

indicates (Page II-E-10) that lands outside of the urban growth boundary may be designated Agriculture to protect and preserve agricultural resource values. The proposed open space use will not damage the property's potential for agricultural useage as no structures will be placed on the property and only minor landscaping will be accomplished.

Parks and Recreation Facilities Element Finding #3.f. notes that the metropolitan area currently lacks an adequate number of golf courses. Policy #4 of this element encourages the development of private recreational facilities.

Environmental Resources Element Policy #36 sets out a process for addressing newly-identified natural resources or sites. Parcel #2 has been identified as being impacted by a wetland. Under the guidelines of Policy #36, the wetlands area has been inventoried by a wetlands expert and the Hearings Official has concluded that the wetlands is significant. An analysis of the environmental consequences of the proposed use on the wetlands area shows that the impact will be minimal. Conditions of approval will ensure that this impact will not be significant. Additionally, the wetlands could be legally removed by converting it to farming activities, the use which the proposed golf course will displace. The social consequences are that the metropolitan area's need for another golf course is being met. This need outweighs the need for this particular type of wetland as the latter is common within the metropolitan area. The economic consequences of the proposed use are positive, when weighed against the few acres of farm land taken out of production. Finally, the energy consequences of allowing the proposed use are positive and will reduce the time and miles driven to access an 18-hole golf course which is available to the general public. The Hearings Official must conclude that the impacts on the wetlands by the proposed use are minor and can be justified through the analysis of the environmental, social, economic and energy consequences of the proposed use on the wetland.

II. ZONE CONFORMITY

Lane Code 16.212(4)(d) states that golf courses are permitted within exclusive farm use zones subject to hearings official approval. Lane Code 16.212(5) provides that a special use permit may be granted if the proposed use is consistent with the following criteria:

- (a) **Compatibility of the use or activities associated with the use with the Agricultural Lands Policies of the Rural Comprehensive Plan Policies, ORS 215.243 and the purpose of this zone.**

The only Agricultural Lands policy which is applicable is Policy #13, which states that no County policy shall be construed to exclude permitted and specially permitted nonfarm uses, as defined by ORS 215.213, from EFU lands. ORS 215.213(2)(f) allows golf courses as nonfarm uses within EFU-zoned land. There are no Metro Plan policies which are applicable although Environmental Resources Element Policy #6 (Page III-C-8) notes that agricultural production shall be an appropriate interim use on urbanizable land and on vacant and underdeveloped urban land.

ORS 215.243 is concerned with preserving agricultural lands in large blocks and protecting such land from premature urbanization. In the present case the property is not being divided, it is not located adjacent or near any

agricultural uses and it does not represent an urban use (or require an urban level of services) which would preclude its future use for agricultural purposes.

The purpose of the EFU zone, as stated in Lane Code 16.212(1), is to protect agricultural operations from conflicting land uses. There are no adjacent or nearby agricultural operations and the proposed use will not preclude the property from being used for agricultural activities in the future.

The Hearings Official concludes that the proposed use is consistent with applicable policies of the Rural Comprehensive Plan, ORS 215.243 and the purpose of the EFU zone.

- (b) The use or activities associated with the use, will not force a significant change in or significantly increase the cost of accepted farming practices on nearby lands devoted to farm use.

There are no farming practices occurring on nearby lands. The closest agricultural operation is located 1 mile from Parcel #2 of the property.

- (c) The use, or activities associated with the use, complies with other conditions considered necessary by the Approval Authority in order to meet the applicable approval criteria.

The Hearings Official has concluded that the Environmental Resources Element Policy #36 is a applicable approval critereon which must be addressed. Several conditions have been required which ensure that impacts upon the wetlands area of Parcel #2 are minimal.

- (d) The above criteria shall not be applicable to uses identified under LC 16.212(4) above, if such uses are also subject to review under Willamette Greenway requirement LC 16.254(3).

Only Parcel #1 is affected by the Willamette River Greenway and therefore the above criteria are applicable to Parcel #2.

Respectfully Submitted,


Gary L. Darnielle
Lane County Hearings Official

clgdjef4

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ITEM: 5

PA 1449-88
August 8, 1988
Agenda Item #3
Page 1 of 9

LANE COUNTY HEARINGS OFFICIAL REQUEST FOR A GREENWAY DEVELOPMENT PERMIT TO ALLOW A GOLF COURSE WITHIN AN E-30 DISTRICT

(UNCONTESTED)

Application Summary

Eric Jeffries, 1509 Willamette St., Eugene, OR. 97401. Assessor's map 17-03-07, tax lot 300. Request for a Willamette Greenway Development Permit to allow a golf course within the boundary of the Willamette River Greenway.

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

Lane County Rural Comprehensive Plan
Lane Code 16.212
Lane Code 16.254

Facts Relied Upon (Findings)

1. The subject property, hereinafter referred to as 'the property', is about 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. The property represents the westernmost portion of tax lot 300, assessor's map 17-03-07.

The applicant proposes to place about three fairways of a golf course which will occupy the remainder of tax lot 300. No structures are planned for this portion of tax lot 300. The site has historically been cultivated up to the top of the river bank and the riparian vegetation ends at the top of the river bank.

2. The property is designated as Sand and Gravel by the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) and is zoned EFU-30. The property is outside of the Eugene Urban Growth Boundary but is located within the Jurisdictional Boundary of the Metro Plan and within the boundary of the Willamette River Greenway.
3. A portion of the property is within a regulatory floodway and a portion is within an "A5" flood hazard zone.

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4. The property was rezoned from SG Sand, Gravel, and Rock Products District to EFU-30 on July 15, 1988. This rezoning (PA 1447-88) became effective on July 25, 1988.
5. ORS 215.213(2)(f) allows golf courses as conditional uses within exclusive farm use districts.
6. The property has not been designated as a significant viewpoint or vista or a significant historic or archeological site by Lane County. Neither has the property been designated as having significant fish, wildlife or natural (vegetative) areas.
7. There are no agricultural operations in the vicinity of the property; the nearest agricultural operation occurs about one mile away.
8. The property is identified on the Metro Plan's scenic inventory, apparently because of its trees and view of the Willamette River, and is designated for aggregate extraction by the Metro Plan Diagram.
9. The TransPlan Bicycle System Map shows a bikepath (#223) generally located parallel to the Willamette River on the property. However, since the property is located outside of the Eugene Urban Growth Boundary, the City of Eugene has not designed a bike path for this area.

Tom Stinchfield, Lane County Transportation Planning, in a July 27, 1988 memorandum to Jerry Kendall, Lane County Land Management Division, stated that golf courses are not significant generators of bicycle traffic and in regard to Route #223, there are no short-term plans to place a riverbank bicycle system to or through the property.

10. The property is classified as alluvial bottomland and its' soils, for the most part, consist of Chehalis silty clay loam and Newberg loam. The "Soil Survey of Lane County" rates Chehalis as being suited for recreational development and the Newberg as being well suited for recreational development.
11. The Willamette River is a Class I stream.
12. The irrigation of the property cannot be accomplished through the use of a single well and it is unlikely that the aquifer could support more than one well. If a well system cannot support irrigation needs during a dry season, a golf course may be irreparably damaged. Most golf courses in the area rely upon a surface body of water, such as a river or creek, for irrigation needs if they do not have a municipal source available. The Emerald Valley and Tokatee golf courses draw their irrigation water from a river and a creek, respectively.

Decision

THE REQUEST FOR A GREENWAY DEVELOPMENT PERMIT (PA 1449-88) IS APPROVED subject to the following conditions:

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1. Building and sanitation permits are required prior to any construction.
2. A facility permit from the Lane County Public Works Department is required for any new driveway access or modification of an existing access.
3. A special use permit is required for placement of the proposed use within a designated floodway.
4. 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 and is zoned E-30. 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.

Willamette River Greenway Policy #9 (page III-D-5) requires that local refinement plans and implementing ordinances be applied to the specific use management considerations of Statewide Planning Goal #15, when not otherwise addressed by the Metro Plan.

Compliance with the Willamette River Greenway policies of the Rural Comprehensive Plan shall be addressed through affirmative compliance with the criteria of Lane Code 16.254(4).

The Hearings Official concludes that the proposed golf course is consistent with the relevant policies of the Metro Plan.

II. ZONE CONFORMITY

Lane Code 16.254(3) requires that new intensifications, changes or use or developments allowed in applicable zones obtain a greenway development permit. Lane Code 16.254(4) further requires that such development conform to the following criteria:

- (i) The development protects or enhances the existing vegetative fringe between the activity and the river. Where such protective action is shown to be impractical under the circumstances, the maximum landscaped area or open space shall be provided between the activity and the river and the development provides for the reestablishment of vegetative cover where it will be significantly removed during the process of land development.

The property has been historically cultivated up to the top of the river bank and therefore the vegetative fringe does not extend beyond that

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point. The proposed golf course will not impact the river bank and the vegetative fringe should not be disturbed.

- (ii) Existing public access to and along the river either is not necessary or the necessary access will be provided by appropriate legal means.

Currently, no public access is provided to the river through the property. The development of the proposed use will, however, provide the public with visual access to the river in a recreational setting.

While the TransPlan shows a bicycle path route along the river through the property, the Hearings Official shall not require an easement to implement this plan. First, the property is located outside of the urban growth boundary and the Willamette River Greenway Goal (Statewide Planning Goal #15) emphasizes access to urban and urbanizable areas. Further, the property is bounded on the north and south by long term aggregate extraction operations and the proposed bike path route cannot be connected with another bike path route within the foreseeable future. Second, there is no evidence in the record that there is a connection between the proposed golf course and the need for the bike path in this area. Indeed, the July 27th memo from Tom Stinchfield indicates that golf courses are not significant generators of bicycle traffic. Absent any significant relationship between the proposed use and the need for the bike path, a required easement dedication would very likely represent a violation of the applicant's due process rights as a prohibited taking without compensation. [See Nollan v. California Coastal Comm'n, 483 US ___, 107 S Ct 3141, 97 L Ed 2nd 677 (1987)].

- (iii) Preserve and maintain land inventoried as "agriculture" in the adopted Willamette River Greenway Plan for farm use, as provided for in Goal 3, and minimize interference with the long-term capacity of lands for farm use.

The property is not designated "agriculture" by the Willamette River Greenway Plan but it is zoned E-30. The Metro Plan designates the property for sand and gravel extraction and considers agriculture and open space as uses which are appropriate for sand and gravel resource protection.

The open space nature of the proposed use will preserve the property for either sand and gravel extraction or agricultural use.

- (iv) Protect, conserve or preserve significant scenic areas, viewpoints and vistas.

The proposed site has not been designated as a significant viewpoint or vista but it is listed on the Metro Plan's scenic inventory because of its trees and view of the river. The applicant has removed a few trees for purposes of the design of the golf course. The proposed use will allow greater access to the remaining trees and the view of the river.

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- (v) Harvest timber in a manner that wildlife habitat, riparian and other significant vegetation will be preserved, conserved or restored and otherwise result in only the partial harvest of timber beyond the vegetative fringe.

The proposed use does not involve the harvesting of timber. Only a few trees are being removed to accomodate the design of the golf course.

- (vi) Minimize vandalism and trespass.

The development of the property should reduce vandalism and trespass as most users will be present for a specific recreational purpose and the property will be overseen by employees during the day and by the applicant, who resides on the property, during the night.

- (vii) Locate development away from the river to the greatest possible degree.

The proposed golf course will extend to the top of the river bank but it will only replace existing, impacted vegetation with landscaping and open space grass. No structures will be built within 1,000 feet of the river.

- (viii) Protect significant fish, wildlife habitat and natural areas.

With the exception of the identified wetland, No significant fish, wildlife habitat or natural area resources have been identified on the site by the County's inventories (Plan working papers). A discussion of how the wetland will be protected occurs within the PLAN CONFORMITY section of this decision.

- (ix) Is compatible with the Willamette River Greenway based upon the following considerations:

- (aa) A development which is a mining or a mineral extraction and/or processing operation must include mining or extraction and/or processing methods which are designed to minimize adverse effects upon water quality, fish and wildlife, vegetation, bank stabilization, stream flow, visual quality, noise, safety and to guarantee necessary reclamation.

The proposed use does not involve mining or mineral extraction or processing.

- (bb) Protection, preservation, rehabilitation, reconstruction or restoration of significant historic and archeological resources.

No significant historic or archeological resources have been identified on the property by the County's inventory documents (Plan working papers).

- (cc) Preserve areas of annual flooding, floodplains and wetlands.

A portion of the property is located within a designated floodway and a portion is located within a designated floodplain area. However, no structures will be placed in either flood hazard area.

- (dd) Protection, conservation or preservation of areas along the alluvial bottomlands and lands with severe soil limitations from intensive development.

Information regarding the predominate soils of the property indicates that they are not predisposed towards erosion and are suited to recreational usage. No intensive development is planned for the property.

- (ee) Consideration of the impacts from consumptive uses of water (i.e., domestic, agriculture, industrial) and nonconsumptive uses (i.e., recreation and natural resources) in efforts of maintaining sufficient flows to support water users.

The proposed use will use water for irrigation and has applied to the Oregon Water Resources Department for necessary water rights. The prior use of the property also required water for irrigation. The area is not designated as being water quantity limited.

- (ff) Sustenance and enhancement of water quality by managing or controlling sources of water pollution from uses such as: domestic and industrial wastes, agricultural and timber runoff, septic tank seepage, gravel operations and other intermittent sources.

The proposed use represents landscaped open space and will lower the probability of water pollution as both agriculture and sand and gravel extraction are noted for being, respectively, non-point and point sources of water pollution.

- (gg) Maintenance and sustenance of natural riparian vegetation found upon the lower alluvial bottomlands and upper terraces bordering the river for the following reasons: provide habitat, food and shade for wildlife; protect natural areas; anchor river bank soils and protect agricultural land from seasonal erosion; ensure scenic quality and screening of uses from the river; control trespass; and to control pollution sources to the river.

The proposed development will not impact riparian vegetation or any other significant vegetation on the property as the vegetative fringe ends at the top of the river bank.

(hh) Protection from erosion.

No structural development is proposed and landscaped open space represents an excellent way of minimizing erosion.

(ii) Protection and conservation of lands designated as aggregate resources within the adopted Willamette Greenway Plan.

The Metro Plan recognizes that agricultural usage and open space usage are an appropriate method of protecting and conserving lands designated as aggregate resources.

Lane Code 16.254(4)(b) requires that new intensifications, developments and changes of use shall be set back 100 feet from the ordinary high waterline of the river, unless they are water related or water dependent uses. Approximately 3.2 acres of the proposed golf course lies within the Greenway setback area. The applicant argues that the proposed golf course should not be considered a "change in use" and, failing that characterization, it should be considered a water dependant use. The Hearings Official will address each of these arguments separately below.

The Proposed Use Does Not Represent a Change of Use

Lane Code 16.254(2)(f) defines "change of use" as a different use of the land which existed on December 5, 1975 and a change which requires alterations of the land, water or other areas which substantially alters or affects the land or water. This section, for instance, does not consider landscaping for an existing use as a change in use. The applicant argues that the threshold for a change of use, for the purposes of Code 16.254, is a change in use which substantially alters or affects the land or water. Absent a substantial alteration a different use does not become a change in use.

The applicant therefore argues that the proposed golf course does not substantially alter or affect the land or water because of the following:

1. No structures, buildings or parking areas are proposed for the setback area.
2. The proposed placement of a pump and irrigation intake pipe replaces a similar pump setup which was installed prior to 1975.
3. Grading and planting of turf represents a minor countouring and replanting with grass. The countouring will not impair the potential for the property to be returned to farm use, will have no adverse effect on scenic qualities and will not create any visual obstructions of the river.
4. The applicant must obtain a flood plain special use permit to develop within a designated floodway. As a part of this permit, the applicant must demonstrate that no substantial alteration is occurring which would affect flood levels.

5. The planting of grass and minor contouring are exempt from the definition of "change of use" since they are "landscaping" which is expressly exempted.

The Oregon Court of Appeals would characterize the applicant's argument as "novel." The Hearings Official must agree. The applicant fails to address the primary impact the proposed use will have on the property: people. The property was presumably in nonintensive farm use in December of 1975. It must be assumed that the land was occupied by only a few individuals at any one time, spraying, irrigating, and discing the soil, and harvesting the crops. An 18-hole golf course can be assumed to be used by hundreds of individuals on any given day. The Hearings Official considers this impact to represent a substantial effect upon the land. The fact that the physical alteration of the property is minimal and will not impair future farm potential is not determinate. A "substantial alteration" for the purposes of issuing a special use permit for development within a floodway is not necessarily equivalent to a similar finding for purposes of the Greeway setback requirement. The floodplain special use permit is concerned with development and its affect on flood levels. Flood levels are affected by two primary causes: a fill which would cause the flood waters to be displaced elsewhere and a major topographic change which would have the same effect. Clearly, no such "development" is contemplated by the applicant. However, the proposed use would generate a substantial increase in human activity on the property and can thus be considered to have a substantial affect on the land. Finally, a close reading of Lane Code 16.254(2)(f) shows that only landscaping which is accessory to an existing use is considered outside the definition of "change of use." For these reasons, the Hearings Official must conclude that the proposed use would substantially affect the property and therefore represents a change in the prior agricultural use of the property.

The Proposed Use is a Water Dependant Use

Lane Code 16.254(4)(b) reads "New intensifications, developments and changes of use shall be set back 100 feet from ordinary high waterline of the river, except for a water related or water dependent use." [Emphasis added] A water dependent use is defined by Lane Code 16.254(2)(c) as "A use or activity which can be carried out only on, in or adjacent to water areas because the use requires access to the water body for waterborne transportation, recreation, energy production, or source of water." [Emphasis added]

The applicant cannot irrigate the property with water from the Eugene Water and Electric Board because the land is outside of the Eugene Urban Growth Boundary and Public Utilities, Services, and Facilities Element Policy #2 of the Metro Plan precludes the extension of water and sewer service outside of the urban growth boundary except to Mahlon Sweet Field Airport or to remedy a health hazard situation. Evidence indicates that the proposed golf course could not be irrigated by a single well and that there is good cause to doubt that the aquifer could support more than one well. An analysis of golf courses in the area indicates that it is uncommon for a golf course to rely upon wells for irrigation and that most of them have a more reliable source, such as a river or creek. Finally, it is dangerous to rely upon wells as a source for irrigation since they may be insufficient during times of drought and significant damage to golf courses may occur if they are not constantly watered.

For the above-listed reasons, the Hearings Official finds that the proposed Riverside Golf Course is a water dependant use as it must rely upon water from the Willamette River for irrigation purposes and therefore may be placed within 100 feet of the ordinary high water line of the Willamette River.

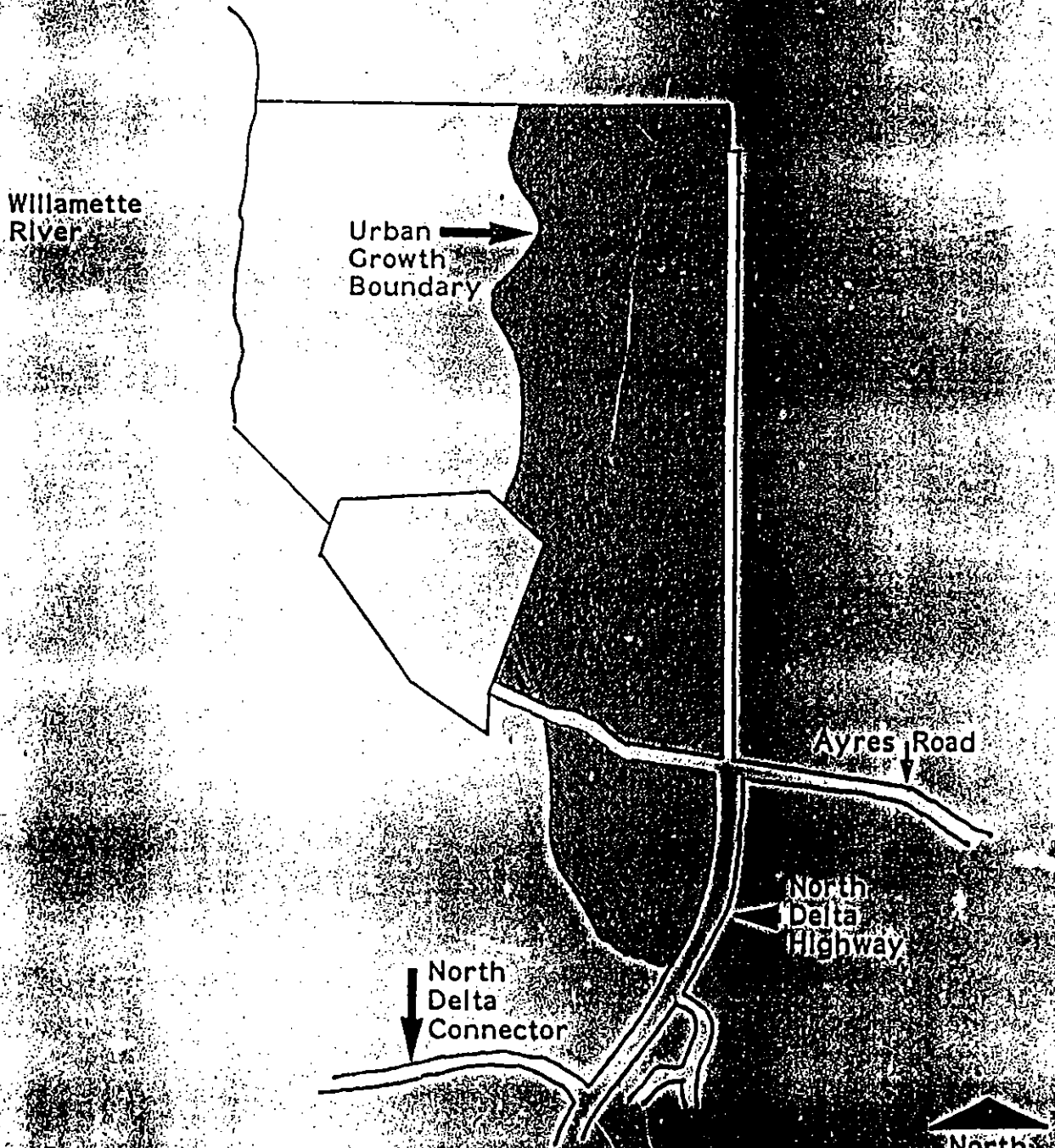
Respectfully Submitted,


Gary L. Darnielle
Lane County Hearings Official

clgdjef3

Ayres Property - 74.27-acre tract
Zone Change Application
Vicinity Map

From File
Z 88-6



RECEIVED

North
No Scale

1988

CITY OF EUGENE

732 014



Please complete the following required information. If any of this required information or material is missing or incomplete, the application will not be processed. If you have any questions about filling out this application, please contact the staff at the Permit and Information Center, 244 East Broadway, Eugene--687-5086. Also, please note the information required on the back of this application.

Assessor's Map(s) and Tax Lot(s) of the Property in the Request.

(Please indicate if only a portion of a lot is included in the request and attach any additional map and lot numbers for the property.)

Map # 17-03-07 Lot # 300 (part) Map # Lot #
 Map # Lot # Map # Lot #
 Map # Lot # Map # Lot #

Street Address (if available) 499 North Delta Highway

Area of Request: square feet OR 74.275 acres.

Existing Use(s) of the Property Residence and farm

Existing Zoning: AG/UL Proposed Zoning: RA/UL and EFU

Existing Sign District:

Proposed Sign District:

I (We) the undersigned acknowledge that the information supplied in this application is complete and accurate to the best of my (our) knowledge.

OWNER: Phone: 345 - 4647 REPRESENTATIVE: Phone: 683 - 6331

Name: Mary Ayres Family Name: Jim Saul

Addr: Mary Craiger, Treas. Addr: Saul & Associates

499 North Delta Highway P. O. Box 1650

City/ State: Eugene, OR City/ State: Eugene, OR

Zip: 97401

Zip: 97440

Mary E. Ayres Family
Mary A. Craiger, Treas.

See attached letter of authorization

OWNER SIGNATURE

James A. Saul

REPRESENTATIVE SIGNATURE

NOTE: Please attach the Name, Phone Number, Address, and Signature of any additional owners of the property.

RECEIVED

EB 20 1988

732 004

Ayres Property - 74.27-acre tract
Zone Change Application
Legal Description

Area to be rezoned RA/UL

Beginning at the Northwest corner of the A. Stevens D.L.C. No. 40 in Township 17 South, Range 3 West of the Willamette Meridian; thence South 00°39'02" West 2845.84 feet; thence North 81°37'00" West 410.51 feet; thence North 40°00'00" West 257.11 feet; thence West 170.21 feet; thence North 64°31'20" West 243.02 feet; thence North 18°45'49" East 617.60 feet; thence North 43°45'05" West 175.59 feet; thence along the arc of a 1000 foot radius curve left (the chord of which bears North 4°05'18" West 487.79 feet) a distance of 492.76 feet; thence along the arc of a 1700 foot radius curve left (the long chord of which bears North 26°34'34" West 495.00 feet) a distance of 496.77 feet; thence along the arc of a 230.58 foot radius curve right (the long chord of which bears North 1°36'04" West 253.50 feet) a distance of 268.40 feet; thence along the arc of a 1200 foot radius left (the chord of which bears North 22°26'36" East 387.95 feet) a distance of 389.66 feet; thence North 24°15'00" West 94.56 feet; thence North 14°30'00" East 159.00 feet to a point which is North 89°31'04" West of the point of beginning; thence South 89°31'04" East 1030.33 feet to the point of beginning, all in Lane County, Oregon.

Containing 60.77 acres more or less

Area to be rezoned EFU

Beginning at a point which is South 00°39'02" West 2845.84 feet from the Northwest corner of the A. Stevens D.L.C. No. 40 in Township 17 South, Range 3 West of the Willamette Meridian; thence South 00°39'02" West 15.66 feet; thence North 81°37'00" West 60.55 feet; thence South 00°39'02" West 286.41 feet; thence South 89°20'58" East 10.00 feet; thence along the arc of a 1095.92 foot radius curve right (the chord of which bears South 16°51'18" West 611.67 feet) a distance of 619.90 feet; thence North 66°25'10" West 304.66 feet; thence North 32°13'37" West 214.34 feet; thence North 28°10'35" West 168.61 feet; thence North 11°40'12" West 158.68 feet; thence North 00°47'35" West 273.85 feet; thence North 14°29'46" West 166.71 feet; thence North 66°09'40" West 228.03 feet; thence North 3°35'49" East 51.40 feet; thence North 25°28'40" East 60.00 feet; thence South 64°31'20" East 243.02 feet; thence East 170.21 feet; thence South 40°00'00" East 257.11 feet; thence South 81°37'00" East 410.51 feet to the point of beginning, all in Lane County, Oregon.

Containing 13.50 acres more or less

RECEIVED

EB 20 1988

732 013

CITY OF EUGENE
DEVELOPMENT ASSISTANCE

Mary Ayres (Z 88-6)

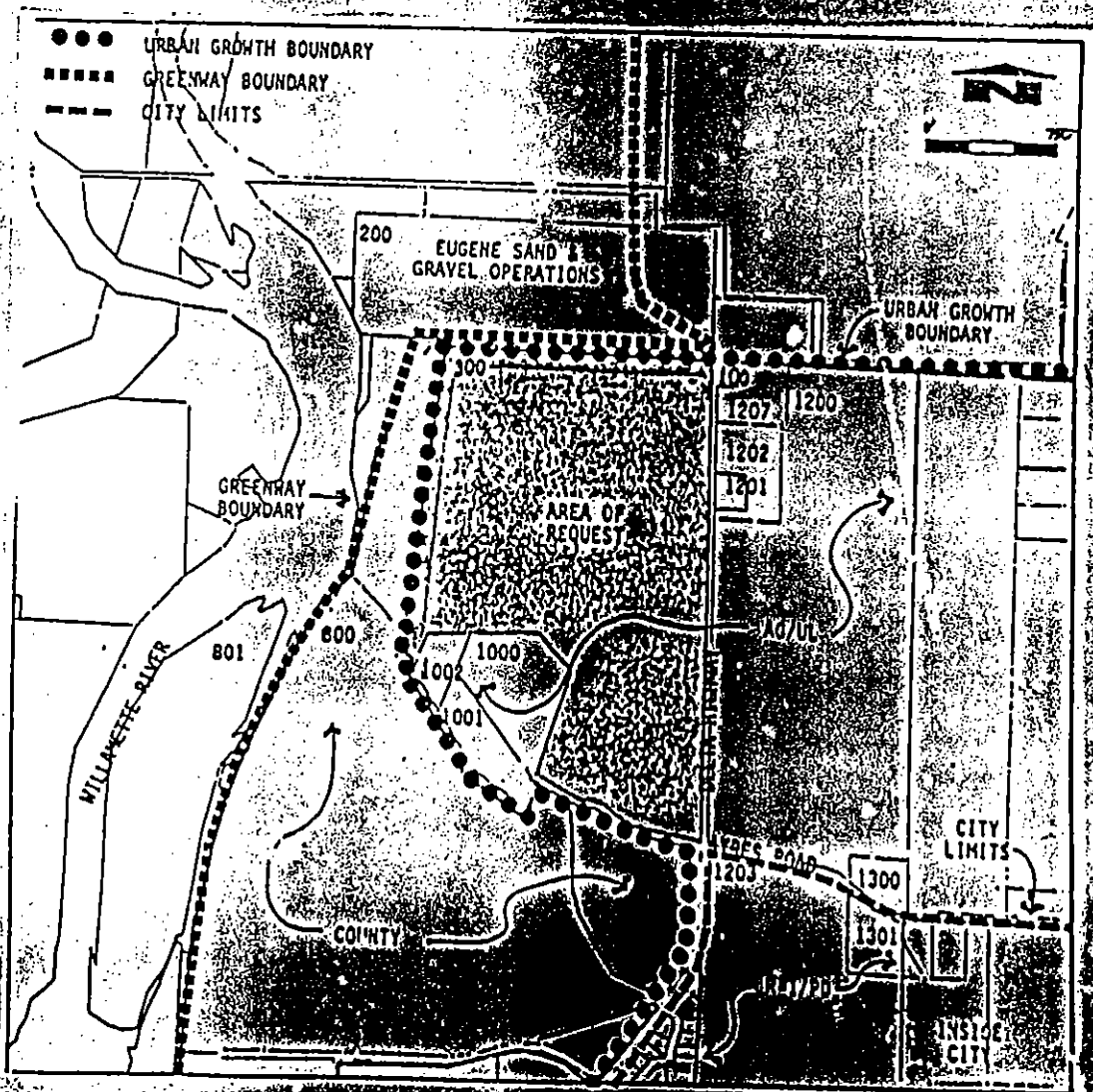
Tax Lot 300--Assessor's Map 1203107200

Located on the northwest corner of Ayres Road and Delta Highway

Requests a zone change from AG/UL
Agricultural District with Urbanizable
Land Subdistrict to RA/UL Suburban
Residential District with Urbanizable Land
Subdistrict

CAUTION

DO NOT ASSUME THIS REQUEST
WAS APPROVED. SEE FILE CONTENT.



FINDINGS

Public Hearing - April 13, 1988

MARY AYRES (Z 88-6)

Tax lot 300--Assessor's Map 17-03-07-0 0

Located at the northwest corner of Ayres Road and Delta Highway

Request for a change in zone from AG/UL Agricultural District/Urbanizable Land Subdistrict to RA/UL Suburban Residential District with Urbanizable Land Subdistrict. Staff recommends the addition of an SR site review suffix.

DECISION DATE: April 22, 1988

APPEAL DEADLINE: May 2, 1988

CONCLUSION:

A change in zone from AG/UL Agricultural District with Urbanizable Land Subdistrict to RA/UL/SR Suburban Residential District with Urbanizable Land Subdistrict with Site Review procedures is granted. The site review procedures shall address the following concern:

1. Due consideration to the preservation of attractive and distinctive historical and natural features.

FINDINGS:

Section 9.678(2)(a): The uses and density that will be allowed in the location of the proposed change 1) can be served through the orderly and efficient extension of key urban facilities and services prescribed in the Metropolitan Area General Plan, and 2) are consistent with the principles of compact and sequential growth.

The property subject to this zone change request is about 60.77 acres in size and can be identified as tax lot 300, Assessor's Map 17-03-07-0 0. The property is currently zoned AG/UL Agricultural District with an Urbanizable Land Subdistrict and is occupied by the following: 1) a large single-family dwelling built near the turn of the twentieth century; 2) a smaller single-family residence; 3) a barn in disrepair; 4) a smokehouse; 5) a greenhouse; and 6) a pump house. The homestead area is surrounded by a significant stand of older pine and maple trees. The large house and related buildings have potential historical significance since the main house represents the Italianate-Victorian architecture; the interior finish work and spatial configuration of the main house is virtually intact; the prominent location of the main house on a rise; and the significance of the homestead site in relationship to the Ayres family. Site Review procedures are being required as a part of this requested

1 FINDINGS - PUBLIC HEARING OF APRIL 13, 1988

732 048

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zone change to allow the City of Eugene to document and record the historical nature of the homestead and other structures on the property.

The subject property is not within the Eugene City Limits, but is within the Eugene Urban Growth Boundary. This application is subject to Eugene's jurisdiction under a transfer of jurisdictional authority from Lane County in 1987. The property is intended to be combined with an adjacent 13.5 acres of land located outside of the Eugene Urban Growth Boundary for ultimate use as a golf course.

The Eugene City Engineer, Les Lyle, has reviewed the proposal and has determined that, while subsurface sewage disposal and individual water wells appear to be feasible to serve the property until the surrounding area develops, sewer and water facilities could be extended to the property if necessary. These facilities are currently located about 3,000 feet south of the subject property. The property is within the Willakenzie Rural Fire Protection District and police protection is currently provided by the Lane County Department of Public Safety and the Oregon State Police. The Eugene Water and Electric Board provides electricity to the subject property.

No adverse traffic impacts have been identified with this requested zone change. Delta Highway is a major arterial and the density in the immediate area is quite light. The subject property is bordered by parcels zoned AG/UL on the east. These seven parcels are occupied by five single-family residences. Property to the southeast is zoned R-1/PD Low-Density Residential District with Planned Unit Development procedures and is vacant. The parcels to the south and west are currently outside of the Eugene Urban Growth Boundary and are zoned EFU. Tax lot 200, to the north, is outside of the Eugene Urban Growth Boundary and is the site of Eugene Sand and Gravel operations.

While the applicant indicates that the intended use of the property is a golf course the zone change cannot be conditioned upon any specific land use and must therefore be judged upon the basis of the heaviest impacts allowed by uses permitted in the requested zone. While the RA District allows subdivisions, multi-family development, and public schools as permitted uses, the underlying UL Urbanizable Land Sub-district severely restricts minimum lot size. In the case of residential designations, the UL Sub-district would require a minimum lot size of 10 acres and would allow the subject property to be divided into only 6 parcels. This density would not generate a demand for the extension of key urban facilities and services.

Section 9.678(2)(b): The proposed change is consistent with the Metropolitan Area General Plan 1) applicable text, 2) specific elements related to the uses listed in the proposed zoning districts, and 3) applicable land use designations. The written text of the plan takes precedences over the plan diagram where apparent conflict or inconsistencies exist.

The Metropolitan Area General Plan diagram designates the subject property for low-density residential use. The proposed zone change to RA/UL would be consistent with this designation.

2 FINDINGS - PUBLIC HEARING OF APRIL 13, 1988

7-36
732 049

This proposal is consistent with Residential Land Use and Housing Element Policy 3 of the Metropolitan Plan (Page III-A-4), which encourages increasing the supply of residential land in the metropolitan area. The applicant's proposed intent, to develop a private golf course, is also consistent with Policy 4 of the Parks and Recreation Facilities Element of the Metropolitan Plan (Page III-H-5), which encourages the development of private recreational facilities. There are no other examples of Metropolitan Plan policies or text which are relevant to the requested zone change.

Section 9.678(2)(c): The proposed zone change is consistent with applicable adopted neighborhood refinement plans, special area studies, and functional plans. In the event of inconsistencies between these plans or studies and the Metropolitan Area General Plan, the latter is the prevailing document.

The area of the request is not located within the boundaries of a neighborhood refinement plan or special area of study. There are no functional plans which specifically address the subject property. However, this application was referred to the nearest neighborhood group, the Cal Young Neighborhood Organization. This neighborhood group has not commented on the proposal.

Respectfully submitted,


Gary L. Darniella

clgdayre

NOW, THEREFORE, based on the above findings and the record in this proceeding, IT IS HEREBY ORDERED THAT:

- [] The application for rezoning is DENIED.
- [x] The application for rezoning is APPROVED. The zoning map established under EC Section 9.274 is amended to reflect a change of zone district designation for the property described in Exhibit A from AG/UL Agricultural to RA/UL/SR zoning district.
Suburban Residential/Urbanizable Land/Site Review
- [] The application for rezoning is APPROVED AS MODIFIED. The zoning map established under EC Section 9.274 is amended to reflect a change of zoning district designation from the property described in Exhibit A from _____ to _____ zoning district.
- [x] The change of zone includes the attachment of the SITE REVIEW SUFFIX with the specific concerns listed in Exhibit C to be addressed during the Site Review process.
- [] The application for change of sign district is APPROVED. The sign district map established under EC Section 8.625 and the sign code schedule of district changes are amended to reflect a change of sign district designation for the property described in Exhibit A from _____ to _____ sign district.

Approval dated this 22nd day of April, 1988

This action will become final and effective on the 11th day following the approval date above.


Gary L. Darnielle
Acting Eugene Hearings Official

NOTICE OF APPEAL RIGHTS: THIS DECISION MAY BE APPEALED TO THE EUGENE PLANNING COMMISSION. SUCH AN APPEAL MUST BE FILED ON A PLANNING DEPARTMENT FORM WITHIN TEN (10) DAYS OF THE APPROVAL DATE SHOWN ABOVE. APPEALS ARE GOVERNED BY THE PROVISIONS OF EUGENE CODE SECTIONS 9.681 AND 9.682.

Attachments: Exhibit A - Legal Description
Exhibit B - Hearings Official Findings
Exhibit C - Site Review Concerns

2683P

7-38
732 052

I. PUBLIC HEARING ON REQUEST FOR ZONE CHANGEA. Ayres, Mary (Z 88-6)

Tax Lot 300--Assessor's Map 17-03-07-00

Located on the northwest corner of Ayres Road and Delta Highway

Requests a zone change from AG/UL
 Agricultural District with Urbanizable
 Land Subdistrict to RA/UL Suburban
 Residential District with Urbanizable Land
 Subdistrict

Background Information

The property involved in this request contains approximately 60.77 acres and is located on the northwest corner of Ayres Road and Delta Highway. The subject property involves a portion of Tax Lot 300. Tax Lot 300 in its entirety includes approximately 107 acres and is owned by the Ayres family. Both the remaining portion of Tax Lot 300 to the west of the subject property and the portion of Tax Lot 300 to the south of the subject property are outside of the Urban Growth Boundary of the City of Eugene. The area of this request is located within the Eugene Urban Growth Boundary and outside of the city limits of Eugene. Effective May 8, 1987, the City of Eugene took over the jurisdiction of properties outside the city limits and within the Urban Growth Boundary of Eugene. As a result of this transition of services, this zone change is being reviewed by the City of Eugene in accordance with the Lane County adopted version of the Eugene zoning ordinance.

The subject property is currently zoned AG/UL Agricultural District with Urbanizable Land Subdistrict. The site is developed with the following: 1) a large single-family dwelling built by the Ayres family in 1900; 2) a smaller, cottage-like single-family residence; 3) a dilapidated barn; 4) a smokehouse, greenhouse, and pump house. The homestead area is surrounded by a significant stand of older pine and maple trees. The larger house and its related buildings are potentially historically significant for the following reasons: 1) the main house is a classic example of Italianate-Victorian architecture; 2) the interior finish work and spatial configuration within the main house is virtually intact; 3) the location of the main house on a rise in the landscape and its orientation to and relationship with the other farm outbuildings; and 4) the significance of the homestead site in relationship to the Ayres family (the property is part of the 19th Century donation land claim). In addition, the Ayres family has connections with numerous other significant families who helped develop Eugene, including the Harlow family, the Gillespie family, and the Cal Young family.

7-39
 782 042

PUBLIC HEARING HOW TO BE HEARD

ADDITIONAL INFORMATION

KEY

ZONING DISTRICTS

- PL PUBLIC LAND
- H HISTORIC
- RA SUBURBAN RESIDENTIAL
- R1 LOW DENSITY RESIDENTIAL
- R2 LIMITED MULTIPLE FAMILY RESIDENTIAL
- R3 MULTIPLE FAMILY RESIDENTIAL
- R4 HIGH-RISE MULTIPLE FAMILY RESIDENTIAL
- C1 NEIGHBORHOOD COMMERCIAL
- C2 GENERAL COMMERCIAL
- C3 MAJOR COMMERCIAL
- C4 COMMERCIAL INDUSTRIAL
- GO GENERAL OFFICE
- SD SPECIAL DEVELOPMENT
- I1 SPECIAL INDUSTRIAL
- I2 LIGHT-MEDIUM INDUSTRIAL
- I3 HEAVY INDUSTRIAL

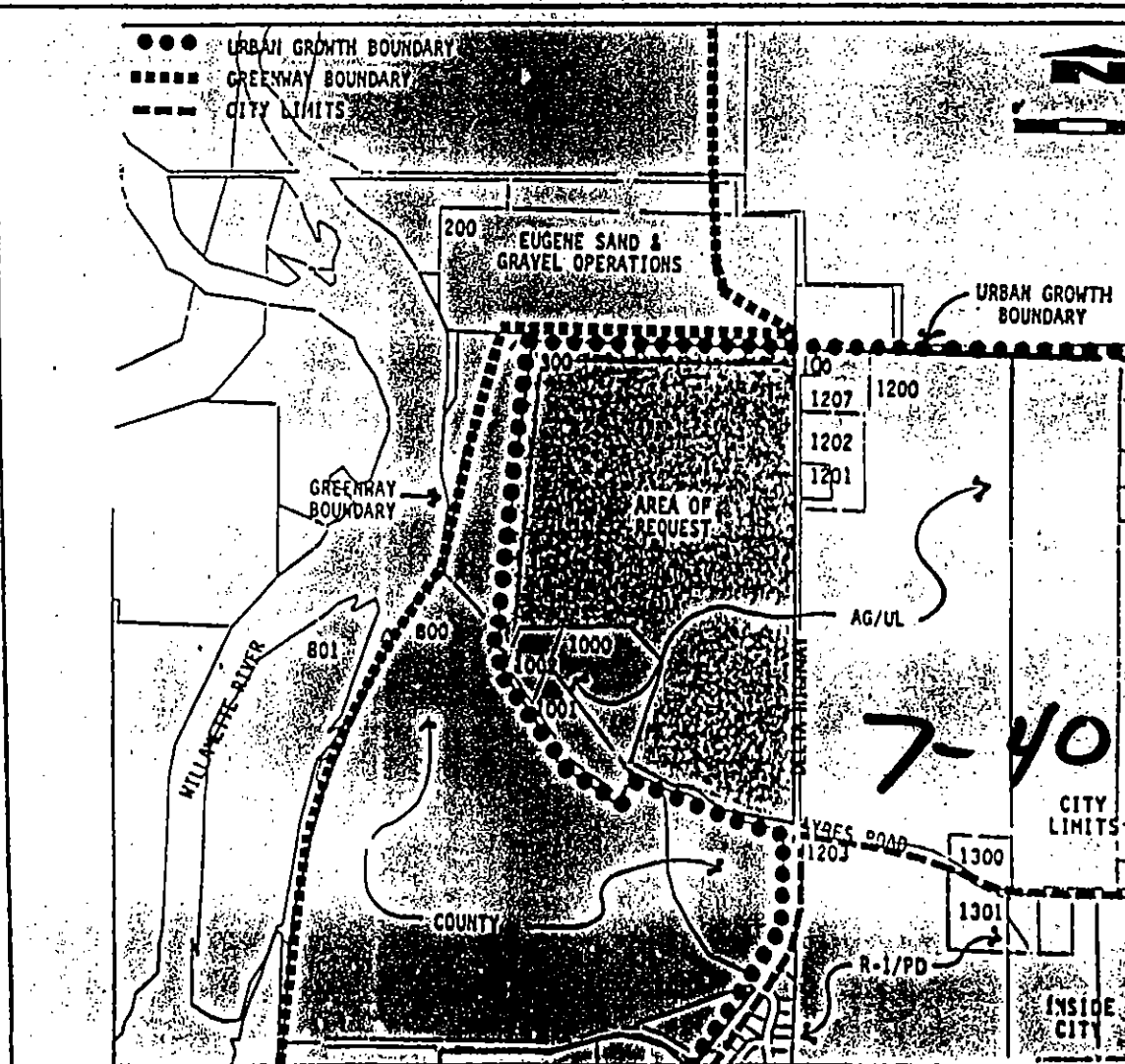
MU MIXED USE
Note: Shaded area
on map indicates
area of request

This public hearing is your only opportunity to submit testimony on the application. Listed below are ways you can state your opinion.

- State your opinion to your neighborhood organization. This application falls within the boundaries of the Cal Young Neighborhood Association. To contact the neighborhood organization, call the Neighborhood Liaison office at City Hall - 687-5010.
- Send a written statement to the Hearings Official, c/o The City of Eugene, Planning Department, 777 Pearl Street, Room 106, Eugene, Oregon 97401. Your statement should be received by the Planning Department no later than 5 p.m. on April 12, 1988, to give the Hearings Official an opportunity to read it before the hearing. You may also submit a written statement at the hearing.
- Attend the public hearing and state your concerns. Your spoken testimony will be recorded in the minutes of the hearing.

Further information on how to testify is found in the brochure "Speak Up!" available at the Planning Department and at the Permit and Information Center, 244 East Broadway.

The City Planning staff will provide a written report and recommendation to the Hearings Official on this application. The report will be available after 3 p.m. on April 6, 1988. To receive a copy, stop by the Planning Department or call 687-5481.



For more information call the City Planning Department at 687-5481.

To whom it may concern,

I attended the work session and have reviewed LCOG's proposed changes to the metro plan and find that they are inconsistent with state law. The purpose of the "housekeeping" is to bring these into alignment with state standards and these issues should be addressed now instead of swept under the rug for a later date. I urge you to seriously consider remedying the inconsistencies pointed out here.

Policy C.1 is inconsistent with Goal 3.

Agricultural Lands (Goal 3)

GOAL 3

Policies

Current Policy Language

C.1 Where agricultural land is being considered for inclusion in future amendments to the UGB, least productive agricultural land shall be considered first. Factors other than agricultural soil ratings shall be considered when determining the productivity of agricultural land. Relevant factors include suitability for grazing, climatic conditions, existing and future availability of water for farm irrigation, ownership patterns, land use patterns, proximity to agricultural soils or current farm uses, other adjacent land uses, agricultural history, technological and energy inputs required, accepted farming practices, and farm market conditions.

Comment:

It is unclear whether or not land is "suitable for farm use" requires an inquiry into factors beyond the mere identification of scientific soil classifications. These factors are listed in the definition of agricultural land set forth at OAR 660-033-0020(1)(a)(B):

660-033-0020(1)(a) Agricultural Land, as defined in Goal 3 includes:

(B) land in other soil classes that is suitable for farm use as defined in ORS 215.203(2)(a), taking into consideration soil fertility; suitability for grazing; climatic conditions; existing and future availability of water for farm irrigation purposes; existing land use patterns; technological and energy inputs required; and accepted farming practices.

Identified Inconsistencies:

- The inclusion of five additional factors - ownership patterns, proximity to agricultural soils or current farm uses, other adjacent land uses, agricultural history, and farm market conditions are inconsistent with both OAR 660-033-0020(1)(a)(B) and OAR 660-033-0030(3) and (5)
 - 660-033-0020(1)(a)(B): Land in other soil classes that is suitable for farm use as defined in ORS 215.203(2)(a), taking into consideration soil fertility; suitability for grazing; climatic conditions; existing and future availability of water for farm irrigation purposes; existing land use patterns; technological and energy inputs required; and accepted farming practices
- 660-033-0030 Identifying Agricultural Land:
 - (3) Goal 3 attaches no significance to the ownership of a lot or parcel when determining whether it is agricultural land. Nearby or adjacent land, regardless of ownership, shall be examined to the extent that a lot or parcel is either "suitable for farm use" or "necessary to permit farm practices to be undertaken on adjacent or nearby lands" outside the lot or parcel

- (5) Notwithstanding the definition of "farm use" in ORS 215.203(2)(a), profitability or gross farm income shall not be considered in determining whether land is agricultural land or whether Goal 3, "Agricultural Land," is applicable.

Current Policy Language

"C.3 During the next *Metro Plan* update, a study should be initiated to examine ways of buffering and protecting agricultural lands on the urban fringe from the effects of urban development. The study should also evaluate approaches to use in order to maintain physical separation between the Eugene-Springfield metropolitan area and smaller outlying communities."

COMMENT:

THIS POLICY HAS BEEN 'ON THE BOOKS' SINCE 1982. REMOVE THIS POLICY OR GIVE IT SOME MEANING-

EXAMPLE: LC, SPRINGFIELD AND EUGENE HAVE AN INTEREST IN EXAMINING WAYS OF BUFFERING AND PROTECTING AGRICULTURAL LANDS ON THE URBAN FRINGE FROM THE EFFECTS OF URBAN DEVELOPMENT. THERE IS A NEED TO STUDY AND EVALUATE APPROACHES THAT CAN MAINTAIN PHYSICAL SEPARATION BETWEEN THE E-S METRO AREA AND SMALLER OUTLYING RURAL COMMUNITIES IS OVERDUE.

C.4 (d)

Proposed:

d. To ensure that zoning districts applied to agricultural lands encourage valid agricultural practices in a realistic manner emphasis shall be placed on minimum parcel sizes which are based upon a countywide inventory and which are adequate for the continuation of commercial agriculture. ~~As minimum parcel sizes decrease to accommodate more specialized commercial agricultural activities, the burden of proof upon the applicant shall increase in order to substantiate the proposed agricultural activity, and restrictions shall increase in order to obtain a residence on the commercial farm unit.~~ Deviation from minimum parcel sizes of the Exclusive Farm Use (EFU/RCP) land for the creation of a parcel not smaller than 20 acres may be allowed when at least 19 acres of the parcel being created are currently managed or planned to be managed by a farm management plan for a farm operation consisting of one or more of the following: berries, grapes, or horticultural specialties.

Comments:

There is not a statutory or rule provision that establishes "increased burden of proof" or "increased restrictions" criteria that would be applied to agricultural land in order to obtain a dwelling "when at least 19 acres of the parcel being created are currently managed or planned to be managed by a farm management plan for a farm operation consisting of one or more of the following: berries, grapes, or horticultural specialties." Although Lane County's Rural Comprehensive Plan Goal 3 Policy #4, includes this policy language, there does not appear to be an applicable state law or rule upon which this policy is based.

There is no statutory or rule provision allowing a residence on a commercial farm unit. LC 212 (9)(b) allows a "division of land down to 20 acres for horticultural specialties, berries and grapes", and identifies factors that "shall" be addressed to "establish the suitability of the land for the intended use."

212(7), "Allowable Residential Uses On Land That Is Not High Value Farmland" subsection (c): "A dwelling in conjunction with farm use or the propagation or harvesting of a forest product on a lot or parcel that is managed as part of a farm operation or woodlot is allowed subject to compliance with the following requirements:

- (i) The farm operation or woodlot:
 - (aa) Consists of 20 or more acres; and
 - (bb) Is not smaller than the average farm or woodlot in Lane County producing at least \$2500 in annual gross income from the crops, livestock or forest products to be raised on the farm operation or woodlot.

As written, Policy C.4 is inconsistent with provisions of agricultural lands rules and statutes, as specifically indicated above.

Proposed:

C.4.(o) Lane County recognizes ORS 215.253 shall apply on land-zoned EFU.

Comment:

215.253 Restrictive local ordinances affecting farm use zones prohibited; exception.

- (1) No state agency, city, county or political subdivision of this state may exercise any of its powers to enact local laws or ordinances or impose restrictions or regulations affecting any farm use land situated within an exclusive farm use zone established under ORS 215.247 or within an area designated as marginal land under ORS 197.247 (1991 Edition) in a manner that would restrict or regulate farm structures or that would restrict or regulate farming practices if conditions from such practices do not extend into an adopted urban growth boundary in such manner as to interfere with the lands within the urban growth boundary. "Farming practice" as used in this subsection shall have the meaning set out in ORS 30.930.

Inconsistency:

ORS 215.253 applies both to EFU zone established under ORS 215.203 and areas designated as marginal land under ORS 197.247 (1991 Edition).

Existing Finding #4 from the Forest Lands section of the Environmental Resources Element of the Metro Plan is inconsistent with Goal 4.

Forest Lands (Goal 4)

Findings

CURRENT POLICY LANGUAGE

4. The statewide goal definition for forest is based upon: (a) U.S. Department of Agriculture soils information translated into a potential forest growth productivity rating and (b) existing forest cover. Many soils in the metropolitan area have forest growth potential. Existing forest cover consists of coniferous and deciduous hardwood forests located primarily in the hills south of Eugene and Springfield and riparian (streamside) forests along rivers, streams, ponds, and sloughs.

COMMENT:

The Goals (Rules and Statutes) do not define forest. Rather, Goal 4 states:

Forest lands are those lands acknowledged as forest lands as of the date of adoption of this goal amendment. Where a plan is not acknowledged or a plan amendment involving forest lands is proposed, forest land shall include lands which are suitable for commercial forest uses including adjacent or nearby lands which are necessary to permit forest operations or practices and other forested lands that maintain soil, air, water and fish and wildlife resources.

ORR 660-006-0005 Definitions states:

(6) Forest Operation means any commercial activity relating to the

growing or harvesting of any forest tree species as defined in ORS 527.620 (6)."

SUGGESTION:

Finding #4 could reiterate the Goal 4 characterization of 'forest lands'.

Policies

C.5 Metropolitan goals relating to scenic quality, water quality, vegetation and wildlife, open space, and recreational potential shall be given a higher priority than timber harvest within the UGB.

COMMENT:

Vague - which Goals? COULD BE STATED AS: ALL GOALS RELATING TO PRESERVATION/PROTECTION AND ENHANCEMENT OF SCENIC QUALITY (INCLUDING OPEN SPACE), WATER QUALITY, WILDLIFE AND WILDLIFE HABITAT, AND RECREATION OPPORTUNITIES (BOTH PASSIVE AND ACTIVE) SHALL BE GIVEN THE SAME CONSIDERATION AS LAND ZONED FOR FOREST USES WITHIN THE UGB

CURRENT LANGUAGE

"C.6 The Oregon Forest Practices Act shall control commercial forest practices when commercial forest uses are the primary or one of two or more primary uses identified on forest lands outside the UGB. ~~When other policies of the Metro Plan establish a greater importance for uses other than commercial forests, Lane County shall protect those other values by applying appropriate implementation measures.~~

SUGGESTION:

The Metro Plan does not have the 'authority' to establish levels of importance of uses proposed on commercial forest lands; the applicable forest land uses and criteria for any exceptions to the established uses are defined in the state Goals, Rules, and Statutes. Lane County is required to implement the Goal 4 rules and statutes in managing lands zoned F1 (non-impacted) and F2 (impacted) forest lands.

Goal 4 states:

"Uses which may be allowed subject to standards set forth in this goal and administrative rule are: (1) uses related to and in support of forest operations; (2) uses to conserve soil, water and air quality, and to provide for fish and wildlife resources, agriculture and recreational opportunities appropriate in a forest environment; (3) locationally dependent uses; (4) dwellings authorized by law."

Thank you for your consideration,
Kevin Jones
4740 Wendover St.
Eugene, OR 97404
461-3798

2/20/04

To the County Commissioners City Councilors and
LCOG coordinators

The metro plan amendments affect us all and
as small farmers directly outside the Urban Growth
Boundary we feel plenty of reason to stay abreast.
However time to keep up with all the civic loose ends
is sometimes short. Therefore for this round I've
reviewed Lauri Segel's comments regarding parts
3 + 4 for Agricultural and Forest issues.

She appears to point out valid inconsistencies
with State Law (OAR) and it seems fitting to
include consideration of her points now during
the housekeeping phase.

While there is a lot of economic force present
today pushing for more development land, there
is a lot of wisdom in solid protection of
our resource lands. Please don't allow any language,
especially inconsistent language, to exist that may
serve developers or lawyers to move toward undermining
these sound protections

FEB 20 2004

In Reference to comments by
Lauri Segel
1000 Friends of Oregon

Thank You for Your
due consideration

Kevin Jones
4740 Wendover
Eugene OR 97404

8-5

LAW OFFICE OF BILL KLOOS, PC

OREGON LAND USE LAW

576 OLIVE STREET, SUITE 300
EUGENE, OR 97401
PO BOX 11906
EUGENE, OR 97440
TEL (541) 343-8596
FAX (541) 343-8702
E-MAIL BILLKLOOS@LANDUSEOREGON.COM

February 10, 2004

Eugene City Council
Lane County Board of Commissioners
Springfield City Council
c/o Lane Council of Governments
99 East Broadway, Suite 400
Eugene, OR 97401

Re: *Metro Plan* Amending Ordinance:
Eugene: Agenda Item A
Lane County: Ord. PA 1197
Springfield: Jo. No. LRP 2003-00014

Dear Elected Officials:

This letter is submitted on behalf of the Home Builders Association of Lane County (HBA), and its subsidiary, the Home Builders Construction Company (HBCC), a for profit for-profit construction company which builds homes in the Eugene/Springfield area.¹

The balance of this letter responds to the materials in the January 8, 2004 LCOG Staff Report.

New Metro Plan Diagram:

The proposal is to base the Metro Plan Diagram on the RLID (Regional Land Information Database), which is parcel specific, but to declare, as a matter of policy, that the Diagram is not parcel specific. That is, as a matter of policy, the proposal is to keep the Diagram, for the most part, as a "blob map," which is has been for the past twenty years. This proposal is contrary to Statewide Planning Goal 2; it is inefficient; it defeats certainty and predictability; it will lead to confusion and litigation on a site-specific basis; and it will continue the confusion and frustration that has been a hallmark of the Metro Plan Diagram since its adoption in 1982. It is the equivalent of saying, although we have computers, we will continue to do all our planning with pencils. We now have the tools for a parcel-specific Metro Plan Diagram, because RLID is a parcel specific database. If the database for the Diagram is parcel-specific, so too should be the Diagram itself. Why dumb down the Diagram?

1. With this letter the HBA and the HBCC intend to make an appearance and raise issues, so as to be entitled to file objections, if necessary, in the periodic review process, as provided for in OAR 660-025-0140. They request notice of the final adoption of this work program task.

It is worth noting that as of the time of the close of the hearings on this matter before the Planning Commissions, the staff proposal was to make the Diagram parcel-specific. Staff put a lot of work into this. Eugene and Springfield planning staffs had posted, on the web, an Excel spreadsheet that reconciled the plan Diagram designation for each parcel in Metro area. They were working out the kinks, parcel by parcel. The spreadsheet proposed a Plan Diagram designation for each parcel on the Plan Diagram where two plan boundaries meet. The spreadsheet resolving all the Plan Diagram designation for each parcel used to be posted here: <http://www.lcog.org/metro/03docs/EugeneTable.pdf> They even posted a proposed parcel-specific Metro Plan Diagram showing all the proposed designations. The draft Plan Diagram used to be posted here: <http://www.lcog.org/metro/03docs/PropPlanMap.pdf> Those are now dead links. Staff shifted gears in the Fall, after the close of the Planning Commission hearings. They shifted gears, decided to stick with the blob map, erased the draft parcel-specific list and Diagram from the web, and made the current proposal to dumb down the Diagram. This is a mistake, which should be corrected now while the data are available and the staff is on the cusp of getting the job done.

Diagram "Housekeeping" Changes and Goal 2 Issues:

Goal 2 is the touchstone for the plan Diagram and its related inventories and policies. The raw text of Goal 2 provides, in relevant part:

All land use plans shall include identification of issues and problems, inventories and other factual information for each applicable statewide planning goal, evaluation of alternative courses of action and ultimate policy choices, taking into consideration social, economic, energy and environmental needs. The required information shall be contained in the plan document or in supporting documents. The plans, supporting documents and implementation ordinances shall be filed in a public office or other place easily accessible to the public. The plans shall be the basis for specific implementation measures.

All land-use plans and implementation ordinances shall be adopted by the governing body after public hearing and shall be reviewed and, as needed, revised on a periodic cycle to take into count changing public policies and circumstances, in accord with a schedule set forth in the plan.

The proposal before the elected officials does not meet the requirements of Goal 2 in several respects.

Goal 2 says the plan includes the plan inventories, and those inventories must be easily accessible to the public, and they must be adopted by the governing bodies. That has not happened and is not proposed to happen in the draft before you. The Staff Report seems to say that the database for the plan inventories is now the RLID parcel-specific database. If that is so, then the required plan inventories, including for residential, commercial and industrial land,

need to be adopted by the governing bodies, and they need to be easily accessible. There has not been a governing body adoption of the RLID inventories, and none is proposed here. If and when the RLID inventories are adopted, we will then have a parcel-specific database for each inventory of land. Those inventories will reflect the governing bodies' "ultimate policy choices" for each parcel of land – that is, whether the parcel is needed for residential, commercial, industrial, or some other use. Goal 2 requires ultimate policy choices.

If the ultimate policy choice for each tract of land has been made by placing each parcel of land in a particular inventory, then reflecting that policy choice in the plan Diagram would result in a parcel-specific Plan Diagram, not a fuzzy Diagram.

There are several legal shortcomings in having a parcel-specific inventory but saying that the Plan Diagram for some parcels is not specific and is subject to further staff deliberation. An obvious problem is internal plan inconsistency. If a parcel of land is in a particular inventory, then it must be plan designated consistent with that inventory to avoid an inconsistency. This indicates the need for a parcel-specific plan designation.

Similarly, if in order to avoid internal inconsistencies, the jurisdictions say that lands with indeterminate Plan Diagram designations will be removed from any particular plan inventory, then that acreage may not be relied upon to meet the needs for any category of land – residential, commercial or industrial.

Finally, if the jurisdictions really intend to keep the plan designation of some parcels vague right now, and let staff determine the appropriate plan designation for some properties in the future, in the context of specific applications by owners of the lands, then the local governments are both deferring their duty to make ultimate policy choices, and they are delegating to staff a decision that Goal 2 requires to be made by the governing bodies.

The summary rationale for keeping the Metro Plan Diagram fuzzy is that it "will provide the cities with the flexibility to interpret the designation of specific properties that border one or more different plan designation category." Staff Report at 5. As noted above, this reflects a policy to avoid making the ultimate policy choices that Goal 2 requires be made now, and to have those choices made in the future by staff when Goal 2 requires they be made by the governing bodies.

Practical problems follow from the legal shortcomings above. The blob diagram has kept landowners uncertain and insecure about their plan designations since 1982. They have been told for more than two decades that they can't tell what the plan designation of their property is by looking at any map. They have to guess, or talk to staff who can help them guess, but ultimately they have to apply for something and get a ruling from a decision maker, and hope that decision maker is right in making his or her guess in the context of the application. The uncertainty, guesswork, and confusion create inefficiencies in investment decisions and development, which work to the detriment of all persons wanting to develop land for any use.

Other cities are completely capable of designating each parcel of land with a plan designation, putting it on a single map, and even posting the result on the web for all to see and use. See, e.g., Albany (<http://www.ci.albany.or.us/publicworks/gis/gismaps/compplan.pdf>); and Corvallis (<http://www.ci.corvallis.or.us/downloads/cd/compplanmap.pdf>). In these cities citizens can look at a posted map and know what plan designation they have, and start their decision making from there. In contrast, in the Metro area, to get to that basic starting point, a citizen must strike a relationship with city staff, try to elicit a staff decision, and then figure out how to firm up that decision in way that it can be relied on in future development applications. After 20 years of trying, why can't the Metro jurisdictions just map it? Parcel-specific mapping for the Metro area is not the rocket science it was in 1982. Staff had the draft parcel-specific map and related parcel list in the Fall of 2003, but threw it away. If we have a parcel-specific RLID inventory of parcels, why can't that simply be displayed on a parcel-specific Metro Plan map? Where is the social utility in keeping the Metro Plan Diagram dumbed down for another decade? It is not explained in this Staff Report, and it is not otherwise evident.

Diagram Updates and Refinement Plans:

The proposed housekeeping changes would continue the ambiguous, conflicting relationship between the refinement plans and the Metro Plan. We all deserve relief from this; Goal 2 requires ultimate policy choices in the plan, and they will not be made under this proposal.

The current crop of refinement plans in Eugene predates the 1982 Metro Plan. Some create new, boutique plan designations; some do not. Some have maps; some do not. Some have maps that are parcel specific; some do not. Some of the designations on the parcel-specific refinement plan maps conflict with the Metro Plan Diagram; some do not. All of them contain policies, of varying degrees of specificity and objectivity, that modify, qualify, or conflict with policies in the Metro Plan, the Statewide Planning Goals, and the LCDC's rules. Taken as a group, they are individually parochial documents that detract from coordinated planning for the Metro area; they are the antithesis of a coordinated, integrated, and internally consistent comprehensive plan.

That is the baseline – our experience with refinement plans over the last two decades. The Metro Plan's policies for how to use refinement plans contributes to the problem. The language of the current Metro Plan says that the Metro Plan can be refined through neighborhood or special area plans, but if there are inconsistencies, the Metro Plan prevails. It also says that you can't tell the designation of any parcel from the Metro Plan Diagram. As a result, it is almost always a hassle to sort out what the plan designation is for a parcel; this gets thrashed out in the context of individual applications; the results are not predictable.

The current proposal is not an appreciable improvement over the status quo for the last two decades. The proposal is that the Metro Plan Diagram will be parcel specific in those areas

that do not border on more than one plan designation. However, it is impossible to tell from the proposed Plan Diagram where the line is – that is, which parcels border on more than one plan designation. Furthermore, the Staff Report explains that the policies and designations of some, but not all, refinement plans have been incorporated into this draft of the Metro Plan, depending on how the refinement plan was adopted. Yet there is not listing of which refinement plans are in and which are out.

What is needed, for the clarity that reflects ultimate policy choices under Goal 2:

- A parcel-specific Metro Plan designation for each parcel, with a clear explanation as to whether that designation is in the Metro Plan Diagram or a refinement plan Diagram;
- A clarification as to where ultimate policy choices are to found in terms of text policies – the Metro Plan or the refinement plans.

Leave “Urban Reserves”:

The HBA urges you not to delete the urban reserves and related policies at this time for several reasons. The urban reserves are already the basis for substantial public and private investment, including but not limited to long-range planning for sewers, roads, and other infrastructure in the LCC basin and other urban reserve areas. The analysis, citizen participation, and processing that went into getting the urban reserves acknowledged is a sunk cost that cannot be retrieved if the urban reserves are discarded.

The new statutes establishing a complicated tiered system of ranking lands for inclusion within the urban growth boundaries essentially replicates a set of LCDC urban reserve administrative rules that have proven to be almost totally unworkable and have generated LUBA and Court of Appeals opinions the size of small books. As a result, the whole urban reserve requirement has been made optional. However, acknowledged urban reserves probably still get some priority under that system. That ambiguity could be quickly resolved by a simple legislative amendment. Legislative amendments can be obtained; Eugene has gotten them in the past.

Even more could be done by working with what is likely to be a receptive legislature. It seems very likely that a coordinated effort to give statutory recognition to acknowledged urban reserves would be successful, given the current interest in reducing regulatory complexity, the current lack of funding for local planning initiatives, and the proven difficulties experienced by Portland Metro with the tiering system. A simple, one-line legislative amendment recognizing acknowledged urban reserves and giving them statutory first-tier status would protect this community’s investment in the current urban reserves and eliminate the need to fund several planning and computing positions to rebuild what you are being asked to demolish today. In summary, there is no “downside” to keeping the urban reserves in place.

Need for a 20-year inventory of land (ORS 197.296):

The HBA also asks you to bring the current residential land supply into line with the requirements of applicable statutes, goals, and rules. It is our position, and we hope it will be yours, that this periodic review should end with a true 20-year residential lands supply. We think, for the reasons set forth below, that this result is required by statute. However, we also urge you to take this challenge on because of how long it has taken to complete the current periodic review. Unless you do it now, it won't get done until the end of the next periodic review, which, based on current experience, will not be until close to 2015. That is the end of the planning period supposedly addressed in the current periodic review.

The current periodic review has been in progress, if you can call it that, for 10 years instead of the 3 years originally contemplated. As a result, it is already outdated, before you have even completed it. You are now being asked to approve an "updated" plan that doesn't even claim to meet state housing and economic development land supply requirements past 2015. That is, counting from today, an 11-year supply. Oregon's Economic Development Goal and rule, the State Housing Goal and rule, the Transportation Planning Rule, and Oregon's needed housing statutes are all clear on this point.

Our focus, of course is housing. ORS 197.296(1), as adopted by the Oregon legislature in 1995, required that

"(2) At periodic review or any other legislative review of the urban growth boundary, comprehensive plans and functional plans shall provide sufficient buildable lands within the urban growth boundaries established pursuant to statewide planning goals to accommodate estimated housing needs for 20 years." (Emphasis added)

This is a periodic review within the meaning of Section 2. This periodic review also includes a number of elements that, taken together, amount to a "legislative review of the urban growth boundary" within the meaning of the statute. It includes detailed analyses of long-term population growth, needs for land for residential, commercial, industrial, and infrastructure development, a transportation plan for the region that incorporates a variety of projections and assessments concerning the current and possible future size and shape of the urban growth area, and the question of whether to retain or discard the region's acknowledged urban reserve areas, opportunities and mechanisms for increasing density.

The next paragraph of ORS 197.296, as adopted in 1995, speaks of obligations that apply at "the next periodic review" or at any other legislative review of the urban growth boundary:

"(3) As part of its next periodic review pursuant to ORS 197.628 to 197.6550 following September 9, 1995, or any other legislative review of the urban growth boundary, a local government shall:
(a) Inventory the supply of buildable lands within the urban growth boundary;

(b) Determine the actual density and the actual average mix of housing types of residential development that have occurred within the urban growth boundary since the last periodic review or five years; whichever is greater; and
(c) Conduct an analysis of housing need by type and density range, in accordance with ORS 197.303 and statewide planning goals and rules relating to housing, to determine the amount of land needed for each needed housing type for the next 20 years.

“(4) If the determination required by subsection (3) of this section indicates that the urban growth boundary does not contain sufficient buildable lands to accommodate housing needs for 20 years at the actual developed density that has occurred since the last periodic review, the local government shall take one of the following actions:

“(a) Amend its urban growth boundary to include sufficient buildable lands to accommodate housing needs for 20 years at the actual developed density during the period since the last periodic review or within the last five years, whichever is greater. * * *

(b) Amend its comprehensive plan, functional plan, or land use regulations to include new measures that demonstrably increase the likelihood that residential development will occur at densities sufficient to accommodate housing needs for 20 years without expansion of the urban growth boundary * * *

(c) Adopt a combination of the actions described in paragraphs (a) and (b) of this subsection.

“(5) Using the analysis conducted under subsection (3)(c) of this section, the local government shall determine the overall average density and overall mix of housing types at which residential development of needed housing types must occur in order to meet housing needs over the next 20 years * * *”

[Emphasis added]

Your staff has taken the position that the current periodic review is “grandfathered” because it began late in 1994 when LCDC gave its initial periodic review notice. That is questionable because, as your proposed findings state at page 4, the periodic review work program wasn’t acknowledged by LCDC until May 25, 1995, after which your periodic review work tasks actually began.

Even if the current “periodic review” is not the “next” review under the statute, however, it has certainly come to include an “other legislative review” of the UGB during its protracted life span. It is one or the other, so both Sections 1 and 2 apply. (Note that amendments to the statute in 2001 clearly do not apply to this periodic review as a periodic review, but may apply to the extent that the current periodic review includes a separate “other legislative UGB review commencing after January 1, 2002.” See 2001 Or Laws Chapter 908, Sections 5.)

By stopping its analysis in 2015, the region is violating the requirement established in ORS 197.296(3)(c) and (5) that it must address its land needs "for the next 20 years. The current periodic review and the current work task include or constitute a "next periodic review" and/or an "other legislative review" of the Eugene-Springfield Metropolitan Urban Growth Boundary within the meaning of ORS 197.296(2) as adopted by 1995 Or Laws Chapter 546, Section 3.

The Metro Plan currently states that: "Periodic updates of land use needs and revisions of the UGB to reflect extensions of the planning period will ensure that adequate surplus urbanizable land is always available." II-E-1.

The proposed Metro Plan amendments also state that:

"the undeveloped (urbanizable) area within the UGB . . . has been carefully calculated to include an adequate supply to meet demand for a projected population of 286,000 through the end of the planning period (2015). However, unless the community consciously decides to limit future expansions of the UGB, one of several ways to accommodate growth, that boundary will be expanded in future plan updates so that before 2015 it will include more urbanizable area reflecting future population and employment needs than that now depicted on the Metro Plan Diagram. Accordingly, periodic updates of land use needs and revision of the UGB to reflect extensions of the planning period will ensure that adequate surplus land is always available." II-E-1

There is no basis in fact or law for this finding or assumption, which must be based on a 20-year land supply analysis covering the 20 years following completion of periodic review and fully complying with ORS 197.296, Goal 10, and OAR 660-15-000(8). The land supply analysis in the record does not purport to address the period between 2015 and 2024 or 2025, which is the probable correct ending year. The analysis and land supplies are based on figures that in some cases haven't been updated since 1994 or 1995. They also fail to take adequate account of development since 1992, new open space and natural resource zones and buffers, wetlands, mixed-use zones, and other factors decreasing the land supply during the 10-year periodic review process. What the community is getting at the end of a decade-long process isn't even a valid 10-year supply of buildable residential lands.

Statewide Goal Two, Land Use Planning, requires that plans and implementing measures be supported by an adequate factual basis. Oregon Courts and the Land Conservation and Development Commission have been especially rigorous in their documentation requirements for local governments seeking to expand urban growth boundaries and to convert agricultural and forest lands to nonresource uses. In spite of that rigor, Oregon has generally been able to accommodate healthy growth within urban growth boundaries established 20 years ago. But the 20 years are up, and there is now increased pressure to divert the limited remaining urban land supplies to other uses, such as open space, habitat buffers, and wildlife corridors. As a result, the balance has been lost. If the balance is to be restored, local and regional

governments with responsibility for maintaining adequate supplies of urban and urbanizable land for economic development, including housing, will have to step up with solid and current documentation of existing supplies and assertive, meaningful measures to augment those supplies when and where necessary.

ORS 197.296 requires special documentation and imposes a special burden of proof on local governments as to proposed "alternative measures" designed to increase the capacity of urban lands. Where deficits exist, the governing bodies of Eugene, Springfield, and Lane County must show that such measures are likely to achieve the results that are projected. ORS 197.296(9) provides that:

"In establishing that [alternative measures] * * * demonstrably increase the likelihood of higher density residential development, the local government shall at a minimum ensure that land zoned for needed housing is in locations appropriate for the housing types identified * * * and is zoned at density ranges that are likely to be achieved in the housing market * * *" [Emphasis Added]

If the Eugene-Springfield Metro area's long-delayed periodic review is to end with a product that meets all state standards, it is crucial that that the area's governing bodies fully understand that it is of critical importance that all urbanizable land 20-year-demand capacity analyses be current and realistic, and that they provide for a planning period which extends for 20 years from the end of periodic review, not from the beginning.

The difficulty of expanding urban growth boundaries makes it very tempting to find easier ways of meeting urban land supply obligations. That temptation must be resisted. Creative accounting and blue sky prospectuses are unlawful on Wall Street. They are also unlawful in this land use process.

The 7-year delay in finishing what was supposed to be a 3-year process has exacerbated deficiencies that might otherwise be tolerable. For example, had the process been completed in 1997, as promised in the original work program, we would have had something much closer to a 20-year land supply and demand analysis. Moreover, we would now be embarking on the next round of periodic review and would be in a position to adequately address current land needs and supplies under current law. The delay in complying with the legislature's 1995 mandate would be a few years instead of more than a decade.

The HBA hopes that the three governing bodies together determine that the exit from periodic review should be a clean exit, with a documented inventory of land for residential use that is actually available for development, under the current implementing regulations, and sufficient to accommodate growth for a full 20-year period.

Thank you for your consideration.

Metro Elected Officials
February 10, 2004
Page 10 of 10

Sincerely,

Bill Kloos

cc: Roxie Cuellar, Home Builders Association of Lane County

9-10

LAW OFFICE OF BILL KLOOS, PC

OREGON LAND USE LAW

FEB 20 2004

576 OLIVE STREET, SUITE 300
EUGENE, OR 97401
PO BOX 11906
EUGENE, OR 97440
TEL (541) 343-8596
FAX (541) 343-8702

E-MAIL BILLKLOOS@LANDUSEOREGON.COM

February 20, 2004

Eugene City Council
Lane County Board of Commissioners
Springfield City Council
c/o Lane Council of Governments
99 East Broadway, Suite 400
Eugene, OR 97401

Re: *Metro Plan* Amending Ordinance:
Eugene: Agenda Item A
Lane County: Ord. PA 1197
Springfield: Jo. No. LRP 2003-00014

Dear Elected Officials:

This letter is submitted on behalf of the Home Builders Association of Lane County (HBA), and its subsidiary, the Home Builders Construction Company (HBCC), a for profit for-profit construction company which builds homes in the Eugene/Springfield area.

Request that record be left open.

On February 13 I requested copies of 10 documents from LCOG that relate to periodic review work. Several of these are documents that describe the methodology the cities used to go from the existing Metro Plan Diagram ("the blob") to the proposed parcel specific (except for some areas in Eugene) Metro Plan Diagram. The ensuing email exchange between myself and LCOG and Eugene staff is attached hereto as Exhibits A through D. In summary, staff concluded that certain documents that should be in the record are not, and Eugene staff are adding about 1500 pages of materials to the Periodic Review record today before 5 pm. A copy of these will be sold to my client at the usual fee of 25 cents a page. So, the documentation of the methodology used to come up with the proposed map for Eugene won't be in the record until the record is about to close today.

These materials should explain, or help explain, how the Eugene staff justifies what they are proposing for the Metro Plan Diagram. We can't digest the material until we have it. Hence, the elected officials should determine to leave the record open for a sufficient period of time for this material to "sink in" and be responded to by you and other persons interested.

9-11

The curse of the fuzzy line in the parcel specific Metro Plan Diagram (except for some areas) – a contemporary case study.

The proposal is to leave indeterminate the plan designation for all parcels adjacent to a plan boundary demarcation, with staff to make the call on a case-by-case basis as we move forward in life. HBA has objected to this as being contrary to Goal 2; contrary to state statutes; a refusal to use available technology (RLID is 100% parcel specific); a refusal to make ultimate policy choices; an undermining of the validity of the Metro inventories; a dumbing down of predictability and certainty in planning; an accommodation for Eugene (as Lane County and Springfield are ready to go 100% parcel specific); and otherwise a giant step backwards.

Here is a current case study of how this will work, if the elected officials buy into it. Attached is a Eugene Staff Report to the Hearings Official for a rezoning to C-2, which will be heard on February 25, 2004. The Staff Report and related materials appear as Exhibit E hereto. The file is Z-03-19.

The property is located the west side of Coburg Road, north of Willakenzie. Four tax lots are zoned C-1. These specific tax lots are designated Commercial in the parcel specific map on page 25 of the *Willakenzie Area Plan (1992)*, which is a refinement plan. These tax lots also are plan designated "Commercial" in the RLID data base, which is now proposed to be the data base for the *Metro Plan Diagram*. These parcels appear as plan designated "Commercial" on the proposed *Metro Plan Diagram* to be adopted by the elected officials.

Notwithstanding this firm pedigree as being plan designated "Commercial," the Staff Report recommends against rezoning these tax lots to C-2 (Community Commercial) for the reason that staff believes the plan designation for the tax lots is "Medium Density Residential." Staff is interpreting what is Commercial on a parcel specific refinement plan map to be Medium Residential. Staff is looking at parcels that are Red on the plan map and calling them Yellow.

The point to be made here is that under the policies the staff recommend you adopt as "housekeeping" policies, what staff is doing here will be ok. That is, since the subject tax lots, which are Red, appear on refinement plan as abutting other tax lots that are Yellow, staff will be delegated the authority to interpret them as being either Red or Yellow – Commercial or Medium Density Residential. Why should staff be given this power when the parcels are plainly mapped in the refinement plan as being Commercial?

Summary of Issues

At this juncture, without the information requested from staff in the attached emails, the HBA can only identify issues that need to be addressed once the data are generated. The key issues are:

1. Delegating to staff the authority to determine what the plan designation should be for those parcels on the boundary of two plan designation lets staff make the ultimate policy choice for those parcels, contrary to Goal 2 which requires the decision to be by the

9-12

governing body.

2. Delegating to staff also defers the ultimate policy choice to a later date for all those parcels involved. Staff do not know how many parcels or how much acreage of land is in this category.
3. Parcels and total acreage that is in this category of land has an indeterminate plan designation. It won't be determined until staff exercises its decision making in the context of a specific case. Hence, all these parcels and all this acreage needs to be removed from plan inventories for specific uses. That is, it can't counted because is has no firm identity.
4. The jurisdictions are formally adopting the RLID data base as the data base for the Metro Plan. This process involves resolving conflicts between the refinement plans and the Metro Plan for parcels (with the exception of the undetermined number of parcels that are on the boundaries between plan designations) and adopting a designation for each parcel. These are plan amendments, which trigger the requirement for consistency with the Statewide Planning Goals. An adequate review under the goals has not been done. An adequate review can't be done, as the particulars of the changes have not been documented. That is, the record materials do not show what parcels are being changed, what the changes are for each parcel, what the aggregate changes are in terms of acreage. All that is known is that we are going from Map "x" to Map "y". The goals analysis needs to be as robust for this exercise, where the Metro area is involved, as it would be for a site specific plan change. How do these changes affect the inventories of vacant lands – a Goal 2 issue? How do they affect the nonconforming status of existing uses on lands whose plan designation is being changed – a Goal 9 issue?

As we stated in our letter of February 10, the HBA hopes that the three governing bodies together determine that the exit from periodic review should be a clean exit, with a clear, well documented understanding of the changes being made, and an analysis demonstrating compliance with all the applicable goals.

Thank you for your consideration.

Sincerely,



Bill Kloos

cc: Roxie Cuellar, Home Builders Association of Lane County

9-13

Bill Kloos

From: Bill Kloos [billkloos@landuseoregon.com]
Sent: Friday, February 13, 2004 5:04 PM
To: Carol Heinkel (cheinkel@lane.cog.or.us)
Cc: Roxie Cuellar
Subject: Metro Periodic Review Materials

Carol:

I am looking for background materials related to the materials presented to the elected officials on February 10. I have a hard copy of the January 8 Staff Report and packet. All the materials I list below should be available in digital form, so it might be easiest to get them on a CD. Some of the materials below I am sure exist; others I imagine exist in some form but I am not exactly sure what the document is, so I'll describe it as best I can, and maybe we can talk to nail it down. So, here is the list:

1. There must be documentation of the methodology the staff used to get from the officially adopted blob diagram to the proposed parcel specific (with some exceptions) diagram. This methodology is summarized in global terms on page 4 of the January 8 Staff Report. I need the detailed documentation of the methodology, step by step.
2. The last sentence of paragraph 3 on page 4 of the January 8 Staff Report says that staff has worked since September 2002 to make the interpretations needed to make the RLID diagram the official plan map. I'd like documentation of these interpretations. Likely this is a spreadsheet of some sort, perhaps with explanatory notes. I'd like that.
3. The first sentence of paragraph 4 of the January 8 Staff Report says that the revised Metro Plan Diagram has been "matched" with the current adopted conceptual version of the diagram and adjusted to reflect the adopted map and existing development patterns. It is not clear to me what this means. However, it does reflect a process of making adjustments. Likely this is reflected in a spreadsheet of some sort. I'd like that and any accompanying documentation.
4. The first sentence of paragraph 5 of the January 8 Staff Report says that the proposed Metro Plan Diagram will not be parcel specific in its entirety. The proposed text of the Metro Plan explains this will be the case for those parcels that border on more than one plan designation. I'd like the list of parcels that are in this category, together with their current zoning, and the current plan designation for those parcels in RLID. If any summary tables of these parcels (that is, the ones that will not have parcel specific plan designations in the new Metro Plan Diagram) I would like those.
5. In the Fall of 2003 LCOG had posted on the web a proposed Metro Plan Diagram that was 100% parcel specific. It was posted here: <http://www.lcog.org/metro/03docs/PropPlanMap.pdf> It is not posted any longer. I'd like a copy of that.
6. In the Fall of 2003 LCOG also had posted on the web an Excel spreadsheet that documented the resolution of proposed plan designations for specific parcels in the diagram in item 5. above. It was posted here: <http://www.lcog.org/metro/03docs/EugeneTable.pdf> It is not posted any longer. I'd like a copy of that spreadsheet.
7. Has LCOG done any tallies of acreage changes, by plan designation, either Metro-wide or by city or by region, from the current Metro Plan diagram to the proposed Metro Plan diagram? If so, I would like those summaries. If there are no acreages summaries available, what would be the easiest way to generate a summary.
8. Paragraph 3 on page 5 of the January 8 Staff Report distinguishes between refinement plans that effectively modify the Metro Plan, based on how the plans were adopted, and those that do not. I'd like the documentation showing which refinement plans are in each category, along with the explanation as to why it was put in the particular category.

EXHIBIT A

2/20/2004

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9. Paragraph 5 on page 5 of the January 8 Staff Report explains that the Metro Plan Diagram has been updated to make the diagram consistent with locally-adopted refinement plans. I assume based on item 8 above that this was done only for those refinement plans put in the list of refinement plans deemed to have amended the Metro Plan. I'd like any documentation showing what changes were made to reflect the refinement plans.

10. I'd like a digital copy of the proposed Metro Plan Diagram.

I know this is a long list, but these documents should be available, as they would be the essential documentation of how the jurisdictions got from point "A" to point "B" -- that is, how staff got from the adopted blob map, which was supported by an unadopted parcel specific RLID inventory, to a proposed parcel-specific (with some exceptions) Metro Plan Diagram. If we can refine the list with some discussions, please call.

Bill Kloos
Law Office of Bill Kloos, PC
PO Box 11906
576 Olive Street, Suite 300
Eugene, OR 97440
Phone: (541)343-8596
Fax: (541)343-8702
e-mail: billkloos@landuseoregon.com
Web www.LandUseOregon.com

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2/20/2004

9-15

Bill Kloos

From: Bill Kloos [billkloos@landuseoregon.com]
Sent: Thursday, February 19, 2004 10:10 PM
To: 'YEITER Kurt M'; 'HEINKEL Carol A'
Cc: 'CUELLAR Roxie (SMTP)'; 'MUIR Susan L'
Subject: RE: Metro Periodic Review Materials

All,

In response to Kurt Yeiter's email below, I would like to make the following points:

- One of my colleagues in Eugene opined last week that I would not be able to get the requested documents by the 20th, in time to be able to use them before the record is closed. I was more optimistic, but I guess my colleague's prediction was right.
- I made my request only through Carol Heinkel, assuming LCOG to be the central clearinghouse; Kurt seems to think this is the right approach. I have not made the request to any individual Eugene staff persons. The only Eugene staff person I have spoken with since the Joint Elected Officials meeting was Teresa Bishow, who I spoke with on 2/17, I believe, about a staff report she wrote on a pending rezoning and how it related to the Periodic Review process. I did not request the documents from her.
- Kurt suggests that maybe Eugene does not have to provide the information requested unless I make a formal public records request and perhaps pay for the research time to pull the stuff together. I think LCOG and the governing bodies ought to get together and decide to what degree they want the Periodic Review Process to be an open process where inquiry is encouraged and disclosure is facilitated, or a closed process where citizens have to become dentists to extract information that is the foundation for what the Metro bodies are doing.
- Most distressing, I think, is Kurt's observation that some of the documents I requested, such as 1, 2, 8, and 9, do not exist in a consolidated form. These documents would be the essential underpinnings explaining how the staff derived the proposed parcel specific (for the most part) Metro Plan diagram, including how they evaluated all the refinement plans and resolved all the conflicts. This really ought to be in a Technical Supplement of some sort that goes with the proposed Plan Diagram. If the staff can't provide this documentation to citizens, then they can't provide it to the elected officials, and they won't be able to provide it to the DLCD to defend the submittal for acknowledgment. The key point is that dramatic changes are being proposed in the Metro Plan Diagram, and there are no details available explaining how staff got from the old to the proposed new. How can people critique the proposed product if the methodology is not documented.

Although it looks like the requested information won't be available in time for us to rely on it for the final submittal, we still need the information. As the contact person for all this, could you please advise how you would like me to proceed to get it?

Bill Kloos
Law Office of Bill Kloos, PC
PO Box 11906
576 Olive Street, Suite 300
Eugene, OR 97440
Phone: (541)343-8596
Fax: (541)343-8702
e-mail: billkloos@landuseoregon.com
Web www.LandUseOregon.com

2/20/2004

EXHIBIT B

9-16

Please do not read, copy or disseminate this communication unless you are the intended addressee. This e-mail communication may contain confidential and/or privileged information intended only for the addressee. If you have received this e-mail in error, please call immediately at 541-343-8596. Also, please notify me by e-mail. Thank you.

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

From: YEITER Kurt M [mailto:Kurt.M.YEITER@ci.eugene.or.us]
Sent: Thursday, February 19, 2004 3:04 PM
To: HEINKEL Carol A; 'billkloos@landuseoregon.com'
Cc: CUELLAR Roxie (SMTP); MUIR Susan L
Subject: RE: Metro Periodic Review Materials

From my perspective, I do not know how to answer the original e-mail, or whether I need to. One, it wasn't addressed to either city, nor was it requesting city-specific info. It also wasn't clear if Bill intended the e-mail to be an informal inquiry, part of the written record for the current periodic review tasks, a request for public information, or something else.

In Eugene, a request for public information requires a little more formal process and, after we assess the cost of gathering it, prepayment. Much of what Bill asks for is in the record, and I'll leave it between Bill and LCOG to work out. Some of the things Bill asks for, if I understand his request correctly, do not exist in consolidated written form for Eugene-specific recommendations. Examples include #1 and 2 (some documentation may be added to the record, but there is not a single "white paper" that describes all actions taken), #8, and #9 (same as #1 & 2).

I also agree that periodic review inquiries should be addressed through a central clearinghouse (Carol). I just learned that Bill has been phoning city staff who were not consistently involved in this project, which is not productive and not conducive to getting accurate information.

Kurt

Kurt Yeiter

Principal Planner

City of Eugene

Planning and Development Department

99 West 10th Avenue

Eugene, OR 97401

(541)582-8379

(541)582-8572 fax

Kurt Yeiter - ci.eugene.or.us

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

From: HEINKEL Carol A
Sent: Thursday, February 19, 2004 9:01 AM
To: 'billkloos@landuseoregon.com'; HEINKEL Carol A
Cc: CUELLAR Roxie (SMTP); YEITER Kurt M; METZGER Mark
Subject: RE: Metro Periodic Review Materials

Bill, here are the staff, above, I have sent your inquiry to. I have advised they respond through me so that we have a coordinated response. I am checking with them today and will get back to you.

2/20/2004

9-17

One question raised so far is the nature of your request. Is this something for the record? Is it a public information request? Again, have you checked the record? because it contains answers to most of your questions. Also, I believe the methodology you refer to regarding how the plan diagram was updated is clearly described in the record. If you have a specific question about the methodology, I am happy to help but no further documentation was compiled. Carol

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

From: Bill Kloos [mailto:billkloos@landuseoregon.com]
Sent: Thursday, February 19, 2004 8:31 AM
To: 'HEINKEL Carol A'
Cc: 'CUELLAR Roxie (SMTP)'
Subject: RE: Metro Periodic Review Materials

Carol,

I can forward my list to the key people; who are the local contacts you are working with?

Bill Kloos
 Law Office of Bill Kloos, PC
 PO Box 11906
 576 Olive Street, Suite 300
 Eugene, OR 97440
 Phone: (541)343-8596
 Fax: (541)343-8702
 e-mail: billkloos@landuseoregon.com
 Web www.LandUseOregon.com

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

From: HEINKEL Carol A [mailto:cheinkel@lane.cog.or.us]
Sent: Thursday, February 19, 2004 8:19 AM
To: 'billkloos@landuseoregon.com'; HEINKEL Carol A
Cc: CUELLAR Roxie (SMTP)
Subject: RE: Metro Periodic Review Materials

Hi Bill, I will check with staff today and let you know. Have you checked the record at the cities or county yet? The record contains most of what you are seeking. Carol

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

From: Bill Kloos [mailto:billkloos@landuseoregon.com]
Sent: Wednesday, February 18, 2004 4:05 PM
To: billkloos@landuseoregon.com; 'HEINKEL Carol A'
Cc: Roxie Cuellar
Subject: RE: Metro Periodic Review Materials

Carol,

How are things looking for my document requests? Should I expect to be hearing from the local staff on these items? Who would that be? I need these materials in order to get final comments together for February 20.

Bill Kloos

2/20/2004

9-18

Law Office of Bill Kloos, PC
PO Box 11906
576 Olive Street, Suite 300
Eugene, OR 97440
Phone: (541)343-8596
Fax: (541)343-8702
e-mail: billkloos@landuseoregon.com
Web www.LandUseOregon.com

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

From: Bill Kloos [mailto:billkloos@landuseoregon.com]
Sent: Tuesday, February 17, 2004 12:56 PM
To: 'HEINKEL Carol A'
Cc: Roxie Cuellar
Subject: RE: Metro Periodic Review Materials

Carol,

Thanks for your response. Although you have marked some of my requests as materials that are "in the record," I still need a digital copy of them, since the entire record will not be sent to the DLCD for acknowledgment, and, therefore, I need to assemble my own record. I think the easiest way is put the documents on a CD, unless you can suggest a more efficient approach. I look forward to the response from your local staff.

Bill Kloos
Law Office of Bill Kloos, PC
PO Box 11906
576 Olive Street, Suite 300
Eugene, OR 97440
Phone: (541)343-8596
Fax: (541)343-8702
e-mail: billkloos@landuseoregon.com
Web www.LandUseOregon.com

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

From: HEINKEL Carol A [mailto:cheinkel@lane.cog.or.us]
Sent: Tuesday, February 17, 2004 11:37 AM
To: 'billkloos@landuseoregon.com'; HEINKEL Carol A
Cc: CUELLAR Roxie (SMTP)
Subject: RE: Metro Periodic Review Materials

Bill and Roxie, The planning commission materials are already included in the record. Regarding your other requests, some of those are in the record which is available in the planning offices of Eugene, Springfield, and Lane County.

2/20/2004

9-19

The map you refer to is and has always been a GIS product which has been updated as we have proceeded through this process. The hard copy of the map reviewed at the PC level is in the record. The proposed map with changes from the PC process is on line now. I can get you a hard copy of the proposed GIS map at a larger wall map scale, but you will need to work through our GIS staff for that and there will be a charge. I will check to see if that can be sent on-line or not. Let me know if that is what you want and I will see if staff are available to meet your request and what the charges will be. You are correct. This is a long list. I am waiting to hear back from local staff on your other requests and will get back to you. Carol

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

From: Bill Kloos [mailto:billkloos@landuseoregon.com]

Sent: Friday, February 13, 2004 5:04 PM

To: Carol Heinkel

Cc: Roxie Cuellar

Subject: Metro Periodic Review Materials

Carol:

I am looking for background materials related to the materials presented to the elected officials on February 10. I have a hard copy of the January 8 Staff Report and packet. All the materials I list below should be available in digital form, so it might be easiest to get them on a CD. Some of the materials below I am sure exist; others I imagine exist in some form but I am not exactly sure what the document is, so I'll describe it as best I can, and maybe we can talk to nail it down. So, here is the list:

1. There must be documentation of the methodology the staff used to get from the officially adopted blob diagram to the proposed parcel specific (with some exceptions) diagram. This methodology is summarized in global terms on page 4 of the January 8 Staff Report. I need the detailed documentation of the methodology, step by step.

2. The last sentence of paragraph 3 on page 4 of the January 8 Staff Report says that staff has worked since September 2002 to make the interpretations needed to make the RLID diagram the official plan map. I'd like documentation of these interpretations. Likely this is a spreadsheet of some sort, perhaps with explanatory notes. I'd like that.

3. The first sentence of paragraph 4 of the January 8 Staff Report says that the revised Metro Plan Diagram has been "matched" with the current adopted conceptual version of the diagram and adjusted to reflect the adopted map and existing development patterns. It is not clear to me what this means. However, it does reflect a process of making adjustments. Likely this is reflected in a spreadsheet of some sort. I'd like that and any accompanying documentation.

4. The first sentence of paragraph 5 of the January 8 Staff Report says that the proposed Metro Plan Diagram will not be parcel specific in its entirety. The proposed text of the Metro Plan explains this will be the case for those parcels that border on more than one plan designation. I'd like the list of parcels that are in this category, together with their current zoning, and the current plan designation for those parcels in RLID. If any summary tables of these parcels (that is, the ones that will not have parcel specific plan designations in the new Metro Plan Diagram) I would like those.

5. In the Fall of 2003 LCOG had posted on the web a proposed Metro Plan Diagram that was 100% parcel specific. It was posted here:

2/20/2004

9-20

<http://www.lcog.org/metro/03docs/PropPlanMap.pdf> It is not posted any longer. I'd like a copy of that. This is in the record

6. In the Fall of 2003 LCOG also had posted on the web an Excel spreadsheet that documented the resolution of proposed plan designations for specific parcels in the diagram in item 5. above. It was psoted here:

<http://www.lcog.org/metro/03docs/EugeneTable.pdf> It is not posted any longer. I'd like a copy of that spreadsheet. This is in the record

7. Has LCOG done any tallies of acreage changes, by plan designation, either Metro-wide or by city or by region, from the current Metro Plan diagram to the proposed Metro Plan diagram? If so, I would like those summaries. If there are no acreages summaries available, what would be the easiest way to generate a summary. This is in the record

8. Paragraph 3 on page 5 of the January 8 Staff Report distinguishes between refinement plans that effectively modify the Metro Plan, based on how the plans were adotped, and those that do not. I'd like the documentation showing which refinement plans are in each category, along with the explanation as to why it was put in the particular category.

9. Paragraph 5 on page 5 of the January 8 Staff Report explains that the Metro Plan Diagram has been updated to make the diagram consistent with locally-adopted refinement plans. I assume based on item 8 above that this was done only for those refinement plans put in the list of refinement plans deemed to have amended the Metro Plan. I'd like any documentation showing what changes were made to reflect the refinement plans.

10. I'd like a digital copy of the proposed Metro Plan Diagram. This is in the record and on line.

I know this is a long list, but these documents should be available, as they would be the essential documentation of how the jurisdictions got from point "A" to point "B" -- that is, how staff got from the adopted blob map, which was supported by an unadopted parcel specific RLID inventory, to a proposed parcel-specific (with some exceptions) Metro Plan Diagram. If we can refine the list with some discussions, please call.

Bill Kloos
Law Office of Bill Kloos, PC
PO Box 11906
576 Olive Street, Suite 300
Eugene, OR 97440
Phone: (541)343-8596
Fax: (541)343-8702
e-mail: billkloos@landuseoregon.com
Web www.LandUseOregon.com

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2/20/2004

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Bill Kloos

From: Bill Kloos [billkloos@landuseoregon.com]
Sent: Thursday, February 19, 2004 10:23 PM
To: 'HEINKEL Carol A'
Cc: 'CUELLAR Roxie (SMTP)'; 'YEITER Kurt M'; 'METZGER Mark'; 'CLINGMAN Bill W'; 'SCOLLA Connie J'
Subject: RE: Metro Periodic Review Materials

Carol,

Thanks for your response. I got a response from Kurt Yeiter, to which I have responded separately. Sounds like, in general, I am being invited to look at the record. So, I have a couple of questions about where the record is.

- Does LCOG have the entire record? Is it one-stop shopping for someone like me who wants to get the answers to all my questions?
- Or, are there files in the respective cities and county that LCOG does not have that will explain what those jurisdictions gave you in the way of proposed plan designations? And are those considered part of the record?
- If there are files in the separate jurisdictions that relate to this, is there a uniform policy for periodic review about access and costs of making copies, or do citizens have to run the respective gauntlets of processes and costs?

Bill Kloos
Law Office of Bill Kloos, PC
PO Box 11906
576 Olive Street, Suite 300
Eugene, OR 97440
Phone: (541)343-8596
Fax: (541)343-8702
e-mail: billkloos@landuseoregon.com
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-----Original Message-----

From: HEINKEL Carol A [mailto:cheinkel@lane.cog.or.us]
Sent: Thursday, February 19, 2004 3:38 PM
To: 'billkloos@landuseoregon.com'; HEINKEL Carol A
Cc: CUELLAR Roxie (SMTP); YEITER Kurt M; METZGER Mark; CLINGMAN Bill W; SCOLLA Connie J
Subject: RE: Metro Periodic Review Materials

Bill, regarding your question related to Metro Plan diagram amendments, all of the changes to the diagram were based on formal adoption processes, e.g., adopted refinement plans and zone changes, except for the Metro Plan diagram amendments that are listed in the two tables (Springfield and Urban Reserve) that are on line and were part of the elected officials' packets. These are actual diagram amendments and are processed as such. I will be out of the office tomorrow. I am forwarding you to Kurt Yeiter at this point to see if he has anything to add. Please work directly with Bill Clingman on your requests related to the GIS. Carol

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

9-20

2/20/2004

EXHIBIT C

From: Bill Kloos [mailto:billkloos@landuseoregon.com]
Sent: Friday, February 13, 2004 5:04 PM
To: Carol Heinkel
Cc: Roxie Cuellar
Subject: Metro Periodic Review Materials

Carol:

I am looking for background materials related to the materials presented to the elected officials on February 10. I have a hard copy of the January 8 Staff Report and packet. All the materials I list below should be available in digital form, so it might be easiest to get them on a CD. Some of the materials below I am sure exist; others I imagine exist in some form but I am not exactly sure what the document is, so I'll describe it as best I can, and maybe we can talk to nail it down. So, here is the list:

1. There must be documentation of the methodology the staff used to get from the officially adopted blob diagram to the proposed parcel specific (with some exceptions) diagram. This methodology is summarized in global terms on page 4 of the January 8 Staff Report. I need the detailed documentation of the methodology, step by step. Existing documentation is in the record. No additional documentation has been completed.
2. The last sentence of paragraph 3 on page 4 of the January 8 Staff Report says that staff has worked since September 2002 to make the interpretations needed to make the RLID diagram the official plan map. I'd like documentation of these interpretations. Likely this is a spreadsheet of some sort, perhaps with explanatory notes. I'd like that. The cities made the interpretations based on adopted zone changes and adopted refinement plans.
3. The first sentence of paragraph 4 of the January 8 Staff Report says that the revised Metro Plan Diagram has been "matched" with the current adopted conceptual version of the diagram and adjusted to reflect the adopted map and existing development patterns. It is not clear to me what this means. However, it does reflect a process of making adjustments. Likely this is reflected in a spreadsheet of some sort. I'd like that and any accompanying documentation. I have no spreadsheets. Staff compared the digital copy to the graphic diagram.
4. The first sentence of paragraph 5 of the January 8 Staff Report says that the proposed Metro Plan Diagram will not be parcel specific in its entirety. The proposed text of the Metro Plan explains this will be the case for those parcels that border on more than one plan designation. I'd like the list of parcels that are in this category, together with their current zoning, and the current plan designation for those parcels in RLID. If any summary tables of these parcels (that is, the ones that will not have parcel specific plan designations in the new Metro Plan Diagram) I would like those. Our GIS staff are exploring the question of whether they can estimate the number of parcels that fall in this category to respond to the elected officials to include in the record by 5:00 tomorrow. (Bill please call me when you have figured this out so that I can include it in the record.) Bill will send whatever they can estimate to you, Bill. More information than that would take time and cost money (Bill will tell you how much if you tell him what you want) or you can have a GIS person do the analysis. Let Bill know you want.
5. In the Fall of 2003 LCOG had posted on the web a proposed Metro Plan Diagram that was 100% parcel specific. It was posted here:
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9-23

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I know this is a long list, but these documents should be available, as they would be the essential documentation of how the jurisdictions got from point "A" to point "B" -- that is, how staff got from the adopted blob map, which was supported by an unadopted parcel specific RLID inventory, to a proposed parcel-specific (with some exceptions) Metro Plan Diagram. If we can refine the list with some discussions, please call.

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Bill Kloos

From: Bill Kloos [billkloos@landuseoregon.com]
Sent: Friday, February 20, 2004 3:53 PM
To: 'YEITER Kurt M'
Cc: 'HEINKEL Carol A'; 'CUELLAR Roxie (SMTP)'; 'MUIR Susan L'; 'CABANISS Jan E'
Subject: RE: Metro Diagram notes

Kurt,

Yes, I want a copy of this, although it will be of no utility today. It seems this raw data are the only data that will be in the record that documents how the City reached the conclusions it did about what each parcel will be plan designated. There should be summary information available, too, but if there is not, there is not. Can you suggest any better way of understanding what staff did on a parcel by parcel basis?

Bill Kloos
 Law Office of Bill Kloos, PC
 PO Box 11906
 576 Olive Street, Suite 300
 Eugene, OR 97440
 Phone: (541)343-8596
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-----Original Message-----

From: YEITER Kurt M [mailto:Kurt.M.YEITER@cl.eugene.or.us]
Sent: Friday, February 20, 2004 3:14 PM
To: 'billkloos@landuseoregon.com'
Cc: HEINKEL Carol A; CUELLAR Roxie (SMTP); MUIR Susan L; CABANISS Jan E
Subject: RE: Metro Diagram notes

I think Carol is out today, so I can answer what I know at this time. The Eugene costs are set by administrative rule; I cannot change it. If LCOG is willing to make copies for you, it cannot be at City expense.

I didn't think that raw notes would be of general use to the public in evaluating the proposed diagram, which is why they were not entered into the record in the first place. You are welcome to see it today -- or I can copy a random 5 sheets for you at no cost -- so you can assess whether this data will really be of any use to you. In the end, the summary of the data contained in the notes is the proposed Land Use Diagram.

Give me a call if I can help you.
 Kurt (682-8379)

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

From: Bill Kloos [mailto:billkloos@landuseoregon.com]
Sent: Friday, February 20, 2004 10:01 AM
To: 'YEITER Kurt M'

9-25

2/20/2004

EXHIBIT D

Cc: 'HEINKEL Carol A'; 'CUELLAR Roxie (SMTP)'; 'MUIR Susan L'; 'CABANISS Jan E'
Subject: RE: Metro Diagram notes

Carol and Kurt,

I have Kurt's email below, which says that some of the documentation I requested on how Eugene got to the proposed new Metro Plan diagram is not yet in your periodic review record, that it amounts to about 1500 pages of handwritten notes, that it will go into the record before 5 pm today, and that I can have a copy for the usual copy fee of 25 cents per page. This is pretty basic stuff, which my clients, and presumably the general public, need to evaluate the proposal. I have a couple of follow-up questions for you:

- Eugene will charge us about \$373 for these documents. If they make us a copy today, while they are making a copy for the record prior to 5 pm, would they be able to do it for a lower cost?
- If not, what would the LCOG charge be for making us a copy after Eugene puts it in the record?
- Since none of these data will be available for the public to use to critique the proposal before the record closes today at 5 pm, would Metro Periodic Review staff support a request to the Joint Elected Officials to leave the record open so that these materials can be digested?

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

From: YEITER Kurt M [mailto:Kurt.M.YEITER@ci.eugene.or.us]
Sent: Friday, February 20, 2004 8:04 AM
To: 'Bill Kloos'
Cc: HEINKEL Carol A; CUELLAR Roxie (SMTP); MUIR Susan L; CABANISS Jan E
Subject: Metro Diagram notes

I apologize for the brevity of my previous messages. I did not mean to imply that data was not being made available or withheld, merely that there are not the consolidated spreadsheets that you thought may exist. I also have very little time available this week to respond to e-mail.

What we have, and what will be added to the record, are pages of hand written notes made by several Eugene employees during the long, extensive comparison of the blob diagram, refinement plans, and RLID map. These notes were transported back and forth between the City and LCOG mapping coordinator during this process, picking up additional notations along the way. I thought LCOG had retained a copy until I heard differently from Carol at the close of business Thursday evening.

2/20/2004

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I estimate there are more than a thousand of these pages. City public records rules require that the request for copies be made through a Department Public Request Coordinator (PRC) and a fee be prepaid for copies. The current fee is first 5 pages free, \$.25 cents for all other copies. With an estimate (low?) of 1,500 pages, that would be \$373.75.

Our PRC is Jan Cabaniss, 692-5563. I'm sure she can arrange for an in-person viewing (as the documents will be copied today, too, for the record). I will be available, too, in the afternoon.

From:

To:

Subject:

Date:

Time:

Re:

Re:

Re:

AGENDA

Eugene Hearings Official
Regular Public Hearing
Sloat Room - Atrium Building
99 West 10th Avenue



February 25, 2004
5:00 p.m.

Item	Hearing Format
I. PUBLIC HEARING ON ZONE CHANGE REQUESTS	
A. Brothers Three Enterprise, LLC (Z 03-18)	1. Staff presentation.
Assessor's Map: 17-04-01-34	2. Public testimony from applicant and others in support of application.
Tax Lot: 3800	3. Comments or questions from interested persons who neither are proponents nor opponents of the proposal.
Site Location: 1025 River Loop #1	4. Public testimony from those in opposition to application.
Request: Change in zoning from AG, Agricultural to R-1, Low-Density Residential.	5. Staff response to testimony.
Applicant: Doug Thompson	6. Questions from Hearings Official.
Applicant's Representative: Damien Gilbert, E.K. Branch Engineering, Inc. (541) 746-0637	7. Rebuttal testimony from applicant.
Lead City Staff: Kent Kullby, Associate Planner Phone: (541) 682-5453 E-mail: kent.r.kullby@ci.eugene.or.us	8. Closing of public hearing.
	The Hearings Official will not make a decision at this hearing. The Eugene Code requires that a written decision must be made within 15 days of close of the public comment period. To receive a copy of the Hearings Official's decision, fill out a request form at the public hearing or contact the Eugene Planning Division, 682-5481.
	The Hearings Official's decision can be appealed within 12 days of the issuance of the written decision. For more information about submitting an appeal, contact the Eugene Planning Division, 682-5481.
B. Knutson Family, LLC (Z 03-19)	
Assessor's Map: 17-03-20-11	
Tax Lots: 4000, 4100, 4300, 4400, 4900	
Site Location: 2677 Willakenzie Road. West side of Coburg Road, north of Willakenzie Road including 1800 Coburg Road.	
Request: To change the existing zoning from C-1/SR, Neighborhood Commercial with Site Review and GO/SR, General Office with the Site Review to C-2, Community Commercial with Site Review.	
Applicant: Knutson Family, LLC	
Applicant's Representative: Dan Terrell, Law Office of Bill Kloos, PC (541) 343-2674	
Lead City Staff: Teresa Bishow, Senior Planner, AICP Phone: (541) 682-5452 E-mail: teresa.a.bishow@ci.eugene.or.us	

The Eugene Hearings Official welcomes your interest in these agenda items. Feel free to come and go as you please at any of the meetings. This meeting location is wheelchair-accessible. For the hearing impaired, FM assistive-listening devices are available or an interpreter can be provided with 48 hours' notice prior to the meeting. Spanish-language interpretation will also be provided with 48 hours' notice. To arrange for these services, contact the receptionist at 682-5481. Telecommunications devices for deaf assistance are available at 682-5119.



City of Eugene
99 West 10th Avenue
Eugene, Oregon 97401
(541) 682-5377
(541) 682-5572 FAX
www.ci.eugene.or.us

ZONE CHANGE REQUEST STAFF REPORT

File Name: Knutson Family, LLC
File Number: Z 03-19
Application Received: November 24, 2003
Deemed Complete: January 7, 2004
Public Hearing Date: February 26, 2004
Assessor's Map: 17-03-20-11
Tax Lot(s): 4000, 4100, 4300, 4400, 4900
Location: 2677 Willakenzie Road. West side of Coburg Road, north of Willakenzie Road including 1800 Coburg Road.
Request: Change of zone from C-1/SR and GO/SR to C-2/SR
Applicant: Knutson Family, LLC
Representative: Dan Terrell, Law Office of Bill Kloos, PC, 343-2674
Lead City Staff: Teresa Bishow, AICP, Senior Planner
(541) 682-5452
E-mail: teresa.a.bishow@ci.eugene.or.us

Purpose of Staff Report

The Eugene Code requires City staff to prepare a written report concerning any zone change request. The staff report must be printed and available prior to the public hearing regarding this request to allow citizens an opportunity to learn more about the request and to review the staff analysis of the application. The staff report provides only preliminary information and recommendations. The Eugene Hearings Official will also consider additional public testimony and other materials presented at the public hearing before making a decision.

Public Hearing Notice

Upon receiving this zone change application, the Planning Division provided information concerning the application to other appropriate City departments, public agencies and the Cal Young neighborhood group. As required by the Eugene Code, the Planning Division mailed notice of this zone change public hearing to all owners and occupants of property within 500 feet of the perimeter of the subject property and posted public hearing notices regarding this request in at least 3 locations within 500 feet of the perimeter of the subject property. A freestanding Pending Land Use Application sign with a posting of the public hearing was also displayed on the subject property in accordance with Eugene Code requirements.

In addition to the public notice, the Planning Division has referred the application to various City departments and public agencies for comment. Referral comments received from other City departments and affected public agencies are incorporated into the following findings and recommendations.