

## SERVICES PROPOSAL / AGREEMENT

October 28, 2011

Mr. Dale Riddle  
Industrial Corridor Community Organization  
c/o Seneca Sawmill Company  
PO Box 851  
Eugene, OR 97440

Re: Eugene Industrial Corridor Overlay Zone  
Land Use Planning Assistance

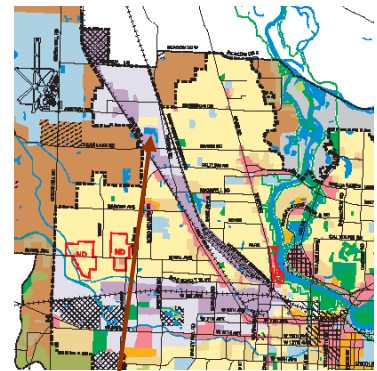
Dear Dale,

Thank you for contacting Bill Kloos and myself regarding the 1991 Annexation and Urban Services Policy Agreement between the Industrial Corridor Community Organization and the City of Eugene. We have spent some time reviewing the agreement, including the planning and policy context for the agreement then and now, and have concluded that the best course of action is to replace the agreement with a new overlay zone for the industrial corridor. Thus we present a proposal herein for your consideration. We are honored to assist you and the ICCO with the project.

### Understanding

#### Planning Context

The Industrial Corridor is home to a number of long-standing, successful businesses – businesses which are important to the local community as they represent economic activity and employment opportunity. The area is largely outside of the city limits of Eugene and operates without a full suite of urban services (such as sanitary sewer service). In order for businesses within the Corridor to grow, such urban services will need to be extended to the neighborhood. In compliance with state and Federal regulations, this can only occur through eventual annexation to the city. In this regard, the 1991 Annexation and Urban Services Policy Agreement commemorated a number of understandings and agreements between the Industrial Corridor and the City, including an assumed annexation date of 2010.



Excerpt  
MetroPlan Diagram 2004

ICCO Neighborhood



As the 2010 date has come and gone, the 1991 Agreement needs to be revised or replaced. An initial assessment is that the best course of action would be to replace the Agreement with an amendment to the Eugene Code.

As a Code amendment is drafted, additional planning documents, policies and ordinances will be consulted. These documents include the Eugene-Springfield Metropolitan Area General Plan (MetroPlan), the Eugene-Springfield Transportation System Plan (TransPlan), Stormwater Management Plan, Goal 5 Water Resources Conservation Plan, and the in-process Envision Eugene project (including an update to Eugene's buildable lands inventory). Policies and ordinances to review include applicable regulations regarding annexation, county roadway system access, state land use goals and Federal clean water act requirements.

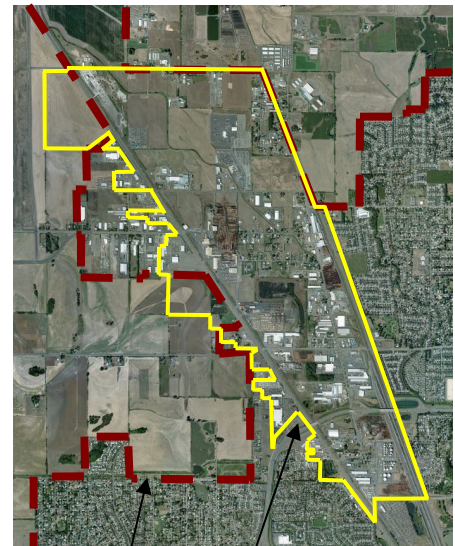
### Physical Setting

The property, located on the northwest fringes of Eugene, is roughly triangular in shape and contains Highway 99, the Northwest Expressway, Prairie Road and the main west coast north-south line for Southern Pacific Railroad. The Eugene Airport is nearby. (We have mapped the boundaries in detail, based on the metes and bounds description accompanying the 1991 Agreement.

Soils are well-draining and there is adequate water and substantial electrical infrastructure.

These transportation and utility facilities, combined with the area's large-lot configuration create a setting highly conducive to its present and future heavy industrial nature.

The ICCO is a valuable asset to the city of Eugene.



Urban Growth Boundary  
Subject Site

ICCO Neighborhood  
With UGB  
Bing Maps 2010

### Project Objective

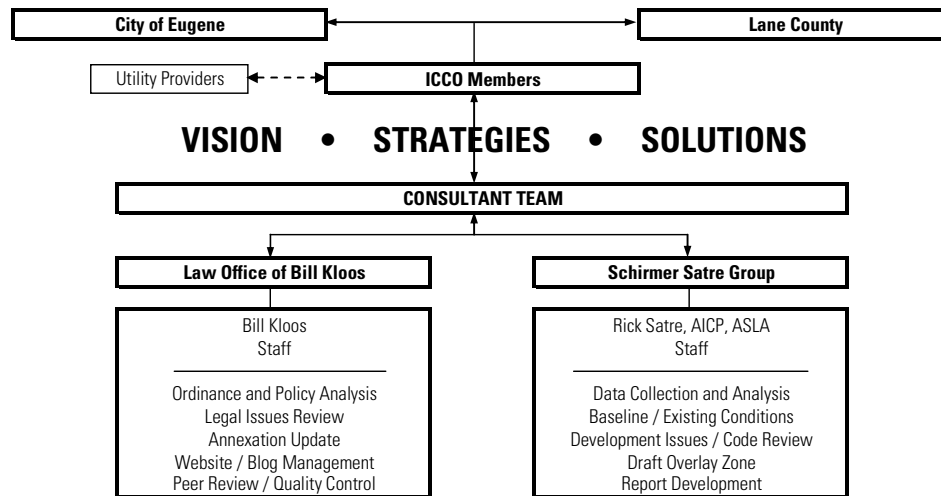
Our objective is to generate a proposed overlay zone for the ICCO for consideration and adoption by the City of Eugene. An overlay zone would leave all the base zoning in place. It would modify the development standards and approval procedures that apply in the area, so as to accomplish a list of objectives. Specific objectives include:

1. Add incentives to the code to encourage owners to annex.
2. Remove things from the code that discourage owners to annex.
3. Make the ground truly ready and available for development on short notice by:
  - a. Expanding the range of uses allowed outright.
  - b. Removing time consuming discretionary approvals.
  - c. Modifying development standards that make little sense in terms of industrial uses.
4. Document the proposed overlay zone work with:
  - a. A hard copy final report, which includes draft overlay zone and supporting research;
  - b. A web-based blog that gets input along the way from ICCO members.

## Services

### Team

Bill Kloos and Rick Satre have successfully assisted a number of property owners with a variety of land use related challenges. We approach assignments as a team. We view the client/property owner as an equal member of the team. We envision the ICCO overlay code team as follows:



### Approach

The key to successful land use planning in Oregon is thorough research and analysis of prospective regulations and requirements, followed by a strategic approach to application development and regulatory approval processes. Success comes through taking things one step at a time, each step providing clarity and focus for the next round of activity.

In that regard, we have developed the proposed scope of work outlined below to help you achieve your project objectives. We will work closely with you throughout the process. I believe you will find us very flexible and responsive, with your project objectives foremost in our mind.

### Tasks

#### PHASE I – EUGENE INDUSTRIAL CORRIDOR OVERLAY ZONE

##### TASK 1 – DOCUMENT THE BASELINE SITUATION (“EXISTING CONDITIONS”)

This is primarily a graphic presentation of how the neighborhood looks at present. We envision showing in a series of maps, the types of information that are essential to whether and how the area develops. No new wheels will be designed. Rather, we will higrade and reformat City of Eugene and/or RLID GIS data, as relevant, and update that as needed. Key graphics should include: existing roads (including jurisdiction: state vs. county vs. city); new roads planned in TransPlan; stormwater drainage basins and jurisdiction; stormwater infrastructure; sanitary sewer infrastructure; the largest consolidated ownerships in the area (for purposes of preserving large contiguous sites); basic jurisdictional boundaries (city; UGB; Metro Plan; rural Lane County); MetroPlan designations; base and overlay zoning; identified Goal 5 resources.

This will give ICCO members a snapshot of the neighborhood with respect to the characteristics most important to development. The product of this work will be available on the ICCO blog website, and should have direct utility for each landowner in planning and developing their property. Specific tasks include:

- 1.01 Identify types and sources of existing conditions data.
  - a. Jurisdictional.
  - b. Regulatory.
  - c. Physical / Environmental.
  - d. Infrastructure.
- 1.02 Review list with ICCO. Review with City Attorney.
- 1.03 Finalize list. Collect Data.
  - a. First receive copies of what ICCO members may have on hand.
  - b. Second, collect remainder. Utilize available public sources.
- 1.04 Review collected data with the ICCO. Identify if any data gaps exist.
  - a. Discuss data gaps. Determine if gaps are critical, if data can/should be collected.
  - b. Determine who, how, when to collect additional data, if any.
  - c. Collect/receive additional data.
- 1.05 Conduct analysis. Generate Draft Baseline Situation (Existing Conditions) Report.
- 1.06 Present report to ICCO. Present to City Attorney.
- 1.07 Finalize and deliver Report to ICCO. Post selected excerpts to ICCO Website.

|                                                                                             |
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| Understanding existing conditions provides a solid starting point for any land use process. |
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## TASK 2 – IDENTIFY CURRENT DEVELOPMENT ISSUES (“CODE REVIEW”)

This part of the report will zero in on the problems with the current regulations that need refinement in order to meet the objectives listed above.

This will start by identifying the characteristics of the ICCO that make it unique and deserving of special treatment in an overlay zone. Some of the unique qualities include: huge amounts of industrial zoning; home to traditional industries; concentration of rail, highway and air access; potential for redevelopment with more modern industrial uses that need large sites; existing patchwork of annexed land; facing the annexation imperative with largely rural level of facilities and services.

We will continue by combing the Eugene Land Use Code regarding permitted uses, development standards and review processes that frustrate achieving the objectives above in the ICCO neighborhood<sup>1,2</sup>. Each identified problem area will be tied back to the code and explained, when possible, with examples from city files or appeal decisions, how the problem arises.

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<sup>1</sup> As we review other adopted plans (MetroPlan, TransPlan) we will identify where said plan policies or requirements may exacerbate a particular problem or provide a possible means to solve or minimize a problem.

<sup>2</sup> Permitted uses, development standards and process that pinch the neighborhood are found primarily in EC 9.2400 (Industrial Zones), EC 9.6000 (General Standards for All Development), EC 9.7000 (Application Procedures) and EC 9.8000 (Application Requirements and Criteria).

For reference, the Eugene zoning code, EC Chapter 9, is online<sup>3</sup>. (It can also be reached through a link on the ICCO blog.) Currently anticipated code sections which will be subject to this review are attached.

Specific tasks include:

- 2.01 Identify defining characteristics of the ICCO neighborhood.
- 2.02 Review list with ICCO.
- 2.03 Finalize list. Outline and analyze the Eugene Land Use Code.
  - a. First, outline existing code.
  - b. Second, identify ICCO conflicts.
  - c. Third, identify potential changes to the code that would address (eliminate) ICCO conflicts.
- 2.04 Outline applicable ordinances and policies. Conduct legal analysis.
- 2.05 Review results with ICCO.
  - a. Determine if additional analysis or proposed code changes are warranted.
  - b. Conduct additional analysis, if determined to do so.
- 2.06 Revise outline. Generate Draft Development Issues (Code Review) Report.
- 2.07 Present report to ICCO. Present to City Attorney.
- 2.08 Finalize and deliver Report to ICCO. Post selected excerpts to ICCO Website.

|                                                                                   |
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| Knowing the regulatory framework is invaluable for the planning approval process. |
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### TASK 3 – REVIEW ANNEXATION REQUIREMENTS (“ANNEXATION AGREEMENT”)

With the demise of the Boundary Commission, there will be no more island annexations in the ICCO. Annexations will be done by the city, which will apply standards consistent with state law. Hence the city’s new interest in facilitating annexation in the ICCO.

Utilizing the results of the above work, we will develop a list of impediments/barriers to voluntary annexation, identifying requirements and/or costs that could discourage ICCO property owners from considering annexation to the city of Eugene.

Concurrently, we will identify potential incentives, motivating reasons, for ICCO property owners to consider annexation. We will outline pros and cons to annexation, seeking to arrive at a set of finite mutual benefit conditions for both the city and the property owner.

Currently anticipated code sections which will be subject to this review are attached. Specific tasks include:

- 3.01 Outline applicable annexation sections of the Eugene Code.
  - a. Outline existing code.
  - b. Identify ICCO conflicts.
    - Impediments/barriers to annexation.
    - Requirements/costs of annexation.
  - c. Identify potential changes to the code that would address annexation issues.
    - Specific code language.
    - Associated incentives, pros/cons, and mutual benefits.

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<sup>3</sup> <http://www.eugene-or.gov/portal/server.pt?open=512&objID=269&PageID=1790&cached=true&mode=2&userID=2>

- 3.02 Outline applicable ordinances and policies. Conduct legal analysis.
- 3.03 Review results with ICCO.
  - a. Determine if additional analysis or proposed code changes are warranted.
  - b. Conduct additional analysis, if determined to do so.
- 3.04 Revise outline. Generate Draft Annexation Requirements (“Annexation Agreement”) Report.
- 3.05 Present report to ICCO. Present to City Attorney.
- 3.06 Finalize and deliver Report to ICCO. Post selected excerpts to ICCO Website.

#### TASK 4 – PROPOSED OVERLAY ZONE FOR THE ICCO NEIGHBORHOOD

With the above, we will draft an ICCO Overlay Zone for the ICCO neighborhood. The draft will comply with Eugene Land Use Code requirements, contents and formats of Section 9.4000-Overlay Zones, as well as address related code sections regarding consideration of underlying base zones, annexation status, development requirements and applicable applications and their requirements and procedures. Specific tasks include:

- 4.01 Generate a Draft ICCO Overlay Zone.
- 4.02 Conduct ordinance, policy and legal analysis.
- 4.03 Review with ICCO.
  - a. Determine if additional zone language is warranted or desired.
- 4.04 Revise Draft code. Generate Draft ICCO Overlay Zone Code Amendment Report.
- 4.05 Present report to ICCO. Present to City Attorney.
- 4.06 Finalize and deliver Report to ICCO. Post selected excerpts to ICCO Website.

#### TASK 5 – WORK PRODUCT PROCESSING

The above work will be conducted with ICCO and City of Eugene involvement. We will use a web-based blog to keep interested parties updated and involved in this process. There will be a review session with ICCO representatives one to two times during each of the above parts of the process. ICCO member comments will be noted and discussed, with incorporation of ICCO review into subsequent work.

Similarly, City of Eugene representatives will be consulted during each of the above parts of the process.

The end result will be that both parties to the new overlay zone, ICCO and City, will have assisted in keeping the direction and the details of the new overlay zone grounded and on track. Specific tasks include:

- 5.01 Development, beta-testing and managing ICCO website and blog.
- 5.02 ICCO meetings/presentations (4 to 6 meetings).
- 5.03 City of Eugene meetings/presentations (3 to 4 meetings).
- 5.04 Uploading material to the website. Facilitating blog communication.
- 5.05 The final deliverable will be in both paper and digital format. In full-color, ready for reproduction and distribution.

At this point in time, we should have a CLEAR UNDERSTANDING of what will be needed to  
ICCO objectives.

## **PHASE II – AMENDMENTS AND AGREEMENTS**

More will be known of specific requirements or desired next steps upon the conclusion of Phase I. At that time, we can discuss moving the project forward if so desired. There are two potential next steps which could be implemented. These include: Amending the Eugene Code with the contemplated Industrial Corridor Overlay Zone and replacing the 1991 Annexation Agreement.

### **Anticipated Timeline**

Land use planning in Oregon is a rigorous process. Although standardized as much as possible, specific requirements, their component parts and the resulting processing time is as unique as every parcel of property is different. While it is impossible to precisely calculate the amount of time an activity will take, it is possible to outline a generalized timeline. Given this, the outline below presents an anticipated timeline for the above tasks. (Days are calendar days)

#### **PHASE I – EUGENE INDUSTRIAL CORRIDOR OVERLAY ZONE**

|                                              |                                 |                                                                                                                          |
|----------------------------------------------|---------------------------------|--------------------------------------------------------------------------------------------------------------------------|
| Task 1 – Document Baseline Situation         | 50-60 days                      |                                                                                                                          |
| Task 2 – Identify Current Development Issues | 45-50 days                      | (First part of Task 2 can overlap with Task 1; Task 2 will use results of Task 1. )                                      |
| Task 3 – Review Annexation Requirements      | 30-35 days                      | (First part of Task 3 can overlap with concluding part of Task 2; Task 3 will be completed utilizing results of Task 2.) |
| Task 4 – Generate Proposed Overlay Zone      | 25-35 days                      |                                                                                                                          |
| Task 5 – Work Product Processing             | <u>0 days</u>                   | (concurrent with the above)                                                                                              |
| Total – Phase I =                            | In Round Numbers – 150-180 days | (5 to 6 months)                                                                                                          |

### **Commencement of Services**

We are prepared to commence services within 10 to 15 days of receipt of a signature below. It is hoped this proposal meets with your needs and expectations. Please call should you have any questions. Should this meet with your approval, please sign and date in the space provided below and return one copy to Schirmer Satre Group. Again, thank you for the opportunity to assist you with the project.

Sincerely,

*Richard M. Satre*

Richard M. Satre, AICP, ASLA, CSI, Principal, Schirmer Satre Group

Enclosures: Attachment – Code Sections to be Reviewed  
Compensation Schedule  
Planning Services Flyer

ACCEPTED BY:

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Signature / Printed Name

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Date