

## MINUTES

Joint Planning Commissions—Springfield & Lane County  
Library Meeting Room—Springfield City Hall  
Springfield, Oregon

March 16, 2010  
6 p.m.

**PRESENT:** Springfield Planning Commission: Frank Cross, Chair; John Kirschenmann, Vice Chair, Lee Beyer, Sheri Moore, Eric Smith, Sean Van Gordon, commissioners; Lane County Planning Commission: Bob Noble, Chair; Lisa Arkin, Vice Chair; Steve Dignam, John Sullivan, Dennis Sandow, Nancy Nichols, Joseph Siekiel-Zdzienicki, George Goldstein, commissioners.

**ABSENT:** Tony McCown, Lane County Planning Commission.

**STAFF:** Kent Howe, Stephanie Schulz, Lane County Land Management; Greg Mott, Linda Paula, Gary Karp, Bill Grile, Bill Van Vactor, Mary Bridget Smith, Steve Hopkins, Brenda Jones, Tom Boyatt, City of Springfield.

### **BUSINESS FROM AUDIENCE**

Commissioner Cross called the meeting of the Springfield Planning Commission to order.

Commissioner Noble called the meeting of the Lane County Planning Commission to order.

### **APPROVAL OF MINUTES**

On behalf of Springfield, Commissioner Beyer, seconded by Commissioner Smith, moved to approve the joint meeting minutes of February 17, 2010, as submitted. The motion passed unanimously.

On behalf of Lane County, Commissioner Arkin, seconded by Commissioner Dignam, moved to approve the joint minutes of February 17, 2010.

Commissioner Arkin referred to page 3 of the minutes and recalled that Mike Miller, in his testimony, had mentioned that the property in question was zoned EFU.

Commissioner Noble called for the vote, and the minutes were approved as amended by the Lane County Planning Commission.

### **LEGISLATIVE PUBLIC HEARING**

#### **A. Continued Public Hearing from February 17, 2010**

#### **METRO PLAN AMENDMENT, SPRINGFIELD 2030 REFINEMENT PLAN LRP2009-00014 AND SPRINGFIELD DEVELOPMENT CODE AMENDMENTS LRP2009-00015**

Commissioner Cross opened the hearing, a continuation of the February 17, 2010, public hearing, on behalf of Spring-

field.

Commissioner Noble opened the hearing on behalf of Lane County.

Mr. Mott City of Springfield Planning Manager reviewed the order of the procedures. He noted that deliberations were tentatively scheduled for April 20. At that time, staff would respond to testimony and commission questions. Commissioner Beyer asked if staff would respond to all comments before that time. Mr. Mott said yes. He reminded the commissions that the elected officials would reopen the hearing and consider all the testimony heard by the commissions as well as new testimony. He anticipated that process would commence in the summer or early fall.

Commissioner Cross called for testimony.

**Tom Bowerman**, 33700 McKenzie View, Eugene, represented property owners owning 400 acres of land. He agreed with the written testimony of 1,000 Friends of Oregon and George Grier. He advocated for preservation of what was in place. His children had moved to smaller communities because Eugene-Springfield was too big for them. Some people moved elsewhere to avoid sprawl, and it had crossed his mind as well. Mr. Bowerman compared Corvallis downtown to Springfield downtown and suggested that Corvallis was more vibrant and he attributed that to public policy. He believed the result would be lower property values if resource lands were impinged upon.

Ms. Bowerman submitted his written testimony.

**Dwight Purdy**, legal counsel for the Springfield Public Schools District 19, and **Brett Yancy**, SD19 Director of Business Operations, asked that the former Mount Vernon School property, currently zoned Public Lands (PL), be designated High-Density Residential (HDR) to allow the district to move forward in a public-private partnership to create low-income housing and facilities for Head Start. He asked that the district's surplus Rainbow property in West Springfield, currently zoned PL, be designated Medium-Density Residential (MDR). He suggested that would help balance the City's excess supply of Low-Density Residential (LDR) and MDR land. He noted declining enrollment and suggested the change would also increase enrollment at Hamlin and Centennial as well as benefiting the nearby commercial area as well. He also asked that the commissions bring the district's 19-acre Clearwater property inside the Urban Growth Boundary (UGB) to allow it to provide for a new school to serve the Jasper-Natron area.

Commissioner Beyer asked the Clearwater site was a good location for another school given the proximity of an existing school. Mr. Purdy said it was ideal. The district preferred a Jasper-Natron site but want to make sure it was on the west side of Bob Straub Parkway to facilitate safe student movement. If the district could not find another site, he believed this was a good one, and if the area's density continued to grow, he thought it would be a very viable site.

Commissioner Sullivan requested the sites in question and other school sites be identified on a map. Mr. Purdy agreed.

Responding to a question from Commissioner Arkin, Mr. Purdy said that it was necessary for schools to be inside the UGB to receive an urban level of services.

Commissioner VanGordon arrived.

Mr. Yancy indicated staff would provide information about school enrollment and capacity as well. Mr. Purdy indicated that future discussion of school closures was not inconsistent with what was being contemplated in terms of the enrollment shift.

**Mike Reeder**, 800 Willamette Street, Suite 800, represented Roseboro LLC, noted that he had submitted information into the record and reviewed his written submission. He noted staff's intention to redesignate parts or all of tax lots 1003, 1004, and 1200 to Light-Medium Industrial (LMI). All three were zoned for heavy industrial use and were purchased by Roseboro for that purpose. He called attention to a map included with his submission that showed the location of the sites in question. He said that staff proposed LMI because staff thought it would be a "nice buffer" between the school site to

the south and east and Roseboro's current heavy industrial operations. Mr. Reeder indicated that the school district did not object. He said there was already a buffer existing in the form of the Haul Road and the open playfields, which he pointed out on Exhibit D. He recommended that the property be re-designated Heavy Industrial consistent with current zoning.

Commissioner Sullivan determined from Mr. Reeder that he had discussed the issue with staff and did not think staff felt strongly one way or another about the designation. Staff had suggested that Roseboro make its case with the commissions.

Responding to a question from Commissioner Arkin, Mr. Reeder identified the precise location and nature of the buffer he spoke of on the aerial photograph represented in Exhibit D. He said it was a buffer based on its width and use as playfields. Commissioner Arkin suggested that the commissions needed to consider whether children playing on playfields breathing the air from Roseboro constituted buffers. Mr. Reeder said the adjacent Roseboro site was zoned heavy industrial and the uses had been in place since 1939. Meanwhile, the City grew up around them. The impact was already there. He said his remarks were focused on the land use, noise, light, and similar issues that would be mitigated through site review and the provision of such things as screening.

Commissioner Dignam determined that Mr. Reeder had a statement from the Springfield School District stating the district did not object to the designation. Commissioner Dignam asked that it be included in the record.

Commissioner Smith asked if the site in question had come up when the commission discussed plan/zone conflicts. Ms. Pauly said the site had been identified in that process and recommended further study because of the potential conflict with the school district site. Staff had encouraged the company to work with the district to determine if the redesignation was acceptable.

Commissioner Beyer noted that the property in question was used for manufacturing for a long time and the district purchased the property with that knowledge. The site was right beside a plywood plant. Commissioner Arkin acknowledged that. She indicated she had sat through many soccer games at the site and maintained it was difficult to breath.

Commissioner Goldstein determined from **Jim Daniels** of Roseboro Lumber that Roseboro employed 500 people on the site in better economic times; currently, Roseboro employed 330 people at the site. The site was currently in use as a truck facility. Mr. Daniels indicated that Roseboro purchased with idea of doing wood products manufacturing on the site.

Responding to a question from Commissioner Arkin, Mr. Reeder indicated that Roseboro had no immediate plans for the site but was seeking to maintain the maximum flexibility for the property. He said it was Roseboro's policy to be good neighbor so he did not anticipate the company would locate obnoxious uses on the site. He said that the proposed Light-Medium Industrial designation did not lend itself to many of the company's typical uses. He termed LMI a "dead zone" for the company. He reiterated that any necessary mitigation measures related to the site use would be addressed through site review.

Commissioner Moore determined from Ms. Pauly that staff had done preliminary analysis to see if correcting all plan/zone conflicts had an impact on the buildable lands inventory and found it to be insignificant. Mr. Reeder suggested there was a relationship to the economic elements of the Metro Plan, which provided for the ability to reinvest and redevelop inside the UGB.

Responding to a question from Mr. Siekiel-Zdzienicki, Mr. Reeder estimated the total area to be re-designated as approximately ten acres.

Mr. Reeder noted that Eugene allowed a property to be developed consistent with the zoning rather than the designation. Springfield required property owners to secure a zone change. He thought that represented an inequity that should be corrected through the legislative process.

**Jim Daniels**, representing Roseboro Lumber, 2509 Main Street, Springfield, supported Michael Reeder's remarks.

**Michael Reeder** spoke on behalf of Amigos 3 LLC and asked the commissions to retain the existing General Office (GO) zoning as the designation for the Amigos 3 site on Main Street, rather than redesignate it for MDR. He indicated the staff rationale for the recommendation was the intended location of such uses east of 58<sup>th</sup> Street. He said his client spent considerable money improving North A Street to connect with 58<sup>th</sup> Street. He had reviewed the history of the properties west of his client's property and east of 58<sup>th</sup> Street, which were designated commercial. He found that the commission interpreted the properties once zoned GO to be commercial in the past. He cited the commission's decision in the Hageman case in support of his remarks.

Mr. Reeder referred the commissions to Exhibit A, an aerial photograph of the area, included in his written submission and identified the location of the site in question.

Mr. Reeder believed staff's rationale for the designation to be that his client's property could serve as a buffer between the MDR to the east and commercial uses to the west.

Commissioner Sullivan asked about the history of zone changes in the area and the rationale for the zone change. Mr. Mott explained that it was the intent of the Metro Plan that the commercial zoning would radiate out from the loci of activity created by the commercial zone on both sides of Main Street. The Springfield Planning Commission used its discretion based on the proposal and the land involved to make its determinations about zoning in the area because the Metro Plan did not speak precisely to such small sites. Springfield developed the General Office (GO) designation in the late 1980s to apply in areas designated MDR where they abutted commercial designations. The zone was intended to be a transition from more robust commercial activities and the residential zone nearby. He said if GO zoning was located in an MDR designation, residential uses were not permitted and the property must be rezoned back to MDR.

Continuing, Mr. Mott said that research indicated to staff that Mr. Reeder's client's property was designated MDR but zoned GO. The property did not appear as a plan zone conflict in the staff analysis, but because the property was near to where a parcel-specific diagram would prevail, Mr. Reeder's client received a notice. However, staff was not suggesting the property should be designated commercial. Mr. Mott suggested it was irrelevant whether the property was GO or commercial because it was not residential and could not be used for residential purposes unless rezoned. He believed the commission could just as easily have determined the commercial designated extended east of where the GO zoning was in place, but no applications had been received. He said the site had not been an issue for his office because it was not identified as a plan-zone conflict. Mr. Mott did not think staff would argue that the site was a significant part of the residential inventory.

Responding to a question from Commissioner Dignam, Mr. Mott said the commissions could rectify the issues identified by Mr. Reeder in its recommendation to the City Council.

Commissioner Moore asked if there was access to the property off Main Street. Mr. Reeder did not know. He said that the property owners had worked with the Oregon Department of Transportation (ODOT) on that issue, but because there was frontage off North A Street he believed that ODOT preferred the property took access there.

Ms. Pauly City of Springfield Planning Supervisor added that when the staff brought plan/zone issues to the Springfield commission it told the commission staff was not making any recommendations to change plan/zone conflicts along Main Street corridor because staff believed a corridor-wide examination, rather than parcel-by-parcel changes, was more appropriate. There is also ODOT access management issues involved.

**Rick Satre**, Satre and Associates, 1326 Wimbledon Place, Springfield, spoke in support of the UGB expansion and protection of agricultural lands, which he believed could occur at the same time. He asked the commissions to consider implementing measures to protect high value farmland where it occurred within the UGB expansion areas. He suggested that could be accomplished with the application of an agricultural overlay zone. Mr. Satre acknowledged the age of

existing soil information data bases and the fact many soil areas designated high value were not necessarily so. He recommended the City create measures where property-specific data updates could occur appropriately.

Mr. Satre said that the overlay zone would not be new, and submitted an issue of *Planning* magazine devoted to urban agricultural, an article from *The Register-Guard* regarding successful current efforts along the same lines. He suggested it made sense to continue those efforts. He also shared information from Damascus, which was proposing a land use designation of agricultural as well as an overlay zone. He encouraged the commissioners to review the materials, which were all available on line.

**Mia Nelson**, 1000 Friends of Oregon, reviewed highlights of her written submission. Speaking to the contents of Section 2 related to insufficient information, she was not alleging the commissions' decision would be defective without that information, but was encouraging the commissions to secure the information. Related to item 12, the effect of Peace Health, she believed that was a policy choice for the commissions. She recognized the legal justification for including the Peace Health jobs in the calculation of new job growth under the Safe Harbor roles, but she was unsure it was wise to "pretend one-time transplants from Eugene and Springfield" would result in future growth. Ms. Nelson also suggested the job density issue was a policy choice and asked if it was wise to use the last of Springfield's buildable land for such a low job density requirement. She asserted that the other points in her letter spoke to issues that could result in remands to the Land Use Board of Appeals.

Commissioner Arkin asked Ms. Nelson to clarify her points related to slopes and schools. Ms. Nelson said the RNA assumed that all parkland must be unconstrained, which was an "aggressive stance" which she maintained was not substantiated by past practice in Springfield. She cited the Mountain Gate Park as an example. She maintained that such land worked for certain parks, and the Willamalane Parks and Recreation District had gone on record as stating that they created parks on constrained land, such as linear parks consisting of trails, or natural parks, which was what Mountain Gate Park was. She believed that given those facts, it was a defect not to acknowledge that and change the plan so the nearly 1,000 acres of constrained land available could be used for parks.

Ms. Nelson said the plan also contained an assumption that all park needs must be provided on land inside the UGB, but Willamalane provided the parks, not the City, and Willamalane's boundaries not the same as Springfield. She assumed that Willamalane will meet some parks need for Springfield residents with land outside Springfield. She said that was what Willamalane was doing now and would do in the future due to the boundary differences. She understood the City did not control what Willamalane did outside Springfield's boundaries but she believed that Springfield could provide direction in that regard. She concluded that because 30 percent of Willamalane's current holdings were outside the UGB, she could assume that 30 percent of the community's park needs would be met that way in the future.

Commissioner Beyer observed that many of Ms. Nelson's remarks were addressed in the Willamalane Comprehensive Plan, which was adopted in the Metro Plan. He recalled that the discussion about the types of parks Ms. Nelson described was focused on neighborhood and community parks, and the attempt was to provide lands necessary for community parks associated with residential development.

Commissioner Noble noted Ms. Nelson's testimony regarding parcel assembly, and asked where that was a consideration for Springfield. Ms. Nelson cited the Peace Health land assembly as an example. Commissioner Noble asked if that was a legal consideration for the inventory. Ms. Nelson maintained that it was a common defect that frequently ended up in remand.

**Robert Emmons**, 40093 Little Fall Creek, Fall Creek, reviewed and submitted his written testimony.

**Ken Schmidt**, 605 Fair Oaks Drive, Eugene, provided some history of the use of the properties located at 4155 and 4185 42nd Street. He requested the property be rezoned Community Commercial in accordance with its use. Speaking to building on hillsides, he noted the example of house at 6843 Holly Street which was falling down because of a spring on the site. He encouraged the City to be cautious when considering construction on hillsides.

**Walt Johnson**, 89733 Armitage Road, Eugene, asked if it would help in the decision-making process if his site was surveyed for soils types. He indicated that he could produce that if desired, although there was some cost to it. He discussed other limiting factors, including noxious weeds in the form of nutsedge.

Commissioner Noble said that the commissions were tasked to protect resource land, so if Mr. Johnson was suggesting his land was non-resource land, the commissions should know that. Commissioner Kirschenmann encouraged the submittal of information about yields. Commissioner Dignam found Mr. Johnson's long tenure as a farmer on the land to be compelling.

Commissioner Beyer said the maps suggested part of the property was in the floodway and asked Mr. Johnson's experience in that regard. Mr. Johnson said that he could have walked across the deepest flooding he experienced in low-topped shoes. He thought the property was pretty safe from inundation, and attributed that to deepening of the river channel over the last 20 years. The Army Corps of Engineers (ACOE) placed rip-rap in the area in the 1950s and had to revisit the area to add more rip rap 25 years later because it was being undercut by the river.

Commissioner Cross determined there was no one else who wished to offer testimony and closed the public hearing on behalf of Springfield. Commissioner Noble closed the public hearing on behalf of Lane County.

Commissioner Cross called for a brief break. After the commissions reconvened, members had an extensive discussion as to the merits of holding the record open and the need to do so. Springfield City Attorney Mary Bridget Smith advised the commissions as to the legislative nature of the hearing and pointed out that two hearings had been held and another hearing would be held before the Springfield City Council and Board of County Commissioners.

Commissioner Dignam, seconded by Commissioner Sullivan, moved to keep the record open until 5 p.m. on March 26, with a date certain work session on April 20. The motion passed 6:2; Mr. Siekiel-Zdzienicki and Commissioner Arkin voting no.

Commissioner Beyer, seconded by Mr. Moore, moved to keep the record open until 5 p.m. on March 26, with a date certain work session on April 20. The motion passed unanimously, 6:0.

The commission discussed the process to be used for deliberations. Mr. Grile anticipated that staff would present the commission with several decision trees for all the issues involved and would provide options for the commissions to choose from.

Commissioner Moore recalled the City-commissioned study indicated there was no need for an expansion of residential lands but the testimony the Springfield commission heard in public suggested the community did need more residential land. She asked "are we even going to go there" given the fact of the study. She asked if the commission had considered the school-owned properties when it discussed plan-zone conflicts. Mr. Mott said the conclusion there was no need for residential expansion was based on the evidence in place before the initial hearing. The commissions had heard new evidence, and he expected it would consider that evidence and make a recommendation accordingly. In regard to the school properties, Mr. Mott said they had not been considered due to their locations and designations.

Commissioner Sandow suggested the commissions had an obligation to state to the public the degree of confidence in had regarding the certainty of the plan. He suggested the potential that the country would regress to a former economy or that the economy could significantly change. He wanted to ensure that the commission was deliberating on a plan based on current reality. Commissioner Sandow asked for a staff statement as to whether the plan was created in an uncertain or certain economic condition with a known future and the confidence level in the assumptions underlying it. Mr. Mott pointed out the City must demonstrate to the State that its assumptions were likely to happen. For example, if the City was to take the position it was not going to expand the UGB for any reason, it would need to demonstrate growth could be accommodated with the UGB. He said that he had no one on his staff who could predict if there would be a new economy over the next 20 years, and even if he had such a person, they would still have to have some sort of compelling evidence that could be translated into a plan. He was unsure the State would accept such a forecast.

Commissioner Beyer referred Commissioner Sandow to the Economic Opportunities Study and the lands studies commissioned by Springfield for the information he was seeking.

Commissioner Cross solicited questions from the commissioners for staff follow-up.

1. What is unsuitable land and why does unsuitable land need to be brought inside the UGB? (Nichols)
2. Please address George Grier's remarks regarding infrastructure costs. (Arkin)
3. Expansion of warehouse distribution to such a low density per acre—why is that below historic levels? Why does Springfield propose to waste the few acres it had left on warehouse and distribution when it took up space and provided few jobs? (Siekiew-Zdzienicki)
4. Assuming land annexed to Springfield for industrial uses, was there any guarantee that it would stay in that use in large parcels or be changed to residential and converted to small parcels? (Nichols)
5. Request more information about practical and legal restrictions in regard to promoting growth in the flood plan. (Arkin)
6. Why is the Sony property not included in the calculations for redevelopment inside the UGB? (Siekiew-Zdzienicki)
7. Are the latest FEMA maps ready? (Siekiew-Zdzienicki)
8. Why do the three concepts include residential land if the UGB does not need to be expanded for the 20-year housing need? (Siekiew-Zdzienicki)
9. What do the two different light blue colors mean on Map 3? (Nichols)
10. Why is school capacity in Seavey Loop an issue for commercial and industrial expansion? (Nichols)
11. Question including some of the McKenzie River frontage in the UGB for future use as parks even though it could not be used for industrial or residential purposes because of its location in the floodplain. (Moore)
12. Request a response to George Grier and Bill Kloos testimony regarding the increased cost of infrastructure to accommodate new redesignations and rezoning's. (Siekiew-Zdzienicki)
13. What is the relationship of the map showing special constraints with regard to water, wetlands, and slopes in the concept areas to the City's Goal 5 inventory, and what are the constraints on the Goal 5 areas? (Arkin)

It was pointed out to Commissioner Siekiew-Zdzienicki that the Sony property was occupied.

Commission deliberations were scheduled for April 20 and May 4, 2010.

The meeting adjourned at 9:15 p.m.

*(Recorded by Kimberly Young)*