Eugene Planning Commission

AGENDA

Meeting Location:
Sloat Room
Atrium Building
99 West 10th Avenue
Eugene, Oregon 97401

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

The Eugene Planning Commission welcomes your interest in this agenda item. Feel free to come and go as you please at the meeting. This meeting location is wheelchair-accessible. For the hearing impaired, FM assistive-listening devices are available or an interpreter can be provided with 48 hours' notice prior to the meeting. Spanish-language interpretation will also be provided with 48 hours' notice. To arrange for these services, contact the Planning Department at 541-682-5675.

TUESDAY, SEPTEMBER 6, 2016 – 6:00 P.M.

PUBLIC HEARING: APPEAL OF HEARINGS OFFICIAL DECISION FOR EUGENE TOWNEPLACE SUITES (WG 16-1, SR 16-1, ARB 16-3)

The Planning Commission will hold a public hearing on appeal of the Hearings Official's decision to deny a Willamette greenway permit, site review, and adjustment review for a 101-room hotel. See agenda item summary for more information.

Lead City Staff: Erik Berg-Johansen, 541-682-5437
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 Planning Commissioners to staff.
7. Rebuttal testimony from applicant.
8. Closing of public hearing.

Planning Commissioners: Steven Baker; John Barofsky (Vice Chair); John Jaworski; Jeffrey Mills; Brianna Nicolello; William Randall; Kristen Taylor (Chair)

AGENDA ITEM SUMMARY
September 6, 2016

To: Eugene Planning Commission

From: Erik Berg-Johansen, Assistant Planner, Eugene Planning Division

Subject: Appeal of Hearings Official Decision: Towneplace Suites (WG 16-1; SR 16-1; ARB 16-3)

ACTION REQUESTED
The Planning Commission will hold a public hearing on an appeal of three land use applications for a hotel (Willamette Greenway Permit, Site Review and Adjustment Review applications) that were recently denied by the Hearings Official.

BACKGROUND
In January of 2016, the applicant submitted three land use applications for a new hotel near Valley River Center. The proposed hotel is four stories tall and includes 101 guest rooms. The applications include a Site Review, Willamette Greenway Permit and an Adjustment Review. The subject property is vacant, and is located south of Valley River Way, north of the Willamette River, and west of the I-105 freeway/Delta Highway. The subject property is also immediately east of Valley River Inn. The property is zoned C-2/WR/SR Community Commercial with Water Resources Conservation and Site Review overlays. A portion of the site is within the Willamette River Greenway. A vicinity map is included as Attachment A, and a reduced version of the site plan is included as Attachment B.

Staff recommended approval of the requests to the Hearings Official based on compliance with the applicable approval criteria. The initial public hearing was held on June 8, 2016. At the hearing, an attorney representing Valley River Inn (VRI) provided oral and written testimony in opposition to the proposal[1]. The attorney's letter, which is included in the record as Hearing Exhibit #1, asserts that staff erred in their analysis of ten approval criteria and a Willakenzie Area Plan policy. At the request of the applicant, the record was held open to allow for the submittal of additional evidence and testimony.

Following the close of the "final argument" period, the Hearings Official agreed with VRI that the applicant included *new evidence* in their final argument. Since submitting new evidence during the final argument period is prohibited, the Hearings Official granted VRI an additional seven days to respond to the applicant's final argument. VRI agreed with this approach, and submitted additional argument in response to the applicant's final argument. VRI's final response was submitted on July 21, 2016 and is included in the record for reference.

Following close of the public record, the Hearings Official's decision was issued on August 5, 2016, and concluded that the proposal does not comply with the following criteria: EC 9.8440(5)(k), EC 9.2170(5) and EC 7.280 regarding street trees, EC 9.8440(5)(k) and EC 9.6792 regarding storm water quality, and

[1] No written testimony was submitted by Valley River Inn up until the time of the public hearing. No other written or oral testimony was received from any other parties besides the applicant.

EC 9.8440(2) regarding tree preservation. In regards to the unchallenged criteria, the Hearings Official noted that he adopted and incorporated the findings in the staff report (which includes seven conditions of approval unrelated to the appeal issues). The Hearings Official's decision is included as Attachment C.

In response to the Hearings Official's denial, Bill Kloos, on behalf of the applicant, filed an appeal on August 22, 2016. The appeal statement is included as Attachment D.

PLANNING COMMISSION'S REVIEW ROLE

Based on procedural requirements set forth in the Eugene Code (see EC 9.7655), the Planning Commission may address only those issues set out in the written appeal statement. Further, the Planning Commission limits its consideration to the evidentiary record established before the Hearings Official; the Planning Commission may not accept new evidence, except that which it officially notices. The City Attorney has advised that the Planning Commission should not use its authority to take official notice of material that would be new evidence when it is considering an appeal.

The Eugene Code requires that the Planning Commission's decision on this appeal be based on whether or not the Hearings Official failed to properly evaluate the application or make a decision consistent with the applicable criteria. Those criteria are the Site Review Criteria at EC 9.8440 and the Willamette Greenway Permit Criteria at EC 9.8815, to the extent they are implicated by the appeal[2]. The Planning Commission's role on appeal is to determine whether or not the Hearings Official erred in his decision, based on the record of evidence and testimony he had before him. The Planning Commission can also find that approval criteria can be met with a new condition of approval.

The full text of the Eugene Code sections at issue in this appeal are included as Attachment E.

SUMMARY OF APPEAL ISSUES

The applicant's appeal is focused on three issues: street trees, storm water quality, and tree preservation. To assist the Planning Commission in determining whether to affirm, reverse, or modify the Hearings Official's decision, staff has identified pertinent record information and considerations below. The full text of the Hearings Official's Decision and Appeal Statement are attached. The Staff Report is included in the application file for reference.

1. ***First Assignment of Error*: Street Trees: EC 9.2170(5)(d); EC 7.280(1) – Evidence in the record demonstrates that the street tree standard can be met, and the Planning Commission can conclude the standard is met with a condition of approval.**

Hearings Official's Decision:

The Hearings Official states, "According to the applicant, because the proposed hotel does not involve the creation of a new street, no street tree standards apply. VRI [Valley River Inn] points to the second emphasized language to demonstrate that the policy clearly contemplates situations involving streets that are not new being required to comply with the street tree standards. I agree

[2] Although an adjustment review application is included as part of the proposal, the Hearings Official's decision did not deny the application based on the adjustment review approval criterion. As such, those are not addressed as part of the appeal.

with VRI. The second emphasized language seems to suggest that existing streets are also subject to the street tree standards. Furthermore, EC 9.2170(5)(d) requires street tree standards for commercial development in general – not just commercial development that creates a new street. The application has not provided a street tree plan or provided any evidence regarding compliance with this standard. EC 9.2170(5)(d) is not satisfied" (Hearings Official Decision, page 8).

Summary of Appellant's Argument:
The appellant states that "Evidence in the record demonstrates that the proposal either already provides, or can be conditioned to provide, street trees in a manner that will comply with the requirements of EC 7.280" (Appeal Statement, page 3). The appellant further explains that "There are either sufficient existing and planned trees to satisfy the street tree standards, or the ability to add additional trees to meet those standards," and that "Case law is clear that if evidence in the record demonstrates that a standard can be met, a decision maker can and should conclude that the standard is satisfied and impose conditions of approval that ensure the standard is met when the development occurs" (Appeal Statement, page 3).

Accordingly, the appellant recommends to the Planning Commission that they impose the following condition of approval to ensure compliance with the street tree standards:

> ***Applicant's Recommended Condition:*** *"The street tree requirements of EC 7.280 apply to the Valley River Way and Delta Highway frontages. As required by EC 7.280(3), prior to development, the City shall approve final development plans including a street tree plan consistent with EC 7.280 and city administrative rules. Under no circumstances should the street tree plan authorize fewer trees than shown on the approved Tree Preservation Plan and Landscaping Plan."*

Staff Comments:
VRI and the Hearings Official note that street trees are required on streets abutting the development site. On occasion, a development will reconstruct or construct the remaining half of an existing street. The street tree criterion allows the City to implement a street tree plan on streets that are existing, but are not fully developed to urban standards. Public Works staff have consistently interpreted and applied the street tree criterion in this way. However, in this case no street improvements are proposed (or required), and therefore Public Works would not require new street trees.

Secondly, and perhaps more importantly, Public Works staff note that I-105 and Delta Highway are owned in fee by Lane County and the Oregon Department of Transportation (ODOT). The City of Eugene does not have jurisdiction in these rights-of-way; consequently, the City cannot apply public improvements standards (i.e. street tree plans) to right-of-way that is not under the City's jurisdiction.

Finally, staff notes that the development has limited frontage on Valley River Way, all of which is encumbered by a driveway apron and sidewalk. City of Eugene Street Tree Program Administrative Rule R-7.280 forbids the installation of street trees in and near locations that are encumbered by sidewalks and driveway aprons. In other words, street trees are physically prohibited by rule at this location along Valley River Way.

Planning Commission Options:
If the Planning Commission determines the Hearings Official *did not error* in his decision to determine

that the standard pertaining to street trees is not satisfied, then no additional findings are needed to affirm the Hearings Official decision with respect to this issue.

If the Planning Commission determines the Hearings Official *erred* in his decision to determine that the standard pertaining to street trees is not satisfied, the Planning Commission can adopt revised findings to reverse the Hearings Official decision with respect to this issue. Alternatively, the Planning Commission can impose a condition of approval and adopt revised findings to reverse the Hearings Official decision with respect to this issue.

2. ***<u>Second Assignment of Error</u>: Storm Water Quality: EC 9.6792(3)(d)(2) – The Hearings Official inadvertently applied a standard that relates to off-site storm water quality management to an applicant's statement regarding the payment of SDCs for storm water flood control. The Applicant complies with storm water quality standards by demonstrating storm water quality will be handled on site and therefore satisfies the requirements of EC 9.6792(3)(d)(1). EC 9.792(3)(d)(2) does not apply to this proposal.***

Hearings Official's Decision:
The Hearings Official states, "As VRI explains, the applicant admitted in its narrative that 'geotechnical work has not yet been completed' and that site conditions 'will be verified with the geotechnical report to be submitted with the building permit.' The applicant merely states that the information was contained in the stormwater report. While the stormwater report does contain significant amounts of information, I do not see that it specifically contains the requirements of EC 9.6792(3)(d)(2). Absent any assistance from the applicant directing me to the pertinent parts of the stormwater report to address the requirements of EC 9.6792, I cannot find that the requirements have been met" (Hearings Official Decision, pages 11-12).

Summary of Appellant's Argument:
The appellant clarifies that the statement "geotechnical work has not yet been completed" was an editing error. In response to completeness review, the applicant submitted a geotechnical report but forgot to remove this language from the application narrative.

The appellant also asserts that "EC 9.6792(3)(d)(2), which **applies only to off-site water quality management**, does not apply to this application because the proposal manages storm water quality through on site measures" (Appeal Statement, page 6). As evidence, the appellant included relevant sections of the stormwater report as exhibits to the appeal statement.

Regarding System Development Charges (SDCs), the appellant states that "The reference to SDCs in the above narrative is expressly in relation to **stormwater flood control**, which is addressed under EC 9.6791. The Hearings Officer concluded that the proposal complied with that standard and did not discuss it in his decision. The application narrative makes clear that it is under that standard, and consistent with its requirements, for which the SDCs will be paid. The Hearings Officer and opponents incorrectly associated the storm water flood control SDC reference to the storm water quality standard" (Appeal Statement, page 6).

Staff Comments:
Staff confirms that a geotechnical report was submitted by the applicant on April 4, 2016 in response

to completeness review. The geotechnical report was submitted as an appendix to the "Eugene Towneplace Suites Stormwater Report" dated March 29, 2016.

Staff also confirms that the applicant proposes to manage stormwater onsite, which means EC 9.6792(3)(d)**(2)** does not apply. EC 9.6792(3)(d)**(1)** does apply, but the Hearings Official did not find incompliance with this standard. Regardless, staff confirms that this standard is met. In areas onsite where the soil infiltration rate is 1.2 inches per hour (which is less than the 2-inch per hour maximum specified in the criterion), stormwater *filtration*[3] is proposed. In areas onsite where the soils have a faster infiltration rate of 4 inches per hour, stormwater *infiltration*[4] is proposed.

Planning Commission Options:
If the Planning Commission determines the Hearings Official *did not error* in his decision to determine that the standard pertaining to off-site stormwater management is not satisfied, then no additional findings are needed to affirm the Hearings Official decision with respect to this issue.

If the Planning Commission determines the Hearings Official *erred* in his decision to determine that the standard pertaining to off-site stormwater management is not satisfied, the Planning Commission can adopt revised findings to reverse the Hearings Official decision with respect to this issue. Alternatively, the Planning Commission can impose a condition of approval and adopt revised findings to reverse the Hearings Official decision with respect to this issue

3. ***<u>Third Assignment of Error</u>: Tree Preservation: EC 9.8440(2) – The evidence in the record demonstrates that the project is designed and sited to preserve significant trees to the greatest degree attainable or feasible given the stated factors. The Hearings Official erred in his analysis of the evidence before him.***

Hearings Official's Decision:
The Hearings Official states, "While I do not agree with VRI that the applicant must reduce the amount of parking spaces proposed for the application, I also do not agree with the applicant that it can just determine whatever development it wants with whatever associated parking and infrastructure and then remove most or all of the significant trees because that it is necessary for the desired level of use. EC 9.8440(2) directs that a project be 'designed and sited' in order to preserve significant trees to the greatest degree attainable or feasible…The applicant merely determined what type of development specifics it wanted and proposed to remove the necessary trees to accomplish the desired result. While an applicant is not required to design alternative designs that preserve more significant trees just to demonstrate such plans are not attainable or feasible, an applicant must make some effort to preserve significant trees and if they cannot then explain why such trees cannot be preserved" (Hearings Official Decision, page 13).

Summary of Appellant's Argument:
The appellant argues that there are a number of design limitations imposed by the site which resulted

[3] Filtration: The percolation of water through designed soils or media with the use of under drains to convey treated runoff from the development site to approved discharge points.
[4] Infiltration**:** The percolation of water into the ground.

in the need to remove a significant number of trees. These design limitations are related to the shape of the site, the presence of an existing EWEB utility easement, and Eugene Fire Code requirements. The appellant also states that "Opponents argue that more trees can be protected by reducing the number of parking spaces for the application; however, the Planning Commissioners can see that it is not the parking spaces that require removal of the trees along the eastern and western property lines, but the required fire access roads surrounding the building and their mandatory lane widths" (Appeal Statement, page 9).

In conclusion, the appellant states that "The building has been designed to be as narrow as possible while retaining its intended function, and it is sited where it must be given the existing easements on the property" (Appeal Statement, page 9). While not discussed under this appeal issue specifically, the appellant also recommends to the Planning Commission that they impose the following condition of approval related to the preservation of a black cottonwood tree that is located in the southern portion of the site:

> ***Applicant's Recommended Condition:*** *"The development shall preserve the 32" in diameter black cottonwood tree within the Willamette Greenway originally proposed for removal and shall amend the tree preservation plan, and landscaping plan to reflect preservation of that tree."*

Staff Comments:
The staff report for the June 8, 2016 public hearing stated the following: "The applicant proposes to remove 25 trees to facilitate the development of the hotel, parking areas, access drive, and a circular fire lane. The tree removals are warranted given the relatively narrow width of the property and the Fire Code access requirements; in other words, the site is physically constrained and it is reasonable to allow the applicant to develop the northern portion of the property. Perhaps more importantly, the applicant proposes to plant many new trees and native vegetation to serve as mitigation for the tree removals" (Staff Report, page 10). In other words, staff's initial evaluation found that discussion of the relatively severe site constraints was enough to justify the tree removals.

Regarding the black cottonwood tree, the staff report stated "A black cottonwood tree with a DBH of 32-inches will be removed within the WR conservation setback area. The Terra Science report states that '…such removal is necessary, since cottonwoods commonly split as they age and become windfall hazards. At 32-inch diameter, the cottonwood is 'ripe' for such damage.' With this information staff supports the removal of the potentially dangerous black cottonwood tree, especially given that the tree is in close vicinity to the Ruth Bascom Riverbank Path" (Staff Report, page 10). However, during its final rebuttal before the Hearings Official, the applicant indicated it would preserve the cottonwood tree and agrees to the imposition of the above condition of approval.

Planning Commission Options:
If the Planning Commission determines the Hearings Official *did not error* in his decision to determine that the criteria pertaining to tree preservation is not satisfied, then no additional findings are needed to affirm the Hearings Official decision with respect to this issue.

If the Planning Commission determines the Hearings Official *erred* in his decision to determine that the criteria pertaining to tree preservation is not satisfied, the Planning Commission can adopt revised findings to reverse the Hearings Official decision with respect to this issue. Alternatively, the Planning

Commission can impose a condition of approval and adopt revised findings to reverse the Hearings Official decision with respect to this issue

Conditions of Approval:
In addition to the above three appeal issues, the applicant's appeal statement provides "At two places in the decision, in recognition that reasonable persons could review the evidence and conclude that the proposal satisfies the approval criteria, the Hearings Official recommended two conditions of approval should a reviewing body decide to approve the application. See Decision p. 9-10; 12. The Applicant requests that the Planning Commission impose the following proposed conditions of approval consistent with the Hearing's Officials recommendations."

> *"The development shall provide a weather protection feature within 30 feet of each entrance to the hotel building."*
>
> *"The development shall preserve the 32" in diameter black cottonwood tree within the Willamette Greenway originally proposed for removal and shall amend the tree preservation plan, and landscaping plan to reflect preservation of that tree."* (Appeal Statement, pages 9-10)

Staff Comments:
Staff agrees with the appellant and the Hearings Official that a condition of approval could be added to ensure compliance with the weather protection standard at EC 9.2173(6)(d). The second condition is addressed in more detail above, as it pertains to the third appeal issue.

Planning Commission Options:
If the Planning Commissions reverses or modifies the Hearings Official decision, the Planning Commission can choose to impose the above conditions of approval as necessary to satisfy the relevant approval criteria.

STAFF RECOMMENDATION
Staff recommends that the Planning Commission hold the public hearing and upon subsequent deliberations (scheduled for September 12, 2016) determine whether to affirm, modify, or reverse the Hearings Official's decision. Depending on that determination, the Planning Commission may need to adopt supplemental or revised findings as part of its Final Order. Staff notes that the final local decision on this appeal is required by September 22, 2016 to meet the statutory 120-day deadline.

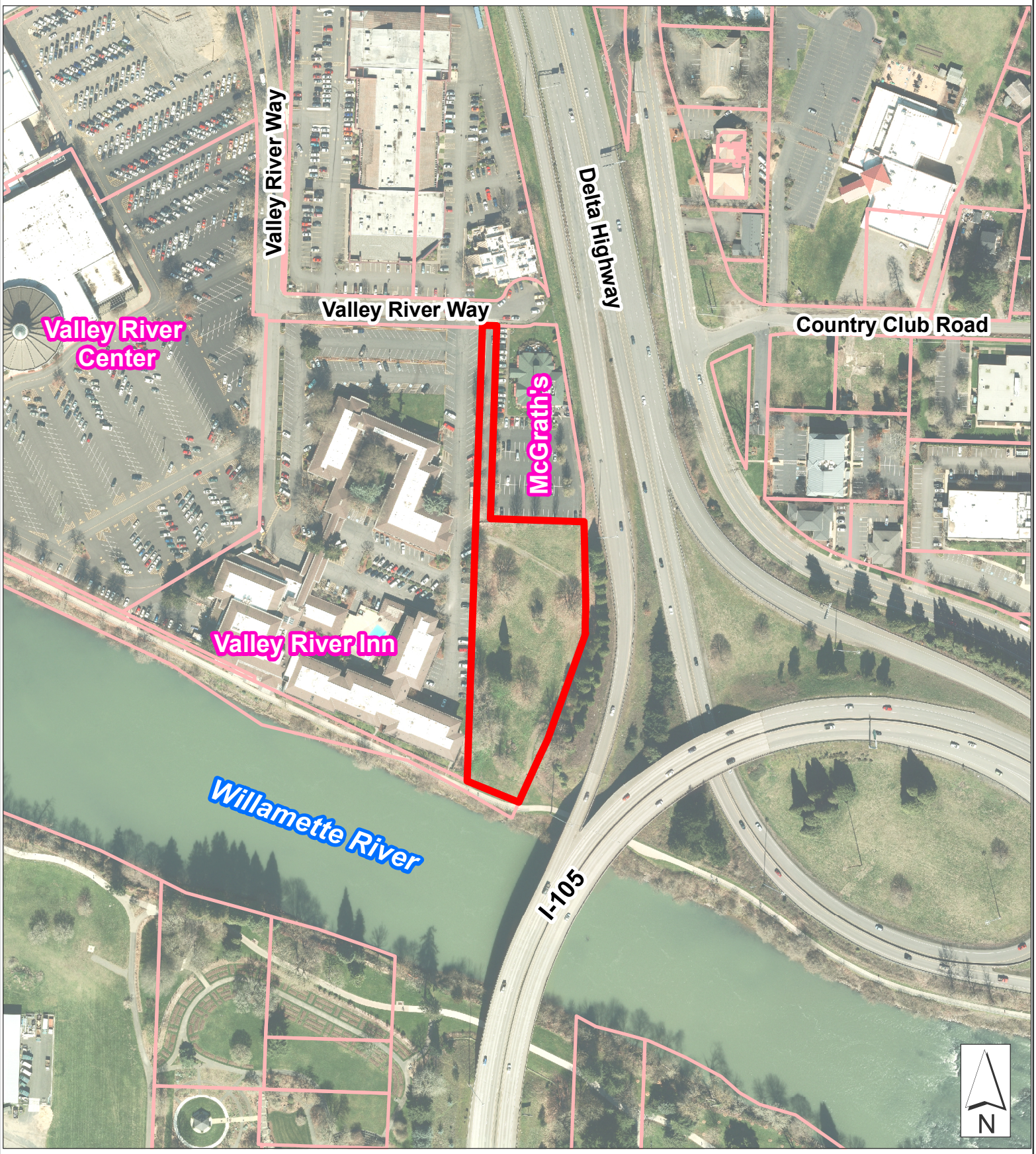
ATTACHMENTS
A. Vicinity Map
B. Reduced Site Plan
C. Hearings Official Decision
D. Applicant's Appeal Statement
E. Text of Relevant Eugene Code Sections

The entire record of materials for the subject application is available for review at the Eugene Planning Division offices and will be provided to the Planning Commission separately. The full record will also be available at the public hearing, and is available on the City's website at:
http://pdd.eugene-or.gov/LandUse/SearchApplicationDocuments?file=WG-16-0001

FOR MORE INFORMATION:

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

Attachment A - Vicinity Map



Legend

- Subject Property
- Taxlots

0 125 250 500 Ft

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

May 2016

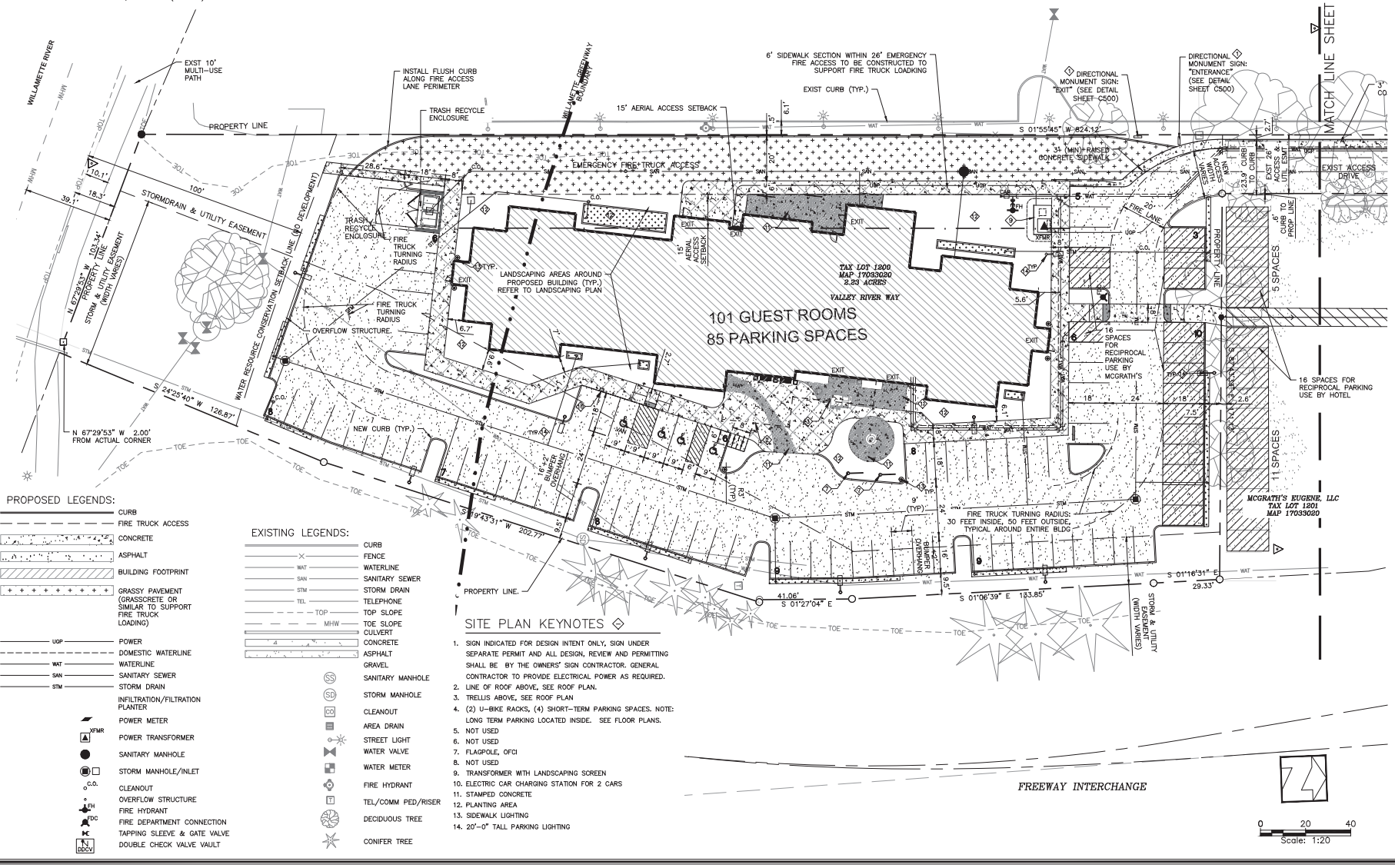
Eugene

SITE SUMMARY:

TOTAL PROJECT	96,990 SF	(2.23 AC)	
EXISTING IMPERVIOUS			
ASPHALT	8,292 SF	(0.19 AC)	8.55%
EXISTING PERVIOUS	88,698 SF	(2.04 AC)	91.45%
PROPOSED IMPERVIOUS			
BUILDING FOOTPRINT	15,788 SF	(0.36 AC)	
CONCRETE PAVEMENT	8,234 SF	(0.19 AC)	
ASPHALT PAVEMENT	31,335 SF	(0.72 AC)	
TOTAL	55,357 SF	(1.27 AC)	
TOTAL IMPERVIOUS AREA	63,649 SF	(1.47 AC)	65.62%
TOTAL PERVIOUS AREA	33,341 SF	(0.77 AC)	34.38%
OPEN SPACE	41,575 SF	(0.95 AC)	42.87%

NOTES:
1) ALL IMPROVEMENTS ARE PRIVATE EXCEPT AS NOTED OTHERWISE.

2) TRIP GENERATION PER ITE MANUAL: 101 ROOMS X 0.60 PM PEAK HOUR TRIPS/ROOM = 61 PM PEAK HOUR TRIPS.



PROPOSED LEGENDS:

- CURB
- FIRE TRUCK ACCESS
- CONCRETE
- ASPHALT
- BUILDING FOOTPRINT
- GRASSY PAVEMENT (GRASSCRETE OR SIMILAR TO SUPPORT FIRE TRUCK LOADING)
- UGP — POWER
- DOMESTIC WATERLINE
- WAT — WATERLINE
- SAN — SANITARY SEWER
- STM — STORM DRAIN
- INFILTRATION/FILTRATION PLANTER
- POWER METER
- XFMR — POWER TRANSFORMER
- SANITARY MANHOLE
- STORM MANHOLE/INLET
- C.O. — CLEANOUT
- OVERFLOW STRUCTURE
- FH — FIRE HYDRANT
- FDC — FIRE DEPARTMENT CONNECTION
- TAPPING SLEEVE & GATE VALVE
- DDCV — DOUBLE CHECK VALVE VAULT

EXISTING LEGENDS:

- CURB
- FENCE
- WAT — WATERLINE
- SAN — SANITARY SEWER
- STM — STORM DRAIN
- TEL — TELEPHONE
- TOP — TOP SLOPE
- MHW — TOE SLOPE
- CULVERT
- CONCRETE
- ASPHALT
- GRAVEL
- SS — SANITARY MANHOLE
- SD — STORM MANHOLE
- CO — CLEANOUT
- AREA DRAIN
- STREET LIGHT
- WATER VALVE
- WATER METER
- FIRE HYDRANT
- T — TEL/COMM PED/RISER
- DECIDUOUS TREE
- CONIFER TREE

SITE PLAN KEYNOTES

1. SIGN INDICATED FOR DESIGN INTENT ONLY, SIGN UNDER SEPARATE PERMIT AND ALL DESIGN, REVIEW AND PERMITTING SHALL BE BY THE OWNERS' SIGN CONTRACTOR. GENERAL CONTRACTOR TO PROVIDE ELECTRICAL POWER AS REQUIRED.
2. LINE OF ROOF ABOVE, SEE ROOF PLAN.
3. TRELLIS ABOVE, SEE ROOF PLAN
4. (2) U-BIKE RACKS, (4) SHORT-TERM PARKING SPACES. NOTE: LONG TERM PARKING LOCATED INSIDE. SEE FLOOR PLANS.
5. NOT USED
6. NOT USED
7. FLAGPOLE, OFCI
8. NOT USED
9. TRANSFORMER WITH LANDSCAPING SCREEN
10. ELECTRIC CAR CHARGING STATION FOR 2 CARS
11. STAMPED CONCRETE
12. PLANTING AREA
13. SIDEWALK LIGHTING
14. 20'-0" TALL PARKING LIGHTING

DJ ARCHITECTURE
2443 Heritage Way SE
Albany, OR 97322
(541) 926-5959

REVISIONS	DATE	BY

EUGENE TOWNPLACE SUITES
EUGENE, OREGON

SITE PLAN

Valley River Way

REGISTERED PROFESSIONAL ENGINEER — OREGON — JULY 13, 1984 — PETER J. SEADERS

RENEWAL: 6/30/2016

MSS INC
ENGINEERING CONSULTANTS AND PLANNERS
215 NW 4th STREET
CORVALLIS, OR 97330
(541) 753-1925 FAX (541) 753-5956

JOB #	FILE	DRAW
15061	SITE CIVIL	TNT
SCALE	DATE	
AS SHOWN	12.24.15	

C120

4 OF 12 SHEETS

MSS, INC. holds all rights to the plans and ideas on this sheet. These plans and specifications are for the construction of one project and shall not be used for any other purpose without the written consent of MSS, INC. Reproduction of any form whatsoever without the expressed written permission of MSS, INC. is prohibited. The contractor shall verify and be responsible for all dimensions. The contractor shall report any errors or omissions in writing to the designers before the start of construction.

DECISION OF THE HEARINGS OFFICIAL
FOR THE CITY OF EUGENE, OREGON

WILLAMETTE RIVER GREENWAY, SITE REVIEW & ADJUSTMENT REVIEW

Application File Name (Number):

Eugene Towneplace Suites (WG 16-1/SR 16-1/ARB 16-3).

Application Summary:

Willamette Greenway Permit, Site Review, and Adjustment Review for approval of a new hotel adjacent to the Willamette River.

Property Owner/ Applicant:

Valley Hospitality, LLC and Arvind G. Patel.

Lead City Staff:

Erik Berg-Johansen, Assistant Planner.

Subject Property/Zoning/Location:

South side of Valley River Way, west of I-105, east of Valley River Center, and north of the Willamette River. Tax Assessor's Map 17-03-30-20 Tax Lot 1200. The subject property is approximately 2.2 acres and is zoned C-2/WR/SR – Community Commercial with Water Resources Conservation and Site Review Overlays.

Relevant Dates:

The application was submitted on January 13, 2016. Supplemental materials were submitted on April 4, 2016. The application was deemed complete on April 18, 2016. A public hearing was held on June 8, 2016. The record was left open for one week for the submission of new evidence, one additional week for responses to the new evidence, and one additional week for the applicant's final legal argument. After the applicant's final legal argument contained new evidence, the record was left open until July 21, 2016 for opponents to respond to the new evidence in the applicant's final legal argument.

<u>Summary of the Public Hearing</u>

At the public hearing, assistant planner Erik Berg-Johansen discussed the staff report and recommended approval of the application. The applicant's representatives explained the nature of

the application and argued in favor of its approval. Michael Connors testified on behalf on Valley River Inn in opposition to the application.

DOCUMENTS CONSIDERED BY THE HEARINGS OFFICIAL

I have considered all of the documents in the planning file for the proposed Willamette Greenway, Site Review, and Adjustment Review permit (WG 16-1/SR 16-1, ARB 16-3), including all the materials submitted during the open record period, as well as the testimony provided at the public hearing.

FACTS

The subject property is approximately 2.2 acres and is located just east of the Valley River Center mall. The property is bordered McGrath's Fish House (McGrath's) to the north, I-205/Delta Highway (Delta Highway) to the east, the Willamette River to the south, and the Valley River Inn (VRI) to the west. The property is roughly rectangular in shape, but it has a long, narrow, panhandle strip that a runs north between McGrath's and the VRI to Valley River Way, which provides the only access to the property. The property is zoned C-2 with Site Review and Water Resources Conservation overlays. Most of the property is currently undeveloped, except for the panhandle which is paved. The property contains a number of large trees, but it is largely overrun with grasses, weeds, and blackberries. The southern portion of the property is within the Willamette Greenway boundary and has a public path that runs along the river. The applicant proposes to construct a 101-room, four story hotel along with a parking lot, vehicle access areas, landscaping, and other necessary improvements.

ANALYSIS

The application seeks site review approval, a Willamette Greenway permit, and adjustments to certain requirements.[1] VRI opposes the application. The staff report reviews the numerous applicable approval criteria and recommends approval of the application.[2] While VRI challenges whether a number of the approval criteria are satisfied, most of the approval criteria are not challenged. It would be waste of the City's money and resources to review and repeat the findings in the staff report regarding the unchallenged findings. I have reviewed the unchallenged

[1] The applicant included additional adjustment review requests during the open record period which, in part, necessitated extending the open record period to allow VRI to respond to the new requests.
[2] All of VRI's arguments in opposition to the application came after the staff report had been prepared.

findings, and I agree with staff's conclusions. Therefore, I adopt and incorporate the findings in the staff report in this decision, except as further discussed.

VRI raised eleven challenges to the applicant's compliance with the applicable approval criteria, and the applicant referenced those eleven challenges so I will address them in that order as well.

1. Setbacks

The site review requirements of Eugene Code (EC) 9.8440(5)(k) require that the application comply with certain applicable development standards, including setback requirements. EC 9.2170(4)(b) provides:

> "The maximum front yard setbacks stated in Table 9.2170 Commercial Zone General Building Height and Setback Standards, shall apply only to new buildings and any building addition that increases the length of the building facade facing a street, internal accessway, private drive, or shopping street as defined in EC 9.2175(3) by at least 100%. For purposes of this subsection, front yard setback may be measured from a public street or from the edge of the sidewalk furthest from the curb of an internal accessway, private drive, or shopping street. In addition, all new buildings and the portion of the development site specifically affected by the new building are subject to the requirements of this subsection. (See Figure 9.2170(4)(b) Maximum Front Yard Setbacks, Building Orientation, and Entrances.)
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> "* * * * *
>
> "2. In C-2 and C-3, a minimum of 25% of all street facing facades must be within the specified maximum front yard setback, or, orientation to an internal accessway, private drive, or shopping street as defined in EC 9.2175(3) is permitted in compliance with EC 9.2173(4)(a)."

The maximum front yard setback from Table 9.2170 for the subject property is 25 feet. VRI argues that both Valley River Way and Delta Highway are front yards for purposes of EC 9.2170. The proposed building would be substantially more than 25 feet from both Valley River Way and Delta Highway, and would not meet the requirement for 25% of all street facing facades to be within the front yard setback. The applicant originally took the position that only Delta Highway was a front yard and that the requirement was satisfied because the façade would be located within the setback from an internal sidewalk accessway. The applicant now argues that only Valley River Way is

a front street and that the panhandle or flag pole portion of the property does not apply to the setback.

Initially, I agree with VRI that there can be more than one front yard for purposes of front yard setbacks. The definition of "front yard setback" at EC 9.0500 does not restrict front yard setbacks to one side.[3] Although the applicant originally agreed that Delta Highway was the applicable front yard, it now argues that Delta Highway does not apply to front yard setbacks because Delta Highway is not a public street. According to the applicant, a "street" is defined by EC 9.0500 as "[a]n improved or unimproved public or private way, other than an alley, that is created to provide ingress or egress for vehicular traffic to one or more parcels or lots * * *." According to the applicant, because Delta Highway does not provide ingress or egress to the subject property or properties nearby it is not a "street." I do not see that the definition of street requires Delta Way to provide ingress or egress to a specific property or nearby properties to be considered a "street." The applicant does not argue that Delta Highway does not provide ingress or egress to one or more parcels over its entire length, so I agree with VRI that is a "street." Therefore, under EC 9.2170(4)(b)(2), the proposed development must locate at least 25% of street facing facades within the front yard setback.

As to Valley River Way, the applicant argues that that the flag pole portion of the lot should not be considered as part of the 25-foot setback. EC 9.0500 defines "Flag Lot" as "[a] lot located behind another lot except for a narrow portion extending to the public street which is suitable for vehicular, bicycle and pedestrian access. The 'flag pole' of a flag lot is the access corridor to the buildable 'flag portion' of the lot." According to the applicant, the required 25-foot setback does not include the access corridor of a flag lot. I agree with the applicant that it does not make sense to include the access corridor of a flag lot as part of the measurement for front yard setbacks. To do so would often require locating buildings in the flag pole portion of the lot. As the definition illustrates, the "flag portion" of the flag lot is the "buildable" portion of the lot – so setbacks for buildings should only apply to the buildable portion of the lot. I do not understand VRI to argue that the proposed building does not comply with setbacks requirements to the north if the flag pole

[3] EC 9.0500 defines "Front Yard Setback" as "[a]n area extending between lot lines that intersect a street lot line, from a front lot line to a minimum depth required by zone standards."

portion of the lot is excluded. Therefore, the application complies with front yard setback requirements to the north.[4]

As to Delta Highway, I agree with VRI that the internal sidewalk is not an "internal accessway" because it does not meet the definition of "accessway" by having 8-foot sidewalks on each side.[5] Therefore, the proposed building does not meet the front yard setback requirements to the east. The applicant alternatively requests an adjustment to the requirement for at least 25% of street facing facades be within the 25-foot front yard setback for Delta Highway to the east. EC 9.2170(4)(e) allows adjustments to the front yard setback standards pursuant to EC 9.8030(2), which provides:

> **"Setback Standards Adjustment.** Where this land use code provides that the setback standards applicable to specific zones may be adjusted, the standards may be adjusted upon finding that the proposed setback is consistent with the following applicable criteria:
>
> "(a) Minimum and Maximum Front Yard Setback Adjustment. The minimum or maximum required front yard setback may be adjusted if the proposal achieves all of the following:
>
> "1. Contributes to the continuity of building facades along the street.
>
> "2. Creates an attractive pedestrian environment along all adjacent streets
>
> "3. Is compatible with adjacent development.
>
> "Maximum front yard setbacks may be adjusted without any requirement for pedestrian amenities if the location of the front yard is unsafe or intrinsically unsuitable for pedestrians or to protect disruption to significant natural resources."

The first criterion is whether the adjustment would contribute to the continuity of building facades along the street. The only other façade in the vicinity is McGrath's, which is substantially set back from Delta Highway and not located within the 25-foot setback. There is a steep slope between the property and Delta Highway which would make locating the building within the

[4] Even if the flag pole portion of the lot must be included in the calculations for the 25-foot front yard setback, I agree with the applicant that an adjustment is warranted for the reasons explained in the applicant's open record submittals.

[5] EC 9.2175(3)(a) provides: "Internal Accessways. Accessways are used to provide separation and circulation between individual parking areas on the site. See EC 9.2173(4)(b). Accessways used to provide separation between parking areas shall have at least one travel lane, curbs, and sidewalks (minimum 8' in width) on both sides of the accessway."

setback difficult, and would require removing significant vegetation. Allowing the adjustment would contribute to the continuity (to the extent two buildings could constitute continuity) of building facades along the street.

The second criterion is whether the adjustment creates an attractive pedestrian environment along all adjacent streets. There is no pedestrian environment along Delta Highway as it is in interstate highway at that point. Therefore, allowing the adjustment would not affect the pedestrian environment along Delta Way.

The third criterion is whether the adjustment is compatible with adjacent development. As discussed earlier, McGrath's is also not located in the 25-foot required front yard setback area. McGrath's is also far enough north that it would not be affected by the proposed building's location outside of the setback. VRI is also far enough away that the proposed location of the building would be compatible with VRI.

The applicant has satisfied the necessary criteria for an adjustment to the front yard setback requirements of EC 9.2170(4)(b)(2).

VRI also argues that the application does not comply with EC 9.2170(4)(b)(4), which provides that "[v]ehicular parking and circulation is not permitted in between the street and the portion of the building that is used to comply with this subsection." According to VRI, the application clearly calls for vehicular parking and circulation within the front yard setback which violates EC 9.2170(4)(b)(4). As discussed earlier, I do not see that the front yard setback requirements apply to the flag pole portion of the lot running north to Valley River Way. Therefore, the vehicular circulation and parking proposed for that area does not run afoul of EC 9.2170(4)(b)(4).[6]

The applicant alternatively requests an adjustment to the front yard setback vehicular parking and circulation restriction for the Delta Highway front yard setback to the east. VRI argues that an adjustment is not permitted for this requirement. EC 9.2170(4)(e) provides that "* * * adjustments to the minimum and maximum front yard setbacks in this subsection, except subsection (4)(a), may be made, based on criteria at EC 9.8030(2) * * *." According to VRI, the vehicular circulation and parking restriction is not a minimum or maximum front yard setback so an adjustment is not allowed. EC 9.2170(4)(e), however, allows adjustments to the front yard

[6] Even if EC 9.2170(4)(b)(4) did apply to the flag pole portion of the lot, I agree with the applicant that an adjustment would be warranted for the reasons explained in the applicant's open record submittals.

setbacks "in this subsection." The subsection regarding front yard setbacks is the subsection that contains the restrictions on vehicular circulation and parking in front yard setbacks. EC 9.2170 specifically excludes EC 9.2170(4)(a) from the allowable adjustments. I believe that means that the other subsections of EC 9.2170(4) do allow for adjustments.

The first criterion for an adjustment under EC 9.8030(2) is that the adjustment contribute to the continuity of the building facades along the street. As discussed earlier, the only other façade along the street is McGrath's. Allowing vehicle circulation and parking would not affect the continuity of facades along Delta Highway. As discussed earlier, McGrath's is also not located within the 25-foot setback. The proposed vehicle parking and circulation would not affect the facades because the property is well below the grade of Delta Highway. As the applicant explains, the purpose of this requirement is to enhance the aesthetics along the street and make it easier for pedestrians to reach the building entrance. There is no pedestrian area on Delta Highway and no entrance to the proposed building, so the proposed circulation and parking would not affect pedestrian access to the building.

The second criterion is whether the adjustment creates an attractive pedestrian environment along all adjacent streets. As discussed earlier, there is no pedestrian environment along Delta Highway as it is an interstate highway at that point. Therefore, allowing the adjustment would not affect the pedestrian environment along Delta Highway.

The third criterion is whether the adjustment is compatible with adjacent development. As discussed earlier, McGrath's is far enough north that the proposed vehicle circulation and parking would not affect McGrath's. The proposed vehicle circulation and parking would be on the other side of the proposed building from VRI so it would be have no effect on VRI.

The applicant has satisfied the necessary criteria for an adjustment to the front yard setback requirements of EC 9.2170(4)(b)(4). Therefore, the applicant has satisfied EC 9.2170.

2. Landscaping

Another applicable development standard under EC 9.8440(5)(k) is EC 9.2170(5)(d), which provides: "Street Trees. Street tree requirements are specified in EC 7.280 Street Tree Program - Policies, Standards, Procedure." EC 7.280(1) provides the street tree program policy:

> "In order to create attractive and healthy neighborhood environments, no approval shall be granted for *a development that involves the creation of a street* unless the applicant has submitted and received approval of a street tree plan that ensures street trees will be planted and established in accordance with the standards and procedures provided for in this section

> and the adopted policies of the Urban Forest Management Plan. Street trees shall be planted in accordance with the approved street tree plan as each lot or area is developed, and *shall be required on streets that abut the development as well as on new streets within the development site*." (Emphases added.)

The applicant points to the first emphasized language to argue that the policy, and therefore EC 9.2170(5)(d), does not apply unless the development involves the creation of a new street. According to the applicant, because the proposed hotel does not involve the creation of a new street, no street tree standards apply. VRI points to the second emphasized language to demonstrate that the policy clearly contemplates situations involving streets that are not new being required to comply with the street tree standards. I agree with VRI. The second emphasized language seems to suggest that existing streets are also subject to the street tree standards. Furthermore, EC 9.2170(5)(d) requires street tree standards for commercial development in general – not just commercial development that creates a new street. The application has not provided a street tree plan or provided any evidence regarding compliance with this standard. EC 9.2170(5)(d) is not satisfied.

3. Underground Utilities

Another applicable development standard under EC 9.8440(5)(k) is EC 9.2170(10), which requires that "[a]ll utilities on the development site shall be placed underground. * * *" VRI argues that the proposed stormwater facilities are not underground facilities. VRI points to the language in the application narrative that states that utilities would be underground "with the exception of daylight stormwater facilities needed to treat or detain run-off prior to entering the public drainage system, and utility vaults that must be installed above ground."

While the language from the application narrative appears to concede that there are above-ground facilities, unlike power, sewer, and water utilities stormwater facilities obviously have to deal with a substance that originates above ground. In order to get stormwater into the ground there must be some process for directing the stormwater such as gutters, drains, and infiltration systems. While the language used in the application narrative was confusing, I do not see that filtration planter boxes that treat stormwater before it goes underground runs afoul of the undergrounding utilities provision. EC 9.2170(10) is satisfied.

4. Off-Street Parking

Another applicable development standard under EC 9.8440(5)(k) is EC 9.2173(4)(a), which provides that "[n]o off-street parking shall be located between the front façade of any new

building(s) and the primary adjacent street." VRI argued that Valley River Way is the primary adjacent street and that because parking was proposed between the front façade of the proposed building and Valley River Way that EC 9.2173(4)(a) is violated. Although the EC does not define "primary adjacent street," I agree with VRI that Valley River Way is the primary adjacent street in this case because the only access is from Valley River Way, Delta Highway is an interstate highway, and Delta Highway is at a significantly different grade than the proposed building site. The applicant subsequently included an adjustment review request for this requirement. An adjustment is permitted under EC 9.8030(6) pursuant to EC 9.2173(12). The applicant's June 29, 2016 submission thoroughly explains why an adjustment is warranted, and VRI did not specifically respond to the adjustment request in their final response. I agree with the applicant's arguments and adopt its discussion at page 5-6 as findings in this decision. EC 9.2173(4)(a) is satisfied.

5. On-Street Pedestrian Circulation

Another applicable development standard under EC 9.8440(5)(k) is EC 9.2173(6)(d), which provides:

> "Internal pedestrian walkways provided in conformance with subsection (a) above shall provide weather protection features such as awnings or arcades within 30 feet of all customer entrances."

The applicant and VRI dispute what this provision requires. VRI argues that this provision requires that there be weather protection features for 30 feet extending from all entrances. The applicant argues that this provision just means that there must be a weather protection feature within 30 feet of each entrance – not that each weather protection feature extend for 30 feet. There are three entrances to the proposed hotel. The applicant argues that conditions of approval can be imposed that require a weather protection feature within 30 feet of each entrance. VRI argues that the application does not include weather protection features that meet the 30 foot requirement.

I tend to agree with the applicant that the language of the provision means that there must just be a weather protection feature within 30 feet of each entrance – not that the weather protection feature extend 30 feet from each entrance. Although I agree with VRI that a provision that would allow a one-foot long cover 29 feet from an entrance to satisfy the provision does not make very much sense, I think the provision anticipates more practical weather protection features. In any event, the provision could be satisfied with conditions of approval for either interpretation. If a reviewing body determines that the application meets all the other applicable criteria, the

appropriate condition of approval could be imposed. EC 9.2173(6)(d) can be satisfied with conditions of approval.

6. Visual Clearance Area

EC 9.8440(5) requires that the application comply with certain standards, including EC 9.6780, which provides:

> "Vision Clearance Area. Development sites shall have triangular vision clearance areas on all street corners to provide for unobstructed vision consistent with American Association of State Highway and Transportation Officials (AASHTO) standards. (See Figure 9.0500 Vision Clearance Area). Vision clearance areas shall be kept free of all visual obstructions from 2 ½ feet to 9 feet above the curb line. Where curbs are absent, the crown of adjacent streets shall be used as the reference point. These vision clearance requirements may be adjusted if consistent with the criteria of EC 9.8030(11) of this land use code."

VRI argues that the application does not meet the AASHTO vision clearance standards for the intersection of the flag pole driveway with Valley River Way. The applicant argues that vision clearance requirements do not apply because where the driveway meets Valley River Way is not a "street corner." According to the applicant, the requirements only apply at street intersections not intersections of driveways with streets. The applicant points to the EC 9.0500 definition of "vision clearance area" which provides:

> "A triangular area within a lot immediately adjacent to the intersection of streets to provide a clear area for viewing approaching traffic for public safety purposes. For the intersection of 2 improved public rights-of-way, the vision clearance area is the triangular area of the lot at the intersection of two lot lines. At the intersection of a public street and a private street, the vision clearance area is the triangular area of the lot at the intersection of the lot line and each edge of the street. For all vision clearance areas, the apex is located at the intersection of the two 35 foot legs, extended if necessary. The base of the triangle extends diagonally across the lot intersecting the two legs an equal distance from the apex."

The meeting of the proposed driveway and Valley River Way is obviously not the intersection of two improved public rights of way, so the question is whether it is the intersection of a public street and a private street. VRI argues that the driveway meets the definition of street and is therefore a private street for purposes of vision clearance standards. EC 9.0500 defines "street" as:

> "An improved or unimproved public or private way, other than an alley, that is created to provide ingress or egress for vehicular traffic to one or more lots or parcels, excluding a private way that is created to provide ingress or egress to land in conjunction with the use of land for forestry, mining, or agricultural purposes. A 'street' includes the land between right-of-way lines within the ingress/egress easement areas serving multiple residential lots but excluding 'flagpole' portions of flag lots."

VRI argues that the driveway is a "street" because it provides ingress or egress for vehicular traffic to one or more lots (the subject property). Although the proposed driveway is how people would reach the proposed hotel, I do not think it is the driveway that provides ingress and egress to the property. I think it is Valley River Way that provides ingress and egress to the property. Rather than a "street," I think the flag pole access is a "driveway" as defined by EC 9.0500:

> "The area located outside of the public right-of-way that abuts the access connection and allows for vehicles to move to or from a development site."

The flag pole portion of the subject property is a driveway rather than a street. Although it appears to be describing ingress/egress easement areas, the last sentence of the definition of "street" also excludes the flag pole portion of flag lots. Because the flag pole portion of the property is a driveway and not a street, the vision clearance standards of EC 9.6780 do not apply.

7. Storm Water Quality

EC 9.8440(5) requires that the application comply with certain standards, including EC 9.6792. Under EC 9.6792(3)(d) there are numerous standards that must be satisfied. VRI argues that EC 9.6792(3)(d)(1) requires the applicant to submit a complete report that demonstrates certain conditions exist to ensure the stormwater runoff can be adequately accommodated. VRI also argues that EC 9.6792(3)(d)(2) requires that:

> "* * * the applicant shall submit a report that demonstrates there is insufficient land area to construct an approved infiltration or filtration facility by setting forth the required size of the smallest infiltration or filtration facility needed for the development's impervious surface area and a site plan demonstrating that an approved infiltration or filtration facility cannot be located on the development site without reducing the size of the proposed development which is otherwise consistent with all other applicable lot and development standards."

According to VRI, this information was not provided in the stormwater report. As VRI explains, the applicant admitted in its narrative that "geotechnical work has not yet been completed" and that site conditions "will be verified with the geotechnical report to be submitted

with the building permit." The applicant merely states that the information was contained in the stormwater report. While the stormwater report does contain significant amounts of information, I do not see that it specifically contains the requirements of EC 9.6792(3)(d)(2). Absent any assistance from the applicant directing me to the pertinent parts of the stormwater report to address the requirements of EC 9.6792, I cannot find that the requirements have been met.

8. Water Resources Conservation Zone

The property contains a Water Resources Overlay and therefore EC 9.4930 is applicable. EC 9.4930(2)(k) restricts the removal of trees in the overlay zone to "hazardous trees" provided the applicant submits "a written evaluation of each tree proposed for removal prepared by a certified arborist declaring the tree(s) to be hazardous and recommending immediate removal." There is a 32" inch in diameter black cottonwood tree that the applicant has proposed to remove. VRI argues that the applicant has not demonstrated that the tree is hazardous and meets the requirements for removal. The applicant responds in its final legal argument that it will retain the tree and that retention of the tree can be made a condition of approval. According to the applicant, any potential removal would be subject to applicable standards in the future. With conditions of approval EC 9.4930(2)(k) can be satisfied.

9. Tree Preservation

EC 9.8440(2) provides:

> "Proposed lots, buildings, streets, parking lots, recreation areas, and other proposed uses are designed and sited to minimize impacts to the natural environment by addressing the following:
>
> "* * * * *
>
> "(b) Tree Preservation. The proposed project shall be designed and sited to preserve significant trees to the greatest degree attainable or feasible * * *."

The application proposes to remove 25 of the 31 significant trees on the property. A large number of these trees are on the eastern portion of the property along Delta Highway. VRI argues that the applicant made no effort preserve significant trees, let alone to the greatest degree attainable of feasible. According to VRI, the applicant could preserve more existing trees if it reduced the amount of parking spaces. The applicant is proposing less than the maximum amount of parking allowed but more than minimum. Initially, the applicant argued that it had designed the development to preserve significant trees, but now the applicant argues that the application does

not need to be designed to preserve significant trees. According to the applicant, "[a]ll of the Site Review standards have to do with how the allowed use is arranged or designed on the site, not what the allowed use should be."

While I do not agree with VRI that the applicant must reduce the amount of parking spaces proposed for the application, I also do not agree with the applicant that it can just determine whatever development it wants with whatever associated parking and infrastructure and then remove most or all of the significant trees because that it is necessary for the desired level of use. EC 9.8440(2) directs that a project be "designed and sited" in order to preserve significant trees to the greatest degree attainable or feasible. That implies that the design of the proposed development must at least attempt to preserve significant trees. EC 9.8440(2)(B) continues to list 10 characteristics to be given priority for preservation. At the least, an application must make an attempt to review the significant trees to be removed against the priority characteristics for significant trees to be preserved. In the present case, the applicant did not make any such attempt. A number of the priority characteristics would appear to be relevant. EC 9.8440(2)(B)((2) prioritizes "[t]rees located within vegetated corridors and stands rather than individual isolated trees subject to windthrow." EC 9.8440(2)(B)(5) prioritizes "[t]rees located along the perimeter of the lot(s) and within building setback areas." EC 9.8440(2)(b)(8) prioritizes "[t]rees adjacent to public parks, open space and streets." The trees along Delta Highway would appear to fall within these prioritized categories. The applicant merely determined what type of development specifics it wanted and proposed to remove the necessary trees to accomplish the desired result. While an applicant is not required to design alternative designs that preserve more significant trees just to demonstrate such plans are not attainable or feasible, an applicant must make some effort to preserve significant trees and if they cannot then explain why such trees cannot be preserved.[7] EC 9.8440(2) is not satisfied.

10. Willakenzie Area Plan Policies

EC 9.8815(4) provides that in areas subject to the Willakenzie Area Plan (WAP) the development must conform to the WAP's use management considerations. The WAP lists nine use management standards, and the staff report explains how those standards are complied with. VRI argues that the application does not comply with WAP Commercial Area Design Policy 10,

[7] If an opponents submitted an alternative plan that preserved more significant trees then an applicant would be required to rebut such a plan.

which provides that "commercial area entrance driveways should be provided with a minimum eight-foot-wide planting strip between the entry drive and the parking areas."

Initially, VRI does not explain why this is an applicable approval criterion. EC 9.8815(4) includes "use management considerations." It is not clear that Commercial Area Design Policy 10 is a "use management consideration." Even if it is, however, as the applicant points out the policy uses the word "should" in reference to planting strips. Therefore, Commercial Area Design Policy 10 is not a mandatory requirement but an aspirational one. Furthermore, due to the nature of the flag pole driveway, this is exactly the type of situation where such a policy should not be specifically required. Even if WAP Commercial Area Design Policy 10 applies, the application does not violate the policy.

11. Willamette Greenway Permit

The Willamette Greenway Permit requirement of EC 9.8815(1) provides:

> "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."

VRI argues that the application proposes to develop 40 to 50 percent of the Willamette Greenway area on the property. According to VRI, developing that much of the Greenway would not provide the maximum possible landscaped area, open space, or vegetation between the activity and the river. The applicant responds by citing to prior Hearings Official decisions interpreting this provision. In Goodpasture Partners a former Hearings Official explained:

> "The provision does not ask whether the activity itself would provide maximum landscaped area, open space, or vegetation; rather, the measuring area is the land <u>between</u> the activity and the river, not the activity itself. The staff report accurately states that there would be no change to the landscaped area, open space or vegetation <u>between</u> the activity and the river." WB 10-03 p 4. (Emphases in original.)

While I am not sure what else could be between the development and the river besides landscaping, open space, or vegetation, the provision does consider the area "between the activity and the river." VRI argues that the hotel could be moved out of the Willamette Greenway zone to maximize landscaped areas, open space, and vegetation. The previous cases illustrate that the proposed development can be located in the Willamette Greenway area without violating EC

9.8815(1). The area in the Willamette Greenway area that is not being developed as part of the hotel would be landscaped, open space, or vegetation. Therefore, EC 9.8815(1) is satisfied.

This case was unusual in that the applicant submitted new evidence, including new requests for adjustment review, in its final legal argument – which is supposed to be limited to just legal argument. By submitting such new evidence and adjustment requests, the applicant placed substantial burdens on VRI by having to object to such improper methods and filing additional responses to the new evidence;[8] on staff by not allowing staff review of and comment on the additional evidence and adjustment; and on me by not having the benefit of staff's input or the opportunity to ask the parties questions regarding the new evidence and adjustment review requests.[9] While it is certainly possible that the applicant could eventually satisfy all of the applicable approval criteria, as explained earlier, the application as submitted does not satisfy EC 9.2170(5), EC 9.6792, and EC 9.8440. Given that these approval criteria are not satisfied, I have no choice but to deny the application.

DECISION

For all the reasons set forth above, the Hearings Official **DENIES** the application for a Willamette Greenway Permit, Site Review approval, and Adjustment Review Approval for a 101-room hotel.

Fred Wilson

Hearings Official

Dated this 5th day of August 2016.
Mailed this 9 day of August 2016.

SEE NOTICE OF HEARINGS OFFICIAL DECISION FOR STATEMENT OF APPEAL RIGHTS

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[8] VRI graciously did not object to responding to the new evidence within seven days of a letter extending the open record period.

[9] I realize the applicant's attorney was only retained after the public hearing and was making the best of a bad situation.

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August 22, 2016

Eugene Planning Commission
c/o Eugene Planning and Development
Atrium Building
99 West 10th Ave.
Eugene, OR 97401

Re: Eugene Towneplace Suites (WG 16-1/SR 16-1/ARB 16/3);
Applicant's Appeal of Hearings Official Denial

Dear Commissioners:

This appeal concerns an application to build a hotel on a 2.2-acre, pan-handle parcel adjacent to the Willamette River, immediately south of McGrath's Fish House and to the west the Delta-Highway/Highway 105 interchange. The hotel will have 101 guest rooms and 85 parking spaces.[1] The zoning on the subject property is C-2/WR/SR – Community Commercial with Water Resources Conservation and Site Review Overlays and the application includes a Willamette Greenway Permit, Site Review, and Adjustment Reviews. See Exhibit 1 Vicinity Map.

The Hearings Official concluded that the proposal satisfies all of the mandatory approval criteria or could be conditioned to meet them except for three. Two of the three grounds for denial relate to street trees and tree preservation standards; the third relates to a storm water quality management standard. However, the Hearings Official recognized that his was a close judgement call and that reasonable decision makers could reach a conclusion on the application different than his and approve the application.[2]

The Applicant contends that the Hearings Official misunderstood and misapplied the Eugene Code, and did not take notice of, or incorrectly evaluated, evidence in the record that should have led him to approve the application or approve the application with additional conditions. The Applicant's grounds for appeal and the reasons for approval are provided below. For the

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[1] The narrative says "88", but that's not correct. The staff report to the HO confirms 85 spaces.

[2] See Decision, p. 9-10:

> "If a reviewing body determines that the application meets all the other applicable criteria, the appropriate condition of approval could be imposed. EC 9.2173(6)(d) can be satisfied with conditions of approval."

Planning Commission's convenience and reference, the Applicant is attaching exhibits from the record below and excerpts from the Eugene Code to this appeal statement.

The Applicant requests that the Planning Commission reverse the Hearings Official's decision and approve the application with the conditions of approval suggested herein and those recommended to the Hearings Official by the planning staff.

This appeal statement is based on the record and contains no new evidence.

Grounds for Appeal and Reasons for Approval.

The Hearings Official denied the application for failure to demonstrate compliance with three approval criteria. These criteria are:

- EC 9.2170(5)(d), pertaining to Street Trees
- EC 9.6792(3)(d)(2), pertaining to Storm Water Quality
- EC 9.8440(2)(b), pertaining to Tree Preservation

Each is addressed under separate heading below.

First Issue: Street Trees: EC 9.2170(5)(d); EC 7.280(1) – Evidence in the record demonstrates that the street tree standard can be met, and the Planning Commission can conclude the standard is met with a condition of approval.

Throughout the application review process, the Applicant worked closely with City planning staff to provide the information necessary to demonstrate compliance with all of the mandatory approval criteria. One issue, for which the Hearings Official disagreed with both the Applicant and City staff, was whether the adjacent freeway interchange constituted a street for which the proposal had to provide a street tree plan pursuant to EC 9.2170(5)(d). The Hearings Official concluded that the proposal requires such a plan and because the Applicant had not prepared one or provided any evidence regarding compliance with EC 9.2170(5)(d), the standard is not satisfied.

The Applicant contends that evidence exists in the record that demonstrates either that the proposal as designed already complies with the street tree standards or that the proposal can be conditioned to satisfy the street tree standards because the design allows for street trees to be planted consistent with the City's street tree regulations. Consequently, the Planning Commissioners should conclude that the standard can be met through a condition of approval that requires the Applicant to prepare a street tree plan that complies with the City's street tree regulations to be approved by the City before development can begin.

EC 9.2170 provides the general commercial zone development standards. EC 9.2170(5)(d) provides:

> "Street Trees. Street tree requirements are specified in EC 7.280 Street Tree Program – Policies, Standards, Procedure."

The provisions of EC 7.280 are attached hereto as Exhibit 2. They require approval of a street tree plan consistent with the city's administrative rules.

Initially, street trees may be either in the right-of-way or on the private property. That is plain from the last phrase in the definition of "street tree" in EC 9.0500:

> **Street Tree**. A living, standing tree with a trunk diameter or, for trees with multiple trunks, a cumulative trunk diameter, of at least 1-1/2 inches at a point 6 inches above mean ground level at the base of the trunk, and that is located within the public street right-of-way, or shown on an approved street tree plan.

Evidence in the record demonstrates that the proposal either already provides, or can be conditioned to provide, street trees in a manner that will comply with the requirements of EC 7.280.

As background, attached to this appeal statement as Exhibit 3 is Attachment C, the Tree Preservation Plan site plan from the Applicant's April 4, 2016 Revised Application and, as Exhibit 4, Attachment I from the Revised Application, the landscaping plans for the project.

From the landscaping plan, Exhibit 4 hereto, one can see that the proposal includes the planting of 12 trees immediately along the east boundary line by the parking area, and an additional 6 trees on planting islands that extend into the parking stalls along that stretch. In addition, the Tree Preservation Plan, Exhibit 3 hereto, shows 13 cedar and pine trees within the public right of way between the subject property and the freeway interchange.

Consequently, at least 25 trees either exist or are proposed in close proximity to the east property line between the subject property and the "street." Furthermore, the design of the property allows for additional trees to be placed, if necessary, in the landscaping strip along the eastern boundary of the property. There are either sufficient existing and planned trees to satisfy the street tree standards, or the ability to add additional trees to meet those standards, such that the Planning Commission can conclude that this standard can be met with conditions. All that is lacking is a drawing entitled "Street Tree Plan" for the City to approve.

Case law is clear that if the evidence in the record demonstrates that a standard can be met, a decision maker can and should conclude that the standard is satisfied and impose conditions of approval that ensure the standard is met when development occurs. This is what the Applicants request from the Planning Commission. The evidence in the record demonstrates that it is possible for the proposal as designed to satisfy the street tree requirements. All that is needed is for the street tree plan to be prepared and approved by the City and additional trees included for planting, if necessary.

The Applicant requests the Planning Commission to conclude that that the application has demonstrated compliance and/or the ability to comply with EC 9.2170(5)(d) and to impose the following proposed condition of approval.

> "The street tree requirements of EC 7.280 apply to the Valley River Way and Delta Highway frontages. As required by EC 7.280(3), prior to development, the City shall approve final development plans including a street tree plan consistent with EC 7.280 and city administrative rules. Under no circumstances should the street tree plan authorize fewer trees than shown on the approved Tree Preservation Plan and Landscaping Plan."

Second Issue: Storm Water Quality: EC 9.6792(3)(d)(2) – The Hearings Official inadvertently applied a standard that relates to off-site storm ***water quality*** *management to an applicant's statement regarding the payment of SDCs for storm water* ***flood control****. The Applicant complies with storm water quality standards by demonstrating storm water quality will be handled on site and therefore satisfies the requirements of EC 9.6792(3)(d)(1). EC 9.792(3)(d)(2) does not apply to this proposal.*

The Hearings Officer's error under this approval criterion is the result of his misunderstanding of the City's storm water management approval criteria, the incorrect attributing of evidence in the record towards one standard when it was directed to another standard, and an editing error made by the Applicant. When the right dots in the record are connected, it should be plain that this standard is met.

The Applicant will carefully explain the above but the end result is simple. The Applicant demonstrated compliance with the City's storm water **quality** standards by demonstrating that storm water quality will be managed **on site** under EC 9.6793(d)(1). Consequently, the City's **off-site** water quality standards under EC 9.6792(3)(d)(2) do not apply to this application, and the Hearings Officer erred in concluding the applicant failed to satisfy that standard. Decision, p. 11-12.

As its title suggests, EC 9.6792 Stormwater Quality provides the standards for managing storm water quality. The Planning Commissioners should be aware that this contrasts with the provisions of EC 9.6791 Stormwater Flood Control, which provide standards for managing potential flood hazards, often through storm water detention. A copy of both standards is provided at Exhibit 5 hereto.

EC 9.6792(3)(d) provides two different standards for managing storm water quality. One applies for on-site management of storm water quality – subsection (1). The other applies for off-site management of storm water quality – subsection (2). EC 9.6792(3)(d) states:

> "(d) For development permit applications, stormwater quality facilities

shall be selected from the Stormwater Management Manual and shall be based on the following priority order: infiltration, filtration, off-site stormwater quality management.

"1. If selecting a filtration treatment facility, the applicant shall submit a report that demonstrates at least one of the following development site conditions exist:

a. Infiltration rates are less than 2 inches per hour;
b. Bedrock is less than 5 feet below the ground surface;
c. Groundwater elevations are less than 6 feet; or,
d. Ground surface slopes are greater than 10%.

"2. If selecting **off-site stormwater quality management** by contributing to the public off-site stormwater quality facilities, through payment of a higher stormwater system development charge adopted as part of the City's system development charge methodology, the applicant shall submit a report that demonstrates there is insufficient land area to construct an approved infiltration or filtration facility by setting forth the required size of the smallest infiltration or filtration facility needed for the development's impervious surface area and a site plan demonstrating that an approved infiltration or filtration facility cannot be located on the development site without reducing the size of the proposed development which is otherwise consistent with all other applicable lot and development standards." (**Emphasis** supplied).

In summary, EC 9.6792(d) subsection (1) applies to on-site management of storm water quality. Subsection (2) expressly applies to off-site storm water quality management.

Pages 30 to 32 of the April 4, 2016 revised narrative address storm water quality and EC 9.6792. Pages 30-32 of the revised narrative are attached hereto as Exhibit 6. In response to EC 9.6792(3)(d), at page 32, the application states:

> "The proposed **water quality treatment will be accomplished using a combination of infiltration planter boxes and filtration planter boxes**. All of the impervious surfaces will be treated prior to discharge to the public system. Filtration planter boxes will be used to treat runoff from the roof. Regardless of the soil infiltration capacity, the planter boxes around the building are required to have an impervious liner due to the fact they are located less than 10 feet from the building. Infiltration planter boxes will be located around the perimeter of the parking area. Storm drainage will enter the planter boxes via curb cuts. These planter boxes will be two feet wide so that a minimum five foot setback is maintained from the property line.
>
> "As noted previously, there is not sufficient area available to size these infiltration planters **to accommodate the flood control volume** required by the Stormwater Management Manual based on the assumed infiltration rate allowed by the Manual. **As such, these infiltration planters will still require the developer to**

> **pay System Development Charges** based on the rates for filtration planters, but will minimize the **amount of stormwater being discharged** to the public system." (**Emphasis** supplied).

What the above passage says is that on-site planters will adequately treat the storm water quality and, for storm water quality, the proposal complies with EC 9.6792(3)(d)(1). That statement is supported by the revised application's Attachment L – Stormwater Report. Attachment L consists of two documents. The first is a Stormwater Report with site plans and water quality calculation sheets from pages L-1 through L-58. The Stormwater Report cover and table of contents is attached hereto as Exhibit 7. The second is a Geotechnical Report from pages L-59 through L-79 of the revised narrative's Attachment L. The cover, cover letter and table of contents of the Geotechnical Report are attached hereto as Exhibit 8.

The application demonstrates compliance with the city's storm water quality standards through on site water quality management that satisfies EC 9.6792(3)(d)(1). The Geotechnical Report demonstrates that the conditions exist to warrant an on-site filtration system. The Stormwater Report and the numerous filtration/infiltration data sheets demonstrate that the on-site filtration system will result in storm water quality sufficient to meet City standards.

EC 9.6792(3)(d)(2), which **applies only to off-site water quality management,** does not apply to this application because the proposal manages storm water quality through on site measures. The Hearings Officer erred by applying EC 9.6792(3)(d)(2) after the applicant demonstrated compliance with EC 9.6792(3)(d)(1). The Planning Commission should reverse that error.

Two other points are worth noting. First is the reference to systems development charges (SDCs). The reference to SDCs in the above narrative is expressly in relation to **stormwater flood control**, which is addressed under EC 9.6791. The Hearings Officer concluded that the proposal complied with that standard and did not discuss it in his decision. The application narrative makes clear that it is under that standard, and consistent with its requirements, for which the SDCs will be paid. The Hearings Officer and opponents incorrectly associated the storm water flood control SDC reference to the storm water quality standard.

The second point includes statements at page 31 of the revised narrative, under the discussion for EC 9.6792(3)(a) that provide:

> "Geotechnical work has not yet been completed[.] * * * These conditions will be verified with the geotechnical report to be submitted with the building permit application."

The inclusion of the above language in the revised application was an editing error on the Applicant's part. It is language that was in the original application narrative, prior to completeness review, that the Applicant failed to edit out for the revised application narrative. That language should have been removed because, as indicated above and in excerpts attached hereto as Exhibit 7, a geotechnical report had in fact been completed and provided as part of

Attachment L to the revised application. The Hearings Officer's conclusions regarding the lack of a geotechnical report are inconsistent with the evidence in the record.

The Applicant urges the Planning Commission to reverse the Hearings Officer and conclude that the application satisfies the storm water quality standards provided under EC 9.6792(3)(d)(1) and that EC 9.6792(3)(d)(2) therefore does not apply. This is supported by the evidence in the record and the Staff Report.

Third Issue: Tree Preservation: EC 9.8440(2) – The evidence in the record demonstrates that the project is designed and sited to preserve significant trees to the greatest degree attainable or feasible given the stated factors. The Hearings Official erred in his analysis of the evidence before him.

The Hearings Official concluded that the application failed to demonstrate compliance with EC 9.8840(2)(b). Decision, p. 13.

EC 9.8840(2)(b) provides:

> "(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 along water features.
> 10. Heritage trees."

In concluding that the application did not demonstrate compliance with this standard, the Hearings Official expressly identified the factors under subsections (2), (5) and (8) above, and noted: "The trees along Delta Highway would appear to fall within these prioritized categories." Decision, p. 13.

The Applicant addressed EC 9.8840(2)(b) at pages 41 and 42 of the April 4, 2016 revised application narrative, attached hereto as Exhibit 9. The Application explains:

> "As described above and shown on Attachments 'B' and 'C', a total of 31 deciduous and evergreen trees are located within the boundaries of this site. This includes three deciduous trees within the Water Resources Overlay area. A total of 25 trees located elsewhere throughout the site are proposed for removal, primarily due to limited opportunities for placing the hotel, parking and drive aisles in a manner that would preserve a greater number of trees. Most of the existing trees – 20 in total – are located in the western half of the site. An existing public utility easement that occupies a significant portion of the eastern half of the site precludes placing the building in this area, even though there are fewer trees in this portion of the property. The need to provide adequate vehicular circulation around the hotel – particularly for fire apparatus – requires maintaining a standard width drive aisle around the entire building. This results in impacts to trees along eastern boundary of this site, immediately adjacent to the public right-of-way for Delta Highway/I-105.
>
> "Despite the number of trees proposed for removal, those remaining on-site and along its perimeter will help buffer the building when viewed from adjacent properties, the highway, and the Willamette River. Given that a net increase of 27 new trees will be planted within the site, it is highly likely that the resultant canopy will eventually exceed the current canopy area, resulting in greater potential for deriving associated ecosystem services. On balance, the applicant argues that the subject proposal preserves existing trees to the greatest degree feasible while achieving a development pattern that is allowed in the C-2 commercial zone, and, at the same time, delivering greater environmental benefits over the long term." Exhibit 9 (Revised Application p. 41- 42).

As noted above the application's Attachments 'B', the site plan showing existing conditions, and 'C', the tree preservation site plan, are important to understanding the site context in light of this standard. Attachment 'B' is included herein as Exhibit 10 and Attachment 'C' is included as Exhibit 3. Also useful in understanding the design difficulties faced by the project is the project site plan, attached herein as Exhibit 11.

From attached Exhibit 10 (existing conditions plan) the Planning Commissioners can see the trees that currently exist on the subject property. The tree groupings tend to lie along the perimeter of the property. With Exhibit 3 (tree preservation site plan), the Planning Commission can see the overlay of the proposal and the trees that will be preserved and those that will be removed.

What Exhibit 3 also helps to show are the substantial impacts caused by the design limitations imposed by the site, easements, and the Eugene Fire Code. For starters, one sees that the site is very linear, which provides minimal east-west flexibility in locating any physical structure. As the narrative above explains, the building cannot be located further east for two reasons – first is an easement on the property that prevents the location of the building, and second is the need to provide for fire truck circulation. Also evident is the mandatory emergency fire truck access

that runs along the western boundary of the property. That access way requires the removal of a substantial number of the significant trees on the site.

The siting and design limitations the site and code impose on this project are plainly explained in Exhibit 11 (Application Attachment 'D' Site Plan). That plan not only clearly shows the "Emergency Fire Truck Access" along the western boundary, but the limitations imposed by the 20 foot fire lane and the "Fire Truck Turning Radius" required at the northwest corner and the southern end of the property. This is what the narrative passage quoted above means by, "The need to provide adequate vehicle circulation around the hotel – particularly for fire apparatus[.]"

The tree preservation site plan and other design decisions are supported by arborist reports, attached as Attachment N to the revised application narrative and hereto as Exhibit 12.

Opponents argue that more trees can be protected by reducing the number of parking spaces for the application; however, the Planning Commissioners can see that it is not the parking spaces that require removal of the trees along the eastern and western property lines, but the required fire access roads surrounding the building and their mandatory lane widths.

EC 9.8840(2)(b) states that the project should be designed and sited to preserve significant trees to the greatest degree attainable or feasible. Significant trees along the north property line and the panhandle have been preserved, as has the southern-most tree on the property. Those trees have several of the identified characteristics from the approval criterion, to include: mature and healthy trees having a reasonable chance of survival (1); trees located in vegetated areas or in stands (2); that fulfill a screening function or provide shade to pavement areas (3); provide a buffer between uses (4); and are located along perimeter areas (5). However, due to fire apparatus vehicle circulation requirements, it is not feasible to protect other significant trees along the east and west property lines. The building has been designed to be as narrow as possible while retaining its intended function, and it is sited where it must be given the existing easements on the property.

The Planning Commission should conclude that the evidence in the record demonstrates that the project has been designed and sited to preserve significant trees to the greatest degree attainable or feasible and reverse the Hearings Official's conclusion otherwise.

<u>Additional Conditions of Approval Recommended by the Hearings Official</u>

At two places in the decision, in recognition that reasonable persons could review the evidence and conclude that the proposal satisfies the approval criteria, the Hearings Official recommended two conditions of approval should a reviewing body decide to approve the application. See Decision p. 9-10; 12. The Applicant requests that the Planning Commission impose the following proposed conditions of approval consistent with the Hearings Official's recommendations.

> "The development shall provide a weather protection feature within 30 feet of each entrance to the hotel building."

> "The development shall preserve the 32" in diameter black cottonwood tree within the Willamette Greenway originally proposed for removal and shall amend the tree preservation plan, and landscaping plan to reflect preservation of that tree."

Conclusion

Based upon the evidence in the record and the argument provided above, the Applicant requests that the Planning Commission reverse the Hearings Official's decision and approve the Eugene Towneplace Suites applications (WG 16-1/SR 16-1/ARB 16/3) with the conditions of approval recommended in the Hearings Official's staff report plus the following three additional conditions:

> "The street tree requirements of EC 7.280 apply to the Valley River Way and Delta Highway frontages. As required by EC 7.280(3), prior to development, the City shall approve final development plans including a street tree plan consistent with EC 7.280 and city administrative rules. Under no circumstances should the street tree plan authorize fewer trees than shown on the approved Tree Preservation Plan and Landscaping Plan."

> "The development shall provide a weather protection feature within 30 feet of each entrance to the hotel building."

> "The development shall preserve the 32" in diameter black cottonwood tree within the Willamette Greenway originally proposed for removal and shall amend the tree preservation plan, and landscaping plan to reflect preservation of that tree."

Thank you for your consideration.

Sincerely,

Bill Kloos

Bill Kloos

Incl:

Exhibits:

Exhibit 1	Vicinity Map
Exhibit 2	EC 7.280
Exhibit 3	Tree Preservation Plan (Revised Narrative Attachment C)

Exhibit 4	Landscaping Plan (Revised Narrative Attachment I)
Exhibit 5	EC 9.6791 and EC 9.6792
Exhibit 6	Application Narrative Excerpts – EC 9.6791(3) and EC 9.6792(3)
Exhibit 7	Stormwater Report Excerpts (Revised Narrative Attachment L)
Exhibit 8	Geotechnical Report Excerpts (from Revised Narrative Attachment L)
Exhibit 9	Application Narrative Excerpt – EC 9.8440(2)(b) Tree Preservation
Exhibit 10	Existing Conditions Plan (Revised Narrative Attachment B)
Exhibit 11	Site Plan (Revised Narrative Attachment D)
Exhibit 12	Arborist's Reports (Revised Narrative Attachment N)

Figure 1. Vicinity Map

Eugene TownePlace Suites
Valley River Drive
Eugene, Oregon

the city is set aside, annulled, declared or rendered void, or its enforcement is restrained by any court of competent jurisdiction, or when the council doubts the validity of the assessment or reassessment or any part thereof, the council may reassess in the manner provided by state law provided, however, that the council or its designee may conduct any hearings as provided in sections 7.166 and 7.187.

(Section 7.265 added by Ordinance No. 17955, enacted April 11, 1977; amended by Ordinance No. 19393, enacted July 28, 1986, effective January 28, 1987.)

7.270 City Bonds in Payment of Special Assessment Liens and City Property.

(1) The finance officer is authorized to accept general obligation bonds and attached coupons of the city in payment of any part of special assessment liens, interest and penalties payable to the city, and is further authorized to accept the bonds and interest coupons in payment of the purchase price of any lands for sale by the city.

(2) Nothing contained in subsection (1) shall authorize the finance officer to pay out any funds or credit of the city for an excess of bonds or interest coupons over the payment sought to be made as provided in the preceding section.

(3) Bonds accepted under subsection (1) shall be reviewed by the finance officer only after they have been approved as to maturities by the council, it being the purpose of this subsection to limit the acceptance of bonds to such maturities as are to the advantage of the city.

(Section 7.270 amended by Ordinance No. 17955, enacted April 11, 1977.)

7.280 Street Tree Program - Policy, Standards, Procedure.

(1) Policy. In order to create attractive and healthy neighborhood environments, no approval shall be granted for a development that involves the creation of a street unless the applicant has submitted and received approval of a street tree plan that ensures street trees will be planted and established in accordance with the standards and procedures provided for in this section and the adopted policies of the Urban Forest Management Plan. Street trees shall be planted in accordance with the approved street tree plan as each lot or area is developed, and shall be required on streets that abut the development as well as on new streets within the development site.

(2) Standards. The city manager, or designee, shall by administrative rules adopted pursuant to section 2.019 of this code establish standards and specifications that ensure that new trees planted are of the highest quality, require low maintenance, and do not interfere with public safety. The standards shall include, but not be limited to, the type of trees that may be planted, and requirements for planting and establishment of the trees. As used in this section, "establishment" includes watering, initial pruning, and replacement of trees, if necessary, for a period of three years from the date of planting.

(3) Procedure. Upon approval of the street tree plan, and prior to approval

of the final plat for subdivisions, planned unit developments, partitions, or approved development plans, the applicant shall:

(a) Pay to the city a fee established by the city manager pursuant to section 2.020 of this code that is equal to the cost of the purchase, installation and establishment of the street trees required by the approved street tree plan. Thereafter, the city shall assume responsibility for the purchase, installation and establishment of the street trees; or

(b) Purchase, install and establish the street trees in accordance with the approved street tree plan, upon (I) first paying to the city a fee established by the city manager pursuant to section 2.020 of this code to reimburse the city for its costs in connection with plan review, inspection, administration and monitoring, and (ii) filing with the city a security bond or deposit in an amount determined by the city to be sufficient to ensure performance under the approved street tree plan.

Existing large-scale street trees on or adjacent to a development site shall be retained unless approved for removal by the city pursuant to section 6.300 to 6.330 of this code during site development or in conjunction with a street construction project. Any street tree removed by permit through demolition or construction within the street right-of-way shall be replaced within the street right-of-way at a location approved by the city with a tree of similar value. The value of the existing street tree to be removed shall be calculated using the methods set forth in the edition then in effect of the Guide for Plant Appraisal published by the International Society of Arboriculture Council of Tree Landscape Appraisers. The developer shall be responsible for the cost of the planting, maintenance and establishment of the replacement tree.

(Section 7.280 added by Ordinance No. 20056, enacted August 5, 1996, effective September 4, 1996.)

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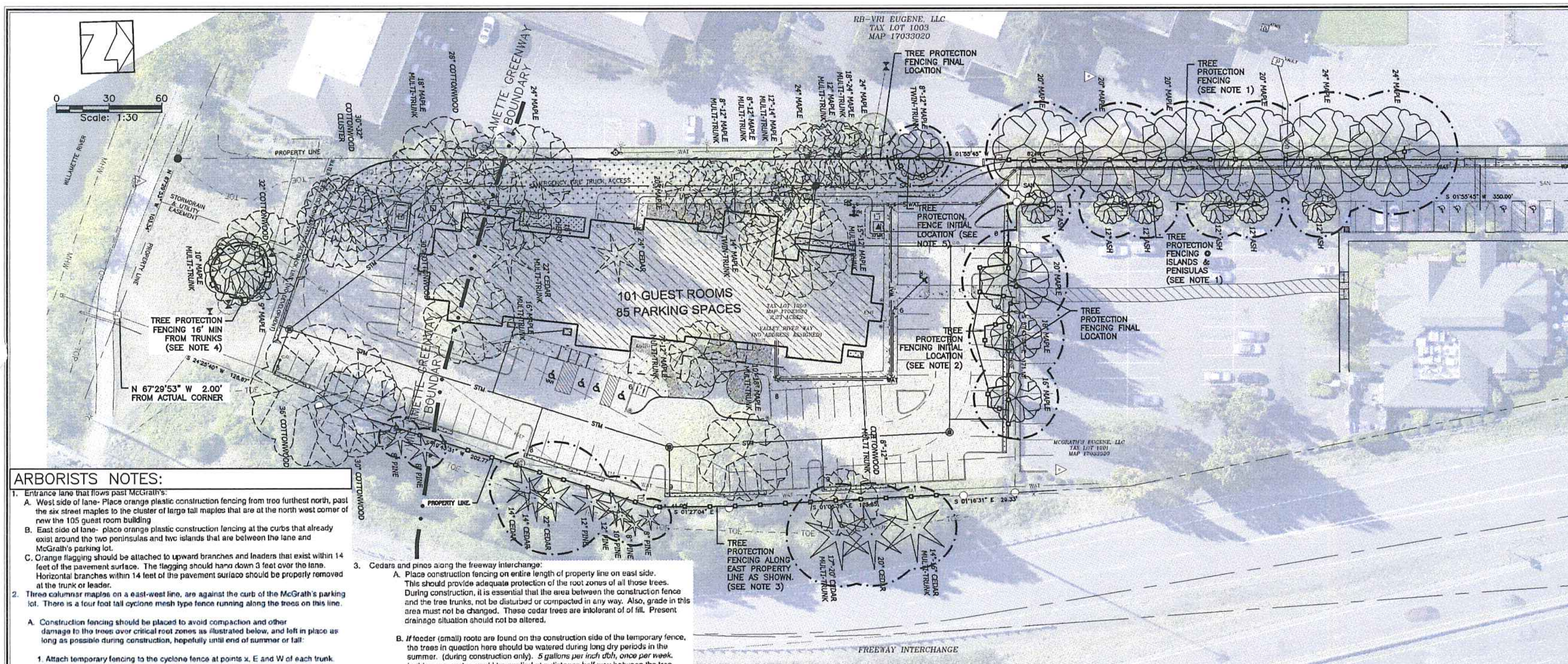
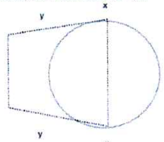


ARBORISTS NOTES:

1. Entrance lane that flows past McGrath's:
   A. West side of lane- Place orange plastic construction fencing from tree furthest north, past the six street maples to the cluster of large tall maples that are at the north west corner of new the 105 guest room building
   B. East side of lane- place orange plastic construction fencing at the curbs that already exist around the two peninsulas and two islands that are between the lane and McGrath's parking lot.
   C. Orange flagging should be attached to upward branches and leaders that exist within 14 feet of the pavement surface. The flagging should hang down 3 feet over the lane. Horizontal branches within 14 feet of the pavement surface should be properly removed at the trunk or leader.
2. Three columnar maples on a east-west line, are against the curb of the McGrath's parking lot. There is a four foot tall cyclone mesh type fence running along the trees on this line.

   A. Construction fencing should be placed to avoid compaction and other damage to the trees over critical root zones as illustrated below, and left in place as long as possible during construction, hopefully until end of summer or fall:

      1. Attach temporary fencing to the cyclone fence at points x, E and W of each trunk.
         x = distance East & West from trunk
         y = distance temp. fence runs south
         z = width of temp. fence in const.zone



largest tree, most westerly: y = 20'
z = 15'

Middle tree: y = 18'
z = 12'

Smallest tree, most easterly: y = 16'
z = 11'

2. These three singular protection zones should be watered as described later for the cedars along the east boundary of the project. The construction fencing for these three trees will have to be moved back almost to the trees when excavation occurs for the parking spaces. At that point, every precaution must be taken to avoid any mechanical damage to the trunks, i.e. scratches, rips, and tears.

3. Special notes regarding largest of these three trees, the westerly tree with the proposed walk way within it's drip line connecting with McGrath's parking lot:
   a. Removal of top under the walkway within the peninsula should be limited to 6" below grade.
   b. Compaction within the peninsula area should be limited to the width of the walk way.
   c. No additional trenching for irrigation or utilities should occur within the peninsula area, and a narrow un excavated area between the walk way and curb on west side should be protected througnout the construction period with barrier fencing.
4. The resulting narrow island between McGrath's and ETP parking spaces must be protected through the entire construction period, in order to limit disturbance to the heavily rooted areas between the trees:
   a. The existing cyclone fence should have orange plastic construction fencing attached to it on both sides. The existing cyclone fence is to stay intact except for a permanent opening at the peninsula walk way.
   b. Another east-west construction fence should parallel the entire cyclone fence on the construction side at a point that allows for excavation for the parking lot curb.
   c. No additional trenching or disturbance should occur past the excavation for the ETP north parking area curb.

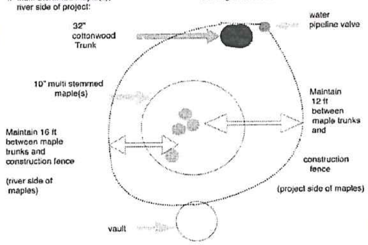
5. Following excavation for the northern most ETP parking spaces, and prior to application of paving base or substrate, a proprietary source of mycorhiza and the growth regulator paclourutrazol should be applied by a certified arborist to the entire area of parking spaces parallel to the cyclone fence.

3. Cedars and pines along the freeway interchange:
   A. Place construction fencing on entire length of property line on east side. This should provide adequate protection of the root zones of all those trees. During construction, it is essential that the area between the construction fence and the tree trunks, not be disturbed or compacted in any way. Also, grade in this area must not be changed. These cedar trees are intolerant of of fill. Present drainage situation should not be altered.

   B. *If* feeder (small) roots are found on the construction side of the temporary fence, the trees in question here should be watered during long dry periods in the summer. (during construction only). *5 gallons per inch dbh, once per week.* In this case, water would be applied at a distance half way between the tree trunk and the construction fence.
   Note: Only if region receives less than an inch of rain in a four week period.

4. Multi Stemmed maple(s), river side of project:

Drawing not to scale



A. Removal of cottonwood tree, highly recommended for obvious safety reasons. Could be mitigated (replaced) by a cluster planting and red-osier dogwood trees. These native trees are small, showy year 'round, and respond well to cultural practices including pruning to remain short in stature. The planting should be included into the proposed permanent irrigation scheme.

B. The removal of the 32" cottonwood and the associated easterly adjustment of tree protection zone should allow for the storm drain and utility easement to pass on the west side of the 32" cottonwood stem as shown on the site map.

C. The cottonwood stump should be cut to within 2" of grade and the exposed surface of the remainder should be cross-hatched with a chain saw with grooves at least 2" deep and 1" apart. This should be done in a way that causes rain water to set in the grooves and hasten stump decay. When the site is landscaped, the exposed stump surface can be hidden by a covering of mulch.

D. The tree protection zone as suggested above, for the multi stemmed maples should be preserved, with no roots cut, and with grade un-changed. If the grade of the proposed adjacent parking lot is more than 1' higher than the grade of the multi-stemmed maples, a simple retaining wall of keystone blocks should be installed.

E. If the multi stemmed maples are to be included in the permanent irrigation scheme, do not trench within the suggested tree protection zone. If the tree(s) are to be irrigated, to not apply water within 4 ft. of the trunks.

5. Tall Maples North West of the new building:

   A. Excavation for the fire lane may cause failure of these trees as big leaf maples are intolerant of fill, and the roots are relatively shallow, within approximately 30" of the surface. Death of roots due to cutting and compaction during and following fire lane construction may lead to death of the trees. Trees can fall over from construction damage to root systems, without showing decline in the foliage. Therefore, removal of the four trees in the zone should be removed.

   1. These three trees have root systems already compromised by nearly half their root systems being under pavement, and were probably permanently reduced in amount during excavation and compacted substrate for that pavement.
      a. The southern most tree appears to be in decline as a result of ivy blocking sunlight to a significant portion of the summer foliage.
      b. The next tree to the north is a double stemmed co-dominant tree with twin 13" leaders sharing the same root crown and root system. This situation provides for a condition rating of "poor", because all codominant stems fail, the tree splits eventually. There is a universal agreement that trees with codominant stems should not remain in heavily used sites.
      c. The next tree is immediately north, almost touching the tree described in #3. This tree has two 18" codominant stems that have grown together for the first eight feet above the ground. This makes for a hazardous situation as there will be included bark between the two stems which absolutely weakens the entire tree.
   d. The trunk of the northern big maple leans significantly towards the foot print of the new building. If this tree were to fail for any reason, the large codominant lateral leaders above the trunk would hit the building.

B. In the event that the above trees cannot be removed, Here is the protection plan:

   1. Minimize compaction by limiting construction traffic as long as possible with construction fencing to be installed between the tree trunks and excavation, leaving 18' of protection space. But, it will have to be moved closer to the trees for excavation of sewer, water, and eventually fire lane excavation, but leave the protection fence in place as far from the tree trunks as possible, for as long as possible during duration of construction.
   2. As the fire lane is constructed and completed, it should be used for construction activities as little as possible. Use of the emergency fire lane should be limited permanently.
   3. Use a surface that allows moisture to penetrate.
   4. Minimize cutting into the root system if possible by removing as little as 6" of top soil prior to building the emergency access lane.
   5. Maples are tolerant of root pruning. Therefore, on the tree side of the water line trench, roots 1" and larger should be cut by hand by a certified arborist as the trench is dug by machine.
   6. When the sewer line trench is dug by machine, a certified arborist should be on hand to cut roots as described above, between the level of the bottom of the water trench, and the bottom of the sewer trench.
   7. When excavation for the fire lane has pushed the temporary protection fencing completely to the trees, additional protection barriers such as beams and plywood should be considered to protect the trunks. Mechanical damage such as scratches, scrapes, and tears to the bark, *must* be avoided. Equally important to protect are the structural roots near the trunk. If any of these are exposed or disturbed within the drip line of the tree during excavation for the fire lane, a certified arborist should be on hand to provide instructions to minimize damage to the support and vascular systems of the tree(s).
   8. Following excavation for the fire lane, prior to application of aggregate substrate, Vertical mulching should be considered. This is a process where holes and fractures are created to increase air space for roots, especially small feeder roots. This is accomplished by injecting high-pressure water or air and physically auguring openings. In some cases, voids are filled with porous material such as sand or gravel.
   9. Whether or not #8 is used, the roots should be treated with a proprietary source of mycorhiza selected and applied by a certified arborist prior to application of the substrate for the fire lane. In addition, the root zone can be treated topically with the growth regulator paclooutrazol.

LEGENDS:

- PROPERTY BOUNDARY
- ADJACENT PROPERTY LINES
- CENTERLINE
- EASEMENT LINES
- WILLAMETTE GREENWAY BOUNDARY
- CURB
- FIRE TRUCK ACCESS
- CONCRETE
- ASPHALT
- BUILDING FOOTPRINT
- GRASSY PAVEMENT (GRASSCRETE OR SIMILAR TO SUPPORT FIRE TRUCK LOADING)
- TREE PROTECTION FENCING
- CRITICAL ROOT ZONE
- TREES TO BE REMOVED

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REVISIONS	DATE	BY

EUGENE TOWNPLACE SUITES
EUGENE, OREGON

TREE PRESERVATION PLAN

Valley River Way

REGISTERED PROFESSIONAL ENGINEER OREGON JULY 13, 2004 PETER J. SEADERS
RENEWAL: 6/30/2016

MSS INC
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JOB #	FILE	DRAW
15061	TREE	TNT
SCALE	DATE	
AS SHOWN	12.24.15	

C110
\# 3 OF 12 SHEETS

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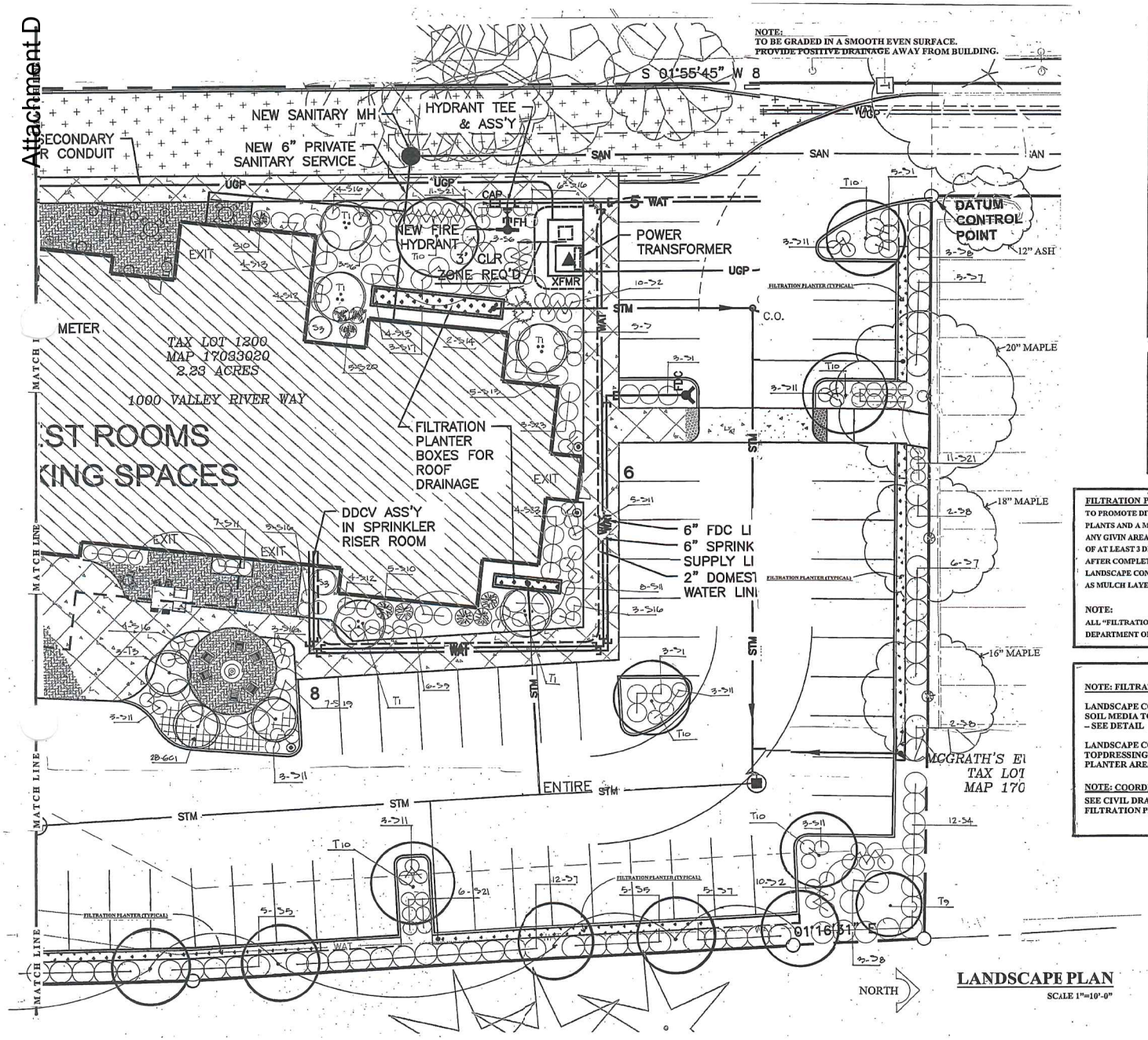
Exhibit 3

Exhibit 4



LANDSCAPE PLAN

SCALE 1"=10'-0"

PLANT LEGEND

BOTANICAL NAME	COMMON NAME	SIZE
TREES		
T1 ACER CIRCINATUM	VINE MAPLE (MULTI-STEM)	4'-8'
T2 ACER P. 'BLOODGOOD'	BLOODGOOD MAPLE	8"-10" 2" CAL.
T3 ACER P. 'SHISHIGASHIRA'	SHISHIGASHIRA MAPLE (MATCHED)	6'-7'
T4 ACER P. 'CRIMSON SENTRY'	C. SENTRY NORWAY MAPLE (10' MIN. HEIGHT 5'-6" STANDARD)	2" CAL.
T5 ACER R. 'BOWHALL'	BOWHALL RED MAPLE	2" CAL.
T6 CARPINUS FASTIGIATA	COLUMNAR HORNBEAM	2" CAL.
T7 CHAMAECYPARIS N. 'PENDULA'	AK. WEEPING CEDAR	8'-10'
T8 PARROTIA PERSICA	IRONWOOD (10' MIN. HEIGHT 6'-8" STANDARD)	2" CAL.
T9 PINUS F. 'VANDERWOLF'	VANDERWOLF PINE	7'-8'
T10 PYRUS C. 'CLEVLAND SELECT'	C. SELECT PEAR (10' MIN. HEIGHT 6'-8" STANDARD)	2" CAL.
SHRUBS		
S1 ABELIA SHERWOODI	SAME	2 GAL.
S2 CALAMAGROSTIS 'KARL FOERSTER'	K.F. GRASS	2 GAL.
S3 CAMELLIA S. 'CLEOPATRA'	SAME	3'-4'
S4 CORNUS ELEGANTISSIMA	VARIEGATED REDTWIG	5 GAL.
S5 COTONEASTER PARNEYI	SAME	5 GAL.
S6 ESCALLONIA 'COMPACTA'	SAME	3 GAL.
S7 EUONYMUS A. 'COMPACTA'	BURNING BUSH	5 GAL.
S8 EUONYMUS AREO MARGINATA	SAME	5 GAL.
S9 HELICTOTRICHON SEMPERVIRENS	BLUE OAT GRASS	1 GAL.
S10 ILEX C. 'SKYPENCIL'	SKYPENCIL HOLLY	5 GAL.
S11 NANDINA D. 'HEAVENLY BAMBOO'	SAME	2 GAL.
S12 NANDINA D. 'GULFSTREAM'	SAME	2 GAL.
S13 OSMANTHUS DELAVAYI	SAME	5 GAL.
S14 OSMANTHUS 'GOSHIKI'	SAME	5 GAL.
S15 PENNISETUM A. 'HAMELN'	DW. FOUNTAIN GRASS	1 GAL.
S16 PENNISETUM A. 'LITTLE BUNNY'	L.B. FOUNTAIN GRASS	1 GAL.
S17 PHYSOCARPUS 'SUMMER WINE'	SAME	5 GAL.
S18 POLYSTICHUM MUNITUM	WESTERN SWORD FERN	1 GAL.
S19 RAPHIOLEPIS U. 'MINOR'	SAME	1 GAL.
S20 POLYSTICHUM MUNITUM	WESTERN SWORD FERN	2 GAL.
S21 PRUNUS L. 'MT. VERNON'	MT. VERNON LAUREL	2 GAL.
S23 SARCOCOCCA CONFUSA	SAME	2 GAL.
S24 SPIREA 'MAGIC CARPET'	SAME	2 GAL.
S25 TSUGA C. 'GENTSCH WHITE'	SAME	20"-24"
GROUND COVER		
GC1 ARCTOSTAPHYLLOS 'MASSACHUSETTS'	SAME (24" O.C.)	1 GAL.

FILTRATION PLANTER LEGEND

BOTANICAL NAME	COMMON NAME	SIZE
DO NOT PLANT WITHIN 12" OF CURBS OR OTHER PLANT MATERIAL		
ZONE 1: PROFILE 6"-12" WET/ MOIST ZONE		
All plants shall be spaced triangular spaced 12" O.C.		
FP1 Agrostis exarata	Spike Bentgrass	1 gallon
FP2 Deschampsia cespitosa	American Slough Grass	1 gallon
FP3 Carex obnupta	Slough Sedge	1 gallon
FP4 Deschampsia cespitosa	Tufted Hairgrass	1 gallon
FP5 Juncus tenuis	Slender Rush	1 gallon

FILTRATION PLANTER PLANTING SCHEME

TO PROMOTE DIVERSITY IN THE PLANTING SCHEME, PLANT A MINIMUM OF 10 PLANTS AND A MAXIMUM OF 50 PLANTS OF THE SAME GENUS AND SPECIES IN ANY GIVIN AREA. SMALLER PLANTERS REQUIRE THAT THERE IS A MINUMUM OF AT LEAST 3 DIFFERENT GENUS AND SPECIES.

AFTER COMPLETION OF PLANTING THE FILTRATION PLANTER AREAS, THE LANDSCAPE CONTRACTOR IS TO PROVIDE AND PLACE 2" PEA GRAVEL AS MULCH LAYER.

NOTE:

ALL "FILTRATION PLANTER AREAS" SHALL BE PLANTED BASED ON CITY OF EUGENE DEPARTMENT OF PUBLIC WORKS ADMINISTRATIVE RULES.

NOTE: FILTRATION PLANTERS –

LANDSCAPE CONTRACTOR TO PROVIDE AND INSTALL APPROVED SOIL MEDIA TO A DEPTH OF 12" IN FILTRATION PLANTERS.
– SEE DETAIL

LANDSCAPE CONTRACTOR TO PROVIDE AND INSTALL TOPDRESSING OF 2" OF PEA GRAVEL IN ALL FILTRATION PLANTER AREAS.

NOTE: COORDINATE WITH CIVIL ENGINEERING

SEE CIVIL DRAWINGS FOR ALL CURB CUTS AND GRADING FOR ALL FILTRATION PLANTER AREAS.

Charles Mangum & Associates
Landscape Architecture Design/ Build
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DESIGN: CEM
DRAWN: SAT
DATE: 12-11-2015

DJ ARCHITECTURE
2440 Heritage Way, SE
Albany, OR 97322
(541) 926-5939

REVISIONS	DATE	BY
PLANNING CHANGE, GARAGE, FILTRATION	12-22-15	SAT

EUGENE TOWNPLACE SUITES
EUGENE, OREGON
LANDSCAPING PLAN
1020 Valley River Way

REGISTERED LANDSCAPE ARCHITECT No. 62 Charles E. Mangum OREGON

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L1.1

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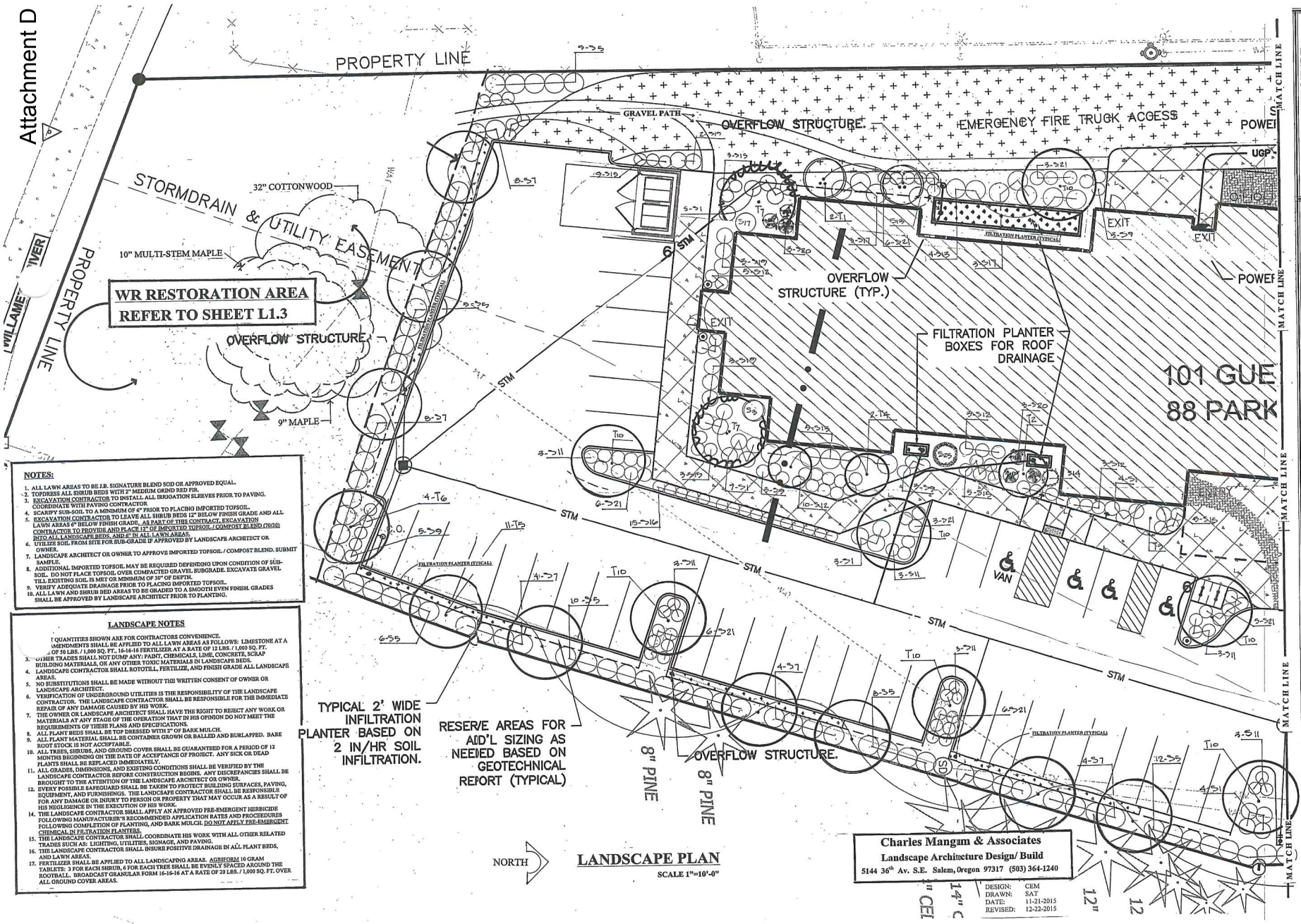
Exhibit 4

CASE/FILE #



NOTES:

1. ALL LAWN AREAS TO BE J.B. SIGNATURE BLEND SOD OR APPROVED EQUAL.
2. TOPDRESS ALL SHRUB BEDS WITH 2" MEDIUM GRIND RED FIR.
3. EXCAVATION CONTRACTOR TO INSTALL ALL IRRIGATION SLIEVES PRIOR TO PAVING. COORDINATE WITH PAVING CONTRACTOR.
4. SCARIFY SUB-SOIL TO A MINIMUM OF 6" PRIOR TO PLACING IMPORTED TOPSOIL.
5. EXCAVATION CONTRACTOR TO LEAVE ALL SHRUB BEDS 12" BELOW FINISH GRADE AND ALL LAWN AREAS 6" BELOW FINISH GRADE. AS PART OF THIS CONTRACT, EXCAVATION CONTRACTOR TO PROVIDE AND PLACE 12" OF IMPORTED TOPSOIL / COMPOST BLEND (70/30) INTO ALL LANDSCAPE BEDS, AND 6" IN ALL LAWN AREAS.
6. UTILIZE SOIL FROM SITE FOR SUB-GRADE IF APPROVED BY LANDSCAPE ARCHITECT OR OWNER.
7. LANDSCAPE ARCHITECT OR OWNER TO APPROVE IMPORTED TOPSOIL / COMPOST BLEND. SUBMIT SAMPLE.
8. ADDITIONAL IMPORTED TOPSOIL MAY BE REQUIRED DEPENDING UPON CONDITION OF SUB-SOIL. DO NOT PLACE TOPSOIL OVER COMPACTED GRAVEL SUBGRADE. EXCAVATE GRAVEL TILL EXISTING SOIL IS MET OR MINIMUM OF 30" OF DEPTH.
9. VERIFY ADEQUATE DRAINAGE PRIOR TO PLACING IMPORTED TOPSOIL.
10. ALL LAWN AND SHRUB BED AREAS TO BE GRADED TO A SMOOTH EVEN FINISH. GRADES SHALL BE APPROVED BY LANDSCAPE ARCHITECT PRIOR TO PLANTING.

LANDSCAPE NOTES

1. QUANTITIES SHOWN ARE FOR CONTRACTORS CONVENIENCE.
2. AMENDMENTS SHALL BE APPLIED TO ALL LAWN AREAS AS FOLLOWS: LIMESTONE AT A RATE OF 50 LBS. / 1,000 SQ. FT., 16-16-16 FERTILIZER AT A RATE OF 12 LBS. / 1,000 SQ. FT.
3. OTHER TRADES SHALL NOT DUMP ANY: PAINT, CHEMICALS, LIME, CONCRETE, SCRAP BUILDING MATERIALS, OR ANY OTHER TOXIC MATERIALS IN LANDSCAPE BEDS.
4. LANDSCAPE CONTRACTOR SHALL ROTOTILL, FERTILIZE, AND FINISH GRADE ALL LANDSCAPE AREAS.
5. NO SUBSTITUTIONS SHALL BE MADE WITHOUT THE WRITTEN CONSENT OF OWNER OR LANDSCAPE ARCHITECT.
6. VERIFICATION OF UNDERGROUND UTILITIES IS THE RESPONSIBILITY OF THE LANDSCAPE CONTRACTOR. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR THE IMMEDIATE REPAIR OF ANY DAMAGE CAUSED BY HIS WORK.
7. THE OWNER OR LANDSCAPE ARCHITECT SHALL HAVE THE RIGHT TO REJECT ANY WORK OR MATERIALS AT ANY STAGE OF THE OPERATION THAT IN HIS OPINION DO NOT MEET THE REQUIREMENTS OF THESE PLANS AND SPECIFICATIONS.
8. ALL PLANT BEDS SHALL BE TOP DRESSED WITH 2" OF BARK MULCH.
9. ALL PLANT MATERIAL SHALL BE CONTAINER GROWN OR BALLED AND BURLAPPED. BARE ROOT STOCK IS NOT ACCEPTABLE.
10. ALL TREES, SHRUBS, AND GROUND COVER SHALL BE GUARANTEED FOR A PERIOD OF 12 MONTHS BEGINNING ON THE DATE OF ACCEPTANCE OF PROJECT. ANY SICK OR DEAD PLANTS SHALL BE REPLACED IMMEDIATELY.
11. ALL GRADES, DIMENSIONS, AND EXISTING CONDITIONS SHALL BE VERIFIED BY THE LANDSCAPE CONTRACTOR BEFORE CONSTRUCTION BEGINS. ANY DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE LANDSCAPE ARCHITECT OR OWNER.
12. EVERY POSSIBLE SAFEGUARD SHALL BE TAKEN TO PROTECT BUILDING SURFACES, PAVING, EQUIPMENT, AND FURNISHINGS. THE LANDCSAPE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE OR INJURY TO PERSON OR PROPERTY THAT MAY OCCUR AS A RESULT OF HIS NEGLIGENCE IN THE EXECUTION OF HIS WORK.
14. THE LANDSCAPE CONTRACTOR SHALL APPLY AN APPROVED PRE-EMERGENT HERBICIDE FOLLOWING MANUFACTURER'S RECOMMENDED APPLICATION RATES AND PROCEEDURES FOLLOWING COMPLETION OF PLANTING, AND BARK MULCH. DO NOT APPLY PRE-EMERGENT CHEMICAL IN FILTRATION PLANTERS.
15. THE LANDSCAPE CONTRACTOR SHALL COORDINATE HIS WORK WITH ALL OTHER RELATED TRADES SUCH AS: LIGHTING, UTILITIES, SIGNAGE, AND PAVING.
16. THE LANDSCAPE CONTRACTOR SHALL INSURE POSITIVE DRAINAGE IN ALL PLANT BEDS, AND LAWN AREAS.
17. FERTILIZER SHALL BE APPLIED TO ALL LANDSCAPING AREAS. AGRIFORM 10 GRAM TABLETS: 3 FOR EACH SHRUB, 6 FOR EACH TREE SHALL BE EVENLY SPACED AROUND THE ROOTBALL. BROADCAST GRANULAR FORM 16-16-16 AT A RATE OF 20 LBS. / 1,000 SQ. FT. OVER ALL GROUND COVER AREAS.

LANDSCAPE PLAN

SCALE 1"=10'-0"

Charles Mangum & Associates
Landscape Architecture Design/ Build
5144 36th Av. S.E. Salem, Oregon 97317 (503) 364-1240

DESIGN: CEM
DRAWN: SAT
DATE: 11-21-2015
REVISED: 12-22-2015

DJ ARCHITECTURE
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(541) 928-5883

REVISIONS	BY

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EUGENE TOWNPLACE SUITES
EUGENE, OREGON
LANDSCAPING PLAN
1020 Valley River Way

REGISTERED LANDSCAPE ARCHITECT
No. 52
Charles E. Mangum
OREGON

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JOB # | FILE | DRAW
SCALE AS SHOWN | DATE

L1.2

NOTE:
REMOVE ALL EXISTING VEGETATION IN THIS AREA, EXCEPT EXISTING MAPLE TREES. EXISTING MAPLE TREES TO REMAIN.

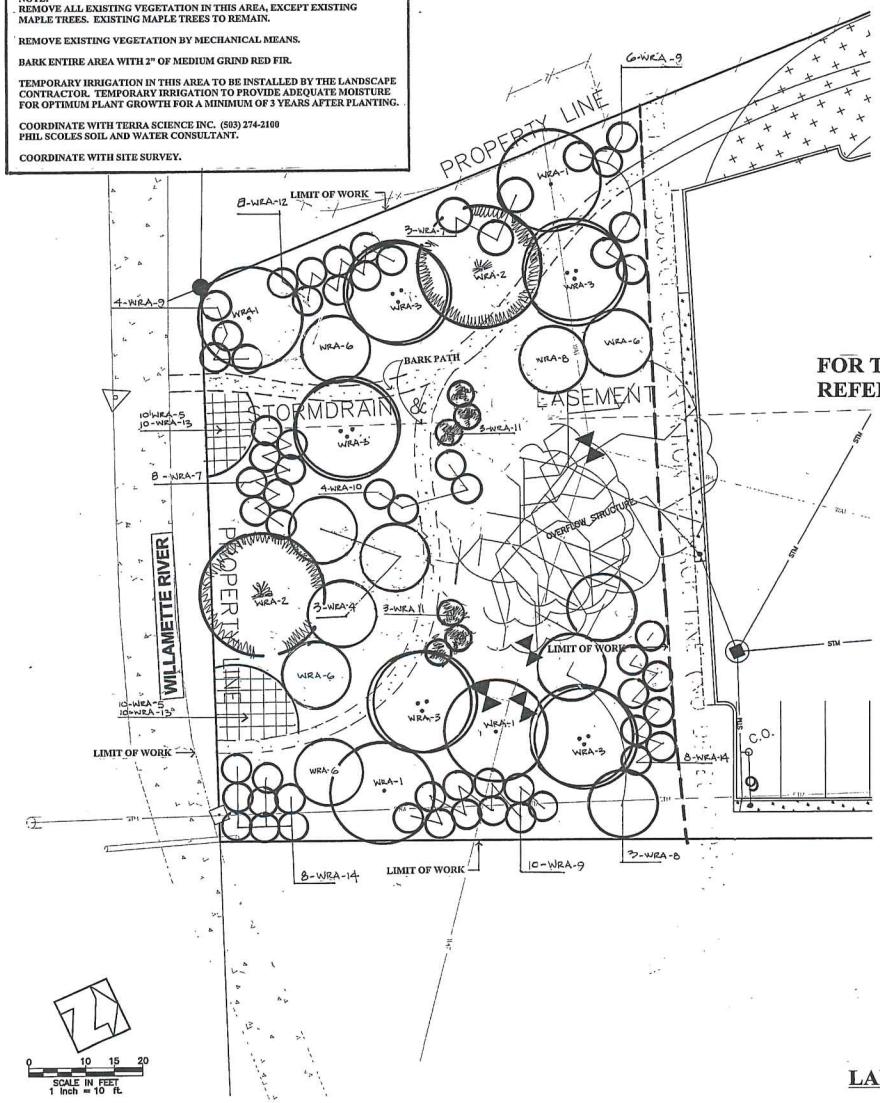
REMOVE EXISTING VEGETATION BY MECHANICAL MEANS.

BARK ENTIRE AREA WITH 2" OF MEDIUM GRIND RED FIR.

TEMPORARY IRRIGATION IN THIS AREA TO BE INSTALLED BY THE LANDSCAPE CONTRACTOR. TEMPORARY IRRIGATION TO PROVIDE ADEQUATE MOISTURE FOR OPTIMUM PLANT GROWTH FOR A MINIMUM OF 3 YEARS AFTER PLANTING.

COORDINATE WITH TERRA SCIENCE INC. (503) 274-2100
PHIL SCOLES SOIL AND WATER CONSULTANT.

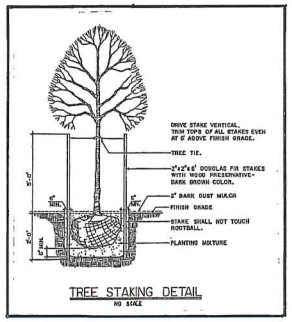
COORDINATE WITH SITE SURVEY.

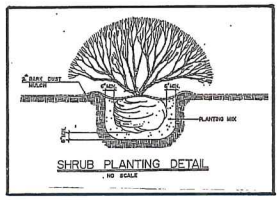


FOR THIS AREA
REFER TO SHEET L1.1

WATER RESOURCE AREA LEGEND (WRA)

PLANT #	BOTANICAL NAME	COMMON NAME	SIZE
WRA-1	FRANGULA PURSHIANA	CASCARA BUCKTHORN	5 GAL. OR 4'-5'
WRA-2	PSEUDOTSUGA MENZIESII	DOUGLAS FIR	5 GAL. OR 4'-5'
WRA-3	ACER CIRCINATUM	VINE MAPLE	5 GAL. OR 4'-5'
WRA-4	AMELANCHIER ALNIFOLIA	SERVICEBERRY	5 GAL. OR 4'-5'
WRA-5	CAREX HENDERSONII	HENDERSON'S SEDGE	3" POT
WRA-6	CORNUS SERICEA	REDTWIG	2 GAL. 4'-5'
WRA-7	GAULTHERIA SHALLON	SALAL	1 GAL.
WRA-8	HOLODISCUS DISCOLOR	OCEAN SPRAY	2 GAL. OR 4'-5'
WRA-9	MAHONIA AQUIFOLIUM	OREGON GRAPE	1 GAL.
WRA-10	OEMLERIA CERASFORMIS	OSOBERRY	2 GAL. OR 3'-4'
WRA-11	POLYSTICHUM MUNITUM	W SWORD FERN	1 GAL
WRA-12	RIBES SANGUINEUM	RED CURRANT	1 GAL.
WRA-13	SIDALCEA VIRGATA	ROSE CHECKERMALLOW	3" POT
WRA-14	SYMPHOCARPUS ALBUS	SNOWBERRY	1 GAL.





LANDSCAPE PLAN

SCALE 1"=10'-0"

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Landscape Architecture Design/ Build
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DESIGN: CEM
DRAWN: SAT
DATE: 11-21-2015
REVISED: 12-22-2015

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REVISIONS	DATE	BY

EUGENE TOWNPLACE SUITES
EUGENE, OREGON
WR RESTORATION PLAN
1020 Valley River Way

REGISTERED No. 52 Charles E. Mangum OREGON LANDSCAPE ARCHITECT

MSS INC
ENGINEERING CONSULTANTS AND PLANNERS
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SCALE: AS SHOWN | DATE

L1.3

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9.6791 **Stormwater Flood Control.**

(1) Purpose. The purpose of EC 9.6791 is to protect life and property from flood and drainage hazards by maintaining the capacity of the city's stormwater conveyance system through the establishment of flood control regulations for stormwater runoff.

(2) Applicability and Exemptions.

(a) Except as provided in EC 9.6791(2)(b), flood control standards apply to all development permit applications and land use applications.

(b) The standards in EC 9.6791(3) do not apply to development permit applications where the proposed development will be served by a flood control facility that is a manmade drainage system designed to accommodate stormwater run-off generated by the stormwater basin area.

(3) Standards.

(a) Stormwater flood control facilities shall be designed and constructed according to adopted plans and policies, and in accordance with standards in EC Chapters 6 and 7, and the stormwater flood control provisions and the facility design requirements set forth in the Stormwater Management Manual.

(b) Based on the Rational Method flow calculation, stormwater runoff from the development site for the flood control design storm shall be:

1. Discharged into existing stormwater flood control facilities that, considering all developments that have received tentative or final plan approval as of the date the applicant submits a complete application, have the capacity to handle the stormwater runoff; or
2. Retained or detained onsite; or
3. Discharged into a new stormwater flood control facility constructed by the applicant.

(4) Underground Injection Control Systems. Stormwater runoff discharged in underground systems is also regulated through the federal Underground Injection Control (UIC) program under Part C of the Safe Drinking Water Act (42 U.S.C. § 300, Chapter 6A, Subchapter XII) and Oregon Administrative Rule Chapter 340, Section 044.

(Section 9.6791 added by Ordinance No. 20369, enacted June 14, 2006, effective July 14, 2006; amended by Ordinance No. 20417, enacted August 11, 2008, effective July 7, 2009; amended by Ordinance No. 20521, enacted January 13, 2014, effective March 1, 2014.)

9.6792 **Stormwater Quality.**

(1) Purpose. The purpose of EC 9.6792 is to reduce runoff pollution and mitigate the volume, duration, time of concentration and rate of stormwater runoff from development by implementing stormwater management techniques that promote the use of natural and built systems for infiltration, evapotranspiration and reuse of rainwater and that use or mimic natural hydrologic processes while capturing and treating approximately 80% of the average annual rainfall.

(2) Applicability and Exemptions.

(a) The standard in EC 9.6792(3)(a) applies to all land use applications submitted after March 1, 2014, that do not propose construction of a public street, private street or a shared driveway.

(b) The standards in EC 9.6792(3)(b), (e)-(g) apply to all land use applications submitted after March 1, 2014, that propose construction of a public street.

(c) The standards in EC 9.6792(3)(c), (e)-(g) apply to all land use applications submitted after March 1, 2014, that propose construction of a private street or shared driveway.

(d) Except as exempt under EC 9.6792(2)(e), the standards in EC 9.6792(3)(d)-(g) apply to applications for all development permits submitted after March 1, 2014.

(e) The standards in EC 9.6792(3)(d)-(g) do not apply to development permit applications:

1. For the construction of less than 1,000 square feet of new or replaced impervious surface within a 12 month period;
2. For interior alterations of an existing structure;
3. For the construction of more than 1,000 square feet of impervious surface that replaces existing impervious surface for purposes of maintenance or repair for the continuance of the current function, providing that as part of such maintenance and repair the applicant is replacing less than 50% of the length of the stormwater drainage system (including pipes, drainageway catch basins and drywells) on the development site;
4. For the construction of new or replaced impervious surface where all of the stormwater runoff from the impervious surface will discharge into an on-site, privately maintained underground injection control system that is registered and approved by the Oregon Department of Environmental Quality;
5. For the construction of a one or two family dwelling on a lot or parcel that was created by a land division application submitted and approved by the City prior to March 1, 2014, that is consistent with the approved land use application and the City's stormwater quality (pollution reduction) standards in place at the time of the land division application; or
6. For the construction of a one or two family dwelling on a lot or parcel that was created by a land division application that included the construction of a public or private street or shared driveway submitted and approved by the City after March 1, 2014, if the lot or parcel adjoins the public or private street or shared driveway and the facility within the public or private street or shared driveway is an infiltration or filtration facility designed and sized to accommodate stormwater runoff from the adjoining lots or parcels at full buildout of the lots or parcels.

(3) Standards.

(a) For land use applications not proposing the construction of a public or private street or shared driveway, the applicant shall submit a site development plan that delineates the following conditions existing on the development site:

1. Infiltration rates less than 2 inches per hour;
2. Bedrock less than 5 feet below the ground surface;
3. Groundwater elevations less than 6 feet; or,
4. Ground surface slopes greater than 10%.

(b) For land use applications proposing the construction of a public street, stormwater quality facilities to treat the stormwater runoff from the proposed public street shall be selected from the Stormwater Management Manual and shall be based on the following priority order: infiltration, filtration, mechanical treatment.

1. If selecting an infiltration or filtration facility to treat the stormwater runoff from the public street, the facility can be sized to also treat the stormwater runoff from the one and two family dwelling lots or parcels adjoining the public street based on full buildout of those lots or parcels.
2. If using a mechanical facility to treat the stormwater runoff from the public street or if the infiltration or filtration facility is not sized to also treat the stormwater runoff from the adjoining lots or parcels at full buildout, all lots or parcels created by the land division application shall comply with EC 9.6792(3)(d)-(g) at the time of development permit application.

(c) For land use applications proposing construction of a private street or shared driveway, stormwater quality facilities to treat the runoff from the proposed private street or shared driveway shall be selected from the Stormwater Management Manual and shall be based on the following priority order: infiltration, filtration.

1. An infiltration or filtration treatment facility to treat the stormwater runoff from the shared driveway or private street can be sized to treat the stormwater runoff from the proposed one and two family dwelling lots or parcels that adjoin the shared driveway or private street based on full buildout of those lots or parcels.
2. If the infiltration or filtration facility is not sized to treat the stormwater runoff from the adjoining lots or parcels at full build out, all lots or parcels created by the land division application must comply with EC 9.6792(3)(d)-(g) at the time of development permit application.

(d) For development permit applications, stormwater quality facilities shall be selected from the Stormwater Management Manual and shall be based on the following priority order: infiltration, filtration, off-site stormwater quality management.

1. If selecting a filtration treatment facility, the applicant shall submit a report that demonstrates at least one of the following development site conditions exist:
    a. Infiltration rates are less than 2 inches per hour;
    b. Bedrock is less than 5 feet below the ground surface;
    c. Groundwater elevations are less than 6 feet; or,
    d. Ground surface slopes are greater than 10%.
2. If selecting off-site stormwater quality management by contributing to the public off-site stormwater quality facilities, through payment of a higher stormwater system development charge adopted as part of the City's system development charge methodology, the applicant shall submit a report that demonstrates there is insufficient land area to construct an approved infiltration or filtration facility by setting forth the required size of the smallest infiltration or filtration facility needed for the development's impervious surface area and a site plan demonstrating that an

approved infiltration or filtration facility cannot be located on the development site without reducing the size of the proposed development which is otherwise consistent with all other applicable lot and development standards.

(e) The selected stormwater quality facilities shall treat all stormwater runoff from all new or replaced impervious surface areas, or an equivalent on-site area, that will result from the water quality design storm except that the selected the stormwater quality facility does not need to treat the stormwater runoff from new or replaced impervious surface that is 500 sq. feet or less and does not gravity-feed into the selected treatment facility.

(f) All stormwater quality facilities shall be sited, designed and constructed according to the water quality provisions and the facility design requirements set forth in the Stormwater Management Manual.

(g) The standards in EC 9.6792(3) may be adjusted pursuant to EC 9.8030(24).

(Section 9.6792 added by Ordinance No. 20369, enacted June 14, 2006, effective July 14, 2006; amended by Ordinance No. 20521, enacted January 13, 2014, effective March 1, 2014.)

9.6791 Stormwater Flood Control.

(3) Standards.

(a) Stormwater flood control facilities shall be designed and constructed according to adopted plans and policies, and in accordance with standards in EC Chapters 6 and 7, and the stormwater flood control provisions and the facility design requirements set forth in the Stormwater Management Manual.

(b) Based on the Rational Method flow calculation, stormwater runoff from the development site for the flood control design storm shall be:

1. Discharged into existing stormwater flood control facilities that, considering all developments that have received tentative or final plan approval as of the date the applicant submits a complete application, have the capacity to handle the stormwater runoff; or

2. Retained or detained onsite; or

3. Discharged into a new stormwater flood control facility constructed by the applicant.

Natural resources such as waterways located within or adjacent to the city's storm water system may provide stormwater functions including flood control. This project is served by an existing 30-inch diameter storm line, which discharges directly to the Willamette River and was not identified by the stormwater basin master plan (i.e. Willamette River Basin Volume 6 of 7) as requiring additional capacity. As such, this project may utilize the city's existing storm drainage system to provide all or a portion of the flood control facilities.

The proposed project will be served by filtration or infiltration planter boxes. The existing soils are anticipated to provide good infiltration; however, infiltration testing has not yet been completed. Based on the assumed infiltration rate allowed by the Stormwater Management Manual, adequate room is not available on site to provide flood control facilities because of the portion of the site that is restricted by the Water Resources Overlay. As such, the city's off-site facilities will be utilized to provide flood control for the project. In the event that infiltration testing indicates a higher rate of infiltration then expected, it may be possible to provide flood control on site for a portion of the project in the infiltration planters that will serve the parking and walkway areas. Please see the submitted stormwater report for more information, (Attachment L).

9.6792 Stormwater Quality.

(3) Standards.

(a) For land use applications not proposing the construction of a public or private street or shared driveway, the applicant shall submit a site development plan that delineates the following conditions existing on the development site:

1. Infiltration rates less than 2 inches per hour;

2. Bedrock less than 5 feet below the ground surface;

3. **Groundwater elevations less than 6 feet; or,**

4. **Ground surface slopes greater than 10%.**

Geotechnical work has not yet been completed; however, based on the City of Eugene soil maps and NRCS Soil soil survey (see Storm Drainage Report provided as Attachment 'L'), the development site is expected to have Hydrologic Soil Group A soils. These are well drained soils, which are anticipated to have infiltration rates exceeding 2 inches per hour. Ground water will be approximately at the elevation of the Willamette River, which is 13 feet below the lowest point on the site. Bedrock is not anticipated in the upper five feet of the soil profile. These conditions will be verified with the geotechnical report to be submitted with the building permit application. Existing contour elevations are shown on the existing conditions map, (Attachment B).

(b) For land use applications proposing the construction of a public street, stormwater quality facilities to treat the stormwater runoff from the proposed public street shall be selected from the Stormwater Management Manual and shall be based on the following priority order: infiltration, filtration, mechanical treatment.

1. **If selecting an infiltration or filtration facility to treat the stormwater runoff from the public street, the facility can be sized to also treat the stormwater runoff from the one and two family dwelling lots or parcels adjoining the public street based on full buildout of those lots or parcels.**

2. **If using a mechanical facility to treat the stormwater runoff from the public street or if the infiltration or filtration facility is not sized to also treat the stormwater runoff from the adjoining lots or parcels at full buildout, all lots or parcels created by the land division application shall comply with EC 9.6792(3)(d)-(g) at the time of development permit application.**

No public street improvements proposed through the subject application.

(c) For land use applications proposing construction of a private street or shared driveway, stormwater quality facilities to treat the runoff from the proposed private street or shared driveway shall be selected from the Stormwater Management Manual and shall be based on the following priority order: infiltration, filtration.

1. **An infiltration or filtration treatment facility to treat the stormwater runoff from the shared driveway or private street can be sized to treat the stormwater runoff from the proposed one and two family dwelling lots or parcels that adjoin the shared driveway or private street based on full buildout of those lots or parcels.**

2. **If the infiltration or filtration facility is not sized to treat the stormwater runoff from the adjoining lots or parcels at full build out, all lots or parcels created by the land division application must comply with EC 9.6792(3)(d)-(g) at the time of development permit application.**

No new private street or shared driveway improvements are proposed. The shared driveway is served by an existing drainage system, which is not being modified or impacted by the proposed development.

(d) For development permit applications, stormwater quality facilities shall be selected from the Stormwater Management Manual and shall be based on the following priority order: infiltration, filtration, off-site stormwater quality management.

1. **If selecting a filtration treatment facility, the applicant shall submit a report that demonstrates at least one of the following development site conditions exist:**

   a. **Infiltration rates are less than 2 inches per hour;**

   b. **Bedrock is less than 5 feet below the ground surface;**

   c. **Groundwater elevations are less than 6 feet; or,**

   d. **Ground surface slopes are greater than 10%.**

2. **If selecting off-site stormwater quality management by contributing to the public off-site stormwater quality facilities, through payment of a higher stormwater system development charge adopted as part of the City's system development charge methodology, the applicant shall submit a report that demonstrates there is insufficient land area to construct an approved infiltration or filtration facility by setting forth the required size of the smallest infiltration or filtration facility needed for the development's impervious surface area and a site plan demonstrating that an approved infiltration or filtration facility cannot be located on the development site without reducing the size of the proposed development which is otherwise consistent with all other applicable lot and development standards.**

The proposed water quality treatment will be accomplished using a combination of infiltration planter boxes and filtration planter boxes. All of the impervious surfaces will be treated prior to discharge to the public system. Filtration planter boxes will be used to treat runoff from the roof. Regardless of the soil infiltration capacity, the planter boxes around the building are required to have an impervious liner due to the fact that they are located less than 10 feet from the building. Infiltration planter boxes will be located around the perimeter of the parking area. Storm drainage will enter the planter boxes via curb cuts. These planter boxes will be two feet wide so that a minimum five foot setback is maintained from the property line.

As noted previously, there is not sufficient area available to size these infiltration planters to accommodate the flood control volume required by the Stormwater Management Manual based on the assumed infiltration rate allowed by the Manual. As such, these infiltration planters will still require the developer to pay System Development Charges based on the rates for filtration planters, but will minimize the amount of stormwater being discharged to the public system.

(e) The selected stormwater quality facilities shall treat all stormwater runoff from all new or replaced impervious surface areas, or an equivalent onsite area, that will result from the water quality design storm except that the selected the stormwater quality facility does not need to treat the stormwater runoff from new or replaced impervious surface that is 500 sq. feet or less and does not gravity-feed into the selected treatment facility.

All impervious surfaces will be treated by the proposed stormwater system prior to discharge.

(f) All stormwater quality facilities shall be sited, designed and constructed according to the water quality provisions and the facility design requirements set forth in the Stormwater Management Manual.

All facilities have been located and sized based on the criteria in the Stormwater Management Manual. Calculation details are provided in the Stormwater Report, (Attachment L). As noted previously, infiltration planters maintain the required 5 foot separation from property lines. Filtration planters are located within 10 feet of the building and will require a waterproof liner.

Exhibit 7

Eugene Townplace Suites

Stormwater Report

March 29, 2016

OWNER:

Canterbury Group, Inc.
PO Box 56150
Portland, OR 97238-7556
Tel. 503-542-7556

Engineer:

MSS Engineering, LLC
215 NW 4th Street
Corvallis, OR 97330
5410753-1320

DJ Architecture
2443 Heritage Way SE
Albany, OR 97322
541-926-5959

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Exhibit 8

Geotechnical Investigation

Proposed New Development
Eugene TownePlace Suites
Valley River Drive
Eugene, Oregon

February 28, 2016

Prepared for:

DJ Architecture

Prepared by:

OGD Consulting, PC

Serving Oregon Geotechnical Design and Consulting Needs

OGD Consulting, PC.

Serving Oregon Geotechnical Design & Consulting Needs

Don Johnson, AIA
DJ Architecture
2411 Brighton Way SE, Suite B
Albany, Oregon 97322

February 28, 2016

Re: **Proposed New Development**
Eugene TownePlace Suites
Valley River Drive
Eugene, Oregon

Subject: **Geotechnical Investigation**
Project No. 616-15-02

Dear Mr. Johnson:

OGD Consulting, PC (OGD) has completed the requested geotechnical investigation for the proposed new building and associated parking area at the currently vacant parcel at the east end of Valley River Drive along the north bank of the Willamette River in Eugene, Oregon. This report includes a discussion of site conditions and a summary of geotechnical recommendations for design and construction of the proposed improvements.

The proposed building site includes fill material on portions of the site underlain by alluvial soils that transition from predominately silt to sandy gravel at shallow depth. The proposed foundations are expected to be moderately loaded and constructed over structural fill and the upper silt alluvium. We believe the site is adequate to support the planned structure using conventional foundations, provided they are adequately embedded into the existing soils. Detailed recommendations for design of foundations and considerations for earthwork at the site are provided herein.

We trust this information meets your current needs. It has been a pleasure assisting you with this phase of your project. Please call if you have any questions or need additional assistance.

Sincerely,

OGD Consulting, PC.

By: Mel McCracken

Mel McCracken, PE, GE, President

9027 NW Fir Ridge Place, Corvallis, Oregon 97330
(541) 738-0895

Geotechnical Investigation
Proposed New Development
Eugene TownePlace Suites
Valley River Drive
Eugene, Oregon

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9.6710 Geological and Geotechnical Analysis.

(2) Geological and Geotechnical Analysis Required. Except for those activities exempted under EC 9.6710(3) Exemptions from Geological and Geotechnical Requirements, a geological and geotechnical analysis, prepared by an Oregon licensed Engineering Geologist or an Oregon licensed Civil Engineer with geotechnical experience, conforming with standards, procedures and content as defined in the Standards for Geological and Geotechnical Anlaysis adopted by the city in the manner set forth in EC 2.019 City Manager - Administrative and Rulemaking Authority and Procedures, is required for any of the following:

(b) All proposed development that includes dedication or construction of a public street or alley or the construction of public drainage systems or public wastewater sewers.

The subject proposal does not include dedication or construction of public transportation facilities or utilities. Hence, a Geotechnical Analysis is not necessary per the criterion cited above.

9.6885 Tree Preservation and Removal Standards.

(1) Exemptions from Standards. The standards in this section do not apply to activities regulated under EC 9.4900 through 9.4980, or an application for Eugene Code development activity that includes or will result in:

(b) Land Use Approvals. Any tree removal on property subject to an approved conditional use permit, planned unit development, site review, or subdivision that include a tree removal/preservation plan or conditions related to tree removal or retention. In those areas, that plan or city approved modifications thereto control tree removal. This exemption does not apply to the removal of a street tree, which must be authorized by a permit issued pursuant to EC 6.305;

The subject request includes a Site Review application, as well as a Willamette Greenway permit. Therefore, the standards in EC 9.6885 do not apply. Please see below for findings in response to EC 9.8440(2).

9.8440 Site Review Approval Criteria-General. The planning director shall approve, conditionally approve, or deny the site review application. Approval or conditional approval shall be based on compliance with the following criteria:

(2) Proposed lots, buildings, streets, parking lots, recreation areas, and other proposed uses are 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 applicant shall show that it has given due consideration to the preservation of attractive and distinctive historical and natural features.**

The subject site has been included as part of the City of Eugene's acknowledged Goal 5 inventory, with application of the Water Resources Overlay to the southern portion of the site as a result. The applicant proposes to restore the native vegetation within the Overlay area in order to enhance the appearance and function of the Willamette River's riparian corridor, as described above. No other distinctive historical or natural features are located elsewhere on the site. Please see below for additional findings related to tree preservation.

(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 along water features.**

10. **Heritage trees.**

As described above and shown on Attachments 'B' and 'C', a total of 31 deciduous and evergreen trees are located within the boundaries of the site. This includes three deciduous trees within the Water Resources Overlay area. A total of 25 trees located elsewhere throughout the site are proposed for removal, primarily due to limited opportunities for placing the hotel, parking, and drive aisles in a manner that would preserve a greater number of trees. Most of the

existing trees – 20 in total – are located in the western half of the site. An existing public utility easement that occupies a significant portion of the eastern half of the site precludes placing the building in this area, even though there are fewer trees in this portion of the property. The need to provide adequate vehicular circulation around the hotel – particularly for fire apparatus – requires maintaining a standard width drive aisle around the entire building. This results in impacts to trees along eastern boundary of the site, immediately adjacent to the public right-of-way for Delta Highway/I-105.

Despite the number of trees proposed for removal, those remaining on-site and along its perimeter will help buffer the building when viewed from adjacent properties, the highway, and the Willamette River. Given that a net increase of 27 new trees will be planted within the site, it is highly likely that the resultant canopy will eventually exceed the current canopy area, resulting in greater potential for deriving associated ecosystem services. On balance, the applicant argues that the subject proposal preserves existing trees to the greatest degree feasible while achieving a development pattern that is allowed in the C-2 commercial zone, and, at the same time, delivering greater environmental benefits over the long term.

(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 6.335 and rules adopted thereunder.

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.

As noted above, the subject site has been included as part of the City of Eugene's acknowledged Goal 5 inventory. The applicant proposes to remove a total of 25 trees from the site, and, as discussed above, finds that the removing those trees is necessary for development to occur consistent with the C-2 commercial zone. In compensation, the applicant proposes to restore vegetation within the portion of the site that is subject to the Water Resource Overlay, and also replace the 25 trees removed from other portions of the site with 52 new trees. Hence, the applicant argues that the loss of these existing trees is consistent with EC 9.8440(2)(b).

(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 of this code.

The subject proposal does not include removal of any street trees.

SURVEYOR'S CERTIFICATE

TO: VALLEY HOSPITALITY, LLC, AND FIRST AMERICAN TITLE COMPANY OF OREGON.

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS IN 1999, AND INCLUDES ITEMS 2, 3, 4, 6(B), 7(A), 8, 9, 10, 11(B), 12, 13, 14, 16, 17, 18, 19, 20 AND 21 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON 09/29/2015.

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON JUNE 10, 2014 DAVID LEE SCHLOSSER JR. 72617

RENEWS: 06/30/2016

DAVID LEE SCHLOSSER JR.
REGISTERED SURVEYOR NO. 72617
IN THE STATE OF OREGON
DATE OF SURVEY: 09/29/2015
DATE OF MAP: 10/05/2015
NSTAR JOB NO. 15237

REFERENCES

A. WARRENTY DEED TO VALLEY HOSPITALITY, LLC. RECORDED JULY 15, 2013 AT RECORDERS No. 2013-038326, LCOOR.
B. C.S. 37721
C. O.D.O.T MAP DRG. No. 1A-16-20
D. C.S. 11787

FLOOD ZONE

FLOOD NOTE: By graphic plotting only, this property is in Zone(s) X of the Flood Insurance Rate Map,Community Panel No. 410136C1128 F which bears an effective date of JUNE 02, 1999 and is not in a Special Flood Hazard Area.

ZONING DATA

ZONING CLASSIFICATION: C-2
COMMUNITY COMMERCIAL

MINIMUM SETBACKS:
FRONT YARD: 10'
INTERIOR YARD: 10'
HEIGHT RESTRICTIONS: 30' ABOVE GRADE
MAXIMUM BUILDING SIZE: NONE
MINIMUM LOT SIZE: NONE

PARKING: DEPENDANT ON FINAL BUILDING DESIGN

*SITE IS CURRENTLY ABUTTING ZONE C-2

NOTE

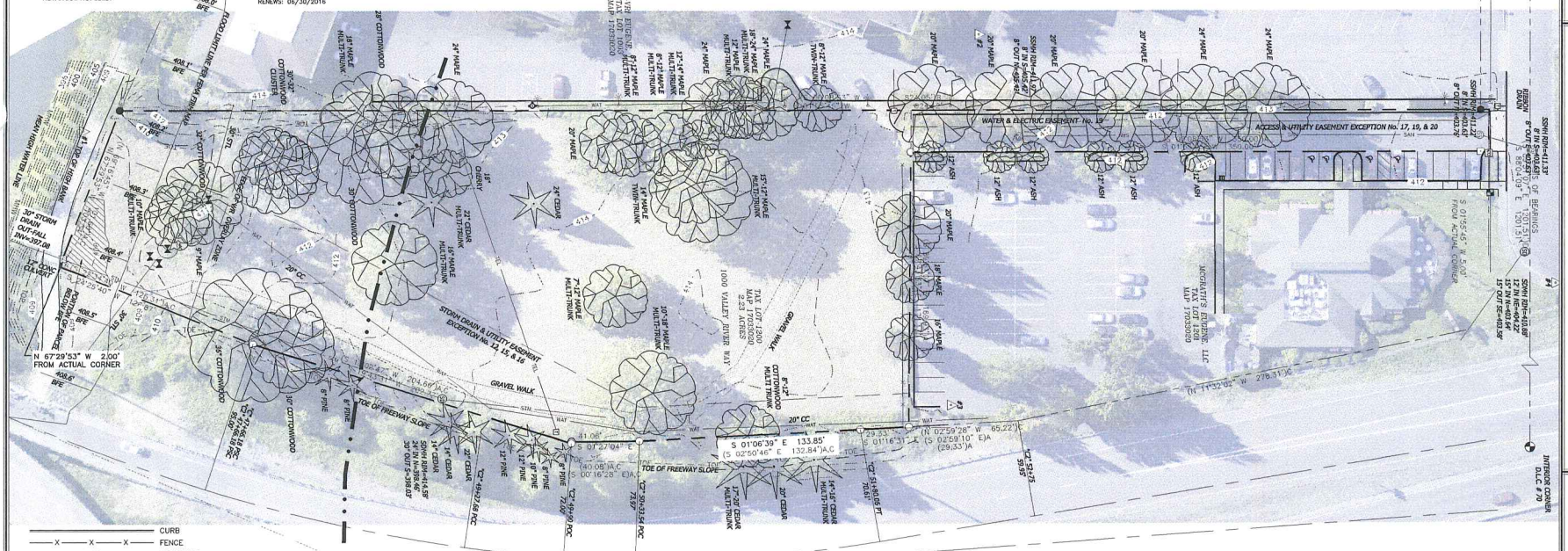
THERE IS NO EVIDENCE OF THESE PROPERTIES BEING USED AS A SOLID WASTE DUMP, SUMP, OR LANDFILL

THE FENCE ON THE SOUTH END OF MCGRATHS PARKING LOT IS 5' OVER THE LINE

ALL UNDER GROUND UTILITY LINES ARE FROM PAINT LOCATES AND CITY UTILITY MAPS. ACCURACY MAY VARY

ALTA / ASCM SURVEY
for
VALLEY HOSPITALITY, LLC
in the
NORTHEAST 1/4 of SECTION 30,
T17 S, R 3 W, W.M.,
CITY OF EUGENE,
LANE COUNTY, OREGON

OCTOBER 15, 2015



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 86°01'50" W	1.07
	(N 85°55'22" W)A	(1.07')A
L2	S 89°04'09" E	26.00'
	(S 89°51'07" E)	(26.00')

CURB
FENCE
WATERLINE
SANITARY SEWER
STORM DRAIN
TELEPHONE
TOP SLOPE
TOE SLOPE
CULVERT
CONCRETE
ASPHALT
GRAVEL
SANITARY MANHOLE
STORM MANHOLE
CLEANOUT
AREA DRAIN
STREET LIGHT
WATER VALVE
WATER METER
FIRE HYDRANT
TEL/COMM PED/RISER
DECIDUOUS TREE
CONIFER TREE

PROPERTY BOUNDARY
ADJACENT PROPERTY LINES
CENTERLINE
EASEMENT LINES
WILLAMETTE GREENWAY BOUNDARY
FOUND MONUMENT
SET MONUMENT A 5/8"x30" IRON ROD W/ RED PLASTIC CAP STAMPED NORTHSTAR SURVEYING
SET REFERENCE MONUMENT SAME AS ABOVE
WEST-SOUTHWEST CORNER OF DLC 70 COMPUTED POINT
BRASS CAP
MSS INC. CONTROL POINT
( ) RECORD AS SHOWN

LEGAL DESCRIPTION

PER TITLE REPORT POLICY NO. 360411005749-TTASTD4 DATED AUGUST 14, 2015.

REAL PROPERTY IN THE COUNTY OF LANE, STATE OF OREGON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST-SOUTHWEST CORNER OF THE JACOB GILLESPIE DONATION LAND CLAIM NO. 70, TOWNSHIP 17 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN; THENCE SOUTH 89° 51' 07" EAST 878.32 FEET ALONG THE SOUTH LINE OF SAID CLAIM NO. 70 AND THE ORIGINAL CENTERLINE OF COUNTY ROAD NO. 515 TO A POINT; THENCE SOUTH 0° 08' 53" WEST 25.00 FEET TO THE **TRUE POINT OF BEGINNING** (BEING REFERENCED ON THE GROUND BY A REINFORCING ROD BEARING SOUTH 0° 08' 53" WEST 5.00 FEET); THENCE SOUTH 89° 51' 07" EAST 25.00 FEET ALONG A LINE PARALLEL WITH AND 25.00 FEET SOUTHERLY OF SAID CENTERLINE TO A POINT; THENCE SOUTH 0° 08' 53" WEST 350.00 FEET TO A POINT; THENCE SOUTH 89° 51' 07" EAST 169.93 FEET TO A POINT ON THE WEST LINE OF THAT TRACT CONVEYED TO LANE COUNTY BY INSTRUMENT RECORDED MAY 19, 1971, UNDER RECEPTION NO. 47384, OFFICIAL RECORDS OF LANE COUNTY, OREGON; THENCE SOUTH 2° 59' 10" EAST 29.33 FEET ALONG SAID WEST LINE TO A POINT OPPOSITE ENGINEER'S CENTERLINE STATION "C2" 51+80.06 P.T.; THENCE SOUTH 2° 50' 46" EAST 132.84 FEET CONTINUING ALONG SAID LINE TO A POINT OPPOSITE ENGINEER'S CENTERLINE STATION "C2" 50+33.54 P.O.C.; THENCE SOUTH 0° 16' 28" EAST 40.08 FEET CONTINUING ALONG SAID LINE TO A POINT OPPOSITE ENGINEER'S CENTERLINE STATION "C" 49+90 P.O.C.; THENCE SOUTH 89° 55' 22" EAST 1.07 FEET ALONG THE SOUTH LINE OF SAID INSTRUMENT NO. 47384 TO A POINT ON THE WEST LINE OF THAT TRACT CONVEYED TO THE STATE HIGHWAY COMMISSION BY DEED RECORDED JUNE 25, 1962 AT RECORDER'S RECEPTION NO. 74083, LANE COUNTY OREGON DEED RECORDS; THENCE SOUTH 18° 02' 47" WEST 204.66 FEET ALONG SAID WEST LINE TO A POINT OPPOSITE ENGINEER'S CENTERLINE STATION "C" 47+66.18 P.S.C.; THENCE SOUTH 22° 34' 40" WEST 125.31 FEET CONTINUING ALONG SAID WEST LINE TO A POINT ON THE NORTH LINE OF THE WILLAMETTE RIVER BIKEPATH AS DEDICATED BY DOCUMENT RECORDED MAY 18, 1973, RECEPTION NO. 73-22352, LANE COUNTY OREGON OFFICIAL RECORDS; THENCE NORTH 69° 16' 45" WEST 101.60 FEET ALONG SAID NORTH LINE TO A POINT; THENCE NORTH 0° 08' 53" EAST 826.99 FEET TO THE TRUE POINT OF BEGINNING IN EUGENE, LANE COUNTY, OREGON.

NOTE: THIS LEGAL DESCRIPTION WAS CREATED PRIOR TO JANUARY 01, 2008.

NOTES CORRESPONDING TO TITLE EXCEPTIONS

EASEMENTS AND AGREEMENTS OF RECORD PER FIRST AMERICAN TITLE COMPANY OF OREGON POLICY No. 7159-2527395 DATED SEPTEMBER 21, 2015.

ITEM No. 12 RECEPTION No. 75276 - UTILITY POWER RIGHT-OF-WAY TO EWEB & THE CITY OF EUGENE

ITEM No. 13 RECEPTION No. 74083 - RELINQUISHMENT OF ACCESS AS CONTAINED IN DEED TO THE STATE OF OREGON HIGHWAY COMMISSION

ITEM No. 14 RECEPTION No. 47384 - RELINQUISHMENT OF ACCESS AS CONTAINED IN DEED TO THE STATE OF OREGON HIGHWAY COMMISSION

ITEM No. 15 RECEPTION No. 77-51703 - A STORM / SEWER RIGHT-OF-WAY TO EWEB & THE CITY OF EUGENE

ITEM No. 16 RECEPTION No. 77-51703 - A STORM DRAIN RIGHT-OF-WAY TO EWEB & THE CITY OF EUGENE

ITEM No. 17 RECEPTION No. 90-20302 - A 26' WIDE INGRESS-EGRESS RIGHT-OF-WAY ACCESS TO TAX LOT 1200 AND THE CITY OF EUGENE

ITEM No. 19 RECEPTION No. 91-36642 - WATER LINE AND ELECTRIC EASEMENT TO TAX LOT & THE CITY OF EUGENE

ITEM No. 20 IS THE SAME LOCATION AS ITEM No. 17

NORTHSTAR SURVEYING, INC.
720 N.W. 4th Street
Corvallis, Oregon 97330
Phone: 541-757-9050

0 30 60
Scale: 1:30

DJ ARCHITECTURE
2443 Heritage Way, SE
Albany, OR 97322
(541) 926-5939

REVISIONS	DATE	BY
ADDED BASE FLOOD INFO	03.01.16	PJS

EUGENE TOWNPLACE SUITES
EUGENE, OREGON
EXISTING CONDITIONS
Valley River Way

REGISTERED PROFESSIONAL ENGINEER OREGON JULY 13, 2004 PETER J. SEADLEY

RENEWAL: 6/30/2016

MSS INC
ENGINEERING CONSULTANTS AND PLANNERS
215 NW 4th STREET
CORVALLIS, OR 97330
(541) 753-1320 FAX: (541) 753-9956

JOB #	FILE	DRAW
15061	SURVEY	TNT
SCALE	DATE	
AS SHOWN	12.24.15	

C100
2 OF 12 SHEETS

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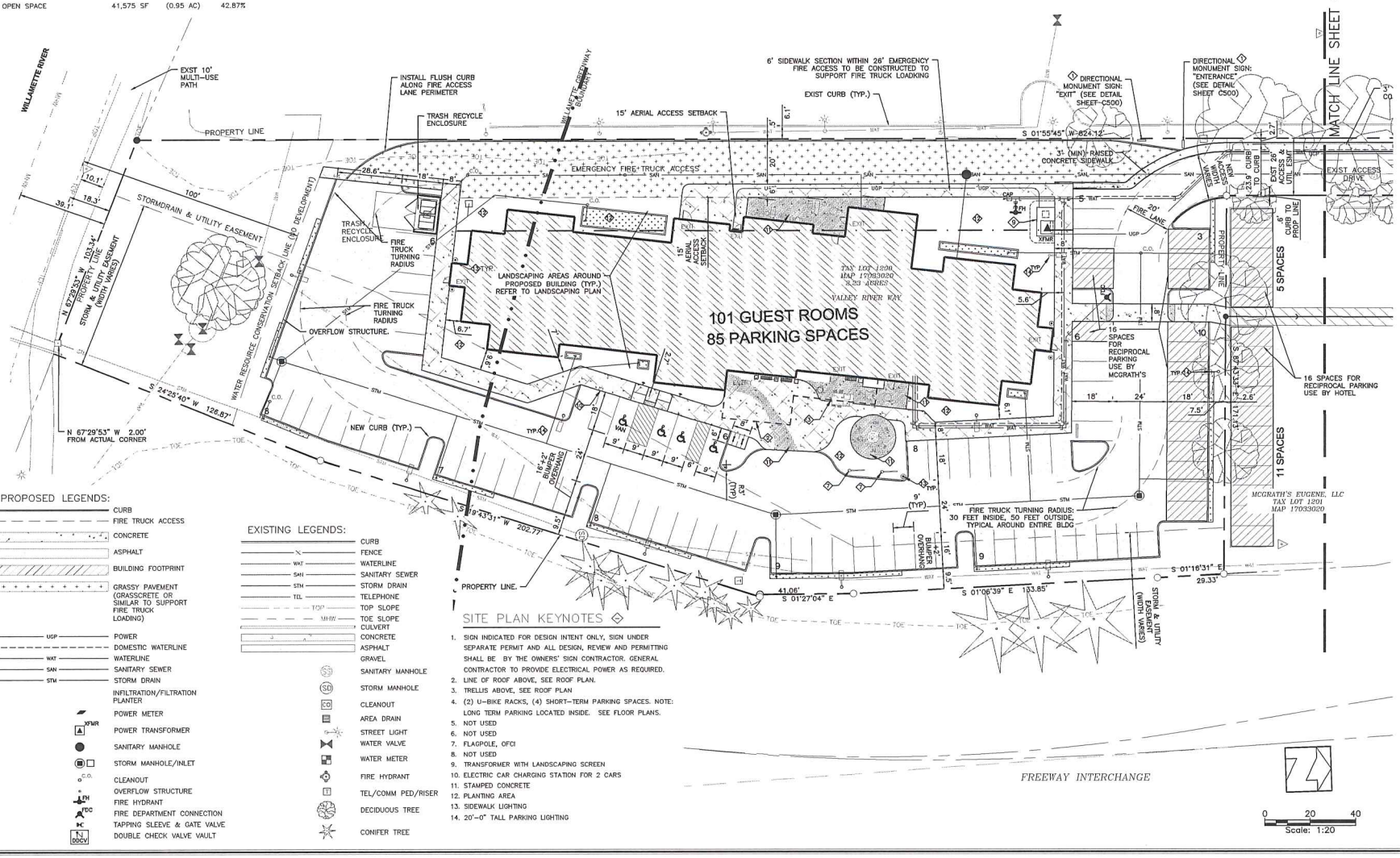
SITE SUMMARY:

TOTAL PROJECT	96,990 SF	(2.23 AC)	
EXISTING IMPERVIOUS			
ASPHALT	8,292 SF	(0.19 AC)	8.55%
EXISTING PERVIOUS	88,698 SF	(2.04 AC)	91.45%
PROPOSED IMPERVIOUS			
BUILDING FOOTPRINT	15,788 SF	(0.36 AC)	
CONCRETE PAVEMENT	8,234 SF	(0.19 AC)	
ASPHALT PAVEMENT	31,335 SF	(0.72 AC)	
TOTAL	55,357 SF	(1.27 AC)	
TOTAL IMPERVIOUS AREA	63,649 SF	(1.47 AC)	65.62%
TOTAL PERVIOUS AREA	33,341 SF	(0.77 AC)	34.38%
OPEN SPACE	41,575 SF	(0.95 AC)	42.87%

NOTES:
1) ALL IMPROVEMENTS ARE PRIVATE EXCEPT AS NOTED OTHERWISE.

2) TRIP GENERATION PER ITE MANUAL: 101 ROOMS X 0.60 PM PEAK HOUR TRIPS/ROOM = 61 PM PEAK HOUR TRIPS.



PROPOSED LEGENDS:

- CURB
- FIRE TRUCK ACCESS
- CONCRETE
- ASPHALT
- BUILDING FOOTPRINT
- GRASSY PAVEMENT (GRASSCRETE OR SIMILAR TO SUPPORT FIRE TRUCK LOADING)
- UGP — POWER
- DOMESTIC WATERLINE
- WAT — WATERLINE
- SAN — SANITARY SEWER
- STM — STORM DRAIN
- INFILTRATION/FILTRATION PLANTER
- XFMR — POWER METER
- POWER TRANSFORMER
- SANITARY MANHOLE
- STORM MANHOLE/INLET
- C.O. — CLEANOUT
- OVERFLOW STRUCTURE
- FH — FIRE HYDRANT
- FDC — FIRE DEPARTMENT CONNECTION
- TAPPING SLEEVE & GATE VALVE
- DDCV — DOUBLE CHECK VALVE VAULT

EXISTING LEGENDS:

- CURB
- FENCE
- WAT — WATERLINE
- SAN — SANITARY SEWER
- STM — STORM DRAIN
- TEL — TELEPHONE
- TOP — TOP SLOPE
- TOE — TOE SLOPE
- CULVERT
- CONCRETE
- ASPHALT
- GRAVEL
- SS — SANITARY MANHOLE
- SD — STORM MANHOLE
- CO — CLEANOUT
- AREA DRAIN
- STREET LIGHT
- WATER VALVE
- WATER METER
- FIRE HYDRANT
- T — TEL/COMM PED/RISER
- DECIDUOUS TREE
- CONIFER TREE

SITE PLAN KEYNOTES

1. SIGN INDICATED FOR DESIGN INTENT ONLY, SIGN UNDER SEPARATE PERMIT AND ALL DESIGN, REVIEW AND PERMITTING SHALL BE BY THE OWNERS' SIGN CONTRACTOR. GENERAL CONTRACTOR TO PROVIDE ELECTRICAL POWER AS REQUIRED.
2. LINE OF ROOF ABOVE, SEE ROOF PLAN.
3. TRELLIS ABOVE, SEE ROOF PLAN
4. (2) U-BIKE RACKS, (4) SHORT-TERM PARKING SPACES. NOTE: LONG TERM PARKING LOCATED INSIDE. SEE FLOOR PLANS.
5. NOT USED
6. NOT USED
7. FLAGPOLE, OFCI
8. NOT USED
9. TRANSFORMER WITH LANDSCAPING SCREEN
10. ELECTRIC CAR CHARGING STATION FOR 2 CARS
11. STAMPED CONCRETE
12. PLANTING AREA
13. SIDEWALK LIGHTING
14. 20'-0" TALL PARKING LIGHTING

DJ ARCHITECTURE
2443 Heritage Way, SE
Albany, OR 97322
(541) 928-5939

REVISIONS	DATE	BY

EUGENE TOWNPLACE SUITES
EUGENE, OREGON

SITE PLAN

Valley River Way

MSS, Inc. holds all rights to the plans and ideas on this sheet. These plans and specifications are for the construction of one project and restricted to the original site for any form whatsoever without the expressed written permission of MSS, Inc. The contractor shall verify and be responsible for all dimensions. Do not scale the drawing - any discrepancies found shall be reported to the designers before the start of construction.

REGISTERED PROFESSIONAL ENGINEER
OREGON
JULY 13, 1984
PETER J. SENDERS

RENEWAL: 6/30/2016

MSS INC
ENGINEERING CONSULTANTS AND PLANNERS
215 NW 4th STREET
CORVALLIS, OR 97330
(541) 753-1320 FAX (541) 753-5956

JOB #	FILE	DRAW
15061	SITE CIVIL	TNT
SCALE	DATE	
AS SHOWN	12.24.15	

C120

4 OF 12 SHEETS

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Attachment D

Exhibit 12

Assignment: Assess trees, within critical root zones within the fringes* of the project.

1. **Entrance lane that flows past McGrath's:**
   All these trees are in remarkably good condition considering that most of their root systems are under pavement. These trees have large volumes of exposed structural roots. It is critically important, that these visible roots are not damaged. During construction, orange temporary fence mesh should be strung right against the curb. Disturbance of the growing areas within the curbs, must not be excavated to any extent for any reason unless certified arborist is consulted to advise on less-invasive trenching such as air spade or wash and vac excavation.

   A. West side of lane-
      Individual tree notes starting with furthest north tree (McGrath's end).
      1. Large tree with a great deal of canopy hanging over the lane, much hanging down within 14' of pavement. There is much damage over the pavement. Great care is required when lifting and reducing canopy over pavement.
      2. Similar size tree but narrower canopy, so less damage over pavement but more concern of included bark within narrow branch unions.
      3,4. Smaller, narrower, more columnar trees with leaders with narrow branch unions.
      5, Leans considerably to the South.
      6. Desirable crown form and branch attachment angles.
         There is a 6" horizontal limb reaching out into lane, well under 14 feet.
         Do have a certified arborist remove that limb. It will be better to remove it at the tree than to have vehicles rip it off. Just a note, there is a 6 foot long, 6" improper pruning stub, on the neighboring side of the tree.

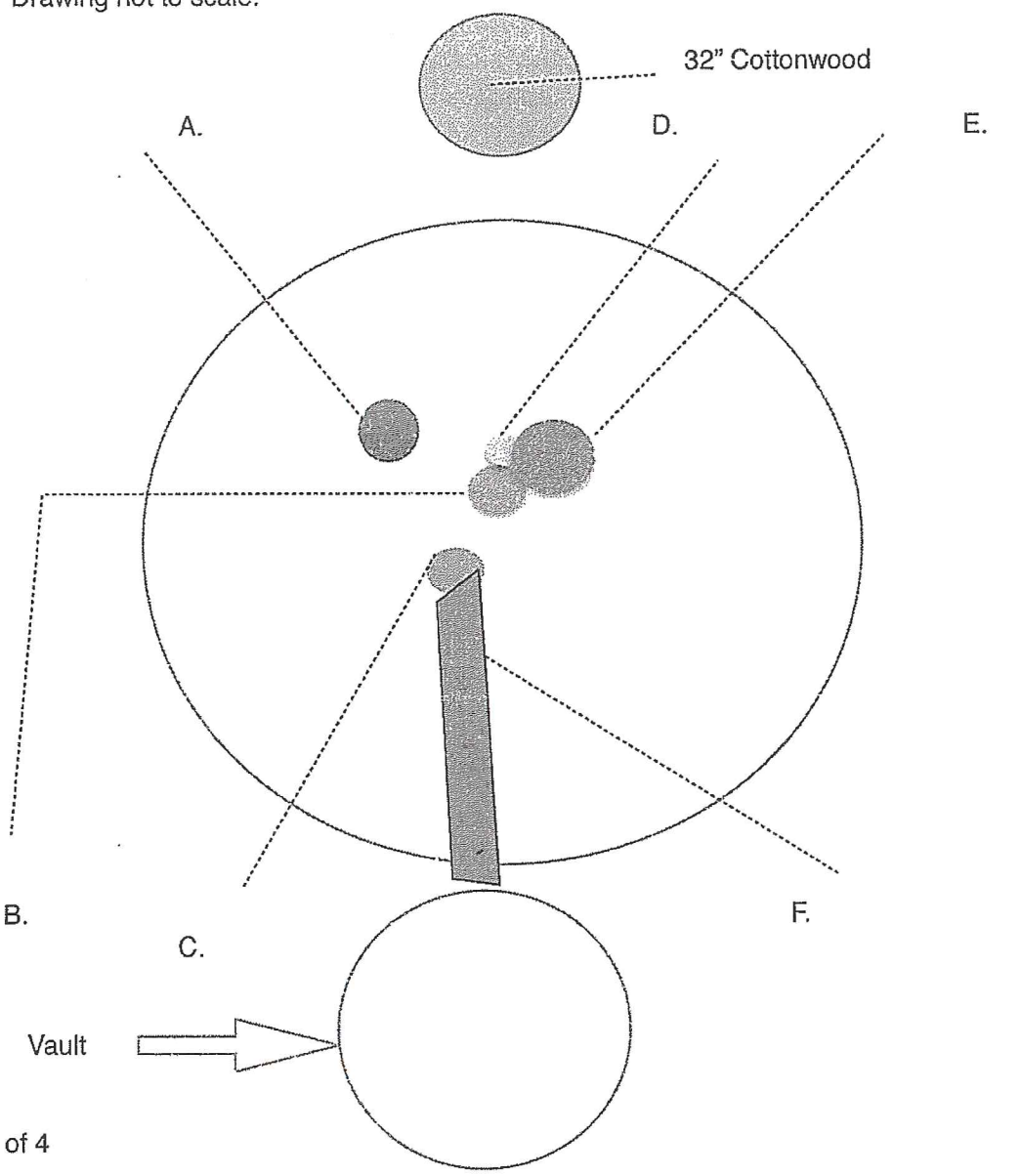
   B. East side of lane- six 12" ash trees.
      All trees need to be canopy cleaned, which to a large extent will occur when they are pruned back and lifted for vehicle traffic in the lane to ETP.

   C. Precautions to be taken when pruning all these maples and ashes-
      1. Except for A-6 above, cut no limb larger than 3" in diameter.
      2. Use subordinate pruning methods to eliminate removal of limbs within the islands.
      3. Within 14' of the pavement, eliminate rubbing situations and dead limbs.
      4. Remove <3" horizontal limbs reaching into the lane, and within 14 feet of the pavement surface. Unless subordinate pruning can be used, remove limbs at the trunk or leader.

2. **Tall, mature maple trees** at north west corner of proposed 101 guest room building:
   A. Four large maple trees-
      1. The serious co dominate trunk situation is discussed in the Tree Protection Recommendations of 12/28/15.
      2. Two of the big maples need to have the English Ivy Removed.
      3. All the trees have rubbing branches, dead limbs, and some hangers.
      4. Any pruning of these trees needs to occur prior to construction.
      5. Limbs within 14' of **finished surface grade** will need to be removed using subordinate pruning methods; this is to provide removal of larger limbs while providing longer lasting 14' clearance for emergency vehicles

3. **Mature 32" cottonwood tree** just inside conservation zone, south of south parking spaces:
   A. Discussed at length in the Arborist's Recommendations of 12/28/15.
   B. Tree appears to be sound in the lower 20 feet of the trunk but there **may be** great damage from ripped off large limbs at 20 feet. At 40 feet three large leaders rise another 40 feet, and in these, there are large dead limbs, some hangers, and many broken off large limbs.
   C. If the area within an 120 foot radius were to remain that of an occasional occupancy rate, the tree would rate moderate risk. However, plans for new construction call for a parking lot within 15 feet of the tree, this will definitely raise the risk rating to severe.

4. **Multi Stemmed maple(s)**, in conservation zone. **North**
   Drawing not to scale.



Legend or key to above illustration/map, of the multi-stemmed maples:

A. 10" trunk, independent of the three stemmed trunk. Sound tree.

B. 12" Trunk, same root crown as D. and E. Sound tree with minor mechanical damage to trunk.

C. 14" Trunk, independent of the above trunks. Damage to root crown from F. splitting off. There is a great deal of decayed root crown as a result.

D. 6 " Trunk, shares root crown as B. and E. Very little canopy, tree will fall to ground in a few years.

E. 14" Trunk, shares root crown as B. and D. E. and B are sound trees with some potential failure as a result of D. However, these trees will continue to provide benefits to the conservation zone for decades to come, as long as critical root zone is not disturbed during construction.

F. !0" tree laying on ground. shares root crown with C. Tree is still alive with many sprouts. This downed tree will not be around for decades, but it is a valuable asset to the conservation easement today.

Note: Trees A through E are in need of canopy cleaning as in removal of dead hanging limbs, ect.

5. **Three columnar maples on a east-west line**, against the curb of the McGrath's parking lot:

A. The westerly (largest) and middle trees have dense canopies, and no history of failure or weakness noticeable in the root crown, trunk, or canopies. However, these two trees lean to the south significantly and have unbalanced crowns, reaching to the south (sun).

B. Canopy cleaning and raising is possible on trees A., but they should be pruned by a certified arborist, limiting all cuts to less than 3" diameter and subordinate pruning to narrow the canopy within ten feet of finished grade of the proposed parking surface, and sidewalk, in the case of the furthest west tree.

C. The furthest east, smallest tree has excellent columnar structure, and desirable leader unions. This tree requires no pruning.

Please turn to page 4.

6. **Conifers (cedars and pines) on Highway right of way east of ETP project:**
This is a north to south line of trees.

A. Three Incense cedars, most northerly in the line, closest to McGrath's cyclone fence. All have dense canopies and the one most north and the one to the south, each have two co-dominate leaders low on the trunk(s). This of course results in some risk of failure (splitting apart) for these two trees. The middle tree in this group shows no risk factors.

B. Five lodgepole pine, some dead limbs within the canopies, within reason for the species. The two larger trees, have rather sparse canopies considering their total exposure on the south (sun) side. One of the trees has considerable mechanical damage at 36".

C. Three incense cedars, the middle having co-dominate leaders. All three having dense canopies and showing no other risk factors. However, there are a lot of nails and screws driven into these trees in the bottom eight feet of the trunks, these should be removed. Also, improper pruning has resulted in many stubs a foot or longer. These should also be properly be removed at the trunk.

D. Two 8" pines. Dense canopies, no risk factors noted.

* As explained by : Eric Berg-Johanson, Planner, city of Eugene, 541-682,5437

Other references:

Trees and Development: Matheny and Clark, International Society of Aboriculture- 1998
Tree Risk Manual: Dunster, International Society of Arboriculture- 2013

Report submitted by: Ken Ball, Certified Arborist PN-5803-A
82797 S. Bradford Rd., Creswell, OR 97426
Office Phone- 541-895-8733. Cell Phone/text- 541-968-4499

kenballthetreeguy@yahoo.com

Ken Ball 1/6/16

Arborist's Signature Date

12/28/15
Aborist's Recommendations
Eugene Town Place Suites

1. **Entrance lane that flows past McGrath's:**
   A. West side of lane- Place orange plastic construction fencing from tree furthest north, past the six street maples to the cluster of large tall maples that are at the north west corner of new the 101 guest room building
   B. East side of lane- place orange plastic construction fencing at the curbs that already exist around the two peninsulas and two islands that are between the lane and McGrath's parking lot.
   C. Orange flagging should be attached to upward branches and leaders that exist within 14 feet of the pavement surface. The flagging should hang down 3 feet over the lane. Horizontal branches within 14 feet of the pavement surface should be properly removed at the trunk or leader.

2. **Tall, mature maple trees at north west corner of proposed 101 guest room building:**

   A. Excavation for the fire lane may cause failure of these trees as big leaf maples are intolerant of fill, and the roots are relatively shallow, within approximately 30" of the surface. Death of roots due to cutting and compaction during and following fire lane construction may lead to death of the trees. Trees can fall over from construction damage to root systems, without showing decline in the foliage. Therefore, removal of the four trees in the zone should be seriously considered:

      1. These three trees have root systems already compromised by nearly half their root systems being under pavement, and were probably permanently reduced in amount during excavation and compacted substrate for that pavement.
         a. The southern most tree appears to be in decline as a result of ivy blocking sunlight to a significant portion of the summer foliage.
         b. The next tree to the north is a double stemmed co-dominant tree with twin 13" leaders sharing the same root crown and root system. This situation provides for a condition rating of "poor", because all codominant stems fail, the tree splits eventually. There is a universal agreement that trees with codominant stems should not remain in heavily used sites.
         c. The next tree is immediately north, almost touching the tree described in #3. This tree has two 18" codominant stems that have grown together for the first eight feet above the ground. This makes for a hazardous situation as there will be included bark between the two stems which absolutely weakens the entire tree.
         d. The trunk of the northern big maple leans significantly towards the foot print of the new building. If this tree were to fail for any reason, the large codominant lateral leaders above the trunk would hit the new building.

   B. In the event that the above trees cannot be removed, Here is the protection plan:

      1. Minimize compaction by limiting construction traffic as long as possible with construction fencing to be installed between the tree trunks and excavation,

leaving 18' of protection space. But, it will have to be moved closer to the trees for excavation of sewer, water, and eventually fire lane excavation, but leave the protection fence in place as far from the tree trunks as possible, for as long as possible during duration of construction.

2. As the fire lane is constructed and completed, it should be used for construction activities as little as possible. Use of the emergency fire lane should be limited permanently.
3. Use a surface that allows moisture to penetrate.
4. Minimize cutting into the root system if possible by removing as little as 6" of top soil prior to building the emergency access lane.
5. Maples are tolerant of root pruning. Therefore, on the tree side of the water line trench, roots 1" and larger should be cut by hand by a certified arborist as the trench is dug by machine.
6. When the sewer line trench is dug by machine, a certified arborist should be on hand to cut roots as described above, between the level of the bottom of the water trench, and the bottom of the sewer trench.
7. When excavation for the fire lane has pushed the temporary protection fencing completely to the trees, additional protection barriers such as beams and plywood should be considered to protect the trunks. Mechanical damage such as scratches, scrapes, and tears to the bark, *must* be avoided. Equally important to protect are the structural roots near the trunk. If any of these are exposed or disturbed within the drip line of the tree during excavation for the fire lane, a certified arborist should be called on to provide instructions to minimize damage to the support and vascular systems of the tree(s).
8. Following excavation for the fire lane, prior to application of aggregate substrate, Vertical mulching should be considered. This is a process where holes and fractures are created to increase air space for roots, especially small feeder roots. This is accomplished by injecting high-pressure water or air and physically auguring openings. In some cases, voids are filled with porous material such as sand or gravel.
9. Whether or not #8 is used, the roots should be treated with a proprietary source of mycorhiza selected and applied by a certified arborist prior to application of the substrate for the fire lane. In addition, the root zone can be treated topically with the growth regulator pacloorutrazol.

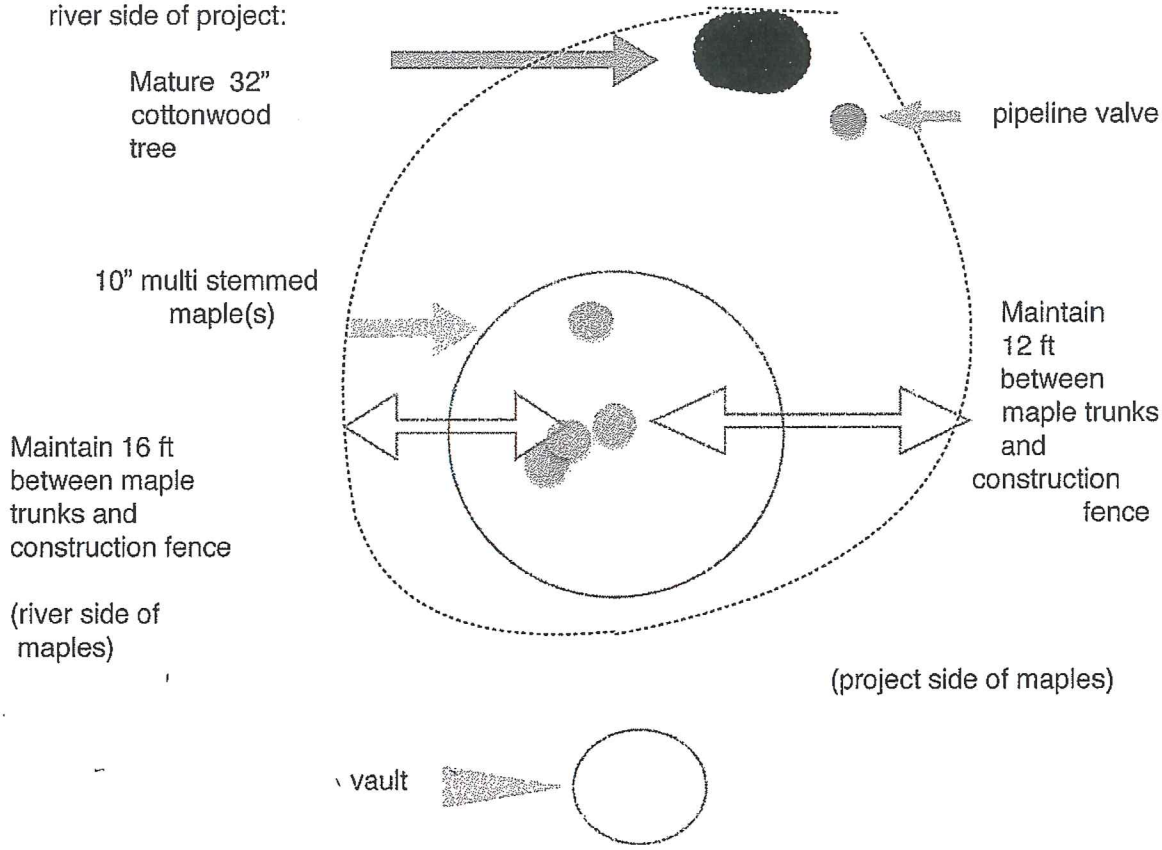
3. Mature 32" cottonwood tree just inside conservation zone, south of south parking spaces:

Removal of cottonwood tree, highly recommended for obvious safety reasons. A risk assessment can be performed. At first observation, the tree is at full maturity and is frequently loosing limbs. If removal is allowed by government/municipality agencies responsibility for the conservation zone, replacement trees will be recommended and including those in the irrigation plan may be considered for at least the 3 to 5 years.

If removed, the cottonwood stump should be cut to within 2" of grade and the exposed surface of the remainder should be cross-hatched with a chain saw with grooves at least 2" deep and 1" apart. This should be done in a way that causes rain water to set in the grooves and hasten stump decay. The exposed surface can be hidden by a covering of mulch.

4. Multi Stemmed maple(s),
river side of project:

Drawing not to scale



A. The tree protection zone as suggested above, for the multi stemmed maples should be preserved, with no roots cut, and with grade un-changed. If the grade of the proposed adjacent parking lot is more than 1' higher than the grade of the multi-stemmed maples, a simple retaining wall of keystone blocks should be installed.

B. If the multi stemmed maples are to be included in the permanent irrigation scheme, do not trench within the suggested tree protection zone. If the tree(s) are to be irrigated, to not apply water within 4 ft. of the trunks.

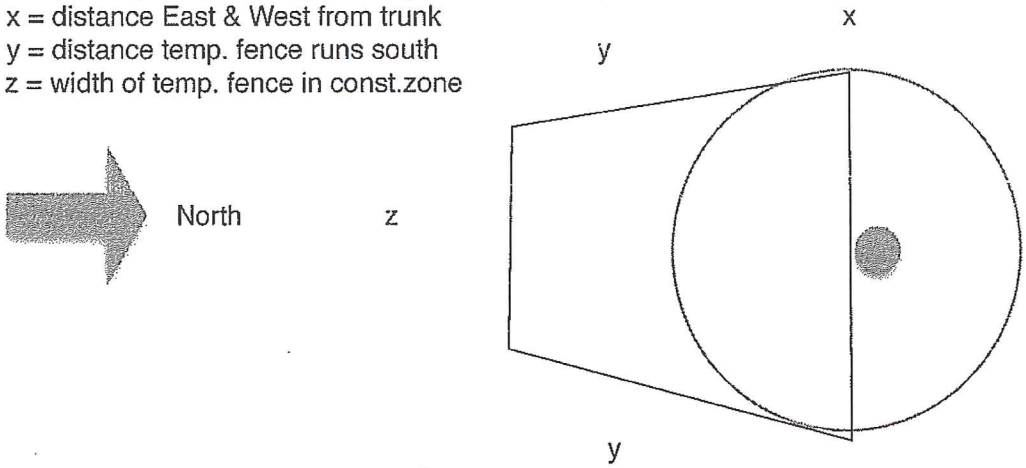
C. Hand digging within this protection zone should be directed by, or done by, a certified arborist.

Please turn to page 4

5. **Three columnar maples on a east-west line, are against the curb of the McGrath's parking lot:**
   There is a four foot tall cyclone mesh type fence running along the trees on this line.

   A. Construction fencing should be placed to avoid compaction and other damage to the trees over critical root zones as illustrated below, and left in place as long as possible during construction, hopefully until end of summer or fall:

   1. Attach temporary fencing to the cyclone fence at points x, E and W of each trunk.
      x = distance East & West from trunk
      y = distance temp. fence runs south
      z = width of temp. fence in const.zone



largest tree, most westerly: x = 10', y = 20', z = 15'
Middle tree: x = 9', y = 18', z = 12'
Smallest tree, most easterly: x = 8', y =16', z = 11'

   2. These three singular protection zones should be watered as described later for the cedars along the east boundary of the project. The construction fencing for these three trees will have to be moved back almost to the trees when excavation occurs for the parking spaces. At that point, every precaution must be taken to avoid any mechanical damage to the trunks, i.e. scratches, rips, and tears.

   3. Special notes regarding largest of these three trees, the westerly tree with the proposed walk way within it's drip line connecting with McGrath's parking lot:
      a. Removal of top under the walkway within the peninsula should be limited to 6" below grade.
      b. Compaction within the peninsula area should be limited to the width of the walk way.
      c. No additional trenching for irrigation or utilities should occur within the peninsula area, and a narrow un excavated area between the walk way and curb on west side should be protected throughout the construction period with barrier fencing.

4. The resulting narrow island between McGrath's and ETP parking spaces must be protected through the entire construction period, in order to limit disturbance to the heavily rooted areas between the trees:
   a. The existing cyclone fence should have orange plastic construction fencing attached to it on both sides. The existing cyclone fence should stay intact except for a permanent opening at the peninsula walk way.
   b. Another east-west construction fence should parallel the entire cyclone fence on the construction side at a point that allows for excavation for the parking lot curb.
   c. No additional trenching or disturbance should occur past the excavation for the ETP north parking area curb.

5. Following excavation for the northern most ETP parking spaces, and prior to application of paving base or substrate, a proprietary source of mycorhiza and the growth regulator pacloorutrazol should be applied by a certified arborist to the entire area of parking spaces parallel to the cyclone fence.

6. **Conifers (cedars and pines) on Highway right of way east of ETP project:**

   A. Place construction fencing on entire length of property line on east side. This should provide adequate protection of the root zones of all those trees. During construction, it is essential that the area between the construction fence and the tree trunks, not be disturbed or compacted in any way. Also, grade in this area must not be changed. These cedar trees are intolerant of of fill. Present drainage situation should not be altered.

   B. ***If*** feeder (small) roots are found on the construction side of the temporary fence, the trees in question here should be watered during long dry periods in the summer. (during construction only). *5 gallons per inch dbh, once per week.* In this case, water would be applied at a distance half way between the tree trunk and the construction fence.
   Note: Only if region receives less than an inch of rain in a four week period.

7. **Pruning:** All necessary pruning to the maple trees being kept on site needs to be done **Prior** to commencement of construction activities.

8. **Drought during construction**: Providing water to trees during intense construction activity in the summer would be advised for trees described in #1 (entrance lane), and #2, if trees are retained. (see #6 B).

Report prepared by:
Ken Ball,
ISA Certified Arborist #PN 5803-A

Ken Ball 2-28-15

RECEIVED
AUG 22 2016
SCANNED

Eugene Planning

APPEAL OF INITIAL HEARINGS OFFICIAL OR HISTORIC REVIEW BOARD DECISION

The appeal of an initial Hearings Official or Historic Review Board decision provides for a review of a quasi-judicial decision by a higher review authority specified in the Land Use Code. In general, the appeal procedures allow for a review of the original application, the Hearings Official or Historic Review Board decision, the appeal application, and any facts or testimony relating to issues and materials that were submitted before or during the initial quasi-judicial public hearing process. The Hearings Official or Historic Review Board decision may be affirmed, reversed, modified, or remanded by the Planning Commission.

Please check one of the following:

- [x] Adjustment Review, Major
- [ ] Conditional Use Permit
- [ ] Historic Landmark Designation
- [ ] Planned Unit Development, Tentative Plan
- [x] Willamette Greenway Permit
- [ ] Zone Change*
- [x] SITE REVIEW

**This appeal form is not applicable for zone changes processed concurrently with a Metro Plan amendment, the adoption or amendment of a refinement plan, a Land Use Code amendment, or the application of the /ND Nodal Development overlay zone.*

City File Name: EUGENE TOWNEPLACE SUITES

City File Number: WG 16-1/SR 16-1/ ARB 16-3

Date of Hearings Official or Historic Review Board Decision: SIGNED 8/5 MAILED 8/

Date Appeal Filed: 8/22/2016

(This date must be within 12 days of the date of the mailing of the Planning Director's decision.)

[x] Attach a written appeal statement. The appeal statement shall include a written statement of issues on appeal, be based on the record, and be limited to the issues raised in the record that are set out in the filed statement of issues. The appeal statement shall explain specifically how the Hearings Official or Historic Review Board failed to properly evaluate the application or make a decision consistent iwtht he original application. Please contact Planning staff at the Permit and Information center, 99 West 10th avenue, 541-682-5377, for further information on the appeal process.

[x] A filing fee must accompany all Hearing's Official and Historic Review Board appeals. The fee varies depending upon the type of application and is adjusted periodically by the City Manager. Check with Planning staff at the Permit and Information Center to determine the required fee or check on the web at: www.eugeneplanning.org

Acknowledgment

I (we), the undersigned, hereby acknowledge that I (we) have read the above appeal form, understand the requirements for filing an appeal of a planning director decision, and state that the information supplied is as complete and detailed as is currently possible, to the best of my (our) knowledge.

APPELLANT:

Name (print): ARVIND PATEL Phone:

Company/Organization: VALLEY HOSPITALITY, LLC

Address: P.O. BOX 56150

City/State/Zip: PORTLAND, OR, 97238

X Signature: Arvind G Patel

APPELLANT'S REPRESENTATIVE:

Name (print): BILL KLOOS

Company/Organization: LAW OFFICE BILL KLOOS PC

Address: 375 W. 4TH AVE #204

City/State/Zip: EUGENE 97401 E-mail (if applicable): BILLKLOOS@LANDUSEOREGON.COM

Phone: 541 343 8596 Fax: —0—

Signature: Bill Kloos

IF this appeal is being filed by the affected recognized neighborhood association, complete the following:

Name of Association:

Applicable Code Sections

STREET TREES

EC 9.2170(5)(d): Street Trees. Street tree requirements are specified in EC 7.280 Street Tree Program - Policies, Standards, Procedure.

EC 7.280: Street Tree Program - Policy, Standards, Procedure.

1) Policy. In order to create attractive and healthy neighborhood environments, no approval shall be granted for a development that involves the creation of a street unless the applicant has submitted and received approval of a street tree plan that ensures street trees will be planted and established in accordance with the standards and procedures provided for in this section and the adopted policies of the Urban Forest Management Plan. Street trees shall be planted in accordance with the approved street tree plan as each lot or area is developed, and shall be required on streets that abut the development as well as on new streets within the development site.
2) Standards. The city manager, or designee, shall by administrative rules adopted pursuant to section 2.019 of this code establish standards and specifications that ensure that new trees planted are of the highest quality, require low maintenance, and do not interfere with public safety. The standards shall include, but not be limited to, the type of trees that may be planted, and requirements for planting and establishment of the trees. As used in this section, "establishment" includes watering, initial pruning, and replacement of trees, if necessary, for a period of three years from the date of planting.
3) Procedure. Upon approval of the street tree plan, and prior to approval of the final plat for subdivisions, planned unit developments, partitions, or approved development plans, the applicant shall:
    a) Pay to the city a fee established by the city manager pursuant to section 2.020 of this code that is equal to the cost of the purchase, installation and establishment of the street trees required by the approved street tree plan. Thereafter, the city shall assume responsibility for the purchase, installation and establishment of the street trees; or
    b) Purchase, install and establish the street trees in accordance with the approved street tree plan, upon (I) first paying to the city a fee established by the city manager pursuant to section 2.020 of this code to reimburse the city for its costs in connection with plan review, inspection, administration and monitoring, and (ii) filing with the city a security bond or deposit in an amount determined by the city to be sufficient to ensure performance under the approved street tree plan.

Existing large-scale street trees on or adjacent to a development site shall be retained unless approved for removal by the city pursuant to section 6.300 to 6.330 of this code during site development or in conjunction with a street construction project. Any street tree removed by permit through demolition or construction within the street right-of- way shall be replaced within the street right-of-way at a location approved by the city with a tree of similar value. The value of the existing street tree to be removed shall be calculated using the methods set forth in the edition then in effect of the Guide for Plant Appraisal published by the International Society of Arboriculture Council of Tree Landscape Appraisers. The developer shall be responsible for the cost of the planting, maintenance and establishment of the replacement tree.

STORMWATER

EC 9.6792(3)(d): For development permit applications, stormwater quality facilities shall be selected from the Stormwater Management Manual and shall be based on the following priority order: infiltration, filtration, off-site stormwater quality management.

1. If selecting a filtration treatment facility, the applicant shall submit a report that demonstrates at least one of the following development site conditions exist:
   a. Infiltration rates are less than 2 inches per hour;
   b. Bedrock is less than 5 feet below the ground surface;
   c. Groundwater elevations are less than 6 feet; or,
   d. Ground surface slopes are greater than 10%.
2. If selecting off-site stormwater quality management by contributing to the public off-site stormwater quality facilities, through payment of a higher stormwater system development charge adopted as part of the City's system development charge methodology, the applicant shall submit a report that demonstrates there is insufficient land area to construct an approved infiltration or filtration facility by setting forth the required size of the smallest infiltration or filtration facility needed for the development's impervious surface area and a site plan demonstrating that an approved infiltration or filtration facility cannot be located on the development site without reducing the size of the proposed development which is otherwise consistent with all other applicable lot and development standards.

TREE PRESERVATION

EC 9.8440(2)(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 along water features.
10. Heritage trees.