



Eugene Hearings Official

Phone: 541-682-5377
www.eugene-or.gov/hearingsofficial

AGENDA

Meeting Location:
Sloat Room, Atrium Building
99 West 10th Avenue
Eugene, Oregon

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, JANUARY 18, 2017
(5:00 p.m.)

I. PUBLIC HEARING

STADTER PROPERTY (Z 16-3)

Request: Zone change from AG Agricultural to R-1 Low Density Residential.

Location: North end of Gilham Road at 4075 Gilham Road
(Assessor's Maps/Tax Lots: 17-03-08-00/00303)

Applicant: John and Maureen Stadter

Representative: Richard Satre, Schirmer Satre Group

Lead City Staff: Erik Berg-Johansen
Telephone: (541) 682-5437
E-mail: erik.berg@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 neutral parties.
4. Testimony from opponents.
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



ZONE CHANGE STAFF REPORT

Applicant/File Name (Number):

John and Maureen Stadter / Stadter Property (Z 16-3)

Applicant's Representative:

Rick Satre, Schirmer Satre Group; 541-686-4540

Applicant's Request:

Rezone subject property from AG Agricultural to R-1 Low-Density Residential

Subject Property:

Tax Lot 303 of Assessor's Map 17-03-08-00; Located at the north end of Gilham Road at 4075 Gilham Road

Relevant Dates:

Application submitted on November 1, 2016; application deemed complete on November 29, 2016; public hearing scheduled for January 18, 2017.

Lead City Staff:

Erik Berg-Johansen, Associate Planner, Eugene Planning Division, Phone: (541) 682-5437

Purpose of Staff Report

Staff reports provide community members an opportunity to learn more about the land use request and to review staff analysis of the application. Staff reports are available seven days prior to the public hearing (see EC 9.7320). The staff report provides only preliminary information and recommendations. The Hearings Official will also consider additional public testimony and other materials presented at the public hearing before making a decision on the application. The Hearings Official's written decision on the application is generally made within 15 days following close of the public record, following the public hearing (see EC 9.7330). For reference, the quasi-judicial hearing procedures applicable to this request are described at EC 9.7065 through EC 9.7095.

Background and Present Request

The subject property is approximately 0.95 acre in size and is located within the "Northeast Neighbors" neighborhood. More specifically, the property is located just south of Eugene's Urban Growth Boundary (UGB) on the east side of Gilham Road. For reference vicinity and zoning maps are attached to this report. In 2016, the applicant proposed to annex the subject property into the City of Eugene. The annexation of the property was approved by City Council

and became effective on November 9, 2016.

The present request is for zone change approval from the current Agricultural (AG) zone to Low-Density Residential (R-1). The Agricultural (AG) zoning of the property is a placeholder zone, allowing interim uses until a time at which land is converted to urban development (see EC 9.2000 Purpose of AG Agricultural Zone). The applicant's request to rezone the property to Low-Density Residential (R-1) would provide zoning to allow for urban development.

As discussed in the following evaluation, the Metro Plan diagram designates the subject property for Low Density Residential uses. The proposed R-1 zoning implements this plan designation.

Referrals/Public Notice

On December 1, 2016, staff provided information concerning the application to other appropriate City departments, public agencies, and the affected neighborhood group. Referral comments were received from the City's Public Works Department; these comments are incorporated into this report and are also available in the application file for reference.

Staff mailed notice of the proposed zone change to the Oregon Department of Land Conservation and Development (DLCD) on December 5, 2016. On December 16, 2016, staff also mailed public notice of the proposed zone change and the hearing date to owners and occupants within 500 feet of the subject property. Written comments were submitted by neighbor Rich Olson. He states "the proposed development on Gilham Road and Mirror Pond Way should not be approved until major road improvements are done to Gilham Road north of Ayres Road. This is a pedestrian safety issue on a road that has significant deterioration issues."

If additional comments are received after the publishing of this report, the comments will be forwarded to the Hearings Official.

Zone Change Evaluation

EC 9.7330 and EC 9.8865 require the Hearings Official to review an application for a zone change and consider pertinent evidence and testimony as to whether the proposed change is consistent with the criteria required for approval, shown below in **bold** typeface. Staff's findings in response to each of the criteria are provided below, to assist the Hearings Official in making a decision on the zone change request.

EC 9.8865(1): The proposed change is consistent with applicable provisions of the Metro Plan. The written text of the Metro Plan shall take precedence over the Metro Plan diagram where apparent conflicts or inconsistencies exist.

The Metro Plan designates the subject property as Low Density Residential, and the proposed R-1 zoning is consistent with this designation. The applicant's written statement responds to several relevant Metro Plan policies, although staff finds none to be mandatory approval criteria. However, the following policy appears to be relevant:

- Policy A.2: Residentially designated land within the UGB should be zoned consistent with the *Metro Plan* and applicable plans and policies; however, existing agricultural zoning may be continued within the area between the city limits and the UGB until rezoned for urban uses.

While this policy does not serve as a mandatory approval criterion, it does highlight the intention of the AG zone to act as a placeholder until land is rezoned for urban uses. The applicant's request for a change in zoning from AG to R-1 fulfills the intent of this policy.

Based on these findings, the criterion is met.

EC 9.8865(2): The proposed zone change is consistent with applicable adopted refinement plans. In the event of inconsistencies between these plans and the Metro Plan, the Metro Plan controls.

The subject property is within the boundaries of the Willakenzie Area Plan (WAP), specifically in the Unincorporated Subarea. The map on page 53 of the WAP identifies the subject property as Low-Density Residential, consistent with the Metro Plan designation. Additionally, staff finds that there are no policies from the WAP that would serve as mandatory approval criteria for this zone change.

Based on these findings, this criterion is met.

EC 9.8865(3): The uses and density that will be allowed by the proposed zoning in the location of the proposed change can be served through the orderly extension of key urban facilities and services.

Key urban facilities and services are defined in the Metro Plan as: wastewater service, stormwater service, transportation, water service, fire and emergency medical services, police protection, City-wide parks and recreation programs, electric service, land use controls, communication facilities, and public schools on a district-wide basis (see Metro Plan page V-3).

Referral comments from the Public Works Department dated November 14, 2016, which are included in the application file, confirm that the uses and density allowed by the R-1 zone on the subject property can be serviced through the orderly extension of key urban facilities and services. Public Works staff also note that public stormwater systems are not available to serve this property; however, the onsite soil infiltration rates are relatively high which means that onsite retention is a feasible option for this site. Compliance with applicable stormwater development standards will be ensured at the time of development.

In regards to wastewater, a Privately Engineered Public Improvement (PEPI) permit application for the property is currently under review (PEPI 5070 Mirror Pond Wastewater Extension). Once approved, this permit will allow the applicant to extend public wastewater service to the subject property.

Access to the property is provided via Gilham Road, which is a Lane County Road. Compliance with applicable street standards, such as street connectivity, street widths, and street improvements will be evaluated at the time of development.

Based on these findings, this criterion is met.

EC 9.8865(4): The proposed zone change is consistent with the applicable siting requirements set out for the specific zone in:

(f) EC 9.2735 Residential Zone Siting Requirements.

This criterion does not apply as there are no specific siting requirements for the R-1 zone. This criterion is met.

EC 9.8865(5): In cases where the NR zone is applied based on EC 9.2510(3), the property owner shall enter into a contractual arrangement with the City to ensure the area is maintained as a natural resource area for a minimum of 50 years.

This criterion does not apply as the proposed zone change does not include the NR zone.

Transportation Planning Rule Evaluation

Staff finds that Goal 12 Transportation of the Statewide Planning Goals, adopted by the Land Conservation and Development Commission (LCDC), must be specifically addressed as part of the requested zone change and in the context of Oregon Administrative Rules, as follows. As adopted, OAR 660-012-0060(1) states:

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9), or (10) of this rule.

Staff finds that the proposed zone change is subject to subsection (9), which reads as follows:

(9) Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met.

(a) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the plan map:

(b) The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and

(c) The area subject to the amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR

660- 024-220(1)(d), or the area was exempted from this rule but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.

Staff confirms that the proposed R-1 zoning for the subject property is consistent with the existing comprehensive plan designation of Low Density Residential. This designation was in effect at the time the acknowledged Transportation System Plan (TransPlan 2002) was adopted, and the subject property was not exempt from TSP at the time of an urban growth boundary amendment.

Based on these findings, the proposed zone change complies with TPR and satisfies OAR 660-012-0060(1).

Staff Recommendation

Based on all the available evidence, and consistent with the preceding findings of compliance with the zone change criteria at EC 9.8865, staff recommends the Hearings Official approve the requested zone change to R-1 Low-Density Residential.

Consistent with EC 9.7330, unless the applicant agrees to a longer time period, within 15 days following close of the public record, the Eugene Hearings Official shall approve, approve with conditions, or deny this application. 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 in EC 9.7650 through EC 9.7685.

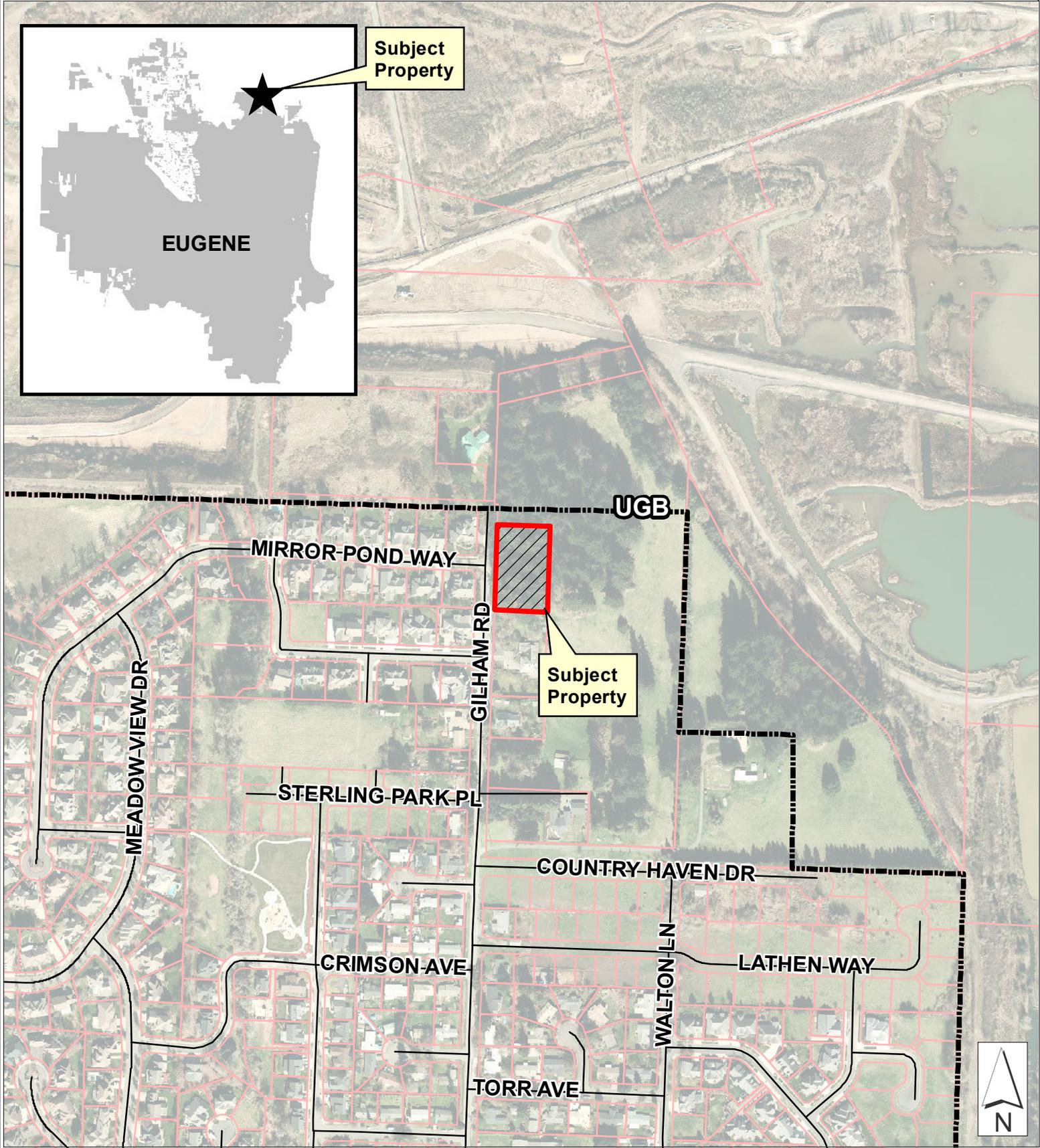
Attachments

A vicinity map is included as Attachment A. A zoning map is included as Attachment B. The entire application file is available for review at the Eugene Planning Division offices. The Hearings Official will receive a full set of application materials for review prior to the public hearing. These materials will also be made available for review at the public hearing.

For More Information

Please contact Erik Berg-Johansen, Associate Planner, City of Eugene Planning Division, at: (541) 682-5437; or by e-mail, at: erik.berg@ci.eugene.or.us

Attachment A - Vicinity Map



-  Subject Property
-  Taxlots
-  Streets
-  Eugene UGB



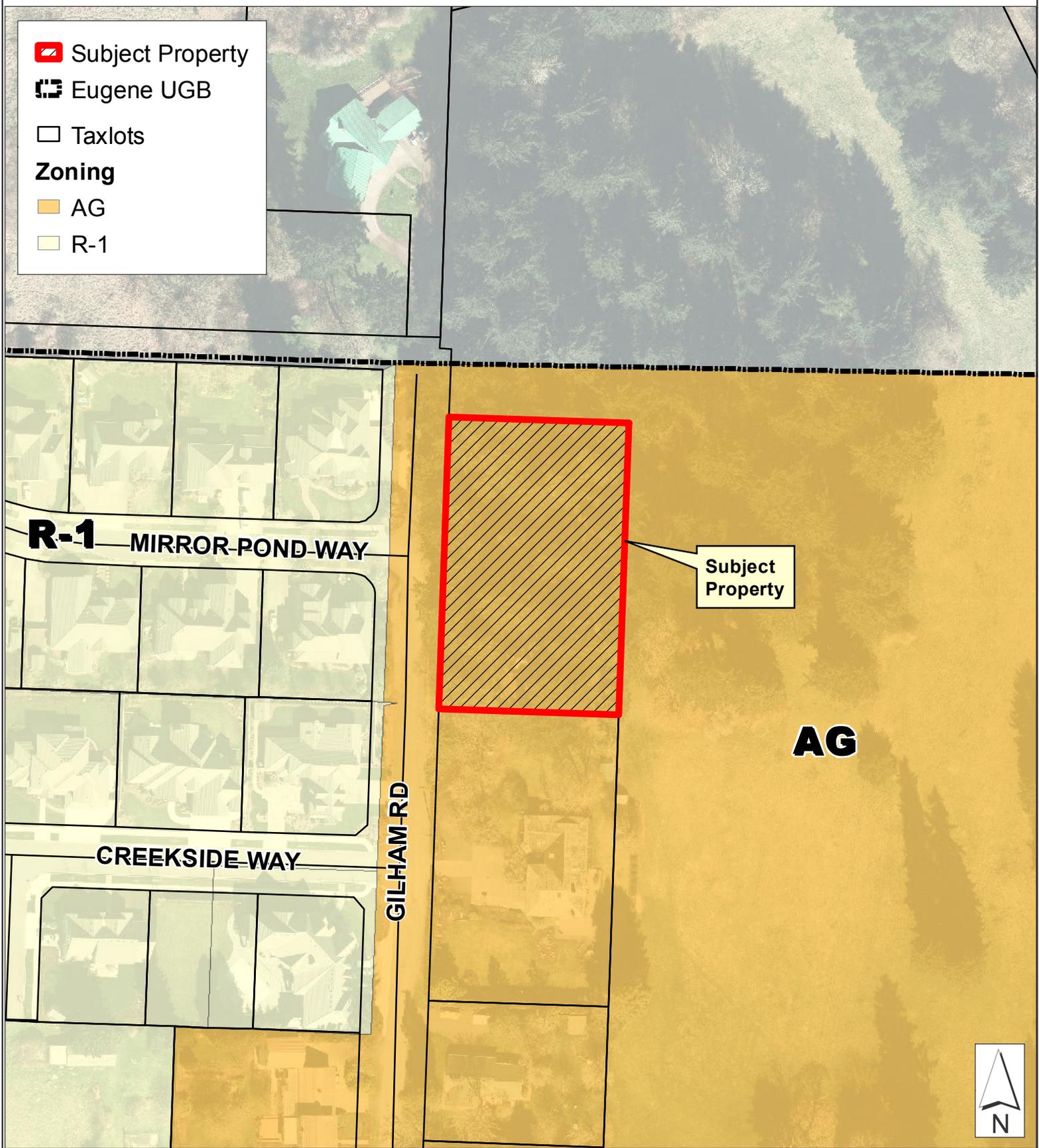
Caution:
This map is based on imprecise
source data, subject to change,
and for general reference only.

January 2017



Attachment B - Zoning Map

-  Subject Property
-  Eugene UGB
-  Taxlots
- Zoning**
-  AG
-  R-1



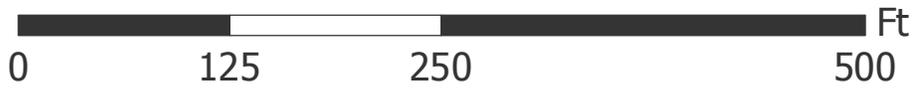
Subject Property

AG

R-1 MIRROR-POND-WAY

CREEKSIDE-WAY

GILHAM-RD



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January 2017

