



Eugene City Council

125 E. 8th Ave., 2nd Floor
Eugene, OR 97401-2793
541-682-5010 • 541-682-5414 Fax
www.eugene-or.gov

EUGENE CITY COUNCIL AGENDA

May 28, 2013

5:30 p.m. CITY COUNCIL WORK SESSION

Harris Hall

125 East 8th Avenue

Eugene, Oregon 97401

7:30 p.m. CITY COUNCIL MEETING

Harris Hall

125 East 8th Avenue

Eugene, Oregon 97401

**Meeting of May 28, 2013;
Her Honor Mayor Kitty Piercy Presiding**

Councilors

George Brown, President

Pat Farr, Vice President

Mike Clark

George Poling

Chris Pryor

Claire Syrett

Betty Taylor

Alan Zelenka

CITY COUNCIL MEETING

Library, Bascom-Tykeson Room

- 1. PLEDGE OF ALLEGIANCE TO THE FLAG**
- 2. PUBLIC FORUM**

3. CONSENT CALENDAR

(Note: Time permitting, action on the Consent Calendar may be taken at the 5:30 p.m. work session.)

- A. Approval of City Council Minutes**
- B. Approval of Tentative Working Agenda**

4. PUBLIC HEARING:

An Ordinance Amending Ordinance No. 20508 to Extend the Temporary Suspension of Multiple Unit Property Tax Exemptions under Sections 2.945 and 2.947 of the Eugene Code, 1971, Through July 31, 2013

5. ACTION:

Ordinance 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; Adopting Savings and Severability Clauses; and Providing for an Effective Date (City File MA 11-1)

6. WORK SESSION:

Disposition of Surplus Property

**time approximate*

The Eugene City Council welcomes your interest in these agenda items. This meeting location is wheelchair-accessible. For the hearing impaired, FM assistive-listening devices are available or an interpreter can be provided with 48 hours' notice prior to the meeting. Spanish-language interpretation will also be provided with 48 hours' notice. To arrange for these services, contact the receptionist at 541-682-5010. City Council meetings are telecast live on Metro Television, Comcast channel 21, and rebroadcast later in the week.

City Council meetings and work sessions are broadcast live on the City's Web site. In addition to the live broadcasts, an indexed archive of past City Council webcasts is also available. To access past and present meeting webcasts, locate the links at the bottom of the City's main Web page (www.eugene-or.gov).

El Consejo de la Ciudad de Eugene aprecia su interés en estos asuntos de la agenda. El sitio de la reunión tiene acceso para sillas de ruedas. Hay accesorios disponibles para personas con afecciones del oído, o se les puede proveer un interprete avisando con 48 horas de anticipación. También se provee el servicio de interpretes en idioma español avisando con 48 horas de anticipación. Para reservar estos servicios llame a la recepcionista al 541-682-5010. Todas las reuniones del consejo estan gravados en vivo en Metro Television, canal 21 de Comcast y despues en la semana se pasan de nuevo.

For more information, contact the Council Coordinator at 541-682-5010,

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Public Forum

Meeting Date: May 28, 2013
Department: City Manager's Office
www.eugene-or.gov

Agenda Item Number: 2
Staff Contact: Beth Forrest
Contact Telephone Number: 541-682-5882

ISSUE STATEMENT

This segment allows citizens the opportunity to express opinions and provide information to the council. Testimony presented during the Public Forum should be on City-related issues and should not address items which have already been heard by a Hearings Official, or are on the present agenda as a public hearing item.

SUGGESTED MOTION

No action is required; this is an informational item only.

FOR MORE INFORMATION

Staff Contact: Beth Forrest
Telephone: 541-682-5882
Staff E-Mail: beth.l.forrest@ci.eugene.or.us

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Approval of City Council Minutes

Meeting Date: May 28, 2013
Department: City Manager's Office
www.eugene-or.gov

Agenda Item Number: 3A
Staff Contact: Kris Bloch
Contact Telephone Number: 541-682-8497

ISSUE STATEMENT

This is a routine item to approve City Council minutes.

SUGGESTED MOTION

Move to approve the minutes of the May 7, 2013, Boards and Commissions Interviews, May 8, 2013, Work Session, May 13, 2013, Work Session, May 13, 2013, Meeting, May 14, 2013, Boards and Commissions Interviews, May 15, 2013, Work Sessions, May 20, 2013, Work Sessions and May 20, 2013, Boards and Commissions Interviews.

ATTACHMENTS

- A. May 7, 2013, Boards and Commissions Interviews
- B. May 8, 2013, Work Session
- C. May 13, 2013, Work Session
- D. May 13, 2013, Meeting
- E. May 14, 2013, Boards and Commissions Interviews
- F. May 15, 2013, Work Sessions
- G. May 20, 2013, Work Sessions
- H. May 20, 2013, Boards and Commissions Interviews

FOR MORE INFORMATION

Staff Contact: Kris Bloch
Telephone: 541-682-8497
Staff E-Mail: kris.d.bloch@ci.eugene.or.us

ATTACHMENT A**MINUTES**

Eugene City Council
Saul Room - Atrium
99 West 10th Avenue—Eugene, Oregon

May 7, 2013
5:30 p.m.

COUNCILORS PRESENT: George Poling, George Brown, Betty Taylor, Claire Syrett, Greg Evans.

COUNCILORS ABSENT: Chris Pryor, Mike Clark, Alan Zelenka.

Council President George Poling called the May 7, 2013, session of the Eugene City Council to order.

A. BOARDS AND COMMISSIONS INTERVIEWS

The council interviewed Tony Brandt, Will Shaver, Linda Hamilton, and Bob Cassidy for vacancies on the Budget Committee. Each candidate was asked the following questions:

1. *What are top three financial challenges that the local governments in the US are facing today? What are some of the strategies that can be utilized to address those challenges?*
2. *What are the steps that the City organization can take to make the City budget more understandable to citizens and to increase public engagement in the budget process?*
3. *With the City's General Fund facing deficits in the next several years, there have been proposals to spend down reserves in order to balance the City budget. Please describe pros and cons of using one-time funds to support ongoing services.*
4. *Taking into account broad community input is an important part of the Budget Committee discussions and decision-making. What types of information and community feedback would you consider as part of analyzing and discussing the City's budget?*

The council interviewed David Van Der Haeghen, Philip Carrasco, Mary Clayton, Arun Toké, Debra Merskin, and Edward Goehring for vacancies on the Human Rights Commission. Each candidate was asked the following questions:

1. *Can you tell us a little bit about your efforts to promote diversity, equality, equity, and understanding of human rights within the community, either through volunteer work or in your employment activities? Please give examples.*
2. *Volunteering for a City human rights commission that advises elected officials and works with City staff is different from a community-based human rights organization. Given those differences what skills or abilities do you have that would make you effective in this role?*

3. *The HRC's 2012-13 priorities include working with the community and advising City Council on issues involving integration of immigrants into the community; homelessness; problems experienced by youth; and racism and other expressions of bias and hate. Can you comment on your experiences and/or your interest in addressing these issues?*
4. *What do you see as the most important human rights issues in our community now? What are some solutions you think will help resolve those issues?*

The council interviewed Laurie Trieger for a vacancy on the Planning Commission. Ms. Trieger was asked the following questions:

1. *What key issues would you hope to address as a member of the Planning Commission?*
2. *The Eugene Planning Commission often works on lengthy processes and decisions as a group. Describe your prior skills and experience that will assist you in working with the Planning commission in a collective manner.*
3. *The Planning Commission meets most Mondays from 11:30-1:30 and sometimes on Tuesday evenings. There is often a high volume of materials to review and consider between meetings. Do you have the time and flexibility in your schedule to accommodate this level of commitment?*
4. *Please describe how you would contribute to the diversity of views on the Planning Commission. In what ways would you seek to bring the perspectives of underrepresented members of our community into the land use planning and decision process?*
5. *The Planning Commission must often consider and balance complex issues when reviewing planning documents and making land use decisions. As an example, the city is in the process of implementing strategies to accommodate 34,000 new residents over the next 20 years. In your opinion, what are the most important factors for the Planning Commission to consider in this effort?*

Mr. Poling adjourned the meeting at 8:45 p.m.

Respectfully submitted,

Beth Forrest
City Recorder

ATTACHMENT B

MINUTES

**Eugene City Council
Harris Hall, 125 East 8th Avenue
Eugene, Oregon 97401**

**May 8, 2013
12:00 p.m.**

Councilors Present: George Brown, Betty Taylor, George Poling, Mike Clark, Chris Pryor, Claire Syrett, Greg Evans, Alan Zelenka (via conference phone).

Her Honor, Mayor Piercy opened the May 8, 2013, work session of the Eugene City Council.

A. WORK SESSION: Comprehensive Plan for Bringing Properties into City

City Manager Jon Ruiz, Executive Director of Library, Recreation and Cultural Services Renee Grube, Senior Planner Terri Harding, and Principal Planner Steve Nystrom provided background information noting that their presentation was focused on the River Road and Santa Clara areas only, even though other parts of town do have properties that are outside the incorporated area that could be annexed.

Santa Clara River Road Outreach and Learning Project (SCRROL) members Carleen Reilly and Kate Perle added the perspectives of the neighborhoods they represent as well as information about the SCRROL process and longer-term goals.

Council Clark recapped the five principles he hoped would be used to guide the council's deliberations and be incorporated into the plan.

- 1) *No property owner should be forced to annex into the city.*
- 2) *Different incentives should be developed and implemented for applicable separate types of property owners.*
- 3) *The city should develop an extensive communications plan to insure these residents get accurate information about the city's intentions and the property owner's opportunity to benefit from annexation.*
- 4) *The process for annexation should be simplified and potentially discounted to allow for the greatest number of property owners to take advantage of the opportunity.*
- 5) *The city will collaborate with the existing service providers and special districts in the area to ensure greatest benefit to the area residents and to maintain to the extent possible locally valued assets.*

Council Discussion/Questions/Issues/Challenges:

- There is general support for the City's policy to wait for a trigger such as proposed development to initiate an annexation.
- Changes to State law requiring all annexations to be contiguous with City properties creates many challenges.
- New tools to make annexation more attractive should be identified and developed.
- There will be benefits to bringing all City services to a more complete level.
- Considerable time and care must be given to determining the best way to merge the River Road Parks District with the City's recreation programs.
- Protection of farm lands and food security is the highest priority.

Item 3.A.

Mayor Piercy noted that Margaret Harter, her assistant for the past six years, is retiring at the end of May. Mayor Piercy introduced Dawn Branham, the new Mayor and Council Assistant.

Respectfully submitted,

Michelle Mortensen
Deputy City Recorder

ATTACHMENT C

MINUTES

**Eugene City Council
Harris Hall, 125 East 8th Avenue
Eugene, Oregon 97401**

**May 13, 2013
5:30 p.m.**

Councilors Present: George Brown, Betty Taylor, Alan Zelenka, George Poling, Mike Clark, Chris Pryor, Claire Syrett, Greg Evans

Her Honor, Mayor Piercy, called the May 13, 2013, City Council work session to order.

A. COMMITTEE REPORTS: Chamber of Commerce, Housing Policy Board, Lane Regional Air Protection Agency, Metropolitan Wastewater Management Commission

Councilors reported on recent activities, projects, and items for committees they represent, including:

- Highlights of the Dalai Lama visit
- Opening of new shelter for women at Eugene Mission
- Traffic safety issues around 30th and Hilyard
- Issues with new law requiring 5¢ charge for paper bags.
- Reports from Housing Policy Board, Metropolitan Wastewater Management Commission, Lane Regional Air Protection Agency, and Police Commission meetings
- Upcoming or recent neighborhood meetings
- Gang Summit
- Success of University of Oregon men's and women's track teams and women's softball team.

Councilors debated the merits of revisiting the ordinance banning the use of plastic bags, sharing specific concerns about the 5¢ charge for paper bags.

MOTION AND VOTE: Councilor Clark, seconded by Councilor Taylor, moved to bring back an ordinance to suspend enforcement of the 5¢ per bag surcharge while the council evaluates the impact of this new ordinance. PASSED 5:3, Councilors Syrett, Zelenka and Evans opposed.

**B. WORK SESSION:
Multi-Unit Property Tax Exemption (MUPTE) Program**

Urban Services Manager Denny Braud gave a recap of MUPTE and presented information and options for revising the program to the council.

Item 3.A.

Councilors expressed their support for the following elements: local hiring,, housing type, family size units, affordable units, project location, features, open space, parking, compatibility with existing neighborhood and increased or additional public benefit.

There was general support for convening a panel of local business people/stakeholders to review the program and proposed changes. Other suggestions and ideas included:

- Confirm local hiring requirement by using a certified payroll service to show zip codes of all workers.
- LEED certification is important.
- Application deadline should be once a year and request for funds should be competitive.
- Put a cap on the amount of financial exemption.
- Neighborhood contact and collaboration are important.
- Align MUPTE boundaries with Envision Eugene boundaries.
- Third party verification is one way to evaluate the effectiveness of the process.
- Scalability and flexibility are important.
- Consider contract preferences for women- and minority-owned businesses.
- Triple bottom line important in creating program and evaluating proposals.
- Establishing a minimum threshold allows applicants to improve project for bigger exemption.
- No exemptions for uses that compete with existing businesses.

Mayor Piercy asked that a poll be taken to determine council support for a panel discussion with local developers, financiers, engineers, builders, etc., in order to better understand the issues, concerns, elements and challenges applicants must address to receive the tax exemption.

The meeting adjourned at 7:00 p.m.

Respectfully submitted,

Michelle Mortensen
Deputy City Recorder

ATTACHMENT D

MINUTES

Eugene City Council
Harris Hall, 125 East 8th Avenue
Eugene, Oregon 97401

May 13, 2013
7:30 p.m.

Councilors Present: George Brown, Betty Taylor, Alan Zelenka, George Poling, Mike Clark, Chris Pryor, Claire Syrett, Greg Evans

Her Honor, Mayor Piercy, called the May 13, 2013, City Council meeting to order.

1. CEREMONIAL MATTERS

Mayor Piercy recognized students from Camas Ridge School for their “Duck Tracks” historical vignette project.

2. PUBLIC FORUM

David Mandelblatt, Downtown Neighbors Association, said MUPTE is beneficial, if used properly
Sherry Schaefers, supported MUPTE if it is used in balance, and for multi-family housing.
Tony Stirpe, expressed concern for pedestrian and bike safety, noting MUPTE could help downtown.
Martin Henner – supported MUPTE for development of owner-occupied cooperative housing.
Gary Rondeau – asked the council to contact state legislators requesting protection for bees.
Chief Swiftfoot – expressed frustration with the downtown exclusion zone.
Michael Gannon – provided a list of reasons why taxes should not be given away through MUPTE.
Sabra Marcroft – thanked the council for listening and for their kindness and generosity.
Michael Carrigan – thanked council for lifting the camping ban, finding places for people to sleep.
Kimberly Gladen – said downtown is looking better, which encourages people to come back.
Art Bowman – requested more information about the Internal Affairs investigation.
James Chastain - said Eugene needs its own homeless bill of rights to end harassment.
Joe Tyndall – questioned Police priorities and voiced his opinion on homeless issues.

3. CONSENT CALENDAR

- A Approval of City Council Minutes
- B Approval of Tentative Working Agenda
- C Ratification of the Metropolitan Wastewater Management Commission (MWMC) FY14 Regional Wastewater Program Budget and Capital Improvements Program

MOTION AND VOTE: Councilor Poling, seconded by Councilor Pryor, moved to approve the items on the Consent Calendar. PASSED 8:0.

4. ACTION: Approval of Support Position for Senate Bill 306-A

Lisa Gardner, AIC Intergovernmental Relations Manager, provided background on Senate Bill 306-A, related to carbon pricing, noting EWEB's support for the bill and its alignment with most City goals.

Councilor Zelenka noted that this bill simply authorizes a study group to look at options and discuss how carbon pricing might work.

MOTION AND VOTE: Councilor Poling, seconded by Councilor Pryor, moved to support the bill. PASSED 6:2, Poling and Clark opposed.

5. WORK SESSION: Metro Plan Boundary Adjustment Proposal (Springfield Side)

Carolyn Burke and Alissa Hansen, Planning and Development Department, presented information on the background, scope and effects of the proposed Metro Plan boundary adjustment.

Greg Mott and Len Goodwin, City of Springfield, noted that maintaining access to clean water supplies and wellhead sites that were not disturbed or contaminated by new development was a priority for the Springfield City Council. Over the course of a year, this issue was vetted, jurisdictional involvement and solutions were discussed and implemented and the Springfield City Council voted unanimously to allow the Metro Plan Boundary Adjustment.

The meeting adjourned at 9:00 p.m.

Respectfully submitted

Michelle Mortensen,
Deputy City Recorder

ATTACHMENT E**MINUTES**

Eugene City Council
Saul Room - Atrium
99 West 10th Avenue—Eugene, Oregon

May 14, 2013
5:30 p.m.

COUNCILORS PRESENT: George Poling, George Brown, Betty Taylor, Claire Syrett, Chris Pryor, Alan Zelenka.

COUNCILORS ABSENT: Mike Clark, Greg Evans.

Council President George Poling called the May 14, 2013, session of the Eugene City Council to order.

A. BOARDS AND COMMISSIONS INTERVIEWS

The council interviewed William Whalen, Christopher Wig, and John Brown for vacancies on the Civilian Review Board. Each candidate was asked the following questions:

1. *What can you tell us about your activities, personal attitudes and life experience that would demonstrate you can make objective decisions about complaints against the police?*
2. *What contacts, positive or negative, have you had with police or in the criminal justice system?*
3. *One of your neighbors is a Eugene officer. He knows you're on the CRB. Recently, he asked you a hypothetical question about what you think an officer should do in a particular situation. What would be your response to his question?*

The council interviewed Bob DenOuden, John Orbell, Carolyn Stein, Mary Clayton, Sarah France, Deveron Musgrave, and Howard Saxion for vacancies on the Sustainability Commission. Each candidate was asked the following questions:

1. *What prompted you to apply for the Sustainability Commission? Based on what you know about the role of the commission, what skills, knowledge and community connections could you bring to help the commission be successful?*
2. *City Council has adopted goals for climate action including reducing fossil fuels, reducing greenhouse gas emissions and building resilience to climate change. What role can the commission play in advancing these goals and supporting the implementation of our Climate and Energy Action Plan?*
3. *The commission is asked to advise the council on a policy that has the potential to provide significant "green" results (e.g. energy efficiency, natural resource protection, etc.) but appears*

Item 3.A.

to have negative impacts to social equity in the community. How would you reconcile these impacts? What priorities should guide the commission's position?

Mr. Poling adjourned the meeting at 8:15 p.m.

Respectfully submitted,

Beth Forrest
City Recorder

ATTACHMENT F

MINUTES

**Eugene City Council
Harris Hall, 125 East 8th Avenue
Eugene, Oregon 97401**

**May 15, 2013
12:00 p.m.**

Councilors Present: George Brown, Betty Taylor, Alan Zelenka, George Poling, Mike Clark, Chris Pryor, Claire Syrett, Greg Evans

Her Honor, Mayor Piercy, called the May 15, 2013, City Council work session to order.

A. WORK SESSION: Eugene Water & Electric Board Riverfront Master Plan

Planning and Development staff members Gabe Flock and Nan Lawrence presented information about the proposed Riverfront Master Plan, its key components, and next steps. Highlights included:

- Plan will limit allowed uses for certain spaces, such as food, entertainment, and open space.
- Retail will be on the first floor to encourage a thriving and active environment.
- Business will be located on upper floors with residential in some places as well.
- Parking will initially be limited to surface areas.
- Eight acres of the site will be dedicated for public use as a park.
- Plan Goal: Remain flexible for current and future uses and accommodate changes in existing buildings over time.
- With this plan in place, the code will protect the land until funds become available to develop.
- Public testimony at a Planning Commission Hearing indicated support for the plan.

Councilor Clark left the meeting at 12:50 pm.

Council Questions/Comments:

- Building and maintain a strong connection to downtown and the inclusion of garden areas.
- Concerns expressed about parkland ownership and associated maintenance costs.
- Include LTD early in planning process to ensure transit connectivity.
- Identify what funds/options/partners/incentives might be able to help finance this vision.
- Maintain flexibility of development options, uses, and design.
- Development at site should complement, not compete with, other downtown businesses and amenities.
- Broad public involvement in the process is critical.
- Ensure that river-oriented businesses and activities are part of the developed plan.

The meeting adjourned at 1:30 p.m.

Item 3.A.

Respectfully submitted,

Michelle Mortensen,
Deputy City Recorder

ATTACHMENT G

MINUTES

**Eugene City Council
Harris Hall, 125 East 8th Avenue
Eugene, Oregon 97401**

**May 20, 2013
5:30 p.m.**

Councilors Present: George Brown, Betty Taylor, Alan Zelenka, Mike Clark, Chris Pryor, Claire Syrett, Greg Evans

Councilors Absent: George Poling

Her Honor, Mayor Piercy, convened the May 20, 2013, City Council work session.

A. WORK SESSION: HOMELESS CAMPING

AIC Parks and Open Space Division Manager Mark Schoening re-introduced this topic and reviewed the proposed options and list of potential sites that had been identified in previous discussions. If the ordinance amendments were adopted, the City Manager would identify which sites would be used for camping purposes by Administrative Order. Following that action, a public hearing would be scheduled to receive public input before any final adoption or action took place.

Mayor Piercy read a letter from Rev. Dan Bryant regarding the Micro-Housing Project at the Garfield site and asking the City to postpone the decision about how to pay for the Conditional Use Permit (CUP) fees if there was no money in the contingency fund.

Discussion Summary:

- This is a tough issue with no quick or easy resolution.
- If camping on City owned land is allowed, bathrooms, garbage service and some level of security should be provided at each site.
- The City can't afford to underwrite the ongoing expense of providing sanitary and security services.
- If site users are to be screened, how does that happen, who does it, what is the cost and where do those not allowed in the authorized sites go to sleep?
- A maximum of eight to twelve sites should be designated, as this is pilot project only.
- The money spent by Public Works/Parks staff for clean-up is unbudgeted money and not something that can be transferred for another use.
- Concerns were expressed that the discussion was assuming a more permanent solution to the overnight camping issue, rather than a simple, smaller-scale plan. The original goal was to allow unhoused people to sleep without penalty.
- It was noted the proposed ordinance defines "overnight sleeping" as "from dusk to dawn", which changes each season.
- Concerns were expressed about competing needs and the reality of non-profit agencies closing their doors due to lack of funding. Social service agencies depend on money from various sources to address elements of homelessness.
- There is wide support for partnering with other local agencies, faith communities, businesses and individuals, to make the proposal more sustainable.

Item 3.A.

- More information about the City's liability was requested.
- It is important that the sites are equally dispersed around the city so no one area is impacted any more than another.
- Ideally, camping areas should be located along transit routes and close to social services.
- Camp sites should not be near schools for safety reasons.
- The council's primary objective is to review the camping ban and amend it to allow overnight sleeping.
- Staff was asked to refresh the site list and clarify the criteria. Define what is ideal vs. what is necessary.
- Identify which non-profit and for-profit agencies/communities have the capacity to help with this initiative.

Mayor Piercy urged the council to consider what questions need to be answered in order to move this forward and make progress. Another work session will be scheduled to continue this discussion.

The meeting adjourned at 7:00 p.m.

Respectfully submitted,

Michelle Mortensen,
Deputy City Recorder

ATTACHMENT H**MINUTES**

**Eugene City Council
Harris Hall, 125 East 8th Avenue
Eugene, Oregon 97401**

**May 20, 2013
5:30 p.m.**

Councilors Present: George Brown, Betty Taylor, Alan Zelenka, Mike Clark, Chris Pryor, Claire Syrett, Greg Evans

Councilors Absent: George Poling

Her Honor, Mayor Piercy, convened the May 20, 2013, City Council work session.

A. WORK SESSION: HOMELESS CAMPING

AIC Parks and Open Space Division Manager Mark Schoening re-introduced this topic and reviewed the proposed options and list of potential sites that had been identified in previous discussions. If the ordinance amendments were adopted, the City Manager would identify which sites would be used for camping purposes by Administrative Order. Following that action, a public hearing would be scheduled to receive public input before any final adoption or action took place.

Mayor Piercy read a letter from Rev. Dan Bryant regarding the Micro-Housing Project at the Garfield site and asking the City to postpone the decision about how to pay for the Conditional Use Permit (CUP) fees if there was no money in the contingency fund.

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- This is a tough issue with no quick or easy resolution.
- If camping on City owned land is allowed, bathrooms, garbage service and some level of security should be provided at each site.
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- If site users are to be screened, how does that happen, who does it, what is the cost and where do those not allowed in the authorized sites go to sleep?
- A maximum of eight to twelve sites should be designated, as this is pilot project only.
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- Concerns were expressed that the discussion was assuming a more permanent solution to the overnight camping issue, rather than a simple, smaller-scale plan. The original goal was to allow unhoused people to sleep without penalty.
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- Concerns were expressed about competing needs and the reality of non-profit agencies closing their doors due to lack of funding. Social service agencies depend on money from various sources to address elements of homelessness.

Item 3.A.

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- More information about the City's liability was requested.
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- Identify which non-profit and for-profit agencies/communities have the capacity to help with this initiative.

Mayor Piercy urged the council to consider what questions need to be answered in order to move this forward and make progress. Another work session will be scheduled to continue this discussion.

The meeting adjourned at 7:00 p.m.

Respectfully submitted,

Michelle Mortensen,
Deputy City Recorder

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Approval of Tentative Working Agenda

Meeting Date: May 28, 2013
Department: City Manager's Office
www.eugene-or.gov

Agenda Item Number: 3B
Staff Contact: Beth Forrest
Contact Telephone Number: 541-682-5882

ISSUE STATEMENT

This is a routine item to approve City Council Tentative Working Agenda.

BACKGROUND

On July 31, 2000, the City Council held a process session and discussed the Operating Agreements. Section 2, notes in part that, "The City Manager shall recommend monthly to the council which items should be placed on the council agenda. This recommendation shall be placed on the consent calendar at the regular City Council meetings (regular meetings are those meetings held on the second and fourth Monday of each month in the Council Chamber). If the recommendation contained in the consent calendar is approved, the items shall be brought before the council on a future agenda. If there are concerns about an item, the item may be pulled from the consent calendar at the request of any councilor or the Mayor. A vote shall occur to determine if the item should be included as future council business." Scheduling of this item is in accordance with the Council Operating Agreements.

RELATED CITY POLICIES

There are no policy issues related to this item.

COUNCIL OPTIONS

The council may choose to approve, amend or not approve the tentative agenda.

CITY MANAGER'S RECOMMENDATION

Staff has no recommendation on this item.

SUGGESTED MOTION

Move to approve the items on the Tentative Working Agenda.

ATTACHMENTS

A. Tentative Working Agenda

FOR MORE INFORMATION

Staff Contact: Beth Forrest
Telephone: 541-682-5882
Staff E-Mail: beth.l.forrest@ci.eugene.or.us

EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

May 22, 2013

MAY 23	THURSDAY	** NOTE: MEETING START TIME CHANGED **
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6:00 p.m.	Budget Committee
Bascom-Tykeson Room	Expected Absences: Piercy
1. City Manager's FY14 Proposed Budget Presentation	

MAY 28	TUESDAY	** NOTE: LOCATION CHANGE **
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5:30 p.m.	Budget Committee
Bascom-Tykeson Room	Expected Absences:
1. Budget Deliberation	

7:30 p.m.	Council Meeting	
Bascom-Tykeson Room	Expected Absences:	
1. Pledge of Allegiance to the Flag (Memorial Day)		
2. Public Forum		
3. Consent Calendar		
a. Approval of City Council Minutes		CS/Forrest
b. Approval of Tentative Working Agenda		CS/Forrest
4. PH: Ordinance Extending MUPTe Suspension		PDD/Braud
5. Action: Ordinance Amending the Metro Plan Boundary (Springfield side)		PDD/Hansen
6. WS: Disposition of Surplus Property		LRCS/Braud

MAY 29	WEDNESDAY	
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Noon	Council Work Session	
Harris Hall	Expected Absences: Syrett	
A. Action: Ordinance Extending MUPTe Suspension		30 mins - PDD/Braud
B. WS: Core Campus Housing		60 mins – PDD/Nobel

MAY 30	THURSDAY	** NOTE: MEETING ADDED **
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5:30 p.m.	Budget Committee
Bascom-Tykeson Room	Expected Absences:
1. Budget Deliberation	

JUNE 4	TUESDAY	** NOTE: MEETING ADDED **
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5:30 p.m.	Budget Committee
Bascom-Tykeson Room	Expected Absences:
1. Budget Deliberation	

JUNE 5	WEDNESDAY	** NOTE: MEETING ADDED **
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5:30 p.m.	Budget Committee
Bascom-Tykeson Room	Expected Absences:
1. Public Hearing & Final Action/Recommendation to City Council	

JUNE 10	MONDAY	
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5:30 p.m.	Council Work Session	
Harris Hall	Expected Absences:	
A. Committee Reports: Police Comm, Lane Metro, LTD (EmX), Lane Workforce, OMPOC, McKenzie Watershed		
B. WS: Core Campus Housing		60 mins – PDD/Nobel

7:30 p.m.	Council Meeting
Harris Hall	Expected Absences:
1. Pledge of Allegiance to the Flag (Flag Day)	
2. Public Forum	
3. Consent Calendar	

A=action; PH=public hearing; WS=work session

EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

May 22, 2013

- | | |
|---|-----------------------|
| a. Approval of City Council Minutes | CS/Forrest |
| b. Approval of Tentative Working Agenda | CS/Forrest |
| 4. PH: Ordinance Suspending Enforcement of 5¢ Charge for Paper Bags | CAO/ |
| 5. WS: Police Auditor Annual Report | 45 mins – PA/Gissiner |

JUNE 12	WEDNESDAY	
Noon	Council Work Session	
Harris Hall	Expected Absences:	
A. WS: EWEB Master Plan		90 mins – PDD/Flock

JUNE 17	MONDAY	
7:30 p.m.	Council Public Hearing	
Harris Hall	Expected Absences:	
1. PH: EWEB Master Plan		PDD/Flock
2. PH: Ordinance on MUPTE Program Revisions		PDD/Braud

JUNE 19	WEDNESDAY	
Noon	Council Work Session	
Harris Hall	Expected Absences:	
A. WS: South Willamette Street Improvement Plan		45 mins – PW/Henry
B. WS: Envision Eugene Implementation: South Willamette Concept Plan		45 mins – PDD/Thomas, Hostick

JUNE 24	MONDAY	
5:30 p.m.	Council Work Session	
Harris Hall	Expected Absences:	
A. Committee Reports and Items of Interest from Mayor, City Council, and City Manager		15 mins
B. Action: Ordinance Revising MUPTE Program		30 mins – PDD/Braud
C. WS: Safe Demolition Protocols		45 mins - PDD/Ramsing

7:30 p.m.	Council Meeting	
Harris Hall	Expected Absences:	
1. Public Forum		
2. Consent Calendar		
a. Approval of City Council Minutes		CS/Forrest
b. Approval of Tentative Working Agenda		CS/Forrest
c. Approval of Local SDC Cost Adjustments		PW/Burns
d. Approval of Resolution for Annexation (A 13-2) Reiman		PDD/Taylor
3. PH: FY14 Proposed Budget		CS/Cariaga
4. PH: FY13 June Supplemental Budget		CS/Cariaga
5. PH: FY14 URA Proposed Budget		CS/Cariaga
6. PH: FY13 URA June Supplemental Budget		CS/Cariaga
7. Action: FY14 Proposed Budget		CS/Cariaga
8. Action: FY13 June Supplemental Budget		CS/Cariaga
9. Action: FY14 URA Proposed Budget		CS/Cariaga
10. Action: FY13 URA June Supplemental Budget		CS/Cariaga

JUNE 26	WEDNESDAY	
Noon	Council Work Session	
Harris Hall	Expected Absences: Taylor	
A. WS: Police Auditor Performance Evaluation		45 mins – CS/Smith
B. WS:		

EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

May 22, 2013

JULY 8	MONDAY
5:30 p.m.	Council Work Session
Harris Hall	Expected Absences:
A. Committee Reports: HRC, SC, Travel LC, HSC, LCOG, MPC, PSCC	30 mins
B. WS:	
7:30 p.m.	Council Meeting
Harris Hall	Expected Absences:
1. Pledge of Allegiance to the Flag (Independence Day)	
2. Public Forum	
3. Consent Calendar	
a. Approval of City Council Minutes	CS/Forrest
b. Approval of Tentative Working Agenda	CS/Forrest
JULY 10	WEDNESDAY
Noon	Council Work Session
Harris Hall	Expected Absences:
A. WS: EWEB Master Plan	90 mins - PDD/Flock
JULY 15	MONDAY
7:30 p.m.	Council Public Hearing
Harris Hall	Expected Absences:
1. PH: Ordinance on Facilitating Downtown and Mixed Use Development	PDD/Hansen
JULY 17	WEDNESDAY
Noon	Council Work Session
Harris Hall	Expected Absences: Piercy
A. WS:	
B. WS:	
JULY 22	MONDAY
5:30 p.m.	Council Work Session
Harris Hall	Expected Absences:
A. Committee Reports and Items of Interest from Mayor, City Council, and City Manager	30 mins
B. WS: EWEB Master Plan	60 mins - PDD/Flock
7:30 p.m.	Council Meeting
Harris Hall	Expected Absences:
1. Public Forum	
2. Consent Calendar	
a. Approval of City Council Minutes	CS/Forrest
b. Approval of Tentative Working Agenda	CS/Forrest
3. Action: Ordinance on Facilitating Downtown and Mixed Use Development	PDD/Hansen
JULY 24	WEDNESDAY
Noon	Council Work Session
Harris Hall	Expected Absences:
A. WS: City Manager Performance Evaluation	45 mins – CS/Smith
B. WS:	

A=action; PH=public hearing; WS=work session

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EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

May 22, 2013

JULY 31	WEDNESDAY
Noon	Council Work Session
Harris Hall	Expected Absences:
A. WS:	
B. WS:	

COUNCIL BREAK: August 1, 2013 – September 9, 2013

SEPTEMBER 9	MONDAY
5:30 p.m.	Council Work Session
Harris Hall	Expected Absences:
A. Committee Reports: Police Comm, Lane Metro, LTD (EmX), Lane Workforce, OMPOC, McKenzie Watershed	
B. WS:	
7:30 p.m.	Council Meeting
Harris Hall	Expected Absences:
1. Public Forum	
2. Consent Calendar	
a. Approval of City Council Minutes	CS/Forrest
b. Approval of Tentative Working Agenda	CS/Forrest

SEPTEMBER 11	WEDNESDAY
Noon	Council Work Session
Harris Hall	Expected Absences:
A. WS:	
B. WS:	

SEPTEMBER 16	MONDAY
7:30 p.m.	Council Public Hearing
Harris Hall	Expected Absences:
1. PH:	

SEPTEMBER 18	WEDNESDAY
Noon	Council Work Session
Harris Hall	Expected Absences:
A. WS:	
B. WS:	

SEPTEMBER 23	MONDAY
5:30 p.m.	Council Work Session
Harris Hall	Expected Absences:
A. Committee Reports and Items of Interest from Mayor, City Council, and City Manager	30 mins
B. WS:	
7:30 p.m.	Council Meeting
Harris Hall	Expected Absences:
1. Public Forum	
2. Consent Calendar	
a. Approval of City Council Minutes	CS/Forrest
b. Approval of Tentative Working Agenda	CS/Forrest

EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

May 22, 2013

SEPTEMBER 25	WEDNESDAY
Noon Harris Hall A. WS: B. WS:	Council Work Session Expected Absences:
OCTOBER 9	WEDNESDAY
Noon Harris Hall A. WS: B. WS:	Council Work Session Expected Absences:
OCTOBER 14	MONDAY
5:30 p.m. Harris Hall A. Committee Reports: HRC, SC, Travel LC, HSC, LCOG, MPC, PSCC B. WS:	Council Work Session Expected Absences: 30 mins
7:30 p.m. Harris Hall 1. Public Forum 2. Consent Calendar a. Approval of City Council Minutes b. Approval of Tentative Working Agenda	Council Meeting Expected Absences: CS/Forrest CS/Forrest
OCTOBER 16	WEDNESDAY
Noon Harris Hall A. WS: B. WS:	Council Work Session Expected Absences:
OCTOBER 21	MONDAY
7:30 p.m. Harris Hall 1. PH: Ordinance Removing Substance and Updating Tracking Instructions for Toxics Prog.	Council Public Hearing Expected Absences: Fire/EMS - Eppli
OCTOBER 23	WEDNESDAY
Noon Harris Hall A. WS: B. WS:	Council Work Session Expected Absences: Piercy
OCTOBER 28	MONDAY
5:30 p.m. Harris Hall A. Committee Reports and Items of Interest from Mayor, City Council, and City Manager B. WS:	Council Work Session Expected Absences: 30 mins
7:30 p.m. Harris Hall 1. Public Forum 2. Consent Calendar a. Approval of City Council Minutes	Council Meeting Expected Absences: CS/Forrest

A=action; PH=public hearing; WS=work session

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EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

May 22, 2013

- b. Approval of Tentative Working Agenda CS/Forrest
 3. Action: Ordinance Removing Substance and Updating Tracking Instructions for Toxics Prog. Fire/EMS - Eppli

OCTOBER 30	WEDNESDAY
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Noon **Council Work Session**
Harris Hall **Expected Absences:**
 A. WS:
 B. WS:

NOVEMBER 12	TUESDAY
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5:30 p.m. **Council Work Session**
Harris Hall **Expected Absences:**
 A. Committee Reports: Chamber of Commerce, HPB, LRAPA, MWMC,
 B. WS: Update on Plastic Bag Ban Ordinance 45 mins – PDD/Nelson

7:30 p.m.
Harris Hall **Expected Absences:**
 1. Pledge of Allegiance to the Flag (Veterans Day)
 2. Public Forum
 3. Consent Calendar
 a. Approval of City Council Minutes CS/Forrest
 b. Approval of Tentative Working Agenda CS/Forrest

NOVEMBER 13	WEDNESDAY
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Noon **Council Work Session**
Harris Hall **Expected Absences:**
 A. WS:
 B. WS:

NOVEMBER 18	MONDAY
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7:30 p.m. **Council Public Hearing**
Harris Hall **Expected Absences:**
 1. PH:

NOVEMBER 20	WEDNESDAY
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Noon **Council Work Session**
Harris Hall **Expected Absences:**
 A. WS:
 B. WS:

NOVEMBER 25	MONDAY
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5:30 p.m. **Council Work Session**
Harris Hall **Expected Absences:**
 A. Committee Reports and Items of Interest from Mayor, City Council, and City Manager 30 mins
 B. WS:

7:30 p.m. **Council Meeting**
Harris Hall **Expected Absences:**
 1. Public Forum
 2. Consent Calendar
 a. Approval of City Council Minutes CS/Forrest
 b. Approval of Tentative Working Agenda CS/Forrest

EUGENE CITY COUNCIL
TENTATIVE WORKING AGENDA
 May 22, 2013

NOVEMBER 27	WEDNESDAY
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Noon	Council Work Session
Harris Hall	Expected Absences:
A. WS:	

DECEMBER 9	MONDAY
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5:30 p.m.	Council Work Session
Harris Hall	Expected Absences:
A. Committee Reports:	Police Comm, Lane Metro, LTD (EmX), Lane Workforce, OMPOC, McKenzie Watershed
B. WS:	

7:30 p.m.	Council Meeting
Harris Hall	Expected Absences:
1. Public Forum	
2. Consent Calendar	
a. Approval of City Council Minutes	CS/Forrest
b. Approval of Tentative Working Agenda	CS/Forrest

DECEMBER 11	WEDNESDAY
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Noon	Council Work Session
Harris Hall	Expected Absences:
A. WS:	
B. WS:	

COUNCIL BREAK: December 12, 2013 – January 2014

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Public Hearing: An Ordinance Amending Ordinance No. 20508 to Extend the Temporary Suspension of Multiple Unit Property Tax Exemptions under Sections 2.945 and 2.947 of the Eugene Code, 1971, Through July 31, 2013

Meeting Date: May 28, 2013
 Department: Planning & Development
www.eugene-or.gov

Agenda Item Number: 4
 Staff Contacts: Denny Braud
 Staff Contact Telephone: 541-682-5536

ISSUE STATEMENT

This public hearing is an opportunity to hear from the community about the proposal to extend the suspension of the Multi-Unit Property Tax Exemption (MUPTE) program to July 31, 2013. The extended suspension would provide additional time for the council to consider options for modifying the MUPTE program criteria.

BACKGROUND

On February 27, 2013, the council approved an ordinance suspending the Multi-Unit Property Tax Exemption (MUPTE) program to provide the time needed for the council to conduct a detailed evaluation of the program and determine if modifications should be made. The ordinance expires on June 30, 2013. At the May 8 work session, the council provided direction to extend the suspension to July 31 to provide the additional time needed to finalize program modifications.

COUNCIL OPTIONS

No formal action is required at this public hearing. Council action is scheduled for May 29, 2013.

CITY MANAGER'S RECOMMENDATION

This item is scheduled for public hearing only. No recommendation is being made at this time.

SUGGESTED MOTION

No motion proposed for the public hearing.

ATTACHMENTS

A. Draft Ordinance

FOR MORE INFORMATION

Staff Contact: Denny Braud

Telephone: 541-682-5536

Staff E-Mail: denny.braud@ci.eugene.or.us

ATTACHMENT A

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 20508 TO EXTEND THE TEMPORARY SUSPENSION OF MULTIPLE UNIT PROPERTY TAX EXEMPTIONS UNDER SECTIONS 2.945 AND 2.947 OF THE EUGENE CODE, 1971, THROUGH JULY 31, 2013.

The City Council of the City of Eugene finds as follows:

- A.** The City’s Multiple Unit Property Tax Exemption Program under Sections 2.945 and 2.947 of the Eugene Code, 1971 (the MUPTE program), which is enabled by state statute, was first implemented by the City in July of 1977. Since its initial implementation, the MUPTE program has been modified various times.
- B.** On February 27, 2013, Ordinance No. 20508 was adopted suspending the MUPTE program until July 1, 2013, to allow Council time to evaluate the MUPTE program and determine whether changes should be made to the program.
- C.** On April 24, 2013, Council held a Work Session and determined that the suspension should be extended an additional 30 days to allow Council more time to develop and adopt revisions to the program and have the revisions become effective before the suspension expires.

NOW, THEREFORE,

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The findings set forth above are adopted.

Section 2. Section 3 of Ordinance No. 20508 is amended by extending the sunset date to July 31, 2013.

Passed by the City Council this
_____ day of _____, 2013.

Approved by the Mayor this
_____ day of _____, 2013.

City Recorder

Mayor

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Action: Ordinance 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; Adopting Savings and Severability Clauses; and Providing for an Effective Date (City File MA 11-1)

Meeting Date: May 28, 2013
 Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: 5
 Staff Contact: Alissa Hansen
 Contact Telephone Number: 541-682-5508

ISSUE STATEMENT

The City Council will take action on the proposed Metro Plan boundary amendment to adjust the boundary on the Springfield side of the plan.

BACKGROUND

In 2011, the Lane County Board of Commissioners initiated an amendment to the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) to make adjustments to the boundary of the Metro Plan. The purpose of this particular amendment is to seek jurisdictional autonomy on land use matters for those areas that are outside the urban growth boundaries of Springfield and Eugene, but currently inside the Metro Plan boundary. This proposal only pertains to the Springfield side of the Metro Plan Boundary.

The current Metro Plan amendment under consideration is to reduce the size of the Metro Plan boundary on the east side of I-5, with a resulting Metro Plan boundary that would be coterminous with the Springfield urban growth boundary (UGB). Approval of this amendment would result in Lane County having sole jurisdictional authority on all land use matters for land outside of Springfield's UGB that is currently within the Metro Plan, except that specific issues related to drinking water protection would remain a joint-governance matter between the Lane County Board of Commissioners and the Springfield City Council through an intergovernmental agreement.

Based on the Metro Plan's amendment procedures, Eugene is required to participate as a decision maker in this proposal to adjust the boundary on the Springfield side. The process included a joint planning commission public hearing and recommendation (in July/August 2011 and October 2011, respectively), followed by a joint elected official's public hearing (March 2012) and action. Since the joint elected official's public hearing, the City of Springfield, Lane County and the

Springfield Utility Board have worked together to reach an acceptable solution to ensure that Springfield's drinking water sources that fall within this area would remain adequately protected once removed from the Metro Plan boundary. In March 2013, the Springfield City Council voted 6 to 0 to approve the amendment to reduce the Metro Plan boundary to become coterminous with Springfield's urban growth boundary (UGB). The Springfield City Council also voted 6 to 0 to approve the provisions of an Intergovernmental Agreement (IGA) between the City of Springfield and Lane County regarding a number of land use matters, but principally actions to protect Springfield Utility Board drinking water source areas.

At the City Council's May 13, 2013, work session on this topic, five issues of consideration raised during the public process were addressed. With the exception of the first issue (drinking water protection), these issues are generally concerned with regional partnerships and governance, and require consideration by the council regarding the impact of the current proposal on these matters. A re-cap of this discussion is provided below.

- 1. Drinking water source protection:** The issue of adequate protection of Springfield's drinking water sources that fall within this area has been resolved to the satisfaction of the City of Springfield, Lane County and SUB through an Intergovernmental Agreement between the City of Springfield and Lane County that retains Springfield's decision-making authority as on issues related to drinking water protection.
- 2. Local decision-making authority/jurisdictional representation:** In this case, the City of Springfield loses decision-making authority with respect to plan amendments within this area; except that specific issues related to drinking water protection would remain a joint-governance matter between Lane County and the City of Springfield. The City of Eugene loses any ability to invoke the "regional impact" provision of the Metro Plan and participate as a decision maker in matters within this area that have an impact on City services or regional transportation or public facilities plans. There is no record of either city invoking the regional impact provision.

Approval would reduce the layers of government for residents in the area and clarify jurisdictional representation. Currently, residents within the subject area, elect and are represented by, the Lane County Board of Commissioners on most matters. However, when it comes to comprehensive land use planning for these lands outside of the urban growth boundary, the City of Springfield, and potentially the City of Eugene, participates as a decision maker.

- 3. Regional planning and collaborative decision making:** Approval of this amendment would change the nature of how the three jurisdictions plan, and make decisions in the area immediately adjacent to Springfield's urban growth boundary. Testimony from the public raised the concern that approval would negatively impact regional relationships by not requiring the jurisdictions to work together on matters of shared interest. Others have suggested that approval would allow these relationships to become more collaborative than under the current mandated system. The Eugene Planning Commission, as well as the Lane County Board, has suggested that the current Metro Plan structure is not necessary for regional planning to continue and that a different

mechanism could be as, if not more, effective.

4. **Comprehensive approach to changing Metro Plan:** Approval of this amendment would result in unequal decision making on one side of I-5 as compared to the other. Testimony from the public suggested that a comprehensive approach to changing the Metro Plan – after both cities have established separate urban growth boundaries – is preferable to the proposed two-phase approach. On the other hand, the cities are pursuing the establishment of separate urban growth boundaries in very different manners, and with separate community visions, values and relationships. Approval of this amendment would allow the City of Springfield to pursue the city’s vision consistent with its values, and re-define its relationship with Lane County.
5. **Intergovernmental relationships/partnerships:** This is the issue of how the jurisdictions work together over time and the relationships that are built and maintained. While approval would change the regulatory structure for decision making in this area, it also has the potential to improve and strengthen relationships with regional partners.

The Lane County Board of Commissioners has tentatively approved the proposal, and is scheduled to take final action on June 4, 2013, after both cities have taken action. All three jurisdictions must approve the same Metro Plan boundary location, including substantively identical ordinances for the proposal to take effect.

RELATED CITY POLICIES

Eugene-Springfield Metropolitan Area General Plan

COUNCIL OPTIONS

The City Council may consider the following options:

1. Approve the ordinance
2. Approve the ordinance with specific modifications as determined by the City Council (Note: All three jurisdictions must adopt substantively identical ordinances for the proposal to take effect. Any substantive changes to the ordinance by the Eugene City Council will require new action by the Springfield City Council.)
3. Deny the ordinance

CITY MANAGER’S RECOMMENDATION

The City Manager recommends that the City Council approve the proposed ordinance contained in Attachment A.

SUGGESTED MOTIONS

Move to approve Council Bill 5067, an ordinance amending the Eugene-Springfield Metropolitan Area General Plan (Metro Plan).

ATTACHMENTS

A. Proposed Ordinance and Exhibits A-E

FOR MORE INFORMATION

Staff Contact: Alissa Hansen

Telephone: 541-682-5508

Staff E-Mail: alissa.h.hansen@ci.eugene.or.us

ATTACHMENT A

ORDINANCE NO. _____

AN ORDINANCE 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; ADOPTING SAVINGS AND SEVERABILITY CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

The City Council of the City of Eugene finds as follows:

A. Chapter IV of the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) sets forth procedures for amendment of the Metro Plan, which for the City of Eugene are implemented by Chapter 9 of the Eugene Code, 1971.

B. Lane County now requests certain amendments to the Metro Plan.

C. On February 9, 2011, the Board of County Commissioners of Lane County directed the Land Management Division to initiate an amendment to the Metro Plan to modify the plan boundary east of Interstate 5 so that it is coterminous with the City of Springfield Urban Growth Boundary.

D. The proposal was reviewed at a joint public hearing with the Lane County Planning Commission, the City of Springfield Planning Commission and the City of Eugene Planning Commission on July 19, 2011, and August 16, 2011.

E. The proposal was also reviewed at a joint public hearing with elected officials of Lane County, the City of Springfield and the City of Eugene on March 13, 2012.

F. On March 18, 2013, the City of Springfield adopted Ordinance No. 6288, which contains substantially identical provisions to those described in Sections 1 through 3 of this Ordinance.

G. Evidence exists in the record indicating that the proposal meets the requirements of the Eugene-Springfield Metropolitan Area General Plan, the Eugene Code, and applicable state law.

NOW, THEREFORE,**THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:**

Section 1. The Eugene-Springfield Metropolitan Area General Plan (Metro Plan) - official Plan Diagram Map, as depicted in Section II-G pages 17 and 18 of the Metro Plan and contained in Exhibit A to this Ordinance is hereby amended as shown on the Plan Diagram Map contained in Exhibit B attached and incorporated herein, to reflect a new Metro Plan boundary that is coterminous with the separate City of Springfield Urban Growth Boundary (UGB) east of Interstate 5 as established by city and county ordinances. Although the exhibits show Metro

Plan land use designations, this Ordinance only amends the Plan Diagram Map by relocating the Metro Plan boundary; this Ordinance does not have any effect on plan designations that apply to properties within the current or new Metro Plan boundary and no previously adopted land use designations shall be affected by this Ordinance.

Section 2. The Metro Plan – official Plan Boundary Map, depicted in Section II-G pages 19 and 20 of the Metro Plan and contained in Exhibit C to this Ordinance is hereby repealed and replaced with the amended Plan Diagram Map contained in Exhibit D attached and incorporated herein, to reflect a new Metro Plan boundary that is coterminous with the City of Springfield Urban Growth Boundary east of Interstate 5.

Section 3. The prior policies and plan designations repealed or changed by this Ordinance remain in full force and effect to authorize prosecution of persons in violation thereof prior to the effective date of this Ordinance.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such section shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 5. Although not part of this Ordinance, the Eugene City Council adopts findings and conclusions in support of this action as set forth in Exhibit E attached and incorporated here by this reference.

Section 6. Notwithstanding the effective date of ordinances as provided in the Eugene Charter of 2002, this Ordinance shall become effective 30 days from the date of passage by the City Council and approval by the Mayor, or upon the date the Springfield City Council and the Lane County Board of Commissioners have adopted substantially identical ordinances containing provisions as described in Sections 1 through 3 of this Ordinance, whichever is later.

Passed by the City Council this
_____ day of _____, 2013.

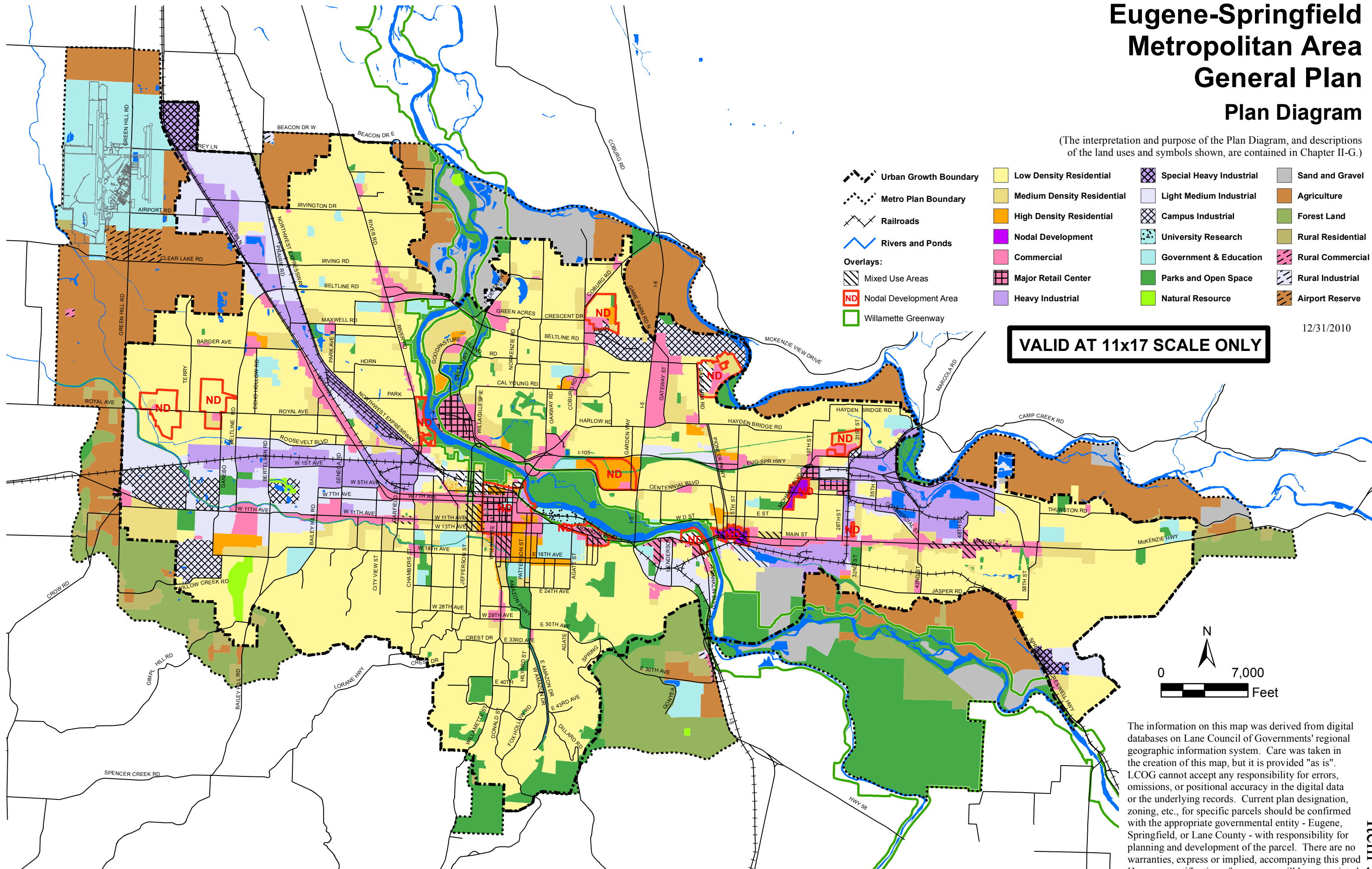
Approved by the Mayor this
_____ day of _____, 2013.

City Recorder

Mayor

Eugene-Springfield Metropolitan Area General Plan Plan Diagram

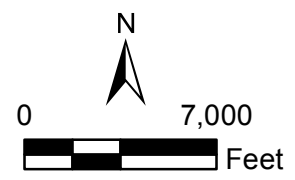
(The interpretation and purpose of the Plan Diagram, and descriptions of the land uses and symbols shown, are contained in Chapter II-G.)



- | | | | | | | | |
|------------------|------------------------|--|----------------------------|--|--------------------------|--|-------------------|
| | Urban Growth Boundary | | Low Density Residential | | Special Heavy Industrial | | Sand and Gravel |
| | Metro Plan Boundary | | Medium Density Residential | | Light Medium Industrial | | Agriculture |
| | Railroads | | High Density Residential | | Campus Industrial | | Forest Land |
| | Rivers and Ponds | | Nodal Development | | University Research | | Rural Residential |
| Overlays: | | | Commercial | | Government & Education | | Rural Commercial |
| | Mixed Use Areas | | Major Retail Center | | Parks and Open Space | | Rural Industrial |
| | Nodal Development Area | | Heavy Industrial | | Natural Resource | | Airport Reserve |
| | Willamette Greenway | | | | | | |

VALID AT 11x17 SCALE ONLY

12/31/2010

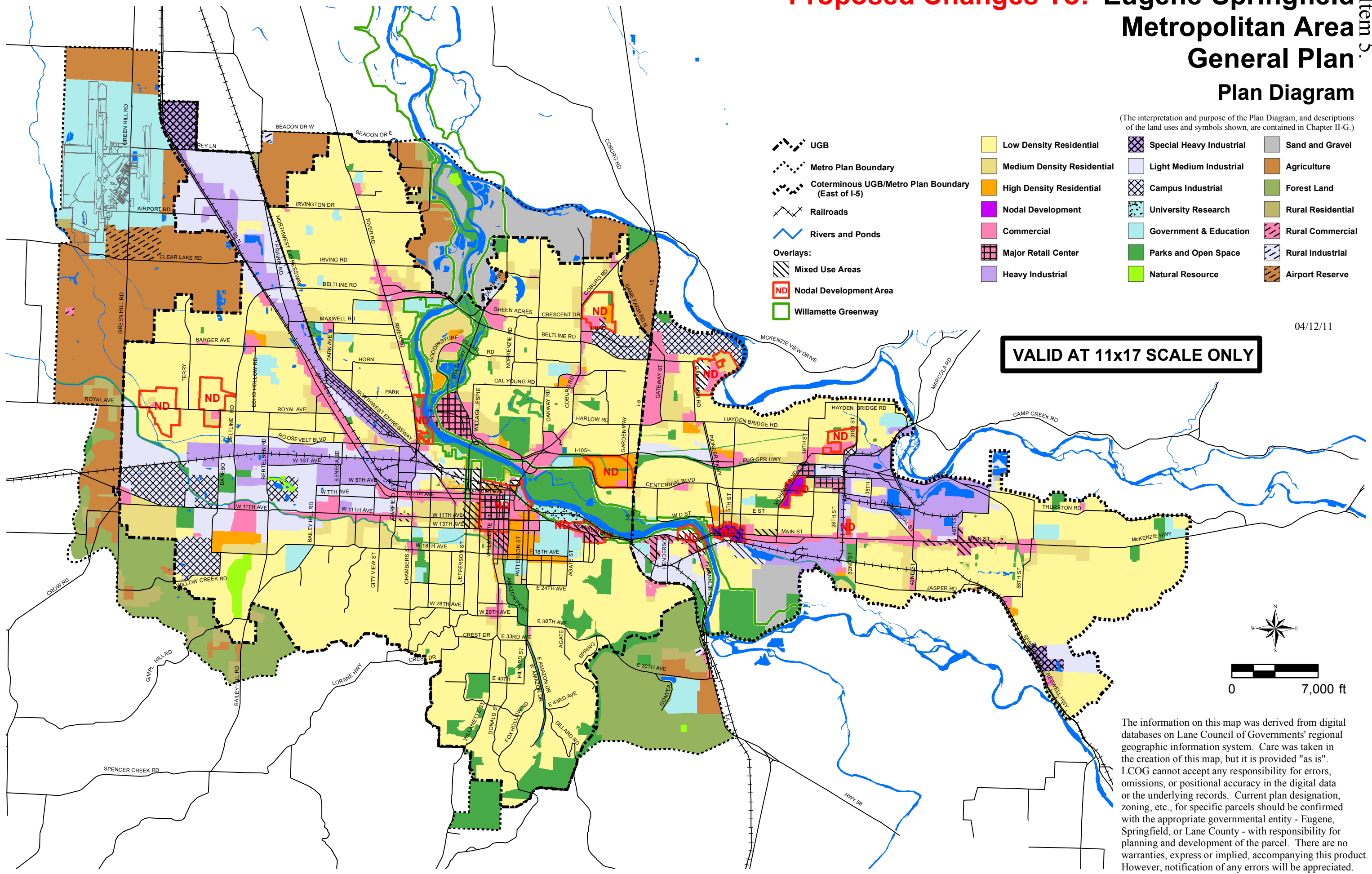


The information on this map was derived from digital databases on Lane Council of Governments' regional geographic information system. Care was taken in the creation of this map, but it is provided "as is". LCOG cannot accept any responsibility for errors, omissions, or positional accuracy in the digital data or the underlying records. Current plan designation, zoning, etc., for specific parcels should be confirmed with the appropriate governmental entity - Eugene, Springfield, or Lane County - with responsibility for planning and development of the parcel. There are no warranties, express or implied, accompanying this product. However, notification of any errors will be appreciated.

EXHIBIT B Proposed Changes To: Eugene-Springfield Metropolitan Area General Plan Plan Diagram

Item 5.

(The interpretation and purpose of the Plan Diagram, and descriptions of the land uses and symbols shown, are contained in Chapter II-G.)



VALID AT 11x17 SCALE ONLY





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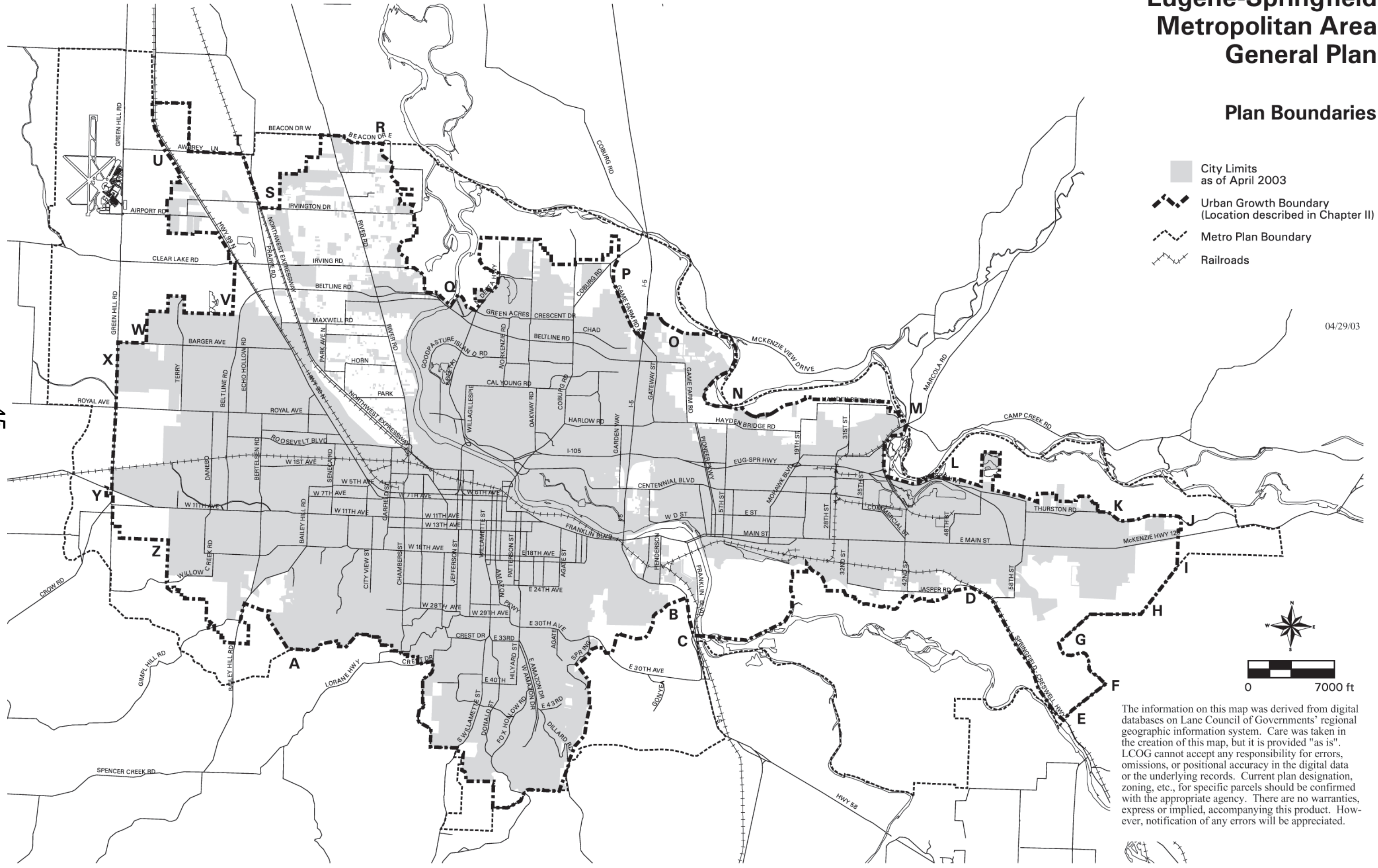
EXHIBIT C
**Eugene-Springfield
 Metropolitan Area
 General Plan**

Plan Boundaries

-  City Limits as of April 2003
-  Urban Growth Boundary (Location described in Chapter II)
-  Metro Plan Boundary
-  Railroads

04/29/03






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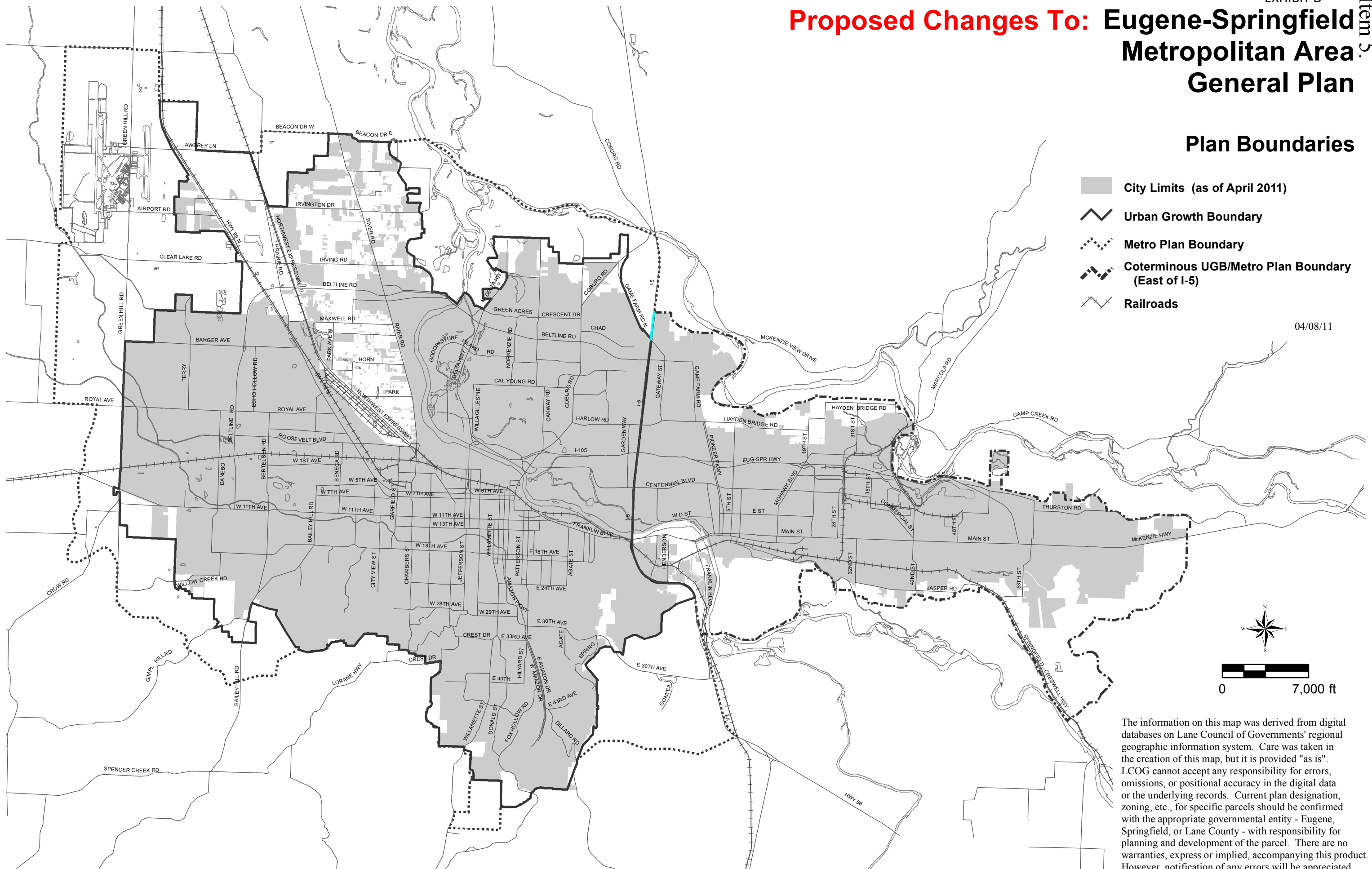
Proposed Changes To: Eugene-Springfield Metropolitan Area General Plan

Plan Boundaries

-  City Limits (as of April 2011)
-  Urban Growth Boundary
-  Metro Plan Boundary
-  Coterminous UGB/Metro Plan Boundary (East of I-5)
-  Railroads

04/08/11

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FINDINGS OF FACT AND CONCLUSIONS OF LAW

In support of Ordinance Nos. PA 1281, PA 1283, PA 1284, and Ordinance No. 2-12

The following criteria analysis is categorized by Plan Document and Sections identified in **bold**, followed by staff's findings. The elected officials of Eugene and Springfield may limit their review the criteria solely related to LC Ch. 12, the Metro Plan and the Statewide Planning Goals, Administrative Rules and Statutes.

APPLICABLE LANE CODE CH. 16.400 RURAL COMPREHENSIVE PLAN AMENDMENT CRITERIA

- (6) Plan Adoption or Amendment – General Procedures. The Rural Comprehensive Plan, or any component of such Plan, shall be adopted or amended in accordance with the following procedures:**
- (a) Referral to Planning Commission. Before the Board takes any action on a Rural Comprehensive Plan component, or an amendment to such Plan component, a report and recommendation thereon shall be requested from the County Planning Commission and a reasonable time allowed for the submission of such report and recommendation. In the event the Rural Comprehensive Plan component or amendment applies to a limited geographic area, only the Planning Commission having jurisdiction of that area need receive such referral.**

Finding1: This Plan Amendment proposal was initiated by Land Management Division staff at the direction of the Lane County Board of County Commissioners (BCC) as a high priority item in the adopted 2011 Long Range Planning Program. Therefore, Lane County is the applicant in this case.

There are five items contained in this amendment proposal. They are:

1. An amendment to the official Metro Plan diagram and boundary maps to modify the Metro Plan boundary east of Interstate 5 so that the resultant boundary is coterminous with the parcel specific Urban Growth Boundary that has been developed by the City of Springfield;
2. An amendment to the official Lane County Rural Comprehensive Plan maps to delineate the City of Springfield's parcel specific UGB boundary location pursuant to OAR 660-024-0020(2);
3. The adoption of correctly corresponding Rural Comprehensive Plan (RCP) designations to lands previously designated under the Metro Plan;
4. An update to the rural residential zoning of properties removed from the Metro Plan to maintain consistency with residential zoning regulations applied to lands within the RCP. This change will apply Lane Code 16.291 to properties previously zoned under Lane Code 16.231 and;

5. An amendment to the RCP policies and Lane Code to apply existing Goal 5 Metro Plan Policies to Goal 5 resources removed from the Metro and amend Lane Code 16.253 (Riparian Regulations) to maintain existing safe harbor riparian setback regulations to lands removed from the Metro Plan.

Throughout these findings the amendments listed above are simply referred to as “this amendment, “the(se) amendments” or “the(se) proposed amendments”.

These amendments include both RCP components, and an amendment to the Eugene-Springfield Metropolitan Area General Plan (Metro Plan).

Item No. 1 is a Metro Plan Amendment and the other four items constitute an amendments to the Lane County Rural RCP. As this Amendment deals with the Metro Plan, specific criteria direct a tri-jurisdictional referral and review with the Lane County Planning Commissioners (LCPC), and the Planning Commissioners of Springfield and Eugene, and the City Councils of Springfield and Eugene.

Items 2-5, which are RCP amendments will require the sole recommendation of the LCPC to the BCC. This is because once the Metro Plan boundary is adjusted to Springfield’s Urban Growth Boundary, the geographic area will be subject to Lane County’s RCP within the sole planning jurisdiction the Lane County. Therefore, items related to the RCP will be evaluated with findings in these Code sections below. (Findings of consistency concerning the Metro Plan components can be found later in this application in LC Ch. 12, and Metro Plan sections).

A staff report will be mailed to each of the Commissioners prior to the public hearing to assist in their recommendations as required above. Therefore, this request is in conformance with the criteria above.

(b) Planning Commission - Hearing and Notice.

- (i) The Planning Commission shall hold at least one public hearing before making a recommendation to the Board on a Rural Comprehensive Plan component, or an amendment to such Plan component, and the hearing shall be conducted pursuant to LC 14.300.**

Finding2: Again, there are five items involved in this proposal as explained above. LMD Staff is required to harmonize and meet two different “process” criteria for both the Metro Plan and RCP components for this proposal. Because staff is dealing with two sets of “process” criteria, staff will use the more restrictive (or widespread) criteria. Thus, the requirements above will be followed or exceeded for the processing of this proposal.

The Joint Planning Commission public hearing for this Proposal is scheduled to occur July 19, 2011 and will be conducted pursuant to Lane Code (LC) 14.300, LC 12.230-12.340, and the Metro Plan. More than one hearing may be necessary in order for the Planning Commissions to hear the matter and make their recommendations to the BCC

and City Councils.

- (ii) Notice of the time and place of hearing shall be given, pursuant to LC 14.300.**

Finding3 Notice of time and place of hearing will be accomplished pursuant to LC 14.300. LMD staff will mail the required notice of the proposal to all owners of property located within Springfield's Metro Plan Boundary, east of the centerline of Interstate-5 Highway and surrounding properties as required by Lane Code. Additionally, staff will mail a required Ballot Measure 56 Notice along with the notice of proposal to affected property owners, and will publish a legal advertisement for the proposal as required prior to the public hearing.

- (iii) If an exception to State Planning Goals is to be considered during the hearing, such exception shall be specifically noted in the notices of such hearing.**

Finding4: An exception to State Planning Goals is not being requested, therefore this criteria is not applicable.

- (iv) The proposed Rural Comprehensive Plan component, or an amendment to such Plan component, shall be on file with the Director and available for public examination for at least 10 days prior to the time set for hearing thereon.**

Finding5: The proposed Amendment file is located in the LMD office and is available for public examination during work hours.

(c) Planning Commission Consideration with Other Agencies.

- (i) In considering a Rural Comprehensive Plan component, or an amendment to such Plan component, the Planning Commission shall take account of and seek to harmonize, within the framework of the needs of the County, the Comprehensive Plans of cities, and the Plans and planning activities of local, state, federal and other public agencies, organizations and bodies within the County and adjacent to it.**

Finding6: Again, this proposal is both a RCP Amendment and a Metro Plan Amendment. In making a recommendation to the Board, the Lane County Planning Commissioners shall seek to harmonize within the framework of the needs of the County, the Metro Plan, and with the Planning Commission bodies of Eugene and Springfield according to the criteria above.

- (ii) The Planning Commission, during consideration of a Rural Comprehensive Plan component or an amendment to such Plan component, shall consult and advise with public officials and agencies, public utility companies, civic, educational, professional**

and other organizations, and citizens generally to the end that maximum coordination of Plans may be secured.

Finding7: As part of the public hearing consideration of this proposal the Planning Commissions shall consult and advise with others so that maximum coordination is secured prior to their recommendations to the BCC and City Councils.

- (iii) Whenever the Planning Commission is considering a Rural Comprehensive Plan component, or an amendment to such Plan component, it shall be referred to the planning agency of every city and county affected to inform them and solicit their comments.**

Finding8: Even though this is a Lane County initiated Plan Amendment, it must be referred to and reviewed by all three governing bodies (pursuant to Metro Plan Chapter IV Policy 5(a)) of Lane County, Eugene, and Springfield because it in-part involves a Metro Plan Amendment. LMD Staff has coordinated with the city of Eugene and Springfield planning agencies/staff and they are able and willing to participate in this Amendment proposal.

- (iv) The provisions of this subsection are directory, not mandatory, and the failure to refer such Plan, or an amendment to such Plan, shall not in any manner affect its validity.**

Finding9: LMD Staff has referred this proposal to the appropriate planning agencies affected, as such this proposal has met the above criteria. Also, refer to Finding above.

(d) Planning Commission Recommendation and Record.

- (i) Recommendation of the Planning Commission on a Rural Comprehensive Plan component, or an amendment to a Plan component, shall be by resolution of the Commission and carried by the affirmative vote of not less than a majority of its total voting members.**

Finding10: Again, this proposal is a both a RCP Amendment and a Metro Plan Amendment. Therefore, because this is a Joint Planning Commission public hearing as explained in other Findings, the Planning Commission's vote on each of their respective individual items in this proposal must be carried out by an affirmative quorum vote.

- (ii) The record made at the Planning Commission hearings on a Rural Comprehensive Plan component, or an amendment to such Plan component and all materials submitted to or gathered by the Planning Commission for its consideration, shall be forwarded to the Board along with the recommendation.**

Finding11: The Joint Planning Commission's recommendation will be forwarded by LMD staff to the BCC and City Councils for their consideration in additional public

hearings scheduled by LMD staff.

(e) Board Action - Hearing and Notice.

- (i) After a recommendation has been submitted to the Board by the Planning Commission on the Rural Comprehensive Plan component, or an amendment to such Plan component, all interested persons shall have an opportunity to be heard thereon at a public hearing before the Board conducted pursuant to LC 14.300.**
- (ii) Notice of the time and place of the hearing shall be given pursuant to LC 14.300.**
- (iii) If an exception to Statewide Planning Goals is to be considered during the hearing, such exception shall be specifically noted in the notice of such hearing.**
- (iv) Hearings to consider amendments of the Plan Diagram that affect a single property, small group of properties or have other characteristics of a quasi-judicial proceeding shall be noticed pursuant to LC 14.300.**

Finding 12: Another public hearing process before the BCC and City Councils will be carried out after the Planning Commissions recommendation is received in LMD offices [lc1].

- (f) Concurrent Consideration. The Board and Planning Commission may hold a single joint meeting to consider the proposed Plan amendment consistent with the requirements of LC 16.400(6)(e)(ii),(iii) and (iv) above.**
- (g) Board Referral. Before the Board makes any change or addition to a Plan component, or Plan component amendment recommended by the Planning Commission, it may first refer the proposed change or addition to the Planning Commission for an additional recommendation. Failure of the Planning Commission to report within 21 days after the referral, or such longer period as may be designated by the Board, shall be deemed to be approval of the proposed change or addition. It shall not be necessary for the Planning Commission to hold a public hearing on such change or addition.**

Finding13: This is not a concurrent consideration proposal. Therefore, this criteria is not applicable.

(h) Method of Adoption and Amendment.

- (i) The adoption or amendment of a Rural Comprehensive Plan component shall be by Ordinance.**

Finding14: If approved by the BCC, this proposal will be adopted with a formal Ordinance.

- (ii) **The adoption or amendment shall be concurrent with an amendment to LC 16.400(4) above. In the case of a Rural Comprehensive Plan adoption, the Code amendment shall place such Plan in the appropriate category. In the case of a Rural Comprehensive Plan amendment, the Code amendment shall insert the number of the amending Ordinance.**

Finding15: If approved by the BCC, the Code amendment shall insert the number of the amending Ordinance.

- (iii) **The Board may amend or supplement the Rural Comprehensive Plan upon making the following findings:**
- (aa) **For Major and Minor Amendments as defined in LC 16.400(8)(a) below, the Plan component or amendment meets all applicable requirements of local and state law, including Statewide Planning Goals and Oregon Administrative Rules.**

Finding16: This is classified as a Major Plan Amendment. Findings of consistency with requirements of local and state law, Statewide Planning Goals, and Oregon Administrative Rules are explained elsewhere within this application.

- (bb) **For Major and Minor Amendments as defined in LC 16.400(8)(a) below, the Plan amendment or component is:**
- (i-i) **necessary to correct an identified error in the application of the Plan; or**
- (ii-ii) **necessary to fulfill an identified public or community need for the intended result of the component or amendment; or**
- (iii-iii) **necessary to comply with the mandate of local, state or federal policy or law; or**
- (iv-iv) **necessary to provide for the implementation of adopted Plan policy or elements; or**
- (v-v) **otherwise deemed by the Board, for reasons briefly set forth in its decision, to be desirable, appropriate or proper.**

Finding17: This Major Plan Amendment is consistent with criteria of LC 16.400(6)(h)(iii)(bb) (v-v) above.

- (cc) **For Minor Amendments as defined in LC 16.400(8)(a) below, the**

Plan amendment or component does not conflict with adopted Policies of the Rural Comprehensive Plan, and if possible, achieves policy support.

Finding18: This proposal is not classified as a Minor Amendment. Therefore, this criteria is not applicable.

(dd) For Minor Amendments as defined in LC 16.400(8)(a) below, the Plan amendment or component is compatible with the existing structure of the Rural Comprehensive Plan, and is consistent with the unamended portions or elements of the Plan.

Finding19: This proposal is not classified as a Minor Amendment. Therefore, this criteria is not applicable.

(i) A change of zoning to implement a proposed Plan amendment may be considered concurrently with such amendment. In such case, the Board shall also make the final zone change decision, and the Hearings Officials consideration need not occur.

Finding20: Zone changes are being requested as part of the Amendment. In such cases, the BCC shall make the final zone change decision.

APPLICABLE LANE CODE CH. 16.252 CRITERIA

Lane Code Ch. 16.252 Procedures for Zoning, Rezoning and Amendments to Requirements (RCP items)

(1) Purpose. As the Rural Comprehensive Plan for Lane County is implemented, changes in zone and other requirements of this chapter will be required. Such Amendments shall be made in accordance with the procedures of this section.

Finding21: Item No. 4 in this proposed amendment is a proposal for a zone change for 81 Rural Residential (RR) zoned properties within the current Metro Plan boundary area. This zone change is intended to update the rural residential zoning of these properties removed from the Metro Plan to maintain consistency with residential zoning regulations applied to lands elsewhere within the RCP. This change will apply Lane Code Ch. 16.291 (Rural Residential) to properties previously zoned under Lane Code Ch. 16.231 (Rural Residential).

Furthermore, the zone changes are necessary to gain consistency with the Statewide Planning Goal 14 Rule. Lands zoned RR under LC 16.231 have not been updated to comply with the Statewide Planning Goal 14 Rule (Oregon Administrative Rules 660-004-0040, effective October 14, 2000) that has been adopted in other Lane County lands governed under the updated rural residential zoning LC 16.290. Goal 14 prohibits urban use of rural lands. Any use, development or division not consistent with the Goal 14 Rule will not be authorized on lands zoned under LC 16.231 within the Metro Plan

area. Since Lane County is amending the Metro Plan boundary and Plan, we are required to update the rural residential zoned lands within the Metro Plan area to comply with the Goal 14 Rule as directed by OAR 660-004-0040(3)(b).

Staff has prepared a comparison analysis between uses and development authorized under LC 16.231 and LC 16.291, which is provided as Attachment 13 to the memo that these findings are included with.

- (2) Criteria. Zonings, rezonings and changes in the requirements of this chapter shall be enacted to achieve the general purpose of this chapter and shall not be contrary to the public interest. In addition, zonings and rezonings shall be consistent with the specific purposes of the zone classification proposed, applicable Rural Comprehensive Plan elements and components, and Statewide Planning Goals for any portion of Lane County which has not been acknowledged for compliance with the Statewide Planning Goals by the Land Conservation and Development Commission. Any zoning or rezoning may be effected by Ordinance or Order of the Board of County Commissioners or the Hearings Official in accordance with the procedures in this section.**

Finding22: The rezoning of these properties will be enacted to achieve the general purpose of this chapter and not contrary to public interest. Findings of consistency with other applicable RCP provisions, and the Statewide Planning Goals are found elsewhere within this application. Should the rezoning be approved by the BCC they will be in effect by this approved Ordinance.

(3) Initiation/Application.

- (a) By Planning Commission. The zoning of unzoned properties, the rezoning of properties and amendment of this chapter may be initiated by the Planning Commission upon its own motion or upon petition by the Planning Commission upon request of the Board as provided in LC 16.252(3)(b) below.**
- (b) By Board. The zoning of unzoned properties, the rezoning of properties and the amendment of this chapter may be initiated by the Board in the form of a request to the Planning Commission that it consider the proposed zoning, rezoning or amendment.**
- (c) By Applicant. Application for the zoning or rezoning of properties may be made by any person as provided in LC 14.050.**

Finding23: This Amendment proposal was initiated by Land Management Division staff at the direction of the Lane County Board of County Commissioners (BCC) as a high priority item in the adopted 2011 Long Range Planning Program. Therefore, Lane County is the applicant in this case. The Lane County Planning Commission will consider this proposal at the scheduled Public Hearing on July 19, 2011.

- (5) Planning Commission Public Hearing and Notice-Legislative Matters.**
- (a) The Planning Commission shall hold not less than one public hearing on each proposed legislative zoning or rezoning and amendment to the requirements of this chapter.**
 - (b) Notice of the time and place of hearing shall be given at least 10 days in advance by publication in a newspaper of general circulation in the County or in the territory concerned.**
 - (c) The Planning Commission shall review the Application or proposal and shall receive pertinent evidence and testimony as to why or how the proposed change is inconsistent with the criteria provided in LC 16.252(2) above for zoning, rezoning and amendment to the requirements of this chapter. The Commission shall determine whether the testimony at the hearing supports a finding that the proposal does or does not meet the required criteria, and shall recommend to the Board accordingly that the proposal be adopted or rejected. The Planning Commission and Board may hold one concurrent hearing.**

Finding24: The Lane County Planning Commission will hold a public hearing on July 19, 2011 for this amendment proposal. Notice of hearing will exceed this provision and will be advertised in the Register Guard, a general circulation newspaper at least 21 days prior to public hearing.

- (6) Review Procedures. Applications for zoning or rezoning of specific properties shall be heard by the Hearings Official pursuant to LC 14.300.**

Finding25: This proposal is being reviewed pursuant to LC Ch. 14.300 in the public hearing process.

- (7) Action by the Board.**
- (a) Unless the Board and Planning Commission hold a concurrent hearing, upon receipt of an affirmative Planning Commission recommendation for legislative matters provided in LC 16.252(6) above, the Board shall schedule a public hearing as provided in LC 16.252(7)(b) below. The Board may schedule such a public hearing in the absence of an affirmative Planning Commission recommendation.**

Finding26: This proposal is not scheduled as a concurrent hearing, therefore this criteria is not applicable.

- (b) Prior to taking any action which would alter or modify a Planning Commission recommendation or Hearings Official's Order, the Board may first refer the proposed alteration or modification to the Planning**

Commission or Hearings Official for a recommendation. Failure of the Commission or Hearings Official to report within 20 days after the referral, or such longer period as may be designated by the Board, shall be deemed to be approval of the proposed alteration or modification. It shall not be necessary for the Commission or Hearings Official to hold a public hearing on the proposed alteration or modification.

Finding27: Should the BCC modify the Lane County Planning Commission recommendation the Board may choose to refer the proposed alteration or modification back to the Planning Commission for their recommendation.

(8) Conditional Approval. The approving authority may impose reasonable conditions if the application is approved to be completed within one year.

Finding 28: The approval authority may choose to impose reasonable conditions if this application is approved within one year.

(9) Official Zoning Map.

- (a) The location and boundaries of the various zones established by this chapter shall be shown and delineated on maps covering portions of the County. These maps, upon their final adoption, shall be known as the Official Zoning Map.**
- (b) The Zoning Map shall be established by ordinance. Subsequent amendments to the Official Zoning Maps, either for establishing zoning for previously unzoned property or for rezoning may be made by Ordinance or Order of the Hearing Authority in accordance with the provisions of LC 16.014, LC 16.015, and this section.**

Finding29: Upon approval from the Board, the zoning maps will be updated and shall be known as the Official Zoning Map(s), as established by the Ordinance.

APPLICABLE LANE CODE CH. 12 CRITERIA REVIEW

Lane Code Ch. 12.060 Eugene-Springfield Metropolitan Area General Plan Notwithstanding any other provisions of this Chapter, compliance with the provisions of Chapter IV of the Eugene-Springfield Metropolitan Area General Plan is required for any review, amendment or refinement of the Eugene-Springfield Metropolitan Area General Plan.

Finding30: Findings of consistency with the provision of Chapter IV of the Metro Plan are provided under Finding54-59, below.

Lane Code Ch. 12.200 Purpose. Eugene-Springfield Metropolitan Area General Plan Element

The Metropolitan Area General Plan (Metro Plan) allows citizen-initiated Type II Metro Plan amendments to be initiated at any time. Amendments that require a final decision from one or two jurisdictions shall have a public hearing before the appropriate governing bodies within 120 days of the initiation date. Amendments that require a final decision from all three governing bodies shall be concluded within 180-days of the initiation date. The Board of Commissioners may initiate a Type I or Type II Metro Plan amendment at any time. Metro Plan amendments shall be made in accordance with the standards contained in Chapter IV of the Metro Plan and the provisions of this Code.

Finding31: This Amendment proposal was initiated by Land Management Division staff at the direction of the Lane County Board of County Commissioners (BCC) as a high priority item in the adopted 2011 Long Range Planning Program. The proposal is classified as a Type I Plan Amendment requiring a final decision from all three governing bodies (Eugene and Springfield City Councils, and the Lane County BCC). The adoption and process of this proposal shall follow the procedures and provisions contained in Ch. IV of the Metro Plan combined with the procedures of Lane Code.

As noted in Finding1 above, there are 5 separate elements to this proposal. Item number 1 is a Metro Plan Amendment and the other four items are amendments to Lane County RCP. The Metro Plan component will require a joint recommendation and the other four items related to the RCP will require the sole re commendation of the LCPC. This is because once the Metro Plan boundary is adjusted to Springfield's Urban Growth Boundary, the geographic area will be subject to Lane County's RCP within the sole planning jurisdiction the Lane County. Therefore, only the item related to the Metro Plan will be evaluated with findings in these Code sections below. (Findings of consistency concerning the RCP components can be found in LC Ch. 16.400 section elsewhere in this application).

Lane Code Ch. 12.210 Initiation of Plan Amendments.

- (1) **Who Can Initiate Metro Plan Amendments. An amendment to the Metro Plan can be initiated by the following persons or entities:**
 - (a) **Type I Non-Site Specific Text Amendments, UGB/ Plan Boundary Changes or Other Goal Exceptions: Any of the three governing bodies.**
 - (i) **The Board of Commissioners may solicit a recommendation from the planning commission before initiating this category of amendment.**
 - (ii) **A citizen may seek council initiation of a Metro Plan Type I amendment by filing a written request with the County. A staff report on the request shall be submitted to the Board of Commissioners within 30 days of receipt of the request. At the direction of two Board members, the request shall be placed on the Board agenda for discussion. The request shall be considered denied if the Board takes no action within 60 days of the date the**

staff report is submitted to the Board. The Board need not hold a public hearing on a private Type I amendment request and may deny the request for any reason. A citizen seeking Board initiation of a site specific Metro Plan Type I amendment must own the property subject to the amendment.

Finding32: This proposal is a Type I Metro Plan amendment initiated by the Lane County Board of Commissioners, and therefore consistent with this criteria per (1)(a) above.

- (b) Type II Plan Diagram and Site Specific Text amendments. (i) Inside the City limits: The Home City and citizens**
- (ii) Between the City limits and the Plan Boundary: Any of the three governing bodies and citizens.**
 - (A) The Board may solicit a recommendation from the planning commission before initiating this category of amendment. A citizen initiating a Metro Plan Type II amendment must own the property subject to the amendment.**
 - (B) A citizen may seek Board initiation of a Metro Plan Type II amendment subject to the above requirements regarding Metro Plan Type I amendments initiated by the Board at the request of a citizen.**

Finding33: This proposal is not a Type II amendment, therefore this criteria is not applicable.

- (2) When Plan Amendments can be initiated. Amendments to the Metro Plan shall be initiated and considered at the following times:**
 - (a) The Board may initiate a Type I or Type II Metro Plan amendment at anytime. Consideration of this type of amendment shall begin immediately thereafter.**

Finding34: The BCC directed LMD staff to initiate a Type I Metro Plan amendment as a high priority item in the adopted 2011 Long Range Planning Program.

- (b) Citizen initiated Type II Metro Plan amendments may be applied for at any time. The initial public hearing on an application shall take place within 60 days of acceptance of a complete application.**

Finding 35: This proposal is not a Type II Metro Plan amendment, therefore this criteria is not applicable.

- (c) **Consideration of a privately initiated Metro Plan amendment shall be postponed if the proposed amendment is also part of an existing planned refinement plan or special area study adoption or amendment process or one that is scheduled on the Planning Commission's work program to begin within three months of the date the Metro Plan amendment application is submitted. Such a requested Metro Plan amendment shall be considered in the legislative proceedings on the refinement plan or special area study. If the refinement plan or special area study process has not begun within the three month period, the Metro Plan amendment application process shall begin immediately following the three month period. The Planning Director may waive a particular plan amendment application postponement under this subsection and require more immediate review if the Planning Director finds that either there is a public need for earlier consideration or that review of the proposed amendment as part of a general refinement plan or special area study adoption or amendment process will interfere with timely completion of that process.**

Finding36: This proposal is not a citizen initiated Metro Plan amendment, therefore this criteria is not applicable.

Lane Code Ch. 12.215 Referral of Plan Amendment.

All Metro Plan amendments affecting land outside the city limits of either city shall be referred to the other city for consideration of Regional Impact. Lane County shall participate in the hearing and decision of all Metro Plan amendments outside the city limits. All Metro Plan amendments affecting land inside the city limits of one city shall be referred to the other city and Lane County so that they may participate as parties to the hearing. All referrals shall occur within 10 days of the plan amendment initiation date. Any referral that is provided for the purpose of determining Regional Impact shall be answered by the referral jurisdiction within 45 days of receipt of the referral. Failure of a jurisdiction to take action on the referral within 45 days from the date of referral shall be deemed a finding of no Regional Impact. If a referral jurisdiction adopts a resolution, ordinance, or order finding that the proposed amendment has a Regional Impact that referral jurisdiction may participate in the decision if they so choose. All jurisdictions participating in the plan amendment decision process must approve the amendment in order to enact the amendment.

Finding37: This proposal was initiated by Lane County and is being referred to the two other participating cities; Eugene and Springfield. The proposal only involves land outside of the Urban Growth Boundary under the current plan document of the Metro Plan. The County has been coordinating with the both the City's Planning agencies upon initiation of this Amendment application. Both city planning jurisdictions have chosen to participate in this Metro Plan amendment. It is understood that all jurisdictions participating in the amendment process must approve the Metro Plan component in order to enact this amendment.

Lane Code Ch. 12.225 Metro Plan-Approval of A Plan amendment. (1) Who Must Approve Plan Amendment.

(a) Type I.

- (i) Non-Site Specific. To become effective, a non-site specific Metro Plan text Type I amendment must be approved by all three governing bodies.**
- (ii) Site Specific. To become effective, a site specific Metro Plan Type I amendment that involves a UGB or Plan Boundary change that crosses the Willamette or McKenzie River, or that crosses over a ridge into a new basin, or that involves a goal exception not related to a UGB expansion, must be approved by all three governing bodies. (See Appendix "A")**
- (iii) Site Specific. To become effective, a site specific Metro Plan Type I amendment that involves a UGB or Plan Boundary change must be approved by the Home City and Lane County. Exception: If the non-home City, after referral of the proposal, determines that the amendment has Regional Impact and, as a result of that determination, chooses to participate in the hearing, all three governing bodies must approve the amendment.**

Finding38: The Metro Plan Amendment is classified as a Type I amendment and will be reviewed by all three governing bodies per (1)(a) above.

(b) Type II.

- (i) Inside City Limits. To become effective, a Metro Plan Type II amendment inside the city limits must be approved by the Home City.**
- (ii) Between the City Limits and Plan Boundary. To become effective, a Metro Plan Type II amendment between the city limits and the Plan Boundary must be approved by the Home City and Lane County. Exception: If the non-home City, after referral of the proposal, determines that the amendment has Regional Impact and, as a result of that determination, chooses to participate in the hearing, all three governing bodies must approve the amendment.**

Finding39: This proposal is classified as a Type I Metro Plan amendment, therefore this criteria is not applicable.

- (2) Criteria for Approval of Plan Amendment. The following criteria shall be applied by the Board of Commissioners in approving or denying a plan amendment application:**

- (a) **The amendment must be consistent with the relevant statewide planning goals adopted by the Land Conservation and Development Commission; and**

Finding40: Findings of consistency of this proposed Metro Plan amendment with the Statewide Planning Goals are explained elsewhere in this application.

- (b) **Adoption of the amendment must not make the Metro Plan internally inconsistent.**

Finding41: As this amendment only reduces the total land area within the Metro Plan and does not change or affect any existing Metro Plan goals or policies, the amendment does not make the Metro Plan internally inconsistent.

Lane Code Ch. 12.230 Metro Plan - Plan Amendment Approval Process

- (3) **Planning Commission Consideration. Within 30 days after receipt of the staff report, the Home City's Planning Commission shall hold a public hearing to consider the proposed Metro Plan amendment. At least 20 days before the hearing, notice of the hearing shall be published in a local newspaper of general circulation and mailed to the applicant and to persons who have requested notice. If the proposed amendment is quasi-judicial, at least 20 days before the hearing, notice of the hearing shall also be mailed to the owners and occupants of properties that are the subject of the proposed amendment and to property owners of record of property located within 300 feet of the subject property. The content of the notice and conduct of the hearing on the amendment shall be as required by this code and state law. The Home City's Planning Commission shall review the proposed amendment and receive evidence and testimony on whether the proposed change can be justified under the approval criteria. Within 30 days after the public hearing and close of the evidentiary record, the Home City's Planning Commission shall adopt a written recommendation on the proposed amendment. The recommendation shall contain findings and conclusions on whether the proposal or a modified proposal meets the approval criteria.**

Finding42: Again, there are five items involved in this proposal as explained in earlier findings. LMD Staff is required to harmonize and meet two different criteria for both the Metro Plan and RCP for processing this proposal. Because staff is dealing with two sets of "process" criteria, staff will use the more restrictive (or widespread) criteria. Thus, the requirements above will be followed or exceeded for the processing of the proposal.

Notice of the joint Planning Commission Hearing will be mailed to property owners within at least 300' of the Metro Plan boundary. Based off criteria of approval above, Lane County will receive the joint Planning Commission's recommendation within 30 days after the close of the evidentiary hearing. This recommendation shall contain

findings and conclusions on whether the proposal or a modified proposal meets the approval criteria.

Lane Code Ch. 12.235 Metro Plan-Plan Amendment Approval Process-Two Jurisdictions.

- (1) **When the Two Jurisdictions Process is Used**. The following process shall be used to approve Metro Plan amendments when an amendment concerns land located outside of the corporate limits of one of the cities and the other city has chosen not to participate in the approval process.
- (2) **Investigation and Report**. Within 30 days after a response is received from both referral jurisdictions or within 50 days after the Metro Plan amendment initiation date if no response is received, the planning staff of the home jurisdiction where the proposed Metro Plan amendment was submitted shall investigate the facts bearing on the application, prepare a report, and submit it to the Planning Commission. The report shall be mailed or delivered to affected and interested parties at the time it is delivered to the Commission.
- (3) **Planning Commission Consideration**. Within 30 days after receipt of the staff report, the Planning Commissions of both affected jurisdictions shall hold a joint public hearing to consider the proposed Metro Plan amendment. The provisions of LC 12. 230 above apply to the joint Planning Commission hearing and decision on a proposed Metro Plan amendment. Within 30 days after the joint public hearing and close of the evidentiary record, both Planning Commissions shall make a recommendation to their governing bodies on the proposed Metro Plan amendment.
- (4) **Governing Body Action**. Within 30 days after the date the last Planning Commission acts on the Metro Plan amendment, the governing bodies of both affected jurisdictions shall hold a joint public hearing on the proposed amendment. The governing bodies decisions shall be based on the evidentiary record created before the Planning Commissions. No new evidence shall be allowed at the governing body joint hearing. Within 30 days after the joint public hearing, both governing bodies shall approve, modify and approve, or deny the proposed Metro Plan amendment. Both governing bodies shall take action by ordinance with adopted findings and conclusions on whether the proposal or modified proposal meets the approval criteria. The actions of the governing bodies are final if they are identical. The date the last governing body acts shall be the date the decision becomes final.
- (5) **Conflict Resolution Process**. The following process shall be used when the governing bodies do not enact identical decisions on the proposed Metro Plan amendment.

- (a) **The Metro Plan amendment shall be referred to the Metropolitan Policy Committee within five days after the last governing body action. The Metropolitan Policy Committee shall meet within 30 days of the referral to hear comments on the proposed amendment from the applicant, staff of the affected jurisdictions and interested persons. The committee may develop a recommendation to the governing bodies on the proposed amendment. The Metro Plan amendment shall be denied if the committee fails to act within 30 days of the referral date or if the governing bodies fail to adopt identical plan amendment actions within 45 days of receiving a recommendation from the committee.**

- (b) **If the plan amendment is denied because of lack of consensus or committee inaction, within 5 days the planning director of the home jurisdiction where the application originated shall issue a denial decision on the amendment containing findings and conclusions on why the proposed amendment does not meet the approval criteria. Those findings and conclusions may incorporate findings and conclusions previously adopted by one or both of the governing bodies. The decision of the director is final.**

Finding43: All three governing jurisdictions have chosen to participate in this Metro Plan Amendment, therefore the process of LC 12.24 0 below along with LC Ch. 16.400(6) shall be followed.

Lane Code Ch. 12.240 Metro Plan - Plan Amendment Process-Three Jurisdictions.

- (1) **When The Three Jurisdiction Process is Used . The following process shall be used to approve Metro Plan Type I amendments and Type II amendments where all three jurisdictions participate in the decision.**

Finding44: This Type I Metro Plan amendment is being processed as a three jurisdictional process.

- (2) **Investigation and Report. Within 30 days after responses are received from both referral jurisdictions or within 50 days after the initiation date if no response is received, the planning staff of the home jurisdiction where the proposed amendment was submitted shall investigate the facts bearing on the application, prepare a report, and submit it to the Planning Commissions of all three jurisdictions. The report shall be mailed or delivered to affected and interested parties at the same time it is delivered to the three Planning Commissions.**

Finding45: LMD staff will prepare and mail a written report to the Planning Commissions of all three jurisdictions and mail the report to all affected and interested parties prior to the Public Hearing. The report will also be available in LMD offices during normal business hours.

- (3) Planning Commission Consideration.** Within 30 days after receipt of the staff report, the Planning Commissions of Eugene, Springfield and Lane County shall hold a joint public hearing on the proposed Metro Plan amendment. The provisions of LC 12.230(3) above apply to the joint Planning Commission hearing. Within 30 days after the proposed Metro Plan amendment hearing and close of the evidentiary record, each Planning Commission shall make a recommendation to its governing body on the proposed Metro Plan amendment.

Finding 46: A tri-jurisdictional joint Planning Commission Hearing is scheduled for July 19, 2011. As the criteria above directs, each Planning Commission shall make a recommendation to its governing body on the proposed Metro Plan amendment within 30-days after the close of the evidentiary hearing. Eugene and Springfield Planning Commission will make a recommendation to their City Councils on the Metro Plan item of this proposed ordinance, and Lane County Planning Commission will make a recommendation to the BCC on all five items of this proposed ordinance. The recommendation of all three Commissions shall be forwarded to staff in LMD to compile and deliver the joint recommendations to the BCC for their consideration and action in a subsequent public hearing.

- (4) Governing Bodies Action.** Within 30 days after the last Planning Commission acts on the Metro Plan amendment proposal, the governing bodies of Eugene, Springfield and Lane County shall hold a joint public hearing on the plan amendment. The governing bodies' decisions shall be based solely on the evidentiary record created before the Planning Commissions. No new evidence shall be allowed at the governing body joint hearing. Within 30 days after the joint public hearing, each governing body shall approve, modify and approve, or deny the proposed Metro Plan amendment. Each governing body shall take action by ordinance with adopted findings and conclusions on whether the proposal or modified proposal meets the approval criteria. The actions of the governing bodies are final if they are identical. The date the last governing body acts shall be the date the action becomes final. The provisions of LC 12.235(5) above apply if the governing bodies do not enact an identical plan amendment.

Finding 47: After the Lane County Planning staff receives the last Planning Commission's recommendation and within 30 days, Lane County will schedule a tri-jurisdictional governing body public hearing to be held on the Amendment proposal. For the Metro Plan item, the governing bodies decisions shall be based solely on the evidentiary record created before the Planning Commission and no new evidence shall be allowed at the governing body joint hearing. Each governing body will take action via separate jurisdictional (but identical) Ordinances to approve, modify and approve, or deny the proposed Metro Plan Amendment. Should the governing bodies not enact identical ordinances, the provisions of LC 12.235(5) will apply.

Lane Code Ch. 12.245 Plan Amendment Processes - General Provisions.

Exhibit E to Attachment 1

- (1) **Process for Government Initiated Plan Amendments.** A different process, timeline, or both, than the processes and timelines specified in LC 12.230, 12.235 or 12.240 above, may be established by the governing bodies of Eugene, Springfield and Lane County for any government initiated Metro Plan amendment.

Finding48: A different process or timeline as specified in LC 12.230, 12.235, or 12.240 may be established by the governing bodies if they deem worthy.

- (2) **Time Frame Waiver.** The time frames prescribed in connection with Type II Metro Plan amendment processes can be waived if the applicant agrees to the waivers.

Finding 49: This is not a Type II amendment, therefore this criteria is not applicable.

- (3) **Bar on Re-submittal.** No privately initiated Metro Plan amendment application submitted to Lane County shall be considered if a substantially similar or identical plan amendment has been denied within the year prior to the application date unless the facts forming the basis for the denial have changed so as to allow approval. The Planning Director shall determine whether the proposed amendment is substantially similar or identical after providing the applicant with an opportunity to comment on the matter in writing.

Finding50: This is the first time this amendment has been proposed, therefore this criteria is not applicable.

- (4) **Relationship to Refinement Plan Amendments.** When a Metro Plan amendment is enacted that requires an amendment to a refinement plan diagram or map for consistency, the Metro Plan diagram amendment automatically amends the refinement plan diagram or map if no amendment to the refinement plan text is involved. When a Metro Plan diagram amendment requires a refinement plan diagram or map and text amendment for consistency, the Metro Plan and refinement plan amendments shall be processed concurrently.

Finding51: No changes to a Metro plan Refinement Plan are being proposed.

- (5) **Severability of Plan Amendment Adoption Actions.** When identical action is required of two or three governing bodies on a Metro Plan Amendment, and the amendment is a number of different plan changes, the following applies. Unless otherwise specified in the adoption ordinance of any of the governing bodies, action by all of the governing bodies to adopt some but not all of the plan changes shall result in the adoption of the changes for which there is consensus and the forwarding of only those changes for which there is not consensus to the Metropolitan Policy Committee under LC 12.235(5) and 12.240(4) above.

Finding52: The Metro Plan amendment component is considered one plan change, therefore this criteria is not applicable.

- (6) Relationship Of Amendment Process To Metro Plan Update And Periodic Review. An update of any element of the Metro Plan requires initiation and approval by all three jurisdictions. Amendments to the Metro Plan that result from state-mandated Periodic Review require approval by all three jurisdictions.**

Finding53: The Metro Plan amendment entails initiation and approval from all three jurisdictions.

APPLICABLE METRO PLAN CRITERIA REVIEW

In addition to criteria identified elsewhere within this document, amendments to the Metro Plan also require consistency with Goal IV, Policies 3–7 and 10 of the Metro Plan, listed below:

- 3. All amendments to the *Metro Plan* shall be classified as a Type I or Type II amendment depending upon the specific changes sought by the initiator of the proposal.**
 - a. Type I amendment shall include any change to the urban growth boundary (UGB) or the *Metro Plan* Plan Boundary (Plan Boundary) of the *Metro Plan*; any change that requires a goal exception to be taken under Statewide Planning Goal 2 that is not related to the UGB expansion; and any amendment to the *Metro Plan* text that is non-site specific.**
 - b. A Type II amendment shall include any change to the *Metro Plan* Diagram or *Metro Plan* text that is site specific and not otherwise a Type I category amendment.**
 - c. Adoption or amendment of some refinement plans, functional plans, or special area plans may, in some circumstances, be classified as Type I or Type II amendments. Amendments to the *Metro Plan* that result from state mandated Periodic Review or *Metro Plan* updates also shall be classified as Type I or Type II amendments depending upon the specific changes that would result from these actions.**

Finding54: This is a Type 1 amendment as is entails a modification to the Metro Plan Boundary and is therefore consistent with this requirement.

- 4. Initiation of *Metro Plan* amendments shall be as follows:**

- a. **A Type I amendment may be initiated at the discretion of any one of the three governing bodies. (Note: this correction reflects adopted ordinance and code.)**
- b. **A Type II amendment may be initiated at the discretion of any one of the three governing bodies or by any citizen who owns property that is subject of the proposed amendment.**
- c. **Only a governing body may initiate a refinement plan, a functional plan, a special area study or Periodic Review or *Metro Plan* update.**
- d. **The governing bodies of the three metropolitan jurisdictions may initiate an amendment to the *Metro Plan* at any time. Citizen initiated Type II amendments may be initiated at any time.**

Finding55: This Type 1 amendment has been initiated by Lane County and is therefore consistent with this requirement.

- 5. **The approval process for *Metro Plan* amendments, including the number of governing bodies who participate and the timeline for final action, will vary depending upon the classification of amendment and whether a determination is made that the proposed amendment will have Regional Impact.**
 - a. **All three governing bodies must approve non-site-specific text amendments; site specific *Metro Plan* Diagram amendments that involve a UGB or Plan Boundary change that crosses the Willamette or McKenzie Rivers or that crosses over a ridge into a new basin; and, amendments that involve a goal exception not related to a UGB expansion.**
 - b. **A site specific Type I *Metro Plan* amendment that involves a UGB expansion or Plan Boundary change and a Type II *Metro Plan* amendment between the city limits and Plan Boundary, must be approved by the home city and Lane County (Springfield is the home city for amendments east of I-5 and Eugene is the home city for amendments west of I-5). Then on-home city will be sent a referral of the proposed amendment and, based upon a determination that the proposal will have Regional Impact, may choose to participate in the decision. Unless the non-home city makes affirmative findings of Regional Impact, the non-home city will not participate in the decision.**
 - c. **An amendment will be considered to have Regional Impact if:**
 - (1) **It will require an amendment to a jointly adopted functional plan [*Eugene-Springfield Metropolitan Area Transportation Plan*]**

(TransPlan), Eugene- Springfield Public Facilities and Services Plan (Public Facilities and Services Plan), etc.] in order to provide the subject property with an adequate level of urban services and facilities; or

- (2) It has a demonstrable impact on the water, storm drainage, wastewater, or transportation facilities of the non-home city; or**
 - (3) It affects the buildable land inventory by significantly adding to Low Density Residential (LDR), Campus Industrial (CI), Light-Medium Industrial (LMI), or Heavy Industrial (HI) designations or significantly reducing the Medium Density Residential (MDR), High Density Residential (HDR), or Community Commercial (CC) designations.**
- d. A jurisdiction may amend a *Metro Plan* designation without causing Regional Impact when this action is taken to: compensate for reductions in buildable land caused by protection of newly discovered natural resources within its own jurisdiction; or accommodate the contiguous expansion of an existing business with a site-specific requirement.**
 - e. Decisions on all Type II amendments within city limits shall be the sole responsibility of the home city.**

Finding56: This amendment entails a Plan Boundary change that triggers one or more of the criteria identified in Policy 5. A, therefore, all three governing bodies are decision makers.

- 6. Public hearings by the governing bodies for *Metro Plan* amendments requiring participation from one or two jurisdictions shall be held within 120 days of the initiation date. *Metro Plan* amendments that require a final decision from all three governing bodies shall be concluded within 180 days of the initiation date. When more than one jurisdiction participates in the decision, the Planning Commissions of the participating jurisdictions shall conduct a joint public hearing and forward that record and their recommendations to their respective elected officials. The elected officials also shall conduct a joint public hearing prior to making a final decision. The time frames prescribed in connection with Type II *Metro Plan* amendment processes can be waived if the applicant agrees to the waiver.**

Finding57: As this amendment requires a decision from all three jurisdictions, a public hearing must be held within 180 from the formal initiation date. The formal initiation date for this amendment is June 1, 2011. A public hearing for this amendment is scheduled for July 19, 2011, which is within the required time specified. This will be a joint hearing of the three Planning Commissions. The recommendation from the three Planning Commissions will be forwarded to the elected officials who shall also conduct

a joint public hearing prior to making a final decision.

- 7. **If all participating jurisdictions reach a consensus to approve a proposed amendment, substantively identical ordinances affecting the changes shall be adopted. Where there is a consensus to deny a proposed amendment, it may not be re-initiated, except by one of the three governing bodies, for one year. Amendments for which there is no consensus shall be referred to the Metropolitan Policy Committee (MPC) for additional study, conflict resolution, and recommendation back to the governing bodies.**

Finding58: If consensus is reached to approve a proposed amendment, substantively identical ordinances affecting the changes shall be adopted by the three jurisdictions.

- 10. **Metro Plan updates shall be initiated no less frequently than during the state required Periodic Review of the Metro Plan, although the governing bodies may initiate an update of the Metro Plan at any time.**

Finding 59: This amendment is not part of a Periodic Review work program, but it was initiated by Lane County BCC and is therefore consistent with this requirement.

APPLICABLE STATEWIDE PLANNING GOALS REVIEW

As directed by Lane Code Ch. 16.400(6) (h)(ii)(aa) for the RCP amendment items, LC 12.225(2)(a) for the Metro Plan amendment item, and ORS 197.175(2)(a), the proposal must be consistent with the relevant Statewide Planning Goals.

**Goal 1: Citizen Involvement
To provide for widespread citizen involvement.**

Finding60: This goal requires that citizens and affected public agencies be provided an opportunity to comment and participate on the proposed amendments. As part of this application review process, public notification in the form of mailed notices was sent by LMD to affected property owners, public agencies, local service providers, other inter-departmental departments, and the Department of Land Conservation & Development (DLCD). Public notice of the Planning Commission hearing and the Board of Commissioners hearings are published once for each hearing in the Eugene Register-Guard newspaper. Additionally, a Ballot Measure 56 notice was mailed to all property owners affected by the proposed zone changes.

LMD has done a number of outreach actions for this item. On April 21, 2011 LMD staff held an Open House Event in Harris Hall advertized on two different dates via a display advertisement in the Eugene Register Guard. Additionally, LMD has created an informational webpage for this item at: <http://www.lanecounty.org/Departments/PW/LMD/LandUse/Pages/MetroBoundary.aspx>.

Given the above finding, the application is consistent with Goal 1.

Goal 2: Planning

To establish a land use planning process and policy framework as a basis for all decisions and actions to use of land and to assure an adequate factual base for such decisions and actions.

Finding61: This goal requires governmental agencies to adopt land use plans and implementation ordinances after public hearings are completed. Lane County has conformed to the goal through adoption of the Rural Comprehensive Plan and the implementing ordinances found in Lane Code Ch. 16. Lane County co-adopted the Metro Plan pursuant to Ordinance No. 883 which is a component of the RCP pursuant to LC 16.400(4)(a)(i). The County is required to provide the public opportunities to comment and participate during the review of this (and any) plan amendment proposal. The public hearing and notification process will be conducted pursuant to applicable provisions in Lane Code Ch. 14.300, LC Ch. 16. 400(6), LC Ch. 12, and Metro Plan Ch IV.

Throughout this document staff has developed findings of consistency with a wide range of applicable criteria listed above. The proposal must meet any and all of the criteria in order to be implemented and adopted. Consistency with Goal 2 is derived through the public process along with the complete set of findings of consistency with all the criteria.

Goal 3: Agricultural Lands

To preserve and maintain agricultural lands.

Finding62: This goal recognizes the importance of maintaining agricultural lands as those that are defined under the goal. In western Oregon, agricultural land consist of predominantly Class I through IV soils identified by the Soil Conservation Service and other lands suitable for farm use taking into consideration soil fertility, suitability for grazing, climatic conditions, existing and future availability of water for farm and irrigation purposes, existing land use patterns, technological and energy input required for accepted farm practices. Lands in other classes which are necessary to permit farm practices to be undertaken on adjacent or nearby lands, shall be included as agricultural land in any event. Agricultural lands shall be preserved and maintained for farm use, consistent with existing and future needs for agricultural products.

There are many acres of agricultural lands within the Metro Plan area. This proposal is not affecting the amount, changing the amount of agricultural lands base, nor is it changing the uses allowed in the agricultural lands in Lane County. An item in this ordinance is simply changing like-for-like Plan designations: from Metro Plan "Agriculture" to Lane County Rural Comprehensive Plan "Agricultural" plan designations. Thus, lands previously governed under the Metro Plan will be governed under the RCP should this amendment obtain approval. Lane County completed Goal 3 requirements in its acknowledged RCP. Given the above finding, the application is consistent with Goal 3.

Goal 4: Forest Lands

This goal defines forest lands and requires counties to inventory them and adopt policies and ordinances that will "conserve forest lands for forest uses."

Finding63: This goal promotes the importance of conserving forest lands for forest uses. Forest Lands shall include lands which are suitable for commercial forest uses including adjacent or nearby lands which are necessary to permit forest operations or practices and other forested lands that maintain soil, air, water and fish and wildlife resources.

There some areas of forest land within the Metro Plan area. This proposal is not affecting the amount, changing the amount of forest lands base, or changing the uses allowed in the forest lands in Lane County. An item in this ordinance is simply changing like-for-like Plan designations: from Metro Plan "Forest land" to Lane County Rural Comprehensive Plan "Forest" plan designations. Thus, lands previously governed under the Metro Plan will be governed under the RCP should this amendment obtain approval. Lane County completed Goal 4 requirements in its acknowledged RCP. Given the above finding, the application is consistent with Goal 4.

**Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces
To protect natural resources and conserve scenic and historic areas and open spaces.**

Finding64: This goal directs jurisdictions to inventory, protect, and conserve natural resources for present and future generations. Within the Metro Plan area, Lane County, Springfield, and Eugene jointly completed the Goal 5 requirements in the acknowledged Metro Plan document Ch. III Environmental Resources Element, Goal 5 sections.

If adopted, the proposed amendments would apply existing Goal 5 policies currently contained in the Metro Plan to lands removed from the Metro Plan and placed within the jurisdiction of the RCP. Therefore no changes in existing goal 5 policies are being implemented through by these amendments. Additionally, the "Safe Harbor" riparian protection regulations for areas within the Metro Plan will be applied to lands removed from the Metro Plan. Based on this finding, the application is consistent with Goal 5.

**Goal 6: Air, Water and Land Resource Quality
To maintain and improve the quality of the air, water and land resources of the state.**

Finding65: This goal requires adequate protection measures for preservation of air, water and land. Within the Metro Plan area, Lane County, Springfield, and Eugene jointly completed the Goal 6 requirements in the acknowledged Metro Plan document Ch. I II Environmental Resources Element, Goal 6 sections. No changes to Goal 6 elements are being attempted with this proposal. Lands previously governed under the Metro Plan will be governed under the RCP should this amendment obtain approval. Lane County completed Goal 6 requirements in its acknowledged RCP. Given

the above finding, the application is consistent with Goal 6.

Goal 7: Areas Subject to Natural Hazards
To protect people and property from natural hazards.

Finding 66: This goal directs jurisdictions to adopt comprehensive plans that reduce the risks to people and property from natural hazards. Within the Metro Plan area, Lane County, Springfield, and Eugene jointly completed the Goal 7 requirements in the acknowledged Metro Plan document Ch. III Environmental Resources Element, Goal 7 sections. No changes to Goal 7 elements are being attempted with this proposal. Lands previously governed under the Metro Plan will be governed under the RCP should this amendment obtain approval. Lane County completed Goal 7 requirements in its acknowledged RCP. Given the above finding, the application is consistent with Goal 7.

Goal 8: Recreational Needs
To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Finding 67: The goal's requirements for meeting recreational needs, now and in the future, shall be planned for by governmental agencies having responsibility for recreation areas, facilities and opportunities. Within the Metro Plan area, Lane County, Springfield, and Eugene jointly completed the Goal 8 requirements in the acknowledged Metro Plan document Ch. III Parks and Recreation Facility Element, section G. No changes to Goal 8 elements are being attempted with this proposal. Lands previously governed under the Metro Plan will be governed under the RCP should this amendment obtain approval. Lane County completed Goal 8 requirements in its acknowledged RCP. Given the above finding, the application is consistent with Goal 8.

Goal 9: Economic Development
To provide adequate opportunities throughout The state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Finding 68: This goal states Comprehensive plans and policies shall contribute to a stable and healthy economy in all regions of the state. Within the Metro Plan area, Lane County, Springfield, and Eugene jointly completed the Goal 9 requirements in the acknowledged Metro Plan document Ch. III Economic Element, section B. No changes to Goal 9 elements are being attempted with this proposal. Lands previously governed under the Metro Plan will be governed under the RCP should this amendment obtain approval. Lane County completed Goal 9 requirements in its acknowledged RCP. Given the above finding, the application is consistent with Goal 9.

Goal 10: Housing
To provide for the housing needs for the citizens of the State.

Finding69: This goal states plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density. Within the Metro Plan area, Lane County, Springfield, and Eugene jointly completed the Goal 10 requirements in the acknowledged Metro Plan document Ch. III Residential Land Use and Housing Element, section A. No changes to Goal 10 elements are being attempted with this proposal. Lands previously governed under the Metro Plan will be governed under the RCP should this amendment obtain approval. Lane County completed Goal 10 requirements in its acknowledged RCP. Given the above finding, the application is consistent with Goal 10.

Goal 11: Public Facilities and Services

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Finding 70: The goal states Urban and rural development shall be guided and supported by types and levels of urban and rural public facilities and services appropriate for, but limited to, the needs and requirements of the urban, urbanizable, and rural areas to be served. A provision for key facilities shall be included in each plan. Within the Metro Plan area, Lane County, Springfield, and Eugene jointly completed the Goal 11 requirements in the acknowledged Metro Plan document Ch. III Public Facilities and Services Element, section H. No changes to Goal 11 elements are being attempted with this proposal. Lands previously governed under the Metro Plan will be governed under the RCP should this amendment obtain approval. Lane County completed Goal 11 requirements in its acknowledged RCP. Given the above finding, the application is consistent with Goal 11.

Goal 12: Transportation

To provide and encourage a safe, convenient and economic transportation system.

Finding71: Under this goal, transportation a transportation plan shall (1) consider all modes of transportation including mass transit, air, water, pipeline, rail, highway, bicycle and pedestrian; (2) be based upon an inventory of local, regional and state transportation needs; (3) consider the differences in social consequences that would result from utilizing differing combinations of transportation modes; (4) avoid principal reliance upon any one mode of transportation; (5) minimize adverse social, economic and environmental impacts and costs; (6) conserve energy; (7) meet the needs of the transportation disadvantaged by improving transportation services; (8) facilitate the flow of goods and services so as to strengthen the local and regional economy; and (9) conform with local and regional comprehensive land use plans. Each plan shall include a provision for transportation as a key facility.

Within the Metro Plan area, Lane County, Springfield, and Eugene jointly completed the Goal 12 requirements in the acknowledged Metro Plan document Ch. III Transportation

Element, section F. No changes to Goal 12 elements are being attempted with this proposal. Lands previously governed under the Metro Plan will be governed under the RCP should this amendment obtain approval. Lane County completed Goal 12 requirements in its acknowledged RCP and in the Lane County Rural Transportation Plan; a special purpose plan of the RCP. Given the above finding, the application is consistent with Goal 12.

Goal 13: Energy Conservation
To conserve energy

Finding72: This goal states land and uses shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles. Within the Metro Plan area, Lane County, Springfield, and Eugene jointly completed the Goal 13 requirements in the acknowledged Metro Plan document Ch. III Energy Element, section J. No changes to Goal 13 elements are being attempted with this proposal. Lands previously governed under the Metro Plan will be governed under the RCP should this amendment obtain approval. Lane County completed Goal 13 requirements in its acknowledged RCP. Given the above finding, the application is consistent with Goal 13.

Goal 14: Urbanization

To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Finding 73: The Metro Plan area is not within an urban growth boundary. This proposal is seeking to move the Metro Plan boundary corresponding with the adopted Springfield UGB in phase 1 of this proposal. There is no foreseeable connection between the proposed Metro Plan Boundary adjustment and future UGB expansions or annexations. Lands previously governed under the Metro Plan will be governed under the RCP should this amendment obtain approval. Lane County completed Goal 14 requirements in its acknowledged RCP. Given the above finding, the application is consistent with Goal 14.

Goal: 15 Willamette River Greenway

To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

Finding74: The goal recognizes the importance to protect, conserve, and enhance areas along the Willamette Greenway. Areas which contain this boundary within the Metro Plan area are located along the river banks of the Coast and Middle Fork Willamette River. Lane County requires Greenway Development Permits for intensification or changes of use or development as defined in LC 16.254. The jurisdictional area of the Metro Plan was found to be in compliance with Goal 15 on September 12, 1982.

Lands previously governed under the Metro Plan will be governed under the RCP

should this amendment obtain approval. Lane County completed Goal 15 requirements in its acknowledged RCP. Given the above finding, the application is consistent with Goal 15.

- Goal: 16 Estuarine Resources**
- Goal: 17 Coastal Shorelands**
- Goal: 18 Beaches and Dunes**
- Goal: 19 Ocean Resources**

Finding75: These four goals are geographically separated from the Metro Plan area. Therefore, they are not applicable to this application.

IN THE BOARD OF COUNTY COMMISSIONERS, LANE COUNTY, OREGON

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 SPRING FIELD 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 CLAUSE

WHEREAS, through Ordinance No. PA 1281, the partners of the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) have jointly modified the boundaries of the Metro Plan; and

WHEREAS, it is now necessary to amend the Lane County Rural Comprehensive Plan (RCP) to apply RCP plan designations to lands removed from the Metro Plan pursuant to ordinance no. PA 1281; and

WHEREAS, it is also necessary to adopt the City of Springfield's parcel specific Urban Growth Boundary location on official Lane County RCP plan and zone maps to comply with OAR 660-024-0020(2); and

WHEREAS, the proposal was reviewed at a hearing of Lane County Planning Commission on July 19, 2011, and August 16, 2011; and

WHEREAS, the proposal was also reviewed at hearing of the Lane County Board of Commissioners on March 13, 2012; and

WHEREAS, evidence exists in the record indicating that the proposal meets the requirements of the RCP, Lane Code and applicable state law; and

WHEREAS, the Board of County Commissioners is now ready to take action.

NOW, THEREFORE, the Board of County Commissioners of Lane County ordains as follows:

Section 1. The Official Lane County Rural Comprehensive Plan (RCP) - plan maps # 1701, 1702, 1703, 1802 and 1803, which are included as Exhibits A-E to this ordinance are hereby repealed and replaced with the amended RCP plan maps # 1701, 1702, 1703, 1802 and 1803 included as Exhibits F-J attached and incorporated herein by this reference.

Section 2. The Official RCP – zone maps # 1702, 1703, 1802 and 1803, which are included as Exhibits K-N to this ordinance are hereby repealed and replaced with the amended RCP zone maps # 1702, 1703, 1802 and 1803 included as Exhibits O- R attached and incorporated herein by this reference.

Section 3. The prior policies, plan and zone diagram designations repealed or changed by this Ordinance remain in full force and effect to authorize prosecution of persons in violation thereof prior to the effective date of this Ordinance.

Section 4. If any section, subsection, sentence, clause phrase of portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such section shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

FURTHER, although not part of this Ordinance, the Board of County Commissioners adopts findings and conclusions in support of this action as set forth in Exhibit "E" to Ordinance No. PA 1281, incorporated here by this reference.

ENACTED this _____ day of __, 2012.

Sid Leiken, Chair
Lane County Board of Commissioners

Recording Secretary for this Board Meeting

APPROVED AS TO FORM

Date _____ Lane County

Office of legal Counsel

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Work Session: Disposition of Surplus Property

Meeting Date: May 28, 2013
 Department: Planning & Development
www.eugene-or.gov

Agenda Item Number: 6
 Staff Contacts: Mike Sullivan
 Staff Contact Telephone: 541-682-5448

ISSUE STATEMENT

The council is being asked to approve the sale of the quarter-block surface parking lot located at 8th Avenue and High Street to the Shedd Institute for the Arts.

BACKGROUND

Section 2.872 of the Eugene Code provides that a proposal for the sale of property that is acceptable to the City Manager shall be presented to the council for its action. The Shedd Institute for the Arts approached the City with an offer to purchase the quarter-block (25,600 square feet) surface parking lot located on the southwest corner of 8th Avenue and High Street, directly behind the Shedd Institute for the Arts (see Attachment A map). The proposed purchase price is the appraised value of \$800,000 paid in cash at closing. A detailed outline of the proposed terms is included in Attachment B.

The property, zoned C-2/TD, is currently used as a City-owned and -operated surface parking lot. The property was appraised by Duncan & Brown in May 2012 which indicated a fair market value of \$800,000 (\$32.50/square feet). The value conclusion was based on a highest and best use assumption that the current use would be continued on an interim basis until a financially feasible commercial use can occur.

The Shedd Institute for the Arts is interested in acquiring the property for the purpose of growing the existing music school and performance space. Their existing music school serves approximately 500 students per week. Their expansion plans envision additional classroom space, a new 350-400 seat music theater, and potentially a retail music store. They have indicated that a fundraising campaign for the expansion project would begin immediately following the acquisition of the property, and that the start date for construction of the project would be contingent on the success of the fundraising efforts.

The arts are a key part of the revitalization of downtown Eugene. The growing art and culture district, which includes venues such as the Shedd Institute for the Arts, draws customers and

dollars to the city core year-round. The Americans for the Arts' latest national economic impact study, *Arts & Economic Prosperity IV*, revealed that non-profit arts and culture organizations in Eugene are a \$45.6 million industry supporting the equivalent of 1,730 full-time jobs in Eugene, and generating \$2.4 million in local and state government revenue. Additionally, the City has been working with its partners to establish a cultural district in downtown as an economic development tool that will attract and nurture Eugene's growing creative sector and support the regional economic development branding efforts that are focused on creativity, innovation and quality of life. An expanded Shedd Institute for the Arts will have many positive impacts related to local economic prosperity, growing arts and culture in the community, and continuation of the significant momentum that is currently underway Downtown.

RELATED CITY POLICIES

This item relates to the following goals for Eugene, including:

Council Goals

Accessible and Thriving Culture and Recreation: A community where arts and outdoors are integral to our social and economic well-being and are available to all.

Eugene Downtown Plan

- Reinforce the creative, distinctive culture of downtown as the arts and entertainment center of the city.
- Provide and promote development and community events that reinforce downtown's role as the cultural center for the city and region.
- Build upon downtown's role as the center for government, commerce, education, and culture in the city and the region.
- Downtown development shall support the urban qualities of density, vitality, livability and diversity to create a downtown, urban environment.
- Actively pursue public/private development opportunities to achieve the vision for an active, vital, growing downtown.
- Use downtown development tools and incentives to encourage development that provides character and density downtown.

Regional Prosperity Economic Development Plan

- Promote the region's natural and cultural resources to enhance cultural tourism.
- Building downtowns as places to live, work and play will support the retention and expansion of the existing business community and be a significant asset to attract new investment.

Envision Eugene Pillars

- Promote compact urban development and efficient transportation options.
 - Integrate new development and redevelopment in the downtown, in key transit corridors and in core commercial areas.

COUNCIL OPTIONS

1. Authorize the City Manager to enter into a purchase and sale agreement with the Shedd Institute for the Arts for the disposition of the property consistent with the outline of terms included in Attachment B.
2. Modify the outline of terms included in Attachment B, and authorize the City Manager to enter into a purchase and sale agreement with the Shedd Institute for the Arts for the disposition of the property.
3. Do not approve the disposition of the property at this time.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends the disposition of the property to the Shedd Institute for the Arts consistent with the outline of terms included in Attachment B.

SUGGESTED MOTION

Move to authorize the City Manager to enter into a purchase and sale agreement with the Shedd Institute for the Arts for the disposition of the quarter-block property located at 8th Avenue and High Street consistent with the terms and conditions included in Attachment B.

ATTACHMENTS

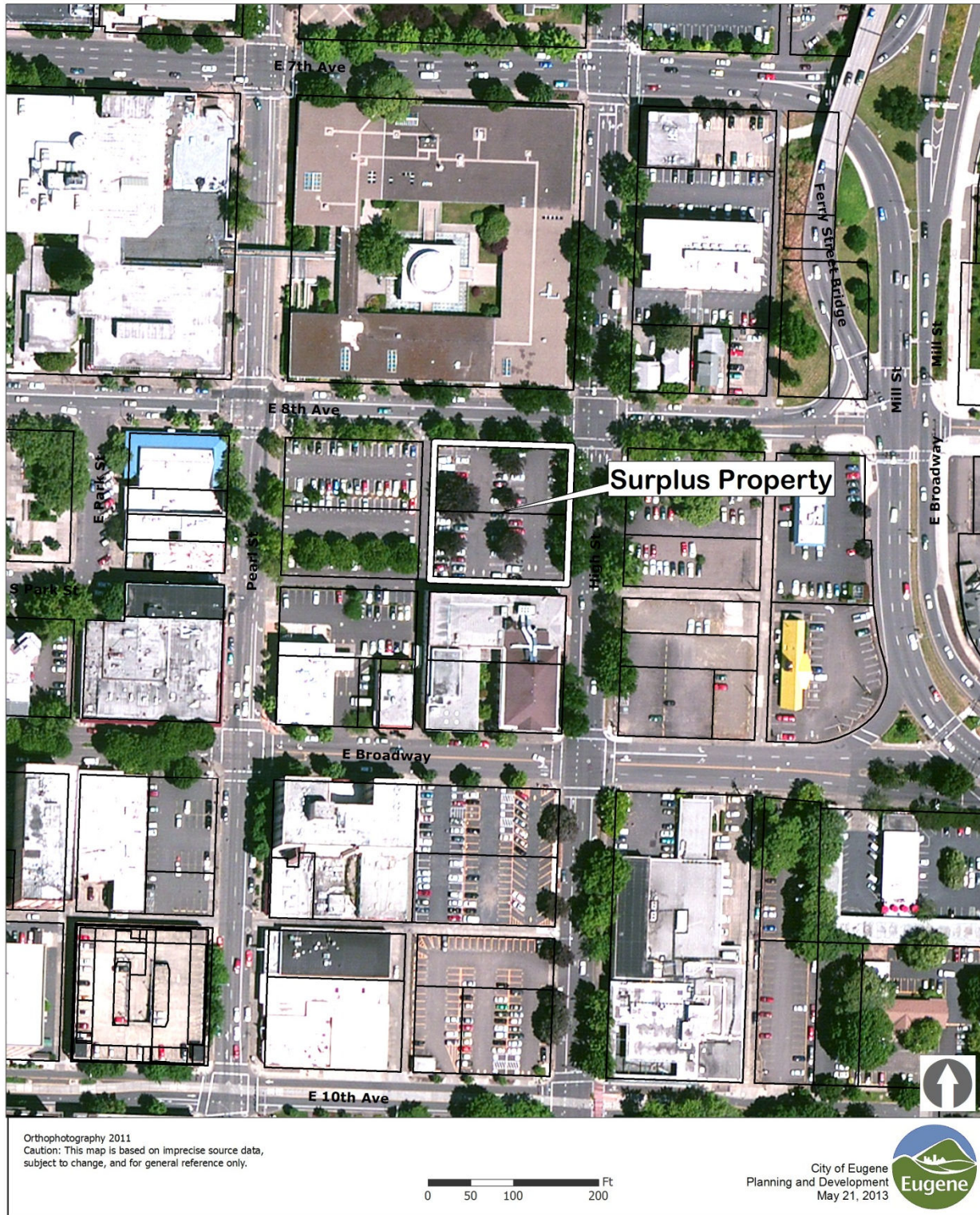
- A. Map – Surplus Property
- B. Outline of Terms

FOR MORE INFORMATION

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Item 6.

Surplus Property Map



**Preliminary Draft: Sale of Property
Shedd Institute for the Arts (Buyer) – City of Eugene (Seller)**

The following is a preliminary outline of terms for the sale of the City-owned quarter block property located immediately north of the Shedd Institute (Shedd). This outline of terms is for discussion purposes only.

Property: Land (approximately 25,600 sqft quarter block) located at the southwest corner of 8th Avenue and High Street (Map No. 17-03-31-14 Tax lot No. 1300 and 1400).

Purchase Price: \$800,000

Payment of Purchase Price: \$800,000 cash shall be paid in full at closing.

Deposit: Upon City Council approval of the sale of the Property, Buyer shall deposit into escrow non-refundable earnest money in the amount of 10% of the purchase price. Earnest Money will be credited toward the Purchase Price at closing.

Purchase and Sale Agreement: Following City Council's approval of the sale, Buyer and Seller shall enter into a formal Purchase and Sale Agreement.

Due Diligence Period: Upon the execution of a Purchase and Sale Agreement, Buyer will have a period of 60 days in which to review property information and conduct on site testing to determine the condition of the property.

Environmental Condition: During the Due Diligence Period, Buyer will be able to perform environmental investigation to satisfy itself of the environmental condition of the property. The investigations must be scheduled with the Seller and the results provided to the Seller for review. Based on the information provided in the environmental assessment, Buyer may either move forward with the purchase of the site or rescind the offer to purchase the site.

Closing Date: The closing of the sale shall occur no later than 90 days after the completion of the Due Diligence Period. The closing date can be extended an additional 30 day if Buyer demonstrates sufficient progress is being made to close within the extension period.

Easement: Buyer shall grant to Seller a 5-foot easement on the Property along the 8th Avenue street frontage which will be retained indefinitely for future right-of-way improvements.

Additional Easement: On or before closing, Buyer shall grant to Seller a 5-foot easement on the Shedd property (Tax Lot 1100) located across High Street east of the Property, which will be retained indefinitely (even in the event of transfer of ownership) for future right-of-way improvements.

Parking. Prior to Closing, Buyer and Seller shall reach an agreement regarding the management of parking as an interim use of the Property, with the intent to allow general public access to parking supply not being fully utilized by Shedd operations.

Condition of Title: Seller shall deliver the Property to Buyer with clear title free of any and all encumbrances and exceptions except those as may have been approved by Buyer in its sole discretion. Seller, at Seller's cost, shall provide Buyer with standard form of owner's policy of title insurance in the face amount of the Purchase Price insuring clear title in Buyer's name subject only to approved exceptions.

Condition of the Property at Closing: Buyer is purchasing the Property as is in its current condition. Buyer's expectations concerning the Property are to be based solely on the basis of Buyer's own inspection and investigation of the Property.

First Right of Refusal: Prior to Shedd's development of the Property, Seller shall hold a first right of refusal. In the event that Buyer receives an offer to purchase the Property at any time following the sale, Seller shall have the right to purchase the property under the same terms and conditions as the offer, or decline and allow the other buyer to move forward and complete the purchase.

