

MINUTES

Springfield Planning Commission
Regular Session
Springfield City Hall—Council Chamber
225 Fifth Street, Springfield

February 3, 2004
7 p.m.

PRESENT: Steve Moe, Chair; Bill Carpenter, Vice Chair; Lee Beyer, James Burford, Dave Cole, Gayle Decker, Greg Shaver, members; Steve Barnes, Edward Black, Ashley Deforest, Chuck Gottfried, Bill Grile, Gary Karp, Greg Mott, Mel Oberst, Susie Smith, Ken Vogeney, George Walker, Springfield staff; Joe Leahy, City Attorney.

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

1. PLEDGE OF ALLEGIANCE

Those present pledged allegiance to the United States flag.

2. APPROVAL OF MINUTES

Commissioner Beyer, seconded by Commissioner Carpenter, moved to approve the work session minutes and regular meeting minutes of December 2, 2003. The motion passed unanimously 7:0.

Commissioner Carpenter, seconded by Commissioner Beyer, moved to approve the work session minutes and regular meeting minutes of December 16, 2003. The motion passed 6:0; Commissioner Shaver abstained from the vote.

3. REPORT OF COUNCIL ACTION

Commissioner Moe postponed consideration of the item.

4. BUSINESS FROM THE AUDIENCE

Commissioner Moe invited comment from the audience on items not on the agenda. There was no one present wishing to speak.

5. QUASI-JUDICIAL PUBLIC HEARING

a. DISCRETIONARY USE – Calvary Open Bible Church - ZON2003-00046

Mr. Oberst introduced the item, reporting that the Calvary Open Bible Church wished to expand. He said the applicant was requesting Discretionary Use approval for a non-conforming use.

Commissioner Moe opened the public hearing. He requested that commissioners declare any *ex-parte* contacts or conflicts of interest. Commissioner Shaver said that his son attended the Calvary Open Bible Church in the past. Commissioner Moe deemed there was no conflict.

Ms. Deforest provided the staff report. She said the applicant was requesting Discretionary Use approval for the phased expansion of a Church facility. She said the proposal included the following improvements:

Phase I – Expand the sanctuary area by 840 square feet by converting an existing foyer into primary assembly area, construct a new 35 space parking lot on Tax Lots 9200 and 9300, and rebuild a portion of a two-story building currently being used for classroom space.

Phase II – Construct a multi-purpose addition to the existing Church to include new classrooms and a gymnasium, upgrade the existing parking lot on Tax Lots 10800 and 10900 and construct a new 13-space parking lot on Tax Lot 9400.

Ms. Deforest added that the applicant had submitted a concurrent Site Plan Review Application for Phase I of the proposal.

Ms. Deforest said City staff had analyzed the request and found that it complied with the criteria of approval set forth in Article 10 of the Springfield Development Code with the following conditions:

- *The applicant shall relocate the Phase II expansion to comply with solar access considerations.*
- *The applicant shall incorporate design features specified in SDC Section 16.110.4.b.5, the multi-unit design standard for building form into the Phase II expansion to promote neighborhood compatibility.*
- *As part of Phase II construction, the western most driveway onto Centennial Boulevard shall be closed, and the parking lot layout shall be modified to provide internal circulation and access to the remaining driveway onto Centennial Boulevard.*

Ms. Deforest said City staff recommended the Planning Commission approve the Discretionary Use application as conditioned.

In response to questions received during the work session earlier in the evening, Ms. Deforest said the length of the length of Phase II was approximately 115 feet, and the width of the alley was 14 feet.

Commissioner Moe opened the meeting to questions from Planning Commissioners.

In response to Commissioner Shaver's questions, Ms. Deforest replied that the standards would be applied if the adjacent properties were developed for residential use. She noted in the case of Phase I, the sun would be blocked from a parking lot, but this was not a great consideration. Ms. Deforest added that in Phase II, code standards were in place to protect whoever used the property for residential purposes. Ms. Deforest said the code applied to any structure built on that property that would require solar access, including the primary residential structure and other accessory structures, citing construction of a green

house as an example.

Commissioner Carpenter asked why the Planning Commission was looking at Phase II if the applicant had submitted an application only for Phase I. Ms. Deforest explained that site plan review had a two year time expiration timeline, while discretionary use did not. She added the applicant wanted to process all of the discretionary use applications now so as not to have to go through the process again at a future date. Commissioner Carpenter stated that he had a problem with no expiration date and would address his concerns during the Planning Commission discussion.

Commissioner Moe opened the public hearing to testimony from the applicant.

Mark Wood introduced himself as the pastor at the Calvary Open Bible Church. Mr. Wood introduced Leota Emory, who said she was the only remaining charter member of the church. She provided a brief history of the 54 year old church.

Mr. Wood said he grew up in Springfield. He stated the congregation developed a master plan several years ago in response to anticipated growth. At that time, he added, relocation to a more rural area was considered. Mr. Wood said the decision was made to remain in Springfield and remain an active part of the community. He explained two new churches had been planted in Springfield. He said the congregations adopted local schools and provide funding for food, rent and utility bills for people in need, and described several activities. Mr. Wood said the church's goal was to be effective and good neighbors.

Mr. Wood introduced David Reed, of David Reed and Associates. Mr. Reed said he was the planner on the project team with Jim Branch, of Branch Engineering; Erin Schlesinger, of Schirer, Schlesinger and Associates; and Rich Barbis of Varvitsiotis Architects. Mr. Reed reviewed a diagram which illustrated the property owned by the church as well as adjacent and nearby properties. He said one residential property was directly impacted by Phase II. Mr. Reed reviewed the church's goals, and explained how Phase I and Phase II would support those goals. Mr. Reed explained various elements of the project, including building and parking lot construction and landscaping activities. He added that the applicant agreed to the three conditions required by City staff. Mr. Reed said the applicant included both Phase I and Phase II because the applicant wanted to present a complete master plan for Planning Commission review. He concluded saying there were no significant changes in the future church operations.

Commissioner Carpenter asked when Phase II would be completed. Mr. Wood replied that funding for Phase II was not available. He added that fund raising for Phase II would begin following completion of Phase I.

In response to a question from Commissioner Shaver, Mr. Reed said the church had no objections to the City staff recommendation that one of the driveways be closed.

Commissioner Moe opened the public hearing to testimony from members of the public.

Jane Morris, Principal of Brattain Elementary School. She spoke in support of the application, saying the Brattain Elementary School had a long-standing relationship with the church. She said the congregation regularly supported school activities, including a homework club in which church members tutored children after school and provided monetary support for assistance for families with utility bills and clothing. She said

the church was a big part of the school community.

Ed Rupe, 1628 Carter Lane. Mr. Rupe spoke in support of the application. He said his family had been active in the church for about 10 years. He said the church had been a positive influence on the neighborhood children and the neighborhood school. He said the space was needed to continue offering programs for children.

Tina Novack, 2162 Loch Drive. Ms. Novack spoke in support of the application. She spoke about the Hope Center, located at Mill and G Streets, in the Meadowpark Neighborhood. Speaking as a member of Calvary Open Bible Church, she said the Hope Center had a clothes closet, soup kitchen and bread ministry. She added the church had been supportive of the Hope Center programs.

Jonquil Cole, representing the Christian Science Society, 1176 Centennial Boulevard. Ms. Cole said the Christian Science Society was the neighbor east of the applicant. She said the applicant had included the Christian Science Society in a recent neighborhood meeting. She added that the applicant had been a good neighbor and that the Christian Science Society supported the proposed project.

Commissioner Carpenter asked Ms. Cole if the services of the two church overlapped thus creating a traffic congestion problem. Ms. Cole replied there had been no problems.

Joan Riddle, 1161 L Street. Ms. Riddle said she strenuously objected to the proposal. She said the church had never done anything to protect neighbors from noise in the existing parking lot or the various activities, such as rummage sales, car washes, noisy youth group activities and band practice. Ms. Riddle said a halogen light in the parking lot that shined into her bedroom windows. She said the church had purchased six properties that had been removed from the tax rolls. She the church should move to a more rural area that would provide more space. She said she had addressed the issues with the church and nothing had been done.

Aaron Sutherland, 1081 L Street. Mr. Sutherland said he was an Associate Pastor at Calvary Open Bible Church and rented the house at 1081 L Street from the church. He addressed the application as a neighbor. He said he had never been adversely affected by church activities. He affirmed the church for staying in the heart of the city, knowing what the risks were.

Ms. Deforest provided staff summation. She said she had spoken with Ms. Riddle prior to submittal of the application under consideration and had taken some of Ms. Riddle's concerns to the church. Ms. Deforest said the church had attempted to address some of Ms. Riddle's concerns, including the parking lot light. Ms. Deforest said the church would change out the light to use down lights or cut off optics. She added that the church would landscape the portion of the alley that abutted Ms. Riddle's property. Ms. Deforest said the noise issues would be addressed in several ways. She added that current building codes and building design would provide improved noise abatement.

In response to a question from Commissioner Carpenter, Ms. Deforest said the next requirement would be issuance of a building permit for Phase II following a Type II Land Use Application reviewed by City staff, site plan review with five required criteria. Mr. Oberst noted that site plan review required public notice for property within 100 feet of the property, so that all adjoining neighbors would be notified and would be able to submit written comments to City staff for consideration in the site plan decision. Mr. Oberst added that

the adjoining neighbors would be able to appeal the decision to the Planning Commission.

Commissioner Carpenter raised a concern about setback requirements. He asked if a decision by the Planning Commission today needed to be revisited at a later time. Mr. Oberst replied that the discretionary use decision would dictate the setback.

Commissioner Moe asked the applicant for rebuttal testimony.

Mr. Reed said that applicant was very sensitive to Ms. Riddle's concerns regarding the proximity of her property to the church property and was attempting to mitigate those concerns.

Commissioner Burford asked, what was the distance between the ends of the landscaping across the driveway. Mr. Reed replied the distance was about 30 feet, which met code. He noted the challenge of the project of making an older building, landscaping and parking comply with current codes.

In response to Commissioner Burford's questions, Mr. Reed replied that 10-12 parking spaces lost in the current scenario would be picked up elsewhere in the new scenario.

A brief discussion ensued regarding egress and ingress to parking and alley traffic.

Commissioner Moe closed the public hearing.

Commissioner Shaver stated he was in favor of the proposal on several levels. He stated his support of doing urban level development in the city rather than in rural areas, adding that was what cities were for. He noted that many churches were abandoning the city core. He said Calvary Open Bible Church was doing what churches should do, living in the community. Referring to the three conditions applied to the application, he suggested rewording the first condition to say, "The applicant shall relocate or so construct the Phase II expansion to comply with solar access considerations." Referring to the second condition, Commissioner Shaver said staff struggled to find a standard to apply since there was no standard in the code for churches regarding design features. Commissioner Shaver supported removing the second condition. Commissioner Shaver said the newer existing building and the plans for the new construction looked good, and he had faith that quality of the new construction would match the newer existing building. Addressing the third condition, Commissioner Shaver supported anything that would increase traffic safety and flow. He supported removing the driveway closest to Centennial Boulevard and putting a **No Right Turn** sign on the alley.

Commissioner Cole said he did not think the second condition was necessary. He added that he thought the church was interested in finding a solution that was acceptable to the neighbors.

Commissioner Burford agreed that this inner city church needed to remain in the city. He agreed with Commissioner Shaver that the first condition needed to modify to change language to say, "need to relocate or reconstruct." He added that he could go either way with the second condition. Commissioner Burford said he supported adding a **No Right Turn** sign on the alley. Commissioner Burford said he favored moving forward with the application.

Commissioner Beyer said he was comfortable with the discussion and had nothing more to add.

Commissioner Decker supported adding language that said, “relocate or construct to conform with solar access considerations”. She added that she preferred to keep the second and third conditions. She said she had no problems with the proposed expansion that would improve the site. She added that it was much better than the church relocating.

Commissioner Carpenter said the plan was well thought out and that the church had benefited the community. He added that for the overall good of the community, churches needed to conform to regulations just as other commercial buildings. He said he had a problem addressing Phase II at the present time, primarily because he was unsure whether he would accept a 10 foot setback on a 29 foot tall, 115 foot long building, where a 20 foot setback was required by code for a residential setting. Commissioner Carpenter proposed approving Phase I now and giving a reduction in the Phase II filing fee to the applicant when the applicant was ready to build Phase II. This would allow a review of what had occurred during the intervening years with Phase I.

Mr. Leahy said the City did not make judgmental decisions based upon what was in people’s hearts, but rather based upon the code and conditions. He encouraged retention of the second condition if it was relevant to the decision made by the Planning Commission.

Commissioner Beyer said he was unclear on what impact Section 16 would have on the proposed development. He understood Mr. Reed to say that the church was satisfied with the conditions placed on the project.

Mr. Oberst said the impact was nominal, as it related to recesses along the building line for window reveals, alley entrances, and extensions with a minimum depth, so that the wall was not blank. He said it also offset the roof elevation.

Commissioner Beyer said those conditions did not limit the ability to have a gymnasium height building.

Commissioner Shaver noted that 30 feet was the maximum height in low density residentially zoned areas. He said that requirement created roofing problems for the building, reiterating his opinion that the second condition was not applicable.

Commissioner Moe noted that the applicant had accepted the conditions and it was not an issue.

Mr. Leahy reaffirmed his statement that Planning Commission decisions needed to be based upon applicable code.

Reading from Section 10 of the Development code, Mr. Oberst noted that the applicant had agreed to the following: “The Planning Commission shall find that the proposed design promotes building forms that contribute positively to a sense of neighborhood and to the overall streetscape. This criterion may be met by complying with the following guidelines:

- *The design of the exterior of the building elevations to avoid large expanses of uninterrupted building surfaces, depicting building scale consistent with nearby buildings.*
- *Providing transitions to nearby buildings.*

- *Providing roof variations, solar access protection, natural features such as landscaping and human scale architectural details as well as visual variety and elevation, architectural details, color, materials which would be compatible with existing development.”*

Commissioner Beyer, seconded by Commissioner Shaver, moved for approval of the application based upon the findings of fact in the staff report and conditions one through three with the alterations of condition one as previously expressed by Commissioner Shaver, the applicant shall relocate or so construct the Phase II expansion to comply with solar access considerations.

Commissioner Carpenter offered a friendly amendment that a time limit be placed on the Phase II of seven years, and if the project was not completed in seven years, the applicant would need to revisit the issue with the Planning Commission in existence at that time. The amendment failed for lack of a second.

The motion passed 5:2, with Commissioner Carpenter and Commissioner Cole opposing the motion.

Commissioner Moe thanked those who provided testimony at the public hearing.

6. LEGISLATIVE PUBLIC HEARING

a. Springfield Stormwater Management Plan

Mr. Oberst said this was a public hearing at which the Planning Commission would review the Stormwater Management Plan to determine whether to recommend the plan to the City Council.

Mr. Gottfried, Water Resources Program Coordinator, introduced the agenda item. He stated that the purpose of the meeting was to review the City of Springfield Stormwater Management Plan and to convene a public hearing. He said staff was requesting that the Planning Commission forward a recommendation to the City Council to adopt the plan.

Commissioner Moe opened the public hearing.

Ed Daniels, 24008 Suttle Road, Veneta, Oregon. Mr. Suttle said he worked for the Lane County Public Works Department, and was responsible for developing Lane County's MPSB Phase 2 requirements. He said he had met with Lane County staff, and Mr. Gottfried and Ms. Smith from the City of Springfield, several times regarding the Lane County and the City of Springfield Phase 2 permit requirements. He said Lane County staff believed that the City of Springfield plan not only met the requirements of MPSB Phase 2, but used a judicious approach to meet State and federal requirements. He added that the City of Springfield approach was a very cost effective method to meet the MPSB Phase 2 and the six measures. Mr. Daniels stated that on behalf of Lane County, Lane County supported the efforts of the City of Springfield staff in developing the plan for review by the Planning Commission and adoption by the City Council.

Commissioner Carpenter asked how non-compliance construction that did not meet turbidity requirements

was controlled. Mr. Daniels said Lane County hoped to partner in the future with both the City of Springfield and the City of Eugene to provide educational offerings. He added that Lane County's responsibility was limited to outside city limits to the Urban Growth Boundary (UGB).

Commissioner Moe noted that there were no summations by staff. He closed the public testimony.

Commissioner Shaver complimented City staff for the work on the Stormwater Management Plan.

Commissioner Burford, seconded by Commissioner Shaver, moved that the Planning Commission recommend that the City Council adopt the Stormwater Management Plan.

The motion passed 7:0.

7. BUSINESS FROM THE DEVELOPMENT SERVICES DIRECTOR

Mr. Grile reported that the Director of the Oregon Department of Transportation (ODOT) had recently sent a letter to the Land Conservation Development Commission (LCDC) asking the LCDC to join with ODOT in a joint agency brief to express the two agencies' support for the Goal 12 assignment of error that was currently before the Oregon Court of Appeals on the PeaceHealth Land Use Board of Appeals (LUBA) remand. Mr. Grile stated that the LUBA Goal 12 decision, split 2:1, was an impossible standard. He noted that the minority opinion, which was quite rare for a LUBA decision, carefully articulated why the Court of Appeals should reverse the decision. Mr. Grile said after debating the merits of the proposal, the Commission decided not to vote on the matter. Mr. Grile stated that the Commission realized that the due date for the State's brief would have been impossible to meet. He said the discussion then shifted to what would the City of Springfield's position be on the issue. Mr. Grile expressed his pleasure that the voice of reason prevailed in deciding that rule making should not be done through the courts. He opined that the State planning program had become so convoluted due to agency rules being appealed, that court opinions judicially set the standards. Mr. Grile said the good news was that the two agencies were not going to proceed. He noted that ODOT testified before the Planning Commission and the City Council in support of the Goal 12 package and signed onto an environmental assessment agreement on the I-5 interchange. He added that somewhere along the line there had been a disconnect that would be rectified and the project would move on.

Mr. Grile reminded the Planning Commission that the Boundary Commission would be reviewing the Willakenzie Fire District proposal on Thursday, February 5 at 7:00 p.m. in the City of Eugene Council Chamber.

Mr. Grile reminded the Planning Commission that Lane County, the City of Eugene, and the City of Springfield would meet in a joint session on Tuesday, February 10, 2004 in the Eugene Public Library to discuss housekeeping amendments to the Eugene/Springfield Metropolitan Plan (ESMP). He said as the City Attorney had noted, those housekeeping amendments were very extensive. He added it would be prudent for the City of Springfield to take a step back and take a higher level look at the ESMP to determine if there were other issues that should be reviewed at some point. Mr. Griles noted that both the ESMP and the Springfield Development Code had been in existence for quite a long time without a comprehensive review other than the periodic housekeeping changes.

Mr. Griles said the City Council was holding a work session on Monday, February 9, at 7:00 p.m., on a punch list of issues with the ESMP that Planning staff had developed. He encouraged feedback from the Planning Commissioners on the ESMP.

8. ADJOURNMENT

Commissioner Moe adjourned the meeting at 8:33 p.m.

(Recorded by Linda Henry)