

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Work Session: Jefferson-Westside Options for Immediate Protection

Meeting Date: August 16, 2006
Department: Planning and Development
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Agenda Item Number: B
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ISSUE STATEMENT

On July 24, 2006, the City Council requested a work session on this date to consider short-term options to pause/mitigate the negative effect of inappropriate infill in the Jefferson-Westside Neighborhood (JWN). As part of the preparation for this work session, staff was directed by the council to work with JWN to consider ways to address the JWN concerns with respect to potential upzonings in that area from R-1 to R-2.

BACKGROUND

The Jefferson/Far West Refinement Plan (JFW Plan) was adopted in 1983. Excerpts from the JFW Plan are included as Attachment A. The JFW Plan includes a Land Use Diagram showing the intended land use pattern for the plan area. The residential land use designations used on the JFW Plan diagram include Low Density, Low-Medium Density and Medium Density Residential designations. The area of concern to the Jefferson-Westside Neighborhood Group (“the neighborhood group”) is identified in the JFW Plan as a portion of “Area 15.” The JFW Plan diagram designates Area 15 as Low-Medium Density Residential. In addition, the plan text sets out three policies to specifically address development within Area 15. The first such policy is:

“This area shall be recognized as a low- to medium-density residential area. The City shall explore methods of encouraging an increase in residential density yet maintaining the character of the area. Residential densities beyond ten units per acre shall be allowed, subject to an approved block plan or rezoning to R-2 in conjunction with site review.”

The Metro Plan and neighborhood plan were amended simultaneously in 1983 to enable R-2 zoning, consistent with the policy above. The attached memorandums dated April 27 and May 24, 2006, illustrate how the Metro Plan and Refinement Plan fell out of alignment, which necessitated the housekeeping amendments to the Metro Plan.

The Metro Plan housekeeping amendments prompted concern among some Jefferson Far West citizens about the negative effects that medium-density infill could have on their neighborhood. Primarily, the neighborhood group wishes to prohibit “inappropriate infill” or zone changes that would allow more density under the City’s current infill standards in the area located generally between the County Fairgrounds and Lincoln Street, Amazon Channel and 18th Avenue (see map at Attachment A). Per the council’s direction, Planning and Development Department staff have met and corresponded with representative(s) from the neighborhood group to explore options to address the neighborhood

group's concerns. Three such meetings have occurred since the July 24, 2006, City Council motion. At these meetings, the neighborhood group has clarified its concerns and the parties have considered numerous options and the timeline involved with each option.

The neighborhood group initially proposed, through written petitions and several letters and emails, that the City adopt some type of moratorium in order to delay the City's consideration of any proposed zone changes in the area until a comprehensive set of regulations is adopted to ensure compatibility of new infill development with the existing neighborhood. In some states, putting a moratorium in place can happen quickly, with quick results. This is not the case in Oregon. In Oregon, the process for adopting a moratorium requires at least one public hearing with at least 45-days notice of that hearing. Further, the City would need to show that the current regulations are inadequate to prevent irrevocable public harm from development in the area. Particularly due to the time it takes to adopt a moratorium, City staff and neighborhood group leaders have now agreed that a moratorium would not fully address the neighborhood group's concerns. The City Attorneys' Office has concluded, and the Planning staff supports this conclusion, that there is no quick way for the City to temporarily prohibit upzonings in the subject area, as the neighborhood leaders proposed.

At the meetings between City staff and representatives from the neighborhood group, a very wide range of other options were discussed. Many of these options were unworkable from the perspective of the neighborhood group, Planning staff and/or the City Attorney. For example, the City Attorney advised against an option that the City simply refuse to process upzoning applications in the area and accept the risk of legal challenge.

Some of the options considered by the parties are, in no particular order:

1. The City Council could adopt a moratorium.
2. The Planning Director could issue an official interpretation of the Area 15 policy of the JFW Plan, which is incorporated into the Land Use Code at EC 9.9580(17).
3. The Planning Director could request that the Planning Commission issue an official interpretation of the Area 15 policy of the JFW Plan, which is incorporated into the Land Use Code at EC 9.9580(17).
4. The City Council could amend the JFW Plan to define the Low –Medium Density Residential designation differently than the Area 15 policy implies.
5. The City Council could amend the code to adopt a definition of “character” and “compatible” as those terms are used in the site review criteria for purposes of the subject area.
6. The City Council could adopt code provisions or apply a different zone to impose development restrictions to the area.
7. The City Council could amend the JFW Plan and Metro Plan to apply the Low Density Residential designation to this area.
8. The City or neighborhood group could purchase properties that are likely to seek upzoning.
9. The neighborhood group could attempt to enter into private agreements with property owners in the area (akin to CCRs for the neighborhood).
10. The City could do nothing, anticipating that the issue of compatibility will be sufficiently addressed when the JFW Plan policies are applied in the context of site review applications.

Based on the discussions between staff and the neighborhood group, the focus has narrowed down to a few options worthy of further consideration. After the meetings, it was clear that the neighborhood group is in favor of the City taking the action described in Option 7 above, to amend the JFW Plan and Metro Plan to apply the Low Density Residential designation to this area. The neighborhood group

views Option 7 as a fix only until the City has adopted standards to address infill compatibility. However, the group is concerned about the time it would take for the City to take the actions under Option 7 and requests that a shorter-term action also be taken to ensure compatibility in the interim. To accomplish this, the options that seem most efficient are those described in 2 or 3, above, which utilize the City's process for issuing code interpretations.

Options 2 or 3 would utilize the Land Use Code process by which the Planning Director or the Planning Commission can issue an official interpretation of a provision of the Land Use Code EC 9.0040.

Although the neighborhood group agrees that an interpretation under EC 9.0040 is its preferred option, it has not yet determined which process under EC 9.0040 would most effectively meet its needs. The neighborhood group and staff have discussed that, under options 2 and 3, there is uncertainty as to the outcome. It is possible that the neighborhood group will be dissatisfied with the interpretation that is issued. Since these options involve a land use decision, the outcome of the interpretation cannot be predetermined. In addition, options 2 and 3 may not accomplish much more than the "no action" option set out as Number 10, above. Whether or not an interpretation is issued pursuant to option 2 or 3, if the City receives an application for an upzoning in the area, the City decision-maker (Hearings Official) must issue an interpretation of the Area 15 policy of the JFW Plan as part of the decision on the application. Nevertheless, the neighborhood may see some benefit to getting the interpretation prior to submittal of future zone change applications.

RELATED CITY POLICIES

The city's Growth Management Policies (1998) contain the following direction:

- Policy 1 Support the existing Eugene Urban Growth Boundary by taking actions to increase density and use existing vacant land and under-used land within the boundary more efficiently.*
- Policy 2 Encourage in-fill, mixed-use, redevelopment, and higher density development.*
- Policy 4 Improve the appearance of buildings and landscapes.*
- Policy 5 Work cooperatively with Metro area partners (Springfield and Lane County) and other nearby cities to avoid urban sprawl and preserve the rural character in areas outside the urban growth boundaries.*
- Policy 6 Increase density of new housing development while maintaining the character and livability of individual neighborhoods.*
- Policy 7 Provide for a greater variety of housing types.*
- Policy 8 Promote construction of affordable housing.*
- Policy 9 Mitigate the impacts of new and/or higher density housing, in-fill, and redevelopment on neighborhoods through design standards, open space and housing maintenance programs, and continuing historic preservation and neighborhood planning programs.*

Policy 10 Encourage the creation of transportation-efficient land use patterns and implementation of nodal development concepts.

The Jefferson-Far West Plan (1983) contains these policies for Area 15:

This area shall be recognized as a low-to medium-density residential area. The City shall explore methods of encouraging an increase in residential density yet maintaining the character of the area. Residential densities beyond ten units per acre shall be allowed, subject to an approved block plan or rezoning to R-2 in conjunction with site review.

The City shall encourage block planning, infilling, and shared housing, in this area. Access to housing units off of alleys shall be accommodated when not in conflict with other policies and goals.

The City shall encourage the rehabilitation of the existing housing stock through both public and private reinvestments.

COUNCIL OPTIONS

While council could consider the other options listed under the ‘Background’ section of this AIS, staff has worked with the neighborhood group and has narrowed that list down to the following options to consider:

First, the City Council could initiate amendments to the JFW Plan, Metro Plan and Land Use Code to apply the Low Density Residential designation to this area (Option 7);

and in the interim, either:

- The Planning Director could issue an official interpretation of the Area 15 policy of the JFW Plan, which is incorporated into the Land Use Code at EC 9.9580(17) (Option 2);
- The Planning Director could request that the Planning Commission issue an official interpretation of the Area 15 policy of the JFW Plan, which is incorporated into the Land Use Code at EC 9.9580(17) (Option 3); or
- The City could do nothing, anticipating that the issue of compatibility will be sufficiently addressed when the JFW Plan policies are applied in the context of a site review application (Option 10).

If the council chooses to take the action described in Option 7, at this time, staff would also recommend the council amend the Planning Commission work plan to show this as a high priority work program item. Through that amendment process, staff will do the necessary analysis and provide a recommendation on the technical merits of such an amendment, and move that through the public process. If the council initiates the amendments, and revises the work plan, staff will then adjust the other high priority work program items, such as the South Ridgeline Habitat Study or the Opportunity Siting program to pull resources from those items to accomplish this task. As previously noted, staff is trying to respect the process and integrity of the City-wide prioritization system that occurs annually and ensure tracking of amendments to those priorities.

CITY MANAGER'S RECOMMENDATION

The City Manager and staff have previously recommended no action be taken on this matter for the following reasons:

1. Timing – Moratoriums or other similar tools, in the short term, do not appear to save any time nor do they immediately provide the type of protection that is being sought.
2. Legal challenges – The risk of trying to prevent, in any way, implementation of an existing Metro Plan and Refinement Plan are great.
3. Equity – from a citywide perspective, most if not all neighborhoods will, at some point, be bumping into the infill question. The City Council has directed staff to develop a toolbox to deal with this issue citywide. That action is a high priority work program item with resources and funding and is already in process.
4. Work Plan – Annually the Planning Commission asks the council to adopt a work plan for it. That work plan is the basis for the work that is brought to the council for consideration; it is a very helpful tool for staff to be deliberative about how it plans, the priorities staff sets, and to allow staff to have a citywide perspective on all of the work.
5. Process – the original community planning process that listed this area as ‘Low-Medium Density Residential’ went through a significant public process, with input from many stakeholders. The action taken through the housekeeping amendments upheld and continued to implement that community effort.

However, it is clear, via the 6-1 vote on July 24, 2006, that the council wants to consider taking an action on this matter. Therefore, the City Manager is recommending a motion consistent with the July 24, 2006, motion for the council to consider. If councilors would like other motions to consider, please notify staff and they can be prepared in advance of the August 16, 2006, meeting date.

SUGGESTED MOTION

Move to initiate amendment of the Metro Plan, the JFW Refinement Plan and the Land Use Code to limit the subject area to Low Density Residential development. In addition, direct the City Manager to make this task priority #1 on the Planning Commission work plan and pull resources from the other high priority work program items to accomplish this as quickly as possible within the parameters of the amendment process.

Further, move to request that the City Manager direct staff to begin the process of issuing an official interpretation pursuant to EC 9.0040(1) or (3) to interpret the Area 15 policy of the JFW Plan, which is incorporated into the Land Use Code at EC 9.9580(17).

ATTACHMENTS

- A. Excerpts from Jefferson / Far West Refinement Plan (including map of subject area)
- B. Previously-issued memos relating to this matter
- C. Planning Commission Work Plan