

T. I. Seo

**AGENDA COVER MEMO
(SUPPLEMENTAL)**

DATE: April 19, 2005 (second reading, public hearing)
TO: LANE COUNTY BOARD OF COMMISSIONERS
EUGENE CITY COUNCIL
SPRINGFIELD CITY COUNCIL
FROM: KENT HOWE, LANE COUNTY PLANNING DIRECTOR
LAND MANAGEMENT DIVISION

ORDINANCE NO. PA 1221 -- IN THE MATTER OF AMENDING THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN (METRO PLAN) TO CLARIFY AND PROVIDE GREATER FLEXIBILITY FOR PUBLIC SAFETY SERVICE DELIVERY IN THE EUGENE-SPRINGFIELD METROPOLITAN AREA (METRO PLAN, *GROWTH MANAGEMENT, POLICY 15*).

Attached are draft alternative language options requested by the Eugene and Springfield Planning Commissions for your consideration along with the Draft minutes of the Eugene Planning Commission deliberations on the above referenced proposed Metro Plan amendment. We will supplement your packet when we receive the Draft minutes of the Springfield Planning Commission.

- Attachments: A) Alternative Language Options for Proposed Metro Plan Growth Management Policy 15.f.
B) Draft Eugene Planning Commission Minutes

Attachment A

Alternative Language Options for Proposed Metro Plan Growth Management Policy 15.f.

Both Springfield and Eugene Planning Commissions had concern over the specificity of the district described in the proposed new Metro Plan, Growth Management, Policy 15.f. Both Commissions recommended limiting the proposal to a single countywide district. The Springfield Planning Commission suggested the language in Alternative 1 to alleviate potential problems if not all of the cities in the county are included in the district.

In response to the Eugene Planning Commission (EPC) request, staff have developed alternative language for your consideration that might address the EPC concerns regarding a limitation on the public safety services the County could add in the context of the “including but not limited to” phrase of the proposed policy amendment. The EPC recommended deleting or modifying that phrase.

The EPC understood that the County should not be limited to those services, most of which are required by State Statute. They recognize that there are additional and desirable public safety services that augment the mandated services. They understand that the proposed language allows the non-mandated services, but are concerned that the language does not prevent the County from adding additional services, including non public safety services.

Staff provide you the following four alternatives for the proposed Metro Plan, *Growth Management*, Policy 15 f. amendment recommended by the Lane County Planning Commission, if the LCPC language is unacceptable. (Bracketed language would be deleted, underlined language would be added.) The alternatives present increasing limitations on creation of a public safety service district within the Metro Plan boundary. The amended language in Alternative 1 reflects the Eugene and Springfield Planning Commissions' concern regarding the single district and is also included in the subsequent alternatives.

1. Notwithstanding the above provisions of this policy and all other related policies and text in this Plan, a single district or zone of benefit within the county may be created and maintained to provide preventive and reactive public safety services, including but not limited to, adult and youth

corrections services, crime prevention, prosecution, detention, supervision, mental health and alcohol and drug services, victim services, drug court, interagency narcotics enforcement, patrol, investigation and arrest.

Alternative 2 provides examples of the types of preventive and reactive public safety services, implying other public safety services could also be included.

2. Notwithstanding the above provisions of this policy and all other related policies and text in this Plan, a single district or zone of benefit within the county may be created and maintained to provide preventive and reactive public safety services, including [*but not limited to,*] adult and youth corrections services, crime prevention, prosecution, detention, supervision, mental health and alcohol and drug services, victim services, drug court, interagency narcotics enforcement, patrol, investigation and arrest.

Alternative 3 provides specific examples of the types of preventive and reactive public safety services and implies a more limited list of qualifying services.

3. Notwithstanding the above provisions of this policy and all other related policies and text in this Plan, a single district or zone of benefit within the county may be created and maintained to provide preventive and reactive public safety services, such as [*including but not limited to,*] adult and youth corrections services, crime prevention, prosecution, detention, supervision, mental health and alcohol and drug services, victim services, drug court, interagency narcotics enforcement, patrol, investigation and arrest.

Alternative 4 specifically limits the types of preventive and reactive public safety services to those listed in the policy.

4. Notwithstanding the above provisions of this policy and all other related policies and text in this Plan, a single district or zone of benefit within the county may be created and maintained to provide preventive and reactive public safety services, which shall be limited to [*including but not limited to,*] adult and youth corrections services, crime prevention, prosecution, detention, supervision, mental health and alcohol and drug services, victim services, drug court, interagency narcotics enforcement, patrol, investigation and arrest.

SUMMARY MINUTES

Regular Meeting
Eugene Planning Commission
Sloat Room–The Atrium Building–99 West 10th Avenue

February 28, 2005
11:30 a.m.

PRESENT: John Lawless, President; Mitzi Colbath Vice President; Jon Belcher, Rick Duncan, Randy Hledik, Phillip Hudspeth, members; Tom Coyle, *ex officio* member; Susan Muir, Steve Nystrom, Kurt Yeiter, Planning and Development Department; Gary McNeel, Public Works Department; Glen Potter, Fire and Emergency Services Department; Doug Harclerod, Alex Gardner, Kent Howe, Faye Stewart, Bill Van Vactor, Teresa Wilson, Rob Rockstroh, Lane County; Terry Connolly, Charles Biggs, Lara Skinner, Dave Van Sorkle, Tim Seabury, Terry Froemming, guests.

ABSENT: Anne Marie Levis, member.

PUBLIC COMMENT ON NON-AGENDA ITEMS

I. DELIBERATION/POSSIBLE ACTION: PUBLIC SAFETY SPECIAL DISTRICT METRO PLAN AMENDMENT

Mr. Belcher moved, seconded by Mr. Hledik, to delete “including but not limited to” from the proposed language in the first sentence of Policy 15.f. The motion passed unanimously, 6:0.

II. DISCUSSION: KEY CODE AMENDMENTS

Mr. Duncan moved, seconded by Ms. Colbath, to approve the Citizen Involvement Program for Phase 2, Key Code Amendments to the Lane Use Code. The motion passed unanimously, 5:0.

III. ITEMS FROM COMMISSION AND STAFF

- A. Other Items from Staff**
- B. Other Items from Commission**

Regular Meeting
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PRESENT: John Lawless, President; Mitzi Colbath Vice President; Jon Belcher, Rick Duncan, Randy Hledik, Phillip Hudspeth, members; Tom Coyle, *ex officio* member; Susan Muir, Steve Nystrom, Kurt Yeiter, Planning and Development Department; Gary McNeel, Public Works Department; Glen Potter, Fire and Emergency Services Department; Doug Harclerod, Alex Gardner, Kent Howe, Faye Stewart, Bill Van Vactor, Teresa Wilson, Rob Rockstroh, Lane County; Terry Connolly, Charles Biggs, Lara Skinner, Dave Van Sorkle, Tim Seaberry, Terry Froemming, guests.

ABSENT: Anne Marie Levis, member.

Mr. Lawless convened the meeting of the Eugene Planning Commission at 11:33 a.m.

PUBLIC COMMENT ON NON-AGENDA ITEMS

Mr. Lawless introduced the item and explained the process for public comment.

Charles Biggs, 540 Antelope Way, Eugene, expressed concern that the purpose statements did not meet the criteria for nodal development.

Mr. Duncan arrived at 11:35 a.m.

Ms. Muir reported that the City Council would conduct a work session on April 11, 2005 on the Chase Node.

I. DELIBERATION/POSSIBLE ACTION: PUBLIC SAFETY SPECIAL DISTRICT METRO PLAN AMENDMENT

Ms. Colbath declared a potential conflict of interest as she was currently working under contract as a financial advisor with the City of Coburg. She added that she had read the minutes from previous meetings at which the topic was discussed.

Ms. Muir reported that she had discussed Ms. Colbath's potential conflict of interest with the City Attorney, who had ruled that Ms. Colbath could participate fully in the discussion and vote on the topic.

Ms. Muir said that the role of the Planning Commission was to make recommendations on the criteria in the Metro Plan, noting that the proposed Metro Plan amendment had been initiated by Lane County. She added that staff replied heavily on Lane County for support in processing the request.

Ms. Muir distributed a document entitled **Revised Attachment A** and **Attachment B** to the agenda packet.

Ms. Muir introduced Kent Howe, Lane County Planning Director, who said he was here to answer any questions Planning Commissioners may have regarding the proposed Metro Plan Amendment.

In response to a question from Mr. Hledik, Ms. Muir said that City of Eugene staff concurred with the recommendations developed by Lane County staff.

Mr. Belcher observed this was a fundamental change in how special districts were used.

Mr. Hledik noted Policy 15 had been crafted when circumstances were different, with separate fire and water districts, and the cities were logistical providers of those services. He questioned if this amendment was really necessary, asking if an alternate way to address the issue had been considered.

Mr. Lawless said this proposal provided a way to clarify service districts across the county which currently was unclear, adding that this provided a method to untangle Lane County services across multiple jurisdictions.

Mr. Duncan said he was inclined to support the proposal but was bothered by the structure.

Mr. Lawless said the proposal offered more clarity on the issue of single versus plural service districts, but expressed concern that the proposal would open the door for a flood of other requests.

Ms. Colbath noted that in other jurisdictions, services such as libraries and sewers were commonly done on a county-wide basis. She said the Planning Commission may see more of this type of request as a land use issue rather than a budget issue in the future.

Mr. Duncan asked if the City Attorney had reviewed the proposed amendment, noting that he wanted to see a narrow interpretation. Mr. Yeiter confirmed that the proposed amendment had been reviewed by the City Attorney.

Mr. Coyle said that similar issues in many other states were handled outside of the land use process, adding this begged a bigger question, that being was there a need to focus on special districts.

Mr. Belcher said the real question was not land use but fiscal issue, noting it was challenging to refrain from making the amendment too onerous. He asked if the proposed amendment would create one or more districts or if it was countywide.

Mr. Howe replied that the amendment would create a single district that encompassed the whole county.

At the suggestion of Mr. Belcher, the Commission unanimously agreed that the word "single" should be inserted in the first sentence of the policy amendment to make it clear that only one district were contemplated.

Both Mr. Belcher and Ms. Colbath expressed concern about the language "including but not limited to"

in Policy 15.f of the proposed amendment text.

Mr. Howe said that other countywide districts could be created in the future, citing as an example, that the county could create a library district in the future.

Mr. Yeiter added that the language in the Metro Plan may not preclude the county from providing services within the county but outside the Metro areas. Referring to the February 16, 2005 staff report from Mr. Howe, Mr. Yeiter reiterated that "most of those services are mandated by constitutional or statutory provisions that establish county authority to provide the service."

Mr. Duncan expressed concern on the Policy 15.f language "including but not limited to", and wanted it to be clear to the City Council that the Planning Commission did its work.

In response to Mr. Belcher, Mr. Howe said if a dispute arose between the City of Eugene and Lane County regarding service districts, the dispute would go to the Metropolitan Planning Commission (MPC).

Several commissioners expressed concern that this was being brought to the Planning Commission as a land use issue. Ms. Muir stated that Mr. Van Vactor's memorandum to the Lane County, City of Eugene and City of Springfield Planning Commissions, page I-10, in the agenda packet, outlined the Lane County's reasoning in using the approach.

Mr. Howe explained that Lane County would negotiate with each of the twelve cities involved for creation of additional special districts. He said the special districts would have governing bodies, but each city would have contracts with Lane County, noting that written agreements would provide the legal support for actions between the county and the cities.

Mr. Belcher emphasized that it was important to include safeguards to allow the City of Eugene to control those services within the City boundaries.

Mr. Belcher moved, seconded by Mr. Hledik, to delete or modify the phrase "including but not limited to" from the proposed language in the first sentence of Policy 15.f to narrow the scope of the district to just those public safety services discussed during the hearing, those that the County was obligated to provide, and those that the County already provides. The motion passed unanimously, 6:0.

The Commission asked County staff to work on the appropriate language that would satisfy this motion by making the policy clear about the narrow scope of services covered in the new exception. The language would be provided to the elected officials.

Mr. Belcher expressed concern that the proposed amendment created more than the Oregon Revised Statutes (O.R.S.) mandated services, and wondered how the roles of the cities and the county would be defined related to police patrol and arrest.

Mr. Coyle said this presented a case for saying that everything would connect to land use, and that the costs incurred would be at the expense of other services the city strongly wanted to provide.

Mr. Belcher stressed the importance of advising the City Council that the Planning Commission did not strongly support all of the issues identified by Lane County.

Mr. Coyle left the meeting.

In response to a question from Mr. Duncan, Ms. Muir said a letter from the Planning Commission would be sent to the City Council, adding that the issue had not yet been scheduled on the City Council calendar.

In response to a question from Mr. Belcher, Mr. Howe said the proposed amendments would be considered by the Springfield Planning Commission on March 1, 2005 and by the Lane County Planning Commission on March 15, 2005.

Ms. Colbath reiterated the Planning Commission's contention that the proposed amendment was a land use issue only, and that the Planning Commission did not support now and would not support in the future creation of a taxing district.

There was consensus to support a change offered by Mr. Belcher on Attachment B, Findings in Support, item six as follows: Goals of proposed change are to allow for a new financing vehicle without undermining the compact urban growth policies of the Metro Plan.

Ms. Muir noted consensus of the Planning Commissioners on the remainder of the findings.

Mr. Howe said he would convey the concerns of the Planning Commission to the Lane County Planning Commissioners.

Mr. Belcher expressed appreciation to the Lane County staff for the hard work they put into drafting the proposed amendment language.

Mr. Hledik left at 12:40 p.m.

II. DISCUSSION: KEY CODE AMENDMENTS

Mr. Nystrom stated that the Planning Commission was acting as the Citizen Involvement Committee (CIC) for the Key Code Amendments process.

Mr. Nystrom reviewed the process and identified the three key milestones:

- Solicit amendments to be considered from the public, noting the staff list was completed.
- Prioritizing the combined lists of the community and staff, noting that the resulting list will be too long to complete.
- Consultant preparation of potential solutions and Planning Commission review of the recommendation.

Mr. Coyle returned.

Mr. Nystrom said the public involvement process would include a number of workshops, meetings, and

public hearings that would likely run into the fall. Staff had identified the need to hire a consultant to serve as a project manager to perform the bulk of the work due to the sheer volume of work involved. The background of the consultants considered for the project manager would likely be land use consultants, architects, and or other qualified individuals.

In response to a question from Ms. Colbath, Ms. Muir said that the Planning Commission would see the entire list of proposed amendments. Ms. Muir added that staff would work with the consultant to establish screening criteria.

Mr. Nystrom said the council buddy relationships would be very important during this process, and would be beneficial in getting informal feedback from council members.

Mr. Coyle said that the level of discussion was lower than policy issues but higher than the Land Use Code Update (LUCU) process, in which there were line by line discussions.

Mr. Nystrom said that the website would be updated to include code amendment information.

Mr. Belcher said the proposal was a giant leap forward in the public process, and noted that use of the website would be important. He thanked staff for the efforts in completing the code amendments.

Mr. Nystrom said the Planning Commission's suggested organizations would be added to the interested parties list.

Ms. Muir asked Planning Commission members to send names of additional interested parties to her.

Mr. Duncan moved, seconded by Ms. Colbath, to approve the Citizen Involvement Program for Phase 2, Key Code Amendments to the Lane Use Code. The motion passed unanimously, 5:0.

III. ITEMS FROM COMMISSION AND STAFF

A. Other Items from Commission

Ms. Colbath reported that she would be traveling to Washington, D.C. with the United Front lobbying group.

B. Other Items from Staff

Ms. Muir reported that fee increases were tentatively scheduled to go into effect on March 1, 2005. The increases reflected increasing cost recovery from 24 percent to 40 percent. Comments had been received from three people, two opposed to the fee increase, and one in favor of the action.

Mr. Muir reported that State of Oregon Land Conservation and Development Commission (LCDC) had upheld the minor housekeeping amendments that had been appealed by the Home Builders Association of Lane County.

Ms. Muir said that the Planning Commission would be discussing Goal 5, buildable land supply issues, in the near future.

Mr. Lawless questioned the timing of the role of the CIC in relation to the Parks planning process.

Ms. Muir said that the CIC was dissolved in July 2004, as a result of city wide budget cuts. She added that the land swap discussion had been taking place for several years with the Parks and Open Space Board (POS).

Mr. Yeiter said the role of the Planning Commission as a CIC was tied to land use decisions, noting that the original parks plan was not intended to be a land use decision.

Mr. Lawless said it was not clear when the Planning Commission should get involved in a number of processes. He said it was important that the Planning Commission cover all of its bases, or that they cover no more than they have to.

Mr. Coyle said only 20 percent of the projects that come into the Permit and Information Center for review and approval ever come about, making it challenging on deciding at what point the Planning Commission should become involved. Mr. Lawless stressed the need for conversations about CIC issues and the importance of the Planning Commission not engaging in projects that never got done.

Ms. Muir said she and Mr. ~~Nystrom~~-Yeiter attended most of the POS meetings related to the POS plan, noting that it was not being done without public involvement. She added that POS staff had met with interested citizens to review the survey instrument that had been discussed at a previous Planning Commission meeting.

Mr. Lawless adjourned the Planning Commission meeting at 1:30 p.m.

(Recorded by Linda Henry)

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