

MINUTES OF THE
JOINT ELECTED OFFICIALS OF
THE SPRINGFIELD CITY COUNCIL
AND LANE COUNTY BOARD OF COMMISSIONERS
WEDNESDAY, JULY 22, 2009

A joint elected officials meeting with the City of Springfield and Lane County was held in the Library Meeting Room, 225 Fifth Street, Springfield, Oregon, on Wednesday, July 22, 2009 at 5:31pm with Mayor Leiken presiding.

ATTENDANCE

Present from Springfield were Mayor Sid Leiken and Councilors Christine Lundberg (5:35pm), Hillary Wylie, Terri Leezer, Dave Ralston, Fred Simmons and Joe Pishioneri.

Present from Lane County were Board Chair Pete Sorenson and Commissioners Bill Dwyer, Faye Stewart and Rob Handy. Commissioner Fleenor was excused.

Mayor Leiken opened the meeting of the Springfield City Council.

Board Chair Sorenson opened the meeting of the Lane County Board of Commissioners and read the second reading of the ordinance.

PUBLIC HEARINGS - Please limit comments to 3 minutes. Request to speak cards are available at the desk of the minutes' recorder.

1. Amendments to the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) Consistent with Policy g.3 of Chapter III, Section G. Public Facilities and Services, and Amendments to Table 6, Table 18, Table 19, Map 3 and Map 8 of the Public Facilities and Services Plan, a Functional Plan of the Metro Plan (Case No. LRP2008-00016), City of Springfield Public Works Department, Applicant.

City Planner Andy Limbird presented the staff report on this item.

The City Council initiated the plan amendments on October 21, 2008 in response to recommendations contained in the City's recently adopted *Stormwater Facilities Master Plan*. All of the projects included in these amendments are considered significant by Oregon statute, and are necessary to provide capacity for planned development within Springfield's urban growth boundary. Implementation of the City's new stormwater Systems Development Charge (SDC) rates is contingent upon adoption of the plan amendments.

All of the recommended projects (amendments) are derived from the adopted *Stormwater Facilities Master Plan* (2008), a Springfield city-wide stormwater plan that evaluates existing and future demand and makes recommendations for system improvements including capacity, efficiency, flood control, and water quality enhancement. All of the listed projects rise to the level of "significant" projects as defined by Oregon statute. The listed projects are necessary for Springfield to accommodate planned growth within the existing urban growth boundary. City Council recently adopted a new stormwater SDC Methodology and Project List and, once the plan amendments are approved, new rates will be adopted in accordance with those actions. Because this is the last scheduled meeting before Council recess, staff is presenting the Ordinance with an emergency clause. Without an emergency clause, Springfield may not

be able to implement new SDC rates sooner than 30 days after second reading and adoption of the Ordinance by City Council – projected as October 21, 2009 – and the City would be unable to recoup lost SDC revenue during this period. The Springfield and Lane County planning commissions conducted a joint public hearing on these amendments on June 30, 2009 and forwarded recommendations of support to their respective governing bodies. The Lane County Board of Commissioners gave first reading to the adopting Ordinance on July 8, 2009 and will be in a position to adopt the ordinance after second reading.

Mr. Limbird presented a revised AIS cover sheet to the Commissioners which had minor revisions identifying the next steps that would be made following the public hearing which were slightly different from the cover sheet the county received.

He gave an overview of the plan amendments under consideration, along with testimony received at the previous public hearing for the Planning Commission, Planning Commission recommendations and staff response incorporated into the AIS packet together with additional testimony received by the City today that could be entered into the record as well.

Mr. Limbird stated the purpose of the plan amendments was to update the adopted public facilities and services plan. The plan was prepared in the early 1980s and since that time the City has adopted a new stormwater facilities master plan as of October 21, 2008. The recommendations in the adopted plan identified projects that were to be revised, eliminated, and consolidated. It also identified projects that had been completed in the time since the initial adoption of the public facilities and services plan. He explained that the changes to these plans and maps warranted the amendments being presented. This was a metro wide plan amendment and the intent was to identify projects that were of a specific magnitude as identified in state statute and therefore warranted inclusion on the City's capital improvement plans for future budgeting and planning and design.

The specific projects for amendment were listed on Attachment 7. Staff had identified the proposed Table 6, 18 and 19 along with amended maps 3 and 8 for inclusion in the public facility and services plan.

The testimony provided at the meeting of the planning commissions identified potential downstream impacts to property owners outside the Springfield urban growth boundary (UGB). There had not been detailed planning for any stormwater facilities in the area yet, however future facilities were identified in the vicinity and therefore adoption of the PFSP amendments would allow for future planning, financing and detailed design for stormwater facilities in the area as urban growth continued and developed in this region of Springfield.

He noted that both planning commissions adopted recommendations of support for the plan amendments, provided direction to staff to identify downstream or potentially impacted downstream properties and provided some type of response to the testimony that was provided. He stated that in Attachment 4, the motions were listed and in Attachment 5 staff provided an overview of the existing policy frame work for stormwater management in the City along with maps identifying potentially affected downstream properties as discussed and directed by the planning commissions at the previous meeting.

Mr. Limbird summarized that staff advised that the Metro Plan amendment allowed for long range financing, planning and urbanization of the Springfield urban growth area. The plan amendments only contemplated development within the existing urban growth boundary and incorporated drainage that naturally drained into the urban growth boundary as contemplated in the Metro Plan. The stormwater

facilities master plan was a refinement plan of the adopted Metro Plan and did contemplate and encourage documents such as the adopted stormwater facilities master plan that provided further detail and discussion about projects affecting the entire city. From that the City was able to prepare and plan for the projects that were required to provide urban services in the urban growth boundary areas.

Commissioner Dwyer stated he had concern that normally when ordinances were passed at the County level and people didn't like them, they had the ability to refer them. The ordinance had an emergency clause and state law prohibited an emergency clause on a revenue measure. SDCs were a revenue measure so he questioned whether the emergency clause could be included in the ordinance if it had the potential to raise revenue without the ability of the people to refer it if it went into effect immediately. He questioned why the emergency clause was needed.

Mr. Limbird advised that the plan amendments would be in effect immediately, however the City would have to adopt other measures to collect system development charges through stormwater SDCs under a separate action. The Lane County Board of Commissioners had already given a first reading and tonight a second reading. The emergency clause was proposed so the City of Springfield, in order to be in a position to act upon it before Council went into summer recess, could adopt the ordinance more or less concurrently with the Board of Commissioners. There was no emergency clause in the County ordinance.

Commissioner Dwyer asked what would happen if the people in the County decided to refer their portion.

Mr. Limbird stated it would not become effective until adopted by the County.

Commissioner Dwyer asked how the people of Lane County could respond, such as referring and gathering signatures, to something that had already happened.

Mr. Limbird stated it was his understanding that, notwithstanding the Springfield City Council adoption of the potential emergency clause, the actual plan amendments would not go into effect until co-adoption by the County Commissioners. This would happen shortly after the adoption.

Mayor Leiken opened the Public Hearing for the City of Springfield.

Commissioner Sorenson opened the Public Hearing for Lane County and turned the hearing over to Mayor Leiken to conduct.

1. Mike Kelly, 86965 Mahogany Lane, Springfield, OR. Mr. Kelly stated he was present to talk specifically about Project #3, the Jasper-Natron Channel and Pipe Improvements. He commended Council for adopting the storm drainage master plan which was well over due and welcome. He was happy with the big picture of what was being done, but had concerns about the one project. Project #3 showed channel and pipe improvements serving the Hayden and Jasper-Natron development areas and basically showed conceptual pipes from channels coming down to Jasper Road with no provisions for what happened to the water after it went outside the urban growth boundary at Jasper Road. The master plan showed it would take the water and put it into rural channels that were not public, not maintained and constantly clogged with vegetation and beaver activity, and had limited capacity. The Planning Commissions recognized that in their discussion and the spirit of their motion was to identify downstream property owners who might be impacted and proposed some solutions for their Council and Commissioner's consideration.

Staff indicated that there was a map that identified downstream impasse as far as properties being affected. He was concerned that if the plan amendments were approved and the Master Plan codified, they would move into the CIP of the City and become law. If a developer in Jasper-Natron or Hayden came in to develop land in the area, the only thing they had in front of them was a master plan that showed channels constructed down to Jasper Road with no requirements thereafter. If someone came in at that time and objected, it would be said they were too late; they should have been there when the master plan was adopted and voiced their concerns. There would be discussions as to who paid for the channel, etc.

Mr. Kelly suggested Project #3 be removed from the project list until there could be a comprehensive solution on how to handle the water all the way from Jasper Road down to the river. He stated he was affected personally and represented some of the neighbors in that area. They would provide easements or whatever was needed to be done so that a solution could be satisfactory to inside residents and rural residents. If that wasn't possible, then he suggested putting a stipulation on Project #3 that upstream contributions were limited to no-net increase from historical flows. There was a certain amount of water that flowed through there currently which could be maintained, but the objection was to increased water. Upstream developers would be required to put in retention and detention ponds so there was no net increase that affected the downstream owners until there was a comprehensive solution. Leaving it up to staff to do administratively lacked the force of the law. He would like to see a stipulation in the master plan that put that stipulation on the project.

The ordinance was read into the record: AN ORDINANCE AMENDING THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN (METRO PLAN) CONSISTENT WITH POLICY G.3 IN CHAPTER III, SECTION G. PUBLIC FACILITIES AND SERVICES ELEMENT; AMENDING TABLE 6, TABLE 18, TABLE 19, MAP 3 AND MAP 8 OF THE PUBLIC FACILITIES AND SERVICES PLAN (PFSP) TO UPDATE THE PROJECT LISTS AND MAPPED LOCATION OF THESE FACILITIES; ADOPTING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

Mayor Leiken closed the Public Hearing for the City of Springfield.

Commissioner Sorenson closed the Public Hearing for Lane County, but kept the record open.

Commissioner Dwyer stated there were legitimate concerns and he felt that Mike Kelly had legitimate concerns, too. He felt that staff should think about what they were going to do with the water.

Mayor Leiken asked if the Planning Commission's motion stating "with the added condition that the City Council consider options provided by the staff for treating downstream stormwater flow onto downstream properties" was made specifically for Project 3.

Mr. Limbird stated that in response to the testimony it was directed to Project 3, and in a general sense both Planning Commissions had adopted the motion.

Mayor Leiken stated he was going to refer to significant knowledge from Mr. Kelly on certain issues because what he raised is something that clearly needed to be addressed if the ordinance was going to be adopted with an emergency clause. He further stated that what Mr. Kelly brought forward this evening

was going to weigh heavily on him personally, although he couldn't speak for the rest of the Council. He didn't know what the Planning Commission's motion was based on, but was fairly broad in the way the motion was stated.

Mr. Limbird stated the written, as well as the verbal testimony, provided at the Planning Commission meeting was not exclusively directed to Project 3, but that obviously helped weigh with the decision by the Planning Commission because that was the specific area of concern. There was other verbal testimony provided regarding other potential sites and staff was able to address and clarify with the persons providing testimony that those properties either weren't affected or there would be additional planning in the future.

Mayor Leiken asked if Mr. Spies letter was entered into the record. Yes.

Commissioner Stewart asked what the options would be if Project #3 was removed and said he would prefer to see it moved out of the comprehensive plan. He also asked about Mr. Spies letter being entered into testimony and his question about if we could discharge stormwater into the Willamette River without treatment. He questioned if that was legal or not.

Len Goodwin, Assistant Public Works Director, stated that it was clear from his understanding that the policy of the Council had directed him to assure that there was no significant unmitigated peak weather flow with downstream impacts to the greatest extent practical in being in compliance. That was the direction that the Council had given staff in a number of policies particularly in the document that Mr. Limbird provided this evening. Staff understood that it was important to litigate those impacts and it was important to have the projects in a plan so that when development occurred, a developer was on notice that they may be required to provide mitigation of any potential impacts. For that reason, he suggested that it was probably not prudent to remove the project since that would leave a situation where a developer would not have good notice that there was some reason to be concerned out there. That was the Council policy that provided him with direction. If the Commissioners and Council felt it was more prudent to assure that was the case, he suggested that the Council adopt a motion specifically directing him to implement the policy of providing that there was no significant unmitigated peak weather downstream impact to the greatest extent practical. If that provided comfort to the public and to the Commissioners as a whole, it would certainly be appropriate to do.

Commissioner Sorenson asked about Map 8 in the packet and if the projects corresponded to the numbers in the table. Yes. He asked if geographically there was any sequence of doing these on the perimeter of the urban growth boundary as opposed to the interior of the City of Springfield, if they were going to be moved faster on the periphery, or if it was a matter of a lot of factors.

Mr. Goodwin said it was the latter. The precise order of the projects would be dictated by the needs of development, and if development happened in the interior of the City those projects would certainly be needed first. If there was specific development in other areas, that may accelerate the need for that particular project. Also funding was a critical issue; some of the project costs were radically different and the more expensive projects could take longer to develop no matter how urgent they may be.

Commissioner Sorenson asked if the sequence of the projects was part of the plan.

Mr. Goodwin said it was the rough timing, but not the sequence.

Commissioner Sorenson asked about Table 18 which showed projects that were being deleted, and if they had been completed.

Environmental Services Supervisor George Walker stated that the majority of those projects were encompassed in newly defined projects. When the original plan for those projects was first generated, only flood control was looked at and they didn't look at some of the improvements that had taken place in that area since that time. The original plan was done in 1978 or 1982, so they were very old plans. They had redefined those projects into the new projects that they had.

Commissioner Sorenson asked if there was a sequencing of cost to segregate the projects to be done sooner and the ones to be done later.

City Engineer, Ken Vogeney, stated that Table 18 provided an estimated cost for constructing a particular project. At this point in time, the projects had not been graduated through the capital improvement program to actually sequence them in terms of when projected funding would be available.

Commissioner Sorenson asked what the total cost was in Table 18.

Mr. Walker stated approximately \$65M.

Commissioner Sorenson asked where the money was expected to come from.

Mr. Goodwin stated that ultimately a substantial portion would come from future SDC dollars. There may be other sources of financing that were required as projects developed and got refined. If a project was needed for a particular reason and system development charges were inadequate, the Council would have to look for alternative sources of revenue.

Commissioner Sorenson asked if it was the policy of the Springfield city government to finance the projects solely with system development charges or with a combination of charges, including SDCs.

Mr. Goodwin stated the policy has been to fund them with SDCs to the maximum extent possible. Not all the projects were 100% growth, so some of them could not be fully funded by SDC dollars.

Commissioner Sorenson asked what the current expenditure for capital projects was at this time.

Mr. Goodwin stated that current capital spending for stormwater was \$1M, possibly \$2M. The Council may be contemplating in the near future the possibility of a revenue debt issuance which would fund approximately \$10M in projects in the short term.

Councilor Ralston stated he wasn't interested in pulling Project #3; it needed to be dealt with now. He said it looked like the intent from the Lane County Planning Commission was the stipulation that the City identify potential downstream properties affected by the proposed project. It seemed the Springfield Planning Commission made a similar motion and he felt it important that a motion be made at this time that specifically addressed this issue so there was certainty in the future. He didn't want there to be guess work later on.

Councilor Lundberg stated she had been working with neighbors in the T Street area and wanted to address Project 115, Channel 6 Detention Pond. Development caused an issue in this area. She asked if the Channel 6 Detention Pond was going to solve the issue that caused those residents to be required to buy flood insurance.

City Manager Gino Grimaldi stated it would have an impact on the studies that were needed to establish what they are trying to establish, but it would still be the responsibility of the developer.

Councilor Lundberg asked if the installation of a detention pond because of an additional development would alleviate the need to buy flood insurance.

Mr. Goodwin stated only if the study documented that, in fact, those properties were no longer in the flood plain.

Mr. Vogeney stated that in order to change the regulations for flood insurance, it would not be part of the proposed project in the PSFP. That would take a separate study and analysis and would actually be adopted and implemented in the National Flood Insurance Program. That would take an amendment to those maps with FEMA to be able to accomplish that change in the insurance rates regardless of what the projects were.

Councilor Lundberg asked what potential impact, other than the fact there was water that was not anticipated, would the project have on other neighbors regarding the flood plain. She referred to the situation in Jasper. She asked if those that lived downstream from a development would become liable for flood insurance if we were diverting the water from the development.

Mr. Vogeney stated he looked at the adopted flood insurance maps in the vicinity of Mr. Kelly and Mr. Spies' properties. In evaluating those maps, there was already existing mapped flood plain areas on those properties and many of the other properties in that vicinity, with the source of the flooding being overflow from the Willamette River as the key source of the flooding, not from development.

Commissioner Handy stated he appreciated the City of Springfield's intent to want to move the matter forward because of the SDC issue, but that he felt the plan was not ready. Reading the plan and hearing some of the initial plans and testimony led him further in that direction. He referred to Mr. Spies letter and said he felt that some of the questions hadn't been fully answered. He appreciated Mr. Kelly's testimony and had read his written testimony. He thought one piece really captured it that it was kind of a 'shut your eyes and hope everything worked' out plan. He appreciated Commissioner Sorenson's questions which might have helped him about a sequencing commitment, particularly with the larger UGB expansion discussions that had happened with the Metro Plan. He felt the plan needed a lot more work before he could support it. He also referred to Mr. Hledick's testimony raising concerns in Glenwood. He talked about the staff report and the mention of Salem and Marion County situation where they worked on trying to come up with common stormwater standards. He wondered if anything more could be shared with this situation.

Civil Engineer Supervisor Matt Stouder stated he talked with the City of Salem. Basically the City of Salem did not have an IGA, but more of a handshake agreement with the County. When they worked with stormwater discharge in Marion County, they had a meaningful consultation before they could increase the stormwater discharge into the County or they took care of it onsite through potential

stormwater runoff. The City of Eugene had adopted stormwater standards for development that were very similar to what Springfield had, both of which were based on the City of Portland's stormwater standards and water quality and quantity design. Springfield and Eugene were working together to come to one set of standards. In regards to clean water services, their approach was to work with the impacted property owners on a property-by-property basis or project-by-project basis as they came up.

Commissioner Handy stated that being on quite a few committees involving metro planning issues and looking at some of the joint issues, staff had indicated a commitment to analyze the code and policies as a priority and recognizing that there were some holes. He asked if staff could help him reconcile that commitment with the people on the Council and the Mayor. He had heard that funding for planning was not really a priority within this climate of not having enough funds, but rather funds to put things on the ground. He asked how this commitment articulated in regard to dealing with things that planning commissions address and maybe some elected officials had questions about.

Mr. Goodwin said planning was always a challenge, but the reality was that we could not build a project until it had been thoroughly and completely planned. We had not done that exercise in preparing the Public Facilities and Services Plan, nor for that matter should we. This was the first step to articulate those general projects that would be needed so as interested development occurred, we could conduct the more detailed planning on a specific project-by-project basis, and then effectively determine how a project could or should be constructed. First they got the general concept out, layup and articulate where these things would generally go when they generally might occur, and then as the need became more immediate for a specific project, would move that into a more detailed plan, including among other things, specifically how to comply with the requirements that we not, basically flood the downstream property owners which created tremendous liability on the part of the City. They didn't do that until they were at the point of having a real development to plan for so they were not designing something on speculation in the hope that when development happened, they would have happened to design the right thing. The City spent our planning dollars generally when there was something very specific to plan for and then devoted specific planning dollars to the detailed planning which was then followed by designing something specifically before we constructed it. All through this of course, there was considerable public process because all of the property owners, who were or could be affected, had a right and we expected them to become a part of the process to help us find a solution that worked for all of them.

Mr. Grimaldi stated tonight the elected officials had the opportunity to put some parameters on how staff moved forward with that plan. The language that Mr. Kelly suggested did that, as did the language that Mr. Goodwin was talking about. That would give staff guidance.

Councilor Wylie asked if the language was ready to be read to Council so they could vote on that which covered the concerns of Mr. Kelly.

Mr. Goodwin read the statement; "It would be our goal through existing policies is that there will be no significant unmitigated peak wet weather downstream impact to the greatest extent practical in full compliance with all applicable local, state and federal law".

Mr. Kelly said that language did not address his concern and he was willing to explain why.

Councilor Wylie stated that Council couldn't move ahead until they understood what they needed to do in order to move ahead. They needed to get the correct language so the alteration could be done in order to move forward.

Commissioner Dwyer stated it was more complicated than they thought. He asked how they could justify SDCs on someone when the water was going on the County land outside the urban growth boundary and nothing was being done about it. Once SDCs were a system, but where was the system that was going to handle the stormwater. He said he had personal experience with the City of Springfield, stormwater and systems development charges. The City of Springfield had him design a stormwater system on a piece of property and spend about \$25,000, then after several months told him the City didn't have any capacity, so what he had designed had nothing to hook up to. He developed his own onsite system because the perk rate (he explained the perk rate) was adequate and he could develop his own stormwater system, a series of ponds that went into the ground. In the 1996 flood, no water accumulated, which was a pretty good test of how it worked. When he went to get building permits the City said they were going to charge him for stormwater, but he explained he didn't use the City's stormwater, so didn't have to pay. He questioned collecting SDCs when the water was being dumped somewhere else.

Commissioner Dwyer stated the County Commissioners disagreed with their Planning Commission quite often, and were not bound by anything the Planning Commission did. He had some real concerns about having the plan work and doing it right and knowing what was going to happen. Collecting SDCs from somebody for something that didn't exist seemed to be ludicrous. Having an emergency clause that allowed the City to do it right away was even more ludicrous. He quoted Ronald Reagan.

Councilor Pishioneri stated he didn't like pulling any projects off the plan and he felt the plan was fairly comprehensive. The base plan and work in the area could be done by way of refinement plan. This was something to start with.

COUNCILOR PISHIONERI MOVED, AND COUNCILOR WYLIE SECONDED, TO DIRECT PUBLIC WORKS TO ASSURE THAT STORM LOW DOWNSTREAM IN PROJECT #3 IS MITIGATED TO THE GREATEST EXTENT POSSIBLE TO PREVENT INTAKE STORM FLOW AND/OR DURATION THAT WOULD OTHERWISE NEGATIVELY IMPACT DOWNSTREAM PROPERTY OWNERS.

Councilor Ralston stated he was fairly certain the City's intent was not to adversely affect other citizen's property due to liability issues. It was not the intent of what they were doing tonight to specifically design standards for future development. That occurred at the time development actually happened. Tonight, they were simply modifying and updating maps, and putting things on project lists so they were there as placeholders to allow them to do things in the future. He didn't feel they were here to micromanage things and talk about specific details. The best they could do was as the proposed motion implied, which was to do everything possible not to adversely affect property owners.

Commissioner Sorenson asked about the last 2 maps in the County's packet, which included CIP project areas. There were two of them that looked similar. He asked about the more detailed map. He referred to Project #2, on the Thurston side (Gray Creek Channel) and Project #3 (Jasper Natron). He asked why these projects in 26, 42, 24, 37, 31, 32, and 28 seemed to be low priority, but the projects on the periphery, 1, 6, 18, 2 and 3 were on the high priority.

Environmental Services Supervisor George Walker stated that a number of criteria were picked to prioritize these projects. The initial reason why we did a facility master plan was because the old plans only dealt with flood control which seemed to be the biggest issue here this evening also. The new facility plan looked at flood control as one priority, water quality as one priority, and the regulatory environment which was much different than it was in the 1980s. The last criterion used in order to prioritize these projects was development need and expected priorities in that area. All of this was wrapped up into a steering committee that sat down at a table and came up with a matrix and a table that put these numbers on this. So project #1, which was Glenwood, was a high priority for flooding, for water quality because there was a lot of risk in that area, and in the regulatory environment because it was a direct connect to the Willamette River. That put it at the top of the list. Some of the other projects with the low priorities were already developed areas, they were not a direct connect with the river or the regulatory side that was pushing us, they were not flooding, but we know that there were issues there where we needed to make some improvements in the system.

Commissioner Sorenson asked if the numbers on the projects in those circles were reflective of the sequence. Yes. He asked if the numbers meant anything in terms of the sequencing.

Mr. Walker stated it meant that those projects were high priority. If something changed in the reason that they got the high priority, which could easily happen if development plans fell through, or the regulatory environment changed, a number of these projects encompassed a fairly large area and when the refined design came in, they would most generally be built in small pieces. One segment at a time would be built as the need arose and as funding was identified. That could all be done in one area.

Commissioner Sorenson asked if there was a matrix that was used with criteria and rating. He asked if there was a matrix on each project.

Mr. Walker said they created a matrix with that information during the steering committee meetings. He didn't recall if he had that matrix, but had the information in a file. Much of it was done on a white board and may not necessarily be in a format he could email it to Commissioner Sorenson.

Commissioner Sorenson asked if the process could be described as a group of people trying to assess the importance of each project as opposed to your engineering staff saying this was a high priority because of flooding, this was a high priority because of impending development, etc. He asked if it was more of a group decision or a decision based on the numbers and how each project ranked.

Mr. Walker stated he would characterize it very much as a group decision because only about half of those sitting around the table were engineering staff. There was maintenance staff, planning staff, and regulator. It was not an arithmetic, engineering decision.

Commissioner Dwyer stated he didn't think they would have enough votes from the Commission.

Mayor Leiken said after listening to the questions he was thinking the same thing. He asked staff what the next steps were on a timing issue and from the prospective of the City Council, if the board wasn't inclined to move forward on the matter tonight.

Mr. Grimaldi said a work session could be scheduled with the Board of Commissioners and City Council to go over the process and the Master Plan and information that could be shared. In the interim, staff

could sit down with the neighbors and see if there was language that they could come up with that was acceptable to them.

Commissioner Dwyer stated he wasn't only concerned about Project #3, but wherever stormwater left and went onto someone else's property. It was not right to collect SDCs from the people that built and pass it off on to somebody else and call it a system. That was not a system.

Mayor Leiken asked about the timing perspective and the emergency clause.

Mr. Grimaldi said the emergency clause was to get this approved before Council went on recess. If the Board of Commissioners approved the ordinance tonight, it would go into effect in 30 days.

Mayor Leiken stated that the City did not have the emergency clause because we are pressed for major timing issues, but it was basically based on the Board of Commissioner's first reading.

Mr. Grimaldi said that if Council did not act tonight, it would delay the implementation of the SDCs.

Councilor Simmons stated the whole process was predicated on SDCs. He said there were some really interesting questions. He discussed Mr. Kelly's property and others effected in that area. He felt we needed a complete process in dealing with the NPDES permits. The stormwater runoff did go into the river in some way. The PFSP needed to be adopted for the original purpose, but tonight's discussion showed the failure of that process. He felt there needed to be a more comprehensive look at it. None of the major developments that had occurred in Springfield had been within the scope of the drawn plan. They had all required significant major plan amendments to accomplish those goals. He thought they needed to look at this comprehensively. If they didn't do this, it could cause some serious problems in potentially collecting the SDCs in a timely fashion.

Commissioner Dwyer stated they would be new and higher SDCs.

Councilor Simmons stated he was on the committee. The City needed to collect the money to do the projects because we didn't have the resources to do that. If we didn't collect it from the developments, then it had to come from the rate payers. If you talked about a revenue bond, that was a lot of money to be paid every month by every family in the community. We had to have some completeness in this plan, but we also needed to have some rapidity in adoption of it in order to offset the cost. He felt there were flaws in the generic plan which needed to be corrected in a timely fashion and then moved forward in the adoption in a way that made sense.

Commissioner Dwyer stated as far as the sequence and numbering he had no problem, he understood that. The priorities as a City were in trying to entice development in areas where we had to have capacity; Glenwood and Natron and those areas were some of our priorities. It was not surprising that they were # 1, #2, and #3 on the list. There was no plan in how the City would deal with it as it came up and he was not ready to go there tonight.

Commissioner Handy stated he felt the stormwater staff understood what needed to be done, so he trusted them and technical level work could be done to make the plan more complete. Politically we needed to have some more frank discussions regarding assumptions about our urban growth boundary discussion

which may be a little premature. He knew they wanted to keep the plans separate, but the issue of stormwater on land outside the UGB needed to be addressed more.

Mr. Grimaldi clarified that the projects in the list were for development within the existing urban growth boundary, so there was no connection to the expansion of the UGB with the project list before the Board tonight.

Commissioner Handy stated that in the staff report there were comments about some of these projects also addressing potential future projects outside the UGB.

Commissioner Sorenson suggested Springfield City Council take action and then the County would have a third reading.

Mayor Leiken asked if the City would need to remove the emergency clause if they chose to move forward on the matter tonight.

City Attorney Matt Cox stated it could be effective on approval by the County Commissioners which would be the effective date.

Mayor Leiken suggested the emergency clause be removed because if the Board decided not to take action tonight, then they would defer to have future conversations.

Mr. Grimaldi stated one of the issues was that the actions of the Board of Commissioners and the actions of the City Council needed to line up exactly. It looked like this was going to take a little more discussion and it may not be prudent to pass the ordinance on the City side.

Mayor Leiken suggested that it might be better if the Board moved first so they could get an idea of where their vote. If the Board decided not to go forward on this, the Council could have future conversations.

Commissioner Sorenson stated the Board would set the matter over until at least August 5th. They would schedule another reading of the ordinance on that date. Perhaps Springfield staff could attend and provide them with an update. That would keep the process moving.

Commissioner Dwyer stated if any major changes were made it would require another meeting and notice.

Councilor Pishioneri withdrew his motion and Councilor Wylie withdrew her second.

Mayor Leiken asked the City Manager to make sure staff was available on August 5th to attend the County Commissioner's meeting to listen and offer answers to any questions.

Commissioner Stewart stated he was fine with that, but would like to see a suggestion similar to what Councilor Pishioneri stated, providing there was no increase in peak water flow to the existing drainage canals outside the planning areas until a comprehensive plan for that area was established. He would like to see it cover any area because he agreed with Commissioner Dwyer there were other courses to the plan that may be displacing water into other areas.

Councilor Ralston stated he didn't want to put words into Commissioner Dwyer's mouth, but it sounded to him that he was opposed to the City's SDCs. Without the SDCs, the City did not have the money for development. It was a Council policy that development should pay more than its fair share for the expense that they created. They would not pass this off to all the rate payers in the City for future development. It put everything on hold until then. If that was the philosophical difference they had to overcome, they had a bigger problem than he thought.

IT WAS MOVED BY COMMISSIONER DWYER, AND SECONDED BY COMMISSION HANDY, TO SET THE ORDINANCE OVER FOR A THIRD READING ON AUGUST 5, 2009 AND LEAVE THE RECORD OPEN. THE MOTION PASSED WITH A VOTE OF 4 FOR AND 0 AGAINST (1 ABSENT - FLEENOR).

Mayor Leiken adjourned the meeting for the Springfield City Council at 6:46 p.m.

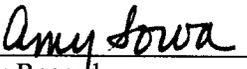
Commissioner Sorenson adjourned the meeting for the Lane County Board of Commissioners at 6:46 p.m.

Minutes Recorder
Trudy Borrevik
Clerk III



Sidney W. Leiken
Mayor

Attest:


City Recorder