

## SUMMARY MINUTES

Regular Meeting  
Eugene Planning Commission  
Sloat Room—Atrium Building—99 West 10<sup>th</sup> Avenue

November 19, 2007  
11:30 a.m.

**PRESENT:** Rick Duncan, President; Randy Hledik, Vice President; Phillip Carroll, Ann Kneeland, John Lawless, Anthony McCown, members; Neil Björklund, Jason Dedrick, Gabe Flock, Lisa Gardner, Terri Harding, Lydia McKinney, Steve Nystrom, Heather O'Donnell, Kurt Yeiter, Planning and Development Department; Gary McNeel, Public Works Department; Michael Howard, Michael Kinnison, Richard Marks, Rick Satre, Steve Graves, Larry Ksionzyk, Kate Perle, Terry Connolly, Melanie Shinn, Alan Zelenka.

**ABSENT:** Mike Sullivan, *ex officio*.

### PUBLIC COMMENT

#### I. APPROVAL OF MINUTES

Mr. Lawless, seconded by Mr. Carroll, moved that the March 5, 6, and 12, 2007 minutes be approved as submitted, and that the February 26 and March 19, 2007 minutes be approved as corrected. The motion passed unanimously, 6:0.

#### II. APPROVAL OF OPPORTUNITY SITING/INFILL TASK TEAMS

Staff: Terri Harding, 682-5635

Mr. Hledik, seconded by Mr. McCown, moved to approve the draft Opportunity Siting task team. The motion passed unanimously, 6:0.

Mr. Lawless, seconded by Mr. Carroll, moved approve the draft Infill Compatibility Standards task team. The motion passed unanimously, 6:0.

### **III. CONTINUED DISCUSSION: OREGON WEST MANAGEMENT, LLC**

Staff: Heather O'Donnell, 682-5488

Mr. Hledik, seconded by Mr. McCown, moved to approve the request for the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) amendment, the refinement plan diagram and text amendment, and the zone change as requested by the applicant. As part of the approval, the Planning Commission would:

- Adopt the staff findings for the statewide goals.
- Adopt the applicant's findings for all other applicable criteria as supplemented by the Planning Commission's findings as clarified by Mr. Carroll.
- Include policy text changes as modified as recommended by staff, except for item 6.D.
- Include improvements to two streets under Goal 12.

Mr. Carroll's clarification is that the proposal is limited in a way that directly addresses those components of the refinement plan that have limits on community commercial such as by providing building square foot limits and limits on uses.

Ms. Kneeland offered a friendly amendment to the motion on the table to limit the precedent, that there would be an addition to the findings that these interpretations of the findings were specific to the application before the Commission and the context the unique situation transition of a former school site to another function.

Ms. Kneeland withdrew her friendly amendment.

The motion passed 4:2, with Mr. Carroll and Ms. Kneeland in opposition.

### **IV. WALNUT STATION MIXED USE CENTER UPDATE**

Staff: Jason Dedrick, 682-5451 and Lydia McKinney, 682-5485

### **V. ITEMS FROM COMMISSION AND STAFF**

**A. Other Items from Staff**

**B. Other Items from Commission**

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PRESENT: Rick Duncan, President; Randy Hledik, Vice President; Phillip Carroll, Ann Kneeland, John Lawless, Anthony McCown, members; Neil Björklund, Jason Dedrick, Gabe Flock, Lisa Gardner, Terri Harding, Lydia McKinney, Steve Nystrom, Heather O'Donnell, Kurt Yeiter, Planning and Development Department; Gary McNeel, Public Works Department; Michael Howard, Michael Kinnison, Richard Marks, Rick Satre, Steve Graves, Larry Ksionzyk, Kate Perle, Terry Connolly, Melanie Shinn, Alan Zelenka.

ABSENT: Mike Sullivan, *ex officio*.

## PUBLIC COMMENT

There was no one wishing to offer public comment.

## I. APPROVAL OF MINUTES

February 26, and March 5, 6, 12, and 19, 2007.

February 26, 2007

Mr. Hledik offered the following correction: Page 1, paragraph 2,: ~~Mr. Duncan nominated by Mr. Hledik as Planning Commission President. On a vote of 7:0, Mr. Hledik was elected President of the Eugene Planning Commission~~ should read: **Mr. Duncan nominated Mr. Hledik as Planning Commission Vice President. On a vote of 7:0, Mr. Hledik was elected Vice President of the Eugene Planning Commission.**

March 5, 6, and 12, 2007

No corrections.

March 19, 2007

Mr. Hledik offered the following correction: Page 7, paragraph 6, sentence 1:

Mr. Hledik said one of the reports indicated that the failures on Dillard Road were due to the embankment failure consisting of manmade structural fill that the road sat on ~~of the~~ rather than based upon the underlying geologic formation.

Mr. Lawless, seconded by Mr. Carroll, moved that the March 5, 6, and 12, 2007 minutes be approved as submitted, and that the February 26 and March 19, 2007 minutes be approved as corrected. The motion passed unanimously, 6:0.

## **II. APPROVAL OF OPPORTUNITY SITING/INFILL TASK TEAMS**

Ms. Harding distributed a handout listing the proposed task teams for the Opportunity Siting and Infill Compatibility Standards and the meeting schedules for which she was asking approval of the Commission. Commissioners reviewed the information and briefly discussed the process.

Mr. Hledik, seconded by Mr. McCown, moved to approve the draft Opportunity Siting task team.

Mr. Duncan recognized a member of the public, Ahlen Ross. Mr. Ross, 2628 Jackson Street, expressed his dissatisfaction with the process in which the task teams' membership had been identified, particularly noting there was no allowance for an ad hoc or at-large member. He was concerned that a representative from his neighborhood was chosen via a telephone conference following a meeting at which there had been no quorum.

The motion passed unanimously, 6:0.

Mr. Duncan asked Ms. Harding to explain the process for Infill Compatibility Task Team task team selection. Ms. Harding said the issue of an at-large member had been raised. A large number of people had submitted applications to serve on the task teams, including almost 20 neighborhood representatives and almost 25 people from the community. An at-large member had been decided against in order to help keep the group from becoming too large to work effectively. She noted there would be other avenues for public input into the process. The task team would provide a recommendation to the Planning Commission, which would in turn, forward a recommendation to the City Council for approval. The Planning Division website would contain updated information on the process.

Mr. Duncan asked that Mr. Ross be included on the contact list, and suggested a Planning Commissioner serve as a liaison or member in the Infill Compatibility Task Team.

Ms. Harding noted that Mr. Lawless had agreed to serve as an *ex officio* member of the Infill Compatibility Task Team, and that voting would be determined by the group.

Ms. Kneeland said an at-large position had been discussed by the Commission's Infill

Compatibility Subcommittee, and expressed her concern about the size of the group.

Ms. Harding noted that the Churchill Area Neighbors, the Downtown Neighborhood Association, and Trainsong Neighbors were not represented on the task team.

Mr. Lawless, seconded by Mr. Carroll, moved approve the draft Infill Compatibility Standards task team. The motion passed unanimously, 6:0.

### **III. CONTINUED DISCUSSION: OREGON WEST MANAGEMENT, LLC**

Ms. O'Donnell offered the staff presentation. She stated the purpose of today's discussion was to finish deliberations and take action on the proposed Eugene-Springfield Metropolitan Area General Plan (Metro Plan) amendment, refinement plan amendment and zone change.

On November 5, 2007, the Eugene Planning Commission began deliberations on a proposal to amend the Metro Plan land use diagram, amend the applicable refinement plan and approve a concurrent zone change for Oregon West Management, LLC. The applicant requested approval of Metro Plan and refinement plan amendments and a zone change that would result in 7.3 acres being rezoned to C-2/PD/SR, community commercial zone with Planned Unit Development (PUD) and Site Review (SR) overlays and 1.3 acres being rezoned to R-2/PD/SR, Medium Density Residential with Planned Unit Development and Site Review overlays.

During the November 5, 2007 meeting it appeared that there was some interest in recommending approval of the application, rather than adopting the staff findings for denial. In anticipation of this possible outcome, staff provided the Planning Commission with two options. If the Planning Commission confirmed the staff recommendation for denial, the Planning Commission could adopt the staff findings. If the Planning Commission recommended approval of the application, the Commission would need to include alternative findings supporting this recommendation. Staff recommended the Planning Commission incorporate the applicant's findings if the Planning Commission decided to recommend approval of the application.

If the Planning Commission recommended approval and adopted the applicant's findings, staff believed there were a few criteria where the applicant's findings were either lacking or not entirely accurate, including Commercial Lane Study Policies 6, 8 and 22. If adopted, the Planning Commission would need to address these areas and provide findings. Prior to the continuation of deliberations, staff would provide the Commission a summary of the areas in which staff believed the applicant's findings needed to be amended.

In order for the Planning Commission to take action, it needed to be prepared to recommend any specific modifications to staff findings, in the event the Commission was prepared to support this application. She noted Mr. Hledik had sent drafted findings for

consideration by the Commission to via e-mail to Commissioners.

Mr. Lawless concurred with the findings drafted by Mr. Hledik.

Ms. Kneeland found that the proposal did not comply with applicable policies, noting that the request fit into neither the Community Commercial nor Neighborhood Commercial, but rather created a small-scale commercial label that dodged the limitations of Community Commercial and Neighborhood Commercial.

Mr. Hledik opined this site would have been ideal for consideration as an opportunity site and would have leant itself to higher density housing. The amendment for limited community commercial came about due to an unanticipated event, the closing of a school, when the applicable refinement plan was developed. Such a situation was not anticipated in the Metro Plan. The River Road/Santa Clara refinement plan contained provisions that discussed not allowing neighborhood commercial on River Road, but allowing it in other locations in the neighborhood. He felt the proposed amendment met the criteria.

Mr. Flock stated that the multi-family standards articulated and quantified many of the architectural elements identified for the project.

Mr. Lawless agreed with Mr. Hledik that the staff recommendation looked like design review with the inclusion of particular architectural criteria.

Ms. O'Donnell averred that if the Planning Commission adopted the findings drafted by Mr. Hledik, implementation of somewhat vague language would be difficult.

Mr. Flock said in the context of the commercial standards that would apply through the land use application process, lack of clarity would make it difficult to implement something above and beyond the commercial standards, leaving it unclear what level of architectural detail was required. He added the findings would be subject to interpretation in how staff applied them in a recommendation.

Mr. Lawless opined it may be more appropriate to leave the findings as a text amendment open to interpretation and rely upon site or PUD review.

Mr. Nystrom reviewed the commission's choices:

- To not consider a text change.
- If a text change was made, how mandatory should it be; should the language be "encouraging" language rather than firm.
- If the text change language was mandatory, the Commission's intent on how it should be used in the future needed to be explained.

Mr. Nystrom said if there was no text change, and PUDs or other implementation tools were relied upon, those tools would need to be identified.

Mr. Duncan said the applicant suggested a general idea of what type of project would be

developed if the application was supported by the Commission, but that was not part of the application, and asked if that level of detail was desirable in a refinement plan.

Mr. Nystrom responded the applicant's suggestion went deeper than was typically seen in refinement plan policy text, approaching more the project level and more design specific. Thus, it was not presented in a manner typically handled in refinement plan text.

Mr. Hledik expressed reluctance to remove the language because the community cherished the old school, and it was important for something to be preserved or commemorated at the site. He was less concerned about the details than he was about removing the entire requirement for preservation or commemoration, and was comfortable with letting the architects address the issue. There were provisions in the refinement plan that should be considered, specifically, the commercial and industrial lands policy 5.1(b) and 5.1(c), related to landscaped parking lots, River Road frontage, consolidation and minimization of access points onto River Road.

Responding to a question from Mr. Hledik, Mr. Flock said those points would be considered in the context of PUD. As a higher order of a Type 3 application, all of the policy and text of the plan would be subject to review. It would need to be codified in order to apply through the site review application. As a combined proposal it would address 5.1 provisions.

Responding to a question from Mr. Hledik, Ms. O'Donnell said road improvements mitigations under Goal 12 would be conditions of approval.

Mr. Carroll was concerned with Mr. Hledik's proposed draft findings. He opposed the application and was concerned about interpretations of the policies. He expressed concern specifically about the proposed findings for ECLS 6 and 22, Metro Plan B(6), River Road/Santa Clara refinement plan Policy 3, which were recorded by staff.

Mr. Hledik, seconded by Mr. McCown, moved to approve the request for the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) amendment, the refinement plan diagram and text amendment, and the zone change as requested by the applicant. As part of the approval, the Planning Commission would:

- Adopt the staff findings for the statewide goals.
- Adopt the applicant's findings for all other applicable criteria as supplemented by the Planning Commission's findings as clarified by Mr. Carroll.
- Include policy text changes as modified as recommended by staff, except for item 6.D.
- Include improvements to two streets under Goal 12.

Ms. Kneeland suggested language to limit the precedent this may set for creating some hybrid of limited community commercial as not community commercial and not neighborhood commercial, asserting this action was specific to this unique situation as a former school site. The interpretation should be clear that it was applicable only to

limited, similar situations so that a new form of zoning would not be opened up for future uses.

Mr. Lawless supported Ms. Kneeland's suggestion, noting this had been difficult due to the unique circumstance of the large piece of property in a small setting. He agreed that he would not want to see the unusual precedents used out of context for other purposes. He suggested using "cautious limitation" in how the decision was reached.

Mr. Hledik said the Commission was getting requests to "tweak" refinement plans. He added this did not set a precedent, in that the request was limited to the specific project, and approvals would be withdrawn if the project did not proceed. He added that the process did provide a way to bring refinement plans forward to the present. The Commission regularly dealt with refinement plans adopted many years ago, and circumstances had changed and there were not sufficient resources to amend refinement plans. It was hoped that Opportunity Siting and Infill Compatibility Standards would help bridge the gap.

Ms. Kneeland said her concern was not limited to the text amendment but also a concern about the interpretation of the ECLS policy and the River Road/Santa Clara refinement plan.

Ms. Kneeland offered a friendly amendment to the motion: There would be an addition to the findings that these interpretations of the findings were specific to the application before the Commission and in the context that the unique situation was a transition of a former school site to another function.

Mr. Flock expressed discomfort with moving forward with the motion on the table, and proposed staff return to the Commission with revised language to ensure that all of the Commission's concerns had been captured.

Mr. Nystrom said some of the comments made could be captured in findings, while others needed to be forwarded to the City Council as issues the Commission wrestled with. He opined it would be beneficial to capture some of the concerns in a narrative statement to the City Council.

Ms. Kneeland withdrew her friendly amendment.

Following further discussion, Mr. Duncan noted the Commission was confident staff could draft findings that reflected the concerns of the Commission. Mr. Duncan called for the vote on the motion.

The motion passed 4:2, with Mr. Carroll and Ms. Kneeland voting in opposition.

Ms. Kneeland confirmed that the dissenting views would be represented in the findings.

Mr. McCown noted that the 2004 housekeeping issues shifted the site in question to residential, and it was unclear to him what had occurred. He asked how many additional properties had been impacted and if there could be some clarification offered about the process before the issue came to the Commission again.

Mr. Nystrom stated staff could provide background information on the issue.

#### **IV. WALNUT STATION MIXED USE CENTER UPDATE**

Mr. Dedrick offered the staff report. He explained he, along with Lydia McKinney and Neil Björklund, had assumed staffing on the project.

Mr. Dedrick reviewed the history of the project. Phase One of the Walnut Station Mixed Use Develop Plan resulted in an “emerging vision” consisting of design elements that had broad support. Phase One also produced a list of twelve key issues, since condensed to eleven, that were presented in the form of a “preferred alternative” to the Planning Commission on March 20 and May 8, 2006. The Commission declined to endorse the entire staff-recommended “preferred alternative” since several key design elements of the plan had not been resolved. The Planning Commission suggested that staff work to resolve each of the key issues, which was the primary focus of Phase Two. While the Planning Commission had discussed several of those issues, including Franklin Boulevard and EmX, this report was intended to provide a summary of the staff recommendations for each of the key issues. Through a series of meetings with stakeholders and a public open house on May 9, 2007, the City received significant input toward development of a staff recommendation.

The November 19 and December 3, 2007 Planning Commission meetings would provide an opportunity for the Commission to review, discuss and take action on the recommendations and for staff to present an overall vision for the Walnut Station Mixed Use Center (MUC). Staff recommended that the Planning Commission focus its November 19 discussion on issues previously discussed as well as the Design Review Options. Mr. Dedrick added the December 3 meeting would provide an opportunity to focus discussion on remaining issues as needed in order for the project to move into the next phase, which would prepare the plan for pre-adoptive public review. Staff included follow up information regarding design review options for the form-based code as requested at the May 8, 2006 Planning Commission meeting. Staff recommended the Planning Commission also review and discuss design review options to provide direction to staff as the draft form-based code was developed. Additionally, staff provided a vision statement for the Walnut Station MUC. The document was intended to characterize the look and feel of the area and the overall experience if the recommendations put forth were pursued and development followed the result in plan for the foreseeable future, and would set the tone and serve as a way to measure success.

The Metro Plan, TransPlan, and Eugene’s Growth Management Policies strongly supported the creation of pedestrian, bicycle, and transit-friendly MUCs throughout the region. This 73 acre area was identified as a potential nodal development site in

TransPlan and remained a high priority of the City's MUC program. In May 2005, the City initiated a site-specific planning effort for the Walnut Station MUC in partnership with the State of Oregon (State) and the University of Oregon (UO). Phase One of the project focused on the development of a vision and planning framework for the Walnut Station study area and was completed in June 2006. Phase Two of the process focused on plan development and implementation. Through the State sponsors, the City contracted with David Evans & Associates, as the prime consultant on Phase Two of the project.

Phase Two of the process continued and was pending approval of a scope amendment to the grant funded by the Oregon Department of Transportation (ODOT). Staff was prepared to move forward with the preparation of the draft development plan and to work with the consultant on the final technical documents including draft code amendments, an illustrative plan and other graphics needed as part of the draft plan.

Ms. McKinney reviewed Attachment C, *Design Review Options for the Form-Based Code for Walnut Station Mixed Use Station* to the Agenda Item Summary (AIS) and responded to questions from Commissioners.

Mr. Hledik opined he preferred approvals be through the Planning Director with appeals heard by the Planning Commission. He wanted to see more Type 2 processes with significant public input up front.

Mr. Duncan agreed that Planning Commission appeals would provide broader input from community members and allow for more creative problem solving.

Mr. Dedrick facilitated a review of the eleven outstanding recommendations identified in the AIS under *Summary of Staff Recommendations*, and recorded Commissioners' comments regarding the discussion topics, as a basis for continuation on December 3, 2007.

## **V. ITEMS FROM COMMISSION AND STAFF**

### **A. Other Items from Staff**

Ms. Gardner stated the City Council would interview two Planning Commission candidates this evening, and expected to appoint one Commissioner on December 3, 2007. She encouraged Commissioners to attend Boards and Commissions training offered in November and December.

### **B. Other Items from Commission**

Mr. Duncan reported he was working on a "retirement" event for former Planning Commissioner Jon Belcher.

Responding to a question from Ms. Kneeland, Ms. Gardner agreed to electronically send

the staff responses to City Council questions from the joint meeting. A City Council work session was scheduled for November 28, 2007, and a work session specific to H.B. 3337 was scheduled for January 2008.

Mr. Duncan adjourned the meeting at 1:35 p.m.

(Recorded by Linda Henry)

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