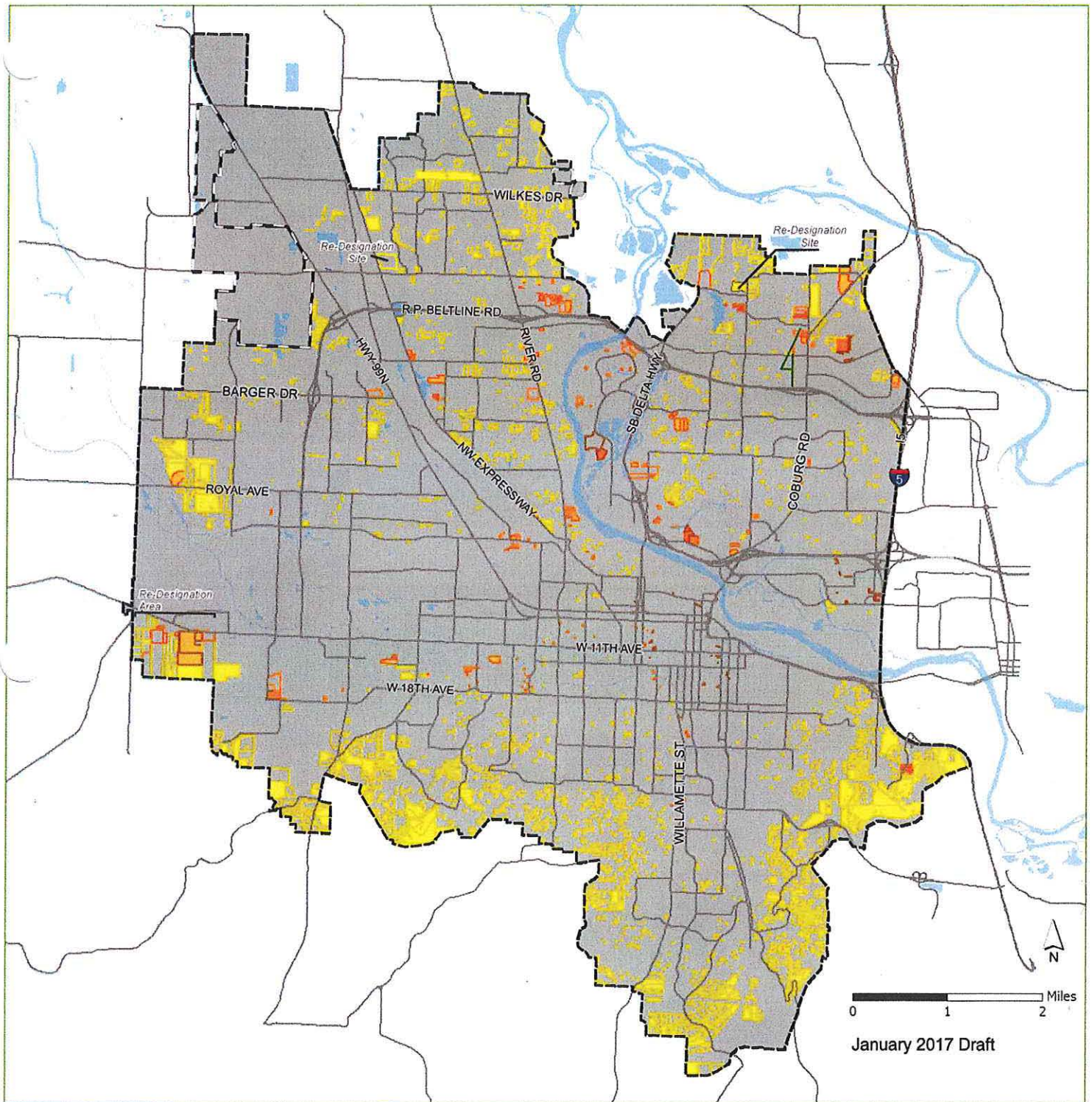


Figure 1. Residential Land Supply (2012-2032)



Urban Growth Boundary (2012) UGB Expansion Boundary Water Bodies Roads

Plan Designations

Vacant Residential Lands

Low Density Residential

Medium Density Residential

High Density Residential

Partially Vacant (PV) Residential Lands

Low Density Residential (LDR)

Medium Density Residential (MDR)

High Density Residential (HDR)

Caution: This map is subject to change and for use within the scope of the January 2017 Draft Review. This map is not suitable for legal, engineering, or surveying purposes. This map in no way attempts to predict, determine, or require what happens on individual lots.

Exhibit __

Envision Eugene; Home Builders Objection related to lack of a parcel-specific Metro Plan Diagram

The city's reliance on a large scale, generalized Metro Plan Diagram to make zoning decisions for housing violates Goal 10 and the Needed Housing Statute because it results in "unreasonable cost and delay" in providing housing, contrary to the statute and the Goal. ORS 197.307(4); OAR 660-008-0015(1).

The Goal 10 Rule above says:

"(1) Except as provided in section (2) of this rule, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of needed housing on buildable land. The standards, conditions and procedures may not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay."

The matter of the rezoning of the 121-acre LaurelRidge site for residential use is a case study.

The property owner annexed these 121 acres to the City in 2007, and applied for the R-1 zoning it was entitled to in 2013. The request for R-1 zoning to match the Metro Plan went to the Hearing Official three times, to the Planning Commission twice, to LUBA twice, and to the Court of Appeals once. The current status is that the Hearing Official has approved a map of the area to be zoned R-1, and the City staff is still trying to define the R-1 boundary with a metes and bounds legal description. Thus, the owner's request for R-1 zoning is now more than four years in process, and the owner still does not have a zoning boundary line that can be the basis for a housing development application.

The owner spent on this process, and on the applications and the appellate litigation, hundreds of thousands of dollars. All of this to get residential zoning to match the plan – zoning that the owner is entitled to. And, the actual provision of housing has been delayed all this time. The zoning comes first; the housing has to wait.

If the City had a parcel-specific Metro Plan Diagram (like Cottage Grove, Veneta, Coburg, Albany, Corvallis and other modern cities), the ultimate cost of the housing on a site like this could be reduced, and some of the anticipated housing already would be actually housing people.

That is the glossy summary. What follows is a bit more gruesome detail on this Stephen King saga.

Five graphics are attached immediately. These are: (1) a map of the subject property in the context of the vicinity; (2) the Metro Plan Diagram, with a circle around the vicinity of the property; (3) the Laurel Hill Valley Refinement Plan page that shows the Residential plan designation including all of the subject property; (4) the map of the Residential zoning boundary

recommended by the owner and approved in the second Hearing Official Decision ("Exhibit L"); and (5) the map of the Residential zoning boundary approved by the Hearing Official after the second remand from LUBA. (Neighbors' Sheet 9/2/15-04). This is the map that the staff is presently using to try to reduce the zoning boundary line to a metes and bounds line, so that residential applications can be filed.

All of the decisions are attached following the graphics. Here is the zoning nightmare they describe.

On January 18, 2013, the owner applied for R-1 zoning on the entire property. This was based on the map in the refinement plan showing the Residential plan designation going all the way to the UGB, which would include all of the subject property. (See third map attached.) At the urging of the planning staff, the zoning application was coupled with a tentative Planned Unit Development application for the entire site. Consolidated processing saves time, of course.

The Hearing Official denied the application on September 17, 2013. The decision explains that the staff argued that the Metro Plan Diagram shows that some part of the site is plan designated Parks and Open Space. The refinement plan, which shows all of the site being planned Residential, therefore conflicts with the Metro Plan Diagram and cannot be relied upon. The Hearing Official denied both the rezoning request and the tentative PUD that was based on the requested zoning.

The Planning Commission affirmed the decision of the Hearing Official on October 14, 2013. It agreed that some part of the site is plan designated Parks and Open Space.

LUBA affirmed the city denial. At issue in the LUBA appeal was whether the Laurel Hill Valley Refinement Plan controlled because it made the generalized Metro Plan Diagram more specific, or whether the refinement conflicted with the Metro Plan Diagram and, therefore, had to be ignored. LUBA affirmed the city staff position that the generalized Metro Plan Diagram controlled over the more specific refinement plan diagram. The Court of Appeals affirmed without issuing an opinion.

The applicant had to start over and guess how much of the site is planned Low Density Residential. The City planning staff would not recommend a boundary line. The task, therefore, was to fit a survey of the property to a tiny, generalized, non-parcel specific Metro Plan Diagram. The applicant fitted the site to a 35 times blow up of the Diagram using referents on the Diagram that were the closest to the site. Opponents argued for using more referents that were further from the site. City staff did not take a firm position. The Hearing Official selected the applicant's methodology on September 24, 2015. See fourth map, Applicant Exhibit L. The Planning Commission affirmed that Hearing Official decision on October 29, 2015.

The matter was appealed to LUBA again, and LUBA issued its opinion on March 3, 2016. LUBA remanded the approval, saying that the City should have considered trying to fit the survey of the site to a larger number of referents on the Metro Plan Diagram, recognizing that a perfect fit was not possible due to the generalized nature of the Diagram, and the fact to one inch

on the Diagram equals about 7000 feet on the ground. In its opinion LUBA scolded the City for not having a larger, more detailed plan Diagram to work with:

“It is difficult to understand why, 12 years after the 2004 Metro Plan diagram was adopted, the plan designations for properties that are subject to that Metro Plan diagram, and therefore the zoning, must ultimately be determined by enlarging that Metro Plan diagram by a factor of 35 and then trying to align that enlarged Metro Plan diagram on a map that is drawn at a usable scale. Any imperfections or inaccuracies in the relative positions of features shown on that Metro Plan diagram will be greatly magnified in that enlargement process and the effort to match the enlarged Metro Plan diagram with an accurate, usable-scale map is an inherently imprecise and subjective exercise no matter how one tries to dress the process up with indicia of precision. But until the Metro Plan jurisdictions prepare and adopt the Metro Plan diagram at a usable scale, an exercise like the one in this case is unfortunately unavoidable.” [LUBA decision at 38-39.]

The Hearing Official issued his third decision, following the instructions of LUBA, on October 19, 2016. In this decision he chose the proposed competing map of the boundary line offered by the neighbors, because the neighbors used more referents from the Diagram. The neighbors’ proposed map is attached (LHVC Sheet 9.2.15-04).

The Hearing Official complained that he had little confidence that either proposed map was the actual location of the boundary line shown on the tiny Metro Plan Diagram.

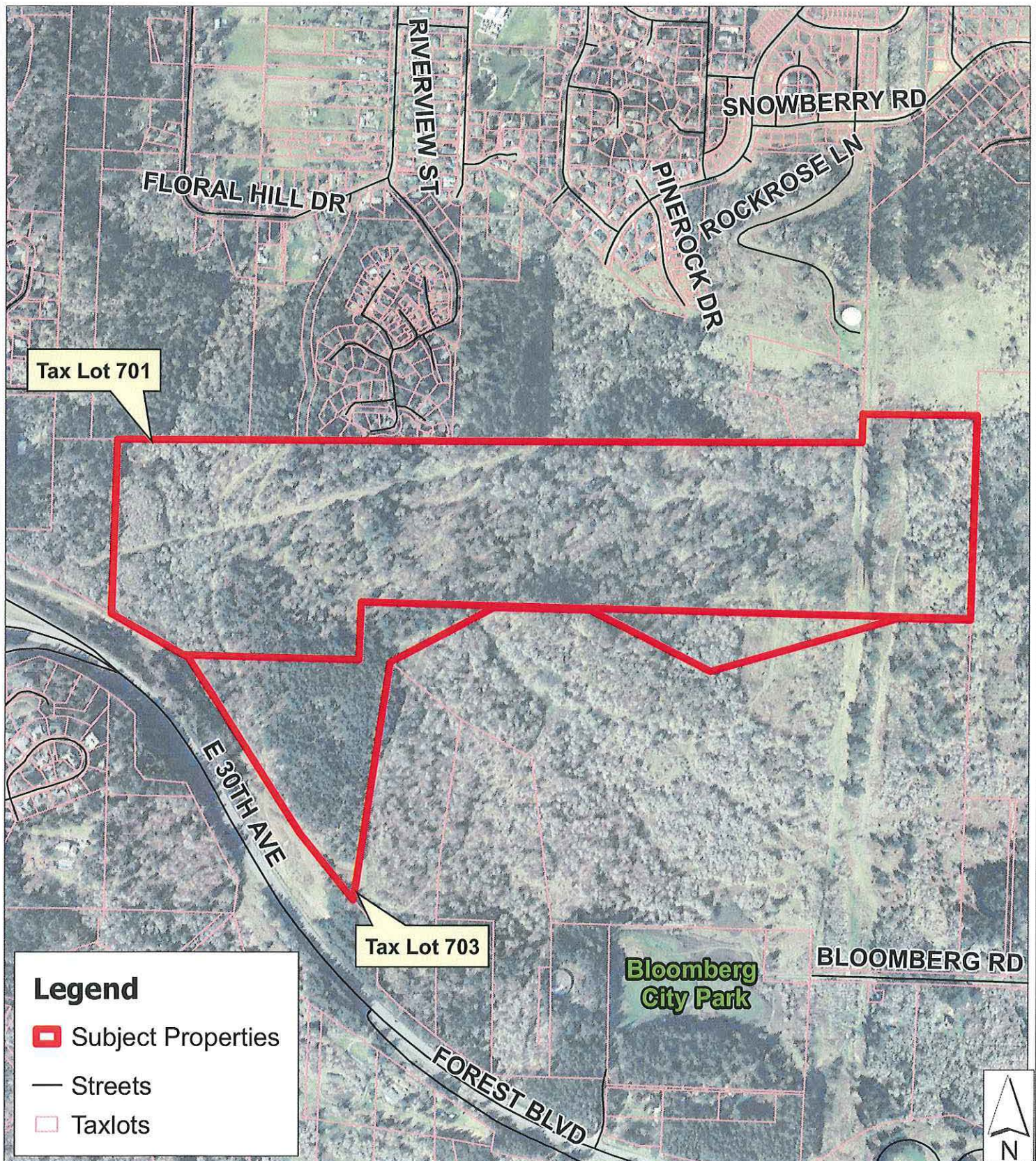
“In conclusion, while I have little confidence that the LHVC Diagram is the actual location of the LDR/POS boundary (as I had little confidence that Exhibit L showed the actual LDR/POS boundary in the prior decision), based on the directions in LUBA’s final opinion, I conclude the LHVC Diagram is more consistent with the Metro Plan than the Applicant’s Diagram.”

With the Hearing Official decision in hand since October 2016, the City staff is still trying to reduce the R-1/POS boundary line shown on the map approved by the Hearing Official to a metes and bounds line on a survey of the site – a line that is needed for any housing development proposal to proceed.

Thus, it has taken more than four years to get a decision on where the zoning boundary line is on this 121-acre site. The final metes and bounds description is still not in hand. The City staff never took a firm position in this process on where the line is; they are guessing just like the parties.

If the City had a parcel-specific Metro Plan Diagram, the whole exercise would have taken less than 120 days, rather than more four years. The additional costs and delay associated with the City working with such a generalized Metro Plan Diagram adds unnecessary costs and delay to the development of housing.

Attachment A - Vicinity Map



0 0.125 0.25 0.5 Miles

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

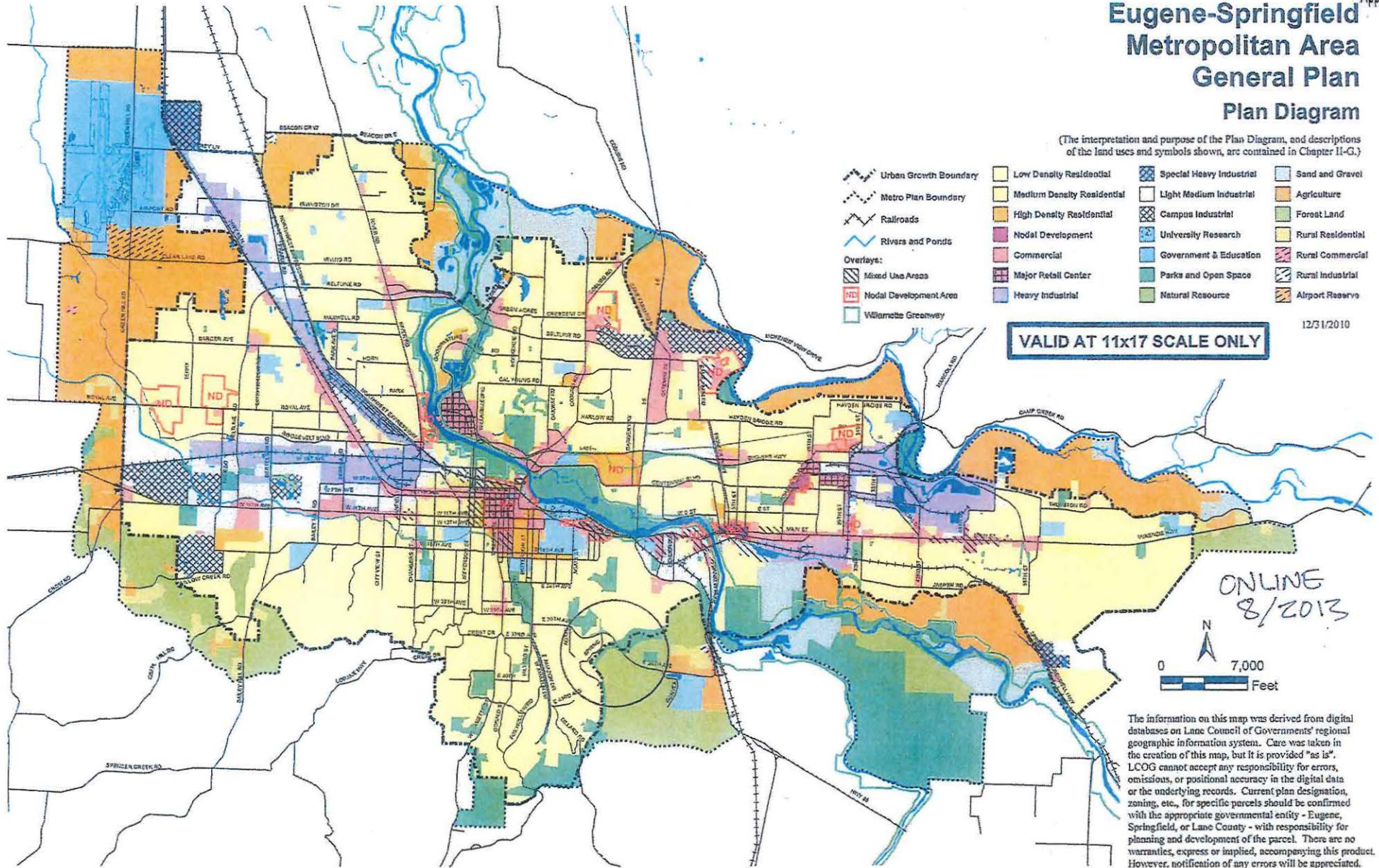
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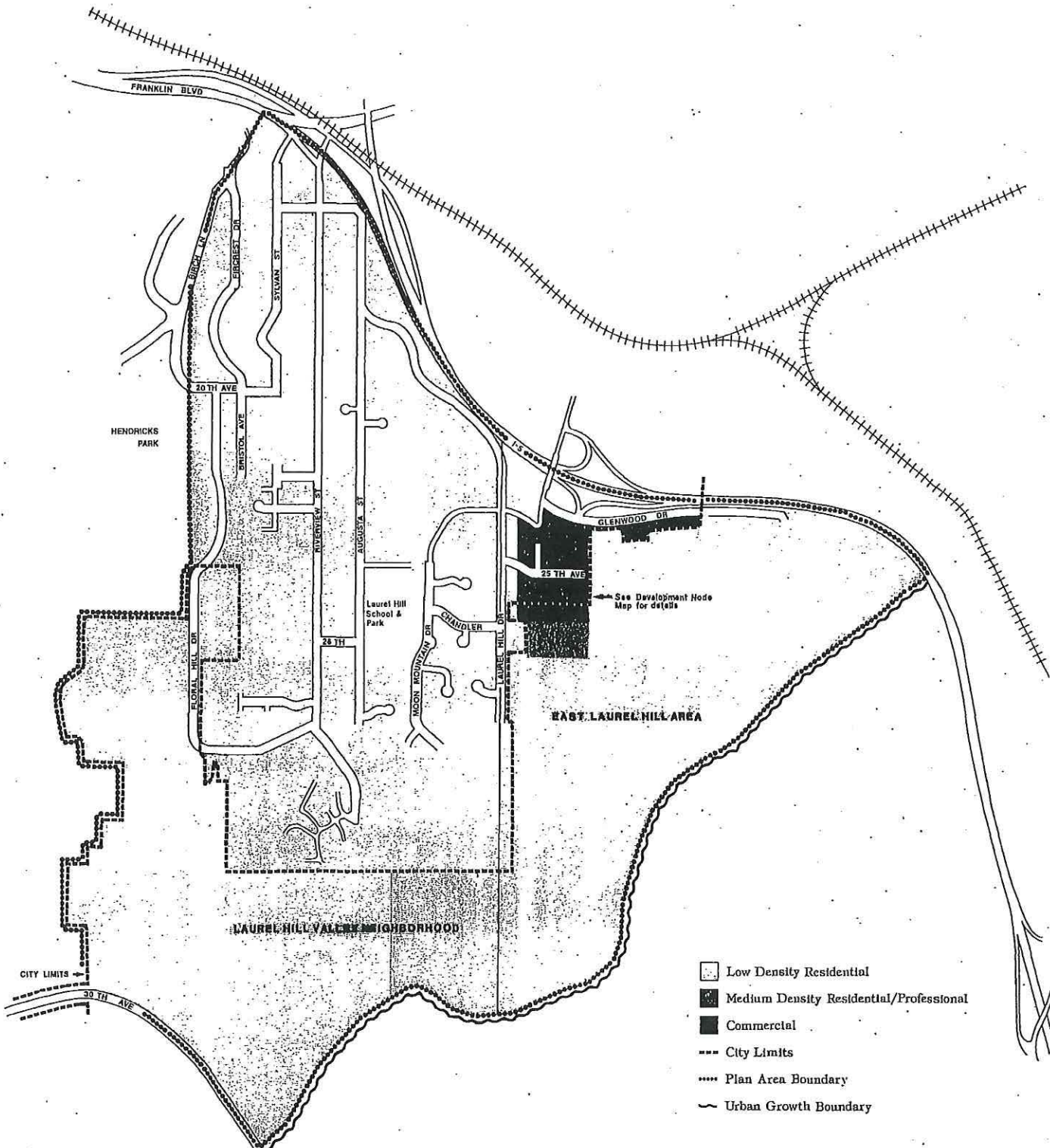
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Eugene-Springfield Metropolitan Area General Plan Plan Diagram

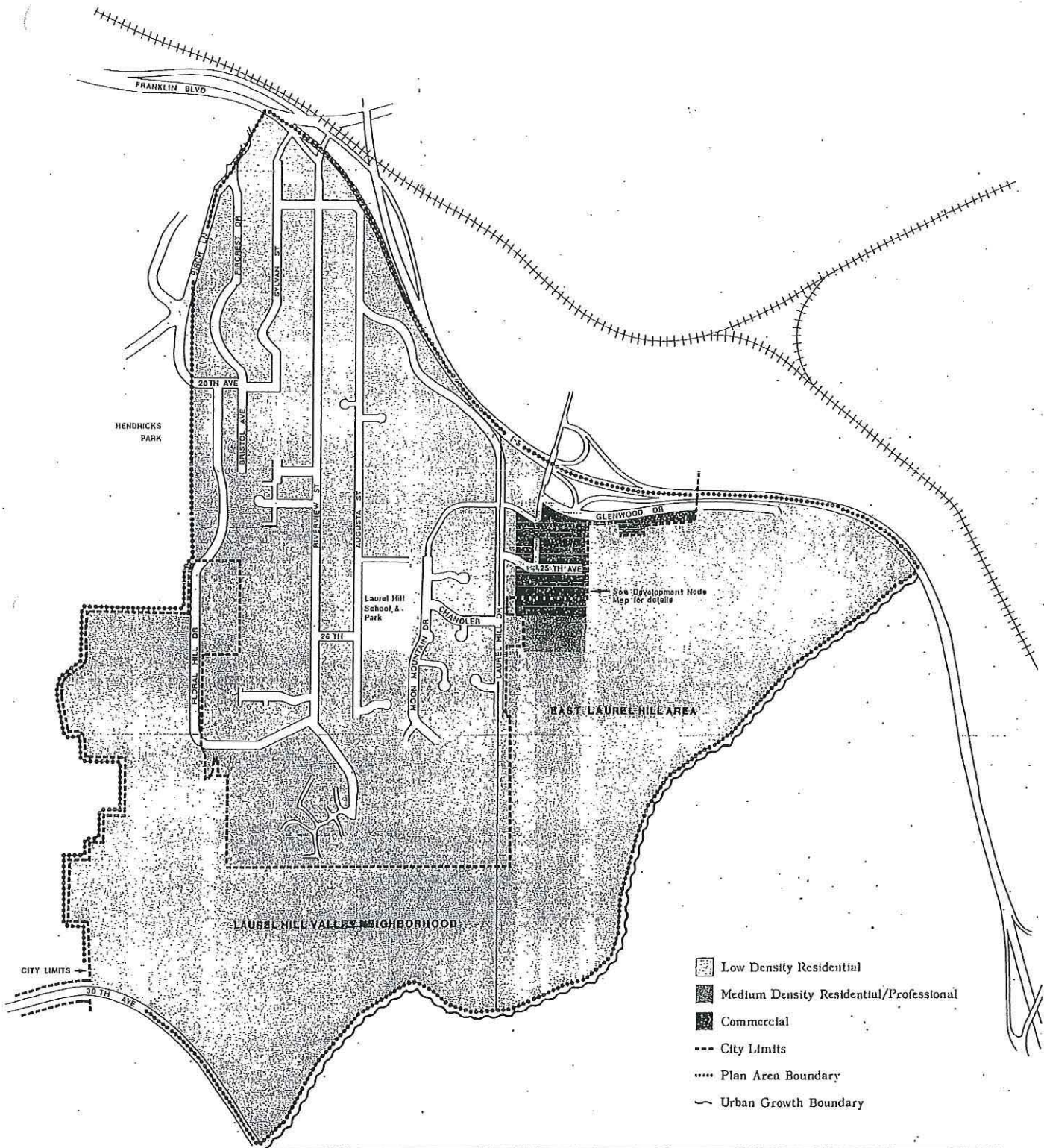
(The interpretation and purpose of the Plan Diagram, and descriptions of the land uses and symbols shown, are contained in Chapter 11-G.)



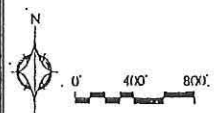


land use

Laurel Hill Refinement Plan



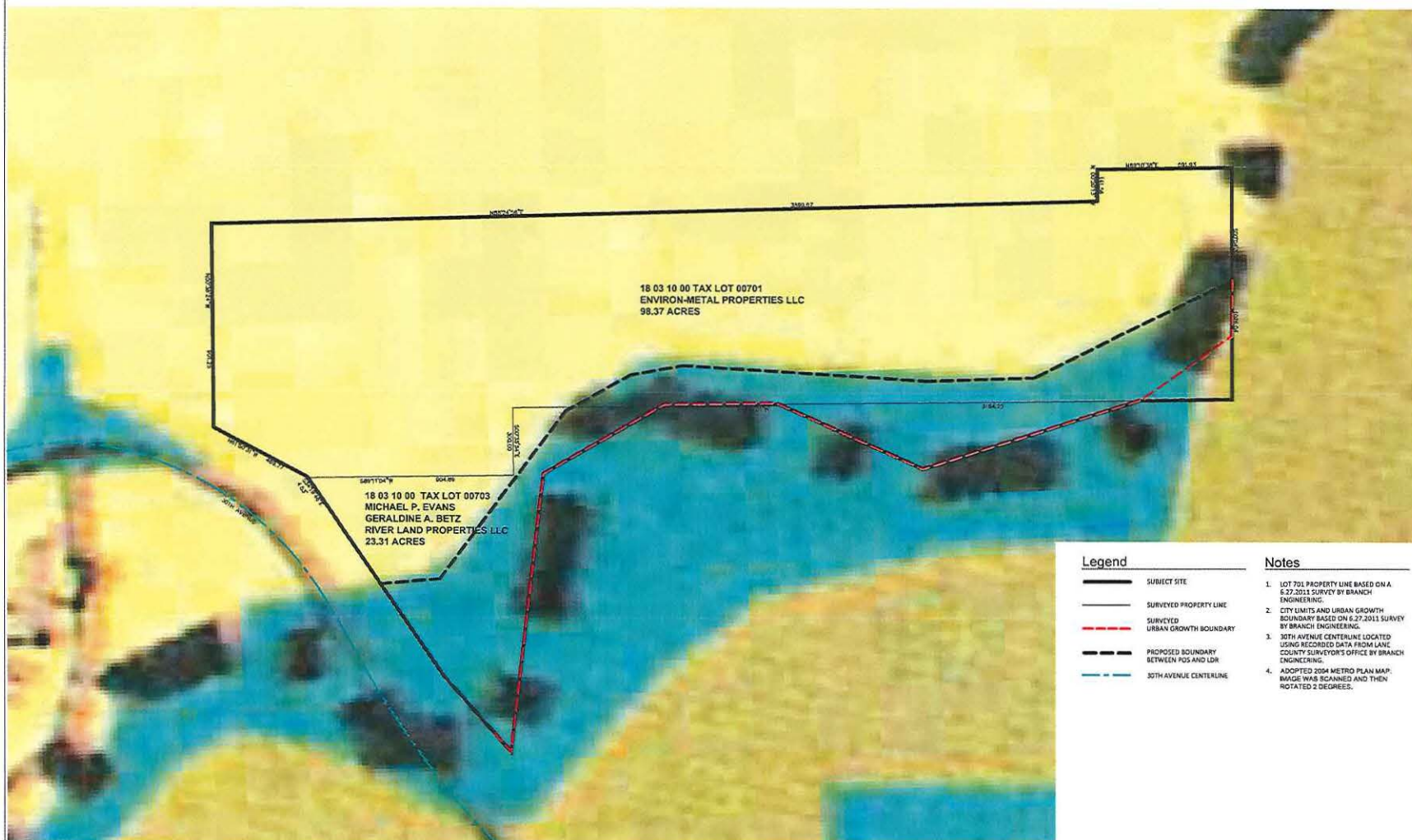
land use



Laurel Hill Refinement Plan

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EXHIBIT L



- Legend**
- SUBJECT SITE
 - SURVEYED PROPERTY LINE
 - SURVEYED URBAN GROWTH BOUNDARY
 - PROPOSED BOUNDARY BETWEEN PDS AND LDR
 - 30TH AVENUE CENTERLINE

- Notes**
1. LOT 701 PROPERTY LINE BASED ON A 6.27.2011 SURVEY BY BRANCH ENGINEERING.
 2. CITY LIMITS AND URBAN GROWTH BOUNDARY BASED ON 6.27.2011 SURVEY BY BRANCH ENGINEERING.
 3. 30TH AVENUE CENTERLINE LOCATED USING RECORDED DATA FROM LANE COUNTY SURVEYOR'S OFFICE BY BRANCH ENGINEERING.
 4. ADOPTED 2004 METRO PLAN MAP. IMAGE WAS SCANNED AND THEN ROTATED 2 DEGREES.

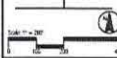
ADOPTED 2004 METRO PLAN MAP: ROTATED



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**ZONE CHANGE: METRO PLAN
DIAGRAM ON SUBJECT PROP.**
LAURELRIDGE
MAP 18-03-10-00, LOTS 701 & 703
NEAR 30TH AVENUE AND SPRING BLVD., EUGENE, OREGON



Revision	#	Date	Description
1	1	6.2.10	Adopted 2004 MP Map

ZC-4
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