

325. Some pollutants affecting metropolitan air and water quality originate outside the metropolitan area.

426. Based on monitoring work performed by the Lane Regional Air Pollution Agency (LRAPA), the Lane Council of Government (LCOG) and LRAPA submitted documentation demonstrating that the area meets the carbon monoxide standards since a violation of the eight-hour standard has not occurred since 1980. In 1988, LRAPA and LCOG formally requested redesignation of the area as an attainment area for carbon monoxide. The Oregon Department of Environmental Quality (DEQ) forwarded the reclassification request to the U.S. Environmental Protection Agency (EPA) Regional Office in Seattle. In January 1994, EPA redesignated the Eugene-Springfield area to attainment status for carbon monoxide. The area is currently in a 20-year maintenance period. Since redesignation, there have been no violations of the carbon monoxide standards.

LRAPA has developed a plan for meeting the new standards for fine particulates (the PM10 standard). The LRAPA Board has approved the plan. The PM10 plan boundary is coterminous with Metro Plan UGB. A majority of the unpaved streets identified as high priorities to address PM10 problems have now been paved. The PM10 plan approved by the LRAPA Board concluded that no transportation-related control measures were necessary for compliance with the PM10 Standard. LRAPA is currently in the process of seeking redesignation to attainment status for PM10.

~~The metropolitan area occasionally violates federal, state, and local air quality standards for particulate matter and carbon monoxide. Particulate matter consists of solid and liquid particles of soot, dust, aerosols, and fumes. The principal sources of particulate matter in this area include industry, dust from paved and unpaved roads, and smoke from wood stoves and fireplaces. Carbon monoxide is a toxic gas created from incomplete combustion occurring in automobiles, wood stoves, and fireplaces.~~

5. ~~Existing suspended particulate air quality standards and monitoring techniques, which are based on weight, do not adequately account for air pollution impacts of the finer particulates. Recent evidence indicates fine particulates have a greater potential for adverse effects on human health than do larger particulates.~~

6-27. Section 110 of the federal Clean Air Act requires state and local air pollution control agencies to adopt federally approved control strategies to minimize air pollution. The resulting body of regulations is known as a *State Implementation Plan (SIP)*. SIPs generally establish limits or work practice standards to minimize emissions of air pollutants or their precursors. SIPs also include special control strategies for those areas not meeting *National Ambient Air Quality Standards* (non-attainment areas). Most of the regulations developed by LRAPA for controlling the emissions of air pollutants in Lane County are included in the Oregon SIP. The original SIP was adopted in the early 1970s in response to the 1970 federal Clean Air Act. It is amended periodically to respond to current issues.

~~The Air Quality Maintenance Area (AQMA) Plan, containing control strategies for suspended particulates and carbon monoxide for the Eugene-Springfield metropolitan area, was adopted by local, state, and federal governments. This AQMA Plan currently meets federal Clean Air Act requirements to attain and maintain federal ambient air quality standards.~~

- ~~728.~~ Reduction of open space, removal of vegetative cover, and development that increases the amount of impervious surfaces (paved streets, roofs, parking lots) contribute significantly to increases in the peak volume (quantity) of urban storm runoff entering stormwater system and natural drainageways.
- ~~829.~~ Water pollution in the metropolitan area results from both “point sources” (municipal and industrial wastewater discharges) and “non-point sources” (pollutants such as oil, dust, and debris which are carried into streams by storm runoff). Water pollution is most acute in streams that have low water flow conditions during the summer months (such streams include Amazon Creek and the “Q” Street ditch).
- ~~930.~~ Offsetting measures can reduce the negative effects of urban development on water quality and quantity problems. Examples include on-site retention of stormwater, inclusion of landscaped “buffer strips” adjacent to new developments and conservation and improvement of streamside vegetation along water courses.
- ~~1931.~~ The Willamette and McKenzie Rivers run through many jurisdictions, necessitating cooperative water management planning and consideration for downstream effects of actions taken by a single jurisdiction.
- ~~33.32.~~ The Eugene-Springfield area is currently in compliance with national standards for carbon monoxide. The region will continue to be in compliance with the carbon monoxide standard in the future. Vehicle fleet turnover and stricter emission controls on newer vehicles are factors that will contribute to lower emissions in the future.

### Policies

- ~~4C.25~~ Springfield, Lane County, and Eugene shall consider downstream impacts when planning for urbanization, flood control, urban storm runoff, recreation, and water quality along the Willamette and McKenzie Rivers.
- ~~24C.26~~ Local governments shall continue to monitor, to plan for, and to enforce applicable air and water quality standards and shall cooperate in meeting applicable federal, state, and local air and water quality standards.
- ~~22C.27~~ Local governments shall continue to cooperate in developing and implementing programs necessary to meet air quality standards. This effort should include but not be limited to:

- a. Review of all major public capital expenditure projects for potential air quality impacts.
- b. Integration of air quality concerns into the comprehensive land use plan.
- c. Active participation in developing and implementing additional controls, as needed.

23C.28 Local governments shall encourage changes to state and federal air quality regulations relating to development of fine particulate standards and related monitoring techniques.

36C.29 Prior to the completion of the next *Metro Plan* update, the air, water, and land resource quality of the metropolitan area will be reassessed.

### Natural Hazards (Goal 7)

#### Findings

14.33 Due to the general nature of soils and geologic mapping, site specific analysis is often necessary to determine the presence of geologic hazards and the severity of soil problems which are constraints to development. Such geologic hazards exist when certain combinations of slope, soil conditions, and moisture conditions render land unstable.

2034. Unless special precautions are taken, development within the floodway fringe (that portion of the floodplain having a one percent per year chance of occurrence, also known as a 100-year flood) is subject to hazards to life and property from flooding.

2135. Many portions of the floodway fringe contain natural assets, such as significant vegetation, wildlife and scenic areas, and productive agricultural lands and are thus, valuable for open space and recreation. On the other hand, because of their central location, some floodway fringe areas within the urban service area are important lands for urban development.

#### Policies

2C.30 Except as otherwise allowed according to Federal Emergency Management Agency (FEMA) regulations, development shall be prohibited in floodways if it could result in an increased flood level. The floodway is the channel of a river or other water course and the adjacent land area that must be reserved to discharge a one-percent-chance flood in any given year.

3C.31 When development is allowed to occur in the floodway or floodway fringe, local regulations shall control such development in order to minimize the potential danger to life and property. Within the UGB, development should result in in-filling of partially developed land. Outside the UGB, areas affected by the floodway and floodway fringe

shall be protected for their agricultural and sand and gravel resource values, their open space and recreational potential, and their value to water resources.

4C.32 Local governments shall require site-specific soil surveys and geologic studies where potential problems exist. When problems are identified, local governments shall require special design considerations and construction measures be taken to offset the soil and geologic constraints present, to protect life and property, public investments, and environmentally-sensitive areas.

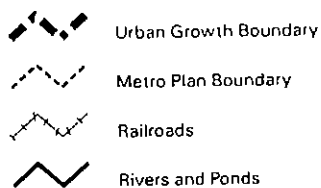
24C.33 Eugene shall maintain and improve and ~~Springfield shall adopt~~ hillside development regulations.

*LCOG: L:\NATURALRESOURCES\GOALS\METRO NR STUDY\POLICY\METRO PLAN DRAFT CHAPTER IIIC LEGISLATIVE FORMAT  
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Last Saved: March 2, 2004*

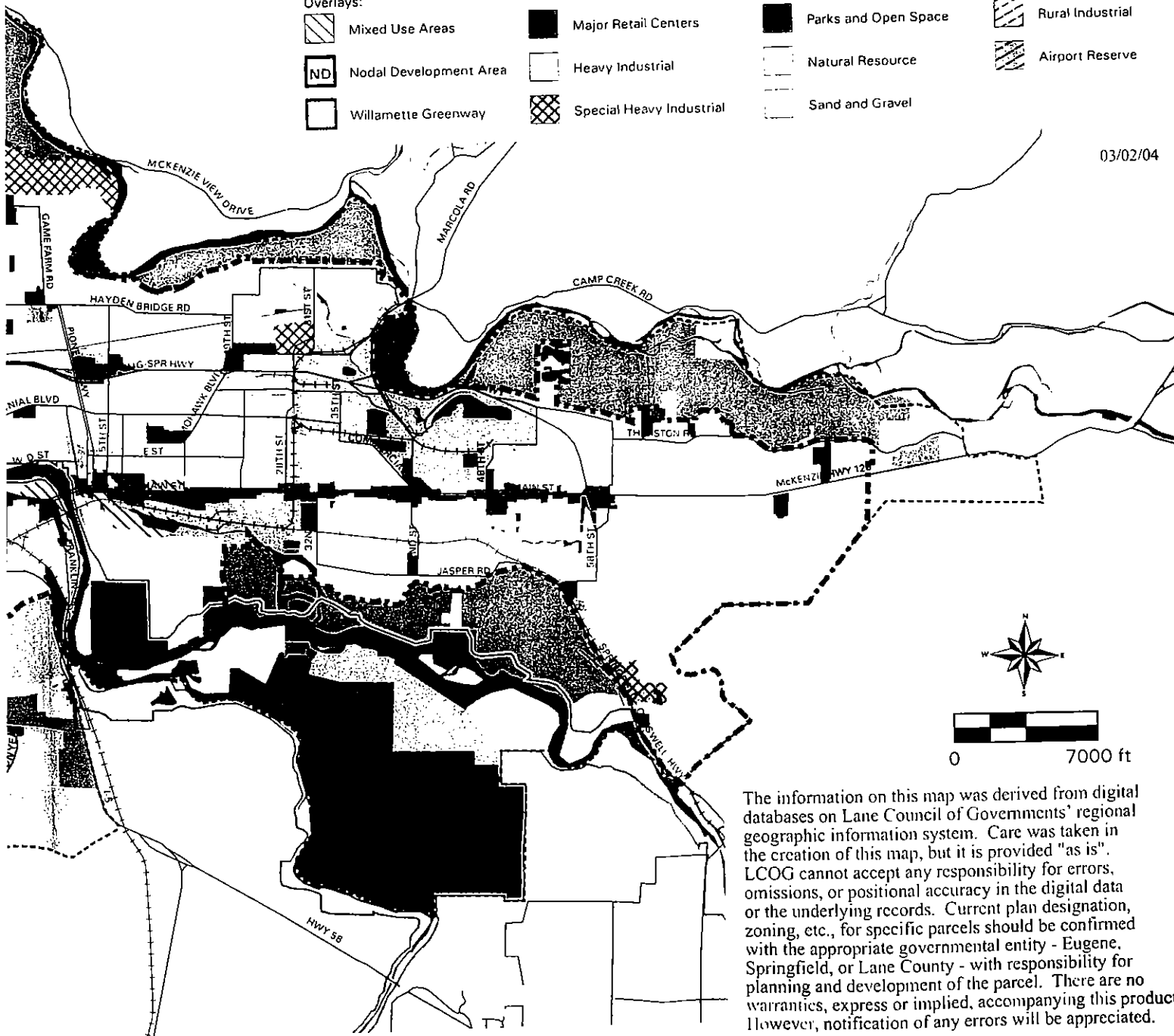
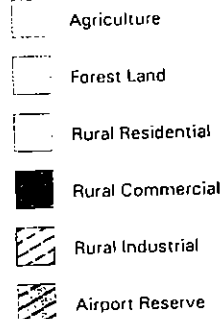
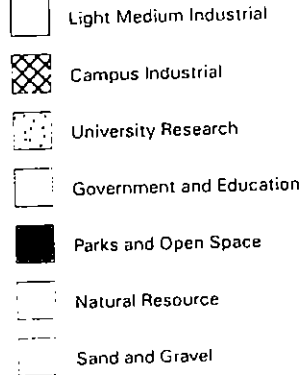
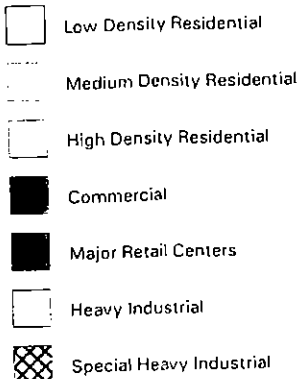
# Eugene-Springfield Metropolitan Area General Plan

## Proposed Plan Diagram

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



### Overlays:

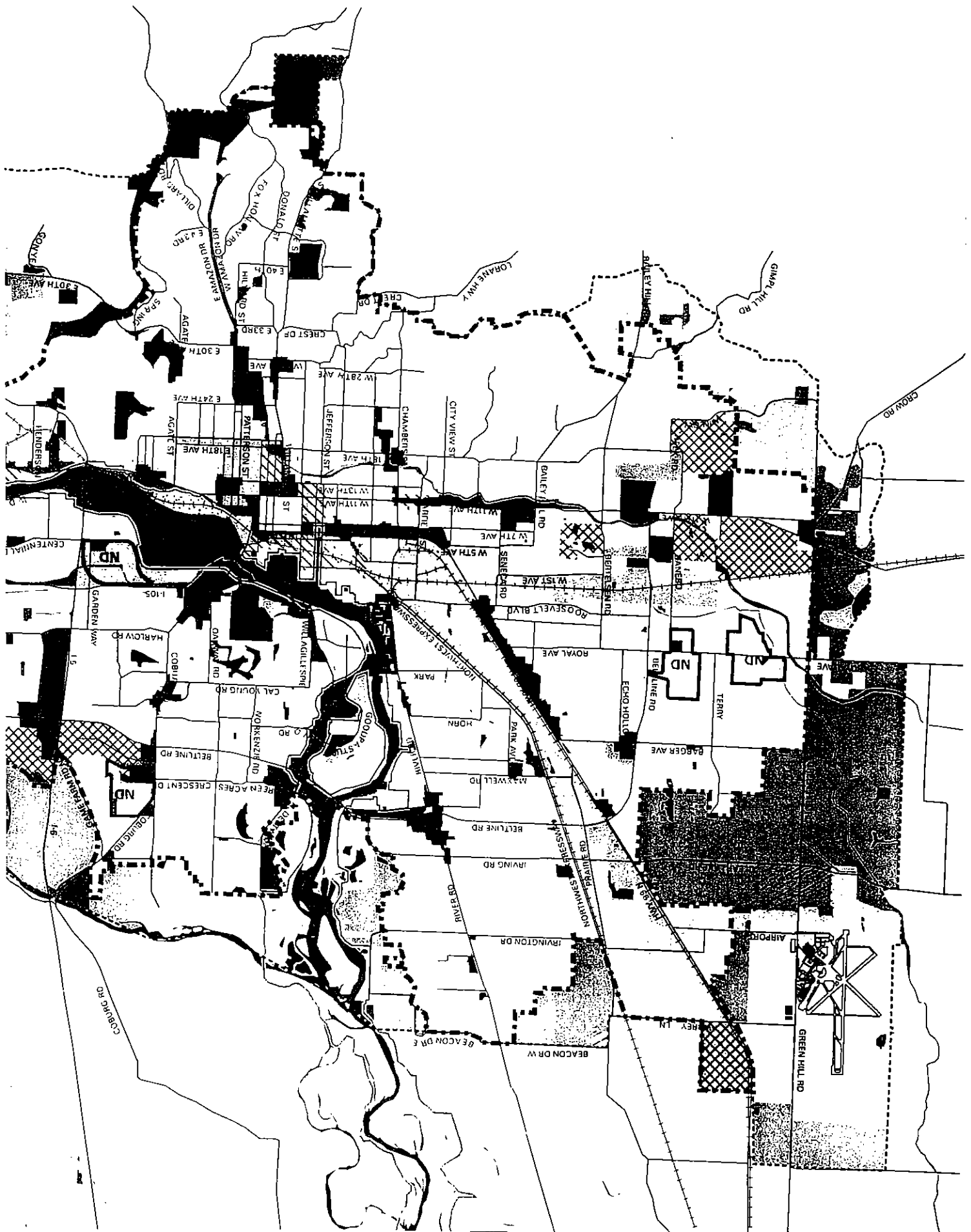


03/02/04



0 7000 ft

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



# ATTACHMENT A

## MINUTES JOINT BOARD OF COMMISSIONERS/ EUGENE CITY COUNCIL/ SPRINGFIELD CITY COUNCIL MEETING

February 10, 2004

5:30 p.m.

Bascom/Tykeson Room--Eugene Library

Commissioner Bobby Green presided, with commissioners Bill Dwyer, Anna Morrison, and Don Hampton present.

Eugene Mayor James D. Torrey presided, with councilors Bonny Bettman, David Kelly, Scott Meisner, Gary Pape, George Polling, and Betty Taylor present.

Springfield Mayor Sid Leiken presided, with councilors Anne Ballew, Tammy Fitch, David Ralston, and John Woodrow present.

Staff Present: City Manager Dennis Taylor, Susan Muir, Kurt Yeiter, Neil Björklund, City of Eugene; City Manager Mike Kelly, Joe Leahy, Greg Mott, Mark Metzger, City of Springfield; County Administrator Bill Van Vactor, Steve Vorhes, Lane County; Carol Heinkel, Kathi Wiederhold, George Kleoppel, Denise Kalakay, Lane Council of Governments.

Mayor Torrey called the meeting of the Eugene City Council to order.

Mr. Green called the meeting of the Lane Board of County Commissioners to order. He alerted those present who wished to discuss the Matthews property that the board would hold a public hearing on the topic the following day.

Mayor Leiken called the meeting of the Springfield City Council to order.

- 1. PUBLIC HEARING: An Ordinance Amending the Eugene-Springfield Metropolitan Area Plan (Metro Plan) to Adopt as Part of Periodic Review Metro Plan Housekeeping Revisions; a New Metro Plan Chapter III-C: Environmental Resources Element; a New Metro Plan Diagram; Adopting Savings and Severability Clauses; and Providing an Effective Date**

Carol Heinkel of the Lane Council of Governments (LCOG) provided the elected officials with PowerPoint presentation regarding the Eugene-Springfield Metropolitan Area General Plan Periodic Review text and diagram amendments. The presentation provided background on the process and described the public outreach that occurred. Ms. Heinkel explained that, at the direction of the Metropolitan Policy Committee (MPC), the periodic review work tasks were narrowed to only those required by the State of Oregon. She reported that only the natural resource work item, Springfield wetlands work item, and County adoption of the Springfield Drinking Water Study remained to be completed.

Ms. Heinkel reported that the three planning commissions had recommended adoption of the amendments, which would make the Metro Plan consistent with new State laws and administrative rules. She indicated that some changes to the documents had been made following the planning commission process at the recommendation of legal counsel. A few word changes were made to Exhibit B that were informally agreed to by those commissions.

Ms. Heinkel called the elected officials' attention to Exhibits A (Metro Plan Housekeeping Revisions, Other Text Amendments), Exhibit B (Metropolitan Natural Resources Study), and Exhibit C (Metro Plan Diagram Changes), which reflected the changes being proposed. She identified those work tasks that would be the subject of the public hearing, and noted that Lane County would hold a public hearing immediately after on its riparian regulations. Ms. Heinkel referred local officials and the public to the Exhibit A Replacement Pages handed out at the start of the meeting. She said these pages reflected staff's revised recommendation to retain the objectives in the plan at the advice of legal council.

Ms. Wiederhold provided further detail regarding Exhibit B. She described the various elements of the Natural Resources Study and noted the associated subtasks. She summarized the key amendments proposed to Chapter III-C of the Metro Plan.

Mr. Yeiter provided further detail on the revisions to the Metro Plan Diagram. He noted that the LCOG RLID system provided the mapping before the elected officials, and allowed the development of a more detailed diagram. He briefly noted changes being proposed to the diagram, including the removal of the urban reserves.

Mr. Metzger briefly reviewed revisions being proposed to the Springfield side of the Metro Plan Diagram, reporting that change were being proposed to reflect actual and future uses.

Ms. Heinkel called attention to new replacement page II-G-1, distributed to the elected officials. She emphasized the diagram was transitioning to a parcel-specific map.

Ms. Heinkel said the purpose of the meeting was for the elected officials to hear public testimony on the plan text and diagram amendments. She said that following the hearing, staff would respond to the public testimony. The three elected bodies would take separate action, with tentative action set for the Eugene council on March 10; the Springfield council on March 15; and the Lane County board on March 16. She said that, following action by the elected officials, the completed work tasks would be submitted to the Department of Land Conservation and Development for acknowledgement. Ms. Heinkel anticipated the region would continue metropolitan planning efforts that met the needs of the three jurisdictions.

Mayor Torrey called for comments and questions.

Mr. Kelly commended the reorganization of the document. He requested that the Eugene council be provided with copies of the Eugene Planning Commission's minutes reflecting its discussion on the topics before the elected officials prior to the work session at which the council would take action.

Responding to a question from Mr. Kelly about the tense used in the findings associated with the new Environmental Resource Element ("Lane County, Springfield, and Eugene jointly completed the Goal 5 requirements for the area between the UGB and the plan boundary"), Ms. Wiederhold explained that the text was written as though the elected officials had acted. When and if the officials adopted the findings, that statement would be a fact.



Responding to a question from Mr. Kelly about the two Willamette Greenway policies proposed for deletion, Ms. Heinkel explained that both policies speak to the implementation of State Goal 15, and they were replaced by a new Finding 11 that spoke to how that implementation would be accomplished.

Ms. Ballew asked how the Emerald Peoples Utility District court action regarding service to the area now served by Pacific Gas & Electric affected the proposals before the elected officials. Ms. Heinkel said that staff was aware of the action and would respond to the question in writing after more research.

Responding to a question from Ms. Fitch regarding the staff recommendation to insert the objectives, Ms. Heinkel said the planning commissions had not reviewed the change. The staff recommendation to include the objectives was based on legal advice from Lane County's counsel that they provided legislative intent.

Mr. Kelly referred to the Energy Section in the Metro Plan and asked why Policy J1, which recommended the coordinated development of a detailed metropolitan energy management plan, was proposed to be struck. He thought the exercise would be a valuable one. Ms. Heinkel noted the change was included in the housekeeping items and explained that the effort had been attempted but abandoned due to a lack of interest. Mr. Kelly expressed interest in knowing the opinions of others as he thought the idea had merit.

Mr. Kelly asked why the Willamette Greenway study was dropped. Ms. Heinkel said the State legislature passed Senate Bill 920, which set out the mandated periodic work task items and gave local jurisdictions the opportunity to stop work on nonmandated items. The study was in draft form but the work item was removed from the work plan because it was not mandated. The continuation of the study was a separate question from periodic review.

In response to a question from Mr. Kelly regarding the elimination of Forest Policy 17 from Exhibit B and where its intent was captured, Ms. Heinkel agreed to follow-up in writing.

Mr. Papé referred to page II-A-2 of the packet and asked Eugene staff to respond in writing as to whether Policy 6 had constituted the basis for the Lane County Local Government Boundary Commission's recent denial of Springfield's annexation to the Willakenzie Fire District.

Ms. Fitch asked if staff had considered, through the housekeeping changes, developing a clear diagram amendment process in a manner that protected the home rule rights of each jurisdiction. Ms. Heinkel indicated that an early periodic work task had streamlined the process outlined in Chapter 4 but she agreed more work was needed. She thought the effort went beyond housekeeping, and could be a work program item that staff could scope for the elected officials.

Responding to a follow-up question from Ms. Fitch, Ms. Heinkel said that periodic review was mandated, and the State-mandated work tasks were outlined in Senate Bill 920. None of the mandated work tasks addressed Ms. Fitch's concerns. Mayor Torrey suggested that now was a good time to get certainty around the question asked by Ms. Fitch. He thought the elected officials should deal with the issue if they could.

Ms. Morrison expressed hope that the elected officials would not have to revisit some of the residential lands studies as a result of the statement in II-A-2 regarding population decreases. Ms. Heinkel assured her it did not result in that. She said the number referred to by Ms. Morrison was a clarification of the previous population figure, which was for a study area and did not relate to the urban growth boundary.

Mr. Kelly agreed with Mayor Torrey that clarity about such processes were needed. He noted that Eugene had also discussed the potential formation of service districts. He was interested in focusing on the task before the elected officials as he thought the item would require both money and additional effort.

Responding to Mr. Kelly, Ms. Fitch said the reality of the situation was that if a change desired by one jurisdiction could be vetoed by another jurisdiction. She said Springfield worked to be a good partner but had some key issues coming up. She believed the response to those issues could be key to how Springfield could partner together with the other jurisdictions in the future.

Ms. Heinkel indicated that staff could prepare a scope of work for the desired effort, as well as a process for how it was accomplished, which could inform the elected officials' thinking about timing and funding.

Ms. Bettman said she was interested in knowing the cities' roles in land use issues in the area outside the city limits but inside the UGB. She thought those decisions could be of interest to the neighboring city. However, it was her interpretation of the materials that discrepancies were to be resolved by the MPC. As a council appointee to the MPC, she had experienced frustration with the way issues were processed through that body. If the MPC was the conflict resolution body for the Metro Plan, it should be employed until a change is made. If a change to the process was to be made, it should be made through the MPC rather than at this time.

Mr. Dwyer said the Metro Plan applied to all partner jurisdictions and represented a plan of how best local government could deliver services to citizens and involves them in the process. He did not object to discussion of a metropolitan service system that changed the way services were delivered and saved taxpayers money. However, he thought such discussions should come later. He wanted to involve people living in the areas outside the cities in the discussions as he thought they had a role to play as well.

Mr. Green said he was encouraged that people wanted clarity about the process of amending the plan. He said the board was interested in win-win solutions and wanted what was best for the entire region. He said the board was willing to engage in discussions about change but at this time he preferred to focus on the amendments. He asked Ms. Heinkel to scope the effort required and the estimated cost.

Mayor Torrey expressed appreciation to Ms. Fitch for raising the issue. He summarized the discussion, saying that he too would like to see the issue referred to the MPC for further consideration. The MPC could determine whether it wished to forward a recommendation to the individual jurisdictions. The individual bodies could do what they wished with the recommendation. There was no objection.

Ms. Bettman indicated that a comment section describing the reasons for changes to the policies in the housekeeping section would be appropriate.

Mr. Dwyer suggested the elected officials needed to consider other models for service delivery that addressed regional concerns. He asked staff to give the elected officials ideas about those models so they had a place to start.

Mayor Torrey reviewed the format for the public hearing.

Ms. Fitch advocated that those wishing to testify about the Matthews property be allowed to speak to the elected officials given what she believed to be the relevance of the issue to future possible amendments. Mr. Green indicated he would request those offering testimony about the Matthews property to speak last.

Mayor Torrey opened the public hearing for the Eugene City Council.

Mr. Green opened the public hearing for the Lane Board of County Commissioners.

Mayor Leiken opened the public hearing for the Springfield City Council.

**Lauri Segel**, 120 West Broadway, Eugene, spoke on behalf of 1,000 Friends of Oregon. She submitted written testimony for the record. Ms. Segel referred to the goal 3 and 4 policies and suggested there was inconsistency in the policy language. She cited Policy C-1 as an example, saying with within the policy statement there were relevant factors for determining what land would be considered for inclusion in the UGB. The factors included several factors such as ownership patterns and proximity to agricultural soils or current farm uses. Those factors were not reflected in State law or statute; she maintained there were statutes forbidding the metropolitan area from taking those factors into consideration. She cited Oregon Revised Statute 660.033.0030, which stated that Goal 3 attached no significance to ownership when determining a parcel was agricultural. She also found a Goal 4 inconsistency in that the policy language defined forests based on US Department of Agricultural soil ratings translated into productivity ratings and existing forest cover. She maintained that in State rules forest lands were those acknowledged to be forest lands.

**Robert Emmons**, 40093 Little Fall Creek Road, Fall Creek, spoke to policies in Goal 5. He recommended the following amendment to existing Policy 25: "Springfield, Lane County, and Eugene shall consider downstream impacts for water quality when planning for urbanization, flood control, urban storm runoff, and recreational needs in near proximity to the Willamette and McKenzie rivers. He suggested that Policy 29 be changed to "The air, water, and land resource quality of the metropolitan area has not been assessed since adoption of the Metro Plan in 1982. Prior to the completion of the next Metro Plan update, the air, water, and land resource quality of the metropolitan area must be reassessed."

Mr. Emmons disagreed with a contention in the plan that the Goal 5 wetland and riparian corridor requirements for the area between the UGB and plan boundary adequately addressed fish habitat, saying it was not substantiated and staff should be identifying how fish habitat was being protected. He believed the current Lane County riparian setbacks were inadequate to protect fish habitat. He recommended one tree length as the minimum distance needed. He called for the reconsideration and strengthening of the habitat conservation zone proposal.

**Jerry Ritter**, 1865 Yolanda Avenue, Springfield, said he represented Oregon Communities for a Voice in Annexation. He indicated his organization's support for policies that required new development to pay for the cost of the capacity needed to serve it. He supported the inclusion of language regarding voluntary annexation and asked that the text be revised to include all unincorporated areas in the UGB, suggesting that to do otherwise was a violation of Oregon's equal protection clause. He said that those in the unincorporated areas were not interested in annexing to Springfield. He indicated strong support for citizen involvement but did not think the Metro Plan represented the public will as he believed it had little public involvement. Mr. Ritter submitted written testimony.

**Debra Jeffries**, 3800 North Delta Highway, Eugene, said the map continued to portray her property incorrectly. She asked that the map be corrected. Ms. Jeffries commended Lane County for taking the Safe Harbor approach to wetlands protection as she believed it demonstrated economic responsibility. She said Eugene had budgeted considerable money for its effort and was not close to being done because of the inventory requirement. She asked the elected officials to pay attention to the economics of the issue.

Ms. Jeffries asserted that the MPC process did not work for periodic review. She further asserted that the State did not require an inventory and evaluation of Goal 5 resources. She interpreted the intent and purpose of the relevant Oregon Administrative Rule as establishing procedures and criteria for the purpose, and asked that the elected officials review the rule.

**Jim Hale**, 1715 Linnea Avenue, Eugene, a member of the committee that created the first Metro Plan, advocated that the community discard the Metro Plan and begin again. He said the data the document was based upon was not up-to-date. He said the elected officials should consider the most effective and inexpensive way to deliver services, and called on them to discard the principle that cities were the providers of urban services. Mr. Hale advocated for metropolitan service districts governed by the Board of County Commissioners. He called on the elected officials to spend more money on police services. Mr. Hale asked the elected officials to do things "differently" in a way citizens could easily see, and perhaps save more money to do other things the community wished to accomplish.

**Jan Wilson**, 1260 President Street, Eugene, asked that the written record be left open so she could address some of the issues raised at the earlier work session. She opposed the Safe Harbor approach and urged Lane County not to adopt it. She opposed the elimination of statements that required the performance of an ESEE analysis. She asked for the inclusion of a policy that prioritized the ESEE process to protect sites on the inventory when proposed for development.

**Bruce Miller**, PO Box 50968, Eugene, did not address the subject of the hearing but instead announced an upcoming meeting of the State Board of Higher Education.

**Robert O'Brian**, 3525 Gilham Road, Eugene, expressed concern about the deletion of the Willamette Greenway Study from the periodic review process. He expressed concern about the potential of further development in the Greenway, and suggested the fact there was a State goal related to the Willamette River spoke to its importance to Oregonians. Mr. O'Brian cited OAR 660.015.0005. He asked the elected officials to ensure the study was done, even if not mandated.

**Roxie Cuellar**, 2053 Laura Street, Springfield, represented the Lane County Homebuilders Association, also asked that the record be kept open. She asked the elected officials to reconsider the findings and policies associated with the residential lands supply. Ms. Cuellar said there was a change in the population estimate. The Residential Land Use Study relied on a range of numbers, and there was now a change in the finding that was limited to a single number, which affected the other factors in the study. It made some of the findings, such as Finding 3 related to needed housing units, inaccurate. She thought if the population estimate was to be changed, other things should be changed as well. She suggested the former population estimate be retained. Ms. Cuellar also suggested the tables in the document should be dated.

**Kevin Matthews**, 120 West Broadway, representing the Friends of Eugene, also asked that the record be left open. He noted the completion of other studies and advocated for the completion of the Natural Resources Study. He said that there was discussion of running Highway 99 along the riverfront, so the planning was critical. Mr. Matthews suggested that the result of some of the changes being proposed would be to water down the Metro Plan so it was consistent with the community's inability to do effective natural resource planning. He asked the elected officials to maintain the Metro Plan's requirements for substantive natural resource planning with an effective completion date, and to discard the amendments before them.

**Steve Moe**, PO Box 847, Springfield, also a member of the original committee that created the Metro Plan, suggested that the plan was not fulfilling its initial intent, which was to bring all the partners together to process land use decisions of an area-wide impact in a positive way. He said that while Springfield had declined to involve itself in Eugene's 6<sup>th</sup>/7<sup>th</sup> widening project, the Lane County board had inserted itself in the ambulance district issue faced by Eugene and used its veto power to affect events. He thought the fact one jurisdiction could veto a major project in another jurisdiction was a serious problem. Mr. Moe pointed out that Eugene-Springfield was the only Oregon community with such a planning pact and advocated for each city to move forward with its own general plan to recognize the uniqueness of each community.

**James Seaberry**, 3294 Stark Street, Eugene, did not understand the prohibition on special districts now included in the plan. He invited the elected officials to contact him so he could share his thoughts with them.

**Rob Handy**, 455-1/2 River Road, Eugene, spoke of his concerns regarding development pressures in the Willamette Greenway, and asked the elected officials to complete the Willamette Greenway Study to demonstrate the community's concern about the river. He said the plan was otherwise inconsistent with Goal 15.

**Mark Rabinowitz**, 28549 Suthern Lane, Eugene, supported the removal of the urban reserves from the Metro Plan Diagram. However, he objected that the plan appeared to be a lot of policies without any follow-through. As an example, he cited policies related to conservation and what he considered a contrary decision to construct the West Eugene Park. He said the parkway should be canceled as it was his opinion the projections about the number of cars it would carry were exaggerated. Mr. Rabinowitz shared his personal philosophy about the use of petroleum products with the elected officials, which he believed represented sufficient reason to revise the plan to prepare for a time when petroleum products were more expensive.

**John Lauch**, 715 West 4<sup>th</sup> Avenue, Eugene, representing Eugene School District 4J. He supported the removal of the Public Lands designation for surplus property in Santa Clara owned by the school district. He said the district was attempting to rezone the property in advance of marketing it. The property was currently zoned Public Lands/Neighborhood Commercial. It was adjacent to neighborhood commercial uses. Mr. Louch noted the staff suggestion the designation would revert to low-density residential if designated, and asked that the property be redesignated for commercial use instead. He pointed out that the current diagram was from the 1982 plan, and it showed an undefined amount of commercial property along River Road. He believed that was a sensible conclusion given the exposure of the property to the intersection of River Road and Hunsaker Lane. He said that more commercial land, rather than less, would provide the district with greater flexibility and maximize the revenue from the property's sale.

**Jim Spickerman**, 975 Oak Street, Suite 800, represented School District 4J. He echoed Mr. Louch's request for the Santa Clara property owned by the school district as well as for other district-owned properties. He suggested the elected officials could make the adjustment at this time, and recommended it rely on the adopted 1982 Metro Plan Diagram.

**Steve Ward**, 84434 Pheasant Lane, Pleasant Hill, expressed concern about the removal of the urban reserves and questioned the adequacy of the developable land remaining in the community. He said the removal of the reserves would make it more difficult for him to annex the property he owned in that area. He believed the value of his land would be diminished as a result. Mr. Ward concurred with the written

submission of the Lane County Homebuilders Association. He said the land available for development should be increased.

**Bill Kloos**, PO Box 11906, Eugene, representing the Lane County Homebuilders Association, said that under State statute, the community needed to have a 20-year supply of developable land. He suggested the reserves be retained because they could come in handy in the future.

Mr. Kloos said the absence of a parcel-specific Metro Plan Diagram was a serious problem. Such a diagram was needed. He was often unable to respond to his clients when they asked what their properties were designated. Mr. Kloos noted that two Web sites, one containing an Excel spreadsheet with parcels and the second with a parcel-specific Metro Plan Diagram, had been removed from the LCOG web site following the hearing before the Joint Planning Commissions. He said that rather than moving away from parcel specificity, the community should be moving toward it. He did not understand that.

There being no further requests to speak, Mayor Torrey deemed the oral portion of the public hearing closed.

Ms. Bettman, seconded by Mr. Poling, moved to hold the record for the Eugene City Council open for ten days. The motion passed unanimously.

Ms. Fitch, seconded by Ms. Ballew, moved to hold the record for the Springfield City Council open for ten days. The motion passed unanimously.

Mr. Dwyer, seconded by Mr. Hampton, moved to hold the record for the Lane County Board of County Commissioners open for ten days. The motion passed unanimously.

Ms. Heinkel indicated the record would remain open until February 20, 2004.

Staff addressed the testimony. Ms. Heinkel anticipated the majority of the staff response would be in writing.

Speaking to the testimony offered by Mr. Hale, Ms. Heinkel clarified that the periodic review process was not intended to be a visioning process or a redraft of the Metro Plan; that did not mean there were not other changes that were required, and some were discussed tonight.

Speaking to Ms. Cuellar's testimony, Ms. Heinkel clarified the projection had not changed; it was the projection for the UGB. Staff recommended the changes before the elected officials because the planning commissions had pointed out there were three different projections in the plan. Staff reviewed the document and determined where different projections were needed. She said the projection change did not change the findings, conclusions, or policies of the Residential Lands Study.

Speaking to Mr. Kloos' testimony, Ms. Heinkel said the intent of the diagram changes and the recommended text changes were to make the diagram parcel-specific except where a parcel borders more than one designation. Those interpretations would be made with input from the community.

Mayor Torrey invited questions and comments.

Ms. Bettman asked how many parcels bordered on more than one designation. Ms. Heinkel said the vast majority of parcels would be parcel-specific in the new diagram. Ms. Bettman questioned what resources would be needed to accomplish the goal of a truly parcel-specific diagram. Ms. Heinkel said she would attempt to secure a cost estimate.

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Mr. Sorenson determined from Ms. Wiederhold that there was no change to the number of air monitoring site in the Eugene-Springfield metropolitan as a result of the plan amendments. Mr. Sorenson expressed concern a single monitoring site might not be adequate.

Mr. Sorenson noted a loss of manufacturing employment in the United States and asked if that change was being reflected in local planning documents. Ms. Heinkel said the Economic Element of the plan was not updated as part of periodic review. She said the issue was last examined through the Metropolitan Industrial Lands Study of 1990. Mr. Sorenson suggested the topic had an impact on the population estimates. Ms. Heinkel indicated she would provide the elected officials with information about the methodology used to establish the projections.

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Responding to a question from Ms. Taylor, Ms. Heinkel indicated a written response regarding the testimony on the Willamette Greenway Study would be provided to all the elected officials.

Ms. Morrison, seconded by Mr. Dwyer, moved third reading of the ordinance. The motion passed unanimously.

The meeting adjourned at 8:01 p.m.

(Recorded by Kimberly Young)



**ATTACHMENT B**  
**Testimony and Additional Information Submitted For the**  
**February 10, 2004 Public Hearing Record**

<b>Name/Affiliation</b>	<b>Exhibit A Housekeeping</b>	<b>Exhibit B Chapter III-C</b>	<b>Exhibit C Diagram</b>	<b>Other</b>
1. Clingman, Bill LCOG GIS Staff			Data on # parcels bordering a different designation	
2. Emmons, Robert		Amend Policies 25, 29 and other comments		
3. Guzowski, Ken Eugene Planning	Historic Preservation Element Amendments (See Replacement Pages)			
4. Hancock, Allen		Forest lands; riparian setbacks; stream side vegetations protections		Continue Willamette River Greenway Study; increase air monitoring stations
5. Handy, Rob				Complete Willamette Greenway Study; add more air quality monitoring stations
6. Heinkel, Carol LCOG Metro Plan/Periodic Review Coordinator	Add Replacement Page to fix typo on page II-C-6			
7. Jeffries, Deborah			UGB location	
8. Jones, Kevin		Goals 3 and 4		

<b>Name/Affiliation</b>	<b>Exhibit A Housekeeping</b>	<b>Exhibit B Chapter III-C</b>	<b>Exhibit C Diagram</b>	<b>Other</b>
9. Kloos, Bill On behalf of Homebuilders Ass.			Make Diagram 100% parcel- specific; keep urban reserves; need inventory of res lands re ORS 197.296	
10. Maguire, Leslie				Add air quality monitoring station
11. Miller, Bruce				Advertised event at UO
12. Perle, Kate Full Circle Community Farm		Goals 3 and 4		
13. Ritter, Jerry				Adopt policies II-F- 2 and II-F-4 for all areas in UGB; delete II-C-5#10 and II-C-6; not enough citizen involvement
14. Segel, Lauri 1000 Friends of Oregon		Goals 3, 4, 5, 6		Complete Willamette R. Greenway Study and add Policy to III-D; air quality monitoring stations
15. Spickerman, James and Lauch, Jonathon On Behalf of Eugene 4-J			Designate Westmoreland and Santa Clara School Sites Residential	
16. Ward, Jack			Don't remove urban reserves	
17. Yeiter, Kurt Eugene Planning			Designate the south half of tl 300 low density residential	
18. Noble, Bob Eugene Airport Staff		Edits to finding 21 related to airport noise.		

**HEINKEL Carol A**

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**From:** CLINGMAN Bill W  
**Sent:** Friday, February 20, 2004 5:45 PM  
**To:** HEINKEL Carol A; 'billkloos@landuseoregon.com'  
**Cc:** CUELLAR Roxie (SMTP); YEITER Kurt M; METZGER Mark; SCOLLA Connie J  
**Subject:** RE: Metro Periodic Review Materials

My GIS analysis of the proposed Metro Plan diagram indicates that about 8,355 parcels, or between 10 and 11 percent, of the 80,310 parcels inside the Plan area would fall into the category of carrying one plan designation and bordering directly on (not simply across the street from) some other plan designation(s). This number includes situations such as "High Density Residential" being adjacent to "High Density Res Mixed Use", for example, and other places where "Mixed Use" is not the parent designation but is an overlay. I can go back through and filter those out, if necessary, but wanted to get something out to you before I left for the day.

# Kurt Elected Officials Comments/ Questions

① Mr. Kelly commended the reorganization of the document. He requested that the Eugene council be provided with copies of the Eugene Planning Commission's minutes reflecting its discussion on the topics before the elected officials prior to the work session at which the council would take action.

OK  
② Responding to a question from Mr. Kelly, Ms. Wiederhold explained that the text was written as though adopted. - Ex B

Carol  
③ Responding to a question from Mr. Kelly about the two Willamette Greenway policies proposed for deletion, Ms. Heinkel explained that both policies speak to the implementation of State Goal 15, and they were replaced by a new Finding 11 that spoke to how that implementation would be accomplished.

Mark  
4. Ms. Ballew asked how the Emerald Peoples Utility District court action regarding service to the area now served by Pacific Gas & Electric affected the proposals before the elected officials. Ms. Heinkel said that staff was aware of the action and would respond to the question in writing after more research.

5. Responding to a question from Ms. Fitch regarding the staff recommendation to insert the objectives, Ms. Heinkel said the planning commissions had not reviewed the change. The staff recommendation to include the objectives was based on legal advice from Lane County's counsel that they provided legislative intent.

6. Mr. Kelly referred to the Energy Section in the Metro Plan and asked why Policy J1, which recommended the coordinated development of a detailed metropolitan energy management plan, was proposed to struck. He thought the exercise would be a valuable one. Ms. Heinkel noted the change was included in the housekeeping items and explained that the effort had been attempted but abandoned due to a lack of interest. Mr. Kelly expressed interest in knowing the opinions of others as he thought the idea had merit.

Carol  
7. Mr. Kelly asked why the Willamette Greenway study was dropped. Ms. Heinkel said the State legislature passed Senate Bill 920, which set out the mandated periodic work task items and gave local jurisdictions the opportunity to stop work on nonmandated items. The study was in draft form but the work item was removed from the work plan because it was not mandated. The continuation of the study was a separate question from periodic review.

Kent  
8. In response to a question from Mr. Kelly regarding the elimination of Forest Policy 17 from Exhibit B and where its intent was captured, Ms. Heinkel agreed to follow-up in writing.

Carol  
9. Ms. Morrison expressed hope that the elected officials would not have to revisit some of the residential lands studies as a result of the statement in II-A-2 regarding population decreases. Ms. Heinkel assured her it did not result in that. She said the number referred to by Ms. Morrison was a clarification of the previous population figure, which was for a study area and did not relate to the urban growth boundary.

Carol  
10. Ms. Bettman requested staff to provide comments on why policy changes were proposed in Exhibit A.

on with  
chart  
W14  
Kent  
**Public Testimony**

**Lauri Segel**, 120 West Broadway, Eugene, spoke on behalf of 1,000 Friends of Oregon. She submitted written testimony for the record. Ms. Segel referred to the goal 3 and 4 policies and suggested there was inconsistency in the policy language. She cited Policy C-1 as an example, saying with within the policy statement there were relevant factors for determining what land would be considered for inclusion in the UGB. The factors included several factors such as ownership patterns and proximity to agricultural soils or current farm uses. Those factors were not reflected in State law or statute; she maintained there were statutes forbidding the metropolitan area from taking those factors into consideration. She cited Oregon Revised Statute 660.033.0030, which stated that Goal 3 attached no significance to ownership when determining a parcel was agricultural. She also found a Goal 4 inconsistency in that the policy language defined forests based on US Department of Agricultural soil ratings translated into productivity ratings and existing forest cover. She maintained that in State rules forest lands were those acknowledged to be forest lands.

W-2  
Kath  
**Robert Emmons**, 40093 Little Fall Creek Road, Fall Creek, spoke to policies in Goal 5. He recommended the following amendment to existing Policy 25: "Springfield, Lane County, and Eugene shall consider downstream impacts for water quality when planning for urbanization, flood control, urban storm runoff, and recreational needs in near proximity to the Willamette and McKenzie rivers. He suggested that Policy 29 be changed to "The air, water, and land resource quality of the metropolitan area has not been assessed since adoption of the Metro Plan in 1982. Prior to the completion of the next Metro Plan update, the air, water, and land resource quality of the metropolitan area must be reassessed."

Mr. Emmons disagreed with a contention in the plan that the Goal 5 wetland and riparian corridor requirements for the area between the UGB and plan boundary adequately addressed fish habitat, saying it was not substantiated and staff should be identifying how fish habitat was being protected. He believed the current Lane County riparian setbacks were inadequate to protect fish habitat. He recommended one tree length as the minimum distance needed. He called for the reconsideration and strengthening of the habitat conservation zone proposal.

W-13  
Carol  
**Jerry Ritter**, 1865 Yolanda Avenue, Springfield, said he represented Oregon Communities for a Voice in Annexation. He indicated his organization's support for policies that required new development to pay for the cost of the capacity needed to serve it. He supported the inclusion of language regarding voluntary annexation and asked that the text be revised to include all unincorporated areas in the UGB, suggesting that to do otherwise was a violation of Oregon's equal protection clause. He said that those in the unincorporated areas were not interested in annexing to Springfield. He indicated strong support for citizen involvement but did not think the Metro Plan represented the public will as he believed it had little public involvement. Mr. Ritter submitted written testimony.

Kurt

W-7  
↓  
new  
Debra Jeffries, 3800 North Delta Highway, Eugene, said the map continued to portray her property incorrectly. She asked that the map be corrected. Ms. Jeffries commended Lane County for taking the Safe Harbor approach to wetlands protection as she believed it demonstrated economic responsibility. She said Eugene had budgeted considerable money for its effort and was not close to being done because of the inventory requirement. She asked the elected officials to pay attention to the economics of the issue.

Sam  
Ms. Jeffries asserted that the MPC process did not work for periodic review. She further asserted that the State did not require an inventory and evaluation of Goal 5 resources. She interpreted the intent and purpose of the relevant Oregon Administrative Rule as establishing procedures and criteria for the purpose, and asked that the elected officials review the rule.

Carol  
as  
mtg-1  
oral  
Jim Hale, 1715 Linnea Avenue, Eugene, a member of the committee that created the first Metro Plan, advocated that the community discard the Metro Plan and begin again. He said the data the document was based upon was not up-to-date. He said the elected officials should consider the most effective and inexpensive way to deliver services, and called on them to discard the principle that cities were the providers of urban services. Mr. Hale advocated for metropolitan service districts governed by the Board of County Commissioners. He called on the elected officials to spend more money on police services. Mr. Hale asked the elected officials to do things "differently" in a way citizens could easily see, and perhaps save more money to do other things the community wished to accomplish.

Kath  
Feb-2  
Charles Biggs - leave record open  
Jan Wilson, 1260 President Street, Eugene, asked that the written record be left open so she could address some of the issues raised at the earlier work session. She opposed the Safe Harbor approach and urged Lane County not to adopt it. She opposed the elimination of statements that required the performance of an ESEE analysis. She asked for the inclusion of a policy that prioritized the ESEE process to protect sites on the inventory when proposed for development.

W-11  
Bruce Miller, PO Box 50968, Eugene, did not address the subject of the hearing but instead announced an upcoming meeting of the State Board of Higher Education.

Carol  
Feb-3  
Robert O'Brian, 3525 Gilham Road, Eugene, expressed concern about the deletion of the Willamette Greenway Study from the periodic review process. He expressed concern about the potential of further development in the Greenway, and suggested the fact there was a State goal related to the Willamette River spoke to its importance to Oregonians. Mr. O'Brian cited OAR 660.015.0005. He asked the elected officials to ensure the study was done, even if not mandated.

Carol  
Feb-4  
Roxie Cuellar, 2053 Laura Street, Springfield, represented the Lane County Homebuilders Association, also asked that the record be kept open. She asked the elected officials to reconsider the findings and policies associated with the residential lands supply. Ms. Cuellar said there was a change in the population estimate. The Residential Land Use Study relied on a range of numbers, and there was now a change in the finding that was limited to a single number, which affected the other factors in the study. It made some of the findings, such as Finding 3 related to needed housing units, inaccurate. She thought if the population estimate was to be

changed, other things should be changed as well. She suggested the former population estimate be retained. Ms. Cuellar also suggested the tables in the document should be dated.

*Kathi*  
*trial-5*  
**Kevin Matthews**, 120 West Broadway, representing the Friends of Eugene, also asked that the record be left open. He noted the completion of other studies and advocated for the completion of the Natural Resources Study. He said that there was discussion of running Highway 99 along the riverfront, so the planning was critical. Mr. Matthews suggested that the result of some of the changes being proposed would be to water down the Metro Plan so it was consistent with the community's inability to do effective natural resource planning. He asked the elected officials to maintain the Metro Plan's requirements for substantive natural resource planning with an effective completion date, and to discard the amendments before them.

*trial-6*  
**Steve Moe**, PO Box 847, Springfield, also a member of the original committee that created the Metro Plan, suggested that the plan was not fulfilling its initial intent, which was to bring all the partners together to process land use decisions of an area-wide impact in a positive way. He said that while Springfield had declined to involve itself in Eugene's 6<sup>th</sup>/7<sup>th</sup> widening project, the Lane County board had inserted itself in the ambulance district issue faced by Eugene and used its veto power to affect events. He thought the fact one jurisdiction could veto a major project in another jurisdiction was a serious problem. Mr. Moe pointed out that Eugene-Springfield was the only Oregon community with such a planning pact and advocated for each city to move forward with its own general plan to recognize the uniqueness of each community.

*0-7*  
**James Seaberry**, 3294 Stark Street, Eugene, did not understand the prohibition on special districts now included in the plan. He invited the elected officials to contact him so he could share his thoughts with them.

*W-5*  
**Rob Handy**, 455-1/2 River Road, Eugene, spoke of his concerns regarding development pressures in the Willamette Greenway, and asked the elected officials to complete the Willamette Greenway Study to demonstrate the community's concern about the river. He said the plan was otherwise inconsistent with Goal 15.

*8-8*  
**Mark Rabinowitz**, 28549 Suthern Lane, Eugene, supported the removal of the urban reserves from the Metro Plan Diagram. However, he objected that the plan appeared to be a lot of policies without any follow-through. As an example, he cited policies related to conservation and what he considered a contrary decision to construct the West Eugene Park. He said the parkway should be canceled as it was his opinion the projections about the number of cars it would carry were exaggerated. Mr. Rabinowitz shared his personal philosophy about the use of petroleum products with the elected officials, which he believed represented sufficient reason to revise the plan to prepare for a time when petroleum products were more expensive.

*U-15*  
**John Louch**, 715 West 4<sup>th</sup> Avenue, Eugene, representing Eugene School District 4J. He supported the removal of the Public Lands designation for surplus property in Santa Clara owned by the school district. He said the district was attempting to rezone the property in advance of marketing it. The property was currently zoned Public Lands/Neighborhood Commercial. It was adjacent to neighborhood commercial uses. Mr. Louch noted the staff suggestion the

designation would revert to low-density residential if designated, and asked that the property be redesignated for commercial use instead. He pointed out that the current diagram was from the 1982 plan, and it showed an undefined amount of commercial property along River Road. He believed that was a sensible conclusion given the exposure of the property to the intersection of River Road and Hunsaker Lane. He said that more commercial land, rather than less, would provide the district with greater flexibility and maximize the revenue from the property's sale.

W-15  
**Jim Spickerman**, 975 Oak Street, Suite 800, represented School District 4J. He echoed Mr. Louch's request for the Santa Clara property owned by the school district as well as for other district-owned properties. He suggested the elected officials could make the adjustment at this time, and recommended it rely on the adopted 1982 Metro Plan Diagram.

W-16  
~~Jack~~  
**Steve Ward**, 84434 Pheasant Lane, Pleasant Hill, expressed concern about the removal of the urban reserves and questioned the adequacy of the developable land remaining in the community. He said the removal of the reserves would make it more difficult for him to annex the property he owned in that area. He believed the value of his land would be diminished as a result. Mr. Ward concurred with the written submission of the Lane County Homebuilders Association. He said the land available for development should be increased.

W-9  
**Bill Kloos**, PO Box 11906, Eugene, representing the Lane County Homebuilders Association, said that under State statute, the community needed to have a 20-year supply of developable land. He suggested the reserves be retained because they could come in handy in the future.

Mr. Kloos said the absence of a parcel-specific Metro Plan Diagram was a serious problem. Such a diagram was needed. He was often unable to respond to his clients when they asked what their properties were designated. Mr. Kloos noted that two Web sites, one containing an Excel spreadsheet with parcels and the second with a parcel-specific Metro Plan Diagram, had been removed from the LCOG web site following the hearing before the Joint Planning Commissions. He said that rather than moving away from parcel specificity, the community should be moving toward it. He did not understand that.

There being no further requests to speak, Mayor Torrey deemed the oral portion of the public hearing closed.

Ms. Bettman, seconded by Mr. Poling, moved to hold the record for the Eugene City Council open for ten days. The motion passed unanimously.

Ms. Fitch, seconded by Ms. Ballew, moved to hold the record for the Springfield City Council open for ten days. The motion passed unanimously.

Mr. Dwyer, seconded by Mr. Hampton, moved to hold the record for the Lane County Board of County Commissioners open for ten days. The motion passed unanimously.



*Staff has recommended the*  
Ms. Heinkel ~~indicated~~ the record would remain open until February 20, 2004.

Staff addressed the testimony. Ms. Heinkel anticipated the majority of the staff response would be in writing.

Speaking to the testimony offered by Mr. Hale, Ms. Heinkel clarified that the periodic review process was not intended to be a visioning process or a redraft of the Metro Plan; that did not mean there were not other changes that were required, and some were discussed tonight.

Speaking to Ms. Cuellar's testimony, Ms. Heinkel clarified the population projection had not changed; it was the projection for the UGB. Staff recommended the changes before the elected officials because the planning commissions had pointed out there were three different projections in the plan. Staff reviewed the document and determined where different projections were needed. She said the projection change did not change the findings, conclusions, or policies of the Residential Lands Study.

Speaking to Mr. Kloos' testimony, Ms. Heinkel said the intent of the diagram changes and the recommended text changes were to make the diagram parcel-specific except where a parcel borders more than one designation. Those interpretations would be made with input from the community.

Mayor Torrey invited questions and comments.

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Responding to a question from Ms. Taylor, Ms. Heinkel indicated a written response regarding the testimony on the Willamette Greenway Study would be provided to all the elected officials.

Ms. Morrison, seconded by Mr. Dwyer, moved third reading of the ordinance. The motion passed unanimously.

The meeting adjourned at 8:01 p.m.

(Recorded by Kimberly Young)

## WIEDERHOLD Kathi M

---

**From:** NOBLE Bob P  
**Sent:** Monday, February 09, 2004 2:40 PM  
**To:** WIEDERHOLD Kathi M  
**Subject:** RE: UPDATE OF METRO PLAN NOISE FINDING

**Importance:** High

Kathi,

I left a voice mail for you. I am editing the version you sent :

~~3121. The City of Eugene Mahlon Sweet Field Airport Noise Exposure Impact Boundary Analysis, April 2000, November 1980,~~ was found to be in compliance with state airport noise standards by the State of Oregon Department of Environmental Quality. ~~in January 1981.~~

-----Original Message-----

**From:** WIEDERHOLD Kathi M  
**Sent:** Wednesday, January 28, 2004 9:57 AM  
**To:** NOBLE Bob P  
**Subject:** RE: UPDATE OF METRO PLAN NOISE FINDING

Bob, just a gentle reminder to check on this, please. Our meeting with the elected officials on this is Feb. 10. thanks.  
kathi

-----Original Message-----

**From:** NOBLE Bob P  
**Sent:** Wednesday, January 07, 2004 11:30 AM  
**To:** WIEDERHOLD Kathi M  
**Cc:** Tom Schnetzer (E-mail)  
**Subject:** RE: UPDATE OF METRO PLAN NOISE FINDING

I will have to research this just a bit. Do I have a deadline? BN

-----Original Message-----

**From:** WIEDERHOLD Kathi M  
**Sent:** Wednesday, January 07, 2004 11:09 AM  
**To:** NOBLE Bob P  
**Subject:** UPDATE OF METRO PLAN NOISE FINDING

Hi Bob, we (planners from LCOG and the 3 jurisdictions) are updating Metro Plan Chapter III-C Environmental Resources, which contains findings and policies about noise. Would you please edit the following finding to update it? In particular, are there more recent dates for the analysis and compliance? The legislative format reflects proposed changes to the existing finding. Thanks.

~~3121. The City of Eugene Mahlon Sweet Field Airport Noise Impact Boundary Analysis, November 1980,~~ was found to be in compliance with state airport noise standards by the State of Oregon Department of Environmental Quality in January 1981.

February 10, 2004

City and County officials:

Regarding the Metro Plan, Chapter III C, Environmental Resources Element  
Goal 5: Open Space Policies

Please take the following recommendations into consideration.

Existing Policy #25 states:

“Springfield, Lane County, and Eugene shall consider downstream impacts when planning for urbanization, flood control, urban storm runoff, recreation, and water quality along the Willamette and McKenzie Rivers.

**I suggest the following amendment:**

Springfield, Lane County, and Eugene shall consider downstream impacts ON WATER QUALITY when planning for urbanization, flood control, urban storm runoff, AND recreational NEEDS IN NEAR PROXIMITY TO the Willamette and McKenzie Rivers.

Existing Policy #29 states:

“Prior to the completion of the next Metro Plan update, the air, water, and land resource quality of the metropolitan area will be reassessed.

THIS POLICY STATEMENT HAS BEEN IN THE METROPLAN SINCE THE 1980'S. SO FAR INEFFECTIVE - CHANGE TO: THE AIR, WATER, AND LAND RESOURCE QUALITY OF THE METROPOLITAN AREA HAS NOT BEEN ASSESSED SINCE ADOPTION OF THE METRO PLAN IN 1982. Prior to the completion of the next Metro Plan update, the air, water, and land resource quality of the metropolitan area MUST BE reassessed.

Another finding claims: “The Goal 5 Wetland and Riparian Corridor Requirements for the area between the UGB and the Plan Boundary adequately address fish habitat.” This is unsubstantiated. Staff needs to identify how fish habitat is being adequately “protected” not ‘addressed’.

In fact the present riparian ordinance makes a mockery of the meaning of protection. It is, rather, a concession to development interests, the same agents who are here tonight to amend, delay implementation or otherwise undermine Goal 5 requirements for the protection of riparian areas and other wildlife habitat. Habitat also means that riparian buffer along waterways that not only provides food and shelter for birds and mammals, but also provides the shade and filtration necessary for fish survival.

The existing 100' and 50' setbacks fail both the scientific and common sense tests. Ecologists and other scientists agree that one tree length, or at least 200', is the *minimum* distance

necessary to preserve the health of our riparian corridors and the myriad creatures on the land and in the water that depend on it.

A few years ago, Lane County commissioned an 18-month study in which a Lane County planner and watershed, real estate and homebuilding representatives came to much the same conclusion. However, yielding to developers' agents who claimed it is "too complex" and "unworkable", the Board of County Commissioners tabled this proposal.

As the Matthew's house teeters on the brink of the McKenzie River and as other houses and septic and riprap proliferate in flood plains, wetlands and meanders—areas where nature, in the final analysis does not wish us to be—it is past time to resurrect the Critical Habitat Conservation Zone proposal and to strengthen it. To counter our "ruinous attempt to 'improve' on the creation", as writer Wendell Berry has observed, "now we are under an obligation to leave it better than we found it, by undoing some of the effects of our meddling and restoring its old initiatives—by making our absence the model of our presence."

Robert Emmons  
40093 Little Fall Creek Road  
Fall Creek, OR 97438



# MEMORANDUM

City of Eugene  
99 West 10<sup>th</sup> Avenue  
Eugene, Oregon 97401  
(541) 682-5562  
(541) 682-5572 FAX  
[www.ci.eugene.or.us](http://www.ci.eugene.or.us)

**Date:** February 19, 2004

**To:** Kurt Yeiter, Principal Planner, Planning & Development Department

**From:** Ken Guzowski, Planning & Development Department

**Subject:** Changes to the Historic Preservation Element of the Eugene/Springfield Metro Area General Plan 1987 Update.

The Eugene Modernism 1935-1965 historic context statement contains a strategy that states: *Strategy 19. Revise the Historic Preservation Element in the Metro Plan to eliminate outdated findings and policies. (High Priority) [Page 16.3]* Eugene's Historic Review Board identified the need to revise the Historic Preservation Element because it contains outdated wording for Finding #6, and Policies #6, #7, and #8.

The purpose of the proposed changes are to remove the specific focus on identifying and protecting archeological resources and balance protection with all historic resource types which traditionally include buildings, districts, sites and objects. Archeological resources are traditionally classified as "sites."

Finding 7 recommends removing the first sentence as it seems unnecessarily directed at archeological sites. Proposed wording is intended to be inclusive of historic and archeological sites.

Policy 6 points to completing a working paper for resource management of archeological sites which we do not have funding for. We recommend deleting Policy 6.

Policy 7 tells local governments to develop a list of experts to identify and evaluate archeological sites. The Oregon State Historic Preservation Office already provides this service, removing the onus from the local jurisdictions. We recommend deleting Policy 7.

Policy 8 is specific to seeking grants for archeology. The suggested change is worded to seek funding for "historically significant" sites, which would be inclusive of archeology, should the need arise.

The attached draft of the deletions and additions to the Historic Preservation Element illustrate the recommended wording.

If you have further questions I can be reached at [ken.j.guzowski@ci.eugene.or.us](mailto:ken.j.guzowski@ci.eugene.or.us) or at 682-5562. Thank you.

## **I. Historic Preservation Element**

The metropolitan area has experienced, and it appears will continue to experience, growth and change. On the other hand, public interest and commitment to historic preservation has been increasing, at least partly due to recognition that historic structures, sites, and areas which provide a tangible physical connection with the past are a nonrenewable resource. This link with previous times provides a sense of permanence, continuity, and perspective to our lives, as well as a context within which change occurs. Historic structures can enrich our lives by offering architectural diversity to the visual environment and provide tangible links to the future.

### **Findings**

1. Programs and publications that identify sites, structures, objects, and cultural areas and activities of historic significance serve as a visual and educational experience for the public.
2. Structures and sites of historic significance contribute to an area's ability to attract tourism.
3. The metropolitan area has an important heritage of historic sites, structures, and objects worthy of preservation.
4. When positive measures are not taken, visible evidence of ties to the past and reminders of our heritage disappear.
5. To varying degrees, Springfield, Lane County, and Eugene are currently designing and implementing programs of historic preservation and awareness.
6. ~~While several archaeological sites are located in the metropolitan area, the value and significance of only one has been determined.~~ There remain many sections of the metropolitan area in which no surveying has been done to locate historic and archaeological sites.
7. Historic preservation programs generally allow continued and changing occupancy of historic structures and sites.
8. Beginning with the Antiquities Act of 1906 and through the present time, both the federal and Oregon state governments have expressed an interest in and enacted laws providing for the protection and preservation of sites, structures, objects, and areas of historic significance.
9. Depending on the nature and condition of an individual structure, rehabilitation, rather than replacement, may be less costly per square foot, more labor-intensive, and less energy-consuming, thereby resulting in net savings.

### **Goal**

Preserve and restore reminders of our origin and historic development as links between past, present, and future generations.



## Objectives

1. Develop and expand public awareness of the metropolitan area's origin, development, and history.
2. Encourage preservation and restoration of sites, structures, objects and areas of cultural, historic, and archaeological significance for the enjoyment and knowledge of present and future generations.

## Policies

1. Adopt and implement historic preservation policies, regulations, and incentive programs that encourage the inventory, preservation, and restoration of structures; landmarks; sites; and areas of cultural, historic, or archaeological significance, consistent with overall policies.
2. Institute and support projects and programs that increase citizen and visitor awareness of the area's history and encourage citizen participation in and support of programs designed to recognize and memorialize the area's history.
3. Explore the feasibility of a metropolitan nonprofit historic preservation development organization to bring together public and private funding sources.
4. Periodically review state and federal programs intended to assist in preservation of historic and archaeological sites for possible use in connection with local implementation programs.
5. Monitor and evaluate the effect of these actions on other adopted policies and the metropolitan area as a whole.
- ~~6. Local jurisdiction shall develop a working paper before the end of the next *Plan* update and adopt policy guidelines for resource management of archaeological sites using the information from the University of Oregon study entitled "Archaeological Resources of the Eugene-Springfield Metropolitan Area, Oregon: Overview and Management Recommendations," and any other available information. This working paper shall (inventory) and examine a process for determining significance of the archaeological sites identified in the University of Oregon study and shall contain a procedure for determining the significance of new sites. A public hearing will be held prior to the adoption of the working paper and accompanying inventory.~~
- ~~7. Local governments shall develop a list of experts qualified to assist with the identification and evaluation of archaeological sites.~~
8. Local governments shall pursue grants from all available sources to assist with the identification and evaluation of archaeological ~~historically significant~~ sites.

## HEINKEL Carol A

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**From:** YEITER Kurt M  
**Sent:** Wednesday, February 11, 2004 11:19 AM  
**To:** HEINKEL Carol A  
**Cc:** METZGER Mark; SCHULZ Stephanie E  
**Subject:** FW: changes to the Metro Plan

For the PR record, please.

-----Original Message-----

**From:** Allen Hancock [mailto:impact@efn.org]  
**Sent:** Tuesday, February 10, 2004 5:20 PM  
**To:** mayorandcc@ci.eugene.or.us; cstephens@ci.springfield.or.us; lcbcccom@co.lane.or.us  
**Subject:** changes to the Metro Plan

Dear elected officials,

When considering changes to the Metro Plan, I urge you to set policy that will protect farm and forest lands from the encroachment of urban and rural development. Enhance, rather than convert, forest lands and include soil rating and soil science when determining the productivity of agricultural lands. All statewide planning goals relating to preservation/protection and enhancement of scenic quality(including open space), water quality, wildlife and wildlife habitat, and passive recreation opportunities shall be given the same consideration as land zoned for forest uses witting the urban growth boundary.

Reinstate the Willamette River Greenway Permit Study, that will inform the impact of development permits in the Greenway, and was supposed to inform more appropriate policy and zoning actions in the Willamette River Greenway. Provide adequate riparian setbacks to offset development impacts, and conservation and improvement of stream side vegetation protections along water courses.

Support funding and policy that increases more air monitoring stations, and better placement of those stations for more effective monitoring of carbon monoxide levels.

Thank you,  
Allen Hancock  
Eugene

## HEINKEL Carol A

---

**From:** Rob Handy [handyrob@hotmail.com]  
**Sent:** Friday, February 20, 2004 11:24 AM  
**To:** cheinkel@lane.cog.or.us  
**Subject:** Metro Plan comments

Hi Carol

Can you please enter these comments(below) into the record and forward to decision makers? Thanks. Nice job running a tough meeting last week. -Rob

\*\*\*\*\*

Dear Metro Plan Decision Makers

I urge you to fund and support the Willamette Greenway Study. It's important we know the impacts on our Greenway heritage as we contemplate new development possibilities.

Additionally, when crafting changes to the Metro Plan, please consider adding more air quality monitoring stations within the Metro Plan Boundary. For more effective monitoring of carbon monoxide levels, more(and better placed) air monitoring stations are needed. The one current station that is surrounded by the forested residential neighborhood and parkland of South Eugene is inadequate for monitoring what is in our airshed.

Thank you,

Rob Handy

---

Say "good-bye" to spam, viruses and pop-ups with MSN Premium -- free trial offer! <http://click.atdmt.com/AVE/go/onm00200359ave/direct/01/>

## YEITER Kurt M

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**From:** HEINKEL Carol A  
**Sent:** Thursday, February 19, 2004 2:14 PM  
**To:** YEITER Kurt M  
**Cc:** SCHULZ Stephanie E; HOWE Kent; MOTT Gregory; METZGER Mark; MUIR Susan L  
**Subject:** Periodic Review: Housekeeping Amendments

I am entering the following change to Exhibit A page II-C-6 into the record:

1. Eugene and Springfield and their respective utility branches, Eugene Water & Electric Board (EWEB) and Springfield Utility Board (SUB), shall be the water **and electrical** ~~and electrical~~ service providers within the UGB.



Date: February 10, 2004  
Meeting: Joint Public Hearing on Ordinance Amending the Eugene- Metro  
Plan to Adopt as Part of Periodic Review Metro Plan Housekeeping  
Revisions  
Public Testimony: Deborah P. Jeffries  
3800 North Delta Highway  
Eugene, OR 97408

RE: The proposed UGB Metro Plan Boundary Map  
Interpretation of government inventory methodology based on  
jurisdiction

#### UGB Metro Plan Boundary Map

Following testimony the night of February 10, 2004, Neil Bjorkland phoned the next day to request that I submit, for the public record, documents given to Lane Council of Government and City of Eugene staff over the years supporting my position of the UGB Line mapping error on tax lot 17 03 07 00 00304.

Enclosed are documents from the 1988 rezoning of the above property from SG (Sand & Gravel) to EFU-30. Each example has been numbered for easier reference.

Item 1: June 30, 1988 Lane County Staff Report on the subject property. This report was prepared by Jerry Kendall, Lane County Planning staff. On page 1, the parcel is described as 33+/- acres. On page 5, the Public Hearing Notice prepared by Lane County staff refers to the parcel as 33 acres. Of particular interest is the map that includes the UGB line in dispute (highlighted in pink). That line follows the lines from the accessor's map, marked as Item 2. The line is highlighted in pink and the property boundary of RiverRidge Golf Course is outlined in yellow.

Item 3: July 15, 1988 Findings of Fact by Gary L. Darnielle, Lane County Hearings Official regarding the rezoning of the property. On page 1, Mr. Darnielle references the parcel as 33+ acres in size.

Item 4: August 8, 1988 Findings of Fact by Gary L. Darnielle, Lane County Hearings Official regarding the special use permit to allow a golf course. Page 1 refers to parcel #1 as 33 acres in size.

Item 5: August 8, 1988 Findings of Fact by Gary L. Darnielle, Lane County Hearings Official regarding the Greenway Development Permit. Page 1 refers to parcel #1 as about 33 acres in size and is bordered by the Eugene UGB.

#### Government Inventory Methodology

Background: Prior to this hearing, I have requested an interpretation from DLCD of whether a local government can use both the standard and safe harbor inventory approach for one resource category. The purpose of the question is because Lane County is exclusively using the safe harbor approach for all three resource categories (Riparian, Wildlife and Wetland). Eugene is using the safe harbor for Wildlife, the standard for Riparian and a required LWI for property inside the UGB. This question is specifically related to the Riparian Corridor resource category.



*Golf Courses*

*Driving Range*

*Instruction*

*Group Events*

*Junior Program*

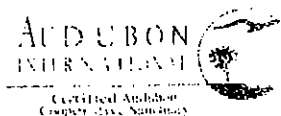
3800 N. Delta Hwy.

Eugene, OR 97408

phone 541-345-9160

fax 541-345-1202

web www.RiverRidgeOR.



7-1

Property that is inside the UGB but to date not annexed into the City of Eugene is subject to the administration of land use rules by Eugene. However, the rules are adopted by Lane County, the local government of the area. The OAR 660-023-0090 does not appear to permit a local government (in this case Lane County) the option to use both standard and safe harbor. This is effectively what would happen since Eugene is insisting on the standard inventory method for this resource category.

I'm sure there has been conversation about this and possibly an interpretation from DLCD, but I have not seen anything in the public record addressing this. I would like the question and hopefully the answer included in the record.

LANE COUNTY HEARING OFFICIAL  
STAFF REPORT

Report Date: June 30, 1988

File No.'s: PA 1447-88,  
1448-88, & 1449-88

## I. PROPOSAL DESCRIPTION

A. Applicant/Owner: Eric Jeffries  
1509 Willamette St.  
Eugene, Or. 97401

Agent: Jim Saul  
Jim Saul & Associates  
P.O. Box 1650  
Eugene, Or. 97440

## B. Proposals:

1. Rezone 33+/- acres of the western portion of subject parcel from Sand, Gravel, and Rock Products to Exclusive Farm Use Zone; Rezone 13+/- acres south of Ayres Road from (unzoned) to Exclusive Farm Use Zone. (PA 1448-88) E-3.
2. Obtain a Special Use Permit for a golf course in the EFU zone as per L.C. 16.212(4)(d). (PA 1447-88)
3. Obtain a Greenway Development Permit for a golfcourse as per L.C. 16.254(4). (PA 1449-88)

## II. RECOMMENDATION

Approval of the request, subject to the following conditions:

1. Applicant is to obtain approval from the Army Corps of Engineers and the Division of State Lands for development in the wetlands area.
2. Applicant is to obtain a Special Use Permit approval from Planning for development within the floodway as per L.C. 16.244 (i.e., approval of PA 1873-88).
3. Applicant is to adhere to the regulations concerning the maintenance, removal and replacement of riparian vegetation found in L.C.16.212(8)(d).
4. This approval is valid for up to two years from the final date of appeal of this action, otherwise the approval will expire and a new application will be required.

5. Bike easement -

1

~~wetlands~~

A. Location and Site Description:

Map 17-03-07, tax lot  
300

Zoning: Western 33+/- acres is SG/RCP; South 13+/- acres is unzoned/RCP (note: area south of Ayres Rd. was originally zoned AGT/U when the county transferred jurisdiction over land within the UGB to the City of Eugene. This portion of the subject parcel was removed from the UGB during Mid-period review and was given a Plan designation of Agriculture but was never re-zoned.)  
A portion of the west 33+/- acres is within a regulatory floodway, part is within an "A5" flood hazard zone.

Plot: 1006

See pages one and two of Applicant's submittal (attached) for description of the subject parcel.

B. Surrounding Area and Zoning

See page two of Applicant's submittal.

C. Services

Fire: Portion of parcel south of Ayres Rd.: Willakenzie Rural Fire Protection District.  
Portion north of Ayres Rd.: May carry fire patrol  
Water: On site well  
Sewage: On site septic system  
Electricity: EWEB  
Access: Ayres Road  
Police: County Sheriff and State Police

D. Referral Responses

1. Building Section/Dave White/6-27-88: Structures are within the UGB of Eugene; no comment.
2. Water Quality & Quantity/Harry Youngquist/6-21-88: No objection; area has adequate ground water.
3. Flood Management/Thom Lanfear/6-23-88: Site is partially within a regulatory floodway, part within an "A5" flood hazard zone and partially out of flood hazard zone. No development including fill may occur in regulatory floodway without an engineering study to determine there



will be no net increase in the base flood level. Development within the "A5" zone will require a floodplain Special Use Permit.

4. Environmental Health/Stan Petrsek/6-21-88: General soil conditions in this area are generally suitable for on site sewage disposal for the density of development proposed, i.e.; a golf course.

#### IV. APPROVAL CRITERIA AND ANALYSIS

##### A. Plan Conformity

See pages three, four, and five of Applicant's submittal.

##### B. Zoning

See pages five and six of Applicant's submittal.

##### C. Lane Code Criteria

###### 1. Zone Change: L.C. 16.252(2)

See pages 3 and 4 of Applicant's submittal.

###### 2. Special Use Permit: L.C. 16.212(5)

See pages 8, 9, and 10 of Applicant's submittal.

###### 3. Greenway Development Permit: L.C. 16.254(4)

See pages 10, 11, 12, and 13 of Applicant's submittal.

Criterion 16.254(4)(b) requiring a 100' setback from the ordinary high waterline for development and changes of use was omitted from the Applicant's report. Air photos of the parcel reveal no substantial encroachment upon the 100 foot required setback from the river's ordinary high waterline since 1978. Adherence to the riparian vegetation maintenance requirements of L.C. 16.212(8)(d) have been incorporated into the conditions of approval.

#### V. FINAL COMMENTS

##### A. Summary and Conclusions

The proposed zone change, Special Use Permit request, and Greenway Development Permit request for construction of a golfcourse appear to meet the respective requirements of the Lane Code, subject to the conditions of approval listed in Section II of this report.

1. The western portion of the subject parcel within the RCP area is currently zoned Sand, Gravel & Rock Products and has a Metro Plan designation of Sand and Gravel.

The portion of the subject parcel south of Ayres Road and within the RCP is currently unzoned and has a Metro Plan designation of Agriculture.

2. The subject property location is Map 17-03-07, tax lot 300, with a total area of approximately 107 acres. Approximately 46 acres is within the RCP.
3. A golfcourse is allowed in an Exclusive Farm Use Zone through a Hearing Official process. The Applicant has sufficiently addressed the requirements for the golfcourse as per L.C. 16.212(5), as well as the requirements for a zone change as per L.C.252(2), and for the Greenway Development Permit as per L.C.16.254(4). Adhering to the conditions of approval including obtaining a Special Use Permit for development in the floodway as per L.C.16.244 will fulfill the remaining requirement of the Lane Code.

**C. Materials to be Part of this Report**

1. Area Map
2. Applicant's text submittal

**D. Materials to be part of the Record**

1. Files PA 1447-88, 1448-88, & 1449-88
2. Lane Code Chapter 16
3. Eugene/Springfield Metro Area General Plan, 1987 Update

# Hearings Official Public Hearing

Time: 1:30 p.m.

Date: July 7, 1988

Place: Harris Hall, 125 E. 8th Avenue, Eugene, OR 97401

Plot No.: 1006

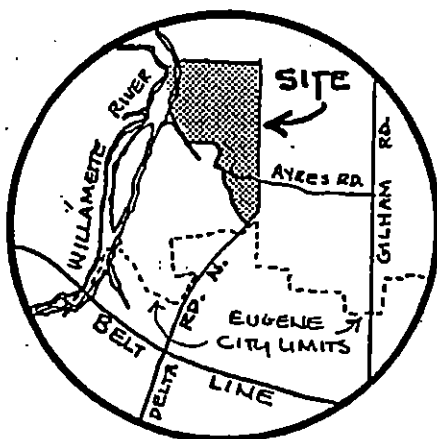
Map No.: 17-03-07 / 300

Applicant: Eric Jeffries; PA 1447-88, PA 1448-88, and PA 1449-88

Location: Ayres Road, Eugene, OR

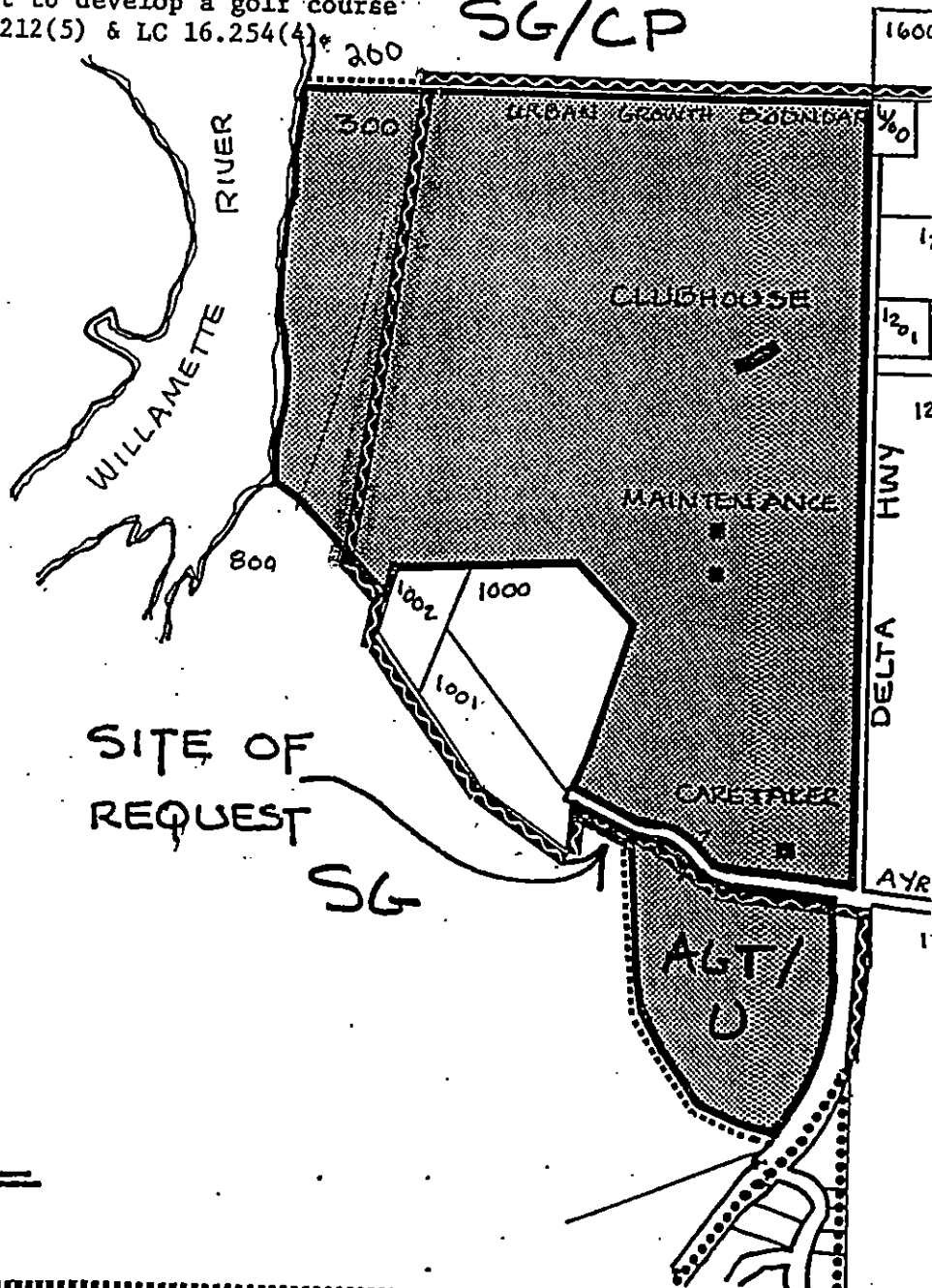
Proposal: Rezone western portion of 33 acres from SG to EFU; rezone south portion of 13 acres to EFU; obtain Special Use permit; and obtain Greenway Development permit to develop a golf course per LC 16.212(5) & LC 16.254(4).

SG/CP



VICINITY MAP

NO SCALE



SITE OF REQUEST

SG

ALG/U

NOTICE TO MORTGAGEE, LIEN HOLDER, VENDOR OR SELLER: ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER.

FOR ANY INFORMATION ON THE PROPOSAL, CONTACT LAND MANAGEMENT DIVISION / COURTHOUSE - 7-7  
PUBLIC SERVICE BUILDING / 125 E. 8TH AVENUE / EUGENE, OREGON 97401 / PHONE (503) 683-4001

**GOLF COURSE APPLICATION**  
**Ayres Property**

**Introduction and Background Information**

The following applications, involving both the City of Eugene and Lane County, are submitted in order to allow development of a golf course on the Ayres property:

1. A conditional use permit application is submitted for that portion of the property which is within the urban growth boundary and thus subject to the jurisdiction of the City of Eugene. That portion of the property was recently zoned RA/UL/SR and golf courses are allowed as conditional use in the RA zone.
2. Site review approval is requested for the proposed golf course development for that portion of the property zoned RA/UL/SR and subject to the jurisdiction of the City of Eugene.
3. A zone change application and special use permit request are submitted for the southern 13 acres of the property which are outside the urban growth boundary and subject to the jurisdiction of Lane County. There is some uncertainty concerning the current zoning classification of this property since it was designated AGT when Lane County transferred jurisdiction over land within the urban growth boundary to the City of Eugene. However, this property had been removed the urban growth boundary during the Mid-Period Review. The purpose of this part of the application is to clarify the zoning status of the 13 acres by applying the Exclusive Farm Use Zone.
4. A zone change application and special use permit request are submitted for the western 33 acres of the Ayres property. This portion of the property is now zoned SG-RCP Sand, Gravel & Rock Products Zone; rezoning to an Exclusive Farm Use Zone [E-RCP] is requested.
5. Approval of a Greenway Development Permit is requested for that portion of the property located within the boundaries of the Willamette River Greenway.

The Ayres property is located between North Delta Highway and the Willamette River. The total property involved is approximately 107 acres. Approximately 61 acres are within the urban growth boundary and zoned RA/UL/SR; about 33 acres are now zoned SG-RCP; and the zoning status of about 13 acres is uncertain. The property may also be identified as Tax Lot 300 of Assessor's Map 17-03-07.

There are two residences and several farm buildings located on the property. A driving range and related improvements are now being constructed on the northeastern portion of the property pursuant to a conditional use permit approved on May 3, 1988 [CU 88-3]. The present application is submitted to allow construction of a full 18-hole golf course on the remainder of the property.

The proposed golf course development encompasses the following scope of activities:

1. Expansion of the parking area approved in conjunction with the driving range to provide a total of 159 spaces;
2. Construction of a residence for the owner and one for a caretaker;
3. Construction of a small equipment building to store items such as mowers; and
4. Grading and installation of tees, fairways and greens.

The residences, equipment storage building and parking will be located on property that is within the urban growth boundary and zoned RA/UL/SR. The golf course itself will be located on property that is both within and outside of the urban growth boundary.

The farm buildings and one small residence now located on the property will be removed as part of the golf course development. The main, older residence will be maintained at this time.

The zoning and development status of surrounding property is briefly summarized below:

1. Land north of the site is outside of the urban growth boundary, designated for sand and gravel extraction in the Metropolitan Plan, and zoned accordingly. Eugene Sand & Gravel conducts its mining operations on this property.
2. Land east of the site, across Delta Highway, is within the urban growth boundary and zoned AG/UL. There are several residences located on the east side of Delta Highway.
3. The Willamette River forms the western boundary of the proposed golf course.
4. Land south and southwest of the site is designated for sand and gravel extraction and zoned accordingly.
5. There are three parcels located adjacent to the south-central portion of the proposed golf course [Tax Lots 1000, 1001 and 1002] which are not part of this application. Those parcels are zoned AG/UL and each has a residence located on it.

In an effort to make some sense of the various applications involved here, they will be addressed in the following sequence:

1. Rezoning of property subject to County jurisdiction to an EFU classification;
2. Conditional use permit approval for property subject to City jurisdiction and zoned RA/UL/SR;
3. Special use permit approval for property being rezoned EFU;
4. Greenway development permit approval; and
5. Site review approval.

#### **Zone Change Application**

As noted in the introduction, rezoning to an exclusive farm use designation is requested for the following two areas of this property:

1. About 13 acres of the site is located south of Ayres Road which extends west of Delta Highway. When the Metropolitan Plan was adopted in 1982, this property was included in the urban growth boundary and designated for residential use. On that basis, this part of the property was included in the transfer of jurisdiction and zoned AG/UL in May, 1987. However, the property had already been removed from the urban growth boundary through an amendment adopted at the time of Mid-Period Review. Since the pre-1987 zoning designation of AGT should not be applied to property outside the urban growth boundary, rezoning to EFU will clarify the status of this portion of the property.
2. About 33 acres of the property is designated for sand and gravel extraction and zoned SG-RCP Sand, Gravel and Rock Products Zone. Rezoning of this portion of the property to an EFU designation is necessary to permit the proposed golf course.

The criteria for evaluation of zone changes are set forth in LC 16.252(2). Generally, those criteria require demonstration of conformity with the appropriate comprehensive plan, shall be enacted to achieve the purposes of Chapter 16, consistent with the public interest, and consistent with the purposes of the zone classification proposed.

1. **Conformity with the Comprehensive Plan**

The applicable comprehensive plan for this area is the Metropolitan

Area General Plan, as amended, which has received acknowledgement of compliance. The following elements of that Plan are applicable to this request:

- a. When the urban growth boundary was modified for the southern 13 acres, the property was designated for agricultural use. A summary of Metropolitan Plan amendments dated July, 1986 contains the following discussion of this property:

"Withdraw 11 acres of Low Density Residential land adjacent to Ayres Road from the UGB to follow the existing Eugene city limits. Change the Plan designation to Agriculture."

[Diagram amendment #15]

Application of EFU zoning to this portion of the property would clearly be consistent with the current designation of the property in the Metropolitan Plan.

- b. The diagram of the Metropolitan Plan designates the western 33 acres of this property as Sand and Gravel. However, the text of the Metropolitan Plan anticipates that certain other uses will be permitted within that designation. Policy #11 of the *Environmental Resources Element* [page III-C-8] is particularly relevant:

"Local governments shall continue, through land use planning and special regulations, to control sand and gravel extraction and production in order to:

- a. Minimize negative effects on surrounding land uses, on air and water quality, and on other natural resources.
- b. Require reclamation plans for extraction and processing areas which encourage reuse of such lands in a manner compatible with adjacent land uses and adopted plans in accordance with state law.
- c. Allow other appropriate uses, such as agricultural production, timber production, parks, and other open space uses. [Emphasis added]

The SG-RCP zoning now applied to the 33 acres does not permit the parks and other open space uses referenced in this policy. The proposed EFU zoning would permit those uses and thus would be consistent with this policy of the Metropolitan Plan.

7-11

The proposed use of the subject property is as a golf course, a type of open space use. Other elements of the Metropolitan Plan also support this type of use and reinforce the application of Policy #11 cited above. The following elements of the text may be cited in this regard:

"Expand opportunities for development of private, recreational facilities." [Objective #6, page III-H-4]

"Encourage the development of private, recreational facilities." [Policy #4, page III-H-5]

2. **Conformity with Purpose of Zone Classification Proposed**

LC 16.212(1) indicates that the EFU zone is to be applied to land designated as agricultural. The proposed rezoning is clearly consistent with that purpose with respect to the thirteen acres since its designation is agricultural in the Metropolitan Plan. The proposed rezoning is also consistent with the policies of the Metropolitan Plan with respect to the western 33 acres.

3. **Consistency with General Purposes of Chapter 16**

LC 16.003 lists fourteen general purpose statements that describe the overall purpose of the zoning ordinance. Few of those statements appear to have any direct relevance to the proposed rezoning, with the exception of statement #12:

"Provide for the recreational needs of residents of Lane County and visitors to Lane County." [LC 16.003(12)]

Approval of the proposed rezoning will allow recreational development of the property. The Metropolitan Plan recognizes that additional recreational facilities are needed. The following statements from the Plan are illustrative of that recognition:

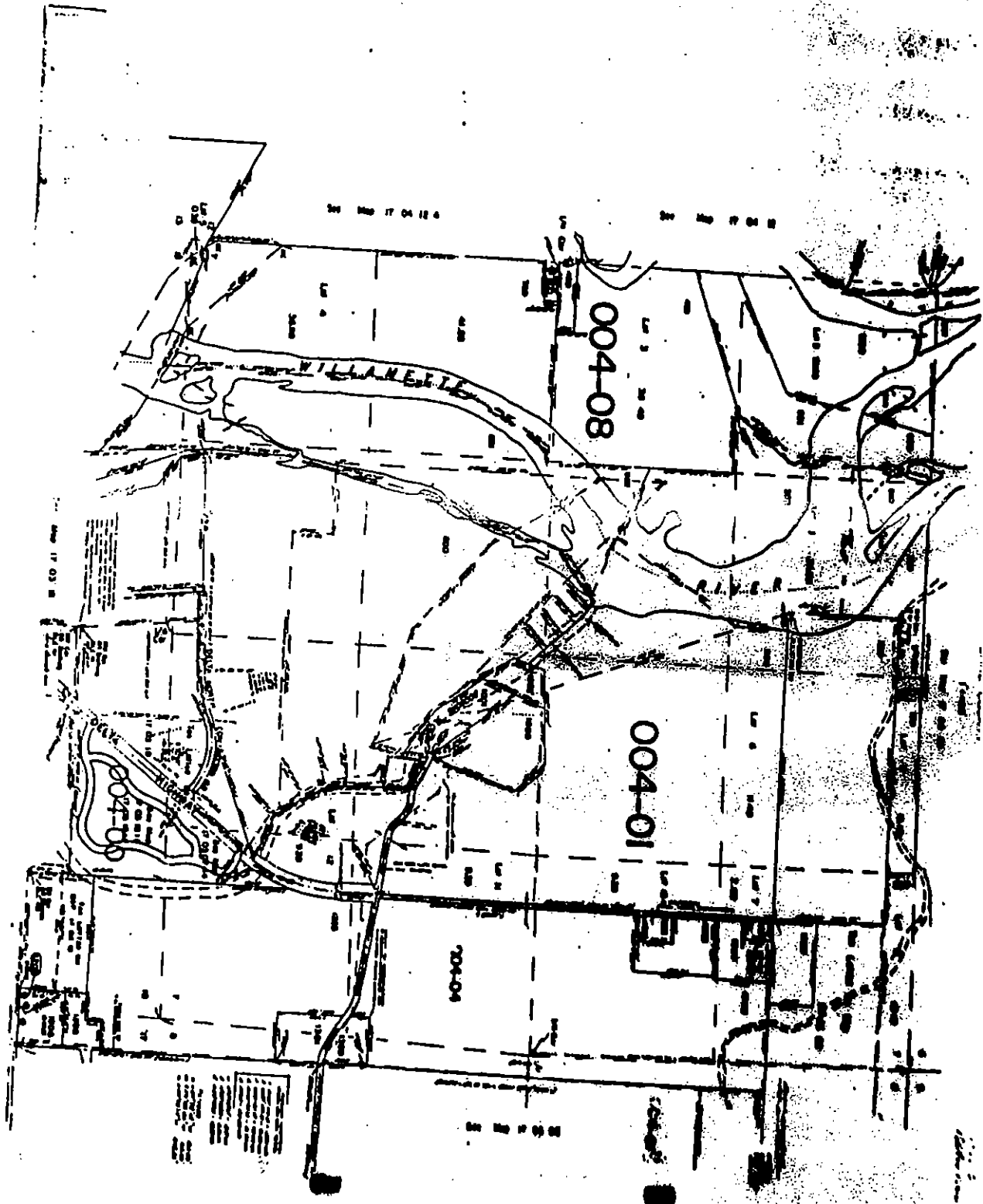
"Regardless of what standard is used, it is becoming increasingly difficult for local park agencies to meet the demands and needs of the community for parks and recreation facilities." [Finding #2, page III-H-2]

"Based on NRPA standards, the metropolitan area currently lacks and adequate number of swimming pools, tennis courts, golf courses, and other recreational facilities (such as ball fields, all-purpose courts, etc.)." [Finding #3-f, page III-H-3]



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# EXHIBIT: 3

PA 1448-88  
July 15, 1988  
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## LANE COUNTY HEARINGS OFFICIAL REQUEST FOR A REZONING FROM SG AND AGT TO EFU-30

(UNCONTESTED)

### Application Summary

Eric Jeffries, 1509 Willamette St., Eugene, OR 97401. Assessor's map 17-03-07, portion of tax lot 300. Request for a zone change of about 33 acres of tax lot 300, which is zoned SG, and 13 acres of tax lot 300, which is zoned AGT.

Hearing Date: July 7, 1988

Decision Date: July 15, 1988

Appeal Deadline: July 25, 1988, Lane County Board of Commissioners

### Statement of Criteria and Standards

Eugene-Springfield Metropolitan Area General Plan  
Lane Code 16.212  
Lane Code 16.252

### Facts Relied Upon (Findings)

1. The property subject to this application, hereinafter referred to as 'the property,' consists of two portions of tax lot 300, assessor's map 17-03-07. These two portions of tax lot 300 are located outside of the Eugene Urban Growth Boundary but inside of the Jurisdictional Boundary of the Eugene-Springfield Metropolitan Area General Plan (Metro Plan).  
  
One portion of the property (Parcel #1) is 33+ acres in size and is bordered on the north by tax lot 200, on the west by the Willamette River, on the south by tax lot 800 and on the east by the Eugene Urban Growth Boundary. This parcel is currently zoned SG Sand, Gravel & Rock Products. The other portion of the property (Parcel #2) is 13 acres in size and is bordered on the north by Ayres Road, on the west and south by tax lot 800 and on the east by Delta Highway. This parcel was originally designated AGT when Lane County transferred jurisdiction over land within the urban growth boundary to the City of Eugene. However, the property was removed from the urban growth boundary during the 1986 Mid-Period Review of the Metro Plan but the AGT zoning designation was never changed. The nearest agricultural zoning is EFU-30.
3. Parcel #1 is designated Sand and Gravel by the Metro Plan Diagram. Parcel #2 is designated Agriculture by the Metro Plan Diagram.
4. Environmental Resources Element Policy #11c., page III-C-8 of the Metro Plan), states that: "Local governments shall continue, through land use planning and special regulations, to control sand and gravel extraction and production in order to:....Allow other appropriate uses, such as

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agricultural production timber production, parks, and other open space uses."

5. The applicant proposes to rezone the property to allow the development of a golf course and accessory structures. The SG Sand, Gravel and Rock Products District does not allow golf courses.

#### Decision

THE REQUEST (PA 1448-88) FOR A ZONE CHANGE FROM SG AND AGT TO EFU-30 IS APPROVED.

#### Justification for Decision (Conclusion)

##### I. PLAN CONFORMITY

The property is located within the Jurisdictional Boundary of the Metro Plan but outside of the Eugene Urban Growth Boundary. Parcel #1 is designated SG. Environmental Resources Element Policy #11c of the Metro Plan indicates that open space uses are appropriate uses for land designated for sand and gravel. Golf courses are essentially open space uses and, as such, are compatible with land which has been designated for eventual sand and gravel extraction activities.

Parcel #2 is designated Agriculture by the Metro Plan Diagram. The application of EFU zoning is clearly consistent with this Plan designation. Further, ORS 215.213((2)(f) provides that golf courses are permitted conditionally on EFU-zoned lands.

Based upon the above analysis, the hearings official concludes that the proposed rezoning of the property is compatible with applicable designations and policies of the Metro Plan.

##### II. ZONE CONFORMITY

Lane Code 16.252(2) states that a zone change must be consistent with the following:

1. Conformity with the Comprehensive Plan

See the analysis in the PLAN CONFORMITY section of this decision.

2. Conformity with Purpose of Zone Classification Proposed.

Lane Code 16.212(1) indicates that the EFU zone is to be applied to land designated as agricultural. Clearly, the rezoning of Parcel #2 is consistent with this purpose.

Lane Code 16.252(1) also notes that intent of the EFU zone is to protect resource management activities. As ORS 215.213(2)(d) conditionally allows the mining of aggregate resources, the hearings official must conclude that mineral and aggregate extraction is the type of "resource management activity" recognized by Lane Code 16.212(1). Further evidence that the proposed use is consistent with the purpose of the EFU zone is

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Environmental Resources Element Policy #11c of the Metro Plan, which indicates that agricultural and open space uses are an appropriate tools to preserve sand and gravel resources.

Based upon the above analysis, the hearings official concludes that the proposal is consistent with the purpose of Lane Code 16.212.

3. Consistency with General Purposes of Chapter 16

Lane Code 16.003 lists fourteen general purpose statements that describe the overall purpose of the County zoning ordinance. The only purpose statement which seems applicable to this rezoning request is Lane Code 16003(12). This statement requires that the recreational needs of the residents of the County and visitors to the County be met. The proposed use is a golf course and Finding 3-f of the Parks and Recreation Facilities Element of the Metro Plan (page III-H-3) notes that the metropolitan area currently lacks an adequate number of golf courses. Based upon this analysis, the hearings official concludes that the proposal is consistent with the general purposes of Lane Code Chapter 16.

Respectfully Submitted,

  
Gary L. Darnielle  
Lane County Hearings Official

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# ITEM: 4

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August 8, 1988  
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## LANE COUNTY HEARINGS OFFICIAL REQUEST FOR A SPECIAL USE PERMIT TO ALLOW A GOLF COURSE WITHIN AN E-30 DISTRICT

(CONTESTED)

### Application Summary

Eric Jeffries, 1509 Willamette St., Eugene, OR 97401. Assessor's map 17-07-07, portion of tax lot 300. Request for a special use permit to allow a golf course within an E-30 District.

Hearing Date: July 7, 1988  
(Record Held Open Until August 2, 1988)

Decision Date: August 8, 1988

Appeal Deadline: August 18, 1988, Lane County Board of Commissioners

### Statement of Criteria and Standards

Eugene-Springfield Metropolitan Area General Plan  
Lane Code 16.212

### Facts Relied Upon (Findings)

1. The property subject to this application, hereinafter referred to as "the property," consists of two parcels which are part of tax lot 300, assessor's map 17-03-07. Parcel #1 is 33 acres in size and is bordered by the Eugene Urban Growth Boundary, on the east; the Willamette River, on the west; tax lot 200, assessor's map 17-03-07, on the north; and tax lot 800, assessor's map 17-03-07, on the south. Parcel #2 is about 13 acres in size and is bordered by Delta Highway, on the west; tax lot 800, assessor's map 17-03-07, on the west and south; and the Eugene Urban Growth Boundary and Ayres Road, on the north.

The applicant proposes to place about three fairways of a golf course on each of the two parcels. The remainder of the golf course will be located upon the portion of tax lot 300 which is within the Eugene Urban Growth Boundary. No structures will be constructed on either parcel although some minor fill will be necessary on Parcel #2.

2. Both parcels are located within the Jurisdictional Boundary of the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) but outside of the Eugene Urban Growth Boundary. Parcel #1 is designated for Sand and Gravel by the Metro Plan and Parcel #2 is designated as Agriculture by the Metro Plan. Both parcels were rezoned from SG and AGT, respectively, to E-30, July 15, 1988. A majority of Parcel #1 is located within the Willamette River Greenway and a portion of Parcel #1 is located within the floodplain and a designated floodway.

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Both parcels are subject to the scenic inventory for the Metro Plan, because of trees and view of the Willamette River (parcel #1), and Parcel #2 is subject to a significant wetland area.

3. The wetland is classified by the National Wetlands Inventory as a Palustrine Forested Wetland-Intermittently Flooded. The wetland consists primarily of slough, with the bed of the sloughs being either exposed mud or standing water with sparse vegetation. The banks of the slough are characterized by deciduous trees, primarily cottonwood with some broad-leaf maple. There is also an extensive amount of himilayan blackberries. This type of wetland is widespread in the Metro Area.

The environmental consequences of the proposed use on Parcel #2 are that some overstory trees have been cut down to provide a corridor for golf balls and three bridges will be placed over the wetland area. Only a few trees have been removed and only 500 cubic yards of fill are proposed to impact the wetlands. This fill, with the exception of minor amounts necessary for the bridges, will not be placed within the wetlands area but rather on the periphery to cover accidental sloughing of material from built-up areas adjacent to the wetlands. The major potential impact to the wetlands is from disturbance by humans. This potential can be mitigated through conditions which require replacement of displaced vegetation, replacement and placement of additional nuisance vegetation to restrict access to the wetland areas and the adoption of "local golf rules" which would prohibit incursion into the wetland areas.

An economic consequence of the proposed use is that 4-5 acres of the property will be taken out of low-intensity agricultural useage. This impact will be offset by the projected employment of 16 to 18 full-time employees and 4 to 6 part-time employees. The wetland area currently offers no direct economic advantage to the community.

There are no regulation 18-hole golf courses available to the general public within the Eugene-Springfield metropolitan area. The closest course of this type is located at the Emerald Valley course in Creswell. Another such course is located at Tokatee, east of Blue River. The former course is located 18 miles from the center of Eugene and the later about 50 miles. The proposed use is located only two miles from the center of Eugene.

Parcel #2 was investigated by Ms. Esther Lev, wetlands specialist. Ms. Lev stated, in a July 25, 1988, letter to Mr. Jim Saul, that the primary impacts from the proposed golf course on the wetlands area was from the impact of golfers entering the wetlands area to retrieve golf balls and from the placement of bridges. In regard to the latter concern, Ms. Lev indicated that areas damaged by the placement of the bridges be revegetated with native species. Ms. Lev was also concerned that additional trees would not be removed.

4. Brian Ferry, Assistant District (Lane) Wildlife Biologist with the Oregon Department of Fish and Wildlife, in a July 21, 1988, letter to the Hearings Official, indicated that he was of the opinion that the area (Parcel #2) was wetland and that nuisance vegetation (blackberry thickets, etc.) be

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retained as a protective barrier to discourage human intrusion and access into the wetland area.

5. The TransPlan Bicycle System Map shows a bikepath (#223) generally located parallel to the Willamette River on Parcel #1. Since Parcel #1 is located outside of the Eugene Urban Growth Boundary, the City of Eugene has not designed a bike path route for this area.
6. There are no long-term commercial agricultural operations in the surrounding area. Surrounding land is either in aggregate resource extraction or is within the Eugene Urban Growth Boundary. The nearest parcel designated for agricultural use is a 13-acre parcel located over a mile from Parcel #2 of the property.

#### Decision

THE REQUEST (PA 1447-88) FOR A SPECIAL USE PERMIT TO ALLOW THE CONSTRUCTION OF A GOLF COURSE WITHIN AN E-30 DISTRICT IS APPROVED subject to the following conditions:

1. The applicant receives a greenway development permit for development of the golf course located within the Willamette River Greenway.
2. The applicant shall not place more than 500 cubic yards of fill within the wetland area of the property. The substantial majority of this fill shall be used at the fringe of the wetland area to prevent sloughing of ground disturbed by the creation of the golf course. A minor amount of fill may be used to stabilize the proposed bridges.
3. Vegetation inadvertently destroyed during the placement of the bridges shall be replaced with native species.
4. To the greatest degree possible, nuisance vegetation such as blackberry thickets shall be retained or planted to discourage access into the wetland areas outside of the golf course.
5. The applicant shall impose a "club rule" which prohibits searching for golf balls lost within the wetland area outside of the golf course.
6. This permit must be implemented (i.e., substantial construction accomplished) within two years of the date of approval. An extension of time may be granted without an additional hearing if the Hearings Official receives a written request from the applicant prior to the expiration of this condition.

#### Justification for Decision (Conclusion)

##### I. PLAN CONFORMITY

The Metro Plan designates the property as Sand and Gravel (Parcel #1) and Agriculture (Parcel #2). Environmental Resources Element Policy #11c (Page III-C-8) indicates that open space uses and agricultural uses are appropriate uses for land designated Sand and Gravel. In regard to Parcel #2, the Metro Plan

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