

EWEB Riverfront Master Plan Community Advisory Team (CAT)

Wednesday, November 19, 5:30-7:30 p.m.

EWEB Board Room

Present: Dave Hauser, Pat Johnston, Desiree Moore, Dean Pape', Mary Unruh, Anita Van Asperdt and Gary Wildish, members; Mike Logan, Mark Oberle, Jeannine Parisi, and Kathi Wiederhold, EWEB Core Team; Vicki Maxon, Recorder; Gabriel Flock, City of Eugene Senior Planner; Susan Palmer, Eugene Register-Guard; Julie Fischer, Bob Hart, Rick Satre, Tim Shinabarger, and Zachary Vishanoff, public.

Absent: Tom Hoyt and Mark Johnson.

1. Welcome and Agenda/Material Review

Mark Oberle welcomed everyone and briefly went over the agenda. He noted that Boyd Steele is ill today so his presentation on the EWEB property title report will be rescheduled after the first of the year.

2. Comments from the Audience

Zachary Vishanoff spoke to the team. A brief summary follows:

- Please don't conduct your process like Eugene downtown, the Riverfront Research Park, or the Fairmount Neighborhood group
- University of Oregon re-do has implications for this site--a lot of money is at stake
- Hold six public hearings, one every two months, to allow for early mixing and take inventory along the way to end up with a public-informed process.
- Avoid the divisive conflicts that Eugene always suffers from
- If you do it this way, 80-90% of the population will understand it at the end
- It costs very little money to do it this way; think about everything carefully

Mark Oberle told Zachary that his suggestions are consistent with EWEB staff discussions, and that the design consultant who is hired will help design the public input process and that periodic public check-in and a very open discussion process is key from the beginning.

Zachary cautioned that consultants usually prefer a narrow form of public involvement. Mark Oberle replied that part of the CAT's role is to make sure that doesn't happen. Zachary thanked the team for the opportunity to speak.

Mark Oberle noted that he spoke to Diane Wiley at the University of Oregon and asked her to speak to the team regarding what the University is planning at the Riverfront Research Park. He said Diane is happy to speak to the team and that her presentation will be scheduled after the first of the year.

Jeannine Parisi gave a brief summary of today's noontime joint meeting between the EWEB Board and Eugene City Council. She thanked Pat Johnston and Dave Hauser for stepping in for Nan Laurence, who was ill, at the last minute to give a presentation regarding the Riverfront Master Plan CAT process. She commended them for a fantastic job on the content and for portraying their experience with the process.

Jeannine also noted that as she drove to tonight's meeting, she experienced the traffic stacking effect for several blocks due to the a train at 5th & High and has a better understanding how this would be a concern for any new crossings to the EWEB site.

Dave Hauser thanked Jeannine for her compliment, and also agreed that the team heard valuable context around transportation issues from Nan Laurence's presentation last week. He also apologized for bringing up the RFQ evaluation schedule discussion so late in the evening at last week's meeting.

3. Approve November 12, 2008 Minutes

The minutes were approved with two minor revisions.

Pat Johnston noted that, since she and Dean Pape' were absent at the November 12 meeting, she would like to meet with Nan Laurence to go over Nan's Powerpoint presentation regarding transportation issues.

4. Property Title Report

Mark Oberle reiterated that Boyd Steele is ill today and that his presentation will be rescheduled for January or February 2009. He told the team that the title report was completed two years ago and that there were approximately 34 exceptions to the title, but that many were redundant. He explained that EWEB staff traced out the legal descriptions to find the locations of those exceptions and then put them into three groups: existing and legitimate that are needed; existing and legitimate that are not needed and will be vacated; and some that EWEB had rights to back in the 1920s when EWEB didn't own the property. He added that when EWEB bought the property, some of these dissolved into ownership rights and really shouldn't show up on the title report. He said more specifics about the title report would be presented at a future meeting.

5. Consultant Request for Qualifications (RFQ)

Dave Hauser asked Mark Oberle to speak to the revised RFQ schedule that was discussed at the November 12 meeting. Mark replied that EWEB staff modified the schedule based on input at the last meeting. The revised schedule reduces the pressure of picking up the proposal packets the day before Thanksgiving, reviewing them over the Thanksgiving weekend, and having to turn in evaluations in early December. He said that the new schedule allows for pick-up of packets on December 1 instead of November 26, which also gives EWEB Purchasing staff more time to go check them for completeness, and allows more time for the CAT to review the applications, with responses due back on December 15.

He added that Wednesday, December 17 has been reserved for an extended meeting to choose finalists for interviews, and that Thursday, December 18 has been added as a cushion in case the team doesn't finish their task the day before. Interviews will then be conducted during the week of January 5, 2009 with recommendation of the chosen consultant by January 12, at which time Purchasing will begin the contract negotiation period. The new schedule pushes out contract approval by the Board from February 3rd to the 17th.

Jeannine Parisi noted that there will be a regular CAT meeting on December 10, which will be an Executive Session to craft interview questions. She told the team she will send out an e-mail regarding their preference for Wednesday, December 17 or Thursday, December 18 from 4:30 to 8:30 p.m. as the day to go over the evaluations and select finalists for interviews.

Dave Hauser reminded the team that they cannot discuss anything regarding the evaluation process or any of the proposals outside of a CAT meeting. Mark Oberle reiterated that any questions that may come up during the evaluation process should be directed to Gail Murray in Purchasing, and only to Gail, even if a team member knows the answer. Jeannine Parisi noted that a conflict of interest form and information regarding the evaluation process will be provided to the CAT.

Mark Oberle said that there was a great turnout of about 20 people for the second site tour on November 13 and that only four of those 20 had attended the first site tour. He added that more questions were asked and answered, and that an addendum listing those is posted on the EWEB website (www.eweb.org). He noted that today is the last day for proposers to ask questions or get clarification, and that the closing date for proposals is Wednesday, November 26 at 2:00 p.m.

The CAT selected an evaluation matrix to use for individual ranking of the applications and Jeannine Parisi said that she will provide the team with both electronic and hard copy versions. In order to reduce the amount of e-mails and matrices, Anita Van Asperdt suggested sending out one blank matrix in PDF format and each team member can fill in the proposers' names.

Pat Johnston said she would like confirmation regarding the possibility of an additional executive session on Friday, December 19 for RFQ evaluations, if necessary.

6. Site Environmental Regulations and Land Use Implications

Gabriel Flock, Senior Planner for the City of Eugene, introduced himself and told the team to feel free to ask questions during his presentation. He added that initially he had a broad context in mind regarding the content of his presentation and asked if the team has a different preference. Mark Oberle asked that he keep his presentation to a fairly high level as to the importance and meaning of each element he will present, i.e., the Willamette Greenway, code criteria, etc. Pat Johnston asked Gabriel to provide extra copies of his maps to the team.

Gabriel explained there are two main aspects of the Metro Plan: land use designations and policy. Policy direction is very important, for example Willamette Greenway (Goal 15) and Water Resources (Goal 5). The maps provided reflect existing zoning consistent with the Metro Plan land use designations; the Metro Plan largely determines the zoning.

The following is a summary of Gabriel's presentation:

Land Use Designations and Zoning:

- Whiteaker area – zoned and designated for mixed use with site review overlay
- Main portion – designed for heavy industrial and nodal development with some areas of parks and open space, but zoned as public land with transit oriented district and water resource overlays
- Southern portion – designated parks and open space and nodal development but zoned for heavy industrial with water resources overlay
- Riverfront parcels – all located within the Willamette Greenway boundary

*Complexity of existing zoning and plan designations suggests Metro Plan and possible refinement plan amendments may be appropriate to implement master plan.

Refinement Plans:

- Whiteaker and Downtown Plans (two separate neighborhoods) – this speaks to the need to amend at least one plan
- Downtown Plan - broader policy document that may not need to be amended; does not have an element that designates land uses
- Underlying designations in Whiteaker Plan may need to be amended
- Opportunity as part of Master Plan process to set boundaries and parameters and “clean it up” – possibly incorporate new policy language as a way to implement the Master Plan

Two pieces of that are unlikely to go away (critical components):

Goal 5 (Water Resources) regulations and Willamette Greenway provisions

The CAT will need to understand the implications of those, i.e., setbacks, and policy direction and criteria.

Dean Pape' noted that these restrictions are critical for the team to know. Mark Oberle added that later in the process the team will have the opportunity to bounce their ideas against these types of regulations.

Kathi Wiederhold asked if it will make it easier to change these neighborhood designations now that the EWEB site is no longer in the Whiteaker neighborhood, and if there is now a different thought regarding that process. Gabriel Flock replied that there may be a diminished interest level due to the zoning change but that it does not make the process any easier. He added that the more important issue is the City Council's perspective.

Mark Oberle noted that tax lot 2500 in the Whiteaker area that is labeled as EWEB property actually is not EWEB property. He added that EWEB owns the southern portion but not the northern portion.

Dean Pape' asked if someone could come along later and re-zone a neighborhood. Gabriel Flock replied that in a sense they could unless there was a special area zone created that specifies a plan (i.e., the Royal node). He added that it is so prescriptive that he doesn't want to use that as an example, and that that example may be heavy-handed given its size. He said another example is the Riverfront Research Park, where a refinement plan was adopted which was implemented by a conditional use permit. He added that the process could go down to bare bones but then policies would have to be adopted, and that there was a wide spectrum of tools that could be used, but he isn't sure which tool would be the right one.

Greenway Permit - next level:

- Unless plan amendment at City Council level, Greenway permit would be type 3 process—public hearing, staff recommendation, site plan ultimately locked in.
- This would implement the Master Plan
- Existing code tool, application process to nail it down
- Greenway permit criteria is much more subjective

Gabriel used criteria #4 (Willakenzie Area Plan) as an example. He explained that this plan specifies a 30-foot setback on the north side of the river. The Riverfront Research Park also has a similar 30-foot setback, and policies in the Downtown Plan talk about adequate setbacks. The Master Plan process may define what this is; there is no hard boundary.

Gary Wildish asked what the setback is based on. Gabriel Flock replied that it is measured from the ordinary high water line for the Willamette Greenway provisions but from the top of bank based on the Water Resources (Goal 5) regulations. The Willamette Greenway provisions do not specify the setback distance but, under the Goal 5 regulations, the Willamette River has a 100-foot setback measured from the top of the bank, and it is probably safe to say that it is identifiable with an obvious boundary.

- Prior developed areas are excluded from water conservation area – things that are not harmful to the resource or that enhance it like stormwater treatment or habitat restoration are favored; typical commercial uses not so much.
- What qualifies as a prior developed area will be important part of analysis
- Take advantage of uses that are allowed
- On a good portion of the site, the setback may go up to those areas; beyond that would be excluded
- Removal of existing areas wouldn't automatically remove exemption
- Difficult to speak to more detail without developed concepts yet

Pat Johnston asked about Statewide Planning Goals 5 and 15. Gabriel Flock replied that this would go back to the hierarchy--a location of protected areas along the river related to the Willamette Greenway provisions and Water Resources overlay zoning.

- Code attempts to protect water bodies and other natural resources
- Speaks to policy intent to attempt to favor incentives for enhancement and restoration
- Favorable to restore a riparian area; decide how to take advantage of the opportunity
- Balancing act is always at the core

Pat Johnston asked which governmental body looks at this and actually acts on it. Gabriel Flock replied that City Planning staff would evaluate the proposal through the land use application process. Staff recommendation is based on the application to the City, a public hearing procedure (much like the Conditional Use Permit process), testimony, etc. with the decision made by a Hearings Official. If the proposal involves any adopted plan amendments, Planning Commission makes the recommendation to the City Council, and City Council is the final decision-making body.

Mark Oberle noted that the team needs to be familiar with the criteria for the Metro Plan, but that the plan wouldn't actually be submitted until weighed against the criteria as part of the application process. Gabriel Flock replied that the City may not have it down to an exact footprint even at that level, and that the flexibility drops away as one gets closer to that point. He added that there may be opportunities to look at streamlining at that level, and to look at the pros and cons as to what to specify at what level.

Mark Oberle said that, in his opinion, the value of the Master Plan will be that it will minimize risk and that there may be opportunities to take it further toward the Willamette Greenway process. Gabriel agreed, but noted that there are many ways to slice it.

Dave Hauser noted the importance of a balance between the team's considerations and the potential constraint on the property owner and how best to recognize that consideration.

Dean Pape' said that, in his opinion, it is up to the team to decide how specific they want to get; that the more they tie someone's hands to the Master Plan, the less flexibility is offered to developers. He added that he wants to be cautious about getting as much value out of the Master Plan as possible to help the public buy in to the process.

In response to a question from Anita Van Asperdt, Gabriel Flock replied that this speaks to a type 2 process but the plan designation is likely to change. Anita added that the Master Plan can help balance the process involving the City Council and others.

Gabriel Flock noted that it provides more information and also allows the public to get down to site planning issues, and that it may also point out constraints that can be worked out later.

Mark Oberle added that a separate application for the Master Plan does qualify for a type 2 process but, given the public nature of the process, the Planning Commission has the right to move it up to the City Council for approval. He added that EWEB staff thinks it is in EWEB's best interest to submit one application for all, which will raise it up to a type 4 process, which ultimately requires City Council approval. Gabriel Flock added that it could be taken to a type 5 with a code amendment or code language amendment, if packaged at that level, with the resources involved, length of the process, and the geographic area.

Mark Oberle added that not enough is known today to know where the process will end up, and that the team will need Gabriel and Nan Laurence to monitor and advise them about what might be the best pathway to take.

Dave Hauser noted that the presentations during the last several CAT meetings, i.e., transportation issues, the millrace, zoning issues, and water resources, made him again realize how challenging the site is.

Anita Van Asperdt said that she feels the only thing the team has missed is a presentation regarding the landscape piece, i.e., high vs. low bank, flood issues, ecological opportunities, changes in bank height at different portions of the river, etc. She added that she could contact someone at the UO Landscape Architecture Department or another local architect to speak to the team. Dave Hauser wondered if that presenter could also speak to the ecological aspects of reopening the Millrace.

Dean Pape' asked if that issue would be part of the team's responsibilities or the consultant's responsibility, and said he assumed it would be the consultant's responsibility. Mark Oberle replied that all presentations made to the CAT team will be dealt with by the consultant, but that it is valuable to do this now to start the team thinking about it.

Dave Hauser asked how much time there will be between when the Board makes their decision on which consultant to hire and when the consultant will actually start. Mark Oberle replied that, in theory, the consultant could start the day after being chosen. He said staff will look into that, and noted that during the months of January and February there will also be time to bring people in for presentations.

Dave Hauser asked how many more opportunities there will be for those types of presentations. Anita Van Asperdt added that she would also like to schedule a presentation regarding what the University of Oregon wants to do as part of the process. Mark Oberle replied that he will schedule a core team meeting in the next couple of weeks to look at the January and February meeting schedule so that team members can clear their calendars. Anita Van Asperdt said she will contact a landscape architect to speak to the team during that time period.

Pat Johnston asked if there is a master list of topics that the team has already heard about or wants to look at in the future. Mark Oberle replied that there isn't a true master list, but staff was noting topics of interest. He added that a master list can be generated off of previous meeting minutes and action items. Mary Unruh added that it would be good to have that in order to prepare for future opportunities and pitfalls.

Dave Hauser asked if the team had any other questions for Gabriel Flock. Gary Wildish noted that, in his opinion, Goal 5 vs. Willamette Greenway and its impact is big and, with a 70-foot differential on the whole waterfront, it looks to him like most of that is grandfathered.

Gabriel Flock replied that from what he knows, he agrees with that, but there are some limits to what is allowed there. He said it is mostly hardscape up to the edge. He added that he would think the Willamette Greenway criteria would require more of a setback and that more subjective criteria might be what controls that issue, but that it may provide an opportunity for what otherwise would be exempt in goal 5; a possible opportunity to make good in terms of policy direction and also gain political and community support.

Mark Oberle recalled that one of the four Downtown Plan elements talks about the riparian edge, so understanding the ecological environment will definitely help. Dave Hauser found that element in his notes and read it aloud to the team.

Gary Wildish thanked Gabriel Flock for a very informative presentation. Gabriel replied that as more questions come up on code or any other subject, the team should feel welcome to pass them through either him or Nan Laurence.

7. Closing Comments and Next Steps

Mark Oberle said he has four DVD copies of the University of Oregon architecture students' presentations for team members to borrow. He noted that there are audio issues with one of the DVDs and that he wants to be sure that the team members who were not able to attend that meeting get priority for viewing it. He added that because of its 4 GB size, EWEB is not able to put it on the website, but a copy will be made available for the public to check out. He noted that the videographer did a great job of blending the Powerpoint slides into the video and that it turned out very well.

Dave Hauser asked team members for any closing comments.

Pat Johnston said she is feeling a bit lost because of missing two meetings in a row due to illness and an out of town commitment. She added that she and Dean Pape' will meet with Nan Laurence for an overview of Nan's transportation presentation at the last meeting.

Dean Pape' thanked the team and staff for the sympathy card they sent to him upon the passing of his uncle, and that their thoughtfulness and support means a lot to him.

Gary Wildish asked for an e-mail reminder to pick up the proposal packets on Monday, December 1. Mark Oberle said he can have the EWEB courier deliver the packet if anyone has difficulty getting to EWEB on that day. He noted that the EWEB offices are closed on both Thanksgiving Day and the day after, and that Purchasing staff won't have much time to look over the proposals until Monday, December 1.

Dean Pape' noted that he might be in Alaska on December 1 and wondered if it would be possible to send his packet to him by Federal Express. Mark Oberle said that is possible, or it can be sent electronically.

Mary Unruh said she appreciates all the background information the team has been receiving at their meetings.

Dave Hauser wished the team and staff a Happy Thanksgiving.

The meeting was adjourned at 7:00 p.m.

Follow-Up Items:

- Wednesday, December 17 from 4:30 to 8:30 p.m. is preferred date for selecting interview candidates
- Thursday, December 18 at 5:30 p.m. follow-up meeting (if needed)
- (Mark O) Send out PDF of maps from Gabriel Flock's presentation
- (Mark O) Create master meeting topic list
- (Nan) Meet with Pat and Dean re: November 12 transportation presentation
- (Jeannine) Send out evaluation matrix
- (Jeannine) Reminder e-mail for pick-up of proposal packets on Monday, December 1

Next Meeting: Wednesday, December 10, 5:30 to 7:30 p.m.
Executive Session – EWEB Board Room