

joint BCC/City of Eugene

SUPPLEMENTAL MATERIAL



Supplemental Memo Date: October 21, 2009
First Reading Date: September 30, 2009
Second Reading/ Joint Public Hearing Date: October 27, 2009

TO: Board of County Commissioners
DEPARTMENT: Public Works, Land Management Division, Planning Department
PRESENTED BY: Stephanie Schulz, Metro and Small City Planner
AGENDA ITEM TITLE: **SECOND READING/PUBLIC HEARING -- Ordinance No. PA 1264 -- IN THE MATTER OF AMENDING THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN (METRO PLAN) LAND USE DIAGRAM; AMENDING THE CORRESPONDING WILLAKENZIE AREA PLAN LAND USE DIAGRAMS; AND ADOPTING SAVINGS AND SEVERABILITY CLAUSES. (CITY OF EUGENE, File No. PA 09-5465)**

PROCESS

Adopted Metro Plan amendment procedures require the elected officials to limit their review to the evidence that was presented to the Planning Commissions, along with any arguments that are presented at the joint elected officials public hearing.

The Eugene and Lane County Planning Commissions held a joint public hearing on August 4, 2009. The written testimony received into the record between the planning commission hearing and October 20, 2009 is attached (Attachment H) for the Board to add to the Ordinance packet material previously distributed.

RECOMMENDATION

No recommendation or motion is suggested for the public hearing. Staff recommends scheduling a third reading and deliberations and possible action for November 10, 2009.

ATTACHMENT

1. Attachment H – testimony received as of October 20, 2009.

JEROME Emily N

From: Debbie Jeffries [djeffries@riverridgeor.com]
Sent: Monday, October 19, 2009 5:05 PM
To: JEROME Emily N
Cc: Ric Jeffries; POAGE Tom (SMTP)
Subject: RE: written testimony
Attachments: Testimony.9.27.09 Eugene City Council and The Lane County Board of Commissioners.doc

Hi Emily --

Here is the written testimony for the hearing on October 27.

In reviewing all the attachments for the hearing, I noticed that Shashi Bajracharya, Sr. Engineering Associate for Lane County did not accurately identify the location of the property. Normally this would not be a big deal but this is the kind of thing that seems to make this property more confusing -- especially when it comes from the County Transportation Planning Division.

Ms. Bajracharya states:

1. "the subject property is located partly inside and outside the UGB and the Eugene city limits." *False -- the "subject property" is entirely inside the UGB.*
2. "N. Delta Highway north of the northern boundary of the subject property is a Local Access Road". *False -- the northern boundary of the subject property is also the northern boundary of the Eugene UGB. No road (local access or otherwise) exists north of this boundary line.*
3. "Pursuant to Lane Code 15.697(c), such a plan amendment proposal is subject to traffic-impact analysis (TIA) requirements". *That particular portion of the code says that "any Plan amendment proposal unless waived by the County engineer.." So, how come the County didn't insist on the TIA with the housekeeping amendment (particularly with the 57 acres of Jefferson/Westside neighborhood area from LDR to Medium Density Residential)? There was nothing in the record that the County Engineer waived the TIA for Jefferson/Westside.*

I'm not asking you to do anything with this information unless you believe it is necessary for the record or to discuss with County Transportation prior to the hearing. My concern is that a County Commissioner might read the only piece of County staff testimony and accept it as accurate.

Thanks

Debbie

EUGENE CITY COUNCIL AND THE LANE COUNTY BOARD OF COMMISSIONERS

JOINT PUBLIC HEARING: OCTOBER 27, 2009

RIVER RIDGE METRO PLAN DIAGRAM AMENDMENT: EUGENE FILE MA 09-3 & COUNTY FILE PA 09-5465

Written Public Testimony

Submitted By: Deborah & Eric Jeffries

We request approval of the proposed ordinance to change the Metro Plan designation of our property back to its prior designation with one minor clarification: Pursuant to DLCD's recommendation, the condition requiring future Transportation Planning Rule (TPR) analysis should be deleted.

To restate testimony given at the Eugene/Lane County Joint Planning Commission Public Hearing, we were not given any Ballot 56 notice of the 2004 Metropolitan Plan "housekeeping amendment" that changed the Metro Plan designation from Low Density Residential to Parks and Open Space for the River Ridge, Ltd. property (a portion of the RiverRidge Golf Complex) or the property owned by Deborah & Eric Jeffries, which is their residence. The purpose of the proposed ordinance is to return the properties back the way they were prior to the housekeeping amendment. The only way to do that is to delete the condition requiring future compliance with the TPR.

The condition requiring future compliance with the TPR places a unique burden on our property that is not shared by any existing Low Density Residential designated property within the Metro Plan Boundary. When other Low Density Residential property seek to develop, the owner/developer must do a TIA (traffic impact analysis) but is not required to do a TPR analysis. In order to put our property back to the position it was prior to the housekeeping amendment, the condition requiring future compliance with the TPR must be deleted.

Subsequent to the August 4, 2009 joint planning commission decision, DLCD clarified its recommendation in an email dated September 8, 2009, stating that "no TPR 060 analysis is required" for the proposed ordinance. (AIS Attachment E). In response to DLCD's recommendation to delete the condition requiring future compliance with the TPR, Ms. Jerome stated in a September 14, 2009 Memorandum that "We believe that DLCD's position could be defended in an appeal. The circumstances of this proposal are unique and, as the agency charged with implementing the State Transportation Planning Rule, DLCD's letter carries substantial weight." (AIS Attachment F).

We agree with DLCD and Ms. Jerome, and ask that the condition requiring future compliance with the TPR (Section 3 of the proposed ordinance) be deleted. We support the proposed ordinance in all other respects.

Thank you for your consideration of this matter.