

W. Y. B.

AGENDA COVER MEMO



DATE: MARCH 12, 2007 (memo)
MARCH 21, 2007 (third reading/deliberations)
TO: LANE COUNTY BOARD OF COMMISSIONERS
FROM: STEPHANIE SCHULZ, PLANNER
LAND MANAGEMENT DIVISION

TITLE: ORDINANCE NO. PA 1240 – IN THE MATTER OF AMENDING THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN (METRO PLAN) LAND USE DIAGRAM FOR PROPERTY WITHIN THE COBURG-CRESCENT SUBAREA OF THE WILLAKENZIE AREA REFINEMENT PLAN, AMENDING THE CORRESPONDING WILLAKENZIE AREA PLAN LAND USE DIAGRAMS, AND ADOPTING SAVINGS AND SEVERABILITY CLAUSES. (City of Eugene, File No. PA 06-6742, Huntington Crossing).

DISCUSSION

The Board and City Council conducted a joint public hearing on February 22, 2007 to hear public testimony and consider a request for amendment to the Metro Plan Land Use Diagram and the Willakenzie Refinement Plan Land Use Diagrams for Huntington Crossing. The project proposes amending the plan designation of the site from Campus Industrial (Metro Plan) and Special Light Industrial (Willakenzie Refinement Plan) to a consistent designation of Medium Density Residential for the subject property. At the hearing, the applicant spoke, and two individuals spoke in opposition to the proposal. Questions were directed to staff from Council and Board members, and are addressed in the memo provided as Attachment A. The complete application, and planning commission recommendations have been on file in the Board office lobby, and in Land Management Division since the hearing.

On March 12, 2007, Eugene City Council deliberated on the proposal, and voted to adopt the amendment. The vote was 5 yes, 1 no, 1 absent.

Alternatives/Options

1. Approve the Ordinance as presented.
2. Revise the Ordinance as directed by the Board and return for approval of the revised Ordinance on a date certain set by the Board.
3. Do not approve the Ordinance and deny the application.

Recommendation

Option 1.

Timing

The Ordinance does not contain an emergency clause. An updated printing of the Metro Plan Diagram is completed annually, as agreed upon by the three jurisdictions for Metro Plan Diagram consistency. This Ordinance adopting an amendment to the Metro Plan diagram and the corresponding Willakenzie Area Refinement Plan diagrams will be included in the 2006/07 update printing to be distributed to the three jurisdictions (tentatively April 2007).

ATTACHMENT

Attachment A. Memo; staff responses to questions raised at the public hearing.



MEMORANDUM

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Date: March 5, 2007

To: Mayor Piercy and City Council

From: Lydia McKinney, 682-5485

Subject: Staff Responses to City Council and Land County Board of Questions Regarding Huntington Crossing Metro Plan Amendment

This memo provides staff response to the questions raised by City Council on February 22 2007, regarding the Huntington Crossing request for a Metro Plan amendment. Staff notes that there was information in the record to respond to questions 2-8, but no information was in the record to respond to question 1.

1. **Chase Node:** Council asked whether the development at the Chase Node went through a Planned Unit Development (PUD) process.

Staff response: There is no information regarding the Chase Node in the record. Therefore, a response to this question would be considered new evidence, which is not permitted in the quasi-judicial proceedings for a Metro Plan amendment.

2. **Requiring a Master Plan as part of a Metro Plan amendment:** Council asked whether there is a way to require a Master Plan for the subject property as part of the Metro Plan amendment.

Staff response: There is not a mechanism to require a "Master Plan" for the subject property unless council makes a finding that an applicable approval criterion can only be met by imposition of such a condition. The Planning Commission did not make such a finding. Council should note however, that the existing refinement plan already requires a similar tool. Policy (5) within the Willakenzie Area Plan for the Coburg/Crescent Subarea states:

The City of Eugene shall require that planned unit development procedures be required for all residential developments within the Coburg/Crescent Subarea. The intent of this requirement is to ensure adequate review of the following factors:

- A. Development of a comprehensive street network;
- B. Provision of pedestrian and bicycle linkages between residential, commercial, industrial, educational and recreational areas;
- C. Encouragement of a variety of dwelling types, heights, and setbacks;
- D. Provision of adequate and attractive buffering between residential, commercial, and industrial developments; and
- E. Provision of pedestrian linkages to transit stops where practical.

If approved, the applicant's request to change the Metro Plan designation to Medium Density Residential would require a zone change to the appropriate R-2 Medium Density Residential zone prior to site development of a multi-family housing project. After this zoning is in place, the policy language above will require that the applicant get approval for any residential development through the planned unit development process. This process does serve as one form of master planning.

3. **What proposal was submitted to the neighbors:** Council asked what development proposal the applicant took to the neighborhood in response to a statement by the applicant at the hearing wherein the applicant indicated that they had asked for comments from the neighborhood on the proposed plan amendment.

Staff response: There is no written record in the file regarding the development proposal the applicant took to the neighborhood. Staff understands from the applicant that the development proposal included in the applicant's Metro Plan amendment request is the same as what was shown to the neighbors. That proposal (dated August 15, 2006) includes approximately 137 units of medium density housing.

4. **Extent of commercial development allowed:** Council asked what amount of commercial development could be allowed with a medium density residential zone.

Staff response: Under the current zoning of R-1 Low Density Residential, no commercial development would be allowed. Assuming the property is re-designated to medium density residential and the applicant obtains a zone change to R-2, commercial development would only be permitted on the subject property through the PUD process. Approval of commercial use requires demonstration that the commercial uses will serve the residents living in the PUD. As noted below, the maximum density possible under the R-2 Medium Density Residential zone is 28 dwelling units per acre or 196 dwelling units for this site. However, the applicant would need to demonstrate that the proposed commercial uses will serve the actual number of units proposed. Given that 196 units is the maximum number of units possible, staff would envision that the amount of commercial uses permitted would be limited in scope.

5. **Reconciliation of Medium Density versus High Density:** Council asked about presumed inconsistencies between the applicant's proposal for a medium density residential designation and the references in the applicant's materials to plan policy statements that refer to high density residential, asking if this would make the Metro Plan internally inconsistent.

Staff response: Staff does not believe that approval of the request for a medium density residential designation would create an internal inconsistency within the Metro Plan. Staff does note that the applicant was originally considering a request for high density residential rather than medium density residential, and that the applicant's materials may have incorrectly retained references to high-density residential zoning. With regards to supporting policies such as the Metro Plan Residential Land Use and housing Element policy A.11 which states "Generally locate higher density residential development near employment or commercial services, in proximity to major transportation systems or within transportation-efficient nodes.", staff believes that the term "higher density" is a relative term, and would include medium as well as high density residential zones. As such, approval of the applicant's request will not make the Metro Plan internally inconsistent.

6. **Projected density on the subject property:** Council asked what the projected density is for the subject property.

Staff response: Currently the property is zoned R-1 Low Density Residential, and this zoning permits one dwelling unit per lot. Assuming the Metro Plan designation is approved and the applicant obtains a zone change to R-2, this zoning would allow residential development at densities from 10 to 28 dwelling units per acre. The subject property is approximately 6.89 acres in area, which would allow 68 to 193 dwelling units. Requirements for parking, landscaping, and multi-family development standards would be applicable to the development proposal.

7. **Provide a limitation for the subject property to allow medium density residential use only:**

Council asked whether there is a way to assure that only medium density residential use would be allowed, presumably to prohibit the ability to do commercial uses in a future development proposal.

Staff response: The current proposal is for a Metro Plan diagram amendment, with consistent changes to refinement plan maps. In rare circumstances, applicants have limited such requests to allow for only specific uses, and provided findings that only support those limited uses. In a few of those cases, the City has considered the imposition of property-specific limitations on allowed uses. In this case, the Planning Commission found that the applicant's analysis is sufficient to support the proposed re-designation and map changes without use restrictions. In cases where a use restriction is warranted, staff recommends that the use limitation be adopted as a text amendment to the applicable refinement plan to best ensure future notice and enforcement of such a limitation. Staff has some concern that a use limitation for the subject property that would prohibit a retail/commercial use in conjunction with a residential PUD may be inconsistent with other policies in the Coburg/Crescent Subarea of the Willakenzie Area Plan. Such existing policies encourage mixed use developments, including some commercial use within a residential PUD. If the council wishes to pursue a text amendment to the refinement plan, additional staff time will be needed to develop a proposal.

8. **Why should this request be considered when people didn't have an opportunity before to change the designation:** The Board of Commissioners asked why they should be compelled to approve this Metro Plan amendment request when changing the designation wasn't available to residents before.

Staff Response: This Metro Plan amendment is being requested by a private property owner as a citizen initiated request. Staff notes that the code does provide for any citizen to initiate a Metro Plan amendment request at any time as per EC 9.9.7715(2)(b).

Additional Information

For additional information, please contact Lydia McKinney Associate Planner, at 682-5485 or via email at lydia.s.mckinney@ci.eugene.or.us.