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**WEDNESDAY, OCTOBER 5, 2016**  
**(5:00 p.m.)**

**I. PUBLIC HEARING**

**WESTEC-BURLEY ZONE CHANGE (Z 16-1)**

- Request:** Zone change from I-2 Light-Medium Industrial to E-2 Mixed Use Employment
- Location:** Westec Drive, south of West 11<sup>th</sup> Avenue.  
(Assessor's Maps/Tax Lots: 17-04-33-32/00501;  
17-04-33-33/00100, 00200, 00300, 00400, 00500, 00600)
- Applicant:** Westec Properties, LLC/Burley Building, LLC
- Representative:** Colin McArthur, Cameron McCarthy Landscape Architecture & Planning
- Lead City Staff:** Erik Berg-Johansen  
Telephone: (541) 682-5437  
E-mail: [erik.berg@ci.eugene.or.us](mailto:erik.berg@ci.eugene.or.us)
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**Public Hearing Format:**

1. Staff introduction/presentation.
2. Public testimony from applicant and others in support of application.
3. Comments or questions from neutral parties.
4. Testimony from opponents.
5. Staff response to testimony.
6. Questions from Hearings Official.
7. Rebuttal testimony from applicant.
8. Closing of public hearing.

The Hearings Official will not make a decision at this hearing. The Eugene Code requires that a written decision must be made within 15 days of close of the public comment period. To be notified of the Hearings Official's decision, fill out a request form at the public hearing or contact the lead City staff as noted above. The decision will also be posted at [www.eugene-or.us/hearingsofficial](http://www.eugene-or.us/hearingsofficial)



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## **ZONE CHANGE STAFF REPORT**

### **Applicant/File Name (Number):**

Michael Coughlin, Burley Building, LLC, Westec Properties, LLC / Westec-Burley (Z 16-1)

### **Applicant's Representative:**

Colin McArthur, Cameron McCarthy Landscape Architecture & Planning; 541-485-7389

### **Applicant's Request:**

Rezone subject properties from I-2 Light-Medium Industrial to E-2 Mixed Use Employment

### **Subject Property:**

Tax Lot 501 of Assessor's Map 17-04-33-32, and Tax Lots 100, 200, 300, 400, 500, and 600 of Assessor's Map 17-04-33-33; Located on Westec Drive, south of West 11<sup>th</sup> Avenue.

### **Relevant Dates:**

Application submitted on April 22, 2016; application deemed complete on August 12, 2016; public hearing scheduled for October 5, 2016.

### **Lead City Staff:**

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

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### **Purpose of Staff Report**

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

### **Background**

As part of the City's Envision Eugene process for making better use of its industrial lands, the City created new industrial zoning classifications (E-1 and E-2) and applied these zonings to a number of properties in the Chad Drive and West 11<sup>th</sup> Avenue areas. The "E zones" were determined to be consistent with the industrial land use designations, and therefore, no plan

amendments were required. The City's implementation process included the required Transportation Planning Rule (TPR) analysis, which generally concluded that the increased allowance of retail uses resulted in an overall increase in trip generation. As such, the City established trip caps to the rezoned properties; however, the trip caps will automatically be removed upon adoption of the City's Transportation System Plan (TSP), which is in the process of being updated and will account for these zones.

It is important to note that, since the Oregon Administrative Rules (OAR) were amended to include an exception for zone changes consistent with the assumptions of the adopted TSP, the City has granted exceptions to zone changes when the proposed zoning was determined to be consistent with the land use designation that was in effect at the time the TSP was adopted. In this case, the proposed E-2 zone is consistent with the Industrial designation that was in effect at the time the TSP was adopted (TransPlan). However, the nuance in this case that requires a TPR analysis is that the TSP assumptions of the industrial designation did not include the additional E zone allowances and associated increase in trip generation. As noted previously, the TSP is in the process of being updated and will account for the E zones.

A TPR Analysis report completed by Sandow Engineering was also submitted and is included in the application file for reference. Staff's response to the TPR analysis is provided below, following the evaluation of the zone change approval criteria.

### **Present Request**

The present request is for zone change approval from the current Light-Medium Industrial (I-2) zone to a Mixed Use Employment (E-2) zone on seven (7) contiguous properties. The properties range from 0.19 acre to 2.32 acres in size – the total area to be rezoned is approximately 11.74 acres. For reference, vicinity and zoning maps are attached to this report.

The properties are within the West Eugene Community Organization neighborhood, and are located along Westec Drive (south of West 11<sup>th</sup> Avenue and north of Pitchford Avenue). As discussed in the following evaluation, the Metro Plan diagram designates the subject property as "Light-Medium Industrial." Both E-2 and I-2 zones implement this plan designation.

### **Referrals/Public Notice**

On August 12, 2016, staff provided information concerning the application to other appropriate City departments, the Oregon Department of Transportation (ODOT), public agencies, and the affected neighborhood group (West Eugene Community Organization). Referral comments were received from the City's Public Works Department. The neighborhood did not respond.

Staff mailed notice of the proposed zone change to the Oregon Department of Land Conservation and Development (DLCD) on August 18, 2016. On September 2, 2016, staff also mailed public notice of the proposed zone change and the hearing date to owners and occupants within 500 feet of the subject property. Up to this point, no written public testimony has been received. If comments are received after the publishing of this report, the comments will be forwarded to the Hearings Official.

## **Zone Change Evaluation**

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

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

The Metro Plan designates the subject property as Light-Medium Industrial. The proposed E-2 zoning is consistent with this designation. The applicant's written statement responds to several relevant Metro Plan policies, although staff finds none to be mandatory approval criteria. Regardless, the policy analysis shows how the E-2 zone furthers several economic policies directed at local government. (See pages 2 and 3 of the applicant's written statement.) Staff finds the following Metro Plan policies to be the most relevant:

- *Policy B.5:* Provide existing industrial activities sufficient adjacent land for future expansion.

The proposal is consistent with this policy as a change to E-2 zoning would provide additional land for expansion of industrial uses along Westec Drive. The proposed zone change is consistent with this policy.

- *Policy B.8:* Encourage the improvement of the appearance of existing industrial areas, as well as their ability to serve the needs of existing and potential light industrial development.

A zone change from I-2 to E-2 is proposed, which means the applicant sees value in E-2 zoning. Based on this assumption, approval of this zone change will serve the needs of new light industrial development on Westec Drive.

- *Policy B.16:* Utilize processes and local controls, which encourage retention of large parcels or consolidation of small parcels of industrially or commercially zoned land to facilitate their use or reuse in a comprehensive rather than piecemeal fashion.

Rezoning all of the subject properties to E-2 will allow for comprehensive industrial and/or commercial uses along Westec Drive. The proposed zone change is consistent with this policy.

Based on these findings, the criterion is met.

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

The subject properties are within the boundaries of the Willow Creek Special Area Study (WCSAS). While it appears there are no relevant policies in the plan, the WCSAS includes a land use diagram for properties within the refinement plan boundaries (page 29). The diagram clearly shows that the subject properties are designated for Light-Medium Industrial use, which is consistent with the proposed zone change to E-2.

The West Eugene Wetlands Plan (WEWP) is another applicable adopted refinement plan for the area of the proposed zone change. This area plan is also part of the City's adopted Goal 5 inventory. Map 3 (Wetland Designations; p. 17) within the WEWP indicates that wetlands exist (or existed) on subject tax lots 501, 200, 300 and 400. However, the wetlands are designated in the WEWP for development, which means they are not protected. Further, the tax lots are already developed and it can be assumed that these wetlands have been previously filled. Based on this information, staff finds that no Goal 5 natural resource protections apply, and that no policies within the WEWP would serve as mandatory approval criteria for the proposed zone change.

Based on these findings, this criterion is met.

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

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

Referral comments from the Public Works Department dated September 14, 2016, which are included in the application file, confirm that the uses and density allowed by the E-2 zone on the subject property can be serviced through the orderly extension of key urban facilities and services.

Based on these findings, this criterion is met.

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

**(b) EC 9.2430 Employment and Industrial Zone Siting Requirements.**

**EC 9.2430(2): E-2 Mixed Use Employment. This zone is limited to areas designated Light- Medium Industrial in the Metro Plan and those that meet either (a) or (b) of the following minimum siting requirements:**

**(a) Property has frontage on an arterial street.**

**(b) Contiguous to parcels currently zoned E-2 or C-2 Community Commercial.**

Subsection (a) is not met because the property lacks frontage on an arterial street. Subsection (b) is met because the subject properties are contiguous to two parcels to the south that are currently zoned C-2 Community Commercial (Tax Lots 700 and 800 of Assessor's Map 17-04-33-33).

Based on these findings, the proposed zone change is consistent with the applicable siting requirements and EC 9.8865(4) is met.

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

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

### **Transportation Planning Rule Evaluation**

In addition to the zone change approval criteria above, Goal 12 Transportation of the Statewide Planning Goals, adopted by the Land Conservation and Development Commission (LCDC), must also be specifically addressed as part of the requested zone change and in the context of Oregon Administrative Rule (OAR) 660-012-0060. The following findings demonstrate that the proposed TPR Analysis will comply with all applicable approval criteria. Section 1, 4 and 9 of the TPR are the only sections that apply to the subject proposal; the criteria for Section 1 and 9 are listed below in **bold**, with findings addressing each. Findings as to why other Sections are not applicable are available in the Public Works referral, which is available in the application file for reference.

Section 4 simply requires that determinations under TPR are coordinated with affected transportation facility and service providers. Due to the fact that nearby intersections on Highway 126 (West 11th Avenue) are under the jurisdiction of the Oregon Department of Transportation (ODOT), the review was coordinated with ODOT staff. The applicant provided analysis consistent with the scoping documents approved by ODOT, and ODOT provided a letter dated September 8, 2016 confirming their concurrence with the zone change and that no further analysis or mitigation measures are necessary. ODOT's referral letter is available in the application file for reference.

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

- a) **Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);**
- b) **Change standards implementing a functional classification system; or**
- c) **Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period**

identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

- A. **Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;**
- B. **Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or**
- C. **Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.**

The City's acknowledged Transportation System Plan (TSP) is the TransPlan, which was adopted in 2001 and provides the basis for the Transportation Element of the Metro Plan. Both plans (TransPlan and Metro Plan) serve both the cities of Eugene and Springfield.

The applicant's materials include a TPR analysis report prepared by Sandow Engineering, which is included in the application file for reference. The version of this report under review has a revision date of July 29, 2016, and was submitted to City staff on August 1, 2016.

Public Works staff note that the subject properties currently utilize Westec Drive as their exclusive point of access to the public transportation system. Tax Lots 200, 300, and 400 are currently developed with industrial uses. The proposed properties are bounded by a mix of developed and undeveloped uses. The adjacent Renne Street is a local street right of way and was not improved with the previous adjoining land divisions. The northerly portion of Renne Street has been paved to accommodate access to the Oregon Lox Company at the northeast corner of Renne Street and West 11<sup>th</sup>, however the applicant is not proposing to access Renne Street or make any improvements to this street. Access to all proposed properties is planned for Westec Drive, and therefore the applicant's proposal will have no significant effect on the unimproved Renne Street right of way.

The study area also includes Westec Drive and Pitchford Avenue (both local streets), as well as the following arterials: Willow Creek Road, Highway 126 (West 11<sup>th</sup> Ave) and Highway 569 (Beltline Highway).

The applicant's engineer provided analyses to support operation and mobility in the study area. Traffic counts, trip generation, distribution and assignment were all performed in accordance with project scoping, Institute of Transportation Engineers (ITE) standards and industry standards. The consultant accounted for existing developed uses and appropriately adjusted traffic volumes to compare existing vs. proposed worst case development scenarios.

The current TSP was developed assuming vehicular impacts and growth based on the I-2 zone. Streets and intersections in the study area were not identified as having substandard vehicular

capacity during the planning horizon; however, reasonable worst case development scenarios in the E-2 zone will result in increased trip generation above the reasonable worst case I-2 uses. The applicant's engineer performed background vehicle counts at study intersections to establish baseline traffic volumes and patterns, and pipeline trips for the permitted Yogi Tea project (a nearby manufacturing use under development) were added to the system to accurately reflect background conditions. All intersections and street segments within City of Eugene jurisdiction operate within acceptable levels of service for existing conditions.

The analysis report assumed General Office Buildings (ITE #710) as the proposed worst case development scenario for the E-2 zone. The applicant's engineer analyzed the effect of the proposed E-2 zone above the baseline conditions and during the planning horizon year of 2027. The analysis accounted for proper trip generation, distribution, and annual growth, and found that intersections and street segments within City of Eugene jurisdiction operated within acceptable levels of service for current build conditions and future growth conditions at the planning horizon. The result was no significant impact to the proposed or planned transportation system.

The additional traffic impacts from the E-2 zoning would not warrant a change in the function classification of an existing or proposed transportation facility. The existing transportation system has adequate capacity to serve the worst case E-2 zoning development scenario, there are no proposals or plans to change the standards for implementing a functional roadway classification system, and access and levels of travel are projected to be maintained. Further, the intersection of West 18<sup>th</sup> Avenue and Willow Creek Road is not projected to exceed minimum level of service through the planning horizon, and the increase in traffic attributed to the E-2 zoning is not projected to degrade the performance of the existing transportation system below performance thresholds established in the current TSP.

Based on these findings and as confirmed in referral comments from Public Works and ODOT staff, there is no significant effect on the transportation system as a result of the proposed E-2 zoning.

- (9) Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met.**
- a) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map;**
  - b) The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and**
  - c) The area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024-0020(1)(d), or the area was exempted from this rule but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.**

The City of Eugene relies on the 2001 TransPlan when evaluating zone changes for consistency with the Transportation Planning Rule (TPR). In most cases, the City finds zone changes to be

consistent with TPR if the proposed zoning is consistent with the planned designation that was in effect at the time TSP was adopted (i.e. on or before adoption in 2001), pursuant to OAR 660-012-0060(9). Here, an exemption under TPR for the proposed change would not apply because the TransPlan did not consider the more recently created E-2 zone. While E-2 is closely related to the I-2 zone (which *is* considered in the TransPlan), E-2 allows additional uses that generate more traffic than uses permitted in I-2 zones.

### **Staff Recommendation**

Based on all the available evidence, and consistent with the preceding findings of compliance with the zone change criteria at EC 9.8865 (also including the TPR), staff recommends the Hearings Official approve the requested zone change to E-2 Mixed Use Employment Zone.

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

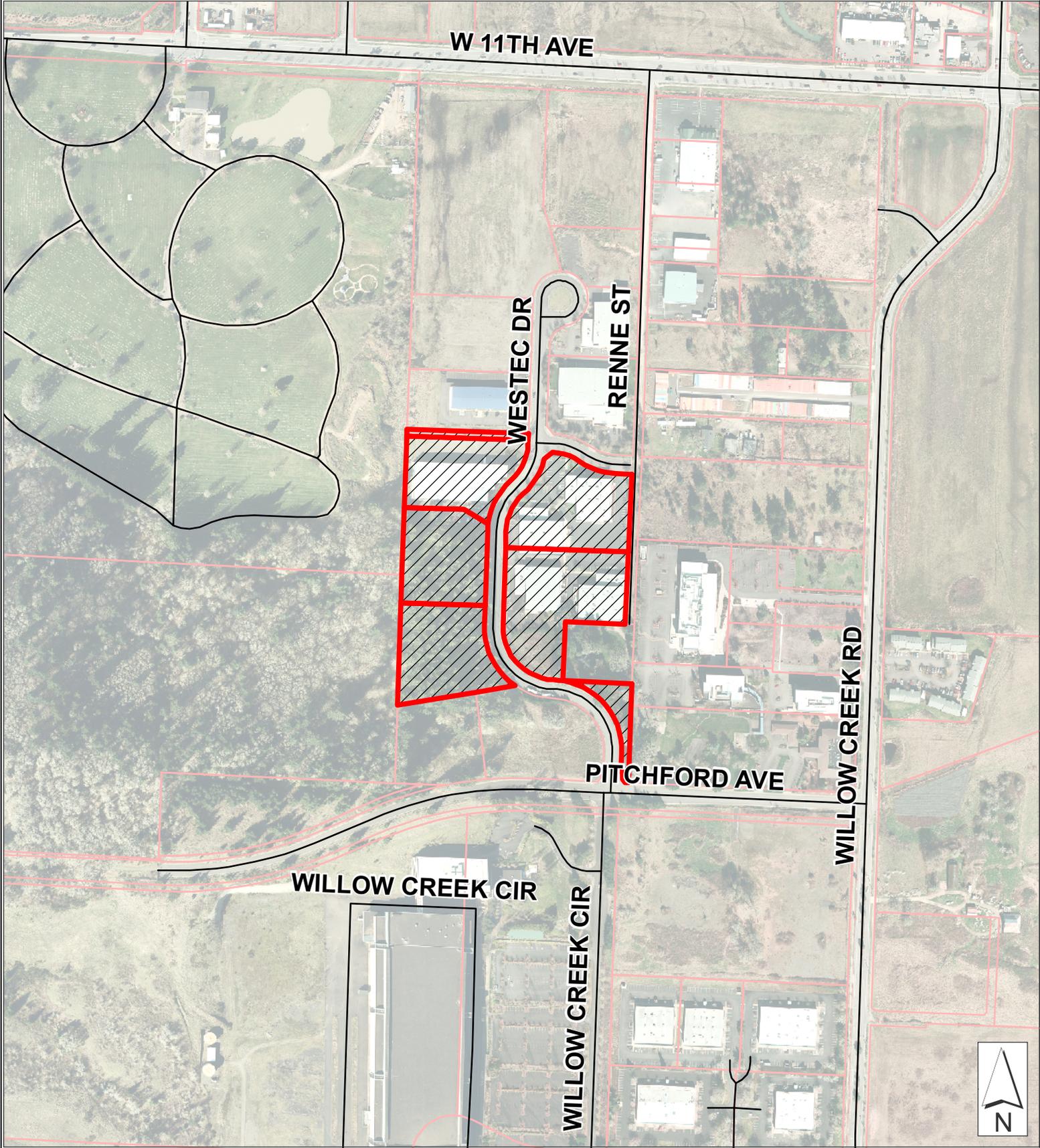
### **Attachments**

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

### **For More Information**

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

# Attachment A - Vicinity Map



-  Subject Site
-  Streets
-  Taxlots



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

September 2016



# Attachment B - Zoning Map

 Subject Site

 Taxlots

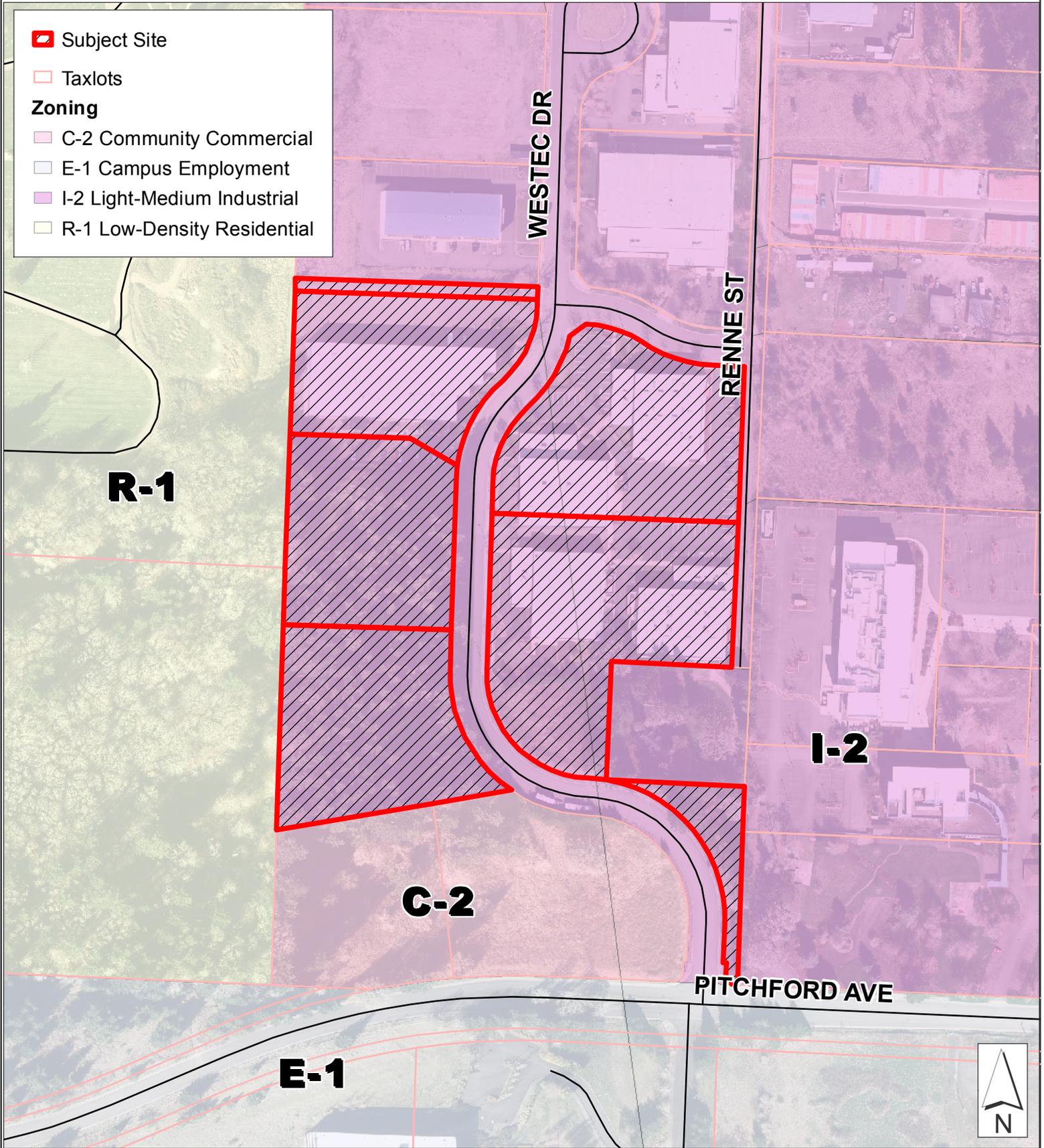
### Zoning

 C-2 Community Commercial

 E-1 Campus Employment

 I-2 Light-Medium Industrial

 R-1 Low-Density Residential



**R-1**

**C-2**

**I-2**

**E-1**

WESTEC DR

RENNE ST

PITCHFORD AVE



Caution:  
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September 2016

