

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Public Hearing: Metro Plan Amendment, Refinement Plan Amendment, Zone Change and Code Amendment for Brenelaine Investments (City files: MA 15-3, RA 15-2, Z 15-7 and CA 16-1)

Meeting Date: June 27, 2016
Department: Planning and Development
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Agenda Item Number: 3
Staff Contact: Zach Galloway
Contact Telephone Number: 541-682-5485

ISSUE STATEMENT

The City Council will hold a public hearing to consider a privately-initiated, site specific Metro Plan diagram amendment, refinement plan diagram and policy text amendments, zone change and code amendment. The amendments would result in a change to the plan designation from Commercial to Medium Density Residential with a concurrent zone change from GO General Office to R-2 Medium Density Residential. The Planning Commission recommended denial of the proposal based on lack of compliance with Statewide Planning Goal 9 due to the expiration of the City's Commercial Land Study, details of which are described below and outlined in a City Attorney's Office memo.

BACKGROUND

The subject property consists of two tax lots (17-04-14-32-8600 and -8900) located in the River Road community near the intersection of Maxwell Road, Maxwell Connector, North Park Avenue, and the Northwest Expressway (see Attachment A).

As addressed in the applicant's materials, the property owner seeks to change the Metro Plan diagram land use designation (the City's land use blueprint map), the River Road/Santa Clara Urban Facilities Plan and zoning of 7.19 acres of the 8.75 acre subject property to be designated Medium Density Residential the corresponding R-2 Medium Density Residential zone. These applications are briefly summarized below:

- **Metro Plan Amendment:** Proposes to amend the Metro Plan Diagram to change the adopted land use plan designation from Commercial to Medium Density Residential for 7.19 acres of the subject property. The remaining portion of the property would remain designated Commercial.
- **Refinement Plan Amendments:** Proposes to amend the River Road-Santa Clara Urban Facilities Plan to change the land use designation from Commercial to Medium Density Residential for 7.19 acres of the subject property and amends a policy to enable the land use designation change. The remaining portion of the property would remain

designated Commercial.

- **Zone Change:** Proposes to rezone 7.19 acres of the subject property from GO General Office zone to R-2 Medium Density Residential, consistent with the proposed plan amendments. The existing C-1 Neighborhood Commercial zone on the northern portion of the property and the existing /WR Water Resources Conservation and /SR Site Review overlay zones are not affected by the proposed zone change.
- **Code Amendment:** Proposes to amend the land use code to codify the policy amendment to the River Road-Santa Clara Urban Facilities Plan.

Planning Commission Process

At the Planning Commission public hearing held on April 12, 2016, a total of two people testified; one provided testimony in favor (an applicant representative) and one provided opposition testimony. Following the public hearing, the record was not left open.

Prior to the public hearing, Oregon Department of Land Conservation and Development (DLCD) submitted testimony regarding the proposal's reliance on the City's adopted, yet expired, Commercial Lands Inventory (which indicates a surplus of commercial land within Eugene's urban growth boundary) to remove 7.19 acres of commercial land for medium density residential use (see Attachment B). DLCD asserts that the City cannot rely on the Commercial Lands Study because the planning horizon for the study ended in 2010, and as such, the proposal cannot be found to comply with Statewide Planning Goal 9 (Economic Development). The City Attorney's Office addressed this issue at the hearing, and was asked to provide additional information for the Planning Commission to consider during deliberations. The City Attorney's Office provided a memo to the Planning Commission addressing this issue (see Attachment C).

The Planning Commission deliberated on April 15, 2016. The majority of the commission's discussion centered on the issue of the expired Commercial Lands Study. As addressed by the City Attorney, there is a legal precedent set by the Land Use Board of Appeals (LUBA) that precludes the applicant's ability to fulfill planning Statewide Planning Goal 9 and prevents approval of the applicant's requested amendments when a city's land inventory is expired. Based on the legal precedent, the commission reached a unanimous (6-0) decision to recommend the City Council deny the proposed amendments.

Additionally, the deliberations raised issues that the Planning Commission felt warranted acknowledgement in their recommendation to the council. The Planning Commission had specific concerns about the following items:

- Re-designating land, and the subsequent rezoning from GO to R-2, would have potential impacts on the abutting C-2 property to the north by removing the intended transitional GO zone;
- There would be an impact to development on commercial land because height limits and setbacks would be reduced due to the adjacent R-2 residential zone. These are standards not invoked between Commercial zoning districts, as is the current arrangement of GO General Office and C-2 Community Commercial; and

- There are potential unknown economic impacts on the overall employment and commercial land inventory, which is a strong reason to move forward with Envision Eugene adoption, which will update the expired inventories.

The council will also consider additional public testimony and other materials that may be presented at the public hearing, before making a final decision. Final action is scheduled for a subsequent council meeting on July 11, 2016.

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, EC 9.8424 for the refinement plan amendments, EC 9.8865 for the zone change and EC 9.8065 for the code amendment. The full record of application materials and public testimony to date is included in a binder that has been placed in the council office, for reference.

RELATED CITY POLICIES

The Metro Plan and the River Road-Santa Clara Urban Facilities Plan are the applicable adopted plans most relevant to this request.

COUNCIL OPTIONS

This item is for public hearing only. No action is required at this time.

CITY MANAGER'S RECOMMENDATION

The City Manager will provide a recommendation for the council meeting scheduled on July 11, 2016.

ATTACHMENTS

- A. Vicinity Map
- B. Public Testimony received as part of Planning Commission proceedings
- C. Memo to Planning Commission from City Attorney's Office

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: Zach Galloway, AICP, Senior Planner

Telephone: 541.682.5485

Staff E-Mail: zach.a.galloway@ci.eugene.or.us.

