

MINUTES

**Springfield Planning Commission
Regular Session
City Council Chamber
225 Fifth Street- Springfield**

**April 1, 2003
7 p.m.**

PRESENT: Marilyn Phillips, Chair; Steve Moe, Vice Chair; Tim Malloy, William Carpenter, jr., Jim Burford, Greg Shaver, members; Mel Oberst, Kittie Gale, Sarah Summers, Kay Bork, City of Springfield staff; Joe Leahy, City Attorney.

ABSENT: Lee Beyer, member.

1. PLEDGE OF ALLEGIANCE

Those present recited the pledge of allegiance.

2. APPROVAL OF MINUTES

Commissioner Malloy, seconded by Commissioner Moe, moved to approve the minutes of the March 4, 2003 work session, Committee for Citizen Involvement, and regular session. The motion passed unanimously, 6:0.

Commissioner Moe, seconded by Commissioner Malloy, moved to approve the minutes of the January 7, 2003 work session. The motion passed unanimously, 6:0.

Commissioner Carpenter, seconded by Commissioner Malloy, moved to approve the minutes of the March 18, 2003 work session. The motion passed unanimously, 6:0.

Commissioner Shaver arrived at 7:08 p.m.

3. REPORT OF COUNCIL ACTION

Commissioner Burford reported there was a March 24 review of nodal development.

Commissioner Carpenter reported he attended a City Council meeting in late January where the gasoline tax for road improvement was approved. He said he attended the March 31 City Council meeting where the Gateway amendments were approved 4 to 1, with removal of the sixty-foot height restriction. He also said additional language proposed by PeaceHealth was rejected in favor of the original language prior to Planning Commission changes.

Mr. Leahy clarified that PeaceHealth requested the height restriction be removed entirely with no reviews. He said the request was unacceptable to staff and the Council and the Council reinstated language that required further review at the time of the development proposal and master plan. He said another PeaceHealth request to receive all thirty-three acres as mixed use commercial (MUC) was rejected as premature and would not be considered without a thorough review by the Planning Commission and City Council. Mr. Leahy also said any subsequent PeaceHealth applications would be subject to provisions of the Springfield Development Code, rather than reviewed simply under the Master Plan as PeaceHealth had requested.

Commissioner Moe said the City Council wanted to appoint a committee to review the campus industrial standards and he was interested in representing the Planning Commission on that committee.

4. BUSINESS FROM THE AUDIENCE

Commissioner Phillips called for other business from the audience. There was no one present wishing to speak.

Mr. Oberst announced that he had received a request from the applicant for **Item 5.b. Request for a Gateway Refinement Plan Amendment** to continue the item to the May 6 regular Planning Commission meeting. He asked that the request be moved to the top of the agenda hearing in order to open the hearing and continue it to the May 6 meeting.

Commissioner Shaver, seconded by Commissioner Malloy, moved that Item 5.b. be moved to the top of the agenda. The motion passed unanimously, 6:0.

5. QUASI-JUDICIAL PUBLIC HEARING

a. **Request for a Gateway Refinement Plan Amendment from Medium Density Residential (MDR) to Neighborhood Commercial, LRP2002-12431**

Commissioner Phillips opened the hearing and asked Commissioners to disclose any conflicts of interest or *ex parte* contacts. There were none.

Bonnie Ullman, 3350 Oriole Street, Springfield, representing Game Farm neighbors, said the neighbors were in favor of the request and felt the proposed project would be a benefit to the neighborhood.

There was no one else wishing to testify.

Commissioner Malloy, seconded by Commissioner Burford, moved to continue the hearing until May 6. The motion passed unanimously, 6:0.

Kay Bork, Planner II, explained the applicant had requested the continuance in order to develop additional information.

b. **Variance Request: Lane Transit District. Assessor's Map 17-03-35-31 Tax Lot 13400. Jo. No. ZON2003-00009**

Mr. Oberst explained the criteria for approving a variance request and asked those wishing to speak to address their comments to the criteria and raise issues with sufficient specificity to allow staff or Commissioners to respond to them. He noted that failure to raise an issue at the hearing could prohibit raising the issue on appeal.

Commissioner Phillips opened the hearing and asked Commissioners to disclose any conflicts of interest or *ex parte* contacts. There were none.

Kitti Gale, Planner II, distributed graphics illustrating the site and gave a brief history of the project. She said the variance request arose because of an encroachment into the twenty-five foot setback of the Mill Race. She noted the twenty-five foot setback was in effect during the planning process for the Lane Transit District (LTD) station, but standards after enactment of the Water Quality Protection code established a fifty foot setback for the Mill Race, which was in effect at the time of Site Plan submittal. She said that staff recommended approval of the variance request with the conditions included in the Staff Report and Findings.

Commissioner Burford asked if there were two bio-swales proposed for the site. Ms. Gale responded that there were two bio-swales, one of which encroached into the fifty-foot setback in effect when the plan was submitted. Mr. Oberst added that the laws in place at the time of submittal were the ones that applied to the application.

Commissioner Carpenter commented that the top of the Mill Race bank showed an anomaly by the railroad bridge, but the buffer zones didn't appear to take the anomaly setback into account. He asked if the top of bank was still the point of measurement for the twenty-five and fifty foot setback zones. Ms. Gale responded that if the anomaly was the top of the bank, the setback should begin at that point. She noted that the anomaly was not on LTD property; it was in Union Pacific Railroad's right-of-way, which added an additional challenge to determine responsibility for improvement and maintenance of that area.

Commissioner Moe commented that a recently discovered wood storm drain had its outlet by the active railroad bridge and ran beneath the LTD property. He asked that LTD include how this was addressed in

their presentation.

Commissioner Phillips asked if federal funds dedicated to the LTD project were jeopardized if the variance request was granted. Ms. Gale replied that LTD would speak to the issue, but she understood that LTD had received approval and funding and the City had requested documentation of that as one of the conditions for approving the variance.

Charlie Simmons, Lane Transit District, P.O. Box 7070, Eugene, gave an overview of the design process, which included representatives from the City, LTD, Willamalane, Oregon Department of Transportation (ODOT), plus a design review committee composed of City Council members, LTD board members, and community leaders. He said the process took fourteen months and strove to design a facility that would meet the needs of LTD and the City.

Mr. Simmons stated that critical issues considered during the design process were:

- Good access to Pioneer Parkway and 5th Avenue for bus rapid transit (BRT)
- Twenty year build out capacity
- Public restrooms on site
- Joint development with a face on South A Street
- Preservation of adjacent businesses

Brad Rawls, Parametrics, LTD environmental sub-consultant, reported that his firm crafted the environmental assessment for the BRT project and Springfield station and the biological assessment for compliance with Section 7 of the Endangered Species Act (ESA). He said he had authored the riparian area protection report that accompanied the site application.

In response to Commissioner Burford's earlier comments on bio-swales, Mr. Rawls identified the two bio-swales on the site. He said one of the bio-swales was located between the bus platforms and the second was located in a vegetative area and would collect water from higher paved areas. He noted the second bio-swale encroached into the riparian setback.

In response to Commissioner Moe's remarks about the wood storm drain, Mr. Rawls said the wood stave pipe was twenty-four inches in diameter and had been retrofitted with a fifteen inch diameter PVC insert that was cemented into place. He stated the outfall for the wood stave pipe had failed, eroded around the area, and created a three to four foot drop to the stream. He said this created erosion and sediment contamination to the Mill Race during storm events, and a significant amount of untreated stormwater flowed through the pipe. Mr. Rawls said the proposed project would add stormwater treatment for much of the area, the pipe would be pulled back ten feet, a manhole would be installed, and the outfall would be reset to dissipate the energy and reduce erosion.

Mr. Rawls went on to say the use of federal funds on the project required National Environmental Protection Act (NEPA) and ESA reviews on the site. He said both reviews had been submitted and approved by the reviewing agencies and documentation would be forthcoming.

Mr. Rawls gave a brief history of the site. He said the Mill Race was a manmade channel carved entirely from uplands and a gate at the headwaters, which resulted in hydraulic fluctuations that were different from a normal stream course, regulated the hydrology. According to Mr. Rawls, the Mill Race did not have the same established soils as a normal stream course and therefore had a much narrower riparian zone. Consequently, he said, the resources that abutted the Mill Race were significantly different than a smaller stream.

Mr. Rawls cited the seven major criteria for riparian area functions that were addressed in riparian area protection report:

- stream temperature – no protection because of lack of existing shade canopy
- channel stability – existing vegetation consisted of blackberry, local and invasive grasses and provided little stability
- flood storage – limited due to bank height

- groundwater recharge – limited due to poor soil composed largely of fill from rail line construction
- sediment contamination removal – limited, with evidence of severe channelization from overland flow that demonstrated lack treatment from natural infiltration
- stormwater moderation – little on site that provided stormwater moderation
- fish and wild habitat – almost absent from the site

Mr. Rawls said the proposed design addressed the criteria, principally in the form of correcting the existing outfall for water quality impacts, treating stormwater generated on site and off site stormwater that flowed through the area, and re-vegetation.

Mr. Rawls commented that under historic conditions, there would be no twenty-five or fifty foot riparian zone along the Mill Race because the hydrology, soils, and lack of channel meander supported only a narrow strip. He said there was no upland or riparian vegetation on site and the proposed plan created a riparian zone more extensive than what would have occurred around the Mill Race naturally. He explained the buffer averaging used to address the encroachment, which typically had a 1:1 ratio that replaced every square foot of encroachment with a square foot of contiguous buffer. In this project, he said, a 3.5:1 ratio was used, which resulted in almost nineteen thousand contiguous square feet of re-vegetation and included an upland area.

In response to Commissioner Carpenter's earlier question regarding the anomaly, Mr. Rawls illustrated on a map that if the top of bank was established where the historic bank was, the encroachment would be five feet into a twenty-five foot setback, or thirty feet into a fifty foot setback.

Commissioner Carpenter commented that the natural bank had eroded, which created the anomaly, and asked if the area could be restored to produce less of an encroachment and a wider buffer zone. Mr. Rawls replied that the anomaly was on property not owned by LTD and the site and slope design provided better soil conditions and sufficient vegetation to intercept storm event water and precipitation to allow for evaporation and infiltration.

Commissioner Carpenter asked if the approved environmental assessment discussed buffer zones or the impact of the station on the Mill Race. Mr. Rawls replied that assessments, including a biological assessment, evaluated the site based on a fifty foot setback and concluded the project was not likely to have an adverse affect on threatened or endangers species that may occur in the Mill Race. He said that in informal consultations with National Marine Fisheries and U.S. Fish and Wildlife, those agencies concurred with the conclusions.

In response to a further question from Commissioner Carpenter, Mr. Rawls said he was uncertain if the anomaly was addressed in the assessments. Commissioner Carpenter expressed concern about the potential impact of the variance request on a future project between the City and the Corps of Engineers to re-fish the Mill Race and whether re-vegetation further than fifty feet from the waterway compensated for loss of vegetation close to the waterway.

Hillary Wylie, 339 S. E Street, Springfield, LTD Board Chair, asked the Commission to approve the waiver. She discussed the lengthy site evaluation and selection process and said the site selected provided opportunities for joint development, long-term expansion capacity, and a park-and-ride facility for BRT.

Dan Egan, 850 N. 6th Street, Springfield, member of the Springfield station site selection committee, urged the Commission to approve the variance to meet the long term needs of LTD and the community. He said the facility design and location were based on ODOT requirements for ingress and could not be modified. He mentioned the plan had resulted from extensive reviews and evaluation and would enhance the Mill Race. He also noted the station was a public project that would benefit the entire community.

Don Lutes, 778 Crest Lane, Springfield, assured the Commission that City planning staff, architects, technical staff, and citizen committee members had considered a wide range of alternatives and the plan that was submitted represented the best solution. He asked for approval of the variance.

Dave Carvo, 4010 E. 16th Avenue, Eugene, expressed concern over the request for a variance when LTD was aware of the new setback requirements during development of the plan. He cautioned the Commission against setting a precedent that would encourage future variance requests, instead of solutions that complied with new requirements.

Commissioner Carpenter asked if staff had confidence in the validity of the proposed buffer replacement ratio of 3.5:1 square foot to mitigate encroachment into the riparian setback. He commented that if approval was granted, he felt the replacement should be evaluated in five years to determine if the mitigation was successful and if not, additional efforts by LTD should be required. Ms. Gale replied she did not have the technical expertise to respond to the replacement ratio, but Ken Vogeney from Public Works was present and could address the issue. She referred to recommendations in the staff report that stated that there were provisions for the Commission to impose additional conditions. She also noted that the City was in Phase 1 of the Mill Race project to remove the pond and the impacts of that phase and Phase 2 were not known. She said an agreement with LTD to monitor and evaluate the effectiveness of re-vegetation could be initiated.

Mr. Oberst remarked that when the Council adopted the fifty foot setback it allowed for an encroachment into the setback of up to fifteen feet on all other water quality limited streams if the applicant provided an equivalent amount of water quality treatment measures elsewhere on the site. He said the exception to the encroachment was the Mill Race. Mr. Oberst added that the exclusion of the Mill Race was based in part on the long term Mill Race project the City is undertaking with the Corps of Engineers. He said Phase 2 of the project was the downstream portion and would affect the LTD site. He said that LTD may have been conceptually aware of negotiations between the City and the Corps of Engineers, but the absence of any standards made use of twenty-five feet as the setback for planning purposes appropriate, with the intent to submit the plan prior to adoption of a different standard. A delay in plan submission resulted in the need to seek a variance. Mr. Leahy added that granting a variance did not create a precedent.

Commissioner Carpenter asked for clarification on the issue of point of measurement using the top of bank or the high water mark.

Ken Vogeney, Supervising Engineer for Land Development, Public Works, said the code standard for an encroachment into a riparian area, other than along the Mill Race, was to provide an equivalent amount of area for mitigation. He said the applicant was proposing a mitigation that exceeded the code standard and removed invasive non-native species and replaced them with native species in the riparian and upland areas. He further commented that requiring a monitoring activity was standard in other types of mitigation, such as wetlands, and was appropriate, although not a code standard.

Commissioner Carpenter questioned whether encroachment to within a few feet of a waterway could be adequately mitigated by vegetation or wetlands constructed sixty or seventy feet from the waterway. Mr. Vogeney said the City did not currently have standards that could be applied to replacement of a riparian encroachment with mitigation as an upland area.

Commissioner Phillips asked if the proposed bike path was located along the waterway. Mr. Vogeney replied the site design included a future bike path connection and the City had discussed with LTD during site development the possibility of making use of the abandoned railroad bridge on the far westerly side of the site as part of a bike path system. He said if the bike path was established the sidewalk on the south side in the drawing would be considered part of the bike path/pedestrian path system.

In response to a question from Commissioner Carpenter about the normal measuring point for purposes of calculating buffer zones, Mr. Vogeney said that top of bank was used more often, but ordinary high water was also used as a regulatory measure by other agencies for other purposes such as setting the elevation for an outfall.

Commissioner Burford asked if encroachment into the fifty foot riparian area would cause problems with the use of federal funds for the Mill Race project. He also asked if the anomaly could be repaired to eliminate the encroachment of the bio-swales.

Mr. Vogeney responded that the project with the Corps of Engineers to improve the Mill Race stopped within the Booth-Kelly site in Phase 1 and Phase 2, which would continue improvements from the Booth-

Kelly site to the mouth of the Mill Race, was in the conceptual stage and there was no funding commitment. He said the impact of the project on the Mill Race because of increased flow was unknown as the Corps of Engineers had not completed its design. He said the purpose of the fifty foot setback was to provide a protected area in the event the Mill Race meandered. He further stated that requiring LTD to correct the anomaly would be difficult because it was located on property owned by a third party. He said it was likely that the anomaly would be repaired during Phase 2 of the Mill Race project.

Commissioner Burford asked if the 3.5:1 ratio more than needed for mitigation and wondered if the size of the lower bio-swale could be reduced to remove it from the riparian area. Mr. Vogeney said the preliminary stormwater design information provided by the applicant identified the bio-swale within the platform as oversized and the lower bio-swale was sized for runoff from all of the impervious parking area. He also noted that code standards allowed a stormwater treatment facility to encroach part way into a fifty foot riparian buffer zone.

Commissioner Malloy asked if, in view of the current fifty foot setback standard, eleven feet was an adequate distance from the waterway to afford protection. Mr. Vogeney replied that with the findings and recommended conditions for approval, City staff was able to support the variance request and the Commission would determine whether the eleven foot setback and 3.5:1 mitigation ratio met the intent of the code.

In response to a follow up question from Commissioner Malloy, Mr. Vogeney responded that a five-year review should include a determination of how the riparian area was functioning and define parameters for determining or measure the level of mitigation. He said that if the review identified problems, it was the responsibility of the applicant to propose to the City modifications to the mitigation plan to assure objectives were met.

Mr. Oberst commented that City staff had concerns the eleven foot buffer did not achieve the water quality measures anticipated by the fifty foot setback standard, however the variance proceeding was initiated because of unusual circumstances, agreements that were made, projects driven by federal funding, and other issues that were out of the control of the applicant. He said given those circumstances and LTD's overcompensation on mitigation, staff could accept the variance as the best solution. He suggested that the five-year review condition that was discussed be changed to a requirement that LTD be responsible for long-term maintenance of the Mill Race bank to assure its stability given the encroachment.

Commissioner Malloy asked if anything could be done to repair the anomaly, since it was on Union Pacific property. Mr. Oberst said repairing the wood stake line would remove one problem, but the anomaly remained a source of possible erosion and the City could work with Union Pacific to address the problem. Mr. Leahy said the Commission could impose a condition that required LTD to contact Union Pacific and make a reasonable effort to resolve the matter.

Ed Black, Maintenance Manager, Public Works, stated in response to a question from Commissioner Moe, that the anomaly needed to be addressed and the City could work with LTD to pursue a solution with Union Pacific. He said that addressing the anomaly would leave only the sidewalk encroaching into the riparian zone and that was reasonable.

Mr. Simmons said it was in LTD's best interest to work with the City and Union Pacific to preserve the bank and LTD was willing to make those efforts even if specific conditions were not imposed as a part of the variance approval.

Mr. Rawls stated that with project siting, A Street was a major site constraint that resulted in the buffer zone encroachment to protect pedestrian and vehicular traffic on A Street. He said ODOT restrictions prohibited other siting options. He also stated the riparian loss replacement with upland mitigation was fairly common in wetland mitigation, although the trend was to replace in kind where possible. He said the reason for the 3.5:1 ratio was insufficient riparian frontage to replace in kind, however the Mill Race was not a normally functioning stream and resulted in a very narrow riparian zone so much of the area being affected was actually functioning as upland.

Mr. Rawls said the top of bank was becoming more frequently used because of the technical difficulty in identifying ordinary high water. He concluded with the observation that monitoring requirements were common on wetland mitigation and consisted of annual monitoring of vegetation and an obligation to

replace dying vegetation. He said he thought there was a five year limit on monitoring for private development. He also noted the bio-swale within the riparian setback could not be downsized without compromising its efficiency and consequently the water quality of discharge into the Mill Race.

Commissioner Carpenter commented that the Springfield Service Center to the west appeared to be a paved area to the bank and could potentially be acquired for mitigation purposes. Mr. Rawls replied that the issue should be addressed by LTD, but agreed that land acquisition was a common approach to mitigation.

There being no further testimony, Commissioner Phillips closed the public hearing.

Commissioner Shaver spoke in favor of the variance and imposing the two conditions contained in the staff report and the further condition that LTD be required to maintain the riparian buffer area. He said that through service on the McKenzie Watershed Council he gained an understanding of problems with the Mill Race. He stated that the main problem was not a winter problem, but rather a summer problem caused by heat and lack of oxygen which were affected by lack of stream flow and water cross section.

According to Commissioner Shaver, the issues related to the LTD site encroachment were associated with winter storm flow; the summer problem would not be impacted by any of the mitigation efforts. He expressed concern that restricting site capacity would result in a future move by LTD, rather than expansion at the proposed site. He also commented that the Mill Race was an urban canal, not a natural stream, and did not have the standard season of flooding that widened the banks. He said the primary concerns were soil erosion and overland runoff and noted the entire encroachment area sloped away from the riparian area and channeled water into the bio-swale, which resulted in no increase to the amount of overland runoff water due to the variance.

Commissioner Moe commented he agreed with Commissioner Shaver's assessment.

Commissioner Malloy said he liked the project but was not comfortable with the encroachment into the recently adopted fifty foot setback and was concerned about the potential impact on Phase 2 of the Mill Race project's federal funding.

Commissioner Burford agreed with comments from Commissioners Shaver and Malloy and expressed ongoing concern with encroachment into the fifty foot buffer zone.

Commissioner Carpenter suggested that an additional condition requiring LTD to make a good faith effort to negotiate a correction of anomaly be imposed. He also suggested a condition requiring monitoring of mitigation efforts through a five year review and requiring LTD to propose solutions if the mitigation is determined not to meet design criteria. He also expressed concern with the possible impact on Phase 2 funding for the Mill Race project.

Commissioner Phillips commented that she was in favor of the variance with conditions requiring documentation of federal approval of encroachment, an agreement for improvement of the Mill Race, and efforts to address the anomaly.

Commissioner Malloy asked staff to provide the Commission with the names of the specific federal agencies that would provide documentation of encroachment approval.

Commissioner Shaver, seconded by Commissioner Malloy, moved to grant Variance Request ZON2003-0004 with the two conditions as written in the staff report, adding a third condition that LTD be required to maintain the riparian zone's vegetation and bank, and a fourth condition that LTD make a good faith effort to work with Union Pacific Railroad to correct the bank anomaly. The motion passed 5:1, one absent.

Commissioner Carpenter stated he opposed the motion because a monitoring condition was not included.

c. Zone Change requested by George and Artie Mae Harlow, Jo. No. ZON2002-12427

Commissioner Phillips opened the public hearing.

Mr. Oberst explained the criteria for approving a zone change request and asked those wishing to speak to address their comments to the criteria and raise issues with sufficient specificity to allow staff or Commissioners to respond to them. He noted that failure to raise an issue at the hearing could prohibit raising the issue on appeal.

Commissioner Phillips asked Commissioners to disclose any conflicts of interest or *ex parte* contacts. There were none.

Sarah Summers, Planner II, described the requested change from Low Density Residential (LDR) to Medium Density Residential (MDR) for approximately two acres of property that comprised the southern portion of Tax Lot 800 located on Marcola Road. She explained the City passed an ordinance in 1983 rezoning the northern portion of the property, but the southern portion remained LDR, which was in conflict with the Metro Plan designation of MDR. She said staff recommended approval based on findings that the request was consistent with the zone change request criteria.

Artie Mae Harlow, spoke in favor of the staff report recommending approval.

There being no further testimony, Commissioner Phillips closed the public hearing.

Commissioner Carpenter moved, seconded by Commissioner Malloy, to grant Jo. No. ZON2002-12427 to amend the zoning from LDR to MDR. The motion passed unanimously, 6:0.

c. Variance Request: Skinner & Associates, Inc., Michael O'Connell Sr. Assessor's Map 17-03-25-23 Tax Lot 3000. Jo. No. ZON2003-00004

Commissioner Phillips opened the public hearing.

Mr. Oberst explained the criteria for approving a variance request and asked those wishing to speak to address their comments to the criteria and raise issues with sufficient specificity to allow staff or Commissioners to respond to them. He noted that failure to raise an issue at the hearing could prohibit raising the issue on appeal.

Commissioner Phillips asked Commissioners to disclose any conflicts of interest or *ex parte* contacts. There were none.

Ms. Gale distributed color photos of the subject property and explained the structures were wood frame houses built prior to the current codes. She said the applicant's request did meet all the criteria for the variance request and the applicant had agreed to the conditions listed in the report.

Steve Woods, 321 Holly Street, Junction City, representing Skinner & Associates, described the conditions that necessitated the request. He said that two houses were lawfully placed on one lot, granting the variance would be consistent with the code, and would bring both parcels into compliance with the LDR requirement. He also said no modifications to the lot or structures were planned at the time and if in the future houses were remodeled or removed or replaced it would be in compliance with code, including setbacks. He added that the lot was created in 1974, with the structures in place, and the size of the lot and location of the existing structures precluded any other practical alternative to a variance.

Commissioner Moe asked if each structure had separate utility services. Mr. Wood replied that they did.

Commissioner Phillips asked if there were plans to build or expand on the larger lot. Mr. Woods said he was unaware of any plans.

Commissioner Shaver commented that if the lot was split and the smaller house was sold and subsequently burned to the ground, it could not be replaced because the lot was not in compliance with current code for lot size and setbacks.

(Mr. Leahy had comments here on the legality of rebuilding but his microphone was turned off and nothing was captured on the tape)

Commissioner Phillips closed the public hearing.

Commissioner Shaver commented he could support the request if the applicant understood the problems with replacing or modifying the structure on the smaller lot. Ms. Gale said one of the conditions in the staff report mandated a deed restriction requiring current code requirements were met in the event of replacement or modification.

Commissioner Burford, seconded by Commissioner Malloy, moved to accept Jo. No. ZON2003-0004 as recommended by staff and with conditions written in the staff report and findings. The motion passed unanimously, 6:0.

6. BUSINESS FROM THE DEVELOPMENT SERVICES DIRECTOR

Mr. Oberst commented that the meeting was Commissioner Phillips last as she was retiring and leaving the area. He said her resignation created a third vacancy on the Commission, with the expiration of the terms for Commissioners Moe and Malloy. He asked Commissioners to have anyone who was interested in appointment to the Commission to contact him.

Mr. Oberst told the Commission that new software for land use records keeping was producing the journal numbers that included the series of zeros they were seeing on items coming before them.

Mr. Leahy reported that he had been notified by Sony of its intention to immediately close its disc production plant. He said this would result in the unemployment of two hundred employees.

7. BUSINESS FROM THE COMMISSION

Commissioner Shaver commented that he had received conflicting information on the time of the meeting and asked for the inclusion of prominently displayed time and date information in the agenda packets.

Commissioner Burford raised the issue of absences by members. Mr. Leahy replied that the policy was two unexcused absences could result in a request for a member's resignation, but suggested that, in view of the volunteer nature of members' service, the Commission's chair or vice chair have a discussion with the member before such a step was taken.

Commissioner Moe agreed to rotate into the chair position because of Commissioner Phillips departure and designated Commissioner Carpenter as vice chair.

Commissioner Carpenter said he had been asked to be a member of a group to identify an appropriate Martin Luther King site in the City of Springfield. He asked Commissioners to contact him with any ideas they had for location. The new LTD station was mentioned by several Commissioners as a possible site.

8. ADJOURN

The adjourned at 9:30 p.m.

(Recorded by Lynn Taylor)
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