



**Eugene City Council**

101 W 10th Ave., Suite 203  
Eugene, OR 97401  
541-682-5010 • 541-682-5414 Fax  
www.eugene-or.gov

# EUGENE CITY COUNCIL AGENDA

April 22, 2024

**7:30 p.m. CITY COUNCIL MEETING**

City Council meetings will continue to be held in hybrid format using in person and virtual meeting technology. Information about online or other options for access and participation will be available at <https://www.eugene-or.gov/3360/Webcasts-and-Meeting-Materials>

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**Meeting of April 22, 2024;  
Her Honor Mayor Lucy Vinis Presiding**

**Councilors**

Matt Keating, President  
Jennifer Yeh  
Mike Clark  
Lyndsie Leech

Randy Groves, Vice President  
Alan Zelenka  
Greg Evans  
Emily Semple

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**7:30 p.m. CITY COUNCIL MEETING**

**1. COMMITTEE REPORTS AND ITEMS OF INTEREST**

**2. CONSENT CALENDAR 1**

**A. Approval of City Council Minutes**

- February 26, 2024 Work Session
- February 28, 2024 Work Session
- March 11, 2024 Work Session
- March 11, 2024 Meeting
- April 15, 2024 Public Hearing

**B. Approval of City Council Tentative Agenda**

**3. CONSENT CALENDAR 2**

**A. Approval of a Resolution Annexing Land to the City of Eugene (Assessor's Map 17-04-23-11, Tax Lot 06401 Located at 1010 Horn Lane)(City File: A 23-9)**

**4. ACTION: Eugene-Springfield 2024 HUD Annual Action Plan for Affordable Housing and Community Development**

- 5. POSSIBLE ACTION: An Ordinance Amending The Eugene-Springfield Metropolitan Area General Plan; Adopting The River Road-Santa Clara Neighborhood Plan; And Providing An Effective Date.**

-and-

**An Ordinance Amending Sections 9.2160, 9.2161, 9.2170, 9.2740, 9.2741, 9.8010, And 9.8030 Of The Eugene Code, 1971; Adding Maps 9.2161(11) And 9.2170(3)(D) To That Code; Amending Figure 9.2170(4)(C)6. And Map 9.8010 Of That Code; And Providing An Effective Date.**

- 6. ACTION: An Ordinance Vacating Premier Street And A Portion Of First Avenue West, All Located Within The Plat Of Pioneer Resources Business Park, And Providing For An Effective Date.**

## **7. PUBLIC COMMENT**

The Eugene City Council welcomes your interest in these agenda items. This meeting location is wheelchair-accessible. For the hearing impaired, 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 receptionist at 541-682-5010. City Council meetings are telecast live on Metro Television, Comcast channel 21, and rebroadcast later in the week.

El consejo de la Ciudad de Eugene agradece su interés en estos asuntos de la agenda. El lugar de la reunión tiene acceso para sillas de ruedas. Se puede proveer a un intérprete para las personas con discapacidad auditiva si avisa con 48 horas de anticipación. También se puede proveer interpretación para español si avisa con 48 horas de anticipación. Para reservar estos servicios llame al 541-682-5010. Las reuniones del consejo de la ciudad se transmiten en vivo por Metro Television, Canal 21 de Comcast y son retransmitidas durante la semana.

For more information, contact the Council Coordinator at 541-682-5010,  
or visit us online at [www.eugene-or.gov](http://www.eugene-or.gov).

# EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



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## Approval of City Council Minutes

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Meeting Date: April 22, 2024  
Department: Central Services  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: 2A  
Staff Contact: Natalie Venhuda  
Contact Telephone Number: 541-682-8497

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### ISSUE STATEMENT

This is a routine item to approve City Council minutes.

### BACKGROUND

Per City Council Operating Agreements, written minutes shall be taken for all City Council meetings in accordance with the Oregon Attorney General's Public Records and Meetings Manual. The minutes must give a true reflection of the matters discussed but need not be a full transcript, verbatim or recording.

As a matter of courtesy and efficiency a councilor should notify the Mayor and other councilors that they intend to propose an amendment to the minutes and should propose replacement text in advance of the meeting at which those minutes are scheduled to be approved. If the proposed amendment is a simple factual, grammatical, or spelling correction, the amendment may be proposed without consulting the minutes recorder. If the proposed amendment is substantive in nature or seeks to clarify the speaker's intent, the councilor should notify the minutes recorder and request verification of the proposed amendment.

### SUGGESTED MOTION

Move to approve the minutes for the public hearing, work sessions, and meetings on February 26, 2024, February 28, 2024, March 11, 2024, and April 15, 2024.

### ATTACHMENTS

- A. February 26, 2024 Work Session
- B. February 28, 2024 Work Session
- C. March 11, 2024 Work Session
- D. March 11, 2024 Meeting
- E. April 15, 2024 Public Hearing

**FOR MORE INFORMATION**

Staff Contact: Natalie Venhuda, City Council Coordinator

Telephone: 541-682-8497

Staff E-Mail: [nvenhuda@eugene-or.gov](mailto:nvenhuda@eugene-or.gov)



**MINUTES**

**Eugene City Council  
Work Session  
Eugene, Oregon 97401**

**February 26, 2024  
5:30 p.m.**

**Councilors Present:** Emily Semple, Matt Keating, Alan Zelenka, Jennifer Yeh, Mike Clark, Lyndsie Leech, and Randy Groves

**Councilors Absent:** Greg Evans

Mayor Vinis opened the February 26, 2024, work session of the Eugene City Council in a hybrid format at 101 W 10<sup>th</sup> Avenue, Eugene OR 97401.

**1. WORK SESSION: Eugene Springfield Fire Governance Review Update**

City Manager Medary introduced Eugene Springfield Fire (ESF) Chief Michael Caven and consultant group AP Triton who provided an update on the Feasibility Study on Administrative Staffing and Governance Structure.

Councilor Discussion:

- Councilor Keating – asked about the benefits and disadvantages of establishing a Eugene Springfield Fire District.
- Councilor Zelenka – noted the Metropolitan Wastewater Management Commission serves three government entities; confirmed the cities of Eugene and Springfield have different benefits packages; asked about network configuration issues experienced by ESF staff; noted the issues mentioned sound like Information Technology legacy issues.
- Councilor Leech – asked about the difference between the number of employees and the budgets for Eugene and Springfield; asked if they would seek to establish a set spending proportion between the cities; asked how to address different taxation rates for retirement disbursements based on the city where an employee retires.
- Councilor Semple – noted she was part of the stakeholder meetings with AP Triton; noted the difficulty of balancing a budget while considering safety and employee morale; stated she is looking forward to the final recommendations.
- Councilor Groves – spoke about the history of the three-battalion system; noted the system began as a way to provide more effective service but evolved into a cost-saving measure as well; noted the difficulties merging seven contract districts, four unions, and two cities.
- Councilor Zelenka – asked how the differences between revenue and expenditures for the two cities work operationally; asked about the disparity in expenditures for vehicles and equipment and internal fee costs; asked how Eugene adding a fire station will affect the balance between the cities; asked about weighting and evaluation criteria that will be used to evaluate the five proposed options; asked how the option to create an independent fire district would be evaluated; asked what factors would not make it feasible.

- Councilor Groves – stated Eugene is a more complicated community for ESF to service due to its higher unhoused population; noted ESF has adapted response models for the unique challenges posed by the city of Eugene which accounts for some of the cost differentials; stated he was initially unsure if the merger would work; stated he is proud of ESF's operations and training; noted the administrative and financial pieces are the final components of completing the merger; stated he is looking forward to AP Triton's final recommendations.
- Mayor Vinis – noted her appreciation the presentation; stated she is looking forward to the final recommendations.

## 2. WORK SESSION: Finance & Revenue Update

City Manager Medary introduced Twylla Miller, Chief Financial Officer, who presented on the work of the Revenue Advisors group.

### Councilor Discussion:

- Mayor Vinis – noted she has attended the revenue meetings and has found the conversations to be probing and thoughtful.
- Councilor Keating – asked about proposals he submitted that were not part of the final recommendations and if they will be revisited; asked if the committee will continue its work beyond the upcoming recommendations; asked if the committee had considered an admissions tax, a tax on short term rentals, a tax on rental vehicles, or a soda tax.
- Councilor Clark – noted the local government is funded mainly by property taxes; asked if the committee had considered increasing land volume or taxable value; asked to see how much the City has spent per capita over time.
- Councilor Zelenka – noted the committee had focused on near-term revenue; noted some ideas will not create enough revenue to outweigh the administrative costs; noted revenue ideas that will affect the University of Oregon were not considered because they are long-term strategies.
- Councilor Keating – estimated about half the attendees at a University of Oregon game are from out of the area; suggested future revenue advisory groups focus on long-term as well as short-term solutions.
- Councilor Clark – stated he hopes the revenue advisors are looking at long-term solutions as well as short-term; asked how to tell whether City of Eugene expenditures are growing at a sustainable level.

The meeting was adjourned at 7:07 p.m.

Respectfully submitted,

Katie LaSala  
City Recorder

*(Recorded by Cherish Bradshaw)*

Link to the webcast of this City Council meeting [here](#).

**MINUTES**

**Eugene City Council  
Work Session and  
Urban Renewal Agency Meeting  
Eugene, Oregon 97401**

**February 28, 2024  
12:00 p.m.**

**Councilors Present:** Emily Semple, Matt Keating, Alan Zelenka, Jennifer Yeh, Mike Clark, Greg Evans, Lyndsie Leech, and Randy Groves

Mayor Vinis opened the February 28, 2024 meeting of the Urban Renewal Agency in a virtual format.

**1. WORK SESSION and POSSIBLE ACTION:**

- A. 1059 Willamette Redevelopment – Financial Assistance**
- B. 1059 Willamette Redevelopment – Revised Terms**
- C. 1059 Willamette Redevelopment – MUPTE Application**

City Manager, Sarah Medary, introduced Development Programs Manager, Amanda D’Souza, who provided information related to the property located at 1059 Willamette.

Councilor Discussion:

- Councilor Evans – asked what challenges exist for construction of the project; noted challenges with the demolition’s cost, execution, and impact on surrounding buildings; asked if the City received an updated estimate on the asbestos abatement since 2019 or if the calculations were added into the project cost; asked if the estimate had accounted for an inflationary increase.
- Councilor Groves – noted excitement for the project and thinks it will benefit the City despite increased costs; asked what the City can do to help minimize the impact of construction; noted he hopes the City will work with the developer to set the project up for success; noted that it's much harder to develop when there are close quarters between existing buildings.
- Councilor Semple – noted she was Council Liaison for the project and worked on a request for proposal (RFP); noted excitement for the project and emphasized the need for more housing downtown; thinks this project warrants Urban Renewal money and the Multi-Unit Property Tax Exemption (MUPTE); noted interest in the mixed income levels; noted that the City needs to make the project as easy on surrounding properties and as safe as possible.
- Councilor Clark – asked what the cost to the district was to acquire the property; clarified the City’s investment is around \$5.5 million; asked how tall the building will be once complete.
- Councilor Keating – noted enthusiasm for the mixed use, affordable housing, and market rate housing approach; noted appreciation for the continued partnerships with Hope and Safety Alliance and efforts for pet accommodations and disability

justice; indicated the project is an example of building up, not out, by combining mixed use, mixed economy, affordable housing, and market rate housing while partnering with service providers in the entire state; noted he will recommend the approval of the use of \$740,000; asked if the requested funding is enough.

- Councilor Zelenka – noted excitement for the project and the need for more housing downtown; believes the project will enhance the area; noted the cost increase is understandable; noted he likes the affordable housing aspect of the project as over 50 percent of the units are affordable housing, differing from most other MUPTEs; noted the City only gets affordable housing that it subsidizes; stated the City currently has zero market-based affordable housing units; noted the exception for him on a MUPTE is the affordable housing aspect; thinks it is an appropriate subsidy.
- Councilor Groves – asked for clarification of the prevailing wage on the project; asked how approval of a MUPTE would impact prevailing wage under state requirements.
- Councilor Keating – noted Council should have a future work session on the prevailing wage aspect of the project and would support reform of it in the future.

**MOTION:** Move to approve the use of \$740,000 of Downtown Urban Renewal tax increment funds to support the 1059 Willamette project. **VOTE: PASSED 8:0**

Mayor Vinis closed the February 28, 2024 meeting of the Eugene Urban Renewal Agency and convened the February 28, 2024 work session of the Eugene City Council.

**MOTION:** Move to approve the revised terms in Attachment A and to authorize the City Manager to amend the development agreement consistent with the revised terms included in Attachment A. **VOTE: PASSED 8:0**

**MOTION:** Move to adopt a Resolution Approving A Multiple-Unit Property Tax Exemption For Residential Property Located At 1059 Willamette Street In Eugene, Oregon (Applicant 1059 Willamette Investment, Llc).

Council Discussion:

- Councilor Semple – asked how the extra four units are fit in; asked if the units make the building bigger or if some of the units are smaller.

**VOTE ON MOTION: PASSED 8:0**

## 2. WORK SESSION: Overview of Charter Review and Amendment Process

City Manager, Sarah Medary, introduced the Chief of Staff, Brooke Freed, to provide an overview of the 2002 Charter Review and Amendment process.

Councilor Discussion:

- Councilor Keating – noted interest in presenting a motion that would direct the City Manager to return to Council with a focused recommendation on the review of the Council-Mayor compensation to be considered at a future work session, implemented in 2025 with citizen input; noted interest in conversation about the potential motion regarding equity and the opportunity to get more individuals involved.
- Councilor Yeh – noted she is open to having work sessions on the various topics discussed; indicated that if compensation is reviewed, it should be clear what problem Council is trying to solve as there may be other barriers impacting one’s ability to serve on Council.
- Councilor Semple – noted concern with the mayoral election timing as half of the Council could run for Mayor without losing their seat but for the other wards, Councilors must give up their seat to run; noted interest in revisiting Council compensation; stated in her first years as Councilor she worked more hours than full-time; noted she is discouraged by the lack of competition for Council races; noted interest in revisiting the conflict surrounding election cycles.
- Councilor Zelenka – noted interest in having limited conversations on the stated topics and what problems will be solved; understands equity concerns with Council compensation but raised concern with the timing of the conversation due to Council’s revenue ask.
- Councilor Clark – noted Council should be specific about expectations in future conversations regarding compensation; noted the Mayor’s position was previously expected to be part-time, but the Mayor is now expected to be accessible full-time to the public; noted Council positions are expected to have another job; indicated a Council compensation discussion should be clear about expectations and duties of a Councilor; noted the timing for compensation conversations is not ideal; noted interest in keeping other areas of review limited.
- Councilor Groves – noted interest in future discussions on specific topics and in modernizing language in the charter to current standards; noted interest in balancing out the specificity of sections in the charter; indicated interest in the compensation conversation but does not think the timing is right; noted concern with a change in Council compensation leading to individuals running for office that are not dedicated to the people ; noted interest in having a plan before deciding on Council compensation.
- Councilor Leech – noted that timing is difficult and that other barriers could be lowered to attract people to run for Council; noted one barrier could be childcare; stated that Portland has adjusted its Council compensation and has seen a greater pool of candidates in election cycles; thinks the City should engage the community and support people who might not otherwise be able to run.
- Mayor Vinis – stated she does not want to invest City resources into a major charter review process and thinks narrower goals are appropriate; noted appreciation for the discussion regarding barriers to running for office; noted it may be helpful to bring the Equity Panel to discuss barriers; stated revenue conversations and Council compensation discussions should not be happening concurrently.
- Councilor Evans – noted equity issues in the charter regarding those who work full-time and their ability to serve and receive a stipend; noted that Portland recently

switched to a whole different governing model; stated Portland's process could have included discussions about adding more Councilors, Councilor responsibilities, and how those responsibilities interact with the City Manager form of government; noted he does not think Council is ready to address those questions; stated that budget challenges could result in Council asking voters to cut services or for a levy or revenue increases to maintain City operations.

- Councilor Zelenka – asked if any change made to Charter requires a vote of the electorate; asked what a general language review would include; suggested staff work with individual Councilors to define problems and bring them back to a work session.

**Motion:** Councilor Zelenka, seconded by Councilor Semple, moved for the City Manager to work with the City Councilors who have ideas about items for review of the Charter to specifically define the problem, bring that back to Council in a future work session for up-down vote for inclusion in conversation about potential amendments of the Charter.

Council Discussion:

- Councilor Keating – noted he was going to make a motion directing the City Manager to return to Council with a work session that reviews Council-Mayor compensation options and explores comparable municipal analyses to be implemented in 2027 pending voter approval; noted the motion would give time to recognize budget constraints and address the different cycles of Council; noted he could make the motion at the future work session mentioned in Councilor Zelenka's motion; noted support of Councilor Zelenka's motion.
- Councilor Groves – noted he wants to keep the motion as simple as possible; noted hesitation as Keating's proposed motion has a lot of specificity rather than Councilor Zelenka's motion.
- Councilor Clark – noted in the previous iteration of Charter review that there was more public involvement than what is currently proposed; stated any process recommending public vote on the Charter should have public involvement at some step in the process; noted his support of Councilor Zelenka's motion.
- Councilor Zelenka – inquired if staff talked to all Councilors and created a list of topics to review; noted he does not want the Charter review to be large process, rather it should be limited conversations on the problems presented.

**VOTE ON MOTION: PASSED 7:1** (Opposed by Councilor Evans)

Mayor Vinis adjourned the meeting at 1:30 p.m.

Respectfully submitted,

Katie LaSala  
City Recorder

*(Recorded by Natalie Venhuda)*

Link to the webcast of this City Council meeting [here](#).



**MINUTES**

**Eugene City Council  
Work Session  
Eugene, Oregon 97401**

**March 11, 2024  
5:30 p.m.**

**Councilors Present:** Emily Semple, Matt Keating, Alan Zelenka, Jennifer Yeh, Mike Clark, Greg Evans, Lyndsie Leech, and Randy Groves

Mayor Vinis opened the March 11, 2024, work session of the Eugene City Council in a hybrid format at 101 W 10<sup>th</sup> Avenue, Eugene OR 97401.

**1. WORK SESSION: CAP 2.0 Implementation Progress Update**

Assistant City Manager Matt Rodrigues introduced Ian Penn, Sustainability Manager, and Danielle Klinkebiel, Climate Policy Analyst, who presented the CAP 2.0 Implementation Progress Update.

Councilor Discussion:

- Mayor Vinis – noted her appreciation for the presentation materials including the project matrix.
- Councilor Groves – asked how Lane County will determine Eugene’s share of diversions for the Integrated Material Recovery Facility (IMERF); expressed interest in tracking how that number changes over time; stated staff should consider doing community outreach to organized labor and the building trades as well; asked about the role of street design in upcoming projects; asked how many street trees were lost during the ice storm.
- Councilor Evans – asked how much landfill capacity will increase with the new IMERF; asked about increased cost to the average customer; noted the facility will cost more than initially estimated; asked how the increased cost will affect the City.
- Councilor Zelenka – noted there was a comparison between the Short Mountain landfill gas-to-electricity project and the IMERF; noted Eugene may have had less tree damage during this storm because weaker trees were lost during previous ice storms; noted per capita greenhouse emissions are decreasing but overall emissions are increasing; believes greenhouse gas emissions are trending up; stated we should be doing more to address transportation emissions.
- Councilor Leech – noted her appreciation for the project matrix; asked for information about energy resilience and the creation of a resilience hub; asked if we are exploring low nitrogen oxide (NOx) appliance standards to reach emission reduction goals.
- Councilor Keating – noted bus and bike use are declining while driving alone is increasing; asked how many of those driving alone are using an electric vehicle; asked for a breakdown by business for the commercial and industrial sector; asked about emissions by residential subtype; noted some municipalities are imposing tree removal penalties; asked if tree canopy includes both residential and right-of-way; asked about exploring a policy to impose a fine for tree removals.

- Councilor Semple – stated the amount of completed and in progress projects is reassuring; noted the City only tracked trees damaged on public land.
- Councilor Clark – asked how much the City spent on carbon credits; asked about the projects where the money was spent; noted that money left the community.
- Councilor Yeh – noted her appreciation for the work of staff; noted the CAP 2.0 project is about hope and taking responsibility for the future; noted she would not be in favor of fining people for removing trees; stated her support for empowering the community to participate in climate work.
- Mayor Vinis – asked how we can build momentum and increase community engagement; asked how staff time can be best directed in combination with community interest; asked about our climate collaborative partners; noted we can do more when we work with partners.
- Councilor Zelenka – noted climate collaboration is critical; noted he has recommended the Sustainability Commission work on a local project for the City to support with carbon credits; asked about the plan to maximize our share of the funds and tax credits being provided by the Biden administration; noted this information should be on the website; agreed a program manager or navigator for rebate programs is a good idea.
- Councilor Keating – noted there are tax credits for those who have children but not for those who adopt pets; asked if eliminating bus fares would increase ridership; noted fines for tree removal would only occur if people did not follow the appropriate process.

## **2. WORK SESSION AND POSSIBLE ACTION: Regional Pickleball Facility, Parks and Recreation SDC Analysis**

Assistant City Manager Matt Rodrigues introduced Craig Carnagey, Parks and Open Space Director, and Carolyn Burke, Parks Planning Manager to present on the proposed regional pickleball facility and analysis of eligibility for the Parks and Recreation System Development Charge (SDC) project list.

### Councilor Discussion:

- Councilor Semple – asked if other parks will be impacted by this project; noted while she is in favor of the project, she is concerned about previously approved projects being affected.
- Councilor Groves – noted he is in support of the project; asked who else will be financially contributing to the project.
- Councilor Zelenka – noted pickleball is very popular; noted the potential to hold a tournament at the proposed facility; noted Lane Community College is a great place for a facility due its location and the noise; stated Parks and Recreation SDC's can only be spent on parks and facilities like this; stated this project is a high priority and should be moved up the queue.
- Councilor Clark – stated his support for using SDC's for this type of facility; asked if the parks projects list is part of an adopted plan.
- Councilor Leech – asked how we arrived at the list; asked what equitable measures were taken to choose projects; noted a lack of projects for the Trainsong and Whiteaker neighborhoods; stated her support for bringing the pickleball facility into the projects list.
- Councilor Keating – stated his support for the project; noted the facility will increase tourism; asked if Eugene residents will have special access to the court.

- Councilor Evans – stated the facility is a prudent investment for the community; stated Springfield has been asked to financially support the facility; noted a quality facility will attract tournaments and tourism; noted this project will enhance our tax base with minimal impact to our carbon footprint; stated his support for the facility.
- Councilor Yeh – stated her support for adding the project to the SDC list; noted many parks and open space projects do not have currently identified funding; noted she is unsure if this project should move to the top of the list.
- Councilor Semple – asked who else will be providing funds for this facility; stated the City should not give funds until the project has confirmed the source for the rest of the needed funds.
- Councilor Zelenka – stated the justification for moving it to the top of the queue is the community momentum around the project; noted the Emerald Valley Pickleball Club will have to come up with a plan before the city will provide the funds.
- Councilor Yeh – stated that for her, people being interested and willing to financially support a project is not a strong enough justification to move it to the top of the queue.
- Mayor Vinis – stated it will be difficult to prioritize projects on the SDC list; noted her interest in seeing how this project will impact others on the list.
- Councilor Semple – stated perhaps Emerald Valley Pickleball Club will be so good at fundraising they won't need our funds; noted she hopes the shade structure will include solar panels.

**MOTION:** Councilor Keating, seconded by Councilor Groves, moved to adopt the resolution at Attachment A to the AIS to amend the Parks and Recreation SDC Project Plan to include the regional pickleball project.

**VOTE: PASSED 8:0**

The meeting was adjourned at 6:53 p.m.

Respectfully submitted,

Katie LaSala  
City Recorder

*(Recorded by Cherish Bradshaw)*

Link to the webcast of this City Council meeting [here](#).

**MINUTES****Eugene City Council Meeting  
Eugene, Oregon 97401****March 11, 2024  
7:30 p.m.**

**Councilors Present:** Emily Semple, Matt Keating, Alan Zelenka, Jennifer Yeh, Mike Clark, Greg Evans, Lyndsie Leech, and Randy Groves

Mayor Vinis opened the March 11, 2024, meeting of the Eugene City Council in a hybrid in-person and virtual format at 101 W. 10<sup>th</sup> Avenue, Suite 114, Eugene, OR 97401.

**1. CEREMONIAL MATTERS**

Mayor Vinis read proclamations for Women’s History Month and Transgender Day of Visibility.

**2. COMMITTEE REPORTS AND ITEMS OF INTEREST**

- Mayor Vinis – spoke about the recent passing of respected community member and Police Commission Chair, Dallas Boggs.
- Councilor Clark – spoke about the recent passing of Dallas Boggs and his positive impact on the community.
- Councilor Evans – spoke about the recent passing of Dallas Boggs and his positive impact on the community.
- Councilor Groves – spoke about the recent passing of Dallas Boggs and his positive impact on the community; noted his attendance at the Lane Council of Governments Awards Dinner; noted that Assistant City Manager Kristie Hammitt was given an award for Outstanding Public Career.
- Councilor Leech – spoke about the recent passing of Dallas Boggs; noted her attendance at the Human Rights Commission’s Homelessness and Poverty Work Group.
- Councilor Yeh – spoke about the recent passing of Dallas Boggs and his positive impact on the community.
- Councilor Semple – spoke about the recent passing of Dallas Boggs and his positive impact.
- Councilor Zelenka – spoke about the recent passing of Dallas Boggs and his positive impact on the community.
- Councilor Keating – spoke about the recent passing of Dallas Boggs and asked for a moment of silence; noted Representative Paul Holvey will be retiring and thanked him for his service; congratulated Speaker Julie Fahey for being elected to Speaker of the House in the Oregon House of Representatives.
- Councilor Evans – shared updates from the Intergovernmental Relations Committee regarding the results of this year’s legislative session.

**3. CONSENT CALENDAR 1****A. Approval of City Council Minutes**

- January 24, 2024 Work Session

- February 14, 2024 Work Session

## B. Approval of City Council Tentative Agenda

**MOTION:** Councilor Keating, seconded by Councilor Groves, moved to approve the items on Consent Calendar 1. **VOTE: 8:0 PASSED**

4. **ACTION: An Ordinance Amending the Eugene-Springfield Metropolitan Area General Plan Diagram and the Willow Creek Special Area Study Future Land-Use Map to Redesignate the Property Identified as Assessor's Map 18-04-04-20, Tax Lot 00100 to Light Medium Industrial and rezoning the property from E-1 Campus Employment to E-2 Mixed Use Employment.**

Assistant City Manager, Matt Rodrigues, introduced the topic and provided background information.

**MOTION:** Councilor Keating, seconded by Councilor Groves, moved to adopt an Ordinance amending the Eugene-Springfield Metropolitan Area General Plan Diagram and the Willow Creek Special Area Study Future Land-Use Map to Redesignate the Property Identified as Assessor's Map 18-04-04-20, Tax Lot 00100 to Light Medium Industrial and rezoning the property from E-1 Campus Employment to E-2 Mixed Use Employment. **VOTE: 8:0 PASSED**

5. **ACTION: An Ordinance Concerning Parking and Amending Sections 5.225, 5.265, 5.335, 5.990, and 5.995 of the Eugene Code, 1971.**

Assistant City Manager, Matt Rodrigues, introduced the topic and provided background information.

### Council Discussion:

- Councilor Leech – noted that homelessness and the issues caused by homelessness are a significant challenge facing the City; stated increasing fines and enacting harsher penalties will not solve the problem; stated she would like to hear from the community and have an additional work session on the proposed ordinance.

**MOTION:** Councilor Leech, seconded by Councilor Zelenka, moved to (1) discuss the proposed ordinance tonight but take no action; and, (2) direct the City Manager to schedule a work session for Council discussion of, and potential revisions to, the proposed ordinance.

### Council Discussion:

- Councilor Groves – noted laws for parking and camping issues are already in code and the problem is enforcement, a lack of consequences, and a core group of repeat offenders; stated Council has an obligation to protect the whole community; stated his support for the motion; noted Ward 8 has a high number of RV campers; noted part of the solution is finding more legally acceptable places for people to go.

- Councilor Clark – noted his agreement with Councilor Groves; stated while increasing fines will not solve the issue, something must be done; stated sleeping in one’s car is not safe; stated he is looking forward to the discussion.
- Councilor Zelenka – stated he is concerned with increasing fines for car camping and expanding the City’s ability to impound vehicles; stated increasing fines for people who cannot pay will not effectively address the problem; noted fine collection rates range between zero to 15 percent; stated increasing fines will make it harder for people experiencing deep poverty to recover; stated impounding vehicles will increase the number of people living on the street; stated Council should work on increasing the number of Safe Sleep Sites.
- Councilor Yeh –noted she is glad to receive feedback from the community; stated her support for the motion; stated people sleeping in their car is better than sleeping on the street; noted she would prefer to continue doing what works or discuss new options.
- Councilor Evans – noted homelessness has been a top issue since he took office 11 years ago; noted while current programs are successful they are not enough; noted the proposed parking amendment could not be effectively enforced; stated the issue of homelessness is a complex national problem; provided historical context about homelessness; stated the City needs to work with jurisdictional partners.
- Councilor Keating – noted there is a gap in state funding for transitional housing; spoke in favor of dedicating funds to providing more low barrier shelters and transitional housing; stated he is looking forward to hearing from the community.
- Councilor Groves – stated the real issue is RV camping, not car camping; noted there are issues with enforcing current laws; stated concern that removing consequences may make the issue worse.
- Councilor Zelenka – noted homelessness is a symptom of a lack of affordable housing, mental health services, and substance abuse services; noted he has been working on the problem of homelessness for 30 years; stated we need more implementation of proven solutions.
- Councilor Evans – stated the community needs a public shelter.

**VOTE: 7:1 PASSED** (opposed by Councilor Clark)

- 6. ACTION: An Ordinance Concerning Middle Housing; Making A Text Amendment To The Eugene-Springfield Metropolitan Area General Plan; Replacing Variations Of The Terms “One Family” And “Single Family” With “Single-unit,” Replacing Variations Of The Term “Two Family” With “Duplex,” Replacing Variations Of The Term “Three Family” With “Triplex,” Replacing Variations Of The Term “Four Family” With “Fourplex,” And Replacing Variations Of The Terms “Multiple Family” And “Multi-Family” With “Multi-unit” Or “Multiple-Unit” Throughout The Eugene Code; Amending Sections 9.0500, 9.2160, 9.2161, 9.2700, 9.2720, 9.2740, 9.2741, 9.2750, 9.2751, 9.2760, 9.2761, 9.2770, 9.2775, 9.2777, 9.2780, 9.3050, 9.3065, 9.3100, 9.3115, 9.3116, 9.3125, 9.3145, 9.3210, 9.3215, 9.3220, 9.3221, 9.3300, 9.3310, 9.3510, 9.3625, 9.3630, 9.3800, 9.3810, 9.3811, 9.3815, 9.3822, 9.3910, 9.3915, 9.6105, 9.6650, 9.6703, 9.6730, 9.6740, 9.6745, 9.6775, 9.6792, 9.6793, 9.6795, 9.6885, 9.7000, 9.7015, 9.7020, 9.7025, 9.7030, 9.7055, 9.7230, 9.7600, 9.8005, 9.8030, 9.8210, 9.8215, 9.8220, 9.8423, 9.8510, 9.8515, 9.8520, 9.8705, 9.8710, And 9.8865 Of The Eugene Code, 1971; Deleting Sections 9.2705.**



**9.2735, And 9.2737 Of That Code; Adding Sections 9.5550, 9.7640, 9.7641, 9.7642, 9.7643, 9.7644, 9.7900, 9.7905, 9.7910, 9.7915, 9.7920, 9.7925, 9.8191, 9.8192, 9.8193, 9.8194, 9.8195, 9.8196, 9.8197, 9.8198, And 9.8199 To That Code; And Providing An Effective Date.**

Assistant City Manager, Matt Rodrigues, introduced the topic and provided background information.

**MOTION:** Councilor Keating, seconded by Councilor Groves, moved to approve an Ordinance Concerning Middle Housing, including Exhibits A and B attached thereto, as set forth in its entirety as Attachment A to the March 11, 2024, Agenda Item Summary.

Council Discussion:

- Councilor Clark – noted he is not in support of the ordinance; noted concerns that the City has not sufficiently proved compliance with Goal 11; noted he is unsure if we have sufficient public infrastructure; stated he expects to see this ordinance before Council again.
- Councilor Zelenka – stated the Court of Appeals did not reject the ordinance on its substance; stated staff have responded by increasing the amount of background information to prove the City does comply with Goal 11; provided background on how the City conducts an infrastructure test; stated it is not correct to say the City is not addressing infrastructure and meeting Goal 11.

**VOTE: 6:2 PASSED** (opposed by Councilors Clark and Groves)

**7. PUBLIC COMMENT**

1. Sabrina Siegel – spoke against EWEB installing mandatory smart electric meters.
2. Terri Reed – spoke about the need for housing to solve the homelessness crisis.
3. Martha Johnson – spoke about the need for housing to solve the homelessness crisis.
4. Victor Oddivak – spoke about the health effects of smart meters.
5. Alan Stein – spoke about the health effects of smart meters.
6. Dylan Plummer – spoke against the proposed parking ordinance.
7. Carina Schmidt – spoke against the proposed parking ordinance.
8. Sarah Pishioneri – spoke in favor of supporting those experiencing homelessness.
9. Jo O'Harrow – spoke against the proposed parking ordinance.
10. Aya Cockram – spoke against the proposed parking ordinance.
11. Sylvia Gregory – spoke against the proposed parking ordinance.
12. Jesselyn Perkins – spoke against the proposed parking ordinance.
13. Kamryn Stringfield – spoke against the proposed parking ordinance.
14. Allen McWayne – spoke against the city supporting the construction of a Eugene Emeralds stadium.
15. Stone W – spoke against the proposed parking ordinance.
16. Dace Whiteley – spoke against the proposed parking ordinance.
17. Abraham Kelso – spoke against the proposed parking ordinance.
18. Erica Dallman – spoke against the proposed parking ordinance.
19. Wren Thornton – spoke against the proposed parking ordinance.

20. Geoffrey Gordon – spoke in favor of the city instituting a human rights based investment policy.
21. Bethany Cotton – spoke against the proposed parking ordinance.
22. Jetty – spoke against the proposed parking ordinance.
23. Sarah Azarael – spoke against the proposed parking ordinance.
24. Rebecca Amodeo – spoke against the proposed parking ordinance.
25. Joshua Korn – spoke against EWEB installing mandatory smart electric meters.
26. Tara Garkow – spoke against the proposed parking ordinance.
27. Donna Lynne – spoke against the proposed parking ordinance.
28. Cindy Allen – spoke against EWEB installing mandatory smart electric meters.
29. Madeline Cowen – spoke against the proposed parking ordinance.
30. Jacob Trewe – spoke against the proposed parking ordinance.
31. Spencer McIntyre – spoke against the proposed parking ordinance.

Council Discussion:

- Councilor Yeh – noted her appreciation for the evening’s speakers; acknowledged the parking ordinance could have had a clearer title.

Mayor Vinis adjourned the meeting at 9:47 p.m.

Respectfully submitted,

Katie LaSala  
City Recorder

*(Recorded by Cherish Bradshaw)*

Link to the webcast of this City Council meeting [here](#).



**MINUTES**

**Eugene City Council  
Public Hearing  
Eugene, Oregon 97401**

**April 15, 2024  
5:30 p.m.**

**Councilors Present:** Matt Keating, Mike Clark, Jennifer Yeh, Greg Evans, Lyndsie Leech, Emily Semple, and Randy Groves

**Mayor Lucy Vinis:** Present (virtually)

**Councilors Absent:** Alan Zelenka

Council President Matt Keating opened the April 15, 2024, public hearing of the Eugene City Council in a hybrid in-person and virtual format at 101 W. 10<sup>th</sup> Avenue, Suite 114, Eugene, OR 97401.

**1. PUBLIC HEARING: An Ordinance Vacating Premier Street and A Portion of First Avenue West, All Located Within The Plat of Pioneer Resources Business Park, and Providing For An Effective Date.**

Council President Matt Keating opened the public hearing in a quasi-judicial format.

Assistant City Manager, Matt Rodrigues, introduced the topic and provided background information.

Council President Matt Keating provided time for Council members to disclose any bias, conflicts of interest, ex parte communications or abstentions pursuant to Eugene Code 9.7065(5).

John Schmidt provided an applicant statement.

There were no speakers for the public hearing.

Council President Matt Keating closed the public hearing.

Council President Matt Keating adjourned the meeting at 5:38 p.m.

Respectfully submitted,

Katie LaSala  
City Recorder

*(Recorded by Natalie Venhuda)*

Link to the webcast of this City Council meeting [here](#).

# EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



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## Approval of Tentative Working Agenda

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Meeting Date: April 8, 2024  
Department: Central Services  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: 2B  
Staff Contact: Katie LaSala  
Contact Telephone Number: 541-682-5010

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### ISSUE STATEMENT

This is a routine item to approve the City Council Tentative Working Agenda.

### BACKGROUND

Per City Council Operating Agreements, at each regular meeting of the Council, the City Manager shall present the Tentative Agenda. This shall be placed on the Consent Calendar. If there are any concerns about the items on the Tentative Agenda, it may be removed at the request of any councilors from the Consent Calendar and discussed separately.

### COUNCIL OPTIONS

The council may choose to approve, amend or not approve the tentative agenda.

### SUGGESTED MOTION

Move to approve the items on the Tentative Working Agenda.

### ATTACHMENTS

A. City Council Tentative Working Agenda

### FOR MORE INFORMATION










Staff Contact: Katie LaSala, City Recorder  
Telephone: 541-682-5010  
Staff E-Mail: [klasala@eugene-or.gov](mailto:klasala@eugene-or.gov)



# City Council Tentative Agenda

Updated April 18, 2024

Materials and information about how to access meetings available at: <https://www.eugene-or.gov/3360/Webcasts-and-Meeting-Materials>

April 2024					
Date	Day	Time	Title	Length	Dept. Contact
22-April	Monday	5:30 pm	 Financial Update and Revenue Options (Work Session)	90 mins	Twylla Miller, CS
<i>Work Session Location: Public via Virtual Only</i>					
22-April	Monday	7:30 pm	 Committee Reports and Items of Interest  Resolution Annexing Land at 1010 Horn Lane (1010 Horn Lane; A 23-9) (Consent Calendar 2)  CDBG Action Plan (Possible Action)  River Road/Santa Clara Neighborhood Plan Adoption Package (Possible Action)  Pioneer Business Park ROW Vacation (Possible Action)  Public Comment		Brai Black, PDD  Genevieve Middleton, PDD  Terri Harding, PDD  Jeff Gepper, PDD
<i>Location: Public via Virtual &amp; Council Chambers, Room 114</i>					
24-April	Wednesday	12 pm	 Steam Plant Redevelopment (URA Work Session)  2024 OR Legislative Summary and United Front Report (Work Session)	45 mins  45 mins	Will Dowdy, PDD  Ethan Nelson, CS
<i>Work Session Location: Virtual Only</i>					



Work Session



Action



Public Hearing



Public Comment



Consent Calendar


















Committee Reports/Items of Interest
















Ceremonial Matters












Pledge of Allegiance

May 2024						
Date	Day	Time	Title	Length	Dept. Contact	
8-May	Wednesday	12 pm	 Downtown Core Housing Initiative (URA Work Session)	45 mins	Amanda D'Souza, PDD	
			 Civilian Review Board & Police Auditor's Office Annual Reports (Work Session)	45 mins	Leia Pitcher, PA	
<i>Work Session Location: Virtual Only</i>						
13-May	Monday	5:30 pm	 Executive Session Pursuant to ORS 192.660(2)(i)	45 mins	Keri Beraldo, CS	
			 Police Auditor Annual Evaluation (Work Session)			
			 <i>Topic Pending Confirmation</i> (Work Session)	45 mins	Staff	
<i>Work Session Location: Public via Virtual Only</i>						
13-May	Monday	7:30 pm	 Pledge of Allegiance		Michelle Miranda, PW	
			 Ceremonial Matters			
			 Committee Reports and Items of Interest			
			 FY25 MWMC Budget (Consent Calendar 1)			
			 Resolution Annexing Land on Irvington Drive west of River Road (Irvington Drive; A 24-1) (Consent Calendar 2)			Nick Gioello, PDD
			 Resolution Annexing Land on East Enid Road (29960 East Enid Road; A 24-2) (Consent Calendar 2)			Brai Black, PDD
			 Resolution to update the Neighborhood Organization Recognition Policy (NORP) (Possible Action)			Cindy Koehler, CS
 Public Comment						
<i>Meeting Location: Public via Virtual &amp; Council Chambers, Room 114</i>						
15-May	Wednesday	12 pm	 Urban Growth Strategies Project Overview (Joint City Council and Planning Commission Work Session)	90 mins	Alissa Hansen, PDD	
<i>Work Session Location: Virtual Only</i>						
20-May	Monday	5:30 pm	 Toxics Program Fees (Public Hearing)		ESF	
<i>Public Hearing Location: Public via Virtual &amp; Council Chambers, Room 114</i>						

22-May	Wednesday	12 pm	 <i>Topic Pending Confirmation</i> (Work Session)	45 mins	Staff
			 Charter Review Follow-up Discussion (Work Session)	45 mins	Brooke Freed, CS
<i>Work Session Location: Virtual Only</i>					
22-May	Wednesday	5:30 pm	<b><i>Budget Committee Meeting</i></b>		Staff, CS
<i>Budget Committee Location: Virtual Only</i>					

June 2024					
Date	Day	Time	Title	Length	Dept. Contact
10-June	Monday	5:30 pm	 Executive Session Pursuant to ORS 192.660(2)(i)	90 mins	Staff
			 Municipal Court Judge Annual Evaluation (Work Session)		
<i>Work Session Location: Virtual Only</i>					
10-June	Monday	7:30 pm	 Pledge of Allegiance		Laura Hammond, PDD
			 Ceremonial Matters		
			 Committee Reports and Items of Interest		
			 Affordable Housing Trust Fund Awards (Priority Goal Action)		
			 Public Comment		
<b><i>Meeting Location: Virtual Only*</i></b>					
12-June	Wednesday	12 pm	 Tree Preservation & Solar Standards Overview (Work Session)	45 mins	Gabe Flock, PDD
			 Franklin Boulevard Transformation Project update (Work Session)	45 mins	Rob Inerfeld, PW
<i>Work Session Location: Virtual Only</i>					
17-June	Monday	5:30 pm	 TBD (Public Hearing)		Staff
<b><i>Public Hearing Location: Virtual and New City Hall</i></b>					
<b>19-June</b>	<b>Wednesday</b>		<b><i>No meetings - Holiday</i></b>		
24-June	Monday	5:30 pm	 Mayor's Blue Ribbon Panel on Economic Development (Work Session)	45 mins	Michael Bradley, PDD

			 Downtown Core Housing Initiative (Work Session)	45 mins	Amanda D'Souza, PDD
<b>Work Session Location: Virtual and New City Hall</b>					
24-June	Monday	7:30 pm	 Ceremonial Matters  Committee Reports and Items of Interest  City of Eugene Supplemental Budget (Public Hearing and Action)  City of Eugene Tax Certification (Public Hearing and Action)  Urban Renewal Agency Supplemental Budget (Public Hearing and Action)  Urban Renewal Agency Tax Certification (Public Hearing and Action)  Public Comment		Liz Butterfield, CS  Christina Wozniak, CS  Liz Butterfield, CS  Christina Wozniak, CS
<b>Meeting Location: Virtual and New City Hall</b>					
26-June	Wednesday	12 pm	 Urgent Community Needs: Emergency Management & Resiliency (Work Session/Council Workshop)	90 mins	Mia Cariaga, CS Chief Caven, ESF
<b>Work Session Location: Virtual Only</b>					

**\*Virtual Only due to City Hall construction and transition**

UPCOMING PUBLIC HEARINGS			
Date/Time	Topic/Title	Description	Staff Contact
<b>May 20, 5:30pm</b>	<b>Toxics Program Fees</b>	The City Council will hold a public hearing to consider the approval of the Eugene Toxics Right to Know Program FY 2025 Budget. The proposed ordinance will be posted online: <a href="https://www.eugene-or.gov/1781/Proposed-Ordinances">https://www.eugene-or.gov/1781/Proposed-Ordinances</a>	Deputy Chief Travis Worthington <a href="mailto:WWorthington@eugene-or.gov">WWorthington@eugene-or.gov</a> 541-682-8428

Approved Work Session Polls to be Scheduled	Councilor	Date Approved
Gas Stations – Oct 18, 2023; <i>follow-up work session TBD</i>	Keating	4/15/22
Mental Health and Substance Abuse (MH/SA) Services/Programs in Oregon - <b>TBD</b>	Zelenka/Leech	2/29/24

# EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



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Approval of a Resolution Annexing Land to the City of Eugene  
(Assessor's Map 17-04-23-11, Tax Lot 06401 Located at 1010 Horn Lane)  
(City File: A 23-9)

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Meeting Date: April 22, 2024  
Department: Planning and Development  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: 3A  
Staff Contact: Brai Black  
Contact Telephone Number: 541-682-5437

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## ISSUE STATEMENT

This item is a request to annex property located at 1010 Horn Lane, on the south side of Horn Lane, west of Fairway Drive. The property to be annexed is approximately 0.93 acres. No public right-of-way is proposed for annexation as part of this request and there is no formal deadline for Council action on this item. A vicinity map is provided as Attachment A.

The property is zoned R-1 Low-Density Residential with the /UL Urbanizable Land Overlay. Both the Metro Plan and the applicable refinement plan, the River Road - Santa Clara Urban Facilities Plan, designate the subject property for low density residential use. The area of annexation is located within the City's Urban Growth Boundary (UGB) and is contiguous to City limits on its western border. Annexation will allow for future development consistent with the property's residential land use designation and the Eugene Code. Specific plans for future development of the site are not included as part of this annexation application.

## BACKGROUND

To encourage compact urban growth and sequential development within Eugene's UGB, the Metro Plan provides that ultimately all land within the UGB will be annexed into the City and provided with a minimum level of urban services.

Approval of annexation requests is based on the criteria at Eugene Code (EC) Section 9.7825 which require that (1) the land proposed to be annexed is within the City's UGB and is contiguous to the City limits or separated from City limits only by a right-of-way or water body; (2) the proposed annexation is consistent with the applicable policies in the Metro Plan and in any applicable refinement plans; and (3) the proposed annexation will result in a boundary in which the minimal level of key urban facilities and services can be provided in an orderly, efficient, and timely manner. Findings demonstrating that the annexation request is consistent with these approval criteria are included as Exhibit C to the attached draft resolution (see Attachment B).

To provide nearby property owners and residents an opportunity to review and comment on this annexation request, public notice was provided to all owners and occupants of property within

April 22, 2024 Meeting – Item 3A



500 feet of the subject property and the affected neighborhood association (River Road Community Organization) consistent with Eugene Code requirements. The City did not receive any testimony in response to the public notice.

Referral comments were provided by affected agencies including City of Eugene Public Works and Eugene Water & Electric Board (EWEB). These referral comments confirm that the property can be provided with the minimum level of key urban services consistent with the approval criteria. Given the findings of compliance, ability for the provision of key urban services, and absence of public testimony, a public hearing is not recommended in this instance.

Additional background information regarding this request, including relevant application materials, is included for reference as Attachment C. A full copy of all materials in the record is also available at the Permit and Information Center located at 99 West 10<sup>th</sup> Avenue, which is open from 12 pm to 4 pm Monday through Friday. To view materials at another time, please contact the listed staff representative to schedule an appointment. Copies may be also obtained at a reasonable cost.

### **PREVIOUS COUNCIL DIRECTION**

None.

### **COUNCIL OPTIONS**

City Council may consider the following options:

1. Adopt the draft resolution
2. Adopt the draft resolution with specific modifications as determined by the City Council
3. Deny the draft resolution
4. Defer action until after the council holds a public hearing on the proposed annexation

### **CITY MANAGER'S RECOMMENDATION**

The City Manager recommends that the City Council adopt the resolution by finding that the request complies with all applicable approval criteria, and that the annexation be approved.

### **SUGGESTED MOTION**

Move to adopt a Resolution Annexing Land to the City of Eugene (Assessor's Map 17-04-23-11, Tax Lot 06401 Located at 1010 Horn Lane).

### **ATTACHMENTS**

- A. Vicinity Map
- B. Draft Annexation Resolution with Exhibits A through C
  - Exhibit A: Map of Annexation Area
  - Exhibit B: Legal Description
  - Exhibit C: Planning Director Findings and Recommendation
- C. Application Materials for Annexation Request

April 22, 2024 Meeting – Item 3A

**FOR MORE INFORMATION**

Staff Contact: Brai Black, Assistant Planner

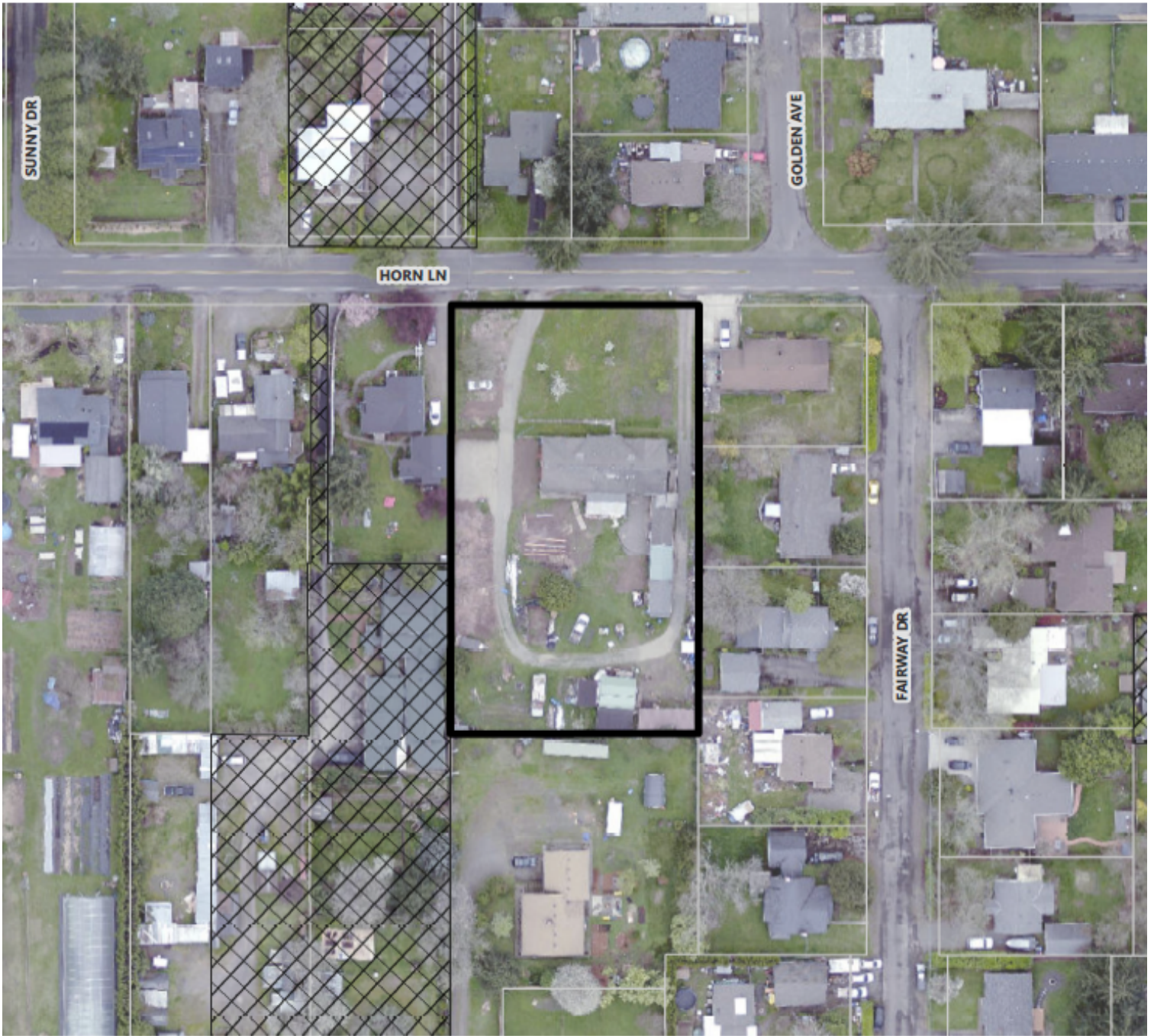
Telephone: 541-682-5437

Staff E-Mail: [BBlack@Eugene-or.gov](mailto:BBlack@Eugene-or.gov)



# Vicinity Map

1010 Horn Lane (A 23-9)



- Subject Property
- Eugene City Limits
- Taxlots

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

Created on 1/30/2024  
by City of Eugene Planning Division



**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE  
(ASSESSOR'S MAP 17-04-23-11, TAX LOT 06401 LOCATED AT 1010  
HORN LANE).**

**The City Council of the City of Eugene finds that:**

**A.** An annexation application was submitted on December 21, 2023, by Metro Planning, Inc., in accordance with the provisions of Section 9.7810 of the Eugene Code, 1971, ("EC") to annex property identified as Assessor's Map 17-04-23-11, Tax Lot 06401, to the City of Eugene.

**B.** The legal description of the property proposed to be annexed is attached to this Resolution as Exhibit A. A map depicting the annexation area is attached to this Resolution as Exhibit B.

**C.** The City's Planning Director has submitted a written recommendation that the application be approved based on the criteria of EC 9.7825. The Planning Director's Findings and Recommendation are attached as Exhibit C.

**D.** On March 22, 2024, a notice containing the street address, the assessor's map and tax lot number for the property, a description of the land proposed to be annexed, and the Planning Director's preliminary recommendation was mailed to the applicant, owners and occupants of properties located within 500 feet of the perimeter of the subject property, and the River Road Community Organization. The notice advised that the City Council would consider the Planning Director's full recommendation on the proposed annexation on April 22, 2024.

**E.** After considering the Planning Director's recommendation, the City Council finds that the application should be approved.

**NOW, THEREFORE,**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EUGENE, a  
Municipal Corporation of the State of Oregon, as follows:**

**Section 1.** Based on the above findings and the Planning Director's Findings and Recommendation which are attached as Exhibit C and are adopted in support of this Resolution, it is ordered that the land identified as Assessor's Map 17-04-23-11, Tax Lot 06401, which is more particularly described in the attached Exhibit A, is annexed to the City of Eugene.

**Section 2.** This Resolution is effective immediately upon its passage by the City Council. The annexation and the automatic rezoning of the land pursuant to EC 9.7820(3) from Low-Density Residential Zone (R-1) with /UL Urbanizable Land Overlay to Low-Density Residential (R-1) shall become effective in accordance with State law.

**The foregoing Resolution adopted the \_\_\_\_ day of April, 2024.**

---

**City Recorder**

**Legal Description**

Beginning at a point 1415.23 feet East of a point 2190.54 feet North of the Southwest corner of the Benjamin Davis Donation Land Claim No. 45 in Township 17 South, Range 4 West of the Willamette Meridian; thence running South 285.0 feet; thence East 153.05 feet; thence North 285.0 feet; thence West 153.05 feet to the point of beginning, in Lane County, Oregon.

EXCEPTING THEREFROM the North 20.0 feet lying within Horn Lane, in Lane County, Oregon.



### Certification of Description

Pursuant to EC 9.7810(7), Annexation Application Requirements, I hereby certify the metes and bounds description of the real property proposed for annexation closes; and the map outlining the boundary is a true representation of the description.

Signature: *Brent W. Corning*  
Registered Land Surveyor

Print Name: BRENT W. CORNING

Date: DECEMBER 19, 2023

Seal:



RENEWS: 12-31-25

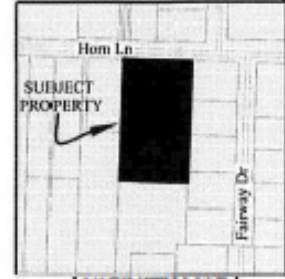
# ANNEXATION SITE PLAN

## FOR

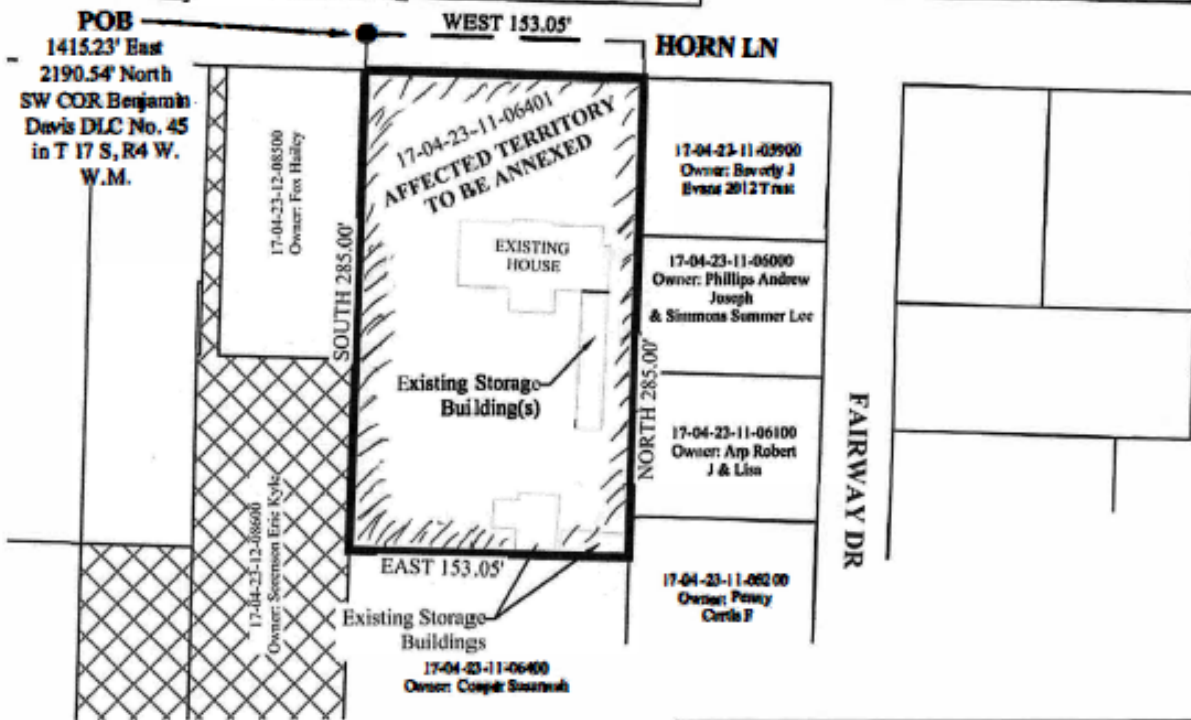
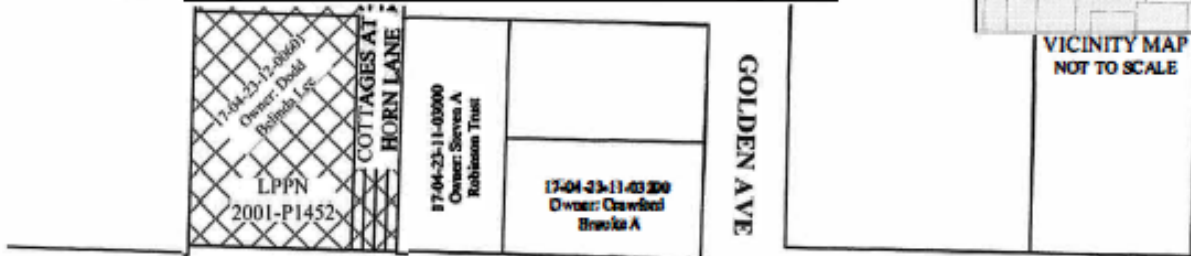
### 1010 HORN LANE

NE1/4, SECTION 23, TOWNSHIP 17 SOUTH, RANGE 4 WEST, W.M.  
LANE COUNTY, OREGON

Date Prepared: December 2023 Revised: February 2024



VICINITY MAP  
NOT TO SCALE



**LEGEND**  
[Cross-hatched symbol] EXISTING CITY LIMITS



**REGISTERED  
PROFESSIONAL  
LAND SURVEYOR**

**DIGITALLY SIGNED**

**OREGON  
MARCH 8, 2022  
BRENT W. CORNING  
89960  
RENEWS: 12/31/25**

ASSESSORS MAP: 17-04-23-11-06401



## **EGR & Associates, Inc.**

Engineers, Geologists, and Surveyors

2535B Prairie Road  
Eugene, Oregon 97402

(541) 688-8322  
Fax (541) 688-8087



## **METRO PLANNING, INC**

846 A STREET  
SPRINGFIELD, OR. 97477  
541-302-9830

Revised: TS

JOB NO. 23-069





**Planning Director's Findings and Recommendation:  
Annexation Request for 1010 Horn Lane  
(City File: A 23-9)**

<b>Application Submitted:</b> December 21, 2023
<b>Applicant:</b> Jed Truett, Metro Planning, Inc.
<b>Property Included in Annexation Request:</b> Tax Lot 06401 of Assessor's Map 17-04-23-11
<b>Zoning:</b> Low-Density Residential (R-1) with an /UL Urbanizable Land Overlay
<b>Location:</b> 1010 Horn Lane
<b>Lead City Staff:</b> Brai Black, Assistant Planner, City of Eugene Planning Division, 541-682-5437

**EVALUATION:**

Based on the information provided by the applicant, the City has determined that this request complies with Eugene Code (EC) Section 9.7805 Annexation - Applicability. As such, it is subject to review and approval in accordance with the requirements, application criteria and procedures of EC 9.7800 through 9.7835. The applicable approval criteria are presented below in bold typeface with findings and conclusions following each.

<b>EC 9.7825(1) The land proposed to be annexed is within the city's urban growth boundary and is:</b>	
<b>(a) Contiguous to the city limits; or</b>	
<b>(b) Separated from the city only by a public right of way or a stream, bay, lake or other body of water.</b>	
<b>Complies</b>	<b>Findings:</b> The subject property is within the Urban Growth Boundary and is contiguous to City limits on its western border, consistent with subsection (a).
<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
<b>EC 9.7825(2) The proposed annexation is consistent with applicable policies in the Metro Plan and in any applicable refinement plans.</b>	
<b>Complies</b>	<b>Findings:</b> Several policies from the <u>Metro Plan</u> provide support for this annexation by encouraging compact urban growth to achieve efficient use of land and urban service provisions within the UGB, including the following policies from the Growth Management section (in <i>italic text</i> ):
<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
	<p><i>Policy 8. Land within the UGB may be converted from urbanizable to urban only through annexation to a city when it is found that:</i></p> <p><i>a. A minimum level of key urban facilities and services can be provided to the area in an orderly and efficient manner.</i></p> <p><i>b. There will be a logical area and time within which to deliver urban services and facilities. Conversion of urbanizable land to urban shall also be consistent with the Metro Plan. (page II-C-4)</i></p> <p><i>Policy 10. Annexation to a city through normal processes shall continue to be the highest priority. (page II-C-5).</i></p>

		<p><i>Policy 15. Ultimately, land within the UGB shall be annexed to a city and provided with the required minimum level of urban facilities and services. While the time frame for annexation may vary, annexation should occur as land transitions from urbanizable to urban. (page II-C-5)</i></p> <p>The following policy from the Residential Element of the <u>Metro Plan</u> is also applicable:</p> <p><i>Policy A.2 Residentially designated land within the UGB should be zoned consistent with the <u>Metro Plan</u>, and applicable plans and policies; however, existing agricultural zoning may be continued within the area between the city limits and UGB until rezoned for urban uses.</i></p> <p>The <u>Metro Plan</u> designates the annexation area as appropriate for low-density residential use. The <u>River Road - Santa Clara Urban Facilities Plan (RR/SC UFP)</u>, the adopted refinement plan for the subject property, also designates the area for low-density residential use. The property is currently zoned R-1 Low-Density Residential with a /UL Urbanizable Land overlay. The /UL Overlay will be automatically removed from the property upon approval of the annexation.</p> <p>Regarding applicable policies of the <u>RR/SC UFP</u>, the subject property is not within a defined subarea. Further, none of the general “Residential Land Use Policies” in Section 2.2 of the <u>RR/SC UFP</u> appear to be directly applicable to the annexation request. The “Public Facilities and Services Element” policies of the <u>RR/SC UFP</u> are directed at local government; however, the premise of these policies (regarding the provision of urban services) is the assumption that property within the UGB will be annexed.</p> <p>As previously discussed in this subsection, and further detailed under subsection (3) below, the proposed annexation is consistent with <u>Metro Plan</u> growth management policies and can be served by the minimum level of key urban services. The annexation procedures beginning at EC 9.7800 are consistent with State law and therefore, as found throughout this report, the annexation is consistent with State law.</p> <p>Based on the findings above, the proposal is consistent with the applicable policies of the <u>Metro Plan</u> and <u>RR/SC UFP</u> refinement plan.</p>
<p><b>EC 9.7825(3)</b></p>		<p><b>The proposed annexation will result in a boundary in which the minimum level of key urban facilities and services, as defined in the Metro Plan, can be provided in an orderly, efficient, and timely manner.</b></p>
<p><b>Complies</b></p> <p><input checked="" type="checkbox"/> <b>YES</b></p> <p><input type="checkbox"/> <b>NO</b></p>		<p><b>Findings:</b> Consistent with this criterion, the proposed annexation will result in a boundary in which the minimum level of key urban facilities and services can be provided in an orderly, efficient, and timely manner as detailed below:</p> <p><u>Wastewater</u> The subject property is currently served by the public wastewater system as verified by the City’s Public Works Department.</p>

Stormwater

At the time of further development of the property, treatment of stormwater will be evaluated for consistency with City of Eugene policies and plans for treatment. With a variety of options available to provide stormwater treatment, service can be provided in an orderly, efficient, and timely manner.

Transportation

The property has frontage on Horn Lane, which is a public street. In the event further development occurs, additional evaluation of access to the public street system will take place.

Solid Waste

Collection service is provided by private firms. Regional disposal sites are operated by Lane County.

Water and Electric

Eugene Water and Electric Board (EWEB) Water staff confirm that water and electric services are available to the property. Water and electric services can be extended to the subject property in accordance with EWEB policies and procedures.

Public Safety

Police protection can be extended to this site upon annexation consistent with service provision throughout the City. Fire protection will be provided by Eugene Springfield Fire. Emergency medical services are currently provided on a regional basis and will continue in the same manner upon annexation.

Parks and Recreation

Parks and recreation programs are provided on a City-wide basis. The inclusion of the subject property in the City is sufficient evidence to demonstrate the minimum level of this key urban service is met.

Planning and Development Services

Planning and building permit services are provided for all properties located within the Urban Growth Boundary by the City of Eugene. The Eugene Code, Chapter 9, will provide the required land use controls for future development of the subject property upon annexation.

Communications

A variety of telecommunications providers offer communications services throughout the Eugene/Springfield area.

Public Schools

The subject property is within Eugene School District 4J, and is within the district boundary of River Road Elementary School, Kelly Middle School, and North Eugene High School. As access to schools is evaluated on a district-wide basis, the property's location within the school district is sufficient evidence to demonstrate the minimum level of this key urban service is met.

## Exhibit C

**CONCLUSION:**

Based on the above findings, information submitted to date, and the criteria set forth in EC 9.7825, the proposed annexation is consistent with the applicable approval criteria. A map and legal description showing the area subject to annexation are included in the application file for reference. The effective date of the annexation will be set in accordance with State law.

**INFORMATIONAL ITEMS:**

- Upon approval of the annexation, the base zoning of R-1 (Low-Density Residential) will remain. However, the /UL Urbanizable Land Overlay will be automatically removed from the annexation area. Please contact the Permit Information Center, Planner-on-Duty at 541-682-5377 for more information.
- Approval of this annexation does not relieve the applicant from complying with applicable codes and statutory requirements.



## ANNEXATION

Please complete the following application checklist. Note that additional information may be required upon further review in order to adequately address the applicable criteria for approval. If you have any questions about filling out this application, please contact Planning staff at the Permit and Information Center, phone (541)682-5377, 99 West 10<sup>th</sup> Avenue, Eugene.

List all Assessor's Map and Tax Lot numbers of the property included in the request.

Assessor's Map	Tax Lot	Zoning	Acreage
17042311	6401	R-1/UL	0.93

Property Address: 1010 Horn Lane Eugene, OR 97404

Plans for Future Development & Permit Number (if applicable): \_\_\_\_\_

Public Service Districts:

Name	
Parks:	Rosetta Park
Electric:	EWEB
Water:	EWEB
Sanitary Sewer:	EWEB
Fire:	River Road Water District
Schools:	Elementary: River Road    Middle: Kelly    High: North Eugene
Other:	

### Filing Fee

- A filing fee must accompany all applications. 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 website at [www.eugeneplanning.org](http://www.eugeneplanning.org)

### Written Statement (Submit 5 copies)

- Submit a detailed written statement describing **how** this request is consistent with all applicable criteria (Section 9.7825 of the Eugene Code).

**Site Plan Requirements**

*Submit 3 paper copies and 1 digital copy of a site plan, drawn to an engineer's scale on 8 ½" x 11" sheet of paper. Site plans shall include the following information:*

- Show the date & north arrow on site plan.
- Show the Assessor's Map and Tax Lot number(s) on the site plan.
- Show a vicinity map on the site plan (vicinity map does not need to be to scale).
- Show city limits & UGB (if applicable)
- Clearly label the affected territory and any public right of ways to be annexed.
- Show all adjacent streets, alleys, and accessways.
- Show all dimensions of existing public utility easements and any other areas restricting use of the parcels, such as conservation areas, slope easements, access easements, etc.
- Show the location of all existing structures.

**Other Application Requirements (Submit 3 paper copies and 1 digital copy of all)**

- Petition for Annexation form listing all owners, including partial owners, and electors. This form includes the Certification of Electors which must be signed by the Lane County Elections/Voter Registration Department and also includes the Verification (Certification) of Property Owners which must be signed by the Lane County Department of Assessment and Taxation. *This form is required even if the land is vacant.*
- Notarized Consent to Annexation form.
- A legal description of the land proposed for annexation, including any public right of way prepared by a registered land surveyor. Oregon Revised Statutes (ORS) 308.225 requires submittal of a closing metes and bounds description or subdivision block and lot number description. Please see example of acceptable legal descriptions contained in the application packet. The legal description must exactly correspond with the map included with the application or the Assessor's map.
- Summary of Urban Service Provision form.
- Census Information Sheet.

**Note: This is not a complete list of requirements. Additional information may be required after further review in order to adequately address the applicable approval criteria.**



By signing, the undersigned certifies that he/she has read and understood the submittal requirements outlined, and that he/she understands that omission of any listed item may cause delay in processing the application. I (We), the undersigned, acknowledge that the information supplied in this application is complete and accurate to the best of my (our) knowledge.

PROPERTY OWNER OF TAX LOT: 6401

Name (print): John Pennington III

Address: 1144 Gateway Loop Suite 205

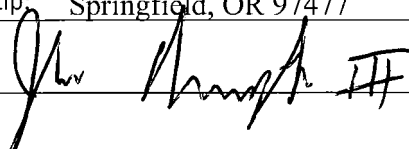
Email:

City/State/Zip: Springfield, OR 97477

Phone:

Fax:

Signature:



Date:

8/31/2023

PROPERTY OWNER OF TAX LOT: 6401

Name (print): Brent Laing

Address: 1144 Gateway Loop Suite 205

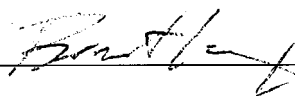
Email:

City/State/Zip: Springfield, OR 97477

Phone:

Fax:

Signature:



Date:

9/7/23

PROPERTY OWNER OF TAX LOT: \_\_\_\_\_

Name (print):

Address:

Email:

City/State/Zip:

Phone:

Fax:

Signature:

Date:

SURVEYOR:

Name (print): Ryan Erickson

Company/Organization: EGR & Associates, Inc

Address: 2535 Prairie Rd

City/State/Zip: Eugene, OR 97402

Phone:(541)688-8322 Fax:

E-mail: rerrickson@egrassoc.com

Signature:

Date:

By signing, the undersigned certifies that he/she has read and understood the submittal requirements outlined, and that he/she understands that omission of any listed item may cause delay in processing the application. I (We), the undersigned, acknowledge that the information supplied in this application is complete and accurate to the best of my (our) knowledge.

PROPERTY OWNER OF TAX LOT: 6401

Name (print): John Pennington III

Address: 1144 Gateway Loop Suite 205 Email: \_\_\_\_\_

City/State/Zip: Springfield, OR 97477 Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

PROPERTY OWNER OF TAX LOT: 6401

Name (print): Brent Laing

Address: 1144 Gateway Loop Suite 205 Email: \_\_\_\_\_

City/State/Zip: Springfield, OR 97477 Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

PROPERTY OWNER OF TAX LOT: \_\_\_\_\_

Name (print): \_\_\_\_\_

Address: \_\_\_\_\_ Email: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**SURVEYOR:**

Name (print): Brent W. Corning

Company/Organization: EGR & Associates, Inc

Address: 2535 Prairie Rd

City/State/Zip: Eugene, OR 97402 Phone: (541) 688-8322 Fax: \_\_\_\_\_

E-mail: BCORNING@EGRASSOC.COM

Signature: *Brent W. Corning* Date: December 19, 2023



**REPRESENTATIVE** (If different from Surveyor):

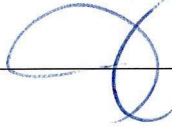
Name (print): Jed Truett

Company/Organization: Metro Planning, Inc

Address: 846 A Street

City/State/Zip: Springfield, OR 97477 Phone: (541) 302-9830 Fax:

E-mail: jed@metroplanning.com

Signature:  Date:

**\*\*Attached additional sheets if necessary.**



LAND USE PLANNING AND CONSULTING SERVICES

846 A STREET  
SPRINGFIELD, OREGON 97477  
(541) 302-9830  
WWW.METROPLANNING.COM

## ANNEXATION APPLICATION FOR JOHN PENNINGTON III & BRENT LAING

### WRITTEN STATEMENT

**Submittal No.:** 1

**Document Date:** December 19, 2023

**Applicant's Request:** Approval of annexation of property located at 1010 Horn Ln.

**Property Owner/ Applicant:** John Pennington III and Brent Laing  
1144 Gateway loop Suite 205  
Springfield, OR 97477

**Applicant's Representative/  
Planner/Project Coordinator:** Metro Planning, Inc.  
c/o Jed Truett  
846 A Street  
Springfield, OR 97477  
Tel (541) 302-9830

**Subject Property:** Map 17-04-23-11; Tax Lot 06401

**Location:** 1010 Horn Lane

**Property Size:** 0.93 acres

**Zoning:** R-1 Low Density Residential  
UL - Urbanizable Land

**Future Development Plans Proposed with this Annexation:** N/A

## Background

This annexation application is for an approximately 0.93 acre site, located at 1010 Horn Lane, in an area zoned Low Density Residential (R-1). The subject property is in the Urbanizable Land Overlay District, (UL), as it is located outside City of Eugene city limits, but within the Urban Growth Boundary (UGB). The subject property is contiguous to the city on the western boundary. The proposed annexation is consistent with the City's Metro Plan designation, showing the land within the UGB and included in these plan diagrams.

To facilitate city staff review of this annexation application, this written statement clearly demonstrates how the development meets the Annexation application criteria of EDC 9.7825 Criteria. The Eugene Development Code (EDC) text sections are in bold and/or italics and the responses are included in plain text.

## Annexations

**9.7825 Annexation – Approval Criteria.** *The city council shall approve, modify and approve, or deny a proposed annexation based on the application's consistency with the following:*

1. *The land proposed to be annexed is within the city's urban growth boundary and is:*
  - a. *Contiguous to the city limits; or*
  - b. *Separated from the city only by a public right of way or a stream, bay, lake or other body of water.*

The subject property Tax Lot 6401 is contiguous to the city limits on the southern portion of its western boundary. See site plan for details.

2. *The proposed annexation is consistent with applicable policies in the Metro Plan and in any applicable refinement plans.*

The subject property is located within the City's urban growth boundary and in an area zoned Low Density Residential (R-1). The Metro Plan diagram indicates that the property is designated for low density residential development. The area is within the River Road-Santa Clara Urban Facilities Plan. River Road-Santa Clara Plan standards are addressed below. Upon approval of this proposed annexation by the City Council, the property will remain Low Density Residential, and the Urban Land (UL) Overlay will automatically cease to apply.

As further detailed below, the proposed annexation is consistent with Metro Plan growth management policies and can be served by the minimum level of key urban services.

Several other policies from the Metro Plan provide support for this annexation by encouraging compact urban growth to achieve efficient use of land and urban service provisions within the UGB, including the following policies from the Growth Management section:

### **Metro Plan Growth Management Policies:**

*Policy 8: Land within the UGB may be converted from urbanizable to urban only through annexation to a city when it is found that:*

- a. *A minimum level of key urban facilities and services can be provided to the area in an orderly and efficient manner.*
- b. *There will be a logical area and time within which to deliver urban services and facilities. Conversion of urbanizable land to urban shall also be consistent with the Metro Plan.*

The minimum level of key urban facilities and services can be provided to the area in an orderly and efficient manner.

*Policy 10: Annexation to a city through normal processes shall continue to be the highest priority.*

This annexation application adheres to normal processes and therefore complies to this policy.

*Policy 15: Ultimately, land within the UGB shall be annexed to a city and provided with the required minimum level of urban facilities and services. While the time frame for annexation may vary, annexation should occur as land transitions from urbanizable to urban.*

The full range of urban facilities and services are provided. This annexation application is for land designated as urbanizable within the UGB. Annexation allows for urbanizable land to transition to urban.

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

The Metro Plan diagram indicates that the property is designated for low density residential development. The area is within the River Road-Santa Clara Urban Facilities Plan. River Road-Santa Clara Plan standards are addressed below. The property is currently zoned R-1 Low Density Residential with an Urbanizable Land (UL) overlay. Upon approval of this proposed annexation by the City Council, the property will remain Low Density Residential, and the UL Overlay will automatically cease to apply. There is no existing agricultural zoning on the area to be annexed.

### **Adopted Plan Policies: River Road-Santa Clara Urban Facilities Plan**

The following policies from the River Road-Santa Clara Urban Facilities plan apply to the subject property. There is no development associated with this application and the subject property is not located within a River Road-Santa Clara subarea.

**1. General Land Use.** *Minimize land use conflicts by promoting compatibility between land uses, especially among residential, commercial-industrial, and commercial-agricultural uses. (policy 1)*

The subject property is located within the Urban Growth Boundary and is zoned R-1 with an urbanizable land overlay. Upon annexation, the urbanizable land overlay will cease to apply. The subject property is located within the Metro Plan boundary and is designated as Low Density residential.

### **2. Residential Land Use.**

**a.** *Recognize and maintain the predominately low-density residential character of the area consistent with the Metro Plan (Policy 1)*

The subject property is currently occupied by one single-family residential home on 0.93 acres. This maintains the predominately low-density residential character of the area.

**3.** *The proposed annexation will result in a boundary in which the minimum level of key urban facilities and services, as defined in the Metro Plan, can be provided in an orderly, efficient, and timely manner.*

The proposed boundary results in key urban facilities and services provided in an orderly, efficient and timely manner. Horn lane intersects with River Road, a major public right of way. Utilities required to serve the property are located within the right-of-way as shown on the Site Plan.

As discussed below, public services are in place and readily available to the properties proposed for annexation. Because of the proximity to the surrounding urban facilities, services can be provided in an orderly, efficient, and timely manner.

- Electrical and water service is provided by EWEB.
- Natural gas facilities are provided by Northwest Natural Gas
- Wastewater lines are in place at the property. Stormwater infiltration process will be provided to the property.
- River Road Water District currently provides fire service to the area. Upon annexation, service will be provided by Eugene Springfield Fire.
- Tax lot 6401 has access to River Road allowing for transportation access from the north and south.
- The property is within Eugene School District 4J and is within the district boundaries of River Road Elementary School, Kelly Middle School, and North Eugene High School.

If there are any questions or concerns, please do not hesitate to contact me at Metro Planning via email ([jed@metroplanning.com](mailto:jed@metroplanning.com)) or phone (541-302-9830).

Regards,

Jed Truett  
Principal Planner

Application #: C \* 2008 - \_\_\_\_\_

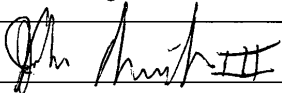
For City Use Only

- \* CB = Coburg           CG = Cottage Grove
- CR = Creswell        EU = Eugene
- FL = Florence        JC = Junction City
- OA = Oakridge       SP = Springfield

**PETITION**

**Petition Signature Sheet  
Annexation by Individuals**

We, the following property owners/electors, consent to the annexation of the following territory to the City of *(Insert Name of City)*:

Signature	Date Signed m/d/y	Print Name	Residence Address (street, city, zip code)	Map and Tax Lot Number (example: 17-04-03-00-00100)	✓ Land Owner	✓ Reg Voter	Acres (qty)
	8/21/2023	John Pennington III	1010 Horn Lane Eugene, OR 97404	17-04-23-11-06401	x		0.93
		Brent Laing	1010 Horn Lane Eugene, OR 97404	17-04-23-11-06401	x		0.93

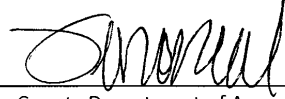
Note: With the above signature(s), I am attesting that I have the authority to consent to annexation on my own behalf or on behalf of my firm or agency. *(Attach evidence of such authorization when applicable.)*

I, EISA M JOHNSON (printed name of circulator), hereby certify that every person who signed this sheet did so in my presence.

X  (signature of circulator)

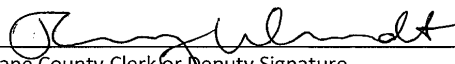
**CERTIFICATION OF PROPERTY OWNERS**

The total landowners in the proposed annexation are 2 (qty). This petition reflects that 2 (qty) landowners (or legal representatives) listed on this petition represent a total of 100 (%) of the landowners and 100 (%) of the acres as determined by the map and tax lots attached to the petition. *A&T is not responsible for subsequent deed activity which may not yet be reflected on the A&T computerized tax roll.*

  
Lane County Department of Assessment and Taxation  
9/21/23  
Date Certified

**CERTIFICATION OF ELECTORS**

The total active registered voters in the proposed annexation are 2. I hereby certify that this petition includes 2 valid signatures representing 0 (%) of the total active registered voters that are registered in the proposed annexation.

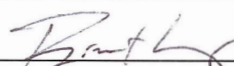
  
Lane County Clerk or Deputy Signature  
9.26.2023  
Date Certified

Application #: C \* 2008 - \_\_\_\_\_  
 For City Use Only

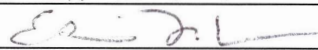
\* CB = Coburg CG = Cottage Grove  
 CR = Creswell EU = Eugene  
 FL = Florence JC = Junction City  
 OA = Oakridge SP = Springfield

**PETITION**  
**Petition Signature Sheet**  
**Annexation by Individuals**

We, the following property owners/electors, consent to the annexation of the following territory to the City of *(Insert Name of City)*:

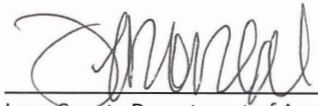
Signature	Date Signed m/d/y	Print Name	Residence Address (street, city, zip code)	Map and Tax Lot Number (example: 17-04-03-00-00100)	✓ Land Owner	✓ Reg Voter	Acres (qty)
		John Pennington III	1010 Horn Lane Eugene, OR 97404	17-04-23-11-06401	x		0.93
	9/7/23	Brent Laing	1010 Horn Lane Eugene, OR 97404	17-04-23-11-06401	x		0.93

Note: With the above signature(s), I am attesting that I have the authority to consent to annexation on my own behalf or on behalf of my firm or agency. (Attach evidence of such authorization when applicable.)

I, EISA M JOHNSON (printed name of circulator), hereby certify that every person who signed this sheet did so in my presence.  
 X  (signature of circulator)

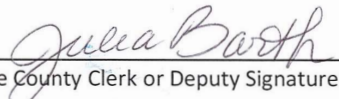
**CERTIFICATION OF PROPERTY OWNERS**

The total landowners in the proposed annexation are 2 (qty). This petition reflects that 2 (qty) landowners (or legal representatives) listed on this petition represent a total of 2 (%) of the landowners and 100 (%) of the acres as determined by the map and tax lots attached to the petition. A&T is not responsible for subsequent deed activity which may not yet be reflected on the A&T computerized tax roll.

  
 Lane County Department of Assessment and Taxation  
9/21/23  
 Date Certified

**CERTIFICATION OF ELECTORS**

The total active registered voters in the proposed annexation are 1. I hereby certify that this petition includes 2 valid signatures representing 0 (%) of the total active registered voters that are registered in the proposed annexation.

  
 Lane County Clerk or Deputy Signature  
1/26/24  
 Date Certified



**Consent to Annexation**

Consent is hereby given to the annexation by the City of Eugene, Oregon of the following described real property:

Map and Tax Lot: 17042311 06401 Address: 1010 Horn Lane, Eugene, OR 97404

Legal Description:

See Attached

In the corporate limits of said city, which is owned by the undersigned

DATED this 20 day of December, 2023.

John Pennington III  
Brent Laing

STATE OF OREGON )

)ss

County of )

On this 20 day of December, 2023, before me, the undersigned, a notary public in and for the said county and state, personally appeared the within-named, Brent Laing & John Pennington III, who is known to me to be the identical individual described herein and who executed the same freely and voluntarily.

Seal:



IN TESTIMONY WHEREOF, I have hereunto set my hand and seal the day and year last above written.

Sandra Hentze  
Notary Public for Oregon  
My Commission Expires Oct 18, 2025



**Legal Description**

Beginning at a point 1415.23 feet East of a point 2190.54 feet North of the Southwest corner of the Benjamin Davis Donation Land Claim No. 45 in Township 17 South, Range 4 West of the Willamette Meridian; thence running South 285.0 feet; thence East 153.05 feet; thence North 285.0 feet; thence West 153.05 feet to the point of beginning, in Lane County, Oregon.

EXCEPTING THEREFROM the North 20.0 feet lying within Horn Lane, in Lane County, Oregon.

### Certification of Description

Pursuant to EC 9.7810(7), Annexation Application Requirements, I hereby certify the metes and bounds description of the real property proposed for annexation closes; and the map outlining the boundary is a true representation of the description.

Signature: *Brent W. Corning*  
Registered Land Surveyor

Print Name: BRENT W. CORNING

Date: DECEMBER 19, 2023

Seal:

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Brent W. Corning*

OREGON  
MARCH 08, 2022  
BRENT W. CORNING  
89960

RENEWS: 12-31-25

## Summary of Urban Service Provision

---

This form is intended as a guide to assist applicants in demonstrating that a minimum level of key urban services can be provided to the area proposed for annexation. Space is provided on this form for you to provide detailed information on service provision. Please add additional pages if necessary to provide details of servicing issues related to the area you are annexing. To assist you in providing this information, some contacts are listed below. For large or difficult to serve properties, you may wish to contact a private land use planning consultant to prepare your application.

Property Owner(s) Name:  
John Pennington III and Brent Laing

---

Assessor's Map and Tax Lot Numbers for Properties Proposed for Annexation  
(For example: Map 17-03-19-31, Tax Lot 100)

17-04-23-11, Tax Lot 6401

---

**Wastewater** -- All new development must connect to the wastewater (sanitary sewer) system. Is wastewater service available to serve the area proposed for annexation? (For more information, contact the Engineering staff at the City of Eugene Permit and Information Center or call 541-682-8400.)

The property(ies) in this annexation request:

X will be served from an existing gravity wastewater line.

Location and size of existing wastewater line:  
Horn Ln. 12"

---

\_\_\_\_\_ will be served by an extension of an existing gravity wastewater line.

Where will a wastewater line be extended from? When will it be extended? By whom?

---

---

**Stormwater** -- Site plans for all new development must provide for drainage to an approved system consistent with the Comprehensive Stormwater Management Plan. City approval for storm drainage will be required as part of the development process. (For more information, contact the Engineering staff at the City of Eugene Permit and Information Center or call 541-682-8400.)

Is the site currently served by an approved stormwater system?

No

If yes,  
location? \_\_\_\_\_

If no, how will stormwater be handled after development? -

\_\_\_\_\_  
Stormwater infiltration will be provided

**Streets** – What existing streets provide access to this site. List existing streets that provide access to this site from River Road, the Northwest Expressway, or Beltline Highway. \_\_\_\_\_

Horn Lane intersects with River Road to the East.  
\_\_\_\_\_

Will dedication for additional street right-of-way be required upon further development of this site?

\_\_\_\_\_ Yes                        X   No                      \_\_\_\_\_ Unknown

Will existing streets be extended or new streets constructed upon further development of this site?

\_\_\_\_\_ Yes                        X   No                      \_\_\_\_\_ Unknown

**Parks, Recreation, and Cultural Services**

Systems Development revenues generated by new development and Ballot Measure 20-30, which authorized the issuance of \$25.3 million in general revenue bonds, will help to fund future City park acquisition and development in this area and throughout the city. Please list the parks and recreation facilities that already exist or are planned in the general vicinity of the property(ies) included in this annexation:

Rosetta Park  
\_\_\_\_\_  
\_\_\_\_\_

Key services, defined by the Metropolitan Plan as parks and recreation programs, will be available to new city residents in this area on an equal basis with residents throughout the city.

**Public Safety**

**Police services** - Police protection can be extended to this site upon annexation consistent with service provision throughout the city.

**For River Road/Santa Clara area-**

*Police services* - Police protection can be extended to this site upon annexation consistent with service provision throughout the city. Police currently travel along River Road to provide service to areas throughout the River Road and Santa Clara area. Infill annexations and development in this area will increase the efficiency of service delivery to this area.

*Fire and emergency services* (Please indicate which fire district serves subject property.)

\_\_\_\_\_ Santa Clara - Fire protection services are currently provided to the subject property by the Santa Clara Rural Fire Protection District.

  X   River Road - Fire and emergency services - Fire protection is currently provided to the subject property by the River Road Water District under contract with the City of Eugene. Upon annexation, fire protection will be provided directly by the City of Eugene Fire & EMS Department.

**Emergency medical transport (i.e., ambulance) services** are currently provided on a regional basis by Eugene, Springfield, and Lane Rural Fire/Rescue to central Lane County, including the River Road and Santa Clara areas. After annexation, this service will continue to be provided by the current provider. All ambulance service providers have mutual aid agreements and provide back-up service into the other providers’ areas.

**Planning and Development Services** -- Planning and building permit services are provided to the area outside the city limits but within the urban growth boundary by the City of Eugene. This service would continue after annexation.

**EWEB** (Eugene Water and Electric Board) currently provides water and electric service in the Eugene area and can provide service to new development in the River Road and Santa Clara area upon annexation. Some properties in northern Eugene receive electric service from EPUD (Emerald People’s Utility District). Some properties in south Eugene receive electric services from the Lane Electric Cooperative; please note if this is the case for your property. For more information contact EWEB, ph. 484- 2411, EPUD, ph. 746-1583 or Lane Electric Co-op, 484-1151.

**Electric Service** – Which electric company will serve this site?

  EWEB  .

**Water Service** -- Please provide the size and location of the water main closest to your property.   6" pipe, Horn Ln  .

\_\_\_\_\_.

**Solid Waste** -- Solid waste collection service is provided by private firms. Regional disposal sites and the Short Mountain Landfill are operated by Lane County.

Natural Gas -- Northwest Natural Gas can extend service to new development in this area.

Communications -- US West Communications and a variety of other telecommunications providers offer communications services throughout the Eugene/Springfield Area.



**PRELIMINARY TITLE REPORT  
SUPPLEMENTAL**

CASCADE ESCROW  
ATTN: CHIQUIT MCCLOSKEY  
811 WILLAMETTE STREET  
EUGENE, OR 97401

August 14, 2023  
Report No: 0340296  
Your No: EU23-1033  
Seller: KOENIG  
Buyer: PENNINGTON/LAING

PRELIMINARY REPORT FOR:  
Owner's Standard Policy \$510,000.00

PREMIUMS:  
Owner's Standard Premium \$1,365.00  
Gov. Lien/Inspect Fee \$35.00

We are prepared to issue 2006 (6/17/06) ALTA title insurance policy(ies) of OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, in the usual form insuring the title to the land described as follows:

( A T T A C H E D )

Vestee:

Heirs and/or Devisees of the  
ESTATE OF MARK ALLEN KOENIG, deceased

Estate:

FEE SIMPLE

DATED AS OF: AUGUST 07, 2023 at 8:00 A.M.

Schedule B of the policy(ies) to be issued will contain the following general and special exceptions unless removed prior to issuance:

GENERAL EXCEPTIONS (Standard Coverage Policy Exceptions):

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.

*No liability is assumed hereunder until policy has been issued and full policy premium has been paid.*

MAIN OFFICE

811 WILLAMETTE ST.  
EUGENE, OREGON 97401

PH: (541) 687-2233 \* FAX: (541) 485-0307

FLORENCE OFFICE

715 HWY 101 \* FLORENCE, OREGON 97439  
MAILING: PO BOX 508 \* FLORENCE, OREGON 97439

PH: (541) 997-8417 \* FAX: (541) 997-8246

VILLAGE PLAZA OFFICE

4750 VILLAGE PLAZA LOOP SUITE 100  
EUGENE, OREGON 97401

PH: (541) 653-8622 \* FAX: (541) 844-1626

Order No. 0340296  
Page 2

4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land.
5. Any lien, or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the Public Records.

SPECIAL EXCEPTIONS:

6. Property taxes in an undetermined amount, which are a lien but not yet payable, including any assessments collected with taxes to be levied for the fiscal year 2023-2024.
7. Rights of the public in streets, roads and highways.
8. Covenants, conditions, restrictions and easements, including the terms and provisions thereof, (but omitting covenants or restrictions, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law) in Declaration recorded April 10, 1945, Reception No. [B286 P179](#), Lane County Oregon Deed Records.
9. Easement, including the terms and provisions thereof, as granted to City of Eugene, by instrument recorded October 27, 1947, Reception No. [B359 P352](#), and Reception No. 1947-051647, Lane County Oregon Deed Records.
10. Permit and Easement, including the terms and provisions thereof, recorded May 19, 1988, Reception No. [1988-019653](#), Lane County Official Records.
11. Deed of Trust, including the terms and provisions thereof, executed by Mark Allen Koenig, Grantor, to Fidelity National Title Company of Oregon, Trustee, for the benefit of Mortgage Electronic Registration Systems, Inc., (MERS) acting solely as a nominee for 1st Mariner Bank, Beneficiary, dated September 26, 2012, recorded October 22, 2012, Reception No. [2012-054197](#), Lane County Deeds and Records, to secure payment of a note in the amount of \$334,464.00.  
The beneficial interest under said Deed of Trust was duly assigned of record to Mid America Mortgage, by assignment recorded April 18, 2017, Reception No. [2017-018898](#), Lane County Deeds and Records.  
Northwest Trustee Services, Inc., was substituted as trustee in said Deed of Trust by instrument recorded April 18, 2017, Reception No. [2017-018899](#), Lane County Deeds and Records.
12. Deed of Trust, including the terms and provisions thereof, executed by Mark Allen Koenig, Grantor, to Cascade Title of Lane County, Trustee, for the benefit of Janet Russell, as trustee of the Janet Russell Living Trust which was created by agreement dated January 20, 2010, or successor Trustees named in the said trust instrument or in any modifications thereto, Beneficiary, dated June 14, 2017, recorded July 18, 2017, Reception No. [2017-035132](#), Lane County Deeds and Records, to secure payment of a note for \$55,000.00.
13. Claims, including taxes, against the Estate of Mark Allen Koenig, deceased, Probate No. 23-PB-02285, now pending. The attorney for this Estate is Philip M. Taylor. The Personal Representative for this Estate is Jessica Koenig.
14. Recordation of a death certificate for Mark Allen Koenig.



Order No. 0340296  
Page 3

NOTE: The property address as shown on the Assessor's Roll is:

1010 Horn Lane  
Eugene, OR 97404

NOTE: Taxes, Account No. 0419232, Assessor's Map No. [17 04 23 1 1, #6401](#), Code 4-12, 2022-2023, in the amount of \$5,161.85, PAID IN FULL.

NOTE: A judgment search has been made on the above named Vestee(s), and we find NONE except as set forth above.

NOTE: As of the date hereof, there are no matters against JOHN PENNINGTON III AND BRENT LAING, which would appear as exceptions in the policy to issue, except as shown herein.

NOTE: According to the public record, the following deed(s) affecting the property herein described have been recorded within 24 months of the effective date of this report: NONE

**NOTE: This report is being supplemented to update exception no. 8 and the judgment search.**

This report is preliminary to the issuance of a policy of title insurance and shall become null and void unless a policy is issued and the full premium paid.

**Cascade Title Co.**

rmh: Title Officer: MARY ASHCRAFT

Order No. 0340296  
Page 4

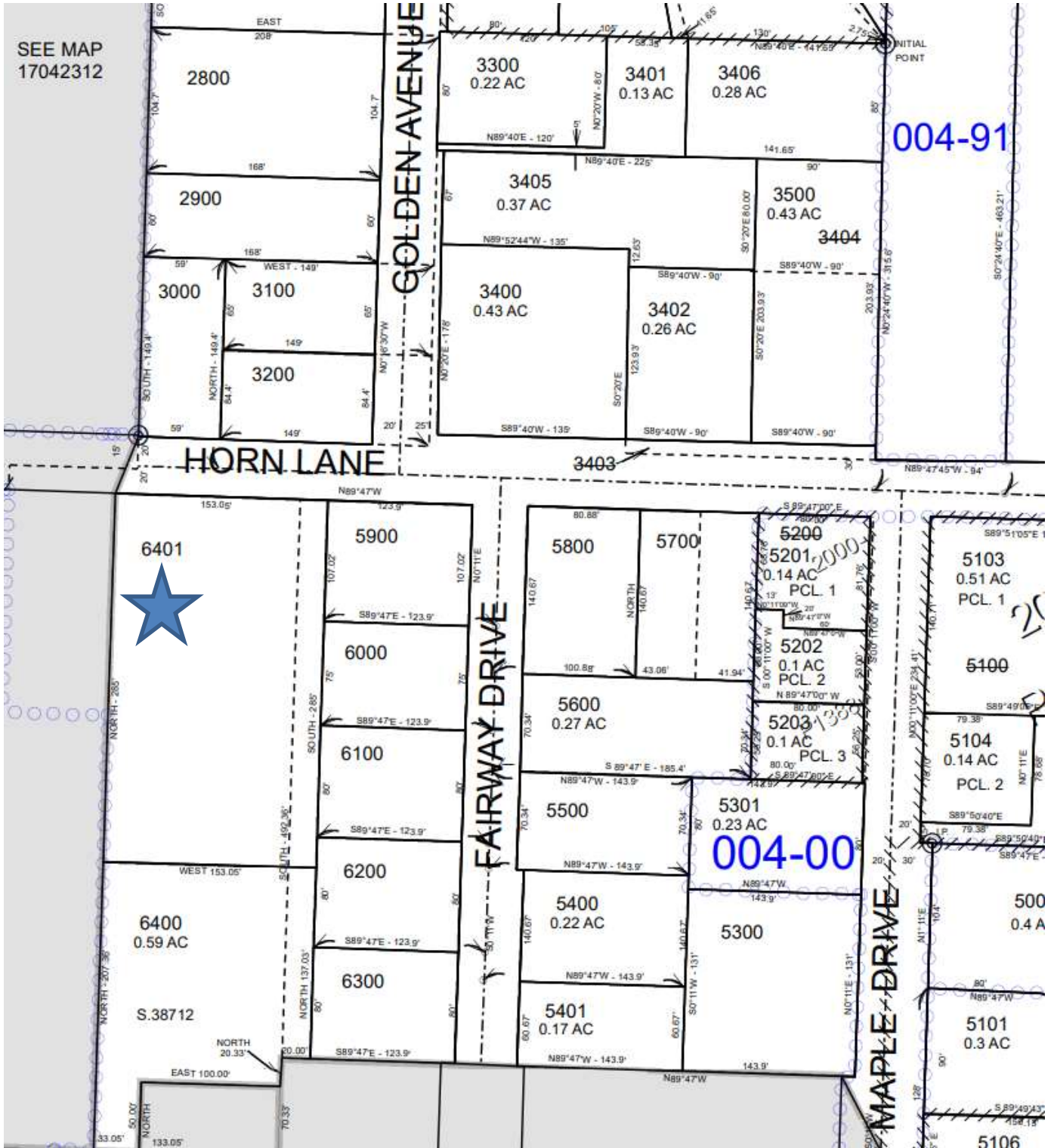
PROPERTY DESCRIPTION

Beginning at a point 1415.23 feet East of a point 2190.54 feet North of the Southwest corner of the Benjamin Davis Donation Land Claim No. 45 in Township 17 South, Range 4 West of the Willamette Meridian; thence running South 285.05 feet; thence East 153.05 feet; thence North 285.0 feet; thence West 153.05 feet to the point of beginning in Lane County, Oregon.

EXCEPTING THEREFROM the North 20.0 feet lying within Horn Lane, in Lane County, Oregon.

# CASCADE TITLE CO.

MAP NO.  
17-04-23-11



**THIS MAP/PLAT IS BEING FURNISHED AS AN AID IN LOCATING THE HEREIN DESCRIBED LAND IN RELATION TO ADJOINING STREETS, NATURAL BOUNDARIES AND OTHER LAND, AND IS NOT A SURVEY OF THE LAND DEPICTED. EXCEPT TO THE EXTENT A POLICY OF TITLE INSURANCE IS EXPRESSLY MODIFIED BY ENDORSEMENT, IF ANY, THE COMPANY DOES NOT INSURE DIMENSIONS, DISTANCES, LOCATION OF EASEMENTS, ACREAGE OR OTHER MATTERS SHOWN THEREON.**

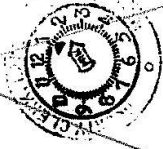
449411

500 288 PAGE 179

# Warranty Deed

FROM TO

State of Oregon,  
County of Lane--ss,  
L. W. B. Dilbeck, County Clerk and ex  
officio Recorder of Conveyances, do hereby certify that the within  
said County, do agree to file with the with  
in the amount was checked for, record at



173-9  
Records  
W. B. WILLIAMS, County Clerk  
Deposits

Warrant Recorded Return to

## Warranty Deed

THIS INDENTURE WITNESSETH: That

Sarah A. Beebe, widow of Jerry Beebe, deceased

the Grantor, for and in consideration of the sum of Ten \$10.00  
to her paid, do hereby, bargain, sell and convey unto

Leland F. Roberts and Fonda C. Roberts, husband and wife the grantees

the following described premises, to-wit:

Beginning at a point which is North 0° 11' East 562.70 feet from a point  
1550.2 feet South 89° 47' East of a point in the West line of the Benjamin Davis  
Donation Land Claim No. 45 in Township 17 South Range 4 West of Willamette  
Meridian, 1205.82 feet North of Southwest corner of said claim and running thence  
North 0° 11' East 422.03 feet to the center line of Horn Lane, thence South 89°  
47' East 143.9 feet, thence South 0° 11' West 422.03 feet and thence North 89° 47'  
West 143.9 feet to the place of beginning, subject to a roadway over the North 15  
feet and over the East 20 feet of said property in Lane County, Oregon.

The above premises are conveyed and accepted subject to the following  
reservations and restrictions, to-wit:

Said premises shall be used for residence purposes only and uses incident  
thereto, and no building be erected closer to the front line of the property than  
50 feet, and no dwelling erected costing less than \$2000, also:--No commercial  
poultry houses, cow barns, goat sheds, or hog sheds shall be erected on this property.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said grantees

their heirs and assigns forever

And the said Grantor does hereby covenant to and with the said grantees their

heirs and assigns that she is the owner in fee simple of said premises, that

they are free from all incumbrances

and that she will warrant and defend the same free of lawful claims whatsoever

IN WITNESS WHEREOF, I have hereunto set my hand and seal this

1st day of June A. D. 19 44

In the presence of



LANE COUNTY ABSTRACT COMPANY  
Eugene, Oregon

BOOK 286 PAGE 160

STATE OF OREGON,  
COUNTY OF LANE

Be it remembered that on this 1st day of June, 1944  
personally came before me, a Notary Public in and for said county, the within named  
Sarah A. Beebe, widow of Jerry Beebe, deceased

By Arthur R. Beebe, her attorney in fact.

to me personally known to be the identical person described in and who executed the within  
instrument, and acknowledged to me that she executed the same freely and voluntarily for  
the uses and purposes therein named.

Witness my hand and seal this day and year last above written.

My Commission Expires  
May 5, 1948

*J. Robertson*  
Notary Public for Oregon

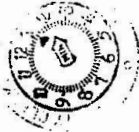


Warranty  
Deed

FROM

TO

State of Oregon,  
County of Lane,  
I, W. B. Dilbeck, County Clerk and ex-  
cessor of Conners, in and for  
said County, do hereby certify that the within  
instrument was received for record at



APR 22 1944

Recorded

Book 286 on Page 160-50

County of Lane, Oregon

W. B. Dilbeck County Clerk

By *Laura Beebe* Deputy

When Recorded Return to

*L. J. Robertson*

100-5126-160-50



BOOK 359 PAGE 352

Know All Men By These Presents:

In consideration of ONE AND NO/100 Dollars, and other valuable considerations, receipt whereof is hereby acknowledged, the undersigned hereby grants a perpetual easement to THE CITY OF EUGENE, OREGON, a municipal corporation, by and through the Eugene Water Board, its Commissioners of Water and Light, with the right to place, construct, operate and maintain, inspect, reconstruct, repair, replace and keep clear electric light, electric power, telephone, and telegraph, equipment for itself, together with any joint user with whom it may contract, with wires, cables, fixtures and appurtenances attached thereto upon, across, over and / or under the following described property situated in LANE County, State of Oregon;

Beginning at a point which is North 0° 11' East 562.70 feet from a point 1550.2 feet South 89° 47' East of a point in the West line of the Benjamin Davis D.L.C. #45 in T. 17 S. R. 4 W. of the W.M., 1205.82 feet North of the Southwest corner of said claim and running thence North 0° 11' East 422.03 feet to the center line of Horn Lane, thence South 89° 47' East 143.9 feet, thence South 0° 11' West 422.03 feet and thence North 89° 47' West 143.9 feet to the place of beginning, subject to a roadway over the North 15 feet and over the East 20 feet of said property in Lane County, Oregon.

The equipment shall consist of one anchor guy installation to be located in the Northwest corner of the above described tract.

Grantee and its joint users shall at all times have the right of full and free ingress to and egress from said property for all purposes herein mentioned, and to remove at any time any or all of the said equipment and / or wires, fixtures and appurtenances from the said property

The rights, conditions and provisions of this easement shall inure to the benefit of and be binding upon the heirs, executors, administrators, successors and assigns of the respective parties hereto.

IN WITNESS WHEREOF the undersigned has executed this instrument this 30th day of August, 1947.

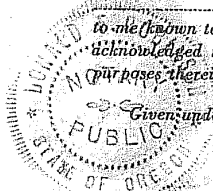
Witness:

Leland F. Roberts
Tonda C. Roberts

STATE OF OREGON
COUNTY OF LANE ss:

On this day personally appeared before me Leland F. Roberts and Tonda C. Roberts, husband and wife

to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.



Given under my hand and official seal this 30th day of August, 1947.

Donald F. Robinson
Notary Public in and for the State of Oregon

My commission expires Aug 23, 1950 residing at Eugene

125

EUGENE WATER BOARD
Eugene, Oregon

and Recorded in Book 359 on Page 352
Lane County, D E E D
W. B. DILLARD, County Clerk.
By Lisa S. Melkior, Deputy.

1947 OCT 27 AM 8 54

State of Oregon,
County of Lane, ss:
I, W. B. Dillard, County Clerk and ex-officio Recorder of Conveyance, in and for said County, do hereby certify that the within instrument was received for record at

THE CITY OF EUGENE, OREGON
EASEMENT (short form)
LELAND F. ROBERTS, JR.
Tonda C. Roberts

1001

8819653

PERMIT AND EASEMENT

KNOW ALL MEN BY THESE PRESENTS that LeRoy C. Sauer and Virginia R. Sauer, husband and wife does hereby covenant that it is the owner of the following described real property in Lane County, Oregon to-wit:

The West 3 feet of the North 160 feet of the following described tract of land.

Beginning at a point 1415.23 feet East of a point 2190.54 feet North of the Southwest corner of the Benjamin Davis Donation Land Claim No. 45, in Township 17 South, Range 4 West of the Willamette Meridian; thence South 285.00 feet; thence East 153.05 feet; thence North 205.0 feet; thence West 153.05 feet to the point of beginning in Lane County, Oregon. EXCEPTING there from the North 20.0 feet lying within Horn Lane.

1506A001 05/10/80 REC 15.30  
\*0002\*

1536A001 05/10/80 REC 15.30  
\*0002\*

The location of the above described easement area is shown on the attached Drawing # B-12513.

For the purpose of furnishing electric service by the Grantee herein to the above described premises, the undersigned as Grantor does hereby grant unto the CITY OF EUGENE, LANE COUNTY, OREGON, acting by and through the EUGENE WATER & ELECTRIC BOARD, as Grantee, a perpetual permit and easement for an overhead electric distribution line and necessary appurtenances thereto, over, across, and upon the above described real property along the route and location as actually constructed and installed. The Grantor herein acknowledges that any and all equipment or replacement thereof, installed in or upon said premises by said Grantee, shall remain the sole property of said Grantee and may be removed from said property at any time at the discretion of the Eugene Water & Electric Board.

Together with any joint user with whom Grantee may contract, and use the right of ingress and egress over said property for the purpose of constructing, maintaining, and removing such lines and appurtenances and exercising other rights hereby granted.

The Grantee is granted all necessary rights of access and rights to perform clearing and trimming of trees, shrubs, vines or other vegetation the Grantee deems prudent to maintain proper clearance and accessibility for the maintenance and operation of overhead electric distribution system, or as may be required by standard utility safety practices. The decision to trim or clear shall be the exclusive right of the Grantee.

OH Electric Only with Exhibit  
Permit & Easement, Page 1 of 2  
(1/86)

3' x 160' OH Easement  
1010 Horn Lane  
IR 9800 Buzalsky

8819653

At no time shall any building be erected or placed on said right-of-way.

SUBJECT to the foregoing limitations said right-of-way may be used by the Grantors for road, parking, or any purpose not inconsistent with said easement.

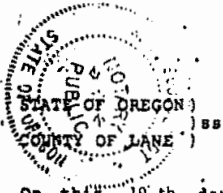
All such rights hereunder shall cease if and when such line shall have been abandoned.

Other than the agreements herein contained there is no consideration for this conveyance.

TO HAVE AND TO HOLD the same unto the Grantee, its successors and assigns forever; and the rights, conditions and provisions of this easement shall inure to the benefit of and be binding upon the heirs, executors, administrators, successors and assigns of the respective parties hereto.

IN WITNESS WHEREOF, the undersigned has executed this instrument this 19<sup>th</sup> day of MAY, 1988.

*LeRoy C. Sauer*  
LeRoy C. Sauer  
*Virginia R. Sauer*  
Virginia R. Sauer



On this 19<sup>th</sup> day of MAY, 1988, before me personally appeared the within named LeRoy C. Sauer and Virginia R. Sauer, husband and wife known to me to be the identical individual s described in and who executed the within instrument freely and voluntarily.

*R. A. Soderstrom*  
Notary Public for Oregon  
My Commission Expires: 09-18-1989

OH Electric Only with Exhibit Permit & Easement, Page 2 of 2 (1/86)

3' x 160' OH Easement  
1010 Horn Lane  
IR 9800 Bužalsky





Lane County Clerk Lane County Deeds & Records	<b>2012-054197</b>
	10/22/2012 09:20:18 AM
RPR-DTR      Cnt=1 Stn=6 CASHIER 01	
\$65.00 \$11.00 \$10.00 \$16.00	<b>\$102.00</b>

*Prepared by:*  
~~After Recording Return To:~~  
**1ST MARINER BANK**  
**ATTN: FINAL DOCUMENT DEPARTMENT**  
**3301 BOSTON STREET**  
**BALTIMORE, MD 21224**

**MAIL TAX STATEMENT TO:**  
**1ST MARINER BANK**  
**3301 BOSTON STREET**  
**BALTIMORE, MD 21224**

*Return To:*  
**Madison Settlement**  
**Services, LLC**  
**580 Carlisle St. Ste. B**  
**Hanover, PA 17331**  
*AB48804*

**LOAN #: 394889**

[Space Below This Line For Acknowledgment]

**DEED OF TRUST COVER PAGE**

This Cover Page **MUST** be attached with your recordable document

1. Grantor/Borrower Name(s) and Address:  
**Mark Allen Koenig**  
**1010 Horn Lane, Eugene, OR 97404**
  
2. Grantee/Lender Name and Address:    **1ST MARINER BANK**  
**3301 BOSTON STREET**  
**BALTIMORE, MD 21224**
  
3. Trustee Name and Address: *Fidelity National Title Company of Oregon*  
~~**Madison Settlement Services**~~  
~~**Hanover, PA 17331**~~  
*1001 SW Fifth Avenue, Suite 400*  
*Portland, OR 97204*
  
4. Beneficiary Name and Address: **Mortgage Electronic Registration Systems, Inc.**  
**P.O. Box 2026, Flint, MI 48501-2026**



Prepared by and  
After Recording Return To:  
1ST MARINER BANK  
ATTN: FINAL DOCUMENT DEPARTMENT  
3301 BOSTON STREET  
BALTIMORE, MD 21224

LOAN #: 394889

[Space Below This Line For Acknowledgment]

CASE #: 48-48-6-0366689

DEED OF TRUST

MIN 1002125-0700105345-9

DEFINITIONS

Words used in multiple sections of this document are defined below and other words are defined in Sections 3, 11, 13, 18, 20 and 21. Certain rules regarding the usage of words used in this document are also provided in Section 16.

(A) "Security Instrument" means this document, which is dated SEPTEMBER 26, 2012, together with all Riders to this document.

(B) "Borrower" is MARK ALLEN KOENIG.

Borrower is the trustor under this Security Instrument.

(C) "Lender" is 1ST MARINER BANK.

Lender is a BANKING CORPORATION  
MARYLAND.  
BALTIMORE, MD 21224.

organized and existing under the laws of  
Lender's address is 3301 BOSTON STREET,

(D) "Trustee" is *MAK*  
*Fidelity National Title Company of Oregon*  
Madison Settlement Services.

(E) "MERS" is Mortgage Electronic Registration Systems, Inc. MERS is a separate corporation that is acting solely as a nominee for Lender and Lender's successors and assigns. MERS is the beneficiary under this Security Instrument. MERS is organized and existing under the laws of Delaware, and has an address and telephone number of P.O. Box 2026, Flint, MI 48501-2026, tel. (888) 679-MERS.

(F) "Note" means the promissory note signed by Borrower and dated SEPTEMBER 26, 2012. The Note states that Borrower owes Lender \*\*THREE HUNDRED THIRTY FOUR THOUSAND FOUR HUNDRED SIXTY FOUR AND NO/100\*\*\*\*\* Dollars (U.S. \$334,464.00 ) plus interest. Borrower has promised to pay this debt in regular Periodic Payments and to pay the debt in full not later than OCTOBER 1, 2042.



LOAN #: 394889

(G) "Property" means the property that is described below under the heading "Transfer of Rights in the Property."

(H) "Loan" means the debt evidenced by the Note, plus interest, any prepayment charges and late charges due under the Note, and all sums due under this Security Instrument, plus interest.

(I) "Riders" means all Riders to this Security Instrument that are executed by Borrower. The following Riders are to be executed by Borrower [check box as applicable]:

- Adjustable Rate Rider
- Balloon Rider
- 1-4 Family Rider
- V.A. Rider
- Condominium Rider
- Planned Unit Development Rider
- Biweekly Payment Rider
- Second Home Rider
- Other(s) [specify]

(J) "Applicable Law" means all controlling applicable federal, state and local statutes, regulations, ordinances and administrative rules and orders (that have the effect of law) as well as all applicable final, non-appealable judicial opinions.

(K) "Community Association Dues, Fees, and Assessments" means all dues, fees, assessments and other charges that are imposed on Borrower or the Property by a condominium association, homeowners association or similar organization.

(L) "Electronic Funds Transfer" means any transfer of funds, other than a transaction originated by check, draft, or similar paper instrument, which is initiated through an electronic terminal, telephonic instrument, computer, or magnetic tape so as to order, instruct, or authorize a financial institution to debit or credit an account. Such term includes, but is not limited to, point-of-sale transfers, automated teller machine transactions, transfers initiated by telephone, wire transfers, and automated clearinghouse transfers.

(M) "Escrow Items" means those items that are described in Section 3.

(N) "Miscellaneous Proceeds" means any compensation, settlement, award of damages, or proceeds paid by any third party (other than insurance proceeds paid under the coverages described in Section 5) for: (i) damage to, or destruction of, the Property; (ii) condemnation or other taking of all or any part of the Property; (iii) conveyance in lieu of condemnation; or (iv) misrepresentations of, or omissions as to, the value and/or condition of the Property.

(O) "Mortgage Insurance" means insurance protecting Lender against the nonpayment of, or default on, the Loan.

(P) "Periodic Payment" means the regularly scheduled amount due for (i) principal and interest under the Note, plus (ii) any amounts under Section 3 of this Security Instrument.

(Q) "RESPA" means the Real Estate Settlement Procedures Act (12 U.S.C. §2601 et seq.) and its implementing regulation, Regulation X (24 C.F.R. Part 3500), as they might be amended from time to time, or any additional or successor legislation or regulation that governs the same subject matter. As used in this Security Instrument, "RESPA" refers to all requirements and restrictions that are imposed in regard to a "federally related mortgage loan" even if the Loan does not qualify as a "federally related mortgage loan" under RESPA.

(R) "Successor in Interest of Borrower" means any party that has taken title to the Property, whether or not that party has assumed Borrower's obligations under the Note and/or this Security Instrument.

TRANSFER OF RIGHTS IN THE PROPERTY

The beneficiary of this Security Instrument is MERS (solely as nominee for Lender and Lender's successors and assigns) and the successors and assigns of MERS. This Security Instrument secures to Lender: (i) the repayment of the Loan, and all renewals, extensions and modifications of the Note; and (ii) the performance of Borrower's covenants and agreements under this Security Instrument and the Note. For this purpose, Borrower irrevocably grants and conveys to Trustee, in trust, with power of sale, the following described property located in the COUNTY

[Type of Recording Jurisdiction] Of Lane [Name of Recording Jurisdiction]:

SEE LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF AS EXHIBIT

"A".

which currently has the address of 1010 Horn Lane, Eugene,

[Street] [City]

Oregon 97404 ("Property Address"):

[Zip Code]

TOGETHER WITH all the improvements now or hereafter erected on the property, and all easements, appurtenances, and fixtures now or hereafter a part of the property. All replacements and additions shall also be covered by this Security Instrument. All of the foregoing is referred to in this Security Instrument as the "Property." Borrower understands and agrees that MERS holds only legal title to the interests granted by Borrower in this Security Instrument, but, if necessary to comply with law or custom, MERS (as nominee for Lender and Lender's successors and assigns) has the right: to exercise any or all of those interests, including, but not limited to, the right to foreclose and sell the Property; and to take any action required of Lender including, but not limited to, releasing and canceling this Security Instrument.

BORROWER COVENANTS that Borrower is lawfully seised of the estate hereby conveyed and has the right to grant and convey the Property and that the Property is unencumbered, except for encumbrances of record. Borrower warrants and will defend generally the title to the Property against all claims and demands, subject to any encumbrances of record.

THIS SECURITY INSTRUMENT combines uniform covenants for national use and non-uniform covenants with limited variations by jurisdiction to constitute a uniform security instrument covering real property.

UNIFORM COVENANTS. Borrower and Lender covenant and agree as follows:

1. Payment of Principal, Interest, Escrow Items, Prepayment Charges, and Late Charges. Borrower shall pay when due the principal of, and interest on, the debt evidenced by the Note and any prepayment charges and late charges





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due under the Note. Borrower shall also pay funds for Escrow Items pursuant to Section 3. Payments due under the Note and this Security Instrument shall be made in U.S. currency. However, if any check or other instrument received by Lender as payment under the Note or this Security Instrument is returned to Lender unpaid, Lender may require that any or all subsequent payments due under the Note and this Security Instrument be made in one or more of the following forms, as selected by Lender: (a) cash; (b) money order; (c) certified check, bank check, treasurer's check or cashier's check, provided any such check is drawn upon an institution whose deposits are insured by a federal agency, instrumentality, or entity; or (d) Electronic Funds Transfer.

Payments are deemed received by Lender when received at the location designated in the Note or at such other location as may be designated by Lender in accordance with the notice provisions in Section 15. Lender may return any payment or partial payment if the payment or partial payments are insufficient to bring the Loan current. Lender may accept any payment or partial payment insufficient to bring the Loan current, without waiver of any rights hereunder or prejudice to its rights to refuse such payment or partial payments in the future, but Lender is not obligated to apply such payments at the time such payments are accepted. If each Periodic Payment is applied as of its scheduled due date, then Lender need not pay interest on unapplied funds. Lender may hold such unapplied funds until Borrower makes payment to bring the Loan current. If Borrower does not do so within a reasonable period of time, Lender shall either apply such funds or return them to Borrower. If not applied earlier, such funds will be applied to the outstanding principal balance under the Note immediately prior to foreclosure. No offset or claim which Borrower might have now or in the future against Lender shall relieve Borrower from making payments due under the Note and this Security Instrument or performing the covenants and agreements secured by this Security Instrument.

**2. Application of Payments or Proceeds.** Except as otherwise described in this Section 2, all payments accepted and applied by Lender shall be applied in the following order of priority: (a) interest due under the Note; (b) principal due under the Note; (c) amounts due under Section 3. Such payments shall be applied to each Periodic Payment in the order in which it became due. Any remaining amounts shall be applied first to late charges, second to any other amounts due under this Security Instrument, and then to reduce the principal balance of the Note.

If Lender receives a payment from Borrower for a delinquent Periodic Payment which includes a sufficient amount to pay any late charge due, the payment may be applied to the delinquent payment and the late charge. If more than one Periodic Payment is outstanding, Lender may apply any payment received from Borrower to the repayment of the Periodic Payments if, and to the extent that, each payment can be paid in full. To the extent that any excess exists after the payment is applied to the full payment of one or more Periodic Payments, such excess may be applied to any late charges due. Voluntary prepayments shall be applied first to any prepayment charges and then as described in the Note.

Any application of payments, insurance proceeds, or Miscellaneous Proceeds to principal due under the Note shall not extend or postpone the due date, or change the amount, of the Periodic Payments.

**3. Funds for Escrow Items.** Borrower shall pay to Lender on the day Periodic Payments are due under the Note, until the Note is paid in full, a sum (the "Funds") to provide for payment of amounts due for: (a) taxes and assessments and other items which can attain priority over this Security Instrument as a lien or encumbrance on the Property; (b) leasehold payments or ground rents on the Property, if any; (c) premiums for any and all insurance required by Lender under Section 5; and (d) Mortgage Insurance premiums, if any, or any sums payable by Borrower to Lender in lieu of the payment of Mortgage Insurance premiums in accordance with the provisions of Section 10. These items are called "Escrow Items." At origination or at any time during the term of the Loan, Lender may require that Community Association Dues, Fees, and Assessments, if any, be escrowed by Borrower, and such dues, fees and assessments shall be an Escrow Item. Borrower shall promptly furnish to Lender all notices of amounts to be paid under this Section. Borrower shall pay Lender the Funds for Escrow Items unless Lender waives Borrower's obligation to pay the Funds for any or all Escrow Items. Lender may waive Borrower's obligation to pay to Lender Funds for any or all Escrow Items at any time. Any such waiver may only be in writing. In the event of such waiver, Borrower shall pay directly, when and where payable, the amounts due for any Escrow Items for which payment of Funds has been waived by Lender and, if Lender requires, shall furnish to Lender receipts evidencing such payment within such time period as Lender may require. Borrower's obligation to make such payments and to provide receipts shall for all purposes be deemed to be a covenant and agreement contained in this Security Instrument, as the phrase "covenant and agreement" is used in Section 9. If Borrower is obligated to pay Escrow Items directly, pursuant to a waiver, and Borrower fails to pay the amount due for an Escrow Item, Lender may exercise its rights under Section 9 and pay such amount and Borrower shall then be obligated under Section 9 to repay to Lender any such amount. Lender may revoke the waiver as to any or all Escrow Items at any time by a notice given in accordance with Section 15 and, upon such revocation, Borrower shall pay to Lender all Funds, and in such amounts, that are then required under this Section 3.

Lender may, at any time, collect and hold Funds in an amount (a) sufficient to permit Lender to apply the Funds at the time specified under RESPA, and (b) not to exceed the maximum amount a lender can require under RESPA. Lender shall estimate the amount of Funds due on the basis of current data and reasonable estimates of expenditures of future Escrow Items or otherwise in accordance with Applicable Law.

The Funds shall be held in an institution whose deposits are insured by a federal agency, instrumentality, or entity (including Lender, if Lender is an institution whose deposits are so insured) or in any Federal Home Loan Bank. Lender shall apply the Funds to pay the Escrow Items no later than the time specified under RESPA. Lender shall not charge Borrower for holding and applying the Funds, annually analyzing the escrow account, or verifying the Escrow Items, unless Lender pays Borrower interest on the Funds and Applicable Law permits Lender to make such a charge. Unless an agreement is made in writing or Applicable Law requires interest to be paid on the Funds, Lender shall not be required to pay Borrower any interest or earnings on the Funds. Borrower and Lender can agree in writing, however, that interest shall be paid on the Funds. Lender shall give to Borrower, without charge, an annual accounting of the Funds as required by RESPA.

If there is a surplus of Funds held in escrow, as defined under RESPA, Lender shall account to Borrower for the excess funds in accordance with RESPA. If there is a shortage of Funds held in escrow, as defined under RESPA, Lender shall notify Borrower as required by RESPA, and Borrower shall pay to Lender the amount necessary to make up the shortage in accordance with RESPA, but in no more than 12 monthly payments. If there is a deficiency of Funds held in escrow, as defined under RESPA, Lender shall notify Borrower as required by RESPA, and Borrower shall pay to Lender the amount necessary to make up the deficiency in accordance with RESPA, but in no more than 12 monthly payments.

Upon payment in full of all sums secured by this Security Instrument, Lender shall promptly refund to Borrower any Funds held by Lender.

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**4. Charges; Liens.** Borrower shall pay all taxes, assessments, charges, fines, and impositions attributable to the Property which can attain priority over this Security Instrument, leasehold payments or ground rents on the Property, if any, and Community Association Dues, Fees, and Assessments, if any. To the extent that these items are Escrow Items, Borrower shall pay them in the manner provided in Section 3.

Borrower shall promptly discharge any lien which has priority over this Security Instrument unless Borrower: (a) agrees in writing to the payment of the obligation secured by the lien in a manner acceptable to Lender, but only so long as Borrower is performing such agreement; (b) contests the lien in good faith by, or defends against enforcement of the lien in, legal proceedings which in Lender's opinion operate to prevent the enforcement of the lien while those proceedings are pending, but only until such proceedings are concluded; or (c) secures from the holder of the lien an agreement satisfactory to Lender subordinating the lien to this Security Instrument. If Lender determines that any part of the Property is subject to a lien which can attain priority over this Security Instrument, Lender may give Borrower a notice identifying the lien. Within 10 days of the date on which that notice is given, Borrower shall satisfy the lien or take one or more of the actions set forth above in this Section 4.

Lender may require Borrower to pay a one-time charge for a real estate tax verification and/or reporting service used by Lender in connection with this Loan.

**5. Property Insurance.** Borrower shall keep the improvements now existing or hereafter erected on the Property insured against loss by fire, hazards included within the term "extended coverage," and any other hazards including, but not limited to, earthquakes and floods, for which Lender requires insurance. This insurance shall be maintained in the amounts (including deductible levels) and for the periods that Lender requires. What Lender requires pursuant to the preceding sentences can change during the term of the Loan. The insurance carrier providing the insurance shall be chosen by Borrower subject to Lender's right to disapprove Borrower's choice, which right shall not be exercised unreasonably. Lender may require Borrower to pay, in connection with this Loan, either: (a) a one-time charge for flood zone determination, certification and tracking services; or (b) a one-time charge for flood zone determination and certification services and subsequent charges each time remappings or similar changes occur which reasonably might affect such determination or certification. Borrower shall also be responsible for the payment of any fees imposed by the Federal Emergency Management Agency in connection with the review of any flood zone determination resulting from an objection by Borrower.

If Borrower fails to maintain any of the coverages described above, Lender may obtain insurance coverage, at Lender's option and Borrower's expense. Lender is under no obligation to purchase any particular type or amount of coverage. Therefore, such coverage shall cover Lender, but might or might not protect Borrower. Borrower's equity in the Property, or the contents of the Property, against any risk, hazard or liability and might provide greater or lesser coverage than was previously in effect. Borrower acknowledges that the cost of the insurance coverage so obtained might significantly exceed the cost of insurance that Borrower could have obtained. Any amounts disbursed by Lender under this Section 5 shall become additional debt of Borrower secured by this Security Instrument. These amounts shall bear interest at the Note rate from the date of disbursement and shall be payable, with such interest, upon notice from Lender to Borrower requesting payment.

All insurance policies required by Lender and renewals of such policies shall be subject to Lender's right to disapprove such policies, shall include a standard mortgage clause, and shall name Lender as mortgagee and/or as an additional loss payee. Lender shall have the right to hold the policies and renewal certificates. If Lender requires, Borrower shall promptly give to Lender all receipts of paid premiums and renewal notices. If Borrower obtains any form of insurance coverage, not otherwise required by Lender, for damage to, or destruction of, the Property, such policy shall include a standard mortgage clause and shall name Lender as mortgagee and/or as an additional loss payee.

In the event of loss, Borrower shall give prompt notice to the insurance carrier and Lender. Lender may make proof of loss if not made promptly by Borrower. Unless Lender and Borrower otherwise agree in writing, any insurance proceeds, whether or not the underlying insurance was required by Lender, shall be applied to restoration or repair of the Property, if the restoration or repair is economically feasible and Lender's security is not lessened. During such repair and restoration period, Lender shall have the right to hold such insurance proceeds until Lender has had an opportunity to inspect such Property to ensure the work has been completed to Lender's satisfaction, provided that such inspection shall be undertaken promptly. Lender may disburse proceeds for the repairs and restoration in a single payment or in a series of progress payments as the work is completed. Unless an agreement is made in writing or Applicable Law requires interest to be paid on such insurance proceeds, Lender shall not be required to pay Borrower any interest or earnings on such proceeds. Fees for public adjusters, or other third parties, retained by Borrower shall not be paid out of the insurance proceeds and shall be the sole obligation of Borrower. If the restoration or repair is not economically feasible or Lender's security would be lessened, the insurance proceeds shall be applied to the sums secured by this Security Instrument, whether or not then due, with the excess, if any, paid to Borrower. Such insurance proceeds shall be applied in the order provided for in Section 2.

If Borrower abandons the Property, Lender may file, negotiate and settle any available insurance claim and related matters. If Borrower does not respond within 30 days to a notice from Lender that the insurance carrier has offered to settle a claim, then Lender may negotiate and settle the claim. The 30-day period will begin when the notice is given. In either event, or if Lender acquires the Property under Section 22 or otherwise, Borrower hereby assigns to Lender (a) Borrower's rights to any insurance proceeds in an amount not to exceed the amounts unpaid under the Note or this Security Instrument, and (b) any other of Borrower's rights (other than the right to any refund of unearned premiums paid by Borrower) under all insurance policies covering the Property, insofar as such rights are applicable to the coverage of the Property. Lender may use the insurance proceeds either to repair or restore the Property or to pay amounts unpaid under the Note or this Security Instrument, whether or not then due.

**6. Occupancy.** Borrower shall occupy, establish, and use the Property as Borrower's principal residence within 60 days after the execution of this Security Instrument and shall continue to occupy the Property as Borrower's principal residence for at least one year after the date of occupancy, unless Lender otherwise agrees in writing, which consent shall not be unreasonably withheld, or unless extenuating circumstances exist which are beyond Borrower's control.

**7. Preservation, Maintenance and Protection of the Property; Inspections.** Borrower shall not destroy, damage or impair the Property, allow the Property to deteriorate or commit waste on the Property. Whether or not Borrower is residing in the Property, Borrower shall maintain the Property in order to prevent the Property from deteriorating or decreasing in value due to its condition. Unless it is determined pursuant to Section 5 that repair or restoration is not economically feasible, Borrower shall promptly repair the Property if damaged to avoid further deterioration or damage. If insurance or condemnation proceeds are paid in connection with damage to, or the taking of, the Property, Borrower shall be responsible



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for repairing or restoring the Property only if Lender has released proceeds for such purposes. Lender may disburse proceeds for the repairs and restoration in a single payment or in a series of progress payments as the work is completed. If the insurance or condemnation proceeds are not sufficient to repair or restore the Property, Borrower is not relieved of Borrower's obligation for the completion of such repair or restoration.

Lender or its agent may make reasonable entries upon and inspections of the Property. If it has reasonable cause, Lender may inspect the interior of the improvements on the Property. Lender shall give Borrower notice at the time of or prior to such an interior inspection specifying such reasonable cause.

**8. Borrower's Loan Application.** Borrower shall be in default if, during the Loan application process, Borrower or any persons or entities acting at the direction of Borrower or with Borrower's knowledge or consent gave materially false, misleading, or inaccurate information or statements to Lender (or failed to provide Lender with material information) in connection with the Loan. Material representations include, but are not limited to, representations concerning Borrower's occupancy of the Property as Borrower's principal residence.

**9. Protection of Lender's Interest in the Property and Rights Under this Security Instrument.** If (a) Borrower fails to perform the covenants and agreements contained in this Security Instrument, (b) there is a legal proceeding that might significantly affect Lender's interest in the Property and/or rights under this Security Instrument (such as a proceeding in bankruptcy, probate, for condemnation or forfeiture, for enforcement of a lien which may attain priority over this Security Instrument or to enforce laws or regulations), or (c) Borrower has abandoned the Property, then Lender may do and pay for whatever is reasonable or appropriate to protect Lender's interest in the Property and rights under this Security Instrument, including protecting and/or assessing the value of the Property, and securing and/or repairing the Property. Lender's actions can include, but are not limited to: (a) paying any sums secured by a lien which has priority over this Security Instrument; (b) appearing in court; and (c) paying reasonable attorneys' fees to protect its interest in the Property and/or rights under this Security Instrument, including its secured position in a bankruptcy proceeding. Securing the Property includes, but is not limited to, entering the Property to make repairs, change locks, replace or board up doors and windows, drain water from pipes, eliminate building or other code violations or dangerous conditions, and have utilities turned on or off. Although Lender may take action under this Section 9, Lender does not have to do so and is not under any duty or obligation to do so. It is agreed that Lender incurs no liability for not taking any or all actions authorized under this Section 9.

Any amounts disbursed by Lender under this Section 9 shall become additional debt of Borrower secured by this Security Instrument. These amounts shall bear interest at the Note rate from the date of disbursement and shall be payable, with such interest, upon notice from Lender to Borrower requesting payment.

If this Security Instrument is on a leasehold, Borrower shall comply with all the provisions of the lease. Borrower shall not surrender the leasehold estate and interests herein conveyed or terminate or cancel the ground lease. Borrower shall not, without the express written consent of Lender, alter or amend the ground lease. If Borrower acquires fee title to the Property, the leasehold and the fee title shall not merge unless Lender agrees to the merger in writing.

**10. Mortgage Insurance.** If Lender required Mortgage Insurance as a condition of making the Loan, Borrower shall pay the premiums required to maintain the Mortgage Insurance in effect. If, for any reason, the Mortgage Insurance coverage required by Lender ceases to be available from the mortgage insurer that previously provided such insurance and Borrower was required to make separately designated payments toward the premiums for Mortgage Insurance, Borrower shall pay the premiums required to obtain coverage substantially equivalent to the Mortgage Insurance previously in effect, at a cost substantially equivalent to the cost to Borrower of the Mortgage Insurance previously in effect, from an alternate mortgage insurer selected by Lender. If substantially equivalent Mortgage Insurance coverage is not available, Borrower shall continue to pay to Lender the amount of the separately designated payments that were due when the insurance coverage ceased to be in effect. Lender will accept, use and retain these payments as a non-refundable loss reserve in lieu of Mortgage Insurance. Such loss reserve shall be non-refundable, notwithstanding the fact that the Loan is ultimately paid in full, and Lender shall not be required to pay Borrower any interest or earnings on such loss reserve. Lender can no longer require loss reserve payments if Mortgage Insurance coverage (in the amount and for the period that Lender requires) provided by an insurer selected by Lender again becomes available, is obtained, and Lender requires separately designated payments toward the premiums for Mortgage Insurance. If Lender required Mortgage Insurance as a condition of making the Loan and Borrower was required to make separately designated payments toward the premiums for Mortgage Insurance, Borrower shall pay the premiums required to maintain Mortgage Insurance in effect, or to provide a non-refundable loss reserve, until Lender's requirement for Mortgage Insurance ends in accordance with any written agreement between Borrower and Lender providing for such termination or until termination is required by Applicable Law. Nothing in this Section 10 affects Borrower's obligation to pay interest at the rate provided in the Note.

Mortgage Insurance reimburses Lender (or any entity that purchases the Note) for certain losses it may incur if Borrower does not repay the Loan as agreed. Borrower is not a party to the Mortgage Insurance.

Mortgage insurers evaluate their total risk on all such insurance in force from time to time, and may enter into agreements with other parties that share or modify their risk, or reduce losses. These agreements are on terms and conditions that are satisfactory to the mortgage insurer and the other party (or parties) to these agreements. These agreements may require the mortgage insurer to make payments using any source of funds that the mortgage insurer may have available (which may include funds obtained from Mortgage Insurance premiums).

As a result of these agreements, Lender, any purchaser of the Note, another insurer, any reinsurer, any other entity, or any affiliate of any of the foregoing, may receive (directly or indirectly) amounts that derive from (or might be characterized as) a portion of Borrower's payments for Mortgage Insurance, in exchange for sharing or modifying the mortgage insurer's risk, or reducing losses. If such agreement provides that an affiliate of Lender takes a share of the insurer's risk in exchange for a share of the premiums paid to the insurer, the arrangement is often termed "captive reinsurance." Further:

(a) Any such agreements will not affect the amounts that Borrower has agreed to pay for Mortgage Insurance, or any other terms of the Loan. Such agreements will not increase the amount Borrower will owe for Mortgage Insurance, and they will not entitle Borrower to any refund.

(b) Any such agreements will not affect the rights Borrower has - if any - with respect to the Mortgage Insurance under the Homeowners Protection Act of 1998 or any other law. These rights may include the right to receive certain disclosures, to request and obtain cancellation of the Mortgage Insurance, to have the Mortgage Insurance terminated automatically, and/or to receive a refund of any Mortgage Insurance premiums that were unearned at the time of such cancellation or termination.





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11. Assignment of Miscellaneous Proceeds; Forfeiture. All Miscellaneous Proceeds are hereby assigned to and shall be paid to Lender.

If the Property is damaged, such Miscellaneous Proceeds shall be applied to restoration or repair of the Property, if the restoration or repair is economically feasible and Lender's security is not lessened. During such repair and restoration period, Lender shall have the right to hold such Miscellaneous Proceeds until Lender has had an opportunity to inspect such Property to ensure the work has been completed to Lender's satisfaction, provided that such inspection shall be undertaken promptly. Lender may pay for the repairs and restoration in a single disbursement or in a series of progress payments as the work is completed. Unless an agreement is made in writing or Applicable Law requires interest to be paid on such Miscellaneous Proceeds, Lender shall not be required to pay Borrower any interest or earnings on such Miscellaneous Proceeds. If the restoration or repair is not economically feasible or Lender's security would be lessened, the Miscellaneous Proceeds shall be applied to the sums secured by this Security Instrument, whether or not then due, with the excess, if any, paid to Borrower. Such Miscellaneous Proceeds shall be applied in the order provided for in Section 2.

In the event of a total taking, destruction, or loss in value of the Property, the Miscellaneous Proceeds shall be applied to the sums secured by this Security Instrument, whether or not then due, with the excess, if any, paid to Borrower.

In the event of a partial taking, destruction, or loss in value of the Property in which the fair market value of the Property immediately before the partial taking, destruction, or loss in value is equal to or greater than the amount of the sums secured by this Security Instrument immediately before the partial taking, destruction, or loss in value, unless Borrower and Lender otherwise agree in writing, the sums secured by this Security Instrument shall be reduced by the amount of the Miscellaneous Proceeds multiplied by the following fraction: (a) the total amount of the sums secured immediately before the partial taking, destruction, or loss in value divided by (b) the fair market value of the Property immediately before the partial taking, destruction, or loss in value. Any balance shall be paid to Borrower.

In the event of a partial taking, destruction, or loss in value of the Property in which the fair market value of the Property immediately before the partial taking, destruction, or loss in value is less than the amount of the sums secured immediately before the partial taking, destruction, or loss in value, unless Borrower and Lender otherwise agree in writing, the Miscellaneous Proceeds shall be applied to the sums secured by this Security Instrument whether or not the sums are then due.

If the Property is abandoned by Borrower, or if, after notice by Lender to Borrower that the Opposing Party (as defined in the next sentence) offers to make an award to settle a claim for damages, Borrower fails to respond to Lender within 30 days after the date the notice is given, Lender is authorized to collect and apply the Miscellaneous Proceeds either to restoration or repair of the Property or to the sums secured by this Security Instrument, whether or not then due. "Opposing Party" means the third party that owes Borrower Miscellaneous Proceeds or the party against whom Borrower has a right of action in regard to Miscellaneous Proceeds.

Borrower shall be in default if any action or proceeding, whether civil or criminal, is begun that, in Lender's judgment, could result in forfeiture of the Property or other material impairment of Lender's interest in the Property or rights under this Security Instrument. Borrower can cure such a default and, if acceleration has occurred, reinstate as provided in Section 19, by causing the action or proceeding to be dismissed with a ruling that, in Lender's judgment, precludes forfeiture of the Property or other material impairment of Lender's interest in the Property or rights under this Security Instrument. The proceeds of any award or claim for damages that are attributable to the impairment of Lender's interest in the Property are hereby assigned and shall be paid to Lender.

All Miscellaneous Proceeds that are not applied to restoration or repair of the Property shall be applied in the order provided for in Section 2.

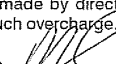
12. Borrower Not Released; Forbearance By Lender Not a Waiver. Extension of the time for payment or modification of amortization of the sums secured by this Security Instrument granted by Lender to Borrower or any Successor in Interest of Borrower shall not operate to release the liability of Borrower or any Successors in Interest of Borrower. Lender shall not be required to commence proceedings against any Successor in Interest of Borrower or to refuse to extend time for payment or otherwise modify amortization of the sums secured by this Security Instrument by reason of any demand made by the original Borrower or any Successors in Interest of Borrower. Any forbearance by Lender in exercising any right or remedy including, without limitation, Lender's acceptance of payments from third persons, entities or Successors in Interest of Borrower or in amounts less than the amount then due, shall not be a waiver of or preclude the exercise of any right or remedy.

13. Joint and Several Liability; Co-signers; Successors and Assigns Bound. Borrower covenants and agrees that Borrower's obligations and liability shall be joint and several. However, any Borrower who co-signs this Security Instrument but does not execute the Note (a "co-signer"): (a) is co-signing this Security Instrument only to mortgage, grant and convey the co-signer's interest in the Property under the terms of this Security Instrument; (b) is not personally obligated to pay the sums secured by this Security Instrument; and (c) agrees that Lender and any other Borrower can agree to extend, modify, forbear or make any accommodations with regard to the terms of this Security Instrument or the Note without the co-signer's consent.

Subject to the provisions of Section 18, any Successor in Interest of Borrower who assumes Borrower's obligations under this Security Instrument in writing, and is approved by Lender, shall obtain all of Borrower's rights and benefits under this Security Instrument. Borrower shall not be released from Borrower's obligations and liability under this Security Instrument unless Lender agrees to such release in writing. The covenants and agreements of this Security Instrument shall bind (except as provided in Section 20) and benefit the successors and assigns of Lender.

14. Loan Charges. Lender may charge Borrower fees for services performed in connection with Borrower's default, for the purpose of protecting Lender's interest in the Property and rights under this Security Instrument, including, but not limited to, attorneys' fees, property inspection and valuation fees. In regard to any other fees, the absence of express authority in this Security Instrument to charge a specific fee to Borrower shall not be construed as a prohibition on the charging of such fee. Lender may not charge fees that are expressly prohibited by this Security Instrument or by Applicable Law.

If the Loan is subject to a law which sets maximum loan charges, and that law is finally interpreted so that the interest or other loan charges collected or to be collected in connection with the Loan exceed the permitted limits, then: (a) any such loan charge shall be reduced by the amount necessary to reduce the charge to the permitted limit; and (b) any sums already collected from Borrower which exceeded permitted limits will be refunded to Borrower. Lender may choose to make this refund by reducing the principal owed under the Note or by making a direct payment to Borrower. If a refund reduces principal, the reduction will be treated as a partial prepayment without any prepayment charge (whether or not a prepayment charge is provided for under the Note). Borrower's acceptance of any such refund made by direct payment to Borrower will constitute a waiver of any right of action Borrower might have arising out of such overcharge.

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**15. Notices.** All notices given by Borrower or Lender in connection with this Security Instrument must be in writing. Any notice to Borrower in connection with this Security Instrument shall be deemed to have been given to Borrower when mailed by first class mail or when actually delivered to Borrower's notice address if sent by other means. Notice to any one Borrower shall constitute notice to all Borrowers unless Applicable Law expressly requires otherwise. The notice address shall be the Property Address unless Borrower has designated a substitute notice address by notice to Lender. Borrower shall promptly notify Lender of Borrower's change of address. If Lender specifies a procedure for reporting Borrower's change of address, then Borrower shall only report a change of address through that specified procedure. There may be only one designated notice address under this Security Instrument at any one time. Any notice to Lender shall be given by delivering it or by mailing it by first class mail to Lender's address stated herein unless Lender has designated another address by notice to Borrower. Any notice in connection with this Security Instrument shall not be deemed to have been given to Lender until actually received by Lender. If any notice required by this Security Instrument is also required under Applicable Law, the Applicable Law requirement will satisfy the corresponding requirement under this Security Instrument.

**16. Governing Law; Severability; Rules of Construction.** This Security Instrument shall be governed by federal law and the law of the jurisdiction in which the Property is located. All rights and obligations contained in this Security Instrument are subject to any requirements and limitations of Applicable Law. Applicable Law might explicitly or implicitly allow the parties to agree by contract or it might be silent, but such silence shall not be construed as a prohibition against agreement by contract. In the event that any provision or clause of this Security Instrument or the Note conflicts with Applicable Law, such conflict shall not affect other provisions of this Security Instrument or the Note which can be given effect without the conflicting provision.

As used in this Security Instrument: (a) words of the masculine gender shall mean and include corresponding neuter words or words of the feminine gender; (b) words in the singular shall mean and include the plural and vice versa; and (c) the word "may" gives sole discretion without any obligation to take any action.

**17. Borrower's Copy.** Borrower shall be given one copy of the Note and of this Security Instrument.

**18. Transfer of the Property or a Beneficial Interest in Borrower.** As used in this Section 18, "Interest in the Property" means any legal or beneficial interest in the Property, including, but not limited to, those beneficial interests transferred in a bond for deed, contract for deed, installment sales contract or escrow agreement, the intent of which is the transfer of title by Borrower at a future date to a purchaser.

If all or any part of the Property or any Interest in the Property is sold or transferred (or if Borrower is not a natural person and a beneficial interest in Borrower is sold or transferred) without Lender's prior written consent, Lender may require immediate payment in full of all sums secured by this Security Instrument. However, this option shall not be exercised by Lender if such exercise is prohibited by Applicable Law.

If Lender exercises this option, Lender shall give Borrower notice of acceleration. The notice shall provide a period of not less than 30 days from the date the notice is given in accordance with Section 15 within which Borrower must pay all sums secured by this Security Instrument. If Borrower fails to pay these sums prior to the expiration of this period, Lender may invoke any remedies permitted by this Security Instrument without further notice or demand on Borrower.

**19. Borrower's Right to Reinstate After Acceleration.** If Borrower meets certain conditions, Borrower shall have the right to have enforcement of this Security Instrument discontinued at any time prior to the earliest of: (a) five days before sale of the Property pursuant to any power of sale contained in this Security Instrument; (b) such other period as Applicable Law might specify for the termination of Borrower's right to reinstate; or (c) entry of a judgment enforcing this Security Instrument. Those conditions are that Borrower: (a) pays Lender all sums which then would be due under this Security Instrument and the Note as if no acceleration had occurred; (b) cures any default of any other covenants or agreements; (c) pays all expenses incurred in enforcing this Security Instrument, including, but not limited to, reasonable attorneys' fees, property inspection and valuation fees, and other fees incurred for the purpose of protecting Lender's interest in the Property and rights under this Security Instrument; and (d) takes such action as Lender may reasonably require to assure that Lender's interest in the Property and rights under this Security Instrument, and Borrower's obligation to pay the sums secured by this Security Instrument, shall continue unchanged. Lender may require that Borrower pay such reinstatement sums and expenses in one or more of the following forms, as selected by Lender: (a) cash; (b) money order; (c) certified check, bank check, treasurer's check or cashier's check, provided any such check is drawn upon an institution whose deposits are insured by a federal agency, instrumentality or entity; or (d) Electronic Funds Transfer. Upon reinstatement by Borrower, this Security Instrument and obligations secured hereby shall remain fully effective as if no acceleration had occurred. However, this right to reinstate shall not apply in the case of acceleration under Section 18.

**20. Sale of Note; Change of Loan Servicer; Notice of Grievance.** The Note or a partial interest in the Note (together with this Security Instrument) can be sold one or more times without prior notice to Borrower. A sale might result in a change in the entity (known as the "Loan Servicer") that collects Periodic Payments due under the Note and this Security Instrument and performs other mortgage loan servicing obligations under the Note, this Security Instrument, and Applicable Law. There also might be one or more changes of the Loan Servicer unrelated to a sale of the Note. If there is a change of the Loan Servicer, Borrower will be given written notice of the change which will state the name and address of the new Loan Servicer, the address to which payments should be made and any other information RESPA requires in connection with a notice of transfer of servicing. If the Note is sold and thereafter the Loan is serviced by a Loan Servicer other than the purchaser of the Note, the mortgage loan servicing obligations to Borrower will remain with the Loan Servicer or be transferred to a successor Loan Servicer and are not assumed by the Note purchaser unless otherwise provided by the Note purchaser.

Neither Borrower nor Lender may commence, join, or be joined to any judicial action (as either an individual litigant or the member of a class) that arises from the other party's actions pursuant to this Security Instrument or that alleges that the other party has breached any provision of, or any duty owed by reason of, this Security Instrument, until such Borrower or Lender has notified the other party (with such notice given in compliance with the requirements of Section 15) of such alleged breach and afforded the other party hereto a reasonable period after the giving of such notice to take corrective action. If Applicable Law provides a time period which must elapse before certain action can be taken, that time period will be deemed to be reasonable for purposes of this paragraph. The notice of acceleration and opportunity to cure given to Borrower pursuant to Section 22 and the notice of acceleration given to Borrower pursuant to Section 18 shall be deemed to satisfy the notice and opportunity to take corrective action provisions of this Section 20.

**21. Hazardous Substances.** As used in this Section 21: (a) "Hazardous Substances" are those substances defined as toxic or hazardous substances, pollutants, or wastes by Environmental Law and the following substances: gasoline, kerosene, other flammable or toxic petroleum products, toxic pesticides and herbicides, volatile solvents, materials



LOAN #: 394889

containing asbestos or formaldehyde, and radioactive materials; (b) "Environmental Law" means federal laws and laws of the jurisdiction where the Property is located that relate to health, safety or environmental protection; (c) "Environmental Cleanup" includes any response action, remedial action, or removal action, as defined in Environmental Law; and (d) an "Environmental Condition" means a condition that can cause, contribute to, or otherwise trigger an Environmental Cleanup.

Borrower shall not cause or permit the presence, use, disposal, storage, or release of any Hazardous Substances, or threaten to release any Hazardous Substances, on or in the Property. Borrower shall not do, nor allow anyone else to do, anything affecting the Property (a) that is in violation of any Environmental Law, (b) which creates an Environmental Condition, or (c) which, due to the presence, use, or release of a Hazardous Substance, creates a condition that adversely affects the value of the Property. The preceding two sentences shall not apply to the presence, use, or storage on the Property of small quantities of Hazardous Substances that are generally recognized to be appropriate to normal residential uses and to maintenance of the Property (including, but not limited to, hazardous substances in consumer products).

Borrower shall promptly give Lender written notice of (a) any investigation, claim, demand, lawsuit or other action by any governmental or regulatory agency or private party involving the Property and any Hazardous Substance or Environmental Law of which Borrower has actual knowledge, (b) any Environmental Condition, including but not limited to, any spilling, leaking, discharge, release or threat of release of any Hazardous Substance, and (c) any condition caused by the presence, use or release of a Hazardous Substance which adversely affects the value of the Property. If Borrower learns, or is notified by any governmental or regulatory authority, or any private party, that any removal or other remediation of any Hazardous Substance affecting the Property is necessary, Borrower shall promptly take all necessary remedial actions in accordance with Environmental Law. Nothing herein shall create any obligation on Lender for an Environmental Cleanup.

NON-UNIFORM COVENANTS. Borrower and Lender further covenant and agree as follows:

**22. Acceleration; Remedies.** Lender shall give notice to Borrower prior to acceleration following Borrower's breach of any covenant or agreement in this Security Instrument (but not prior to acceleration under Section 18 unless Applicable Law provides otherwise). The notice shall specify: (a) the default; (b) the action required to cure the default; (c) a date, not less than 30 days from the date the notice is given to Borrower, by which the default must be cured; and (d) that failure to cure the default on or before the date specified in the notice may result in acceleration of the sums secured by this Security Instrument and sale of the Property. The notice shall further inform Borrower of the right to reinstate after acceleration and the right to bring a court action to assert the non-existence of a default or any other defense of Borrower to acceleration and sale. If the default is not cured on or before the date specified in the notice, Lender at its option may require immediate payment in full of all sums secured by this Security Instrument without further demand and may invoke the power of sale and any other remedies permitted by Applicable Law. Lender shall be entitled to collect all expenses incurred in pursuing the remedies provided in this Section 22, including, but not limited to, reasonable attorneys' fees and costs of title evidence.

If Lender invokes the power of sale, Lender shall execute or cause Trustee to execute a written notice of the occurrence of an event of default and of Lender's election to cause the Property to be sold and shall cause such notice to be recorded in each county in which any part of the Property is located. Lender or Trustee shall give notice of sale in the manner prescribed by Applicable Law to Borrower and to other persons prescribed by Applicable Law. After the time required by Applicable Law, Trustee, without demand on Borrower, shall sell the Property at public auction to the highest bidder at the time and place and under the terms designated in the notice of sale in one or more parcels and in any order Trustee determines. Trustee may postpone sale of all or any parcel of the Property by public announcement at the time and place of any previously scheduled sale. Lender or its designee may purchase the Property at any sale.

Trustee shall deliver to the purchaser Trustee's deed conveying the Property without any covenant or warranty, expressed or implied. The recitals in the Trustee's deed shall be prima facie evidence of the truth of the statements made therein. Trustee shall apply the proceeds of the sale in the following order: (a) to all expenses of the sale, including, but not limited to, reasonable Trustee's and attorneys' fees; (b) to all sums secured by this Security Instrument; and (c) any excess to the person or persons legally entitled to it.

**23. Reconveyance.** Upon payment of all sums secured by this Security Instrument, Lender shall request Trustee to reconvey the Property and shall surrender this Security Instrument and all notes evidencing debt secured by this Security Instrument to Trustee. Trustee shall reconvey the Property without warranty to the person or persons legally entitled to it. Such person or persons shall pay any recordation costs. Lender may charge such person or persons a fee for reconveying the Property, but only if the fee is paid to a third party (such as the Trustee) for services rendered and the charging of the fee is permitted under Applicable Law.

**24. Substitute Trustee.** Lender may from time to time remove Trustee and appoint a successor trustee to any Trustee appointed hereunder. Without conveyance of the Property, the successor trustee shall succeed to all the title, power and duties conferred upon Trustee herein and by Applicable Law.

**25. Attorneys' Fees.** As used in this Security Instrument and in the Note, attorneys' fees shall include those awarded by an appellate court.

**26. Protective Advances.** This Security Instrument secures any advances Lender, at its discretion, may make under Section 9 of this Security Instrument to protect Lender's interest in the Property and rights under this Security Instrument.

**27. Required Evidence of Property Insurance.**

#### WARNING

Unless you provide us with evidence of the insurance coverage as required by our contract or loan agreement, we may purchase insurance at your expense to protect our interest. This insurance may, but need not, also protect your interest. If the collateral becomes damaged, the coverage we purchase may not pay any claim you make or any claim made against you. You may later cancel this coverage by providing evidence that you have obtained property coverage elsewhere.

You are responsible for the cost of any insurance purchased by us. The cost of this insurance may be added to your contract or loan balance. If the cost is added to your contract or loan balance, the interest rate on the underlying contract or loan will apply to this added amount. The effective date of coverage may be the date your prior coverage lapsed or the date you failed to provide proof of coverage.

The coverage we purchase may be considerably more expensive than insurance you can obtain on your own and may not satisfy any need for property damage coverage or any mandatory liability insurance requirements imposed by Applicable Law.



LOAN #: 394889

BY SIGNING BELOW, Borrower accepts and agrees to the terms and covenants contained in this Security Instrument and in any Rider executed by Borrower and recorded with it.

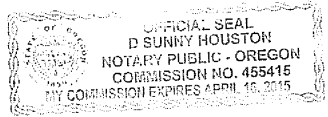
Mark Allen Koenig (Seal)  
Mark Allen Koenig

State of OREGON

County of: Lana

This instrument was acknowledged before me on September 26, 2012  
by Mark Allen Koenig.

D. Emily Hunt  
Signature of Notarial Officer



Notary  
Title (and Rank)

My commission expires: 4/16/2015



Exhibit A

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF LANE, STATE OF Oregon, AND IS DESCRIBED AS FOLLOWS:

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

BEGINNING AT A POINT 1415.23 FEET EAST OF A POINT 2190.54 FEET NORTH OF THE SOUTHWEST CORNER OF THE BENJAMIN DAVIS DONATION LAND CLAIM NO. 45 IN TOWNSHIP 17 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN; THENCE RUNNING SOUTH 285.0 FEET; THENCE EAST 153.05 FEET; THENCE NORTH 285.0 FEET; THENCE WEST 153.05 FEET TO THE POINT OF BEGINNING IN LANE COUNTY, OREGON

EXCEPTING THEREFROM THE NORTH 20.0 FEET LYING WITHIN HORN LANE.

Parcel ID: 0419232

Commonly known as 1010 Horn Lane, Eugene, OR 97404  
However, by showing this address no additional coverage is provided



LOAN #: 394889  
CASE #: 48-48-6-0366689  
MIN: 1002125-0700105345-9

**VA GUARANTEED LOAN AND ASSUMPTION POLICY RIDER**

**NOTICE: THIS LOAN IS NOT ASSUMABLE WITHOUT THE APPROVAL OF THE DEPARTMENT OF VETERANS AFFAIRS OR ITS AUTHORIZED AGENT.**

THIS VA GUARANTEED LOAN AND ASSUMPTION POLICY RIDER is made this 26<sup>TH</sup> day of SEPTEMBER, 2012, and is incorporated into and shall be deemed to amend and supplement the Mortgage, Deed of Trust or Deed to Secure Debt (herein "Security Instrument") dated of even date herewith, given by the undersigned (herein "Borrower") to secure Borrower's Note to 1ST MARINER BANK, A BANKING CORPORATION

(herein "Lender")  
and covering the Property described in the Security Instrument and located at  
1010 Horn Lane  
Eugene, OR 97404

VA GUARANTEED LOAN COVENANT: In addition to the covenants and agreements made in the Security Instrument, Borrower and Lender further covenant and agree as follows:

If the indebtedness secured hereby be guaranteed or insured under Title 38, United States Code, such Title and Regulations issued thereunder and in effect on the date hereof shall govern the rights, duties and liabilities of Borrower and Lender. Any provisions of the Security Instrument or other instruments executed in connection with said indebtedness which are inconsistent with said Title or Regulations, including, but not limited to, the provision for payment of any sum in connection with prepayment of the secured indebtedness and the provision that the Lender may accelerate payment of the secured indebtedness pursuant to Covenant 18 of the Security Instrument, are hereby amended or negated to the extent necessary to conform such instruments to said Title or Regulations.

LATE CHARGE: At Lender's option, and as allowed by applicable state law, Borrower will pay a "late charge" not exceeding four per centum (4%) of the overdue payment when paid more than fifteen (15) days after the due date thereof to cover the extra expense involved in handling delinquent payments, but such "late charge" shall not be payable out of the proceeds of any sale made to satisfy the indebtedness secured hereby, unless such proceeds are sufficient to discharge the entire indebtedness and all proper costs and expenses secured hereby.

GUARANTY: Should the Department of Veterans Affairs fail or refuse to issue its guaranty in full amount within 60 days from the date that this loan would normally become eligible for such guaranty committed upon by the Department of Veterans Affairs under the provisions of Title 38 of the U.S. Code "Veterans Benefits," the Mortgagee may declare the indebtedness hereby secured at once due and payable and may foreclose immediately or may exercise any other rights hereunder or take any other proper action as by law provided.

TRANSFER OF THE PROPERTY: This loan may be declared immediately due and payable upon transfer of the property securing such loan to any transferee, unless the acceptability of the assumption of the loan is established pursuant to Section 3714 of Chapter 37, Title 38, United States Code.

An authorized transfer ("assumption") of the property shall also be subject to additional covenants and agreements as set forth below:

(a) ASSUMPTION FUNDING FEE: A fee equal to one-half of 1 percent (.50%) of the balance of this loan as of the date of transfer of the property shall be payable at the time of transfer to the loan holder or its authorized agent, as trustee for the Department of Veterans Affairs. If the assumer fails to pay this fee at the time of transfer, the fee shall constitute an



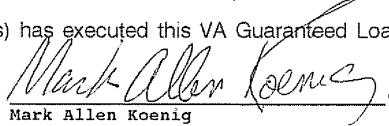
LOAN #: 394889

additional debt to that already secured by this instrument, shall bear interest at the rate herein provided, and, at the option of the payee of the indebtedness hereby secured or any transferee thereof, shall be immediately due and payable. This fee is automatically waived if the assumer is exempt under the provisions of 38 U.S.C. 3729 (c).

(b) ASSUMPTION PROCESSING CHARGE: Upon application for approval to allow assumption of this loan, a processing fee may be charged by the loan holder or its authorized agent for determining the creditworthiness of the assumer and subsequently revising the holder's ownership records when an approved transfer is completed. The amount of this charge shall not exceed the maximum established by the Department of Veterans Affairs for a loan to which Section 3714 of Chapter 37, Title 38, United States Code applies.

(c) ASSUMPTION INDEMNITY LIABILITY: If this obligation is assumed, then the assumer hereby agrees to assume all of the obligations of the veteran under the terms of the instruments creating and securing the loan. The assumer further agrees to indemnify the Department of Veterans Affairs to the extent of any claim payment arising from the guaranty or insurance of the indebtedness created by this instrument.

IN WITNESS WHEREOF, Borrower(s) has executed this VA Guaranteed Loan and Assumption Policy Rider.

 (Seal)  
Mark Allen Koenig



Lane County Clerk	<b>2017-018898</b>
Lane County Deeds & Records	04/18/2017 03:00:54 PM
RPR-ASN Cnt=1 Stn=0 CASHIER 02 2pages	\$72.00
\$20.00 \$21.00 \$10.00 \$11.00 \$10.00	

After Recording Mail to:  
Northwest Trustee Services, Inc.  
Nanci Lambert  
13555 SE 36<sup>th</sup> St, Suite 100  
Bellevue, WA 98006

**AFTER RECORDING RETURN TO:**  
**Mid America Mortgage**  
**c/o LoanCare**  
**3637 Sentara Way**  
**Virginia Beach, VA 23452-4262**

170135274  


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**Document Title(s): (or transactions contained therein)**  
Assignment

**Reference Number(s) of Documents assigned or released:**  
2012-054197  
\_\_\_\_\_ Additional numbers on page \_\_\_\_\_ of document

**Grantor(s): (Last name first, then first and initials)**  
1. Mortgage Electronic Registration Systems, Inc. as designated nominee for 1st Mariner Bank, its successors and assigns  
2. Mid America Mortgage  
3. Mark Allen Koenig  
4.  
5. \_\_\_\_\_ Additional names on page \_\_\_\_\_ of document

**Grantee(s): (Last name first, then first and initials)**  
1. Fidelity National Title Company of Oregon  
2. Northwest Trustee Services, Inc.  
3.  
4.  
5. Additional name on page \_\_\_\_\_ of document

**Abbreviated Legal Description as follows:** (i.e. lot/block/plat or section/township/range/quarter/quarter)  
1010 Horn Lane, Eugene OR 97404

\_\_\_\_\_ Complete legal description is on page \_\_\_\_\_ of document

**Assessor's Property Tax Parcel/Account Number(s):**  
**RPO17000030040**

I am requesting an emergency nonstandard recording for an additional fee as provided in RCW 36.18.010. I understand that the recording processing requirements may cover up or otherwise obscure some part of the text of the original document.





Lane County Clerk	<b>2017-018899</b>
Lane County Deeds & Records	04/18/2017 03:00:54 PM
RPR-STR Cnt=1 Stn=0 CASHIER 02 1pages	\$47.00
\$5.00 \$10.00 \$21.00 \$11.00	

**APPOINTMENT OF SUCCESSOR TRUSTEE**

170135274


KNOW ALL MEN BY THESE PRESENTS that Mark Allen Koenig, as grantors, and Fidelity National Title Company of Oregon, as the trustee, and Mortgage Electronic Registration Systems, Inc. as designated nominee for 1st Mariner Bank, its successors and assigns, is the beneficiary under that certain trust deed dated 09/26/12, and recorded 10/22/12, as 2012-054197 of the Mortgage Records of LANE County, Oregon. The undersigned, who is the present beneficiary under said trust deed desires to appoint a new trustee in the place and stead of the original trustee named above;

NOW THEREFORE, in view of the premises, the undersigned hereby appoints Northwest Trustee Services, Inc., whose address is P.O. Box 997, Bellevue, WA 98009-0997 as successor trustee under said trust deed, to have all the powers of said original trustee, effective immediately.

In construing this instrument, and whenever the context so requires, the singular includes the plural.

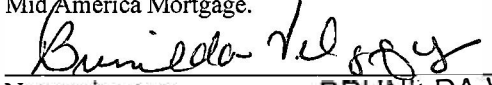
IN WITNESS WHEREOF, the undersigned beneficiary has executed this document. If the undersigned is a corporation, it has caused its name to be signed and its seal affixed by an officer or other person duly authorized to do so by its board of directors.

Mid America Mortgage, by LoanCare, LLC as Attorney in fact under a limited Power of Attorney

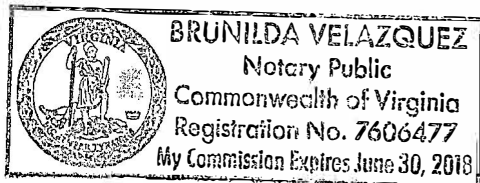
By   
 Typed Name: KIMLY FRANCIS  
 Title: Assistant Secretary

State of Virginia )  
 ) ss.  
 City of Virginia Beach )

This instrument was acknowledged before me on 13 April 2017 by KIMLY FRANCIS  
 as ASSISTANT SECRETARY of LoanCare, LLC as Attorney in fact under a limited power of Attorney for Mid America Mortgage.

  
 Notary signature BRUNILDA VELAZQUEZ  
 My commission expires 6-30-18

APPOINTMENT OF SUCCESSOR TRUSTEE	
Re: Trust Deed from KOENIG, MARK	
Grantor	
to	
Northwest Trustee Services, Inc.	File No. 7431.20813
Trustee	



**After recording return to:**  
 Nanci Lambert  
 Northwest Trustee Services, Inc.  
 P.O. Box 997  
 Bellevue, WA 98009-0997

Lane County Clerk  
Lane County Deeds and Records

2017-035132



\$77.00

01662954201700351320070074

07/18/2017 03:20:54 PM

RPR-DTR Cnt=1 Stn=9 CASHIER 11

\$35.00 \$10.00 \$11.00 \$21.00

AFTER RECORDING RETURN TO:  
CASCADE TITLE COMPANY  
811 WILLAMETTE ST., EUGENE, OR 97401  
CT 0302397  
EU17-1902 TN

The address of the person to whom this document is to be returned after recording (Beneficiary) is:

Mr. & Mrs. Gerald S. Russell  
90029 Spires Lane  
Eugene, OR 97402

**SECOND TRUST DEED**

/\*Allien

THIS TRUST DEED, between Mark Koenig, as Grantor, CASCADE TITLE OF LANE COUNTY as Trustee, and Janet Russell, as trustee of the Janet Russell Living Trust which was created by agreement dated January 20, 2010, or successor Trustees named in the said trust instrument or in any modifications thereto, referred to herein as Beneficiary.

Grantor irrevocably grants, bargains, sells and conveys to trustee in trust, with power of sale, the property in Lane County, Oregon, located at 1010 Horn Lane, Eugene, OR 97404, and more completely described as:

See The Attached Schedule A

together with all and singular the tenements, hereditaments and appurtenances and all other rights thereunto belonging or in anywise now or hereafter appertaining, and the rents, issues and profits thereof and all fixtures now or hereafter attached to or used in connection with said real estate,

FOR THE PURPOSE OF SECURING PERFORMANCE of each agreement of grantor herein contained and payment of the sum of Fifty-five thousand dollars (\$55,000) and additional sums to be provided according to the terms of a promissory note of even date herewith. The term or maturity date, if any, of the debt secured by this instrument, exclusive of any option to renew or extend, is July 30, 2022.

In the event the within described property, or any part thereof, or any interest therein is sold, agreed to be sold, conveyed, assigned, encumbered or alienated by the grantor in any manner without first having obtained the written consent or approval of the beneficiary, then, at the beneficiary's option, all obligations secured by this instrument, irrespective of the maturity dates expressed therein, or herein, shall become immediately due and payable.

The date of maturity of the debt secured by this instrument is the date, stated above, on which the balance of the promissory note secured hereby becomes due and payable.

**To protect the security of this trust deed, Grantor(s) agrees:**

1. To protect, preserve and maintain said property in good condition and repair; not to remove or demolish any building or improvement thereon; not to commit or permit any waste of said property.
2. To complete or restore promptly and in good and workmanlike manner any building or improvement which may be constructed, damaged or destroyed thereon, and pay when due all costs incurred therefor.
3. To comply with all laws, ordinances, regulations, covenants, conditions and restrictions affecting said property; if the Beneficiary so requests, to join in executing such financing statements pursuant to the Uniform Commercial Code as the Beneficiary may require and to pay for filing same in the proper public office or offices, as well as the cost of all lien searches made by filing officers or searching agencies as may be deemed desirable by the Beneficiary.

4. To provide and continuously maintain insurance on the buildings now or hereafter erected on the said premises against loss or damage by fire and such other hazards as the Beneficiary may from time to time require, in an amount not less than full insurable value written in companies acceptable to the Beneficiary, with loss payable to the Beneficiary, all policies of insurance shall be delivered to the Beneficiary as soon as insured; if the Grantor(s) shall fail for any reason to procure any such insurance and to deliver said policies to the Beneficiary at least fifteen days prior to the expiration of any policy of insurance now or hereafter placed on said buildings, the Beneficiary may procure the same at Grantor's expense. The amount collected under any fire or other insurance policy may be applied by Beneficiary upon any indebtedness secured hereby and in such order as Beneficiary may determine, or at option of Beneficiary the entire amount so collected, or any part thereof, may be released to Grantor(s). Such application or release shall not cure or waive any default or notice of default hereunder or invalidate any act done pursuant to such notice.

5. To keep said premises free from construction liens or any other liens or encumbrances which may threaten Beneficiary's security interest in the premises and free from any default by Grantor(s) under the terms of any mortgage or other security instrument or lien with interest in the collateral real property, whether or not superior to this instrument, and to pay all taxes, assessments and other charges that may be levied or assessed upon or against said property before any part of such taxes, assessments and other charges become past due or delinquent and promptly deliver receipts therefor to Beneficiary; should the Grantor(s) fail to make payment of any taxes, assessments, insurance premiums, liens, or other charges required of Grantor(s) under the terms of any mortgage or other security instrument or lien with interest in the collateral real property superior to this instrument, or any other charges payable by Grantor(s), either by direct payment or by providing Beneficiary with funds with which to make such payment, Beneficiary may, at its option, make payment thereof, and the amount so paid, with interest at the rate set forth in the note secured hereby, together with the obligations described in paragraphs 6 and 7 of this trust deed, shall be added to and become a part of the debt secured by this trust deed, without waiver of any rights arising from breach of any of the covenants hereof and for such payments, with interest as aforesaid, the property hereinbefore described, as well as the Grantor(s), shall be bound to the same extent that they are bound for the payment of the obligation herein described, and all such payments shall be immediately due and payable without notice, and the nonpayment thereof shall, at the option of the Beneficiary, render all sums secured by this trust deed immediately due and payable and constitute a breach of this trust deed.

6. To pay all costs, fees and expenses of this trust including the cost of title search as well as all other costs and expenses of the Trustee or of the Beneficiary incurred in connection with or in enforcing this obligation including, but not limited to, Trustee's and attorney's fees actually incurred.

7. To appear in and defend any action or proceeding purporting to affect the security rights or powers of Beneficiary or Trustee; and in any suit, action or proceeding in which the Beneficiary or Trustee may appear, including any suit for the foreclosure of this deed, to pay all costs and expenses, including evidence of title and the Beneficiary's or Trustee's attorney's fees; the amount of attorney's fees mentioned in this paragraph 7 in all cases shall be fixed by the trial court and in the event of an appeal from any judgment or decree of the trial court, Grantor(s) further agrees to pay such sum as any appellate court shall adjudge reasonable as the Beneficiary's or Trustee's attorney's fees on such appeal.

**It is further mutually agreed that:**

8. In the event that any portion or all of said property shall be taken under the right of eminent domain or condemnation, Beneficiary shall have the right, if it so elects, to require that all or any portion of the monies payable as compensation for such taking, which are in

excess of the amount required to pay all reasonable costs, expenses and attorney's fees necessarily paid or incurred by Grantor(s) in such proceedings, shall be paid to Beneficiary and applied by it first upon any reasonable costs and expenses and attorney's fees, both in the trial and appellate courts, necessarily paid or incurred by Beneficiary in such proceedings, and the balance applied upon the indebtedness secured hereby; and Grantor(s) agrees, at its own expense, to take such actions and execute such instruments as shall be necessary in obtaining such compensation, promptly upon Beneficiary's request.

9. Commencement of foreclosure or forfeiture proceedings, whether by judicial proceeding, self-help, repossession or any other method, by any creditor of Grantor(s), any creditor of any other person or entity placed in interest through Grantor(s) in the property sold hereunder, or by any governmental agency shall be considered to be a default hereunder. This includes, but is not limited to, a garnishment, attachment, or levy on or of any of the property secured hereunder. However, this event of default shall not apply if there is a good faith dispute by Grantor(s) or the person or entity claiming through Grantor(s), as the case may be, as to the validity or reasonableness of the claim which is the basis of the creditor or forfeiture proceeding, and if Grantor(s) or the person or entity claiming through Grantor(s) gives Seller written notice of the creditor or forfeiture proceeding and furnishes reserves or a surety bond for the creditor or forfeiture proceeding satisfactory to Seller.

10. At any time and from time to time upon written request of Beneficiary, payment of its fees and presentation of this deed and the satisfaction of judgment (in case of full reconveyance, for cancellation), without affecting the liability of any person for the payment of the indebtedness, Trustee may (a) consent to the making of any map or plat of said property; (b) join in granting any easement or creating any restriction thereon; (c) join in any subordination or other agreement affecting this deed or the lien or charge thereof; (d) reconvey, without warranty, all or any part of the property. The grantee in any reconveyance may be described as the "person or persons legally entitled thereto," and the recitals therein of any matters or facts shall be conclusive proof of the truthfulness thereof. Trustee's fees for any of the services mentioned in this paragraph shall be not less than \$5.

11. Upon any default by Grantor(s) hereunder or under the terms of any other security agreement given by Grantor(s) to this Beneficiary, or upon any default by Grantor(s) under the terms of any mortgage or other security instrument or lien with interest in the collateral real property, whether or not superior to this instrument, or upon any filing of a bankruptcy proceeding by or against the Grantor(s), Beneficiary may at any time without notice, either in person, by agent or by a receiver to be appointed by a court, and without regard to the adequacy of any security for the indebtedness hereby secured, enter upon and take possession of said property or any part thereof, in its own name sue or otherwise collect the rents, issues and profits, including those past due and unpaid, and apply the same, less costs and expenses of operation and collection including reasonable attorney's fees upon any indebtedness secured hereby, and in such order as Beneficiary may determine.

12. The entering upon and taking possession of said property, the collection of such rents, issues and profits, or the proceeds of fire and other insurance policies or compensation or awards for any taking or damage of the property, and the application or release thereof as aforesaid, shall not cure or waive any default or notice of default hereunder or invalidate any act done pursuant to such notice.

13. Upon default by Grantor(s) in payment of any indebtedness secured hereby or under the terms of any other security agreement given by Grantor(s) to this Beneficiary, or in Grantor(s) performance of any agreement hereunder, or in the performance of any requirement under the terms of any mortgage or other security instrument or lien with interest in the collateral real property, whether or not superior to this instrument, or upon any filing of a bankruptcy proceeding by or against the Grantor(s), the Beneficiary may declare all sums secured hereby immediately due and payable. In such an event the Beneficiary, at his election, may proceed to foreclose this trust deed in equity as a mortgage or direct the



Trustee to foreclose this trust deed by advertisement and sale. In the latter event, the Beneficiary or the Trustee shall execute and cause to be recorded his written notice of default and his election to sell the said described real property to satisfy the obligation secured hereby whereupon the Trustee shall fix the time and place of sale, give notice thereof as then required by law and proceed to foreclose this trust deed in the manner provided in ORS 86.735 to 86.795.

14. After the Trustee has commenced foreclosure by advertisement and sale, and at any time prior to 5 days before the date the Trustee conducts the sale, the Grantor(s) or any other person so privileged by ORS 86.753, may cure the default or defaults. If the default consists of a failure to pay, when due, sums secured by the trust deed, the default may be cured by paying the entire amount due at the time of the cure other than such portion as would not then be due had no default occurred. Any other default that is capable of being cured may be cured by tendering the performance required under the obligation or trust deed. In any case, in addition to curing the default or defaults, the person effecting the cure shall pay to the Beneficiary all costs and expenses actually incurred in enforcing the obligation of the trust deed together with Trustee's and attorney's fees not exceeding the amounts provided by law.

15. Otherwise, the sale shall be held on the date and at the time and place designated in the notice of sale or the time to which said sale may be postponed as provided by law. The Trustee may sell said property either in one parcel or in separate parcels and shall sell the parcel or parcels at auction to the highest bidder for cash, payable at the time of sale. Trustee will deliver to the purchaser its deed in form as required by law conveying the property so sold, but without any covenant or warranty, express or implied. The recitals in the deed of any matters of fact shall be conclusive proof of the truthfulness thereof. Any person, excluding the Trustee, but including the Grantor(s) and Beneficiary, may purchase at the sale.

16. When Trustee sells pursuant to the powers provided herein, Trustee shall apply the proceeds of sale to payment of (1) the expenses of sale, including the compensation of the Trustee and a reasonable charge by Trustee's attorney, (2) to the obligation secured by the trust deed, (3) to all persons having recorded liens subsequent to the interest of the Trustee in the trust deed as their interest may appear in the order of their priority and (4) the surplus, if any, to the Grantor(s) or to his successor in interest entitled to such surplus.

17. Beneficiary may from time-to-time appoint a successor or successors to any Trustee named herein or to any successor Trustee appointed hereunder. Upon such appointment, and without conveyance to the successor Trustee, the latter shall be vested with all title, powers and duties conferred upon any Trustee herein named or appointed hereunder. Each such appointment and substitution shall be made by written instrument executed by Beneficiary, which, when recorded in the mortgage records of the county or counties in which the property is situated, shall be conclusive proof of proper appointment of the successor Trustee.

18. Trustee accepts this trust when this deed, duly executed and acknowledged is made a public record as provided by law. Trustee is not obligated to notify any party hereto of pending sale under any other deed of trust or of any action or proceeding in which Grantor(s), Beneficiary or Trustee shall be a party unless such action or proceeding is brought by Trustee.

The Grantor(s) covenants and agrees to and with the Beneficiary and those claiming under him, that he is lawfully seized in fee simple of said described real property and has a valid, unencumbered title thereto, except for the interest of prior mortgage holder(s) in the amount and identity now of record, and that Grantor(s) will warrant and forever defend the same against all other persons whomsoever.

The Grantor(s) warrants that the money or services obtained by Grantor(s), payment of which is secured hereby, was not used for agricultural purposes.

This deed applies to, inures to the benefit of and binds all parties hereto, their heirs, legatees, devisee, administrators, executors, personal representatives, successors and assigns. The term Beneficiary shall mean the holder and owner, including pledgee, of the contract secured hereby, whether or not named as a Beneficiary herein. In construing this deed and whenever the context so requires, the masculine gender includes the feminine and the neuter, and the singular number includes the plural.

IN WITNESS WHEREOF, said Grantor(s) has hereunto set Grantor's hand this 14 day of June, 2017.


By   
Mark Koenig  
Allen

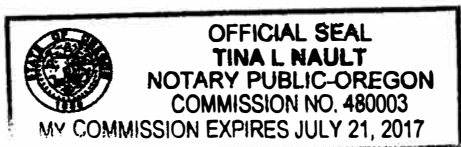
State of Oregon

) ss.

County of Lane

14 ~~June~~ <sup>July</sup>, 2017. Personally appeared before me <sup>-Allen</sup> Mark Koenig and acknowledged the foregoing instrument to be his voluntary act and deed.

  
Notary Public for Oregon  
My Commission Expires: 7.21.2017



## EXHIBIT A

Beginning at a point 1415.23 feet East of a point 2190.54 feet North of the Southwest corner of the Benjamin Davis Donation Land Claim No. 45 in Township 17 South, Range 4 West of the Willamette Meridian; thence running South 285.05 feet; thence East 153.05 feet; thence North 285.0 feet; thence West 153.05 feet to the point of beginning in Lane County, Oregon.

Excepting therefrom the North 20.0 feet lying within Horn Lane, in Lane County, Oregon.





# EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



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## Action: Eugene-Springfield 2024 HUD Annual Action Plan for Affordable Housing and Community Development

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Meeting Date: April 22, 2024  
Department: Planning & Development  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: 4  
Staff Contact: Genevieve Middleton  
Contact Telephone Number: 541-682-5785

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### ISSUE STATEMENT

This item is to seek Council approval on the Eugene-Springfield 2024 Annual Action Plan summary for Affordable Housing, human services, and job creation investments. (See Attachment A.) The proposed uses of funds must support strategies identified in the Eugene-Springfield 2020 Consolidated Plan (See Attachment B). The Action Plan allocates funds received through two Federal programs administered by the U.S. Department of Housing and Urban Development (HUD): Community Development Block Grant (CDBG) program and HOME Investment Partnerships Program (HOME).

### BACKGROUND

Each spring, Council approves an Annual Action Plan in order for the City to receive federal CDBG and HOME funds for the next fiscal year. The 2024 Annual Action Plan begins on July 1, 2024 and ends on June 30, 2025 (HUD'S Program Year 2024 is City Fiscal Year 2025). The plan is typically due to HUD by May 15 each year. The 2024 Annual Action Plan Summary (Attachment A) provides a summary of the allocation process, community participation, the goals and strategies, and the recommended allocation.

The uses of HUD funding in the Action Plan must align with the local community needs and strategic plan described in the Eugene-Springfield Consolidated Plan that covers a five-year period. Attachment B provides additional information regarding the priority needs and strategies that are identified in the 2020 Consolidated Plan.

#### *Current Consolidated Plan*

The Eugene-Springfield 2020 Consolidated Plan was developed through an extensive process that included significant data analysis, community consultation, and multiple work sessions with Council. Council adopted the Consolidated Plan on April 27, 2020. Priority needs in the Consolidated Plan identify five specific populations including low-income renters, low-income homeowners, people experiencing homelessness, populations with special needs that are not experiencing homelessness, and unemployed/underemployed persons. In addition, a priority need was identified for low-income areas and areas that meet HUD'S definition of slums and blight.

The Consolidated Plan identifies specific Affordable Housing and community development strategies to address the Priority Needs. Affordable Housing strategies include: 1) Increase the supply of Affordable Housing; 2) Rehabilitate existing housing stock affordable to low-income persons; 3) Provide down payment assistance to help low-income persons achieve homeownership; 4) Provide rental assistance for housing stability and homelessness prevention; and 5) Remove barriers to affordable and supportive housing. Community development strategies include: 1) Support a human services system to address the needs of homeless persons, special needs populations, and other low-income persons; 2) Promote economic development and employment opportunities through the creation of jobs and business development; and 3) Make strategic investments to improve low-income areas and other areas of slums and blight.

#### *2024 Allocation Process*

Staff worked with the CDBG Advisory Committee and HOME Consortium Governing Board to develop the proposed allocation for Affordable Housing, human services, and job creation investments. Both groups held public hearings after draft allocations were published in *The Register-Guard*. On March 18, 2024, the CDBG Committee recommended the proposed CDBG allocation. On March 12, 2024, the HOME Consortium Governing Board approved the HOME allocation focused on Affordable Housing development. Attachment C includes a list of CDBG Advisory Committee and HOME Consortium Governing Board members.

#### *Progress Towards 2020 Consolidated Plan*

Outcomes of the activities identified in Annual Action Plans are monitored and reported annually to HUD in the Consolidated Annual Performance and Evaluation Report (CAPER). The CAPER includes overall progress towards meeting goals estimated in the Consolidated Plan. The Eugene-Springfield 2022 CAPER Summary (which covers Fiscal Year 2023 (FY23) - July 1, 2022 to June 30, 2023) is provided in Attachment D.

#### *2025 Consolidated Plan Process*

The current five-year Eugene-Springfield Consolidated Plan will end on June 30, 2025. Planning has begun for the 2025-2030 Eugene-Springfield Consolidated Plan period which covers Fiscal Year 2026 (FY26) through Fiscal Year 2030 (FY30) (starts July 1, 2025 and ends on June 30, 2030). The creation process is supported by the joint Eugene-Springfield Consolidated Plan Advisory Committee who provide input and feedback on current housing and community development conditions, needs, and strategies. The Advisory Committee consists of the two City Councilors who are members of the HOME Governing Board (Eugene Councilor Semple and Springfield Councilor Rodley) plus two individuals each from the Eugene CDBG Advisory Committee and Springfield Community Development Advisory Committee. In addition, the process requires consultation with a wide range of stakeholders and outreach to specific populations. Engagement is strongly encouraged at both the needs assessment stage and at the strategy development and prioritization stage. Both of the City Councils will discuss and take action on the Consolidated Plan in spring 2025 prior to HUD's review and approval before July 2025.

#### *HIP Connection*

In January 2022, Council approved the Housing implementation Pipeline (HIP), a 5-year internal cross-departmental work plan to coordinates current and future City resources, goals, and priorities with a systems-thinking approach to housing across the full continuum from people experiencing homelessness to overall housing supply. The HIP includes increasing the overall

housing supply and housing preservation utilizing CDBG and HOME Affordable Housing strategies. Forecasted activities to be undertaken in the 2024 Annual Action Plan include funding to preserve Affordable Housing rental units and preserving low-income homeowner units.

### **PREVIOUS COUNCIL DIRECTION**

#### [April 27, 2020 Work Session](#)

City Council adopted the Eugene-Springfield 2020 Consolidated Plan for Affordable Housing and Community Development. This 5-year plan identified priority needs, Affordable Housing and community development strategies, and goals. City Council also adopted the Eugene-Springfield 2020 Annual Action Plan for Affordable Housing and Community Development, which identified sources and uses of funding to implement these strategies.

*Motion passed 8:0*

#### [January 24, 2022 Work Session](#)

Council approved the Housing Implementation Pipeline (HIP), a 5-year internal work plan to coordinate current and future housing resources and goals across the full continuum from people experiencing homelessness to overall housing supply.

*Motion passed 6:0*

### **COUNCIL OPTIONS**

Council can approve, not approve, or modify the Eugene Springfield 2024 Annual Action Plan summary for use of Federal Community Development Block Grant provided in Attachment A.

### **CITY MANAGER'S RECOMMENDATION**

The City Manager recommends approval of the Eugene-Springfield 2024 Annual Action Plan summary for use of Federal Community Development Block Grant provided in Attachment A.

### **SUGGESTED MOTION**

Move to approve the Eugene-Springfield 2024 Annual Action Plan summary for use of Federal Community Development Block Grant provided in Attachment A.

### **ATTACHMENTS**

- A. 2024 Annual Action Plan Summary
- B. 2020 Consolidated Plan Priority Needs and Strategies Tables
- C. Eugene Community Development Block Grant Advisory Committee and Eugene-Springfield HOME Governing Board Members
- D. 2022 Consolidated Annual Performance Evaluation Report (CAPER) Summary

**FOR MORE INFORMATION**

Staff Contact: Genevieve Middleton, Affordable Housing Policy & Planning Manager

Telephone: 541-682-5785

Staff E-Mail: [GMiddleton@eugene-or.gov](mailto:GMiddleton@eugene-or.gov)



ATTACHMENT A

# Eugene–Springfield 2024 Annual Action Plan

EXECUTIVE SUMMARY



*Draft*

## ANNUAL ACTION PLAN for Housing and Community Development



CITY OF EUGENE  
eugene-or.gov/hudconplan



CITY OF SPRINGFIELD  
springfield-or.gov

# Eugene-Springfield Annual Action Plan

## HUD Program Year 2024, City Fiscal Year 2025

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The Eugene-Springfield 2024 Annual Action Plan describes specific housing and community development actions and activities for the program year beginning July 1, 2024, and ending June 30, 2025. This is the fifth of five annual Action Plans that supplement the Eugene-Springfield 2020 Consolidated Plan.

Communities that are entitled to receive funds from U.S. Department of Housing and Urban Development (HUD) must complete a Consolidated Plan every five years as well as Annual Action Plans. The Consolidated Plan provides an assessment of needs of low- and moderate-income persons and the strategic five-year plan for taking actions to address those needs using Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME) funds received by the Cities of Eugene and Springfield. The Annual Action Plan describes specific actions to be undertaken in a particular year with federal funds. The content of the Annual Action Plan is guided by HUD.

The Cities of Eugene and Springfield each receive an annual entitlement allocation of Community Development Block Grant (CDBG) funds directly from the U.S. Department of Housing and Urban Development (HUD). The Cities of Eugene and Springfield conduct separate allocation processes for the use of CDBG funds. The two Cities also receive HOME Investment Partnerships Program (HOME) funds from HUD through the Eugene-Springfield HOME Consortium. The City of Eugene is the lead agency in the HOME Consortium. As a result, HOME funds are allocated through a consolidated process for the Consortium as a whole.

The following summary describes the planned uses of CDBG funds received by Eugene as well as HOME funds received by the Eugene-Springfield HOME Consortium. A summary of the planned uses of Springfield CDBG funds is available from the City of Springfield.

## Coordination and Collaboration

The Cities of Eugene and Springfield collaborate in multiple ways to plan for and implement affordable housing and community development activities. The Cities of Eugene and Springfield jointly prepare the five-year Consolidated Plan and coordinate preparation of the Annual Action Plans and the Comprehensive Annual Performance and Evaluation Report. There are multiple forums for communication and collaboration between the jurisdictions and other public agencies, affordable housing developers, social service providers, and other interested parties. The intergovernmental Housing Policy Board and the intergovernmental Human Services Commission offer ongoing opportunities for collaboration and communication. In addition, both Eugene and Springfield staff and elected officials participate in the Lane County Poverty & Homelessness Board, which is an advisory body to Lane County Board of Commissioners.



## Citizen Participation

Citizen involvement is a critical part of the process to identify specific uses for federal funds and activities to be undertaken in HUD Program Year 2024, City Fiscal Year 2025 (PY24/FY25). The City of Eugene works with a CDBG Advisory Committee comprised of nine community members to develop recommendations for use of CDBG funds. The Eugene-Springfield HOME Consortium has formed a HOME Consortium Governing Board composed of the Mayors and elected officials to direct the use of HOME funds. In addition, there are various evaluation committees and an Equity Panel that provide advisory guidance on specific programs.

There are several opportunities for the public to provide comments in writing or during public meetings in addition to public hearings. Public meetings are held at times convenient to potential and actual beneficiaries in locations that meet American with Disabilities Act accessibility standards. With 48 hours' notice prior to any public meeting, the City of Eugene can provide the following services: an interpreter and audio equipment for the hearing impaired, a reader to review printed materials with the sight impaired; and language interpreter for non-English speaking residents.

The specific outreach and citizen participation process for HOME funds received by the Eugene-Springfield HOME Consortium and CDBG funds received by Eugene are described below. The two HOME Consortium Governing Board meetings, including the public hearing, were held in an online format with the option to join by telephone. The three CDBG Advisory Committee meetings, including the public hearing, were held in hybrid meeting format, allowing for in-person, online, or telephone participation. English and Spanish Notices with the proposed HOME and CDBG allocations were published in *The Register-Guard* and posted on five different pages of the City's website. In addition, the Draft Annual Action Plan and requests for public comment were sent to various City of Eugene interested parties lists and forums, online newsletters, and neighborhood associations reaching approximately 20,000 people. The proposed CDBG Allocation and request for public comment was recorded in Spanish and uploaded to City of Eugene's Spanish website. In addition, announcements with links to the Draft Annual Action Plan and information about the public hearings were posted to the City's social media accounts.

## Eugene-Springfield HOME Consortium – HOME Allocation Process

The Eugene-Springfield HOME Consortium Governing Board reviewed and approved the draft recommendation for the use of HOME funds on February 6, 2024. A 30-day written public comment period commenced on February 11 and was completed on March 13, 2024. One written public comment was received that advocated for the use of HOME funds for Community Land Trust Housing for those with no or extremely low-income. A public hearing by the HOME Consortium Governing Board was held on March 12, 2024. No comments were made during the public hearing. On March 12, 2024, the HOME Governing Board approved the HOME Allocation. A summary of the Eugene-Springfield HOME Consortium funding sources and uses is in Attachment B.

## Eugene – CDBG Allocation Process

The Eugene CDBG Advisory Committee met on February 12, 2024, and reviewed the annual progress

report and an overview of the CDBG Allocation process. The committee met a second time on February 26, 2024, and received a presentation on CDBG programs and discussed the proposed funding. During the February 26 meeting, the advisory committee recommended the draft CDBG Allocation. A 30-day written public comment period commenced on February 29. Comments were accepted through April 13, 2024, though no comments were received. A public hearing was held during the advisory committee meeting on March 18, 2024, and no public testimony was provided. The advisory committee recommended the draft CDBG Allocation. A summary of the Eugene-Springfield HOME Consortium funding sources and uses is in Attachment C.

## Goals and Strategies

The Eugene-Springfield 2020 Consolidated Plan emphasizes goals and strategies to meet the priority needs of low-income renters, low-income homeowners, people experiencing homelessness, and non-homeless special needs populations. Additional needs include increased employment opportunities for low-income persons as well as low-income neighborhoods and areas that meet HUD's definition of slums and blight. The priority strategies described below are intended to address one or more priority needs. Attachment A includes the adopted table of strategies to address the priority needs along with specific metrics to track progress over the five-year period.

The following narrative describes the allocation of Consortium HOME funds and Eugene CDBG funds for this Annual Action Plan as it relates to each strategy identified in the Eugene-Springfield 2020 Consolidated Plan. Attachment B provides a table of estimated sources and uses for HOME funds and Attachment C provides a table of estimated sources and uses for CDBG funds.

## Affordable Housing

Affordable housing goals are intended to address HUD program objectives to provide decent, safe, and affordable housing and address critical housing needs of low-income people in our community. A total of five affordable housing goals are included in the Eugene-Springfield 2020 Consolidated Plan. In this Annual Action Plan, HOME Consortium funds and Eugene CDBG funds are proposed to be allocated to three of the five housing goals. These goals and the strategies as well as the proposed funding amounts are described below.

Increase the supply of affordable housing - Both HOME and Eugene CDBG will support increasing the supply of affordable housing with an emphasis on priority needs identified in the Consolidated Plan.

- Housing Development – \$1,350,047 in HOME funds will support Housing Development activities to be made available through the Consortium's Housing Request for Proposals. Proposals that address priority needs identified in the Consolidated Plan will be prioritized for funding.
- CHDO Operating Support – \$75,179 in HOME funds will be provided for operating support to Community Housing Development Organizations (CHDOs) serving both cities.

Rehabilitate existing housing stock affordable to low-income persons - In addition to adding units, Eugene will continue efforts to preserve existing rental and ownership housing for low-income persons using CDBG funds. This program offers funds to nonprofits and private owners of rental units

to finance a variety of improvements with loans at below-market interest rates and flexible terms to maintain low rents for residents. In addition, renters with disabilities in need of accommodation can apply for grants or loans for accessibility improvements. The demand for housing rehabilitation and preservation remains strong in Eugene and the need for rental rehabilitation and home repairs is increasing as our existing housing stock ages. Eugene will use \$893,273 in CDBG funds to support rehabilitation of affordable rental units, home repairs including accessibility improvements for low-income homeowners, and project delivery costs.

Remove barriers to affordable and supportive housing – Eugene seeks opportunities to affirmatively further fair housing and raise awareness of the housing needs of low- and moderate- income persons so these needs may be considered in the development of related policies and regulations.

- Fair Housing Activities – Eugene will continue to support fair housing activities for their residents. Services that will be provided will include support for a toll-free Fair Housing hotline, outreach and education, and enforcement of fair housing laws.
- Affirmative Marketing – Eugene staff will continue to work with area agencies to implement affirmative marketing plans with an emphasis on reaching Latinx households. Eugene will continue outreach efforts to the Latinx community for direct service programs including the Home Repair Program.

## Community Development

Community development goals are intended to satisfy HUD program objectives by providing human services; creating jobs; improving access to public facilities; and furthering neighborhood revitalization, planning, and community-building activities. A total of three community development goals were included in the Eugene-Springfield 2020 Consolidated Plan. These goals and the strategies are implemented with CDBG funds only. In this Annual Action Plan, Eugene CDBG funds are allocated to two community development goals. These goals and the strategies as well as the proposed funding amounts are described below.

Support a human services delivery system to address the needs of homeless persons and special needs populations - The City of Eugene collaborates with Lane County Human Services Division to fund human service providers. This collaborative funding model uses available federal, state, and local funds to efficiently support local agencies. Lane County oversees the activities of agencies receiving funds.

- Human Service Operations - Eugene will allocate \$328,448 in CDBG funds for Human Services to support public services for low- and very low-income persons. A significant proportion of persons served by these agencies are homeless or at-risk of homelessness.

Promote economic development and employment opportunities through the creation of jobs and business development – The City of Eugene will use CDBG funds to undertake economic development activities resulting in job creation for low- and moderate-income households.

- Business Growth Loan - Eugene will continue to operate its Business Growth Loan Program to

provide loans to local businesses resulting in job creation or retention. An estimated \$500,000 in CDBG funds received from business loan payments will be used for project delivery costs.

- Microenterprise Training – Eugene will allocate \$30,000 in CDBG funds for microenterprise training to benefit low-income business owners or persons seeking to start a business.



**Attachment A: Affordable Housing Strategy**

Strategy/Goal	Priority Needs Addressed	Possible Examples	Measurements	HOME Consortium	Eugene CDBG	Springfield CDBG
<b>Increase the supply of affordable housing</b> (HOME and CDBG)	Renters, Homeowners, Homeless, Special Needs	Land Acquisition. Development of new rental housing. Operating Support for Community Housing Development Organizations.	Number of housing units constructed, reconstructed, acquired or preserved	400	5	5
			Number of CHDOs assisted	3		
			Housing for homeless added	100		
			Number of sites acquired		2	2
<b>Rehabilitate existing housing stock affordable to low-income persons</b> (CDBG)	Renters, Homeless, Special Needs, Low-Income Areas, Homeowners	Continue and expand publicly supported rehabilitation and accessibility improvements.	Number of rental units rehabilitated		350	5
			Number of homeowner units rehabilitated		150	300
<b>Provide down payment assistance for homeownership</b> (CDBG)	Homeowners	Assist low-income residents with the first-time purchase of a home.	Households assisted with direct assistance to home buyers		20	20
<b>Provide rental assistance for housing stability and homelessness prevention</b> (HOME)	Renters	Assist low-income residents to remain in stable housing.	Households provided rental assistance	20		
<b>Remove barriers to affordable and supportive housing</b> (CDBG)	Renters, Homeowners, Homeless, Low - Income Area Non-Homeless Special Needs	Support programs that assure housing opportunities are provided without discrimination. Support Housing Policy Board. Update Fair Housing Plan.	Maintain Housing Policy board		✓	
			Number of fair housing events		20	
			Maintain fair housing services		✓	✓
			Update Fair Housing Plan		✓	✓



EUGENE • SPRINGFIELD  
**2020 CONSOLIDATED PLAN**  
 for Housing & Community Development

**Community Development Strategy**

Strategy	Priority Needs Addressed	Possible Examples	Measurements	Eugene CDBG	Springfield CDBG
<b>Support a human services delivery system to address the needs of homeless persons, special needs, and other low-income populations (CDBG)</b>	Homeless, Special Needs	Fund capital improvements to facilities owned by non-profits. Fund non-profit services through the Human Services Commission. Fund job training. Fund housing stability counseling and assistance.	Persons assisted with public facility activities	20,000	5,000
			Persons assisted with public service activities	100,000	60,000
			Number of public facilities improved	5	2
			Number of transitional or emergency beds added	20	5
<b>Promote economic development and employment opportunities through the creation of jobs and business development (CDBG)</b>	Employment Opportunities	Provide below market financing to local businesses creating or retaining jobs. Provide micro-enterprise training, and development opportunities.	Jobs created or retained	150	5
			Businesses assisted	25	1
			Micro business trainees	150	5
<b>Make strategic investments to improve low-income neighborhoods and other areas of slums and blight (CDBG)</b>	Renters, Owners, Homeless, Special Needs, Low-Income Areas and Slums & Blight, Employment Opportunities	Provide financing for activities which eliminate slums and blight, including acquisition, clearance, rehab and historic preservation and economic development activities, infrastructure and public facility improvements.	Businesses assisted with façade treatment or building rehab		1
			Number of projects completed	2	2
			Persons assisted with public improvement activity	5,000	5,000

2020 Consolidated Plan

Eugene and Springfield, OR

## Attachment B.

### Eugene – Springfield HOME Consortium

### Draft PY 2024/FY 2025 HOME Funding Allocation Summary

#### Sources of Funding

FY 2025 HOME Consortium Entitlement Grant (Estimated)	\$ 1,503,585
Program Income	
Program Income Received in FY 2024 (Estimated)	\$ 80,000
Total Sources	\$ 1,583,585

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#### Uses of Funding

Housing Development	\$ 1,350,047
CHDO Operating Support	\$ 75,179
Administration	
(10% New HOME Funds + 10% Program Income received in FY 2024)	\$ 158,359
Total Uses	\$ 1,583,585



## Attachment C.

### Eugene Community Development Block Grant

### Draft PY 2024/FY 2025 Funding Allocation Summary

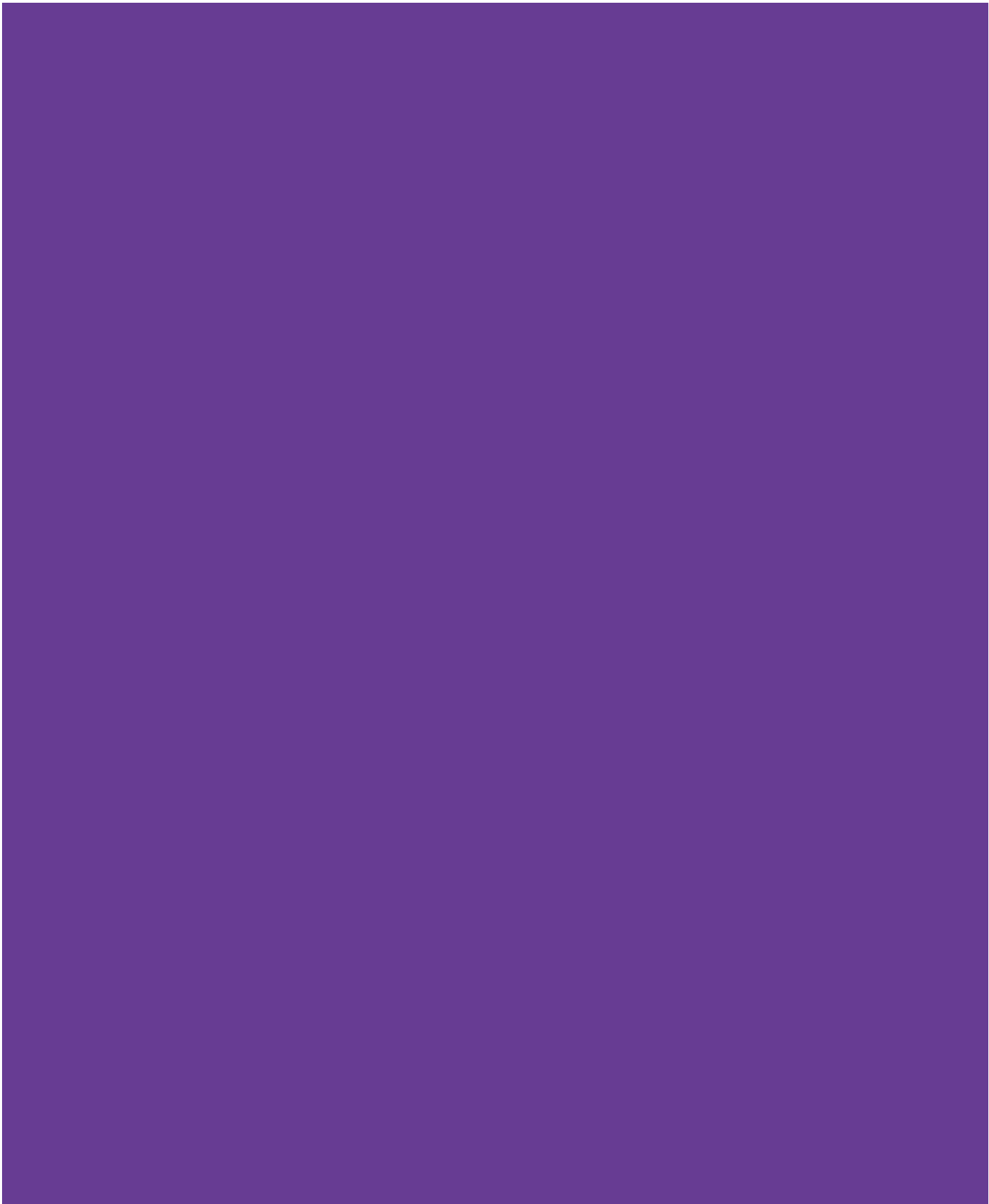
#### Sources of Funding

FY 2025 CDBG Entitlement Grant (Estimated)	\$1,439,651
Program Income (PI)	
Business Growth Loan PI received in FY 2024 (Estimated)	\$ 500,000
Housing Rehabilitation Loan PI received in FY 2024 (Estimated)	\$ 250,000
Total Sources	\$2,189,651

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#### Uses of Funding

Rehabilitate Existing Housing	\$ 893,273
Support the Human Services Delivery System	
Human Services Operations	\$ 328,448
Economic Development	
Business Growth Loan	\$ 500,000
Microenterprise Training	\$ 30,000
Administration	
Direct Administration and Project Delivery	\$ 262,930
City of Eugene Central Services Administration	\$ 160,000
Fair Housing Services	\$ 15,000
Total Uses	\$ 2,189,651



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# Eugene–Springfield 2020 Consolidated Plan

EXECUTIVE SUMMARY

## FIVE-YEAR STRATEGIC PLAN for Housing and Community Development



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*Priority Needs*

Priority Need	Explanation	Comments
<p><b>Renters</b> Low- and very low-income people need increased access to quality affordable rental housing as well as rental assistance</p>	<ul style="list-style-type: none"> <li>• About three quarters of moderate- and low-income renters spend more than 30% of their income on housing costs (Eugene – 79%, Springfield – 74%)</li> <li>• The majority of low-income renters spend more than 50% of their income on housing costs (Eugene – 68%, Springfield – 57%)</li> </ul>	<ul style="list-style-type: none"> <li>• Between 2010 and 2019, the median rental rate rose to \$1,373 in Eugene (47% increase) and \$1,181 in Springfield (58% increase)</li> <li>• Significant increase in need from 2013 to 2017;             <ul style="list-style-type: none"> <li>• Many more moderate-income households spend more than 30% on housing</li> <li>• Many more low- and very income households spend more than 50% on housing</li> </ul> </li> </ul>
<p><b>Homeowners</b> Low- and very low-income people need increased access to affordable homeownership opportunities and support to remain homeowners</p>	<ul style="list-style-type: none"> <li>• A significant majority of low-income owners experience over-crowding, substandard housing, or a housing cost burden (Eugene – 78%, Springfield – 59%)</li> <li>• A significant majority of moderate- and low-income owners spend more than 30% of their income on housing costs (Eugene – 66%, Springfield – 57%)</li> <li>• A large percentage of low-income owners spend more than 50% of their income on housing costs (Eugene – 59%, Springfield – 39%)</li> </ul>	<ul style="list-style-type: none"> <li>• Low-income households spending more than 30% of income housing have increased in Eugene but remains steady in Springfield</li> <li>• Low-income households spending more than 50% of income housing have increased in both Eugene and Springfield.</li> </ul>



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 for Housing & Community Development

Attachment B

Priority Need	Explanation	Comments
<p><b>People experiencing Homelessness</b>            People need access to housing and supportive services to prevent them from becoming homeless and to leave homelessness</p>	<ul style="list-style-type: none"> <li>• A total of 2,165 homeless individuals were served in FY 2019 by agencies funded by Lane County</li> <li>• The three public school districts in Eugene and Springfield report 1,629 homeless youth during 2019 (includes students who are staying with friends or family)</li> <li>• The definition of homeless for purposes of this Plan includes people who are “doubled-up”</li> <li>• Shortage of year-round low-barrier emergency shelter beds, especially for single individuals and victims of Domestic Violence</li> <li>• Lack of diversion and rapid exit services for those exiting Permanent Housing</li> </ul>	<ul style="list-style-type: none"> <li>• Majority of the homeless population in Eugene (73%) and Springfield (88%) are experiencing unsheltered homelessness.               <ul style="list-style-type: none"> <li>• Shortage of low-barrier year-round emergency shelter and shelter beds in Eugene and Springfield</li> </ul> </li> <li>• In 2017, one in four persons exiting permanent housing in Lane County returned to homelessness</li> <li>• There are no youth-specific resources for transition-age youth (18-24)</li> <li>• Due to low rental vacancy (3.6% in Eugene and 3.4% in Springfield) and even lower affordable unit rental vacancy, the Lane County Continuum of Care struggles with voucher or tenant-based programs</li> </ul>
<p><b>Non-Homeless Special Needs Populations</b>            Special needs populations need additional support as it relates to affordable housing, human services, and employment opportunities</p>	<ul style="list-style-type: none"> <li>• People with special needs including families with children, seniors, ex-offenders, people with HIV/AIDS, victims of domestic violence, people with drug and alcohol addictions, people who are evicted or foreclosed, people with physical and mental disabilities, veterans, youth, and youth aging out of foster care</li> </ul>	<ul style="list-style-type: none"> <li>• There were 32,438 elderly (over the age of 65) and 3,310 frail elderly (that need assistance with daily living) in Eugene-Springfield (2017 ACS)</li> <li>• The disability rate is 13.5 percent in Eugene and 18.6 percent in Springfield</li> <li>• Physical disabilities can include hearing, vision, cognitive, ambulatory, self-care or independent living difficulties</li> <li>• In the Community Survey, respondents identified <i>mental health and addiction services</i> and <i>housing services</i> as the greatest social service needs. Respondents also identified <i>assist human service agencies with facilities acquisition or improvements</i> as the most needed Community Development Need</li> </ul>



Priority Need	Explanation	Comments
<p><b>Employment Opportunities</b> People who have low incomes, are unemployed or underemployed need a broader range of employment opportunities, including self-employment</p>	<ul style="list-style-type: none"> <li>• Job growth and low unemployment rates has not yielded better wages for many younger residents and workers lacking necessary skills</li> <li>• The new workforce of youth 16-24 years old accounts for 38% of the workforce</li> <li>• Current low unemployment rates and retirements in workforce has created demand for skilled workers in some industries</li> </ul>	<ul style="list-style-type: none"> <li>• The United Way ALICE report found that 58% of all jobs in Oregon are low-wage (less than \$20/hour), with contract positions (non0benefited) increasing, a factor in job and housing insecurity</li> <li>• There is a need to increase high-wage and living wage career employment opportunities for youth</li> <li>• Lower wages are exacerbating housing affordability for some workers</li> </ul>
<p><b>Low-Income Areas &amp; Areas of Slums and Blight</b> Geographic areas that meet federal criteria as areas of slums and blight or as low-income areas and need additional support for rehabilitation and public improvements</p>	<ul style="list-style-type: none"> <li>• There are several areas in this community that are or could meet the HUD requirement for an area of slums and blight which would allow different uses of CDBG funds. These areas could benefit from increased investments in the area</li> <li>• There are several areas of this community that are characterized by 51% or more low- to moderate-income residents, which can benefit from increased investments in this area</li> </ul>	<ul style="list-style-type: none"> <li>• Need to support low- and moderate- income neighborhoods through public improvements such as infrastructure and public facilities</li> <li>• Low-Income Areas have been mapped for both jurisdictions</li> <li>• Support currently designated slum/blight areas</li> </ul>





### Affordable Housing Strategy

Strategy/Goal	Priority Needs Addressed	Possible Examples	Measurements	HOME Consortium	Eugene CDBG	Springfield CDBG
Increase the supply of affordable housing (HOME and CDBG)	Renters, Homeowners, Homeless, Special Needs	Land Acquisition. Development of new rental housing. Operating Support for Community Housing Development Organizations.	Number of housing units constructed, reconstructed, acquired or preserved	400	5	5
			Number of CHDOs assisted	3		
			Housing for homeless added	100		
			Number of sites acquired		2	2
Rehabilitate existing housing stock affordable to low-income persons (CDBG)	Renters, Homeless, Special Needs, Low-Income Areas, Homeowners	Continue and expand publicly supported rehabilitation and accessibility improvements.	Number of rental units rehabilitated		350	5
			Number of homeowner units rehabilitated		150	300
Provide down payment assistance for homeownership (CDBG)	Homeowners	Assist low-income residents with the first-time purchase of a home.	Households assisted with direct assistance to home buyers		20	20
Provide rental assistance for housing stability and homelessness prevention (HOME)	Renters	Assist low-income residents to remain in stable housing.	Households provided rental assistance	20		
Remove barriers to affordable and supportive housing (CDBG)	Renters, Homeowners, Homeless, Low-Income Area Non-Homeless Special Needs	Support programs that assure housing opportunities are provided without discrimination. Support Housing Policy Board. Update Fair Housing Plan.	Maintain Housing Policy board		✓	
			Number of fair housing events		20	
			Maintain fair housing services		✓	✓
			Update Fair Housing Plan		✓	✓



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**2020 CONSOLIDATED PLAN**  
 for Housing & Community Development

*Community Development Strategy*

Strategy	Priority Needs Addressed	Possible Examples	Measurements	Eugene CDBG	Springfield CDBG
Support a human services delivery system to address the needs of homeless persons, special needs, and other low-income populations (CDBG)	Homeless, Special Needs	Fund capital improvements to facilities owned by non-profits. Fund non-profit services through the Human Services Commission.  Fund job training.  Fund housing stability counseling and assistance.	Persons assisted with public facility activities	20,000	5,000
			Persons assisted with public service activities	100,000	60,000
			Number of public facilities improved	5	2
			Number of transitional or emergency beds added	20	5
Promote economic development and employment opportunities through the creation of jobs and business development (CDBG)	Employment Opportunities	Provide below market financing to local businesses creating or retaining jobs. Provide micro-enterprise training, and development opportunities.	Jobs created or retained	150	5
			Businesses assisted	25	1
			Micro business trainees	150	5
Make strategic investments to improve low-income neighborhoods and other areas of slums and blight (CDBG)	Renters, Owners, Homeless, Special Needs, Low-Income Areas and Slums & Blight, Employment Opportunities	Provide financing for activities which eliminate slums and blight, including acquisition, clearance, rehab and historic preservation and economic development activities, infrastructure and public facility improvements.	Businesses assisted with façade treatment or building rehab		1
			Number of projects completed	2	2
			Persons assisted with public improvement activity	5,000	5,000

**ATTACHMENT C**

**Eugene CDBG Advisory Committee and Eugene-Springfield HOME Consortium Governing Board Membership**

**Eugene CDBG Advisory Committee**

Collina Beard  
Ken Beeson (Chair)  
Joshua Caraco (Vice Chair)  
Tracy Ellis  
Jan Fillinger  
Rick Guerra  
Thomas Hiura  
Hatsue Sato  
Sunny Mae Saul

**Eugene-Springfield HOME Consortium Governing Board**

Mayor Lucy Vinis, Eugene  
Councilor Emily Semple, Eugene  
Mayor Sean VanGordon, Springfield  
Councilor Kori Rodley, Springfield

ATTACHMENT D

# Eugene–Springfield 2022 Consolidated Annual Performance & Evaluation Report

EXECUTIVE SUMMARY



## ANNUAL REPORT of Housing and Community Development Accomplishments



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# Eugene-Springfield 2022/2023 Consolidated Annual Performance and Evaluation Report Executive Summary

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## Introduction

This Consolidated Annual Performance Evaluation Report (CAPER) reviews the Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME) funded activities undertaken by the Cities of Eugene and Springfield between July 1, 2022, and June 30, 2023 (Federal Program Year 2022 and City Fiscal Year 2023). It is the third of five annual reports describing Eugene's and Springfield's progress toward housing and community development objectives identified in the 2020 Eugene-Springfield Consolidated Plan and Annual Action Plans.

The Cities of Eugene and Springfield each receive an annual entitlement allocation of CDBG funds directly from the U.S. Department of Housing and Urban Development (HUD). The City of Eugene also receives HOME funds from HUD on behalf of the Eugene-Springfield HOME Consortium. The City of Eugene is the lead agency in the HOME Consortium.

In March 2020, the federal CARES Act (Coronavirus Aid, Relief, and Economic Security Act) included a special allocation of CDBG funding to help local communities respond to the impacts of coronavirus. This CDBG-CV (CDBG-Coronavirus) funding was received by Eugene and Springfield in the previous reporting periods and related accomplishments are included below within each corresponding strategy.

The 2022/2023 CAPER evaluates the progress towards achieving the goals and strategies established in the 2020 Consolidated Plan and Annual Action Plans to address the affordable housing, human services, and employment needs of low- and moderate-income households in our community. A table from the 2020 Consolidated Plan that identifies the adopted Priority Needs, Affordable Housing Strategies, and Community Development Strategies is provided as Attachment A. Specific measures of progress and numeric five-year goals were established for each strategy. Attachments B and C report the progress Eugene and Springfield respectively made towards the five-year goals of this Consolidated Plan, July 1, 2020 through June 30, 2025. The following document summarizes progress under each of the identified strategies. Electronic copies of the 2020 Eugene-Springfield Consolidated Plan, annual Action Plans, and CAPERs are all available online at <http://eugene-or.gov/hudconplan>.

## Staff Contacts

City of Eugene  
Teresa Kennedy – CDBG Programs Manager  
99 W 10th Ave, Eugene, OR 97401  
tkennedy@eugene-or.gov

City of Springfield  
Erin Fifield – Community Development Analyst  
225 Fifth St, Springfield, OR 97477  
efifield@springfield-or.gov



## Affordable Housing

The Eugene-Springfield Consolidated Plan identified five strategies to increase access to affordable housing for residents including: 1) Increase the supply of affordable housing; 2) Rehabilitate existing housing stock affordable to low-income persons; 3) Provide down-payment assistance for homeownership; 4) Provide rental assistance for housing stability and homelessness prevention, and 5) Remove barriers to affordable and supportive housing. Both jurisdictions have made significant progress toward their Affordable Housing Strategies using a combination of CDBG and HOME funds. Work undertaken in FY 2023 to accomplish each funded strategy is described briefly below.

### Increase the Supply of Affordable Housing

The Cities of Eugene and Springfield advanced multiple strategies to increase the supply of affordable housing using both HOME and CDBG funds. Components of this strategy include: 1) Development of affordable housing projects; 2) Acquisition of land for future affordable housing development; and 3) Operating support for organizations engaged in affordable housing development. Outcomes in each of these areas are described below.

#### Housing Development

One project was completed and closed out in HUD's database, the Integrated Disbursement and Information System (IDIS) in FY 2023. The Nel (Homes for Good Housing Agency) contributed 45 units towards the affordable housing goals.

The Nel – Homes for Good utilized HOME funds to construct a four-story 45-unit development in the downtown neighborhood. The building provides permanent supportive housing (PSH) for persons experiencing homelessness, with supportive services available 24 hours per day, seven days per week. (Eugene)



*The Nel, Eugene*

Polk 2.0 - DevNW used HOME funds to construct a two-story 12-unit development in the Whiteaker neighborhood. The building provides PSH and rental housing for young adults entering independence from foster care and young adults experiencing homelessness or at risk of homelessness. The building includes common areas, on-site services and an on-site manager apartment. The development had nearly completed construction at the end of the fiscal year. (Eugene)



*Polk 2.0, Eugene*

Local Housing Subsidies – The Cities of Eugene and Springfield utilize additional local resources to support affordable housing outside of HOME and CDBG. Specifically,





the State of Oregon enables local governments to provide property tax exemptions for affordable rental housing targeted to households earning 60% of the Area Median Income (AMI) or below. To qualify, properties must be constructed after February 1990, or must be owned by non-profit corporations. In Eugene and Springfield, the local school districts agree to exempt property taxes for qualifying developments and all property taxes are exempted through the program for a 20-year period and may be renewed.

In FY 2023, the Eugene City Council approved one Low Income Rental Housing Property Tax Exemption (LIRHPTE) that will maintain affordability of 9 units of housing affordable to people with low incomes in Eugene for the next 20 years. The State of Oregon also enables local governments to exempt affordable housing developments from paying Systems Development Charges (SDCs) during the building permitting process. Eugene sets aside non-federal funds to cover the SDCs and other City fees for qualifying developments.

Through this program, in FY 2023, DevNW received City Fee Assistance for Polk 2.0, 12-units of PSH and rental housing to help advance the City of Eugene and Lane County's efforts to achieve the goal of 350 PSH units. In addition, two homeownership developments under construction received City Fee Assistance in FY 2023: 1) SquareOne Village's 70-unit Peace Village, a community land trust/cooperative homeownership development for low-income homebuyers and 2) DevNW's 31-unit development Nelson Place, a community land trust for low-income homebuyers. A 59-unit new rental housing development called Ketanji Court by Lincoln Affordable Limited Partnership had received a LIRHPTE and City Fee Assistance in a previous fiscal year and completed construction in FY 2023.



*Peace Village Co-Op, Eugene*

The State of Oregon enables local governments to adopt a local construction excise tax as a dedicated source for housing resources, which Eugene did in 2019. In FY 2023 the trust fund provided direct homebuyer assistance to low-income homebuyers and awarded over \$1.2 million to three affordable housing development projects in Eugene to support creation of 94 units of PSH for people with conviction histories and people experiencing homelessness, and 4 units of homeownership housing. Developments funded with previous years' trust funds are under construction including Peace Village, the 70-unit cooperative homeownership development by SquareOne Villages, and Williams Place, a 10-unit development to transition veterans out of homelessness by St. Vincent de Paul.

In FY 2023, the Springfield City Council approved a temporary program to waive System Development Charges (SDCs) for housing that is sold affordably to low-income homebuyers. Springfield continues to waive SDCs for Accessory Dwelling Units (ADUs) through June 2027.



### Acquire Land for Future Affordable Housing Development

Eugene used CDBG funds to acquire a vacant building in downtown Eugene, formerly used by Lane Community College. The property will be used for mixed-income housing, with at least 51% of the units or a total of 66 units being designated affordable to households earning 80% of Area Median Income. The City offered the property to developers through a competitive RFP process and entered into a development agreement in FY 2023 for the construction of a 129-unit mixed-income, mixed-use housing project at the site. Construction updates will be reported next year.



*Rendering of acquired land proposed mixed-income/mixed-use project, Eugene*

Both Eugene and Springfield allocated CDBG funds toward this strategy. The cities are currently identifying publicly- and privately-owned property for residential development and are working to acquire land for larger and smaller multi-family development. The cities anticipate acquiring land with CDBG funds in FY 2024.

Additionally, in FY 2023, Springfield received \$1.5 million in state American Rescue Plan Act (ARPA) funds to also acquire land for affordable housing. Springfield is currently identifying publicly- and privately-owned property for residential development, including taking ownership from Lane County of tax-foreclosed properties in Springfield that could be developed for affordable housing. Springfield anticipates acquiring land in FY 2024. Through a 2023 substantial amendment, Springfield City Council reallocated a portion of the CDBG funds to support Relief Nursery’s purchase of land to expand their existing facility.

### Provide Operating Support for Community Housing Development Organizations (CHDO)

Eugene-Springfield HOME Consortium allocated \$75,713 in HOME funds to provide operating support to Community Housing Development Organizations serving both cities. There are three active CHDOs serving the Eugene-Springfield area including Cornerstone Community Housing, St. Vincent de Paul, and DevNW.



## Rehabilitate Existing Housing Stock Affordable to Low-Income Persons

Eugene and Springfield made progress towards homeowner and rental housing rehabilitation goals.

### Eugene Housing Revolving Loan Fund

The revolving loan fund provides low-interest loans and grants to low- or moderate-income homeowners and rental properties for emergency repairs and accessibility improvements. These funds help ensure safe, accessible, and affordable homes for people with disabilities, low-income families, individuals, youth, seniors, and others with special needs. Both renters and owners may apply for loan funding for a variety of rehabilitation needs.

### Rental Rehabilitation Activity

Eugene Rental Rehabilitation Loan Program – Supports efforts to preserve existing rental and ownership housing for low-income persons. Owners of rental units may apply to finance various levels of rehabilitation at below-market interest rates. Assistance is available up to \$25,000 per unit for qualifying properties.

Ross Lane Apartments, Phase 1 – In FY 2023 St. Vincent de Paul started and completed rehabilitation work that included **new** roofs on multiple buildings and site work (hazardous tree removal, sidewalk replacements, new ADA-compliant curb ramps, and courtyard replacements) throughout the property to improve accessibility access. The apartments are affordable units of various sizes to families, seniors, and persons with disabilities at or below 50% of area median income. Some of the units are set aside for families coming out of homelessness (known as transitional housing).



*Ross Lane Apartments, Eugene*

Springfield Rental Rehabilitation – As part of the 2022 CDBG Request for Proposals, St. Vincent de Paul Society of Lane County (SVDP) applied for and was awarded funding to replace the roofs on 14 units at the Ash Meadows subdivision, a low-income rental housing development owned by SVDP in Springfield.

### Homeowner Rehabilitation Activity

Eugene Emergency minor Home Repair Program – A total of 14 households received assistance through the Emergency Home Repair and Accessibility Improvements programs. Of these projects, 10 homes are occupied by people with disabilities and 8 homes are occupied by elderly.

The program provides up to \$5,000 every three years to very low-income property owners to correct conditions that create a threat to the health and safety of the occupants such as electrical, HVAC, plumbing repairs and security concerns. Assistance up to \$10,000 every three years is also available to very low-income homeowners



*Access ramp, Eugene*



for roofing repairs and accessibility improvements such as ramps, modifications to doorways, installation of grab-bars, hand-rails and strobe smoke alarms.

Springfield Home Repair Program – A total of 71 households received assistance through Springfield’s home repair program in FY 2023. Of these, 58 homes are occupied by homeowners who are elderly. The program provides up to \$10,000 every five years to very low-income property owners to correct conditions that create a threat to the health and safety of the occupants. Through a 2023 substantial amendment, City Council reallocated a portion of these funds to support Relief Nursery’s purchase of land to expand their existing facility.

## Provide Down Payment Assistance for Homeownership

Both Eugene and Springfield have identified the Down Payment Assistance program as a strategy for supporting low-income residents.

Eugene Homebuyer Assistance Program – Eugene did not allocate funds during the reporting period.

Springfield Home Ownership Program – With a renewed program in FY 2023, down-payment assistance, in addition to closing costs, was available to low-income homebuyers through 0% interest deferred loans up to \$25,000. In Spring of 2023, two loans of \$25,000 each were administered to help families purchase a home in Springfield. Springfield City Council has continued to fund this program in FY 2024.

## Remove Barriers to Affordable and Supportive Housing

Both Eugene and Springfield seek opportunities to affirmatively further fair housing and raise awareness of the housing needs of low- and moderate-income people.

### Intergovernmental Housing Policy Board

The Intergovernmental Housing Policy Board (HPB) held eight meetings, continued intergovernmental housing communications, and focused conversations on renter protections and relocation assistance recommendations for Eugene City Council. HPB members discussed and voted on recommendations for relocation assistance triggers, payment amount, and exemptions for scenarios in which a landlord could trigger relocation assistance but would not be required to pay the tenant. . HPB continued to advocate for state and local policy changes to remove barriers to affordable housing and housing choice. The recommendations received public comment and a public hearing and were approved with modifications by City Council in July 2023.

### Fair Housing

Eugene Fair Housing – Eugene engaged in fair housing work in collaboration with the Fair Housing Council of Oregon (FHCO). The fair housing hotline continued to be a useful resource for community members and service providers. FHCO provided fair housing advocacy and conducted investigations.





Three fair housing trainings and tabling at an outreach event focused on Spanish speaking community members were provided in Eugene to renters, service providers, peer mentors, housing advocates, and affordable housing providers, reaching 317 people. City staff also participated in a networking event with housing advocates and affordable housing providers to share about how fair housing resources and services are provided to the community.

CDBG-CV Funds – In response to COVID-19, the City of Eugene recognized that members of protected classes under fair housing law were experiencing disproportionate impacts related to COVID-19. CDBG-CV resources were used to fund the Springfield

Eugene Tenant Association (SETA), a local tenant hotline to take calls from members of protected classes and tenants experiencing financial, familial, or other hardships related to the COVID-19 pandemic. Calls included, but were not limited to, allegations of housing discrimination, questions about the new eviction and rent increase laws, and reasonable accommodation. SETA noted that based on self-reports, people with disabilities, elders, voucher holders, families with children, racial and ethnic minorities, LGBTQIA+ persons, and survivors of domestic violence were experiencing discrimination. Several callers had questions related to COVID-19, many of whom are low-income and reside in Eugene.

Springfield Fair Housing – As part of the development of the 2020 Consolidated Planning process, Springfield developed an Analysis of Impediments to Fair Housing Choice, analyzing local data, consulting with public and private agencies and engaging with community members. The Analysis identifies barriers to fair housing that may exist in the City and helps inform potential future programs and partnerships. The City has also created educational fair housing documents for residents and landlords which are currently available on the City's website.

In Springfield, CDBG-CV funds were also allocated to help SETA administer their tenant hotline. While SETA has continued to support residents of Springfield, these funds are anticipated to be used in FY 2024.



*Fair Housing outreach event to Spanish speaking community members, Eugene (photos credits: KVAL News)*



## Community Development

Eugene and Springfield made significant progress toward their Community Development Strategies using CDBG funds. Accomplishments for human services, economic development, and improvements to low-income areas are described below.



## Support a Human Services Delivery System to Address the Needs of Homeless Persons and Special Needs Populations

Eugene and Springfield continued investments in human service operations. Eugene continued to manage three human service capital facilities projects.

### Human Service Operations

Eugene Human Services - Eugene provided \$350,000 in CDBG funds, in collaboration with the Lane County Human Services Commission to fund core human services at the following non-profit agencies: Food for Lane County, The Relief Nursery, Catholic Community Services, St. Vincent de Paul, and Hope & Safety Alliance. In total, 12,968 low- and very low-income persons were served, including 5,303 individuals with disabilities and 3,650 female head of households.



Eugene CDBG-CV Funds - In response to COVID-19, Eugene allocated CDBG-CV funds in FY 2021, FY 2022, and in FY 2023, in collaboration with the Human Services Commission to support various agencies to provide human services. Accomplishments for FY 2023 are discussed below.

*Legal Services* - Eugene supported Oregon Law Center to provide legal assistance and services to prevent homelessness due to COVID-19. In FY 2023, 8 individuals received this assistance.

*Expanded Homeless Services* – In response to COVID-19, Eugene supported services to help address the needs of individuals and families experiencing homelessness, including emergency housing options and outreach services.

Prior to the pandemic, St. Vincent de Paul Dusk to Dawn served as an overnight-only shelter to homeless individuals. Services were expanded to 24 hours a day, 7 days a week, to provide a safe and socially distanced place for homeless individuals to prevent the spread of COVID-19. Dawn to Dawn (aka New Dawn), as the program is now known, received CDBG-CV funds to support the expanded services, providing services to 732 unhoused individuals, including 74% of whom were people with disabilities and 27% were female head of households.

White Bird Clinic received CDBG-CV funds to provide outreach and services to homeless individuals in response to COVID-19. To support community health during the COVID-19 pandemic, the City of Eugene temporarily adjusted its enforcement process around prohibited camping to help people experiencing homelessness to stay in place and reduce the potential for infectious disease spread. In March 2022, the City of Eugene began closing sanctioned camping that was allowed during the





pandemic. White Bird Clinic's NEST (Navigation Empowerment Services Team) Services provides strategic, targeted, organized outreach services to unhoused individuals. Services helped move participants towards housing stability and decrease the spread of COVID-19 among the unsheltered. A total of 228 individuals were served in FY 2023.

Community Supported Shelters received funding in FY 2023 to provide strategic, targeted outreach services to homeless individuals living in alternative shelter. The goal was to secure permanent housing as quickly as possible. The program served 192 homeless individuals. Of those, 82% of people served reported having a disability and 29% were female head of households.

Together, the human service agencies that were supported with CDBG-CV funds served 1,160 primarily homeless individuals, and low- and very low-income persons, at risk of becoming homeless.

Springfield Human Services - Funded agencies included: Food for Lane County, The Relief Nursery, Catholic Community Services, and Hope & Safety Alliance. Total persons served continues to be much lower than in years prior to the pandemic; agencies report barriers to serving people due to the pandemic, including staffing issues, reduced business hours, and people reluctant to seek assistance. In total, 3,710 low- and very low-income persons were served.



*Community Supported Shelter, providing services, Eugene*

#### Springfield CDBG-CV Funds

*Street Outreach to Unhoused Persons* – Springfield allocated CDBG-CV funds toward case management positions to help unhoused persons in Springfield, including unhoused pregnant women, and unhoused families with children. In FY 2024, these funds supported D.A.I.S.Y. CHAIN, Catholic Community Services' OASIS Program, and the HIV Alliance (through Lane County administrative oversight) to serve 200 Springfield residents. Youth E.R.A. had applied for and received funding, but ultimately declined the award. Funds that went unused were used to support unhoused persons through the GuestHouse closure.

*Direct Resources for Unhoused Persons* – Springfield allocated additional CV funds to Carry It Forward to provide direct resources for unhoused persons to address two different needs: 1) Sheltering vulnerable residents in motels during inclement weather, and 2) Helping residents troubleshoot broken RVs when they otherwise are not drive-able and at risk of being towed. In December 2022, the GuestHouse Inn & Suites in Springfield was condemned, displacing over 80 individuals who had been living there, in less than 24 hours, including families with children. Carry It Forward was able to use CDBG-CV grants funds to temporarily shelter and support folks for up to 3 weeks while other agencies, including the County, social service providers, and Coordinated Care Organizations (CCOs), aimed to provide immediate relief and connect people to services and programs. CDBG-CV funds were used to shelter 60 individuals for up to 3 weeks.

The RV program was able to help 4 individuals in Springfield. Funds that went unused with the RV program were used to support unhoused persons through the GuestHouse closure.



## Service Provider Facility Improvement Program

Eugene Capital Facilities - Eugene continued work on two capital facility projects, which were previously approved for funding by the CDBG Advisory Committee and City Council. Together, these facilities serve thousands of low- and moderate-income people and people experiencing homelessness each year.

Whiteaker Head Start Community Center – Head Start of Lane County serves low- and extremely low-income children, their families, and provides services to the surrounding community. At this location, Head Start provides early childhood education, 4,000 meals per month, family education, and other supports to children and their families. The Whiteaker School facility is also utilized by other community agencies.



*Whiteaker Head Start Community Center, Eugene*

During FY 2023, the environmental review expired and was renewed. Additional funds for phase 2 were added. The walk-in freezer and refrigerator were procured. The project includes expansion of the kitchen to include a new walk-in freezer/refrigerator. Other new components for the kitchen include a water heater and vent trap. Work is expected to be completed in FY 2024.

McKay Lodge – In FY 2023, phase two of the project, which included a kitchen renovation, was completed. In addition, Looking Glass decided that McKay Lodge will house a new program in the facility to provide a homeless shelter for young people, age 15-24, who need support with addiction challenges. The program opens in October 2023 and beneficiaries will be reported at the end of FY 2024.



*Looking Glass McKay Lodge, Eugene*

Springfield Capital Facilities –

During Spring 2023, City Council approved three substantial amendments to prior year action plans that would reallocate a total of \$225,000 toward Relief Nursery's aim to acquire land for their facility expansion. Relief Nursery aims to buy land in FY 2024 and build a new childcare center and preschool to meet their growing demand for services.

Catholic Community Services of Lane County (CCSLC) – Through the 2021 CDBG RFP, CCSLC was awarded \$332,492 to construct an addition to their Springfield Community Service Center to create a permanent space for their OASIS program for homeless families with children. Recognizing that construction costs have



increased since the 2021 CDBG RFP, CCSLC requested additional funding for this program through the 202 CDBG RFP to bridge the gap considering the increased costs. In June 2022, the City awarded an additional \$153,002 toward completion of this project. City staff continue to work with CCSLC to address HUD pre-development requirements and aim for construction to start in 2024.

Emerald Art Center (EAC) – Through the 2021 CDBG RFP, the Emerald Art Center was awarded funding to repaint the exterior of their building in downtown Springfield. Due to staff capacity and other factors, the project was allocated City general funds instead, thus freeing up the CDBG funds to be reallocated. Through a 2023 substantial amendment, City Council reallocated these funds to support Relief Nursery’s purchase of land to expand their existing facility.

## Promote Economic Development and Employment Opportunities through the Creation of Jobs and Business Development

Progress was made in Eugene’s economic development activities as described below.

### Eugene Business Growth Loan

Eugene continued to operate its Business Growth Loan and provided two loans totaling \$410,000, which are projected to result in the creation of 7 jobs for low-income people to the following local businesses: Avant Assessment and Royalty Core. In addition, 19.75 created or retained jobs were reported in FY 2023 from previously funded Business Growth Loans.



*Royalty Core designs and builds custom performance truck grilles*

### Outdoor Café Seating Grant

Eugene created a grant program using \$68,000 of CDBG-CV funds to assist restaurants in the core of downtown who are recovering from the effects of the pandemic. The funds were used to establish, renovate, or expand outdoor café seating in the public right of way to increase capacity, and accommodate patrons hesitant to gather indoors. In total, 15 businesses received awards and four new jobs were created or retained.



*Outdoor café seating, Eugene*

### Microenterprise Training

The City of Eugene continued to support Business classes provided by Centro Latino Americano (Centro) with CDBG-CV funds. Centro offers services to Lane County’s Spanish-speaking community,



and the program trains current and prospective Eugene business owners in financial, marketing, and accounting principles needed to open or operate micro-businesses more efficiently. In total, 5 individuals successfully completed the courses which served 5 new businesses.

Springfield Microenterprise Training – During this reporting period, Springfield did not allocate funds to this strategy.





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### Attachment A Priority Needs

Priority Need	Explanation	Comments
<p><b>Renters</b>            Low- and very low-income people need increased access to quality affordable rental housing as well as rental assistance</p>	<ul style="list-style-type: none"> <li>• About three quarters of moderate- and low-income renters spend more than 30% of their income on housing costs (Eugene – 79%, Springfield – 74%)</li> <li>• The majority of low-income renters spend more than 50% of their income on housing costs (Eugene – 68%, Springfield – 57%)</li> </ul>	<ul style="list-style-type: none"> <li>• Between 2010 and 2019, the median rental rate rose to \$1,373 in Eugene (47% increase) and \$1,181 in Springfield (58% increase)</li> <li>• Significant increase in need from 2013 to 2017;               <ul style="list-style-type: none"> <li>• Many more moderate-income households spend more than 30% on housing</li> <li>• Many more low- and very income households spend more than 50% on housing</li> </ul> </li> </ul>
<p><b>Homeowners</b>            Low- and very low-income people need increased access to affordable homeownership opportunities and support to remain homeowners</p>	<ul style="list-style-type: none"> <li>• A significant majority of low-income owners experience over-crowding, substandard housing, or a housing cost burden (Eugene – 78%, Springfield – 59%)</li> <li>• A significant majority of moderate- and low-income owners spend more than 30% of their income on housing costs (Eugene – 66%, Springfield – 57%)</li> <li>• A large percentage of low-income owners spend more than 50% of their income on housing costs (Eugene – 59%, Springfield – 39%)</li> </ul>	<ul style="list-style-type: none"> <li>• Low-income households spending more than 30% of income housing have increased in Eugene but remains steady in Springfield</li> <li>• Low-income households spending more than 50% of income housing have increased in both Eugene and Springfield</li> </ul>





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Priority Need	Explanation	Comments
<p><b>People experiencing Homelessness</b>                      People need access to housing and supportive services to prevent them from becoming homeless and to leave homelessness</p>	<ul style="list-style-type: none"> <li>• A total of 2,165 homeless individuals were served in FY 2019 by agencies funded by Lane County</li> <li>• The three public school districts in Eugene and Springfield report 1,629 homeless youth during 2019 (includes students who are staying with friends or family)</li> <li>• The definition of homeless for purposes of this Plan includes people who are “doubled-up”</li> <li>• Shortage of year-round low-barrier emergency shelter beds, especially for single individuals and victims of Domestic Violence</li> <li>• Lack of diversion and rapid exit services for those exiting Permanent Housing</li> </ul>	<ul style="list-style-type: none"> <li>• Majority of the homeless population in Eugene (73%) and Springfield (88%) are experiencing unsheltered homelessness                             <ul style="list-style-type: none"> <li>• Shortage of low-barrier year-round emergency shelter and shelter beds in Eugene and Springfield</li> </ul> </li> <li>• In 2017, one in four persons exiting permanent housing in Lane County returned to homelessness</li> <li>• There are no youth-specific resources for transition-age youth (18-24)</li> <li>• Due to low rental vacancy (3.6% in Eugene and 3.4% in Springfield) and even lower affordable unit rental vacancy, the Lane County Continuum of Care struggles with voucher or tenant-based programs</li> </ul>
<p><b>Non-Homeless Special Needs Populations</b>                      Special needs populations need additional support as it relates to affordable housing, human services, and employment opportunities</p>	<ul style="list-style-type: none"> <li>• People with special needs including families with children, seniors, ex-offenders, people with HIV/AIDS, victims of domestic violence, people with drug and alcohol addictions, people who are evicted or foreclosed, people with physical and mental disabilities, veterans, youth, and youth aging out of foster care</li> </ul>	<ul style="list-style-type: none"> <li>• There were 32,438 elderly (over the age of 65) and 3,310 frail elderly (that need assistance with daily living) in Eugene-Springfield (2017 ACS)</li> <li>• The disability rate is 13.5 percent in Eugene and 18.6 percent in Springfield</li> <li>• Physical disabilities can include hearing, vision, cognitive, ambulatory, self-care or independent living difficulties</li> <li>• In the Community Survey, respondents identified <i>mental health and addiction services</i> and <i>housing services</i> as the greatest social service needs. Respondents also identified <i>assist human service agencies with facilities acquisition or improvements</i> as the most needed Community Development Need</li> </ul>





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<p><b>Employment Opportunities</b>                  People who have low incomes, are unemployed or underemployed need a broader range of employment opportunities, including self-employment</p>	<ul style="list-style-type: none"> <li>• Job growth and low unemployment rates has not yielded better wages for many younger residents and workers lacking necessary skills</li> <li>• The new workforce of youth 16-24 years old accounts for 38% of the workforce</li> <li>• Current low unemployment rates and retirements in workforce has created demand for skilled workers in some industries</li> </ul>	<ul style="list-style-type: none"> <li>• The United Way ALICE report found that 58% of all jobs in Oregon are low-wage (less than \$20/hour), with contract positions (non-benefited) increasing, a factor in job and housing insecurity</li> <li>• There is a need to increase high-wage and living wage career employment opportunities for youth</li> <li>• Lower wages are exacerbating housing affordability for some workers</li> </ul>
<p><b>Low-Income Areas &amp; Areas of Slums and Blight</b>                  Geographic areas that meet federal criteria as areas of slums and blight or as low-income areas and need additional support for rehabilitation and public improvements</p>	<ul style="list-style-type: none"> <li>• There are several areas in this community that are or could meet the HUD requirement for an area of slums and blight which would allow different uses of CDBG funds. These areas could benefit from increased investments in the area</li> <li>• There are several areas of this community that are characterized by 51% or more low- to moderate-income residents, which can benefit from increased investments in this area</li> </ul>	<ul style="list-style-type: none"> <li>• Need to support low- and moderate- income neighborhoods through public improvements such as infrastructure and public facilities</li> <li>• Low-Income Areas have been mapped for both jurisdictions</li> <li>• Support currently designated slum/blight areas</li> </ul>



**Attachment B Affordable Housing Strategy and Five-Year Goals**  
**HOME and Eugene CDBG Accomplishments: July 1, 2020 - June 30, 2023**

Strategy/Goal	Priority Needs Addressed	Possible Examples	Measurements	HOME Consortium 5-Year Goals	Eugene CDBG 5-Year Goals	HOME & Eugene CDBG Progress Completed
Increase the supply of affordable housing (HOME and CDBG)	Renters, Homeowners, Homeless, Special Needs	Land Acquisition. Development of new rental housing. Operating Support for Community Housing Development Organizations.	Number of housing units constructed, reconstructed, acquired or preserved	400	5	266
			Number of CHDOs assisted	3		3
			Housing for homeless added	100		108
			Number of sites acquired		2	-
Rehabilitate existing housing stock affordable to low-income persons (CDBG)	Renters, Homeless, Special Needs, Low-Income Areas, Homeowners	Continue and expand publicly supported rehabilitation and accessibility improvements.	Number of rental units rehabilitated		350	320
			Number of homeowner units rehabilitated		150	48
Provide down payment assistance for homeownership (CDBG)	Homeowners	Assist low-income residents with the first-time purchase of a home.	Households assisted with direct assistance to home buyers		20	-
Provide rental assistance for housing stability and homelessness prevention (HOME)	Renters	Assist low-income residents to remain in stable housing.	Households provided rental assistance	20		-
Remove barriers to affordable and supportive housing (CDBG)	Renters, Homeowners, Homeless, Low - Income Area Non-Homeless Special Needs	Support programs that assure housing opportunities are provided without discrimination. Support Housing Policy Board. Update Fair Housing Plan.	Maintain Housing Policy board		✓	✓
			Number of fair housing events		20	16
			Maintain fair housing services		✓	✓
			Update Fair Housing Plan		✓	-



**Community Development Strategy and Five-Year Goals**  
**HOME and Eugene CDBG Accomplishments: July 1, 2020 - June 30, 2023**

Strategy	Priority Needs Addressed	Possible Examples	Measurements	Eugene CDBG 5-Year Goals	Eugene CDBG Progress Completed
Support a human services delivery system to address the needs of homeless persons, special needs, and other low-income populations (CDBG)	Homeless, Special Needs	Fund capital improvements to facilities owned by non-profits. Fund non-profit services through the Human Services Commission. Fund job training. Fund housing stability counseling and assistance.	Persons assisted with public facility activities	20,000	5,371
			Persons assisted with public service activities	100,000	43,508
			Number of public facilities improved	5	2
			Number of transitional or emergency beds added	20	35
Promote economic development and employment opportunities through the creation of jobs and business development (CDBG)	Employment Opportunities	Provide below market financing to local businesses creating or retaining jobs. Provide micro-enterprise training, and development opportunities.	Jobs created or retained	150	54.75
			Businesses assisted	25	20
			Micro business trainees	150	57
Make strategic investments to improve low-income neighborhoods and other areas of slums and blight (CDBG)	Renters, Owners, Homeless, Special Needs, Low-Income Areas and Slums & Blight, Employment Opportunities	Provide financing for activities which eliminate slums and blight, including acquisition, clearance, rehab and historic preservation and economic development activities, infrastructure and public facility improvements.	Businesses assisted with façade treatment or building rehab		
			Number of projects completed		
			Persons assisted with public improvement activity	5,000	-



**Attachment C: Affordable Housing Strategy and Five-Year Goals**  
**Springfield CDBG Accomplishments: July 1, 2020 - June 30, 2023**

Strategy/Goal	Priority Needs Addressed	Possible Examples	Measurements	Springfield CDBG 5-Year Goals	Springfield CDBG Progress Completed
Increase the supply of affordable housing (HOME and CDBG)	Renters, Homeowners, Homeless, Special Needs	Land Acquisition. Development of new rental housing. Operating Support for Community Housing Development Organizations.	Number of housing units constructed, reconstructed, acquired or preserved	5	69
			Number of CHDOs assisted		
			Housing for homeless added		
			Number of sites acquired	2	-
Rehabilitate existing housing stock affordable to low-income persons (CDBG)	Renters, Homeless, Special Needs, Low-Income Areas, Homeowners	Continue and expand publicly supported rehabilitation and accessibility improvements.	Number of rental units rehabilitated	5	14
			Number of homeowner units rehabilitated	300	219
Provide down payment assistance for homeownership (CDBG)	Homeowners	Assist low-income residents with the first-time purchase of a home.	Households assisted with direct assistance to home buyers	20	7
Provide rental assistance for housing stability and homelessness prevention (HOME)	Renters	Assist low-income residents to remain in stable housing.	Households provided rental assistance		
Remove barriers to affordable and supportive housing (CDBG)	Renters, Homeowners, Homeless, Low - Income Area Non-Homeless Special Needs	Support programs that assure housing opportunities are provided without discrimination. Support Housing Policy Board. Update Fair Housing Plan.	Maintain Housing Policy board		
			Number of fair housing events		
			Maintain fair housing services	✓	✓
			Update Fair Housing Plan	✓	✓



**Community Development Strategy and Five-Year Goals**  
**Springfield CDBG Accomplishments: July 1, 2020 - June 30, 2023**

Strategy	Priority Needs Addressed	Possible Examples	Measurements	Springfield CDBG 5-Year Goals	Springfield CDBG Progress Completed
Support a human services delivery system to address the needs of homeless persons, special needs, and other low-income populations (CDBG)	Homeless, Special Needs	Fund capital improvements to facilities owned by non-profits. Fund non-profit services through the Human Services Commission. Fund job training. Fund housing stability counseling and assistance.	Persons assisted with public facility activities	5,000	94
			Persons assisted with public service activities	60,000	13,298
			Number of public facilities improved	2	2
			Number of transitional or emergency beds added	5	-
Promote economic development and employment opportunities through the creation of jobs and business development (CDBG)	Employment Opportunities	Provide below market financing to local businesses creating or retaining jobs. Provide micro-enterprise training, and development opportunities.	Jobs created or retained	5	-
			Businesses assisted	1	-
			Micro business trainees	5	-
Make strategic investments to improve low-income neighborhoods and other areas of slums and blight (CDBG)	Renters, Owners, Homeless, Special Needs, Low-Income Areas and Slums & Blight, Employment Opportunities	Provide financing for activities which eliminate slums and blight, including acquisition, clearance, rehab and historic preservation and economic development activities, infrastructure and public facility improvements.	Businesses assisted with façade treatment or building rehab	1	-
			Number of projects completed	2	0
			Person assisted with public improvement activity	5,000	27,970



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# EUGENE CITY COUNCIL AGENDA ITEM SUMMARY

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## Possible Action:

An Ordinance Amending The Eugene-Springfield Metropolitan Area General Plan; Adopting The River Road-Santa Clara Neighborhood Plan; And Providing An Effective Date.

-and-

An Ordinance Amending Sections 9.2160, 9.2161, 9.2170, 9.2740, 9.2741, 9.8010, And 9.8030 Of The Eugene Code, 1971; Adding Maps 9.2161(11) And 9.2170(3)(D) To That Code; Amending Figure 9.2170(4)(C)6. And Map 9.8010 Of That Code; And Providing An Effective Date.

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Meeting Date: April 22, 2023  
Department: Planning and Development  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: 5  
Staff Contact: Terri Harding  
Contact Telephone Number: 541-682-5635

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## ISSUE STATEMENT

At this meeting, the Eugene City Council will deliberate and consider taking action on two ordinances; an ordinance adopting the River Road-Santa Clara Neighborhood Plan and amending the Eugene-Springfield Metropolitan Area Plan (Metro Plan); and an ordinance adopting amendments to the Eugene Code Chapter 9 that affect property within the city limits and the River Road and Santa Clara Neighborhoods. The Lane County Board of Commissioners will meet separately to deliberate and act on a county ordinance adopting the River Road-Santa Clara Neighborhood Plan and approving the amendments to the Metro Plan.

## BACKGROUND

Since 2017, the City of Eugene and Lane County have been working with the River Road Community Organization (RRCO) and the Santa Clara Community Organization (SCCO) to create a new Neighborhood Plan. For over 30 years, land use and development within the River Road and Santa Clara communities has been governed by the River Road-Santa Clara Urban Facilities Plan (1987). All parties agreed that a plan with a forward-looking vision was needed for this large part of the community.

Over the years, members of RRCO and SCCO have dedicated innumerable volunteer hours to developing a foundation of community input on which to build the neighborhood planning process. This work included past community and planning efforts, such as the Santa Clara-River Road Outreach and Learning (SCRROL) and Santa Clara-River Road Implementation Planning Team (SCRRIPT) projects.

Launched in Fall 2017, the neighborhood planning process was a collaborative effort among RRCO, SCCO, the City of Eugene, Lane County, and other stakeholders throughout both neighborhoods. The process had six phases: Reaching Out, Neighborhood Visioning, Neighborhood

April 22, 2024 Meeting – Item 5

Priorities, Policy Development, Action Planning, and Adoption, with opportunities for community and stakeholder feedback throughout every phase. The Community Advisory Committee (CAC), comprised of volunteers nominated by the community organization boards and approved by the Eugene Planning Commission, played a key role in all phases of the project, and continues to advocate for neighborhood priorities as the project moves through the adoption phase.

The neighborhood planning process created a vision for growth and development in a manner that respects the area's unique characteristics and opportunities, which will guide decision-making in River Road and Santa Clara for decades to come. The Neighborhood Plan vision is consistent with Envision Eugene, the community vision for how growth is managed within Eugene's Urban Growth Boundary (UGB), in a way that protects and enhances quality of life and reflects shared community values, while tailoring the citywide vision to the local context.

The proposed River Road–Santa Clara Neighborhood Plan focuses on the topic areas of Economic Development, Transportation, Parks and Natural Resources, Land Use, and Community. To reflect the community values, aspirations, and priorities expressed during outreach, each topic area includes vision statements, goals, and policies.

The proposed ordinance amending the Metro Plan and adopting the River Road-Santa Clara Neighborhood Plan is included as **Attachment A**. If approved, the proposed ordinance would adopt the new River Road-Santa Clara Neighborhood Plan as a refinement of the Metro Plan and would remove Chapter II Section F (River Road and Santa Clara Goals, Findings, and Policies) from the Metro Plan, as these policies primarily relate to bringing sewer service to the River Road-Santa Clara area and are no longer necessary. The proposed ordinance that would amend the Eugene Code is included as **Attachment B** to this Agenda Item Summary (AIS). If approved, together, these regulatory components will work to form the framework for guiding policy decisions in River Road and Santa Clara.

In addition, the City, the County, and community partners may work together to advance actions important to the community and included in the non-regulatory Action Plan to implement the Neighborhood Plan after it is adopted. City staff committed to meeting annually with neighborhood leaders to update community priorities and to collaborate on implementation projects.

Over the past six years, highlights of the neighborhood planning public engagement have included:

- Project [web page](#) and [Engage Eugene](#) page
- Periodic e-newsletter updates to **1,600+ people**
- **5** community meetings at North Eugene High School
- **40+** Community Advisory Committee meetings
- **16,800** postcards mailed to all residents and property owners within the River Road and Santa Clara Neighborhoods
- Emails to project interested parties providing updates over the project phases

Please see the project Public Engagement Summary at **Attachment A** (Exhibit B, Appendix 1) for a full description of project engagement.

## Neighborhood Planning Process

As noted above, the River Road-Santa Clara neighborhood planning process included six key phases, with opportunities for appointed and elected officials to learn about and provide feedback on the project along the way. A more detailed written explanation of the project phases and group roles can be found on pages 16-18 of the draft [Neighborhood Plan](#).

- **Spring 2017 – 2018:** The first three phases of the project - Reaching Out, Visioning, and Neighborhood Priorities focused on asking community members what they value in their neighborhoods now and about their hopes and visions for the future.
- **2018 - Spring 2019:** The fourth phase, the Policy Development Phase, focused on drafting policies that relate to the vision and neighborhood priorities. The policies are organized under eighteen high-level goals. Both the goals and policies were written by the Community Advisory Committee and vetted by topic area Working Groups and the project management team. The policy language was then refined by staff to incorporate legal feedback, to better reflect the actions associated with those policies, and to provide general clarification.
- **Summer 2019 - Spring 2021:** The fifth phase, the Action Planning Phase, focused on drafting, evaluating, and prioritizing actions, which the community identified as possible strategies to implement the Neighborhood Plan policies. The project team provided updates on the Action Planning Phase and received feedback on land use code related actions to focus on in the Adoption Phase at the [March 22, 2021](#) Eugene Planning Commission work session and the [April 6 and April 20, 2021](#) Lane County Planning Commission work sessions.
- **May 2021:** The [Eugene City Council](#) and [Lane County Board of Commissioners](#) directed staff to move into the Adoption Phase and prepare the River Road-Santa Clara Neighborhood Plan adoption package for community review.
- **Summer 2021-Fall 2022:** Work continued preparing and refining a draft corridor code. By late fall 2022, several challenges to the project including the pandemic, staff changes, and new state rules caused the staff team to reconsider the path to landing the project. While the vision statements, goals, policies, and actions remain largely intact, staff proposed shifting certain implementation tools such as zoning and land use code amendments to better align with new rules affecting middle housing, climate friendly development, and housing production.
- **November 2022-June 2023:** The project staff team spent five months between November 2022 and March 2023 discussing with the CAC how to best land the project within existing resource and state law constraints, while meeting as many of the neighborhood objectives as possible. Staff proposed a compromise that includes the most critical neighborhood-specific land use code amendments identified through the corridor planning work but does not create a new zoning district or rezone properties. In March 2023, the CAC voted to send the draft Neighborhood Plan, Action Plan, and Neighborhood-specific Land Use Code Amendments out to the community for feedback.
- **May-June 2023:** A variety of outreach events and tools were offered in May and June, including virtual information sessions, a community survey, River Road and Santa Clara Community Organization meetings, and a Community Meeting held at North Eugene High School. A project update was presented to the Eugene Planning Commission on [May 23, 2023](#), and the Lane County Planning Commission on [June 6, 2023](#).
- **July-August 2023:** The project staff team assembled comments from the outreach and shared them with the CAC. The comments at this stage in the process were generally supportive, although some community priorities are not addressed by the current plan and

will require ongoing work by the City, County, and community partners. The CAC voted on July 27, 2023 to move the revised adoption package forward to public hearings. The CAC and community organization recommendation letters are included in **Attachment F**.

### **Formal Adoption Package**

Based on the process described above, project staff refined the adoption package, including assembling the Neighborhood Plan, drafting plan and code amendments, writing findings, and summarizing the project's public engagement and technical analysis.

A complete adoption package was assembled for the City of Eugene and Lane County Planning Commissions for review and recommendations, which occurred in Fall 2023.

The **components of the City of Eugene adoption package** attached to this AIS include:

- **Attachment A:** An Ordinance Amending the Eugene-Springfield Metropolitan Area General Plan; Adopting the River Road-Santa Clara Neighborhood Plan; And Providing an Effective Date.
- **Attachment B:** An Ordinance Amending Sections 9.2160, 9.2161, 9.2170, 9.2740, 9.2741, 9.8010, and 9.8030 of the Eugene Code, 1971; Adding Maps 9.2161(11) and 9.2170(3)(d) to that code; Amending Figure 9.2170(4)(c)6. and Map 9.8010 of that Code and Providing an Effective Date.

### **Planning Commission Recommendations**

The Eugene and Lane County Planning Commissions held a Joint Public Hearing on October 17, 2023. The [public hearing packet](#) included a detailed summary of the proposed adoption package components, project background, and other materials.

The Eugene Planning Commission deliberated at their November 14, 2023 and December 5, 2023 meetings. After lengthy discussions and consideration of issues raised in public testimony, they unanimously recommended that the City Council approve the Neighborhood Plan and Metro Plan Amendments. A majority of the Planning Commission also recommended that the City Council approve the proposed Land Use Code Amendments, as amended during Planning Commission discussions.

The Lane County Planning Commission met and deliberated on December 19, 2023. The Commission discussed and considered issues raised in testimony, and unanimously recommended that the Board of County Commissioners approve the Neighborhood Plan and Metro Plan Amendments.

Materials related to the proposed amendments are available on the City's Land Use Application page: <https://pdd.eugene-or.gov/LandUse/SearchApplicationDocuments?file=MA-23-0005>.

A formal public notice of the City Council and Board of Commissioners public hearing on the proposed River Road-Santa Clara Neighborhood Plan was sent to the project's formal interested parties list. Notice of this hearing was also published in The Register-Guard.

## **Procedural Summary**

The process being followed for the formal consideration of the legislative adoption package meets or exceeds all the City and County procedural requirements. The Metro Plan amendments will be processed using the Type II Metro Plan amendment procedures in Eugene Code (EC) 9.7700-EC 9.7750 and sections 12.300 and 14.030 of the Lane Code. The Eugene City Council and the Board of Commissioners will be the final decisionmakers on the Metro Plan amendments. The code amendments will be processed using the Type V land use application procedures in EC 9.7500-9.7560. The Eugene City Council will be the final decision-maker on the code amendments.

## **Joint Elected Officials Public Hearing**

The City Council and Board of Commissioners held a joint public hearing on March 12, 2024. At the hearing, twelve people testified. The issues raised in testimony included general support for the Neighborhood Plan and Metro Plan amendments, and both support and opposition to the proposed land use code amendments for various reasons. Following the testimony, Councilors and Commissioners asked questions. The testimony and questions are addressed in more detail in the staff memo attached as **Attachment C** to this AIS.

## **Record of Materials for the Council and Board's Consideration**

An online copy of the record materials has been made available to the City Council and Board of Commissioners. As a courtesy, application materials are available on the land use application website: <https://pdd.eugene-or.gov/LandUse/SearchApplicationDocuments?file=MA-23-0005>. The complete record is available for review by the public at Lane County's Land Management Division, located at 3050 N. Delta Hwy, Eugene, OR 97408, between 9:00am and 3:00pm Monday-Friday and at the City of Eugene's Permit and Information Center, located at 99 West 10th Avenue, Eugene, OR 97401 between 12:00pm and 4:00pm Monday-Friday.

## **Next Steps**

**Neighborhood Plan Adoption and Metro Plan Amendments:** In order for the proposed Neighborhood Plan and Metro Plan amendments to take effect, both the City Council and the Board of Commissioners must adopt the Neighborhood Plan and Metro Plan amendments by ordinance. The decisions of the City Council and Board of Commissioners on the Neighborhood Plan and Metro Plan amendments must be based on the applicable approval criteria, which are listed in **Attachment A** (Exhibit B). The City Council and Board of Commissioners are holding separate deliberations to consider adoption of their separate ordinances; however, both bodies must adopt substantively identical ordinances to approve the Metro Plan Amendments and adoption of the Neighborhood Plan. The Lane County Board of Commissioners deliberations and possible action on the Neighborhood Plan and Metro Plan amendments is scheduled for April 23, 2024.

**Eugene Land Use Code Amendments:** The Eugene City Council has the sole authority to adopt, amend, or reject the ordinance proposing the amendments to the Eugene Code. The City Council's decision on the Code amendments must be based on the applicable approval criteria, which are listed in **Attachment B** (Exhibit E).

## **RELATED CITY POLICIES**

The Eugene City Council directed the creation of the River Road-Santa Clara Neighborhood Plan during the Envision Eugene Recommendation in 2012.

## **PREVIOUS COUNCIL DIRECTION**

### [May 12, 2021 Work Session](#)

The Eugene City Council directed staff to move into the Adoption Phase and prepare the River Road-Santa Clara Neighborhood Plan adoption package for community review.

*Passed 7:0*

### [April 10, 2024 Work Session](#)

The Eugene City Council passed a motion to direct the City Manager to revise the ordinance attached as Attachment B to exempt properties located along River Avenue from the proposed changes in sections 1-3 of the ordinance and to return the revised ordinance for action. *Passed 8:0*

## **COUNCIL OPTIONS**

The City Council may:

1. Adopt the ordinances as provided in Attachment A and Attachment B to this AIS.
2. Request additional specific modifications as determined by the City Council.
3. Take no action.

## **CITY MANAGER'S RECOMMENDATION**

The City Manager recommends adoption of the ordinances provided in Attachments A and B.

## **SUGGESTED MOTIONS**

Move to adopt an Ordinance Amending the Eugene-Springfield Metropolitan Area General Plan; Adopting the River Road Santa Clara Neighborhood Plan; and Providing an Effective Date.

AND

Move to adopt an Ordinance Amending Sections 9.2160, 9.2161, 9.2170, 9.2740, 9.2741, 9.8010, and 9.8030 of the Eugene Code, 1971; Adding maps 9.2161(11) and 9.2170(3)(d) to that Code; Amending Figure 9.2170(4)(c)6. and Map 9.8010 of that Code; and Providing an Effective Date.

## **ATTACHMENTS**

- A. Proposed Ordinance and Exhibits: River Road Santa Clara Neighborhood Plan and Metro Plan Amendments
- B. Proposed Ordinance and Exhibits: Eugene Code Amendments  
(Binders with printed copies of all Ordinance exhibits are located in the Eugene City Council office and will be physically available at the Council meeting.)
- C. Memorandum, Staff Response to Public Testimony and Elected Officials' Questions (March 22, 2024)



**FOR MORE INFORMATION**

City Staff Contact: Terri Harding, Principal Planner  
Telephone: 541-682-5635  
Staff Email: [tharding@eugene-or.gov](mailto:tharding@eugene-or.gov)  
Project page: [www.riverroad-santaclaraplan.org](http://www.riverroad-santaclaraplan.org)

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN; ADOPTING THE RIVER ROAD-SANTA CLARA NEIGHBORHOOD PLAN; AND PROVIDING AN EFFECTIVE DATE.**

**The City Council of the City of Eugene finds as follows:**

**A.** The River Road and Santa Clara neighborhoods are comprised of a patchwork of properties some of which are located in the City of Eugene and some of which are located in Lane County.

**B.** The River Road-Santa Clara Neighborhood Plan was developed with substantial community input utilizing a collaborative process incorporating the River Road Community Organization, the Santa Clara Community Organization, the City of Eugene, Lane County and other stakeholders throughout both neighborhoods.

**C.** The River Road and Santa Clara communities, the City of Eugene and Lane County all agree that a neighborhood plan with a forward-looking vision is an important asset for the River Road and Santa Clara communities.

**NOW THEREFORE,**

**THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:**

**Section 1.** The Eugene-Springfield Metropolitan Area General Plan (“Metro Plan”) is amended as follows:

(a) The page reference to “River Road and Santa Clara Goals, Findings, and Policies” are deleted from the Table of Contents.

(b) The phrase “River Road and Santa Clara Goals, Findings and Policies:” is deleted from the first paragraph of Chapter II: Fundamental Principles and Growth Management Policy Framework.

(c) Chapter II, Section F: River Road and Santa Clara Goals, Findings, Objectives, and Policies, is deleted in its entirety.

**Section 2.** The River Road-Santa Clara Neighborhood Plan, attached as Exhibit A to this Ordinance, is adopted as a refinement plan of the Metro Plan.

**Section 3.** Metro Plan Appendix B: Refinement Plans, Functional Plans, and Other Planning Documents is amended to add the following information in alphabetical order within the list of documents:

River Road-Santa Clara Neighborhood Plan

Date: 2024

Adopted by: Eugene City Council  
Lane County Board of Commissioners

Adopting Ordinances: City of Eugene Ordinance No. XXXX  
Lane County Ordinance No. XXXX

Adoption Date: XXX, 2024

**Section 4.** The findings set forth in Exhibit B to this Ordinance are incorporated by reference and adopted in support of this Ordinance.

**Section 5.** Notwithstanding the effective date of ordinances as provided in the Eugene Charter of 2002, this Ordinance shall become effective 30 days from the date of its passage by the City Council and signature by the Mayor, or upon the date the Lane County Board of Commissioners has adopted an ordinance containing substantially identical provisions to those described in Sections 1-3 of this Ordinance, whichever is later.

**Section 6.** The City Recorder, at the request of, or with the concurrence of the City Attorney, is authorized to administratively correct any reference errors contained herein, including completing any incomplete references to the adopting ordinances and the adoption date of the River Road-Santa Clara Neighborhood Plan in Appendix B to the Metro Plan.

**Section 7.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof. Further, if this Ordinance is remanded back to the City Council for further action by the Oregon Land Use Board of Appeals, those sections, subsections, sentences, clauses, phrases or portions that do not require action on remand shall be deemed separate, distinct, and independent provisions and such remand shall not affect their validity or effect.

**Passed by the City Council this**

\_\_\_\_\_ day of \_\_\_\_\_, 2024

\_\_\_\_\_  
**City Recorder**

**Approved by the Mayor this**

\_\_\_\_\_ day of \_\_\_\_\_, 2024

\_\_\_\_\_  
**Mayor**



RIVER ROAD • SANTA CLARA

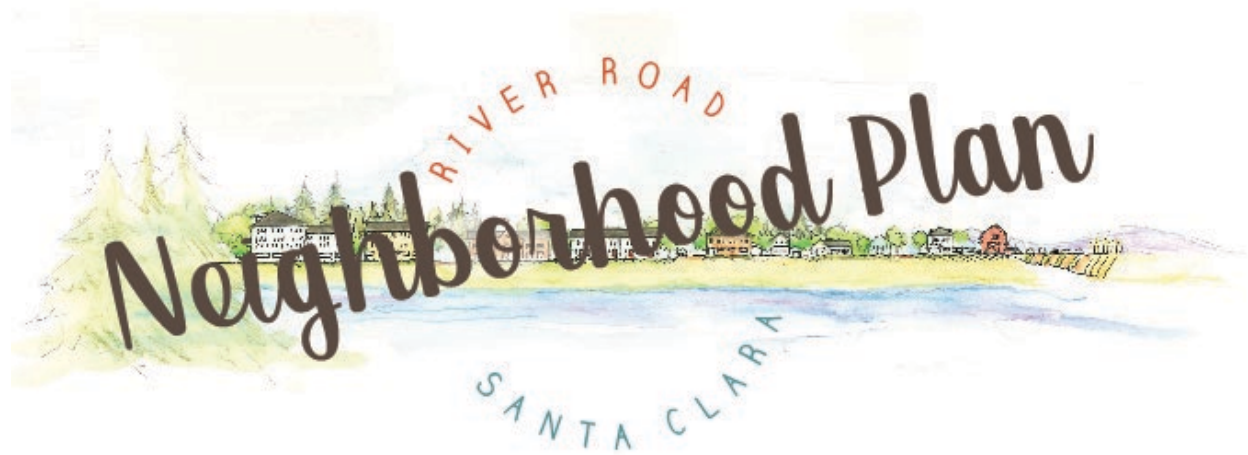
# Neighborhood Plan



## TOPIC AREAS

1. ECONOMIC DEVELOPMENT
2. TRANSPORTATION
3. PARKS AND NATURAL RESOURCES
4. LAND USE
5. COMMUNITY





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## Acknowledgements

Thank you to the community members who have dedicated countless hours to the development of this Neighborhood Plan and the future of the River Road and Santa Clara neighborhoods. Special thanks to the Community Advisory Committee for providing leadership and playing an active role throughout the process. This work would not have been possible without you.

### Community Advisory Committee Members

Jon Belcher	Mary Leontovich
Carl Below	Ed McMahon
Luke Callahan	Michele O’Leary
Terah Cleveland	Kate Perle
Rick Duncan	Harry Sanger
Cameron Ewing	Rebecca Sprinson
Jerry Finigan	Ann Vaughn
Beth Gerot	Louie Vidmar
Louisa de Heer	Hans Wittig
Susan Kittleson	

### Working Group Members

Bruce Barney	George Price
Vickie Barnts	Christina Prince
Beverly Barr	Meredith Prochot
Todd Berger	Gaston Ramos
Peter Bolander	Carleen Reilly
Joe Castino	Pat Reilly
Betty Grant	Becky Riley
Lisa Hudson	Joel Robe
Kevin Jones	Vicki Roessler
Hillary Kittleson	Christine Rush
Hamid Madami	Julie Schaum
Cathy Martinit	Jolene Siemsen
Jacqueline McClure	Jan Spencer
Jerry Mohr	Miaya Sustaita
Nora Morgan	Cat Tanzer
Jim Neu	Alpha Wilson
Steve Norris	Catherine Zukowski
Brian Parmelee	

### River Road Community Organization Board Members

Jon Belcher	Stefan Ostrach
Charlsey Cartwright	Clare Strawn
Mysti Frost	Carly Sylva-Gabrielson
Dan Isaacson	Jacque Wurster
Susan Kittleson	

Exhibit A

**Santa Clara Community Organization Board Members**

Jerry Finigan  
Tim Foelker  
Patrick Kerr  
Dawn Lesley  
Jerry Mohr

Kate Perle  
Terri Reed  
Louie Vidmar  
Matt Vohs

**Triple Bottom Line Sounding Board Members**

Bill Aspegren  
Allen Hancock  
Randy Hledik  
Ela Kubok

Daniel Lombardi  
Emily Reiman  
Kristen Taylor  
Alicia Voorhees

Members of the project staff team changed somewhat over the course of the planning period. At the time the River Road-Santa Clara Neighborhood Plan was adopted, the following staff were part of the core project team:

**City of Eugene**

Terri Harding, Principal Planner & Project Manager  
Alissa Hansen, Planning Director  
Elena Domingo, Associate Planner  
Leah Rausch, Associate Planner  
Zoli Gaudin-Dalton, Assistant Planner  
Annie Loe, Urban Designer  
Rob Inerfeld, Transportation Planning Manager  
Carolyn Burke, Parks & Natural Resource Planning Manager  
Fabio Andrade, Equity and Community Engagement Manager

**Lane County**

Jared Bauder, Associate Planner  
Lindsey Eichner, Principal Planner

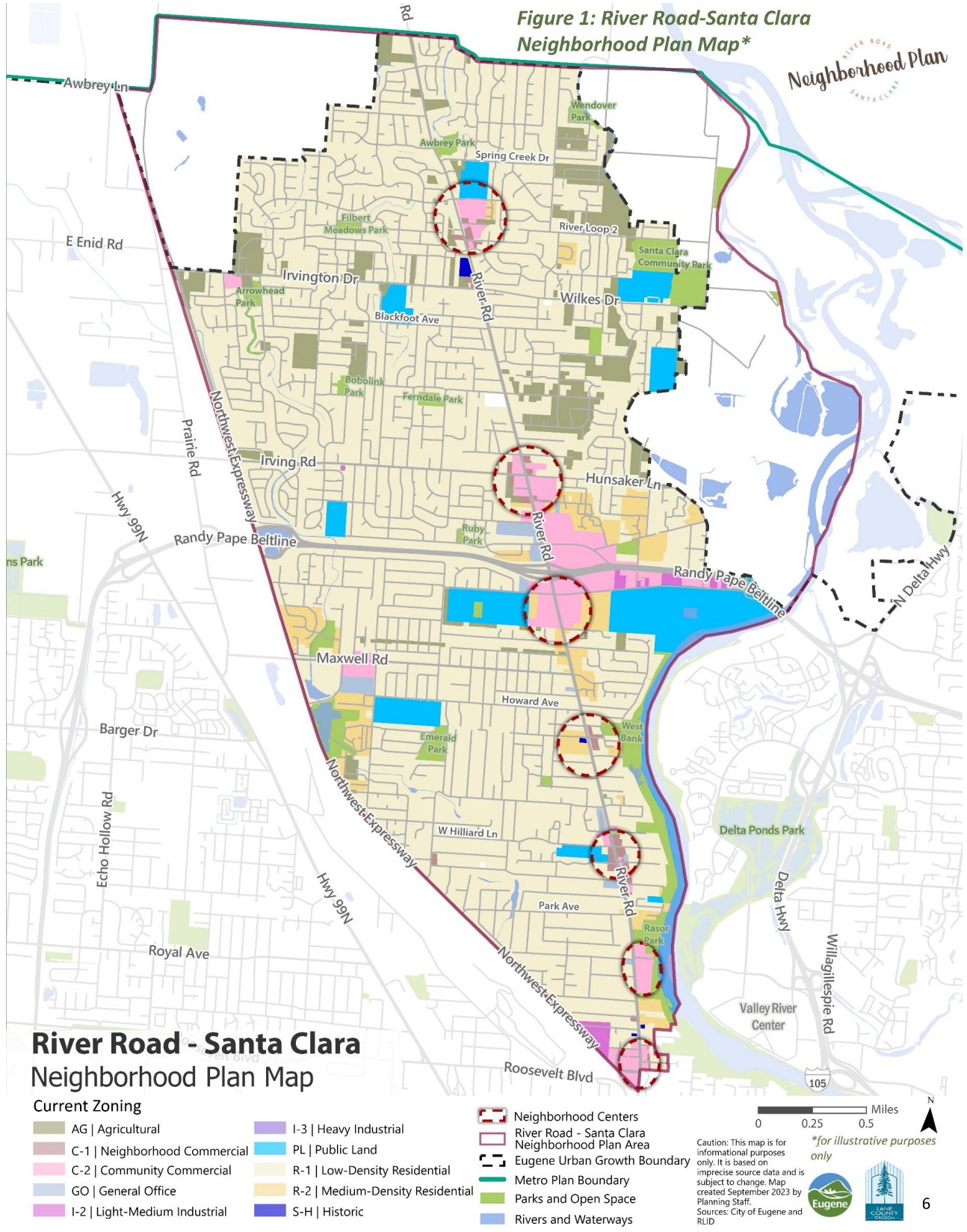
## Introduction

The River Road and Santa Clara neighborhoods are a patchwork of properties located in the City of Eugene (incorporated) and in Lane County (unincorporated). For over 30 years, land use and development within the River Road and Santa Clara communities have been governed by the River Road-Santa Clara Urban Facilities Plan (1987). The community, the City and the County all agreed that a plan with a forward-looking vision was needed for this large part of the community.

The River Road Community Organization (RRCO) and Santa Clara Community Organization (SCCO) dedicated innumerable volunteer hours developing a foundation of community input on which to build the neighborhood planning process. This work included past community and planning efforts, such as the Santa Clara-River Road Outreach and Learning (SCRROL) and Santa Clara-River Road Implementation Planning Team (SCRRIPT) projects. Launched in Fall 2017, the neighborhood planning process was a collaborative effort among RRCO, SCCO, the City of Eugene, Lane County, and other stakeholders throughout both neighborhoods. The process had six phases: Reaching Out, Neighborhood Visioning, Neighborhood Priorities, Policy Development, Action Planning, and Adoption with opportunities for community and stakeholder feedback throughout every phase.

The neighborhood planning process created a vision for growth and development in a manner that respects the area's unique characteristics and opportunities, and which will guide decision-making in River Road and Santa Clara for decades to come. The Neighborhood Plan vision is consistent with Envision Eugene, the community vision for how growth is managed in Eugene's Urban Growth Boundary (UGB), in a way that protects and enhances quality of life and reflects shared community values, while tailoring the citywide vision to the local context. **The Neighborhood Plan focuses on the Topic Areas of Economic Development, Transportation, Parks and Natural Resources, Land Use, and Community.** To reflect the community values, aspirations and priorities expressed during outreach, each Topic Area includes vision statements, goals, policies, and actions.

Figure 1: River Road-Santa Clara Neighborhood Plan Map\*



**River Road - Santa Clara  
Neighborhood Plan Map**

**Current Zoning**

- AG | Agricultural
- C-1 | Neighborhood Commercial
- C-2 | Community Commercial
- GO | General Office
- I-2 | Light-Medium Industrial
- I-3 | Heavy Industrial
- PL | Public Land
- R-1 | Low-Density Residential
- R-2 | Medium-Density Residential
- S-H | Historic
- Neighborhood Centers
- River Road - Santa Clara Neighborhood Plan Area
- Eugene Urban Growth Boundary
- Metro Plan Boundary
- Parks and Open Space
- Rivers and Waterways

Caution: This map is for informational purposes only. It is based on imprecise source data and is subject to change. Map created September 2023 by Planning Staff.  
Sources: City of Eugene and RLID

\*for illustrative purposes only

Eugene  
LANE COUNTY

## How to Use the Neighborhood Plan

The River Road-Santa Clara Neighborhood Plan is a formally adopted, legally binding land use plan. The plan boundary follows the boundaries of RRCO and SCCO, and includes properties located inside the Eugene city limits, properties located outside the Eugene city limits but within Eugene's UGB, and properties located outside Eugene's UGB but within the boundary of the Eugene-Springfield Metropolitan Area General Plan (Metro Plan). See *Figure 1: River Road-Santa Clara Neighborhood Plan Map*.

The Neighborhood Plan provides policy direction for City and County decision-makers as they consider future legislative decisions. Plan policies are not intended to be applied as a standard or criterion for approving or denying a land use or development application unless such direction is specifically stated in the policy. Land use codes adopted by the City and the County, which implement certain policies of this Neighborhood Plan through detailed regulation, generally include the approval criteria for individual land use applications. Finally, some of the policies in this plan are aspirational, including those policies that call for collaboration or additional efforts from RRCO and SCCO and additional community partners.

The Neighborhood Plan is organized around five Topic Areas: Economic Development, Transportation, Parks and Natural Resources, Land Use, and Community. Each Topic Area includes vision statements, goals, policies, and actions. The terms "vision statement," "goal," "policy," and "action" as used in this Neighborhood Plan mean the following:

- **Vision Statements** are aspirational and describe the community's best outcome for how the neighborhood will look, feel, and function 20 years and more into the future. Each vision statement is based on community values and aspirations expressed during the Neighborhood Plan community engagement process. The vision statements reflect the ideal outcome if all aspirational goals were to be attained.
- **Goals** are statements that describe hopes for the future of the community related to a particular idea, and flow directly from the neighborhood vision. A goal is aspirational and may not be fully attained within a particular time frame.
- **Policies** are statements adopted to provide a consistent course of action and to move the community toward attainment of its goals. Some of the policies in the Neighborhood Plan guide the City and County in planning and policy decisions such as: formulating proposed changes to local land use codes and other regulatory documents; developing other work programs and long-range planning projects; and preparation of budgets and capital improvement programs. Other plan policies are aspirational calls for collaboration or additional efforts from the RRCO, SCCO, and other community partners. The policies included in this plan will not be used in determining whether the City or County should approve or deny land use or development applications unless such direction is specifically stated in the policy.



- **Actions** are possible strategies to implement the policies of this plan. The Neighborhood Plan is supported by the non-regulatory **Action Plan**, which includes actions such as possible land use code amendments, zone changes, projects, programs, and possible community partnerships. The Action Plan is not attached to or incorporated in the Neighborhood Plan and the Action Plan is not adopted by the City or County governing boards. The Action Plan is a separate document, which identifies community priorities to guide implementation of the Neighborhood Plan. The inclusion of a particular action in the Action Plan does not require implementation of that action, nor does it prohibit the implementation of other actions, whether or not they are listed in the Action Plan. The Action Plan identifies various local entities such as the City of Eugene, Lane County, RCCO and SCCO, as well as additional community partners, who may lead implementation of different actions. Some actions, such as land use code amendments and zone changes, may require implementation by the Eugene City Council or the Lane County Board of Commissioners. Other actions may be implemented by City or County staff, RCCO and SCCO, or other community partners.

Implementation of the Action Plan will occur over time as committed community members strive to improve the neighborhoods, and as resources allow. The Action Plan includes general budget and timeframe estimates to help inform community advocacy for resources and to inform City, County, and other community partners' work plans and capital project development. Some actions will require public funds and resources while other actions will be dependent on private investments and development activities.

A set of neighborhood-specific amendments to the City of Eugene's Land Use Code, applying only within RRCO and SCCO, are proposed to be adopted concurrently with the Neighborhood Plan. These amendments include changes to the C-2 Community Commercial Zone to lower the maximum building height, add design standards, and prohibit certain auto-oriented land uses. Additionally, the amendments include changes to the R-1 Low Density Residential Zone to allow for the small-scale collective sale of agricultural products. These amendments reflect community feedback and certain high priority actions in the Action Plan.

The policies under the various Topic Areas in this Neighborhood Plan are interrelated and, together, create the plan's policy framework. In some cases, there is overlap between policies, and in other cases, there may be conflicts and inconsistencies between and among some policies. When making decisions based on the Neighborhood Plan, not all the policies can be complied with to the same degree in every instance. Use of the Neighborhood Plan requires a balancing of its various policies on a case-by-case basis, with an emphasis on those policies most pertinent to the issue at hand.

The policies in the Neighborhood Plan vary in their scope and implications. Some call for a specific City or County action; others are directives the City and County must address when adopting or amending their respective land use codes or plans; and others are aspirational calls for collaboration or additional efforts from RRCO, SCCO, and community partners. The common theme of all the policies is that each represents an approach toward land use problem-solving and goal realization in the River Road and Santa Clara neighborhoods. Adoption of the River Road-Santa Clara Neighborhood Plan does not

necessarily commit the City, County, neighborhood organizations, or others to immediately carry out each policy to the letter. The City and County will carry out the policies applicable to the City and County to the best of their abilities, given sufficient time and resources.

### **Future Amendments**

The Neighborhood Plan is a long-range policy document which establishes a framework for future decision-making, however it may require updates or amendments in response to changes in the law or circumstances important to the community.

Because the boundary of the plan includes land within the Eugene city limits, land between the Eugene city limits and the UGB, and land outside the UGB but within the Metro Plan Boundary, the plan requires joint adoption by Eugene and Lane County. The approval process for an amendment to the Neighborhood Plan shall necessarily follow the Metro Plan Amendment process for two jurisdictions (Type II process), as outlined in the Eugene-Springfield Metropolitan Area General Plan.

## Regulatory Framework and Relationship to Other Plans and Policies

The Neighborhood Plan is one plan among a variety of land use plans and regulations that exist at the state, regional, and local level. As an adopted land use plan, the Neighborhood Plan has defined relationships to other adopted plans.

### Statewide Planning Goals

Oregon's Statewide Land Use Planning Goals, related statutes, and administrative rules provide a framework for all local land use planning. State law requires each city and county to adopt a comprehensive plan, which must be consistent with the Statewide Land Use Planning Goals, as well as the zoning and land division ordinances necessary to effectuate the comprehensive plan.

### Other Adopted Land Use Plans

At the local and regional level, the two applicable comprehensive plans are the Envision Eugene Comprehensive Plan and the Eugene-Springfield Metropolitan Area General Plan (Metro Plan).

### Envision Eugene Comprehensive Plan

Envision Eugene is the community vision for how growth is managed in Eugene's UGB in a way that protects and enhances quality of life and reflects Eugene's shared values. The Envision Eugene Comprehensive Plan, the regulatory component of Envision Eugene, is the basic guiding policy document for land use planning within Eugene's UGB and addresses the future of Eugene through goals and regulatory policies regarding land use.

### Eugene-Springfield Metropolitan Area General Plan (Metro Plan)

The Metro Plan is the basic guiding land use policy document for regional land use planning and applies to the Cities of Eugene and Springfield and areas of Lane County within the Metro Plan boundary.

The Neighborhood Plan must be consistent with applicable provisions in both the Envision Eugene Comprehensive Plan and the Metro Plan. If inconsistencies occur between the Neighborhood Plan and the Envision Eugene Comprehensive Plan, the Envision Eugene Comprehensive Plan is the prevailing policy document. If inconsistencies occur between the Neighborhood Plan and the Metro Plan, the Metro Plan is the prevailing policy document. As provided in the Envision Eugene Comprehensive Plan, for properties located within Eugene's UGB, if inconsistencies occur between the Envision Eugene Comprehensive Plan and the Metro Plan, the Envision Eugene Comprehensive Plan is the prevailing policy document.

### Major Related Plans and Programs

The River Road and Santa Clara neighborhoods are a patchwork of properties located within the City of Eugene (incorporated) and Lane County (unincorporated), and there are related City and County plans and programs that apply to this area. Following is a summary of key City and County plans and programs



in place at the time of Neighborhood Plan adoption that relate to the Neighborhood Plan goals, policies, and actions.

### **River Road-Santa Clara Urban Facilities Plan (1987)**

The 1987 River Road-Santa Clara Urban Facilities Plan (the 1987 Plan) was adopted in part to address groundwater contamination by septic systems in the River Road Santa Clara area and to act as a planning document for the provision of urban facilities, including sanitary sewer systems to the area. The 1987 plan also contains land use policies applicable to individual land use applications and a land use diagram for the plan area. The area encompassed by the 1987 Plan is slightly different from the area encompassed by the Neighborhood Plan, so there may be some areas within the Neighborhood Plan boundary that are not governed by the 1987 Plan. If inconsistencies occur between the Neighborhood Plan and the 1987 Plan, the Neighborhood Plan is the prevailing policy document.

### **Eugene 2035 Transportation System Plan**

Eugene's 2035 Transportation System Plan (TSP) establishes a system of transportation facilities and services that will meet the needs of Eugene residents, businesses, and visitors through 2035, consistent with the Envision Eugene Comprehensive Plan and compliant with Statewide Planning Goal 12 (Transportation). By addressing all modes of travel, the Eugene 2035 TSP is designed to meet Eugene's transportation needs as they evolve in the future and to increase transportation choices available throughout the community. The TSP serves as the City of Eugene's local transportation system plan and pedestrian and bicycle master plan. The Eugene TSP includes a list of projects, including specific projects in the River Road-Santa Clara area, for implementation through 2035.

### **Eugene Vision Zero Action Plan**

Vision Zero is an approach to transportation safety that aims to eliminate deaths and lifechanging injuries caused by traffic crashes – this is the goal of implementing Eugene's Vision Zero Action Plan. The Vision Zero approach helps with educating the community on local traffic safety issues and enabling the City of Eugene to prioritize resources based on evidence of the greatest need and impact.

### **Lane County Transportation System Plan**

The Lane County Transportation System Plan (TSP) establishes Lane County's transportation policies and identifies transportation projects needed through 2036 to meet the needs of the community. As a 20-year policy and investment guide, the County's TSP addresses major systems rather than ongoing operations and maintenance activities.

See *Figures 4: Existing Transportation Map, 5: Future Transportation Map, and 6: Street Jurisdiction Map* to learn more about City, County, and private streets and infrastructure.

### **Eugene Parks and Recreation System Plan**

The Eugene Parks and Recreation System Plan (PRSP), adopted in 2018, is a 30-year strategic plan with implementation recommendations for the first 10 years. The Eugene PRSP includes new parks and trails, improved access to the Willamette River, revitalized pools and community centers, greater connectivity, and more recreation opportunities in underserved areas. The PRSP's long-term vision includes many

specific projects - to see a list of priority 1, 2, and 3 projects in the River Road-Santa Clara area, see the Planning District Summary in the PRSP.

### **Eugene Stormwater Basin Master Plan**

The Eugene Stormwater Basin Master Plan includes goals and objectives, implementation strategies, study area characteristics, and methods for evaluating flood control, water quality, and open waterways. The Stormwater Basin Master Plan is broken into volumes, with a stormwater management strategy for each basin, including River Road-Santa Clara.

### **Lane County Stormwater Management Program**

The County's stormwater management program addresses control measures to reduce pollutants discharged into waterbodies, including illicit discharge detection. The County works closely with the City of Eugene on stormwater issues, although both jurisdictions maintain an inventory of their stormwater infrastructure and conduct regular maintenance activities.

### **Eugene Climate Action Plan**

The Climate Action Plan (CAP 2.0) was developed to outline the types of bold actions needed to reach Eugene's community-wide Climate Recovery Ordinance goals. The CAP 2.0 captures the actions the community is prepared to implement, as well as community ideas for what else is needed to create an equitable and livable community for everyone. Some of these actions relate to transportation options, housing, stormwater management, urban forestry practices, and community resilience.

### **Eugene Capital Improvement Program**

Eugene's Capital Improvement Program (CIP) provides a six-year funding plan for the City's capital improvements, including airport, parks and open space, public buildings, stormwater, transportation, and wastewater projects. Capital projects are generally large-scale endeavors in terms of cost, size, and benefit to the community and needs are based on various City-adopted long-range plans, goals, and policies.

### **Additional Related Plans, Manuals, Resources, and Programs**

The Neighborhood Plan is a long-range planning document that identifies needs throughout the two neighborhoods that relate to many different topics. There are several other plans, manuals, resources, and programs that relate to the goals and policies in this Neighborhood Plan. They include, but are not limited to, the following:

- Beltline Facility Plan
- City of Eugene Complete Street Design Guide
- City of Eugene Green Building Resources
- City of Eugene Historic Loan Program
- City of Eugene Housing Implementation Pipeline (HIP)
- City of Eugene Parks and Recreation Bond and Levy Projects
- City of Eugene Urban Forestry Program
- City of Eugene Urban Reserves
- City of Eugene Water Quality Overlay Zone

Exhibit A

- City of Eugene Water Resources Conservation Overlay Zone
- MovingAhead
- Rivers to Ridges Regional Parks and Open Space Vision
- Safe Routes to School
- Sidewalk Inventory
- Transportation Options: Strategies for a Growing Eugene



## How We Got Here

Neighborhood planning took place between 2017 and 2023, but it builds on a legacy of community organizing and planning, as well as the natural environment, built environment, and community features that make the River Road and Santa Clara neighborhoods distinct. This section summarizes the path to creating the Neighborhood Plan, beginning with the neighborhood's history through to plan adoption.

## Neighborhood History

The River Road and Santa Clara communities are oriented around River Road, which now runs on top of an established indigenous peoples' trail, moving north-south through these communities. In the northernmost portion of Eugene's UGB, the Santa Clara area encompasses about 2,400 acres and has physical borders that include the Willamette River to the east, Randy Pape Beltline Road to the south, and Northwest Expressway to the west. Just south of Santa Clara is the River Road community which encompasses about 1,700 acres and is bordered by the Willamette River to the east, Beltline Road to the north, Northwest Expressway and Railroad Yard to the west, and Thomason Lane to the south, adjoining the Whiteaker Neighborhood. See *Figure 1: River Road-Santa Clara Neighborhood Plan Map*.

The areas known today as River Road and Santa Clara lie within the traditional homeland of the Kalapuya people. From time immemorial, within the context of the Willamette Valley's mosaic of majestic landscapes and ecologies, the Kalapuya bands have accessed the natural resources made available by way of the walamst, or what is today known as the Willamette River and the Valley's fertile, nutrient-rich soils.

Given the available resources and the potential for agricultural land, the area was also attractive to non-indigenous settlers. Beginning in 1840, these settlers arrived in the Oregon territory by way of the Oregon Trail. Diseases, introduced to the Valley by settlers, decimated the indigenous populations. By 1850, more than 90 percent of the Native population had died in an onslaught of repeated epidemics. Today, the Kalapuya people are modern Indigenous community members who continue to practice reverence and traditional connection to the Willamette River and Valley. (*Learn more about the Kalapuyan people of Oregon at <https://fiveoaksmuseum.org/exhibit/this-is-kalapuyan-land/>.*)

In the 1850s, this area was settled by scattered subsistence farm operations. Over time, commercial agriculture became the preeminent land use, especially with the construction of the Oregon and California Railroad in 1871, which was associated with transporting agricultural products.

Though residential construction continuously increased throughout the early 1900s, the River Road and Santa Clara communities remained predominantly agricultural in character until post-World War II increases in Eugene's population spurred the siting and development of more subdivisions and homes within both communities. The rapid increase in population correlated with an estimated 45 percent of the River Road area's residences being constructed between 1940 and 1959. The result was a continued decrease in average farm size, declining agricultural production, and a checkerboard landscape of homes and farmland. As urbanization accelerated during the late 1940s and 1950s, Santa Clara also experienced increases in commercial development.

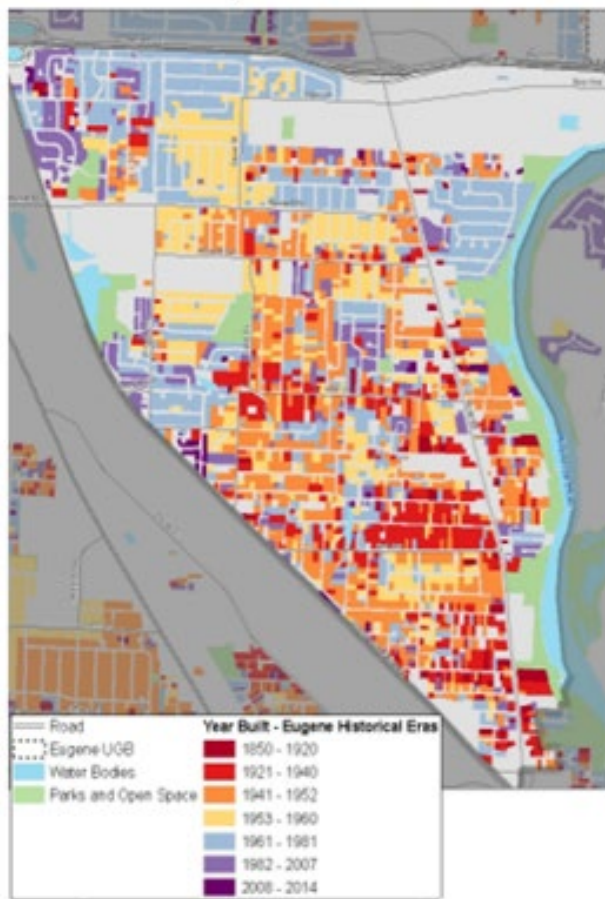
Exhibit A

River Road, designated Pacific Highway in 1923, was once the only major link between Portland and California. This designation of River Road as a state highway greatly influenced much of the development experienced in the River Road and Santa Clara communities. According to land use studies from the 1930s and 1940s, the majority of the roads in the area were created to provide access to River Road. Later, the completion of Beltline Highway (1970) and Northwest Expressway (1980) further facilitated development; this development resulted in changes to the use of the land. Generally, land uses shifted from being primarily farmland to an increase in subdivisions and the presence of homes.

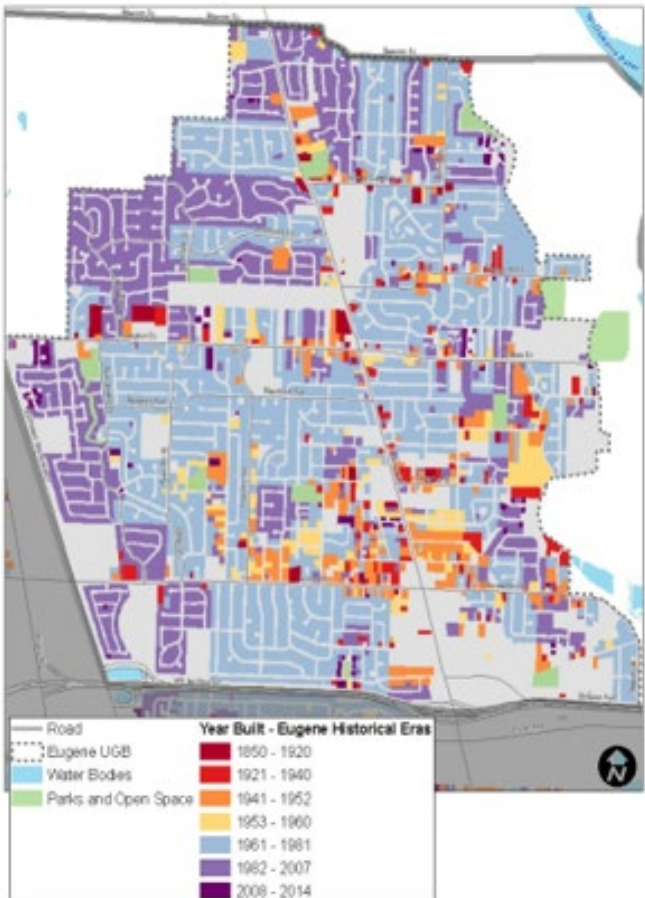
Post-World War II growth brought with it the development of educational and religious facilities. In 1945, River Road and Santa Clara school districts joined Eugene School District No. 4, and five schools were built in the River Road community. The area also experienced an increase in church construction during the 1950s and 1960s. Though church construction had previously been limited to the downtown core, over this period of rapid growth, construction of churches began to take place in areas outside of downtown.

**Figure 2: River Road and Santa Clara Historical Development Patterns**

**Historical Development Patterns in River Road**



**Historical Development Patterns in Santa Clara**



### **Continued Development and Annexation**

Development continued to urbanize both communities, bringing aspects of in-town communities, such as curved streets and cul-de-sacs, to River Road and Santa Clara by 1975. Accompanying these transformations to the built environment were continuing conversations around how these communities could be incorporated into the City's jurisdiction and how urban services, such as electricity, water, transportation, and sewer, would be provided to the area.

Annexation, sometimes called "incorporation," is the legal process by which properties located in a county become part of a city ("incorporated") and thus eligible to receive city services. In 1982, the adopted regional Metro Plan governing planning efforts of Eugene, Springfield, and Lane County, established the regional UGB and included policies requiring that if new development occurred on properties within the UGB, the properties in question would be annexed to the appropriate city, either Eugene or Springfield.

### **Sanitary Sewer Service and Patchwork Jurisdiction**

Later in the 1980s, a groundwater pollution problem in the area led to the State of Oregon mandating the provision of sanitary sewers. The Metro Plan specified that cities were the sole providers of sewers in the metro area, which meant the City of Eugene was responsible for providing sewers to River Road and Santa Clara. While the City originally intended to provide sewer service to individual properties that chose to voluntarily annex, in order to reduce the groundwater pollution problem, Eugene extended wastewater service to developed properties regardless of whether a property owner chose to annex.

These processes resulted in tensions between River Road and Santa Clara community residents and the City. The legacy of these tensions has led to the continued jurisdictional fragmentation of these communities, with some residents integrated into the Eugene City limits and others remaining within the Lane County jurisdiction—all of which contributed to the checkerboard pattern of City and County properties seen throughout the River Road and Santa Clara neighborhoods today and created inefficiencies in the provision of services and confusion for residents and agencies alike.

Policies in the Metro Plan now encourage annexation as the preferred means of providing urban services to new development. Annexation is voluntary; however, it is typically required when a property owner proposes to develop a property that is within the UGB but not within city limits as a condition of certain land use approvals. In the City of Eugene, annexations must be approved by the Eugene City Council, and the property must be contiguous to the city limits or separated from the city limits only by a public right of way or a stream, bay, lake or other body of water.

### **Past Community and Planning Efforts**

Adopted in 1987, the River Road-Santa Clara Urban Facilities Plan has governed land use and development in the River Road and Santa Clara communities for over 30 years. A number of planning efforts have occurred in River Road and Santa Clara in the years since the Urban Facilities Plan was adopted, leading up to and informing the formal Neighborhood Planning process that began in 2017.



RRCO and SCCO, the City of Eugene, Lane County, and other stakeholders throughout both neighborhoods to create a vision for growth and development in a manner that respects the area's unique characteristics and opportunities, which will guide decision-making in River Road and Santa Clara for decades to come. The process was guided by a project charter that outlined the decision-making structure, and a public involvement plan that focused on community outreach.

### Project Roles

Early in the neighborhood planning process, City and County staff worked with the RRCO and SCCO to establish project roles and various technical and working groups. Some of these groups worked through the duration of the planning process, while others formed for a specific purpose during a particular phase. The roles of the primary groups included:

**Community Organizations:** RRCO and SCCO played an integral role in the development of the Neighborhood Plan, through all phases of the project. But their role doesn't end at adoption. Ongoing implementation of the Neighborhood Plan will include continued collaboration between the City, County, community partners, and the community organizations.

**Project Management Team:** The project management team consisted of the Community Advisory Committee (CAC) co-chairs, one from River Road and one from Santa Clara, and City and County Planning staff tasked with guiding the process, including coordination and communication with the community and key stakeholders.

**Community Advisory Committee (CAC):** The CAC consisted of 11 voting members, with two alternates, nominated by the RRCO and SCCO Boards and appointed by the Eugene Planning Commission to represent the varied voices of the two communities. The CAC included both residents and property owners, including a member representing areas outside Eugene's UGB. Representatives from special districts serving the community were also encouraged to participate in the process. The CAC committed to creating a Neighborhood Plan, adopted by the City and County, to advance the community vision of the River Road and Santa Clara neighborhoods while being consistent with Envision Eugene. The CAC acted as a representative body for the two neighborhoods and strived to weigh the varied input from residents, businesses, property owners, local appointed and elected officials, and RRCO and SCCO. The CAC employed the following principles:

- Be prepared and able to act in a deliberative, considerate, and civil manner
- Respect diverse community demographics and varied interests
- Weigh the perspectives and input of the whole community
- Practice decision-making that places the needs and desires of the entire neighborhood first

The CAC participated in outreach efforts and Topic Area Working Groups and led development of vision statements, goals, policies, and actions. The CAC worked collaboratively with staff to support the Neighborhood Plan's formal adoption process. The CAC made a final community recommendation, along with RRCO and SCCO, on the Neighborhood Plan adoption package.



**Topic Area Working Groups:** Topic Area Working Groups were ad hoc, flexible groups comprised of members of the public, RRCO and SCCO, and CAC members interested in diving deeper into specific Topic Area details. The groups worked with the CAC to translate community input on best outcomes for the future into vision statements, goals, policies, and actions. The working groups collaborated with the CAC, project management team, and Technical Advisory Committee to develop the plan and participated in outreach throughout the process.

**City and County Coordination:** The Technical Advisory Committee (TAC), comprised of City, County, and Lane Transit District staff, served as an advisory body to the project management team, CAC, and Topic Area Working Groups. The TAC included input from City and County staff who work on subjects such as transportation, parks, stormwater, economic development, and land use planning. The TAC provided technical support related to the Topic Areas, vetted ideas for feasibility in balance with local budgets and priorities and communicated how neighborhood-specific issues fit within the broader City or County context. Additionally, City and County coordination teams included local elected officials and City and County department executives who provided policy direction at critical junctures, as well as a connection with local decision-makers.

**Planning Commissions:** The Eugene and Lane County planning commissions provided feedback and guidance throughout the process, including reviewing and approving the project charter and public involvement plan, appointing CAC members, and providing feedback on the plan components, including land use code changes to support the Neighborhood Plan vision.

**General Public:** The neighborhood planning process included early and ongoing opportunities for the public and key stakeholders to share ideas, raise concerns, and provide feedback. Stakeholders included area property owners, residents, business owners and employees, advocacy groups, and public and non-profit organizations, among others. The project management team crafted a public engagement process that was:

- **Meaningful:** create a vision crafted with beauty, fun, warmth, and welcome
- **Accountable:** respond to ideas, critique, comments, and praise
- **Inclusive:** communicate with all stakeholders, including communicating with the under-represented, communicating outside of structured meetings, and communicating in ways that people understand and can relate to
- **Transparent:** make decisions public; share information in a variety of formats and places
- **Realistic:** inform about constraints, opportunities, and objectives
- **Outcome-oriented:** create a community-supported and Council-adopted neighborhood plan!

Early outreach focused on asking the community what they value in their neighborhoods now and about their hopes and visions for the future, which was used to inform development of the Neighborhood Plan. Outreach continued throughout each phase to share updates and gather feedback.



## Planning Process Phases

The sections below summarize the six phases of the neighborhood planning process: Reaching Out, Neighborhood Visioning, Neighborhood Priorities, Policy Development, Action Planning, and Adoption. Each includes a summary of key stakeholder input and opportunities for public involvement.

### Reaching Out Phase

In the summer of 2017, RRCO, SCCO, and staff began the 'Reaching Out' phase with three objectives:

1. Raise awareness about the project
2. Promote the fall communitywide kick-off event
3. Create opportunities for people to provide input on the future of their community

The project team began raising awareness about the project by meeting with neighbors throughout the community, attending more than 20 events in advance of the fall kick-off event. Nearly 400 people attended the kick-off event and participated in activities to identify what residents value about the area, as well as sharing their future hopes for the neighborhood. The project team made an effort to engage fresh voices, with outreach events specific to high school students, affordable housing residents, Spanish speakers, and rural residents in Santa Clara, in partnership with local community organizations. The project team also visited with over 300 neighborhood businesses.

### Neighborhood Visioning and Neighborhood Priorities Phases

The Visioning and Priorities phases continued focusing on raising awareness of the project and asking the community what they valued in their neighborhoods as well as their hopes for the future. The CAC and the Topic Area Working Groups met monthly to compile and review the feedback received during the Reaching Out phase, recognizing the priorities and values heard during this process, as well as the many years of engagement done in the community by SCRROL and SCRRIPT. Different themes emerged from the community feedback and the Neighborhood Plan began to develop around five main Topic Areas: Economic Development, Transportation, Parks and Natural Resources, Land Use, and Community. A vision for the future of the River Road and Santa Clara communities started to appear.

The CAC and Working Groups continued public outreach, including questionnaires, community forums, an online survey, and several targeted outreach events. Using this widespread input from the community, the CAC and Working Groups moved into the Policy Development phase and started crafting the vision statements, goals, and policies of the Neighborhood Plan.

### Policy Development Phase

In this phase, work focused on drafting policies related to the vision and neighborhood priorities developed from community input. Throughout the Policy Development phase, Working Group meetings were held periodically and interested community members were welcome to attend. Policy writing was led by the CAC and supported by staff on the Technical Advisory Committee as well as Working Group members. The CAC hosted a "Policy Round-Up" and a "Planning in Action Open House" to engage the public in reviewing and prioritizing draft policies.

Additionally, the TAC completed a policy review to ensure the draft policies aligned with existing City and County policies. After initial community and staff review, the project team convened a Triple Bottom Line (TBL) Sounding Board meeting to provide a citywide perspective about the equity, environmental, and economic implications of proposed goals and policies in the Neighborhood Plan. The TBL Sounding Board communicated with City and County committees to keep them informed and engaged. The TBL Sounding Board included representatives from the following boards and commissions:

- Eugene Planning Commission
- Lane County Planning Commission
- Eugene Human Rights Commission
- Eugene Sustainability Commission
- Eugene Active Transportation Committee
- Intergovernmental Housing Policy Board
- Eugene Historic Review Board
- Eugene Budget Committee
- Eugene Neighborhood Leaders Council

In May 2019, the Eugene City Council approved utilizing the draft goals and policies as a platform for moving into the Action Planning Phase.

### **Action Planning Phase**

The Action Planning Phase focused on drafting, evaluating and prioritizing actions to implement the draft policies. Refining the action items was a collaborative process among the CAC, Working Group members, and City, County, and partner agency staff to incorporate community and technical feedback. The project team hosted a variety of public outreach events to inform the Neighborhood Plan actions, including a City of Eugene Planning Division Project Fair at the Downtown Library, a ‘Pumpkin Pie and Planning’ event in the neighborhood, a series of small group discussions called ‘Neighborhood Conversations,’ and a second TBL Sounding Board Meeting.

The meetings provided the opportunity for groups of staff, volunteers, and community members to discuss elements of the land use changes; sharing support and reservations. In mid-March 2020, the COVID-19 pandemic hit and slowed down the engagement process. However, after receiving comprehensive feedback from previous engagement, the CAC continued to meet virtually on Zoom each month and refine the draft actions. The project team mailed postcards to specific properties, which included commercially zoned areas and key large church properties beyond the corridor that were targeted for potential zone changes/land use code changes to support potential future redevelopment. The postcards were intended to solicit feedback from tenants and property owners about these potential changes.

The RRCO and SCCO continued their review and provided input on the draft actions proposed in each Topic Area. In May 2021, the project team received direction from the Eugene City Council and Lane County Board of Commissioners to move into the Adoption Phase and to prepare a plan adoption package for community review.

### **Adoption Phase**

In 2022, City staff offered a path to adoption that built on broad community agreement and the extensive engagement, collaboration, and community volunteer hours dedicated to the neighborhood

Exhibit A

planning process since 2017. The proposed path forward also recognized the challenges and changes faced between 2020 and 2022, including the COVID-19 pandemic, state mandates for other planning priorities, staff changes, and resource constraints. The project management team worked to refine a final adoption package, including a refined set of neighborhood-specific land use code amendments to achieve many of the land use goals outlined in the Plan. The River Road-Santa Clara Neighborhood Plan adoption package is comprised of the Neighborhood Plan document and neighborhood-specific code amendments addressing important topics like commercial development standards and transitions between commercial mixed-use and lower density residential areas. While not a part of the adoption package, the Action Plan, which acts as a non-regulatory guidance document, remains an important part of the planning effort.

In March 2023, the Community Advisory Committee approved bringing the neighborhood-specific code amendments out for community feedback, kicking-off the broader engagement process for the Adoption Phase. This engagement process included mailing postcards to all owners and residents of the River Road and Santa Clara neighborhoods which featured ways to engage during the adoption phase, including virtual information sessions, an in-person community event, a meeting toolkit, and an online feedback form. This community feedback helped inform recommendations from the CAC, RRCO, and SCCO and helped compile the adoption package before it went through the formal adoption process with City and County decision-makers.

### River Road Corridor Study

One desired outcome of the Neighborhood Plan is to improve conditions along River Road, which is identified as a key transit corridor in Envision Eugene. The River Road Corridor Study was a concurrent planning process that integrated the Neighborhood Plan vision for active mixed-use neighborhood centers along the River Road corridor and a transportation system that is safe, accessible, affordable, environmentally responsible and transitions to zero carbon.

The River Road Corridor Study included an in-depth analysis of the River Road corridor, from Northwest Expressway to Hunsaker Lane, funded by a Federal Transit Administration grant awarded to Lane Transit District and the City of Eugene. The Corridor Study included stakeholder interviews, public workshops, economic and demographic research, and conceptual design work, which resulted in land use and multimodal recommendations to encourage mixed-use neighborhood centers and a variety of housing types; integrating how people get around, where they shop and live, and how the corridor looks and feels to support implementation of the community vision along River Road.

Recommendations from the River Road Corridor Study were incorporated into the Neighborhood Plan vision, goals, and policies, as well as the neighborhood-specific land use code amendments and the Action Plan. The string of pearls concept along River Road (illustrated in *Figure 1: River Road-Santa Clara Neighborhood Plan Map*) originated from this study.

# Neighborhood Plan Visions, Goals, and Policies

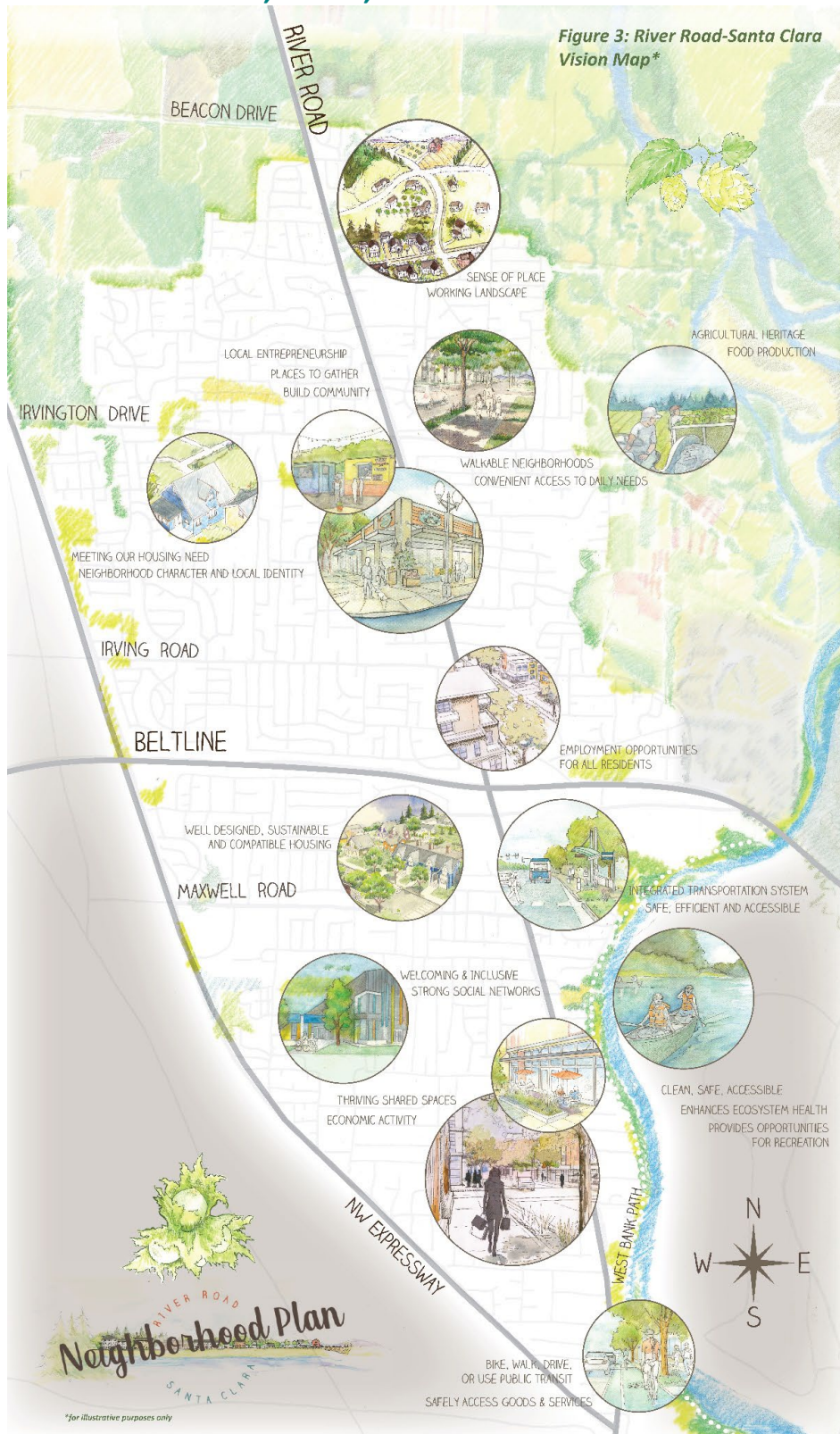


Exhibit A

## Economic Development

### VISION STATEMENT

# ECONOMIC DEVELOPMENT

The River Road and Santa Clara communities support sustainable economic development, a variety of employment opportunities for all residents, and local entrepreneurship. Economic activity, especially that of local businesses, contributes to a shared neighborhood identity, while providing places to gather and build community. Natural assets, such as the river and fertile soils, benefit local residents and support thriving businesses. Residents can safely access essential goods and services within a short distance from home.

#### Goal 1: Improve the neighborhood economy and empower local residents by encouraging the growth and creation of local businesses.

**Policy 1.1 Incentives for Local Businesses:** Help neighborhood businesses use existing local, regional, and state loan programs to support growth and creation of neighborhood businesses.

**Policy 1.2 Neighborhood Assets:** Support business development that utilizes neighborhood assets.

**Policy 1.3 Patronage of Locally Owned Businesses:** Encourage patronage of locally owned businesses through community organization efforts such as marketing, education, and events.

**Policy 1.4 Regulatory Environment:** Strive for a local regulatory environment that is supportive of economic development in line with neighborhood vision (such as creating small commercial nodes)

#### Goal 2: Promote redevelopment that enhances walkability and increases access to daily needs.<sup>1</sup>

**Policy 2.1 Vibrancy:** Incentivize and support redevelopment that fosters active mixed-use neighborhood centers.

**Policy 2.2 Small Business Development:** Promote small business development that supports active mixed-use neighborhood centers by identifying local funding sources and continuing local outreach and assistance to small business owners.

#### Goal 3: Promote living wage employment opportunities within the neighborhood.

**Policy 3.1 Residential Employment:** Encourage businesses in residentially zoned areas at a scale that complements the surrounding neighborhood.

**Policy 3.2 Employment Opportunities:** Promote the creation of employment opportunities that offer a living wage.

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<sup>1</sup> Examples of daily needs include grocery stores, pharmacies, and other necessary services.



## Transportation

### VISION STATEMENT

# TRANSPORTATION

The integrated transportation system in River Road and Santa Clara is safe, efficient, and accessible for people of all ages, abilities, and socio-economic levels who choose to bike, walk, drive, or use public transit. This system supports redevelopment, economic opportunity, and affordable, convenient access to daily needs. The design of the transportation system enhances the sense of place and responds to the evolving needs of the community. Our transportation system is environmentally responsible and supports low carbon transportation options.

#### **Goal 4: Implement a transportation system that is designed to be safe for all users.**

**Policy 4.1 Safety and Accessibility:** Improve safety and accessibility for people walking, biking, and using mobility devices.

**Policy 4.2 Riverfront Paths:** Improve safety enhancements and amenities along riverfront shared use paths.

#### **Goal 5: Promote a connected and efficient multi-modal transportation system that is equitable and affordable and addresses congestion on River Road.**

**Policy 5.1 Regional Transportation Network:** Work towards convenient, equitable, and affordable access to a regional pedestrian, bicycle, transit, and vehicle network throughout the River Road and Santa Clara neighborhoods.

**Policy 5.2 Transit:** Support affordable public transit along River Road from the Urban Growth Boundary to the rest of Eugene in collaboration with Lane Transit District.

**Policy 5.3 Active Transportation to Commercial Centers:** Expand active transportation networks that connect neighborhoods to their adjacent commercial areas, schools, and community gathering spaces.

**Policy 5.4 Traffic Management:** Prioritize transportation infrastructure improvements to support the traffic flow and enhance safety objectives.

**Policy 5.5 Public Right-of-Way Management:** City and County will continue to cooperatively work towards addressing jurisdictional issues in the right of way, including parking, maintenance, street improvements, and annexation issues.

#### **Goal 6: Plan for a transportation system that is future oriented, environmentally responsible, and transitions to zero carbon.**

**Policy 6.1 Zero Carbon:** Transition transportation system toward zero carbon by prioritizing improvements that support seamless connections for switching between modes, active transportation options, ride sharing, and electric vehicle use.

**Policy 6.2 Education and Youth Engagement:** Educate current and future users of the transportation system about active transportation options and transit, tapping into existing resources like Safe Routes to School and City of Eugene youth recreation programs.

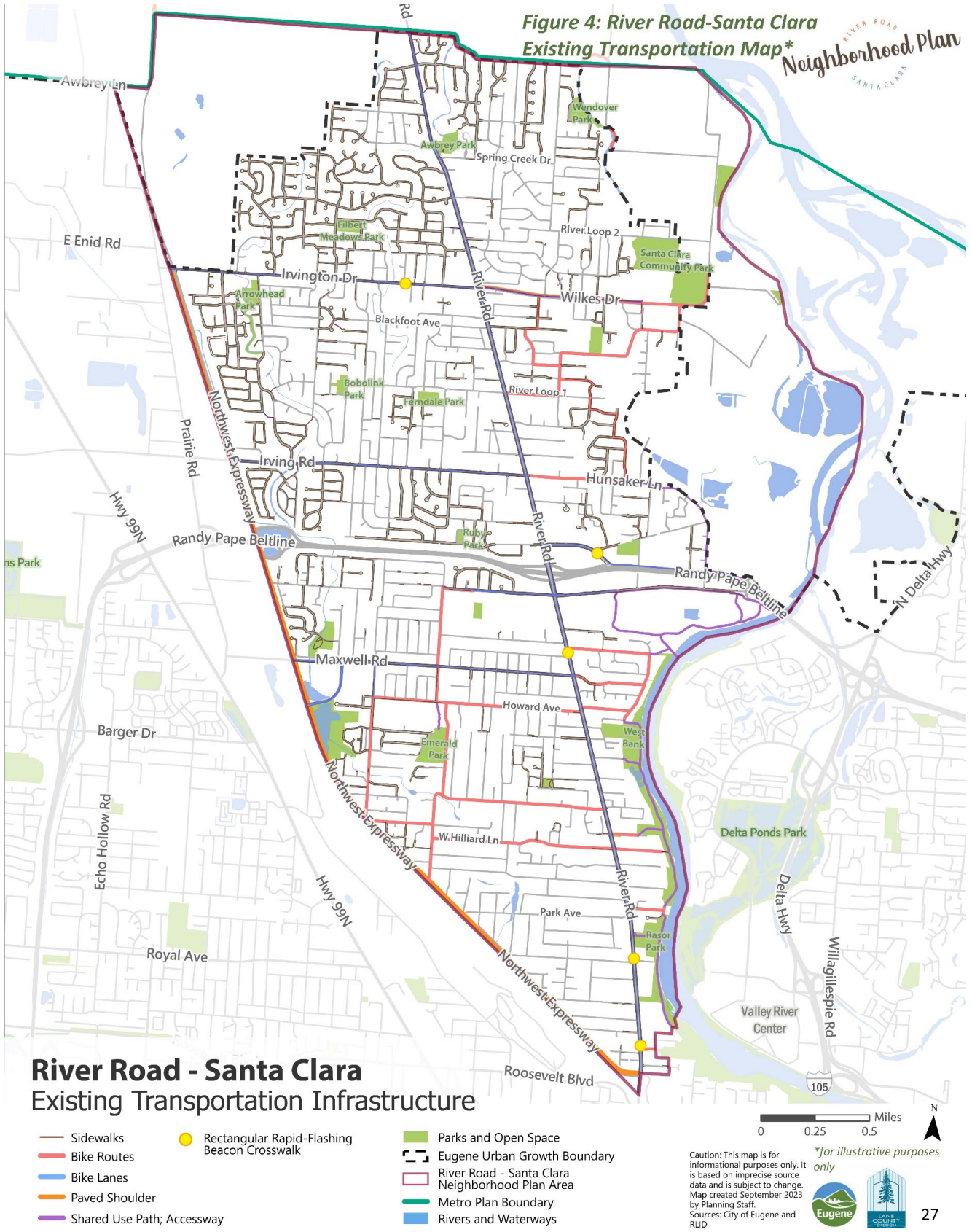


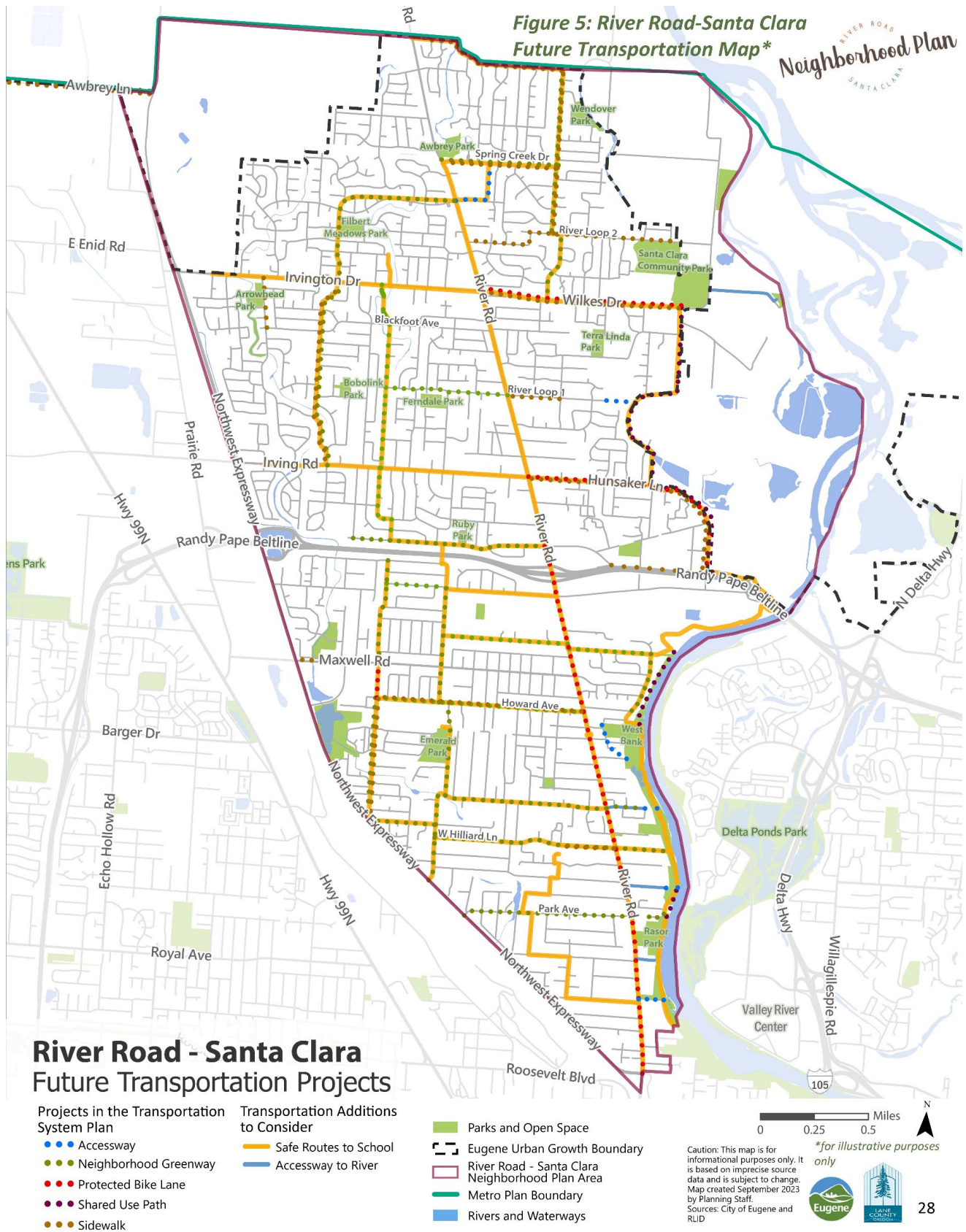
**Policy 6.3 Future Transportation Needs:** Support a transportation system that responds to the long-term needs of the River Road and Santa Clara neighborhoods.

**Policy 6.4 Street Design:** Apply appropriate design standards to address the distinct types of travel lanes typical of the River Road and Santa Clara neighborhoods, consistent with City and County guidelines.

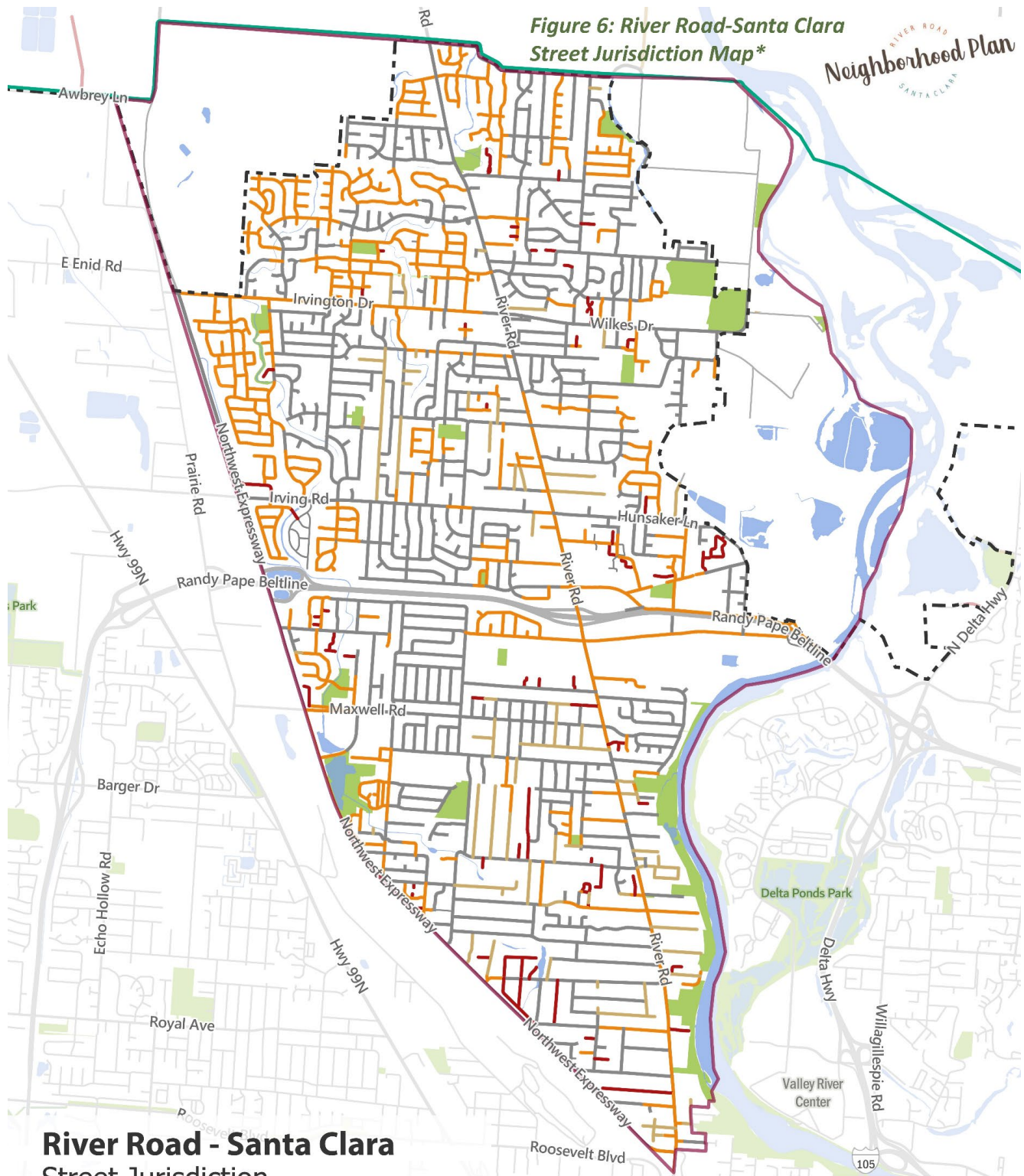
### Transportation Maps

The Existing and Future Transportation Maps on the following pages include City, County, and private streets and infrastructure, as well as planned improvements from the 2035 Eugene Transportation System Plan and Safe Routes to School program priorities. The Street Jurisdiction Map illustrates streets within the jurisdiction of the City and County.









### River Road - Santa Clara Street Jurisdiction

- Streets**
- Lane County
  - City of Eugene
  - Local Access Roads\*
  - Private
  - Eugene Urban Growth Boundary
  - River Road - Santa Clara Neighborhood Plan Area
  - Metro Plan Boundary
  - Rivers and Waterways

\*Local Access Roads (LARs) are open to the public, but not maintained by the government. Property owners that receive access from a LAR are responsible to ensure the road is kept open and in good repair.

Caution: This map is for informational purposes only. It is based on imprecise source data and is subject to change. Map created September 2023 by Planning Staff. Sources: City of Eugene and RLID

0 0.25 0.5 Miles

\*for illustrative purposes only



## Parks and Natural Resources

### VISION STATEMENT

# PARKS AND NATURAL RESOURCES

River Road and Santa Clara celebrate a rich diversity of private and shared green spaces, including parks and recreation facilities, natural areas that support native plants and wildlife, and farmland for food production. All residents have a clean, safe, accessible, and well-maintained park or recreation facility close to their home. Residents have access to the Willamette River, which is celebrated as a natural asset, a defining characteristic of both neighborhoods, and a statewide resource. Natural assets, such as the tree canopy, soils, and the watershed are protected for future generations and are highly valued and cared for as natural infrastructure that enhances ecosystem health, provides opportunities for recreation, and supports the working landscape.

### **Goal 7: Maintain and create natural areas which are healthy, thriving spaces that provide habitat for native species and function as natural infrastructure.**

**Policy 7.1 Stormwater Conveyances:** Enhance natural stormwater conveyances to reduce pollution, increase infiltration, protect against flooding, and improve habitat.

**Policy 7.2 Stormwater Education:** Educate the public about the interconnectedness of function and safety in our natural stormwater system through City and community collaboration.

**Policy 7.3 Habitat Corridors:** Create new and enhance existing habitat corridors throughout the River Road and Santa Clara neighborhoods through community organizing and collaboration with local service providers to conduct outreach and education to property owners.

**Policy 7.4 Public Natural Areas:** Create new and enhance existing natural areas, including within the Willamette River Greenway, that are accessible to all residents.

**Policy 7.5 Tree Canopy:** Promote, conserve, protect, and improve our urban forest by preserving and planting street trees and encouraging private property owners to plant trees with education and incentives, consistent with Eugene's Urban Forestry program.

### **Goal 8: Provide neighborhood access to recreational opportunities, parks, and community centers.**

**Policy 8.1 Parks Access:** Plan for all residents to have access to parks or publicly owned open space within one-half-mile walking distance of their residence.

**Policy 8.2 Connectivity:** Improve connectivity between parks, natural areas, and public open spaces.

**Policy 8.3 Recreational Opportunities and Community Centers:** Enhance equitable access to recreational opportunities and well-maintained community centers.

**Goal 9: Make the Willamette River a vital, healthy, and accessible part of the neighborhoods.**

**Policy 9.1 Safe and Convenient Access:** Provide safe and convenient access to the riverbank park system for people walking, biking, and using mobility devices.

**Policy 9.2 Stewardship of the Willamette River Ecosystem:** Work with the community and non-profit organizations to balance preservation and access to the river.

**Policy 9.3 Recreational Uses:** Promote accessible recreational uses along the Willamette River edge in partnership with local service providers to improve access to the river and provide amenities and programs.

**Goal 10: Preserve agricultural land and open spaces within the Neighborhood Plan boundary.**

**Policy 10.1 Agricultural Land Preservation outside the Eugene Urban Growth Boundary (UGB):** Preserve high value farmland (Class 1 and Class 2 soils) outside the UGB for farm use, where feasible or as the state allows.

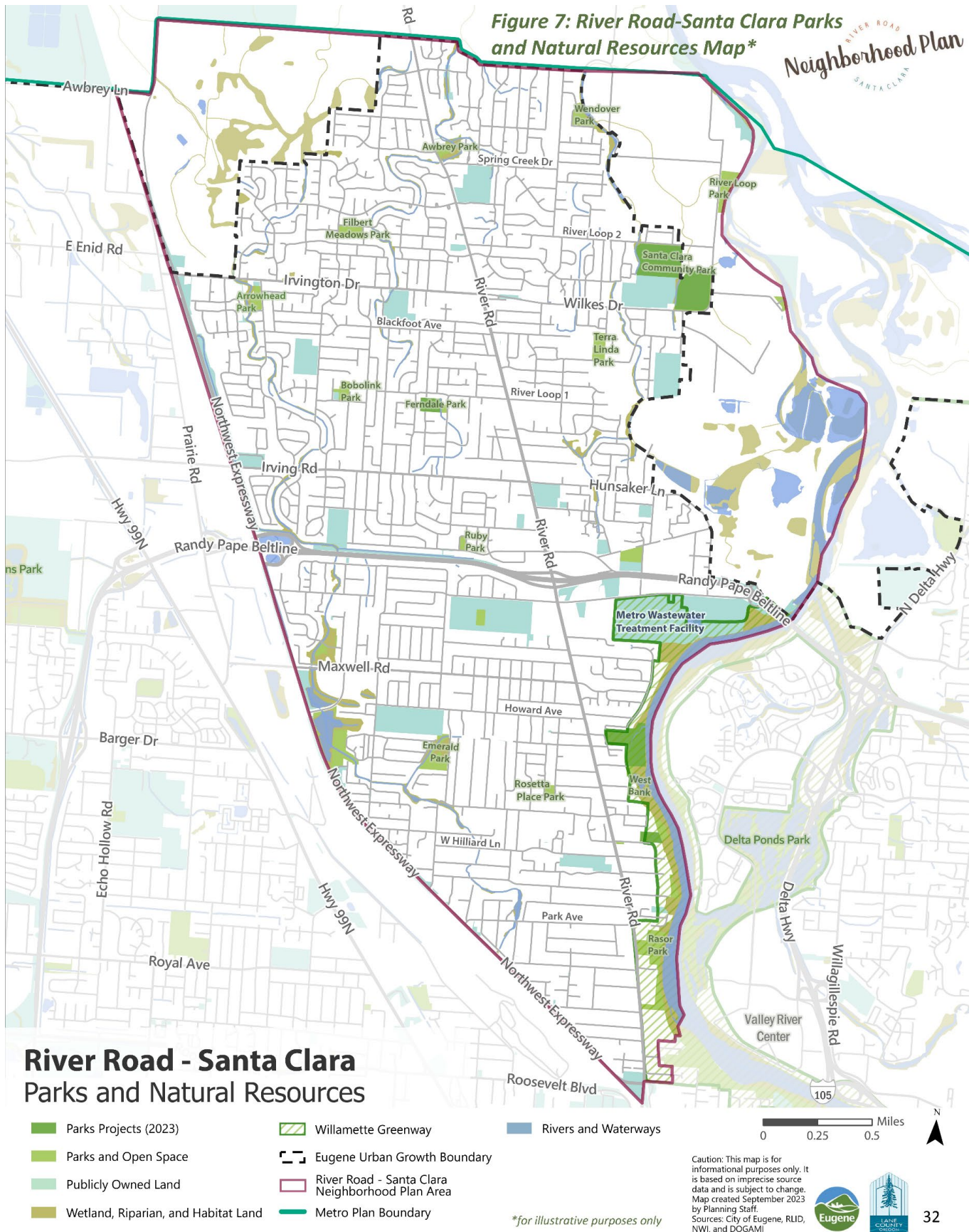
**Policy 10.2 Open Space Preservation:** Promote a network of publicly and privately-owned open space areas in collaboration with local service providers and private property owners.

**Policy 10.3 Agricultural Enterprises within the UGB:** Promote agricultural enterprises within the UGB through legislative updates to local land use regulations, incentives, and collaboration with private property owners.

**Parks and Natural Resources Maps**

The Parks and Natural Resources Map on the following page includes City of Eugene Parks and Open Space projects as of 2023, existing parks, open space, and public lands within the neighborhoods, and other wetland, riparian, and habitat resources.





**Figure 6: River Road-Santa Clara Parks and Natural Resources Map**  
EXHIBIT A

## Land Use

### VISION STATEMENT

# LAND USE

Land use in River Road and Santa Clara supports neighborhood character and local identity, including our long-standing agricultural heritage and high value soils. Our neighborhoods are walkable, with a range of housing types affordable to all residents. Abundant shops, services, and community spaces are served by a variety of transportation options. Strategic development and revitalization in more urban locations, especially the River Road corridor, helps maintain neighborhood character while meeting our housing and economic needs in a way that is environmentally responsible. Development is well designed, sustainable, and compatible with existing surroundings. Development adjacent to the Willamette River greenway improves safety, enhances access, and respects ecological functions.

### Goal 11: Support development that is well designed and economically, socially, and environmentally sustainable.

**Policy 11.1 Effective Public Process for Development:** Encourage effective collaboration between developers, public agencies, and neighbors through legislative updates to local land use regulations.

**Policy 11.2 Well Designed Built Environment:** Update design standards through legislative updates to local land use regulations so that they provide for gradual transitions between different uses and scales and incorporate pedestrian scale design through building design, size, scale, and site layout requirements.

**Policy 11.3 Well Designed Community Space:** Help build a sense of community by using welcoming and well-designed public and private community space.

**Policy 11.4 Green and Resilient Properties:** Encourage actions on residential, commercial, and public properties that enhance food and energy production, water storage and conservation, and tree canopy through programs, incentives, and legislative updates to local land use regulations.

### Goal 12: Plan for future housing that addresses the needs of the community.

**Policy 12.1 Compatible Infill:** Encourage innovative and creative housing options and infill, and incorporate pedestrian scale design through building design, size, scale, and site layout requirements through legislative updates to local land use regulations.

**Policy 12.2 Affordable Availability:** Plan for affordable and moderate-income housing throughout the River Road and Santa Clara neighborhoods through strategies, funding, partnerships, and execution of the City and County's housing plans.

**Policy 12.3 Innovative Housing Strategies:** Pursue innovative housing strategies through collaborative planning efforts between the River Road and Santa Clara neighborhood organizations, the City, the County, and local service providers.

**Policy 12.4 Monitoring and Implementation:** At five-year intervals after adoption of the Neighborhood Plan, City will use available data from the Growth Monitoring Program to measure the effectiveness of policies established in this plan. The River Road and Santa Clara Community Organizations will use the results to revise Action Plan priorities over time as work is completed and new community priorities are identified.

**Goal 13: Support an active and accessible River Road corridor.**

**Policy 13.1 Key Areas for Development:** Support more development and redevelopment in key areas for residential, commercial, and mixed-use development through legislative updates to local land use regulations.

**Policy 13.2 Walkable Neighborhood Centers:** Support walkable neighborhood centers where people can access transit, shopping, parks, schools, and public spaces within walking distance through legislative updates to local land use regulations.

**Goal 14: Promote land use and development that protects and enhances neighborhood character.**

**Policy 14.1 Compatibility Transitions:** Enhance compatibility through development standards such as height and scale transitions, setbacks, buffering with trees, and window offsets between adjacent properties that are zoned differently through legislative updates to local land use regulations.

**Policy 14.2 Neighborhood Livability:** Retain and enhance neighborhood livability, such as by mitigating noise, identifying and encouraging preservation of historical and cultural properties, and promoting green development and design at pedestrian scale.

**Policy 14.3 Willamette River Compatibility:** Encourage development that is less intense along the river by making legislative updates to local land use regulations that include additional standards to protect, maintain, preserve, and enhance the natural, scenic, historic, and recreational qualities of the Willamette River Greenway.

## Community

### VISION STATEMENT

# COMMUNITY

The River Road and Santa Clara Neighborhoods exude a strong sense of place. They are welcoming and inclusive neighborhoods for people of all backgrounds. River Road and Santa Clara celebrate and nurture community unity and diverse cultures and honor the rich history of farming in the neighborhoods. The community recognizes the value of natural assets, such as the Willamette River and thriving shared spaces, such as parks, schools, and local businesses. Our neighborhoods are safe, resilient, and engaged, with strong social networks and reliable public services.

#### Goal 15: Foster a welcoming and inclusive community.

**Policy 15.1 Welcoming and Inclusive:** Promote a welcoming environment and inclusive approach to the work of the River Road and Santa Clara Community Organizations in collaboration with the City, County, and other local service providers such as schools and non-profit organizations.

**Policy 15.2 Housing Affordability:** Show community support for affordable housing opportunities in the neighborhoods.

**Policy 15.3 The Unhoused Community:** Advocate for housing and provide information to community members about housing services and social services available for people without stable housing.

**Policy 15.4 Public Art:** Support public art through public programs and community advocacy.

#### Goal 16: Foster collaborative relationships to build a stronger and more resilient community.

**Policy 16.1 Communication and Outreach:** Enhance communication and outreach capabilities of the River Road and Santa Clara Community Organizations by advocating for stable local funding to reach the entire neighborhoods.

**Policy 16.2 Gathering and Learning Spaces:** Enhance access to locations and opportunities for community gathering, sharing, and learning spaces for all residents in collaboration with neighborhood schools, businesses, and other community partners.

**Policy 16.3 Community Engagement:** Build and maintain resident engagement through neighborhood projects, outreach, empowering neighborhood volunteers, and applying for the City's Community and Neighborhood Matching Grants Program.

**Policy 16.4 Resilience Networks:** Build community support and participation in small scale resilience networks that help neighbors and businesses communicate, share resources, and prepare for emergencies.

**Goal 17: Provide comprehensive public services and community resources that address the evolving needs of the community.**

**Policy 17.1 Address Present Confusion about Service Providers:** Assist River Road and Santa Clara residents by providing information about current service providers so there is clarity about which agencies provide services where and how to contact them.

**Policy 17.2 Essential Public Services (safety, water, fire):** As neighborhoods evolve, strive for equitable provision of essential public services if amalgamation and/or transition of service providers is considered.

**Policy 17.3 Community Resources:** Work to expand parks and recreation services as well as library and cultural services in the River Road and Santa Clara neighborhoods.

**Policy 17.4 Annexation:** Annexation of the River Road and Santa Clara areas will occur only through strict application of state laws and local policies (e.g., ability to extend key urban facilities and services in a timely manner). In each case, Eugene will make every reasonable attempt to provide for annexation only on a voluntary basis and according to prior individual property annexation agreements.

**Goal 18: Increase resilience in local food, water, and disaster preparedness systems necessary for human health and wellbeing.**

**Policy 18.1 Green Infrastructure:** Invest in infrastructure development that is resilient to disasters, enhances food, water, and energy stability, and preserves ecosystem functions, as feasible.

**Policy 18.2 Food Production and Storage:** Promote home and neighborhood food production and storage through community education, outreach, programs, and legislative updates to local land use regulations.

**Policy 18.3 Renewable Resources and Energy:** Promote renewable resources and energy conservation to decrease reliance on public utility grid through community education, outreach, and incentives.

**Policy 18.4 Neighborhood-wide Emergency Preparedness:** Educate and prepare for natural disasters by increasing access to regular Community Emergency Response Team (CERT) training and through community volunteer efforts.



**Findings in Support of the Adoption of the  
River Road-Santa Clara Neighborhood Plan  
Metro Plan Amendments  
City of Eugene and Lane County  
(City File MA 23-5 and County File: 509-PA23-05532)**

**Overview**

The City of Eugene and Lane County, in collaboration with the River Road and Santa Clara Community Organizations and neighborhood volunteers, have been working together on an updated neighborhood plan that creates a vision for growth and development in a manner that respects the River Road-Santa Clara area's unique characteristics and opportunities.

The purpose of the amendments to the Eugene-Springfield Metropolitan Area General Plan (Metro Plan Amendments) is to adopt an updated neighborhood plan that:

- provides policy direction for City and County decision-makers as they consider future legislative actions
- guides City and County staff in:
  - formulating proposed changes to local land use regulations and other regulatory documents
  - developing other work programs and long-range planning projects
  - preparing budgets and capital improvement programs
- calls for collaboration as well as continued or additional efforts from the River Road and Santa Clara Community Organizations and other community partners

**Metro Plan Amendments**

The proposal involves a Type II Metro Plan Amendment pursuant to EC 9.7705(2)(b) to:

- adopt the new River Road- Santa Clara Neighborhood Plan as a refinement of the *Eugene-Springfield Metropolitan Area General Plan* (Metro Plan);
- remove Chapter II Section F from the Metro Plan as well as references to the section in the Table of Contents and Chapter II Introduction of the Metro Plan;
- Amend Appendix B to the Metro Plan to add a reference to the new River Road- Santa Clara Neighborhood Plan.

The proposed River Road-Santa Clara Neighborhood Plan (Neighborhood Plan) creates a vision for growth and development in a manner that respects the area's unique characteristics and opportunities and includes vision statements, goals, and policies that reflect community values, aspirations, and priorities expressed during outreach. The Neighborhood Plan provides policy direction for City and County decision-makers as they consider future legislative actions, and guides City and County staff in formulating proposed changes to local land use regulations and other regulatory documents, developing other work programs and long-range planning projects, and preparing budgets and capital improvement programs. The Neighborhood Plan also calls for collaboration and continued or additional efforts and advocacy from the River Road and Santa Clara Community Organizations and other community partners. In addition to the Neighborhood Plan, a non-regulatory Action Plan was developed with input from the community; however, the Action Plan is not a land use plan, is not regulatory in nature, and will not be



## Exhibit B

adopted by either the Eugene City Council or the Lane County Board of Commissioners. As such, these findings need not and do not address compliance of the Action Plan with land use approval criteria.

In 1980, the Oregon Environmental Quality Commission (EQC) concluded that a public health hazard existed for people using the River-Road Santa Clara aquifer, resulting from ground water contamination from individual septic tank disposal systems. As part of the acknowledgment process for the 1982 Metro Plan, the Oregon Land Conservation and Development Commission provided direction that an urban services plan be developed for both River Road and Santa Clara and that City of Eugene provide those services. This direction was memorialized in the text of the 1982 Metro Plan. After the 1987 River Road-Santa Clara Urban Facilities Plan was adopted, the River Road-Santa Clara specific text in the Metro Plan was revised in 1987 to reflect adoption of the Urban Facilities Plan, and moved into Chapter II Section F of the Metro Plan, “River Road and Santa Clara Goals, Findings, Objectives, and Policies,” with the intention that the policies would lead to the delivery of urban services to the River Road and Santa Clara areas, most specifically wastewater service. The 1987 Urban Facilities Plan policies address the extension of wastewater service to the River Road-Santa Clara area in order to address the groundwater pollution problem. Policies were also added to Chapter II Section F of the Metro Plan that addressed extension of wastewater service to the area. Since the 1987 Urban Facilities Plan and the Chapter II Section F Metro Plan policies were adopted, additional planning tools have been made available for planning for wastewater and other urban services; for example, Eugene’s Wastewater Master Plan, the City’s Capital Improvement Program, and the regional Public Facilities and Services Plan. Consistent with the policy direction contained in the 1987 Urban Facilities Plan and Chapter II Section F of the Metro Plan, wastewater has been extended throughout the River Road-Santa Clara area. As a result, the properties in the River Road and Santa Clara basins are fully served with wastewater service, with the exception of the eastern fringe, and some limited in-fill. For these reasons, the policies in Chapter II Section F from the Metro Plan are no longer necessary and are proposed for removal.

Additionally, a set of proposed amendments to the City of Eugene’s Land Use Code which would apply within portions of the River Road and Santa Clara areas that are within the city limits are also included in the proposed adoption package. The Code Amendments only apply within the City of Eugene and therefore will only be adopted by the City of Eugene. The proposed code amendments are not addressed in these findings. The Eugene City Council will adopt a separate ordinance and a separate set of findings in order to approve the proposed code amendments. These findings only address the Metro Plan Amendments that must be adopted by both the Eugene City Council and the Lane County Board of Commissioners.

### **Metro Plan Amendment Criteria**

#### **City of Eugene Criteria**

##### **EC 9.7735 Metro Plan Amendments – Criteria for Approval.**

- (1) The proposed amendment is consistent with the relevant Statewide Planning Goals; and**
- (2) The proposed amendment does not make the Metro Plan internally inconsistent; and**
- (3) When the city-specific local comprehensive plan also applies, the proposed amendment is consistent with the city-specific local comprehensive plan.**

Lane County Criteria**LC 12.300.030 Metro Plan Amendment Criteria**

The following criteria will be applied by the Board of Commissioners and other applicable governing body or bodies in approving or denying a Metro Plan amendment application:

- A. The proposed amendment is consistent with the relevant Statewide Planning Goals; and
- B. The proposed amendment does not make the Metro Plan internally inconsistent.

***Consistency with Statewide Planning Goals***City of Eugene Criteria**EC 9.7735 Metro Plan Amendments – Criteria for Approval.**

- (1) The proposed amendment is consistent with the relevant Statewide Planning Goals

Lane County Criteria**LC 12.300.030 Metro Plan Amendment Criteria**

- A. The proposed amendment is consistent with the relevant Statewide Planning Goals

***Statewide Planning Goal 1 – Citizen Involvement. To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.***

The City's and County's acknowledged procedures for adoption of legislative land use decisions, located in sections 9.7700 through 9.7735 (Metro Plan Amendment Procedures) of the Eugene Code, 1971, and sections 12.300.005 through 12.300.035 (Eugene-Springfield Metropolitan Area General Plan Element) of the Lane County Code, ensure the opportunity for community members to be involved in all phases of the legislative land use decision process and set out the requirements for such involvement.

These Metro Plan amendments do not amend or affect either jurisdiction's state acknowledged citizen involvement program. As addressed below, the process for adopting these Metro Plan amendments complies with Goal 1 because it is consistent with the citizen involvement provisions cited above.

The City's citizen involvement program is adopted into the Eugene Code. The County's citizen involvement program is adopted into the county regulations applicable to the Eugene urban transition area (the area outside the city limits but within the urban growth boundary) and the Lane Code. Both the City and County regulations include a formal land use review procedure with public notification, meetings, and hearings. The public engagement actions for the neighborhood planning work were completed consistently with the City's and County's acknowledged citizen involvement programs and went beyond the requirements of those programs to ensure that citizens had opportunities to be involved in the process.

This package of Metro Plan amendments has been the subject of extensive public involvement over the course of several years. The document titled *River Road-Santa Clara Neighborhood Plan Engagement Summary* attached to these Findings as Appendix 1 and hereby adopted as additional findings of compliance with Goal 1, summarizes the public engagement efforts used to educate the public and

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obtain feedback on the River Road-Santa Clara Neighborhood Plan throughout each phase of the planning process.

A final round of community engagement took place during the adoption phase, leading up to the pre-adoption notice provided to the Department of Land Conservation and Development. In March 2023, the Neighborhood Plan's Community Advisory Committee approved bringing the draft Neighborhood Plan, a non-regulatory Action Plan, and neighborhood-specific code amendments out for community feedback, kicking-off the broader engagement process for the adoption phase. Updated drafts of the Neighborhood Plan, Action Plan, and the neighborhood-specific code amendments were published to the project website and the project's Engage Eugene site, part of the City of Eugene's online engagement platform.

Project staff distributed information about the neighborhood planning process and the adoption process through a variety of digital media, including the project website, Engage Eugene webpage, social media, and e-newsletters from the City Planning Division and both community organizations. Project staff also developed summary documents and graphics that were made available online and at in-person events.

In early May 2023, project staff mailed a postcard to all property owners and residents of the River Road and Santa Clara neighborhoods, approximately 16,800 people. The postcard featured ways to engage during the adoption phase, including virtual information sessions, an in-person community event, a meeting toolkit, and an online feedback form.

A joint public hearing on the proposed River Road-Santa Clara Neighborhood Plan was held by the Eugene and Lane County Planning Commissions on October 17, 2023. Consistent with City and County code requirements, the Planning Commissions' joint public hearing on the proposal was duly noticed to all neighborhood organizations in Eugene as well as community groups and individuals who requested notice. Notices were provided at the following times:

- |                     |  |
|---------------------|--|
| September 12, 2023: | The City's proposed River Road-Santa Clara neighborhood-specific code amendments, the City and County's proposed Metro Plan amendments, and notice of the Joint Planning Commission public hearing on the amendments were filed with the Oregon Department of Land Conservation and Development. |
| September 15, 2023: | Notice of the Joint Planning Commission public hearing on the proposed amendments was mailed to the parties listed in section 9.7725 and 9.7520(2) of the Eugene Code and to the individuals and entities on the City's interested parties list.   |
| September 22, 2023: | Notice of the Joint Planning Commission public hearing was published in the Register Guard Newspaper.  |
| October 17, 2023:   | The Eugene and Lane County Planning Commissions held a joint public hearing on the proposed Metro Plan Amendments and the Eugene Planning Commission held a public hearing on the proposed Land Use Code Amendments.   |

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A joint public hearing on the proposed River Road-Santa Clara Neighborhood Plan was held by the Eugene City Council and Lane County Board of Commissioners on March 12, 2024. Consistent with City and County code requirements, the City Council and Board of Commissioner's joint public hearing on the proposal was duly noticed to all neighborhood organizations in Eugene as well as community groups and individuals who requested notice.

In addition, information concerning the River Road-Santa Clara Neighborhood Plan, including the dates of the public hearings and instructions on how to submit testimony, was posted on the City of Eugene website and project updates were provided via email to the Planning Division e-newsletter that is sent to over 17,000 subscribers, as well as to the River Road-Santa Clara Neighborhood Plan interested parties list which includes over 1,600 subscribers.

These processes afforded ample opportunity for citizen involvement; therefore, the Metro Plan amendments are consistent with Statewide Planning Goal 1.

***Statewide Planning Goal 2 – Land Use Planning. To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.***

Guiding land use processes and a policy framework for the lands within the Eugene city limits exist within the *Metro Plan*, the *Envision Eugene Comprehensive Plan*, adopted Refinement Plans, and Chapter 9 of the Eugene Code. Guiding land use processes and a policy framework for lands outside the city limits but within the *Metro Plan* boundary exist within the *Metro Plan* and Chapter 12 of the Lane Code.

The Eugene and Lane County codes specify the procedures and criteria that were used in considering these Metro Plan amendments. These findings and the record for this land use decision show that there is an adequate factual base for the amendments. The River Road and Santa Clara Community Organizations, City of Eugene and Lane County staff, consultants and neighborhood volunteers have worked together since fall 2017 to create a neighborhood plan with a vision for growth and development in a manner that respects the area's unique characteristics and opportunities, which will guide decision-making in River Road and Santa Clara for decades to come. The Neighborhood Plan reflects the community values, aspirations, and priorities expressed during outreach.

The Goal 2 coordination requirement is met when the City of Eugene and Lane County engage in an exchange, or invite an exchange, between the City, County and any affected governmental unit and when the City and County use the information obtained in the exchange to balance the needs of their constituents. In addition to the City and County's collaboration on these amendments, the City and County engaged in an exchange about the subject of these amendments with affected local government units. Specifically, the City and County provided notice of the proposed action and opportunity to comment to the Oregon Department of Land Conservation and Development, the City of Springfield, and special districts including the River Road Water District, River Road Parks and Recreation District, Santa Clara Water District, Junction City Water Control District, Santa Clara Rural Fire Protection District, Lane Fire Authority, and Lane Transit District. There are no exceptions to Statewide Planning Goal 2

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required for these amendments. Therefore, the amendments are consistent with Statewide Planning Goal 2.

**Statewide Planning Goal 3 – Agricultural Lands. To preserve agricultural lands.**

The Metro Plan amendments do not change the zoning or plan designation for any lands designated by the comprehensive plan for agricultural use. To the extent that there are properties within the Neighborhood Plan Area that are currently designated and/or zoned for agricultural use, the Metro Plan amendments do not change the zoning or designation of those properties or force a discontinuance of agricultural practices. For these reasons, the amendments are consistent with Statewide Planning Goal 3.

Additionally, the Metro Plan amendments are consistent with Statewide Planning Goal 3 because the Neighborhood Plan includes goals and policies intended to preserve agricultural lands and practices, including: Goal 10, “Preserve agricultural land and open spaces within the Neighborhood Plan boundary;” and Policy 10.1 provides “Agricultural Land Preservation Outside the Eugene Urban Growth Boundary (UGB): Preserve high value farmland (Class 1 and Class 2 soils) outside the UGB for farm use, where feasible or as the state allows.”

**Statewide Planning Goal 4 – Forest Lands. To conserve forest lands.**

The amendments do not affect any lands designated by the comprehensive plan for forest use. The amendments are therefore consistent with Statewide Planning Goal 4.

**Statewide Planning Goal 5 - Open Spaces, Scenic and Historic Areas, and Natural Resources. To conserve open space and protect natural and scenic resources.**

*ORAR 660-023-0250(3) provides: Local governments are not required to apply Goal 5 in consideration of a PAPA [Post Acknowledgement Plan Amendment] unless the PAPA affects a Goal 5 resource. For purposes of this section, a PAPA would affect a Goal 5 resource only if:*

- (a) The PAPA creates or amends a resource list or a portion of an acknowledged plan or land use regulation adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5;*
- (b) The PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list; or*
- (c) The PAPA amends an acknowledged UGB and factual information is submitted demonstrating that a resource site, or the impact areas of such a site, is included in the amended UGB area.*

These Metro Plan amendments do not create or amend the City’s or County’s list of Goal 5 resources, do not amend a code provision adopted to protect a significant Goal 5 resource or to address specific requirements of Goal 5, do not allow new uses that could be conflicting uses with a significant Goal 5 resource site, and do not amend the acknowledged urban growth boundary. For these reasons, the

amendments are consistent with Statewide Planning Goal 5.

Additionally, the Metro Plan amendments are consistent with Statewide Planning Goal 5 because the Neighborhood Plan includes goals and policies that are intended to conserve open space and protect natural and historic resources, including: Goal 7, “Maintain and create natural areas which are healthy, thriving spaces that provide habitat for native species and function as natural infrastructure;” and Policy 7.4 “Public Natural Areas: Create new and enhance existing natural areas, including within the Willamette River Greenway, that are accessible to all residents.”

**Statewide Planning Goal 6 - Air, Water and Land Resources Quality. To maintain and improve the quality of the air, water and land resources of the state.**

Goal 6 addresses waste and process discharges from development, and is aimed at protecting air, water and land from impacts from those discharges. The Metro Plan amendments will remove Chapter II Section F from the Metro Plan, which to a large extent focuses on sanitary sewer service in the River Road Santa Clara area.

In the 1980’s, after a groundwater pollution problem became apparent in the River Road Santa Clara area, the City accepted responsibility for providing sewer service to River Road and Santa Clara to address the health hazard and remedy the situation. The policies in Chapter II Section F of the Metro Plan focus on the provision of a wastewater system and implementation of the River Road-Santa Clara Urban Facilities Plan (1987). The implementation piece of the Urban Facilities Plan related to providing sewers to the River Road-Santa Clara area has been executed and removing Chapter II Section F from the Metro Plan will have no impact on the provision of wastewater service and will not negatively affect the quality of the water resources of the state.

The City of Eugene’s 2020 Wastewater Master Plan states that, “With the exception of the eastern fringe, and some limited in-fill, the properties in the River Road and Santa Clara basins are fully served.” The Wastewater Master Plan also notes that much of the wastewater lines in the River Road and Santa Clara basins have been built since the 1980’s and 1990’s, “The River Road basin includes nine sub-basins, all south of the Beltline Highway between the Willamette River and Northwest Expressway. With the exception of the West Bank interceptor built in 1951, the 48 miles of wastewater lines in this basin were built since 1971. Of those 48 miles, 37 miles were built since 1990. The Santa Clara basin includes 10 sub-basins, all north of Beltline and east of Northwest Expressway. The majority of the 82-mile system has been built since 1980.”

These Metro Plan amendments do not affect other existing regulations or adopted plan provisions for protection of air, water, and land resources. Therefore, the amendments are consistent with Statewide Planning Goal 6.

**Statewide Planning Goal 7 - Areas Subject to Natural Disasters and Hazards. To protect life and property from natural disasters and hazards.**

Goal 7 requires that local government planning programs include provisions to protect people and property from natural hazards such as floods, landslides, wildfires and earthquakes and related hazards.



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The City and County protect people and property from natural hazards through various land use and building code requirements. The Metro Plan amendments do not make changes to adopted policies or regulations that protect people and property from natural hazards.

Based on these findings, the amendments are consistent with Statewide Planning Goal 7.

***Statewide Planning Goal 8 - Recreational Needs. To satisfy the recreational needs of the citizens of the state and visitors, and where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.***

Goal 8 ensures that recreational facilities are provided to Oregon residents and is primarily concerned with the provision of recreational facilities in non-urban areas of the state. These amendments do not affect the City's or County's provisions for, or access to, recreation areas, facilities, or recreational opportunities. Therefore, the amendments are consistent with Statewide Planning Goal 8.

Additionally, the amendments are consistent with Statewide Planning Goal 8 because the Neighborhood Plan contains goals and policies related to providing parks access, connectivity, promoting recreational uses along the river, and expanding parks and recreation services. For example, the Neighborhood Plan's Goal 8 states, "Provide neighborhood access to recreational opportunities, parks, and community centers." Goal 8 is supported by multiple policies, including Policy 8.3, "Recreational Opportunities and Community Centers: Enhance equitable access to recreational opportunities and well-maintained community centers."

***Statewide Planning Goal 9 - Economic Development. To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.***

Goal 9 requires local governments to evaluate the supply and demand of commercial land relative to community economic objectives. Goal 9 and Chapter 660, division 009 of the Oregon Administrative Rules, which implements the requirements of Goal 9, require the City and County to provide, within the UGB, through their adopted comprehensive plans, at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses. This need was addressed when the City and County adopted a Eugene-specific UGB in 2017, which included an expansion for industrial land. The Envision Eugene Employment Land Supply Study includes an acknowledged inventory of land for economic growth and activity in Eugene's UGB. That inventory is expected to address the City's needs for such land through 2032. Chapter 660, division 009 of the Oregon Administrative Rules does not require or restrict planning for industrial and other employment uses outside urban growth boundaries. The City's and County's policies pertaining to employment are housed in their relevant comprehensive plans. These amendments will not rezone or redesignate any properties and do not impact the supply of industrial or commercial lands. Therefore, the amendments are consistent with Statewide Planning Goal 9.

Additionally, the amendments are consistent with Statewide Planning Goal 9 because the Neighborhood Plan contains vision, goals, and policies related to economic development. Economic development is

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one of five topic areas included in the Neighborhood Plan. The Plan's goals aim to encourage the growth and creation of local businesses, promote redevelopment and mixed-use buildings, and create employment opportunities that offer a living wage.

***Statewide Planning Goal 10 – Housing. To provide for the housing needs of citizens of the state.***

Goal 10 requires local governments to provide an adequate supply of buildable land within the UGB to accommodate their city's estimated housing needs for a 20-year planning period. When the City and County approved Eugene's UGB in 2017, they adopted, and received State acknowledgement of a 20-year inventory of buildable lands for residential use. The Envision Eugene Residential Land Supply Study (2012-2032) was adopted in 2017 as a refinement of the *Envision Eugene Comprehensive Plan* and complies with the requirements of Goal 10 and Chapter 660, Division 008 of the Oregon Administrative Rules.

The Envision Eugene Residential Land Supply Study includes an inventory of buildable lands for residential use. According to the Residential Land Supply Study, there is sufficient buildable residential land within Eugene's acknowledged urban growth boundary to meet the identified land need. These amendments do not impact the supply of residential buildable land within Eugene's UGB. No land is being re-designated from a residential use to a non-residential use, and the amendments do not otherwise diminish the amount of land available for residential use.

Goal 10 also requires local governments to conduct a Housing Needs Analysis (HNA) to assess whether their estimated housing needs for a 20-year planning period can be satisfied within the UGB. The Envision Eugene Residential Land Supply Study (2017) includes an HNA. These amendments do not impact the supply of residential buildable lands or affect the estimated housing needs within Eugene's UGB. Therefore, the amendments are consistent with Statewide Planning Goal 10.

Additionally, the amendments are consistent with Statewide Planning Goal 10 because the Neighborhood Plan contains goals and policies related to housing needs. For example, Goal 12 of the Neighborhood Plan reads, "Plan for future housing that addresses the needs of the community." Policies also highlight planning for affordable housing and pursuing innovative housing strategies.

***Statewide Planning Goal 11 – Public Facilities and Services. To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.***

Goal 11 requires that urban development be supported by urban facilities and services. Goal 11 and ORS 197.712 require a public facilities plan for water, sewer and transportation services within Eugene's UGB. The Land Conservation and Development Commission has acknowledged the *Eugene-Springfield Metropolitan Area Public Facilities and Services Plan* (PFSP) as the public facilities plan for wastewater, water and stormwater facilities within Eugene's UGB. The PFSP is a refinement plan of the Metro Plan, adopted by Lane County, the City of Eugene, and the City of Springfield. The *Eugene 2035 Transportation System Plan* is the transportation element of Eugene's comprehensive land use plan, applies within Eugene's UGB, and was designed to support the *Envision Eugene* project, the community's evolving plan for how Eugene will grow for the next 20 years. Transportation planning is addressed under Goal 12, below.

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These Metro Plan amendments do not affect the planning or development of future public facilities or services. The amendments do not make changes to the provision of public facilities and services within Eugene’s UGB or to the currently adopted *Eugene/Springfield Public Facilities and Services Plan (PFSP)*. Consistent with the PFSP, the City will continue to plan and develop public facilities to support the land uses designated in the City’s acknowledged comprehensive plan, for lands located within Eugene’s UGB. The amendments are consistent with Statewide Planning Goal 11.

The City of Eugene updated the PFSP during the adoption of Eugene Urban Growth Boundary in 2017 to ensure that all lands within the UGB could be served.

These Metro Plan amendments will remove Chapter II Section F from the Metro Plan, which to a large extent focuses on the provision of sanitary sewer service in the River Road Santa Clara area. In the 1980’s, after a groundwater pollution problem became apparent in the area, the City accepted responsibility for providing sewer service to River Road and Santa Clara to address the health hazard and remedy the situation. The implementation of the River Road-Santa Clara Urban Facilities Plan (1987) related to providing sewers to the River Road-Santa Clara area has been executed and removing the related policies in Chapter II Section F of the Metro Plan will have no impact on the provision of wastewater service to the area or on the current PFSP (which was adopted in 2001, subsequent to the groundwater pollution problems and the Urban Facilities Plan).

The City of Eugene’s 2020 Wastewater Master Plan states that, “With the exception of the eastern fringe, and some limited in-fill, the properties in the River Road and Santa Clara basins are fully served.” The Wastewater Master Plan also notes that much of the wastewater lines in the River Road and Santa Clara basins have been built since the 1980’s and 1990’s, “The River Road basin includes nine sub-basins, all south of the Beltline Highway between the Willamette River and Northwest Expressway. With the exception of the West Bank interceptor built in 1951, the 48 miles of wastewater lines in this basin were built since 1971. Of those 48 miles, 37 miles were built since 1990. The Santa Clara basin includes 10 sub-basins, all north of Beltline and east of Northwest Expressway. The majority of the 82-mile system has been built since 1980.”

The implementation piece of the Urban Facilities Plan related to providing sewers to the River Road-Santa Clara area has been executed and removing Chapter II Section F from the Metro Plan will have no impact on the provision of public services and facilities or the current PFSP. Based on these findings, these amendments are consistent with Statewide Planning Goal 11.

**Statewide Planning Goal 12 – Transportation. To provide and encourage a safe, convenient and economic transportation system.**

The Transportation Planning Rule (OAR 660-012-0060) contains the following requirement:

- (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:*

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- (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 State's Transportation Planning Rule requires that land use changes that would significantly affect a transportation facility provide mitigation measures to address the anticipated impacts. The Metro Plan amendments will not significantly affect a planned or existing transportation facility, and no changes to existing, adopted land use designations or zoning of properties are proposed. The amendments will not change the functional classification of an existing or planned transportation facility, nor will they change any standards implementing a functional classification system. Further, because the Metro Plan amendments do not alter or affect allowed land uses, the amendments will not result in levels of travel or access which are inconsistent with the functional classification of an existing or planned transportation facility or degrade the performance standards of an existing or planned transportation facility so that it will not meet the performance standards identified in the *Eugene 2035 Transportation System Plan, or Lane County Transportation System Plan*, the City's and County's respective adopted transportation system plans. Therefore, the Metro Plan amendments are consistent with Statewide Planning Goal 12.

Additionally, the amendments are consistent with Statewide Planning Goal 12 because the Neighborhood Plan includes vision, goals, and policies related to transportation. Transportation is one of five topic areas that the Neighborhood Plan focuses on. The Plan's goals aim to implement a transportation system that is safe for all users, is efficient, equitable, and affordable as well as future oriented and environmentally responsible.

**Statewide Planning Goal 13 – Energy Conservation. To conserve energy.**

Goal 13 provides guidance on the management of land and land uses to maximize the conservation of energy. Consistent with the language of Goal 13, the Neighborhood Plan includes a policy related to

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renewable resources and energy that reads, “Promote renewable resources and energy conservation to decrease reliance on public utility grid through community education, outreach, and incentives.” The amendments do not change any local energy policy or implementing provisions. Therefore, the amendments are consistent with Statewide Planning Goal 13.

***Statewide Planning Goal 14 – Urbanization. To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.***

Goal 14 requires cities to plan for urbanization within an urban growth boundary. The Neighborhood Plan Boundary includes urban, rural, and urban transition areas, but the Metro Plan amendments will not change any zoning, plan designations, or annexation procedures applicable to properties within the Neighborhood Plan boundary nor do they amend the acknowledged urban growth boundary.

The Metro Plan amendments include removing a policy related to annexation in the River Road and Santa Clara areas from the Metro Plan; however, this policy is now included verbatim in the Neighborhood Plan. This policy reads, “Annexation of the River Road and Santa Clara areas will occur only through strict application of state laws and local policies (e.g., ability to extend key urban facilities and services in a timely manner). In each case, Eugene will make every reasonable attempt to provide for annexation only on a voluntary basis and according to prior individual property annexation agreements.” The Metro Plan amendments will not change any annexation procedures and will not force County residents to annex into the City.

These amendments do not affect the City and County’s provisions regarding the transition of land from rural to urban uses. Therefore, the amendments are consistent with Statewide Planning Goal 14.

***Statewide Planning Goal 15 – Willamette Greenway. To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.***

Goal 15 is designed to “protect, conserve, enhance, and maintain the natural, scenic, historical, agricultural, economic, and recreational qualities of lands along the Willamette River as the Willamette River Greenway.” The River Road-Santa Clara Neighborhood Plan boundary includes lands within the Willamette River Greenway; however, the Metro Plan amendments do not contain any changes to the City’s or County’s Willamette River Greenway regulations. Therefore, the amendments are consistent with Statewide Planning Goal 15.

Additionally, the amendments are consistent with Statewide Planning Goal 15 because the Neighborhood Plan includes policies aimed at conserving, enhancing and protecting the Willamette River Greenway, including: Policy 14.3 “Willamette River Compatibility: Encourage development that is less intense along the river by making legislative updates to local land use regulations that include additional standards to protect, maintain, preserve, and enhance the natural, scenic, historic, and recreational qualities of the Willamette River Greenway;” and Policy 7.4 “Public Natural Areas: Create

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new and enhance existing natural areas, including within the Willamette River Greenway, that are accessible to all residents.”

**Goal 16 through 19 (Estuarine Resources, Coastal Shorelands, Beaches and Dunes, and Ocean Resources):**

There are no estuarine, coastal, beach and dune, or ocean resources related to the lands affected by these amendments. Therefore, Statewide Planning Goals 16, 17, 18, and 19 do not apply.

**Internal Metro Plan Consistency**

**City of Eugene Criteria**

**EC 9.7735 Metro Plan Amendments – Criteria for Approval.**

**(2) The proposed amendment does not make the Metro Plan internally inconsistent; and**

**Lane County Criteria**

**LC 12.300.030 Metro Plan Amendment Criteria**

**B. The proposed amendment does not make the Metro Plan internally inconsistent.**

These Metro Plan amendments, including adoption of the River Road-Santa Clara Neighborhood Plan, do not make the Metro Plan internally inconsistent. As stated in the Neighborhood Plan, if inconsistencies occur between the Neighborhood Plan and the Metro Plan, the Metro Plan is the prevailing policy document.

***Metro Plan Policies***

The Neighborhood Plan and Metro Plan amendments are consistent with the following policies from the Metro Plan (identified below in *italics*).

**Chapter II C. Growth Management Goals, Findings, and Policies**

*C.5 To maintain the existing physical autonomy of the smaller outlying communities, urban development on agricultural and rural lands beyond the UGB shall be restricted and based on at least the following criteria:*

- a. Preservation and conservation of natural resources*
- b. Conformity with the policies and provisions of the Lane County Rural Comprehensive Plan that borders the metropolitan area*
- c. Conformance with applicable mandatory statewide planning goals*



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The Neighborhood Plan includes a policy that aims to preserve agricultural land outside the UGB, consistent with this Metro Plan policy. Neighborhood Plan Policy 10.1 states, “Preserve high value farmland (Class 1 and Class 2 soils) outside the UGB for farm use, where feasible or as the state allows.”

*C.10 Annexation to a city through normal processes shall continue to be the highest priority.*

*C.15 Ultimately, land within the UGB shall be annexed to a city and provided with the required minimum level of urban facilities and services. While the time frame for annexation may vary, annexation should occur as land transitions from urbanizable to urban.*

The Neighborhood Plan is consistent with the Metro Plan policies C.10 and C.15, as the Neighborhood Plan intends to continue current annexation policies. The Metro Plan amendments include removing a policy related to annexation in the River Road and Santa Clara areas from the Metro Plan; however, this policy is now included verbatim in the Neighborhood Plan. As stated in Neighborhood Plan Policy 17.4, “annexation of the River Road and Santa Clara areas will occur only through strict application of state laws and local policies (e.g., ability to extend key urban facilities and services in a timely manner). In each case, Eugene will make every reasonable attempt to provide for annexation only on a voluntary basis and according to prior individual property annexation agreements.” Annexation is voluntary, however it is typically required when a property owner proposes to develop a property that is within the UGB but not within city limits as a condition of certain land use approvals.

## **Chapter II F. River Road and Santa Clara Goals, Findings, Objectives, and Policies**

The deleted section of the Metro Plan (Chapter II Section F. River Road and Santa Clara Goals, Findings, Objectives, and Policies) is no longer relevant or necessary. The deleted findings, objectives, and policies were relevant to the implementation of the 1987 *River Road-Santa Clara Urban Facilities Plan*; many having to do with the provision of wastewater service as discussed under Statewide Planning Goal 11 above. The findings, objectives, and policies in Chapter II Section F reflect the situation at the time the Urban Facilities Plan was completed and the resulting implementation of that plan. The policies in this section have been addressed since their initial adoption. This section of the Metro Plan is no longer necessary because wastewater infrastructure in the area has been built and service was extended to developed properties to address the groundwater pollution problem that was present at the time this Metro Plan text was originally adopted.

Policy 3 of Chapter II, Section F of the Metro Plan, concerning annexation of properties in the River Road and Santa Clara areas will be deleted from the Metro Plan but has been included as Policy 17.4 in the Neighborhood Plan. The annexation policy provides: “Annexation of the River Road and Santa Clara areas will occur only through strict application of state laws and local policies (e.g., ability to extend key urban facilities and services in a timely manner). In each case, Eugene will make every reasonable attempt to provide for annexation only on a voluntary basis and according to prior individual property annexation agreements.”

## **Chapter III A. Metropolitan Residential Land Use and Housing Element**

*A.23 Reduce impacts of higher density residential and mixed-use development on surrounding uses by considering site, landscape, and architectural design standards or guidelines in local zoning and development regulations.*

## Exhibit B

The Neighborhood Plan includes policies related to reducing impacts from surrounding uses. For example, Neighborhood Plan Policy 14.1 states, “Compatibility Transitions: Enhance compatibility through development standards such as height and scale transitions, setbacks, buffering with trees, and window offsets between adjacent properties that are zoned differently through legislative updates to local land use regulations.”

*A.36 Coordinate public, private, and consumer sectors of the area’s housing market, including public-private partnerships, to promote housing for low- and very low-income households and to increase housing density and types.*

Consistent with this Metro Plan policy, Neighborhood Plan Policy 12.2 aims to plan for affordable housing in the River Road and Santa Clara neighborhoods through collaboration with community partners. The policy states, “Affordable Availability: Plan for affordable and moderate-income housing throughout the River Road and Santa Clara neighborhoods through strategies, funding, partnerships, and execution of the City and County’s housing plans.”

### **Chapter III C. Environmental Resources Element**

*C.2 Designated agricultural lands shall be protected for agricultural uses through zoning for exclusive farm use or equivalent acceptable zoning and through application of other protective measures.*

Consistent with this Metro Plan policy, Neighborhood Plan Policy 10.1 aims to protect agricultural land outside the UGB. It states, “Preserve high value farmland (Class 1 and Class 2 soils) outside the UGB for farm use, where feasible or as the state allows.”

### **Chapter III D. Willamette River Greenway, River Corridors, and Waterways Element**

*D.3 Eugene, Springfield, and Lane County shall continue to cooperate in expanding water-related parks and other facilities, where appropriate that allow access to and enjoyment of river and waterway corridors.*

*D.9 Local and state governments shall continue to provide adequate public access to the Willamette River Greenway.*

The Neighborhood Plan is consistent with these Metro Plan policies, as it contains similar policies, including Policy 9.1, “Safe and Convenient Access: Provide safe and convenient access to the riverbank park system for people walking, biking, and using mobility devices,” and Policy 9.2, “Stewardship of the Willamette River Ecosystem: Work with the community and non-profit organizations to balance preservation and access to the river.” The Willamette River Greenway is a valued asset to the River Road and Santa Clara neighborhoods.

### **Chapter III E. Environmental Design Element**

*E.3 The planting of street trees shall be strongly encouraged, especially for all new developments and redeveloping areas (where feasible) and new streets and reconstruction of major arterials within the UGB.*

Consistent with this Metro Plan policy, preserving and planting street trees is reflected in Neighborhood Plan Policy 7.5, “Tree Canopy: Promote, conserve, protect, and improve our urban forest by preserving

## Exhibit B

and planting street trees and encouraging private property owners to plant trees with education and incentives, consistent with Eugene’s Urban Forestry program.”

### Chapter III F. Transportation Element

*F.3 Provide for transit-supportive land use patterns and development, including higher intensity, transit-oriented development along major transit corridors and near transit stations; medium- and high-density residential development within ¼ mile of transit stations, major transit corridors, employment centers, and downtown areas; and development and redevelopment in designated areas that are or could be well served by existing or planned transit.*

*F.10 Protect and manage existing and future transportation infrastructure.*

*F.11 Develop or promote intermodal linkages for connectivity and ease of transfer among all transportation modes.*

*F.13 Support transportation strategies that enhance neighborhood livability.*

*F.18 Improve transit service and facilities to increase the system’s accessibility, attractiveness, and convenience for all users, including the transportation disadvantaged population.*

*F.26 Provide for a pedestrian environment that is well integrated with adjacent land uses and is designed to enhance the safety, comfort, and convenience of walking.*

Consistent with the transportation element in the Metro Plan, one of the five topic areas in the Neighborhood Plan also focuses on transportation. Both sections include policies related to infrastructure improvements, connectivity, safety for all users, and creating pedestrian-friendly environments. See the related Neighborhood Plan policies below:

Policy 5.3 Active Transportation to Commercial Centers: Expand active transportation networks that connect neighborhoods to their adjacent commercial areas, schools, and community gathering spaces.

Policy 5.4 Traffic Management: Prioritize transportation infrastructure improvements to support the traffic flow and enhance safety objectives.

Policy 13.1 Key Areas for Development: Support more development and redevelopment in key areas for residential, commercial, and mixed-use development through legislative updates to local land use regulations.

Policy 4.1 Safety and Accessibility: Improve safety and accessibility for people walking, biking, and using mobility devices.

Policy 5.1 Regional Transportation Network: Work towards convenient, equitable, and affordable access to a regional pedestrian, bicycle, transit, and vehicle network throughout the River Road and Santa Clara neighborhoods.

Policy 11.2 Well Designed Built Environment: Update design standards through legislative updates to local land use regulations so that they provide for gradual transitions between different uses and scales and incorporate pedestrian scale design through building design, size, scale, and site layout requirements.

### Chapter III G. Public Facilities and Services Element

*G.9 Wastewater conveyance and treatment shall be provided to meet the needs of projected growth inside the UGB that are capable of complying with regulatory requirements.*

Chapter II Section F of the Metro Plan includes policies related to providing wastewater in the River Road and Santa Clara areas. Removing these policies will have no impact on the provision of wastewater service to the area. This section of the Metro Plan is no longer necessary because wastewater infrastructure in the area has been built and service was extended to developed properties to address the groundwater pollution problem that was present at the time this Metro Plan text was originally adopted.

#### City of Eugene Criteria

##### **EC 9.7735 Metro Plan Amendments – Criteria for Approval.**

**(3) When the city-specific local comprehensive plan also applies, the proposed amendment is consistent with the city-specific local comprehensive plan.**

The City Council finds that the Metro Plan amendments are consistent with the Eugene-specific local comprehensive plan, the *Envision Eugene Comprehensive Plan (Envision Eugene)*. The currently adopted chapters of the *Envision Eugene Comprehensive Plan* include Economic Development, Transportation, Administration & Implementation, and Eugene Urban Growth Boundary. The Neighborhood Plan's economic development policies are consistent with those in *Envision Eugene*, such as the promotion of locally-owned businesses, capitalizing on Eugene's economic advantages, and employment growth.

As discussed in Statewide Planning Goals 11 and 12 above, the *Eugene 2035 Transportation System Plan (TSP)* is the transportation element of Eugene's comprehensive land use plan. The Neighborhood Plan is consistent with and aligns with policies in the TSP, especially those related to walkable neighborhoods and compact development. For example, one of the TSP system-wide policies is to "Foster neighborhoods where Eugene residents could meet most of their basic daily needs without an automobile by providing streets, sidewalks, bikeways, and access to transit in an inviting environment where all travelers feel safe and secure" and one of the transit policies aims to "Prioritize improved transit service in Key Corridors and other areas with sufficient employment, activities, or residential density that best support transit service and transit services that connect residents to employment centers. If operational funding is sufficient, extend transit to support higher density housing and employment development planned for other areas."

The Neighborhood Plan does not affect the maintenance or updating of the comprehensive plan, any related monitoring efforts, or the Eugene urban growth boundary. Therefore, these amendments are consistent with the *Envision Eugene Comprehensive Plan*.

## Exhibit B

**Refinement Plan Amendment Criteria****City of Eugene Criteria****EC 9.8424 Refinement Plan Amendment Approval Criteria.**

**Approval, or approval with modifications shall be based on compliance with the following criteria:**

**(1) The refinement plan amendment is consistent with all of the following:**

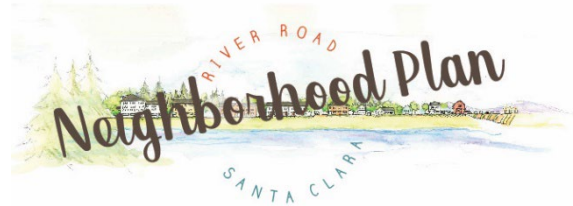
- (a) Statewide planning goals.**
- (b) Applicable provisions of the Metro Plan.**
- (c) Remaining portions of the refinement plan.**

EC 9.8422 states, "Refinement plan amendment procedures only apply when specific changes are proposed to an existing refinement plan that covers areas only within the jurisdiction of the city. The procedures are not applicable to comprehensive updates of an entire refinement plan."

The refinement plan criteria in EC 9.8424 do not apply to the Metro Plan amendments because the amendments adopt a new refinement plan, they do not amend an existing refinement plan.

However, even if the Refinement Plan Amendment criteria in EC 9.8424 did apply, the City Council finds that the criteria in subsections (a) and (b) have been addressed above and the criterion in subsection (c) is not applicable.

## River Road-Santa Clara Neighborhood Plan Engagement Summary



Launched in fall 2017, the River Road-Santa Clara neighborhood planning process has been a collaborative effort among community members, River Road Community Organization (RCCO), Santa Clara Community Organization (SCCO), City of Eugene, Lane County, and other stakeholders throughout both neighborhoods. The process had six phases: Reaching Out, Neighborhood Visioning, Neighborhood Priorities, Policy Development, Action Planning, and Adoption, with opportunities for community and stakeholder feedback along the way. This engagement summary includes the community engagement objectives and outcomes from each of the six planning phases.

In July 2017, the Eugene Planning Commission (acting as the Citizen Involvement Committee) approved the RRSC Neighborhood Planning Public Involvement Plan. The Project Management Team committed to a community engagement process that was:

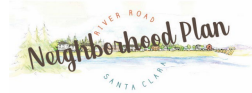
- **Meaningful:** creates a vision crafted with beauty, fun, warmth, and welcome
- **Accountable:** responds to ideas, critique, comments, and praise
- **Inclusive:** communicates with all stakeholders, including the under-represented, outside of structured meetings, in ways that people understand and can relate to
- **Transparent:** makes decisions public; shares information in a variety of formats and places
- **Realistic:** informs about constraints, opportunities, and objectives
- **Outcome-oriented:** creates a community-supported and council-adopted neighborhood plan!

The Public Involvement Plan and the associated Project Charter (July 2017) established several foundational, community-led groups that would lead neighborhood planning, including:

- **Community Advisory Committee (CAC):** A group of 11 voting members, appointed by the Eugene Planning Commission, that represent the varied voices of the two neighborhoods. The CAC was responsible for considering the full breadth of public input, developing operating rules, working with City and County staff to reach a mutually agreed upon community vision and plan that works within the larger Envision Eugene community vision, and making a final community recommendation.
- **Project Management Team (PMT):** A small core team of the CAC co-chairs and City and County staff tasked with carrying out the project in accordance with the Project Charter.
- **Technical Advisory Committee (TAC):** Composed of City and partner agency staff to serve as advisory body to the Project Management Team and the Community Advisory Committee. The TAC represented their own project or departmental interests and communicated how the neighborhood-specific issues fit within the broader City/County context.
- **Topic Area Working Groups:** Each group focused on one of the Plan's priority areas and included community members and staff.
- **River Road and Santa Clara Community Organizations:** Both community organizations supported public outreach throughout the project. During key decision points in the project, the organizations led efforts to host meetings and communicate with stakeholders. Both community organizations made recommendations to the CAC to inform the final community recommendation on the plan adoption package.



## River Road-Santa Clara Neighborhood Plan Engagement Summary



### Phase 1: Reaching Out (2017)

In the summer of 2017, the community organizations, volunteers, and staff began the 'Reaching Out' phase to raise awareness about the project and opportunities for input.

The goal of the Reaching Out phase was to give as many community members as possible the opportunity to provide input into the vision for their neighborhood. The results of this outreach identified areas where community members were united, and it flagged some more complicated areas for future neighborhood conversations.

#### Raising Awareness

Community volunteers and project staff began raising awareness about the project by meeting with neighbors where they were. They promoted the project at fun activities like Sunday Streets and the grand opening of the new River Road Elementary School and during routine errands at the grocery store. Volunteers from the community organizations canvassed their neighborhoods with informational flyers, sent updates in their newsletters, and used social media to share information. In total, there were more than **20 events** in advance of the fall kick-off event.

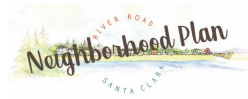
#### Kick-off Event

The fall 2017 community event at North Eugene High School was a huge success, with nearly **400 people** filling the Highlander gymnasium. Activities at the kick-off event included a mapping exercise to identify what residents value about the area and a 'my ideas' activity that asked participants to share their future hopes for the neighborhood. Community volunteers and project staff were thrilled with this result but knew there were community members who were unable to attend evening meetings, so an extra effort was made to meet with them at more convenient times and places with targeted outreach.

#### Targeted Outreach

To bring in fresh voices, the project stepped out of the meeting room and into the community, conducting unique activities with interesting visuals that stimulated important conversations. The project staff and community volunteers formed partnerships with local organizations like St. Vincent DePaul, Food for Lane County, and our local schools. These organizations helped reach a broader cross

## River Road-Santa Clara Neighborhood Plan Engagement Summary



section of residents. Small group meetings were held with high school students, affordable housing residents, Spanish speakers, and rural residents in Santa Clara. In addition, a group of neighborhood volunteers and City and County staff did door-to-door canvassing of local businesses to gather their input on the neighborhood.

- **Rural Santa Clara:** SCCO includes rural residents who live beyond the urban growth boundary (UGB). Members of this community are more unlikely to participate in broader neighborhood workshops that are not tailored to their unique geographic location. The project staff and volunteers thought it was important to target outreach efforts at these constituencies. A rural Santa Clara workshop in December 2017 attracted **over 20 participants**.

- **Business Canvassing:** Regardless of whether business owners and employees reside in the neighborhood, they have a stake in the outcome of the neighborhood planning process. However, they are often tied to their workplace and may not be able to attend conventional neighborhood outreach events. Community volunteers and project staff made a concerted effort to reach out to businesses in the River Road and Santa Clara neighborhoods. In November and December 2017, neighborhood volunteers teamed with City and County staff to conduct door-to-door outreach.



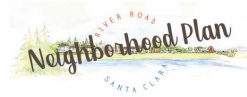
*City staff and community volunteers  
canvassing neighborhood businesses*

These pairs spoke with nearly **300 businesses** along River Road and in other commercial areas throughout the neighborhoods. They promoted the planning process, conducted interviews, and encouraged business owners and employees to get involved.

- **Inclusive Outreach:** Building a foundation of trust and democracy starts with understanding who has a stake in the outcome of the project and how and when they can participate. Public meetings are often filled with elderly, white, middle-class people listening to public servants slogging through long presentations. To involve youth, low-income residents, people with disabilities, and communities of color, project staff and community volunteers forged relationships with community partners who have earned the trust and respect of historically marginalized community groups through consistent service. Working in collaboration with organizations such as Saint Vincent De Paul, Food for Lane County, and the school districts, the project involved people who do not typically attend public meetings.

This targeted outreach to rural Santa Clara residents, the business community, and historically marginalized community groups helped diversify the voices involved in the neighborhood planning process. The values, hopes, and concerns expressed by these stakeholders were balanced with those expressed by other members of the public to create a comprehensive community vision.

## River Road-Santa Clara Neighborhood Plan Engagement Summary



### Phases 2-3: Visioning and Neighborhood Priorities (January – June 2018)

The Visioning and Neighborhood Priorities phases continued focus on raising awareness of the project and asking community members what they valued in their neighborhoods and hopes for the future.

Starting in early 2018, the CAC and topic area Working Groups met monthly to compile and review the feedback received during the Reaching Out phase, recognizing the priorities and values heard during this process, as well as the many years of community engagement through previous planning work. Different themes emerged and the Neighborhood Plan began to develop around five main topic areas: Economic Development, Transportation, Parks and Natural Resources, Land Use, and Community. A vision for the future of the River Road and Santa Clara communities started to appear.

#### Outreach Questionnaires

In summer 2018, the CAC and Working Groups developed outreach questionnaires for each of the plan topic areas. These questions were used during community forums, an online survey, and several targeted outreach events.

The June 2018 community forums (**attended by over 300 people**) provided a chance for neighbors to come back together and review the community vision, developed by the CAC, working group members and staff, based on community input received in the Reaching Out Phase. They discussed the questionnaire in small groups and heard each other's opinions. The events were held on two different days of the week (Wednesday and Sunday) and at different times (evening and afternoon) to make it more accessible to people with varying schedules. A light meal and activities for children were provided.

Recruitment to these forums included a hard copy invitation mailed to all property owners in River Road and Santa Clara, email invitations to more than **1,000 people** on the project's interested parties list, yard signs at high traffic areas (such as parks and major intersections), and posters in area businesses. In addition, community volunteers attended neighborhood events and personally extended invitations.



## River Road-Santa Clara Neighborhood Plan Engagement Summary



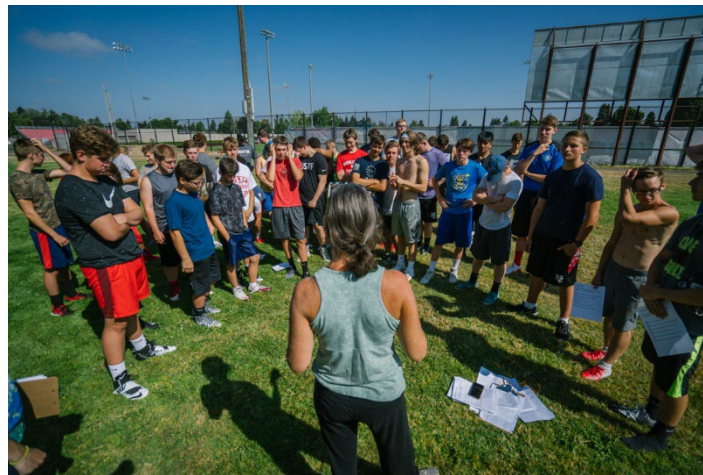
The online survey, posted after the June 2018 forums, was disseminated through the website, interested parties emails, area organizations, and Facebook, resulting in **106 completed surveys**.

The project staff and community volunteers worked hard on inclusive outreach to connect with people who were not well represented at the community forum: youth, communities of color, people with disabilities, and low-income residents. Events included a picnic for young families, attendance at the North Eugene Highlanders football team practice, a small group discussion with people with disabilities, and individual conversations with people with limited incomes.



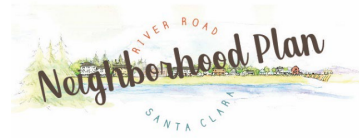
*A CAC volunteer guides a neighbor through a survey at a community event*

The project collaborated with organizations such as Cornerstone Housing, St. Vincent De Paul, Headstart, Lane Independent Living Alliance, St. Mary's Church, the Confederated Tribes of the Siletz, North Eugene High School, and Huerto de la Familia. This targeted outreach resulted in an **additional 142 completed surveys**.



*Chatting with the North Eugene Highlanders football team*

## River Road-Santa Clara Neighborhood Plan Engagement Summary



### Phase 4: Policy Development (July 2018 – May 2019)

After laying the groundwork through the phases of Reaching Out, Visioning, and Neighborhood Priorities, the Policy Development phase started in late 2018 through spring 2019 and focused on the drafting of policies related to the vision and neighborhood priorities developed from community input. Throughout the policy development phase, Working Group meetings were held periodically and interested community members were welcome to attend.

#### Policy Round-Up

Policy writing was led by the CAC and supported by staff on the TAC as well as Working Group members. At the 'Policy Round-Up' in December 2018, participants sorted the draft policies into broad, cross-cutting themes organized under 18 high-level goals. The goal of the activity was to review the draft policies and identify missing ideas, such as places where certain themes across a topic area were not well represented within the draft policies. More than **60 people** participated.

#### Triple Bottom Line Sounding Board

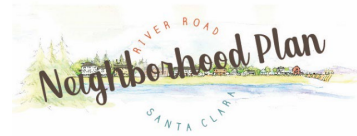
In January 2019, the TAC did a closer review of the policies to ensure that the draft policies aligned with existing City and County policies. In February 2019, the first Triple Bottom Line Sounding Board meeting was held to provide a citywide perspective about the equity, environmental, and economic implications of proposed action items in the Neighborhood Plan topic areas. Throughout the topic areas, there are overarching themes such as equity and inclusion, connectivity, healthy people and climate, safety, prosperity, and neighborhood identity.

#### River Road Corridor Study

February 2019 brought the first workshops for the River Road Corridor Study.<sup>1</sup> Over the span of the three-day open house the public had a chance to dive into the details and create actual designs for neighborhood centers along River Road. The theme of the first open house was, "Getting Started:

<sup>1</sup> The River Road Corridor Study was a partnership between Lane Transit District and the City of Eugene, supported by a grant from the Federal Transit Administration. The completed study is available here: <https://www.eugene-or.gov/DocumentCenter/View/60545/River-Road-Corridor-Study-FTA-Grant>

## River Road-Santa Clara Neighborhood Plan Engagement Summary



Reflecting the Neighborhood Vision and Priorities,” the second “Developing Concepts: Exploring the Ways the Vision Can Take Shape Along the Corridor,” and the third open house concluded with “Establishing Criteria: Refining Ideas and Creating Evaluation Criteria.” These workshops were followed by an email survey to participants asking about additional ideas, concerns, and areas of excitement. For those that couldn’t attend, we developed an online survey to give people an opportunity to weigh in on both high-level principles for the project and some of the early concepts.

As part of the initial workshops, the Corridor Study project staff hosted a Business Round Table, inviting businesses and commercial properties along River Road to talk about design concepts along the corridor and provide input.



*Photos from the Corridor Study Workshop #1*

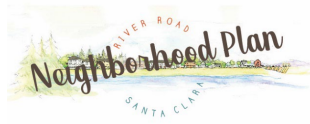
### Planning in Action Open House

In April 2019, another community event, the ‘Planning in Action Open House’ at North Eugene High School provided community members an opportunity to review the draft policies as well as draft actions. The Open House took place on both a Sunday afternoon and a Wednesday evening to accommodate as many community members and businesses as possible. Food and activities for children were provided at these meetings. More than **200 neighbors** attended in total and there were great, in-depth conversations at each of the tables. There were many new faces joining the neighborhood planning process at these open houses. These conversations were a chance for neighbors to see how their concerns and aspirations were represented in the draft policies and started the transition from policy development into action planning.

On May 15, 2019, City Council officially approved the draft goals and policies as a platform for moving into the Action Planning Phase.



## River Road-Santa Clara Neighborhood Plan Engagement Summary



### Phase 5: Action Planning (May 2019 – March 2021)

In May 2019, the project transitioned into the Action Planning phase, which focused on drafting, evaluating and prioritizing actions to implement the draft policies. Refining the action items was a collaborative process among the CAC, Working Group members, and City, County, and partner agency staff to incorporate community and technical feedback.

#### River Road Corridor Study

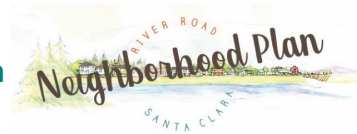
In June 2019, project staff held a second series of Corridor Study workshops. Participants learned about corridor concepts and land use and zoning options. The design team and community members discussed implementation strategies and land use policies that could guide the type and location of growth. As they reviewed the work of the design team, community members were asked a series of questions to determine whether the proposed development standards and land use types fit with the vision for the River Road Corridor area and desired neighborhood character. Community members, staff, and consultant team members brainstormed draft land use concepts, zoning options and design standards to further vet with the community using an online survey throughout summer and fall 2019 focusing on two draft land use concepts.

#### Project Fair, Pumpkin Pie and Planning, and Community Events

Also in June 2019, project staff highlighted the Neighborhood Plan at a City of Eugene Planning Division Project Fair at the Downtown Library, connecting with community members and talking to them about the neighborhood planning efforts. Staff and community volunteers attended several other events throughout the summer of 2019 to talk with community members about the Neighborhood Plan and collect input.

In November 2019, community volunteers and project staff hosted the 'Pumpkin Pie and Planning' event. Over **150 community members**, the CAC and City and County staff discussed and shared thoughts on draft action items. It was both a celebration with neighbors on all the work that had been done on the Neighborhood Plan and an opportunity to continue providing input. Highlights of the presentation and discussion included land use, zoning, better transportation, the development of parks and the future of housing in Santa Clara and River Road. Given the large number of participants, discussions were geared towards covering topics with highest priority and expressing support or concern for the action items. Free pumpkin pie was available for those who attended, as well as harvest art activities,

## River Road-Santa Clara Neighborhood Plan Engagement Summary



and a chance to win a basket of goodies. The Land Use topic area had the widest range of opinions, with many participants wanting more information on future land use standards that could address community concerns.

### Online Survey

An online survey was open from August to November 2019, reaching nearly **500 respondents** and collecting input and concerns regarding draft actions. Results from in-person outreach events were collated with the online survey results to refine policies and actions.

### Triple Bottom Line Sounding Board

In February 2020, the planning team convened a second Triple Bottom Line Sounding Board meeting, and their feedback was collected on the Action Plan highlights.

### Neighborhood Conversations

From January to March of 2020 a series of small group discussions, Neighborhood Conversations, took place in common neighborhood gathering spaces to discuss how the proposed Neighborhood Plan vision would be implemented. At each of these small group meetings, participants reviewed the proposed land use concepts and discussed: What land uses will be allowed? How is zoning proposed to change? How quickly might changes start to happen? These conversations focused on the Land Use topic area of the Neighborhood Plan and exploring the initial details of the River Road Corridor Study.

An invitation to the Neighborhood Conversations was mailed to **16,000+ addresses** including all residents and property owners in the neighborhood, emailed to the **1,500+ interested parties** list, and shared by the River Road and Santa Clara Community Organizations. Overwhelming interest from residents and property owners in the neighborhood led to scheduling additional meetings – **13 conversations** in total, attended by approximately **200 residents**. **Another 80+ people** did not attend but learned about the project and received answers from staff or community leaders about their questions in response to the invitations.

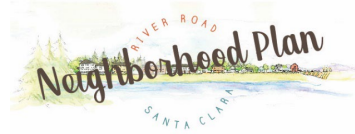
Approximately half of the participants were new to the project, and the other half had some previous knowledge or had participated in a Plan meeting. While most participants were over 50, the project staff and community volunteers did engage younger residents and communities of color through both the Conversations and a meeting hosted jointly with El Camino Del Rio Elementary School in River Road. The meetings provided the opportunity for groups of staff, volunteers, and community members to discuss elements of the land use changes, sharing support and reservations.



*A Neighborhood Conversation at Camino Del Rio*

In mid-March 2020, the COVID-19 pandemic hit and slowed down the engagement process. However, after receiving comprehensive feedback from previous engagement, the CAC continued to meet virtually on Zoom each month and refine the draft actions. Project staff continued to send newsletters through our interested parties email list and in March 2021 launched the River Road-Santa Clara Neighborhood Plan Engage Eugene project website, part of the City of Eugene's online engagement platform.

## River Road-Santa Clara Neighborhood Plan Engagement Summary



### Phase 6: Adoption (March 2021 – April 2024)

On May 12, 2021, project staff received direction from the Eugene City Council and Lane County Board of Commissioners to move into the Adoption Phase and prepare a plan adoption package for community review. Between spring 2021 and spring 2023, staff and the CAC worked on refining the adoption package and adapting the plan and implementation tools to evolving state requirements, including legislation affecting middle housing and more climate-friendly housing development.

In March 2023, the CAC approved bringing the draft Neighborhood Plan, Action Plan, and neighborhood-specific code amendments out for community feedback, kicking-off the broader engagement process for the Adoption Phase. Updated drafts of the Neighborhood Plan and Action Plan and an initial draft of the neighborhood-specific code amendments were published to the project website and the project's Engage Eugene site.

### Public Information Campaign

Project staff distributed information about neighborhood planning and the adoption process through a variety of digital media, including updates to the project website, Engage Eugene webpage, social media, and e-newsletters from the City Planning Division, and both community organizations. Project staff also developed summary documents that were available online and at in-person events, as well as graphics depicting the proposed code amendments.

### Postcard Mailing

In early May 2023, project staff mailed a postcard to all owners and residents of the River Road and Santa Clara neighborhoods, approximately **16,800 people**. The postcard featured ways to engage during the adoption phase, including virtual information sessions, an in-person community event, meeting toolkit, and online feedback form.

<p><b>LEARN</b> about the plan &amp; ask questions at <b>VIRTUAL INFO SESSIONS</b></p> <p>Wednesday, May 17 7 - 8PM</p> <p>Thursday, May 18 12 noon - 1PM</p>	<p><b>DISCUSS</b> the plan with neighbors at <b>A COMMUNITY MEETING</b></p> <p>Meeting Details: North Eugene High School 209 Silver Lane</p> <p>Thursday, May 25 5:30 - 7:30PM</p>	<p><b>GATHER</b> for a discussion using the Meeting Toolkit</p>	<p><b>SHARE</b> your thoughts via our online survey</p>
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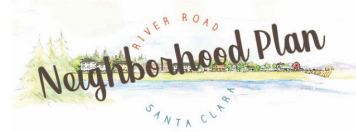
**WAYS TO ENGAGE**

LET US KNOW YOU'RE ATTENDING OR GIVE FEEDBACK BY VISITING [ENGAGE.EUGENE-OR.GOV/RRSC-NEIGHBORHOOD-PLAN](https://engage.eugene-or.gov/rrsc-neighborhood-plan)

A postcard mailing for ways to engage during the Adoption Phase



## River Road-Santa Clara Neighborhood Plan Engagement Summary



### Virtual Information Sessions

Project staff hosted two virtual information sessions to provide an opportunity for community members to learn about neighborhood planning, the draft adoption package, and ways to engage. A total of **21 people** attended the two sessions in May 2023, including CAC members.

### Facilitated Discussions with Community Organizations

Project staff participated in the community organization meetings to provide an update on neighborhood planning and support small group discussions. The RCCO meeting was in-person only, while the SCCO meeting included an opportunity for virtual participation during the presentation followed by in-person discussions. Approximately **65+ people** participated in the two meetings.

### In-Person Community Event

Project staff and the CAC hosted an evening, in-person community event at North Eugene High School on May 25, 2023. A total of **47 residents** participated. Community members were invited to learn about the draft plan by visiting topic tables and reviewing maps and topic area summaries. Staff presented an overview of neighborhood planning and then participants joined small group discussions based on topic area. In addition to CAC members and City and County planning staff, other city departments including Parks and Open Space, Transportation Planning, and the Office of Equity and Community Engagement participated in discussions.



*Community members learning about the Draft Neighborhood Plan*



*Community Advisory Committee members at the May Community Event*

### Meeting Toolkit

For community members who wanted to dive deeper into the plan, project staff provided a meeting toolkit. This toolkit offered guidance on hosting a small or medium-size group discussion with neighbors, family and friends, or existing groups. The same guidance was used by the community organizations for their meetings.

Attachment B  
ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING SECTIONS 9.2160, 9.2161, 9.2170, 9.2740, 9.2741, 9.8010, AND 9.8030 OF THE EUGENE CODE, 1971; ADDING MAPS 9.2161(11) AND 9.2170(3)(d) TO THAT CODE; AMENDING FIGURE 9.2170(4)(c)6. AND MAP 9.8010 OF THAT CODE; AND PROVIDING AN EFFECTIVE DATE.**

**THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:**

**Section 1.** The “Motor Vehicle Related Uses” and “Trade (Retail and Wholesale)” sections of Table 9.2160 of the Eugene Code, 1971, are amended to provide as follows:

**Table 9.2160 Commercial Zone Land Uses and Permit Requirements**

	C-1	C-2	C-3	GO
<b>Motor Vehicle Related Uses</b>				
Car Wash		P	C	
Motor Vehicle Sales/Rental/Service, excluding recreational vehicles and heavy trucks		P(11)	C	
Motorcycle Sales/Rental/Service		P(11)	C	
Parking Area not directly related to a primary use on the same development site		SR (4)	P(5)	P
Parts Store		P	P	
Recreational Vehicles and Heavy Truck, Sales/Rental/Service		C(11)		
Repair, includes paint and body shop		P		
Service Stations, includes quick servicing		P	C	
Structured Parking, two levels not directly related to a primary use on the same development site		P	P	P
Structured Parking, three or more levels not directly related to a primary use on the same development site		C	P	C
Tires, Sales/Service		P	C	
Transit, Neighborhood Improvement	P	P	P	P
Transit Park and Ride, Major		P	P	P
Transit Park and Ride, Minor	C	P	P	P
Transit Station, Major	C	SR	SR	SR
Transit Station, Minor.	C	P	P	P

\*\*\*

	C-1	C-2	C-3	GO
<b>Trade (Retail and Wholesale)</b>				
Agricultural Machinery Rental/Sales/Service		C(11)		
Appliance Sales/Service		P	P	
Bicycle Rental/Sales/Service	P(1)	P	P	
Boat and Watercraft Sales/Service		P(11)	C	
Book Store	P(1)	P	P	
Building Materials and Supplies				
Computer Store	P(1)	P	P	
Convenience Store	P(1)	P	P	P(2)
Drug Store (excluding Drug Treatment Centers)	P(1)	P	P	
Electrical Appliances and Supplies	P(1)	P	P	
Equipment, Light, Rental/Sales/Service		P	P	
Equipment, Heavy, Rental/Sales/Service – includes truck and tractor sales		C(11)		
Fabric Store		P	P	
Floor Covering Store		P	P	
Furniture and Home Furnishing Stores		P	P	
Garden Supply/Nursery	P(1)	P		
General Merchandise (includes supermarket and department store)	P(1)	P	P	P(2)
Hardware/Home Improvement Store	P(1)	P	P	
Healthcare Equipment and Supplies		P	P	
Liquor Store		P	P	
Manufactured Dwelling Sales/Service/Repair		C		
Office Equipment and Supplies		P	P	
Plumbing Supplies		P	P	
Retail trade when secondary, directly related, and limited to products manufactured, repaired or assembled on the development site	P(1)	P	P	
Storage Facility, Household/Consumer Goods, enclosed		P(11)		
Specialty Store (an example includes a gift store)	P(10)	P(1)(10)	P(10)	P(2)(10)
Toy and Hobby Store	P(1)	P	P	
Video Store	P(1)	P	P	



**Section 2.** Section 9.2161 of the Eugene Code, 1971, is amended by adding subsection (11) to provide as follows:

**9.2161 Special Use Limitations for Table 9.2160.**

\*\*\*

[\(11\) Prohibited Uses in River Road and Santa Clara. Use is prohibited on property located within the city limits of the City of Eugene and within the River Road-Santa Clara Prohibited Uses Area as shown on Map 9.2161\(11\).](#)

**Section 3.** Section 9.2170 of the Eugene Code, 1971, is amended by amending Table 9.2170; adding subsection (3)(d); amending subsection (4)(b); amending subsection (4)(b)2.c.; amending subsection (4)(c); amending subsection (4)(c)2.; adding a new subsection (4)(c)3.; renumbering subsection (4)(c)3. as (4)(c)4.; renumbering subsection (4)(c)4. as (4)(c)5.; amending subsection (4)(c)5. and renumbering it as (4)(c)6.; amending subsection (4)(c)6. and renumbering it as (4)(c)7.; amending subsection (4)(c)7. and renumbering it as (4)(c)8.; and adding subsection (13) to provide as follows:

**9.2170 Commercial Zone Development Standards – General.**

\*\*\*

(2) *Application of Standards.* In addition to applicable provisions contained elsewhere in this land use code, the development standards listed in Table 9.2170 Commercial Zone Development Standards shall apply to all development in commercial zones.

Table 9.2170 Commercial Zone General Building Height and Setback Standards				
	C-1	C-2	C-3	GO
<b>Building Height (See EC 9.2170(3) and EC 9.2170(13))</b>				
Maximum Building Height	35 feet	120 feet	150 feet	50 feet
<b>Setbacks (See EC 9.2170(4) and EC 9.2170(13))</b>				
Minimum Front Yard Setback	10 feet	5 feet	3 feet	10 feet
Maximum Front Yard Setback	15 feet	15 feet	15 feet	15 feet
Minimum Interior Yard Setback	0 feet to 10 feet	0 feet to 10 feet	0 feet	0 feet to 10 feet

(3) *Building Height.*

\*\*\*

(d) Subject to the limitations in subsections (a) and (b) of this section, the maximum building height for properties in the C-2 zone and located within the city limits of the City of Eugene and within the River Road-Santa Clara Specific Regulation Area as shown on Map 9.2170(3)(d) shall not exceed 65 feet. Also see EC 9.2170(13) for Transition Standards.

(4) *Setbacks.*

\*\*\*

(b) Minimum Front Yard Setbacks. The minimum 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, the front yard setback may be measured from a front lot line abutting 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, only the portion of the development site specifically affected by the new building and any linear facade expansion of more than 100% are subject to the requirements of this subsection.

\*\*\*

2. In C-2, except for C-2 within the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, buildings and other structures with less than the minimum 5-foot setback are allowed, and exempt from the minimum landscaping requirement in this subsection, only for the following:

\*\*\*

c. Buildings with a street facing façade at the minimum 5-foot setback or less according to the standards above shall provide a main entrance facing the street. A building may have more than one main entrance, and buildings having frontage on more than one street shall provide at least one main entrance oriented to a street, or to the corner where two streets intersect. On properties zoned C-2 and located within the city limits of the City of Eugene and within the River Road-Santa Clara Specific Regulation Area as shown on Map 9.2170(3)(d), buildings fronting River Road shall provide a main entrance oriented to that street or to the corner where River Road and another street intersect.

\*\*\*

(c) Maximum Front Yard Setbacks. 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 front lot line abutting 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 and any linear facade expansion of more than 100% are subject to the

requirements of this subsection. (See Figure 9.2170(4)(c) Maximum Front Yard Setbacks, Building Orientation, and Entrances.)

\*\*\*

2. Except as provided in EC 9.2170(4)(c)3., ~~4.~~ 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).

3. On properties zoned C-2 and located within the city limits of the City of Eugene and within the River Road-Santa Clara Specific Regulation Area as shown on Map 9.2170(3)(d), a minimum of 80% 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).

~~34.~~ In GO, at least 60% of all street facing facades of the building must be within the specified maximum front yard setback.

~~45.~~ Vehicular use areas are not permitted in between the street and the portion of the building that is used to comply with this subsection.

~~56.~~ Buildings fronting on a street must provide a main entrance facing the street on any facade of the building within the front yard setback. A main entrance is a principal entrance through which people enter the building. A building may have more than one main entrance. Buildings having frontage on more than one street shall provide at least one main entrance oriented to a street, or to the corner where two streets intersect. On properties zoned C-2 and located within the city limits of the City of Eugene and within the River Road-Santa Clara Specific Regulation Area as shown on Map 9.2170(3)(d), buildings fronting River Road shall provide a main entrance oriented to that street or to the corner where River Road and another street intersect.

~~67.~~ The land between the portion of a building complying with EC 9.2170(4)(c)(1) or (2) and a street must be landscaped or paved with a hard surface for use by pedestrians. If a hard surface is provided, the area must contain at least the equivalent of 1 pedestrian amenity for every 200 square feet of hard surface. The use of porous materials for hard surfacing is encouraged. Residential developments are exempt from this subsection, except as required by any more restrictive provisions of EC 9.2170(4)(b) above. (See Figure 9.2170(4)(c)~~6-7~~ Landscaped or Paved Pedestrian Area with Pedestrian Amenities.)

~~78.~~ The maximum front yard setback may be exceeded if the area between the building and the front property line is landscaped or paved for use by pedestrians. The area must contain at least the equivalent of 1 enhanced pedestrian amenity for every 200 square feet of hard surface. (See Figure 9.2170(4)(c)~~6-7~~ Landscaped or Paved Pedestrian Area with Pedestrian Amenities.)

\*\*\*

(13) River Road/Santa Clara Specific Standards. The following standards apply to new buildings and to any building additions constructed on properties zoned C-2 and located within

city limits of the City of Eugene and within the River Road-Santa Clara Specific Regulation Area as shown on Map 9.2170(3)(d).

(a) *River Road/Santa Clara Transition Standards.* The following standards apply to new buildings and to building additions that increase the square footage of floor area by 20 percent or more on property abutting R-1 zoned land. The following standards shall be applicable between the new building or the building addition and any property line abutting land zoned R-1. The proposed development must comply with one of the following options described below.

1. *Option 1.* The minimum interior yard setback shall be 10 feet from any property line that abuts land zoned R-1. In addition, at least one of the following must be provided along the entire portion of any property line that abuts land zoned R-1:

a. A 6-foot high, 100 percent sight-obscuring wooden fence or masonry wall.

b. A 6-foot high metal fence with high shrubs planted every six feet. Chain link and cyclone fences are not allowed. For the purposes of this subparagraph, high shrubs must be:

(1) Selected from the City of Eugene Plant Materials list approved by administrative order of the city manager;

(2) Designated in the City of Eugene Plant Materials list as meeting the high shrub requirement; and

(3) In at least 5-gallon containers at the time of planting.

c. Landscaping with a minimum plant bed width of 10 feet meeting EC 9.6210(3) High Screen Landscape Standard (L-3).

2. *Option 2.* The minimum interior yard setback shall be 15 feet from any property line that abuts land zoned R-1. In addition, the development shall comply with all of the following:

a. At a point that is 30 feet above grade at the property line, the interior yard setback shall slope toward the interior of the property at the rate of 10 inches vertically for every 12 inches horizontally away from that property line until a point 25 feet away from the property line.

b. For new buildings or building additions within 25 feet of land zoned R-1, trees growing to a mature height of at least 20 feet shall be planted at a minimum interval of 25 feet, parallel to the property line, between buildings and any property line that abuts land zoned R-1.

c. One of the following shall be provided along the portion of any property line that abuts land zoned R-1:

(1) A 6-foot high, 100 percent sight obscuring wooden fence or masonry wall.

(2) A 6-foot high metal fence with high shrubs planted every six feet. Chain link and cyclone fences are not allowed. For the purposes of this subparagraph, high shrubs must be:

(A) Selected from the City of Eugene Plant Materials list approved by administrative order of the city manager;

(B) Designated in the City of Eugene Plant Materials list as meeting the high shrub requirement; and

(C) In at least 5-gallon containers at the time of planting.

3. Option 3. A minimum 25-foot setback shall be provided between a new building or building addition and the portion of any property line that abuts land zoned R-1. The 25-foot setback area may be used for open space, vehicle use area, pedestrian circulation, bicycle parking, stormwater quality facilities, or landscaping.

(b) River Road/Santa Clara Building Walls/Window Coverage.

1. Windows are required along all street-facing ground floor walls within the maximum front yard setback at a minimum of 60% of the horizontal length and 25% of the area of applicable ground floor walls.

2. All windows shall have a minimum Visible Light Transmittance (VLT) of 0.6 or higher.

3. A blank length of wall of more than 20 linear feet is prohibited along any street-facing façade. Windows, arcades, colonnades, or main entrances can be used to address this standard.

4. Adjustments to the standards in this subsection(b) may be made, based on the criteria of EC 9.8030(38).

(c) River Road/Santa Clara Weather Protection. Weather protection features such as canopies, awnings or arcades shall be provided over at least the full width of all building entrances to a depth of at least 3 feet. Alternatively, building entrances may be set back a minimum of 3 feet behind the face of the building. Adjustments to the standards in this subparagraph (c) may be made based on the criteria of EC 9.8030(38).

**Section 4.** The “Agricultural, Resource Production and Extraction” section of Table 9.2740 of the Eugene Code, 1971, is amended to provide as follows:

**Table 9.2740 Residential Zone Land Uses and Permit Requirements**

	R-1		R-2	R-3	R-4
<b>Agricultural, Resource Production and Extraction</b>					
Community and Allotment Garden	P		P	P	P
Display and Sale of Agricultural Products Grown on the Site	P				
<a href="#">Display and Sale of Agricultural Products Grown Offsite</a>	<a href="#">P (9)</a>				
Urban Animal Keeping, including pastureland (See EC 9.5250)	S		S	S	S
Horticultural Use. Examples include field crops, orchards, berries, and nursery or flower stock.	P				

**Section 5.** Section 9.2741 of the Eugene Code, 1971, is amended by adding subsection (9) to provide as follows:

**9.2741 Special Use Limitations for Table 9.2740.**

\*\*\*

[\(9\) \*Display and Sale of Agricultural Products Grown Offsite.\* This use is only allowed on property located within the city limits of the City of Eugene and within the River Road-Santa Clara Neighborhood Specific Regulation Area as shown on Map 9.2170\(3\)\(d\), and is subject to the following standards:](#)

[\(a\) Use is limited to two days in a calendar week and is limited to between the hours of 9:00 a.m. and 8:00 p.m.](#)

[\(b\) Permanent changes to the development site to specifically accommodate the use are prohibited.](#)

[\(c\) Except during the hours of operation of the use, there shall be no display or outdoor storage of agricultural products visible from the street.](#)

[\(d\) The use is not permitted on a flag lot.](#)

[\(e\) Parking associated with the use must be located on-street or within an existing on-site parking area.](#)

[\(f\) Signs associated with the use shall not be placed in the public right of way or vision clearance area. All signage must comply with the sign standards at EC 9.6600.](#)



**Section 6.** Table 9.8010 of the Eugene Code, 1971, is amended to provide as follows:

<b>Table 9.8010 List of Adopted Plans</b>	
Bethel-Danebo Refinement Plan (Phase II)	<a href="#">River Road-Santa Clara Neighborhood Plan</a>
Bethel-Danebo Refinement Plan	Riverfront Park Study
Comprehensive Stormwater Management Plan	South Hills Study
Envision Eugene Comprehensive Plan	South Willamette Subarea Study
Eugene Downtown Plan	TransPlan (Metro Area Transportation Plan)
Eugene-Springfield Metropolitan Area General Plan (Metro Plan)	Walnut Station Specific Area Plan
Eugene 2035 Transportation System Plan	West University Refinement Plan
Fairmount/U of O Special Area Study	Westside Neighborhood Plan
Jefferson/Far West Refinement Plan	Whiteaker Plan
Laurel Hill Neighborhood Plan	Willakenzie Area Plan
19th and Agate Special Area Study	Willow Creek Special Area Study
River Road-Santa Clara Urban Facilities Plan	

**Section 7.** Section 9.8030 of the Eugene Code, 1971, is amended by adding subsection (38) to provide as follows:

**9.8030 Adjustment Review – Approval Criteria.**

\*\*\*

(38) River Road/Santa Clara Neighborhood Specific Standards. Where this land use code provides that the River Road/Santa Clara Neighborhood Specific Standards can be adjusted, the standards may be adjusted upon finding that the design achieves all of the following:

- (a) Contributes to the continuity of building facades along the street;
- (b) Creates an attractive pedestrian environment along all adjacent streets; and
- (c) Is compatible with adjacent development.

**Section 8.** Map 9.2161(11), as referenced in this Ordinance and attached hereto as Exhibit A shall be numerically incorporated in Chapter 9 of the Eugene Code, 1971.

**Section 9.** Map 9.2170(3)(d) as referenced in this Ordinance and attached hereto as Exhibit B shall be numerically incorporated in Chapter 9 of the Eugene Code, 1971.

**Section 10.** Figure 9.2170(4)(c)6. of the Eugene Code, 1971, is retitled as Figure 9.2170(4)(c)7. as provided in Exhibit C.

**Section 11.** Map 9.8010 of the Eugene Code, 1971, is amended as provided in Exhibit D to this Ordinance.

**Section 12.** The findings set forth in Exhibit E attached to this Ordinance are adopted as findings in support of this Ordinance.

**Section 13.** The City Recorder, at the request of, or with the concurrence of the City Attorney, is authorized to administratively correct any reference errors contained herein or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

**Section 14.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by the Oregon Land Use Board of Appeals or a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof. Further, if this Ordinance is remanded back to the City Council for further action by the Oregon Land Use Board of Appeals or a court of competent jurisdiction, those sections, subsections, sentences, clauses, phrases, or portions that do not require action on remand shall be deemed separate, distinct, and independent provisions and such remand shall not affect their validity or effect.

**Section 15.** This Ordinance shall take effect pursuant to Section 32 of the Eugene Charter 2002, or on the date of its acknowledgement as provided in ORS 197.625, whichever is later.

**Passed by the City Council this**

\_\_\_ day of \_\_\_\_\_, 2024

\_\_\_\_\_  
**City Recorder**

**Approved by the Mayor this**

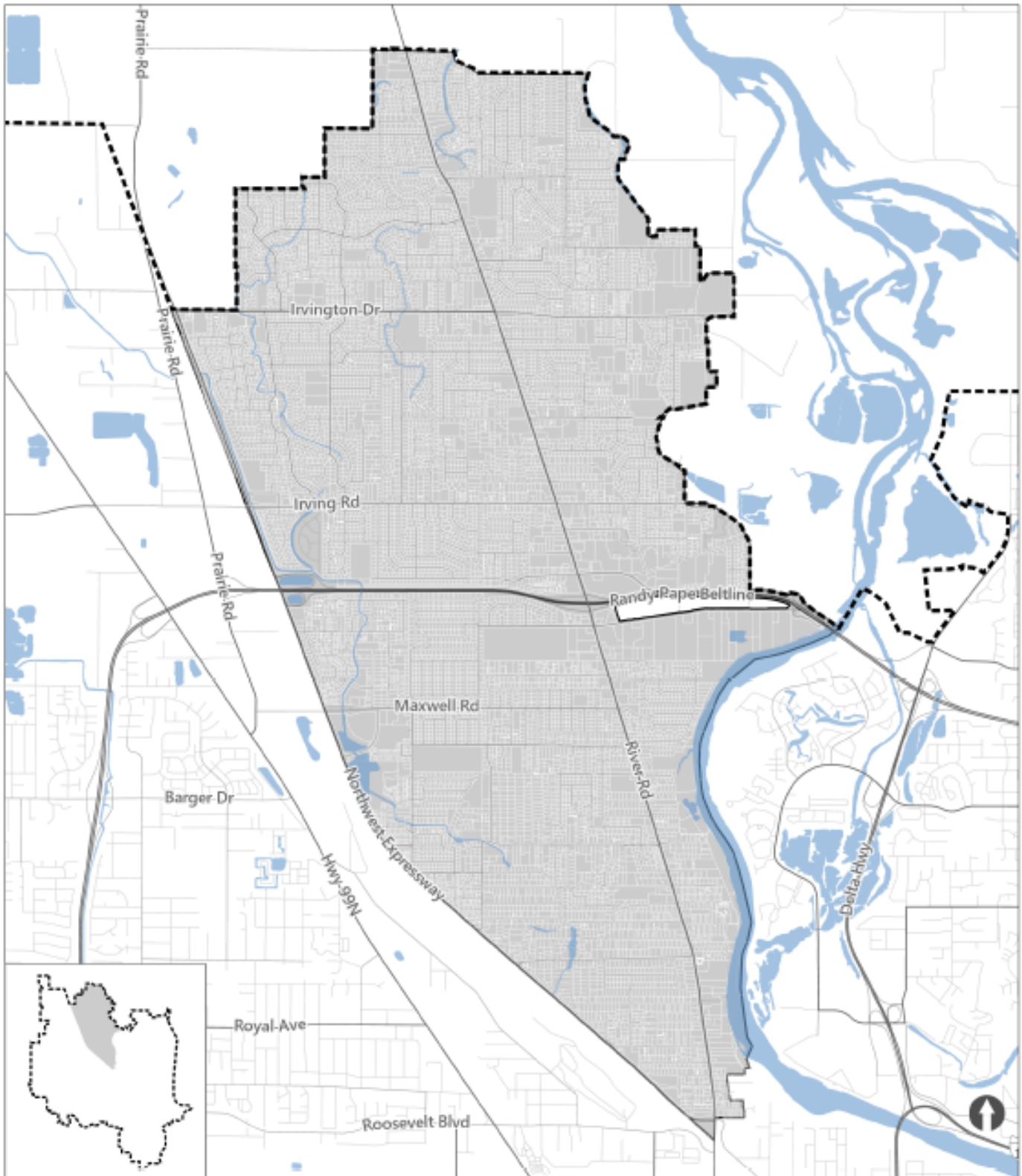
\_\_\_ day of \_\_\_\_\_, 2024

\_\_\_\_\_  
**Mayor**

# Map 9.2161(11)

## River Road - Santa Clara Prohibited Uses Area

Exhibit A



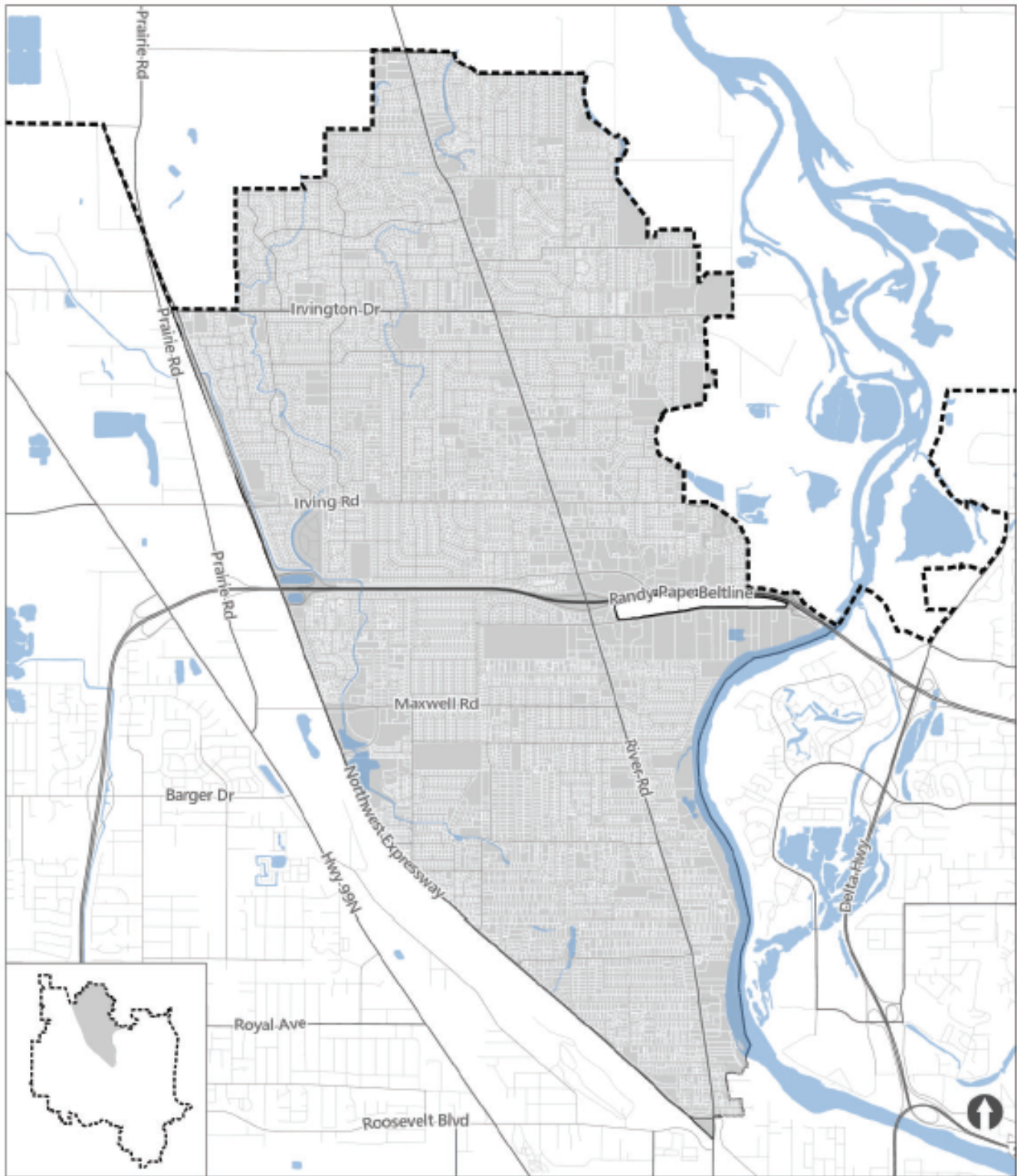
Eugene Urban Growth Boundary (UGB)      River Road - Santa Clara Prohibited Uses Area      Taxlots (outlined in white)      0   0.3   0.6 Miles

February 2024

# Map 9.2170(3)(d)

## River Road Santa Clara Specific Regulation Area

Exhibit B



Eugene Urban Growth Boundary (UGB)

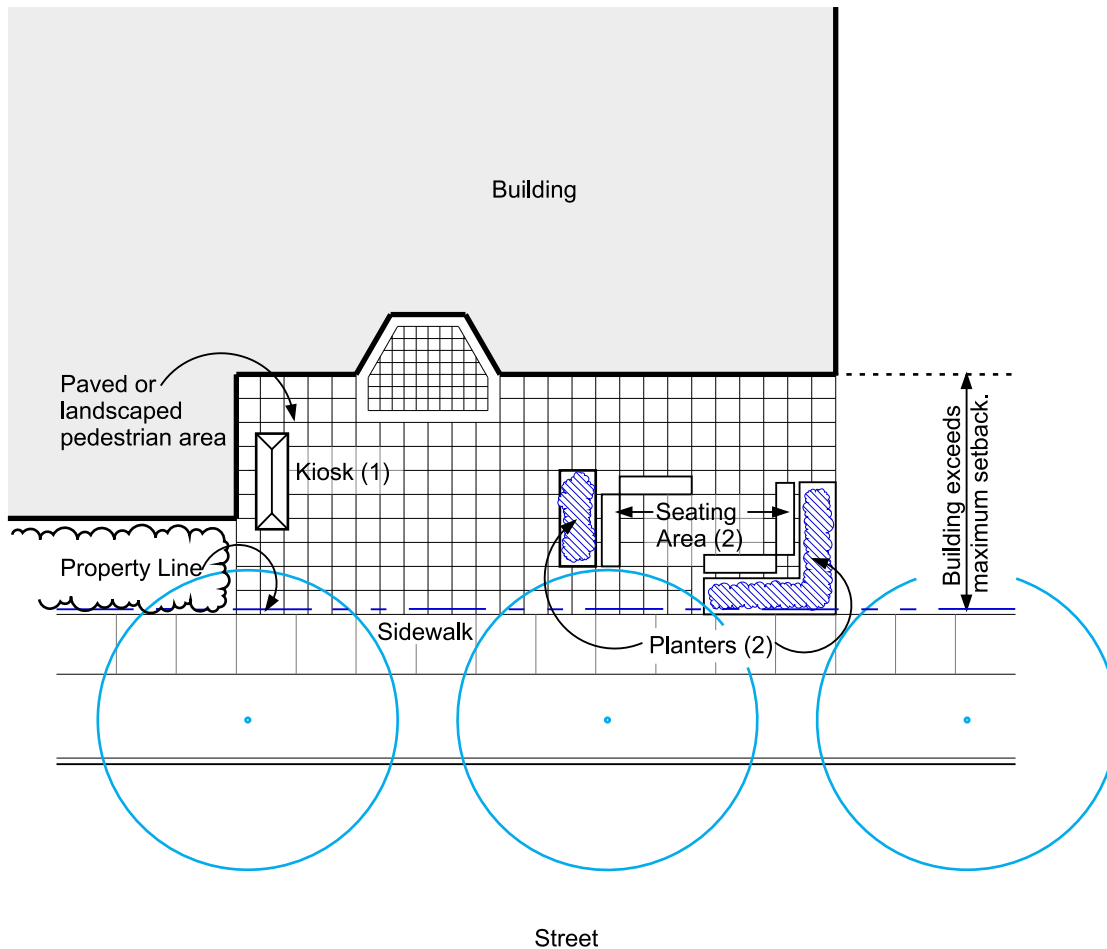
River Road Santa Clara Specific Regulation Area

Taxlots (outlined in white) 0 0.3 0.6 Miles

February 2024

Figure 9.2170(4)(c)7.

# Landscaped or Paved Pedestrian Area with Pedestrian Amenities



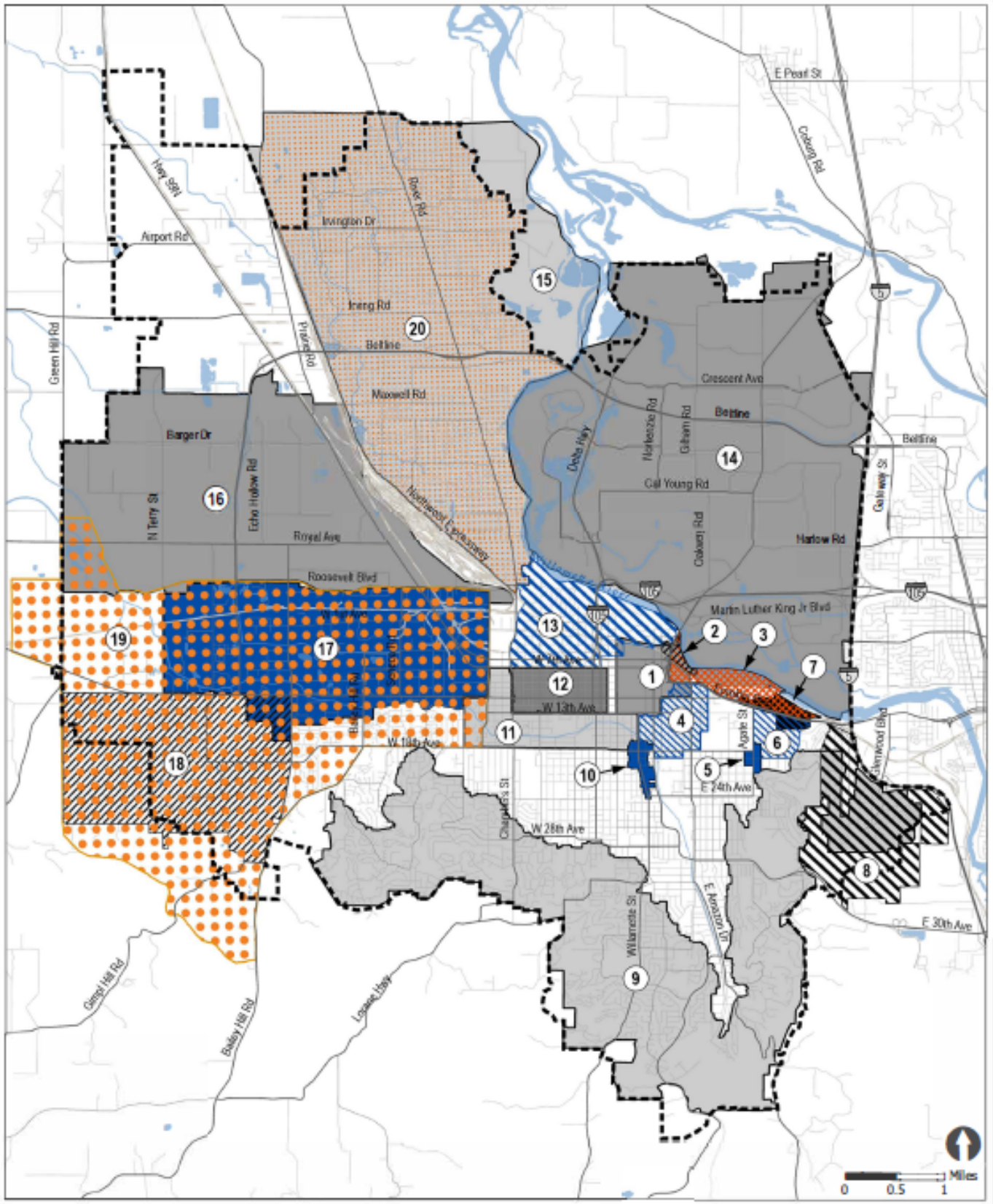
### EXAMPLE:

- 1,000 square feet of hard surface with minimum of 1 amenity per 200 square feet.
- 5 Amenities Required:  
Select among design elements  
i.e. seating area, drinking fountain, public art, planter, kiosk.
- Selected:  
2 seating areas  
2 planters  
1 kiosk





# Map 9.8010 Adopted Plans























February 2024



# Map 9.8010

## Adopted Plans Legend


### Map Legend

-  1, Eugene Downtown Plan
-  2, Downtown Riverfront Specific Area Plan
-  3, Riverfront Park Study
-  4, West University Refinement Plan
-  5, 19th & Agate Special Area Study
-  6, Fairmount/University of Oregon Special Area Plan
-  7, Walnut Station Specific Area Plan
-  8, Laurel Hill Neighborhood Plan
-  9, South Hills Study
-  10, South Willamette Subarea Study
-  11, Jeffers on/Far West Refinement Plan
-  12, Westside Neighborhood Plan
-  13, Whiteaker Plan
-  14, Willakenzie Area Plan
-  15, River Road - Santa Clara Neighborhood Plan
-  16, Bethel-Danebo Refinement Plan
-  17, Bethel-Danebo Neighborhood Refinement Plan Phase II
-  18, Willow Creek Special Area Study
-  19, West Eugene Wetlands Plan
-  20, River Road - Santa Clara Urban Facilities Plan

### City or Metropolitan Area Plans

- Envision Eugene Comprehensive Plan = UGB
- Eugene 2035 Transportation System Plan = UGB + Airport Master Plan Area (not shown)
- Comprehensive Stormwater Management Plan = Eugene City Limits (not shown)
- Metro Plan = Eugene-Springfield Metropolitan Area (not shown)
- TransPlan = Eugene-Springfield Metropolitan Area (not shown)

This map is intended as general reference for the boundaries of plans adopted by the Eugene City Council. For specific boundaries, please refer to the plan. Map prepared by Eugene Planning and Development Department. (Some plans have overlapping boundaries.)

 Urban Growth Boundary (UGB)

February 2024

**Findings in Support of the  
River Road-Santa Clara Neighborhood-Specific  
Code Amendments  
City of Eugene  
(City Files: CA 23-3)**

Exhibit E

**Overview**

The City of Eugene and Lane County, in collaboration with the River Road and Santa Clara Community Organizations and neighborhood volunteers have been working together on an updated neighborhood plan that creates a vision for growth and development in a manner that respects the area's unique characteristics and opportunities.

The adoption package for the River Road-Santa Clara Neighborhood Plan (Neighborhood Plan) includes an ordinance adopting the new Neighborhood Plan and amending certain sections of the Eugene Springfield Metropolitan Area General Plan (Metro Plan), and a separate ordinance adopting a set of neighborhood specific changes to the Eugene Code. These findings only address and support the ordinance amending the Eugene Code. The Eugene City Council and the Lane County Board of Commissioners will adopt separate ordinances and sets of findings in order to approve the Neighborhood Plan and amend the Metro Plan.

As a part of River Road-Santa Clara neighborhood planning, a set of changes to the City of Eugene's Land Use Code are proposed. The purpose of the Code Amendments is to:

- Implement important land use policies and actions from the River Road-Santa Clara Neighborhood Plan and Action Plan.
- Promote walkable neighborhoods through pedestrian-friendly building design standards.
- Support a shift to less auto-oriented land uses in alignment with city-wide climate and transportation goals.

**Land Use Code Amendments**

The proposal involves a Type V Code Amendment pursuant to EC 9.8060 to establish the following River Road and Santa Clara neighborhood-specific code amendments (Code Amendments):

- In the C-2 Community Commercial Zone within the River Road-Santa Clara Specific Regulation Area [see Map 9.2170(3)(d)], the Code Amendments apply the following design standards:
  - Limit building height to 65 feet (current limit is 120 feet).
  - Apply transition standards (setbacks, landscaping, and/or fencing) to new buildings and building additions that increase the square footage of floor area by 20% or more for any development on property abutting Low Density Residential (R-1) zoned land.
  - Require buildings fronting River Road to provide a main entrance facing that street or facing the corner where River Road and another street intersect.
  - Increase the minimum percentage of the street-facing building façade that must be within the maximum front yard setback from 25% to 80%.

- Require minimum percentage of windows along the ground floor of street facing façades and prohibit blank walls of more than 20 linear feet of street-facing-façades.
- Require weather protection features over all building entrances.
- In the C-2 Community Commercial Zone within the River Road-Santa Clara Prohibited Uses Area [see Map 9.2161(11)], the Code Amendments prohibit the establishment of the following uses:
  - Motor Vehicle Sales/Rental/Service, excluding recreational vehicles and heavy trucks
  - Motorcycle Sales/Rental/Service
  - Recreational Vehicles and Heavy Truck, Sales/Rental/Service
  - Agricultural Machinery Rental/Sales/Service
  - Boat and Watercraft Sales/Service
  - Equipment, Heavy, Rental/Sales/Service – includes truck and tractor sales
  - Storage Facility, Household/Consumer Goods, enclosed
- In the R-1 Low Density Residential Zone, within the River Road-Santa Clara Specific Regulation Area [see Map 9.2170(3)(d)], the Code Amendments allow the “Display and Sale of Agricultural Products Grown Offsite” as a permitted use and include limits to size of display, hours of operation, and signage in keeping with “small scale.”
- The Code Amendments amend Table 9.8010 and Map 9.8010 to add references to the new River Road- Santa Clara Neighborhood Plan.

### **Code Amendment Criteria**

#### **EC 9.8065 – Code Amendment Approval Criteria.**

**If the city council elects to act, it may, by ordinance, adopt an amendment to this land use code that:**

- (1) Is consistent with applicable statewide planning goals as adopted by the Land Conservation and Development Commission.**
- (2) Is consistent with applicable provisions of the comprehensive plan and applicable adopted refinement plans.**
- (3) In the case of establishment of a special area zone, is consistent with EC 9.3020 Criteria for Establishment of an S Special Area Zone.**

- 1) Is consistent with applicable statewide planning goals as adopted by the Land Conservation and Development Commission.**

***Statewide Planning Goal 1 – Citizen Involvement. To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.***

The City’s acknowledged procedures for adoption of legislative land use decisions, located in sections 9.7050 and 9.7500 through 9.7560 of the Eugene Code, 1971, ensure the opportunity for community members to be involved in all phases of the legislative land use decision process and set out the requirements for such involvement. The River Road-Santa Clara neighborhood-specific code amendments do not amend or change the City’s adopted citizen involvement program. The process for adoption of the Code Amendments complies with Goal 1 because it is consistent with the City’s acknowledged procedures for legislative land use decisions, as detailed below.



In addition to compliance with the City's acknowledged legislative land use decision procedures, the City also solicited public involvement prior to the date pre-adoption notice was provided to the Department of Land Conservation and Development.

In March 2023, the Neighborhood Plan's Community Advisory Committee approved bringing the neighborhood-specific code amendments out for community feedback, kicking-off the broader engagement process for the Adoption Phase. An initial draft of the neighborhood-specific code amendments was published to the project website and the project's Engage Eugene site, part of the City of Eugene's online engagement platform.

Project staff distributed information about the neighborhood planning process and the adoption process through a variety of digital media, including the project website, Engage Eugene webpage, social media, and e-newsletters from the City Planning Division, and both community organizations. Project staff also developed summary documents that were made available online and at in-person events, as well as graphics depicting the Code Amendments.

In early May 2023, project staff mailed a postcard to all owners and residents of the River Road and Santa Clara neighborhoods, approximately 16,800 people. The postcard featured ways to engage during the adoption phase, including virtual information sessions, an in-person community event, a meeting toolkit, and an online feedback form. Project staff sent an additional mailing in mid-June to owners, leaseholders, and occupants of commercial property, a total of 487 addresses with information about the neighborhood-specific Code Amendments and an invitation to a virtual information session about the Code Amendments. The recording of that information session was posted to the project's Engage Eugene page.

A public hearing on the proposed River Road-Santa Clara neighborhood-specific code amendments was held by the Planning Commission on October 17, 2023. Consistent with land use code requirements, the Planning Commission public hearing on the proposal was duly noticed to all neighborhood organizations in Eugene as well as community groups and individuals who requested notice. Notices were provided at the following times:

- |                     |  |
|---------------------|--|
| September 12, 2023: | The City's proposed River Road-Santa Clara neighborhood-specific code amendments and notice of the Planning Commission public hearing on the amendments were filed with the Oregon Department of Land Conservation and Development.  |
| September 15, 2023: | Notice of the Planning Commission public hearing on the proposed amendments was mailed to the parties listed in section 9.7520(2) of the Eugene Code and to the individuals and entities on the City's interested parties list.  |
| September 15, 2023  | Notice of the Planning Commission public hearing, consistent with ORS 227.186, was mailed to owners of C-2 Community Commercial zoned property within the City limits to provide notice that the City proposed a land use regulation that may affect the permissible uses of their property. |

- September 22, 2023: Notice of the Planning Commission public hearing was published in the Register Guard Newspaper.
- October 17, 2023: The Eugene Planning Commission held a public hearing on the proposed Code Amendments.

A public hearing on the proposed River Road-Santa Clara neighborhood-specific code amendments was held by the City Council on March 12, 2024. Consistent with land use code requirements, the City Council public hearing on the proposal was duly noticed to all neighborhood organizations in Eugene as well as community groups and individuals who requested notice.

In addition, information concerning the Code Amendments, including the dates of the public hearings and instructions on how to submit testimony, was posted on the City of Eugene website and project updates were provided via email to the Planning Division e-newsletter that is sent to over 17,000 subscribers, as well as to the River Road-Santa Clara Neighborhood Plan interested parties list which includes over 1,600 subscribers.

The document titled *River Road-Santa Clara Neighborhood Plan Engagement Summary* attached to these Findings as Appendix 1 and hereby adopted as additional findings of compliance with Goal 1, summarizes the public engagement efforts used to educate the public and obtain feedback on the River Road-Santa Clara Neighborhood Plan throughout each phase of the planning process.

These processes afforded ample opportunity for citizen involvement; therefore, the Code Amendments are consistent with Statewide Planning Goal 1.

***Statewide Planning Goal 2 – Land Use Planning. To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.***

Eugene’s land use code specifies the formal adoption procedure and approval criteria that were used in considering these amendments. The record shows that there is an adequate factual basis for the amendments to the land use code. The Goal 2 coordination requirement is met when the City engages in an exchange, or invites an exchange, between the City and any affected governmental unit and when the City uses the information obtained in the exchange to balance the needs of their constituents.

To comply with the Goal 2 coordination requirement, the City engaged in an exchange about the subject of these amendments with affected local governmental units. Specifically, the City provided notice of the proposed action and opportunity to comment to the Oregon Department of Land Conservation and Development, Lane County, the City of Springfield, and special districts including the River Road Water District, River Road Parks and Recreation District, Santa Clara Water District, Junction City Water Control District, Santa Clara Rural Fire Protection District, Lane Fire Authority, and Lane Transit District. There are no exceptions to Statewide Planning Goal 2 required for these amendments. Therefore, the amendments are consistent with Statewide Planning Goal 2.



**Statewide Planning Goal 3 – Agricultural Lands. To preserve agricultural lands.**

These Code Amendments only affect properties located within the City of Eugene and therefore do not affect any lands designated for agricultural use. To the extent that there are properties within the City currently zoned for agricultural use, the Code Amendments do not force a discontinuance of agricultural practices. The Code Amendments only apply in the R-1 Low Density Residential and C-2 Community Commercial zones. Therefore, the Code Amendments are consistent with Statewide Planning Goal 3.

**Statewide Planning Goal 4 – Forest Lands. To conserve forest lands.**

These Code Amendments only affect properties located within the City of Eugene and do not affect any lands designated by the comprehensive plan for forest use. The Code Amendments are therefore consistent with Statewide Planning Goal 4.

**Statewide Planning Goal 5 - Open Spaces, Scenic and Historic Areas, and Natural Resources. To conserve open space and protect natural and scenic resources.**

*ORAR 660-023-0250(3) provides: Local governments are not required to apply Goal 5 in consideration of a PAPA [Post Acknowledgement Plan Amendment] unless the PAPA affects a Goal 5 resource. For purposes of this section, a PAPA would affect a Goal 5 resource only if:*

- (a) The PAPA creates or amends a resource list or a portion of an acknowledged plan or land use regulation adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5;*
- (b) The PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list; or*
- (c) The PAPA amends an acknowledged UGB and factual information is submitted demonstrating that a resource site, or the impact areas of such a site, is included in the amended UGB area.*

These Code Amendments do not create or amend the City's list of Goal 5 resources, do not amend a code provision adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5, do not allow new uses that could be conflicting uses with a significant Goal 5 resource site, and do not amend the acknowledged urban growth boundary. Therefore, the amendments are consistent with Statewide Planning Goal 5.

**Statewide Planning Goal 6 - Air, Water and Land Resources Quality. To maintain and improve the quality of the air, water and land resources of the state.**

Goal 6 addresses waste and process discharges from development, and is aimed at protecting air, water and land from impacts from those discharges. These Code Amendments do not affect the City's ability to provide for clean air, water or land resources. Therefore, the amendments are consistent with Statewide Planning Goal 6.

**Statewide Planning Goal 7 - Areas Subject to Natural Disasters and Hazards. To protect life and property from natural disasters and hazards.**

Goal 7 requires that local government planning programs include provisions to protect people and property from natural hazards such as floods, landslides, wildfire and earthquakes and related hazards. The City protects people and property from natural hazards through various land use and building code requirements. The Code Amendments do not make changes to adopted policies or regulations that protect people and property from natural hazards. Based on these findings, the Code Amendments are consistent with Statewide Planning Goal 7.

**Statewide Planning Goal 8 - Recreational Needs. To satisfy the recreational needs of the citizens of the state and visitors, and where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.**

Goal 8 ensures that recreational facilities are provided to Oregon residents and is primarily concerned with the provision of recreational facilities in non-urban areas of the state. The Code Amendments do not affect the City's provisions for, or access to, recreation areas, facilities, or recreational opportunities. Therefore, the amendments are consistent with Statewide Planning Goal 8.

**Statewide Planning Goal 9 - Economic Development. To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.**

Goal 9 requires local governments to evaluate the supply and demand of commercial land relative to community economic objectives. Goal 9 and Chapter 660, division 009 of the Oregon Administrative Rules, which implements the requirements of Goal 9 require the City to provide, through an adopted comprehensive plan, at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses within the UGB. This need was addressed when the City adopted an expanded UGB in 2017. The Envision Eugene Employment Land Supply Study includes an acknowledged inventory of land for economic growth and activity in Eugene's UGB. That inventory is expected to address the City's needs for such land through 2032. The City's policies pertaining to employment are located in the Envision Eugene Comprehensive Plan.

While the actions taken by these amendments do not impact the City's supply or demand for employment land, they do make changes to the C-2 Community Commercial zone applicable to properties located within both the city limits and within the River Road-Santa Clara Specific Regulation Area [see Map 9.2170(3)(d)]. These changes include limiting the building height, adding design and transition standards, and prohibiting specific auto-oriented uses. These changes are consistent with the Neighborhood Plan policies as well as city-wide climate and transportation goals of shifting to a more compact development pattern and less auto-oriented land uses.

The proposed Code Amendments do not impact the City's adopted supply of commercial or industrial lands for employment development. No land is being re-designated and the amendments do not otherwise diminish the lands available for employment use. At the time the adopted buildable lands

inventory (BLI) was developed, the capacity of the Vacant and Partially Vacant land supply for new employment development was based on historical employment densities of existing development. The historical development trends that the employment density was based on consisted of buildings of varying heights in sample sites throughout the city. This BLI employment capacity is not directly derived from the square footage of a building, but the capacity for a number of jobs per acre. Setbacks and height limitations do not necessarily limit the employee capacity on a site. A small amount of additional jobs capacity was also assumed city-wide, through redevelopment of Developed BLI land, which also considered a variety of building forms. The Employment Land Supply Study also assumed that existing buildings would accommodate a portion of the new jobs without any change to the building footprint.

In the C-2 zone, the list of uses is very broad and even allows residential-only structures. The City does not know how any particular property is going to develop, some properties will develop at maximum capacity and some below, so there is not an assumption that all buildable land will develop to its maximum capacity. Therefore, when determining BLI employment capacity, the City took this into account by generally assuming future land capacity based on average levels of development. For these reasons, the proposed height limit and setback requirements will not impact the supply or availability of employment lands included in the City's adopted BLI.

Additionally, these amendments do not prevent adequate opportunities for a variety of economic activities. The proposed prohibited uses are a narrow subset of economic uses, a variety of uses are still allowed. Based on these findings, the Code Amendments are consistent with Statewide Planning Goal 9.

**Statewide Planning Goal 10 – Housing. To provide for the housing needs of citizens of the state.**

Goal 10 requires cities to provide an adequate supply of buildable land to accommodate their estimated housing needs for a 20-year planning period. When the City approved Eugene's UGB in 2017, the City adopted, and received State acknowledgement of a 20-year inventory of buildable lands for residential use. The Envision Eugene Residential Land Supply Study (2012-2032) was adopted by the City of Eugene in 2017 as a refinement of the *Envision Eugene Comprehensive Plan* and complies with the requirements of Goal 10 and Chapter 660, Division 008 of the Oregon Administrative Rules.

The Envision Eugene Residential Land Supply Study includes an inventory of buildable lands for residential use. According to the Residential Land Supply Study, there is sufficient buildable residential land within Eugene's acknowledged urban growth boundary to meet the identified land need. These Code Amendments do not impact the supply of residential buildable land within Eugene's UGB. No land is being re-designated from a residential use to a non-residential use, and the amendments do not otherwise diminish the amount of land available for residential use.

Goal 10 also requires local governments to conduct a Housing Needs Analysis (HNA) to assess whether their estimated housing needs for a 20-year planning period can be satisfied. The Envision Eugene Residential Land Supply Study (2017) includes an HNA. These amendments do not impact the supply of residential buildable lands or affect the estimated housing needs within Eugene's UGB to accommodate growth.

While the actions taken by these amendments do not impact the City's supply or demand for residential buildable land, the Code Amendments do make changes to the R-1 Low Density Residential zone and C-2

Community Commercial zone applicable to properties located within the city limits and within the River Road-Santa Clara Specific Regulation Area[see Map 9.2170(3)(d)] and properties located within the city limits and the River Road-Santa Clara Prohibited Uses Area [see Map 9.2161(11)]. The changes to the R-1 zone are minimal and do not impact housing development, but would allow for the display and sale of agricultural products grown offsite in the R-1 zone within the River Road-Santa Clara Specific Regulation Area. The changes to the C-2 zone include limiting building height, adding design and transition standards, and prohibiting certain auto-oriented uses. Though the limit on building height could impact residential development in the C-2 zone within the River Road-Santa Clara Specific Regulation Area, the Residential Land Supply Study and Buildable Lands Inventory made no assumption for housing on commercial land within the Neighborhood Plan boundary (there were assumptions made for housing on commercial land Downtown and the Franklin Boulevard area). Additionally, height alone is not a determinate of density. There is no intention that these Code Amendments establish barriers to housing. The amendments provide consistency with policies in the Neighborhood Plan, implemented through these Code Amendments.

These amendments do not impact the supply of residential land available for residential use and are consistent with Statewide Planning Goal 10.

***Statewide Planning Goal 11 – Public Facilities and Services. To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.***

Goal 11 requires that urban development be supported by urban facilities and services. Goal 11 and ORS 197.712 require a public facilities plan for water, sewer and transportation services within Eugene’s UGB. The Land Conservation and Development Commission has acknowledged the *Eugene-Springfield Metropolitan Area Public Facilities and Services Plan* (PFSP) as the public facilities plan for wastewater, water, and stormwater facilities within Eugene’s UGB. The *Eugene 2035 Transportation System Plan* is the transportation element of Eugene’s comprehensive land use plan, is applicable within Eugene’s UGB, and was designed to support the *Envision Eugene* project, the community’s evolving plan for how Eugene will grow for the next 20 years. Transportation planning is addressed under Goal 12, below.

These Code Amendments do not affect the planning or development of future public facilities or services. The Code Amendments do not make changes to the provision of public facilities and services within Eugene’s UGB or to the currently adopted *Eugene/Springfield Public Facilities and Services Plan* (PFSP). Consistent with the PFSP, the City will continue to plan and develop public facilities to support the land uses designated in the City’s acknowledged comprehensive plan, for lands located within Eugene’s UGB. The amendments are consistent with Statewide Planning Goal 11.

***Statewide Planning Goal 12 – Transportation. To provide and encourage a safe, convenient and economic transportation system.***

The Transportation Planning Rule (OAR 660-012-0060) contains the following requirement:

- (1) *If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use*

## Exhibit E

*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 State's Transportation Planning Rule requires that land use changes that would significantly affect a transportation facility provide mitigation measures to address the anticipated impacts. The Code Amendments will not significantly affect a planned or existing transportation facility, and no changes to existing, adopted land use designations or zoning of properties are proposed. The amendments will not change the functional classification of an existing or planned transportation facility, nor will they change any standards implementing a functional classification system. Further, because the Code Amendments do not increase the development potential for land within the Neighborhood Plan boundary, the amendments will not result in levels of travel or access which are inconsistent with the functional classification of an existing or planned transportation facility or degrade the performance standards of an existing or planned transportation facility so that it will not meet the performance standards identified in the *Eugene 2035 Transportation System Plan*, the City's adopted transportation system plan. Therefore, the Code Amendments are consistent with Statewide Planning Goal 12.

**Statewide Planning Goal 13 – Energy Conservation. To conserve energy.**

Goal 13 provides guidance on the management of land and land uses to maximize the conservation of energy. The Code Amendments do not concern energy conservation and do not change any local energy policy or implementing provisions. Therefore, the Code Amendments are consistent with Statewide Planning Goal 13.

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***Statewide Planning Goal 14 – Urbanization. To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.***

These Code Amendments apply only within the city limits and therefore do not affect the City’s provisions regarding the transition of land from rural to urban uses. As such, the Code Amendments are consistent with Statewide Planning Goal 14.

***Statewide Planning Goal 15 – Willamette Greenway. To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.***

Goal 15 is designed to “protect, conserve, enhance, and maintain the natural scenic, historical, agricultural, economic, and recreational qualities of lands along the Willamette River as the Willamette River Greenway.” The River Road-Santa Clara Neighborhood Plan boundary includes lands within the Willamette River Greenway. However, these Code Amendments do not contain any changes to the City’s Willamette River Greenway regulations. Therefore, the amendments are consistent with Statewide Planning Goal 15.

***Goal 16 through 19 (Estuarine Resources, Coastal Shorelands, Beaches and Dunes, and Ocean Resources):***

There are no estuarine, coastal, beach and dune, or ocean resources related to the lands affected by these Code Amendments. Therefore, Statewide Planning Goals 16, 17, 18, and 19 do not apply.

**2) Is consistent with applicable provisions of the comprehensive plan and applicable adopted refinement plans.**

The Code Amendments are consistent with the applicable provisions of the comprehensive plan and applicable adopted refinement plans. In Eugene, the comprehensive plan consists of the *Eugene-Springfield Metropolitan Area General Plan* (Metro Plan) and the *Envision Eugene Comprehensive Plan*. For these Code Amendments, the applicable refinement plans are the River Road Santa Clara Neighborhood Plan and the River Road Santa Clara Urban Facilities Plan (1987).

***Metro Plan Policies***

The following policies from the Metro Plan (identified below in *italics*) are applicable to these Code Amendments. To the extent that the following policies constitute mandatory approval criteria, based on the findings provided below, the Code Amendments are consistent with and supported by the applicable provisions of the Metro Plan.



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**Chapter II C. Growth Management Goals, Findings, and Policies**

*C. 1 The UGB and sequential development shall continue to be implemented as an essential means to achieve compact urban growth. The provision of all urban services shall be concentrated inside the UGB.*

The Code Amendments include a list of prohibited uses on C-2 zoned properties located within both the city limits and within the River Road-Santa Clara Prohibited Uses Area [see Map 9.2161(11)]. These prohibited uses are:

- Motor Vehicle Sales/Rental/Service, excluding recreational vehicles and heavy trucks
- Motorcycle Sales/Rental/Service
- Recreational Vehicles and Heavy Truck, Sales/Rental/Service
- Agricultural Machinery Rental/Sales/Service
- Boat and Watercraft Sales/Service
- Equipment, Heavy, Rental/Sales/Service – includes truck and tractor sales
- Storage Facility, Household/Consumer goods, enclosed

Most of these uses are auto-oriented uses that inhibit compact development. Removing these uses is consistent with the fundamental principle of compact urban growth addressed in the Metro Plan as well as with policies in the Neighborhood Plan and the City's climate goals.

**Chapter III A. Metropolitan Residential Land Use and Housing Element**

*A. 22 Expand opportunities for a mix of uses in newly developing areas and existing neighborhoods through local zoning and development regulations.*

The Code Amendments allow for the display and sale of agricultural products grown offsite on R-1 zoned properties located within the city limits and within the River Road-Santa Clara Specific Regulation Area [see Map 9.2170(3)(d)]. This expands opportunities for an additional use within the existing neighborhood, consistent with this Metro Plan policy.

*A. 23 Reduce impacts of higher density residential and mixed-use development on surrounding uses by considering site, landscape, and architectural design standards or guidelines in local zoning and development regulations.*

The Code Amendments include transition standards for C-2 development on properties located within the city limits and within the River Road-Santa Clara Specific Regulation Area [see Map 9.2170(3)(d)] that abuts R-1 zoned land. These Code Amendments are intended to provide development that is more compatible with the adjacent existing neighborhood and reduce the impacts of higher density residential, mixed-use, and commercial development on surrounding residential neighborhoods, consistent with this Metro Plan policy.

**Chapter III E. Environmental Design Element**

*E.5 Carefully develop sites that provide visual diversity to the urban area and optimize their visual and personal accessibility to residents.*

These Code Amendments would require buildings fronting River Road to provide a main entrance oriented to the street or the corner where River Road and another street intersect, would increase

## Exhibit E

building façade facing the street, require a minimum percentage of ground floor windows facing the street, and require weather protection features over building entrances. All of these requirements help promote walkable neighborhoods through pedestrian-friendly building design standards and would help optimize the visual personal accessibility of new development in C-2 to neighborhood residents, consistent with this Metro Plan policy.

*E.6 Local jurisdictions shall carefully evaluate their development regulations to ensure that they address environmental design considerations, such as, but not limited to, safety, crime prevention, aesthetics, and compatibility with existing and anticipated adjacent uses (particularly considering high and medium density development locating adjacent to low density residential).*

These Code Amendments would add additional design standards for development on C-2 zoned properties located within the city limits and within the River Road-Santa Clara Specific Regulation Area [see Map 9.2170(3)(d)], including transition standards for properties abutting R-1 zoned land. These transition standards consider the compatibility between higher density development adjacent to low density residential, consistent with this Metro Plan policy. The additional design standards referenced under E.5 are also consistent with this Metro Plan policy, as they contribute to environmental design, such as safety and aesthetics.

### ***Envision Eugene Comprehensive Plan Policies***

The currently adopted chapters of the *Envision Eugene Comprehensive Plan* include Economic Development, Transportation, Administration & Implementation, and Eugene Urban Growth Boundary.

#### **Economic Development**

***3.6 Responsible economic development.*** *Support economic development initiatives that reflect long-term priorities, improve community resilience to climate change and natural hazards, improve energy efficiency or reduce greenhouse gas emissions, and enhance opportunities to borrow, rent, or otherwise make better use of underutilized public and private assets.*

The Code Amendments, particularly the list of prohibited uses on C-2 zoned properties located within both the city limits and within the River Road-Santa Clara Prohibited Uses Area [see Map 9.2161(11)], reflect long-term priorities for both the River Road and Santa Clara Neighborhood Organizations as well as the City. The prohibited uses are mostly auto-oriented uses and removing them will help work towards the City's transportation and climate goals, consistent with this comprehensive plan policy.

***3.7 Home-based and microenterprises.*** *Promote the development of small, locally-owned businesses that have minimal adverse impacts on their surrounding neighborhoods.*

The Code Amendments allow for the display and sale of agricultural products grown offsite as a permitted use on R-1 zoned land located within the city limits and within the River Road-Santa Clara Specific Regulation Area [see Map 9.2170(3)(d)]. This is an opportunity that could lead to the development of more locally-owned businesses, or minimally, economic activity that has minimal adverse impacts on the surrounding neighborhoods, consistent with this comprehensive plan policy.

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**3.15 Adequate Land Supply.** *Designate an adequate number of sites within the urban growth boundary to accommodate growing local businesses and new targeted industries, especially a diversified manufacturing base that includes advanced manufacturing, food and beverages, wood products manufacturing, regional distribution, trade, and services such as offices, software developers, educational technology, corporate headquarters, and other employment uses.*

As part of expanding the City's UGB (adopted in 2017), the Envision Eugene Employment Land Supply Study includes an acknowledged inventory of land for economic growth and activity in Eugene's UGB. That inventory is expected to address the City's needs for such land through 2032. While these Code Amendments do not impact the City's supply or demand for employment land, the amendments do make changes to the C-2 commercial zone for properties located within the city limits and within the River Road-Santa Clara Specific Regulation Area [see Map 9.2170(3)(d)]. These changes include limiting the building height and adding design and transition standards. They also make changes for C-2 properties within the city limits and the River Road-Santa Clara Prohibited Uses Area by creating additional prohibited uses. These changes are consistent with the Neighborhood Plan policies as well as city-wide climate and transportation goals of shifting to less auto-oriented land uses. These amendments do not impact the supply of industrial or commercial lands or prevent adequate opportunities for a variety of economic activities and are therefore consistent with this comprehensive plan policy.

### Transportation

**System-Wide Policy 1.** *Foster neighborhoods where Eugene residents could meet most of their basic daily needs without an automobile by providing streets, sidewalks, bikeways, and access to transit in an inviting environment where all travelers feel safe and secure.*

**Transit Policy 2.** *Prioritize improved transit service in Key Corridors and other areas with sufficient employment, activities, or residential density that best support transit service and transit services that connect residents to employment centers. If operational funding is sufficient, extend transit to support higher density housing and employment development planned for other areas.*

The Code Amendments promote compact development and walkable neighborhoods through pedestrian-friendly design standards, for example, requiring buildings fronting River Road to provide a main entrance facing the street, to increase street-facing building façade and windows along the ground floor, and to provide weather protection features over building entrances. Additionally, the Code Amendments prohibit the establishment of certain new auto-oriented uses that inhibit compact development. The Code Amendments are consistent with the transportation policies above to create more walkable neighborhoods, compact development, and less dependence on automobiles.

### Refinement Plan Policies

#### River Road-Santa Clara Neighborhood Plan

Although none of the policies in the Neighborhood Plan are mandatory approval criteria for individual land use applications, the proposed Code Amendments implement and are consistent with policies in the Neighborhood Plan.

## Exhibit E

***Policy 1.4 Regulatory Environment: Strive for a local regulatory environment that is supportive of economic development in line with neighborhood vision (such as creating small commercial nodes).***

The Code Amendments allow for the display and sale of agricultural products grown offsite on R-1 zoned properties located within the city limits and within the River Road-Santa Clara Specific Regulation Area [see Map 9.2170(3)(d)]. This expands opportunities for urban farmers to collectively sell produce, in line with the neighborhood vision and the actions that support this policy.

***Policy 11.2 Well Designed Built Environment: Update design standards through legislative updates to local land use regulations so that they provide for gradual transitions between different uses and scales and incorporate pedestrian scale design through building design, size, scale, and site layout requirements.***

***Policy 14.1 Compatibility Transitions: Enhance compatibility through development standards such as height and scale transitions, setbacks, buffering with trees, and window offsets between adjacent properties that are zoned differently through legislative updates to local land use regulations.***

The proposed Code Amendments implement these Neighborhood Plan policies by providing transition standards between different uses/scales/zones and incorporating pedestrian scale design through building design, size, scale, and site layout requirements for C-2 zoned properties within both city limits and the River Road-Santa Clara Specific Regulation Area[see Map 9.2170(3)(d)] as follows:

- **Design Standards:**
  - *Transition Standards:* Apply transition standards (setbacks, landscaping, and/or fencing) to new buildings and building additions that increase the square footage of floor area by 20% or more for any development on property abutting Low Density Residential (R-1) zoned land.
  - *Building Orientation:* Require buildings fronting River Road to provide a main entrance facing that street or to the corner where River Road and another street intersect.
  - *Building Façade:* Increase the minimum percentage of the street-facing building façade that must be within the maximum front yard setback, from 25% to 80%.
  - *Building Walls/Window Coverage:* Require minimum percentage of windows along the ground floor of street-facing façades and prohibit blank walls of more than 20 linear feet of street-facing façades.
  - *Weather Protection:* Require weather protection features over all building entrances.
- **Building Height:** Limit building height to 65 feet (current limit is 120 feet).

The proposed Code Amendments also implement these policies by prohibiting the establishment of certain uses on C-2 zoned properties located within both the city limits and within the River Road-Santa Clara Prohibited Uses Area [see Map 9.2161(11)]. Prohibiting these uses reflect long-term priorities for both the River Road and Santa Clara Neighborhood Organizations and are in line with creating a more walkable, pedestrian-friendly corridor, consistent with the Neighborhood Plan, as well as the City's transportation and climate goals. The River Road-Santa Clara Prohibited Uses Area excludes a section of River Avenue between River Road and the Beltline. Carving out this area is consistent with the intention of the Code Amendments because these properties are not along the River Road corridor, are adjacent to the wastewater treatment plant, and close to the Beltline Highway, therefore less likely to create an active walkable area.

River Road-Santa Clara Urban Facilities Plan (1987)

The proposed Code Amendments are consistent with policies in the River Road-Santa Clara Urban Facilities Plan.

***Policy 2.3(1) Maintain and enhance the compatibility of adjacent land uses through the use of appropriate buffering mechanisms, such as landscaping standards.***

***Policy 2.3(7) Ensure compatibility between neighborhood commercial developments and the surrounding residential area by identifying and applying siting and development standards.***

The proposed Code Amendments are consistent with these Urban Facilities Plan policies. They implement transition standards and development standards and limit building height for C-2 zoned properties, enhancing compatibility of C-2 zoned properties and adjacent land uses.

**3) In the case of establishment of a special area zone, is consistent with EC 9.3020 Criteria for Establishment of an S Special Area Zone.**

The Code Amendments do not establish a special area zone; therefore, this criterion does not apply.

# EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



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Action: An Ordinance Vacating Premier Street And A Portion Of First Avenue West, All Located Within The Plat Of Pioneer Resources Business Park, And Providing For An Effective Date.

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Meeting Date: April 22, 2024  
Department: Planning and Development  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: 6  
Staff Contact: Jeff Gepper  
Contact Telephone Number: 541-682-5282

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## ISSUE STATEMENT

The City Council is scheduled to take action on a right-of-way vacation request submitted by McDougal Bros Investments, LLC (City File VRI 23-1). The requested vacation of improved public right-of-way consists of Premier Street and a portion of First Avenue West, all located within the plat of Pioneer Resources Business Park. A vicinity map and aerial photo of the vacation request is provided as Attachment A and the ordinance is provided as Attachment B.

## BACKGROUND

The applicant has requested a vacation of Premier Street and a portion of First Avenue West, both of which are public rights-of-way, to allow a private gated street and fencing to help secure the industrial properties along these streets.

The vacation process serves as a means to evaluate the need for public ways as land develops and uses change over time, and to address the manner in which the City may dispense with public ways. Public ways are defined by the Eugene Code as follows: "Any street, road, alley, right-of-way, pedestrian or bicycle easement or accessway, or utility easement for public use that is controlled by the city, county, or state."

The area proposed to be vacated includes approximately 1,245 linear feet of First Avenue West public right-of-way, as well as 383 linear feet of Premier Street. First Avenue West, more commonly referred to as West 1<sup>st</sup> Avenue, currently serves as a loop road providing access to the industrially zoned parcels abutting the street. Premier Street is a stub street extending from First Avenue West to the south, serving several other vacant industrial parcels. The applicant has proposed to reserve the entire vacation area as a public utility easement.

The proposed area for vacation is located in a subdivision known as the plat of Pioneer Resources Business Park. Except for several lots being used for uncovered storage, all properties abutting the area to be vacated are undeveloped. The properties are zoned I-3 Heavy Industrial and allow for a variety of industrial uses. As explained in greater detail by the applicant, the site is heavily impacted by the existence of a now sealed Bethel-Danebo landfill. Due to issues associated with

April 22, 2024 Meeting – Item 6



the landfill site, it was deemed uninhabitable, and no permanent human occupancy is permitted within the footprint of the landfill. Additionally, the applicant cites numerous issues, including camping and crime, that have required City intervention and police response. The applicant intends to fence and secure the area, and the proposed vacation would enable a private gated street for the industrial park.

More details on this request can be found in the full record of application materials to date, which will be provided separately to Councilors. Otherwise, application materials can be made available to the public in hardcopy or electronic format upon request. As a courtesy, the materials can also be accessed online here:

<https://pdd.eugene-or.gov/LandUse/SearchApplicationDocuments?file=VRI-23-0001>

### **Consent of Abutting and Affected Property Owners**

In accordance with Oregon Revised Statutes (ORS) 271.080, the applicant has provided evidence of consent to the vacation from owners of at least two-thirds of the property within the affected area. In this case, the affected area per State law is the land lying on either side of the vacated area to the next lateral street, and 400 feet beyond each terminus of the proposed vacation for a portion of West 1<sup>st</sup> Avenue and the southern terminus of Premier Street.

Based on the signed consent forms submitted with the application, the applicant has obtained consent for the proposed vacation from the property owners of approximately 78 percent of the affected area, which exceeds the minimum requirements of ORS 271.080 and Eugene Code (EC) 9.8710. The applicant is also required to obtain concurrence from the abutting property owners. All properties abutting the proposed vacation are owned by McDougal Bros Investments, LLC.

A map showing the affected area, and the area of property owner consent, is included in the application file for reference.

### **Utilities**

Public Works has reviewed this application and the surrounding facilities and infrastructure affected by the request. Concurrences from franchise utilities, including Eugene Water and Electric Board, have been included with the application. The rights-of-way in their current condition include underground wastewater and other utilities services. To ensure the City and utility companies have the necessary perpetual access for the operation and maintenance of public utilities that remain in the vacated area, the applicant has proposed a Public Utility Easement (PUE) over the entire area to be vacated.

### **Determination of Assessment**

Pursuant to EC 9.8710(5), the applicant is required to pay a deposit equal to the assessment of special benefit resulting from the vacation. The amount of money to be deposited is to be determined by the City Manager. The initial assessment provided to the applicant was re-evaluated to ensure it accurately captured the amount of money to be paid by the applicant for this vacation request. Typically, the value is equivalent to the land value, plus the cost incurred by the City for construction of the public improvements (e.g. streets and sidewalks). In this case, the improvements were constructed by the developer as a Privately Engineering Public Improvement (PEPI) associated with the original subdivision. Given this fact, the City did not incur any cost for

April 22, 2024 Meeting – Item 6

the construction of the streets or other infrastructure and the amount of money to be deposited only accounts for the land value of the right-of-way. The City provided a notice to the applicant of the assessment more than 20 days prior to the public hearing, in accordance with code requirements. The assessment was determined to be a total of \$44,900, which considered the value of the land area to be vacated, less the value of the public utility easement (PUE) to be reserved over the vacated area. At least five (5) working days prior to the public hearing, the applicant must submit a deposit of the full assessed amount with the City. If the application is approved and the vacation becomes effective, the deposit will be retained by the City. If the application is denied or the vacation fails to take effect for another reason, the deposit will be returned to the applicant.

### **Procedural Summary**

The vacation request process serves to evaluate the need for public ways as land develops and uses change over time, and to address the manner in which the City may dispense with public ways. This request for vacation is being considered in accordance with EC 9.8700-9.8725 and ORS 271.080-271.230, and procedures in EC 9.7445-9.7455. The public hearing will also be conducted consistent with quasi-judicial procedures in State law and as set forth in EC 9.7065-9.7095.

Notice of public hearing for the requested vacation has been provided in the following manner: On March 15, 2024, notice was mailed to owners of property within 100 feet of the vacation area and interested parties. On March 28, 2024, the property was posted in the immediate vicinity of the requested vacation; and on March 31, 2024, legal notice was published in The Register-Guard newspaper. No other written or verbal testimony, other than the applicant's statements in support of the request, has been received to date.

A complete set of record materials for this Vacation request are available for review at Planning and Development Department at 99 West 10<sup>th</sup> Avenue. The City Council has also been provided a with copy of the application file and record. As a courtesy, some of the materials are also available for review online [here](#).

### **Applicable Criteria**

The City Council must determine whether the consent of the owners of the requisite area has been obtained and whether notice has been duly given. The City Council must also address the relevant approval criterion from EC 9.8725 in making a decision on the proposed right-of-way vacation, as listed below in *italics*:

*The city council shall approve, or approve with conditions and reservations of easements, the vacation of improved public right-of-way, public ways acquired with public funds, or undeveloped subdivision and partition plats, or portions thereof, including public right-of-way and improved public easements located therein, only if the council finds that approval of the vacation is in the public interest.*

Findings demonstrating compliance with these requirements can be found in Attachment B, Exhibit C of the Draft Ordinance.

**PREVIOUS COUNCIL DIRECTION**

None.

**COUNCIL OPTIONS**

The City Council may:

1. Adopt the ordinance as proposed in Attachment B to this AIS.
2. Adopt the ordinance with specific modifications as determined by the City Council.
3. Take no action

**CITY MANAGER’S RECOMMENDATION**

The City Manager recommends adoption of the ordinance as provided in Attachment B.

**SUGGESTED MOTION**

Move to adopt the Ordinance, as provided in Attachment B, vacating Premier Street and a portion of First Avenue West, all located within the Plat of Pioneer Resources Business Park, and providing for an effective date.

**ATTACHMENTS**

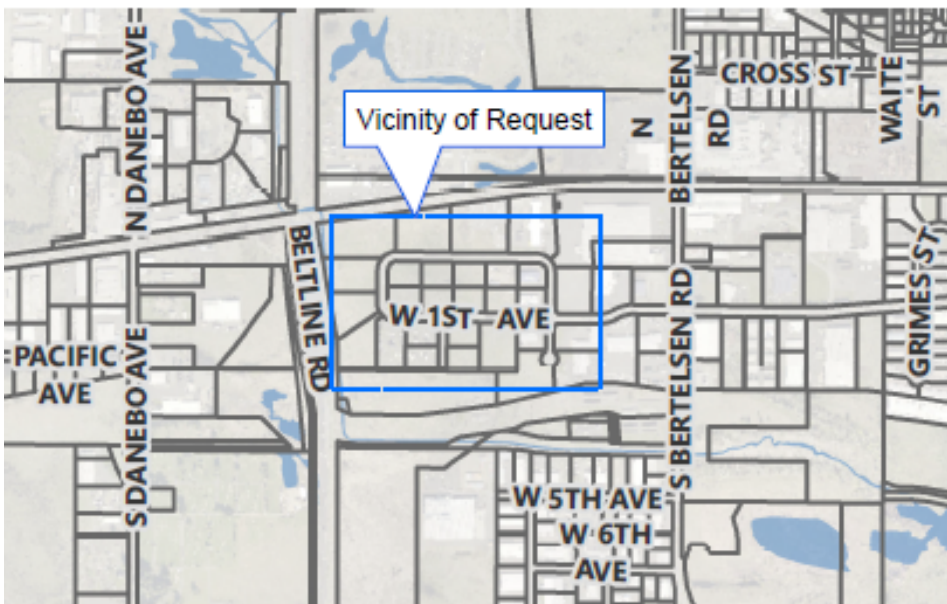
- A. Vicinity Map and Aerial Map of Vacation Request
- B. Draft Ordinance
  - a) Exhibit A – Legal Description
  - b) Exhibit B – Site Plan
  - c) Exhibit C – Findings

**FOR MORE INFORMATION**

Staff Contact: Jeff Gepper, Senior Planner  
Telephone: 541-682-5282  
Staff E-Mail: [JGepper@eugene-or.gov](mailto:JGepper@eugene-or.gov)



# Pioneer Business Park Vacation (File: VRI 23-1) Right-of-Way Vacation Aerial Map and Vicinity



\*Areas included in the vacation request are:  
Premier Street and a portion of West 1st  
Avenue. See Ordinance  
Exhibit B for more detailed map.

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

Created on 12/15/2023  
by City of Eugene Planning Division

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE VACATING PREMIER STREET AND A PORTION OF FIRST AVENUE WEST, ALL LOCATED WITHIN THE PLAT OF PIONEER RESOURCES BUSINESS PARK, AND PROVIDING FOR AN EFFECTIVE DATE.**

**The City Council of the City of Eugene finds that:**

**A.** The City Council of the City of Eugene approved an agenda scheduling a public hearing at 5:30 p.m. on April 15, 2024, for the purpose of hearing protests and remonstrances to the proposed vacation of the following described rights-of-way:

The rights-of-way identified as Premier Street and a portion of First Avenue West, all located within the plat of Pioneer Resources Business Park, which are more particularly described on Exhibit A and depicted on Exhibit B attached to this Ordinance.

**B.** Notice was duly and regularly given of the public hearing and, on April 15, 2024, the City Council held a public hearing and heard all objections to the proposed vacation.

**THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:**

**Section 1.** The City Council of the City of Eugene finds that notice of the public hearing on the proposed vacation was published and posted as required by law, that consents required by EC 9.8710(6) and ORS 271.080(2) and statements of concurrence to the vacation from affected utility providers have been filed in the proceedings, and that vacation of the rights-of-way described in Exhibit A and depicted on Exhibit B attached to this Ordinance is in the public interest, as described in the Findings attached as Exhibit C to this Ordinance and hereby adopted in support of this Ordinance.

**Section 2.** The rights-of-way described on Exhibit A and depicted on Exhibit B attached to this Ordinance are hereby vacated, except that the the City reserves a public utility easement for the entire area described in Exhibit A. The vacated rights-of-way shall revert pursuant to the statutes of the State of Oregon.

**Section 3.** The City Recorder is directed to file a certified copy of this Ordinance, including all attachments, with the Recorder of Lane County, Oregon. In addition, a certified copy of this Ordinance shall be filed with the Lane County Assessor and a certified copy shall be filed with the Lane County Surveyor.



**Section 4.** Notwithstanding the effective date of ordinances as provided in the Eugene Charter of 2002, this ordinance shall be come effective 30 days from the date of passage by the Eugene City Council and approval by the Mayor, or upon the recording of the public utility easement described in Section 2 of this Ordinance, in a form acceptable to the City Manager, whichever is later.

**Passed by the City Council this**

\_\_\_\_\_ day of \_\_\_\_\_, 2024.

**Approved by the Mayor this**

\_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
**City Recorder**

\_\_\_\_\_  
**Mayor**



**EXHIBIT A**

RIGHT-OF-WAY VACATION

JOB NO. 2300110

OCTOBER 12, 2023

**LEGAL DESCRIPTION**

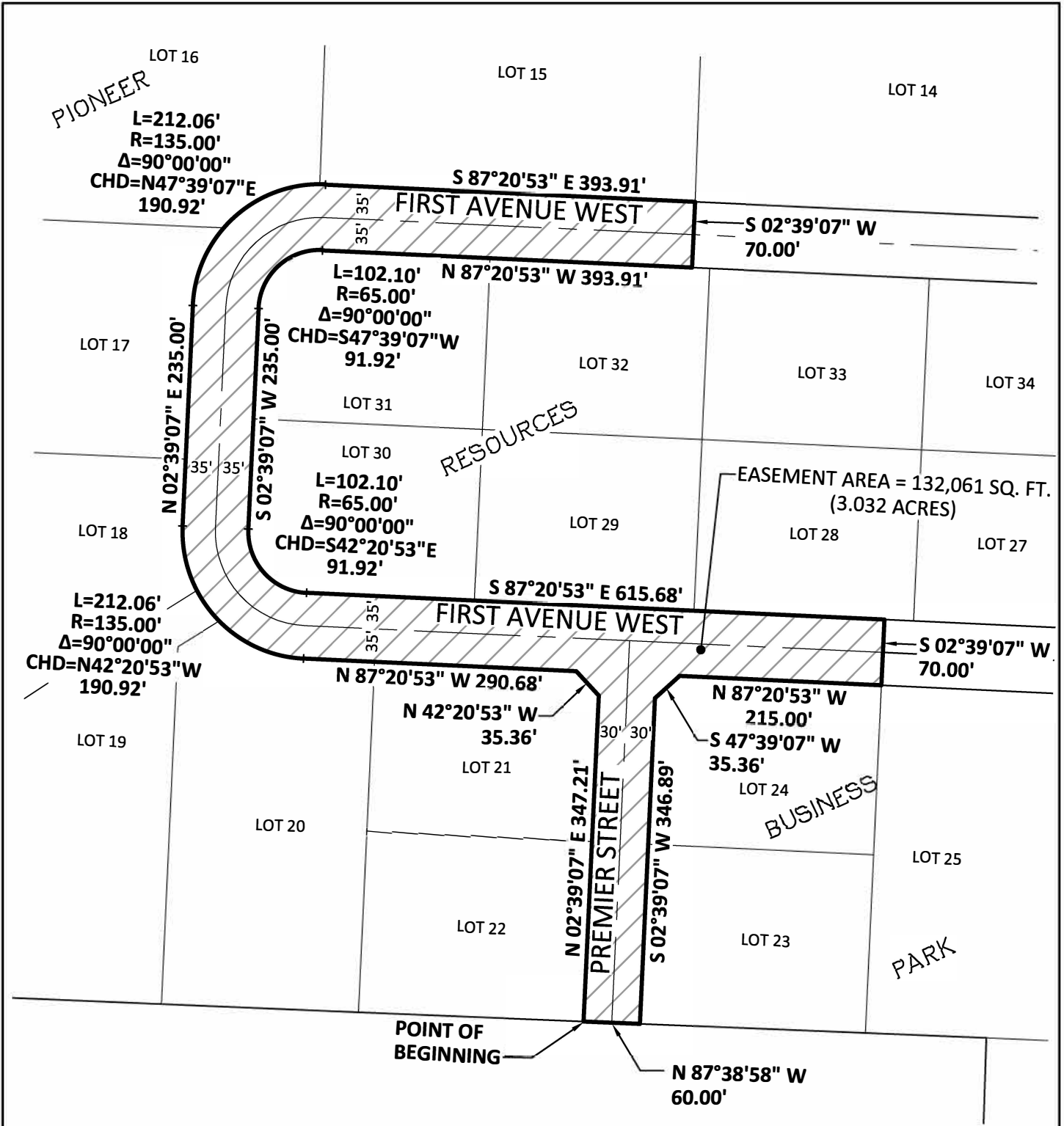
A TRACT OF LAND BEING A PORTION OF FIRST AVENUE WEST (70 FEET WIDE) AND PREMIER STREET (60 FEET WIDE) ALL LYING WITHIN THE PLAT OF PIONEER RESOURCES BUSINESS PARK, RECORDED JUNE 29, 1998 IN FILE 75, SLIDE 662, LANE COUNTY SURVEY RECORDS, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 17 SOUTH, RANGE 4 WEST, WILLAMETTE MERIDIAN, CITY OF EUGENE, LANE COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE SOUTHEAST CORNER OF LOT 22, SAID PLAT OF PIONEER RESOURCES BUSINESS PARK, SAID POINT ALSO BEING ON THE WESTERLY RIGHT-OF-WAY LINE OF PREMIER STREET (60 FEET WIDE); THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE NORTH  $02^{\circ}39'07''$  EAST 347.21 FEET; THENCE NORTH  $42^{\circ}20'53''$  WEST 35.36 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF FIRST AVENUE WEST (70 FEET WIDE); THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE NORTH  $87^{\circ}20'53''$  WEST 290.68 FEET TO THE BEGINNING OF A TANGENT CURVE; THENCE ALONG THE ARC OF 135.00 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY, THROUGH A CENTRAL ANGLE OF  $90^{\circ}00'00''$  (THE LONG CHORD OF WHICH BEARS NORTH  $42^{\circ}20'53''$  WEST 190.92 FEET) AN ARC DISTANCE OF 212.06 FEET TO A POINT ON WESTERLY RIGHT-OF-WAY LINE OF FIRST AVENUE WEST AND A POINT OF TANGENCY; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE NORTH  $02^{\circ}39'07''$  WEST 235.00 FEET TO THE BEGINNING OF A TANGENT CURVE; THENCE ALONG THE ARC OF A 135.00 FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY, THROUGH A CENTRAL ANGLE OF  $90^{\circ}00'00''$  (THE LONG CHORD OF WHICH BEARS NORTH  $47^{\circ}39'07''$  EAST 190.92 FEET) AN ARC DISTANCE OF 212.06 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF FIRST AVENUE WEST AND A POINT OF TANGENCY; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE SOUTH  $87^{\circ}20'53''$  EAST 393.91 FEET; THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY LINE SOUTH  $02^{\circ}39'07''$  WEST 70.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF FIRST AVENUE WEST; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE NORTH  $87^{\circ}20'53''$  WEST 393.91 FEET TO THE BEGINNING OF A TANGENT CURVE; THENCE ALONG THE ARC OF A 65.00 FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY, THROUGH A CENTRAL ANGLE OF  $90^{\circ}00'00''$  (THE LONG CHORD OF WHICH BEARS SOUTH  $47^{\circ}39'07''$  WEST 91.92 FEET) AN ARC DISTANCE OF 102.10 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF FIRST AVENUE WEST AND A POINT OF TANGENCY; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE SOUTH  $02^{\circ}39'07''$  WEST 235.00 FEET TO THE BEGINNING OF A TANGENT CURVE; THENCE ALONG THE ARC OF A 65.00 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY, THROUGH A CENTRAL ANGLE OF  $90^{\circ}00'00''$  (THE LONG CHORD OF WHICH BEARS SOUTH  $42^{\circ}20'53''$  EAST 91.92 FEET) AN ARC DISTANCE OF 102.10 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF FIRST AVENUE WEST AND A POINT OF TANGENCY; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE SOUTH  $87^{\circ}20'53''$  EAST 615.68 FEET; THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY LINE SOUTH  $02^{\circ}39'07''$  WEST 70.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID FIRST AVENUE WEST; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE NORTH  $87^{\circ}20'53''$  WEST 215.00 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF SAID PREMIER STREET; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE SOUTH  $47^{\circ}39'07''$  WEST 35.36 FEET; THENCE SOUTH  $02^{\circ}39'07''$  WEST 346.89 FEET TO THE SOUTHERLY LINE SAID PLAT OF PIONEER RESOURCES BUSINESS PARK, SAID POINT ALSO BEING THE SOUTHWESTERLY CORNER OF LOT 23 OF SAID PLAT; THENCE ALONG SAID SOUTHERLY LINE NORTH  $87^{\circ}38'58''$  WEST 60.00 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 132,061 SQUARE FEET OR 3.032 ACRES, MORE OR LESS.

THE BASIS OF BEARINGS IS PER THE PLAT OF PIONEER RESOURCES BUSINESS PARK, RECORDED JUNE 29, 1998 IN FILE 75, SLIDE 662, LANE COUNTY SURVEY RECORDS.

THE TRACT OF LAND IS SHOWN ON THE ATTACHED EXHIBIT MAP AND BY THIS REFERENCE MADE A PART THEREOF.



SCALE: 1" = 150'

111 SW Fifth Ave., Suite 2400  
 Portland, OR 97204  
 O: 503.227.3251  
 F: 503.274.4681  
[www.kpff.com](http://www.kpff.com)

<b>EXHIBIT B - MAP</b> RIGHT-OF-WAY VACATION	DATE: OCTOBER 12, 2023
	DRAWN BY: JTD
SE 1/4 SECTION 28 / TOWNSHIP 17 SOUTH / RANGE 4 WEST / W.M. CITY OF EUGENE / LANE COUNTY / OREGON	CHECKED BY: JRD
	PROJECT NO. 2300110
	SHEET: 3 OF 3

**FINDINGS IN SUPPORT OF VACATING PREMIER STREET AND A PORTION OF  
FIRST AVENUE WEST, ALL LOCATED WITHIN THE PLAT OF PIONEER RESOURCES  
BUSINESS PARK**

**APPLICATION OVERVIEW**

**Name (File Number):** Pioneer Business Park (VRI 23-1)

**Applicant:** McDougal Bros Investments LLC

**Subject Property:** Premier Street and a portion of First Avenue West.

**Zoning:** Abutting property zoned I-3 Heavy Industrial

**Location:** 3.032 acres of improved right-of-way located within the Pioneer Business Park.

**BACKGROUND**

McDougal Bros Investments, LLC (the applicant) filed a request for vacation of Premier Street and a portion of First Avenue West, both of which are improved public rights-of-way, to allow installation of a private gated street and fencing to help secure the industrial properties along these streets.

The area proposed to be vacated, a total of 3.032 acres or 132,061 square feet, includes approximately 1,245 linear feet of First Avenue West public right-of-way, as well as all 383 linear feet of Premier Street. The requested vacation is for rights-of-way within the Pioneer Resources Business Park Subdivision Plat, recorded June 29, 1998, with Lane County Deeds and Records. First Avenue West, more commonly referred to as West 1st Avenue, currently serves as a loop road providing access to the industrially zoned parcels abutting the street. Premier Street is a stub street extending from West 1st Avenue to the south, serving several other vacant industrial parcels.

In order to ensure access to existing utility services, the applicant has proposed a public utility easement for the entire area to be vacated.

**FINDINGS**

The vacation process serves as a means to evaluate the need for public ways as land develops and uses change over time, and to address the manner in which the City may dispense with public ways. Public ways are defined by the Eugene Code as follows: "Any street, road, alley,

right-of-way, pedestrian or bicycle easement or accessway, or utility easement for public use that is controlled by the city, county, or state.”

This request for vacation is being considered in accordance with Sections 9.8700 – 9.8725 of the Eugene Code (EC) and Oregon Revised Statutes (ORS) 271.080 – 271.230 and processed pursuant to EC 9.7445 – 9.7455. EC 9.8710(3) requires that any vacation of an improved right-of-way be considered and decided upon by the City Council in accordance with the procedures in EC 9.7455 through 9.7455. The public hearing is being conducted consistent with quasi-judicial procedures in State law and as set forth in EC 9.7065 – 9.7095.

When right-of-way is vacated, ORS 271.140 generally requires ownership of the land underlying the vacated right-of-way to revert back to owners of the adjacent lands from which it was originally dedicated. EC 9.8710(5) requires the applicant to pay a special assessment to the City equal to the assessed value of the real property and any costs incurred by the City in the construction of public improvements as determined by the City Manager. The applicant has paid the required assessment.

In accordance with ORS 271.080, the applicant has provided evidence of consent to the vacation from owners of at least two-thirds of the property within the affected area. In this case, the affected area per State law is the land lying on either side of the vacated area to the next lateral street, and 400 feet beyond each terminus of the rights-of-way to be vacated. Based on the signed consent forms submitted with the application, the applicant has obtained consent for the proposed vacation from the property owners of approximately 78 percent of the affected area, which exceeds the requirements of ORS 271.080 and EC 9.8710.

Public Works has reviewed this application and the surrounding facilities and infrastructure affected by the request. Concurrences from franchise utilities, including Eugene Water and Electric Board, have been included with the application. The rights-of-way in their current condition include underground wastewater and other utilities services. To ensure the City and utility companies have the necessary perpetual access for the operation and maintenance of public utilities that remain in the vacated area, the applicant has proposed a Public Utility Easement (PUE) over the entire area to be vacated.

### **Compliance with Approval Criterion**

Per EC 9.8725, the sole approval criterion for these vacations requires the City Council to find that approval of the requested vacation is in the public interest. The full text of the approval criterion is provided below, with findings demonstrating compliance:

**EC 9.8725: Approval Criteria for the Vacation of Improved Public Right-of-Way, Public Ways Acquired with Public Funds, and Undeveloped Subdivision and Partition Plats. The city council shall approve, or approve with conditions and reservations of easements, the vacation of improved public right-of-way, public ways acquired with public funds, or undeveloped subdivision and partition plats, or portions thereof, including public right-of-**

**way and improved public easements located therein, only if the council finds that approval of the vacation is in the public interest.**

The following findings demonstrate that vacation of Premier Street and a portion of First West Avenue is in the public interest. This determination is based on the conclusion that vacation of the improved rights-of-way will provide an opportunity for the efficient use of land and will not negatively impact the transportation system, surrounding uses, or emergency access. As referenced by the applicant, the purpose of the vacation request is to allow a private gated street and fencing to help secure the industrial properties along these streets.

The vacation of the rights-of-way will allow for flexible and efficient use of lands zoned for heavy industrial uses, which may facilitate future economic stimulation in the long undeveloped site. As detailed in the application materials, many of the lots adjacent to the requested right-of-way vacation have been deemed uninhabitable due to the former landfill site and legal court settlement (Frontier Recovery LLC vs. Lane County, Oregon), which required that no permanent human occupancy on the footprint of the landfill be allowed. The result is that there are very limited uses allowed on the site. Vacation of the right-of-way further limits potential negative impacts on humans from the existing landfill and will allow for flexible use of a site constrained by detrimental historic uses.

Regarding public interest in managing City resources, the streets have been subject to settling and deterioration since their installation. Upon vacation, right-of-way maintenance will no longer be the responsibility of the City. The elimination of this maintenance cost for the City will allow for resources to be allocated to other street and maintenance projects. The vacation of the rights-of-way will also allow for controlled access onto the property. The applicant cites documented illegal activities on these streets that create an unsafe environment. As a result of the vacation, access to the area can be managed by the property owners. While not guaranteed, a possible outcome of controlled access is a reduction in calls for City police, fire, and parking services associated with activities occurring within the rights-of-way.

**Conclusion**

The applicant's requested vacation of the rights-of-way for Premier Street and a portion of First West Avenue is in the public interest, based on the above findings and the terms of the ordinance.



# EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



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## Public Comment

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Meeting Date: April 22, 2024  
Department: Central Services  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: 7  
Staff Contact: Natalie Venhuda  
Contact Telephone Number: 541-682-8497

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### ISSUE STATEMENT

This item allows members of the public the opportunity to express opinions and provide information to the council. Comments presented during the public comment period should be on city-related issues and should not address items which have already been heard by a Hearings Official, items on the present agenda as a public hearing item, or items related to a quasi-judicial matter after the official record has been closed.

### BACKGROUND

Per City Council's operating agreement, speakers at the public comment period will be limited to two and a half minutes and the total time will be limited to 90 minutes total. Speakers will be randomized, and no persons will be allowed to submit a "Request to Speak" form more than 30 minutes prior to the start of the meeting. Persons wishing to speak must sign up to do so not later than 5 minutes after the meeting has been opened by the Mayor or presiding officer.

At the end of the public comment period each member of the Council has the opportunity to respond to comments made. The time allocated to each member of the Council for such responses shall be up to three minutes.

### FOR MORE INFORMATION

Staff Contact: Natalie Venhuda, City Council Coordinator  
Telephone: 541-682-8497  
Staff E-Mail: [nvenhuda@eugene-or.gov](mailto:nvenhuda@eugene-or.gov)