

MINUTES

Springfield Planning Commission
City Council Chamber
225 Fifth Street—Springfield

May 6, 2003
7 p.m.

PRESENT: William Carpenter, Tim Malloy, James Burford, Lee Beyer, Greg Shaver, Steve Moe, members; City Attorney Joe Leahy, Mel Oberst, Mark Metzger, Kay Bork, Susanna Julber, City of Springfield staff.

1. PLEDGE OF ALLEGIANCE

Those present recited the pledge of allegiance.

2. APPROVAL OF MINUTES

Commissioner Carpenter noted that a word in comments by Commission Malloy should be changed from “where” to “were.”

Commissioner Shaver, seconded by Commissioner Burford, moved to approve the minutes of the April 1 and April 15, 2003 minutes as corrected. The motion passed 5:0; Commissioner Moe abstained.

3. REPORT OF COUNCIL ACTION

Commissioner Moe reported that there was a discussion at the May 5, 2003 meeting of amending the Willamette River Greenway Overlay District to permit the Oregon Department of Transportation (ODOT) to construct a detour bridge next to Interstate 5.

4. BUSINESS FROM THE AUDIENCE

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

5. QUASI-JUDICIAL PUBLIC HEARING

a. Request for a Gateway Refinement Plan Amendment to Medium Density Residential (MDR) to Neighborhood Commercial (NC); Continued from April 1, 2003

Kay Bork, Planner II, reported the applicant had requested another continuance for the July 1, 2003 agenda. She said the continuance request was based on a delay in closing on the sale of the property and the applicant wished to have the purchase finalized before proceeding with an amendment request.

Commissioner Beyer, seconded by Commissioner Shaver, moved to continue the item to the July 1, 2003 agenda. The motion passed 6:0.

6. LEGISLATIVE PUBLIC HEARING

a. Natural Resources Inventory; Continued from April 15, 2003

Commissioner Moe recused himself at 7:15 p.m.

Mark Metzger, Senior Planner gave an overview of information developed in response to commissioners' questions relating to comparison of Safe Harbor and Standard Process. He noted that testimony from 1000 Friends of Oregon and Lauri Segel was inadvertently omitted from the information packets and hand-

delivered to commissioners the previous evening. He also noted the inclusion of letters from Roy Gray in the information packets and materials from Commissioner Moe, which should be included in the record. He said a letter was received a few hours earlier from PeaceHealth and would be forwarded to the City Council for its record as it was received after the Commission's deadline for comments.

Mr. Metzger reported that staff recommended approval of a natural resource inventory, which had been many years in the development. He said that the Council had urged staff in September to proceed with the Standard Process, using the inventory before the Commission for approval. He said that testimony had noted elements of the inventory covered property that had been developed in the past couple of years that should not be included in the inventory and staff, at the Commission's direction, would remove those properties as not being consistent with the inventory criteria.

Mr. Metzger noted that other owners had requested their properties be removed from the inventory and staff did not object to the proposals, but he did not feel he had the authority to remove a property only on the basis of a request when it was appeared the property met the inventory criteria. He said the Commission's deliberations should address the inventory, the criteria used to create the inventory, and whether the Safe Harbor or Standard Process approach should be used.

Commissioner Beyer asked if the Commission recommended using the Safe Harbor, would it still adopt the inventory. Mr. Metzger replied that if Safe Harbor was adopted, virtually all uplands and some riparian portions of the inventory would automatically be removed because the Safe Harbor approach took into consideration only those areas that were habitat for animal species on the state and federal threatened or endangered species lists.

In response to a further question from Commissioner Beyer, Mr. Metzger said that Safe Harbor protection applied to significant wetlands allowed no flexibility for mitigation, while Standard Process provided more analysis and the opportunity for flexibility in treatment of resource sites. He noted the Standard Process approach was more time-consuming, expensive, and required significant public involvement.

Commissioner Beyer observed that significant protections were already in place and asked what was gained and at what cost. Mr. Metzger replied that he had reviewed a report prepared in the early 1990s after an EESE (Economic, Environmental, Social, and Energy) analysis of uplands and the recommendation was to allow development in most of the uplands, with protections, except the Eastgate Woodlands.

Commissioner Carpenter asked if the implication was greater flexibility to upland property owners, with more severe restrictions on development of wetlands. Mr. Metzger said it was not an "all or nothing" Safe Harbor or Standard Process for all resource types. He said the Commission could apply Safe Harbor to uplands and reserve riparian and wetland for the Standard Process. He said that approach would use current protections under the hillside and tree-felling ordinance and the question was whether those protections were adequate. Many riparian areas would drop off the inventory under Safe Harbor, although some would be protected under the stormwater ordinance. He said Irving Slough was an example of a riparian area that would not be covered by stormwater coverage.

Regarding the public process, Commissioner Carpenter asked if a citizen's advisory group did not address the Safe Harbor concept, would the public involvement process be negated if the Commission adopted that approach and would the public notice and hearing requirements be violated if Safe Harbor was not specifically addressed. Mr. Metzger explained that the current step was to adopt the inventory; once the inventory was approved, the issue of Safe Harbor or Standard Process would be decided. Owners of affected or adjacent properties had been properly notified of the inventory. Mr. Oberst commented that the public notice was for the inventory and the approach to be used was the prerogative of the Commission and would be made in a public hearing. Mr. Leahy added that the process was about identification of property to be included in the inventory, and did not promise specific protection; the Commission would make a recommendation to the City Council and the Council would provide for adequate public notice and participation during its decision-making process.

Commissioner Shaver asked if the criteria could be adjusted so that the Safe Harbor and Standard Process

approaches both covered the same number of properties, and allowed the flexibility to remove properties that already had adequate protections in place. Mr. Metzger said the Council had considered the Standard Process and the inventory in a work session and directed to staff to pursue that approach, but did not adopt specific criteria, so it was possible for the Commission to recommend changes to the criteria.

In response to a question from Commission Burford, Mr. Metzger said impact on the twenty-year inventory of buildable lots was determined by the protections applied, but he thought it more likely that areas, such as the South Thurston Hills, would have the character of development affected, rather than development prohibited.

Commissioner Burford asked if the properties proposed for the inventory were already afforded protection in other ways, such as the Clean Water Act, tree-felling, and hauling permits. Mr. Metzger said he felt more confident about protections on the upland areas than the riparian and wetland areas. He expressed concern that some riparian areas would be overlooked and the Safe Harbor approach would not allow the city to analyze an area and determine its use in the best interests of the community. He said once the inventory was adopted and approach determined the protection measures applied would be part of the site plan review.

Continuing, Commissioner Burford asked what restrictions would apply to development of the South Thurston Hills under Safe Harbor. Mr. Metzger replied that under Safe Harbor, the area would not be on the inventory and only current hillside development and tree-felling standards and site plan issues would be in effect. In response to a further question from Commissioner Burford, Mr. Metzger said that Moe Mountain had a master plan in effect and it would supersede the natural inventory approach.

Responding to a question from Commissioner Malloy, Mr. Metzger said scores developed by property owners differed from the Wildlife Habitat Assessment (WHA) scores used to development the inventory because the WHA scores were developed by a trained professional who consistently applied and assessment tool to each property and had no vested interest in the outcome.

Commissioner Malloy asked why the entire Moe Mountain site was proposed to be removed from the inventory, instead of leaving the 9.6 acres on the inventory. Mr. Metzger said he was unable to answer that question, but provided background information on recommendations made in the early 1990s to allow development to occur, with protections. He said the Moe Mountain proposal was consistent with outcomes of an EESE process. He said removing the site from the inventory could not be done by staff on the basis of a proposal, but rather should be based on either the Safe Harbor or Standard Process approach.

Commissioner Carpenter asked if an evaluation of sensitive species had been conducted. Mr. Metzger said the Oregon Natural Heritage Program database from 2000-2001 showed the location of threatened and endangered species, as well as species of concern. He was not aware of any animal species rating 79 and 65 on the scale, and 70 through 73, but federally listed plant species were in the Thurston Hills and some riparian and wetland areas. He noted that many of the higher scored sites, such as Eastgate Woodlands and Dorris Ranch, were in public ownership.

Commissioner Shaver distributed a list of suggested changes to the Significance Criteria. He said that planning goals in general established an Urban Growth Boundary (UGB), within which a city could live comfortably, and protected agricultural and open spaces from further development. Under this concept, he said, land inside the UGB was treated differently than land outside. He suggested that adjusting the criteria and using the Standard Process would allow flexibility for appropriate growth and development within the UGB. He said modifying the criteria and adjusting the sites would allow flexibility to mitigate impacts when necessary, rather than simply prohibiting all development. He also suggested that local ordinances, such as tree felling, could be adjusted, if necessary, to prevent sites falling through the cracks and avoid creating an extra burden. He said his suggested changes would result in a list of sites very close to the list that would be established under Safe Harbor, but without the restrictions and costs associated with analyzing more sites.

Commissioner Carpenter remarked that ten years ago the Mill Race, which was now one of the City's pre-

mier assets, was being considered for designation as natural resources and many people doubted that it would ever be wildlife habitat or used for recreational purposes because it was manmade. He said there could be some perception that the Commission was creating parks outside of Willamalane's area of responsibility and penalizing responsible property owners who had taken good care of their land. He said this was not the case the Commission was simply identifying the premier natural assets within the UGB, and creating an opportunity for those assets to be preserved. He observed that natural resource areas benefited financially the adjacent lands that remained buildable, citing Chevy Chase, Riverglen, and Riverbend as examples.

Commissioner Carpenter said that there had been a number of proposals, such as changing the process, land deal proposals, and using Safe Harbor instead of Standard Process, but he felt the Commission should move swiftly toward a conclusion on the inventory. He said that suggested new criteria had not been analyzed and urged commissioners to heed advice and recommendations from experts and retain as much flexibility at the local level as possible. He supported approval of the list with elimination of the 42nd and Daisy Street upland area and a provision to allow staff to remove property from the list with sufficient justification.

Commissioner Malloy stated he was comfortable with the Standard Process methodology and could not support using the Safe Harbor approach. He noted Commissioner Shaver's concerns, but did not support removing the word "wildlife" from the Significance Criteria. He encouraged flexibility to allow concessions or challenges to inclusion on the inventory and said he still had some questions about the properties on the inventory. Commissioner Carpenter asked if Commissioner Malloy would accept the Moe Mountain proposal. Commissioner Malloy said he did not have the expertise to make that decision and the proposal should be evaluated by someone with the appropriate background and knowledge.

Commissioner Beyer commended Commissioner Shaver's logic in proposed changes to the Significance Criteria as consistent with planning goals for development and protection, but said he was reluctant to revisit the criteria after the extensive amount of time already spent on the subject. He stated a preference for granting staff adjustment authority through flexible policies on implementation. He recommended retaining the Standard Process and developing policy flexibility to make appropriate adjustments. He expressed concern with the Safe Harbor approach and said that the city already had stronger enforcements in place through other ordinances than envisioned when the inventory process was begun several years ago. He reminded commissioners that they had the authority to create and change policies, citing restrictions on subdivision developments imposed by the Commission as an example.

Commissioner Burford expressed concern about the inventory's impact on buildable lands. He said he was not in favor of a Safe Harbor approach and supported the inventory and Standard Process. He felt that there were good protections in place through current ordinances and Lane County's use of Safe Harbor.

Commissioner Carpenter asked if other municipalities in the northern part of the Willamette Valley had used Safe Harbor. Mr. Metzger replied that a number had used Safe Harbor, although none of them, except possibly Medford, was of a comparable size and culture to Springfield. He felt it was a local decision on which approach was the best fit for the community.

Commissioner Beyer summarized that the Commission's tasks were to develop a recommendation to the Council on adoption of the inventory and criteria, and as a separate subject, recommend either the Safe Harbor or Standard Process approach.

Mr. Metzger listed a number of issues raised by commissioners during their discussion: a need to move the process along; uncertainty about use of the Safe Harbor or Standard Process, but a desire to shorten the process; and possibly decreasing the inventory, but preserving important site. He noted the Commission had authorized a work program for completing the natural resources study using the Standard Process approach and going through an EESE analysis.

Commissioner Beyer stated the next step, if the inventory and criteria were adopted, would be the EESE analysis to determine what protections should be afforded to a site.

In response to a question from Commissioner Malloy, Mr. Metzger clarified that the EESE analysis would not remove a site from inventory, but would make a determination regarding the level of development or protection. He said state law prescribed what issues needed to be considered in an EESE analysis, but did not provide a model or template. Mr. Oberst added that an EESE analysis was not a scientific process and could be very subjective. He said that EESE analyses done in the early 1990s for large blocks of land were general in nature. Ninety per cent of the sites were designated for protection/development; the remaining sites were in public ownership. Mr. Oberst said if current standards were deemed insufficient to accomplish the protection or development measures, the City would be obligated to change its standards to do that.

Commissioner Shaver stated that an EESE analysis was a time-consuming and expensive process. He said adding more layers of protection within the city was unnecessary and could prompt an expansion of the UGB to make up a deficit in the housing inventory. While the Safe Harbor approach protected fewer sites, he said, it lacked flexibility. He encouraged the Commission to consider adjusting existing ordinances and criteria to reduce the number of sites on the inventory and retain flexibility without imposing unnecessary burdens on the City and property owners.

Commissioner Shaver moved that the criteria be adjusted to the criteria suggested in the list he had distributed and staff be requested to winnow the list of sites based on the adjusted criteria.

Commissioner Beyer asked if the inventory process could be delayed in order to study Commissioner Shaver's proposal. Mr. Metzger replied that the inventory process needed to be completed by June 30. Failure to complete the inventory could result in the State determining that the City was not in compliance, assuming the City's Goal 5 planning process, and declaring Safe Harbor, according to Mr. Metzger.

Commissioner Beyer asked how long it would take to analyze the impact of Commissioner Shaver's proposed criteria adjustments. Mr. Metzger said he could draft a different approach incorporating as many elements of the commissioners' discussion as possible. In response to a question from Commissioner Beyer, Mr. Oberst said that it would not be necessary to reopen the process as the Commission would be deliberating based on public comments and its own analysis of the issues. He cautioned that the City had an adopted wetlands inventory based on the federal definition, and there could be problems with use of an alternative definition.

Commissioner Malloy asked if the wetlands on the adopted inventory were the same as those on the natural resource inventory. Mr. Metzger replied that technically the natural resource inventory considered uplands and riparian areas, although some of the riparian areas were on the wetland inventory. He added that property owners had the right to challenge whether a property was a wetland and in several cases had done so successfully.

In response to a question from Commissioner Burford, Mr. Metzger reiterated that the City must complete the natural resource inventory process to satisfy the Goal 5 planning process and avoid State assumption of the process. He characterized commissioners' concerns as a desire to find middle ground that would give the City discretion to establish protection through standards for development and give full protection for areas like parks.

Commissioner Malloy stated he did not feel the Commission had enough information on Commissioner Shaver's proposal or on the adequacy of existing protections to make a decision. Mr. Oberst asked the Commission to consider continuing the matter to the mid-July meeting in order for staff to prepare an analysis of Commissioner Shaver's proposal and provide responses to questions raised by commissioners during the discussion and schedule a work session dedicated to the subject of the inventory and criteria. Commissioners Malloy and Burford supported the suggestion.

Commissioner Shaver withdrew his previous motion and moved, seconded by Commissioner Beyer, to continue the item to the July 15th agenda, request staff to review the inventory, analyze the proposed criteria, and respond to the questions raised during the Commission's discus-

sion.

Commissioner Beyer observed that considerable progress had been made to protect natural resources and the short delay would allow the City to determine the best way to use limited financial resources to protect natural resources that were valuable to the community.

Commissioner Carpenter said he was willing to support a continuation.

The motion passed 5:0.

Commissioner Moe returned to the meeting at 9:10 p.m.

7. QUASI-JUDICIAL PUBLIC HEARING

a. Modification of Provision – Lane Transit District (LTD) – Journal Number DRC2003-00013

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

Mr. Oberst described the request for Modification of Provisions and explained the Planning Director had elevated it to the Commission for review because of the nature and circumstances of the application. He explained the criteria for approval 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.

Susanna Julber, Planner II described the request for a Modification of Provisions to the requirements of SDC 32.040(3) relating to requirements for sidewalks in the Downtown Exception Area. She said the applicant proposed a reduction of sidewalks along Main Street from thirteen feet to eleven feet and along South 'A' Street from ten feet to eight feet in the following areas:

1. Main Street, Pioneer Parkway East – Pioneer Parkway West
2. Main Street, Pioneer Parkway West – Mill Street
3. South 'A' Street, Mill Street – Pioneer Parkway West
4. South 'A' Street, Pioneer Parkway West – Pioneer Parkway East (*north side*)
5. South 'A' Street, Pioneer Parkway West – Pioneer Parkway East (*south side*)

Ms. Julber said staff recommended approval of only the following areas:

- South side of Main Street, Pioneer Parkway West – Mill Street
- South side of Main Street, Pioneer Parkway East – Pioneer Parkway West
- South side of South 'A' Street, Pioneer Parkway West along the frontage of Rose's Dinner

In response to a question from Commissioner Carpenter, Ms. Julber said staff was not recommending approval of the modification request for sections along South 'A' Street, except in front of the Taco Time building and Rose's Diner. She briefly described the nine conditions for approval recommended by staff and said that LTD was agreeable to those conditions. She noted that Condition 9, requiring City Council approval of the design of submitted plans before issuance of an encroachment permit, was recommended because of changes to parking in the original design that were required by the Oregon Department of Transportation (ODOT). The Council had not had an opportunity to review the revised design. She said the Council had scheduled a work session for the revised design on May 27.

Commissioner Beyer asked why the reduction in sidewalk width was necessary and if staff reservations were based on public concern safety concern. Ms. Julber said the issue was physical accommodation of the bus lane, which could be taken from parking, sidewalks, or both.

Commissioner Carpenter opened the public hearing and asked for comments from the applicant.

Stefano Viggiano, Director of Development Services, LTD, submitted a written response to the conditions recommended by staff and commented that LTD strongly supported a pedestrian friendly urban environment. He said ODOT requirements for lane widths had necessitated the request for a reduction in sidewalk width. He further stated that LTD agreed to Conditions 1 through 6. He asked that a second exception for an eight-foot sidewalk be added to Condition 7, to accommodate the in-ground dynamometer at the Springfield Service Center. He also asked that the requirement to provide six-inch diameter trees under Condition 8 be revised to allow smaller trees, citing the poor survival rate and adaptation of larger trees. He noted that the recommended six foot grates were often less stable for pedestrian traffic and asked that pavers be allowed as an alternative. He commented that the revised design was not a significant change from the original design approved by City Council, which did not include parking on South 'A' Street. He asked that the Commission take action, contingent upon the Council's approval of the revised design, rather than requiring LTD to return in June or July.

Commissioner Carpenter said the issue appeared to whether the Council would accept the loss of fourteen parking spaces along South 'A' Street and he was reluctant to make a decision with knowing the Council's position on the matter. Mr. Viggiano said the Council was aware of the loss of those spaces when it approved the original design and did not expect replacement parking on South 'A' Street, except a couple of blocks to the east. He stated that LTD had talked to the business in the area and in each case off-street parking was available and the business expressed no concern about the loss of on-street parking.

In response to a question from Commissioner Shaver, Mr. Viggiano said that bus rapid transit (BRT) would be required to adhere to the speed limits and other traffic regulations. He added that the BRT lanes would be shared with turning traffic.

Mr. Oberst raised a point of procedure, noting the staff recommendation was for approval contingent upon Council's approval of the revised design, to facilitate the process.

Lauri Segel, 120 W. Broadway, Eugene, asked the Commission to track the number and cumulative effect of the numerous plan amendments and code provision exemptions. She listed several examples within the last six months. She questioned how effective planning efforts were when development proposals could so easily obfuscate the intended objectives of plans and provisions.

Nick Arnis, Springfield Transportation Manager, stated he agreed with the need for LTD to move forward with its project. He remarked that Council did understand the loss of parking on South 'A', but it was also interested in traffic calming efforts in that area and the purpose of the May 27 work session was to revisit the final design.

Commissioner Carpenter asked if ODOT had any authority over the width of sidewalks along South 'A' Street. Mr. Viggiano replied that ODOT required six-foot sidewalks so the revised plan exceeded ODOT standards.

Commissioner Beyer asked if there were any safety concerns with the reduced sidewalks. Mr. Arnis responded that his concerns related to pedestrian crossing.

In response to a question from Commissioner Carpenter, Mr. Oberst said code required thirteen-foot sidewalks for Main Street, and the minimum residential sidewalk width was five feet. Ms. Julber listed the various sidewalk widths required in the downtown area. Commissioner Shaver clarified that the intent was to allow for a larger walking volume and address the fact that the available walking space was constrained by the presence of buildings abutting the sidewalk.

Gary McKenney commented that the request for an exception to accommodate the dynamometer at the Springfield Service Center appeared reasonable.

Commissioner Beyer asked how large the existing trees were and whether there would be an attempt to save them. Ms. Julber said that many of them were six inch caliper or larger along South 'A' Street. Mr. Viggiano responded that LTD intended to save as many trees as possible.

Commissioner Carpenter asked why trees were required on narrower sidewalks. Ms. Julber replied that trees

created a more hospitable pedestrian environment.

Commissioner Malloy asked why grates were required, instead of pavers. Ms. Julber said pavers were harder to walk on and worse for soil compaction. Mr. Viggiano disagreed, noting that the City of Eugene had recently replaced grates with pavers, after having problems with the grates and based on recommendations from the Eugene Tree Foundation. Ms. Julber said the Commission could modify requirement for grates.

Commissioner Carpenter closed the public hearing.

Commissioner Beyer commented that it would be difficult to get approval from ODOT for the bump outs and other traffic calming measures on South 'A' Street and Main Street. He suggested that smaller trees are permitted and the applicant be allowed to use pavers.

Commissioner Beyer moved, seconded by Commissioner Malloy, to accept staff recommendations, modified to permit smaller trees and the use of pavers, and approve the request, conditioned upon the City Council's approval of the revised design.

Commissioner Beyer accepted a friendly amendment from Commissioner Malloy, to incorporate a recommendation to allow a modification to the sidewalk in the area of the Springfield Service Center's in-ground dynamometer.

The amended motion passed 5:1, Commissioner Shaver opposing.

8. BUSINESS FROM THE DEVELOPMENT SERVICES DIRECTOR

There was no business from the Development Services Director.

7. BUSINESS FROM THE COMMISSION

Commissioner Burford asked if a new commissioner had been appointed. Mr. Oberst replied that Commissioner Moe had been reappointed by the City Council on May 5 and recruitment for the two vacancies would end on May 16, with interviews by the Council on May 27 and appointments at the first Council meeting in June.

Commissioner Shaver asked for regular meetings to start an hour earlier than currently scheduled time of 7 p.m. Commissioner Carpenter asked that the subject be revisited when new members joined the Commission.

Mr. Carpenter adjourned the meeting at 9:35: p.m.

(Recorded by Lynn Taylor)

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