

## MINUTES

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

June 1, 2004  
7 p.m.

**PRESENT:** Steve Moe, Chair; Gayle Decker, Lee Beyer, Greg Shaver, Frank Cross, David Cole, members; City Attorney Joe Leahy; Mel Oberst, Greg Mott, Bill Grile, Sarah Summers, Springfield staff; Art Paz, Architect.

**ABSENT:** Bill Carpenter, member.

Commissioner Moe called the meeting to order.

### 1. PLEDGE OF ALLEGIANCE

Those present recited the pledge of allegiance.

### 2. REPORT OF COUNCIL ACTION

Mr. Leahy reported that the City and Willamalane Park and Recreation District were participating in discussions with the owners of the Gray property and potential developers to assure preservation of the ridgeline and forest land and enhancement of conservation easements if the property is developed.

### 3. BUSINESS FROM THE AUDIENCE

There was no one wishing to speak.

### 4. APPROVAL OF MINUTES

*Commissioner Shaver moved, seconded by Commissioner Cross, to approve the minutes of the May 4, 2004, work session and May 4, 2004, regular session as written. The motion passed, 5:0; Commissioner Beyer abstaining.*

Commissioner Shaver pointed out that his motion in the May 18, 2004, regular session regarding interpretation of the setback for garages in the Springfield Development Code 16.110(4)(b)(4) was shown as passing by a vote of 3:2 when it actually failed by a vote of 3:2, Commissioners Shaver and Beyer voting in favor.

*Commissioner Shaver moved, seconded by Commissioner Beyer, to approve the minutes of the May 18, 2004, work session as written and the minutes of the May 18, 2004, regular session with the exception of the vote recorded for Commissioner Shaver's second motion regarding Variance Request Jo. No. ZON2004-00002. The motion passed, 4:0; Commissioners Cole and Decker abstaining.*

## 5. QUASI-JUDICIAL PUBLIC HEARING

### a. Variance Jo. No. ZON2004-00008

Mr. Oberst stated that this was a quasi-judicial public hearing on a variance and asked that those speaking to the issue address the criteria of approval with sufficient specificity that their concerns could be understood and addressed. He noted that issues not raised during the hearing could not be raised at a later on appeal. He recited the criteria for approval of a variance.

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

Ms. Summers described the request for a variance to Multi-Unit Design Standards, specifically building orientation. She reviewed the findings in the staff report that addressed the five approval criteria that applied to the request and summarized that staff found the variance request of minimal effect on the neighborhood because the size and shape of the lot limited placement possibilities if maximum density was to be met. She said the two three-plex buildings met maximum density and the proposed layout of parking in front of the building would not detract from the aesthetics of the area because neighboring properties had a similar design. She said that staff recommended approval of the variance request as submitted.

Commissioner Shaver expressed his appreciation for the inclusion of variance criteria in the staff report. He asked if the recommendation for approval was a close call. Ms. Summers said only in the area of meeting maximum density, which was encouraged by the Springfield Development Code and the Metro Plan; however, minimum density could be achieved and building orientation requirements met if only one triplex was placed on the property. She said the proposed placement was the only way to meet maximum density and provide open space and because the site was a narrow infill lot, the request met all of the requirements and intent of the Multi-Unit Design Standards.

**Art Paz**, 86950 Cedar Flat Road, Springfield, referred to Commissioner Shaver's question regarding approval as crucial. He said that infill lots were going to become more common than greenfield sites and the narrow, irregular shape of infill lots would make it difficult to meet the list of requirements from the multi-use standards and the end result was that developers would look at the easiest way to develop the site. He said that the project maximized density in consideration of urban growth boundary (UGB) issues and that the UGB would have to be expanded if the commission did not apply discretionary decision-making.

Mr. Paz responded to several items in the staff report and findings. He said that finding 4 referred to two easements on the site, when in reality there were three, including a five-foot utility easement on the west side. The site had easements on the north, east, and west sides, plus a utility easement in the street, and the lot was quite constrained. He said that while finding 12 noted that the proposal met or exceeded all other Multi-Unit Design Standards, in addition the project would need to meet air and water quality requirements, which affected how the buildings were designed and placed on the site. He stated that finding 17 only indicated that the layout provided for open space and did not adequately identify that the open space was usable. He described how the project's open space was designed for daily interaction of residents. He concluded his comments with the observation that all infill lots would have similar issues.

There being no one else wishing to speak, Commissioner Moe closed the public hearing.

***Commissioner Beyer moved, seconded by Commissioner Decker, to approve the variance based on the findings of fact presented in the staff report and augmented by the applicant. The motion passed, 6:0.***

## 6. LEGISLATIVE PUBLIC HEARING

### a. Continuation from May 18, 2004 – Metro Plan, Public Facilities and Services Plan

Mr. Mott reviewed the presentation of information at the commission's May 18, 2004, regular session and postponement of deliberations and decision until June 1. He emphasized the need to take action in accordance with the requirements of the administrative rule that specified content of the Public Facilities and Services Plan (PFSP) and said that changes to the PFSP also required changes to the Metro Plan for consistency.

In response to a question from Commissioner Shaver, Mr. Mott explained that two ordinances would be presented to the elected officials; one ordinance would amend the Metro Plan and one ordinance would amend the PFSP and the commission was asked to provide a recommendation to the City Council regarding whether the ordinances should be adopted.

*Commissioner Shaver moved, seconded by Commissioner Beyer, to forward a recommendation to the City Council to pass the ordinance to amend the Public Facilities and Services Plan and the ordinance to amend the Metro Plan.*

Commissioner Beyer thanked staff for the opportunity to review the additional materials provided at the May 18, 2004, meeting and he had no concerns.

Commissioner Decker said that based on the information she had reviewed she saw no barrier to approval; however, she was not at the hearing and would abstain from voting on the motion.

Commissioners Cole and Cross said they would also abstain from voting on the motion.

*The motion passed, 3:0; Commissioners Decker, Cole, and Cross abstaining.*

Commissioner Shaver advised that it was permissible to vote on a matter that had been deliberated at a previous meeting if a commissioner who was absent from that meeting listened to the meeting tape.

## 7. BUSINESS FROM THE DEVELOPMENT SERVICES DIRECTOR

There was no business from the Development Services Director.

## 8. BUSINESS FROM THE COMMISSION

Commissioner Shaver suggested that perhaps it was time to consider amendments to some of the design standards relative to recent issues before the commission. He said one of the standards related to building over the top of a garage when the garage was an integral part of the structure and the requirement that the garage face be four feet back from the rest of the building face. He said another issue related to narrow infill lots and suggested that if other criteria were met, the facing of the building to the street might not be necessary. He described a lot that had a street frontage of 100 feet or less and an aspect ratio of 2:1 or greater as an example of a situation in which flexibility should be considered. He said that greater flexibility could reduce the number of applications that needed to come before the commission.

Mr. Leahy stated that variance law made it extremely difficult to obtain a variance with the existing criteria if the staff did not recommend it, the commission did not approve it, or a neighbor objected. He said the variance decision made earlier in the meeting was based in part on the contention that maximum density could not be attained without a variance. He said that case law should be researched and if attaining maximum density was a factor the commission wanted to consider, it could be included as a criterion instead of being addressed on an ad hoc basis.

with each request.

Commissioner Beyer said it appeared there was a policy conflict between design standards and the larger metropolitan goal of achieving greater density.

Mr. Leahy said the issue would arise more frequently as available lots presented greater challenges to development.

Commissioner Decker commented that the commission would need to be more concerned with density as land became less available.

Commissioner Beyer remarked that he was in favor of having set standards and an alternative option that was suggested at an earlier meeting.

Mr. Grile agreed with Mr. Leahy that variances were the most difficult type of application to sustain when challenged. He said that staff would welcome the opportunity to take a global look at development standards and determine with the commission if they were still contemporary. He expressed concern that the request for a variance just approved, which Commissioner Shaver had characterized as a “no brainer,” had been received on March 26, 2004, and waited nine weeks for a decision by the commission. He said that staff could develop a process that would sort out applications that did not need to come before the commission for a public hearing and still protect due process and notification to interested parties while making the decision administratively. He said the process could allow the commission to review any decision made by staff at its discretion. He said the issue was not just about being friendly to development, but also about the cost to the applicant, the community, and the City.

Commissioner Beyer related that when the development code was established in the mid-1980s the intent was to allow staff more discretion on applications and provide an opportunity for citizens to challenge decisions. He added that he had faith in the staff’s ability to make the right decision consistent with community interests. Mr. Grile replied that staff could make administrative decisions as long as an opportunity for an appeal and hearing was provided.

Commissioner Shaver said he would support the concept as long as any member of the Planning Commission could bring forward to the commission any decision made by staff.

Commissioner Decker expressed the opinion that the commission should be dealing with larger issues and weigh the costs to the community when an application required commission approval.

Mr. Grile remarked that the type of applications for which only the applicant and a paid consultant attended the public hearing should be considered for administrative action with staff granted the discretion to determine if a hearing was necessary.

Commissioner Beyer asked if an applicant could appeal an administrative decision without paying a fee. Mr. Grile said that the process could provide for that, but he would not recommend it. He indicated that any decision could be appealed. Mr. Leahy added that he believed the process currently allowed for a refund of the fee if the applicant prevailed in an appeal.

Commissioner Cross asked how the public would have input on an application if it was handled administratively. Mr. Grile replied that notice was provided at the beginning of the process that an application was being handled administratively and solicited concerns before a decision was made. He said an alternative method was to notify surrounding property owners when a decision had been made and provide an opportunity for appeal.

Mr. Leahy provided the caveat that someone outside of the notice area could also appeal, but was unlikely to know of the decision until after the appeal period had expired. He said that appeals of administrative decisions would be

made to the commission. He indicated that the commission could be placed on the notice list for administrative decisions and have standing to raise concerns.

In response to a question from Commissioner Cross, Mr. Grile said that staff would develop ideas on how to proceed with a review of the development code.

Commissioner Shaver suggested that when multiple hearings were scheduled during a meeting, those that required the most presence of paid staff should be held first in order to release staff early and save money.

Mr. Leahy observed that the taxpayers in the audience who attended for a particular issue should also be considered.

Commissioner Beyer cautioned that once the agenda was printed the commission should adhere to the order.

Mr. Oberst said that he would review how the agenda was structured. He pointed out that staff who attended hearings were salaried exempt staff and not paid additionally for attending meetings outside of regular business hours.

## **9. ADJOURN REGULAR**

The meet adjourned at 7:50 p.m.

(Recorded by Lynn Taylor)

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