Eugene City Council
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www.eugene-or.gov

EUGENE CITY COUNCIL AGENDA

July 8, 2013

5:30 p.m. CITY COUNCIL WORK SESSION
Harris Hall
125 East 8th Avenue
Eugene, Oregon 97401

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

Meeting of July 8, 2013;
Her Honor Mayor Kitty Piercy Presiding

Councilors

George Brown, President	Pat Farr, Vice President
Mike Clark	George Poling
Chris Pryor	Claire Syrett
Betty Taylor	Alan Zelenka

CITY COUNCIL WORK SESSION
Harris Hall

5:30 p.m. **A.** **COMMITTEE REPORTS:**
Human Rights Commission, Sustainability Commission, Travel Lane County, Human Services Commission, Lane Council of Governments,

Metropolitan Policy Committee, Public Safety Coordinating Council

6:00 p.m. **B.** **WORK SESSION and POSSIBLE ACTION:**
An Ordinance Concerning the Eugene Water & Electric Board Downtown Riverfront Property (City Files MA 12-1, RA 12-1, CA 12-4, Z 12-6 and WG 12-4)

CITY COUNCIL MEETING
Harris Hall

1. PLEDGE OF ALLEGIANCE TO THE FLAG AND READING OF THE DECLARATION OF INDEPENDENCE

2. CEREMONIAL MATTERS

3. PUBLIC FORUM

4. CONSENT CALENDAR
(Note: Time permitting, action on the Consent Calendar may be taken at the 5:30 p.m. work session.)

A. Approval of City Council Minutes
B. Approval of Tentative Working Agenda

5. ACTION:
An Ordinance Suspending the Paper Bag Pass-through Charge During Reevaluation of the Fee

**time approximate*

The Eugene City Council welcomes your interest in these agenda items. This meeting location is wheelchair-accessible. For the hearing impaired, FM assistive-listening devices are available or 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.

City Council meetings and work sessions are broadcast live on the City's Web site. In addition to the live broadcasts, an indexed archive of past City Council webcasts is also available. To access past and present meeting webcasts, locate the links at the bottom of the City's main Web page (www.eugene-or.gov).

El Consejo de la Ciudad de Eugene aprecia su interés en estos asuntos de la agenda. El sitio de la reunión tiene acceso para sillas de ruedas. Hay accesorios disponibles para personas con afecciones del oído, o se les puede proveer un interprete avisando con 48 horas de anticipación. También se provee el servicio de interpretes en idioma español avisando con 48 horas de anticipación. Para reservar estos servicios llame a la recepcionista al 541-682-5010. Todas las reuniones del consejo estan gravados en vivo en Metro Television, canal 21 de Comcast y despues en la semana se pasan de nuevo.

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

Work Session and Possible Action: An Ordinance Concerning the Eugene Water & Electric Board Downtown Riverfront Property (City Files MA 12-1, RA 12-1, CA 12-4, Z 12-6 and WG 12-4)

Meeting Date: July 8, 2013 | Agenda Item Number: B
Department: Planning & Development | Staff Contact: Gabe Flock
www.eugene-or.gov | Contact Telephone Number: 541-682-5697

ISSUE STATEMENT
The City Council will hold a work session to deliberate on the land use application package proposed to implement the Eugene Water & Electric Board (EWEB) Riverfront Master Plan.

BACKGROUND
The land use application package proposed by EWEB represents the culmination of many years of planning and extensive public process leading to this point, with the ultimate goal of fulfilling a strong community desire and long-standing interest in redevelopment of the EWEB's downtown riverfront site. The proposal has been closely guided by, and customized to implement the community's policies and Statewide Planning Goals as reflected in the Metro Plan, Downtown Plan, TransPlan, and adopted natural resource protections. In addition to working closely with the applicant team throughout development of the implementation tools, staff has reviewed the complete application package and concludes that it is wholly consistent with state and local planning goals and policies.

In addition to being consistent with existing policy, the EWEB Master Plan is in line with and begins to implement many of the pillars of Envision Eugene, including the following:

- Provide ample economic opportunities for all community members
- Plan for climate change and energy resiliency
- Promote compact urban development and efficient transportation options
- Protect, repair, and enhance neighborhood livability
- Protect, restore, and enhance natural resources
- Provide for adaptable, flexible and collaborative implementation

The proposed changes in land use regulations for the site are an important element of transforming this site from its current "brownfield" (and largely vacant) industrial character into a vibrant part of the Downtown core with commercial and residential uses that bring people to the river. The proposal goes well beyond the basic approval criteria, and is a great example of what can be achieved through Envision Eugene.

Following a unanimous recommendation for approval by the Eugene Planning Commission earlier this year, the council has held two work sessions and a public hearing on the land use application package proposed to implement the EWEB Riverfront Master Plan.

At the public hearing held on June 17, 2013, testimony was received from 20 individuals in support of the proposal, one individual with neutral comments, and one individual in opposition to the request. Following the public hearing, the council moved to hold the record open for additional testimony and rebuttal.

Written testimony received at the public hearing and during the open record period is included as Attachment A. The applicant's materials in response to the public testimony and the council's requests for additional information are included as Attachment B. These materials include an updated map showing the master plan's Open Space Diagram with the proposed Willamette Greenway Setback added, and a memo addressing a variety of issues that have been raised including social equity considerations and natural resource protections.

As discussed at prior meetings on this topic, the Eugene Code and Downtown Plan require the City's approval of a master plan for redevelopment of the EWEB riverfront property. The adopted policy reads as follows:

> A master plan for the EWEB riverfront property must be approved by the City before any redevelopment, land use application, rezoning, Metro Plan or refinement plan diagram amendments are approved for uses not associated with EWEB functions. The master plan shall be evaluated based on the master plan's consistency with principles (1) through (4) below:
> **(1)** Create a "people place" that is active, vibrant, accessible and multi-use.
> **(2)** Provide appropriate setbacks, deeper where environmental or habitat issues are more critical, shallower in other areas.
> **(3)** Incorporate appropriate building and site design techniques that address environmental concerns.
> **(4)** Incorporate an educational aspect, so that the riverfront improvements teach us about our river, our history and our city.

The proposed land use application package is intended to fulfill this policy and to implement the regulations needed to ensure that redevelopment of the site remains consistent with EWEB's Riverfront Master Plan. Findings addressing these and other applicable approval criteria, including Statewide Planning Goals, the Metro Plan and applicable refinement plan provisions, are included with the draft ordinance in Attachment C.

As a reminder, this request is subject to quasi-judicial procedures, which requires that the council's decision be based upon the applicable approval criteria for each of the land use applications included in EWEB's request. The draft ordinance and findings, with any directed changes, will serve as the City Council's demonstration that the proposed applications comply with the applicable approval criteria.

The full record of materials, including the draft ordinance with supporting findings and exhibits, is available for review in a binder located in the City Manager's Office and on the City's website http://www.eugene-or.gov/index.aspx?NID=2358.

RELATED CITY POLICIES
Findings addressing the applicable approval criteria, including Statewide Planning Goals, the Metro Plan, the Downtown Plan and other and applicable refinement plans, are included with the draft ordinance in Attachment C.

COUNCIL OPTIONS
Following deliberations, the City Council may consider the following options:
1. Approve the ordinance.
2. Approve the ordinance with specific modifications as determined by the City Council.
3. Deny the ordinance.

CITY MANAGER'S RECOMMENDATION
Following the council's deliberations on this request, the City Manager recommends approval of the draft ordinance as provided in Attachment C, with any specific changes as may be directed by the City Council in accordance with the applicable approval criteria.

SUGGESTED MOTION
Move to adopt the draft ordinance contained in Attachment C (including any specific changes as may be directed by the City Council in accordance with the applicable approval criteria).

ATTACHMENTS
A. Written Public Testimony
B. Applicant's Response to Testimony
C. Draft Ordinance and Findings

FOR MORE INFORMATION
Staff Contact: Gabe Flock
Telephone: 541-682-5697
Staff E-Mail: gabriel.flock@ci.eugene.or.us

UNIVERSITY OF OREGON
School of Architecture and Allied Arts

June 13, 2013

Dear Mayor Piercy and Members of the City Council,

This past year, I had the opportunity to guide seventeen students earning professional architecture degrees through their senior thesis/comprehensive studio projects. Each year, instructors select a site for a studio that is sufficiently complex in terms of architectural, programmatic, environmental and socio-political aspects to require students to demonstrate deep, integrative learning throughout the design process. We look for projects that allow students to be visionary and explore their personal design sensibilities while attending to public concerns, site constraints and other realities of making architecture.

The EWEB riverfront master plan and property met the criteria and had the added advantage of being in our backyard. There has been an incredible body of design and planning work and a regulatory framework to build from, as well as local expertise available to students. It represents a once in a century opportunity for the city to take an industrial condition and transform it into an urban/civic place next to the water. Its redevelopment encourages a project that is a "performance of an urban nature" where human and natural systems meet in a theatrical sort of way: design in this sense is a series of staged events that are the life of a river city.

This industrial property is ripe for retrofit, and there is an active and ongoing effort to realize this transition. The studio attempted to add value to the process in having seventeen very different design proposals demonstrate the inherent flexibility of the master plan. Attached are a few examples from the studio that I hope help express the enormous potential before us and inspire action to move forward.

With respect and hope for a great future for the site and city!

Brook Muller
Associate Dean for Academic Affairs, School of Architecture and Allied Arts
Associate Professor, Architecture
Director, Graduate Certificate Program in Ecological Design
University of Oregon, Eugene, OR 97403

DEPARTMENT OF ARCHITECTURE

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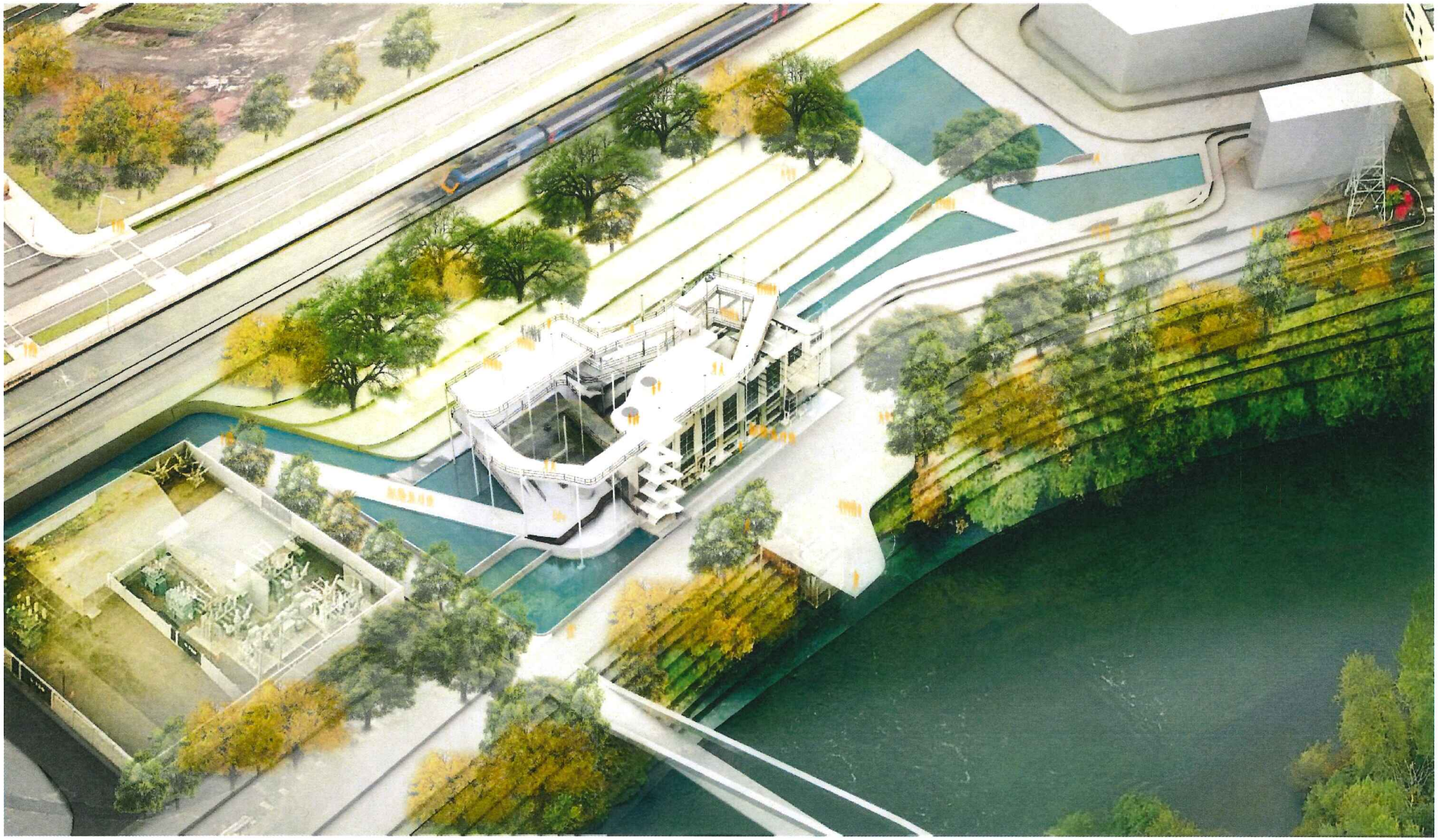


Bird's Eye View of the Steam Plant

Courtesy of Dylan Woock

River Plaza and Steam Plant

Courtesy of Dylan Woock

Operations Warehouse Business Incubator

Courtesy of Shannon Dore

Operations Warehouse/Business Incubator Corner Shot

Courtesy of Shannon Dore

New Entrance to Steam Plant

Courtesy of Daniel Rosenthal

Aerial View of Steam Plant

Courtesy of Daniel Rosenthal

View from Steam Plant

Courtesy of Daniel Rosenthal

North Addition to Steam Plant

Courtesy of McCall Wood

From the Pironi House

built in 1911
235 East Third Avenue
Eugene, Oregon
97401

Public testimony presented by Sherrill Necessary on June 17, 2013

Mayor and City Council Members,

Thank you for the opportunity to tell you why I am in favor of the proposed ordinance for the land use code changes for the EWEB property.

My husband and I live downtown in the neighborhood that Eugene Skinner platted for Skinner City – the East Skinner Butte Historic District. Some of the first residents of our neighborhood worked in the woolen, flouring and excelsior mills right near the EWEB property. For them the river provided power so that they could earn a living.

Times have changed. The few industrial buildings that remain in the area have changed with the times through adaptive reuse and are now thriving restaurants and retail.

Those buildings near High Street and 5th Avenue are hiding one of the best kept secrets in Eugene – access to the most scenic view of the Willamette River! The River Front Master Plan links that part of the river (and the amazing view) with the rest of downtown again. The plan includes areas to recreate, shop, eat and live.

But this plan cannot be realized without changes to the current zoning. Zone changes would allow for mixed use housing and retail. For us, it increases the overall downtown population to get closer to that magic number that will attract more retail – we are hoping for a grocery store and a neighborhood-type hardware store. For you, it balances the demographics and adds middle income residents to downtown's existing student and senior populations. Development also means more revenue dollars.

I urge you to approve the land use code ordinance so that the Willamette River can be made a part of Downtown Eugene – a great city for the arts and outdoors.

June 21, 2013

To: Eugene City Council
From: Anita Van Asperdt, Landscape Architect and Master Plan Community Advisory Team Member

Re: Support for EWEB Riverfront Master Plan and Code Amendments.

I highly support the adaptation of the Master Plan for the EWEB Riverfront. There are two key reasons for my support and my recommendation that City Council moves to support the Master Plan and needed Code Amendments. First, the plan represents what the majority of the population of Eugene likes to see happening at the riverfront. Second, the plan recommends sound and globally recognized sustainable solutions thus bringing Eugene closer to being a sustainable city.

The Master Plan was developed over the course of two years during which a Community Advisory Team (CAT) –of which I was a member- met every two weeks to give feedback to the designers we helped select. The CAT was comprised of a very diverse group of people so that they could reasonable represent a broad segment of the Eugene population. Some of the members were selected by EWEB and some, including myself, by the Eugene City Council. As one on the members selected by the Eugene City Council I can vouch that the involvement of the CAT has been very important to ensure that the Master Plan represents what a majority of the people of Eugene want to see happening at our riverfront.

Furthermore, an AIA-sponsored design charrette, interviews with stakeholder groups and hundreds of individuals, community presentations, and four, well-attended workshops helped gain critical insights and public feedback on multiple design concepts to ultimately achieve a Downtown Riverfront Master Plan with broad-based community support. As a professional landscape architect and urban designer as well as a private citizen I have never witnessed a better and more involved public input process. This leads me to believe that the Master Plan truly represents the wishes of the Eugene Community.

To me the sustainable aspects of the plan are of enormous importance. What is proposed is a mix-used area and green open spaces where now there is only asphalt, concrete and steep riverbanks that are dominated with invasive plants (Himalayan Black Berry). The conversion of so called brown fields (former industrial lands) into a sustainable neighborhood is a move that is well recognized around the globe as an important step towards sustainable living; a way of living that will ensure that future generations can enjoy at minimum the same quality of live as we are able to enjoy today. The plan proposes integration of urban and natural systems using

sustainable building, green infrastructure, and bike/pedestrian- friendly strategies. When implemented correctly a sustainable neighborhood for living and working adjacent to downtown and the University will result in decreased dependency for car travel and give future residents of the area an opportunity to live more sustainable by reducing energy needs, clean water needs and reducing CO2 emissions.

In addition the plan calls for a less steep riverbank with native vegetation and extension of the river vegetation as long finger-like parks into the neighborhood. Designed well these green areas can contribute to the public's understanding of the importance of the river ecology. It is fitting and apt that this type of nature restoration that is aimed toward nature education is situated on a portion of the riverbank that is currently very much compromised in its ecological function. Allowing people to access such an area means that areas that are of high ecological value can be better protected from damage by humans This strategy is recognized globally, for example Costa Rica allows the general public and tourist into natural areas that were formerly agricultural lands (ecologically compromised areas) thus achieving better protection for its more pristine natural habitats.

This plan when implemented will make Eugene a more sustainable city. Green cities are not only important for future generations they are also very attractive to a young educated population. My only concern is that the Master Plan will never be implemented due to economic uncertainty, however it is my hope that if Eugene becomes one of the nations recognized green cities it attracts a new population that is eager to live green.

Please support the EWEB Riverfront Master Plan and needed code amendments.

Sincerely,

Anita Van Asperdt

1754 Moonshadow Lane

Eugene Oregon 97405

541-343-4286

FLOCK Gabriel

From: HAMMOND Laura A
Sent: Thursday, June 20, 2013 10:07 AM
To: FLOCK Gabriel
Subject: FW: Public Comment - EWEB Riverfront Master Plan

FYI

From: Andrew Fisher [mailto:ajf541@yahoo.com]
Sent: Wednesday, June 19, 2013 5:22 PM
To: *Eugene Mayor, City Council, and City Manager
Subject: Public Comment - EWEB Riverfront Master Plan

Honorable Mayor, Eugene City Councilors, and City Manager:

My name is Andrew Fisher. I have served as a volunteer member of the Friendly Area Neighbors (FAN) Board since 2007 and a member of the City of Eugene's Historic Review Board (HRB) since 2008. I would like to share with you my support for the Eugene Water and Electric Board (EWEB) Riverfront Master Plan; in particular historic considerations for both the former Steam Plant (1931) and the former Operations Warehouse.

In February of 2012, EWEB representatives Jeannine Parisi and Kevin Biersdorff presented the Riverfront Master Plan to the members of the HRB at our regular meeting. I was pleased to learn how committed EWEB is to not only the future of our community but also its past. I found it exciting to consider all the possibilities that a future development of the EWEB properties might include. I also appreciated the attention that was afforded to potentially better connect Downtown Eugene with the Willamette River and our community's industrial history.

Should EWEB decide to pursue registry of the identified resources (either locally or nationally) I hope our community's leaders may choose to draw upon the experience and expertise of the Historic Review Board members in providing assistance or feedback.

Although the ultimate disposition of the historic resources on the EWEB properties are unknown at this time, I support the effort to provide allowances for the potential, adaptive reuse of these structures one day. They contribute to the identity of the property and our community... and may well serve as an inspiration and/or historic context for future development of the property.

Thank you for your ongoing service to our community.

Sincerely,

-Andrew J. Fisher

Vice-Chair, Friendly Area Neighbors
Chair, Historic Review Board

2450 Jackson
Eugene, OR 97405

FLOCK Gabriel

From: Ward Beck <wbeckjr@msn.com>
Sent: Friday, June 21, 2013 12:28 PM
To: FLOCK Gabriel
Cc: *Eugene Mayor, City Council, and City Manager; RUIZ Jon R
Subject: In opposition to River Front Master Plan

Gabe:

Please see that these thoughts are included in the Riverfront Master Plan submissions.

I am a Eugene commercial real estate broker and developer. I live on Spyglass Drive in the Ferry Street neighborhood. I have the additional advantage of having worked closely with a large international developer who expressed interest in developing the EWEB river front property.

First, I support the full development of the property and all of the restrictions that are/will be required to protect the Willamette River. This was equally true of the developer I worked with.

Now for the problems.

1. The plan is very prescriptive. Keep the public/Willamette River protection portion of the plan but let the rest of the plan be a recommendation, not a detailed "this is the only way" plan. This is especially true of road locations.

2. I know that no economic analysis was done as part of the plan. There is now plenty of information for the current plan to be scoped out in terms of cost and then compared to what rents would be required. We have spent much time and money, the extra 6 months it might take to see if there is any financial viability in how this plan is presently written would be worth the delay.

3. The memorandum of understanding with its 5 year city option must be gone if developers are to be attracted. I agree with former EWEB commissioner Bishop on this point.

4. The heigth restrictions presently in effect for the EWEB property West of the viaduct need to be removed. Downtown should flow to the river. Allowing no high rise/high density development in that area due to the Skinner Butte view protection will result in a poor transition between the present downtown and the developments that occurs East of the viaduct.

As you know I have brought up these concerns before but have had no success in anyone listening. One last try. The current version of the plan will either result in no develpment or even worse, EWEB selling off a few parcels that will insure that no major developer will be interested in doing a world class project.

The City Council should send this back to EWEB for a full financial feasibly analysis.

Thank you

Ward Beck

Ward Beck, Broker, Windermere Real Estate Lane County
541 915 4544

CAMERON McCARTHY LANDSCAPE ARCHITECTURE & PLANNING | 160 East Broadway ▪ Eugene Oregon 97401 v 541.485.7385 ▪ f 541.485.7389 | www.cameronmccarthy.com

Memorandum

To: Eugene City Council

Cc: Gabe Flock, Senior Planner

From: Colin McArthur, AICP

Date: June 28, 2013

Subject: **EWEB Downtown Riverfront**
Council Bill 5095; CA 12-4, MA 12-1, RA 12-1, Z 12-6 and WG 12-4
Response to Opposition Testimony and Councilor Inquiries

OVERVIEW

The Applicant is aware of two (2) sets of written testimony submitted into the record following the public hearing and prior to the close of the record at 5:00PM on Friday, June 21, 2013:

- Comments from Ward Beck dated June 21, 2013 (Beck)
- Comments from Anita Van Asperdt dated June 21, 2013 (Van Asperdt)

At the June 17 public hearing, David Sonnichsen provided oral testimony in opposition to the proposal (Sonnichsen). This memorandum includes rebuttal information in response to comments by Beck and Sonnichsen on the proposed ordinance. The testimony from Van Asperdt is in support of the application. The Applicant, in general, concurs with her testimony, and a response is not required. In addition, this memorandum includes information in response to councilor inquires during the June 12 Council work session on the EWEB Riverfront Master Plan.

Comments are organized by source and are summarized by topic. Topics are shown in **bold,** indented text with responses in plain text below.

BECK COMMENTS

The Plan is prescriptive.

Beck recommends "[keeping] the public/Willamette River protection portion" but states that the "rest of the plan [should] be a recommendation." The Eugene Code and the *Eugene Downtown Plan* call for a master plan for the EWEB riverfront site prior to any redevelopment. In 2007, EWEB and the City entered into a Memorandum of Understanding (MOU) that directed the development of a Master Plan for the subject property. The approved Master Plan represents the community's vision for the redevelopment of the Downtown Riverfront. The Master Plan is a framework that builds certainty about the vision for the subject property, while being flexible enough to allow the vision to be realized in different ways. The MOU requires that EWEB implement the "Land Use Planning Components of the Master Plan, [c]onsistent with the approved Master Plan." The proposed ordinance implements said land use components and satisfies EWEB's responsibilities in accordance with the MOU. The MOU does not call for a recommendation; it calls for the implementation of a "mixed-use development with open space along with other elements." As noted above, the implementation tools are a framework and are therefore not prescriptive by nature.

Beck states that the Plan is "very prescriptive" which is "especially true of road locations." The S-DR Zone (Exhibit 4, S-DR Downtown Riverfront Special Area Zone) transportation system standards (Exhibit 4, EC 9.3160) are designed to implement the street hierarchy and circulation framework in Figure 4-13 Street Pattern and Circulation in the *Downtown Riverfront Specific Area Plan* (Exhibit 2) and the "Great Street" concept in the *Eugene Downtown Plan*. The "Great Street" concept extends into the site at 5th Avenue and 8th Avenue creating a "Great Loop" that is enhanced by the arc of the proposed street as it swings away from the river, north to south. Secondary streets are aligned with existing utility easements proposed to remain, and provide redundant access that allow the primary street to be closed to traffic for festivals and events. Proposed streets extend the block structure of the city where possible, and introduce developable blocks along the riverfront. Proposed street locations also respond to the desire to retain and reuse existing buildings, specifically the EWEB Headquarters, Operations/Building Warehouse, and Steam Plant. The proposed primary street is planned to extend between existing structures and to avoid impacts to those structures.

Recognizing the need for flexibility in street locations in order to respond to alternative proposals, variation to S-DR Zone transportation system standards specifying the location of streets, alleys, and accessways is allowed subject to Design Review approval (Exhibit 4, EC 9.3160(7)). As proposed, the Type II Design Review process utilizes existing Downtown Plan Area criteria at EC 9.8030(16) and infrastructure policies in the *Downtown Riverfront Specific Area Plan* as the approval criteria for Design Review. This approach ensures that alternatives approved are consistent with both the *Eugene Downtown Plan* and the *Downtown Riverfront Specific Area Plan*.

No economic analysis was done as part of the plan.

This statement is not accurate. Economic analysis was conducted as part of the development of the Master Plan by Leland Consulting Group and is included as project memorandum in the Master Plan Appendix, as detailed below:

- *Economic Sustainability Project Memorandum*. EWEB Riverfront Master Plan. Leland Consulting Group. August 10, 2009. (File Item No. 15.B.iv.d.)
- *Preliminary Development Program Project Memorandum*. EWEB Riverfront Master Plan. Leland Consulting Group. September 21, 2009. (File Item No. 15.B.iv.e.)
- *Implementation Options Project Memorandum*. EWEB Riverfront Master Plan. Leland Consulting Group. March 22, 2010. (File Item No. 15.B.iv.f.)

The Applicant's *Implementation Options Memo* discusses several disposition options and development processes. The memo details local, state, and federal funding tools available to finance redevelopment. In 2010, EWEB and the City entered into a new MOU to "continue to collaborate with respect to redevelopment of the Riverfront Property." Item No. 2 in the MOU addresses the provision of infrastructure and site improvements, as provided below:

> "Basic infrastructure and site improvements, such as public streets and sidewalks, storm water facilities, sanitary sewers, and public park/open space improvements, will be necessary to convert the Riverfront Property from its present industrial condition to a viable mixed use district implementing the overall development concept represented in the Riverfront Master Plan. The City agrees to identify potential funding streams that may be available to future developers to support basic infrastructure and site improvements."

The applicable approval criteria and standards do not require that the Applicant conduct an economic analysis or to demonstrate that site development is imminent in order to approve the plan amendments and zone change.

The 5-year City "first right of refusal" option must be eliminated in order to attract developers.

The City's first right of refusal is addressed in the 2010 MOU between EWEB and the City as Item No. 1, excerpts below:

> " * * * the City intends to release its EC 2.196 right of first refusal to all portions of the site not identified for public park space in the City's final land use approvals. This release of the City's EC 2.196 right will be provided to EWEB in writing immediately following a City approval of EWEB's application and EWEB's written notice to the City that EWEB desires to sell the property."

This agreement demonstrates that the right of first refusal will be resolved prior to or concurrent with a request by EWEB to sell portions of the property and will not be an impediment to future redevelopment.

The height restrictions for the EWEB property west of the viaduct need to be removed.

As shown on Figure EC 9.3155(2) (Exhibit 4, S-DR Zone), the area west of the viaduct is subject to height standard "B" which limits buildings to 78 feet or a maximum of 500 feet above sea level, consistent with EC 9.6715(3) Skinner Butte Height Limitation. The 78-foot height limit corresponds to the average elevation on the EWEB property of 422 feet south of 4th Avenue and east of High Street.

Maximum building height standards were a major topic of community discussion during the Master Plan process. The maximum building height of 120 feet allowed under height standard "D", the area located directly east of the viaduct, is consistent with the maximum building height in the C-2 Commercial Zone (EC 9.2170). Maximum building height standards are designed to concentrate the tallest buildings in the center of the site and step down in height as buildings approach the Willamette River to the east and residential and downtown neighborhoods to the west.

The purpose and intent of the Skinner Butte Height Limitation area standard is to protect views to and from certain geographical landmarks that are of value to the community as a whole (EC 9.6715(1)). The standards at EC 9.6715 apply within all Residential, Commercial, and Industrial Zones and the Whiteaker Special Area Zone. In order to establish consistency with other zones and the neighboring Whiteaker Zone, and to protect views to and from geographical landmarks, the standards at EC 9.6715 are intentionally applied to the property and should be retained.

SONNICHSEN COMMENTS

The proposal will result in privatization of the riverfront.

The *2006 Parks, Recreation, and Open Space (PROS) Project and Priority Plan* identifies the riverfront portion of the site as a proposed Metropolitan Park site for acquisition. The plan assigns the acquisition project a "*Priority 1*" level and allocates $1,500,000 in capital funds to "*acquire land to provide significant public open space within [the] courthouse/cannery neighborhood*." The inclusion of the project in the PROS Plan demonstrates that public funding for the acquisition of the riverfront park portion, at a minimum, is planned.

As noted in the Beck response above, the 2010 MOU between EWEB and the City requires the City to "specifically identify those portions of the Riverfront Property that are planned and regulated to

serve municipal purposes" in order to "release some of the Riverfront Property from real or perceived encumbrances that could impede the redevelopment process."

The proposal involves a zone change, which is dependent upon approval of a Metro Plan diagram amendment, to re-zone (16) parcels from I-2 Light Medium Industrial, I-3 Heavy Industrial, and PL Public Land to the S-DR Downtown Riverfront Special Area Zone, which is established under the concurrent amendments to the land use code. The special area zone establishes two land use sub-districts; a mixed-use sub-district (S-DR/MU) and a cultural landscape and open space sub-district (S-DR/CL). The proposed S-DR/CL sub-district comprises approximately 7.74 acres of land adjacent to the Willamette River and includes existing landscape areas, open space, and vegetation. Permitted and prohibited uses are consistent with those allowed in the PRO Zone. Proposed development standards are based on existing established development standards in the PRO, NR, and PL Zones, and are designed to achieve equal or higher performance in landscape and open space site protection, restoration, and enhancement and to ensure public access to the Riverfront. The 2010 MOU between EWEB and the City coupled with the City's EC 2.196 right of first refusal gives the City the ability to acquire all or a portion of the S-DR/CL zoned land as a public park.

The subject site is 27.06 acres and the redevelopment framework allocates 7.74 acres for landscape and open space use, 5.55 acres for public rights-of-way, and 13.76 acres for development (File Item No. 13.C.vii. Plan Set, Sheet C1). The list of permitted uses in the S-DR Zone (Exhibit 4, EC 9.3145) does not differentiate between public and private uses.

The supplemental findings above demonstrate that approximately half the subject site (13.29 acres, the combination of landscape and open space areas and rights-of-way) is planned to remain in public ownership (EWEB or the City) and that the remainder of the site (13.76 acres) may be redeveloped by public or private entities, as envisioned by the *Eugene Downtown Plan*.

The proposal locates a road with the Greenway.

Approximately 19.75 acres of the subject site are within the boundaries of the Willamette River Greenway (Oregon Statewide Planning Goal 15). Section C.3.j. of Oregon Statewide Planning Goal 15 states:

> "Development shall be directed way from the river to the greatest possible degree; provided, however, lands committed to urban uses within the Greenway shall be permitted to continue as urban uses * * * -" (emphasis added).

The subject site has been committed to urban uses since the original acquisition of the riverfront property in 1908. The proposal retains urban uses while providing approximately 8 acres of parks and open space between redevelopment areas and the river. The words "the greatest possible degree" are intended to require a balancing of factors so that each of the identified Willamette Greenway criteria is met to the greatest extent possible without precluding the requested use (emphasis added).

The Willamette River Greenway statute (OAR 660-015-005) contains two components: the Greenway boundary (C.2.) and the Greenway setback (C.3.k.). The boundary includes all lands situated within 150 feet from the ordinary low water line on each side of the channel of the Willamette River (ORS 390.318(1)). The setback is intended to keep structures separated from the river and shall not apply to water-related or water-dependent uses.

The subject property does not have an established Willamette Greenway setback line. As illustrated on Sheets L1 and L2 Site Plan (Exhibit G Plan Set), the applicant proposes the establishment of a Willamette Greenway setback line to keep structures separated from the river

and to protect, maintain, preserve, and enhance the natural, scenic, historic, and recreational qualities of the Willamette Greenway. The proposed setback line is site specific, context sensitive, and responds to existing conditions and the redevelopment vision.

In total the proposed Willamette Greenway Setback will protect 3.19 acres of the subject site. Adoption of the setback ensures that no new buildings will be constructed between the setback and the river, that adequate public access is provided along the river frontage, that existing habitat is preserved, and that the remaining natural vegetative fringe is protected. In order to establish the greenway setback line and associated protections, facilitate redevelopment in accordance with the Master Plan vision, and promote the adaptive reuse of existing structures within the subject site, the Applicant proposes the following condition of approval:

Proposed Condition of Approval

1. A Willamette Greenway Setback line is established on the subject site through the provisions of Section 9.3147 of the Downtown Riverfront Special Area Zone (Exhibit B) to keep structures separated from the river in order to protect, maintain, preserve and enhance the natural, scenic, historic, and recreational qualities of the Willamette River Greenway, as identified in Greenway Inventories. The setback line shall not apply to water-related or water-dependent uses.

The proposed "Riverfront Parkway" – the main loop road through the site – is proposed within the Greenway Boundary but is located outside the proposed Greenway Setback, although roads that provide access to water bodies are generally considered water-related use. Eugene contains several pre-existing examples of roads and highways located within both the Greenway Boundary and established Greenway Setbacks. These include, but are not limited to, portions of: Leo Harris Parkway, Ferry Street Bridge, Goodpasture Island Road, etc.

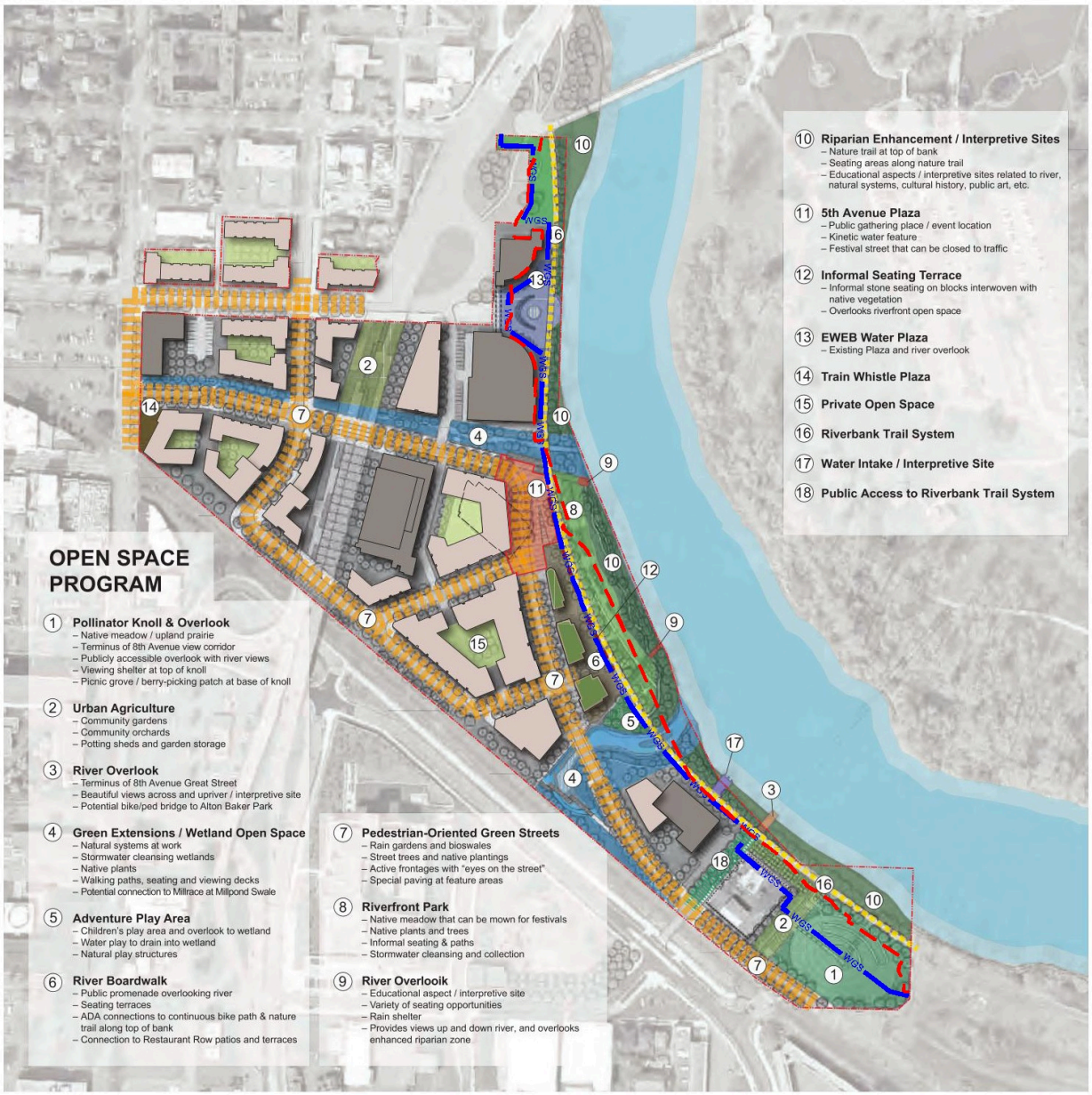
The supplemental findings above demonstrate that the proposal is consistent with Goal 15 and that roads are permitted development within the Greenway boundary.

COUNCILOR INQUIRIES

Open Space Framework and Willamette Greenway Setback.

During the June 12 work session, Councilor Zelenka requested a map that combines the Open Space Framework Diagram from the Master Plan (File Item No. 15.A.vii.c, Page 129) with the Regulatory Plan (File Item No. 13.C.vii, Plan Set Sheet R1) showing the new Willamette Greenway setback. Establishment of the proposed Willamette Greenway setback is discussed in the response to Sonnichsen above. Figure 1 below includes the Open Space Framework Diagram and existing and proposed regulatory boundaries.

Figure 1: Master Plan Open Space Framework and Regulatory Boundaries



Social Equity.

During the June 12 work session, Councilor Syrett requested additional information about the social equity component of the Triple Bottom Line (TBL) Analysis. The attached memorandum from Rowell Brokaw Architects (Exhibit 1) addresses social equity and TBL.

Rowell Brokaw Architects

MEMORANDUM

From: Kaarin Knudson, Rowell Brokaw Architects

To: Colin McArthur, Cameron McCarthy Landscape Architecture & Planning

RE: EWEB Riverfront Master Plan – Triple-Bottom Line Analysis – Social Equity

Date: June 28, 2013

Triple-Bottom Line Analysis - Riverfront Principles + Concepts

At the highest level, the EWEB Riverfront Master Plan and Public Involvement Process was based upon the understanding that our community's social, ecological, economic and sustainable concerns are interdependent. The redevelopment of EWEB's riverfront property offers the unique opportunity to advance these interests simultaneously for the benefit of all Eugene, and to redevelop our Downtown Riverfront into a place that participates actively and graciously with the whole community that surrounds it.

Consistent with triple-bottom-line accounting, the master plan supports social equity, economic prosperity, and environmental health by establishing a community-supported framework to redevelop and re-inhabit EWEB's 27-acre, downtown utility yard. The property can make a meaningful contribution to objectives set by the City's Climate & Energy Action Plan, Growth Management policies, and "Eugene Counts" framework, among others--specifically, the City's goals to create a Safe Community, support Sustainable Development, maintain Accessible and Thriving Culture and Recreation opportunities, and contribute to Fair, Stable, and Adequate Financial Resources.

Community-Developed Design

While the diversity of characteristics that make our community "Uniquely Eugene" may be innumerable, few would argue that our city is best-known for its creative spirit, beautiful milieu, and quality of life. The master planning for the EWEB riverfront property focused on strengthening and supporting these shared values. The plan modeled innovative community-design process and sets the stage for balanced, environmentally conscious, economically viable redevelopment.

Before the design phase began, the Community Advisory Team also worked to describe a set of shared values that elaborated on the four Riverfront Criteria in the Downtown Plan and outlined how this project could contribute to Eugene's economic, environmental and social health. These Guiding Principles and their supporting elements include:

SUSTAINABLE URBANISM

- Demonstrates Eugene's commitment to sustainability
- Applies urban design principles to promote a pedestrian-oriented, livable downtown
- Integrates urban, ecological and architectural considerations

- Incorporates "green" building and design principles
- Increases density near the heart of the city
- Provides shared infrastructure that advances the potential for sustainable development (e.g., renewable energy, landscaped stormwater treatment, water conservation, waste mitigation, urban agriculture)
- Creates a place that is socially and economically diverse

BALANCE OF USES

- Includes a diverse mix of public and private spaces
- Balances and integrates the natural and built environments
- Incorporates a diversity of housing options that bring vitality to the site
- Contributes to a resurgence of Downtown living opportunities
- Develops public amenities that offer cultural, educational, recreational, artistic and social benefits

ECOLOGY

- Protects and enhances complex river ecology
- Aligns riparian restoration with river and site hydrology
- Enhances the community's ecological awareness
- Protects habitat for aquatic and terrestrial species on and near the site
- Recognizes this property as part of the Willamette River watershed

IDENTITY

- Captures Eugene's unique identity
- Recognizes this place as Eugene's Downtown Riverfront
- Redevelops a multi-use, active, livable community
- Honors Eugene's industrial history and EWEB's history of providing and conserving energy and water
- Integrates the layers of Eugene's history imbedded in the site
- Seeks a distinctive, beautiful aesthetic
- Creates a welcoming place for all

CONNECTION

- Connects the river to the city and the city to the river
- Maintains a public river edge and continuous riverbank trail
- Seeks collaboration and compatibility with neighbors
- Creates view corridors to the river
- Improves access to and from the site for all modes of transportation
- Is pedestrian- and bicycle-oriented
- Is accessible and safe for everyone

ECONOMICS

- Is economically viable, vibrant and resilient
- Generates a financial return to EWEB to benefit ratepayers
- Contributes to economic vitality through taxes and employment
- Contributes to community value through infrastructure enhancements

FEASIBILITY

- Generates political and community support for the redevelopment of the downtown riverfront
- Is flexible to allow for adaptation and unforeseen opportunities
- Cultivates local capacities and expertise
- Delivers tangible, immediate benefits for long-term investments
- Contributes to the vitality of Eugene
- Creates a master plan framework that is economically feasible

Public Process + Inclusive Outreach

The EWEB Riverfront Master Plan included a robust and meaningful public involvement process consistent with the Core Values of the International Association of Public Participation (IAP2). This required a high-quality process and the integrated design of public involvement with the technical design process and overall project management. The integration of outreach efforts with key design decisions generated trust within the community and led to increasing involvement over the course of the project. Over a 12-month design process, more than 1,000 people directly participated with this planning process.

Under-represented Communities

While large public meetings played a key role in the public design process, the design team also worked to address the under-representation of youth, the accessibility community, and communities of color through targeted outreach and inclusive strategies.

Youth

Approximately 98 middle- and high-school students and 30 University of Oregon and Lane Community College students actively participated in project activities or events. Seventeen University of Oregon students participated in the RBA/AIA design charrette and one Portland high-school student mentored with the design team project manager for the duration of the master planning process.

Design materials developed for the RBA/AIA design charrette were later utilized for class projects at North Eugene High School and the Village School. In both cases, students toured the EWEB site, and then worked in teams to design a master plan and present their final work to the class. At North Eugene, a member of the Community Advisory Team introduced the project to the class and returned to provide feedback on final presentations.

Accessibility

Outreach to the accessibility community focused on how the EWEB Riverfront Master Plan can embody universal design principles. In the early days of the project, the public involvement team consulted with Human Rights Accessibility Committee staff on the best way to remove participation barriers. Suggestions included:

- Braille translated materials delivered early to participants for review, utilizing the Eugene Public Library Braille Translator
- Promotion and provision of assisted listening devices
- Provision of American Sign Language interpreters upon request
- Hold any public meeting in a location that is accessible to every level of functional mobility

During the master planning process, the design team met twice with the Human Rights Accessibility Committee; once, to receive input and, months later, to show how the committee input had influenced the plan. An additional meeting was organized with accessibility experts to work through specific design issues related to the river edge, bike and pedestrian areas. This input had significant impact on the development of the design.

Communities of Color

A bilingual member of the public involvement team conducted outreach in Latino communities. Latino student organizations at the University of Oregon and Lane Community College, Latina women's groups, and a farming organization were the focus of this outreach. Presentations regarding the master plan that included the opportunity for questions and input were done in small meetings. Simultaneous Spanish translation was available at all large public meetings.

Outreach to the African-American community included 10 individual interviews, a presentation at Blacks in Government, outreach at a hair salon, a church, outreach work at the Martin Luther King, Jr. Day Celebration, and multiple conversations with local African-American historians and community leaders. Participation and historical documents provided by members of the African-American community and researchers affiliated with the University of Oregon helped to develop the master plan's representation of the recent cultural history along the riverfront site.

Site Tours

In addition to the site tours for the hundreds of community members who attended the public events or AIA charrette, the design team led a series of site tours for community leaders, EWEB neighbors, members of the media, and small groups of interested parties. These tours helped to orient people to the site's existing conditions and provided the opportunity for in-depth discussions regarding the design or specific areas of interest.

Public Engagement: Outreach Beyond Public Meetings

The design team utilized a variety of involvement strategies to collect meaningful input from the community at key points in the design process. The Community Advisory Team, EWEB and City staff, and the design team went to the following events with displays about the project:

- Eugene Celebration / People's Choice
- Run to Stay Warm
- Holiday Market
- MLK Jr. Day Celebration
- Walk & Bike Summit
- Asian Celebration
- Peterson Barn Family Night
- Earth Day

During the master planning and land-use process, Rowell Brokaw Architects made more than a dozen presentations local organizations to inform community members about the master plan and solicit input. In doing so, several hundred *additional* community members were informed of the project and asked for input. Presentations were made to the following organizations:

- Neighborhood Leaders Council
- Human Rights Accessibility Committee (2x)
- Downtown Neighborhood Association (2x)
- North Eugene High School
- EWEB Employees (2x)
- Delta Rotary
- Downtown Rotary
- Chamber of Commerce Local Government Affairs Council
- Inns of the Court
- Blacks in Government
- Harlow Neighborhood Association
- Chamber of Commerce Greeters
- HOPES EcoDesign Arts Conference
- Environmental Law Conference

Riverfront Open Space + Public Access

Riverfront Open Space: A Cultural Landscape

Eugene's Downtown Riverfront is a place that we share, making it an ideal vessel for community education and lessons from history. Every member of the community has a connection to the layers of civic, ecological and cultural history embedded in this site. Eugene was founded along these banks, families and friends have lived along them, industries have come and gone, and the water and energy provided by EWEB have supported Eugene for nearly 100 years. The lessons this landscape can teach are poignant and inspiring.

The variety of open space types in the master plan support a wide range of program opportunities on the EWEB site and welcome a diversity of people to the site. These open space types include community gardens, naturalized habitat zones supporting various ecosystems, bioswales, adventure and discovery play areas, naturalized park spaces, green streets, and animated boardwalk and public gathering areas that might include restaurants and kiosks. All of these spaces further the vision of the downtown riverfront as a vibrant, mixed-use, sustainable, highly walkable community.

The overarching open space proposal is for a Cultural Landscape along the river—a community trove of green space, interpretive sites, public art, vistas and historic structures that teach about the history and culture embedded along the riverfront site. These installations could be as small as a single inscribed tile or a plank in a boardwalk, or as large as a building or an entire ecological zone. The intention is to use the full riverfront landscape teach and inspire inquiry into our community's history, in a variety of ways and at a variety of scales.

In addition to EWEB's industrial history on the site and the ecology of this place, some recommended topics for interpretation of the riverfront site's social and cultural history are included below. This does not constitute a comprehensive list of interpretive opportunities, but captures public input and project research.

Wiley Griffon's House

Wiley Griffon is widely considered to be Eugene's first African-American resident. Well-known and popular, Griffon was the driver and de facto operator of a mule-driven streetcar service that carried early residents from West Eugene to the University of Oregon campus. A Sanborn map from 1912 shows Griffon's house to be located near the intersection of 4th and Mill Street, on the riverfront property near to the present-day EWEB Employee's Credit Union. On Eugene Skinner's first plat, Griffon's residence is located on Block 10, Lot 4.

Born in 1867, Griffon came to Eugene from Texas in 1891 with Henry W. Holden, the railway entrepreneur who employed him. Wiley died in Eugene in 1913, at age 46, and was buried in the Masonic Cemetery among Eugene's other pioneer citizens. The location of his grave in the Masonic, and the fact that the local Elks paid for his funeral, says a great deal about the respect Griffon earned during his 22 years as a member of Eugene's community. By all accounts, he was a well-liked, respected man who made recognized contributions to the daily lives of others. He worked for many businesses during his time in Eugene, and purchased his small home overlooking the Millrace in 1909. It is a simple story of a popular man made remarkable by that fact that Griffon lived in Eugene at a time when Oregon laws still barred African-Americans from residing in the state.

At the time Griffon lived on the EWEB property, Oregon could hardly have been a welcoming place for African-Americans. In 1844, the Territory government had banned slavery but made it illegal for African-Americans to live within its bounds. Oregon reaffirmed its exclusion laws when the state constitution was ratified in 1857. In 1859, Oregon was the only state in the union that still had exclusionary laws on its books. These laws weren't repealed until 1926, and it wasn't until 1959 that Oregon ratified the 15th Amendment of the U.S. Constitution, almost 90 years after it was approved by the Federal Government.

As the first recorded of many African-American pioneers in Eugene, and as the city's first known public-transit provider, Wiley Griffon's is an important story to share through the design of this interpretive landscape. Griffon's house also operates as a connecting point between two adjacent sites of historic significance to the African-American community: the Mims House and Ferry Street Community site.

Ferry Street Community

More African-Americans came to Eugene, despite the discriminatory laws and ethic, in the 1930s-1950s, with the Southern Pacific Railroad. In the 1940s, some of these new residents came together in a small community along the northern banks of the Willamette River, near the Ferry Street Bridge and just beyond Eugene's city limits.

The Ferry Street Community was Eugene's first African-American neighborhood. It was located near the foot of the DeFazio Footbridge, on the north side of the river. The houses are remembered as being square in plan, wood-framed, and with simple roofs made from solid materials or canvas. The homes were constructed primarily from scavenged materials.

Today, no physical evidence of the settlement exists. In July 1949, a Lane County Court ordered that the Ferry Street Settlement be razed and residents evicted. Newspaper articles reported that some families did not even have an opportunity to remove their belongings before the small structures were bulldozed. At that time, the community was reported to include 101 people, 65 of whom were "colored," 36 of whom were white, and most of whom were poor. In a 2006 interview conducted by Chrisanne Beckner, Mattie Reynolds, who lived on the site with her husband and children, recalled the names of eight families who lived on the site in 1948: Johnson, Mims, Nettles, Lester, Garrets, Holt and Henry, and Frenchwell. Newspaper articles from 1949 also reference at least three white families named Barber, Walker and Owens.

Following demolition, Eugene's African-American community was dispersed to three separate areas of town: West Eugene, High Street and Glenwood. The land where several families relocated in West Eugene was without water or sewer service, and marked by seasonal flooding. Lyllye Reynolds Parker was among the children who were forced to move when the Ferry Street Community was demolished. Sam Reynolds Street in West Eugene is named for her father. Views to the area once occupied by the Ferry Street Community are afforded from the northern edge of the EWEB property, presenting an opportune location for historic interpretation and commemoration.

Rivers + Hydrology

On a calm day, the Willamette River exudes a bucolic character that belies its power and area of influence. On average, this waterway carries 32,000 cubic feet of water per second (cfs); during the 1996 flood, that rate was 460,000 cfs, or 14 times its average flow. The Willamette watershed encompasses nearly 12,000 square miles and the river itself is 187 miles long, flowing north from the southern end of the Willamette Valley to its confluence with the Columbia River in Portland. Life teams in its waters, and along its banks: more than 70% of Oregon's population lives within this watershed. River overlooks provide the opportunity for interpretative sites addressing hydrology, river systems and water quality.

Historic Infrastructure

The EWEB property is literally filled with industrial relics, and there are numerous opportunities to repurpose these items. Most notably, the Steam Plant sits near the southern terminus of the riverfront open space, forming a historic backdrop to the riverfront property. Completed in 1931, the Steam Plant is historically significant for its use as a power plant. The structure is a highly recommended candidate for renovation and adaptive reuse.

Natural Systems + Habitat

Stormwater runoff poses a major threat to the health of rivers, and loss of habitat in urban areas threatens pollinator

species and songbirds. The master plan proposes new habitat but also recommends interpretive sites along the Millpond Swale and atop the Pollinator Knoll to share this knowledge and present action-item solutions to community members.

Skinner's Mudhole + Ferry Crossing

The riverfront property is part of our city's earliest history and a river overlook is an ideal location to share this history lesson.

ORDINANCE NO. ____

AN ORDINANCE CONCERNING THE EWEB DOWNTOWN RIVERFRONT PROPERTY

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. As a result of this citizen initiated plan amendment process, the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) Land Use Diagram is amended to remove the current Metro Plan designations from the properties identified on Exhibit 1 "EWEB Downtown Riverfront Metro Plan Amendment" attached to this Ordinance, and to replace those designations as reflected on Exhibit 1.

Section 2. The EWEB Downtown Riverfront Specific Area Plan, a copy of which is attached to this Ordinance as Exhibit 2, is adopted as a refinement of the Eugene-Springfield Metropolitan Area General Plan. However, only those portions of the EWEB Downtown Riverfront Specific Area Plan that are specifically referenced in EC 9.3155(4), 9.3155(16), 9.3185(2)(b), 9.3185(2)(i), 9.3190(2)(d) and EC 9.8030(16)(a) are adopted as land use regulations, to be applied only as indicated in those sections of the Eugene Code. All other portions of the EWEB Downtown Riverfront Specific Area Plan are adopted only to serve as findings in support of this Ordinance.

Section 3. The "Policies" and "Projects" sections on page 29 in the "Downtown Riverfront" section of Eugene Downtown Plan are amended as follows:

Policies

1. Incorporate the Willamette River as an integral element to downtown planning and development.

[~~2. Collaborate with EWEB to encourage relocation of their utility facilities.~~]

[~~3. A master plan for the EWEB riverfront property must be approved by the City before an redevelopment, land use application rezoning, Metro Plan or refinement plan diagram amendments are approved for uses not associated with EWEB functions. The master plan shall be evaluated based on the master plan's consistency with principles A through D below:~~

~~A. Create a "people place" that is active, vibrant, accessible and multi-use.~~
~~B. Provide appropriate setbacks, deeper where environmental or habitat issues are more critical, shallower in other areas.~~
~~C. Incorporate appropriate building and site design techniques that address environmental concerns.~~
~~D. Incorporate an educational aspect, so that the riverfront improvements teach us about our river, our history, and our city.~~

~~The master plan shall be considered using the City's Type II application procedures, unless the applicant elects to have the master plan reviewed concurrently with a Type III, Type IV or Type V application.~~]

[~~4.~~]***2.*** Facilitate dense development in the courthouse area and other sites between the core of downtown and the river.

Projects

Examples of possible projects that address the implementation strategies:

[~~● Partner with EWEB to develop a master plan for the EWEB site.~~]

- Assess and provide mitigation for stormwater issues related to the potential development of riverfront properties.
- Introduce pedestrian-related improvements along all paths leading to the river.
- Develop an adaptive use concept for EWEB's Steam Plant.
- Daylight the Millrace to connect downtown to the river and capitalize on this historic waterway.

Section 4. The Riverfront Park Study is amended by deleting subsection E in the "Policies" section on pages 11 and 12 and re-lettering subsection F to subsection E.

[~~E. EWEB~~

~~The following policies are intended to provide direction for future action pertaining to the EWEB main facility and steam plant.~~

~~1. Property under EWEB ownership within the Riverfront Park Study Area shall remain designated for the utility's main headquarters.~~

~~In 1983, EWEB embarked on a project to develop a Headquarters Master Plan that investigates alternative for consolidating its 428 employees and major operations at the existing riverfront site. This policy recognizes that the draft EWEB Master Plan, once adopted, will be the bases for future decisions relating to the develop of EWEB's land and operations facilities. It also recognizes that EWEB is an important employer and service provider in the Riverfront Study Area and is especially important because of its proximity to downtown Eugene. The recently~~

~~adopted Downtown Plan similarly recognized EWEB's continued presence in the study area and anticipates continuing improvements in river access in concert with the implementation of the EWEB Master Plan.~~]

~~[2. The City of Eugene shall work with EWEB and the University of Oregon to investigate actions which could be taken to implement improvements in the efficiency of the steam plants operated by both organizations in the Riverfront Study area.~~

~~This policy commits the City of Eugene to work with both the University of Oregon and EWEB to attempt to identify ways to increase efficiencies in steam plant operations of both organizations. Increasing steam facility efficiencies has potential impact on future users, e.g., those in the Riverfront Park Area as well as existing steam customers, and consequently is an important community-wide economic diversification issue.~~]

~~[3. Property owned by the University of Oregon, and currently leased by EWEB for its pole yard, shall be included in the property available for redevelopment for new facilities in the Riverfront Park.~~

~~This policy recognizes that the current pole storage is an interim use, and that the University may implement redevelopment plans in its role as property owner.]~~

~~F.~~***E.*** AGRIPAC

Section 5. The Eugene Zoning Map is amended to remove the current zones from properties identified on Exhibit 3 attached to this Ordinance and to replace those zones as reflected on Exhibit 3.

Section 6. The Eugene Overlay Zone Map is amended to remove the /TD Transit Oriented Development Overlay Zone from properties identified on Exhibit 3 attached to this Ordinance as reflected on Exhibit 3. All other currently applicable overlay zones shall remain in place, as reflected on Exhibit 3.

Section 7. Section 9.0500 of the Eugene Code, 1971, is amended by adding the following definitions in alphabetical order to provide as follows:

9.0500 **Definitions**. As used in this land use code, unless the context requires otherwise, the following words and phrases mean:

Urban Plaza. The land between a building and property line or street paved with a hard surface for use by pedestrians containing a minimum of two pedestrian amenities such as seating areas, covered playground area, kiosk area, water feature, interpretive display, public art, or other similar focal feature or amenity.

Visible Light Transmittance (VLT). The amount of visible light that passes through the glazing material of a window, expressed as a percentage.

Section 8. Section 9.1030 of the Eugene Code, 1971, is amended by adding the following entry in alphabetical order to the Table 9.1030 Special Area Zone listing:

9.1030 Establishment and List of Zones. The zones listed in Table 9.1030 Zones are established as follows:

Table 9.1030 Zones		
Broad Zone Category	**Zone**	
Special	***S-DR***	***Downtown Riverfront Special Area Zone***

Section 9. The Caption, Sections 9.3130, 9.3135, 9.3140, 9.3145, 9.3146, 9.3147, 9.3148, 9.3150, 9.3155, 9.3160, 9.3165, 9.3170, 9.3175, 9.3180, 9.3181, 9.3182, 9.3185, and 9.3190, and the figures embedded within those Sections are added to the Eugene Code, 1971, as set forth in Exhibit 4 "S-DR Downtown Riverfront Special Area Zone" attached to this Ordinance.

Section 10. EC "Map EC 9.4510 Transit Oriented Development Overlay Zone" is amended to remove the subject site from the boundaries of the /TD overlay zone as shown on Exhibit 5 attached to this Ordinance.

Section 11. EC "Map 9.6410(4)(a) Downtown and West University Automobile Parking Exempt Areas" is amended to remove the subject site from the boundaries of the Downtown Automobile Parking Exempt Areas as shown on Exhibit 6 attached to this Ordinance.

Section 12. Subsection (1) of Section 9.6670 of the Eugene Code, 1971, is amended to provide:

9.6670 Central Commercial Sign Standards. The central commercial sign standards are hereby created and applied to all property within the central commercial zones as set forth below. Signs are restricted in recognition of the high density usage of these areas, where pedestrian traffic is heavy and vehicular traffic is commonly limited.

(1) Corresponding Zones. The provisions of this section apply to all property not regulated by the highway commercial sign standards which is zoned C-3, ***to property within the S-DR Downtown Riverfront Special Area Zone,*** to property within the S-F 5th Street Special Zone, and to those portions of the

S-RP Riverfront Park Special Zone which are not within 200 feet of the Franklin Boulevard center line.

Section 13. Subsection (1) of Section 9.7025 of the Eugene Code, 1971, is amended to provide:

9.7025 Performance Agreements.

(1) Applicability. The city shall require execution of a performance agreement by the applicant for all of the following types of applications:

(a) Conditional use permit and any modifications.

(b) Design review.

(~~b~~***c***) Historic property alteration and any modifications.

(~~c~~***d***) Planned unit development, final plan and any modifications.

(~~d~~***e***) Site review and any modifications.

(~~e~~***f***) Subdivisions final plat and any modifications.

(~~f~~***g***) Standards review and any modifications.

Section 14. Section 9.7030 of the Eugene Code, 1971, is amended to provide:

9.7030 Recordation of Certain City Decisions. After a decision becomes final at the local level, the city shall record at Lane County Deeds and Records a notice of a decision concerning property that is the subject of the following types of applications:

(1) Conditional use permit and any modifications.

(2) Design Review.

(~~2~~*3*) Historic landmark, designation.

(~~3~~*4*) Historic property, alteration.

(~~4~~*5*) Planned unit development, final plan and any modifications.

(~~5~~*6*) Property line adjustment.

(~~6~~*7*) Site review and any modifications.

(~~7~~*8*) Variances.

(~~8~~*9*) Willamette Greenway permit and any modifications.

(~~9~~*10*) Zone change.

(~~10~~*11*) Vacations.

Section 15. Subsection (4) of Section 9.7340 of the Eugene Code, 1971, is amended to provide:

9.7340 Expiration.

(4) Unless the [~~hearings official designates~~] ***decision specifies*** otherwise, a Willamette Greenway permit approval shall expire 18 months after the effective date of approval unless actual construction or alteration has begun under a required permit, or in the case of a permit not involving construction or alteration, actual commencement of the authorized activity has begun. However, the applicant may submit a modification application at any time before the 18-month period has expired, requesting an extension of the approval period. The applicant may request more than one extension. Under

no circumstances, however, can the total combined extension periods exceed 36 months from the original expiration date. ***Within S-DR, upon approval of a Willamette Greenway Permit concurrently with Type V code amendments and other plan amendments, plan adoption, or zone change; the Willamette Greenway permit shall remain in effect so long as the S-DR zone remains in effect.***

Section 16. Table 9.8010 List of Adopted Plans in Section 9.8010 of the Eugene Code, 1971, is amended to provide:

Table 9.8010 List of Adopted Plans	
Bethel-Danebo Refinement Plan (Phase II)	River Road-Santa Clara Urban Facilities Plan
Bethel-Danebo Refinement Plan	Riverfront Park Study
Comprehensive Stormwater Management Plan	South Hills Study
Downtown Riverfront Specific Area Plan	South Willamette Subarea Study
Eugene Commercial Lands Study	TransPlan (Metro Area Transportation Plan)
Eugene Downtown Plan	Walnut Station Specific Area Plan
Eugene-Springfield Metropolitan Area General Plan (Metro Plan)	West University Refinement Plan
Fairmount/U of O Special Area Study	Westside Neighborhood Plan
Jefferson/Far West Refinement Plan	Whiteaker Plan
Laurel Hill Neighborhood Plan	Willakenzie Area Plan
19th and Agate Special Area Study	Willow Creek Special Area Study
Resolution No. 3862 Adopting the West 11th Commercial Land Use Policy and Refining the Eugene-Springfield Metropolitan Area General Plan (Adopted June 13, 1984)	Resolution No. 3885 Establishing Areas for the Application of C-4 Commercial-Industrial District Zoning, and Amending Resolution No. 3862 (Adopted on November 13, 1984)

Section 17. EC "Map 9.8010 Adopted Plans" and its legend are amended to include the Downtown Riverfront Specific Area Plan as shown on Exhibit 7 attached to this Ordinance.

Section 18. Subsection (16)(a) of Section 9.8030 of the Eugene Code, 1971, is amended to provide:

9.8030 **Adjustment Review - Approval Criteria.** The planning director shall approve, conditionally approve, or deny an adjustment review application. Approval or conditional approval shall be based on compliance with the following applicable criteria.

(16) Downtown Plan Area. Where this land use code provides that a development standard applicable within the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map may be adjusted, approval of the request shall be given if the applicant demonstrates consistency with all of the following:

(a) The requested adjustment will allow the project to achieve an equivalent or higher quality design than would result from strict adherence to the standards through:

1. A building orientation, massing, articulation and façade that

contribute positively to the surrounding urban environment; and

2. An overall site and building design that creates a safe and attractive pedestrian environment. Design elements for this purpose may include special architectural design features, high quality materials, outdoor seating, pedestrian-scaled lighting, prominent entries facing the street, multiple openings or windows, and a significant use of clear, untinted glass.

3. Within the S-DR zone, alternatives proposed pursuant to EC 9.3150(3), EC 9.3180(3), EC 9.3181(3), and EC 9.3182(3) shall demonstrate compliance with "urban design" plan policies in the Downtown Riverfront Specific Area Plan; alternatives proposed pursuant to EC 9.3160(7) and EC 9.3165(1) shall demonstrate compliance with "infrastructure" plan policies in the Downtown Riverfront Specific Area Plan; and, uses proposed pursuant to EC 9.3147(7) and alternatives proposed pursuant to EC 9.3185(4) shall demonstrate compliance with "open space" plan policies in the Downtown Riverfront Specific Area Plan.

Section 19. Section 9.8111 of the Eugene Code, 1971, is amended to provide:

9.8111 Design Review - Applicability. [~~EC 9.3980 allows an applicant within the S-WS Walnut Station Special Area Zone to seek approval through the Design Review process.~~] ***Applicants within the S-WS Walnut Station Special Area Zone or S-DR Downtown Riverfront Special Area Zone may seek approval through the Design Review process per EC 9.3980 or EC 9.3190.*** These applications for review shall be considered under a Type II process, or concurrently with a related Type III application process. No development permit shall be issued by the city prior to completion of the design review.

Section 20. Subsection (1) of Section 9.8215 of the Eugene Code, 1971, is amended to provide:

9.8215 Partition, Tentative Plan Approval Criteria- General. The planning director shall approve, approve with conditions, or deny a partition, with findings and conclusions. Approval, or approval with conditions, shall be based on compliance with the following criteria:

(1) The proposed partition complies with all of the following***, unless specifically exempt from compliance through a code provision applicable to a special area zone or overlay zone***:

(a) Lot standards of EC 9.2000 through 9.3915 regarding applicable parcel dimensions and density requirements. Within the /WR Water Resources Conservation Overlay Zone or the /WQ Water Quality Overlay Zone, no new lot may be created if more than 33% of the lot, as created, would be occupied by either:

1. The combined area of the /WR conservation setback and any portion of the Goal 5 Water Resource Site that extends landward

beyond the conservation setback; or
2. The /WQ Management Area.

(b) EC 9.6800 through EC 9.6875 Standards for Streets, Alleys, and Other Public Ways.
(c) EC 9.6500 through EC 9.6505 Public Improvement Standards.
(d) EC 9.6706 Development in Flood Plains through EC 9.6709 Special Flood Hazard Areas - Standards.
(e) EC 9.6710 Geological and Geotechnical Analysis.
(f) EC 9.6735 Public Access Required.
(g) EC 9.6750 Special Setback Standards.
(h) EC 9.6775 Underground Utilities.
(i) EC 9.6780 Vision Clearance Area.
(j) EC 9.6791 through 9.6797 regarding stormwater destination, pollution reduction, flow control for headwaters area, oil control, source control, easements, and operation and maintenance.
(k) All other applicable development standards for features explicitly included in the application.
(l) The applicable adopted plan policies beginning at EC 9.9500.

An approved adjustment to a standard pursuant to the provisions beginning at EC 9.8015 of this land use code constitutes compliance with the standard.

Section 21. The introductory paragraph of Section 9.8240 of the Eugene Code, 1971, is amended to provide:

9.8240 **Partition, Final Plat Approval Criteria.** The planning director shall approve or deny the partition's final plat. Approval shall be based on compliance with the following criteria***, unless specifically exempt from compliance through a code provision applicable to a special area zone or overlay zone***:

Section 22. Subsection (1) of Section 9.8515 of the Eugene Code, 1971, is amended to provide:

9.8515 **Subdivision, Tentative Plan Approval Criteria - General.** The planning director shall approve, approve with conditions, or deny a proposed subdivision. Approval, or approval with conditions shall be based on compliance with the following criteria:

(1) The proposed subdivision complies with the following***, unless specifically exempt from compliance through a code provision applicable to a special area zone or overlay zone***:

(a) EC 9.2000 through 9.3915 regarding lot dimensions and density requirements for the subject zone. Within the /WR Water Resources Conservation Overlay Zone or /WQ Water Quality Overlay Zone, no new lot may be created if more than 33% of the lot, as created, would be occupied by either:
1. The combined area of the /WR conservation setback and any portion of the Goal 5 Water Resource Site that extends landward beyond the conservation setback; or
2. The /WQ Management Area;

(b) EC 9.6800 through EC 9.6875 Standards for Streets, Alleys, and Other Public Ways; and
(c) EC 9.6500 through EC 9.6505 Public Improvement Standards.

Section 23. Subsection (3) of Section 9.8520 of the Eugene Code, 1971, is amended to provide:

9.8520 Subdivision, Tentative Plan Approval Criteria- Needed Housing. The planning director shall approve, conditionally approve, or deny the subdivision application. Unless the applicant elects to use the general criteria contained in EC 9.8515 Subdivision, Tentative Plan Approval Criteria- General, where the applicant proposes needed housing, as defined by the State statutes, the planning director shall approve or approve with conditions a subdivision based on compliance with the following criteria:

(3) The proposed subdivision complies with all of the following***, unless specifically exempt from compliance through a code provision applicable to a special area zone or overlay zone***:

(a) EC 9.2000 through 9.3915 regarding lot dimensions and density requirements for the subject zone. Within the /WR Water Resources Conservation Overlay Zone or /WQ Water Quality Overlay Zone, no new lot may be created if more than 33% of the lot, as created, would be occupied by either:
1. The combined area of the /WR conservation setback and any portion of the Goal 5 Water Resource Site that extends landward beyond the conservation setback; or
2. The /WQ Management Area.

(b) EC 9.6800 through EC 9.6875 Standards for Streets, Alleys, and Other Public Ways.
(c) EC 9.6500 through EC 9.6505 Public Improvement Standards.
(d) EC 9.6706 Development in Flood Plains through EC 9.6709 Special Flood Hazard Areas - Standards.
(e) EC 9.6710(6) Geological and Geotechnical Analysis.
(f) EC 9.6730 Pedestrian Circulation On-Site.
(g) EC 9.6735 Public Access Required.
(h) EC 9.6750 Special Setback Standards.
(i) EC 9.6775 Underground Utilities.
(j) EC 9.6780 Vision Clearance Area.
(k) EC 9.6791 through 9.6797 regarding stormwater destination, pollution reduction, flow control for headwaters area, oil control, source control, easements, and operation and maintenance.

An approved adjustment to a standard pursuant to the provisions beginning at EC 9.8015 of this land use code constitutes compliance with the standard.

Section 24. The introductory paragraph of Section 9.8565 of the Eugene Code, 1971, is amended to provide:

9.8565 Subdivision, Final Plat Approval Criteria. The planning director shall approve or deny the subdivision final plat. Approval shall be based on compliance with the

following criteria***, unless specifically exempt from compliance through a code provision applicable to a special area zone or overlay zone***:

Section 25. The introductory paragraph of Section 9.8670 of the Eugene Code, 1971, is amended to provide:

9.8670 Applicability. Traffic Impact Analysis Review is required when one of the following conditions exist ***unless the development is within an area subject to a prior approved Traffic Impact Analysis and is consistent with the impacts analyzed***:

Section 26. Section 9.8810 of the Eugene Code, 1971, is amended to provide:

9.8810 General Requirements.

(1) Willamette Greenway permit applications shall be considered in accordance with the Type III application procedures contained in EC 9.7000 through EC 9.7885 Application Procedures ***unless considered concurrently with a Type IV or Type V application***.

[~~**(2)** Willamette Greenway permit applications may be reviewed concurrently with conditional use permit applications, planned unit development applications, or site review applications.~~]

(~~3~~*2*) No development permit shall be [~~accepted~~] ***issued*** by the city when a Willamette Greenway permit is required for the proposed development until [~~the hearings official or planning commission approves~~] the Willamette Greenway permit ***has been approved***. Development permits shall be consistent with the terms and conditions of that Willamette Greenway permit.

Section 27. Subsection (4) of Section 9.8865 of the Eugene Code, 1971, is amended by adding a new subparagraph (i) and re-lettering the subsequent subparagraphs to provide:

9.8865 Zone Change Approval Criteria. Approval of a zone change application, including the designation of an overlay zone, shall not be approved unless it meets all of the following criteria:

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

(i) EC 9.3140 S-DR Downtown Riverfront Special Area Zone Siting Requirements.

(~~i~~***j***) EC 9.3205 S-DW Downtown Westside Special Area Zone Siting Requirements.

(~~j~~***k***) EC 9.3305 S-E Elmira Road Special Area Zone Siting Requirements.

(~~k~~***l***) EC 9.3605 S-JW Jefferson Westside Special Area Zone Siting Requirements.

(~~l~~***m***) EC 9.3705 S-RP Riverfront Park Special Area Zone Siting Requirements.

(~~m~~***n***) EC 9.3805 S-RN Royal Node Special Area Zone Siting Requirements.

(~~n~~***o***) EC 9.3905 S-W Whiteaker Special Area Zone Siting Requirements.

(~~o~~***p***) EC 9.3955 S-WS Walnut Station Special Area Zone Siting Requirements.
(~~p~~***q***) EC 9.4205 /EC East Campus Overlay Zone Siting Requirements.
(~~q~~***r***) EC 9.4715 /WP Waterside Protection Overlay Zone Siting Requirements.
(~~r~~***s***) EC 9.4776 /WQ Water Quality Overlay Zone Siting Requirements (only for the purposes of adding the overlay zone. See EC 9.4786.).
(~~s~~***t***) EC 9.4915 /WR Water Resources Conservation Overlay Zone Siting Requirements (only for the purposes of adding the overlay zone. See EC 9.4960.).
(~~t~~***u***) EC 9.4815 /WB Wetland Buffer Overlay Zone Siting Requirements.
(~~u~~***v***) An uncodified ordinance establishing a site specific S-H Historic Special Area Zone, a copy of which is maintained at the city's planning and development department.

Section 28. Section 9.9540 of the Eugene Code, 1971, is deleted:

[~~**9.9540 Eugene Downtown Plan Policies.** A master plan for the EWEB riverfront property must be approved by the city before any redevelopment, land use application, rezoning, Metro Plan or refinement plan diagram amendments are approved for uses not associated with EWEB functions. The master plan shall be evaluated based on the master plan's consistency with principles (1) through (4) below:~~
~~**(1)** Create a "people place" that is active, vibrant, accessible and multi-use.~~
~~**(2)** Provide appropriate setbacks, deeper where environmental or habitat issues are more critical, shallower in other areas.~~
~~**(3)** Incorporate appropriate building and site design techniques that address environmental concerns.~~
~~**(4)** Incorporate an educational aspect, so that the riverfront improvements teach us about our river, our history and our city.~~
~~The master plan shall be considered using the City's Type II application procedures, unless the applicant elects to have the master plan reviewed concurrently with a Type III, Type IV or Type V application. (Policy 3)~~]

Section 29. The City Council hereby approves a Willamette Greenway Permit pursuant to EC 9.8800 – 9.8825, as those sections are amended by this Ordinance, for the portion of the Willamette River Greenway that is included within the boundaries of the S-DR Riverfront Special Area Zone to permit development consistent with the applicable S-DR Downtown Riverfront Special Area Zone code provisions adopted by this Ordinance. The Willamette Greenway Permit approved by this Ordinance shall remain in effect for any lot within the Willamette Greenway boundaries in the S-DR zone for as long as that lot continues to be in the S-DR zone. In support of this approval, the City Council accepts as its own findings those

findings provided by the Applicant in Section 5.6 of Exhibit 8 attached hereto. A Willamette River Greenway setback boundary is hereby established in accordance with the applicable approval criteria at Section 9.8815(5)(a) of the Eugene Code, as shown on Exhibit 9 attached to this Ordinance.

Section 30. The "Prior Developed Areas" as shown on Exhibit 9 attached to this Ordinance are hereby acknowledged as being excluded from the /WR Water Resources conservation area, in accordance with Section 9.4920(5) of the Eugene Code.

Section 31. The EWEB Downtown Riverfront Specific Area Plan, a copy of which is attached to this Ordinance as Exhibit 2, and the Applicant's December 5, 2012 Final Submittal documents, portions of which are attached to this Ordinance as Exhibit 8, are approved as support and findings for this Ordinance.

Section 32. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 33. The City Recorder, at the request of, or with the consent of the City Attorney, is authorized to administratively correct any reference errors contained herein, or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

Passed by the City Council this

____ day of _____, 2013

_____

City Recorder

Approved by the Mayor this

____ day of _____, 2013

_____

Mayor

Exhibit 8

CITY OF EUGENE

METRO PLAN AMENDMENT, REFINEMENT PLAN AMENDMENTS, CODE AMENDMENTS, ZONE CHANGE, & WILLAMETTE GREENWAY PERMIT APPLICATION

EUGENE WATER & ELECTRIC BOARD (EWEB) DOWNTOWN RIVERFRONT LAND USE COMPONENTS

December 5, 2012

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Landscape Architecture & Planning
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www.cameronmccarthy.com

INDEX

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EUGENE WATER AND ELECTRIC BOARD (EWEB)
DOWNTOWN RIVERFRONT

METRO PLAN AMENDMENT, REFINEMENT PLAN AMENDMENTS, CODE AMENDMENTS, ZONE CHANGE, & WILLAMETTE GREENWAY PERMIT APPLICATION

Written Statement

1.0 PROJECT INFORMATION

Applicant's Request:	The applicant, Eugene Water & Electric Board (EWEB), requests approval of a concurrent Metro Plan Amendment, Refinement Plan Amendments, Refinement Plan Adoption, Zone Change, and Willamette Greenway Permit application to enable redevelopment of the Downtown Riverfront site.
Property Owner:	Eugene Water & Electric Board PO Box 10148 Eugene, OR 97440
Applicant:	Eugene Water & Electric Board PO Box 10148 Eugene, OR 97440
Applicant's Representative:	Colin McArthur, AICP Principal Planner Cameron McCarthy 160 E. Broadway, Eugene OR 97401 541.485.7385 colin@cameronmccarthy.com
Designated Contacts:	Kevin Biersdorff Principal Project Manager Eugene Water & Electric Board PO Box 10148, Eugene OR 97440-2148 541.685.7739 Kevin.BIERSDORFF@eweb.org Jeannine Parisi Community and Local Government Liason Eugene Water & Electric Board PO Box 10148, Eugene OR 97440-2148 541.685.7451 Jeannine.PARISI@eweb.org
Project Name:	EWEB Downtown Riverfront Land Use Components
Subject Property:	Assessor's Map 17-03-29-33:

	Tax Lots 1400, 1600, 1800, 2000, 2600, 2700, & 2900 Assessor's Map 17-03-30-44: Tax Lots 7400, 8200, 8300, 8400, & 8500 Assessor's Map 17-03-31-11: Tax Lots 100 & 300 Assessor's Map 17-03-32-22: Tax Lots 100, 300, 400, 401, 800, 1500, & 1600
Location:	EWEB Downtown Riverfront 500 East 4th Avenue Eugene, OR 97401
Property Size:	27.06 acres
Plan Designation:	HDR High Density Residential, HI Heavy Industrial, POS Parks and Open Space, MU Mixed Use
Plan Overlay Designation:	/ND Nodal Development Overlay
Zoning Designation:	PL Public Land, I-2 Light-Medium Industrial, I-3 Heavy Industrial, S-W Whiteaker Special Area Zone
Overlay Zoning Designation:	/SR Site Review, /TD Transit Oriented Development, /WR Water Resources Conservation
Neighborhood-Applicant Meeting:	June 29, 2011, 6:30-8:00 PM EWEB North Building 500 E. 4th Avenue Eugene, OR 97401

2.0 DESCRIPTION OF PROPOSAL

2.1 Overview

Eugene Water and Electric Board (EWEB), the "applicant", requests approval to implement the land use components of the EWEB Riverfront Master Plan (Master Plan). The EWEB Board of Commissioners unanimously approved the Master Plan on June 1, 2010. The land use components, identified herein as implementation tools, comprise item number six (6) of the January 2007 Memorandum of Understanding between the City of Eugene and EWEB.[1] The land use components consist of a concurrent request for approval of a Metro Plan Amendments, Refinement Plan Adoption, Refinement Plan Amendments, Code Amendments, Zone Change, and Willamette Greenway Permit application; and, a separate request for approval of a Traffic Impact Analysis application.

The EWEB Downtown Riverfront site (Figure 2-1) (subject property, subject site) is 27.06 acres in size and comprised of 21 parcels. EWEB owns all parcels within the subject site. As shown in Figure 2-1, the subject site is bounded by the Willamette River to the east; University of Oregon (UO) Riverfront Research Park lands to the south; the Union Pacific Railroad corridor and High Street to the west; and, 4th Avenue to the north, with the exception of five parcels located north of 4th Avenue.

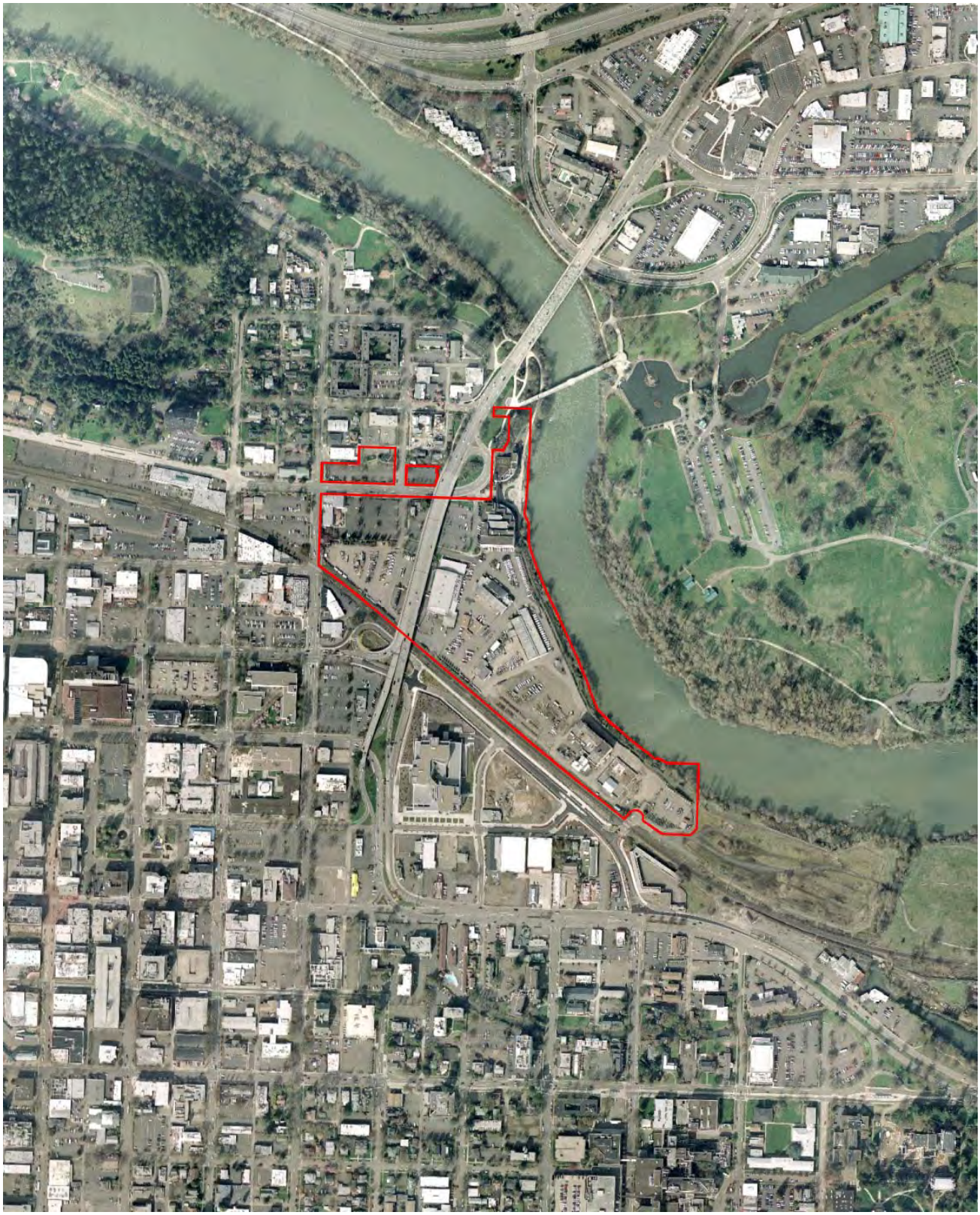
2.2 Background

The Eugene Code (EC) and the *Eugene Downtown Plan*, an adopted refinement plan, call for a master plan for the EWEB riverfront site prior to any redevelopment. In 2007, in preparation for EWEB vacating the majority of its operations from the Downtown Riverfront site, EWEB and the City of Eugene entered into a Memorandum of Understanding (MOU) that directed the development of a Master Plan for the subject property. A Community Advisory Team (CAT) was jointly appointed by the EWEB Board of Commissioners and Eugene City Council to help guide the creation of the *EWEB Riverfront Master Plan*. Rowell Brokaw Architects (RBA) led the design team, coordinated with community members in individual and group interviews, held a series of large public events to discuss design elements, and conducted extensive public outreach and involvement as part of the project. In April 2010, RBA completed the *Master Plan* for the EWEB Downtown Riverfront site. The *Master Plan* was unanimously approved by the EWEB Board of Commissioners on June 1, 2010.

The approved *Master Plan* represents the community's vision for the redevelopment of the Downtown Riverfront. The *Master Plan* is a framework that builds certainty about the vision for the subject property, while being flexible enough to allow this vision to be realized in different ways. It outlines the context, principles, objectives, recommendations, and requirements for the redevelopment of the EWEB riverfront property, as well as the public process conducted to arrive at this vision. The *Master Plan* gives form and specificity to goals and principles outlined in the *Eugene Downtown Plan*. The *Master Plan* also includes design guidelines, the basis for clear and objective development standards, and descriptions of design intent, the basis for adjustment or design review criteria.

[1] Memorandum of Understanding (MOU). City of Eugene and the Eugene Water & Electric Board. January 17, 2007.

Figure 2-1



The *Master Plan* envisions a green redevelopment of the subject property, with approximately eight (8) acres of dedicated public open space, new construction and adaptive re-use of buildings, pedestrian-oriented streets connecting Downtown Eugene to the Willamette River, and a Cultural Landscape that displays the ecological, social, industrial, and civic history of the place. It establishes a framework of streets, open space, and redevelopment parcels as well as a set of allowable uses and use requirements. The *Master Plan* is the foundation for the land use components described herein.

Extensive public involvement was a key component to the creation of a redevelopment strategy that resonates with Eugene residents and satisfies community needs. Throughout the *Master Plan* development process, public input was integrated during design iterations and incorporated into decision-making equations that resulted in the *EWEB Riverfront Master Plan*. From its inception, the redevelopment project has had a clear and primary objective of fostering consistent and active community support.

In 2010, EWEB relocated its maintenance, operations, and engineering staff from the Downtown Riverfront site to the new Roosevelt Operations Center (ROC) in west Eugene. EWEB Administrative staff remain in the existing headquarters building on the Downtown Riverfront site. As a result of the major relocation, a significant portion of the Downtown Riverfront site is available for redevelopment.

2.3 Context

The *Master Plan* envisions its future adoption as a refinement plan or specific area plan and that a new Special Area Zone will be established in the Eugene Code based on the *Master Plan's* recommendations and requirements. The *Master Plan* notes that this is not the only course of approval or adoption process; however it was the course presumed when the master planning process was completed.

The *Master Plan* recommends re-zoning of the property to meet the vision of the master planning and public engagement processes. The *Master Plan* utilized the existing Community Commercial (C-2) zone as the basis for discussions regarding allowable uses and uses not allowed on the riverfront site. While this might imply that C-2 is suitable as a potential base zone for the Riverfront site, many of the C-2 zoning requirements are in conflict with aspects of the *Master Plan* vision and, in general, are not designed to facilitate mixed-use development, the endorsed build-out alternative.

With the adoption of the *Growth Management Study*, in 1998, and the regional transportation plan (*TransPlan*), in 2001, the concept of mixed-use development (formerly known as "nodal development") is the official growth management policy of the City of Eugene. Mixed-use development is based on a vision of Eugene's future that maintains the existing urban growth boundary by encouraging infill; redevelopment; and higher density, mixed-use development in select locations throughout the metropolitan area. Mixed-use development is a major step towards realizing citizens' vision of Eugene's future. The *Master Plan* envisions mixed-use development through infill development, redevelopment, and adaptive reuse of the Downtown Riverfront site and is therefore aligned with the vision for Eugene's future.

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3.0 EXISTING CONDITIONS

3.1 Site Context

The EWEB Downtown Riverfront site is comprised of 21 parcels totaling 27.06 acres in size. As shown on Sheet C1 Cover Sheet (Exhibit G Plan Set), the subject site contains 22.76 acres of developed land and 4.30 acres of open space. The subject site is located adjacent to the Willamette River, the Eugene Downtown Core area, and the 5th Street Market commercial corridor. Across the Willamette River from the subject site is Alton Baker Park, the city's largest metropolitan park. Further upstream is the University of Oregon's Riverfront Research Park. To the south of the subject site, across E. 6th Avenue, is the U.S. Federal Courthouse. Skinners Butte is located approximately ¼ mile to the northwest.

The Union Pacific railroad corridor forms the southwestern boundary of the subject site. The rail corridor is the primary passenger and freight rail line serving the Eugene-Springfield Metropolitan area. Eugene station is located approximately ¼-mile west of the intersection of 4th Avenue and High Street, the northwest corner of the subject site. The Ruth Bascom Riverfront Trail stretches along the west bank of the Willamette River within the project boundaries. Ferry Street Bridge, located north of the subject site, is a significant transportation arterial and primary vehicular route across the Willamette River. The Peter Defazio Bridge, located north of the subject site, is a primary pedestrian and bicycle route across the Willamette River from Downtown Eugene to Alton Baker Park, Autzen Stadium, and beyond.

The EWEB Riverfront site is located within the heart of Downtown Eugene and in proximity to many defining natural, cultural, and economic amenities. The subject property is isolated from the rest of the city by the railroad corridor and elevated Ferry Street Viaduct. Establishing new and clearly identifiable street and pedestrian connections to the riverfront are of great importance in order to realize the community benefits of this civic and natural-resource amenity.

3.2 Site History

The EWEB Downtown Riverfront site housed community water facilities prior to 1900. However, EWEB's history and its history on the subject property can be traced to an event in 1906. Privately owned companies originally provided water and electric service to the citizens of Eugene. Following increasing prices and a typhoid outbreak in 1906, actions were initiated to revise the City Charter and state legislation to allow for public ownership of water, electric, and sewer service. On November 18, 1908 the City Council purchased the private domestic water system and on March 11, 1911 the Eugene Water Board was formed. The utility's name was later changed to Eugene Water & Electric Board (EWEB) to reflect the provision of electrical service.

The facilities purchased in 1908 were housed on the east side of the subject site where the Willamette Substation is today. As Eugene grew, more land was purchased downstream which facilitated construction of the Steam Plant in 1931 and the McClain Filter Plant in 1934. As growth continued, EWEB purchased additional surrounding properties and added new facilities, including the first onsite headquarters building in 1949. In 1988 four parcels north of 4th Avenue and west of Mill Street were purchased, which were the last parcels EWEB purchased for the Downtown Riverfront site. Construction of EWEB's current administrative headquarters was completed in 1988.

3.3 Existing Structures

The subject property contains several existing structures including the 100,000 square foot (sf) EWEB Headquarters Building, the 49,000sf Operations Warehouse, the 28,000sf Steam Plant, the

21,000sf Communications and Equipment Repair Building, the 18,600sf Midgley's Building, and the 17,800sf Vehicle Repair Shop. Under the *Master Plan*, the EWEB Headquarters Building, the Operations Warehouse, the Steam Plant, and the Midgley's Building are proposed for adaptive reuse. The Communications and Equipment Repair Building and the Vehicle Repair Shop are proposed for demolition. The Willamette Substation and a former manufactured gas plant site are located within the southeastern end of the subject property and are proposed to remain in EWEB ownership. In 2009, a DEQ assessment of the former manufactured gas plant site's environmental impacts was completed. The site was determined to be polluted prior to EWEB ownership and is now capped with impervious materials. The primary section of the subject site best suited for immediate redevelopment is the approximate 12-acre former Operations Yard, which spans both the east and west sides of the Ferry Street Viaduct and is mostly paved. Prior to the relocation of EWEB operations, this area was used to store equipment and utility service vehicles.

3.4 Land Use

Metro Plan land use designations for the subject property include, seven (7) parcels designated High Density Residential, two (2) parcels designated Heavy Industrial, five (5) parcels designed Mixed Use, and seven (7) parcels designated Parks and Open Space. All of the parcels located south of 4th Avenue and west of the Ferry Street Viaduct have the Nodal Development Overlay designation.

City of Eugene zoning designations for the subject property include, three (3) parcels designated I-2 Light-Medium Industrial, five (5) parcels designated I-3 Heavy Industrial, eight (8) parcels designated PL Public Land, and five (5) parcels designated S-W Whiteaker Special Area Zone. Nine (9) parcels adjacent to the Willamette River have /WR Water Resources Conservation overlay zoning designation. Twelve (12) parcels adjacent to the Ferry Street Viaduct have /TD Transit Development overlay zoning designation. Five (5) parcels north of 4th Avenue, within the S-W Special Area Zone, have /SR Site Review overlay zoning designation.

A list of subject parcels (tax lots), acreage, *Metro Plan* designations, and City of Eugene land use zoning designations is provided as Exhibit J Tax Lot Details. Figure 3-1 identifies respective parcels within the subject site and their associated plan and zone designations as well as overlay designations.

Figure 3-1 Existing Plan and Zoning Designation

DESIGNATION	21 Parcels 27.06 Acres	TOTAL PARCELS	ACRES	SITE COVERAGE
Plan Designation[1]				
HDR High Density Residential		7	5.00	18%
HI Heavy Industrial		2	17.75	66%
MU Mixed Use		12	6.12	23%
POS Parks and Open Spaces		7	3.19	12%
Plan Overlay Designation				
/ND Nodal Development Overlay		16	25.94	96%
Zoning Designation				
I-2 Medium Industrial		3	2.22	8%
I-3 Heavy Industrial		5	4.16	15%
PL Public Land		8	19.56	72%
S-W Whiteaker		5	1.12	4%
Zoning Overlay Designation				
/SR Site Review Overlay		5	1.12	4%
/TD Transit Development Overlay		12	18.10	67%
/WR Water Resources Conservation Overlay		9	20.94	77%

[1] Seven (7) parcels are designated HDR and MU

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4.0 SPECIFIC REQUEST

The subject property is designated Heavy Industrial, High Density Residential, Mixed Use, and Parks and Open Space by the Eugene-Springfield Metropolitan Area Plan (*Metro Plan*) Diagram. The subject property is zoned Public Land (PL), Light-Medium Industrial (I-2), Heavy Industrial (I-3), and Special District (S-W, Whiteaker Special Area Zone) by the City of Eugene Zoning Map with portions of the property having Site Review (/SR), Transit District (/TD), and Water Resources (/WR) overlay zoning.

As noted in Section 2.1, the proposal is a concurrent request for approval of a Metro Plan Amendments, Refinement Plan Adoption, Refinement Plan Amendments, Code Amendments, Zone Change, and Willamette Greenway Permit application.

Each of the individual land use components is described below. Findings of compliance with applicable policies, approval criteria, and standards are provided in Section 5.0 Approval Criteria and Standards.

- **Metro Plan Amendments**
  - The proposal involves a Type II Metro Plan Amendments application pursuant to EC 9.7700(2)(a) to change the plan diagram designation of three (3) parcels within the subject site from Heavy Industrial and Parks and Open Space to Mixed Use and apply the Nodal Development Area Overlay designation to five (5) parcels in order to implement the Master Plan vision.

- **Refinement Plan Adoption**
  - The proposal involves a Type V Refinement Plan Adoption application pursuant to EC 9.8421 to adopt the *Downtown Riverfront Specific Area Plan* as a refinement plan.

- **Refinement Plan Amendments**
  - The proposal involves a Type V Refinement Plan Amendments application pursuant to EC 9.8421 to remove Downtown Riverfront Policies 2 and 3 in the *Eugene Downtown Plan* as the policies have been enacted through the relocation of EWEB's utility functions and completion of the *Master Plan* and are now obsolete.
  - The proposal involves a Type V Refinement Plan Amendments application pursuant to EC 9.8421 to remove EWEB Policies II.E.1, II.E.2, and II.E.3 in the *Riverfront Park Study* as the policies are obsolete.

- **Code Amendments**
  - The proposal involves a Type V Code Amendments application pursuant to EC 9.8060 to establish the S-DR Downtown Riverfront Special Area Zone and revise other policies, criteria, and development standards, for consistency with the S-DR Downtown Riverfront Special Area Zone and the *Downtown Riverfront Specific Area Plan.*

- **Zone Change**
  - The proposal involves a Type IV Zone Change application pursuant to EC 9.8850 to change the zoning designation of sixteen (16) parcels within the subject site from I-2 Light Medium Industrial, I-3 Heavy Industrial, and PL Public Land to S-DR Downtown Riverfront Special Area Zone; and, to remove the /TD Transit Oriented Development Overlay on twelve (12) parcels within the subject site.

- **Willamette Greenway Permit**

- The proposal involves a Type III Willamette Greenway Permit application pursuant to EC 9.8805 to permit development within the boundaries of the Willamette River Greenway.

5.0 APPROVAL CRITERIA AND STANDARDS

The purpose of the proposal is to enable redevelopment of the Downtown Riverfront site consistent with the *Master Plan* vision, to create development standards and urban design guidelines that shape redevelopment, and to facilitate the transformation of the area into a "people place" that is active, vibrant, accessible and multi-use. The following actions are necessary to implement the land use components for the Downtown Riverfront.

- Amendments to the *Metro Plan* land use diagram to re-designate three (3) properties to Mixed Use Area designation and apply the Nodal Development Area Overlay designation to five (5) properties.
- Adoption of the *Downtown Riverfront Specific Area Plan* as a refinement plan, including a land use diagram and policies to establish the redevelopment vision.
- Amendments to the *Eugene Downtown Plan* text to remove Downtown Riverfront Policies 2 and 3 as the policies have been enacted and are now obsolete.
- Amendments to the *Riverfront Park Study* to EWEB Policies II.E.1, II.E.2, and II.E.3 as the policies are obsolete.
- Amendments to the land use code to establish the S-DR Downtown Riverfront Special Area Zone, add the *Downtown Riverfront Specific Area Plan* as an adopted plan, and revise other development standards and criteria for consistency with the S-DR Downtown Riverfront Special Area Zone.
- Re-zoning of sixteen (16) properties within the Downtown Riverfront site to S-DR Downtown Riverfront Special Area Zone. Five (5) properties within the Downtown Riverfront site will remain zoned S-W Whiteaker Special Area Zone. The /TD Transit Oriented Development Overlay Zone will be removed from twelve (12) properties. All properties that have the existing /SR Site Review Overlay Zone and /WR Water Resources Conservation Overlay Zone will retain those overlays.
- Approval of a Willamette Greenway permit to allow redevelopment of properties within the boundaries of the Willamette River Greenway.

Findings of compliance that establish the consistency of these actions with the applicable approval criteria and standards are provided in Sections 5.1 through 5.7.

5.1 Metro Plan Amendments

The proposal amends the *Metro Plan* land use diagram to re-designate two (2) parcels from Heavy Industrial to Mixed Use Area and one (1) parcel from Parks and Open Space to Mixed Use Area (totaling approximately 18.61 acres) and to apply the Nodal Development Area Overlay designation to five (5) parcels (totaling approximately 1.12 acres), resulting in all properties within the subject site having Nodal Development Area Overlay designation. The other thirteen (13) parcels within the subject site will retain existing High Density Residential, Parks and Open Space, and Mixed Use Area designations.

Table 5-1 presents existing and proposed *Metro Plan* base and overlay designations for parcels within the subject site. Exhibit H Metro Plan Diagram illustrates existing and proposed Metro Plan diagram changes. Assessor's map and tax lot numbers are shown on Sheet C1 Cover Sheet (Exhibit G Plan Set).

Findings of compliance with application Metro Plan Amendment approval criteria are provided in EC 9.7730.

Table 5-1 Existing and Proposed Metro Plan Designations

ASSESSOR'S MAP & TAX LOT NUMBERS	SIZE	BASE DESIGNATION & OVERLAY DESIGNATION	
17-03-29-33		**Existing**	**Proposed**
1400	0.12 acres	POS/ND	POS/ND
1600	0.11 acres	POS/ND	POS/ND
1800	0.05 acres	POS/ND	POS/ND
2000	0.19 acres	POS/ND	POS/ND
2600	0.25 acres	MU	MU/ND
2700	0.48 acres	HDR,MU/ND	HDR,MU/ND
2900	0.86 acres	POS/ND	MU/ND
17-03-30-44		**Existing**	**Proposed**
7400	0.29 acres	MU	MU/ND
8200	0.21 acres	MU	MU/ND
8300	0.08 acres	MU	MU/ND
8400	0.29 acres	MU	MU/ND
8500	1.41 acres	HDR,MU/ND	HDR,MU/ND
17-03-31-11		**Existing**	**Proposed**
100	0.29 acres	HDR,MU/ND	HDR,MU/ND
300	0.52 acres	HDR,MU/ND	HDR,MU/ND
17-03-32-22		**Existing**	**Proposed**
100	11.89 acres	HI/ND	MU/ND
300	1.12 acres	HDR,MU/ND	HDR,MU/ND
400	0.53 acres	HDR,MU/ND	HDR,MU/ND
401	.65 acres	HDR,MU/ND	HDR,MU/ND
800	5.86 acres	HI/ND	MU/ND
1500	1.16 acres	POS/ND	POS/ND
1600	0.70 acres	POS/ND	POS/ND

HDR - High Density Residential
HI - Heavy Industrial
POS - Parks and Open Space
MU - Mixed Use Area
ND - Nodal Development

EC 9.7730 Metro Plan – Approval of a Plan Amendment

(3) Criteria for Approval of Plan Amendment. The following criteria shall be applied by the city council in approving or denying a Metro Plan amendment application:

(a) The amendment must be consistent with the relevant Statewide Planning Goals adopted by the Land Conservation and Development Commission; and

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.

From inception the project has been grounded and shaped by citizen involvement. The *EWEB Riverfront Master Plan* was developed with extensive citizen guidance and involvement, as detailed below.

In 2007, the EWEB Board of Commissioners and Eugene City Council jointly appointed a Community Advisory Team (CAT) to help guide the redevelopment process. EWEB and city staff developed the selection criteria for CAT members. The CAT was designed to represent various community interests and incorporate diverse public opinion. The CAT worked closely with the design team during the development of the Master Plan and operated as a guiding force behind the resulting vision. Both the CAT and the design team, lead by Rowell Brokaw Architects, advocated for extensive public outreach and a 10-month long public engagement plan was implemented around the Master Plan development. Basic elements of the 10-month long public engagement plan included:

- Sixty (60) individual and paired interviews, involving 163 people in total.
- Three (3) group interviews addressing transportation, development and arts/cultural interests.
- Two (2) focus groups addressing site ecology and sustainable urbanism, utilizing local experts and other interested parties.
- Four (4) community events (Open Houses) to present and gather input from the public on the Master Plan:
  - Meeting 1: Visioning Charrette.
  - Meeting 2: Multiple Design Options.
  - Meeting 3: Input on Chosen Design Option.
  - Meeting 4: Open House Celebration on Final Scheme.
- Universal Design outreach for events:
  - Collaboration with City of Eugene Human Rights Commission Accessibility Committee and the Lane Independent Living Alliance to create outreach and participation methods for people with disabilities in accordance with the Americans with Disability Act meeting requirements.
  - Young adults were targeted to get involved in the project by contacting high school teachers to recruit interested students, community service organizations with active high school students, college students in relevant fields, and young adult organizations.
  - Communities of color were specifically addressed to be involved in the project by referrals and personal invitations, outreach at supermarkets, longhouses, churches, and social service agencies. University of Oregon and Lane Community College student organizations and multicultural centers were also contacted to improve turnout of under–represented demographics.
- Outreach beyond public meetings (ongoing):

  - CAT members attended civic organization meetings of high attendance with informational project displays and answered questions.
  - Public Project Website: www.eugeneriverfront.com
- Communications plan (ongoing):
  - Informal press briefings; articles in EWEB, City of Eugene, and Eugene Chamber of Commerce publications.

During the public involvement process, over 1,000 community members directly contributed to the master planning process. The CAT met bi-weekly for nearly two years to coordinate the above-mentioned efforts. As part of the land use phase, additional citizen involvement occurred pursuant to standard application requirements and other needs, as described below:

- A stakeholders meeting was held on January 2, 2011 to inform attendees about the land use process and discuss issues surrounding the project.
- A Neighborhood-Applicant meeting was held pursuant EC 9.7007 on June 29, 2011. Invitations were sent to 665 residents, property owners, and neighborhood associations within 500 feet of the site boundaries as well as the planning director, city engineer, and senior planner. Exhibit M Neighborhood-Applicant Meeting Materials includes required documentation from the meeting.

The above findings demonstrate that the applicant has provided extensive opportunities for citizens to be involved in all phases of the planning process. The proposed amendments and zone change are consistent with Goal 1.

> *Goal 2 – Land Use Planning: To establish 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 base for such decision and actions.*

Guiding land use processes and policy framework for the City of Eugene exist within the *Metro Plan*, adopted Refinement Plans, and Chapter 9 of the Eugene Code. The proposed amendments to both the *Metro Plan* and Chapter 9 of the Eugene Code will not infringe upon their capacity as adequate factual based tools for land use decisions and actions. This land use application follows specified amendment and permit procedures and fulfills stated criteria to demonstrate such compliance. Additionally, one of the primary objectives of the proposed special area zone (SAZ) is to implement Nodal Development policies of the *Metro Plan*. Since the adoption of *Trans Plan* in 2001, the City's growth management policies have been geared towards utilizing a nodal development strategy. The proposed amendments help fulfill these growth management policies. Based on these findings, the proposed amendments and zone change are consistent with Goal 2.

Goal 3 – Agricultural Lands: To preserve and maintain agricultural lands.

Parcels within the subject site are designated by the *Metro Plan* Diagram as High Density Residential, Heavy Industrial, Parks and Open Space, and Mixed Use Areas. Under City of Eugene Zoning, said parcels are zoned PL Public Land, I-2 Light-Medium Industrial, I-3 Heavy Industrial, and S-W Whiteaker Special Area Zone. Current land uses include EWEB administration facilities and commercial uses. Pursuant to OAR 660-015-0000(3) agricultural lands do not include lands located within acknowledged urban growth boundaries (UGB). The entirety of the subject site is located within Eugene's UGB. Based on these findings, the proposed amendments and zone change are consistent with Goal 3.

Goal 4 – Forest Land: To preserve forest lands.

Goal 4 does not apply to land within the subject site. All parcels within the subject site are located within the City of Eugene UGB and do not contain forest lands. According to OAR 660-006-0020, Statewide Planning Goal 4 is not applicable within urban growth boundaries. The subject site does not affect forest lands because it does not contain forested lands and is located within the UGB. Therefore, the proposed amendments and zone change are consistent with Goal 4.

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

The following Oregon Administrative Rule (OAR 660-023-0250) is applicable to this post-acknowledgement plan amendment (PAPA) request:

OAR 660-023-0250

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

(a) The PAPA creates or amends a resource list or a portion of an acknowledged plan or land use regulation adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5;

(b) The PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list; or

(c) The PAPA amends an acknowledged UGB and factual information is submitted demonstrating that a resource site, or the impact areas of such a site, is included in the amended UGB area.

The proposed amendments and zone change do not create or amend a list of Goal 5 resources, a plan or a land use regulation adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5, and do not amend the acknowledged urban growth boundary. Therefore, it is clear that the proposed amendments do not trigger the need to consider Goal 5 pursuant to OAR 660-023-0250(3)(a) or 3(c). Some analysis is required to determine whether OAR 660-023-0250(3)(b) triggers the need to further consider Goal 5 requirements. Subsection (3)(b) asks whether '[t]*he PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list.*" Significant Goal 5 resource sites and

acknowledged lists are documented in the *2005 Eugene Goal 5 Water Resource Conservation Plan* and the *1978 Goal 5 Inventory and Metro Natural Assets & Constraints Working Papers*.

Natural Resources

The Riverfront Ecological Analysis and Design Report (Exhibit E) and the Plan Set (Exhibit G) document natural features on the subject site and provide relevant information in addressing these Goal 5 requirements. The eastern portion of the subject site is within the Willamette River Greenway, a natural asset, as identified in the *Metro Natural Assets & Constraints Working Papers*.[2] The Willamette River is adjacent to the development site and is identified as a Goal 5 Water Resource by the *Goal 5 Water Resource Conservation Plan*.[3] As identified on the *Adopted Protection Designations for the Eugene Goal 5 Wetland, Riparian, and Upland Wildlife Habitat Inventories Map* dated November 14, 2005, the Willamette River is categorized as a Category A Stream. All parcels within the subject site that abut the Willamette River have /WR Water Resource Conservation overlay zoning. Pursuant to EC 9.4920(1)(c)(1.), Category A streams with a distinguishable high bank have a 100 foot setback applied to top of bank (TOB) as part of the /WR overlay zoning. The Willamette River adjacent the development site features a distinguishable high bank. The existing high bank was surveyed by OBEC Consulting Engineers on June 13, 2011 and is shown on Sheets S1 and S2 Existing Conditions Plans (Exhibit G Plan Set) and labeled as "top of bank". The proposed amendments do not change protections established by the 100-foot /WR conservation setback in EC 9.4920(1)(c)(1.) or affect inventoried Goal 5 Water Resources.

Pursuant to EC 9.4920(5)(a) and (d), areas which the applicant has shown to be developed prior to November 14, 2005, are excluded from /WR conservation areas. As demonstrated on Sheets R1 Regulatory Plan (Exhibit G Plan Set) and Exhibit L Pre-Development Images, the subject site contains buildings on a concrete foundation, pursuant EC 9.4920(5)(a), as well as paved and gravel parking areas that serve administrative and operations uses in adjacent buildings, pursuant to EC 9.4920(5)(d), that were developed prior to November 14, 2005; the date specified in EC 9.4920(5). Sheet R1 Regulatory Plan illustrates "/WR Prior Developed Areas" consistent with EC 9.4920(5); and, "/WR Conservation Areas" and "/WR Conservation Setback Areas."

The proposed amendments and zone change do not affect established protections. These areas will remain subject to the provisions of the /WR overlay zone. Through the applicant's concurrent zone change request to implement the proposed zoning designations, the existing /WR overlay zoning will apply. Protection of this Goal 5 resource will therefore remain the same; regardless of the proposed plan designations change that would be allowed outside the regulated overlay.

Scenic and Historic Areas

The *Eugene Goal 5 Water Resource Conservation Plan* and the *Goal 5 Inventory and Metro Natural Assets & Constraints Working Papers*, specifically the *Scenic Site Working Paper* and the *Archeological Sites Working Paper*, do not identify any scenic or historic resources on the subject site. Oregon Revised Statute (ORS) 358.653 obligates state agencies and political subdivisions of the state to consult with the State Historic Preservation Office (SHPO) to avoid inadvertent impacts to historic properties for which they are responsible. In accordance with this statute, the applicant has submitted clearance forms for identified historic buildings to SHPO. The identified historic buildings on the subject site include:

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[2] *Eugene Goal 5 Inventory and Metro Natural Assets & Constraints Working Papers*. Willamette River Greenway Working Paper. Figure J1, Willamette River Greenway. April 12, 1978.

[3] Eugene Goal 5 Water Resources Conservation Plan*, Section III*. Site #35 WA/WB Willamette River. October 24, 2005.

- The Vehicle Repair Shop (1952): Considered Not Eligible for Listing in the National Register because of major alterations.
- The Warehouse/Operations Building (1952): Considered Eligible for Listing in the National Register.
- The Steam Plant Pump House (1931): Considered Eligible for Listing in the National Register. (Adverse Effect)

On August 3, 2011, SHPO generally concurred with the applicant's recommendations. On December 12, 2011, SHPO signed a Memorandum of Agreement (MOA) with the applicant to mitigate for any adverse effects. Based on these findings, there are no inventoried Goal 5 historic resources or listed historic resources on the subject site.

Open Spaces

The *Eugene Goal 5 Water Resource Conservation Plan* and the *Goal 5 Inventory and Metro Natural Assets & Constraints Working Papers* do not identify any open spaces on the subject site.

There are no additional resources that require analysis under the OAR's noted above. The proposed amendments and zone change will maintain established protection measures for inventoried Goal 5 resources within and adjacent to the subject property. Based on these findings, the proposed amendments and zone change are consistent with Goal 5.

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

Goal 6 addresses waste and process discharge from development, and is aimed at protecting air, water, and land from impacts from those discharges. The proposal does not amend the metropolitan area's air, water quality, or land resource policies. Future development of the site will be required to comply with applicable environmental laws and to the extent that future development may create additional impacts to air, water, or land resources, state and local permitting processes will ensure that discharges do not exceed allowable standards.

Future development of the site will be required to adhere to existing policies and Best Management Practices (BMP) in the *City of Eugene Stormwater Management Plan.* Compliance with BMP's will be ensured through the building permit process. Incorporated within the *Master Plan*, *Downtown Riverfront Specific Area Plan (SAP)*, and Special Area Zone (SAZ) are measures that promote sustainable development practices, including but not limited to eco-roofs, green streets, and vegetated stormwater treatment. Furthermore, the envisioned mixed-use development scenario will fulfill nodal development and transit oriented development goals aimed at reductions in the amount of vehicle miles traveled within the metropolitan area. Based on these findings, the proposed amendments and zone change are consistent with Goal 6.

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

Goal 7 requires local governments to adopt comprehensive plans to reduce risk to people and property from natural hazards such as floods, landslides, earthquakes, tsunamis, and wildfires. The City of Eugene protects people and property from natural hazards through various land use and building code requirements. The proposal does not alter these protective provisions nor does it propose development in areas identified to be unsuitable for development.

The subject site is located along the Willamette River within Eugene's Downtown. Portions of the subject site adjacent to the Willamette River are identified on FEMA Firm Map 1137 (Exhibit N

FEMA Floodplain Map) as Special Flood Hazard Areas (Zone AE), Other Flood Areas (Zone X), and Other Areas (Zone X). Special Flood Hazard Areas (Zone AE) identifies areas inundated by a 100-year flood. Other Flood Areas (Zone X) identifies other flood areas consisting of areas inundated by a 500-year flood, areas of 100-year flood with average depths of less than 1 foot or with drainage areas less that 1 square mile, and areas protected by levees from 100-year floods. Other Flood Areas (Zone X) identifies areas determined to be outside the 500-year floodplain. The majority of the subject site is located outside the 500-year floodplain.

The site is prior developed and contains structures and impervious surfaces adjacent the Willamette River. The proposal will not result in development of the site in a manner that is substantially different than existing conditions, which would be more susceptible to natural hazards. Since proposed and existing development has similar tolerance to natural hazards, the future redevelopment of the site is compliant with Goal 7. In addition, the proposed amendments and zone change do not affect or amend the City's means to protect people and property from natural hazards. Based on these findings, the proposed amendments and zone change are consistent with Goal 7.

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

Goal 8 requires local governmental agencies to plan for recreation area, facilities, and opportunities. Goal 8 ensures the provision of recreational facilities to Oregon citizens and is primarily concerned with the provision of those facilities in non-urban areas of the state.

The *2006 Parks, Recreation & Open Space (PROS) Comprehensive Plan* was adopted as an aspiration and guiding document for the City and contains an inventory of existing parks, recreation, and open space resources.[4] PROS Appendix B identifies an existing multi-use path, a segment the Ruth Bascom Riverbank Trail, on the subject site.[5] Other than the multi-use path segment, the subject site is not included on any formally adopted list, inventory or map identifying the City's existing parks and open space supply.

The *PROS Project and Priority Plan* was adopted by resolution and is an action plan that contains specific project information, including a timeframe for project implementation and cost estimates.[6] A portion of the subject site is identified in the plan as a proposed Metropolitan Park site for acquisition.[7] The plan assigns the acquisition project a Priority 1 level and allocates $1,500,000 in capital costs to "*acquire land to provide significant riverfront open space within* [the] *courthouse/cannery neighborhood.*"[8]

The applicant proposes the sale or transfer of 7.74 acres of land to the City for future cultural landscape, open space, and recreation purposes and to add to the supply of significant riverfront

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[4] *Eugene Parks, Recreation & Open Space (PROS) Comprehensive Plan*. Appendix B Existing Resources. August 25, 2005.

[5] *PROS Comprehensive Plan*. Appendix B Existing Resources. Existing Parks, Recreation and Open Space Resources Map. August 25, 2005.

[6] *PROS Project and Priority Plan*. February 22, 2006.

[7] *PROS Project and Priority Plan*. Map 3, City Central, Existing and Proposed Parks, Recreation and Open Space Resources Map. February 22, 2006.

[8] *PROS Project and Priority Plan*. Table 1: Proposed Projects & Priorities for Parks, Open Space and Recreational Facilities (City Center); and, Table 4: Capital Costs by Planning Area (City Center). May 2006.

open space in public ownership. The proposed amendments and zone change designate said land for "parks and open space" use and the list of permitted uses is based on uses listed in the existing PRO Park, Recreation and Open Space Zone (EC 9.2630) (see Exhibit B S-DR Downtown Riverfront Special Area Zone, EC 9.3145(7)), which is the common zoning designation of parkland. Development standards for parks and open space uses are provided in EC 9.3185 (Exhibit B S-DR Downtown Riverfront Special Area Zone). Proposed improvements are conceptually shown on Sheets L1 and L2 Site Plan (Exhibit G Plan Set).

If the City purchases or accepts a portion of the property for parkland, an increase in the availability of public recreational facilities in the area would occur following development of said parkland. As such, changing the designation of the subject property will have no impact on the City's existing park and open space supply. In no case, as a result of the proposed plan amendments, would a reduction in recreational facilities occur. Regardless of City acquisition, through the proposed amendments and zone change, the proposal will increase the amount of recreation capacity within downtown and riverfront areas.

The proposal does not involve the siting of destination resorts. Based on these findings, the proposed amendments and zone change are consistent with Goal 8.

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

The proposed amendment will re-designate 17.75 acres of land currently designated industrial on the *Metro Plan Diagram*. Two (2) parcels designated Heavy Industrial will be re-designated Mixed Use Areas in order to implement the mixed-use redevelopment vision for the site documented in the *Master Plan*. Because this proposal changes more than two (2) acres of land with the industrial designation, the provisions of OAR 660-009-0010(4), cited below, apply to the request.

> OAR 660-009-0010
>
> (4) For a post-acknowledgement plan amendment under OAR chapter 660, division 18, that changes the plan designation of land in excess of two acres within an existing urban growth boundary from an industrial use designation to a non-industrial use designation, or an other employment use designation to any other use designation, a city or county must address all applicable planning requirements, and:
>
> (a) Demonstrate that the proposed amendment is consistent with its most recent economic opportunities analysis and the parts of its acknowledged comprehensive plan which address the requirements of this division; or
>
> (b) Amend its comprehensive plan to incorporate the proposed amendment, consistent with the requirements of this division; or
>
> (c) Adopt a combination of the above, consistent with the requirements of this division.

OAR 660-009-015(4) requires cities and counties to conduct an Economic Opportunities Analysis which to review and, as necessary, amend their comprehensive plans to provide economic opportunities analyses. The Economic and Opportunities analysis compares the demand of land for industrial and other employment uses to the existing supply of such land (OAR 660-009-0015).

The *Metropolitan Industrial Lands Inventory Report* is the adopted economic opportunities analysis for the city of Eugene. The Industrial Lands Demand Analysis of said report states "based solely on projected employment estimates, estimates projecting the needs for industrial land show no demand for heavy industrial."[9]

In June 2010 ECONorthwest prepared a *Comprehensive Lands Assessment* on behalf of the City of Eugene. Included within is an economic opportunities analysis for employment land demand and employment land supply for both industrial and commercial lands. The applicant notes that this plan is not yet adopted as the City of Eugene's official economic opportunities analysis. Table 3 of said report identifies a surplus of 434 acres of industrial lands and a deficit of 230 acres of commercial lands.[10] This proposed amendments and zone change will re-designate 17.75 acres of industrial land to mixed use, which will increase the amount of commercial and residential acreage available for redevelopment accordingly.

Pursuant to 660-009-0010(4), the proposed amendments and zone change involves a post-acknowledged plan amendment that is consistent with the most recent economic opportunities analysis. Therefore, the proposed amendments and zone change are consistent with Goal 9.

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

Goal 10 requires that communities plan for and maintain an inventory of buildable residential land for needed housing units. Within the June 2010 *Comprehensive Lands Assessment* a residential lands analysis was conducted to forecast residential housing supply and future demand within the City of Eugene. The analysis forecasted an increase in 14,951 total dwelling units by 2031.[11] Of this increased demand in housing units, 4,784 (32%) will be a combination of two to four unit buildings (1,495 units) and five or more unit buildings (3,289 units).[12] An increase in 748 units annually is needed in order to meet this growing demand in residential housing.[13]

Density figures are used to calculate how much land is needed to accommodate said increases in housing units. Two to four unit buildings are 8.6 units/acre and five or more unit buildings are 24.1 units/acre. This proposal will re-zone 25.94 acres of property currently zoned PL, I2, and I3 to a new special area zone (S-DR) intended to facilitate mixed-use development, specifically residential. The subject property does not currently provide or accommodate residential uses. Provisions included in the proposed S-DR Zone (EC 9.3182(2)(d), Exhibit B S-DR Downtown Riverfront Special Area Zone) require a minimum of one story of residential use within all buildings constructed within the S-DR/MU/2 overlay sub-district.

The applicant notes that the *Comprehensive Lands Assessment* referenced above is not yet adopted. Therefore, the 1999 *Eugene-Springfield Metropolitan Area Residential Lands and Housing Study* is the official inventory and analysis of residential lands for the area. As Eugene and Springfield designate growth management strategies apart from one another, a shift from existing dated and coordinated lands assessment is imminent. The analysis of the 1999 *Eugene-Springfield Metropolitan Area Residential Lands and Housing Study* was compiled based upon data for the entire metropolitan region. The *Supply and Demand Comparison* within the 1999 *Residential Lands*

[9] Lane Council of Governments. *Metropolitan Industrial Lands Inventory Report*. 1993.

[10] ECONorthwest. *Eugene Comprehensive Lands Assessment*. 2010.

[11] ECONorthwest. *Eugene Comprehensive Lands Assessment*. 2010.

[12] ECONorthwest. *Eugene Comprehensive Lands Assessment*. 2010.

[13] ECONorthwest. *Eugene Comprehensive Lands Assessment*. 2010.

and Housing Study shows that an anticipated 60 acres of land is needed for high-density residential development.

During the Master Plan process four (4) redevelopment scenarios for the site were explored to analyze design resiliency and the site's redevelopment potential. The analysis was speculative and results are subject to fluctuating market conditions. Of the four (4) scenarios, the Mixed-Use Neighborhood Scenario anticipated the largest share of residential development. Under this redevelopment scenario, the site accommodated 404 additional dwelling units.

The above findings demonstrate that the proposed amendments and zone change will increase the amount of residential land available for housing units within the City of Eugene through the implementation of a new SAZ that permits residential uses outright. The proposal provides for approximately 12 acres of land with residential development capacity. As noted above, redevelopment has the potential to produce 404 additional dwelling units as part of residential or mixed-use development projects. Based on these findings, the proposed amendments and zone change are compliant 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 subject site is located inside the City limits and within the Downtown Area, as defined by the *Eugene Downtown Plan*. The subject site is currently developed, contains structures and facilities, and is served by existing utility extensions and facilities. The *2001 Eugene-Springfield Public Facilities and Services Plan* (PFSP), an adopted refinement plan, identifies the subject site as served by existing water, stormwater, and wastewater service.[14] The PFSP does not identify any planned water, wastewater, stormwater, or planned electrical facilities on the subject site. The PFSP does identify an existing electrical facility, the steam plan, which is proposed for decommissioning, on the subject site.[15]

Exhibit F Evaluation of Existing Utility Infrastructure Memorandum provides a broad-level discussion of existing water, wastewater, and stormwater utilities within and surrounding the subject site. Existing public water supply is readily available through the majority of the subject site, as described in Exhibit F and illustrated on Sheets S1 and S2 Existing Conditions Plans (Exhibit G). Extension and reconstruction of specific public water mains adjacent to and within the subject site may be necessary to serve future development. Existing public wastewater systems are expected to be sufficiently deep to provide drainage for the proposed development by gravity. Based on a cursory analysis of public system capacity, a 15-inch wastewater pipe between 6th Avenue and the mid-block of 7th/8th Avenue is anticipated to provide adequate capacity at full build-out to accommodate all future development. As illustrated on Sheets S1 and S2 Existing Conditions Plans, the wastewater line extends to the south, crosses under the railroad tracks, and connects to a public 15-inch wastewater line located at the intersection of 6th Avenue and High Street. An upgrade of the public system from the crossing under the railroad tracks to 6th Avenue/High Street may be necessitated by future development. Alternatively, there are two other wastewater systems in close proximity to the site, including a 15-inch wastewater system within Ferry Street, east of the courthouse, and an 8-inch wastewater system within Hilyard Street near the existing railroad crossing. Both systems provide capacity to accommodate future development as needed. The

[14] *Eugene-Springfield Public Facilities and Services Plan (PFSP)*. Map 5, Existing Water Service Areas; Map 6, Existing Wastewater Service Areas, and Map 7, Existing Stormwater Service Areas. December 2001

[15] *PFSP*. Map 4, Planned Electrical Facilities. December 2001.

subject site is served by two major public storm drainage systems, a 60-inch pipe and a 36-inch pipe, and a minor public storm drainage system, a 12-inch pipe, as illustrated on Sheets S1 and S2 Existing Conditions Plans, which are anticipated to supply sufficient capacity to accommodate future development. Compliance with City stormwater destination standards in EC 9.6791 are not expected to be problematic as the *2002 City of Eugene Stormwater Basin Master Plan* does not identify any specific capacity-related concerns with the public systems and the subject site is generally designated as not having any major flooding problems.[16]

The proposed amendments and zone change do not affect the City's arrangement of public facilities and services. The findings demonstrate that the existing level of public facilities and services is adequate to serve the needs of existing and future development. However, specific design details related to public improvements such as water, stormwater, and wastewater connections will be resolved in the context of any future development proposal. Based on these findings, the proposed amendments and zone change are consistent with Statewide Planning Goal 11.

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

Goal 12 is implemented by the Transportation Planning Rule (TPR) as defined by Oregon Administrative Rule OAR 660-012-0060. This proposal amends the *Metro Plan*, an acknowledged regional comprehensive plan; *the Eugene Downtown Plan* and the *Riverfront Research Park Study,* adopted refinement plans; and Eugene Land Use Code Chapter 9, which is the city's guiding framework for land use regulation.

OAR 660-012-0060

(1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. 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) As measured at the end of the planning period identified in the adopted transportation system plan:

A. Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

[16] *City of Eugene Stormwater Basin Master Plan*. Volume VI Willamette River. August 2002.

B. Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or

C. Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

The proposed plan amendments and zone change do not change the functional classification of a transportation facility or change the standards implementing a functional classification system. Therefore, it does not have a significant effect under (a) or (b). A comprehensive Transportation Planning Rule (TPR) analysis and Programmatic Traffic Impact Analysis (TIA) is included as Exhibit D. The findings and conclusions of said analysis are incorporated by reference herein. The findings demonstrate that the proposal is in compliance with the TPR and will not significantly affect any existing or future transportation facilities under (c) as addressed in detail below.

The subject site lies within the boundaries of the *Central Lane Regional Transportation Plan* (Trans Plan) whose horizon year is 2027 and marks the 'end of planning period' as identified by OAR 660-012-0060(1)(c). For analysis purposes, potential site trip generation was estimated for an assumed reasonable "worst case" under the current plan and zoning designations, and four (4) potential development scenarios for the site under the proposed plan and zoning designations. All of the scenarios assume that new development will be in addition to the existing EWEB Administrative Building and the Midgley's Building.

Based on existing designations, the redevelopment is estimated to generate 6,560 daily net trips; 970 net new trips (840 inbound, 130 outbound) are projected to occur during the weekday AM peak hour and 955 net new trips (185 inbound, 770 outbound) are projected to occur during the weekday PM peak hour. Based on proposed designations, the redevelopment is estimated to generate 6,090 daily net new trips; 780 net new trips (655 inbound, 125 outbound) are projected to occur during the weekday a.m. peak hour and 790 net new trips (190 inbound, 600 outbound) are projected to occur during the weekday p.m. peak hour. No future year intersection operational analysis is required for TPR purposes given the reduced peak hour trip generation associated with the proposal.

Findings in Exhibit D, incorporated by reference herein, indicate that the proposed site redevelopment envisioned by the *Master Plan* can be constructed while maintaining acceptable levels of service and safety on the surrounding transportation system. The transportation impacts of the proposed amendments and zone change will have a reduced peak hour impact to the site access and local transportation system compared to development under the existing zoning. Therefore, the proposal will not facilitate land use or levels of redevelopment that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility (OAR 660-012-0060(1)(c)(A)).

Findings in Exhibit D demonstrate that currently, all transportation facilities operate at acceptable levels during peak hours except the 4th Avenue/Coburg Road intersection, which operates at level of service 'F' and is over capacity. Because the proposed amendments will reduce potential peak hour trips, they will not reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standards (OAR 660-012-0060(1)(c)(B)). Additionally, function of 4th Avenue/Coburg Road intersection will not be worsened beyond its current

performance because the proposed amendments and zone change will reduce potential peak hour trips (OAR 660-012-0060(1)(c)(C)).

As such, the proposed amendments and zone change do not have a significant impact for TPR purposes. The functional classifications of roadways in the study area are also unaffected by the proposed plan amendments and zone change. The project team is coordinating the assessment of the transportation impacts with the City. The proposed plan amendments and zone change will not have a significant effect on the transportation system and it is concluded that the proposed plan amendments and zone change comply with the TPR. Based on these findings, the proposed amendments and zone change are consistent with Goal 12.

Goal 13 – Energy Conservation: To conserve energy.

Goal 13 requires that land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles. Goal 13 is directed at the development of local energy policies and implementing provisions and does not establish any requirements with respect to other types of land use decisions. To the extent that Goal 13 could be applied to the proposed plan amendments and zone change, the designations are consistent with Goal 13.

The proposed site is located so that future mixed-use development can make efficient use of energy with direct and efficient access within the urban area. The proposal will not hinder management or conservation practices related to energy consumption. Consistency with *Metro Plan* Policy J.7, which "*encourage(s) medium- and high-density residential uses when balanced with other planning policies in order to maximize the efficient utilization of all forms of energy*" and notes that "*the highest relative densities of residential development shall be concentrated to the greatest extent possible in areas that are or can be well served by mass transit, paratransit, and foot and bicycle paths*" is demonstrated in the findings under EC 9.7730(3)(b). The proposal facilitates residential uses and pursuant with the proposed amendments and zone change, energy conservation measures are not necessarily limited nor identified as part of the land use change. Based on these findings, the proposed amendments and zone change are consistent with Goal 13.

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

The proposed amendments and zone change are site specific to land already subject to urban uses and do not affect the transition from rural to urban land use, as the subject property is within the City limits. Therefore, 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.

Goal 15 aims to protect, conserve, enhance, and maintain the natural scenic, historical, agricultural, economic, and recreational qualities of lands along the Willamette River. As illustrated on Sheet R1 Regulatory Plan (Exhibit G), 19.75 acres of the subject site are located within the Willamette River Greenway. The proposal involves a concurrent request for approval of a Willamette Greenway permit to allow development envisioned by the *Master Plan*.

The subject property does not have an established Willamette Greenway Setback Line. As illustrated on Sheets L1 and L2 Site Plan (Exhibit G Plan Set), the applicant proposes the establishment of a Willamette Greenway setback line to keep structures separated from the river

and to protect, maintain, preserve, and enhance the natural, scenic, historic, and recreational qualities of the Willamette Greenway. The proposed setback line is site specific, context sensitive, and responds to existing conditions and the redevelopment vision. The proposed Greenway setback varies in width from 25 feet to 125 feet adjacent the Willamette River, as delineated from the top-of-bank. The setback's variable width responds to existing site conditions and anticipated redevelopment consistent with the *Master Plan* vision. In total the proposed Willamette Greenway Setback will protect 3.19 acres of the subject site. Adoption of the setback ensures that no new buildings will be constructed between the setback and the river, that adequate public access is provided along the river frontage, that limited existing habitat is protected, and that the remaining natural vegetative fringe is protected.

The findings in Section 5.6 under EC 9.8815 demonstrate compliance with applicable approval criteria and standards for proposed development within Willamette Greenway. Compliance with applicable Metro Plan Willamette Greenway Policies is demonstrated in the findings for EC 9.7730(3)(b) below. Based on these findings, incorporated by reference herein, the proposed amendments and zone change are compliant with Goal 15.

Goal 16-19 – Estuarine Resources, Coastal Shoreland, Beaches and Dune, and Ocean Resources:

There are no estuarine, coastal, ocean, or beach and dune resource on the subject property or otherwise affected by the proposed plan amendment. Therefore, Goals 16 through 19 do not apply.

(b) Adoption of the amendment must not make the Metro Plan internally inconsistent.

The *Metro Plan* land use diagram amendments to re-designate approximately 18.61 acres of land from Heavy Industrial and Parks and Open Space to Mixed Use Area and to apply the Nodal Development Area Overlay designation to approximately 1.12 acres of land will not create an internal conflict with the remainder of the *Metro Plan*, as described below.

Within the subject site, existing land use designations shown in the Metro Plan diagram include: High Density Residential, Heavy Industrial, Parks and Open Space, Mixed Use Areas, and Nodal Development; as defined below:

- Residential, High Density land generally accommodates "*auxiliary uses such as streets, elementary and junior high schools, neighborhood parks, other public facilities, neighborhood commercial services*" if compatible with refinement plans, zoning ordinances, and other local controls. High Density Residential land allows for "*over 20 units per gross acre*."
- Heavy Industrial land generally accommodates "*industries that process large volumes of raw materials into refined products and/or that have significant external impacts*."
- Public and Semi-Public, Parks and Open Space land generally accommodates "*existing publicly owned metropolitan and regional scale parks*."
- Mixed Use land represents "*areas where more than one use might be appropriate, usually as determined by refinement plans on a local level*."
- Nodal Development is "*a mixed-use pedestrian-friendly land use pattern that seeks to increase concentrations of population and employment in well-defined areas with good transit service, a mix of diverse and compatible land uses, and public and private improvements designed to be pedestrian and transit oriented*."

The *Master Plan* envisions a green redevelopment of the subject property, with approximately eight acres of dedicated public open space, new construction and adaptive re-use of buildings, pedestrian-oriented streets connecting Downtown Eugene to the Willamette River, and a cultural

landscape that displays the ecological, social, industrial, and civic history of the place. It establishes a framework of streets, open space, and redevelopment parcels as well as a set of allowable uses and use requirements.

The *Master Plan* uses a modified version of the C-2 Commercial Base Zone permitted uses as a guide for determining future allowable uses on the subject. The Master Plan promotes a mix of diverse, compatible, and pedestrian-friendly uses as the prevalent land use pattern. It seeks to increase concentrations of populations and employment by promoting residential, office, and retail uses and the street layout accommodates future transit service, although transit service is currently available in the vicinity of the subject site. Design guidelines within promote pedestrian and transit oriented development. Therefore, the Mixed Use Areas and Nodal Development designations are consistent with the redevelopment vision. Five (5) parcels within the subject site are currently designated Mixed Use Areas, which the proposed amendments will retain.

Based on the definitions above, industries that produce significant external impacts are not compatible with the redevelopment vision, therefore the proposed amendments re-designate Heavy Industrial parcels to Mixed Use Areas. The EWEB North Building currently sits on land designated Parks and Open Space. To facilitate future adaptive reuse of the building, the proposed amendments re-designate the land to Mixed Use Areas. Land located west of the Ferry Street Bridge Viaduct is designated High Density Residential, which based on the definition above, is consistent with the redevelopment vision for the area, therefore the proposed amendments retain the High Density Residential designation.

The proposal involves the establishment of a *Specific Area Plan* (SAP) (Exhibit A Downtown Riverfront Specific Area Plan) and a Special Area Zone (SAZ) (Exhibit B S-DR Downtown Riverfront Special Area Zone) to implement policies described herein. Once adopted, the documents will become part of City's guiding framework for land use regulation. Both documents are designed to provide regulatory incentives that facilitate redevelopment and direct growth and density to the subject site. Through the proposed land use changes and amendments the proposal removes barriers to redevelopment and directs growth and density to the Downtown Riverfront consistent with policies in the Eugene *Downtown Plan*. Although the proposed amendments do not mandate a specified residential density per gross acre for the subject site; they are designed to facilitate mixed-use development, specifically residential; and, they provide for residential construction in areas where it is currently prohibited.

All *Metro Plan* policies were evaluated in relation to their applicability to the amendments and the following policies were found to be applicable to the proposal. The findings demonstrate how the plan amendments are consistent with, and in fact supported by the policy directions contained in the *Metro Plan*.

Residential Land Use and Housing Element

Residential Land Supply and Demand

A.4 Use annexation, provision of adequate public facilities and services, rezoning, redevelopment, and infill to meet the 20-year projected housing demand.

The proposed amendments and zone change involve re-designation of the subject site to facilitate future redevelopment, which will lead to infill development within the downtown core. As described in findings for Goal 10 under EC 9.7730(3)(a), the proposed amendments and zone change are consistent with the *Residential Lands and Housing Study,* will significantly increase the supply of land available for supporting residential development, and through subsequent residential or mixed-use development will help meet projected housing demands. Based on these findings, the proposed amendments and zone change are consistent with Policy A.4.

Residential Density

A.10 Promote higher residential density inside the UGB that utilizes existing infrastructure, improves the efficiency of public services and facilities, and conserves rural resource lands outside the UGB.

A.11 Generally locate higher density residential development near employment or commercial services, in proximity to major transportation systems or within transportation-efficient nodes.

A.12 Coordinate higher density residential development with the provision of adequate infrastructure and services, open space, and other urban amenities.

A.13 Increase overall residential density in the metropolitan area by creating more opportunities for effectively designed in-fill, redevelopment, and mixed use while considering impacts of increased residential density on historic, existing and future neighborhoods.

A. 14 Review local zoning and development regulations periodically to remove barriers to higher density housing and to make provision for a full range of housing options.

A.15 Develop a wider range of zoning options such as new zoning districts, to fully utilize existing Metro Plan density ranges.

A.16 Allow for the development of zoning districts which allow overlap of the established Metro Plan density ranges to promote housing choice and result in either maintaining or increasing housing density in those districts. Under no circumstances, shall housing densities be allowed below existing Metro Plan density ranges.

Redevelopment of the subject site pursuant to the proposed amendments and zone change will facilitate infill of prior developed land already served by existing public utilities. The subject site is located adjacent the downtown area and 5th Street commercial corridor. The redevelopment vision consists of high density, pedestrian oriented, mixed-use development with high-quality public amenities and open space along the riverfront. The proposal involves the establishment of a

Specific Area Plan (SAP) (Exhibit A Downtown Riverfront Specific Area Plan) and a Special Area Zone (SAZ) (Exhibit B S-DR Downtown Riverfront Special Area Zone) which are specifically designed to facilitate higher density residential development within the subject property. As an example, provisions included in the proposed S-DR Zone (EC 9.3182(2)(d), Exhibit B S-DR Zone) require a minimum of one story of residential use within all buildings constructed within the S-DR/MU/2 overlay sub-district. The development standards, requirements, and guidelines in the proposed SAP and SAZ will foster the mixed-use development scenario described above and implement nodal development and growth management policies, consistent with the above policies. Based on these findings, the proposed amendments and zone change are consistent with Policies A.10 through A.16.

Housing Type and Tenure

A.17 Provide opportunities for a full range of choice in housing type, density, size, cost, and location.

A.18 Encourage a mix of structure types and densities within residential designations by reviewing and, if necessary, amending local zoning and development regulations.

A.19 Encourage residential developments in or near downtown core areas in both cities.

Through re-designation and re-zoning portions of the subject property, and establishment of the SAP and SAZ, the proposal provides for increased housing opportunities in areas where it is currently restricted. The proposal involves amending local zoning regulations to facilitate a mix of structure types and densities. Specific development standards of the S-DR Zone include seven different height standards with varied setback, stepback, and build-to lines. The proposal enables residential development within the downtown core. Therefore, the proposed amendments and zone change are consistent with Policies A.17 through A.19.

Design and Mixed Use

A.22 Expand opportunities for a mix of uses in newly developing areas and existing neighborhoods through local zoning and development regulations.

A.23 Reduce impacts of higher density residential and mixed-use development on surrounding uses by considering site, landscape, and architectural design standards or guidelines in local zoning and development regulations.

A.24 Consider adopting or modifying local zoning and development regulations to provide a discretionary design review process or clear and objective design standards, in order to address issues of compatibility, aesthetics, open space, and other community concerns.

Through the plan amendments and zone change the proposal will facilitate a mixed-use development on the subject site where such development does not currently exist. The proposed S-DR Zone (Exhibit B S-DR Downtown Riverfront Special Area Zone) adheres to form based code principles and is designed to be compatible with neighboring development through the establishment of height limitations, view corridors, build-to lines, and other provisions. Development standards are designed to be site specific and clear and objective. Provisions of the

proposed S-DR Zone include a discretionary design review process for flexibility while still ensuring consistency with the intent of the SAZ and SAP through clear and objective criteria. Based on these findings, the proposed amendments and zone change are consistent with Policies A.22 through A.24.

Economic Element

B.23 Provide for limited mixing of office, commercial, and industrial uses under procedures which clearly define the conditions under which such uses shall be permitted and which: (a) preserve the suitability of the affected areas for their primary uses; (b) assure compatibility; and (c) consider the potential for increased traffic congestion.

The proposed S-DR Zone (Exhibit B S-DR Downtown Riverfront Special Area Zone) regulations are designed to facilitate a mixed-use development scenario including commercial and residential uses. Limited mixing of office and commercial uses is encouraged through not requiring ground floor commercial but rather specifying minimum ceiling height standards, which promote commercial uses. Provisions such as view corridors, height limitations, and build-to lines contribute to ensure compatibility with adjacent development. Based on these findings, the proposed amendments and zone change are consistent with Policy B.23.

Environmental Resources

Riparian Corridors, Wetlands, and Wildlife Habitat (Goal 5)

C.8 Local governments shall develop plans and programs which carefully manage development on hillsides and in water bodies, and restrict development in wetlands in order to prevent erosion and protect the scenic quality, surface water and groundwater quality, forest values, vegetation, and wildlife values of those areas.

C.10 Local governments shall encourage further study (by specialists) of endangered and threatened plant and wildlife species in the metropolitan area.

C.11 Local governments shall protect endangered and threatened plant and wildlife species, as recognized on a legally adopted statewide list, after notice and opportunity for public input.

The proposal will not amend, supersede, or violate any adopted regulations, plans, or programs that manage development impacts on natural resources. The proposal will not compromise existing established /WR protection provisions in EC 9.4900-9.4980, will increase the amount of landscape area and open space along the Willamette River, and will facilitate restoration of the riparian corridor adjacent to the river as detailed in Exhibit E Riverfront Ecological Analysis and Design Report. There are no documented occurrences of endangered or threatened plant or wildlife species on the subject site. Based on these findings, the proposed amendments and zone change are consistent with Policies C.8, C.10, and C.11.

Open Space (Goal 5)

C.21 When planning for and regulating development, local governments shall consider the need for protection of open spaces, including those characterized by significant vegetation and wildlife. Means of protecting

open space include but are not limited to outright acquisition, conservation easements, planned unit development ordinances, streamside protection ordinances, open space tax deferrals, donations to the public, and performance zoning.

The subject property includes 1,460 lineal feet of frontage along the Willamette River. The subject property is located on an outer, scouring bank. The entire river frontage is reinforced with revetments to provide bank stability and protect civil infrastructure. The easternmost edge of the existing, paved Riverbank Trail generally demarcates the top of bank, as shown on Sheets S1 and S2 Existing Conditions Plans (Exhibit G Plan Set). Narrow bands of riparian vegetation exist, within the revetments, between the Riverfront Trail and the waters edge. Other on-site vegetation consists of trees, shrubs, and groundcovers within parking lot landscape islands and landscape strips adjacent to sidewalks, parking areas, and buildings; and, a narrow strip of shrubs and grasses between the westernmost edge of the Riverbank Trail and developed areas.

Significant on-site vegetation is limited to the riparian corridor and is shown on Sheets S1 and S2 Existing Conditions and described in Exhibit E Riverfront Ecological Analysis and Design Report. The Willamette River adjacent to the development site is identified as a Goal 5 Water Resource. According to ODFW, two salmonid populations listed under the ESA are documented as occurring within the reach of the Willamette River that flows through the project area:

- Upper Willamette River spring Chinook (*Oncorhynchus tshawytscha*) and Critical Habitat – federally threatened (FT)
- Columbia River bull trout (*Salvelinus confluntus*) Distinct Population Segment (DPS) and Critical Habitat - FT

There are no other documented occurrences of significant wildlife species within the subject site. As shown on Sheet C1 Cover Sheet (Exhibit G Plan Set), the proposal will maintain existing open space areas and will result in a significant increase in the amount of landscape and open space areas within the subject site following redevelopment. The subject property currently provides approximately 4.3 acres of open space. Through re-zoning of the property and establishment of the S-DR Zone (Exhibit B S-DR Downtown Riverfront Special Area Zone) and it's associated cultural landscape and open space sub-district, existing open space areas will be protected and total open space areas will increase to approximately 7.74 acres.

The *PROS Project and Priority Plan* identifies a portion of the subject site as a proposed Metropolitan Park site for acquisition. The plan assigns the acquisition project a Priority 1 level and allocates $1,500,000 in capital costs to "*acquire land to provide significant riverfront open space within* [the] *courthouse/cannery neighborhood.*" The applicant proposes the sale or transfer of 7.74 acres of land to the City for future cultural landscape, open space, and recreation purposes and to add to the supply of significant riverfront open space in public ownership. Regardless of City acquisition, through the proposed amendments and zone change, the proposal protects open space through development standards in the proposed S-DR Zone (EC 9.3185, S-DR Downtown Riverfront Special Area Zone). In addition, protection of significant riparian vegetation is ensured through existing established /WR protection provisions in EC 9.4900-9.4980 which are not affected by the proposal. Sheet R1 Regulatory Plan identifies areas subject to /WR protections. Based on these findings, the proposed amendments and zone change are consistent with Policy C.21.

Natural Hazards (Goal 7)

C.31 When development is allowed to occur in the floodway or floodway fringe, local regulations shall control such development in order to minimize the potential danger to life and property. Within the UGB, development should

result in in-filling of partially developed land. Outside the UGB, areas affected by the floodway and floodway fringe shall be protected for their agricultural and sand and gravel resource values, their open space and recreational potential, and their value to water resources.

The subject property is located within the UGB. Portions of the subject property adjacent to the Willamette River are located within the FEMA regulated floodplain, as shown in Exhibit N FEMA Floodplain Map. The majority of the subject site is prior developed, as illustrated on Sheet R1 Regulatory Plan (Exhibit G Plan Set). The proposal facilitates the infill of prior developed land. As discussed in findings for Goal 7 under EC 9.7730(3)(a), the proposal does not advance development in ways that are inconsistent with current standards nor does it modify or exempt existing regulatory protection measures. Based on these findings, the proposed amendments and zone change are consistent with Policy C.31.

Willamette River Greenway and Waterways Element (Goal 15)

D.2 Land use regulations and acquisition programs along river corridors and waterways shall take into account all the concerns and needs of the community, including recreation, resource, and wildlife protection; enhancement of river corridor and waterway environments; potential for supporting non-automobile transportation; opportunities for residential development; and other compatible uses.

Accounting for needs and concerns of the community are the foundation for the *Master Plan* and land use process. As noted in the findings for Goal 8 under EC 9.7730(3)(a), the applicant proposes the sale or transfer of 7.74 acres of land to the City for future cultural landscape, open space, and recreation purposes and to add to the supply of significant riverfront open space in public ownership. If the City purchases or accepts a portion of the property for parkland, an increase in the availability of public recreational facilities in the area would occur following development of said parkland. Regardless of City acquisition, through the proposed amendments and zone change, the proposal will increase the amount of recreation capacity within downtown and riverfront areas. The Willamette River adjacent to the site is identified a Goal 5 Water Resource. The Willamette River, as a water resource, is protected by established protection provisions in the /WR Conservation overlay zone. Development standards and requirements in the proposed S-DR/CL sub-district (EC 9.3185, Exhibit B S-DR Downtown Riverfront Special Area Zone) will ensure enhancement to the corridor and waterway environments. As such, the proposed amendments and zone change account for recreation, resource, and wildlife protection; and, promote enhancement of river corridor and waterway environments.

The proposed S-DR Zone is designed to facilitate a mixed-use development scenario. Stated purposes of the S-DR Zone (EC 9.3130, Exhibit B S-DR Downtown Riverfront Special Area Zone) implement Nodal Development and Transit-Oriented Development policies, which focus on reduced reliance on automobile transportation within designated areas. Design standards within the proposed S-DR zone are intended to foster an active, vibrant, people-oriented district and reduce reliance on automobile use. As noted above in findings for Policies A.22 through A.24, the proposal facilitates residential development and other compatible uses. As such, the proposed amendments and zone change support non-automobile transportation alternatives; and, facilitate opportunities for residential development and other compatible uses. Based on these findings, the proposed amendments and zone change are consistent with Policy D.2.

D.3 Eugene, Springfield, and Lane County shall continue to cooperate in expanding water related parks and other facilities, where appropriate, that allow access to and enjoyment of river and waterway corridors.

This policy is aimed at intergovernmental cooperation between Eugene, Springfield, and Lane County to expand parks and other facilities and public access opportunities. As it relates specifically to Eugene, the following findings are relevant to the proposal. As noted in the findings for Goal 8 under EC 9.7730(3)(a), a portion of the subject site is identified in the *PROS Project and Priority Plan* as a proposed Metropolitan Park site for acquisition. The applicant proposes the sale or transfer of 7.74 acres of land to the City for future cultural landscape, open space, and recreation purposes and to add to the supply of significant riverfront open space in public ownership. If the City purchases or accepts a portion of the property for parkland, an expansion of water related parks and other facilities that allow access of the river would occur following development of said land. As such the proposed amendments and zone change advances the City's role pursuant to the above policy. Therefore, the proposed amendments and zone change are consistent with Policy D.3.

D.5 New development that locates along river corridors and waterways shall be limited to uses that are compatible with the natural, scenic, and environmental qualities of those water features.

As noted previously, the subject property includes 1,460 lineal feet of frontage along the Willamette River. The subject property is located on an outer, scouring bank. The entire river frontage is reinforced with revetments to provide bank stability and protect civil infrastructure. The vast majority of the subject site is prior developed and has been used for industrial/utility uses since the acquisition of the riverfront property in 1908. Since that time, large volumes of fill material have been imported and placed on the subject site. The proposal involves redevelopment of prior development areas.

As noted previously, a portion of the subject site is identified in the *PROS Project and Priority Plan* as a proposed Metropolitan Park site for acquisition. The plan assigns the acquisition project a Priority 1 level and allocates $1,500,000 in capital costs to "*acquire land to provide significant riverfront open space within* [the] *courthouse/cannery neighborhood.*" The applicant proposes the sale or transfer of 7.74 acres of land to the City for future cultural landscape, open space, and recreation purposes and to add to the supply of significant riverfront open space in public ownership. The identification of a portion of the subject size for park acquisition demonstrates the proposed uses consistency with natural, scenic, and environmental qualities of the Willamette River.

The *Master Plan* development process included extensive public involvement, as noted in the findings for Goal 1 under EC 9.7730(3)(a), and an iterative design process that resulted in a redevelopment concept centered on compatibility with natural, scenic, and environmental qualities, as described in the *Downtown Riverfront SAP* (Exhibit A Downtown Riverfront Specific Area Plan). The *Master Plan* envisions a green redevelopment of the subject property, with approximately eight acres of dedicated public open space, new construction and adaptive re-use of buildings, pedestrian-oriented streets connecting Downtown Eugene to the Willamette River, and a cultural landscape that displays the ecological, social, industrial, and civic history of the place.

The *Master Plan* uses a modified version of the C-2 Commercial Base Zone permitted uses as a guide for determining future allowable uses on the subject site, which are the basis for permitted uses in the S-DR Zone (Exhibit B S-DR Downtown Riverfront Special Area Zone). The S-DR Zone includes height standards that restrict the maximum height of buildings as development approaches

the Willamette River, thus creating a step-down effect that limits the scale of buildings near the resource. The maximum height of buildings in the proposed S-DR/CL sub-district, the designation for areas adjacent to the river, is 30 feet consistent with maximum height standards in the NR and PRO Zones.

Provisions of the CL sub-district will ensure compatibility with the natural, scenic, and environmental qualities of the Willamette River through the future development of high-quality public open space, recreation areas, interpretive sites, and river overlooks. Based on these findings, the proposed amendments and zone change are consistent with Policy D.5.

D.9 Local and state governments shall continue to provide adequate public access to the Willamette River Greenway.

The subject site is entirely within the City limits. The applicant owns all parcels within the subject site. Existing public access along the Willamette River is provided by the Riverbank Trail, a paved multi-use path that spans the entire length of the subject site. Within the subject site, public access to the Riverfront Trail from surrounding areas in provided at three points: the western terminus of the DeFazio Bridge at the north end of the site, the EWEB plaza at the eastern terminus of 4th Avenue, and a multi-use path connection extending from 6th Avenue to the Riverbank Trail at the south end of the site.

As noted previously, the applicant proposes the sale or transfer of approximately 7.74 acres of land to the City for future cultural landscape, open space, and public access purposes and to add to the supply of significant riverfront open space in public ownership. As illustrated on Sheets L1 and L2 Site Plans (Exhibit G Plan Set), the proposal involves the relocation of the Riverbank Trail to provide for additional landscape and open space area between the multi-use path and the river. The proposed amendments and zone change designate said land for “parks and open space” uses. The proposed S-DR Zone regulating plan designates public accessways, consistent with EC 9.6835, and identifies the relocated Riverbank Trail as an accessways, thus ensuring the continued provision of public access along the Willamette River. In addition, provisions of the S-DR/CL sub-district ensure high-quality public amenities along the riverfront including, overlooks, interpretive sites, riverfront plaza, and riverfront park, which combine to expand public access opportunities along the Willamette River.

Based on the above findings, the proposal ensures the continued provision of adequate public access along the river. Based on these findings, the proposed amendments and zone change are consistent with Policy D.9.

Environmental Design Element

E.1 In order to promote the greatest possible degree of diversity, a broad variety of commercial, residential, and recreational land uses shall be encouraged when consistent with other planning policies.

E.2 Natural vegetation, natural water features, and drainage-ways shall be protected and retained to the maximum extent practical. Landscaping shall be utilized to enhance those natural features. This policy does not preclude increasing their conveyance capacity in an environmentally responsible manner.

E.4 Public and private facilities shall be designed and located in a manner that preserves and enhances desirable features of local and neighborhood areas and promotes their sense of identity.

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

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).

E.7 The development of urban design elements as part of local and refinement plans shall be encouraged.

E.8 Site planning standards developed by local jurisdictions shall allow for flexibility in design that will achieve site planning objectives while allowing for creative solutions to design problems.

E.9 Refinement plans shall be developed to address compatibility of land uses, safety, crime prevention, and visual impact along arterial and collector streets, within mixed-use areas. During the interim period before the adoption of a refinement plan, these considerations shall be addressed by cities in approving land use applications in mixed use areas by requiring conditions of approval where necessary.

The proposal is designed to facilitate mixed-use, pedestrian friendly redevelopment, including residential lands and the findings herein demonstrate consistency with other applicable planning policies. As illustrated on Sheets L1 and L2 Site Plan (Exhibit G Plan Set), the proposal will result in the designation cultural landscape, open space, and riparian areas adjacent to the Willamette River, which following redevelopment will be enhanced. The proposal does not change or affect existing /WR overlay zone protections established in EC 9.49(1)(c)(1.) and other applicable protection measures and development standards.

Development standards in the proposed S-DR Zone (Exhibit B S-DR Downtown Riverfront Special Area Zone) are site specific and designed to be compatible with surrounding areas. The proposed S-DR Zone includes development standards that regulate building height and form as well as circulation patterns and view corridors, which are designed to ensure compatibility with adjacent properties. The proposal involves the establishment of a SAP (Exhibit A Downtown Riverfront Special Area Plan) as a refinement plan. The SAP incorporates urban design elements, which have been translated into clear and objective development standards in the proposed S-DR Zone. The design elements of the S-DR Zone adhere to form base code principles and are intended to facilitate the redevelopment vision of the *Master Plan* and refinement plan. The proposed S-DR Zone includes a design review process, which provides flexibility to employ creative solutions to design problems. Based on these findings, the proposed amendments and zone change is consistent with Policies E.1 through E.9.

Transportation Element

Land Use

F.1 Apply the nodal development strategy in areas selected by each jurisdiction that have identified potential for this type of transportation-efficient land use pattern.

F.2 Support application of the nodal development strategy in designated areas through information, technical assistance, or incentives.

F.3 Provide for transit-supportive land use patterns and development, including higher intensity, transit-oriented development along major transit corridors and near transit stations; medium- and high-density residential development within ¼ mile of transit stations, major transit corridors, employment centers, and downtown areas; and development and redevelopment in designated areas that are or could be well served by existing or planned transit.

F.4 Require improvements that encourage transit, bicycles, and pedestrians in new commercial, public, mixed use, and multi-unit residential development.

F.5 Within three years of TransPlan adoption, apply the ND, Nodal Development, designation to areas selected by each jurisdiction, adopt and apply measures to protect designated nodes from incompatible development and adopt a schedule for completion of nodal plans and implementing ordinances.

Sixteen (16) of the twenty-one (21) parcels that comprise the subject property are designated ND Nodal Development. Five (5) parcels located north of 4th Avenue are not designated ND. The proposed amendments apply the ND designation to those specific parcels, resulting in all properties within the Downtown Riverfront having the ND designation. The proposed S-DR Zone (Exhibit B S-DR Downtown Riverfront Special Area Zone) is designed to implement Nodal Development growth management policies and to foster mixed-use development. The subject site is located within the downtown core and in proximity to the 5th Street commercial corridor and major transit corridors. The proposal involves reconstruction and relocation of the Riverbank Trail, implementation of pedestrian-friendly street designs, and development standards proposed through the S-DR Zone encourage transit, bicycle, and pedestrian use within the mixed-use development. The land use components are the basis for the implementing ordinance for the designated ND area. Therefore, proposed amendments and zone change are consistent with Policies F.1 through F.5.

Transportation Demand Management

F.7 Increase the use of motor vehicle parking management strategies in selected areas throughout the Eugene-Springfield metropolitan area.

F.8 Implement TDM strategies to manage demand at congested locations.

As outlined in findings for Goal 10 under EC 9.7730(3)(a), redevelopment scenarios for the subject site were tested and analyzed as part of the Master Plan process. A mixed-use development scenario, which is what the S-DR Zone (Exhibit B S-DR Downtown Riverfront Special Area Zone) has been designed to produce, was calculated to provide for an additional 404 dwelling units. Pursuant to EC 9.3165, parking requirements of the proposed S-DR Zone for residential use are between 0.5 and 2.25 spaces per unit. There are no minimum or maximum parking requirements for commercial uses. Accordingly, the mixed-use development scenario referenced above would provide between 202-909 parking spaces for 19.3 acres of development resulting in 10-47 spaces per acre. The parking spaces per acre density requirements of the /ND designation are 12 spaces

per acre.[17] The proposed S-DR Zone allows for and promotes the use of interim parking areas, paved areas currently used for parking or former utility operations, as a means to comply with minimum parking requirements and reduce the amount of new surface parking areas, which is itself a parking management strategy. The findings in Exhibit D TPR/TIA Report address intersection function and congestions and are incorporated by reference herein. Based on these findings, the proposed amendments and zone change are compliant with Policies F.7 through F.8.

Transportation System Improvements: System-Wide

F.11 Develop or promote intermodal linkages for connectivity and ease of transfer among all transportation modes.

F.13 Support transportation strategies that enhance neighborhood livability.

Transportation System Standards in the proposed S-DR Zone (Exhibit B S-DR Downtown Riverfront Special Area Zone) promote connectivity to existing streets and shape the block pattern and neighborhood livability within the subject property. The proposal supports intermodal linkages through pedestrian and bicycle friendly street design concepts, improvements to the Riverbank Trail system, and accessway requirements, all of which will contribute to enhance neighborhood livability. Therefore, the proposed amendments and zone change are compliant with Policies F.11 and F.13.

Transportation System Improvements: Roadways

F.14 Address the mobility and safety needs of motorists, transit users, bicyclists, pedestrians, and the needs of emergency vehicles when planning and constructing roadway system improvements.

F.15 Motor vehicle level of service policy:

a. Use motor vehicle level of service standards to maintain acceptable and reliable performance on the roadway system. These standards shall be used for:

(1) Identifying capacity deficiencies on the roadway system.

(2) Evaluating the impacts on roadways of amendments to transportation plans, acknowledged comprehensive plans and land-use regulations, pursuant to the TPR (OAR 660-012-0060).

(3) Evaluating development applications for consistency with the land-use regulations of the applicable local government jurisdiction.

b. Acceptable and reliable performance is defined by the following levels of service under peak hour traffic conditions: LOS E within Eugene's Central Area Transportation Study (CATS) area, and LOS D elsewhere.

[17] Lane Council of Governments (LCOG). *Metro Plan.* 2004 Update.

c. Performance standards from the OHP shall be applied on state facilities in the Eugene-Springfield metropolitan area.

In some cases, the level of service on a facility may be substandard. The local government jurisdiction may find that transportation system improvements to bring performance up to standard within the planning horizon may not be feasible, and safety will not be compromised, and broader community goals would be better served by allowing a substandard level of service. The limitation on the feasibility of a transportation system improvement may arise from severe constraints, including but not limited to environmental conditions, lack of public agency financial resources, or land use constraint factors. It is not the intent of TSI Roadway Policy #2: Motor Vehicle Level of Service to require deferral of development in such cases. The intent is to defer motor vehicle capacity increasing transportation system improvements until existing constraints can be overcome or develop an alternative mix of strategies (such as: land use measures, TDM, short-term safety improvements) to address the problem.

This proposal adheres to existing development standards of roadways which implement effective design that address safety concerns and service access needs. Therefore, the proposed amendments and zone change are compliant with Policies F.14 and F.15.

Transportation System Improvements: Pedestrian

F.26 Provide for a pedestrian environment that is well integrated with adjacent land uses and is designed to enhance the safety, comfort, and convenience of walking.

F.27 Provide for a continuous pedestrian network with reasonably direct travel routes between destination points.

F.28 Construct sidewalks along urban area arterial and collector roadways, except freeways.

This proposal is designed to foster a vibrant and active pedestrian environment that is integrated with on-site and adjacent uses. Provisions of the S-DR Zone (Exhibit B S-DR Downtown Riverfront Special Area Zone) ensure high-quality public amenities along the riverfront including boardwalks, public plaza, cultural landscape areas, interpretive and educational sites, and an improved Riverbank Trail, as illustrated on Sheets L1 and L2 Site Plans (Exhibit G Plan Set). Proposed street designs in the S-DR Zone incorporate pedestrian sidewalks on both sides that will establish and interconnected system within the development site and provide direct routes between destination points. The proposal does not involve arterial or collector roadways. Based on these findings, the proposed amendments and zone change are consistent with Policies F.26 through F.28.

Transportation System Improvements: Roadways

F.17 Manage the roadway system to preserve safety and operational efficiency by adopting regulations to manage access to roadways and applying these regulations to decisions related to approving new or modified access to the roadway system.

A Programmatic Traffic Impact Analysis (TIA) has been prepared as part of this proposal (Exhibit D TPR/TIA Report). The TIA measured peak hour impact under the proposed zoning for selected redevelopment scenarios. The findings, as outlined in findings for Goal 9 in EC 9.7730(3)(a), demonstrate no significant effect to existing transportation facilities. The proposed amendment is compliant with existing regulations, including the TIA requirements, which demonstrate that it meets roadway standards. Therefore, the proposed amendments and zone change are consistent with Policy F.17.

Public Facilities and Services Element

Services to Development Within the Urban Growth Boundary: Planning and Coordination

G.5 The cities shall continue joint planning coordination with major institutions, such as universities and hospitals, due to their relatively large impact on local facilities and services.

Implementation of the land use components of the proposal will consummate the results of joint planning coordination between EWEB, the City of Eugene, and the University of Oregon, which owns property adjacent to the subject site, through participation and involvement in the *Master Plan* visioning process and development of the implementation tools herein. Based on these findings, the proposed amendments and zone change are compliant with Policy G.5.

Energy Element

J.7 Encourage medium- and high-density residential uses when balanced with other planning policies in order to maximize the efficient utilization of all forms of energy. The greatest energy savings can be made in the areas of space heating and cooling and transportation. For example, the highest relative densities of residential development shall be concentrated to the greatest extent possible in areas that are or can be well served by mass transit, paratransit, and foot and bicycle paths.

J.8 Commercial, residential, and recreational land uses shall be integrated to the greatest extent possible, balanced with all planning policies to reduce travel distances, optimize reuse of waste heat, and optimize potential on-site energy generation.

This proposal establishes the framework for a vibrant, active, pedestrian-oriented mixed-use redevelopment. Form based development standards and transportation system standards in the proposed S-DR Zone (Exhibit B S-DR Downtown Riverfront Special Area Zone) implement Nodal Development and Transit-oriented Development principles. The subject site is located within walking distance to the downtown core and the 5th Street commercial corridor, as well as LTD transit routes and the Amtrak rail station. On-site circulation patterns and public amenities along the riverfront are designed to promote pedestrian and bicycle activities. Based on these findings, the proposed amendments and zone change are consistent with Policies J.7 and J.8.

The findings in EC 9.7730(3)(b) above demonstrate that the proposed amendments and zone change are consistent with all applicable *Metro Plan* policies. As such, approval of this proposal does not make the *Metro Plan* internally inconsistent. This criterion is satisfied.

Metro Plan Amendments Conclusion

Based on the above findings, the proposed amendments are consistent with applicable approval criteria.

5.2 Refinement Plan Amendments and Refinement Plan Adoption

The subject site is within the boundaries of the *Downtown Plan, Riverfront Park Study,* and *Whiteaker Plan.* The proposal involves Refinement Plan text amendments to repeal Downtown Riverfront Policies 2 and 3 in the *Downtown Plan* and EWEB Policy II.E.1, II.E.2, and II.E.3 in the *Riverfront Park Study*, as the policies are now obsolete. The proposal does not amend the *Whiteaker Plan*. Descriptions of the refinement plan text changes are presented below. Findings of compliance with applicable approval criteria and standards are provided under EC 9.8424.

The proposal involves the adoption of the *Downtown Riverfront Specific Area Plan* as a refinement plan to guide future redevelopment. Findings of compliance for applicable approval criteria and standards in EC 9.3020 are provided in Section 5.3 under EC 9.8065.

Downtown Plan

The proposal amends the Downtown Riverfront section, pg. 29, are as follows:

Downtown Riverfront, Pg. 29

Policies

1. Incorporate the Willamette River as an integral element to downtown planning and development.

2. ~~Collaborate with EWEB to encourage relocation of their utility facilities.~~

In 2010, the applicant (EWEB) relocated their utility operations and maintenance functions from the subject site to the new Roosevelt Operations Center (ROC) in west Eugene. Therefore, this policy is obsolete.

3. ~~A master plan for the EWEB riverfront property must be approved by the City before an redevelopment, land use application rezoning, Metro Plan or refinement plan diagram amendments are approved for uses not associated with EWEB functions. The master plan shall be evaluated based on the master plan's consistency with principles A through D below:~~

   A. ~~Create a "people place" that is active, vibrant, accessible and multi-use.~~
   B. ~~Provide appropriate setbacks, deeper where environmental or habitat issues are more critical, shallower in other areas.~~
   C. ~~Incorporate appropriate building and site design techniques that address environmental concerns.~~
   D. ~~Incorporate an educational aspect, so that the riverfront improvements teach us about our river, our history, and our city.~~

   ~~The master plan shall be considered using the City's Type II application procedures, unless the applicant elects to have the master plan reviewed concurrently with a Type III, Type IV or Type V application.~~

The proposal establishes the Downtown Riverfront SAP (Exhibit A Downtown Riverfront Specific Area Plan), which implements the redevelopment vision of the *Master Plan*, as a refinement plan. The *Master Plan* process was completed using the above principles A-D as guiding principles and the resulting vision has been translated into a policy document, the *Downtown Riverfront SAP*. The

land use components herein are submitted pursuant to Type V application procedures as specified above. Based on these findings, this policy is obsolete.

~~4.~~ 2. Facilitate dense development in the courthouse area and other sites between the core of downtown and the river.

The proposal renumbers Policy 4 to Policy 2 to reflect the repeal of Policies 2 and 3.

Implementation Strategies

The proposal does not amend the Implementation Strategies section.

The proposal removes the first project in the Projects section, as follows:

Projects

Examples of possible projects that address the implementation strategies:

- ~~Partner with EWEB to develop a master plan for the EWEB site.~~

As noted in Section 2.1, a *Master Plan* for the EWEB site was completed in 2010. Therefore, this policy is obsolete.

Riverfront Park Study

The proposal repeals all policies in section E, pg.11-12, as follows:

E. EWEB

~~The following policies are intended to provide direction for future action pertaining to the EWEB main facility and steam plant.~~

~~**1. Property under EWEB ownership within the Riverfront Park Study Area shall remain designated for the utility's main headquarters.**~~

~~In 1983, EWEB embarked on a project to develop a Headquarters Master Plan that investigates alternative for consolidating its 428 employees and major operations at the existing riverfront site. This policy recognizes that the draft EWEB Master Plan, once adopted, will be the bases for future decisions relating to the develop of EWEB's land and operations facilities. It also recognizes that EWEB is an important employer and service provider in the Riverfront Study Area and is especially important because of its proximity to downtown Eugene. The recently adopted Downtown Plan similarly recognized EWEB's continued presence in the study area and anticipates continuing improvements in river access in concert with the implementation of the EWEB Master Plan.~~

The applicant (EWEB) has prepared a new *Master Plan* for future redevelopment of the subject site. This proposed SAP (Exhibit A Downtown Riverfront Specific Area Plan) and S-DR (Exhibit B S-DR Downtown Riverfront Special Area Zone), the implementing regulatory framework, include provisions for improvements to river access in concert with redevelopment. Based on these findings, this policy is obsolete.

~~2. The City of Eugene shall work with EWEB and the University of Oregon to investigate actions which could be taken to implement improvements in the efficiency of the steam plants operated by both organizations in the Riverfront Study area.~~

~~This policy commits the City of Eugene to work with both the University of Oregon and EWEB to attempt to identify ways to increase efficiencies in steam plant operations of both organizations. Increasing steam facility efficiencies has potential impact on future users, e.g., those in the Riverfront Park Area as well as existing steam customers, and consequently is an important community-wide economic diversification issue.~~

The Steam Plant is being decommissioned and is no longer operational. Therefore, this policy is obsolete.

~~3. Property owned by the University of Oregon, and currently leased by EWEB for its pole yard, shall be included in the property available for redevelopment for new facilities in the Riverfront Park.~~

~~This policy recognizes that the current pole storage is an interim use, and that the University may implement redevelopment plans in its role as property owner.~~

The applicant owns all parcels within the subject site. The proposal does not include any University-owned properties. The applicant (EWEB) no longer leases the pole yard from the University of Oregon. Based on these findings, this policy is obsolete.

Findings of compliance with applicable approval criteria and standards are provided in EC 9.8424 below.

EC 9.8424 Refinement Plan Amendment Approval Criteria. The planning commission shall evaluate proposed refinement plan amendments based on the criteria set forth below, and forward a recommendation to the city council. The city council shall decide whether to act on the application. If the city council decides to act, it shall approve, approve with modifications or deny a proposed refinement plan amendment. Approval, or approval with modifications shall be based on compliance with the following criteria:

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

(a) Statewide planning goals.

Findings for EC 9.7730(3)(a) demonstrate the proposal's consistency with applicable Statewide Planning goals and are incorporated by reference herein. Based on these findings, this criterion is satisfied.

(b) Applicable provisions of the <u>Metro Plan</u>.

Findings for EC 9.7730(3)(b) demonstrate the proposal's consistency with applicable policies of the *Metro Plan* and are incorporated by reference herein. Based on these findings, this criterion is satisfied.

(c) Remaining portions of the refinement plan.

The proposed amendments to the *Downtown Plan* reflect the establishment of the Downtown Riverfront SAP (Exhibit A Downtown Riverfront Specific Area Plan) and the Downtown Riverfront SAZ (Exhibit B S-DR Downtown Riverfront Special Area Zone). The proposed changes are consistent with the purpose of updating the plan to reflect a new community policy. The policies

proposed for removal are obsolete. The proposal will further the goals and policies of the *Downtown Plan*. The provisions, standards, and development criteria in the proposed S-DR Zone satisfy remaining policies, fulfill the implementation strategies, and execute projects for the subject site within the *Downtown Plan.* The proposed amendments are consistent with the remaining portions of the plan.

The proposed amendments to the *Riverfront Park Study* are consistent with the purpose of updating the plan to reflect a new community policy. These policies proposed for removal are obsolete as they pertain to elements of the site that are no longer pertinent or remain. The proposed amendments will not affect the plan's ability to regulate and guide development within its boundaries and are consistent with remaining portions of the plan. This criterion is satisfied.

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

(a) An error in the publication of the refinement plan.
(b) New inventory material which relates to a statewide planning goal.
(c) New or amended community policies.
(d) New or amended provisions in a federal law or regulation, state statute, state regulation, statewide planning goal, or state agency land use plan.
(e) A change of circumstances in a substantial manner that was not anticipated at the time the refinement plan was adopted.

The proposed amendments do not address an error in the publication of the applicable refinement plan, new inventory materials related to statewide planning goals, new or amended state or federal laws, regulations or policies or a change of circumstances not anticipated at the time of plan adoption. Therefore, criteria EC 9.8424(2)(a), (b), (d), and (e) above are not applicable to the proposed amendments. Pursuant to subsection (c), the proposed amendments address new or amended community policies, as described below.

In 2001, the City Council adopted amendments to *TransPlan*, the *Metro Plan*, and the land use code to implement a nodal development strategy. The majority of the subject site is identified to implement a nodal development strategy and is designated as such by the *Metro Plan* land use diagram. The proposed amendments apply the nodal development (ND) designation to five (5) parcels within the subject site that do not currently have the ND designation, resulting in all properties within the subject site having the ND designation. The proposal implements the nodal development strategy, as described in findings addressing consistency with the *Metro Plan* policies for EC 9.7730(3)(b), consistent with this criterion. The *Master Plan* was completed using existing Downtown Plan policies 3.A. through D. as guiding principles. The *Downtown Plan* and the *Riverfront Park Study* have not been updated to reflect the new and amended community policies as established in the SAP and SAZ and represented in the *Master Plan*. Based on these findings, this criterion is satisfied.

Refinement Plan Amendments and Refinement Plan Adoption Conclusion

Based on the findings above, the proposed amendments and adoption are consistent with refinement plan amendment criteria.

5.3 Code Amendments

The proposal involves amendments to the land use code to adopt the *Downtown Riverfront Specific Area Plan*, establish the S-DR Downtown Riverfront Special Area Zone, and revise other development standards and criteria for consistency with the S-DR Downtown Riverfront Special Area Zone. Revisions to other development standards and criteria in EC Chapter 9 are included as Exhibit C Code Amendments. Findings of compliance with applicable approval criteria are provided under EC 9.8065.

EC 9.8065 Code Amendment Approval Criteria. If the city council elects to act, it may, by ordinance, adopt an amendment to this land use code that:

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

Findings for EC 9.7730(3)(a) demonstrate the proposed amendments consistency with applicable Statewide Planning goals and are incorporated by reference herein. Based on these findings, this criterion is satisfied.

(2) Is consistent with applicable provisions of the Metro Plan and applicable adopted refinement plans.

Findings for EC 9.7730(3)(b) demonstrate the proposed amendments consistency with applicable policies of the *Metro Plan* and are incorporated by reference herein. Based on these findings, this criterion is satisfied.

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

The proposed amendments involve the establishment of the S-DR Downtown Riverfront Special Area Zone (Exhibit B S-DR Downtown Riverfront Special Area Zone). Findings of compliance with the criteria of EC 9.3020 are provided below.

EC 9.3020 Criteria for Establishment of an S Special Area Zone. Before adopting an ordinance establishing a S Special Area Zone, the city council shall find that the proposal is in compliance with following criteria:

(1) The area to which the S Special Area Zone is being applied meets at least one of the following criteria:

(a) Is identified in the Metro Plan or a refinement plan as appropriate for nodal development or for a special range of uses or development that can best be achieved with the use of a special area zone; or

(b) Possesses distinctive buildings or natural features that require special consideration to ensure appropriate development, preservation, or rehabilitation. In order to be considered distinctive, it must be demonstrated that:

1. The area is characterized by buildings that merit preservation in order to protect their special features; or

2. The area contains natural features that have been identified by the city as worthy of special treatment or preservation.

Resulting from the 2001 *Metro Plan* amendments referenced in findings for EC 9.8424(2), the majority of the subject site is designated as a Nodal Development area by the *Metro Plan Diagram*,

in accordance with EC 9.3020(1)(a). The subject site contains distinctive buildings including the EWEB Headquarters, Willamette Substation, and Steam Plant in accordance with EC 9.3020(1)(b)(1.). In addition, the subject site is located along the Willamette River, an inventoried Goal 5 Resource, in accordance with EC 9.3020(1)(b)(2.). Based on these findings, this criterion is satisfied.

(2) An analysis of the area demonstrates how the uses and development standards of the S Special Area zone ordinance will facilitate implementation of the planned use of the property or the preservation or rehabilitation of distinctive buildings or natural features of benefit to the community.

The *Master Plan* envisions a green redevelopment of the subject property, with approximately eight acres of dedicated public open space, new construction and adaptive re-use of buildings, pedestrian-oriented streets connecting Downtown Eugene to the Willamette River, and a cultural landscape that displays the ecological, social, industrial, and civic history of the place. It establishes a framework of streets, open space, and redevelopment parcels as well as a set of allowable uses and use requirements. The *Master Plan* promotes a mix of diverse, compatible, and pedestrian-friendly uses as the prevalent land use pattern. It seeks to increase concentrations of populations and employment by promoting residential, office, and retail uses.

The *Master Plan* uses a modified version of the C-2 Commercial Base Zone permitted uses as a basis for determining planned uses and their development intensities on the subject site. The land use code allows for a mixture of commercial and residential uses within the C-2 Zone. However, standards and requirements that apply specifically to mixed-use projects are real and perceived barriers to mixed-use development. In addition, the C-2 Zone allows limited park uses but applies standards, requirements, and limitations of the PRO Parks, Recreation, and Open Space Zone to proposed uses, which depending on the use, can trigger discretionary review process. The combination of use limitations and restrictive standards create barriers to the development of cultural landscape and open space areas, as envisioned by the *Master Plan*.

Regulatory barriers described above led to the evaluation of other approaches to implementing land use regulations, and the special area zone (S) designation was identified as the best available tool to facilitate mixed-use development, while also addressing compatibility with surrounding commercial and residential neighborhoods and natural resource areas. The S designation, and supporting land use code sections, is used to regulate areas identified for nodal development and mixed-use development, including S-CN Chase Node, S-RN Royal Node, S-W Whiteaker, and S-WS Walnut Station. The proposed S-DR Zone (Exhibit B Downtown Riverfront Special Area Zone) blends prescriptive standards, which are the basis for traditional codes, with form-based standards, which relate to development form and de-emphasize use restrictions. Uses are still regulated, using permitted uses in the C-2 and PRO Zones as the basis for allowable uses, but are categorized within broad categories. The proposed S-DR Zone contains a list of permitted uses allowed in the Downtown Riverfront site (EC 9.3145, Exhibit B S-DR Downtown Riverfront Special Area Zone) and a list of prohibited uses (EC 9.3146, Exhibit B S-DR Downtown Riverfront Special Area Zone). Use limitations ensure that, in specific areas along the riverfront, uses are consistent with the objectives of establishing active and vibrant, pedestrian-oriented mixed-use development. The above measures facilitate implementation of the planned uses.

Development standards in the proposed S-DR Zone facilitate the adaptive reuse of existing distinctive buildings (EC 9.3148, Exhibit B Downtown Riverfront Special Area Zone), including: the EWEB Headquarters, Midgley's Building, Operations and Warehouse Building, and Steam Plant, by preempting certain site development standards that present barriers to preservation or rehabilitation. Development standards and guidelines in the proposed S-DR zone are based on

existing standards in the PRO, PL, and NR Zones and promote the enhancement of cultural landscape and open space areas (EC 9.3185, Exhibit B Downtown Riverfront Special Area Zone). Additional established protections in the /WR conservation overlay zone designed to protect natural resources remain applicable to proposed uses on the subject site.

The SAP (Exhibit A Downtown Riverfront Specific Area Plan) and SAZ (Exhibit B S-DR Downtown Riverfront Special Area Zone) have been designed with the intent of establishing the framework to fulfill the redevelopment vision. Provisions and development standards in the S-DR Zone are designed to guide and shape future development pursuant the *Master Plan* vision. Further specific analysis of the subject site is included in the SAP, which is incorporated by reference herein. Once adopted, the documents will become part of City's guiding framework for land use regulation. Both documents are designed to provide regulatory incentives that facilitate redevelopment and direct growth and density to the subject site. The proposed SAZ and SAP allow for mixed-use development, preservation and rehabilitation of distinctive building and natural features, and enable implementation of the planned use of the properties within the subject site. Based on these findings, this criterion is satisfied.

(3) Except for areas zoned S-H Historic Special Area zone, the area to be classified S Special Area includes at least ½ acre in area.

There are no areas within the subject property zoned S-H Historic Special Area Zone. The subject property comprises 27.06 acres. Therefore, this criterion does not apply.

(4) The application of the zone to the properties proposed for inclusion in the S Special Area zone and the required provisions of a special area zone ordinance are consistent with the criteria required for approval of a zone change, according to EC 9.8865 Zone Change Approval Criteria.

Findings for EC 9.8865 demonstrate the proposals compliance with applicable Zone Change Approval Criteria and are incorporated by reference herein. Based on these findings, this criterion is satisfied.

Findings for EC 9.3030 demonstrate that the proposal, involving the adoption and establishment of a new special area zone, fulfills the requirements necessary to do so.

EC 9.3030 Required Provisions of a Special Area Zone Ordinance. Each S Special Area zone is established by an ordinance that contains the following sections:

(1) Purpose describing the intent of the S Special Area zone.

Within the proposed S-DR Zone (Exhibit B S-DR Downtown Riverfront Special Area Zone) a 'Purpose' section is included as EC 9.3130. Therefore, this criterion is satisfied.

(2) Land Use and Permit Requirements setting forth the uses to be permitted outright, permitted based on approval of a land use application, or permitted subject to special standards.

The proposed S-DR Zone (Exhibit B S-DR Downtown Riverfront Special Area Zone) contains a 'Permitted Uses' section codified as EC 9.3145, which outlines uses permitted outright and uses permitted subject to special standards. Therefore, this criterion is satisfied.

(3) Development Standards containing development standards governing factors that are necessary to achieve the purpose of the S Special Area zone such as required off-street parking, landscaping, setbacks, and building height limitations.

The proposed S-DR Zone (Exhibit B S-DR Downtown Riverfront Special Area Zone) contains a 'General Development Standards' section codified as EC 9.3155. Therefore, this criterion is satisfied.

(4) Lot Standards containing lot area and dimension standards applicable in the particular S Special Area zone.

The proposed S-DR Zone (Exhibit B S-DR Downtown Riverfront Special Area Zone) contains a 'Lot Standards' section codified as EC 9.3150. Therefore, this criterion is satisfied.

(5) Siting Requirements in addition to those at EC 9.8865 Zone Change Approval Criteria.

The proposed S-DR Zone (Exhibit B S-DR Downtown Riverfront Special Area Zone) contains a 'Siting Requirements' section codified as EC 9.3140. Therefore, this criterion is satisfied.

Code Amendments Conclusion

Based on the above findings, and supporting documentation in Exhibit C Code Amendments, the codes amendments are consistent with applicable approval criteria.

5.4 Zone Change

The proposal involves the re-zoning of sixteen (16) parcels (totaling approximately 25.94 acres) within the subject site from I-2 Light Medium Industrial, I-3 Heavy Industrial, and PL Public Land to S-DR Downtown Riverfront Special Area Zone, which is established under the concurrent amendments to the land use code; and, to remove the /TD Transit Oriented Development Overlay Zone on twelve (12) parcels (totaling approximately 18.10 acres) within the subject site. Five (5) parcels will retain the S-W Whiteaker Special Area Zone designation and nine (9) parcels will retain the existing /WR Water Resources Conservation Overlay Zone designation.

Table 5-4 presents existing and proposed base and overlay zone designations for parcels within the subject site. Exhibit I City of Eugene Zoning Diagram illustrates existing and proposed zoning diagram changes. Assessor's map and tax lot numbers are shown on Sheet C1 Cover Sheet (Exhibit G Plan Set).

Findings of compliance with applicable Zone Change approval criteria are provided in EC 9.8865.

Table 5-4 Existing and Proposed City of Eugene Zoning

ASSESSOR'S MAP & TAX LOT NUMBERS	SIZE	BASE ZONE & OVERLAY ZONE	
17-03-29-33		**Existing**	**Proposed**
1400	0.12 acres	PL/WR	S-DR/WR
1600	0.11 acres	PL/TD/WR	S-DR/WR
1800	0.05 acres	PL/TD/WR	S-DR/WR
2000	0.19 acres	PL/TD/WR	S-DR/WR
2600	0.25 acres	S-W/SR	S-W/SR
2700	0.48 acres	PL/TD	S-DR
2900	0.86 acres	PL/TD/WR	S-DR/WR
17-03-30-44		**Existing**	**Proposed**
7400	0.29 acres	S-W/SR	S-W/SR
8200	0.21 acres	S-W/SR	S-W/SR
8300	0.08 acres	S-W/SR	S-W/SR
8400	0.29 acres	S-W/SR	S-W/SR
8500	1.41 acres	I-2/TD	S-DR
17-03-31-11		**Existing**	**Proposed**
100	0.29 acres	I-2/TD	S-DR
300	0.52 acres	I-2/TD	S-DR
17-03-32-22		**Existing**	**Proposed**
100	11.89 acres	PL/TD/WR	S-DR/WR
300	1.12 acres	I-3/TD	S-DR
400	0.53 acres	I-3/TD	S-DR
401	0.65 acres	I-3/TD	S-DR
800	5.86 acres	PL/WR	S-DR/WR
1500	1.16 acres	I-3/WR	S-DR/WR
1600	0.70 acres	I-3/WR	S-DR/WR

I-2 - Light-Medium Industrial
I-3 - Heavy Industrial
PL - Public Land
S-W - Whitaker Special Area Zone
S-DR Downtown Riverfront Special Area Zone (proposed)
/SR - Site Review Overlay
/TD - Transit Development Overlay
/WR - Water Resource Conservation Overlay

EC 9.8865 Zone Change Approval Criteria. Approval of a zone change application, including the designation of an overlay zone, shall not be approved unless it meets all of the following criteria:

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

As noted previously, the proposal amends the *Metro Plan* diagram to re-designate two (2) parcels with the Heavy Industrial designation and one (1) parcel with the Parks and Open Space designation to the Mixed Use Area designation and apply the Nodal Development overlay designation to five (5) parcels within the subject site. As noted previously, the proposal involves a zone change, which is dependent upon approval of the *Metro Plan* diagram amendment, to re-zone sixteen (16) parcels from I-2 Light Medium Industrial, I-3 Heavy Industrial, and PL Public Land to S-DR Downtown Riverfront Special Area Zone, which is established under the concurrent amendments to the land use code; and, to remove the /TD Transit Oriented Development Overlay Zone on twelve (12) parcels (totaling approximately 18.10 acres). Five (5) parcels will retain the S-W Whiteaker Special Area Zone designation and nine (9) parcels will retain the existing /WR Water Resources Conservation Overlay Zone designation.

The proposal does not amend the written text of the *Metro Plan* nor are any of the proposed amendments in conflict with the text and diagram, as the proposal relies upon existing designations. The proposed zone changes are designed to implement *Metro Plan* nodal development and mixed-use development policies through the establishment of a SAZ (Exhibit B S-DR Downtown Riverfront Special Area Zone) specifically designed to facilitate redevelopment, mixed-use development, and public access. The findings of EC 9.7730(3)(b) demonstrate the consistency of the proposed zone change with the *Metro Plan* written text and are incorporated by reference herein. Based on the above findings, this criterion is satisfied.

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

The subject property is included within the *Downtown Plan* boundaries and the *Riverfront Research Park Plan* boundaries. As part of the implementation of the redevelopment vision, the proposal involves the adoption of the *Downtown Riverfront Specific Area Plan* (Exhibit A Downtown Riverfront Specific Area Plan) as a refinement plan. Approval of the zone change is dependent upon approval of these refinement plan diagram and text amendments.

The Downtown Riverfront Specific Area Plan includes a land use diagram that designates all parcels within the subject site for S-DR Downtown Special Area Zone, with the exception of (5) parcels designated S-W Whiteaker Special Area Zone which retain that designation, consistent with this zone change request. The proposal amends the *Downtown Plan* and *Riverfront Research Park Study* to reflect the establishment of the SAP, to remove obsolete sections, and to address inconsistencies between plans, as demonstrated in findings for EC 9.8424(1)(c). Regarding the removal of the /TD Transit Oriented Development Overlay Zone from the subject property, the development standards in the proposed S-DR Zone (Exhibit B S-DR Downtown Riverfront Special Area Zone) duplicate the development standards in the /TD Overlay Zone, with minor modifications to align with the redevelopment vision, and are designed to achieve superior performance in development form. The provisions of the /TD Overlay Zone are designed to supplant those of the applicable base zone or overlay zone. As the provisions of the S-DR Zone duplicate and exceed the provisions of the /TD Overlay Zone, retention of the /TD Overlay Zone would create inconsistencies and is therefore is no longer warranted. Based on the above findings, this criterion is satisfied.

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

The minimum level of key urban facilities and services are defined in the *Metro Plan* as including wastewater service, stormwater service, transportation, solid waste management, water service, fire and emergency medical services, police protection, City-wide parks and recreation programs, electric service, land use controls, communication facilities, and public schools on a district-wide basis.[18] Wastewater, stormwater, and transportation facilities are currently available or can be extended in an orderly and efficient manner within a reasonable timeframe as needed, consistent with this criterion.

The subject property is located within the UGB and within the downtown core area of Eugene. The subject parcels are currently developed and served by existing urban facilities and services. Future redevelopment will necessitate extension of such services as is typical. Exhibit F Infrastructure Memorandum provides an evaluation of existing Stormwater, Sanitary Sewer, and Water utilities within the subject property, the findings of which are incorporated by reference herein. Existing transportation facilities are sufficient to handle the proposed re-zoning and subsequent development as demonstrated by the findings and conclusions in the TPR/TIA Report (Exhibit D TPR/TIA Report).

Findings of compliance with Statewide Planning Goals 11 and 12, under EC 9.7730 above, further demonstrate compliance with this criterion. Other public services are available to properties within Eugene's UGB, including the subject parcels, and are available to serve them. Re-zoning subject parcels to S-DR and removing the /TD overlay will not affect the provision of key urban services. Based on the above findings, this criterion is satisfied.

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

- **(a) EC 9.2150 Commercial Zone Siting Requirements.**
- **(b) EC 9.2430 Industrial Zone Siting Requirements.**
- **(c) EC 9.2510 Natural Resource Zone Siting Requirements.**
- **(d) EC 9.2610 Park, Recreation, and Open Space Siting Requirements.**
- **(e) EC 9.2681 Public Land Zone Siting Requirements.**
- **(f) EC 9.2735 Residential Zone Siting Requirements.**
- **(g) EC 9.3055 S-C Chambers Special Area Zone Siting Requirements.**
- **(h) EC 9.3105 S-CN Chase Node Special Area Zone Siting Requirements.**
- **(i) EC 9.3205 S-DW Downtown Westside Special Area Zone Siting Requirements.**
- **(j) EC 9.3305 S-E Elmira Road Special Area Zone Siting Requirements.**
- **(k) EC 9.3605 S-JW Jefferson Westside Special Area Zone Siting Requirements.**
- **(l) EC 9.3705 S-RP Riverfront Park Special Area Zone Siting Requirements.**
- **(m) EC 9.3805 S-RN Royal Node Special Area Zone Siting Requirements.**
- **(n) EC 9.3905 S-W Whiteaker Special Area Zone Siting Requirements.**
- **(o) EC 9.3955 S-WS Walnut Station Special Area Zone Siting Requirements.**
- **(p) EC 9.4205 /EC East Campus Overlay Zone Siting Requirements.**
- **(q) EC 9.4715 /WP Waterside Protection Overlay Zone Siting Requirements.**
- **(r) EC 9.4776 /WQ Water Quality Overlay Zone Siting Requirements (only for the purposes of adding the overlay zone. See EC 9.4786.).**
- **(s) EC 9.4915 /WR Water Resources Conservation Overlay Zone Siting Requirements (only for the purposes of adding the overlay zone. See EC 9.4960.).**

[18] Lane Council of Governments (LCOG). *Metro Plan.* Glossary page V-3. 2004 Update.

(t) EC 9.4815 /WB Wetland Buffer Overlay Zone Siting Requirements.

(u) An uncodified ordinance establishing a site specific S-H Historic Special Area Zone, a copy of which is maintained at the city's planning and development department.

The S-DR Downtown Riverfront Special Area Zone is being established in the land use code as part of the implementation of the redevelopment vision. Approval of the zone change is dependent upon the approval of these code amendments. The proposed code amendments add S-DR siting requirements and renumber EC 9.8865(4)(j) through (v) accordingly, as included in Exhibit C Code Amendments.

The proposed S-DR Zone (Exhibit B S-DR Downtown Riverfront Special Area Zone) includes siting requirements, which require, in addition to the approval criteria of EC 9.8865, that the site to be rezoned must be included within the Downtown Riverfront area depicted on Figure 9.3135(1) of the proposed S-DR Zone. The siting requirements of the S-DR Zone under EC 9.3140 also state when a property is rezoned as part of the rezoning process, the City shall identify the plan sub-district designation applicable to the property, in accordance with EC 9.3135 plan sub-districts. The proposed S-DR Zone regulatory plan, as depicted on Figure 9.3135(1), includes two sub-districts; mixed-use and cultural landscape and open space.

Regarding the removal of the /TD Overlay Zone from twelve (12) parcels and the retention of the /WR overlay zone on nine (9) parcels, there are no siting requirements related to the /TD Overlay Zone and the /WR Overlay Zone siting requirements only apply for the purposes of adding the overlay zone. Based on the above findings, the proposed zone change is consistent with the criterion.

(5) In cases where the NR zone is applied based on EC 9.2510(3), the property owner shall enter into a contractual arrangement with the city to ensure the area is maintained as a natural resource area for a minimum of 50 years.

The proposal does not involve the application of the /NR Zone. This criterion does not apply.

Zone Change Conclusion

Based on the above findings, the zone change is consistent with applicable criteria.

5.6 Willamette Greenway Permit

Statewide Planning Goal 15, Willamette River Greenway, provides that:

> *"The qualities of the Willamette River shall be protected, conserved, enhanced and maintained consistent with lawful uses present on December 6, 1974. Intensifications of uses, changes of use or developments may be permitted after this date only when they are consistent with the Willamette Greenway Statute, this Goal and* [other standards]*."*

Regarding "other standards," EC 9.8800-9.8825 provides that:

> *"EC 9.8800 Purpose of Willamette Greenway Permits. Intensifications of uses, changes in use, or development require special consideration before being permitted within the boundaries of the Willamette River Greenway. * * * Urban uses may be allowed but conditions of approval may be imposed as are deemed necessary to carry out the purpose and intent of the Willamette River Greenway, and to ensure that any intensifications of uses, changes in use, or developments within the Willamette Greenway boundaries are compatible with nearby uses within the Willamette Greenway."*
>
> *"EC 9.8805 Applicability. Willamette Greenway permit applications are required for intensification of uses, changes in use, or developments within the boundaries of the Willamette River Greenway * * * ."*

As illustrated on Sheet R1 Regulatory Plan (Exhibit G Plan Set), approximately 19.75 acres of the subject site are within the boundaries of the Willamette River Greenway. As noted previously, the proposal involves changes in use. Subsequent redevelopment will involve intensifications of uses and new development. Therefore, the proposal requires special consideration and approval of a Willamette Greenway permit to allow development to proceed in accordance with the redevelopment vision and to ensure compatibility with nearby uses.

Findings of compliance with applicable approval criteria and standards are provided in EC 9.8815. As used in this section, the words "the greatest possible degree" are drawn from Oregon Statewide Planning Goal 15 (F.3.b.) and are intended to require a balancing of factors so that each of the identified Willamette Greenway criteria is met to the greatest extent possible without precluding the requested use.

EC 9.8815 Willamette Greenway Permit Approval Criteria and Standards. Willamette Greenway permit approval may be granted only if the proposal conforms to all the criteria in subsections (1) through (4), and the applicable standards of subsection (5) as follows:

(1) To the greatest possible degree, the intensification, change of use, or development will provide the maximum possible landscaped area, open space, or vegetation between the activity and the river.

This proposal involves intensification, change of use, and new development within the Willamette Greenway, therefore the remaining provisions of EC 9.8815(1) apply to the request.

In the prior approved Willamette Greenway permit for the Autzen Stadium expansion (WG 01-1) the Hearings Official interpreted this criterion, as follows:

> *"The intent of this criterion is, in large part, to ensure the continued integrity of the landscaping area and scenic qualities adjacent to the river, for the benefit of those enjoying the river's scenic and aesthetic attributes."*

As shown on Sheet R1 Regulatory Plan (Exhibit G Plan Set), of the portion of the subject property within the Greenway Boundary, open spaces areas consist of approximately 1.71 acres. As illustrated on Sheets S1 and S2 Existing Conditions Plan, the natural vegetative fringe along the Willamette River, containing landscape areas and vegetation, is limited to the area between the waters edge the easternmost edge of the Riverbank Trail, with the exception of small patches of landscaping (islands, planter strips, and foundation plantings) associated with parking areas and access drives within the site. The vast majority of the subject site is prior developed and has been used for industrial/utility uses since the acquisition of the riverfront property in 1908. Since that time, large volumes of fill material have been imported and placed on the subject site and the entire length of riverbank is armored with riprap. The average slope of the riverbank, between the Riverbank Trail and water's edge, ranges between 34 and 44 percent. These factors have reduced riverbank complexity, which, has contributed to a loss of riparian habitat on the subject site (Exhibit E Riverfront Ecological Analysis and Design Report). Of the area of the subject site within the Willamette Greenway boundary, 92 percent of the site is covered by building or structures (approximately 5.92 acres), impermeable surfaces (approximately 9.03 acres), or other (gravel) surfaces (3.09 acres), as illustrated on Sheet R1 Regulatory Plan.

The proposed amendments and zone change re-zone sixteen (16) parcels within the subject site to the proposed S-DR Zone (Exhibit B S-DR Downtown Riverfront Special Area Zone). The special area zone establishes two land use sub-districts; a mixed-use sub-district (S-DR/CL) and a cultural landscape and open space sub-district (S-DR/CL). The proposed S-DR/CL sub-district comprises approximately 7.74 acres of land adjacent the Willamette River and includes existing landscape areas, open space, and vegetation adjacent to the Willamette River, as described above. Permitted and prohibited uses are consistent with those allowed in the PRO Zone. Proposed development standards are based on exiting established development standards in the PRO, NR, and PL Zones, and are designed to achieve equal or higher performance in landscape and open space site protection, restoration, and enhancement. The S-DR/CL sub-district implements the cultural landscape and open space program framework and design guidelines of the SAP (Exhibit A Downtown Riverfront Specific Area Plan). Implementation of the cultural landscape and open space framework ensures high-quality landscape areas and open space between redevelopment areas and the river. In addition, the proposal does not affect existing established /WR Overlay Zone protections, which establishes a 100-foot conservation setback along the Willamette River within the subject site. The /WR provisions limit the types of activities permitted within the setback and will ensure the continued provision of landscape and open space area between redevelopment and the river.

As shown on Sheet C1 Cover Sheet, the proposal will result in approximately 7.74 acres of land dedicated as cultural landscape and open spaces areas. Pursuant to redevelopment, the proposal will create approximately 3.43 acres of new landscape and open space area and will increase the overall site coverage of said areas by 12 percent. The above findings demonstrate that the proposal will provide the maximum possible landscape area, open space, and vegetation between redevelopment and the river. Based on the above findings, this criterion is satisfied.

(2) To the greatest possible degree, necessary and adequate public access will be provided along the Willamette River by appropriate legal means.

As founded in 1911 and chartered by the City, the applicant (EWEB) is a municipal publicly owned utility. The applicant owns all parcels within the subject site. Existing public access along the Willamette River is provided by the Riverbank Trail, a paved multi-use path that spans the entire length of the subject site. Within the subject site, public access to the Riverfront Trail from surrounding areas is provided at three points: the western terminus of the DeFazio Bridge at the north end of the site, the EWEB plaza at the eastern terminus of 4th Avenue, and a multi-use path connection extending from 6th Avenue to the Riverbank Trail at the south end of the site.

A portion of the subject site is identified in the *PROS Project and Priority Plan* as a proposed Metropolitan Park site for acquisition. The plan assigns the acquisition project a Priority 1 level and allocates $1,500,000 in capital costs to "*acquire land to provide significant riverfront open space within* [the] *courthouse/cannery neighborhood.*" The applicant proposes the sale or transfer of approximately 7.74 acres of land to the City for future cultural landscape, open space, and public access purposes and to add to the supply of significant riverfront open space in public ownership.

As illustrated on Sheets L1 and L2 Site Plans (Exhibit G Plan Set), the proposal involves the relocation of the Riverbank Trail to provide for additional landscape and open space area between the multi-use path and the river. The proposed amendments and zone change designate said land for "parks and open space" uses. The proposed S-DR Zone regulating plan designates public accessways, consistent with EC 9.6835, and identifies the relocated Riverbank Trail as an accessways, thus ensuring the continued provision of public access along the Willamette River. In addition, provisions of the S-DR/CL sub-district ensure high-quality public amenities along the riverfront including, overlooks, interpretive sites, riverfront plaza, and riverfront park, which combine to expand public access opportunities along the Willamette River.

Based on the above findings, the proposal ensures the continued provision of necessary and adequate public access along the river. Therefore, this criterion is satisfied.

(3) The intensification, change of use, or development will conform with applicable Willamette Greenway policies as set forth in the Metro Plan.

Findings of compliance with applicable Metro Plan Willamette Greenway policies are included in EC 9.7730(3)(b) and are incorporated by reference herein. Based on these findings, this criterion is satisfied.

(4) In areas subject to the Willakenzie Area Plan, the intensification, change of use, or development will conform with that plan's use management considerations.

The subject site is not located within the boundaries of the *Willakenzie Area Plan*. This criterion does not apply.

(5) In areas not covered by subsection (4) of this section, the intensification, change of use, or development shall conform with the following applicable standards:

(a) Establishment of adequate setback lines to keep structures separated from the Willamette River to protect, maintain, preserve, and enhance the natural, scenic, historic, and recreational qualities of the Willamette Greenway. Setback lines need not apply to water related or water dependent activities as defined in the Oregon Statewide Planning Goals and Guidelines (OAR 660-15-000 et seq.).

The subject property does not have an established Willamette Greenway setback line. As illustrated on Sheets L1 and L2 Site Plan (Exhibit G Plan Set), the applicant proposes the establishment of a Willamette Greenway setback line to keep structures separated from the river and to protect, maintain, preserve, and enhance the natural, scenic, historic, and recreational qualities of the Willamette Greenway. The proposed setback line is site specific, context sensitive, and responds to existing conditions and the redevelopment vision, as described below.

Section C.3 of Goal 15 sets out use management considerations and requirements for local plans and implementing measures. Subsection (k) provides for the Greenway setback. Other relevant considerations include providing adequate public access to the river, protection of significant fish and wildlife habitat, and enhancing and protecting the natural vegetative fringe along the River.

As noted above and illustrated on Sheets S1 and S2 Existing Conditions Plan, the existing natural vegetative fringe along the Willamette River is limited to the area between the waters edge and the easternmost edge of the existing Riverbank Trail, with the exception of small patches of landscaping (islands, planter strips, and foundation plantings) associated with parking areas and access drives within the site. The vast majority of the area within the Greenway boundary is developed and has been used for industrial/utility uses since the acquisition of the riverfront property in 1908. In addition, large volumes of fill material have been imported and placed on the subject site, and the entire length of riverbank is armored with riprap. The average slope of the riverbank, between the Riverbank Trail and water's edge, ranges between 34 and 44 percent. These factors have reduced riverbank complexity, which, has contributed to a loss of riparian habitat (Exhibit E Riverfront Ecological Analysis and Design Report). Within the Greenway boundary 92 percent of the site is covered by buildings/structures (approximately 5.92 acres), impermeable surfaces (approximately 9.03 acres), or other (gravel) surfaces (3.09 acres). Existing structures proposed to remain include the EWEB Headquarters, Steam Plant, and Willamette Substation.

As illustrated on Sheet R1 Regulatory Plan, the proposed Greenway setback varies in width from 25 feet to 125 feet adjacent the Willamette River, as delineated from the top-of-bank. The setback's variable width responds to existing site conditions and anticipated redevelopment consistent with the *Master Plan* vision. Existing structures, including the EWEB Headquarters, Steam Plant, and Willamette Substation are excluded from the setback area. The EWEB Headquarters and Steam Plant are envisioned for adaptive reuse and are therefore excluded to enable future redevelopment.

At the northern boundary of the subject site, the setback encompasses all property currently in use as open space. The setback aligns with the eastern perimeter of the EWEB Headquarters North Building and EWEB Headquarters South Building and increases to approximately 110 feet to encompass the waterfront plaza and public access point between buildings. In the middle portion of the subject site, the setback aligns with the eastern edge of the proposed relocated Riverfront Trail, is approximately 90 feet in width, and includes all areas designated for park use between the trail and the river. Further south, the setback aligns with the eastern perimeters of the Steam Plant and Willamette Substation and includes all areas between those properties and the river. In the southern portion of the subject site, the setback increases to approximately 120 feet to encompass additional areas designated for park or cultural landscape and open space uses.

In total the proposed Willamette Greenway Setback will protect 3.19 acres of the subject site. Adoption of the setback ensures that no new buildings will be constructed between the setback and the river, that adequate public access is provided along the river frontage, that limited existing habitat is preserved, and that the remaining natural vegetative fringe is protected. Section C.3.K of Goal 15 provides guidance on uses allowed within the Willamette Greenway Setback in accordance with the above objectives.

> *"A setback line will be established to keep structures separated from the river in order to protect, maintain, preserve and enhance the natural, scenic, historic, and recreational qualities of the Willamette River Greenway, as identified in Greenway Inventories. The setback line shall not apply to water-related or water-dependent uses."*

Water-related uses are defined as:

> *"Uses which are not directly dependent upon access to a water body, but which provide goods or services that are directly associated with water-dependent land or waterway use, and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered. Except as necessary for water-dependent or water-related uses*

or facilities, residences, parking lots, spoil and dump sites, roads and highways, restaurants, businesses, factories, and trailer parks are not generally considered dependent on or related to water location needs."

Water-dependent uses are defined as:

"A use or activity which can be carried out only on, in, or adjacent to water areas because the use requires access to the water body for water-borne transportation, recreation, energy production, or source of water."

As illustrated on Sheets L1 and L2 Site Plan, the proposal involves the development of interpretive sites, overlooks, trails, boardwalks, multi-use paths, and green infrastructure within the proposed Willamette Greenway Setback, in addition to riparian restoration and enhancement. All of the proposed uses within the setback are considered water-related in their capacity to provide or enhance recreational access to the Willamette River.

In order to establish the greenway setback line and associated protections, facilitate redevelopment in accordance with the Master Plan vision, and promote the adaptive reuse of existing structures within the subject site, the applicant proposes the following condition of approval:

Proposed Condition of Approval

1. A Willamette Greenway Setback line is established on the subject site through the provisions of Section 9.3147 of the Downtown Riverfront Special Area Zone (Exhibit B) to keep structures separated from the river in order to protect, maintain, preserve and enhance the natural, scenic, historic, and recreational qualities of the Willamette River Greenway, as identified in Greenway Inventories. The setback line shall not apply to water-related or water-dependent uses.

The proposed greenway setback line is generally consistent with the 100-foot conservation setback established by the /WR Overlay Zone. Based on the above findings, and as conditioned, this criterion is satisfied.

(b) Protection of significant fish and wildlife habitats as identified in the Metropolitan Plan Natural Assets and Constraints Working Paper. Sites subsequently determined to be significant by the Oregon Department of Fish and Wildlife shall also be protected.

As noted previously, the eastern portion of the subject site is within the Willamette River Greenway, a natural asset, as identified in the *Metro Natural Assets & Constraints Working Papers*. The Willamette River is adjacent to the development site and is identified as a Goal 5 Water Resource by the *Goal 5 Water Resource Conservation Plan*. As identified on the *Adopted Protection Designations for the Eugene Goal 5 Wetland, Riparian, and Upland Wildlife Habitat Inventories Map* dated November 14, 2005, the Willamette River is categorized a Category A Stream. All parcels within the subject site that abut the Willamette River have /WR Water Resource Conservation overlay zoning. Pursuant to EC 9.4920(1)(c)(1.), Category A streams with a distinguishable high bank have a 100 foot setback applied to top of bank (TOB) as part of the /WR overlay zoning. The proposed amendments do not change protections established by the 100-foot /WR conservation setback in EC 9.4920(1)(c)(1.) or affect inventoried Goal 5 Water Resources.

According to ODFW, two salmonid populations listed under the ESA are documented as occurring within the reach of the Willamette River that flows through the project area:

- Upper Willamette River spring Chinook (*Oncorhynchus tshawytscha*) and Critical Habitat – federally threatened (FT)

- Columbia River bull trout (*Salvelinus confluntus*) Distinct Population Segment (DPS) and Critical Habitat - FT

There are no other documented occurrences of significant wildlife species within the subject site. ODFW has not made any subsequent determinations of significant sites on the subject property. Based on these findings, this criterion is satisfied.

(c) Protection and enhancement of the natural vegetative fringe along the Willamette River to the maximum extent practicable.

As noted previously, the subject property includes 1,460 lineal feet of frontage along the Willamette River. The subject property is located on an outer, scouring bank. The entire river frontage is reinforced with revetments to provide bank stability and protect civil infrastructure. The average slope of the riverbank, between the Riverbank Trail and water's edge, ranges between 34 and 44 percent. The vast majority of the subject site is prior developed and has been used for industrial/utility uses since the acquisition of the riverfront property in 1908. Since that time, large volumes of fill material have been imported and placed on the subject site. These factors have reduced riverbank complexity, which, has contributed to a loss of riparian habitat on the subject site (Exhibit E Riverfront Ecological Analysis and Design Report). Other on-site vegetation consists of trees, shrubs, and groundcovers within parking lot landscape islands and landscape strips adjacent to sidewalks, parking areas, and buildings; and, a narrow strip of shrubs and grasses between the westernmost edge of the Riverbank Trail and developed areas. As illustrated on Sheets S1 and S2 Existing Conditions Plan (Exhibit G Plan Set), the natural vegetative fringe along the Willamette River is limited to the area between the waters edge the easternmost edge of the Riverbank Trail, with the exception of a small strip of landscaping along the west edge of the Riverbank Trail.

Existing riparian vegetation protection measures established by the /WR Overlay Zone in EC 9.4900-9.4980 will not be affected by the proposal. The proposal designates approximately 7.74 acres of land adjacent the Willamette River for cultural landscape and open space uses. S-DR/CL sub-district development standards are designed to facilitate the restoration and enhancement of the natural vegetative fringe along the Willamette River, as illustrated on Sheets L1 and L2 Site Plans and described in the Downtown Riverfront SAP (Exhibit A Downtown Riverfront Specific Area Plan). Based on these findings, the proposal protects and enhances the natural vegetative fringe to the maximum extent practicable without precluding the requested use. This criterion is satisfied.

(d) Preservation of scenic qualities and viewpoints as identified in the Metropolitan Plan Natural Assets and Constraints Working Paper.

The *Metropolitan Natural Assets and Constraints Working* Paper does not identify any scenic qualities or viewpoints on the subject site. This criterion does not apply.

(e) Maintenance of public safety and protection of public and private property, especially from vandalism and trespass in both rural and urban areas to the maximum extent practicable.

As provided by Goal 15, Willamette River Greenway, Section J (OAR 660-015-0005):

> *"Nothing in this Goal is intended to authorize public use of private property. Public use of private property is a trespass unless appropriate easements and access have been acquired in allowance with law to authorize such use."*

The applicant (EWEB) is a publicly owned utility and owns all parcels within the subject site. The proposal does not encourage trespass on private property. All public improvements will be

constructed in accordance with standards specified in EC 9.6505. The improved and relocated Riverbank Trail, a multi-use path, will be lit in accordance with accessway lighting standards and designed to accommodate emergency vehicles. Proposed S-DR Zone (Exhibit B S-DR Downtown Riverfront Special Area Zone) development standards are consistent with those in the land use code and will contribute to foster public safety and protect of public and private property. Based on these findings, this criterion is satisfied.

> **(f) Compatibility of aggregate extraction with the purposes of the Willamette River Greenway and when economically feasible, applicable sections of state law pertaining to Reclamation of Mining Lands (ORS Chapter 517) and Removal of Material; Filling (ORS Chapter 541) designed to minimize adverse effects to water quality, fish and wildlife, vegetation, bank stabilization, stream flow, visual quality, noise, safety, and to guarantee necessary reclamation.**

The proposal does not involve aggregate extraction nor will it have any impact on existing aggregate resources. This criterion does not apply.

> **(g) Compatibility with recreational lands currently devoted to metropolitan recreational needs, used for parks or open space and owned and controlled by a general purpose government and regulation of such lands so that their use will not interfere with adjacent uses.**

The *2006 Parks, Recreation & Open Space (PROS) Comprehensive Plan* is adopted as an aspiration and guiding document for the City and contains an inventory of existing parks, recreation, and open space resources. PROS Appendix B identifies an existing multi-use path, a segment the Ruth Bascom Riverbank Trail, on the subject site. Alton Baker Park is located across the Willamette River, on the east bank of the river. The northern portion of the site abuts open space owned by the City and associated with the Defazio Bridge.

As noted previously, a portion of the subject site is identified in the *PROS Project and Priority Plan* as a proposed Metropolitan Park site for acquisition. The plan assigns the acquisition project a Priority 1 level and allocates $1,500,000 in capital costs to "*acquire land to provide significant riverfront open space within* [the] *courthouse/cannery neighborhood.*" The applicant proposes the sale or transfer of 7.74 acres of land to the City for future cultural landscape, open space, and recreation purposes and to add to the supply of significant riverfront open space in public ownership. The identification of a portion of the subject size for park acquisition demonstrates the proposed uses consistency with the *PROS Plan* and City lands currently developed to recreational needs.

The *Master Plan* development process included extensive public involvement, as noted in the findings for Goal 1 under EC 9.7730(3)(a), and an iterative design process that resulted in a redevelopment concept centered on compatibility with nearby uses, including recreational lands, as described in the Downtown Riverfront SAP (Exhibit A Downtown Riverfront Specific Area Plan). The *Master Plan* envisions a green redevelopment of the subject property, with approximately eight acres of dedicated public open space, new construction and adaptive re-use of buildings, pedestrian-oriented streets connecting Downtown Eugene to the Willamette River, and a cultural landscape that displays the ecological, social, industrial, and civic history of the place. It establishes a framework of streets, open space, and redevelopment parcels as well as a set of allowable uses and use requirements.

The proposal establishes the S-DR Zone (Exhibit B S-DR Downtown Riverfront Special Area Zone) as a special area zone. The S-DR Zone was designed with specific intent of compatibility with nearby uses including recreational lands. The *Master Plan* uses a modified version of the C-2

Commercial Base Zone permitted uses as a guide for determining future allowable uses on the subject site. The *Master Plan* promotes a mix of diverse, compatible, and pedestrian-friendly uses as the prevalent land use pattern. The S-DR Zone includes height standards that restrict the maximum height of buildings as development approaches cultural landscape and open space areas adjacent to the Willamette River, thus creating a step-down effect that limits the scale of buildings near recreational areas. The maximum height of buildings in the proposed S-DR/CL sub-district, the designation for cultural landscape and open space areas, is 30 feet consistent with maximum height standards in the NR and PRO Zones.

The proposed S-DR Zone regulations are designed to ensure compatibility with adjacent uses. The above findings demonstrate the proposals compatibility with recreation lands, parks, and open space owned by the City. Based on these findings, this criterion is satisfied.

(6) When site review approval is required, the proposed development will be consistent with the applicable site review criteria.

The proposal does not involve or require Site Review. This criterion does not apply.

(7) The proposal complies with all applicable standards explicitly addressed in the application. An approved adjustment to a standard pursuant to provisions beginning at EC 9.8015 of this land use code constitutes compliance with the standard.

The above findings demonstrate compliance with applicable standards explicitly addressed in this application. No adjustment to standards are requested or needed. Based on these findings, this criterion is satisfied.

Willamette Greenway Permit Conclusion

Based on the above findings, the request is consistent with applicable criteria.

5.8 Conclusion

The approved *Master Plan* represents the community's vision for the redevelopment of the Downtown Riverfront. The *Master Plan* is a framework that builds certainty about the vision for the subject property, while being flexible enough to allow this vision to be realized in different ways. The *Master Plan* envisions a green redevelopment of the subject property, with approximately eight acres of dedicated public open space, new construction and adaptive re-use of buildings, pedestrian-oriented streets connecting Downtown Eugene to the Willamette River, and a cultural landscape that displays the ecological, social, industrial, and civic history of the place.

Extensive public involvement was a key component to the creation of a redevelopment strategy that resonates with Eugene residents and satisfies community needs. Throughout the *Master Plan* development process, public input was integrated during design iterations and incorporated into decision-making equations that resulted in the *EWEB Riverfront Master Plan*.

The purpose of the proposal is to facilitate redevelopment of the Downtown Riverfront site consistent with the *Master Plan* vision, to create development standards and urban design guidelines that shape redevelopment, and to enable the transformation of the area into a "people place" that is active, vibrant, accessible and multi-use. The land use components described herein implement the regulatory framework necessary to guide and shape future redevelopment of the subject site.

Based on available information and supporting materials, and the findings in Sections 5.1 through 5.7, the proposal is consistent with all applicable approval criteria.

EUGENE CITY COUNCIL
AGENDA ITEM SUMMARY

Pledge of Allegiance to the Flag and Reading of the Declaration of Independence

Meeting Date: July 8, 2013 | Agenda Item Number: 1
Department: Central Services | Staff Contact: Kris Bloch
www.eugene-or.gov | Contact Telephone Number: 541-682-8497

ISSUE STATEMENT
The Pledge of Allegiance to the Flag will be followed by a reading of the Declaration of Independence.

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

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

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

CITY MANAGER'S RECOMMENDATION
No recommendation is necessary.

SUGGESTED MOTION
No motion is necessary.

ATTACHMENTS
A. The Declaration of Independence

FOR MORE INFORMATION

Staff Contact: Kris Bloch
Telephone: 541-682-8497
Staff E-Mail: kris.d.bloch@ci.eugene.or.us

THE U.S. NATIONAL ARCHIVES & RECORDS ADMINISTRATION
www.archives.gov July 6, 2011

The Declaration of Independence: A Transcription

IN CONGRESS, July 4, 1776.

The unanimous Declaration of the thirteen united States of America,

When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, --That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.--Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

> He has refused his Assent to Laws, the most wholesome and necessary for the public good.
> He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.
> He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.
> He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public Records, for the sole purpose of fatiguing them into compliance with his measures.
> He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.
> He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the dangers of invasion from without, and convulsions within.
> He has endeavoured to prevent the population of these States; for that

purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new Appropriations of Lands.
He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary powers.
He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.
He has erected a multitude of New Offices, and sent hither swarms of Officers to harrass our people, and eat out their substance.
He has kept among us, in times of peace, Standing Armies without the Consent of our legislatures.
He has affected to render the Military independent of and superior to the Civil power.
He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation:
For Quartering large bodies of armed troops among us:
For protecting them, by a mock Trial, from punishment for any Murders which they should commit on the Inhabitants of these States:
For cutting off our Trade with all parts of the world:
For imposing Taxes on us without our Consent:
For depriving us in many cases, of the benefits of Trial by Jury:
For transporting us beyond Seas to be tried for pretended offences
For abolishing the free System of English Laws in a neighbouring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies:
For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments:
For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.
He has abdicated Government here, by declaring us out of his Protection and waging War against us.
He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the lives of our people.
He is at this time transporting large Armies of foreign Mercenaries to compleat the works of death, desolation and tyranny, already begun with circumstances of Cruelty & perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation.
He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands.
He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury. A Prince whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people.

Nor have We been wanting in attentions to our Brittish brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which, would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our Separation, and hold them, as we hold the rest of mankind,

Enemies in War, in Peace Friends.

We, therefore, the Representatives of the united States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly publish and declare, That these United Colonies are, and of Right ought to be Free and Independent States; that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved; and that as Free and Independent States, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which Independent States may of right do. And for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.

The 56 signatures on the Declaration appear in the positions indicated:

Column 1

Georgia:
Button Gwinnett
Lyman Hall
George Walton

Column 2

North Carolina:
William Hooper
Joseph Hewes
John Penn

South Carolina:
Edward Rutledge
Thomas Heyward, Jr.
Thomas Lynch, Jr.
Arthur Middleton

Column 3

Massachusetts:
John Hancock

Maryland:
Samuel Chase
William Paca
Thomas Stone
Charles Carroll of Carrollton

Virginia:
George Wythe
Richard Henry Lee
Thomas Jefferson
Benjamin Harrison
Thomas Nelson, Jr.
Francis Lightfoot Lee
Carter Braxton

Column 4

Pennsylvania:
Robert Morris
Benjamin Rush
Benjamin Franklin
John Morton
George Clymer

James Smith
George Taylor
James Wilson
George Ross

Delaware:

Caesar Rodney
George Read
Thomas McKean

Column 5

New York:

William Floyd
Philip Livingston
Francis Lewis
Lewis Morris

New Jersey:

Richard Stockton
John Witherspoon
Francis Hopkinson
John Hart
Abraham Clark

Column 6

New Hampshire:

Josiah Bartlett
William Whipple

Massachusetts:

Samuel Adams
John Adams
Robert Treat Paine
Elbridge Gerry

Rhode Island:

Stephen Hopkins
William Ellery

Connecticut:

Roger Sherman
Samuel Huntington
William Williams
Oliver Wolcott

New Hampshire:

Matthew Thornton

EUGENE CITY COUNCIL
AGENDA ITEM SUMMARY

Ceremonial Matters

Meeting Date: July 9, 2012 | Agenda Item Number: 2
Department: City Manager's Office | Staff Contact: Beth Forrest
www.eugene-or.gov | Contact Telephone Number: 541-682-5882

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

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EUGENE CITY COUNCIL
AGENDA ITEM SUMMARY

Public Forum

Meeting Date: July 8, 2013 | Agenda Item Number: 3
Department: City Manager's Office | Staff Contact: Beth Forrest
www.eugene-or.gov | Contact Telephone Number: 541-682-5882

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

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

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

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EUGENE CITY COUNCIL
AGENDA ITEM SUMMARY

Approval of City Council Minutes

Meeting Date: July 8, 2013
Department: City Manager's Office
www.eugene-or.gov

Agenda Item Number: 4A
Staff Contact: Kris Bloch
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 of the June 17, 2013, Work Session, June 17, 2013, Public Hearing, June 19, 2013, Work Session, June 24, 2013, Work Session, and June 24, 2013, Meeting.

ATTACHMENTS
A. June 17, 2013, Work Session
B. June 17, 2013, Public Hearing
C. June 19, 2013, Work Session
D. June 24, 2013, Work Session
E. June 24, 2013, Meeting

FOR MORE INFORMATION
Staff Contact: Kris Bloch
Telephone: 541-682-8497
Staff E-Mail: kris.d.bloch@ci.eugene.or.us

ATTACHMENT A

M I N U T E S

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

June 17, 2013
5:30 p.m.

Councilors Present: George Brown, Betty Taylor, Alan Zelenka, George Poling, Mike Clark, Chris Pryor, Claire Syrett, Greg Evans

Her Honor, Mayor Piercy, opened the June 17, 2013, City Council work session.

MOTION AND VOTE: Councilor Brown, seconded by Councilor Taylor, moved to adopt the following agenda for today's work session: 5:30 WORK SESSION: Discussion of MUPTE program revisions 2. Reschedule "Discussion (only) of Core Campus' project (MUPTE application and Surplus Property)" after the 7:30 Public Hearing." **FAILED** 3:5, councilors Syrett, Taylor and Brown in favor.

A. ACTION: Core Campus – Application for Multiple-Unit Property Tax Exemption for Residential Property Located at 505 East Broadway (The Hub in Eugene)

Community Development Manager Mike Sullivan and Business Loan Analyst, Amanda Flannery-Nobel presented a PowerPoint overview which covered rental housing vacancy rates, average apartment and housing rental costs, reviewed of some "if/then" scenarios previously requested by Council and provided some answers to questions posed at the last Council meeting on this topic.

Council Discussion

- Overall vacancy rates and student growth rates were questioned.
- Some support was expressed for the project.
- Concerns were expressed about this being student housing rather than multi-family housing.
- Some expressed opposition to the MUPTE application.

MOTION: Councilor Poling, seconded by Councilor Pryor moved to adopt a resolution approving a Multiple-Unit Property Tax Exemption for residential property located at 50 East Broadway, Eugene, Oregon (Core Campus/Applicant).

A friendly amendment to amend section 1, paragraph 2 of the resolution to state that it is the intent of this council that funds received pursuant to this paragraph shall be used, in

whole or in part, to fund emergency and temporary shelter was accepted. . Councilors Poling and Pryor both accepted this as a friendly amendment.

VOTE: PASSED 5:3, councilors Zelenka, Taylor and Brown opposed.

B ACTION: Surplus Property

MOTION: Councilor Poling, seconded by Councilor Pryor, moved to authorize the City Manager to negotiate and enter into a lease, with an option to purchase, the 901 Franklin Blvd. property to Core Campus consistent with the terms outlined in the Agenda Item Summary.

A friendly amendment to state that the City Manager would enter into a lease of up to 50 years with an option to include as escalation of lease payments with an increase in property values over time was accepted.

VOTE: PASSED 6:2, councilors Brown and Taylor opposed.

MOTION AND VOTE: Councilor Brown, seconded by Councilor Evans, moved to hold the work session on MUPTE revisions at the end of tonight's public hearing. **PASSED:** 5:3, councilors Pryor, Poling and Taylor opposed.

The meeting adjourned at 7:05 p.m.

Respectfully Submitted,

Michelle Mortensen
Deputy City Recorder

ATTACHMENT B

M I N U T E S

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

June 17, 2013
7:30 p.m.

Councilors Present: George Brown, Betty Taylor, Alan Zelenka, George Poling, Mike Clark, Chris Pryor, Claire Syrett, Greg Evans

Mayor Piercy opened the June 17, 2013, meeting of the Eugene City Council.

1. PUBLIC HEARING: An Ordinance Concerning the EWEB Downtown Riverfront Property

City Manager Jon Ruiz introduced the item. After noting that the City Attorney's Office had connected with the Mayor and council to report any ex-parte communications, each councilor and the Mayor in turn announced that they had had no communications that would prevent them from being fair and impartial.

Mayor Piercy, opened the June 17, 2013, City Council Public Hearing.

Support

1. *John Simpson, EWEB Commissioner*, supported the plan, citing the good public process.
2. *John Brown, EWEB Commissioner,* stated that this process was in-depth and well-conceived.
3. *Kaarin Knudson,* noted there had been a lot of planning and collaboration to make this happen.
4. *Colin McArthur,* said it was a great process and impressive plan with a lot of potential.
5. *Roger Cray, EWEB,* said he was very supportive of the plan and heard overwhelming support.
6. *Mia Nelson, 1000 Friends of Oregon*, said the proposal meets many goals.
7. *Desireé Moore, found* the process to be inclusive and comprehensive.
8. *Daniel Rosenthal, architecture student,* shared some of the historical aspects of the steam plant.
9. *Mark Johnson,* complimented the process and the plan.
10. *Will Shaver,* supported the plan and its, extensive public involvement component.
11. *Shannon Dore,* expressed interest in the historic aspects of the plan and overall support.
12. *Matt Tierney,* supported the plan, noting it is a great site with rich cultural history.
13. *Phil Farrington,* said it is a great plan that enhances the river and blends uses.
14. *Mary Unruh,* said it was an impressive process and great plan deserving of implementation.
15. *Sherrill Necessary*, spoke in favor of proposed plan as a resident of downtown.
16. *Rob Zako,* noted the plan offers a wide range of options for people, density, and transportation.
17. *Alma Hesus,* said the plan will create a people-friendly place to relax, work and enjoy.
18. *Laura Potter,* stated that it is a unified and balanced plan, in harmony with planning goals.
19. *John Rowell,* said the project is a great fit and a vibrant addition to our city - please adopt it.

Neutral

1. *Tom Snyder,* said the City should retain the property and use the steam plant as a museum.
2. *Sandra Bishop, former EWEB Board member,* advocated protecting the riparian areas.

Opposed

David Sonnichsen, said he felt it was bad policy to privatize public land and subsidize development.

Rebuttal

1. *Colin McArthur,* addressed the zoning issues raised as a concern.

Mayor Piercy asked if any councilors wanted to hold the record open for further comment.

MOTION AND VOTE: Councilor Taylor moved that the public record remain open until Friday, June 21, 2013. City Attorney noted there will be an additional seven- day period for rebuttals after the record has closed. **PASSED** 8:0.

MOTION AND VOTE: Councilor Brown, seconded by Councilor Evans, moved to cancel the post-meeting MUPTE discussion due to the lengthy public testimony **PASSED:** 8:0.

The meeting adjourned at 8:40 p.m.

Respectfully Submitted,

Michelle Mortensen
Deputy City Recorder

ATTACHMENT C

M I N U T E S

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

June 19, 2013
12:00 p.m.

Councilors Present: George Brown, Betty Taylor, Alan Zelenka, George Poling, Mike Clark, Chris Pryor, Claire Syrett, Greg Evans

Her Honor, Mayor Piercy opened the June 19, 2013, City Council Work Session.

A. WORK SESSION: South Willamette Street Improvement Plan

Transportation Planning Engineer Chris Henry, Ellen Teninty from Cogito, and Scott Mansur of DKS Associates reviewed the public outreach and involvement strategies and the elements of the three preferred options.

Council Discussion
- Concerns were expressed about congestion, vehicle speeds, roundabouts and delays.
- More data about crashes the impact of this plan was requested.
- Concerns were expressed about turn lanes and backed-up traffic
- Conflicts with buses and the need for vehicles and bikes to go around are a safety issue.
- The flow of traffic on this street is very important.

B. WORK SESSION: South Willamette Concept Plan Update

Senior Planner Robin Hostick and Associate Planner Patricia Thomas, presented a Power Point on the South Willamette Concept Plan, including overview, public engagement strategy, the plan itself, and next steps.

Council Discussion
- Questions were asked about the increased number of units and the projected density.
- Concerns were raised about estimated infrastructure cost.
- Councilors acknowledged that the plan was aspirational in a 20-year timeframe.

The meeting adjourned at 1:35 p.m.

Respectfully submitted,

Michelle Mortensen,
Deputy City Recorder

ATTACHMENT D

M I N U T E S

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

June 24, 2013
5:30 p.m.

Councilors Present: George Brown, Betty Taylor, Alan Zelenka, George Poling, Mike Clark, Chris Pryor, Claire Syrett, Greg Evans

Her Honor, Mayor Piercy convened the June 24, 2013, City Council work session.

A. WORK SESSION: Multi-Unit Property Tax Exemption (MUPTE) Program

Community Development Manager Mike Sullivan reviewed the components of the proposed MUPTE program.

Council Discussion
Councilors posed questions, raised some concerns and indicated they would like to address the following elements when the larger MUPTE discussion takes place:

- Application fees
- Composition of MUPTE review panel
- Elements of Portland's tax exemption program
- Competitive application process
- Implications of local hiring mandate
- Stakeholder/community member perspectives; diverse forums to gather public input
- Timeline; more time needed to create a better product with public support
- Alternate tools/incentives
- Poverty and urban blight
- Public vote
- Impact of elderly population on housing inventory
- Data on projected long-term job growth
- Multi-modal development
- Triple bottom line analysis

MOTION AND VOTE: Councilor Poling, seconded by Councilor Pryor, moved to direct the City Manager to prepare and schedule a public hearing on July 22, 2013, to extend the suspension of the MUPTE program until January 31. 2014, to allow for additional discussion on the MUPTE program modifications. **PASSED:** 8:0.

The meeting adjourned at 7:05 p.m.

Respectfully submitted,

Michelle Mortensen,

Deputy City Recorder

ATTACHMENT E

M I N U T E S

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

June 24, 2013
7:30 p.m.

Councilors Present: George Brown, Betty Taylor, Alan Zelenka, George Poling, Mike Clark, Chris Pryor, Claire Syrett, Greg Evans

Her Honor, Mayor Piercy, convened the June 24, 2013, City Council meeting.

1. PUBLIC FORUM

1. *Kit Tangtrongjita, Cart deFrisco,* requested council support for his business expansion plans.
2. *Jennifer Frenzer,* expressed concern about pesticides and EPD search policies.
3. *David Butscher,* asked that homeless camping not be allowed in undeveloped parks.

MOTION AND VOTE: Councilor Evans, seconded by Councilor Syrett, moved to direct the City Manager to prepare a proclamation recognizing and honoring League of United Latin American Citizens' presence in our community. **PASSED:** 8:0.

2. CONSENT CALENDAR

MOTION AND VOTE: Councilor Poling, seconded by Councilor Pryor, moved to approve the items on the Consent Calendar. **PASSED:** 8:0.

3. PUBLIC HEARING and ACTION: A Resolution Electing to Receive State Revenue Sharing Funds Pursuant to Section 221.770 of Oregon Revised Statutes; a Resolution Certifying that the City of Eugene Provides the Municipal Services Required by Oregon Revised Statues Section 221.760 in Order to Receive State Shared Revenues; and a Resolution Adopting the Budget, Making Appropriations, Determining, Levying and Categorizing the Annual Ad Valorem Property Tax Levy for the City of Eugene for the Fiscal Year Beginning July 1, 2013 and Ending June 30, 2014

Mayor Piercy opened the public hearing.

1. *Ann Erllich-O'brien,* supported the Budget Committee's recommendations.
2. *Jeanna Metcalf ,* supported the budget, noting that pools are important to the community.

MOTION AND VOTE: Councilor Poling, seconded by Councilor Pryor, moved to adopt Resolution No. 5088 electing to receive state revenue sharing funds pursuant to Section 221.770 of Oregon Revised Statutes. **PASSED:** 8:0.

MOTION AND VOTE: Councilor Poling, seconded by Councilor Pryor, moved to adopt Resolution No. 5089, certifying that the City of Eugene provides the municipal services required by Oregon Revised Statues Section 221.760. **PASSED:** 8:0.

MOTION AND VOTE: Councilor Poling, seconded by Councilor Pryor, moved to adopt Resolution No. 5090, adopting the budget, making appropriations, determining, levying

and categorizing the annual ad valorem property tax levy for the City of Eugene for the fiscal year beginning July 1, 2013 and ending June 30, 2014. **PASSED:** 7:1, Councilor Poling opposed.

4. PUBLIC HEARING and ACTION: Resolution Adopting a Supplemental Budget; Making Appropriations for the City of Eugene for the Fiscal Year Beginning July 1, 2012 and Ending June 30, 2013

Mayor Piercy opened the public hearing.

1. John Barofsky, provided highlights of the budget and asked how City Hall will be funded.

MOTION AND VOTE: Councilor Poling, seconded by Councilor Pryor, moved to adopt Resolution 5091 adopting a Supplemental Budget; making appropriations for the City of Eugene for the Fiscal Year beginning July 1, 2012 and ending June 30, 2013. **PASSED:** 5:3, councilors Evans, Brown and Clark opposed.

Mayor Piercy adjourned the meeting of the Eugene City Council and convened a meeting of the Eugene Urban Renewal Agency.

5. PUBLIC HEARING and ACTION: Resolution of the Urban Renewal Agency of the City of Eugene Adopting the Budget, Making Appropriations, and Declaring the Amount of Tax to be Certified for the Fiscal Year Beginning July 1, 2013 and Ending June 30, 2014

Mayor Piercy opened the public hearing; there were no speakers.

MOTION AND VOTE: Councilor Poling, seconded by Councilor Pryor, moved to adopt Resolution 1067 of the Urban Renewal Agency of the City of Eugene adopting the budget and making appropriations for the fiscal year beginning July 1, 2013, and ending June 30, 2014. **PASSED:** 8:0.

6. PUBLIC HEARING and ACTION: Resolution Adopting a Supplemental Budget; Making Appropriations for the Urban Renewal Agency of the City of Eugene for the Fiscal Year Beginning July 1, 2012 and Ending June 30, 2013

Mayor Piercy opened the public hearing.

*1. John Barofsk y, c*ommented on previous expenditures noting they were not wise choices.

MOTION AND VOTE: Councilor Poling, seconded by Councilor Pryor, moved to adopt to adopt Resolution 1068 adopting a Supplemental Budget; making appropriations for the Urban Renewal Agency of the City of Eugene for the Fiscal Year beginning July 1, 2012, and ending June 30, 2013. **PASSED:** 6:2, Councilors Taylor and Brown opposed.

The meeting adjourned at 8:25 p.m.

Respectfully submitted,

Michelle Mortensen,
Deputy City Recorder

EUGENE CITY COUNCIL
AGENDA ITEM SUMMARY

Approval of Tentative Working Agenda

Meeting Date: July 8, 2013 | Agenda Item Number: 4B
Department: City Manager's Office | Staff Contact: Beth Forrest
www.eugene-or.gov | Contact Telephone Number: 541-682-5882

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

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

RELATED CITY POLICIES
There are no policy issues related to this item.

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

CITY MANAGER'S RECOMMENDATION
Staff has no recommendation on this item.

SUGGESTED MOTION
Move to approve the items on the Tentative Working Agenda.

ATTACHMENTS

A. Tentative Working Agenda

FOR MORE INFORMATION

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

EUGENE CITY COUNCIL
TENTATIVE WORKING AGENDA

July 2, 2013

JULY 8	MONDAY	
5:30 p.m.	**Council Work Session**	
Harris Hall	**Expected Absences:**	
A. Committee Reports: HRC, SC, Travel LC, HSC, LCOG, MPC, PSCC		30 mins
B. WS: EWEB Master Plan		60 mins - PDD/Flock
7:30 p.m.	**Council Meeting**	
Harris Hall	**Expected Absences:**	
1. Pledge of Allegiance to the Flag and Reading of Declaration of Independence		
2. Ceremonial Matters (Forensic Evidence Unit Accreditation, LULAC Proclamation)		
3. Public Forum		
4. Consent Calendar		
a. Approval of City Council Minutes		CS/Forrest
b. Approval of Tentative Working Agenda		CS/Forrest
5. Action: Ordinance Suspending Enforcement of 5¢ Charge for Paper Bags		PDD/Scafa

JULY 10	WEDNESDAY	
Noon	**Council Work Session**	
Harris Hall	**Expected Absences:**	
A. WS: Homeless Camping		90 mins – PW/Corey

JULY 15	MONDAY	
7:30 p.m.	**Council Public Hearing**	
Harris Hall	**Expected Absences:**	
1. PH: Ordinance on Facilitating Downtown and Mixed Use Development		PDD/Hansen

JULY 17	WEDNESDAY	
Noon	**Council Work Session**	
Harris Hall	**Expected Absences:**	
A. WS: Bethel Community Park/YMCA Project Update		45 mins – PW/Bjorklund
B. WS:		

JULY 22	MONDAY	
5:30 p.m.	**Council Work Session**	
Harris Hall	**Expected Absences:**	
A. Committee Reports and Items of Interest from Mayor, City Council, and City Manager		30 mins
B. Action: EWEB Master Plan		60 mins - PDD/Flock
7:30 p.m.	**Council Meeting**	
Harris Hall	**Expected Absences:**	
1. Public Forum		
2. Consent Calendar		
a. Approval of City Council Minutes		CS/Forrest
b. Approval of Tentative Working Agenda		CS/Forrest
c. Approval of Annexation - Pennington Family Trust (A 13-3)		PDD/Ochs
d. Approval of Annexation - Bruce Wiechert Custom Homes (A 13-4).		PDD/Ochs
e. Call for Public Hearing on Ordinance Change Related to Publication of Snow Map		PW/Jones
3. PH and Possible Action: Ordinance Extending MUPTE Suspension		PDD/Braud
4. Action: Ordinance on Facilitating Downtown and Mixed Use Development		PDD/Hansen

A=action; PH=public hearing; WS=work session

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EUGENE CITY COUNCIL
TENTATIVE WORKING AGENDA

July 2, 2013

JULY 24	WEDNESDAY	
Noon	**Council Work Session**	
Harris Hall	**Expected Absences:**	
A. Executive Session – *pursuant to ORS 192.660(2)(i)*		
B. WS: City Manager Performance Evaluation		60 mins – CS/Smith
C. Action: Ordinance Extending MUPTE Suspension *(if needed)*		30 mins – PDD/Braud

JULY 31	WEDNESDAY	
Noon	**Council Work Session**	
Harris Hall	**Expected Absences:**	
A. WS: Community Health Assessment Action Plan		60 mins – LRCS/Grube
B. WS: Re-designation of Striker Field		30 mins

COUNCIL BREAK: August 1, 2013 – September 9, 2013

SEPTEMBER 9	MONDAY	
5:30 p.m.	**Council Work Session**	
Harris Hall	**Expected Absences:**	
A. Committee Reports: Police Comm, Lane Metro, LTD (EmX), Lane Workforce, OMPOC, McKenzie Watershed		
B. WS: Climate Action Planning		60 mins – CS/O'Sullivan
7:30 p.m.	**Council Meeting**	
Harris Hall	**Expected Absences:**	
1. Public Forum		
2. Consent Calendar		
a. Approval of City Council Minutes		CS/Forrest
b. Approval of Tentative Working Agenda		CS/Forrest

SEPTEMBER 11	WEDNESDAY	
Noon	**Council Work Session**	
Harris Hall	**Expected Absences:**	
A. WS: Safe Demolition Protocols		45 mins - PDD/Ramsing
B. WS: Toxics Program Update		45 mins – Fire EMS/Eppli

SEPTEMBER 16	MONDAY	
7:30 p.m.	**Council Public Hearing**	
Harris Hall	**Expected Absences:**	
1. PH:		

SEPTEMBER 18	WEDNESDAY	
Noon	**Council Work Session**	
Harris Hall	**Expected Absences:**	
A. WS:		
B. WS:		

SEPTEMBER 23	MONDAY	
5:30 p.m.	**Council Work Session**	
Harris Hall	**Expected Absences:**	
A. Committee Reports and Items of Interest from Mayor, City Council, and City Manager		30 mins
B. WS:		

A=action; PH=public hearing; WS=work session

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EUGENE CITY COUNCIL
TENTATIVE WORKING AGENDA

July 2, 2013

7:30 p.m. **Council Meeting**
Harris Hall **Expected Absences:**

1. Public Forum
2. Consent Calendar
   a. Approval of City Council Minutes — CS/Forrest
   b. Approval of Tentative Working Agenda — CS/Forrest

SEPTEMBER 25	**WEDNESDAY**

Noon **Council Work Session**
Harris Hall **Expected Absences:**

A. WS:
B. WS:

OCTOBER 9	**WEDNESDAY**

Noon **Council Work Session**
Harris Hall **Expected Absences:**

A. WS:
B. WS:

OCTOBER 14	**MONDAY**

5:30 p.m. **Council Work Session**
Harris Hall **Expected Absences:**

A. Committee Reports: HRC, SC, Travel LC, HSC, LCOG, MPC, PSCC — 30 mins
B. WS:

7:30 p.m. **Council Meeting**
Harris Hall **Expected Absences:**

1. Public Forum
2. Consent Calendar
   a. Approval of City Council Minutes — CS/Forrest
   b. Approval of Tentative Working Agenda — CS/Forrest

OCTOBER 16	**WEDNESDAY**

Noon **Council Work Session**
Harris Hall **Expected Absences:**

A. WS:
B. WS:

OCTOBER 21	**MONDAY**

7:30 p.m. **Council Public Hearing**
Harris Hall **Expected Absences:**

1. PH: Ordinance Removing Substance and Updating Tracking Instructions for Toxics Prog. — Fire/EMS/Eppli
2. PH: Amendments to Stormwater Development Standards — PW/Keppler

OCTOBER 23	**WEDNESDAY**

Noon **Council Work Session**
Harris Hall **Expected Absences: Piercy**

A. WS:
B. WS:

A=action; PH=public hearing; WS=work session

EUGENE CITY COUNCIL
TENTATIVE WORKING AGENDA

July 2, 2013

OCTOBER 28	MONDAY	
5:30 p.m.	**Council Work Session**	
Harris Hall	**Expected Absences:**	
A. Committee Reports and Items of Interest from Mayor, City Council, and City Manager		30 mins
B. WS:		
7:30 p.m.	**Council Meeting**	
Harris Hall	**Expected Absences:**	
1. Public Forum		
2. Consent Calendar		
a. Approval of City Council Minutes		CS/Forrest
b. Approval of Tentative Working Agenda		CS/Forrest
3. Action: Ordinance Removing Substance and Updating Tracking Instructions for Toxics Prog.		Fire/EMS - Eppli

OCTOBER 30	WEDNESDAY
Noon	**Council Work Session**
Harris Hall	**Expected Absences:**
A. WS:	
B. WS:	

NOVEMBER 12	TUESDAY	
5:30 p.m.	**Council Work Session**	
B/T Room	**Expected Absences: Taylor**	
A. Committee Reports: Chamber of Commerce, HPB, LRAPA, MWMC,		
B. WS:		
7:30 p.m.		
B/T Room	**Expected Absences: Taylor**	
1. Pledge of Allegiance to the Flag (Veterans Day)		
2. Public Forum		
3. Consent Calendar		
a. Approval of City Council Minutes		CS/Forrest
b. Approval of Tentative Working Agenda		CS/Forrest
4. Action: Amendments to Stormwater Development Standards		PW/Keppler

NOVEMBER 13	WEDNESDAY	
Noon	**Council Work Session**	
Harris Hall	**Expected Absences: Taylor**	
A. WS: Update on Plastic Bag Ban Ordinance		45 mins – PDD/Nelson
B. WS:		

NOVEMBER 18	MONDAY
7:30 p.m.	**Council Public Hearing**
Harris Hall	**Expected Absences:**
1. PH:	

NOVEMBER 20	WEDNESDAY
Noon	**Council Work Session**
Harris Hall	**Expected Absences:**
A. WS:	
B. WS:	

A=action; PH=public hearing; WS=work session

EUGENE CITY COUNCIL
TENTATIVE WORKING AGENDA

July 2, 2013

NOVEMBER 25	MONDAY
5:30 p.m.	**Council Work Session**
Harris Hall	**Expected Absences:**

A. Committee Reports and Items of Interest from Mayor, City Council, and City Manager — 30 mins
B. WS:

7:30 p.m. **Council Meeting**
Harris Hall **Expected Absences:**

1. Public Forum
2. Consent Calendar
   a. Approval of City Council Minutes — CS/Forrest
   b. Approval of Tentative Working Agenda — CS/Forrest

NOVEMBER 27	WEDNESDAY
Noon	**Council Work Session**
Harris Hall	**Expected Absences:**

A. WS:

DECEMBER 9	MONDAY
5:30 p.m.	**Council Work Session**
Harris Hall	**Expected Absences:**

A. Committee Reports: Police Comm, Lane Metro, LTD (EmX), Lane Workforce, OMPOC, McKenzie Watershed
B. WS:

7:30 p.m. **Council Meeting**
Harris Hall **Expected Absences:**

1. Public Forum
2. Consent Calendar
   a. Approval of City Council Minutes — CS/Forrest
   b. Approval of Tentative Working Agenda — CS/Forrest

DECEMBER 11	WEDNESDAY
Noon	**Council Work Session**
Harris Hall	**Expected Absences:**

A. WS:
B. WS:

COUNCIL BREAK: December 12, 2013 – January 2014

A=action; PH=public hearing; WS=work session

EUGENE CITY COUNCIL
AGENDA ITEM SUMMARY

Action: An Ordinance Suspending the Paper Bag Pass-through Charge During Reevaluation of the Fee

Meeting Date: July 8, 2013 | Agenda Item Number: 5
Department: Planning and Development | Staff Contact: Stephanie Scafa
www.eugene-or.gov | Contact Telephone Number: 541-682-5652

ISSUE STATEMENT
Section 6.860 of the Eugene Code, 1971, requires that a retail establishment offering a recyclable paper bag to a customer at the point-of-sale, charge the customer not less than five cents per bag and that the fee charged be indicated on the customer's receipt. On May 13, 2013, the City Council voted to reevaluate the paper bag pass-through fee and bring back an ordinance to suspend the five cent per bag charge during the reevaluation period. The proposed ordinance (Attachment A) will suspend the five-cent-per-bag fee until December 1, 2013.

BACKGROUND and RELATED CITY POLICIES
The City Council adopted Ordinance No. 20498, encouraging the use of reusable bags by banning single-use plastic carryout bags and requiring a five-cent fee for carry-out, recycled paper bags, on October 22, 2012. The ordinance went into effect on May 1, 2013.

Discussion
Eugene is one of over 90 cities nationwide and three within Oregon, that have adopted a ban on single-use carryout plastic bags. Regarding the use of a five-cent fee in Oregon, Portland does not require a five-cent pass-through fee on paper bags while Corvallis does require the charge. The Corvallis City Council recently updated its ordinance to require the five-cent charge be applied only to large grocery style bags.

Public Comment
At the public hearing on June 10, 2013, two people spoke in favor of the proposed ordinance to suspend the five-cent fee and 11 people spoke in opposition to the proposed ordinance to suspend the five-cent fee. Additional comments submitted to the City between May 31, and June 28, 2013, are included in Attachment B.

Triple Bottom Line – Social, Environmental, Economic Impacts
The staff analysis from the February 27, 2012, City Council work session provided overviews of the assumed environmental, social, and economic impacts of the original ordinance to promote reusable bags by banning single-use plastic carryout bags. Prior to ordinance adoption, City staff developed the Bring Your Bag outreach and education campaign, which offers assistance to

Eugene retailers on an as-needed basis. The objective of the campaign is to raise awareness of the purpose and function of the ordinance as well as provide information about where to obtain low-cost or free, reusable bags.

COUNCIL OPTIONS

1. Adopt the proposed ordinance.
2. Take no action.
3. Modify the original ordinance. Depending on the modifications, this might require another public hearing.

SUGGESTED MOTION

No recommended motions at this time.

ATTACHMENTS

A. Proposed Ordinance
B. Public Comment

FOR MORE INFORMATION

Staff Contact: Stephanie Scafa
Telephone: 541-682-5652
Staff E-Mail: stephanie.scafa@ci.eugene.or.us

ATTACHMENT A

ORDINANCE NO. _____

AN ORDINANCE CONCERNING SUSPENSION OF PAPER BAG PASS-THROUGH CHARGE IN SECTION 6.860 OF THE EUGENE CODE, 1971; AND PROVIDING A SUNSET DATE.

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

A. Section 6.860 of the Eugene Code, 1971, requires that a retail establishment making a recyclable paper bag available to a customers at the point of sale charge the customer not less than 5 cents per bag and that the fee charged be indicated on the customer's receipt.

B. The City Council would like to reevaluate the paper bag pass-through fee and has determined that the requirement to charge five cents per bag should be suspended during the reevaluation period.

NOW, THEREFORE,

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The findings set forth above are adopted.

Section 2. Section 6.860 of the Eugene Code, 1971, is suspended.

Section 3. Unless extended or made permanent by future Council action, this Ordinance shall sunset and be repealed on December 1, 2013.

Passed by the City Council this

_____ day of June, 2013.

_____
City Recorder

Approved by the Mayor this

_____ day of June, 2013.

_____
Mayor

ATTACHMENT B

APPENDIX B

Public Comment on five-cent pass through charge on paper bags

This document is a compilation of comments submitted to the City between May 31 and June 28, 2013.

From: Molly Markarian [mailto:mollymarkarian@gmail.com]
Sent: Wednesday, June 19, 2013 7:50 AM
To: *Eugene Mayor, City Council, and City Manager
Subject: Bag Ban

Mayor Piercy and Councilors,

I was unable to attend the most recent Council discussion on the Eugene bag ban topic, but I wrote this gust viewpoint for the RG last week after reading the coverage of the most recent Council discussions. Please include this in your public record. Thank you.

http://www.registerguard.com/rg/opinion/30016014-78/bag-bottle-eugene-snap-bags.html.csp#.UcHDiespsEA.email

Sincerely,
Molly Markarian
1677 Lincoln Street

*

From: Bren Wamsley <BreWams@comcast.net>
Date: June 11, 2013, 8:51:43 AM PDT
To: PIERCY Kitty <Kitty.Piercy@ci.eugene.or.us>
Subject: 5 Cent Bag Charge
Reply-To: "BreWams@comcast.net" <BreWams@comcast.net>

Hi Kitty,
I can go along with the ban on plastic bags, but this 5 cent charge for a paper bag is ridiculous. Many of the stores were already using paper bags and "now" have begun to charge for them (i.e Coldwater Creek, Winco, Macy's, Chico's, etc). It's absolutely annoying and I don't feel the results of the meeting yesterday reflect the view of the majority of our citizens. To think you would only remove it for those getting assistance is ludicrous. Now store owners are going to need to see some sort of ID to know they don't have to charge. Certainly in grocery stores food stamps would be presented anyway, but not in all the other shops people may be frequenting. Those making these decisions need to have their brains examined. I'm normally a very nice person, but this has put me over the edge.

Bren

*

From: Trader Joe <jem19761947@hotmail.com>
Date: June 11, 2013, 10:28:49 AM PDT
To: PIERCY Kitty <Kitty.Piercy@ci.eugene.or.us>
Subject: Bag Ban.....

Mayor Piercy: PLEASE rescind the extra charge for bags. This is and always has been part of any business's overhead.
You note we don't pay extra for ANY other business supplies as they are built into the selling price.
Sincerely, Joe McKean

*

From: andreamfcoo@comcast.net
Sent: Mon 6/10/2013 4:19 PM
To: *Eugene Mayor, City Council, and City Manager
Subject: comments from the peanut gallery

Hello to all,

I am unable to attend the public hearing tonight regrading the 25 cent fee for paper bags.
But, I would like to add my voice to those who support keeping the 25cents fee.
Not only did the Grocers advocate and support it. They requested it, if my memory serves me correctly.

I am out in the community alot more these days. And I have yet to hear any one complain about the fee. If anything, I see a sense of pride in those who are shopping, reuse able bags in hand.
I think that not everyone in our Community has the time or money to volunteer to save the planet so to speak. But, in a sense, this a small contribution to a better environment.

I also would like to at this time remove my name from the list of possible appointee's to the planning committee. I know it is late in the process, but as I have been giving this alot of thought.
Although I would do a good job and welcome the challenge, I have to admit. If I were seated where you are today. I would have welcomed the opportunity to have John Barvosky serve on this committee or any other.

I will be looking for other opportunities to participate in City government. As I still have alot to say.....

Respectfully,
Andrea Ortiz

*

From: CHAD WILSON [mailto:wilsonhomes171806@msn.com]
Sent: 10 June, 2013 23:33
To: *Eugene Mayor, City Council, and City Manager
Subject: Wilson: FEES

Mayor, Council, and City Manager, I dont think you will find to many people who will disagree with the plastic bag ban, however it was quite a surprise to most citizens of Eugene to find out that you had bamboozled us into charging us for paper bags! This was a deceptive move that we didn't see coming, at least for those of us who have jobs, work for what we need, don't seek handouts, and don't have time to go to all of your meetings to stay up to the minute on your new gas tax fees, landlord fees, LTD fees, and yes paper bag fees! We are sick and tired of all of your FEES!! Let us work, feed our families, enjoy our lives, and quit taxing us around every corner. Quit turning Eugene into a Huge homeless shelter and you would need alot less fees!!

Thank you,

Chad Wilson
Wilson Homes Inc.

Cell: 541-914-0519
Fax: 541-485-9920
Email: wilsonhomes171806@msn.com

*

From: kens@windermere.com
Sent: Tue 6/11/2013 7:32 AM
To: *Eugene Mayor, City Council, and City Manager
Subject: 5 cent bag ban

I don't know if you folks care but you are the laughing stock of the community!!!!!
Can't make a decision on a bag ban.
All of you are much smarter than this, get this done and move on.
We have much more pressing matters than to fool around wasting time on this. Everybody I know is going to Springfield to shop now.
We have the huge Hynix plant empty waiting for jobs, the EWEB property could be developed into something to be known state wide.
Please, please utilize your talents and get past this!!!!!
All of you have much better talents than this, lead follow or get out of the way.

Ken Schmidt
Broker
Windermere Real Estate Lane County

kendelivers.com
kens@windermere.com
Fax 541-762-0380

*

From: Suzanne Penegor [mailto:pegnons@ix.netcom.com]
Sent: Friday, June 07, 2013 11:19 AM

To: *Eugene Mayor, City Council, and City Manager
Subject: letter re bag ban from constituent

To the Mayor, City Council and City Manager:

The city's bag ban has been a nightmare for local businesses and customers. This should have been put to a vote of Eugene citizens before it was implemented. It is punitive and anti-business.

Customers are taking bags from other companies and competitors to local retailers, which is terrible marketing for local stores.

This ban makes our city and our city government look incredibly foolish and petty.

Re this city bag ban, it should be revoked or sent to the voters for approval/disapproval.

It's just another example of how difficult the city council makes it to do business in Eugene. It makes us want to do business in Springfield, where they don't have these foolish ordinances.

Suzanne L. Penegor
3187 Wolf Meadows Ln.
Eugene, OR 97408

*

From: Blick Family blick37@comcast.net
Sent: Wed 6/5/2013 11:33 PM
To: *Eugene Mayor, City Council, and City Manager
Subject: Please protect the bag fee!

Dear Mayor and Council-

I am writing to ask you to please protect the fee on single use paper bags. There is no need to exempt anyone. Anyone can pay a dollar for a re-useable bag (now available everywhere) that can be used hundreds of times. I have some re-usable bags that I bought at a thrift store and have been using for over 20 years.

Thank you for supporting the ban and providing everyone with the incentive to do the right thing for our planet and our future.

Sincerely,
Sharon Blick

*

From: murphyj murphyj@uoregon.edu
Sent: Wed 6/5/2013 10:06 PM
To: *Eugene Mayor, City Council, and City Manager
Subject: the paper bag fee -- let's keep it, please

Dear Mayor and Council-

I am writing to ask you to please protect the fee on single use paper bags. I understand it's a hardship (at first) for many low income people. Perhaps those who use a SNAP card (what we used to call food stamps) could be exempt.

Years ago, I met a newcomer from Germany, who had come to the U.S.
equipped with an easy-to-use woven net bag to carry home his groceries in. He was amazed to find that Americans didn't carry bags to the store, that we expected everything we bought to be put in a bag for us. "What do you do with all those bags?" he asked. "We just throw them away," I said.

Let's not do that any more.

Jean Murphy
585 West 26th
Eugene 97405

*

From: John Winquist johnwinquist@gmail.com
Sent: Wednesday, June 05, 2013 8:06 PM
To: *Eugene Mayor, City Council, and City Manager
Subject: Please protect the bag fee-

Dear Mayor and Council-

I am writing to ask you to please protect the fee on single use paper bags, and work to make the policy more fair and equitable by exempting those on food benefits.

Thank you for supporting the ban and working to make this policy the best it can be for our community.

Sincerely, Pem and John Winquist

*

From: Carol Pratt [mailto:jcpratt@efn.org]
Sent: Wednesday, June 05, 2013 1:00 PM
To: *Eugene Mayor, City Council, and City Manager
Subject: Please protect the bag fee-

Dear Mayor and Council-
I have lived a good while in Ireland, since they enacted legislation similar to the new program here. The only plastic bags allowed to be used free are for meat, poultry, fish, and fresh produce. Everything else is either not available or costs 22 cents (euro-cents!). This change was made very quickly about 3 years ago, and it has not caused enough disruption to be a concern. The number of bags littered has **fallen to near zero**. Most people carry their own cloth bags to use for carrying groceries. We can do the same!

I am writing to ask you to please protect the fee on single use paper bags, and work to make the policy more fair and equitable by exempting those on food benefits.

Thank you for supporting the ban and working to make this policy the best it can be for our community.

Sincerely,

Carol Pratt

*

-----Original Message-----
From: Joshua Welch [mailto:joshuawelch@comcast.net]
Sent: Wednesday, June 05, 2013 11:22 AM
To: *Eugene Mayor, City Council, and City Manager
Subject: Disposable bag fee

Please keep the fee. Although the fee is too low to begin with, it remans an important incentive to help move us away from disposable bags.

Thank you,
Joshua Welch

*

From: Edward Craig [mailto:epcraig@gmail.com]
Sent: Wednesday, June 05, 2013 10:41 AM
To: *Eugene Mayor, City Council, and City Manager
Subject: Please protect the bag fee-

Dear Mayor and Council-

I am writing to ask you to please protect the fee on single use paper bags, and work to make the policy more fair and equitable by exempting those on food benefits.

Thank you for supporting the ban and working to make this policy the best it can be for our community.