

Approved:
August 4, 1993MINUTES

Joint Public Hearing
Eugene City Council
Springfield City Council
Lane County Board of Commissioners
Harris Hall--Lane County Public Service Building

May 6, 1993
7:30 p.m.

EUGENE COUNCILORS PRESENT: Kaye Robinette, Shawn Boles, Kevin Hornbuckle, Barbara Keller, Randy MacDonald, Nancy Nathanson, Paul Nicholson.

ABSENT: Mayor Ruth Bascom; Councilor Bobby Green.

SPRINGFIELD COUNCILORS PRESENT: Stu Burge, Ralf Walters, Greg Shaver, Larry Schanz.

ABSENT: Mayor Bill Morrisette; Councilor Jesse Maine.

COMMISSIONERS PRESENT: Marie Frazier, Ellie Dumdi, Jack Roberts.

ABSENT: Steve Cornacchia, Chair; Jerry Rust.

The joint public hearing of May 6, 1993, of the Lane County Board of Commissioners was called to order by Vice Chair Marie Frazier. Ms. Frazier introduced members of the board present.

The joint public hearing of May 6, 1993, of the Springfield City Council was called to order by Councilor Stu Burge. Mr. Burge introduced Springfield councilors present.

The joint public hearing of May 6, 1993, of the Eugene City Council was called to order by Council Vice President Kaye Robinette. Mr. Robinette introduced Eugene councilors present.

Ms. Frazier announced the purpose of the meeting and asked that those interested in testifying fill out a request to speak form.

Springfield requested a change in the order of the agenda. Item I(C) was moved to the top of the agenda.

I. PUBLIC HEARING: REQUESTS FOR AMENDMENTS TO THE METROPOLITAN AREA
GENERAL PLAN

C. METROPOLITAN PLAN AMENDMENT (CITY OF SPRINGFIELD: HAYDEN BRIDGE
ROAD, MPA 93-1)

Ms. Frazier introduced the item and read the board ordinance title into the record.

1. Staff Presentation

Michael Copely, Lane County Land Management Division, said that the proposed Metro Plan amendment was initiated by the three jurisdictions on February 4, 1993. On March 16, the Eugene, Springfield, and Lane County planning commissions held a joint public hearing, and each commission recommended approval of the amendment. Staff also recommended approval of the amendment.

Greg Mott, City of Springfield, read all three Springfield ordinance titles into the record and presented the staff report. Referring to the Assessor's Map, he clarified that tax lots 900, 901, and 902, which appeared on the map, actually did not exist as separate tax lots.

2. Public Hearing

Ms. Frazier opened the Lane County public hearing. There were no ex parte contacts or conflict of interests declared by commissioners.

Mr. Burge opened the Springfield public hearing. There were no ex parte contacts or conflict of interests declared by Springfield councilors.

Mr. Robinette opened the Eugene public hearing.

Eugene City Councilor Randy MacDonald arrived at the meeting.

There being no requests to speak on this item, all three public hearings were closed.

3. Board Action

Mr. Roberts moved, seconded by Ms. Dumdi, to approve Ordinance PA 1041. Poll; all commissioners present voting aye, the ordinance was declared passed.

4. Springfield City Council Action

Mr. Burge said the Springfield City Council would take action on all three ordinances at its May 17 meeting.

5. Eugene City Council Action

CB 4447--An ordinance amending the Eugene-Springfield Metropolitan Area General Plan Diagram to include property located on the east side of Hayden Bridge Road in the urban growth boundary (UGB); to designate the property low-density residential; and adopting a severability clause.

Mr. Robinette moved, seconded by Mr. Boles, that the bill, with unanimous consent of the council, be read the second time by council bill number only, and that enactment be considered at this time. Roll call vote; the motion passed unanimously, 7:0.

Council Bill 4477 was read the second time by council bill number only.

Mr. Robinette moved, seconded by Mr. Boles, that the bill be approved and given final passage. Roll call vote; by a vote of 6:1, with Ms. Keller voting nay, the bill was declared passed and became Ordinance No. 19917.

B. METROPOLITAN PLAN AMENDMENT AND REZONING FOR PROPERTY LOCATED NEAR THE EUGENE AIRPORT (EUGENE AIRPORT/KOKKELER PROPERTY, MA 92-4

Ms. Frazier introduced the item and read the board ordinance title into the record.

1. Staff Presentation

Cathy Czerniak, Eugene Planning and Development Department, presented the staff report and summarized criteria for Metro Plan amendments and rezoning as required by State law and for rezoning as required by the Lane County Code.

She said that on March 16, 1993, the Eugene, Springfield, and Lane County planning commissions held a joint public hearing and recommended approval of the request. She noted that Eugene Airport Manager Mike Boggs was present to answer questions.

2. Public Hearing

Ms. Frazier opened the Lane County public hearing.

Ms. Dumdi said she personally knew the junior Kokkeler family, who do not reside on the subject property, and stated that she had not discussed this matter with them. There were no conflict of interests or ex parte contacts declared by commissioners.

Mr. Burge opened the Springfield public hearing.

Mr. Shaver said he personally knew the Kokkellers but stated that he had not discussed this matter with them. There were no conflict of interests or ex parte contacts declared by Springfield councilors.

Mr. Robinette opened the Eugene public hearing.

Bruce Anderson, 777 High Street, attorney representing the Kokkellers, testified in support of the proposed Metro Plan amendment and offered to answer questions.

There being no other requests to speak on this item, all three public hearings were closed.

3. Board Action

Mr. Roberts moved, seconded by Ms. Dumdi, to approve Ordinance PA 1043. Poll; all commissioners present voting aye, the ordinance was declared approved.

4. Eugene City Council Action

Responding to a question from Mr. Boles, Ms. Czerniak said the Bethel School District was currently considering a school site located south of Clear Lake Road. Referring to a map, she pointed out the location of the possible school site in relation to the Kokkeler property.

CB 4445--An ordinance amending the Eugene-Springfield Metropolitan Area General Plan Diagram to provide for expansion of facilities at the Eugene Airport according to the adopted Eugene Airport Master Plan; and adopting a severability clause.

Mr. Robinette moved, seconded by Mr. Boles, that the bill, with unanimous consent of the council, be read the second time by council bill number only, and that enactment be considered at this time. Roll call vote; the motion passed unanimously, 7:0.

Council Bill 4445 was read the second time by council bill number only.

Responding to a question from Mr. Nicholson, Ms. Czerniak referred to the background memo included in the agenda packet and noted that the proposed site for the air cargo facility would separate airport cargo truck traffic from passenger plane traffic.

Mr. Robinette moved, seconded by Mr. Boles, that the bill be approved and given final passage. Roll call vote; by a vote of 5:2, with councilors Boles and Hornbuckle voting nay, the bill was declared passed and became Ordinance No. 19917.

C. METROPOLITAN PLAN AMENDMENT (CITY OF EUGENE: VAJGERT/ROSSI, MA 92-5)

Ms. Frazier introduced the item and read the board ordinance title into the

record.

Greg Mott, City of Springfield, reread the Springfield ordinance title into the record.

1. Staff Presentation

Jim Croteau, Eugene Planning and Development Department, presented the staff report. The proposal was a government-initiated metro plan amendment for inclusion of 140 feet inside the urban growth boundary (UGB) along the east side of Spring Boulevard. The need for this amendment was based on the improper issuance of a building permit in 1989 by the City of Eugene that allowed the siting of a new structure outside UGB, and the property owner has been attempting to rectify this problem in order to obtain needed water service and fire protection.

Mr. Croteau said the Eugene and Lane County planning commissions have both recommended approval of the Metro Plan amendment and plan designation. In addition to approving the amendment, the board must also apply appropriate zoning upon inclusion of the property inside the UGB. The Eugene Planning Commission had recommended zoning that would allow one additional unit on the property, and the Lane County Planning Commission had recommended zoning that would allow two additional units. Either recommendation would provide for additional development that would have been legally permitted if the house had originally been properly sited.

2. Questions from Elected Officials

Responding to a question from Mr. MacDonald, Mr. Croteau said that at present, the maximum number of units that would be permitted on the property located inside the UGB would be three units.

Responding to a question from Mr. Nicholson, Mr. Croteau explained that under the urban transition agreement, Lane County, upon inclusion of property inside the UGB, must rezone the property to meet the urban transition zoning code. After Lane County rezoning, the City assumed responsibility for administering that zone designation.

Michael Copely, Lane County Land Management Division, noted that the board's ordinance contained the Lane County Planning Commission's recommendation with respect to the rezoning of the property.

Board members agreed to hear the Eugene City Council's discussion/action on this item before acting on the zone change.

3. Public Hearing

Ms. Frazier opened the Lane County public hearing. There were no ex parte contacts or conflict of interests declared by commissioners.

Mr. Burge opened the Springfield public hearing. There were no ex parte contacts or conflict of interests declared by Springfield councilors.

Mr. Robinette opened the Eugene public hearing.

Wayne Vajgert, no address given, submitted a vicinity map showing tree cutting activity on his property and a letter outlining errors in the staff notes included in the agenda packet. He summarized his letter, including a chronological order of events leading to initiation of this Metro Plan amendment. He offered to answer questions.

Ken Jones, 998 Ferry Street, introduced himself as an attorney. Referring to two drawings, he pointed out the differences in density between 0.77 and 0.52 zone designations with the same number of developed units and added that Mr. Vajgert requested that he be able to retain the 0.52 zone designation.

Jim Saul, 111 West 7th Avenue, said that in order for Mr. Vajgert to develop the front portion of his property, he would have to first apply for annexation, and second, to develop an additional unit, the property would have to be divided, which would require other review procedures. He testified in support of the Eugene Planning Commission's recommendations, particularly in light of Mr. Vagjert's property being located on the edge of the UGB and at the interface between urban and rural property.

Responding to a question from Mr. Roberts, Mr. Saul said that the Eugene City Council, when it initiated the Metro Plan amendment, expressed concern about increasing the density potential by correcting the existing situation, and that he believed that the Lane County Planning Commission's recommendation would do just that.

There being no additional requests to speak on this item, all three public hearings were closed.

4. Eugene City Council Action

Responding to a question from Mr. Nicholson, Mr. Croteau said that when the staff notes were being prepared, staff tried to explain in a general narrative form how the error occurred in 1989. He explained that at that time, the City of Eugene had just assumed administrative responsibilities under the urban transition agreement. He said that although there was likelihood for some error under such an undertaking, this was the only instance of which he was aware in the past four years. He added that since that undertaking, communication between the City and Lane County has increased.

Responding to questions from Mr. Robinette, Mr. Croteau said he believed that the portion of Mr. Vagjert's property currently located outside the UGB had no development potential. He said the council, if it wished, could consider appropriate zoning at the time of annexation of Mr. Vagjert's property.

Responding to a question from Ms. Nathanson, Mr. Croteau said that upon

annexation, a portion of Tax Lot 3600 could theoretically be developed with more than one unit. He noted that Mr. Saul informed him that an annexation application for that portion of Tax Lot 3600 was recently submitted.

Mr. Nicholson commented that it was important for him to have some sense of what reasonable expectations based on information the property owner received from the government. He believed it would be unreasonable for the City Council's action to result in a gratuitous opportunity for Mr. Vajgert if he purchased the property with the knowledge of the error.

CB 4446--An ordinance amending the Eugene-Springfield Metropolitan Area General Plan Diagram to include property located on the east side of Spring Boulevard in the urban growth boundary; to designate the property low-density residential; an adopting a severability clause.

Mr. Robinette moved, seconded by Mr. Boles, that the bill, with unanimous consent of the council, be read the second time by council bill number only, and that enactment be considered at this time. Roll call vote; the motion passed unanimously, 7:0.

Council Bill 4446 was read the second time by number only.

Mr. Robinette moved, seconded by Mr. Boles, that the bill be approved and given final passage. Roll call vote; all councilors present voting aye, the bill was declared passed and became Ordinance No. 19916.

Councilors took a straw vote to determine their recommendation to the board regarding the zoning for Mr. Vajgert's property. The results of the straw vote was a unanimous recommendation that the board apply a three-unit limitation on the property.

5. Board Action

Mr. Roberts moved, seconded by Ms. Dumdi, to approve Ordinance PA 1042. Poll; all commissioners present voting aye, the ordinance was declared approved.

Ms. Frazier adjourned the meeting of the Lane County Board of Commissioners.

Mr. Burge adjourned the meeting of the Springfield City Council.

Mr. Robinette adjourned the meeting of the Eugene City Council.

The meeting adjourned at 11:55 p.m.

Respectfully submitted,

Micheal Gleason
City Manager

(Recorded by David Straub)
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