
⇒ Number: 1 Author: Bryn Subject: Sticky Note Date: 9/24/2013 9:01:43 PM
basically OMC can keep bullying the Brandt's until they give in?

EC 9.2740 Residential Zone Land Use and Permit Requirements confirm that PUD approval is required for multiple-family (three or more dwellings on the same lot) development in the R-1 zone. The PUD process allows for a review of the specific location, design and intensity of a proposed multiple-family development in the R-1 zone to determine, among other things, whether the development is reasonably compatible with adjacent and nearby land uses. Multiple-family development is also required to meet specific development standards at EC 9.5500, which establish design regulations, such as building mass, orientation, and articulation.

At the same time, the PUD process allows for design flexibility, if the design meets the PUD purpose statements at EC 9.8300, which are intended to achieve flexibility in architectural design, clustering of buildings, and providing for economy of shared services and facilities. Accordingly, the applicant seeks several modifications to development code standards through the PUD process. The PUD approval criteria at EC 9.8030 are evaluated in the following staff analysis.

Willamette Greenway Permit – The property is within the City’s adopted Willamette Greenway boundary, which requires Willamette Greenway (WG) permit approval prior to development. (Refer to Attachments A and B for a depiction of the adopted Willamette Greenway boundary – the area in which WG permit approval is required for intensification, change of use or development according to EC 9.8805.) The WG permit approval criteria at EC 9.8815 are evaluated below, following the PUD analysis.

The Willamette River is located about 243 feet to the east of the subject property, according to the applicant’s topographical survey prepared by Poage Engineering & Surveying, Inc. (See Attachment D-1.) The land between the river and the subject property is owned by the City, as an undeveloped natural resource area that contains /WR Water Resource (Goal 5) conservation areas. In this area (outside Willakenzie Area Refinement Plan which has an adopted WG setback distance from the river of 35 feet), and in accordance the WG permit approval criteria EC 9.8815(4) and (5); there is no specific, pre-determined or adopted setback from the river under the City’s implementing provisions of Goal 15 (Willamette Greenway).

While not the focus of the applicable WG permit approval criteria, staff notes that the applicable setbacks along the river in this area are based on the City’s Goal 5 Adopted Riparian inventory, which is regulated with the /WR overlay zone (see EC 9.4920). The /WR conservation area at this location is greater than the typical 100-foot setback from top-of-bank along the Willamette River; here, the adopted riparian area boundary extends landward beyond the 100-foot setback from top of bank. For clarity, staff notes that the /WR conservation area does not extend onto the subject property. As shown on Attachment A, the subject property is at least 53 feet from the boundary of the regulated resource area.

Application Procedural Summary

Consistent with EC 9.7005 Pre-application Conference, the applicant met with staff on December 2, 2011 (LC 11-76). The applicant held a neighborhood meeting on February 16, 2013, in compliance with EC 9.7007 Neighborhood/Applicant Meetings. With regard to EC 9.8310 Tentative Planned Unit Development General Application Requirements, the applicant indicates that the proposed PUD includes all property under contiguous ownership. It is also noted that the applicant requests tentative PUD approval under the general approval criteria, rather than the needed housing criteria. The PUD

Number: 1 Author: Bryn Subject: Sticky Note Date: 9/24/2013 9:11:35 PM
townhouses are reasonably compatible? Definition of "reasonably compatible"

Number: 2 Author: Bryn Subject: Sticky Note Date: 10/8/2013 1:38:51 PM
several? There are numerous modification requests, setbacks on all property boundaries, solar setback exemptions, street connectivity exemptions, screening exemptions, net density exemptions, ROW width exemptions, building size exemptions.

approval criteria are at EC 9.8030. The WG permit approval criteria are at EC 9.8815.

Public Notice – Public notice of the applications was mailed and posted on August 27, 2013, consistent with the requirements of EC 9.7315 Public Hearing Notice. As of the date of this staff report, written public testimony has been received from the following individuals and forwarded to the Hearings Official for consideration:

In Favor:	David Adee	Avis Eileen Adee
	Patricia Holtz	David Campbell
	Martin Henner	Jerry Carniglia
	Mark Goehring and Julie Hun	Sheila Stein
	Charles Chisholm	Nora Davis
	Pat Bryan	Steve Goldman
	Antonia Lewis	Jim O'Connor & Pen Sand
	Otto Poticha	Susan Hyne
	Dennis Clark	Clare Strawn
	Carleen Reilly	Don Kahle
	Jodi Sommers	Patricia Parcels
	Shane MacRhodes	Mike van Mantgem
	Marshall Wilde	
Opposed:	Anne Love	Phyllis Temple
	Paul and Cecelia Heintz	Dean Nussbaum
	Judy Scott	Rich Dambrov
	Rachel Stedman	Bryn Thoms
	Maj Hutchinson	Planet Glassberg
	Nena Lovinger	Charlotte Maloney
	Dale Greenlee	David Cutting
	Sarah Adkison	
	Don McLean and Elizabeth Marshall	
	Jean Darian, Laurie Trautman, and Simon Trautman	

In response to comments opposed to the development, staff has evaluated the items of concern in the following evaluation. The adequacy of the transportation system is evaluated in the following staff report at approval criterion EC 9.8320(5). Density is addressed at EC 9.8320(11)(a). Floodplain development is addressed at EC 9.8320(11)(c). Natural resource impacts are addressed at EC 9.8320(4). Impacts to the Willamette River are evaluated in the concurrent Willamette Greenway permit application, under the approval criteria beginning at EC 9.8815, which follows the PUD evaluation, toward the end of this report. Emergency response is addressed at EC 9.8320(6). Water service is conditioned at EC 9.8320(11)(b). The adequacy of public facilities and services is evaluated at EC 9.8320(7). Stormwater runoff is addressed at EC 9.8320(11)(j). Visual impacts, building location, solar access, screening, and compatibility are evaluated at EC 9.8320(3), EC 9.8320(11)(k), and EC 9.8320(13). In response to testimony about public notice, staff confirms that signs were posted consistent with code requirements. When staff learned that some signs were no longer in place, staff reposted the area (although not required by code) and added an additional large sign at the end of McClure Lane (in excess of code requirements).

Number: 1 Author: Bryn Subject: Sticky Note Date: 10/8/2013 1:39:15 PM
about one third of these are from other PUDs from other projects from 2007.

Not current or related support - Goehring, Chisholm, Carniglia, Nora Davis, Sheila Stein,

All of the testimony provided to date has been forwarded to the Hearings Official under separate cover. Any additional testimony received following this staff report, prior to the public hearing, will be presented to the Hearings Official at the hearing.

Referrals—The Planning Division provided information concerning the applications to other appropriate City and County departments, public agencies, service providers, and the affected neighborhood group. All referral comments received by the Planning Division on this application are included in the application file for reference, and addressed in the context of applicable approval criteria and standards in the following evaluation.

Tentative Planned Unit Development Evaluation

As required by the Type III land use application procedures beginning at EC 9.7300, the Hearings Official must review any PUD application and consider pertinent evidence and testimony as to whether the proposed use is consistent with the criteria required for approval at EC 9.8320 (shown below in **bold** typeface). According to EC 9.7330 and EC 9.8320, the Hearings Official shall approve, approve with conditions, or deny a tentative PUD application with findings and conclusions provided.

In this case, based on the available evidence and findings provided below, staff recommends conditional approval of the applicant's request.

EC 9.8320(1): The PUD is consistent with applicable adopted policies of the Metro Plan.

Metro Plan policies primarily guide local governments in legislative decision-making matters and other long-range planning efforts, and are not intended to be used as mandatory approval criteria for specific development proposals as a part of individual land use applications. In some cases, policies may apply as approval criteria, or at least must be considered as relevant. Text and other provisions of the Metro Plan may also be used in some circumstances to provide context to the meaning or application of the policies. In this case, while staff finds that there are several relevant policies and text that help to inform the decision-making process for this PUD application, none of the policies serve as mandatory approval criteria for the application.

The applicant has addressed several Metro Plan policies (pages 12 through 22 of the applicant's June 14, 2013 written statement), and to the extent that those additional findings and policies of the Metro Plan are also relevant here, staff generally concurs with the applicant's statements. Staff also notes that the proposal for clustered dwellings, which will be divided into condominiums, is consistent with Metro Plan Residential Policies A.17 and A.20, which encourage a range of housing types and home ownership. With regard to Environmental Policies, the subject property is within the floodplain and Willamette Greenway. Policy C.31 calls for development regulations within the floodway fringe to minimize damage to life and property; accordingly, the City has adopted special flood hazard development standards, beginning at EC 9.6706, which will apply at the time of development and are further discussed at approval criterion EC 9.8030(10)(c). With regard to the Willamette Greenway, Policies D.2 and D.3 require land use regulations and limit new development to uses that are compatible with the natural, scenic, and environmental qualities. The applicant has applied for concurrent WG permit approval, which is evaluated below, following the PUD evaluation.

This page contains no comments

Staff also notes that the City's R-1, Low-Density Residential Zone implements, and is consistent with, the low-density residential land use designation for the subject property in the Metro Plan. The subject property is zoned R-1, and the proposed PUD is therefore subject to the applicable R-1 zoning provisions as discussed throughout the following approval criteria and related standards. To the extent that the PUD is found to be consistent with those applicable zoning provisions and the PUD approval criteria, as is the case here, it is also consistent with the more general policies of the Metro Plan and the approval criterion here at EC 9.8320(1).

EC 9.8320(2): The PUD is consistent with applicable adopted refinement plan policies.

The River Road / Santa Clara Urban Facilities Plan (RR/SC UFP) serves as the applicable adopted refinement plan for the area included in this tentative PUD proposal. The property is designated Low-Density Residential on the Land Use Diagram in the refinement plan. Based on the prior findings at EC 9.8320(1), which are incorporated here by reference, the proposed development complies with the applicable plan designation as implemented through the R-1 zone. The applicant has also addressed several RR/SC UFP policies (pages 23 through 25 of the applicant's June 14, 2013 written statement). To the extent those policies are applicable or relevant to this request, staff generally concurs with the applicant's findings.

Further, the Residential Land Use Element Policy 2.0 provides for a diversity of housing types; the related action suggested by the RR/SC UFP at 2.1 calls for innovative residential development, such as planned unit developments, for new residential development on larger parcels (page 2-14). Based on the above findings, the PUD is consistent with the applicable criterion here, at EC 9.8320(2).

EC 9.8320(3): The PUD will provide adequate screening from surrounding properties including, but not limited to, anticipated building locations, bulk, and height.

Surrounding properties are primarily developed with single-family dwellings on individual lots. The abutting lands to the west and north are vacant lots designated for low-density residential use. City parkland abuts the east property boundary, which is zoned with the /WR Water Resource overlay that establishes a conservation area abutting the Willamette River, farther to the east.

West Property Line – With regard to building locations and screening along the west property line, the applicant's plans show a row of garages abutting the west property line, interrupted toward the midpoint of the property with a recycling building, and flanked to the north and south by gravel parking spaces. The residential development standards at EC 9.2750 require structures to be setback five feet from property lines and 10 feet between structures. The parking area standards at EC 9.6420 require vehicle parking spaces to be on a durable, dust-free surface, with a seven-foot wide landscape strip abutting the property line.

The applicant states that their proposed gravel parking spaces will be durable and dust-free because the gravel will be placed over drainage fabric, rather than dirt. Instead of a building setback and landscape strip, the applicant proposes a "green wall," a continuous eight-foot tall concrete wall with espaliered trees every ten feet, along the west property line. Since the proposed wall is over six feet in height, it is also considered a structure that is subject to the setback requirement. The proposed design requires a modification to code standards, which is

This page contains no comments

allowed by approval criterion EC 9.8320(11)(k) (“proposed non-compliance”); based on those subsequent findings and conditions, which are incorporated here by reference, the PUD will provide adequate screening along the west property boundary. Staff notes that, if the Hearings Official approves the modification, the applicant is still required by EC 9.2741(7) to obtain an easement from the abutting property owners (Tax Lots 100 and 5700).

North Property Line – With regard to the north property line, the applicant’s landscape plan (Sheet L2) shows continuous landscaping, except for the driveway entrance, which is flanked by proposed landscape beds with new tree plantings. As shown on Sheet A1.1 of the applicant’s plans (see Attachment D-2), Oakleigh Lane abuts the western portion of the north property line with 20 feet of right-of-way width. South of the existing 20-foot right-of-way, along the north property line, the applicant’s plans show an additional 20 feet of special setback area to enable future right-of-way acquisition, should Oakleigh Lane need to be widened in the future.

The applicant’s plans show private landscaping and stormwater facilities within the special setback, which is typically not allowed. The proposed buildings are just south of the special setback, which means that those buildings would not have sufficient setbacks from the street if it is widened in the future. Public Works staff indicates that the special setback is not necessary, which resolves the above concerns presented by the applicant’s plans. Instead, Public Works staff recommends just enough right-of-way dedication to: (a) meet the minimum right-of-way width to enable future improvement of Oakleigh Lane, with an additional 22.5 feet of right-of-way along the north property line, between the west property line and the east margin of the proposed driveway (50 feet of lineal frontage); (b) provide right-of-way for a future hammerhead turnaround and sidewalk to enable further development of adjacent lands to the north (Tax Lot 200), for an area that is 13 feet wide and 199 feet in length, along the north property boundary; and (c) reserve an area for a future bicycle and pedestrian connection from the future hammerhead to the east property boundary, abutting the City parklands, for an area that is 13 feet wide and 24 feet long. (Refer to Attachment B.) The street right-of-way is evaluated in greater detail under approval criterion EC 9.8320(5).

Building 1, abutting the portion of Oakleigh Lane that is east of the proposed driveway, is setback by a minimum of 21 feet. (Refer to Attachment D-3 for a detail of the north line building setbacks.) The northwest corner of Building 1 is setback 23 feet from the existing north property line, which is just outside the 22.5-foot right-of-way dedication being required. Following the 22.5-foot wide and 50-foot long right-of-way dedication at the northwest property corner, the abutting portion of Building 1 would have a front yard setback of about half a foot. The required front yard setback is 10 feet. The northeast corner of Building 1 is setback from the existing northern property line by 21 feet, which is outside the abutting area of right-of-way dedication being required. The right-of-way requirement along the northeast portion of Building 1 is 13 feet; hence, the building setback would be about eight feet, which is also less than the 10-foot front yard setback requirement. The applicant requests a modification to the front yard setback requirements, in accordance with the PUD purpose statements. This issue is evaluated later in this report, under approval criterion EC 9.8320(11)(k).

The eastern portion of the north property line is bordered by a row of existing large cedars, which are primarily located on the property to the north. Three attached dwelling units (Building 2) are

Number: 1 Author: BTHOMS Subject: Sticky Note Date: 10/8/2013 1:41:54 PM

are fully located in the property to the north and should not be counted on for screening because they could be gone in the near future.

proposed to be located south of these trees, with the closest part of the building being setback 12 feet from the north property line. With the 13 feet of additional right-of-way being required along this portion of the north property line, the northwest corner of Building 2 would be within the right-of-way, which is not acceptable. As such, the following condition of approval is necessary:

- The final PUD plans shall show Building 2 located outside (moved south) of the required right-of-way dedication along the north property line.

The above condition protects the right-of-way. Following right-of-way dedication, the required setback would be 10 feet; however, the building would have no setback if it were just moved south of the right-of-way, as conditioned above. Again, the applicant requests a modification to the setback standards, which is evaluated under approval criterion EC 9.8320(11)(k).

Another consideration for the north property line is the row of cedar trees on the abutting lands to the north. Although the applicant's plans (Sheet L3) show preservation of the trees (refer to Attachment D-4), the critical root zone (CRZ) of the cedars projects into more than half of Building 2. It is unclear whether this is an acceptable level of disturbance. As such, the following condition of approval is necessary:

- Prior to final PUD approval, the applicant shall submit a report from a certified arborist confirming that the row of cedars on adjacent lands to the north can survive the construction impacts of the proposed development (and include any necessary protection measures to ensure survival). The final PUD plans shall show the location of Building 2 and any related protection measures (e.g. construction fencing for protected CRZ areas) consistent with the arborist's recommendations.

Based on the above findings, conditions, and the subsequent findings provided at EC 9.8320(11)(k), which are incorporated here by reference, the PUD will provide adequate screening along the north property line.

East Property Line – The east property line abuts City parkland, which is an undeveloped natural resource area bordered by the Willamette River farther to the east. The distance between the subject property and the ordinary high water line of the Willamette River ranges between 200 and 243 feet, according to the applicant's topographical survey. The applicant's topographical survey also shows the approximate boundaries of the special flood hazard area, notes that the base flood elevation is about 401 feet, and indicates that about 100 feet of the eastern portion of the property is below the base flood elevation. Between the 401-foot contour and the east property boundary, the applicant's survey shows a 26-inch diameter cedar, to the north, and a filbert cluster to the south.


The applicant's tree removal and preservation plan (Sheet L3, Attachment D-4) indicates that the 26-inch cedar will be removed to accommodate three dwelling units abutting the north property line. This building is approximately 10 feet from the east property line. Buildings to the south are located farther from the east property line, with the closest building being a bike storage shed, which is about 20 feet from the east property line, near the southern property boundary. The applicant's tree removal and preservation plan shows that the filbert cluster, and a row of fruit

Number: 1 Author: BTHOMS Subject: Sticky Note Date: 10/8/2013 1:43:30 PM
How does a group of trees on the south property line provide screening to the east?

trees along the southern property boundary, will be preserved. Based on these findings, the PUD will provide adequate screening along the east property line.

South Property Line – As noted above, a row of fruit trees along the eastern portion of the southern property line will be preserved. The applicant’s removal and preservation plans indicate that a 24-inch fir and a 22-inch hemlock need to be removed to accommodate three dwelling units near the western portion of the south property line. Sheet A1.1 of the applicant’s plans (see Attachment D-2) show Building 5 and 6 setback seven and five feet from the southern property line, respectively, with the exception of the southeast corner of Building 6, which appears to be within a foot of the property line. It is noted that the affected property owner to the south submitted a letter in support of the proposed development (Mr. Adee). Further, as recommended at EC 9.8320(11)(k), the applicant will be required to obtain an easement from the abutting property owner for the substandard building setback. Sheet L2 of the applicant’s plans shows a 30-inch fence along the south property line, abutting Building 6. As such, staff assumes there is sufficient screening along the south property line abutting Buildings 5 and 6.

The southwest corner of the site has a paved vehicle use area and gravel parking areas. The applicant proposes landscape planter beds between the parking spaces and the southern property line and an eight-foot tall concrete wall on the southern property line, abutting the vehicle use area. As discussed previously, the concrete wall is a structure subject to interior yard setback requirements, which is five feet. With the wall located on the property line, the applicant will be required to obtain an easement from the affected property owner (Tax Lot 5600), as conditioned at EC 9.8320(11)(k). It is noted that the owner of Tax Lot 5600, Mr. Campbell, submitted a letter in support of the proposed development. Based on these findings, the PUD will provide adequate screening along the south property line.

With regard to the overall bulk and height of the proposed buildings, the largest building is the common house, which is located toward the center of the site. None of the buildings exceed the maximum building height of 30 feet, established by the R-1 zone at EC 9.2750. The building dimensions are also within the maximums of the multiple-family development standards at EC 9.5500. Based on these findings, building bulk and height does not appear to necessitate further screening mitigation. 

Based on the available information and the above findings and conditions, the PUD will comply with approval criterion EC 9.8320(3).

EC 9.8320(4): The PUD is designed and sited to minimize impacts to the natural environment by addressing the following:

(a) Protection of Natural Features.

- 1. For areas not included on the City’s acknowledged Goal 5 inventory, the preservation of significant natural features to the greatest degree attainable or feasible, including:**
 - a. Significant on-site vegetation, including rare plants (those that are proposed for listing or are listed under State or Federal law), and native plant communities.**

But it's not compatible nor is it harmonious. Multiple family development does not fit in R-1, so they should at least have screening.

- b. All documented habitat for all rare animal species (those that are proposed for listing or are listed under State or Federal law).
- c. Prominent topographic features, such as ridgelines and rock outcrops.
- d. Wetlands, intermittent and perennial stream corridors, and riparian areas.
- e. Natural resource areas designated in the Metro Plan diagram as “Natural Resource” and areas identified in any city-adopted natural resource inventory.

The subject property is within the Willamette Greenway boundary, and as noted previously, an adopted Goal 5 water resource conservation area is located east of the subject property, on the City parklands. (Refer to Attachment A.) There is no natural resource area designated in the Metro Plan or any other adopted natural resource inventory that includes protected resources on the subject property. The available information indicates that the subject property does not contain any rare plant or animal species, prominent topographical features, wetlands, streams, or riparian areas. With regard to significant natural features, the applicant states that the site is primarily a meadow, consisting of a cover crop of short grass with scattered fruit and fir trees. Tree preservation is evaluated below.

- (b) **Tree Preservation.** The proposed project shall be designed and sited to preserve significant trees to the greatest degree attainable or feasible, with trees having the following characteristics given the highest priority for preservation:
- 1. Healthy trees that have a reasonable chance of survival considering the base zone or special area zone designation and other applicable approval criteria;
 - 2. Trees located within vegetated corridors and stands rather than individual isolated trees subject to windthrow;
 - 3. Trees that fulfill a screening function, provide relief from glare, or shade expansive areas of pavement;
 - 4. Trees that provide a buffer between potentially incompatible land uses;
 - 5. Trees located along the perimeter of the lot(s) and within building setback areas;
 - 6. Trees and stands of trees located along ridgelines and within view corridors;
 - 7. Trees with significant habitat value;
 - 8. Trees adjacent to public parks, open space and streets;
 - 9. Trees located along a water feature;
 - 10. Heritage trees.

The applicant states that there are approximately 135 existing trees on the subject property (see page 28 of the applicant’s June 14, 2013 written statement). The applicant’s tree removal and preservation plan is shown on sheet L3 (Attachment D-4). The applicant states that only four “significant” trees will be removed, according to the following definition:

EC 9.0500 Significant Tree: A living, standing tree having a trunk with a minimum cumulative diameter breast height of 8 inches, or, when there are multiple trunks, having a minimum cumulative diameter breast height of 8 inches, considering the 2 largest trunks measured at 4.5 feet above mean ground level at the base of the trunk or

Number: 1 Author: BTHOMS Subject: Sticky Note Date: 10/8/2013 1:47:40 PM
That's because they have only 4 significant trees. The rest of the trees are 6 inch DBH or close to it.

trunks.

The location, species, and size of the trees on the subject property are also shown in the applicant's topographical survey, which confirms that most of the trees are fruit and filbert trees that are less than eight-inches in diameter. Most of those trees are proposed for removal. The larger fruit trees along the southeast property line are proposed for preservation, which complies with the above approval criterion as these trees provide screening and buffering functions. The applicant also proposes to preserve a group of ash trees, west of Building 7, and a cluster of young cedar trees between Buildings 3 and 4. Preservation of these trees complies with the above criterion because they are stands of trees, rather than isolated individuals. The most significant tree being preserved on the subject property is a 14-inch fir located in the southwest portion of the property. The applicant's plans delineate the critical root zone (CRZ) of the tree to show that it can survive construction impacts, which are primarily the surrounding vehicle use areas, rather than buildings.

The applicant's plans also show the CRZ of three fir trees on the adjacent property to the west to show that the proposed parking garages and concrete wall will not require their removal. As discussed previously at EC 9.8320(3), the applicant has not delineated the CRZ for the row of cedars abutting the north property line. Under the screening criterion at EC 9.8320(3), staff recommended a condition for the final PUD plans to show the CRZ of the row of cedars abutting the north property line, with either supporting documentation from a certified arborist that the trees could survive construction impacts or moving Building 2 farther to the south, outside the CRZ. Based on the condition established at EC 9.8320(3), which is incorporated by reference, approval criterion EC 9.8320(4) is also satisfied.

(c) Restoration or Replacement.

- 1. For areas not included on the city's acknowledged Goal 5 inventory, the proposal mitigates, to the greatest degree attainable or feasible, the loss of significant natural features described in criteria (a) and (b) above, through the restoration or replacement of natural features such as:**
 - a. Planting of replacement trees within common areas; or**
 - b. Re-vegetation of slopes, ridgelines, and stream corridors; or**
 - c. Restoration of fish and wildlife habitat, native plant habitat, wetland areas, and riparian vegetation.**

To the extent applicable, restoration or replacement shall be in compliance with the planting and replacement standards of EC 6.320.

The area is not included on the City's acknowledged Goal 5 inventory. The applicant proposes to mitigate the removal of four trees by planting approximately 26 new trees within the common areas. Based on these findings, this criterion is met.

- (d) Street Trees. If the proposal includes removal of any street tree(s), removal of those street tree(s) has been approved, or approved with conditions according to the process at EC 6.305.**

No street trees are proposed for removal 

Number: 1 Author: BTHOMS Subject: Sticky Note Date: 10/8/2013 1:50:01 PM
than how will they screen on the north prop line abutting Oakleigh?

EC 9.8320(5): The PUD provides safe and adequate transportation systems through compliance with the following:

- (a) **EC 9.6800 through EC 9.6875 Standards for Streets, Alleys, and Other Public Ways (not subject to modifications set forth in subsection (11) below).**

Oakleigh Lane abuts the west half of the north boundary of the subject property. The applicant’s survey shows that the portion of Oakleigh Lane abutting the subject property has 20 feet of right-of-way width, with approximately 19 feet of pavement width that partially overlaps the north boundary of the subject property, outside the public right-of-way. Instead of dedicating additional right-of-way to widen the roadway, the applicant proposes a 20-foot special setback from the north property boundary (which coincides with the official right-of-way centerline).

East of the roadway is a row of cedar trees, which are primarily on adjacent lands to the north. Hence, extending Oakleigh Lane to the east would necessitate right-of-way dedication from the northerly property owner and, potentially removal of the cedar trees. Instead of extending Oakleigh Lane to the east, the applicant submitted a street connectivity study prepared by Access Engineering, LLC, which shows how the adjacent lands to the north could be further divided with flag lots off the existing 20 feet of right-of-way, with just an additional five-foot right-of-way dedication (as multiple flag lots require 25 feet of street frontage). (Refer to Attachment D-5.)

Referral comments from Public Works confirm that the proposed street layout provides a safe and adequate transportation system, subject to additional findings and conditions for compliance with EC 9.6805 through EC 9.6875 Street Standards, as provided below. With regard to EC 9.6805 Dedication of Public Ways, Public Works staff recommends right-of-way dedication west of the development’s driveway, so that the abutting street, Oakleigh Lane, will comply with EC 9.6870 Street Width. Public Works staff also recommends right-of-way dedication, east of the driveway, to enable the construction of a hammerhead turnaround, consistent with EC 9.6820 Cul-de-Sacs and Turnarounds. Public Works staff confirms that no additional right-of-way or special setback is required based on the acceptability of the applicant’s street connectivity study; Public Works staff recommends the exception to EC 9.6815 Street Connectivity approved. Details of these findings, with the recommended conditions of approval, are provided below.

Pursuant to EC 9.6850 Dedication of Public Ways, as a condition of any development, the City may require dedication of public ways for bicycle and/or pedestrian use as well as for streets and alleys, provided the City makes findings to demonstrate consistency with constitutional requirements. The public ways for streets to be dedicated to the public by the applicant shall conform to the adopted right-of-way map and EC Table 9.6870. EC 9.6870 Street Width confirms that the required right-of-way width for Oakleigh Lane is 45 feet, based on the street functioning as a Low-Volume Residential Street. Public Works staff confirms that there are currently 25 residential tax lots along Oakleigh Lane, and with the addition of 29 dwelling units proposed by the subject development, the Average Daily Traffic (ADT) would be greater than 500 trips per day, which is within the expected 250-750 ADT range for low-volume streets.

The existing right-of-way width abutting the subject property is 20 feet, which was dedicated by properties to the north, per the Plat of Oakleigh in 1927. The southerly margin of this 1927 dedication

Number: 1 Author: BTHOMS Subject: Sticky Note Date: 10/8/2013 1:50:32 PM
are wholly on TL 200

Number: 2 Author: BTHOMS Subject: Sticky Note Date: 10/8/2013 1:53:39 PM
Flag lots are not the best utilization of the the vacant lot. A subdivision requiring 50 lineal feet of Oakleigh ROW frontage, is the best utilization of TL 200.

Number: 3 Author: BTHOMS Subject: Sticky Note Date: 10/8/2013 1:55:45 PM
It should not be approved because it diminishes the value available to TL 200.

Number: 4 Author: BTHOMS Subject: Sticky Note Date: 10/8/2013 1:58:40 PM
There are only 23 residential lots and 20 existing units on Oakleigh and therefore it does not function as a low volume residential road. It functions as an access way which is presumed to safely allow 250 ADT max.

is the official right-of-way centerline for Oakleigh Lane. Any additional dedications required of the subject development would be based on this centerline. Based on the right-of-way requirement of 45 feet for a low-volume street, and the existing 20 feet of right-of-way width located north of centerline, an additional 22.5 feet of right-of-way dedication (half of 45 feet) from the subject property is necessary, for the portion of the street being impacted by the subject development (i.e. from the site driveway to the west property boundary, which is about 50 lineal feet).

Oakleigh Lane currently terminates near the proposed driveway. As noted above, the right-of-way width needs to be expanded by an additional 22.5 feet in width for a length of 50 feet, between the northwest property corner, over the proposed site entrance, and five feet east of the proposed driveway to accommodate the approach apron and sidewalk. Beyond that point, Public Works staff confirms that right-of-way is needed to enable further development of adjacent lands to the north, and to provide a future hammerhead turnaround and sidewalk at the east end of the street. The acceptability of not extending the street, further to the east, is based on an exception to EC 9.6815 Street Connectivity. Public Works staff confirms that the applicant's alternative street plan, along with their narrative that addresses the intent statements at EC 9.6815(1), an exception is warranted pursuant to EC 9.6815(2)(g)(1).

The applicant's alternate street study (Figure 1, Attachment D-5) identifies the amount of right-of-way necessary to construct an emergency vehicle turnaround at the end of Oakleigh Lane, and to provide the necessary frontage for flag lot development of undeveloped adjacent lands to the north (Tax Lot 200). Public Works staff indicates that the applicant's proposal is sufficient to accommodate the turnaround, but not the area necessary to extend the sidewalk along the south side of the turnaround, to separate pedestrians from vehicles and provide a safe public walking surface for the residents of the proposed development. The amount of right-of-way necessary to allow for the construction of the proposed turnaround and adjacent sidewalk would be a strip that is 13 feet wide by 199 feet in length. These dimensions assume that the turnaround would be 21 feet wide and that the north edge of the turnaround would match the existing edge-of-pavement in Oakleigh Lane, which is shown on the tentative plans as being six feet south of the existing right-of-way. The addition of a six-inch curb, five-foot sidewalk, and six inches behind the sidewalk, as necessary for construction purposes, results in the need for a total of 33 feet of right-of-way (for the future hammerhead turnaround at the east end of Oakleigh Lane), 13 feet of which is within the bounds of the proposed development (with the balance coming from the northerly property, whenever that property decides to develop). Construction of the hammerhead turnaround is not necessary or feasible at this time; the need will be based on further development of adjacent lands to the north. The right-of-way secured with this development will enable future development of that northerly property.

EC 9.6820 Cul-de-Sacs and Turnarounds require streets that are longer than 150 feet to terminate with a cul-de-sac bulb or an emergency vehicle turnaround (or hammerhead). The street connectivity exception also warrants an exception to the 400-foot maximum length of a dead-end street, pursuant to EC 9.6820(5)(b).

With regard to EC 9.6835 Public Accessways, Public Works staff notes that the nearest public accessway is located farther to the north, between the east terminus of East Hilliard Lane and the public bike path that runs along the west bank of the Willamette River. The Pedestrian and Bicycle

But the owner of TL 200 won't be able to put in a subdivision or PUD if the ROW is not a full 45 ft ROW to the east end of Oakleigh.

Master Plan identifies a future connector from the east end of McClure Lane to the riverfront path, farther to the south of the subject property. The development proposes an internal sidewalk system that terminates at the southeast property corner, which would enable a future connection through the abutting City parkland to the McClure system to the south. (Refer to Attachment C.)

The segment of the internal sidewalk system that is located between the most easterly building (a bike barn) and the east property line is shown as having a graveled, rather than a paved, surface. This unimproved surface is appropriate because there are no plans or funding for construction of a public path on the City property at this location. Residents of the development will naturally want to walk across the City parkland toward the river. Parks staff state no objections or concerns. This proposed path at least delineates a more confined direction of travel, rather than random wandering through the City's resource area. This portion of the City property has been cultivated as a filbert orchard, which has been maintained by the former owner of the subject property, as discussed in the applicant's written statement. There appears to be an informal path between the orchard and the subject property that would direct travelers to the southerly McClure Lane right-of-way. Public Works staff confirms that the planned bicycle and pedestrian connection through the City's parkland is from McClure Lane toward the easterly West Bank Bike Path, which is a regional facility that borders the west bank of the Willamette River.

The applicant's plans also show an informal path, along the north property line, from the existing end of Oakleigh Lane to the riverfront path system. On page 31 of the written statement, the applicant indicates that the path "will be improved and maintained by Oakleigh Meadow, LLC." The applicant does not propose to improve the path with pavement, but rather to keep its current conditions open to the public. The right-of-way dedication being required for Oakleigh Lane covers most of this informal path. Between this right-of-way and the east property line (24 lineal feet), a 13-foot wide public access way is necessary to provide for a future bike path connection from the approved turnaround and sidewalk in the direction of the West Bank Bike Path.


In order to ensure compliance with the standards of EC 9.6835 Public Accessways, EC 9.6820 Cul-de-Sacs and Turnarounds, and to implement the applicant's alternative street study, as required for an exception to EC 9.6815 Street Connectivity, the following conditions of approval are necessary:

- Prior to final PUD approval, the applicant shall revise the final site plan to show the dedication of 22.5 feet of right-of-way along the northerly boundary of the development, between the westerly boundary of the proposed development and a line that is 50 feet east of the westerly boundary, and also to show the dedication of 13 feet of right-of-way extending from the aforementioned line (the east end of the required 22.5 feet of right-of-way dedication) to a line that is 117 feet beyond (east of) the existing the existing right-of-way (for a total length of 199 feet). Additionally, the revised site plan shall show the dedication of a 13-foot wide Public Accessway along the northerly boundary, which extends from the east end of the aforementioned right-of-way to the easterly property boundary (for a total distance of 24 lineal feet).
- Prior to final PUD approval, the applicant shall submit for review and approval by City staff and recording at Lane County Deeds and Records, a street deed which reflects the right-of-way as shown on the final site plan.


⇒ Number: 1 Author: BTHOMS Subject: Sticky Note Date: 10/8/2013 2:21:08 PM
how will a 12 ft wide concrete bike path be placed on the CRZ of the cedars and not affect the cedars trees?

(Refer to Attachment B for a depiction of the required dedication areas.)

Constitutional Findings for Exaction:

It is in the public's interest to have Oakleigh Lane consist of 45 feet of right-of-way through the development site's entry drive aisle and to consist of 33 feet beyond the drive aisle to the terminus of the street in order to : safety for pedestrians, bicyclists and motorists traveling on Oakleigh Lane (a low-volume street); the efficient provision of emergency services; and that the proposed development and adjacent properties are accessible via Oakleigh Lane.

There is a nexus between the requirement to dedicate 22.5 feet of right-of-way west of the drive aisle and 13 feet east of the drive aisle and the public interest at issue. The 22.5 feet of right-of-way will result in one-half of the 45 feet of right-of-way which is necessary to construct Oakleigh Lane to the City's minimum street design standards which have been established for a low-volume street. The 13 feet of right-of-way will provide sufficient right-of-way on the south side of the centerline to construct emergency vehicle turnaround with adjacent sidewalks to City standards. Improving Oakleigh Lane to these standards will: allow for two-way vehicular and bicycle traffic; provide separation between vehicular traffic and pedestrians; and provide for emergency response and access to adjacent lots. Because 45 feet of right-of-way is the minimum amount of right-of-way necessary to construct Oakleigh Lane in this manner as a low-volume street, and because 33 feet of right-of-way is the minimum amount of right-of-way necessary to construct the turnaround at this location, the public interest in safe vehicular, pedestrian and bicycle travel and emergency response and access will be at risk if the 22.5 and 13 foot strips of right-of-way are not dedicated.

The requirement to dedicate 22.5 feet of right-of-way from the westerly boundary of the proposed development primary drive aisle and 13 feet from the drive aisle to a line that is 117 feet in length, as measured from east of the existing terminus of the right-of-way is roughly proportional to the impact that the proposed development will have on the City's transportation facilities. The proposed development will result in a 29 new residential units. These residential units will be accessible only from Oakleigh Lane. Currently, 25 lots, consisting of a mix of residential, general office and commercial zoning have structures that take access onto Oakleigh Lane; thus, the additional 29  residential units will increase the number of structures that access this Oakleigh Lane by over 100 percent. The construction of the new (structures will result in an increase of vehicular traffic onto Oakleigh Lane by approximately 164 new vehicular trips per day. See Trip Generation Manual from the Institute of Transportation Engineers (ITE) for Residential Condo / Townhouses (Category 230).

Without the additional right-of-way, Oakleigh Lane cannot be improved to the City's minimum street design standards and the 164 new vehicle trips per day generated by the proposed development, along with the additional pedestrian and bicycle traffic generated by the proposed development, will not be assured of safe access via Oakleigh Lane. This is the last opportunity that the City will have to require the dedication of the right-of-way prior to the City needing the right-of-way for street construction.

Number: 1 Author: BTHOMS Subject: Sticky Note Date: 10/8/2013 2:22:15 PM
it's not a low volume street, its an access lane

Number: 2 Author: BTHOMS Subject: Sticky Note Date: 10/8/2013 2:22:57 PM
this is not minimal

It is also in the public interest to have a connected street and bike path system that allows pedestrians and bicyclists to safely and efficiently use the public system as a means of travelling throughout the City and to use alternative modes of transportation when traveling between the commercial, residential and recreational areas of the City.

There is a nexus between the requirement to dedicate a 13 foot public accessway and the public interest at issue. The dedication of a 13 foot public accessway will allow for the construction of a 12 foot wide bike path connecting Oakleigh Lane to the West Bank Bike Path. The 13 foot public access way will also allow for the south edge of the bike path to be aligned with the south edge of the future Oakleigh sidewalk and provide an additional six inches on each side of the bike path for constructability purposes. Because 13 feet is needed to construct a bike path connector in this manner as a standard 12 foot wide bike path, the public interest in safe pedestrian and bicycle travel between Oakleigh Lane and the West Bank Bike Path and throughout the City will be at risk if the 13 foot public access way is not dedicated.

Dedication of the 13 foot public access way is roughly proportional to the impact that the proposed development will have on the City's transportation facilities. The proposed development will result in 29 residential units. By creating new residential units, the proposed development will increase the number pedestrians and bicyclists using the bike path system. Using LCOG's Metro Trans Model "EMME 2" to determine vehicular and non-vehicular components for the street system, projections for bike/pedestrian trips generated by a proposed residential development of 29 units would generate five percent of the estimated 168 Average Daily Vehicular Trips from the development, or approximately eight bike/pedestrian trips per day. However, based on the applicant's written statement and because of the proximity of this development to the West Bank Bike Path, it is safe to assume that the number of daily bike/pedestrian trips from this proposed development would be significantly greater than the projected eight trips. Regarding the size of the dedication in comparison to the size of the proposed development site, the total area of the public access way is approximately 312 square feet, or approximately 0.3 percent of the total development site. This development application is the last opportunity that the City will have to require the dedication of the public access way prior to the City needing the public access way for bike path construction.

The above findings and conditions demonstrate compliance with: EC 9.6805 Dedication of Public Ways; EC 9.6835 Public Accessways; EC 9.6870 Street Width; EC 9.6815 Street Connectivity; and EC 9.6820 Cul-de-Sacs and Turnarounds. Based on compliance with EC 9.6870, the street standards at EC 9.6850 Street Classification Map are also met. Public Works staff confirms that the following street standards do not apply: EC 9.6830 Intersections of Streets and Alleys, because no intersections are being created; EC 9.6810 Block Length, because no new local streets are proposed or required; EC 9.6840 Reserve Strips because, given the location of the required right-of-way, a reserve strip would not prevent access to adjacent properties, which would be the only purpose of a reserve strip in this case; EC 9.6845 Special Safety Requirements because the street is a dead-end and, therefore, discourages use by non-local motor vehicle traffic; EC 9.6855 Street Names, because no new streets are being created; EC 9.6860 Street Right-of-Way Map, because the proposal does not amend the adopted map; and EC 9.6875 Private Street Design Standards because the internal access is a driveway, rather than a private street.

This page contains no comments

Based on the above findings and conditions, the development will comply with the applicable street standards at EC 9.6800 through EC 9.6875.

- (b) Pedestrian, bicycle and transit circulation, including related facilities, as needed among buildings and related uses on the development site, as well as to adjacent and nearby residential areas, transit stops, neighborhood activity centers, office parks, and industrial parks, provided the city makes findings to demonstrate consistency with constitutional requirements. "Nearby" means uses within ¼ mile that can reasonably be expected to be used by pedestrians, and uses within 2 miles that can reasonably be expected to be used by bicyclists.**

The applicant's plans show pedestrian and bicycle circulation within the development via interconnected paths between the buildings and bicycle parking areas. The applicant notes that there is an existing worn path along the north property line, between the Oakleigh Lane roadway and the east property line, abutting the City parklands. The applicant proposes to keep this path open, but does not explicitly show any dedications to the public to enable continued access. The previous requirement for additional right-of-way dedication (13 feet wide and 24 feet long) will address this issue and satisfy the above criterion.

With regard to bicycles and pedestrians traveling westward on Oakleigh Lane toward transit services on River Road, referral comments from Public Works staff state that, for unimproved local streets in the River Road area (i.e., streets that lack sidewalks and have not been striped to identify dedicated travel lanes), the expectation is that pedestrians and bicyclists will share the paved surface with vehicles. Additionally, there is a tendency on dead end streets such as Oakleigh Lane, for motorists to travel at slower, more cautious speeds, because of the perceived narrowness of the street.

Public Works staff confirm that, until such time that property owners elect to improve Oakleigh Lane to full City standards (including sidewalks), the existing paved surface of Oakleigh Lane will continue to adequately provide for vehicle and pedestrian traffic, as well as for emergency vehicles and delivery services, provided the paved surface is not blocked by parked vehicles. With regard to public comments received about vehicle parking occurring on [redacted] shoulders of the roadway, Public Works staff notes that, technically, such parking is not allowed. [redacted] The street could be signed for no parking as part of improving the street, but not before, because the City does not maintain unimproved streets.

Public Works staff states that the existing paved surface provides safe passage for two- [redacted] vehicular traffic, bicycles, pedestrians and emergency vehicles. As such, Public Works staff indicates that there is nothing to suggest that the impacts of the proposed development will result in unsafe conditions in Oakleigh Lane. Public Works staff confirms that it is appropriate to defer public improvements via an irrevocable petition.

Referral comments from Lane Transit District (LTD) staff also confirm that transit service is provided from River Road (i.e. *51 Santa Clara* and *52 Irving* routes), to the west. LTD staff states no objection to the proposed development.

- (c) The provisions of the Traffic Impact Analysis Review of EC 9.8650 through 9.8680 where applicable.**

⇒ Number: 1 Author: BTHOMS Subject: Sticky Note Date: 10/8/2013 2:28:56 PM

If the City were to enforce no parking on the side of the road, that would also not be minimal impact.

⇒ Number: 2 Author: BTHOMS Subject: Sticky Note Date: 10/8/2013 2:30:44 PM

two-way? 15 ft of effective road width, that's safe?

The proposed development does not meet any of the thresholds established in EC 9.8650 through 9.8680. The creation of 29 dwelling units is estimated to generate an additional 29 peak hour trips, which is well below the 100-trip threshold for requiring a Traffic Impact Analysis. Referral comments from Public Works staff indicate no concerns related to traffic safety issues or poor service levels which will result from this development. Based on these findings, the above criterion does not apply.

EC 9.8320(6): The PUD will not be a significant risk to public health and safety, including but not limited to soil erosion, slope failure, stormwater or flood hazard, or an impediment to emergency response.

Regarding soil erosion and slope failure, the applicant's geotechnical analysis confirms that the site is geologically stable and adequate for development. The analysis provides construction techniques consistent with industry standards, none of which indicate the existence of unsafe sub-surface conditions. Public Works staff confirms that the analysis indicates no soil conditions that would otherwise require extensive construction to mitigate any significant geological hazards or soil drainage issues. Due to the size of the development, an erosion prevention permit will be required prior to any ground-disturbing activities.

With regard to flood hazard, the subject property is within a special flood hazard area; as such, development of the subject property is subject to the special flood hazard area development standards at EC 9.6706 through EC 9.6709, which is addressed in greater detail at EC 9.8320(11) and is incorporated here by reference. The development itself will not result in unreasonable risk of flood, per the stormwater management evaluation at EC 9.8320(11)(j).

With respect to the provision of emergency vehicle response, the applicant states the proposed access on Oakleigh Lane and the hammerhead turnaround within the development site is sufficient for the proposed development. Referral comments from Public Works staff indicate that this on-site turnaround must provide for emergency vehicle access by being within a temporary emergency access easement. The proposed turnaround area meets the dimension requirements for a hammerhead. Referral comments from the Fire Marshal state no concern with the turnaround. The permanent turnaround is anticipated at the end of Oakleigh Lane, when properties to the north further develop. As recommended previously at EC 9.8320(5)(a), the applicant is required to dedicate right-of-way for the portion of the future turnaround that would overlap the subject property. Based on these findings, the following condition of approval is necessary:

- Prior to final PUD approval, the applicant shall dedicate a temporary emergency vehicle access easement over the on-site hammerhead and the access drive from Oakleigh Lane, and show this easement on the final PUD plans.

Other public health concerns and necessary infrastructure improvements are otherwise addressed with respect to approval criteria at EC 9.8320(5)(b) and (11)(b). Given the available information, and based on the findings as set forth above, it is concluded that the proposed development will comply with this criterion.

This page contains no comments

EC 9.8320(7): Adequate public facilities and services are available to the site, or if public services and facilities are not presently available, the applicant demonstrates that the services and facilities will be available prior to need. Demonstration of future availability requires evidence of at least one of the following:

- (a) **Prior written commitment of public funds by the appropriate public agencies.**
- (b) **Prior acceptance by the appropriate public agency of a written commitment by the applicant or other party to provide private services and facilities.**
- (c) **A written commitment by the applicant or other party to provide for offsetting all added public costs or early commitment of public funds made necessary by development, submitted on a form acceptable to the city manager.**

Public Works staff concurs with the applicant's statement that adequate public utilities and services, including wastewater service, are presently available to the site as indicated on the applicant's plans. Further findings at EC 9.8320(11)(b) and (j), regarding public improvements and stormwater respectively, are incorporated herein by reference as further evidence that these services are available to or can be retained on-site. The provision of water and electric services and other utilities is subject to review by the Eugene Water and Electric Board (EWEB) or other utility providers. Referral comments from EWEB staff confirm that the water system needs to be upgraded within Oakleigh Lane and looped through the subject property for a connection with the system in McClure Lane. Approval conditions related to water service are included below, at EC 9.8320(11)(b). The applicant's written statement also confirms their commitment to provide funds necessary for development. Given these findings, the proposal is in compliance with this criterion.

EC 9.8320(8): Residents of the PUD will have sufficient usable recreation area and open space that is convenient and safely accessible.

As shown on the applicant's site plan, common open space is provided at the center of the development that is convenient and safely accessible by all residents. Further, there is ample open space as part of the abutting City parkland, which abuts the east boundary of the subject property and includes regional bicycle facilities (i.e. the West Bank Bike Path). This criterion is met.

EC 9.8320(9): Stormwater runoff from the PUD will not create significant negative impacts on natural drainage courses either on-site or downstream, including, but not limited to, erosion, scouring, turbidity, or transport of sediment due to increased peak flows or velocity.

The site contours indicate that the subject property currently sheet drains to the east. The applicant proposes to maintain the existing drainage patterns by directing overflow from the proposed on-site stormwater management facilities toward the east property line, abutting the City parkland. The on-site stormwater management facilities consist of piped collection and conveyance systems that are interspersed with pollution-reduction facilities, which include filtration rain gardens abutting the dwellings and a vegetated swale in the common open space. The overflow to the parkland will be dispersed evenly toward the east property boundary with four outfalls that are designed to reduce flow volumes and velocities.

This page contains no comments

Referral comments from Public Works staff confirm that the overflow¹ to the parkland is acceptable, provided the flow is not concentrated or otherwise cause damage to the City's property. The preliminary design information provided by SSW Engineers confirms that the development will meet this expectation, as well as the stormwater development standards at EC 9.6791 through EC 9.6797, which is addressed in detail at EC 9.8320(11)(j) and is incorporated here by reference.

Based on these findings, the development will comply with this criterion.

EC 9.8320(10): Lots proposed for development with one-family detached dwellings shall comply with EC 9.2790 Solar Lot Standards or as modified according to subsection (11) below.

This criterion does not apply because the development is for multiple-family dwellings, rather than one-family detached dwellings. Further, EC 9.2790 applies to the creation of lots in the R-1 zone, whereas the subject development is not creating any new lots. Nevertheless, the solar setback standards of EC 9.2795 apply to all structures on R-1 zoned lots, 4,000 square feet or greater, with a north-south dimension of at least 75 feet. The applicable solar setback standards are evaluated at EC 9.8320(11)(k).

EC 9.8320(11): The PUD complies with all of the following:

- (a) **EC 9.2000 through 9.3915 regarding lot dimensions and density requirements for the subject zone. Within the /WR Water Resources Conservation Overlay Zone or /WQ Water Quality Overlay Zone, no new lot may be created if more than 33% of the lot, as created, would be occupied by either:**
 - 1. **The combined area of the /WR conservation setback and any portion of the Goal 5 Water Resource Site that extends landward beyond the conservation setback; or**
 - 2. **The /WQ Management Area.**

The development is not creating residential lots; as such, EC 9.2760 Residential Zone Lot Standards do not apply. The subject property is not within a /WR or WQ area. With regard to density, based on the R-1 Low-Density Residential zoning and EC 9.2750 Residential Zone Development Standards, the subject property is permitted to have a maximum net density of 14 units per acre. EC 9.2751(1)(b) explains that net density is the number of dwelling units per acre of land in actual residential use and reserved for the exclusive use of residents in the development, such as common open space or recreational facilities. EC 9.2751(1)(c) states that, for calculating net density, the acreage of land considered part of the residential use shall exclude public and private streets and alleys, public parks, and other public facilities.

The subject property is 102,808 square feet (2.3 acres). The right-of-way dedications being required total 4,024 square feet: (22.5 x 50) + (13 x 199) + (13 x 24). Additionally, there is an existing public wastewater easement along the east property line that affects 3,230 square feet of the subject property (10 feet wide and 323 long). These areas (4,024 + 3,230) need to be subtracted from the gross density to establish the allowable density of 14 units per net acre (102,808 – 7,254). With 95,554 square feet (2.19 acres) of net area, the allowable density is 30 units. The development includes 29 units (including the common house), which is within the

Number: 1 Author: BTHOMS Subject: Sticky Note Date: 10/8/2013 3:20:22 PM

overflow to the TL 200 is not acceptable, which is the ultimate resting location for any overland flow on the east property boundary. The applicant has not shown that what the existing conditions are so we do not know what the extra volume will do. Could pool on adjacent north Property TL 200.

allowed net density. The proposed 29 units on 2.19 net acres translate to a density of 13 units per acre.

EC 9.8310(4)(a) Tentative PUD General Application Requirements confirm that easements benefiting the residents of the PUD may be included in the residential density calculations. As such, the proposed driveway is not excluded from this calculation. It is further noted that the shared driveway is not a private street, which is typically necessary to provide frontage for the creation of lots; the development is not creating additional lots. The on-site turnaround is also not a public facility in that it is not open to the general public (for those traveling on Oakleigh Lane), but only to provide emergency vehicle access to the development. Eugene Water and Electric Board (EWEB) staff has indicated that an off-site easement is needed to provide a looped water system prior to development of the subject property, but has not indicated that any easements are needed through the subject property.

Based on the above findings, the PUD complies with EC 9.8320(11).

(b) EC 9.6500 through EC 9.6505 Public Improvement Standards.

EC 9.6500 Easements

This section authorizes the City to require dedication of easements for wastewater sewers and other public utilities and access under certain circumstances. This section also prohibits obstructions within public easements. The applicant's survey and engineering plans indicate that there are no existing or proposed easements, other than the 20-foot wide public sewer easement that overlaps the east boundary of the subject property and an underground 72-inch wastewater trunk line. The applicant's plans show no encroachments within this public easement, other than the paths along the north and south property boundaries for bicycles and pedestrians.

Public Works staff notes that the applicant's title report identifies the following three easements, which are not shown on the tentative plans: (1) an easement recorded on August 6, 1947 at Book 353, Page 146 in favor of the United States for power lines and appurtenances; (2) an easement reserved in a deed recorded March 6, 1942 at Book 229, Page 60 from Nellie McClure, a single person, to H.H. Harris and Gladys M. Harris for a roadway; and (3) an easement recorded October 11, 1949 at Book 403, Page 285 in favor of the United States of America. The applicant's surveyor has confirmed that all these easements are shown on the survey map and do not impact the applicant's proposed development.

In regards to additional public easements, Public Works staff only identify the need for a temporary emergency vehicle access easement; see the prior findings and condition at EC 9.8320(5)(a), which are incorporated here by reference. Referral comments from the Eugene Water and Electric Board (EWEB) also indicate the potential need for additional easements, which will be more precisely determined when the service design is approved by EWEB; refer the findings and condition at EC 9.8320(11)(b) and the referenced water standards at EC 9.6505(1), which are incorporated by reference.

Based on the above findings, the proposed development will comply with EC 9.6500.

Number: 1 Author: BTHOMS Subject: Sticky Note Date: 10/8/2013 3:38:45 PM
how are they going to get an off-site easement?, when no one on Oakleigh will grant them one.

EC 9.6505 Improvements–Specifications

This section requires all public improvements to be designed and constructed in accordance with adopted plans and policies, the procedures specified in EC Chapter 7, and standards and specifications adopted pursuant to EC Chapter 7. Additionally, all developments are required to be served by and implement infrastructure improvements including water, sewage, streets, street trees, street lights, sidewalks, access ways, and stormwater drainage.

EC 9.6505(1) Water Supply

Water service for the proposed development must be provided in accordance with Eugene Water and Electric Board (EWEB) policies and procedures. Referral comments from EWEB staff are as follows:

The existing water infrastructure in Oakleigh Lane and McClure Lane is inadequate to serve any additional development or provide the necessary fire flows along Oakleigh Lane. Therefore, prior to any development of the site, significant upgrades of the water facilities in Oakleigh Lane and McClure Lane along with a loop connection between these streets through the project site will be required to serve the property. Easements will be required across private property to make the loop connection to McClure Lane to the south. The developer will need to fill out EWEB's standard design agreement prior to EWEB proceeding with design of the upgrades.

To ensure compliance with the water supply standards of EC 9.6505(1), the following conditions of approval are also necessary:

- Prior to final PUD approval, the applicant shall provide documentation from EWEB, confirming that water facilities are available for the proposed development.

As conditioned above, the PUD will comply with EC 9.6505(1).

EC 9.6505(2) Sewage

This standard requires all developments to be served by wastewater sewage systems of the City, in compliance with the provisions of EC Chapter 6. The applicant proposes to connect to the existing eight-inch public wastewater system within Oakleigh Lane, abutting the northwest property boundary. Public Works staff confirms that an eight-inch lateral was stubbed (under City Contract File No. 1992-0011) to the subject property from the manhole (structure number 49033) to the subject property. Public Works staff notes that there is a pending assessment for this wastewater infrastructure, which will become due at the time of development. Based on these findings, the applicant's proposed wastewater system conceptually complies with applicable sewage specifications, subject to a more detailed review during the subsequent site development and building permit processes.

This page contains no comments

EC 9.6505(3) Streets and Alleys and (4) Sidewalks

EC 9.6505(3)(b) requires the developer to pave streets adjacent to the development site to the width specified in EC 9.6870 Street Width with provision for drainage and construction of curbs and gutters, sidewalks, street trees and street lights adjacent to the development site according to the Design Standards and Guidelines for Eugene Streets, Sidewalks, Bikeways and Accessways and standards and specifications adopted pursuant to EC Chapter 7 and other adopted plans and policies.

Public Works staff confirms that Oakleigh Lane is not improved to City standards because it lacks curbs and gutters, storm drainage, sidewalks, and street trees. The street does have existing street lights and the 19-foot wide pavement width provides safe passage for two-way traffic. As such, Public Works staff indicates that it is appropriate to defer public improvements via an irrevocable petition, with the following condition of approval:

- The applicant shall submit an Irrevocable Petition for public improvements in Oakleigh Lane to include paving, curbs and gutters, storm drainage, sidewalks, and street trees.

Irrevocable petitions enable the City to initiate a local improvement process and obligate the property owners to pay their proportional share of the street construction costs in the future. The City could construct the street when the majority of benefitting property owners agrees to pay for the improvements. Based on the above findings and condition, the development will comply with the applicable street improvement standards.

EC 9.6505(5) Bicycle Paths and Accessways.

Public right-of-way dedication is being required along the north property line, overlapping an existing worn path between the terminus of Oakleigh Lane and the easterly City parklands, to enable a future bicycle and pedestrian access way. Refer to the previous findings and condition at EC 9.8320(5), which are incorporated by reference.

(c) EC 9.6706 Development in Flood Plains through EC 9.6709 Special Flood Hazard Areas – Standards.

The subject property is within a Special Flood Hazard Area (SFHA), per the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map (FIRM) 41039C-1128-F, dated June 2, 1999. The applicant's topographical survey prepared by Poage Engineering and Surveying, Inc. delineates the SFHA boundaries and notes that the Base Flood Elevation (BFE) is 401.2 feet.

Development is allowed to occur within the SFHA, subject to review and approval for compliance with applicable development standards during the building permit process. These standards generally require structures to be located at least one foot above the BFE, among other requirements. At the time of development, these standards may be addressed through several alternatives, including elevated building foundations or, typically, placing fill on the building site.

This page contains no comments

Specific measures for compliance with SFHA standards will be subject to further City review and approval at the time of building permits.

Public Works staff does not concur with the applicant's floodplain delineation, but finds that it is relatively accurate. Buildings 1, 2, 4, the northernmost garage, the northernmost bike shed, and the bike barn are located entirely within the SFHA, whereas Buildings 3 and 7 are located partially within the SFHA. Staff notes that the highest BFE shall be used for the entire development site, unless each structure (including the bike barn) has a specific BFE determination that has been approved by City staff. To ensure compliance with the applicable SFHA standards, the following condition of approval is necessary:

- The final site plan shall delineate the Special Flood Hazard Area, identify Base Flood Elevation (for the entire site or for each building), and note that development of the site will be required to comply with the standards at EC 9.6707 through EC 9.6709.

As conditioned, the development will comply with the applicable SFHA standards.

(d) EC 9.6710 Geological and Geotechnical Analysis.

The geotechnical analysis requirements beginning at EC 9.6710 apply because the proposed development is a PUD that has slopes in excess of five percent. The applicant submitted a geotechnical analysis prepared by Foundation Engineering, Inc. Public Works staff confirms that the applicant's analysis meets the Level Three Analysis requirements of EC 9.6710(4)(c) and Administrative Order AO-58-02-25-F. The analysis includes the results of sub-surface investigation and testing, to establish soil types and distribution, and the characteristics of the site and soils, in relation to the proposed development. The analysis includes design recommendations for construction and inspection. Public Works staff confirms that the analysis confirms the suitability of the site for the proposed development and notes that the geotechnical recommendations are industry standards. Nevertheless, to ensure compliance as proposed, the following condition of approval is necessary:

- The final PUD site plans shall note that construction permits shall conform to the applicant's geotechnical analysis.

Based on the above findings and condition, the geotechnical standards at EC 9.6710 will be met.

(e) EC 9.6730 Pedestrian Circulation On-Site.

The development meets these standards by providing pedestrian connections between the dwelling units and common facilities.

(f) EC 9.6735 Public Access Required.

The development will have access onto a public street, Oakleigh Lane, consistent with this standard. Referral comments from Public Works staff confirm that the other requirements of this standard are also met.

This page contains no comments

(g) EC 9.6750 Special Setback Standards.

The applicant's plans show a 20-foot special setback from the north property line for future right-of-way for Oakleigh Lane. Public Works staff confirms that a special setback is not needed, based on the right-of-way needs being exacted as a condition of development; refer to the findings and conditions at EC 9.8320(5)(a), which are incorporated by reference.

(h) EC 9.6775 Underground Utilities.

To ensure compliance with this standard, the following condition of approval is necessary:

- The final PUD plans shall note that all on-site utilities will be placed underground consistent with EC 9.6775.

As conditioned, the development will comply with this standard.

(i) EC 9.6780 Vision Clearance Area.

This standard does not apply because the subject property is not located at a street intersection.

(j) EC 9.6791 through 9.6797 regarding stormwater destination, pollution reduction, flow control for headwaters area, oil control, source control, easements, and operation and maintenance.

In regards to EC 9.6791 Stormwater Destination, Public Works staff confirms that on-site management of stormwater runoff from the development is required because there is no public stormwater system available to serve the property. At the same time, the applicant's geotechnical analysis concludes that the site is not suitable for infiltration. Therefore, the applicant proposes to direct stormwater runoff from the proposed development to the abutting City parkland to the east. The site topography indicates that this is the natural drainage pattern. The applicant's on-site stormwater management system will include treatment facilities that also provide for some detention. The overflow toward the east property line will be released at pre-development levels, with rip-rap pads to disperse the flows at the discharge points. The applicant also indicates that level spreaders, consistent with the requirements of the City's Stormwater Management Manual, could be utilized, if required.

Public Works staff notes that many of the proposed rip-rap outfalls are located within the public wastewater easement along the east property line. As conditioned previously at EC 9.8320(11)(b), regarding prohibited uses in public easements, the stormwater infrastructure needs to be located outside the public easement. With regard to the acceptability of overflow onto City parklands, Neil Bjorklund, City of Eugene Parks and Open Space Planning Manager, confirms that this would be acceptable, provided the runoff is discharged evenly and not concentrated at one or more points along the shared property line. To meet this requirement, the following condition of approval is necessary:

This page contains no comments

- The final PUD plans shall note the requirement that, at the time of development, all stormwater discharge points directed toward the City's property shall be designed as level spreaders, consistent with the City's 2008 Stormwater Management Manual. All stormwater facilities shall be located outside the public wastewater easement along the east property line.

In regards to EC 9.6792 Stormwater Pollution Reduction, runoff from the proposed impervious surface areas will primarily be treated in planters (about 15 scattered throughout the development site). To ensure that the treated runoff will be discharged at pre-development levels, the rain gardens (planters) were sized using the City's Stormwater Surface Filtration/Infiltration Facility Sizing Spreadsheet. Runoff from the garage, driveway, and common house will be treated in a vegetated swale (approximately 10 feet wide and 58 feet long) located east of the common house. A proposed berm at the end of the swale will act as a weir to reduce flows to pre-development levels. As noted in the applicant's written statement, the swale was sized using the City's presumptive method.

Public Works staff confirms that the proposed facilities are adequately sized to provide both pollution reduction and destination from the development site. The actual facility sizes and design will be more precisely determined during the building permit process and may be smaller or larger, based on actual impervious surface area and any impervious surface reduction techniques or in-kind facilities that may be provided at the time of development, provided they are consistent with the City's 2008 Stormwater Management Manual, and are not materially inconsistent with the approved final site plan.

EC 9.6793 Stormwater Flow Control is not applicable because the subject property is below 500 feet in elevation and does not discharge to a headwaters stream. However, as discussed above, post-development flows will be limited to pre-development levels, in order to mimic existing drainage conditions. EC 9.6794 Stormwater Oil Control is not applicable because the proposed development will not generate high concentrations of oil and grease. EC 9.6796 Dedication of Stormwater Easements does not apply because the proposed stormwater facilities are to be privately operated and maintained.

EC 9.6797 Stormwater Operation and Maintenance applies to all facilities designed and constructed in accordance with the stormwater development standards. This section also specifies when, and under what conditions, the public will accept function maintenance. Consistent with these standards, the applicant proposes private operation and maintenance of the on-site stormwater management facilities. To ensure compliance with EC 9.6797(3)(c), as proposed, the following condition of approval is necessary:

- The final site plan shall note: "On-site stormwater management facilities will be privately owned and operated. An operation and maintenance plan will be developed consistent with the City's Stormwater Management Manual, and notice of this plan will be recorded, during the building permit process."

With the findings, conditions, and future permit requirements noted above, staff finds that this criterion will be met.

This page contains no comments

Based on these findings, the development will comply with this criterion.


- (k) All other applicable development standards for features explicitly included in the application except where the applicant has shown that a proposed noncompliance is consistent with the purposes set out in EC 9.8300 Purpose of Planned Unit Development.**

The applicable development standards for features explicitly included in the application, which have not already been addressed by other PUD approval criteria and related standards, are as follows: EC 9.2750 Residential Zone Development Standards; EC 9.2795 Solar Setback Standards; EC 9.5500 Multiple-Family Standards; EC 9.6105 Bicycle Parking Space Standards; and EC 9.6410 Motor Vehicle Parking Standards. Staff notes that EC 9.6205 Landscape Standards, EC 9.6730 On-site Pedestrian Circulation, and EC 9.6740 Recycling and Garbage Screening standards are referenced within the multiple-family development standards at EC 9.5500. The development complies with many of these standards, as noted below. Where the development does not comply with these standards, as described in greater detail below, the applicant requests a modification (“proposed non-compliance”), which is allowed through the PUD process, if the following PUD purpose statements are met.

EC 9.8300 Purpose of Planned Unit Development. The planned unit development (PUD) provisions are designed to provide a high degree of flexibility in the design of the site and the mix of land uses, potential environmental impacts, and are intended to:

- (1) Create a sustainable environment that includes:**
 - (a) Shared use of services and facilities.**
 - (b) A compatible mix of land uses that encourage alternatives to the use of the automobile.**
 - (c) A variety of dwelling types that help meet the needs of all income groups in the community.**
 - (d) Preservation of existing natural resources and the opportunity to enhance habitat areas.**
 - (e) Clustering of residential dwellings to achieve energy and resource conservation while also achieving the planned density for the site.**
- (2) Create comprehensive site plans for geographic areas of sufficient size to provide developments at least equal in quality to those that are achieved through the traditional lot by lot development and that are reasonably compatible with the surrounding area.**

With regard to EC Table 9.2750 Residential Zone Development Standards, the development complies with the following: density (below 14 units per net acre); building height (below 30 feet); interior yard setback (from the east property line only); and the maximum 50 percent lot coverage. The development does not comply with the front yard setback or the interior yard setback (along the south and west property lines).

The substandard front  setbacks are due to the right-of-way dedications being required; refer

Number: 1 Author: bthoms Subject: Sticky Note Date: 10/9/2013 1:26:13 PM
why can't they just move the buildings like the rest of us? Setbacks of R-1 should be followed.

to the findings and conditions at EC 9.8320(5), which are incorporated by reference. Following right-of-way dedication, Buildings 1 and 2 will be below the minimum 10-foot front yard setback requirement, being about a half of a foot and eight feet away, respectively. The applicant requests a modification to this setback, stating that "...the dwellings abutting Oakleigh Lane do not exceed massing widths or heights inconsistent with the neighborhood single-family proportions. Along Oakleigh Lane, at the southern side of the street, townhouses address the residential street with covered porches as found in this and other neighborhoods of the River Road area. Internally, the site plan is pedestrian oriented with many places for children to play and residents to sit outside. By clustering the units keeping all the parking to one side of the site, more usable open space, free from vehicle traffic, was able to be conserved with open views to the river and bike path." (See page 26 of the applicant's June 14, 2013 written statement.)

The substandard interior yard setbacks are as follows: the concrete wall, garages and carports abutting the west property line and Tax Lots 10100 and 5700, respectively to the northwest and southwest; the concrete wall at the southwest property corner, abutting Tax Lot 5600; and Building 6, abutting Tax Lot 500. There is no explanation in the applicant's materials for the substandard building setback along the south property line; however, staff notes that the affected property owners (Mr. Adee of Tax Lot 500 and Mr. Campbell of Tax Lot 5600) submitted letters in support of the proposed development.

With regard to the west property line, the applicant explains that the garages and carports are located near the property line because it makes for a better site layout. The applicant claims that, if there were a setback, it would collect weeds and trash because it would be an unused portion of the site that serves no one. Staff understands that the design attempts to load most of the development on the western portion of the site because the eastern portion is in the floodplain and abuts a natural resource area. Staff's main concern is the potential impacts on the adjacent lands to the west.


In addition to aesthetics (i.e. screening and softening of the bulk and scale of the development along the property boundaries), the setback is intended to provide adequate separation between structures to meet fire code regulations. The setback regulation is five feet from property lines and ten feet between structures, which means that the abutting property would need to setback future structures ten feet from the common property line. The applicant proposes an eight-foot tall concrete wall along the west property line, not only to fulfill the screening function of the setback, but to fire-rate the wall as well, to meet fire code requirements. Staff notes that the appropriate fire rating cannot be determined at this time because the abutting property owners are not proposing to build abutting structures; rating depends on materials and the regulations change over time. Because the wall exceeds six feet, it too is considered a structure subject to setback requirements.

Staff believes the final determination as to acceptability of the concrete wall must include the participation of the affected property owners (Tax Lots 5700, 10100, and 5600). Even if the setback modification is granted, EC 9.2751(7) requires the developer to obtain an easement from the abutting property owners. Staff recommends the easement as a condition of PUD approval, which will ultimately determine whether the wall is acceptable to the abutting property owners. If the applicant is unable to obtain the off-site easements, then staff recommends an alternative

This page contains no comments

condition that the final PUD plans show the structures setback five feet from the west property line. These conditions also apply to Building 6 and Tax Lot 500. The recommended condition of approval is as follows:

- Prior to final PUD approval, the applicant shall obtain from the property owners of Tax Lots 500, 5600, 5700, and 10100, an easement abutting the proposed structures on the subject property that are located less than five feet from the interior property lines (i.e. the garages, carports, and wall along the west property line, and the portion of the wall and Building 6 abutting the south property line). The easement shall establish a 10-foot no-build zone, for fire code purposes, and, for at least the first five feet abutting the common property line, rights for the development to access and maintain the backside of their buildings. Alternatively, if the applicant is unable to obtain these off-site private easements from the adjacent property owners, then the final PUD plans shall show all structures setback at least five feet from the property lines.

Staff notes that a five-foot shift of the development plans to the east should not significantly affect other site features, as there is sufficient area within the common areas and along the east property line to accommodate the adjustment. With regard to the PUD purpose statements, the overall development achieves those; in regards to these specific setback issues, the PUD purpose statements are met, to the degree the proposed design is critical to the overall success of the development. Here, staff believes that the alternative of requiring compliance with the setback standards is both feasible and would not jeopardize compliance with any other approval criteria or applicable standards. 

With regard to 9.2795 Solar Setback Standards, EC 9.2795(3) grants an exception to these standards because the buildings abutting the north property line (Buildings 1 and 2) would shade a non-developable area, namely right-of-way for Oakleigh Lane and the bicycle/pedestrian access way required along the north property line. For comparative purposes, absent the right-of-way, the required solar setback would be 20 feet from the north property line. Both buildings are setback at least 20 feet from the north property line. As such, it does not appear that a formal modification through the PUD process is required; however, one could be supported for the same reasons a modified front line setback, as discussed previously, would be granted.

With regard to EC 9.5500 Multiple-Family Standards, the development complies with all of the applicable standards, as follows:

- Street Frontage: 60 percent of the street frontage, which is 82 linear feet, is occupied by a building;
- Building Orientation and Entrance: only applies to Building 1, abutting the street, which has primary entrances facing the street;
- Building Mass and Façade: only applies to Building 1, abutting the street, which is less than 100 feet in length
- Articulation: the buildings have porches, windows, and offsets;
- Landscaping: the development exceeds the minimum requirement of 4,007 square feet;
- Open Space: the development has more than double the required open space, with 54,727 square feet instead of 20,037 square feet;

What about net density, or tree preservation, or fill in the floodplain, or EWEB water easements, or building on the San sewer easement?

- Site Access and Internal Circulation: the proposed driveway is 22 feet wide, which is within the 20-foot minimum and 28-foot maximum;
- Vehicle Parking: is not abutting street frontage;
- On-site Pedestrian Circulation: provided between buildings and shared facilities, consistent with EC 9.6730;
- Recycling and Garbage Areas: not located in the front yard setback and has perimeter screening, consistent with EC 9.6740.

Based on the above findings, the development complies with the applicable multiple-family development standards at EC 9.5500. With regard to EC 9.6105 Bicycle Parking Space Standards, the development appears to exceed these requirements, subject to stall dimensions and security details being determined during the building permit process. EC 9.6105 requires one long-term bicycle parking space per dwelling unit. With 28 units plus the common house, 29 long-term bicycle parking spaces are required. Short-term bicycle parking is not required of residential development.

The applicant indicates that 52 spaces are proposed; the plans show four sheds scattered across the site and a “bike barn” near the southeast property corner. The plans do not provide enough specificity to determine whether the long-term space security requirements are met, but those can be addressed in greater detail during the building permit process. The PUD plans show ample room on the development site to accommodate the required bicycle parking. Additional bicycle parking (more than the 29 long-term spaces required) does not have to meet code standards, with regard to dimensions and security specifications. Based on these findings, the bicycle parking space standards of EC 9.6105 will be met.

With regard to EC 9.6410 Motor Vehicle Parking Standards, the applicant’s plans show 16 covered spaces, as garages and carports along the west property line. The applicant’s plans note that there are 31 additional open/surface parking spaces. The plans show approximately 29 gravel parking spaces abutting the paved driveway. The minimum number of vehicle parking spaces required is one per dwelling unit (or 29 in this case). It appears that the minimum requirement is met; there is no limitation on the maximum number of vehicle parking spaces for residential development. The actual number of spaces is difficult to determine because the applicant does not propose to stripe the spaces in accordance with the stall dimension standards of EC 9.6410; however, the scaled plans show sufficient areas to accommodate the required parking. Public Works staff notes that, due to the 22-foot wide drive aisle, all of the parking spaces are considered compact.

The applicant seeks a modification to the striping, surfacing, and landscaping requirements for the vehicle parking spaces. EC 9.6410 requires a durable a dust-free surface, whereas the applicant proposes gravel parking spaces. The applicant proposes filter fabric below the gravel surface to meet the durable and dust-free standard. The applicant also explains that the driveway will be paved, where durability and dust would be of greater concern associated with vehicle movements. To keep gravel in the parking stalls and off the driveway, the applicant states that the planned community can maintain this area and suggests keeping a broom nearby. The abutting concrete wall proposed along the west property line serves as mitigation to additional noise and dust associated with gravel.

Number: 1 Author: bthoms Subject: Sticky Note Date: 10/9/2013 1:31:04 PM

We're concerned about a broom, but we're going to allow the traffic on the street to nearly double. Will there be a deed restriction on the property that states that the broom will always be there and the property owner will sweep twice daily?

The concrete wall is also proposed in lieu of a seven-foot wide landscape bed between the parking stalls and the west property line, which would be required by EC 9.6410, unless modified through the PUD process. The concrete wall appears to meet the intent and function of the high-screen landscaping requirement, as it is eight feet tall with living plant material (espaliered trees). As such, staff recommends approval of the landscape modification. This design also meets the PUD purpose statements, with regard to clustering the development away from the easterly portion of the site.

As discussed previously, the wall is considered a structure subject to setback requirements. As conditioned previously, if the applicant is unable to obtain easements from the abutting property owners, the structures (wall included) will need to be moved five feet from the property line. Either with or without the five-foot setback, the wall meets the intent of the landscaping requirement for vehicle use areas adjacent to interior property lines.

Based on the available information and the findings and condition recommended above, staff believes the requested modifications could be approved as being consistent with the PUD purpose statements. Otherwise, the applicable development standards appear to be met. No signs or exterior lighting is shown on the plans, but staff notes that those features would be subject to the development standards at EC 9.6650 and EC 9.6725 at the time of development. Land Use Management staff recommends the following condition of approval:

- The final site plans shall note that compliance with the following development standards will be determined more precisely at the time of building permit review:
 - Landscape Standards beginning in EC 9.6200
 - Garbage Screening contained in EC 9.6740
 - Bicycle Parking Standards contained in EC 9.6105
 - Outdoor Lighting Standards contained in EC 9.6725

Based on the above findings, approval of the requested modifications and the condition for a more detailed review for compliance at the time of building permit, the PUD will comply with the above approval criterion at EC 9.8320(11)(k).

EC 9.8320(12): The proposed development shall have minimal off-site impacts, including impacts such as traffic, noise, stormwater runoff and environmental quality.

Traffic – Public Works staff confirm that the development will have minimal off-site traffic impacts, as only 29 additional peak hour trips will be generated by the development. Public Works staff state that Oakleigh Lane currently provides for safe passage of two-way and emergency vehicles. No street improvements are required of the development, although right-of-way dedication and an Irrevocable Petition are being required to enable future public improvements. Pedestrian safety is further addressed at EC 9.8320(5)(b); those findings are incorporated by reference. With regard to public comments about the accident at the intersection of Oakleigh Lane and River Road, this intersection is not on the City's inventory of intersections with high crash ratings that would otherwise warrant analysis to determine patterns that could be mitigated by infrastructure improvements. As such, nothing further is required of the development.

Noise – It is not expected the development would generate noise other than from a typical residential area. The common open space is located at the center of the development. An eight-foot tall concrete wall is proposed along the west property boundary. The design of this development should have minimal off-site impacts in regards to noise.

Stormwater – Off-site impacts of stormwater runoff is addressed as part of the applicant’s proposed stormwater collection, conveyance, and treatment system, as discussed previously at criterion (11)(j) and incorporated herein by reference.

Environmental Quality – The subject property is not on any acknowledged Goal 5 natural resource inventory, but it is within the Willamette Greenway boundary. The applicant has submitted a concurrent Willamette Greenway permit application, which is evaluated later in this report; based on those findings, the proposed development is compatible with the Willamette River, which is located more than 200 feet east of the subject property. As discussed at EC 9.8320(4), the PUD is designed and sited to minimize impacts to the natural environment and includes tree preservation and additional tree planting; those findings are incorporated by reference.

Based on these findings, the proposed PUD will comply with the applicable criterion.

EC 9.8320(13): The proposed development shall be reasonably compatible and harmonious with adjacent and nearby land uses.

The proposed development is a low-density residential land use, within a low-density residential area. Given the similar residential uses, there do not appear to be any inherent conflicts that would keep the developments from being at least reasonably compatible and harmonious. The development complies with the low-density (R-1) residential development standards, with regard to density and building height. Although the development proposes attached single-family dwellings, rather than the detached nature of the surrounding neighborhood, the density is dispersed across the development site, with groupings of three to four dwelling units per building.

Further the east boundary of the development site abuts a swath of undeveloped City parkland, which contains Goal 5 riparian area associated with the Willamette River. The applicant’s plans show the development clustered away from the resource area with open space adjacent to the east property line. As such, the development is reasonably compatible and harmonious with the adjacent parkland and nearby Willamette River.

The compatibility and harmony of the development is challenged most along the west property line, where the applicant proposes vehicle use areas and garages. The applicant proposes a concrete wall along the west property line to mitigate these impacts and to provide screening to adjacent lands. As discussed previously, staff recommends the applicant obtain an easement from the affected property owners, which will ultimately test whether the wall is acceptable mitigation. If the applicant is unable to obtain the easements, staff recommends the final PUD plans show the wall setback five feet from the property line. The applicant’s plans show the wall with espaliered vegetation. These findings and conditions are detailed at EC 9.8320(11)(k), which are incorporated here by reference.

≡ Number: 1 Author: bthoms Subject: Sticky Note Date: 10/9/2013 1:33:16 PM
definition please?

≡ Number: 2 Author: bthoms Subject: Sticky Note Date: 10/9/2013 1:34:15 PM
Building 2 is 5 feet from the east prop boundary.

≡ Number: 3 Author: bthoms Subject: Sticky Note Date: 10/9/2013 1:34:40 PM
Its challenged on all sides

Staff notes that the northwest corner of the development site is the gateway to the neighborhood. The wall proposed along the west property line stops short of the north property line, to enable a landscaped bed with a tree and shrubs, which will help soften the entrance to the development. As noted at EC 9.8320(5)(c) in regards to traffic, EC 9.8320(9) in regards to stormwater runoff, and EC 9.8320(4) in regards to protection of natural features, which are also incorporated here by reference, the proposed development will have minimal off-site impacts related to traffic, noise, stormwater runoff and natural resources. Based on the above findings, the development is reasonably compatible with the nearby land uses.

EC 9.8320(14): If the tentative PUD application proposes a land division, nothing in the approval of the tentative application exempts future land divisions from compliance with state or local surveying requirements.

This criterion does not apply because the development does not include a future land division.

EC 9.8320(15): If the proposed PUD is located within a special area zone, the applicant shall demonstrate that the proposal is consistent with the purpose(s) of the special area zone.

The subject property is not located within a special area zone. As such, this criterion is not applicable.

Willamette Greenway Evaluation

As required by the Type III land use application procedures beginning at EC 9.7300, the Hearings Official must review any WG permit application and consider pertinent evidence and testimony as to whether the proposal is consistent with the criteria required for approval at EC 9.8815 (shown below in **bold** typeface). In this case, the proposal is being reviewed concurrently with the tentative PUD in accordance with EC 9.8005(2). Based on the available evidence and findings provided below, staff recommends conditional approval of the applicant's request:

EC 9.8815(1): To the greatest degree possible, the intensification, change of use, or development will provide the maximum possible landscaped area, open space, or vegetation between the activity and the river.

As previously noted, the Willamette River is located more than 200 to the east of the subject property. The land between the river and the subject property is owned by the City, as an undeveloped natural resource area that contains /WR Water Resource (Goal 5) conservation areas. In this area, there is no specific, pre-determined or adopted setback from the river under the City's implementing provisions of Goal 15 (Willamette Greenway).

While not the focus of the applicable WG permit approval criteria, staff notes that the applicable setbacks along the river in this area are based on the City's Goal 5 Adopted Riparian inventory, which is regulated with the /WR overlay zone (see EC 9.4920). The /WR conservation area at this location is greater than the typical 100-foot setback from top-of-bank along the Willamette River; here, the adopted riparian area boundary extends landward beyond the 100-foot setback from top of bank. For clarity, staff notes that the /WR conservation area does not extend onto the subject property. As shown on Attachment A, the subject property is at least 53 feet from the boundary of the regulated resource area.

This page contains no comments

Vegetation on the eastern portion of the subject property nearest the river consists of a cover crop of non-native short grasses, weedy forbs, and scattered and isolated fruit and fir trees. The location, species, and size of existing trees are shown on the applicant's topographical survey (see Attachment D-4). The eastern portion of the site, closest to the riparian area to the east, has few trees. The trees closest to the east property line include a row of fruit and filbert trees along the south property boundary, which the applicant proposes to preserve, and a row of cedars along the north property boundary.

Most of the northerly cedars are on adjacent lands to the north; the applicant proposes to preserve these trees, which is further conditioned in the PUD evaluation at EC 9.8320(3) and incorporated by reference. A 26-inch diameter cedar on the subject property, near the north property line, however, is proposed for removal to accommodate the location of Building 1. (The applicant's tree removal and preservation plan is provided on Sheet L3.) The cedar to be removed is about 50 feet from the east property line.

As for proposed landscaping between the development and the river, the applicant's landscape plan (Sheet L2) shows the eastern portion of the site as being planted with drought-tolerant native meadow grasses. The eastern portion of the site will primarily be open space, with the closest building being about 20 feet from the east property line (i.e. Building 2, abutting the north property line). Buildings to the south (i.e. Buildings 4 and 7) have greater setbacks from the east property line, by approximate 30 and 60 feet, respectively. As such, the development will provide the maximum possible open space and vegetation between the activity and the river. Additional landscaping along the east property boundary does not appear to be warranted, given the existing site conditions as an open meadow.

Based on the available information and the preceding findings, the above criterion is met.

EC 9.8815(2): To the greatest possible degree, necessary and adequate public access will be provided to and along the river by appropriate legal means.

The applicant's plans show pedestrian and bicycle circulation within the development via interconnected paths between the buildings and bicycle parking areas. The applicant notes that there is an existing worn path along the north property line, between the Oakleigh Lane roadway and the east property line, abutting the City parklands. The applicant proposes to keep this path open, but does not explicitly show any dedications to the public to enable continued access. Right-of-way dedication is required over this area, to enable continued public access, pursuant to the concurrent PUD approval criterion EC 9. 8320(5), the findings and conditions of which are incorporated by reference.

The applicant also proposes to stub a soft path to the southeast corner of the site. The segment of the internal sidewalk system that is located between the most easterly building (a bike barn) and the east property line is shown as having a graveled, rather than a paved, surface. This unimproved surface is appropriate because there are no plans or funding for construction of a public path on the City property at this location. Residents of the development will naturally want to walk across the City parkland toward the river. Parks staff state no objections or concerns. This proposed path at least

Page: 34

⇒ Number: 1 Author: bthoms Subject: Sticky Note Date: 10/9/2013 1:35:34 PM
There are no fruit trees on the east property boundary, there is no screening

⇒ Number: 2 Author: bthoms Subject: Sticky Note Date: 10/9/2013 1:36:10 PM
how do trees on the south prop line screen the east prop line?

⇒ Number: 3 Author: bthoms Subject: Sticky Note Date: 10/9/2013 1:36:34 PM
which are not theirs to preserve.

⇒ Number: 4 Author: bthoms Subject: Sticky Note Date: 10/9/2013 1:37:19 PM
Building 2 is 5 feet from the east prop line!

delineates a more confined direction of travel, rather than random wandering through the City's resource area.

This portion of the City property has been cultivated as a filbert orchard, which has been maintained by the former owner of the subject property, as discussed in the applicant's written statement. There appears to be an informal path between the orchard and the subject property that would direct travelers to the southerly McClure Lane right-of-way. Public Works staff confirms that the planned bicycle and pedestrian connection through the City's parkland is from McClure Lane toward the easterly West Bank Bike Path, which is a regional facility that borders the west bank of the Willamette River.

Based on the above findings, and the condition at EC 9.8320(5), public access will be provided to the river by appropriate legal means. Refer to Attachment B and C for visual representations of these findings.

EC 9.8815(3): The intensification, change of use, or development will conform with applicable Willamette Greenway policies as set forth in the Metro Plan.

Pages III-D-4 and 5 of the Metro Plan contain the Willamette Greenway policies. Of these, several policies provide direction to local governments regarding legislative decision-making and other long range planning efforts, and do not constitute mandatory approval criteria for the application. The following Metro Plan policy is potentially relevant to the proposed development, and is therefore addressed below.

Policy D.5: New development that locates along river corridors and waterways shall be limited to uses that are compatible with the natural, scenic, and environmental qualities of those water features.

The proposed use is appropriate in this location, as the Metro Plan designates the subject property for residential uses. The proposed development is an allowed use that requires PUD approval; staff has determined previously in this report that the proposed development is consistent with the PUD approval criteria. To the extent the above policy is applicable, the development is setback more than 200 feet from the river, with City parkland and riparian areas located between the subject property and the river which will not be impacted by the proposed development. Further, the development proposes open space along the eastern portion of the site, abutting the parkland, and has setback buildings by at least 20 feet from the east property line. As such, the proposed residential use is compatible with the natural, scenic, and environmental qualities of the river corridor.

Based on the above findings, the proposed development is consistent with the applicable Willamette Greenway policies set out in the Metro Plan. The above criterion is met.

EC 9.8815(4): In areas subject to the Willakenzie Area Plan, the intensification, change of use, or development will conform with that plan's use management considerations.

This page contains no comments

This criterion does not apply because the area of request is not within the boundaries of the Willakenzie Area Plan.

EC 9.8815(5): In areas not covered by subsection (4) of this section, the intensification, change of use, or development shall conform with the following applicable standards:

- (a) **Establishment of adequate setback lines to keep structures separated from the Willamette River to protect, maintain, preserve, and enhance the natural, scenic, historic, and recreational qualities of the Willamette Greenway. Setback lines need not apply to water related or water dependent activities as defined in the Oregon Statewide Planning Goals and Guidelines (OAR 660-15-000 et seq.).**

Outside the Willakenzie Area Refinement Plan (WAP) and the Goal 5 Water Resource (/WR) riparian conservation area (neither of which affect the subject property), there is no regulatory setback from the Willamette River. For context, the WAP establishes a 35-foot setback and the /WR establishes a 100-foot setback from the top of the bank of the Willamette River. In this location, the /WR conservation area exceeds 100 feet from the riverbank, yet is still more than 50 feet from the subject property (see Attachment A).

The existing setback, of more than 200 feet from the ordinary high water line of the Willamette River, afforded by the intervening public park, is adequate to protect and maintain the natural and scenic qualities of the Willamette Greenway. The development plan preserves the natural and scenic qualities of the site by maintaining the existing open prairie conditions along the eastern portion of the site, by setting the buildings back from the east property line by at least 20 feet and by creating common open space that will be vegetated with native grasses.

- (b) **Protection of significant fish and wildlife habitats as identified in the Metropolitan Plan Natural Assets and Constraints Working Paper. Sites subsequently determined to be significant by the Oregon Department of Fish and Wildlife shall also be protected.**

The Metropolitan Plan Natural Assets and Constraints Working Paper does not identify any significant fish and wildlife sites on the subject property. Although the Willamette River Corridor is an Anadromous Fish River that is designated as an essential Salmon Habitat by the Oregon Department of Fish and Wildlife (ODFW), the subject property is located more than 200 feet west of the ordinary high water line. No habitat protection measures appear to be required of the proposed development.

- (c) **Protection and enhancement of the natural vegetative fringe along the Willamette River to the maximum extent practicable.**

The proposal does not affect the vegetated fringe along the Willamette River, which is located more than 200 feet to the east. The regulated riparian resource conservation area is shown on Attachment A. The existing vegetation closest to the river will be maintained as an open prairie with native grasses in common open space.

Number: 1 Author: bthoms Subject: Sticky Note Date: 10/9/2013 1:38:34 PM
open prairie conditions with a huge condos in it. Scenic, historic? not at all.

- (d) **Preservation of scenic qualities and viewpoints as identified in the Metropolitan Plan Natural Assets and Constraints Working Paper.**

The subject property is not identified as having scenic qualities or viewpoints on the Metropolitan Plan Natural Assets and Constraints Working Paper.

- (e) **Maintenance of public safety and protection of public and private property, especially from vandalism and trespass in both rural and urban areas to the maximum extent practicable.**

The applicant indicates that there is an existing dirt path along the north property line, between Oakleigh Lane and the City parkland. This indicates potential public trespass on private property. The applicant proposes to keep this path open, but does not explicitly show any dedications to the public to enable continued access. Right-of-way dedication is being required over this area, to enable continued public access, pursuant to the concurrent PUD approval criterion EC 9. 8320(5), the findings and conditions of which are incorporated here by reference. Overall, development of the subject property with dwelling units would increase public safety by providing more eyes on the City parkland.

- (f) **Compatibility of aggregate extraction with the purposes of the Willamette River Greenway and when economically feasible, applicable sections of state law pertaining to Reclamation of Mining Lands (ORS Chapter 517) and Removal of Material; Filling (ORS Chapter 541) designed to minimize adverse effects to water quality, fish and wildlife, vegetation, bank stabilization, stream flow, visual quality, noise, safety, and to guarantee necessary reclamation.**

This standard does not apply because the proposal does not include aggregate extraction.

- (g) **Compatibility with recreational lands currently devoted to metropolitan recreational needs, used for parks or open space and owned and controlled by a general purpose government and regulation of such lands so that their use will not interfere with adjacent uses.**

Referral comments from Public Works staff indicate no concern with the proposed development's compatibility with the City's adjacent public open space.

EC 9.8815(6): When site review approval is required, the proposed development will be consistent with the applicable site review criteria.

This criterion does not apply because the subject property is not zoned with the /SR Site Review Overlay, nor does the subject development require Site Review approval.

EC 9.8815(7): The proposal complies with all applicable standards explicitly addressed in the application. An approved adjustment to a standard pursuant to provisions beginning at EC 9.8015 of this land use code constitutes compliance with the standard.


This page contains no comments

The concurrent PUD application has been evaluated against all applicable development standards. Based on the findings and conditions provided at EC 9.8320(11)(k), which are incorporated by reference, the above criterion will be met.

Staff Recommendation

Based on the available information and materials, and the findings and conditions of approval contained in this report, staff recommends that the Hearings Official grant tentative PUD approval subject to the following conditions of approval.

Conditions of Approval

1. The final PUD plans shall show Building 2 located outside (moved south) of the required right-of-way dedication along the north property line.
2. Prior to final PUD approval, the applicant shall submit a report from a certified arborist confirming that the row of cedars on adjacent lands to the north can survive the construction impacts of the proposed development (and include any necessary protection measures to ensure survival). The final PUD plans shall show the location of Building 2 and any related protection measures (e.g. construction fencing for protected CRZ areas) consistent with the arborist's recommendations. 
3. Prior to final PUD approval, the applicant shall revise the final site plan to show the dedication of 22.5 feet of right-of-way along the northerly boundary of the development, between the westerly boundary of the proposed development and a line that is 50 feet east of the westerly boundary, and also to show the dedication of 13 feet of right-of-way extending from the aforementioned line (the east end of the required 22.5 feet of right-of-way dedication) to a line that is 117 feet beyond (east of) the existing the existing right-of-way (for a total length of 199 feet). Additionally, the revised site plan shall show the dedication of a 13-foot wide Public Accessway along the northerly boundary, which extends from the east end of the aforementioned right-of-way to the easterly property boundary (for a total distance of 24 lineal feet).
4. Prior to final PUD approval, the applicant shall submit for review and approval by City staff and recording at Lane County Deeds and Records, a street deed which reflects the right-of-way as shown on the final site plan.
5. Prior to final PUD approval, the applicant shall dedicate a temporary emergency vehicle access easement over the on-site hammerhead and the access drive from Oakleigh Lane, and show this easement on the final PUD plans.
6. Prior to final PUD approval, the applicant shall provide documentation from EWEB, confirming that water facilities are available for the proposed development.
7. The applicant shall submit an Irrevocable Petition for public improvements in Oakleigh Lane to include paving, curbs and gutters, storm drainage, sidewalks, and street trees.

how will the City put a concrete path on top of the CRZ when they have the funding to connect to the Ruth Bascom Trail?

8. The final site plan shall delineate the Special Flood Hazard Area, identify Base Flood Elevation (for the entire site or for each building), and note that development of the site will be required to comply with the standards at EC 9.6707 through EC 9.6709.
9. The final PUD site plans shall note that construction permits shall conform to the applicant's geotechnical analysis.
10. The final PUD plans shall note that all on-site utilities will be placed underground consistent with EC 9.6775.
11. The final PUD plans shall note the requirement that, at the time of development, all stormwater discharge points directed toward the City's property shall be designed as level spreaders, consistent with the City's 2008 Stormwater Management Manual. All stormwater facilities shall be located outside the public wastewater easement along the east property line.
12. The final site plan shall note: "On-site stormwater management facilities will be privately owned and operated. An operation and maintenance plan will be developed consistent with the City's Stormwater Management Manual, and notice of this plan will be recorded, during the building permit process."
13. Prior to final PUD approval, the applicant shall obtain from the property owners of Tax Lots 500, 5600, 5700, and 10100, an easement abutting the proposed structures on the subject property that are located less than five feet from the interior property lines (i.e. the garages, carports, and wall along the west property line, and the portion of the wall and Building 6 abutting the south property line). The easement shall establish a 10-foot no-build zone, for fire code purposes, and, for at least the first five feet abutting the common property line, rights for the development to access and maintain the backside of their buildings. Alternatively, if the applicant is unable to obtain these off-site private easements from the adjacent property owners, then the final PUD plans shall show all structures setback at least five feet from the property lines.
14. The final site plans shall note that compliance with the following development standards will be determined more precisely at the time of building permit review:
 - a. Landscape Standards beginning in EC 9.6200
 - b. Garbage Screening contained in EC 9.6740
 - c. Bicycle Parking Standards contained in EC 9.6105
 - d. Outdoor Lighting Standards contained in EC 9.6725

Consistent with EC 9.7330, unless the applicant agrees to a longer time period, the Eugene Hearings Official shall approve, approve with conditions, or deny a Type III application within 15 days following close of the public record. The decision shall be based upon and be accompanied by findings that explain the criteria and standards considered relevant to the decision, stating the facts relied upon in rendering a decision and explaining the justification for the decision based upon the criteria, standards, and facts set forth. Notice of the written decision will be mailed in accordance with EC 9.7335. Within 12 days of the date the decision is mailed, it may be appealed to the Eugene Planning Commission as set forth at EC 9.7650 through EC 9.7685.

This page contains no comments

Attachments:

Attachment A: Vicinity Map

Attachment B: Right-of-Way Dedications

Attachment C: Bicycle/Pedestrian Connections

Attachment D: Reduced Excerpts Application Materials

- D-1 Topography map by Poage Engineering
- D-2 Site Plan A1.1
- D-3 Detail of north property line setbacks
- D-4 Tree Preservation and Removal Plan
- D-5 Figure 1 Street Connectivity Study by Access Engineering

All record materials are available for review at the Planning Division. Copies or emails of these additional materials can be provided upon request. The Hearings Official will be provided a full set of the applicant's materials for review, and the full application file will be made available at the public hearing.

For More Information:

Please contact Becky Taylor, Assistant Planner, Eugene Planning Division, by phone at (541) 682-5437, or by e-mail, at becky.g.taylor@ci.eugene.or.us

This page contains no comments

Appendix G – Presentation of Opposition for Hearing

Opposition to PDT 13-1 and WG 13-1
for Public Hearing
October 2, 2013

Prepared by Bryn Thoms, representing
100% of Oakleigh Lane Residents, and
70% of McClure Lane Residents

Main Points of Opposition

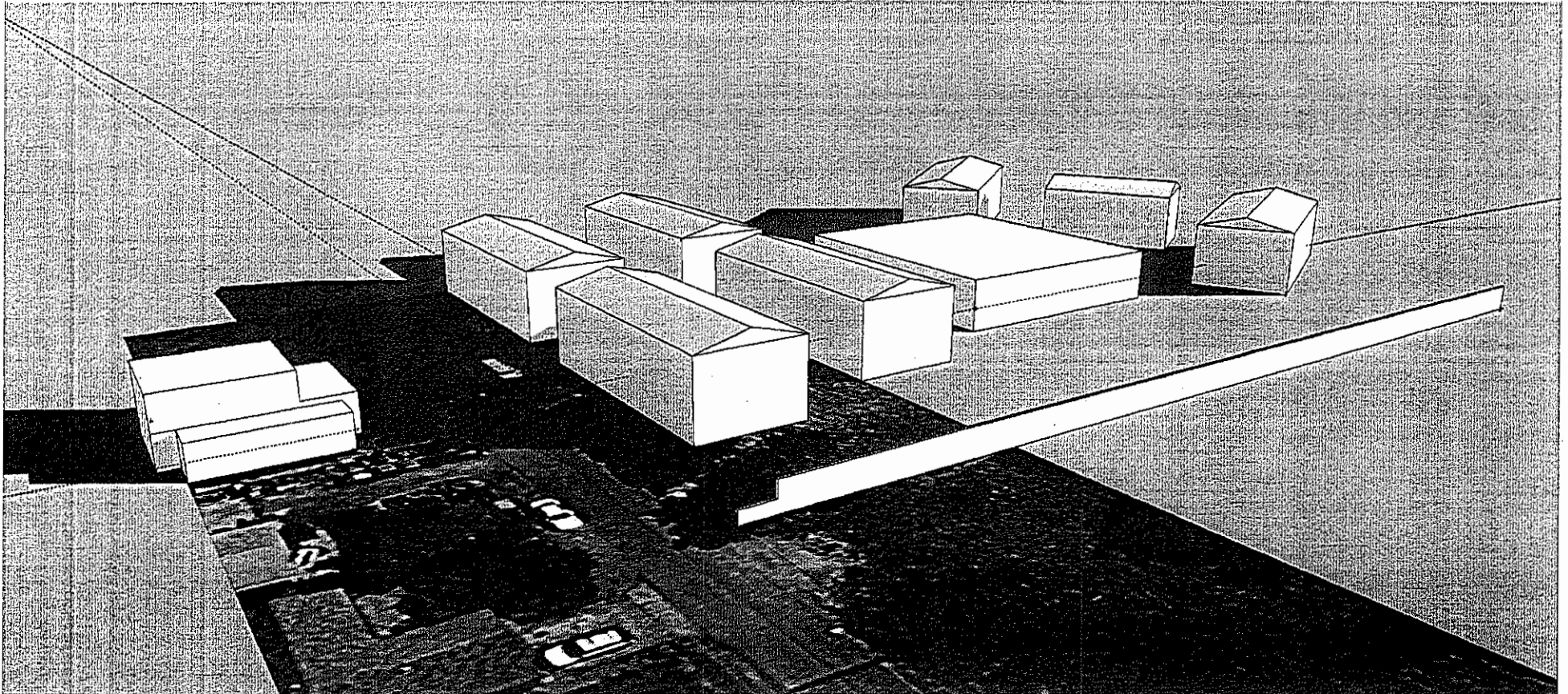
- Density – Over-arching issue, other issues will be alleviated if density reduced
- Neighborhood Character – Condominiums are not compatible with classic single-family detached
- Traffic – Oakleigh Lane is unique, Eugene Code relies on ITE trip generation model, not a good model
- Setbacks pushed to the limit on all sides
- Very limited evidence supporting compatibility with Willamette Greenway Code
- Not about lifestyle (cohousing), about land use

Neighborhood Action

- Neighbors have had about 30 days to organize and prepare testimony
- Neighbors were very supportive early when the size was small
- Neighbors voiced concern on size as part of the initial PUD outreach, no significant modifications given
- Neighbors have gone through mediation with no movement from OMC
- Neighbors are supportive of cohousing, but project needs to be smaller
- Neighbors also fully understand and accept the intent of infill
- Neighbors have prepared a report presenting details, citing code, metro plan, and refinement plan policies, about why the PUD and WG permits should be denied

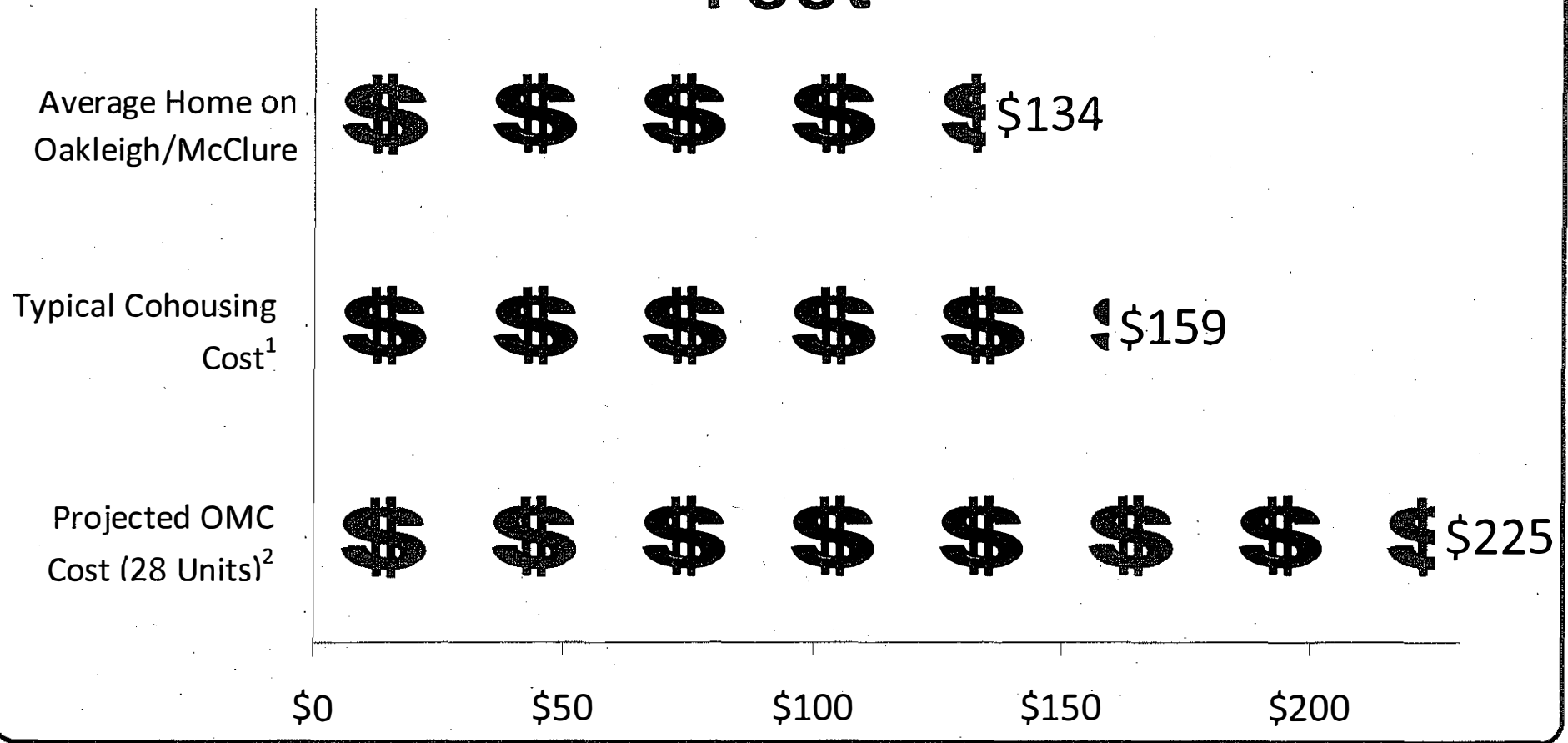
Neighborhood Character

- Incompatible with existing neighborhood character (EC 9.8320 [13])
- 30 ft tall by 80 ft long townhouses, 6 of them
- One 4000 sq ft common house
- Setbacks pushed, OMC asking for easements on neighbor's property and setback exemptions
- Asking price per unit somewhere between \$200K to \$400K, doesn't fit with the neighborhood



- Used Sketchup, accuracy to within a few inches vertically, and a couple feet horizontally
- Scaled off full sized drawings
- Looking southeast
- Common house has gable roof and so does my house, just didn't get it done in time
- My house (135 Oakleigh) is one of the largest on the street, one of 3 houses that are 2 story
- Did not sketch in other houses on Oakleigh
- OMC Garages not shown

Comparing Costs Per Square Foot

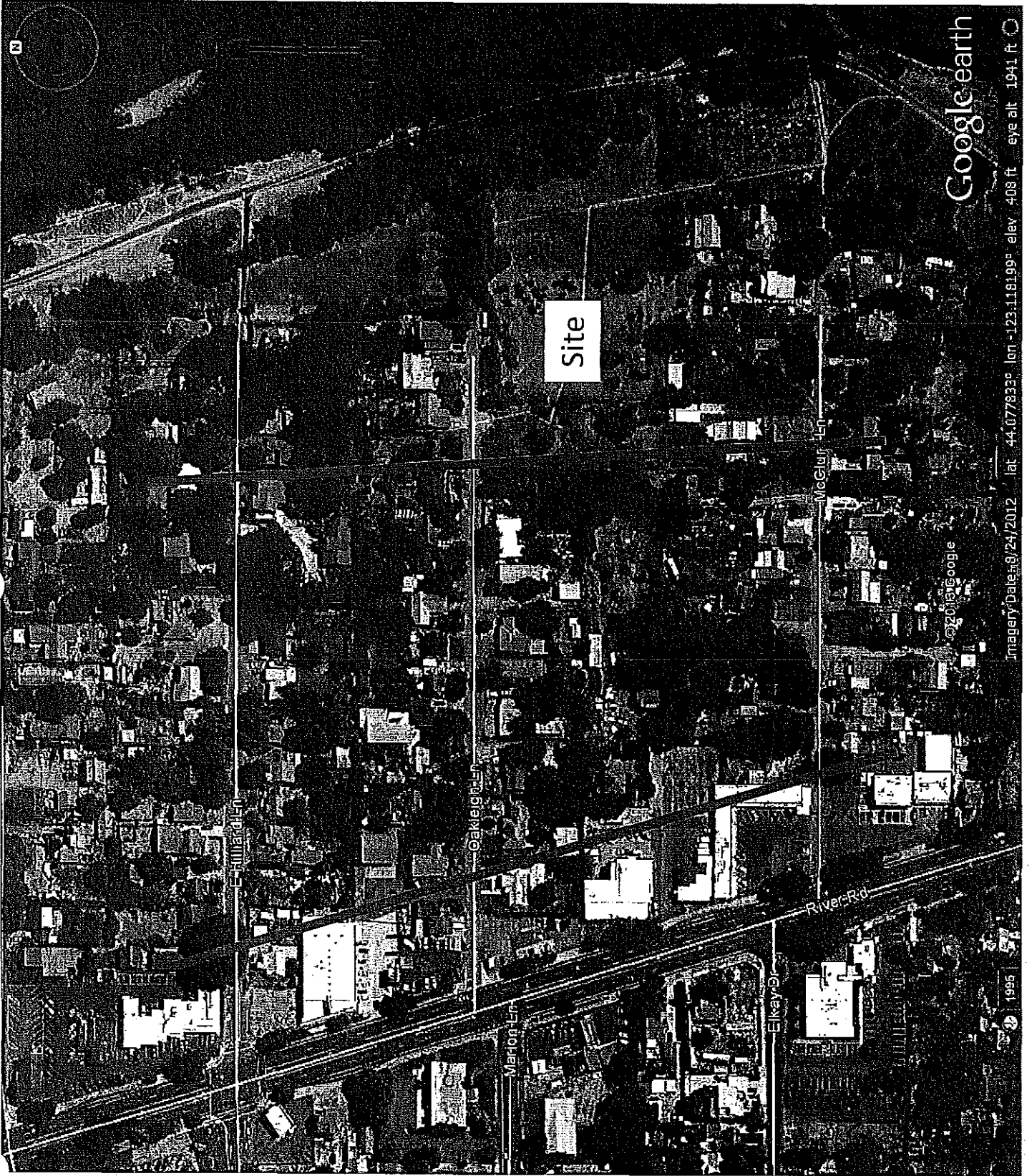


¹- <http://www.cohousing.org/cm/article/budget> - Budgeting for Development: Finding the Balance between Hope and Caution "In many cohousing projects, this increase in end cost results in higher purchase prices for completed units of 105 to 115 percent of local market conditions. That's 5 to 15 percent more than local production housing in the same local market."

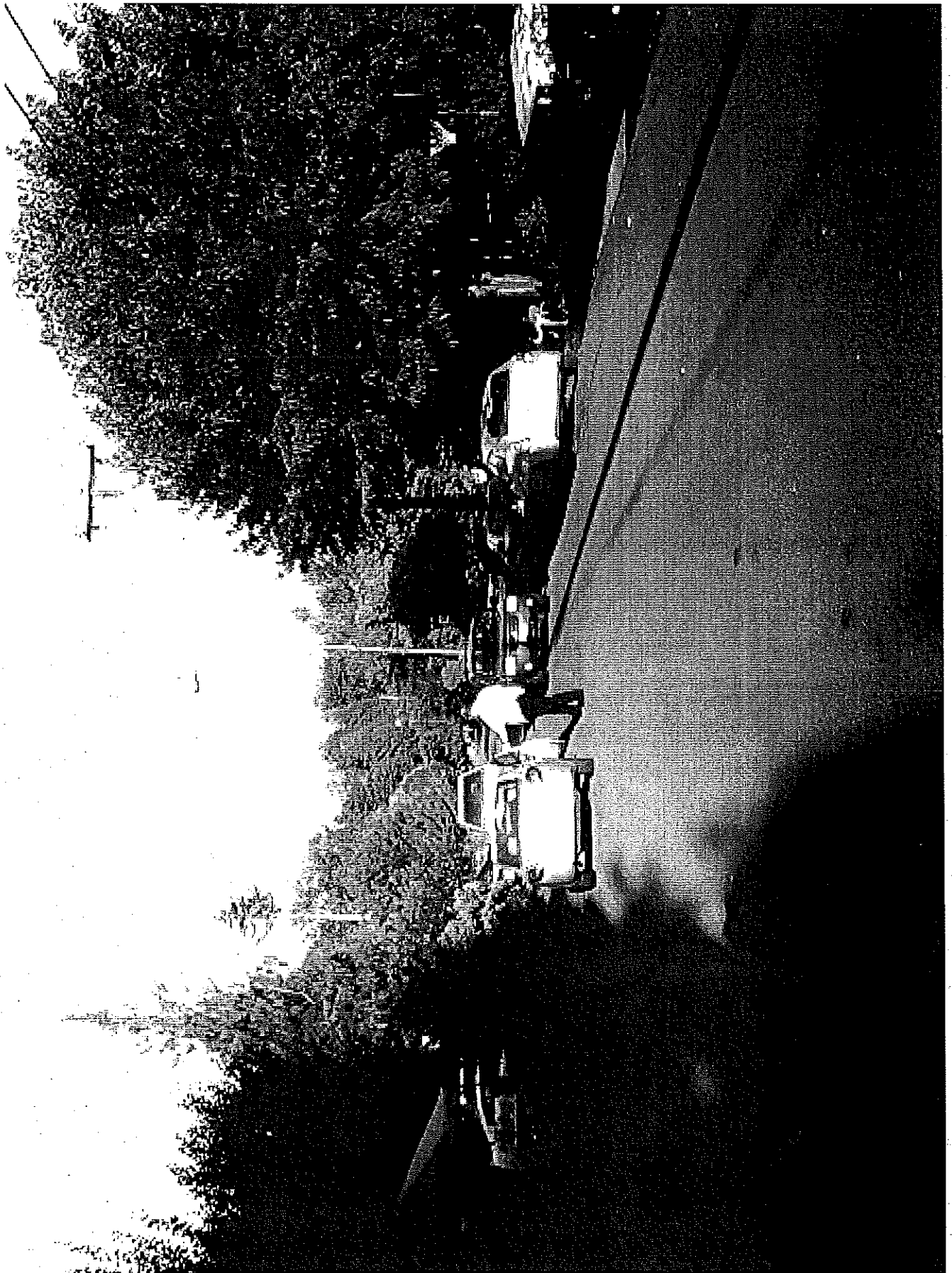
²- From OMC handout entitled "Oakleigh Meadow Cohousing Sales Prices"

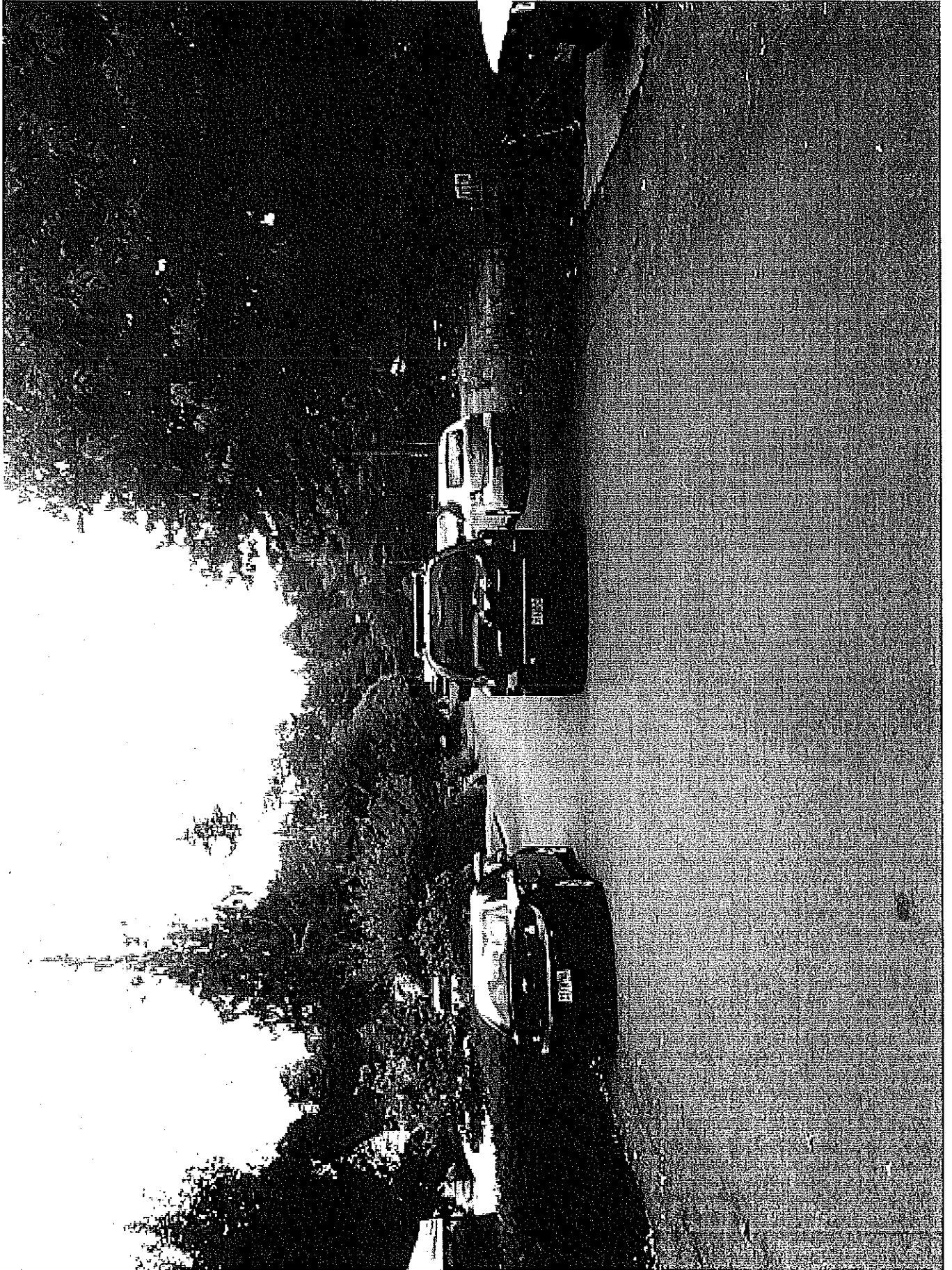
Traffic

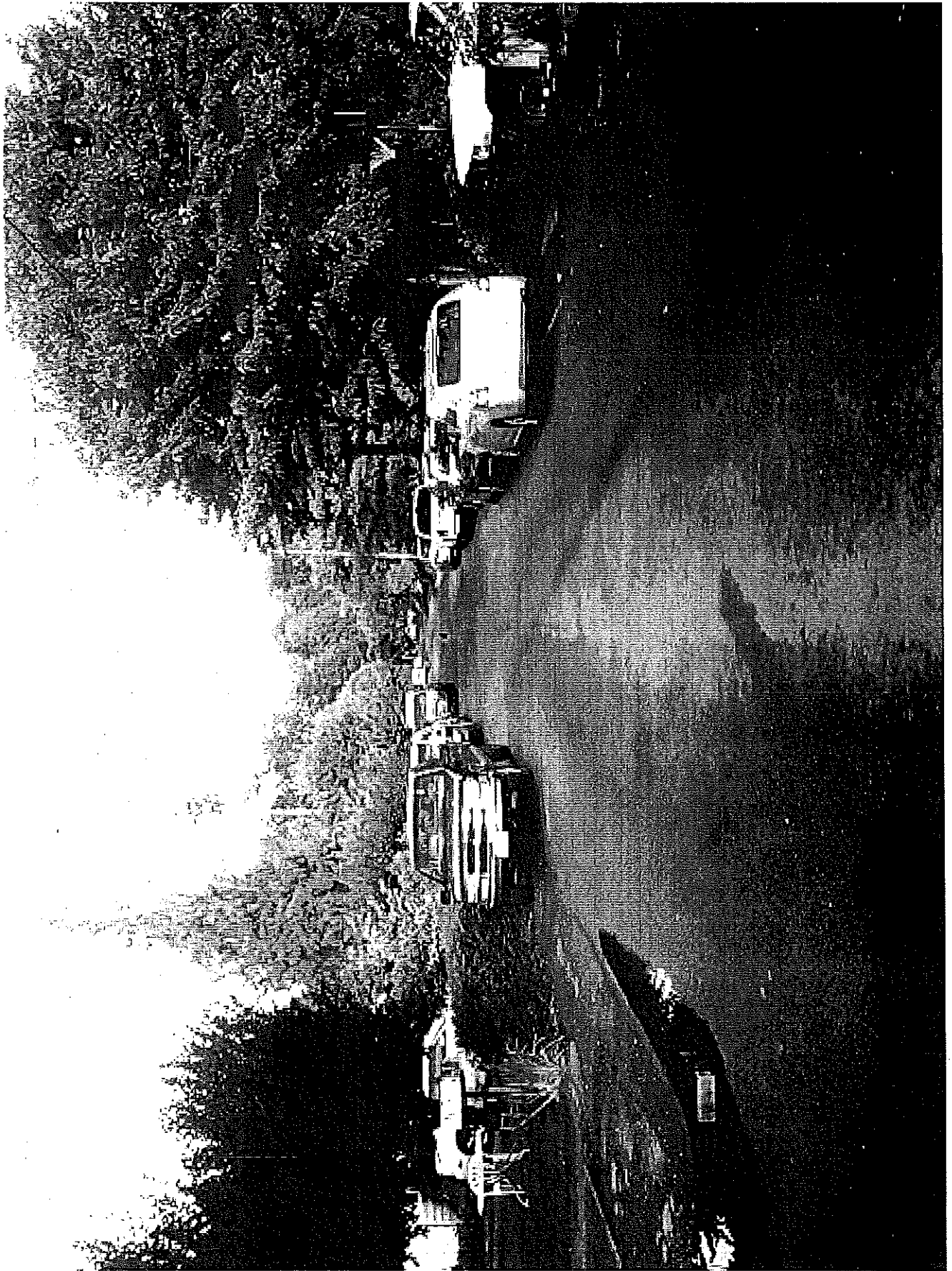
- Oakleigh, McClure lanes, and handful of other lanes in the area are very unique
- Oakleigh is a dead-end unimproved road
- Only one access way to and from Site
- Squeezed between Commercial and a 4-lane 40 mph arterial (RR) and Willamette River/Greenway
- 20 existing units on Oakleigh vs 29 units in OMC
- Limited off-street parking, effectively one traffic lane 14 feet in width
- ITE trip generation model is not a good fit



Imagery Date: 8/24/2012 lat: 44.077833° lon: -123.118199° elev: 408 ft eye alt: 1941 ft







- **EC 9.8320 (12)** The proposed development shall have minimal off-site impacts, including such impacts as traffic, noise, stormwater runoff and environmental quality.
- **145% increase in traffic is not minimal and its not safe**
- **Even the City Staff Report shows concerns about safety**

Page 15, bottom - Without the additional right-of-way, Oakleigh Lane cannot be improved to the City's minimum street design standards and the 164 new vehicle trips per day generated by the proposed development, along with the additional pedestrian and bicycle traffic generated by the proposed development, will not be assured of safe access via Oakleigh Lane.

Setbacks

- OMC proposes to put west wall of garages on the west property boundary, no setback
- Applicant has asked for an easement with neighbor several times (need 5 ft setback on all prop lines)
- Neighbor denied request
- Applicant states that moving the garages east 5 feet (off the prop line) would be devastating to the project
- The applicant is unwilling to move the garages a mere 5 feet, exemplifying the applicant's history of not working with the neighborhood
- This also goes to show that the applicant is trying to shoehorn this project into an incompatible site
- (EC 9.8320 [13]) The proposed development shall be reasonably compatible and harmonious with adjacent and nearby land uses.

Willamette Greenway

Willamette Greenway EC 9.8800 and Statewide Planning Goal 15

- **Purpose of Willamette Greenway Permits.** Intensification of uses, changes in use, or developments require special consideration before being permitted within the boundaries of the Willamette River Greenway. Special consideration is required to implement Oregon Statewide Planning Goal 15, Willamette River Greenway which is designed to protect, conserve, enhance, and maintain the **natural, scenic, historical, agricultural, economic, and recreational qualities** of lands along the Willamette River.

Willamette Greenway

- **Natural** - Beyond river bank stewardship and a decent stormwater treatment system, the applicant has not shown any significant means of conserving or protecting the Greenway
- **Scenic** – A condominium complex in the Greenway is certainly not scenic, no screening toward the eastern property
- **Historical** – There is nothing in the application regarding conserving history at the site
- **Agricultural** – This is in Eugene City Code, so presumably this applies within the UGB, nothing in application is related to this
- **Economic** – The Greenway is a well-known attraction used by many people for recreation, commuting, and lots of civic events. Continued development in the Greenway will only reduce economic development potential
- **Recreational** – OMC will benefit greatly from this, but what about the public that uses the public meadow to the east of the site. They get to see condominiums.



2

Google earth

© 2013 Google

Imagery Date: 8/24/2012 lat: 44.077633° lon: -123.116132° elev: 404 ft eye alt: 994 ft

1996

Land Use, Not Lifestyle

- Cohousing is a lifestyle.
- Cohousing could be gone from the property in a year or 10 or more
- Future of the condominiums could be apartments
- Increasing density will promote more incompatible density
- If the PUD is approved with limited modifications, TL 200 (vacant lot north of the site) and adjoining lots could be developed with the same density.
- This will be precedent-setting and it will completely change the feel the quiet neighborhood

Rec'd 10/9/13

PT-2

JUSTICE LAW GROUP

LAUREN C. REGAN, ATTORNEY AT LAW

259 East Fifth Avenue, Suite 300A, Eugene, OR 97401

Ph: 541/ 687-9180, Fax: 541/ 686-2137, E: lregan@justicelaworegon.com

September 2, 2013
Eugene Hearing Official
Eugene Planning and Development
Atrium Building
99 W. 10th Ave.
Eugene, OR 97401

Re: Oakleigh Meadow Cohousing Planned Unit Development (PDT 13-001), Willamette Greenway Permit (WG 13-001).

Dear Hearing Official:

On behalf of myself and the neighbors of Oakleigh and McClure Lanes in opposition to the above-referenced land use applications, I submit the following in response to my review of the Applicant's submissions; the staff report, and other applicable documents, and find the application fails to provide adequate evidence that the applications are consistent with the Eugene Code, Metro Plan, the Lower River Road Concept Plan (2009), and Eugene Arterial & Collector Street Plan (1999).

The current PUD and necessary Greenway permit applications will increase the number of homes by 145% on Oakleigh Lane, at least one building will be constructed within ½ foot of their property lines and will include the construction of 8 foot cement walls on their property line without any screening—even where the property abuts the public open space. The project will increase traffic by 168 trips per day (not to mention 200 gravel trucks and other construction related equipment), plus the general public they solicit to the property for OMC events. As a result of the overzealous size of the proposed condo development, 20 out of 21 residents of Oakleigh Lane and the overwhelming majority of residents of McClure Lane adamantly oppose this application and its impacts on the pre-existing neighborhood.

Brief Conclusion

The above referenced PUD record failed to provide substantial evidence to demonstrate compliance with the applicable land use codes and criteria, and the applications for PUD and Greenway permits must be denied. "When reviewing a land use decision, LUBA may reverse or remand if the local government's decision is based on facts that are 'not supported by substantial evidence in the whole record.' ORS 197.835(9)(a)(C). A finding of fact is supported by substantial evidence if the record, viewed as a whole, permits a reasonable person to make that finding." *Younger v. City of Portland*, 305 Or. 346, 360, 752 P.2d 262 (1988); *Citizens for Responsibility v. Lane Cnty.*, 218 Or. App. 339, 344, 180 P.3d 35, 38 (2008)

A condo development with this many buildings and units goes against EC 9.8320, as well as other provisions of the Eugene Code, Metro Plan, the Lower River Road Concept Plan (2009), and Eugene Arterial & Collector Street Plan (1999). The overarching land use tenets establish that higher density development must occur in close proximity to busy River Road, and low density, single family homes shall be permitted closer to the Willamette Greenway and the public parks and open space that make up a large portion of the Greenway.

1. The PUD application fails to comply with EC 9.8320 Safe and Adequate Transportation.

The applicant and City Staff have based their compliance determinations on the wrong traffic standard. The Eugene Arterial & Collector Street Plan (1999) sets forth the current local street standards. Based upon these standards, it is clear that Oakleigh Lane is an access lane, and not a low-volume residential street. "Access Lanes...are designed for primary access to a limited number of properties. On this street type, the residential environment is dominant and traffic is subservient. ...Access lanes generally serve 25 or fewer homes and traffic volumes are less than 250 Average Daily Traffic (ADT)." The City Staff report incorrectly interprets the relevant code standards that underpin their decision to find the proposal in compliance with traffic standards, and not require the necessary traffic impact assessment¹.

The Lower River Road Concept Plan indicates, "An Operations and Safety Analysis conducted for the Lower River Road corridor concluded that although River Road is functioning well as a main thoroughfare for significant volumes of traffic, and will continue to do so in the future, access onto, off of and across River Road for local auto, pedestrian, and bicycle traffic is difficult and worsening. Vehicular, pedestrian and bicycle travel to, from, and between residential neighborhoods in the River Road corridor, businesses on River Road, Rasor Park and the West Bank Bike Path will grow increasingly more difficult in the future with increasing River Road traffic volumes." LRRCP, p. 18.

Traffic safety and volume were of utmost concern to the neighbors on Oakleigh and McClure Lanes. Oakleigh Lane is approximately .25 miles long, is a narrow dead-end street with an approximate 20 foot wide paving surface and no internal street connections, and has 23 residential tax lots and 20 residential units; not 25 residential lots as the Staff report incorrectly states. Evidence, including the City of Eugene Geographic Information Systems (GIS) street layer and other historic documents demonstrate that Oakleigh Lane has been established as a Lane Access Road and is not a low volume residential road as set forth in the applicants' materials and the City Staff report, p. 12. As a result, Oakleigh is only designed for less than 250 ADT. ACSP, November, 1999. If the Institute of Transportation Engineer (ITE) Trip Generation Manual models the number of ADT per day for a single family detached dwelling as 10 ADT, this would result in 200 ADT for the current size of Oakleigh Lane. The Staff Report indicates that the proposed development would increase the ADT on Oakleigh by 164. City Staff report, p. 15. The anticipated ADT for the intersection of Oakleigh and RR would thus result in 364 ADT, which significantly exceeds the Access Lane ADT maximum of 250 and thus fails to adhere to the current Street Plan criteria. The applicant has failed to provide substantial evidence establishing compliance with the Eugene Arterial & Collector Street Plan (1999) and thus must be denied.

Further, the PUD does not comply with EC 9.6850 (Dedication of Public Ways), and EC 9.6870 (Street Width). The existing narrow, dead-end lane would be egregiously unsafe if the residential population were to more than double in size and traffic. City Public Works staff voiced numerous concerns regarding deficits in the existing lane's right of ways, lack of sidewalks, and safe access. The existing neighbors use the lane extensively for bike commuting, walking, and as an area for children and neighbors to gather and talk. The end of the lane receives virtually no car traffic at this time. The addition of 29 cars driving all the way to the very terminus of this dead end, will greatly increase traffic felt by the majority of the households. The buildings that currently observe the most traffic are those located near River Road: a car dealership, a library, and a doctor's office—not the family homes further down the street. In addition, because the lane is small, all of the neighbors know and recognize each other on Oakleigh Lane and drive extremely slowly and can identify safety issues posed by unfamiliar vehicles. Between the units

¹ The Hearings Official must determine "whether the interpretation underpinning the local government's decision is

increasing traffic 145% and the addition of all of the public invitees they solicit to their property for events, the safety currently established by the neighborhood will be greatly diminished. This is the last opportunity that the City will have to require the dedication of the right-of-way prior to the City needing the right-of-way for future street construction if this sized development is permitted.

2. The PUD application fails to comply with EC 9.2751 Density Standards.

The applicant claims 28 units for density calculations. The maximum allowable density for the project site (TL 400 and TL 5500) is alleged to be 32 units. This is based on the gross maximum allowable density for the 2.3 acre project site and the R-1 maximum allowable density of 14 units/acre. However, it appears that public easements, access ways used by the public, or right of ways were not removed from the gross acreage to calculate the maximum allowable net density in the PUD application. In addition, this calculation fails to take into account the "Common House" and the four 'hotel room' units contained within the common house where people will live and will rely upon the common house bathrooms and kitchen for their meals. Correctly including this structure raises the density to 32 units, and the developer fails to provide substantial evidence why those 4 units should not be factored into the density of the development and whether the application meets density standards once the easements, access ways, and right of ways are removed from the calculation.

EC 9.2751 (1)(c)(1) states the acreage considered part of the residential use shall exclude public and private streets and alleys, and other public facilities. According to the code, the following areas on the site should be excluded from the gross acreage for the net density calculation:

*Sanitary sewer easement (20 ft. wide) on east property line that bisects public and private boundary thus imposing a 10-foot easement on the subject property.

*The EWEB water easement (see below) for the connection of a new 6-inch water main from McClure to Oakleigh Lane, which will cross the OMC project site (referenced in the August EWEB referral letter, but not set forth in the application and thus no evidence of compliance submitted to the City). The anticipated water line easement would go under the access street in the west portion of the property and likely run along the south property boundary to the gravel alley on the west side of 131 McClure. No evidence has been provided by the Applicant regarding this easement.

*Access road width outside of the EWEB water line (another 8 feet to make 22 ft. width)

*Fire and Garbage turnaround, used as a public utility/facility.

*New Oakleigh lane ROW of 22.5 ft. for the whole distance of Oakleigh abutting the OMC property.

*Adee and Connelly property removal from the gross acreage (see site plan A1.1). The City states that this portion was already removed from the gross density before the PUD application. According to the PUD application Site Plan Sheet A1.1 the property line just north of the existing shop building is presented as pending a property line adjustment. This portion of the gross area should be removed from the useable density.

*Bike path ROW along north property line

The EWEB referral refers to the need for a Public Utility Easement (PUE) of 14 feet in width for water line looping when not adjacent to the ROW. Water line looping is required per EWEB policy and for Eugene Fire Department requirements. Since there is no public ROW that crosses the OMC property, then there will have to be a water line easement of 14 ft. in width across the OMC property, therefore at a minimum the PUE should cross the OMC property from the end of the Oakleigh Lane to the end of McClure Lane. For this net density calculation the public utility easement would be assumed to go under the west access road and then follow the south property line to the gravel "alley" on 131 McClure, which would also

require a PUE on that tax lot. Again, no evidence has been provided to substantiate compliance with this standard..

Despite the lack of substantial evidence provided by the Applicant, and based upon the information above, a total of 0.51 acres must be removed from the total gross net density of 2.34 acres. The total net acreage for the unit density calculation is 1.83 acres. Maximum number of units allowable in the OMC project property is 26 ($1.83 \times 14 = 25.7$).

If all residential units are accounted for, the applicant fails to comply with R-1 density standards and the proposal must be denied. See also EC9.2751 and table 9.2750. Normally, PUDs of this nature would assume that $\frac{1}{4}$ of the acreage would be foreclosed from development due to easements, etc., which is why one would expect to see a density request closer to 10 units per acre instead of 14. In fact, 23 units on 2.3 gross acres is 10 units per acre, which is the definition of low density residential in the Metro Plan.

3. The applicant has not provided substantial evidence that the PUD complies with EC 9.8320 (12) and (13)

The development is not compatible and harmonious with adjacent uses and far exceeds the “minimal off-site impacts” to storm water, noise and traffic. EC 9.8320 (12) and (13). In addition, Lane County Guideline 10-322.15 (m) affirms the code requirement of “Compatibility with the site and surrounding area.”

Many of our objections to the development as currently proposed hinge on the incompatibility of the development with the surrounding area—both residential and park/open space/Greenway. OMC condo development is incompatible because (1) it contains 7 large buildings that span property line to property line (2) it will more than double the traffic, (3) the large buildings and 8 foot-cement walls fail to provide adequate setbacks and fail to provide any/adequate screening between the existing neighbors and the heavily used park land to the east, and (4) so many multi-family units in an area of single-family residential development on quarter-acre lots is also largely incompatible. The development proposes incompatible size and placement of proposed OMC buildings. Oakleigh Lane currently consists of nineteen residential structures with an average size of 1370 sq. ft. All of the homes have large yards, and screening between each other. The proposed 28 residential units, plus 4 hotel rooms in a giant “common building,” plus 28 unsightly garages right at the very edge of property line, gravely exceeds any of the existing properties and is incompatible. As stated elsewhere, the Lower River Road Concept Plan allows dense development near River Road, and single-family low-density development near the river. This condo proposal directly contradicts the intentions of this planning document as well as the Greenway Standards.

The PUD will create far more than minimal impacts on the existing neighborhood by greatly increasing traffic, both from residents and the general public that will utilize our lane (see above), will significantly increase noise—both during construction, public events, and simply having 32 more residential units with upwards of 100 people living in that space, and may significantly increase run-off from the 25 garages and 7 buildings built upon the floodplain and within the sensitive Greenway. The addition of 47 cars and an average of 168 automobile trips per day is NOT a minimal off-site impact to the neighborhood. Currently the people on the east end of Oakleigh Lane may have 3 to 5 cars drive by their homes on a daily basis. The addition of 168 trips will have an enormous impact to the surrounding neighbors. In addition, the neighbors immediately north of OMC's access will now have 47 cars leaving their parking lot every morning with headlights flashing into the front windows. OMC failed to comply with Eugene City Code 9.8320 (3), and instead has stated that screening on the neighbor's property (not

theirs) will suffice. The neighbors should not have to give up a portion of their yard in order to appease OMC. More than doubling the number of households on our small lane will certainly increase traffic, and as stated above, the City and applicant utilized the wrong standards in evaluating the impact to our lane and in fact exceed the threshold that triggers further study. Oakleigh Lane will be more than minimally impacted and at a minimum, the applicant must be required to conduct a traffic study prior to approval of this PUD.

Simply put, the applicant has failed to provide substantial evidence demonstrating that this application will not exceed minimal impacts upon the existing neighborhood and public park.

Since compatibility with the surrounding area is part of the special burden on applicants hoping to change use in the Greenway, we feel these standards have particular force in the portion of the proposed development that will destroy the meadow area of the Greenway. *See below for more on Willamette Greenway permit.* If OMC does not develop the portion of the meadow that is on the Greenway, floodplain, and adjacent to public parkland, then screening of the condos and other buildings would be improved. At the very least, the portion of the development that is on the Greenway, floodplain, and adjacent to public park land must be denied.

In addition, OMC intends to solicit and invite the general public to their property on a regular basis in order to hold events. They further intend to have a large sign on their property stating the name of the development. Neither intention is compatible or harmonious with the existing quiet residential neighborhood. If the applicant wants to create a public event space, the proper place to develop that use would be adjacent to River Road, not nestled at the end of a quiet residential lane.

Further, Metro Plan A.2 encourages the rehabilitation of existing housing and neighborhoods and prioritizes the intent to maintain the single-family character of preexisting neighborhoods or at least ensure compatibility with said neighborhoods. As previously discussed, more than doubling the number of residential units on a small lane is not compatible. The high priced Condos within OMC, who carefully scrutinize "members" for their willingness to engage in consensus decision-making will not be marketable to the general public, and will certainly not be available for low-income households—which is the component of our community that the Metro Plan articulates housing shortages.

4. The applicant has failed to provide substantial evidence that the PUD complies with EC 9.8320(3).

The PUD application woefully fails at providing adequate—or any screening-- between the development and existing properties as well as the public parkland to the East. from surrounding properties including violating standards for setbacks. The PUD fails to ensure visual quality and views to the river and parkland as the condo footprint is literally upon the eastern property boundary without any screening adjacent to the City park. Although it is understandable that the condo tenants would like to expand their private open space to include the public space, the dog walkers and bike path users will feel very uncomfortable walking on the public open space adjacent to private condos that do not have any fencing or screening to delineate where the public space ends and private property begins. This is a grave encumbrance on public access to the Greenway parkland in this area.

West Property Line –The Applicant's plans show a row of garages abutting the west property line, interrupted toward the midpoint of the property with a recycling building, and flanked to the north and south by gravel parking spaces. The applicant fails to provide substantial evidence that this plan complies

with residential development standards at EC 9.2750, which requires structures to be setback five feet from property lines and 10 feet between structures. The parking area standards at EC 9.6420 require vehicle parking spaces to be on a durable, dust-free surface, with a seven-foot wide landscape strip abutting the property line—gravel increases dust, and cannot be established to be a dust free surface.

Instead of proper setbacks, the developer plans to build a giant 8-foot tall concrete wall along the property line that also violates setback standards. No easement will be granted to the development by the adjacent landowner, the Brandts, who oppose the development as currently proposed. No requested modification should be granted for this wall. The proposed cement wall is an insult to the existing neighbors who will have their viewshed destroyed by an ugly 8-foot tall cement wall that completely blocks all view of what once was a viewshed to the river corridor. In addition, inadequate screening is proposed at the access to the parking lot (planting strip). The neighbors understand that some development will likely occur on this parcel, but to have the closest boundary between the “welcoming” condo development and the existing neighborhood consist of an industrial wall, raises further concerns that this cohousing project is just an elitist gated community in sheep’s clothing.

The North property line also violates setback standards and thus the PUD also fails to provide substantial evidence that the plan complies with code. Said code forbids private landscaping and stormwater facilities within a special setback and the applicant failed to prove compliance with this standard. The proposed buildings are just south of the special setback, which means that those buildings would not have sufficient setbacks from the street if it is widened in the future...and with 32 living units and over 50 cars, it seems likely that the lane will require expansion if approved as proposed. Building 1 appears to provide only ½ a foot of setback (required to have at least 10—and even that is unsightly) and thus fails to comply with code requirements. NO modification should be granted to these standards (the fact that they would seek modifications to further encroach upon the preexisting neighbors who strongly oppose their development plan further emphasizes the incompatibility between this condo development and the single family residential lane. Building 2’s setbacks are also illegal and threaten to kill old-growth cedar trees located on the adjacent property owned by the Thoms (and if roots are killed, this endangers the health and safety of their family as well as condo owners). No setback modification should be granted. This area is adjacent to parkland, and an existing public path/bike path joins the Oakleigh neighbors to the city park, bike path and river. The Applicant needs to reduce the number of buildings they are trying to cram onto the parcels and adequately set back this major development that is being thrust into a quiet single-family residential neighborhood.

Units must be set back a distance from the north property line that is comparable to the setbacks for all of the existing homes on Oakleigh Lane and neighboring McClure Lane. Currently the average setback of homes along these two streets is approximately 35 feet. This is a very reasonable standard based on the fact that they currently allege that they are only building on 45% of the property. This should give them plenty of land to shift buildings accordingly. They have sacrificed the neighboring properties in order create their own private open space contrary to law.

East Property Line - The east property line abuts City parkland, which is an undeveloped natural resource area bordered by the Willamette River farther to the east. The PUD fails to provide substantial evidence that this boundary complies with setback and screening standards and also gives rise to a denial by City officials. The applicant’s tree removal and preservation plan (Sheet L3, Attachment D-4) indicates that the 26-inch cedar will be removed to accommodate three dwelling units abutting the north property line. This building is approximately 10 feet from the east property line. (contrary to tree preservation standards). Building 5 and 6 are setback seven and five feet from the southern property line,

respectively, with the exception of the southeast corner of Building 6, which appears to be within a foot of the property line. Clearly violates the standards and insufficient evidence has been provided to demonstrate compliance with the law. Staff incorrectly applies standard criteria by indicating that Mr. Adee, who is one of the property owners and founding members of OMC (and is financially benefited by the development) supports the project and thus an exception to the setback requirements can be waived away by him. Mr. Adee's consent to the PUD's failure to comply with setback standards should be irrelevant to the question of whether the PUD complies with law, because he could sell his adjacent private property and then someone else will be forced to live illegally close to a giant condo development.

5. The PUD application fails to provide substantial evidence that it will adequately protect the environment. EC 9.8320(12).

The Applicant fails to provide substantial evidence that the proposal will have minimal off-site impacts, including environmental quality. EC 9.8320(12). The application fails to limit off-site stormwater impacts from the large number of impervious surface areas to be constructed within the Greenway and floodplain, and fails to provide any information regarding fill below the 100-year floodplain. The PUD record does not contain substantial evidence ensuring that these standards are met with regard to surface water and drainage. Building 2, 4, and 7 will require the grade to be brought up to above 401 ft. above mean sea level. The idea of 150-200 dump trucks of gravel fill dumped into the Greenway, and a three-foot high wall where the fill ends and City park begins will clearly damage the natural flow of water and may increase flooding (including of adjacent property and park land). The applicant has not provided any evidence or detail how it will grade the massive amount of fill required for this development so that it will not create a wall, increase erosion, or dump fill onto the public open space which will now function as the remaining habitat for raptors who utilize the meadow area for hunting, or for recreation. The City Staff Report inadequately conditions the recommendation to approve the final PUD upon some form of agreement that the grade will be brought to BFE or higher, but the PUD itself fails to provide substantial evidence that the grade complies with current standards at all.

The PUD fails to provide substantial evidence that it complies with LC 10-322.15 (d) mandating "Preserv[ation] of areas of annual flooding, floodplains, and wetlands." The site development map for the PUD clearly indicates that a portion of the site falls within the floodplain will be destroyed by tons of gravel without any evidence of how that fill will coexist with the adjacent public open space, and will remove a large swath of land necessary for absorption of floodwaters.

The PUD also fails to provide substantial evidence that it complies with LC10-322.15 (h) which requires "Maintenance and sustenance of natural riparian vegetation found upon the lower alluvial bottomlands and upper terraces bordering the river for the following reasons: provide habitat, food and shade for wildlife, protect natural areas...ensure scenic quality and screening of uses from the river."

The OMC site development will remove and destroy river terrace land bordering the river, and the meadow habitat currently sustaining wildlife including beavers, ospreys, eagles, and other raptors, which feed on rodent life in the meadow. The current plan will excavate and dump gravel fill in order to get it above major flooding potential and will permanently destroy that area for future protection, particularly as river levels rise due to climate change. Moreover, the development's many large buildings (which are proposed to be painted with bright colors such as red that will starkly contrast the natural landscape and will further stand out in contrast to the environment,) will clearly be visible from the river and riverpath and will destroy rather than ensure scenic quality and screening of uses from the river.

Because development has been so intense in this area of the river corridor (massive complex under construction for the last 2 years directly across the river from the proposed PUD, townhomes adjacent to

it, etc.), the applicant has failed to provide substantial evidence that their destruction of the meadow-Greenway habitat will not have significant effects on wildlife such as beavers, owls, osprey and bald eagles, to name a few of the species observed within the proposed meadow site.

The proposal also fails to provide evidence that it complies with tree preservation standards since the development calls for the removal of large cedars, and stands of hemlocks and firs contrary to code. It is also important to note that the applicant/property owners already cut down dozens of healthy trees in stands prior to applying to the city for PUD approval, even advertising to come cut down your own cedar Christmas tree—thus further evading lawful land use standards

6. The PUD application fails to comply with Willamette Greenway Permit Standards (WG 13-001)

The Applicant is proposing to develop within the Willamette Greenway (WG). The requested permit must be denied as inconsistent with EC 9.8800, LC 10-322.15, Statewide Planning Goal 15, the Lower River Road Concept Plan (2009), and River Road/Santa Clara Urban Facilities Plan. Thus, because “no development permit shall be issued by the city prior to approval of the Willamette River Greenway permit,” the PUD application must be denied as well. EC 9.8805.

The Willamette River Greenway was originally established by the 1967 Oregon Legislature as a grant program for land acquisition to State Parks along the Willamette River from Eugene through Portland. The Greenway evolved from a state parks and recreation program in 1970 to a natural corridor program in 1972. Goals for the state program are to protect, conserve, restore, enhance and maintain the ecological, natural, scenic, historical, agricultural, economic, cultural and recreational qualities and resources along the Willamette River.

Additional demands are being placed on the Willamette River and Greenway resources as Oregon’s population grows; particularly in the Eugene/Springfield area, and for this reason it is imperative to ensure that WG goals are being met and to identify opportunities for IMPROVING the Greenway, not further eroding it with dense development, impervious surfaces, multiple large building footprints; particularly such development directly adjacent to city park land that could be acquired for resource/habitat improvement or logical expansion of city park/open space land. The WG is only as strong as the protections the City affords it by protecting the few remaining undeveloped parcels (like this one) adjacent to open space and conservation areas that have been deemed invaluable to City residents and recreation users.

The land between the river and the subject property is owned by the City and functions as an undeveloped natural resource area that contains Water Resource (Goal 5) conservation areas. Water Resource conservation area needs greater than typical protection, and development this dense and intense should not be permitted in areas like this which contain floodplain, Greenway WR conservation areas. At a minimum, the area functions as a public park, an extension of the riverpath system, and the connector to the public Filbert Orchard and Razor Park. As currently proposed, the public will not feel comfortable using the open space public land directly adjacent to the condos because of the way the development is proposed—where the applicant plans to use the public land to function like the condo owners’ own private yard with no screening or demarcation of the separation between public and private property.

Millions of dollars and volunteer hours have been spent over the last several years attempting to improve habitat along this corridor via tree-planting, ivy removal, etc. Many cities in the metro area located along the Willamette River have renewed their commitment and effort to improve access and recreation

opportunities, water quality and ecological restoration of the river during the last 10 years. Several citizen groups have formed to advocate for the cleanup of the river and to create more miles of trails and access points along the river. Adding 7 large multi-story impervious buildings and multiple tons of gravel fill to the Greenway, is in essence eradicating any benefits that may be gained from the habitat improvement and tree planting that has been undertaken by local volunteers. The proposed area is heavily used and revered by residents. This is truly one of those Greenway areas that should not be allowed to become another sacrifice zone to high-priced condominiums.

The greenway also lives on in Goal 15 of our 19 statewide land use planning goals. Under this goal, local governments are responsible for reviewing new or intensified development within the greenway boundary - an erratic line officially depicted in Eugene's planning archives only on faded maps from the Nixon era. The shortcomings of the Willamette Greenway are often unappreciated by those who know the greenway as simply a core legacy of Oregon's progressive land use planning. But this wonderful idea, once pursued with enthusiasm and vision, has atrophied. A continuous riverside corridor seems an extremely remote possibility. Approving additional development such as this PUD within the Greenway solidifies the near-impossible vision of an ecologically intact river corridor that provides both direct and intrinsic benefits to Oregonians, as well as sane land use development. This Greenway permit must be denied in order to ensure continued sustainable growth for city residents, downstream neighbors and generations to come.

The Metro Plan goal requires Eugene, Springfield, and Lane County to adopt Greenway boundaries, to specify uses permitted within those boundaries, and indicate *areas of potential acquisition* along the Greenway. This PUD area should be one of those acquisition--the adjacent land to the east and south are already in public ownership--the City should consider denying this permit and offering to further expand opportunities for public access and enjoyment of this river area.

The PUD record fails to provide substantial evidence that EC. 9.8800 can be satisfied. Intensification of uses, changes in use, or developments require special consideration before being permitted within the boundaries of the Willamette River Greenway. Special consideration is required to implement Oregon Statewide Planning Goal 15, Willamette River Greenway which is designed to protect, conserve, enhance, and maintain the natural, scenic, historical, agricultural, economic, and recreational qualities of lands along the Willamette River. The goal itself defines "change of use" and "intensification": "Change of Use means making a different use of the land or water than that which existed on December 6, 1975. It includes a change which requires construction, alterations of the land, water or other areas outside of existing buildings or structures and which substantially alters or affects the land or water." *Gunderson, LLC v. City of Portland*, 243 Or. App. 612, 628, 259 P.3d 1007, 1016 (2011) *appeal allowed*, 351 Or. 586, 274 P.3d 857 (2012) and *aff'd*, 352 Or. 648, 290 P.3d 803 (2012). The PUD will gravely intensify and change the current use from open meadow used as park, habitat, and drainage area, to dense condo development containing mostly impervious surfaces; gravel, and non-native vegetation (which may also increase the amount of chemicals, fertilizers and other toxic run-off). Although the developers stated that they were going to construct 'green housing,' the current plans are not even LEED certified raising further concerns regarding impacts to the Greenway from building materials and run-off.

The PUD application also fails to provide substantial evidence demonstrating that the EC 9.8815 Willamette Greenway Permit Approval Criteria and Standards can be met. Willamette Greenway permit approval may be granted only if the proposal conforms to all the criteria in subsections (1) through (4), and the applicable standards of subsection (5). We take each relevant standard in turn.

(1) *To the greatest possible degree, the intensification, change of use, or development will provide the maximum possible landscaped area, open space, or vegetation between the activity and the river.*

The evidence establishes that this standard has not been met as previously discussed. The condo development is planned so that as many condo buildings are on the Greenway and as close to the public open space as possible with virtually no setbacks or screening onto adjoining properties or the public open space. The plan calls for parking, garbage and other undesirable facilities to abut adjoining properties so that the development can savor a large open space in the center of the development. By maximizing (and violating density standards as argued above) the number of units on this unique property, the applicant fails to provide the maximum possible landscaped area and/or open space between the development and the river and does not comply with this standard.

(2) To the greatest possible degree, necessary and adequate public access will be provided along the Willamette River by appropriate legal means.

The current proposal degrades and potentially interferes with public access to the river. Not only does the proposal attempt to obfuscate the boundary between public and private property, but also it failed to provide an easement or access from Oakleigh Lane to the river. Currently, there is a dirt path that functions as that access (including a gate), permitting residents and riverpath users to connect to the neighborhood and the river corridor. The current plans do not appear to delineate such a public access, despite the fact that City Staff recommends a public easement along the north property line.

(3) The intensification, change of use, or development will conform with applicable Willamette Greenway policies as set forth in the Metro Plan.

The PUD has not provided substantial evidence establishing compliance with the Metro Plan. The PUD fails to "Protect, conserve, and enhance the natural, scenic, environmental, and economic qualities of river and waterway corridors," as discussed above. II-B-1. The PUD also fails to demonstrate compliance with the Metro Plan Goals to:

1. Protect valuable natural resources and encourage their wise management, use, and proper reuse.
2. Maintain a variety of open spaces within and on the fringe of the developing area.
3. Protect life and property from the effects of natural hazards.
4. Provide a healthy and attractive environment, including clean air and water, for the metropolitan population. III-C-2.

Further, the PUD fails to provide substantial evidence that it will not degrade Riparian Corridors, Wetlands, and Wildlife Habitat (Goal 5). The proposal is contrary to the Goal 5 Open Space requirement that demands that new land use promotes in-fill and protects open space on the urban fringe. Finding 17. Open space provides many benefits in an urban area, including: retention of habitat for wildlife; filtration of polluted water, absorption of storm runoff flow; protection of scenic quality; provision of recreation opportunities; reduction of atmospheric temperatures, and personal well-being. This proposal is contrary to all of these benefits.

The proposal also violates MP-D: Willamette River Greenway, River Corridors, and Waterways Element by failing to meet the following plan objectives:

(1) The PUD is in conflict with the objective to "Encourage use of river and waterway corridors to fulfill open space, recreation and resource protection needs," and instead attempts to maximize density and usurps public open space, recreation and habitat needs.

(2) The PUD fails to ensure development occurring within river corridor provides protection to valuable natural assets and instead will destroy them with gravel fill as it attempts to maximize density upon a flood plain.

(3) The development does not respect quality of rivers and waterways (by dumping tons of fill onto naturally occurring floodplain and using dense, large footprints) and destroys rather than improves opportunities for enjoyment of those resources by the public.

(4) The PUD violates Policy D.5 which requires that new development located along the river corridor shall be limited to uses that are compatible with the natural, scenic and environmental qualities

of those river features. This PUD absolutely fails to meet this standard as demonstrated throughout these comments.

(5) The PUD fails to comply with Metro Plan D.8 because it fails to ensure public enjoyment and actually hinders access to the river corridor park area. Instead, a large portion of this Greenway area (at least the area adjacent to the park and on the floodplain should be acquisition by the City to be placed in park status.

EC 9.8815 (5) states, "In areas not covered by subsection (4) of this section, the intensification, change of use, or development shall conform with the following applicable standards:

(a) Establishment of adequate setback lines to keep structures separated from the Willamette River to protect, maintain, preserve, and enhance the natural, scenic, historic, and recreational qualities of the Willamette Greenway. Setback lines need not apply to water related or water dependent activities as defined in the Oregon Statewide Planning Goals and Guidelines (OAR 660-15-000 et seq.).

As discussed above, there are no setbacks between the development and the Greenway river corridor—the building is practically touching their property line.

(c) Protection and enhancement of the natural vegetative fringe along the Willamette River to the maximum extent practicable.

As discussed above, instead of vegetation along the property boundary, there will be large condos with no screening at all. The PUD fails to comply with this standard and it should apply because the adjacent land is river corridor open space and this standard is not meant to solely apply to the extremely thin strip of land between the river itself and the bike path. Raptors, beavers and other wildlife need more than 10-15 feet of habitat, and thus use the open space areas across the bike path extensively and thus the natural vegetative fringe is imperative and must be protected on this site.

(g) Compatibility with recreational lands currently devoted to metropolitan recreational needs, used for parks or open space and owned and controlled by a general purpose government and regulation of such lands so that their use will not interfere with adjacent uses.

As discussed at length, maximum density condo development with no setbacks or screening adjacent to recreational lands directly interferes with adjacent park and open space uses. At a minimum, the current site plan is designed with the buildings facing the grassy open space park area and has no screening, fencing, or boundary, and creates the illusion that the city property belongs to the OMC development.

In addition, the PUD fails to comply with the Lower River Road Concept Plan (2009) regarding Greenway and open space criteria. In 2009, the Planning Commission approved the Lower River Road Concept Plan as the refinement plan for the area. The WG and Razor Park were top priorities within this plan. "In keeping with its Greenway setting, this Concept Plan envisions that development and landscaping, and especially land adjacent to the Willamette River, will reflect a deep connection to the river and associated natural values of the riparian landscape. River parks will be managed as an important wildlife corridor, and as a unique and treasured natural asset. Landscaping, signage, pedestrian routes, and view corridors will inform travelers along River Road that they are near the river." LRRCP p. 6. The plan mandates that future land use near the river corridor region (as opposed to the commercial area near River Road) must "maintain as relatively undeveloped zones to mitigate the impacts of dense development nearby.... Serve as refuge and passive recreation for residents [and species such as eagles, osprey, beavers and more], and provide children with a place for unstructured exploration and play, and a rare place to experience nature in the urban environment." LRRCP p. 7. The Plan envisioned dense development adjacent to River Road and thus the current condo development fails to comply with these standards. Regarding development adjacent to Greenway Parks, the Plan also requires "the natural character and ecological values of the river corridor will be visually and functionally extended throughout the Willamette Greenway via conservation easements and native and naturalistic landscaping." Thus the refinement plan further argues for city acquisition of at least the portion of the

property adjacent to the Greenway Park and establishes that the current PUD is directly contradictory to this Plan and thus must be denied.

Conclusion

For all of the reasons set forth above, incorporated by reference (including the written testimony of Bryn Thoms and other neighbors opposed to the PUD), and provided during the public hearing, Oakleigh Meadow Cohousing Planned Unit Development (PDT 13-001), and Willamette Greenway Permit (WG 13-001) must be denied. Clearly, the applicant has failed to provide substantial evidence establishing compliance with each of the mandatory land use criteria documented above, and the applications must be denied.

Attached with these comments is a DVD demonstrating the current state of the proposed development site, adjacent park land, vegetation, and floodplain conditions.

Sincerely,

Lauren C. Regan
Oakleigh Lane Resident
Attorney with the Justice Law Group on behalf of Neighbors in Opposition to the OMC PUD

Encl: DVD — *attached*

PT-3

TAYLOR Becky G

From: Lauren Regan <lregan@justicelaworegon.com>
Sent: Wednesday, October 09, 2013 2:24 PM
To: TAYLOR Becky G
Subject: Re: Public Comment PDT 13-001, WG 13-001

attached

Dear Ms. Taylor, I inadvertently failed to request that you enter the River Road Concept Plan, reference in my comments, and the comments of several other individuals in opposition, to establish relevancy by providing context for compatibility with the existing neighborhood and adjacent homes and park land.

Thank you,
Lauren Regan

From: Lauren Regan [mailto:lregan@justicelaworegon.com]
Sent: Wednesday, October 09, 2013 12:10 PM
To: TAYLOR Becky G
Cc: Lauren C. Regan
Subject: Public Comment PDT 13-001, WG 13-001

Dear Becky, attached please find my final comments in opposition to PDT 13-001 and WG 13-001. As discussed, I will drop off a DVD of the site video today as well.

Thank you very much for all of your assistance and professionalism.
Yours truly,
Lauren Regan

The Justice Law Group
Celebrating over 15 years of good arguments and fighting for justice.
Lauren Regan, Attorney at Law
259 East 5th Avenue, Suite 300A
Eugene, Oregon 97401
Ph: 541.687.9180
Fax: 541.686.2137
www.justicelaworegon.com

Specializing in complex civil rights litigation, trial advocacy, constitutional issues, state and federal criminal defense, federal environmental and public records litigation.



LOWER RIVER ROAD CONCEPT PLAN

Eugene, Oregon
June 22, 2009



On June 22, 2009, the Planning Commission acknowledged the *Lower River Road Concept Plan* as the final document for planning efforts for the Razor Mixed Use Center project. The Planning Commission's acknowledgement of this document marks the final step in this multi-year planning process that engaged hundreds of individuals since first initiated in 2007.

LOWER RIVER ROAD CONCEPT PLAN

Eugene, Oregon

June 22, 2009

Acknowledgements

Community Advisory Committee Members

Heidi Beierle
Joan Connolly
Rick Larson
Jim McCoy
Ray Neff

Candace Nelson
Becky Riley
Carl Roach
Jolene Siemsen

Emeritus CAC Members

Phillip Carroll
Aretha DeSpain
Majeska Seese Green
Rob Handy

Charles Kittleson
Steve Norris
Dennis Sandow
Miaya Sustaita

Technical Advisory Committee Members

City of Eugene

Gabe Flock
Ken Guzowski (Project Manager)
Robin Hostick
Rob Inerfeld
Tom Larsen
Gary McNeal
Doug Terra
Carolyn Weiss
Kurt Yeiter

Lane Transit District

Mary Archer
University of Oregon CPW
Bob Parker
Casey Kleinhenz

Lane Council of Governments

Jeff Krueger
Jake Callister

TGM/ODOT

Elizabeth Ledet

Prepared by:

The City of Eugene

In association with the consultant team of:

Spencer & Kupper

Donald B. Genasci & Associates

Robert Bernstein, PE

Landsman Transportation Planning

E.D. Hovee & Company

TransWatch

This project is partially funded by a grant from the Transportation and Growth Management (TGM) Program, a joint program of the Oregon Department of Transportation and the Oregon Department of Land Conservation and Development. This TGM grant is financed, in part, by federal Safe, Accountable, Flexible, and Efficient Transportation Equity Act-A Legacy for Users (SAFETEA-LU), local government and the State of Oregon funds.

LOWER RIVER ROAD CONCEPT PLAN

Eugene, Oregon

REVISED DRAFT

June 15, 2009

Table of Contents

1. Introduction	3
1.1 Overall Vision & Future Expectations	6
1.2 The Shaping of the Plan	11
2. Lower River Road Concept Plan	14
2.1 Willamette River Greenway & Rasor Park	14
2.2 Sustainability	17
2.3 Multi-modal Transportation Improvement Concepts	18
2.4 Land Use and Development Concepts	24
2.5 Recommended Code Amendment Concepts	29
3. Implementation Strategies	38
3.1 Introduction	38
3.2 Implementation Strategies	38
Table 1 –Greenway Corridor Enhancement Recommendations	14
Table 2 -Recommended Code Amendment Concepts	33
Table 3 –Implementation Strategies	45
Glossary of Terms and List of Reports	46

1. INTRODUCTION

The Lower River Road Concept Plan is the final report for the conceptual planning phase of the City of Eugene's Razor Mixed Use Center planning process. This phase of planning began in 2007 thanks to a Transportation Growth Management grant from the Oregon Department of Transportation.

Planning for higher density mixed-use centers, and also for improved transit, are key strategies adopted by Eugene to implement its growth management and transportation planning policies. The mixed-use center approach aims to create compact, livable, walkable neighborhoods with convenient access to services and transit. When combined with improved transit, mixed-use centers will slow sprawl and reduce reliance on automobile travel.

Lower River Road was identified in the regional transportation master plan, TransPlan (2001), as one of dozens of potential areas for mixed-use redevelopment. In 2002, with the support of the River Road Community Organization (RRCO) board, this area was made a priority for more detailed planning. River Road Community Organization leaders noted the challenges of this planning process, but also the opportunities presented by this area, and the desirability and importance of area-specific planning for this zone.

Initially, this phase of planning referred to the study area as the Razor Park Mixed Use Center. After subsequent public process, the study area was expanded to include commercial and residential zones on both sides of the lower River Road corridor between the Northwest Expressway and E. Hillcrest Dr. Reference the project area map on page 5.

To guide this phase of planning, a Community Advisory Committee (CAC) was established in 2007, and expanded in 2008. After extensive rounds of committee meetings and public workshops (see section 1.2 for more details of the public involvement and committee process), a majority of the committee in attendance (6 of 8) voted at the final May 28, 2009 committee meeting to approve the following statement:

"The CAC supports the overall vision, Willamette Greenway natural resource planning, sustainability concepts, transportation improvements, concept code and development standards, objectives, and implementation strategies outlined within the Lower River Road Concept Plan."

Certainly the committee had vigorous debate about some elements, and divergence of opinion on various aspects. Within the community and among other stakeholders, too, there are varying viewpoints and philosophies about the overall planning process, and elements of the Concept Plan. There are disputes about growth projections or the desirability of planning at all. Many are concerned about the natural values of the Greenway, and how these can be protected and enhanced if higher density redevelopment occurs on adjacent parcels. Some believe that this planning process affords an important opportunity to adopt additional requirements that are necessary to protect the Greenway. Others see this planning as inviting

higher density development that might not otherwise come. Some believe that planning should be deferred because of the downturn in the local and national economy, and the imminent threat of global climate change. Others feel that planning is especially important for these same reasons—that there is a renewed urgency to change how we live, and that this Plan can help meet important sustainability goals.

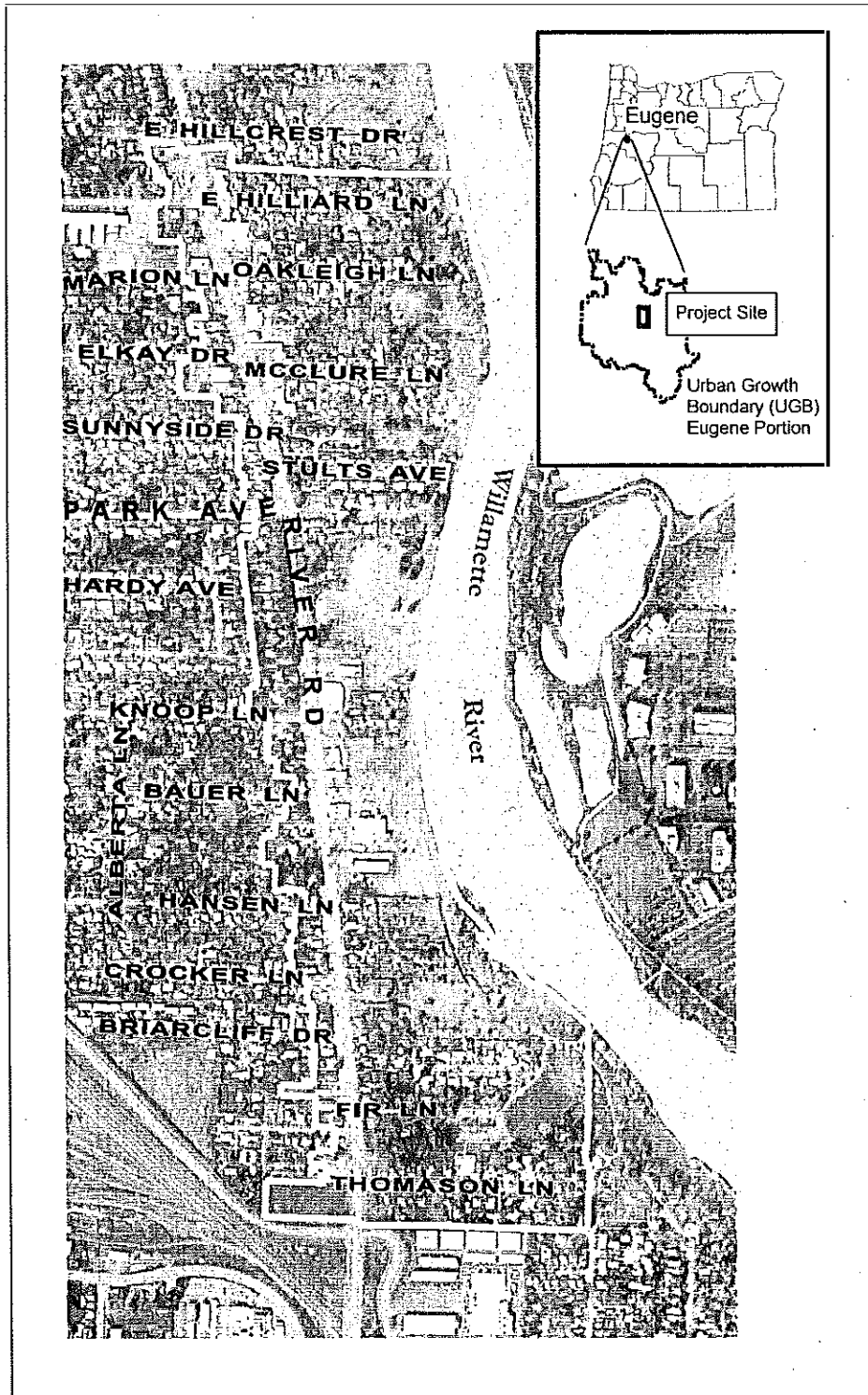
Ultimately, not every viewpoint could be reconciled or reflected in the Concept Plan. However, the Plan does attempt to “weave” a vast amount of public input into a coherent plan that enjoys broad public support.

The Concept Plan is intended to provide the City, neighborhood associations, property owners and residents a map for future action. It includes implementation strategies for: preservation and enhancement of the Willamette River Greenway and parks; a sustainability strategy; a transportation improvement plan; land use and development objectives with concepts for potential changes to the land use code; and a public collaboration and partnerships strategy. The Lower River Road Concept Plan concludes with over thirty recommendations grouped under the five strategies.

Major external forces are at work that will affect implementation of this Concept Plan, so good judgment and discretion will be needed as next steps are considered. As noted in section 3.1, implementation strategies and recommendations “should be revisited and revised” and the work program updated periodically to reflect progress or needed adjustments.

Further and successful implementation will require support from the City and Lane County, and continued participation, respect, careful listening, and cooperation among property owners, residents, and the established neighborhood organizations.

Individual reports and maps for this project can be accessed at the Rasor Mixed Use Center website www.eugene-or.gov/rasorpark or by contacting Ken Guzowski at ken.j.guzowski@ci.eugene.or.us and at 1.541.682-5562.



Lower River Road Concept Plan Study Area

1.1 Overall Vision and Future Expectations

The Area Now

The proposed Lower River Road Special Area Zone addressed in this Concept Plan spans the River Road corridor from the Chambers St. overpass to Hillcrest Dr. This area currently is characterized by low intensity auto-oriented commercial strip development in three established commercial zones, with low intensity (and some historic) residential development in between. The central part of the area also includes a considerable amount of property within the Willamette River Greenway. Some of the Greenway is public park land, and some is private commercial and residential land. Much of the area is zoned to allow higher intensity development, specifically, the R-2 and C-2 lands.

The Vision: Lower River Road District/Special Area Zone

This plan envisions the Lower River Road Special Area Zone as a cohesive, attractive and pedestrian-friendly district that: retains and reuses historic houses and landscape features (mature trees); provides high quality, compact housing for a diverse population at a minimum density of 12 units per acre; offers essential and quality commercial and public services for nearby River Road and Whiteaker residents; and serves as a central hub and backbone unifying and stabilizing the larger lower River Road neighborhood.

In keeping with its Greenway setting, this Concept Plan envisions that development and landscaping, and especially land adjacent to the Willamette River, will reflect a deep connection to the river and associated natural values of the riparian landscape. River parks will be managed as an important wildlife corridor, and as a unique and treasured natural asset. Landscaping, signage, pedestrian routes, and view corridors will inform travelers along River Road that they are near the river.

Lower River Road will be a leafy boulevard with a center median graced by large canopy native trees. The road corridor will offer a pleasant streetscape and ambience for pedestrians and bicyclists, and safe and convenient connections to Eugene's comprehensive bike trail system. Many River Road residents will walk or bike to local commercial areas for daily errands, or to commute or recreate along the river path system. River Road will also be served by a rapid transit line (EmX) that connects to an efficient world-class regional transit system. Many commuters will use this system instead of personal cars.

The area is also envisioned as a cutting-edge "green" (or sustainable) district where buildings, landscapes and infrastructure incorporate innovative ecological design and construction technologies that minimize resource use, waste, and adverse impact on the environment. Impervious surfaces will be minimized to the extent possible and natural landscaping and water infiltration emphasized. The area will be a recognized center for nurturing small and sustainable local businesses, and for adoption of innovative "green" technologies. It will offer a range of attractive medium density housing options, including those that incorporate native landscapes adjacent to Greenway parks, or use the area's rich soils as gardens and orchards. This might include cottage housing clustered around central gardens or commons, or apartments or

condominiums in mixed-use buildings (above commercial uses) along River Road. Residents will be able to choose from a range of innovative housing types and affordability options, including car-free housing and live/work units.

Buildings will be designed to rim and face the public streets and parks, to create an attractive and safe interface. Commercial and residential buildings will be designed to create interconnected and well-shaped public and social spaces between and beside them, including paths to the river parks. Area residents will enjoy socializing at a keystone public gathering place and services such as a library, community center, neighborhood-scale farmer's market and small grocery will contribute to neighborhood function, an active public realm and street life. Buildings and uses will be appropriate in scale and intensity so as not to overwhelm the natural values of the river setting or adversely impact adjacent residential neighborhoods. Residents and business and property owners will work collaboratively to plan for the area, and to review and discuss specific development proposals.

Willamette Greenway and Parks:

Healthy, Ecologically Functional Natural Areas: Public park lands within the Greenway and adjacent to the river will be healthy and actively managed natural areas. Many large trees will provide shade and fulfill other important ecological roles (carbon sequestration, air and water filtration, etc.) Native trees, shrubs, tall grasses, and wildflowers will provide the habitat needed to support a healthy population and diversity of native species (birds, butterflies, etc.) that rely on the riparian and associated upland corridor.

Buffer, Refuge and People Space: Greenway parks will serve as a buffer and screen between higher density development and the River, and as relatively undeveloped zones to mitigate the impacts of the higher density development nearby. They will also serve as a refuge for residents from the bustle and noise of the street and commercial areas, and as a place for walking and quiet contemplation. A few simple, rustic "amenities" will help people enjoy the parks for passive recreation and appreciation of nature and river habitat. The parks will provide children with a place for unstructured exploration and play, and a rare place to experience nature in the urban environment. People will continue to enjoy the West Bank bike trail for active recreation, and will also enjoy participating in restoration activities in the Greenway parks.

Public Access: Pedestrians and bicyclists will be able to get to the West Bank bike trail from River Road at multiple convenient and inviting entry points. Commercial areas along lower River Road will be easily accessible from the river parks and trail system.

Development Adjacent to Greenway Parks: The natural character and ecological values of the river corridor will be visually and functionally extended throughout the Willamette Greenway via conservation easements and native and naturalistic landscaping on commercial and residential property and public rights-of-way. Trees and landscaping will provide habitat corridors and reinforce the visual sense of this area as a special place adjacent to the river.

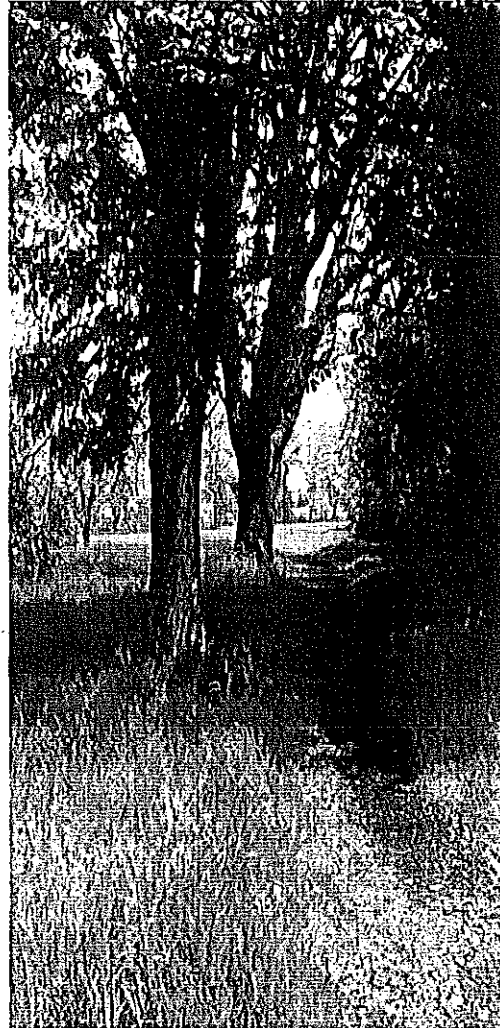
Higher density development will be clustered toward the road, and gardens, orchards, and lower density development will be located along the river edge of development zones.

Sustainability:

Environmental: Lower River Road will be a district that models good ecological design and function. Buildings, landscapes, and infrastructure will protect natural resources, and incorporate green building construction, local energy generation and use along with conservation and recycling, judicious water use and reuse and green stormwater management.

Economic: Lower River Road will be known as a center for nurturing small and local sustainable businesses, including those pioneering innovative new “green” technologies or approaches (energy, transportation, local food systems, etc.). These businesses will provide local jobs, and markets for locally-produced food, goods, and services. Existing businesses will be supported and encouraged to contribute to the economic viability of the area.

Social: The area will function as an important social and service hub or backbone for the wider lower River Road neighborhood. It will include safe, comfortable and attractive public areas and gathering places, along with essential and desirable businesses (grocery, farmer’s market) and services (library, community center). Homes and landscapes with historic value will be preserved or adapted for new uses and functions. Residents will be attracted by the “green” or sustainable lifestyles that are supported and encouraged by the community.



Existing dirt bike path on City land.

Lower River Road Corridor:

Neighborhood Identity/Gateway: Travelers along the lower River Road corridor will realize they have entered a unique and special neighborhood, a “Greenway and garden district” and a neighborhood that promotes sustainable development and lifestyles. Large canopy native trees will grace the median and streetscape along River Road. The proximity of the River will be evident, thanks to corridors and pockets of native trees and naturalistic landscaping that visually and functionally extend the Willamette River landscape across commercial and residential areas to River Road.

Neighborhood Commercial

Centers: The three commercial areas along the corridor will each offer an attractive, neighborhood-scale, pedestrian-oriented commercial/retail streetscape along River Road, along with a mix of office and well designed residential uses. Existing businesses will contribute to the vitality of the area.

Cohesive Corridor:

Commercial/office and residential zones and streetscapes along the length of the corridor will form a cohesive district, linked by common design and landscaping standards and streetscape elements appropriate to the Willamette Greenway and garden district, which reflect natural values and sustainability. Residential areas between commercial zones will provide an attractive, pedestrian-friendly streetscape along River Road.

Roadway Conditions: Traffic will travel smoothly and safely along River Road, at a speed of 35 mph or less. It will be easy, safe and convenient for pedestrians and bicyclists to cross (or travel along) the River Road. People will be able to hold a conversation on the sidewalk or at an outdoor café table without being drowned out by traffic noise.

Rapid Transit/Commuter Vehicle

Miles Traveled: Efficient rapid transit on the EmX will run along River Road, and will be used by a

THE VISION for the Lower River Road area has as its foundation that **Razor Park and the Willamette Greenway** are very significant natural resources, as well as important amenities that give the neighborhood a unique sense of place and stunning setting. Sustainability is also a key value for the neighborhood.

There is an opportunity for the built environment to embrace and celebrate the natural environment, but it is important that it does not overwhelm or detract from it. Preservation and enhancement of natural values is paramount in Greenway parks. Natural landscaping, buffers and conservation easements, design standards, and public access are important to ensure that the built environment harmoniously relates to the natural environment and public parks.

Transforming River Road into a multi-modal boulevard where it is safe and convenient for pedestrians, bicycles, transit and automobiles to co-exist is one element of sustainability. Making pedestrian and bicycle access to the West Bank Bike Trail easy and convenient is another.

Encouraging moderate density mixed use developments in appropriate locations is an important sustainability strategy, so that people have an opportunity to live, work, shop and play without having to use a car. This also allows growth to be considered in more compact, centrally located areas to reduce sprawl and development on outlying farmland. Energy efficiency, green infrastructure, and local green jobs and services are other desired sustainability elements.

majority of commuters traveling the corridor. Commuter auto traffic will be significantly less than expected relative to population and today's auto use patterns.

Local Vehicle Miles Traveled: Lower River Road neighborhood residents will use cars less often, and drive fewer miles than they do today, thanks to more local shopping options, and pedestrian, bike and other alternative transportation improvements.

Development and Redevelopment:

Development Types, Uses, and Functions: New development and redevelopment will bring vitality and function to the neighborhood. A diversity of uses will include small and local businesses, diverse housing types including car-free and live/work options, vertical mixed-uses, and specific desirable neighborhood services such as a small to moderate-sized grocery store, farmer's market, and public gathering and meeting places.

Development Design: New developments will be of high quality and appropriate scale, and relate harmoniously to their surroundings and to each other. Density and building heights will transition from River Road toward the river and existing residential areas.

Clear and Objective Standards: Zoning and development requirements will be specific, and standards clear and objective, to offer stability and protection for developers and property owners who choose to invest in their properties.

Incentives: Incentives will be used to help achieve important public goals and values, and to bring desired essential neighborhood services.

Public Collaboration and Partnerships:

Planning: Future plans for the area will be created and implemented with collaboration among residents, property and business owners, and neighborhood associations.

Design Input and Review: All development applications and approval processes will include early neighborhood input, and neighborhood participation in design review, should it be required.

Public Investment: Neighborhood residents, businesses, neighborhood groups and the City will work in partnership to attract public investments in infrastructure and desired neighborhood services.

1.2 The Shaping of the Plan: A Review of Public Involvement

The Lower River Road Concept Plan's vision and subsequent recommendations and implementation strategies have been shaped by over two years of community input beginning in early 2007. Hundreds of people have attended public meetings and the community workshops. The public's involvement over the course of concept plan development can be broken into three phases:

Phase 1: Introducing the Community to Mixed Use Planning

Phase 2: Articulating the Community Vision

Phase 3: Developing Strategies to Make the Vision a Reality

Phase 1: Introducing the Community to Mixed Use Planning (2007)

Public Meetings

Initial public meetings introduced the concept of mixed use center planning and gathered input on the community's values for mixed use in their neighborhood. A series of three public meetings provided the basis for developing a community vision. During this phase, the River Road Community Organization (RRCO) organized a community charrette led by a professor at the University of Oregon on initial ideas surrounding a mixed use center that included a multi-way boulevard.

Technical and Citizen Advisory Committee

A series of meetings with a hybrid committee of community and city staff reviewed preliminary conceptual ideas around an initial focus area. The focus area concept later expanded into an overall corridor approach for study.

Additional Community Outreach

City of Eugene project web page development

RRCO project web page development

Presentations to RRCO and Whiteaker Community Council (WCC)

Mailings, emails and RRCO newsletter articles

Neighborhood walking tours with the Historic Review Board and Planning Commission

Phase 2: Articulating the Community Vision (2008)

Citizen Advisory Committee:

After a planning break, a new Citizen Advisory Committee (CAC) formed with representation from the RRCO, WCC, Fir/Lombard neighbors, residents and property owners. The newly formed CAC was charged with:

To serve as a representative community team of stakeholders to discuss and recommend a common conceptual vision to the Eugene Planning Commission for the future development of the Razor Park Mixed Use Center area that reflect and integrate public input and are further refined by review of the study's technical analysis. [CAC Charter, September 2007]

Facilitators conducted initial interviews with CAC members to update them on process, develop group-operating agreements, review the decision-making process, and express the necessity of regular meeting attendance. The CAC committed to an intensive schedule and met ten times over three months to review technical memorandums and community input.

The resulting document, *"Empowering Innovation: Vital Neighborhoods as Sustainability Engine,"* submitted to the Planning Commission on November 2007 articulated the vision for a mixed use corridor and outlined necessary steps to advance its planning. The CAC developed further refinement of the planning steps final work program and presented it to the Planning Commission on April 2008.

Stakeholder Meetings

The CAC and city staff hosted an informational meeting for property and business owners to update them on the process and hear comments or concerns to address in the planning process.

Additional Community Outreach

Project booth at River Road Rocks, a major annual outreach event hosted by RCCO
Presentations to RCCO and WCC
Mailings, email and RCCO newsletter articles
Neighborhood walking tours
Updates posted on City, RCCO and WCC websites

Phase 3: Developing Strategies to Make the Vision a Reality (2009)

Community Advisory Committee

As represented by the name change from "citizen" to "community," the CAC welcomed expansion of its representation to include commercial and residential property owners and additional residents. The revised CAC was charged with:

To provide input and direction on the Rasor Mixed Use Center Plan's (Lower River Road Conceptual Plan) transportation and zoning components and associated implementation strategies to develop an adoption recommendation to the Eugene Planning Commission. [CAC Charter, December 2008]

The CAC met ten times over six months to review, discuss, and develop transportation and land use zoning recommendations and implementation strategies.

Public Workshops

The CAC, intent on providing the community more in-depth opportunities to help shape the final concept plan, hosted two large community design workshops.

Transportation Design Workshop

Over 100 participants provided input on what design strategies could create a safer and more accessible River Road for pedestrians, cyclists, and automobile drivers. The public gave specific

input on favored pedestrian and bicycle crossings and connectivity to the Willamette River. Additional stop lights in strategic locations were supported by the public and the CAC. This input shaped the CAC's transportation and implementation strategies recommendations.

Land Use and Development Type Design Workshop

Over 80 participants gathered to provide input on desired building types along lower River Road with attention to building height, building use, setback, and interface with existing neighborhoods and the Willamette Greenway. This input shaped the CAC's zoning and associated implementation strategies recommendations.

Community Data Gathering: Neighborhood Needs Assessment

The CAC recommended that a survey be conducted of residents located in the concept plan study area and surrounding River Road area. This included parts of Whiteaker Neighborhood Association (specifically, the Fir-Lombard area). The survey's purpose was to understand desired neighborhood commercial services and transportation modes used to access local goods and services.

Stakeholder Meetings

City staff from the Community and Land Use Planning sections hosted interest group meetings with commercial property owners and another with residential property owners to review preliminary zoning and development code recommendations.

CAC Further Outreach

CAC members provided expanded outreach with presentations to GEARS & BPAC and a review of low-income housing projects by the Housing and Community Services Agency of Lane County, HACSA.

Additional Community Outreach

Project booth at River Road Rocks, a major annual outreach event hosted by RCCO
Presentations to RCCO and WCC
Mailings, emails and RRCCO newsletter articles
Updates posted to City, RRCCO and WCC web sites

Community Open House on Lower River Road Conceptual Plan

On June 15, 2009, RRCCO and the City hosted a community open house to present the final concept plan.

For more information on the Lower River Road Concept Plan and public involvement activities and reports, visit: www.eugene-or.gov/rasorpark.

2. LOWER RIVER ROAD CONCEPT PLAN

The Lower River Road Concept Plan has as its foundation that Razor Park and the Willamette Greenway are the most significant resources for the neighborhood. This foundation underlies the importance of creating a balance between the built and natural environments, and incorporating sustainable practices whenever possible as a method to achieve this balance. The Lower River Road Concept Plan describes objectives and recommendations for:

- Willamette River Greenway and Razor Park
- Sustainability
- Multi-Modal Improvement Concepts for River Road
- Land Use and Development Concepts
- Recommended Amendments to Zoning and Development Standards

2.1 Willamette River Greenway and Razor Park

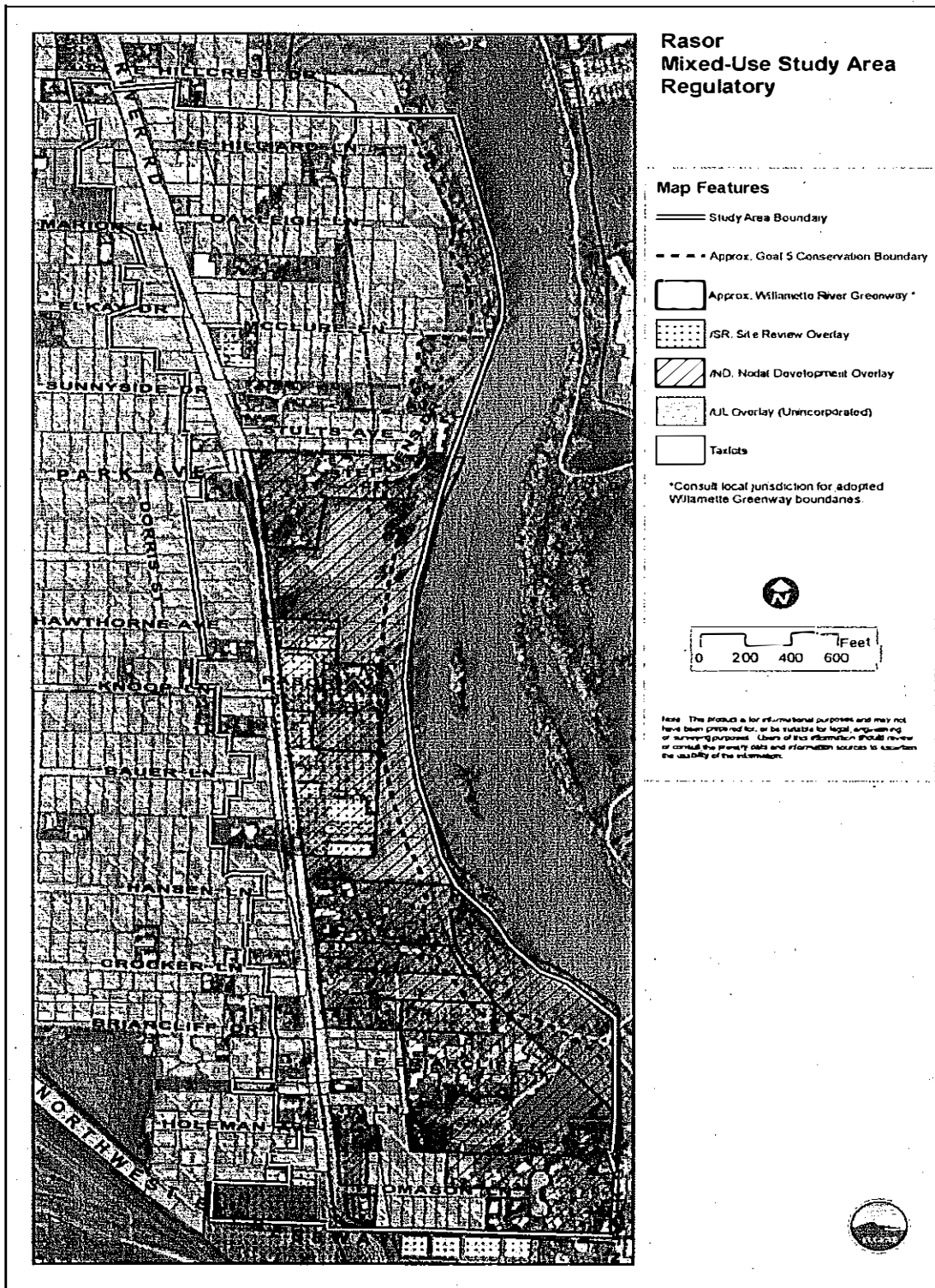
The *Greenway Corridor Enhancement Analysis* prepared for this project by the Lane Council of Governments provides background information and recommendations related to natural resources, parks, and open space within the lower River Road study area. The study found that the area’s proximity to the Willamette River and the significant quantities of public park land found in this area provides a set of unique opportunities and challenges. Issues and opportunities related to natural resources, parks and open spaces are identified. Recommendations on how these attributes may ultimately be addressed and incorporated into the Lower River Road Concept Plan are made so that protection and enhancement of the areas’ natural resources, visual quality, recreational facilities and livability are achieved.

Table 1 includes a summary of key issues and challenges, and the recommendations that Lane Council of Governments (LCOG) suggested that address these challenges derived from the *Greenway Corridor Enhancement Analysis*. Many of these recommendations are also described in other sections of this Concept Plan. The map on page 16 identifies the land use regulatory overlays that exist in the project area.

Table 1 Greenway Corridor Enhancement Analysis-Recommendations by LCOG June 2009	
Issues and Opportunities	Recommendations
<p>REGULATORY</p> <p>Because the Lower River Road study area is located along the Willamette River and within the Willamette River Greenway boundary, a set of regulations beyond what is typical for most areas of the City apply.</p>	<ul style="list-style-type: none"> • Consider submitting a single greenway permit for the entire study area. • Include in a greenway permit application the following elements: <ul style="list-style-type: none"> ○ Context sensitive design standards for development ○ Preservation and enhancement of trees and riparian areas ○ Additional landscaping requirements ○ Limit impacts of impervious surface areas ○ Limit piping of stormwater runoff ○ Preservation of key viewpoints and view corridors

Table 1
Greenway Corridor Enhancement Analysis-Recommendations by LCOG
 June 2009

Issues and Opportunities	Recommendations
	<ul style="list-style-type: none"> o Public access to the river o Visual landscape screening requirements • Consider the need for balancing general compliance with the need for flexibility. • Improve the accuracy of the mapped 100-foot Water Resources Conservation Overlay Zone. • Consider a single Standards Review application within the /WR Overlay Zone. • Provide assistance to owners to enhance riparian vegetation. • Consider leaving single family lots out of the permitting process.
PUBLIC FACILITIES AND RECREATION	
<p>Convenient and safe bicycle and pedestrian connectivity to the river for residents living on the east side of River Road is limited from some areas.</p> <p>Safe connectivity between the residential areas on the west side of River Road and the West Bank Bike Trail are inadequate due to heavy traffic volumes and limited signal crossings.</p> <p>The level of improved park facilities and amenities such as children's play equipment are relatively limited.</p>	<ul style="list-style-type: none"> • Implement the Razor Park Master Plan. • Add sidewalks to neighborhood streets that access the West Bank Trail. • Create multi-use bicycle and pedestrian path connections to the West Bank Trail. • Improve bicycle and pedestrian crossing safety along River Road. • Add additional recreational facilities along this stretch of the river park system. • Construct public parking for Razor Park. • Support City efforts for a Riparian Tax Incentive Program.
NATURAL RESOURCES AND WATER QUALITY	
<p>In addition to what can be achieved through the regulatory framework discussed above, meaningful natural resource and water quality enhancements can be achieved through implementation of capital projects on public land and voluntary efforts on private properties with technical assistance from the City and others.</p>	<ul style="list-style-type: none"> • Implement the Razor Park Master Plan. • Support habitat restoration efforts elsewhere on the Willamette River. • Develop a comprehensive habitat and invasive species management plan and enhance vegetation along the river. • Work with property owners to preserve mature trees. • Develop programs to control invasive species. • Enhance riparian vegetation immediately along the river. • Use sustainable design principles for Razor Park parking. • Where safety allows, leave dead and dying trees.
VISUAL QUALITY AND VIEWS	
<p>The area's proximity to the Willamette River gives it a unique sense of place and stunning setting. Providing and preserving views to this central natural feature and surrounding landscape should be a central consideration.</p>	<ul style="list-style-type: none"> • Designate and retain key view corridors along the West Bank Trail. • Provide visual access to the river from River Road. • Construct a river overlook in Razor Park. • Screen the view of existing buildings from the West Bank Trail. • Implement design standards to ensure visual quality and screening of new development.



2.2 Sustainability

Many of the Lower River Road Concept Plan elements described in this section such as natural resource protection and enhancement, appropriate multi-modal street design, incentives for sustainable design and construction practices and compact mixed-use development are key sustainability strategies. A much broader approach to sustainability was identified in the *Empowering Innovation* document which called for the preparation of a Neighborhood Sustainability Plan. However, the work program and study efforts completed as part of this project did not have the resources to undertake a Lower River Road Sustainability Plan.

A key implementation strategy outlined in Section 3 of this Concept Plan calls for the River Road Community Organization in cooperation with the City to prepare a Neighborhood Action Plan that refines sustainability elements of this Concept Plan. A Lower River Road Sustainability Plan could be an important element of the Neighborhood Action Plan. A more complete description of the elements of a Sustainability Plan is included in Section 3.



The Planning Commission, Historic Review Board and neighborhood leaders tour the Rasor Mixed Use project area in the spring of 2007.

2.3 Multi-Modal Transportation Improvement Concept

The Lower River Road Multi-modal Transportation Improvement Concept recommendations address street design elements and issues for Lower River Road between Northwest Expressway and Hillcrest. Development of the Improvement Concept recommendations¹ was based on input from City of Eugene planning and engineering staff, the Community Advisory Committee (CAC), the general public, and Lane Transit District (LTD) staff. The Improvement Concept includes three primary elements:

- A preferred Lower River Road plan and cross-section concept
- Principal Lower River Road traffic signal and pedestrian crossing locations, and
- Commercial area vehicular access points on Lower River Road.

Background

An *Operations and Safety Analysis* conducted for the Lower River Road corridor concluded that although River Road is functioning well as a main thoroughfare for significant volumes of traffic, and will continue to do so in the future, access onto, off of and across River Road for local auto, pedestrian, and bicycle traffic is difficult and worsening. Vehicular, pedestrian and bicycle travel to, from, and between residential neighborhoods in the River Road corridor, businesses on River Road, Razor Park and the West Bank Bike Path will grow increasingly more difficult in the future with increasing River Road traffic volumes.

The Operations and Safety Analysis concluded that street and traffic control improvements and traffic calming measures are necessary to safely and conveniently accommodate the existing and increased local pedestrian and bicycle traffic generated by new development and redevelopment in the area.

Concept Guidelines

A set of concept development guidelines was identified by the CAC and from input gained during a public workshop on transportation issues on Lower River Road. The guidelines provide direction for identifying more specific multi-modal improvement concepts. The guidelines are:

- Use roadway features to reduce traffic speeds: re-stripe roadway with narrower travel lanes and wider bicycle lanes; construct raised medians; install additional signals and time signals to progress through traffic at lower speeds.
- Stay within existing right-of-way to the extent possible.
- Maintain property and side street accessibility throughout the corridor.
- Provide signalized pedestrian/bicycle crossings at regular intervals along the corridor.
- Along most of the corridor, on-street parking spaces currently are not needed by adjacent residences and businesses; landscaping and pedestrian/bike facilities are a more effective use of River Road right-of-way outside of the traffic lanes.

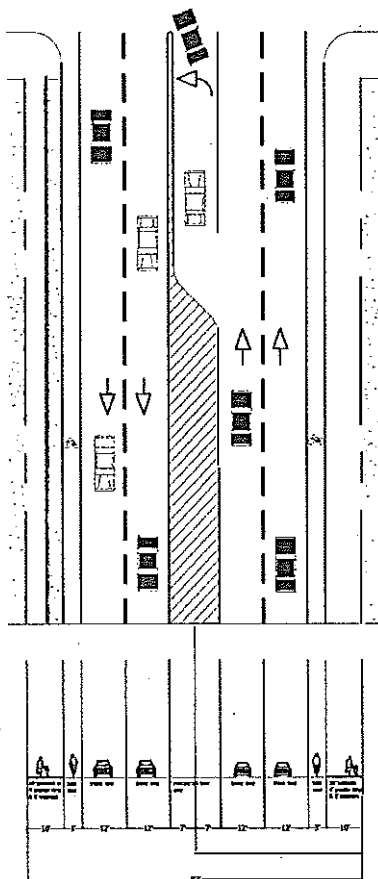
¹ *Final River Road Conceptual Design Plan*, Robert Bernstein Transportation Planning and Engineering, March 2009.

- Do not preclude implementation of LTD’s planned efficient EmX (bus rapid transit) on River Road.

Multi-Modal Transportation Improvement Concepts

Eight improvement concept recommendations describe multi-modal transportation improvements along the lower River Road corridor. The recommendations address preferred plan and cross sections, traffic signalization and pedestrian crossing locations, and vehicular access. The Base Concept does not include separate right-of-way for future EmX bus rapid transit. The next steps and recommendations call for preparing a Preliminary Design Plan for Lower River Road and working closely with Lane Transit District (LTD) to evaluate future EmX alternatives including the need for any long-term right-of-way requirements. The Preliminary

Design Plan should be completed as soon as possible so that future set-back standards can be identified that could affect new development along River Road.



Lower River Road plan/cross section concept:

1. Apply Base Concept through entire plan corridor: Two travel lanes in each direction, center turn lane/median, outside bike lanes both directions, and no on-street parking.
 2. For speed reduction and beautification, stripe travel lanes 11 feet wide and install raised medians. Where medians limit left turns to and from side streets and/or driveways, provide alternate access via public streets, or u-turns at signalized intersections.
 3. Provide bus stop pullouts at the outside edge of intersections.
 4. Stripe bicycle lanes 6 feet wide for bicycle safety and to serve as emergency shoulders.
- Principal Lower River Road traffic signal and pedestrian crossing locations:** For pedestrian safety and accessibility, design and install crossing improvements on River Road at Elkay, Knoop, Hansen, and Fir; passively discourage pedestrian crossings elsewhere with appropriate signs.
5. For speed reduction and to provide community accessibility (vehicular and pedestrian/bicycle), to and from River Road, install traffic and pedestrian signals at Elkay, Knoop, and Hansen.

6. Provide multi-use path connections to the West Bank Bike Path at McClure, Rasor, Hansen and Fir: connect all multi-use path West Bank Bike Path linkages directly to improved River Road crossings and provide clear signage.
7. The design of multi-use pathways should be context sensitive and can vary from location to location. For example, Fir Lane could remain a narrow street without curbs and sidewalks where pedestrians, bicycles and vehicles share the same travel path. Pedestrian zones could be identified by different pavement treatments. At Hansen, the pathway could be integrated into public open space. At Rasor, the pathway could be designed and integrated into future mixed use development.

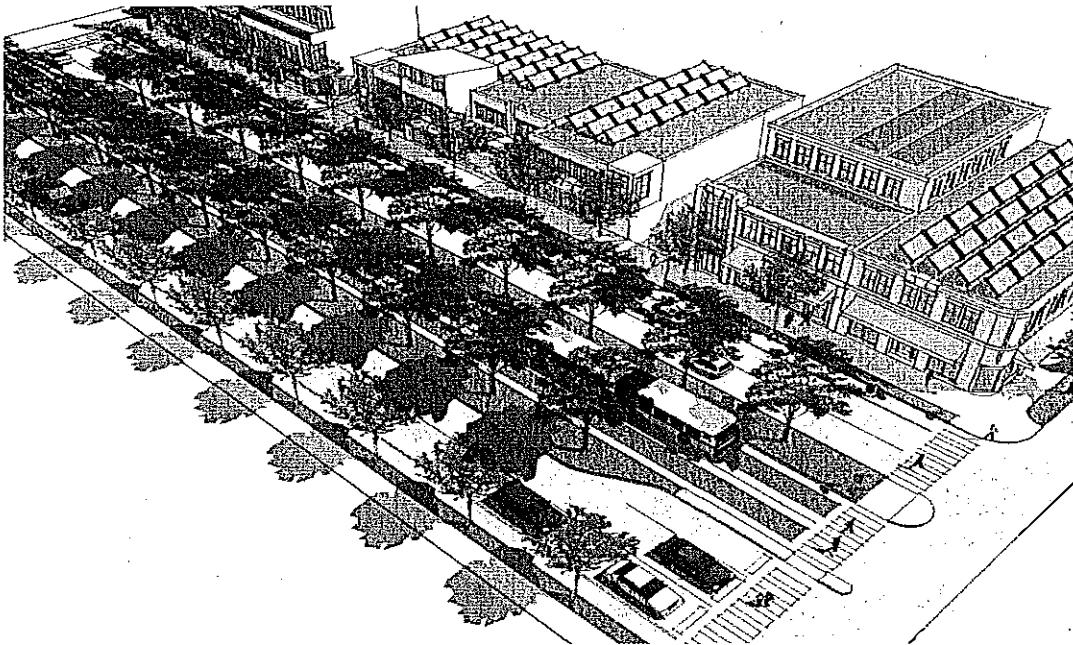
Commercial area vehicular access points on lower River Road:

Wherever redevelopment occurs along River Road, minimize the number of direct vehicular access points on to and off of River Road through use of shared driveways or provision of access via side-streets. In the large commercially-zoned area on the east side of River Road between Park and Hansen, permit a maximum of two direct vehicular access points to and from River Road.

Next Steps and Implementation

Implementation strategies and recommended actions including key next steps toward completion and implementation of the Lower River Road Multi-Modal Transportation Improvement Concepts include:

- A. Prepare a Preliminary Design Plan for Lower River Road Multi-modal Transportation Improvement Concepts and EmX Alternatives. Continue to work with LTD to coordinate and leverage the planning and design processes for River Road and EmX improvements.

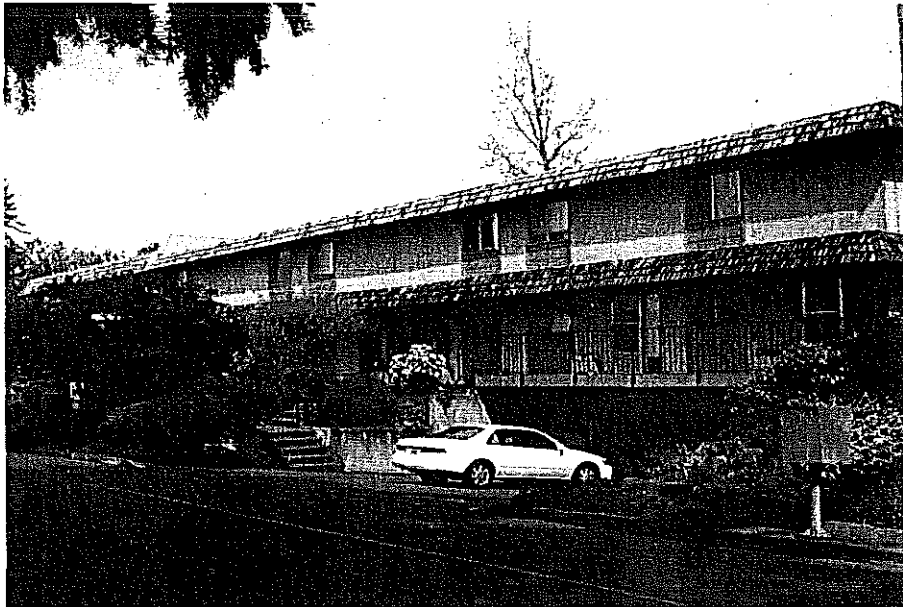


- B. Prepare a Phasing & Financing Plan for the Lower River Road improvements.
- C. Adopt the Lower River Road Preliminary Design Plan and Phasing and Financing Plan in the City's Transportation Improvement Program.
- D. Prepare preliminary and final engineering design plans for improvement phases.
- E. Construct project improvements in phases according to the engineered plans.

Existing Land Use

The study area is characterized by older low intensity automobile-oriented retail, vacant and re-developable land, public park land along the Willamette River and low density housing nestled between River Road and the Willamette River. River Road creates a formidable barrier that separates commercial areas and the Willamette River on the east from the large residential areas to the west.

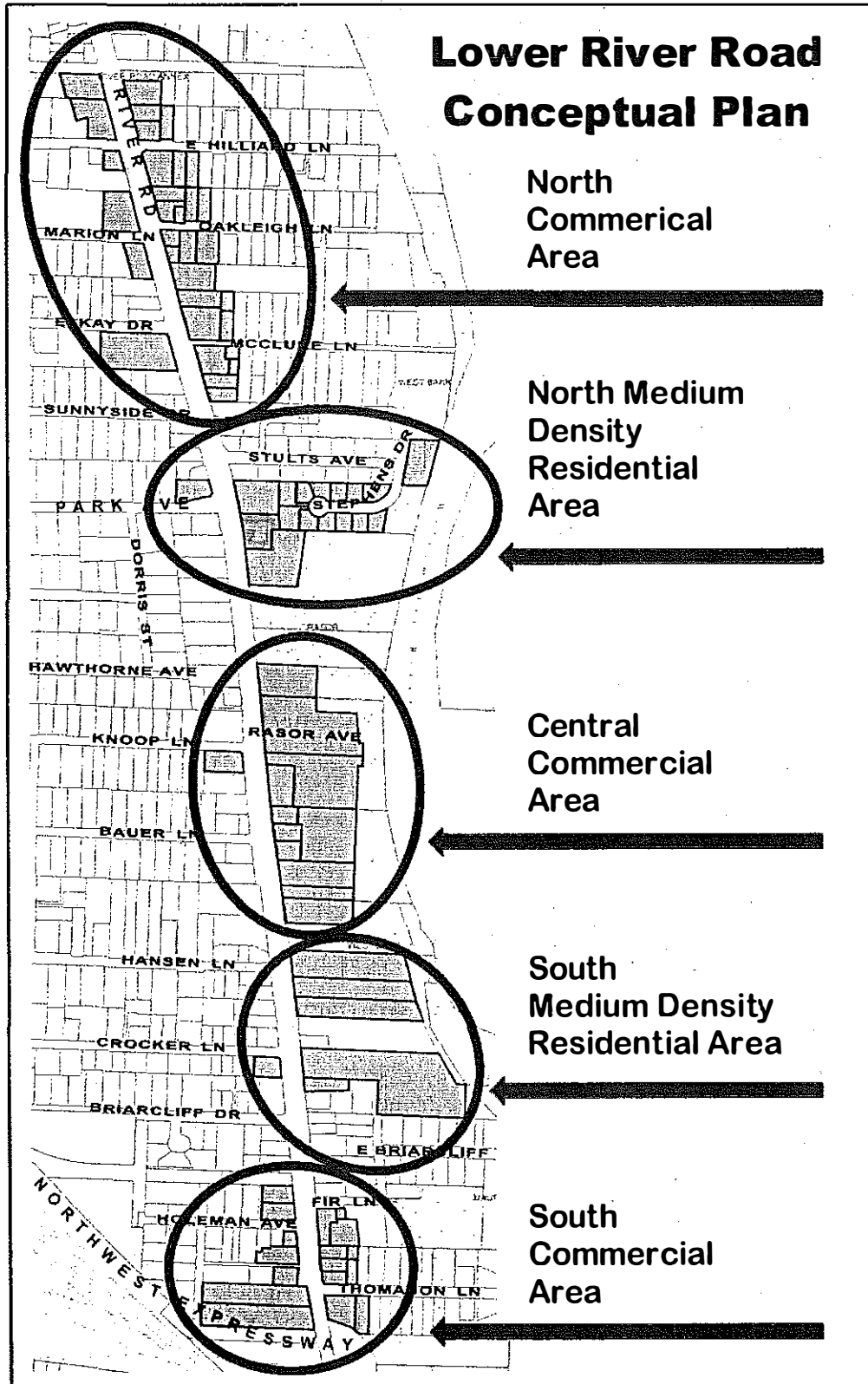
Single family uses abut the west side of River Road to McClure Lane, as well as the east side of River Road south of Hansen Lane. Between Hansen Lane to north of Razor Avenue, a mix of retail, auto, warehouse and parking uses make up the Community Commercial district on the east side of River Road. North of McClure Lane, a mix of retail, restaurant, financial, auto and parking uses form a one parcel deep strip along both sides of the arterial. The predominant uses east of the properties fronting River Road are park lands along the Willamette River, and single family uses between the park and River Road. There are also significant vacant parcels off Briarcliff Lane and north of McClure Lane. Many of the parcels on the east side of River Road are deep, and may include a primary residence and secondary structures accessed from private lanes. Zoning and land use designations are shown on the zoning map.



Existing multi-family Apartments at the east end of Stults Avenue.

There are three existing commercial nodes within the study area and two areas planned for medium density residential uses on the east side of River Road. Land use and development concepts are identified for each of these areas based on community input at open houses and input from the CAC. The Lower River Road Conceptual Plan Areas Map on page 23 identifies the areas described below. These areas are:

- **North Commercial Area.** A mixed commercial area located south of E. Hillcrest Drive on both sides of River Road at the north end of the corridor is zoned for both Neighborhood (C-1) and Community (C-2) Commercial Uses.
- **North Medium Density Residential Area.** North of Razor Park and east of River Road along Stephens Drive is an existing developed residential area zoned R-2 Medium Density Residential.
- **Central Commercial Area.** An approximately 9.4 acre area, zoned C-2 Community Commercial, is located east of River Road generally centered opposite Knoop Lane.
- **South Medium Density Residential Area.** South of Hansen Lane are two R-2 zoned areas east of River Road. One area is vacant; the other includes three oversized parcels containing existing single family dwellings. Both R-2 areas extend from River Road to public parklands along the Willamette River.
- **South Commercial Area.** A small, predominantly auto-oriented commercial area, zoned C-2 Community Commercial, located on both sides of River Road at the south end of the lower River Road corridor, generally south of Fir Lane.



Proposed Special Area Zone Central Sub-Areas 06 5 09 11-17.rxd

2.4 Land Use and Development Concepts

Land use and development concepts for the study area were developed during a community workshop and subsequent input from the Community Advisory Committee and Technical Advisory Committee. Nine development types were created that represent different land uses, building massing and density options that could be appropriate for the lower River Road corridor. Public input helped identify the most desirable development types for each of the five key areas. The development types area:

Residential:

- Small Lot/Cluster Housing-Detached single-family dwellings on small lots, 8-12 units/acre.
- Rowhouses-Attached single-family dwellings on individual or shared lots, 10-20 units/acre.
- Low-Rise Garden Housing-Multi-family residential buildings, 1-2 stories, 15-25 units/acre.
- Mid-Rise Urban Housing- Multi-family residential buildings, 3-6 stories, 25-60 units/acre.

Mixed-Use (Housing over commercial):

- Low-Rise MU-Two different uses with ground floor non-residential, 2 stories.
- Mid-Rise MU- Two different uses with ground floor non-residential, 3-6 stories.

Commercial:

- Single Use Retail-Single tenant commercial building, typically 1 story.
- Multi-Tenant Commercial-Multi-tenant commercial building, 1-2 stories.
- Office-Office building with single or multi-tenants, 1-5 stories.

Described below are land use and development concepts for the entire study area, and for each of the five key areas. **Icons for the development types preferred for each area are also shown, along with concept diagrams for each area. [finalize with Doug's map]**

Concepts Applicable to the Entire Area

1. Encourage a wide range of green building and sustainability practices throughout the area.
2. Incorporate neighborhood input into the design review decision-making process.
3. Focus mixed use and nodal development standards on commercial and medium density residential areas.
4. Incorporate development standards and requirements that emphasize high quality pedestrian and bicycle access and orientation.
5. Incorporate minimum density requirements that assure transit-supportive compact development, that are flexible, and that are responsive to realistic market conditions.
6. Encourage commercial uses that are compatible in scale with the neighborhood and reflect neighborhood preferences.

7. Encourage mixed-use development types fronting River Road.
8. Create design standards and guidelines so that a harmonious relationship between buildings and public streets and other spaces and between buildings and parks and greenway is achieved.
9. Achieve internal pedestrian and bicycle connectivity within developments and encourage the construction of "people space."
10. Create buffering and setback standards so that commercial and medium density residential areas provide a harmonious relationship to adjacent single family areas.
11. Create parking standards that assure transit and bicycle-supportive compact development, that are flexible, and that are responsive to realistic market conditions.
12. Preserve and reinforce the single family character of existing R-1 zoned properties fronting River Road.

North Commercial Area

The development goal for this area is to encourage smaller commercial, office and mixed use developments, and to resolve several issues including joint-use parking for multiple businesses and non-conforming uses. Development concepts for the North Commercial Area include:

1. Encourage mixed use low rise, multi-tenant commercial and commercial office development types.
2. Limit heights of commercial and mixed use developments to 2-3 stories.
3. Overcome development problems, especially parking, with the many small commercial parcels in the area.
4. Address the issue of existing non-conforming automobile services in the area.

North Medium Density Residential Area

The development goal for the North Residential Area is to encourage moderate residential density and mixed use infill development on parcels fronting River Road. Lower density residential uses are appropriate near the Willamette Greenway. Development concepts for the Northern Medium Density Residential Area include:

1. Encourage rowhouses and low rise mixed use development types along River Road.
2. Encourage cluster housing



- and low rise garden apartment development types abutting the park and greenway.
3. Limit heights of commercial and mixed use developments to 2-3 stories.
 4. Discourage multiple driveways on to River Road.

Central Commercial Area

The development goal for the Central Commercial Area on the east side of River Road is to concentrate commercial and mixed use developments along River Road, and encourage lower density residential uses and dedicated open spaces on portions of the sites adjacent to the Willamette Greenway and Razor Park. Higher building heights and densities may be permitted along River Road as long as public amenities are provided by the developer. Amenities could include mixed use buildings, desirable uses such as a grocery or farmer's market, providing a plaza or meeting space, or creating open space areas.

Development concepts for the Central Commercial Area include:

1. Concentrate mixed use low-rise and mid-rise and multi-tenant commercial development types along River Road.
2. Allow developments of 4-6 stories along River Road as long as public amenities are provided by the developer.
3. Allow lower density residential types like cluster, rowhouses and garden apartments fronting the Willamette Greenway and parks.
4. Limit heights of developments fronting the Willamette Greenway and Razor Park to 2-3 stories.
5. Option: Consider preserving areas fronting the Willamette Greenway for open space, community gardens and farmer's market.
6. Provide for a plaza or some kind of community gathering space in the area.
7. Locate and design buildings, parking areas and other site improvements that face the Willamette Greenway and parks so that a harmonious relationship is created between development and green spaces.



South Medium Density Residential Area

The development goal for the South Medium Density Residential areas on the east side of River Road is to concentrate allowable density along River Road, and encourage lower density residential uses and dedicated open spaces on portions of the sites adjacent to the Willamette Greenway. Mixed uses are also encouraged to frontage along River Road. Taller building heights and densities may be permitted along River Road as long as public amenities are also provided. Amenities could include mixed use buildings, desirable uses such as a library or community gardens, providing a range of affordable housing options, or creating open space areas.

Development concepts for the South Medium Density Residential area include:

1. Concentrate mid-rise residential and mixed use low-rise development types along River Road.
2. Allow developments of 4-6 stories along River Road as long as public amenities are provided by the developer.
3. Allow lower density residential types like cluster, row houses and garden apartments fronting the greenway and parks.
4. Limit heights of developments fronting the Willamette Greenway and Raser Park to 2-3 stories.
5. Option: Consider preserving areas fronting the Willamette Greenway for open space, community gardens and farmer's market.
6. Encourage a diversity of affordable housing and housing types throughout the area. Encourage housing oriented to seniors, and others with special needs.



South Commercial Area

The development goal for the South Commercial Area is to create a southern gateway into the lower River Road corridor featuring an employment-oriented mixed use area.

Development concepts for the South Commercial Area include:

1. Create an employment-oriented mixed use gateway into the area by utilizing office, mid-rise mixed use, and multi-tenant commercial development types.
2. Concentrate taller heights and density along River Road.

R-1 Zoned Areas along River Road

The development goal for these areas is to preserve and reinforce the single family character of existing R-1 zoned properties fronting River Road and to ensure that a high quality pedestrian environment along River Road is preserved and enhanced.

1. Preserve the historic residential character along lower River Road.
2. Allow for appropriate infill where parcel size permits it.
3. Ensure protection of the residential character of the area while considering appropriate commercial uses in the future Special Area Zone on a case by case basis.
4. Provide protection of significant landscape resources, like the Douglas fir trees on the west side of River Road.
5. Consider a reduction of parking standards.
6. Ensure that new development and redevelopment creates a high quality pedestrian environment along River Road.



2.5 Recommended Code and Development Standard Amendment Concepts

This report identifies preferred development code amendment concepts that were generated through a review of previous public input, studies and reports, input received during public land use workshops, and through input received from the Community Advisory Committee and Technical Advisory Committee.

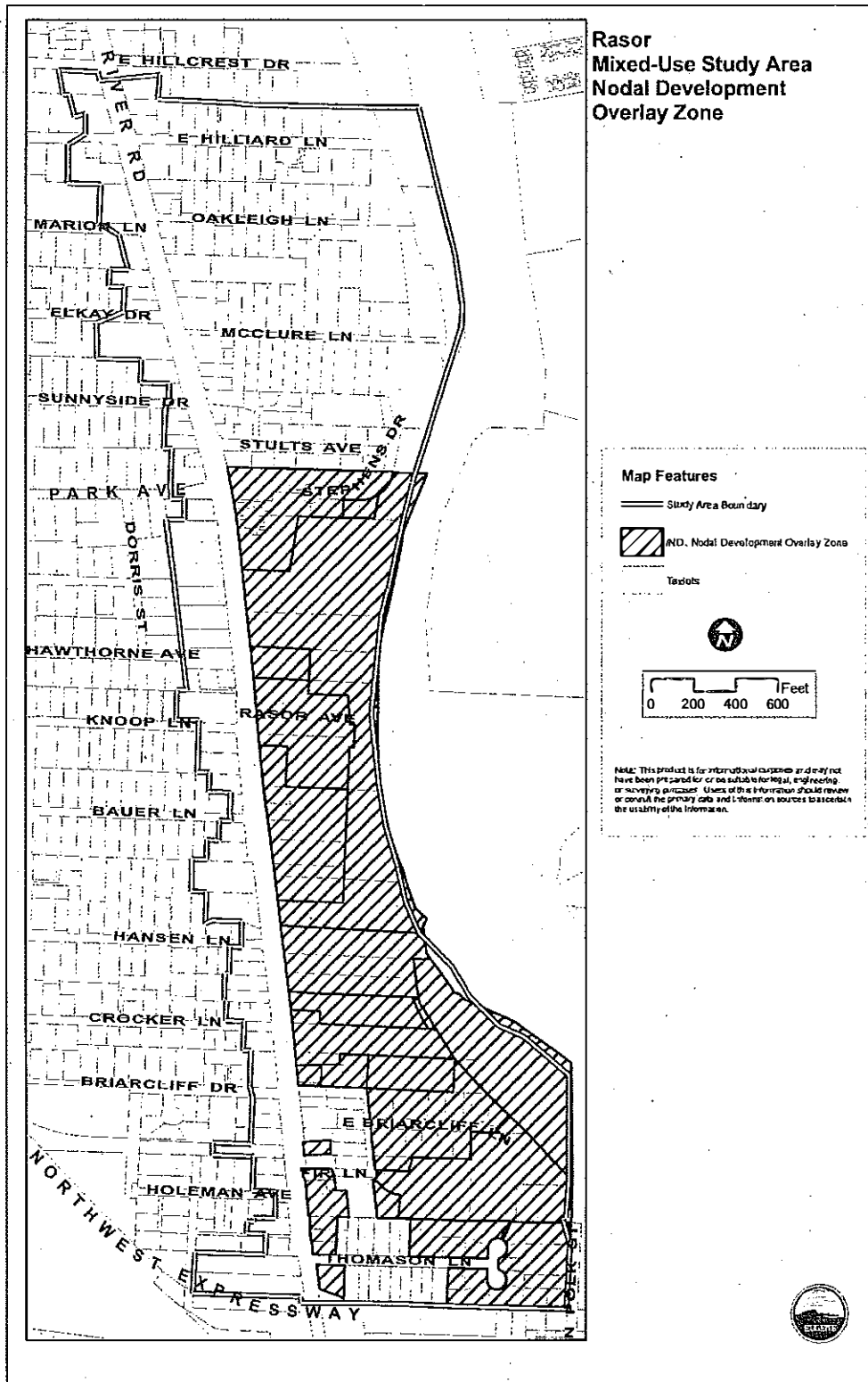
The recommendations outlined in Table 2 on page 33 represent a synthesis of possible development code and zoning options guided by the land use and development preferences identified in the public workshops.

The ND Overlay Zone currently applies to a portion of the study area. The same zone with the same development standards applies to five other areas within the City also identified for nodal development. Many of the code and development standard amendment concepts identified in Table 2 are different than the existing ND Overlay Zone.

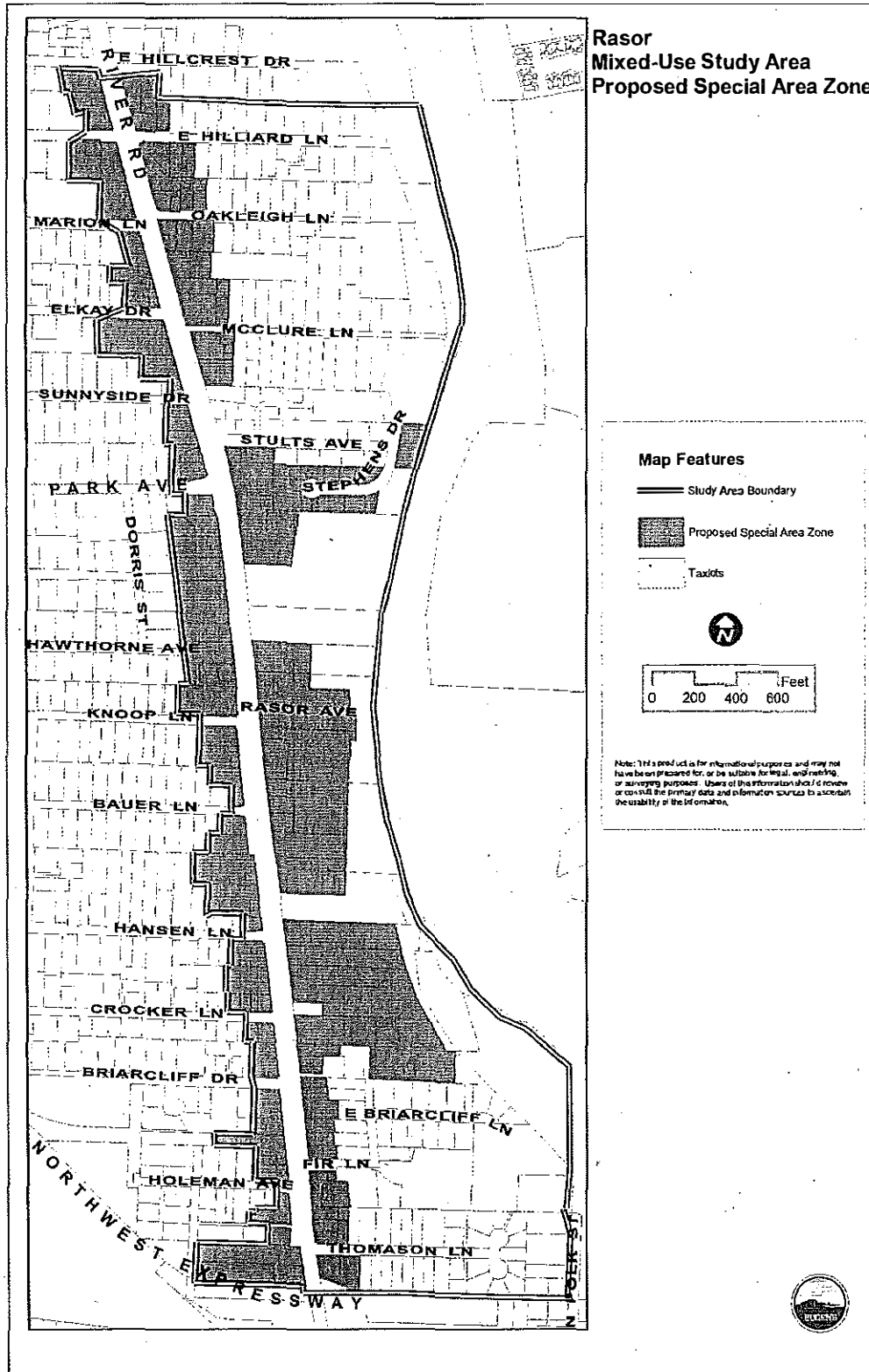
Chapter 9.3000 of the Eugene Code provides for Special Area Zones (S Zones). Special Area Zones provide procedures and criteria for recognition of areas of the city that possess distinctive buildings or natural features that have significance for the community and require special consideration or implementation of conservation and development measures that cannot be achieved through application of the standard base zones. S Zones can act as an overlay to standard base zones or as unique zones specific to a neighborhood, and any standards or requirements defined in an S Zone. For this area, the working assumption is that the existing base zones are appropriate, so an S Overlay Zone would be customized for the area.

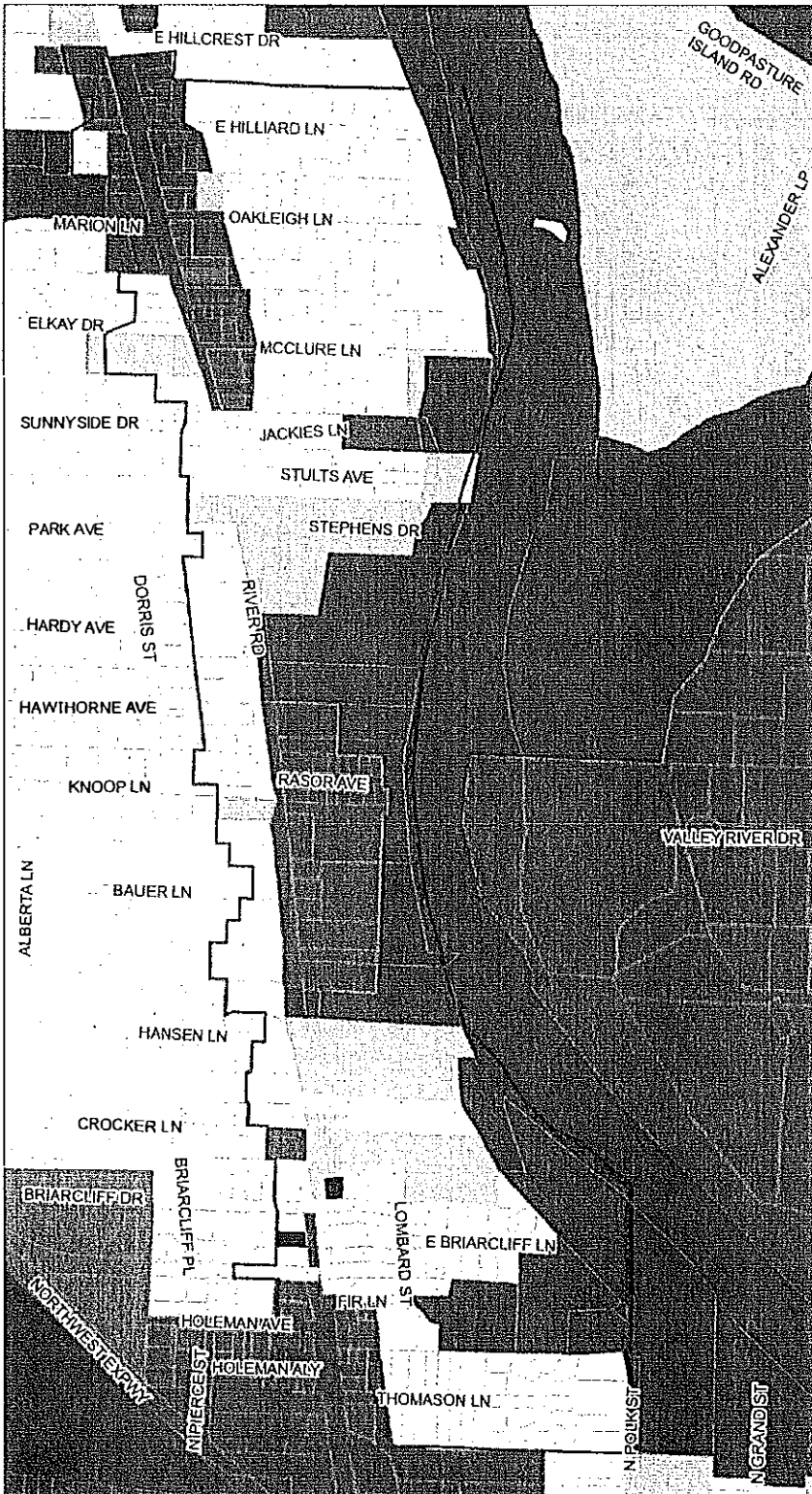
It is recommended that the ND Overlay Zone (Map on page 30) within the study area be removed, and that a new S Zone (Map on page 31) be adopted that would include some of the ND Overlay requirements and additional standards and requirements that are tailored to the lower River Road area. See **Figure 4** for a recommended boundary for a new S Zone designation. This is an overarching code and development standard amendment recommendation, and could effectively implement any or all of the more specific concepts found in Table 2.

Table 2 contains a series of recommended code and development standard concepts. The amendment concepts are preceded by objectives so that it is clearly understood what the amendment concepts are meant to achieve. The concepts are organized first by a number of activities that apply to the Willamette Greenway and public parks within the area, general amendments that potentially apply throughout a new Special Area Zone, then finally by specific areas within the study area.



Rasor_ND-overlay_06_19_09_11x17.mxd





**Razor Park
Mixed Use Center
Concept Plan**

Figure :
Zoning
November 10, 2006

— Razor Park MUC boundary

Zoning

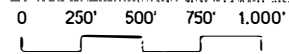
- Neighborhood commercial
- Community commercial
- General office
- Light-medium industrial
- Heavy industrial
- Public land
- Low density residential
- Medium density residential
- Historic

Prepared by:

Spencer and Kupper

In association with:

Robert Bernstein, PE
DaileyGIS
Donald B. Genascl & Associates
E.D. Hovee & Company
Landsman Transportation Planning



This project is partially funded by a grant from the Transportation and Growth Management (TGM) Program, a joint program of the Oregon Department of Transportation and the Oregon Department of Land Conservation and Development. The TGM grant is financed, in part, by the federal Safe, Accountable, Flexible and Efficient Transportation Equity Act - A Legacy for Users (SAFETEA-LU), local government, and the State of Oregon funds.

No expressed or implied warranties are made regarding the accuracy, character or fitness of this data for any purposes.

Table 2
Recommended Code and Development Standard Amendment Concepts
 June 2009

Objectives	Code and Development Standard Amendment Concepts
RASOR PARK AND GREENWAY	
<p>Implement the Rasor Park Master Plan and consider refinements.</p>	<ul style="list-style-type: none"> • The existing Master Plan that emphasizes preservation as a natural resource area should be implemented. • Consider refinements to the plan that address parking location and design, pedestrian interface along River Road, and location and design of pathways and their relationship to abutting properties.
<p>Consider implement the LCOG's recommendations from the <i>Greenway Corridor Enhancement Analysis</i>.</p>	<ul style="list-style-type: none"> • Issues, opportunities and recommendations are identified in the <i>Greenway Corridor Enhancement Analysis</i> for: <ul style="list-style-type: none"> o Regulatory factors, o Public facilities and recreation, o Natural Resources and water quality, and o Views and visual quality.
<p>Consider a number of specific facilities and park functions that were identified during the public workshops: community gardens; children's play area; gardens; public forum space; sound barrier.</p>	<ul style="list-style-type: none"> • Develop a public process to consider public sites within the study area but outside of Rasor Park for community gardens, public assembly areas, and playground areas. • Coordinate this process with the implementation of the Rasor Park Master Plan.
<p>Address the issue of unpredictability and uncertainty in Willamette Greenway permitting created for both the multiple property owners and the neighborhood. Typically Willamette Greenway permits are considered on a site by site basis and permitting criteria are very general.</p>	<ul style="list-style-type: none"> • Prepare a single Willamette Greenway permit for the entire area that would streamline development approvals and clarify requirements. • Involve the City, property owners and the neighborhood. • The <i>Greenway Corridor Enhancement Analysis</i> includes a number of elements to be addressed in a single greenway permit. These elements should include pedestrian and bicycle connections between River Road and the West Bank Bike Path. • Encourage property owners to grant conservation easements as an incentive. • Provide incentives for private property owners to restore riparian areas.
<p>Take advantage of a district based Willamette Greenway permitting process to address a number of corridor-wide issues including pedestrian/bicycle connectivity from River Road to the bike path, and view corridors to the river.</p>	<ul style="list-style-type: none"> • Adopt the recommendation from the <i>River Road Conceptual Design Plan</i> for signalized intersections and pedestrian crossings on River Road, and for connections to the river. • Utilize a single Willamette Greenway permit application as the method to assure the connections are implemented as development of private property occurs. • Provide incentives for private property owners to dedicate public access easements and make improvements in advance of development. Develop standards for pedestrian/bike connections. • Establish funding priorities for river connections located on public properties. • Identify opportunities for view corridors from River Road to the river. Incorporate view corridor requirements into design guidelines and standards for private developments.
GENERAL-APPLY THROUGHOUT THE AREA	
<p>Replace the ND Overlay with a Special Area Zone and focus mixed use and nodal development standards on commercial and residential areas.</p>	<ul style="list-style-type: none"> • Remove the ND Overlay. • Adopt a new Special Area Zone with boundaries that include currently zoned R-2, C-1, C-2 and GO areas within the Study Area. Also include R-1 parcels that front River Road.

Table 2
Recommended Code and Development Standard Amendment Concepts

June 2009

Objectives	Code and Development Standard Amendment Concepts
<p>Encourage a wide range of green building and sustainability practices throughout the area.</p>	<ul style="list-style-type: none"> • Develop standards and incentives for LEED Certified buildings, energy efficiency, local energy generation, water use, stormwater management and other sustainable practices.
<p>Retain certain development standards and requirements of the ND Overlay in a new Special Area Zone.</p>	<ul style="list-style-type: none"> • Achieve an average overall residential density of at least 12 units per acre. • Requirements apply to new construction and expansion of 30% or more of existing building square footage, but not to building alterations. • Prohibit certain auto-oriented uses and retail/wholesale trade uses such as machinery, boat, heavy equipment and manufactured dwelling rental, sales and services. • Evaluate the appropriateness and develop criteria for the location and design of drive-through facilities. • Building setbacks are a maximum of 15 feet from the street, and auto parking, driving and maneuvering areas are generally not permitted between the building and street. • For C-1, C-2 and GO areas: <ul style="list-style-type: none"> • A main entrance to a building must be provided facing the street, • Parking and maneuvering areas are not allowed between a building and a street. • Structured parking abutting a street must have at least 50% of the ground floor used for pedestrian-oriented activities. • Land between a building and street must be landscaped and/or paved for use by pedestrians.
<p>Incorporate minimum density requirements that assure transit-supportive compact development, that are flexible, and that are responsive to realistic market conditions.</p>	<ul style="list-style-type: none"> • In medium-density residential areas, achieve an average overall residential density of at least 12 units per acre. • In commercial areas, achieve an overall density that does not require structured parking. • Allow minimum densities to be achieved in phases. • Allow phasing. • Allow phasing with a "shadow plan" requirement showing how an overall site could be developed that meets all applicable requirements.
<p>Encourage permitted commercial uses that are compatible in scale with the neighborhood and reflect neighborhood preferences.</p>	<ul style="list-style-type: none"> • Reduce the current maximum size of retail uses permitted (50,000 square feet) to assure retail uses are small and neighborhood focused. • Develop incentives for public benefits, mixed uses, etc. if larger retail uses are proposed. • Provide incentives for specific desirable development types, such as grocery, restaurants, markets, etc. • City in conjunction with neighborhood and property owners develop a business recruitment strategy focused on recruiting desirable uses and facilities such as farmer's market, branch library, restaurants, groceries, etc.
<p>Encourage mixed-use development types fronting River Road.</p>	<ul style="list-style-type: none"> • Adopt standards that specifically permit mixed-uses as permitted development types along River Road. • Develop incentives to support mixed-use development types such as increases in density and height, development fee reductions, permitting review priority, and others.

Table 2
Recommended Code and Development Standard Amendment Concepts

June 2009

Objectives	Code and Development Standard Amendment Concepts
<p>Create design standards and guidelines so that a harmonious relationship between buildings and public streets and other spaces and between buildings and parks and greenway is achieved.</p> <p>Achieve internal pedestrian and bicycle connectivity within developments and encourage the construction of people space.</p> <p>Incorporate neighborhood input into the design review decision-making process</p>	<ul style="list-style-type: none"> • For structures fronting River Road. • For structures fronting parks and greenway. • For screening of commercial activities and parking from parks and the greenway. • For preservation and design of view corridors and access ways to the river. • Develop connectivity standards between uses within developments and between different developments. • Develop standards and incentives so that "people spaces" are incorporated into developments and linked together to form a pedestrian network. • Evaluate the neighborhood infill and compatibility standards now being prepared by the City to address design issues within residential areas. • Evaluate review and approval procedures so that neighborhood input occurs early in the project design process.
<p>Create buffering and setback standards so that commercial and medium density residential areas provide a harmonious relationship to adjacent single family areas.</p>	<ul style="list-style-type: none"> • Evaluate the adequacy of setback, landscaping and screening standards for commercial and medium density properties abutting R-1 areas.
<p>Create parking standards that assure transit and bicycle-supportive compact development, that are flexible, and that are responsive to realistic market conditions.</p>	<ul style="list-style-type: none"> • Reduce or eliminate minimum parking requirements, especially when shared parking opportunities exist, public parking is provided, or when the needs of a specific development type warrant. • Evaluate parking design standards so that attractive, sustainable parking areas (e.g. for stormwater management) are provided and connectivity is considered.
<p>Preserve and reinforce the single family character of existing R-1 zoned properties fronting River Road.</p>	<ul style="list-style-type: none"> • Evaluate standards so that the character of relatively large single family structures set back from River Road is achieved. • Create separation between existing commercial areas so that a continuous commercial strip along River Road is avoided. • Consider appropriate non-residential uses. • Evaluate the need for minimum density requirements in these areas. • Develop requirements that assure a high quality pedestrian environment along River Road.
NORTH COMMERCIAL AREAS-HILLCREST DRIVE VICINITY ON BOTH SIDES OF RIVER ROAD	
<p>Encourage mixed use low rise, multi-tenant commercial and commercial office development types.</p> <p>Limit heights of commercial and mixed use developments.</p>	<ul style="list-style-type: none"> • Develop form-based standards for these development types as permitted uses. • Maximum building heights should allow 2-3 story structures.
<p>Assist in overcoming development problems with the many small commercial parcels in the area.</p>	<ul style="list-style-type: none"> • Consider city acquisition of a property for public parking and reducing or eliminating minimum commercial parking requirements.
<p>Address the issue of existing non-conforming auto uses in the area.</p>	<ul style="list-style-type: none"> • Develop a methodology that would allow certain auto-related uses to continue.
NORTH MEDIUM DENSITY RESIDENTIAL AREAS- ON THE EAST SIDE OF RIVER ROAD	
<p>Encourage rowhouses and low rise mixed use development types along River Road, and cluster housing and low rise garden apartment development types abutting the park and</p>	<ul style="list-style-type: none"> • Develop form-based standards for these development types as permitted uses. • Maximum building heights should allow 2-3 story

Table 2
Recommended Code and Development Standard Amendment Concepts
 June 2009

Objectives	Code and Development Standard Amendment Concepts
greenway.	structures.
<p>Avoid multiple driveways onto River Road.</p>	<ul style="list-style-type: none"> • Develop policies for access consolidation onto River Road to be applied when development or redevelopment is proposed. Coordinate with on-going development of access management standards for arterials and major collectors.
CENTRAL COMMERCIAL AREA-OPPOSITE KNOOP LANE	
<p>Concentrate mixed use low-rise and mid-rise and multi-tenant commercial development types along River Road.</p> <p>Allow lower density residential types like cluster, row houses and garden apartments fronting the greenway and parks.</p>	<ul style="list-style-type: none"> • Develop form-based standards for these development types as permitted uses. • Maximum building heights should allow 4-6 story structures fronting River Road as an incentive for providing mixed uses, or public benefits. • Minimum building heights should allow at least a 2 story structure fronting River Road. • Maximum building heights should allow 2-3 story structures fronting the park and greenway. • Refine height and density standards so that higher heights are permitted along River Road transitioning to lower heights fronting the greenway and parks.
<p>Option: preserve areas fronting the greenway for open space, community gardens and farmer's market.</p>	<ul style="list-style-type: none"> • Provide incentives for open space/agricultural uses along the greenway in exchange for higher density and heights along River Road.
<p>Provide for a plaza or some kind of community gathering space in the area.</p>	<ul style="list-style-type: none"> • Develop incentives for dedicating land for a community gathering space and encourage a public plaza (e.g. Downtown Park Blocks) versus a private gathering spot (e.g. Valley River Center). Examples could include additional height and density along River Road, earmarking park development fees to gathering space, development fee credit for land and improvements, etc. Coordinate with Parks & Open Space.
<p>Locate and design buildings, parking areas and other site improvements that face the greenway and parks so that a harmonious relationship is created.</p>	<ul style="list-style-type: none"> • Develop design standards for improvements facing the greenway, parks and other public open spaces. • Evaluate buffering and screening standards where parking is located along these edges. Parking areas should be designed to be attractive and sustainable.
SOUTH MEDIUM DENSITY RESIDENTIAL AREAS- EAST OF RIVER ROAD	
<p>Concentrate mid-rise residential and mixed use low-rise development types along River Road.</p> <p>Allow lower density residential types like cluster, row houses and garden apartments fronting the greenway and parks.</p>	<ul style="list-style-type: none"> • Develop form-based standards for these development types as permitted uses. • Maximum building heights should allow 4-6 story structures fronting River Road as an incentive for providing mixed uses, or public benefits. • Maximum building heights should allow 2-3 story structures fronting the park and greenway. • Refine height and density standards so that higher heights are permitted along River Road transitioning to lower heights fronting the greenway and parks.
<p>Option: preserve areas fronting the greenway for open space, community gardens and farmer's market.</p>	<ul style="list-style-type: none"> • Provide incentives for open space/agricultural uses along the greenway in exchange for higher density and heights along River Road.
<p>Encourage a diversity of affordable housing and housing types throughout the area. Encourage housing oriented to seniors, and others with special needs.</p>	<ul style="list-style-type: none"> • Work with HACSA to provide a range of affordability and a variety of housing types. • Provide incentives for affordable housing, special needs

Table 2
Recommended Code and Development Standard Amendment Concepts

June 2009

Objectives	Code and Development Standard Amendment Concepts
	housing and housing type variety. • City to evaluate the feasibility of transfer of development rights for R-2 properties along the river in order to preserve open spaces.
SOUTH COMMERCIAL AREA-BOTH SIDES OF RIVER ROAD NORTH OF CHAMBERS	
Create an employment-oriented mixed use gateway into the area; office, mid-rise mixed use, and multi-tenant commercial development types.	<ul style="list-style-type: none"> • Develop form-based standards for these development types as permitted uses. • Maximum building heights should allow 4-6 story structures fronting River Road. • Minimum building heights should allow at least a 2 story structure fronting River Road. • Maximum building heights should allow 2-3 story structures adjacent to residential areas.
Concentrate highest heights and density along the west side of River Road.	



The Douglas fir trees on the west side of River Road, south of Park Avenue.

3. IMPLEMENTATION STRATEGIES

3.1 Introduction

The Lower River Road Concept Plan Implementation Strategies are a guide to actions that should be used to translate the Lower River Road Concept Plan described in Section 2 of this report into a reality. It incorporates the vision for the area developed by the Razor Mixed Use Center Community Advisory Committee into "short term", "mid-term" and "long-term" actions the City and stakeholders should take to implement the Concept Plan. There are five key implementation strategies with over thirty supporting recommendations. A Short-Term Work Program is also identified. See Table 3.

As projects and actions are completed and more experience obtained, these Implementation Strategies and recommendations should be revisited and revised accordingly. It is recommended that the Short-Term Work Program be updated periodically so that progress can be monitored and new plans and programs revised to reflect progress or timeframe adjustments. The Short and Mid-term recommendations should be tied to the City's Capital Improvement Program to reflect priorities and funding requirements for each project.

3.2 Implementation Strategies

The Implementation Strategies and action recommendations described below are activities the City and stakeholders should undertake in order to implement the Lower River Road Concept Plan. It is understood, however, that accomplishing these activities will largely depend on the availability of public and private funds, availability of City staff and neighborhood resources for project assignments, and interest by property and business owners and residents of the area. Strategies and action recommendations should be considered during annual budgeting and work program preparation of the City, and by the River Road Community Organization and Whiteaker Community Council in development of their Neighborhood Action Plans.

Implementation Strategy 1: Willamette River, Willamette Greenway and Razor Park

- 1. Continue to protect and enhance the resources located within the Willamette Greenway boundary.***

Focus on public lands including Razor Park and West Bank Bike Path corridor, EWEB and private parcels within the Willamette Greenway boundary. Enhance habitat and natural values, air and water quality, history, land configuration and public access to and from the West Bank Bike Path. Improve the visual/aesthetic relationship between the river corridor and neighborhood and commercial areas, and provide visual connections to the river.

Short-Term Recommendations:

- 1.1 Consider creation of a tax incentive program that would establish incentives for private property owners to restore riparian areas. If an incentive program is approved, make this area eligible for these incentives.**

- 1.2 Consider an area-wide Willamette Greenway permit application. In partnership with property owners, the neighborhood and other stakeholders, the City should prepare a work program, schedule and a shared funding plan for preparation of a Master Plan for a single Willamette Greenway permit for a designated study area. The major portion of funding should come from benefited property owners.

Mid-Term Recommendations:

- 1.3 In partnership with property owners and other stakeholders, the City should prepare a work program, schedule and funding plan for preparation of a public process to consider the types of uses and functions identified during the public workshops (community gardens; children's play area; gardens; public gathering space; vegetated sound barriers, etc). Identify opportunities for additional recreational facilities along the river park system. Include other public lands fronting the river and other opportunity areas within the entire study area.
- 1.4 Prepare a Willamette Greenway permit application. In partnership with property owners and other stakeholders, the City should prepare a single Willamette Greenway permit application for a designated study area. The permit application should be based on the *Lower River Road Corridor Framework Plan*, *Rasor Park Master Plan Update*, and adopted *Special Area Zone Plan*.
 - A. The *Greenway Corridor Enhancement Analysis* includes a number of elements to be addressed in a single greenway permit and should be considered for inclusion.
 - B. Incorporate the recommendation from the *River Road Conceptual Design Plan* for signalized intersections and pedestrian crossings on River Road, and for pedestrian and bicycle connections to the river.
 - C. Develop design standards for pedestrian/bicycle connections, and provide for the installation of these connections as development of private property occurs.
 - D. Develop incentives and methods for private property owners to provide for the installation of these connections in advance of property development. Examples of potential incentives include credits toward future development fees, and purchase of access easements.
 - E. Identify opportunities to maintain view corridors from River Road to the Willamette River.
 - F. The single Willamette Greenway permit should provide an efficient, clear and objective approval process for public and private development applications that are consistent with approved Willamette Greenway permit requirements.

Long-Term Recommendations:

- 1.5 Prepare construction plans for initial phase(s) of the Rasor Park Master Plan Update.
- 1.6 Construct initial Rasor Park Master Plan Update project improvement phases.

Implementation Strategy 2: Sustainability

2. ***Adopt broad sustainability practices for public and private development and infrastructure in order to offset negative impacts caused by increased development intensities.***

Address *environmental* factors such as natural resource protection, green buildings, energy generation and use, water use and reuse and stormwater management; *economic* efforts that attract and support locally-owned businesses, create local jobs and markets for locally-produced food, goods and services; and *social-based* programs that create public gathering spaces, support desirable businesses, enhance historical assets, and utilize innovative technologies, businesses and services.

This is an important implementation strategy identified in the *Empowering Innovation* document, but the work program and study efforts completed as part of this project did not have the human and financial resources for the development of a Lower River Road Sustainability Plan.

Short-Term Recommendations:

- 2.1 The River Road Community Organization (RRCO) in cooperation the City and other stakeholders should prepare a Neighborhood Action Plan that includes elements of the Lower River Road Concept Plan. (Also see Recommendation 5.1)
- 2.2 Prepare a Lower River Road Sustainability Plan. As an element of the Neighborhood Action Plan, RRCO in cooperation the City and other stakeholders, develop a work program, schedule and budget to prepare a Lower River Road Sustainability Plan. The plan should address the following:
 - A. *Environment:* Establish performance goals for wildlife habitat, native vegetation and tree cover, "green" buildings, on-site energy generation and conservation; water use and re-use, pervious surfaces, on-site stormwater infiltration and management, carbon emissions, and other relevant factors.
 - B. *Economic:* Develop recommendations for local economic sustainability that attracts and supports locally-owned businesses, creates jobs for neighborhood residents, and creates markets for locally-produced food, goods, and services.
 - C. *Social:* Develop recommendations for public investments to create public gathering spaces that will support a lively and healthy social atmosphere, such as branch library, plaza/farmer's market, and open spaces. Incentives for a small grocery or investment in a farmer's market may be needed. Explore creating sub-areas for historic designations including heritage trees and orchards as well as the public use of historic places. Consider opportunities for public infrastructure and demonstration projects of innovative technologies, businesses, and services, such as stormwater

projects, solar power generation and management, electric car plug-in power stations, community bike loan program, peddle-cab service, or others to promote environmental and economic sustainability goals.

A number of these elements will be addressed in other action items that are part of this implementation strategy including Strategy 1-Willamette River and Willamette Greenway, Strategy 4-Zoning Code and Development Standards, and Strategy 5-Public Collaboration and Partnerships. The City of Eugene also has sustainability practices aimed at encouraging LEED Certified developments, and stormwater facility and street construction standards that already are or could be applicable to this area. The sustainability plan should reflect and incorporate the analysis and recommendations from these identified or existing programs, and emphasize additional projects desired by the neighborhood but not addressed by these other efforts.

An additional resource for identifying factors supporting sustainable neighborhoods is the rating system and standards developed by the U.S. Green Building Council for the Pilot Version, LEED for Neighborhood Development Rating System. More information is available at www.usgbc.org.

Implementation Strategy 3: Lower River Road Multi-Modal Transportation Improvements

- 3. *Design and construct multi-modal improvements along the lower River Road corridor in order to create a bicycle and pedestrian-friendly neighborhood and to encourage private investment in redevelopment of the area.***

Focus on pedestrian, bicycle and transit improvements that will result in the reduced use of cars by neighborhood residents and improved access and safety for all, and street and traffic control improvements on lower River Road that reduce traffic speeds, noise and improved safety. Improvements should enhance aesthetics and support mixed-use, pedestrian-friendly neighborhood redevelopment at the three existing commercial areas along the corridor.

Short-Term Recommendations:

- 3.1 Adopt policies giving funding priority to transportation improvement projects located in mixed use areas.
- 3.2 Identify crossing locations. Explore funding options such as federal grants.
- 3.3 Prepare a Preliminary Design Plan for Lower River Road Multi-modal Transportation Improvement Concepts and EmX Alternatives. The Preliminary Design Plan should specify:
 - A. Median location, configuration; u-turn and alternative left turn access location/design
 - B. Crosswalk design and control
 - C. Options for EmX bus lane location/configuration and station location/layout

- D. Bus pullout location and design
- E. Intersection and traffic signal design (and warrant analysis)
- F. Median landscaping/design, streetscape features

Mid-Term Recommendations:

- 3.4 Prepare Phasing & Financing Plan for the lower River Road improvements that includes:
 - Cost Estimates
 - Phasing Options
 - Funding Sources
- 3.5 Adopt the Lower River Road Conceptual Design Plan and Phasing and Financing Plan in the City's Transportation Improvement Program, and adopt new policies, if needed, into the Transportation System Plan.
- 3.6 Prepare preliminary and final engineering design plans for initial phase(s).

Long-Term Recommendations:

- 3.7 Construct initial project improvement phase(s).
- 3.8 Prepare preliminary and final engineering design plans for remaining phases.
- 3.9 Construct remaining project improvement phases.

Implementation Strategy 4: Zoning Code and Development Standards

- 4. ***Change zoning and development standards in order to achieve a mix of desired uses and services, to prevent monolithic or single-use development, and to protect the sensitive Willamette Greenway environment and adjacent residential areas.***

Create development standards for permitted uses, development types, density and height requirements, and setbacks that are appropriate for this specific neighborhood and the various redevelopment areas within it; develop incentives for private development to provide desirable uses such as a small grocery, mixed-uses, affordable housing, open spaces and meeting places; and prepare design standards and guidelines so that new developments relate harmoniously to their surroundings and to each other.

Short-Term Recommendations:

- 4.1 Conduct an assessment of successful mixed use center implementation tools. Apply results to the lower River Road area.
- 4.2 Provide interim incentives for desirable development. The City should consider providing incentives such as reduced development application fees,

and expedited development application review for property owners who wish to propose projects that meet the intent of the zoning and development code changes outlined in Section 2 of this report and summarized in Table 1 but are not otherwise permitted under current zoning.

The primary regulatory vehicle providing flexibility in applying development standards is the PD-Planned Unit Development Overlay Zone (Eugene Code Section 9.430). Incentives that would make using a PD cost effective and timely should be considered.

- 4.3 The City should assign a staff person at the Eugene Planning Division to be the lead contact and coordinator for activities associated with zoning and development code amendments in the lower River Road area.

Mid-Term Recommendation:

- 4.4 Initiate creation of a Special Area Zone. The City should prepare a work plan, schedule and budget and initiate a code amendment process to remove the ND Overlay Zone within the study area, and adopt a new (S) Special Area Zone. A new S Zone should include some of the ND Overlay requirements and additional standards and requirements as outlined in Section 2 of this report and summarized in Table 3. The development of a proposed S Zone proposal should involve the active participation of property owners, tenants, residents, RRCO, WCC and other stakeholders.

Long-Term Recommendation:

- 4.5 Complete plan and amendments for S Zone adoption. The City should complete a proposed S Zone for the area, and submit any necessary Comprehensive Plan and Zoning Code amendments to the Planning Commission and City Council for public hearings, consideration and adoption.

Implementation Strategy 5: Public Collaboration & Partnerships

5. ***Embrace public input, guidance and investment so that the concept plan and its implementation have the broadest community support, and so that public/private partnership opportunities and investments are assured.***

Ensure that plans are developed with as much collaboration as possible among residents and property owners, and early neighborhood input is sought as part of the development application and approval process. Recognize that public investments in infrastructure and services will be a critical part of a successful redevelopment effort and that forging strong partnerships are a key to attracting these investments.

Short-Term Recommendations:

- 5.1 Establish a subcommittee of the River Road Community Organization to take responsibility for providing ideas, input and creative energy for future proposals that develop for the lower River Road area. There are also suggested activities that should be led by the subcommittee.
 - A. A subcommittee work plan should be developed that outlines how the committee wishes to be involved, and whether sub-committees or additional neighborhood/stakeholder participants need to be identified and appointed.
 - B. As funds are available, the City should provide a planning grant in support of on-going planning activities.
 - C. Also see Recommendation 2.1.

Mid-Term Recommendations:

- 5.2 Develop business/institutional recruitment strategies. Desirable public and private uses including a branch library, plaza/farmer's market, community gardens, and small grocery have been identified but individual institutions and businesses need to be recruited and attracted to the Lower River Road Area. The RRCO in partnership with the City and interested property owners should identify specific uses to be recruited to the area and strategies for prospect recruitment.
- 5.3 Prepare a recruitment plan. The RRCO in partnership with the City economic development staff should prepare a targeted recruitment plan for each desirable use and develop collateral materials, presentations, spokesperson training, etc. needed to gain the interest of a prospect, support the lower River Road area as a desirable location, and to offer assistance.
- 5.4 Consider adopting a Vertical Housing Development Zone. This is a State program which offers a 10 year property tax exemption for mixed-use projects that include housing uses on upper floors. The zone requires local enacting ordinance and regulations, and is a financial incentive for mixed-use projects.

Table 3
Lower River Road Concept Plan Implementation Strategies
Short-Term Work Program
 June 2009

Strategies and Action Recommendations	Responsible Parties
Implementation Strategy 1: Willamette River and Greenway	
1.1 Create incentives for riparian area restoration and enhancements.	City
1.2 Prepare for an area-wide Willamette Greenway permit application.	City/Property Owners/Neighborhood
Implementation Strategy 2: Sustainability	
2.1 Prepare a Neighborhood Action Plan.	RRCO/City
2.2 Prepare for a Lower River Road Sustainability Plan.	RRCO
Implementation Strategy 3: Lower River Road Multi-modal Transportation Improvements	
3.1 Pursue funding priority for improvement projects located in mixed use areas.	City
3.2 Identify pedestrian/bicycle crossing locations and pursue funding.	City
3.3 Prepare a Preliminary Improvement Plan for Lower River Road including EmX	City/LTD
Implementation Strategy 4: Zoning Code and Development Standards	
4.1 Provide interim incentives for desirable development.	City
4.2 Identify a staff lead.	City
4.3 Initiate a Special Area Zone Plan.	City/Stakeholders
Implementation Strategy 5: Public Collaboration & Partnerships	
5.1 Establish a subcommittee of the River Road Community Organization.	RRCO
<ul style="list-style-type: none"> • Develop a work plan. 	RRCO
<ul style="list-style-type: none"> • Pursue planning grant. 	RRCO/City
<ul style="list-style-type: none"> • Prepare a Neighborhood Action Plan 	RRCO/City

Glossary of Terms

Empowering Innovation: Vital Neighborhoods as Sustainability Engine: Statement and Recommendations of the Razor Park MUC Citizen Advisory Committee, November 2007.

Implementation Strategies: Strategies and action recommendations described in Section 3 of this report that are activities the City and stakeholders should undertake in order to implement the Lower River Road Concept Plan.

Land Use and Development Concepts: Preferred development types and recommended zoning and development code amendments described in Section 2 of this report. The zoning and code amendments are discussed in *Zoning and Development Code Review Memorandum*, Spencer & Kupper, May 8, 2009.

Lower River Road Concept Plan: An overall plan for the Lower River Road area that includes the Multi-Modal Transportation Improvement Concepts and Land Use and Development Concepts.

Multi-modal Transportation Improvement Concepts: Traffic, pedestrian and bicycle improvements identified for the Lower River Road Corridor and described in Section 2 of this report. The source of the improvement concepts is *Final River Road Conceptual Design Plan*, Robert Bernstein Transportation Planning and Engineering, February 2009.

Razor Park Master Plan: An approved master plan for Razor Park completed by the City of Eugene, dated 2001.

The reports and work products that have been developed as part of this project are the basis for the recommendations contained herein and they include:

- Cultural Resource Survey for the Razor Park Mixed Use Center, Donovan & Associates, November 2007
- Market Evaluation for Razor Park Mixed Use Center Plan, E.D. Hovee & Company, November 2007.
- Empowering Innovation: Vital Neighborhoods as Sustainability Engine, Razor Park MUC Citizen Advisory Committee, November 2007.
- 2008 River Road Neighborhood Needs Survey and Target Business Needs Survey, Community Planning Workshop, University of Oregon, December 2008.
- Eugene Razor Park Market Assessment Update Memorandum, E.D. Hovee & Company, December 2008.
- Greenway Corridor Enhancement Analysis for the Razor Mixed Use Center, Lane Council of Governments, January 2009.
- Final River Road Conceptual Design Plan, Robert Bernstein Transportation Planning and Engineering, March 2009.
- Final Zoning & Development Code Review Memorandum, Spencer & Kupper, May 2009.

“We envision that this planning process will provide the underpinnings and the form for a reinvigorated River Road, serving simultaneously to stabilize the neighborhood, provide for basic neighborhood commercial services, and reduce pressure on the UGB.”

-Jolene Siemsen, Chair of RRCO



Weaving Razor

Now we've envisioned
road, river, ride as Place that
warp and weft make whole.

TESTIMONY RE "OAKLEIGH CO-HOUSING" PUD (PDT 13-1) APPLICATION.

Submitted on October 9, 2013 by:

Paul Conte
1461 W. 10th Ave.
Eugene, OR 97402

RECEIVED

OCT 09 2013
CITY OF EUGENE
BUILDING & PERMIT SVCS

This testimony is in opposition to the proposed Oakleigh Meadows Co-Housing PUD.

The application is not consistent with the following approval criteria:

- **EC 9.8320(1): The PUD is consistent with applicable adopted policies of the Metro Plan.**

A.12 Coordinate higher density residential development with the provision of adequate infrastructure and services, open space, and other urban amenities. *Metro Plan III-A-7.*

A.13 Increase overall residential density in the metropolitan area by creating more opportunities for effectively designed in-fill, redevelopment, and mixed use while considering impacts of increased residential density on historic, existing and future neighborhoods. *Metro Plan III-A-7.*

TransPlan Transportation System Improvements (TSI) Pedestrian Policy #1:
Pedestrian Environment

Provide for a pedestrian environment that is well integrated with adjacent land uses and is designed to enhance the safety, comfort, and convenience of walking.

TransPlan Finance Policy #4: New Development

Require that new development pay for its capacity impact on the transportation system.

- **EC 9.8320(5): The PUD provides safe and adequate transportation systems through compliance with the following:**
 - (a) **EC 9.6800 through EC 9.6875 Standards for Streets, Alleys, and Other Public Ways (not subject to modifications set forth in subsection (11) below).**
 - (b) **Pedestrian, bicycle and transit circulation, including related facilities, as needed among buildings and related uses on the development site, as well as to adjacent and nearby residential areas, transit stops, neighborhood activity centers, office parks, and industrial parks, provided the city makes findings to demonstrate consistency with constitutional requirements. "Nearby"**

means uses within ¼ mile that can reasonably be expected to be used by pedestrians, and uses within 2 miles that can reasonably be expected to be used by bicyclists.

- EC 9.8320(6): The PUD will not be a significant risk to public health and safety, including but not limited to soil erosion, slope failure, stormwater or flood hazard, or an impediment to emergency response.
- EC 9.8320(11): The PUD complies with all of the following:
 - (b) EC 9.6500 through EC 9.6505 Public Improvement Standards.

EC 9.6500 Easements

EC 9.6505 Improvements–Specifications

EC 9.6505(3) Streets and Alleys and (4) Sidewalks

EC 9.6505(5) Bicycle Paths and Accessways.

- EC 9.8320(12): The proposed development shall have minimal off-site impacts, including impacts such as traffic, noise, stormwater runoff and environmental quality.
- EC 9.8320(13): The proposed development shall be reasonably compatible and harmonious with adjacent and nearby land uses.

OVERVIEW

Oakleigh Lane is an unimproved, unmaintained, substandard, dead-end “Access Lane” that cannot safely or efficiently handle the increased vehicular traffic that would occur if the proposed 29-unit PUD were approved.

According to Eugene Public Works Department’s (“PWD”) analysis of the proposal, “safe vehicular, pedestrian and bicycle travel and emergency response and access will be at risk without improving Oakleigh Lane to City standards for a “Low Volume Residential Street,” which includes widening the right-of-way to 45’. Widening of the right-of-way is infeasible given the existing residential development that borders both sides of Oakleigh Lane.

As the testimony below further demonstrates, the development will create substantial additional vehicle traffic on Oakleigh Lane, which will:

- a) exceed the capacity of this unimproved, unmaintained, substandard access lane,
- b) have significant negative off-site traffic impacts on current residents,
- c) increase risk to drivers, pedestrians, bicyclists and emergency vehicles, and
- d) potentially place an inequitable financial burden on current home owners for future easements and street improvements.

COMPREHENSIVE PLAN CONTEXT

The plan provisions listed under EC 9.8320(1), above, provide context for applying the more precise approval criteria in Eugene Code. In these policies and other plan provisions, the comprehensive plan requires the City to balance increases in density with adequate infrastructure, protection of livability and safety. Where livability and safety would be diminished by an excessive number of dwellings, development must be limited.

Such is the situation with the proposed Oakleigh Meadows Cohousing PUD.

In a case involving Eugene's comprehensive plan, LUBA found:

"Thus, even where a plan provision might not constitute an independently applicable mandatory approval criterion, it may nonetheless represent a relevant and necessary consideration that must be reviewed and balanced with other relevant considerations, pursuant to ordinance provisions that require, as does EC 9.8865(1)¹ and (2), consistency with applicable plan provisions." *Bothman v. City of Eugene*, Or LUBA 701 (2006).

At the "10,000 foot level," the proposed development of 29 dwelling units does not provide the balance intended by the comprehensive plan provisions because the development would have substantially more dwelling units and substantially increase vehicular traffic beyond levels that can reasonably be accommodated at the end of a narrow, unmaintained, dead-end access lane.

By the City's own standards and testimony in the record, to safely and efficiently handle the increased vehicular, pedestrian and bicycle traffic arising from the proposed 29 dwelling units would require Oakleigh Lane to be a maintained local road with a 45-foot right-of-way, 20-foot wide paving, with curbs, gutters and sidewalks and a turnaround at the end of the road.

Meeting this standard is infeasible (and there is no evidence in the record to the contrary); and, even if it were feasible, the burden of assessments to pay for the improvements would fall disproportionately on the current abutting property owners, despite the fact that it would be the impacts of the Oakleigh Meadows Cohousing development that necessitated the improvements. Thus, not only does the proposed development fail to reflect the comprehensive plan's intended balance of density and livability, the result would lead to inconsistency with TransPlan Finance Policy #4 requirement that "new development pay for its capacity impact on the transportation system."

¹ EC 9.8865(1) states: "The proposed [zone] 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."

It's important to note that the application fails to meet the specific approval criteria covered in the following sections, and this testimony does *not* rest on the comprehensive plan provisions alone. However, the Hearings Official must nevertheless evaluate and balance plan provisions in his findings and decision.

The appropriate action is to deny this application with findings that may help the applicants design a revised cohousing proposal with fewer dwellings so that the traffic impacts are reduced and the relevant criteria are met.²

OAKLEIGH LANE CHARACTERISTICS & CLASSIFICATION

Oakleigh Lane is an unimproved, dead-end road partially under City of Eugene control and partially under Lane County control. According to a statement from Lane County Public Works, Oakleigh Lane is a "local access road," which is "not a County road"; and the County is not required, and doesn't intend, to keep their portion of the road in repair. (See Attachment A.)

The Eugene portion is not an "adopted right-of-way" (Public Works Referral Response, September 17, 2013m "PWRP" at 10), which also means the City is not required, and doesn't intend, to maintain their portion of the road because "the City does not maintain unimproved streets." (Eugene Planning Staff Report, dated September 2013, "SR," at 17)

Oakleigh Lane currently has a 20-foot right-of-way north of the official centerline, dedicated by the adjacent property owners (but the right-of-way has not been adopted by either the City or County). (SR at 12 and PWPR at 10) The 20-foot northern right-of-way is exactly half of the 40-foot right of way that is the City of Eugene standard for an "Access Lane." (1999 Eugene Arterial and Collector Street Plan, "ASCP," Table 2 in Attachment B)

The road has an oil mat surface, 18 to 20 feet wide. (Access Engineering Letter, August 6, 2013; SR at 12; and Lane County referral e-mail in Attachment A) This width is less than the standard for any street type other than an alley, as specified in ASCP Table 2, excerpted below.

² Although it has no direct bearing on the decision in this case, my preliminary analysis indicates that the estimated traffic from about 12 attached dwelling units would fall under the threshold for "minimal impacts" by a) reducing the ratio of future to current trip generation, and b) not requiring Oakleigh Lane to be reclassified from an "Access Lane" to a "Local Residential Street," which requires an unfeasible increase in the right-of-way width .

Local Street Standards

Table 2

Type of Street	R.O.W Width	Paving Width			(Setback) Sidewalks	Planting Strips	Average Daily Traffic (ADT)
		No Parking	Parking One Side	Parking Two Sides			
Access Lane	40'		21'		1 @ 6'	7' and 6'	< 250 ADT
	55'			28'	2 @ 6'	2 @ 7'-6"	
Low-Volume Res.	45'	20'			2 @ 6'	2 @ 6'-6"	250 to 750 ADT
	55'		21'		2 @ 6'	2 @ 6'-0"	
				28'	2 @ 6'	2 @ 7'-6"	

There are no gutters, curbs or sidewalks. Pedestrians, bicyclists and wheel-chair users must share the road with cars and other motorized vehicles. Numerous residents park at least one vehicle on the side of the roadway, in many cases partially blocking the paved portion.

Based on right-of-way and paving widths, the lack of improvements, and the Lane County designation of Oakleigh Lane as an "access road," and the fact that the right-of-way has never been adopted by Lane County or City of Eugene, it's clear that Oakleigh Lane is properly characterized as an "Access Lane," according to the specifications in the ASCP Table 2 (see above excerpts).

TRIP GENERATION & TRAFFIC IMPACTS

Not counting the proposed development site, there are 23 lots that take access from Oakleigh Lane. (See Attachments C, D and E.) The four lots closest to the intersection with River Road are non-residential uses and generate minimal, if any, vehicular traffic past the residences to the east on Oakleigh Lane. There are 19 single-family, detached dwellings along Oakleigh Lane.

According to the Institute of Traffic Engineers (ITE) *Trip Generation Manual, 9th Edition*, the Average Daily Trip (ITE-ADT) rate per dwelling for single-family, detached dwellings is 9.52. The estimated ITE-ADT for these 19 dwelling units is 181 (19 x 9.52).

The PUD proposes 29 dwelling units (SR at 20) and parking spaces for approximately 52 vehicles (SR at 30). The ITE-ADT rate per dwelling for condominiums (ITE use type 230) is 5.81. The rate ITE-ADT rate per vehicle is 3.34. Based on the 29 dwelling units and 52 parking spaces, the estimated ITE-ADT for the PUD is in the range of 169 to 174.

The additional traffic from the PUD will thus approximately *double* (1.9 times) the ITE-ADT on Oakleigh Lane.

Simply comparing current and projected ITE-ADT; however, is not the most appropriate way to evaluate impacts of increased traffic. The full impact of a vehicle trip on residents, other drivers, and pedestrians and bicyclists is directly proportional to the number of residences passed and other travelers encountered on the road. A relatively good approximation of the total impact of one trip is the number of residences

passed by the vehicle making a trip. For example, a trip to or from the residence closest to River Road would pass no other residence, whereas a trip to or from the proposed development site would pass 18 residences. Tallying the cumulative "pass-by" counts, the 19 current single-family dwellings generate 3,218³ "pass-bys" per day, while the 29 proposed dwelling units in the PUD would generate at least 6,065⁴ "pass-bys" per day. Thus, just measuring estimated ITE-ADT values, the PUD would almost *double* (1.9 times) the impact of traffic. Using a better measure of impacts, based on "pass-bys," 29 new dwelling units at the end of the road would almost *triple* (2.9 times) the traffic impact from current levels.

FINDINGS BY CITY OF EUGENE PLANNING AND PUBLIC WORKS DEPARTMENT STAFF

The Staff Report (SR at 39) concludes that the following conditions of approval are necessary for the application to meet several criteria related to traffic:

3. Prior to final PUD approval, the applicant shall revise the final site plan to show the dedication of 22.5 feet of right-of-way along the northerly boundary of the development, between the westerly boundary of the proposed development and a line that is 50 feet east of the westerly boundary, and also to show the dedication of 13 feet of right-of-way extending from the aforementioned line (the east end of the required 22.5 feet of right-of-way dedication) to a line that is 117 feet beyond (east of) the existing the existing right-of-way (for a total length of 199 feet). Additionally, the revised site plan shall show the dedication of a 13-foot wide Public Accessway along the northerly boundary, which extends from the east end of the aforementioned right-of-way to the easterly property boundary (for a total distance of 24 lineal feet).
4. Prior to final PUD approval, the applicant shall submit for review and approval by City staff and recording at Lane County Deeds and Records, a street deed which reflects the right-of-way as shown on the final site plan.
5. Prior to final PUD approval, the applicant shall dedicate a temporary emergency vehicle access easement over the on-site hammerhead and the access drive from Oakleigh Lane, and show this easement on the final PUD plans.
6. ... [unrelated to traffic]

³ Each ITE-ADT is a *round-trip*, so the figures in the rightmost column on Attachment E are doubled to get the "pass-by" count. The calculation is: Sum of one-way pass-bys (169) X 9.52 ITE-ADT per dwelling X 2 one-way trips per ITE-ADT. The result is 3,218 pass-bys.

⁴ This is calculated as: 29 dwellings X 5.81 ITE-ADT per dwelling X 2 one-way trips per ITE-ADT X 18 dwellings passed per trip. While the resulting 6,065 "pas-bys" per day may first seem high; in fact, it fairly represents the impact because every "trip" from the PUD will be a round-trip and thus pass-by other residences 36 times on the one round-trip. Multiply that by 29 dwellings, each estimated to make almost 6 round-trips a day and the cumulative impact is indeed very large.

7. The applicant shall submit an Irrevocable Petition for public improvements in Oakleigh Lane to include paving, curbs and gutters, storm drainage, sidewalks, and street trees.

In conjunction with these conditions, the Staff Report provides the required "Constitutional Findings for Exaction." (SR at 15 and 16) These findings include conclusions that are based on the analysis provided by the Eugene Public Works Department (PWRP at 2 to 4).

The staff analysis and findings provide an unmistakably clear conclusion that Oakleigh Lane must be improved to Low Volume Residential Street standards to adequately handle the additional PUD resident vehicle trips, emergency vehicles and the current and additional motorists, pedestrians and bicyclists:

"It is in the public's interest to have Oakleigh Lane consist of 45 feet of right-of way through the development site's entry drive aisle and to consist of 33 feet beyond the drive aisle to the terminus of the street in order to ensure: safety for pedestrians, bicyclists and motorists traveling on Oakleigh Lane (a low-volume street); the efficient provision of emergency services; and that the proposed development and adjacent properties are accessible via Oakleigh Lane."

Note that this conclusion correctly identifies that Oakleigh Lane will fall into the Low Volume Residential Street classification after the PUD is developed. As explained above, however, Oakleigh Lane currently falls in the lower-volume, Access Lane classification.

The findings go on to emphasize this requirement in no uncertain terms:

"... the public interest in safe vehicular, pedestrian and bicycle travel and emergency response and access will be at risk if the 22.5 and 13 foot strips of right-of-way are not dedicated." (Emphasis added.)

And again:

"Without the additional right-of-way, Oakleigh Lane cannot be improved to the City's minimum street design standards and the 164⁵ new vehicle trips per day generated by the proposed development, along with the additional pedestrian and bicycle traffic generated by the proposed development, will not be assured of safe access via Oakleigh Lane." (Emphasis added.)

While these findings were presented to justify requiring the applicant to dedicate a section of the development site as part of the Oakleigh Lane right-of-way, the conclusion that a 45' right-of-way is necessary for the safety for pedestrians, bicyclists and motorists is based on that right-of-way for the entire length of Oakleigh Lane.

⁵ Actually, the correct number is 169 ITE-ADT.

The Hearings Official should not confuse the results of the Public Works engineer's analysis with what can be imposed on the applicant under the "Nollan and Dolan" rules for exaction.

It would be wholly unreasonable to apply the City's analysis as if the right-of-way to be granted along the applicant's property would then result in a revised analysis that concluded Oakleigh Lane was safe for pedestrians, bicyclists and motorists, despite remaining a narrow, substandard, unimproved and unmaintained road.

In other words, there can be no reasonable finding that 45 feet of right away is necessary for the "safety for pedestrians, bicyclists and motorists traveling on Oakleigh Lane" if the same right-of-way width weren't also necessary along the rest of Oakleigh Lane for "safety for pedestrians, bicyclists and motorists traveling on Oakleigh Lane."

The constitutional requirements may prevent the City from requiring the applicant to improve all of Oakleigh Lane. However, the City cannot on the one hand assert that a 45 foot right-of-way is a necessity for safely handling the traffic that will result from the combined current and new traffic, and then ignore whether this can ever be accomplished. While the condition on this application may be limited to an equitable, proportional burden on the applicant; in order to rely on this condition of approval for a finding that one or more traffic-related approval criteria are met, there must be a finding that it's feasible for additional Oakleigh Lane right-of-way to be dedicated to meet the Low Volume Residential Street standard that is necessary for the "safety for pedestrians, bicyclists and motorists traveling on Oakleigh Lane."

Otherwise, the condition would not serve any significant purpose in improving the safety of Oakleigh Lane and therefore could not be relied upon in findings for consistency with approval criteria related traffic safety.

In this case, the evidence in the record substantially supports the conclusion that it isn't feasible in the foreseeable future to get another 22½ feet of right-of-way from the properties on the south side of Oakleigh Lane and another 2½ feet of right-of-way from the properties on the north side of Oakleigh Lane. And thus, based on the conclusions of the Public Works staff analysis, the conditions that the Staff Report suggests be imposed on the PUD *cannot* satisfy the requirement of EC 9.8320(5) that the "PUD provides safe and adequate transportation systems" For the same reason, the suggested conditions cannot satisfy other, traffic-related criteria, as discussed below.

The Public Works Referral Comments admit this dilemma, but attempt to slide by the pivotal issue of whether or not Oakleigh Lane can ever be feasibly improved:

"Oakleigh Lane ... includes a number of structures that were constructed close to the existing pavement and right-of-way, [which] may result in the need for creative street design when the street is improved through a future LID [Local Improvement District] process."

Relying on some undefined, "creative" street design comes nowhere close to demonstrating that the necessary right-of-way and street improvements can ever be accomplished sufficiently to satisfy the approval criterion.

Other than this "hand-wave," there is no evidence in the record to demonstrate that Oakleigh Lane can ever be improved to safely handle the traffic that would result from approval of the PUD.

REVIEW OF APPLICATION MATERIALS

The following sections describe (and correct, as necessary) all the relevant statements in the application related to the approval criteria identified at the beginning of this testimony.

Metro Plan Policies

The application does not address Metro Plan Policies A.12 or A.13. The application addresses TransPlan TSI Pedestrian Policy #1 under findings for Metro Plan Policy F.26, which is similarly worded; however, these findings do not address pedestrian safety on Oakleigh Lane at all. The application addresses TransPlan Finance Policy #4 under findings for Metro Plan Policy G.36, which is similarly worded; however, these findings do not address paying the PUD's capacity impact on the transportation system at all.

EC 9.9610(2)(b)

The application states that the "City of Eugene Street Classification Map identifies streets similar to Oakleigh Lane as a local street." This broad indirect reference is adequate for the purposes of demonstrating that Oakleigh Lane is not an "arterial"; however, as explained previously, Oakleigh Lane is *specifically* an "access lane," according to City specifications and County records.

EC 9.8320(5)(a)

The application states: "Oakleigh Lane can be described as having a 'country lane' feeling, which neighbors have explicitly expressed an interest in preserving. The application asserts that "[a]dequate access to the site is provided through the adjacent public street network, Oakleigh Lane, and street connections are provided to all existing streets that abut the property." Oakleigh Lane is the only street that is adjacent to and/or abuts the property, and all vehicle traffic must enter and leave the development by travelling the entire length of Oakleigh Lane.

The application does not propose, or request approval of, any modification or adjustments to the requirements of under EC 9.8320(5)(a), based on EC 9.8320(11).

The application requests an exception to the standards in EC 9.6815(2)(b), (c) and (d), based on the proposed exceptions being consistent with EC 9.6815(2)(g)1.a and b. The letter from Access Engineering, dated August 6, 2013, was submitted as the "Local

Street Access Study" that's required for an exception. This letter provide no quantitative data related to projected trips traffic impacts or safety. None of the discussion dealt with conditions, capacity or safety for the entire length of Oakleigh Lane from the development site out to the intersection with River Road.

In addressing how the proposal "meets the intent" of EC 9.6815(1)(a) – "Streets are designed to efficiently and safely accommodate emergency fire and medical service vehicles." – the letter states:

"Tax lot 200 can accommodate an emergency turnaround in the southwest corner of a future development with an additional right-of-way dedication from Oakleigh Meadows."

This limited evidence regarding the ability of vehicles to (at some future date) turn around at the end of Oakleigh Lane does not address at all the fact that the all emergency fire and medical service vehicles making emergency trips to the PUD must travel the entire length of Oakleigh Lane. As discussed above, the Eugene Public Works analysis found that without a wider right-of-way and improvements, "emergency response and access will be at risk."

Accordingly, the letter fails to meet the requirements of EC 9.6815(2)(g)1.a and the exception should be denied.

EC 9.8320(5)(c)

The application states that the ITE estimate for PM Peak Hour rate is .52 cars and the estimate for AM Peak Hour rate is .42 cars per dwelling unit. This equates to one car every four minutes in the evening and one car every five minutes in the morning. The application doesn't address the ITE estimate for Average Daily Trips (ITE-ADT), which is discussed above.

EC 9.8320(6)

The application states:

"PUD proposes a single vehicular access off Oakleigh Lane that accommodates the required driveway widths and fire apparatus access turning radii needed for all emergency vehicles by providing a 'hammerhead' fire turn-around as per *City of Eugene Public Improvement Design Standards Manual* and as approved by the Fire Marshall."

The application does not address the adequacy of conditions on Oakleigh Lane for emergency vehicle access, as discussed under EC 9.8320(5)(a), above.

EC 9.8320(11)(b)

The application states that “there are no public street improvement projects planned that would impact the site.” The application does not specifically address EC 9.6500 Easements, EC 9.6505(3) Streets and Alleys, EC 9.6505(4) Sidewalks or EC 9.6505(5) Bicycle Paths and Accessways. The findings simply state that required easements will be granted and public improvements “will be constructed in accordance with adopted City plans and policies.”

EC 9.8320(12)

The application states:

“Oakleigh Lane is classified as a *Low-Volume Residential Street* per Eugene's adopted street standards. Initial preliminary traffic analysis of the street, based on figures from the Institute of Traffic Engineers, indicates an approximate existing daily vehicular trip count of just below 600 on Oakleigh Lane. The proposed development would not change the level of density such that the street would need to be reclassified. The PUD will retain the *Low-Volume Residential Street* classification at Oakleigh Lane.”

This statement has several inaccuracies:

1. As stated earlier, the County portion of Oakleigh Lane is classified as a “local access road.” The City portion is not formally classified, but fits the specifications of “access lane,” according to the 1999 ASCP.
2. The ITE-ADT estimate for the current 19 dwellings is 181, not anywhere close to the applicant’s claim of 600.
3. By almost doubling the ITE-ADT on Oakleigh Lane, the current “Access Lane” configuration would no longer meet the commensurate standards in the 1999 ASCP, and the road would have to be improved to the standards for Low-Volume Residential Streets.

The findings also provide aspirational and anecdotal comments related to estimated trip generation, but without reliable, substantial and probative evidence by a professionally-certified traffic engineer, the City’s normal standard of the ITE *Trip Generation Manual* must be used for both current and projected estimates.

The findings do not provide any estimate of current and projected pedestrian and bicycle use. Based on the application’s emphasis on the PUD residents using these modes of travel, there may be a substantial increase in foot and bicycle traffic in the roadway. Even if the PUD residents had the same per-dwelling rate of walking and bicycling on Oakleigh Lane to reach transit and services on River Road, the number of pedestrians and bicyclists on Oakleigh Lane would be two-and-a-half times the current

number. What's more, all of the additional pedestrians and bicyclists from the PUD would travel the entire length of Oakleigh Lane, increasing by an even greater factor the number of encounters between vehicles and pedestrians and bicyclists.

The application incorporated the August 6, 2013 letter from Access Engineering to provide justification for an exception to the street connectivity standards. This letter also contained an error, stating that "[t]here are 21 fully-developed residential properties along the street." There are only 19 developed residential properties, as can be clearly seen on the attached aerial and tax lot view, as well as determined from County property records. See also comments above under EC 9.8320(5)(a).

EC 9.8320(13)

The application provides no findings to explain how doubling or tripling the impact of vehicular traffic on Oakleigh Lane (as described under the "Trip Generation & Traffic Impacts" section, above) meets the criterion of being "reasonably compatible and harmonious with adjacent and nearby land uses," i.e., the 19 households by which all of the PUD traffic will pass.

REVIEW OF CITY STAFF COMMENTS

The following sections describe (and correct, as necessary) all the relevant statements in the September 2013 Staff Report related to the approval criteria identified at the beginning of this testimony.

Metro Plan Policies

The Staff Report does not address Metro Plan Policies A.12 or A.13, TransPlan TSI Pedestrian Policy #1 or TransPlan Finance Policy #4, at all.

EC 9.8320(5)(a)

The Staff Report states:

"Referral comments from Public Works confirm that the proposed street layout provides a safe and adequate transportation system, subject to additional findings and conditions for compliance with EC 9.6805 through EC 9.6875 Street Standards, as provided below."

As discussed in "Findings by City of Eugene Planning and Public Works Department Staff" section, above, the referenced conditions, however apply only to the small segment of Oakleigh Lane that abuts the only access drive for the development and towards the river (east). No conditions or identified plans address the conditions found on Oakleigh Lane from the development all the way to the intersection with River Road.

The Staff Report states (SR at 12):

“EC 9.6870 Street Width confirms that the required right-of-way width for Oakleigh Lane is 45 feet, based on the street functioning as a Low-Volume Residential Street. Public Works staff confirms that there are currently 25 residential tax lots along Oakleigh Lane, and with the addition of 29 dwelling units proposed by the subject development, the Average Daily Traffic (ADT) would be greater than 500 trips per day, which is within the expected 250-750 ADT range for low-volume streets.”

And later (SR at 15):

“... the additional 29 residential units will increase the number of structures that access this Oakleigh Lane by over 100 percent. The construction of the new (structures [sic] will result in an increase of vehicular traffic onto Oakleigh Lane by approximately 164 new vehicular trips per day.⁶ See Trip Generation Manual from the Institute of Transportation Engineers (ITE) for Residential Condo / Townhouses (Category 230).”

These statements have several errors or unclear items. First, Oakleigh Lane currently functions as an “Access Lane,” not a “Low-Volume Residential Street,” as explained in the “Oakleigh Lane Characteristics & Classification” section, above. The required right-of-way for Oakleigh Lane is thus only 40 feet under current traffic volume.⁷

With the additional traffic projected to be generated by PUD, however, Oakleigh Lane would have to handle traffic volumes within the range requiring the street to be upgraded to “Low-Volume Residential Street” standards, including a 45-foot right-of-way. Using the ITE *Trip Generation Manual* estimates, the projected Average Daily Traffic (City-ADT) with the additional 29 dwelling units would actually be 700, which is at the very top of “Low-Volume Residential Street” range.⁸

⁶ See Footnote 3 for an explanation of ITE-ADT versus City-ADT. In this case, the correct IDE-ADT figure is 169, not 164, representing an increase of 90 percent, not “over 100 percent.”

⁷ In the Public Works Referral Comments at page 10, staff states:

“The low-volume classification is consistent with the determination for other similar dead end streets located east of River Road and north or south of Oakleigh, that were also identified as low-volume streets in recent land use decisions.”

This statement is impossible to validate because there is no reference to any specific land use decision, nor to the evidence relied upon in the decisions, nor to the similarities or differences between the various streets. As such, this statement does not meet the criterion as evidence that can be relied upon in a determination of the actual designation of Oakleigh Lane. The statement from Lane County Public Works and the actual characteristics of Oakleigh Lane, on the other hand, are reliable and probative.

⁸ Note that the ITE Average Daily *Trips* (ITE-ADT) is the number of *round-trips*, whereas the City’s Average Daily *Traffic* (City-ADT) is the number of *one-way trips*. Since Oakleigh is a dead-end, the value for City-ADT is simply twice the value for ITE-ADT. The previous section on “Trip Generation & Traffic Impacts” presented accurate estimates for ITE-ADT, which were 181 for the 19 current dwellings and 169 for the PUD’s 29 dwellings, for a combined total of 350 ITE-ADT. That estimate is equivalent to 700 City-ITE, which is significantly greater than the Staff Report states. There is no explanation for how staff came up with the lower number.

The statement has wrong number of residential lots – there are only 22, counting the development lot TL 400 and the vacant lot to the north, TL 200. Only 19 of these are developed, all with one single-family, detached dwelling.

In the rest of the Staff Report, the findings and conditions related to Oakleigh Lane are based on the Low-Volume Residential Street minimum right-of-way width. However, it's important to understand that this is five feet greater than the minimum right-of-way width for an Access Lane. Furthermore, the 20-foot right-of-way dedication from the properties on the north side of Oakleigh Lane is completely adequate for their "half" of Oakleigh Lane as a fully-improved Access Lane. On the other hand, with the additional traffic from the PUD, and the commensurate 45-foot right-of-way, an additional 2½ feet would have to be dedicated from all the properties bordering on the north.

Under this section, the Staff Report provides a clear statement that Oakleigh Lane must be improved to Low Density Residential Street standards to adequately and safely handle the additional resident vehicle trips, emergency vehicles and the current and additional pedestrians and bicyclists. See the "Findings by City of Eugene Planning and Public Works Department Staff" section, above, for a complete discussion.

EC 9.8320(5)(b)

The Staff Report states:

"With regard to bicycles and pedestrians traveling westward on Oakleigh Lane toward transit services on River Road, referral comments from Public Works staff state that, for unimproved local streets in the River Road area (i.e., streets that lack sidewalks and have not been striped to identify dedicated travel lanes), the expectation is that pedestrians and bicyclists will share the paved surface with vehicles. Additionally, there is a tendency on dead end streets such as Oakleigh Lane, for motorists to travel at slower, more cautious speeds, because of the perceived narrowness of the street."

Despite the statement above, there are no comments in the Public Works Referral Comments regarding EC 9.8320(5)(b). Instead, the statements in the Staff Report seem to be taken from Public Works Referral Comments about EC 9.8320(11)(b) (See pages 14 and 15.)

Nonetheless, the conclusion that "the expectation is that pedestrians and bicyclists will share the paved surface with vehicles" has no relevance to demonstrating consistency with the EC 9.8320(5) requirement that "the PUD provides safe and adequate transportation" for pedestrians and bicyclists. Quite obviously, because there are no sidewalks, bike lanes or adequate right-of-way, everyone travelling down Oakleigh Lane, no matter by which mode, will "expect" to share the road. They may also reasonably "expect" that young children, especially, may be at a much greater risk

when traffic impacts double or triple under conditions that the City itself states would not be safe.

No empirical evidence is provided as to the degree and effect (if any) that motorists' driving behavior is different on dead-end streets. In any case, whatever beneficial effect there may be is already present and will not mitigate at all the doubling or tripling of relative impacts.

Under this same section, the Staff Report states:

"Public Works staff confirm that, until such time that property owners elect to improve Oakleigh Lane to full City standards (including sidewalks), the existing paved surface of Oakleigh Lane will continue to adequately provide for vehicle and pedestrian traffic, as well as for emergency vehicles and delivery services, provided the paved surface is not blocked by parked vehicles. With regard to public comments received about vehicle parking occurring on the shoulders of the roadway, Public Works staff notes that, technically, such parking is not allowed. The street could be signed for no parking as part of improving the street, but not before, because the City does not maintain unimproved streets.

Public Works staff states that the existing paved surface provides safe passage for two-way vehicular traffic, bicycles, pedestrians and emergency vehicles. As such, Public Works staff indicates that there is nothing to suggest that the impacts of the proposed development will result in unsafe conditions in Oakleigh Lane."

The Public Works Referral Comments provide no data or analysis to support the conclusion that "there is nothing to suggest that the impacts of the proposed development will result in unsafe conditions in Oakleigh Lane"; and, in fact, the prior comments from this same document (discussed in detail in the "Findings by City of Eugene Planning and Public Works Department Staff" section, above) do more than "suggest" the impacts of the proposed development will result in unsafe conditions. The following statement makes this clear:

"Without the additional right-of-way, Oakleigh Lane cannot be improved to the City's minimum street design standards and the 164⁹ new vehicle trips per day generated by the proposed development, along with the additional pedestrian and bicycle traffic generated by the proposed development, will not be assured of safe access via Oakleigh Lane." (Emphasis added.)

Furthermore, the Public Works staff acknowledge that a necessary condition of this conclusion is that the "paved surface is not blocked by parked vehicles." And yet, public testimony, as well as aerial images, prove the pavement is typically partially blocked by parked vehicles, rendering this conclusion generally invalid by its own

⁹ As mentioned earlier, the correct number is 169 ITE-ADT.

terms. Staff than makes clear that they cannot take even the step of posting “No Parking” signs unless and until the street is improved – “and not before.” Thus, the conclusion is rendered invalid by an existing condition that nothing in the record indicates can be feasibly resolved.

EC 9.8320(5)(c)

The Staff Report again states:

“Referral comments from Public Works staff indicate no concerns related to traffic safety issues ...”

This is the identical conclusory statement found on page 11 of the Eugene Public Works Referral Comments, and there is no evidence or analysis to support the conclusion. The conclusion is completely inconsistent with the more specific findings under the “Constitutional Findings for Exaction” section of the Staff Report (as discussed above) and cannot be relied upon for a finding of consistency with EC 9.8320(5)(c).

EC 9.8320(6)

The Staff Report provides no findings with respect to the safe passage of emergency vehicles from River Road to the end of Oakleigh Lane. Instead, the report merely states this has “been previously addressed with respect to EC 9.8320(5)(b) and (11)(b).”

However, under the “Constitutional Findings for Exaction” section provided under EC 9.8320(5)(a), the report states:

“ ... emergency response and access will be at risk if the 22.5 and 13 foot strips of right-of-way are not dedicated.” (Emphasis added.)

If lack of the mere *dedication* (not actually paving) of a 22½ foot right-of-way for 50 feet adjacent to the development would put emergency response and access “at risk,” than the remaining 20-foot right of way and 18’-20’ pavement all the way from River Road to the development must logically mean emergency response and access will be remain at risk after the development is occupied for as long as Oakleigh Lane remains in its current narrow, unimproved, unmaintained state.

EC 9.8320(11)(b)

The Staff Report addresses EC 9.6505(3) Streets and Alleys by reference to the Eugene PWD Referral Comments. At pages 14 and 15, these comments state:

“Until such time that property owners elect to improve Oakleigh Lane to full City standards, including sidewalks, the existing paved surface in Oakleigh Street will continue to adequately provide for motorized and foot traffic, as well as for emergency vehicles and delivery services, provided the paved surface is not blocked by parked vehicles. Since the existing paved surface provides safe passage for two-way vehicular traffic, bicycles, pedestrians and emergency vehicles, and since there

is nothing to suggest that the impacts of the proposed development will result in unsafe conditions in Oakleigh Lane, it is appropriate to defer public improvements via an irrevocable petition.”

The comments provide no data or analysis to support the conclusion that “there is nothing to suggest that the impacts of the proposed development will result in unsafe conditions in Oakleigh Lane”; and, in fact, the prior comments in the “Constitutional Findings for Exaction” section of this same document (cited above) do more than “suggest” the impacts of the proposed development will result in unsafe conditions. The following statement makes this clear:

“Without the additional right-of-way, Oakleigh Lane cannot be improved to the City’s minimum street design standards and the 164¹⁰ new vehicle trips per day generated by the proposed development, along with the additional pedestrian and bicycle traffic generated by the proposed development, will not be assured of safe access via Oakleigh Lane.” (Emphasis added.)

The City cannot reasonably *defer* public improvements – even on the area of the development site area where they are requiring an irrevocable petition – when the City insists pedestrians and bicyclists won’t be safe without the improvement.

The City is impermissibly using the façade of an irrevocable petition to as the basis for compliance with safety criteria, when a reasonable person would conclude that the improvement associated with the petition – that is, the improvement that ostensibly will provide safe conditions – will not and cannot feasibly occur.

EC 9.6505(4) Sidewalks or EC 9.6505(5) Bicycle Paths and Accessways. The findings do not address safety conditions for bicycle travel down Oakleigh Lane to connect with the services at River Road.

EC 9.8320(12)

The Staff Report states:

“Public Works staff confirm that the development will have minimal off-site traffic impacts, as only 29 additional peak hour trips will be generated by the development. Public Works staff state that Oakleigh Lane currently provides for safe passage of two-way and emergency vehicles. No street improvements are required of the development, although right-of-way dedication and an Irrevocable Petition are being required to enable future public improvements. Pedestrian safety is further addressed at EC 9.8320(5)(b); those findings are incorporated by reference.”

¹⁰ As mentioned earlier, the correct number is 169 ITE-ADT.

However, the only statement related to traffic under this same section in the Eugene Public Works Referral Comments is, in its entirety:

“The development will have minimal off-site traffic impacts per the findings provided previously at criterion (5)(c) regarding traffic generation and pursuant to the street standards beginning at EC 9.6805 regarding the street system.”

While the findings at EC 9.8320(5)(b) and (c) and EC 9.6805 are related to traffic, nothing in the entire Public Works Referral Comments or Staff Report evaluates the actual EC 9.8320(12) criterion of “minimal off-site impacts.” In both documents, the word “minimal” never even occurs in relation to traffic, except in conclusory statements, as above, under EC 9.8320(12).

The statements found under the three referenced code sections are reviewed in testimony above, and can be summarized as follows:

EC 9.8320(5)(b) – This criterion requires “safe and adequate ... pedestrian and bicycle ... circulation, including related facilities, as needed among buildings and related uses on the development site, as well as to adjacent and nearby residential areas, transit stops, neighborhood activity centers, office parks, and industrial parks ...”

The Staff Report and Public Works Referral Comments provided no quantitative information at all on current and future use of Oakleigh Lane by pedestrians and bicyclists, and relies entirely on a conclusory statement that:

“Public Works staff indicates that there is nothing to suggest that the impacts of the proposed development will result in unsafe conditions in Oakleigh Lane.”

There was no evidence or analysis to support this conclusion, and it is inconsistent with Public Works staff analysis and conclusions under the “Constitutional Findings for Exaction” section of the Staff Report (as discussed above).

Furthermore, there was no attempt to actually identify and “*assess* the impacts of the proposed development with regard to the issue” as required by *Benjamin v. City of Ashland*, 19 Or LUBA 600 (1990).¹¹ In this case, the Hearings Official cannot just

¹¹ This case involve an Ashland approval criterion that required:

“The location, size, design and operating characteristics of the proposed development are such that the development will be reasonably compatible with and have minimal impact on the livability and appropriate development of abutting properties and the surrounding neighborhood.”

In remanding approval of a site review, LUBA stated:

“In this case, if there was testimony in the proceedings below which focussed [sic] on an issue arguably relevant to the qualities of livability and appropriate development in the neighborhood surrounding the proposed medical office complex, the city is required to address that issue in its findings. In addressing such an issue, the city must either (1) explain why the issue is not relevant to the qualities of livability and appropriate development in the surrounding neighborhood, or (2) identify the issue as relevant to determining the livability and appropriate development in the surrounding neighborhood and assess the impacts of the proposed development with regard to the issue.”

incorporate and rely on staff "findings" when those findings don't adequately evaluate the impacts and fully address issues raised in testimony that are "arguably relevant" to the criteria. Blanket, conclusory "findings" are not sufficient, especially when they completely inconsistent with other findings in the same Staff Report.

EC 9.8320(5)(c) – This criterion requires consistency with the provisions of the Traffic Impact Analysis Review of EC 9.8650 through 9.8680 "where applicable." Because the development would not increase peak-hour trips above the threshold that requires a Traffic Impact Analysis, this criterion was not applicable.

There staff comments for this criterion provide no evidence or analysis and merely includes the conclusory statement that "[r]eferral comments from Public Works staff indicate no concerns related to traffic safety issues ..."

EC 9.6805 – It is under this section in the Public Works Referral Comments (pages 2-4) that the following "constitutional findings for exaction" are found:

"It is in the public's interest to have Oakleigh Lane consist of 45 feet of right-of way through the development site's entry drive aisle and to consist of 33 feet beyond the drive aisle to the terminus of the street in order to ensure safety for pedestrians, bicyclists and motorists traveling on Oakleigh Lane (a low-volume street), to ensure the efficient provision of emergency services and to guarantee that the proposed development and adjacent properties are accessible via Oakleigh Lane.

...

Improving Oakleigh Lane to these standards will allow for two-way vehicular and bicycle traffic, will provide separation between vehicular traffic and pedestrians and will also provide for emergency response and access to adjacent lots. Because 45 feet of right-of-way is the minimum amount of right-of-way necessary to construct Oakleigh Lane in this manner as a low-volume street, and because 33 feet of right-of-way is the minimum amount of right-of-way necessary to construct the turnaround at this location, the public interest in safe vehicular, pedestrian and bicycle travel and emergency response and access will be at risk if the 22.5 foot and 13 foot strips of right-of-way are not dedicated.

...

Without the additional right-of-way, Oakleigh Lane cannot be improved to the City's minimum street design standards and the 168 new vehicle trips per day generated by the proposed development, along with the additional pedestrian and bicycle traffic generated by the proposed development, will not be assured of safe access via Oakleigh Lane."

So, the City staff finding that the traffic from proposed development will have nothing by "minimal off-site impacts" relies on the only actual detailed analysis by staff of the conditions that would exist if the PUD were approved and Oakleigh Lane still had a right-of-way 25 feet narrower than the City standard (45') and remained unimproved and unmaintained. And that analysis concluded that "safe vehicular, pedestrian and bicycle travel and emergency response and access will be at risk."

That analysis provides solid evidence that the increased traffic will – one way or another have major off-site impacts. Either:

- a) The Oakleigh Lane right-of-way will not be widened and the additional traffic will create an unsafe situation for current residents who drive, walk or bicycle on Oakleigh Lane; or
- b) Current property owners on the south side of Oakleigh Lane will lose 22½' feet of their property to expand the right-of-way, owners on the north side of Oakleigh Lane will lose 2½' feet of their property to expand the right-of-way, and all the owners will have to pay tens of thousands of dollars in assessments to improve Oakleigh Lane to minimum City standards.

EC 9.8320(13)

The Staff Report states:

"As noted at EC 9.8320(5)(c) in regards to traffic, ... , the proposed development will have minimal off-site impacts related to traffic ..."

Neither the Staff Report, nor the PWD Referral Comments even mention "minimal" or provide any finding that demonstrates "minimal off-site impacts."

Neither of these documents provides any findings to explain how doubling or tripling the impact of vehicular traffic on Oakleigh Lane meets the criterion of being "reasonably compatible and harmonious with adjacent and nearby land uses," i.e., the 19 households by which all of the PUD traffic will pass.

Furthermore, as demonstrated under EC 9.8320(12), above, the increased traffic will have *major* negative off-site impacts.

CONCLUSION

As demonstrated by the evidence and discussion in this testimony, the application fails to meet the following approval criteria:

- **EC 9.8320(1): The PUD is consistent with applicable adopted policies of the Metro Plan.**

The proposed PUD is inconsistent with the intent of, and implementing code for, *Metro Plan* Policies A.12 and A.13, *TransPlan* Transportation System Improvements (TSI) Pedestrian Policy #1: Pedestrian Environment and *TransPlan* Finance Policy #4: New Development.

- **EC 9.8320(5): The PUD provides safe and adequate transportation systems through compliance with the following:**

(a) **EC 9.6800 through EC 9.6875 Standards for Streets, Alleys, and Other Public Ways (not subject to modifications set forth in subsection (11) below).**

(b) **Pedestrian, bicycle and transit circulation, including related facilities, as needed among buildings and related uses on the development site, as well as to adjacent and nearby residential areas, transit stops, neighborhood activity centers, office parks, and industrial parks, provided the city makes findings to demonstrate consistency with constitutional requirements. "Nearby" means uses within ¼ mile that can reasonably be expected to be used by pedestrians, and uses within 2 miles that can reasonably be expected to be used by bicyclists.**

As the Public Works staff analysis concluded, and the evidence supports, Oakleigh Lane cannot safely and adequately handle the vehicle, pedestrian and bicycle traffic that will occur if the PUD is approved.

Furthermore, it is infeasible to dedicate the required 45' right-of-way and to improve Oakleigh Lane to meet the minimum standards required for Low Volume Residential Streets, which would be necessary to safely and adequately handle the vehicle, pedestrian and bicycle traffic that will occur if the PUD is approved.

- **EC 9.8320(6): The PUD will not be a significant risk to public health and safety, including but not limited to soil erosion, slope failure, stormwater or flood hazard, or an impediment to emergency response.**

As the Public Works staff analysis concluded, and the evidence supports, under the current narrow and substandard condition of Oakleigh Lane, safe vehicular, pedestrian and bicycle travel and emergency response and access will be at risk, if the PUD is approved.

Furthermore, it is infeasible to dedicate the required 45' right-of-way and to improve Oakleigh Lane to meet the minimum standards required for Low Volume Residential Streets, which would be necessary to avoid the risk and to safely and adequately handle the vehicle, pedestrian and bicycle traffic that will occur if the PUD is approved.

- **EC 9.8320(11): The PUD complies with all of the following:**

(b) **EC 9.6500 through EC 9.6505 Public Improvement Standards.**

EC 9.6500 Easements

EC 9.6505 Improvements–Specifications

EC 9.6505(3) Streets and Alleys and (4) Sidewalks

EC 9.6505(5) Bicycle Paths and Accessways.

The applicant did not meet the requirements for an exception to Street Connectivity and did not address the requirements for the approval criteria under sections EC 9.6815(2)(b), (c) and (d).

As the Public Works staff analysis concluded, and the evidence supports, under the current narrow and substandard condition of Oakleigh Lane, safe vehicular, pedestrian and bicycle travel and emergency response and access will be at risk, if the PUD is approved.

- **EC 9.8320(12): The proposed development shall have minimal off-site impacts, including impacts such as traffic, noise, stormwater runoff and environmental quality.**

The *doubling* of traffic (daily round trips) and the *tripling* of impacts (arising from increased “pass-bys”) on the face of it demonstrates much more than “minimal” off-site impacts, and the record contains no evidence or analysis to demonstrate otherwise.

Further, the evidence demonstrates that the increased traffic generated if the PUD were approved would cause one or the other of the following major off-site impacts:

- a) The Oakleigh Lane right-of-way will not be widened and the additional traffic will create an unsafe situation for current residents who drive, walk or bicycle on Oakleigh Lane; or
- b) Current property owners on the south side of Oakleigh Lane will lose 22½' feet of their property to expand the right-of-way, owners on the north side of Oakleigh Lane will lose 2½' feet of their property to expand the right-of-way, and all the owners will have to pay tens of thousands of dollars in assessments to improve Oakleigh Lane to minimum City standards.

- **EC 9.8320(13): The proposed development shall be reasonably compatible and harmonious with adjacent and nearby land uses.**

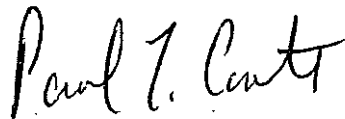
The proposed PUD by itself will generate almost the same amount of traffic (daily round trips) as all of the current residents of Oakleigh Lane combined. The proposed PUD by itself will also create *double* the impacts (arising from increased "pass-bys") as all of the current residents of Oakleigh Lane combined. On the face of it a single development that has such a disproportionately large traffic impact compared to the impacts each of the single-family households that line Oakleigh Lane has, cannot reasonably be considered "compatible" or "harmonious" with those nearby uses.

The record contains no evidence or analysis to demonstrate otherwise.

Further, the evidence demonstrates that the increased traffic generated if the PUD were approved would be significantly inharmonious with the existing single-family residential uses the border Oakleigh Lane by creating unsafe conditions for the current residents' vehicular, pedestrian and bicycle use of Oakleigh Lane.

For the reasons cited above, the application must be denied.

Submitted by,



Paul Conte

October 9, 2013

TAYLOR Becky G

From: INGRAM Daniel B <Daniel.Ingram@co.lane.or.us>
Sent: Thursday, August 29, 2013 11:56 AM
To: TAYLOR Becky G
Cc: MCKINNEY Lydia; WILKINSON Sarah W; CLARK Lynnae M
Subject: City of Eugene PDT-13-1, Oakleigh Meadow Cohousing PUD, Oakleigh Lane

TP File: 10529
File No: PDT-13-1
Applicant/Owner: Oakleigh Meadow LLC
Site Location: East end of Oakleigh Lane
Map & Tax Lots: 17-04-24-13-00400 & 17-04-24-24-05500

Proposal: Planned Unit Development (PUD) of approximately 2.3 acres. Proposes "Cohousing" with 28 one and two-story dwellings in a total of 7 buildings of 2 to 5 units each plus one two-story common building serving all residents. The said PUD proposal is known as Oakleigh Meadow Cohousing.

COMMENTS FROM LANE COUNTY TRANSPORTATION PLANNING:

Map & Tax Lot numbers 17-04-24-13-00400 & 17-04-24-24-05500 are contiguous properties with Map & Tax Lot No. 17-04-24-13-00400 having frontage on Oakleigh Lane. As per the application materials, access to the development will be from Oakleigh Lane. The section of Oakleigh Lane immediately adjacent to the subject contiguous properties is a City of Eugene Street. West of the City of Eugene portion of Oakleigh Lane, Oakleigh Lane is a Local Access Road (LAR) within the Eugene Urban Growth Boundary. Oakleigh Lane has an 18'-20' paved surface with no curb, gutter, nor sidewalk. Other than shallow roadside ditches that accommodate roadway storm water runoff, there are no public storm water facilities serving the property.

Local Access Roads are not maintained by Lane County. Transportation Planning has no further comment.

Thank you for providing the opportunity to comment on this proposal.

Daniel B. Ingram, P.E., P.L.S.
Senior Engineering Associate
Lane County Public Works
Phone: (541) 682-6996
e-mail: Daniel.Ingram@co.lane.or.us

Subject: RE: Referral comments re Eugene PUD PDT 13-1
From: INGRAM Daniel B <Daniel.Ingram@co.lane.or.us>
Date: 10/7/2013 12:00 PM
To: "CONTE Paul (SMTP)" <pconte@picante-soft.com>

Paul,

FYI, per Lane Code 15.010(35)(e)(v) a Local Access Road is defined as follows:

(v) Local Access Road. A Public Road that is not a County road, state highway, or federal road. Pursuant to ORS 368, the County and its officers, employees and/or agents, is not liable for failure to improve Local Access Roads and is not liable to keep Local Access Roads in repair. The County shall spend County moneys on Local Access Roads only if it determines that the work is an emergency or if:

- (aa) the Director recommends the expenditure; and
- (bb) the public use of the road justifies the expenditure proposed; and
- (cc) the Board enacts an order or resolution authorizing the work and designating the work to be either a single project or a continuing program.

I would say that your statement is correct as to the configuration of Oakleigh Lane. It is a Local Access Road. A portion of the road is within the City Limits of Eugene, and a portion of the road, essentially the middle, is outside of the City limits of Eugene. I cannot speak as to how the City of Eugene handles Local Access Road within the city limits, but Lane County does not typically maintain Local Access Roads as per the definition above.

Regarding the dedication of the road, I am not aware of the particulars of who dedicated the public road, but it is a public road.

Hope this helps.

Dan

From: Paul Conte [mailto:pconte@picante-soft.com]
Sent: Monday, October 07, 2013 11:14 AM
To: INGRAM Daniel B
Subject: Referral comments re Eugene PUD PDT 13-1

Hello Dan,

This is just a recap of what I understood from our conversation related to the attached referral comments on Oakleigh PUD (Eugene file PDT 13-1).

The portion of Oakleigh Lane that is west of the City of Eugene portion of Oakleigh Lane (i.e., immediately adjacent to the subject contiguous properties in PDT 13-1) is a Local Access Road, which has a right-of-way dedicated by the adjacent property owners, but not accepted as a street or road by either the City of Eugene or Lane County.

Lane County Public Works does not maintain such roads unless directed to do so by action the Lane County Board of Commissioners.

Please let me know if there are corrections or clarifications necessary.

Thank you

-- Paul

Paul Conte
541.344.2552

ATTACHMENT B

Eugene Arterial & Collector Street Plan



November 1999



City of Eugene
Transportation

RESOLUTION NO. 4608

A RESOLUTION ADOPTING REVISED DESIGN STANDARDS AND GUIDELINES FOR EUGENE STREETS, SIDEWALKS, BIKEWAYS AND ACCESS WAYS, AND REPEALING RESOLUTION NO. 4500.

The City Council of the City of Eugene finds that:

A. On July 29, 1996, the City Council adopted Resolution No. 4500 amending and readopting the June, 1993 Design Standards for Eugene Streets, Sidewalks, Bikeways and Access Ways.

B. As part of the Eugene Arterial and Collector Street Plan, the Eugene Planning Commission has recommended new design standards for arterial and collector streets. The entire design standards document has been reformatted and a street lighting design standard has also been added for both local streets and arterial and collector streets. Those standards are set forth in Exhibit A hereto and are also contained within the Eugene Arterial and Collector Street Plan.

C. The revised Design Standards and Guidelines for Eugene Streets, Sidewalks, Bikeways and Access Ways attached as Exhibit A hereto as approved and recommended by the Eugene Planning Commission, should be adopted, Resolution No. 4500 and the Design Standards adopted therein should be repealed, and the design standards for local streets amended, all as set forth in the attached Exhibit A.

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. Resolution No. 4500, and the June, 1993 Design Standards for Eugene Streets, Sidewalks, Bikeways, and Access Ways adopted therein is hereby repealed, as of the effective date of this Resolution.

Section 2. The revised Design Standards and Guidelines for Eugene Streets, Sidewalks, Bikeways and Access Ways attached as Exhibit A hereto are hereby adopted, as of the effective date of this Resolution, as the City's mandatory design standards and its advisory guidelines for arterial, collector and local streets. The guidelines in Exhibit A for implementation of those design standards are advisory only, and have no legal or binding effect. These Design Standards and Guidelines are also set forth in the Eugene Arterial and Collector Street Plan, and portions are reflected in the Eugene Local Street Plan. In the event any conflict exists with the Standards and Guidelines in Exhibit A and the Standards and Guidelines in the Eugene Arterial and Collector Street Plan or the

Exhibit A

Design Standards and Guidelines For Eugene Streets, Sidewalks, Bikeways and Accessways

November 1999

RESOLUTION NO. 4608

A RESOLUTION ADOPTING REVISED DESIGN STANDARDS AND GUIDELINES FOR EUGENE STREETS, SIDEWALKS, BIKEWAYS AND ACCESS WAYS, AND REPEALING RESOLUTION NO. 4500.

The City Council of the City of Eugene finds that:

A. On July 29, 1996, the City Council adopted Resolution No. 4500 amending and readopting the June, 1993 Design Standards for Eugene Streets, Sidewalks, Bikeways and Access Ways.

B. As part of the Eugene Arterial and Collector Street Plan, the Eugene Planning Commission has recommended new design standards for arterial and collector streets. The entire design standards document has been reformatted and a street lighting design standard has also been added for both local streets and arterial and collector streets. Those standards are set forth in Exhibit A hereto and are also contained within the Eugene Arterial and Collector Street Plan.

C. The revised Design Standards and Guidelines for Eugene Streets, Sidewalks, Bikeways and Access Ways attached as Exhibit A hereto as approved and recommended by the Eugene Planning Commission, should be adopted, Resolution No. 4500 and the Design Standards adopted therein should be repealed, and the design standards for local streets amended, all as set forth in the attached Exhibit A.

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. Resolution No. 4500, and the June, 1993 Design Standards for Eugene Streets, Sidewalks, Bikeways, and Access Ways adopted therein is hereby repealed, as of the effective date of this Resolution.


Section 2. The revised Design Standards and Guidelines for Eugene Streets, Sidewalks, Bikeways and Access Ways attached as Exhibit A hereto are hereby adopted, as of the effective date of this Resolution, as the City's mandatory design standards and its advisory guidelines for arterial, collector and local streets. The guidelines in Exhibit A for implementation of those design standards are advisory only, and have no legal or binding effect. These Design Standards and Guidelines are also set forth in the Eugene Arterial and Collector Street Plan, and portions are reflected in the Eugene Local Street Plan. In the event any conflict exists with the Standards and Guidelines in Exhibit A and the Standards and Guidelines in the Eugene Arterial and Collector Street Plan or the

Eugene Local Street Plan, the Standards and Guidelines in Exhibit A hereto control. Subsequent amendments to Exhibit A may be made as authorized in Section 7.085 of the Eugene Code, 1971, following the rule making procedures of Section 2.019 of the Eugene Code, 1971, with notification to the City Council at the same time that public notice is given.

Section 3. This Resolution, and the Design Standards and Guidelines adopted herein shall become effective upon the effective date of Ordinance No. 20181.

Section 4. In addition to the findings set forth above, the Eugene Arterial and Collector Street Plan adopted as findings in support of Ordinance No. 20181 is incorporated by reference as additional findings in support hereof.

The foregoing Resolution is adopted the 22nd day of November, 1999.



City Recorder

Exhibit A

**Design Standards and Guidelines For Eugene Streets,
Sidewalks, Bikeways and Accessways**

November 1999

LOCAL STREETS

Local streets are the framework around which communities are built. Although the primary function of local streets is to provide access to properties fronting on the street, to a great extent, they also determine the form and character of cities and neighborhoods. The pattern and design of local streets help shape neighborhood image and identity, and can influence whether or not an area feels safe. Local streets can also influence the degree of communication neighbors have with one another, the extent to which residents use alternate modes of transportation, and the population's general feelings of well-being and comfort related to their immediate environment.

The design and appearance of local streets should convey this purpose through the use of relatively narrow widths, short lengths, frequent connections with other streets, and alignments which encourage slow traffic speeds and discourage through traffic.

Table 2 contains a summary of typical widths for local street elements such as right-of-way, pavement, sidewalks and plant strip areas, and traffic volume thresholds.

Local Street Standards

Table 2

Type of Street	R.O.W. Width	Paving Width			(Setback) [ⓐ] Sidewalks	Planting Strips [ⓑ]	Average Daily Traffic (ADT)
		No Parking	Parking One Side	Parking Two Sides			
1-way Alley [Ⓒ]	20'	12'			None	None	NA
2-way Alley [Ⓒ]	20'	16'			None	None	
Access Lane [Ⓒ]	40'		21' (7/14)		1 @ 6'	7' and 6'	<250
Access Lane [Ⓒ]	55'			28' (7/14/7)	2 @ 6'	2 @ 7'-6"	ADT
Low-Volume Res. [Ⓓ]	45'	20'(10/10)			2 @ 6'	2 @ 6'-6"	250
Low-Volume Res. [Ⓓ]	45'		21'(7/14)		2 @ 6'	2 @ 6'-0"	to 750
Low-Volume Res. [Ⓓ]	55'			28'(7/14/7)	2 @ 6'	2 @ 7'-6"	ADT
Med.-Volume Res. [Ⓓ]	50'	20'(10/10)			2 @ 6'	2 @ 9'-0"	>750
Med.-Volume Res. [Ⓓ]	55'		27'(7/10/10)		2 @ 6'	2 @ 8'-0"	ADT
Med.-Volume Res. [Ⓓ]	60'			34'(7/10/10/7)	2 @ 6'	2 @ 7'-0"	
Commercial/Industrial	55'-70'		30'-44'		Curbside/ Setback	2 @ 6'-0" Min.	NA

A. Setback sidewalk dimension includes a 5' paved walk and 1' strip behind the walk. For curbside sidewalks, the sidewalk dimension includes a 5' paved walk and 6" curb (5'-6" total); the 1' strip behind the walk is added to the planting strip dimension.

B. Planting strip dimension includes 6" curb. For curbside sidewalks, an additional 6" would be added to the planting strip dimension.

C. In addition to the ROW width, alleys require a minimum setback of 2' on each side for a minimum 24' backup distance.

D. Additional parking to accommodate occasional high parking demand may be provided in congregate parking areas such as parking bays.

Local Street Sub-Classifications

Local streets are divided into several sub-classifications:

- Alleys
- Access Lanes
- Low Volume Residential Streets
- Medium-Volume Residential Streets
- Commercial-Industrial Streets

Alleys: Alleys are streets that provide secondary access to residential properties where street frontages are narrow, where the street is designed with a narrow width to provide limited on-street parking, or where alley access development is desired to increase residential densities.

Access Lanes: These streets are designed for primary access to a limited number of properties. On this street type, the residential environment is dominant and traffic is subservient. Access Lanes can be constructed as cul-de-sacs, loop streets, or short streets connecting two other streets. Access lanes generally serve 25 or fewer homes and traffic volumes are less than 250 Average Daily Traffic (ADT).

Low-Volume Residential Streets: These streets are designed for primary access to individual residential property as well as access to adjacent streets. As with the Access Lane, the residential environment is dominant. Traffic volumes are relatively low (250-750 ADT).

Medium-Volume Residential Streets: These streets are designed for primary access to individual residential property and to connect streets of lower and higher function and access the major street network. These streets are designed to accommodate higher traffic volumes (750-1,500 ADT).

Commercial/Industrial Streets: These streets are designed for primary access to commercial and industrial properties and to connect to the major street network. They are designed to accommodate higher traffic volumes and freight.

Local Street Design Standards

The typical design elements found in a local street right-of-way are: sidewalk and planting strip areas, parking lanes, vehicle traffic lanes, parking lanes, drainage and curbs, planting strips, sidewalks, utilities, street lighting, and occasionally a center median. The standards in paragraphs A-M below apply to both new and existing unimproved local streets, unless otherwise stated.

A. Vehicle Lanes

- 1) Two 10' vehicle traffic lanes are required on local residential streets when traffic volumes are expected to exceed 750 vehicles per day.
- 2) On local residential streets with traffic volumes less than 750 vehicles per day, a single 14' traffic lane may be permitted for both directions of vehicular travel. The single traffic lane is intended to create a "queuing street", such that when opposing vehicles meet, one of the vehicles must yield by pulling into a vacant portion of the adjacent parking lane. This queuing effect has been found to be an effective and safe method to reduce speeds and non-local traffic.
- 3) Two 12' wide vehicle traffic lanes are required on local commercial and industrial streets.
- 4) In special circumstances, such as where a local street intersects with a collector or arterial street, additional width may be required for safe turning movements.

B. Medians

- 1) Center medians are a design option for Low-Volume and Medium-Volume Residential Streets, but the street design must ensure the minimum 14' clear lane needed for fire apparatus.
- 2) Medians shall be landscaped with groundcover, trees, and shrubs less than 3' in height.

Local Street Sub-Classifications

Local streets are divided into several sub-classifications:

- Alleys
- Access Lanes
- Low Volume Residential Streets
- Medium-Volume Residential Streets
- Commercial-Industrial Streets

Alleys: Alleys are streets that provide secondary access to residential properties where street frontages are narrow, where the street is designed with a narrow width to provide limited on-street parking, or where alley access development is desired to increase residential densities.

Access Lanes: These streets are designed for primary access to a limited number of properties. On this street type, the residential environment is dominant and traffic is subservient. Access Lanes can be constructed as cul-de-sacs, loop streets, or short streets connecting two other streets. Access lanes generally serve 25 or fewer homes and traffic volumes are less than 250 Average Daily Traffic (ADT).

Low-Volume Residential Streets: These streets are designed for primary access to individual residential property as well as access to adjacent streets. As with the Access Lane, the residential environment is dominant. Traffic volumes are relatively low (250-750 ADT).

Medium-Volume Residential Streets: These streets are designed for primary access to individual residential property and to connect streets of lower and higher function and access the major street network. These streets are designed to accommodate higher traffic volumes (750-1,500 ADT).

Commercial/Industrial Streets: These streets are designed for primary access to commercial and industrial properties and to connect to the major street network. They are designed to accommodate higher traffic volumes and freight.

Local Street Design Standards

The typical design elements found in a local street right-of-way are: sidewalk and planting strip areas, parking lanes, vehicle traffic lanes, parking lanes, drainage and curbs, planting strips, sidewalks, utilities, street lighting, and occasionally a center median. The standards in paragraphs A-M below apply to both new and existing unimproved local streets, unless otherwise stated.

A. Vehicle Lanes

1) Two 10' vehicle traffic lanes are required on local residential streets when traffic volumes are expected to exceed 750 vehicles per day.

2) On local residential streets with traffic volumes less than 750 vehicles per day, a single 14' traffic lane may be permitted for both directions of vehicular travel. The single traffic lane is intended to create a "queuing street", such that when opposing vehicles meet, one of the vehicles must yield by pulling into a vacant portion of the adjacent parking lane. This queuing effect has been found to be an effective and safe method to reduce speeds and non-local traffic.

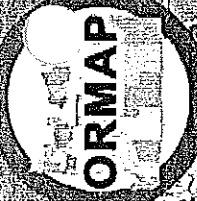
3) Two 12' wide vehicle traffic lanes are required on local commercial and industrial streets.

4) In special circumstances, such as where a local street intersects with a collector or arterial street, additional width may be required for safe turning movements.

B. Medians

1) Center medians are a design option for Low-Volume and Medium-Volume Residential Streets, but the street design must ensure the minimum 14' clear lane needed for fire apparatus.

2) Medians shall be landscaped with groundcover, trees, and shrubs less than 3' in height.



I Want To...

- [View My Home Page](#)
- [View General Payment Information](#)
- [Search Help](#)
- [Contact Us](#)

Important Information - Please Read

The 2013-14 tax statements are scheduled to be mailed on October 13th. This site will be updated with that information on the same date. Please visit us then for the latest information.

Search Method

- Search by Account Number
- Search by Map and Taxlot
- Search by Property Address
- Search by Taxpayer Name

Enter Search Criteria

- Search Method
- Select address from list
 - Search by partial address

Search Criteria

Enter a partial property address

Oakleigh

- Starts With
- Contains

Search Results

Click a row in the table below to view the account information

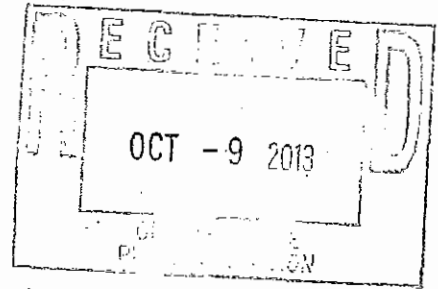
Account Number	Map Lot	Taxpayer Name	State Address	State City
0431658	1704242404300	BAUDICHON PHILIP & DEBRA	103 OAKLEIGH LN	EUGENE
0431674	1704242404500	RIVER ROAD WATER DISTRICT	105 OAKLEIGH LN	EUGENE
0431682	1704242404600	DARIAN JEAN C	109 OAKLEIGH LN	EUGENE
0431690	1704242404700	GILMAN LISA M	111 OAKLEIGH LN	EUGENE
0431708	1704242404800	JOHNSON SHAWN	113 OAKLEIGH LN	EUGENE
0431716	1704242404900	ROSSMAN OLIVE A	115 OAKLEIGH LN	EUGENE
0431724	1704242405000	CRAFTON TERRY & TAMMY	117 OAKLEIGH LN	EUGENE
0431732	1704242405001	MARLETTE JACQUELINE C & DAMBROW RICHARD	119 OAKLEIGH LN	EUGENE
0431740	1704242405100	DUNCAN GALE M & DIANE Y	121 OAKLEIGH LN	EUGENE
0431757	1704242405200	BERNARDI CYNTHIA	123 OAKLEIGH LN	EUGENE
0431765	1704242405300	GREENHOOT JOHN T & SONGSRI	125 OAKLEIGH LN	EUGENE
1143781	1704242405301	LOVE EDWARD TERRY & ANNE LORRAINE	133 OAKLEIGH LN	EUGENE
1301538	1704242405302	STEDMAN RACHEL L	131 OAKLEIGH LN	EUGENE
0431773	1704242405400	THOMS BRYN E & SANDYK	135 OAKLEIGH LN	EUGENE
0431823	1704242405900	REGAN LAUREN	160 OAKLEIGH LN	EUGENE
0431849	1704242406100	MATHIS DAN & DIANE	130 OAKLEIGH LN	EUGENE
0431856	1704242406200	BOVILSKY LARA	116 OAKLEIGH LN	EUGENE
0431864	1704242406300	GARCIA ANGEL JR	112 OAKLEIGH LN	EUGENE
0431872	1704242406301	HUTCHINSON ETHAN C & MARJORIE L	114 OAKLEIGH LN A	EUGENE
0431880	1704242406400	GREENLEE DALE E	108 OAKLEIGH LN	EUGENE
0431898	1704242406401	BRADLEY LORETTA M	110 OAKLEIGH LN	EUGENE
0431906	1704242406500	MONES STEWART L	90 OAKLEIGH LN	EUGENE

ATTACHMENT E

	Address	Tax Map + Lot	Taxpayer Name	Use Code	Use	Dwellings	Residences Impacted
1.	90 OAKLEIGH LN	1704242406500	MONES STEWART L	201	Clinic	0	0
2.	103 OAKLEIGH LN	1704242404300	BAUDICHON PHILIP & DEBRA	121	Car Sales	0	0
3.	105 OAKLEIGH LN	1704242404400	RIVER ROAD WATER DISTRICT	201	Vol.	0	0
4.	(no address)	1704242404500		201	Library	0	0
5.	108 OAKLEIGH LN	1704242406400	GREENLEE DALE E	121	SF-D	1	0
6.	109 OAKLEIGH LN	1704242404600	DARIAN JEAN C	101	SF-D	1	1
7.	110 OAKLEIGH LN	1704242406401	BRADLEY LORETTA M	101	SF-D	1	3
8.	111 OAKLEIGH LN	1704242404700	GILMAN LISA M	101	SF-D	1	2
9.	112 OAKLEIGH LN	1704242406300	GARCIA ANGEL JR	101	SF-D	1	5
10.	113 OAKLEIGH LN	1704242404800	JOHNSON SHAWN	101	SF-D	1	5
11.	114 OAKLEIGH LN	1704242406301	HUTCHINSON ETHAN C & MARJORIE L	101	SF-D	1	7
12.	115 OAKLEIGH LN	1704242404900	ROSSMAN OLIVE A	101	SF-D	1	7
13.	116 OAKLEIGH LN	1704242406200	BOVILSKY LARA	101	SF-D	1	9
14.	117 OAKLEIGH LN	1704242405000	CRAFTON TERRY & TAMMY	101	SF-D	1	9
15.	119 OAKLEIGH LN	1704242405001	MARLETTE JACQUELINE C & DAMBROV RICHARD	101	SF-D	1	11
16.	121 OAKLEIGH LN	1704242405100	DUNCAN GALE M & DIANE Y	101	SF-D	1	11
17.	123 OAKLEIGH LN	1704242405200	BERNARDI CYNTHIA	101	SF-D	1	13
18.	125 OAKLEIGH LN	1704242405300	GREENHOOT JOHN T & SONGSRI	101	SF-D	1	14
19.	130 OAKLEIGH LN	1704242406100	MATHIS DAN & DIANE	101	SF-D	1	11
20.	131 OAKLEIGH LN	1704242405302	STEDMAN RACHEL L	101	SF-D	1	15
21.	133 OAKLEIGH LN	1704242405301	LOVE EDWARD TERRY & ANNE LORRAINE	101	SF-D	1	16
22.	135 OAKLEIGH LN	1704242405400	THOMS BRYN E & SANDY K	101	SF-D	1	17
23.	160 OAKLEIGH LN	1704242405900	REGAN LAUREN	101	SF-D	1	13
24.	(no address)	1704242410100	BRANDT JAMES P & SHARON I	100	Vac.	0	0

Use Code	Use Description	Number of Tax Lots
100	Residential Vacant	1
101	Residential Improved SF-D = Single-Family Detached	19
121	Residential Commercial Zoned Improved	2
201	Commercial Improved	2

MARK CONLEY



RECEIPT CONFIRMATION Plant List Spreadsheet

Oct. 9, 2013

Eugene Planning Department
Eugene, OR

RE: Oakleigh Community Development

Printed name of Planning Department employee certifying this receipt and accompanying
PLANT LIST SPREADSHEET for Oakleigh site

KELLY WHITMILL

Signature of Planning Department employee certifying this receipt and accompanying
PLANT LIST SPREADSHEET for Oakleigh site

Kelly Whitmill

Printed date of Planning Department employee certifying this receipt and accompanying
PLANT LIST SPREADSHEET for Oakleigh site

10/9/13

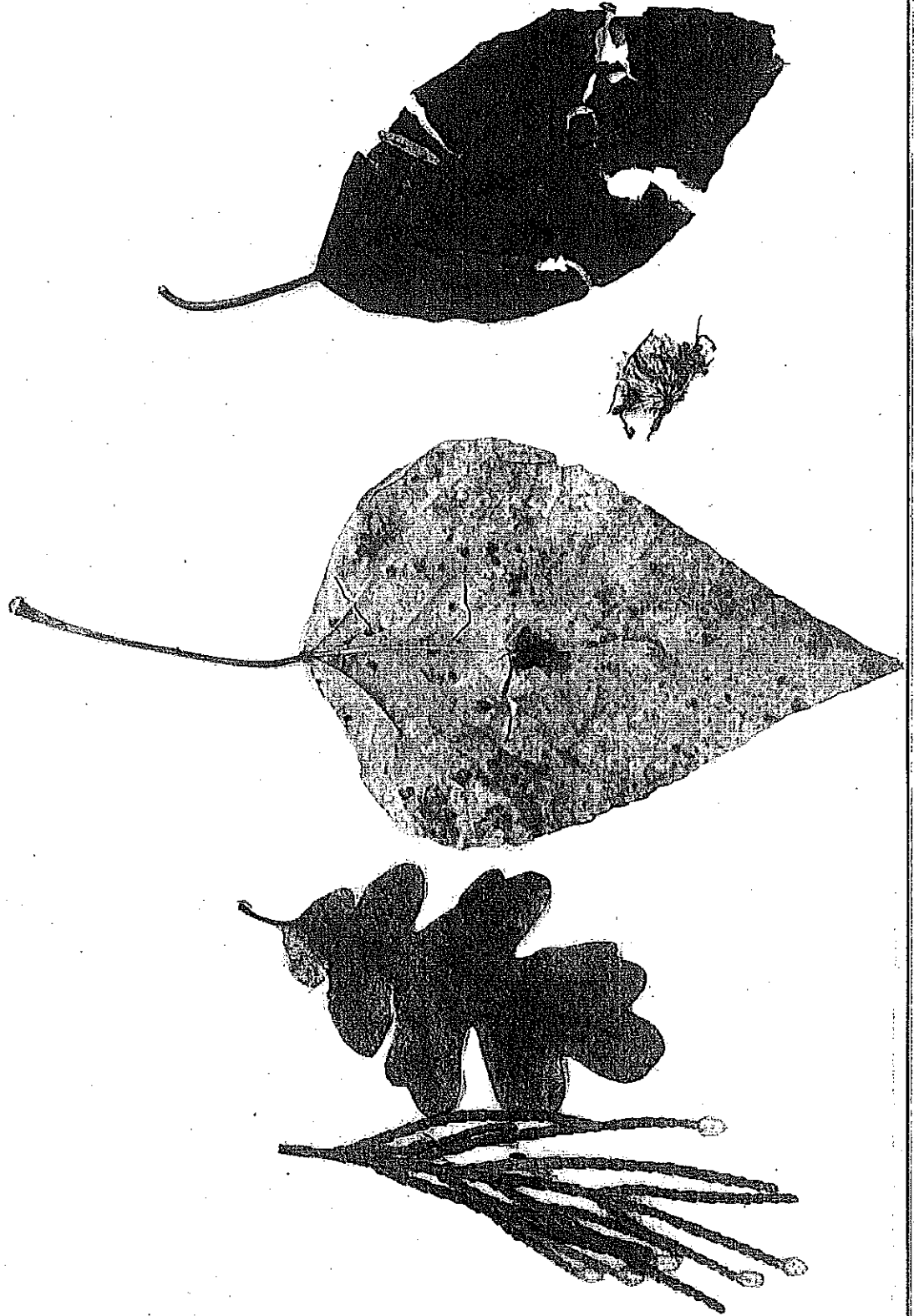
Mark Conley
Mark Conley
Oct. 9, 2013

Mark Conley 4:53 P.M.

ADDENDUM - 4:50 P.M.

Becky: This plant list is all I could do because I found out about this project two days ago. I would like to add additional input, including the plant communities and further suggested studies that would make a more comprehensive framework for design. There have not been done and must be in order for design and decision to occur. I will submit suggestions by Oct. 16.

Vegetation survey was not completed and therefore a decision cannot be made yet.



M A R K C O N L E Y

RECEIVED

OCT 09 2013

CITY OF EUGENE
BUILDING & PERMIT SVCS

RECEIPT CONFIRMATION
Plant List Spreadsheet

Oct. 9, 2013

Eugene Planning Department
Eugene, OR

RE: Oakleigh Community Development

Printed name of Planning Department employee certifying this receipt and accompanying
PLANT LIST SPREADSHEET for Oakleigh site

KELLY WHITMILL

Signature of Planning Department employee certifying this receipt and accompanying
PLANT LIST SPREADSHEET for Oakleigh site

Kelly Whitmill

Printed date of Planning Department employee certifying this receipt and accompanying
PLANT LIST SPREADSHEET for Oakleigh site

10/9/13

Mark Conley
Mark Conley
Oct. 9, 2013

OAKLEIGH PLANT LIST

TYPE	LEAF	NATIVITY	AGGRESSIVENESS	LATIN NAME	COMMON NAME
Tree	Deciduous	Native		<i>Acer macrophyllum</i>	Bigleaf Maple
Tree	Deciduous	Native		<i>Alnus rubra</i>	Red Alder
Tree	Evergreen	Native		<i>Calocedrus decurrens</i>	California Incense Cedar
Tree	Deciduous	Native		<i>Fraxinus latifolia</i>	Oregon Ash
Tree	Deciduous	Native		<i>Populus balsamifera trichocarpa</i>	California Black Cottonwood
Tree	Evergreen	Native		<i>Pseudotsuga menziesii</i>	Douglas-fir
Tree	Deciduous	Native		<i>Quercus garryana</i>	Oregon White Oak
Tree	Deciduous	Native		<i>Quercus kelloggii</i>	California Black Oak
Tree	Deciduous	Cultured		<i>Juglans sp.</i>	Culinary Walnut
Tree	Deciduous	Cultured		<i>Malus domestica</i>	Common Apple
Tree	Deciduous	Cultured		<i>Prunus cerasifera 'Thundercloud'</i>	Thundercloud Flowering Plum
Tree	Deciduous	Cultured		<i>Prunus salicina</i>	Culinary Plum
Tree	Deciduous	Cultured		<i>Prunus salicina 'Italian'</i>	Italian Plum
Tree	Deciduous	Cultured		<i>Pyrus communis</i>	Culinary Pear
Tree	Deciduous	Cultured		<i>Pyrus communis 'Asian'</i>	Asian Pear
Shrub	Deciduous	Native		<i>Acer circinatum</i>	Vine Maple
Shrub	Deciduous	Native		<i>Cornus sericea (prev. stolonifera)</i>	Redosier Dogwood
Shrub	Deciduous	Native		<i>Corylus cornuta californica</i>	Western Hazelnut
Shrub	Deciduous	Native		<i>Lonicera ciliosa</i>	Orange (Trumpet) Honeysuckle
Shrub	Evergreen	Native		<i>Mahonia aquifolium (Pursh) Nutt.</i>	Oregon Grape, Tall Oregon Grape
Shrub	Deciduous	Native		<i>Oemleria cerasiformis</i>	Indian Plum
Shrub	Deciduous	Native		<i>Rhamnus purshiana (poopiana)</i>	Cascara
Shrub	Deciduous	Native		<i>Salix spp.</i>	Willow spp.
Shrub	Deciduous	Native		<i>Spiraea douglasii</i>	Western Spirea, Douglas Spirea, Hardhack
Shrub	Deciduous	Native		<i>Symphoricarpos albus</i>	Snowberry
Shrub	Deciduous	Native		<i>Symphoricarpos mollis</i>	Creeping Snowberry
Shrub	Deciduous	Native		<i>Toxicodendron diversiloba</i>	Itchy Oak, Poison Oak
Shrub	Deciduous	Cultured		<i>Corylus sp.</i>	Culinary Hazelnut, Filbert
Shrub	Deciduous	Cultured	Invasive	<i>Crataegus monogyna</i>	Singleseed Hawthorn
Shrub	Evergreen	Cultured	Invasive	<i>Ilex aquifolium</i>	English Holly
Shrub	Evergreen	Cultured	Invasive	<i>Prunus laurocerasus L.</i>	English Laurelcherry
Shrub	Evergreen	Cultured	Invasive	<i>Rubus armeniacus Focke</i>	Himalayan Blackberry
Groundcover	Deciduous	Native		<i>Aster sp.</i>	Aster sp.
Groundcover	Evergreen	Native		<i>Carex obnupta</i>	Slough Sedge
Groundcover	Evergreen	Native		<i>Carex spp.</i>	Sedge spp.
Groundcover	Evergreen	Native		<i>Festuca sp.</i>	Fescue sp.
Groundcover	Evergreen	Native		<i>Juncus bufonius</i>	Toad Rush
Groundcover	Evergreen	Native		<i>Juncus spp.</i>	Rush spp.
Groundcover	Evergreen	Native		<i>Polystichum munitum</i>	Western Swordfern
Groundcover	Evergreen	Native			Grass spp.
Groundcover	Evergreen	Native			Moss spp.
Groundcover	Deciduous	Cultured	Invasive	<i>Bellis perennis</i>	English Daisy
Groundcover	Evergreen	Cultured	Invasive	<i>Dactylis sp.</i>	Orchard Grass
Groundcover	Deciduous	Cultured	Invasive	<i>Daucus carota</i>	Queen Annes Lace
Groundcover	Evergreen	Cultured	Invasive	<i>Hedera helix</i>	English Ivy
Groundcover	Evergreen	Cultured	Invasive	<i>Hedera hibernica</i>	Irish Ivy
Groundcover	Evergreen	Cultured	Invasive	<i>Phalaris arundinacea</i>	Reed Canarygrass
Groundcover	Deciduous	Cultured	Invasive	<i>Plantago sp.</i>	Tobacco Plant
Groundcover	Deciduous	Cultured	Invasive	<i>Solanum sp.</i>	Solanum sp.
Groundcover	Deciduous	Cultured	Invasive	<i>Taraxacum officinale F.H. Wigg.</i>	Common Dandelion
Groundcover	Deciduous	Cultured	Invasive	<i>Taraxacum sp.</i>	Tall Dandelion
Groundcover	Deciduous	Cultured	Invasive	<i>Trifolium spp.</i>	Clover spp.
Groundcover	Deciduous	Cultured	Invasive	<i>Veronica sp.</i>	Self-heal
Groundcover	Deciduous	Cultured	Invasive		Teasel

OAKLEIGH PLANT LIST

Animal		Native		Bald Eagle
Animal		Native		Chickadee
Animal		Native	Cyanocitta stelleri	Steller's Jay
Landscape feature		Native		Angular large basalt boulder
Landscape feature		Native		Fallen log
Landscape feature		Native		Hummocks
Landscape feature		Native		River edge - Steep deep bank - at least 5'
Landscape feature		Native		Shady understory
Landscape feature		Native		Snag
Landscape feature		Native		Tall mature trees

TAYLOR Becky G

From: Sue Schaeffer <sues@poetworld.net>
Sent: Wednesday, October 09, 2013 5:50 PM
To: TAYLOR Becky G
Subject: Oakleigh meadows

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Red Category

Dear Becky,

I am a nearby resident of the proposed Oakleigh Meadows. I am also a neighbor of architect Will Dixon and have always liked him and his family.

I was shocked to discover that the cohousing consists of 2 story condo buildings. I was expecting small houses. And what is with the 8 foot brick wall? I thought fences were limited to 6 feet. And why a brick wall in the first place? How rude.

This is an enclave, which will not be part of the neighborhood by design and is not consistent with the neighborhood. And secondly, two story condos on the Greenway are totally inappropriate and should not be allowed.

I keep hearing from Eugene that infilling should be consistent with my River Road neighborhood. None of the condo developments in the River Road area in any way fit in with the neighborhood. But we must ESPECIALLY defend the Greenway from inconsistent development.

Sue Schaeffer
118 E Hilliard Lane
Eugene, OR 97404

TAYLOR Becky G

From: Michaels Christopher <sevenstarsp7@gmail.com>
Sent: Wednesday, October 09, 2013 8:22 PM
To: TAYLOR Becky G
Cc: Frannie Cross
Subject: Oakleigh Meadow Cohousing

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Red Category

Dear Becky Taylor,

We are writing to voice our views on the Oakleigh Meadow Cohousing project. We have been following this issue for some time and visited the neighborhood earlier this evening. We can understand neighbors being concerned about this project-people generally do not like big changes in their neighborhood. But the OMC people are in compliance with city codes and are making a good faith effort to work with neighbors. The project clearly does not disrupt the greenway and another developer may not be as gracious and cooperative as OMC. We support OMC and what they are wanting to achieve with this project. In our preschool we teach the children about cooperation and working together. Please give children of Eugene the opportunity to live in community as members of this positive and sustainable housing development.

Our first teacher is our own heart.
-Cheyenne Proverb

Sincerely,
Deb and Christopher Michaels
Co-Directors of Seven Stars Childcare

1193 Van Buren St.
Eugene, Or. 97402
541-485-0567

Rec'd 10/9/13
PT-9

October 9, 2013

Dear City of Eugene Planning Department,

My name is Jane Towne. I live on 127 McClure Lane. I attended the public hearing and voiced a neutral position at that time. Originally, I was in strong opposition and wrote a letter to the planning department. After further review of the hearing, I find myself once again in opposition. I was disappointed by the disrespectful manner of the OMC representatives, and was impressed by the compassion, research and composure of my Oakleigh and McClure neighbors. I am proud to stand with them in opposition. I too, think this project at the current size is not compatible with the current neighborhood structure. Pushing on every property line without respect to the neighborhood's feedback is simple greed and selfishness. This is not the value OMC expresses for their own community, a conflict that creates distrust and disharmony in the larger community.

My letter today is intended to clearly register my strong opposition to the land use modification (Eugene City Code 9.8) applied for by Oakleigh Meadow Cohousing (OMC) to build seven large condominiums, a large common house with apartments, garage buildings and 8 foot block wall on the undeveloped land east of Oakleigh Lane. The size, scale and impact of this development do not serve in the best interest of our neighborhood and is in conflict with the existing community. I believe the current OMC plan for development in Oakleigh Meadow to be in conflict with the existing community as stated in the neighborhood plan. I ask that you consider the following points in your decision to reject the current application:

Heritage Trees – We consider the large fir and hemlock trees on the south side of Oakleigh Meadow along with the stand of lovely cedar trees on the north boundary old growth, heritage trees that should be preserved as such in our neighborhood. These healthy, native trees provide homes for protected wildlife and stability for our soil and river bank. Inaccuracies in OMC's application in this regard present a major concern - they state that no significant trees will be removed yet in the prior paragraph they say they are removing 4 large trees over 8 inches in diameter! The fir tree, in particular, is a graceful gem, that has provided shade under which even the cohousing developers have used for their meetings. OMC's incongruent behavior breeds disharmony and mistrust within our neighborhood community. We consider the fir and hemlock trees as significant, old growth, heritage trees and ask that you reject the current plan to remove them, preserving them for generations to come.

High Density – Dense housing development on the east side of the Willamette River Greenway, along Goodpasture Island Road, is currently underway. This is a huge development generating loud and intrusive construction noise in our neighborhood for the past 2 years. We believe the Goodpasture housing development provides adequate infill and achieves the city's current goal of high density housing and sprawl reduction. We DO NOT support additional high density infill in Oakleigh Meadow and agree with our neighbors who spoke in opposition to this application at the public hearing. We ask you to reject OMC's current plan as submitted and require the cohousing development to reduce their size, at the minimum, by at least half and provide a scale of building that better matches the current, existing housing model.

Neighborhood Compatibility – We DO NOT think the cohousing plan as submitted to be compatible with our neighborhood goals. The majority of home owners on McClure Lane and Oakleigh Lane are single family modest dwellings residing on property owned by the single family. These are hard working families who greatly care for the land and their children. Communal ownership of property is highly

risky, especially in uncertain economic times. Oakleigh and McClure neighbors expressed sustainability concerns at the hearing and it remains uncertain that this development would have the reserves needed to sustain their project over the long term. Please reject the current plan and require a rescaling of the plan to single family ownership of both housing and property.

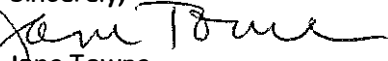
Screening – In the current OMC plan as presented at the meeting, we saw no screening or sound barriers between the project and the greenway or existing neighbors, other than the 8-foot cement wall with green plantings near the parking lot. The cedar fence boarding our property does not provide a sound barrier for a project of this magnitude and purpose. Our experience over the past few years includes monthly (sometimes more) large, public, noisy and disruptive gatherings with clear disregard to the peaceful lifestyle of existing neighbors. Given this history, additional screening is paramount to avoid on-going complaints to the city about disruptive public events taking place at OMC. Please reject the current plan as submitted and require additional screening, sound barriers and green plantings on all sides of this project.

Traffic – Traffic remains a concern for all who live our lanes. Additional vehicular and bicycle traffic puts children and the elderly at risk. This is an unsafe situation for the existing and future neighborhood. Please reject the plan as submitted and require a detailed traffic analysis along with a scaled back, smaller building plan. In addition, should road improvements be required to accommodate and benefit OMC’s building plan, we ask that you require OMC to hold complete fiscal responsibility for such improvements.

Easement – We DO NOT grant easement for this project to build five feet from our property line. There is an existing building on our property that functions as a working greenhouse, artist studio and retreat. We are concerned that a large structure within 5 feet of our property line would create an unsafe, unnecessary risk, providing inadequate fire lanes for fire trucks and rescue vehicles. We also do not support OMC’s request for easements allowing structures to sit on or near property lines. Therefore, we do not grant easement for this project as submitted.

We ask that you reject OMC’s current plan as submitted and require a reduction in size by at least half rescaling to better match the existing community. Thank you for your thoughtful consideration in this important matter and for honoring the concerns and suggestions from the existing neighborhood community.

Sincerely,


Jane Towne
127 McClure Lane
Eugene, OR 97404

P7-10

Rec'd 10/9/13

Oct 8, 2013

City of Eugene PLANNERS

Wakleigh Meadow Cohousing

Becky Taylor Associate Planner
Hearing Official



Mr. Anthony D. Towne
127 McClure Ln.
Eugene, OR 97404

Dear Ms Taylor and Hearing Official,

I am Anthony Towne and live at 127 McClure Lane, Eugene OR 97404. My property is part of the south line of the development.

I am writing to say I do not grant an easement to build within 5 feet of my property line with no screening.

This plan does not have any screening for the neighbors on the south line north line or the greenway. That is disrespectful.

I have a Greenhouse within 6 feet of my North property line. I do not want a townhouse within 5 feet of my line.

I consider the big Fir & Hemlock Heritage trees. They are older than the houses near them and perfectly healthy. They are tall & beautiful and shaded all the cohousing groups & terraces, but they will be killed in this plan. That is not protecting the greenway or respecting life. They could be designed around.

I oppose the cohousing design.

I am also concerned with the traffic on Oakleigh. The neighbors voiced their concern at the hearing. A child being hurt is too high a price for this high density project. Oakleigh has been a dead end street. Kids were safe - their neighbors knew them and no one else had any reason to drive there.

I used to live at 1563 Lincoln St in Eugene. People would fly down the hill & if they hit the light on 18th they'd be in 3rd gear at my house. In fact, one of Eugene's most loved teachers was killed on 18th by someone flying down the hill. (The teacher who began the juggling unicycle fun at Corridor in North Eugene) It was Hell on Pets and it took a child getting hit to convince city officials to OK speed bumps to slow folks down. Please hear and respect the folks on Oakleigh who say this is too dense of a development. Please do not OK this plan. It is too dense. There is no screening for neighbors on the Greenway. I do not want an easement to build so close to my fence.

Sincerely, Anthony D. Bourne

October 9, 2013

City of Eugene Hearing Official
City of Eugene Planning and Development
Atrium Building
99 West 10th Ave.
Eugene OR 97401

Re: Citizen Comment Document Regarding the Oakleigh Meadows Tentative Planned Unit Development (PDT 13-0001), Willamette Greenway Permit (WG 13-0001)

Dear Hearings Official;

In April 2003 my husband and I came to Oakleigh Lane to view a potential house to rent. We immediately fell in love with the house and the neighborhood. We knew that this was where we wanted to live. We had been living in the Whiteaker Neighborhood for the past five years within two blocks of the Willamette River, the Greenway and it's wonderful West Bank bike path. Living in a small duplex with little yard we wanted a change, but knew we wanted to stay within walking distance of the Willamette River. This house was perfect!

We have lived here since that time and have enjoyed the neighborhood, the beauty of the natural setting and the serenity. I do not want to deny this beautiful setting to anyone, but the Oakleigh Meadows CoHousing as proposed is just too big and not in keeping with the natural surroundings. The development of Oakleigh Meadow is inevitable and I am impressed with the cohousing model. The owners of the land are previous residents of Oakleigh Lane and I believe their intent is genuine. Unfortunately, the project appears to have grown tremendously under the guiding hands of out-of-town developers. When David and Joan, the landowners, initially came to the neighbors talking about their vision they mentioned building 8-10 units. Now several years later under the guise of a consensus model and guided by out-of-town "experts," the project has grown to just short of the maximum allowable. They continue to come back with "we could build more units," but it appears that they are not doing so to create their own open space within their community and shutting out the existing community. I will say that this is just my perception and not based in fact, but perception is important in a cohousing model. Looking at **Eugene City Code 9.8320 (13)** perception continues to be an important piece of the planning process. The above code states, **the proposed development shall be reasonably compatible and harmonious with adjacent and nearby land uses.** The adjacent and nearby land uses are primarily residential, but the proposed PUD consists of homes that are significantly higher in value than the existing homes. One of my concerns with this difference is the interest this will generate in certain factions that are attracted to higher end housing such as salespeople, marketers, criminals, etc. Oakleigh Lane is a dead end lane that experiences very little traffic either by auto, bicycle or foot. The individuals we do see come down the lane we recognize as residents, relatives or friends of residents. This has created a very safe environment for the individuals living on the lane and we watch out for each other. Additionally, the size of their proposed PUD more than doubles the size of our community; this is just too much for our little community and physical area to handle. Furthermore, Oakleigh Meadow CoHousing (OMC) has put forth the minimal amount of effort required to keep the neighborhood informed. Other

public comments talk about newsletters, emails and such but I have never been offered the opportunity to receive these unless I was to reach out to them. With that being said, I should have made the effort to reach out to them; but I was under the mistaken impression that they were planning 8-10 units and I was fine with that size of development; again understanding that development is inevitable. At mediation sessions the members have stated that their intent is to invite us to participate in their activities and become a neighborhood "hub" for activity, but have they asked us what we need in terms of a neighborhood "hub?"

In July 2012, Grist.org wrote an article on cohousing stating that "... sounds nice, right? A little crunch-tastic, maybe, but nice. And the opportunities for making this type of housing eco-friendly are many. But there's one problem: What sounds at first like a good way to save money — sharing play space, a group kitchen, etc. — is every bit as expensive as traditional housing, meaning that it's out of reach for many people who could benefit from it." They go on to state "... Clearly, the model needs to adapt — especially because the very people it shuts out could be the ones who benefit most from its built-in support network: low-income families who could share childcare and meals, seniors who need companionship and rides to doctor's appointments, or developmentally disabled adults able to live semi-independently. "A lot of those populations need support that can come from community, not social services," says Grace Kim, a principal at Schemata Workshop, a Seattle architecture firm planning a cohousing community in the city's Capitol Hill neighborhood. "We're trying to figure out how those two models can merge so that cohousing can evolve into more than just homeownership for wealthy white people."

As a Licensed Vocational Rehabilitation Counselor working at St. Vincent de Paul Society of Lane County (SVdP) I endorse the above ideals. I work primarily with the homeless and disabled populations and would love to see a mixed community cohousing go in at the end of Oakleigh Lane; make it smaller and leave some of the beautiful natural resources and habitat that exist there and I'm happy. The Willamette River Greenway is a treasure that we should value and appreciate; not destroy. Again, I am personally not against cohousing; I believe it to be a great ideal. Furthermore, as a Program Director at SvdP I see the efforts made by our Housing Department, the 1100+ units we have around Lane County and the efforts to blend into the communities that we build with our units. Ideals such as fronting certain units with single story housing that is reflective of the neighborhood, putting all parking and other activities inside the complex so that the neighborhood views just housing units, not concrete walls and the maximum allowed height of multi-story townhouses as is proposed at OMC.

Regarding Eugene City Code 9.8320 (12) The proposed development shall have minimal off-site impacts, including such impacts as traffic, noise, stormwater runoff and environmental quality. While I am not an expert on environment impacts, I am a full-time, year round bicycle commuter and I am very concerned about the increase in traffic. I also am a grandmother of nine grandchildren who come to spend time with their grandparents and have grown up over the last 10+ years feeling safe, learning to ride bikes and more. Increasing the housing more than twofold on this one block lane will have a significant negative impact, not to mention the safety concerns. Already when they have their meetings in the meadow we see a significant rise in automobile traffic. One Sunday I watched a silver SUV drive down our lane at

Citizen Comment Document
Oakleigh Meadows Tentative Planned Unit Development (PDT 13-0001)
Willamette Greenway Permit (WG 13-0001)

what appeared to be 40+ mpm to attend one of their meetings. This is unacceptable. OMC states in their application that traffic and safety will not be an issue due to proximity of the area to the bike path, bike lanes and public transportation. Why then is there so much automobile traffic when they have their meetings. Are they suddenly going to become bicyclists? I can tell you that bicycle commuting takes a significant commitment and personal fortitude when it is pouring rain outside. I have an automobile sitting in my driveway that I could drive, but I choose to commute via bicycle. Additionally, our street is so narrow that when two autos meet, one must pull to the side to let the other pass; especially if there is parking in the street. Increase the number of autos having to choreograph this, throw in bicycles and pedestrians and you have a recipe for disaster. When I commute on my bicycle I have to be conscious of traffic and pedestrians on the quiet lane we live. The increased traffic will force me to play with my grandchildren only in the backyard for their safety; this will decrease my opportunity for social interaction within my current community. The increased traffic will also have an effect on the traffic on River Road. This already is a significant problem during rush hour. During the hours of 7:30am-8:30 you have traffic on foot and bicycles going to the elementary school just across River Road; you have increased commuters via all forms of transportation; there is increased mass transit and school bus traffic and there is the catawampus Marion Lane across River Road from Oakleigh Lane that is always a potential cause of auto and person accidents. The posted speed on River Road is 40mph, but I'm guessing that if a speed study was conducted the average speed would be much greater. I travel West in the morning to work on Hwy 99N via Roosevelt and the Chambers Connector. These are all busy streets and I can tell you that the most dangerous part of my journey is entering from Oakleigh Lane onto River Road to travel South.

We ask you to please disapprove this PUD application.

Respectfully submitted,

Karen Fleener-Gould
Scott Gould
123 Oakleigh Lane

PT-12

TAYLOR Becky G

From: phil <talkingraven@yahoo.com>
Sent: Wednesday, October 09, 2013 8:11 AM
To: TAYLOR Becky G
Cc: talkingraven@yahoo.com
Subject: Oakleigh Meadow Project

Ms. Taylor

I urge you to reconsider any permits granted to the developers of the Oakleigh Meadow. Not only would it destroy the character of our neighborhoods, they have also lied to the neighbors and the city about their proposed plans. A 10 unit development that could process all of its storm water and be a sustainable co-housing project was the one that was discussed. Now it's a 28 unit condo project that will cover the meadow with gravel, widen the streets, and only can handle half of the storm water, dumping most of it into parkland. The developers who are from California can't seem to understand that this is not the way we do things here.

Increased traffic from the trucks delivering the gravel would most likely be coming down West Hilliard, since its the new shortcut from NW Expressway to River Rd. I expect more traffic from these units would be traveling on this street too. This is the street where I live. This would destroy the street which already has lots of cracks in it.

I worry that this project will set an ugly precedent that will allow condo style housing in the greenway and on other land zoned agricultural. There are many dead end streets in Eugene that are connected to precious green spaces and i would hate to see us lose any more of them. The land by the river should be protected and not become what it is on the east side.(Built right up to the path)

I noticed at the meeting that the designer of the project, did not address the code violations brought up, but resorted to speaking of the irony of people using a path for years , across supposedly private land. I thought these became public right of way years ago. There have never been no trespassing signs. There is a big filbert grove there, that is open to everyone. The folks who bought the meadow gave the impression they bought it to save from development. Perhaps the city could buy to preserve it.

Thank you for your time.

Phil Rizzo
875 W.Hilliard Lane
Eugene,oregon 97404
206-819-3702

TAYLOR Becky G

From: Stephen Flanagan <bonmot.srf@gmail.com>
Sent: Wednesday, October 09, 2013 10:32 AM
To: TAYLOR Becky G
Cc: Frannie Cross; Barbara Boylan
Subject: Oakleigh Meadow Cohousing

Ms. Taylor:

I'm a community member who would like to express my support for the OMC project. I've noticed through the years that any shift in human behavior is invariably meet with resistance. We bipeds just like things to remain as we think they should be.

Possibly this thought process is most evident when a shift from single family to higher density cooperative housing is suggested. Personally I think this project is an excellent fit for the site and the thoughtful, transparent and consistent planning of the OMC members stands out throughout this process.

Please consider this project for its excellent merits and the community minded and involved nature of this project's members. I am not an immediate neighbor of Oakleigh but am a Eugene resident who wholly supports this type of progressive, sound housing for our community. The Oakleigh Meadows project is so uniquely consistent with the values and planning goals of our community.

One voice in support

Stephen Flanagan
Eugene Resident

TAYLOR Becky G

From: Joan Connolly <joan.m.connolly@gmail.com>
Sent: Wednesday, October 09, 2013 10:14 AM
To: TAYLOR Becky G
Subject: Submission to Hearings Official Attn. OMC

Hello Becky,

Please accept the following into the record:

"Joan Connolly
131 McClure Lane,
Eugene OR 97404
541 688-3304
9 October 2013

Hearings Official,

I am submitting into the record a comment that neighborhood resident Becky Riley submitted to the *Eugene Weekly* in response to a guest viewpoint about the OMC PUD's potential impact on Greenway development.

Comment by Becky Riley submitted to *Eugene Weekly.com* on October 2, 2013 in response to "Goodbye Greenway?" Guest Viewpoint column of September 20, 2013 by Lara Bovilsky.

"I live near the Willamette River in the River Road neighborhood, too, and I certainly appreciate and share the sentiment of wanting to keep land within the Greenway as natural open space. However, whether we like it or not, many lots within the Greenway boundary are privately owned and subject to development. The Greenway designation was intended not to prevent development, but to establish conditions under which development would be allowed. Alas, the specified conditions are quite weak and subjective.

I can't see any way that Oakleigh Meadows Cohousing (OMC) is setting a precedent for development in the Greenway, chilling or otherwise. OMC is definitely not the "first residential development next to city park land on this side of the river..." since establishment of the Greenway. Plenty of other housing (and at least one commercial establishment) have been built in the Greenway since I moved here in 1990--20 duplex units and one single family home in the Kungys Estates subdivision along the north boundary of Rasor Park; two large single family homes adjacent to park land at the end of Arbor Drive; and the 11-unit Greenway Apartments at Park Ave. and River Road are some examples. The newest commercial establishment built in this segment of the Greenway is the large auto repair shop and parking lot near Hansen Lane. Some of these developments are nearer to the river and with much less screening than the OMC site, which is over 200 feet from the river's edge, and behind a thickly wooded section of public park.

OMC also is not "opening the door" to future development in the Greenway--that door is already wide open, and future development will undoubtedly occur. The City of Eugene did buy many parcels along the river's edge in the 1970s to establish the Greenway park system. But despite having some bond funds available today, the City has shown no interest in purchasing additional private parcels to expand Greenway parks in our stretch of the river. Even if the City did have interest, there are other nearby lots that are closer to the river and of higher habitat value--including a remnant Oregon white oak grove--that would arguably be a better use of limited public funds. For now, it seems that most or all privately-owned parcels in the Greenway are likely to remain in private ownership and subject to development. (At least one publicly-owned Greenway parcel is also slated for higher density affordable housing.)

I certainly applaud Oakleigh neighbors in scrutinizing this development proposal. If they identify aspects of the OMC plans that fail to meet zoning and code requirements--including setbacks, solar access, or the Greenway ordinance, etc.--those issues need to be raised and addressed by the Hearings Official and city planners as conditions on any development permit.

But don't kid yourself. Whether or not this development is built, something else likely will be, at this site and on other lots even closer to the river. Existing zoning, codes, and rules certainly allow it. Also note that many other parcels within the Greenway in our area are zoned for even higher density development or re-development. Unless Greenway standards are tightened significantly, and zoning changes and special area plans put in place, we can expect higher density development to continue in our Greenway.

This particular development proposal actually has quite a few redeeming qualities that help offset the negatives of development in the Greenway. Founding members of the planning group have deep ties to the local neighborhood, and thoughtful ideas about how to improve its function. They also have a passion and longstanding commitment to environmental restoration of the Greenway. These values are reflected in many aspects of their proposal. They are planning their cohousing to have a small physical and ecological "footprint" relative to the number of people who will live there. They aim to attract residents who want to drive less and take advantage of the nearby alternative transportation options, especially the river bike path. Public access to the river will be maintained at both Oakleigh and McClure Lanes. They are striving to create a diverse, participatory, and family-oriented community that also contributes to the stability of the larger surrounding neighborhood. The people who are designing the housing will also live there--they have a vested interest in creating a quality place to live. They are paying attention to details such as using locally native plants and trees in their landscaping, and architectural details and forms that reflect the historic local vernacular.

To be honest, I struggle to see how higher density infill housing can be truly "compatible" with our existing low density neighborhood or the

Greenway. Nonetheless, city codes and policies are promoting it, and it is coming. Further, I see that there are significant problems in our existing neighborhood pattern and fabric, and especially how they have led to a neighborhood lacking in core services and vitality and too dependent on the automobile. And I see that in general, the infill that is coming seems to be exacerbating the situation by adding a hodge-podge of different layouts and styles, cheaply built and shoe-horned in, instead of quality forms that contribute to an attractive, cohesive, stable neighborhood.

If we want stronger protections for the Greenway, we'd better get to work on the other plans and policy changes needed to make that happen.

And we need to update our neighborhood refinement plan, including a vision for how our residential and commercial zones can redevelop and evolve in a more attractive and functional way. In the meantime, the proposed OMC complex is an innovative proposal that offers more positives to our neighborhood than many of the other infill projects I've seen. At the least, it offers an example we might learn from as we try to identify new development forms that can contribute to making our neighborhood a better place to live.

Of course OMC needs to meet development codes, and I hope Oaldeigh neighbors and the OMC group will be able to work together to negotiate additional changes so that the neighborhood can feel comfortable with what is proposed."

Thank you,

Joan Connolly

PT-15

October 9, 2013

Becky Taylor
Eugene Planning and Development
Atrium Building
99 West 10th Ave.
Eugene OR 97401

Re: Oakleigh Meadows Tentative Planned Unit Development Permit (PDT 13-0001) and
Willamette Greenway Permit (WG 13-0001)

Dear Ms. Taylor,

I would like to submit the following additional statement to the record.

Thank you,

Rick Rubin
107 Hansen Lane
Eugene, OR 97404
rick.rickr@gmail.com

Statement in opposition of the Oakleigh Meadows Tentative Planned Unit Development Permit (PDT 13-0001) and Willamette Greenway Permit (WG 13-0001)

I believe the following sections of the report of the Planning Department lack a proper basis in fact because no data has been presented to substantiate the conclusions reached : EC9.8320(9), EC 9.6791 through 9.6797. These sections deal with stormwater runoff from the project

Specifically, no analysis has been presented regarding the quantity of stormwater/ runoff to be treated. Staff has required that all stormwater must be treated on-site and none enter the City's storm sewers or be allowed to create standing water off of the project site. I quote from page 25 of the planning report "The applicant proposes to direct stormwater runoff from the proposed development to the abutting City parkland to the east. The applicant's stormwater management system will include treatment facilities that also provide for some detention."

What quantities of stormwater are we talking about? Here is some data for evaluation.

Eugene average rainfall: 50 inches (approximately).

Eugene Precipitation	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Precipitation (inches)	7.9	5.6	5.5	3.1	2.2	1.4	0.5	1.1	1.7	3.4	8.3	8.6

Assume the project results in 1 square acre of impervious surface (buildings, sidewalks, driveways, streets) out of a total project size of 2.3 acres. This represents 43.47% of the total area. Maximum density allowed by City code is 50%.

One inch of rainfall falling on 1 square acre of impervious surface yields 27,152 gallons of water to be disposed of. The average of 50 inches of rainfall results in 1,357,600 gallons of water annually. This assumes no stormwater retention on-site. Assuming the project is able to retain 10% stormwater results in 1,246,276 gallons, 20% retention 1,180,701 gallons. Which creates another question: what will be used to store these flows? Bear in mind that 1 gallon of water weighs 8.34 pounds, 1 cubic foot of water contains 7.48 gallons and therefore weighs 62.43 pounds.

Let's examine stormwater flows by month for the rainy winters:

October	=	3.4" x 27,152	= 92,317 gallons of water
November	=	8.3 "x 27,152	=221,362
December	=	8.6 " x 27,152	=233,507
January	=	7.9" x 27,152	=214,501
February =	=	5.6" x 27,152	=152,051
March	=	5.5" x 27152	=149,336

Total			1,063,074 gallons

Average rainfall during this six-month period is 177,179 gallons/month. Assume a minimum 10% on-site retention level. This is 17,718 gallons of water and requires a cubic volume of 2,369 cubic feet equivalent to a single cistern of 10 feet wide x 10 feet high x 23.60 feet long. If 20% retention is

required, the volume of the cistern, rain garden or impoundment becomes 4,737 cubic feet. Where is this structure in the plans?

The project plans to dispose of the remaining stormwater (total stormwater less whatever amount can be held for on-site detention) on the public parklands. Has a geotechnical and/or feasibility study been done to determine if this amount can be safely absorbed by the public parklands? Further testing of the areas to the East of the project must be required. The area to the East of the project where the proposed dumping is to occur is of lower elevation than the project and this area frequently fills with runoff during severe storms. Drainage will be especially problematic as large stormwater flows add to rising river levels concurrently raising groundwater levels.

Further, this water will not be tested prior to discharge, not be treated nor will contaminants (oil, gasoline, etc.) be removed violating the Clean Water Act which is codified in Eugene City Code for areas within the Urban Growth Boundary. Given these facts, will a discharge permit be required as a condition?

In summary, the project cannot safely dispose of stormwater flows on-site and requires a serious leap-of-faith to believe the City parklands can accommodate such flows. In addition, why should the neighboring property (City parkland) and potentially neighboring private property bear the burden of an inadequate stormwater plan? Further, this establishes a dangerous precedent in which a private party becomes the beneficiary of public resources without remuneration.

Further testing and evaluation is needed before this project can move forward.

Rec'd 10/9/13

P T-16

Oct. 10, 2013

Dear Hearings Official,

I support the Oakleigh Meadow PUD and Greenway Permit Application as I believe that this project meets City of Eugene requirements for a planned community development. The development is in accordance with EC 9.2740, and the multiple family development is reasonably compatible with adjacent and nearby land uses, as well as consistent with the applicable adopted policies of the Metro Plan as outlined in staff report on page 5 dated Sept. 2013. The size of units in this development, 950 sq. feet-1640 sq. ft. living units are similar to the size of single family homes on Oakleigh Lane.

River Road area has a wide mix of uses on the east side of the road including businesses, single family dwelling, apartments, condominiums, and multi-family rental units. The clustering of homes by this development allows for greater open space for residents and neighbors and promotes sharing of resources. The design offers a variety of dwelling types to meet the needs of single people, the elderly, and families. The Metro Plan Residential Policies A.17 and A.20 encourages a range of housing types and homeownership. The PUD proposal is consistent with the RR/SC UFP 2.1 as is calls for innovative residential development on larger parcels of undeveloped land in River Road area.

This project is also inline with the City of Eugene's Goal of Building along Major Transportation Corridors as it is adjacent to a city greenway with access to an extensive bike transportation system and is within one block of the city bus system. Although local traffic along Oakleigh Lane will increase, the increase is within the expected range for low-volume streets. By building on convenient transportation corridors, Oakleigh Meadow Cohousing has the opportunity of decreasing the troubling traffic problem on River Road as residents will not be completely reliant on cars.

The community will also provide access to people with disabilities or changing abilities. The community will include 6 ADA accessible flats, (3x's more than required by city code), and all homes will allow wheelchair users and others of various physical abilities to visit their neighbors and participate in community activities.

Please carefully review this application and approve this thoughtful proposal as it is alignment with the PUD process of clustered homes and shared resources, and meets needs in our community that our current housing supply does not address.

Sincerely,
Maureen McCauley

Rec'd 10/9/13
PT-17

HEINTZ
118 MCCLURE LN.
EUGENE, 97404

OCTOBER 10, 2013

BECKY TAYLOR
EUGENE PLANNING AND DEVELOPMENT
ATRIUM BUILDING
99 WEST 10TH AVE.
EUGENE OR 97401

DEAR BECKY,

PLEASE ALLOW ME TO SUBMIT ONE MORE LETTER FOR THE RECORD. THANKS FOR EVERYTHING.

PLEASE CONSIDER THE FOLLOWING ISSUES REGARDING THE OAKLEIGH MEADOW COHOUSING (OMC) DEVELOPMENT PROJECT.

1. SIZE. A 2.7 ACRE PARCEL WITH 7 CONDOMINIUM/TOWNHOUSES, A LARGE COMMON HOUSE, A 47 CAR PARKING GARAGE AND A 300 FOOT CONCRETE WALL. THE LARGEST UNIT IS 80 FEET WIDE AND 30 FEET TALL.

ACCORDING TO EUGENE CITY CODE 9.8320 THE PROPOSED DEVELOPMENT SHALL BE REASONABLY COMPATIBLE AND HARMONIOUS WITH ADJACENT AND NEARBY LAND USES.

THE PLANS EXTEND THESE BUILDINGS WITH THEIR BACKS TO THE STREET, AS FAR TO THE PERIMETER AS POSSIBLE, IGNORING THE STANDARD SETBACKS. NOT COMPATIBLE OR HARMONIOUS.

2. HABITAT. PRESENTLY, THE MEADOW IS HOME TO SEVERAL SPECIES OF PLANTS AND ANIMALS. OMC WILL DESTROY THE MEADOW AND ENCROACH INTO THE SENSITIVE RIPARIAN AREA ALONG THE WILLAMETTE RIVER. WALKERS AND BICYCLISTS FAMILIAR WITH THIS STRETCH, BEWARE; THE OMC PLANS ILLUSTRATE A TAKEOVER OF

CITY PROPERTY CREATING THE IMPRESSION THAT IT IS PART OF THEIR COMPOUND.

3. CONSTRUCTION. EWEB STATES THE FOLLOWING: " THERE ARE NO ELECTRIC FACILITIES ADJACENT TO THIS PROPOSED DEVELOPMENT. UNDERGROUND ELECTRIC FACILITIES WILL NEED TO BE EXTENDED TO SERVICE THIS DEVELOPMENT. THE EXISTING WATER INFRASTRUCTURE WITHIN OAKLEIGH LANE AND McCLURE LANE IS INADEQUATE TO SERVE ANY ADDITIONAL DEVELOPMENT OR PROVIDE THE NECESSARY FIRE FLOWS ALONG OAKLEIGH LN. THEREFORE, PRIOR TO ANY DEVELOPMENT OF THE SITE, SIGNIFICANT UPGRADES OF THE WATER FACILITIES IN OAKLEIGH AND McCLURE, ALONG WITH A LOOP CONNECTION BETWEEN THESE TWO STREETS... WILL BE REQUIRED TO SERVE THE PROPERTY." THERE GOES THE NEIGHBORHOOD.

4. FLOODS. THE SITE IS LOCATED IN THE EUGENE SPECIAL FLOOD HAZARD AREA. FOR IT TO BE ELEVATED ABOVE THE 100 YEAR FLOODPLAIN, THE PLAN IS TO BRING IN 4 FEET OF FILL, INCREASING THE BUILDING HEIGHT TO 35 FEET ABOVE THE SURROUNDING PUBLIC LAND. NOT A SOUND INVESTMENT.

5. INTEGRITY. THE OMC DEVELOPERS ARE FROM CALIFORNIA AND THEY HAVE NOT BEEN FORTHRIGHT WITH THEIR PLANS FOR THE PROPERTY. WHAT BEGAN AS A SMALL ENVIRONMENTALLY/ NEIGHBORHOOD FRIENDLY COMMUNITY IS NOW MAXIMUM DENSITY FOR MAXIMUM PROFIT.

PLEASE KNOW THAT THE NEIGHBORHOODS OF OAKLEIGH AND McCLURE LANES ARE NEARLY UNANIMOUS IN OUR OPPOSITION AND THAT WE WILL NOT ACCEPT THIS PROPOSED DEVELOPMENT. WE COULD REALLY USE YOUR SUPPORT.

THANK-YOU,
PAUL AND CECELIA HEINTZ,

TAYLOR Becky G

From: Will Dixon, AIA <wcd@willardcdixon.com>
Sent: Wednesday, October 09, 2013 4:20 PM
To: TAYLOR Becky G
Cc: Zack Mittge; Kathryn McCamant
Subject: Open Record Material
Attachments: OMC_PDT 13-1_Access Eng'g Letter.pdf; OMC_PDT 13-1_FEI Letter.pdf; OMC_PDT 13-1_Site Plan w 5ft Setback.pdf; OMC_PDT 13-1_PW Stormwater Letter.pdf; OMC_PDT 13-1_Willard C Dixon Letter.pdf

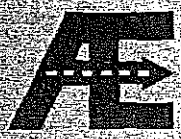
Follow Up Flag: Follow up
Flag Status: Flagged

Hi Becky,

Please find attached our OMC open record items.

Thank you,

Will
OMC Project Manager



Access Engineering LLC

September 27, 2013

Hearings Official
c/o Steve Ochs, Planner
99 W. 10th Avenue
Eugene, OR 97401

124 E. 13th Ave. Suite 2
Eugene, Oregon 97401
Phone & Fax
541-485-3216
info@accesseng.com

RE: Oakleigh Meadows P.U.D. Co-housing Development

I am writing this letter in support of the proposed Oakleigh Meadows Co-housing development at the east end of Oakleigh Lane. This planned unit development will contain 28 dwelling units in seven buildings with a common house in the center of the development. The Ninth Edition of the Institute of Transportation Engineers Trip Generation Manual classifies this type of development as a "residential condominium/townhouse" development.

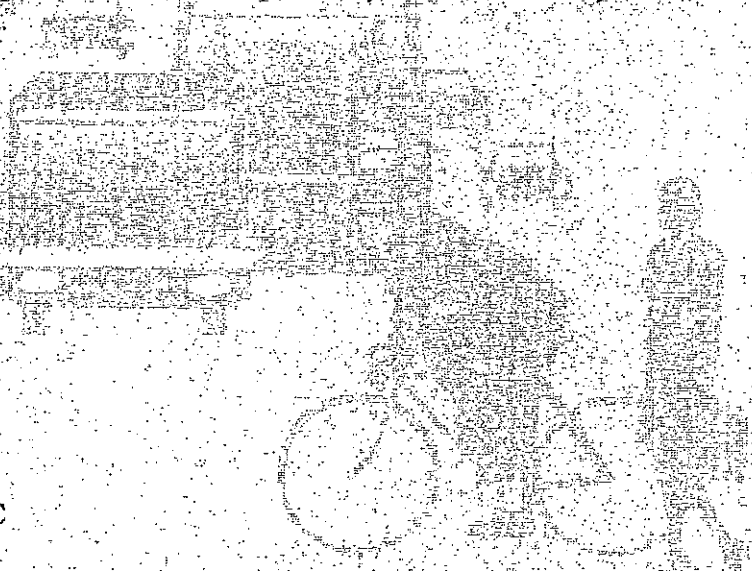
The City took a conservative approach and used a trip generation rate for single-family detached housing of one PM peak hour trip per unit and assumed 29 units. Since this development will actually be townhouses, the weighted average trip rate from the Trip Generation Manual would be 0.52 trips per unit or 15 PM peak hour trips. So whether one uses 15 or 29 peak hour trips, or some number in between, all are well below the City's threshold of 100 peak hour trips that would trigger a traffic impact analysis. I concur with the staff findings that this development will not require further traffic impact analysis or reduce safety or service levels in the area.

Yours very truly,

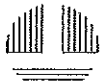


RENEWS 6/30/14

Michael Weishar, PE
Access Engineering LLC



97-18



Foundation Engineering, Inc.
Professional Geotechnical Services

Willard Dixon, AIA
Willard C. Dixon Architect, LLC
300 Blair Boulevard
Eugene, Oregon 97402-4150

October 9, 2013

**Oakleigh Meadows Cohousing
Supplemental Consultation
Eugene, Oregon**

Project 2131004

Dear Mr. Dixon:

Foundation Engineering, Inc. completed a geotechnical investigation for the above-referenced project. Our findings are summarized in a report dated February 12, 2013. We understand a local resident expressed a concern with ground water levels during a recent public hearing.

The site is underlain by fine-grained alluvium (silts and silty sands) followed by gravels. Ground water along the eastern side of the project was encountered at a depth of ±11 feet at the time of our field exploration (January 2013). This depth corresponds to the surface of the gravels.

We anticipate the ground water level in the gravels will respond to fluctuations in the river level due to their relatively high permeability. Flooding typically involves a relatively rapid rise and fall in river levels (i.e., over a period of a few days). The soil above the gravel, however, has a relatively low permeability. Therefore, we expect a significant lag in the rise of ground water in those soils in response to a rise in the river level. We understand the buildings will be built at a finished floor elevation corresponding to the 100-year flood plus 1-foot. Therefore, we do not expect ground water will adversely impact the building floors during such a flood event.

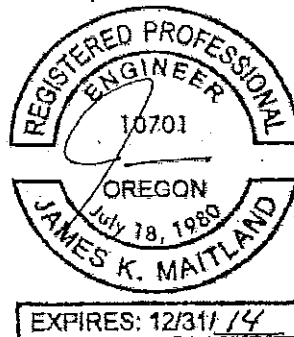
We hope this explanation addresses the resident's concern. Please do not hesitate to contact us if you need further assistance.

Sincerely,

FOUNDATION ENGINEERING, INC.

James K. Maitland, P.E., G.E.
Principal Engineer

JKM/zc





Eugene Public Works
Parks & Open Space

July 11, 2013

Steve Ochs
Eugene Planning Division
99 West 10th Avenue
Eugene, OR 97401

Steve:

This revision of my July 10, 2013 letter is simply to transmit to you in writing information that we have previously shared verbally related to the PUD application for the Oakleigh Meadow Cohousing Project (PDT-13-0001). I've revised the first bullet below based on further discussion with Public Works Engineering staff.

We have reviewed the applicant's proposal to drain run-off from the proposed development site onto the adjacent parkland to the east of the subject site. As long as the conditions below are met, the Parks and Open Space Division approves this future discharge.

- No direct discharge from the impervious surfaces of the development will be allowed to overflow onto park land unless it has first been treated in a pollution reduction facility.
- The run off will be discharged evenly over the shared property line, and not concentrated at one or more points along the shared property line.
- The sheet flow run-off discharged to park land is no more than pre-development flow onto park land.

Please let me know if you have questions.

Sincerely,

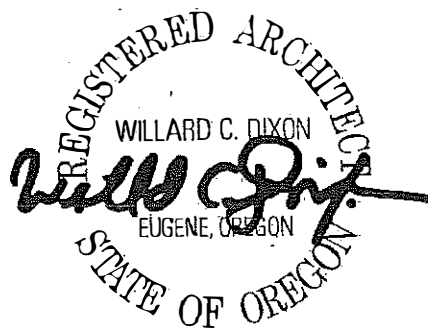
Neil Bjorklund
Parks and Open Space Planning Manager
Eugene Parks and Open Space Division

Willard C. Dixon Architect, LLC

300 Blair Blvd.
Eugene, OR. 97402-4150
(541) 689-3548 office
1 (541) 982-2273 fax (all #'s)
(541) 868-5960 cell
www.willardcdixon.com

October 9th, 2013

Eugene Hearings Official
Attn: **Becky Taylor, Associate Planner**
City of Eugene Planning
99 West 10th Avenue
Eugene, OR 97401
541-682-5437



Re: Oakleigh Meadow Cohousing (PDT 13-1) and (WG 13-1)

To Eugene Hearings Official:

I would like to take this opportunity to address some concerns that local residents expressed during the Oakleigh Meadow Cohousing (OMC) Public Hearing on October 2nd, 2013.

First, pertaining to placing fill on site, OMC is proposing that the buildings located within the flood zone area of the site have a finish floor elevation (FFE) 1 foot above the base flood elevation (BFE), as per code. All necessary fill will be provided and installed in accordance with the recommended material specifications and compaction requirements as per the Geotechnical Investigation by Foundation Engineering, Inc., (FEI) completed February 12th, 2013. All fill will be contained on site, and will not encroach onto City Park Land. The approximate anticipated fill depth is 3 feet. FEI, in their investigative report, has stated that all footings excavation, foundation subgrade, compaction, verification, back-filling, sub-grade pumping, density tests, and all other necessary geotechnical work on site will be evaluated and verified by FEI representatives.

Second, pertaining to concerns about traffic on Oakleigh, our transportation engineer (Access Engineering LLC) has verified that their September 27th, 2013 letter on record concurs with staff findings that the proposed OMC development will not require further Traffic Impact Analysis or reduce safety or service levels in the area. Also, the City of Eugene's code mandates the use of the ITE manual, the same manual that Access Engineering uses.

Third, in consultation with our civil engineer (SSW Engineers), stormwater has been fully analyzed and an infiltration facility has been chosen. OMC is proposing Filtration

P 1-11

TAYLOR Becky G

From: Rachel Stedman <dazzleshine@icloud.com>
Sent: Tuesday, October 08, 2013 9:07 PM
To: TAYLOR Becky G
Subject: Opposition of the Oakleigh Meadows Tentative PUD

Hi Becky,

Please post these pictures to public.

Thank you,
Rachel Stedman

October 8, 2013

Eugene Hearings Official
Eugene Planning and Development
Museum Building
29 West 10th Ave.
Eugene OR 97401

Re: Citizen Comment in Opposition of the Oakleigh Meadows Tentative Planned Unit Development Permit (PDT 13-0001) and Willamette Greenway Permit (WG 13-0001)

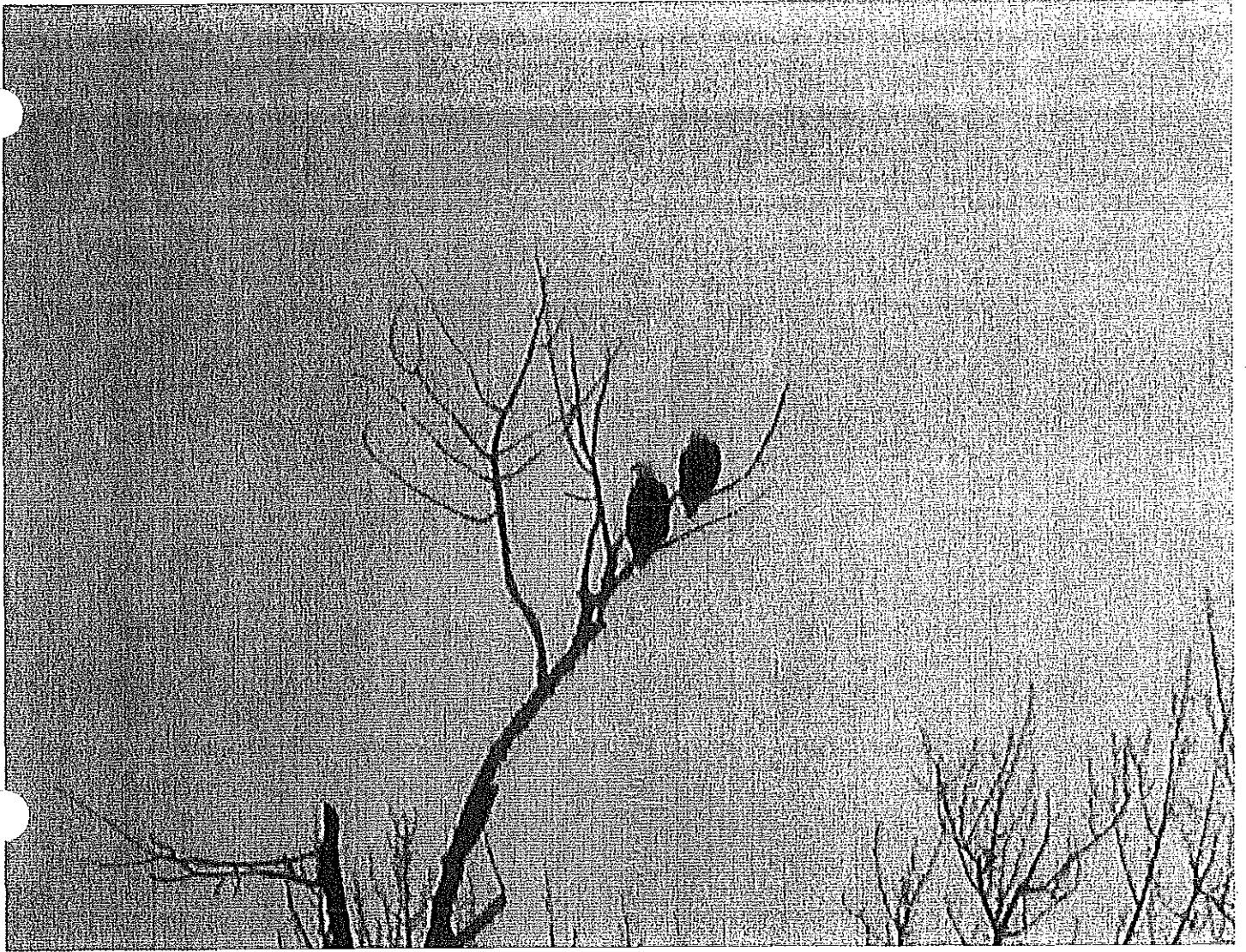
Dear Hearings Official,

My name is Rachel Stedman and I am owner of 131 Oakleigh Lane. I am in opposition to Oakleigh Meadow Co-housing project in its current size and layout. I would like to share these pictures of the wildlife that I took in the Oakleigh Meadow.

Picture of the beaver. I named him Lee.



Picture of the mating pair of Bald Eagles.





The applicant is not in compliance with code EC 9.8320(4): The PUD is designed and sited to minimize impacts to the natural environment.

Thank you for your time.

Sincerely,

Rachel Stedman
131 Oakleigh Lane
Eugene, OR 97404

Rec'd 10/8/13
PT-20

I grew up in the Midwest and moved out to the West Coast by myself in the 1990's. I've lived in apts and bought a Condo in my search for community. Oakleigh Meadow cohousing represents the family support of people who are with me and who I can offer support to also. This project requires time, energy, and upheaval in our lives, but it is worth the effort. This is my chance to contribute to society by creating something for future families to have an experience of community.

Barbara Boylan
2760 University
Eugene Or 97403

Rec'd 10/8/13

PT-21

Dear Becky Taylor,

TREE PRESERVATION L3

OMC is claiming 135 trees are on their property of which 56 will be removed. That is a 41% tree removal. They are including the mature cedar trees on North property line. I counted 25 cedar trees and submitted photos of them Oct. 2nd. The cedar trees are on the Thoms property. Now OMC will have a 50% tree removal due to the cedar trees not being included. A professional arborist is not recommending a path on the North side; however, the South side would be a great Segway from the West side entrance.

The 26 inch tree OMC is planning on removing is so building #2 will fit into their plan. 50% of the trees on the two tax lot will be removed to execute this plan to develop a co-housing unit. OMC is required to replant trees, 1:1. Is that only for the significant trees? How can this happen if there is not much open space for root growth?

I encourage you all to deny OMC for their applications for the PUD and Greenway due to many factors that have been submitted to the record. OMC needs to accept that their plan once was an idea, now too many things going against them. OMC wants to have neighborhood respect, they are not getting it. 90% of OMC is from South Eugene who does not know this neighborhood. OMC is not willing to down size the common house, which is one of the main expenses. OMC is not flexible to reduce cost, yet want maximum benefits. OMC stopped communicating with the neighbors when they heard suggestions to minimize the project and to encourage healthy living for our neighborhood. Neighbors suggested single homes on the property with driveways feeding onto Oakleigh Lane and that wasn't enough. Bottom line is, the neighborhood does not support this project. There will be no meadow.

Thank you,

Anne Love

133 Oakleigh Lane

To the Hearing Official of the Eugene Planning Commission:

The below is a more complete treatment of the points I made testifying at the hearing held on Wednesday, October 2.

I live with my one-year-old son and partner at 116 Oakleigh Ln. We've lived at that address for 3 years; before that, I lived for two years on East Hilliard Ln., one block north. My entire time in Eugene has been spent living in the lower River Road area. I and my family make daily use of the Ruth Bascom trail system, walking, running, and biking next to the river, and using its parks.

I believe that you should reject the PUD submitted by Oakleigh Meadow Cohousing as containing numerous elements that are incomplete and inadequate and otherwise failing to conform to the requirements of the Eugene City Code, as well as the Lower River Road Concept Plan. The PUD as submitted is incompatible with the existing neighborhood and asks for numerous exceptions and easements to code that I urge you not to grant.

In the arguments below, I focus entirely on issues related to the special permitting process required to build or change use on the Willamette River Greenway and on issues related to traffic and the question of neighborhood compatibility. But I also concur with the arguments made by Bryn Thoms and Lauren Regan, as well as with the arguments made by Rick Rubin about stormwater disposal on the proposed site.

Like the other residents of Oakleigh and McClure Lanes (which is to say, all of the residents of Oakleigh and most of those on McClure) who are opposed to the PUD, I'd like to state once again that I support co-housing and both could and did support a smaller development in Oakleigh Meadow.

As you know, the meadow is privately-owned land that is part of the Willamette River Greenway, land bordering the Willamette River from south of Eugene up through Portland. The Greenway was established by the State Legislature in 1967 in order to preserve and protect the "natural, scenic...and recreational" qualities of land alongside the Willamette River. These goals are affirmed in the Eugene City Code (EC 9.8800) and the Eugene Metro Plan (III-D-3, Finding 10 - the plan states it as a required "protection to maintain and enhance natural, scenic, environmental, and economic qualities of these waterways").

The code governing permits to build or implement a change of use in the Greenway is strict, requiring "special consideration" (EC 9.8800; LC 10-322.15). OMC runs afoul of several of its components, as I will specify; the PUD also is incompatible with the Lower River Road Concept Plan.

Incompatibilities with the Lower River Road Concept Plan

The **Lower River Road Concept Plan** (LRRCP) was prepared by the City of Eugene in extensive consultation with a Community Advisory Committee, specially formed for that purpose in 2007. The LRRCP was "acknowledged" by the Eugene Planning Commission on June 22, 2009 (LRRCP, initial unnumbered page). The plan establishes a way of balancing

conservation, mixed use development, including some medium and high-density development, and improved transit in the Lower River Road area.

The LRRCP offers several principles violated by this part of the OMC PUD.

*First, the OMC PUD asks for housing density just a unit or two below the maximum allowed density. This development is sited at the very end of Oakleigh Lane – as far as it is possible to get from River Road, and as close as it is possible to get to the river and to publicly-owned Greenway.

But the Concept Plan states that “Higher density development will be clustered toward [River] road, and gardens, orchards, and lower density development will be located along the river edge of development zones” (pp. 7-8). Here, the OMC PUD inverts the priorities of the Concept Plan. There is nothing in the phrase “higher density” to preclude its inclusion of variations within R-1-designated zones.

*Second, the OMC PUD plans to develop multi-family units in 7 separate buildings.

But the Concept Plan states that for the residential areas outside of the commercial zones (including Oakleigh meadow), i.e. “R-1 Zoned Areas along River Road... The development goal for these areas is to preserve and reinforce the single family character of existing R-1 zoned properties” (p. 28). Indeed, this section of the LRRCP makes repeated reference to the traditional and “historic” single-family pattern of housing in the non-commercial parts of the area and the applicable “concepts” and “goals” of “preserv[ing] and reforc[ing]” it (25 and 28; see also 24, 27). Here again, the OMC PUD does not follow the priorities and goals of the Concept Plan.

*Oakleigh Lane is an excellent example of the single-family character of the Lower River Road area; nearly all the homes on Oakleigh Lane are single-family homes. 1 building (130-132 Oakleigh) is a rental property with just 2 apartments; another (110 Oakleigh) has a mother-in-law apartment. The OMC project, with its many multi-family properties, is out of character with the street in a way particularly discouraged by the Concept Plan.

Incompatibilities with EC and LC code governing Greenway Development Permit Approval (LC 10-322.15; EC 9.8800ff).

Development Permits on land that belongs to the Willamette River Greenway are governed in Lane County by special code outlined at LC 10-322.15. The code states that any change-of-use permits “shall require that the proposed intensification, change of use, or development conforms to the following criteria, guidelines, and setback requirement” (10-322.15). The OMC PUD is incompatible with several of the Guidelines of this code.

*Guideline 10-322.15 (d) affirms the principle to “Preserve areas of annual flooding, floodplains, and wetlands.”

But as the site development map for the OMC PUD clearly indicates, some of the site of the proposed development falls within the floodplain, removing land necessary for absorption of floodwaters.

It's worth pointing out that the dense development that is normally encouraged by the Eugene Metro Plan as environmental (e.g. II-C-3, #1) is in this site itself a problem: dense development in a floodplain presents environmental losses that should be weighed against the usual virtues of density. It seems clear that on the floodplain, less dense development is far more compatible with the goals of the Metro Plan: "Undeveloped residential land is considered unbuildable and removed from the supply if it is within...the floodway" (III-A-2, #5).

In a more binding context, the Eugene City Code notes at its very start that "land use code is designed to help...protect from...flood" (9.0020-2(d)). The more the city authorizes development in the floodplain, the less the land of the floodplain can absorb flood waters.

*Guideline 10-322.15 (h) affirms the code requirement of "Maintenance and sustenance of natural riparian vegetation found upon the lower alluvial bottomlands and upper terraces bordering the river for the following reasons: provide habitat, food and shade for wildlife, protect natural areas...ensure scenic quality and screening of uses from the river."

But the OMC site development will take away meadow habitat currently sustaining wildlife including beavers (multiply sighted in the meadow), ospreys, eagles, and other raptors, which feed on rodent life in the meadow.

City Code Incompatibility

*Screening and scenic views: the PUD's many large buildings will clearly be visible from the river and riverpath. I am attaching 3 photographs, **taken from the public path in the Bascom Trail System**, that clearly show how permeable the existing vegetative fringe is. In the first picture, evergreen trees *on the far side of the meadow* are clearly visible, thus buildings in the PUD will be much closer and visible. In the other two photos, a resident is standing in the meadow, clearly visible from the path. (See attached photographs: Screening deficit 1-3.)

All of the current vegetation screening the PUD is on public land. The PUD is inadequate here in relying on existing trees on the public lands for screening on the east side of the property. **City Code (EC 9.8320(3)) requires that they create their own screening** ("the PUD will provide adequate screening from surrounding properties"). I ask that at a minimum they be required to do so, to better protect the views from the path as per the purpose of the Greenway.

*Along with Greenway code, cited above, the city code EC 9.8320(12) requires that "The proposed development shall have minimal off-site impacts, including **such impacts as traffic,**" and city code EC 9.8320(13) requires that "The proposed development shall be **reasonably compatible and harmonious with adjacent and nearby land uses.**"

OMC has argued that traffic increases to Oakleigh Ln. will be minimal. Yet they have been able to do so primarily by counting as part of the street's total number of trips those related to the commercial cap on the street – if included, the vast majority of all trips. Cars entering the

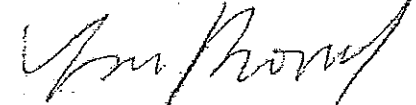
commercial lots at the intersection of Oakleigh Lane and River Rd. do affect the ease with which residents may leave the streets in cars or on foot or bicycle. But they do not impact the residential life on the street. When considered as total percentage of the cars that will actually drive by homes on Oakleigh, where children play and neighbors congregate, the total number of trips estimated for OMC represents a much larger percentage increase of traffic.

The street is narrow and pedestrians, cyclists, and cars all share a small space. My son is one year old, and we are one of the 7+ households on the street that have small children in residence. The children use the street for recreation, and around them neighbors meet and commune daily while watching our children. Thus **the amount of traffic actually moving down the street, rather than the total number of trips including those whose destination is the commercial cap, is most critical for residents for evaluating the compatibility and harmony** of the PUD with the current neighborhood. I ask that you take this into account, minimally requiring the applicant to conduct a traffic study that would take into account all traffic moving into the street as well as total trips at the cap of the street.

Many of the community's objections to the development as currently proposed hinge on the *in*compatibility of the development with the surrounding area. To recapitulate what is no doubt familiar, the OMC's (1) many, very large buildings – several 4 times the size of average buildings on the street, (2) doubled or still-more-increased traffic, and (3) densely packed (4) multi-family units in an area of single-family residential development on quarter-acre lots is incompatible with the current character of the neighborhood.

Since compatibility with surrounding area is part of the **special burden** on applicants hoping to change use in the Greenway, these arguments should have **particular force** in this portion of the meadow development. They are also a requirement of the city, a requirement that I argue is not being met here.

Very truly yours,



Lara Bovilsky

Goodbye, Willamette River Greenway?

I love the Ruth Bascom Riverbank Trail System. I use it almost every day to take walks with my son and dog. We love that where we live – next to the West Bank section of the Trail System – much of the trail is surrounded by the Willamette River Greenway, a mix of city parkland and open spaces.

Though houses and businesses are not far away, the Greenway provides a beautiful, calming buffer adjacent to the trails. The Greenway is a refuge for plants, animals, and human beings alike. It contains both forest and open fields, full of stands of wild fennel and sweet pea vines, and features frequent overhead scolding from chickadees and rarer, showier flashes of migrating tanagers and waxwings.

This land is now under threat.

A partnership between local residents and out-of-state developers is planning to build the first residential development next to city parkland on this side of the river since the Oregon Legislature passed the Willamette River Greenway Act in 1973. The proposed site is a meadow, right at the end of my one-block, dead-end street, Oakleigh Lane. In the usual ironic way of housing developments, those promoting it have named the development after the natural space it will replace with paving and condos: Oakleigh Meadow Cohousing.

Oakleigh Meadow Cohousing (OMC) will include a large number of buildings housing 28 1-, 2-, and 4-bedroom condominiums. There will be nearly 50 parking spaces in 2 large garages. All of this will be visible from the Riverbank Trail.

Bad enough, for most of us in the area. (16 of the 18 homes on Oakleigh are fighting the development; the 2 others have not yet voiced an opinion.)

But much more importantly, OMC sets a chilling precedent, opening the door for further development of privately owned land in the Greenway. If you enjoy walking, running, or biking the trails along the Willamette, consider that soon enough your views may no longer be of trees and fields, but of multiple housing or commercial developments. Are these the views you want?

The Willamette River Greenway was created to protect open space, scenic views, native vegetation, and public access. OMC threatens our city's space, views, and plants. It will take away habitat and beauty in Oakleigh Meadow. It could lead to the loss of much, much more space, views, and vegetation elsewhere in the Greenway. If the Eugene Planning Department approves OMC, it might approve any number of additional developments.

The OMC's application for a permit for site development is up for approval at a public hearing at the Planning Department on October 2. The residents of Oakleigh Lane and McClure Lane (the bordering streets) urge Eugene residents and Riverbank path users to send city planners an email registering your opposition to this project and to tell city officials you don't approve of using our

city's section of the Willamette Greenway for housing or commercial development. (Details on doing so are below.)

The Willamette Greenway should be our legacy, a treasury of protected natural space. We must act now to protect it.

Please contact Becky Taylor, the Planner working on the OMC permit matter for the City of Eugene Planning Department, at becky.g.taylor@ci.eugene.or.us For more information about opposition to this development, email the author at bovilsky2@gmail.com or saveoakleigh@gmail.com. The OMC application, with site maps of its many buildings and structures, can be found at <http://ceapps.eugene-or.gov/PDDONLINE/LandUse/ApplicationSearch>.

Lara Bovilsky lives on Oakleigh Lane and teaches at the University of Oregon.

Trees on West side of Oakleigh Meadow





TAYLOR Becky G

From: Lynn Dixon <lynn@eugenedixon.net>
Sent: Tuesday, October 08, 2013 7:58 AM
To: TAYLOR Becky G
Cc: AIA Willard C. Dixon; Laura Fischrup
Subject: Support in regards to Oakleigh Meadow Cohousing project

Dear Hearings Official:

My name is Lynn Dixon and I live at 115 East Hilliard Lane, in Eugene, OR. I live 1 block over from the Oakleigh Meadow site. We are fortunate in that neighborhood to have pockets of community where neighbors know each other well, share resources, and support on another. I am a member of Oakleigh Meadow Cohousing because I believe that it is an opportunity to amplify that neighborly experience for others, people who don't necessarily have that opportunity for community in their lives. My involvement in this project has never been about replacing the community I already have, rather it is about being able to share out that experience with more people.

This development brings with it dedication to stewardship and safety in the Greenway and along the bike path, and energy and support in local River Road civic endeavors. This project is a great example for Envision Eugene and an environmentally responsible method for infill development. It is good for people, family, and business; it is good for the neighborhood and greater community; and it is good for the planet.

I urge you to support this project with your approval.

Sincerely,

Lynn Dixon



NIR PEARLSON
ARCHITECT, INC.

DESIGNS TO SUSTAIN
1460 East 21st Avenue • Eugene, OR 97403
T: 541.345.5547 • F: 541.345.5527
www.green-building.com

A statement of support for The Oakleigh Meadow Cohousing Development
PUD Application #PDT 13-0001

10/8/2013

To the City of Eugene Planning Department Hearings Official, and Planning Staff,

I have lived in Eugene's South University Neighborhood over two decades, and have been practicing architecture in and around Eugene for the last decade and a half. I hereby state my support for the Oakleigh Meadow Cohousing Development.

The major charge of designers and planners in Eugene and elsewhere is to constantly refine the patterns of urban development to address emerging social, economic, and environmental needs and trends. In so doing, we must employ design principles that support specific local developments, and that are relevant and replicable in other neighborhoods and communities. I believe that most of Eugene's residents including those in the River Road area, would agree that in order to protect and preserve our natural and agricultural resources, we must infill our city's neighborhoods while carefully balancing density and affordability with optimal livability standards.

Since their emergence in Europe in the 1960's, cohousing developments have successfully balanced social needs with urban growth standards, in communities throughout the world and the US. Born and raised in a cooperative farming community, I have a deep appreciation of resource-sharing and of communal living principles. These are the guiding principles of all cohousing communities, and they measurably promote the quality of life of cohousing developments' residents and their neighbors.

After witnessing multiple attempts by various groups to establish cohousing communities in Eugene over the last two decades, I am excited to see the success of the Oakleigh Meadow Cohousing group. I am personally acquainted with members in this group, am familiar with the work of their design consultants, and have full confidence in their methodology as they strive to build what is sure to become a top-notch real-estate development. I believe that the Oakleigh Meadow Cohousing group is careful in addressing concerns of affected neighbors, and that the safety, livability, and market-value of their neighborhood are among their top priorities.

I am looking forward to celebrating the establishment of the Oakleigh Meadow Cohousing, and to following the positive effects of this unique development on our City and our community.

Thank You for your consideration,

Sincerely,

Nir Pearlson, AIA, LEED AP
Principal and Owner, Nir Pearlson Architect, Inc.

PT-25

Frannie Cross
2457 Nixon St
Eugene, OR 97403
541-913-2624

I Support Oakleigh Meadow Cohousing

October 8, 2013

Eugene Hearings Official
C/o Becky Taylor, Associate Planner
99 W 10th Ave
Eugene, OR 97401

Dear Sir:

My name is Frannie Cross. I live in south Eugene and am one of the member/developers of Oakleigh Meadow Cohousing. I'm a single mom of a *very social* six year old, and daughter of one of the elders in our group, RC Cross. I grew up in Eugene, left for a time, then returned here to this bike friendly city to raise my child and be closer to my parents. I became involved early on in this project for the obvious benefits living in a neighborly community could afford me and my daughter, but also because of the strong evidence that this way of living is not only healthy for people, but also healthy for the planet.

It's a challenge to maintain my present single-family home, with more space than I need in order to store tools, lawnmower, outdoor gear, bike trailer, laundry facilities – all handy stuff, but stuff which could easily be co-owned and shared with others. I have more yard than I need or can maintain. I do my best to stay on top of it all while also working at my job and raising my daughter. Though I ride my bike to work and elsewhere, I often access my childcare support system (which includes my parents) by car, mainly to save time and because they live across town. Cohousing for me will mean shared resources, built-in play dates, childcare (and grandpa time!), a social network close to home, not having to cook or drive so much, teamwork in gardening, and support, physically and financially, with house maintenance.

I work as a registered nurse at Sacred Heart hospital downtown in an Acute Care for Elders unit. In this position I too often see the unfortunate results of families separated geographically and the challenge this presents when a family member needs support. Whether that need arises due to an acute health concern or someone is simply slowing down with age, family is often unable to step in, which inevitably leads to relocation of people out of their homes and into a care facility. The Oakleigh Meadow Cohousing community by design will be in a good position to provide that support for short and longer term needs of its members, an opportunity so rare in our society today.

I believe our cohousing community will be an asset to Eugene and to the greater River Rd area. I hope you will approve our PUD and thus perhaps open the door to similar projects in this unique city. Thank you.

Sincerely,

Frannie Cross
Oakleigh Meadow Cohousing member

APPROXIMATE SCHEDULE & 10/13/13








Reed
10/8/13
PT-26



Rasor Mixed-Use Study Area Regulatory

Map 1

Map Features

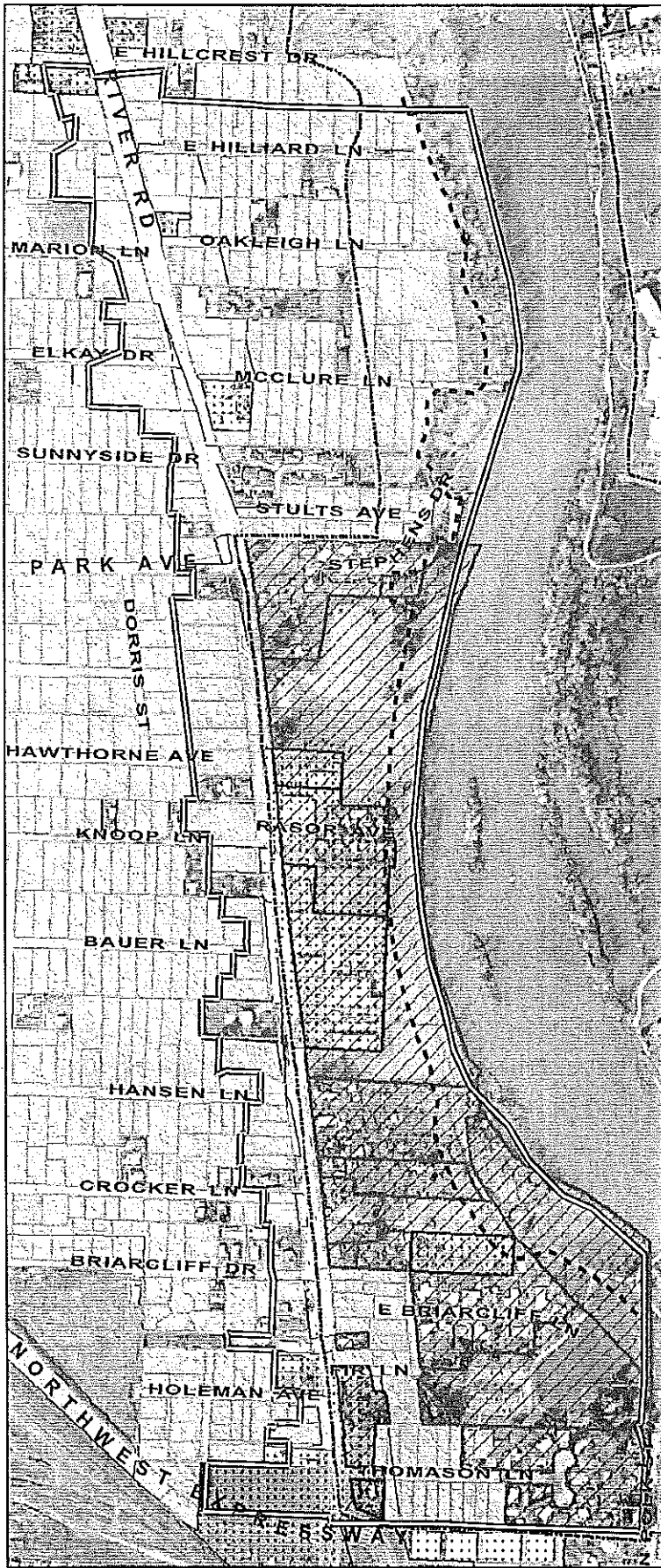
-  Study Area Boundary
-  Approx. Goal 5 Conservation Boundary
-  Approx. Willamette River Greenway *
-  /SR, Site Review Overlay
-  /ND, Nodal Development Overlay
-  /UL Overlay (Unincorporated)
-  Taxlots

*Consult local jurisdiction for adopted Willamette Greenway boundaries.



0 200 400 600 Feet

Note: This product is for informational purposes and may not have been prepared for, or be suitable for, legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.



rasor_regulatory_11_3_03_11x17.mxd

Oakleigh Meadow Cohousing

Neighborhood Outreach History

- Since July, 2011 flyers regarding all of our events have been posted in the neighborhood and all over Eugene. Since that same date OMC members have walked door to door on Oakleigh and McClure with flyers, knocking on doors and talking with neighbors about the project. Below is a list of our events. Upon request, we can provide a list of flyering locations and one copy of each flyer since July 2011.
- Since February, 2012 there has been an OMC website (regularly updated) for neighbors to visit for more information.
- Since August 2012, OMC members have walked, knocked and talked on Oakleigh and McClure Lanes carrying a large copy of our site-design for reference, and distributing responses to Frequently Asked Questions (we can also provide this upon request).
- Since April, 2012 there has been a 30"x 48" OMC sign on the land. It reads "*Home of Oakleigh Meadow Cohousing*" and includes our website address for more information.
- Long-running ads in the Eugene Weekly regarding monthly 3rd Sunday Site-Visits and other events.

Chronological list of events and activities:

2011

- July 30th: OMC launch party
- August 28th: Cohousing Gathering
- September 11th: Outreach Meeting & Potluck
- October 15th: Slide Show with Chuck Durrett
- November 6th & 20th: OMC Neighborhood Potlucks
- December 3&4: Getting-it-Built workshop with Chuck Durrett,

2012

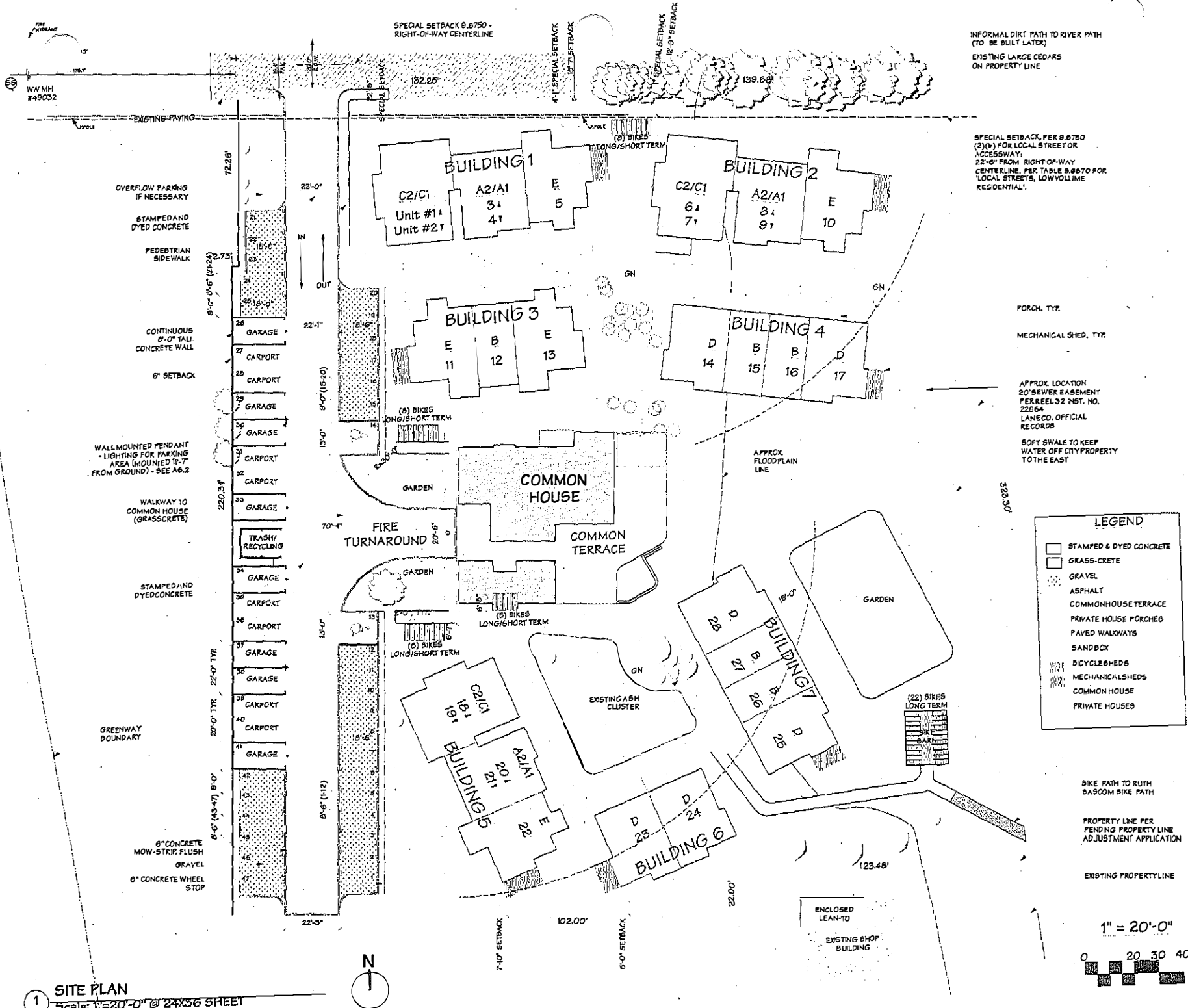
- Treasure Tromp Egg Hunt: March, 2012
- Ice Cream Social: July, 2012
- AIA-GSI Picnic at Oakleigh Meadow: July 18th, '12 / mayor was there / OMC Presentation
- Field Games Day: July, 2012
- August: OMC members walk neighborhood with site-design poster and paper regarding Frequently Asked Questions
- February 19th, 2012 – present: Open-Site visits once a month
- August – present: Filbert & Cottonwood grove work parties
- December 8th: Neighborhood Christmas tree cutting

2013

- January 18-20 & March 7-10: OMC booth at both Home shows for a total of 7 days of non-stop outreach. 2-5 members in the booth having hundreds of conversations with community members.
- Saturday February 16th (1-4pm) Neighborhood outreach event at River Road Annex
- Meadow Maze Treasure Tromp (March 30th): neighborhood families invited.
- Happy Movie shown at UU Church (April 5th). Neighbors and larger community invited.
- Monthly Site-Visits and Filbert Grove work parties continue.
- Fun Friday events every week for OMC outreach.



1 SITE PLAN
Scale: 1"=20'-0" @ 24X36 SHEET



INFORMAL DIKT PATH TO RIVER PATH
(TO BE BUILT LATER)
EXISTING LARGE CEDARS
ON PROPERTY LINE

SPECIAL SETBACK, PER 8.8750
(2)(b) FOR LOCAL STREET OR
ACCESSWAY:
22'-6" FROM RIGHT-OF-WAY
CENTERLINE PER TABLE 8.6870 FOR
LOCAL STREETS, LOWVOLUME
RESIDENTIAL.

PORCH, TYP.

MECHANICAL SHED, TYP.

APPROX. LOCATION
20' SEWER EASEMENT
PER A&E 32 INST. NO.
22264
LANECO, OFFICIAL
RECORDS

SOFT SWALE TO KEEP
WATER OFF CITY PROPERTY
TO THE EAST

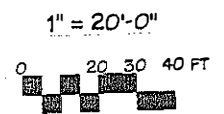
LEGEND

- [Stippled Box] STAMPED & DYED CONCRETE
- [Dotted Box] GRASS-CRETE
- [Cross-hatched Box] GRAVEL
- [Diagonal Lines] ASPHALT
- [Horizontal Lines] COMMONHOUSE TERRACE
- [Vertical Lines] PRIVATE HOUSE PORCHES
- [Solid Box] PAVED WALKWAYS
- [Wavy Lines] SANDBOX
- [Vertical Lines] BICYCLE SHEDS
- [Diagonal Lines] MECHANICAL SHEDS
- [Stippled Box] COMMON HOUSE
- [Solid Box] PRIVATE HOUSES

BIKE PATH TO RUTH
BASCOM BIKE PATH

PROPERTY LINE PER
PENDING PROPERTY LINE
ADJUSTMENT APPLICATION

EXISTING PROPERTY LINE



1X2 WOOD TRELLIS
COLORED PARGE COAT
ov. 8x8x16 CMU WALL

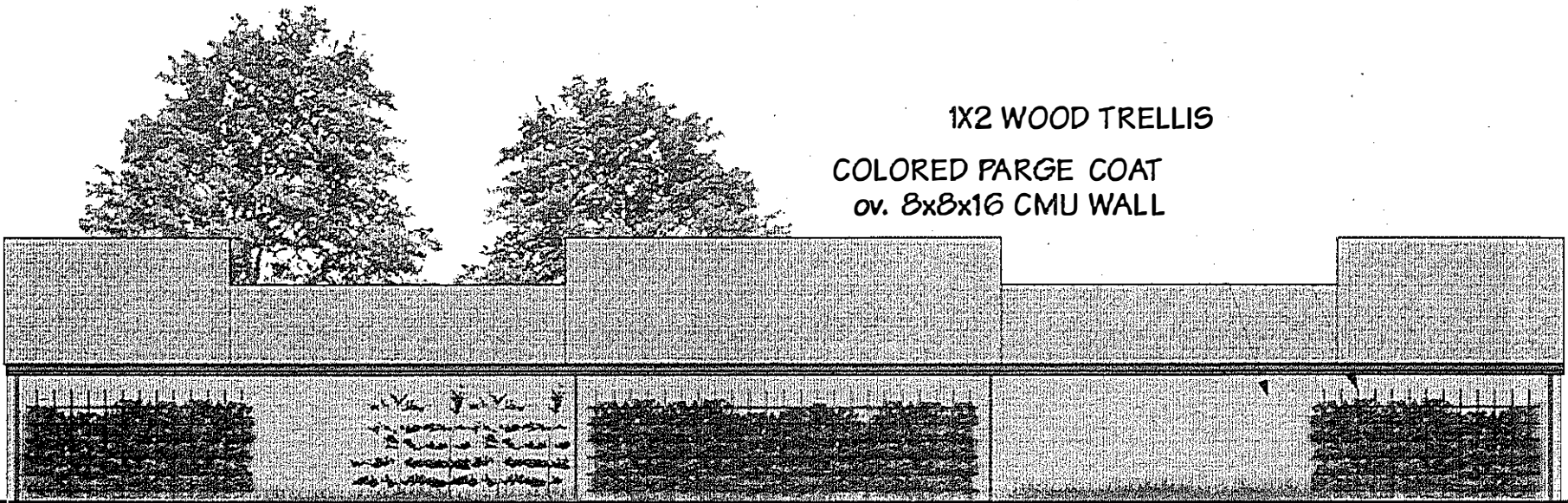


Illustration 06: Rendered elevation of the back of the garages.

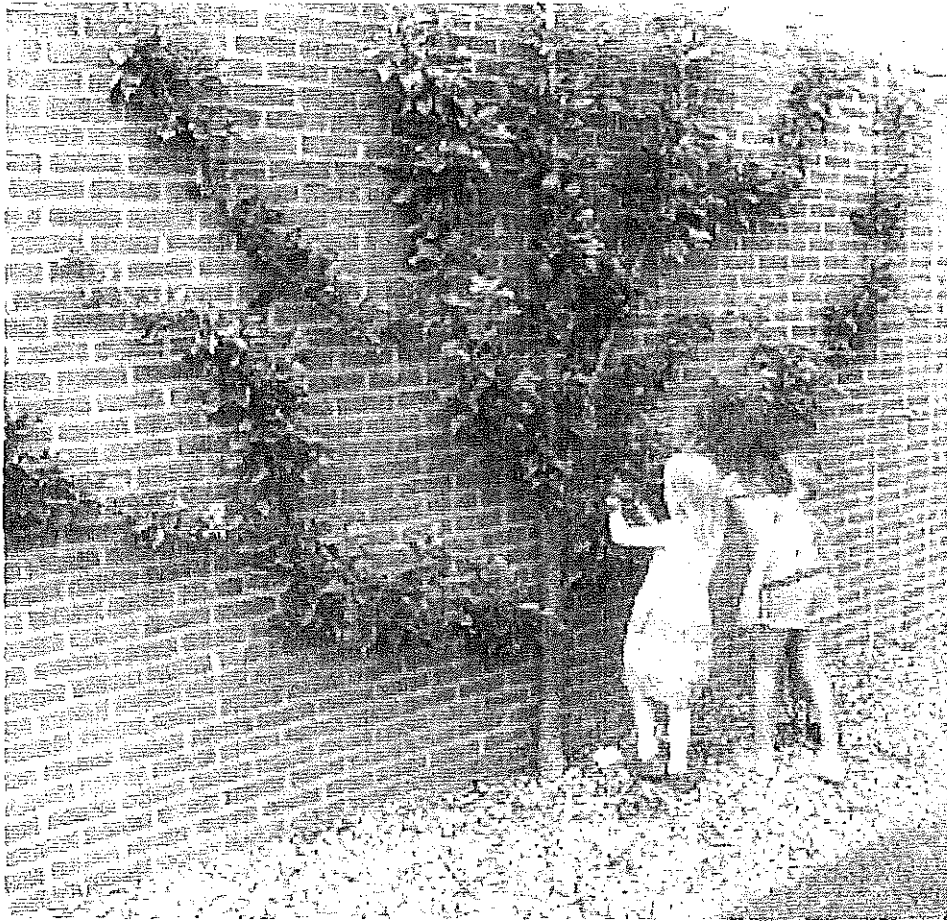


Illustration 08: Kids at espaliered fruit tree.



Illustration 09: Espaliered apple tree.

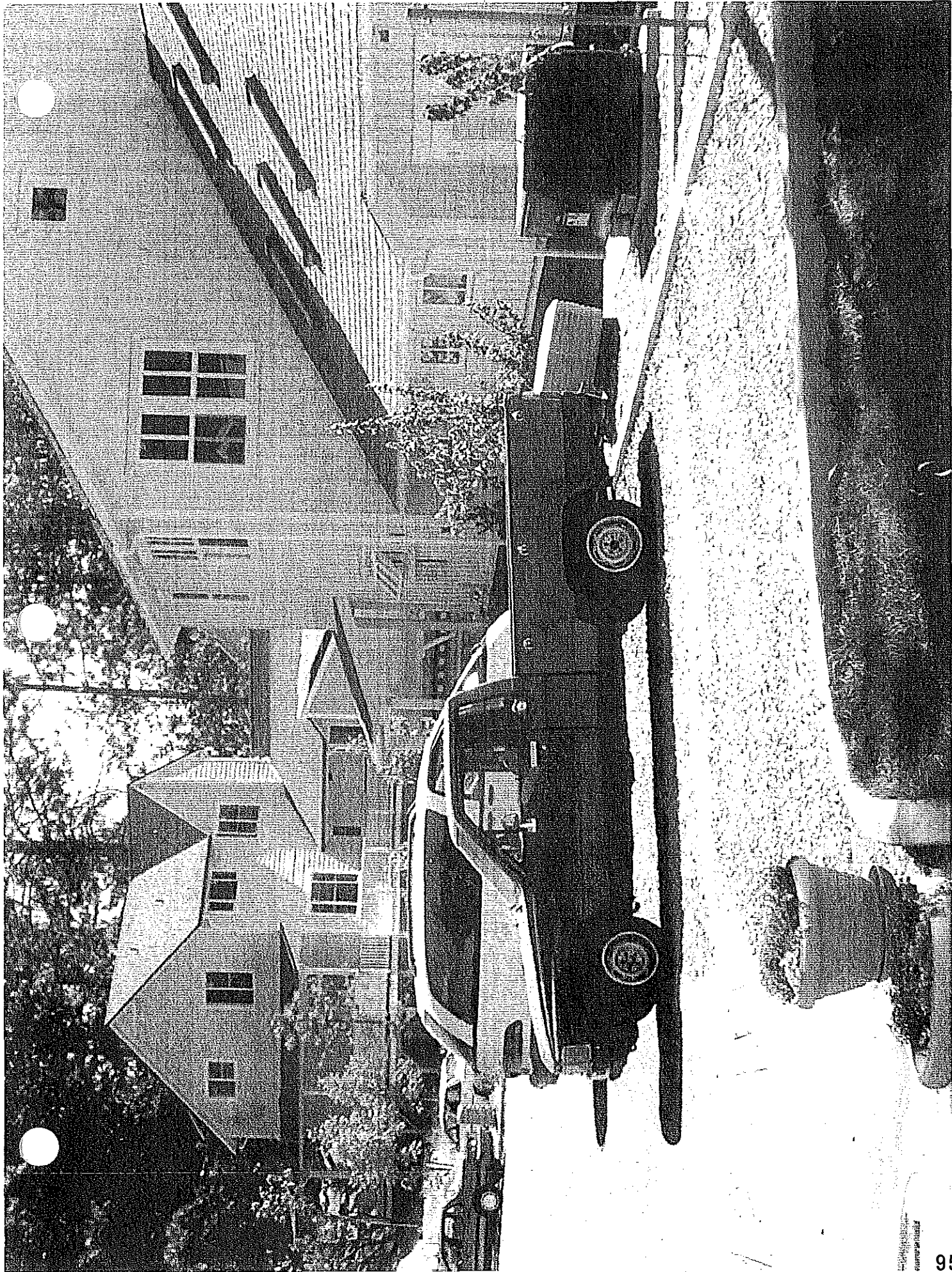


Illustration 01: Gravel parking area in Nevada City, CA.



Access Engineering LLC

September 27, 2013

Hearings Official
c/o Steve Ochs, Planner
99 W. 10th Avenue
Eugene, OR 97401

134 E. 13th Ave. Suite 2

Eugene, Oregon 97401

Phone & Fax

541-485-3215

info@accesseng.com

RE: Oakleigh Meadows P.U.D. Co-housing Development

I am writing this letter in support of the proposed Oakleigh Meadows Co-housing development at the east end of Oakleigh Lane. This planned unit development will contain 28 dwelling units in seven buildings with a common house in the center of the development. The Ninth Edition of the Institute of Transportation Engineers Trip Generation Manual classifies this type of development as a "residential condominium/townhouse" development.

The City took a conservative approach and used a trip generation rate for single-family detached housing of one PM peak hour trip per unit and assumed 29 units. Since this development will actually be townhouses, the weighted average trip rate from the Trip Generation Manual would be 0.52 trips per unit or 15 PM peak hour trips. So whether one uses 15 or 29-peak hour trips, or some number in between, all are well below the City's threshold of 100 peak hour trips that would trigger a traffic impact analysis. I concur with the staff findings that this development will not require further traffic impact analysis or reduce safety or service levels in the area.

Yours very truly,



Michael Weishar, PE
Access Engineering LLC

Transportation Engineering

Traffic Design

Trip Generation

Access Management

Traffic Counts

Street Lighting

Traffic Impact Analysis

Oakleigh Lane, Eugene, Oregon

Ninth Edition ITE Trip Generation Manual

Land Use	Density		Trip Rates		Trips	
			Daily	PM Peak	Daily	PM Peak
Ownership Unit (cohousing)	28	du	5.81	0.52	163	15
Ownership Unit (Single-family)	19	du	9.52	1.00	181	19
Apartment	4	du	6.65	0.62	27	2
Library	0.55	ksf	56.24	7.30	31	4
Medical Clinic (1)	1.25	ksf	31.45	5.18	39	6
Medical Clinic (2)	0.95	ksf	31.45	5.18	30	5
Specialty Retail	5.95	ksf	44.32	2.71	264	16
Service Retail	3.25	ksf	3.65	0.54	12	2

EXISTING	583	55
PROPOSED	163	15
TOTAL	746	69
Net increase	27.9%	26.6%

69.2° SUMMER Solstice Angle

NOTE:
The dormer that causes the longest solstice shadow has a width of 16'-2".

Existing Coniferous Tree

BOARD AND BATTEN SIDING
CEDAR SHINGLES
COMPOSITION SHINGLE ROOF

6" HORIZONTAL LAP SIDING

22.6° WINTER Solstice Angle

23'-1"

21'-0" Bldg. Setback

P.L.

Oakleigh Lane

Existing Dwelling

BUILDING 1,2,5: E-A-C
RIGHT SIDE OF BUILDING
(EAST @ OAKLEIGH SHOWN)

19.4'
Pavement

40'-0" R.O.W.

16'-6" Max.
Solstice Shadow

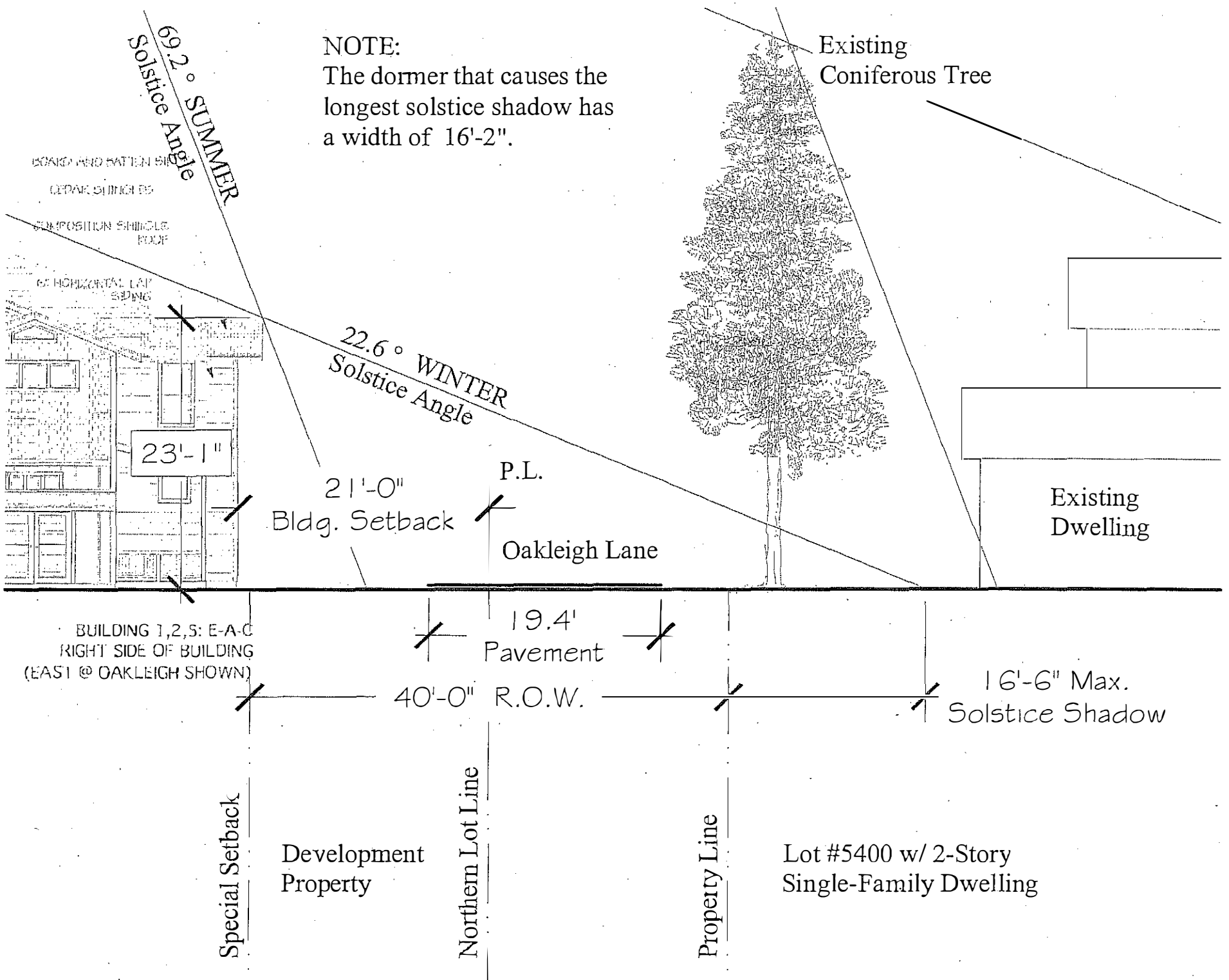
Special Setback

Development Property

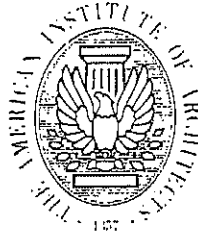
Northern Lot Line

Property Line

Lot #5400 w/ 2-Story Single-Family Dwelling



The American Institute of Architects



Southwestern Oregon Chapter

present this

People's Choice Award

Second Place

Unbuilt/Research

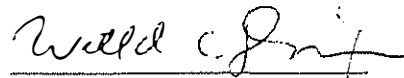
for

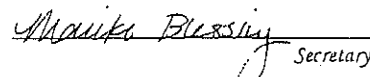
Oakleigh Meadows Cohousing

to

Willard C. Dixon, Architect

For popular recognition of architectural excellence in the
competition held during the September 2013 Eugene Celebration


President


Secretary

PT-27

OAKLEIGH MEADOW

it's better together!

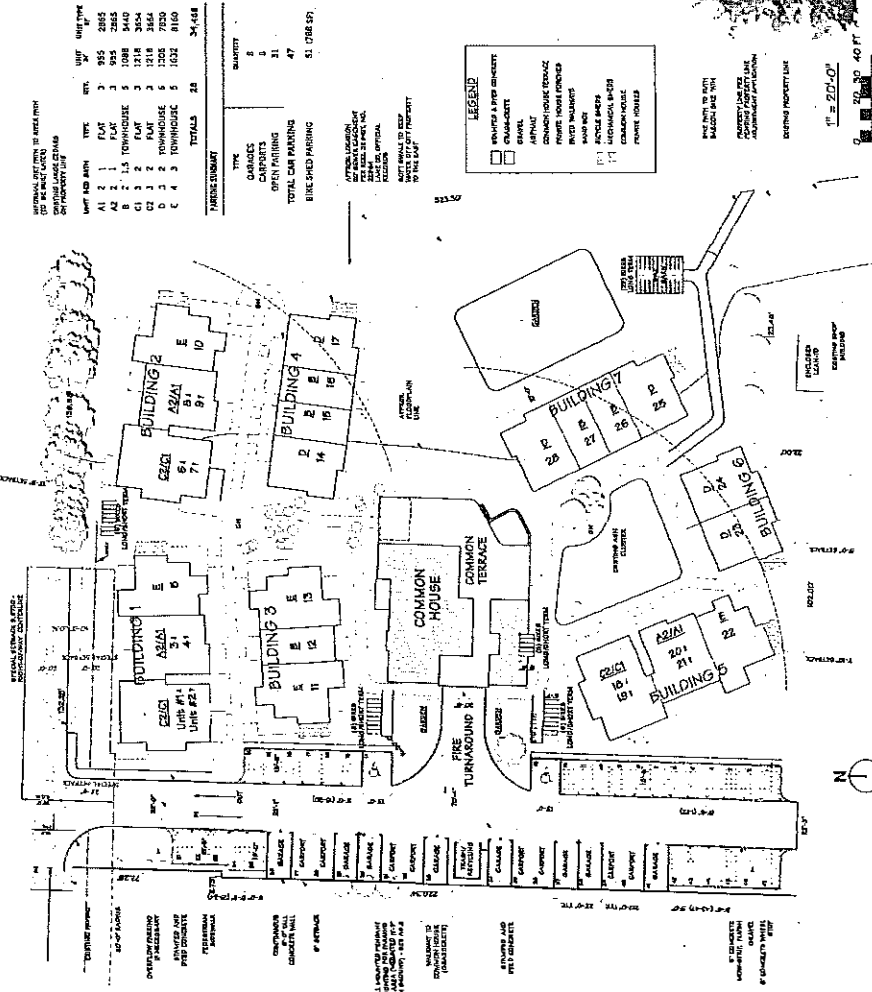
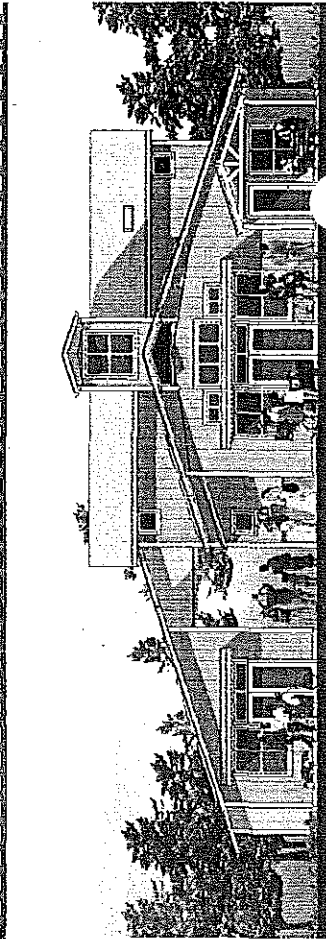
Oakleigh Meadow Cohousing is an intergenerational community of independent households committed to finding purpose and a sense of belonging through working, learning and playing together in a neighborhood designed to make a small and beautiful footprint on the land.

We are currently a group of a little more than a dozen households who have come together to build a cohousing community. Our shared values include the importance of neighbors and community (all ages welcome), as well as learning to live with a light impact on the environment. We have 2.3 acres owned by Oakleigh Meadow, LLC of beautiful open land along the Riverfront Park and Ruth Barwood Riverbank Bike Path, just off River Road in Eugene, Oregon. We are actively seeking more community members. Visit our website to learn more and get involved.

Our Shared Values:

- ~ the unique natural features of the land and its place in the area's ecology
- ~ a balance of simplicity, economy and quality in developing and maintaining our neighborhood
- ~ community activities and privacy in balanced measure and commit to deepening our relationships through sharing work and play
- ~ connection to the surrounding neighborhood as well as to other local intentional groups and commit to collaboration
- ~ the full life cycle and the varied and unique contributions of children, elders, parents and non-parents to community life
- ~ supporting and encouraging the spiritual and personal goals of community members
- ~ opportunities for personal growth and commit to mutual respect, kindness, and in-person communication
- ~ group wisdom and seek to understand each other's views and to temper our own with humor and humility
- ~ beauty and order and commit to planning, building and maintaining our neighborhood to promote a sense of physical, mental and spiritual well-being

www.oakleighmeadow.org



Project Manager:

Willard C. Dixon Architect, AIA
 3960 Fair Blvd. Eugene, OR 97402-4150 ph. 541-689-3548 willardcdixon.com

An Old-Fashioned Sense of Neighborhood
 Cohousing is a type of collaborative housing in which residents actively participate in the design and operation of their community. The concept originated in Denmark in the 1960s and gained popularity in the U.S. The cohousing ideal of living community has spread quickly, and there are now hundreds of cohousing communities worldwide.
 The physical design of cohousing communities encourages both social contact and individual space. Private, resident-owned homes contain all the features of conventional homes, but residents also have access to shared facilities such as a common house, garden, and playground areas.

The CoHousing Company
 COHOUSING CONSULTING

McCament & Durrett Architects
 SUSTAINABLE ARCHITECTURE



P 1-28

TAYLOR Becky G

From: Rachel Stedman <dazzleshine@icloud.com>
Sent: Monday, October 07, 2013 4:22 PM
To: TAYLOR Becky G
Subject: Opposition of the Oakleigh Meadows Tentative PUD

Hi Becky,

Please add this letter below to public record.

Thank you,
Rachel Stedman

October 7, 2013

Eugene Hearings Official
Eugene Planning and Development
Atrium Building
99 West 10th Ave.
Eugene OR 97401

Re: Citizen Comment in Opposition of the Oakleigh Meadows Tentative Planned Unit Development Permit (PDT 13-0001) and Willamette Greenway Permit (WG 13-0001)

Dear Hearings Official,

My name is Rachel Stedman and I am owner of 131 Oakleigh Lane, the third house from the end dead and directly across from Oakleigh meadow Cohousing (OMC). I am in opposition to OMC project in its current size and layout.

I have lived in this quiet neighborhood for nine and a half years. I have enjoyed watching the children play in front of our house. The parents and kids feel safe here in the dead end part of the street. The kids set up bike and skate board jumps and skill training courses, basketball games, hockey games. It has been fun watching them grow up and create new games in front of my house. The neighborhood has a new wave of little ones, learning to walk, and some learning to ride bikes. We have many dog walkers that come by. We have a neighborhood understanding if your dog is obedient and accompanied by a person it is ok for the dog to be off leash. I enjoy the dogs coming up to me for pets and affection. My cats sun bathe in the front yard and do not seem to mind the walkers or the children at play.

The blackberry bush along the border of the meadow and the street has been a great source of food. I can black berry jam every year and enjoy making blackberry treats all summer long. The whole neighborhood and their friends and family members also enjoy picking black berries. There is enough for everyone to enjoy. The

children make forts and caves in blackberry bushes. For years before OMC, the neighbors have been trimming the black berry bushes back when they become wild and in the street. We try to prevent our bike from getting flat tires by thorns in the street. We feel this chore is about stewardship and the reward is delicious blackberries.

The neighbors on Oakleigh Lane are all great people in community. Each family has an unique skill or connection that contributes greatly to Eugene. We each bought our homes for the same reason, country charm. We wave to one another while passing by each other on our small lane. We enjoy our street being a quiet dead end street. I have watched houses being sold and bought by new families. I have seen a new pride of ownership reflecting with these older homes being cleaned up, junk being removed, painted, new roofs, and new landscapes with beautiful gardens in the front yards. Our Lane is looking good and friendly these days. We were happy that Joan Connolly and David Adee bought the meadow at the end of the street as they just moved from a house on Oakleigh Lane to the next street McClure Lane. The rumor on the street was this is a good family, they help protect Razor Park another meadow a few blocks away on the river path, and they will protect this meadow as well. They asked neighbors to help them mow the tall grass and pull weeds. Neighbor Bryn Thoms mowed many days and let them use his tractor mower. Joan and David invited me and the neighbors to feel welcomed to walk through the meadow to get to the river. Many neighbors of the River Community for years help pick up trash and pull invasive plants along the river way before OMC was even a group. Many of those neighbors are disappointed and upset about the large condo project being built on the greenway. Many people commute, exercise, leisure walk, and enjoy the greenway of the bike path. My dog loves to run in the tall grass. We walk the greenway just about every day. I have meant many kind folks on my walks. I also enjoy bird watching, my husband gifted me binoculars for my hobby. I was inspired by the bald eagles mating in the trees at the east end of OMC property. I feel that there has not been enough study by OCM developers regarding storm water runoff and flooding the greenway.

I did not have any intent to live in a neighborhood where condos would be built across the street from my front door. I feel ganged up by a group of strangers who does not respect the people and tax payers that already live on this street. When I was first buying this my home in 2004 my father and I went to the city planning building and learned that at maximum two buildings of four units homes could be built, and no commercial. I was informed that there was no water, electric, or gas lines on the property, so it would likely not be developed. I was told that property owners could not build on the flood plain. Now I feel that I have been tricked into a housing investment that does not fit my values of a dream home. I will be looking at the backs of condos that are taller than my own single story. OMC condos will be towering over my front yard and looking into the windows of my kitchen and dining room, were I spend most of my indoor living. Head lights on all of their traffic will shine directly onto house.

I moved to Eugene in 1997, when I was twenty years old. My work profession is direct care providing and personal assisting. I have taken care of people in our community for sixteen years, all ages, all kinds of physical and behavioral disabilities or no disabilities, all of different wealth status, each job being totally different from one family to another. Now it is my turn to start a family. My husband and I have been married for four years and I am ten weeks pregnant. I always dreamed about being a mom and look forward to watching my child play in the front yard of this quiet dead end street with the other children. If the PUD request is passed then my dream and all my hard work will not come true. OMC planes to develop their driveway into their 47 car parking lot right in front of my home. There will be up to 32 units with who knows how many people living and visiting in each unit. Some units are four bed rooms. OMC has only sold 10 units in the last two years. Their condos are overpriced by \$100,000- \$200,000 compared to the houses in our neighborhood. It is possible that they could go bankrupt and bail out of the project and some other developer buys it and does not care at all about Oakleigh Lane's citizens.

The applicant is not in compliance with **Eugene City Code 9.8320 (13)** The proposed development shall be reasonably compatible and harmonious with adjacent and nearby land uses. The applicant is not in compliance with **Eugene City Code 9.8329 (12)** The proposed development shall have minimal off-site impacts, including such impacts as traffic, noise, storm water runoff and environmental quality. The applicant is not in compliance with **Eugene City Code 9.8320 (3)** The PUD will provide adequate screening from surrounding properties including, but limited to, anticipated building locations, bulk, and height.

Thank you for taking the time to read my opposition. I was at the hearing on October 2nd and learned a great deal that night. I did not speak as my voice is quiet and I would be repeating what my wonderful neighbors already stated. OMC project and other condo or apartment developments are just too large for our single family residential neighborhood.

Sincerely,

Rachel Stedman
131 Oakleigh Lane
Eugene, OR 97404

October 5th, 2013

To Hearings Official,

I believe that the Oakleigh Meadow Cohousing project is sorely needed in Eugene. As a model of affordable high density infill it can serve as a prototype for other cohousing projects in the city. After several failed attempts, a team of committed participants has finally emerged, and this opportunity should not be missed.

Sincerely

Alex Daniell
1990 Orchard Street
Eugene, Oregon 97403

PT-30

TAYLOR Becky G

From: sharonbrandt44@q.com
Sent: Saturday, October 05, 2013 8:29 PM
To: TAYLOR Becky G
Subject: fence

Follow Up Flag: Follow up
Flag Status: Flagged

Becky Taylor
Lane County Planning Dept.

Our first choice for the fence to be put along property line for the Oakleigh Lane Co-Housing project would be a 8' chain link with fake fringe(looks like greenery) slants for privacy.

Jim & Sharon Brandt
Ruby & James Bauer

Joan Connolly
131 McClure Lane,
Eugene OR 97404
541 688-3304

4 October 2013

To Hearings Official,

Here is the written version of my spoken testimony from the 10/2/2013 public hearing:

My name is Joan Connolly. I am a 24-year resident of the River Road neighborhood. I live at 131 McClure Lane. Our house will be next door to Oakleigh Meadow Cohousing.

I moved to Oakleigh Lane in 1989. Four years ago, when my husband, David, and I, along with our then four-year-old daughter, outgrew our little house on Oakleigh Lane, we moved one block south to a house on McClure Lane attached to a 2-acre lot largely covered in blackberries.

For most of our years on Oakleigh Lane, in order to get to the bike path and the river, which was *east* of us, we had to walk *west* to River Road and around to either East Hilliard or McClure Lane. During our last few years on Oakleigh, it became possible to get to the river from the east end of Oakleigh, but it meant careful navigation through a formidable acre of blackberries; barbed wire, and transient tent campers and drug dealers. It was neither safe nor inviting.

After our family bought the land, friends and neighbors helped with an initial clean up and many work days followed. When the land was open and clear, we invited neighbors to walk through to keep an eye on anything that might need attention.

Before we bought our new home, it was clear that the vacant field would be built upon at some point. We committed ourselves to steering it toward community-minded development. As we explored the many options for how best to move ahead, the idea that emerged repeatedly and sparked much interest was cohousing. The appeal of cohousing is that it begins with forming a community of people who share values and are interested in living in proximity. Cohousing is designed, developed and funded by the future residents. Cohousing is first and foremost about addressing the community needs of people, rather than simply building structures to be filled with strangers.

Through the years I have spent much time caring for the public open space along the river. I have been deeply involved in both the planning and planting of Razor Park.

Two years ago we joined a volunteer park adoption group through the Eugene Park Stewards program. As a family, we have been part of a dozen work parties to transform the once abandoned hazelnut orchard at the end of McClure Lane into a productive and safe place.

Six years ago I served on the Citizen Advisory Committee for the Lower River Road Concept Plan, an effort between residents, community leaders, city officials and professional planners. During my several months on the board, I got a chance to take an in-depth look at the strengths and needs of the lower River Road neighborhood, with an emphasis on options for transportation and commercial viability. It became clear that the neighborhood's typically large lots, which at first glance seem ideal, sometimes come at the cost of walkability and adequate density to support certain desirable neighborhood amenities.

All of the neighborhood projects I have been involved with would happily welcome more helping hands. The school can always use a small army of volunteers, the ivy and blackberries along the river seem to be ever gaining on us, and safety is a persistent issue. Daily garbage pick-up along the river is part of our routine. We have removed or reported an elaborate inventory of unsavory found objects in the West bank river front park, items that threaten it as a welcoming place for families, children and nature lovers.

While many, many community-minded individuals now live here, I know that the neighborhood, the street and park, needs more watchful eyes and willing hands, more caring hearts. I have witnessed the Oakleigh Meadow members to possess abundant caring and willingness. Membership in cohousing demands an above average level of participation and organization. Building Cohousing demands an extraordinary doggedness and tenacity in its members. Over time, this translates into positive neighborhood improvement. In addition, Oakleigh Meadow Cohousing will have a number of active retired people, folks who have that extra measure of time to notice and attend to that which needs to be done.

I visited many cohousing communities in the last few years. Established cohousing communities take on civic improvements, emergency preparedness, and consistently care for their own land and people as well as the public spaces and neighbors around them.

I am dearly looking forward to the day my family, (husband, young daughter and venerable mother-in-law) and I can easily wander over to the common house, through gardens and to Oakleigh Lane. I look forward to a connected play place for my daughter, some great meals, some righteous Scrabble games, and an expanded meaning of home.

Thank you,

Joan Connolly

TAYLOR Becky G

From: Paul Conte <pconte@picante-soft.com>
Sent: Friday, October 04, 2013 3:21 PM
To: TAYLOR Becky G
Subject: Testimony re Oakleigh Cohousing PDT
Attachments: MDA 05-2 Appeal Decision.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

For the record in PDT 13-1

In those cases where the approval criteria set standards of "minimal" or "insignificant" impacts (or apply any of the cognates or complements, e.g., "significant"), the Hearings Official must apply the customary usage of these adjectives in technical and/or legal contexts, which are:

minimal -- derived from the Latin adjective *minimus*, "least, smallest"
-- Smallest in amount or degree

insignificant
-- Having little or no importance ...

While a common usage has arisen in some contexts to use "minimal" as synonymous with "small amount," when used in a legal criterion, such as in EC 9.8320(12): The proposed development shall have **minimal off-site impacts**, including impacts such as traffic, noise, stormwater runoff and environmental quality. it would be meaningless to require, and impossible to evaluate, whether the proposed development would have a "small amount" of off-site impacts.

Instead, this (and comparable criteria) must require the smallest (feasible) degree of impacts.

This interpretation is further bolstered by the unchallenged appeal finding in MDA 05-2 ("Summer Oaks"), in which the Hearings Official determined:

"The crucial word in EC 9.8370(2) and EC 9.8455(2) is "insignificant." The EC does not define "significant." The dictionary defines "insignificant" as "not large enough to consider or notice," "not worthy of notice," and "of little importance, or influence or power." www.hyperdictionary.com. The proposed building, which will increase the opportunity for office space by up to 21,440 square feet (See applicant submittal page 2 of 14) and will be physically very different than the restaurant/bar use and lot configuration proposed in the original approval are greater than what may be allowed under these standards. As appellants note, the uses on their adjoining lots are based in part on complimentary uses and structures in the PUD that will support their uses. The proposed use at the proposed scale competes with the uses anticipated for those adjoining properties and thus will have more than an insignificant impact on surrounding properties. While the proposal may be ultimately better for the PUD and surrounding community, it must be evaluated as a new application rather than a modification of the 2001 decision.

The Hearings Official recognizes that the applicant has not proposed any changes to design features, or requested changes that will result in additional transportation-related demand. However, those are only aspects of the factors to be considered under EC 9.8370(2) and EC 9.8455(2). While consistency in design and

insignificant changes in trip generation and parking needs may be necessary to show that a proposed modification is insignificant, they do not demonstrate conclusively that such is the case.

A few other conclusions made by the planning staff merit comment, as future applications may be based in part on assertions that if a proposed modification better meets design criteria, or is an insignificant change, or that if a modification is consistent with conditions imposed on a prior approval those modifications are necessarily insignificant. It may be that the changes will include feature that will make the development more consistent with existing design standards, but that is not relevant to the question of whether the proposed modification is "insignificant." A waiver or change to a particular design standard may make a development more consistent with existing development, while consistency with new design standards may change the "feel" of the approved development in significant ways. Similarly, as this application shows, a proposed modification may be consistent with prior approvals for the property, yet still result in more than insignificant changes in the physical appearance of the development, the use of the site and impact on the surrounding properties." (See attached decision.)

As a specific example, the comments from Public Works Department erroneously concludes that the proposed development will have "minimal off-site traffic impacts."

A reasonable person would expect that the increase in traffic arising from the addition of more than 1-1/2 times the current number of residents' cars -- all at the very end of a dead-end street -- would have more than the "least amount" of feasible impact, particularly when it would be feasible to develop the site with fewer dwellings and thus reduce the additional traffic so as to be commensurate with the current per-acreage or per frontage traffic levels. Put another way, a reasonable person would also find this amount of increased traffic very significant and of great importance to existing residents.

The same applies to impacts on environmental quality. No reasonable person would consider the amount of permeable and vegetated ground area that will be lost to be the "least amount" that is feasible on this site, and such a large loss would certainly be considered *very* significant, following the interpretation in MDA 05-2.

As the findings in MDA 05-2 make clear, standards that require "minimal" or "insignificant" impacts present high bars, but they are the law; and proposed PUD developments are required to clear that bar.

The application in this case does not come close to meeting the criterion at EC 9.8320(12) and must be denied or modified.

Paul Conte
1461 W. 10th Ave.
Eugene, OR 97402

Paul Conte
541.344.2552

**DECISION OF THE HEARINGS OFFICIAL
FOR THE CITY OF EUGENE, OREGON**

**Appeal of a Planning Director Decision Approving a Modification to
a Planned Unit Development to Permit Construction of a
3-story Office Building**

Subject Property/Location: The subject property includes approximately one acre and is known as Lot 4 of the Summer Oaks/Crescent Center Planned Unit Development (Summer Oaks/Crescent Center PUD). The approximately 10-acre PUD is bounded on the north by Crescent Avenue (a minor arterial). Chad Drive, a major arterial, is located approximately 300 feet south of the southern boundary. Suzanne Way, a private street, bisects the PUD. The subject property is on the southeastern portion of the PUD, and is accessed via Suzanne Way. The property is also referred to as Assessor's Map No. 17-03-16-32, tax lot 1200.

Appeal: Arie & Company and 4710 LLC, adjacent property owners, appeal the planning director's decision, which approved the subject application with conditions.

Relevant Dates: The application was filed on February 28, 2005 and deemed complete for purposes of ORS 227.178(1) on May 11, 2005. Modifications to the applications were submitted on June 28, 2005. The planning director's decision was issued on July 21, 2005, and timely appealed on August 2, 2005. The appeal hearing was held on September 20, 2005. The decision is issued October 14, 2005.

DECISION: The planning director's decision is reversed.

The Hearings Official's decision is based on the following findings of fact and conclusions of law:

A. Background Information:

In late 2000, Canyon Partners LLC (Canyon Partners) submitted an application for PUD and site plan approval for a mixed-use commercial development on the subject property. As proposed, the property was to be subdivided into seven lots. Drawings submitted by Canyon Partners depicted development on the property to be primarily small scale retail on the northern three lots (Lots 1, 6 and 7) which border Crescent Drive, four-story office buildings on the middle two lots (Lots 2 and 5), and restaurant uses on the southern two lots (Lots 3 and 4). The subject property (Lot 4) was planned for a 6,000 square foot restaurant and bar. In addition, Canyon Partners requested that the Hearings Official approve a range of uses that could be developed within the PUD without modification to the approval should the uses included in the tentative plan not prove to be commercially viable. Some of those uses were not explicitly permitted in the C-1

(Neighborhood Commercial) district at the time, although Canyon Partners argued that at least some of the uses were similar to uses explicitly permitted in the zone and, therefore, could be allowed per the code's "similar use" provisions.¹ Other uses Canyon Partners argued were appropriate in the C-1 zone notwithstanding that they were not listed as allowed or conditional uses for that zone.

The Summer Oaks/Crescent Center PUD was approved by the Eugene Hearings Official in PDT 01-02 in 2001 (the 2001 decision).² The 2001 decision permitted the creation of the seven lots and Suzanne Drive. The 2001 decision included a condition of approval (Condition 3) that sets out a list of permissible uses on those lots. The list reflected the uses allowed in the zoning district at the time and other uses that had been determined to be similar to those allowed uses. See PDT 01-01, p. 2 and findings p. 4. The decision anticipated that at least some of the uses on the property would change over time, although it recognized that the applicant could adopt private development restrictions regarding use, if it so chose.

The 2001 decision also established a maximum building height for buildings sited on the property, ranging from a maximum building height of 25 feet for a majority of the area comprising the three lots fronting Crescent Drive on the north, to a maximum building height of 55 feet for structures lying south of those lots. See Sheet A 1.3, Triton Partners, Final Plan PUD & Site Review, approved 5/29/2001.

Since the 2001 decision, neighborhood commercial services have been established on the northern lots, including small scale retail, a car wash and a bank. A two-story office building (engineered for an additional two stories) has been developed on Lot 2. Lot 5 is undeveloped, although Arlie & Company plans to develop a four-story office building on the lot. Because of the location of the two southern lots, however, marketing those lots for restaurant uses has proved to be very difficult. As a result, in 2004, 4710 LLC applied for and received

¹ EC 9.439, notation 1 (2000) permitted the building official the authority to determine if a proposed use was similar to listed uses and thus allowed within the zone.

² A related site plan application (SP 01-02) was approved by the planning director. For purposes of this appeal, the pertinent decision is the hearings official's decision.

approval for a modification to the 2001 PUD and site plan to allow the establishment of a two-story office building on Lot 3.

In early 2005, Jok Ang (applicant) applied for a modification to the 2001 approval to allow the establishment of a three-story office building on Lot 3. The applicant also requested that the structure's building orientation be modified to better serve office-related needs, and clarification that uses on the subject property would be allowed as provided for in the 2001 decision, so long as those uses do not exceed the parking thresholds set out under the current provisions of the EC. The applicant asserted that such a clarification was needed because current C-1 code provisions do not permit more than 5,000 square feet of floor area per business on lots zoned C-1. See EC 9.2161(1)(2004).

The applicant's modification was processed pursuant to EC 9.8370(1) and EC 9.8455(1). EC 9.8370(1) and EC 9.8455(1) include identical approval criteria in that they both require findings that:

- (1) "the proposed modification is consistent with the conditions of the original approval" and
- (2) the "proposed modification will result in insignificant changes in the physical appearance of the development, the use of the site and impact on the surrounding properties."

EC 9.8370 and 9.8455 also provide that "[i]f the planning director determines that the proposed modification is not consistent with the above criteria, the proposed modification may not occur unless a new PUD application is submitted * * *."

The planning director approved the application, based on his conclusion that the proposed modification did not significantly change the total area to be developed within the PUD as a whole, that the number of peak hour trips generated by the proposed office space is not significantly greater than what was anticipated and approved in the 2001 decision for restaurant peak hour trips, and because the proposed changes in lot coverage, parking design and landscaping were not significant, again viewed in context of the entire PUD development.

Arlie & Company and 4710 LLC appealed the planning director's decision. The appellants' arguments are set forth below. Where appropriate, the appellants' arguments have been combined for review and analysis.

B. Arlie & Company's Appeal

Arlie & Company (Arlie) asserts that the modification does not satisfy either of the modification criteria, in that it both results in significant changes to the physical appearance of the site, the use of the site, and has a significant impact on the surrounding properties and the proposed modification is inconsistent with the

conditions of the original approval. Arlie emphasizes that significance should be based on the impact to the lot by itself, and not on the PUD as a whole. Viewed in that context, Arlie argues that the building size increases by 257 percent over the approved building size for Lot 4, and results in a 13 percent decrease in proposed landscaping, percentages Arlie contends clearly indicate that the proposed changes are not "insignificant."

Arlie also argues that even if the proposed modification is viewed in context with the remainder of development within the PUD, the proposed change in use to office use will convert what was planned as a mixed use development to primarily an office park, a use that was neither contemplated during the original application process or approvable under current the C-1 development standards. As a result, Arlie concludes, the proposed modification will be a significant change in use that is not approvable under 9.8370(2) and EC 9.8455(2).

Arlie asserts that the modification processes under EC 9.8370 and EC 9.8455 should not be used to allow uses that could not be otherwise approved, especially because modifications under those provisions are made by the planning director without a hearing. Arlie concedes that the word "insignificant" has many possible interpretations and applications, but argues that in this case, the types of modifications allowed under EC 9.8370(2) and EC 9.8455(2) should not exceed those that could be allowed under current C-1 standards. According to Arlie, the current C-1 standards establish an acceptable "bright line" to assess modification proposals. Arlie argues if the C-1 standards are used as the ceiling for modifications, this modification could only be approved if a new PUD application is submitted and considered in light of current conditions under current standards.

C. 4710 LLC's Appeal

4710 LLC applied for and received development approval to convert Lot 3 from a "family restaurant" use to a two-story office building in 2004. As approved, the office building on Lot 3 retains the same building footprint, parking design and major building design features approved for the family restaurant in the 2001 decision. 4710 LLC adopts the arguments proffered by Arlie, and adds three additional arguments.

First, 4710 LLC contends that the modification provisions should be applied narrowly to ensure that changes such as the ones proposed are fully vetted in a public hearing process with standards that address all of the impacts from the change in use and appearance. 4710 LLC argues that to the extent modifications are allowed under EC 9.8370 and EC 9.8455, those modifications should be allowed only if it can be shown that the modified development is so similar to the previously approved development as to be essentially indistinguishable in look and impacts from that prior approved development. 4710 LLC states that city staff interpreted EC 9.8370 and 9.8455 to require strict adherence to the prior

approval in its case, and the same rigor should be applied to the application at issue in these appeals.

Second, 4710 LLC argues that if the city interprets EC 9.8370 and EC 9.8455 to allow modifications to lots located within PUDs based on an analysis of whether the entire PUD is significantly affected by the change on not just the impact of the change on one lot, then applications to modify PUDs must include the signatures of all owners of the PUD and not just the owner of the one lot. 4710 LLC argues that as a result of the city's broad reading of the impact area to include the entire PUD, the city may not process the modification application because the Code requires that all owners within the PUD must sign the application and in this case only the owner of Lot 4 signed the application.

Third, 4710 LLC argues that the Condition 1 of the 2001 decision limited uses of the property to those that were identified on the final plan for the PUD. According to 4710 LLC, the list of uses identified in Condition 3 could only have been approved if they were identified on the approved final plan. Because those uses were not identified for Lot 4 on the final plan, 4710 LLC contends that the applicant may not use the modification process set out in EC 9.8370 and EC 9.8455 to allow those uses because those uses are inconsistent with conditions imposed on the initial approval and thus do not satisfy EC 9.8370(1) and EC 9.8455(1).

D. Analysis, Interpretations and Conclusions of Law

The Hearings Official will address 4710 LLC's arguments in reverse order before turning to the combined arguments of Arlie and 4710 LLC.

1. Limitation of uses to those identified in the approved final plan

The Hearings Official agrees with the Planning Director's analysis on page 4 of the July 21, 2005 Findings and decision. Condition 1 ensures that the final plat generally conforms to the lot, building and parking layout considered by the Hearings Officer in making the initial decision to approve the plan as proposed. Condition 1 of the 2001 decision should not be read to prohibit modification applications that change uses after the final plan is filed. As Condition 3 and findings included in the 2001 decision make clear, the Hearings Official anticipated that uses of the property would change over time, and limits those changes to uses allowed under the 2001 C-1 code and medical clinics, if changes to the Willakenzie Plan after the decision allowed such uses in the C-1 zone. Therefore, that basis for 4710 LLC's appeal is denied.

2. Signatures of all PUD property owners on modification applications pertaining to one lot within the PUD

In relevant part, EC 9.010 requires that all land use applications filed by other than a public agency must be signed by the property owner. In this case, all of the modifications proposed pertain to development on Lot 4. The property owner of Lot 4 signed the modification application. As is the case with most land use applications, the proposed modification application will have some impact on development on neighboring lots within the PUD. However, that impact is evaluated under EC 9.8370 and EC 9.8455, and is not pertinent to the threshold inquiry of whether all necessary parties have signed an application. 4710 LLC's second basis for appeal is denied.

3. Interpretation and Application of Modification Criteria

As appellants and staff noted in their testimony during this appeal, in the past the city's modification provisions have been very narrowly applied to situations where the applicant proposes extremely minor changes in layout, building configuration and uses. This is the first appeal of a modification decision that tests the limits of a more expansive interpretation of EC 9.8370 and EC 9.8455.

Each modification application must demonstrate that the applicable approval standards have been met. In some cases, the only means to assure compliance is to abide by the prior approval in all but the most minor of circumstances. As staff testified, when they counsel applicants at the counter, they tend to advise a more conservative approach to modifications in order to better assure that a particular modification application will withstand appeal. However, there is nothing in the text of the modification provisions that *require* such strict adherence to the original approval if evidence demonstrates that the applicable approval criteria have been met. Therefore, the Hearings Official declines to adopt a bright line rule that requires adherence to current code standards and uses or no more than the absolute minimum in changes in order to satisfy the modification procedures set out in EC 9.8370 and EC 9.8455.

With respect to appellants' arguments that "significance" under EC 9.8370(2) and EC 9.8455(2) must be evaluated based on the changes between what was originally approved for Lot 4 and what is now proposed for that lot, rather on the evaluation of the effect of those changes on the PUD as a whole, again, the Hearings Official declines to make such a bright line interpretation. While a decision must identify the facts that the decision maker relies upon to determine a standard is met, nothing in EC 9.8370 or EC 9.8455 requires that consideration of those factors be limited to the property itself rather the property in relation to other lots in the PUD that were approved at the same time.

With that said, the Hearings Official does not agree with the applicant that significant changes in uses outside the PUD may be used to support the proposed modification. Certainly those changes may justify a modification under a new application for PUD development, but the purpose of EC 9.8370 and EC

9.8455 is to allow for insignificant changes in prior approvals to allow for the development to occur as planned and approved.

For the above reasons, the Hearings Official concludes that these bases for appeal are denied.

4. Is the planning director's conclusion that the proposed modification satisfies EC 9.8370(1) and EC 9.8455(1) correct?

EC 9.8370(1) and EC 9.8455(1) require a demonstration that "the proposed modification is consistent with the conditions of the original approval." The Hearings Official agrees with the planning director's conclusion that the proposed change in use is consistent with the 2001 decision, which contemplated that changes in use would occur over time. That understanding is made particularly clear by the 2001 Hearings Officer's refusal to impose use limitations on the uses allowed within buildings constructed within the PUD. See 2001 decision, page 4.

Similarly, the proposed building height is consistent with the maximum building height approved in the 2001 decision. That decision concluded that so long as buildings on the southern portion of the property do not exceed 55 feet (65 feet with HVAC and other mechanical equipment), that taller buildings are compatible with uses allowed on the C-2 and I-1 zones located adjacent to the subject property. See 2001 decision, pp. 10-11. If, as appellants suggest, the 2001 decision should be read to require modulation in heights so that the taller buildings are in the center of the property, the Hearings Official would have imposed height restrictions to that effect.

The planning director's decision with respect to EC 9.8370(1) and EC 9.8455(1) is affirmed.

5. Is the planning director's conclusion that the proposed modification satisfies EC 9.8370(2) and EC 9.8455(2) correct?

EC 9.8370(2) and EC 9.8455(2) require a demonstration that the "proposed modification will result in insignificant changes in the physical appearance of the development, the use of the site and impact on the surrounding properties." The planning director concluded that these standards are met because (1) the applicant does not propose to modify the approved design standards for the PUD; (2) the proposed building height is consistent with the height limitation approved in the 2001 decision; (3) the subject property is a small portion of the larger development and therefore its impacts, when measured against potential impacts of changes in the larger PUD area, are generally not significant; (4) the anticipated traffic pattern will result in fewer peak hour trips; (5) use of the property would be limited to those that would use no more than 57 parking spaces; (6) site improvements such as increased landscaping and setbacks,

pedestrian access, and enclosed dumpster/recycling facilities better conform to default design standards.

Based on the evidence, the Hearings Official disagrees that the proposed modification meets this standard. The crucial word in EC 9.8370(2) and EC 9.8455(2) is "insignificant." The EC does not define "significant." The dictionary defines "insignificant" as "not large enough to consider or notice," "not worthy of notice," and "of little importance, or influence or power." *www.hyperdictionary.com*. The proposed building, which will increase the opportunity for office space by up to 21,440 square feet (See applicant submittal page 2 of 14) and will be physically very different than the restaurant/bar use and lot configuration proposed in the original approval are greater than what may be allowed under these standards. As appellants note, the uses on their adjoining lots are based in part on complimentary uses and structures in the PUD that will support their uses. The proposed use at the proposed scale competes with the uses anticipated for those adjoining properties and thus will have more than an insignificant impact on surrounding properties. While the proposal may be ultimately better for the PUD and surrounding community, it must be evaluated as a new application rather than a modification of the 2001 decision.

The Hearings Official recognizes that the applicant has not proposed any changes to design features, or requested changes that will result in additional transportation-related demand. However, those are only aspects of the factors to be considered under EC 9.8370(2) and EC 9.8455(2). While consistency in design and insignificant changes in trip generation and parking needs may be necessary to show that a proposed modification is insignificant, they do not demonstrate conclusively that such is the case.

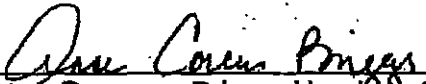
A few other conclusions made by the planning staff merit comment, as future applications may be based in part on assertions that if a proposed modification better meets design criteria, or is an insignificant change, or that if a modification is consistent with conditions imposed on a prior approval those modifications are necessarily insignificant. It may be that the changes will include feature that will make the development more consistent with existing design standards, but that is not relevant to the question of whether the proposed modification is "insignificant." A waiver or change to a particular design standard may make a development more consistent with existing development, while consistency with new design standards may change the "feel" of the approved development in significant ways. Similarly, as this application shows, a proposed modification may be consistent with prior approvals for the property, yet still result in more than insignificant changes in the physical appearance of the development, the use of the site and impact on the surrounding properties.

EC 7.600 provides that on appeal, the planning director's decision "may be affirmed, reversed, or modified." For the reasons explained above, Arlie's and

4710 LLC's appeals are sustained in part, and the planning director's decision approving Jok Ang's modification application is reversed.

Dated this 14th day of October, 2005.

Mailed this 14th day of October, 2005.


Anne Corcoran Briggs, Hearings Official

PURSUANT TO EC 9.7630(3), THE HEARINGS OFFICIAL'S DECISION IS THE FINAL DECISION OF THE CITY. APPEALS OF THIS DECISION MAY BE FILED WITH THE LAND USE BOARD OF APPEALS, IN ACCORDANCE WITH ORS 197.825 ET SEQ.

To: Oakleigh Meadow Hearing's Official

Date: 10/04/2013

I have lived in Eugene for 28 years and have been involved with Oakleigh Meadow since February 2012. I own my own business performing driving evaluations and providing training for older drivers and people with disabilities. I am very aware of the impact unsafe driving can have for drivers, bicyclists, and pedestrians. As someone who informs people on a weekly basis, that they are not safe to drive, I also know the impact not driving has on individuals who can no longer drive or their mobility needs change. Our ability to remain active and engaged is often dependent upon our ability to drive.

Designing a cohousing community is about fostering interaction, socialization, and a watchful neighborhood. Living in cohousing, there is a built in social system and a community that seeks to reduce our multi-vehicle dependency by ride sharing, accessing public transportation, biking and walking. We have allotted one parking space per household, with the other spaces for our guests to eliminate the need to park on Oakleigh Lane.

I, too anticipate walking down Oakleigh Lane, whether to the bus stop, to walk one of the children to school, to get a cup of coffee, or walk my dog to the corner to be groomed. We wish to maintain the country feel of the lane and want to maintain the safety for all residents of Oakleigh Lane, present and future.

I agree with the City's report and hope you will decide in favor of our development.

Thank you for your time and consideration.

Laura Fischrup
1755 E. 23rd. Avenue
Eugene, OR 97403

PT-34

October 3, 2013

Tammy Crafton
117 Oakleigh Lane
Eugene, OR 97404
541-915-7034

Eugene Hearing Official
Eugene Planning and Development
Atrium Building
99 West 10th Ave.
Eugene OR 97401

Re: Citizen Comment Document Regarding the Oakleigh Meadows Tentative Planned Unit Development (PDT 13-0001) and Willamette Greenway Permit (WG 13-0001)

Dear Hearing Official,

I am Tammy Crafton, home owner of 117 Oakleigh Lane where I reside with my husband and my 82 year old father, whom recently moved in with us after the death of my mother in 2012. We purchased our home on Oakleigh Lane in 1998, over 15 years ago when our son was 12. He grew up playing in the neighboring meadow, riding his bike on our lane and fishing at the river.

I object to the proposed PUD for the reasons stated in the Comments on behalf of Lauren, Bryn and our Neighbors, I am a member of the River Road Community Organization and submit my comment on behalf of the RRCO as well.

Our home was built in 1941, with a single lane driveway and a single car detached garage on a 9,900 sf lot. What we love about Oakleigh LANE, and the Northern and Southern lanes are; we are in the city, but our street is rural, it has a country feeling. The lane is quiet, quaint, a dead-end, undeveloped street, with parents and children, dogs, cats, and bicycles, the bonus is the greenway access to the bike path and river. Please help us develop Oakleigh Meadow in a way that serves our community and our Lane as it should. Not with mass and overcrowding.

The current size of the proposed project is 28 units, with a large common house to include a kitchen, and bedrooms making it actually 29 units. The original proposed vision was for 7-10 cottages, with gardens and a community to flow with the existing neighborhood.

I understand by reading Eugene Code, it is legal to put 29 units on the acreage of property in our area. What I am opposed to is that we only have 19 or so established homes total on our entire 1 1/2 lane, under developed, dead-end, river access, and the traffic on this lane will be increased by a large margin. Decreasing the safety of all individuals who live here. Please as stated last night, incorporate a traffic study analysis.

I wonder if this development goes through if the existing home owners on Oakleigh will be able to access our dead-end street for pedestrian, biking, and river access to walk our dogs, ourselves, our families, and grandchildren. The developers drawings show a FUTURE public pathway to the bike path, when is the future?

I want to state on record, I am NOT opposed to development but I want to meet my new neighbors and embrace them. I don't want to feel like the minority, and have animosity due to unwanted overcrowded housing and excessive traffic on our little lane.

Eugene Code General Administration

General - EC 9.0020 (1) (f, h, m and n) Purpose

EC 9.0020 1(f) Increase density of new housing development while maintaining the character and livability of individual neighborhoods. (Policy 6)

- **Increasing housing density is understandable, I am not opposed to development.**
- **Character**, our neighborhood of McClure, Oakleigh and E. Hilliard Lane are **characterized by**: dead-end, rural, undeveloped streets, with street parking due to the era of the majority of the homes with a single lane driveway, we have low volume motor vehicle traffic, the neighborhoods are quiet, we enjoy much foot and biking traffic being next to the famous Eugene bike/pedestrian way, the River and Greenway. OMC's proposal project doesn't fit our existing character.
- **To maintain the Character and Individual Neighborhoods.** Let's continue to protect the greenway as the original plan was intended. Otherwise if Oakleigh Meadow's Large Condominium project goes through what stops the property at the farthest eastern end of Oakleigh (T200) and the property at the farthest western end of McClure from over developing as well.
- **Our goal as a neighborhood/community is to invite our new neighbors into our fold** not for this development to forever change the Character and Livability of our existing Neighborhoods.

EC 9.0020 1(h) Promote construction of affordable housing. (Policy 8)

- **The 28 Condominiums proposed are 165% higher in cost than the average homes within a 3 block radius of us.** These are not affordable homes in this median.

EC 9.0020 1(m) Focus future street improvements on relieving pressure on the city's most congested roadways and intersections to maintain an acceptable level of mobility for all modes of transportation. (Policy 13)

Several factors come into play here:

- Will the existing homeowners on Oakleigh have to pay to develop the streets in the future due to this pressure put on this tiny 19-20 foot Lane.
- This will increase, not relieve pressure on River Road which is already a congested roadway and intersection at Oakleigh.
- Oakleigh Lane is a rural undeveloped paved 19-20 foot Lane, no curbs, gutters, bike/pedestrian rights of way exist. Pedestrians, Bicyclists and motor vehicles are more at risk with a project of this size being proposed.

EC 9.0500 pages 15 and 16 titled "Evidence" from the EC code. Evidence, Facts, documents, data or other information offered to demonstrate compliance or noncompliance with the standards believed by the proponent to be relevant to the decision.

Noncompliant standards:

- **Evident – EC 9.0020 1(f)** The proposed Condominium project does not fit the Character of the existing neighborhoods. Evidence stated on Page 1 of this document.
- **Fact - EC 9.0020 1(f)** Livability of the individual neighborhood will forever be significantly be changed if this development is approved in the mass size.
- **Data - EC 9.0020 1(h)** Subject to the Eugene Code's data, focus on relieving pressure on city's most congested roadways and intersections, etc.
- **Documents demonstrating noncompliant standards** – This entire letter is based on documents written under the Eugene Code. I believe these codes cited are showing the project is not in compliance of the City's written standards.

We (the Neighbors) have asked for and participated in Mediation with OMC to help bring down the current size of the proposed 29 units.

What started as a small neighborhood community development has now morphed into a large, overpriced development with a Nevada City, California developer telling our current neighbors and the original idea folks of OMC not to discuss this project with any of us. How neighborly is that.

I hope for the sake of the OMC folks that are invested in this start up that they are able to get their money's worth.

Futher more regarding code criteria

EC 9.0020 1(f) "Tree Preservation", page 38 of the Eugene Code – Protection of an existing tree from damage or stress such that the tree is likely to survive and continue to grow normally in a healthy condition, through measures that avoid or minimize damage to branches, canopy, trunk and roots of the tree. Such measures may include, but are not limited to, installation of tree protective fencing, mulching, and watering of roots, supervision of work by an arborist, installation of aeration or drainage system, root pruning or use of non-destructive excavation techniques.

- The proposed Oakleigh Meadow Cohousing project discusses trees on their tax lots. The Grove of Cedar Trees on the North East side of the property being discussed actually belong to the tax lot T200, they are not in OMC's tax lot, how will that large of a development go in and not, damage, stress, not damage the canopies, trunks or roots and to guarantee the health condition of these trees through dense construction.

Residential Zones

EC 9.2700 Purpose of R-1 Low-Density Residential Zone. The purpose of the R-1 Low-Density Residential zone is to implement the Metro Plan by providing areas for low-density residential use. The R-1 zone is designed for one-family dwellings with some allowance for other types of dwellings, and is also intended to provide a limited range of non-residential uses that can enhance the quality of low-density residential areas.

- OMC's proposed project does not meet the intent at the current proposed size of 28 units with a 4,000 square foot commons house with 47 parking spaces.

EC 9.2740 as cited in the September Staff Report the proposed OMC development is not reasonably compatible with the adjacent and nearby land uses.

EC 9.2750 Residential Zone development Standards. Table EC 9.2750 Zone Development Standards Fences (14). Maximum Height within interior Yard Setbacks, R-1 is 6 feet according to the Table in this code.

- OMC has asked to **modify** the fencing requirement of 6 feet to an 8 feet concrete fence. They call the **modification** a green fence because they will have shrubs/vegetation growing up it. They are proposing a giant concrete compound.

Planned Unit Development, Tentative Plan

EC 9.8300 Purpose of Planned Unit Development. The planned unit development (PUD) provisions are designed to provide a high degree of flexibility in the design of the site and mix of land uses, potential environmental impact, and are intended to:

- (1) Create a suitable environment that includes:
 - (c) A variety of dwelling types that help meet the needs of all income groups in the community.
- The proposed dwelling types by OMC exceed all the income groups in our community.

(2) Create comprehensive site plans for geographic areas of sufficient size to provide development at least equal in quality to those that are achieved through the traditional lot by lot development that are reasonably compatible with the surrounding area.

- An actual comprehensive site plan would not show this proposed development is nearly close to the quality of the traditional surrounding area nor is it compatible with the surrounding area. It is too oversized for this infrastructure it has to pass through. Again I stress we need a Traffic Study Analysis

EC 9.9610 River Road – Santa Clara Urban Facilities Plan Policies.

(1) **General Land Use.** Minimize land use conflicts by promoting compatibility between land uses, especially among residential, commercial-industrial, and commercial – agricultural uses. (Policy 1)

- As existing home owners in this area and community we are asking OMC's project to be compatible with our existing residential homes.
- We are trying to avoid conflict, mediation was asked for but OMC's key individuals, developers, architect, financial individuals didn't attend mediation. We are trying to ask them to show good faith by respecting our existing neighborhood.

(2) **Residential Land Use (a)** Recognize and maintain the predominately low-density residential character of the area consistent with the Metro Area (Policy 1)

- OMC has asked to modify the fencing requirement of 6 feet to an 8 feet concrete fence. They call the modification a green fence because they will have shrubs/vegetation growing up it. They are proposing a giant concrete compound.

EC 9.9610 River Road/Hilliard Subarea

(6) (c) Access shall be limited to mitigate impacts on existing low-density residential development west of the area.

- Hilliard is 1 block north of Oakleigh this same standard should apply.

City Planning Staff Report Analysis

Staff report is preliminary and provides recommendations.

Subject property is Zoned R-1 Low-Density Residential.

EC 9.2740 Residential Zone Land Use and Permit Requirements. This code also discusses determining whether the development is reasonably compatible with adjacent and nearby land uses.

9.8320 (13) The proposed development shall be **reasonably compatible and harmonious** with the adjacent and nearby land uses.

- 28 houses dominates our existing community by 165%, the character and livability will forever be changed in this neighbor and the lane to the north and south could be next if this is allowed to go through.

9.5500 (1)

(a) Ensure the new MFD enhances the character and livability of Eugene's neighborhoods;

(b) Ensure that the increased density that results from such development makes a positive contribution to the areas in which they are built;

(f) Promote building and site design that contributes positively to a sense of neighborhood and to the overall streetscape by carefully relating building frontages and yard to public streets and adjacent properties;

(g) Ensure that design of MFD provides for a sensitive transition to nearby, less-intensive development;

(h) Provide a physical environment that contributes to and enhances the quality of life.

- The applicant is meeting much of the code by establishing regulations, building mass, orientation, and articulation. But in such it is not meeting the need of the neighborhood character and livability as also sighted by EC.

Many exceptions and modifications are solicited by the applicant more code,

9.8030 Adjustment Review – Approval Criteria

- Willamette Greenway Permit these boundaries should stand as written not be modified.

- If the Willamette Greenway boundaries are approved, it opens up for possibly future dense development.

PUD provides safe and adequate transportation system through compliance with the following:

Applicant is asking for an "exception" to the street connectivity and standards 9.8320 (5) The PUD provides safe and adequate transportation systems through compliance with the following"

EC 9.8320 Tentative PUD Approval Criteria

9.8320 (5) The PUD provides safe and adequate transportation system through compliance with the following:

Further EC 9.8320 (5) makes reference to EC 9.6800 through 9.6875.

9.6815 (2) Street Connectivity Standards (e) exceptions for applications proposing needed housing.

- This is not a "needed housing" development, it is a vision.
- (f) extension of street, not necessary since the housing is wanted, not needed.
- **Traffic Analysis Survey.** Our modest lane does not meet the criteria set in place for a traffic analysis survey therefore the applicant is requesting a "modification"

9.8320 (3) The PUD will provide adequate screening from surrounding properties.

The applicant proposes a "green wall" on the west property, and seeks "modification"

- **Placing an 8' concrete wall 122' long** does not protection the natural features. What about a 6' wood fence, it would not feel like a **compound.**

Again I would like to stress that the Hearings Office not grant this PUD for the sake of future mass building and taking into consideration all code presented in writing and at the hearing 10/2/13.

Thank you for your time and consideration to this matter.

Respectfully,

Tammy and Terry Crafton

117 Oakleigh Lane



Phone: 541-682-5377
www.eugene-or.gov/hearingsofficial

Meeting Location:
Eugene Library – Bascom-Tykeson Room
100 West 10th Avenue

The Eugene Hearings Official welcomes your interest in these agenda items. Feel free to come and go as you please at any of the meetings. 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. To arrange for these services, contact the Planning Division at (541)682-5481.

WEDNESDAY, October 2, 2013
(5:00 p.m.)

I. PUBLIC HEARING ON ZONE CHANGE

Bruce Wiechert Custom Homes (Z 13-4)

Assessors Map: 17-04-03-40 **Tax Lot:** 2303

Location: 937 Irvington

Request: Change of Zoning from AG/UL/CAS Agricultural with Urbanizable Land and Commercial Airport Safety overlays to R-1/CAS Low Density Residential with Commercial Airport Safety overlay

Applicant: Bruce Wiechert Custom Homes

Applicant's Representative: Anthony Favreau, The Favreau Group

Lead City Staff: Steve Ochs, Associate Planner
Telephone: (541) 682-5453
E-mail: steve.p.ochs@ci.eugene.or.us

II. PUBLIC HEARING ON TENTATIVE PLANNED UNIT DEVELOPMENT AND WILLAMETTE GREENWAY PERMIT

Oakleigh Co-housing (PDT 13-1 AND WG 13-1)

Assessors Map: 17-04-24-13 **Tax Lot:** 400
Assessors Map: 17-04-24-24 **Tax Lot:** 5500

Location: End of Oakleigh Lane

Request: Tentative Planned Unit Development and Willamette Greenway Permit approval for a 28-unit residential co-housing development

Applicant: Oakleigh Meadow, LLC

Applicant's Representative: Willard Dixon, Willard Dixon Architect

Lead City Staff: Becky Taylor, Associate Planner
Telephone: (541) 682-5437
E-mail: becky.g.taylor@ci.eugene.or.us

Public Hearing Format:

1. Staff introduction/presentation
2. Public testimony from applicant and others in support of application.
3. Comments or questions from interested persons who neither are proponents nor opponents of the proposal.
4. Public testimony from those in opposition to application.
5. Staff response to testimony.
6. Questions from Hearings Official.
7. Rebuttal testimony from applicant.
8. Closing of public hearing.

The Hearings Official will not make a decision at this hearing. The Eugene Code requires that a written decision must be made within 15 days of close of the public comment period. To be notified of the Hearings Official's decision, fill out a request form at the public hearing or contact the lead City staff as noted above. The decision will also be posted at www.eugene-or.us/hearingsofficial.



Atrium Building, 99 West 10th Avenue
Eugene, Oregon 97401
Phone: 541-682-5377
Fax: 541-682-5572
www.eugene-or.gov/planning

TENTATIVE PLANNED UNIT DEVELOPMENT AND WILLAMETTE GREENWAY PERMIT STAFF REPORT

Application File Name (Number):

Oakleigh Meadow Cohousing (PDT 13-1) and (WG 13-1)

Applicant's Request:

Tentative Planned Unit Development and Willamette Greenway Permit approval for a 28-unit cohousing development.

Applicant

Oakleigh Meadow LLC

Subject Property/Location:

Tax Lot 5500 of Assessor's Map 17-04-24-24 and Tax Lot 400 of Assessor's Map 17-04-24-13;
Located at the east terminus of Oakleigh Lane

Relevant Dates:

Applications submitted on June 18, 2013; supplemental application materials submitted on August 12, 2013; application deemed complete on August 12, 2013; public hearing scheduled for October 2, 2013

Applicant's Representative:

Will Dixon, AIA (541-689-3548)

Lead City Staff:

Becky Taylor, Associate Planner, Eugene Planning Division, Phone: (541) 682-5437

Purpose of Staff Report

The Eugene Code (EC) requires City staff to prepare a written report concerning an application for tentative Planned Unit Development (PUD) and Willamette Greenway (WG) permit. In accordance with EC 9.7320, the staff report must be printed and available prior to the public hearing regarding this request to allow the applicant and citizens an opportunity to learn more about it and to review the staff analysis of the application. The staff report provides only preliminary information and recommendations.

The Hearings Official will consider additional public testimony and other materials presented at the public hearing before making a decision on the application(s). Pursuant to EC 9.7330, the Hearings

Official's written decision on the application is made within 15 days from the close of the public record, following the public hearing. The quasi-judicial hearing procedures applicable to this request are described at EC 9.7065 through EC 9.7095.

Site Characteristics

The subject property consists of 2.3 acres in two tax lots that are considered one development site under the current ownership. The property was recently annexed (see City File A 13-1) and is zoned R-1 Low-Density Residential. The east boundary of the subject property abuts undeveloped City parkland that contains Goal 5 Water Resources associated with the Willamette River, which borders the City property farther to the east. Otherwise, the surrounding properties primarily consist of single-family dwellings on individual lots or undeveloped lots that have potential for future residential development (i.e. at the north end of Oakleigh Lane and abutting the west boundary of the subject property.) Refer to Attachment A for a vicinity map.

Oakleigh Lane terminates near the midpoint of the northern boundary of the subject property, which will provide sole access to the development. Instead of extending the street along the entire length of the property, the applicant requests an exception to the street connectivity standards. To support the exception, the applicant has submitted a conceptual development plan for the undeveloped property to the north, to show how it could be further divided without necessitating an extension of Oakleigh Lane. Issues regarding Oakleigh Lane are addressed under approval criterion EC 9.8320(5).

Regarding the undeveloped property to the west, the applicant proposes a "green wall" as a buffer between the garages, recycling structure, vehicle use and parking areas abutting the west property boundary. EC 9.6420 requires vehicle uses areas to be setback seven feet from property lines with a landscape buffer. EC 9.2750 requires structures to be setback five feet from interior property lines or ten feet between buildings. The applicant seeks modifications to these code standards through the PUD process. Staff notes that if the Hearings Official approves the applicant's request, EC 9.2751(7) still requires the applicant to obtain an easement from the abutting property owner. Staff's recommendations are provided under approval criterion EC 9.8320(11)(k), in the following evaluation.

Summary of Land Use Applications

The applicant's proposal includes two concurrent land use applications which are summarized below. The following evaluation is also based on the most recent application materials submitted on August 12, 2013.

Tentative PUD – The applicant requests tentative Planned Unit Development (PUD) approval for the creation of a cohousing residential facility, with 28 dwelling units within seven buildings arranged around a community building. Staff notes that the community building includes bedrooms and a kitchen; therefore, it is also considered a dwelling unit included in the residential density of the subject property. The applicant indicates that the dwelling units will be divided as condominiums for private ownership, whereas the land and community building will be commonly owned and managed by a homeowners association. Refer to the applicant's materials for more information about their request. (Reduced plans, for pages that are referenced in this staff report, are provided as Attachment D.)

EC 9.2740 Residential Zone Land Use and Permit Requirements confirm that PUD approval is required for multiple-family (three or more dwellings on the same lot) development in the R-1 zone. The PUD process allows for a review of the specific location, design and intensity of a proposed multiple-family development in the R-1 zone to determine, among other things, whether the development is reasonably compatible with adjacent and nearby land uses. Multiple-family development is also required to meet specific development standards at EC 9.5500, which establish design regulations, such as building mass, orientation, and articulation.

At the same time, the PUD process allows for design flexibility, if the design meets the PUD purpose statements at EC 9.8300, which are intended to achieve flexibility in architectural design, clustering of buildings, and providing for economy of shared services and facilities. Accordingly, the applicant seeks several modifications to development code standards through the PUD process. The PUD approval criteria at EC 9.8030 are evaluated in the following staff analysis.

Willamette Greenway Permit – The property is within the City’s adopted Willamette Greenway boundary, which requires Willamette Greenway (WG) permit approval prior to development. (Refer to Attachments A and B for a depiction of the adopted Willamette Greenway boundary – the area in which WG permit approval is required for intensification, change of use or development according to EC 9.8805.) The WG permit approval criteria at EC 9.8815 are evaluated below, following the PUD analysis.

The Willamette River is located about 243 feet to the east of the subject property, according to the applicant’s topographical survey prepared by Poage Engineering & Surveying, Inc. (See Attachment D-1.) The land between the river and the subject property is owned by the City, as an undeveloped natural resource area that contains /WR Water Resource (Goal 5) conservation areas. In this area (outside Willakenzie Area Refinement Plan which has an adopted WG setback distance from the river of 35 feet), and in accordance the WG permit approval criteria EC 9.8815(4) and (5), there is no specific, pre-determined or adopted setback from the river under the City’s implementing provisions of Goal 15 (Willamette Greenway).

While not the focus of the applicable WG permit approval criteria, staff notes that the applicable setbacks along the river in this area are based on the City’s Goal 5 Adopted Riparian inventory, which is regulated with the /WR overlay zone (see EC 9.4920). The /WR conservation area at this location is greater than the typical 100-foot setback from top-of-bank along the Willamette River; here, the adopted riparian area boundary extends landward beyond the 100-foot setback from top of bank. For clarity, staff notes that the /WR conservation area does not extend onto the subject property. As shown on Attachment A, the subject property is at least 53 feet from the boundary of the regulated resource area.

Application Procedural Summary

Consistent with EC 9.7005 Pre-application Conference, the applicant met with staff on December 2, 2011 (LC 11-76). The applicant held a neighborhood meeting on February 16, 2013, in compliance with EC 9.7007 Neighborhood/Applicant Meetings. With regard to EC 9.8310 Tentative Planned Unit Development General Application Requirements, the applicant indicates that the proposed PUD includes all property under contiguous ownership. It is also noted that the applicant requests tentative PUD approval under the general approval criteria, rather than the needed housing criteria. The PUD

approval criteria are at EC 9.8030. The WG permit approval criteria are at EC 9.8815.

Public Notice – Public notice of the applications was mailed and posted on August 27, 2013, consistent with the requirements of EC 9.7315 Public Hearing Notice. As of the date of this staff report, written public testimony has been received from the following individuals and forwarded to the Hearings Official for consideration:

In Favor:	David Adee	Avis Eileen Adee
	Patricia Holtz	David Campbell
	Martin Henner	Jerry Carniglia
	Mark Goehring and Julie Hunn	Sheila Stein
	Charles Chisholm	Nora Davis
	Pat Bryan	Steve Goldman
	Antonia Lewis	Jim O'Connor & Pen Sand
	Otto Poticha	Susan Hyne
	Dennis Clark	Clare Strawn
	Carleen Reilly	Don Kahle
	Jodi Sommers	Patricia Parcells
	Shane MacRhodes	Mike van Mantgem
	Marshall Wilde	
Opposed:	Anne Love	Phyllis Temple
	Paul and Cecelia Heintz	Dean Nussbaum
	Judy Scott	Rich Dambrov
	Rachel Stedman	Bryn Thoms
	Maj Hutchinson	Planet Glassberg
	Nena Lovinger	Charlotte Maloney
	Dale Greenlee	David Cutting
	Sarah Adkison	
	Don McLean and Elizabeth Marshall	
	Jean Darian, Laurie Trautman, and Simon Trautman	

In response to comments opposed to the development, staff has evaluated the items of concern in the following evaluation. The adequacy of the transportation system is evaluated in the following staff report at approval criterion EC 9.8320(5). Density is addressed at EC 9.8320(11)(a). Floodplain development is addressed at EC 9.8320(11)(c). Natural resource impacts are addressed at EC 9.8320(4). Impacts to the Willamette River are evaluated in the concurrent Willamette Greenway permit application, under the approval criteria beginning at EC 9.8815, which follows the PUD evaluation, toward the end of this report. Emergency response is addressed at EC 9.8320(6). Water service is conditioned at EC 9.8320(11)(b). The adequacy of public facilities and services is evaluated at EC 9.8320(7). Stormwater runoff is addressed at EC 9.8320(11)(j). Visual impacts, building location, solar access, screening, and compatibility are evaluated at EC 9.8320(3), EC 9.8320(11)(k), and EC 9.8320(13). In response to testimony about public notice, staff confirms that signs were posted consistent with code requirements. When staff learned that some signs were no longer in place, staff reposted the area (although not required by code) and added an additional large sign at the end of McClure Lane (in excess of code requirements).

All of the testimony provided to date has been forwarded to the Hearings Official under separate cover. Any additional testimony received following this staff report, prior to the public hearing, will be presented to the Hearings Official at the hearing.

Referrals—The Planning Division provided information concerning the applications to other appropriate City and County departments, public agencies, service providers, and the affected neighborhood group. All referral comments received by the Planning Division on this application are included in the application file for reference, and addressed in the context of applicable approval criteria and standards in the following evaluation.

Tentative Planned Unit Development Evaluation

As required by the Type III land use application procedures beginning at EC 9.7300, the Hearings Official must review any PUD application and consider pertinent evidence and testimony as to whether the proposed use is consistent with the criteria required for approval at EC 9.8320 (shown below in **bold typeface**). According to EC 9.7330 and EC 9.8320, the Hearings Official shall approve, approve with conditions, or deny a tentative PUD application with findings and conclusions provided.

In this case, based on the available evidence and findings provided below, staff recommends conditional approval of the applicant's request.

EC 9.8320(1): The PUD is consistent with applicable adopted policies of the Metro Plan.

Metro Plan policies primarily guide local governments in legislative decision-making matters and other long-range planning efforts, and are not intended to be used as mandatory approval criteria for specific development proposals as a part of individual land use applications. In some cases, policies may apply as approval criteria, or at least must be considered as relevant. Text and other provisions of the Metro Plan may also be used in some circumstances to provide context to the meaning or application of the policies. In this case, while staff finds that there are several relevant policies and text that help to inform the decision-making process for this PUD application, none of the policies serve as mandatory approval criteria for the application.

The applicant has addressed several Metro Plan policies (pages 12 through 22 of the applicant's June 14, 2013 written statement), and to the extent that those additional findings and policies of the Metro Plan are also relevant here, staff generally concurs with the applicant's statements. Staff also notes that the proposal for clustered dwellings, which will be divided into condominiums, is consistent with Metro Plan Residential Policies A.17 and A.20, which encourage a range of housing types and home ownership. With regard to Environmental Policies, the subject property is within the floodplain and Willamette Greenway. Policy C.31 calls for development regulations within the floodway fringe to minimize damage to life and property; accordingly, the City has adopted special flood hazard development standards, beginning at EC 9.6706, which will apply at the time of development and are further discussed at approval criterion EC 9.8030(10)(c). With regard to the Willamette Greenway, Policies D.2 and D.3 require land use regulations and limit new development to uses that are compatible with the natural, scenic, and environmental qualities. The applicant has applied for concurrent WG permit approval, which is evaluated below, following the PUD evaluation.

Staff also notes that the City's R-1, Low-Density Residential Zone implements, and is consistent with, the low-density residential land use designation for the subject property in the Metro Plan. The subject property is zoned R-1, and the proposed PUD is therefore subject to the applicable R-1 zoning provisions as discussed throughout the following approval criteria and related standards. To the extent that the PUD is found to be consistent with those applicable zoning provisions and the PUD approval criteria, as is the case here, it is also consistent with the more general policies of the Metro Plan and the approval criterion here at EC 9.8320(1).

EC 9.8320(2): The PUD is consistent with applicable adopted refinement plan policies.

The River Road / Santa Clara Urban Facilities Plan (RR/SC UFP) serves as the applicable adopted refinement plan for the area included in this tentative PUD proposal. The property is designated Low-Density Residential on the Land Use Diagram in the refinement plan. Based on the prior findings at EC 9.8320(1), which are incorporated here by reference, the proposed development complies with the applicable plan designation as implemented through the R-1 zone. The applicant has also addressed several RR/SC UFP policies (pages 23 through 25 of the applicant's June 14, 2013 written statement). To the extent those policies are applicable or relevant to this request, staff generally concurs with the applicant's findings.

Further, the Residential Land Use Element Policy 2.0 provides for a diversity of housing types; the related action suggested by the RR/SC UFP at 2.1 calls for innovative residential development, such as planned unit developments, for new residential development on larger parcels (page 2-14). Based on the above findings, the PUD is consistent with the applicable criterion here, at EC 9.8320(2).

EC 9.8320(3): The PUD will provide adequate screening from surrounding properties including, but not limited to, anticipated building locations, bulk, and height.

Surrounding properties are primarily developed with single-family dwellings on individual lots. The abutting lands to the west and north are vacant lots designated for low-density residential use. City parkland abuts the east property boundary, which is zoned with the /WR Water Resource overlay that establishes a conservation area abutting the Willamette River, farther to the east.

West Property Line – With regard to building locations and screening along the west property line, the applicant's plans show a row of garages abutting the west property line, interrupted toward the midpoint of the property with a recycling building, and flanked to the north and south by gravel parking spaces. The residential development standards at EC 9.2750 require structures to be setback five feet from property lines and 10 feet between structures. The parking area standards at EC 9.6420 require vehicle parking spaces to be on a durable, dust-free surface, with a seven-foot wide landscape strip abutting the property line.

The applicant states that their proposed gravel parking spaces will be durable and dust-free because the gravel will be placed over drainage fabric, rather than dirt. Instead of a building setback and landscape strip, the applicant proposes a "green wall," a continuous eight-foot tall concrete wall with espaliered trees every ten feet, along the west property line. Since the proposed wall is over six feet in height, it is also considered a structure that is subject to the setback requirement. The proposed design requires a modification to code standards, which is

allowed by approval criterion EC 9.8320(11)(k) ("proposed non-compliance"); based on those subsequent findings and conditions, which are incorporated here by reference, the PUD will provide adequate screening along the west property boundary. Staff notes that, if the Hearings Official approves the modification, the applicant is still required by EC 9.2741(7) to obtain an easement from the abutting property owners (Tax Lots 100 and 5700).

North Property Line – With regard to the north property line, the applicant's landscape plan (Sheet L2) shows continuous landscaping, except for the driveway entrance, which is flanked by proposed landscape beds with new tree plantings. As shown on Sheet A1.1 of the applicant's plans (see Attachment D-2), Oakleigh Lane abuts the western portion of the north property line with 20 feet of right-of-way width. South of the existing 20-foot right-of-way, along the north property line, the applicant's plans show an additional 20 feet of special setback area to enable future right-of-way acquisition, should Oakleigh Lane need to be widened in the future.

The applicant's plans show private landscaping and stormwater facilities within the special setback, which is typically not allowed. The proposed buildings are just south of the special setback, which means that those buildings would not have sufficient setbacks from the street if it is widened in the future. Public Works staff indicates that the special setback is not necessary, which resolves the above concerns presented by the applicant's plans. Instead, Public Works staff recommends just enough right-of-way dedication to: (a) meet the minimum right-of-way width to enable future improvement of Oakleigh Lane, with an additional 22.5 feet of right-of-way along the north property line, between the west property line and the east margin of the proposed driveway (50 feet of lineal frontage); (b) provide right-of-way for a future hammerhead turnaround and sidewalk to enable further development of adjacent lands to the north (Tax Lot 200), for an area that is 13 feet wide and 199 feet in length, along the north property boundary; and (c) reserve an area for a future bicycle and pedestrian connection from the future hammerhead to the east property boundary, abutting the City parklands, for an area that is 13 feet wide and 24 feet long. (Refer to Attachment B.) The street right-of-way is evaluated in greater detail under approval criterion EC 9.8320(5).

Building 1, abutting the portion of Oakleigh Lane that is east of the proposed driveway, is setback by a minimum of 21 feet. (Refer to Attachment D-3 for a detail of the north line building setbacks.) The northwest corner of Building 1 is setback 23 feet from the existing north property line, which is just outside the 22.5-foot right-of-way dedication being required. Following the 22.5-foot wide and 50-foot long right-of-way dedication at the northwest property corner, the abutting portion of Building 1 would have a front yard setback of about half a foot. The required front yard setback is 10 feet. The northeast corner of Building 1 is setback from the existing northern property line by 21 feet, which is outside the abutting area of right-of-way dedication being required. The right-of-way requirement along the northeast portion of Building 1 is 13 feet; hence, the building setback would be about eight feet, which is also less than the 10-foot front yard setback requirement. The applicant requests a modification to the front yard setback requirements, in accordance with the PUD purpose statements. This issue is evaluated later in this report, under approval criterion EC 9.8320(11)(k).

The easterly portion of the north property line is bordered by a row of existing large cedars, which are primarily located on the property to the north. Three attached dwelling units (Building 2) are

proposed to be located south of these trees, with the closest part of the building being setback 12 feet from the north property line. With the 13 feet of additional right-of-way being required along this portion of the north property line, the northwest corner of Building 2 would be within the right-of-way, which is not acceptable. As such, the following condition of approval is necessary:

- The final PUD plans shall show Building 2 located outside (moved south) of the required right-of-way dedication along the north property line.

The above condition protects the right-of-way. Following right-of-way dedication, the required setback would be 10 feet; however, the building would have no setback if it were just moved south of the right-of-way, as conditioned above. Again, the applicant requests a modification to the setback standards, which is evaluated under approval criterion EC 9.8320(11)(k).

Another consideration for the north property line is the row of cedar trees on the abutting lands to the north. Although the applicant's plans (Sheet L3) show preservation of the trees (refer to Attachment D-4), the critical root zone (CRZ) of the cedars projects into more than half of Building 2. It is unclear whether this is an acceptable level of disturbance. As such, the following condition of approval is necessary:

- Prior to final PUD approval, the applicant shall submit a report from a certified arborist confirming that the row of cedars on adjacent lands to the north can survive the construction impacts of the proposed development (and include any necessary protection measures to ensure survival). The final PUD plans shall show the location of Building 2 and any related protection measures (e.g. construction fencing for protected CRZ areas) consistent with the arborist's recommendations.

Based on the above findings, conditions, and the subsequent findings provided at EC 9.8320(11)(k), which are incorporated here by reference, the PUD will provide adequate screening along the north property line.

East Property Line – The east property line abuts City parkland, which is an undeveloped natural resource area bordered by the Willamette River farther to the east. The distance between the subject property and the ordinary high water line of the Willamette River ranges between 200 and 243 feet, according to the applicant's topographical survey. The applicant's topographical survey also shows the approximate boundaries of the special flood hazard area, notes that the base flood elevation is about 401 feet, and indicates that about 100 feet of the eastern portion of the property is below the base flood elevation. Between the 401-foot contour and the east property boundary, the applicant's survey shows a 26-inch diameter cedar, to the north, and a filbert cluster to the south.

The applicant's tree removal and preservation plan (Sheet L3, Attachment D-4) indicates that the 26-inch cedar will be removed to accommodate three dwelling units abutting the north property line. This building is approximately 10 feet from the east property line. Buildings to the south are located farther from the east property line, with the closest building being a bike storage shed, which is about 20 feet from the east property line, near the southern property boundary. The applicant's tree removal and preservation plan shows that the filbert cluster, and a row of fruit

trees along the southern property boundary, will be preserved. Based on these findings, the PUD will provide adequate screening along the east property line.

South Property Line – As noted above, a row of fruit trees along the eastern portion of the southern property line will be preserved. The applicant's removal and preservation plans indicate that a 24-inch fir and a 22-inch hemlock need to be removed to accommodate three dwelling units near the western portion of the south property line. Sheet A1.1 of the applicant's plans (see Attachment D-2) show Building 5 and 6 setback seven and five feet from the southern property line, respectively, with the exception of the southeast corner of Building 6, which appears to be within a foot of the property line. It is noted that the affected property owner to the south submitted a letter in support of the proposed development (Mr. Adee). Further, as recommended at EC 9.8320(11)(k), the applicant will be required to obtain an easement from the abutting property owner for the substandard building setback. Sheet L2 of the applicant's plans shows a 30-inch fence along the south property line, abutting Building 6. As such, staff assumes there is sufficient screening along the south property line abutting Buildings 5 and 6.

The southwest corner of the site has a paved vehicle use area and gravel parking areas. The applicant proposes landscape planter beds between the parking spaces and the southern property line and an eight-foot tall concrete wall on the southern property line, abutting the vehicle use area. As discussed previously, the concrete wall is a structure subject to interior yard setback requirements, which is five feet. With the wall located on the property line, the applicant will be required to obtain an easement from the affected property owner (Tax Lot 5600), as conditioned at EC 9.8320(11)(k). It is noted that the owner of Tax Lot 5600, Mr. Campbell, submitted a letter in support of the proposed development. Based on these findings, the PUD will provide adequate screening along the south property line.

With regard to the overall bulk and height of the proposed buildings, the largest building is the common house, which is located toward the center of the site. None of the buildings exceed the maximum building height of 30 feet, established by the R-1 zone at EC 9.2750. The building dimensions are also within the maximums of the multiple-family development standards at EC 9.5500. Based on these findings, building bulk and height does not appear to necessitate further screening mitigation.

Based on the available information and the above findings and conditions, the PUD will comply with approval criterion EC 9.8320(3).

EC 9.8320(4): The PUD is designed and sited to minimize impacts to the natural environment by addressing the following:

- (a) **Protection of Natural Features.**
 1. **For areas not included on the City's acknowledged Goal 5 inventory, the preservation of significant natural features to the greatest degree attainable or feasible, including:**
 - a. **Significant on-site vegetation, including rare plants (those that are proposed for listing or are listed under State or Federal law), and native plant communities.**

- b. All documented habitat for all rare animal species (those that are proposed for listing or are listed under State or Federal law).
- c. Prominent topographic features, such as ridgelines and rock outcrops.
- d. Wetlands, intermittent and perennial stream corridors, and riparian areas.
- e. Natural resource areas designated in the Metro Plan diagram as "Natural Resource" and areas identified in any city-adopted natural resource inventory.

The subject property is within the Willamette Greenway boundary, and as noted previously, an adopted Goal 5 water resource conservation area is located east of the subject property, on the City parklands. (Refer to Attachment A.) There is no natural resource area designated in the Metro Plan or any other adopted natural resource inventory that includes protected resources on the subject property. The available information indicates that the subject property does not contain any rare plant or animal species, prominent topographical features, wetlands, streams, or riparian areas. With regard to significant natural features, the applicant states that the site is primarily a meadow, consisting of a cover crop of short grass with scattered fruit and fir trees. Tree preservation is evaluated below.

(b) Tree Preservation. The proposed project shall be designed and sited to preserve significant trees to the greatest degree attainable or feasible, with trees having the following characteristics given the highest priority for preservation:

- 1. Healthy trees that have a reasonable chance of survival considering the base zone or special area zone designation and other applicable approval criteria;
- 2. Trees located within vegetated corridors and stands rather than individual isolated trees subject to windthrow;
- 3. Trees that fulfill a screening function, provide relief from glare, or shade expansive areas of pavement;
- 4. Trees that provide a buffer between potentially incompatible land uses;
- 5. Trees located along the perimeter of the lot(s) and within building setback areas;
- 6. Trees and stands of trees located along ridgelines and within view corridors;
- 7. Trees with significant habitat value;
- 8. Trees adjacent to public parks, open space and streets;
- 9. Trees located along a water feature;
- 10. Heritage trees.

The applicant states that there are approximately 135 existing trees on the subject property (see page 28 of the applicant's June 14, 2013 written statement). The applicant's tree removal and preservation plan is shown on sheet L3 (Attachment D-4). The applicant states that only four "significant" trees will be removed, according to the following definition:

EC 9.0500 Significant Tree: A living, standing tree having a trunk with a minimum cumulative diameter breast height of 8 inches, or, when there are multiple trunks, having a minimum cumulative diameter breast height of 8 inches, considering the 2 largest trunks measured at 4.5 feet above mean ground level at the base of the trunk or

trunks.

The location, species, and size of the trees on the subject property are also shown in the applicant's topographical survey, which confirms that most of the trees are fruit and filbert trees that are less than eight-inches in diameter. Most of those trees are proposed for removal. The larger fruit trees along the southeast property line are proposed for preservation, which complies with the above approval criterion as these trees provide screening and buffering functions. The applicant also proposes to preserve a group of ash trees, west of Building 7, and a cluster of young cedar trees between Buildings 3 and 4. Preservation of these trees complies with the above criterion because they are stands of trees, rather than isolated individuals. The most significant tree being preserved on the subject property is a 14-inch fir located in the southwest portion of the property. The applicant's plans delineate the critical root zone (CRZ) of the tree to show that it can survive construction impacts, which are primarily the surrounding vehicle use areas, rather than buildings.

The applicant's plans also show the CRZ of three fir trees on the adjacent property to the west to show that the proposed parking garages and concrete wall will not require their removal. As discussed previously at EC 9.8320(3), the applicant has not delineated the CRZ for the row of cedars abutting the north property line. Under the screening criterion at EC 9.8320(3), staff recommended a condition for the final PUD plans to show the CRZ of the row of cedars abutting the north property line, with either supporting documentation from a certified arborist that the trees could survive construction impacts or moving Building 2 farther to the south, outside the CRZ. Based on the condition established at EC 9.8320(3), which is incorporated by reference, approval criterion EC 9.8320(4) is also satisfied.

(c) Restoration or Replacement.

1. For areas not included on the city's acknowledged Goal 5 inventory, the proposal mitigates, to the greatest degree attainable or feasible, the loss of significant natural features described in criteria (a) and (b) above, through the restoration or replacement of natural features such as:
 - a. Planting of replacement trees within common areas; or
 - b. Re-vegetation of slopes, ridgelines, and stream corridors; or
 - c. Restoration of fish and wildlife habitat, native plant habitat, wetland areas, and riparian vegetation.To the extent applicable, restoration or replacement shall be in compliance with the planting and replacement standards of EC 6.320.

The area is not included on the City's acknowledged Goal 5 inventory. The applicant proposes to mitigate the removal of four trees by planting approximately 26 new trees within the common areas. Based on these findings, this criterion is met.

- (d) Street Trees. If the proposal includes removal of any street tree(s), removal of those street tree(s) has been approved, or approved with conditions according to the process at EC 6.305.**

No street trees are proposed for removal.

EC 9.8320(5): The PUD provides safe and adequate transportation systems through compliance with the following:

- (a) EC 9.6800 through EC 9.6875 Standards for Streets, Alleys, and Other Public Ways (not subject to modifications set forth in subsection (11) below).

Oakleigh Lane abuts the west half of the north boundary of the subject property. The applicant's survey shows that the portion of Oakleigh Lane abutting the subject property has 20 feet of right-of-way width, with approximately 19 feet of pavement width that partially overlaps the north boundary of the subject property, outside the public right-of-way. Instead of dedicating additional right-of-way to widen the roadway, the applicant proposes a 20-foot special setback from the north property boundary (which coincides with the official right-of-way centerline).

East of the roadway is a row of cedar trees, which are primarily on adjacent lands to the north. Hence, extending Oakleigh Lane to the east would necessitate right-of-way dedication from the northerly property owner and, potentially removal of the cedar trees. Instead of extending Oakleigh Lane to the east, the applicant submitted a street connectivity study prepared by Access Engineering, LLC, which shows how the adjacent lands to the north could be further divided with flag lot access off the existing 20 feet of right-of-way, with just an additional five-foot right-of-way dedication (as multiple flag lots require 25 feet of street frontage). (Refer to Attachment D-5.)

Referral comments from Public Works confirm that the proposed street layout provides a safe and adequate transportation system, subject to additional findings and conditions for compliance with EC 9.6805 through EC 9.6875 Street Standards, as provided below. With regard to EC 9.6805 Dedication of Public Ways, Public Works staff recommends right-of-way dedication west of the development's driveway, so that the abutting street, Oakleigh Lane, will comply with EC 9.6870 Street Width. Public Works staff also recommends right-of-way dedication, east of the driveway, to enable the construction of a hammerhead turnaround, consistent with EC 9.6820 Cul-de-Sacs and Turnarounds. Public Works staff confirms that no additional right-of-way or special setback is required based on the acceptability of the applicant's street connectivity study; Public Works staff recommends the exception to EC 9.6815 Street Connectivity be approved. Details of these findings, with the recommended conditions of approval, are provided below.

Pursuant to EC 9.6850 Dedication of Public Ways, as a condition of any development, the City may require dedication of public ways for bicycle and/or pedestrian use as well as for streets and alleys, provided the City makes findings to demonstrate consistency with constitutional requirements. The public ways for streets to be dedicated to the public by the applicant shall conform to the adopted right-of-way map and EC Table 9.6870. EC 9.6870 Street Width confirms that the required right-of-way width for Oakleigh Lane is 45 feet, based on the street functioning as a Low-Volume Residential Street. Public Works staff confirms that there are currently 25 residential tax lots along Oakleigh Lane, and with the addition of 29 dwelling units proposed by the subject development, the Average Daily Traffic (ADT) would be greater than 500 trips per day, which is within the expected 250-750 ADT range for low-volume streets.

The existing right-of-way width abutting the subject property is 20 feet, which was dedicated by properties to the north, per the Plat of Oakleigh in 1927. The southerly margin of this 1927 dedication

is the official right-of-way centerline for Oakleigh Lane. Any additional dedications required of the subject development would be based on this centerline. Based on the right-of-way requirement of 45 feet for a low-volume street, and the existing 20 feet of right-of-way width located north of centerline, an additional 22.5 feet of right-of-way dedication (half of 45 feet) from the subject property is necessary, for the portion of the street being impacted by the subject development (i.e. from the site driveway to the west property boundary, which is about 50 lineal feet).

Oakleigh Lane currently terminates near the proposed driveway. As noted above, the right-of-way width needs to be expanded by an additional 22.5 feet in width for a length of 50 feet, between the northwest property corner, over the proposed site entrance, and five feet east of the proposed driveway to accommodate the approach apron and sidewalk. Beyond that point, Public Works staff confirms that right-of-way is needed to enable further development of adjacent lands to the north, and to provide a future hammerhead turnaround and sidewalk at the east end of the street. The acceptability of not extending the street, further to the east, is based on an exception to EC 9.6815 Street Connectivity. Public Works staff confirms that the applicant's alternative street plan, along with their narrative that addresses the intent statements at EC 9.6815(1), an exception is warranted pursuant to EC 9.6815(2)(g)(1).

The applicant's alternate street study (Figure 1, Attachment D-5) identifies the amount of right-of-way necessary to construct an emergency vehicle turnaround at the end of Oakleigh Lane, and to provide the necessary frontage for flag lot development of undeveloped adjacent lands to the north (Tax Lot 200). Public Works staff indicates that the applicant's proposal is sufficient to accommodate the turnaround, but not the area necessary to extend the sidewalk along the south side of the turnaround, to separate pedestrians from vehicles and provide a safe public walking surface for the residents of the proposed development. The amount of right-of-way necessary to allow for the construction of the proposed turnaround and adjacent sidewalk would be a strip that is 13 feet wide by 199 feet in length. These dimensions assume that the turnaround would be 21 feet wide and that the north edge of the turnaround would match the existing edge-of-pavement in Oakleigh Lane, which is shown on the tentative plans as being six feet south of the existing right-of-way. The addition of a six-inch curb, five-foot sidewalk, and six inches behind the sidewalk, as necessary for construction purposes, results in the need for a total of 33 feet of right-of-way (for the future hammerhead turnaround at the east end of Oakleigh Lane), 13 feet of which is within the bounds of the proposed development (with the balance coming from the northerly property, whenever that property decides to develop). Construction of the hammerhead turnaround is not necessary or feasible at this time; the need will be based on further development of adjacent lands to the north. The right-of-way secured with this development will enable future development of that northerly property.

EC 9.6820 Cul-de-Sacs and Turnarounds require streets that are longer than 150 feet to terminate with a cul-de-sac bulb or an emergency vehicle turnaround (or hammerhead). The street connectivity exception also warrants an exception to the 400-foot maximum length of a dead-end street, pursuant to EC 9.6820(5)(b).

With regard to EC 9.6835 Public Accessways, Public Works staff notes that the nearest public accessway is located farther to the north, between the east terminus of East Hilliard Lane and the public bike path that runs along the west bank of the Willamette River. The Pedestrian and Bicycle