

MINUTES
Springfield Planning Commission
Regular Session
City Council Chamber
225 Fifth Street
Springfield, Oregon 97477

April 15, 2003
7 p.m.

PRESENT: William Carpenter, Tim Malloy, James Burford, Lee Beyer, Greg Shaver, members; City Attorney Joe Leahy, Planning Director Greg Mott, Mel Oberst, Mark Metzger, Gary McKenney, Al Peroutka, City of Springfield staff.

ABSENT: Steve Moe (recused), member.

1. PLEDGE OF ALLEGIANCE

Those present recited the pledge of allegiance.

2. APPROVAL OF MINUTES

There were no minutes to approve.

3. REPORT OF COUNCIL ACTION

There was no report.

4. BUSINESS FROM THE AUDIENCE

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

5. LEGISLATIVE PUBLIC HEARINGS

a. Natural Resources Inventory Adoption

Mel Oberst, Planning Supervisor reported that the matter before the commission was a legislative public hearing regarding the adoption of the Natural Resources Inventory. At the conclusion of the testimony, the commission would forward a recommendation to the City Council.

Commissioner Carpenter noted that Commissioner Moe was in the audience due to a conflict of interest. He asked for other declarations of a conflict. There were none.

Mark Metzger, Planner III provided the staff report. He said that the item before the commission was an amendment to the Eugene-Springfield Metropolitan Area General Plan (Metro Plan). It must meet two criteria: it must be consistent with the relevant State-wide planning goals and it could not make the Metro Plan internally inconsistent. He said that staff developed positive findings related to the Metro Plan. However, the inventory was both a list of sites as well as the criteria placing those sites on the list. He anticipated that the commission would hear testimony suggesting the criteria were not correct or the site in question did not fit the criteria. He asked the commission to consider the criteria as they considered the testimony.

Mr. Metzger invited questions.

Commissioner Carpenter asked Mr. Metzger about the most recent delineations. Mr. Metzger said the original inventory was developed in the late 1980s and early 1990s and most recently updated using 2000 aerial photos and the GIS (Geographic Information System) mapping system. Staff had eliminated sites that had been developed from the inventory. He noted that one of the criterion was that a site must be undeveloped. He anticipated that further adjustments would be made to ensure the inventory was accurate.

Responding to a question from Commissioner Shaver, Mr. Metzger confirmed that ten initial criteria were used to screen sites initially. Once the sites were identified, there was a second test applied, the wildlife habitat assessment. That test was a tool developed in conjunction with the Oregon Department of Fish and Wildlife, United States Fish and Wildlife Service, Portland Audubon Society, and the Environmental Protection Agency. He said a scoring system was used to rank sites individually. A site had to meet a minimal score to be added to the inventory. He said that sites with a score of 17 or above were added. The range was 17 to 80; the mean was 50-51. Mr. Metzger said that only one site scored at 17. He confirmed that most sites scored above 17. Commissioner Shaver determined the rationale were an explanation of what the criteria met.

Commissioner Shaver reviewed the criteria and determined from Mr. Metzger which were required and which were discretionary, concluding that generally, criteria 1, 2, 3, 5, 7, and 8 were required while the remainder were discretionary.

Commissioner Carpenter called for testimony from the audience. He limited testimony to three minutes.

Lauri Segal, 120 West Broadway, 1,000 Friends of Oregon, Eugene, noted that there were no State rules determining how cities defined significance. She reviewed the history of the process, noting the many stops and starts in the Natural Resources Study process, and questioned whether the metropolitan area would be able to finish the inventory by the State deadline. Ms. Segal submitted written testimony.

Tim Marshall, 250 Southwest Alvin Street, Suite 250, Albany, representing the Morse Brothers. He indicated that the Morse Brothers, the owners of the Springfield Quarry and the surrounding area, was not opposed to the proposal. After consultation with Springfield staff regarding the status of the site, the City confirmed that mining the butte could continue as a pre-existing use submit to regulation only by the DOGAMI. He said that the company did not object to the area's incorporation in the inventory with the acknowledgment that the ESEE (Economic, Social, Environmental, and Energy) analysis would recognize the other Goal 5 resources on the site.

Peggy Robinson, 2090 Harbor Drive, favored the inventory and proposed that a series of ponds located north of 52nd Street near High Banks Road be added to the inventory. It was already included on the City's wetland inventory but she believed it deserved more protection than provided by that. She reminded the commission that the property was incorporated into the urban growth boundary to accommodate Blue Water Boats, which later went bankrupt. She said that more than 25 wildlife species used the area. The area also had recreation potential, although she acknowledged that was not a criteria. However, it was mentioned in the Goal 5 statute, and she thought it a public good. Before its purchase by Blue Water Boats, the area was extensively used for recreation by local residents.

Mr. Metzger identified the site in question using a map of the community.

Dave Carvo, 4010 East 16th Avenue, encouraged the Planning Commission to adopt the inventory. He thought the process had been good and it was a way to keep Springfield from looking like California. He said that the inventory was one step from keeping that from happening. People live here for the trees, water, and pretty scenery. He said that property owners would object that it would cost them money, but it did not preclude them from developing and could enhance the value of their properties. He said that Springfield was heavily dependent on its aquifers, and those aquifers and the areas around them must be protected or runoff will merely go into the river.

Crystal Thorin, 3850 East 21st Street, said her house overlooked site E39. She was very happy to see the

site included on the inventory. Her children used the area but no longer because of the heavy use of the area by the homeless. She hoped that if the site was included in the inventory, she would be able to get the problem abated. She said the railroad, which owned the site, was unable to keep people off the property. She said that wildlife that previously used the area no longer did so.

Thomas E. Hundford, 1580 West Quinalt Street, supported the inventory to some degree. He thought it a good idea to preserve natural areas. However, he cautioned the commission against being overly restrictive, noting his parents, who were conservationists, lived in the Columbia River Gorge and believed that the regulations governing that area were too restrictive and expensive to comply with. He called for wisdom and equity in the regulations that followed if the inventory was adopted so that people would be able to do small, reasonable additions on their properties without too much expense and time.

Jim Marfen, 1025 Mount Vernon Cemetery Road, referred to site S23 and noted a small tip of the site was inside his tax lot. It did not appear from his discussions with staff that it would have an impact on the site if the tip of his property were removed, and he asked that be done. He said that the site was approximately 70 x 75 feet. Mr. Metzger referred to Map 4 in the packet and indicated the property in question was separated from the contiguous site from Mount Vernon Cemetery Road.

Penny Barry, 4757 Union Terrace, referred the commission to site S23 and said that her neighbors enjoy visiting the site. There was a ridge line one could see from Main Street that traversed the site, which contained many large trees. She suggested that the ridge line be preserved so no more trees were removed. Ten trees had been removed, which had a visual impact on the neighborhood. She hoped that at least a part of it could be retained and enjoyed.

Richard Zink, 1308 E Street, said he was concerned about sites S06 and S08, Willamette Heights. He had broad concerns about how sites were selected for inclusion in the inventory. He said that it was hard to evaluate the classification without knowing the restrictions that would be placed on the properties once the designation was assigned. He was also concerned that throughout the evaluation process, it appeared that having designated the sites and removed from the buildable lands inventory would be a reason to expand the urban growth boundary. That did not benefit the city's environment. If it was attempting to develop an urban core and Bus Rapid Transit with transportation districts, continuing to expand did not facilitate that. Greater restrictions on properties inside the urban area created development in other communities near the Eugene-Springfield area. He suggested that the commission ensure that the community could build a thriving urban core.

Stephanie Larson, 534 South 49th Place, distributed copies of her testimony. She referred to site S23. Ms. Larson endorsed the process that had occurred to this point. She said that people want development in a caring environment. She referred to a photo that accompanied her testimony, noting the ridge referred to earlier. She said that there was a housing development proposed for the site and anticipated intense development in the vicinity of the site. Ms. Larson said that the area was not served by parks. There were many people who needed the space for recreation purposes and for access to nature and wildlife. She said that the site contained an abundance of wildlife. Ms. Larson said that Weyerhaeuser Road was heavily used by residents of the immediate neighborhood. It had the potential to be a good resource for those residences to be built on the top of the hill. She asked the site be retained in the inventory.

Lan Leslie, 777 High Street, Eugene, representing Steve Moe, said that Mr. Moe owned a 32-acre site at Vidas Butte, sometimes referred to as Moe Mountain, since 1946. The site had significant natural resource values and Mr. Moe wanted to protect those values while enjoying some economic benefit from the property. At this time, he wished to permanently protect and preserve the most significant portion of the parcel. He used a map of the site to identify the portion of the property Mr. Moe wished to preserve. Mr. Leslie said that Mr. Moe wished to grant a permanent conservation easement protecting the area with the greatest value, that from Irving Slough to the northeast to the break of the slope on top of the butte. That totaled approximately eight to ten acres. Mr. Moe would like to be able to develop the remainder of the parcel. He would prefer not to have to go through the inventory process to await the outcome. Mr. Leslie proposed that the record be held open so that within the next two weeks he could submit a more precise pro-

posals delineating the area to be subject to the conservation easement, and exclude the remainder of the site from the inventory so the property could be sold.

Commissioner Carpenter asked who determined what portion of the site was the most valuable in terms of natural values. Mr. Leslie said that 15 of 32 acres were listed in the inventory as having value, and he believed that include the slough and the surrounding wetlands draining into it.

When called, **Steve Moe** declined to speak.

Roxie Cuellar, 2053 Laura Street, representing the Home Builders Association of Lane County, noted her submission of written testimony, which addressed the criteria. She recommended that the entire inventory be dropped. She said that the inventory would not be completed by June 30, the deadline set by the State. In addition, there was no money and no State money available. She did not believe the inventory would produce any results. She did not think the inventory would impact the association. Ms. Cuellar said that if the inventory was never adopted, there would be still be City regulations in place providing many environmental protections. She recommended that the City adopt the Safe Harbor approach instead, as Lane County had done.

Responding to a question from Commissioner Carpenter, Ms. Cuellar maintained that the process had just begun, and there were many remaining steps. Commissioner Carpenter noted that the ESEE analysis would be reviewed by the City, which would then determine the natural resource protections for the sites. Mr. Oberst referred the commission to Appendix D in the packet, which indicated the City was at Step 1 of a six-step process. Ms. Cuellar, a member of the City's Budget Committee, maintained that the City did not have the money to do the follow-up steps called for.

Commissioner Beyer asked the value of the Safe Harbor approach to Springfield. Ms. Cuellar said that it had value in that it eliminated most of the steps and regulatory costs associated with the inventory. Commissioner Beyer asked what was lost through that approach. Ms. Cuellar did not think anything was lost. She said that while the Natural Resources Study allowed the City to develop regulations related to tree protection, for example, it could do that outside the study process at a time when the City could afford to do so.

Commissioner Carpenter indicated that the commission's packet did not include Appendix D. Mr. Metzger referred the commission to page 1 of Attachment A, which included the same information.

Gary Jensen, 3998 Franklin Boulevard, #24, representing Mr. and Mrs. Saltzgaver, who owned property in Willamette Heights, identified that property using a map of the area. He said that his client made a development application for his property on January 10, 2002, which had been reviewed by many, many City staff. He objected to the inventory because there were three major roads and intersections on the property, and the City had not been able to provide access to the property. It was very heavily treed and when the property owner heard about the inventory he contacted Mr. Jensen and asked him to protest the inventory because he did not want any further complications in developing his property.

Vincent Marterello, Environmental Services Manager Satre Associates, said that the company was not opposed to the inventory but objected to the commission making a recommendation tonight. He represented the owner of S23, and requested that the commission delay until there was more certainty about what portion of S23 was included in the inventory. The narrative outline for the site was not consistent with what was on the site. Many studies were done of the property by professionals. The property owner was in the processing of seeking development approval for the site, which required many different applications, and the property owner was concerned that in addition to the applications, another level of review would be required as a result of the inventory, impeding the development process unnecessarily. He asked the commission to delay until it was sure all sites listed in the inventory should be included, and for the City to let the property owners know which part of a property was included.

Mr. Marterello also asked what would happen to pending development applications or those submitted before adoption of the inventory? How would the development review process be impacted? Would the en-

enforcement of policies or regulations be retroactive? How can property owners know what site of the property was impacted, and how could sites be removed from the list prior to or after council adoption of the inventory?

Responding to a question from Commissioner Carpenter, Mr. Marterello said that no “WAMMY” analysis was done on the property in question, but resource evaluations had been completed showing that portions of the property should not be included. The rare plant survey showed no rare plants, and the wildlife habitat survey indicated no significant wildlife habitat was present. There were wetlands on the site. Tree assessments had been done. The site in question was dominated by fir, maple, and some locusts. There were few under-story plants, which meant it lacked habitat diversity.

Steve Keating, 188 West B Street, represented himself and Brentwood Estates. He said he owned a property in the Thurston Hills listed in the inventory that he recently purchased from the City, and wanted to know if he faced any impediments on the use of the land. He opposed adoption at this time because the regulations associated with the inventory would be adopted administratively. He said that there were already many rules in place to address stormwater runoff, tree felling, hillside excavation, and stream setbacks, etc.. He said that applications had become much more complex as property owners had to address those regulations. Mr. Keating said that Brentwood Estates was trying to develop a parcel on Main Street using a Type II application. He shared a copy of that application to demonstrate its size. Mr. Keating said that the owners of Brentwood Estates were concerned that they would be prevented from developing the property. He endorsed Ms. Cuellar’s call for the adoption of the Safe Harbor approach.

Connie Gray Jacqua, 1710 Stoney Ridge, Eugene, said her family owned 180 acres along the riverside in Springfield for nearly 100 years. She did not want the City regulating her land. Her family used the property for many purposes, and it was very well-cared for. She did not want anyone telling her she could not develop parts of her land.

Jan Wilson, 1260 President Street, Eugene, spoke in favor of the inventory. She noted her long-time involvement in Eugene’s inventory. She urged the commission to work to meet the deadline for the inventory, which could be accomplished by the State deadline. She said that the Safe Harbor approach was insufficient in that it protected nothing at all. Ms. Wilson said that any development proposals received now would be processed under the current rules. The inventory affected nothing and had no implications for the property owners until the ESEE analysis was completed. That analysis would take into account people’s intentions for their property. Ms. Wilson noted that Eugene had twice as many parcels as Springfield’s and its staff had estimated that the ESEE analysis could be done in a matter of weeks. She said that doing nothing at all would not satisfy the Department of Land Conservation and Development. Ms. Wilson said that protections would not require a UGB expansion; many creative things could be done to preclude that. She encouraged the commission to move forward, adjust the inventory as needed, and forward it to the City Council.

Kay Morris, 6111 Main Street, said the impact of the inventory on her property was not clear. She wanted to know how the inventory would affect her property taxes. She believed that there would be commercial development on Main Street to the east in the future, and asked how the inventory affected that. She said if the inventory was to be for the public good, property owners should not be taxed for the portion of the property preserved. She asked about those who already converted their property. Ms. Morris said that her property contained wetlands. She wanted to ensure that it was permanently protected. It was forested, had rare lilies, a seasonal stream, and harbored considerable wildlife. Ms. Morris noted the natural values associated with wetlands and said she wanted to protect her property under the Natural Resources Study.

Mr. Metzger submitted written testimony from Blake Hastings.

Mr. Leahy noted a request to keep the record open and the questions directed to staff that were yet to be answered, so he recommended the public hearing be closed and the record be kept open for written testimony for two weeks.

Commissioner Carpenter closed the public hearing.

Commissioner Beyer, seconded by Commissioner Malloy, to hold the public record open for two weeks. The motion passed unanimously, 5:0.

Commissioner Carpenter solicited commission questions.

Commissioner Shaver indicated he had some questions about the criteria. He expressed concern about the approach being taken through the inventory. He asked for more information about the Safe Harbor process. Mr. Metzger said that Safe Harbor approach required a jurisdiction to do an inventory, but after that, no further analysis was done, and standard setbacks were applied to riparian sites. Wetlands were protected from development, but there were no setback for wetlands. In upland areas away from the water where there was threatened or endangered wildlife or plant life, suitable habitat must be provided. Commissioner Shaver asked if there was anything that Lane County had in writing that the commission could compare with what was being contemplated in Springfield. Mr. Metzger said that he could offer the commission some “what ifs” as the approach might be applied to Springfield. He said he would glad to put together some pros and cons of the two approaches.

Responding to a question from Commissioner Shaver regarding the criteria, Mr. Metzger said that the commission had considered and modified the criteria, which it forwarded to the City Council. The council deliberated on the criteria and made some changes. There had been considerable analysis and discussion of the criteria. Commissioner Shaver asked if the recommendations for the individual sites could be keyed to individual criterion. Mr. Metzger said that he could provide that information but he noted that many of the sites were included for different reasons. Commissioner Malloy pointed out that the council would have to adopt any changes to the criteria. Mr. Metzger concurred. He said that the commission could recommend changes to the criteria. He said that while the council did not adopt the criteria and list formally, it had indicated that the criteria were those it wished to work with. However, he acknowledged that things change. Commissioner Shaver believed the commission should recommend changes to the criteria if it thought that necessary.

Commissioner Beyer indicated he also would like to see a comparison of the Safe Harbor option. He questioned where the City would go from here, and if the Safe Harbor process might provide more surety, and at what cost. He also wished to know how the various sites were impacted by the Safe Harbor approach.

Commissioner Beyer asked what happened to individual parcels while the adoption process went on. Mr. Metzger said that the inclusion of a site in the inventory triggered no new standards or protections. The sites would be subject to further review and analysis.

Mr. Oberst said that Policy 36 in the Metro Plan required that a newly identified site go through the ESEE analysis called for by State Goal 5. If the council adopted the inventory tomorrow and someone wanted to develop a property in the inventory, the property owner would be required to do an ESEE analysis. He was not aware of any requirement the analysis be done by a professional, but it must meet certain standards. That analysis would then be reviewed by the commission and City Council. Mr. Metzger added that the State administrative rules were vague as to what was required in the ESEE analysis. They were not intended to be overly analytical. Commissioner Beyer asked if the City’s review of the ESEE analysis could be appealed. Mr. Leahy believed the answer was yes, but indicated he would do further research.

Commissioner Shaver asked if there was a way to tentatively adopt the inventory pending more formal adoption of the inventory to address concerns that had been raised regarding the time it had taken to complete the process. Mr. Metzger indicated that he would have to do further research to answer the question.

Commissioner Beyer said the Division of State Lands was addressing changes related to wetlands being made at the federal level and asked if that had an impact on the work that had already been done by the City’s consultants. He said that the State legislature was also considering changes to the land use system, and questioned if it made sense to hold off on adoption of the inventory pending completion of the legislative session. Mr. Metzger said the definitions for the nondiscretionary elements of the inventory, such as wetlands, endangered species, and riparian corridors, had not changed, and suggested that until the law was

changed the City proceed on its present course.

Responding to a question from Commissioner Carpenter, Mr. Metzger confirmed that there was a process that allowed developed sites to be removed from the inventory because of the criterion that stipulated such sites must be undeveloped. He noted that Attachment C also addressed the issue in the response to a question from Mr. Henson. He said that he felt it appropriate as staff to correct the inventory and remove a site from the inventory if it did not meet the criteria. Staff wanted an accurate map and did not want to include a site by accident because the data it had was old, or because the aerial photos did not indicate development. There was no charge to a citizen to remove a site from the inventory.

Commissioner Carpenter asked about sites with partial designations. Mr. Metzger confirmed that there were such sites. He said that there were many deep lots in Springfield, some with woodlands and wetlands and wood hillsides. In such a situation, there were lots partially in the inventory because of those features, and partially out because they did not meet the criteria. He clarified that residential lots were not impacted. Commissioner Carpenter suggested that such lots would need to be partitioned at a cost to the landowner. Mr. Leahy did not see why a lot would need to be partitioned. Commissioner Carpenter suggested that if a lot was partitioned, the area not in a natural resource area would not be subject to the ESEE analysis and could go through the normal development process. Mr. Leahy said that the scenario raised the question of what happened to the other portion of the lot.

Commissioner Carpenter asked if a combined ESEE could be done for adjoining properties to save costs. Mr. Leahy said yes.

Commissioner Beyer asked what happened if the inventory was not adopted. Mr. Metzger said that Department of Land Conservation and Development would do due diligence to see if the City tried hard enough to complete the inventory. He said he would do further research into the question by reviewing correspondence with the State.

Commissioner Malloy asked what the City would realize from the inventory. Mr. Metzger said that since the inception of the inventory process, many additional resource protections had been adopted by Springfield. All those protections made things better than they were. He could not tell the commission today the types of standards that the staff would recommend to help protect sites in the inventory. He anticipated that a great many of the sites, particularly the upland sites, would be recommended for development because of a shortage of room for the community to grow. Mr. Metzger thought community wanted reasonable and pragmatic standards that allowed development to occur while preserving the natural character of the area as well as the natural values and functions derived from an environment not denuded of trees and vegetation. The process could result in improvements to the tree-side and hill felling ordinances that gave the City the ability to continue to grow, but in a way that better integrated natural features and trees.

Commissioner Malloy asked what restrictions would be placed on the land included in the inventory that were not there now. Mr. Metzger said that the staff had not proposed any interim protection measures that would affect a property until the ESEE review occurred, which could result in standards on new development. If the property in question was unique and special to Springfield, he thought it likely that the City would attempt to acquire the land and compensate the owner. He doubted very much that the City would remove all economic value from a property without compensation.

Commissioner Malloy determined from Mr. Metzger that site E39 included a triangle of wetland property that belonged to the railroad and was on the wetland inventory. He said the City could apply development standards to the property if the railroad chose to develop it. He said that the issue raised in testimony was related to code enforcement.

Commissioner Shaver, seconded by Commissioner Beyer, moved to table deliberations until May 6, 2003. The motion passed unanimously.

6. BUSINESS FROM THE DEVELOPMENT SERVICES DIRECTOR

The commission agreed to schedule an additional meeting to address an item of business that the City Council must act on prior to its summer recess. Commissioner Shaver asked that the meeting be scheduled to commence at 6 p.m. rather than 7 p.m. Responding to a question from Commissioner Carpenter, Mr. Oberst said that he would determine if the commission could piggyback that meeting onto a joint meeting with the Lane County and Eugene planning commissions.

7. BUSINESS FROM THE COMMISSION

Commissioner Carpenter noted Commissioner Malloy's appointment to the City Council. Mr. Oberst indicated that one position would be re-advertised because all of the applicants were from outside the city limits, and the commission could only have two non-city residents.

Commissioner Carpenter adjourned the meeting at 8:55: p.m.

(Recorded by Kimberly Young)

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