

M I N U T E S

Eugene City Council, Springfield City Council, and
Lane County Board of Commissioners
Joint Public Hearing
Council Chamber--Springfield City Hall

April 29, 1991
7 p.m.

SPRINGFIELD Mayor William Morrisette; Bruce Berg, Lee Beyer,
COUNCILORS PRESENT: Gayle Decker, George Wojcik, Ralf Walters, Larry Schanz.

COMMISSIONERS
PRESENT: Jack Roberts, Chair; Marie Frazer, Jerry Rust, Ellie
Dumdi.

COMMISSIONERS
ABSENT: Steve Cornacchia.

EUGENE Mayor Jeff Miller; Roger Rutan, Shawn Boles, Debra
COUNCILORS PRESENT: Ehrman, Ruth Bascom, Randy MacDonald, Kaye Robinette,
Bobby Green, Paul Nicholson.

I. CALL TO ORDER

The meeting of the Springfield City Council was called to order by his Honor Mayor Bill Morrisette.

The meeting of the Lane County Board of Commissioners was called to order by Chair Jack Roberts.

The meeting of the Eugene City Council was called to order by His Honor Mayor Jeff Miller.

II. INTRODUCTIONS

Councilors and Commissioners introduced themselves and indicated which wards they represented.

Those present took part in a pledge of allegiance.

III. TCI CABLE FRANCHISE RENEWAL

A. Ordinance Reading

An Ordinance granting TCI Cablevision of Oregon, Inc., a renewal of its non-exclusive franchise for the operation of a cable communication system; and repealing ordinance Nos. 5020 and 5303.

Springfield City Recorder Eileen Stein gave the first reading of the ordinance before the Springfield City Council.

Commissioner Roberts conducted a second reading of the ordinance before the Lane County Commission.

Mayor Miller indicated that Eugene City Council could not take action on this item because the meeting was not within the Eugene city limits and said that Eugene would be taking action on this item at a later date.

B. Staff Report

Bob Swank, Lane Council of Governments (L-COG), provided a brief overview of the issue. He explained that each jurisdiction is required to adopt the franchise agreement separately. The purpose of this meeting is to conduct a joint public hearing on this issue, as recommended by the Metropolitan Policy Committee (MPC).

Mr. Rust requested clarification of Section 5.2 of the ordinance regarding encoding of the access channels. Keith Martin, Eugene City Attorney's Office, clarified that the object of this language was to keep basic cable service from being encoded. However, if technology requires that signals be encoded in the future, TCI will need to seek approval from the agencies; the agencies should not withhold approval unreasonably. Mr. Rust indicated that all public education and governmental access channel should be made fully available to the public in the future.

Ms. Ehrman asked if the recent programming changes made by TCI were discussed during the agreement negotiation. In response, Mr. Swank noted that programming changes are occurring in the cable industry throughout the country. As a result of deregulation, there has been a loss of local control of programming.

Noting that she would be interested in adding the World Monitor Channel to the local cable system, Ms. Bascom asked to what extent the public can influence local programming. Mr. Swank responded that Federal law prohibits the negotiation of specific programming requirements into the franchise agreement. Citizens with specific programming interests are encouraged to bring these interests to TCI. He said that in the past, TCI has been very responsive to suggested programming changes.

Responding to a question from Ms. Bascom, Mr. Swank said that each jurisdiction would get five percent of the gross cable receipts that come from its jurisdiction.

Responding to a question from Mr. Berg, Mr. Swank indicated that cable rates have risen consistently throughout the country on an annual basis since the end of rate regulation in 1985. Federal regulation limits what actions can be taken to influence rate setting. Mr. Berg requested information regarding rate increases over the past several decades.

Responding to a question from Mr. Nicholson, Mr. Swank said that the percentage of taxes that local jurisdictions can collect is limited to a maximum of five percent. TCI has also agreed to invest \$75,000 this year for capital for public, education, and government access.

In response to a comment from Mr. Morrisette, Mr. Swank indicated that the cable contract is subject to review after three years. However, the agreement can be reopened with the mutual consent of both parties at any time.

Responding to a question from Ms. Frazier, Mr. Swank said that cable subscriber refunds can be received through either written or telephone notification.

Ms. Frazier inquired about the impacts that future legislation might have on the agreement. In response, Mr. Swank said that a bill currently under consideration would authorize telephone company provision of cable service. He commented that while the outcome of this bill is uncertain, he is not optimistic that major legislation will pass this year.

Mr. Roberts inquired about the possibility of contracting with another cable operator as well to increase competition within cable service provision. Mr. Swank indicated that this is a non-exclusive franchise agreement and said that it would be possible to contract with any additional cable service provider who meets the provisions of this agreement.

C. Public Hearing

Mayor Morrisette opened the public hearing.

Rudy Herr, no address given, voiced his concerns on this issue. He expressed concern that citizens do not have sufficient opportunity to provide input into cable programming and noted his frustration with the loss of VH-1 video hit channel. He said that Santa Cruz County in California has taken an aggressive stance with its cable company and, through negotiations, has managed to secure an agreement that guarantees a large number of channels at a low cost to subscribers.

Nick Urhausen, 2858 Warren Street, said he is unhappy with the programming changes that have taken place, particularly the loss of Channel KTVU from Oakland, California. He suggested that the cable company survey all communi-

ty residents for their programming interests, not simply those who currently purchase cable television.

Charles Dalton, 34829 Seavy Loop Road, member of the State Commission on Black Affairs, expressed his concern about the lack of culturally diverse programming, particularly programming oriented toward black persons. He pointed out the important function of television for community education and suggested that the government explore the option that Santa Cruz County took with respect to cable operation.

Patty Moore, 3465 Ferry Street, Eugene, testified that she is disappointed with TCI's decision to remove VH-1 from cable programming without first seeking feedback from cable viewers.

Robin Hickman, 1547 Greenacres Road, president of the Springfield Jaycees, expressed his appreciation to TCI for the involvement it has had in community activities and encouraged adoption of the franchise agreement. He also suggested that local government increase its financial support of community television. He thanked KLSR television for making Springfield City Council meetings accessible to public television.

Norman Riddle, 1238 Crest Drive, stated his concern with the removal of the San Francisco television station from TCI programming. He expressed interest in having channels relating to cultural activities and said that now is the time for TCI to be on the cutting edge of television technology.

Mr. Martin submitted written testimony into the record from Merlin Nancy Spencer, 120 Westbrook Way, Eugene, who expressed her dissatisfaction with existing TCI programming and objected to the proposed plans for programming realignment. Copies of the letter were made available to each jurisdiction for its review.

There being no additional requests to speak, the public hearing was closed.

D. Discussion/Action

Mr. Rust commented that Oregon Senator Bob Packwood has had a great deal of involvement in the deregulation of cable television and said that local government has had little discretion over local programming since deregulation. Mr. Rust encouraged local government to explore ways of regaining local control. He suggested that before each jurisdiction signs the agreement, MPC consider the issues that were raised during public testimony and make a recommendation.

Mr. MacDonald noted that he has been contacted by a citizen who is concerned with the loss of Channel KTVU in Oakland.

Members discussed Mr. Rust's suggestion of sending this issue back to MPC for further discussion, with the hope that the jurisdictions might demonstrate strong support in influencing local programming. It is hoped TCI will continue to be responsive to the community's programming interests.

Mr. Rutan noted that local government seems to have limited authority regarding cable programming. He said that he is satisfied with the current cable programming and noted that diverse opinions on programming can be expected in a community of this size.

Mr. Martin commented on the limitations of local government with respect to the proposed agreement. He explained that under the existing franchise agreement, TCI has the unilateral right to extend its contract. Under the Federal Cable Policy Act, TCI must be given the first opportunity to provide cable service unless it can be documented that TCI has violated its existing cable franchise. No documentation exists to support such an allegation. Mr. Martin noted that the proposed agreement does not mandate that TCI provide a specific number of channels because in the absence of corresponding rate regulation, such a requirement would merely result in increased cable costs to the subscriber.

Regarding the negotiation agreement that was reached in Santa Cruz County, Mr. Martin said that, subject to Federal Communications Commission (FCC) approval, existing Federal law permits rate regulation in the event that there is a lack of effective competition, defined as a community that has less than three signals.

Noting that the agreement contains a provision mandating that TCI comply with all equal opportunity laws, Mr. Green said he hopes that TCI will move beyond compliance.

Mr. Walters suggested that if it is not possible to control rate-setting or programming, perhaps local government should reduce the channel requirement. Reducing such requirements might result in lower overall costs, making cable service more affordable for the general population.

After lengthy discussion, it was decided among the jurisdictions that the issue would not be sent back to MPC for further deliberation.

Each jurisdiction agreed to withhold final action on this item until the final reading.

(At 8:10 p.m. the meeting recessed for 15 minutes)

IV. BLUE WATER BOATS URBAN GROWTH BOUNDARY AMENDMENT

A. Ordinance Reading

An Ordinance amending the Eugene-Springfield Metropolitan Area General Plan to enlarge the urban growth boundary of the City of Springfield by adding Tax Lots 401, 402, 403, and 405 of Map 17-02-28, apply new land use designations and new Springfield zoning districts to the property, and amend the text of

the plan, and adopting a savings and severability clause (1st Reading).

Springfield City Recorder Eileen Stein gave the first reading of the ordinance before the Springfield City Council.

Commissioner Roberts conducted a second reading of the ordinance before the Lane County Commission.

Mayor Miller indicated that Eugene City Council would be taking action on this item at a later date.

B. Review of Procedures for Conducting a Quasi-Judicial Hearing

Mel Oberst, Associate Planner, City of Springfield, reviewed the procedures necessary for conducting a quasi-judicial hearing. He noted that this is a proposal to amend the urban growth boundary and summarized the criteria necessary for making a Metro Plan amendment. He said that the decision should be consistent with applicable Statewide Planning Goals and with the fundamental principles and policies of the Metro Plan. Justification to amend the Metro Plan could be based on one or more of the following: an error in the publication of the Metro Plan, a change in circumstances so substantial that it was not anticipated in the Metro Plan, the need to incorporate newly inventoried material which relates to a Statewide Goal into the Metro Plan, or a change in public policy.

Mr. Oberst asked those testifying to address specifically applicable land-use criteria. He noted that failure to raise an issue through testimony would preclude an appeal to the Land Use Board of Appeals (LUBA) based on that issue. Failure to achieve sufficient specificity would preclude an appeal to LUBA based on that issue.

C. Disclosure of Ex Parte Contacts

Joe Leahy, Springfield City Attorney's Office, reviewed the definition of an ex parte contact. An ex parte contact is any direct or indirect communication with a person or representative connected with any issue involved except when all interested persons have been notified of the opportunity to participate. An ex parte contact could involve taking notice of any communications, report staff memoranda, or other materials prepared in connection with a particular case unless the persons addressed are afforded an opportunity to contest the materials so noted, or inspecting the site with any person or representatives unless all interested persons are given an opportunity to be present. He asked all elected official to disclose all ex parte contacts and the substance of those ex parte contacts at this time.

Mr. Dumdi indicated that her husband has had some involvement with Mr. Defoe in a business venture unrelated to this issue.

Mr. Walters noted that while he was viewing the site, he had a brief conversation about the proposed amendment change with Mr. Defoe.

Ms. Decker noted that she received a telephone call from a representative from Save Our Ecosystems, during which she was encouraged to watch a television program regarding Defoe Boat Manufacturing. The caller aired some concerns about the process and the lack of environmental protection for this site.

Mr. Rust said that he has been in contact with Ron Spicer who has raised concerns with noise and solvents in connection with this development. He does not believe these conversations would affect his impartiality.

Mr. Morrisette asked those present to state all objections to Springfield hearing this matter at this time. No objections were made.

D. Staff Report

Mr. Oberst gave a brief staff report. He circulated photograph boards depicting the site and said that this issue was first heard by the Springfield City Council in July 1990. The City Council chose to initiate an urban growth boundary amendment on behalf of Blue Water Boats to allow for the construction of a new boat manufacturing facility on this site. The site is located adjacent to the Springfield city limits and the urban growth boundary and comprises approximately 75 acres. Full city services are available immediately south of the site.

Mr. Oberst stated that the Planning Commissions of all three jurisdictions have held public hearings on this issue and have voted unanimously in favor of this proposal. Following the initiation of the amendment, new information was provided on wildlife habitat. The Oregon Department of Fish and Wildlife (ODFW) has completed wildlife inventories on this site and has indicated that this site is a prime habitat for many animal species. A Statewide Planning Goal 5 analysis was conducted on this site and, based on that analysis, it was decided that a balance of industrial activity with wildlife habitat values on the site could be obtained.

Mr. Oberst noted that a wildlife protection and mitigation plan has been developed and described, in detail, the components of that plan. Specific components of the plan have been created to address the habitat needs of the northwestern pond turtle, a species which is being considered for the Federal endangered species list and which has been spotted at the site.

Mr. Oberst indicated that all components of the mitigation plan would be completed prior to the issuance of a building permit for the industrial buildings. Mr. Defoe has expressed a willingness to work with ODFW during design and construction and to serve as an on-site advisor. Mr. Oberst noted that that compliance with the mitigation plan does not preclude other State or Federal requirements that Blue Water Boats may have to comply with. He stated that the plan would be implemented at the time of site review and said that there would be further opportunity to become involved in the specifics of the mitigation strategy at that time.

Responding to questions from Mr. Berg, Mr. Oberst said that the person who initially testified at the Eugene Planning Commission hearing about turtle habitat has not been contacted about this plan. Bill Castillo, ODFW, has reviewed the plan and believes that the plan is acceptable.

Noting that the site is used heavily by the public, Mr. Nicholson asked whether the applicant plans to restrict public access. In response, Mr. Oberst said that he does not believe that the applicant intends to restrict site access, except perhaps during the turtle-nesting period.

Responding to a question from Ms. Ehrman, Mr. Oberst said that the State has had no experience with a mitigation strategy similar to this.

E. Public Hearing

Mayor Bill Morrisette opened the public hearing.

Appellant testimony

Major Defoe, 93370 Highway 99, Junction City, owner of Blue Water Boats, testified as applicant to this request. He explained that he purchased the proposed property with the intent of expanding his existing boat manufacturing facility which he was unable to expand at its present location in Springfield because of a recent nearby mobile home park development. He said that he has worked closely with ODFW representatives on the wildlife mitigation plan that should be more than acceptable for wildlife needs. He testified that the water would be used for boat testing an average of 10-45 minutes per week. He noted that an expanded facility would create many new jobs for the area and pointed out that most of his boats are being sold out of Lane County. He urged approval of the plan.

Mr. Rust asked for information on the waste products that are used during the boat manufacturing process. Mr. Defoe responded that solvents are the primary waste products used during the process. He assured Mr. Rust that Blue Water Boats meets existing regulations with respect to the use and disposal of those materials.

Responding to a question from Ms. Ehrman, Mr. Defoe said that Blue Water Boats currently utilizes Fern Ridge Reservoir and Dexter Reservoirs to satisfy its current testing needs. An on-site testing facility would save in transportation costs, as well as improve safety. He noted that he does not plan to restrict public use of the site unless vandalism or similar activity dictates that this be done.

Responding to a question from Mr. MacDonald, Mr. Defoe noted that testing needs differ seasonally and said that testing would be conducted year-round, but would be concentrated in the fall.

Responding to a question from Ms. Dumdi, Mr. Defoe said that the average size of boats manufactured in his facility are 16-20 feet and are primarily purchased for family use.

Testimony in Favor

James Kovac, 3000 North Delta Highway, identified himself as an employee of Eugene Sand and Gravel, and offered his support for the proposal. He voiced concern that his employer was not given an opportunity to comment on the revised habitat proposal, particularly in light of the fact that it encourages wildlife to use their pond. He felt that the restrictions that have been placed on Blue Water Boats have been outrageous and said that the proposed use would be compatible with the surrounding area.

Tom Tinsley, 443 Riverview Boulevard, Springfield Planning Commission member, testified in favor of the proposal. He noted that the development of non-timber-related industry is needed in the area and said that the ability of industry to co-exist with habitat is important. He submitted written testimony further outlining his position on this matter.

David Johnson, 645 G Street, testified in favor of the Blue Water Boats development proposal and voiced concern with the impact that the environmental movement is having on development in general.

Testimony in Opposition

Hudson Dodd, 61 East 20th Avenue, indicated that he is speaking on behalf of several persons and offered his strong opposition to the proposal. He indicated that the proposal would violate Statewide Planning Goal 5. Noting that the land is on the National Wetlands Inventory, he pointed out that the pond is ranked as one of the most diverse wildlife habitats in Lane County. Mr. Dodd said he is concerned with the impacts of high-speed boat testing on surrounding wildlife and said that the substances used during the boat manufacturing process would be hazardous to both humans and wildlife. He also noted that Springfield does not have easy access to safety personnel responsible for hazardous material containment, should an unexpected problem arise. He pointed out that there is no assurance that the facility would increase jobs to the extent indicated and said that the jobs provided would not be family-wage jobs. He urged denial of the proposal.

Mr. Nicholson asked whether boat testing on this site, as opposed to the current testing sites, would be more destructive to wildlife. In response, Mr. Dodd said that he feels that boat testing would be hazardous on any site.

Responding to a question from Ms. Ehrman, Mr. Dodd said that the wildlife mitigation plan would not be acceptable to Save our Ecosystems.

Sharon Teague, 1404-1/2 Villard Street, spoke in opposition to the proposal. Noting that she is familiar with aquatic ecology, she voiced concern with the detrimental impacts of boat testing on wildlife in the area and suggested that the site might be better used by a business that would have less impact. She testified that boat testing on larger bodies of water has a lesser impact on the surrounding wildlife. She urged the jurisdictions to deny the request

and suggested that the site be used instead for an outdoor environmental education class for Springfield schools.

Responding to a question from Mr. Berg, Ms. Teague affirmed her opinion that high-speed boat testing would cause irreparable damage to the wildlife.

Responding to a question from Mr. Rust, Ms. Teague said that the mitigation strategy does have some valuable features for wildlife.

Mr. Beyer asked what the impact on the wildlife would be if the owner was to start-up gravel excavation. Ms. Teague said that this would be less harmful to the wildlife because its impact would be of a shorter duration. She commented that this site is one of the highest-ranked ponds in terms of species diversification. Constraining the wildlife to the refuge pond would effectively reduce species population. Mr. Beyer noted that the ponds on Seavey Loop Road also have a wide diversity of wildlife species.

Arthur Farley, 907 Woodhill Drive, representing Lane County Audubon Society, testified on the issue and noted that a letter from this group is included in the agenda packet. He recognized that there is a need for diversity in the local economy and said that he has been impressed by the mitigation efforts on the site. He said that Audubon is strongly opposed to boat testing on the site; other nearby bodies of water could sufficiently meet this need. He said that the value of on-site testing can balance the loss of wetland habitat disturbance as supported under Statewide Planning Goal 5 or Metro Plan Policy 19. He stated further that the Audubon Society would consider raising an appeal under those issues, if the proposal was approved unconditionally. If the proposed urban growth boundary expansion is approved, he asked that on-site boat testing be prohibited altogether or only allowed on a seasonal basis. He voiced concern with the planning process and the lack of concern for wetland habitat areas.

Responding to a question from Ms. Ehrman, Mr. Farley said noise, wave action, and water quality problems would significantly impact wildlife in the area and harm the viability of the mitigation plan.

In response to a question from Mr. Boles, Mr. Farley said he is also concerned with the possibility of toxic run off on the ponds, but assumes that this issue would be closely monitored by State and Federal agencies.

Noting that pond on the Eugene Sand and Gravel site has not been used recently and also supports wildlife habitat, Mr. Walters asked whether the Audubon Society would attempt to stop plans to reactivate the site for gravel excavation. In response, Mr. Farley said that, recognizing the amount of wildlife activity on that site, some regulations should be in place that would require some consideration before permitting excavation activity.

Mr. Walters commented that wildlife would likely adjust to boat testing activity over time, making it possible for both activities to co-exist. Ms. Dumdi noted that there is significant boating activity on the Rogue River and yet this area still has a large amount of wildlife activity. Mr. Farley

indicated that the species which live along the shoreline of a river are impacted less by boating activity because it often affords better refuge.

Peter Davis, 1445 Linda Avenue, identified himself as a former employee of Blue Water Boats and voiced his opposition to the proposal. He recognized the need that exists to expand the Blue Water Boats manufacturing facility, but voiced concern with the impact of this facility on the existing wildlife. He testified that while he was employed at the facility, he witnessed the improper handling of hazardous materials by employees, in particular the overspilling of acetone into the surrounding gravel. He noted that he has recently viewed the site and said that infractions still exist. He said that Mr. Defoe may not be aware of improper chemical handling that takes place on the site. Mr. Davis said that he is aware of drug activity among employees during work and said that this might make the facility more susceptible to accidents. He encouraged the jurisdictions to explore more fully the harmful environmental impacts on the site before plan approval.

Responding to a question from Mr. Walters, Mr. Davis estimated that approximately two or three gallons of acetone were spilled on the site at a time.

Responding to a question from Mr. Roberts, Mr. Davis said that he has witnessed several incidents of illegal drug activity taking place on the job during his employment at Blue Water Boats. Although the facility has implemented drug testing for new employees, testing is not required for existing employees.

Neutral Testimony

Bill Castillo, 3150 East Main Street, District Wildlife Biologist with ODWF, testified on this issue. He testified that the site is heavily used by wildlife and that the impacts of boat activity on the surrounding wildlife can not be completely mitigated. He pointed out that this is a compromise proposal that attempts to minimize the loss of habitat.

Mr. MacDonald asked Mr. Castillo whether he would recommend against use of this property for boat testing. In response, Mr. Castillo said that in developing the mitigation strategy, he attempted to achieve a balance between the industry and the wildlife. It is not possible to achieve a balance that would mitigate impacts entirely.

Mr. MacDonald asked whether it might be possible to further mitigate the impacts of wave action on wildlife by adding more log booms on the pond. Mr. Castillo responded that this would be a possibility, but has not been discussed.

In response to a question from Mr. Wojcik, Mr. Castillo indicated that the pond is 20 acres; 1300 feet by 600 feet. The composition of the land is sand and gravel.

Responding to a question from Mr. Nicholson, Mr. Castillo said that he did not address the impacts of toxic chemicals on the surrounding wildlife.

Responding to questions from Mr. Boles, Mr. Castillo said that the balance of wildlife under the proposed mitigation strategy would be changed considerably because this is a high-impact development. He said that the possibility of limited the site testing on a seasonal basis has been discussed and would be beneficial in diminishing the impacts on wildlife.

Responding to questions from Mr. Berg, Mr. Castillo said that the ponds with the highest wildlife value would be either those owned by Wildish Construction or Delta Sand and Gravel. Disturbances are greater on ponds than on rivers because there is often a better sanctuary along river shorelines. The most active time for wildlife nesting is between March and June.

Responding to a question from Ms. Ehrman, Mr. Castillo said that the proposal does not clearly violate Statewide Planning Goal 5 provisions.

Mr. Green asked whether it would be possible to completely restore the existing wildlife species, once development has occurred. In response, Mr. Castillo said that this type of development will provide a long-term impact on wildlife. The proposed mitigation strategy is an attempt to increase the desirability of the site to wildlife and to diminish the likelihood that wildlife will leave. The affinity of wildlife to a site depends on the quality of the surrounding habitat.

Mr. MacDonald said that the refuge pond would be crucial to the success of the mitigation plan and voiced concern with the steep slope of the banks that house the refuge pond.

Mr. Boles moved, seconded by Ms. Ehrman, that the Eugene City Council continue past its 10:30 p.m. mandatory adjournment time. The motion carried 6:2, with councilors Rutan, Boles, Ehrman, Bascom, Robinette, and MacDonald voting in favor; and councilors Nicholson and Green voting against.

Ms. Decker noted that in early correspondence, Mr. Castillo expressed optimism with the ability to create an acceptable mitigation plan. She asked why his optimism had declined. In response, Mr. Castillo said that while he feels that this is a good mitigation plan, it does not maintain all the wildlife values that exist currently. He noted that there are other types of industry that could be allowed on this site that would maintain all wildlife values.

Responding to a question from Mr. Beyer, Mr. Castillo said that if the site was reactivated to gravel extraction, there would be a negative impact on wildlife. However, because gravel extraction provides a short-term impact, wildlife would return to the site within several years.

Noting that boat testing would be limited to less than an average of an hour per week, Ms. Frazier asked whether the impact of testing on wildlife would not be minimal and whether the testing, which is concentrated in the fall, would not be less. In response, Mr. Castillo said that the waves provide

greater impact to vegetation than to wildlife in the area. He explained that the extent of the impact on wildlife is heavily influenced by the frequency of testing. Wildlife does not adapt well to boat usage activity.

Responding to a question, Mr. Castillo said that he does not have documented evidence on the impact of boating activity on wildlife but is certain that such research exists.

Mr. Walters asked whether a species would be lost entirely under the proposed mitigation strategy. In response, Mr. Castillo said that species existence depends on a variety of factors. Species composition declines whenever development occurs; the most sensitive species would likely be displaced from the area.

Responding to a question from Mr. MacDonald, Mr. Oberst said that he was contacted by the National Fish and Wildlife Service who noted that this area was on the national wetlands inventory and inquired about the site development proposal. In response to questions about the northwestern pond turtle, they indicated that they are not officially concerned with animals that are not on the Endangered Species list.

Mr. Oberst said that this is a proposal for an urban growth boundary amendment and briefly reviewed the criteria on which the decision should be based. He noted that at the time of the initial staff presentation to the Springfield Planning Commission, there was no wildlife inventory of this site on any of the existing Metro Plan wildlife inventories. The land was previously zoned for sand and gravel use and has a current, up-to-date sand and gravel permit.

Mr. Oberst said that this plan is a compromise proposal for which the jurisdictions will need to determine whether industry and wildlife can co-exist. He noted that if the plan is approved, the site would be new industry and would be subject to additional State and Federal regulations. With respect to spillage, Blue Water Boats has not recorded violations.

Responding to questions from Mayor Morrisette, Division Chief Dennis Murphy, Springfield Department of Fire and Life Safety, clarified some issues raised during public testimony. He noted that Springfield has a hazardous materials first response operational system complementary to Eugene's regional response team. Authorization can be instantaneous by calling Salem. He noted that Blue Water Boats has undergone random, hazardous material inspections on a biannual basis and described them as a cooperative partner in fire and hazardous materials safe occupancy.

Responding to a question from Mr. Green, Mr. Murphy said that the department was not aware of an impact of acetone spillage of this quantity.

Mr. Rust moved, seconded by Ms. Dumdi, to postpone the hearing on Good Neighbors Care Center, Inc., until May 6, 1991. The motion carried.

Mr. Wojick moved, seconded by Mr. Beyer, to postpone the hearing on Good Neighbors Care Center, Inc., until May 6, 1991. The motion carried.

Ms. Ehrman moved, seconded by Mr. Green, to postpone the hearing on Good Neighbors Care Center, Inc., until May 6, 1991. The motion carried.

Greg Winterrowd, 474 Willamette Street, Planning Consultant for Blue Water Boats provided testimony rebuttal. He said that much of the testimony presented this evening was not pertinent to the specified decision criteria and should be dealt with during site plan review. He said that Blue Water Boats has demonstrated the need for site expansion and has proven that no alternative sites exist that would be suitable for this use. He noted that the pond is a newly inventoried Goal 5 resource and felt that Blue Water Boats has gone out of its way to satisfy additional ODFW site review. He noted that a mitigation plan is designed to reduce impacts, not eliminate impacts altogether, and remarked that prohibiting boat testing on this site would remove the rationale for making a plan amendment.

Major Defoe indicated his needs to test boats year-round. He noted that the predominance of wildlife in the area live on the Eugene Sand and Gravel ponds. He said that Blue Water Boats is a viable business in this community that wants to expand and urged approval of the proposal.

Responding to a question from Mr. Wojick, Mr. Defoe said that the pond should be adequate to meet most of its testing needs. It might be necessary to go to larger bodies of water for high-speed testing.

Mr. Rust indicated that it does not make sense to expand the urban growth boundary for the amount of testing required. In response, Mr. Defoe said that this piece of land was chosen because of its isolated location and its affordable price. He said that other industrial sites around the city are unaffordable and do not meet his specific needs.

In response to a question from Ms. Ehrman, Mr. Defoe said that when he purchased the property, he was not aware that there would be a problem changing the property zoning.

Responding to a question from Mr. Roberts, Mr. Defoe agreed that one of the reasons he selected this particular site was because of its proximity to water. He stated further that while he was in the process of searching for a site, there were no other comparable industrial properties with water access within the urban growth boundary.

In response to a question from Ms. Dumdi, Mr. Defoe said that finding a site isolated from other developments was important in site consideration.

Mr. Nicholson said that the purpose of land-use planning is to constrain people to use appropriate properties designated for the purpose. It would

not be appropriate to expand the urban growth boundary simply to allow a property owner to gain an economic advantage.

Mayor Miller noted that there is some controversy about whether there is sufficient industrial land of the right quality to meet existing needs. Mr. Rust emphasized that this property is zoned for sand and gravel, not industrial use.

Mr. Oberst submitted a letter on behalf of George Greer, 1342-1/2 North 66th Street, Springfield, who was concerned about the filling that would take place on the Blue Water Boats site, concerned with the importation of unclean fill, and asked for a balanced fill removal policy.

Mayor Morrisette closed the public hearing.

Mr. Walters voiced concern with the language that restricts the future use of this site to water-related activities, particularly those activities which would further erode its wildlife value. Mr. Oberst said that such language was included to justify the fact that no alternative sites exist within the urban growth boundary which fit future industrial sites that rely on water. Mr. Boles said that if there is an inadequate supply of industrial land, the urban growth boundary should be expanded in some areas and retracted in others so that there is no net growth of the urban growth boundary.

Mr. Rust felt that the future use of the site should continue to be restricted to water-related activities. He remarked that the primary justification for expanding the urban growth boundary is to fulfill the need for industrial property with water nearby. He also noted that changing the land zoning from its existing designation to industrial use would increase the value of the land and pointed out that if the property use is not tied to water-related activities in the future, it would be possible for the property owner to immediately sell the land for a substantial profit.

Mr. Leahy concurred with Mr. Rust that the rationale behind including the property within an expanded urban growth boundary is to accommodate the applicant's need for industrial land with a nearby water source. He recommended against language modification.

The meeting adjourned at 11:45 p.m.

Respectfully submitted,

Micheal Gleason,
City Manager

(Recorded by Traci Northman)
mnjeo 042991