

**NAME OF MEETING:** Lane County Planning Commission

**DATE OF MEETING:** July 6, 2010

**TO:** Chris Rogers  
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**RECORDED BY:** Linda Henry

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**ROUTING INFORMATION**

07/28/10 llh Draft to Staff  
(Date & Initials)

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# MINUTES

Lane County Planning Commission  
Board of Commissioners Conference Room—125 East 8th Avenue  
Eugene, Oregon

July 6, 2010  
5:30 p.m.

**PRESENT:** Robert Noble, Chair; Tony McCown, Vice Chair; George Goldstein, Nancy Nichols, Dennis Sandow, John Sullivan, Lane County Planning Commissioners; Kent Howe, Matt Laird, Kier Miller, Deanna Wright, Lane County Land Management Division; Celia Barry, Lane County Transportation Planning and Traffic; Petra Schuetz, LCOG; **Chris Watchie**, project consultant; Karl Morgenstern, Joe Moll, Bob Parker, Jason Heuser, Larry Six, Mike Van, guests.

**ABSENT:** Steve Dignam, Lisa Arkin, Jozef Siekiel-Zdzienicki Commissioners.

Mr. Noble convened the Lane County Planning Commission (LCPC) at 5:30 p.m.

## WORK SESSION

### 1. Approval of Minutes

#### **June 30, 2009—**

Mr. Noble offered the following correction: Page 5, paragraph 9, sentence 1 should read: Mr. ~~Nobel~~ **Noble** asked what the implications would be if the commissions made a recommendation that the amendments move forward with the stipulation that the historic flow levels be maintained.

Mr. Sullivan, seconded by Ms. Nichols, moved that the June 30, 2009 minutes be approved as corrected. The motion passed 5:0:1, with Commissioners Noble, McCown, Goldstein, Nichols, and Sullivan voting in favor of the motion, and Commissioner Sandow abstaining.

**February 16, 2010—**Mr. McCown, seconded by Mr. Sullivan, moved that the February 16, 2010 minutes be approved as submitted. The motion passed 5:0:1, with Commissioners Noble, McCown, Goldstein, Nichols, and Sullivan voting in favor of the motion, and Commissioner Sandow abstaining.

**February 17, 2010--** Mr. McCown, seconded by Mr. Sullivan, moved that the February 17, 2010 minutes be approved as submitted. The motion passed 5:0:1, with Commissioners Noble, McCown, Goldstein, Nichols, and Sullivan voting in favor of the motion, and Commissioner Sandow abstaining.

**March 2, 2010**-- Mr. Sullivan, seconded by Mr. McCown, moved that the March 2, 2010 minutes be approved as submitted. The motion unanimously 6:0.

**March 16, 2010**—Mr. Sullivan, seconded by Mr. McCown, moved that the March 16, 2010 minutes be approved as submitted. The motion unanimously 6:0.

**April 6, 2010**—Mr. McCown, seconded by Mr. Sullivan, moved that the April 6, 2010 minutes be approved as submitted. The motion unanimously 6:0.

**April 20, 2010**—Mr. Sullivan, seconded by Mr. McCown, moved that the April 20, 2010 minutes be approved as submitted. The motion passed 5:0:1, with Commissioners Noble, McCown, Goldstein, Nichols, and Sullivan voting in favor of the motion, and Commissioner Sandow abstaining.

**April 21, 2010**—Mr. Sullivan, seconded by Mr. McCown, moved that the March 16, 2010 minutes be approved as submitted. The motion unanimously 6:0.

**May 4, 2010**—Mr. McCown, seconded by Mr. Sullivan, moved that the May 4, 2010 minutes be approved as submitted. The motion unanimously 6:0.

**May 18, 2010**—Mr. McCown, seconded by Mr. Sullivan, moved that the May 18, 2010 minutes be approved as submitted. The motion unanimously 6:0.

**June 1, 2010**—Mr. McCown, seconded by Mr. Sullivan, moved that the June 1, 2010 minutes be approved as submitted. The motion unanimously 6:0.

## **2. Planning Commission Schedule**

Mr. Laird requested time on the agenda to review the Planning Commission's schedule through the end of the calendar year. He distributed and reviewed two documents entitled *Joint Hearing Schedule: Land Use Task Force Items* and *Lane County Planning Commission Future Meeting Schedule*. He said Land Management staff had been tasked with completing the Land Use Task Force work and the Proposed Amendments to the Floodplain Combining Zone and Development of a Drinking Water Protection Overlay Zone by the Board of County Commissioners in 2010. This would take a significant time commitment by both the BCC and the Planning Commission with joint meetings of the two bodies and additional meetings.

## **3. Background Information and Discussion—Regarding Proposed Amendments to the Floodplain Combining Zone and Development of a Drinking Water Protection Overlay Zone**

Mr. Miller offered the staff report and PowerPoint presentation entitled *Proposed Amendments to the Lane County Floodplain Ordinance and Development of Drinking Water Protection Zone*. He noted members of the project Technical Advisory Committee (TAC) were present at tonight's Planning Commission meeting. Both of the series of amendments were being developed to address concerns raised about excessive development in the floodplain and riparian area and the implications of development on water quality as well as health and human safety.

Mr. Morgenstern, technical advisory committee (TAC) member, provided a PowerPoint presentation entitled *Impacts of Development on Floodplains in Water Quality, Health & Human Safety*. He provided a brief history of the project

Mr. Sandow asked if the TAC had considered more intense downpours as suggested by some climate modeling. He also asked if the TAC had determined whether there was public health data that aligned with some of the TAC's studies.

Mr. Morgenstern responded the TAC was attempting to develop an accurate snowpack/snow melt component in the model at the present time, but downpours could be considered in another stage of the study. He added the TAC had looked at public health data but not much was available in Oregon.

Mr. Goldstein asked if hydrologic restrictions on the waterways would be studied.

Mr. Miller said mitigation of hydrologic restrictions had been the national approach for flooding issues where obstructions were mitigated with channelization or levies to move flood waters out. The current trend was away from that practice and towards keeping floodplains in a more natural condition with mitigation through design and construction of structures to prevent flooding.

Mr. Noble asked if there had been a degradation of water quality at intake points.

Mr. Morgenstern said the Eugene Water and Electric Board (EWEB) had focused more efforts on looking at contaminants not previously studied, so there was no comparative data. However, EWEB was not finding a significant amount of chemicals, and data from recent efforts to examine pharmaceuticals and hormones was not yet available.

Mr. Miller continued with the PowerPoint presentation and reviewed the public involvement process for the project. Lane County and EWEB had worked collaboratively and EWEB contributed funds to hire a consultant to conduct a broad issue identification process and stakeholder issue identification summary. The stakeholder group was scaled back to a TAC at the direction of the BCC with staff from the State Department of Environmental Quality (DEQ), EWEB, Springfield Utility Board (SUB), McKenzie Watershed Council, Middlefork Willamette Watershed Council, and McKenzie River Trust. Staff was developing proposed code changes in conjunction with the TAC. Flooding was the most common natural disaster in the country and in Lane County. The approach of the federal government in the past had been to provide post disaster recovery assistance in communities. The current practice involved the federal government backing low cost flood insurance for communities that adopted floodplain regulations that met or exceeded minimum standards. The program was established in 1968 and Lane County became an official participant in 1985 when a series of flood insurance studies and rate maps were adopted. Lane County's participation was monitored by the Federal Emergency Management Agency (FEMA). Although participation in the federal program was voluntary, there were ramifications if the county was not involved. Additionally, under Goal 7 of the Oregon statewide planning program, jurisdictions were required to do something to mitigate flood risks. A challenge faced by County staff was incremental improvements over time which allowed building sizes to increase while not adhering to Lane Code. Although there were tsunami inundation zones and flooding occurred on the coast, there were not coastal flood areas in the Oregon. County staff were researching a stormwater management plan in the future, and the proposed ordinance changes were attempting to address one facet of the problem. Lane County's primary compliance tool was a floodplain development permit that established the requirements for building in the floodplain. Permits were required for new construction as well as placement of mobile homes; or, when fill work, dredging or significant alteration of the channel.

Mr. Miller reviewed the flood zones and benefits of the Community Rating System (CRS) as described in the June 21, 2010 staff memorandum for the work session. The TAC had considered a number of sources to improve the existing regulations to meet FEMA requirements to qualify for insurance reductions and to address boarder issues. Publications from FEMA, State of Oregon Department of Land Conservation (DLCD); studies from the University of Oregon; and surveying current and former Land Management staff members had been used to improve those regulations.

Mr. Miller explained staff would be returning to the Planning Commission to review proposed language for correcting errors and omissions, adding provisions for the AO Zone, and updating definitions. The commission would also look at additional incremental development through changes in terminology; fill standards; development in the floodway; septic tank problems; and prohibiting critical and hazardous facilities within the floodplain. He added staff was attempting to craft code language that would not trigger Ballot Measure 49 claims, noting that over the years, the courts had consistently upheld floodplain regulations, even those that exceeded the minimum FEMA standards.

In response to a question from Ms. Nichols, Mr. Miller said the County could not restrict farm use under current State law.

Responding to questions from Mr. Noble, Mr. Miller said the flood insurance discount applied to individual homeowners. Countywide the annual savings was estimated at approximately \$250,000.

Mr. Noble suggested staff should consider ways to incentivize people to refrain from building in higher risk areas.

In response to Mr. Goldstein, Mr. Morgenstern said EWEB had been studying pesticides, pharmaceuticals, and organics for eight years and anticipated a series of reports would be released during the next couple of years that would address those issues.

Mr. Sullivan commended staff for the excellent presentation.

Mr. Sandow expressed concern over the methodology used in the study, the lack of public health data, and lack of a climatologist, a biologist, a geologist and agricultural representation on the TAC. He wished to see an ongoing structure that would continue at the conclusion of this project. He added the staff work was excellent and suggested it should be shared with the cities that were engaged in urban growth boundary (UGB) work.

The commission took a break from 7:30 p.m. to 7:45 p.m.

#### **4. Training—Role of the Planning Commission, By-Laws, Quasi-judicial—vs—Legislative Hearings**

Deferred to a future meeting.

#### **5. Report—Regional Transportation Options Plan. Long-Range Planning for Alternative Transportation Modes and Options for the Area Within the Metropolitan Planning Organization (MPO); Cities of Eugene, Springfield, Coburg and Lane County.**

Applicant: Point to Point Solutions

Ms. Barry introduced Petra Schuetz from Lane Council of Governments (LCOG) and Chris Watchie, point2point Solutions, project consultant.

Ms. Schuetz explained the region's transportation planning partners had embarked on an unprecedented long-range coordination which included creating or updating the following plans by the end of 2012:

- Coburg Transportation System Plan.
- Eugene Transportation System Plan.
- Springfield Transportation System Plan.
- Lane Transit District Long Range Transit Plan.
- Regional Transportation System Plan.
- Regional Transportation Plan.

Ms. Schuetz asserted transportation demand management (TDM) had a growing role in creating a more efficient and balanced transportation system. TDM was the application of strategies and policies to reduce travel demand or to redistribute this demand in space or time. Examples of demand management included rideshare, biking and walking, telework, and marketing/education of travel choices. TDM was commonly called Transportation Options (TO) in Oregon. The Central Lane MPO was responsible for the region's TO programs through point2point Solutions. The partners had acquired partial funding to develop a Regional Transportation Options Plan (RTOP).

Ms. Watchie explained the regional program, called Point to Point was housed at LTD, while the City of Eugene was working on its own program. She reviewed the history of Point to Point.

Ms. Barry said TransPlan had served as the State land use plan and the federal regional transportation plan. The City of Coburg became a part of the local land use planning process and House Bill (H.B.) 3337 was enacted at the State level, which required that the cities divide their UGBs. The cities would now have separate transportation system plans (TSPs) and other planning documents. The cities were undertaking a comprehensive land update including updates of the buildable lands inventories, review of the UGBs, which would be followed by the TSP updates and integrated with the land use planning. The Planning Commission would be asked to co-adopt many of the documents in the future.

Mr. Sullivan and Mr. Goldstein encouraged staff to ensure that the TAC had a broad representation so that the special interests did not highjack the project. Mr. Sullivan opined people drove cars for two reasons, convenience and independence, and the only way to reduce the use would be to penalize or tax it. Encouraging carpooling and bicycle riding did not address the issues of convenience and independence.

Ms. Schuetz averred the public involvement portion of the process intended to invite people from different interest areas. She did not think there was a particular special interest group represented on the TAC.

Mr. Noble asked if there was a Goal 12 requirement that set a legal requirement for vehicle miles traveled (VMT) reduction.

Ms. Barry explained the VMT requirements applied to MPO areas, and an alternative standard could be used if it was more desirable. The State land use requirement required that the VMTs be incorporated into the cities' TSPs. The RTSP requirement would need to be addressed.

Mr. Noble understood the Chamber of Commerce had an interest in centralizing distribution of goods and services. Businesses around the airport were interested in centralizing distribution, which if successfully done, would more effectively funnel much of the industrial traffic. He opined that although some people had expressed concerns about the traffic on I-5, the traffic was free flowing, and the greatest congestion came from idling. He added the communities of Junction City, the City of Veneta and the City of Florence were stakeholders due to the need to move goods and services to those communities.

Ms. Nichols left at 8:30 p.m.

Mr. Sandow asked to look at the quantitative data for the carbon calculation in the future and was opposed to use of cost benefit analysis. He suggested using electronic polling for collecting data from the public. He asked for walkability scores for neighborhoods and how the IAP2 spectrum would benefit this project.

Ms. Barry said a green house gas of the Lane County Central MPO was currently underway.

Ms. Schuetz added Lane County was currently under the federal carbon levels and staff believed the area would continue to be under the new federal threshold regulations.

Mr. Noble iterated the way to get people to do things they would not ordinarily do was to provide incentives.

The meeting adjourned at 8:40 p.m.

(Recorded by Linda Henry)