



Eugene City Council

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

EUGENE CITY COUNCIL AGENDA

November 23, 2015

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 November 23, 2015;
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.

WORK SESSION:

Annual Report from Civilian Review Board and Auditor's Tri-Annual Report

**6:15 p.m. B. WORK SESSION:
Climate Recovery Targets and Benchmarks**

**CITY COUNCIL MEETING
Harris Hall**

- 1. PUBLIC FORUM**
- 2. 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**
 - C. Approval of Resolution Annexing Land to City of Eugene (Rush, Janice; A 15-1)**
- 3. ACTION:
Appointment to Sustainability Commission**
- 4. 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)**
- 5. ACTION:
An Ordinance Adopting the “Dusk to Dawn” Permitted Overnight Sleeping Pilot Program**
- 6. COMMITTEE REPORTS AND ITEMS OF INTEREST FROM MAYOR, CITY COUNCIL AND CITY MANAGER**

**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.

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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.

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EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Work Session: Annual Report from Civilian Review Board and Police Auditor’s Tri-Annual Report

Meeting Date: November 23, 2015
Department: Office of the Independent Police Auditor
www.eugene-or.gov

Agenda Item Number: A
Staff Contact: Mark Gissiner
Contact Telephone Number: 541-682-5016

ISSUE STATEMENT

The leadership of the Civilian Review Board and the Police Auditor are appearing before the City Council to discuss the 2014 Annual Report of the Civilian Review Board and the Police Auditor’s Office Tri-Annual Report.

BACKGROUND

The Eugene City Council appoints members to the Civilian Review Board and is the hiring authority for the Police Auditor. On an annual basis the Civilian Review Board provides and discusses their annual report. On a tri-annual basis the Police Auditor provides a report.

RELATED CITY POLICIES

Eugene Charter and Police Auditor Ordinances.

COUNCIL OPTIONS

Offer comments and questions.

CITY MANAGER’S RECOMMENDATION AND SUGGESTED MOTION

No council action or motions are suggested. This item is informational only.

ATTACHMENTS

- A. 2014 Civilian Review Board Annual Report.
- B. Police Auditor’s Tri-Annual Report.

FOR MORE INFORMATION

Staff Contact: Mark Gissiner
Telephone: 541-682-5016
Staff E-Mail: mark.a.gissiner@ci.eugene.or.us

Item A.

CITY OF EUGENE

Eugene Civilian Review Board Annual Report

2014



EUGENE CIVILIAN REVIEW BOARD 2014 ANNUAL REPORT

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Introduction

Ordinance 20374 which enables Eugene’s Civilian Review Board, requires the Board to “...prepare and present an annual report to the city council that:

- (a) Summarizes the civilian review board’s activities, findings and recommendations during the preceding year;
- (b) Assesses the performance of the police auditor...; and,
- (c) Evaluates the work of the auditor’s office, including whether the office is functioning as intended.” [ORD 20374; 2.246 (7)]

Eugene’s Civilian Review Board (CRB) is designed to provide transparency and help ensure public confidence in the police complaint process. The Board evaluates the work of the independent Police Auditor, and reviews complaints to provide a community perspective about whether complaints are handled fairly and with due diligence.

Our meetings are open to the public and provide an opportunity to review the complaint process and hear input from members of our community. While we are committed to maintaining the confidentiality of the involved parties, discussing complaints in public allows the community to learn about the complaint intakes, classifications, investigations and determinations as they are discussed openly and critically. It also allows members of the public that have filed complaints to ask the board for review of their case at a future meeting.

One part of the process involves review of Service Complaints. Service complaints are complaints about: “...Police employee performance or demeanor, customer service and/or level of police service” [ECC 2.452]. Generally, service complaints are referred to an involved officer’s supervisor who reviews the issue and follows up with both the complainant and the officer. The supervisor prepares a memo detailing their review of the complaint and contact with the involved parties. The OPA reviews the materials for completeness and thoroughness, and then contacts the complainant for a follow-up and a survey. The CRB’s reviews of service complaint files do not contain the same level of detail found in the investigative files related to allegations of misconduct. Nonetheless, we try to make a practice of reviewing service and policy complaints during at least one meeting per year. Further, each month we receive information regarding all complaints received by the OPA (including inquiries, service complaints, and policy complaints). Questions regarding the classifications of such complaints are posed to the Auditor during board meetings.

The majority of the work by the CRB involves case more complex than service complaints and are classified as case reviews. During case reviews, Board members discuss, deliberate, and analyze the Internal Affairs investigation, the Auditor’s monitoring of the Eugene Police Department’s (EPD) internal administrative investigations, and have the opportunity to discuss, agree or disagree on the supervisor’s recommended adjudication, the chain of command’s recommended adjudication, the Auditor’s recommended adjudication and the Chief’s final adjudication. The review of the investigations may include, but are not limited to: reviewing investigative files, listening to digital recordings of interviews and live audio from the scene of an incident, and observing videos related to complaints. Often the process of reviewing a case prior to a board meeting is several hours.

Whether we are looking at service complaints or a case review we decide whether we agree with the classification of the complaint and have the opportunity to review policy and service complaints classified as something other than an allegation of misconduct.

In addition to service complaints and case reviews, the CRB engages in continuous learning associated with police practices, civil rights, constitutional based policing practices, and interactions with vulnerable communities. Just as each case brings forth a new issue so too does the continuing learning by board members of community services that impact the job of the EPD. The efforts in continuous learning prove beneficial to the Board's overall approach to its mission by ensuring a comprehensive understanding of relevant processes and community factors influencing various decision makers and affected parties.

The Board also considers and discusses current policies and practices and whether or not revisions seem appropriate. These policy recommendations are channeled to the Police Commission and the Police Chief through the CRB's appointed representative to the Police Commission.

We appreciate the support the City Council, Mayor, Office of Police Auditor, The Eugene Police Department, and many service organizations that have presented to us over the past year. The members of the Board are proud to participate in process that continues to evolve and allows the community to glimpse into the "whys" of police work and the officers present are able to hear comments from community members in a thoughtful, and we hope, helpful forum.

Thank you for the opportunity to be of service.

Sincerely,

Bernadette Conover
Board Chair

Eric VanHouten
Board Vice-Chair

Mission Statement

It is the mission of the Civilian Review Board to provide fair and impartial oversight and review of internal investigations conducted by the City of Eugene Police Department into allegations of police misconduct, use of force and other matters that have an impact on the community. The Board will strive to build trust and confidence within the community and to ensure that complaints are handled fairly, thoroughly and adjudicated reasonably. The Board will encourage community involvement and transparency in order to promote the principles of community policing in the City of Eugene.

2014 Overview

The CRB is required to meet four times a year. The CRB met nine times in 2014, all public meetings including a joint meeting with the Police Commission and one meeting in which the CRB reviewed the performance of the Auditor's office. The CRB reviewed 8 case files involving multiple allegations and/or multiple officers and 5 service complaints.

The Board (with the help of the Office of the Police Auditor) identified policy concerns and communicated such to the Police Commission and the Eugene Police Department.

Case Review Summaries

In preparing for a case review, Board members have complete access to the Internal Affairs investigative file. These materials include call logs, correspondence, in-car videos and digitally recorded interviews of complainants, officers, witnesses and others with potentially relevant information.

Board members review file materials, the fact-finding report prepared by the Internal Affairs investigating officer, along with the Adjudication recommendations of the Auditor, the Supervisors and the Chief of Police. During our reviews, the IA investigator is available to answer questions about the complaint investigation. The Lieutenant who supervises Internal Affairs is also available to answer questions regarding department practices, policies and procedures.

The Board follows a case review process delineated in its Policies and Procedures Manual. The Board reviews each case by evaluating and commenting on the complaint handling through the following steps:

1. Auditor's case presentation,
2. Complaint intake and classification,
3. Complaint investigation and monitoring,
4. Relevant department policies and procedures,
5. Policy and/or training considerations,
6. Adjudication recommendations, and
7. Additional comments and/or concerns.

A brief summary of the 2014 individual case reviews follows:

FEBRUARY CASE REVIEW— Auditor initiated complaint that an officer, while facilitating the return of a 10 year- old boy to his father who had by court order full custody of the child, struck the child in the forehead with his open palm after the child him.

Summary: The officer was dispatched to a city park to help facilitate a transfer of a minor child to his father who had produced a court order granting him full custody of his child. The mother at the time refused to provide the location of the child. After sometime, two juveniles appeared and the mother yelled for the child to flee. Once verifying that the child was the child in question the officer pursued and caught up to the child. While escorting the child back to the parents an unidentified woman began filming and taunting the officer. Another male juvenile began running alongside of the officer heckling him. At this point the officer felt a pinching sensation in his hand and looked down to find the child biting him on the hand. The officer reached over and with his free hand and open palm pushed the child's forehead away from his hand saying "Don't Bite."

The Auditor's Office received numerous calls about the video that had been posted on YouTube with complainants upset that the officer had struck a child.

Allegations:

Use of Force: The Supervising Lieutenant, Supervising Captain, Police Auditor, and Chief of Police determined the Use of Force was within policy.

Issues for the Civilian Review Board: The Board, after review determined that the investigation was thorough and although the incident was unfortunate the officer did not over react but with a calm demeanor did just enough to stop the biting and return the child to the custodial parent. The CRB agreed with the recommended and final adjudications.

FEBRUARY CASE REVIEW 2 – The second case reviewed by the CRB in February was an incident in which an officer was accused of violating the constitutional rights of a woman of color by patting her down during a traffic stop.

Summary: The reporting party was stopped for a defective tail light and during the stop admitted to the officer that she did not have insurance. At this point the officer made the determination to cite the reporting party and impound her vehicle. The officer returned to his patrol car and checked the reporting party's driving record and for any warrants. During this time Officer B responded to the scene and the two officers discussed the inventory search policy and how it relates to impounding the vehicle. The officers then muted their microphones (8 minutes into the recording). The officer then returned to the reporting party's vehicle and appeared to explain the citation to her. At 20 minutes on the recording the reporting party exited her vehicle, listened to the officer and raised her arms above her head while the officer performed a pat down search of the woman's person. During the investigation the officer could not recall rather or not he asked the reporting party for consent to search and his microphone was still muted. The reporting party could be seen repeatedly shaking her head during the search and when she later contacted the Auditor's Office she stated the officer did not do anything inappropriate but she felt the search was unnecessary.

Allegations:

Constitutional Rights: That Officer A patted down the reporting party without reasonable suspicion that she was armed and dangerous.

Recommended Adjudications:

Supervising Sergeant: Within Policy

Supervising Lieutenant: Within Policy

Supervising Captain: Sustained

Police Auditor: Sustained

Chief of Police: Sustained

Issues for the Civilian Review Board: The Board, after review, agreed that the investigation was thorough and complete. One member noted that the officer seemed genuinely concerned during his interview that he had violated someone's constitutional rights. The Board agreed with the Chief's adjudication of Sustained as a final outcome of the case.

MARCH CASE REVIEW – In March the Civilian Review Board looked at an allegation that on officer used excessive force on a detainee at a football game and was discourteous by using profanity toward the detainee.

Summary: The reporting party was approached by Officer A in the football stands concerning an altercation with another fan. The officer asked the reporting party to come speak with him at the top of the stands. The reporting party began moving up the stairs and then stopped, at which time the reporting party stated that the officer struck him with his flashlight and used profanity toward him. The reporting party at this time told Officer A that he was a State Trooper. Once at the top of the stairs the reporting party complained that the officer refused to identify himself. Additional officers escorted the reporting party from the stadium with the admonishment that he could not return that night and that his supervisor would be notified.

Allegations:

Use of Force: Officer A used excessive force by striking the reporting party with a flashlight.

Courtesy: That Officer A used profanity while addressing the reporting party.

Performance: That Officer A refused to identify himself when asked for his name.

Recommended Adjudications:

Use of Force: The Supervising Sergeant, Lieutenant and Captain all adjudicated the Use of Force as Unfounded, as did the Police Auditor and the Chief of Police. There was no evidence that the officer used or even had a flashlight in his hand.

Courtesy: The Supervising Sergeant, the Auditor and all command staff including the Chief found this allegation Sustained.

Performance: The allegation that the officer refused to identify himself was adjudicated as Unfounded by the whole chain of command as well as the Auditor.

Issues for the Civilian Review Board: Members of the Board expressed concern that the investigator was unable to get an interview with the reporting party but understood that the reporting party had made the decision not to talk with the investigator. One member felt that due to the amount of other witnesses interviewed the outcome would have been the same even with an interview with the reporting party. The Board concluded that they agreed with the adjudications made by the Chief.

APRIL CASE REVIEW - The Civilian Review Board reviewed a case in which it was alleged that an officer used excessive force during the processing of a DUII suspect at the jail intake room.

Summary: The reporting party requested that the Civilian Review Board review the stop she was involved in for suspicion of DUII. Officer A responded to the stop to administer a field sobriety test. The woman was taken into custody for DUII. The officer transported the reporting party to the jail intoxilyzer room. ICV showed that the reporting party was cooperative but argumentative during the stop. Arriving at the jail the ICV audio captured the officer saying “Stop trying to kick me.” With a reply from the reporting party “Beat me up some more [expletive].” During the intake of the complaint at the Auditor’s Office the reporting party stated she stood up from a bench and was asking questions about the test. The officer told her to sit down and when she did not sit right away the officer shoved his arm and knee into her and hit her head into the wall more than once. There is no video of this area of the jail. The officer’s report stated that as he was filling out paperwork the reporting party stood and began to walk toward the exit. The officer grabbed the reporting party’s arm and pushed her into a sitting position. He stated she kicked him in the shin and tried to continue kicking at him. The officer then delivered a knee strike to the reporting party’s thigh and held her against the wall until Deputies arrived to take her into the jail. The reporting party denied trying to hit or kick the officer and no other witnesses were in the room.

Photos taken at the time showed the reporting party had a red area on the back of her head. The Officer had an abrasion on one elbow, a scratch on his forearm and an abrasion on his shin. A few days after the incident the Auditor’s Office photos showed that the reporting party had lighter bruises on her back and shoulder and a larger bruise on her thigh.

Allegations:

Use of Force: An Officer used excessive force by striking in the thigh and pushing her into a wall.

Recommended Adjudications: The supervising Sergeant, Lieutenant, and Captain adjudicated the allegation Within Policy as did the Auditor’s Office and the Chief of Police.

Issues for the Civilian Review Board: Members expressed concern that no cameras are in the small isolation room where breathalyzers tests take place, this leads to a “he said she said” scenario now before them. One member felt the officer could have used verbal de-escalation techniques to get a

better advantage. The officer seemed to be put out and belittled the woman although the officer's behavior was within Policy the officer did not behave as professionally as they would expect. The Board with the noted concerns agreed with the Chief's adjudication.

JUNE CASE REVIEW - The Civilian Review Board reviewed 5 Service Complaints chosen by Auditor Gissiner to discuss. Service Complaints consist of complaints and concerns brought forward that do not rise to the level of an allegation of misconduct, but are processed and reviewed by an officer's direct supervisor through an alternate dispute resolution process. The supervisor makes contact with the reporting party about their concerns, per ordinance and collectively bargained protocols .

Summary:

Traffic Stop: The reporting party filed a complaint alleging that an officer demeaned her during a traffic stop when she disagreed with the law. Board members appreciated the body cam video that was available and commented on the officer's patience with the reporting party during the stop. One member noted that once an officer gives a lawful order members of the public need to comply, but that the Sergeant reviewing the complaint could have done a better job of explaining that with the reporting party.

Disabled Son Concern: The reporting party, the mother of a mentally disabled son was concerned about interactions he had been having with a school resource officer. The officer seemed to be harassing her son for no reason. Civilian Review Board Members were impressed with the supervisor's conversation with the mother, explaining the reasons for each contact, including reports of her son who is an older teen no longer in school and having inappropriate contact with high school students. Because of the supervisor's communication skills the mother was able to have a constructive conversation about her concerns.

Anonymous Road Rage Complaint: An anonymous caller alleged he was the victim of road rage in which a semi-truck destroyed his bicycle and that the officer did a poor investigation. The Board was appreciative that the Auditor's Office and the supervisor took the allegation seriously even though the complaint proved to have no merit and the reporting party was actually the instigator in the situation.

Hospital Drop Off Complaint: A nursing supervisor filed a complaint about how an officer dropped a person off at the hospital without sufficient contact with staff. The Professional Standards Lieutenant advised the incident needed to be reviewed and made contact with the supervisor to discuss best practices for officers transporting people to the hospital. The Board was pleased with the community outreach.

Rude and Sarcastic Officer: The final complaint reviewed by the Board was an allegation that a sergeant was rude and sarcastic with a citizen when they looked over a stairwell to see what the "commotion" was. The sergeant was alleged to have said "Do you want to join the

party?” Some members of the Board felt that officers sometimes use language to control a situation but in this instance the comment to a passerby did seem rude.

SEPTEMBER CASE REVIEW – In September the Civilian Review Board reviewed a case in which a supervisor failed to perform his duties at the scene of a trauma where the custody when into apparent cardiac arrest.

Summary:

EPD officers were dispatched to a fire department request for assistance with a combative patient. When officers arrived EMS was holding the patient down and he was struggling with them. An officer applied handcuffs to the patient and then almost immediately noticed the patient’s face was blue and he was not breathing. The handcuffs were removed and EMT’s began CPR. The patient was transported to the hospital where he was pronounced dead. The supervisor on scene did not initiate death investigation protocols and at one point the officers on the scene felt the supervisor was directing them to fill out a field information card and not complete a report. The officers conferring with a sergeant who advised them to document the incident. It was ultimately documented as an “Outside Agency Assist.” The on scene supervisor did not notify Violent Crimes or the Patrol Captain of the event as per policy.

Issues for the Civilian Review Board: Concerning the complaint intake and classifications Board members commented that officers were expanding self-reporting. Members also agreed with the classification but questioned why a criminal investigation had preceded the IA investigation. Mr. Gissiner noted that when the decision was made for a criminal investigation it was not clear where the criminal investigation began and ended and when the administrative began and ended. In this circumstance, a criminal investigation was conducted first to try to determine exact cause of death. After conclusion of the criminal investigation and review by the DA, the case then became an administrative investigation. CRB members also commented on the applicability of Police Procedure Manual policy 308.6- Death Investigation being used as an allegation as it didn’t seem clear rather the Violent Crimes Supervisor should have been called. The IA sergeant clarified from a training perspective that call depended on the circumstances of each individual case. The consensus from EPD and the Auditor was that the supervisor should have been called and the Violent Crimes Unit activated. A Policy and Training issue mentioned by one member was that when in doubt officers should always go above the bar and conduct a death investigation. The Board members agreed with the adjudication, but a few members remarked that the Chief’s adjudication memo was harsh and his choice of words could have been better. A final comment by a member was that he felt the EMS officials failed to recognize the patient’s condition and additional training on coordination between police and fire at the scene was needed at the leadership level.

OCTOBER CASE REVIEW – An allegation that an officer used excessive force to detain a person at the LTD Downtown Station and that the officer did not have legal authority to detain that person.

Summary:

The reporting party, a juvenile, reported to the Auditor's Office that she was walking on LTD property and shouting obscenities when an LTD officer told her to stop. She continued walking and the LTD officer asked an EPD officer to detain her. The EPD officer twice ordered the reporting party to stop and she continued walking, believing she did not have to stop unless she was under arrest.

Surveillance video showed the officer laid his bike down and physically stopped the reporting party and then took his hand away. The reporting party again attempted to walk away the officer than put his hand on the reporting party's shoulder and pulled her down into a seated position. During the stop the juvenile was cited for possession of tobacco. The officer believed he had reasonable suspicion of a violation or crime when the LTD officer told him to stop the reporting party and that he had used the least amount of force necessary to effect the stop.

LTD's ordinance 36 restricts the use of threatening or offensive language. The EPD officer is contracted by LTD to enforce administrative rules and investigate criminal acts that occur on LTD Property. During this investigation City Attorneys were consulted as to rather it is lawful for an officer to stop someone for LTD's ordinance 36. It was recognized that a gray area existed and it did not provide an officer with clear direction on rather a stop was lawful and justified.

Allegations:

Use of Force: The allegation that an Officer used excessive force when stopping a juvenile at the LTD Downtown Station was adjudicated as Unfounded by the Supervising Sergeant and Lieutenant, while the Captain, Auditor and Police Chief found the allegation to be Within Policy.

Person Stops and Contacts: This allegation was adjudicated Within Policy by the Supervising Sergeant and Lieutenant, Unfounded by the Captain and Within Policy by the Auditor and the Police Chief.

Issues for the Civilian Review Board: Members expressed concerned that the minor requested an adult male to be present at the interview that later was found not to the teen's father. One member questioned the use of cell phone photos for documentation. Another member expressed disappointment that the Alternate School students seemed to be profiled. Members also commented on the complications that arose with free speech issues on quasi-public/private areas and were glad the City Attorney was delving into the EPD contracting with other agencies. Finally members commended the IA Sergeant for his follow-up efforts with the Charter School noting this helped turn the incident into a teachable moment for the teens.

NOVEMBER CASE REPORT – The November 2014 case review looked at an internally reported allegation opened by the Auditor and the Patrol Captain that an officer did not have probable cause to detain a person in violation of Policy 901.1 Use of Force and Policy 418 Mental Health Crisis Response.

Summary: Officer A responding to a reckless driver chasing a male. The officer encountered a man running between the canal and the bike path. When the officer approached the man, the man ran toward the canal and a female jogger. The officer exited his vehicle and asked the man to sit down; the man then stated he was afraid and went down to one knee. The man seemed scared and said someone was chasing him. The officer attempted to handcuff the man so he could detain him on a mental hold for his own safety and the safety of others. At this point the man began resisting the officer while at the same time apologizing for resisting. Due to the active resistance by the man the officer attempted various force methods before using a Taser to take the man into custody. At the hospital a doctor agreed that the man was a danger to himself and to others and admitted the man on a non-criminal hold.

Allegations:

The Use of Force allegation and the Mental Crisis Response Allegation were adjudicated by the Supervising Sergeant, Lieutenant, Captain, Police Auditor and Chief as Within Policy.

Issues for the Civilian Review Board: Members of the Board agreed with the adjudication brought forth by the Chief. Various members commented on the need for officer training in Crisis Intervention and that this young officer would likely benefit with continued training. It was indicative of the mental health system and how inadequate it was to face the needs of the community leading to officers more and more having to handle crisis situations with the mentally ill.

DECEMBER CASE REVIEW – The Civilian Review Board in December reviewed a case in which a man alleged that during a person stop an officer used profanity towards him and with no verbal warning tackled him to the ground, kned him in the back and used his dread locks to pull his head around and push him to the ground. The reporting party also alleged that his head was smashed into the police car door.

Summary: The reporting party was attending a concert at the WOW Hall. He was approached by an officer for holding an open container of beer. The officer had the reporting party sit while he conducted a record check. As the officer stated his designator into his radio, the reporting party thought he heard the officer curse at him. The incident escalated when the reporting party knocked over his beer and then attempted to leave the scene. The officer called for backup and ordered the reporting party to get on the ground. Video of the incident shows the officer and the reporting party struggling on the ground. Back up officers arrived, Officer B began crowd control of the large group of people that had begun to circle the officers and the reporting party. A third officer assisted with taking the reporting party into custody. The video revealed that at one point an officer stood on the

reporting party's dread locks, but there was no indication that the reporting party's head was pushed into the patrol car.

Adjudication: The allegation for the 3 officers listed for using excessive force were adjudicated as follows.

1. Use of Force Officer A
 - Supervising Sergeant: Within Policy
 - Supervising Lieutenant: Within Policy
 - Supervising Captain: Within Policy
 - Police Auditor: Within Policy
 - Chief of Police: Within Policy
2. Use of Force Officer C
 - Supervising Sergeant: Unfounded
 - Supervising Lieutenant: Unfounded
 - Supervising Captain: Within Policy
 - Police Auditor: Within Policy
 - Chief of Police: Within Policy
3. Use of Force Officer B
 - Supervising Sergeant: Unfounded
 - Supervising Lieutenant: Unfounded
 - Supervising Captain: Within Policy
 - Police Auditor: Within Policy
 - Chief of Police: Within Policy

Issues for the Civilian Review Board: Members of the board noted several concerns with this incident. First, that a bike officer initiated a person stop alone in front of a crowded concert venue. If backup had not arrived quickly the large crowd could have been a factor for the safety of the officer and the reporting party. Other members expressed concern about the officer who stood on the reporting party's hair, though some believed the officer was not aware he was on the reporting party's dread locks. It was also noted that the reporting party's perception of what had happened and what the ICV revealed did not match. The investigator did a thorough job of bringing out the facts of the case.

Civilian Review Board Training

Members of the Eugene Civilian Review Board have differing life, cultural, professional and educational backgrounds and varying degrees of exposure to law enforcement and corrections professionals, municipal government operations, the criminal justice system, and the full and diverse range of communities served by local law enforcement agencies. The Board recognizes it is important to receive balanced training from a variety of sources both inside and outside the law enforcement.

In 2014 our training came from a variety of sources. Generally a training session occurs at regular meetings and the topics and presenters are selected by the Board in advance. Other training occurs during case reviews when legal and policy discussions occur. The training sessions included:

- March: Canine operations
- June: Computer-Aided Dispatch (CAD) system
- July: Tour and meeting with Lane County jail and staff
- September: Community engagement
- October: Joint meeting with the Police Commission
- November: School Resource officers presentation
- December: Officer Involved Shootings

Identified Policy, Procedure and Training Concerns

Eugene's model of oversight includes the CRB as a quality assurance oversight body to evaluate and comment on the work of Office of the Police Auditor and review and comment on some Internal Affairs investigations arising out of complaints and allegations of misconduct. It also includes providing a CRB as a representative to the Eugene Police Commission as a policy body to evaluate and address policy concerns, some of which have been identified by the CRB arising out of its work. The CRB also has a representative on the Human Rights Commission. In 2014 both the Auditor's office and the department helped the Board identify concerns that were passed along to the Police Commission and the Chief.

We recognize that the Auditor ultimately decides the classification of a complaint; notwithstanding the input of police command staff. We also recognize that ultimately a decision must be made based on the totality of circumstances. The CRB does debate these classifications, takes the issues seriously and actively engages the Auditor and Deputy Auditor as to the decision-making that occurs with these classifications, recognizing the potential impact to an employee's job status.

The Board regularly seeks clarification regarding procedures and practices that evolve out of case reviews and training discussions. On occasion these result in suggestions to the department for improving services.

Evaluation of the Office of the Police Auditor and the Auditor's Performance

By ordinance, the CRB "shall evaluate the work of the auditor's office..." and shall "establish criteria by which to evaluate the work of the police auditor." Five members of the CRB completed written reviews of the police auditor and the work of the Office of the Police Auditor. The evaluation criteria were along seven dimensions. It should be noted that Mr. Gissiner has never shied away from discussions around his performance. Each time a case review takes place Mr. Gissiner and his office is evaluated. It is not uncommon for comments made in meetings about a process change to result at the next meeting.

The OPA and the Auditor's performance were rated in each dimension and individual comments and suggestions for improvement were included in the evaluation. The 2014 evaluation is included in the evaluation for Council in its evaluation of June 2014.

The Board previously sent the information to the Council in its performance evaluation packet in June 2015. The entire package is available upon request. Overall eight dimensions were evaluated. In those dimensions the Auditor's office met or exceeded expectations. Points of emphasis include continued efforts to strategize how to get additional community engagement in the processes.

Conclusions

We have an engaged and thoughtful civilian review board that invests considerable personal time to participate in and evaluate the police oversight processes in Eugene. They are the community's representatives in analyzing the internal administrative personnel processes of EPD and the external monitoring and complaint intake processes of the Auditor's office. The CRB continually strives to have open and transparent discussion of case review, policy considerations and training issues. The CRB consistently meets more than the minimum requirements of the ordinance. At most meetings, the entire board is present. The CRB must evaluate difficult personnel and policy issues that impact community members and sworn police personnel. They have been complimentary, critical, inquisitive and decisive. It is an honor and privilege to serve the community of Eugene. In 2014 Eugene's system of civilian oversight continued to evolve and develop. We look forward to continuing our work and we are committed to improving our processes in service of the community.



City of Eugene Police Auditor

800 Olive Street
Eugene, Oregon
97401
(541) 682-5016

www.eugene-or.gov

To: Mayor Kitty Piercy, Council President Claire Syrett, Council Vice President Greg Evans, and City Councilors
From: Mark Gissiner, Police Auditor
Date: November 23, 2015
Re: Informational Report

I continue to meet regularly with Mayor Piercy, Councilor Syrett and Councilor Evans and would be more than happy to meet with any councilor at any interval as I know that issues involving EPD are important.

1) The CRB met October 27 to review and comment on the officer involved shooting of Mr. Brian Babb. I appreciate the difficult work the CRB does when reviewing such impactful cases. Several family members provided public comment at the November 10 CRB meeting. We will have another "high profile" case coming forward, likely to be reviewed by the CRB early next year.

2) We are on pace for 425 complaints this year. It is difficult to manage that size of caseload with current staffing resources. We were busy as well because of several major cases. We have had to intake, classify, monitor and provide adjudication recommendations on several complicated cases. On occasion, an investigation starts as an allegation of criminal misconduct and/or is reviewed by the District Attorney's Office. In addition, as a result of the Blue Team software program, which tracks uses of force, we are on pace to review approximately 200 uses of force in which on scene sergeants complete initial reports.

3) Steven McIntyre was approved as the CRB member appointed to serve on the Police Commission. Heather Marek was designated as the CRB liaison to the Human Rights Commission.

4) We are working with Human Resources and the Budget Office to create a part-time position in our office for a Program Specialist to coordinate community engagement activities and provide bilingual services for complainants with first language as Spanish.

5) A smart phone application was created and is near experimental implementation in which officers identify demographic characteristics during detentions, arrests and vehicle stops for documentation and study in a new database program for EPD to determine whether bias-based stops, detentions and engagements are occurring. The program should launch very soon.

6) Case management engulfs the vast majority of our time, particularly officer involved shootings. With other time, we work with and continue to reach out to the community. I will be speaking at the Chamber of Commerce's Leadership Eugene-Springfield forum in December.

7) I have been working at the state level to assist a working group with developing the statewide racial profiling complaint system. I expect that implementation will occur soon.

8) In January, two of three Internal Affairs positions will be re-assigned to different personnel, which requires a training and learning curve.

9) With regard to the 425 complaints I expect to receive, the highest number since the office opened, approximately 36 will involve cases involved allegations of serious misconduct. Separate allegations will be adjudicated by EPD in which in most cases the Auditor's office made adjudication recommendations to the Police Chief. These adjudication recommendations involve thorough reviews of the investigative files, participation in employee and witness interviews, analysis of relevant policies and procedures, legal analysis and discussions with adjudicating supervisors.

10) On a mostly weekly basis, our newsletter provides information about the complaints and cases.

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Work Session: Climate Recovery Targets and Benchmarks

Meeting Date: November 23, 2015
 Department: Central Services
www.eugene-or.gov

Agenda Item Number: B
 Staff Contact: Matt McRae
 Contact Telephone Number: 541-682-5649

ISSUE STATEMENT

This is a work session to present targets and benchmarks for reaching the climate action goals outlined in the Climate Recovery Ordinance adopted in July 2014.

BACKGROUND

Climate Recovery Ordinance

Adopted by the council in July 2014, the Climate Recovery Ordinance:

- 1) Clarifies existing *internal* and *community* greenhouse gas and fossil fuel goals:
 - a. Reduce total community-wide fossil fuel use 50 percent from 2010 levels by 2030.
 - b. By the year 2020, all City-owned facilities and City operations shall be carbon neutral.
- 2) Calls for a full assessment of current efforts to meet internal and community climate goals.
- 3) Calls for the development of a science-based community greenhouse gas reduction goal for council consideration.
- 4) Calls for regular progress reports to the council.
- 5) Establishes a process of analysis, reporting, and readjustment if *community* or *internal* targets are not met.

Targets and Benchmarks for Adopted Goals

The Climate Recovery Ordinance requires the City Council to establish numerical targets and benchmarks for reaching the climate action goals specified in the ordinance. The following numerical targets are accompanied by one- and five-year benchmarks to help track progress toward the goals and all are calculated relative to the emissions in 2010, the baseline year.

Internal carbon neutral goal: The target is defined as reaching 60 percent reduction in operational emissions by 2020, with the annual purchase of carbon offsets for the remaining 40 percent starting in 2020. Between 2016-2020, the City will need to reduce emissions each year by roughly 15 percent. The target applies to emissions from gas and diesel fuels, natural gas and electricity use.

Supply chain emissions: A separate target is proposed for reducing the emissions associated with the City’s purchase of goods and services (supply chain emissions). The proposed target is a reduction of 50 percent by 2025. The benchmarks for reaching this target do not begin until 2020 to allow for improvements in data and tracking of these carbon emissions by vendors/contractors. Similarly, the purchase of offsets for any remaining supply chain emissions would not begin until 2025.

Community fossil fuel goal: The target applies both to City operations and the community-at-large for the use of gasoline and diesel, natural gas and the portion of electricity generated from fossil fuels. The target mirrors the goal established in the ordinance: 50 percent reduction of fossil fuel use by the year 2030.

Proposed Targets and Benchmarks

Goal	Target (in GHGs)	Benchmark
Carbon neutral operations	60% reduction* by 2020	Annual: 15% reduction per year 5 year: 60% reduction by 2020
Internal supply chain emissions	50% reduction* by 2025	Annual: 10% reduction per year starting in 2020 5 year: 50% reduction by 2025
Reduce fossil fuels 50%	50% reduction* by 2030. Note: some reductions have already been achieved since 2010.	Annual: 2.5% reduction per year 2020: 25% reduction 2025: 38% reduction 2030: 50% reduction

*relative to emissions in 2010, the baseline year.

TRIPLE BOTTOM LINE IMPACTS

The specific strategies for reaching the climate recovery benchmarks and targets are still under development and more detailed triple bottom line impacts will be analyzed as these take shape. Some of the potential impacts are identified below for each of the two goals identified through the Climate Recovery Ordinance.

Carbon Neutral by 2020

Assumptions:

- Broad scale changes in fleet and fuel technology
- Improved building and infrastructure energy efficiency
- Adequate availability of renewable electricity to accommodate the transition
- Widespread electrification of buildings and fleets
- Any carbon offsets purchased would be prioritized toward local projects

Potential impacts to the organization:

- Shifting to renewable electricity, conserving energy, and increasing energy efficiency insulates the organization from volatile fossil fuel prices and a potential price on carbon (carbon tax or cap and trade policy).

- Renewable electricity provides greater local control and availability of energy during a power disruption stemming from a natural or human-caused hazard event.
- Significant emissions reductions will likely take a long time to payback before the organization experiences ongoing savings. During the payback period, capital funds may not be available for other purposes.
- Purchased carbon offsets could come at an opportunity cost for other organizational and community priorities – depending on how offsets are funded.

Potential impacts to community:

- Because City operations are a relatively small piece of community-wide energy use and greenhouse gas emissions, the community-wide effect of achieving the target is relatively small.
- Reducing fossil fuel consumption in City vehicles would improve health outcomes due to improved air quality and reduced noise.
- Retrofitting buildings for energy efficiency is likely to employ local workers.
- To the extent the City is a purchaser of green products or services, it supports local businesses in expanding those products or services and providing them to others.
- With some climate disruption already in process, the costs of a warming climate would be significant. Impacts on local forests and local fisheries will have extreme negative impacts on the local economy. Additional costs are expected for extreme heat events (air conditioning and health care).

Reduce Community Fossil Fuel Use 50 percent by 2030

Assumptions:

- Broad scale changes in fleet and fuel technology
- Improved building energy efficiency (residential, commercial, industrial)
- Widespread electrification of buildings and fleets
- Adequate availability of renewable electricity to accommodate the transition
- Transition includes involvement and investments made by partners and institutions across the community
- Partner organizations make similar goals and commitments
- Fossil fuel reduction efforts continue out beyond 2030 at the same rate of reduction (2.5 percent/year)
- The community experiences some level of climate disruption

Potential impacts to community:

- The fossil fuel reduction goal, even if achieved by the global community, is not adequate to avoid major climate impacts.
- Conserving energy through increased energy efficiency saves residents and businesses money and insulates community members from volatile fossil fuel prices and potential price on carbon (carbon tax or cap and trade policy).
- An emphasis on compact urban development near transit corridors provides an opportunity for reducing automobile travel and the related greenhouse gas emissions. Planning for affordable housing in these areas benefits low-income households who often

must trade off housing and transportation costs by locating in the outer reaches of the community.

- Increased use of active modes of transportation improves health outcomes and saves residents money.
- Weatherization programs improve comfort and health outcomes for lower-income residents due to improved indoor environments.
- With some climate disruption already in process, the costs of a warming climate could be significant. Impacts on local forests and local fisheries will have extreme negative impacts on the local economy. Additional costs are expected for extreme heat events (air-conditioning and health care).

RELATED CITY POLICIES

The City maintains a number of policies directly related to community-wide energy consumption including, but not limited to:

- Growth Management Policies
- Green Building Policy (2006)
- Sustainability Resolution (2000)
- Environmental Policy
- Sustainable Practices Resolution (2006)
- Sustainable Procurement Policy (2008)

ATTACHMENTS

A. Climate Recovery Ordinance

FOR MORE INFORMATION

Staff Contact: Matt McRae
Telephone: 541-682-5649
Staff E-Mail: matt.a.mcrae@ci.eugene.or.us



COUNCIL ORDINANCE NO. 20540

COUNCIL BILL 5124

**AN ORDINANCE CONCERNING CLIMATE RECOVERY
AND ADDING SECTIONS 6.675, 6.680, 6.685, AND 6.690
TO THE EUGENE CODE, 1971.**

ADOPTED: July 28, 2014

SIGNED: July 29, 2014

PASSED: 6:2

REJECTED:

OPPOSED: Clark, Poling

ABSENT:

EFFECTIVE: August 29, 2014



ORDINANCE NO. 20540

AN ORDINANCE CONCERNING CLIMATE RECOVERY AND ADDING SECTIONS 6.675, 6.680, 6.685, AND 6.690 TO THE EUGENE CODE, 1971.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Sections 6.675, 6.680, 6.685, and 6.690 of the Eugene Code, 1971, are added to provide as follows:

6.675 **Climate Recovery – Climate Action Goals.** The city shall carry out the requirements of sections 6.680 through 6.690 of this code in order to achieve the following goals:

- (1) By the year 2020, all city-owned facilities and city operations shall be carbon neutral, either by reducing greenhouse gas emissions to zero, or, if necessary, by funding of verifiable local greenhouse gas reduction projects and programs or the purchase of verifiable carbon offsets for any remaining greenhouse gas emissions.
- (2) By the year 2030, the city organization shall reduce its use of fossil fuels by 50% compared to 2010 usage.
- (3) By the year 2030, all businesses, individuals and others living or working in the city collectively shall reduce the total (not per capita) use of fossil fuels by 50% compared to 2010 usage.

6.680 **Climate Recovery – Assessment.** Within six months of ____ [*effective date of this ordinance*], the city manager or the manager's designee shall complete an assessment of current efforts to reach the climate action goals. The assessment shall include a review and analysis of the following:

- (1) Trends in current energy use for the community and for city operations and facilities; and
- (2) Progress in implementing the community climate and energy action plan and the internal climate action plan.

6.685 **Climate Recovery – Targets & Benchmarks.** To reach the climate action goals, the city council shall establish numerical targets and benchmarks, and take other actions that the council determines are necessary, for achieving the required reductions through the following steps:

- (1) Within 12 months of ____ [*effective date of this ordinance*], the city manager shall propose for adoption by the city council the following targets and benchmarks:

- (a) Numerical greenhouse gas and fossil fuel reduction targets equivalent to achieving the related goals; and
 - (b) Two-year and five-year benchmarks for reaching the numerical targets.
- (2) The city manager shall propose for adoption by the city council, a numerical community-wide goal or “carbon budget” for greenhouse gas emission reductions consistent with achieving 350 parts per million of CO₂ in the atmosphere by the year 2100. The community-wide goal shall include numerical targets and associated benchmarks.
 - (3) The city manager shall adopt administrative rules pursuant to section 2.019 of this code that establish a specified baseline amount and appropriate greenhouse gas inventory methodology.
 - (4) When the city manager prepares options for council consideration pursuant to this section, including options for meeting the goals, the manager shall include a triple bottom line assessment of the options including a cost-benefit analysis.

6.690 **Climate Recovery – Reporting.** Following council adoption of the numerical targets and benchmarks, the city manager shall report to the city council on progress in reaching adopted climate action goals as follows:

- (1) Provide a progress report every two years.
- (2) Provide a comprehensive report every five years that includes an assessment of greenhouse gas emission reductions to date and the status in reaching the established targets and benchmarks. If the five-year comprehensive report indicates that the city is not reaching the adopted targets and benchmarks, the city manager or the manager’s designee shall:
 - (a) Conduct an analysis of possible actions to get back on track to achieve the next adopted benchmark, together with a triple bottom line analysis of those options.
 - (b) Develop for council consideration potential revisions to the plan that reflect the necessary actions to achieve the next adopted benchmark.
- (3) Update the community climate and energy action plan and the internal climate action plan every five years, which shall be based on the updated greenhouse gas inventory.

Section 2. 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,

Item B.

or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

Passed by the City Council this

28th day of July, 2014

Beth Forrest
City Recorder

Approved by the Mayor this

29 day of July, 2014

Kathy Percy
Mayor

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Climate Recovery Targets and Benchmarks November 23, 2015



Overview

1. Overview of Climate Recovery Ordinance
2. Internal Targets and Benchmarks
3. Community Targets and Benchmarks

Climate Recovery Ordinance

1. Clarifies and codifies existing goals:

Reduce community-wide fossil fuel use 50% by 2030
Carbon Neutral City operations by 2020

2. Calls for an assessment of current efforts

Reported to Council February 2015

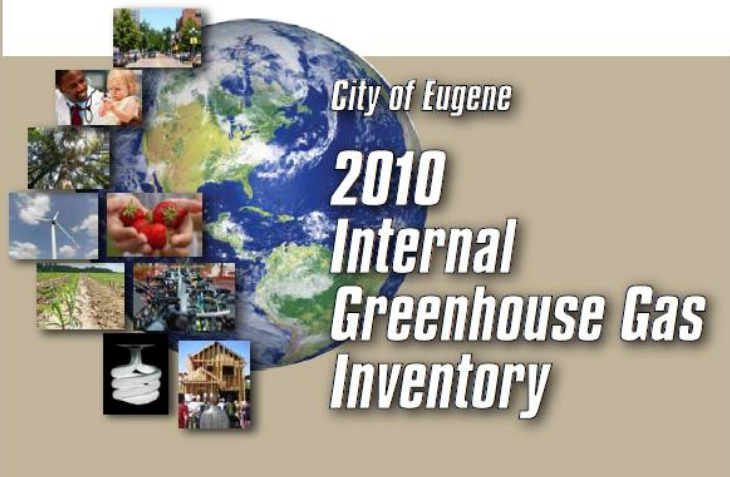
3. Calls for Targets and Benchmarks to achieve existing goals

4. Calls for the development of a science-based community greenhouse gas reduction goal

5. Calls for regular progress reports to Council

6. Establishes a process of analysis, reporting, and readjustment if community or internal targets are not met.

Internal Climate Action Plan



October 2012

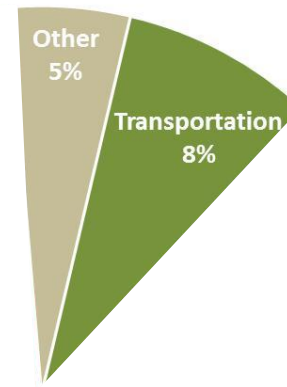


Internal Highlights



Internal Greenhouse Gas Emission Sources (2010)

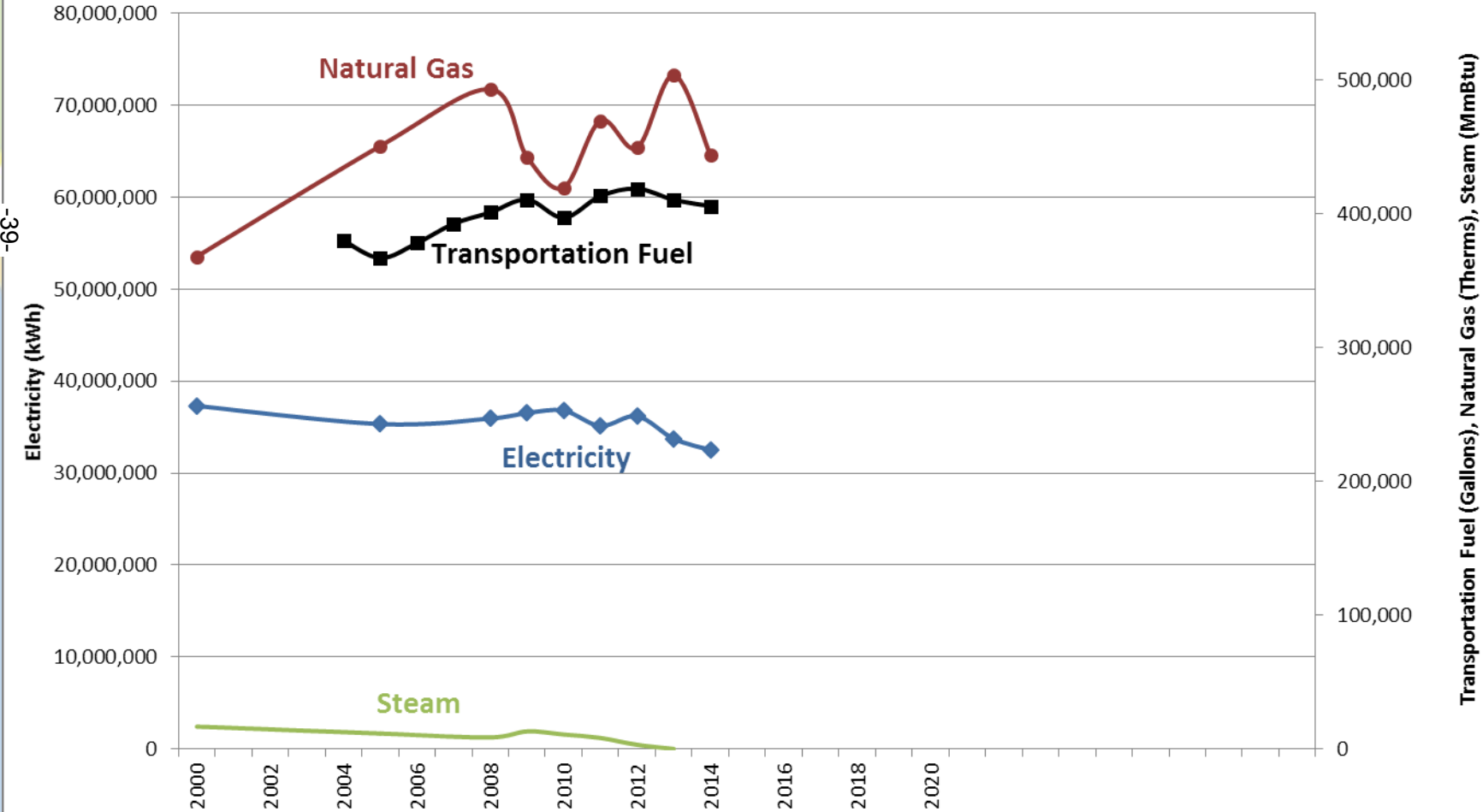
City of Eugene Internal Greenhouse Gas Emissions Sources



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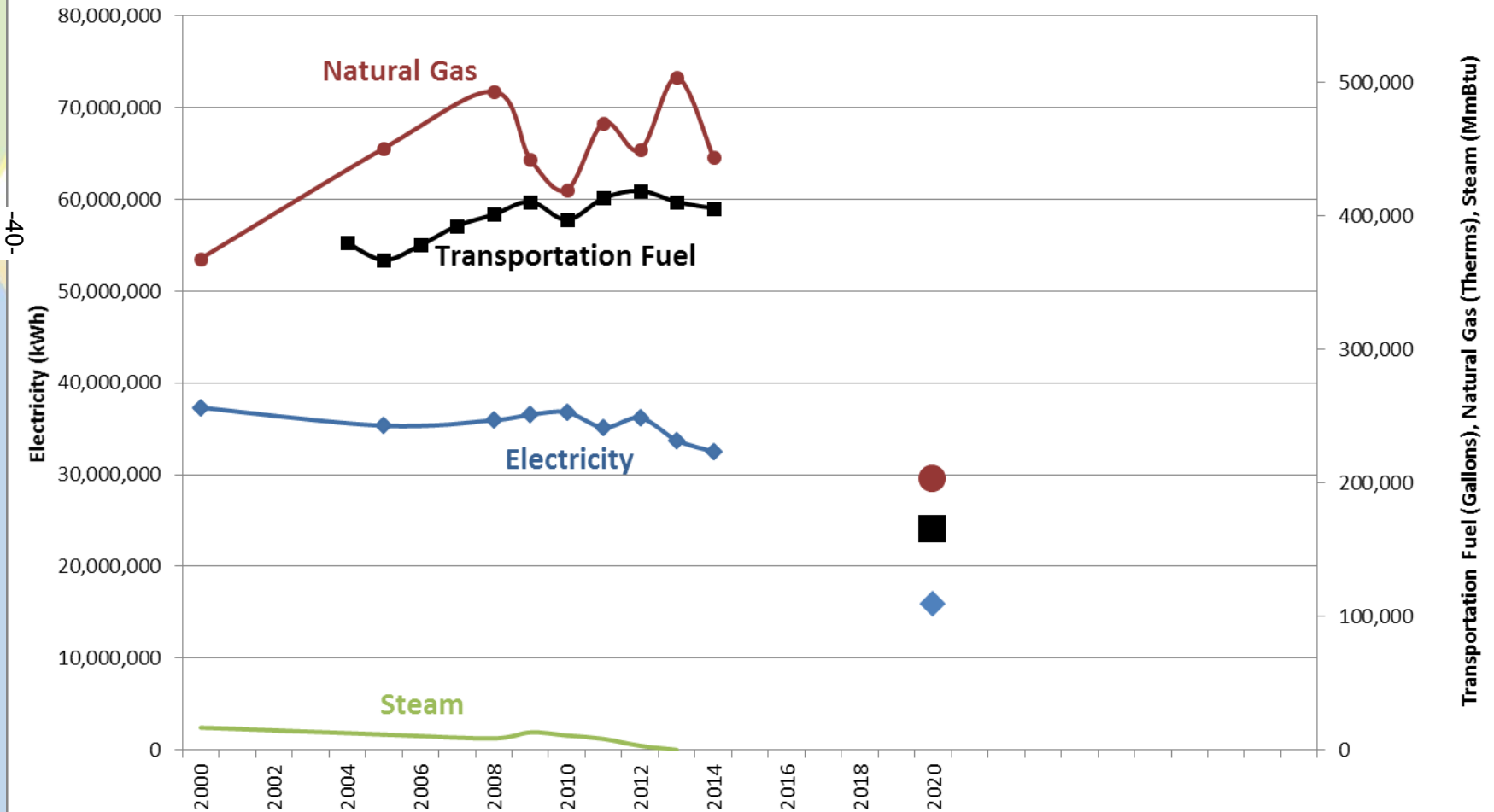
Internal Trends

City of Eugene Internal Greenhouse Gas Emissions Sources



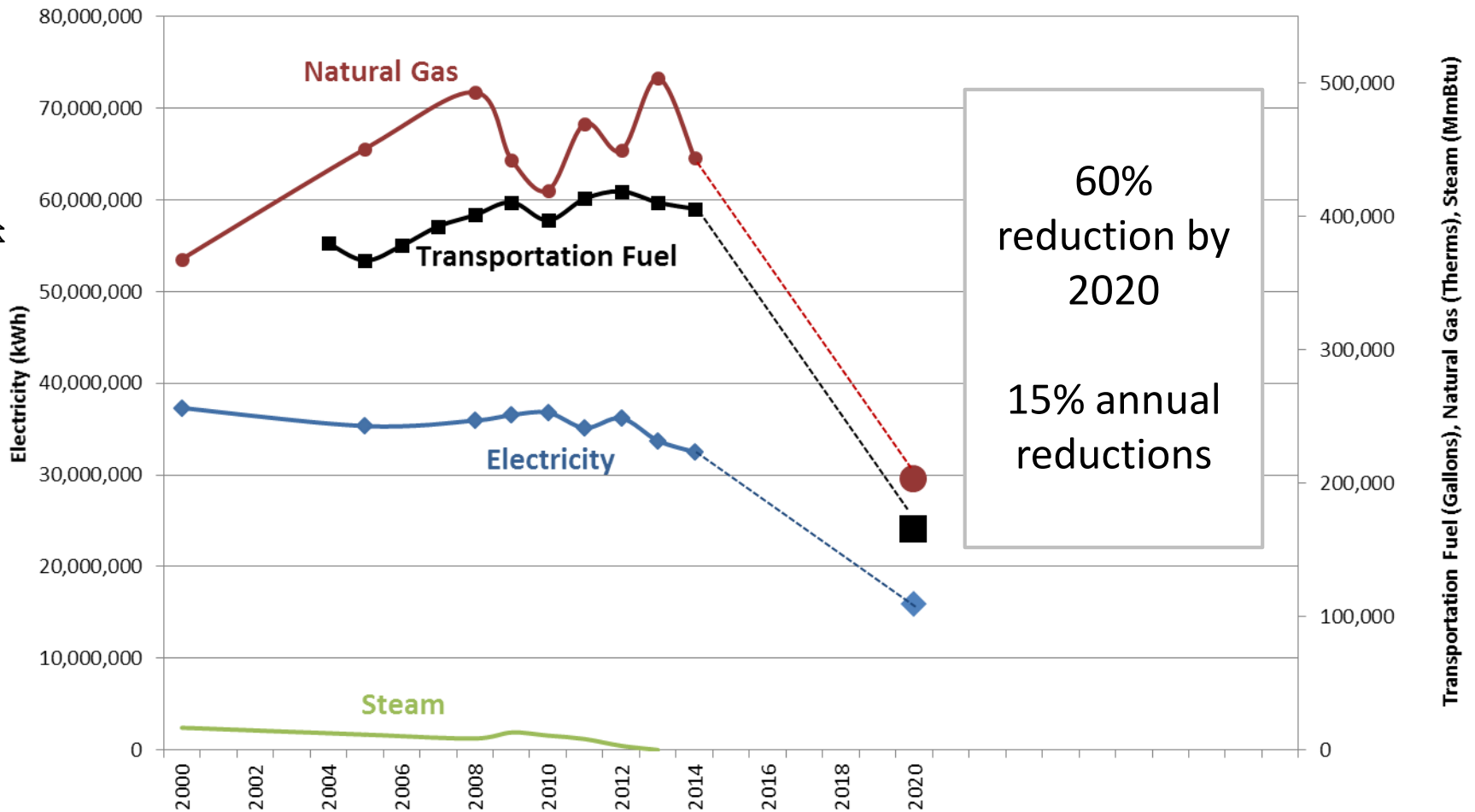
Internal Targets

City of Eugene Internal Greenhouse Gas Emissions Sources



Internal Targets

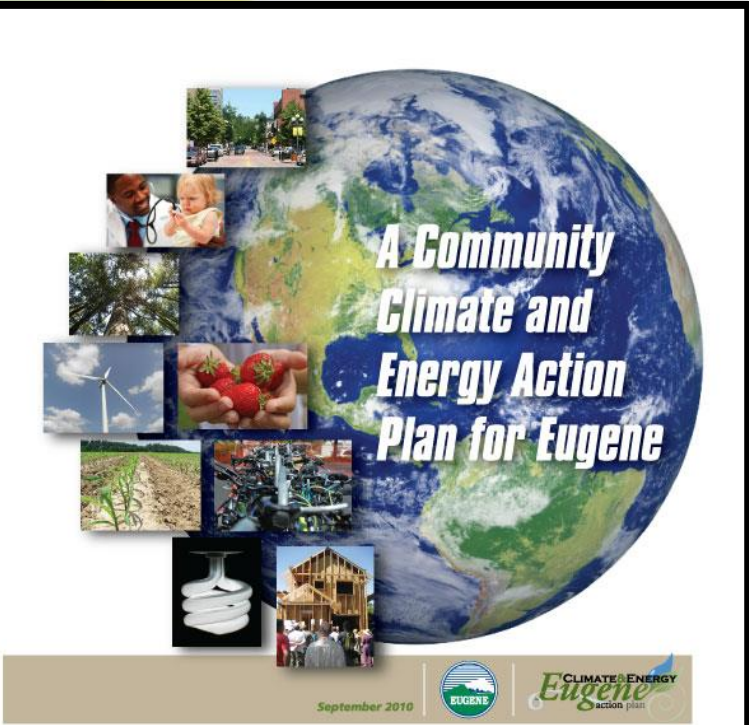
City of Eugene Internal Greenhouse Gas Emissions Sources



Internal Targets and Benchmarks:

Clarifying Questions?

Community Climate and Energy Action Plan (2010)



Community Climate and Energy Action Plan (2010)

1. Buildings and Energy
2. Food and Agriculture
3. Land Use and Transportation
4. Consumption and Waste
5. Health and Social Services
6. Urban Natural Resources



Community Highlights



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Community Greenhouse Gas Emissions (2013)

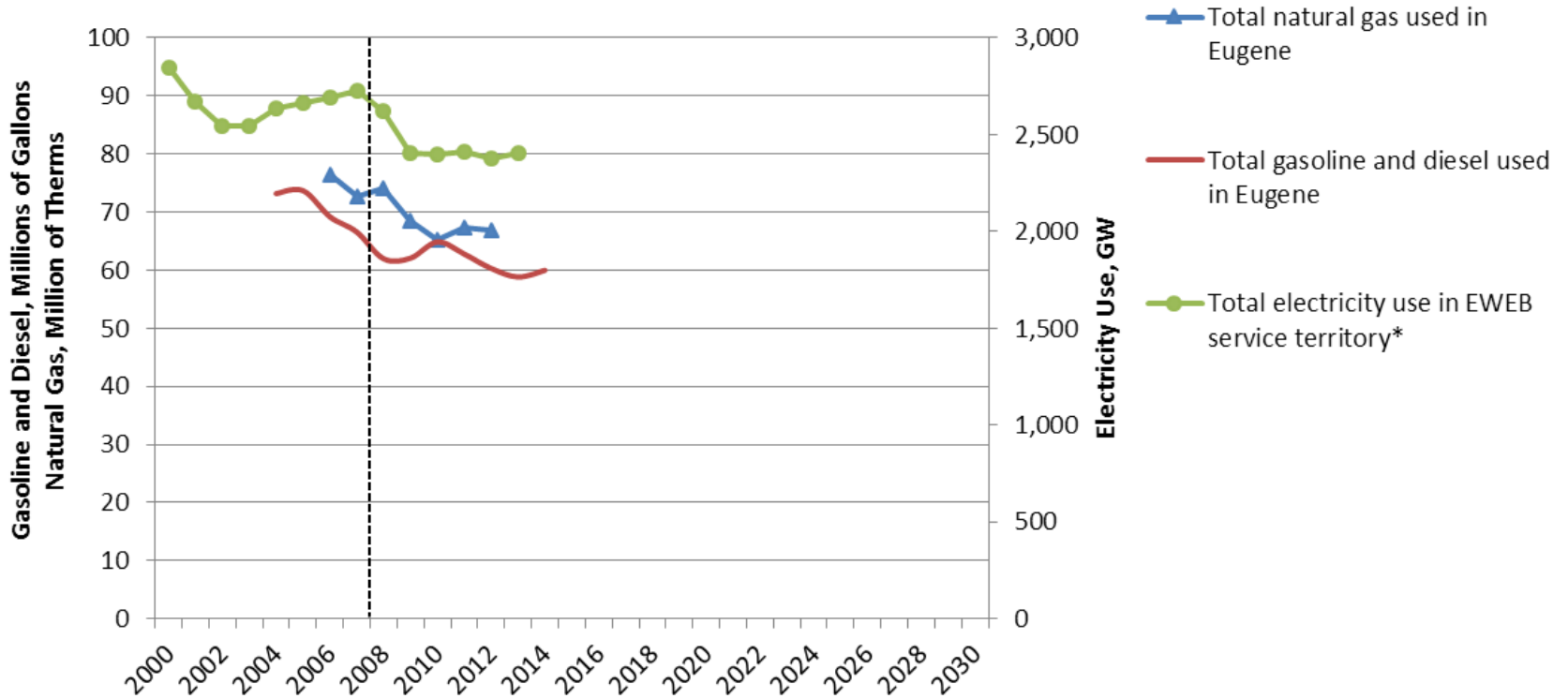
**Eugene
Greenhouse Gas Emissions Sources 2013**



Source: 2013 Eugene Community
Greenhouse Gas Inventory

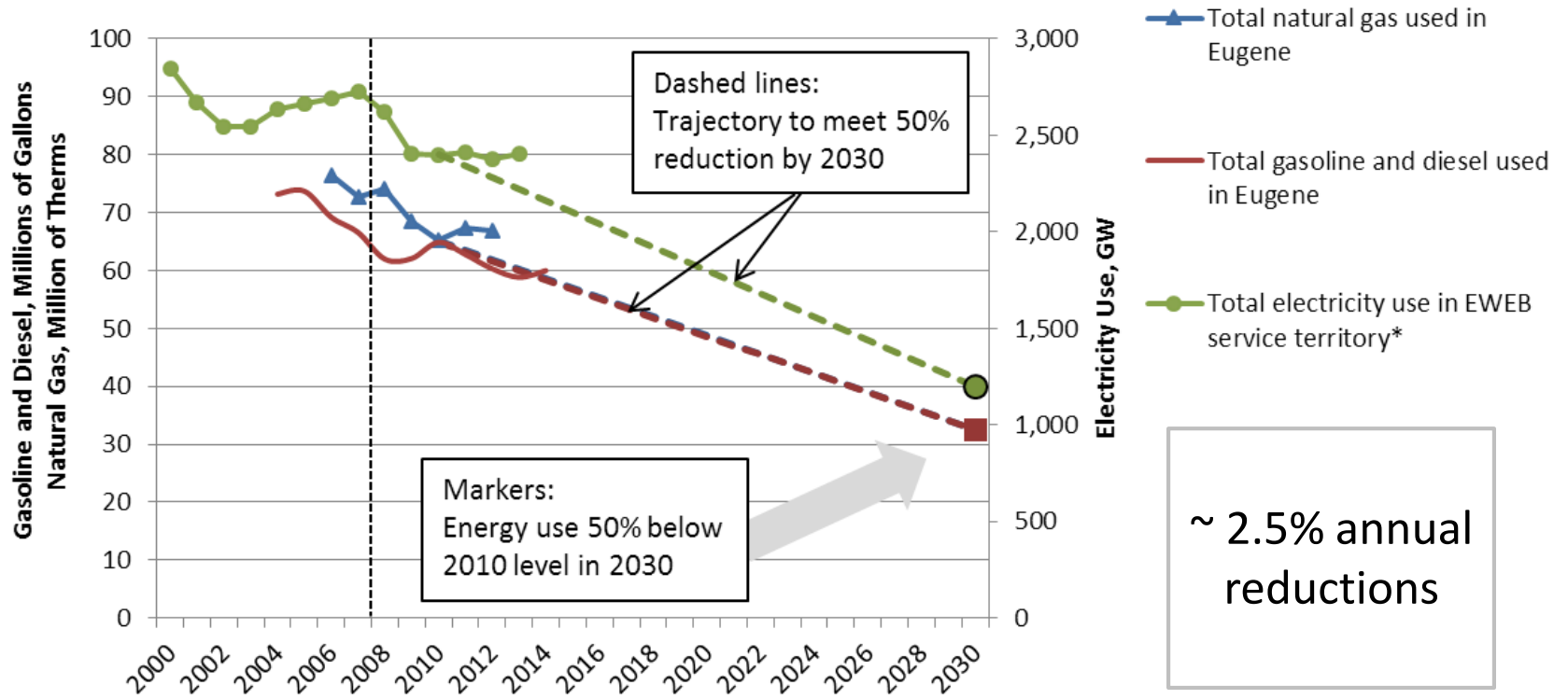
Community Energy Trends

Select Measures of Community-wide Energy Use in Eugene, Oregon



Community Energy Trends

Select Measures of Community-wide Energy Use in Eugene, Oregon



How do we get there?

SOLUTIONS: BUILDINGS

LESS WASTE



SMART BUILDINGS



IMPROVE
BUILDING EFFICIENCY

How do we get there?

SOLUTIONS: TRANSPORTATION

LESS WASTE



CARPOOL



BUS



BIKE



WALK

How do we get there?

SOLUTIONS: CONSUMPTION

LESS WASTE



USE LESS STUFF



REDUCE FOOD WASTE

Matt McRae
City of Eugene
(541) 682-5649

Matt.a.mcrae@ci.eugene.or.us

www.eugene-or.gov/sustainability

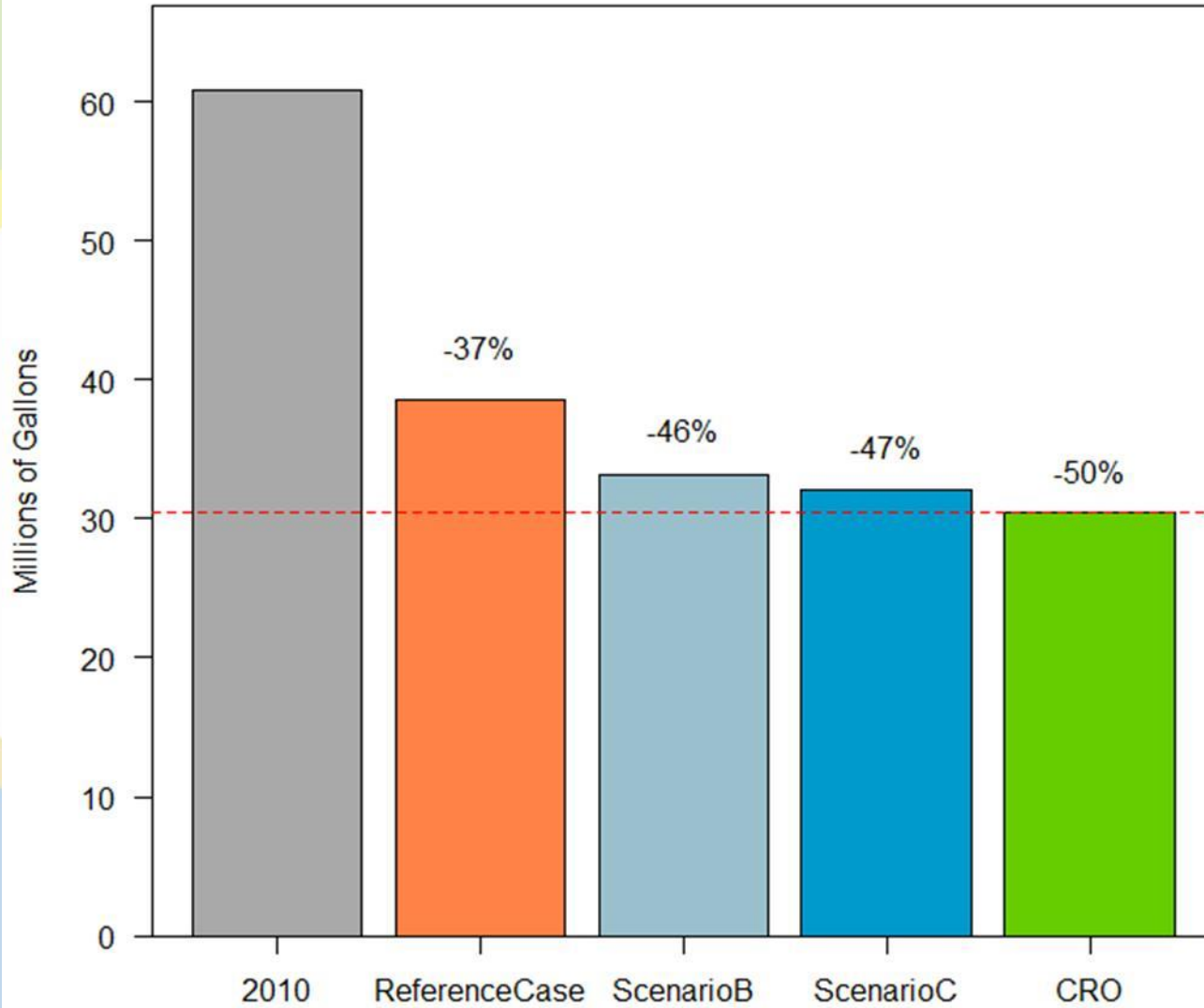
*Eugene City Council
November 23, 2015*

Cost/Benefit Analysis

Measure Number	Measure Group Name	Annual GHG Emissions Reductions, 2022 (MMtCO2e)	Cumulative Annual GHG Reductions, 2022 (MMtCO2e) [X-Axis]	Cumulative Emissions Reductions by Measure from 2013-2022	Net Present Value (Million 2010 \$), 2013-2022	Average Cost Effectiveness, 2013-2022 (\$/tCO2e) [Y-Axis]
TLU-37	LD10 -- Carsharing	0.002	0.002	0.009	-\$8	-\$857
TLU-31	LD4 -- PAYD	0.059	0.061	0.147	-\$124	-\$843
TLU-29	LD2 -- Walk/Bike Short SOV mode shift	0.008	0.069	0.031	-\$22	-\$693
TLU-34	LD7 -- Parking Management	0.035	0.104	0.134	-\$93	-\$693
TLU-25	FR4 -- More Energy Efficient Transporter Operations	0.034	0.138	0.408	-\$195	-\$477
TLU-32	LD5 -- TDM	0.009	0.147	0.031	-\$14	-\$442
AFW-10	Waste Prevention	0.669	0.816	3.512	-\$1,218	-\$347
TLU-35	LD8 -- Externality Taxes	0.012	0.828	0.031	-\$10	-\$309
RCI-73	Commercial Clothes Washer	0.008	0.836	0.036	-\$11	-\$294
TLU-33	LD6 -- EcoDrive	0.037	0.873	0.099	-\$18	-\$185
TLU-8	TL8 -- Land Use	0.056	0.929	0.670	-\$104	-\$156
TLU-24	FR3 -- Idle Reduction Strategies	0.003	0.933	0.041	-\$6	-\$143
RCI-86	Commercial Laundry Equipment--Gas	0.000	0.933	0.000	\$0	-\$142
TLU-22	FR1 -- Land Use Policy Changes	0.003	0.936	0.041	-\$5	-\$133
RCI-123	Industrial Agriculture Irrigation Improvements	0.009	0.945	0.042	-\$5	-\$125
RCI-66	Commercial Exit Signs	0.003	0.948	0.011	-\$1	-\$75
RCI-71	Commercial Ice-Maker Improvements	0.004	0.951	0.015	-\$1	-\$75
RCI-16	Residential Lighting Improvement	0.171	1.122	1.096	-\$82	-\$74
RCI-120	Industrial Lumber Conveyor Replacement	0.007	1.130	0.036	-\$3	-\$73

Oregon Department of Energy 10 year energy action plan modeling
<http://www.oregon.gov/energy/gblwrm/pages/ghg-macc.aspx>

Annual Fuel Consumption for Light-duty Vehicles in 2030



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EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Public Forum

Meeting Date: November 23, 2015
Department: City Manager's Office
www.eugene-or.gov

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

ISSUE STATEMENT

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

SUGGESTED MOTION

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

FOR MORE INFORMATION

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

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Approval of City Council Minutes

Meeting Date: November 23, 2015
Department: City Manager's Office
www.eugene-or.gov

Agenda Item Number: 2A
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 November 9, 2015, Work Session and Meeting, and Minutes of November 16, 2015, Public Hearing.

ATTACHMENTS

- A. Minutes of November 9, 2015, Work Session and Meeting
- B. Minutes of November 16, 2015, Public Hearing

FOR MORE INFORMATION

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

MINUTES

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

November 9, 2015
5:30 p.m.

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

Mayor Piercy called the November 9, 2015, City Council Work Session to order.

A. WORK SESSION: Cell Towers

Principal Planner Steve Nystrom and Assistant City Attorney Anne Davies gave a brief update on cell towers, potential revisions to the current ordinance, and communications with cell tower legislation expert in Washington D.C.

Council discussion:

- City should enact as many restrictions on cell towers as legally possible.
- Support more local control over where and how towers are placed.
- Specific negative impacts of cell towers need to be identified and enumerated; care required for response/proposed regulation.
- Suggestion made to add the City Council to the appeals process.

MOTION AND VOTE: Councilor Taylor, seconded by Councilor Brown, moved to direct the City Manager to prepare an ordinance to amend the City's cell tower code provisions to include the more protective measures contained in the Glendale, California code. **PASSED 7:1**, Councilor Clark opposed.

- B. MOTION (*friendly amendment incorporated*):** Councilor Evans, seconded by Councilor, moved to suspend the council's October 21, 2015, motion until after the council has had a work session to consider the outcome of a facilitated discussion that includes at a minimum the affected residents, Council of South Eugene Neighbors, and businesses and the City, utilizing the services of a neutral facilitator such as Oregon Solutions; except that the council shall not hold a public hearing on the South Willamette Special Area Zone until after the council confirms a public hearing date following the completion of the facilitated process.

Council discussion:

- Motion undoes the protection of the livability of people's homes; unwise and harms trust.
- Terrible idea; waters down everything the original motion intended.
- Council needs to step back and rethink the process; this affects all of the City.
- Proposed motion gives council a chance to be more thoughtful in decision-making.
- Adoption of any ordinance is months away; proposals allows more time for discussion and communication with neighbors and staff.
- Original direction given has no legal bearing; no need to suspend original motion.
- Many policy-makers and stakeholders have expressed alarm at far-reaching implications of the original motion.
- Unanimous council intent is to protect neighbors, not to do any harm.

MOTION TO AMEND AND VOTE: Council Clark, seconded by Councilor Brown, moved to insert after “suspend the council’s October 21, 2015 motion,” the words “except the parts of that motion that direct the City Manager to not bring back R1 changes without the approval of the owner.” **FAILED 5:4**, Councilors Zelenka, Evans, Syrett, and Pryor opposed. Mayor Piercy broke the tie in opposition.

Council discussion:

- Important to maintain good faith with neighbors and protect neighborhoods and the livability of people homes.
- October 21 motion doesn’t ask for a facilitated discussion; proposed motion does and it is critical to the success of the project.
- There is apparently a lot of concern in the community about the impacts of planning for greater density; more time needed to consider these sentiments.

VOTE ON MAIN MOTION: PASSED 5:4, councilors Brown, Taylor, Poling and Clark opposed. Mayor Piercy broke the tie in support.

The work session adjourned at 7:01 p.m.

Respectfully submitted,

Chuck Crockett
Deputy City Recorder

MINUTES

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

**October 26, 2015
7:30 p.m.**

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

Mayor Piercy opened the October 26, 2015, City Council meeting.

1. PLEDGE OF ALLEGIANCE TO THE FLAG (Veterans Day)

Mayor Piercy read an excerpt from a presidential proclamation to commemorate Veterans Day, followed by John Dunbar and Cathy Tiger leading the Pledge of Allegiance to the Flag.

2. PUBLIC FORUM

1. John Brown – Supports acquisition of land for affordable housing; thankful for City staff.
2. Drix – Supports adopting “You-gene” as a community philosophy.
3. Coreal Riday-White – Supports climate recovery ordinance and enforcement.
4. Julia Olson – Supports climate recovery ordinance and enforcement.
5. Seth Sadofsky – Supports SW-SAZ proposal and the Envision Eugene process.
6. Raging Grannies – Support climate recovery ordinance and enforcement.
7. Cindy Allen – Opposes SW-SAZ; refinement plan is needed.
8. Maryellen Larson – Opposes South Willamette Special Area Zone proposal.
9. Bob Larson – Opposes South Willamette Special Area Zone proposal.
10. Corina MacWilliams – Supports climate recovery ordinance and enforcement.
11. Wesley Georgiev – Supports climate recovery ordinance and enforcement.
12. Sage Fox – Supports climate recovery ordinance and enforcement.
13. Shayna Friedman – Supports OURS homeless camp and lifting of the camping ban.
14. Peter Grotticelli – Invited Council to visit OURS camp.
15. Christine Sundt – Opposes South Willamette Special Area Zone proposal.
16. Ambrose Holtham-Keathley – Requested support from Council for OURS camp.
17. Karen Leeson – Opposes the SW-SAZ; City needs to be more inclusive.
18. Al Kreitz – More shelter for the homeless is needed.
19. Richard Sundt – Planning in Eugene is fundamentally flawed.
20. Michael Gannon – Supports climate recovery ordinance and enforcement.
21. Vic Hariton – Citizens will lose faith and trust with SW-SAZ process.
22. Kathleen Bosteder – Opposes South Willamette Special Area Zone proposal.
23. Norton Cabell – Supports acquisition of land for affordable housing.
24. Kristen Karle – Supports acquisition of land for affordable housing.
25. Tom Bowerman – Supports climate recovery ordinance; thankful for City staff.
26. Rebecca Flynn – Supports climate recovery ordinance and enforcement.

Council discussion:

- No decisions will be made on SW-SAZ until council has a thorough discussion.
- Thanks and gratitude expressed to veterans for their service and sacrifice.
- It is refreshing and appreciated to hear praise of City staff.
- Disappointed no compromise was negotiated with OURS camp that would allow them to stay in their current location.
- Interest expressed in pursuing dusk-to-dawn camping policies/programs.

3. CONSENT CALENDAR

MOTION AND VOTE: Councilor Syrett, seconded by Councilor Evans, moved to approve the items on the consent calendar. **PASSED 8:0**

4. ACTION: Acquisition of Land for Affordable Housing – 1505-1525 River Road

Housing Finance Analyst Ellen Meyi-Galloway gave a brief PowerPoint presentation on the land banking program, affordable housing projects, and information on the acquisition of the River Road property.

MOTION AND VOTE: Councilor Syrett, seconded by Councilor Evans, moved to approve the use of up to \$460,000 in Community Development Block Grant funds for the acquisition of 1515-1525 River Road and a \$65,000 loan from the Construction and Rental Housing Fund for the acquisition of 1505 River. Direct the City Manager to include these items in the FY16 Supplemental Budget #1. **PASSED 8:0**

Council discussion:

- Overall plan is good and land banking program is a tremendous success.
- Viewed as a win/win by the Housing Policy Board.
- Important to continue to address need for affordable housing.

5. COMMITTEE REPORTS: Lane Workforce Partnership, Chamber of Commerce, Housing Policy Board, Lane Regional Air Protection Agency, Metropolitan Wastewater Management Commission.

Council discussion:

- Mayor will participate in Eugene Police Veterans Day Roll Call.
- South Willamette Economic Development Corporation and Regional Solutions will be meet next week.
- Information about upcoming neighborhood meetings was shared.
- Metropolitan Wastewater Management Commission will be looking at liability insurance, will have more meetings on the issue of revenue bonds.
- MWMC will also discuss biocycle farm and greenhouse gas inventory.

The meeting adjourned at 9:10 p.m.

Respectfully submitted,

Chuck Crockett
Deputy City Recorder

ATTACHMENT B

MINUTES

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

**November 16, 2015
7:30 p.m.**

Councilors Present: George Brown Betty Taylor, Alan Zelenka, *Mike Clark via phone*, Claire Syrett, Chris Pryor

Councilors Absent: Greg Evans, George Poling

Mayor Piercy opened the November 16, 2015, City Council public hearing.

1. PUBLIC HEARING: An Ordinance Adopting the “Dusk to Dawn” Permitted Overnight Sleeping Pilot Program

1. Betty Snowden – Supports ordinance; real need for more temporary shelter for homeless.
2. Sue Sierralupé – Supports ordinance; logical choice for the City to approve this.
3. Jennifer Frenzier-Knowlton – Supports ordinance; expand times and car camping opportunities.
4. Michael Carrigan – Supports ordinance; need to expand times and add sites in every ward.
5. Wayne Martin – Supports ordinance; need to expand times and allow for earlier set-up.
6. Tracy Joscelyn – Supports ordinance; people need safe places to sleep.
7. Terra Williams – Supports a moratorium on the camping ban.
8. Donna Riddle – Supports a moratorium on the camping ban.

Council discussion:

- Appreciation expressed to the County for allowing Nightingale Health Sanctuary to reopen the space next to Autzen Stadium for camping.
- Poverty and Homeless Board is making a safe camping site for people battling addictions.
- Human Services Commission has approved \$55,000 for winter strategies to help efforts.
- The timeframe for dusk-to-dawn camp operations will be discussed and chosen by council.
- Pilot programs created a formula for success; more sites needed for car camping program.
- Need to change to more practical hours; storage and sanitation issues need to be looked at.
- Request made for a list of all current city surplus properties that may be considered as potential overnight camping spots.

The meeting adjourned at 8:05 p.m.

Respectfully submitted,

Chuck Crockett
Deputy City Recorder

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Approval of Tentative Working Agenda

Meeting Date: November 23, 2015
Department: City Manager’s Office
www.eugene-or.gov

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

ISSUE STATEMENT

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

BACKGROUND

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

RELATED CITY POLICIES

There are no policy issues related to this item.

COUNCIL OPTIONS

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

CITY MANAGER’S RECOMMENDATION

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

November 19, 2015

NOVEMBER 23	MONDAY
--------------------	---------------

5:30 p.m.	Council Work Session	
Harris Hall	Expected Absences:	
A. WS: Report from Police Auditor and Civilian Review Board		45 mins – PA/Gissiner
B. WS: Climate Recovery Update		45 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/Bloch
b. Approval of Tentative Working Agenda		CS/Forrest
c. Approval of Resolution Annexing Land to City of Eugene (Rush, Janice; A 15-1)		PDD/Berg-Johansen
3. Action: Appoint to Sustainability Commission		CS/O’Sullivan
4. Action: Ordinance on Rest-Haven Memorial Park Metro Plan Amendment & Zone Change		PDD/O’Donnell
5. Action: Ordinance Adopting “Dusk to Dawn” Permitted Overnight Sleeping		CS/Cariaga
6. Committee Reports and Items of Interest from Mayor, City Council and City Manager		

NOVEMBER 25	WEDNESDAY	** NOTE: WORK SESSION CANCELLED **
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Noon	Council Work Session
Harris Hall	Expected Absences: Syrett
— A. WS: Process Session	

DECEMBER 9	WEDNESDAY	** NOTE: NEW MEETING LOCATION **
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Noon	Council Work Session	
B/T Room, Library	Expected Absences:	
A. WS: Joint Work Session with Human Rights Commission		90 mins – CS/Kinnison

DECEMBER 14	MONDAY
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5:30 p.m.	Council Work Session	
Harris Hall	Expected Absences:	
A. Committee Reports: PC, South Willamette EDC, LTD/EmX, OMPOC, McKenzie Watershed		
B. WS: EWEB Update		60 mins – PDD/Braud

7:30 p.m.	Council Meeting	
Harris Hall	Expected Absences:	
1. Public Forum		
2. Consent Calendar		
a. Approval of City Council Minutes		CS/Bloch
b. Approval of Tentative Working Agenda		CS/Forrest
3. PH and Action: Supplemental Budget #1		CS/Miller
4. PH and Action: URA Supplemental Budget #1		CS/Miller

DECEMBER 16	WEDNESDAY
--------------------	------------------

Noon	Council Work Session	
Harris Hall	Expected Absences:	
A. WS: Overview of Chronic Nuisance Codes		45 mins – PDD/Nicholas
B. WS: Economic Prosperity – Creative Industries		45 mins – LRCS/Anderson

COUNCIL BREAK: DECEMBER 17 , 2015 – JANUARY 6, 2016

EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

November 19, 2015

JANUARY 6	WEDNESDAY
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5:30 p.m. **State of the City**
Hult Center **Expected Absences:**
A. State of the City Address

JANUARY 11	MONDAY
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5:30 p.m. **Council Work Session**
Harris Hall **Expected Absences:**
A. Committee Reports and Items of Interest: HRC, SC, HSC, LCOG, MPC, PSCC 30 mins
B. WS: Economic Prosperity – Update 60 mins – PDD/Braud

7:30 p.m. **Council Meeting**
Harris Hall **Expected Absences:**
1. Election of 2016 Council Officers
2. Public Forum
3. Consent Calendar
 a. Approval of City Council Minutes CS/Bloch
 b. Approval of Tentative Working Agenda CS/Forrest
 c. Adoption of Resolution Acknowledging Receipt of the FY15 CAFR CS/Cronin
4. Action: URA - Resolution Acknowledging Receipt of the FY15 URA Annual Financial Report CS/Cronin

JANUARY 13	WEDNESDAY
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Noon **Council Work Session**
Harris Hall **Expected Absences:**
A. WS: Parks & Recreation System Plan 90 mins – PW/Carnagey

JANUARY 19	TUESDAY
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7:30 p.m. **Council Public Hearing**
Harris Hall **Expected Absences:**
1. PH:

JANUARY 20	WEDNESDAY
-------------------	------------------

Noon **Council Work Session**
Harris Hall **Expected Absences:**
A. WS:
B. WS:

JANUARY 25	MONDAY
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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/Bloch
 b. Approval of Tentative Working Agenda CS/Forrest

EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

November 19, 2015

JANUARY 27	WEDNESDAY	
Noon	Council Work Session	
Harris Hall	Expected Absences:	
A. WS:		
B. WS:		
FEBRUARY 8	MONDAY	
5:30 p.m.	Council Work Session	
Harris Hall	Expected Absences:	
A. Committee Reports: LWP, Chamber of Commerce, HPB, LRAPA, MWMC		30 mins
B. WS: Economic Prosperity – Update		60 mins – PDD/Braud
7:30 p.m.	Council Meeting	
Harris Hall	Expected Absences:	
1. Public Forum		
2. Consent Calendar		
a. Approval of City Council Minutes		CS/Bloch
b. Approval of Tentative Working Agenda		CS/Forrest
FEBRUARY 10	WEDNESDAY	
Noon	Council Work Session	
Harris Hall	Expected Absences:	
A. WS:		
B. WS:		
FEBRUARY 16	TUESDAY	
7:30 p.m.	Council Public Hearing	
Harris Hall	Expected Absences:	
1. PH: Annual Hazardous Substance User Fee Ordinance		Fire EMS/Eppli
FEBRUARY 17	WEDNESDAY	
Noon	Council Work Session	
Harris Hall	Expected Absences:	
A. WS:		
B. WS:		
FEBRUARY 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. WS:		
C. WS:		
7:30 p.m.	Council Meeting	
Harris Hall	Expected Absences:	
1. Public Forum		
2. Consent Calendar		
a. Approval of City Council Minutes		CS/Bloch
b. Approval of Tentative Working Agenda		CS/Forrest

A=action; PH=public hearing; WS=work session

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EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

November 19, 2015

FEBRUARY 24	WEDNESDAY
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Noon	Council Work Session	
Harris Hall	Expected Absences:	
A. WS: Workforce Housing		45 mins – PDD/Braud
B. WS:		

MARCH 9	WEDNESDAY
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Noon	Council Work Session	
Harris Hall	Expected Absences:	
A. WS:		
B. WS:		

MARCH 14	MONDAY
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5:30 p.m.	Council Work Session	
Harris Hall	Expected Absences:	
A. Committee Reports: PC, South Willamette EDC, LTD/EmX, 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/Bloch
b. Approval of Tentative Working Agenda		CS/Forrest

MARCH 16	WEDNESDAY
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Noon	Council Work Session	
Harris Hall	Expected Absences:	
A. WS:		
B. WS:		

COUNCIL BREAK: MARCH 17 , 2016 – APRIL 8, 2016

ON THE RADAR

Work Session Polls/Council Requests	Status
1. Update on EPD Response to Mental Health Crises	to be scheduled
2. \$15 Minimum Wage for City and Contract Employees (Syrett).....	to be scheduled

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Adoption of a Resolution Annexing Land to the City of Eugene (Rush, Janice; A 15-1)

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

Agenda Item Number: 2C
 Staff Contact: Erik Berg-Johansen
 Contact Telephone Number: 541/682-5437

ISSUE STATEMENT

This item is a request to annex approximately 0.22 acres (9,583 square feet) of vacant land located at 85 Irvington Drive, as well as a section of the Irvington Drive right-of-way. The property is located on the north side of Irvington Drive, just west of River Road. It is located within the Urban Growth Boundary (UGB), but is not currently surrounded by the city limits. To address the fact that the property is not adjacent to city limits, the applicant has proposed annexation of a portion of Irvington Drive that will “connect” the property to annexed lands. The City of Eugene Public Works Department is in agreement with this proposal to bring additional right-of-way into city limits. Annexation of this street segment will not create an island of unincorporated properties, and is therefore consistent with the City Council’s street annexation policy as established in Resolution 4903.

The property is zoned AG/UL (Agricultural with Urbanizable Lands Overlay). The Metro Plan designates the subject property for commercial use. The applicable refinement plan is the River Road - Santa Clara Urban Facilities Plan, which also designates the property for commercial use. Plans for future development of the site are not included as part of this annexation application.

BACKGROUND

In December 2007, the City Council adopted Ordinance No. 20400 establishing the procedures for annexation requests and amending Chapter 9 of the Eugene Code (EC) to include these procedures. These annexation procedures provide for the council to adopt a resolution approving, modifying and approving, or denying an application for annexation; or provide for the council to hold a public hearing before consideration of the annexation request.

Approval of annexation requests are based on the criteria at EC 9.7825 which require that (1) the land proposed to be annexed is within the city’s Urban Growth Boundary (UGB) and is contiguous to the city limits or separated from city limits only by a right-of-way or water body; (2) the proposed annexation is consistent with the applicable policies in the Metro Plan and in any applicable refinement plans and (3) the proposed annexation will result in a boundary in which the minimal level of key urban facilities and services can be provided in an orderly, efficient, and timely manner. Draft findings demonstrating that the annexation request is consistent with these approval criteria are included as Exhibit C to the draft

resolution (Attachment B).

Public notice for this annexation request was provided in accordance with Eugene Code requirements, and no written testimony has been received as of this date. Referral comments were provided by affected agencies including City of Eugene Public Works and the Eugene Water & Electric Board (EWEB). These referral comments confirm that the property can be provided with the minimum level of key urban services consistent with the approval criteria. Given the findings of compliance and lack of testimony received, a public hearing is not recommended in this instance.

Additional background information regarding this request, including relevant application materials, is included for reference as Attachment C. A full copy of all materials in the record is also available at the Permit and Information Center located at 99 West 10th Avenue.

RELATED CITY POLICIES

The Metro Plan contains the policies that are related to this annexation request. The River Road - Santa Clara Urban Facilities Plan is the refinement plan applicable to the subject property. The policies applicable to this request are addressed in the Planning Director's findings and recommendation (Exhibit C to Attachment B).

COUNCIL OPTIONS

1. Adopt the draft resolution.
2. Adopt the draft resolution with specific modifications as determined by the City Council.
3. Deny the draft resolution.
4. Defer action until after the council holds a public hearing on the proposed annexation.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends that the City Council adopt the draft resolution by finding that the request complies with all applicable approval criteria, and that the annexation be approved.

SUGGESTED MOTION

Move to adopt Resolution 5144, which approves the proposed annexation request consistent with the applicable approval criteria.

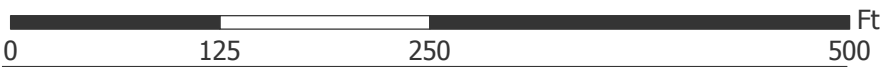
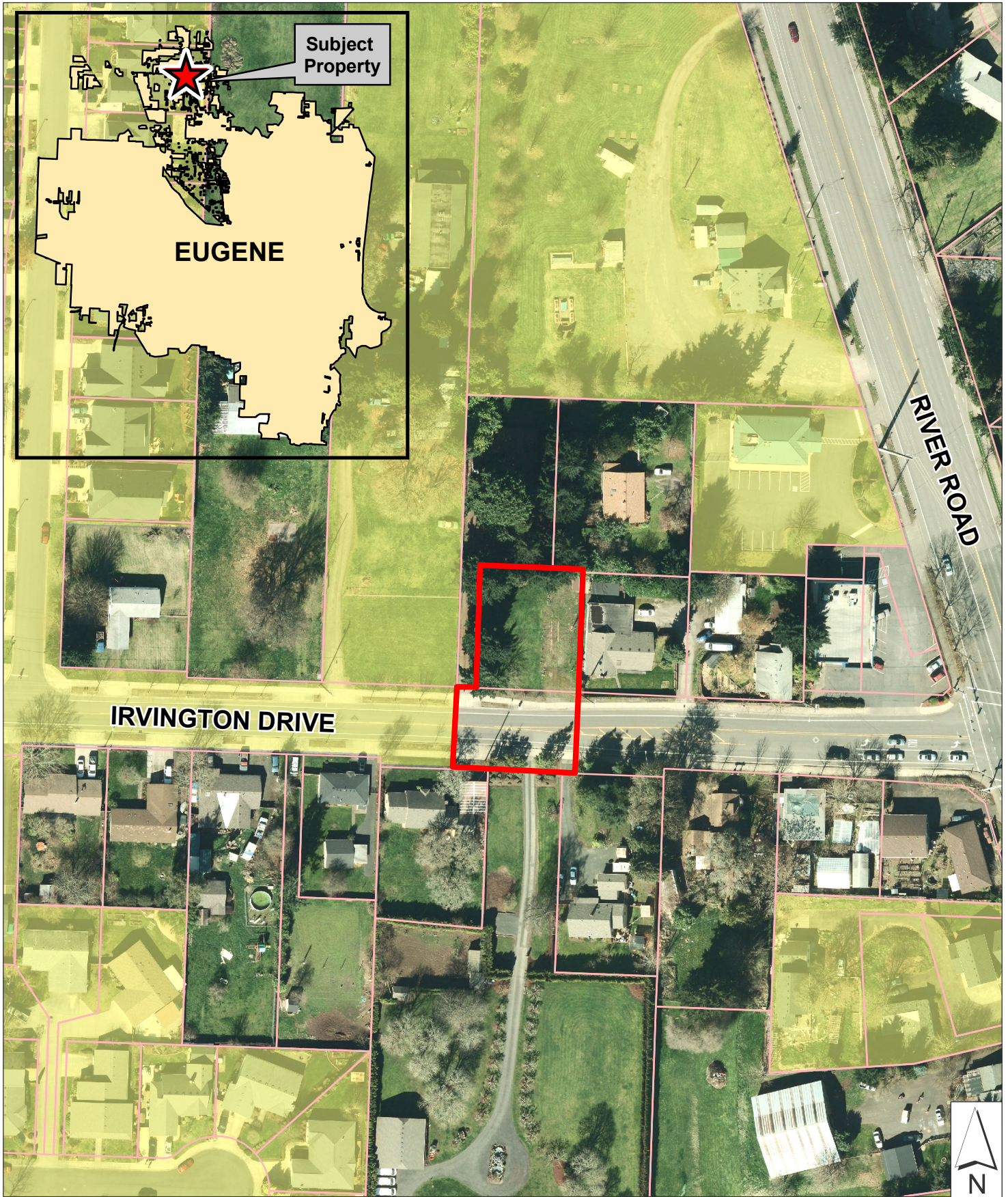
ATTACHMENTS

- A. Vicinity Map
- B. Draft Annexation Resolution with Exhibits A through C
 - Exhibit A: Map of Annexation Request
 - Exhibit B: Legal Description
 - Exhibit C: Planning Director Findings and Recommendation
- C. Application Materials for Annexation Request
- D. City Council Resolution 4903

FOR MORE INFORMATION

Staff Contact: Erik Berg-Johansen
Telephone: 541/682-5437
Staff E-Mail: Erik.Berg@ci.eugene.or.us

Rush, Janice (A 15-1)



Legend

- Area of Request
- City Limits
- 75-foot lots

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

November 2015



RESOLUTION NO. ____**A RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE
(PROPERTY IDENTIFIED AS ASSESSOR'S MAP 17-04-02-34, TAX LOT
100).****The City Council of the City of Eugene finds that:**

A. An annexation application was submitted by Janice M. Rush Trust on September 4, 2015, in accordance with the provisions of Section 9.7810(2) of the Eugene Code, 1971, ("EC") for annexation to the City of Eugene of the property identified as Assessor's Map 17-04-02-34, Tax Lot 100.

B. The territory proposed to be annexed is depicted on the map attached as Exhibit A to this Resolution. The legal description of the property described is attached to this Resolution as Exhibit B.

C. The City's Planning Director has submitted a written recommendation that the application be approved based on the criteria of EC 9.7825. The Planning Director's Recommendation is attached as Exhibit C.

D. On October 23, 2015, a notice containing the street address and assessor's map and tax lot number, a description of the land proposed to be annexed, and the Planning Director's preliminary recommendation was mailed to the applicants, owners and occupants of property within 500 feet of the subject property, and the Santa Clara Community Organization. The notice advised that the City Council would consider the Planning Director's full recommendation on the proposed annexation on November 23, 2015.

E. After considering the Planning Director's recommendation, the City Council finds that the application should be approved.

NOW, THEREFORE,

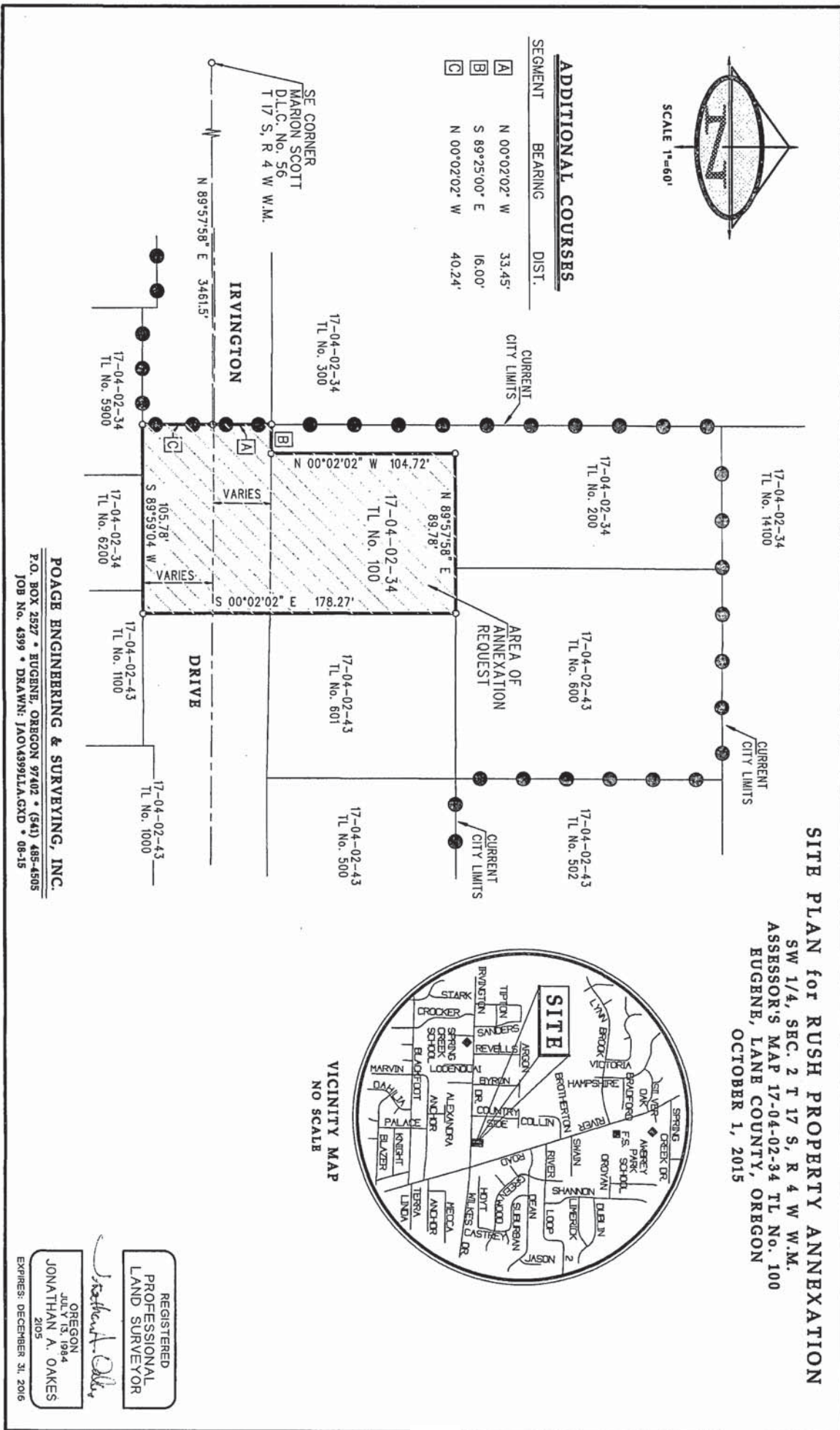
**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EUGENE, a
Municipal Corporation of the State of Oregon, as follows:**

Section 1. Based on the above findings and the Planning Director's Recommendation and Findings attached as Exhibit C which are adopted in support of this Resolution, it is ordered that the land identified as Assessor's Map 17-04-02-34, Tax Lot 100 on the map attached as Exhibit A, and described in the attached Exhibit B, is annexed to the City of Eugene.

Section 2. This Resolution is effective immediately upon its passage by the City Council. The annexation and automatic rezoning of the land from AG/UL to AG pursuant to EC 9.7820(3) shall become effective in accordance with State law.

The foregoing Resolution adopted the 23rd day of November, 2015.

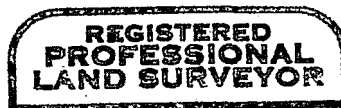
City Recorder



**Legal Description for the Annexation of the Rush Property
to the City of Eugene
SW 1/4 SEC. 2 T 17 S, R 4 W W.M.
Assessor's Map No. 17-04-02-34, TL No. 100
October 1, 2015
REVISED**

Beginning at a point on the center of Irvington Drive, 3461.50 feet North 89°57'58" East from the Southeast corner of the Marion Scott D.L.C. No. 56 in Township 17 South, Range 4 West of the Willamette Meridian; thence leaving said centerline and running North 00°02'02" West 33.45 feet to a point on the north margin of Irvington Drive as dedicated to Lane County through an instrument recorded August 28, 2002 Recep. No. 2002-066733 Lane County Oregon Deeds and Records; thence along the north margin of Irvington Drive South 89°25'00" East 16.00 feet to a point on the west boundary of that certain tract of land described in an instrument recorded June 11, 1984 Inst. No. 84-24898 and 84-24899 Lane County Oregon Deeds and Records; thence leaving said north margin and running along the west boundary of said last described tract North 00°02'02" West 104.72 feet to the northwest corner thereof; thence North 89°57'58" East 89.78 feet to the northeast corner thereof; thence along the east boundary of said last described tract South 00°02'02" East 178.27 feet to a point on the south margin of Irvington Drive as dedicated to Lane County through an instrument recorded June 25, 1970, Instr No. 10410 Lane County Oregon Deeds and Records; thence along the south margin of Irvington Drive South 89°59'04" West 105.78 feet to a point which bears South 00°02'02" East from the point of beginning; thence North 00°02'02" West 40.24 feet to the point of beginning, all in Lane County Oregon.

Bearings used hereon are based on the plat of Thompson Meadows as platted and recorded December 30, 1999 in File 75, Slides 926-931 Lane County Oregon Plat Records.



Jonathan A. Oakes



Expires: DEC 31, 2016

Exhibit C



**Planning Director's Findings and Recommendation
Annexation Request for Rush, Janice
(City File A 15-1)**

Application Submitted: September 4, 2015
Applicant: Janice Rush
Property Included in Annexation Request: Tax Lot 100 of Assessor's Map 17-04-02-34
Zoning: AG/UL Agricultural with Urbanizable Lands Overlay
Location: 85 Irvington Drive; North side of Irvington Drive, west of River Road
Representative: Bill Kloos, Law Office of Bill Kloos, PC
Lead City Staff: Erik Berg-Johansen, City of Eugene Planning Division, 541/682-5437

EVALULATION:

Based on the information provided by the applicant, the City has determined that this request complies with Eugene Code (EC) Section 9.7805 Annexation - Applicability. As such, it is subject to review and approval in accordance with the requirements, application criteria and procedures of EC 9.7800 through 9.7835. The applicable approval criteria are presented below in bold typeface with findings and conclusions following each.

EC 9.7825(1) The land proposed to be annexed is within the city's urban growth boundary and is:	
<p>(a) Contiguous to the city limits; or</p> <p>(b) Separated from the city only by a public right of way or a stream, bay, lake or other body of water.</p>	
<p align="center">Complies</p> <p><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</p>	<p>Findings: The annexation area is within the City's urban growth boundary (UGB), and as proposed, will be separated from the city only by a public right of way, consistent with subsection (b). As shown in the application materials and confirmed by City staff, the applicant's proposal includes a request to annex a portion of the Irvington Drive right of way, which makes the proposal consistent with this criterion. This segment of street annexation will not create an island of unincorporated property, consistent with Council Resolution 4903.</p>
EC 9.7825(2) The proposed annexation is consistent with applicable policies in the Metro Plan and in any applicable refinement plans.	
<p align="center">Complies</p> <p><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</p>	<p>Findings: Several policies from the Metro Plan provide support for this annexation by encouraging compact urban growth to achieve efficient use of land and urban service provisions within the UGB, including the following policies from the Growth Management section (in <i>italic</i> text):</p> <p><i>Policy 8. Land within the UGB may be converted from urbanizable to urban only through annexation to a city when it is found that:</i></p> <p style="margin-left: 40px;"><i>a. A minimum level of key urban facilities and services can be provided to the area in an orderly and efficient manner.</i></p> <p style="margin-left: 40px;"><i>b. There will be a logical area and time within which to deliver urban services and facilities. Conversion of urbanizable land to urban shall also be consistent with the Metro Plan. (page II-C-4)</i></p> <p><i>Policy 10. Annexation to a city through normal processes shall continue to be the highest priority. (page II-C-4).</i></p> <p><i>Policy 16. Ultimately, land within the UGB shall be annexed to a city and provided with the required minimum level of urban facilities and services. While the time frame for annexation may vary, annexation should occur as land transitions from urbanizable to urban. (page II-C-5)</i></p>

		<p>The <u>Metro Plan</u> designates the annexation area as appropriate for commercial use. The <u>River Road - Santa Clara Urban Facilities Plan (RR/SC UFP)</u> is the adopted refinement plan for the subject properties and also designates the area for commercial uses. The property is currently zoned AG/UL Agricultural with Urbanizable Land Overlay. The /UL overlay will be automatically removed from the zoning following annexation approval.</p> <p>With regard to applicable policies of the <u>RR/SC UFP</u>, the subject property is within the “River Road/Wilkes” subarea; however, none of the policies applied to the subarea appear to be directly applicable to the subject request. Further, none of the general “Residential Land Use Policies” at Section 2.2 appear to be directly applicable to the subject request. The “Public Facilities and Services Element” policies of the <u>RR/SC UFP</u> are directed at local government; however, the premise of these policies (regarding the provision of urban services) is the assumption that the properties within the UGB will be annexed.</p> <p>As previously discussed in this subsection, and further detailed under subsection (3) below, the proposed annexation is consistent with Metro Plan growth management policies and can be served by the minimum level of key urban services. The annexation procedures beginning at EC 9.7800 are consistent with State law and therefore, as found throughout this report, the annexation is consistent with State law.</p> <p>Therefore, based on the findings above, the proposal is consistent with the applicable policies of the Metro Plan and applicable refinement plan.</p>
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EC 9.7825(3) The proposed annexation will result in a boundary in which the minimum level of key urban facilities and services, as defined in the Metro Plan, can be provided in an orderly, efficient, and timely manner.

<p>Complies</p>	<p><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</p>	<p>Findings: Consistent with this criterion, the proposed annexation will result in a boundary in which the minimum level of key urban facilities and services can be provided in an orderly, efficient, and timely manner as detailed below:</p> <p><u>Wastewater</u> Public wastewater is available to serve the subject property. There is an existing 12-inch line within Irvington Drive; sewer connection record #32130 is evidence of an existing connection from the residence to this system. There are no liens or assessments of record due.</p> <p><u>Stormwater</u> There are public stormwater facilities within Irvington Drive; discharge to this system is dependent on available capacity and jurisdiction of the facility. Stormwater may be accommodated on site if infiltration rates demonstrate feasibility. Compliance with applicable stormwater development standards will be ensured at the time of development.</p> <p><u>Transportation</u> The subject property abuts Irvington Drive, a Lane County facility, classified as a minor arterial by the City of Eugene.</p> <p><u>Solid Waste</u> Collection service is provided by private firms. Regional disposal sites and the Short Mountain Landfill are operated by Lane County.</p> <p><u>Water and Electric</u> Eugene Water and Electric Board (EWEB) Water staff confirm that the property is currently served with water and electric, and therefore has no objection to the annexation.</p>
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		<p><u>Public Safety</u> Police protection can be extended to this site upon annexation consistent with service provision through the City. Fire protection will be provided by the City of Eugene Fire Department. Emergency medical services are currently provided on a regional basis by the cities of Eugene and Springfield to central Lane County and will continue in the same manner upon annexation.</p> <p><u>Parks and Recreation</u> A minimum level of park service can be provided to the proposal area as prescribed in the Metro Plan.</p> <p><u>Planning and Development Services</u> Planning and building permit services are provided for all properties located within the urban growth boundary by the City of Eugene. The Eugene Code, Chapter 9, will provide the required land use controls for future development of the subject property upon annexation.</p> <p><u>Communications</u> A variety of telecommunications providers offer communications services throughout the Eugene/Springfield area.</p> <p><u>Public Schools</u> The subject property is within Eugene School District 4J and is within the district boundary of Spring Creek Elementary School, Madison Middle School, and North Eugene High School.</p>
--	--	---

CONCLUSION:

Based on the above findings, information submitted to date, and the criteria set forth in EC 9.7825, the proposed annexation is consistent with the applicable approval criteria. A map and legal description showing the area subject to annexation are included in the application file for reference. The effective date is set in accordance with state law.

INFORMATION:

- ◆ Upon approval of the annexation, the base zoning of AG Agricultural will remain; however, the /UL Urbanizable Lands overlay will be automatically removed from the annexation area. Please contact the Permit Information Center, Planner-on-Duty at 682-5377 for more information.
- ◆ Approval of this annexation does not relieve the applicant from complying with applicable codes and statutory requirements.

LAW OFFICE OF BILL KLOOS, PC

OREGON LAND USE LAW

375 W. 4TH STREET, SUITE 204
 EUGENE, OR 97401
 TEL (541) 343-8596
 FAX (541) 343-8702
 E-MAIL BILLKLOOS@LANDUSEOREGON.COM

October 2, 2015

Eugene Planning and Development
 Atrium Building
 Attn.: Erik Berg-Johansen
 99 West 10th Ave.
 Eugene, OR 97401

RECEIVED

OCT 05 2015

CITY OF EUGENE
BUILDING & PERMIT SVCS

Re: A-15-001, Rush annexation, response to completeness review

Erik, thank you for your letter of September 25, 2015, and for returning my call earlier today. You indicated it would be necessary to revise the application narrative, the legal description, and the site plan before the application could be deemed complete for processing. Please find attached a revised site plan and legal description.

In regard to the narrative, the following proposed findings are intended to replace the proposed findings from the corresponding section in the original narrative:

EC 9.7825 Annexation – Approval Criteria. *The city council shall approve, modify and approve, or deny a proposed annexation based on the application's consistency with the following:*

- (1) *The land proposed to be annexed is within the city's urban growth boundary and is:

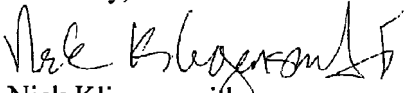
 - (a) *Contiguous to the city limits; or*
 - (b) *Separated from the city only by a public right of way or a stream, bay, lake or other body of water.**

Applicant's proposed finding: the subject property is within the city's UGB. The subject property is not immediately contiguous with city limits, but in one direction it is separated from city limits only by a public ROW. In addition to the property owned by the applicant, the applicant is also requesting to annex the full width of the public ROW that extends along the south boundary of tax lot 100, and also that portion of the public ROW to the west, between the applicant's property and the existing boundary of the city limits. By including this portion of public ROW in the annexation request, the applicant's property will be directly contiguous with city limits. The territory proposed to be annexed, including both the applicant's property and the public ROW, are depicted in the attached site plan, and are described in the attached legal description.

Rush annexation; response to completeness letter
October 2, 2015
Page 2 of 2

The revised materials address the items you deemed to be incomplete. With this submission, please deem the application complete and inform me as to the date that you have done so.

Sincerely,



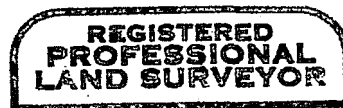
Nick Klingensmith

cc: Client

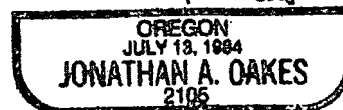
**Legal Description for the Annexation of the Rush Property
to the City of Eugene
SW 1/4 SEC. 2 T 17 S, R 4 W W.M.
Assessor's Map No. 17-04-02-34, TL No. 100
October 1, 2015
REVISED**

Beginning at a point on the center of Irvington Drive, 3461.50 feet North 89°57'58" East from the Southeast corner of the Marion Scott D.L.C. No. 56 in Township 17 South, Range 4 West of the Willamette Meridian; thence leaving said centerline and running North 00°02'02" West 33.45 feet to a point on the north margin of Irvington Drive as dedicated to Lane County through an instrument recorded August 28, 2002 Recep. No. 2002-066733 Lane County Oregon Deeds and Records; thence along the north margin of Irvington Drive South 89°25'00" East 16.00 feet to a point on the west boundary of that certain tract of land described in an instrument recorded June 11, 1984 Inst. No. 84-24898 and 84-24899 Lane County Oregon Deeds and Records; thence leaving said north margin and running along the west boundary of said last described tract North 00°02'02" West 104.72 feet to the northwest corner thereof; thence North 89°57'58" East 89.78 feet to the northeast corner thereof; thence along the east boundary of said last described tract South 00°02'02" East 178.27 feet to a point on the south margin of Irvington Drive as dedicated to Lane County through an instrument recorded June 25, 1970, Instr No. 10410 Lane County Oregon Deeds and Records; thence along the south margin of Irvington Drive South 89°59'04" West 105.78 feet to a point which bears South 00°02'02" East from the point of beginning; thence North 00°02'02" West 40.24 feet to the point of beginning, all in Lane County Oregon.

Bearings used hereon are based on the plat of Thompson Meadows as platted and recorded December 30, 1999 in File 75, Slides 926-931 Lane County Oregon Plat Records.



Jonathan A. Oakes



Expires: DEC 31, 2016

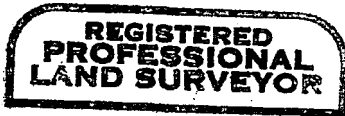
Certification of Description

Pursuant to EC 9.7810(7), Annexation Application Requirements, I hereby certify the metes and bounds description of the real property proposed for annexation closes; and the map outlining the boundary is a true representation of the description.

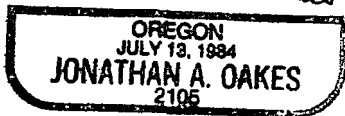
Signature: Jonathan A. Oakes 10.02.2015
Registered Land Surveyor Date

Print Name: JONATHAN A. OAKES

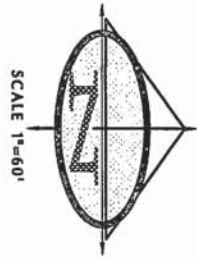
Seal:



Jonathan A. Oakes

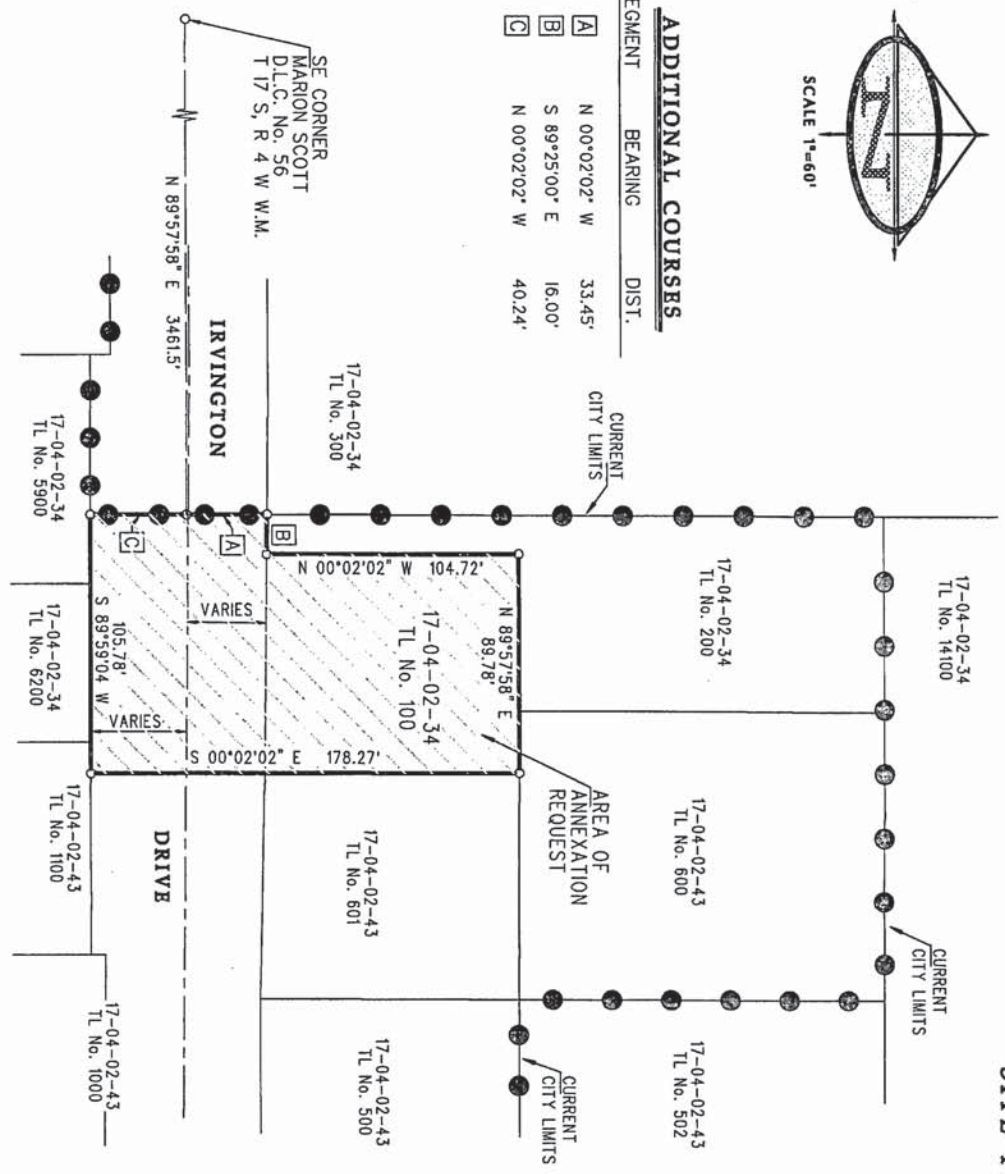


Expires: Dec 31, 2016



ADDITIONAL COURSES

SEGMENT	BEARING	DIST.
A	N 00°02'02" W	33.45'
B	S 89°25'00" E	16.00'
C	N 00°02'02" W	40.24'



SITE PLAN for RUSH PROPERTY ANNEXATION
 SW 1/4, SEC. 2 T 17 S, R 4 W W.M.
 ASSESSOR'S MAP 17-04-02-34 TL No. 100
 EUGENE, LANE COUNTY, OREGON
 OCTOBER 1, 2015



POAGE ENGINEERING & SURVEYING, INC.
 P.O. BOX 2927 • EUGENE, OREGON 97402 • (541) 485-4505
 JOB No. 4399 • DRAWN: JAO\4399LIA.GXD • 08-15

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

 OREGON
 JULY 13, 1984
 JONATHAN A. OAKES
 2105
 EXPIRES: DECEMBER 31, 2016

Application #: C * 2008 - _____
 For City Use Only

* CB = Coburg CG = Cottage Grove
 CR = Creswell EU = Eugene
 FL = Florence JC = Junction City
 OA = Oakridge SP = Springfield

PETITION
 Petition Signature Sheet
 Annexation by Individuals

We, the following property owners/electors, consent to the annexation of the following territory to the City of *(Insert Name of City): Eugene*

Signature	Date Signed m/d/y	Print Name	Residence Address <i>(street, city, zip code)</i>	Map and Tax Lot Number <i>(example: 17-04-03-00-00100)</i>	Land Owner	Reg Voter	Acres <i>(qty)</i>
<i>Janice M. Rush, Trustee</i>	<i>9/1/15</i>	Janice M. Rush, trustee Janice M. Rush trust	94 Irvington Dr. Eugene, OR 97404	Map 17-04-02-34 tax lot 00100	X		0.22

Note: With the above signature(s), I am attesting that I have the authority to consent to annexation on my own behalf or on behalf of my firm or agency. *(Attach evidence of such authorization when applicable.)*

1, Nicholas A. K... (printed name of circulator), hereby certify that every person who signed this sheet did so in my presence.
X [Signature] (signature of circulator)

CERTIFICATION OF PROPERTY OWNERS
 The total landowners in the proposed annexation are 1 (qty). This petition reflects that 1 (qty) landowners (or legal representatives) listed on this petition represent a total of 100 (%) of the landowners and 100 (%) of the acres as determined by the map and tax lots attached to the petition. A&T is not responsible for subsequent deed activity which may not yet be reflected on the A&T computerized tax roll.

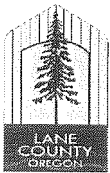
CERTIFICATION OF ELECTORS
 The total active registered voters in the proposed annexation are 100 (%). I hereby certify that this petition includes 8 valid signatures representing 100 (%) of the total active registered voters that are registered in the proposed annexation.

A. St... (Signature)
 Lane County Department of Assessment and Taxation
 Date Certified 9-2-15

[Signature]
 Lane County Clerk or Deputy Signature
 Date Certified 9/2/15

RECEIVED

SEP 02 2015



LANE COUNTY

Property Account Summary

As Of 9/2/2015 Status: Active

Account No.: 0341238 Alternate Property Number: 1704023400100
 Account Type: Real Property
 TCA: 00417
 Situs Address: 85 IRVINGTON DR
 EUGENE OR 97404
 Legal: Township 17 Range 04 Section 02 Quarter 34 TL 00100

Parties:

Role	Name & Address
Owner	JANICE M RUSH TRUST 94 IRVINGTON DR EUGENE OR 97404
Taxpayer	JANICE M RUSH TRUST 94 IRVINGTON DR EUGENE OR 97404
Trustee	RUSH JANICE M 94 IRVINGTON DR EUGENE OR 97404

Property Values:

Value Name	2014	2013	2012	2011	2010
MKTTL	\$55,039	\$51,192	\$52,483	\$63,405	\$49,300
AVR	\$41,691	\$40,477	\$39,298	\$38,153	\$37,042
TVR	\$41,691	\$40,477	\$39,298	\$38,153	\$37,042

Property Characteristics:

Tax Year	Characteristic	Value
2014	Property Class	101 Res conforming improved
	Change Property Ratio	1XX Residential
	Size	0.21
	Code Split	N
	Neighborhood	431500

Exemptions:

(End of Report)

Consent to Annexation

Consent is hereby given to the annexation by the City of Eugene, Oregon of the following described real property:

Map and Tax Lot: Map 17-04-02-34 tax lot 00100 Address: 85 Irvington Dr., Eugene, OR 97404

Legal Description:

[see exhibit]

In the corporate limits of said city, which is owned by the undersigned

DATED this 1 day of Sept, 20 15

Janice M. Rush, Trustee x

Janice M. Rush, trustee

Janice M. Rush trust

STATE OF OREGON)

)ss

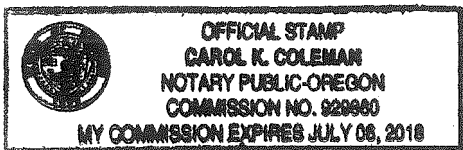
County of)

On this 1st day of September, 2015, before me, the undersigned, a notary public in and for the said county and state, personally appeared the within-named,

JANICE M. RUSH

who is known to me to be the identical individual described herein and who executed the same freely and voluntarily.

Seal:



IN TESTIMONY WHEREOF, I have hereunto set my hand and seal the day and year last above written.

Carol K. Coleman

Notary Public for Oregon

My Commission Expires 09/01/15

Summary of Urban Service Provision

This form is intended as a guide to assist applicants in demonstrating that a minimum level of key urban services can be provided to the area proposed for annexation. Space is provided on this form for you to provide detailed information on service provision. Please add additional pages if necessary to provide details of servicing issues related to the area you are annexing. To assist you in providing this information, some contacts are listed below. For large or difficult to serve properties, you may wish to contact a private land use planning consultant to prepare your application.

Property Owner(s) Name:
Janice M. Rush Trust

Assessor's Map and Tax Lot Numbers for Properties Proposed for Annexation
(For example: Map 17-03-19-31, Tax Lot 100)
Map 17-04-02-34, tax lot 00100

Wastewater -- All new development must connect to the wastewater (sanitary sewer) system. Is wastewater service available to serve the area proposed for annexation? (For more information, contact the Engineering staff at the City of Eugene Permit and Information Center or call 541-682-8400.)

The property(ies) in this annexation request:
[X] will be served from an existing gravity wastewater line.

Location and size of existing wastewater line:
Irvington Dr., 12" line

_____ will be served by an extension of an existing gravity wastewater line.

Where will a wastewater line be extended from? When will it be extended? By whom?

Stormwater -- Site plans for all new development must provide for drainage to an approved system consistent with the Comprehensive Stormwater Management Plan. City approval for storm drainage will be required as part of the development process. (For more information, contact the Engineering staff at the City of Eugene Permit and Information Center or call 541-682-8400.)

Is the site currently served by an approved stormwater system?
yes

If yes,
location? Irvington Dr., 24".

If no, how will stormwater be handled after development? -

Streets – What existing streets provide access to this site. List existing streets that provide access to this site from River Road, the Northwest Expressway, or Beltline Highway. Irvington Dr. intersects directly with River Rd. a short distance to the east of the subject property.

Will dedication for additional street right-of-way be required upon further development of this site?
 Yes No Unknown

Will existing streets be extended or new streets constructed upon further development of this site?
 Yes No Unknown

(For more information, contact the City of Eugene Public Works staff at (682-6004.)

Parks, Recreation, and Cultural Services

Systems Development revenues generated by new development and Ballot Measure 20-30, which authorized the issuance of \$25.3 million in general revenue bonds, will help to fund future City park acquisition and development in this area and throughout the city. Please list the parks and recreation facilities that already exist or are planned in the general vicinity of the property(ies) included in this annexation:

The subject property is within the River Road Parks and Recreation District.
Lane County GIS map shows five parks within one mile of the subject property: Filbert Meadows, Arrowhead, Ferndale, Terra Linda and Awbrey.

Key services, defined by the Metropolitan Plan as parks and recreation programs, will be available to new city residents in this area on an equal basis with residents throughout the city.

Public Safety

Police services - Police protection can be extended to this site upon annexation consistent with service provision throughout the city.

For River Road/Santa Clara area-

Police services - Police protection can be extended to this site upon annexation consistent with service provision throughout the city. Police currently travel along River Road to provide service to areas throughout the River Road and Santa Clara area. Infill annexations and development in this area will increase the efficiency of service delivery to this area.

Fire and emergency services (Please indicate which fire district serves subject property.)

 X Santa Clara - Fire protection services are currently provided to the subject property by the Santa Clara Rural Fire Protection District.

 River Road - Fire and emergency services - Fire protection is currently provided to the subject property by the River Road Water District under contract with the City of Eugene. Upon annexation, fire protection will be provided directly by the City of Eugene Fire & EMS Department.

Emergency medical transport (i.e., ambulance) services are currently provided on a regional basis by Eugene, Springfield, and Lane Rural Fire/Rescue to central Lane County, including the River Road and Santa Clara areas. After annexation, this service will continue to be provided by the current provider. All ambulance service providers have mutual aid agreements and provide back-up service into the other providers' areas.

Planning and Development Services -- Planning and building permit services are provided to the area outside the city limits but within the urban growth boundary by the City of Eugene. This service would continue after annexation.

EWEB (Eugene Water and Electric Board) currently provides water and electric service in the Eugene area and can provide service to new development in the River Road and Santa Clara area upon annexation. Some properties in northern Eugene receive electric service from EPUD (Emerald People's Utility District). Some properties in south Eugene receive electric services from the Lane Electric Cooperative; please note if this is the case for your property. For more information contact EWEB, ph. 484- 2411, EPUD, ph. 746-1583 or Lane Electric Co-op, 484-1151.

Electric Service -- Which electric company will serve this site?

 EWEB .

Water Service -- Please provide the size and location of the water main closest to your property. EWEB .

 There is a water main in Irvington Dr.

Solid Waste -- Solid waste collection service is provided by private firms. Regional disposal sites and the Short Mountain Landfill are operated by Lane County.

Natural Gas -- Northwest Natural Gas can extend service to new development in this area.

Communications -- US West Communications and a variety of other telecommunications providers offer communications services throughout the Eugene/Springfield Area.

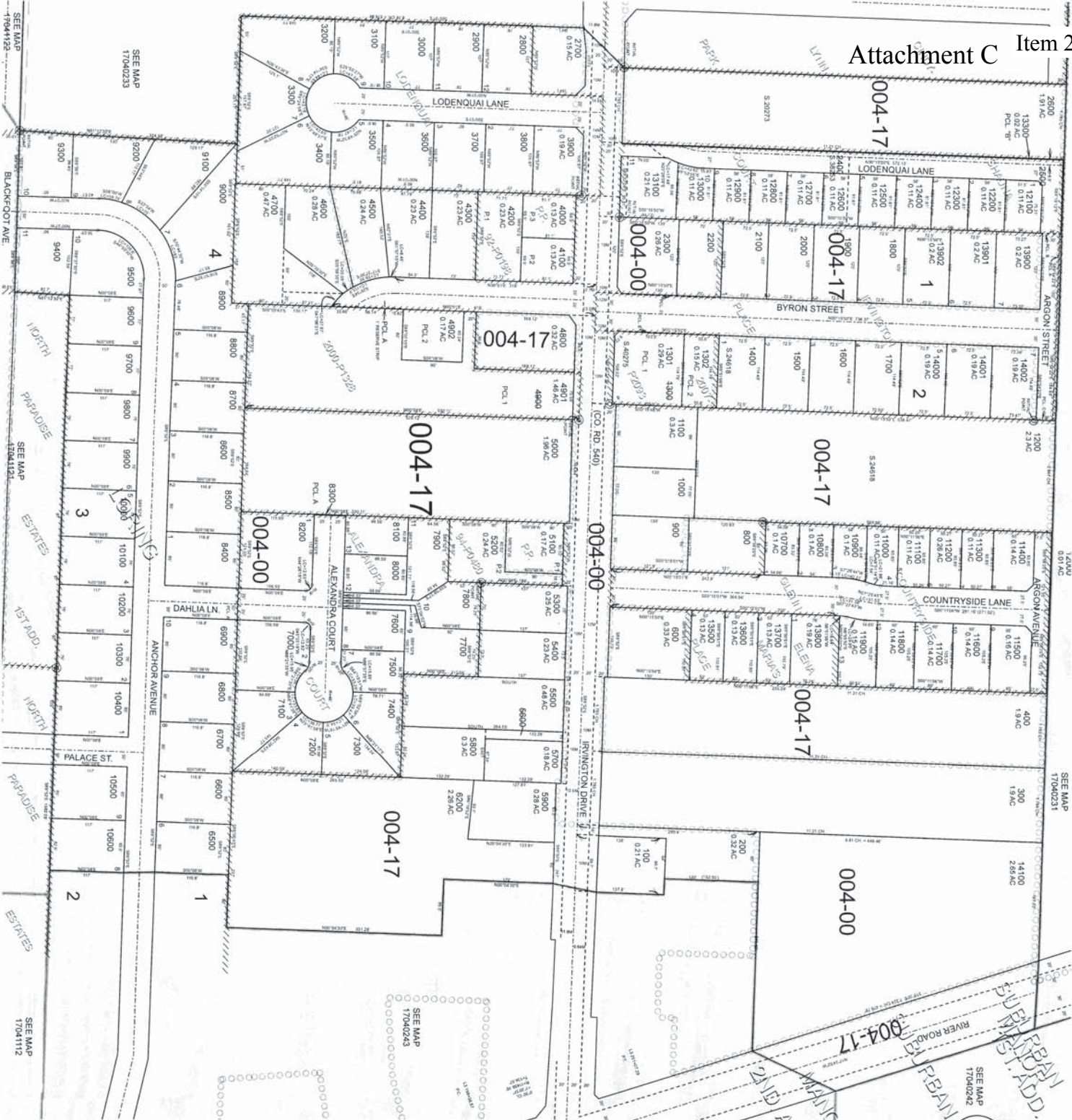
TAXATION ONLY

S.E. 1/4 S.W. 1/4 SEC. 2 T. 17S. R. 4W. W.M. Lane County

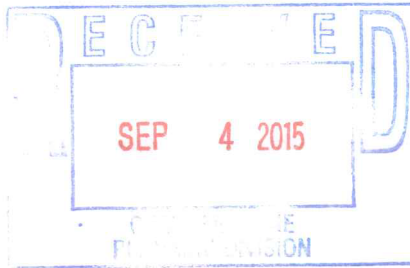
1" = 100'

17040234
EUGENE

Cancelled
2400
2500
4900
700
500
1300
13400
9500



EUGENE
17040234



Planning & Development Planning

City of Eugene
 99 West 10th Avenue
 Eugene, Oregon 97401
 (541) 682-5377
 (541) 682-5572 Fax
www.eugene-or.gov

ANNEXATION APPLICATION

Please complete the following application checklist. Note that additional information may be required upon further review in order to adequately address the applicable criteria for approval. If you have any questions about filling out this application, please contact Planning staff at the Permit and Information Center, phone (541)682-5377, 99 West 10th Avenue, Eugene.

List all Assessor's Map and Tax Lot numbers of the property included in the request.

Assessor's Map	Tax Lot	Zoning	Acreage
17-04-02-34	00100	AG/UL	0.22

Property Address: 85 Irvington Dr., Eugene, OR 97404

Plans for Future Development & Permit Number (if applicable): Development of single family residence

Public Service Districts:

Name		
Parks:	River Road Parks and Recreation District	
Electric:	EWEB	
Water:	EWEB	
Sanitary Sewer:	Lane County Metropolitan Wastewater Service District	
Fire:	Santa Clara RFPD	
Schools:	Elementary: Spring Creek	Middle: Madison High: North Eugene
Other:		

Filing Fee

- A filing fee must accompany all applications. The fee varies depending upon the type of application and is adjusted periodically by the City Manager. Check with Planning staff at the Permit and Information Center to determine the required fee or check website at www.eugeneplanning.org

Written Statement (Submit 5 copies)

- Submit a detailed written statement describing **how** this request is consistent with all applicable criteria (Section 9.7825 of the Eugene Code).

Site Plan Requirements

Submit 8 copies of a site plan, drawn to an engineer's scale on 8 ½" x 14" sheet of paper. Site plans shall include the following information:

- Show the date & north arrow on site plan.
- Show the Assessor's Map and Tax Lot number(s) on the site plan.
- Show a vicinity map on the site plan (vicinity map does not need to be to scale).
- Show city limits & UGB (if applicable)
- Clearly label the affected territory and any public right of ways to be annexed.
- Show all adjacent streets, alleys, and accessways.
- Show all dimensions of existing public utility easements and any other areas restricting use of the parcels, such as conservation areas, slope easements, access easements, etc.
- Show the location of all existing structures.

Other Application Requirements (Submit 5 copies of all)

- Petition for Annexation form listing all owners, including partial owners, and electors. This form includes the Certification of Electors which must be signed by the Lane County Elections/Voter Registration Department and also includes the Verification (Certification) of Property Owners which must be signed by the Lane County Department of Assessment and Taxation. *This form is required even if the land is vacant.*
- Notarized Consent to Annexation form.
- A legal description of the land proposed for annexation, including any public right of way prepared by a registered land surveyor. Oregon Revised Statutes (ORS) 308.225 requires submittal of a closing metes and bounds description or subdivision block and lot number description. Please see example of acceptable legal descriptions contained in the application packet. The legal description must exactly correspond with the map included with the application or the Assessor's map.
- Summary of Urban Service Provision form.
- A county Assessor's cadastral map. *(Available at Lane County Assessment & Taxation)*
- Census Information Sheet.

Note: This is not a complete list of requirements. Additional information may be required after further review in order to adequately address the applicable approval criteria.

By signing, the undersigned certifies that he/she has read and understood the submittal requirements outlined, and that he/she understands that omission of any listed item may cause delay in processing the application. I (We), the undersigned, acknowledge that the information supplied in this application is complete and accurate to the best of my (our) knowledge.

PROPERTY OWNER OF TAX LOT: 100

Name (print): Janice M. Rush Trust *Janice m Rush, trustee*

Address: 94 Irvington Dr. Email: _____

City/State/Zip: Eugene, OR 97404 Phone: 541 870 7975 Fax: 541-6886838

Signature: *Jan m Rush, trustee* Date: 9/1/15 y

PROPERTY OWNER OF TAX LOT: _____

Name (print): _____

Address: _____ Email: _____

City/State/Zip: _____ Phone: _____ Fax: _____

Signature: _____ Date: _____

PROPERTY OWNER OF TAX LOT: _____

Name (print): _____

Address: _____ Email: _____

City/State/Zip: _____ Phone: _____ Fax: _____

Signature: _____ Date: _____

SURVEYOR:

Name (print): Jonathan Oakes

Company/Organization: Poage Engineering

Address: P.O. Box 2527

City/State/Zip: Eugene Oregon 97401 Phone: 541-485-4505 Fax: _____

E-mail: oakes@poage.net

Signature: [see surveyor's certificate of description] Date: _____

REPRESENTATIVE (If different from Surveyor):

Name (print): Bill Kloos

Company/Organization: Law Office of Bill Kloos, PC

Address: 375 w. 4TH Ave, Suite 204

City/State/Zip: Eugene, OR 97401 Phone: 541-954-1260 Fax: _____

E-mail: billkloos@landuseoregon.com

Signature: *Wah Kluyson* for Bill Kloos Date: 9-2-15

****Attached additional sheets if necessary.**



COUNCIL RESOLUTION NO. 4903

**A RESOLUTION AMENDING THE
ADMINISTRATIVE GUIDELINES
FOR ANNEXATIONS ADOPTED BY
RESOLUTION NO. 4358 OF THE
CITY COUNCIL.**

PASSED: 8:0

REJECTED:

OPPOSED:

ABSENT:

RECUSED:

CONSIDERED: April 11, 2007

RESOLUTION NO. 4903**A RESOLUTION AMENDING THE ADMINISTRATIVE GUIDELINES FOR ANNEXATIONS ADOPTED BY RESOLUTION NO. 4358 OF THE CITY COUNCIL.****The City Council of the City of Eugene finds that:**

A. Administrative Guidelines for Annexation Proposals (the Guidelines) were adopted by Resolution No. 4358 of the City Council on January 25, 1993. The Guidelines, which were attached as Exhibit A to Resolution No. 4358 were adopted as City policy to be utilized, together with such other criteria as may be required under state law and adopted City policy, in the formation, processing and adjudication of annexation proposals.

B. Copies of Resolution 4358, including its Exhibit A, were forwarded to the City's Planning Commission, Planning and Development Department and other affected City departments to ensure the Guidelines were considered and evaluated in the processing and development of annexation proposals to be initiated before the Lane County Local Government Boundary Commission.

C. The second paragraph under the Annexation Initiation and Formation Guidelines section of the Guidelines sets forth the conditions under which property owner initiated annexation requests should be expanded to include road rights-of-way or public land. The City Council has directed that the city manager halt the practice of adding right-of-way to annexation requests in the River Road/Santa Clara area where such additions would create islands of unincorporated properties, and the Guidelines should be amended to explicitly recognize this direction.

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EUGENE, a Municipal Corporation of the State of Oregon, as follows:

Section 1. Based on the above findings, which are hereby adopted, the lead sentence for the second paragraph under the Annexation Initiation and Formation Guidelines section of the Guidelines attached as Exhibit A to Resolution No. 4358 is amended by revising and adding language to read as follows:

“Under any of the following conditions property owner initiated annexation requests may be expanded to include road rights-of-way or public land except where adding right of way would create islands of unincorporated properties in the River Road/Santa Clara area.”

Section 2. The City Recorder is requested to append a copy of this Resolution to Resolution No. 4358, and to forward copies to the City's Planning Commission, Planning and Development Department, Lane County Local Government Boundary Commission, and other affected agencies or departments.

Section 3. Except as herein amended, all other provisions of Resolution No. 4358, and the Administrative Guidelines for Annexations adopted therein, remain in full force and effect.

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

The foregoing Resolution adopted the 11th day of April, 2007.



City Recorder

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Action: Appointment to Sustainability Commission

Meeting Date: November 23, 2015
 Department: Central Services
www.eugene-or.gov

Agenda Item Number: 3
 Staff Contact: Babe O'Sullivan
 Contact Telephone Number: 541- 682-5017

ISSUE STATEMENT

This item is the appointment by the City Council of a new member to the Sustainability Commission to serve the unexpired term of David Tam.

BACKGROUND

Each year, the council makes appointments to boards, committees and commissions. Chapter 2 of the Eugene Code addresses standing committees to the City Council and the appointment process. For most standing committees created in the Code, the council is the appointing authority. The normal recruitment period for boards, committees and commissions begins in January unless a resignation occurs mid-term. The Sustainability Commission has four positions that are filled in this manner, one of which had been filled by David Tam.

Due to Mr. Tam's resignation, one vacancy has occurred on the Sustainability Commission. Mr. Tam's term is set to expire on June 30, 2017, and his replacement will assume the remaining part of this term. Applicants were drawn from a pool that was created during a recent recruitment process. Six applicants completed interviews with the City Council and one, Thomas Pettus-Czar, was appointed last month to fill another vacancy. There are five candidates remaining in the pool and in balloting to fill the current vacancy, no candidate received five or more votes.

RELATED CITY POLICIES

The Eugene Sustainability Commission is a 13-member citizen body that acts in an advisory capacity to the City Council and the City Manager to create or enhance sustainable practices within the community. The Sustainability Commission was created by City Ordinance No. 20379 in March 2007.

COUNCIL OPTIONS

1. Appoint a candidate from the five applicants interviewed and remaining in the pool.
2. Appoint another candidate after reviewing all of the applications.

3. Choose no candidate at this time.

CITY MANAGER'S RECOMMENDATION

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

SUGGESTED MOTION

Move to appoint [insert candidate's name] to Position 2 on the Sustainability Commission, an unexpired term ending on June 30, 2017.

ATTACHMENTS

- A. Vote Ballot
- B. Applicant information

FOR MORE INFORMATION

Staff Contact: Babe O'Sullivan
Telephone: 541-682-5017
Staff e-Mail: babe.osullivan@ci.eugene.or.us

ATTACHMENT A

**SPECIAL RECRUITMENT
BALLOT FOR SUSTAINABILITY COMMISSION
Fall 2015**

Name: _____

Please indicate the person you would like to appoint. Any candidate receiving five or more votes to appoint will be placed in nomination for formal appointment at a City Council meeting.

SUSTAINABILITY COMMISSION: ONE (1) VACANCY

Last Name	First Name	Appoint	Notes
Brinkley	Mike (John)		<i>Interviewed</i>
Etzel	Cliff		
Giesen	Thomas		
Jones	Eric	GB	<i>Interviewed</i>
Kirkpatrick	Robert		
McVeigh-Walker	Chase		
Miller	Todd	GP	<i>Interviewed</i>
Mulholland	Zach	AZ CP CS	<i>Interviewed</i>
Pettus-Czar	Thomas		<i>Appointed to SC in October</i>
Pruch	Jared	BT	
Quirke	Doug		
Reesor	Jennifer		<i>Interviewed</i>
Roberts	Samuel		
Usborne	Jason		

Item 3.



Interested Applicants

InterestedApplicants

7/27/2015 8:59:48 AM

Sustainability Commssion

Name **John M. Brinkley**

Address **2582 W 28th Ave**

Eugene OR 97405

Occupation **retired**

Business Address

Evening Phone **4083071332** Day Phone **4083071332**

Do You Live within the City Limits? **Y** If so how long? **5yr 3mo**

Ward **8** Neighborhood **Churchhill Area Neighborhood**

Employer

Fax E-Mail **mbrinkle@comcast.net**

How did you learn of this vacancy? **Friend**

Optional Information

Gender **M** Age **66+** Ethnicity **White/European American**

Disability **N** Description

Additional Languages spoken **English**

Education / Training

PhD Organic Chemistry Case Western Reserve University

Job Experience

Director of Research, ThermoFisher Scientific

Community Service / Volunteer

Board Executive Long Tom Watershed Council (LTWC); Political Chair Many Rivers Group Sierra Club; Past President McKenzie Flyfishers; Management Committee and volunteer with Jazz Station at 194 Broadway.

Personal Experience

Fundraising, grant evaluations and field work with LTWC; Political advocacy to ban disposable grocery bags with Sierra Club, OLCV and Surfriders Foundation; Watershed conservation projects with McKenzie Flyfishers and LTWC;



Interested Applicants

InterestedApplicants

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Personal Interest

My interests are in environmental advocacy and watershed observation and preservation. I am an avid fly fisher and lead wilderness hikes for the local Sierra Club organization. I work as political chair of the local Sierra Club, advocating for environmentally responsible candidates for local and state office. Sustainability and environmental protection go hand-in-hand and I would be honored to work with the sustainability commission to further its goals to make Eugene a truly sustainable city.

Contribution

See above personal interests. I hope to provide energy and commitment to the commission by using my experience as a volunteer leader for several local organizations.

1 What do you consider to be the most important sustainability issues facing Eugene?

I think urban growth, transportation and stormwater disposal issues are most important. EMX is good, but the city would be well served to have a line to the airport, for example. Although new construction requires adequate stormwater engineering solutions, there are a huge number of businesses that need improved stormwater drainage. The LTWC, of which I am a board member is working with businesses and the city to construct proper catch basins. Urban growth needs to be carefully managed to preserve open space, productive farmland and proper placement of new development.

2 Briefly outline your understanding of what a sustainable city would be like.

A sustainable city would be one where there is minimal water pollution into nearby waterways, insured by proper design of sewage disposal. Waste is massively recycled as efficiently as possible. Air and water pollution is minimized by regulating industries appropriately and by locating industry in areas that are well separated from residential areas. Streets are well maintained and there is public transportation available to all in the important city corridors. Facilities should be readily available to provide affordable housing and shelter. A sustainable city is a city with emphasis on education, entertainment and social activities to provide a high 'livability index'. Facilities shouordable housing and shelter.



Interested Applicants

InterestedApplicants

7/27/2015 8:59:48 AM

Sustainability Commssion

Name **Cliff . Etzel**

Address **2568 Potter St**

Eugene OR 97405

Occupation **Multimedia Journalist & Filmmaker**

Business Address **2568 Potter St.**

Eugene OR 97405

Optional Information

Gender **M** Age **46-55** Ethnicity **White/European American**

Additional Languages spoken

Education / Training

My education in the arena is limited to self learning and having completed the Master Recycler program here in Eugene. Currently taking online courses including one entitled "Sustainability, Resilience, and Society"

Community Service / Volunteer

I'm hoping this will provide my first experience as a volunteer.

Evening Phone **5415142763** Day Phone **5415142763**

Do You Live within the City Limits? **Y** If so how long? **43 years**

Ward **NC** Neighborhood **None**

Employer **Self**

Fax E-Mail **cliffetzel@outlook.com**

How did you learn of this vacancy? **Web Site**

Disability **N** Description

Job Experience

I've been self employed as a multimedia Journalist, Filmmaker & Storyteller for over 25 years professionally.

Personal Experience

I am a staunch recycler, proponent of bicycle transportation as a viable means for reducing carbon emissions.

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Interested Applicants

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Personal Interest

I am an environmental filmmaker with a background in documentary photojournalism and films. I've advocated the creation of creating local organic and sustainable food economies to help communities stabilize and maintain a sense of community and quality food supply. I'm a certified master recycler and know Carolyn Stein personally as well as others in the field.

Contribution

I hope to contribute a fresh, albeit somewhat radical perspective on the issues of human powered transportation, creating a local organic and sustainable food economy as well as initiatives for helping residents provide their own food security and energy production.

1 What do you consider to be the most important sustainability issues facing Eugene?

The balance of population growth with the ability to implement practices/solutions that reduce our consumption/waste of resources. As Eugene grows, we need to develop solutions for transportation and food production that are sustainable.

2 Briefly outline your understanding of what a sustainable city would be like.

The challenge with this question is that No one knows what a sustainable city looks like because there never has been one. It would require building one from the very beginning. Ideally, sustainable cities should be smaller and more dense thus leaving more surrounding land to be used for food production, etc. Dense neighborhoods that are walkable with virtually no cars would provide green living spaces for residents. The topic is too broad to effectively describe in a brief statement.



Interested Applicants

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7/27/2015 8:59:48 AM

Sustainability Commssion

Name **Thomas W. Giesen**

Address **212 Pearl #8
Eugene OR 97401**

Occupation **Retired**

Business Address **212 Pearl #8
Eugene OR 97401**

Optional Information

Gender **M** Age **66+** Ethnicity **White/European American**

Additional Languages spoken

Education / Training

Rice U. BA history 1965; MFA UO 1968; MS Forest Ecology (biogeochem) OSU 2005; PhD prelims (forest ecology) Uldaho 2008, studied climate change @ graduate level @ UO, U Idaho and OSU. Taught NR Policy PPPM 443/543 at UO 4 years 2011 2015.

Community Service / Volunteer

Taught and facilitated informal classes @ Eugene IWLA; Obsidians; LC Med Soc, etc. Sponsored and led hikes and bike tours 1990 - 2004.

Evening Phone **5415544162** Day Phone **5415544162**

Do You Live within the City Limits? **Y** If so how long? **Since 1966 +/-**

Ward **7** Neighborhood **Downtown Neighborhood Association**

Employer **None**

Fax E-Mail **giesentom@gmail.com**

How did you learn of this vacancy? **Mail**

Disability **N** Description

Job Experience

Construction related 1955-2004; owned construction estimating business (Eugene)1980 - 2004. Returned to graduate school 2004.

Personal Experience

The usual mix of family (2 daughters, now 41 (teaches @ RCC) and 36 (experimental preschool director, Grace Cathedral @ SFO)), work, recreation (racing triathlon, bikes, running), photography, etc.

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Interested Applicants

InterestedApplicants

7/27/2015 8:59:48 AM

Personal Interest

I have been concerned by deficits in our culture for many years. I feel we lack the motivation to seriously engage the issues of global warming, looming energy and other deficits, excessive consumerism, and general apathy.

Contribution

I want to engage the issues I listed in "personal interests", and I want to insure that the information we (the commission) use is of the highest quality, relevance, and is wholly up-to-date.

1 What do you consider to be the most important sustainability issues facing Eugene?

Nothing is truly sustainable. Losses are unavoidable, our ecological assets will diminish, and our sun itself will eventually die out. I think that growth questions are our most critical issues. Growth requires using more natural resources and that creates problems of limits and deficits. But I feel certain that we can live comfortably with much less consumption, and in so doing push back issues of shortages, etc.

2 Briefly outline your understanding of what a sustainable city would be like.

A "sustainable" city would focus on doing more with less through thoughtful efficiencies - tending more toward spartan rather than regal ideals - while still maintaining public safety and a useful level of convenience. In particular, encouraging more public transportation options should accommodate significantly more traffic with fewer vehicles. Renewable energy must fully replace fossil fuels very soon (circa 30 years) and CO2 concentrations will diminish. But time is short!!



Interested Applicants

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7/27/2015 8:59:48 AM

Sustainability Commssion

Name **Eric T. Jones**
 Address **708 W. 26th Ave**
Eugene OR 97405
 Occupation **Environmental Anthropologist**
 Business Address **708 W. 26th Ave**
Eugene OR 97405

Evening Phone **541-505-1870** Day Phone **541-505-1870**
 Do You Live within the City Limits? **Y** If so how long? **9 years**
 Ward **1** Neighborhood **Friendly Area Neighbors**
 Employer **OregonMuse**
 Fax E-Mail **erictjones@oregonmuse.us**
 How did you learn of this vacancy? **Friend**

Optional Information

Gender **M** Age **46-55** Ethnicity **White/European American**

Disability **N** Description

Additional Languages spoken

Education / Training

2002 Ph.D., UMass Amherst. Environmental Anthropology/Sustainable Forestry
1996 MA, UMass Amherst. Environmental Anthropology/Environmental Education
1992 BA, UO, Anthropology/Archaeology.

Job Experience

2012-2015 OregonMuse (consultant)
2013-2015 MycoLogical Natural Products
1999-2012 Scientist & Manager, Institute for Culture and Ecology
2008-2015 Associate Professor Research (courtesy)

Community Service / Volunteer

Over the last 30 years I have volunteered thousands of hours on various professional and nonprofessional sustainability-related projects. Examples: Toolbox Project Board, Earthweek Coordinator, Anthropology & Environment Program Chair.

Personal Experience

I try to model a sustainable lifestyle through biking, hiking, tent camping, a modest (green) home, organic gardening, and through actively working on community sustainability issues like abandoned houses, toxic chemical use and food production.

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Interested Applicants

InterestedApplicants

7/27/2015 8:59:48 AM

Personal Interest

As a child of Governor McCall's environmental initiatives my entire life has been focused on understanding and doing something about environmental sustainability problems. I'm a 4th generation Oregonian that has worked around the world on environmental projects. I believe that Eugene is emerging as a model for other cities struggling with sustainability issues. My wife co-directs the Environmental Leadership Program at UO and we have long been a team, helping each other think through complex problems we face at work, and working together in the community. My father was a 24J science teacher that had a work ethic and community-service values that I try to emulate. I grew up in a family that valued self-sufficiency – we gardened and canned our food, worked on family farms, orchards and forests, fished, and gathered wild foods.

Contribution

As a young man I had a passion to save the planet from environmental catastrophe, but lacked the intellectual means to understand and explain the underlying causes. As an undergraduate at the University of Oregon, I co-founded a nonprofit in 1991 called Sustainability Now! Though we accomplished a lot in a short time, I struggled to interconnect all the various threads that make up the fabric of sustainability, resilience and adaptability. Thus, I headed to graduate school where I gained the analytical tools and experience to develop a systems approach to sustainability. This has allowed me to contribute substantively to solutions on some of the most vexing and complex problems we face today - including environmental justice, gender inequality, land tenure, common property, climate change, biodiversity conservation, urban-rural dichotomies and the disempowerment and disenfranchisement of youth. I would bring my knowledge, skills, experience and connections to this Commission, to inform and help achieve the city's sustainability goals. Membership in the Commission would be another way I'm directly helping make our community a safer and more sustainable place for my family.



Interested Applicants

InterestedApplicants

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1 What do you consider to be the most important sustainability issues facing Eugene?

Climate change, economic health, population expansion, green infrastructure, social equality, effective mass transit, self-sufficient neighborhoods, an environmentally aware and engaged citizenry and air quality are all very high on my list, but ultimately sustainability is about all the municipal systems working together efficiently. Eugene has worked on greening many of the existing systems (e.g., waste management) and filling in the gaps (e.g., energy conservation through ductless heat pumps, weatherization and solar), but must continue to treat each initiative within a larger sustainability framework. For example, human caused global climate change is ushering greater uncertainty in precipitation patterns, vegetation patterns, energy generation, and more. Although one city cannot fix the problem of climate change, it can focus on making city systems more resilient, adaptive, and prepared for uncertainty. Preparing better for climate change will mean improving the many systems that make up a city. Some examples: modernizing the electric and water distribution grids to curtail waste; engaging the citizenry in monitoring climate change through citizen science; creating opportunities for youth to work and bond around initiatives to mitigate negative climate change effects and instill them with hope and confidence; advancing neighborhood self-sufficiency and livability so it is safe to walk and ride bicycles and to get a greater portion of your household needs without getting in a car.

2 Briefly outline your understanding of what a sustainable city would be like.

A sustainable city would maximize self-sufficiency by minimizing costly inputs (e.g., energy) and harmful outputs (e.g., garbage). It would plan its goals for the city with regard to the carrying capacity of the region. It would be a place that stewards resources and functions with regard for future generations ability to live sustainably. A sustainable city would embrace diverse ideas and cultures as a source of wisdom that makes the city stronger. It would be a place where economic growth isn't about ever increasing consumption of natural resources and expansion of city limits, but rather about economic resilience through diversity of locally appropriate commerce, living wages and affordable housing. A sustainable city is one that knows its cultural and ecological history, has a deep commitment to stewarding the natural environment, and has a symbiotic rather than exploitive relationship with the greater ecosystem. A sustainable city is one in which people can walk to buy basic necessities like food and clothing, has bike corridors that will take people safely to any part of the city, and mass transit that is more convenient to use than a personal vehicle. A sustainable city would have a population that values farmers and small foresters in and around the city that produce quality food and materials using environmentally beneficial methods. A sustainable city would no longer have people that think littering is so insignificant it doesn't hurt anything.



Interested Applicants

InterestedApplicants

7/27/2015 8:59:48 AM

Sustainability Commssion

Name **Robert . Kirkpatrick**

Evening Phone **5416333164** Day Phone **5416333164**

Address **890 W23 ave**

Do You Live within the City Limits? **Y** If so how long? **1-2years**

EUGENE Or 97405

Ward **1** Neighborhood **Friendly Area Neighbors**

Occupation **ASLCC Sustainability Coordinator**

Employer **ASLCC**

Business Address **4000 E 30th Ave**

Fax E-Mail **aslccsustainabilitycooridnator@gmail.com**

Eugene Or 97405

How did you learn of this vacancy? **Mail**

Optional Information

Gender **M** Age **26-35** Ethnicity **White/European American**

Disability **N** Description

Additional Languages spoken **English**

Education / Training

Currently enrolled as a History student at Lane Community College. And Running a food pantry for students on campus

Job Experience

Sustainability Coordinator for ASLCC. Duties including running the food pantry, and planning some community outreach. As well as a chairing a committee that restarts Fall term.

Community Service / Volunteer

I have spent a year in AmeriCorps as a volunteer in after school programs.

Personal Experience

I have 2 years living in a community house off River Rd. As well as working on a few farms.

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Interested Applicants

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Personal Interest

My interest is in helping. I know what it is like to not have a home or wonder where your next meal will come from. I am using that driving force to help students and I would like the chance to grow that out to Eugene as a whole.

Contribution

I have sense of humor and a ability to sense/ease tension. I also am rather good and looking at all the angles of an issue and not afraid to be the one to say no.

1 What do you consider to be the most important sustainability issues facing Eugene?

Right now I see a lot of students that struggle to get food for their families. I also think that maybe something more can be done for the homeless population.

2 Briefly outline your understanding of what a sustainable city would be like.

I would like to think that a sustainable city would have more fresh, maybe filtered, water dispensers. Also to encourage decreasing traffic and pollution perhaps a station by/within the bus station where there are rentable, trackable, bikes. Kind of like the pay to park system. To me though being sustainable is more than turning off your lights or where you set a thermostat, it is something that is ever growing and we should have regular events where citizens can learn about practices what might help them make their lives more sustainable.

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Interested Applicants

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7/27/2015 8:59:48 AM

Sustainability Commssion

Name **Chase . McVeigh-Walker**

Address **905 E 37th Ave**

Eugene OR 97405

Occupation **Law and Policy Advisor**

Business Address **990 Garfield Street**

Eugene OR 97402

Optional Information

Gender **M** Age **19-25** Ethnicity **White/European American**

Additional Languages spoken

Education / Training

I have graduated from the University of Oregon's Oregon Leadership in Sustainability (OLIS) graduate program in 2013. I received my undergraduate degree in Environmental Studies also from UO.

Community Service / Volunteer

I wrote and was awarded a grant for the UO's Sustainability Center to promote sustainable transportation. My grant funded a project to fill up automobile tires for efficient driving, thus offsetting the CO2 emissions of the motor pool fleet.

Evening Phone **5105907311** Day Phone **5105907311**

Do You Live within the City Limits? **Y** If so how long? **7 years, 10 months**

Ward **2** Neighborhood **Southeast Neighbors**

Employer **Green Energy Corp.**

Fax E-Mail **chaswmcveigh.walker@gmail.com**

How did you learn of this vacancy? **Friend**

Disability **N** Description

Job Experience

**Law and Policy Advisor with Green Energy Corp.
Energy Efficiency Canvasser with Portland General Electric**

Personal Experience

I was one of the founding members for the UO Students for Public Participation (UOSP2). My interest in the public process and community outreach had me involved with the South Willamette Street Improvement Plan with UOSP2 and the City of Eugene.

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Interested Applicants

InterestedApplicants

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Personal Interest

Sustainability to me is the concept/idea of being a respectful tenant of the earth. Everyone has the ability to live a “more-sustainable” lifestyle, but it is important to note that changing developed habits into actions takes time. Change is gradual. I have witnessed failed sustainability efforts due to overly ambitious goals, and I have learned from these attempts. In Eugene, OR, the Sustainability Commission represents what I feel is a great attempt at bridging the thoughts and ideas of both the community and the local government. Developing committees and public involvement is one of the most effective ways to gather community support and a great starting point for any local government.

Contribution

This opportunity with the Sustainability commission would be my first stint on a city board/commission. My enthusiasm and knowledge of the subject matter will make me a strong candidate for the position. Aside from stakeholder communications and outreach, I was also able to develop my policy analysis and administrative skills in US Senator Jeff Merkley’s office. I completed a nine-month internship, where I conducted research, wrote memos, synthesized studies in environmental policies and sustainability issues, handled confidential and sensitive information, and helped facilitate town hall meetings in all the counties (Lane, Linn, and Benton) that our office served.

1 What do you consider to be the most important sustainability issues facing Eugene?

The most important sustainability issue facing Eugene in my opinion is regional vulnerability. situated in the southern end of the Willamette Valley, Eugene is susceptible to environmental issues complicated by its geographic location. Air pollution (be it smoke from wood burning, or Industrial burn off) is a constant issue that always needs addressing, and pollen can complicate air quality even further.

2 Briefly outline your understanding of what a sustainable city would be like.

A sustainable city to me is a city that not only has a symbiotic relationship between the general public and the local city government, but also one that produces well thought out plans on sustainable issues. The introduction of new polices and actions addressing current sustainable matters is a must. As the world is an ever changing entity, our methods and technologies need to be able to keep up with the times. Innovation is key for a successfully sustainable city.



Interested Applicants

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7/27/2015 8:59:48 AM

Sustainability Commssion

Name **Todd A. Miller**
 Address **1859 Jefferson Street**
Eugene OR 97402
 Occupation **Environmental Management**
 Business Address **225 Fifth Street**
Springfield OR 97477

Optional Information

Gender Age Ethnicity
 Additional Languages spoken

Education / Training

BS Biology-Geology with focus on marine ecology; MS Environmental Studies with focus on communications about water resource issues, OR Registered Geologist, ARCSA accredited rainwater harvesting professional.

Community Service / Volunteer

Board Member/Transportation Chair (Friendly Neighbors), Outreach Organizer (Willamette: A Place for Everyone), Political Campaign Support (promoting equity, mass transit and sustainability platforms). Adams Elementary school garden project start up.

Evening Phone **5416844542** Day Phone **5417367137**
 Do You Live within the City Limits? **Y** If so how long? **15Y 8M**
 Ward **1** Neighborhood **Friendly Area Neighbors**
 Employer **City of Springfield**
 Fax E-Mail **waterwrite@mac.com**
 How did you learn of this vacancy? **Friend**

Disability **N** Description

Job Experience

Environmental Management Analyst (City of Springfield), Executive Director (Siuslaw Watershed Council), Wetland Restoration Crew Leader (City of Eugene), Project Geologist (Levine Fricke Recon), Senior Hydrogeologist (Watkins-Johnson Environmental)

Personal Experience

My career and volunteerism gives me a grounding in environmental economics, ecosystem services, multiple community perspectives and finding common ground. My experience spans rural to metropolitan and private, government, and nonprofit.

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Interested Applicants

InterestedApplicants

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Personal Interest

I believe in community building as the key to strong, safe, sustainable cities. I invest in my neighborhood as a communal living landlord creating beautiful, functional spaces. I enjoy biking, running, and hiking in/around Eugene, supporting my special needs son, artistic daughter, and entrepreneurial wife to find their niches, and advocating for a healthy, functional environment.

Contribution

I want to help Eugene be THE place for a sustainable economy and high quality of life. This opening is a calling to me to put all of my skills, interests, and energy into something positive and lasting for my community. I offer pragmatism, vision, knowledge, and creativity in addressing problems and identifying opportunity.

1 What do you consider to be the most important sustainability issues facing Eugene?

A local economy not reliant on unsustainable forestry or out-of-state corporations, nor dependent on automobiles and cheap labor; reversal of carbon and toxic pollution; a truly equitable multi-modal transportation system; fostering a local food supply; and maintaining resilience to climate change and natural disasters.

2 Briefly outline your understanding of what a sustainable city would be like.

A sustainable city is a troika of balanced and complementary social, economic, and environmental forces as well as a dichotomy of the ability to meet all needs locally, married with a symbiotic exchange of resources inter-regionally. A sustainable Eugene would allow citizens to live, work, and recreate in "20 minute neighborhoods" regardless of social class, including ability to live in a barter and trade economy, encourage individual and municipal water recycling and energy production, have streets safe for all ages and modes, and approach carbon neutrality, with infrastructure designed to work with the environment.



Interested Applicants

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7/27/2015 8:59:48 AM

Sustainability Commssion

Name **Zach F. Mulholland**

Address **531 W 13th Ave #3**

Eugene OR 97401

Occupation **Community Organizing**

Business Address **PO Box 5692**

Portland OR 97228

Optional Information

Gender **M** Age **26-35** Ethnicity **White/European American**

Additional Languages spoken

Education / Training

**University of Oregon
Double Major in Physics and Political Science
Minor Public Planning, Policy, and Management**

Community Service / Volunteer

**Board Member, 350 Oregon, Eugene, Oregon (2014-present)
Founder and Campaign Manager, Divest UO, Eugene, Oregon (2014)
Board Member, Oregon Organic Coalition, Eugene,**

Evening Phone **541-419-4041** Day Phone **541-419-4041**

Do You Live within the City Limits? **Y** If so how long? **6 years, 2 months**

Ward **1** Neighborhood **Jefferson Westside Neighbors**

Employer **350 Oregon**

Fax E-Mail **zacharyfmulholland@gmail.com**

How did you learn of this vacancy? **Friend**

Disability **N** Description

Job Experience

**Field Organizer, 350 Oregon, Eugene, Oregon (2015)
Event Organizer, SOAR Oregon, Eugene, Oregon (2014)
Researcher, University of Oregon, Eugene, Oregon (2013)
Legislative Aide, Oregon House of Representatives, Salem, Oregon (2011)**

Personal Experience

In addition to working with community organizations and sitting on non-profit Boards, I have a background in the restaurant industry. This experience gave me a customer service mindset that should help in this public service role.

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Interested Applicants

InterestedApplicants

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Personal Interest

I love camping, hiking, and biking around our City and think it is vital we maintain the beautiful parks and wildlands that surround us. These treasures drastically improve our quality of life here, and are a major reason people from around the state and across the county choose to make Eugene their home. It is important we find a way forward that encourages the right kind of growth, protecting our natural assets and ensuring these areas are passed down to future generations to explore and enjoy. As a member of the Sustainability Commission, I look forward to finding a path for business and environmental stewardship.

Contribution

The Sustainability Commission should make recommendations to the Council that will continue to make our City a leader in sustainable growth, implementing wise policies that will make Eugene a model for the nation. Finding the right building codes, waste disposal/recycling streams, and city transit plans now will set Eugene on a path for continued prosperity. My personal interest comes from wanting to make my own community as sustainable as possible, and this is a great opportunity to contribute and make a difference to that end.



Interested Applicants

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1 What do you consider to be the most important sustainability issues facing Eugene?

The most pressing sustainability issues facing Eugene center around mitigating and preparing for the coming climate crisis. We need to create a city that can cope with increased heat waves and less water during the summer months while also working to reduce the emissions from our vehicles and homes that are contributing to global warming. Meeting these challenges will require us to rethink our current policies, from building codes to transportation planning, and should be guided by a comprehensive strategy which, thanks to Eugene's Climate Recovery Ordinance passed by the Council in Summer 2014, is beginning to be put in place.

2 Briefly outline your understanding of what a sustainable city would be like.

My vision of a sustainable city is one that is compact, has walkable and bike-able communities connected by public transit, and is engaged in smart water, waste, and energy reduction strategies.

Having a compact city, or one that grows up instead of out, will allow Eugene residents to retain our area's beautiful natural spaces and local businesses. This will also maintain our access to the local farms that produce the wonderful bounty of food we enjoy at our Farmer's and neighborhood markets.

Developing and maintaining more walkable and bike-able communities, well connected by public transit to each other and other municipalities, will be a core quality of life issue as we move forward. As we look to include more people in the same amount of space, we will need to work hard to prepare our infrastructure ahead of time to avoid the congestion and resource management issues that would otherwise occur.

Implementing smart water, waste, and energy reduction strategies now will help our City long-term. Developing smart water strategies now to prepare for dwindling snowpack will be critical if our region is to avoid costly water cutbacks later, as we see in California now. Working to reduce our region's energy use through efficiency measures will boost our economic competitiveness and help us transition to renewable energy sources. Reducing our waste stream will make our current landfill last longer, saving us money and delaying the date the City will have to find a new landfill.



Interested Applicants

InterestedApplicants

7/27/2015 8:59:48 AM

Sustainability Commssion

Name **Thomas W. Pettus-Czar**

Evening Phone **7857600769** Day Phone **7857600769**

Address **75 W 35th Ave**

Do You Live within the City Limits? **Y** If so how long? **6 year, 6 months**

Eugene OR 97405

Ward **2** Neighborhood **Crest Drive Citizens**

Occupation **Small Business Owner**

Employer **The Barn Light**

Business Address **924 Willamette St**

Fax E-Mail **twpc07@gmail.com**

Eugene OR 97401

How did you learn of this vacancy? **Friend**

Optional Information

Gender **M** Age **26-35** Ethnicity **White/European American**

Disability **N** Description

Additional Languages spoken **English**

Education / Training

BA, Psychology - University of Oregon / BA, Art History - University of Kansas

Job Experience

Owner, The Barn Light - Eugene, OR

Community Service / Volunteer

**Center for Community Counseling - Eugene, OR
Downtown Eugene Economic Development - Board of Directors
Downtown Eugene Merchants**

Personal Experience

While serving on and participating in a number of Downtown stakeholder groups, I have gained a lot of experience identifying specific problems related to development and have worked actively to find solutions and execute those solutions successfully.



Interested Applicants

InterestedApplicants

7/27/2015 8:59:48 AM

Personal Interest

As a small business owner in Downtown Eugene, I've always been interested in and cared for the context beyond the walls of my business, and have been a strong advocate for smart, sustainable planning and development. I strongly believe that my role as a small business owner in Downtown Eugene carries with it a degree of civic duty to work as strongly to benefit the community in which I live and work as much my own business. I am interested in these issues as I see them all as being interrelated.

Contribution

Sustainability encompasses environmental and economic issues, as well as issues related to justice and human behavior. These are problems that I live out (and strive to find solutions to) on a daily basis as a small business owner. This experience provides me with a unique perspective that translates to sustainable planning outcomes in the real world, and I believe it is this perspective and the associated skills which will make me a valuable member of the Sustainability Commission. I look forward to the opportunity to contribute a point of view that reflects how decisions related to development, transportation, and the environment impact businesses and residents in Downtown Eugene and the surrounding area.

1 What do you consider to be the most important sustainability issues facing Eugene?

In my opinion, the most important issues surrounding sustainability in Eugene are industrial and population growth. With more than 40,000 new residents projected to live in Eugene in the next 15 years, it is imperative to identify smart, sustainable means of accommodating this growth with regard to land use, transportation, and an overall densification strategy in areas where appropriate infrastructure already exists.

2 Briefly outline your understanding of what a sustainable city would be like.

My understanding of a sustainable city is one in which infrastructure (transportation, utilities, land use) support its population as well as its potential for growth with as minimal impact on the environment as possible. A sustainable city smartly considers how improvements can be made during planning and development to improve its environment within the city limits and surrounding areas, keeping in mind how valuable a resource it is.



Interested Applicants

InterestedApplicants

7/27/2015 8:59:48 AM

Sustainability Commssion

Name **Jared . Pruch**

Evening Phone **541-359-8987** Day Phone **541-359-8987**

Address **3022 Onyx Place**

Do You Live within the City Limits? **Y** If so how long? **8 years, 0 months**

Eugene OR 97405

Ward **2** Neighborhood **Southeast Neighbors**

Occupation **Project Manager (also in graduate school)**

Employer **Cascade Pacific RC&D**

Business Address **31978 North Lake Creek Drive**

Fax E-Mail **jared.pruch@gmail.com**

Tangent OR 97389

How did you learn of this vacancy? **Word of Mouth**

Optional Information

Gender **M** Age **26-35** Ethnicity **White/European American**

Disability **N** Description

Additional Languages spoken **Spanish**

Education / Training

2003, The Colorado College, BA Comparative Religion
2012, National Audubon Society, Together Green Conservation Leadership Fellowship
2018 (anticipated), University of Oregon, MA Environmental Studies and MA Community & Regional

Job Experience

2011-present, Food & Farm Program Coordinator, Cascade Pacific RC&D.
2007-2011, Executive Director, The School Garden Project.
2003-2007, Environmental Educator, Shasta County Office of Education, Mosier Community Charter School.

Community Service / Volunteer

1995-1999, Cascades Raptor Center
2008-2010, Lane County Beekeepers Association
2012-present, Committed Partners for Youth
2012-2015, The School Garden Project

Personal Experience

I have experience working with diverse stakeholders to find common cause, navigating complex dynamics between individuals and organizations, and developing strong partnerships based on trust.

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Interested Applicants

InterestedApplicants

7/27/2015 8:59:48 AM

Personal Interest

I am interested in the conservation of open spaces (parks, natural areas, trails), promotion of community resiliency through home food production and bikeable neighborhoods, and the development of a strong and vibrant local food economy. My personal and professional interests are currently focused on the preservation of high quality agricultural land- protecting this land from development- and easing barriers to land access for young and beginning farmers. I also have focused professionally on creating opportunities for youth to engage with the natural world through field trip programs and the development of school gardens.

Contribution

I would like to contribute my experience working with both the habitat conservation and sustainable agriculture communities in Lane County, to identify common values between these causes and develop shared projects. I am interested in becoming a member so that I can 1) Contribute my own experience to the commission, 2) Become better educated about sustainability issues in Eugene that are outside of my personal experience, and 3) Utilize my work on the commission to inform my graduate studies in environmental studies and community planning here in Eugene.



Interested Applicants

InterestedApplicants

7/27/2015 8:59:48 AM

1 What do you consider to be the most important sustainability issues facing Eugene?

I believe Eugene needs to focus intentionally on fostering economic activity around local food production, distribution and consumer education. Consumer dollars shifted towards local sources mean the retention or creation of jobs in our community, fresher and healthier food for youth, and community resiliency in the face of climate change or natural disaster.

While Eugene has a thriving local food economy at present, there is much more work to be done to tip the needle in the direction of making farms viable businesses by increasing consumer and institutional dollars spent locally. Although much of the food production may occur outside of Eugene's boundaries, our consumer base has the power to keep farmland in the hands of farmers.

Eugene can support this effort by emphasizing food as an economic driver in economic development plans, supporting home/school/community gardening and composting efforts, and making grants to new food and farm business endeavors.

2 Briefly outline your understanding of what a sustainable city would be like.

A sustainable city would be one where our food supply and transportation infrastructure could absorb the impact of a natural disaster or disruptive climate changes. Robust neighborhood associations would promote bikeable routes to schools and businesses, home food production, and fostering community connectivity through outreach and education events.

The City would support the production and consumption of local food through investments in food businesses, education campaigns for consumers, and providing short or long-term lease opportunities for farmers to cultivate unused plots of land within City boundaries.



Interested Applicants

InterestedApplicants

7/27/2015 8:59:48 AM

Sustainability Commssion

Name **Doug . Quirke**

Address **128 High Street**

Eugene OR 97401

Occupation **reasearch associate/environmental attorney**

Business Address

Eugene OR

Optional Information

Gender **M** Age **46-55** Ethnicity **White/European American**

Additional Languages spoken

Education / Training

JD from U of O with certificates of completion in environmental & natural resources law and in ocean and coastal law

Community Service / Volunteer

**on board of directors of Friends of Land Air Water, co-sponsor of annual Public Interest Environmental Law Conference since about 1995
on board of directors of Growers Market most of last 20 years**

Evening Phone **541-686-3027** Day Phone **541-686-3027**

Do You Live within the City Limits? **Y** If so how long? **23 years**

Ward **7** Neighborhood **Downtown Neighborhood Association**

Employer **U of O/Oregon Clean Water Action Project**

Fax E-Mail **jdquirke@gmail.com**

How did you learn of this vacancy? **Friend**

Disability **N** Description

Job Experience

**environmental attorney
research associate in U of O School of Law Environmental & Natural Resources Law Program**

Personal Experience

I moved to Eugene from Boston in 1992 in order to attend U of O School of Law so that I could become an environmental lawyer.



Interested Applicants

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7/27/2015 8:59:48 AM

Personal Interest

I don't separate my work life and non-work life very much--I work with environmental issues, and environmental issues are a part of my life every day, whether I'm at work or at home.

Contribution

To be perfectly honest, I was encouraged by a city employee to apply, because that employee thought I would potentially be a good fit. If those making the selection for this position agree, great, I'll give it my best shot. I want to contribute in whatever way my contribution is needed/fits.

1 What do you consider to be the most important sustainability issues facing Eugene?

Climate change, climate change, climate change.

Climate change trumps every other issue.

2 Briefly outline your understanding of what a sustainable city would be like.

Carbon neutrality, and perhaps more importantly appropriate personal carbon footprints (probably about 1.8 tons per year).



Interested Applicants

InterestedApplicants

7/27/2015 8:59:48 AM

Sustainability Commssion

Name **Jennifer H. Reesor** Evening Phone **541.968.5309** Day Phone **541.968.5309**
 Address **800 E. 38th Ave** Do You Live within the City Limits? **Y** If so how long? **5 years**
Eugene OR 97405 Ward **2** Neighborhood **Southeast Neighbors**
 Occupation **Self employed/stay-at-home parent** Employer **Self**
 Business Address **800 E. 38th Ave** Fax E-Mail **ochoco@gmail.com**
Eugene OR 97405 How did you learn of this vacancy? **Friend**

Optional Information

Gender **F** Age **36-45** Ethnicity **White/European American** Disability **N** Description

Additional Languages spoken

Education / Training

BA, Cornell University
Primary Diploma, Montessori Institute NW

Job Experience

Montessori teacher, College Hill Montessori and Eugene Montessori
Currently stay at home with children and provide Montessori-influenced child care

Community Service / Volunteer

Volunteer, Winter Green CSA, Noti, OR
Peace Corps Volunteer, Senegal
Habitat for Humanity board member, Prineville, OR

Personal Experience

I have volunteered, I have worked for public and private sectors, I've been a stay-at-home parent, I have a small business. I have lived on three continents, I now live in my hometown. I have watched change, I want to be part of the process.



Interested Applicants

InterestedApplicants

7/27/2015 8:59:48 AM

Personal Interest

I am a third-generation Eugeniean. I left as a teenager to attend college and see the world and then moved back with my family to raise my children here. I loved experiencing different places and cultures and learned so much from doing so, but there is really something special about Eugene. It is a unique community with so many strengths, and I have seen so many positive changes in the last few years. I see things that are better than when I was a child (bikability, school gardens, a growing, active city), and things that are not (schools scraping by, little money for parks, climate change). I know that individuals can make a difference; just showing up, listening, and learning are big steps. Obviously political processes take time, and a tight budget is an ever-present challenge. But I feel there is real momentum and interest in making this city better, and I would love to be an active part of it. I have time to give, a desire to learn and a willingness to cooperate with others knowing that our collective goal is to make a better, more livable city for us and our children.

Contribution

I have worked in the fields of education, sustainable agriculture, and now have my own small business providing child care while raising my three children with my husband. My children attend our neighborhood school, which is struggling terribly with a tight budget yet is also a vibrant, thriving community that we love. We use our city parks nearly every day, we bike and drive our streets. We live in a great city, but we are facing an enormous challenge in climate change, and we cannot hide out in our nice town and try to forget about it; it will reach us. The expense of ignoring it greatly outweighs anything spent in mitigation efforts now. Everything under the umbrella of sustainability is important, it all relates to our greater global crisis. I'm interested in finding ways to make alternative forms of transportation workable for all people, even those with children and jobs and not much money. I'd like to find ways to help make local food affordable and available for everyone. Access to healthy, locally sourced food helps the environment, it helps our economy, it helps our physical health. An educated populace is essential for tackling these tough problems that will only get tougher. I'm interested in how we can effect change in these areas without playing into politics or polarizing our community. I understand that people are doing the best they can with what they have. How can citizens and government work together for a healthier and happier city? How can we work together instead of against one another? Compromise and communal action are the way forward. What better way to start than working with a group of interested, committed people on these very topics?



Interested Applicants

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7/27/2015 8:59:48 AM

1 What do you consider to be the most important sustainability issues facing Eugene?

Climate change is a global force and it will affect us locally. We will have to do what we can to mitigate it and to adapt. Education is going to be key for survival. Supporting sustainable agriculture and making local food available for all will have positive effects on physical and environmental health. Supporting businesses in becoming more environmentally responsible will reap huge rewards: willing, enthusiastic business owners have great influence; without them government can only do so much. Making our transportation network friendly for bikes and our public transit sensible for all to use is another huge step in sustainability. Educating citizens on why we need to make lifestyle changes - not forcing it on them, but truly helping us all understand why we need to change - is going to be the only way all of these changes will happen. I am interested in how we can come together as a community to do so.

2 Briefly outline your understanding of what a sustainable city would be like.

A sustainable city works within a budget. A sustainable city prioritizes based on rational consideration of what is important. A sustainable city works to become carbon neutral. We provide green space for people to play, work, exercise. We do our best to encourage local food production. We have an excellent alternative transportation network, including safe bike routes. We value education for our children and understand that education is the key to a future that has hope. Sustainability means that we do not give up and accept that the worst will happen and there is nothing we can do. We work hard in order to keep what we love and improve what we can.



Interested Applicants

InterestedApplicants

7/27/2015 8:59:48 AM

Sustainability Commssion

Name **Samuel L. Roberts**

Address **971 W. Broadway
Eugene OR 97402**

Occupation **Attorney**

Business Address **940 Willamette St., Suite 400
Eugene OR 97402**

Optional Information

Gender **M** Age **26-35** Ethnicity **White/European American**

Additional Languages spoken **English**

Education / Training

JD from the University of Oregon School of Law. David Brower Fellow in the Energy Law and Policy Project at the University of Oregon School of Law. Senior Editor on the Journal of Environmental Law and Litigation at UO Law School.

Community Service / Volunteer

Board member and Secretary for StoveTeam International.

Evening Phone **917-573-4026** Day Phone **541-686-9160**

Do You Live within the City Limits? **Y** If so how long? **7 years**

Ward **1** Neighborhood **Jefferson Westside Neighbors**

Employer **Hutchinson, Cox, Coons, Orr & Sherlock, P.C.**

Fax **541-343-8693** E-Mail **sroberts@eugenelaw.com**

How did you learn of this vacancy? **Friend**

Disability **N** Description

English

Job Experience

Law practice includes practice before state public utility commissions involving various energy and electricity issues. I have also worked with various groups on the development of community based energy projects.

Personal Experience

Growing up in rural Central Washington and then living in several large urban cities led me to my interests in sustainability issues. Eugene is on the forefront of these issues and I look forward to the opportunity to contribute.

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Interested Applicants

InterestedApplicants

7/27/2015 8:59:48 AM

Personal Interest

I enjoy all of the outdoor opportunities living in Eugene affords and I believe that creating sound sustainability policy is one important way to ensure that the city continues to grow in a responsible way such that the next generation will enjoy these same experiences.

Contribution

I hope to contribute my legal and policy knowledge relating to sustainability issues as well as my willingness to learn more about the policy and technical challenges facing the City of Eugene. I believe that my contributions will contribute to the mission of the Sustainability Commission such that the Commission can continue to develop sound, meaningful policy. I want to be a member so that I can have the opportunity to work with the community and contribute towards ensuring the continued growth and success of the City of Eugene.

1 What do you consider to be the most important sustainability issues facing Eugene?

I consider the issues of sustainable transportation and growth planning to be of great importance along with planning for the impacts of climate change. In addition, I believe it is important to craft and develop sustainability policies that address the above concerns while also considering the economic vitality of Eugene and surrounding areas.

2 Briefly outline your understanding of what a sustainable city would be like.

My understanding of a sustainable city is one that empowers its citizens, businesses, and government to thrive in a healthy environment that supports living wage employment and forward thinking problem solving that helps ensure that future obstacles are planned for. Sustainability issues arise in many arenas of civil life and it is important to plan and develop policies that ensure vitality and growth while preserving our valued natural and human resources.



Interested Applicants

InterestedApplicants

7/27/2015 8:59:48 AM

Sustainability Commssion

Name **Jason P. Usborne**
Address **1052 Nancy Avenue**
Springfield OR 97477

Occupation **Student**

Business Address **1052 Nancy Avenue**
Springfield OR 97477

Optional Information

Gender **M** Age **36-45** Ethnicity **White/European American**

Additional Languages spoken

Education / Training

All of my experiences have contributed to preparing me to serve, especially the Sustainability Coordinator program at Lane Community College (from which I shall hold an A.A.S. degree after I complete one math class).

Community Service / Volunteer

GLOBE program/University of New Hampshire Carbon Project, permaculture, Habitat for Humanity, Sen. Bernie Sanders Presidential campaign, Living Future Society, Recycling/waste disposal crew, Veterans of Foreign Wars, Project Vote Smart.

Evening Phone **541-654-4668** Day Phone **214-392-9398**

Do You Live within the City Limits? **N** If so how long?

Ward **SPR** Neighborhood **None**

Employer **Self**

Fax E-Mail **jason.usborne@gmail.com**

How did you learn of this vacancy? **Friend**

Disability **N** Description

Job Experience

Currently US Army Intelligence, stage hand, construction; formerly Air Force intelligence, market research, sales, and many service sector experiences.

Personal Experience

Intelligence professional 10+yr ; experience with a great diversity of persons; very limited Spanish and Hebrew language (need refresher classes); environmental science/biology/watershed studies field techniques; materiel accountability; leadership.



Interested Applicants

InterestedApplicants

7/27/2015 8:59:48 AM

Personal Interest

Equality, people, globalization from bottom up, steady state economics, local currencies, sustainable development, entrepreneurship, regional/emergency planning, permaculture, politics, philosophy, religion, science, nature, fitness/dancing, social engineering, inspiration, and eventual enlightenment/illumination.

Contribution

Generate ideas with creative insight, solve problems and overcome limits, provide analysis and synthesis, exude energy and humor, out-of-box thinking, prioritize alternate possibilities.

I want to help plan and conduct outreach for the city government those services that will help mitigate and adapt to climate change and any other disruptions or crises.

1 What do you consider to be the most important sustainability issues facing Eugene?

Water, affordable housing, unemployment, infrastructure for renewable energy economy/society, sufficient healthcare providers for population, disaster planning/community outreach

2 Briefly outline your understanding of what a sustainable city would be like.

Every building produces and stores electricity that is available for purchase/exchange to all others in service area; every building recycles its own water and stores some of the rain runoff for sewage; every building grows some food; biogas refinery that can supplement natural gas and sequester the CO2 and CFCs from the process into soil; community recycloatoriums and 3d printers to facilitate local manufacturing; dedicated urban food production via aquaponics

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.

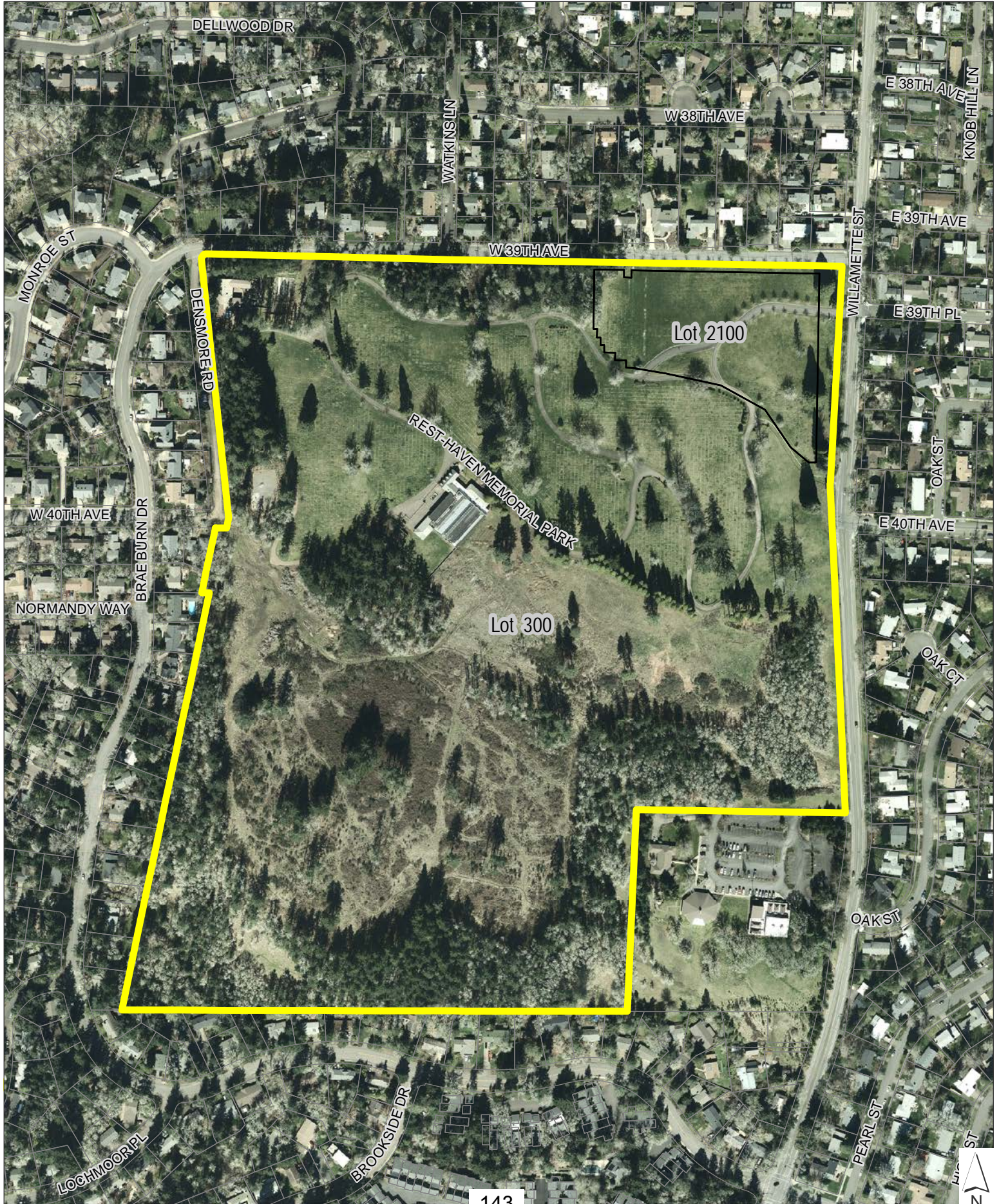
FOR MORE INFORMATION

Staff Contact: Heather O'Donnell, Senior Planner, AIC
 Telephone: 541-682-5488
 Staff E-Mail: heather.m.odonnell@ci.eugene.or.us



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

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





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



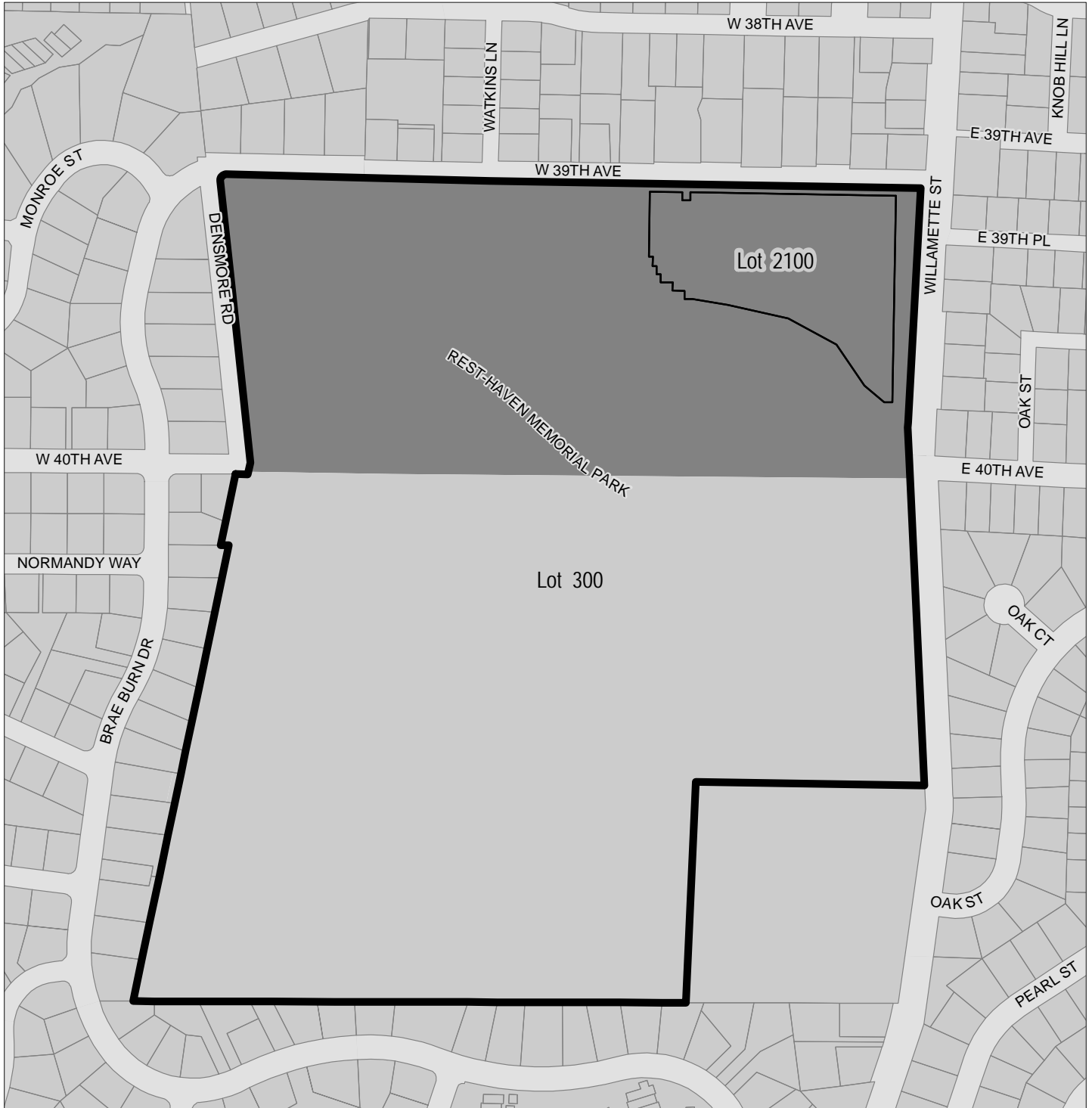
- Subject Site
- Low Density Residential





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



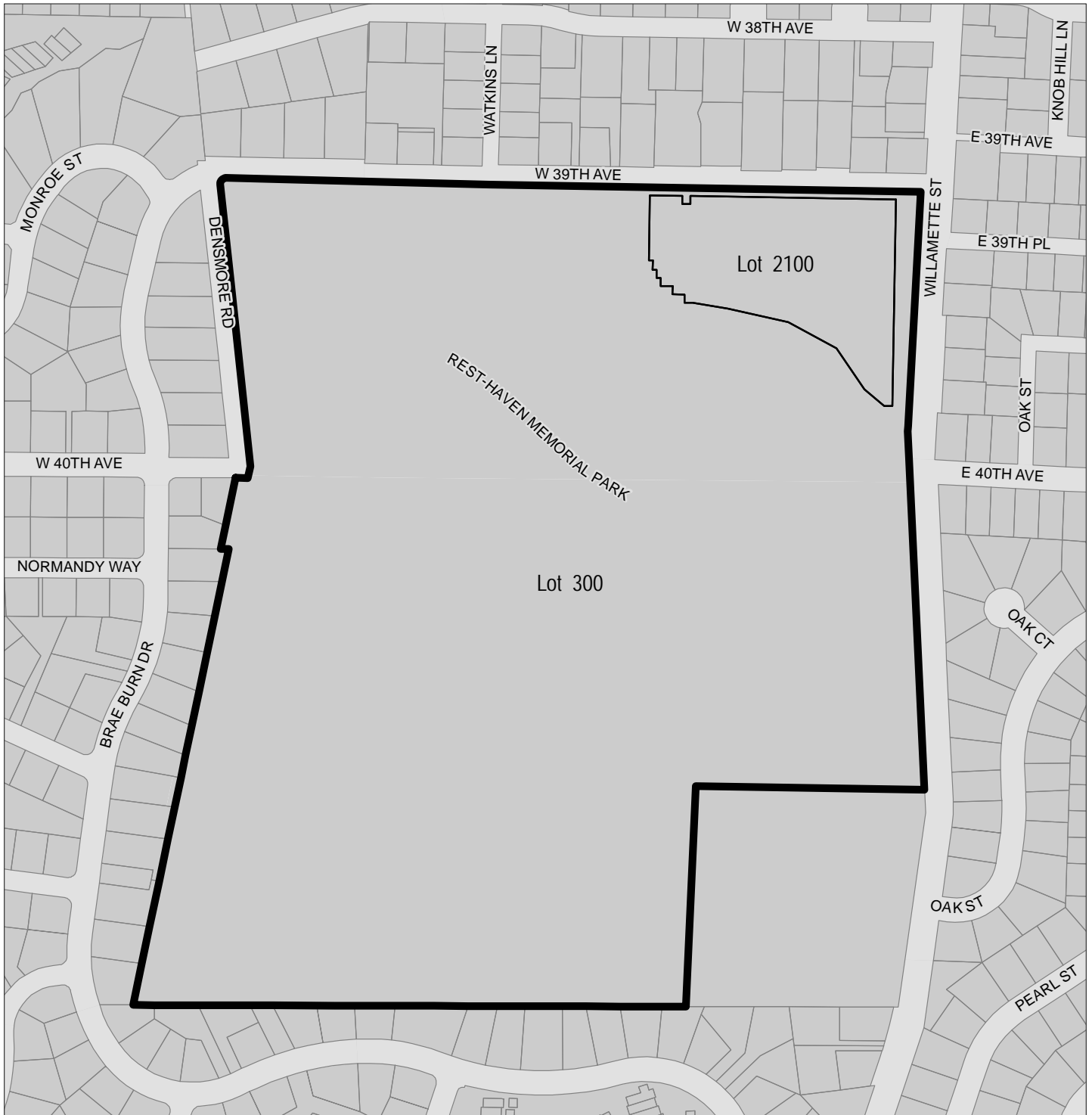
- Subject Site
- PL Public Land
- R-1 Low-Density Residential





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



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

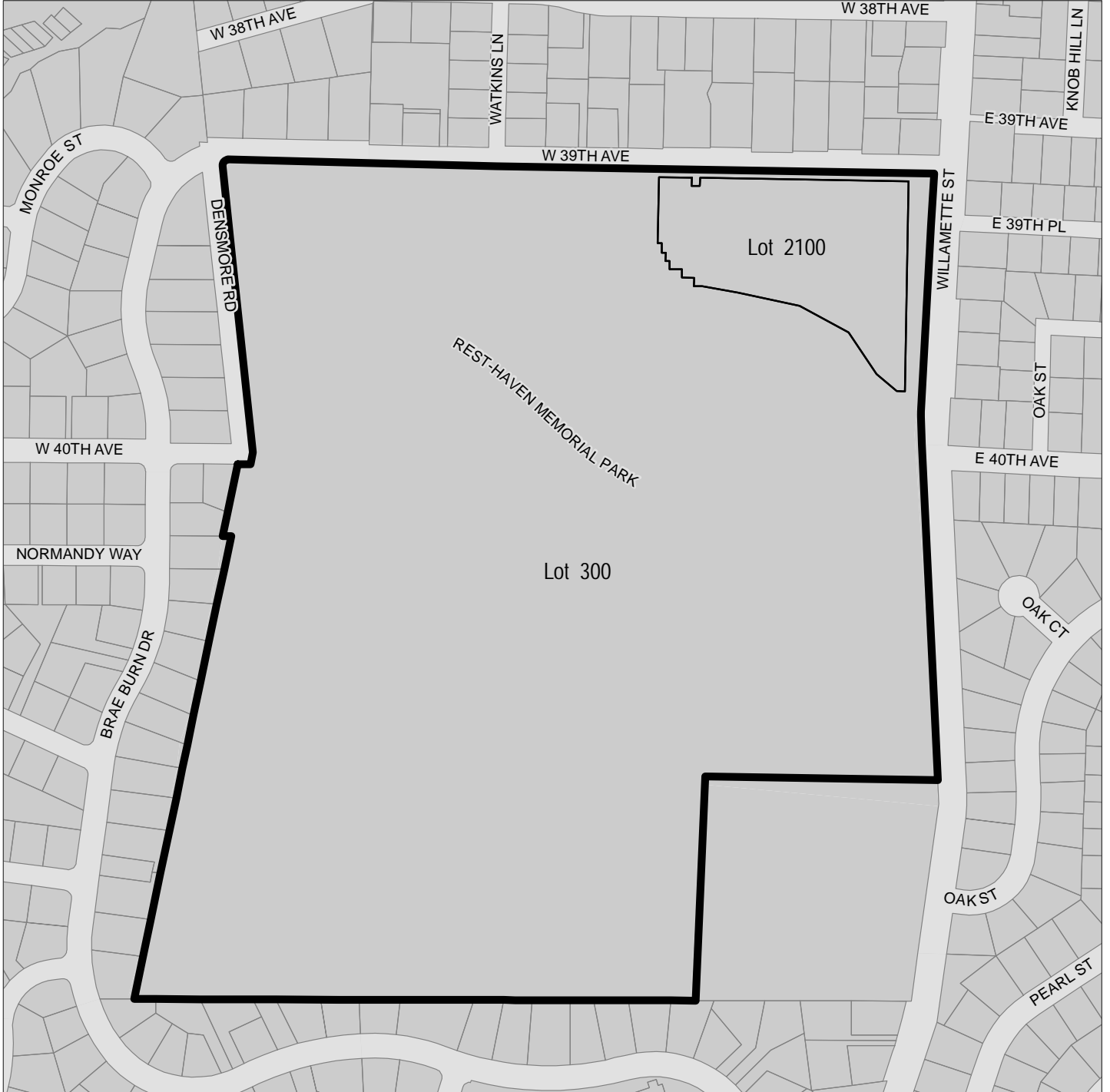




Rest Haven Memorial Park (Z 15-1 & MA 15-1) Proposed Metro Plan Designation

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



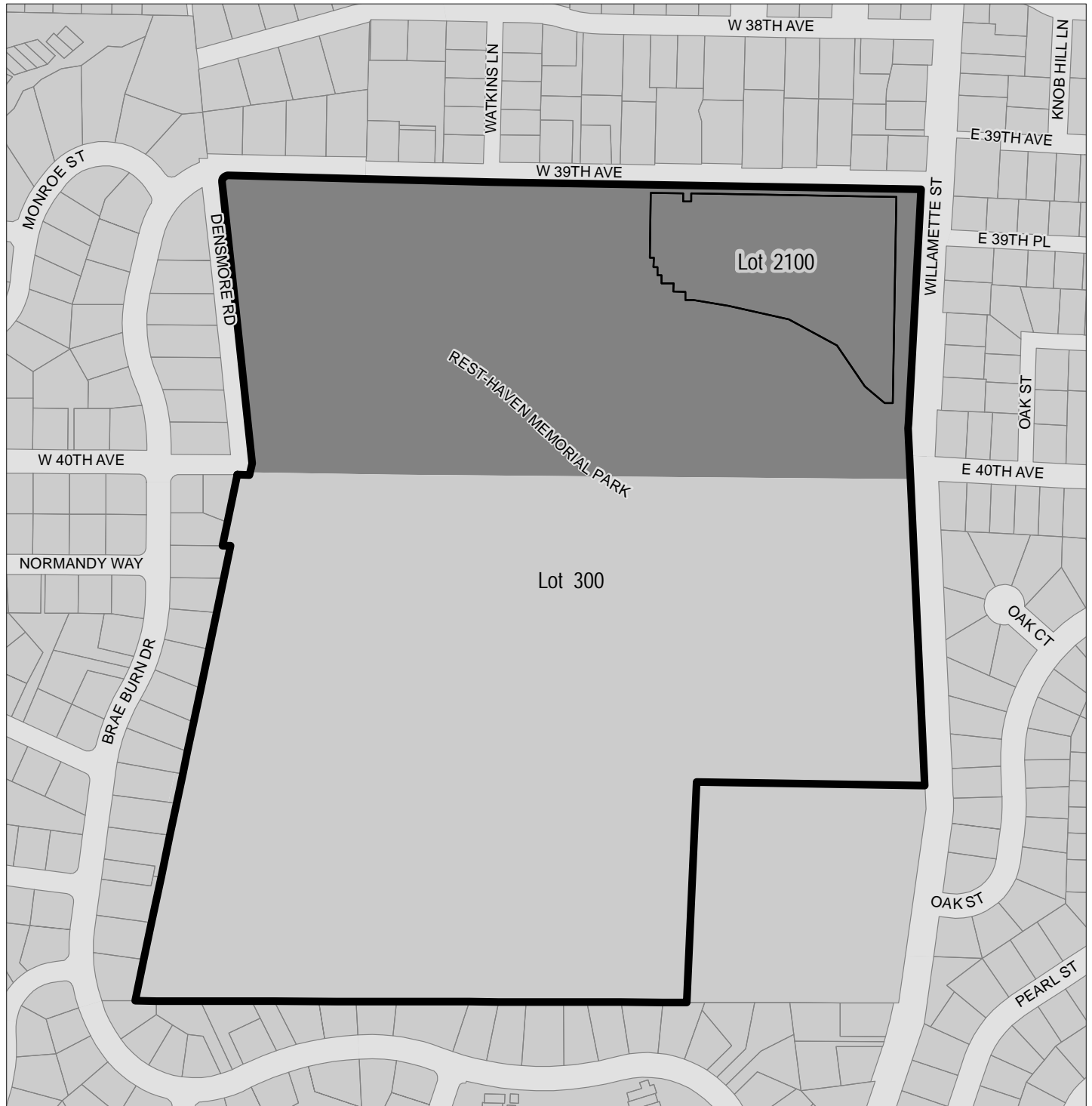
-  Subject Site
-  Low Density Residential








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



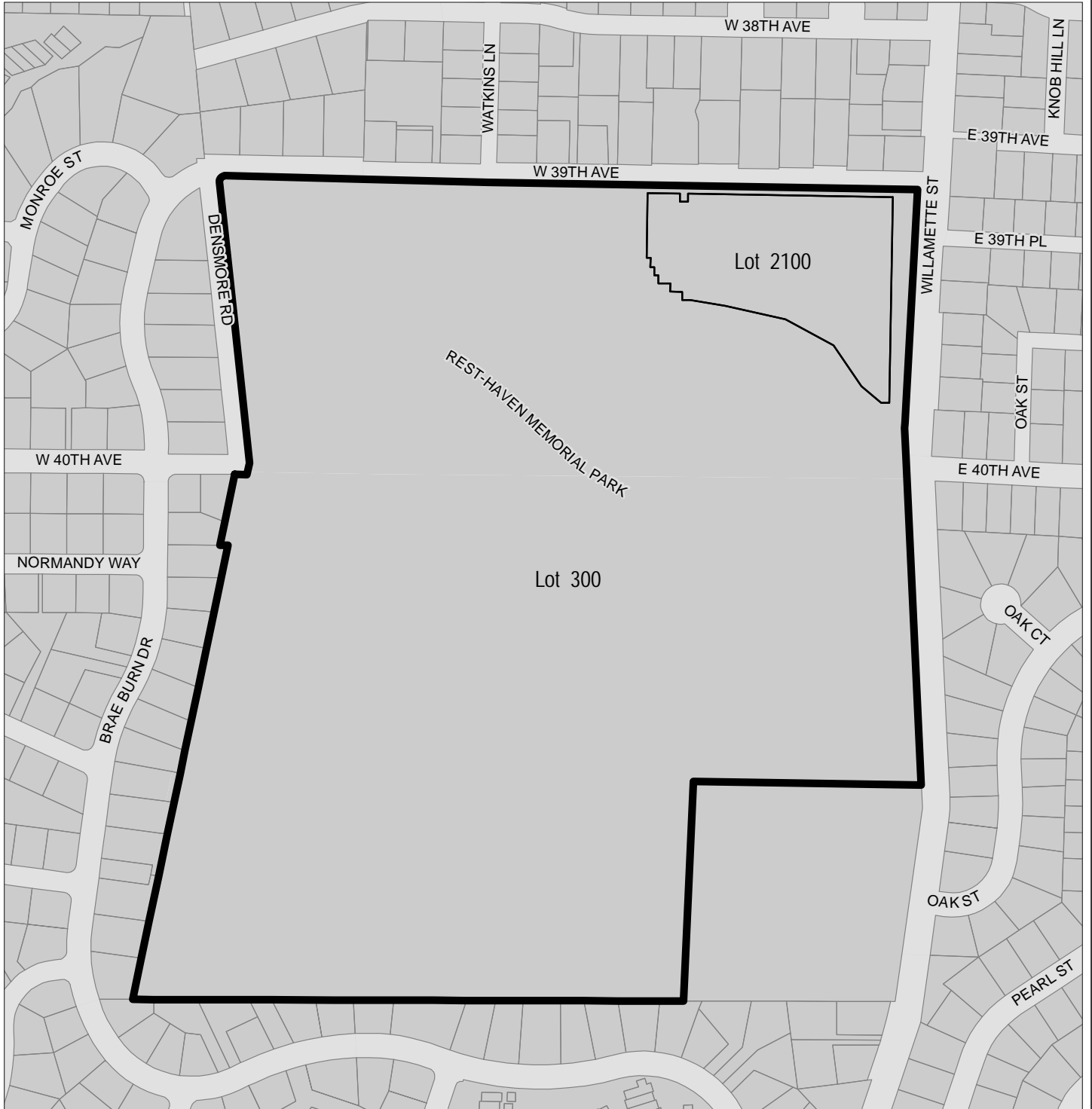
-  Subject Site
-  PL Public Land
-  R-1 Low-Density Residential





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.

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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.

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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,

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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

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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***

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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		

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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

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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.

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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

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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

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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.

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- (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

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.

Item 4.

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

Item 4.

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

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

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.

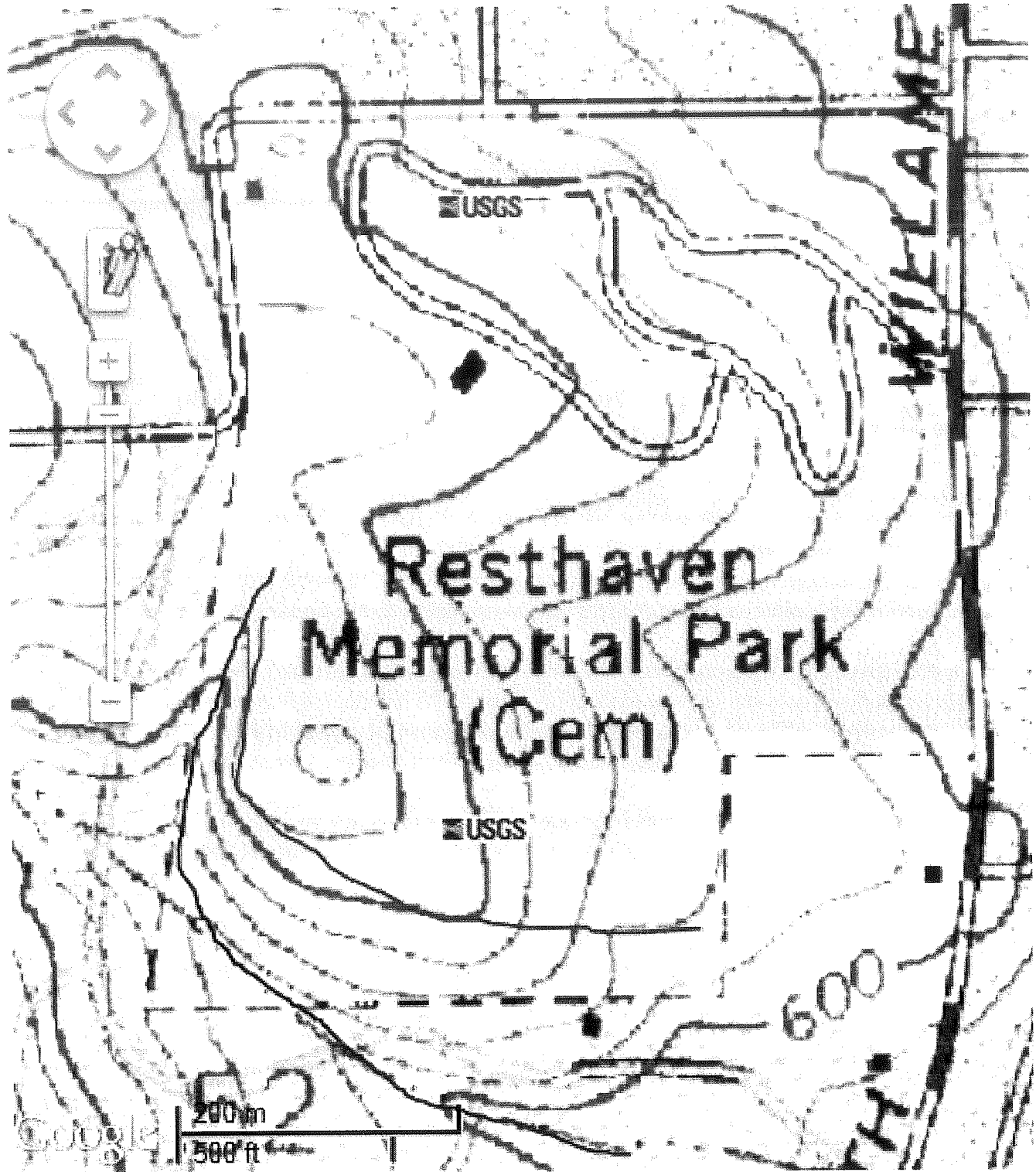
While there is currently imposed a 75-foot buffer between Rest Haven and neighboring properties mandated in the cemetery's existing Conditional Use Permit, we would like to see this buffer redrawn based on the topography of the land rather than an arbitrary linear distance.

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.

Item 4.



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.

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Action: An Ordinance Adopting the “Dusk to Dawn” Permitted Overnight Sleeping Pilot Program

Meeting Date: November 23, 2015
 Department: Central Services
www.eugene-or.gov

Agenda Item Number: 5
 Staff Contact: Mia Cariaga
 Contact Telephone Number: 541-682-5408

ISSUE STATEMENT

This is an opportunity for the council to deliberate and take action on an ordinance that permits a “dusk to dawn” overnight sleeping pilot program.

BACKGROUND

Over a number of years, the City of Eugene has been collaborating with governmental partners and other agencies to address homelessness in the region. While the City works to move towards a Housing First model and establish more affordable housing units as permanent solutions, the City also regularly evaluates and develops temporary programs that can be implemented more immediately. Opportunity Village, pilot rest stops, car camping, and use of Conestoga huts are all examples of transitional housing programs implemented in recent years. More information on the City’s efforts are outlined in the attached memo. In addition to the efforts named, in 2015 the City and Lane County partnered to add two more rest stops on County-owned property.

In order to provide an additional resource to the community, the council is considering another pilot program called “Dusk to Dawn.” Modeled after the original rest stop concept, the Dusk to Dawn ordinance would allow for council-approved sites to be used between the hours of 8:00 p.m. and 7:00 a.m. as sanctioned places to sleep. Sites could not be in residential areas or close to schools and must be on property owned or leased by the City of Eugene. The City will be responsible for site operation either directly or by contract.

This concept has been discussed at the Poverty and Homelessness Board Winter Strategies Subcommittee and is one of a few ideas developed by that group. Mayor Kitty Piercy introduced the concept at a press conference in which she announced a resolution calling for State attention to the issue of homelessness. She also called on land owners willing to offer an eligible Dusk to Dawn site to come forward. The City is working to establish a site before the end of the calendar year, if the council chooses to move forward with the program.

A public hearing on this ordinance was held on November 16, 2015. Eight people testified, all in support of the proposed ordinance. Several requested that the council consider alternate time parameters for dusk to dawn camping, to allow users to set up camp before it gets dark and to remain in the camp until daytime facilities that provide services, shelter and warmth are open to

the public.

In its post-hearing comments, the council expressed support for considering alternate options for camp hours. Both staff and the community are engaged in efforts to identify an appropriate site.

COUNCIL OPTIONS

The council may adopt, modify or decline to adopt the proposed ordinance.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends council adoption of the ordinance.

SUGGESTED MOTION

Move to adopt Council Bill 5149, adopting the "Dusk to Dawn" Permitted Overnight Sleeping Pilot Program.

ATTACHMENTS

- A. Draft Ordinance
- B. 2014 Memo to Council on Efforts Related to Homelessness

FOR MORE INFORMATION

Staff Contact: Mia Cariaga
Telephone: 541-682-5408
Staff E-Mail: mia.cariaga@ci.eugene.or.us

ATTACHMENT A

ORDINANCE NO. _____

AN ORDINANCE ADOPTING THE “DUSK TO DAWN” PERMITTED OVERNIGHT SLEEPING PILOT PROGRAM AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

The City Council of the City of Eugene finds as follows:

A. In order to create additional sleeping options for people who are homeless, a pilot program (“the Dusk to Dawn program”) expanding the permitted overnight sleeping provisions should be established allowing homeless persons to sleep overnight on City approved sites between the hours of 8 p.m. and 7 a.m.

B. The Dusk to Dawn program should remain in effect until March 31, 2016. The termination date of this program coincides with the current sunset date of the Rest Stop program, and will allow the City to monitor the program to determine whether it should be made permanent, revised or abandoned.

NOW, THEREFORE,

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The following provisions are adopted as the Dusk to Dawn program and shall sunset and be repealed on March 31, 2016, unless extended or made permanent by future Council action:

Dusk to Dawn Permitted Overnight Sleeping Pilot Program. Notwithstanding section 4.815 of the Eugene Code, 1971, the City Manager is authorized to permit persons to sleep overnight at designated sites, between the hours of 8 p.m. and 7 a.m., under the following circumstances:

1. The City Manager shall recommend to the City Council proposed sites for the Dusk to Dawn program. Any such site may not be located in a residential area or close to a school, and must be owned or leased by the City of Eugene, another governmental entity, a religious institution, a non-profit organization, or a business if the business is located on property zoned commercial or industrial.
2. Before a proposed site may be used, the site must be approved by the City Council by motion and the City Manager must adopt an administrative rule governing use of the site.
3. The City Manager may close a site at any time upon determining that allowing camping at a site would create dangerous conditions or a health threat to the public.

Section 2. Pursuant to the provisions of Section 32(2) of the Eugene Charter of 2002, with the affirmative vote of two-thirds of the members of the City Council, this Ordinance shall become effective immediately upon adoption by the Council and approval by the Mayor, or passage over the Mayor's veto. An immediate effective date is necessary in order to provide additional places for people to camp.

Passed by the City Council this

___ day of _____, 2015.

Approved by the Mayor this

___ day of _____, 2015

City Recorder

Mayor



Date: October 23, 2014

To: Mayor and City Council

From: Stephanie Jennings, Grants Manager

Subject: Update on Efforts to Address Homelessness

Over the past two years, the City of Eugene along with governmental and community partners have taken a number of steps to address the needs of persons currently experiencing homelessness and to also prevent homelessness. The following memo includes summaries of: 1) ongoing services; 2) specific actions that have occurred over the past two years resulting in expanded capacity; 3) regional opportunities and actions under development; and 4) future decisions and actions to expand access to safe, affordable housing.

Summary of Ongoing Services

Community partners continue to operate a range of core services to assist homeless persons and those at risk of homelessness. These services are summarized below.

- Continued Support for Social Services – Eugene committed over \$1.2 million in CDBG and General Fund dollars to the Human Services Commission to support critical social services for people in poverty. These resources are combined with other federal, state, and local sources to support a range of general and specialized social services including: 1) Community Service Centers in four locations for low-income persons; 2) three homeless access centers for singles, families, and youth; 3) hunger relief services including food box distribution and meal sites; 4) early childhood programs; and 5) cultural and linguistic access.
- Shelter Services and Rapid Rehousing – A range of emergency, transitional and rapid rehousing services are provided by Eugene Mission, ShelterCare, St. Vincent de Paul, Looking Glass, Catholic Community Services, Laurel Hill, Hosea Youth Services, and WomenSpace. A list of programs and contact information is provided in Attachment A – Housing and Shelter Services.
- Egan Warming Center – For single persons and couples without children, Egan Warming Center has offered shelter on nights when the temperature drops below 30 degrees. This service receives support through Human Services Commission (HSC) and relies heavily on a cadre of volunteers and donated spaces for overnight shelter. Egan Warming Shelter was open for 19 nights last winter and provides 5731 beds and 11,462 meals. Volunteers provided 13,802 hours of support for this service.
- Interfaith Night Shelter Program – For families with children, the Interfaith Night Shelter Program provides overnight shelter and access to a daytime service center. The program is made possible through a collaboration of over 30 faith communities and serves as many as 10 families per night throughout the school year.

- Car Camping Program - The City of Eugene's Car Camping program, run in partnership with St Vincent de Paul, currently hosts 74 people on 36 sites, both public and private. Sites are available for camping vehicles, tents and conestoga huts.
- Continued Support for Emergency Home Repair Program – Eugene continues to offer emergency assistance to very low-income homeowners and manufactured unit owners for critical electrical, plumbing, and roofing repairs. In the past year, 32 households received assistance through this program and most recipients of this assistance are at risk of homelessness.

Summary of Recent Actions by the City of Eugene

Over the past two years, governmental and community partners have taken a number of specific steps to address the community's capacity to address the needs of homeless persons. Additional capacity was created to provide emergency temporary shelter for 60 people. In addition, 114 units of permanent and transitional housing were completed and 101 units are under development. Each activity is summarized below.

- Opportunity Village – In December 2012, Council took action to locate a pilot project for low-cost micro housing on City owned property. The site was developed with 29 micro housing units and common bath, kitchen and gathering spaces. The site has capacity to serve up to 35 people at any one time and has served 58 residents since its creation.
- Rest Stops – In September 2013, Council took action to create the rest stop pilot program on city-owned sites located at the intersections of Garfield & Roosevelt and Chambers & Northwest Expressway. These rest stops offer overnight shelter in conestoga huts and tents for up to 30 people and are managed by Community Supported Shelter. A third rest stop that can accommodate an additional 15 people will open by early December.
- Bothy Cottage – Sponsors completed the development of Bothy Cottage, a five bedroom group home for female ex-offenders with children, using \$281,290 in HOME funds provided by the City of Eugene. This population is at extreme risk for homelessness following incarceration due to limited employment opportunities, no recent rental history, poor credit, and no money for deposits.
- Stellar Apartments – Developed by St. Vincent de Paul with an array of local and state subsidies, Stellar Apartments adds 54 units to the affordable housing stock including 14 units set aside for persons who served in the armed forces or national guard.
- Willakenzie Crossing – Developed by Cornerstone Community Housing with an array of local and state subsidies, Willakenzie Crossing adds 56 units of affordable housing including 16 units set aside for persons with developmental disabilities.
- Bascom Village – St. Vincent de Paul and Housing and Community Services of Lane County will develop 101 units of affordable housing on the County Farm landbank site. The first phase of the project with 53 units is currently under construction. The second phase is awaiting tax credits from the State and is expected to break ground in Summer 2015.
- Lindholm Service Station – The City of Eugene granted St. Vincent de Paul almost \$190,000 to make critical improvements to the Lindholm Center Service Station to improve the Center's ability to prepare and serve hot meals.

- Looking Glass New Roads – The City of Eugene granted Looking Glass almost \$250,000 for acquisition and rehabilitation of property located at 931 West 7th to expand services for homeless youth. The property was acquired in 2010 and the rehabilitation was completed in September 2012.

Summary of Regional Projects and Actions under Development

A number of regional efforts are currently underway to augment existing services. The newly formed Poverty and Homelessness Board (PHB) has provided an opportunity for many community agencies to form teams to advance new projects and programs. The PHB will hold a special meeting to discuss winter strategies in late October or early November. Other PHB efforts that are underway are described below:

- Housing First Project – Current services and housing options are quite limited for chronically homeless persons with dual diagnoses of mental health and substance abuse. A facility to serve this population, with no preconditions to occupancy, requires significant operating resources to fund the necessary services. A committee has formed under the auspices of the PHB to create a harm-reduction facility with a goal of serving 50 individuals.
- Youth in Transition Project – This program would provide shelter for up to 24 youth who are unable to remain at home or in foster care and divert youth from the criminal justice system. A committee has formed under the auspices of the PHB to create this facility.
- Veterans Homelessness – A number of entities have started to more closely coordinate efforts to address veterans homelessness. Additional grant resources awarded to St. Vincent de Paul offer a new set of opportunities for reducing homelessness among this population. A committee has formed under the auspices of the PHB to coordinate efforts.

In addition, there have been some shifts in the availability of services for homeless persons in crisis. These changes are summarized below.

- Homeless Medical Respite Program – Following the loss of funding for Royal Avenue Crisis Respite, ShelterCare has announced that the facility will be used for the Homeless Medical Respite Program. This is a partnership between ShelterCare, PeaceHealth, and Trillium to provide housing and services to recently discharged homeless persons who have experienced an acute medical crisis. The facility will serve up to 19 people at any one time for up to 30 days. The City Eugene previously provided CDBG funds for the rehabilitation of the Royal Avenue facility.
- Transition of Mental Health Crisis Intervention – Trillium and Lane County have been working to develop new strategies for helping homeless persons experiencing a mental health crisis. Additional information was shared in a presentation by Bruce Abel at the October 16th Poverty and Homelessness Board meeting. At this time Trillium is tracking data to determine the impacts of the closure of the Royal Avenue Crisis Respite facility.

The PHB meets the third Thursday of each month from 12:00 to 1:30 at the Serbu Center. Agenda and meeting materials are available at

<http://www.lanecounty.org/Departments/HHS/HSC/Pages/PovertyandHomelessnessBoard.aspx>

Future Decisions and Actions

In coming months there are several items that will come before Council for decision and action. These items are summarized below.

- Supplemental Funding for Car Camping and Eugene Service Station – As a part of Supplemental Budget #1, Council will consider a staff proposal to provide additional one time funds to St. Vincent de Paul for an expansion of the homeless car camping program (\$50,000) and for restoration of weekend hours at the Eugene Service Station (\$75,000). The Supplemental Budget will be presented to Council on December 8, 2014.
- Eugene-Springfield 2015 Consolidated Plan – Every five years, Eugene and Springfield must adopt a plan to direct the use of federal Community Development Block Grant (CDBG) and HOME Investment Partnership Program (HOME) funds. These funds have been largely used to support affordable housing, human services, economic development/job creation, and improvements to low-income neighborhoods. Over the next years, staff estimates Eugene will be eligible to receive about \$9.5 million in CDBG and HOME funds. Council will hold an initial work session on this topic in late October. The Cities of Eugene and Springfield must adopt their selected goals and strategies by April 2015 and the Plan must be submitted to HUD by May 2015.
- 2015 Affordable Housing Request for Proposals – This RFP was released in July and generated a proposal from NEDCO and Looking Glass to acquire a 12 unit apartment building in the Whiteaker neighborhood. The units would provide affordable rental housing to very low income youth without parental supports. This project would need HOME funds as well as a Low-Income Tax Exemption to make it feasible. Staff anticipate coming to Council in December with a recommendation for project funding.
- Low-Income Rental Housing Property Tax Exemption (LIRHPTE) - City Council will be asked to approve a 20 year LIRHPTE tax exemption for Bascom Village Phase I. The 53-unit affordable housing development providing rental housing to individuals and families earning at or below 50% of the Area Median Income.
- Multi-Unit Property Tax Exemption (MUPTE) – Although the primary focus of MUPTE is not affordable housing, Council will be considering program revisions that have a proposed fee that would be dedicated to affordable housing or emergency shelter needs. The fee would generate a local, flexible source of funding not constrained by the regulations associated with shrinking federal resources.

Questions or comments can be directed to Stephanie Jennings, Grants Manager, at 541.682.5529 or at stephanie.a.jennings@ci.eugene.or.us.

Housing and Shelter Services

Housing and Shelter services specifically for People with Serious Mental Illness:

Service	Location	Agency	Subpopulations	Contact
HOUSING, MENTAL HEALTH SERVICES	177 Day Island Road, Eugene, OR 97401	HACSA Shelter Plus Care		(541) 682-3755
SUPPORTED HOUSING SERVICES	2145 Centennial Plaza, Eugene, OR 97401	LAUREL HILL		(541) 485-6340
HOUSING, MENTAL HEALTH SERVICES	941 W 7th Avenue Eugene, OR 97402	LOOKING GLASS New Roads Access Center	Youth	(541) 686-4310 Main phone
HOUSING, MENTAL HEALTH SERVICES	1062 Main St Springfield, OR 97477	SHELTERCARE Brethren Housing	Serves homeless and non-homeless households	(541) 726-8125
HOUSING, MENTAL HEALTH SERVICES	2988 Oak St Eugene, OR 97405	SHELTERCARE Hawthorn Program	Serves homeless and non-homeless households	(541) 343-4070
HOUSING, MENTAL HEALTH SERVICES	995 W 7th Ave Eugene, OR 97402	SHELTERCARE Riverbend Supportive Community		(541) 302-9195
HOUSING, MENTAL HEALTH SERVICES	1062 Main Street Springfield, OR 97477	SHELTERCARE Shankle Safe Haven		(541) 302-9195

Homeless housing programs available to the general population including People with Serious Mental Illness:

Service	Location	Agency	Subpopulations	Contact
EMERGENCY SHELTER	Physical site Varies Mailing: 456 Hwy 99N Eugene, Oregon 97402	EGAN WARMING SHELTER		(541) 689-6747
EMERGENCY SHELTER	1542 W 1st Avenue Eugene, OR 97402	EUGENE MISSION		(541) 344-3251
EMERGENCY SHELTER	834 Monroe Street Eugene, OR 97402	HOSEA YOUTH SERVICES	Drop In Center: 12-22 years old	(541) 344-5583

Service	Location	Agency	Subpopulations	Contact
EMERGENCY SHELTER & DAY CENTER	1995 Amazon Pkwy Eugene, OR 97405	ST. VINCENT DE PAUL – First Place Family Center	Families with children under the age of 18.	(541) 342-7728
EMERGENCY SHELTER	1577 Pearl Street Suite 400 Upstairs Eugene, OR 97401	WOMENSPACE	Available to all survivors of intimate partner violence, their children and their support people	(541) 485-8232
HOUSING, SHELTER	969 Hwy 99N Eugene, OR 97402	SHELTERCARE – Family Housing Program	Homeless adults with children under 18.	(541) 689-7156
TRANSITIONAL HOUSING	2890 Chad Drive Eugene, OR 97408	ST. VINCENT DE PAUL OF LANE COUNTY Connections Transitional Housing	Families with minor children living with them. Must be homeless and low-income.	(541) 687-5820 ext. 157
RAPID REHOUSING	(541) 686-4310 Main phone	CATHOLIC COMMUNITY SERVICES McKenzie Rapid Rehousing	Homeless adults with children under 18.	(541) 345-3628 ext. 321
RAPID REHOUSING	941 W 7th Avenue Eugene, OR 97402	LOOKING GLASS McKenzie Rapid Rehousing	Youth	(541) 686-4310
RAPID REHOUSING	969 Hwy 99N Eugene, OR 97402	SHELTERCARE Cascades	Medically fragile adults without children	(541) 689-7156
RAPID REHOUSING	969 Hwy 99N Eugene, OR 97402	SHELTERCARE McKenzie Rapid Rehousing	Homeless adults with children under 18.	(541) 689-7156
RAPID REHOUSING	969 Hwy 99N Eugene, OR 97402	SHELTERCARE – Temporary Housing for Homeless Families	Homeless adults with children under 18.	(541) 689-7156 -
RAPID REHOUSING	1995 Amazon Pkwy Eugene, OR 97405	ST. VINCENT DE PAUL First Place Family Center	Families with children under the age of 18.	(541) 342-7728
RAPID REHOUSING	450 Hwy 99, Eugene, OR 97402	ST. VINCENT DE PAUL Eugene Service Station	Homeless adults without children.	(541) 461-8688
RAPID REHOUSING	1577 Pearl Street Suite 400 Upstairs Eugene, OR 97401	WOMENSPACE Rapid Rehousing	Available to all survivors of intimate partner violence, their children and their support people	(541) 485-8232