



# APPEAL OF PLANNING DIRECTOR DECISION

This appeal form applies to appeals of interpretation of this Land Use Code made according to EC 9.0040(1) and to appeals to all Type II land use applications. The appeal of the Planning Director’s decision provides for a review of an administrative decision by a higher review authority specified in this Land Use Code. The Planning Director’s decision may be affirmed, reversed, or modified.

**Please check one of the following:**

- |   |   |
|---|---|
| <input type="checkbox"/> Adjustment Review, Minor                 | <input type="checkbox"/> Modification of a Willamette Greenway      |
| <input type="checkbox"/> Adjustment Review, Major                 | <input type="checkbox"/> Partition Tentative                        |
| <input type="checkbox"/> Code Interpretation                      | <input type="checkbox"/> Partition Final                            |
| <input type="checkbox"/> Hazardous Materials Review               | <input type="checkbox"/> PUD Final                                  |
| <input type="checkbox"/> Historic Property Alteration             | <input type="checkbox"/> Site Review                                |
| <input type="checkbox"/> Historic Property Demolition             | <input type="checkbox"/> Standards Review                           |
| <input type="checkbox"/> Historic Property Move                   | <input type="checkbox"/> Subdivision Tentative                      |
| <input type="checkbox"/> Modification of a Conditional Use Permit | <input type="checkbox"/> Subdivision Final                          |
| <input type="checkbox"/> Modification of a PUD Tentative          | <input checked="" type="checkbox"/> Traffic Impact Analysis         |
| <input type="checkbox"/> Modification of a PUD Final              | <input type="checkbox"/> Vacation Improved Public R-O-W             |
| <input type="checkbox"/> Modification of a Site Review            | <input type="checkbox"/> Vacation Improved Public Easement          |
| <input type="checkbox"/> Modification of a Standards Review       | <input type="checkbox"/> Unimproved Public R-O-W with Re-dedication |
| <input type="checkbox"/> Modification of a Subdivision Plan       | <input type="checkbox"/> Variance                                   |

**City File Name:** Amazon Corner Traffic Impact Analysis

**City File Number:** TIA 16-007

**Date of Planning Director Decision:** January 27, 2017

**Date Appeal Filed:** February 8, 2017

(This date must be within 12 days of the date of the mailing of the Planning Director’s decision.)

Attach a written appeal statement. The appeal statement shall include a written statement of issues on appeal and be limited to the issues raised in the appeal. The appeal statement shall explain specifically how the Planning Director’s decision is inconsistent with applicable criteria. Please contact Planning staff at the Permit and Information center, 99 West 10<sup>th</sup> avenue, 541-682-5377, for further information on the appeal process.

A filing fee must accompany an appeal of a Planning Director decision, with some exceptions for neighborhood groups. The fee varies depending upon the type of application and is adjusted periodically by the City Manager. Check with Planning staff at the Permit and Information Center to determine the required fee or check on the web at: [www.eugeneplanning.org](http://www.eugeneplanning.org)

**Acknowledgment**

I (we), the undersigned, hereby acknowledge that I (we) have read the above appeal form, understand the requirements for filing an appeal of a planning director decision, and state that the information supplied is as complete and detailed as is currently possible, to the best of my (our) knowledge.

**APPELLANT:**

Name (print): Dennis Hebert Phone: 541-844-8077

Company/Organization: Southeast Neighbors

Address: 850 E 38th Street

City/State/Zip: Eugene, Oregon 97405 Email: dnns\_hebert@yahoo.com

Signature: \_\_\_\_\_ Southeast Neighbors Board Representative

**APPELLANT'S REPRESENTATIVE:**

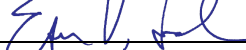
Name (print): Eben Fodor

Company/Organization: Fodor & Associates LLC

Address: 394 E. 32nd Avenue, Eugene, Oregon 97405

City/State/Zip: \_\_\_\_\_ E-mail (if applicable): eben@fodorandassociates.com

Phone: 541-345-8246 Fax: \_\_\_\_\_

Signature: 

**IF** this appeal is being filed by the affected recognized neighborhood association, complete the following:

Name of Association: Southeast Neighbors Association

A majority of the Southeast Neighbors Association Board has approved the Appeal Form pertaining to the Amazon Corner Traffic Analysis.

**Acknowledgment**

I (we), the undersigned, hereby acknowledge that I (we) have read the above appeal form, understand the requirements for filing an appeal of a planning director decision, and state that the information supplied is as complete and detailed as is currently possible, to the best of my (our) knowledge.

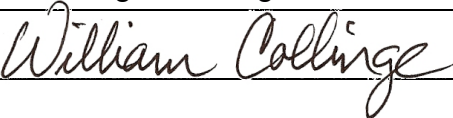
**APPELLANT:**

Name (print): William Collinge Phone: 541-632-3502

Company/Organization: Friends of Amazon Creek

Address: PO Box 5604

City/State/Zip: Eugene, Oregon 97405 Email: william@collinge.org

Signature: 

**APPELLANT'S REPRESENTATIVE:**

Name (print): Eben Fodor

Company/Organization: Fodor & Associates LLC

Address: 394 E. 32nd Avenue, Eugene, Oregon 97405

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Phone: 541-345-8246 Fax: \_\_\_\_\_

Signature: 

**IF** this appeal is being filed by the affected recognized neighborhood association, complete the following:

Name of Association: Southeast Neighbors Association

**From:** Heather Sielicki sielicki@gmail.com  
**Subject:** Support For Appeal  
**Date:** February 7, 2017 at 4:53 PM  
**To:** Eben Fodor eben@fodorandassociates.com  
**Cc:** William Collinge, PhD william@collinge.org

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A majority of the Southeast Neighbors Association Board has approved the Appeal Form pertaining to the Amazon Corner Traffic Analysis.

# FODOR & ASSOCIATES<sup>LLC</sup>

Community  
Planning Consulting

## Appeal Statement

Amazon Corner, TIA 16-007  
Submitted February 8, 2017

The proposed Amazon Corner development would be the largest development built in South Eugene in more than 30 years. At 122,000 square feet of floor area, with 108 residential units and 14,000 square feet of commercial space, this project will have an unprecedented traffic impact on the area. Since traffic in the area is already highly congested, this development would generate a critical mass of traffic pushing nearby intersections beyond capacity and causing traffic from main streets to overflow onto neighborhood streets, resulting in widespread traffic and safety problems.

Applicable rules include those for *Traffic Impact Analysis Review* found in **Eugene Code 9.8650 through 9.8680**, which invoke the "Standards for Traffic Impact Analyses" found in **Administrative Rule R-9.8650** (Administrative Order No. 58-02-02-F, Adoption of Standards for Traffic Impact Analyses).

Specific issues include the following:

- 1) Failure by the City Traffic Engineer and the Applicant to establish an adequately large scope, or study area, for the traffic impact analysis that captures and reflects the traffic impacts that a very large development like the proposed Amazon Corner would have, as required in the purpose statement for the *Traffic Impact Analysis Review* in **Eugene Code 9.8650**, which is directly referred to in the *Approval Criteria* in **EC 9.8680(1)** and is therefore a requirement. This is also a violation of **Administrative Rule R-9.8650-F(8)**, which lists the minimum transportation system that must be included in the TIA.
- 2) Failure to provide adequate baseline traffic data for existing conditions, including full-day hourly traffic counts (to accurately establish AM and PM peak periods) and AM peak traffic counts as required by the minimum

standards for the TIA established in **Administrative Rule Sections R-9.8650-F(4.1) and F(5)**.

- 3) Failure to evaluate the impacts of the proposed development during the AM peak traffic period, which is widely known to be an especially congested period in this area. Analysis and traffic counts for the morning peak periods are required by **Administrative Rule Section R-9.8650-F(5.1)**.
- 4) Failure to properly evaluate the contribution to AM peak traffic of trip generation from the 14,000 square feet of proposed commercial development. Applicant has claimed only "specialty retail" will locate at this development, whereas a wide range of commercial uses are possible. Applicant has made the arbitrary claim that this development will add zero trips to the AM peak without any factual evidence, as required in **Administrative Rule Section R-9.8650-F(6)**.
- 5) Failure to adequately evaluate the impacts of southbound trips from the proposed development, as well as the impacts of westbound and eastbound trips. Trips are merely allocated to the north and south directions on Hilyard and are not allocated to the east or west. Allocated trips are not evaluated in terms of their impacts on the next immediate intersection. A more-rigorous trip allocation should reasonably be required under **Administrative Rule Section R-9.8650-F(7) and -F(8)**.
- 6) Failure to adequately consider the spillover of traffic onto neighborhood residential streets that would result from this proposed development under increased traffic conditions, as required in **Eugene Code 9.8650 and Administrative Rule Section R-9.8650-F(7) and F(8)**.
- 7) Failure to address the obvious conflict between increased southbound left turns from Hilyard onto E 32nd and increased westbound left turns from E 32nd onto Hilyard that would occur under developed conditions, as noted in testimony from Friends of Eugene. The TIA has noted that current problems exist making left turns from 32<sup>nd</sup> onto Hilyard. This is the only route identified in the TIA for southbound trips from the proposed development. Therefore, this is a critical movement that must be analyzed in sufficient detail to establish safety and efficacy. Applicable rules include **Eugene Code 9.8650 and Administrative Rule Sections R-9.8650-F(8.1), -F(9), and -(10)**.

- 8) Failure to adequately recognize and evaluate pedestrian and bicycle traffic and safety, including the adjacent Amazon Bike Path, the nearby Alder Street Bike Route, and Safe Routes to School which uses E 32<sup>nd</sup> Avenue and borders the southern property line of the proposed development, as required in **Eugene Code 9.8650, EC 9.8670(2), and Administrative Rule Sections R-9.8650-F(10) and -G(2).**
  
- 9) Failure by the Applicant to propose, and by the City Traffic Engineer to require, adequate mitigation to protect and preserve the integrity of the transportation system, to maintain public safety, and to protect the quality of neighborhoods in the area by limiting excessive through traffic, as required in **Eugene Code 9.8650 and 9.8680(1) and Administrative Rule R-9.8650-F(9).**

For these reasons, we believe that the Applicant's TIA is inadequate and must be expanded in scope to address the issues identified herein and in testimony previously submitted into the record.

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