

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Action: An Ordinance to Re-Designate and Rezone “The Rest-Haven Memorial Park Site” by Amending the Eugene-Springfield Metropolitan Area General Plan Diagram; and Amending the Eugene Zoning Map
(City files MA 15-1, Z 15-1)

Meeting Date: November 23, 2015
Department: Planning & Development
www.eugene-or.gov

Agenda Item Number: 4
Staff Contact: Heather O’Donnell
Contact Telephone Number: 541-682-5488

ISSUE STATEMENT

The City Council is scheduled to deliberate and take action on an ordinance for a privately initiated, site-specific Metro Plan amendment and zone change for the Rest-Haven Memorial Park property located at 3900 Willamette Street. The proposal would change the plan designation and zoning of the property to low density residential.

BACKGROUND

The subject property includes two tax lots located at 3900 Willamette Street, between 39th Avenue and Brae Burn Drive (see Attachment A).

As addressed in the applicant’s materials, the current owners seek to change the Metro Plan diagram land use designation (the City’s land use blueprint map) and zoning of the subject property so that the entire property is designated Low Density Residential and corresponding zone R-1 Low Density Residential. These applications are briefly summarized below:

Rest-Haven Memorial Park					
Map & tax lot numbers: 1803180000300 & 1803074302100 (about 27.63 acres for cemetery, 46.27 acres for new housing)					
Application (file no.)	Current	acres	Proposed	acres	Total acres
Metro Plan Amendment (MA 15-1)	Parks & Open Space	73.9	Low Density Residential	73.9	73.9
Zone Change (Z 15-1)	R-1 Low Density Residential	46.27	R-1 Low Density Residential	No change	
	PL Public Land	27.63		27.63	

Metro Plan Amendment (MA 15-1): amends the Metro Plan diagram to change the adopted land use plan designation from Parks and Open Space to Low Density Residential.

Zone Change (Z 15-1): rezones the site from being split zoned PL Public Land (northern portion) and R-1 Low Density Residential (southern portion) to entirely zoned R-1 Low Density Residential. No new overlay zones are proposed (the /WR Water Resources Conservation Overlay Zone remains).

The proposal would rezone and re-designate a property to R-1/Low Density Residential adjacent to R-1/Low Density Residential land. In their request, the applicant indicates that the purpose for this amendment and zone change is to enable long-term productive use of the land that is currently not developed or platted with cemetery plots. The applicant has indicated that they do not intend to further develop this property for cemetery use and are therefore requesting a change in designation to enable low density residential development. If approved, the applicant has indicated that they would submit a new CUP application to reduce the size of the previously approved cemetery.

City Council Public Hearing

On September 21, 2015, the City Council held a public hearing on this proposal. At the public hearing a total of six people testified; one provided testimony in favor (an applicant representative), one provided neutral testimony, and four provided opposition testimony. In response to concerns about the notice and desire to submit additional testimony, the council left the record open for additional testimony to be submitted as follows:

- Anyone could submit new testimony through October 12. Seven pieces were submitted (Attachment D).
- Anyone could submit a response to the newly submitted testimony by October 19. One piece of testimony was submitted (Attachment E).
- The applicant could submit a final rebuttal, as allowed by state law, through October 26. The applicant chose not to submit a final rebuttal.

Staff provided a response (Attachment E) to some of the testimony that is regarding procedural questions. Findings in support of the Planning Commission's recommendation for approval are included as Exhibit C to the ordinance (see Attachment C). The ordinance and findings, with any directed changes, will be utilized in the event that the City Council votes to approve the proposal upon finding that it complies with the applicable approval criteria.

These land use applications are subject to quasi-judicial procedures for the upcoming public hearing, as well as the approval criteria from the Eugene Code (EC) for each application type. For reference, the quasi-judicial hearing procedures applicable to this request are described at EC 9.7065 through EC 9.7095. The applicant's written statement addresses the approval criteria from EC 9.7735 for the Metro Plan amendment and EC 9.8865 for the zone change. The full record of application materials and public testimony to date is included in a binder that has been placed in the City Manager's Office for reference.

RELATED CITY POLICIES

The Metro Plan and the South Hills Study are the applicable adopted plans most relevant to this request. Findings addressing these adopted plans and other applicable approval criteria, including Statewide Planning Goals, are included as an exhibit to the attached draft ordinance (see Attachment C, Exhibit C).

The South Hills Study does not include an adopted land use diagram, therefore there are no relevant elements of this plan that apply to the proposal. This proposal eliminates the conflict of a privately-owned property being zoned for public use. The proposal would bring the Metro Plan designation and zoning into alignment. In addition, the Low Density Residential plan designation and zoning matches the designation and zone of the surrounding neighborhood. The re-designation/rezone allows for infill development where the planned use (cemetery) is no longer needed.

COUNCIL OPTIONS

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

CITY MANAGER'S RECOMMENDATION

The City Manager recommends that the City Council approve and adopt the draft ordinance.

SUGGESTED MOTION

Move to adopt Council Bill 5148, the proposed ordinance as contained in Attachment C.

ATTACHMENTS

- A. Vicinity Map
- B. Maps of Proposed Plan Amendment and Zone Change Boundaries
- C. Draft Ordinance w/Exhibits:
 - Exhibit A: Metro Plan Land Use Diagram; existing and proposed land use designation
 - Exhibit B: Zoning Map; existing and proposed zoning
 - Exhibit C: Findings
- D. Testimony submitted between after the City Council hearing and October 12
- E. Testimony submitted between October 13 and October 26

As noted above, a complete set of record materials have also been provided to the City Council under separate cover, and are available for review in a binder located at the City Council Office.

FOR MORE INFORMATION

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