



Phone: 541-682-5377
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Meeting Location:
Atrium Building – Sloat Room
99 West 10th Avenue

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WEDNESDAY, May 11, 2016
(5:00 p.m.)

I. PUBLIC HEARING ON CONDITIONAL USE PERMIT AND SITE REVIEW APPROVAL

U-Haul

Assessors Map: 17-04-02-13 **Tax Lot:** 1000

Location: 150 Oroyan Avenue

Request: Conditional Use Permit and Site Review approval for outdoor display and rental of large moving trucks and conversion of existing building into a two-story self-storage facility.

Applicant: U-Haul

Applicant's

Representative: Bill Lemons, Eric Hall Architects

Lead City Staff: Erik Berg-Johansen, Assistant Planner
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 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.



CONDITIONAL USE PERMIT AND SITE REVIEW STAFF REPORT

Application File Name (Number):

U-Haul (CU 16-1; SR 16-2)

Applicant's Request:

Conditional Use Permit (CUP) and Site Review (SR) approval for outdoor display and rental of large trucks associated with new U-Haul self-storage facility.

Applicant/Owner:

Kyle Marvin, U-Haul

Applicant's Representative(s):

Bill Lemons, Eric Hall Architects; 541-688-0530

Lead City Staff:

Erik Berg-Johansen, Assistant Planner, (541) 682-5437

Subject Property/Location/Size:

Tax Lot 1000 of Assessor's Map 17-04-02-13; Located just east of River Road at 150 Oroyan Avenue; Approximately 4.62 acres

Existing Zoning:

C-2/SR Community Commercial with Site Review Overlay

Relevant Dates:

Application submitted January 26, 2016; deemed complete March 21, 2016, public hearing date scheduled for May 11, 2016.

Purpose of Staff Report

The Eugene Code (EC) requires City staff to prepare a written report concerning the subject land use applications. In accordance with the Type III land use application procedures (see EC 9.7320) the staff report is printed and made available seven days prior to the public hearing, to allow citizens an opportunity to learn more about the request and to review the staff analysis of the application. 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. In this case, the Site Review application (a Type II application) was elevated to Type III so it could be processed concurrently with the Conditional Use Permit (CUP) request.

Background and Present Request

The subject property is located within North Eugene’s Santa Clara Community Organization (SCCO) neighborhood. More specifically, the property is located just east of River Road at 150 Oroyan Avenue. The approximately 4.62 acre (201,236 square feet) site is currently developed with a 55,700 square foot commercial structure. The building was constructed for Ray’s Food Place, a neighborhood grocery store that was approved under a Site Review in 2005 (File # SR 05-4) and operated on the site between 2006 and 2007.

The site is fully developed and features a parking lot, outdoor lighting, landscaping, and a stormwater drainage swale along the southern and eastern property boundaries. The structure’s interior is a one-story open floor plan with the main entrance facing west towards the parking lot. The site also features a loading dock on the building’s east side that was intended to accommodate grocery store delivery trucks. As part of the original Site Review approval, a concrete masonry unit (CMU) wall was conditioned to mitigate potential visual and noise impacts related to the exterior loading dock. The wall extends along the eastern property boundary from Oroyan Avenue to the edge of the existing building (approximately $\frac{3}{4}$ of the length of the eastern property boundary).

In 2015, U-Haul company purchased the property and began equipment rental and retail operations. The current operations are a permitted use in the C-2 Community Commercial zone. The present request is to: 1) offer large moving truck rentals; and 2) convert the existing building into a two-story climate controlled self-storage facility (the building’s height will not be increased). The required Site Review and Conditional Use Permit approvals are triggered by the new proposed use, which is the outdoor display and rental of “heavy equipment¹” (the weight of larger U-Haul moving vans exceeds 1 ton). In summary, the U-Haul facility will include the following features:

- Indoor climate-controlled storage units that can be accessed 24/7
- Outdoor-accessed storage units along the building’s southern façade (limited hours)
- Outdoor display and storage of rental equipment, including light trucks, trailers, and larger moving vans
- Interior retail space where moving supplies and rentals can be purchased
- Indoor garage for trailer hitch installation

¹ Eugene Code definition of “Heavy Equipment”: Any piece of equipment weighing 1 ton or more.

Eugene Code Table 9.2160 requires CUP approval for “Equipment, Heavy, Rental/Sales/Service – includes truck and tractor sales” in the C-2 zone.

For additional details about the project, please review the applicant's written narrative which is available in the application file for reference. The following report is divided into two (2) sections: Section 1 – CUP Evaluation (page 4); and Section 2 – Site Review Evaluation (page 14)

Each evaluation provides details of the proposal in the context of the applicable approval criteria and related standards.

Application Referrals and Public Hearing Notice

The applicant held a neighborhood meeting on December 17, 2015 in compliance with EC 9.7007 Neighborhood/Applicant Meetings. This meeting provided neighborhood members an opportunity to review the proposal, share information, and identify issues regarding the proposal, as required by EC 9.7007. Seven community members attended the meeting and provided comments regarding the proposed use. Key questions and concerns raised at the meeting were focused on traffic impacts, the level of security for storage units, stormwater, parking, and storage of hazardous materials. The project representative provided a written summary of the meeting, which is included in the application file for reference. Consistent with EC 9.7005 Pre-application Conference, the applicant also met with staff on January 5, 2016 to discuss the proposal.

On January 26, 2016, the applicant submitted CUP and Site Review applications. After an initial review staff determined that the application was incomplete; on March 1, 2016 the applicant submitted supplemental information. Additional supplemental information was submitted on March 21, 2016. On April 1, 2016, the Planning Division mailed and posted written notice of the public hearing, in accordance with the applicable code requirements.

No public testimony has been received in response to that notice, as of the date of this staff report. Relevant referral comments received from other City departments are incorporated into the following evaluation, in the context of the applicable criteria and related standards.

Any written testimony received after the date of this report but prior to the public hearing will be forwarded to the Hearings Official for consideration in making a decision on the CUP and Site Review applications. Public testimony, written or otherwise, may also be presented at the public hearing on this matter.

In accordance with EC 9.7330, the Hearings Official is required to approve, approve with conditions, or deny a Type III land use application. The decision must be based on, and be accompanied by, findings that explain the criteria and standards considered relevant to the decision. It must also state the facts relied upon in rendering the decision, and explain the justification for the decision based upon the criteria, standards, and facts set forth.

Section 1: Conditional Use Permit Evaluation

To assist the Hearings Official in rendering a decision on the application, staff presents the following CUP approval criteria (shown below in **bold** typeface), with findings related to each, based on the evidence available as of the date of this staff report. Staff has also provided a recommendation to the Hearings Official following the Site Review staff evaluation.

EC 9.8090(1): The proposal is consistent with applicable provisions of the Metro Plan and applicable refinement plans.

The Metro Plan land use diagram designates the area of the subject property for Commercial use, consistent with its existing base zoning of C-2 Community Commercial. The proposal is also consistent with Economic Development Policies B.2 and B.11², which encourage economic activities that strengthen the resident labor force and support the area's position as a regional service center.

The River Road – Santa Clara Urban Facilities Plan serves as the applicable adopted refinement plan for the area included in this project. The property is located within the River Road/Wilkes subarea. The following refinement plan policies apply to this request:

- Commercial and Industrial Land Use – **Policy 1.0**
 - *Maintain and enhance the compatibility of adjacent land uses through the use of appropriate buffering mechanisms, such as landscaping standards.*

The applicant is proposing to display moving trailers and trucks outdoors within the existing parking lot. To mitigate compatibility concerns, the applicant is proposing additional tree plantings along the property's eastern and southern borders. That said, staff believes additional mitigation beyond the tree plantings is necessary to maintain or enhance compatibility between the subject property and adjacent homes. A recommended condition of approval to address this issue is further detailed below under criterion EC 9.8090(2)(b).

- Commercial and Industrial Land Use – **Policy 7.0**
 - *Ensure compatibility between neighborhood commercial development and the surrounding residential area by identifying and applying siting and development standards.*

The proposal is consistent with this policy as the existing structure was approved through a Site Review process. Through this process, siting and development standards were applied to increase compatibility between the building and the surrounding residential neighborhood.

² **B.2:** *Encourage economic development, which utilizes local and imported capital, entrepreneurial skills, and the resident labor force.*

B.11: *Encourage economic activities, which strengthen the metropolitan area's position as a regional distribution, trade, health, and service center.*

Based on these findings, EC 9.8090(1) is met.

EC 9.8090(2): The location, size, design, and operating characteristics of the proposal are reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property, as they relate to the following factors:

(a) The proposed building(s) mass and scale are physically suitable for the type and density of use being proposed.

This criterion does not apply as no new building is proposed (the existing structure on the property was approved under the 2005 Site Review for Ray's Food Place, SR 05-4). However, it should be mentioned that the applicant proposes to convert an existing architectural feature on the southern façade (the "arches") into storage units. Staff finds that this alteration will not significantly increase the mass or scale of the building. Based on these findings, the project meets this standard.

(b) The proposed structures, parking lots, outdoor use areas or other site improvements which could cause substantial off-site impacts such as noise, glare and odors are oriented away from nearby residential uses and/or are adequately mitigated through other design techniques, such as screening and increased setbacks.

The subject property is located along Oroyan Avenue near the intersection of Oroyan Avenue and River Road. The proposed U-Haul facility and associated uses are compatible with the property to the west, which is zoned Community Commercial (C-2) and developed with a medical center. A vacant C-2 property also exists at the corner of River Road and Oroyan Avenue. In contrast, the property is bounded to the east by residential homes within the Medium-Density Residential (R-2) zone. Residential homes on Swain Lane (within an Agriculture zone) also exist to the south of the property.

Through this CUP request the applicant proposes a new use, which is the outdoor display and rental of heavy equipment (i.e. moving trucks). Smaller trucks and trailers will also continue to be offered for rent, and all rentals will be displayed outdoors within the existing parking lot. In addition to indoor storage units, the proposal also includes storage units that are accessed from the south side of the building.

The applicant asserts that potential visual and noise impacts generated by these activities will be mitigated by proposed landscaping, the existing CMU wall, and an existing wood fence. The applicant also notes that the exterior-accessed storage units are relatively far from the property line (approximately 125 feet), and that "...the anticipated use of these storage units would best be categorized as 'infrequent' use (most likely accessed 2-3 times a year)." The applicant further debates that noise generated by the proposed facility will be comparable to the noise generated by the previous grocery store.

To address potential visual impacts the facility might have on adjacent properties, the applicant originally proposed planting Douglas fir trees along the south and east property lines. During a site visit in February of 2016, City staff found that Douglas firs would not thrive in the relatively wet soils present in and around the existing stormwater swale. Staff recommended to the applicant that a moisture tolerant tree such as the Western red cedar be planted instead of Douglas fir. The applicant agreed and has committed to planting 30 Western red cedars (1.5 inch caliper size) along the south and east property lines (see Sheet SR2, Landscape Plan, and applicant's memo dated March 21, 2016). If the project is approved, Western red cedars will be shown on the Final Site Plans. To ensure compliance, the following condition of approval is recommended:

- On the Final Site Plans, Western red cedar trees shall replace Douglas fir trees along the south and east property lines. A new canopy tree shall also be shown at the southwestern corner of the large central landscape island (applicant's landscape plan shows an existing 4-inch "LMP" tree at this location, but staff confirmed this tree does not exist).

An existing wood fence also exists along the south and east property lines (see Sheet SR1, Site Plan). The existing six-foot fence is semi-private (the boards are offset to allow space between boards); this spacing reduces the ability of the fence to attenuate sound. Staff agrees with the applicant that the U-Haul facility will not be particularly loud, but believes that noise generated by the exterior storage units, paired with the visual impacts related to the outdoor storage of large trucks, warrants the implementation of a new solid fence. Staff also notes that the proposed Western red cedar plantings along the property lines are relatively small at only 1.5 inches in diameter; these trees will provide more than adequate screening in the future as they grow taller, but will not provide an effective screening function in the immediate future. To ensure adequate and immediate noise buffering and visual screening is provided to protect adjacent residential uses, the following condition is recommended:

- A new 8-foot high solid wood fence (no gaps between boards) shall be constructed along the eastern property line (beginning where the existing concrete wall ends), and along the entirety of the southern property line.

Based on these findings and the conditions above, EC 9.8090(2) is met.

(c) If the proposal involves a residential use, the project is designed, sited and/or adequately buffered to minimize off-site impacts which could adversely affect the future residents of the subject property.

This standard does not apply as no residential use is proposed.

EC 9.8090(3): The location, design, and related features of the proposal provides a convenient and functional living, working, shopping or civic environment, and is as

attractive as the nature of the use and its location and setting warrant.

The area surrounding the subject property has a mix of uses including a school and playing fields to the north, commercial properties and River Road to the west, and residential neighborhoods to the south and east. The site is also within convenient walking/biking distance from the River Road commercial corridor, which connects to site to retail shopping centers, public transit, grocery stores, and various services.

The exterior of the building will remain mostly intact, so the current design of the building and site are not evaluated under this criterion. However, it should be noted that the proposed landscaping and additional trees planted around the site's perimeter will actually improve the aesthetic quality of the site beyond its current state, and that the nature of the use is consistent with the site's C-2 zoning.

Based on these findings, EC 9.8090(3) is met.

EC 9.8090(4): The proposal demonstrates adequate and safe circulation exists for the following:

(a) Vehicular access to and from the proposed site, and on-site circulation and emergency response.

The proposal will not impact existing circulation patterns, and revisions to existing access connections are neither proposed nor required per the findings provided at EC 9.6735 Public Access Required. Eugene-Springfield Fire also reviewed the proposal and found that the site's existing conditions will sufficiently facilitate emergency response. Based on these findings, this criterion is met.

(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 1/4 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.

There are LTD bus stops well within ¼ mile of the subject property, with the nearest stop existing just south of Lynbrook Drive on River Road. This stop is served by Bus #51, which connects to the Downtown Eugene Station. The site is also in walking distance from a neighborhood market (Everyone's Market, 3901 River Road) and Awbrey Park (north of the subject site on the east side of River Road). As far as onsite pedestrian circulation, there is an existing sidewalk along the building's west side; this walkway will allow pedestrians to safely access different parts of the onsite parking lot.

Adequate bicycle facilities also exist as River Road supports northbound and southbound bike lanes, and both short-term and long-term bicycle parking will be provided on the subject property.

Based on these findings, EC 9.8090(4) is met.

EC 9.8090(5): The proposal 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.****
- 2. For areas included on the City’s acknowledged Goal 5 inventory, the preservation of natural features shall be consistent with the acknowledged level of preservation provided for the area.**

The subject property is not included as part of the City’s acknowledged Goal 5 inventory. Due to the fact that the site is fully developed, there are no significant natural features that would be impacted by U-Haul’s project. The outdoor storage of vehicles and trailers will occur within the existing parking lot, and storage units will be constructed within the existing structure. All existing landscaping vegetation will also be preserved or improved. Based on these findings, this standard is met.

(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.

This standard is met as the applicant does not propose to remove any trees (and a number of new trees will be planted on the site).

(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.
2. For areas included on the city's acknowledged Goal 5 inventory, any loss of significant natural features described in criteria (a) and (b) above shall be consistent with the acknowledged level of protection for the features.

This standard does not apply as the site is already developed and no additional natural features will be lost.

(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.

This subsection is not applicable since the proposal does not involve the removal of trees located within existing public rights-of-way.

Based on these findings, EC 9.8090(5) is met.

EC 9.8090(6): The proposal provides adequate public facilities and services including, but not limited to utilities, streets, and other infrastructure.

Public Works staff confirms that the existing street system and public utilities can adequately serve the proposed development per the findings provided at EC 9.8090(8)(b), (8)(d) and (8)(e).

Based on these findings, EC 9.8090(6) is met.

EC 9.8090(7): The proposal does not create any significant risk to public health and safety, including but not limited to soil erosion and flood hazard, or an impediment to emergency response.

Public Works staff confirms that the portion of the site that was within a regulatory Special Flood Hazard Area per Flood Insurance Rate Map 41039C-1107-F has been removed per Letter of Map Revision 06-10-B422P. The development itself will not result in unreasonable risk of flood per the stormwater management evaluation at EC 9.8090(8)(d).

Due to the flatness of the project area, soil erosion and slope failure are also unlikely. As an informational item, staff notes that the need for an erosion permit will be evaluated at the time a development permit is submitted. Eugene-Springfield Fire also reviewed the proposal and found that it will not cause an impediment to emergency response.

Based on these findings, EC 9.8090(7) is met.

EC 9.8090(8): The proposal complies with all applicable standards, including but not limited to:

(a) EC 9.2000 through 9.3915 regarding lot dimensions, solar standards, and density requirements for the subject zone;

Lot dimension and solar standards do not apply because the project does not propose any new lots or structures. Further, solar standards are only applicable in R-1 and R-2 zones, and there are no density requirements in the C-2 zone. Based on these findings, this standard is met.

(b) EC 9.6500 through EC 9.6505 Public Improvement Standards

EC 9.6500 Easements authorizes the City to require dedication of easements for public utilities and access under certain circumstances. The applicant does not propose any public easement dedications nor are there any public improvements that would result in the need for additional public easements on the subject property. Based on these findings, the development complies with these standards.

EC 9.6505 Public Improvement Standards requires that all public improvements be designed and constructed in accordance with adopted plans, policies, procedures and standards specified in Eugene Code Chapter 7. No public improvements are proposed or required of this development; however, all developments are required to make and be served by the infrastructure improvements described below.

With regard to EC 9.6505(1) Water Supply, EWEB confirms there is an existing 8” water main on the south side of Oroyan Avenue. The property is currently served with domestic and fire service off this 8” main. Additional details and information items are included in EWEB’s referral comments, which are available in the application file for reference.

With regard to EC 9.6505(2) Sewage, referral comments from Public Works staff confirm that the proposed development complies with this requirement as existing development on the site is served with sewer connections. The existing structure was connected to the public wastewater system under building permit 05-06452-01.

With regard to EC 9.6505(3) and (4) Streets, Alleys, and Sidewalk, EC 9.6505(3)(a) does not apply because there are no streets within the development. Unless adjacent streets and alleys are already improved to City standards, EC 9.6505(3)(b) requires the developer to pave streets and alleys adjacent to the development site to the width specified in EC 9.6870 Street Width and to construct related street improvements: drainage, curb and gutter, sidewalks, street trees, and street lights. EC 9.6505(4) requires new sidewalk construction to be designed and constructed to applicable standards.

Per the findings at EC 9.6870 Street Width, which is included by reference, Oroyan Street is improved to City standards and sidewalks were constructed under building permit 05-06452-01.

With regard to EC 9.6505(5) Bicycle Paths and Accessways, no bicycle paths or public access ways are required per the findings at EC 9.6835, which are incorporated by reference.

Based on the above findings, the Public Improvement Standards are met.

(c) EC 9.6735 Public Access Required

- (1) Except as otherwise provided in this land use code, no building or structure shall be erected or altered except on a lot fronting or abutting on a public street or having access to a public street over a private street or easement of record approved in accordance with provisions contained in this land use code.**

The site has frontage on Oroyan Avenue to the north and access to River Road through private easements. The proposed development complies with this standard.

- (2) Access from a public street to a development site shall be located in accordance with EC 7.420 Access Connections – Location. If a development will increase the development site’s peak hour trip generation by less than 50% and will generate less than 20 additional peak hour trips, the development site’s existing access connections are exempt from this standard.**

The applicant proposes to use existing access connections to Oroyan Avenue, a local street, which meet applicable standards in EC 7.420(1) and EC 7.420(3). The existing restricted-movement access connection to River Road, a minor arterial, meets applicable standards in EC 7.420(2).

(3) The standard at (2) may be adjusted if consistent with the criteria of EC 9.8030(28).

Based on these findings, the development complies with the applicable standards and no adjustment is necessary.

(d) EC 9.6791 through EC 9.6797 regarding stormwater flood control, quality, flow control for headwaters area, oil control, source control, easements, and operation and maintenance.

EC 9.6791 Stormwater Flood Control: The private storm drainage system serving the site was constructed under building permit 05-06452-01. Flood control standards are met.

EC 9.6792 Stormwater Quality: the application does not propose or require the construction of a public street, private street, or a shared driveway. The application does explicitly show new impervious surfaces created by the removal of three landscape islands, however the square footage is less than 1,000 square feet, which would not trigger the standards of EC 9.6792(3)(d)-(g). As an informational item, should new or replaced impervious surfaces exceed 1,000 square feet, the standards of EC 9.6792(3)(d)-(g) will be evaluated through the development permit review process.

EC 9.6793 – EC 9.6797: Because the proposed development is at an elevation less than 500 feet; does not drain to a Headwaters facility; does not generate high concentrations of oil and grease as described in EC 9.6794; does not include the addition of new facilities requiring source controls as described in EC 9.6795; and does not trigger the need for the dedication of stormwater easements, EC 9.6793, EC 9.6794, EC 9.6795, and EC 9.6796 do not apply. The standards of EC 9.6797 will not be triggered unless additional stormwater facilities are required as discussed in the findings at EC 9.6792 and incorporated herein by reference.

With the findings and any future permit requirements noted above, staff finds that the stormwater standards will be met.

(e) EC 9.6800 through EC 9.6875 Standards for Streets, Alleys, and Other Public Ways

The subject property abuts Oroyan Avenue to the north. The site has direct access to Oroyan Avenue, and access to River Road through a joint access easement across adjacent Parcels 1 and 2 of The Commons Subdivision. Access to the site will not be changed with the new proposed use. An evaluation of each applicable street standard is provided in referral

comments from Public Works staff, which are available in the application file and incorporated here by reference. Important excerpts related to the proposal are provided below.

EC 9.6815 Connectivity for Streets: EC 9.6815(2)(c) requires that the proposed development include streets that extend to undeveloped or partially developed land adjacent to the development site. EC 9.6815(2)(d) requires secondary access for fire and emergency vehicles. EC 9.6815(2)(g)(2) provides that the City shall grant an exception to these requirements if it is demonstrated that a connection cannot be made due to existing physical conditions, buildings and other development on adjacent lands. The proposed development qualifies for an exception to the street connectivity standards per EC 9.6815(2)(g)(2)(b) because existing development on adjacent properties precludes a street connection.

EC 9.6870 Street Width: The portion of Oroyan Avenue adjacent to the development site is classified as a Commercial Local street, requiring between 20 and 34 feet of paving within a 50 to 60 foot right-of-way per Table 9.6870. The necessary right-of-way was dedicated with The Commons Subdivision (ST 04-26) and street improvements were constructed under City project #2006-0503. No additional right-of-way is required.

(f) Where the proposal is to establish non-residential uses subject to residential density requirements on development sites in the residential zone category...

This standard does not apply as the project does not establish a non-residential use subject to residential density requirements.

Based on the above findings, EC 9.8090(8) is met.

EC 9.8090(9): The proposal complies with the Traffic Impact Analysis Review provisions of EC 9.8650 through 9.8680 where applicable.

Public Works staff concur with the applicant's assertion that the proposal does not meet any of the thresholds established in EC 9.8650 through 9.8680. Accordingly, there is no requirement for a Traffic Impact Analysis.

Section 2: Site Review Evaluation

EC 9.8440(1): The site review plan’s general design and character is reasonably compatible with surrounding properties, as it relates to building locations, bulk and height, noise, glare and odors.

The existing structure on the property was approved under a previous Site Review application (SR 05-4) in 2005, and therefore staff finds that the building’s location, bulk and height were previously determined to be compatible with surrounding properties. However, new uses will be introduced on the property including outdoor display and rental of moving trucks/trailers. Self-storage units will also be constructed within the existing building and on the south side of the structure (the exterior units will be accessed from the southern parking lot).

Noise and visual impacts related to U-Haul’s proposal are evaluated under CUP criterion EC 9.8090(2)(b), which is very similar to the Site Review criterion stated above. Therefore, the findings and the recommended condition of approval under EC 9.8090(2)(b) are incorporated herein by reference. Based on the available information, findings under CUP criterion EC 9.8090(2)(b), and the findings above, this criterion is met.

EC 9.8440(2): Proposed lots, buildings, streets, parking lots, recreation areas, and other proposed uses are designed and sited to minimize impacts to the natural environment...

The subject property is not included on the City’s acknowledged Goal 5 inventory, and there is no evidence of significant natural features (i.e., rare plants, habitats, prominent topographical features, wetlands, streams, riparian areas) or natural resources on the subject property that would be subject to further review under the above criterion.

Further, this Site Review criterion includes the same standards present in CUP criterion EC 9.8090(5), which is evaluated above and incorporated herein by reference. However, this Site Review criterion includes one additional subsection related to parking:

(g) Parking. There is a need for parking in the area and the proposed parking area will provide shared parking.

This standard is not applicable because there is no need for additional shared parking at this location. The applicant provides the required parking for the development within the bounds of the subject property.

Based on the available information and findings above, EC 9.8440(2) is met.

EC 9.8440(3): The proposal provides safe and adequate transportation systems through compliance with all of the following:

(a) Compliance with EC 9.6800 through EC 9.6875 Standards for Streets, Alleys, and Other Public Ways.

An evaluation of each applicable street standard is provided in referral comments from Public Works staff, which are available in the application file and incorporated here by reference. Important excerpts are also discussed under CUP criterion EC 9.8090(8)(e), which is incorporated herein by reference.

(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 1/4 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.

These standards are met based on the findings provided previously at EC 9.8090(4)(b), which are incorporated herein by reference.

EC 9.8440(4): The proposal 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.

These standards are met based on the findings provided previously at EC 9.8090(7), which are incorporated herein by reference.

EC 9.8440(5): The proposal complies with all of the following standards (An approved adjustment to a standard pursuant to the provisions beginning at EC 9.8015 of this land use code constitutes compliance with the standard.):

(a) EC 9.2000 through 9.3915 regarding lot dimensions and density requirements for the subject zone.

This criterion does not apply because the development is not changing the existing lot dimensions and there is no density requirement in the C-2 zone.

(b) EC 9.6500 through 9.6505 Public Improvement Standards.

These standards are met based on the findings provided previously at EC 9.8090(8)(b), which are incorporated herein by reference.

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

These standards do not apply because the subject property has been removed from the special flood hazard area as mapped by the Federal Emergency Management Agency (FEMA) on Flood Insurance Rate Map (FIRM) No. 41039C-1107-F, dated June 2, 1999, per Letter of Map Revision 06-10-B422P.

(d) EC 9.6710 Geological and Geotechnical Analysis.

The standards for geotechnical analysis are inapplicable in this instance, as the proposed development is in areas of slope less than 5% and does not include the dedication or construction of a new public street or alley, or the construction of public drainage or wastewater facilities.

(e) EC 9.6730 Pedestrian Circulation On-Site.

The previous Site Review analysis (SR 05-4) found that the onsite sidewalks provide adequate pedestrian circulation. One connection exists between the onsite building and the public sidewalk on Oroyan Avenue. Two additional sidewalks exist within the parking lot area; these walkways connect the site to the adjacent commercial property to the west. Based on these findings, this standard is met.

(f) EC 9.6735 Public Access Required.

- (1) Except as otherwise provided in this land use code, no building or structure shall be erected or altered except on a lot fronting or abutting on a public street or having access to a public street over a private street or easement of record approved in accordance with provisions contained in this land use code.**

The site has frontage on Oroyan Avenue to the north and access to River Road through private easements. The project complies with this standard.

- (2) Access from a public street to a development site shall be located in accordance with EC 7.420 Access Connections – Location. If a development will increase the development site’s peak hour trip generation by less than 50% and will generate less than 20 additional peak hour trips, the development site’s existing access connections are exempt from this standard.**

The applicant proposes to use existing access connections to Oroyan Avenue, a local street, which meet applicable standards in EC 7.420(1) and EC 7.420(3). The existing restricted-movement access connection to River Road, a minor arterial, meets applicable standards in EC 7.420(2).

(g) EC 9.6750 Special Setback Standards.

Per the findings at EC 9.6870, there is no need for a special setback.

(h) EC 9.6775 Underground Utilities.

Any new utilities will need to be placed underground consistent with these standards. These standards will be subject to further review during the building permit process.

(i) EC 9.6780 Vision Clearance Area.

These standards do not apply because the subject property is not located at a street intersection.

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

These standards are met based on the findings provided previously at EC 9.8090(8)(d), which are incorporated herein by reference.

(k) All other applicable development standards for features explicitly included in the application.

The number of onsite parking spaces provided is one feature explicitly included in the application that triggers additional review. The applicant's parking table (Sheet SR1) states that the project requires 10.3 onsite vehicle parking spaces. The majority of parking spaces (8 spaces) are required by the proposed 2,637 square foot office and retail area³. The remaining 2.3 spaces are required by the proposed 1,534 square foot area for indoor trailer hitch installation⁴. The applicant exceeds the parking requirement by providing 28 customer parking spaces; the remaining 80 onsite parking spaces will be reserved for staff parking and storage of moving equipment and vehicles.

Staff also notes that the proposed number of parking spaces exceeds the maximum allowed by code (the maximum number of spaces is 125% of the minimum required, which in this case equals 13 spaces). Staff finds it acceptable to exceed the maximum parking requirement because of an existing, legal nonconforming parking situation. The previous use (a grocery store) required a high number of parking spaces, and it would be unreasonable to force future users to remove or discontinue use of these existing parking spaces.

³ EC Table 9.6410 Required Off-Street Motor Vehicle Parking: "General Merchandise; 1 [parking space] per each 330 square feet of floor area" and "Storage Facility, Household/Consumer Goods; 1 [parking space] per each 330 square feet of floor area of the office space."

⁴ EC Table 9.6410 Required Off-Street Motor Vehicle Parking: "Service Station, includes quick servicing; 1 [parking space] per each 660 square feet of floor area."

Only one bicycle space is required by code; the applicant proposes 1 long term bicycle space and 3 short term spaces, and therefore complies with this standard. As an informational item, it may be necessary for the applicant to relocate the 3 short term bike spaces at the front wall of the building so that there is at least 3 feet of clear walkway between each 6'x2' bike space and any other structure to comply with ADA standards. This issue will be further assessed at the time of building permit.

Land Use staff also note that the Shopping Center sign standards apply to this lot; proposed wall signage shall comply with these standards and separate sign permits will be required. Finally, any new lighting, such as attaching to existing walls, must meet the standards at EC 9.6725.

Based on the available information and findings above, all other applicable standards are met or will be reviewed at time of a future building permit.

EC 9.8440(6): The proposal complies with applicable adopted plan policies beginning at EC 9.9500.

The Metro Plan and River Road/Santa Clara Urban Facilities Plan are the applicable adopted plans for the subject area. Adopted plan policies are previously evaluated at EC 9.8090(1), and the findings are incorporated herein by reference. To the extent that adopted plan policies are relevant, the proposal complies with this criterion.

EC 9.8440(7): Any additional specific factors applied at the time the /SR designation was applied.

As indicated in the previous Site Review decision for Ray's Food Place (SR 05-4), no specific additional factors were applied at the time the /SR designation was applied to the subject property.

Staff Recommendation

Based on the available evidence, and consistent with the preceding findings, staff recommends the Hearings Official approve the site review and conditional use permit with the following conditions of approval:

1. On the Final Site Plans, Western red cedar trees shall replace Douglas fir trees along the south and east property lines. A new canopy tree shall also be shown at the southwestern corner of the large central landscape island (applicant's landscape plan shows an existing 4-inch "LMP" tree at this location, but staff confirmed this tree does not exist).
2. A new 8-foot high solid wood fence (no gaps between boards) shall be constructed along the eastern property line (beginning where the existing concrete wall ends), and along the entirety of the southern property line.

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 Type III 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.

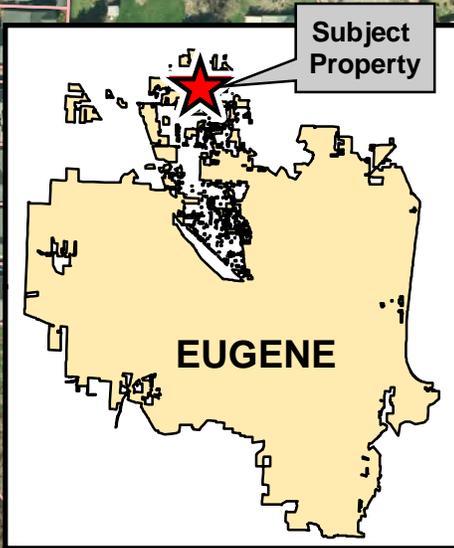
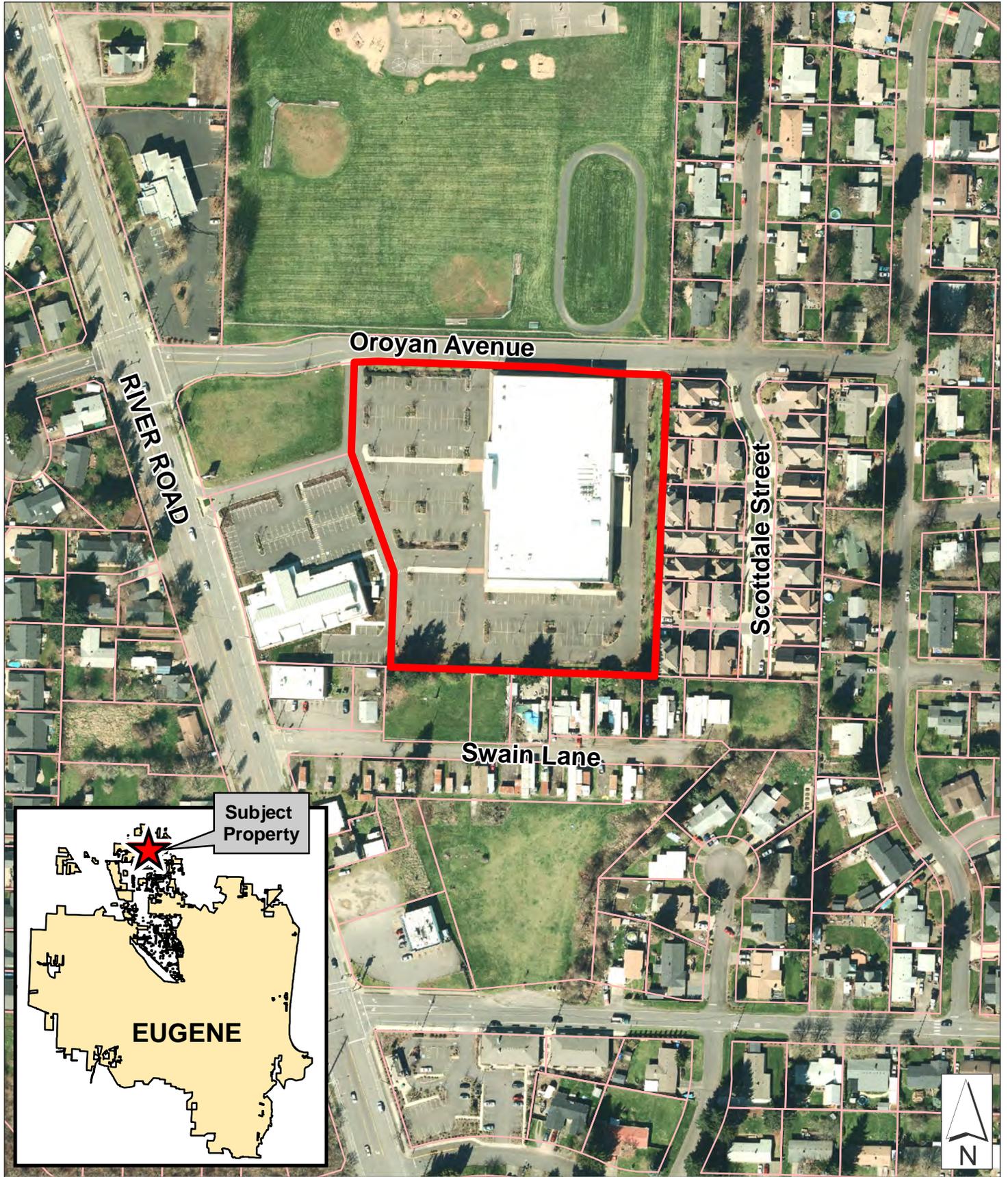
Attachments

Vicinity and Zoning maps are attached. The applicant's full-size site plans, and the entire application file, are 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, Assistant 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



Legend

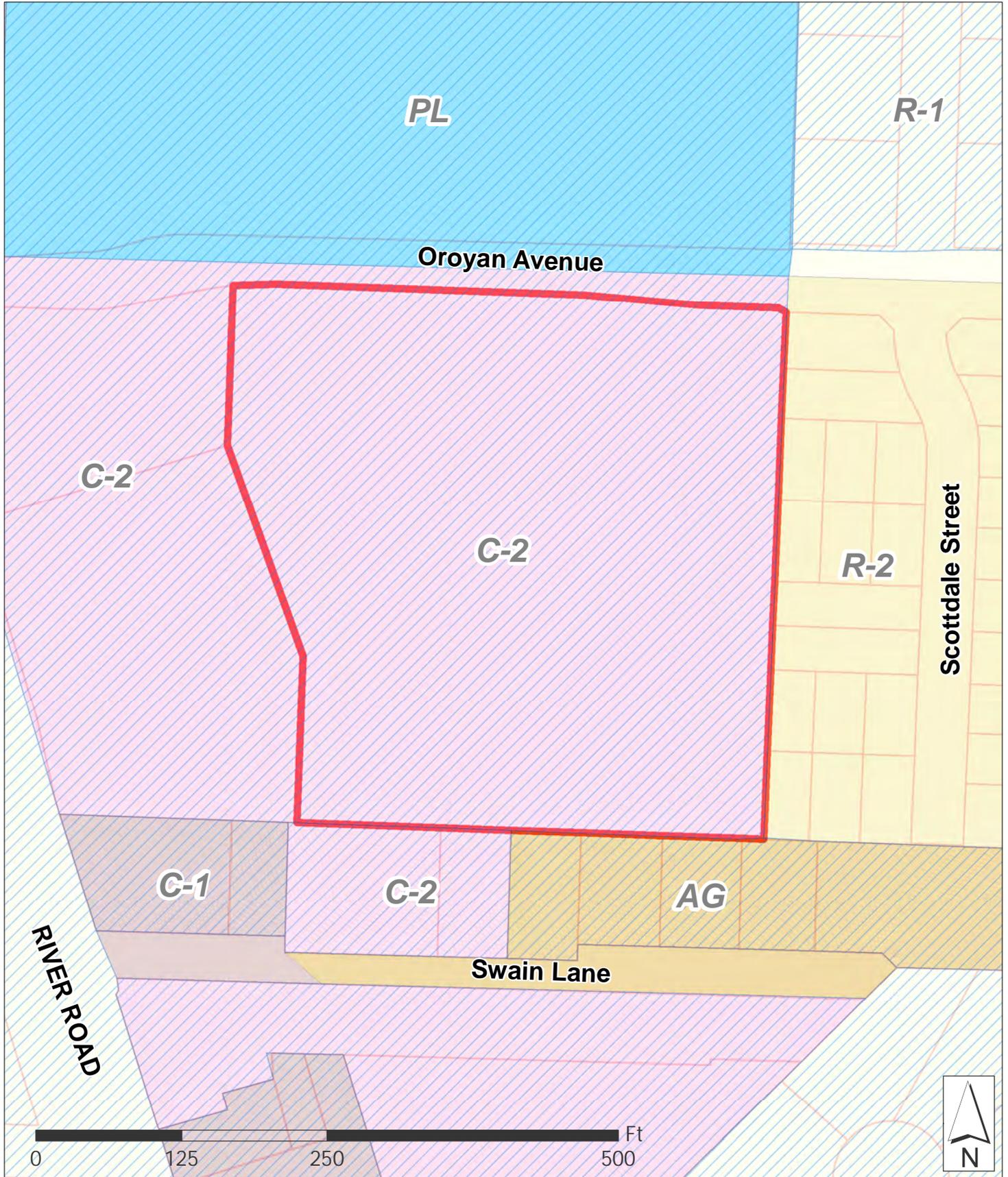
 Subject Property  Taxlots

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



April 2016

Attachment B - Zoning Map



- | | |
|-----------------------------|--------------------------------|
| Subject Property | C-2 Community Commercial |
| Taxlots | PL Public Land |
| AG Agricultural | R-1 Low-Density Residential |
| C-1 Neighborhood Commercial | R-2 Medium-Density Residential |

Caution:
This map is based on imprecise
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April 2016



Attachment C – Site Photos



Looking southeast at existing wood fence and stormwater swale



Looking east at transition between CMU wall and wood fence



Looking east at the "arches" on the building's southern façade



Looking east at the stormwater swale and southern property line

Looking north at back of building and existing loading dock

