

## MINUTES

Springfield Planning Commission  
Regular Session  
Springfield City Hall--Jesse Main Room  
225 Fifth Street, Springfield

May 18, 2004  
7 p.m.

PRESENT: Steve Moe, Chair; Bill Carpenter, Vice Chair; Lee Beyer, Frank Cross, Greg Shaver, members; Mel Oberst, Sarah Summers, Gary Karp, Greg Mott, John Tamulonis, Springfield staff; Joseph Leahy, Meg Kieran, Office of City Attorney; Susie Smith, Metropolitan Wastewater Management Commission staff; Dave Jewett, Metropolitan Wastewater Management Commission attorney.

Commissioner Moe called the meeting to order.

**1. PLEDGE OF ALLEGIANCE**

Those present recited the Pledge of Allegiance

**2. APPROVAL OF MINUTES**

Commissioner Moe noted there were no minutes to approve.

**3. REPORT OF COUNCIL ACTION**

Commissioner Moe said he attended the May 17, 2004 City Council meeting. In the interest of time, he passed on reporting on that meeting.

**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. REQUEST FOR A ZONE CHANGE TO REZONE 17-02-30-00100 & 200, 17-02-20-00-00700 FROM HEAVY INDUSTRIAL (HI) TO PUBLIC LANDS AND OPEN SPACE (PLO)**

Mr. Oberst said that in reaching a decision, the Planning Commission shall adopt findings which demonstrate conformance to the Criteria of Approval as set forth in the Springfield Development Code Section 12.030:

- Consistency with the Metro Plan Text and Diagram;
- Consistency with applicable Refinement Plans, special area studies and functional plans; and
- That the property can be served by the orderly and efficient extension of key urban facilities and services as prescribed in the Metro Plan prior to or in conjunction with development.

Mr. Oberst asked those who testified to the request to address the Criteria of Approval with sufficient specificity to enable the Planning Commission to understand their points and be able to respond to them. He said failure to raise an issue at the hearing could preclude their ability to appeal on the issue to the Land Use Board of Appeals (LUBA) or higher.

Commissioner Moe opened the public hearing.

Mr. Oberst offered the staff report. He said the applicant had submitted a zone change request in order to rezone a parcel from Heavy Industrial (HI) to Public Lands and Open Space (PLO). He added that the zone change would bring the properties into conformity with the existing Metro Plan designation of Parks and Open Space. He said the proposed use, The Child Center, a not-for-profit organization, would be a permitted use in the PLO district. He said The Child Center intended to do an expansion of the site and needed the zone change in order to have consistency between the plan and the zone.

Mr. Oberst said all Criteria of Approval had been met and staff recommended approval of the zone change request.

Commissioner Moe asked Planning Commissioners to declare any conflicts of interest or *ex parte* contacts. He noted there were none.

Commissioner Moe requested testimony from the applicant and noted there was no one present who wished to testify.

Commissioner Moe asked for testimony from the public. There were no members of the public who wished to speak in favor of or in opposition to the request.

Commissioner Moe asked for summation from staff and noted there was none.

Commissioner Moe noted there was no one who wished to offer rebuttal from the public.

Commissioner Moe closed the public hearing.

Commissioner Beyer said the proposed zone change made abundant sense.

***Commissioner Beyer, seconded by Commissioner Carpenter, moved that the Planning Commission approve the Zone Change request based the Findings of Fact presented in the staff report Attachment 1 in the Planning Commission Transmittal Memorandum. The motion passed unanimously, 5:0.***

Mr. Oberst left the meeting at 7:07 p.m.

**b. REQUEST VARIANCE REQUEST BY MAIA LLC JO. NO. ZON2004-00002**

Commissioner Moe opened the public hearing.

Commissioner Moe asked Planning Commissioners to declare any conflicts of interest or *ex parte* contacts. Commissioner Moe said he knew the applicants very well but he did not feel that would influence his decision in any way. He noted there were no other conflicts of interest or *ex parte* contacts.

Ms. Summers offered the staff report. She said the Criteria for Approval for Variance Requests were:

- There were unusual conditions associated with the property or structure which make it impractical to use the development area for its intended purpose under the Springfield Development Code.
- Granting of the variance would not be inconsistent with both the Metro Plan and the Springfield Development Code (SDC).

- Granting of the variance would have not significant adverse affects on the public welfare or neighboring properties, and there are provisions to mitigate those adverse affects, which will be a condition of use.
- The need for a variance has not arisen solely from a previous Code violation and the hardship is not self-imposed.
- There are no other practical alternatives available that better meet the provisions of the Springfield Development Code and the Metro Plan.
- In lieu of the variance criteria in Subsection (1) of this Section, variances from the standards of Article 27, FP Floodplain Overlay District, shall meet the criteria listed in Section 27.060 of this Code.

Ms. Summer summarized the staff report as presented in the Commission Transmittal Memorandum. She said the proposed development consisted of four 24-unit buildings, parking and landscaping. She said the request was a Type III Variance for exceptions to the Multi-Unit Design Standards in the SDC Section 16.110 and Section 16.060(1). She said the applicant proposed six variances which were articulated in the Commission Transmittal Memorandum. She noted that the two most significant variance requests were:

1. SDC 16.060(1) sets a 35-foot maximum height in MDR designated areas. The applicant proposed a height of 48.5 feet.
4. SDC 16.110(4)(b)1 "Building Form" allowed a maximum of 120 feet horizontal distance for structures with three or more stories. The buildings along the west side of the property were 182'4" in length and those along the east side were 156'6" in length.

She said the application for variances did not clearly meet all of the Criteria of Approval. She said the staff was not making a recommendation to the Planning Commission, adding that the Planning Commission had discretionary authority to decide whether or not the requested variances met the intent of the SDC MDR height standard and the Multi-Unit Design Standards.

Commissioner Beyer asked if there were garage entrances on both the east and west sides of the structures. Ms. Summer replied there were garages and apartments on both sides of the buildings, adding that each unit had a garage space and a parking space.

Commissioner Shaver asked if the garages were actually integral rather than attached to the structure. Ms. Summers replied that was the staff interpretation of the code. In response to Commissioner Shaver's question, Ms. Summers replied that the Fire Department and the Building Department had reviewed the request. She said their comments were structural in nature, applying to building access, elevators, and stairways, rather than about proximity to the easement or building height. Commissioner Shaver asked if the Planning Commission had to find that all of the variance criteria were met, rather than that some of the criteria were met, noting that if at least one criterion was not met, the Planning Commission would not be able to grant the request. Ms. Summer confirmed that was correct.

Ms. Summer noted that the Multi-Unit Design Standards were somewhat flexible in that discretionary use was allowed for this type of project.

In response to a question from Commissioner Carpenter, Ms. Summer replied that Traffic Engineering had reviewed the plans and had no problems. She added that the project would go through site plan review if the variances were granted.

Commissioner Cross asked how the height of the proposed structures compared to other structures in the immediate area. Ms. Summer replied that the adjacent apartments were two-story, adding that other nearby properties were zoned Commercial and Campus Industrial. She added that a nearby shopping center was

composed of one-story buildings and the nearby cement plant was pretty high. Commissioner Cross noted that the proposed project would be three stories higher than other structures in the area. Ms. Summer said higher buildings could be built in the future on the commercial and industrial properties. In response to a question from Commissioner Cross, Ms. Summer said there was no variation in the roof elevations of the proposed buildings.

Commissioner Moe requested testimony from the applicant.

**Tom Poage**, 990 Obie Street, Eugene. Mr. Poage identified himself as the engineer for the project. He said variance number 6 that addressed transition and compatibility was probably unnecessary since the proposed 22 foot buffer fell within the 20 percent leeway from the 25 foot requirement.

Addressing the other five variances, Mr. Poage said they related to the building. He said the intent of the plan was to be in conformance with the Metro Plan while at the same time providing open space for the enjoyment of the residents. He said the additional height allowed for more open space. He added that the proposed underground parking provided less impervious surface area. He closed saying that the concepts were good ones, and were in compliance with the intent of the Metro Plan.

Commissioner Beyer noted that the proposed development was intended as elder housing, and consistent with the adjacent manufactured home park.

Commissioner Shaver asked what was unusual about the site that required the variances. Mr. Poage replied that the only access to the site was off of Marcola Road. He explained the concept was to have a green area between the roadway and the buildings, and how the street, buildings and buffer worked together.

Commissioner Shaver asked how many feet of uninterrupted green space existed between the driveway and street. Mr. Poage said there were 24 feet that was needed to accommodate access to 22<sup>nd</sup> Street.

Commissioner Carpenter questioned the need for four stories over the garages. Mr. Poage said that each unit was one story high, with four units in each building. Commissioner Carpenter asked if there were any other buildings in the area that had the same size and scope of 40 feet wide by 182 feet long. Mr. Poage replied that his firm recently completed the construction of First Baptist Church in Eugene that was 70 feet high, but he was not aware of others. Commissioner Beyer noted that the proposed buildings were similar in scope and size of the Broadway Place Apartments located in downtown Eugene, with apartments built upon two stories of garage.

Commissioner Moe asked for testimony from the public. There were no members of the public who wished to speak in favor of or in opposition to the request.

Commissioner Moe asked for summation from staff and noted there was none.

Commissioner Moe noted there was no one who wished to offer rebuttal testimony.

Commissioner Moe closed the public hearing.

Commissioner Beyer said he had watched the subject property for a long time, and thought that the variance made sense. He said it was an odd shaped lot that was difficult to develop, in close proximity to a manufactured home park, a commercial apartment complex, a fairly good commercial center and on a major bus line. He said that this project came as close as any he had seen to meeting the Planning Commission goal of encouraging density in nodal areas. He added that the design looked attractive, was well thought out and met the variance standards. He said the location and design was appropriate for elder housing, with the

garages and living units all on one floor with elevators. He said the request should be approved.

Commissioner Shaver offered the counterpoint. He said there were two significant criteria, the first being that the site itself was unusual and required a variance. He cited an example recently considered by the Planning Commission. The first was a request for a setback variance to allow for construction of a house on a v-shaped lot.

The second criterion was height requirements, 30 feet for a single family dwelling and 35 feet for multi-family dwellings.

Commissioner Shaver said there as nothing special about site under consideration, although it had an interesting mix of uses and was currently zoned for apartments. He added the fact that the road on half the site opposed to entirely across the frontage was not an unusual feature as claimed by the applicant. He stated that the rest of the items were self-imposed and it was outside of the purview of the Planning Commission to approve variances to remedy self-imposed conditions. He said the only way to address this issue was to change the code and design standards to allow for 50 foot residential structures.

Commissioner Shaver stated the Planning Commission could easily determine a variance was not needed for the garages attached to living units request. He believed the code applied to separate structures attached to houses, wherein, the proposal called for garages integral to the apartments.

Referring to the request to allow parking within the 25 foot buffer between the development and property lines abutting a LDR property line, Commissioner Shaver said he could support the variance request to allow parking in the 25 foot buffer zone. He said approving the proposed variance requests would set a precedent for future requests that he found unacceptable.

Commissioner Cross said he agreed with Commissioner Shaver's assessment. He said he was concerned with both the building height and the relationship to the structures around it, as well as the width of the buildings.

Commissioner Carpenter said he agreed with both Commissioner Shaver and Commissioner Cross' positions. He said the size of the buildings was not compatible with anything in the area or anything else in Springfield. He said he had no problem with some of the setbacks. He said the design was impractical due to the self-imposed design standards that were outside of community standards. He added this request did not set good precedent with what was deemed impracticable under the variance standard.

Commissioner Beyer said the community had been discussing how to get more nodes, to achieve greater density, how to create nice communities with good development, and more environmentally friendly buildings with less impervious surface. He said the proposal under consideration met all of those standards. He added that the quality of the proposed development could not be economically achieved on a smaller scale. Commissioner Beyer added that current interpretation of the design standards had led to construction of bland developments.

In response to a question from Commissioner Shaver, Mr. Leahy concurred that a proper interpretation of the code would be that the garages as included as part of the proposed development were integral to the apartments rather than attached, and therefore acceptable without a variance.

***Commissioner Shaver, seconded by Commissioner Carpenter, moved to deny the variances on Journal Number ZON2004-00002. The motion passed 4:1, with Commissioner Beyer opposed.***

***Commissioner Shaver, seconded by Commissioner Beyer, moved that the Springfield Development Code 16.110(4)(b)(4) would be interpreted that the four foot recessed setback for garages is for attached garages, not integral garages, and that the proposed development involved integral garages thus requiring no variance. The motion failed 3:2, with Commissioner Carpenter and Commissioner Moe opposed.***

In response to a question from Commissioner Beyer, Commissioner Shaver said the four foot setback was not necessary because the garages were an integral part of the design.

In response to a question from Commissioner Moe, Mr. Leahy replied that this was an appropriate time to address this issue. Mr. Leahy added that for future applications, staff would be reviewing the definition of integral.

Commissioner Carpenter said because the variance was denied, it was not necessary to make a determination about the integral versus attached at this time. He added that it was unknown how this motion would impact a future issue.

## **6. LEGISLATIVE PUBLIC HEARING**

### **a. AMENDMENT OF THE SPRINGFIELD DEVELOPMENT CODE – JOURNAL NUMBER LRP2004-0005; CITY OF SPRINGFIELD APPLICANT**

Commissioner Moe opened the public hearing.

Commissioner Moe asked Planning Commissioners to declare any conflicts of interest or *ex parte* contacts. He noted there were no other conflicts of interest or *ex parte* contacts.

Mr. Gary Karp provided the staff report. He said the issue before the Planning Commission was to conduct a public hearing concerning the amendment of the Springfield Development Code (SDC) and to decide whether to advise the City Council to approve, approve with conditions or deny the request. He added the proposed SDC amendments included portions of Article 21 CI Campus Industrial District and Article 2, Definitions.

Mr. Karp distributed a packet of information, including:

- Two views of a map entitled, *McKenzie-Gateway Corporate Park*.
- A letter to the Planning Commission from Donald A. Gallagher, Jr., representative of Chris and Christine Smith, owners of the FedEx property in the CI Campus Industrial District subject to the proposed amendments.
- A letter to the Planning Commission from Dan Montgomery, representative of the Pierce Trusts.
- A letter to Gary Karp from Greg Buller, representing Deyette.
- An e-mail to John Tamulonis from Silva Sullivan.

Mr. Karp said the letter from Greg Buller requested that the record be held open for ten days. He said staff recommended that the record be held open until May 28, 2004 to receive additional testimony.

Mr. Karp said there were two Metro Plan CI designations established over 20 years ago in Springfield, Gateway and the Pierce property, as described in the staff report.

Mr. Karp said the City Council appointed a Campus Industrial Advisory Committee (CIAC) on March 17, 2003, to evaluate the siting of new uses and the reuse of existing buildings within the CI District and to eliminate the ambiguities of the current code language. He said staff met several times with the CIAC and

returned to the City Council in October 2003 with a summary of the discussions. He added the City Council directed staff to amend the SDC. Mr. Karp said staff had presented the proposed SDC amendments to the Springfield Chamber of Commerce's Legislative Committee and the Area Commercial/Industrial Realtors group, as well representatives from the Oregon Department of Transportation (ODOT) and the Lane Regional Air Pollution Authority (LRAPA). He said staff presented the proposed SDC amendments to the Planning Commission at a work session on May 4, 2004, noting the amendments included in the Commission Transmittal Memorandum included all comments received by May 10, 2004.

Mr. Karp reviewed the highlights of the proposed amendments as they appeared in the Commission Transmittal Memorandum. Mr. Karp referred the Planning Commission to a letter dated May 6, 2004 from Tom Boyatt, ODOT Senior Region Planner, supporting the Transportation Planning Rule (TPR) determination of no significant effect based upon the materials submitted, in the Commission Transmittal Memorandum packet.

Mr. Karp stated that staff was aware that there were no guarantees that the proposed amendments would provide the desired effects over time. He said staff suggested that the amendments should be reviewed in three to five years to determine their effectiveness.

Mr. Tamulonis identified himself as the Community Development Manager for the City of Springfield and distributed a handout of the summary of acreages in the Gateway area.

Mr. Tamulonis said were two problematic issues that arose during the development of the CI designation. The first was the proportion that could be designated for use as corporate business parks, and regional and corporate headquarters, to honor the intent of the City Council for the area to maintain the CI designation. He said 40 percent was identified as a suitable allocation. He stated that the market may be changing and there were some uses at Gateway such as Sony, Symantec and the City of Springfield, that could be converted to CI. He said approximately 29.1 acres were currently in use as business parks from a total of 273.9 acres. He added that at the Pierce property consisted of approximately 60 acres of CI land that would allow for approximately 24 acres in business parks and corporate headquarters.

Mr. Tamulonis said approximately 80 acres at Gateway remained for development as business parks, and regional and corporate uses.

In response to a question from Commissioner Shaver, Mr. Tamulonis replied that the vacant Sony facility was not among the business park possibilities. He added that the reuse of buildings in the Gateway area created problems, in particular, Sony, that was designed for such a specialized use and had some peculiarities that made it difficult to reuse the building.

In response to questions from Commissioner Beyer, Mr. Tamulonis explained how the Sony facility could be used as a business park for other commercial uses. He added that such a use could possibly limit the use of some of the smaller acreages in area and referred to the use list. He noted the intent of the CI zoning designation at Gateway and mid-Springfield was to have campus industrial kinds of jobs of 15 to 25 employees per acre, adding that Gateway as a mature CI District was expected to support 5,000 employees. Commercial uses would most likely provide higher numbers of employees. In order to change the zoning, ODOT, the City of Eugene and Lane County would need to be convinced through amending the Metro Plan, and the City of Springfield would need to demonstrate that there was adequate infrastructure to support a substantially greater number of employees. Mr. Tamulonis said that the current number of employees was putting a strain on the existing infrastructure. He said a review in three to five years as suggested by Mr. Karp could provide data to support the lengthy rezoning process.

In response to Commissioner Carpenter, Mr. Tamulonis concurred that the CI designation was comparable to

a research park. Mr. Tamulonis added that there had been many changes in technology since the CI designation was developed in the late 1970's and early 1980's, while trying to respond to the market.

The Planning Commission engaged in a discussion about design standards, changes in the market place and technology, and how those changes impacted the CI properties.

Commissioner Moe asked for testimony from the public and asked those speaking to limit their testimony to three minutes.

**John Musumeci**, 722 Country Club Road, Eugene. He said he was speaking as an interested citizen, and had no economic interest in the areas under consideration. He said he and his company had been great supporters of Springfield and campus style industrial zoning. He said when things were tough it was important to be accommodating, adding that Springfield had been willing to roll out the red carpet and do business in the past, and should continue to do so. He spoke in opposition to prohibiting medical office uses in the CI districts.

**Sue Prichard**, 101 East Broadway, Eugene. Ms. Prichard said her company shared the listing with several other real estate brokers for the Sony facility. She thanked the Planning Commission for having made enormous progress in revising the code.

She suggested making some revisions to design standards to provide more flexibility for leasing possibilities. Additionally, she suggested including the commentary from the draft version in the final version of the code language. She said she supported the performance standards requirements, noting that times were changing, and continued flexibility to was needed for Springfield to remain successful as a city.

**Paul Breuer**, 11460 Southwest Muirwood Drive, Portland. Mr. Breuer said his firm was one of several brokerage teams sharing the Sony property listing. He spoke in favor of the proposed changes to the CI zone. He said he agreed with the design standards for the front of buildings, but asked that the standards for other building faces and inside parking at night for trade vehicles be reexamined. He said the master planning process required for some developments had been burdensome, and the revisions were an improvement. He briefly described some of the business parks in the Portland area.

**Lauri Segel**, 120 West Broadway, Eugene. Ms. Segel said she represented 1000 Friends of Oregon. She said she was generally neutral on the proposed changes. She said 1000 Friends agreed with the staff assertion regarding ambiguities presenting difficulties siting businesses in the CI districts, but questioned whether the current proposal was consistent with the Metro Plan. She said the CIAC membership was not diverse, being composed primarily of City officials and members of the development community. She questioned the value of some proposed uses such as call centers and educational centers that did not provide family wage jobs, suggesting that such jobs would be more suitable in downtown where related retail services were readily available.

Commissioner Moe closed the public hearing for public testimony. He said the record would remain open until May 28, 2004.

Mr. Leahy said that the record would be opened again when the proposed amendments were forwarded to the City Council.

Mr. Leahy left at 8:55 p.m.

Ms. Kieran arrived at 8:55 p.m.

**b. METRO PLAN, PUBLIC FACILITIES AND SERVICES PLAN – DELIBERATION FROM APRIL 26,**

## 2004 JOINT PLANNING COMMISSION PUBLIC HEARING

Mr. Greg Mott provided the staff report and referred to the following documents included in the agenda packets:

- May 11, 2004 memorandum from Greg Mott to the Springfield Planning Commission, subject *Testimony entered into the record of LRP2004-00001, Amendments to Chapter III, Section G Public Utilities and Services Element and Chapter IV Glossary of the Metro Plan, and amendments to the Public Facilities and Services Plan.*
- May 17, 2004 memorandum from Meg Kieran, Springfield City Attorney to the Springfield Planning Commission, Eugene Planning Commission and Lane County Planning Commission, subject *Staff response to material submitted into the record by Home Builders Association on May 6, 2004.*

Mr. Mott reviewed the Metropolitan Area General Plan Amendment Criteria:

- The amendment must be consistent with the relevant statewide planning goals adopted by the Land Conservation and Development Commission.
- Adoption of the amendment must not make the Metro Plan internally inconsistent.

Mr. Mott said the proposed amendments discussed at the April 26, 2004 Joint Planning Commission meeting were housekeeping amendments, or, those absolutely required to be included by State law, specifically those items in Division 11 of the Administrative Rules, subsection 0020, that a public facility plan shall identify significant public facilities projects which are to support the land uses designated in the acknowledged comprehensive plan. Furthermore, public facility plans shall list the title of the project and describe each public facility project in terms of the type facility, service area, and facility capacity.

Mr. Mott said proposed amendments that included Tables 4a, 4b, and 16a, and Maps 2 and 2a, were specifically intended to address that requirement of the Administrative Rule, adding that information did not exist in the existing public facilities plan. Other elements required by the Administrative Rule is that adoption of the plan as a supporting document to the jurisdiction's comprehensive plan and shall also adopt as part of the comprehensive plan the list of public facility project titles excluding if the jurisdiction so chooses, the descriptions or specifications of those projects. Mr. Mott noted information in Appendix B of the staff packet responded specifically to the requirements of that law. He added that the Metro Plan text specifically addressed the relationship of the PSP and the information included specific to the projects.

Mr. Mott said, "...the project lists and maps in the Public Facilities and Services Plan (PFSP) are adopted as part of the Metro Plan. Information in the PFSP on project phasing and costs, on decisions on timing and financing of projects, are not part of the Metro Plan and are controlled solely by the Capital Improvement Programming and budget process of individual service providers." He said that documents 13 and 14, from the Eugene Water and Electric Board and City of Eugene Capital Improvement Plans (CIPs) that were included in the record were examples of the relationship between a project identified by title and how the urban service provider implemented project.

Mr. Mott said the second proposed amendment to the PFSP was an amendment process that was specified in Administrative Rule 0045.

Mr. Mott said that the amendments made to the Metro Plan itself were limited to Chapter 3, Section G, and were intended to meet the test of internal consistency by adding new definitions for primary collection system and treatment facility systems. He said the new policy was G.9, as stated in the Staff Report and Findings.

Mr. Mott said the record that had been created demonstrated that the proposed amendments were consistent

with the only law that applied to the amendment, Division 11. Furthermore, questions about Goal 6 were included in the Staff Report and Findings. He said the consistency test existed by virtue of actions taken in the PSFP needed similar actions undertaken in the Metro Plan, but policy G.9 connected the PSFP and the Metro Plan.

Mr. Mott said staff recommended that the Planning Commission forward a recommendation to the Springfield City Council approving the proposed amendments based upon demonstration of their consistency with the requirements of the Springfield Development Code 7070, Criteria of Approval of Metro Plan Amendments.

In response to Commissioner Shaver's question, Mr. Mott replied that no changes had been made to the proposal since the joint hearing aside from typographical corrections.

In response to Commissioner Beyer's question if a decision needed to be made tonight, Mr. Mott said elected officials were scheduled to conduct a public hearing on June 22, 2004, that required public notice and forwarding of the Planning Commission's recommendation. Mr. Mott reported that Lane County did not take action on the identical proposal earlier this evening.

Following a discussion about timing issues, the volume of information provided at the meeting, and the lateness of the hour, Commissioner Carpenter proposed deferring a decision until the next Planning Commission meeting.

Mr. Dave Jewett provided background on the proposed amendments through the Metropolitan Wastewater Management Commission (MWMC). He said ORS 223.314 provided that neither the adoption nor modification of a facilities plan or project list was a land use decision. He noted that most of the materials provided in the staff reports for the meeting were for the purpose of responding to statements made by the Homebuilders' Association (HBA) that dealt with the facilities plan project list that were extraneous comments not pertinent to the proposed amendments. He said the MWMC would be willing to withdraw the materials to facilitate a vote this evening.

In response to a question from Commissioner Beyer, Ms. Kieran reviewed the schedule for a decision by public officials. Ms. Susie Smith noted that the MWMC consultants CH2MHill were in attendance to respond to questions.

*Commissioner Carpenter, seconded by Commissioner Beyer, moved to postpone a decision until June 1, 2004, to enable the Planning Commission time to review the full record. He further moved, seconded by Commissioner Beyer, that the item be the first on the agenda, to meet the schedules of other agencies. The motion passed 3:1:1 with Commissioner Shaver opposed and Commissioner Cross abstaining.*

**7. BUSINESS FROM THE DEVELOPMENT SERVICES DIRECTOR**

Mr. Grile said he had nothing to report.

**8. BUSINESS FROM THE COMMISSION**

This item was not addressed.

**9. ADJOURNMENT**

Commissioner Moe adjourned the meeting at 9:25 p.m.

(Recorded by Linda Henry)

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