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Subject: Response Letter

To: Peter B Gilkey <gilkey@uoregon.edu> Add to address book...

From: Zachary Stark-MacMillan <zstarmac@gmail.com> Add to address book...

Date: Sun, 10 Jan 2010 01:37:08 -0800

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Hi Peter,

Attached is the response memo to Linton's letter. Please include it in the information packet to senators and on the website.

Sorry for the semi-dificult format. (It doesn't seem to copy paste the text very well for use on the website) I uploaded it to a downloading site so you can just post the link on the website if that is more helpful. Let me know if a different format would help you.

Thanks,

zach

Link:

http://www.zshare.net/download/710248421814d122/

Zachary Stark-MacMillan
ASUO Student Senator - Seat 16 (General Science)
University of Oregon Cascade Climate Network Campus Coordinator
zstarmac@gmail.com - 541-357-ZACH (9224)

Download: RFRR_Response_1-13-10.pdf

application/pdf (12.0 MB)

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MEMO

TO: University of Oregon Senate

FROM: Connecting Eugene (citylink@uoregon.edu)

RE: Response to 1-8-10 Richard Linton RRP Memo

DATE: January 11, 2010

INTRODUCTION:

The Conditional Use Permit (CU 88-16) which authorizes the Riverfront Research (RRP) Park Master Plan expired, after twenty years, on October 10, 2009. The University requested a three year extension to extend the completion deadline to October 10, 2012. The extension was approved by the decision of the Planning Director on December 11, 2009 but has been contested. An appeal has been filed and the matter will go before the Eugene Hearing Official on January 20, 2010. During this three-year extension period, the University intends to initiate construction activities on two sites within the RRP. One site is 1700 Millrace Drive, located south of the railroad tracks (i.e. outside of the floodplain). The other development site is located north of the railroad tracks in the western most RRP parcel, abutting the EWEB property and to the west of the Millrace outfall at the Willamette River. This site is also known as the Gateway Parcel or the “Pole Yard”. The building proposed for this site commonly referred to as the “ORI building”, who would be the primary tenant of the new building.

Since April 2009, a coalition of faculty, students and alumni, known as Connecting Eugene, has engaged the University and the Oregon Research Institute (ORI) in dialogue regarding concerns related to the proposed development, which is within the Willamette River Greenway and inside of the designated flood plain. In so far as the University has not demonstrated any substantial studies that consider alternative sites that could be developed prior to the parcels north of the tracks, Connecting Eugene has engaged RRP staff and ORI leadership in identifying the priorities of all stakeholders and considering alternative sites and development scenarios that could result in “win-win” solutions for all parties.

Before development occurs north of the railroad tracks within the RRP, the twenty-year old master plan and conditional use permit, which expired October 10, 2009, should be revised based on a publically accountable, transparent, and participatory process that engages the entire University community, faculty, students, staff, together with the citizens of Eugene, in a meaningful and substantial participatory planning and design process.

Until the master plan is revised in this way, the University Senate should oppose development north of the railroad tracks and support the resolution sponsored by Senator Stark-MacMillan for action at the January 13, 2010 UO Senate Meeting (US 09/10-11).

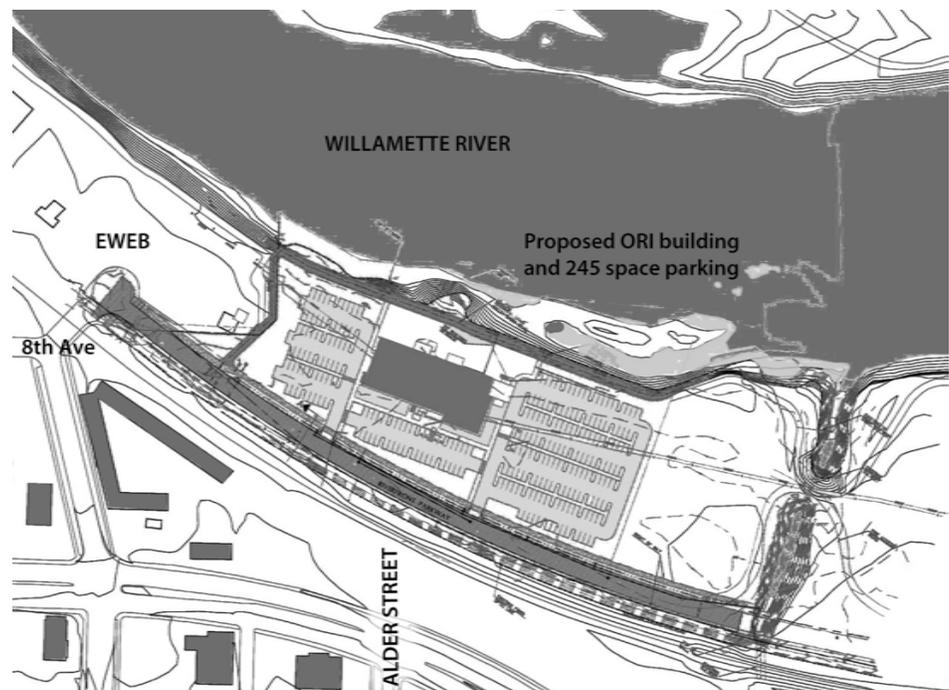
We urge you to consider the following points. We have also made detailed annotations and comments as footnotes inserted below the original text of Richard Linton’s 1-8-10 memo:

- Development on University-owned property, north of the railroad tracks should not continue under the controversial 20 year-old Conditional use Permit and Master Plan until the master plan is updated; the update process must include broadly representative faculty and student input. It is

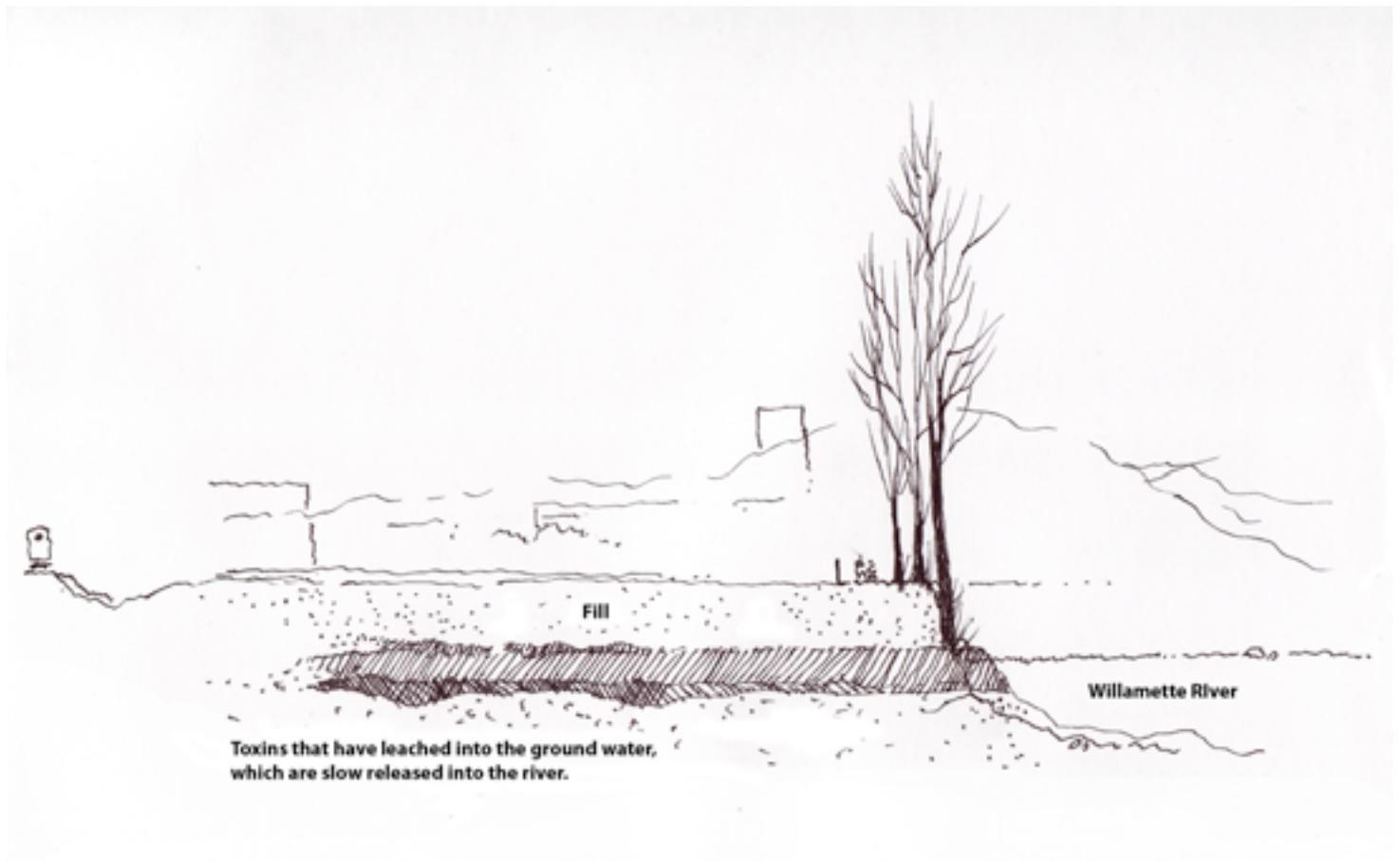
absolutely critical to **update the master plan before development occurs north of the railroad tracks.**

- Richard Linton, in his 1-8-10 memo, proposed: “Two student representatives, recommended by the ASUO President, will be invited to serve on the Riverfront Design Advisory Committee (DAC).” However, such participation is obviously useful **only if it occurs before planning and development is initiated.** Moreover, the ASUO Senate has already voted in unanimous opposition to the proposed development, joining with leading University faculty and citizens.
- Richard Linton's assertion that the proposed development enhances and improves the riverfront area and bicycle facilities is **not shared by leading citizens from the City and University.** In fact, the **City of Eugene received over 600 public comments in opposition to a 3-year extension,** versus 11 comments in favor. Those who submitted public comment in November 2009 opposing a three-year extension include the executive director of the Environmental Law Alliance Worldwide (ELAW), the Bicycle and Pedestrian Advisory Board (BPAC), which is an official advisory committee to the City, Greater Eugene Area Riders (GEARS), the BikeLane Coalition, representatives of the Bicycle Transportation Alliance (BTA), the president of Land Watch Lane County, the Willamette Riverkeeper, an owner of Sperry Tree Care, and Eugene's 4J School District Safe Routes to School Coordinator, among others. Faculty opposition to the extension was strong and came from a variety of departments across the University. Former UO President Dave Frohnmayer, as recorded in the December 1989 Senate meeting minutes regarding the RRP, advocated for a "review process that allows future generations to reevaluate the needs of this community and institution." Twenty years after the master plan was approved, the time is clearly ripe to reevaluate the articulated needs and will of the Eugene citizenry and the *entire* University community.

- The particular type of development that is planned, including a **large surface parking lot fronting the river,** is unacceptable for an institution that is nationally recognized as a leader in sustainability. **This type of development usurps a prime open space and riparian area from the citizens of Eugene, now and for future generations.**



- There are **unresolved issues related to volatile carcinogenic chemicals** (i.e. Benzene) which are underground beneath both the EWEB and University-owned properties. These chemicals continue to leech into the Willamette River through the groundwater, despite the limited cleanup activities which the University has already completed. It is imperative that the University and EWEB collaborate on a thorough and complete cleanup process **prior to initiating development that would foreclose upon appropriate remediation solutions**. The cleanup must address both human-risk and ecological-risk to the highest standards of environmental stewardship. Please see the image below showing the toxic chemicals that, according to a January 2010 interview with DEQ staff, continue to leech into the Willamette River.



In addition to the aforementioned points, please review our comments and responses to Richard Linton's 1-8-10 memo, presented as foot notes to his original text below.

For further information, including access to the City of Eugene's public record for documents related to the RRP and extension request, please visit www.uoregon.edu/~citylink/ Our website includes the City of Eugene record from the 1980s (including extensive appeal documents), materials related to the current 3-year timeline extension request, and public comments received by the City of Eugene.

Thank you for reviewing these materials and for your stewardship of our precious riverfront.

FOOTNOTE ANNOTATIONS/COMMENTS BY CONNECTING EUGENE ARE BELOW ORIGINAL MEMO

Memorandum

To: Peter Gilkey, UO Senate President
From: Richard Linton, Vice President for Research and Graduate Studies
Subject: Riverfront Research Park Planning
[Date: January 8, 2010]

The UO Senate is being asked to support a Student Senate resolution, sponsored by Senator Stark-MacMillan¹, that declares opposition to the planned development of the first² 4.3-acre increment north of the railroad tracks (the Oregon Research Institute site). In advance of this meeting we want to share the following information on the extension and planned projects, and hope that this communication will provide important reassurances related to the evolving vision for future RRP development and campus involvement in planning processes.

Research Mission and the Riverfront Research Park

The UO's research mission includes stimulating innovation and entrepreneurship, and the university has become increasingly successful in translating new discoveries into applications of direct societal and economic benefit³. A key component of the innovation agenda is sustaining an affiliated research park to house research centers and associated facilities for the development of R&D enterprises in the private sector. Impressively, the RRP has a growing list of successful public and private enterprises that are playing a significant and expanding role in the community's incubation and growth of new business ventures. To date, the RRP has been home to 72 companies, including 22 start-ups created by faculty, students or based on UO research. The 30 current RRP tenants have approximately 430 employees and \$25 million in annual payroll, which combined makes it one of the area's largest employers. These ventures also provide extensive internship and employment opportunities for UO students and graduates supporting the knowledge economy.

RRP tenants have diverse research interests closely paralleling UO strengths in behavioral science, biotechnology, disability policy, education, early reading preparation, healthcare, medical devices, nanoscience and nanotechnology, neuroscience and neuroinformatics, and optimization technology. There are many collaborations among private companies and UO departments and research centers, including the NeuroInformatics Center, Center for Second Language Studies, Center for Educational Policy Research, Institute of Molecular Biology, Materials Science Institute, Business, and Computer and Information Sciences.

The RRP houses UO spin-off companies --

- generated from the Technology Entrepreneurship Program (TEP) that offers students experience in evaluating, structuring, and financing the launch of new enterprises and creating spin-offs, such as Floragenex (Nathan Lillegard and Eric Johnson);
- affiliated with Oregon's signature research centers, such as ONAMI/nanoscience that connect university research with the high-tech industry and are spawning start-ups, such as Dune Sciences (Jim Hutchison and John Miller); and
- benefiting from translational research grants and early stage investments from the University Venture Development Fund, intended to produce a growing pipeline of innovations, such as MitoSciences (Rod Capaldi and Mike Marusich), Floragenex and Dune Sciences.

Additional RRP start-ups include companies such as SeSequential Biofuels, VizMe, Electrical Geodesics, Cerebral Data Systems, Imagination International, Kaibrige, Life Technologies, On-Time Systems, ParaTools, Marker Gene Technologies, and StateLogic, among others. The RRP currently is the subject of community interest because the UO seeks a three-year

¹ *The UO Student Senate resolution is largely based on the full UO Senate resolution addressing RRP development north of the tracks that was passed in January 1999.*

² *This ORI development is the **first of many** developments planned for north of the railroad tracks. Because the Pole Yard parcel will be fully built out, we can presume that future development will occur in the River View area, east of the Millrace (See RRP Master Plan). It is a concern that this building will be constructed shortly before the 1989 RRP Master Plan is updated.*

³ *This statement is misleading. While the UO has been very successful in stimulating innovation and entrepreneurship, this is not a significant accomplishment of the RRP over its 20+ year existence. It could be argued that the RRP has been a failure in terms of meeting foundational development goals.*

CUP extension based on the current master plan⁴, while at the same time the first building located between the railroad tracks and river is planned.

3-Year CUP Extension

The UO submitted, and Eugene Planning Department has approved, a three-year extension request of the Research Park's CUP. Opponents have appealed the extension and the issue will go to a hearings official, with a public hearing scheduled on January 20, 2010. The UO's application for an extension is consistent with the criteria governing time extensions and also with the intent of the Conditional Use Agreement entered into between the City of Eugene and the University of Oregon that provides the following as to a time schedule: "The construction will commence by October 10, 1992, and total construction, including landscaping, shall be totally completed on or before October 10, 2012⁵."

During this time the UO will endeavor to complete two projects under the terms of the existing CUP as a substantial investment of time, resources, and commitments have gone into these projects, including:

1) The Trammell Crow Company (TCC) building on the Pole Yard site housing the Oregon Research Institute (ORI) and the Educational Policy Improvement Center (EPIC), a UO spin-off. The Ground Lease on this 4.32-acre site has been executed by the State Board of Higher Education⁶. The \$17 million, 79,800 SF LEED Silver/Gold building has been designed at a cost of over \$500,000⁷, and the building is 100% pre-leased.

2) A multi-tenant research office, lab and tech incubator building at 1700 Millrace Drive, located south of the railroad tracks⁸, has been in the planning and schematic design stage for over a year. The building, housing both UO and private sector companies, will enhance the RRP's mission of helping grow innovative, vibrant companies in fields such as neuroscience, biotechnology, behavioral science, reading and educational policy nanoscience and medical devices.

Pole Yard Site

The RRP's westernmost parcel, the Pole Yard site, was a former sand and gravel extraction operation, then after UO acquisition was leased to EWEB for storage of utility poles, transformers and similar equipment⁹. While the site suffered environmental degradation due to industrial use, it has been remediated and cleaned-up¹⁰ under the UO's stewardship. Also, there has been no public access to the property for over 70 years and it currently is bounded by a barbed-wire chain-link fence and broken asphalt bike path, and surrounded with homeless camps and a transient population¹¹.

⁴ *The current RRP Master Plan approval expired October 10, 2009 and is over 20 years old.*

⁵ *The validity of the 2012 date, which may have been a typo, is highly debatable. The fact that the University submitted a 3-year extension request, from the 2009 expiration date until 2012, indicates that 2009 was the expiration date. See City of Eugene record on MDA 09-5.*

⁶ *Upon approving the ground lease, the Finance Committee of the Board of Higher Education was concerned about the low revenue to the UO per square foot.*

⁷ *According to Trammell Crow and Soderstrom Architects, most of the cost investment thus far has been for site analysis and general design. As of November 2009, the architect said that the building design was still in the early stages and that no construction documents had been produced.*

⁸ *Important to note that the proposed resolution concerns development north of the tracks. This building will be south of the tracks and is not a concern.*

⁹ *Primary residual toxins of concern on the site are from a Manufactured Gas Plant (MGP) that is located on both the EWEB property and the UO Pole Yard site in the early 1900s. Benzene, a carcinogenic, is the primary toxin of concern, as distinct from the utility poles or transformers.*

¹⁰ *The site has not been completely remediated and cleaned-up. In addition to VOCs in the groundwater there is over 15 feet of industrial fill covering the majority of the site (see DEQ reports). The edge of the property has been identified as a salmon rearing area (Salmon is a federally listed endangered species). The site continues to leech VOCs into the hyporheic zone and the Willamette River and the industrial fill has destroyed the natural riparian edge.*

¹¹ *The site has been owned and managed by the University for over 20 years. Linton's comments speak, more than anything else, to poor stewardship of the land by the University administration, which has been entrusted with the care of this invaluable property.*

The ORI/EPIC Building

ORI is an independent behavioral research center doing research on public health and human wellbeing. Its research includes studies on the prevention of cardiovascular disease, depression, drug abuse, addiction, and cigarette smoking. ORI is recognized throughout the world for its contributions to understanding the factors that threaten health and wellbeing and developing effective prevention and treatment interventions.

A UO spin-off from the Center for Educational Policy Research, EPIC's mission is to improve educational policy and practices that will increase student success, particularly with students historically underserved by public schools. EPIC conducts a range of policy-related research studies and is distinguished by its pioneering use of state-of-the-art, criterion-based, standards- referenced methods of course and document analysis.

The planning and design for ORI/EPIC's \$17-million environmentally sustainable, LEED certified Silver/Gold building will be a major enhancement to the riverfront area. The project will provide direct benefits to the community in opening access, providing an enhanced riverfront, and increased public safety¹².

The project's sustainable development will:

- treat stormwater in bioswales¹³
- widen the South Bank Bike Trail to 14 feet
- provide bike and pedestrian lighting and safety railings
- remove invasive blackberries
- provide natural riparian landscaping, and
- improve the pedestrian and bike path connections to EWEB, the UO, and downtown via the bike paths and 8th/Hilyard crossing¹⁴.

This project will provide the long-desired physical connection between downtown, EWEB and the riverfront by extending 8th Avenue over the railroad tracks and into the site, with wide sidewalks and a rebuilt bike path¹⁵. Also, the approximate 300

¹² *Over 600 public comments were received by the City of Eugene in opposition to a three-year extension of the current master plan, which would result in the proposed development of the Gateway parcel. There is significant disagreement with Linton's statement that the proposed development "enhances" the riverfront and increases public access and safety. The assertion that 245 parked cars and a private office building will enhance our riverfront is completely absurd and ridiculous. This development will be a permanent eyesore on the banks of the Willamette river and an aesthetic nightmare.*

¹³ *Stormwater issues will only arise if the proposed 245-stall parking lot and big-box suburban office building is constructed. There are not stormwater concerns on the site unless new impervious surfaces are constructed. The amenities described in Linton's memo are ancillary to the devastating impact that this development will incur.*

¹⁴ *The 8th/Hilyard crossing is an unfortunate and highly dangerous pedestrian and bike connection that is widely lamented by the Eugene community. Moreover, the detour involved in moving from the west end of campus, through this dangerous intersection, crossing the railroad tracks at 8th Ave, and thereby connecting to the south bank trail is highly inconvenient for cyclists and pedestrians and in fact acts as a barrier to connections between campus, the river, and downtown Eugene.*

¹⁵ *8th Ave. indeed transects with the UO Pole Yard property. The ORI Building would be a major physical and visual obstacle between downtown along 8th Avenue to the Willamette River. By occupying this site, the ORI project preempts the physical, visual, and symbolic connection between Downtown, the River, and the University. Moreover, it is unclear how the ORI Building will relate to the proposed EWEB plans as there has been little or no collaboration between the two entities.*

employees, plus clients and visitors, in the area will boost public safety¹⁶, in addition to providing a needed stimulus to the downtown area, EWEB's future mixed-use development, and contribute to the area's revitalization¹⁷.

Alder Street Bike Connection

An improved bike connection between this site and the Alder Street/bike corridor has been publicly discussed as a desirable element of this plan. While recognizing Alder Street is an important bike route to south Eugene, a physical connection across Franklin Blvd. and the railroad tracks at this location is highly improbable.

A connection between Alder Street and the Pole Yard would require crossing six lanes of busy Franklin Blvd. traffic, along an un-signalized curvature in the highway, plus construction of a railroad underpass or overpass. Since the railroad track is near-grade level, it would require a significant bridge structure to meet the engineering and accessibility requirements to cross either over or under the tracks. Based on previous experience, it is likely the Union Pacific Railroad would require that a shoofly be built (an alternate set of railroad tracks) to carry the train traffic load while work under/over the existing line is underway. No serious engineering study has looked into the feasibility and/or cost of such a connection. Importantly, the existing Hilyard/Broadway intersection is located one block to the east; it is signalized, has designated crosswalks, and newly built widened sidewalks on the north side¹⁸.

Resolution Comments

Based on the Bill for Resolution that you forwarded on January 6, 2010, we offer the following to correct its factual basis; if further changes are made, please forward the most recent version.

- 1.2 In 1989, the Hearings Official granted the UO a 20-year conditional use permit. The City of Eugene and UO entered a Conditional Use Agreement in April 1992, stating development must be completed on or before October 10, 2012.

An October 10, 2009 date does not appear in any related land use document¹⁹.

- 1.3 The UO entered into a ground lease with TC Eugene, a Delaware LLC Company and a single purpose entity of the Trammell Crow Company (TCC).

Note correct spelling.

¹⁶ This would be accomplished primarily through increased lighting and widening bike paths. Implementing these minor improvements is not dependent on the ORI building development.

¹⁷ There is an intrinsic contentiousness between the University and EWEB related to collaboration on riverfront development.

¹⁸ The City of Eugene has already planned and identified funding to develop Alder Street, between 30th Avenue and the Willamette River, crossing Franklin Blvd., as the City's premiere Bike Boulevard, beginning in 2011. The project will be funded, in part, by a municipal bond measure passed last year. Moreover, there already exists a legal pedestrian and bicycle refuge at the intersection of Franklin and Alder Street. Numerous railroad crossings already exist and as the City develops it is completely appropriate to add more at-grade, sub-grade, or above grade connections. We are grateful for the work of Ruth Bascom and others who have always understood the importance of pedestrian and bicycle connectivity between our City, the University Campus and the Willamette River.

¹⁹ Linton's statement is incorrect. The 1989 Conditional Use Permit (CU 88-16, 3n) states: "The applicant shall have three years from the date this approval becomes final (LUBA final action on October 10, 1989), to begin construction within the first phase. Total completion shall be within 20 years of the date the original Master Site Plan approval is final." According to this, 1992 was not the approval date but the final deadline for commencement of construction, and the 20-year timeline to complete construction was based on the original approval date of 1989, not the deadline to commence construction. In any case, it is absolutely incorrect to say, as Linton did: "An October 10, 2009 date does not appear in any related land use document." This fact is immediately obvious to anyone who has reviewed the related documents or the October 2009 three-year extension request.

• 1.5 *The Land Transfer Conditions, developed through a recommendation of the Campus Planning Committee to the UO President and approved by the State Board of Higher Education, created the Riverfront Design Advisory Committee, with faculty and community members appointed by the President as advisory on RRP development. This committee met, reviewed, and approved the plans at the Schematic Design and Design Development phases of development. The proper review process was followed*²⁰

Future Planning

In response to interests in the master planning process, future development, and more direct student involvement, we propose the following:

- Two student representatives, recommended by the ASUO President, will be invited to serve on the Riverfront Design Advisory Committee (DAC), the designated planning body that develops and reviews RRP plans²¹.
- Under an extension of the current CUP, the UO plans to complete two current projects under development (TCC building and 1700 Millrace site) as described above. Once these projects are underway and before any further development is proposed, the UO will proactively engage the campus community in a comprehensive planning process. In coordination with the Riverfront DAC, the UO will consider updates to the RRP master plan, develop and review individual project plans, and submit a new Willamette Greenway CUP application with the associated public hearing processes and related reviews.
- The UO will promote additional opportunities for strategic facilities development, including public-private partnerships supporting the UO's academic plan focused on educational and research priorities. Future RRP development will be incorporated into UO's broader facilities priorities, consider prospects for sustainable economic development catalyzed by UO research, and complement other community development opportunities (e.g. the EWEB master plan and Eugene downtown re-development).²²

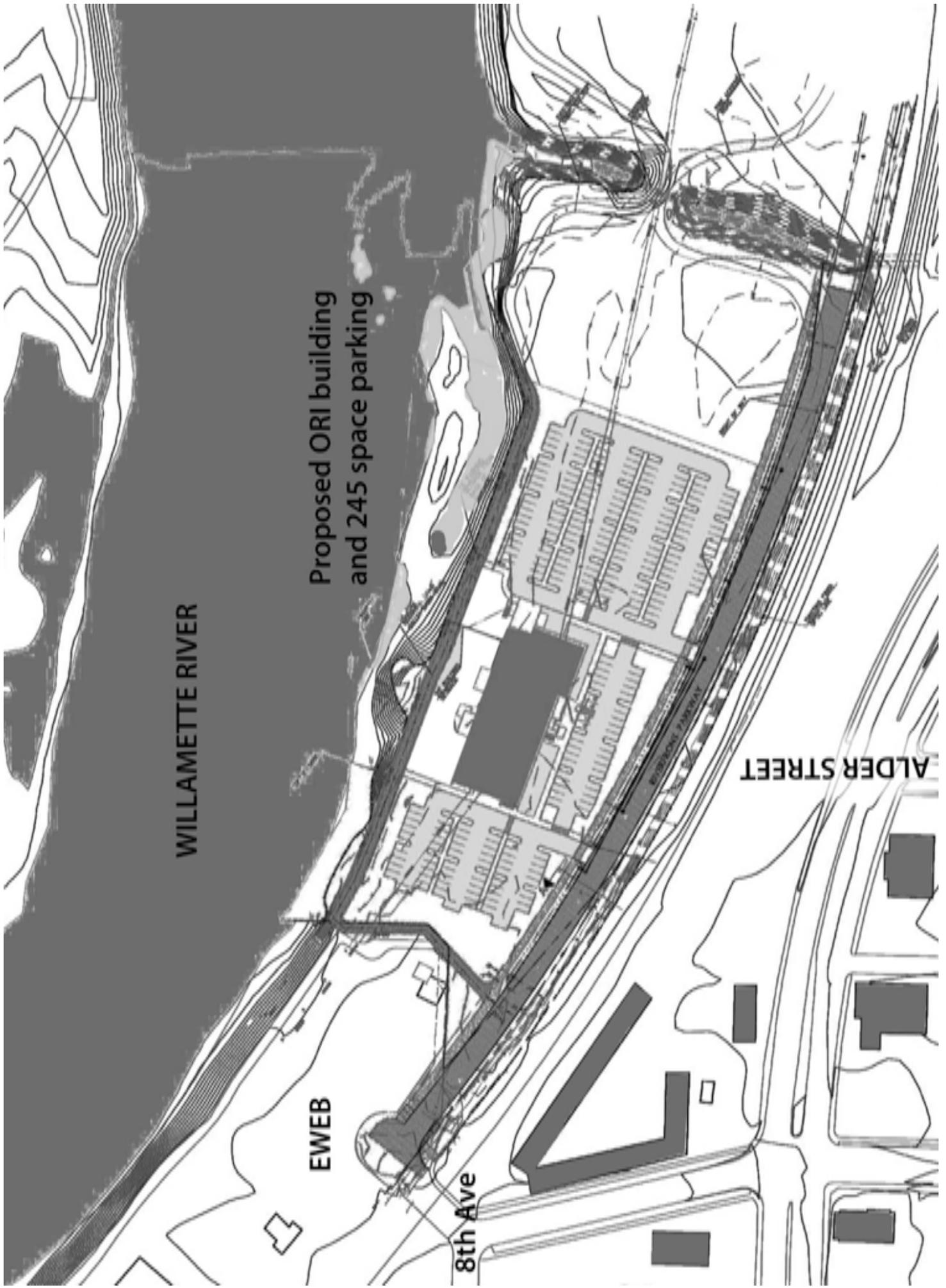
In summary, we appreciate this opportunity to provide information and clarify issues regarding the RRP, including our plans to provide re-examination of the master plan for this area. Please contact my office or Diane Wiley, Riverfront Research Park director, if we can provide additional information or assistance. We look forward to further steps to assure the RRP's support of regional economic development, while enhancing the connection to community and university interests in a dynamic riverfront that is responsive to the "triple bottom line" of sustainable development.

[END OF RICHARD LINTON 01-08-2010 MEMO TO UO SENATE]

²⁰ *Stan Jones, former Head of the Department of Landscape Architecture, was a member of this committee. He resigned and was outraged because he and other members were not allowed to give any substantial input into the fundamental aspects of the riverfront development process. They were consulted on matters such as the species of trees and shrubs to surround the parking lot, but their questions regarding whether it is appropriate to develop within the floodplain and other fundamental issues were excluded from consideration.*

²¹ *There is no timeline or date provided to ensure the actual implementation of these promises. Furthermore, student and faculty involvement should begin at the onset of and throughout all future development projects.*

²² *If the RRP is proposing that the ORI development will enhance the connection to the Eugene Downtown core then why is this collaboration between EWEB, the Eugene Downtown re-development plan and the RRP not being implemented now? It will soon be too late.*



WILLAMETTE RIVER

Proposed ORI building
and 245 space parking

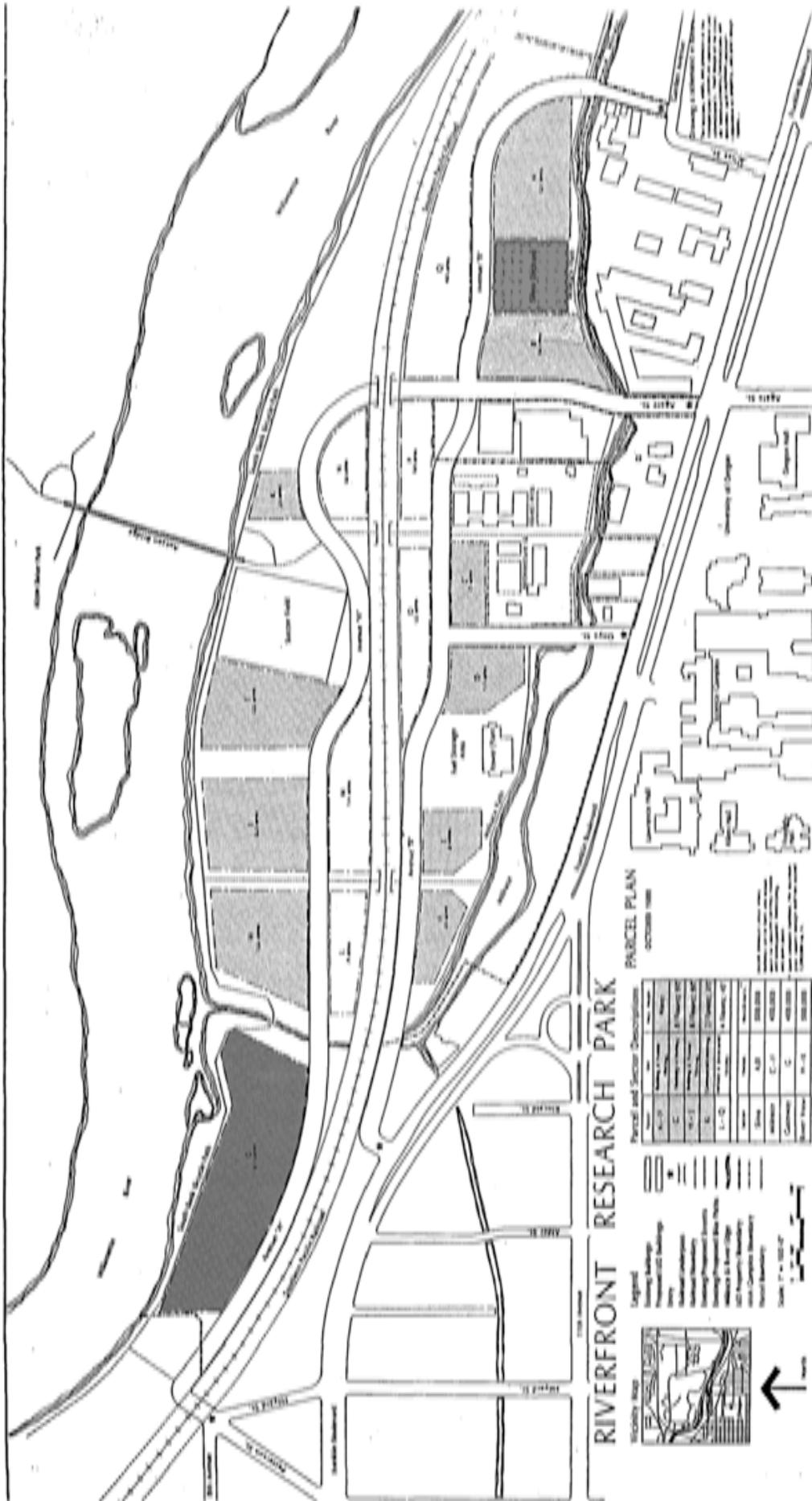
EWEB

8th Ave

ALDER STREET

BIBBONS PARKWAY

RESEARCH PARK BUILDING
DEVELOPMENT PARCELS



Once the University initiates construction of the western parcel, which Richard Linton described as the first increment north of the tracks (implying the first of many) and with a new road connecting east to west, it is likely that the RRP will develop even the River View area for more private office buildings and parking lots.

Imagine the kind of development shown by the building footprint and parking lot plan for ORI covering the entire stretch of riverfront property from Agate Street to EWEB.

The University community must be clear at this critical time and decision point about how it will exercise stewardship of the land which has been entrusted into its hands.