



Phone: 541-682-5481
www.eugene-or.gov/406/hearings-official

Meeting Location:
Virtual Meeting (Via Zoom)

The Eugene Hearings Official welcomes your interest in these agenda items. The Permit and Information Center (PIC) is open 12:00pm—4:00pm, Monday through Friday. Information about online or other options for access and participation is available on the next page of this agenda.

For the hearing impaired, assistive-listening devices or an interpreter can be provided with 72-hour notice prior to the meeting. Spanish-language interpretation may also be provided with 72-hour notice. These services may not be available during the meeting but may occur as a follow up service. To arrange for these services, contact the Planning Division at 541-682-5675.

WEDNESDAY, July 20, 2022 – Public Hearing 5:00 pm

Hearing Official: Virginia Gustafson Lucker

I. PUBLIC HEARING: ROSS LANE (CU 21-2)

Description: Request for approval of a Needed Housing—Conditional Use Permit (CUP) for a 39-bed assisted care facility.

File Name (#): Ross Lane (CU 21-2)

Location: No Assigned Address; Located near the northeastern corner of Autumn Avenue and Ross Lane, south of Helen Street.

Assessor's Map / Tax Lots: 17-04-12-34 / 00500

Lead City Staff: Josh Hoff, Associate Planner, 541-682-5437, JHoff@eugene-or.gov

PUBLIC HEARING FORMAT

1. Staff introduction/presentation
2. Public testimony from applicant.
3. Testimony from the public. Due to the virtual meeting platform, the order of speakers will be based on order that persons request to speak (raise virtual hand), as opposed to the order specified under EC 9.7625. For this reason, each person providing comment will be asked to state whether they are in support, neutral, or in opposition to the application.
4. Staff response to testimony.
5. Questions from Hearings Official.
6. Rebuttal testimony from applicant.
7. Closing of public hearing.

The Hearings Official will not make a decision at this hearing. The Eugene Code requires that a written decision must be made within 15 days of close of the public comment period. To be notified of the Hearings Official's decision, state your name and address during the public testimony portion of the public hearing or contact the lead City staff noted above. The decision will also be posted at <https://www.eugene-or.gov/406/Hearings-Official>.

HOW TO ACCESS THE MEETING

To be able to participate in Public Comment join using one of the two following options:

1. Join on your computer, tablet or smartphone

Visit: <https://eugene-or-gov.zoom.us/j/89675214646>

Sign up to speak by clicking once on the "raise hand" icon

2. Join on your phone

Dial one of the below numbers and enter the Webinar ID: 896 7521 4646

+1 833-548-0276 (Toll Free); or
+1 833-548-0282 (Toll Free); or
+1 877-853-5257 (Toll Free); or
+1 888-475-4499 (Toll Free);

For higher quality, dial a number based on your current location.

International numbers available: <https://eugene-or-gov.zoom.us/j/89675214646>

Sign up to speak by dialing *9 (Star-9)

PUBLIC HEARING STAFF REPORT

Conditional Use Permit

File Name (Number): Ross Lane Assisted Living (CU 21-2)

Applicant/Owner: Eugene Zagoruyko
5597 Tradition Alley
Eugene, OR 97402

Applicant’s Representative: Jed Truett, Metro Planning Inc.
846 A Street
Springfield, OR 97477

Lead City Staff: Joshua Hoff, Associate Planner

Relevant Dates: Application Submitted: November 19, 2021
Deemed Complete: April 27, 2022
Public Hearing: July 20, 2022

Property Location: North of Autumn Avenue, south of Helen Street, east of Ross Lane, and west of Klamath Street

Map No. / Tax Lot: 17-04-12-34 / 00500

Size: Approximately 1.88 acres

Application Summary:

Request for a Needed Housing – Conditional Use Permit approval for an assisted group living facility consisting of three separate buildings each containing 13 beds.

Purpose of the Staff Report

Staff reports provide community members an opportunity to learn more about the land use request and review staff analysis of the application. Staff reports are available seven days prior to the public hearing (see EC 9.7320). The staff report provides only preliminary recommendations, and information. The Hearings Official will also consider additional public testimony and other materials presented at the public hearing before making a decision on the application. The Hearings Official’s written decision on the application is typically made within 15 days following close of the public record, following the public hearing (see EC 9.7330). For reference, the applicable quasi-judicial hearing procedures are described at EC 9.7065 through EC 9.7095.

APPLICATION DETAILS & PROCEDURE

The applicant is requesting approval of a Needed Housing – Conditional Use Permit for the development of an Assisted Living Care Facility. For the detailed description, see the applicant’s written statement. The applicant submitted several iterations of materials. The set under review is the written narrative submitted June 2, 2022, landscape plan submitted April 28, 2022, photometric plan submitted November 19, 2021, utility plans submitted April 28, 2022, and the site plan submitted June 24, 2022. The subject site is identified as Tax Lot 00500 of Assessor’s Map 17-04-12-34 and is currently vacant. The site is at the northeast corner of the intersection of Autumn Avenue and Ross Lane, south of Helen Street, and west of Klamath Street.

Timing, Notice, and Testimony

Application Timeline	Application Submitted	November 19, 2021
	Deemed Complete at the Applicant’s Request	April 27, 2022
	Timeline Extension of 30 days	May 9, 2022
	Noticed (per EC 9.7315)	June 17, 2022
	Public Hearing	July 20, 2022

The applicant met with staff on November 18, 2020 to discuss the proposal, in compliance with EC 9.7005 Pre-application Conference. The applicant held a neighborhood meeting on September 27th, 2021 in compliance with EC 9.7007 Neighborhood/Applicant Meetings.

Public Notice

Public notice of this Conditional Use Permit application was provided in accordance with Eugene Code (EC) 9.7315 requirements.

Testimony

No written testimony was received prior to issuance of this staff report.

Referrals

The Planning Division also provided information concerning the application to appropriate City departments, public agencies, neighborhood associations, and service providers. All referral comments received by the Planning Division on this application are included in the application file for reference. The substance of any relevant referral comments is addressed in the context of applicable approval criteria and standards in the following evaluation.

EVALUATION

In accordance with EC 9.7330, the Hearings Official is required to approve, approve with conditions, or deny a Type III land use application. The decision must be based on, and be

accompanied by, findings that explain the criteria and standards considered relevant to the decision. It must also state the facts relied upon in rendering the decision and explain the justification for the decision based upon the criteria, standards, and facts set forth.

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

EC 9.8100(1): The applicant has demonstrated that the proposed housing is needed housing as defined by State statutes.

Oregon Revised Statutes define needed housing as follows:

(1) As used in ORS 197.307, “needed housing” means all housing on land zoned for residential use or mixed residential and commercial use that is determined to meet the need shown for housing within an urban growth boundary at price ranges and rent levels that are affordable to households within the county with a variety of incomes, including but not limited to households with low incomes, very low incomes and extremely low incomes, as those terms are defined by the United States Department of Housing and Urban Development under 42 U.S.C.

1437a. “Needed housing” includes the following housing types:

- a) Attached and detached single-family housing and multiple family housing for both owner and renter occupancy;
- b) Government assisted housing;
- c) Mobile home or manufactured dwelling parks as provided in ORS 197.475 to 197.490;
- d) Manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated manufactured dwelling subdivisions; and
- e) Housing for farmworkers.

(2) Subsection (1)(a) and (d) of this section does not apply to:

- a) A city with a population of less than 2,500.
- b) A county with a population of less than 15,000.

(3) A local government may take an exception under ORS 197.732 to the definition of “needed housing” in subsection (1) of this section in the same manner that an exception may be taken under the goals.

To establish the type of housing proposed for development as “needed housing,” an applicant must show that the proposed housing falls within the statutory definition (see above). The proposal for an Assisted Living Care Facility is considered “needed housing” as the proposal will provide housing on land zoned for residential use. Additionally, the Eugene Code lists Assisted Care as a type of residential use, further demonstrating that it can be considered needed housing (see EC 9.2740). Based on these findings, EC 9.8100(1) is met.

EC 9.8100(2): If applicable, the proposal complies with the standards contained in EC 9.5500 Multiple-Family Standards.

This criterion is not applicable as this proposal is for an Assisted Living Care Facility and not a Multiple-Family development.

EC 9.8100(3): For areas not included on the city's acknowledged Goal 5 inventory, the proposal will preserve existing natural resources by compliance with all of the following:

The subject site is located outside the city's acknowledged Goal 5 inventory areas. The following standards are applicable.

(a) The proposal complies with EC 9.6880 to EC 9.6885 Tree Preservation and Removal Standards.

The applicant's Existing Condition plan sheet shows 15 trees on the subject property. The applicant's written narrative indicates that all existing trees will be removed, and that new trees will be planted. The applicant includes a landscape plan that shows new trees being provided on the site.

EC 9.6885(2) requires an applicant to submit materials from a certified arborist or licensed landscape architect that demonstrate that consideration of trees and whether they should be preserved has occurred. While the applicant's materials include a proposal for new trees, materials from a licensed landscape architect or certified arborist that demonstrate consideration of whether trees should be preserved is absent from the applicant's materials. To ensure that a certified arborist or landscape architect reviews existing trees on the site to see if they can be retained, the following condition is provided:

- Prior to the issuance of a development permit, the applicant shall submit a report from a certified arborist or licensed landscape architect that demonstrates compliance with EC 9.6885(2).

Based on the available information and condition above, the applicable provisions from EC 9.6880 to EC 9.6885 will be met.

(b) Natural resource areas designated on the comprehensive plan diagram as "Natural Resource" are protected. Protection shall include the area of the resource and a minimum 50 foot buffer around the perimeter of the natural resource area.

The subject site is not designated as a Natural Resources area. This criterion is not applicable.

Based on the available information and findings above, EC 9.8100(3) is met.

EC 9.8100(4): The proposal complies with all applicable standards, including, but not limited to:

This criterion lists specific standards that a project must demonstrate compliance with, but also includes a broad statement that indicates that it is not intended to be limiting and additional standards may apply. For the purpose of review of the applicant's request, staff has focused on the listed standards necessary for CUP approval. Following that evaluation, staff has also reviewed additional standards which the applicant has provided information about.

(a) EC 9.6706 Development in Flood Plains through EC 9.6709 Special Flood Hazard Areas – Standards.

These standards are not applicable as the subject property is not located in a Special Flood Hazard Area.

(b) EC 9.6710(6) Geological and Geotechnical Analysis.

This standard requires certification from a licensed Civil Engineer with geological experience or a licensed Engineering Geologist that the proposed development activity will not be impacted by existing or potential stability problems or any of the following site conditions: springs or seeps, depth of soil bedrock, variations in soil types, or a combination of these conditions. In the event any of these conditions exist, the engineer shall provide recommendations to safely address the conditions, and the applicant is required to submit a statement agreeing to develop in accordance with the engineer's recommendations.

On July 12, 2022 the applicant submitted a geotechnical analysis prepared by Ronald J. Derrick, P.E., G.E., that addresses this standard. The analysis concludes that the proposed development will not be adversely impacted by the conditions noted by EC 9.6710(6) if designed and constructed in accordance with generally accepted practices for geotechnical engineering in the Eugene area. Based on the available information, this standard is met.

(c) EC 9.6730 Pedestrian Circulation On-Site.

(3) Per EC 9.6730 *Design of On-Site Pedestrian Facilities*. All on-site pedestrian paths provided for the purposes of complying with this land use code shall conform with the following standards:

(a) On-site pedestrian paths shall provide direct access from public ways to building entrances.

The application materials include a site plan submitted June 24, 2022 illustrating direct access from public ways to building entrances via direct connections or via crosswalks. This standard is met.

(b) On-site pedestrian paths shall be constructed of concrete, a comparable hard surface material, or any property designed pervious surface that complies with the Americans with Disabilities Act.

The applicant notes sidewalks and paths will be composed of 3000 PSI concrete and provides details on sheet C-3.1 to further demonstrate the proposed paths will meet this standard.

(c) On-site pedestrian paths shall be raised to standard curb height when adjacent to public and private streets or driveways.

The applicant's site plan submitted June 24, 2022 illustrates pedestrian paths raised to standard curb height when adjacent to public and private streets or driveways. This standard is met.

(d) On-site pedestrian paths intersected by driving aisles shall be marked with striping or constructed with a contrasting paving material to indicate a pedestrian crossing area.

The applicant's site plan submitted June 24, 2022 illustrates pedestrian crossing areas marked with white striping. This standard is met.

(e) Pedestrian scale lighting in conformance with the standards in EC 9.6725 Outdoor Lighting Standards shall be provided along pedestrian facilities

The applicant supplied a site plan with the statement "The following standards will be complied with at the time of building permit submittal. EC 9.6725 – Outdoor Lighting Standards." The applicant also submitted on November 19, 2022 a lighting plan entitled "Ross Lane Photometrics Report". This report illustrates the lighting type and photometric impact of said proposed lighting on the subject property. Detailed review of lighting standards will be reviewed at the time of building permit review as stated on the site plan. This standard is met.

(d) EC 9.6735 Public Access Required.

The development site has frontage on Ross Lane and Klamath Street. Referral comments from Public Works confirm that the proposed access to Ross Lane, classified as a medium-volume local street, is consistent with applicable section of EC 7.420. This standard is met.

(e) EC 9.6750 Special Setback Standards.

This standard allows the City to require a special setback when public right-of-way widths are less than the amount needed to design and construct streets in accordance with City standards. The special setback ensures that buildings are constructed in a manner that they will conform with front and interior setbacks when the streets upon which they front are widened and improved to City standards.

Attachments

Attachment A: Vicinity Map

More Information about the land use application process, approval criteria, and general information can be found here: <https://www.eugene-or.gov/3208/Land-Use-Information>

The application materials, and file are available to review for any interested parties. As a courtesy, materials may also be available on the City's website at: <https://pdd.eugene-or.gov/LandUse/ApplicationDetails?file=CU-21-0002>

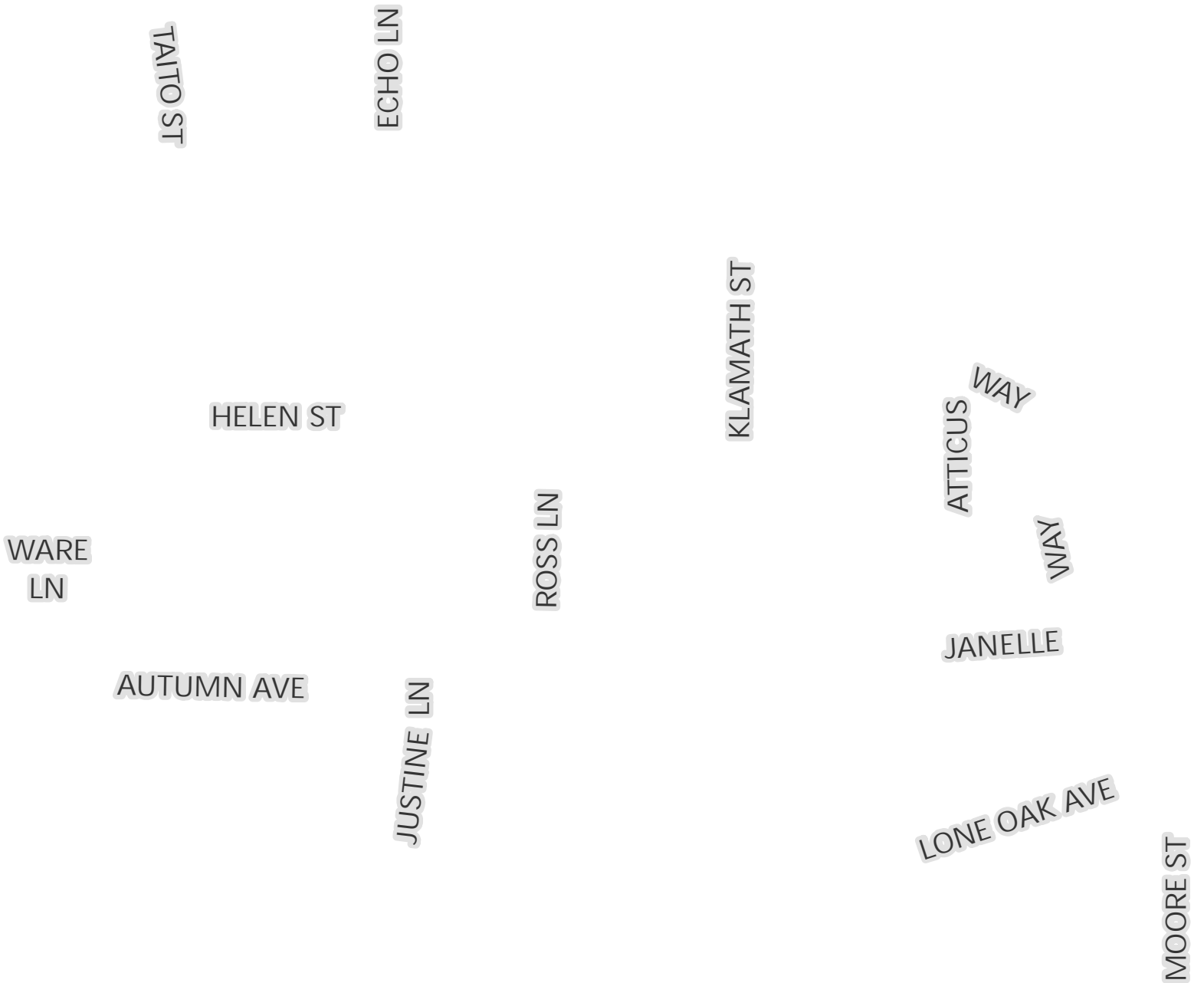
To protect the health of staff and community members, staff can provide digital materials or make appointments to view a physical set of materials. The Permit and Information Center is open for limited hours from 12:00p-4:00p Monday through Friday. The Hearings Official will receive a full set of application materials for review prior to the public hearing.




For more information, please contact Josh Hoff, Associate Planner, Planning Division, at: (541) 682-5437; or by e-mail, at: JHoff@eugene-or.gov.

Ross Lane Conditional Use Permit (City File: CU 21-2)

Vicinity Map

Attachment A



-  Subject Property
-  Taxlots
-  Eugene UGB



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

Created on 7/13/2022
by City of Eugene Planning Division

