

MINUTES

Minutes approved by the Springfield
Planning Commission: 12/2/2003

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

November 4, 2003
7 p.m.

PRESENT: Steve Moe, Chair; William Carpenter, David Cole, James Burford, Gayle Decker, members; City Attorney Joe Leahy; Mel Oberst, Greg Mott, Mark Metzger, Ashley DeForest, Kay Bork, Bill Grile, Springfield staff; Carol Heinkel, Lane Council of Governments (LCOG).

ABSENT: Greg Shaver, Lee Beyer, commissioners.

1. PLEDGE OF ALLEGIANCE

Those present recited the pledge of allegiance.

2. APPROVAL OF MINUTES

Commissioner Carpenter offered the following correction to the minutes of the regular session for September 16, 2003: change the time from 6 p.m. to 7 p.m.

Commissioner Decker moved, seconded by Commissioner Burford, to approve the minutes of the September 16, 2003, work session of the Springfield Planning Commission. The motion passed unanimously, 5:0.

Commissioner Carpenter moved, seconded by Commissioner Burford, to approve the minutes of the September 16, 2003, regular session of the Springfield Planning Commission as corrected. The motion passed unanimously, 5:0.

Commissioner Burford, seconded by Commissioner Decker, moved to approve the minutes of the October 21, 2003, work session of the Springfield Planning Commission. The motion passed, 4:0; Commissioner Carpenter abstaining.

3. REPORT OF COUNCIL ACTION

Commissioner Decker reported that the City Council had reviewed the annexation of property at the corner of 19th Street and Yolanda Avenue and sent it to the Boundary Commission with a recommendation for approval.

Commissioner Moe said that he was a member of the Developers Task Force which made recommendations to the council regarding the campus industrial area in Glenwood

4. BUSINESS FROM THE AUDIENCE

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

5. QUASI-JUDICIAL PUBLIC HEARING

a. REQUEST FOR A ZONE CHANGE – Umpqua Bank ZON 2003-00038e LRP2003-00009

Commissioner Moe convened the public hearing. He requested commissioners to declare any conflicts of interest or *ex parte* contacts. There were none.

Mr. Oberst stated that this was a hearing on a zone change and the commission would make the final decision. He recited the criteria for the zone change and explained the procedural requirements for the hearing. He asked that those speaking address the criteria with sufficient specificity to allow the commission and staff to respond and said that issues not raised during the hearing could not be raised at a later point.

Ms. DeForest described the zone change request and explained the owner was making the request in order to bring the zoning into compliance with the refinement plan designation and to proceed with plans for developing the property with a physical therapy facility. She added that the commission had recommended approval of a plan amendment on the same property in July, 2003. She said that staff had determined the request met the criteria for approval set forth in Springfield Development Code Section 12.030 and recommended the commission approve the rezone application.

Dave Pedersen, P O Box 10543, Eugene, planning consultant representing Umpqua Bank, said he supported the staff analysis and recommendation. He commented that the process of separately hearing the plan amendment and zone change application was time-consuming and cumbersome and he asked the commission to consider taking applications for plan amendments and zone changes concurrently, which could have saved the applicant approximately 9-1/2 months.

Commissioner Carpenter asked if the applicant was day-to-day timely on every possible application since approval of the plan amendment in July, 2003. Mr. Pedersen said he did not think there was any delay, but he could not say for certain.

Commissioner Carpenter said it was difficult to determine if the length of time had resulted from the City's processes or other factors were involved. He asked Mr. Pedersen to return to the commission with more specific information as the issue of how fast City services were provided was of interest to the commission. Mr. Pedersen said he did not think the flaw was in the City services, but rather in the process with required the applications to be separately done instead of concurrently.

There being no testimony in support or opposition, Commissioner Moe called for questions from the Commission.

Commissioner Carpenter noted the property was six (6) tax lots south of Main Street, was accessed from 52nd Place, and abutted was appeared to be a residential property. He asked if 52nd Place was capable of handling the traffic if the property was commercial.

Commissioner Burford commented that the subject of vehicle access had been discussed extensively during the plan amendment hearing. Mr. Oberst said the issue was examined as part of the plan change and the Oregon Department of Transportation (ODOT) restricted access onto Main Street required that traffic emerge onto 52nd Place. He said the only access at Main Street was a right turn in, right turn out arrangement and all other access was on 52nd Place, which was approved by the commission.

Commissioner Carpenter expressed concern that west-bound traffic from the location would attempt to

move through the neighborhood in order to get Main Street access in that direction. Mr. Oberst replied that the neighborhood streets were not a grid system and therefore traffic would encounter significant out-of-direction travel if that approach was used. He said that the City's traffic engineers had evaluated the number of peak hour trips generated by the proposed commercial development and determined it was not significant for the area.

Commissioner Moe closed the hearing.

Commissioner Carpenter moved, seconded by Commissioner Burford, to approve the zone change request based on the findings of fact presented in the staff report. The motion passed unanimously, 5:0.

Mr. Leahy said that staff would explore the issue of process and timing to determine if changes were necessary.

6. LEGISLATIVE PUBLIC HEARING

a. Medium Density Residential (MDR) Code Amendments

Commissioner Moe convened the public hearing. He requested commissioners to declare any conflicts of interest or *ex parte* contacts. There were none.

Mr. Oberst stated that this was a legislative public hearing and the commission's decision would be a recommendation to the City Council. He explained the criteria for approval and the procedural requirements for the hearing.

Ms. Bork stated that the item was a City-initiated code amendment to site plan review under the exception and distributed revised language for the amendment as discussed during the earlier work session. She read the revised language into the record and said that staff recommended the commission forward a positive recommendation to the City Council for adoption.

In response to comments from commissioners, Mr. Leahy said the revised language captured the essence of the work session discussion.

Commissioner Carpenter asked for clarification of the difference between an accessory dwelling unit and an porches, and decks. Mr. Leahy cited the Springfield Development Code definition of an accessory dwelling unit as a secondary self-contained dwelling that may be allowed only in conjunction with a detached single-family dwelling and was subordinate in size, location, and appearance to the primary detached single-family dwelling. He also cited the definition of an accessory structure.

Commissioner Cole asked if the intent of the amendment was to ease the burden on owners who wanted to remodel. Mr. Oberst said that was correct.

Commissioner Carpenter asked if the amendment would give an advantage to certain properties that new development in a Low Density Residential area would not have. Mr. Oberst explained that the objective of the Metro Plan and the City's development code for medium and high density residential areas was to achieve a minimum level of density and therefore a site plan review was required for development, which typically involved apartment complexes. In some cases, he said, there could be a single-family home on an MDR or High Density Residential (HDR) lot and the purpose was to eliminate the burden of site plan review for additions or accessory structures in those cases.

Commissioner Carpenter asked what would prevent someone from keeping a portion of a small existing structure and building a much larger structure. Mr. Oberst replied that single-family dwellings were permitted in the zones and were not a nonconforming use; owners could do whatever they wished in terms of enlarging the structure or adding stories. He said it was a density-driven issue and concern arose only if the owner was proposing to add another dwelling unit to the property.

There being no testimony in support or opposition, Commissioner Moe closed the hearing.

Commissioner Burford moved, seconded by Commissioner Decker, to recommend to the City Council approval of the amendment. The motion passed unanimously, 5:0.

b. Deliberation of Proposed Metro Plan Updates

Mr. Oberst stated that the public hearing was closed and the commission was continuing its deliberation for purposes of making a recommendation to the joint elected officials.

In response to questions raised at the September 23, 2003, Joint Planning Commission meeting, Mr. Metzger distributed a handout of Table 1 and Table 2 that demonstrated the impact on the buildable lands inventory of the proposed Metro Plan Diagram changes. He reported that the Eugene Planning Commission, in its November 3, 2003, meeting accepted amendments both to the Metro Plan Diagram and text with three changes as outlined in his memorandum to the Springfield Planning Commission dated November 4, 2003. He said the commission was not bound to accept Eugene's amendments and could make its own recommendations, which would be forwarded, along with the Eugene and Lane County recommendations, to the joint elected officials.

Mr. Metzger stated that Springfield's amendments to the Metro Plan Diagram were relatively minimal and consisted of:

- changing the designation to Low Density Residential (LDR) of 3 acres that were designated commercial but were fully developed residential
- changing the designation of the Eugene Water & Electric Board water treatment plant from LDR to Government and Education
- correcting a mapping anomaly in the Glenwood area that resulted in Light/Medium Industrial showing as Park and Open Space

According to Mr. Metzger, those changes were reflected in Table 1 and the total impact on Springfield's vacant buildable lands occurred only with the Glenwood change, as the two other sites were already fully developed. He said the overall impact was relatively insignificant.

In response to a question from Commissioner Burford, Mr. Metzger explained that the net reduction to LDR of 47.3 acres, as shown in Table 2, was metro-wide. He said the only change to LDR in Springfield was the approximately 50 acres reduction to correct the designation of the EWEB water treatment plant.

Mr. Metzger explained the action of the Eugene Planning Commission on November 3, 2003, as set forth in his memorandum of November 4, 2003. With respect to Finding 11, he said Springfield staff recommended retaining the Eugene language that required completion of Goal 5 requirements and retaining existing language that provided flexibility for either jurisdiction to use the Safe Harbor or standard process approach to protection.

In response to a comment from Commissioner Burford, Mr. Metzger agreed that the commission's previous action was to recommend applying Safe Harbor to the upland wildlife habitat areas.

Commissioner Moe asked how different language adopted by each commission would be reconciled. Mr. Metzger replied that each commission's recommendations would be forwarded to the joint elected officials, who would consider all proposed revisions.

Commissioner Burford asked what approach Lane County would take for areas outside of the urban growth boundary (UGB). Mr. Metzger replied that application of the Safe Harbor approach to all resource types outside of the UGB had already been approved by the County Commissioners. He said interaction between Lane County and Springfield occurred on lands outside of the city limits but inside the UGB and by agreement Springfield was granted jurisdiction to administer its code, but policy changes that affected that area required the County's concurrence.

Commissioner Moe asked if the commission supported staff recommendations for Finding 11. Commissioners indicated their concurrence with all staff recommendations regarding Finding 11.

Mr. Metzger stated that staff did not recommend approval of the new policy proposed by the Eugene Planning Commission regarding completion of a study as it duplicated the content of Policy C.9 in the updated Metro Plan.

Ms. Heinkel explained that the Eugene Planning Commission wanted language that would direct jurisdictions to complete Goal 5, which is why language was eliminated from Finding 11 and made into a new, separate policy. She said Eugene's intent was to change the language from descriptive to directive. She added that staff had reviewed the proposed change and concluded that the same language existed in Policy C.9, but provided jurisdictions greater flexibility to choose between standard process and Safe Harbor.

Commissioner Moe asked if the commission supported staff recommendations regarding the Eugene Planning Commission's proposed new policy. Commissioners indicated their concurrence with the staff recommendation to not approve the policy.

Mr. Metzger described the Eugene Planning Commission's third change, which proposed replacing Policy 28, proposed for deletion, with a new policy. He said the intent was to support property owners who wanted to protect their lands for natural resource purposes. He commented that staff supported the language, which recognized the prerogative of a property owner to not develop land and preserve it for natural resource purposes.

Commissioner Decker expressed concern that the phrase "and local governments will, where practical, assist in these efforts" could create an unrealistic expectation in the public's mind about the availability of City resources to provide assistance. Mr. Leahy suggested changing the word "will" to "may" to better express the intent.

Commissioner Burford asked if natural resource protection applied to a piece of property by one owner could be removed if the property was sold and the new owner wanted to develop the land. Mr. Metzger said his interpretation of the language was that property owners could pursue efforts to set aside land through a conservation easement or land trust and dedicate their land in perpetuity for wildlife habitat or a natural resource area. He said the language also stated that local government might, where practical, assist the property owner in doing that. He said the type of dedication was determined by the owner and whatever organization was involved in establishing the dedication. Mr. Leahy said the City could place conditions on its participation.

Commissioner Burford reiterated his concern that land suitable for development would be unavailable to a new owner for that purpose, because of protection, when the supply of buildable lands was exhausted. Mr. Leahy said the language was consistent with private property rights and the City could take no action unless there was a condition agreed to between the City and the property owner.

Mr. Metzger said that State law required jurisdictions to expand the UGB if the natural resource inventory process removed enough acres that the 20-year buildable land supply was affected. He said it was likely the same requirement would apply if the buildable land supply was affected by the action of a property owner that protected land in perpetuity.

Commissioner Moe asked commissioners to indicate their position on the proposed new Policy 28, with the change suggested by Mr. Leahy. Commissioner Decker expressed her reservations about the policy; other commissioners indicated they concurred with the revised language.

Mr. Metzger stated the original intent was to adopt a parcel-specific map that would identify plan designations at the tax lot level; however, staff had further explored that option and concluded that it was not feasible at the present time to convert to a parcel-specific map. He said that staff now recommended continuation of the conceptual diagram, supported by a database with parcel-specific designations for all properties that were currently encompassed within refinement plans or properties that had gone through plan designation and zone changes, as the plan boundaries had been formally delineated for those properties. He illustrated on a map those areas where no “hard edge” could be determined and said that staff would work with property owners to establish where the line should be without requiring an owner to go through a formal plan amendment process.

Commissioner Carpenter asked if the conceptual map could include the properties that were clearly delineated. Mr. Metzger said it was not possible to draw property lines for areas within refinement plans at the scale of the conceptual map. He said that the map could indicate those areas where a refinement plan existed and note that properties within that plan were defined at the parcel-specific level, but recommended approving the conceptual map.

Commissioner Decker remarked that the text of the Metro Plan and refinement plans superseded the diagram.

Ms. Heinkel commented that the updated diagram, although still a conceptual map, was supported by a parcel-specific database and was a better tool than the previous diagram.

Commissioner Decker asked how close the City was to completing Goal 5 requirements. Mr. Metzger replied that the Goal 5 inventory would be taken to the City Council after the first of the year and he hoped that the inventory could be completed and adopted by the end of February, 2004.

Commissioner Decker moved, seconded by Commissioner Burford, to recommend to the joint elected officials of Eugene, Springfield, and Lane County, adoption of the proposed Metro Plan text amendments and Metro Plan Diagram, as amended through the recommended modifications in Attachments B through F to the September 23, 2003, Joint Planning Commission staff notes and as modified in the October 30, 2003 staff report and as modified tonight. The motion passed unanimously.

6. BUSINESS FROM THE DEVELOPMENT SERVICES DIRECTOR

Mr. Oberst announced that the PeaceHealth packets would be mailed on November 5, 2003, and a work session was scheduled for November 12, 2003, with a public hearing scheduled for November 13, 2003.

7. ADJOURN REGULAR

The meet adjourned at 8:20 p.m.

(Recorded by Lynn Taylor)

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