

Phone: 541-682-5481  
www.eugene-or.gov/pc

**Meeting Location:**  
Harris Hall  
Lane County Public Service Building  
125 East 8<sup>th</sup> Avenue  
Eugene, Oregon 97401

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The Eugene Planning Commission welcomes your interest in this agenda item. Feel free to come and go as you please at the meeting. 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 Planning Department at 541-682-5675.

## **TUESDAY, JULY 14, 2015 – 6:00 P.M.**

### **I. PUBLIC HEARING:**

#### **REST-HAVEN MEMORIAL PARK (City File No. MA 15-1 and Z 15-1)**

The Planning Commission will hold a public hearing on a metro plan amendment for a land use designation change from Parks and Open Space to Low Density Residential for the entire property, and a zone change from PL Public Land to R-1 Low Density Residential for the northern approximately 28 acres of the property currently in cemetery use (resulting in the entire property being designated Low Density Residential and zoned R-1 Low Density Residential).

Lead City Staff: Heather O'Donnell, 541-682-5488  
[heather.m.odonnell@ci.eugene.or.us](mailto:heather.m.odonnell@ci.eugene.or.us)

### **Public Hearing Format:**

The Planning Commission will receive a brief City staff report followed by an opportunity for public comment. Time limits on testimony may be imposed. The Planning Commission may seek a response to testimony from City staff. At the end of the hearing, the Planning Commission Chair will announce whether the record is closed, the record will be held open, or the public hearing will be continued.

Commissioners: Steven Baker; John Barofsky; Bree Nicoletto; John Jaworski (Vice-Chair); Jeffery Mills; Kristen Taylor; William Randall (Chair)



**AGENDA ITEM SUMMARY**  
**July 14, 2015**

**To:** Planning Commission

**From:** Heather O’Donnell, Planning Division

**Subject:** Public Hearing on Rest-Haven Memorial Park Re-designation & Zone Change (City files MA 15-1, Z 15-1)

**ACTION REQUESTED:** Hold a Planning Commission public hearing and possibly deliberate on the proposed Metro Plan diagram amendment and zone change for the Rest-Haven Memorial Park property.

**BRIEFING STATEMENT:** On July 14, 2015, the Planning Commission will hold a public hearing on a privately-initiated, site-specific Metro Plan Amendment and concurrent Zone Change for Rest-Haven Memorial Park. The subject property includes two tax lots located at 3900 Willamette Street, between 39<sup>th</sup> 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 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 zoned R-1 Low Density Residential. These applications are briefly summarized below:

<b>Rest-Haven Memorial Park</b>					
Map & tax lot numbers: 1803180000300 & 1803074302100 (about 27.63 acres for cemetery, 46.27 acres for new housing)					
<b>Application (file no.)</b>	<b>Current</b>	<b>acres</b>	<b>Proposed</b>	<b>acres</b>	<b>Total acres</b>
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 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 overlay zones are proposed.

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.

### **Process**

These land use applications are subject to quasi-judicial procedures (EC 9.7065 through EC 9.7095) for the upcoming public hearing, as well as the approval criteria from the Eugene Code (EC) for each application type. The applicant's written statement addresses the approval criteria from EC 9.7730 for the Metro Plan Amendment and EC 9.8865 for the Zone Change, which are included in the package of application materials already provided to the Planning Commission under separate cover. The Eugene Code requires City staff to prepare a written staff report, prior to the public hearing, for the Planning Commission's consideration concerning any Metro Plan amendment and zone change request. This agenda item summary and the attached preliminary findings (Attachment C) addressing compliance with the applicable approval criteria constitute the initial staff report on this matter.

The Planning Commission will also consider additional public testimony and other materials that may be presented at the public hearing, before making a recommendation on these applications. Following the close of the public hearing and record, the Planning Commission will make a recommendation to the City Council to approve, approve with modifications or deny the applications, based on the required approval criteria. The requests will be heard before the Eugene City Council in a separate public hearing following Planning Commission action. Eugene Code (EC) 9.7740(4) provides that no new evidence should be allowed at the city council public hearing; however City Council does have the option to amend this.

### **Application, Referrals and Public Hearing Notice**

On January 16, 2015, the concurrent Metro Plan amendment and zone change applications were submitted to the City. In response to the City's completeness review comments, the applicant provided supplemental application materials and the application was deemed complete on May 11, 2015.

Referrals were provided to the appropriate agencies, and notice of the June 12, 2015 public hearing was mailed and posted consistent with Eugene Code requirements. Since the public notice, staff has received some inquiries and written public testimony. Responses to the public testimony are included in the preliminary findings under Goal 1 (Attachment C) and the public testimony received through July 2, 2015 is provided as Attachment D. Testimony received after that date and prior to the public hearing will be forwarded to the Planning Commission at the public hearing for inclusion into the public record.

As of July 2, 2015, staff received written comments addressing the following topics:

- Questions regarding whether cemeteries are allowed in the R-1 zone and whether the existing cemetery could be converted to housing
- Support for the proposed rezoning, but concern about future development within the exiting buffer areas
- Comments not necessarily opposing the re-designation/rezoning but asking that during future development steps for the property that the buffer requirement from the existing condition use approval is revisited regarding the location and uses allowed within the buffer

Staff has provided a response to these issues later in this staff report. Additional comments received after the writing of this report (between July 2 and July 6, 2015) are included as Attachment E.

### **Applicable Criteria**

The Planning Commission must address the relevant approval criteria from EC 9.7730(3) and EC 9.8865 in making recommendations to the City Council on the proposals, as listed below. The preliminary findings addressing these approval criteria prepared by staff and are attached for the Planning Commission's consideration (Attachment C).

#### **EC 9.7730 Metro Plan - Approval of a Plan Amendment.**

- (3) **Criteria for Approval of Plan Amendment. The following criteria shall be applied by the city council in approving or denying a Metro Plan amendment application:**
  - (a) **The amendment must be consistent with the relevant Statewide Planning Goals adopted by the Land Conservation and Development Commission; and**
  - (b) **Adoption of the amendment must not make the Metro Plan internally inconsistent.**

#### **EC 9.8865 Zone Change Approval 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.**
- (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.**
- (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.**
- (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.**
- (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.**

*Note: criteria EC 9.8865(4) a-e and g-u are not applicable since no properties are proposed to be rezoned to these zones.*

**STAFF EVALUATION:** The basis for this request is to enable residential uses to occur on the

portions of the subject property not currently developed or platted with cemetery use. The property is surrounded by a developed low density residential neighborhood, a church and Willamette Street.

The applicant's concurrent application materials address the necessary criteria noted above to support the re-designation and zone change which will enable low density residential uses on the subject site. The attached preliminary findings conclude that this request is consistent with Statewide Planning Goals, the Metro Plan, and other applicable approval criteria. There are several key points to note:

- The re-designation to low density residential adds approximately 46 acres of future housing capacity to the city's land supply.
- Changing the PL Public Land zone to R-1 Low Density Residential eliminates the conflict of a privately-owned property being zoned for public use. Additionally, this proposed rezoning does not conflict or preclude cemetery use as some non-residential uses such as cemeteries are conditionally permitted and regularly occur in R-1 zones.
- The proposal would bring the Metro Plan designation and zoning into better 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 and re-thinking of a property where the planned use (cemetery) is no longer needed.
- The same re-designation and zone change proposed now was proposed by the City for the property in 2013. However, the property owner withdrew their property from consideration at that time due to the vehicle trip cap the City was proposing. The applicant's current application includes a detailed traffic analysis that was not available in 2013, demonstrating that even with the proposed build-out of the site and the surround area, the streets in the area will not exceed the vehicle capacity for which they are designed.
- The addition of an overlay zone or other tools to restrict future development (e.g. a planned unit development overlay, refinement plan policies) is not required at this time, nor is it supported by any applicable plan policies. As the attached findings describe, determination of the type of land use application and applicable development standards will be determined at the time of future development.
- Previously there has been concern raised from neighbors regarding whether re-designation/rezoning of the property impacts any of the property's earlier land use applications, such as the 1995 cemetery conditional use permit (CUP) and buffer requirement or the 2002 CUP for controlled income and rent housing that is on hold. The re-designation/rezoning of the property would not affect the status of these permits. Additionally, as noted in the applicant's written statement, a new CUP would be required before housing can be approved so that the new CUP only covers the cemetery portion of the site and removes (or unencumbers) the remaining portion of the site to enable other residential uses.

**RECOMMENDATION:** Staff recommends that the Planning Commission hold a public hearing on the proposal. Based on the available information including the applicant's materials and the attached preliminary findings, staff recommends approval.

**ATTACHMENTS:** The Planning Commission will be provided separately with a full set of the application materials and any public testimony for review. It was not feasible to reprint all of the written materials, attachments, and other items included in the application files as part of the staff report. However, these materials are available for review at the Planning Division office and on the City's land use application website. Copies of these materials can also be provided upon request, for a fee.

- A. Aerial Context Map
- B. Maps of Proposed Plan Amendment and Zone Change Boundaries
- C. Preliminary Findings
- D. Letters of Public Testimony received through July 2, 2015
- E. Letters of Public Testimony received between July 3 and July 6, 2015

**FOR MORE INFORMATION**

Heather O'Donnell at 541-682-5488 or [heather.m.odonnell@ci.eugene.or.us](mailto:heather.m.odonnell@ci.eugene.or.us)

Land use application website:

<http://ceapps.eugene-or.gov/PDDONLINE/LandUse/ApplicationSearch>

Planning Commission website: [www.eugene-or.gov/pc](http://www.eugene-or.gov/pc)

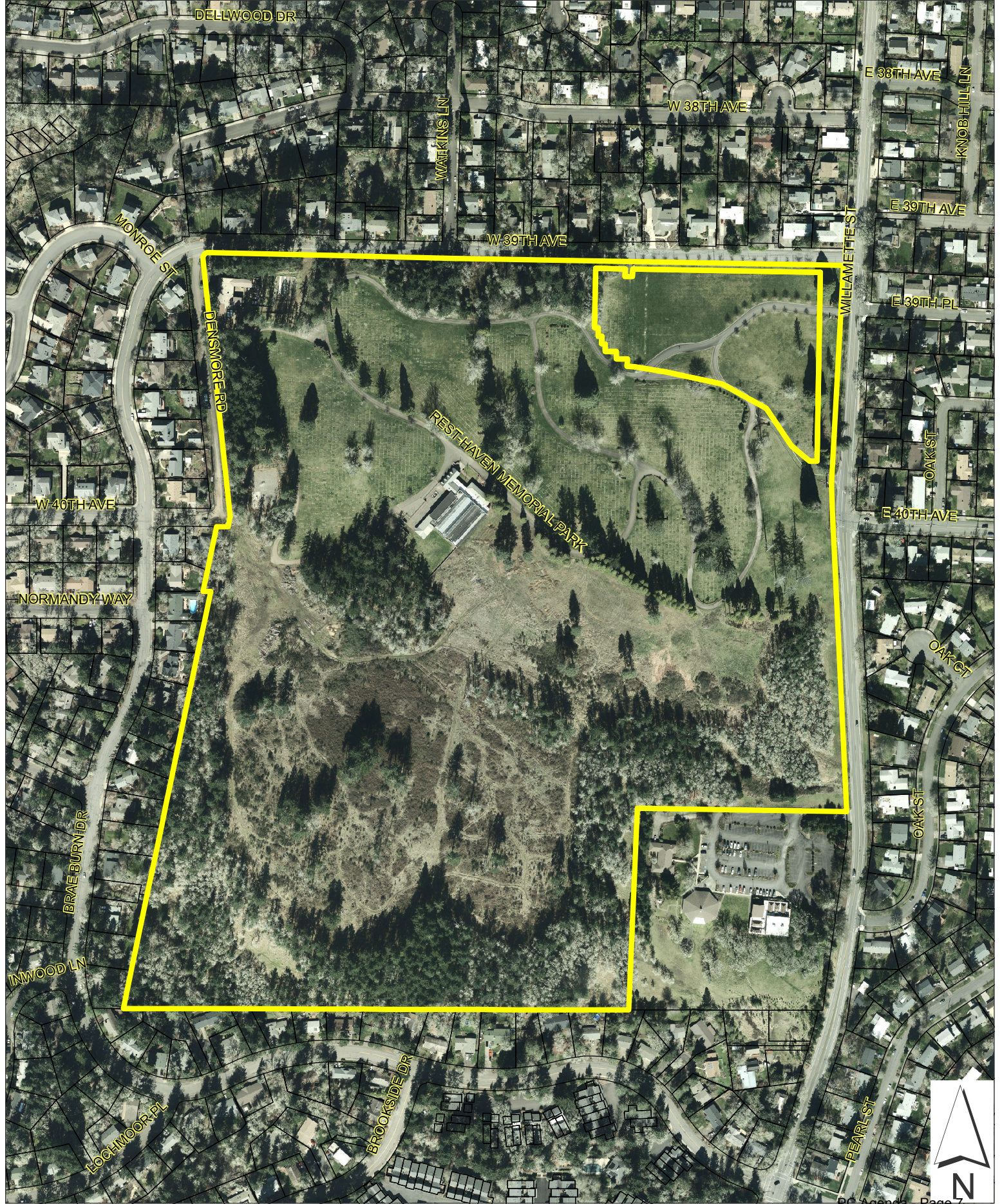






# Rest Haven Memorial Park (Z 15-1 & MA 15-1)

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





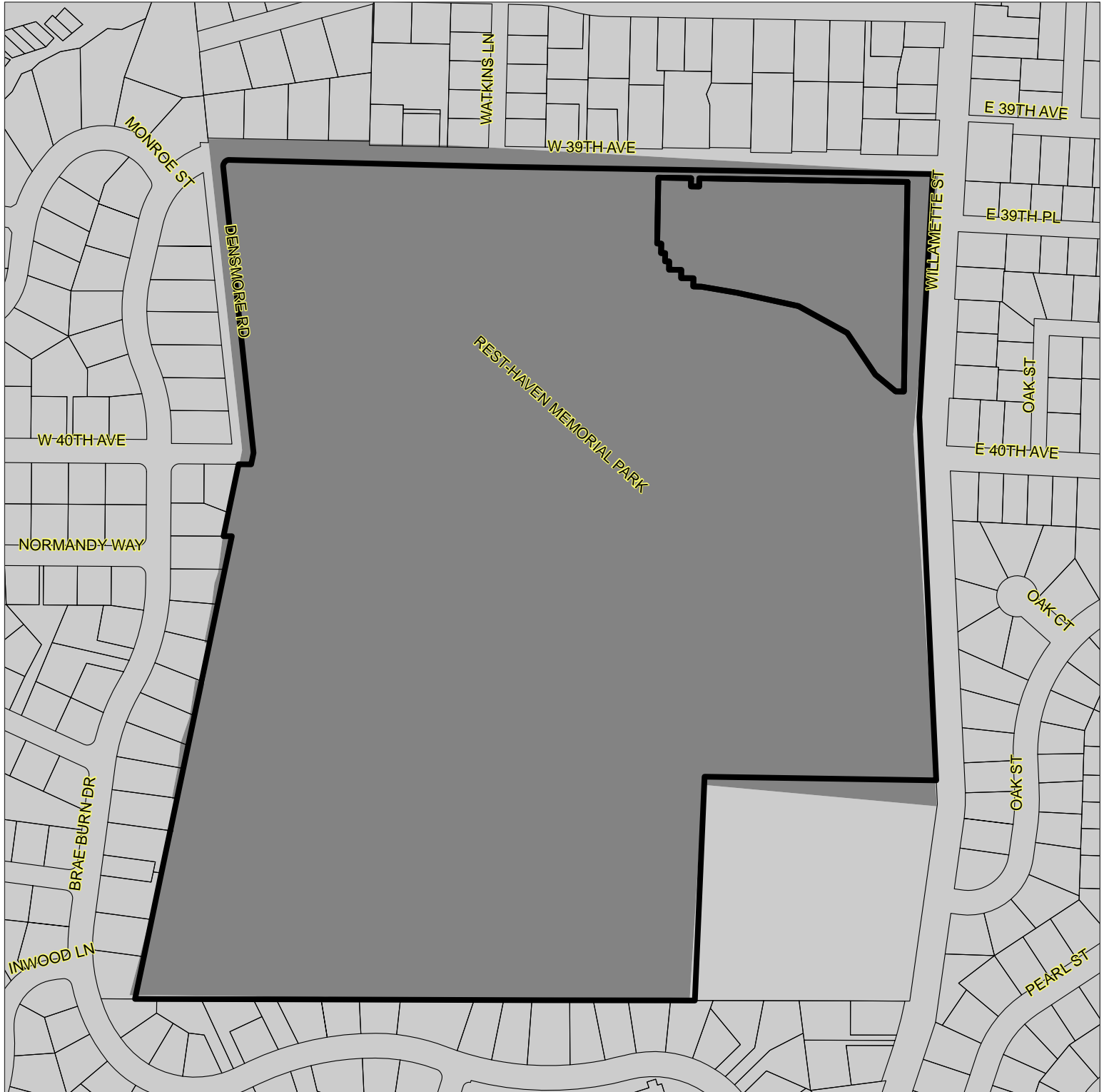







# Rest Haven Memorial Park (Z 15-1 & MA 15-1) Existing Metro Plan Designation

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

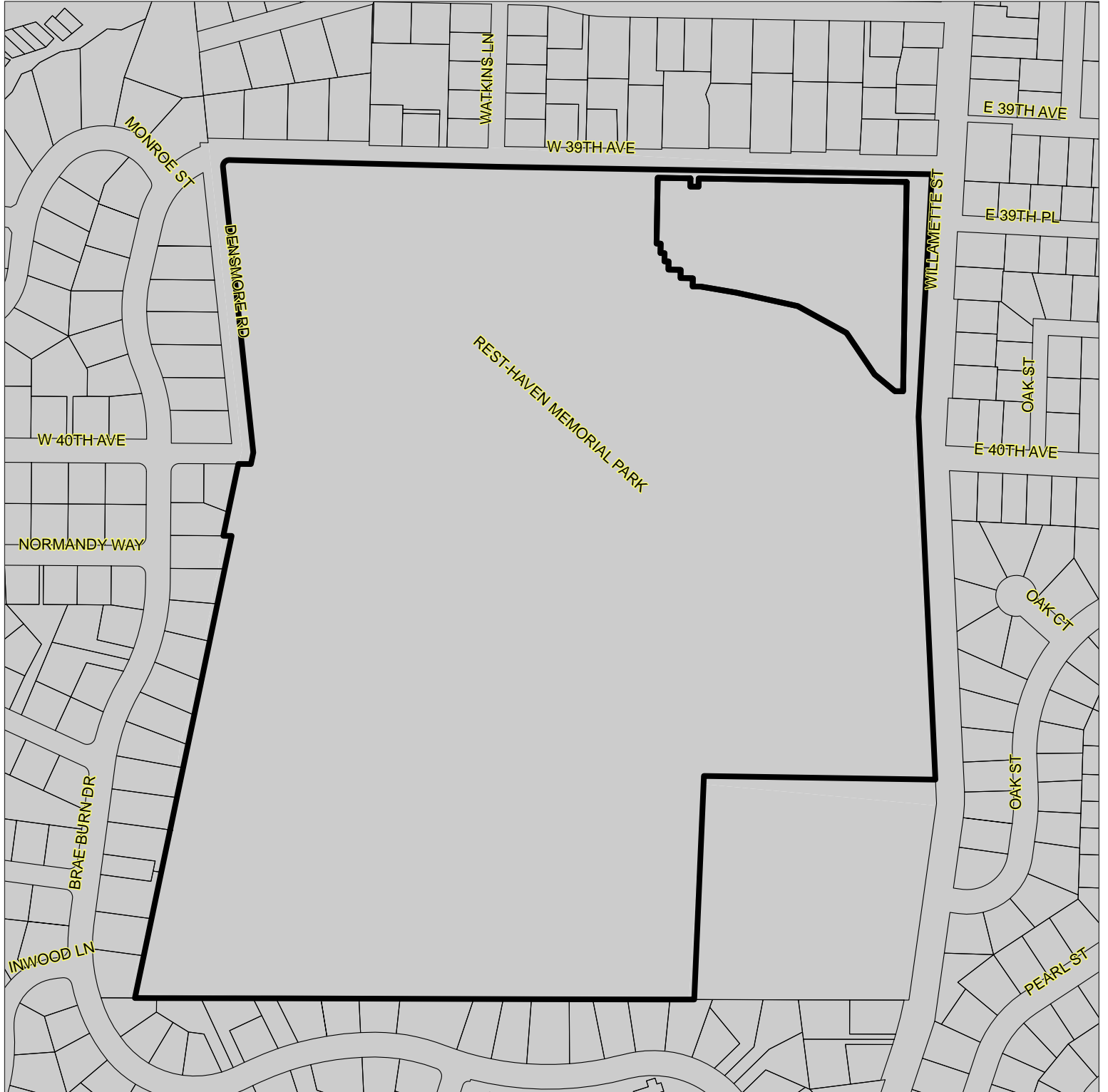




# Rest Haven Memorial Park (Z 15-1 & MA 15-1) Proposed Metro Plan Designation

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



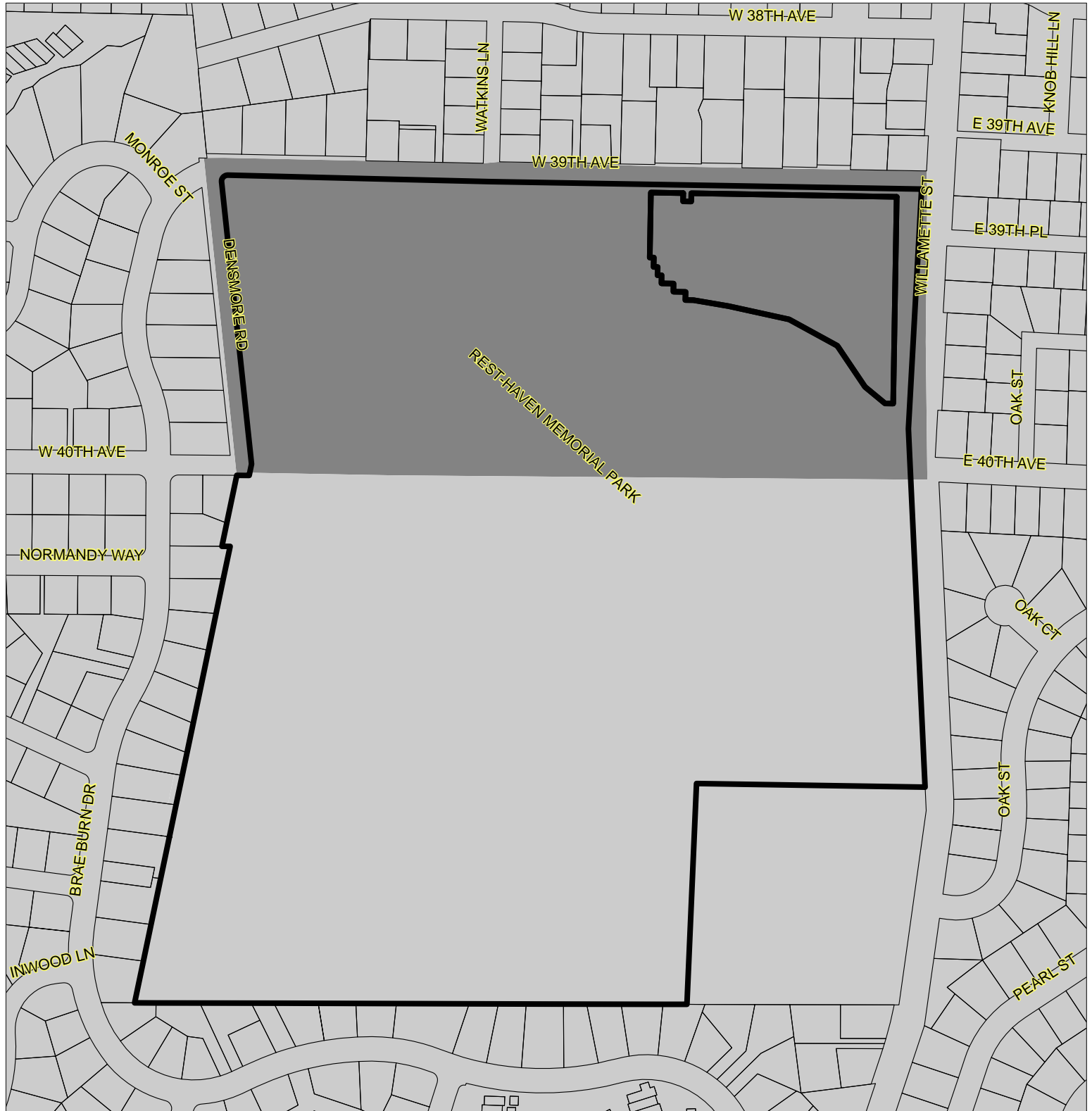
-  Subject Site
-  Low Density Residential





# 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



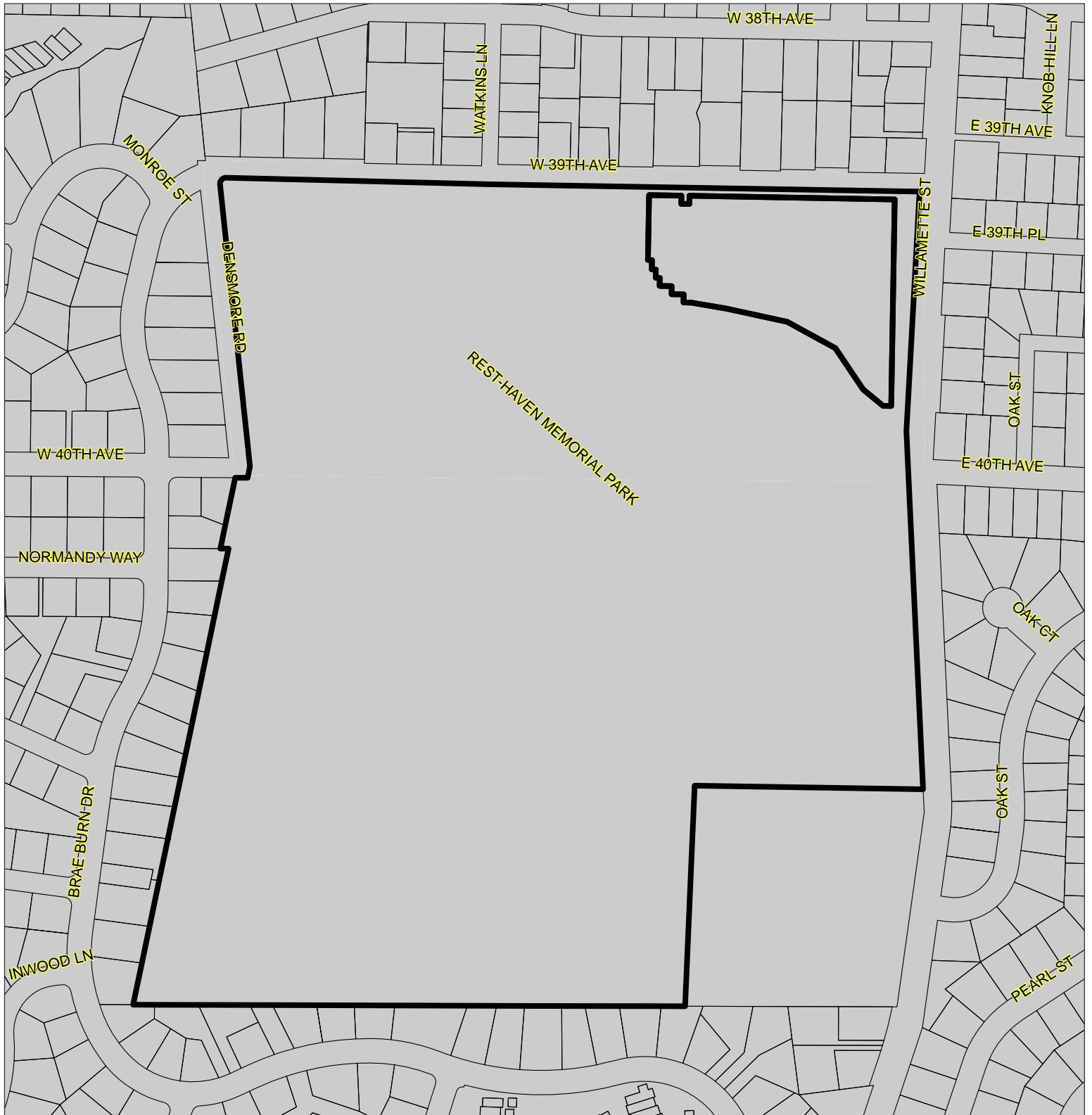
-  Subject Site
-  PL Public Land
-  R-1 Low-Density Residential






# 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



**Exhibit \_\_**  
**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:

<b>Rest-Haven Memorial Park</b>					
Map & tax lot numbers: 1803180000300 & 1803074302100 (about 27.63 acres for cemetery, 46.27 acres for new housing)					
<b>Application</b>	<b>Current</b>	<b>acres</b>	<b>Proposed</b>	<b>acres</b>	<b>Total acres</b>
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.

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.*

*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, 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. The PROS Project and Priority Plan is adopted and therefore provides some direction to the City regarding recreational needs. The subject property is currently designated Parks and Open Space. The City has consulted these documents regarding these sites 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

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 in 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*

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:

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

regional park	9		
<b>Proposed land uses:</b>			
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:

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

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 <sup>rd</sup> Avenue	LOS C	LOS C	LOS C	LOS D
Willamette Street At W. 39 <sup>th</sup> Avenue	LOS C	LOS C	LOS C	LOS C
Willamette Street at E. 40 <sup>th</sup> Avenue	LOS B	LOS B	LOS B	LOS C
E. 40 <sup>th</sup> 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.

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

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.

- A.30 Balance the need to provide a sufficient amount of land to accommodate affordable housing with the community's goals to maintain a compact urban form.*

Affordable housing is defined in the *Metro Plan* as housing priced so that a household at or below median income pays no more than 30 percent of its total income on housing and utilities. The proposed re-designation creates more land for low density residential inside the current UGB with existing or planned services and transit. Developing housing within the UGB can generally reduce development and transportation costs and may make housing more affordable.



## 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 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.

- (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**

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**From:** Shirley Richards <shirleylr@comcast.net>  
**Sent:** Friday, June 12, 2015 9:15 PM  
**To:** O'DONNELL Heather M  
**Subject:** Re: Rest-Haven Metro Plan Re-designation & Zone Change Request

Thank you. Another hearing!!!! How many have there been? How can a cemetery be designated R1 residential?

Shirley Richards

On Jun 12, 2015, at 4:28 PM, O'DONNELL Heather M wrote:

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 14<sup>th</sup>, 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

Received

JUN 29 2015

City of Eugene  
Planning Division

JUN 24, 2015

Craig Hos  
187 W. 39th St.  
Eugene, OR 97405

Eugene Planning Commission,

This letter is concerning the Rest Haven issue.

The south 79 acres of open lands should be allowed to develop but should be kept to very low density or perhaps simply single family dwellings. The north 28 acres is a cemetery in "cemetery use." To build on the probable few acres of land slivers would be just plain wrong. Those areas have always been "buffer zones" and should remain as such.

Sincerely,

Craig Hos

PS I've plans on meet date...

**O'DONNELL Heather M**

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**From:** David Berg <david\_berg@comcast.net>  
**Sent:** Thursday, July 02, 2015 2:48 PM  
**To:** O'DONNELL Heather M  
**Subject:** RE: Rest-Haven Metro Plan Re-designation & Zone Change Request  
**Attachments:** Metro Plan Amendment - Commission.docx

Heather,  
Attached is our response to Rest Haven's Metro Plan Amendment application. Thank you for the opportunity to respond. Please let us know that you received it and are able to open it satisfactorily.

*- David*

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**From:** O'DONNELL Heather M [<mailto:Heather.M.ODonnell@ci.eugene.or.us>]  
**Sent:** Friday, June 12, 2015 4:28 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.

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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

**David and Judith Berg**

Received

03 July 2015

Eugene Planning Commission  
c/o Heather O'Donnell  
99 West Tenth Avenue  
Eugene, OR 97401

JUL 2 2015

City of Eugene  
Planning Division

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

Honorable Commissioners,

Thank you for the opportunity to testify on the subject of this hearing.

We do not oppose the Metro Plan Amendment application to align the designation and zoning of Rest Haven Cemetery to Low Density Residential and R1, respectively, subject to City's approval of the application and responses to its Completeness Review.

However, wherever it is appropriate in the succeeding steps towards development of this property, we ask that you consider the environmental effects of 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 properties mandated in the cemetery's Conditional Use Permit, we would like to see this buffer redrawn based on the topography of the land.

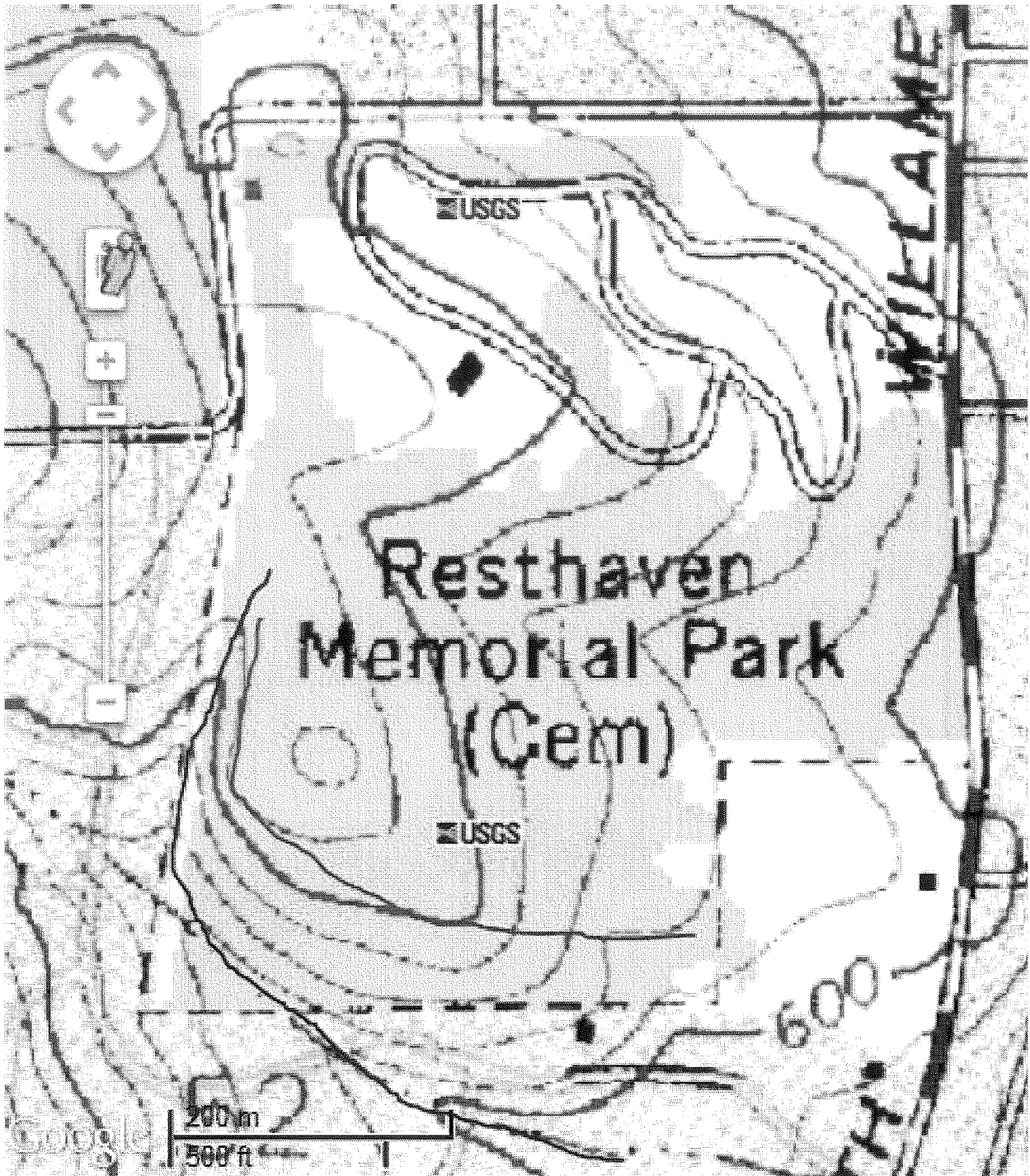
This U.S.G.S. Topographic map reflects the geography of the landscape and the gradient between Rest Haven and the adjacent properties. Each contour represents a 20-foot gradient. The dark line through the Rest Haven Property is the 700-foot contour. Brae Burn Drive circumscribes Rest Haven's western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

Observe the steep gradient coming off the 700-foot ridge along the southern edge and 720-foot ridge along the western edge of Rest Haven (drawn-in red line), dropping 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.

We submit that the 75-foot buffer currently designated in the cemetery's Conditional Use Permit is arbitrary and doesn't reflect the depth of the geography that more appropriately describes the affected area, and respectfully request that wherever it is appropriate in the steps leading towards development that the buffer be restated in terms of its geography – specifically along the 700- and 720-foot contour lines as shown above – instead of an arbitrary distance – and further, that this buffer be not only restricted from development, but also restricted from deforestation to continue its environmental protection of neighboring homes.

Thank you for your consideration.





Respectfully submitted,

*David I. Berg*

*Judith K. Berg*





**O'DONNELL Heather M**

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**From:** Michelle Davila <2michelledavila@gmail.com>  
**Sent:** Monday, July 06, 2015 2:13 PM  
**To:** O'DONNELL Heather M  
**Subject:** Fwd: Rest Haven rezoning proposal



Rest Haven.pdf

Ms. Odonell,  
Please see the attached objection regarding the proposed rezoning of Rest Haven Cemetery.  
Respectfully,  
Michelle Davila, DNP, RN

45 E 39th Pl  
Eugene, OR 97405

July 6, 2015

Heather O'Donnell  
Senior Planner  
Planning Commission  
West 10th Avenue  
Eugene, Oregon 97401

#### REST HAVEN MEMORIAL PARK

I am writing to provide testimony against the proposed land use designation and zoning changes to Rest Haven Memorial Park. Having recently purchased a house in the immediate vicinity, I am alarmed at the detrimental and irreparable harm the loss of such a large amount open space and public land would have on the neighborhood generally and my property specifically. The memorial park is an essential part of South Eugene, providing a safe walking area and critical natural habitat that will be lost forever, decreasing the quality of life for residents and their property values.

The proposed land use changes to Rest Haven Memorial Park should be rejected because they repeatedly contradict the stated purpose of the Eugene land use code in EC 9.0020. While the land use code encourages increased density of *underused* land to support the Eugene Urban Growth Boundary, the goal of increasing density comes with important caveats. According to Policy 6 of the land use code, increased density is to be achieved "while maintaining the character and livability of individual neighborhoods." Such a large loss of open and public areas will profoundly change the neighborhood, and not for the better. The proposed changes to Low Density Residential will not increase a greater variety of housing types (Policy 7), nor will it, given the location, "promote the construction of affordable housing" (Policy 8). Also because of the location, the proposal will not increase the use of alternative transportation (Policy 11), but, rather, goes directly against the purpose of Policy 12 of encouraging alternatives to the use of single-occupant vehicles, thereby increasing traffic on Willamette Street. Finally, the proposal unequivocally goes against the purpose of the land use code as stated in Policy 18, which is to "increase the amount and variety of parks and open spaces."

Under EC 9.8865, Zone Change Approval Criteria, the proposal for changing the land use designation of Rest Haven Memorial Park should be rejected by the Planning Commission for being inconsistent with the Metro Plan as it has been implemented by the land use code and its stated purpose under EC 9.0020.

Sincerely,  
Michelle Davila

## O'DONNELL Heather M

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**From:** RMMilks@aol.com  
**Sent:** Monday, July 06, 2015 4:25 PM  
**To:** O'DONNELL Heather M  
**Cc:** juclark@peacehealth.org  
**Subject:** Written Statement for Public Hearing on Request for Metro Plan Amendment Change

Ms. O'Donnell:

My name is Robert R. Milks. My address is 388 Dellwood Drive, Eugene, Oregon 97405. I am currently the Chairman of the Board of the Treehouse PUD Homeowners Association. I am also on the mailing lists for the Public Hearing concerning Rest Haven Memorial Park's request to amend the Metro Plan to change land use designation(s) and for invitations to attend Neighborhood-Applicant (Rest Haven Memorial Park) Meetings.

First, I would like to point out two problems I have with the "Notice of Public Hearing" that I received from the City of Eugene ("City").

The first problem is the omission of the reason for Rest Haven Memorial Park's ("Applicant") request for a Metro Plan Amendment to change their current land use designation(s). The reason for the Applicant's request is clearly stated in his January 16, 2015, application to the City:

"The property owner is seeking long-term productive uses for the portions of the subject property not currently developed or platted with cemetery plots. Consistent with the surrounding residential neighborhood context, the property owner submits this application to enable those areas of the subject property to be developed for residential use."

By omitting this stated reason in the "Notice of Public Hearing", the City does not present a linkage between the Metro Plan Amendment requested by the Applicant and the Applicant's stated intention to develop the subject property for residential use. I believe this is critical information for homeowners in the affected area. Thus, the City is not being transparent to homeowners adjacent to or in the vicinity of Rest Haven who received the "Notice of Public Hearing". By not being transparent, the City is, at the very least, not in spirit with EC 9.7730 (3): Criteria for Approval of Plan Amendment / Goal 1: Citizen Involvement. The result of this non-transparency, I'm afraid, will be a diminished turnout at the Public Hearing and homeowners not being informed. (see more on this issue below)

The second problem is the Internet address for gaining access to the Applicant's application materials at Eugene Planning in the "Notice of Public Hearing" is no longer valid (<http://ceapps.eugene-or.gov/PDDONLINE/LandUse/ApplicationSearch>). The Internet address should have been <http://pdd.eugene-or.gov/landuse/applicationsearch>. Even then, using the proper address did not get the user to the Planning Division's webpage. I wonder how many older homeowners, who are not good with computers, did not get to the Planning Divisions webpage to view the Applicant's application materials.

On January 14, 2015, I attended the Neighborhood-Applicant Meeting at Rest Haven Memorial Park (this is documented in the Applicant's application materials). The stated reason for the meeting was to inform attendees about Rest Haven's request for a Metro Plan Amendment to change their current land use designation(s). When questioned about the reason(s) for their request, the presenters said the meeting was about the Metro Plan Amendment to change their current land use designation(s), and the attendees should only focus on that topic. Once again, the presenters at the meeting could have simply told the attendees:

"The property owner is seeking long-term productive uses for the portions of the subject property not currently developed or platted with cemetery plots. Consistent with the surrounding residential neighborhood context, the property owner submits this application to enable those areas of the subject property to be developed for residential use."

Just like the City in the "Notice of Public Hearing", the presenters at the Neighborhood-Applicant Meeting did not present a linkage between the Metro Plan Amendment requested by the Applicant and the Applicant's stated intention to develop the subject property for residential use. Attendees were deprived of this critical information. The presenters were not transparent to the attendees. By not being transparent, the presenters, at the very least, were not in spirit with EC 9.7730 (3): Criteria for Approval of Plan Amendment / Goal 1: Citizen Involvement. The result of this non-

transparency is attendees left the meeting without knowing the intent of the Applicant to develop portions of Rest Haven for residential use.

Finally, I believe homeowners adjacent to or in the vicinity of Rest Haven would like to know all of the intentions of the Applicant's with respect to residential development before a Metro Plan Amendment is granted by the City. This would include the nature of the developments (Controlled Income and Rent, cluster subdivisions, town homes, etc.) and the impact of any development on adjacent properties (especially wind throw from removal of more trees from the Rest Haven property; remember, in 2004, Rest Haven took down more than 1,500 trees because it was a fire hazard; do you remember the last fire that occurred in the South Hills in the last twenty-two years!).

Sincerely,

Robert R. Milks