

MINUTES

Eugene City Council
Council Chamber—City Hall
777 Pearl Street—Eugene, Oregon

May 16, 2011
7:30 p.m.

COUNCILORS PRESENT: Betty Taylor, George Brown, Andrea Ortiz, George Poling, Mike Clark, Chris Pryor, Alan Zelenka.

COUNCILORS ABSENT: Pat Farr.

Her Honor Mayor Kitty Piercy called the May 16, 2011, public hearing of the Eugene City Council to order.

1. **PUBLIC HEARING:**
An Ordinance Establishing the S-HBS Historic Brunner-Schmitz House Special Area Zone and Amending the Eugene Zoning Map

City Manager Jon Ruiz introduced the topic, stating that the public hearing concerned a zone change establishing a Historic Special Area Zone for the Brunner-Schmitz House and property on a .44 acre parcel at 1410 River Road. The zone would allow limited commercial and residential uses on the property. He reported that the Eugene Planning Commission had unanimously recommended approval of the application.

Associate Planner Steven Ochs explained that the application concerned a house recently designated as a Historic Landmark. The property owner subsequently applied for a Special Area Zone, which allowed uses that contributed to the historic preservation of the property. The proposed uses for the property were limited to residential and commercial uses, including general office and restaurant uses.

Mayor Piercy called on the council for conflicts of interest or *ex parte* contacts. There were none.

Mayor Piercy opened the public hearing. There being no requests to speak, Mayor Piercy closed the public hearing.

Councilor Brown determined from Mr. Ochs that the existing zone and current historic designation limited the property to residential uses, including R-2, Medium-Density Residential. Mr. Ochs said that the development under the R-2 zoning could be in conflict with the historic designation. He further clarified that the property owner sought the zone; the City was not requiring it. Councilor Brown asked what the property owner intended to do with the property. Mr. Ochs believed an accounting office was planned in the short term but it was possible a restaurant could eventually be located on the site.

Councilor Brown asked if the property's zoning could be changed to commercial. Mr. Ochs said no, as the property was designated medium-density residential in the Eugene-Springfield Metropolitan General Area Plan (Metro Plan). It would require a Metro Plan amendment or a planned unit development application and approval to permit commercial uses similar to those the property owner was requesting.

Councilor Brown noted that the ordinance spoke to the provision of special treatment and protection for the property so that the uses permitted and the restrictions imposed would preserve the landmark's defining historic features and allow for their rehabilitation. He asked if that could occur without the ordinance. Mr. Ochs said yes. The owner could retain the current zoning but would need to retain the building in its existing state or could build a multi-family development on the site.

Councilor Brown suggested the ordinance was necessary for the property to be used commercially. Mr. Ochs indicated there were other options, but the option in question required the retention of the house's historic features.

Responding to a question from Councilor Ortiz, Mr. Ochs confirmed that the house would have to stay intact to retain its historic designation. The property owner must go through an approval process for any alterations to be made. Councilor Ortiz asked if the site could accommodate additional businesses or multi-family development. Mr. Ochs said yes, but the new zone would restrict additional new development to a duplex, which would also need to go through the alterations approval process.

Councilor Ortiz was pleased to see the owner take advantage of the zone, which she hoped would keep the historic house intact for a long time.

Mayor Piercy determined no councilor objected to closing the public record. She closed the public record for the application.

2. PUBLIC HEARING:

A Special Ordinance Granting an Exemption to the Application of Section 6.200 of the Eugene Code, 1971 (Ordinances to Renew Five-Year Exception to Application for Controlled Ecological Burning)

City Manager Ruiz introduced the item, reporting that the West Eugene Wetlands Program had a long history of using controlled burns to manage and restore wetland habitat. The City had employed controlled burns in west Eugene since 1986. The program had sought a series of five-year exemptions to the City's ban on open burning to accomplish the burns; the most recent exemption expired in December 2010 and staff was seeking another exemption through the proposed ordinance. City Manager Ruiz said such burns allowed the City and its partners in the program to control non-native plant species and protect and restore native plant habitats. In addition, it provided the Eugene Fire & EMS Department with practice in fire training.

Mayor Piercy opened the public hearing. There being no requests to speak, she closed the public hearing and called on the council for questions and comments.

Responding to a question from Councilor Zelenka, Natural Areas Restoration Supervisor Trevor Taylor described the ecological benefits of fire to the wetlands habitat that the City was trying to protect and restore. Councilor Zelenka asked how many acres were proposed to be burned. Mr. Taylor responded that the program proposed a maximum of 250 acres per year within the city limits and 75 acres outside the city limits and inside UGB; historically, however, the program had never succeeded in burning that many acres. Under the last exemption, the most acreage burned in single year was about 125 acres because of weather restrictions on burns.

Councilor Zelenka asked how the program controlled the risk of such a burn getting out of control. Mr. Taylor said all prescribed burns were done in partnership with other agencies, including all the land managers in west Eugene, including The Nature Conservancy, City of Eugene, Army Corps of Engineers, and the Bureau of Land Management. They combined their resources to accomplish the burns. The Oregon Department of Forestry was also involved. There was a detailed plan for each burn identifying all resources required, including people and equipment. There were also extensive backup plans.

Councilor Zelenka asked how the acres burned by the program compared to the acres burned for grass seed production. Mr. Taylor said the program's burns were much smaller and the methods used were different to reduce the impact of the burn. He did not know how the acreage compared.

Councilor Zelenka indicated support for the ordinance.

Responding to a question from Mayor Piercy about the air monitoring that occurred during controlled burns and what citizens could do if they felt a negative effect from a controlled burn, Mr. Taylor noted that the Lane Regional Air Protection Agency (LRAPA) regulated such burns. The program worked closely with LRAPA staff on the day of the burn to ensure weather conditions were appropriate. Staff took weather readings every 15 minutes throughout the burn to monitor conditions, and tracked the direction of the smoke plume. Mr. Taylor further reported that the City provided notice to residents living within a half-mile of the burn. Citizens could contact the City for more information or to let City staff know of smoke incursions near them.

Councilor Brown determined from Mr. Taylor that the burning that occurred was staggered and did not occur all at once, and that the City attempted to burn each parcel once every five years.

Councilor Ortiz confirmed with Mr. Taylor that the City used the City Fire & EMS Department to oversee its burns. Responding to a follow-up question from Councilor Ortiz, Mr. Taylor also confirmed that controlled burns were a multi-jurisdictional effort. The Nature Conservancy contracted with private fire suppression entities while the public agencies in the partnership had their own fire fighting resources and backup.

There being no further questions, Mayor Piercy adjourned the meeting at 7:50 p.m.

Respectfully submitted,

Beth Forrest

Beth Forrest
City Recorder

(Recorded by Kimberly Young)