (opposed by Councilor Clark)

VOTE ON MAIN MOTION AS AMENDED: PASSED 7:0

Mayor Vinis adjourned the meeting at 9:22 p.m.

Respectfully submitted,

Katie LaSala
City Recorder

(Recorded by Cherish Bradshaw)

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

MINUTES

Eugene City Council and Urban Renewal Agency Work Session Eugene, Oregon 97401

January 25, 2023
12:00 p.m.

Councilors Present: Greg Evans, Matt Keating, Jennifer Yeh, Mike Clark, Randy Groves, Alan Zelenka, Lyndsie Leech and Emily Semple

Mayor Vinis opened the January 25, 2023, work session of the Eugene City Council and Urban Renewal Agency in a hybrid format at 101 W 10th Avenue, Eugene OR 97401.

1. **EXECUTIVE SESSION Pursuant to ORS 192.660(2)(e) real property transactions**
2. **WORK SESSION: Downtown Priorities and Projects and Downtown Urban Renewal District**
Agency Director, Sarah Medary, introduced Community Development Director, Will Dowdy, Downtown Team Manager, Eric Brown, and Development Programs Manager, Amanda D'Souza, who presented the Downtown Priorities and Downtown Urban Renewal District.

Councilor Discussion:

- Councilor Clark – asked about recent changes in law for use of urban renewal funds and potential impacts; noted that the district will be a good tool for improvements; believes that the district increases the value of properties which will improve tax income in the future.
- Councilor Groves – noted that the district could help make downtown secure and vital; noted that capital improvements like lighting and infrastructure can increase safety; is in support of the suggested motion.
- Councilor Leech – supports the suggested motion; noted concerns for equitable infrastructure improvement throughout the City; would like information to be provided to the public outlining why specific areas are getting upgrades or services over others.
- Councilor Evans – asked how 4J School District would be financially impacted if the district were to sunset; discussed under-utilized rooftops in downtown that could be used to develop urban agriculture spaces; asked about expanding the district to develop a convention center space at Graduate Hotel.
- Councilor Zelenka – is not in favor of the tax increment financing that renewal districts use; noted other funding options exist for improvements; supports exploring options for downtown projects; noted that the timing for this topic aligns well with other topics being considered; would support including 10th and Olive block in the opportunity area; thinks it is important to consider how moving City offices out of the downtown core will impact the area and to develop a plan to counteract any negative impacts.
- Councilor Keating – asked staff to clarify map coloring and outlines in the presentation; clarified timing around adjusting the boundaries of the district; noted

the potential of a new baseball facility at the fairgrounds and the benefits of connecting to downtown.

- Councilor Semple – asked if the Lane County fairgrounds would be a separate district; asked about a sunset date for the district if it is renewed; noted that other funding options have not been discussed; noted concern over pet waste in dense housing areas; noted that there are ten downtown districts; would like a clarity on what is considered under the term downtown; would like a work session to define the downtown boundaries more clearly; noted that the corner of Olive and Broadway experience the worst issues in the area.

MOTION AND VOTE: Councilor Zelenka, seconded by Councilor Keating, moved to extend the meeting by ten minutes. **VOTE: 8:0 PASSED**

- Mayor Vinis – noted the lack of housing density in downtown is an issue; asked if there is an assessment of commercial spaces in downtown that could be repurposed for housing; noted there is a critical problem in a specific geographic area that is vital to rebuilding a safe and vibrant downtown; is against expanding the district if it will dilute the focus for the identified area.
- Councilor Clark – would support housing as the primary use for extending the district; asked staff if boundaries can be changed both to the south and west; asked if the district can extend enough to encompass the fairgrounds.
- Councilor Zelenka – noted that the Multi Unit Property Tax Exemption program was recently revamped; housing, safety, and commerce would be his top priorities for downtown renewal projects; noted that expanding the boundaries could dilute the effectiveness of the proposed projects.
- Councilor Groves – would like information about expanding the district and the legal and financial implications of doing so; noted that the entire district should be considered when addressing critical issues.
- Councilor Semple – noted the Multi Unit Property Tax Exemption changes may have overcomplicated the process and deterred developers from applying; is opposed to expanding the district; noted the fairgrounds should not be included in the district.

MOTION AND VOTE: Councilor Groves, seconded by Councilor Keating, move to direct the Agency Director to draft a proposal to amend the Downtown Urban Renewal Plan to expand the District's financial capacity and add language to allow urban renewal funds to be used for additional eligible projects, and further direct the Agency Director to schedule a work session to allow the Board to review and comment on that proposal.

Councilor Discussion:

- Councilor Yeh – asked to clarify if the motion directs to explore expansion of the district;
- Councilor Zelenka – noted that the motion is not approving the renewal, only to draft the proposal.

VOTE: 8:0 PASSED

Mayor Vinis adjourned the meeting at 1:44 p.m.

Respectfully submitted,

Katie LaSala
City Recorder

(Recorded by Sara McKinney)
Webcast of meeting available [here](#).

MINUTES

Eugene City Council and Urban Renewal Agency Special Meeting Eugene, Oregon 97401

January 30, 2023
5:30 p.m.

Councilors Present: Greg Evans, Matt Keating, Jennifer Yeh, Mike Clark, Randy Groves, Alan Zelenka, Lyndsie Leech and Emily Semple

Mayor Vinis opened the January 30, 2023, special meeting of the Eugene City Council and Urban Renewal Agency in a hybrid format at 101 W 10th Avenue, Eugene OR 97401.

1. SPECIAL MEETING: Outline of terms – EWEB HQ Purchase

City Manager, Sarah Medary, presented information regarding the proposed purchase of the EWEB Headquarters building.

Councilor Discussion:

- Councilor Zelenka – noted that the EWEB building was the most expensive option for City Hall when it was considered previously; supports the proposal with the reduced cost, building updates, creative financing, parking, and Riverfront development; noted that this property purchase would stretch the downtown area to the Riverfront; noted that existing City buildings and park blocks could be redeveloped to bring vibrancy to downtown.
- Councilor Semple – is concerned with City offices leaving downtown; thinks the old City Hall building was an iconic structure and a great loss; noted that the cost of the property has changed significantly; is concerned about the building layout and functionality; asked about the building's seismic stability; is concerned about accessibility for people that ride the bus; supports having City offices being open to public five days a week; is concerned with loss of workers daily in the downtown core.
- Councilor Groves – noted this purchase makes sense in many ways; is concerned about keeping downtown safe and accessible; will support the suggested motion; noted that the old city hall building was falling down and was not sustainable; asked if the EWEB building was built to a higher seismic standard as an operations center; asked City Manager to speak to efforts for safety and accessibility of downtown.
- Councilor Clark – will support the motion; thanked EWEB and City staff for the combined work on this project.
- Councilor Keating – noted that the price and location are right and is interested in the opportunities the EWEB property offers; asked what housing or other special projects are possible with the property surrounding the EWEB headquarters; will support this motion.
- Councilor Evans – stated support for the project.
- Councilor Yeh – stated appreciation for staff being open to discussing and considering the property with the change in circumstance; noted that accessibility for bus riders will be important.

- Councilor Leech – noted that the proposed purchase is a great investment; noted that bus access will be important; has concerns for ensuring that downtown safety and accessibility are addressed.
- Councilor Zelenka – noted that the old city hall lost its heating system when the steam plant closed and the costs to improve the building were too steep; noted the importance of continuing to improve downtown safety and development.
- Councilor Semple – noted that innovative ways to improve downtown have not been brought forward prior to this proposed purchase; will not support the motion.
- Councilor Groves – noted that it is up to Council to ensure there is a pathway to downtown safety.

MOTION AND VOTE: Councilor Groves, seconded by Councilor Keating, move to authorize the City Manager to execute a Purchase and Sale Agreement for the acquisition of the EWEB headquarters buildings and property consistent with the terms outlined in Attachment A and to authorize the City Manager to close on the property purchase once due diligence is complete and all conditions of closing are satisfied.

VOTE: 7:1 PASSED (opposed by Councilor Semple)

MOTION AND VOTE: Councilor Groves, seconded by Councilor Keating, move to include recommendations for the area near Olive and 10th and the Park Blocks as part of the transition planning for City services and to keep City Council informed about the overall transition process. **VOTE: 8:0 PASSED**

Mayor Vinis adjourned the meeting at 6:12 p.m.

Respectfully submitted,

Katie LaSala
City Recorder

(Recorded by Sara McKinney)
Webcast of meeting available [here](#).

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Approval of Tentative Working Agenda

Meeting Date: February 13, 2023
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 3B
Staff Contact: Brooke Freed
Contact Telephone Number: 541-682-5010

ISSUE STATEMENT

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

BACKGROUND

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

COUNCIL OPTIONS

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

SUGGESTED MOTION

Move to approve the items on the Tentative Working Agenda.

ATTACHMENTS

A. City Council Tentative Working Agenda

FOR MORE INFORMATION

Staff Contact: Brooke Freed
Telephone: 541-682-5010
Staff E-Mail: bfreed@eugene-or.gov



City Council Tentative Agenda

Updated Feb 10, 2023

City Council meetings will continue to be held using hybrid and virtual meeting technology. Meeting materials and information about how to access these meetings will be available at <https://www.eugene-or.gov/3360/Webcasts-and-Meeting-Materials>.

February 2023					
Date	Day	Time	Title	Length	Dept. Contact
13-Feb	Monday	5:30 pm	 Resolution Referring Parks and Recreation Levy (Work Session, Possible Action)		Staff, PW and LRCS
			 Production of a Voters' Pamphlet for the May 16, 2023, Election (Possible Action)		Katie LaSala, CS
Work Session Location: Public via Virtual Only					
13-Feb	Monday	7:30 pm	 Committee Reports and Items of Interest		Michelle Miranda, PW
			 Appointment to MWMC (Consent Calendar 1)		
			 Public Forum		Dylan Huber-Heidorn, PDD
			 Skinner Butte Height Amendment (Action)		
Meeting Location: Public via Virtual & Council Chambers, Room 114					
15-Feb	Wednesday	12 pm	 Urban Reserves (Work Session)	60 mins	Rebecca Gershow, PDD
Work Session Location: Public via Virtual Only					
15-Feb	Wednesday	5:30 pm	 Budget Committee: Capital Improvement Program (Budget Committee Meeting)		Vicki Silvers, CS
Budget Committee Location: Virtual Only					
21-Feb	Tuesday	5:30 pm	 Ordinance Concerning Budget Committee Term and Amending Sections 2.013 and 2.604 of the Eugene Code (Public Hearing)		Vicki Silvers, CS
			 Annexation Withdrawals (Public Hearing)		Jeff Gepper, PDD
			 Floodplain Development Code Amendments (Public Hearing)		Jack Blackham, PW
Public Hearing Location: Public via Virtual & City Council Chambers, Room 114					



Work Session



Action



Public Hearing



Public Forum



Consent Calendar



Committee Reports/Items of Interest



Ceremonial Matters



Pledge of Allegiance

22-Feb	Wednesday	12 pm	 Advanced Terminal Study - Eugene Airport (Work Session)	45 mins	Cathryn Stephens, PW
			 Civilian Oversight System (Work Session)	45 mins	Leia Pitcher, PA
Work Session Location: Public via Virtual Only					
27-Feb	Monday	5:30 pm	 Budget Update (Work Session)	45 mins	Sarah Medary, CMO
			 TBD (Work Session)	45 mins	Staff
Work Session Location: Public via Virtual Only					
27-Feb	Monday	7:30 pm	 Committee Reports and Items of Interest		Jeff Gepper, PDD
			 Public Forum		
			 Annexation Withdrawals (Action)		
Meeting Location: Public via Virtual & Council Chambers, Room 114					
28-Feb	Tuesday	6:00 pm	 Joint Lane County and City of Eugene Public Hearing regarding Urban Reserves (Public Hearing)		Rebecca Gershow, PDD
Joint Public Hearing Location: Virtual Only					

UPCOMING PUBLIC HEARINGS			
Date/Time	Topic/Title	Description	Staff Contact
Feb 21, 5:30 pm	Budget Committee Term; Amending EC 2.013 and 2.604	The City Council will hold a public hearing to consider An Ordinance Concerning Budget Committee term and amending sections 2.013 and 2.604 of the Eugene Code. The proposed ordinance will be posted online: https://www.eugene-or.gov/1781/Proposed-Ordinances	Vicki Silvers, CS VSilvers@eugene-or.gov 541-682-5082
Feb 21, 5:30 pm	Annexation Withdrawals	The City Council will hold a public hearing to consider An Ordinance Concerning the withdrawal of annexed properties from the following special districts: Goshen Rural Fire Protection District; Junction City Water Control District; Lane Fire Authority; River Road Park & Recreation District; River Road Water District; Santa Clara Rural Fire Protection District; Santa Clara Water District; Willakenzie Rural Fire Protection District; and Willamalane Park and Recreation District. The proposed ordinance will be posted online: https://www.eugene-or.gov/1781/Proposed-Ordinances	Jeff Gepper JGepper@eugene-or.gov 541-682-5282

Feb 21, 5:30 pm	Floodplain Development Code Amendments	The City Council will hold a public hearing to consider An Ordinance Concerning Flood Hazard Areas and Amending Sections 9.0500; 9.6705, 9.6706, 9.6707, 9.6708 and 9.6709 of the Eugene Code, 1971, and Providing an Effective Date. The proposed ordinance will be posted online: https://www.eugene-or.gov/1781/Proposed-Ordinances	Jack Blackham, PW JBlackham@eugene-or.gov 541-731-3873
Feb 28, 6:00 pm	Joint Lane County and City of Eugene Public Hearing regarding Urban Reserves	The Eugene City Council and Lane County Board of Commissioners will hold a public hearing to consider An Ordinance Establishing Urban Reserves for the City of Eugene; Amending the Eugene-Springfield Metropolitan General Plan; Amending the Envision Eugene Comprehensive Plan; and Amending the Public Facilities and Services Plan. The proposed ordinance will be posted online: https://www.eugene-or.gov/1781/Proposed-Ordinances	Rebecca Gershow, PDD RGershow@eugene-or.gov 541-682-8816

Approved Work Session Polls to be Scheduled	Councilor	Date Approved
Fossil Fuel Risk Bonds – TBD	Groves, Syrett	10/21/21
Gas Stations – TBD	Keating	4/15/22
Bethel Area Plan – TBD	Evans	7/22/22

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Appointment to the Metropolitan Wastewater Management Commission

Meeting Date: February 13, 2023

Department: Public Works

www.eugene-or.gov

Agenda Item Number: 3C

Staff Contact: Michelle Miranda

Contact Telephone Number: 541-682-8615

ISSUE STATEMENT

This is an action item to appoint a member to the Metropolitan Wastewater Management Commission.

BACKGROUND

The Metropolitan Wastewater Management Commission is an intergovernmental partnership of the City of Eugene, City of Springfield, and Lane County to provide regional wastewater collection and treatment services for about 256,000 community members in the metropolitan region. The governing body for the Metropolitan Wastewater Management Commission is comprised of seven members, including two from the City of Springfield, two from Lane County, and three from the City of Eugene. Of the seven members, each agency has one elected member. The remaining four members are appointed to the Metropolitan Wastewater Management Commission and are referred to as citizen representatives or citizen members. Citizen members are nominated by the Mayor and appointed by the Council. The members serve for three-year terms and/or at the pleasure of the governing body appointing that member and may serve for as many terms as determined by the governing body.

Commissioner Walt Meyer vacated his Metropolitan Wastewater Management Commission seat in November 2022. This appointment will fill the vacated Eugene Citizen Representative seat.

Staff received five applications for this vacancy and interviewed two applicants. Staff made a recommendation to Mayor Vinis to nominate Christopher Hazen. Mayor Vinis nominates Christopher Hazen to serve as a Eugene citizen representative on the Metropolitan Wastewater Management Commission.

COUNCIL OPTIONS

1. Appoint the applicant nominated by Mayor Vinis.
2. Appoint another applicant from the pool.
3. Seek additional candidates for the position.

SUGGESTED MOTION

Move to appoint Christopher Hazen to the Metropolitan Wastewater Management Commission beginning February 13, 2023.

ATTACHMENTS

- A. Provided under separate cover.
- B. Bylaws of the Metropolitan Wastewater Management Commission.

FOR MORE INFORMATION

Staff Contact: Michelle Miranda
Telephone: 541-682-8615
Staff E-Mail: MMiranda@eugene-or.gov

BYLAWS OF THE
METROPOLITAN WASTEWATER MANAGEMENT COMMISSION

ARTICLE 1. *Establishment*

The Metropolitan Wastewater Management Commission has been officially established through the authority of the Metropolitan Wastewater Management Commission Agreement, dated February 9, 1977, signed by the governing bodies of Eugene, Springfield, and Lane County.

ARTICLE II. *Purposes and Objectives*

The purposes and objectives of this Commission shall be to provide sewerage on a unified basis for the projected Eugene-Springfield metropolitan area. The Commission may take any action necessary or convenient to perform its functions and duties as specified in the establishing agreement. The Commission's responsibility as set forth in the establishing agreement includes, but is not necessarily limited to, the following:

- (a) To construct, operate, and maintain regional sewerage facilities as described in Appendix "A" of the establishing agreement;
- (b) To recommend the boundaries of a county service district to the Lane County Commissioners;
- (c) To compensate Springfield and Eugene for existing sewerage facilities as defined in Appendix "A" of the establishing agreement;
- (d) To salvage abandoned sewerage facilities;
- (e) To implement a financing plan, based on the financing criteria described in Appendix "B" of the establishing agreement, an annual budget, and an annual financial statement for regional sewerage facilities;
- (f) To adopt a schedule of sewer service charges and connection charges for regional sewer services;
- (g) To establish billing and collection systems, if necessary, in locations where such systems are not provided by others;
- (h) To contract with Eugene, Springfield, and Lane County for operation and maintenance of the regional sewerage facilities and for other services as necessary;
- (i) To contract for consultant services;

Restated MWMC Bylaws
As amended March 16, 1995
Approved by Commission March 9, 2009

- (j) To provide service only to Eugene, Springfield, and Lane County;
- (k) To comply with State and Federal standards;
- (l) To adopt minimum uniform standards for pretreatment requirements for industrial and other wastes as necessary;
- (m) To adopt minimum standards for construction and maintenance of local sewage collection systems; and
- (n) To plan and make recommendations to Eugene, Springfield, and Lane County for expansion and improvement of regional sewerage facilities.

ARTICLE III. *Membership and Voting*

- Section 1. The Commission shall consist of seven voting members.
- Section 2. Each of the governing bodies shall appoint to the Commission one elected official of the governing body.
- Section 3. The City Council of Eugene shall appoint two additional members to the Commission. The City Council of Springfield and the Lane County Commissioners shall each appoint one additional member to the Commission.
- Section 4. Members of the Commission shall serve for three-year terms and/or at the pleasure of the governing body appointing that member. Commission members may serve for as many terms as determined by the governing body.
- Section 5. Notwithstanding the terms of office specified, the members first appointed to the Commission shall serve for terms as determined by the following:
 - (a) The elected officials who are appointed to the Commission shall serve for terms determined as follows:
 - (1) Eugene's representative shall serve for a term ending on February 1, 1978.
 - (2) Springfield's representative shall serve for a term ending on February 1, 1979.
 - (3) Lane County's representative shall serve for a term ending on February 1, 1980.
 - (b) The remaining Commission members shall serve for terms determined by the following:

Restated MWMC Bylaws

As amended March 16, 1995

Approved by Commission March 9, 2009

- (1) Lane County's representative shall serve for a term ending on February 1, 1978.
- (2) One Eugene representative, as designated by the Eugene City Council, shall serve for a term ending on February 1, 1979.
- (3) Springfield's representative and Eugene's remaining representative shall serve for a term ending on February 1, 1980.

ARTICLE IV. *Meetings of the Commission*

- Section 1. Regular meetings of the Commission shall be held at least monthly in a location and at a time specified in advance of said meetings. Regular meetings may be held more frequently, as necessary.
- Section 2. Special meetings of the Commission may be called by the President of the Commission. Notice of any special meeting of the Commission, setting forth the time, location and purpose thereof, shall be given at least twenty-four hours prior thereto by personal contact or by mail to each member.
- Section 3. Five members of the Commission shall constitute a quorum, provided that at least one member appointed by each governing body is present. Decisions of the Commission shall require a majority vote of the entire membership unless otherwise provided in the establishing agreement or these bylaws.
- Section 4. Each member shall be entitled to one vote on all issues presented at meetings at which the member is present.
- Section 5. Commission members shall be entitled to vote through any designated alternate, but not by proxy.
- Section 6. All meetings shall be conducted in accordance with "Robert's Rules of Order."
- Section 7. Members may attend meetings and cast votes via telephone or similar communications equipment, provided that arrangements are made to enable all persons participating in the meeting to hear each other and that allow the public to listen to all communications made over the telephone when required by law.

ARTICLE V. *Officers and Duties*

- Section 1. The members of the Commission shall elect a President, who shall preside at all meetings, and a Vice-President, who shall perform the duties of the President in the latter's absence.

Restated MWMC Bylaws

As amended March 16, 1995

3 Approved by Commission March 9, 2009

Section 2. The officers, with the exception of those first elected, shall be elected annually at the first meeting in March.

Section 3. A member of the Commission's staff shall attend all meetings, keep minutes of the meetings, and be the custodian of the Commission records.

Section 4. The Commission will adopt all administrative rules and policy statements through a formal resolution process.

ARTICLE VI. *Hearings Procedure and Notice Requirements*

Section 1. The Commission is adopting procedures and notice requirements governing the conduct of hearings pursuant for complaints from property owners who are aggrieved (hereinafter "Appellant") by any of the following:

- (a) Rule of the Commission;
- (b) Sewerage rules, regulations, policies, or practices of Eugene, Springfield, or Lane County; and
- (c) Any aspect of the sewerage operations of Eugene, Springfield, or Lane County.

The procedures are intended to promote a hearing process that is simple, efficient, and expeditious for all parties. The Commission encourages informal resolution of complaints. The Commission, the Commission's Executive Officer, or a designee of the Commission's Executive Officer may appoint a hearings official to conduct hearings and report recommended findings and conclusions to the Commission.

Section 2. A Request for Hearing must be submitted to the Commission as follows:

- (a) A Request for Hearing in the form attached hereto as Attachment 1, or as specified by the Commission's Executive Officer or a designee of the Commission's Executive Officer, must be completed and signed by Appellant;
- (b) A copy of the decision being appealed must be included with the Request for Hearing; or, if applicable, a concise description of the rule, regulation, policy, practice, or aspect of sewerage operation that Appellant is aggrieved by must be included with the Request for Hearing;
- (c) If oral argument before the Commission or hearings official is desired by Appellant, it must be requested at time of filing or it will be waived, unless requested by either the Commission or any other party;

Restated MWMC Bylaws

4

As amended March 16, 1995

Approved by Commission March 9, 2009

- (d) Failure to file the Request for Hearing with all required information may result in dismissal;
- (e) A hearing date will be set by the Commission's Executive Officer, a designee of the Commission's Executive Officer, or the hearings official if one is appointed. Unless otherwise mutually agreed to by all parties and approved by the Commission's Executive Officer, a designee of the Commission's Executive Officer, or the hearings official, the hearing date will generally be within 60 days of the date of filing the Request for Hearing;
- (f) The Request for Hearing and all required information must be filed (received by the Commission at its office at 225 Fifth Street, Springfield, OR 97477) no later than 5:00 p.m. on the last day set for appeal by any applicable provisions of the Eugene Code, Springfield Code, or Lane County Code; and
- (g) The Commission's Executive Officer, a designee of the Commission's Executive Officer, or the hearings official if one is appointed shall generally provide at least 15 days prior written notice of the hearing to each party and such notice shall include whether the hearing will be before a hearings official or the Commission.

Section 3. Written submissions to the Commission or hearings official shall comply with the following:

- (a) Appellant's initial brief, and any documentary evidence, must be filed within 14 days of the date Appellant filed the Request for Hearing;
- (b) Respondent's brief (including a request for oral argument), if any, and any documentary evidence, must be filed within 14 days of the date Appellant's brief was filed;
- (c) Appellant's reply brief, if any, must be filed within 7 days of the date that Respondent's brief was filed;
- (d) Copies of all briefs must be served on all other parties on the day of filing; and
- (e) Brief length may be limited by the Commission's Executive Officer, a designee of the Commission's Executive Officer, or the hearings official.

Section 4. Oral argument, if requested, shall be conducted by the Commission or the hearings official as follows:

- (a) Appellant may first present oral argument;

Restated MWMC Bylaws
As amended March 16, 1995

Approved by Commission March 9, 2009

- (b) Respondent may present oral argument;
- (c) Appellant may rebut Respondent's oral argument;
- (d) Oral argument may be limited by the Commission or the hearings official;
- (e) The hearing shall be an informal hearing: the rules of evidence shall not apply, and neither witnesses nor cross-examination of other parties shall be allowed unless ordered by the Commission, the Commission's Executive Officer, a designee of the Commission's Executive Officer, or the hearings official; and
- (f) The hearing may be adjourned from time to time by the Commission or the hearings official if necessary.

- Section 5.
- (a) The Commission or the hearings official may make summary determination on all or part of the appeal at any time;
 - (b) The Commission shall issue a written decision. The decision shall generally be issued within the time set by any applicable provisions of the Eugene Code, Springfield Code, or Lane County Code;
 - (c) The Commission or the hearings official may decide that the Commission has no basis to make the requested determination or make a recommendation;
 - (d) The Commission, the Commission's Executive Officer or the hearings official may dismiss the Appellant's Request for Hearing for failure to comply with these procedures; and
 - (e) The Commission, the Commission's Executive Officer or the hearings official may modify any of the above procedures for good cause shown or when the interests of justice so require.

ARTICLE VII. *Budgetary Procedures*

As soon as practicable, the Commission shall adopt within these bylaws procedures and standards for governing the preparation of an annual and supplemental budgets.

ARTICLE VIII. *Central Office*

The central office for the Commission is designated as follows:

Metropolitan Wastewater Management Commission
225 Fifth Street
Springfield, OR 97477

Restated MWMC Bylaws
As amended March 16, 1995

6 Approved by Commission March 9, 2009

ARTICLE IX. *Amendments to Bylaws*

These bylaws may be amended or repealed or new bylaws may be adopted by a majority vote of the Commission members. Written notice of proposed amendments and the nature thereof shall have been given to the membership of the Commission at least seven days prior to the date of the meeting at which the amendments are to be considered.

Attachment 1: "Request for Hearing" Form

Restated MWMC Bylaws
As amended March 16, 1995
Approved by Commission March 9, 2009

REQUEST FOR HEARING BEFORE THE
METROPOLITAN WASTEWATER MANAGEMENT COMMISSION

Name of Appellant: _____

Street Address: _____

City, State, ZIP: _____

Telephone Number: _____

Discharge Permit Number (if applicable): _____

Date of Adverse Decision (if applicable): _____

Description of adverse decision or, if applicable, a concise description of the rule, regulation policy, practice or aspect of sewerage operation that Appellant is aggrieved by:

Brief description of the facts and arguments supporting the Request for Hearing:

If Appellant will be represented by an attorney, provide attorney's:

Name: _____

Street Address: _____

City, State, ZIP: _____

Telephone Number: _____

Attach copy of adverse decision and other documentation supporting the Request for Hearing.

Signature of Appellant

Date

ATTACHMENT 1

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Public Forum

Meeting Date: February 13, 2023
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 4
Staff Contact: Sara McKinney
Contact Telephone Number: 541-682-8497

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: Sara McKinney
Telephone: 541-682-8497
Staff E-Mail: smckinney@eugene-or.gov

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Action: An Ordinance Concerning the Skinner Butte Height Limitation Area, Amending Section 9.6715 and Figure 9.6715(3) of the Eugene Code, 1971.

Meeting Date: February 13, 2023
Department: Planning and Development
www.eugene-or.gov

Agenda Item: 5
Staff Contact: Dylan Huber-Heidorn
Contact Telephone Number: 541-682-5475

ISSUE STATEMENT

The City Council is scheduled to take action on a land use code amendment to increase the maximum building heights for several parcels located within the Skinner Butte Height Limitation Area to allow for additional development opportunities downtown. The amendment proposes an allowance for taller building heights on four parcels located on the south side of East 5th Avenue between Oak and Pearl Streets, as well as two parcels located on the north side of East 5th Avenue, between Willamette and Pearl Streets. This amendment would increase the allowable building height on the six parcels from 500 feet above mean sea level (approximately 70 feet) to 530 feet above mean sea level (approximately 100 feet). An ordinance which Council may choose to adopt is provided as Attachment A.

BACKGROUND

The Skinner Butte Height Limitation Area ([Eugene Code \(EC\) 9.6715](#)) is a height limitation area in the land use code that 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. In 2018, the City Council approved an increase in the allowable building height for properties within the Skinner Butte Height Limitation Area located on the southern half-block along 6th Avenue. This update was intended to allow for additional building height (up to 110 feet) that would serve as a transition from the downtown core towards the butte. It also helped facilitate development opportunities that assist with City goals of increasing the number of residential units in the downtown area. The Ordinance in Attachment A includes a figure which shows the area where additional height would be allowed and is labeled as Opportunity Area. This includes the southern half block between 5th and 6th street which Council approved additional height for in 2018, and 6 additional parcels which Council is considering adding to the Opportunity Area.

Obie Companies has proposed to construct two apartment developments near the recent 5th Street Market expansion. Similar to the Gordon Lofts, the buildings are envisioned at seven stories tall, roughly 100 feet high, with a total of approximately 313 dwellings constructed above ground-floor retail. As with the Gordon Lofts site prior to the 2018 code amendment, the current restrictions of the Skinner Butte Height Limitation Area do not allow for that level of height. The properties that Obie Companies proposes to develop have an existing ground elevation of approximately 430 feet above sea level, creating an effective height limit of approximately 70 feet (including rooftop equipment and architectural features). It is noted that without the Skinner Butte Height Limitation the zoning of the properties, C-2 Community Commercial and S-F Fifth Avenue Special Area Zone, would typically allow for buildings up to 120 feet tall to be constructed.

An update to the Skinner Butte Height Limitation Area for additional height for the Obie Companies proposal for two mixed-use buildings has the potential to achieve the following Downtown Plan objectives and policies:

- Redevelop two of the identified Development Opportunity Areas, which are currently surface parking lots
- Utilize development tools and incentives to encourage denser development
- Stimulate more housing in downtown
- Facilitate dense development between the core of downtown and the Willamette River
- Emphasize 5th Avenue as a Great Street, especially now that it connects to the river

The Obie proposal is noted for context, though this code amendment is focused on the question of whether additional height is appropriate. If the code is amended as proposed, the property owners would not be obligated to build to any specific design, make use of the additional height allowance, or agree to additional land use restrictions.

CITY COUNCIL PROCESS & PUBLIC HEARING

The Eugene City Council held a public hearing on the proposed land use code amendments on [January 17, 2023](#). Notice of the City Council public hearing was mailed in accordance with Chapter 9 of the Eugene Code. All notice procedures were provided consistent with the Type IV procedures from the Eugene Code. A complete set of record materials for this proposed land use code amendment are available for review at the Planning and Development Department at 99 West 10th Avenue. As a courtesy, some of the materials are also available for review online [here](#).

At the City Council's public hearing of January 17, 2023, nine people provided testimony. Three people spoke in favor of and six people spoke in opposition to the proposed code amendment. Written testimony received through both the Planning Commission and City Council public hearings processes is included as Attachment B. A complete set of record materials has been provided to Councilors electronically and included in the complete set of record materials available in a binder located in the City Council Offices.

Some of the testimony provided at the City Council hearing raised concerns over new structures being built which could present a hazard for birds. While the concern over additional building height resulting in additional bird strikes is understandable, the Council's decision is limited to consideration of the applicable approval criteria. The approval criteria applicable to this proposed land use code amendment require that the proposed amendment be consistent with Statewide Planning Goals and the City's adopted plans and policies. Staff reviewed the Statewide Planning Goals and the City's adopted plans and policies and were not able to identify any specific policies or goals related to bird strikes or impacts to bird migration patterns.

While not applicable to the Council's decision on this proposed land use code amendment, staff did identify protections that the City already has in place which might mitigate impacts of development on birds. These protections include existing code provisions which restrict unshielded upward facing lighting, an extensive network of riparian areas through which birds can travel, and an extensive parks system which provides greenspaces for migratory birds.

PROCEDURES/APPLICABLE APPROVAL CRITERIA

The proposed land use code amendment is subject to Type IV application (quasi-judicial) procedures ([EC 9.7400](#) through [EC 9.7455](#)) as well as the applicable approval criteria in [EC 9.8065](#). The Type IV process includes public notice and a hearing before the Planning Commission which then forwards a recommendation to the City Council. The City Council held its own public hearing and now is being asked to make a final decision on the proposed amendment.

The City Council closed the evidentiary record for this application on Tuesday, January 17, 2022 at approximately 8:30pm. Following the close of the record, several interested parties sent testimony regarding the proposed Skinner Butte Height Limitation Area Amendment to the Mayor and City Council list serve. In the interest of fairness, and to be consistent with the procedures for quasi-judicial procedures in the Eugene Code, the decision maker (in this case the Council) should not consider evidence or argument provided after the record has closed.

To clarify that Council did not consider evidence or argument provided after the close of the record in making their decision on this application, and to ensure consistency with the procedures for this decision in the Eugene Code, Council will be asked to approve a motion to reject and not consider testimony submitted after the record closed. Additionally, Councilors will be asked to declare if they read any testimony that came in after the close of the record and whether they can still act as an impartial decision maker on this application.

PREVIOUS COUNCIL DIRECTION

[July 18, 2022 Work Session](#)

Staff presentation on the Skinner Butte Height Limitation Area and the 5th Street Market expansion plans.

[July 25, 2022 City Council Meeting](#)

Move to initiate a land use code amendment to [Eugene Code \(EC\) 9.6715](#), the Skinner Butte Height Limitation Area. City Council approved 8-0.

[January 17, 2023 Public Hearing](#)

Council held a public hearing on the proposed code amendment.

PLANNING COMMISSION RECOMMENDATION

The Eugene Planning Commission held a public hearing on the proposed land use code amendments on [December 6, 2022](#). Notice of the Planning Commission public hearing was mailed in accordance with Chapter 9 of the Eugene Code. Signs announcing the hearing were posted on and around the affected properties. All notice procedures were provided consistent with the Type IV procedures from the Eugene Code. One person spoke in favor of the proposal at the hearing. After deliberations, the Planning Commission voted unanimously to recommend approval of the proposed land use code amendment.

COUNCIL OPTIONS

The City Council may:

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

CITY MANAGER'S RECOMMENDATION

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

SUGGESTED MOTIONS

Move to reject all testimony received by the City regarding the proposed Skinner Butte Height Limitation Ordinance following the close of the record for that application on Tuesday, January 17, 2023.

AND

Move to adopt An Ordinance Concerning the Skinner Butte Height Limitation Area, Amending Section 9.6715 and Figure 9.6715(3) of the Eugene Code, 1971, included as Attachment A to this AIS.

ATTACHMENTS

- A. Proposed Ordinance
 1. Exhibit A – Figure EC 9.6715(3)
 2. Exhibit B – Findings of Fact
- B. Testimony Received Prior to the close of the record on January 17, 2023

FOR MORE INFORMATION

Staff Contact: Dylan Huber-Heidorn
Telephone: 541-682-5475
Staff E-Mail: dhuber-heidorn@eugene-or.gov

ORDINANCE NO. _____

AN ORDINANCE CONCERNING THE SKINNER BUTTE HEIGHT LIMITATION AREA, AMENDING SECTION 9.6715 AND FIGURE 9.6715(3) OF THE EUGENE CODE, 1971.

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 **Figure Map 9.6715(3) Skinner Butte Height Limitation Area.**)
 - (a) ***Except as provided in subsections (b) and (c),*** ~~Within the Skinner Butte Height Limitation Area, the maximum height of any building or structure is **500 feet above mean sea level.** as follows:~~
 1. ~~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) Where the existing ground elevation ***within the Skinner Butte Height Limitation Area*** is above 460 feet ***or more above*** mean sea level, the maximum height ***of any building or structure*** shall be 40 feet above the existing ground elevation at all points.

(c) *In the area identified as the Opportunity Area on Figure 9.6715(3), the maximum height of any building or structure shall be 530 feet above mean sea level.*

(d-e) In ~~neither~~**no** case shall the maximum height of any building or structure exceed the maximum allowed in the zone.

Section 2. Figure 9.6715(3) is amended as shown in Exhibit A to this Ordinance.

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

Section 4. 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 5. 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. Further, if this Ordinance is remanded back to the City Council for further action by the Oregon Land Use Board of Appeals, those sections, subsections, sentences, clauses, phrases or portions that do not require action on remand shall be deemed separate, distinct, and independent provisions and such remand shall not affect their validity or effect.

Passed by the City Council this

_____ day of _____, 2023

City Recorder

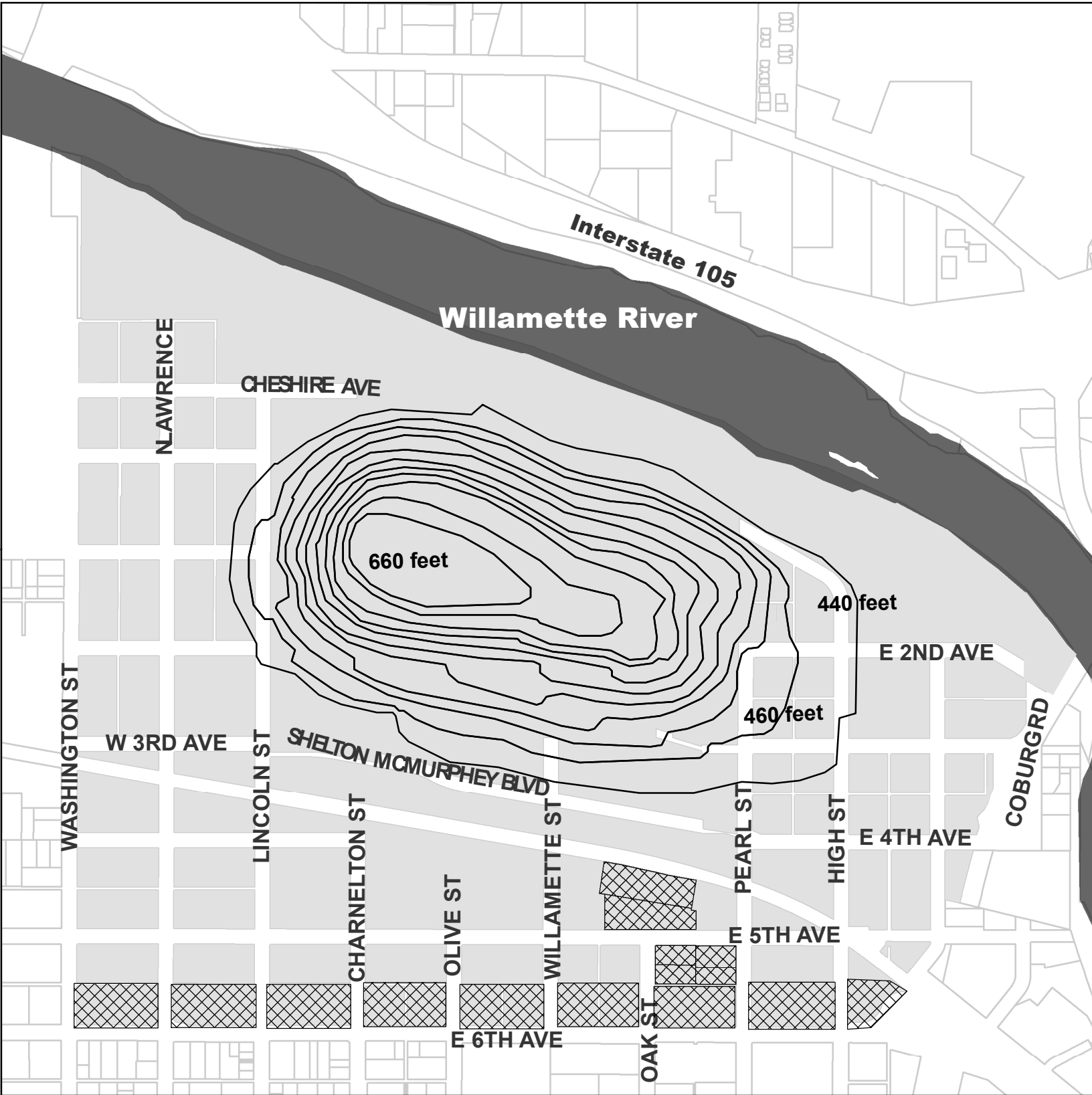
Approved by the Mayor this

_____ day of _____, 2023

Mayor



Skinner Butte Height Limitation Area



 Skinner Butte Height Limitation Area

 Opportunity Area

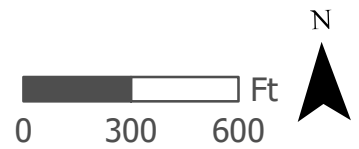


Exhibit B

**Skinner Butte Height Limitation Area Amendment
(City File CA 22-3)****Overview**

Skinner Butte Height Limitation Area Amendment: The goal of this Skinner Butte Height Limitation Area Amendment is to increase allowed building heights for several parcels located within the Skinner Butte Height Limitation Area in order to allow for additional development opportunities in the downtown area. The City undertook a similar process in 2018 which resulted in an amendment to the Skinner Butte Height Limitation Area to allow for higher building heights along the entire southern half block between 5th and 6th Avenues. This code amendment allows for higher building heights on four additional parcels located between 5th and 6th Avenues and Oak and Pearl Streets, as well as two parcels located between 4th and 5th Avenues and Willamette and Pearl Streets. Council unanimously initiated this project on July 25, 2022.

This amendment will increase allowable building heights on the six additional parcels from 500 feet above mean sea level, to 530 feet above mean sea level. This will result in an allowance for buildings up to approximately 100 feet in height, where buildings on those parcels were previously limited to approximately 70 feet in height.

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 ensure 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 October 11, 2022, and a public notice was mailed on October 14, 2022. Additionally, a notice was posted in the Register Guard, the local newspaper of general circulation, on October 26, 2022. Following this initial notice, the date of the public hearing was updated, and additional parties were added to the notice list. A notice announcing the new hearing date was mailed on November 4, 2022. Additionally, signs announcing the hearing were posted in accordance with Chapter 9 of the Eugene Code. A public hearing was held before the Planning Commission on December 6, 2022, followed by deliberations on that same evening. Following deliberations, Planning Commission made

Exhibit B

a recommendation to the Eugene City Council to adopt the Ordinance provided as a draft at the public hearing. The City Council held a public hearing on January 17, 2023. A notice of the public hearing was provided on January 6, 2023 in accordance with Chapter 9 of the Eugene Code. A notice was also published in the Register Guard on December 28, 2022 in accordance with the City Charter.

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

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

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 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 will only affect property located within the City of Eugene and does not affect any land zoned or designated for agricultural use. Therefore, Statewide Planning Goal 3 does not apply.

Goal 4 - Forest Lands. To conserve forest lands.

The amendment will only affect property located within the City of Eugene and does not affect any land zoned or 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*

Exhibit B

- 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, 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 amendment does not affect (a) or (c).

In regards to (b), the properties subject to the amendment do not contain any Goal 5 resources. However, the 1978 Scenic Sites Working Paper and accompanying map, which are 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 predates 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."

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 zoned properties and 120 feet for C-2 Community Commercial zoned properties. Currently, the Skinner Butte Height Limitation Area (HLA) limits the six affected properties to a maximum building height of 500 feet above mean sea level, or approximately 70 feet above grade. South of the six affected parcels, the half-block strip on the north side of 6th Avenue (within the HLA) allows heights of up to 530 feet above sea level. The current proposal would identify an additional six properties on which the maximum height for buildings and other structures would be 530 feet above mean sea level. This would result in these select properties being able to add an approximately 30 feet of additional building height, which when considering zones to the south, still limits building height in a way that is sensitive to Skinners Butte.

Additionally, the properties that are subject to the building height increase are located more than 500 feet from the base of Skinner Butte and more than 1,100 feet from the viewing area at the top of the butte. Given the distance between the subject properties and Skinner Butte, the potential impact to the views to and from the butte is minimal. Moreover, the difference in allowed height for buildings on the six additional properties does not meaningfully impact views from the majority of surrounding streets. The remainder of the height limitation area 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.

Exhibit B

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, the amendment is consistent with Statewide Planning Goal 6.

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

Goal 7 requires that local government planning programs include provisions to protect people and property from natural hazards such as floods, landslides, earthquakes and related hazards, tsunamis, and wildfires. The amendment does not amend or repeal any policies or regulations that protect people and property from natural hazards. Therefore, the amendment is consistent with Statewide Planning Goal 7.

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

Goal 8 ensures that recreational facilities are provided 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 citizens' access to recreation areas, facilities, or recreational opportunities. Therefore, the amendment is consistent with Statewide Planning Goal 8.

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

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 amendment increases the capacity of existing land zoned to allow commercial development 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 the City to provide an adequate supply of residential buildable land to accommodate the City's estimated housing needs for a 20-year planning period. The Envision Eugene Residential Land Supply Study (2012-2032) was adopted by the City of Eugene in 2017 as a refinement of the Envision Eugene Comprehensive Plan and complies with the requirements of Goal 10 and Chapter 660, division 008 of the Oregon Administrative Rules.

The amendments do not alter or amend the City's adopted Envision Eugene Residential Land Supply

Exhibit B

Study. The amendment does not impact the supply of residential buildable land, because the subject properties are shown as “Developed Residential Lands” and “Committed or Protected Lands.” These categories are distinct from “Vacant” or “Partially Vacant Residential Lands” because they were not considered as having future development or redevelopment potential when the Residential Land Supply Study was done (see Residential Land Supply Study Part I – Page 5). The amendments will not re-zone or re-designate land from residential use to a nonresidential use. Accordingly, the amendments do 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. Finally, the amendments will increase maximum building height on the affected properties, which will allow for the development of a greater number of residential units than the number of units that could have been built without the amendment. 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*

Exhibit B

- 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 regard to (c), the level of increased development that may result from the additional building height would 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 negatively impact energy conservation. Instead, increased capacity for development on the subject properties allows for additional construction of buildings that are likely to consume less energy per unit area than the same uses would consume in a smaller building. Goal 13 is also concerned with the provision of efficient transportation options; the amendment would provide for denser development which is more suited to public transit and other forms of energy efficient transportation. Based on these findings, the amendment is consistent with Statewide Planning Goal 13.

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 affected by this amendment. Therefore, these goals are not relevant, and the amendment will not affect compliance with Statewide Planning Goals 16 through 19.

Exhibit B

(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 on certain specific properties while still preserving the views to and from Skinner Butte. The height standards in the amendment are still more restrictive than those in adjacent commercial zones, so they will preserve views to and from Skinner Butte and create an area of transition between areas of differing building heights.

- 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 and residential development downtown.

Envision Eugene Comprehensive Plan

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

Applicable Refinement Plans

The Eugene Downtown Plan (2004) contains policies relevant to this amendment:

- Chapter 1: Strong Regional Center, Policy 1. Downtown development shall support the urban qualities of density, vitality, livability and diversity to create a downtown, urban environment.*

The amendment supports the development of a denser, more peopled downtown. Additionally, it represents regulatory flexibility that makes residential development more appealing to property owners as an alternative to leaving downtown land as vacant lots, surface parking, or similar uses with significant negative externalities. The amendment and its promotion of additional residential units, vitality, and downtown livability are consistent with this policy.

Exhibit B

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

Reasonable use of tools such as height limitation areas in combination with incentives such as increased height allowances can achieve the multiple goals of downtown density, appreciation of natural landscapes, and the other priorities embodied in the HLA. The amendment is consistent with this policy.

Chapter 3: Great Streets, Policy 1. Emphasize Broadway, Willamette Street, 5th and 8th Avenues as Great Streets through public improvements and development guidelines.

Include portions of these streets as follows:

- *Willamette between 5th and 13th Avenues*
- *Broadway between Lincoln and Hilyard*
- *5th Avenue between Lincoln and High Street
(with potential extension to the Willamette River)*
- *8th Avenue between Willamette Street and the Willamette River.*

5th Avenue is the core of the affected area, and its continued importance to downtown has led to the development growing around it: the 5th Street Market. Flexibility in development guidelines around this great street will incentivize filling gaps in the streetscape such as vacant lots and underutilized surface parking. Additionally, with the completion of the 5th Avenue extension to the Riverfront, this area has become an important connection between downtown and the Willamette River. The amendment is consistent with this policy.

Chapter 5: Living Downtown, Policy 1. Stimulate multi-unit housing in the downtown core and on the edges of downtown for a variety of income levels and ownership opportunities.

The amendment would open new options for development on the affected parcels, including higher counts of residential units than would be possible under the current code. The combination of this incentive with the HLA's height limits would, for example, "*Remove regulatory barriers to the development of housing in commercially zoned areas downtown, while ensuring compatibility of uses and design,*" (Implementation Strategy D). The amendment is consistent with this policy.

Chapter 6: Downtown Riverfront, Policy 4. Facilitate dense development in the courthouse area and other sites between the core of downtown and the river.

5th Avenue has been extended into the Downtown Riverfront and now represents a major corridor for connection between downtown and the river. Existing and future developments are poised to make this area one of the busiest subdistricts in the city's core. The amendment would facilitate denser development in key locations, and it is therefore consistent with this policy.

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

Exhibit B

- (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.

350 Pearl Street #803

Eugene OR 97401

January 17, 2023

TO: Eugene Mayor Lucy Vinis and Eugene City Council Members:

I have lived in downtown Eugene for 21 years, and for the last 9 years I have lived at Yapoah Terrace, the tall senior retirement building at the base of Skinner's Butte. It is a true pleasure to live in such close proximity to the Butte, which I and many others consider to be a jewel of nature right on the northern edge of downtown Eugene.

I am writing this letter to voice my opposition to the proposed land use code amendment to the Skinner Butte Height Limitation Area being requested by the Obie Companies for planned developments on the north and south sides of 5th Street. The request is for an additional height above the code that was created in 1968 to protect the scenic view of the Butte

I feel that these proposed height extensions for these buildings along 5th Street are too tall for 5th Street specifically, and too close to the Butte itself. I do realize Eugene's need for housing density and that this is a very exciting development that will increase the vibrancy of our downtown area.

This neighborhood directly north of 5th Street Public is almost the last historic remnant left of Eugene. Skinner's Butte itself (we locals call it Skinner's) is often a destination for many tourists and visitors. I've even seen a tour bus up there. It is quite scenic and lovely, and a daily exercise experience for many people via walking, jogging and bicycling. The Shelton McMurphey Johnson House is a jewel on the Butte, and I fear the new building will block the lovely view of SMJ House from 5th Street. I feel that allowing buildings taller than the code set in place in 1968 that close to the Butte would mar the charm of this very unique neighborhood. It's just too close to the Butte. I hate to admit what I'm thinking, but anywhere but here.

I've been a frequent visitor to the Fifth Street Public Area for many years and I do enjoy having something so lovely nearby.

Sincerely,
Mary Dour

From: Judy Puderbaugh <judy@columbiaint.com>
Sent: Tuesday, January 17, 2023 3:07 PM
To: *Eugene Mayor, City Council, and City Manager
Subject: SKINNER BUTTE BLDG HEIGHT ISSUE No, No, No 1/17/2023 meeting

[EXTERNAL 

I would hope the city manager and council members don't cave to Obie Organization to allow an increase in the building height limitations currently on the books
Seems the Organization wants ANOTHER waiver along with the first one they were granted to allow for the Gordon Hotel Sign
What Golden Ticket does Brian Obie have that he can get every request for 'allowances/privileges/waivers' to improve the company financials
As a homeowner I had to adhere to the fence-building guidelines and was mandated to have my fence take a dip in the structure because my house is on a corner
No ifs, ands, or buts...it was on the books and enforceable; no deviations

However, Mr Obie, who is always identified as, 'the former Mayor of Eugene', can wring his hands, get misty-eyed and get the local policy makers to bend or changes rules that are written in granite for the rest of the citizenry
Letters to the Editor in the Eugene Weekly demonstrate I am not the only citizen holding a view that the obie organization is not 'visionary', but is flat out doing all it can to effect their financials

I'm still upset he got a 10-year tax waiver while my taxes continue to increase and I have to pay them, no waivers allowed

Please do the right thing in voting to deny the request of the obie organization for building height waivers

From: Gerald T Meenaghan <meenaghang@me.com>
Sent: Monday, January 16, 2023 5:35 PM
To: *Eugene Mayor, City Council, and City Manager <MayorCouncilandCityManager@eugene-or.gov>
Subject: 1/17/23 Public Hearing Testimony re: Skinner's Butte Height

[EXTERNAL 

Dear Mayor Vinis, City Councillors and City Manager Medary,

My name is Gerry Meenaghan, and I represent Councillor Keating's Ward, Ward 2. Thanks to Councillor Keating for bringing the issue of the 1/17/23 public hearing to my attention.

In January 2018, National Geographic's front page article by Jonathon Franzen explains, "Why Birds Matter." If you haven't read it, please consider finding a copy, and if you have, please read it again before voting on tonight's issue. After a superbly written introduction on the wonders of world aviculture, Franzen states, "There is, however, one critical ability that human beings have and birds do not: mastery of their environment. Birds can't protect wetlands, can't manage a fishery, can't air-condition their nests." (<https://www.nationalgeographic.com/magazine/article/why-birds-matter>). They also can't voice their opinion on building heights and resulting increases in lighting along migratory pathways.

According to the National Audubon Society, "Every year, as many as 1 billion birds die from colliding with buildings, especially those with extensive glass surfaces ... At night, when most birds migrate, lit-up buildings disorient and attract them, luring them not just off their migratory paths, but straight into collisions. These fatalities account for 2 to 9 percent of all birds in North America in any given year (<https://www.audubon.org/news/building-collisions-are-greater-danger-some-birds-others>).

Dan Gleason, retired UO Professor of Ornithology adds, "Skinner Butte is known to the local ornithological community as a migrant trap. That is, it is a location attracting many migratory birds, especially many warblers. These high, wooded peaks across the landscapes act as an attractant to birds. They often key in on them as places to rest and refuel before continuing their long journey. The more tall buildings that surround the butte, the more likely it will be that the number of window-killed birds increases. Many birds migrate at night when these structures are somewhat less visible. But the lights coming from the windows may often attract birds and concentrate where the strikes occur. In my view, many tall buildings around the butte would probably greatly increase the number of migrant bird deaths because they are coming to the butte as a rest stop for a day or two" (e-mail communication, 1/12/23).

In his above-referenced article, Franzen continues, "...the future of most bird species depends on our commitment to preserving them. Are they valuable enough for us to make the effort?" In a town that is so committed to sustainability and climate goals, this kind of decision is where the rubber meets the road. Do you walk Eugene's talk of commitment environmental sustainability? How would approving this code amendment do that? To this point, Franzen adds, "What

bird populations do usefully indicate is the health of our ethical values.” In one of the article’s closing paragraphs, Franzen challenges us by asking: “If we’re incomparably more worthy than other animals, shouldn’t our ability to discern right from wrong, and to knowingly sacrifice some small fraction of our convenience for a larger good, make us more susceptible to the claims of nature, rather than less? Doesn’t a unique ability [consciousness and free will, the capacity to remember our pasts and shape our futures] carry with it a unique responsibility?”

Please vote no on this code amendment to the allowed building height in the designated Skinner Butte zone, at least until the city can ensure that any future building in the city incorporates protections for migratory birds in terms of glass (e.g., UO Knight Campus) and lighting.

Sincerely,

Gerry Meenaghan, Ward 2
meenaghang@me.com
541-221-4307



LANE COUNTY AUDUBON SOCIETY
AN OREGON CHAPTER OF THE NATIONAL AUDUBON SOCIETY
P.O. BOX 5086 • EUGENE, OREGON 97405
www.laneaudubon.org

Dear Council Members,

I am writing on behalf of the Lane County Audubon Society regarding the consideration of building heights near Skinner Butte and the river.

Skinner Butte is a location near to the river containing high, wooded peaks which act as an attractant to birds. Local bird counts have documented a wide assortment of birds in the area, especially migratory birds such as warblers. Many birds use this area to rest and refuel along their migratory journey while others will stay to nest and raise young.

Building collisions are a leading source of mortality for birds with researchers estimating up to one billion birds killed per year. Although any building provides a potential hazard, they are most concerning when they occur adjacent to migratory corridors or in habitats that act as migratory rest stops. Collision mortality is further exacerbated by windows and other glass surfaces found on buildings. Birds do not see glass. Both resident and migratory birds see reflections of vegetation, sky, and open spaces in the windows and attempt to fly through until they are stopped by an abrupt and unfortunate collision with a hard surface. Increased height on buildings in this area means more glass and a greater surface area acting as obstacles with which to collide.

Another concern about increased building height along the river and near the Butte is harm from an increased quantity of lights. Even typically diurnal birds, such as songbirds, actually migrate during the night. The birds become confused by artificial lights, are pulled off their migratory path, and may become disoriented which increases the risk of building collisions. Some birds will circle over lighted areas, become fatigued and fall to the ground where they are easy prey for predators. In addition to circling and an increase in unnecessary ascents and descents, several scientific studies report that artificial lights at night may cause a disruption of circadian rhythms, alter the timing of reproductive physiology, and have a measurable effect on territories and survival. Birds exposed to artificial lights sleep less, wake earlier, and leave nest boxes unattended more often.

We urge the council to consider the impact to birds and to the many people who flock to this location to observe birds when contemplating an increase in allowable building height near this important natural area.

I am happy to provide references for research studies.

Thank you for your consideration of these issues.

Debbie Schlenoff, Ph.D.

Conservation Chair, Lane County Audubon Society

Sent: Tuesday, January 10, 2023 9:52 PM
To: *Eugene Mayor, City Council, and City Manager
Subject: Comment on Ordinance Amending Land Use Code

[EXTERNAL 

**AN ORDINANCE CONCERNING THE SKINNER BUTTE HEIGHT LIMITATION AREA,
AMENDING SECTION 9.6715 AND FIGURE 9.6715(3) OF THE EUGENE CODE, 1971.**

Dear Mayor and Council:

I am deeply concerned about the proposed ordinance amending the land use code, adding new Opportunity Areas and raising the height limit to 10 stories from 7 in these areas near Skinners Butte along 5th Street.

This appears to be something initiated by landowners and developers, not by general members of the community as part of a coherent downtown plan or vision process. It appears very ad hoc and seems to be put forth under pressure from particular people saying without this change they will not develop the property. The Council should not be in the “business” of assisting particular developers or responding to their manipulative messages.

This property in the heart of the city is an opportunity area for the community to enable appropriate development that meets our needs. Now, if the developer is proposing a ten-story, low-income housing development with community services included, I could support it. However, my guess is that it is for upscale commercial and market rate (read, out of reach of many local people) housing. My guess continues that the developers will be asking for significant tax breaks to realize this unnecessary development. If my guess is correct, I am strongly opposed to the ordinance, as it sends the wrong message, being inconsistent with stated Council and community goals and needs.

If, however, this ordinance leads to a promised creation of low-income housing and associated services, I could support the change, accepting the limitation of our valuable skyline views. Remember what makes Eugene an attractive alternative to many uninviting urban landscapes.

Sincerely,

Arthur Farley
1667 Fairmount Blvd

Sent: Monday, January 9, 2023 9:59 AM
To: *Eugene Mayor, City Council, and City Manager
Subject: Ordinance to alter the Skinner Butte Height Limitation Area

[EXTERNAL 

I am concerned about increasing the height of buildings allowed along 6th Avenue. If 6th Avenue's south side allowance is 150 feet, as I have heard, and the new 100 foot (10 stories) allowance goes forward, 6th Avenue stands to become a canyon reminiscent of larger city canyonlike streets. This is very out of character for Eugene. I am also concerned that the 6th Avenue buildings will shade areas of 5th Avenue, affecting properties there and shading them from the south sun. This limits not only aesthetics but the ability of property owners to do passive solar and solar panels.

Please don't pass this modification to the Skinner Butte Height Limitation Area ordinance.

Thank you,
Nancy Ahnert
Ward 2

Sent: Sunday, January 8, 2023 2:21 PM
To: *Eugene Mayor, City Council, and City Manager
Subject: Opportunity Area Testimony

[EXTERNAL ⚠]

Testimony for Jan 17, 2023 5:30 Public Hearing -----

Mayor Vinis, City Councilors, and City Manager,

Re: Opportunity Area, within the Skinner Butte Height Limitation area:

Once again I see the invisible hand of Brian Obie in this proposed change! Already he has taken over that whole 5th to 6th Ave area that ends at High Street. I'm sure he has future plans to ask for another change for more of his properties along 5th Ave. When is enough enough for this man? And when will you all stop giving him everything he asks for, and with tax breaks too?

What I see is a takeover of this small historic older part of town in order to create a glitzy, high priced tourist trap. Nice quiet 5th Ave will be towering buildings all along the North side of the street down to Washington-Jefferson Park. What happens to the historic intersection at Willamette Street? You barely have any historic buildings left in Eugene, and certainly no historic center. Most cities WANT to have an historic district. What is wrong with Eugene???

I can only imagine how the downtown shop owners feel about all the shoppers heading over to 5th Ave and then eventually continuing on to the waterfront area to spend all their cash. You think downtown is a hollow shell now...

Maybe it's not all Brian Obie, but it's the same ilk!

STOP allowing the destruction of our heritage for the sake of tourism and ghastly university housing with a shelf life of maybe 10 years. Or anything with a short shelf life! Please remind yourselves of the Crapstone Complex and what a piece of junk it is, and how NOT street-friendly it ended up being. It was SUPPOSED to have store fronts along the street, but somehow nobody noticed until it was too late.

Sick of it all,

Robin Bloomgarden
3690 Wood Ave
Eugene, OR 97402
541-688-1820

City Manager, BTW, you guys never actually say where the meetings will be, on much of your notices. Many of us do not know where you meet anymore. How about a bigger font letting us know. Thanks, R

HUBER-HEIDORN Dylan K

From: Sarah Means <Sarah@obie.com>
Sent: Monday, November 28, 2022 4:37 PM
To: HUBER-HEIDORN Dylan K
Cc: SULLIVAN Althea C
Subject: CA 22-3

[EXTERNAL 

Dear Planning Commission Members,

Thank you for the opportunity to provide testimony in support of the proposed Code Amendment (CA 22-3). The properties included in this file are part of the Market District. Obie Companies is the parent company of the property owners.

As we have done with the Market District expansion completed in 2020, Obie Companies is excited to continue the work of creating development opportunities in the downtown area. We believe strongly in creating vibrancy in downtown Eugene. Providing opportunities for residents to live downtown is critically important. We are eager to build on the momentum created by Market Alley and the Gordon Lofts and expand residential opportunities in the Market District. A recommendation of approval of this application would be a significant step in that direction for the subject properties.

Recently, a zone change (Z 22-9) was approved for the properties included in this application. The zone change allows for mixed use development including high density residential use. The working plan for these properties includes mixed use buildings with retail/commercial on the ground floor and residential on the floors above. The additional 30 feet in height as suggested in the code amendment language will capture a net increase of more than 100 residential units across both properties based on conceptual plans. This increased density is essential in meeting the need and demand for residential units within the City of Eugene and is certainly consistent with the city's downtown and comprehensive plans.

We also want to acknowledge the proximity of these properties to historic buildings. The Oregon Electric Station and the Southern Pacific Passenger Depot are important buildings in this community and to Obie Companies. Our plans acknowledge and preserve these buildings. In fact, they are critical to the success of this proposed development moving forward and will play an important role. We look forward to the opportunity ahead that will re-energize these historic spaces.

Again, we believe the proposed code amendment is consistent with city's downtown and comprehensive plans along with the clear and urgent need for additional housing units. We urge you to support the proposed amendment. Thank you for your consideration and service to the City of Eugene.



obiecompanies.com

Sarah Means
Director of Government & Community Relations
Address 296 E. 5th Ave, Suite 300
 Eugene, Oregon 97401
Direct 541.743.0750 | **Cell** 503.784.3915

From: [Philip Farrington](#)
To: [HUBER-HEIDORN Dylan K](#)
Cc: [SULLIVAN Althea C](#)
Subject: CA 22-3
Date: Monday, November 28, 2022 3:39:32 PM

[EXTERNAL]

Dear Eugene Planning Commission:

Please accept this testimony in support of the proposed Code Amendment (CA 22-3) allowing for increased building height for the proposed Market District Expansion.

As you well know, there is a profound housing crisis in our community and across the state. The recent study produced by Oregon Housing and Community Services, "Oregon Housing Needs Analysis Recommendations Report," identified a need for more than 554,000 new housing units to accommodate two decades of growth and underproduction of housing.

You also know that the Eugene Hearings Official recently approved a zone change (Z 22-9) for properties included in the pending land use application before you. That zone change, which was not appealed, facilitates the proposal to construct hundreds of new housing units, consistent with meeting the desperate housing needs outlined in the OHCS report, and in keeping with the city's Downtown Plan and comprehensive plan.

Approval of the requested code amendment would further facilitate realizing community goals, objectives and demonstrable need for housing in a mixed-use development format. The code amendment proposed is a modest one – increasing the allowable height limit by only 30'. But in terms of facilitating high density residential development that will be financially feasible in today's era of soaring financing and construction costs, this 30' is pivotal in helping reach community objectives.

I urge you to support the proposed amendment, and appreciate your consideration and service to the city,
Phil

Philip Farrington, AICP
Director of Planning & Real Estate Development
CDC Management Corp.
800 Willamette Street, Suite 750
Eugene, OR 97401
Office (541) 338-8334, ext. 1
Direct (541) 600-8018
Cell (541) 600-7030
pfarrington@cdcmgmtcorp.com



November 22, 2022

Eugene Planning Commission
101 W 10th Avenue,
Eugene, OR 97401

Re: Code amendment which would allow for additional development potential for several properties in the Skinner Butte Height Limitation Area. (CA 22-3)

Dear Commissioners:

This letter is submitted jointly by Housing Land Advocates (HLA) and the Fair Housing Council of Oregon (FHCO). Both HLA and FHCO are non-profit organizations that advocate for land use policies and practices that ensure an adequate and appropriate supply of affordable housing for all Oregonians. FHCO's interests relate to a jurisdiction's obligation to affirmatively further fair housing. Please include these comments in the record for the above-referenced proposed amendment.

As you know, all amendments to the City's Comprehensive Plan and Zoning map must comply with the Statewide Planning Goals. ORS 197.175(2)(a). When a decision is made affecting the residential land supply, the City must refer to its Housing Needs Analysis (HNA) and Buildable Land Inventory (BLI) in order to show that an adequate number of needed housing units (both housing type and affordability level) will be supported by the residential land supply after enactment of the proposed change. Goal 10 findings are also required for code changes affecting residential development feasibility, such as parking standards and setbacks.

The staff report states that because "the amendment does not impact the supply or availability of residential lands," Goal 10 is met. However, the amendment clearly alters the potential housing capacity of the area in question, so findings which cite the existing need and quantify the impact of the amendment are clearly required. In the *Applicable Refinement Plans* section of the staff report, it states that the amendment "makes residential development more appealing to property

owners as an alternative to leaving downtown land as vacant lots, surface parking, or similar uses with significant negative externalities,” so clearly, increasing the housing supply is an intention of this amendment, and it is incumbent upon the City to determine how much could be produced. See *Mulford v. Town of Lakeview*, 36 Or LUBA 715, 731 (1999) (rezoning residential land for industrial uses); *Gresham v. Fairview*, 3 Or LUBA 219 (same); see also, *Home Builders Assn. of Lane Cty. v. City of Eugene*, 41 Or LUBA 370, 422 (2002) (subjecting Goal 10 inventories to tree and waterway protection zones of indefinite quantities and locations). Only with a complete analysis, utilizing both the HNA and BLI, can housing advocates and planners understand whether the City is achieving its goals through CA 22-3.

HLA and FHCO urge the Commission to defer adoption of CA 22-3 until Goal 10 findings can be made, and the proposal evaluated under the HNA and BLI. Thank you for your consideration. Please provide written notice of your decision to, FHCO, c/o Allan Lazo, at 1221 SW Yamhill Street, #305, Portland, OR 97205 and HLA, c/o Jennifer Bragar, at 121 SW Morrison Street, Suite 1850, Portland, OR 97204. Please feel free to email Allan Lazo at information@fhco.org or reach him by phone at (503) 223-8197 ext. 104.

Thank you for your consideration.



Allan Lazo
Executive Director
Fair Housing Council of Oregon



Jennifer Bragar
President
Housing Land Advocates

cc: Kevin Young (kevin.young@state.or.us)