

Approved February 9, 1992

BOOK 151 PAGE 2436

MINUTES

Eugene City Council, Springfield City Council, and
Lane County Board of Commissioners
Joint Public Hearing
Harris Hall--125 East 8th Avenue

July 1, 1992
7:30 p.m.

SPRINGFIELD COUNCILORS PRESENT: Mayor William Morrisette; Bruce Berg, Gayle Decker, Ralf Walters, Larry Schantz

COMMISSIONERS PRESENT: Elli Dumdi, Chair; Jack Roberts, Steve Cornacchia, Marie Frazer, Jerry Rust

EUGENE COUNCILORS PRESENT: Mayor Jeff Miller, Ruth Bascom, Shawn Boles, Debra Ehrman, Kaye Robinette, Paul Nicholson.

COUNCILORS ABSENT: Bobby Green, Randy MacDonald, Roger Rutan.

I. JOINT PUBLIC HEARING

1. Call to Order

Commissioner Dumdi called the meeting of the Lane Board of County Commissioners to order.

Mayor Jeff Miller called the meeting of the Eugene City Council to order.

Mayor Bill Morrisette called the meeting of the Springfield City Council to order.

2. Lane County Second Reading and Public Hearing/
Ordinance No. PA 1022 (Industrial Lands Special Study)

Ms. Dumdi provided the second reading of the ordinance for Lane County and called for the staff presentation in the matter of Ordinance No. PA 1022.

3. Staff Introduction

Steve Gordon of the Lane Council of Governments provided the staff presentation and introduced staff study team members Gary Chenkin of the City of Eugene, Michael Copely of Lane County, and Mel Oberst of the City of Springfield. Mr. Gordon described the history of the Industrial Lands Special Study. He said that the joint planning commissions had conducted a public hearing on the study in May 1991 and had forwarded recommendations to the

joint elected officials that included amendments to the draft study policy report, and inventory report. Mr. Gordon noted that the two reports and amendments constituted Exhibit A, Parts 1-4, in the meeting packet.

Mr. Gordon said the study concludes that the metro area has an adequate supply of long- and short-term industrial sites, a supply that exceeds projected demand but is necessary to meet market demand and allow for selection in the marketplace among alternative sites. Mr. Gordon said that the study includes an excellent inventory. He said that the Special Studies Advisory Committee (SSAC), Chamber of Commerce, and staff team all contributed to the study with up-to-date, accurate information regarding site characteristics and readiness for the marketplace.

Mr. Gordon concluded his presentation by identifying a major policy issue for the joint elected officials' consideration, that of business parks. He said that the study recommends certain industrial zones in Eugene be given extra flexibility to allow location of associated nonindustrial uses outside the downtown core and other designated commercial office areas. Mr. Gordon said that Exhibit A, Part 2, contained alternatives regarding that issue for the elected officials to consider. He said that the officials had the options of modifying, deleting, or retaining implementation strategies 4 and 5 on pages 6 and 7 of that document. Mr. Gordon noted that there were also other implementation strategies recommended for the Metropolitan Plan Diagram requiring certain zoning changes. Were the plan approved, those plan/zone conformance changes would be initiated by the concerned government.

Jenny Sirnio, 95 Bradford Court, introduced herself as president of the Eugene Planning Commission and reported that the commission unanimously recommended approval of the amended inventory and policy reports. She commended staff for its work on the study, which she termed detailed and up-to-date.

Ms. Sirnio said that the commission recommended the adoption of four Metropolitan Plan text amendments concurrent with study approval: 1) an amendment deleting a finding discussing an inadequate supply of industrial land due to the study determination that long- and short-term supply exceeds demand; 2) an amendment adding new Policy 17 to the Economic Element which encourages the allocation of funds to improve transportation access to key industrial sites; 3) an amendment to the Economic Element that discourages amendments changing short-term development-ready industrial land to a nonindustrial designation; and 4) an amendment changing the name of the Special Light Industrial designation to Campus Industrial, and changing the description to require high-quality development and a selection of development processes. Ms. Sirnio noted that related to that amendment were Implementation Strategies 4 and 5, defining a business park and adding it to the list of uses allowed in Eugene's I-1 and I-2 districts.

Ms. Sirnio said that the commission agreed that business parks were an attractive market element missing from the metropolitan area. The commission discussed the issue of competition with the downtown area, concluding that there are certain office users who would choose to locate in a business park even if it meant locating in another community. Ms. Sirnio suggested that

limiting business, professional, and personal services, and general and professional offices to 40 percent of the gross floor area should restrict the types of offices that would locate in a business park.

Ms. Sirnio said that the commission believed it was important to have consistency among plans. The Commercial Lands Study encourages mixed office, retail, and industrial uses. Completion of the Industrial Lands Special Study, the Natural Resources Special Study and West Eugene Wetlands Special Area Study would provide a comprehensive framework for balancing economic and environmental factors. Ms. Sirnio urged the elected officials to approve the studies and adopt the four Metro Plan amendments.

Ms. Dumdi opened the public hearing.

4. Public Testimony

Douglas Moorhead, 1460 Flintridge Street, testified in regard to Site 29 in Region I of the Industrial Lands Special Study. He noted that Jim Saul had submitted a written proposal to the City of Eugene for a Metro Plan diagram amendment from industrial to residential. Mr. Moorhead indicated that material had been distributed to the elected officials. Additionally, Mr. Moorhead said he had distributed a written history of the process he had experienced in seeking a plan amendment.

Mr. Moorhead said that the rules regarding plan amendments are so complicated that he had difficulty getting clear information. He spoke of the long time he had spent in the plan amendment process. Mr. Moorhead asked the elected officials to consider his request and allow initiation of the plan amendment. He said that he wished to develop the property with houses in a manner consistent with adjacent properties.

Responding to a question from Mr. Rust, Mr. Moorhead estimated the acreage for Site 29 at about 75 acres and said that he represented the owners of 35 acres of the site. He confirmed that the site was within the urban growth boundary (UGB) but not within the city limits.

Sue Prichard, 2671 Emerald Street, identified herself as the chair of the Downtown Commission and as a commercial real estate broker. On behalf of the Downtown Commission, Ms. Prichard discussed the commission's concerns regarding the unfair advantage for office development in industrial areas created by lower prices for office square footage. Ms. Prichard said that the commission was concerned that the study not be approved in a manner that allowed significant office development outside the areas already designated for office use. Ms. Prichard emphasized that the commission favors the entrance of the concept of business parks into the marketplace as it feels strongly that business parks are a product missing from the market that should be accommodated.

From the perspective of her position as a commercial real estate broker, Ms. Prichard underscored her agreement with the views of the Downtown Commission. She said that she was approached once or twice each month by interests both

within and outside of the community seeking such accommodations. Ms. Prichard said she was concerned about the cumbersome nature of the use of floor area maximum percentages included in the study I-1 and I-2 recommendations. She suggested that the study contain language that allows for the business park concept in industrial zones without excessive specificity.

Responding to a question from Mr. Cornacchia, Ms. Prichard said that the Downtown Commission had not prepared alternative language regarding business parks for the elected officials to consider but indicated on behalf of the commission its willingness to do so. Mr. Cornacchia encouraged the Downtown Commission to prepare a recommendation for the elected officials to consider.

Mr. Morrisette asked if the Downtown Commission objected to the inclusion of such uses as restaurants and banks in business parks. Ms. Prichard said no, as long as those uses exist to serve the primary use in the zoning district and are not attempting to avoid paying higher rent somewhere else. She emphasized that the commission's concern was the possibility of the development of an office use not related to an industrial use.

Ms. Bascom asked Ms. Prichard for clarification of the Downtown Commission's position regarding the percentages for uses in business parks included in the study. Ms. Prichard responded that her remarks represented her viewpoint as the commission had not been able to discuss the topic in detail.

Ms. Bascom asked Ms. Sirnio if the Planning Commission had a position on the business park/office issues raised by Ms. Prichard. Ms. Sirnio said that the Planning Commission had been concerned about the possibility of unfair competition. She indicated that the recommendation that no more than 40 percent of gross floor area be occupied by office uses was reached by averaging percentages for business park developments in Portland. She reiterated that the commission had found that there were office users, such as businesses in the software industry, that preferred to locate in business parks.

Mr. Nicholson asked Ms. Prichard for clarification of her recommendation to avoid specificity in the percentages. Ms. Prichard said that she was familiar with the mixed-use zoning district requirements, and termed them cumbersome and unrealistic. She suggested that a broader range of percentages be established with criteria that ensured that the uses fit the spirit of the concept of business parks.

Mr. Boles endorsed Mr. Cornacchia's proposal for a recommendation from the Downtown Commission regarding business parks. In response to Ms. Prichard's concerns regarding the cumbersome nature of the floor area percentages in the study, Mr. Boles suggested that the percentages not be applied on a permit-by-permit basis but rather maintained as an overall ratio in a business park. Additionally, Mr. Boles suggested that the study could stipulate that industrial uses be in place before office uses are allowed.

David Hauser, 2904 Wolf Meadows Lane, introduced himself as a representative of the Eugene Chamber of Commerce. He said that the chamber had been involved in the Industrial Lands Special Study and had worked with staff to

develop the business park concept. He endorsed the business park concept on the behalf of the chamber, saying that it provided Eugene with additional zoning flexibility to accommodate the market and would encourage businesses to locate in the community that might otherwise go elsewhere.

Mr. Hauser discussed concerns raised in testimony regarding the possibility of an unfair advantages to business park office development as a result of lower square-footage costs, and said that the chamber was aware of those concerns and had worked with staff to address them by including a maximum percentage of floor area allowed office development. Mr. Hauser said the chamber task force that worked with staff on the business park concept was prepared to work with the Downtown Commission and other groups to establish specific criteria addressing concerns related to unfair competition as code language was developed to implement the study.

Ms. Dumdi closed the public hearing regarding the Industrial Lands Special Study.

Mr. Rust inquired of staff as to whether Lane County had equal status in initiating a Metro Plan amendment for Site 29 due to its location in the County. Jan Childs, City of Eugene Planning Director, responded that the County could initiate a plan amendment for the property.

At the request of Mr. Cornacchia, Ms. Childs discussed Mr. Moorhead's experience in seeking a plan amendment redesignating his property from industrial to residential. Noting that code provisions prevented her from accepting a citizen-initiated plan amendment while the study was in process, Ms. Childs said she advised Mr. Moorhead to work with the SSAC in an attempt to incorporate his redesignation in that group's recommendations to the joint planning commissions. Ms. Childs said that the SSAC did not agree that the property should be redesignated to residential, although it did recommend a change in industrial zoning for the property. Subsequently, Ms. Childs advised Mr. Moorhead and Mr. Saul to propose the redesignation to the joint planning commissions. The joint planning commissions had declined to make a recommendation regarding Site 29 to the elected officials. Ms. Childs said she had then recommended that Mr. Moorhead approach the elected officials for consideration of initiation of a plan amendment, without prejudice, to take place in advance of the next scheduled round of citizen-initiated plan amendments, which will occur January 1993.

Mr. Cornacchia asked why the advisory committee and planning commissions had not examined specific rezonings of properties in a manner similar to that of other study groups for other plans. Ms. Childs said that at some point in the planning process it was decided that the Industrial Lands Special Study would be primarily a policy document, with site-specific Metropolitan Area General Plan amendments processed later rather than concurrent with the studies. Ms. Childs added that the Eugene City Council and Planning Commission had directed staff to package together studies and their implementing ordinances and required plan amendments in the future.

Responding to a question from Ms. Ehrman, Ms. Childs said she was unaware of any other property owners in the same situation as Mr. Moorhead.

Responding to a question from Mr. Nicholson, Mr. Moorhead said that Site 29 had been designated as residential land in 1976. Ms. Childs said that since that time, the property had been redesignated to industrial.

Mr. Rust moved to initiate an amendment to the Metropolitan Area General Plan on behalf of the Lane Board of County Commissioners to redesignate Site 29 from industrial to low-density residential.

The motion died for lack of a second.

Ms. Frazer asked staff why the plan amendment was considered major³, rather than minor. Ms. Childs said that the amendment was considered a major amendment due to the size of the property and the proposed change in use.

Mr. Boles expressed interest in knowing more about the history of the changes in designation on the property.

Responding to a question from Mr. Cornacchia, Jacqulyn Mikalonis of Lane County discussed County staff resources available to process metropolitan issues. Ms. Childs indicated that Mr. Saul, representative for the applicant, had prepared much of the background information needed to process the request.

Mr. Rust moved, seconded by Ms. Frazer, to initiate an amendment to the Metropolitan Area General Plan on behalf of the Lane Board of County Commissioners to redesignate Site 29 from industrial to low-density residential.

Mr. Roberts expressed discomfort in voting for the motion due to a lack of information about the issue and ramifications of the decision. He encouraged the elected officials to make a commitment to address the issue. Mr. Roberts indicated he would support the motion if its failure meant that Mr. Moorhead would have to wait until January 1993 to initiate the plan amendment.

Mr. Cornacchia offered a friendly amendment to the motion, asking that it be modified to allow the applicant to initiate the plan amendment outside of the scheduled cycle at his own cost. Mr. Rust and Ms. Frazer accepted the amendment to the motion.

The amended motion passed 4:1, Mr. Roberts voting no.

Mr. Boles moved, seconded by Ms. Ehrman, to allow Mr. Moorhead to initiate a plan amendment to the Metropolitan Area General Plan outside the scheduled cycle for citizen-initiated amendments for the purpose of redesignating Site 29 from industrial to low-density residential. The motion passed unanimously, 5:0.

Ms. Decker noted that the Springfield City Council could not act on the issue at that time due to a charter provision stipulating that no voting could take place outside the city limits. She indicated that the issue would be placed on the council's consent calendar of July 6, 1992.

Ms. Decker moved, seconded by Mr. Berg, that the City of Springfield follow the direction of the City of Eugene and Lane County in the issue of allowing the plan amendment application for Site 29. The motion passed unanimously, 4:0.

Mr. Cornacchia and Ms. Dumdi thanked staff members involved in the Industrial Lands Special Study for their work on the study.

5. Lane County Second Reading and Public Hearing/
Ordinance No. PA 1023

Ms. Dumdi provided the second reading of the ordinance for Lane County and called for the staff presentation in the matter of Ordinance No. PA 1023.

6. Staff Introduction

Kathy Wiederhold of the Lane Council of Governments provided the staff presentation. She described the history of the study and discussed the efforts of the SSAC.

Ms. Wiederhold introduced members of the intergovernmental staff team Neil Bjorklund of Eugene, Mike Copely of Lane County, Mel Oberst of Springfield, and Mr. Gordon of the Lane Council of Governments.

Ms. Wiederhold described the reports, working papers, and inventories associated with the study. She also described the citizen involvement process developed for the study.

Ms. Wiederhold noted that as a result of testimony at the joint planning commissions' public hearing, staff was directed by the commissions to add an additional site to the study inventory, the North 66th Street site in Springfield.

Ms. Wiederhold said staff was still working with legal counsel of the three jurisdictions on the issue of "taking" raised in testimony. Staff has made several minor revisions to study documents to clarify the study's intent and avoid the issue of "taking."

Ms. Wiederhold noted that staff had distributed supplemental findings to the elected officials, as well as written testimony from Maureen Smith of the US Fish and Wildlife Service, Bill Castillo from the Oregon Department of Fish and Wildlife, and Chuck Davis of the Springfield Utility Board.

Mr. Gordon said that policy Chapter III-C of the Metropolitan Plan was restructured and included in the packet. He asked the elected officials to examine the material, noting that staff had removed the findings from the

chapter and placed them in the background report, combined the goals and objectives, and reduced the amount of policy language. Mr. Gordon said that staff hoped that the chapter served as a prototype for the next Metropolitan Plan update.

Referring to the North 66th Street site, Mr. Cornacchia asked if the McKenzie River ran on both sides of the property. Ms. Wiederhold said that while the site is often referred to as the "Big Island," the waterways on the south consist of a fragmented series of old channels. Some channels do not contain water. She was uncertain of the source of the water in the channels. Mr. Cornacchia asked how much of the shaded portion on the map was designated wetlands. Ms. Wiederhold said that with the exception of the small portion shown as zoned for sand and gravel extraction, she did not believe any of the area had been examined to determine jurisdictional wetland status. The more general inventory represented by the US Fish and Wildlife Service identifies the majority of the site as wetlands.

Mr. Cornacchia asked if the State's inventory maps for wetlands defined the property at North 66th Street as wetlands. Mr. Gordon said that there is a national wetlands inventory conducted by the US Fish and Wildlife Service. Oregon State Senate Bill 3, adopted in 1989, required the completion of a statewide wetlands inventory to serve as an alert system for the counties. The County's staff is required to refer to the national wetlands inventory as the State's inventory when issuing building permits or making land use decisions. Mr. Gordon said that the inventory serves as a caution that wetlands exist, but does not constitute the determination of a jurisdictional wetland. Mr. Cornacchia asked for the foundation of the statement in the study that wetlands exist on the site. Ms. Wiederhold said that the statement is based on the national wetlands inventory. She reiterated that the State has not done a jurisdictional study of the property.

Mr. Berg referred to the recommendation on page 7 of the Supplemental Findings that the cities of Eugene and Springfield reevaluate their tree-felling ordinances and said that it was important that the Eugene Water & Electric Board see the language due to its policy of tree removal in power line corridors. He suggested that Policy 14 be revised to address clear-cutting for purposes outside timber harvest. Ms. Wiederhold said that the uplands development design policy contains language addressing tree removal.

Jenny Sirnio, 95 Bradford Court, reidentified herself as president of the Eugene Planning Commission. She commended the staff for the concept of streamlining and clarifying the environmental resources element of the Metropolitan Plan. Ms. Sirnio agreed with Mr. Gordon that the approach to the study should serve as a model for the next plan update.

Ms. Sirnio said that the Eugene Planning Commission believes the study achieves a balance between protection of resources and sound economic development. The study established a framework for future examination of local environmental issues. Ms. Sirnio said that clear policy statements in the functional plan would guide the development of ordinances implementing the intent of the study.

Regarding the issue of taking, Ms. Sirnio noted that the Eugene Planning Commission recommended the addition of Policy 15 to address concerns raised by the issue.

Ms. Sirnio said that the joint planning commissions had added the North 66th Street site to the inventory in response to public testimony, while at the same time directing staff to contact affected property owners with information regarding the implications of the natural resources zone and the date of tonight's hearing. She added that the commissions also agreed that the economic value of the sand and gravel extraction site outweighed the environmental values due to the extent of the disturbance that had already occurred and the owner's investment in the site.

Ms. Sirnio noted that the Eugene Planning Commission had also recommended adding "earthquakes" to Goal 3 in the Environmental Resources element of the study.

Ms. Sirnio recommended adoption of the study.

Ms. Dumdi opened the public hearing.

7. Public Testimony

Chuck Davis, 6588 North A Street, Springfield, said he represented the Springfield Utility Board. Mr. Davis indicated he had sent a letter to the elected officials in support of the inclusion into the study of the North 66th Street site.

Mr. Davis said that the groundwater protection measures in the study will assist the Springfield Utility Board in providing good-quality water to the public. He said that Springfield is completely dependent upon ground water for its drinking water. Mr. Davis said that the North 66th Street site contains part of the city's wellfield. The wellfield provides about 32 percent of the utility's production capacity.

Mr. Davis said that the utility is currently working with the Environmental Protection Agency on a demonstration grant study of wellhead protection. He showed the elected officials a chart entitled "Weyerhaeuser Wellfield" and pointed out the area identified by a consultant as the "zone of contribution" to the well within a five-year time of travel period for recharged water. Mr. Davis said that the zone extends past its Thurston wellfield site. Consequently, the utility wished to ensure that potential sand and gravel extraction is preceded by a study of whether the extraction will affect groundwater quality. Mr. Davis stressed the importance of such a study for all sites identified for development. He said that he had identified all the public wellfield sites in Springfield and all were adjacent to natural resource inventoried sites. Mr. Davis asked the elected officials to keep the issue of groundwater quality in mind as they considered the study's recommendations, and further asked that study recommendations regarding groundwater protection become policy.

Mr. Cornacchia noted that sand and gravel extraction permitting in Lane County is done by County staff and asked if Mr. Davis believed that the permitting process did not provide adequate protection for groundwater quality. Mr. Davis said he had not reviewed the permitting regulations. He said that he was unaware of any sand and gravel sites adjacent to public water systems. Mr. Cornacchia expressed interest in knowing more about the permitting requirements.

Mr. Miller left the meeting at 8:48 p.m.

Ken Schindledecker, 6505 McKenzie Highway, Springfield, distributed a prepared statement to the elected officials. He discussed three concerns: the development of Potato Hill and its adjacent wetlands, the use of the Rolling Ridge Ranch as a youth development site, and the Weyerhaeuser sludge landfill east of 57th Street.

Mr. Schindledecker maintained that Potato Hill contained a valuable forest community that contributed significantly to the quality of life in Springfield. He said land adjacent to Potato Hill zoned for medium-density residential use could not support that density of use.

Mr. Schindledecker said that land north of Potato Hill was an area he termed a "classic wetland." He said plans exist to fill and pave the area, which could be a violation of Federal law as well as destruction of a valuable resource for short-term gain. Mr. Schindledecker said such natural areas in urban developments should be considered an important community asset and preserved when possible.

Mr. Schindledecker described the location of the Rolling Ridge Ranch and said he had worked for the former owner of the ranch. He asked the elected officials to consider acquiring the ranch for use as a working ranch and youth development site as well as environmental learning center.

Mr. Schindledecker asked that the sludge fill site east of 57th Street extending north of the Weyerhaeuser Road be investigated for contamination.

Mr. Rust asked Mr. Schindledecker if he had evidence of contamination at the sludge site. Mr. Schindledecker said no.

Mr. Morrisette observed that the Potato Hill site had been purchased for the purpose of residential development.

In relation to the North 66th Street site, Mr. Schindledecker said that the area had been recently logged, and the landowner dumps solvents and oils on the site. He maintained that the area was a wetland and the site of a heron rookery. Mr. Schindledecker said that the channels were fed by underground streams and a small creek. Water flows year-round.

Larry Thorpe, 644 North A Street, Springfield, identified himself as an attorney for Mr. and Mrs. Everett Fox. He said that Mr. Fox is not opposed to

the study. Mr. Fox owns about 70 acres of the North 66th Street site, where he has farmed since 1935. Mr. Thorpe said Mr. Fox owns a portion of the site identified as Tax Lot 400, which is included within the area planned and zoned for gravel and sand extraction.

Mr. Thorpe asked Mr. Fox to describe activities that have occurred on the property.

Everett Fox, PO Box 32, Thurston, described resource extraction activities that had taken place on his property, including the removal of 2.5 million board feet of timber in 1958; removal of 30,000 cubic yards of gravel in 1958 and 59, as well as additional 30,000 cubic yards of gravel in 1960; removal of 450,000 board feet of timber in 1969; removal of 400,000 board feet of timber in 1978; removal of 10,000 cubic yards of gravel in 1987; and removal of 370,000 board feet of timber in 1990.

Mr. Fox said he had a State permit for gravel extraction and maintained that he had been told by the Division of State Lands he had no wetlands on his property.

Mr. Thorpe reiterated Mr. Fox's statement that the property was zoned and designated for use for sand and gravel extraction. He reported that Mr. Fox had entered into an agreement with Delta Sand and Gravel in 1990 for gravel extraction. Delta Sand and Gravel applied to Lane County for a variance from an ordinance requiring 60 feet of road frontage in order to extract gravel from the property. Due to neighborhood opposition, Delta Sand and Gravel dropped its request for a variance.

Mr. Thorpe said that adjacent property owners within the North 66th Street site had requested the planning commissions include the site in the study area. The inclusion of the site in the study reflected that request. Mr. Fox, who owns 35 acres of the affected site, discovered the site's inclusion in the study in June 1992. Mr. Thorpe maintained that the request to include the site in the study was an effort on the part of the neighbors to stop Mr. Fox from benefitting from his property.

Mr. Thorpe discussed the permitting process for sand and gravel extraction.

Mr. Thorpe said that while the study permits the development of designated sand and gravel resources on the eastern portion of the site, extra regulatory constraints created by the study would delay gravel removal. Mr. Thorpe asked the elected officials to exclude Mr. Fox's property from the study. He gave staff a list of resource extractions made from the property over the years cited by Mr. Fox.

Mr. Cornacchia noted that the Springfield Utility Board and a recommendation action in the study called for a groundwater study involving the impacts on the utility board's wells prior to sand and gravel extraction. He asked Mr. Thorpe if there was a permitting requirement regarding groundwater impact. Mr. Thorpe said that he believed such a review was the purview of the County's Sand and Gravel Review Committee. Mr. Cornacchia asked if Mr. Thorpe

believed such a requirement was inappropriate. Mr. Thorpe said he was not an expert in groundwater issues and declined to comment. He added that he believed a scientifically based study was appropriate, but constituted yet another hurdle in his client's attempt to develop his property.

Bruce Mason, 36725 Oakpoint Road, Springfield, said he lived directly across the river from the North 66th Street site. He supported inclusion of the site in the study for the purpose of protection due to the uniqueness of the site in terms of wildlife habitat and other natural resource qualities. Mr. Mason said the site received the highest natural resource inventory score of any sites considered for inclusion in the study.

Mr. Mason maintained that gravel extraction on the site would be a mistake and have an adverse effect on the natural resources at the site. He said that Mr. Thorpe's remarks seemed to indicate that support for inclusion of the site in the study was reflective of a "neighbors' tiff," but Mr. Mason said that local and state outdoor and recreation organizations have submitted testimony regarding the inappropriateness of gravel extraction on the site. He expressed concern that gravel extraction could result in a change of channels and obliteration of the entire resource area being considered for addition to the study. Mr. Mason said that the area was heavily used for recreation, noting that at 4:30 p.m. that afternoon he had counted 27 people within 200 yards of the potential gravel extraction area. He said that those recreational uses would be lost if gravel extraction was permitted. Mr. Mason noted that the McKenzie River Trust considers the North 66th Street site a prime site for acquisition.

Responding to a question from Mr. Morrisette, Mr. Mason said the McKenzie River Trust does not have the funds to purchase the property at this time.

Mr. Rust asked if the McKenzie River Trust believed it would be able to purchase the property at a more attractive price if the it could not be used for sand and gravel extraction. Mr. Mason said he did not know.

Mr. Cornacchia pointed out that preservation of habitat and recreational uses were uses that should be supported by the government. He said that Mr. Mason's request would require that the State remove the potential for all economic benefit for the property. Mr. Cornacchia maintained that such an action would require the State to purchase the land under just compensation elements of the State and US Constitution. He asked Mr. Mason how he would propose to fund such a purchase. Mr. Mason said that he did agree that all economic benefits would be removed from the land, pointing out that considerable economic value had already been derived from the property. Mr. Cornacchia observed that the natural resource designation would preclude farming on the land as well.

Mr. Cornacchia asked if Mr. Mason had seen bald eagles at the site recently. Mr. Mason said he had seen bald eagles at the site the day previous. Mr. Cornacchia maintained that the bald eagles seen by Mr. Mason were the same eagles cited by opponents of old-growth timber logging on the north side of the river near the site. Mr. Mason responded that the eagles he had seen

were not designated by numbers so he was unaware if they were the same eagles. Mr. Cornacchia persisted, saying that testimony had been submitted that bald eagles were using the area for foraging and nesting across the river in the old growth. He said he found it interesting that the eagles were still around, given that the old growth had been removed.

Mr. Boles suggested that there was more than one analysis in terms of the economic value associated with natural resources, particularly from a recreational standpoint. He believed that there was increasing economic value associated with the preservation of natural resources, particularly in light of Oregon's attractiveness to tourists for the sake of its natural beauty.

Mr. Cornacchia clarified that his remarks were confined to the concerns of the property owner rather than to the community as a whole.

Mr. Dumdi noted that preservation of the natural resources on the property could have the effect of removing the property from the tax rolls.

Mr. Nicholson said it was unclear whether Mr. Fox would be able to extract the gravel resources on his property even without natural resource protections.

Mr. Mason submitted letters in support of the designation from the Lane County Audubon Society, Native Plant Society, and Thomas Pringle of Emerald Consulting.

Mr. Cornacchia spoke of his concern that precluding the resource extraction use on the property would result in the need for the County to purchase the property. He said that the County is not in a financial position to purchase the property. Mr. Mason suggested that the County dispose of nearby property with less value to fund the purchase.

Ms. Frazer said it appeared to her that resource extraction activities on the property had enhanced wildlife habitat. She suggested that continued use of the property for resource extraction would be a continued enhancement. Mr. Mason disagreed with Ms. Frazer's comments regarding the benefit of resource extraction on wildlife habitat. He said that to his knowledge, there had not yet been gravel extraction from the site; aerial photographs from 30 years ago show no sign of such activity. Mr. Mason acknowledged repeated logging activities on the property and attributed the loss of eight or ten acres of land on the site to erosion created by logging. In response to a question from Mr. Rust, Mr. Mason said that the river channel changed, eliminating the land of another property owner whose land had been logged by Mr. Fox without permission.

In response to a question from Mr. Morrisette, Mr. Mason reiterated that there was no evidence of sand and gravel extraction on the site. Mr. Fox maintained that he had removed gravel from the site in 1959, 1960, and 1987. Ms. Frazer suggested that flooding could have obliterated evidence of gravel extraction.

George Greer, 1342-1/2 North 66th Street, Springfield, indicated his appreciation for the study and commended the efforts of those involved in its development. However, he believed that there were significant gaps in the study. He said that the deficiencies in the plan that left it a less-than-comprehensive document. Mr. Greer suggested that plan adoption be delayed until additional inventory is done, or that the plan language be modified in a manner that guided planning decisions on uninventoried sites. He favored the latter course, and suggested that the opening policy statement be amended to recognize the inventory deficiency and by the addition of guidelines for those sites. Mr. Greer said that the inventory should be expanded as quickly as possible.

Mr. Greer recommended the inclusion of a policy recognizing wildlife corridors and the interdependence of resource sites. While an individual location may be identified as important, preservation may be impossible without preservation of the link to an adjacent site. Mr. Greer said pockets of habitat may not be capable of supporting wildlife without interconnectedness. He said such connections can be narrow, cross jurisdictional boundaries, are hard to recognize, and are fragile. Mr. Greer said that the importance of such connections should be recognized and policies added to the plan to preserve them.

Mr. Greer suggested that policies, rather than recommended actions, should serve as the basis for future decisions. He said that the recommended actions should be re-evaluated and considered as policy.

Mr. Greer discussed the possible inclusion of the North 66th Street site. He said he was a property owner on the island and consented to a natural resource designation without knowing precisely what the zone entails. Mr. Greer said he hoped that property owners would have an opportunity to comment on the attributes of the zone prior to adoption.

Mr. Greer addressed the remarks made by Mr. Thorpe and Mr. Fox and termed them inappropriate and prejudicial to the process. He noted that a separate quasi-judicial action was in process awaiting a decision that could come before the elected officials on appeal. Mr. Greer indicated his reluctance to address issues connected with that action due to his concerns of prohibited ex parte contacts, but stressed the importance of understanding on the part of the elected officials. Mr. Greer said that the uses allowed for Mr. Fox's property would not change with inclusion of the property in the plan. Mr. Fox would be required to commission a groundwater review and restore the property after sand and gravel extraction. Mr. Greer added that no evidence has been introduced to demonstrate previous extraction activity on the site, maintaining that aerial photographs indicate no such activity and Mr. Fox has no valid permit for the site. He noted that the wetlands determination for the site was made by Dr. Thomas Pringle, a consultant for Delta Sand and Gravel.

Joyce Lorenz, 1509 Cottonwood Street, Springfield, discussed the citizen involvement program for the Natural Resources Study and said she was concerned about its effectiveness. Ms. Lorenz suggested that the program met

the letter of the law but did not work. She asked why affected property owners were not in attendance at the hearing. Ms. Lorenz questioned why property owners were to be notified after the zoning changes were passed. She suggested that well-organized special interest groups were well-informed because they had the greatest to gain from study adoption.

Ms. Lorenz said that the proposed zoning changes in the study, such as waterside protection and development zones, had broad restrictive implications for current owners. She questioned whether the owners of such property were aware of the zoning proposals. Ms. Lorenz said that citizen involvement programs are required to be meaningful, and said that the Natural Resources Special Study citizen involvement program was ineffective.

Ms. Dumdi closed the public hearing.

Responding to a question from Mr. Cornacchia regarding notice to specific property owners affected by the designations in the study, Mr. Gordon said that none had been notified as part of the legislative process due to the number of properties affected. The property owners would be notified as zoning ordinances are developed.

Ms. Bascom proposed the addition of language to Policy 14 and related portions of the study as follows (underlined text added, bracketed text deleted): "The study recommends that tree removal in uplands be only for streets {and}, buildings, and urban forest management." She said that forest management could be related to fire control and removal of trees threatening adjacent property owners.

The elected officials accepted Ms. Bascom's proposal.

Mr. Berg asked that the reference in Policy 14 to timber harvest be changed to "timber harvest/tree removal."

Mr. Rust proposed that specific language be drafted in response to Mr. Berg's and Ms. Bascom's proposals for circulation among the jurisdictions. Those present agreed with Mr. Rust's proposal.

Mr. Berg said that it was important to the City of Springfield that Policy 3 on page 10 not preclude the development of the proposed Oregon Rivers Museum. Mr. Cornacchia suggested that Springfield prepare language for the other jurisdictions to circulate and review.

Responding to a question from Ms. Frazer, Ms. Wiederhold said that the percentage of sites in the study recommended for natural resources protection were about 50 percent in private ownership and 50 percent in public ownership. She added that staff is working with legal counsel on text changes to

the natural resource zone protection policy to clarify that a "taking" is not intended.

The meeting adjourned at 9:42 p.m.

Respectfully submitted,

Micheal Gleason,
Eugene City Manager

(Recorded by Kimberly Young)
mnjeo 070192