

MINUTES

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

February 16, 2010
7:30 p.m.

PRESENT: Mike Clark, Betty Taylor, Jennifer Solomon, George Poling, Andrea Ortiz, Chris Pryor, George Brown, members.

ABSENT: Alan Zelenka.

Her Honor Mayor Kitty Piercy called the meeting of the Eugene City Council to order. She encouraged councilors to attend the Asian Celebration and noted that the Eugene School District 4J Board of Directors was beginning its deliberations in regard to the fate of Civic Stadium the following day, and suggested that the council consider if it wished to take a position. Mr. Clark requested a memorandum from the City Attorney related to any legal considerations the council needed to keep in mind in regard to taking a position on the stadium if any stadium-related proposal came before it.

I. PUBLIC HEARING AND POSSIBLE ACTION

An Ordinance Adopting Hazardous Substance User Fees for the Fiscal Year Commencing July 1, 2010

Fire and Emergency Medical Services Management Analyst Glen Potter was present for the item.

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

Mayor Piercy determined there was no councilor who objected to taking action on the item.

Mr. Clark, seconded by Ms. Ortiz, moved that the council adopt Council Bill 5022, a bill adopting hazardous substance user fees for the fiscal year commencing July 2, 2010.

Responding to a question from Mr. Poling about the percentage increase in fee and how it related to other City fees, Mr. Potter said that the fee increase was approximately six percent, but he did not know that increase compared to increases or decreases in other City fees. He said the fee was not derived by a set inflation formula but rather to the number of a reporting firm's employees.

Roll call vote; the motion carried 5:2; Ms. Solomon and Mr. Poling voting no.

2. PUBLIC HEARING

An Ordinance to Redesignate and Rezone "South Willamette Properties" for General Office Use by: Amending the Eugene-Springfield Metropolitan Area General Plan Diagram; Amending the South Willamette Subarea Plan Diagram and Text; and Amending the Eugene Zoning Map

Mayor Piercy called for conflicts of interest or *ex parte* contacts. Councilors had none to declare.

City Manager Ruiz reviewed the request before the council. He noted the February 9, 2010, letter of testimony received from Matt Sprick of Eugene in support of the request, copies of which had been distributed to the council.

Mayor Piercy reviewed the applicable criteria found in sections 9.77303, 9.8424, and 9.8865 of the Eugene Code and the rules governing the public hearing. She opened the public hearing.

Rick Sorrett, the property owner of 2440 South Willamette, provided a brief history of his investment in the property in question. He attributed the property's current vacant status to the fact of the move of PeaceHealth to River Bend, which led many doctors and clinics to re-locate near the hospital. The building had been zoned R-3 but was never used in any capacity but as a nonconforming medical use. He had not intended to change the zoning, but the vacancy forced him to look to alternatives. The property was at the north end of the commercial corridor in this area, and he sought the General Office zoning as a transition zoning between the existing commercial and residential uses in the area. He hoped that the rezoning would help to re-tenant the property and contribute to the general well-being of the area.

Justin Schmick, 1600 Oak Street, distributed and reviewed his written testimony in support of the request.

Carl Mueller, 370 G Street, Springfield, believed the application complied with all relevant approval criteria and noted that the Planning Commission also found the application compliant. He reviewed the request and suggested the impact of the proposal would be very minor given it had been in office use for a considerable period of time. He did not think that the property would be counted in the Residential Lands Inventory because of its past use and did not think it should be included, and noted that the code provided for residential uses to exist in the General Office zone. He concurred with Mr. Schmick's testimony.

Mayor Piercy determined that there was no staff response, and no councilor wished to continue the hearing. She closed the public hearing.

3. PUBLIC HEARING

An Ordinance to Redesignate "Lane Memorial Gardens" for Low-Density Residential Use by: Amending the Eugene-Springfield Metropolitan Area General Plan Diagram; and Amending the Willow Creek Special Area Study Diagram (City Files MA 08-1 and Z 09-1)

Mayor Piercy called for conflicts of interest or *ex parte* contacts. Mr. Clark noted his acquaintance with the Musgrove family but said he had not discussed the issue with them and believed he was capable of making an unbiased decision.

City Manager Ruiz reviewed the request before the council.

Mayor Piercy reviewed the applicable criteria and rules of the public hearing for the item. She opened the public hearing.

Carol Schirmer, Schirmer and Associates, noted the thorough review the application had undergone by staff and the Planning Commission. She attributed the request to the changing nature of the cemetery business wherein more people were choosing cremation over burial, which meant less land, was required for the long-term viability of the operation. The property owner proposed to redesignate the vacant land on the site to low-density residential, which the site was well-suited for. Ms. Schirmer said the site was currently zoned residential, as confirmed by a unanimous vote of the Planning Commission. Speaking to the traffic impact, she said that a traffic impact analysis indicated that problems on West 11th Avenue

could be addressed with a trip cap on the property until such time that the infrastructure was improved. In regard to the decision to drop the site review overlay, she suggested that the current zone provide sufficient protections, making site review unnecessary.

Dan Terrill, Law Offices of Dan Kloos, 375 West 4th Avenue, Suite 204, commended the Oregon Department of Transportation and City staff for their assistance in helping the applicant to develop a trip cap. He offered to answer any council questions.

Mayor Piercy determined that councilors had no questions and did not wish to continue the hearing. She closed the public hearing.

4. PUBLIC HEARING

Safe and Efficient Streets Through Access Management: An Ordinance Concerning Access Connection Location Requirements, Special Setbacks, and Street Width; Amending Sections 9.0500, 9.5500, 9.6506, 9.6735, 9.6745, 9.6750, 9.8030, 9.8090, 9.8415, 9.6570, 9.8675, 9.8680, and 7.420 of the Eugene Code, 1971; and Adding Sections 9.6703 and 9.6873 of that Code

Peggy Keppler of the Public Works Engineering Division reviewed three different examples provided to the council showing how the proposed ordinance would impact existing driveways in three different locations in the community.

Mayor Piercy thanked staff for responding to the council's information requests and determined the three examples would be posted on the City's website.

Mr. Poling noted the testimony submitted to the council by Jim Hanks of JRH Engineering, which made reference to the width of driveway flairs. He asked if what Mr. Hanks described was similar to the driveways at T. J. Maxx' on Coburg Road. Ms. Keppler said no; she did not think Eugene had any driveways similar to those described by Mr. Hanks. She added that the code language would improve the situation that now existed on Coburg Road. She said staff agreed with much of what Mr. Hanks spoke to for commercial uses, and would prepare a response before the council took action. Mr. Poling noted that Mr. Hanks had advocated for extra curb width that would make wider driveway flairs possible, and determined that Ms. Keppler would return with language making that change.

Mr. Poling agreed, saying he would also like to see that change. He asked if the committee that studied the issues involved had reached consensus about its recommendations. Ms. Keppler said generally, it depended on the subject. Committee members had been clear about what they did and did not like and she was aware of at least one member who had not necessarily been in agreement with a recommendation but did not oppose it. She commended the quality of the committee and said many code changes were made in response to members' input.

Referring to Example A, which illustrated the access into Blockbuster Video on West 11th Avenue, Mr. Pryor acknowledged the reason for the proposal to limit access, but said as the City limited access on the main thoroughfare, it would need to be compensated by adding accesses between the commercial properties, such as the one that now existed between Fred Meyer and Lowe's on West 11th Avenue. He had hoped to see more such connections, particularly in light of the interest expressed by the West Eugene Collaborative in improving inter-commercial access on West 11th Avenue. Ms. Keppler noted that such connections were more easily facilitated when properties were in a single ownership.

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

5. **PUBLIC HEARING**

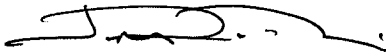
Safe and Efficient Streets through Access Management: An Ordinance Concerning Access Connection Design and Construction Requirements; Amending Sections 7.010, 7.085, 7.290, 7.279, 7.308, 7.360, 7.375, 7.385, 7.407, 7.410, 7.430, 7.445 of the Eugene Code, 1971; Repealing Sections 7.405, 7.415, 7.425, and 7.435 of that Code; and Adding Sections 7.408 and 7.435 of that Code

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

Returning to the subject of Civic Stadium, Mayor Piercy said that the question of the council's interest in the subject was frequently brought up. She recalled the direction the council gave the manager to try to retain the Ems at Civic Stadium. City Manager Ruiz said that the City was actively involved in discussion of the disposition of Civic Stadium. Ms. Ortiz advocated for a brief work session on the subject.

Mayor Piercy adjourned the meeting at 8:17 p.m.

(Recorded by Kimberly Young)

A handwritten signature in black ink, appearing to be "J. M. Young", written over a horizontal line.