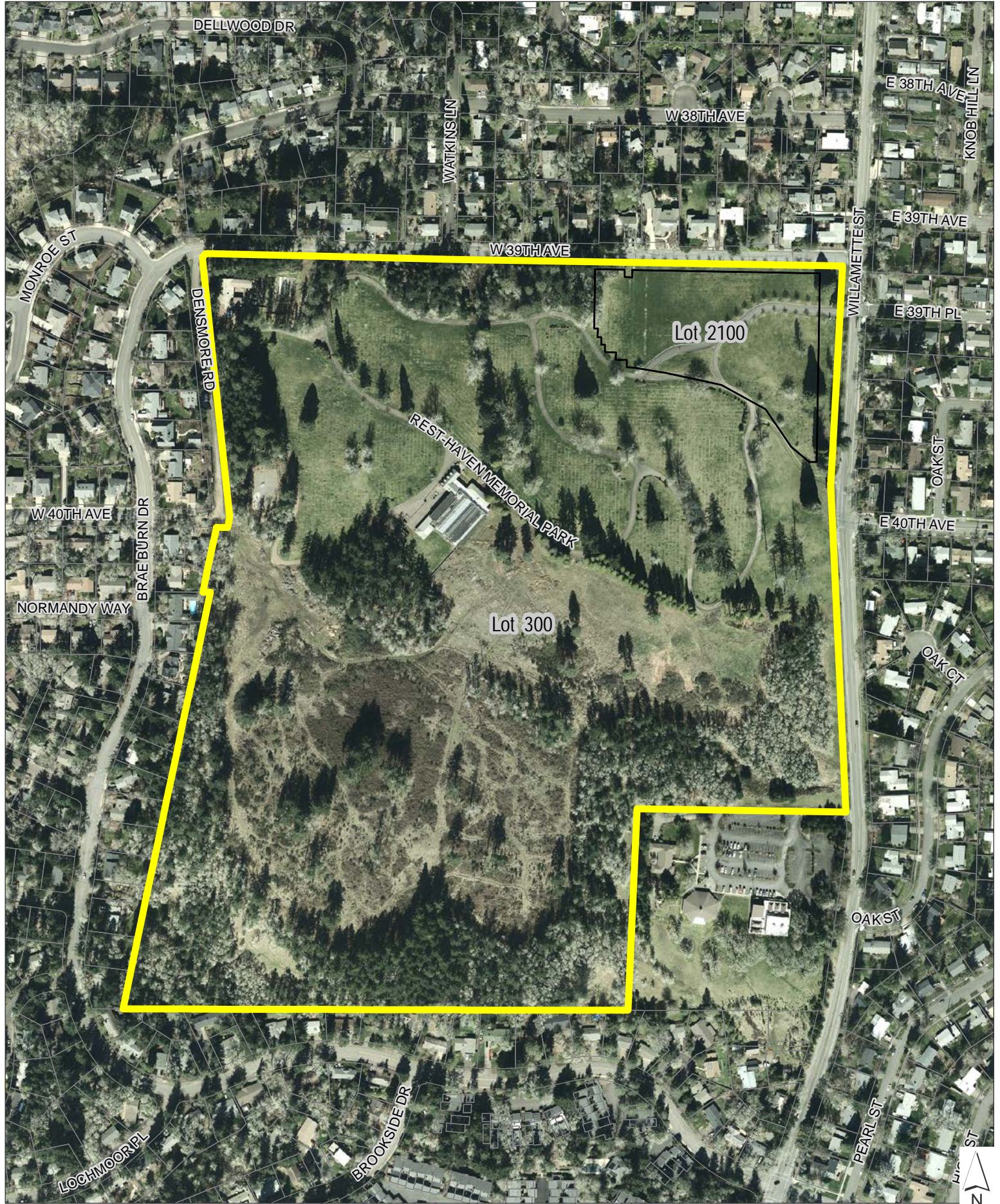




Rest Haven Memorial Park (Z 15-1 & MA 15-1)

18-03-07-43/02100 & 18-03-18-00/00300

Attachment A





Rest Haven Memorial Park (Z 15-1 & MA 15-1) Existing Metro Plan Designation

Attachment B

Metro Plan Land Use Designation Change from Parks and Open Space
to Low Density Residential

18-03-07-43/02100 & 18-03-18-00/00300



- Subject Site
- Low Density Residential
- Parks and Open Space

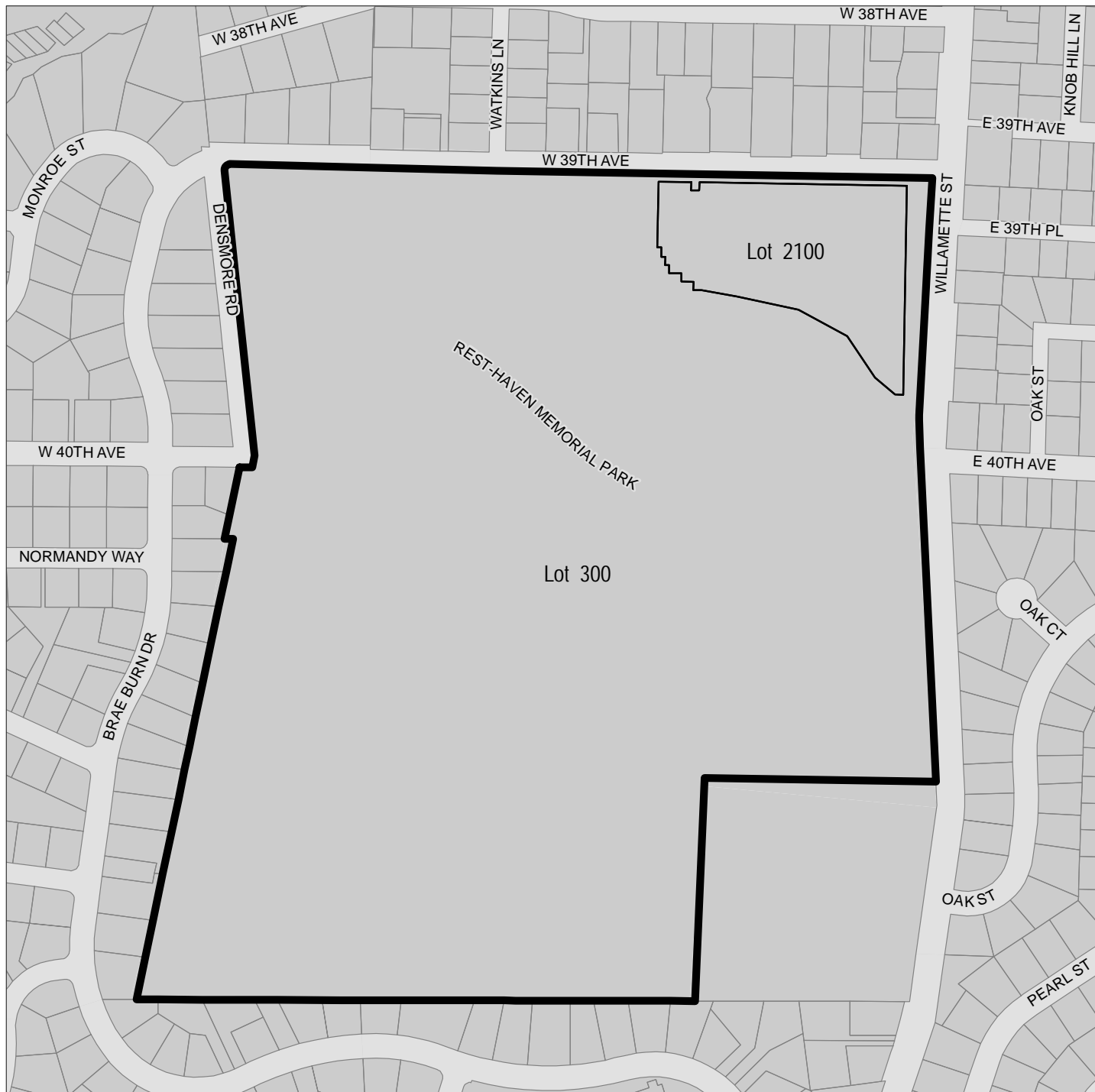




Rest Haven Memorial Park (Z 15-1 & MA 15-1) Proposed Metro Plan Designation

Metro Plan Land Use Designation Change from Parks and Open Space
to Low Density Residential

18-03-07-43/02100 & 18-03-18-00/00300



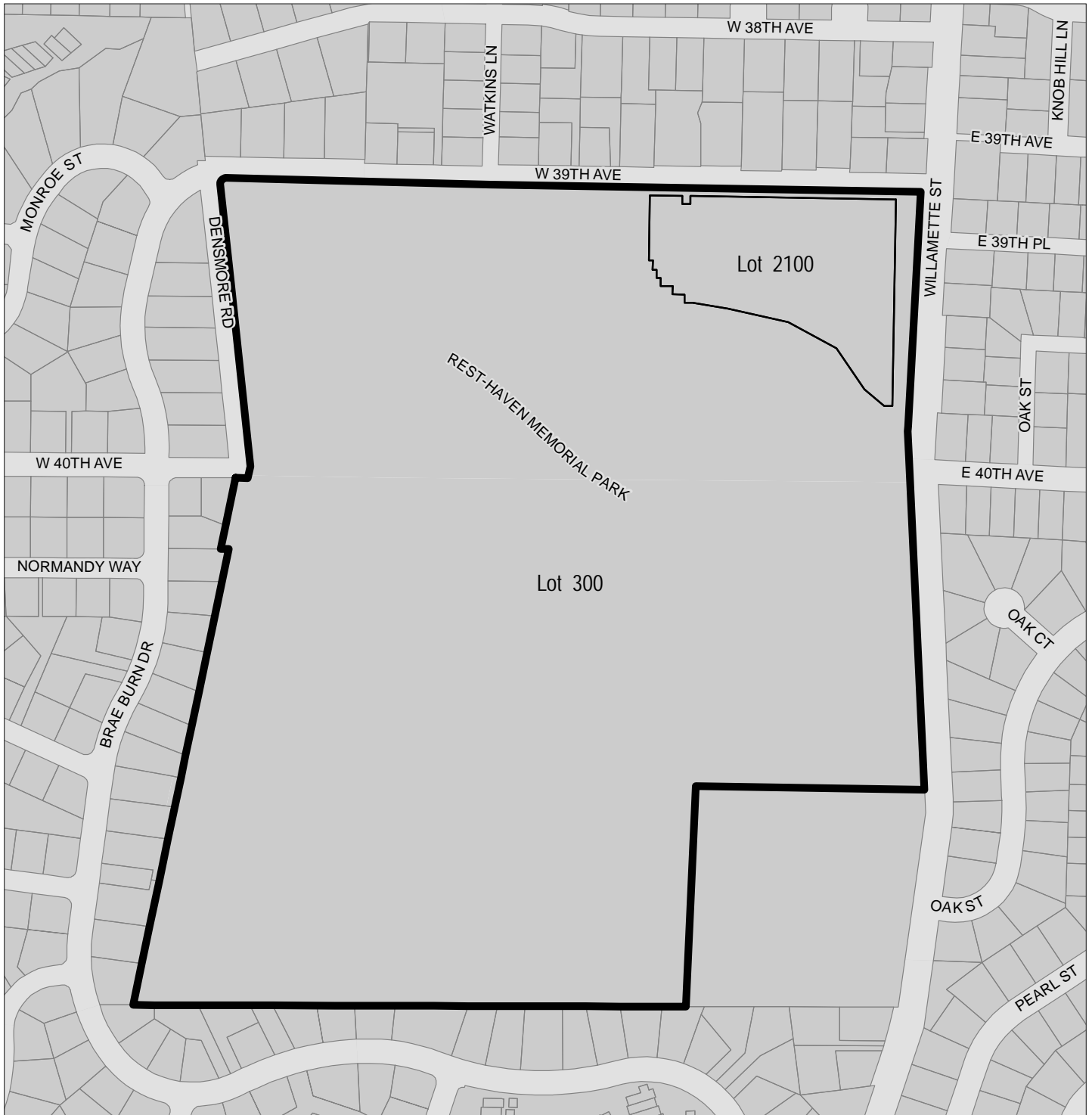
- Subject Site
- Low Density Residential






Rest Haven Memorial Park (Z 15-1 & MA 15-1) Proposed Zoning

Zone Change from PL Public Land to R-1 Low Density Residential
18-03-07-43/02100 & 18-03-18-00/00300



-  Subject Site
-  R-1 Low-Density Residential



ORDINANCE NO. _____

AN ORDINANCE TO REDESIGNATE AND REZONE “THE REST-HAVEN MEMORIAL PARK SITE” BY AMENDING THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN DIAGRAM; AND AMENDING THE EUGENE ZONING MAP.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The Metro Plan Diagram is amended to change the land use designation from Parks & Open Space to Low Density Residential Zone, for the properties identified as Assessor’s Map 18-03-18-00, Tax Lot 00300 and Assessor’s Map 18-03-07-43, Tax Lot 02100, as depicted on Exhibit A attached hereto and incorporated herein by this reference.

Section 2. The Eugene Zoning Map is amended to change the zone from R-1 Low Density Residential Zone and PL Public Land to R-1 Low Density Residential Zone, for the property identified as Assessor’s Map 18-03-18-00, Tax Lot 00300. The Eugene Zoning Map is also amended to change the zone from PL Public Land Zone to R-1 Low Density Residential Zone, for the property identified as Assessor’s Map 18-03-07-43, Tax Lot 02100, as depicted on Exhibit B attached hereto and incorporated herein by this reference.

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

Passed by the City Council this

Approved by the Mayor this

_____ day of _____, 2015

_____ day of _____, 2015

City Recorder

Mayor



Rest Haven Memorial Park (Z 15-1 & MA 15-1) Existing Metro Plan Designation

Metro Plan Land Use Designation Change from Parks and Open Space
to Low Density Residential

18-03-07-43/02100 & 18-03-18-00/00300



- Subject Site
- Low Density Residential
- Parks and Open Space





Rest Haven Memorial Park (Z 15-1 & MA 15-1) Proposed Metro Plan Designation

Metro Plan Land Use Designation Change from Parks and Open Space
to Low Density Residential

18-03-07-43/02100 & 18-03-18-00/00300



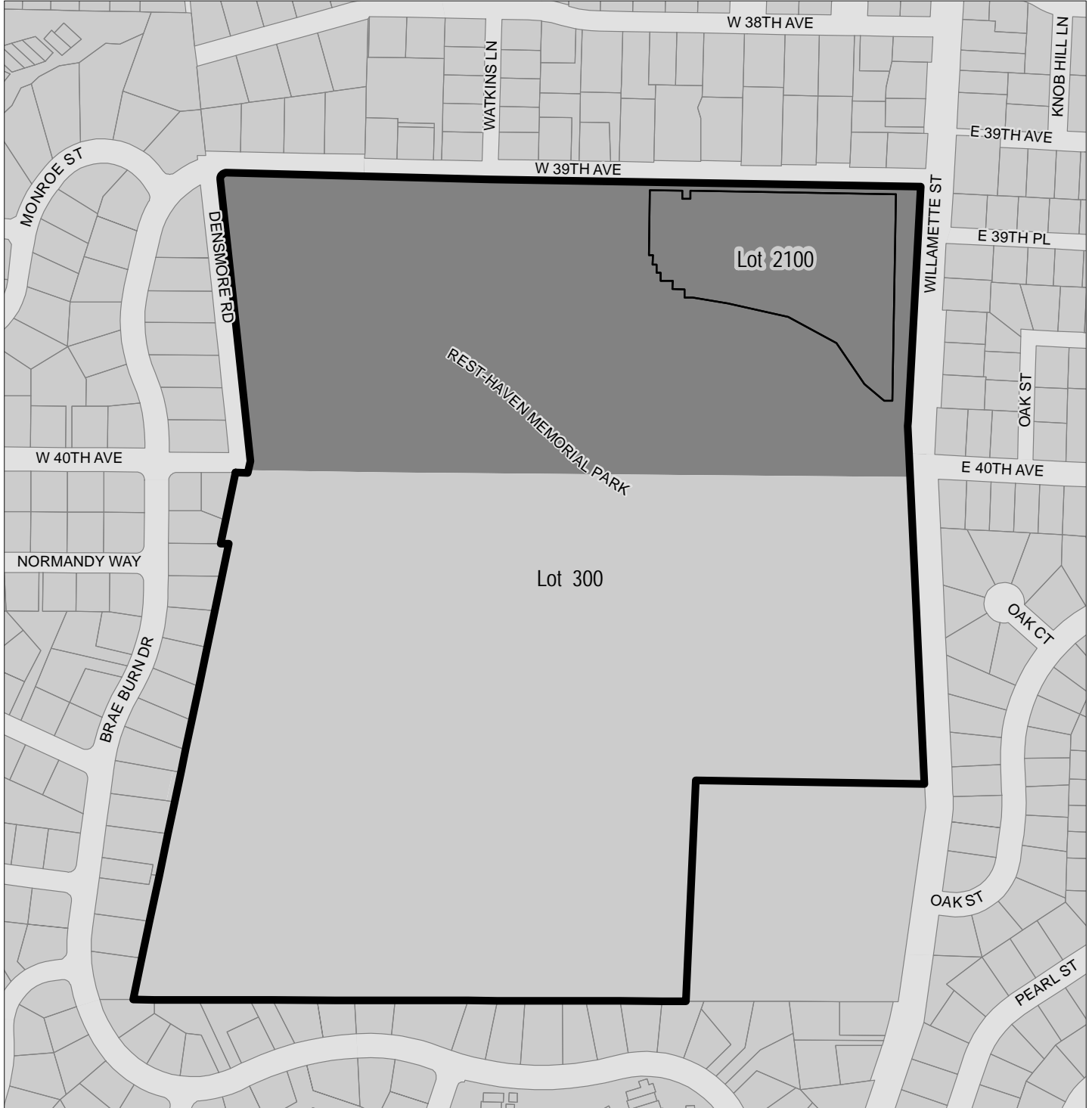
- Subject Site
- Low Density Residential





Rest Haven Memorial Park (Z 15-1 & MA 15-1) Existing Zoning

Zone Change from PL Public Land to R-1 Low Density Residential
18-03-07-43/02100 & 18-03-18-00/00300



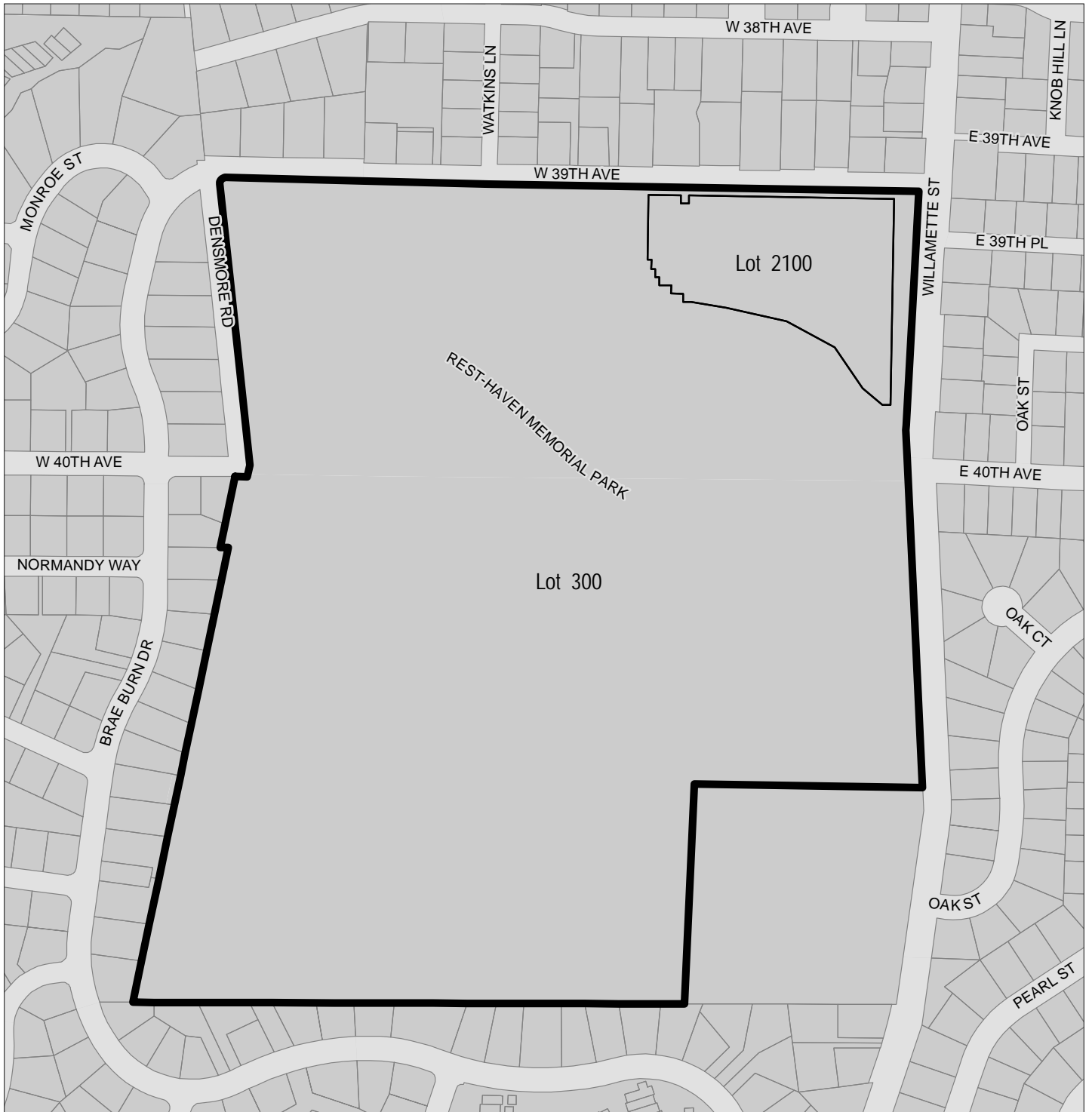
- ▣ Subject Site
- PL Public Land
- R-1 Low-Density Residential





Rest Haven Memorial Park (Z 15-1 & MA 15-1) Proposed Zoning

Zone Change from PL Public Land to R-1 Low Density Residential
18-03-07-43/02100 & 18-03-18-00/00300



Subject Site

R-1 Low-Density Residential



Exhibit C

Findings for City File MA 15-1 & Z 15-1 Rest-Haven Memorial Park

Overview

The subject property is the Rest-Haven Memorial Park. The proposed *Metro Plan* re-designation and zone change includes the following:

Rest-Haven Memorial Park					
Map & tax lot numbers: 1803180000300 & 1803074302100 (about 27.63 acres for cemetery, 46.27 acres for new housing)					
Application	Current	acres	Proposed	acres	Total acres
Metro Plan Amendment	Parks & Open Space	73.9	Low Density Residential	73.9	73.9
Zone Change	R-1 Low Density Residential	46.27	R-1 Low Density Residential	No change	
	PL Public Land	27.63		27.63	

The following findings address the required criteria for the proposed metro plan amendment and zone change.

Metro Plan Amendments (file no. MA 15-1)

The *Metro Plan* land use diagram is proposed for amendment for the entire 74 acre property, from Parks and Open Space to Low Density Residential designation. Eugene Code (EC) Section 9.7730 requires that the following approval criteria (in ***bold italics***) be applied to *Metro Plan* amendments:

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

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

The City has acknowledged provisions for citizen involvement which insure the opportunity for citizens to be involved in all phases of the planning process and set out requirements for such involvement. The amendments do not amend the citizen involvement program. The process for adopting these amendments complies with Goal 1 because it is consistent with the citizen involvement provisions.

The City of Eugene land use code implements Statewide Planning Goal 1 by requiring that notice of the proposed amendments be given and public hearings be held prior to adoption. Consideration of the amendments begins with a City of Eugene Planning Commission public hearing on July 14, 2015. The applicant also held a neighborhood-applicant meeting which was noticed to the affected neighborhood organization and property owners and residents within 300 feet of the subject property, per EC 9.7007.

Exhibit C

Subsequent to deeming the applications complete, on June 9, 2015 the City mailed notice of the proposed plan amendments to the Department of Land Conservation and Development, as required by the Eugene Code and in accordance with State statutes. Referrals concerning the pending applications were sent to the Oregon Department of Transportation (ODOT), City of Springfield, Lane County, the affected Neighborhood Association (which at the time was Southeast Neighbors), and to City departments. On June 12, 2015, notice of the Planning Commission public hearing was mailed to the applicant, owners and occupants of property within 500 feet of the subject property and the Southeast Neighbors and notice was also posted in accordance with EC 9.7415(5). On June 24, 2015, notice of the Planning Commission public hearing was published in the Register-Guard, in accordance with the Eugene Code. The Planning Commission public hearing was held on July 14, 2015, with deliberations held on {INSERT DATE} and action take on {INSERT DATE}. Following action by the Planning Commission, the Eugene City Council will hold a duly noticed public hearing to consider approval, modification, or denial of the plan amendments and zone changes, scheduled for {INSERT DATE}.

The process for adopting these amendments complies with Statewide Planning Goal 1 since it complies with the requirements of the State's citizen involvement provisions.

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

The Eugene land use code specifies the procedure and criteria that were used in considering these amendments. The record shows that there is an adequate factual base for the amendments. The Goal 2 coordination requirement is met when the City engages in an exchange, or invites such an exchange, between the City and any affected governmental unit and when the City uses the information obtained in the exchange to balance the needs of the citizens. To comply with the Goal 2 coordination requirement, the City engaged in an exchange about the subject of these plan amendments with all of the affected governmental units. Specifically, the City provided notice of the proposed action and opportunity to comment to Lane County, Springfield and the Department of Land Conservation and Development. There are no exceptions to Statewide Planning Goal 2 required for these amendments. Therefore, the amendments are consistent with Statewide Planning Goal 2.

Goal 3 - Agricultural Lands. To preserve agricultural lands.

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

Goal 4 - Forest Lands. To conserve forest lands.

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

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

Exhibit C

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

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

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

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

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

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

Goal 7 requires that local government planning programs include provisions to protect people and property from the following natural hazards: floods, landslides, earthquakes and related hazards, tsunamis, coastal erosion and wildfires. The Goal prohibits a development in natural hazard areas without appropriate safeguards. The subject property is not located within known areas of natural disasters or hazards. The subject property is outside the flood zone and is not subject to hazards normally associated with wildfires or tsunamis. Other hazards can be mitigated at the time of development based on accepted building codes and building techniques. The map amendments do not affect the City's restrictions on development in areas subject to natural disasters and hazards. Therefore, Statewide Planning Goal 7 does not apply.

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

Goal 8 ensures the provision of recreational facilities to Oregon citizens and is primarily concerned with the provision of those facilities in non-urban areas of the state. Goal 8 also allows, but does not require, the City to create an inventory of recreational needs. To the extent that Goal 8 is applicable,

Exhibit C

the City has two documents related to long-range parks planning: the Parks, Recreational and Open Space Comprehensive Plan (PROS) and its list of implementing projects in the PROS Project and Priority Plan. Only the Project and Priority Plan has been adopted however, it was not adopted as a land use plan. Therefore it cannot be used as a basis for determining compliance with the applicable criteria in this case. Acknowledging this limitation, the City has consulted these documents and determined the following:

This 74 acre site is privately owned by the Rest-Haven Memorial Park. The property owners have indicated that approximately 27.63 acres is needed for existing or future cemetery use and they would like to make the remaining 46.27 acres available for residential uses. The PROS Project and Priority Plan identifies the need for a neighborhood park in this vicinity; however the PROS Project and Priority Plan states that the location of proposed acquisitions are approximate and subject to change based on land availability and public involvement. The property owner has indicated no interest in selling any portion of their site for parks at this time. Regardless, City parks are allowed in LDR/R-1 therefore re-designation of the entire site to LDR would not preclude a future park nor affect the City's provisions for or access to recreational areas, facilities or recreational opportunities.

To the extent Statewide Planning Goal 8 applies, the amendments are consistent.

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

Goal 9 requires cities to evaluate the supply and demand of commercial and industrial land relative to community economic objectives. The Administrative Rule for Statewide Planning Goal 9 (OAR 660 Division 9) requires that the City "[p]rovide for at least an adequate supply of sites of suitable sizes, types, location, and service levels for a variety of industrial and commercial uses consistent with plan policies[.]" Among other things, the rule requires that cities complete an "Economic Opportunities Analysis." OAR 660-009-0015. Based on the Economic Opportunities Analysis, cities are to prepare Industrial and Commercial Development Policies. OAR 660-009-0020. Finally OAR 660-009-0025 requires that cities designate industrial and commercial lands sufficient to meet short and long term needs. OAR 660-009-0010(2) provides that the detailed planning requirements imposed by OAR 660 Division 9 apply "at the time of each periodic review of the plan (ORS 197.712(3))." The Eugene Commercial Lands Study (1992) and the Industrial Metropolitan Industrial Lands Inventory Report (1993) were adopted by the City of Eugene as a refinement of the Metro Plan, and complies with the requirements of Goal 9 and the corresponding Administrative Rule.

The proposed map amendments do not add or subtract any commercial or industrial land from the adopted inventories; therefore Goal 9 is not applicable.

Goal 10 - Housing.

Goal 10 requires that communities plan for and maintain an inventory of buildable residential land for needed housing units. The Administrative Rule for Statewide Planning Goal 10 (OAR 660 Division 8) states that "the mix and density of needed housing is determined in the housing needs projection. Sufficient buildable land shall be designated on the comprehensive plan map to satisfy housing needs by type and density range as determined in the housing needs projection. The local buildable lands

Exhibit C

inventory must document the amount of buildable land in each residential plan designation.” The comprehensive plan map for the city is the *Metro Plan* land use diagram. The Residential Lands Study (1999) was adopted by the City of Eugene as a refinement of the *Metro Plan*, and complies with the requirements of Goal 10 and the corresponding Administrative Rule. According to the 1999 Residential Lands Study (RLS), there is sufficient buildable residential land to meet the identified land need.

The subject site is proposed to be re-designated to a residential designation. The RLS identifies the undeveloped residential land supply (inventory) based on the designation or zoning and the size of the parcel. Some demand was also assumed to be accommodated through redevelopment and infill. This subject site was not identified as part of the RLS since although it was partially zoned R-1, it was not vacant or in agricultural or timber use at that time; therefore this re-designation does not reduce the RLS inventory and is consistent with Goal 10. However, the proposal will add approximately 46 acres of housing capacity to the existing land supply (excluding any protected area). Based on the above, the amendments are consistent with Statewide Planning Goal 10.

Goal 11- Public Facilities and Services. *To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

The amendments do not affect the City’s provision of public facilities and services. Therefore, Statewide Planning Goal 11 does not apply.

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

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

- (1) *If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:*
 - (a) *Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*
 - (b) *Change standards implementing a functional classification system; or*
 - (c) *Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.*
 - (A) *Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*
 - (B) *Degrade the performance of an existing or planned transportation facility such that it*

Exhibit C

would not meet the performance standards identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

The proposed map amendments do not change the functional classification of a transportation facility or change the standards implementing a functional classification system. Therefore, the amendments do not have a significant effect under (a) or (b).

In regards to (c), the type of development currently permitted through the existing plan designation and zoning will change for the subject property. As detailed in the following findings, the applicant’s analysis indicates that: (A) the types and levels of travel and access are consistent with the functional classification of existing transportation facilities; (B) none of the transportation facilities studied will be degraded beyond their identified performance standard identified in *TransPlan* as a result of the proposed amendments; and, (C) none of the existing transportation facilities are otherwise projected to fall below the performance standards identified in *TransPlan*.

To address the TPR, the applicant submitted findings and a Transportation Impact Analysis (TIA), dated April 24, 2015, which was prepared by the consulting firm of Branch Engineering, Inc. Staff clarifies that this is not a Traffic Impact Analysis (TIA) Review pursuant to EC 9.8650, although one is expected to be provided at the time of a new development application. The TIA responds to comments from the City provided during the application completeness review process. The TIA evaluates the current performance of impacted transportation facilities, the performance of these facilities in 2027 with the proposed amendments and the performance of the facilities in 2027 without the proposed amendments. Since there are no transportation facilities planned for the study area, the applicant’s analysis considers the impacts on only the existing transportation facilities within the study area.

Comparison of Existing and Proposed Land Uses

In comparing the existing and the proposed land uses, the applicant’s TIA assumes in both scenarios that the area currently used or platted as cemetery will remain cemetery. For the unused portion of the property currently designated POS and zoned R-1, the applicant’s TIA uses regional park as the existing land use and uses a “reasonable worst-case” scenario of single-family housing limited to five homes per acre (per the South Hills Study policy) for the proposed use (Table 3 of the TIA).

According to the applicant’s TIA, the number of PM peak hour trips projected to be generated by development allowed under the reasonable worst case scenario are as follows:

Rest-Haven Memorial Park	Projected PM Peak Trips <u>Existing</u> POS designation & R-1/PL zone	Projected PM Peak Trips <u>Proposed</u> LDR designation & R-1 zone	Difference between land use trips
Existing land uses:			
Cemetery	23		

Exhibit C

regional park	9		
Proposed land uses:			
Cemetery		23	
single-family residential (5 homes per acre)		231	
			+222

Because the trips generated by the proposed land use exceed the trips of the existing land use (222 more trips), an analysis of whether any applicable transportation facilities will be “significantly impacted” by the development is necessary.

City staff was consulted in the scoping and development of the applicant’s TIA and generally agrees that the analysis methods used in the applicant’s TIA are acceptable. The Applicant’s TIA included analysis of the following existing transportation facilities:

Transportation Facilities		
Street	Classification	Jurisdiction
Willamette Street	Minor Arterial	City of Eugene
Donald Street	Major Collector	City of Eugene
Crest Drive	Local	City of Eugene
E. 33 rd Avenue	Neighborhood Collector	City of Eugene
W. 39 th Avenue	Neighborhood Collector	City of Eugene
E. 40 th Avenue	Major Collector	City of Eugene

Determination of Significant Effect

The TPR requires a determination of which existing and planned transportation facilities will experience a significant effect as a result of the proposed plan amendment, and defines what constitutes a significant effect. One way in which an amendment will significantly affect an existing or planned transportation facility is, if at the end of the planning period, the amendment will reduce the performance of a transportation facility below the minimum acceptable performance standard or will worsen the performance of a transportation facility that is otherwise projected to perform below the minimum acceptable performance standard (OAR 660-012-0060(1)(c)(B) and (C)).

In determining whether there is a significant effect, different measurements are used to identify and analyze each facility for the minimum level of performance standard. Level of Service D (LOS D) is the minimum acceptable performance standard for the transportation facilities within the applicant’s study area. As identified in *TransPlan*, LOS A represents the least congested conditions and LOS F the most congested.

The end of the planning period in the City’s adopted transportation system plan (*TransPlan*) is 2027. Accordingly, the applicant’s analysis under OAR 660-012-0060 is for the 2027 planning period.

Regarding subsections OAR 660-012-0060(1)(c)(A), (1)(c)(B) and (1)(c)(C), the applicant’s TIA analyzed

Exhibit C

the projected performance of intersections in the study area under four development scenarios during the planning horizon. The analysis shows that the proposed map amendments will not significantly affect existing transportation facilities because, as shown in the following table, none of the intersections are projected to perform below the minimum standard of LOS D. Specifically, the proposal will not result in the types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility per (1)(c)(A), degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan per (1)(c)(B), or degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan (1)(c)(C). Since no facilities will be significantly affected, no mitigation is required.

Street	Transportation Facilities			
	2015 "Existing Conditions"	2027 "Background" (no build-out on the subject site)	2027 Planning Horizon "build-out" with the Existing Zone and POS designation	2027 Planning Horizon "Build- out" with Proposed Zone and Use
Willamette Street At Donald Street	LOS B	LOS B	LOS B	LOS B
Willamette Street At Crest Drive	LOS B	LOS B	LOS B	LOS B
Willamette Street At E. 33 rd Avenue	LOS C	LOS C	LOS C	LOS D
Willamette Street At W. 39 th Avenue	LOS C	LOS C	LOS C	LOS C
Willamette Street at E. 40 th Avenue	LOS B	LOS B	LOS B	LOS C
E. 40 th Avenue at Donald Street	LOS A	LOS B	LOS B	LOS B
Willamette Street at site access	LOS A	LOS A	LOS B	LOS C

Because the proposed amendment will not result in traffic generation that exceeds allowable performance standard, the proposed plan amendment is consistent with Goal 12. Based on the above findings, the plan amendment and zone change is consistent with Statewide Planning Goal 12.

Exhibit C

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

The amendments do not impact energy conservation. Therefore, Statewide Planning Goal 13 does not apply.

Goal 14 - Urbanization. *To provide for an orderly and efficient transition from rural to urban land use.*

The amendments do not affect the City's provisions regarding the transition of land from rural to urban uses. Therefore, Statewide Planning Goal 14 does not apply.

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

The amendments do not contain any changes that affect the Willamette River Greenway regulations, therefore, Statewide Planning Goal 15 does not apply.

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

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

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

Applicable Metro Plan Policies

The following policies from the *Metro Plan* (identified below in *italics*) are applicable to these amendments. Based on the findings provided below, the amendments are consistent with and supported by the applicable provisions of the *Metro Plan*.

Growth Management Goals, Findings, and Policies

- 1. The UGB and sequential development shall continue to be implemented as an essential means to achieve compact urban growth. The provision of all urban services shall be concentrated inside the UGB. (Policy 1)*

As stated in the response to Statewide Goal 11 (above), the re-designations will not affect the city's ability to serve the area inside the UGB. The glossary of the *Metro Plan* defines "compact urban growth" as follows:

The filling in of vacant and underutilized lands in the UGB, as well as redevelopment inside the UGB.

Consistent with this policy, re-designation of Rest-Haven will make it easier to do housing or other

Exhibit C

low density residential uses on a portion of the cemetery property that is no longer needed for future cemetery uses, inside the UGB.

A. Residential Land Use and Housing Element

Residential Density Policies

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

Consistent with this policy, the proposed re-designation will allow for low density residential development on a portion of land no longer needed for future cemetery uses, within an existing low density residential neighborhood. Consideration of specific development impacts will occur at the time of future land use application or application of zoning development standards.

The applicant cited Residential Land Use and Housing Element policies A.10 and A.11 as applicable policies supporting the proposed amendments. Staff finds that these policies are not applicable because they are related to planning for higher density housing. If they are found to be applicable, they are met as indicated in the applicant's written statement which is incorporated herein by reference.

Housing Type and Tenure Policies

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

Consistent with policy A.17, the re-designation provides an opportunity for more low density residential housing types on the Rest-Haven site and within the neighborhood.

The applicant cited Residential Land Use and Housing Element policy A.19 as an applicable policy supporting the proposed amendments. Staff finds that this policy is not applicable because it is related to planning for housing near downtown. If it is found to be applicable, it is met as indicated in the applicant's written statement which is incorporated herein by reference.

The applicant also cited Residential Land Use and Housing Element policy A.30 as an applicable policy supporting the proposed amendments. Staff finds that this policy is not directly applicable because no specific housing development is proposed at this time. If it is found to be applicable, it is met as indicated in the applicant's written statement which is incorporated herein by reference.

E. Transportation Element and J. Energy Element

The applicant cited Transportation policy F.3 and Energy policies J.7 and J.8 as applicable policies supporting the proposed amendments. Staff finds that these policies are not applicable because they

Exhibit C

are related to planning for higher density housing. If they are found to be applicable, they are met as indicated in the applicant's written statement which is incorporated herein by reference.

Metro Plan Amendment Conclusion

Based on the above findings, the proposed *Metro Plan* diagram amendment is consistent with EC 9.7730.

Zone Change (file no. Z 15-1)

The proposal includes rezoning of approximately 27.63 acres of the 73.9 acre site from PL Public Land to R-1 Low Density Residential, so that the entire property will be zoned R-1 Low Density Residential. Most of that property for rezoning lies within the portion of the property currently in active cemetery use or platted with cemetery lots. EC 9.8865 requires that the zone change proposals meet the following approval criteria (listed in ***bold and italic***). Findings are provided below with respect to each of the applicable 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.***

Some of the policies addressed in the *Metro Plan* amendment findings are applicable here, and to the extent they are applicable the findings under EC 9.7730(3)(b) are incorporated herein by reference as demonstration of consistency with applicable *Metro Plan* policies.

- (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.***

Approval of the zone change is dependent upon approval of the *Metro Plan* land use diagram amendments. The applicable refinement plan, the South Hills Study, does not have an adopted land use diagram. Therefore the proposal does not have to address consistency or amend a refinement plan land use diagram.

The applicant also address the proposed re-designation and rezone with respect to the South Hills Study Policies (1-3) regarding property over 901' elevation, density, and criteria regarding when certain land use applications are applicable (such as subdivision, site review or planned unit development). The applicant states that these policies are either not applicable to the subject property or may be applicable as determined at the time of development. Staff generally concurs with this and the applicant's findings are incorporated herein by reference. Specifically, staff concurs that whether or not development on the site triggers the need for a subdivision, site review or planned unit development is a question to be determined at the time of development and therefore an overlay zone requiring any of these applications is not necessary. Staff further concurs that there is no policy basis in the applicable adopted plans that call for the imposition of an overlay at the time of rezoning.

Based on the above, the adopted refinement plan is either not applicable or the proposal is consistent.

Exhibit C

- (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 findings of compliance with Goal 11 – Public Facilities and Services, and Goal 12 – Transportation above are incorporated herein by reference. With the findings established and referenced herein, the proposal complies with this criterion.

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

(f) EC 9.2735 Residential Zone Siting Requirements.

There are no applicable siting requirements for the R-1 zone; therefore, this criterion does not apply.

- (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 NR zone is not requested or applicable in this instance. Therefore, the above criterion is inapplicable.

Zone Change Conclusion

Based on the above findings, compliance with the zone change approval criteria of EC 9.8865 is met.

O'DONNELL Heather M

From: RMMilks@aol.com
Sent: Monday, October 12, 2015 2:45 PM
To: O'DONNELL Heather M
Subject: Re: Communications with Juan Carlos

Heather:

Please put your e-mails to Juan Carlos Valle in the public record.

Thank you.

Best Regards, Bob

Robert Milks

In a message dated 10/7/2015 1:59:39 P.M. Pacific Daylight Time, Heather.M.ODonnell@ci.eugene.or.us writes:

Hello Mr. Milks,

I've been in an out of meetings today (and yesterday) so I haven't been able to look back into your request as quickly as I would have liked. The original email I sent to Mr. Valle is attached. He is also on an email list (which you are on too) that I've been sending out with updates of on the Rest-Haven application process (e.g. when the hearing is, when the materials will be on-line, etc). That email is blind copied to the email addresses, so the emails are not visible when they are printed out. I also emailed him the day of the hearing.

Regarding the zoning, we found two ordinances related to annexing the property, Ordinance 14723 was signed in Feb 1967 and Ordinance 14632 was signed December 1966. We have not had time to review the legal description to see how much of the land was annexed under each ordinance but they are the annexations associated with this site's map and tax lot numbers. These ordinances are attached. There was no additional staff report or exhibits attached to these ordinances so we don't have any additional information on them. A copy of our zoning map from 1968 (after the annexations) which is also attached, shows the site as within the city limits and zoned as PL public land and RA Rural Suburban. In about 2000/2001, the City took a legislative action to rezone any RA Rural Suburban zoned land to R-1 Low Density Residential. This was a city-wide rezone, not specific to Rest-Haven only. A 1955 map is also included for your reference.

If these documents are difficult to read, I can leave hard copies of them for you at our reception counter.

Best,

Heather

From: RMMilks@aol.com [mailto:RMMilks@aol.com]
Sent: Tuesday, October 06, 2015 2:55 PM
To: O'DONNELL Heather M <Heather.M.ODonnell@ci.eugene.or.us>
Subject: Communications with Juan Carlos

Heather:

During our telephone conversation yesterday, you mentioned that you contacted Juan Carlos Valle (SHiNA Board Chair) and informed him of the Planning Commission's and City Council's Public Hearings concerning the Rest Haven issue. Would it be possible for you to e-mail me the written notification and/or e-mails sent to Mr. Valle notifying him of the Public Hearings mentioned above.

Thank you in advance.

Best Regards, Bob

Robert Milks

O'DONNELL Heather M

From: O'DONNELL Heather M
Sent: Monday, June 22, 2015 3:23 PM
To: VALLE Juan Carlos (SMTP)
Subject: Rest-Haven Metro Plan Re-designation & Zone Change Request

Hello Mr. Valle,

I understand from Heather Sielicki that the South West Hills Neighborhood Association is the neighborhood association tracking the Rest-Haven re-designation & rezoning application. I just wanted to check-in and see if there are any questions about this application. I sent out the email below in hopes that it would clarify any confusion that there might be given that the property was originally included in (but later withdrawn from) the Envision Eugene Residential Re-designation proposal package from last year.

Please let me know if you have any questions or want to discuss this application.

Thank you,
Heather

From: O'DONNELL Heather M
Sent: Friday, June 12, 2015 4:27 PM
To: O'DONNELL Heather M
Subject: Rest-Haven Metro Plan Re-designation & Zone Change Request

Hello,

I am writing you since you were on the interested individuals emails list regarding the re-designation and zone change for the Rest-Haven property that the city was proposing in 2014. As you may know, this property was removed from the package of sites proposed by the city for re-designation/rezone at the property's owners request.

Since then, the property owner has filed their own similar application to change the Metro Plan land use designation and zoning of the property. We are now reviewing the property owner's application. A public hearing on the request has been scheduled for July 14th, 2015 and the hearing notice is at this link <http://pdd.eugene-or.gov/LandUse/DocumentDetails?file=MA-15-0001&id=1260989> . The full set of application materials are at this link <http://pdd.eugene-or.gov/LandUse/SearchApplicationDocuments?file=MA-15-0001> .

I hope this clarifies the previous application process from the new application process now in progress and under review, but please let me know if there are questions about this.

Best,
Heather

Heather O'Donnell
Senior Planner, AIC | City of Eugene Planning
[541-682-5488](tel:541-682-5488)

Messages to and from this e-mail address may be available to the public under Oregon Public Records Law

O'DONNELL Heather M

From: RMMilks@aol.com
Sent: Monday, October 12, 2015 2:38 PM
To: O'DONNELL Heather M
Subject: Submittal of Written Testimony
Attachments: Rest Haven Written Testimony to City Council.doc

Heather:

Please see the attachment to this e-mail. This is my written testimony to the City Council.

In a separate e-mail I am requesting that you put your e-mails to Juan Carlos in the public record.

Best Regards, Bob

Robert Milks

Written Statement to the Eugene City Council Submitted During the Extended Period for
Public Comment for Consideration of an Ordinance for a Metro Plan Amendment and
Zone Change for the Rest Haven Memorial Park Site

Robert R. Milks
388 Dellwood Drive
Eugene, Oregon 97405

Chairman of the Board of the Treehouse PUD Homeowners Association
Treehouse PUD Homeowners Association Liaison to the Southwest Hills Neighborhood
Association

Honorable City Council:

I ask you to please consider the following information in your deliberations of an ordinance for a Metro Plan amendment and zone change for the Rest Haven Memorial Park site (MA 15-1 and Z 15-1). Please note: the term "Applicant" used below refers to the property owner of Rest Haven Memorial Park and his representatives.

The Applicant has not met the requirement (is not consistent) of Goal 1 of the State Planning Goals as adopted by the Land Conservation and Development Commission. Goal 1 states: "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".

As stated in EC 9.7735: (**Metro Plan Amendments - Criteria for Approval**), "The following criteria shall be applied by the city council in approving or denying a Metro Plan amendment application: (1) the proposed amendment is consistent with the relevant Statewide Planning Goals;". I wish to emphasize that part of EC 9.7735 which states "criteria shall be applied by the city council in approving or denying a **Metro Plan amendment application**".

With respect to the Applicant's application, in **IV. Criteria for Approval**, Goal 1 - Citizen Involvement, the Applicant states:

"The strategy to amend the comprehensive plan diagram and re-designate the subject property to a different future land use type emerged from the Envision Eugene process, the city's plan to establish a new Eugene-only urban growth boundary and accommodate the next 20 years of growth in the community. As noted in that process, re-designation of excess land to allow for low density residential housing will help the city accommodate more of its 20-year need for low density housing within the current UGB. Such re-designations were identified in the Envision density housing within the current UGB.

Such re-designations were identified in the Envision Eugene process as one of several strategies to reduce UGB expansion for low density residential purposes. These Envision Eugene strategies developed out of an extensive public involvement process, including two years of meetings with a 70-plus person community resource group, questionnaires, open houses, and community forums."

It is apparent in the above statement that the Applicant is relying heavily on the Envision Eugene process to indicate there has been an abundance of citizen involvement to support the Applicant's application with respect to Statewide Planning Goal 1. However, in the Applicant's application in **I. Land Use Request**, the Applicant states:

"While the applicant ultimately pulled out of the Envision Eugene process, in large part because of an unacceptably low vehicle trip cap the ordinance would have imposed in order to avoid the detailed analysis required to demonstrate compliance with Goal 12, the property owner recognizes the soundness of the Envision Eugene reasoning."

By admitting that the Applicant pulled out of the Envision Eugene process, there is no support (evidence) for citizen involvement, through Envision Eugene, in the Applicant's application for a Metro Plan amendment and zone change for the Rest Haven Memorial Park site with respect to meeting the requirements Statewide Planning Goal 1.

As stated in "Ordinance with Exhibits" in the public record (document date 9/11/2015):

"The City of Eugene land use code implements Statewide Planning Goal 1 by requiring that notice of the proposed amendment be given and public hearings be held prior to adoption. Consideration of the amendment begins with a City of Eugene Planning Commission public hearing on July 14, 2015. The applicant also held a neighborhood meeting which was noticed to the affected neighborhood organization and property owners and residents within 300 feet of the subject property, per EC 9.7007".

In the statement above, the City clearly considers a neighborhood meeting (Neighborhood/Applicant Meeting) to be one of the requirements for satisfying Statewide Planning Goal 1 in land use issues in the city of Eugene. EC 9.7007 applies to Neighborhood/Applicant Meetings.

EC 9.7007(4) states:

"If the subject property is located within the boundaries of a city-recognized neighborhood association, the applicant must contact the applicable neighborhood association by registered or certified mail, proposing three possible dates and times for the meeting. The neighborhood association should reply to the applicant within 14 days and specify on which of the proposed three suggested dates the meeting should be held".

In the period of time before the first Rest Haven Neighborhood/Applicant meeting, Rest Haven was within the boundaries of Southeast Neighbors, a city recognized neighborhood association. I contacted the chairperson/president of Southeast Neighbors (Heather Sielicki) and asked her if she received a registered or certified mailing from Rest Haven concerning the Neighborhood/Applicant meeting. She said she did not receive a registered or certified mailing. (She did say she got a post card.)

Therefore, if the Applicant cannot produce a valid receipt for a registered or certified mailing to the Southeast Neighbors and cannot produce documentation of a discussion about when the meeting was to be held, the Applicant was not in compliance with EC 9.7007(4).

EC 9.7007(5)(a)(b)2 states:

"The Applicant shall mail notice of the meeting a) at least 14 days and no more than 28 days prior to the meeting b) to any city-recognized neighborhood associations whose boundaries are within 300 feet of the subject property".

In the period of time before the first Rest Haven Neighborhood/Applicant meeting, the boundary of Crest Drive Citizens Association, a city recognized neighborhood association, was across West 39th Ave from Rest Haven, i.e., within 300 feet of Rest Haven. In reviewing the notification list of mailings, I could not find a mailing to the Crest Drive Citizens Association.

Therefore, if the Applicant cannot produce documentation that Crest Drive Citizens Association was not notified about the Neighborhood/Applicant meeting, the Applicant was not in compliance with EC 9.7007(5)(a)(b)2.

The first Rest Haven Neighborhood/Applicant meeting was held on January 14, 2015. I attended that meeting. At that meeting, attendees were informed by Carol Schirmer there had been an error in the mailing of meeting notifications, so another Neighborhood/Applicant meeting would have to be held. This has been confirmed in a letter from Gabe Flock to Carol Schirmer in the public record (Application Completeness Review; document date 2-17-15). In Mr. Flock's letter, he states:

"Based on email correspondence with at least one of the neighbors, you acknowledged there was an error with the mailing labels for the required neighborhood/applicant notice, and are planning to hold another meeting with proper notice. As part of a complete application, you will need to provide evidence and should also discuss compliance with requirements of EC 9.7007 in your written statement".

Because the first Rest Haven meeting held on January 14, 2015, was not a bona fide Neighborhood/Applicant meeting, the Applicant should not have submitted an application for a Metro Plan amendment and zone change for Rest Haven. As stated in EC 9.7007(2):

"Prior to the submittal of an application listed in subsection (1) above, the applicant shall host a meeting for the surrounding property owners".

With complete disregard of EC 9.7007(2), the Applicant submitted his application on January 16, 2015. Based on EC 9.7007 (2), the Applicant's application, the only one submitted, is not valid.

The Applicant held a Neighborhood/Applicant meeting on February 18, 2015. In spite of the letter from Gabe Flock to Carol Schirmer (see above) where Mr. Flock states:

" As part of a complete application, you will need to provide evidence and should also discuss compliance with requirements of EC 9.7007 in your written statement",

the Applicant appears to not have complied with EC 9.7007(4) and EC 9.7007(5)(a)(b)2 once again. With respect to the Neighborhood/Applicant meeting on February 18, 2015, did the Applicant comply with appropriate Eugene Codes? Consistent with the content of Mr. Flock's statement (see above):

If the Applicant cannot produce a valid receipt for a registered or certified mailing to the Southeast Neighbors and cannot produce documentation of a discussion about when the Neighborhood/Applicant meeting was to be held, the Applicant was not in compliance with EC 9.7007(4).

If the Applicant cannot produce documentation that Crest Drive Citizens Association was not notified about the Neighborhood/Applicant meeting, the Applicant was not in compliance with EC 9.7007(5)(a)(b)2.

As stated in "Ordinance with Exhibits" in the public record (document date 9/11/2015):

"The City of Eugene land use code implements Statewide Planning Goal 1 by requiring that notice of the proposed amendment be given and public hearings be held prior to adoption. Consideration of the amendment begins with a City of Eugene Planning Commission public hearing on July 14, 2015. The applicant also held a neighborhood meeting which was noticed to the affected neighborhood organization and property owners and residents within 300 feet of the subject property, per EC 9.7007".

"Subsequent to deeming the application complete, on June 9, 2015 the City mailed notice of the proposed plan amendment to the Department of Land Conservation and Development, as required by Eugene Code and in accordance with State statutes. Referrals concerning the pending application were sent to the Oregon Department of Transportation (ODOT), City of Springfield, Lane County, the affected Neighborhood Association (which at the time was Southeast Neighbors), and to City Departments. On June 12, 2015, notice of the Planning Commission public hearing was mailed to the applicant, owners and occupants of property within 500 feet of the subject property and the Southeast Neighbors and notice was also posted in accordance with EC 9.7415(5)."

Before addressing the statement above, it is important to point out that the affected Neighborhood Association with respect to the Rest Haven on June 9, 2015, was the Southwest Hills Neighborhood Association. Coincidentally, on June 9, 2015, the City gave final approval for Crest Drive Citizens Association's name to be changed to the South West Hills Neighborhood Association. The boundaries of the Southwest Hills Neighborhood Association included the Rest Haven Site.

Based on the statement above, on June 9, 2015, or shortly thereafter, the City mistakenly sent referrals concerning the pending application to the Southeast Neighbors unaware that the affected Neighborhood Association was actually the Southwest Hills Neighborhood Association. Based on the statement above, on June 12, 2015, notice of the Planning Commission public hearing was mistakenly mailed to the Southeast Neighbors unaware that the affected Neighborhood Association was actually the Southwest Hills Neighborhood Association.

On or shortly before June 22, 2015, the City became aware that the Southwest Hills Neighborhood Association was the affected Neighborhood Association. On June 22, 2015, Heather O'Donnell sent several e-mails to Juan Carlos Valle, Southwest Hills Neighborhood Association Board chairman, alerting him of the Planning Commission's public hearing on July 14, 2015. This notification was given twenty-two days prior to the public hearing. According to EC 9.7415(2)(d):

"At least 30 days before the planning commission public hearing, written notice of the hearing and nature of the request shall be mailed to all of the following: (d) The neighborhood group and community organizations officially recognized by the city council that includes the area of the subject property".

Based on fact, the City did not comply with EC 9.7415(2)(d) with respect to notification given to the affected Neighborhood Association of the Planning Commission's public hearing.

At the Planning Commission's public hearing on July 14, 2015, and at the end of public testimony, a member of the Planning Commission asked if any Neighborhood Associations were present and, if so, did they wish to provide testimony. It was very telling that no response to these questions was heard from those attending the hearing.

With respect to the e-mail Heather O'Donnell sent Juan Carlos Valle, Southwest Hills Neighborhood Association Board chairman, on June 22, 2015, the City did volunteer information on potential impacts and/or issues, if any, associated with the Metro Plan amendment and rezoning of Rest Haven. It appears that all notices of public hearings sent to Neighborhood Associations provide the affected Neighborhood Association contact the same information that is provided to affected home owners/residents.

In order to effectively communicate information to Association residents/citizens that leads to citizen involvement in land use issues (Statewide Planning Goal 1), it is necessary for the City to provide relevant information to affected Neighborhood Associations so that Association residents can be properly informed and, thus enable citizens to participate in the land use issue.

In the e-mail Heather O'Donnell sent Juan Carlos Valle, Southwest Hills Neighborhood Association Board chairman, on June 22, 2015, Heather O'Donnell states:

"I sent out the email below in hopes that it would clarify any confusion that there might be given that the property was originally included in (but later withdrawn from) the Envision Eugene Residential Re-designation proposal package from last year". I want to emphasize the word "**confusion**" in this statement.

The e-mail referred to in the above statement was sent out on or shortly after June 12, 2015, which was the same day as notice of the Planning Commission public hearing was mailed to the applicant, owners and occupants of property within 500 feet of the subject property and the Southeast Neighbors. It is likely many affected residents were also confused about this situation at the time of the Neighborhood/Applicant meetings held earlier this year, and it is unlikely that Mrs. O'Donnell's e-mail effectively reduced or eliminated any confusion prior to the Planning Commission's public hearing on July 14, 2015.

I am requesting Heather O'Donnell to put the e-mails sent to Juan Carlos Valle in the public record.

In summary, non-compliance of City of Eugene land use codes by the Applicant and the City have impaired the implementation of Statewide Planning Goal 1. Cited non-compliance of City of Eugene land use codes by the Applicant and the City involve specific notification requirements with respect to affected neighborhood associations. Proper notification to affected neighborhood associations, whether it be a Neighborhood/Applicant meeting or a Planning Commission public hearing, is essential for a Metro Plan amendment application to be consistent with relevant Statewide Planning Goals, specifically Goal 1.

In addition, the Applicant's application was not properly submitted and is incomplete based on Eugene Planning Division's (see letter from Gabe Flock to Carol Schirmer above) requirement that evidence showing compliance of EC 9.7007 must be submitted with the Metro Plan amendment application.

Finally, I hope the Eugene City Council will not condone the practice of not complying with City of Eugene land use codes or refusing to enforce City of Eugene land use codes by their action in this matter. Should you approve the Applicant's Metro Plan amendment application, the Eugene City Council will be condoning the practice of not complying with City of Eugene land use codes and not enforcing City of Eugene land use codes.

Respectfully Submitted,

Robert R. Milks

O'DONNELL Heather M

From: Joanne Alba <starphiletoo@icloud.com>
Sent: Monday, October 12, 2015 1:11 PM
To: O'DONNELL Heather M
Subject: Rest Haven Zone change and land use planning

Dear Ms. Odonnell,

I am writing about my concerns for the submitted change in land use and zone planning by Rest Haven Cemetery. As a resident in the neighborhood of Rest Haven for the past 14 1/2 years I am concerned that the addition of more housing in an already high density residential area would only create a negative impact on the quality of living in the South Eugene hills. My biggest concern lies with the increase of traffic activity in an area that already is experiencing traffic challenges.

1. The Willamette Street corridor is a main artery from South Eugene to Downtown and outlying areas of Eugene. At various times of the day from early morning to evening, I have witnessed people driving Willamette Street as if it is a highway - not taking note or concern for people crossing from East to West or West to East on the streets. Just the other morning running with my dog I literally had to jump back onto the sidewalk to avoid getting hit by a driver who was speeding and not concerned with slowing down when seeing someone attempting to cross the street.
2. I live at the 'T' where Deertrail and Monroe meet. People use our roads as a thoroughfare from South Eugene to West Eugene. The traffic volume has steadily increased over the 14 years I have lived here. People use excessive speed in using our streets as a pass through. We have had deer killed at the base of our driveway, left to die and left for us to take care. On two occasions we have had cars hit our mailbox, knocking it over and then leaving without notifying or taking responsibility for their action. The last time was almost 2 years ago when it snowed. The person's car was coming down the Monroe hill (probably too fast) and slammed into our mailbox, leaving their vehicle blocking the entrance to our driveway. They left their car and didn't return. They didn't walk up to our door and inform us, they didn't leave a note. The car sat at the entrance to our driveway for 3 days until we called the police to have it towed. (We kept thinking that surely they would come back and get their car). We were not able to leave our house other than being on foot.
3. The City has circumvented our area when looking at paving improvements for the roads and have not sufficiently maintained our roads for the amount of traffic that we experience. These areas include 36th, 38th, 39th, Monroe and DeerTrail. While recently the city made an attempt to 'patch' torn up pieces of the road on 36th as well as on Monroe they did a sloppy and less than professional job.
4. With more homes and an increase in population in the area, I am concerned that the people who live here would be compromised in our safety should we experience a disaster such as a fire in these South Hills. It is already a concern.

These are my main concerns as to why I strongly oppose granting Rest Haven Cemetery and the Wiper family being granted re-zoning and land use to build housing. Over the years my property taxes have only increased and yet I still chose to live in this neighborhood for its' beauty, natural feel and close proximity to work, yet I still can feel like I live away from the city.

Thank you for taking my concern into consideration.
Sincerely,
Joanne Alba
3902 Monroe Street.

O'DONNELL Heather M

From: dick ingram <idesign@peak.org>
Sent: Monday, October 12, 2015 10:42 AM
To: O'DONNELL Heather M
Subject: Rest Haven testimony

To the Eugene City Council

Re: In opposition to the proposed Zoning and Land Use changes for Rest Haven

Standing on top of Mount Baldy, just east of Dillard Road, one scans out to the south and west, to Spencer's Butte and to the South Hills of Eugene.....beautiful, Doug Fir Forests prevail. Then, suddenly, shockingly the eye stumbles on a huge hole in the forest, a giant wound in the landscape. It is the southern 45- 50 of the Rest Haven property.

Surely, this was not what the crafters of the South Hills study and its pertaining policies intended.

Please do not allow the Zoning and Land Use changes. Keep the South Hills, the South Hills.

Robyn Ingram
4370 Willamette Street
Eugene, 97405
541-345-4764

O'DONNELL Heather M

From: sandi842@comcast.net
Sent: Thursday, October 08, 2015 10:41 AM
To: O'DONNELL Heather M
Subject: Resthaven Cemetary

Cassandra Timmins
549 Montara Way
Eugene, Oregon 97405
541-342-2486
sandi842@comcast.net

October 8, 2015

Heather O'Donnell
City Planning
Eugene, Oregon

Re: Zone change

Dear Ms O'Donnell,
I have been advised that the City Council is planning to approve a zone change allowing apartments on the vacant cemetery land on Willamette. I have lived on Brookside for nearly twenty years and am very familiar with the traffic flow. Increasing the population by allowing apartments will destroy the livability of the area, and also property values. Even now the drive time to get to town has increased considerably but adding the apartments will double the time. It will also cause many to cut over to Hillard, driving through neighborhoods and past an elementary school. Speeding and accidents will become a major problem.

I understand the city's need for more housing but addressing the lack of adequate roads to accommodate the increase of people should be the first concern

Sincerely,

Cassandra Timmins

O'DONNELL Heather M

From: dick ingram <idesign@peak.org>
Sent: Wednesday, September 30, 2015 11:07 AM
To: O'DONNELL Heather M
Subject: Please post this testimony re MA 15-00001

Robyn Ingram
50 year resident of Eugene
23+ year neighbor of "Wiper's Woods"
Daily walker of that land
4370 Willamette Street
Eugene, Oregon 97405
541-345-4764
Sept. 29, 2015

To
The Eugene City Council
Re: Rest Haven request for Land Use Designation and Zoning Changes

I support the testimonies of Robert Wilkes, Michelle (?) and all the articulate neighbors who are in opposition to this proposed Land Use Designation change and re-zoning request.

We, all of us who live in Eugene, in the South Hills, in Oregon, came to here, and to this neighborhood because we love the Northwest. We love the hills. We love the trees. They offered us the quality of life we sought, and they continue to give us the life we love. Altering the zoning, and thereby the overall intention of what the South Hills were intended to be, is a bit like saying, well let's just change this little corner of our Constitution....it won't matter much.

So much of the "undeveloped" (talk to Mother Nature about that!) part of the Wiper property has been damaged and impacted to date, it is quite tragic. But imagine the impact of 250 houses (Low density: 50 acres @ 5 houses/acre) and their potential 500 vehicles traveling Willamette Street and our neighborhood roads, a couple of times each day! Imagine the amount of water EWEB will have to source, and then pump up hill and then down to supply all those houses....And imagine....having taken down all the trees, which provide us with oxygen, water retention, shade and cooling....all those residences will require air-conditioning!....because the trees can no longer provide the shade, which is really the most sustainable and comfortable form of air conditioning, anyway. And in the absence of trees to retain soil moisture, the aquifer will continue to disappear (EWEB's ongoing draining of it will exacerbate that).....And then, imagine the amount of CO2 producing coal, gas and oil burning facilities that will be required to generate the power to run those air conditioners! Further imagine all the extra CO2 those 500 cars, twice a day, will be emitting as they travel out to the South end of town. CO2, which will be both trapped in our end of the valley and further contribute to our current global warming crisis.

Zoning, land use designation change and residential development are not the way to go, in this situation. Maintenance of the property as Park and Open Space is the thing to do. Join that, with a reforestation project, in conjunction with the 4J School District's environmental studies program, and we'd have made a contribution to solving our global warming crisis rather than making it worse.

A couple of facts worth noting:

Rest Haven has never paid property taxes on its land, only on the improvements and business holdings of the current cemetery operation (buildings etc.), due to its consideration, by the powers that be, that it IS open to the public.....it is a Park and Open Space. The rest of us, who own "unimproved" lots, with trees and wild life, DO pay property taxes.

Further, Rest Haven has never been regulated by any of the State's Forestry Practices rules, nor those of the City regarding care and provisions for clear cuts, tree removal on un-built lots etc. It has lived in a comfortable no man's land, regulatory wise. In that regard the most tragic circumstance that has arisen on this land, due to absence of regulation, ignorance or intent, is the ongoing killing of the trees in the copses and buffer zones that were decreed by the currently existing conditional use permit. Well over 100 trees in those areas have been destroyed in the past several years, and now, more and more are dying, nearly weekly, due to their weakened state and this severe drought.

The climate is changing. Rapidly. We need to find new ways forward. Our previous cultural M.O. of “taking paradise and putting up a parking lot” never really worked, but at this critical juncture, it really, really doesn’t work!

Thank you, and please be of brave mind and thorough consideration in this most vital matter.

Robyn Ingram

O'DONNELL Heather M

From: David Berg <david_berg@comcast.net>
Sent: Thursday, September 24, 2015 4:34 PM
To: O'DONNELL Heather M
Subject: RE: Rest-Haven Update on Metro Plan designation & Zone Change Request (MA 15-1 & Z 15-1)
Attachments: Metro Plan Amendment - Council.docx

Heather,

Thank you for the extended opportunity to comment on the Rest Haven Metro Plan amendments. As we were out of town during the initial comment period, we herewith submit our full testimony for Council's deliberation.

- David & Judy

From: O'DONNELL Heather M [<mailto:Heather.M.ODonnell@ci.eugene.or.us>]
Sent: Tuesday, September 22, 2015 11:57 AM
To: O'DONNELL Heather M
Subject: Rest-Haven Update on Metro Plan designation & Zone Change Request (MA 15-1 & Z 15-1)

Hello,

I am writing you because you have been participating in the property owner's current request that is under review to change the land use designation and zone of the Rest-Haven property to Low Density Residential (city files MA 15-1 & Z 15-1), or because you were on my interested persons email list from 2013-2014 when the city was proposing to change the property's land use designation and zone.

In the interest of keeping folks up to date on the status of the current request, I wanted to let you know that at the City Council's hearing last night on the property owner's request, the City Council extended the time in which additional testimony/comment can be submitted into the record for their consideration. The deadlines for submitting additional testimony are:

By 5 pm on Monday October 12, 2015- deadline for anyone to submit new testimony/comments.
By 5 pm on Monday October 19, 2015- deadline for anyone to submit a rebuttal to any of the new testimony/comments that were submitted between Tuesday Sept 22 and Monday Oct 12.
By 5 pm on Monday October 26, 2015- deadline for only the applicant to submit a final rebuttal. This is for the applicant only as required by state law.

Additionally, because of extending the period for public comment, the City Council will not be deliberating or taking action on the requested changes on October 12 as previously scheduled. Deliberations/action are now tentatively scheduled for November 9th but this is still tentative at this time.

Please let me know if you have any questions.

Best,
Heather

From: O'DONNELL Heather M
Sent: Friday, June 12, 2015 4:27 PM

To: O'DONNELL Heather M
Subject: Rest-Haven Metro Plan Re-designation & Zone Change Request

Hello,

I am writing you since you were on the interested individuals emails list regarding the re-designation and zone change for the Rest-Haven property that the city was proposing in 2014. As you may know, this property was removed from the package of sites proposed by the city for re-designation/rezone at the property's owners request.

Since then, the property owner has filed their own similar application to change the Metro Plan land use designation and zoning of the property. We are now reviewing the property owner's application. A public hearing on the request has been scheduled for July 14th, 2015 and the hearing notice is at this link <http://pdd.eugene-or.gov/LandUse/DocumentDetails?file=MA-15-0001&id=1260989> . The full set of application materials are at this link <http://pdd.eugene-or.gov/LandUse/SearchApplicationDocuments?file=MA-15-0001> .

I hope this clarifies the previous application process from the new application process now in progress and under review, but please let me know if there are questions about this.

Best,
Heather

Heather O'Donnell
Senior Planner, AIC | City of Eugene Planning
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David and Judith Berg

28 September 2015

Honorable Mayor and Councilors of Eugene
c/o Heather O'Donnell
99 West Tenth Avenue
Eugene, OR 97401

RE: Rest Haven Metro Plan Amendment and Zone Change (MA 15-1; Z 15-1)

Honorable Mayor and Councilors,

Thank you for extending the opportunity to comment on the subject of this hearing. We were out of town during the original comment period.

While we have become accustomed to the southern 45 acres of Rest Haven Cemetery being open space – and we are grateful to the property owner for allowing public access to it as such – we recognize that it *is* private property that has been improperly designated at no fault of the property owner. Thus, we do not oppose the Metro Plan Amendment application to align the designation and zoning of Rest Haven to Low Density Residential and R1, respectively, subject to City's approval of the application and responses to its Completeness Review.

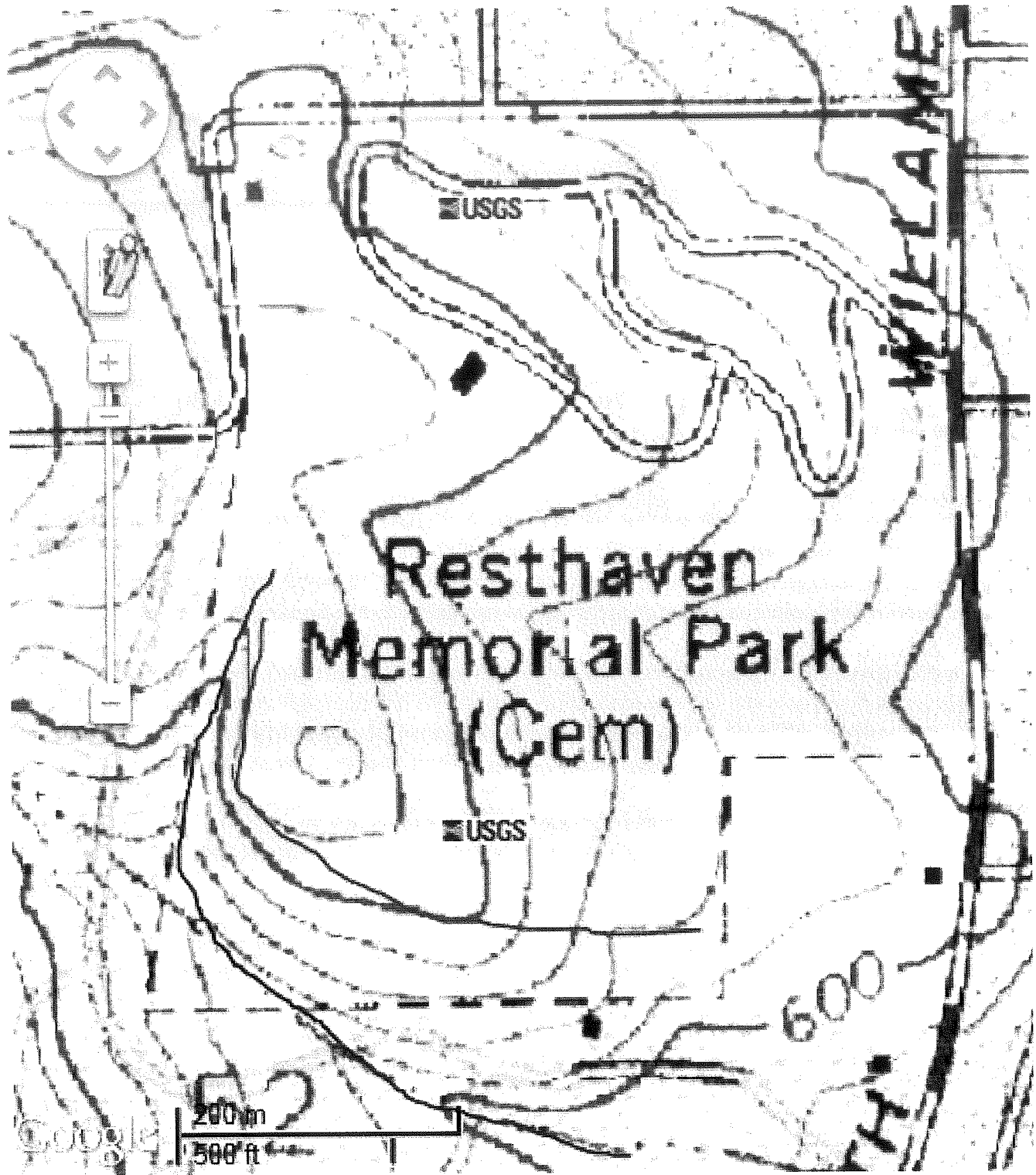
That said, however, whenever it is appropriate in the steps leading towards development of this property, we respectfully request that you consider the environmental effects of its development on neighboring properties along the east and north side of Brae Burn Drive that sit at the bottom of the slope that comprises the western- and southern-most edges of Rest Haven, as regards stormwater runoff, erosion, and wind throw.

While there is currently imposed a 75-foot buffer between Rest Haven and neighboring properties mandated in the cemetery's existing Conditional Use Permit, we would like to see this buffer redrawn based on the topography of the land rather than an arbitrary linear distance.

The U.S.G.S. Topo map shown below depicts the geography of the landscape and the gradient between Rest Haven and adjacent properties. Each contour represents a 20-foot gradient. The dark brown line through Rest Haven is the 700-foot contour. Brae Burn Drive circumscribes Rest Haven's western and southern boundaries.

Observe the steep gradient coming off the 720-foot ridge along the western edge and 700-foot ridge – lowering to 640-feet – along the southern edge of Rest Haven (drawn-in red line), that drops down to the back yards of neighboring properties below on Brae Burn Drive. The gradient presents a 40 to 80-foot drop in elevation as you move south on Brae Burn along the redesignation area (drawn-in blue line). This slope is currently forested, which largely protects neighboring properties from stormwater runoff, erosion, and wind-throw that would otherwise have a damaging effect on these properties, and provides a haven for the wildlife that inhabit it.

The 75-foot buffer designated in the cemetery's existing Conditional Use Permit is arbitrary and doesn't reflect the depth of the geography that more appropriately describes the affected area. We, therefore, respectfully request that whenever it is appropriate in the steps leading towards development of this property that the buffer be restated in terms of its geography – specifically along the ridge line (720- and 700-640-foot contours) as shown below – instead of an arbitrary distance – and further, that this buffer be not only restricted from development, but also restricted from deforestation to continue its environmental protection of neighboring homes.



Thank you for your consideration.

Respectfully submitted,

David I. Berg

Judith K. Berg



Memorandum

Date: October 19, 2015
To: Mayor and City Council
From: Heather O'Donnell
Subject: Response to Recent Testimony
Rest-Haven Files MA 15-1 & Z 15-1

Several pieces of testimony were submitted during the open record period on the Rest-Haven applications from September 21 to October 12, 2015. This memo responds to two points that were raised by Mr. Milks in his testimony submitted during this period.

Neighborhood/Applicant Meeting and Goal 1

On page 2 of his testimony, Mr. Milks states that the City clearly considers the neighborhood/applicant meeting to be one of the requirements for satisfying Statewide Planning Goal 1, Citizen Involvement, as required by Eugene Code Approval Criteria 9.7735(1), because it is mentioned in the City's findings for compliance with Goal 1. The City has a Citizen Involvement Plan (CIP) that has been acknowledged as in compliance with Goal 1 and the application does not propose modification to the CIP. Additionally, the City has procedures in the land use code that are intended to insure full citizen involvement and participation; violation of any of those procedures does not automatically mean that Goal 1 is violated, rather if there was an error the harmed person would have to have been shown to be prejudiced by the error. Furthermore, the neighborhood/applicant meeting is a relatively recent addition to the land use code that was not created to fulfill the City's CIP for Goal 1 but rather is an additional step beyond compliance with Goal 1 to help initiate conversations early in the development process.

Notification to Affected Neighborhood Association

On page 5 of his testimony, Mr. Milks states that the City did not comply with the public hearing notice requirements because the City did not provide notice of the Planning Commission's July 14 public hearing to the affected neighborhood association. The Southeast Neighbors were sent a public notice as they were the affected neighborhood association at the time the application was submitted. As shown in the testimony submitted during the open record period, Mr. Valle, president of the Southwest Hills Neighborhood Association (SHiNA) which is now the affected neighborhood association was informed of the applications on June 22, 2015. After that date, staff included Mr. Valle on emails regarding status updates of the application. On September 21, Mr. Valle on behalf of SHiNA sent a request to the Mayor and City Council requesting an extension and postponement to their deliberations and decision.