

TO PAVE OR NOT TO PAVE

A hiking trail will be turned into a road if a 14-lot residential development is approved on Spring Boulevard

Neighbors are opposing a planned unit development (PUD) that will pave over part of a public trail in the Fairmount Neighborhood between Spring Boulevard and Central Boulevard.

The tentative PUD, submitted to the city by Furtick Family Limited Partnership, would include an approximately 4.48-acre 14-lot residential subdivision, according to city land use documents.

The PUD is listed as “needed housing,” but just what type of housing is needed is being called into question.

The PUD would extend Spring Boulevard “approximately two-thirds of the way up,” paving partway over the trail to provide access to two culs-de-sac with 14 single-family homes, the documents say.

The city approved the Furtick Family’s tentative PUD application, but the Fairmount Neighbors Association and other individual neighbors appealed that approval in June. The Eugene Planning Commission must now serve as a judge to decide whether to continue with the PUD.

Neighbors say it’s not NIMBY-ism (not in my backyard) that makes them oppose the development.

“It’s not NIMBY. This is a very different situation than that,” Jason Brown says.

Brown lives in the Fairmount neighborhood and was also part of the opposition to the controversial 34-lot Capital Hill PUD project near Hendricks Park. The city confirmed its approval for that tentative PUD on June 14 after an appeal by neighbors, though those involved, Brown says, are now appealing to the Land Use Board of Appeals (LUBA).

People who live in the area of the current proposed PUD say they oppose the development not only because of the elimination of the trail, which is a link to Ribbon Trail as well as the larger Ridgeline system, but also because of the effect on wildlife in the area and the fact that the PUD was filed as “needed housing,” a criterion usually applied to lower- or varied-income housing. Neighbors say that is definitely not what is in store for this development.

“Would people rather have \$14-million homes or a public trail?” Fairmount neighborhood resident Jennifer Jonak says.

Oregon law — ORS 197.307— defines needed housing as housing “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.”

Brown, Jonak and other residents in the area argue that the houses that will be built on these lots will not be affordable to those with varying incomes, and Furtick Family Limited Partnership does not argue against that.

According to city documents, the applicant said, “‘needed housing’ is not the same thing as ‘affordable housing.’” The applicant goes on to say that the city’s “Metro Plan includes

policies that show the city needs housing for all types of housing.”

Jonak and other opponents say the city’s Metro Plan does not state the need for specifically luxury housing.

The Eugene Planning Commission held a public hearing June 26 to consider the Fairmount Neighbors Association appeal.

Those opposing the development, like Brown and Jonak, as well as those supporting the PUD, like Michael Reeder — the applicant’s attorney — gave testimony.

“Market rate housing is needed housing,” Reeder said. “It’s housing within an urban growth boundary.”

“This will build 14 single lots at the expense of hundreds and hundreds of people who use this trail every day,” Jonak said.

She argued that Tax Lot 301, the city land the trail is on, is supposed to be used for a public purpose. Reeder responded that a public road still counts as a public purpose.

A simple solution, opponents said, would be for the Furtick Family to build a road through its own land rather than using the city lot including the trail.

“My understanding is that the Furtick development is able to access their property through their own land and doesn’t need the city lot 301 in order to access their development,” Brown said.

In other words, the developer could build the road next to the trail, not over it. This would eliminate some land planned for the housing development.

“That lot is a public resource,” Brown said. “Ultimately, tax dollars went into that lot and it’s being given, essentially, to a private developer.”

The trail was created in 2010 by EWEB when a water main was installed to connect houses from the top of Hendricks Park to a water reservoir near the intersection of Firland and Spring Boulevards.

“Since EWEB would be clearing vegetation and trenching through the area to install the new water main, staff offered to place gravel over the top of the main to create a more level, bike-friendly path for neighbors,” says a City Council newsletter from 2010. “For a number of years, the City has been seeking to improve connectivity from 30th Avenue to the hiking trails around Hendricks Park, but with no funding in sight for the project, City planners welcomed EWEB’s offer to improve the path.”

Volunteers have since maintained the trail.

“I’m sure legal arguments can be made as to why the city has the right to give that lot to the developer,” Brown said. “The question is, to me, morally whether they should do that.”

The Planning Commission will continue to deliberate the Fairmount Neighbors’ appeal. It has until July 7 to make a decision to accept the PUD application, to reverse its original decision or to modify the application in some way. ■



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