

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Approval of Council Minutes

Meeting Date: April 23, 2012
Department: City Manager's Office
www.eugene-or.gov

Agenda Item Number: 2A
Staff Contact: Kim Young
Contact Telephone Number: 541-682-5232

ISSUE STATEMENT

This is a routine item to approve City Council minutes.

SUGGESTED MOTION

Move to approve the minutes of the February 8, 2012, Work Session, February 13, 2012, Regular Meeting, March 13, 2012, Joint Elected Officials Meeting, April 16, 2012, Public Hearing.

ATTACHMENTS

- A. February 8, 2012, Work Session
- B. February 13, 2012, Regular Meeting
- C. March 13, 2012, Joint Elected Officials Meeting
- D. April 16, 2012, Public Hearing

FOR MORE INFORMATION

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MINUTES

Eugene City Council
McNutt Room—City Hall
777 Pearl Street—Eugene, Oregon

February 8, 2012
Noon

COUNCILORS PRESENT: George Brown, Pat Farr, Betty Taylor, Andrea Ortiz, George Poling, Chris Pryor, Alan Zelenka.

COUNCILORS ABSENT: Mike Clark.

Her Honor Mayor Kitty Piercy called the February 8, 2012, work session of the Eugene City Council to order.

A. WORK SESSION

Resolution 5055 Requesting that the United States Congress Refer to the States an Amendment to the US Constitution Declaring that Corporations Do Not Possess the Constitutional Rights that Natural Persons Possess

Mr. Zelenka presented proposed Resolution 5055, which advocated for a constitutional amendment to overturn the United States Supreme Court decision in *Citizens United versus the Federal Election Commission*. He expressed support for such an amendment as restoring the voice of the people, which was being crowded out by the voices of the very wealthy. Mr. Zelenka asked the council to postpone action on the resolution until February 15, 2012.

Mr. Farr believed the council was elected to make decisions for Eugene and when it diverged from that mission it confused the citizens. He did not support the resolution.

Mr. Brown did not object to the suggested delay. He supported the resolution. Mr. Brown asked why the resolution mentioned unions. He did not believe the magnitude of union campaign contributions was at the same scale as that of corporations.

Speaking to Mr. Brown's concern, Mr. Poling recalled he had e-mailed the council earlier in the week requesting that the resolution be modified by the inclusion of unions and special interests. He said the Supreme Court's decision was specific to those groups and Mr. Poling thought because of that the revision was warranted. He believed money had a negative influence on campaigns at all levels and suggested the council schedule a discussion on local campaign financing.

Speaking to a concern voiced by Mr. Poling about the need for uniform campaign contribution limits for all elections, City Attorney Glenn Klein anticipated that the United States Congress would establish uniform limits for federal elections in all states and states would determine what, if any, limits to adopt for state and local elections.

Mr. Pryor concurred with the revisions suggested by Mr. Poling and supported language that mirrored the Supreme Court's decision to the degree possible. He questioned the inclusion of Section (L), which

spoke to the intent of corporations, and said he did not want to guess at intent. He did not think that (L) represented a solid argument in support of the resolution and was not comfortable with its inclusion.

Ms. Taylor believed that the inclusion of Section (L) argued against any mention of unions in the resolution. City Attorney Klein noted that the decision in question was specific to both unions and corporations. Ms. Taylor did not find unions and corporations to be comparable.

Speaking to Mr. Farr's concern, Ms. Taylor believed the council's consideration of the resolution was appropriate as the actions of the federal government affected the community.

Mayor Piercy suggested that people facing foreclosures in Eugene would agree that the decisions of the federal government affected them.

Ms. Ortiz thought the resolution made sense. She believed that consideration of such resolutions was within the council's purview, recalling the council's consideration of the DREAM Act. She pointed out to Mr. Farr that the council responded to community requests and it was the council's job to do its homework regarding such issues and determine how to frame such resolutions.

Mr. Farr maintained the council was taking time away from work that it was charged to do while a dozen staff people waited in the room for the next item. The council had no jurisdiction over Congress. He believed the resolution was a waste of time and apologized to those who had to wait.

Mr. Brown believed the resolution was important and deserved the same attention as the next agenda item, particularly since many people had spent a lot of time on the issue.

B. WORK SESSION

Envision Eugene: Commercial Employment, Mixed-Use and Multi-Family Housing

The council was joined by Metro Community Planning Manager Carolyn Weiss, Assistant City Manager/Planning and Development Director Sarah Medary, and Senior Planner Robin Hostick. Rick Duncan and Sue Prichard of the Technical Resource Group (TRG) were also present for the item. Mr. Hostick led the council through a PowerPoint presentation updating the council on the progress of Envision Eugene with a focus on multi-family housing, commercial employment, and redevelopment/interventions. Councilors asked questions clarifying the details of the presentation.

Mayor Piercy solicited comment from Ms. Prichard and Mr. Duncan. Ms. Prichard emphasized there was more work to be done regarding the projections, particularly those related to commercial employment. Mr. Duncan concurred.

Mayor Piercy thanked the members of the TRG for their hard work.

Mr. Farr wanted to hear more about how tax exemptions were used across the country because they were one of the few tools available to Eugene. He was encouraged to hear about the availability of land adjacent to Greenhill Road, which could help meet job demand, and asked how that acreage would be accessed. Ms. Weiss agreed that access was challenging but crucial and suggested the timing of the timing of the Envision Eugene process worked well with the timing of the Transportation System Plan update. Mr. Farr said the council needed to ensure that its decisions regarding transportation facility supported more jobs and an improved economy.

Mayor Piercy believed there were many elements to the transportation discussion and suggested the council receive an update about the work the Oregon Department of Transportation was doing in regard to flexible transportation planning.

Ms. Ortiz hoped staff was considering the redevelopment potential at the existing PeaceHealth campus site.

Mr. Brown expressed concern about the level of consistency in the projections. He believed they were inaccurate and largely represented guess work but the council would rely on them to determine how many acres of land were needed to meet the demand for projected employment. He suggested that staff use current employment rates and current job categories to serve as a baseline for the sake of consistency. Assistant City Manager Medary acknowledged Mr. Brown's concerns and the fact that numbers had been drawn from different sources. She said staff would attempt to tie that information together in a way that made sense.

Mr. Farr emphasized the importance of intervention tools to offset the fact that construction was currently not very attractive due to its cost and the relatively small return on investment.

Mayor Piercy suggested the market rather than the City would drive what development occurred in the community. The City could put tools in place to facilitate private investment but ultimately business owners would decide their properties' destiny. She acknowledged that the City's existing unused industrial properties were too small and did not match the needs of companies.

Mayor Piercy reminded the council that much of what staff presented was embedded in the Joint Elected Officials Regional Prosperity Plan, which the City had developed in conjunction with its jurisdictional partners, and the employment information the council received was predicated on the region rather than the metropolitan area.

Mr. Brown requested clarification about the figures being presented to the council.

Mr. Brown suggested that flat rental rates might not be good for developers but they were good for retailers and small businesses as well as their customers.

Responding to a question from Ms. Ortiz about the impact of waiving systems development charges for a business over 70,000 square feet, Assistant City Manager Medary said staff was looking into that and would be prepared to talk about it soon with the council.

Mayor Piercy adjourned the meeting at 1:21 p.m.

Respectfully submitted,

Beth Forrest
City Recorder

(Recorded by Kimberly Young)

MINUTES

Eugene City Council
Council Chamber—City Hall
777 Pearl Street—Eugene, Oregon

February 13, 2012
7:30 p.m.

COUNCILORS PRESENT: George Brown, Pat Farr, Betty Taylor, Andrea Ortiz, George Poling, Mike Clark, Chris Pryor.

COUNCILORS ABSENT: Alan Zelenka.

Her Honor Mayor Kitty Piercy called the February 13, 2012, regular meeting of the Eugene City Council to order.

2. CONSENT CALENDAR

The council returned to the Consent Calendar, which passed at the earlier 5:30 p.m. work session with the exception of item B, *Ratification of Minutes of the Committee on Intergovernmental Relations*, which was pulled by Councilor Taylor. Intergovernmental Relations Director Brenda Wilson was present to address questions regarding the item.

Councilor Taylor, seconded by Councilor Brown, moved to change the City's position on House Bill 4017 to Oppose.

Ms. Wilson reviewed the components of the bill, which had been introduced on behalf of Mothers Against Drunk Driving (MAAD) and would require individuals with four driving under the influence of intoxicants (DUII) convictions in the ten years prior to the revocation of their license to secure an interlock device for their vehicle. In addition, the individual in question must have been convicted for any degree of murder, manslaughter, criminally negligent homicide, assault in the first degree, or aggravated vehicular homicide. She reported the bill passed out of the Judiciary Committee earlier that day and was going to the floor for full consideration.

Councilor Taylor confirmed with Ms. Wilson that the bill's requirements would be triggered after the convicted individual served their sentence and after they got their license back. Councilor Taylor believed that such individuals would have already suffered embarrassment and remorse. She termed the requirement five more years of punishment and she considered it excessive.

Councilor Pryor said the bill did not impact someone who drove once under the influence, but would affect a habitual driver and drinker who killed someone. Such individuals were frequently very difficult to keep out of their cars when they drank in spite of all efforts. He thought that the proposal to require an interlock device for such drivers was a very smart idea and he believed the City should support the bill. He did not think the notion such individuals had suffered enough was sufficient to address their behavior after they left jail.

Councilor Poling concurred with the remarks of Councilor Pryor. He said his years of experience as an officer in collusion reconstruction work confirmed that those potentially affected by the bill were repeat offenders. He supported the bill in its present form.

Councilor Farr observed that the bill had bipartisan support and passed unanimously out of the House Judiciary Committee.

Councilor Brown did not perceive the bill was a continuation of the punishment already meted out. He suggested that instead, it would provide for post-supervision of such individuals. Such individuals could continue to drive but the interlock device would assure they were sober when they did so. He supported the staff recommendation for Priority 3, Support.

Roll call vote: The motion failed, 6:1; Councilor Taylor voting yes.

1. PUBLIC FORUM

Mayor Piercy reviewed the rules of the Public Forum.

Jean Stacey, Ward 1, believed that the Occupy movement was a reaction to changes that people were overwhelmed by and was creating awareness for needed changes. She opposed the Downtown Public Safety Zone (DPSZ), which she found confusing and discriminatory. She asked the council to end the DPSZ and suggested there were better approaches to solving the problems downtown.

Larry Leverone, Ward 1, did not support the DPSZ.

Patricia Diehl, Ward 1, expressed support for a proposed council resolution calling for a constitutional amendment to repeal the Supreme Court decision in *Citizens United versus Federal Communication Commission*. She asked that the question be placed before the voters as well.

Tony Hernandez, Ward 2, expressed concern about the continued deterioration of publicly owned tennis courts. He asked that City-owned public courts at the three high school competition sites be cleaned and repainted during the upcoming summer. The surfaces were unsafe for the high school athletes and general public who used them. He called for a better communication between City staff, the high school administrators, and the students who used the courts about the maintenance of the courts.

John Davidson, Ward 2, supported the proposed council resolution calling for a constitutional amendment to repeal the *Citizens United v. Federal Communications Commission*. He asked that the resolution be revised to call for a complete prohibition on corporate spending on political campaigns.

Mark Callahan, Ward 4, expressed opposition to the extension of West Eugene EmX. He said that Lane Transit District (LTD) employee pensions were not fully funded but it was using federal funds paid by others to build a system that was used by only six percent of the population. LTD had no plans for how to pay for the increased operational expenses from EmX. He asked the council to be fiscally responsible stewards of the taxpayers' dollars and questioned spending tax money on a membership in the International Council on Local Environmental Issues. He suggested that the council begin acting in a financially sustainable manner rather than merely thinking it was being sustainable by supporting green and environmental initiatives. He also suggested the council stop talking about resolutions that would have no impact.

Lela Trope, Lane County, thanked Mr. Callahan for his comments. She questioned if corporations were really all that evil and asked how many people present worked for a corporation and wanted to end it. Ms. Trope objected to spending taxpayer money on services that could be delivered privately. She believed the West Eugene EmX extension would hurt businesses, who were reluctant to take on the government. She advocated for referring West Eugene EmX to the voters. LTD should be required to state the financial impact of the system to all, including businesses.

Charles Hibberd, Ward 8, suggested that the council refer the West Eugene EmX route to the voters if it was such a popular idea. He questioned LTD's investment in the extension, which proposed to serve an industrial neighborhood. He contrasted the proposed route to the route between Eugene and Springfield, which replaced an already busy bus and served major hubs. He said federal money was not free money.

Stan Taylor, Ward 2, expressed support for the resolution put forth by "We the People of Eugene" regarding the Supreme Court decision in *Citizens United* and asked that the resolution be revised to reflect that organization's original text.

Joe Tyndall, Ward 1, reviewed a handout distributed to the councilors describing the reasons that the Occupy movement started. He opposed the DPSZ and supported the proposed resolution regarding *Citizens United*.

David Ivan Piccioni, Ward 1, supported the resolution calling for an amendment to repeal the Supreme Court decision regarding *Citizens United*. He also opposed the DPSZ.

Michael Todd, Ward 1, expressed opposition to the DPSZ. He had been banned from riding LTD even though he was disabled and excluded from downtown while he had been trying to help a friend. He said he was welcome in downtown businesses and thought his exclusion was wrong. People needed a place to lay their heads so they could be productive. He was listed as a transient but was a resident, was working, and looking for four walls. He felt his treatment by police was appalling.

Fergus McLean, Dexter, supported the proposed council resolution calling for a constitutional amendment to repeal the Supreme Court decision regarding *Citizens United*. He opposed the inclusion of unions in the resolution because he perceived that they spoke for the people and unlike corporations, unions were combinations of individuals.

Randy Cain, Ward 1, spoke in opposition to the DPSZ. He maintained that people were discriminated against by the police on the basis of what they looked like and what part of town they were in.

Alley Valkyrie, Ward 1, discussed her experience with the DPSZ and expressed opposition to its extension because she believed the zone had been intended to address violent offenders who were a danger to the community but instead the zone was being used against the homeless and low-level criminals. She believed that homeless people downtown had become a target for harassment. She objected to the City Prosecutor's tactics and said he distorted the facts of a case she was familiar with to appear to make the individual look worse than he was and pointed to the defendant's criminal history as a reason to support the exclusion, which was ultimately denied by the judge.

John Monroe, Ward 1, was opposed to the DPSZ. He shared the concerns expressed by Ms. Valkyrie, particularly as they regarded an individual's past record. He believed that it was a gross violation of one's due process. He believed that homeless people were being excluded for minor, petty crimes such as traffic violations. He believed the zone had been consistently misused and that the regulations governing the zone were overly complex. He called for an end to the zone.

Sue Sierralupe, Ward 1, reported on a medical clinic being operated by Occupy Eugene. She said the clinic was organizing a street outreach team. She anticipated the clinic would soon outgrow its existing space and would move to the Parks Blocks inside the DPSZ, meaning the clinic could no longer serve the patients that were excluded. She did not think that Eugene needed an exclusion zone and maintained that it was being used to treat the homeless as a visual hazard that must be shielded from the eyes of the middle class.

Charlie Swanson, Ward 3, supported the proposed council resolution calling for a Constitutional amendment to overturn the Supreme Court decision in *Citizens United* and asked the council to include the revisions proposed by We the People of Eugene. He recommended that copies of the resolution be sent to the local State delegation and that it be referred to the voters for an advisory vote.

Scott Russell, Ward 8, shared his objections to the City's decision to award a motorcycle contract to an out-of-state firm and said that because of the decision, he employed one less person. He did not think the City's decision was fair.

Charlie Warren, Lane County, Midtown Business Associates (MBA), expressed support for the DPSZ. However, the zone and increased bicycle patrols downtown had caused downtown trouble makers to shift to midtown and the association's private security was overwhelmed. Mr. Warren believed the zone should be applied communitywide because otherwise it did not eliminate the problem but merely shifted it. He said that the MBA's problem was not with the homeless or the unemployed but rather with the alcoholics, drug dealers, vagrants, and so-called travelers who come to Eugene because of its reputation of tolerance. He believed that midtown would continue to be overwhelmed with problems until it got help from the City.

David Bomar, Coburg, a midtown property owner in Eugene, concurred with Mr. Warren about the impacts of the zone on midtown. He asked that any street crime or vagrancy ordinances be enforced on a citywide basis to avoid the problem of shifting crime. He also asked that a bicycle patrol be assigned to midtown and more attention be given to patrolling midtown. While downtown officers tried to patrol midtown, their numbers were limited and their top priority was downtown. He asked councilors Brown and Zelenka to take a lead in securing more police protection for the area.

Hugh Prichard, Ward 3, owned property both in midtown and downtown. He had owned property downtown for 34 years and had seen conditions worsen. Mr. Prichard asked the council to deploy police resources equitably and where they were needed without consideration of boundaries. He believed that other areas of the community were adversely affected by ordinances specific to a single area. He suggested that downtown was really just one neighborhood.

Art Bowmurr, Ward 2, perceived that there were few consequences for officers who misbehaved and recommended the council consider that when it considered extending the DPSZ.

Joel Narva, Santa Clara, opposed Lane County's proposal to revise the boundaries of the Eugene-Springfield Metropolitan General Area Plan. He believed that the change would result in "fast track" approval for gravel extraction and other uses he did not believe were appropriate for urban areas. He did not believe that one family's experience should result in such a significant change. He maintained that the Board of County Commissioners had ignored the "hundreds of us" who had lived in the area for decades and relied on what he believed was the protection provided by the participation of Eugene and Springfield in boundary decisions. He further averred that the proposal placed the burden of appeal on "ordinary citizens."

Allana Strader, Portland, spoke of the growth in the use of skateboards and recommended that the council reclassify skateboards as vehicles to reduce accidents and near-misses.

Kortney Jolley, Ward 1, concurred with the remarks of Ms. Strader. She believed that many accidents were a result of the current classification and suggested that current regulations were unenforceable and unrealistic. She recommended that skateboarders be governed by workable and enforceable codes that properly fit the environment. While it was true that the feet of skateboarders touched the ground, skateboarders traveled significantly faster than pedestrians but could not stop as fast or maneuver as efficiently as pedestrians. Skateboards were not designed to be on sidewalks due to the cracks in sidewalks.

Adrian Eames, Beaverton, recommended that the council pass an ordinance that allowed people on skateboards to have the same rights and duties as bicyclists. He suggested that required that skateboards be outfitted to include visible white lighting on the front and red lighting on the rear of skateboards. He also recommended that the Eugene Police Department should maintain records of skateboard injuries and report annually to City Council. Mr. Eames recommended that the City also designate preferred skating routes.

Brian Weaver, Ward 8, shared survey results that indicated many residents were confused about the outcome of Envision Eugene and a majority of residents supported expansion of the urban growth boundary. Mr. Weaver continued to oppose the West Eugene EmX extension and encouraged broader public involvement in the decision. He believed that LTD was misleading the public about shared lanes. He asked the council to ensure that LTD was clear in its responses to public questions.

Bill Rodgers, Ward 8, expressed support for the proposed council resolution calling for a constitutional amendment to repeal the Supreme Court's decision in *Citizens United*. He reviewed the history of court decisions in relationship to corporate free speech and reported that polls indicated that most Americans found the court's reasoning to be troubling and feared that the country was being lost to corporate influence.

Cliff Gray, Ward 7, objected to the inclusion of labor unions in Resolution 5055. He said labor unions were not corporations but were entities composed of real people. He suggested that including unions was opportunist and distracted from the intent of the resolution. The resolution had to say the same thing across the country. He invited the council to "go right ahead" and consider that topic through another resolution.

Mayor Piercy closed the Public Forum. She thanked those present for attending. She said that when the council had its last meeting the attorney recommended the language regarding unions because it mirrored the decision of *Citizens United*. She said that Councilor Alan Zelenka had asked the resolution be drafted to mirror the requests made by We the People of Eugene.

Mayor Piercy called on the council for comments and questions.

Ms. Ortiz requested an update on how the City handled Requests for Proposals so councilors could better explain City policy in response to constituent inquiries. Speaking to those advocating on behalf of skateboarders, she encouraged them to contact the City's Bicycle and Pedestrian Advisory Committee.

Mayor Piercy adjourned the meeting at 8:58 p.m.

Respectfully submitted,

Beth Forrest
City Recorder

(Recorded by Kimberly Young)

**JOINT ELECTED OFFICIAL/BOARD OF COMMISSIONERS
REGULAR MEETING
March 13, 2012
6:00 p.m.**

Commissioner Sid Leiken opened the meeting of the Lane County Board of Commissioners.

City Councilor Dave Ralston opened the meeting of the Springfield City Council

City Councilor George Brown opened the meeting of the Eugene City Council

Present from Lane County were Board Chair Sid Leiken, Jay Bozievich, Rob Handy and Faye Stewart. Pete Sorenson was excused.

Present from the city of Springfield were Sheri Moore, Dave Ralston, Sean Van Gordon and Joe Pishioneri. Christine Lundberg, Hillary Wylie and Marilee Woodrow were excused.

Present from the city of Eugene were George Brown, Pat Farr, Andrea Ortiz and Chris Pryor. Mike Clark, Alan Zelenka, Betty Taylor and Kitty Piercy were excused.

1. **WORK SESSION**

- A. Joint Work Session for the Metro Plan Boundary Amendment for PA 11-5092 to include a review of Ordinance Items Nos. PA 1281, PA 1283, PA 1284, PA 1290 & 2-12.

Kent Howe, Land Management, recalled in 2004 the Eugene Springfield Metro Plan was just completing the Periodic Review. He reported the Board of Commissioners identified five issues with the Metro Plan they had concerns with: the description of urban services, relating how it affects to special districts; the urbanizable area citizen representation of the Santa Clara River Road area; the jurisdictional autonomy with the Metro Plan boundary adjustment; the dispute resolution process and farmland and open space protection. He indicated that it took some time to get the cities' interest around those issues. He noted in 2009 the Board of Commissioners and the two city councils started meeting as the Joint Elected Officials. (JEO) He added that a subcommittee was formed and they reported back on recommendations in June. He added that the JEO in June adopted those recommendations, giving staff direction to work on specific changes to the Metro Plan based on recommendations from each jurisdiction that include but were not limited to the following: the overarching policies of identifying and addressing regional issues; policies that allow for individual Refinement Plans for Eugene and Springfield to address jurisdiction specific

issues; adjustments to the Metro Plan Boundary and text to address jurisdictional specific issues arising in the urbanizable areas and the area outside of the urban growth boundary. (UGB) He added there was a dispute resolution process that reflects the changes.

Howe reported that in 2011 the Board of Commissioners initiated the application before the JEO. He said this Work Session is to provide details regarding the Lane County initiated Metro Plan Boundary Amendments.

Howe indicated that the three jurisdictions are continuing to work on updating and amending the Metro Plan to reflect the June 2009 JEO subcommittee recommendations. He reported that Eugene and Springfield have been working extensively to implement HB3337, the legislation requiring two separate urban growth boundaries. He added that Lane County has been working through regional issues that are of importance to the County. He noted that Springfield is gathering more information about the UGB expansion areas reviewed and recommended by the Springfield and Lane County Planning Commissions and Springfield and Lane County are preparing amendments to the Metro Plan Chapter 4 clarifying and re-describing the classification of Metro Plan Amendments. He reported that Eugene is unveiling its results from the Envision Eugene process in preparation for a UGB proposal this spring. He added that these are all a part of the June 2009 subcommittee recommendations of which it states that the jurisdictions shall work on adjustments to the Metro Plan Boundary and text to address jurisdictional specific issues arising in the urbanizable areas and the area outside of the UGB. He recalled that this area's first Comp Plan was the 1990 Plan and it was adopted in 1968.

Howe recalled when the Metro Plan was submitted for acknowledgment in 1980, many of the concepts and components of the 1990 plan were carried forward. He added that the UGB had to be justified on the rules and statutes of the Goal 14 Inventory Requirements as opposed to the aspirational concepts of the 1990 Plan. He said because of the historical regional planning and the fact the County had not submitted a Comprehensive Plan for the rural area, the elected officials included most of the 1990 plan urban service area extremities within the Metro Plan, resulting in a plan boundary unique statewide that was exterior to the UGB. He added that the Metro Plan was acknowledged in 1982. He reported that Lane County was not acknowledged as meeting the requirements of the statewide planning program until 1984 and that year the same regulations that protect all of rural Lane County were applied to the lands outside the Eugene Springfield UGB inside the Metro Plan. He noted the artifact of the Metro Plan Boundary remains, that it does not provide any additional regulatory protection. He reported that there are rural resource lands within the boundaries of the Urban Comprehensive Plan and the role of the two cities is elevated from interested parties to decision makers. He explained that this unique plan allows for either city to prevent a land use action proposed on Rural Resource land outside the city's UGB. He noted that now Lane County implements the Statewide Planning Goal Protections to

resource lands outside the UGB, just as the cities of Springfield and Eugene changed the amendment process in the early 90's to provide the cities with autonomy with amendments inside city limits and established home city and county responsibilities for amendments between the city limits and the UGB.

Howe recalled in 2007, HB3337 was passed to provide additional autonomy requiring Eugene and Springfield to adopt their own separate UGB. He indicated that the Lane County Board of Commissioners is now interested in achieving a level of autonomy from the cities for the rural lands outside the cities UGB and outside the cities' purview of providing urban services. He recalled that the JEO directed staff to explore these concepts during the implementation of HB 3337 and last year Lane County initiated the proposal in front of the JEO.

Alicia Hanson, city of Eugene, gave a presentation of the Metro Plan Amendment Review process. (Copy in file).

Keir Miller, Land Management, distributed a supplemental memorandum from staff (copy in file) and a two sided color diagram. He noted the supplemental memorandum has attached to it a revised ordinance that if adopted would amend the Metro Plan Boundary. He explained that the reason there is a revised ordinance is that as a requirement of the Metro Plan, Chapter 4, Policy 7, each jurisdiction participating in a Metro Plan Boundary Amendment must adopt substantively identical ordinances affecting the change. He noted that city staff reviewed the ordinance that Lane County came up with and they had some minor modifications. He noted the ordinance was reviewed by Legal Counsel from each of the cities and they have each developed a substantively identical ordinance that would implement the change. He also distributed a decision tree diagram regarding policy choices during deliberations. (Copy in file).

Miller explained the issue the County is seeking is one of equity. He said since the early 90's the cities have exercised full jurisdictional autonomy over land use matters that fall within their city limits. He said Lane County is a decision maker in the land use actions that occur within their city limits, but this is not reciprocated on County land. He indicated that the city can be a decision maker on certain plan amendments outside of the UGB on rural lands. He noted the cities have decision-making powers that the County doesn't and that is the root of the proposal. He indicated that Chapter 4, Policy7 in the Metro Plan requires any proposed amendments to the Metro Plan be jointly approved by the County and the partner city or cities, otherwise the amendment is referred to the Metropolitan Policy Committee for study, possible conflict resolution and recommendations back to the governing body.

Miller indicated that they are doing the amendment in two phases. He indicated the first phase deals east of Interstate 5 in the area outside of the Springfield UGB. He noted that Springfield is ahead in their HB3337 work program and they have identified their parcel specific UGB. He said Lane County is proposing to amend

the Metro Plan boundaries so it is co-terminus with the new parcel specific UGB that has been developed by the city of Springfield. He commented that no other city has a boundary that extends outside the UGB. He said that cities typically plan for further expansion within the UGB area and the Metro Plan is one step beyond that. He stated the County's proposed solution is to modify the plan boundary to move it back to make it co-terminus to the UGB. He noted there are concerns over the Springfield Utility Board's drinking water supply. He thought there might be similar issues on the Eugene side.

Miller reported there are six actions the County is proposing to do to modify the plan boundaries. He added there are no policy amendments they are trying to change in the Metro Plan at this time. He noted this was an issue that came up during the Public Hearing of the Planning Commission. He indicated that they are adopting the Springfield Parcel Specific UGB on the County's Comprehensive Plan maps. He said they are applying plan designations to the lands leaving the Metro Plan. He added that they need to receive some type of plan designation, as currently Lane County carries the Metro Plan designations. He said Lane County is proposing to apply corresponding plan designations within the Rural Comprehensive Plan. He indicated Lane County would amend the Rural Residential Zoning and there are minor rezones that need to occur as part of the process. He added that Lane County would adopt Rural Comprehensive Plan Policies to existing Goal 5 resources. He indicated that within the Metro Plan there are adopted inventories for Goal 5 resources and since those areas will be coming into County control, they would either need to go through a process to re-inventory those lands or to adopt the inventories that have already been established for those areas and apply the existing policies that are within the Metro Plan into the Rural Comprehensive Plan to provide the proper protections for those areas. He added that the net effect would be no change to the treatment of Goal 5 resources in that area. He noted that the sixth proposal will be minor housekeeping code changes necessary so the code reflects the new inventory of Goal 5 resources in the Rural Comprehensive Plan.

Deanna Wright, Land Management, reported there are five affected areas equaling 80 properties where the zone change would take effect. She said the Metro Plan RR Zoned land contains what is to be considered an outdated version of the Rural Residential Zoning in the Oregon Administrative Rules. She said the changes are necessary to gain consistency with the Goal 14 Rural Residential Oregon Administrative Rules. She added that it is also known as the 1994 Community Rule Change. She indicated that it was updated for the rest of the County zoned RR lands during the County's last periodic review but the Community Rule changes were not applied to the Metro Plan Boundary RR Lands because the change was a Rural Comprehensive Plan Periodic work task. She added the Goal 14 Rule compels jurisdictions to come into compliance when they amend their plan provisions that apply to rural lands. She said if the Metro Plan Boundary is to be adjusted; the rezone items will all need to be approved.

Miller explained that the final two components to the Rural Comprehensive Plan changes are adopting Goal 5 regulations into the Lane Rural Comprehensive Plan and removing references to the Metro Plan within the Riparian Code Ordinance. He indicated those are considered housekeeping changes and if they make the changes, they have to amend the riparian regulations to take out existing references to the area that will no longer exist within the Metro Plan.

Ralston asked what happens to Springfield's Riparian Zone requirement when adopting Goal 5. He asked if Lane County's requirement was different than Springfield.

Greg Mott, city of Springfield, responded that there is not a direct answer. He indicated that the city of Springfield undertook the periodic review assignment to update their Goal 5 inventories within their UGB. He said that occurred during a rule change regarding Goal 5 preservation. He noted that each city was able to determine the values they would place on their Goal 5 inventories based on protection regulations. He added that Springfield's are different than the city of Eugene. He stated they recognize their wetlands and stream corridors based on flow volume and presence of fish. He said at the time they were evaluating for Goal 5 they were also subject to the Endangered Species Act and Clean Water Act. He reported that they applied a simple preservation protection setback along the streams, based on a 75 foot measurement. He added that they have adopted measures to regulate the activities that can occur in that setback but they are specific to streams of a certain volume and the presence of fish. He stated that there is no guaranty their measures are the same as the city of Eugene or Lane County.

Ralston asked about Lane County's requirements.

Miller explained that for Lane County's riparian regulations, because of the Metro Plan and boundary, their current regulations inside the Metro Plan follow the same as Springfield's based on the cubic feet per second flow. He added the setbacks are either 50 feet or 75 feet. He reported that outside of the Metro Plan Boundary, Lane County's riparian regulations are either 50 feet or 100 feet. He explained that what they are proposing to do would create a larger buffer by changing the riparian ordinances.

Ralston commented that as a Springfield City Councilor he wasn't sure that he would want to have the same buffers Lane County is proposing because they are talking about lands adjacent to Springfield that could someday come under Springfield's jurisdiction and they will have to deal with buffer zones that don't make sense.

Mott explained that the city of Springfield's regulations apply only within their jurisdiction which is the UGB. He said in the event the city of Springfield sought to expand the UGB, one of their obligations in the expansion would be to identify

Goal 5 resources. He said the County will have adopted their inventory. He believed they would be subject to their own standards once it was being considered for inclusion in their UGB. He said they would probably recommend the city standard be adopted.

Handy stated that he will need persuading about the phasing approach and why they are doing some of the changes with the Metro Plan now as opposed to some of the other things that need addressing. He recalled this started with the County in 2009 when they wanted to see issues of jurisdictional representation and authority dealt with in the unincorporated and unannexed areas inside the UGB. He said they wanted to see issues addressed with River Road and Santa Clara and in North Springfield. He asked if there was anything drafted for the River Road Santa Clara area.

Howe responded that the recommendations the JEO acted on (providing direction to staff on specific changes to the Metro Plan) were the direction on overarching policies that identify and address regional issues. He added they were policies that allow for individual refinement plans for Eugene and Springfield and adjustment to the Metro Plan Boundary and text to address jurisdiction specific issues arising in the urbanizable areas and the area outside the UGB. He noted that tonight they are working on the area outside the UGB and the areas inside the UGB. He also noted that the Envision Eugene is addressing the River Road Santa Clara issues.

Miller reported that they have had public input on this process. He said after the Board gave direction to process this proposal in a phased approach, they had a public work session in April. He commented that it was not well attended and there wasn't a lot of interest in the project initially. He indicated they sent out notice to 2,600 landowners and they had a discussion during the Planning Commission process. He said as a result, 23 comments were submitted during the Planning Commission Public Hearing. He noted five were in support; ten in opposition and the rest were neutral. He reported the major concern they heard initially was that this proposal would negatively impact regional planning efforts. He added that it was echoed by several people who gave testimony. He indicated that County staff response was that regional planning will still carry forward. He said the Metro Plan is not going away as a result of the proposal and there will still be incidents where the cities and the County will have to coordinate on planning efforts. He noted the plan limits the area the cities might have a say in, but it doesn't stop regional planning efforts. He said many people thought they shouldn't address this as a phased approach. He said it was put on their work plan this year to deal with this phase. He indicated the city of Eugene is not in a place yet with their UGB where the County could initiate this process.

Miller stated that he had heard a blanket fear that this would lead to annexation, but this project has nothing to do with annexation. He added that it won't change the annexation policies with the cities. He indicated that part of this is dealing

with the Donna Robinson property. He said she is hamstrung by some of the policies in the Metro Plan that currently exist and adoption of this proposal would address her concerns. He noted the big issue that came up during the joint Planning Commission Public Hearing process was a concern over the Springfield Utility Board's drinking water. He said in the process of moving the boundary, Lane County would be the sole decision maker on those types of land use issues. He indicated that the criteria and zoning is the same, it is about who makes the decision on the land use change.

Miller reported that four potential options came out of the Planning Commission Public Hearing to deal with the Springfield Utility Board's issue. He said the first option would be to move the plan boundary as proposed except leaving out the large area. He added that the second option would be to move the boundary but have Lane County adopt some type of drinking water protection plan like Springfield has in place that would address Springfield's drinking water concerns. He indicated the third option is to move the plan boundary and develop an intergovernmental agreement between the County and the city that would enable the city to be a decision maker on certain types of actions they feel would impact the ground water. He added there is also a no alternative option to address the Springfield issue. He reported that the Lane County Planning Commission voted 7-2 to deny the proposal. He said they unanimously voted to amend the maps to show Springfield's parcel specific UGB, a requirement of state law. He said the Eugene Planning Commission voted 3-2 to support the amendment and the Springfield Planning Commission voted 4-2 to support the amendment with the understanding that the County and the city enter into some type of agreement to address the Springfield Utility Board's concerns. He said if they agree on changing the plan boundary, the Rural Comprehensive Plan Amendments item 2 through 6 need to happen if a plan boundary has changed. He said if consensus is not reached, what would need to occur is for no action to be taken on the Rural Comp Plan amendments. He said they could direct staff to implement an ordinance to adopt Springfield's parcel specific UGB or they could direct staff to modify the proposals.

- A. SECOND READING AND PUBLIC HEARING/ORDINANCE NO. PA 1281/In the Matter of Amending the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) by Adopting a New Metro Plan Boundary that is Coterminous with the City of Springfield Urban Growth Boundary East of Interstate 5; and Adopting Savings and Severability Clauses.

SECOND READING AND PUBLIC HEARING/ORDINANCE NO. PA 1283/In the Matter of Amending the Lane County Rural Comprehensive Plan by Applying Plan Designations to Lands Removed from the Metro Plan Pursuant to ORDINANCE NO. PA 1281; Adopting the City of Springfield Parcel Specific UGB Boundary on official Lane County Rural Comprehensive Plan Maps to Comply with OAR 660-024-0020(2) and Adopting Savings and Severability Clauses.

SECOND READING AND PUBLIC HEARING/ORDINANCE NO. PA 1284/In the Matter of Amending the Lane County Rural Comprehensive Plan by Rezoning Rural Residential Lands Regulated Under Lane Code 16.231, Which were Removed from the Metro Plan Pursuant to ORDINANCE NO. PA 1281, with Updated Rural Residential Zone Language Contained in Lane Code 16.290 and Adopting Savings and Severability Clauses.

SECOND READING AND PUBLIC HEARING/ORDINANCE NO. PA 1290/In the Matter of Amending the Lane County Rural Comprehensive Plan to Apply Goal 5 Inventories, Policies and Findings of the Eugene Springfield Metropolitan Area General Plan to those Lands Removed from the Metro Plan by ORDINANCE NO. PA 1281 and Adopting Savings and Severability Clauses.

SECOND READING AND PUBLIC HEARING/ORDINANCE NO. 2-12 in the Matter of Amending Lane Code Chapter 16 by Modifying Existing Stream Riparian Regulations to Continue Applying Safe Harbor Setbacks to Goal 5 Riparian Resources on Lands Removed from the Metro Plan by ORDINANCE NO. PA 1281 (LC16.253)

Leiken opened the meeting for the Lane County Board of Commissioners.

Present from Lane County were Board Chair Sid Leiken, Jay Bozievich, Rob Handy and Faye Stewart present. Pete Sorenson was excused.

Mayor Piercy opened the meeting for the Eugene City Council. Present from the Eugene City Council were Mayor Kitty Piercy, Andrea Ortiz, George Poling, George Brown, Pat Farr and Chris Pryor. Mike Clark, Alan Zelenka and Betty Taylor were excused.

Mayor Lundberg opened the meeting for the Springfield City Council. Present from the Springfield City Council were Mayor Christine Lundberg, Sheri Moore, Dave Ralston, Joe Pishoneri and Sean Van Gordon. Hillary Wylie and Marilee Woodrow were excused.

Leiken explained that tonight they are holding a joint Public Hearing of the Eugene and Springfield City Councils and Lane County elected officials to consider amendments to the Eugene Springfield Metropolitan General Plan, commonly referred to as the Metro Plan. He added that the Lane County Board of Commissioners will be considering related amendments that are specific to the Lane County Rural Comprehensive Plan for areas that are removed from the Metro Plan.

Mott explained that the Springfield City Council is conducting a joint hearing and the First Reading on the following ordinance: an Ordinance amending the Eugene Springfield Metropolitan Area General Plan Metro Plan by adopting a new Metro

Plan Boundary that is co-terminus with the city of Springfield UGB, east of Interstate 5 and adopting savings and severability clauses.

Leiken stated the Board's decision will be subject to findings of fact showing compliance with the applicable Metro Plan policies, Rural Comprehensive Plan policies and Lane Code criteria cited in the staff report. He said that evidence and testimony must be directed toward the approval criteria and testimony not directed toward the approval criteria is irrelevant to this land use proceeding.

Miller explained that Lane County has initiated an amendment to modify the boundaries of the Eugene Springfield Metropolitan Area General Plan. He said pursuant to Chapter 4, Policies 5 a and 6, implementation of this amendment requires review and approval by each of the Metro Plan partners. He added that in addition to the Metro Plan Boundary Amendment, Lane County is also proposing several related amendments to the Rural Comprehensive Plan which will be necessary if an amendment to the Metro Plan Boundary is adopted. He stated these Rural Comp Plan specific proposals must be reviewed in a Public Hearing of the Lane County Board of Commissioners. He noted the proposals under consideration would perform the following six actions: 1) to amend the Metro Plan Diagram and Boundary Maps to modify the Metro Plan boundary east of Interstate 5, so the boundary is co-terminus with the parcel specific UGB that has been developed by the city of Springfield. He explained that action would remove 12.5 square miles of land currently under jurisdiction of the Metro Plan and place it under the jurisdiction of the Rural Comprehensive Plan. He added that action will not change the plan designations for any properties that remain within the Metro Plan boundary after this action.

Miller noted the current and proposed Metro Plan diagram map and boundary maps are included as Exhibit A through D to attachment 1 in the packet. (Copy in file) He indicated that legal staff from each jurisdiction have developed substantively identical ordinances that if approved would implement these amendments.

Miller explained that Action 2 would amend the city of Springfield's parcel specific UGB on Lane County Rural Comprehensive Plan maps. He said that Action 3 would apply correctly corresponding Rural Comp Plan designations to lands previously designated under the Metro Plan. He added that the Rural Comp maps that depict both current and proposed parcel specific UGB change and the Comp Plan designation change are Exhibits K through R to attachment 2 in the packets. (Copy in file). He explained that Action 4 would update the Rural Residential Zone updating of properties removed from the Metro Plan to maintain consistency with residential zoning regulations applied to other lands within the Rural Comp Plan boundaries. He noted the current and proposed official zone maps depicting these changes are included as Exhibits A to F in attachment 3 and the current and proposed residential zone language has been included as

attachment 11 and 12 in legislative and standard format in the packets. (Copy in file).

Miller indicated that Action 5 would amend Rural Comprehensive Policies to apply existing Goal 5 Metro Plan policies to Goal 5 resources removed from the Metro Plan. He said the proposed Rural Comprehensive Policy is included in Exhibits A and B to attachment 4. He noted that Action 6 would perform minor housekeeping amendments to Lane Code 16.253 to maintain existing Safe Harbor riparian setback regulations to lands removed from the Metro Plan. He indicated the changes are shown in attachment 21 in the packet. (Copy in file). He added because the Metro Plan and the Rural Comp Plan amendments are interrelated, all of the amendments will be the subject of tonight's hearing and public testimony may be directed toward any of the proposals.

Miller reported that notice of tonight's Public Hearing was mailed out to approximately 2,600 property owners within or adjacent to the proposed boundary adjustment area and an ad announcing tonight's hearing was published in The Register Guard. He recalled a First Reading and announcement of the Public Hearing occurred on February 21 in accordance with the requirements of the Lane Charter and a public information open house concerning the proposal was held on April 21, 2011. He noted on July 19, 2011 a joint hearing between the Eugene, Springfield and Lane County Planning Commissions was opened. He added that hearing was continued to August where additional testimony was heard. He said the Planning Commissions then closed the Public Hearing and left the record open for four additional weeks to allow additional written testimony to be submitted into the record. He recalled that during the Planning Commission process, 23 comments were received on the proposals. He indicated that staff responses are reflected in the adopted minutes to the joint Planning Commission Public Hearing process and in supplemental memos to the Planning Commission. He said the minutes and supplemental memos have been included in the packet materials as attachments 15 through 20. (Copy in file). He reported on October 25, the Planning Commission deliberations on the proposal were held and the Lane County Planning Commission recommended denial of the proposal by a vote of 7-2. He added the Eugene Planning Commission voted 3-2 to recommend approval of the proposal and the Springfield Planning Commission voted 4-2 to recommend approval with a condition that Springfield and Lane County enter into an intergovernmental agreement to address concerns about Springfield's drinking water. He stated that Lane County staff recommends approval of the Metro Plan Boundary amendment and related Rural Comprehensive Plan amendments. He added that detailed findings of facts supporting this recommendation have been provided as Exhibit E to attachment 1. (Copy in file). He said it should be noted that if deliberations begin tonight, Springfield and Eugene elected officials should limit their deliberations to the Metro Plan Boundary amendment element only. He added if consensus on the Metro Plan Boundary change is reached then the Lane County Board of Commissioners may deliberate and take action on the Rural Comp Plan specific amendments. He noted in addition to the 23 comments

they received, they have received two other pieces of testimony to be entered into the record. (Copy in file).

Commissioner Leiken opened the Public Hearing.

Donna Robinson, Springfield, said her family owns the 8.6 acre parcel that lies on the far eastern border of the Metro Plan. She had given previous public testimony in favor of Phase 1 of the Metro Plan as this amendment would remove her property from the Plan and would permit her to split the lot in half as originally planned. She said the written facts in tonight's packet do not tell the important element of her story. She said the facts make her sound like a disgruntled old lady who has a five acre zone and wants a two acre zone. She said that was not what happened. She explained that when they purchased the acreage in August 2008, Lane County assured her that the property was zoned RR2 and that she could divide the property in half for her sons and that was why they purchased the property. She stated that Lane County staff failed to note the property lies within the jurisdiction of the Metro Plan and is subject to the restrictive RR5 zone. She indicated that eight months into the partition process the County caught their error and called her saying she had a problem. She added that it has been four years since they purchased the property. She indicated that neither of her sons can obtain a construction loan until they own their half of the parcel and that can't happen until they can partition the land. She recalled that last October one of the planners pointed out that there is a process she can follow if she wanted a zoning change. She was aware of the filing fee of \$26,458 and that the process could be risky and could fail. She stated that this was all to rectify a mistake that was made by the County, not by her. She said that they followed all the rules and contacted the proper officials, paid the necessary fees and they were assured the land was zoned RR2 and they purchased the property on that basis. She commented that they have a problem with accountability and transparency. She said if her property is zoned RR2 but she has an overlay zone of RR5 for properties in the Metro Plan, she should have been told of that fact. She added that to date there are only four rural residential parcels in the whole Metro Plan that could be partitioned and if they added them, there would only be nine parcels in the entire plan. She asked that if the amendment doesn't pass, to find one of the options outlined in the packet that would help her family.

Janet Calvert, Eugene, stated that she represented the League of Women Voters of Lane County. She said the League of Women Voters is a non-partisan grass roots organization that encourages citizen participation in government. She said their group studies and reaches positions on issues of concern to the public well being and public policy. She said the League is concerned about the proposal of the County to exert jurisdictional control over the lands that lie between the UGB and the Metro Plan boundary. She said they support interjurisdictional planning authority with comprehensive citizen participation that supports and coordinates sustainable development and considers the impact of growth decisions on adjacent areas over the long term. She said the quality of drinking water for Eugene and

Springfield is at risk under this proposal. She indicated that at this time there are no County protective regulations regarding water quality or the resources to provide them. She said the League believes that interdependence of land use planning and water planning must be recognized and required at all levels of government. She commented that water is a resource that should be managed for the benefit of the public and sustainable habitat for all life forms. She said the League opposes Ordinance PA 1281 and urges the Board of Commissioners to reject it.

Mia Nelson, Eugene, 1000 Friends of Oregon, commented that this is a major change and one of the most important decisions they might ever make. She asked for Springfield and Eugene to be careful. She said this is only about the County's ability to say no. She stated that if the cities say yes to this, they will have the same rights that any citizen has and not more. She didn't understand why the city would give that up. She commented that this is not just about the County and Springfield; there are substantive rights for Eugene at stake. She thought the phased idea was a bad idea. She stated there is no urgency to this.

Robert Emmons, Fall Creek, said he is President of Landwatch Lane County. He commented that it was disingenuous to say that this proposal would retain regional planning. He said when Springfield instigated HB3337 to separate itself from Eugene; regional planning was on the way out. He commented with Metropolitan Planning, Eugene, Springfield and Lane County benefit singularly and collectively by having a governing body where decisions of regional import are based on the separate but equal authority of its three jurisdictions. He said that land use decisions that affect Eugene and Springfield affect the County as a whole and the reverse is true. He thought that regional or interjurisdictional planning could help mitigate or eliminate negative impacts and protect common resources.

Kate Kelly, Eugene, said she is speaking as a private citizen and River Road resident. She recalled that since the 80's Eugene, Springfield and Lane County have worked jointly concerning issues around the Metro Plan Boundary and all three jurisdictions have had a joint voice in what is happening in the areas. She stated there is a move by the present Board of Commissioners to do away with this long established tradition. She added that the Board wants to establish sole authority for the land between the UGB and the Metro Plan, leaving Springfield and Eugene without a voice in how these lands are developed. She said she was concerned about the potential of water quality. She asked why Springfield would give up authority over its drinking water and leave it to the discretion of the County. She noted that both Eugene and Springfield are looking to expand the UGB's in the future so she didn't know why this issue was taking place now. She was concerned about eliminating the checks and balances that are in place. She asked the elected officials to think long and hard about giving up this right.

Carleen Reilly, Eugene, said she was dismayed at Lane County's efforts to give County Commissioner's sole authority over property between the UGB and the Metro Plan Boundary. She thought advance planning would allow the Sheriff's Office and other emergency services to focus on crime, health emergencies and house fires instead of being engaged in search and rescue during flooding. She commented that the drinking water ordinances proposed for the McKenzie would have come in handy in dealing with the flood conditions they experienced. She thought prevention would have been less expensive and less emotional wrenching than cleaning up the crisis. She stated that water must be their first priority over gravel resources. She thought County staff could focus on their primary task instead of throwing all personnel into search and rescue. She commented that regional planning is a prevention measure and a flood is a failure to plan. She urged that the Metro Boundary UGB region be maintained with multiple jurisdiction decision making.

Lee Deveau, Eugene, said she was in opposition to the proposal by the Lane County Board of Commissioners to amend the current Metro Plan. She stated that she is a resident concerned about her community. She thought the Metro Plan should continue in its present form as a collaborative process between the cities of Eugene and Springfield and Lane County. She thought it was appropriate and important that the two cities have a vote on proposed development and it would be negligent for the cities to abdicate their responsibility to their residents and leave land use decisions solely in the jurisdiction of Lane County. She stated the Metro Plan has served its function well as a collaborative planning tool that includes all stakeholders in decision making. She thought they would be doing more collaboration instead of less. She urged the cities of Springfield and Eugene to vote against the proposed amendment and continue the current Metro Plan.

Jozef Siekiel Zdzenicki, Eugene, opposed Ordinance PA 1281. He said the interface between urban and rural areas is the one where the most conflicts arise. He said if the ordinance is passed, there will be less voices heard. He thought the Robinson issue could be solved with site specific designations. He thought the water issue in Springfield could be resolved with an IGA.

Walt Johnson, Eugene, asked that Ordinance PA 1281 not be approved. He was concerned with the acceptance of this proposal that LCOG will disappear. He said if that is the case, more citizen involvement will be taken out of the picture. He thought since they were on the cusp of making UGB decisions, it makes more sense to do that now.

Joel Narva, Eugene, said he sent a letter to the elected officials. He said his comments are addressed to the city councilors of Eugene and Springfield. He asked them to deny Ordinance PA 1281. He thought if the city councils give up their authority they might be making a huge mistake. He commented that if the cities give up their sole authority of the lands to the County, it will be easier for industries and sand and gravel and residential developments that are not

appropriate for the cities' urban atmosphere to be approved easily and quicker. He stated to the city councilors that if they vote for this plan amendment, they are shirking their duty to their constituents because they will be giving up their authority on these important boundary questions.

Amy Chinitz, Springfield Utility Board, Springfield, said she is SUB's water quality protection coordinator and she was speaking on behalf of SUB. She stated that SUB was concerned that the proposal to modify the Metro Plan Boundary to be co-terminus with the Springfield UGB, weakens Springfield's ability to protect its drinking water sources. She noted that 31 out of 35 SUB and Rainbow Water District wells are located outside the UGB. She stated the source of over 75 percent of Springfield's total groundwater based production capacity is located between the UGB and the Metro Plan Boundary. She noted that the Metro Plan establishes a means for coordinating planning across jurisdictional lines. She said planning for the protection of drinking water source areas that follow hydrologic instead of jurisdictional boundaries is a logical subject for cross jurisdictional coordination. She reported that currently any proposed zone change within the Metro Plan boundary that would have an effect on Springfield's water supply would allow for multi-jurisdictional decision making. She added that this process allows the city of Springfield to participate in major decisions that could affect its own municipal water source. She stated the proposed modification to the Metro Plan Boundary would remove the city of Springfield from this process for areas between the UGB and the current metro plan boundary. She said SUB, Rainbow Water District and the city of Springfield adopted a pro active drinking water protection program in 1999. She said they value the partnership with the County and look forward to furthering their work together but even with successful partnerships with Lane County, they view the city of Springfield's participation and decision that could affect their water supply absolutely essential. She believed it was possible to avoid the setbacks for drinking water protection while still meeting the County's goal of establishing jurisdictional autonomy. She asked that this conversation continue during the JEO process so they can be sure that shrinking the Metro Plan boundary does not lead to any unintended harmful consequences.

Joe Meyers, Springfield, said that he has lived in Springfield his entire life. He noted that the cities of Eugene and Springfield are inside of Lane County and surrounded by Lane County and not the other way around. He believed they should have some sort of control on what goes on directly around the cities. He thought it would be bad for an entity to have sole jurisdiction over so many people. He thought it added to mistrust and the potential abuse of power.

Donna Riddle, Eugene, said she would personally benefit from Phase 2 because she has five acres that border the UGB west of I-5 and the city limits of Eugene. She said her main concern is clean water. She stated that interjurisdictional decision making on water is better to protect the rivers and the other wetlands.

Rodney Meyers, Springfield, said he has a shop near Cedar Creek. He said if there are setbacks, he asked what the affect would be on the operation of his shop.

Leiken indicated that what was submitted tonight will be part of the record. He added that failure to raise an issue to enable a response, may preclude an appeal to LUBA. He stated that only persons who qualify as a party may appeal the actual decision of the elected officials to LUBA.

Commissioner Leiken closed the Public Hearing for the Lane County Board of Commissioners.

Mayor Piercy closed the Public Hearing for the Eugene City Council.

Mayor Lundburg closed the Public Hearing for the Springfield City Council.

Stewart said this has been going on for a number of years and the Board gave direction over a year ago to move forward with this phased approach. He added it was the recommendation because Springfield was further ahead in their UGB work than Eugene and Lane County was approached with Mrs. Robinson's family issue and he thought it was one of the most logical ways to move it forward to fix. He stated that this metro boundary is specific to Springfield. He indicated this exercise is trying to find out if the metro boundary is appropriate and having the discussion to see if it is worthy to have it go back to a different location or leave it alone.

Handy thought they had the cart before the horse on this issue. He noted in River Road and Santa Clara, a Mr. and Mrs. Getty fell into a no man's land. He indicated that the Board worked for a legislative fix to address that particular parcel. He added that was passed in the legislature without any controversy. He said it avoided the bigger issue that has unintended consequences they haven't looked at. He thought they should look at a site specific redesignation to look at to address the concerns of some of the property owners without their moving into the bigger proposal. He wanted a fifth or sixth option to address Mrs. Robinson and others' concerns while they have broader concerns about the bigger issue.

Ralston stated that he did not have a problem with the phased approach as it made sense. He said according to what they have heard tonight, for the areas between the Metro Plan Boundary and the city limits, Lane County will have sole decision making authority. He thought those areas were close enough to Springfield that Springfield should have code decision making. He did not like an all or nothing proposition. He didn't like any of the options but he said if they change the boundaries and go the phased in route, that Eugene, Springfield and Lane County would have code decision making. He said for Phase 2 he would support Eugene and Lane County having authority on their sections too. He added if the areas outlined are going to be solely for Lane County decision making, then he wouldn't support it.

Bozievich asked if there were any wellhead protection ordinances that cover the areas outside of the Springfield UGB currently.

Chinitz responded that there are no local ordinances. She indicated that the wellhead zones extend quite a bit. She added that they have their wellhead production areas delineated out to the 99 year time of travel.

Bozievich asked how many of the wells that lie in the area are under the influence of surface water.

Chinitz reported their Willamette Well Field has 13 wells designated as being under the direct influence of surface water. She added that they run that through a treatment plant and they have one well in the Thurston Well Field that is designated. She said the actual ground water under the direct influence of surface water is active in their Willamette Well Field where they have their treatment plant.

Bozievich commented that there is little protection in the area they are discussing and how much of the area that needs to be protected is outside the plan boundary. He reiterated that there is a request to have some jurisdiction in an area where there is none. He said he had no objection in the future to Lane County adopting a wellhead protection ordinance in the zones they are discussing, similar to the fact that they have adopted pollution discharge with regard to stormwater regulations that are the same as the city of Eugene. With regard to sole jurisdiction, Bozievich asked under what authority Lane County exercises their Rural Comp Plan.

Miller responded that it is an acknowledged Rural Comprehensive Plan under the statewide planning program. He added that Lane County's plan has been acknowledged by the state and that is the authority they have to administer their Rural Comp Plan.

Bozievich said this is a question of having representation in the body that actually has jurisdiction over the land they own. He thought it was questionable in the UGB areas. He said the issue is they have people who live in an area who are not able to ever vote for a city council member but with the Metro Plan Boundary, the city council members are allowed to have jurisdiction over land use. He asked if there is a question about jurisdiction, why they are stopping where the Metro Plan Boundary is now. He indicated the Metro Plan is a leftover artifact of a 1968 plan that was developed before the statewide planning goals were made and Lane County is the only jurisdiction in the entire state that has it. He added that it takes away the rights of people to have representation and the people governing their land. He stated that is why he wants to make them co-terminus. He thought this was about being fair to the people who own the land. He thought they could deal with the issues by coming up with agreements and passing their own wellhead

protection ordinances. He didn't think Lane County having sole jurisdiction was endangering the water quality of Springfield or Eugene. He added that all of Eugene's water comes under the sole jurisdiction of Lane County.

Ortiz said she was concerned about this. She said that Eugene has been going through a lot of work around Envision Eugene. She added that they are working on the issues of Santa Clara River Road and what they can do to help be better neighbors. She hoped that they can have that conversation before any of this gets decided. She asked what the next steps would be for the jurisdictions.

Miller explained that is up to the elected officials whether or not they want to continue deliberations. He recommended a joint deliberation as it is better for the public and it is more efficient. He added that if they can't conclude deliberations this evening, they can coordinate a future date. He stated it was important to give the date, time and place of the future deliberations so they don't have to notice it.

Emily Jerome, city of Eugene, didn't think anyone anticipated additional hearings from the governing bodies. She wanted to know if the elected officials were going to close the record. She added that then the three jurisdictions would deliberate on their own and those minutes would be included in the overall record and the three jurisdictions make decisions separately. She stated that because the city of Eugene is the least affected, they would wait until Lane County and Springfield makes their decisions.

Ortiz requested to leave the record open for one week for additional comments and this would be the city of Eugene's last Public Hearing on this matter.

Mott explained that the Springfield City Council cannot make a decision on the night of the First Hearing and Public Hearing. He added that was stated in their charter. He indicated there was a need for the Springfield City Council to have a work session. He said it was rare for the elected officials to reconvene after their initial Public Hearing to jointly deliberate on the same night. He added the protocol is that for whichever entity initiated the hearing to be the first to act and then the other jurisdictions would act as soon thereafter if they can, assuming they all adopt identical records. He recommended that the city of Springfield have a work session that will occur in May.

Moore said she had concerns about Phase 1. She asked how Ordinance PA 1281 was advantageous to the city of Springfield. She added that she had heard things that made it advantageous to Lane County.

Lundberg indicated that issue needs to be discussed in a work session to look at what it means for the city of Springfield.

Miller explained that the intent is to help provide recourse and accountability to the elected officials for the people who live outside of the area but who are

impacted by the decisions that the elected officials make. He said the County is interested in a quality relationship among all of the jurisdictions. He indicated that the cities currently enjoy decision making autonomy within the city limits but the County doesn't have the same authority and this reciprocates that relationship and it helps the cities and the County.

Councilor George Brown left at 8:20 p.m. There is no quorum for the city of Eugene.

Piercy commented that there is a strongly improved relationship between the three jurisdictions and a current good working relationship. She thought that they were at the front end of the water issue. She thought it is going to get more challenging. She added that water issues are the issue of the future. She thought they needed to be thoughtful before they relinquish any oversight over water.

Poling concurred that they should keep the record open for one week. He recalled they started the meeting with a quorum but Councilor Brown had to leave. He asked if they could put out a motion and vote on it.

Jerome responded that the Eugene City Council cannot take action without a quorum. She thought they could discuss this issue at the next meeting.

Poling recommended that the city of Eugene not have another Public Hearing on this issue. He wanted to make sure the city of Eugene was the third group to take action in this process. He thought they needed another work session to discuss this issue.

Piercy asked about extending the record without a quorum.

Jerome said the city of Eugene cannot close the record these evening. She said the default for the city is the record remains open and tomorrow there is a meeting at noon when they will have a quorum. She recommended moving forward with the city of Springfield and Lane County to take the action they want to take. She recommended that all three jurisdictions do the same thing with the record. She said if they have to file a LUBA record, they want to file it as one.

Pishoneri commented that this was one of the first JEO meetings where he had enjoyed the comment and thoughtfulness that had been shown. He concurred that they have huge water issues. He said with their combined abilities within their jurisdictions, they can place protections and get to where everyone wants to go but it will take work. He was willing to move forward with this as long as they keep in mind that the County will have to put wellhead protections in place.

Lundberg stated that they have come to a new level of cooperation. She agreed with Bozievich on many points. She agreed that water is an issue for everyone.

She thought from this meeting they will go back and have a meaningful work session. She added that many options are workable.

Farr commented that he was happy they were moving forward with this.

Leiken thought the relationships between Springfield, Eugene and Lane County have improved greatly since HB3337 passed. He commented that no matter what they end up doing, that drinking water will be protected. He added that it is a large priority for him.

MOTION: to move that the Lane County Board of Commissioners close the public record on Tuesday March 27 at 5:00 p.m.

Bozievich MOVED,

Stewart asked that the motion include a Third Reading and Deliberation of the ordinances for June 13, 2012.

Bozievich modified his motion : to close the Public Record at 5:00 p.m. on March 27 and set the Third Reading for June 13, 2012 for Ordinance PA 1281, Ordinance PA 1283, Ordinance PA 1284, Ordinance PA 1290 and Ordinance No. 2-12.

Stewart SECONDED.

VOTE: 4-0.

Ralston thought since Lane County was taking the lead on this, they should make a decision before anyone else.

MOTION: to move to keep the record open for two more weeks to March 27 and have a work session on May 16.

Pishoneri MOVED, Moore SECONDED.

VOTE: 4-0.

Stewart stated that he had concerns about the additional layer and different land use laws that apply inside the Metro Boundary. He thought if at a minimum the land use laws were the same as what is allowed in the County, that Ms. Robinson would have been able to proceed. He indicated they are different now. He said the reason the Metro Boundary was there was the potential for growth in the future, but they were told because of the location of the piece of property, Springfield will not be able to justify moving in that direction. He commented that there are protections on the land to protect it from future growth from the city

but there is no intent to move it out. He thought that needed to be dealt with. He said they need to bring the plan up to date to what the needs are today.

Piercy said if it deals with representation, she wants to make sure that no decision they are making over representation will be balled up in that discussion. She added the same applies with the Santa Clara River Road area representation issues.

Leiken commented that was why the phased approach makes sense to pursue.

Commissioner Leiken adjourned the meeting for the Lane County Board of Commissioners at 9:05 p.m.

Mayor Lundberg adjourned the meeting for the Springfield City Council at 9:05 p.m.

Mayor Piercy adjourned the meeting of the Eugene City Council at 9:05 p.m.

Melissa Zimmer
Recording Secretary

MINUTES

Eugene City Council
 Council Chamber—City Hall
 777 Pearl Street—Eugene, Oregon

April 16, 2012
 7:30 p.m.

COUNCILORS PRESENT: George Brown, Pat Farr, Betty Taylor, Andrea Ortiz, George Poling, Chris Pryor.

COUNCILORS ABSENT: Mike Clark, Alan Zelenka.

In the absence of Her Honor Mayor Kitty Piercy, Council President George Brown called the April 16, 2012, public hearing of the Eugene City Council to order.

1. PUBLIC HEARING:

An Ordinance Concerning Infill Compatibility Standards Related to Multi-Family Developments, Multi-Family Zoning, Garbage and Recycling Screening, and Bicycle Parking; and Amending Sections 9.0500, 9.2750, 9.2751, 9.3125, 9.3626, 9.5500, 9.6105, 9.6410, 9.6740, 9.6745, and 9.8030 of the Eugene Code, 1971 (City File CA 11-2)

Assistant City Manager/Planning and Development Director Sarah Medary introduced the item, an ordinance adopting new infill standards for multi-family housing. The purpose of the ordinance was to clarify the Land Use Code to improve neighborhood livability and implement the strategies of Envision Eugene. She reported that the Planning Commission unanimously supported the ordinance before the council.

Councilor Brown opened the public hearing.

Carolyn Jacobs, 2040 Agate Street, advocated for the required inclusion of open space in dense housing, noting that many cities required such amenities, particularly for larger developments. She recommended that the council adopt a “step it back as you step it up” approach to design that allowed for both viable lower density R-1 development and higher density R-3 development in the South University Neighborhood. Ms. Jacobs recalled that in 2008, the Infill Compatibility Standards (ICS) Task Team identified encouragement of residential infill that enhanced the stability, quality, positive character, and livability of residential neighborhoods as a goal. She believed the council could move the City in that direction by making open space an integral element of all multi-family projects and sloped setbacks the norm for every project along the R-1/R-3 interface. She believed the other code changes were well-crafted and urgently needed.

Teresa Bishow, 2911 Tennyson Street, represented Arlie & Company. She reviewed highlights of her written testimony, which she submitted into the record. She suggested that the City adopt clear standards if it was trying to provide open space on a per project basis. However, she did not support the same approach to mixed-use areas because of the additional density requirements and because those areas were intended to support a broader range of uses and functions at a density that supported transit. Ms. Bishow

asked the council to eliminate the special standards in the R-3 and R-4 zones related to driveways, which imposed standards on single-family homes in those zones. Ms. Bishow concluded by expressing concern that the broad nature of the proposed code changes could result in recently constructed multi-family housing to become nonconforming structures, and recommended that the council exempt those structures from that designation when it adopted the code.

Dane Butler, 3396 Amherst Way, expressed concern that the code amendments related to driveways and parking areas in multi-family zones could eliminate features that helped make developments special, such as front porches. He anticipated that single-family, not just multi-family, development would be vastly impacted by the amendments.

Ed McMahon, 1065 River Road, Homebuilders Association of Lane County, asked the council to review the written testimony carefully. He did not think the standards were where they needed to be and some minor revisions would address the remaining problems. Mr. McMahon believed the code amendments highlighted some of the areas where the Seven Pillars of Envision Eugene conflicted, and the community needed to find a balance in eliminating that conflict. He recommended additional vetting of the standards so consensus could be reached.

Bill Aspegren, 1939 Alder Street, noted the origin of several of the standards in the work of the ICS Task Team and said the standards were well-thought out and well-vetted. He believed the absence of standards such as those being proposed was chipping away at neighborhood livability. Mr. Aspegren said the standards were critical to neighborhoods and he urged the council to adopt them quickly.

Councilor Brown closed the public hearing and solicited council questions.

Councilor Taylor believed it was past time for the City to do something about incompatible development and the standards appeared to make sense. She asked staff to speak to citizen recommendations to increase bicycle parking. Senior Planner Alissa Hansen noted the current bicycle parking requirement for multi-family development of one per unit. She reported that staff had initially proposed two spaces for units with three or more bedrooms, but the Planning Commission decided against that recommendation on the basis that the City would be doing some bicycle parking amendments as a result of the Bicycle Pedestrian Master Plan and commissioners thought a more comprehensive review would be useful.

Councilor Taylor asked staff to comment on Ms. Bishow's remarks regarding driveways. Ms. Hansen said one amendment proposed limitations on driveways and parking in the R-3 and R-4 zones. She anticipated the amendment would have the most impact in neighborhoods around the University of Oregon campus, where development intensity was frequently increased on a lot but did not reach the threshold of the multi-family standards. The amendments limited the amount of paving to a certain width and depth and would eliminate the angled parking that frequently occurred in front yards. While the standards were mostly intended for application around the university, the Planning Commission recommended they be applied community-wide in the R-3 and R-4 zones. Councilor Taylor suggested the standards could also be applied in the R-1 zone. Ms. Hansen anticipated that staff would ask the council to consider code amendments related to the infill compatibility standards for single-family development, which would include consideration of lot coverage and impervious surfaces.

Councilor Taylor asked staff to speak to Mr. Butler's remarks about the impact of the driveway standards. Ms. Hansen was unsure of the scope of the concern involved, and speculated Mr. Butler might be concerned that the City would consider a walkway to be a driveway or parking area, or he might be concerned that staff was proposing that walkways from the sidewalk to the front of the house be physically separated from the driveway.

Councilor Taylor, seconded by Councilor Poling, moved to keep the record open for written testimony until 5:30 p.m. on April 30, 2012. Roll call vote: The motion passed unanimously, 6:0.

Councilor Brown adjourned the meeting at 7:52 p.m.

Respectfully submitted,

Beth Forrest
City Recorder

(Recorded by Kimberly Young)