

# PROTECTING THE PARK

*Fairmount neighbors band together to stop PUD and protect Eugene's 'crown jewel'*

**H**endricks Park is Eugene's first and oldest city park — 78 acres of hiking trails, flower gardens and open space provide a wooded escape from the hustle of the urban center. A steep drive separates the Fairmount and Laurel Hill Valley neighborhoods from the rest of Eugene, but the historic homes interspersed with modern designs offer a picturesque view of the city.

Coveted land around the park has been sparsely developed, and a proposed Planned Unit Development (PUD) in the Capital Hill neighborhood behind Hendricks Park could have ramifications such as increased traffic, noise and landslides.

Facts are being called into question on a Trumpian scale as opponents and supporters of the project have spent years hiring professionals to establish the credibility of their arguments.

Opponents assert that safety for the neighborhood and the crown jewel of Eugene's park system hang in the balance. PUDs allow developers to meet density and land-use goals without having to adhere to strict zoning rules, affording flexibility and opening the door for setting new precedents.

A hearing is scheduled for Wednesday, March 7, to determine the future of the Capital Hill PUD.

## MEET THE NEIGHBORS

When he started planning his development in 2013, Tom Dreyer, a retired plastic surgeon living in the neighborhood, dreamed of a small project that had wide-reaching impact — a “viable neighborhood.” Dreyer says he bought the property to prevent someone else from developing it at maximum density.

Only one of Dreyer's plans has been submitted to the city as a formal proposal. He says he wanted input from his neighbors, but they have resisted his plans.

The Capital Hill neighborhood and proposed PUD is nested in the East Hills of Eugene. Signs decrying the safety of the Capital Hill PUD dot the winding road leading to the top of Capital Drive and the “Pink House” where Dreyer lives.

Neighbors are concerned about traffic safety: Capital Drive is a steep, winding road with sharp curves and blind corners. Residents and visitors are allowed to park on the road, creating safety hazards.

Jason Brown, a leader of the Fairmount Neighborhood response committee combatting Dreyer's proposal, says the original plan for five large units was generally accepted. The final plan — the one officially submitted for review — includes 34 lots.

“Almost everyone was okay with five lots,” Brown says, but as the number continued to grow, concerns about safety and the health of Hendricks Park and the neighborhood interfered with Dreyer's plan.

The response committee, Brown says, isn't interested in restricting Dreyer's property rights or his right to develop.

“The Oregon way is not to be confrontational,” Brown says. “People see this vote against it as confrontational with the applicant, but I'm trying to explain that this is how the process works. You have to just reject what's on the table. That's not rejecting his right to develop, just the version he is proposing.”

Dreyer contends that he has been “very generous” in terms of the size of the conservation easement — land where trees will be preserved — and the density at which



JASON BROWN

PHOTO BY ATHENA DELENE

he is building, which is somewhere between 2.6 and 2.9 units per acre.

Dreyer says he is allowed to develop five units per acre; instead, he is choosing to develop at nearly half that.

## UNDERSTAND THE LAWS

Brown says Dreyer is using some “Donald Trump facts” — meaning they're only half-true. Brown explains that while R1 zoning (residential zoning) allows for the development of five units per acre, the private land Dreyer has purchased is only partly in the R1 zone. The situation is complicated by a 1970s study that has been adopted into city code that protects the land.

The South Hills Study recognized the hills surrounding Eugene as an important feature of the city. “That ‘ever-green edge’ is actually protected by the zoning,” Brown says. “So one of our objections is that if the PUD is passed, the entire hilltop will be open to a clearcut.”

The study addresses characteristics of trees that should be preserved by developers. Dreyer's assessment fails the requirements of the code because he hired a landscape architect instead of a certified arborist to evaluate the trees, Brown says.

The response committee hired its own arborist, James Mehrwein, who said the trees the PUD proposal classified as “fair or poor” condition actually “appear to be healthy, quite normal,” according to Brown.

Clearcutting and toothless agreements are concerns for opponents of the PUD. Dreyer has placed a third of the trees on the PUD land in a “do not touch” area, he says. Opponents say these are non-binding words and sentiments.

Any binding covenant would have to be established by the revamped homeowners association for the neighborhood Dreyer is hoping to build. Brown says only the covenants and restrictions written by such associations are