

Jefferson Westside Neighbors

A City-Chartered Neighborhood Association
www.jwneugene.org

November 27, 2006

Mayor Piercy and Eugene City Council

City Hall, 777 Pearl Street, Room 105
Eugene, OR 97401

RE: Measure 37 claim for 1333 W. 10th Ave.

Dear Mayor and City Councilors:

We'd like to follow-up on two items regarding the Measure 37 claim for 1333 W. 10th Ave.

At the hearing, Jon Belcher stated the agreement among the property owner and her family, nearby residents, and the neighborhood association was "definitely not a win for the City." Mr. Belcher, however, didn't indicate what outcome he thought would be preferable. It's unclear whether he was suggesting Council deny the claim – despite staff's opinion the claim is valid – and thus risk a protracted and expensive legal battle with the owner. Or whether Mr. Belcher was suggesting Council waive or modify additional standards beyond what the claimant has agreed to, thereby setting a precedent that would unnecessarily broaden the impact of future Measure 37 claims.

We firmly believe the course recommended by staff and the JWN is better for the City than any available alternative. By adopting the proposed resolution, Council will avoid unnecessary legal conflict and minimize the risk of additional financial burden on the City. Further, the resolution strictly limits the modifications granted and establishes specific, unique criteria upon which approval of the modifications is based, thereby assuring any precedent set is as narrow as possible.

Measure 37 itself is certainly no "win" for the City or neighborhood residents. But doing away with Measure 37 was not an alternative we or anyone else could bring to Council. Under the circumstances, the agreement reached by the parties offers the City the best "win" possible.

On another item, Susannah Meininger contacted the JWN co-chairs after the hearing and asked on what date the JWN approved the Measure 37 agreement. For Council's benefit, the JWN Executive Board adopted the motion shown on the reverse side on September 19, 2006, and the minutes of this board meeting were published on the JWN Web site on September 29. Extensive information about the Measure 37 claim, the co-chairs' work on an agreement, and the board's action has been published on the JWN Web site (see jwneugene.org/m37.html), in printed meeting handouts, and in the JWN's e-mail newsletter.

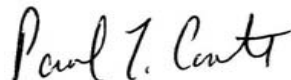
Please contact either of us if we can provide further information.

Respectfully,



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Executive Board Motion

On September 19, 2006, the Jefferson Westside Neighbors Executive Board unanimously (6-0) approved the following motion:

The JWN co-chairs are directed to take such action as is necessary to facilitate a negotiated agreement regarding the M-37 claim for 1333 W. 10th Ave., as long as any agreement meets the following criteria:

- a) The agreement is legally enforceable.
- b) The agreement allows no more than one additional, detached dwelling unit on the property; this structure and all other new structures must substantially comply with all other development standards of the Chambers Special Area Zone (CSAZ).
- c) In the opinion of the co-chairs, the agreement does not adversely prejudice residents or the JWN in opposing future M-37 claims in the CSAZ.

The co-chairs are authorized to spend up to \$100 to implement this agreement. Additional expenditures require approval by a vote of the Executive Board or General Membership.

The co-chairs are authorized to sign an agreement on behalf of the JWN Executive Board providing the agreement is first presented to the board and no more than two board members notify the co-chairs within 3 days of their objection to the agreement. If two or more board members object, the agreement shall be presented at a regular or emergency Executive Board meeting or at a JWN General Meeting for a vote.

Board members voting in favor: Rene Kane, Paul Conte, Erika Seiferling, Garrick Mishaga, Angela Rooney, Kyle Burns

Board members voting in opposition: (none)