AGENDA COVER MEMORANDUM

Memorandum Date: May 8, 2017
Meeting Date: May 16, 2017

TO: Board of County Commissioners

DEPARTMENT: Public Works/Land Management Division

PRESENTED BY: Lydia McKinney, Division Manager & Planning Director

AGENDA ITEM TITLE: REPORT BACK/Envision Eugene Schedule and Response to Parcel Specific Inventory Request

I. MOTION

None, this is a discussion item only.

II. DISCUSSION

During Public Comment at the Lane County Board of County Commissioner’s April 25th meeting, Ed McMahon, Executive Vice President of the Home Builders Association of Lane County, testified regarding Envision Eugene. He stated that the City of Eugene’s residential Buildable Lands Inventory (BLI) is not parcel specific and therefore, the inventory can’t be verified. During Agenda Team Requests on April 25th the Lane County Board of Commissioners (Board) requested that staff report back on May 16th with an update on the schedule of the Envision Eugene co-adoption process, and also on the County’s role in directing Eugene to revise the BLI to be parcel specific.

SCHEDULE

The Envision Eugene process, of which the Urban Growth Boundary (UGB) expansion is a part, has been underway for several years. At the beginning of this year the UGB proposal was finalized and prepared for the final public hearing and co-adoption process. This multi-year project will be before the Board for a first reading on June 13, 2017.

The Lane County Planning Commission (LCPC) held a work session on Eugene’s Urban Growth Boundary expansion proposal on February 21, 2017. On March 7, 2017 the LCPC and Eugene Planning Commission held a joint public hearing at which 17 people testified. The Eugene Planning Commission had several work sessions subsequent to the public
hearing and finalized their recommendation on May 1, 2017. The LCPC met on May 2nd to deliberate and formulate a recommendation for the Lane County Board. As previously mentioned Eugene and County staff are scheduled before the County Board for a first reading and work session on June 13, 2017. A Joint Elected Officials meeting and public hearing with the Board and Eugene City Council is scheduled for June 27, 2017 at 5:30 pm.

**PARCEL SPECIFIC BUILDABLE LANDS INVENTORY**

The issue of a parcel specific BLI has been discussed at length throughout the Envision Eugene process. There was a pre-policy analysis BLI, called Eugene Comprehensive Lands Assessment (ECLA) that did not include efficiency measures and other policy changes made by the Eugene City Council. As a result the BLI was repeated to be more detailed and to accurately reflect City policy. The revised BLI was reviewed by two Technical Resource Committees, a Community Advisory Committee, and the Eugene City Council on several occasions. Eugene staff has consistently maintained that the BLI is done at a finer grain than the parcel, because the BLI inventories all vacant land whether it is an entire parcel or a portion thereof.

However, the questions raised regarding the clarity of BLI have resulted in revisions being made to the maps to illustrate the BLI at a more identifiable scale. Tax Lot boundaries are being added so that particular lots and parcels will be more clearly identifiable. These revised maps will be included in Board’s and Eugene Council’s final adoption package, which will be complete at the end of this month.

State law regarding BLIs does not necessarily require a “parcel specific” inventory; it requires an analysis of vacant lands. Eugene has identified vacant and partially vacant lands through the BLI, and those vacant lands may or may not correspond to lots or parcels. The City believes, and Lane County planning and legal staff concur, that the BLI meets the State requirements. This may be a case of “reasonable minds may differ” - often seen in land use. That is, there often isn’t a black and white answer and reasonable people can interpret the law in a reasonable but different manner. UGB expansions, and the many components of analysis required to propose a UGB expansion, are prime examples of murky and widely argued Oregon land use law where reasonable minds differ. Ultimately, the State has the final say in whether or not the statutes and rules are met. This is done through the State acknowledgement process after the UGB proposal is locally co-adopted.

The Board is required to co-adopt any UGB expansion proposed in Lane County and has recently received co-adoptions requests from the Cities of Cottage Grove, Junction City, Springfield, and Coburg. However, it is does not appear that the Board has the authority to direct a city regarding methodology for data collection prior to receiving a request for co-adoption. Further, staff believes the Eugene’s BLI has arguably been done in compliance with State law so such a revision would not be necessary.
III. FOLLOW-UP

The LCPC is drafting a memorandum for the Board’s consideration, which will be included as part of their recommendation. That memorandum is being prepared for the LCPC’s Meeting on May 16th.