



City Manager's Office

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January 6, 2012

Paul Conte
1461 West 10th Avenue
Eugene, OR 97402

Dear Mr. Conte:

I received your letter, mailed on November 9, 2011, asserting that Jefferson Westside Neighbors ("JWN") intends to seek a citizen-initiated enforcement order from the Land Conservation and Development Commission ("LCDC"). This letter constitutes the City's written response to your letter.

Your letter asserts that approximately 250 parcels within JWN's boundaries are zoned in a way that is inconsistent with policies from the Metro Plan (the regional comprehensive plan) and policies from a City refinement plan. You identify the subject parcels as "[a]ll parcels currently zoned R-3 within the 'Eastern Residential / Mixed Use Area' and the 'Northern Residential Area' of the 1982 Westside Neighborhood Plan." I understand that the subject parcels are in the Metro Plan's R-2 Medium Density Residential land use designation and are subject to refinement plan text that indicates a medium density designation but that these parcels are in Eugene's R-3 Limited High Density Residential zone. JWN believes that this zone / designation combination results in a conflict with respect to the allowed uses and densities on the parcels. JWN would like the City to resolve the issue by taking action to down-zone all of the subject parcels from the R-3 zone to Eugene's R-2 Medium Density Residential zone.

Your letter cites ORS 197.320(1) as the basis for JWN's proposed LCDC enforcement order. From the City's perspective, it is not clear that there is an inconsistency in need of correction pursuant to ORS 197.320(1). Nonetheless, with this letter, I am informing you that the City intends to take action which will correct any zone / designation conflicts identified in JWN's request. The remainder of this letter describes the City's intent.

The parcels identified by JWN are among many other parcels, located throughout the City's many neighborhoods, with zoning that may be at odds with current plan designations or policies. The City intends to address this issue in a programmatic way, not on an ad hoc basis, with one neighborhood taking priority over all others.¹ The City intends to address zone /

¹As you know, at the urging and with the involvement of JWN, the City has been particularly attentive to concerns raised by JWN in recent years. The City has developed, adopted and applied two entirely new Special Area Zones for land within JWN's boundaries. The Chambers Special Area Zone was adopted and applied to JWN properties in December 2005 and the Jefferson-Westside Special Area Zone was adopted and applied to JWN properties in December 2009. In addition, in March 2007, the City changed the land use designations in its comprehensive plan and in the Jefferson/Far West Refinement Plan to resolve a zone/plan consistency concern with respect to another JWN area known as "Area 15."

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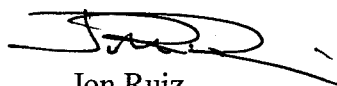
designation conflicts as a component of its "Envision Eugene" project, with which you are familiar.

It would not be prudent for the City to place the Envision Eugene work on hold to immediately address the concerns raised in your letter. Not only is the "Envision Eugene" project the highest planning priority for the City's long range planning staff, it presents the right context for the City to consider and act on zone / designation consistency issues like the one identified by JWN. The Envision Eugene project will include the establishment of a new Eugene Urban Growth Boundary (UGB) and a combination of actions that will demonstrate that the land within the new UGB is sufficient in terms of acres and allowed densities to accommodate the City's needs for the next 20-years. Potential actions include proposals to: revise the Metro Plan and refinement plans, to adopt a new Eugene-specific comprehensive plan and plan diagram, to change the zoning and/or land use designations of parcels throughout the City and to make changes to the uses and densities permitted in specific zones and land use designations. The concerns raised in your letter may also be addressed by revising current plan policies, adopting a new Eugene-specific comprehensive plan, changing the zoning or land use designations for some properties and/or changing the uses and densities that are permitted in some land use designations. Taking action to address JWN's concerns outside of the Envision Eugene process would result in, at least, inefficiency and redundancy of work or, worse, the City Council acting on cross purposes.

As noted above, JWN has requested that the City resolve the alleged conflict between the subject parcels' R-3 Limited High Density Residential zone and their R-2 Medium Density Residential Metro Plan designation by down-zoning all of the subject parcels to Eugene's R-2 zone. However, assuming there is a conflict under ORS 197.320(1), other possible resolutions may be considered. Because any resolution would require action by the Eugene City Council, I cannot be certain how JWN's concerns will ultimately be addressed. While the down-zoning sought by JWN is one possible solution, the City Council could alternatively change the plan designation of the parcels to R-3 to correlate with the parcels' zone, or revise plan or code text to eliminate the perceived density conflicts. With approximately 250 properties at issue, it is also possible that the City Council could take different actions with respect to different parcels. You have not indicated whether the owners of the subject parcels are supportive of JWN's proposal to downzone them. Testimony from the owners may influence the City Council's decision-making.

Considering this response, I hope that JWN chooses to engage in the upcoming local process to address its issues instead of seeking an enforcement order from LCDC. The local process will include notice and hearings before the Planning Commission and City Council.

Sincerely,



Jon Ruiz
City Manager

cc: City Council