

## MINUTES

Joint Planning Commissions  
Library Meeting—Springfield City Hall  
225 Fifth Street - Springfield, Oregon

November 6, 2008  
5:30 p.m.

**PRESENT:** **Springfield Planning Commission:** Frank Cross, Chair; Steve Moe, Johnny Kirschemann, Eric Smith, Sheri Moore, members; **Eugene Planning Commission:** Randy Hledik, Chair; Rick Duncan, Vice Chair; Anne Kneeland, Phillip Carroll, Heidi Bierle, Jeff Mills, members; **Lane County Planning Commission:** John Sullivan, Chair; Lisa Arkin, Vice Chair; Tony McCown, Josef Siekiel-Zdzienicki, Nancy Nichols, Bob Noble, Steve Dignam, members; Greg Mott, Springfield Planning Director; Kent Howe, Lane County Planning Director; Lisa Gardner, Eugene Planning Director; Stephanie Shulz, Lane County Land Management Division; Carolyn Weiss, Jason Dedrick, Eugene Planning Division; Brenda Jones, Springfield Development Department; Emily Jerome, Bill Van Vactor, legal counsel.

**ABSENT:** **Springfield Planning Commission:** Lee Beyer; **Eugene Planning Commission:** John Lawless; **Lane County Planning Commission:** Howard Shapiro, Todd Johnston.

### 1. WORK SESSION: METRO PLAN TEXT AMENDMENTS—NEW POPULATION FORECASTS FOR EUGENE AND SPRINGFIELD

Mr. Hledik, Mr. Sullivan, and Mr. Cross called the Eugene, Lane County, and Springfield planning commissions to order. Those present introduced themselves.

Mr. Mott reviewed the notice given for the meeting and the public hearing scheduled for later in the evening. He said Springfield staff had received no correspondence or inquires of any kind from local citizens and to his knowledge no one had requested a staff report. A field representative of the Land Conservation and Development Commission (DLCD), Ed Moore, had submitted a letter. Copies of that letter had been placed at commissioners' seats. He noted that an earlier letter from Mr. Moore was part of the staff report, and there were significant differences in the department's position as reflected in the two letters. He included the most recent letter into the record of the public hearing. He showed those present the record to date, and noted that the commissions had received its contents.

By way of background, Mr. Mott said that both Eugene and Springfield were requesting the action before the commissions. He recalled the passage of House Bill 3337 by the Oregon Legislature in 2007, which required the two communities to do housing needs analyses and establish separate urban growth boundaries with separate land inventories, which created the need for a population forecast for the area within the urban growth boundary (UGB) west of I-5 and the area within the UGB east of I-5.

Mr. Mott invited questions.

Mr. Siekiel-Zdzienicki asked what happened if Portland State University (PSU) came up with different numbers than the Safe Harbor numbers developed by Lane County. Mr. Van Vactor said that House Bill 337 contained certain deadlines that the two cities must meet. If PSU came up with different numbers within that time frame, they would be used.

Ms. Bierle arrived. Mr. McCown arrived.

Mr. Siekiel-Zdzienicki asked if the number arrived at was permanent for the next 20 years and determined whether Springfield's UGB would expand. Mr. Van Vactor said once the Safe Harbor numbers were adopted, the City could use them to meet the requirements of HB 3337. Mr. Siekiel-Zdzienicki asked if Springfield would have to adopt what Lane County came up. Mr. Van Vactor said not necessarily; Springfield might choose to stay with the Safe Harbor numbers.

Ms. Kneeland referred to the two letters from DLCD October 2 letter, which stated that before the two cities could adopt the Safe Harbor forecast they must ask the County to adopt the Safe Harbor forecast. The County had six months to act on the request. She said she understood that DLCD accepted the June 25, 2008, letter to the County as being adequate for that purpose. She pointed out that it was not six months since the letter and asked if the action being contemplated was covered by the statute. Mr. Van Vactor pointed out that the six months elapsed on December 25, 2008, and action on the item would not be completed before that time. Mr. Mott added that the joint elected officials would not be able to hold a hearing on the item until February 2009. Ms. Kneeland suggested that it came down to how one interpreted "relying on for planning purposes." It appeared that staff was saying the six-month period did not affect the commissions' process but could affect when the elected officials could act. Mr. Mott was not certain that was the case. He reiterated the impossibility of getting the item before the elected officials before that time and emphasized the complications created by the fact that the local area was operating under two new laws, Oregon Revised Statutes (ORS) 197.304 and ORS 195.034. Staff had no precedent to point to.

Ms. Jerome did not interpret the statute to preclude the two cities' ability to move forward in the interim. She pointed out that staff informed the County as soon as it had direction from the two city councils to initiate the process. She did not think the local process ran afoul of the six month provision in the statute. She interpreted the key words in the statute as "take action."

Mr. Mott briefly reviewed the methodology used for the forecast.

Responding to a question from Ms. Nichols, Mr. Mott clarified that forecast did not consider what happened outside the UGB or in other Lane County cities.

Mr. Sullivan asked if the same outside consultant validated the methodology for both cities, and if the County could potentially face a conflict because the two communities used different consultants. Mr. Mott indicated that Springfield did not employ an outside consultant. He had done the necessary work. He said that the forecast did not require the application of any demographic analysis. That was only applied in the urban transition area in an attempt to determine what was actually out there in regard to population. The applicable statute called for use of the most recent census data. The census date of concern to Springfield in the transition area was average household size, rental units, owner-occupied units, and the vacancy rate. Mr. Sullivan asked how Eugene calculated its numbers. Eugene staff indicated it took the same approach.

Mr. Cross closed the work session on behalf of Springfield.

Mr. Hledik closed the work session on behalf of Eugene.

Mr. Sullivan closed the work session on behalf of Lane County.

**2. PUBLIC HEARING: METRO PLAN TEXT AMENDMENTS—NEW POPULATION FORECASTS FOR EUGENE AND SPRINGFIELD**

**Springfield File LRP 2008-0009  
Eugene File MP 08-02  
Lane County File PA 08-6186**

Mr. Cross opened the meeting and noted the subject of the hearing, an amendment to the Eugene-Springfield Metropolitan General Area Plan (Metro Plan). He reviewed the rules for participation. He said that each person would be given three minutes to speak. He opened the public hearing on behalf of Springfield.

Mr. Hledik opened the public hearing on behalf of Eugene and noted that John Lawless was not in attendance.

Mr. Sullivan opened the public hearing on behalf of Lane County and indicated that Todd Johnston and Howard Shapiro were not in attendance.

Mr. Cross reviewed the application file numbers for each jurisdiction.

Acknowledging that the matter at hand was legislative rather than quasi judicial, Mr. Dignam wished to declare for the record that while he was employed by the Lane Council of Governments (LCOG), which had previously been charged by Lane County to develop population forecasts for the county. He had no part in that process and LCOG was no longer involved in that process, and thus he had no conflict of interest in regard to the applications.

Mr. Mott provided the staff report. He called the commissions' attention with the proposed text to be added to Chapter 1 of the Metro Plan, which was included in the meeting packet. The text stated:

*“In order to achieve timely compliance with their statutory obligations under 2007 Or Laws Chapter 650, the cities of Eugene and Springfield adopt the following ‘safe harbor’ forecasts for their respective jurisdictional areas pursuant to 2007 Or Laws Chapter 689:*

	<i>For the Planning Period Extending Through 2029</i>	<i>For the Planning Period Extending Through 2030</i>
<i>The urban growth boundary west of I-5 (Eugene)</i>	<i>219,275</i>	<i>221,515</i>
<i>The urban growth boundary east of I-5 (Springfield)</i>	<i>81,684</i>	<i>82,616”</i>

Mr. Mott indicated that the elected officials may be asked to drop one of the two planning periods based on actual adoption date of the amendment to ensure a 20-year planning horizon.

Mr. Mott recalled the bill passed by the 2007 Oregon Legislature compelling the two cities to undergo a housing needs analysis. That analysis required the population forecast.

Mr. Mott indicated that the two cities were working under the ‘safe harbor’ provisions of State law in regard to the population forecast. That approach was explained in Attachment 6-1 in the commission packet. Mr. Mott cited Oregon Revised Statute (ORS) 195-034, which had the effect of allowing a city without a population forecast more than ten years old to proceed under the provisions of that statute to obtain a safe harbor population forecast through the safe harbor methodology. He said the two cities did not currently have separate population forecasts due to the fact it had a single urban growth boundary

(UGB). ORS 197-034 called for the two cities to adopt separate UGBs at some point; that could occur without a single population forecast.

Mr. Mott indicated the text being proposed would mitigate text elsewhere in the Metro Plan that referred to a population forecast to 2015. It was the first step in evolving the Metro Plan into a plan with a planning horizon of 2029 or 2030.

Mr. Cross opened the public hearing. There were no requests to speak.

Mr. Siekiel-Zdzienicki repeated his previous question. Mr. Mott said the two cities were proceeding as allowed by the legislature. The legislature had recognized the safe harbor approach as a legitimate method to use for long-range planning purposes. When the joint elected officials considered the matter, the notice of adoption would be sent to the DLCDD and if no one objected or appealed the forecast within 21 days, the two cities would have a new population forecast on which to base their planning efforts. He was unaware of anything in the law that called on the cities to change that forecast unless the legislature passed a new law. Mr. Siekiel-Zdzienicki asked if the cities' forecast would have an impact on the County. Mr. Van Vactor said that the forecast for cities applied the County when it applied for certain grants and loans from the State government.

Mr. Duncan said the Eugene commission received a memorandum from staff in response to its questions, and one of his questions had regarded the urban transition area. He said the commission received information that suggested that some of the calculations "were a little bit off" but staff suggested that four-tenths of one percent was within reasonable discretion. However, that represented 1,400 people now and would represent 1,700 or 1,800 people in 2030. He wanted the forecast to be as accurate as possible and asked if there was a process through which the commissions could further adjust the forecast. Mr. Mott said yes. He said the population estimate for the urban transition areas was based on updated numbers from 2004 later adopted by the LCOG board in 2005. Eugene and Springfield did not adopt those figures because of the two cities were using 1990 population numbers as part of periodic review. He said that did not mean the LCOG calculation lacked value because LCOG used the best information it had available. Mr. Mott said if the commissions were not comfortable with the numbers, staff could redo them using the same GIS database and 2000 census data used by LCOG. That would take some additional time and, in the case of changes since 2007, the difference would be marginal.

Mr. Duncan repeated his interest in having the numbers as accurate as possible given the many ways it which they were used.

Mr. Dignam asked Mr. Mott to describe the impact on the two cities if they did not adopt the safe harbor approach and were unable to comply with the statute. Mr. Mott did not know. He was unsure what penalties existed. He preferred to comply with the statute and move on to the other projects that the two cities had. He pointed out that the two communities had spent more than \$400,000 on the process to date. There was more work to be done after 2009.

Mr. Noble asked Mr. Howe what Lane County planned to do with the forecasts and what plan amendments might be involved or what other implications might exist for the County. Mr. Howe did not know what the Board of County Commissioners would do. If the board accepted the plan amendment, the three jurisdictions would move forward to implement House Bill 3337. If the board failed to adopt the plan amendment and proceeded with its own population forecast effort, he said the cities would deal with that down the road. He believed that the forecasts arrived at through the County, small cities, and Eugene-Springfield process would be very similar and he expected the board would accept the two cities approach. If the forecasts turned out to be different, that was not relevant until one of the jurisdictions needed to amend its comprehensive plan, at which time they would use the new coordinated forecast.

Ms. Nichols posited a situation in which the Lane County forecast came out much lower than projected

and the projections for Eugene-Springfield “used up all the protected growth for Eugene and Springfield.” She asked if that meant “nobody else was allowed to do anything” because those two communities “got all the growth,” or would that trigger a review of the Eugene-Springfield forecast. She suggested the County would “cross that bridge” when it came to it. Mr. Howe concurred.

Mr. Siekiel-Zdzienicki asked if the commissions needed to condition their approval of the forecast by stipulating or recommending that if the forecasts were different they be reconciled. Mr. Mott said the commissions were free to make any recommendation they wished. However, he agreed with Mr. Howe that, given the lack of variation in the past, the forecasts were likely to be very similar.

Mr. Dignam observed that tonight’s action appeared to have been precipitated by the board’s decision to request further analysis and study of the Lane County population projections, which was change from historic practice. He asked Mr. Howe the reason for the board’s action, adding he was concerned that the board intended to preclude the action being contemplated, or that the action was an unanticipated consequence the board had not foreseen. Mr. Howe believed that the board had wanted to take back some of its governance role in regard to the forecast and that had led to an unforeseen conflict with House Bill 3337. He did not think the matter would be before the commissions in the absence of that legislation. He said the board was trying to perform its role in providing accurate forecasts while at the same time supporting the implementation of House Bill 3337. He believed there was a disconnect in the two actions going forward at the same time, but suggested that disconnect that was addressed by going forward with the plan amendment now so the numbers available to the two jurisdictions so they could do the calculations they needed to meet the 2009 deadline because there was no certainty the board would have a new coordinated population forecast in time for that deadline.

Responding to a question from Ms. Moore about his concerns, Mr. Duncan said that he was concerned about the data the Eugene commission was given because it appeared to be out-of-date. Ms. Moore asked staff to quantify the difference involved. Mr. Mott said it was hard to say. He was unsure that further calculation would make much of a difference. He suggested that if they were different, it would be because of where people lived; to reach the calculation, staff had merely allocated the appropriate percentage of the forecast to Springfield based on its current percentage of the metropolitan population.

Mr. Van Vactor said that rather than reconvene to consider revised forecasts, the commissions could recommend that staff of the two jurisdictions refine the numbers before they were presented to the joint elected officials. Mr. Dedrick concurred. He noted that the Eugene Planning Commission had gotten only Eugene numbers.

Mr. Dignam asked what was considered a reasonably high level of precision. He quoted from the applicable statute, which stated that the forecast was an estimate that should not be held to an unreasonably high level of precision. Mr. Mott reminded the commissions that the forecast was intended to give some structure to long-range planning decisions. He did not think anyone assumed that the forecasts were precisely correct. The two jurisdictions used the forecasts because they needed to accommodate growth and needed to know how to design the infrastructure, and where people would work, live, and recreation. He said that the two jurisdictions were going beyond the requirements of House Bill 3337 by studying all land types, not just residential lands, and he anticipated the result would be that the two communities would have a brand new comprehensive land use plan. He suggested that the difference between the projected 221,515 people and 225,000 people could likely be accommodated by a policy “tweak” that increased the goal for overall density from 6 units per acre to 6.2 units per acre, for example.

Mr. Mott pointed out that things such as revenue sharing were not based on the population projection but rather than on the certified population. Certification occurred on an annual basis and allowed the community to get a sense of how accurate its projections were over time, but there were economic up and downs that affected the forecast, which was why the safe harbor approach was a good one.

Mr. Sullivan suggested that it would be a mistake to get try to be too exact because of the many unknowns that existed, and he was inclined to support the proposed forecast as realistic.

Responding to a question from Ms. Moore, Mr. Mott said that the commissions would both be adopting the safe harbor concept and the population forecasts developed by staff.

Mr. Siekiel-Zdzienicki suggested the 2010 census could change things. Mr. Mott said the census was not released until after two or three years after it was taken.

Mr. Sullivan confirmed with staff the text that the commissions would be recommending for addition to the Metro Plan.

Responding to a question from Ms. Arkin, Mr. Mott said that it was difficult to predict the impact of the population forecast on the two cities' future UGBs. The population forecast enabled the analysis mandated by the legislature, as well as the evaluation of the UGB. He pointed out there were very specific rules about how any UGB expansion could occur. He said that adjustment of the UGB could be a potential outcome, but there was a very rigorous analysis that must occur first. He said population was one of several elements that influence that outcome of that question; density was another.

Responding to a question from Ms. Arkin about the fiscal impact to the County when land was shifted from outside to inside a UGB, Mr. Van Vactor said there would be no impact because the Lane County tax rate was constant across all properties in the County.

Mr. Hledik closed the public hearing on behalf of Eugene.

Mr. Sullivan closed the public hearing on behalf of Lane County.

Mr. Cross closed the public hearing on behalf of Springfield

Mr. Hall, seconded by Mr. Moe, moved to close the record and amend the Metro Plan with the text shown on page 1 of the staff report.

There was extensive discussion about whether to close the record or hold it open to give the commissions an additional opportunity to revise the figures. Ms. Jerome said the commissioners had already made their interest in revised data clear on the record, so she thought the commissions could close the record. However, she did not think the commissions could make a decision that night if members wished for further deliberation. She emphasized that those deliberations must be confined to what was in the record.

Mr. Cross called for a brief break. Following the break, Mr. Hall withdrew his motion. Mr. Moe withdrew his second.

Ms. Moore asked if staff believed the record needed to remain open. Mr. Mott indicated he believed that the commissions could close the record. Staff would use land use data base records to allocate the population based on the estimate, household size, and vacancy rate in the urban transition area east and west of I-5.

Mr. Moe suggested the commissions close the record and take action based on the record. He said that the projection was only an educated guess. He thought staff had done a good job in arriving at the projections before the commissions and said if they were wrong, they could be changed later.

Mr. Hledik determined that the Eugene Planning Commission supported closing the record on the part of Eugene.

Mr. Cross determined that the Springfield Planning Commission supported closing the record on the part of Springfield.

Mr. Sullivan determined that the Lane County Planning Commission supported closing the record on the part of Lane County.

Mr. Hall, seconded by Mr. Moe, moved to recommend to the Springfield City Council that it amend the Metro Plan with the text shown on page 1 of the staff report. The motion passed unanimously.

Mr. Carroll, seconded by Mr. Mills, moved to recommend to the Eugene City Council that it amend the Metro Plan by adopting the safe harbor population forecast according to the text and table shown on page 1 of the staff report.

Mr. Duncan said he wished he believed that the forecast would be easy to change but his experience living in Eugene led him to believe it would not. He would vote against the motion not because he thought the projections were wrong, but because he would have preferred to have more data to help him understand the process.

The motion passed, 5:1; Mr. Duncan voting no.

Mr. McCown, seconded by Mr. Dignam, moved that the Lane County Planning Commission recommend to the Board of County Commissioners that it adopt the safe harbor forecast as outlined by staff on page 1 of the staff report.

Mr. Siekiel-Zdzienicki offered a friendly amendment that that if there was any discrepancy of note discovered when the Lane County population numbers come out, another hearing would be held and the difference would be resolved.

Mr. McCown accepted the friendly amendment, but Mr. Dignam declined to do so.

Mr. Siekiel-Zdzienicki, seconded by Ms. Nichols, moved to amend the motion by stipulating that if there was any discrepancy of note discovered when the Lane County population numbers come out, another hearing be held and the difference would be resolved.

Mr. Sullivan did not support the motion because he did not think that Lane County could legally cause Eugene and Springfield to have a public hearing.

Mr. Dignam agreed. He did not know why the commission would want to stipulate a hearing if it was not yet known if one was necessary.

Mr. McCown said at most, he would suggest that Lane County compare the numbers. For that reason, he did not support the amendment.

Mr. McCown withdrew his motion. Mr. Dignam withdrew his second.

Mr. McCown, seconded by Mr. Siekiel-Zdzienicki, moved to recommend to the Board of County Commissioners that it approve the forecast as stated on page 1 of the staff report and associated Metro Plan amendments, and that when the coordinated population forecast was complete, the board review the numbers as they related to the forecast before the commissions, and if any discrepancy was apparent, the board review those discrepancies with the cities.

Mr. McCown believed the motion achieved the desired review without further delay.

Ms. Arkin suggested the commission might consider adopting the safe harbor approach until the Lane County forecast was completed.

Mr. Noble observed that the commissions heard from staff that there was no compelling reason for the cities to do anything with the numbers until a plan amendment was needed. He was unsure any further action beyond approval of the safe harbor approach was required. He supported the motion as it appeared to call for no more than a review of the forecast numbers.

Mr. Dignam questioned whether the second part of the motion accomplished anything that would not occur anyway. He did not think the County could force the cities back to the table to adjust their forecasts. He did not understand what the second element accomplished or why the commission would want to include it.

Mr. Siekiel-Zdzienicki just wanted to put more emphasis on the topic.

Mr. Sullivan thought the second element of the motion made it more complicated and sent the wrong message to the cities, but would support the motion to “get the job done.”

Mr. Dignam supported the safe harbor approach and the projections but did not support the motion.

Mr. McCown thought the commission was merely sending the message that the board should oversee the continuity of planning documents.

Ms. Arkin supported the motion.

Mr. Sullivan reiterated that he would support the motion to move the matter forward.

The motion passed 7:1; Mr. Dignam voting no.

The meeting adjourned at 8 p.m.

*(Recorded by Kimberly Young)*