

## MINUTES

Joint Planning Commissions  
Lane County, Springfield, and Eugene  
Work Session  
Board of Commissioners' Conference Room  
125 East 8<sup>th</sup> Avenue – Eugene, Oregon

February 1, 2005  
5:30 p.m.

**PRESENT:** Juanita Kirkham, Chair; Marion Esty, Jacque Betz, Mark Herbert, James Carmichael, Ed Becker, Lisa Arkin, Jozef Siekiel-Zdzienicki, Lane County Planning Commission members; John Lawless, President, Rick Duncan, Jon Belcher, Randy Hledik, Phillip Hudspeth, Eugene Planning Commission members; Steve Moe, Chair; Lee Beyer, Frank Cross, Greg Shaver, Gayle Decker, David Cole, Springfield Planning Commission members; Kent Howe, Stephanie Schulz, Jerry Kendall, Lane County Planning staff; Susan Muir, Kurt Yeiter, Eugene Planning staff.

**ABSENT:** Steve Dignam, Lane County Planning Commission member; Mitzi Colbath, Anne Marie Levis, Eugene Planning Commission members; Bill Carpenter, Springfield Planning Commission member.

### 1. Welcome and Introductions

Commissioner Kirkham welcomed commissioners and those present introduced themselves.

Commissioner Kirkham opened the work session for the Lane County Planning Commission.

Commissioner Moe opened the work session for the Springfield Planning Commission.

Commissioner Lawless opened the work session for the Eugene Planning Commission.

Commissioner Kirkham called for public comments on non-agenda items.

### 2. Public Comments

**Kate Perle**, 4740 Wendover Street, Eugene, discussed the McDougal land swap and Santa Clara community park proposal. She said that she resided in Santa Clara and farmed land outside of the urban growth boundary (UGB). She commended efforts to correct inequities by providing Santa Clara with more parks and park amenities, but was vehemently opposed to the land swap. She said that changing the UGB for the benefit of one developer set a precedent that would be used to erode the intent of the UGB. She urged the planning commissions to consider the long-term effects for all and not just the short-term economic gain for a few and look carefully at the proposal. She said the 197 acre parcel in Santa Clara was predominantly Class 1 farmland with some Class 2 soils and many wetland features. She said it was short-sighted to maintain a 20-year buildable land supply without a comparable mandate to maintain a 20-year supply of prime food-growing soil to feed those who would inhabit those houses. She said in a time of dwindling resources to acquire and maintain parkland the swap was imprudent and other options

existed to meet the needs within the UGB. She invited commissioners to an information session sponsored by the Santa Clara Community Organization on February 3, 2005.

Commissioner Kirkham announced that approval of minutes by the Lane County Planning Commission would be deferred until after the public hearing.

**3. Joint Work Session—Amendment to the Eugene-Springfield Metropolitan Area General Plan Policies to Clarify and Provide Greater Flexibility in Service Delivery for a Public Safety Special District.**

Kent Howe, Lane County Planning Director, stated that the purpose of the work session was to provide information on Lane County's proposal to amend Growth Management Policy 15 of the Metro Plan. He said the Board of County Commissioners initiated the Metro Plan amendment in August 2004. He described the Metro Plan Type 1 amendment procedures which provided that any one of the jurisdictions could initiate an amendment at any time and consideration of the amendment would be conducted by all three of the governing bodies. He indicated that appropriate public notice had been provided.

Mr. Howe said that the goal of the policy amendment was to authorize a new financing vehicle without undermining the compact urban growth policies of the Metro Plan. He reviewed the Metro Plan procedures and criteria upon which the planning commissions were to review a proposed Metro Plan amendment when making their recommendations to their elected officials. The criteria were:

- Consistency with relevant statewide planning goals, and
- Internally consistent with the Metro Plan policies.

Mr. Howe said that in view of the ambiguity of the Metro Plan, the proposal was a surgical approach that represented the best way to make a district formation consistent with the Metro Plan. He said a key issue was Goal 14 – Urbanization and that statewide goal dealt with an orderly and efficient transition from rural to urban land use. He said the proposed public safety district was not a growth-inducing service that would encourage urban scatteration and sprawl like water, wastewater, stormwater and transportation that were considered drivers of the urban growth form. He said that the proliferation of district formation was antithetical to cities having control over their jurisdictions and the Metro Plan policies were written in a way that if a water, road, or sewer district was formed it was an interim measure that would be eliminated upon annexation. He said the proposal before the commissions was for a district dealing with public safety services already provided by Lane County on a countywide basis that were struggling for funding as a consequence of measures 5, 47 and 50. He said the services at issue were adult and youth corrections, prosecution, detention, supervision, mental health, alcohol and drug services, drug court, and interagency narcotics, none of which were growth-inducing services. He said the County's position was that the Metro Plan should not preclude those public safety services from be provided by a special service district and the proposed amendment to the Metro Plan Growth Management Policy 15 was found to be internally consistent with the Metro Plan policies and the statewide goals and guidelines. He invited other Lane County staff to present information on specific services.

Bill Van Vactor, Lane County Administrator, provided an overview of financial changes that had occurred since the original Metro Plan was adopted that had necessitated the proposal. He said that other County staff would describe the difficulties involved in providing services under the current financial constraints. He noted that when the Metro Plan was initially adopted in 1982 the cities, with the financial foundations of property tax base systems that all general purpose governments had at that time, were the

logical providers of what the plan described as urban services. He said that tax bases grew at the rate of six percent per year until a series of ballot measures, beginning in 1990, capped property taxes, created permanent tax rates and created the concept of compression. He said there was no mechanism by which a general purpose government could seek to have its permanent tax rate increased and it was not possible to build and sustain a public safety system on temporary revenue; a public safety district was the only option for stable funding. He said that Lane County's tax rate of \$1.27 per \$1,000 was simply not adequate to provide the necessary services to 325,000 citizens. He used a chart to illustrate that Lane County's tax rate was significantly below comparable counties and more appropriate for a limited purpose special district than a general purpose government charged with providing critical services. He said the amendment would provide for a new financial vehicle for critical public safety services without altering the compact urban growth principles of the Metro Plan and once the amendment was approved Lane County could proceed to the Boundary Commission with its formation petition. He said the County hoped that the public safety district would apply throughout all of Lane County, including all of the cities, and under existing law in order for the tax rate for the new district to apply inside a city the city council must adopt a resolution approving the petition. He said the proposal would be pursued in collaboration with all 12 cities.

Mr. Van Vactor distributed a revision that would change slightly the proposed amendment by broadening the definition of public safety services to include preventive and reactive services such as crime prevention and victim services.

Russ Burger, Lane County Sheriff, discussed the degradation of the system and the need for a public safety district to provide dedicated funding. He said that public safety spanned a spectrum of services that included prevention, enforcement, incarceration, prosecution, treatment, transition, and supervision. He gave examples of current problems resulting from a lack of resources: 119 empty jail beds, no investigation of burglaries, and elimination of the interagency narcotics enforcement team. He said the long-term consequences as methamphetamine crimes increased would include higher incidence of violent crimes. He said that an offender management center would open soon and replace the matrix system for determining who would be released, but capacity problems would remain.

Commissioner Shaver asked if search and rescue and patrol were part of the public safety system. Mr. Burger replied that they were part of the system and currently search and rescue was primarily a volunteer effort. In response to a follow-up question, he said that the entire Lane County Sheriff's Department would not be funded through the public safety district, but adult corrections and rural patrol would be.

Commissioner Shaver asked what would not be funded by the special district. Mr. Burger responded that decisions about what was funded would be based on discussions with the cities about what services a community it wanted to fund through a special service district.

Commissioner Betz asked if the proposal was to maintain existing services or increase staffing. Mr. Burger replied that the intent was to improve the level of service in the public safety system, which would include hiring additional personnel. He said the 119 empty jail beds were because of a lack of staff to supervise.

Commissioner Betz asked what the projected revenue from the special service district would be. Mr. Van Vactor said that would be part of the discussion with partners and the county assessor could address the issue in more detail in his remarks. He said the County hoped to return to prior services levels as well as provide some additional services. Mr. Burger noted that Eugene currently rented jail beds from the County at a cost of \$500,000 per year and would not have to do that under a service district model.

Commissioner Herbert commented that the proposal was a conceptual envelope and services would be negotiated on a party-by-party basis. He said that smaller cities such as Cottage Grove could have an interest in discussing the concept as they had a greater reliance on County services. He asked if those discussions were planned. Mr. Van Vactor said that Metro Plan amendment procedures required action by Eugene and Springfield, but the County was in the process of initiating those discussions with other cities.

Commissioner SiekieleZdzienicki asked if the proposal would reinstate forensics. Mr. Burger replied that current the Oregon State Police provided forensic services to all local agencies free of charge and he did not anticipate any change to that arrangement.

Commissioner Moe expressed the hope that the proposal would solve problems at the County level and eliminate the need for Springfield to add jail beds.

Commissioner Beyer asked what the advantage of a special district was over asking voters to approve a five-year operating levy. Mr. Van Vactor said that provision of public safety services was critical and should not be funded in a way that might not be renewed by the voters; a special district would provide permanent, stable funding.

Commissioner Belcher requested that at some point an explanation of the compression issue and fiscal impact of a special service district be provided to the commissions, as well as what role the commissions had in determining the greater philosophical issues behind a special service district.

Commissioner Hudspeth asked what fiscal impact would loss of Secure Rural School funds have on Lane County. Mr. Van Vactor said that it appeared that the program would be extended to 2013 and the funding was very significant to Lane County because it contributed approximately \$14 million to the general fund.

Lisa Smith, Lane County Department of Youth Services, discussed the need for permanent stable funding. She said that the Department of Youth Services (DYS) had been very successful in obtaining grants, but those grants had a definite lifespan and would expire in the next fiscal year and result in a reduction of more than \$1 million and possible loss of 11 employees. She said that there was the possibility of losing another \$1 million in state funds and the County could not bridge the resource gap. She said that DYS had facilities capacity in terms of beds but no staff resources to operate them and described the history of reductions in facilities and services. She pointed out that each of the presenters described a part of the system that had been affected by reductions; those reductions were compounded by the interrelated nature of all services within the system and ultimately the community, the schools, and the citizens were affected.

Alex Gardner, Lane County Senior Deputy District Attorney, provided some comparative benchmarks to underscore the desperate state of the criminal justice system. He said that 24 years ago when the District Attorney's (DA) office had half the current caseload it had 37 deputy DAs and 11 investigators; the office now handled twice the caseload with 26 DAs and 2 investigators and as a result much of the work was no longer being done. He said that returning caseloads to a manageable level would require hiring approximately 50 lawyers. He indicated that the DA handled all of the felony prosecutions in Lane County and a majority of the workload came from Eugene and Springfield. He said the DA also was responsible for all prosecutions outside of the city limits and because of staffing levels criminal case were not being prosecuted as felonies. He noted that criminals were cycling through the Lane County system too quickly and all services had eroded. He said in addition to prosecutions, the office also handled child support enforcement and medical examiner functions. He stated that the caseload levels for all services were over double the national average.

Commissioner Kirkham asked if Eugene and Springfield paid for the prosecution of felonies from their jurisdictions. Mr. Gardner replied that there was no payment on a “per case” basis and when prosecutions were cut back, the office had proposed a cost that was less than half of what it would have cost the cities to prosecute cases themselves.

Commissioner Arkin asked how the DA would prioritize funding needs. Mr. Gardner said that the approach would be flexible and collaborative and use of funds negotiated. He said the greatest need was to strike a balance and bring the entire system up to minimum standards.

Rob Rockstroh, Lane County Department of Health and Human Services (DHHS), stated that the department was very involved in criminal justice work, including adult probation, sex offender and methadone clinics. He said that most of the funding came through the State; programs were short-staffed in 1997 and he had 30 percent less staff currently. He said that although the mental health hospital was closed other services were available but at a reduced level. He said that methamphetamine was a terrible problem, far worse than heroin in its impact on the community. He said the currently offenders simply recycled through the system and the community must plan for treatment and rehabilitation for drug and alcohol abuse and provide for consequences for offenders.

Jim Gangle, Lane County Assessor, distributed charts that provided projections of the impact of compression on local public safety rates in different jurisdictions. He said that compression would also affect other service districts within a city, such as fire, park, or library districts, and local option levies would be compressed first. He noted that urban renewal districts in Coburg, Veneta, Eugene and Springfield would benefit from a public safety district. Regarding compression, he explained that Measure 5 limited the maximum rate, based on the real market value, on which property could be taxed. He said there was a \$5 rate for education and a \$10 rate for government and any time that \$10 rate was exceeded based on the real market value, the tax collected was compressed down to \$10. He said that all districts shared in the compression that occurred; local option levies were compressed first, followed by permanent authority.

Commissioner Belcher asked if local options had been considered as a solution to the funding gap. Mr. Gangle replied that the County was seeking the permanent solution of a public safety district instead of a local option that would need to be renewed.

Commissioner Herbert noted that a detailed budget at each level that illustrated the impact on and benefits to services, districts, and jurisdictions would help the commissions make a more informed decision. He pointed out that services were currently funded at some level and asked how current and new revenue would be allocated to programs and services. He said that much of the voters’ sensitivity related to whether funds were being used wisely. Mr. Van Vactor replied that the County was at the beginning of a two-year process and many aspects of the proposal could be subject to change because of discussions with its partners. He said that the financial impact of the proposal would be the focus of the Boundary Commission, which would conduct a detailed financial analysis; the planning commissions were being asked to focus on the issue of a Metro Plan policy amendment to initiate the process.

Commissioner Hledik remarked that the County had made convincing and compelling arguments that revenue enhancement was required. He urged the commissioners to focus on the fundamental policies of the Metro Plan, specifically the policy that stated cities were logical providers of urban services. He asked for a discussion from staff on how the service district would be structure to separate urban from rural services and those services that were city-provided from those services that were uniquely County-provided.

Commissioner Decker asked what other service districts could be formed if the Metro Plan was amended to allow for the public safety district.

Commissioner Belcher asked if there were other countywide service districts in the State. Terry Wilson, Lane County Counsel, replied that countywide service districts were allowable and there were some in other counties. She said that districts could be established to provide many different types of service. She said that the proposal, when it reached the Boundary Commission, would have to provide a specific list of services to be provided by the district and the district would be limited to those services. She said that the County was discussing a combination of law enforcement service and human service.

Commissioner Hledik remarked that it would need to be made absolutely clear what urban-level services were provided by the County that could not be provided by the cities.

Commissioner Herbert concurred with Commissioner Hledik's remarks. He said that it would be necessary to understand whether services such as felony prosecutions were provided by the County by design or by statute.

Mr. Howe reiterated that the planning commissions, in determining their recommendations to elected officials, should address the two approval criteria and discussion contained in the staff report:

- Consistency with relevant statewide planning goals, and
- Internally consistent with the Metro Plan policies.

Commissioner Kirkham adjourned the work session for the Lane County Planning Commission at 6:55p.m.

Commissioner Moe adjourned the work session for the Springfield Planning Commission at 6:55 p.m.

Commissioner Lawless adjourned the work session for the Eugene Planning Commission at 6:55 p.m.

(Recorded by Lynn Taylor)

*m:\2005\joint meetings\planning commissions\jtpcws050201.doc*