

From: [Jefferson Westside Neighbors](#)
To: [HANSEN Alissa H](#); [GEPPER Jeffrey A](#)
Subject: Issues with process and suggestions for moving forward
Date: Friday, May 07, 2021 4:37:08 PM

[EXTERNAL]

Dear Alissa and Jeff,

I am both distressed and disappointed to have to write this email. I had staked a lot on our ability to work cooperatively, but it seems that our definition of “cooperative” differs.

We were willing to give staff the benefit of the doubt, despite their neglecting to contact the JWN when proposing amendments to the S-JW Zone that include extreme increases in true allowable density (even taking the zone to the high density range). But then, even after our discussion about working together, staff failed to provide specific feedback on our proposed alternative and presumed to add substantial proposed amendments to the S-C/R-2 Zone Subarea, with no warning, and at the last minute. We waited in vain for staff to contribute to this cooperative effort and simply shunted our suggestions to the record for the public hearing. That is unacceptable. This treatment demonstrates precisely the lack of concern for public process that you and I had resolved to remedy.

State Planning Goal 1 and the NORP clearly lay out your responsibilities to the JWN as the impacted neighborhood association as well as our role in this process. Since the proposed changes were not included in the original public process for the ordinance prior to the LUBA appeal and during the resulting remand there has been, in fact, no public disclosure or process that meets the requirements under law, proceeding on the current path untenable. It endangers the legitimacy of the proceedings and puts a tenuous decision before the City Council.

While I understand the challenging task of developing code amendments, it does not justify the lack of public process and engagement. If we had not reached out to the Planning Division in a good faith effort to assist you in making productive changes to the S-JW, we would not have known about any of the changes staff proposes to our special area zones until the public release of materials for Council's consideration. I made very clear to you during our discussions our appreciation for the position staff finds itself in with these onerous state mandates. But those mandates do not relieve you of the professional and legal requirements to have meaningful engagement of the community that would have their lives and home values affected in major ways.

I ask you to step into our position for a moment and reflect, if you were us, would you consider your actions reasonable, let alone fair?

The special area zones in the JWN were created in response to the upzoning of the R-2 (originally “two-family”) Zone density without meaningful engagement of the residents and homeowners. As is documented in the findings for the ordinances

adopting the S-JW and S-C Zones, these unique and ground-breaking zones were the result of extensive community participation *before* the code was in its final draft state. Unfortunately, it appears that transparency and public notification procedures have not improved.

In contacting the Planning Division and meeting with staff, I made a good faith effort to work productively toward a mutually agreeable compromise. The lack of reciprocity is disheartening. We find ourselves in what has become an alarming pattern of "too early/too late." That is, changes are made at the last minute, precluding any meaningful public process, and therefore, any feedback or rebuttal is "too late" to be seriously considered and changes made. Any changes in response to public concerns are then held out as "possible" after-the-fact, when you and we know it is highly unlikely after the staff version of an ordinance has gone to public hearing.

We now find ourselves in the position we both professed we wanted to avoid - a likely messy conflict before the City Council between staff and the neighborhood organization, and a likely LUBA appeal. As you no doubt know, Mr. Conte has obtained legal representation who has advised the City of a potential appeal if the City staff do not engage the JWN in good faith.

Considering the clear and documentable shortcomings of the notification and public process, and in an effort to salvage the relationship we were trying to build, we request that staff provide the Mayor and City Council an update to the agenda materials provided to the Council for their work session on Wednesday:

- 1. Inform the Council that staff plans to work with the JWN on S-JW Zone and S-C/R-2 Zone Code amendments, and that JWN has made a good faith effort to meet with staff and provide an alternative proposal.**
- 2. Either delay the public hearing and action; or leave only the required amendment to the S-JW parking requirements in the current ordinance and work on a second ordinance that will address S-JW and S-C/R-2 conformance with the other statutory requirements.**

We know from experience that last minute actions are inconvenient, but the position we are in is solely of your own making.

Please respond no later than Monday before noon so we may have adequate time to engage Council members on issues.

Sincerely,

-Ted

Ted M. Coopman, Chair,

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Jefferson Westside Neighbors
Executive Board

Eugene, OR
www.jwneugene.org

From: [Charles Snyder](#)
To: [*Eugene Mayor, City Council, and City Manager](#)
Cc: [GEPPER Jeffrey A](#)
Subject: rezoning
Date: Monday, May 10, 2021 10:38:58 AM

[EXTERNAL]

May 10, 2021

Going It Alone

I'd like to respond to the current proposal to rezone the Jefferson-Westside special area zones without neighborhood consultation or consideration. My first residence in the JWN area was established over fifty years ago, and since then I've appreciated Eugene's participative democracy. Over the years I've been involved with the neighborhood as a JWN member and office holder, as a representative on Mayor's councils regarding various issues, and have supported the city through votes to approve ballot measures and tax levies, contributed to candidates for city offices, and participated in volunteer activities in support of a variety of institutions and causes. As the city adopts a go-it-alone philosophy, moving toward a top-down, autocratic style of governance, and away from its traditional citizen-participative style of governance, I'm saddened and disappointed. I suppose the powers that be in this process have figured out how to thrive without our votes on bond issues, contributions to civic causes, and electoral campaign support. It will be interesting to observe the successes and failures of Eugene's new autocratic way of doing things.

Charles Snyder
990 W. 12th Avenue
Eugene, OR 97402
crrsnyder@ [gmail.com](mailto:crrsnyder@gmail.com)

May 10, 2021

VIA E-MAIL AND REGULAR MAIL

Honorable Lucy Vinis
Mayor of City of Eugene
Eugene City Hall
101 West 10th Avenue, 2nd Floor
Eugene, OR 97401
LVinis@eugene-or.gov

Ms. Sarah Medary
Eugene City Manager
Eugene City Hall
101 West 10th Avenue, 2nd Floor
Eugene, OR 97401
SMedary@eugene-or.gov

Re: City file CA 18-1 Code Amendments addressing ADUs
Wednesday May 13, 2021, Work Session

Dear Mayor and City Manager:

This firm represents Mr. Paul Conte who, as you know, is a Eugene resident and a member of the Jefferson Westside Neighbors (JWN). I write this letter to follow up on the concerns expressed in my letter dated April 20, 201, regarding City File CA 18-1, addressing Accessory Dwellings.

In particular, we ask that the City Council adjust their schedule for the public hearing and vote to allow the staff and JWN to collaborate on an acceptable version of the ordinance to present to the Council.

This request is required because it does not appear that planning staff has acted in good faith to engage Ted Coopman, the JWN Chair, on these matters as requested in my earlier letter. There has been little effort to allow for an effective engagement of the neighborhood organization, and the result will be that the Council will not have an opportunity to consider and direct which versions of the S-JW and S-C/R-2 amendments will be presented to the public and Council at the upcoming hearing only a week from today.

If the only version of the S-JW and S-C/R-2 code amendments that is presented to the public is the staff version, it would put the Council in the untenable position of

May 10, 2021

Page 2

possibly having to schedule another public hearing if the Council wants to make substantial revisions to the staff's version of the S-JW and S-C/R-2 code amendments.

This result was sadly foreseeable, which was why we sent my letter almost three weeks ago. This is not the way planning should work; process should not be manipulated to stifle effective involvement of citizens who live in these areas and on whom the outcome will have real impacts on their lives. My client understands that some of these issues are complex and that there are legislative requirements, but there alternative ways to address these issues. City staff should not be an obstacle to real engagement and the search for mutually agreeable solutions that make the City a better place.

Thank you for your cooperation, and I look forward to hearing from the City that there will be a real engagement with the JWN neighborhood before these code amendments go to the final hearing.

Very truly yours,



Bill Kabeiseman

BK:kms

cc: Eugene City Attorney

GEPPER Jeffrey A

From: Steve Pringle <steve@pringle.hm>
Sent: Tuesday, May 11, 2021 9:11 AM
To: *Eugene Mayor, City Council, and City Manager
Cc: GEPPER Jeffrey A
Subject: code amendments to the Jefferson Westside Special Area Zone - testimony for public hearing 5.17.2021

[EXTERNAL [△](#)]

Dear Mayor Vinus, City Council members, and City Manager Medary,

I live on 10th Ave, in the Jefferson Westside neighborhood. It seems the Planning Division staff have made a recommendations that our City Council adopt sweeping code amendments for the Jefferson Westside Special area zone and the Chambers Special area zone. These recommendations would basically DOUBLE the number of housing units permitted on a lot. This is outrageous, all the more so as the Planning Division staff did not engage the Jefferson Westside Neighbors association. Our JWN Chair, Ted Coopman, tried to engage with the Planning staff, but was basically ignored. How can city planners recommend changes to a neighborhood without informing the neighbors and neighborhood association? What's going on here? Either incompetence, or the other alternative is they just don't think it's any of our business what they decide for our neighborhood. Whatever the reason it needs to be rectified.

We've always been for increased density in our neighborhood, but it should be compatible with the area. The Jefferson Westside is a lovely little neighborhood, doubling the density would ruin it. The only winners would be developers building more rentals that would degrade the character and livability of this wonderful neighborhood.

I urge the City Council members not to adopt the Planners recommendations.

Thank you,
Steve Pringle

1457 W. 10th Ave
Eugene

From: [GEPPER Jeffrey A](#)
To: [Jefferson Westside Neighbors](#)
Cc: [SEMPLE Emily](#); [HANSEN Alissa H](#)
Subject: RE: Issues with process and suggestions for moving forward
Date: Tuesday, May 11, 2021 2:49:00 PM
Attachments: [JWN Proposed Changes to Comply with ADU laws Annotated.docx](#)

Good Afternoon Ted,

I am sorry to hear that you feel our meeting did not meet your expectations for cooperation and collaboration. I ensure you that I found our meeting to be very helpful and that we, the City, are engaged in a process that adheres to the procedural requirements related to this code amendment process remand. In this case, we are responding to requirements of the state, in light of appeals, to bring this process into conformance with state law. Because of the clear direction provided through the Land Use Board of Appeals and the Court of Appeals, we are limited in our ability to make significant changes to the proposed ordinance.

As we discussed in our meeting at the Atrium, attached is a copy of the alternative code draft that JWN provided to staff for consideration. I thoroughly reviewed your draft and made comments within the word document to help explain our position and rationale. Before looking through that document, I think it is important to more thoroughly explain how staff approached drafting the proposed code amendments. To be clear, you have asked us only to address the “parking” portion of the remand, as it pertains to the S-JW zone. However, in the face of the remand, the City cannot ignore other key pieces of the remand and decisions that came out of the appeals process (i.e. Court of Appeals final order).

As you are more than aware, when the State passed Senate Bill 1051 related to Accessory Dwelling Units (ADUS), now codified at ORS 197.312(5), the provisions from the state were less than clear, which has proven to be problematic for all involved. In 2018, the City Council approved a process and passed two ordinances to achieve what it believed to be in compliance with the new state law. Through appeals to LUBA, clarification from the state with HB 2001, and Court of Appeals decisions, we now have more clarity and a clear determination for how to apply ORS 197.312(5) within the context of this code amendment process and state law. ORS 197.312(5) now states that:

ORS 197.312(5)

(a) A city with a population greater than 2,500 or a county with a population greater than 15,000 shall allow in areas within the urban growth boundary that are zoned for detached single-family dwellings the development of at least one accessory dwelling unit for each detached single-family dwelling, subject to reasonable local regulations relating to siting and design.

(b) As used in this subsection:

(A) Accessory dwelling unit means an interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling.

(B) Reasonable local regulations relating to siting and design does not include owner-occupancy requirements of either the primary or accessory structure or requirements to construct additional off-street parking.

While some of the issues around definitions and certain parameters (i.e. parking and owner occupancy) were addressed through HB 2001, the goal posts for what constitutes “siting” and “design” were still generally unclear as we moved into our 2020 remand process. The Council adopted an updated ordinance (No. 20625), which addressed the first set of appeals and changes to state law (HB 2001), but still struggled as it pertained to siting and design. Other provisions, such as Parking in the S-JW zone were also an issue raised through appeals. Since the appeal of Ordinance No. 20625, the Court of Appeals issued a decision that set a clear benchmark and definition for what constitutes “siting” and “design.” That is:

1. On every lot in the City where the City’s code allows a single-family dwelling, the code must also allow at least one ADU per single-family dwelling.
2. The only development standards the City can impose on ADUs are standards that either:
 - a. Relate to where the ADU can be placed on an individual lot that has a single family dwelling (“siting”); or
 - b. The layout of the ADU or the materials used in the ADU’s fabrication (“design”).
3. The development standards described at 2. a. and b. must be “moderate,” they cannot be “extreme,” “absurd” or “excessive.”

Using this as our benchmark, we made changes to the ordinance to ensure that components of those zones meet these basic set of rules. Part of the Remand from LUBA clearly identified that certain code regulations, including Density, Lot Area, etcetera, cannot be applied to ADUs, as they are neither “siting” or “design.” Therefore, we have to apply these rules to all zones equally, or else re-apply regulations that we know are not consistent with state law. So, the City has proposed changes to bring all zones discussed in this process into conformance with state law in light of the very specific remand. We recognize that although we now have the clarity on what the state law means, not everyone will be satisfied with the outcome.

As you’ll see within the attached annotated code for S-JW, many of your proposed changes were categorized in one of the following ways:

- (A) The draft language is inconsistent with state law as clarified through case law; or
- (B) The draft language is outside the scope of the ADU changes, therefore warranting a separate code amendment process, noticing, and public input; or
- (C) The draft language does not meet other requirements of the Eugene Code amendment process, such as consistency with the Eugene-Springfield Metropolitan Area General Plan; or
- (D) The draft language is redundant or unnecessary due to code construction/applicability.

As a reminder, the way the ORS for this process works is that it applies directly. That means, where there is a conflict with state law, Eugene Code is superseded by the rules set by the state. In other words, currently the City must apply the statute directly at the time of a building permit submittal for an accessory dwelling, and certain accessory dwelling standards in Eugene’s land use code can no longer be enforced.

Lastly, as it relates to your requests at the end of your email, the Work Session on May 12 is scheduled to provide Councilors with an opportunity to re-engage with this process, learn more

about developments over the last year, and prepare for the public testimony that is to be considered at the Public Hearing and in writing. Therefore, we will be presenting on those topics above as it relates to the remand and all affected zones. Public testimony, including any communications with neighborhood groups, will be presented to the Council at their May 17th public hearing on this topic.

I hope this helps shed light on our process and that we value this relationship.

Sincerely,

Jeff Gepper

Senior Planner (he/him)

City of Eugene | Planning & Development

jgepper@eugene-or.gov

541.682.5282

COVID-19 Update: City of Eugene Planning & Development Department offices are operating. However, in order to protect the health and wellbeing of our community I may be working remotely or working non-traditional hours. We appreciate your patience as our reply to email and voicemail may be slightly more delayed than normal.

Messages to and from this e-mail address may be available to the public under Oregon Public Records Law.

From: Jefferson Westside Neighbors [mailto:jwneugene@gmail.com]

Sent: Friday, May 07, 2021 4:37 PM

To: HANSEN Alissa H <AHansen@eugene-or.gov>; GEPPER Jeffrey A <jgepper@eugene-or.gov>

Subject: Issues with process and suggestions for moving forward

[EXTERNAL △]

Dear Alissa and Jeff,

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We were willing to give staff the benefit of the doubt, despite their neglecting to contact the JWN when proposing amendments to the S-JW Zone that include extreme increases in true allowable density (even taking the zone to the high density range). But then, even after our discussion about working together, staff failed to provide specific feedback on our proposed alternative and presumed to add substantial proposed amendments to the S-C/R-2 Zone Subarea, with no warning, and at the last minute. We waited in vain for staff to contribute to this cooperative effort and simply shunted our suggestions to the record for the public hearing. That is unacceptable. This treatment demonstrates precisely the lack of concern for public process that you and I had resolved to remedy.

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We know from experience that last minute actions are inconvenient, but the position we are in is solely of your own making.

Please respond no later than Monday before noon so we may have adequate time to engage Council members on issues.

Sincerely,

-Ted

Ted M. Coopman, Chair,

--

Jefferson Westside Neighbors

Executive Board

Eugene, OR

www.jwneugene.org

From: [Richard Shugar](#)
To: [GEPPER Jeffrey A](#)
Subject: Accessory Dwelling Code
Date: Tuesday, May 11, 2021 5:38:06 PM

[EXTERNAL 

Hi Jeff,

We have designed a new home with a detached garage with an living space above it, an accessory dwelling unit (ADU). I understand the most recent ADU city code was rescinded following a LUBA challenge, but a revised ADU code in the process of being update to conform to state law.

I have many clients who wish to build ADU's, particularly above garage's since there is economy in doing so. The reasons for these ADU have ranged from accommodating parents who are downsizing following retirement, a place for adult children with families to visit, as well as for rentals to offset the increased cost of housing. ADU's will play an important role addressing middle housing issues of affordability, reduce the pressures of our urban growth boundary which in turn support the City's sustainability goals.

Sincerely,
Richard

Richard Shugar AIA, LEED AP, Principal
Richard@2-form.com

2fORM Architecture

121 Lawrence Street
Eugene, OR 97401
t: 541.342.5777

www.2-form.com

From: [Jefferson Westside Neighbors](#)
To: [GEPPER Jeffrey A](#)
Cc: [SEMPLE Emily](#); [HANSEN Alissa H](#)
Subject: Re: Issues with process and suggestions for moving forward
Date: Wednesday, May 12, 2021 12:36:05 AM
Attachments: [JWN Proposed Changes to Comply with ADU laws Annotated Response.docx](#)

[EXTERNAL]

Jeff,

Good to hear from you, albeit at the last moment..

The problem with the process is timeliness. The issue is that you responded at 2:49pm the day before the work session. Due to delays like this we have been forced to expend resources to get physical materials to Councilors that, of course, won't reference your email.

The changes to the special area zones were made last minute with little time to respond and the responses were not timely. I realize you are busy and have other concerns and duties. But you can't have a public process if there is no time for it. The time between when the changes were made public and when the ordinance went to Council was simply not reasonable. Instances like this are why there is the perception that the Planning Department intentionally creates situations to thwart meaningful public input - everything is too late to make changes by the time anyone finds out about it. We are certainly not feeling "heard" here.

The city is obligated by law under Planning Goal 1 and the Neighborhood Organization Recognition Policy to engage impacted neighborhood organizations on land use issues, particularly substantial upzoning of large areas within the neighborhood. We had to contact you and if we were not paying close attention we would not have even seen these major changes.

We requested you pull the non-parking related changes out to have more time, but no one responded to that reasonable request. Once again we have been put in the position of being up against a deadline due to delayed responses. So now we have had to spend more time trying to respond to your email and attachment in a timely manner at the last minute.

We have dropped everything and reviewed the comments provided regarding the JWN alternative proposal for ADU code amendments to the S-JW Zone.

The comments seem thin on the specific issues raised and the statements and claims about the law are somewhat questionable and dismissive of the JWN's concerns and suggestions.

You did not respond to the fact that the staff proposal conflicts with the *Metro Plan's* MDR designation by doubling the zone's overall density. Further, staff's proposal egregiously "impacts development beyond ADU" requirements, an argument you flung at the JWN proposal. You can't have it both ways

You argue that the proposed standard does not comply with the *Metro Plan* "MDR" designation

| | |
|------------------------------|------------------------------|
| Lots up to 8,999 square feet | 21 dwellings and 1 Accessory |
|------------------------------|------------------------------|

You stated: *"This does not comply with the minimum density requirements of the Medium Density Plan Designation as set forth by the Metro Plan (10-20 Units per gross acre). 2 dwellings are necessary to meet the density threshold. Therefore, this proposal would not be consistent with our plans and staff would not recommend approval."*

This flies in the face of both the comprehensive plan and the fact that the S-JW's density conformance has been acknowledged by DLCD. The ***Metro Plan does not*** require that every provision of a zone ensure that every lot meets the minimum density. Even the R-2 Zone doesn't do that.

Furthermore, the ***Metro Plan*** residential designations *do not* exclude accessory dwellings from overall calculations of a zone's density. Staff cannot cite any case law for this claim because none exists (LUBA's finding related only to prohibiting approval criteria for a *maximum density* for adding an ADU to a lot with a detached, single-family dwelling).

Note that the JWN proposal would *increase* the overall density for the S-JW area, and the S-JW's current, lower density has been acknowledged by DLCD. Staff cannot now summarily double that density, as proposed, without substantial analysis and findings, for which there are none.

Mr. Conte has included detailed replies to your comments, included in the attachment, via track changes.

Jeff, I really wanted this to work, but to try and do this at the last minute is impossible. Our responses to your communications were immediate and if you all had timely and meaningful responses to us we might have met this deadline. I am so frustrated - this was completely avoidable.

-TED

On Tue, May 11, 2021 at 2:49 PM GEPPER Jeffrey A <jgepper@eugene-or.gov> wrote:

Good Afternoon Ted,

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As a reminder, the way the ORS for this process works is that it applies directly. That means, where there is a conflict with state law, Eugene Code is superseded by the rules set by the state. In other words, currently the City must apply the statute directly at the time of a building permit submittal for an accessory dwelling, and certain accessory dwelling standards in Eugene’s land use code can no longer be enforced.

Lastly, as it relates to your requests at the end of your email, the Work Session on May 12 is scheduled to provide Councilors with an opportunity to re-engage with this process, learn more about developments over the last year, and prepare for the public testimony that is to be considered at the Public Hearing and in writing. Therefore, we will be presenting on those topics above as it relates to the remand and all affected zones. Public testimony, including any communications with neighborhood groups, will be presented to the Council at their May 17th public hearing on this topic.

I hope this helps shed light on our process and that we value this relationship.

Sincerely,

Jeff Gepper

Senior Planner (he/him)

City of Eugene | Planning & Development

jgepper@eugene-or.gov

541.682.5282

COVID-19 Update: City of Eugene Planning & Development Department offices are operating. However, in order to protect the health and wellbeing of our community I may be working remotely or working non-traditional hours. We appreciate your patience as our reply to email and voicemail may be slightly more delayed than normal.

Messages to and from this e-mail address may be available to the public under Oregon Public Records Law.

From: Jefferson Westside Neighbors [mailto:jwneugene@gmail.com]

Sent: Friday, May 07, 2021 4:37 PM

To: HANSEN Alissa H <AHansen@eugene-or.gov>; GEPPER Jeffrey A <jgepper@eugene-or.gov>

Subject: Issues with process and suggestions for moving forward

[EXTERNAL △]

Dear Alissa and Jeff,

I am both distressed and disappointed to have to write this email. I had staked a lot on our ability to work cooperatively, but it seems that our definition of “cooperative” differs.

We were willing to give staff the benefit of the doubt, despite their neglecting to contact the JWN when proposing amendments to the S-JW Zone that include extreme increases in true allowable density (even taking the zone to the high density range). But then, even after our discussion about working together, staff failed to provide specific feedback on our proposed alternative and presumed to add substantial proposed amendments to the S-C/R-2 Zone Subarea, with no warning, and at the last minute. We waited in vain for staff to contribute to this cooperative effort and simply shunted our suggestions to the record for the public hearing. That is unacceptable. This treatment demonstrates precisely the lack of concern for public process that you and I had resolved to remedy.

State Planning Goal 1 and the NORP clearly lay out your responsibilities to the JWN as the impacted neighborhood association as well as our role in this process. Since the proposed changes were not included in the original public process for the ordinance prior to the LUBA appeal and during the resulting remand there has been, in fact, no public disclosure or process that meets the requirements under law, proceeding on the current path untenable. It endangers the legitimacy of the proceedings and puts a tenuous decision before the City Council.

While I understand the challenging task of developing code amendments, it does not justify the lack of public process and engagement. If we had not reached out to the Planning Division in a good faith effort to assist you in making productive changes to the S-JW, we would not have known about any of the changes staff proposes to our special area zones until the public release of materials for Council's consideration. I made very clear to you during our discussions our appreciation for the position staff finds itself in with these onerous state mandates. But those mandates do not relieve you of the professional and legal requirements to have meaningful engagement of the community that would have their lives and home values affected in major ways.

I ask you to step into our position for a moment and reflect, if you were us,

would you consider your actions reasonable, let alone fair?

The special area zones in the JWN were created in response to the upzoning of the R-2 (originally "two-family") Zone density without meaningful engagement of the residents and homeowners. As is documented in the findings for the ordinances adopting the S-JW and S-C Zones, these unique and ground-breaking zones were the result of extensive community participation *before* the code was in its final draft state. Unfortunately, it appears that transparency and public notification procedures have not improved.

In contacting the Planning Division and meeting with staff, I made a good faith effort to work productively toward a mutually agreeable compromise. The lack of reciprocity is disheartening. We find ourselves in what has become an alarming pattern of "too early/too late." That is, changes are made at the last minute, precluding any meaningful public process, and therefore, any feedback or rebuttal is "too late" to be seriously considered and changes made. Any changes in response to public concerns are then held out as "possible" after-the-fact, when you and we know it is highly unlikely after the staff version of an ordinance has gone to public hearing.

We now find ourselves in the position we both professed we wanted to avoid - a likely messy conflict before the City Council between staff and the neighborhood organization, and a likely LUBA appeal. As you no doubt know, Mr. Conte has obtained legal representation who has advised the City of a potential appeal if the City staff do not engage the JWN in good faith.

Considering the clear and documentable shortcomings of the notification and public process, and in an effort to salvage the relationship we were trying to build, we request that staff provide the Mayor and City Council an update to the agenda materials provided to the Council for their work session on Wednesday:

1. Inform the Council that staff plans to work with the JWN on S-JW Zone and S-C/R-2 Zone Code amendments, and that JWN has made a good faith effort to meet with staff and provide an alternative proposal.

2. Either delay the public hearing and action; or leave only the required amendment to the S-JW parking requirements in the current ordinance and work on a second ordinance that will address S-JW and S-C/R-2 conformance with the other statutory requirements.

We know from experience that last minute actions are inconvenient, but the position we are in is solely of your own making.

Please respond no later than Monday before noon so we may have adequate time to engage Council members on issues.

Sincerely,

-Ted

Ted M. Coopman, Chair,

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Jefferson Westside Neighbors

Executive Board

Eugene, OR

www.jwneugene.org

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