



ZONE CHANGE STAFF REPORT

Application File Name:

Willow Creek LLC (Z 07-11)

Applicant's Request:

Zone change approval from R-1 Low Density Residential to R-4 High Density Residential for the western two thirds of the subject site, and to R-2 Medium Density Residential for the eastern third of the subject property.

Subject Property/Location:

Tax Lot 100, Assessor's Map 18-04-04-12; located on the northeast corner of West 18th Avenue and Willow Creek Road.

Relevant Dates:

Application submitted on June 1, 2007; supplemental information submitted October 24, 2007; application deemed complete on October 24, 2007; public hearing date scheduled for December 12, 2007.

Applicants/Representatives:

Willow Creek LLC; property owner and Dave Pederson; representative: (541) 521-8485

Lead City Staff:

Lydia McKinney, Associate Planner, Eugene Planning Division: (541) 682-5485

Purpose of Staff Report:

The Eugene Code (EC) requires City staff to prepare a written report concerning any zone change request. In accordance with the Type III land use application procedures (see EC 9.7320). The staff report is printed and available 7 days prior to the public hearing on the request, to allow citizens an opportunity to learn more about the request and to review the staff analysis of the application. The staff report provides only preliminary information and recommendations. The Hearings Official will also consider additional public testimony and other materials presented at the public hearing before making a decision on the application. The Hearings Official's written decision on the application is generally made within 15 days following close of the public record, following the public hearing (see EC 9.7330). For reference, the quasi-judicial hearing procedures applicable to this zone change request are described at EC 9.7065 through EC 9.7095.

Present Request:

As noted above, the applicant is requesting approval of a zone change from R-1 Low Density Residential to R-4 High Density Residential for the western two thirds of the subject site, and to R-2 Medium Density Residential for the eastern third of Tax Lot 100 of Assessor's Map 18-04-04-12. The property is approximately 12.07 acres in area and currently vacant. The property to the east of the subject site is zoned NR Natural Resources. To the north of the site, the zoning is NR along the east boundary and R-4/SR High

Density Residential with a Site Review overlay along the west boundary. For additional details of the requested zone change and site characteristics, please refer to the applicant's written statement and other supporting application materials, as well as the following staff evaluation and other attachments.

Application Referrals and Public Hearing Notice:

After deeming this application complete on October 24, 2007, staff provided information concerning the application to other appropriate City departments, public agencies, and the affected neighborhood group, the Churchill Area neighbors, on November 9, 2007. City staff also posted and mailed the public hearing notice on November 9, 2007, in accordance with the applicable code requirements at EC 9.7315. No written public testimony has been received in response to the public hearing notice or otherwise in response to this application, as of the date of this report. Any written testimony received after the date of this report but prior to the public hearing will be forwarded to the Hearings Official for consideration in making a decision. Public testimony, written or otherwise, may also be presented at the public hearing and submitted into the record for this matter.

Staff Evaluation of Zone Change Request:

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

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

EC 9.8865(1): The proposed zone 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 land use diagram designates a portion of the subject property for medium density residential, and a portion of the property for high density residential, generally consistent with the applicant's request. The applicant's written statement indicates that the Metro Plan designates the westerly two-thirds of the property as high density residential (8.05 acres), and the easterly third of the property for medium density residential (4.02). Staff concurs that the Metro Plan generally splits the parcel in the manner described by the applicant, and finds that the projection of the east side of Willow Creek Road to the north, which also aligns with the high density designation boundary to the north of the subject property, is the appropriate location where the split between medium density and high density occurs. However, staff's analysis indicates that the medium density portion of the property is closer to 4.44 acres, and the high density residential portion is closer to 7.63 acres. Staff has included a proposed zoning map (Attachment A) which illustrates staff's analysis of the designation split.

Staff finds no other Metro Plan land use designations within close proximity to the subject property that could be construed to present a conflict with the applicant's request for R-2 and R-4 zoning. Additionally, staff finds no specific policy language or other provisions that present a conflict with the proposed R-2 and R-4 zoning in this instance. The proposed R-2 and R-4 zoning is consistent with the applicable designation for medium density and high density use in that it will enable development of the property in accordance with the Metro Plan.

Based on these findings, staff recommends that the Hearings Official find the proposed zone change to be consistent with the Metro Plan diagram and text.

EC 9.8865(2): The proposed 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 Willow Creek Special Area Study is the adopted refinement plan applicable to this request. The subject site is designated for medium density and high density residential uses, consistent with the Metro Plan diagram and with this zone change request. There are no nearby designations or that could be construed to conflict with the applicant's request. While not addressed by the applicant, staff finds the following policy from the Willow Creek Special Area Study on page 7 is applicable to the subject application:

(4) The City of Eugene shall apply its planned unit development (PUD), cluster subdivision or site review procedures (as appropriate) in the Willow Creek Basin in at least three cases:

(b) Properties in or adjacent to designated natural areas will be developed under either PUD or site review procedures, depending on the scale and complexity of the project. (Land Use Policy 4(b))

As previously mentioned, the subject property is adjacent to a designated natural area as the property to the east and northeast is zoned NR. Staff notes that the /SR Site Review overlay was applied to the high density residentially zoned property directly to the north at the time of zone change (Z 94-5), consistent with this policy. Staff finds that site review procedures are the appropriate tool to address this policy in this instance. Site review criteria address both natural features preservation as well as compatibility with surrounding properties, which will address protection of the adjacent natural areas. There are no additional criteria in the PUD procedures which would provide greater protection or evaluation of the adjacent natural areas. Staff recommends that, consistent with this policy and with relevant prior land use actions, the Hearings Official add the /SR overlay to the subject site.

With the abovementioned recommendation, staff recommends that the Hearings Official find that 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.

Referral comments from Public Works staff confirm that key urban facilities and services are currently available or can be extended to serve the subject property. Detailed and specific referral comments with regards to these key urban facilities and services have been provided by Public Works staff, which are included in the file.

Given the available evidence, and specifically with the referral comments and findings provided, staff concludes that the proposed zone change complies with the approval criterion at EC 9.8865(3).

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

- (a) EC 9.2150 Commercial Zone Siting Requirements.**
- (b) EC 9.2430 Industrial Zone Siting Requirements.**
- (c) EC 9.2510 Natural Resource Zone Siting Requirements.**

- (d) **EC 9.2610 Park, Recreation, and Open Space Siting Requirements.**
- (e) **EC 9.2681 Public Land Zone Siting Requirements.**
- (f) **EC 9.2735 Residential Zone Siting Requirements.**
- (g) **EC 9.3055 S-C Chambers Special Area Zone Siting Requirements**
- (h) **EC 9.3105 S-CN Chase Node Special Area Zone Siting Requirements;**
- (i) **EC 9.3205 S-DW Downtown Westside Special Area Zone Siting Requirements.**
- (j) **EC 9.3305 S-E Elmira Road Special Area Zone Siting Requirements.**
- (k) **EC 9.3705 S-RP Riverfront Park Special Area Zone Siting Requirements.**
- (l) **EC 9.3805 S-RN Royal Node Special Area Zone Siting Requirements.**
- (m) **EC 9.4205 /EC East Campus Overlay Zone Siting Requirements.**
- (n) **EC 9.3905 S-W Whiteaker Special Area Zone Siting Requirements.**
- (o) **EC 9.4715 /WP Waterside Protection Overlay Zone Siting Requirements.**
- (p) **EC 9.4815 /WB Wetland Buffer Overlay Zone Siting Requirements.**
- (q) **EC 9.4915 /WR Water Resources Conservation Overlay Siting Requirements**
- (r) **An uncodified ordinance establishing a specific S-H Historic Special Area Zone, a copy of which is maintained at the city's planning and development department.**

For this application, the only potentially applicable siting requirements would be found in EC 9.2735 Residential Zone Siting Requirements. However these siting requirements are specific to the R 1.5 zones and, therefore, do not apply to this proposal.

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.

Staff finds that EC 9.8865(5) is inapplicable in this instance, as the proposed zone change does not include application of the NR zone.

Staff Recommendation:

Based upon the available evidence and the preceding findings, staff recommends that the Hearings Official grant approval of the applicant's request for R-2 and R-4 zoning, with the imposition of the /SR overlay.

Attachments:

The entire application file is available for review at the Eugene Planning Division offices. The application file will also be made available for review at the public hearing. For convenience, the following relevant items are also attached for reference:

- A. Proposed Zoning Map
- B. Application Form, Written Statement, and Supporting Attachments.

For More Information:

Please contact Lydia McKinney, Associate Planner, Eugene Planning Division, at (541) 682-5485, or by e-mail, at lydia.s.mckinney@ci.eugene.or.us