

ATTACHMENT A

MINUTES OF THE JOINT ELECTED OFFICIALS WORK SESSION OF THE SPRINGFIELD CITY COUNCIL, THE EUGENE CITY COUNCIL AND LANE COUNTY BOARD OF COMMISSIONERS MONDAY, NOVEMBER 4, 2013

A joint elected officials' work session with the City of Springfield, City of Eugene and Lane County was held in the Springfield Library Meeting Room, 225 Fifth Street, Springfield, Oregon, on Monday, November 4, 2013 at 6:00 p.m. with Mayor Lundberg presiding.

ATTENDANCE

Mayor Lundberg welcomed everyone to Springfield City Hall and opened the meeting of the Springfield City Council.

Mayor Piercy opened the meeting of the Eugene City Council.

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

Present from Springfield were Mayor Christine Lundberg and Councilors VanGordon, Wylie, Moore, Ralston, Woodrow and Brew. Springfield City Manager Gino Grimaldi and other Springfield staff were also present.

Present from Eugene were Mayor Kitty Piercy and Councilors Brown, Zelenka, Poling, Clark, Evans, Syrett and Pryor. Councilor Taylor was absent. Eugene City Manager Jon Ruiz and other Eugene staff were also present.

Present from Lane County were Board Chair Leiken and Commissioners Farr, Sorenson and Stewart. Commissioner Bozievich was absent (excused). Planning Manager Matt Laird and other Lane County staff were also present.

1. Amendments to Chapter IV of the Eugene-Springfield Metropolitan Area General Plan (Metro Plan).

City Planner Mark Metzger presented the staff report on this item. He introduced Keir Miller from Lane County and Alissa Hansen from the City of Eugene. He also introduced Lauren King from the Springfield City Attorney's office. The planning staffs and legal counsel for Eugene, Springfield and Lane County had worked together for a long time and had prepared amendments to Chapter IV of the *Metro Plan* for the purpose of implementing ORS 197.304. The proposed amendments clarified each jurisdiction's role in future Metro Plan amendments and amendments to related documents.

ORS 197.304 (HB 3337) established separate Urban Growth Boundaries (UGBs) for Eugene and Springfield and was the impetus for the *Springfield 2030 Plan* and the *Envision Eugene* planning initiatives. As these planning efforts were readied for adoption, amendments to Chapter IV were needed to clarify which governing bodies would participate in decision making given the establishment of separate UGBs. The most significant changes to Chapter IV of the *Metro Plan* were:

- Three types of *Metro Plan* amendments are established: Type I which may be enacted by the home city alone; Type II which requires the participation of the home city and Lane County; and Type III amendments requires the participation of all three jurisdictions.
- The proposed amendments remove references to *Metro Plan* amendments with “regional impact.” Removal of the regional impact language does not change similar language found in Chapter VI of the Eugene-Springfield Metropolitan Area Public Facilities and Services Plan (PFSP) which provides for multi-jurisdictional review of public facility projects which have a significant impact on serving more than one jurisdiction.
- When governing bodies do not reach consensus on a *Metro Plan* amendment, the proposed amendments would send unresolved decisions to the Chair of the Board of County Commissioners and one or both of the Mayors of Eugene and Springfield for resolution, depending on how many governing bodies are participating in the decision.

The Springfield Planning Commission conducted a joint public hearing on the Chapter IV amendments with Eugene and Lane County on October 15, 2013. Each of the Commissions voted to recommend approval of the amendments with certain recommended changes. These changes were incorporated in to the Proposed Chapter IV Amendments. Staff noted, with respect to the recommendation to include timelines, that: (1) there was no statutory timeline for comprehensive plan amendments; (2) a timeframe might unnecessarily restrict the process of the decision makers; and (3) there was really no enforcement mechanism for the existing timelines. Eugene staff had not recommended the inclusion of such timelines. Council was being presented two draft ordinances for consideration: one including the timeline language and one without. It may be necessary to reconcile the two ordinances before final action.

Mayor Piercy said she would like to point out that each jurisdiction had three documents they were working on for this topic, although each had commonalities.

Mr. Metzger said on October 15, the respective Planning Commissions met and considered the same changes. Each Planning Commission met individually, deliberated and made recommendations to their staffs and elected officials about the changes they would like to see in the draft document. Staff took most of the recommended changes and integrated them into the draft ordinances being presented. One key change staff did not initially put in related to timelines for processing Metro Plan amendments. Staff had recommended removing references to timelines from Chapter IV. The Planning Commissions from Eugene and Springfield recommended restoring some form of timelines. Two ordinances were put together for Springfield: one with the timelines and one without timelines. He read the two sentences that made the difference. During tonight’s work session, they hoped to come to an agreement about whether or not to reference timelines in the Chapter IV amendments. Other than that one difference, the ordinances were substantively identical.

Mayor Lundberg noted that Springfield was the only entity with two ordinances on the table.

It was noted that the Eugene packet was printed before the revised ordinance from Springfield was complete. Staff had provided both options at their places this evening. Eugene’s original packet had the pre-Planning Commission version due to Charter requirements for noticing.

Mr. Miller said the updated packet in front of the Eugene City Council showed the recommendation from the Eugene Planning Commission which did not include the timelines.

Mayor Lundberg said before going into the public hearing, it would be beneficial to have only one version of the ordinance.

Mr. Metzger said that was the goal. In the existing Development Code, the criteria was for the three jurisdictions to adopt a substantively identical ordinance for a Metro Plan amendment to be approved. Other than the section of the timelines, the rest of the ordinance was the same. Staff hoped that at the end of the work session and public hearing, they would have an identical ordinance for adoption. Doing this would prepare the way to move forward on other things. Chapter IV described the amendment process for the Metro Plan, Refinement Plan, Functional Plans, and other important regional and community documents. The changes proposed this evening would not affect the Public Services and Facilities Plan as it had its own chapter on how to amend that particular document.

Mr. Metzger said they were moving from a difficult classification system for types of plan amendments which just included Types I and II, to a system with Type I, II and III. Type I would allow one jurisdiction to make a decision alone, Type II would require two jurisdictions to make a decision and Type III would require all three jurisdictions to make a decision. The new classification was more of a common sense approach. The proposal was that all three governing bodies would approve amendments to the common urban growth boundary (UGB) that was shared along I-5, or for a UGB or Metro Plan Boundary that crossed I-5. The home city and Lane County would participate in UGB or Plan boundary amendments east of I-5 (Springfield) or west of I-5 (Eugene). He explained further. He referred to a map showing the three areas that were within each city's limits, outside city limits and UGBs, and within Metro Plan boundary. The different areas determined in part who would be involved in the decision making process.

Mr. Metzger spoke regarding amendments to a regional transportation system plan or a regional public facilities plan and the criteria for those amendments and who would be involved. He provided an example. The first step would be to classify the type of amendment, then move forward in the decision making process. He discussed 'regional impact' and said there was language in the Public Facilities Plan that covered water, wastewater, sewer and other basic utilities, and protection of services. As an example, there could be an instance where something in Springfield might have an impact on stormwater facilities that also served Eugene. In that type of instance, the amendment would be subject to joint review by Eugene, Springfield and Lane County. He spoke regarding conflict resolution. In the current language, if there was a conflict within the decision making process the conflict would be taken to the Metropolitan Policy Committee (MPC). The proposal was to change the language so the Mayors and Board Chair would work together to try to resolve disputes. If there was no consensus, the Mayors and Board Chair would meet with staff to work out the solution.

Commissioner Farr asked if there had been a conflict.

Board Chair Leiken said the last conflict was regarding Delta Sand and Gravel. In that situation, Springfield did choose to opt out leaving it to just Eugene and Lane County. Conflicts were not commonplace.

Mr. Metzger said the intent was to simplify conflict resolution and put it in the hands of the parties directly involved. He spoke regarding timelines and the current language which had a timeline, and the new language that did not have timelines. The Eugene and Springfield Planning Commissions recommended restoring some timeline language. Eugene had removed the timeline language from their ordinance and Springfield had added it back into the ordinance. Before the public hearing, that needed to be resolved so they were coming forward with a common ordinance.

Councilor Ralston said he understood the timeline aspect. Without a timeline, something could go on indefinitely. Developers needed some certainty so that was a good reason for having it in there.

Councilor Brown asked why staff had chosen originally to remove the timelines.

Mr. Metzger said there was no statutory requirement for timelines as there were for other planning processes. In those other planning processes, the developer did have the right to know. In the context of Comprehensive Plan amendments, the State had left it open. Timeframes might unnecessarily restrict the ability of the cities and elected officials to process things thoroughly. Many of the legislative plan amendments initiated over the last several years had gone beyond six months. Sometimes, it was unavoidable due to scheduling the jurisdictions to meet. Currently, there was no enforcement mechanism regarding the timelines in the Metro Plan.

Councilor Brown said it made sense (not to have timelines) especially when they had complex changes which could take longer than six months in order to do a good job.

Mr. Metzger said they would not remove the 120 days developers needed to get a decision and move ahead on projects.

Councilor Brew said in some land use decisions, there were consequences for not making a decision in a timely manner. He asked if there were consequences in this situation.

Mr. Metzger said there were no consequences in the current Metro Plan language for these type of amendments. There was no statutory step to enforce a timeline since there was no requirement for a timeline. When a community made a policy, they tried to keep those timelines in good faith. If the Councils and Commissions were committed to act in good faith and doing the job right, there was no need for a timeline.

Councilor Brew asked if including timelines in the Metro Plan could open it up for legal action.

Mr. Metzger said in the current development codes, there was permission to modify the timeline or process by agreement of the participating jurisdictions. In the future, if they saw they weren't going to meet a certain timeline, they could meet as joint officials to modify the timeline. They would not likely be exposed legally.

Mr. Miller said because there was no State provision, there was no grounds of legal action so it was not likely an issue. Each jurisdiction had land use codes that included language specific to the timeline waivers for government issued plan amendments only, but not for citizen initiated amendments. One of the reasons the Lane County Planning Commission didn't recommend the timelines was that the majority of Metro Plan amendments were initiated by the jurisdictions.

Board Chair Leiken said that explained it well. Today, they were looking to amend Chapter IV, which was not site specific. If looking at an amendment that was site specific, it would fall under the code section of 120 days. He recommended they leave out the timelines. Because the cities and County were required to follow SB100, it was impossible to meet a timeline for certain actions. If each city wanted to have them, they would need to create a separate Comp Plan. Timelines would cause more harm in the short term for these types of amendments. Anything that had to go through the Department of Land and Conservation Development (DLCD) would not get done within a timeline.

Mr. Metzger said there could be amendments that could be site specific. He explained. In those cases, they could be processed in a timeline. Legislative amendments generally took more time.

Councilor Poling asked if there was any thought of adding language about a mutually agreed upon extension of those dates for complex issues.

Mr. Metzger referred to the wording being proposed. There was policy in each jurisdiction's development code that allowed timelines or processes to be modified for government initiated amendments.

Councilor Pryor said there were potentially two problems. The first was that a timeline could be too short because of the complexity. The other problem was an amendment that went into limbo and never got resolved. The more likely problem was that the amendments couldn't get done in time rather than things going into limbo. Instead of having a timeline to prevent that, they could include language that staff would get back to the elected bodies to provide a status report. He would prefer removing the timelines, but including language for a check-back.

Councilor Syrett said she felt that any Metro Plan amendment initiated by the jurisdiction wouldn't go into limbo as they would like to see it completed. With three jurisdictions working on something, it could extend for a long time and having a timeline could help move things along; however, since they were separating those things out it wasn't as much of an issue. She would worry more about keeping in timelines that weren't required and had no enforcement mechanism. That could provide an opportunity for confusion and interference in a process that served no purpose. She liked the idea of a check-in process, but not a strict timeline.

Mr. Goodwin said with government initiated amendments, there would always be a government initiator who would be more than happy to continue to progress to an agreement by keeping in touch with the other parties involved.

Councilor Moore asked if there was anything in the agreement that said the jurisdictions would work together in good faith. She could see one jurisdiction wanting something to go forward and another that didn't and holding up the process.

Mr. Metzger said there was nothing in the Plan at this time, but language could be added that "Metro Plan amendments would be processed by each jurisdiction in good faith".

Councilor Moore said that could be helpful for future elected bodies.

Councilor Clark said these were government initiated, but many things relied on getting things done efficiently. They were now in the seventh year of their new urban growth boundary (UGB) in Eugene and it was still not completed. He would be in favor of a set timeline.

Board Chair Leiken noted an amendment in the past that involved a lot of conflict. Since then, there hadn't been an issue where one jurisdiction tried to stop another jurisdiction from moving forward, in part because of some language changes made at that time. He noted the time it took to get changes made in order to get PeaceHealth RiverBend in Springfield as an example. He felt they didn't want to put themselves in a bind, plus there was no enforcement.

Commissioner Farr said the nature of some people was to drag things out in hopes it would go away. He was concerned about the possibility of a third party lawsuit that could halt a project. He asked if there was a possibility of a project going away if it didn't meet the timeline.

Mr. Metzger said they currently had timelines with no enforcement and some things did get delayed.

Commissioner Farr said a timeline was great if there was enforcement.

Mr. Metzger said it was helpful to hear objections from the other party in the beginning in order to address those from the start. There was always a possibility of failure of an amendment if no agreement could be reached, with or without a timeline.

Commissioner Farr said in the future it could be issue.

Councilor Ralston said he was satisfied with the explanation and was fine removing timeline.

Commissioner Stewart said most recently Lane County initiated a Metro Plan amendment regarding the co-terminous boundary with Springfield's UGB. That process took in excess of two years and not due to any one jurisdiction dragging their feet. If there was a 120-day timeline, it could have signaled that process had gone past that date. This was a very complicated process and a lot of work was done between the City of Springfield, Springfield Utility Board and the County. He was hesitant to put in timelines because these amendments were often very complicated. He said in the nine years he had served, they had tried to move things along the best they could. They had limited staff who worked very hard.

Mayor Piercy said perhaps a 120-day check-in would be more appropriate than a timeline. That didn't put a limit on when something had to be completed.

Councilor Brew said he felt that if they included the extension process in their individual documents, they should have it in the shared Metro Plan as well.

Mayor Lundberg said no one initiated something in a frivolous manner, but with a goal and purpose in mind. She was fine with check-in points as long as it was not burdensome on staff. Sometimes constituents did ask about the process. She didn't want to include specific timelines. She referred to the process they went through for the co-terminous boundary and the time it took.

Mr. Metzger asked if there was consensus of setting a 120-day check-in and leaving off the timeline.

Board Chair Leiken asked if the check-in would be done administratively or if it needed to be with the joint elected officials. He felt it should just be done administratively among staff.

Councilor Pryor said a simple communication memo to the elected officials could suffice.

Councilor Brown noted that if anyone saw a problem after receiving the memo, a work session could be called.

Mayor Piercy said 180 days would be more reasonable for a check-in.

Mr. Metzger asked if they could take care of this administratively. Yes.

Consensus was to go forward with the ordinance without timelines. The check-in of 180 days could be included into the implementing development codes with all three jurisdictions adopting identical language in their respective codes.

Mayor Lundberg confirmed that the ordinance with no timelines would be coming forward for the public hearing.

ADJOURNMENT

Mayor Lundberg adjourned the Springfield City Council at 6:58 p.m.

Mayor Piercy adjourned the Eugene City Council at 6:58 p.m.

Commissioner Leiken adjourned the Lane County Commissioners at 6:58 p.m.

Minutes Recorder
Amy Sowa
City Recorder

Attest:

City Recorder