

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Action: Adoption of an Ordinance Amending the Eugene-Springfield Metropolitan Area Transportation Plan (TransPlan) to Move Project Nos. 333 and 506 from the Future Roadway Projects List to the Financially Constrained Roadway Projects List, to Update the Project Descriptions for Project Nos. 333 and 506 and to Make Related Amendments to the Eugene-Springfield Metropolitan Area General Plan

Meeting Date: November 9, 2009
Department: Public Works
www.eugene-or.gov

Agenda Item Number: 6
Staff Contact: Rob Inerfeld
Contact Telephone Number: 682-5343

ISSUE STATEMENT

The council is asked to adopt the attached ordinance and findings approving the following amendments to the Eugene-Springfield Regional Transportation System Plan (“*TransPlan*”) and the Eugene-Springfield Metropolitan Area General Plan (*Metro Plan*):

Moving Project Numbers 333 and 506 from the Future Roadway Projects list to the Financially Constrained Roadway Projects list and to update the project descriptions to make them consistent with the adopted Regional Transportation Plan. The proposed amendments would add to *TransPlan*’s Financially Constrained Roadway Projects list the following two projects:

- A. Project No. 333: West 11th Avenue, Green Hill Road to Terry Street, “Upgrade to urban facility.”
- B. Project No. 506: North Eugene Transportation Improvements, River Road to Delta Highway, “Improve capacity across Willamette River within N. Eugene Area.”

The public hearing on this matter was held on October 19, 2009. Responses to questions asked by the City Council during the hearing are attached.

BACKGROUND

On November 8, 2007, the Metropolitan Policy Committee (MPC) adopted an update to the federally-required Regional Transportation Plan (RTP). This update moved projects from the Illustrative Project List (beyond 20 years) to the Financially Constrained 20-Year Capital Investment Actions List and made several other changes to proposed projects. MPC’s adoption of the updated RTP triggered a state Transportation Planning Rule (TPR) requirement that Eugene, Springfield and Lane County adopt amendments to *TransPlan* that make it consistent with the RTP; the elected bodies of these three jurisdictions chose to do so by developing a work plan that was later approved by the Land Conservation and Development Commission (LCDC).

The work plan requires, as a first step, that the local jurisdictions amend TransPlan by deleting transportation projects that have been completed and move four ODOT Highway projects from the Future list to the Financially Constrained list (only two of these projects are located in Eugene; the other two are being processed by the City of Springfield).

A public hearing on October 19th was held to consider moving the two ODOT highway projects located in Eugene – West 11th Avenue from Terry Street to Green Hill Road and Beltline Highway from River Road to Coburg Road – from the Future list to the Financially Constrained list. The Eugene Planning Commission recommended approval of these amendments.

In response to testimony and Planning Commission recommendations, the project descriptions were made more generic so that the project designs could remain responsive to site conditions and needs of adjoining properties and stakeholders. For instance, in response to testimony received related to natural resources issues, the project description for Project No. 333 (West 11th Avenue) will not specify the precise number of travel lanes for the roadway.

Written public testimony received during the October 19 council hearing and draft minutes of the hearing are attached. City staff is committed to addressing these issues through the facility planning process for West 11th Avenue from Terry Street to Green Hill Road, which is currently neither funded nor scheduled.

RELATED CITY POLICIES

TransPlan contains the following policies that, on balance, support these proposed amendments:

- **Transportation Infrastructure Protection and Management:** Protect and manage existing and future transportation infrastructure.
- **TransPlan Project Lists:** Adopt by reference as part of the Metro Plan the 20-Year Capital Investment Actions project lists contained in TransPlan. Project timing and estimated costs are not adopted as policy.
- **Motor Vehicle Level of Service:** Use motor vehicle level of service standards to maintain acceptable and reliable performance on the roadway system. (abridged)
- **Prioritization of State and Federal Revenue:** Set priorities for investment of Oregon Department of Transportation (ODOT) and federal revenues programmed in the region's Transportation Improvement Program (TIP) to address safety and major capacity problems on the region's transportation system.

COUNCIL OPTIONS

1. Approve the attached ordinance and findings;
2. Approve the ordinance with modified findings;
3. Separate the two projects to approve only one at this time; or
4. Postpone action.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends Option 1: adoption of the attached ordinance and findings.

SUGGESTED MOTION

Move to adopt the draft ordinance attached as Exhibit A amending the text of TransPlan and the Metro Plan, which will move Project Numbers 333 and 506 from the Future Roadway Projects list to the Financially Constrained Roadway Projects list.

ATTACHMENTS

- A. Draft Ordinance
 - Exhibit A to Ordinance: Revisions to TransPlan
 - Exhibit B to Ordinance: Findings of Consistency
- B. Staff responses to Council questions of October 19, 2009
- C. Letter from Bureau of Land Management dated October 15, 2009
- D. Letter from Friends of Eugene dated October 19, 2009
- E. Draft City Council minutes from October 19, 2009

FOR MORE INFORMATION

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ORDINANCE NO. _____

AN ORDINANCE AMENDING THE EUGENE-SPRINGFIELD METROPOLITAN AREA TRANSPORTATION PLAN (TRANSPAN) TO MOVE PROJECT NOS. 333 AND 506 FROM THE FUTURE ROADWAY PROJECTS LIST TO THE FINANCIALLY CONSTRAINED ROADWAY PROJECTS LIST, TO UPDATE THE PROJECT DESCRIPTIONS FOR PROJECT NOS. 333 AND 506 AND TO MAKE RELATED AMENDMENTS TO THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN.

The City Council of the City of Eugene finds that:

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

B. The Metro Plan identifies the Eugene-Springfield Metropolitan Area Transportation Plan (TransPlan) as a special purpose or functional plan which forms the basis for the Transportation Element of the Metro Plan and guides surface transportation improvements in the metropolitan area.

C. The City Council adopted TransPlan by Ordinance No. 19385, enacted on April 28, 1986, which was subsequently amended by Ordinance No. 19584, enacted on November 28, 1988, Ordinance No. 19857, enacted on June 8, 1992, Ordinance No. 19872, enacted on September 9, 1992, Ordinance No. 19887 enacted on November 9, 1992, Ordinance No. 20186 enacted on February 14, 2000, Ordinance No. 20234 enacted on September 10, 2001, and Ordinance No. 20258 enacted on July 8, 2002, adopting a revised Transportation Element of the Metro Plan and adopting revisions to TransPlan.

D. On November 8, 2007, the Metropolitan Policy Committee adopted an update to the federally-required Regional Transportation Plan (RTP); the update included moving Project No. 333 and Project No. 506 from the Illustrative Roadway Projects list to the Financially Constrained Roadway Projects list and updating the descriptions and costs for those two projects. On August 13, 2008, the City Council initiated TransPlan and Metro Plan amendments to move these two projects from the Future Roadway Projects list to the Financially Constrained Roadway Projects list in TransPlan.

E. Following a public hearing on May 5, 2009, the Eugene Planning Commission met on June 29, 2009, and recommended to the Eugene City Council that TransPlan be amended to move Project No. 333 and Project No. 506 from the Future Roadway Projects list to the 20-year Financially Constrained Roadway Projects list, and related amendments to the Metro Plan.

F. On October 19, 2009, the City Council conducted a public hearing on these amendments, and is now ready to take action based upon the above recommendations and the evidence and testimony already in the record as well as the evidence and testimony presented at the public hearings held on adopting revisions to TransPlan and to the Metro Plan.

G. Substantial evidence exists within the record that the proposal meets the requirements of Chapter 9 of the Eugene Code, 1971 and the requirements of applicable state and local law as described in the findings adopted in support of this Ordinance.

NOW, THEREFORE,

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. TransPlan, adopted by Ordinance No. 19385, enacted on April 28, 1986, and amended by Ordinance No. 19584, enacted on November 28, 1988, Ordinance No. 19857, enacted on June 8, 1992, Ordinance No. 19872, enacted on September 9, 1992, Ordinance No. 19887 enacted on November 9, 1992, Ordinance No. 20186 enacted on February 14, 2000, Ordinance No. 20234, enacted on September 10, 2001, and Ordinance No. 20258 enacted on July 8, 2002, is hereby amended as set forth in Exhibit A attached and incorporated herein by this reference.

Section 2. The revisions to the 20-Year Financially-Constrained Roadway Projects list included in Exhibit A are hereby adopted by reference and made a part of the Metro Plan, as required by Metro Plan Policy F-9, page III-F-7. Project timing and estimated costs are not adopted as policy.

Section 3. The City Council adopts the findings set forth in the attached Exhibit B in support of this action.

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

Passed by the City Council this

Approved by the Mayor this

_____ day of _____, 2009

_____ day of _____, 2009

City Recorder

Mayor

Table 1a-Financially Constrained 20-Year Capital Investment Actions: Roadway Projects

Name	Geographic Limits	Description	Jurisdiction	Estimated Cost	Length	Number
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Project Category: New Arterial Link or Interchange

Status: Programmed

West Eugene Parkway, (1A)	Seneca Road to Beltline Road	W 11th - Garfield: 4-lane new construction	ODOT	\$17,283,000	1.3	336
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Status: Unprogrammed

West Eugene Road	Garfield Street to Seneca	W 11th - Garfield: 4-lane new construction, continued	ODOT	\$34,231,000	1.3	337
West Eugene Parkway (2A)	West 11 th Avenue to Beltline Road	Construct two lanes of future 4-lane roadway	ODOT	\$30,496,000	2.56	338
West Eugene Parkway (2B)	West 11 th Avenue to Beltline Road	Construct remaining two lanes	ODOT	\$6,545,000	2.56	339

Project Category: Added Freeway Lanes or Major Interchange Improvements

Status: Unprogrammed

I-5	@ Beltline Highway	Reconstruct interchange and I-5, upgrade Beltline Road East to 5 lane urban facility, and construct I-5 bike and pedestrian bridge.	ODOT	\$53,300,000	0	606
North Eugene Transportation Improvements	River Road to Delta Highway	Improve capacity across Willamette River within N. Eugene Area	ODOT	\$51,292,200	1.76	506

Project Category: Arterial Capacity Improvements

Status: Programmed

Bloomberg Connector	McVay Highway to 30th Avenue	Modification of connection of McVay Highway to 30th Avenue	Lane County, ODOT	\$500,000	0.4	297
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Status: Unprogrammed

6th/7th Intersection Improvement	Garfield Street to Washington/Jefferson Street	Provide improvements such as additional turn lanes and signal improvements; intersections include 6th/7th	ODOT, Eugene	\$520,000	0	133
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		Avenues at: Garfield, Chambers, Washington/Jefferson Street Bridge				
Beltline Highway	@ Coburg Road	Construct ramp and signal Improvements	ODOT	\$500,000	0	622
W. 11th Avenue	Green Hill Road to Terry Street	Upgrade to urban facility	ODOT, Eugene	\$20,000,000	1.51	333

Name	Geographic Limits	Description	Jurisdiction	Estimated Cost	Length	Number
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Project Category: Urban Standards

Status: *Unprogrammed*

S. 42nd Street	Main Street to Jasper	Reconstruct to 2 to 3-lane urban facility; curbs, sidewalks and bike lanes	ODOT	\$1,600,000	0.8	954
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Project Category: Study

Status: *Programmed*

I-5 @ Beltline Study & Design	@ Interchange	Project development work	ODOT	\$3,375,000	--	606
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Status: *Unprogrammed*

I-5 Interchange Study	Willamette River south to 30 th Avenue	Comprehensive study of I-5 interchanges	ODOT	\$750,000	--	250
South Bank Street Improvements	Mill Street to Hilyard Street	Develop refinement plan for street system	Eugene, ODOT	\$250,000	1	178
Main Street/ Highway 126	I-5 to UGB	Access management plan	ODOT/Springfield	\$100,000	6.0	838
Eugene-Springfield Hwy.	I-5 to Main	Corridor Study	ODOT/Springfield	\$150,000	6.5	835
Main St. and 52nd St./Hwy 126 Int.	52nd to Main	Interchange Plans	ODOT/Springfield	\$100,000	1.5	96
Beltline	River Rd to Coburg Rd	Facility Plan Study	ODOT	\$500,000	3.46	555

Table 1b-Future (Beyond 20-Years) Capital Investment Actions: Roadway Projects

Name	Geographic Limits	Description	Jurisdiction	Estimated Cost	Length	Number
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Project Category: New Arterial Link or Interchange

Status: Future

Eugene-Springfield Highway (SR-126)	at Main Street	Construct interchange	ODOT	\$9,000,000	0	27
Eugene-Springfield Highway (SR-126)	at 52nd Street	Construct interchange	ODOT	\$9,000,000	0	30
Beltline Highway	West 11th Avenue to Roosevelt Boulevard	Continue widening to 4 lanes; new RR Xing, interchange @ WEP, grade separation @ Roosevelt and turn lanes on West 11th Ave (ODOT: West 11th North City Limits Stage 3)	ODOT	\$17,000,000	1.14	312

Project Category: Added Freeway Lanes or Major Interchange Improvements

Status: Future

I-5	30th Avenue/McVay Highway	Interchange reconstruction to improve operations and safety, reconstruct ramps and bridges to modern standards, and provide for 6 lanes on I-5.	ODOT	\$15,000,000		257
I-105	Washington/Jefferson Street Bridge	Add lane to NB on-ramp from 6th Ave, extend third NB lane over bridge to Delta Highway exit ramp	ODOT	\$5,805,000	0.75	154
Eugene-Springfield Highway (SR-126)	I-5 to Mohawk Boulevard	Widen to 6 lanes	ODOT	\$20,124,000	2.6	728
Eugene-Springfield Highway (SR-126)	Pioneer Parkway/Q Street	Interchange improvements	ODOT	\$15,000,000	0	727
I-105	Delta Highway to Coburg Road	Widen to 6 lanes	ODOT	\$9,210,600	1.19	647
I-105	Coburg Road to I-5	Widen to 6 lanes	ODOT	\$11,842,200	1.53	648

Name	Geographic Limits	Description	Jurisdiction	Estimated Cost	Length	Number
I-5	I-105 to Highway 58 (Goshen)	Widen remaining sections to 6 lanes	ODOT	\$35,000,000	5.66	260
I-5	@ Glenwood Interchange	Reconfigure interchange, address weaving, provide 6 lanes on freeway	ODOT	\$10,000,000		256
I-5	@ Willamette River/Franklin Boulevard Interchange	Interchange reconstruction to create one full interchange to improve operations and safety, reconstruct ramps and bridges to modern standards, and provide for 6 lanes on I-5	ODOT	\$25,000,000		150
I-105	Washington/Jefferson Street Bridge	Add lane to 6 th Ave. off-ramp	ODOT	\$4,300,000	0.25	151

Project Category: Arterial Capacity Improvements

Status: Future

Project Category: Urban Standards

Status: Future

Highway 99	Roosevelt Boulevard to Garfield Street	Upgrade to urban facility	ODOT	\$4,955,500	1.14	148
McVay Highway	I-5 to Franklin Boulevard	Upgrade to 3-lane urban facility; intersection improvements at I-5 and Franklin Boulevard	ODOT	\$6,500,000	1.5	833
Jasper Road	S. 42nd Street to Jasper Road Extension	Upgrade to 2 to 3-lane urban facility; intersection improvement at 42nd Street and Jasper Road	ODOT	\$5,250,000	3.5	60
Franklin Blvd.	Jenkins Drive to Mill St.	Upgrade to urban facility	Springfield/ODOT	\$5,000,000	1.2	839

FINDINGS OF CONSISTENCY

Metro Plan Amendment Criteria

Criteria to be used to evaluate amendments to the Eugene-Springfield Regional Transportation System Plan (*TransPlan*) and the Eugene-Springfield Metropolitan Area General Plan (*Metro Plan*) are found in Eugene Code Section 9.7730(3):

- (a) The amendment must be consistent with the relevant Statewide Planning Goals adopted by the Land Conservation and Development Commission; and**
- (b) Adoption of the amendment must not make the Metro Plan internally inconsistent.**

This application involves amending the project lists in *TransPlan* and the *Metro Plan* by moving two projects from the “Future” project list to the “Financially Constrained” project list (“the amendments”). The process for making the amendments to *TransPlan*, a special purpose functional plan, and the *Metro Plan* are identical; requiring the City to follow the “Type II” amendment process. To become effective, only the City needs to approve the amendments.

Background

The City Council held work sessions on September 25, 2006 and October 9, 2006 to discuss transportation priorities in north and west Eugene. At the second work session, the Council passed motions regarding transportation project priorities to identify the Beltline Corridor from River Road to Coburg Road as the City’s top priority for funding in the Statewide Transportation Improvement Program (STIP), West 11th Avenue from Terry Street to Greenhill Road as its second priority, and a study of the Beltline Corridor from Roosevelt Boulevard to West 11th Avenue as a third priority for funding in the STIP.

On November 8, 2007, the MPC adopted an update to the federally-required Regional Transportation Plan (RTP); the update included deleting from the RTP all projects related to the WEP and moving four ODOT facilities projects from the Illustrative Roadway Projects list to the Financially Constrained Roadway Projects list (the four projects included two Springfield projects, the West 11th Ave. from Terry to Greenhill project and the Beltline Hwy from River Road to Delta Highway project). On August 13, 2008, the Eugene City Council initiated *TransPlan* and *Metro Plan* amendments to move two projects from the Future Roadway Projects list to the Financially Constrained Roadway Projects list in *TransPlan*: W. 11th Avenue from Greenhill Road to Terry Street, and Beltline Highway from River Road to Delta Highway. Specifically, the City Council passed the following motion:

I move to initiate a *TransPlan* amendment to delete the West Eugene Parkway from the project list and plan as part of the short-term amendments and to add the two ODOT facility projects into the “Constrained” project list, which are the West 11th Avenue from Terry to Greenhill and the Beltline Highway from River Road to Delta Highway.

Criterion A. STATEWIDE PLANNING GOAL CONSISTENCY:

Based on the findings set forth below, the amendments are consistent with applicable Statewide Planning Goals and interpretive rules.

GOAL 1 - CITIZEN INVOLVEMENT: *To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

Eugene has an acknowledged citizen involvement program and acknowledged processes for securing citizen input on all proposed *Metro Plan* amendments. The City's code provisions implement Statewide Planning Goal 1 by requiring that notice of the proposed amendment be given and public hearings be held prior to adoption. Consideration of the amendments will begin with a Planning Commission staff introduction, followed by a public hearing on May 5, 2009. Thus, notification of the proposed amendments and opportunities for public participation in these amendments were consistent with the acknowledged citizen involvement program.

Notice of these two proposed amendments was given to the Oregon Department of Land Conservation and Development on January 29, 2009. The DLCD notice was revised on March 4, 2009, to reflect a new hearing date. Notice of this public hearing was mailed on April 14, 2009, to all interested parties requesting such notice and owners of property located within 300 feet of the affected street segments, and posted on April 3, 2009, pursuant to Eugene Code 9.7735(3). Notice of this public hearing was published in the Register Guard newspaper on April 15, 2009.

We find that the process for adopting these amendments complies with Statewide Planning Goal 1 since it complies with, and surpasses, the requirements of the State's citizen involvement provisions.

GOAL 2 - LAND USE PLANNING: *To establish a land use planning process and policy framework as a basis for all decisions and actions related to the use of land and to assure an adequate factual base for such decisions and actions.*

The Eugene-Springfield Metropolitan Area General Plan (*Metro Plan*) is the policy tool that provides a basis for decision-making in this area. The *Metro Plan* was acknowledged by the State in 1982 to be in compliance with statewide planning goals. *TransPlan* is a functional plan of the *Metro Plan*, which forms the basis for the Transportation Element of the *Metro Plan* and guides surface transportation improvements in the metropolitan area. *TransPlan* was acknowledged by the State to be in compliance with statewide planning goals.

These findings and the record show that there is an adequate factual base for City's decision concerning the amendments. Goal 2 requires that plans be coordinated with the plans of affected governmental units and that opportunities be provided for review and comment by affected governmental units. The Goal 2 coordination requirement is met when the adopting governmental body engages in an exchange, or invites such an exchange, between the adopting body and any affected governmental unit and when the adopting body uses the information obtained in the exchange to balance the needs of the citizens. To comply with the Goal 2 coordination requirement, the City coordinated the review of these amendments with all affected governmental units. Specifically, notice was mailed to the Oregon Department of Transportation, Lane Council of Government, Downtown Eugene Inc./Eugene Area Chamber of Commerce, Lane County, City of Springfield, Eugene Neighborhood Liaison, and all Eugene neighborhood associations.

Additionally, in accordance with EC 9.7735(3), notice was mailed to the owners and occupants of properties that are the subject of the proposed amendments and to property owners of record within 300 feet of the subject property.

There are no Goal 2 exceptions required for the amendments. Therefore, the amendments are consistent with Statewide Planning Goal 2.

GOAL 3 - AGRICULTURAL LANDS: *To preserve and maintain agricultural lands.*

The amendments will not change or conflict with the policies of the *Metro Plan* or *TransPlan* regarding agricultural lands since these amendments continue to reflect the growth planned for and accommodated by the existing, acknowledged *Metro Plan* and *TransPlan*. Goal 3 is not relevant and the amendments do not affect the area's compliance with Statewide Planning Goal 3.

GOAL 4 - FOREST LAND: *To conserve forest lands for forest use.*

The amendments will not change any policies or plan diagram designations of the *Metro Plan* or *TransPlan*, nor do the amendments impact any forest lands. Goal 4 is not relevant and the amendments do not affect the area's compliance with Statewide Planning Goal 4. Therefore, the amendments comply with Goal 4.

GOAL 5 - OPEN SPACE, SCENIC AND HISTORIC AREAS, NATURAL RESOURCES: *To conserve open space and protect natural and scenic resources.*

The following administrative rule (OAR 660-023-0250) is applicable to this post-acknowledgement plan amendment (PAPA) request:

- (3) *Local governments are not required to apply Goal 5 in consideration of a PAPA unless the PAPA affects a Goal 5 resource. For purposes of this section, a PAPA would affect a Goal 5 resource only if:*
 - (a) *The PAPA creates or amends a resource list or a portion of an acknowledged plan or land use regulation adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5;*
 - (b) *The PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list; or*
 - (c) *The PAPA amends an acknowledged UGB and factual information is submitted demonstrating that a resource site, or the impact areas of such a site, is included in the amended UGB area.*

The amendments do not affect a Goal 5 resource. Specifically, the amendments do not create or amend a list of Goal 5 resources, do not amend a plan or code provision adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5, do not allow new uses that could be conflicting uses with a particular Goal 5 resource site, and do not amend the acknowledged Urban Growth Boundary. Therefore, Goal 5 does not apply to these plan amendments.

GOAL 6 - AIR, WATER, AND LAND RESOURCES QUALITY: *To maintain and improve the quality of the air, water and land resources of the state.*

Goal 6 addresses waste and process discharges from development, and is aimed at protecting air, water and land from impacts of those discharges. *TransPlan* currently contains policies related to nodal development, transportation demand management and the encouragement of additional alternative modes of transportation, including transit, bicycles and pedestrian use. These policies are related to the need to maintain and improve the air quality in the metropolitan area. The amendments will not impact any of these policies and no new projects are proposed; the project list amendments consist only of moving two projects from the Future list to the Financially Constrained list. Projects already identified in *TransPlan* will be designed and constructed in accordance with applicable federal, state, and local regulations. Therefore, the amendments are consistent with Goal 6.

GOAL 7 - AREAS SUBJECT TO NATURAL HAZARDS: *To protect life and property from natural disasters and hazards.*

Goal 7 requires that local government planning programs include provisions to protect people and property from natural hazards such as land slides. The amendments do not address potential natural disasters. Further, the amendments do not affect the current restrictions on development in areas subject to natural hazards, nor allow for new development that could result in a natural hazard. Therefore, the amendments are 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 destinations resorts.*

Goal 8 ensures the provision of recreation facilities to Oregon citizens and is primarily concerned with the provisions of those facilities in non-urban areas of the State. The amendments do not affect the current provisions for recreation areas, facilities or recreational opportunities, nor will the amendments affect access to existing or future recreational facilities. Further, the amendments do not change the *Metro Plan* and *TranPlan* policies that support access to recreational facilities with the Metropolitan area and to recreations opportunities outside the area or delete any planned transportation projects that would make recreational facilities more available. Therefore, the amendments are consistent with Goal 8.

GOAL 9 - ECONOMY OF THE STATE: *To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*

The amendments will not impact the supply of industrial or commercial lands and will not change or conflict with the economic policies of *Metro Plan*. The amendments do not change the *TransPlan* and *Metro Plan* policies directed toward enhancing the economic opportunity available within the Eugene-Springfield area by assuring adequate public facilities and infrastructure to provide a transportation system that is efficient, safe, interconnected and economically viable and fiscally stable. Additionally, the amendments do not change the *TransPlan* and *Metro Plan* policies related to the movement of goods; those policies adopted to further the goal of using the public facilities infrastructure to support responsible economic development. The Oregon Transportation Plan recognizes that goods movement of all types makes a significant contribution to the region's economy and wealth and contributes to residents' quality

of life. Therefore, the amendments are consistent with Goal 9.

GOAL 10 – HOUSING: *To provide for the housing needs of the citizens of the state.*

The amendments will not impact the supply of residential lands and will not result in any change or conflict with the housing policies of the *Metro Plan*. Additionally, the amendments will not change any of the policies in *TransPlan* and the *Metro Plan* related to nodal development and transit-supportive land use patterns and development; those policies adopted to expand housing opportunities for the region’s citizens. Therefore, the amendments are 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.*

The Eugene-Springfield metropolitan area has an acknowledged Public Facilities and Services Plan (PFSP). The amendments will not result in any change or conflict with the PFSP.

GOAL 12 – TRANSPORTATION: *To provide and encourage a safe, convenient and economic transportation system.*

Goal 12 is implemented through the Transportation Planning Rule (TPR), as defined in Oregon Administrative Rule OAR 660-012-0000, et seq. The proposed amendments are consistent with all applicable provisions of OAR 660-012-0016. Further, the amendments are consistent with, and required by, the Regional Transportation Work Plan approved pursuant to OAR 660-012-0016(2)(b) by the Land Conservation and Development Commission on October 16, 2008. The TPR requires compliance with certain performance measures by either meeting a vehicle miles traveled (VMT) reduction target or obtaining approval of alternative measures. In May, 2001, the Eugene-Springfield metropolitan area sought, and obtained, the Land Conservation and Development Commission’s approval of an alternative standard to accomplish reduced reliance on the automobile pursuant to OAR 660-012-0035(5). The approved standard consists of six performance measures designed to reduce automobile reliance and increase transportation choices. The six performance measures focus on nodal development, bus rapid transit, transportation demand management and priority bikeway miles. The proposed amendments will not interfere with the region’s ability to meet the approved alternative performance standards. Further, the proposed amendments are necessary to comply with OAR 660-012-0015(3); that TPR provision requiring cities to prepare, adopt and amend TSPs for lands within their planning jurisdiction to establish a system of transportation facilities and services adequate to meet identified local transportation needs. Specifically regarding the proposed amendment related to Project No. 333, a recent study showed that West 11th at Terry Street (where the highway narrows from four lanes to two), is functioning at a Volume to Capacity ratio (V/C) of 1.06, LOS E during the PM peak hour; below ODOT’s mobility standard for this intersection of V/C 0.80 (Statewide highway, designated Freight Route) and City of Eugene LOS standards are D or better.

The TPR states that when amendments to a functional plan would significantly affect an existing or planned transportation facility the local government shall put in place measures to assure that the allowed land uses are consistent with the identified function, capacity and performance standards (level of service, volume to capacity ratio, etc.) of the facility. Adoption of the amendments will not significantly affect an existing or planned transportation facility.

Based on these findings, the amendments are consistent with Goal 12.

GOAL 13 - ENERGY CONSERVATION: *To conserve energy.*

The Energy Goal is a general planning goal that calls for land and uses developed on the land to be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles. The proposed amendments will not change the *Metro Plan* or *TransPlan* provisions related to promoting more compact development, encouraging the use of alternate modes of transportation and providing a transportation system design to increase the efficiency of travel wherever possible. Therefore, the amendments are consistent with Goal 13.

GOAL 14 – URBANIZATION: *To provide for an orderly and efficient transition from rural to urban land use.*

The amendments will not change the *TransPlan* and *Metro Plan* provisions adopted to preserve the distinction between urban and rural uses through the development of policies and programs that provide for more efficient urban uses within the UGB, thus preserving rural lands for rural uses. Accordingly, the amendments comply 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.*

The Willamette River Greenway area with the Urban Growth Boundary is governed by existing local provisions that have been acknowledged as complying with Goal 15. Those provisions will be unchanged by the amendments. The amendments will not change *TransPlan*'s and the *Metro Plan*'s provisions related to the protection and maintenance of the scenic, historical, economic and recreational qualities of lands along the Willamette River. Further, the amendments will not affect *TransPlan*'s and the *Metro Plan*'s compliance with Goal 15. Therefore, the amendments comply with Goal 15.

GOALS 16-19 – COASTAL GOALS: (Estuarine Resources, Coastal Shorelines, Beaches and Dunes, and Ocean Resources)

There are no estuarine resources, shorelines, beaches, dunes, or ocean resources located within the *Metro Plan* or *TransPlan* boundary. Accordingly, Goals 16, 17, 18, and 19 are not applicable.

Criterion B. Adoption of the amendment must not make the Metro Plan internally inconsistent.

TransPlan guides regional transportation system planning and development in the Eugene-Springfield metropolitan area. The region covered by *TransPlan* is the “TransPlan Study Area”, which is an area extending beyond the UGB and *Metro Plan* boundary that is used for transportation modeling purposes. The proposed amendments to the *Metro Plan* and *TransPlan* will not make the *Metro Plan* internally inconsistent. Specifically, the *Metro Plan* and *TransPlan* projects lists will be simultaneously amended to ensure that the two plans have identical lists. Additionally, the amendments are consistent with the one applicable *Metro Plan* finding discussed below.

F.9 Adopt by reference, as part of the *Metro Plan*, the 20-Year Capital Investment Actions project lists contained in *TransPlan*. Project timing and estimated costs are not adopted as policy.

The proposed amendments to the project lists contained in *TransPlan* will be adopted by reference into the *Metro Plan*.

CONCLUSION

The proposed amendments meet all applicable standards and criteria in EC 9.7730(3).

Responses to Testimony and City Council Questions
TransPlan/Metro Plan Amendments: West 11th Avenue between Terry Street and
Greenhill Road

Following the public hearing on October 19, 2009, the Mayor and City Council requested responses to testimony and to several specific questions.

1. *Has staff had conversations with the Bureau of Land Management (BLM)?* Yes, City staff has met with the Bureau of Land Management and a few other natural resources agencies regarding the W. 11th Avenue project including the Army Corps of Engineers and U.S. Fish and Wildlife Service. During this meeting, the BLM provided maps and other documentation regarding species of concern. Staff concurs that these present environmental constraints could potentially affect ultimate project design. However, the project could potentially be constructed completely within ODOT's 80-foot right of way and there is no reason to presume that natural resources issues would prevent a road improvement project from being implemented on W. 11th Avenue. As owners of property adjacent to the right of way and as a regulatory agency, BLM will be involved in facility planning and environmental review. Staff from BLM and the other agencies expressed appreciation for having an opportunity to meet with City and ODOT staff regarding the potential project on W. 11th Avenue and requested that they be involved in future processes for planning any improvements to this street.

2. *May the Council see maps of the project area?* Yes. They have been provided with this memorandum.

3. *Is the City "operating on policy direction that has shifted"?* No. TransPlan's adopted objectives encourage improved mobility, increased safety, and environmental responsibility. Properties along West 11th Avenue are designated for development (with recognition that some properties have been provided with additional protection for natural resources). The adopted policies in TransPlan and the Metro Plan also encourage higher density nodal development throughout the urban growth boundary (including two *Potential Nodal Development Areas* along West 11th Avenue west of Terry Street) and the transit, bicycle, and pedestrian improvements necessary to serve them along this corridor. Currently, west of Terry Street, West 11th has no pedestrian, bicycle or transit facilities. This project would allow the possibility to extend pedestrian, bicycle and transit facilities to this underdeveloped area. This section of West 11th Avenue continues to be a state highway and will continue to feel the pressure of increased traffic as the region grows.

The City's Growth Management Policies support growth in this area. Here are three examples:

Policy 1 Support the existing Eugene Urban Growth Boundary by taking actions to increase density and use existing vacant land and under-used land within the boundary more efficiently.

Policy 11 Increase the use of alternative modes of transportation by improving the capacity, design, safety, and convenience of the transit, bicycle, and pedestrian transportation systems.

Policy 13 Focus future street improvements on relieving pressure on the City's most congested roadways and intersections to maintain an acceptable level of mobility for all modes of transportation.

The City Council's only policy change in this arena has been to halt support of the West Eugene Parkway. It can be argued that without the West Eugene Parkway, additional pressure will be placed on West 11th Avenue, increasing the need for street improvements proposed by this project description. Through its initiation of these TransPlan amendments and support of the West Eugene Collaborative (WEC) process, the Council has continued to explore transportation options in west Eugene while accommodating planned growth. The Council has adopted no new policy to reduce development potential in west Eugene.

4. ***Would placement of this project on the Financially Constrained list allow development that would then mandate large street improvements? In other words, "is the cart before the horse?"*** Staff does not believe so. Both transportation planning and land use planning in west Eugene are proceeding according to adopted, integrated plans. Current land use designations and zoning allow considerable additional development proximate to West 11th Avenue. Public facilities (e.g., sanitary sewer) are being extended to support this planned growth. Growth (and traffic) are also likely to continue increasing in areas west of the city. The West 11th Avenue project description has been revised, to remove any inherent assumptions about the future capacity and number of travel lanes of the improved roadway, thereby allowing the project study to proceed cautiously and prudently. Whereas the Regional Transportation Plan and current TransPlan description of the project is "Upgrade to 5-lane urban facility", the proposed TransPlan description is "Upgrade to urban facility." Placement of this project on the Financially Constrained list increases the chances for state funding for an ODOT facility planning process that will provide a conceptual project design. As with other facility plans, such as that underway for Beltline, the facility plan for W. 11th would only become official if approved by the Council.

It is not expected that this TransPlan amendment will result in any improvements being installed in this segment of West 11th Avenue before other local planning endeavors are further along (e.g., comprehensive land assessment, Opportunity Siting). By moving this project to the constrained list, the Council will increase the chances that state funds could be applied to a facility planning study at an earlier date, which would help keep pace with projected growth.

5. ***Is this proposal consistent with the WEC's recommendations?*** Staff believes so. The WEC did not make specific recommendations for this section of West 11th Avenue between Terry Street and Green Hill Road, but it recognized the existence of this study. The WEC recommended significant improvement to West 11th east of Beltline and recommended further study west of this project boundary, all the way to Veneta. From the WEC's Final Report:

*"The medium term (within ten years) ideas are estimated in the range of \$45 million to \$65 million, or about 25% of the budget. **Improvements to West 11th Avenue, from Terry St. to Greenhill Road, are being studied by the City and those improvements are currently budgeted at \$20 million.** The majority of the*

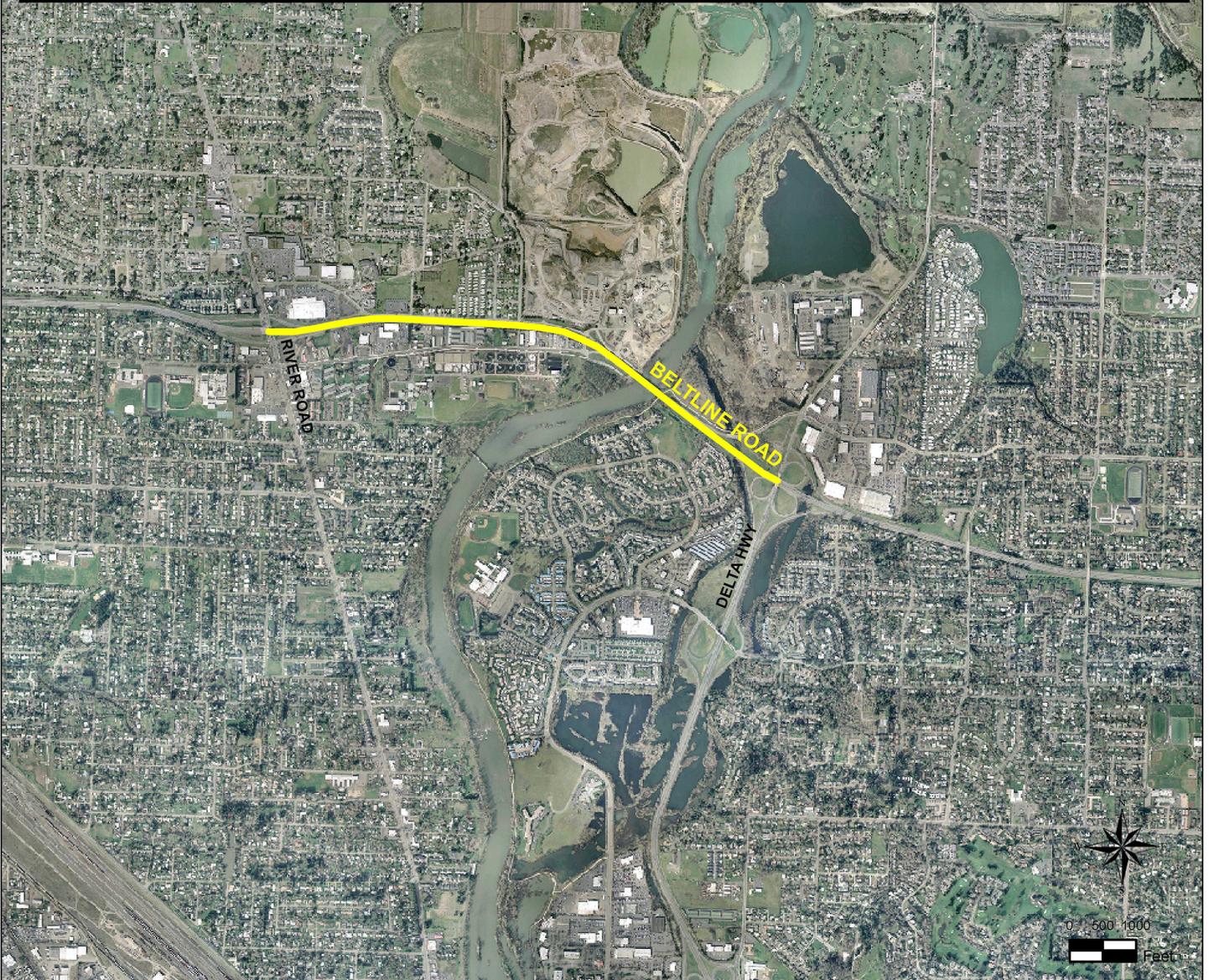
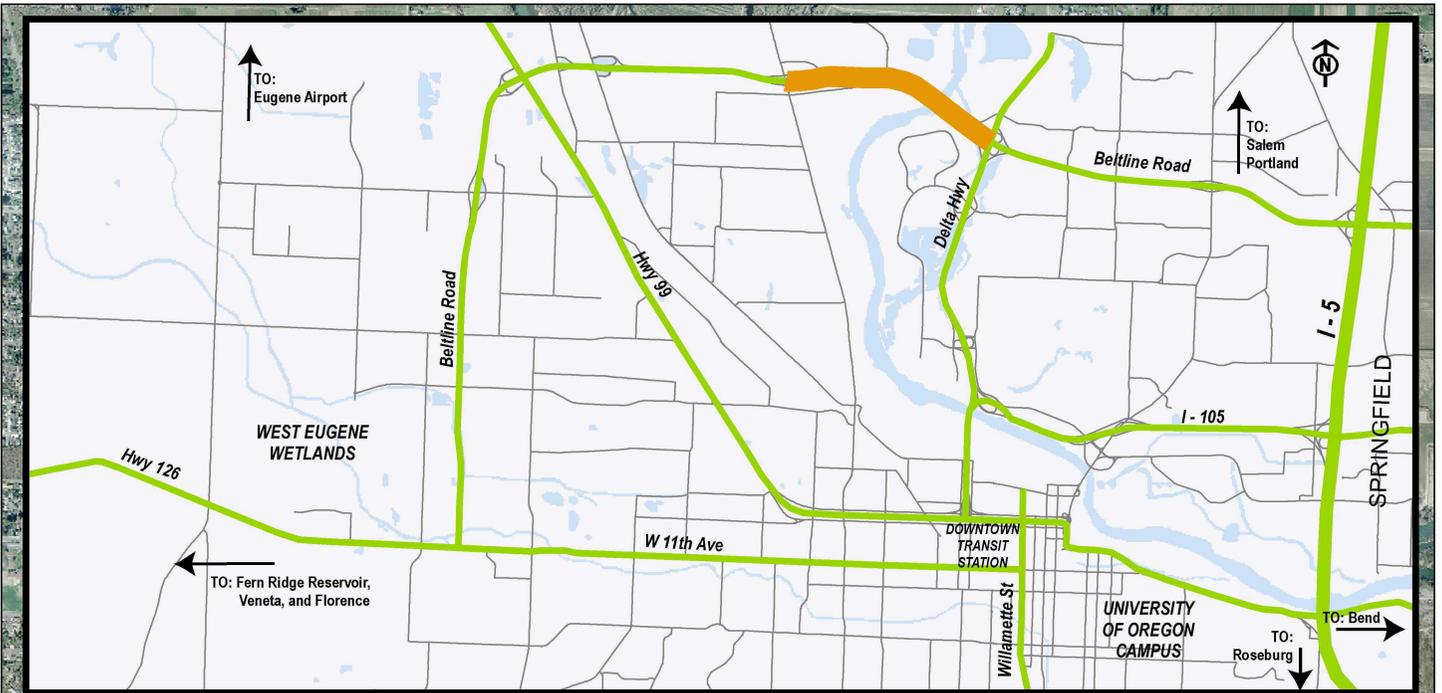
WEC's proposed financial investment would be made along West 11th Avenue from Garfield to Beltline via the construction of a multiway boulevard (over a period of 15 to 35 years)."

*"Finally, the majority of our work has been on our area of focus, which is around West 11th from Chambers to Green Hill Road, but it should not be assumed that our concern lies only within those boundaries. **Our area of interest most certainly would extend west all the way to Veneta, and the WEC is fully supportive and recommends that efforts currently underway to enhance transportation, land use and the environment along that corridor be a top priority.** To that end, the WEC has already supported an effort for funding a full analysis of that corridor and encourages the completion of that analysis."*
(**Emphasis** added by City staff)

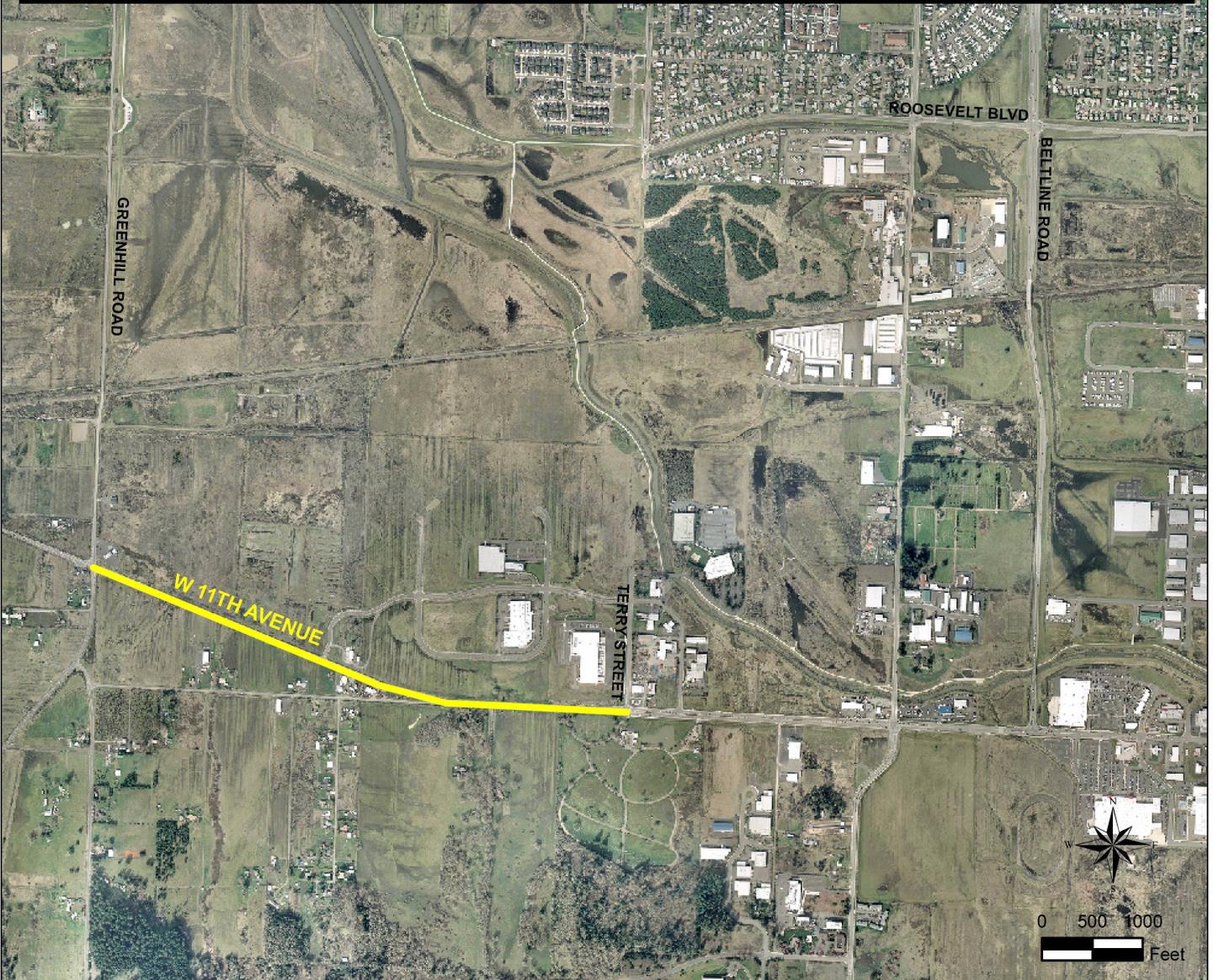
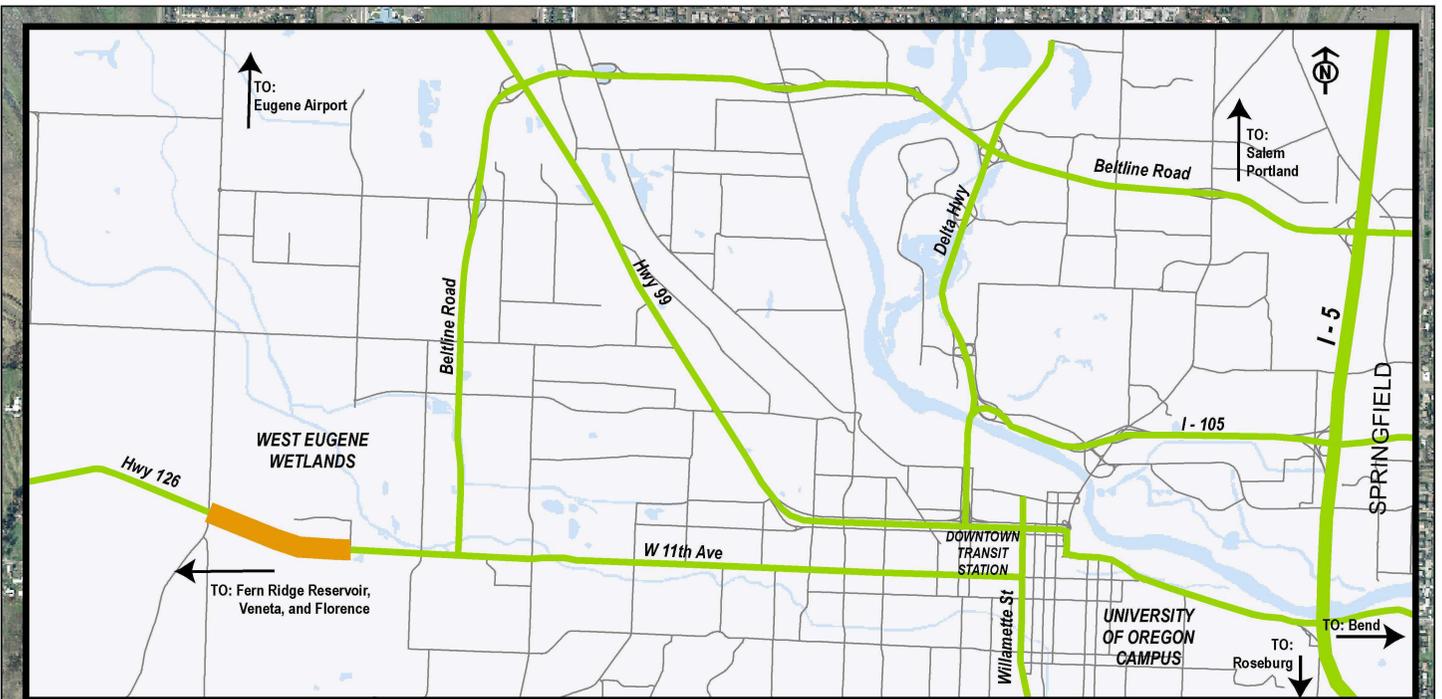
The WEC recommended studying how to make OR126 function better from Green Hill Road to Veneta. Both this section of OR126 and W. 11th from Terry to Green Hill are two lane facilities. It only makes sense to study OR126 to Veneta if there would also be a study of the closer in section east of Green Hill Road and one of the best ways to increase the chances of such a study taking place is to move the W. 11th project to the Financially Constrained list in TransPlan.

6. ***How does the timing of this project relate to the changes in the federal Endangered Species Act?*** Testimony was provided at the public hearing that the addition of this West 11th Avenue project to TransPlan occurred only a few weeks before changes to the federal law in 2007. The West 11th project has been included in TransPlan as an "Arterial Capacity Improvement" or "Upgrade to 5-lane urban facility" on the Project map and Future Projects list, respectively, since at least 2002, when the latest version of TransPlan was adopted. The Council action in 2007 was to initiate the move of the project from the Future Roadway Projects list to the Financially Constrained Roadway Projects list in TransPlan in order to make TransPlan consistent with the RTP

7. ***Can the City Council act on the two transportation projects separately?*** Yes. The Council may direct staff to modify the ordinance so that action on the West 11th Avenue project listing may occur separately from the North Eugene Transportation Improvements.



Beltline Road: River Road to Delta Highway
Eugene, OR



West 11th Avenue: Terry Street to Green Hill Road
Eugene, OR



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Eugene District Office
P.O. Box 10226
Eugene, Oregon 97440-2226

IN REPLY REFER TO:

1680/6604/6841 ORE000
OCT 15 2009

City of Eugene
Public Works Department, Engineering
Attention: Rob Inerfeld, Transportation Planning Manager
99 East Broadway, Suite 400
Eugene, Oregon, 97401

RE: Moving ODOT project from the Future to the Financially Constrained list: West 11th Avenue from Green Hill Road to Terry Street

Dear Mr. Inerfeld:

Thank you, Mr. Inerfeld, for your proactive engagement of the federal and state agencies with regard to the West 11th widening project from Green Hill Road to Terry Street. As you know BLM is concerned about activities that have the potential to affect Land and Water Conservation Funded (LWCF) properties in the West Eugene Wetlands. Additionally, we are concerned about potential affects to threatened or endangered species on BLM-administered lands.

As we shared with you and Savannah Crawford of Oregon Department of Transportation yesterday, the federal register map clearly shows the West 11th widening proposed project crossing critical habitat for the Willamette daisy (*Erigeron decumbens var. decumbens*) which is a listed endangered species and protected by the federal Endangered Species Act (ESA). (See attachment Map 8, Unit WD-7 and associated narrative, Federal Register/Vol. 71 No.210/Tuesday, October 31, 2006/Rules and Regulations.) As we also discussed with you, there are documented populations of *Erigeron decumbens var. decumbens* fairly close to the West 11th road alignment. It is BLM's position that we cannot allow any disturbance on BLM surface outside the city right of way in critical habitat.

There could be further issues of how these road widening improvements will affect the hydrology of the adjacent BLM-administered wetlands, which needs to be analyzed when the project further along in the design process. Please keep Patricia K. Johnston at 541-520-2159 apprised of this project should it continue to move forward.

Sincerely,

William Hatton
Siuslaw Field Manager
Eugene District Bureau of Land Management

OCT 16 2009

cc: Oregon Department of State Lands, ATT: Gloria M. Kiryuta , Resource Coordinator, Wetlands & Waterways Conservation Division, 775 Summer Street NE Suite 100, Salem, Oregon 97301

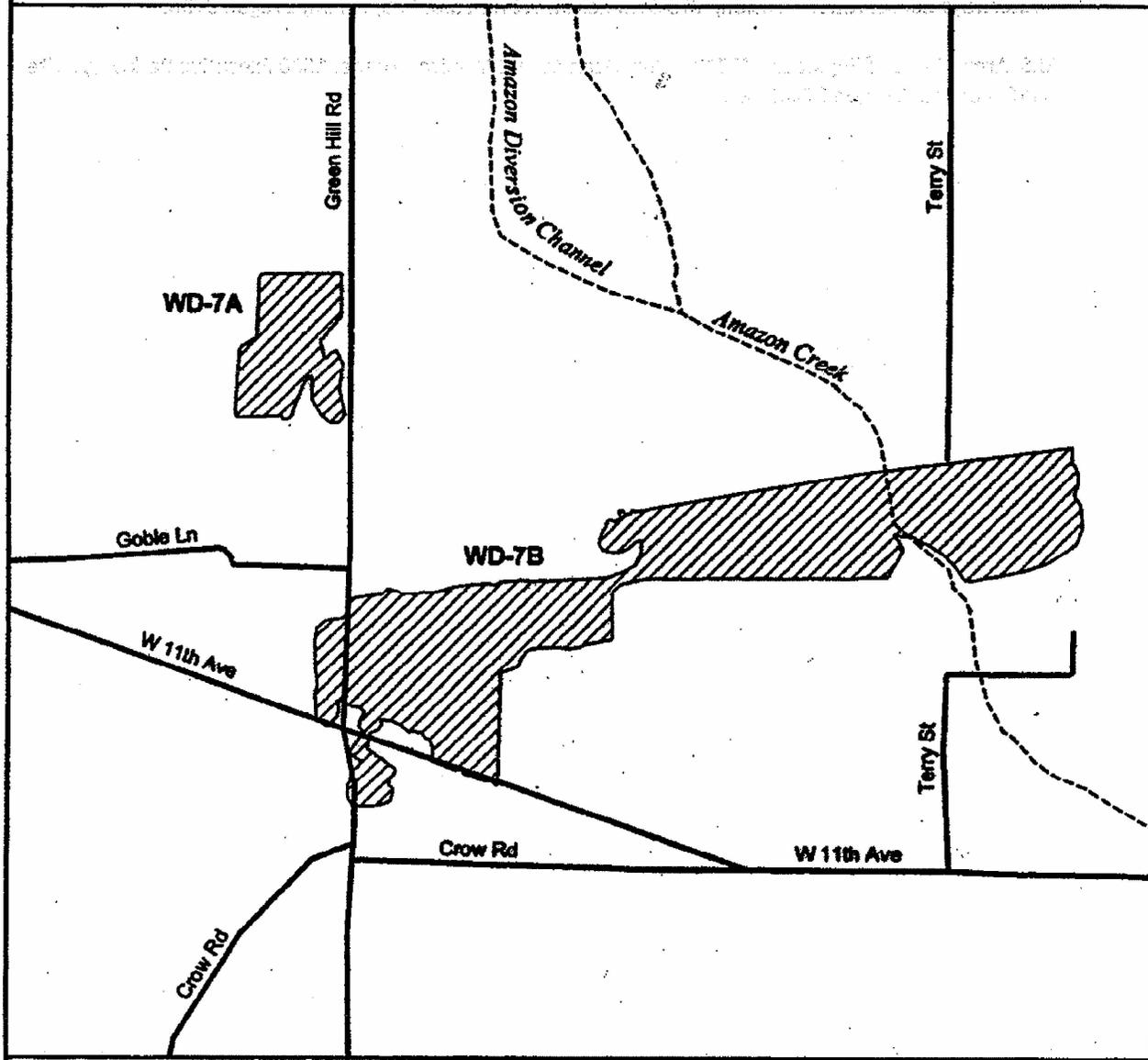
U.S. Army Corps of Engineers, ATTN: Benny Dean Jr. and Monical, Teena, 1600 Executive Parkway, Suite #210, Eugene, Oregon 97401- 2156

Oregon Department of Transportation, Area 2/District 5, Savannah Crawford, Sr. Region Planner, Planning and Development, 644 A Street, Springfield, Oregon 97477

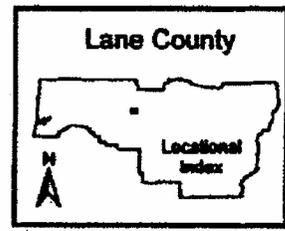
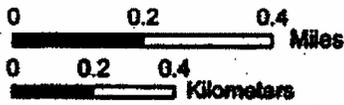
U.S. Fish and Wildlife Service, Oregon Fish and Wildlife Office, David A. Leal, Wildlife Biologist, 2600 SE 98th Ave., Suite 100, Portland, OR 97266

City of Eugene, Planning and Development, Kurt Yeiter, 99 West 10th Avenue, Eugene, Oregon 97401

Map 8, Unit WD-7
Erigeron decumbens* var. *decumbens
Willamette Daisy (WD)



-  Stream/Channel
-  Road
-  Final Critical Habitat



this unit is relatively small, it is one of the largest remaining populations in this portion of the species' range and is supported by a large habitat patch with a moderate diversity of indicator species. Unit WD-4 contains habitat that has the features essential to the conservation of the species; it supports one of three remaining populations in Benton County; and has a moderate size population with enough available habitat to provide for population growth and expansion. Unit WD-4 supports a core population fundamental to the continued persistence of the species in this portion of its current range.

Unit 5 for Erigeron decumbens var. decumbens (Unit WD-5)

Unit WD-5 consists of approximately 38.5 ac (15.6 ha) of private land, south of Corvallis, in Benton County. This unit is located along Muddy Creek, just to the west of Cutler Lane. The Greenbelt Land Trust is currently working with the landowner to place a conservation easement on the property, and, in cooperation with the Service, they plan to restore and enhance native habitats within the unit. Unit WD-5 contains the habitat that has the features essential to the conservation of the species; it supports the largest population of *Erigeron decumbens* var. *decumbens* in Benton County; includes substantial habitat for population expansion; and supports the core population fundamental to the continued persistence of the species in this portion of its current range.

Units 6, 7, 8, and 9 for Erigeron decumbens var. decumbens (Units WD-6, WD-7, WD-8, and WD-9)

Units WD-6, WD-7, WD-8, and WD-9 occur in West Eugene, Oregon, and collectively represent the largest, most-connected, functional network of suitable prairie habitat for *Erigeron decumbens* var. *decumbens*. Units WD-6, WD-7, WD-8, and WD-9 contain the habitat that has the features essential to the conservation of this species; they each support stable populations and, collectively, these units support the only large metapopulation of *E. decumbens* var. *decumbens*.

Because units WD-6, WD-7, WD-8, and WD-9 support the only large metapopulation of *E. decumbens* var. *decumbens* across its current range, the habitat supporting these populations provide the highest probability for long-term persistence of the species. Any reduction of available habitat will create more edge effect, increase habitat fragmentation, reduce outcrossing pollination potential, and further reduce population viability. Units WD-6,

WD-8, and WD-9 are threatened to varying degrees by the encroachment of invasive species and active management will be necessary to ensure the long-term persistence of this large metapopulation. Additionally, habitat enhancement may be necessary to expand populations across this metapopulation and further increase connectivity. Although there are other reported occurrences of *Erigeron decumbens* var. *decumbens* in the general vicinity, those sites do not meet the minimum patch size for our selection criteria, or are highly degraded, and are therefore not critical habitat.

Unit 6 for Erigeron decumbens var. decumbens (Units WD-6A, 6B, 6C, and 6D)

Unit WD-6 encompasses approximately 85.4 ac (34.6 ha) of critical habitat, with an estimated 89 percent on Federal land and 11 percent occurring on private land. This unit is located in Eugene, along Ken Neilsen Road and West 11th Avenue. The federally owned land includes both BLM and Army Corp of Engineers lands. WD-6A supports one of the largest remaining populations of *Erigeron decumbens* var. *decumbens*, occurs on Army Corp of Engineers lands, and is located on the northwestern edge of this relatively large metapopulation.

Unit WD-6 contains habitat that has the features essential to the conservation of this species; it supports a stable population and has an important role in support of the only large metapopulation of *E. decumbens* var. *decumbens*.

Unit 7 for Erigeron decumbens var. decumbens (Units WD-7A and WD-7B)

Unit WD-7 consists of approximately 22.3 ac (9 ha) of critical habitat, primarily on Federal land, with 2 percent occurring on private land. WD-7A is located to the west of Green Hill Road and to the north of West 11th Avenue, and is managed by the Army Corp of Engineers. The habitat included within this unit boundary supports a moderately sized *Erigeron decumbens* var. *decumbens* population with habitat available for population expansion.

Subunit WD-7B encompasses approximately 143.4 ac (58 ha) of primarily Federal land with an estimated 22 percent occurring on private land and an estimated 4 percent occurring on State land. This subunit is located near the intersection of Green Hill Road and West 11th Avenue. *Erigeron decumbens* var. *decumbens* is patchily distributed across the subunit with enough supporting habitat to allow

for population growth. The *E. decumbens* var. *decumbens* populations supported by WD-7A and WD-7B are less than 0.6 miles (1 km) from the nearest neighboring population, providing for pollinator connectivity between habitat patches and increasing the potential for successful reproduction.

Unit WD-7 contains habitat that has the features essential to the conservation of this species; it supports a stable population and has a role in support of the only large metapopulation of *Erigeron decumbens* var. *decumbens*.

Unit 8 for Erigeron decumbens var. decumbens (Units WD-8A, WD-8B, WD-8C, WD-8D, and WD-8E)

Subunits WD-8A and 8B consist of approximately 135.9 ac (55 ha) of Federal and private lands in West Eugene, Oregon. These subunits are located near the intersection of Willow Creek and West 18th Avenue. An estimated 45 percent of this area occurs on private land with approximately 55 percent occurring on BLM land. The western half of subunit WD-8A includes high quality remaining wet prairie; the eastern portion of the site includes much lower quality habitat. WD-8A is a relatively large remnant prairie and provides excellent opportunity for population growth and expansion. WD-8B is located approximately 0.3 mi (0.5 km) directly east of WD-8A. This habitat patch is located directly north of TNC's land, which is currently being managed for *Erigeron decumbens* var. *decumbens*. The location of these subunits, in close proximity to one another, increases the overall quality and viability of this metapopulation.

Subunit WD-8C encompasses approximately 2.5 ac (1 ha) of private land located east of Wallis Street within the City of Eugene. This site supports a relatively small population of *Erigeron decumbens* var. *decumbens* on good quality wet prairie habitat with a diverse species composition. The site is located within 1.5 mi (2.5 km) of WD-9B. Subunit WD-8C provides habitat for population growth and expansion. The *E. decumbens* var. *decumbens* plants occurring in this unit, Unit WD-6, and Unit WD-7 are all in close proximity to one another, thus increasing the potential for cross pollination between populations and reducing the risk of inbreeding depression. The primary threat to this habitat is that it is surrounded by development, reducing pollinator connectivity to the other populations. However, since this habitat is in close proximity to other populations, this *E. decumbens* var. *decumbens* site has a much higher

f r i e n d s o f e u g e n e

19 October, 2009

City of Eugene Council
c/o Kurt Yeiter
99 West 10th Avenue,
Eugene, Oregon 97401
kurt.m.yeiter@ci.eugene.or.us

Re: Testimony for Public Hearing Item on West 11th Widening, 19 October, 2009

Dear Eugene City Council and City Staff,

Thank you for receiving this testimony on a proposed ordinance to move two road projects from the Future to the Financially Constrained list, and amend TransPlan and the Metro Plan: No. 333, W. 11th Avenue from Green Hill Road to Terry Street and No. 506, Beltline Highway from River Road to Delta Highway (Eugene file MA 09-2).

Specifically, Friends of Eugene, as a non-profit public interest transportation, land use, and environmental watchdog organization, as well as I as a private individual for purposes of standing, wish to oppose the proposal to push up the priority of the road project to approximately double the width of West 11th between Terry and Greenhill.

There are several reasons not to upgrade the plan status of Project No. 333 at this time.

- 1) The proposed project cuts through federally designated critical habitat for a federally listed endangered species. This is simply the highest level of designation for protection within our state and national environmental system—yet, to date, the City of Eugene Public Works Department has barely given it notice, let alone address it in any significant way.
- 2) There are no substantive findings or other documentation that have been made available to the public that justifies the need for this road widening project.
- 3) The proposed prioritization of infrastructure investment in West 11th Avenue outside of Beltline is in direct contradiction to the West Eugene Collaborative vision of concentrating investment and development closer to the urban core.
- 4) The proposed prioritization of this project, out of turn, would preempt the eventual conclusions of several City of Eugene planning projects which are already underway.
- 5) The proposed prioritization of this project—even in advance of any further planning, study, design, or construction—would allow “upstream” development to surge ahead, predictably creating a fait-accompli demand for the project.
- 6) The proposed prioritization of this project—let alone its actual construction—can be readily predicted to contribute to the expansion of vehicle miles traveled, the single largest and most difficult to constrain component of community-wide greenhouse gas emissions.

We'd like provide some details backing up each of these points.

Endangered Species Critical Habitat

The proposed project cuts through federally designated critical habitat for a federally listed endangered species. This is simply the highest level of designation for protection within our state and national environmental system—yet, to date, the City of Eugene Public Works Department has barely given it notice, let alone address it in any significant way.

The proposed widening of the right of way threatens official Willamette daisy critical habitat in the extensive natural areas that are part of the existing rural character of outer West 11th. Is that really the environmental direction in which the City of Eugene wants to be heading?

City staff have suggested that the environmental contradictions of this project might best be addressed by advancing it to the design process. Instead, Friends of Eugene hope that Eugene elected officials can show the leadership needed to embrace the environmental facts up front, and avoid an expensive and necessarily fruitless design exercise.

No Findings of Need

There are no findings or other documentation that have been made available to the public that justifies the need for this road widening project. It's a classic example of the outdated approach to traffic engineering, under which roadways are widened as a matter of course with little thought to the general consequences.

It may be difficult to substantiate actual need and systems benefit for this project — it just connects out to miles of constricted two-lane rural highway. At this very time our legislators are in the process of funding a substantive study of the whole length of the Highway 126 corridor from West Eugene to Veneta.

That important Highway 126 corridor study, if done well, is likely to show this road project is unnecessary even for traffic reduction. And if it showed otherwise, there's always time to build the new lanes later, while it is virtually impossible to turn them back, or their associated impacts, once they are designed and built.

The environmental problems of this project are clear. Are there sufficiently strong and clear reasons for this road widening project to potentially justify taking dangerous environmental risks with endangered species? Certainly no such reasons have been expressed in the record to date.

Contradicting the WEC Vision

The proposed prioritization of infrastructure investment in West 11th Avenue outside of Beltline is in direct contradiction to the West Eugene Collaborative (WEC) vision of concentrating investment and development closer to the urban core.

In its consensus final report, the WEC intentionally concentrated its recommended infrastructure investment at and within a perimeter defined by the Beltline Highway. The basis for these choices is shown in the WEC's extensive pre-consensus work product, available online.

The WEC report also recommends, “Define and protect key habitat corridors in west Eugene area, including additional wetlands, adjoining wet prairie, and connections with oak savannah and forest.”

Preempting City Planning Underway

The proposed prioritization of this project, out of turn, would preempt the eventual conclusions of several City of Eugene planning projects which are already underway.

These planning processes in progress include, among others, the City of Eugene West 11th Corridor Study, the City and LCOG work plan projects to update metropolitan VMT growth and progress toward effective achievement of TransPlan Alternative Performance measures, and the Eugene Climate and Energy Action Plan (CEAP).

In addition, the hoped-for study of Highway 126 corridor from West Eugene to Veneta, should be highly relevant to establishing the real needs of this corridor.

Enabling Problem Development

The proposed prioritization of this project—even in advance of any further planning, study, design, or construction—would allow “upstream” development to surge ahead, predictably creating a fait-accompli demand for the project.

Damaging Eugene’s Climate Mitigation Efforts

The proposed prioritization of this project—let alone its actual construction—can be readily predicted to contribute to the expansion of vehicle miles traveled, the single largest and most difficult to constrain component of community-wide greenhouse gas emissions.
Land immediately adjacent to the existing City right of way

This is a terrible, sprawl-inducing project, a real emissions-bloater that would add new lane-miles of roadway far outside the average VMT contour. It’s the next step in an obsolete series of sprawl dominos that would open up the western edge of the UGB for a big blast of inappropriate development.

The proposal is clearly contrary to the intent and letter of several state planning goals, as well as clearly contrary to several of Eugene’s own growth management policies.

The proposed widening of rural West 11th would substantially induce development in exactly the wrong places, contrary to Transplan and other policies. Infill, nodal development, and other increases in residential density around the urban edge — in outlying, high-VMT parts of the urban growth area — are counterproductive, in the sense that they create substantial negative impacts while failing to achieve the positive planned objectives of infill. Given the negative cost-benefit of this type of infill, as a matter of planning policy and implementation, it should be avoided.

To direct residential growth appropriately, while meeting state-adopted emissions reductions targets, the priority focus should be shifted away from infill in existing residential

neighborhoods, toward multi-story residential/commercial mixed-use in the large fraction of urban core areas currently zoned commercial.

Geography is Fundamental

The negative climate impact of the proposed widening of outer West 11th Avenue can perhaps best be understood in terms of the overall geography of VMT in and around the Eugene metropolitan area.

And we can't really discuss the geography of VMT without considering the location of future growth. In fact, the location of future growth is the single primary factor that will drive Eugene's overall VMT upward or downward as the population of community increases.

Since the land use code update (LUCU) of 2000, our local land use regulations in Eugene have encouraged residential infill. But we know that as well as accommodating some amount of growth, residential infill also causes impacts on established neighborhoods. Clearly we are not encouraging infill for its own sake, but for specific stated reasons.

Infill is encouraged in Eugene in order to meet particular community goals - especially, for the benefits of densification, and compact growth. In the Oregon statewide land use planning framework, these benefits are largely organized around the important and measurable goal of reducing vehicles miles traveled (VMT).

What if there are particular areas of Eugene where it can be shown systematically that infill doesn't contribute to most of the general community benefits of compact growth, and even has negative effects? If there are such areas, what purpose would be served by encouraging or allowing infill in them?

Locating and regulating infill is a balancing act between some general community benefits on one hand, and some local and cumulative impacts on the other hand. **Where development occurs is fundamental to VMT.**

In core residential neighborhoods, the impacts of incompatible infill can be serious: degradation of the character and quality of established cultural and physical fabrics, which are some of the greatest collective assets of Eugene.

In edge residential neighborhoods, the impacts of infill can also be serious: locking in geographically-based increases in the amount of driving per person, in areas where alternative modes of mobility are also difficult to provide efficiently.

It is well known in the smart growth community that residential density tends to encourage walkable, reduced-VMT. Our green community needs to understand the underlying bases for this phenomenon, and use effective land use planning to direct and design growth to help reduce rather than increase greenhouse gas emissions.

Driving Distances and Climate Change

Plans, planning policy, and land use code we develop in Eugene today should be aimed, along with other objectives, at meeting the state adopted goals for greenhouse gas emissions as

enacted in Oregon last year (HB3543, signed on 7 August, 2007) of a 10% reduction below 1990 levels by 2020, and a 75% reduction below 1990 levels by 2050.

Substantial additional reductions in vehicle emissions will be needed. The primary additional source or emissions reductions is reduced driving - i.e. reduced VMT, in both the per capita and overall total sense. In fact, the Governor's Climate Change Integration Group reported that, "...Reducing VMT is simply the single most effective way to reduce greenhouse gas emissions". (Final Report to the Governor: A Framework for Addressing Rapid Climate Change, State of Oregon, January 2008, p46)

The "Governor's Vehicle Emissions Workgroup Report" notes that, "The Oregon Department of Transportation's (ODOT) projection for the next ten years is 1.95% average annual VMT growth, non-compounded. VMT growth is a combination of population growth and growth in VMT per capita." (November, 2005, p16)

To achieve emissions reductions, we need to reduce per-capita usage, i.e. VMT, deeply enough to counteract the effect of increasing population.

While the latest climate science suggests that a 75% reduction is probably not a deep enough cut to stabilize the global climate, that goal is far enough away that inherent planning uncertainties make the difference relatively unimportant in the short term. If we can plan now for effective steps to reach state-adopted 2020 and 2050 goals, we will at least be headed in the right direction.

A broadly accepted guiding principle for greenhouse gas emissions is that each sector should plan to accommodate its own share of emissions reductions. Following this principle, the transportation sector itself should target emissions reductions matching the state-adopted percentages.

The transportation sector, heavily dominated by private motor vehicles, represents about half of the total emissions in Eugene.

All credible analyses suggest that predictable emissions reductions through the combination of innovations in vehicle technologies, bio-fuels, and other energy source and distributions developments will contribute substantially, but not nearly enough to reach the adopted goals.

There is a very strong interaction of land use distribution with VMT. The largest single land use component of VMT with regard to residential land use is the distance between each dwelling and the metropolitan center. Residential density as such, and walkable access (1000 feet) to full-service fixed transit are important secondary components.

LCOG traffic studies have confirmed the geographic pattern of VMT in terms of residential locations. The VMT per capita in the city center of Eugene is less than half the metro average. There is an average VMT contour about midway between the city center and the urban growth boundary. Out at the urban growth boundary, VMT varies from 150% to 200% or more of the metro average.

More specifically, residential infill, and subdivisions and other edge development in particular, which are located OUTSIDE the average VMT contour, and farther than 1000' from full-service fixed transit, will tend to INCREASE average VMT per capita.

And in contrast, other development such as multi-story residential/commercial mixed use, which is located INSIDE the average VMT contour, will tend to DECREASE the overall average VMT per capita.

Redirecting residential growth away from infill and into dense, multi-story commercial-residential mixed in core areas presents a huge and vital opportunity to reduce per-capita VMT, even as our metropolitan area continues to grow in population. As since, has been widely observed by climate experts, we need to do EVERYTHING that we feasibly can to lower our emissions, we need to take advantage of this opportunity.

Calculations show that VMT reduction through directing growth to within the average VMT contour will be essential in realistic planning to meet the state-adopted emissions reductions goals.

Some opportunities for large and small subdivisions and compatible residential infill still remain in the large area within the average VMT contour. With full and appropriate measures to safeguard existing neighborhoods, these opportunities can be developed while actually improving the community's carbon footprint. But they are only likely to accommodate a small fraction of projected residential growth.

The real opportunity arises with the large fraction of land inside the average VMT contour which is zoned commercial. Residential infill represents a relatively small opportunity for accommodating growth, while residential/commercial mixed use in existing commercially-zoned areas represents a relatively large opportunity.

Information on a national scale suggests that high-quality multi-family housing is under-supplied relative to demographic demand trends, while detached single family housing is oversupplied relative to the actual market demand. This national perspective on the relative need for various housing types should be confirmed for Eugene through the ECLA process, along with the various areas and percentages of land/lot types and zoning inside and outside the approximate AVMTTC.

Positive Recommendations

Instead of widening rural West 11th to support sprawl to the edge of the UGB (and eventually beyond), we should be taking positive steps to grow according to established state and local goals and policies, as understood in the current light of knowledge regarding climate change.

A) To accommodate ongoing population growth in Eugene, and to fulfill the desire for residential development opportunities, we should focus on realizing appropriate and intensive residential-commercial mixed-use development and redevelopment, in existing commercially-zoned core areas.

B) We should also provide appropriate infill protection measures for established traditional neighborhoods and for remaining natural resources, as these irreplaceable community assets must be protected from the increasing risk of further impacts as core density increases.

Planning actions should be taken to minimize and prevent additional densification and development outside the average VMT contour, such as a prohibition on further road-building or widening, and a prohibition on additional subdivisions, in that urban fringe area. Such appropriate planning actions may include 1) limiting residential development outside the approximate AVMTC to R-1 except for full-service transit exception areas, 2) avoiding further partitions and subdivisions in the high VMT area outside of full-service transit exception areas, and 3) retiring nodal development plans located outside the approximate AVMTC, where smart growth would be anything but.

A widely-recognized key litmus test for 99% of proposed road projects today must be no new lane-miles of road. In light of the fact-based presumption that new roads are demonstrably and in general climate-busters, for any new lane-miles of road to be approved for funding and construction, the projects must pass the very highest levels of scrutiny, analysis and review. This project has not.

We cannot afford to maintain the roads we've already built, nor can we afford the impacts of the current traffic upon them. How can we possibly afford to hang any further albatrosses around our economic necks?

Respectfully,

Kevin Matthews
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References

"Growing Cooler", Urban Land Institute
State of Oregon emissions reduction legislation
Report of the Governor's Climate Change Task Force
"A New Vision for West Eugene", The West Eugene Collaborative, March 2009.

MINUTES

Eugene City Council
Public Hearing
Council Chamber
777 Pearl Street—Eugene, Oregon

October 19, 2009
7:30 p.m.

COUNCILORS PRESENT: Alan Zelenka, Mike Clark, George Brown, George Poling, Chris Pryor, Jennifer Solomon, Betty Taylor.

COUNCILORS ABSENT: Andrea Ortiz.

Her Honor Mayor Kitty Piercy called the meeting of the Eugene City Council to order.

1. PUBLIC HEARING

An Ordinance Amending the Eugene-Springfield Metropolitan Area Transportation Plan (TransPlan) to Move Project Nos. 333 and 506 from the Future Roadway Projects List to the Financially Constrained Roadway Projects List, to Update the Project Descriptions for Project Nos. 333 and 506 and to Make Related Amendments to the Eugene-Springfield Metropolitan Area General Plan.

City Manager Jon Ruiz stated that the amendment would move two Oregon Department of Transportation (ODOT) West 11th Avenue projects from the future projects list to the fiscally constrained list in TransPlan in accordance with a work plan approved by the joint elected officials and the Land Conservation and Development Commission in order to achieve compliance with State planning requirements. The council was scheduled to take action on the amendment at its November 9th meeting.

Mayor Piercy opened the public hearing and reviewed the procedures for providing testimony. She noted that several people had submitted written testimony on the matter.

Pat Johnston, representing the Bureau of Lane Management (BLM), read testimony that had been submitted in writing. She said BLM was concerned about activities related to the widening of West 11th Avenue between Green Hill Road and Terry Street, which had the potential to affect land and water conservation properties in the West Eugene wetlands and impact threatened and endangered species on BLM-administered lands. She said the proposed widening project would cross critical habitat for the Willamette daisy, which was protected under the federal Endangered Species Act. She said BLM could not allow any disturbance on BLM surfaces outside the City right-of-way in critical habitat and there could be issues related to how the road improvements would affect hydrology on the adjacent BLM-administered wetlands.

Jeff Musgrove, Bryceler Drive, Eugene, stated that his family owned two cemeteries on West 11th Avenue and he supported the amendment. He said the intersection of West 11th Avenue and Terry Street was substandard and

urgently needed the improvements planned in Project No. 333. He said adoption of the amendment would not impede ongoing planning efforts for portions of West 11th Avenue to the east of the project.

Kevin Matthews, president of Friends of Eugene, stated that the project was included in TransPlan just prior to the formal designation of critical habitat by relevant federal agencies. He said the relationship of critical habitat to the project was subsequently missed because the environmental screening maps only showed critical habitat for salmon-related issues. He said the project should not move forward and would not be built. He said advancing the priority of the project would allow development projects to use it as a planned transportation facility and it should not be placed on the fiscally constrained list until the environmental work was completed. He briefly reviewed his written testimony, which listed six categories of reasons the project should not advance.

Mayor Piercy closed the hearing and called for comments from councilors.

Councilor Brown asked if the council could vote separately on the two projects included in the amendment. City Attorney Emily Jerome said staff would prepare separate motions.

Councilor Zelenka asked that staff provide maps of the terrain showing critical habitat and environmental work that remained to be done when the amendment came before the council for action. He also asked for information on how the projects would reduce vehicle miles traveled (VMT).

Mayor Piercy asked staff to also provide information on discussions that had taken place with BLM and whether the amendment was based on a policy direction that had shifted over time. She questioned whether the amendment was being proposed prematurely.

2. PUBLIC HEARING

An Ordinance Concerning Time Extensions for Approved Developments; and Providing an Effective Date

Mr. Ruiz explained that the ordinance would provide a one-time automatic three-year time extension for approved land use applications that had not yet expired. As a part of the City's economic stimulus efforts the proposal would allow projects that had already undergone an extensive public process and received City approval more time to be completed. He said council action on the item was scheduled for November 9.

Mayor Piercy opened the public hearing and reviewed the procedures for providing testimony.

Jared Mason-Gere, Willamette Street, Eugene, representing the Eugene Area Chamber of Commerce, stated that the building industry was facing difficult financial times because of the economic downturn and a shortage of lenders, tenants and buyers. He said implementing the ordinance would not cost the City and would benefit a large number of people in the community. He said adoption of the ordinance would send a positive, business-friendly message to the community and those who were struggling financially.

Phil Farrington, Monroe Street, Eugene, representing the Lane County Home Builders Association, expressed support for the ordinance. He said the planning process was rigorous and local economic conditions needed to be given consideration by allowing developers who had completed that process and secured approval additional time to finish their projects. He said other communities had enacted similar ordinances to help provide support during difficult financial periods and rejecting the proposal would cause hardship. He urged the council to approve the ordinance as nothing was better than the gift of time.

Mayor Piercy closed the hearing and called for comments from councilors.

Councilor Zelenka asked why the extension had changed from the initial proposal of two years to a three-year period. Gabe Flock, Planning Division, replied that the Planning Commission had considered testimony presented to it during a public hearing on the ordinance and recommended expanding the extension from two years to three years. He said the original proposal was based on State legislation that would have extended applications or permit approvals for a two-year period, but the Planning Commission chose to expand that based on testimony and evidence of the continuing economic downturn. He said the State legislation did not pass because of concerns related to Home Rule, but several jurisdictions had taken local action to grant extensions.

Councilor Zelenka asked if other jurisdictions had granted two- or three-year extensions. Mr. Flock replied that it varied among jurisdictions and most had several different expiration periods based on the type of permit. Staff would provide that information to the council.

Mayor Piercy affirmed the City's long-term commitment to economic development.

3. PUBLIC HEARING

An Ordinance Concerning Citation Authority of University of Oregon Department of Public Safety and Amending Section 4.035 of the Eugene Code, 1971

Mr. Ruiz said the code amendment would increase citation authority for the University of Oregon Department of Public Safety (DPS) officers to enforce misdemeanors on University property, in addition to the authority they received in 2003. He said misdemeanors, unlike violations, were crimes for which the offenders could potentially be sentenced to jail or assessed fines. The amendment would streamline services, freeing Eugene police for other calls for service and reducing the number of officers assigned to the University.

Mayor Piercy opened the public hearing and reviewed the procedures for providing testimony.

Malcolm Wilson, East 21st Avenue, Ward 3, Eugene, representing South University Neighbors, stated that the neighborhood association favored the amendment, which would reduce duplication of services between DPS and the Eugene Police Department (EPD) and keep more Eugene officers on City streets and allow DPS officers to respond more effectively on campus. Both departments would be better able to preserve quality of life on campus and in the neighborhoods. He said South University Neighbors joined EPD in supporting the proposed code change.

Emma Kallaway, Orchard Street, Eugene, University of Oregon student body president spoke in support of the code amendments. She said felt the amendment would help build more positive relationships between students and DPS and benefits of the code change included allowing DPS officers to operate more efficiently by being able to issue citations without having to wait for a Eugene police officer, then move on to other campus duties. She said it was important to work within the University's conduct code and giving DPS more enforcement authority would allow them more leeway when dealing with students. She said of particular importance to students was allowing DPS officers to escort off campus quickly any unwelcome non-students who violated a trespassing code. She urged the council to adopt the ordinance so that DPS officers could focus on crime prevention and use their time as wisely as possible while supporting University students.

Phil Farrington, Monroe Street, Eugene, representing PeaceHealth and the University Small Business Association, supported the ordinance. He said passage of the ordinance would allow EPD resources to be better spent elsewhere

in the community. He commended the efforts of EPD and the University to craft a strategy that met public safety objectives in the most efficient manner possible and benefited the entire community, as well as those who lived and shopped in the University area.

Paul Shang, Wendover Street, Eugene, assistant vice president of student affairs and dean of students at the University of Oregon, spoke on behalf of the University. He asked for the council's support of the ordinance to grant enhanced citation authority to DPS officers. He said the ordinance was in the best interests of everyone concerned as it would free Eugene police officers for other service and allow campus officers to cite and release individuals, instead of detaining them until an EPD officer arrived. He said it would enable the University to take enforcement action oriented to the campus environment and aid students by allowing DPS officers to enforce the misdemeanors that impacted students – theft and trespass being high among them. He said student government and student leadership were involved in the development of the ordinance, which had a high level of student support. He thanked the council for its time and consideration.

Doug Tripp, East 15th Avenue, Eugene, University of Oregon director of public safety, said the ordinance modification being sought by DPS and EPD was very important for both the City and the University. It was the next logical step in the University's efforts to shoulder a greater burden to address crimes and violations on campus and in the edge of campus area. He said expansion of DPS officers' citation authority to include certain misdemeanor offenses would help the University be more effective in responding to the needs of students, faculty, staff and guests by being able to direct immediate response to criminal activity on campus. EPD would gain greater efficiencies through elimination of the duplication that had existed. He submitted written testimony and thanked the council for considering the additional enforcement tool for DPS officers. He affirmed that the University would continue to collaborate with EPD as a partner in public safety.

Mayor Piercy closed the hearing and called for comments from councilors.

Councilor Clark complimented the University and EPD for their collaborative work to develop a strategy to increase public safety in an efficient way. He hoped that a similar collaborative effort could result in public safety options for the downtown area.

In response to questions from Councilor Brown, EPD Capt. Rich Stronach said that DPS officers were employees of the University and were not armed. Their primary responsibility was with University property, but DPS officers also spent time in the near campus area because of the high concentration of student housing. He explained what constituted minor in possession and trespass violations and related enforcement activities. He said currently if DPS wanted to cite someone for trespass, EPD had to be contacted and dispatch an EPD officer to respond and write the citation; the ordinance modification would allow a DPS officer to issue the citation to the offender.

Councilor Brown asked if the modification would have any impact on game days. Capt. Stronach said that it would allow DPS officers to write open container citations.

Councilor Zelenka asked if the ordinance modification would cover all of the violations listed in EC 4.035. Capt. Stronach said the ordinance would grant DPS the authority to issue citations for certain violations; the city manager would determine which violations would be included in the intergovernmental agreement (IGA) granting that citation authority. He said there were some violations that would be inappropriate or inapplicable to the IGA. He stated that the police chief supported the ordinance.

In response to comments from Councilor Poling, Capt. Stronach clarified that DPS officers had the authority to stop and search and make arrests on probable cause anywhere, not just on University property, but in practice did not engage in enforcement activities outside of the near campus area.

Councilor Poling commended DPS for moving forward and assuming more responsibility for public safety on campus and in adjacent areas.

Mr. Ruiz noted that while campus officers had the authority to take action on probable cause under State law, the ordinance would only apply if a violation occurred on University property.

Councilor Taylor questioned how trespass could occur if the University campus was open to the public. Capt. Stronach explained that the University of Oregon was private property, but the premises were open to the public. He said DPS did not contact all campus visitors; officers concentrated on those who appeared to be engaged in inappropriate or criminal behavior. He said enforcement would be similar to the downtown exclusion ordinance, which required a violation before someone was excluded from the area.

Mayor Piercy said the ordinance would be a tool for increasing public safety on and near campus and addressing the concerns of adjacent neighborhoods about the interface with students living in the area. She was pleased with the collaboration between the University and EPD and the support of neighbors for the proposed ordinance modification. She regarded it as a step toward community policing.

Councilor Zelenka asked for a copy of the IGA and a list of violations that would be covered under the ordinance to be included in agenda materials when the item came before the council for action. Police Chief Pete Kerns said the violations the University of Oregon would be authorized to issue citations for had not yet been determined; those would be set forth in the IGA signed by the city manager and the University. The initial list would be limited to those where there was the greatest need, such as criminal trespass, and expanded if necessary in the future. He said the ordinance would authorize the City to expand that agreement with the University.

Councilor Zelenka asked that the agenda packet contain the current IGA and included violations, in addition to the violations that would be in the expanded list.

Mayor Piercy stated that the hearings and public records were closed for items 1 and 2, which were land use matters.

The meeting adjourned at 8:20 p.m.

Respectfully submitted,

Jon Ruiz
City Manager

(Recorded by Lynn Taylor)